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SENATE—*Wednesday, October 25, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 11:01 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Lord and Father of mankind
Forgive our feverish ways . . .
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Your peace.—Whittier.

In this time of prayer, we claim the assurance given through Isaiah. You promise to keep us in perfect peace if we allow You to stay our minds on You. This is the peace we need today. The conflict and tension of these days threaten to rob us of peace in our souls. It is easy to catch the emotional virus of frustration and exasperation, criticism and consternation, party spirit and quid pro quo manipulation.

Then we remember that Your peace is the healing antidote that can survive any circumstance. Give us the peace of a trusting and committed mind guided by Your Spirit. May Your deep peace flow into us, calming our impatience and flow from us to others claiming Your inspiration. In the name of the Prince of Peace who whispers in our souls, "Peace I leave with you, My peace I give to you; not as the world gives do I give to you. Let not your heart be troubled, neither let it be afraid."—John 14:27. May this be a great day of working cooperatively to finish the work of the 106th Congress for Your glory and the good of America. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The able acting majority leader is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, speaking on behalf of the leader, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today, with Senators DURBIN and THOMAS in control of the time. At 12:30, the Senate will recess until 2:15 for the weekly party conferences to meet. The House is expected to consider the continuing resolution this morning and the conference report to accompany the foreign operations appropriations bill this afternoon.

Therefore, the Senate will begin its consideration of those bills as soon as they become available. It is expected that the final votes regarding S. 2508, the Ute Indian water rights bill, will be this afternoon. Senators should be prepared to vote beginning around 4:30 this afternoon and throughout the remainder of the week in an effort to complete all business by the end of the week.

The leader thanks all Senators for their attention to this schedule.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Alaska.

DAIRY MARKET ENHANCEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2773, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4340

Mr. STEVENS. Senator CRAIG has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CRAIG, proposes an amendment numbered 4340.

Mr. STEVENS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle C—Dairy Product Mandatory Reporting

"SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

"SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) Dairy products.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) Manufacturer.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

"(3) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) Establishment.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) Requirements.—

"(1) In general.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) Conditions.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

"(c) Administration.—

"(1) In general.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

"(2) Confidentiality.—

"(A) In general.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

"(B) Relation to other requirements.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(3) Verification.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(4) Enforcement.—

"(A) Unlawful act.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

"(B) Order.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

"(C) Appeal.—

"(i) In general.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(ii) Findings.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(D) Noncompliance with order.—

"(i) In general.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

"(ii) Enforcement.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(iii) Civil penalty.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

"(5) Fees.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

"(A) the submission or reporting of information;

"(B) the receipt or availability of, or access to, published reports or information; or

"(C) any other activity required under this subtitle.

"(6) Recordkeeping.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

"(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

Mr. STEVENS. I ask unanimous consent the amendment be agreed to, the bill be read for the third time and passed, the motion to reconsider be laid on the table, and any statements relating to this bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4340) was agreed to.

The bill (S. 2773), as amended, was read the third time and passed.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4846, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4341

Mr. STEVENS. Mr. President, it is my understanding Senator Daschle and others have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Stevens], for Mr. Daschle, for himself, Mr. Leahy, and Mr. Wyden, proposes an amendment numbered 4341.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 101, insert "and collections of sound recordings" after "recordings".

In section 102(a)(1), insert "and collections of sound recordings" after "recordings".

In section 102(a)(1), strike "10 years" and insert "25 years".

In section 102(a)(3), insert "and collections of sound recordings" after "recordings".

In section 102(b), insert "or collection of sound recordings" after "recording".

In section 103(a), insert "or collection of sound recordings" after "recording" each place it appears.

In section 103(b)(1), insert "or collection of sound recordings" after "sound recording".

In section 103(b)(4), insert "or collection of sound recordings" after "sound recording" the first place it appears.

In section 103(c), insert "or collection of sound recordings" after "sound recording".

In section 103(c), strike "recording," and insert "recording or collection,".

In section 104(a), insert "(including electronic access)" after "reasonable access".

In the heading for section 122(d)(2), insert "OR ORGANIZATION" after "ORGANIZATION".

In section 124(a)(1), insert "and collections of sound recordings" after "recordings" the first place it appears.

Add at the end of section 124 the following new subsection:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation's recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Insert after section 125 the following new section:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Redesignate section 133 as section 134 and insert after section 132 the following new section:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment be agreed to, the bill, as amended, be read for the third time and passed, the motion to reconsider be laid on the table, and the title amendment be agreed to, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4341) was agreed to.

The bill (H.R. 4846), as amended, was read the third time and passed.

The title amendment (No. 4342) was agreed to, as follows:

Amend the title to read as follows: "A Bill to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.".

DISCRETIONARY SPENDING CAPS

Mr. STEVENS. Mr. President, I wish to make a statement about the discretionary spending caps that will be coming before the Senate on the foreign assistance appropriations bill. There is a provision on that bill which is required to adjust the spending caps because of the limitations in the 1997 Budget Act.

Subsection (a) of the amendment that will be before the Senate increases the discretionary cap for budget authority under the Balanced Budget Act of 1997 from $541.1 billion to $637 billion, and increases the discretionary cap for general purpose outlays under the Balanced Budget Act of 1997 from $547.3 billion to $612.7 billion.

When discretionary highway and mass transit outlays of $32.3 billion—separate cap categories—are added to this amount, we will have allowable discretionary spending of $645 billion under this raised cap.

Subsection (b)(1) includes emergency spending already committed during this session under the new cap limits. Emergency spending is usually excluded from cap limits. In this instance, we have included such spending within the cap limits in order to be assured we will not invade the Social Security surplus.

We have another subsection, (b)(2), that provides for adjustments under these caps to continue, as permitted by current law, for continuing disability reviews, CDRs: $450 million in budget authority; the earned-income tax compliance initiative, EITC, that is $145 million in budget authority, and adoption assistance of $20 million in budget authority; and for an outlay adjustment of 0.5 percent.

Subsection (c) provides for a 0.5-percent adjustment for budget authority to cover the differences between CBO and OMB scoring methods. A similar adjustment was provided last year.

These caps assure us that we will have the funds available to deal with the remaining two bills that are very contentious; the State-Justice-Commerce bill and the Labor-Health and Human Services bill. For each of those bills, we allocated portions of the 302(b) authority that was given to our Appropriations Committee under the budget resolution for the year 2001. However, after those bills had passed and gone to conference, we recovered portions of the 302(b) allocation and allocated that to Housing and Urban Development and the energy and water bill. The result is that these two bills that are in conference now do not have the full funding that would be required to bring them back across the floor to the Senate.

This adjustment to the 2001 discretionary spending caps, as contained in the foreign assistance bill that will be before the Senate, I hope this afternoon, are necessary in order that those two bills can be reallocated funding sufficient to assure that they will be able to be considered and passed by the Senate.

It has been a very difficult year for the Appropriations Committee because of the circumstances, because of the differences between the President's budget and the congressional budget resolution. There is a substantial gap between those two documents, and we have done our best to work with them. This action that we have taken now to lift the spending caps will give us the opportunity to work out the differences with the administration. I do believe that should and can be completed today. It is my firm hope we will complete action on the other two bills today so the House may commence consideration of them tomorrow and that the Senate will consider them Friday. That, of course, is going to take a lot of understanding and cooperation from all Members of the Senate, and I for one urge that take place.

I have not been home since the first week of August. We, on the Appropriations Committee, have been working around the clock on this process since the second week of August. It is time this come to an end. The disputes and conflicts between the bills, and between the administration and the Congress, between the House and Senate, and between Members of each body and within each body, are the most intensive I have ever seen. But it is time we realize that at the end of this week we will be 1 week away from the elections. I do not think Congress ought to be in session in the week before the elections, and I am going to do my utmost to see that we finish these bills by Friday.

If that is not possible, the leader will have to decide what we do. I, for one, intend to go home Saturday.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business. Senators are to be recognized for up to 5 minutes each.

Mrs. BOXER. I ask unanimous consent that I be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICS AND ELECTIONS

Mrs. BOXER. Mr. President, there is so much happening in the world of politics and elections, it is almost hard to know what topic to talk about. Education is certainly No. 1 on the agenda of the American people, and we are now in the final stages, I hope, of agreeing—I am hopeful—on an education bill for our country. We have made some good progress. I am very glad; it appears President Clinton's budget priority for afterschool programs is winning out. I am hoping that is the case.

Many of us have worked long and hard to make the point that afterschool care is crucial, that it is the best antidote to high crime, juvenile crime that occurs in the afternoons after school. It is a no-brainer. We know if kids are kept occupied after school, it keeps them out of trouble. We have seen these programs work. We have seen that juvenile crime occurs between 3 and 6 p.m. If children are engaged in stimulating activity after school, it helps.

President Clinton and the Democrats have been trying to ensure that the 1 million children who are waiting for afterschool programs, in fact, get afterschool programs. After reading press reports, I am glad to report to my colleagues that this looks as if it is on the way. However, we still have a major disagreement on school construction. I have seen some of our schools that are falling apart. Again, I hope we can reach agreement on this crucial issue.

The two candidates for President have been arguing over education. The good news is that education is the topic of the day. It is important, when we realize we have to import people to come into this country to take the high-tech jobs, and what a tragedy it is that our young people are not trained. So education is key.

Of course, there is an argument between the two candidates on whether or not education should be a national priority, which is Vice President GORE's view, or Governor Bush's view that really the National Government should not get very involved. This is a key distinction.

I side with Dwight Eisenhower, a Republican President, who said it is crucial to our national defense to have education as a top priority and to make sure that our young people are educated in math, science, and reading, everything they have to know—even in those days before high tech. I think Vice President GORE is correct.

There is also a flap over some claims that the Texas students were doing really well. It turns out that the independent Rand report issued just yesterday says, in fact, those Texas students were not tested with national tests. If one looks at the national tests, they are just not making it. Clearly, this education issue is going to go on.

I come here as a member of the Foreign Relations Committee to talk about another issue, a very important issue, and that is an issue that is being debated in the Foreign Relations Committee right now. I am not on the particular subcommittees that are holding this hearing, but it seems to me the hearing going on about U.S.-Russia policy in 1995 are really aimed at trying to take a hit at Vice President GORE.

It is interesting that Republican officials who are speaking up 2 weeks before the election never even talked about the agreement that came out of those meetings in 1995. They did not talk about them for 5 years, but 2 weeks before an election they are out there trying to hurt the Vice President. This is politics at its very worst.

Frankly, what we ought to be talking about is foreign policy in the years 2000 and 2001 in this century because some of the comments made by Governor Bush and his advisers are raising all kinds of alarms throughout the world. It is important that they be put on the table. These remarks have to do with the U.S. policy in the Balkans. Advisers to Governor Bush have followed up on his statements he made in the last debate that if he was elected President, he would negotiate for the removal of all U.S. peacekeeping troops from the Balkans. As one can imagine, this announcement has set off alarms in capitals of our European allies who rightly believe that such a policy would weaken and divide NATO.

One of the things that alarmed me about Governor Bush's comments was he said our military is really there to fight wars and win wars, not to keep the peace; that is our role. That puts our people in a very difficult position because if, in fact, we have a situation where suddenly our military is no longer involved in peacekeeping but only in fighting, then I think our NATO allies will say: OK, you do the fighting, we will do the peacekeeping. And it means that our troops will be in harm's way and our pilots will be in harm's way. This is a great concern to me.

According to today's New York Times, Lord Robertson, the NATO Secretary General, has regularly told visiting American Congressmen that the Bush proposal could undermine the whole idea of risk sharing, which is precisely the glue that holds our alliance together.

The Washington Post quotes one European Ambassador saying:

> If the U.S. says it will not perform certain tasks, then the basic consensus of "all for one and one for all" begins to unravel. . . . The integrated military command could fall apart and so would [our] alliance.

Mr. ENZI. Mr. President, will the Senator yield for a unanimous consent request?

Mrs. BOXER. I will be happy to yield as long as I do not lose time and do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Senator from California.

UNANIMOUS CONSENT AGREEMENT—THE CONTINUING RESOLUTION

Mr. ENZI. Mr. President, I ask unanimous consent that at 4:30 p.m. today, provided that the Senate has received the papers, the Senate proceed to the consideration of the 1-day continuing resolution, and no amendments or motions be in order, and that the Senate proceed to an immediate vote on final passage of the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to find out if this was cleared on our side.

Mr. ENZI. This was cleared on both sides.

Mrs. BOXER. Then I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. In light of this agreement, the first vote today will occur at 4:30 p.m.

I thank the Senator.

Mrs. BOXER. I thank my friend.

POLITICS AND ELECTIONS

Mrs. BOXER. Let me take us back from before the unanimous consent request was made and kind of summarize where I was going.

We had a statement by Governor Bush. The statement was that he wanted to see all of those peacekeeping troops come home from the Balkans. He said we should not be involved in peacekeeping, only in fighting. As a member of the Foreign Relations Committee, I am concerned and clearly our NATO allies are concerned. Lord Robertson, the NATO Secretary General, again, has said this could undermine our relationship with our NATO alliance.

The Washington Post says one European Ambassador was quoted as saying: If the U.S. says it will not perform certain tasks, then the basic consensus of NATO begins to unravel.

Now, I remember being very surprised, because I was at the second debate, when Governor Bush made the point that we were carrying the load in the Balkans in terms of the peacekeeping troops. I knew that was incorrect. The fact is, American troops are no more than 20 percent of the total. American aid represents no more than 20 percent of what is being provided to Bosnia and Kosovo.

I would hate to see us walk away from peacekeeping and tell everyone we are the fighters; and then have our allies say: OK, you do the fighting; we do the peacekeeping. It is of great concern to me.

Mr. President, I ask unanimous consent to have printed in the RECORD some editorials that have been written on this subject by the New York Times, the Washington Post, and USA Today.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 2000]

RISKING NATO

Gov. George W. Bush wants a new "division of labor" within NATO, the U.S.-European alliance that has helped keep the peace for the past half-century. His proposal would more likely lead to a division of NATO itself—to the end of the alliance.

Mr. Bush hinted at this view before with his denunciation of U.S. "nation-building" in the Balkans, but it was his national security adviser, Condoleezza Rice, who spelled out exactly what he means in a New York Times interview published Saturday. Ms. Rice said that America's allies in Europe should furnish the ground troops for missions such as peacekeeping in Kosovo and Bosnia, while the United States should offer "the kind of support we can provide, such as air power." In other words: You Europeans take all the risks while we hover safety above the fray. No allies would long accept such a deal, nor should they be expected to.

The proposal is particularly misguided given that European allies already are bearing the brunt of peacekeeping duties in the Balkans. They provide about four-fifths of needed troops. The United States has deployed some 11,000 troops in Kosovo and Bosnia, less than one percent of its active duty force. For the United States, this is a win-win situation: Its policy is implemented, but the burden of implementation is widely shared. Under Ms. Rice's proposal, which was officially endorsed by Bush campaign headquarters, the United States would lose its ability to steer policy, risk the world's most successful alliance—and very likely inherit a far larger burden once the Balkans erupted again.

The Clinton Administration has picked an unfortunate argument in response. Secretary of State Madeleine Albright, again to the Times, said that even raising the issue was dangerous to U.S. interests. This recalls the Gore-Lieberman campaign's contention that Mr. Bush's criticism of U.S. military readiness is dangerous because it comforts U.S. enemies. This effort to squelch debate is preposterous; these are precisely the kinds of issues that should be aired in a campaign.

The more sensible response would be to point out that the Clinton-Gore policies seems to be having an effect. The Balkans are at peace; democracy is sprouting almost everywhere; even the apparently invulnerable Slobodan Milosevic has been knocked from his perch. Of course many problems remain, the gains are fragile and, yes, U.S. troops will be needed for some time. But surely helping democracy take root throughout Europe is worth the modest price of that modest deployment.

[From the New York Times, Oct. 24, 2000]

No Time for a Balkan Exit

Sharp contrasts emerged over the weekend in the way the Bush and Gore campaigns view America's proper military role in Europe. The debate began when Condoleezza Rice, one of Gov. George W. Bush's leading foreign policy advisers, told The Times's Michael Gordon that a Bush administration would ask European members of NATO to gradually take over full responsibility for providing peacekeeping forces for Bosnia and Kosovo. Vice President Gore countered that carrying out such a policy could destabilize the Balkans and jeopardize the future of NATO, America's most important military alliance.

Debates over how and where United States military forces should be stationed are a healthy part of presidential contests. Ms. Rice's proposal is consistent with the Bush campaign's view that extended peacekeeping missions degrade the combat readiness of American military forces and that the Pentagon should concentrate its resources on preparing for crises where Washington alone has the might to deter, and, if necessary, combat aggression, whether in the Persian Gulf, the Korean Peninsula or a future military conflict in Europe.

But on the specifics of America's role in the Balkans, Ms. Rice's proposal is misguided for several reasons. The job of securing peace in Bosnia and Kosovo is far from complete. The American share of the peacekeeping has already been substantially reduced. Finally, the NATO alliance has been built on a concept of shared risk that is inconsistent with a total withdrawal of American ground forces from Balkan peacekeeping.

It is true that military conditions in Bosnia are now more stable than they were when NATO troops were first introduced five years ago and that the situation in Kosovo has also improved in the year since Serbian forces withdrew. But in neither place is there yet enough security for displaced refugees to return to their homes or for elections to take place without the risk of physical intimidation. The departure of Slobodan Milosevic from Yugoslavia's presidency creates new opportunities for easing tensions in both Bosnia and Kosovo, provided local troublemakers can be kept in check. That will require a continued strong NATO presence.

The Clinton administration, meanwhile, has done a good job of insisting that America's share of peacekeeping responsibilities be steadily reduced. There are now only 11,400 American troops in the Balkans, about one-fifth of the NATO total. When NATO first went into Bosnia, about a third of its 60,000 troops were Americans. Balkan peacekeeping costs account for just over 1 percent of the Pentagon's $280 billion budget, leaving more than enough for military needs elsewhere.

Asking Europe to accept a total withdrawal of American ground forces from the Balkans needlessly challenges some of the basic assumptions of the Western military alliance. NATO was formed not just to counter Soviet bloc military threats. It was also designed to eliminate some of the historic military rivalries in Europe that led to two world wars. NATO provides a framework for European and American forces to cooperate in joint operations under a single overall commander—traditionally an American. Europe cannot be expected to accept an alliance in which Washington exercises political and military leadership but does not subject its own forces to any of the risks of ground operations. The Bush campaign is right when it insists that the United States must be selective in where it stations ground forces. But the Balkans is not the place to cut back.

[From the USA Today, Oct. 24, 2000]

Bush Takes Unwise Step Away From Peacekeeping

TODAY'S DEBATE: U.S. AND EUROPE

OUR VIEW: FOR THE U.S. TO LEAD NATO, IT MUST PARTICIPATE

Most Americans want to see their country as a world leader, but they are unenthusiastic about the human and financial costs of doing what may be necessary to lead. So it's no surprise that both presidential candidates have treaded carefully on defining America's future role in peacekeeping.

But during the weekend, the Bush campaign refined its position in a way that's likely to win votes while weakening the United States' leadership role in Europe.

In a proposal that plays into the public's ambivalence, George W. Bush's senior national security aide, Condoleezza Rice, suggested that a Bush administration would tell NATO that Europeans should take over peacekeeping in the Balkans. The U.S. would focus instead on potential trouble spots where it alone can act, she said, such as the Persian Gulf and the Taiwan Straits.

Her remarks were an effort to flesh out Bush's repeated theme that U.S. forces should focus on the ability to fight wars, not what he derides as "nation building." It's appealing logic to a country that has never been enthusiastic about long-term foreign commitments. But it is rooted in the dubious assumption that the United States can effectively lead NATO, the West's primary defense alliance, without being a full player.

Both the recent history of the Balkans and the longer-term history of Europe say that is shortsighted.

The tragedy of post-Cold War Europe in the '90s was that our allies were unable to deal with chaos, "ethnic cleansing" and the serious threat of an expanding war on their doorstep until the United States belatedly got involved. In both Bosnia and Kosovo, European governments squabbled among themselves until the United States finally agreed to share some of the risk on the ground. The ethnic cleansing was curtailed without a single U.S. casualty.

Today, Americans comprise less than 20% of the Bosnia-Kosovo peacekeeping force, a contribution former NATO commander Wesley Clark calls the bare minimum if the United States wants to have any influence on NATO actions there. If the United States were to pull out, the record suggest it would be naive to expect Europe to respond meaningfully to the next Bosnia or Kosovo.

The deeper risk extends beyond the Balkans to the overall U.S. role in NATO. Since NATO's formation in the wake of World War II, it has served to quiet the continent's longstanding rivalries. Weakening U.S. leadership would set off a counterproductive race to fill the gap, with unfavorable consequences for U.S. interests.

A core part of the Bush argument is that the armed forces are too stretched to manage peacekeeping and prepare for war effectively. But the U.S. deployment to the Balkans is less than 10% of our military in Europe, and the cost is scarcely 1% of the Pentagon budget. Whatever shortcomings there may be in defense readiness or troop morale, blaming them on Balkans peacekeeping defies logic.

Vice President Gore, who played a central role in the Clinton administration's policy in the Balkans, accused Bush of a "lack of judgment and a complete misunderstanding of history."

Expecting Europe to act decisively on its own or to accept U.S. leadership without at least token U.S. involvement in the field is sadly unrealistic.

Mrs. BOXER. I am going to read a little bit from those editorials when I can find my glasses, which is an important thing. Here they are. When I started out in politics, I did not need these reading glasses. So that shows you how long I have been around.

This is from the Washington Post:

> The Balkans are at peace; democracy is sprouting almost everywhere; even the apparently invulnerable Slobodan Milosevic has been knocked from his perch. Of course, many problems remain, the gains are fragile and, yes, U.S. troops will be needed for some time. But surely helping democracy take root throughout Europe is worth the modest price of that modest deployment [of peacekeeping troops].

The New York Times says that George Bush's adviser's proposal is misguided. That is the proposal to say that we will no longer participate in peacekeeping.

> The job of securing peace in Bosnia and Kosovo is far from complete. The American share of the peacekeeping has already been substantially reduced. Finally, the NATO alliance has been built on a concept of shared risk that is inconsistent with a total withdrawal of American ground forces from Balkan peacekeeping.

Now, we know that America's share, they say, of peacekeeping responsibilities is steadily reducing.

> There are now only 11,400 American troops in the Balkans, about one-fifth of the NATO total. When NATO first went into Bosnia, about a third of its 60,000 troops were Americans. Balkan peacekeeping costs [are only] 1 percent of the Pentagon's . . . budget. . . .
>
> Asking Europe to accept a total withdrawal of American ground forces from the Balkans needlessly challenges some of the basic assumptions of [our] western military alliance.

Our Western military alliance has served us well. Why would we now—when we see the tinderbox over in the Middle East—come up with a plan that would shake up our allies, that would worry our friends? This is the time not to make those kinds of proposals. And those proposals themselves are dangerous for the world.

I will also quote from USA Today. So you are seeing a whole number of newspapers coming out against this Bush plan.

They say:

> The deeper risk extends beyond the Balkans to the overall U.S. role in NATO. Since NATO's formation in the wake of World War II, it has served to quiet the continent's longstanding rivalries. Weakening U.S. leadership would set off a counterproductive race to fill the gap, with unfavorable consequences for U.S. interests.

I have to believe this kind of a policy—either it was not thought out or it is a radical departure from what has worked for us not only through the cold war but after the cold war. Governor Bush says we can't do all this alone. And I agree with him; we can't do all this alone. But the bizarre thing is, he is pulling us out of a situation—or would want to, if he were President—where we are only about 20 percent of the force. This is an example of the way we ought to integrate all of the responsibilities of the various allies. I find it amazing that this policy would come up at this time when we have the world in such a precarious position as we look at what is happening in the Middle East.

So in any event, in closing, I will make these points in two areas: education and foreign policy.

I think there are some interesting new developments the American people ought to look at. One, we have a candidate for President, who is the Governor of Texas, who is using Texas as the model. We just learned that Texas is almost dead last as a place people would want to raise their children. That is an unbiased report that came out. We have a Rand study, which is a study that Bush himself has cited, which says these kids in Texas are simply not making it.

We now have this foreign policy fiasco. While the Republicans want to look at what went on in 1995 between Russia and America, we now realize that what we ought to be looking at is this latest proposal by Governor Bush, and to try to debunk it, that would say we ought to pull our peacekeeping troops out, that America should not even have a role in peacekeeping. It is rattling our NATO allies.

Again, NATO has served us well. Why? Because we all cooperate and we work together and we come up with plans together. And to have this, if you will, "Molotov cocktail" from George Bush just thrown out—unprovoked—to shake up our NATO allies, and say, "We are not going to do peacekeeping; we are going to do fighting," I say to this Senate that I do not like that division of responsibilities, where America does all the fighting and our NATO allies do the peacekeeping.

I do not like shaking up our allies at this time. I think it shows a certain recklessness, a certain lack of experience, a certain misunderstanding of history of what it has been like for us to build these alliances. As a member of the Foreign Relations Committee, I am very concerned by this proposal. I believe it will have a very negative impact.

I am someone who has fought long and hard for burdensharing. I have offered a number of amendments in the House and the Senate asserting that it is important our allies carry their fair share. I will go on record as saying 80 percent of the troops in the Balkans is a fair share; 80 percent of our commitment in the Balkans is being paid by the Europeans, 20 percent by the Americans. That is good. That is a fair share. That is working.

To throw this kind of a proposal out there at this time when the Middle East is in crisis, when we need our allies at the table, when we need good relationships with our friends, shows a certain irresponsibility and riskiness upon which the American people are not going to look very kindly. And certainly, while the Foreign Relations Committee is beating up on the Vice President 2 weeks before an election about Russia-United States relations; our problem today isn't Russia-United States relations; our problem today is trying to do the best we can with our allies in the world to end some of these tragedies going on in the Middle East, to work for a new Yugoslavia that is democratic, to make sure we build on Madeleine Albright's seeming success in North Korea where, by the way, we have 37,000 troops. Maybe my friend from Illinois knows this. I did not hear any comments about pulling out troops from the Koreas, but maybe that is his next proposal, where we have kept the peace and stability.

Mr. DURBIN. If the Senator from California will yield.

Mrs. BOXER. I am happy to yield.

Mr. DURBIN. She has raised an important point. Most people would agree that the Governor of Texas has limited personal exposure and experience when it comes to foreign policy issues. That does not mean he is disqualified. There have been Presidents who have been Governors. But we have to judge him on what he has said.

His suggestion of the withdrawal of troops in some parts of the world raises serious questions as to whether or not he has considered the consequences. The United States made a commitment, for example, in Europe after World War II to stop the spread of communism. It cost the American people trillions of dollars. It paid off: 250 years later, communism is virtually wiped off the map and these countries, the Balkans and eastern European countries, now enjoy democracy and freedom.

There was only one country in the world that could do that, and that was the United States. We have military skill, the great men and women in uniform, and we have a reputation of involving ourselves in foreign policy—not to come away with any property or treasure; we are there to try to promote the ideals and values of our country.

So when Governor Bush suggests withdrawing troops in some parts of the world, you have to wonder, has he really reflected on this? Has he taken the time to try to measure why he would change policies that even his father supported, perhaps President Reagan supported, and now he wants to change these policies and approaches?

This is an important element. Thank goodness we live in a world that is generally at peace, but it is a dangerous world that at any moment can flare up. We need leadership in the White House that understands the consequences of its actions.

I salute the Senator from California. What we are seeing happen today in North Korea—where they are finally talking to us; they are finally agreeing to perhaps end the missile testing—is a very positive development. It is only because the United States made a commitment in South Korea with the lives of our service men and women and then kept troops there to protect it that we have reached that point today.

Mrs. BOXER. I thank my friend.

I ask unanimous consent that Senator DURBIN be given 5 minutes following the completion of my time.

Mr. KYL. Mr. President, I did not hear the request.

Mrs. BOXER. I ask that Senator DURBIN be given 5 minutes when I conclude my time.

Mr. KYL. I object, Mr. President, on the ground that I was going to speak at a quarter till.

Mr. DURBIN. May I make an inquiry of the Chair?

The PRESIDING OFFICER (Mr. ENZI). The Senator from Illinois.

Mr. DURBIN. I want to be fair to my colleagues. It was my understanding that the Democratic side would have the first 25 minutes in morning business and then the Republican side. But in the interest of my colleagues who have given up their own time, I am happy to work out an arrangement with them.

The PRESIDING OFFICER. Is the objection over adding 5 minutes or taking the 5 minutes?

Mr. KYL. Let me withdraw the objection.

Mrs. BOXER. I was just making sure that Senator DURBIN would be recognized for the next 5 minutes.

Mr. KYL. Mr. President, might I withdraw my objection. I did not understand the Senator's request. My understanding was that the minority time would have expired about now. I understand that is not the case. Therefore, I do not object to the request of the Senator from California to have Senator DURBIN speak next. I was hoping to be able to speak before noon, but that may not be possible.

Mr. DURBIN. May I ask for clarification? How much time does the Democratic side have remaining in morning business?

The PRESIDING OFFICER. The Democratic side has a little over 24 minutes. The Republican side has 20 minutes.

Mr. DURBIN. Would the Chair make an inquiry of my two Republican colleagues as to how long they would like to speak.

Mr. THOMAS. Mr. President, if I could clarify, it is no big deal. What we had was the morning business time divided between Republicans and Democrats. The leader's time took some of that, so we didn't have enough. We ought to share equally what remains. Whatever that division is, it ought to be divided between the two of us.

Mrs. BOXER. If I may restate my unanimous consent request, understanding that we have 24 minutes remaining, I would appreciate it if Senator DURBIN could follow my remarks so we have some train of thought. Then we can take the next 10 minutes from the Republican time, if they would like to use it. I don't think Senator DURBIN has a problem; I don't have a problem.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. If we would determine exactly the time that is remaining and then maybe add to that my opportunity to speak after Senator DURBIN.

Mrs. BOXER. I am happy to.

Mr. KYL. If we could suspend one moment.

Mrs. BOXER. I am happy to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, might I ask if we could suspend the request for one moment. Senator THOMAS is technically in control of the time on our side. He should be the one who understands this request.

The PRESIDING OFFICER. When the Senator from California finishes, the Senator from Illinois will speak for 5 minutes, followed by the Senator from Arizona.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Out of the 10 minutes I originally had, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used her time.

Mrs. BOXER. I ask unanimous consent for 60 seconds to recap what I said before the time goes to Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. We have taken longer deciding who is going to talk than we have on what we really want to say. I will sum up my points today.

I think two issues are coming to the floor in this election. Education is one of them. We have the Governor of Texas saying his kids in Texas are doing great. We learned today that was based on a State test, not a national test. So that is something we have to look at. We have a new study showing that Texas is one of the worst places to raise a child. That is from another objective, nonpartisan study.

Now we have a hearing going on in Foreign Relations beating up on Vice President GORE for something that happened in 1995, when not one Republican ever complained about it until 2 weeks before the election, when Governor Bush has now made a proposal that in essence threw a bomb into NATO—figuratively, not literally—and our NATO allies are worried and concerned that suddenly we have on the table a proposal—not very well thought out, in my view—that would drastically change NATO and would say, in essence, that the United States will be the fighters, someone else will be the peacekeepers.

I think it is more dangerous for our people to take that on alone. It is a big worry I have. It shows in this sensitive time why we need proven, effective, experienced leadership in the White House. We don't want to have someone coming in and throwing this kind of proposal into NATO. We need our NATO allies now more than ever. We have great opportunities for peace in the world. We are not going to make them come true if we dissect NATO and destroy it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, for the sake of my colleagues on the floor, Senator THOMAS and others, it is my understanding that I am to speak for 10 minutes, and then the Republican side will be recognized.

The PRESIDING OFFICER. The request was made for 5 minutes.

Mr. DURBIN. Five minutes, fine. I will confine my remarks to 5 minutes in the interest of my patient colleagues. After Senator THOMAS and Senator KYL, I would like to reclaim the Democratic time under morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TOUGH CHOICES

Mr. DURBIN. Mr. President, in 2 weeks the American people are going to face one of the toughest choices they have had perhaps in modern memory.

This Presidential race is not just a choice between two individuals and whether, frankly, one has a better image on television, or more experience, or a better speaking voice. It comes down to basic questions of values envisioned for this country. There are two contrasting views to be chosen. I can recall 4 years ago coming to the Senate when the Republicans all lined up and said that our economy was in such terrible shape, and the Federal budget was in such bad shape, we would have to amend the Constitution with a balanced budget amendment because of our deficits. They were so desperate they wanted to give the power to the Federal courts to stop Congress from spending.

Four years later, look at the difference. We are not talking about deficits; we are talking about how to spend the surplus, and we are talking about an economy which, for 8 years, has been cooking, creating 22 million new jobs. There is more home ownership than at any time in our history. Welfare rolls are coming down and crime rates are coming down. Opportunities for businesses, for minorities, for women are unparalleled in our history. When you look at advanced placement courses in schools, we have more Hispanics and African Americans enrolling in them than ever before in our history.

America is moving forward, and I am glad to say we have been part of it in Congress. We can't take credit for it anymore than the President can or Alan Greenspan can. It is a joint effort of families and businesses across America. But make no mistake, the right policy in Washington set the stage for this to happen. When President Clinton said, "I am going to make a meaningful effort to reduce the national deficits," frankly, we didn't get a single Republican vote to support us. Not one.

Vice President GORE came to the floor of the Senate and cast the tie-breaking vote, and we started on a path in 1993 that led to where we are today. There are some people who think this is automatic in America, that prosperity is a matter of standing aside and watching it happen.

I know better. I have been in the Congress long enough to know that the wrong policies in the White House can jeopardize economic prosperity. Do you remember the early days of the Reagan years when they came up with an idea called "supply side economics" and the appropriately named "Laffer curve"? We followed that crazy notion long enough to find ourselves deep in red ink, with the biggest deficits in history, the largest national debt and America on the ropes. Thank goodness we have broken away from that.

Should we experiment again? George W. Bush suggests he wants a $1.6 trillion tax cut going primarily to wealthy people in America. Can we run that risk? The highest 1 percent of wage earners who will see over 40 percent of the George W. Bush tax cut are people who are making more than $300,000 a year. I can't understand why a person who has an income of $25,000 a month needs a $2,000 a month tax cut. But that is what Governor Bush has proposed. He says it is only fair and right; these are taxpayers, too. Think of Bill Gates. He has been very successful with Microsoft. He is worth billions of dollars. According to George W. Bush, he needs a tax cut. I don't think so.

George W. Bush should take into consideration that the net worth of Bill Gates is greater than the combined net worth of 106 million Americans. He doesn't need our help. The people who need our help, frankly, are families struggling to pay for college expenses. We on the Democratic side believe that we need tax cuts targeted to help families in a real way so they can deduct college tuition and fees up to $12,000 a year to help kids get through college and have a better life.

We also believe we ought to help families who are going to work trying to find something to do with their children. Day care is an important issue for so many families. We want to increase the tax credit for day care and also give a tax credit for stay-at-home moms who are willing to make the economic sacrifice for their children.

Finally, when it comes to long-term care, so many of us have seen aging parents and grandparents who need a helping hand. I have seen families making extra sacrifices for those parents. Our tax program would give a targeted tax cut to help those families.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

CAMPAIGNING ON THE SENATE FLOOR

Mr. KYL. Mr. President, I think it is somewhat unseemly to use the Senate floor for campaign purposes with respect to attacking the qualifications of one of the two candidates for President of the United States. I would like to do some business here and suggest that my colleagues on the other side of the aisle who use their time to engage in campaign tactics really ought to be helping us take care of a bit of business that I think ought to move to the top of the agenda, such as fighting terrorism in the aftermath of the attack on the U.S.S. *Cole*.

ENHANCING THE FIGHT AGAINST TERRORISM

Mr. KYL. Mr. President, we now have more reports of specific credible evidence of planned attacks against the United States—terrorism that must be prevented. We have not done everything we can do to prevent terrorism. According to a Commission that has reported to the Congress, there is more to be done. I have incorporated that Commission's recommendations into a bill. We are trying to get the bill passed. It runs into objections from the other side. Today, I am going to lay it out because there isn't much time left.

Earlier this month, I introduced the Counterterrorism Act of 2000, cosponsored by my friend and colleague, Senator DIANNE FEINSTEIN. This should have bipartisan support. As the chairman and ranking member of the Judiciary Subcommittee on Technology, Terrorism, and Government Information, I have held hearings, along with Senator FEINSTEIN, on steps that would better prepare this country to thwart and defend against and prevent and respond to terrorist attacks. Our legislation will do that by capturing many of the recommendations of the National Commission on Terrorism.

The Commission was mandated by the Congress, and it released its report earlier this year. It is bipartisan, led by Ambassador Paul Bremer and Maurice Sonnenberg. They have a long record—both of them—of experience and expertise in this matter. The Commission, with 10 members in all, came to unanimous conclusions on the gaps in America's counterterrorism efforts and made extensive recommendations in their report.

In addition to Ambassador Bremer, who formerly served as Ambassador-at-Large for Counterterrorism and Mr. Sonnenberg, who serves on the President's Foreign Intelligence Advisory Board, the Commission included eight other outstanding experts in the field: former CIA Director, James Woolsey; former Assistant Director-in-Charge of the FBI's National Security Division, John Lewis; former Congresswoman Jane Harman, who served on the House Armed Services and Intelligence Committees; former Under Secretary of Defense, Fred Ikle; former Commander-in-Chief of U.S. Special Operations Command, Gen. Wayne Downing; Director of National Security Studies at the Council on Foreign Relations, Richard Betts; former foreign policy adviser to the Speaker of the House of Representatives, Gardner Peckham; Harvard professor Juliette Kayyem, who formerly served as legal advisor to the U.S. Attorney General.

In June, the members of this Commission testified before the Intelligence Committee, of which I am a member, with their findings and recommendations. A week later, the Commission's report was the subject of a Foreign Relations Committee hearing. At the end of June, Senator FEINSTEIN and I invited the Commissioners to testify at a hearing of the Judiciary subcommittee which I chair. The purpose of our hearing was to explore the findings of the Commission and clarify some recommendations that have been mischaracterized. So the Senate thought that this Commission report was important enough to hold three specific hearings on its findings and recommendations.

Senator FEINSTEIN and I then decided to take action on the recommendations by drafting the Counterterrorism Act of 2000. We believe this is an important first step in addressing shortfalls in America's fight against the growing threat of terrorism.

In summary, this is what the bill would do:

First, it expresses the sense of Congress that the United States Government should take immediate actions to investigate the unprovoked attack on the U.S.S. *Cole*, should ensure that the perpetrators of this cowardly act are brought to justice.

It directs the President to establish a joint task force to develop a broad approach toward discouraging the fundraising of international terrorists.

It directs the Director of the CIA to report to Congress with a response to the Commission's findings regarding guidelines for recruitment of terrorist informants and whether those guidelines inhibit the recruitment of such informants.

In effect, what the Commission said is if you are going to try to infiltrate terrorist organizations, you are probably dealing with nefarious characters. They are not Boy Scouts. And you can't demand of them the same clean standards that we would in trying to recruit informants against other governments. When you are dealing with terrorist organizations, you are dealing with terrorists.

The bill also directs the Attorney General to conduct a review of the legal authority of various agencies, including the Defense Department, to respond to catastrophic terrorist attacks, and it requires that a report be provided to the Congress.

It directs the President to establish a long-term research and development program relating to technology to prevent, preempt, interdict, and respond to catastrophic terrorist attack.

It directs the FBI Director to report to Congress on the feasibility of creating an intelligence reporting function within the Bureau to assist in disseminating information collected by the Bureau on international terrorism and other national security matters.

It directs the President to report to Congress on legal authorities that govern the sharing of criminal wiretap information between law enforcement agencies and the intelligence community. The Commission noted there is currently a great deal of confusion in this area. We have to get that squared away so the agencies know how they can share information with each other.

The bill would direct the Attorney General to report to Congress the recommendations on how to improve controls on biological pathogens and the equipment necessary to produce biological weapons. It directs the Secretary of Health and Human Services to report to Congress with recommendations for improving security and physical protection of biological pathogens at research laboratories and other facilities.

It authorizes the full reimbursement for professional liability insurance for law enforcement or intelligence officers performing counterterrorism duties.

And finally, the bill expresses the sense of Congress that Syria should remain on the list of states that sponsor terrorism, as should Iran, until they meet certain conditions.

I recently received a letter from Ambassador Bremer and Mr. Sonnenberg, expressing very strong support for the Kyl-Feinstein legislation. I also received letters from the American Israeli Public Affairs Committee, the Zionist Organization of America, and the Anti-Defamation League applauding the bill. In addition, the American Jewish Congress released a statement in support of the legislation.

I ask unanimous consent at the conclusion of my remarks these documents be printed in the RECORD.

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. The text of the Counterterrorism Act 2000 should be familiar to Members because we tried to move it as an amendment to the intelligence authorization bill. We were open to comments by Senators and we made several modifications to the language in order to suit Senators and the Department of Justice. We agreed in the end to withdraw the bill at that point so the intelligence bill could move forward but indicated our desire then to move the bill as a separate bill, which is now what we are doing.

Among the Senators who have talked to us is Senator LEAHY. We have tried to address his concerns with respect to the bill. Originally his staff advised that if the Justice Department didn't object to the bill, Senator LEAHY would consent to its passage. The Justice Department has cleared the bill. After that, Senator LEAHY's office advised us they desired to have 10 other changes considered and sent another list of 4 other changes. Senator FEINSTEIN and I agreed to make changes to the bill to accommodate 12 of those 14 requests of Senator LEAHY. Yet he still remains in opposition. Under the rules of the Senate prevailing at this time, any Senator can object to the consideration of the legislation and thus block it, which Senator LEAHY, I understand, has done.

This morning my office received some additional concerns purportedly coming from Senator LEAHY. I find them, frankly, not to rise to the level that should take the Senate's time. For example, he objects to a provision, or his staff objects to a provision, that requires the President to report to Congress on the Commission's recommendations about sharing law enforcement information with intelligence agencies on the grounds that this would help set "a dangerous precedent for blurring the line between law enforcement and intelligence activities." A report to Congress on legal authorities on the state of the law sets no dangerous precedent. There are similar types of concerns expressed.

We have to get serious about this. At the very moment that our forces are on a heightened state of alert, at the very moment our embassies are telling people not to travel to certain countries because of terrorist threats against Americans, the Congress has before it a bill embodying the recommendations of the Terrorism Commission, and we are not acting on it because, as far as I know, one Member of this body is not willing to allow it to move forward.

I plead with him, I plead with other Members, if there are concerns, let's talk about them. But the time is short. Perfection cannot be the enemy of the good considering the nature of the challenge that we face with terrorists around the world and the need to do more about it. This isn't simply something that has been pulled out of thin air to try to deal with this problem. We have embodied most of the recommendations of the Terrorism Commission specifically mandated by Congress to give us recommendations about what else we need to be doing in this legislation.

I say to Senator LEAHY and any others, time is short. We need to visit. We need to talk about these things. We need to clear them away so we can pass this legislation. After the Senate acts, the House will need to act. They are expected to act with alacrity. For example, Representative GILMAN, chairman of the Foreign Relations Committee, and Representative GOSS, chairman of the Intelligence Committee, and I understand the leadership is prepared, if we can pass this bill, to take it up very quickly. However, I don't know how many days or hours are left in this session.

I think it would be a travesty, given the events of the past month, given the threats that currently have been made against the United States, for the Congress to ignore the recommendations of the very Commission that we asked to give us advice, to ignore the recommendations of that Commission and conclude this Congress without acting to pass those recommendations to take additional steps to deal with the terrorist threat.

Let's leave politics aside. This is a bipartisan effort of Senator FEINSTEIN and myself. It has broad support on both sides of the aisle. I encourage my colleagues to please come forth if they have additional concerns so we can get this done.

EXHIBIT 1

SEPTEMBER 22, 2000.

Senator JON KYL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KYL: In our capacities as former Chairman and Vice Chairman of the National Commission on Terrorism, we have been asked to comment on the proposed legislation which we understand you intend to introduce to the 106th Congress (called the "Counterterrorism Act of 2000").

As you know, our bipartisan Commission concluded that the threat to Americans from terrorism is changing and becoming more serious. To meet this threat, the Commission made a number of important recommendations to the President and Congress in its final report of June 5, 2000.

We have reviewed the draft bill and wish to commend you and your colleagues for the job of translating into law a number of the Commission's most important recommendations. We are particularly pleased to see the bill address issues such as state sponsorship of terrorism, better collection and dissemination of terrorist intelligence, a broader strategy for disrupting terrorist fund-raising, and efforts to prevent or deal with catastrophic terrorism in the United States.

We hope that this important bill will become law and that Congress and the Executive branch will do everything possible to implement it expeditiously.

Respectfully,

L. PAUL BROMER, III,
Former Chairman, National Commission on Terrorism.
MAURICE SONNENBERG,
Former Vice Chairman, National Commission on Terrorism.

AIPAC,
Washington, DC, October 16, 2000.
Hon. Jon L. Kyl,
U.S. Senate, Hart Building,
Washington, DC.

Dear Senator Kyl: On behalf of AIPAC, we are writing to express our appreciation for your introduction of the Counterterrorism Act of 2000. This legislation takes a number of important steps to address the growing problem of terrorism in our country and abroad.

This bipartisan measure adopts many of the key recommendations of the National Commission on Terrorism, particularly with respect to long-term research and development efforts and methods of improving controls over biological pathogens. We believe this legislation will encourage cooperation among states like the United States and Israel that have worked so closely in fighting the scourge of terrorism. Of course, we also endorse the legislation's intent that Iran and Syria should remain on the list of states that sponsor terrorism until they cease their support for terrorist actions.

Thank you again for your leadership, and please let us know if we can be of assistance.

Sincerely,

Howard Kohr,
Executive Director.
Marvin Feuer,
Director of Defense & Strategic Issues.

Zionist Organization of America,
New York, NY, October 11, 2000.
Senator Jon Kyl,
U.S. Senate,
Washington, DC.

Dear Senator Kyl: On behalf of the Zionist Organization of America (ZOA), which is the oldest and one of the largest Zionist organizations in the United States, I am writing to express the ZOA's enthusiastic support for S. 2507, the Counterterrorism Act of 2000.

This vital legislation will ensure that our country takes swift and effective action to impede the ability of terrorist groups to receive funding, acquire technology for use as weapons, and recruit new members. We have all seen, in recent years, the kind of devastation that terrorist groups can wreak. Our government must do everything possible to combat terrorist groups—and S. 2507 will mandate specific and important steps that will play a crucial role in the fight against terrorism.

We are also pleased to note that the S. 2507 urges that Syria be kept on the U.S. list of terror-sponsoring states until it takes concrete anti-terror steps, such as shutting down terrorist training camps and prohibiting the transfer of weapons to terrorists through Syrian-controlled territory. The legislation also appropriately urges that Iran be kept on the list of terror-sponsors until there is concrete, indisputable evidence that Iran has changed its ways and forsaken terrorism. In the absence of such actions, governments such as those in Syria and Iran must be treated as the rogue regimes which they are.

With gratitude for your leadership role in this effort,

Sincerely,

Morton A. Klein,
National President,
Zionist Organization of America.

ADL,
New York, NY, October 12, 2000.
Hon. Dianne Feinstein,
U.S. Senate,
Washington, DC.

Dear Senator Feinstein: We welcome your leadership in introducing legislation to codify several important proposals of the bipartisan National Commission on Terrorism. As an organization committed to monitoring hate groups while safeguarding civil liberties, we support the bill's tough, constitutional approach to investigating and prosecuting terrorist crimes.

The bill's mechanism for allowing classified evidence to be used within a sound due process a framework represents the kind of balanced approach which would prevent the improper treatment of individuals, while allowing the government to protect sources. The legislation would also implement useful steps to prevent the US from being used as a fundraising base for terrorism.

It is well established that the government has the constitutional right—and the duty—to keep our nation from being used as a base for terrorist activity. The legislation you have crafted makes vital improvements in our nation's capability to investigate, deter, and prevent terrorism.

Sincerely,

Howard P. Berkowitz,
National Chairman.
Abraham H. Foxman,
National Director.

AJCONGRESS WELCOMES LEGISLATION RESPONDING TO THREAT OF BIOLOGICAL AND CHEMICAL ATTACKS BY TERRORISTS; CALLS MEASURE 'A BEGINNING PLAN' TO DEAL WITH THE DANGER

American Jewish Congress Executive Director Phil Baum issued the following statement today following the decision by Senators Jon Kyl and Dianne Feinstein to introduce legislation responding to the recent report of the National Commission on Terrorism:

The danger not only to this country but to all of civil society from the threat of biological and chemical weapons is becoming ever more real and apparent. For some time now, commentators have been warning of the growing risk of terrorist attacks with these weapons unless effective counter measures are quickly put in place.

Those most expert and familiar with these matters warn that the question is not whether there will be an attack, but when.

A sobering report released recently by the National Commission on Terrorism has documented these concerns and has begun the process of alerting Americans to the danger we face and the steps that can be taken to meet that threat.

Until now, little has been done concretely to implement the Commission's report. Fortunately, there are now plans in the Senate to attach as an amendment to the fiscal 2001 Intelligence Authorization Act a measure which is attempting to respond to this challenge. Introduced by Senators Jon Kyl (R-Ariz) and Dianne Feinstein (D-Calif), the legislation lays out at least a beginning plan for dealing with these problems.

The bill for the first time would impose rigorous restrictions on procedures used in research labs handling pathogens; calls for presidential leadership in the development of new technologies to counter terrorist attacks; limits the capacity of terrorist groups to raise funds in this country—which is often done under the guise of raising funds for social programs; and mandates the CIA and the FBI to report on the continuing effectiveness of anti-terrorist measures currently in place.

One provision of the bill—authorizing the FBI to share foreign intelligence information obtained from domestic wiretaps with the CIA and other intelligence agencies—has quite properly met with criticism has consequently has been dropped by Senator Kyl. We are convinced that an effective fight against the new terrorist threat can be waged without violating Constitutionally guaranteed civil liberties—protections which must remain our first priority.

As the American people begin to focus on the dangers of chemical and biological terrorism, two equally unacceptable dangers present themselves: that we remain indifferent to the threat, or that we overreact, at the expense of our civil liberties. Neither is acceptable. A measured response is necessary, and the Kyl-Feinstein bill begins that process.

The legislation presents the Senate with the opportunity to move the American people off dead center and to address the danger in a composed and rational manner, without endangering American freedoms or our country's sense of confidence in its future. The new legislation rests on the premise that the future can be best assured by a realistic address to the dangers we confront.

New technologies have been a blessing for this generation. In the hands of terrorists, they become a curse for all generations.

The PRESIDING OFFICER. The Senator from Wyoming.

SENATE BUSINESS

Mr. ENZI. Mr. President, I join my colleague from Arizona in requesting the business of the Senate be allowed to go forward. We have seen many filibusters all year. That is what has gotten us into this situation where we are past October 1 and still working on the budget.

I think we ought to be doing the business of the Senate. My predecessor, Alan Simpson, who had this seat in the Senate, said several times, an accusation that isn't answered is an accusation accepted. There are a couple of things I have to clear up from this morning.

First, we did all this work on a balanced budget without the balanced budget constitutional amendment. Yes, we did. But the debate on the balanced budget constitutional amendment is what made the people of America rise up and tell every single one of their representatives that they wanted the budget of this country balanced. And it was the heat the people of this country put on the Congress that led Members to balance the budget. That wouldn't have happened without the debate on the balanced budget.

That is the reason we have what is being referred to as a "surplus" today. It isn't a surplus. It is tax overcharge. We have collected more from the people than we had planned to spend. We ought to refer to it as that.

I could not begin to cover all of the accusations that were misaccusations. Another real important one I have to cover is the Reaganomics attack. Yes, giving the money back to the people, as Reagan suggested, resulted in a 30-percent increase in revenue to this country. So why do we have such a big deficit? Because people spent it. We cannot spend more than we take in. It is a pretty basic principle of economics. Reaganomics increased revenue.

The other side, who was in control of the Congress at that time, outspent what he was able to bring in by increasing business in this country. The balanced budget amendment increased the economy of this Nation. Everybody agrees balancing the budget has done that. If we get back to a position where it isn't balanced, people will lose confidence in the economy, and we will be back where we started, with ever-increasing deficits, particularly if we dramatically increase spending each year.

I notice the Secretary of the Treasury took an unusual approach yesterday and got into the debate on Social Security.

The Social Security issue does come down to: Whom do you trust? Every year that I have been here, there has been a promise that there will be Social Security reform. I went to a White House conference. I have to say it was one of the best planned, best organized, and best done conferences I have ever seen. One of the reasons was that Republicans and Democrats, House and Senate, were invited to be a part of it. When it finished, there was a special part for everybody from the House and Senate to participate in—again, Republicans and Democrats. We sat down with the President and we agreed there needed to be Social Security reform and that reform had to have the fingerprint of everybody on it, that it could not be used as a Social Security scare.

We have saved bill No. 1 for the President's Social Security reform. Every year that I have been here, the President in his State of the Union speech has said: The most important thing for this country is to solve the Social Security problem. We saved bill No. 1 for him. We never got a solution.

The President of the Senate, who is the Vice President of the United States, has been a part of these efforts. He says he has delivered on all his promises. That is a promise that was made. That is a promise that has not been kept. Social Security has not been reformed.

There has been another effort involved in this, too, and that has been a bipartisan commission—again, Republicans and Democrats sitting down to talk about how to save Social Security. They came up with a plan. They had to have a supermajority to have that plan actually presented to us, and the President's nominees to that committee were the ones who objected and made it one vote short of being a request that could be presented to us. Again, a bipartisan solution. That bipartisan solution is what you are hearing Governor Bush talk about. It is something that has been presented in a number of plans here in the Senate, but it needs the endorsement of both Republicans and Democrats, and the elimination of a veto threat at the Presidential level, to be able to solve that problem.

Why do we need to solve it? You have heard how far we extended it and how we are getting extra money into the Social Security trust fund. The money in the Social Security trust fund is IOUs, T-bills. Now we are using the Social Security surplus to pay down the private debt for the United States. Do you know what that does? That lets us spend more money. When we have private debt out there, we pay the interest on a regular basis. When we spend Social Security surplus to pay down the national debt, the private part of the national debt, we increase the Social Security debt and we just put in IOUs to pay the interest.

Why is that important? Sometime the debt will come due. You hear a lot of different numbers about when the debt comes due: 2013 is the magic time when the baby boomers move into the group of recipients of Social Security and start jerking out enormous amounts of money from Social Security—2013. They say Social Security is secure until 2037. That is until the last dime is drawn. It will not work that way. Here is why it will not. In 2025, the ones of us who are here—with the exception of maybe one or two—will not be here. There will be a different generation that will be in the Senate and in the Congress. These will be people who have paid into Social Security their whole life and will realize they will not get a dime out of it.

Here is another little problem. When it comes appropriations time, all they are going to do is decide how big the check for interest is going to be, because the national debt will be so huge at that time that we will not build a road, we will not do anything for the military, we will not do anything for education—we will pay interest. How excited do you think the people of this country are going to be to just be paying interest on a debt from the last century and to have no benefit coming their way? I suggest there could be a revolution in this country, an end to Social Security. Future generations may not feel the same need to take care of their parents and other elderly in the country because they themselves are not going to get any benefit. It is not going to be there to take care of them. So it needs to be solved now.

We are also talking about prescription drugs. This is a very complicated issue. There are at least six plans out there, any one of which could provide prescription drug coverage for seniors. It is something in which we are all interested. It is something that needs to be done. We need to be sure that every person in this country can get the prescription drugs they need, and we need to be sure every person in this country doesn't have to make a choice between food or their prescription drugs. There have been two plans proposed. They are quite different.

One of the things I like to use is this chart. I think it lends a little validity to the decisions between the two principal plans. One is provided by Governor Bush, one is provided by Vice President GORE. Those are the two main ones. I have to tell you, the biggest difference between the two is that Governor Bush's plan provides for choice, your choice. Vice President GORE's plan calls for a national plan. The decisions will be made in Washington. You will not have the flexibility.

Since we are talking about how some of Mr. GORE's drug proposals work, I suggest they lack a little sincerity and are going to make life much harder for working Americans. Here are some thoughts on the Medicare prescription drug plan. This is the biggest secret out there. Mr. GORE's plan would cover 2.6 million fewer low-income Americans than the plan offered by Governor Bush and introduced in the Senate by Republicans. That is because Mr. GORE's plan offers low-income subsidies only up to 150 percent of poverty, while Mr. Bush's plan would help seniors up to 175 percent of poverty.

Mr. GORE's plan would not even become effective until 2002. On top of that, Mr. GORE's plan would also displace the coverage that 70 percent of the current Medicare recipients already have. For those seniors whose employer offered a retirement benefit, there is now no incentive for the company to continue that coverage, leaving the senior with no option but the HCFA-run program. For all the stock Mr. GORE puts into the agenda, and the advice of the AMA, he apparently has not been concerned by their assertion that the HCFA—that is, this national organization that will run his prescription drug plan—is the IRS of the new millennium. I, for one, do not see the sincerity in putting more people on the *Titanic*. As my friend from Texas often says about putting people on programs under the care of HCFA, it would be a disaster.

If Mr. GORE had sincere concerns about the health and welfare of seniors, he would focus on real solutions that stabilize the Medicare program, offer seniors comprehensive health care, and enable seniors to select coverage, including prescriptions, that meets their needs and budgets. That is a commitment Governor Bush has already made. Governor Bush would provide immediate drug coverage for those seniors who right now cannot afford it. He doesn't cross his fingers and take his chances with HCFA. Instead, he builds on the existing drug assistance programs in the States.

Here are a few statistics about the immediate impact of the proposal. Half of women beneficiaries who are currently without coverage would gain immediate coverage. Almost three-fourths of the minority seniors currently without coverage would gain immediate coverage. And the most frail of our seniors, those over 80 years old, would improve their access under the Bush plan.

Another important part of the Bush proposal is that States will not be restricted from offering low-income subsidies above 175 percent of poverty. Under the Gore plan, there is no option for States to pool funds and ease the expense of drug coverage for even more seniors.

Why is this chart important? This chart was done by the Washington Post. People who understand newspapers in this country understand what the Washington Post does will not be favorable to Governor Bush. They have a tendency to be favorable to the other side. So when they do a chart, a person ought to pay a little bit of attention to it. This is from the article that came with the chart:

> Bush details Medicare plan, September 5: Texas Governor George Bush today proposed spending $198 billion to enhance Medicare over the next 10 years, including covering the full cost of prescription drugs for seniors with low incomes.
>
> Bush's plan was modeled on a bipartisan proposal by Senator John Breaux, Democrat from Louisiana, and Senator Bill Frist, Republican from Tennessee.

This is the commission I was talking about.

> Bush's plan proposes "fully subsidizing people with incomes less than 135 percent of the poverty level and creating a sliding scale for people with slightly more money. But Gore would stop the sliding scale at 150 percent of the poverty level, while Bush would extend it to 175 percent.

As I mentioned, a lot of States like that flexibility. A newspaper that normally would not give good reviews, gives a good review. One problem is the cost over the next 10 years would be $198 billion. The chart they did comparing the two shows $158 billion. They were charging him with $40 billion more in costs than what their chart actually shows.

I hope people will pay some attention to the comparisons. I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 6, 2000]

Bush	Gore
PREMIUMS	
25 percent of health plans' monthly charge.	$25 per month starting in 2002, increasing to $44 by 2008.
COPAYMENT FOR EACH PRESCRIPTION	
Not spelled out. Would be determined by individual plan.	Government would pay 50 percent up to maximum of $2,000 when the program starts, increasing to $5,000 by 2008.
COVERAGE FOR CATASTROPHIC EXPENSES	
Government pays all costs above $6,000 per year.	Government pays all costs above $4,000 per year.
DEDUCTIBLE	
Not spelled out. Would be determined by individual health plan.	None.
HELP FOR LOW-INCOME ELDERLY	
Pays premiums and all other costs for individuals with incomes less than 135 percent of the poverty line—that is, $11,300 or couples with incomes less than $15,200. Partial subsidies for people with incomes up to 175 percent of the poverty level.	Same, but partial subsidies available for people with incomes up to 150 percent of the poverty level.
WHEN BENEFITS WOULD START	
Help for low-income people and catastrophic coverage would be administered by states, starting next year. Premium subsidies for other people and broader Medicare reforms to make the program rely more heavily on private HMOs would start in 2004.	2002.
COST	
$158 billion by 2010	$253 billion by 2010.

Mr. ENZI. Mr. President, the comparison shows pretty conclusively that you get more benefits under the $158 billion plan than you do under the $253 billion plan. The $158 billion plan goes into effect right away. The other one does not go into effect until 2002, and people have to pay, under the Democrat plan, $600 whether they get any benefits or not. It is my understanding the $600 has been subtracted from the $253 billion to make that cost a little bit lower. So it is a another tax for a proposal that provides for Federal control as opposed to your control.

HCFA versus your decisions: Talk to your doctors about HCFA and how it participates and interacts with them. Talk to them about the crisis that HCFA has already caused in this Nation in medical care and ask yourself: Do I want to give them the added burden of a prescription drug plan and only give myself one option? That is what we are looking at here.

I hope you will do some comparisons and see the difference and concentrate on this bipartisan solution to providing prescription drugs. The one thing about the Governor from Texas with which I have really been impressed has been his ability and effort to work with both sides in the Texas Legislature. I used to be in the Wyoming Legislature. I know how important it is for people to work together. It is a little different atmosphere than we have in Washington.

How did Governor Bush do that when he moved in and had a Democrat legislature? He sat down with them one on one, face to face, and talked to them about his priorities and their priorities, and they worked together. What excites me is following the history of Presidents, they tend to repeat what they have done successfully before, and I am really excited about that because I see a Governor coming to Washington and sitting down with both sides, one on one, face to face—a long process; there are 535 of us, but it is doable. That is what is needed in Washington: more effort across the aisle, effort like the Medicare Commission that has provided a solution for prescription drugs that can be done. I thank the Chair and yield my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining under morning business on the Democratic side?

The PRESIDING OFFICER. Six minutes.

Mr. DURBIN. I want to use those 6 minutes to sum up.

UNFINISHED BUSINESS

Mr. DURBIN. Mr. President, when I finished speaking, the Senator from Arizona came to the floor and said it is unseemly that we would be discussing the Presidential race. The race has been discussed by Senators on both sides of the aisle, as it should be. There is no more important decision to be made by the American people than the choice of the President of the United States, and that choice will determine what this body considers for the next 4 years.

Frankly, we ought to reflect on what has happened with this Republican-led Congress. If you take a look at the fact that we are approaching the Halloween holiday, in that spirit we might consider the fact that Congress has become "Sleepy Hollow," the final resting place for priorities of American families.

Take a look at the list of things that have been offered by the Democratic side but have not been acted upon by the Republican side: A real Patients' Bill of Rights. When you go to a doctor, who should make the decision; a doctor or insurance company clerk? That is an easy choice for me. I want the doctor to make the call. When we tried to pass that bill in the Senate, the Republicans defeated us.

Prescription drug coverage under Medicare: Not one of these convoluted schemes we just heard described that would somehow give prescription drugs to the States for 4 years, take it back, give it to the insurance companies—we know how it should work. Medicare has been on the books for 35 years. It is proven. It is universal.

Frankly, we think all seniors and disabled in that category should be able to make the choice themselves, voluntarily, whether or not they want the benefit under Medicare. The Republicans do not care for Medicare. They called it socialized medicine when the Democrats proposed it and, frankly, they are still criticizing it, doing little to help that system.

Most Americans know how valuable Medicare has been to their families. We think a prescription drug benefit under Medicare should be the law. The Republicans and pharmaceutical interests have stopped us.

We also believe in an increase in the minimum wage. Ten million Americans went to work this morning for $5.15 an hour, and they are not just kids in their first jobs. Over half of them are women and many of them are raising children and trying to eke out a living at $5.15 an hour. We used to give them a periodic increase in the minimum wage without even debate, but the Republicans now think this is unacceptable; that we cannot give a minimum wage increase without lording billions of dollars in tax breaks on businesses. For goodness' sake, give these people—400,000 of them in Illinois—an increase in the minimum wage of at least 50 cents an hour for the next 2 years. That bill has not passed, and the Republican Congress has had ample opportunity to address it.

We believe on the Democratic side we need tax cuts; use the surplus for tax cuts for families for the deductibility of college education expenses. That is a concern I hear from families as soon as the baby is born. How are we going to pay for this kid's education? When you see the cost of education going up over a 20-year period of time, from the time that child was born until they will be in school—it goes up 200 percent, 400 percent—people ask: How can we possibly do this?

On the Democratic side, we want to give the families deductibility of tuition and fees to help them pay for college. The Republicans oppose it. We support it. That is the difference. When we offered it, they stopped us.

Also, we are talking about education funds to improve our Nation's schools, to reduce class size. This does not take a Ph.D. in education to understand. If you were a teacher, would you rather walk in on the first day and see a classroom with 30 kids or 15 kids? Are you more likely able to help a struggling student if there are 15 children in the classroom or 30? It is not rocket science. It does not take a Ph.D.

We on the Democratic side believe reducing class size is the first step to helping kids from falling behind and helping those better students get a little more attention.

We also believe we ought to be supporting afterschool programs for students. Letting kids go now at 3 o'clock is just a gamble because very few of them have parents at home. They do not have Ozzie and Harriet waiting with cookies and milk anymore. They are by themselves.

Some do pretty well, but a lot of them do not. We think afterschool programs, supervised, so kids have a chance to maybe catch up on their school subjects, maybe appreciate the arts a little more, maybe become better on a computer, or even just play some basketball, makes some sense as long as there is supervision. We support afterschool programs and fought the Republicans every step of the way trying to put this valuable money back into education.

We also believe in commonsense gun safety legislation. The No. 1 story in 1999 in the news was the Columbine tragedy. What has America done to keep guns out of the hands of children and criminals? Congress has done nothing. Nothing.

The National Rifle Association and its leader, "Mr. Moses," have decided we are not going to do anything to keep guns out of the hands of children and criminals, and that is criminal. The Republican-led Congress should be held accountable for that.

If you have an aging parent or grandparent, the Democrats believe you should have a tax break to help pay for their care.

How many folks and families do you know worried about that aging parent and how their last years are going to be? They need a helping hand. We support it, as we support increased targeted tax cuts to help people pay for day care, so kids can be left in a healthy, safe environment and families can afford to pay for it. Stay-at-home moms, who sacrifice for their kids, should get a tax break, too. They are making a sacrifice that will enhance that child's future. We should invest in them as well.

When it comes to these myriad issues I have just given you, these are the issues with which working families, middle-income families, and single people as well can identify. Yet we have had no help whatsoever on the Republican side of the aisle. The Republican Congress has failed to address the basic issues of education and health care, taxes that are reduced and targeted tax cuts and credits for families who really need them, prescription drug coverage under Medicare, and a Patients' Bill of Rights.

We came to this Congress with all kinds of lofty goals. We are leaving now, unfortunately, with appropriations bills as large as the Washington, DC, telephone book, scarcely read, that serve too many special interests and too few families across this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for not more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVACY LEGISLATION

Mr. GORTON. Mr. President, we live in a period of unprecedented prosperity and opportunity.

We can go more places than ever before. We are living longer and healthier lives than ever before. We are employed in jobs today that were unthinkable just a few years ago.

Our lives have changed dramatically because of computers, the Internet and technology.

But with all the good that comes with technology, there are elements that cause us concern. One such concern that has captured our attention is the issue of privacy.

As more of us use the Internet to shop and conduct business, more of our personal information is being spread throughout the web. That information, in many instances, is used properly and in a way that is good for consumers. But as in any field, there are those who abuse the public trust by using this personal information in unethical ways.

Because of concerns about consumer privacy, the Senate has considered how we might do better at protecting consumers while not unwittingly turning off the Internet engine that is such a key part of the economic prosperity we currently enjoy.

The Senate Commerce Committee recently held its third hearing this year on the privacy of information gathered from consumers who use the Internet. Since the Federal Trade Commission recommended legislation in this area earlier this session, I, and I believe a substantial number of my colleagues, have come to agree that we must act on this issue in the not-too-distant-future.

I have come to believe that Federal legislation is needed to protect consumers. I don't think that the current voluntary privacy policies are sufficient. Consumers who use the Internet should be given more information about what data is being gathered about them, and they should be given greater control over how this data is used.

I have also come to believe that Federal legislation is needed to protect and improve Internet commerce which, of course, benefits consumers and businesses alike. Not only will the assurance of adequate, enforceable privacy standards increase consumers' comfort with on-line transactions, but the possibility of States acting to protect consumers in the absence of a Federal law threatens to create a patchwork of conflicting privacy mandates that could be hard to apply to a medium that does not recognize State borders.

Though I know that I support Federal legislation regarding the on-line collection and use of consumer information, I confess to not knowing at this time exactly what should be legislated. At the last hearing in the Senate Commerce Committee we considered three different bills, and additional, and more varied, bills have been introduced in the House of Representatives. I don't know which of these approaches or combination of approaches will best protect consumers without making online transactions overly burdensome. On-line merchants, providers of both goods and services, have touted the benefits to consumers of using the Internet to gather information that facilitates targeted marketing. This could very well be the case but I want to know that consumers are informed of and agree with these marketing practices.

Determining more specifically what consumers want from privacy legislation is something that I hope we can do in the next session of Congress.

While much, through certainly not all, of the discussion in Congress about privacy is focused on the issue of the on-line collection and use of consumer information, I think it is also important that Congress remain cognizant of the fact that "privacy" as it relates to the Internet is a far broader and more complex issue. For all of its salutary effects, the ease with which the Internet allows for the compilation and sharing of private information gathered in the physical world, information about financial transactions, medical histories, reading habits, eating habits, sleeping habits, information about almost every aspect of one's life raises legitimate concerns that Congress should and will continue to address.

The privacy of medical information, which can be intensely personal, is one such issue about which Congress must remain vigilant. Improved technology along with changes in health care delivery, billing systems, information gathering and genetic testing all increase the number of people who have access to health records. Americans should know that personally identifiable health information is private and they should have control over who has access to it. At the same time our challenge is to find a way to balance legitimate needs for health care information—for example, medical research—and individual privacy rights.

Future Congresses will adopt additional health care reforms. We clearly need to improve our Nation's health care system. Although most Americans are satisfied with their health care, most Americans are also concerned about those in our country who have inadequate health care and no hope of improving their situation. I support reforms that improve access to quality health care for those who have none, that keep intact our wonderful system of hospitals and clinics in all areas of our country and that provide people with meaningful choices.

When future Congresses address this area, one issue I will watch most carefully is the amount of health care information that is provided to the Government, and how this information is used. We must be careful not to adopt measures that give Government regulators the ability to peek into people's private medical records. A few years ago, my home State of Washington embarked on several health care reforms. Most of these reforms were in the wrong direction. Our legislature adopted reforms that put the government in charge of health care decisions for people and gave a government commission the ability to cancel private health insurance coverage in our state.

I found both of those moves bothersome, but our legislature didn't stop at just controlling health care decisions for our citizens. No, our legislature took one additional chilling step. It decided that if the government was providing health care, as well as dictating which private health plans could remain in business, the government should have access to personal, private medical records.

That is going way too far, and fortunately, the good people of Washington made sure that radical change was not placed into the law.

Over the next year, I am convinced that Congress will adopt meaningful health care reforms that help people, but as we do that, I must constantly advise my colleagues to follow the "do no harm" rules of medicine and not fall prey to those who believe that government-run health care, along with all that it brings, is the right solution to this challenge.

No matter the type of information in question—consumer or medical—Americans have the right to a reasonable expectation of privacy. Thoughtful legislative action is needed at the federal level to address the legitimate concerns many Americans currently have in this regard.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES AND NATO

Mr. VOINOVICH. Mr. President, there has been an effort in recent days to score partisan political points by misrepresenting Governor Bush's commitment to NATO and southeast Europe. Unfortunately, some of my Senate colleagues have been involved in this effort.

No one in the Senate has been more involved in our policy toward southeast Europe, and no one cares more than I do about that part of the world. I have traveled to the region three times this year—on a factfinding mission, to participate in the NATO Parliamentary Assembly, and to participate in the OSCE Parliamentary Assembly. I have been to Koscvo twice and visited with troops.

I have been involved in efforts to bring about alternative leadership in Serbia—something that has finally happened. I have been a leader on the Stability Pact with the belief that its successful implementation is crucial to the long-term stability, prosperity, and peace in the region. I have also constantly watched the situation in Kosovo, outraged at the ongoing ethnic cleansing going on there today.

With this background and involvement, I can say definitely that Governor Bush understands the importance of the region to our national security interests.

I think it is important that we set the record straight. Governor Bush has said that he would systematically review our military commitments internationally upon his inauguration. He will look at them across the world. This will include a review of our deployments in the Balkans. He has said that he will work with our allies to develop a strategy to remove our troops from the region when it is possible to do so without threatening peace and stability in the region or our relationship with our European allies. He understands the important relationship we have with our NATO allies.

There never was and never will be any statement by Governor Bush or, if he is elected, President Bush, regarding a reduced commitment to NATO. He understands how important NATO is.

Vice President GORE has joined Governor Bush in saying that we should pull out of the Balkans when we are no longer needed.

Governor Bush is committed to political stability and security in the Balkans. He emphasized this point repeatedly—that stability in southeast Europe is vital to Europe and hence to the U.S. In other words, we have strategic interests in southeast Europe, which are important to Europe and to the security of the U.S. and, for that matter, peace in the world. So Governor Bush is committed to political stability.

Without the Governor's involvement in the Byrd-Warner debate on our troop commitment to Kosovo, the next President would be facing a July 1 deadline to decide whether to stay or go. Governor Bush stood up and was counted at the time of the Byrd-Warner discussion in the Senate. He demonstrated leadership at a time when leaders from both parties were considering having the U.S. unilaterally withdraw from a NATO commitment. That was a very important thing that he did at that time, because if he had not stood up and said he thought it was overreach, we would have lost that on the floor of the Senate and would have done irreparable damage to our relationship with NATO.

We must remember that the Clinton-Gore administration promised the American people in 1995 that our troops would not be in Bosnia for longer than a year. That promise was never kept. Rather than set a misguided deadline, Governor Bush is simply saying we should not, and will not, be in the Balkans forever. Nothing more.

Governor Bush has said time and again that he would actively consult our European allies in the formation and implementation of our policies in NATO and in southeast Europe. I hope Lord Robertson, who heads up NATO, understands that. I made that very clear when I was at the NATO Assembly in Budapest. We understand how important our leadership and our commitment is to NATO.

Governor Bush is an internationalist who is committed to NATO and our European allies.

These attacks are just partisan politics designed, in my opinion, to turn attention from a growing scandal involving Vice President GORE.

Just this morning, the Senate Foreign Relations Committee held a hearing to examine Vice President GORE's dealings with former Russian Prime Minister Viktor Chernomyrdin regarding weapons sales to Iran. It has been widely reported that the Vice President failed to fully and properly inform relevant congressional oversight committees regarding agreements reached with Russian officials. He has to be more forthcoming about what went on there.

The hearing was in response to new and critical information on this matter which surfaced in the New York Times report dated October 13. Governor Bush remains fully committed to NATO and American leadership in Europe. Repeating, he remains fully committed to NATO and American leadership in Europe.

He understands our unique role and is committed to maintaining that leadership. We know how important our leadership is to NATO. We certainly found that out during the Kosovo-Serbian war that we had. To suggest that he doesn't understand is just plain hogwash.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE FAILURES OF THIS CONGRESS

Mr. KENNEDY. Mr. President, over the period of the past weeks and months, as the ranking member of our Health, Education, Labor, and Pensions Committee, I have tried to point out the failing of this Congress and the fact that we have not addressed reauthorization of the elementary and secondary education bill, which we are charged to do—we had 22 days of hearings and we had a markup and legislation was reported out of our committee.

It has been several months since that legislation was on the floor and then withdrawn by the majority leader. In spite of the efforts of many of us to bring that measure back on the floor of the Senate, we have been unable to do so. We think it is enormously important that we have an opportunity to do so.

We are now some 3 weeks after the date that was suggested that we move into the adjournment for this Congress, and we have seen days go by, quorum calls held, and still no action. Now pending before the committee, we have the bankruptcy legislation, which is going to benefit in a substantial way the credit card industry. But we are not having the opportunity to address the Elementary and Secondary Education Act, which can benefit families all across this country, with support for State and local communities.

This issue, I think, is back before the Senate because, during the period of our national debate between the Vice President and Governor Bush, great attention has been given to the issues of education. Assurances were given to the American people representing the different positions of the candidates. We have pointed out—I did last week—some of the realities and some of the facts about what is happening in our public schools across this country. And also I pointed out the fact that Texas has not been keeping up with the rest of the country on objective tests. That was challenged by some colleagues on the other side of the aisle. Now we have the Rand Corporation—virtually a nonpartisan organization—which has done a very careful review of the Texas experience, and they agree with us and, in effect, agree with Vice President GORE on the issues of education.

I am glad we are getting some clarification. We only have 2 weeks left in this campaign, but I am glad we are beginning to get some clarification on this issue. First of all, I remind our colleagues about what assurances were given to the American people about the commitment of our majority leader on the issues of elementary and secondary education. We only provide some 7 cents out of every dollar that goes into the local communities. States have the primary responsibility. Nonetheless, we can give some focus and attention to programs that have demonstrated positive results in terms of academic achievement and accomplishment. That really is the purpose for which these resources are out there, and also to give special emphasis to the most economically disadvantaged children in this country so they are not going to be left out or left behind.

We come to this debate and discussion looking over the period of recent years. We wonder whether the positions that have been accepted by the Republican leadership are very much in conflict with the age-old positions of the Republican Party with regard to education, where they believe there should not be a role for any Federal aid to education. We had that debate in the early sixties. We have had it many times since then.

Nonetheless, we have seen in the early 1990s when the Republican leadership assumed control of the Senate the first order of business for them was a massive rescission of moneys that had been appropriated and were going to be allocated to school districts that would have provided help and assistance to needy schools across the country.

That money had been appropriated by the House and Senate and agreed to by the conference, signed by the President of the United States. One of the first orders of business by the Republican leadership was to rescind that money. We saw a rescission of about $2 billion. The initial request was considerably higher. It was reduced, but we had the rescission.

Then in the 1990s we faced the onslaught of our Republican leadership who wanted to abolish the Department of Education. I think most Members and most parents across the country believe that when the President of the United States sits down with the Members at the White House, we want someone sitting at the President's elbow when there is a discussion and debate about domestic priorities in the United States, someone who is always going to say: What about education? What about education, Mr. President?

Those voices are there, appropriately so, in terms of the security interests of the United States and defense, for the foreign policy of the United States, the Secretary of State. We have them there with regard to housing. We have them there in terms of the environment. We have them there in terms of commerce and transportation. Many Members believe we should have them there with regard to the issues of education.

That was not the position of the Republican leadership. They said: No, we don't want to have that there. They tried unsuccessfully to eliminate the Department of Education. Nonetheless, we find the Department is there. It is considerably downsized. It has had an extraordinary record, with great improvement over the previous Republican Secretaries of Education in collecting the debts that are owed to the Department. They have reduced the student loan default rate from 22.4% in 1992 to 6.9% in 2000. Both the guaranteed and student loan collections have been much more efficient.

Now there is a different attitude by the new Republican leadership. It is expressed by the Republican leader himself, going back to January of 1999:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act.

January 29, 1999:

> But education is going to have a lot of attention, and it's not going to be just words. . . .

June 22, 1999:

> Education is number one on the agenda for the Republicans in Congress this year. . . .

Chamber of Commerce, February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader . . . and Republicans are committed to doing that.

February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

May 1, 2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000:

> Question: . . . have you scheduled a cloture vote on that?
>
> Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every State, including my own State.

July 10:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act.

July 25, 2000:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

The fact is, for the first time in 35 years we do not have a reauthorization of the Elementary and Secondary Education Act. That is against the background, Mr. President, of what is happening out there across this country and what young children are doing.

We have challenges in our education system. Here is a chart: "More Students are Taking the SAT." That test, by and large, is necessary to gain entrance into the colleges; not virtually unanimous, but by and large it is required. Look at what has happened since 1980, when 33 percent of the children took it: 36 percent in 1985; 40 percent in 1990; 42 percent in 1995; and now in 2000, it is 44 percent.

This is a reflection of the attitude of children in our high schools. The percentage of children taking the SATs is going up significantly. The children want to take those tests. They understand the significance of the SAT and the importance of a college education. The SAT test is demanding. It is hard. It is difficult. Children have to work extremely long hours to prepare for these SATs. The increasing numbers of students taking the SAT is a clear indication from the children of this country that they are serious about education and they want to be able to try to improve their academic achievement.

Not only do we see their willingness to take the most strenuous of tests, which are the SATs, but they are also willing to take the advanced courses in math and science, probably the most difficult courses in our high school.

We see what has been happening in precalculus: In 1990, 31 percent of students enrolled in precalculus; in 2000, 44 percent did. In calculus, the rate increased from 19 percent to 24 percent. In physics, 44 percent to 49 percent. These are the percentage increases of students who are taking the advanced courses in these subject matters—all on the rise. The number of children who are taking the SAT tests is on the rise.

Let's take a look at the results. We have now more children taking the SAT tests. They are taking more demanding courses. What have been the results? We see across the board, going back from 1972 and 1975, 1980, the constant downward movement in terms of results. What we have been seeing since 1990 is the gradual, slow—and I admit it has been slow, but it is going in one direction, and that is up. There has been an improvement in SAT math scores and they are now the highest in 30 years. More kids are taking them, more kids are doing better. That is true across the board in terms of males as well as females.

We have challenges in our education system. This is a reflection on what is happening generally across the country. These are the matters the Vice President has talked about, how he wants to strengthen those.

Now we see what has been happening in the State of Texas. We saw what is happening generally across the country, that all the indicators are going up. Here we have Texas, falling far below the national average on the SAT scores from 1997 to the year 2000.

I brought this up to the Senate floor last week, and a lot of my colleagues were dismissive. But let's look at this. This is the national test, the SAT. These are not homegrown tests in Texas and homegrown tests in Massachusetts, homegrown in other States. The SAT is a national standardized test. I will come back to that in a minute.

These are the national averages for the SAT test. Notice the national average total scores since 1997 has gone up. That, I think, is a clear indication that the children, working harder, taking more challenging courses, have a greater desire, more of them, to go on to the schools and colleges. It is a very definite upward swing, although not great in terms of the total numbers. All of us want these higher. However, the fact remains that progress has been made and the national average is going up.

But not, Mr. President, in the State of Texas. From 1999 to the year 2000, we have seen it flatten out. Going back to 1997, scores have declined; Texas scores have gone down. It is also interesting that Texas scores are well below the national average in the SATs.

I think this is a pretty fair indication about the facts in the State of Texas. With all respect, I am not getting into criticizing the Governor or commenting on his desire to try to do better. But I do think that when he talks about it and he claims how well Texas is doing, it is fair enough to look at the facts and examine whether this is so. We have this as a result of these Scholastic Aptitude Tests that show Texas is well below the national average, and under Governor Bush it hasn't improved on the national average in the last several years, at least while he has been Governor.

These are the earlier facts. Then we have the blockbuster report, the Rand Commission report, which basically sustains that argument that the schools may not have been making as large of improvements as claimed. It has been an important indictment of what has been happening on education in the State of Texas.

Mr. REID. Could I ask the Senator from Massachusetts to yield while we do a unanimous-consent request, and the Senator as part of the request would retain the floor?

Mr. KENNEDY. I am glad to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4811

Mr. STEVENS. Mr. President, I ask consent that following statements by Senator KENNEDY and Senator BAUCUS ongoing now, the Senate proceed to the conference report to accompany the foreign operations appropriations bill, that it be considered as having been read, and time be limited to the following: 1 hour equally divided between Senators MCCONNELL and LEAHY or their designees, 10 minutes equally divided between myself and Senator BYRD or our designees, and 30 minutes under the control of Senator GRAHAM of Florida. I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report without any intervening action.

Mr. REID. Mr. President, reserving the right to object, it is my understanding there is already scheduled a 4:30 vote.

The PRESIDING OFFICER. That is correct.

Mr. REID. If this debate is not completed prior to that time, we will have to complete it after that vote is taken?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. That is my understanding, too.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

EDUCATION TEST SCORES

Mr. KENNEDY. Mr. President, I was just pointing out that we have this extraordinary report. I have it in my hand. It is the October 24, 2000 Rand Commission report: What do test scores in Texas tell us? It is an excellent report. I will have excerpts of it printed in the RECORD. But I hope those who are interested in this issue, trying to make up your minds over the period of these last 10 days, will have a good opportunity to examine that report.

Let me just mention a few of the highlights of the report. First of all, the study was released, as I mentioned, on October 24. It raises serious questions about the validity of gains in Texas math and reading stores. The study compares the results of the Texas Assessment of Academic Skills, the test taken by Texas students, with the results achieved by those same students on the National Assessment of Education Progress tests. There were large discrepancies between the results of the Texas TAAS test and the national NAEP test. The student gains on the TAAS, the Texas test, are far greater than what has been found with the same group of students on the NAEP or other standardized national tests.

Do we understand what we are saying? Significant improvement on the test just given to Texas students; but for the Texas students who took both the Texas and national test, we found a very dramatic disparity. In Texas, many teachers say they are spending especially—these are the conclusions of the Rand report—large amounts of class time on TAAS test preparation activities. Teachers in low-performing schools reported greater frequency of test preparation than did teachers in higher-performing schools. While this preparation may improve the TAAS scores, it may not help students develop necessary reading and math skills. Also, this could lead to a superficial appearance that the gap between minority and majority students is narrowing when no change has actually occurred.

The exclusion of students with disabilities increased in Texas while decreasing in the Nation. Texas also showed an increase over time in the percentage of students dropping out of school and being held back. These factors produce a gain in average test scores that overestimates actual improvement in student performance.

We understand now what is happening. Regarding those individuals with disabilities, students we have worked long and hard to make sure they are going to be a part of the student body and have the opportunities for educational advancement, if you can exclude some of them from test taking, as in Texas, plus most likely some of the poorer performing students have dropped out and won't be able to take any of those assessment tests, this is going to have an artificial inflator on test scores.

That is the Rand Corporation that is making that conclusion.

Also, Rand researchers hypothesize that a small but significant percentage of students may have topped out on the TAAS. In other words, some students may have scored as high as the TAAS would allow them to. If that happened, it would artificially narrow the gap on TAAS between white students and students of color because white students tend to earn higher scores than minority students. Thus, the reduced gap on the TAAS relative to NAEP may be a result of TAAS being too easy for some students.

As with other tests, there have been documented cases of cheating on the Texas TAAS test.

The NAEP is a national test, which students from around the country can take so States and communities—and parents, most importantly—are able to evaluate the differences between how their children are doing in school compared with how those in other parts of the State and other parts of the country are doing. According to the NAEP, Texas fourth graders were slightly more proficient in reading in 1998 than in 1994. However, the country as a whole also improved to the same degree. Thus, there was nothing remarkable about the reading score gains in Texas. Small improvements in Texas eighth grade math scores were also consistent with those observed nationally.

There is nothing remarkable about the NAEP scores in Texas, and students of color did not gain more than whites. Score increases in Texas are identical to those nationwide when using the NAEP data. However, the gains on TAAS were several times larger than they were on NAEP.

That is what we are hearing the good Governor talking about. That is what he is talking about. This puts it all in the light that that is not a true reflection of what is happening among the young people. The gains on TAAS were greater for students of color than they were for whites. The large discrepancy between the TAAS and the NAEP results raises concern about the validity of the TAAS scores and validity of claims regarding student achievement.

According to the NAEP results, the gap between white students and students of color in Texas is very large and also increasing slightly.

In 1998, the average fourth grade reading score for black students was at the 38th percentile compared to the average white student at the 67th percentile. This gap was slightly larger than the gap between these groups in 1994. In other words, the black-white reading gap increased during this 4-year period. The gap between the blacks and whites had actually increased during this period.

In fourth grade math, the white-Hispanic NAEP gap grew in Texas but not nationally, and the white-black gap remained constant in Texas but actually shrank nationally. In short, the gap sizes between the whites and minorities on the NAEP were improving nationally but getting worse in Texas.

That is not a satisfactory prescription for improving education. It suggests the Texas system is more an education mirage than an education miracle. I think it is important for parents—as they are looking now, trying to get beyond the cliches, beyond the slogans, beyond the set statements, beyond the give and take, even in those debates—to look at the record, and the record is very clear. That is that we have not seen the kind of advancement that has taken place in many other States that are doing a number of things that have been recommended, as we were going to have a chance to hear about in the debate on the ESEA.

We find out the States that made the greatest advancement are States that had smaller class sizes, where they had continuing enhancement and proficiency for teacher education, mentoring with teachers, afterschool programs, accountability. They had a number of those programs and even benefited from early education help and assistance as well.

What we wanted to try to do is to have a debate on those particular matters that have made a difference in States around the country, where we had seen advancements in education. But we have been denied that opportunity. What basically the leadership, the Republican leadership, has denied us is the opportunity to have that debate, denied us the opportunity to raise these issues. What the American people are being asked is, let's just look back on what has happened in Texas.

When we examine Texas, not out of partisanship, but using the objective standards for the SATs—they do not benefit a Democrat or Republican; they are focused on children—and if we take the Rand study which has been available and can be reviewed by anyone—we are finding out that this has been a mirage in terms of education.

I want to spend a few moments going into another area which I think the American people ought to give some focus and attention to in these final few days, and that is on the critical issue of the credibility gap in health care. Few, if any, issues are of greater concern to American families than quality, affordable health care. Americans want an end to the HMO abuses.

They want good health insurance coverage, they want a prescription drug benefit for senior citizens under Medicare, and they want to preserve and strengthen Medicare so it will be there for today's and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election year is clear. It is not just a choice between different programs. It is a choice based on who can be trusted to do the right thing for the American people. AL GORE's record is clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance to protecting Medicare. He has consistently stood for patients and against powerful special interests.

AL GORE lays out a constructive and solid program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights. I daresay, when AL GORE is elected President, a Patients' Bill of Rights will be the first major piece of legislation that passes this Congress. I am absolutely convinced that will be the case, Mr. President.

He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George W. Bush does not just have a credibility gap. He has a credibility chasm. He has consistently stood with the powerful against the people. He refuses to take on the drug companies, the insurance companies, or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. His health care values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he did support a Patients' Bill of Rights. He said he wanted all people covered. He said he was in favor of a patient's right to sue, as provided under the Texas law. And he said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said. But the reality is very different, as was pointed out in the New York Times after the debate on October 18. "Texas record: Taking credit for patients' rights where it is not necessarily due."

That is the understatement of the year. The reality is George W. Bush vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature.

Mrs. HUTCHISON. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator yield?

Mr. KENNEDY. Briefly for a question, and then I would like to make a presentation, and then I will be glad to yield.

Mrs. HUTCHISON. Mr. President, I am very concerned about what I see as attacks on my State of Texas on the Senate floor. I certainly think it is legitimate to have a Presidential campaign out in the light of day where people can see it. I just ask the question: Is the Patients' Bill of Rights the Senator is referring to the law today in Texas?

Mr. KENNEDY. Yes, it is law.

Mrs. HUTCHISON. Does the Senator think it would be law in Texas today if the Governor had not allowed it to become law?

Mr. KENNEDY. I think another Governor would have gotten the bill faster. If the Senator——

Mrs. HUTCHISON. The question is, Is it law today?

Mr. KENNEDY. Mr. President, I am going to reclaim my time.

The PRESIDING OFFICER. The Senator from Massachusetts reclaims his time.

Mrs. HUTCHISON. I ask if the Senator will give me some time to rebut what I consider to be an attack on my State.

Mr. KENNEDY. I will be glad to yield to the Senator after I spell out exactly what happened in Texas.

Mrs. HUTCHISON. Mr. President, then I ask unanimous consent that I have some time before we go to the foreign ops bill. I ask unanimous consent that I get up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will lay out the facts—and if I can have the attention of the Senator from Texas now—I will lay these facts out, and if the Senator from Texas finds a problem with these facts, then I will be glad to yield for that purpose to listen to what the facts are.

These are what the facts are: George Bush said in the third debate that he did support a national Patients' Bill of Rights.

He said he wanted all people covered.

He said that he was in favor of a patient's right to sue as provided under Texas law.

He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said.

The reality is different. The Governor vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill and allowed it to become law without his signature. That is not the record of a person who is candid about where he stands and what he has done. Those are the facts.

It is not a record that recommends him for national office for any citizen concerned about a strong, effective Patients' Bill of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families. He was forced effectively to take a Patients' Bill of Rights. So when the Senator says, isn't it law today? yes, but it was required because of what happened in the legislature, not the leadership that was provided by the Governor on that issue.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet Governor Bush has not only done nothing to address this problem, he has actually fought against the solutions.

In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families. When Congress passed the Children's Health Insurance Program in 1997, we put affordable health insurance for children within the reach of every moderate and low-income working family. But George Bush's Texas was one of the last in the country to fully implement the law.

Do we understand that? Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

This is what happened in 1994: The Governor takes office; Texas ranks 49th. The year 2000: Bush runs for President; Texas ranks 49th.

These are the facts. People might not like those facts. People might not want to talk about those facts, but these are the facts. If you have different facts, let's have them.

Texas: One of the last States to implement CHIP. October 1997, CHIP funds were available. November 1999, Texas implements the full CHIP program. We had a program where the funds were there. We did not have to appropriate the additional funds. Still it took 2 years. Children cannot wait 2 years when they are sick. They cannot wait when they have a sore throat, or cannot see the blackboard, or cannot see the teacher. They need help and assistance, and the fact it took 2 years, I think, is inexcusable.

Bush places a low priority on children. Bush fights to restrict CHIP eligibility to children below 150 percent of poverty. Most of the other States, a great majority of the other States, went to 200 percent of poverty. Maybe the Senator from Texas has an explanation for that.

Texas has been one of the only States that has been cited, not by the Senator from Massachusetts and not by Democrats, but by a Federal judge for failure to enroll children in Medicaid. That is the record, Mr. President. You might not want to hear about it, but that is the record.

Now, perhaps the most ominous revelation about the Governor's attitude towards this issue came in the third debate when he said:

> It's one thing about insurance, that's a Washington term.

Insurance a Washington term? Governor Bush should try telling that to hard-working families across the country who don't take their children to the doctor when they have a sore throat or a fever because they can't afford the medical bill. He should try telling that to the young family whose hopes for the future are wrecked when a breadwinner dies or is disabled because an illness was not diagnosed and treated in time. He should try telling that to the elderly couple whose hopes for a dignified retirement are swept away in a tidal wave of medical debt.

Insurance is far more than a Washington term. It is a Main Street term in every community in America, and its lack of availability is a crisis for millions of families across the country.

Prescription drug coverage under Medicare is another major aspect of the health care challenge facing America. Few issues are more important to senior citizens and their families. They deserve a prescription drug benefit under Medicare. And we should try to provide it in a way that strengthens the promise of Medicare, not in a way that breaks that promise and breaks faith with the elderly.

The differences between Vice President GORE and Governor Bush on this issue are fundamental. Governor Bush stands with the big drug companies. The Vice President stands with the senior citizens. Governor Bush has sought at every turn to blur the differences between their two plans in a way that is so misleading as to make a mockery of his own attacks on the Vice President's credibility.

Vice President GORE has clearly pointed out the many flaws in Governor Bush's prescription drug plan for senior citizens. But Governor Bush has no response on the merits. Instead, he hides behind phrases like "fuzzy numbers" and "scare tactics."

But the numbers are not fuzzy, and senior citizens should be concerned. Let's look at the facts.

Prescription drug coverage under the Bush plan is not immediate and most senior citizens would be left out.

As the Vice President has pointed out, for the first 4 years, the Bush plan would cover low-income seniors only. AL GORE cited the example of a senior citizen named George McKinney. He said:

> George McKinney is 70 years old, has high blood pressure. His wife has heart trouble. They have an income of $25,000 a year. They cannot pay for their prescription drugs. And so they're some of the ones that go to Canada regularly in order to get their prescription drugs.

Governor Bush responded:

> Under my plan, the man gets immediate help with prescription drugs. It's called immediate helping hand. Instead of squabbling and finger-pointing, he gets immediate help.

He kept accusing Vice President GORE of using "fuzzy math" and "scare tactics."

But Governor Bush's own announcement of his Medicare plan proves AL GORE's point. This is what Governor Bush said:

> For four years, during the transition to better Medicare coverage, we will provide $12 billion a year in direct aid to low income seniors . . . Every senior with an income less than $11,300–$15,200 for a couple—will have the entire cost of their prescription drugs covered. For seniors with incomes less than $14,600–$19,700 for couples—there will be a partial subsidy.

George McKinney has an income of $25,000. He would clearly be ineligible for help under Governor Bush's plan. If Governor Bush thinks that is fuzzy math, then education reform is even more urgent than any of us realized.

In the third debate, Governor Bush finally admitted that the first phase of his program is only for "poor seniors."

George McKinney is not alone. The vast majority of senior citizens would not qualify for Governor Bush's prescription drug plan, and many of those who did qualify would not participate.

Even this limited program for low-income seniors would not be immediate, because every State in the country would have to pass new laws and put the program in place, a process that would take years in many States.

George Bush's prescription for middle-income seniors is clear—take an aspirin and call your HMO in 4 years.

Governor Bush's prescription drug plan would also require senior citizens to go to an HMO or an insurance company to obtain their coverage. In the first debate, Vice President GORE pointed out that most senior citizens "would not get one penny for four to five years, and then they would be forced to go into an HMO or an insurance company and ask them for coverage. But there would be no limit on the premiums or deductibles or any of the terms or conditions.

Again, Governor Bush did not respond to the Vice President's specific points. Instead, he claimed that the Vice President was trying to "scare" voters.

The facts are clear. George W. Bush's policy paper states that:

> Each health insurer, including HCFA-sponsored plans that wish to participate . . . will have to offer an "expanded" benefit package, including out-patient prescription drugs. . . . This will give seniors the opportunity to select the plan that best fits their health needs.

In other words, to get prescription drug coverage under the Bush plan, you have to get it through a private insurance plan. How high will the copayments be? How high will the premiums be? How high will the deductible be? Governor Bush has no answer. Those important points are all left up to the private insurance companies.

Governor Bush says senior citizens will have the opportunity to select the plan that best meets their health needs. But what they will really have is the opportunity to select whatever plan private insurers choose to offer. If it costs too much, senior citizens are out of luck. If it does not cover the drugs their doctors prescribe, they are out of luck. The Bush plan is an insurance industry's dream, and a senior citizen's nightmare.

On prescription drugs, and every other aspect of Medicare, the choice between the two Presidential candidates is very clear, and it is clear on every other aspect of health care. The Bush record in Texas is one of indifference and ineptitude—of putting powerful interests ahead of ordinary families.

The Bush record in the campaign is one of distortion. The Bush proposals are at best inadequate and at worst harmful. Tax cuts for the wealthy are not as important as health care for children and prescription drugs for seniors. The American people understand that, but evidently Governor Bush does not.

AL GORE has a career-long record of fighting for good health care for families, for children, and for senior citizens. The current administration has a solid record of bipartisan accomplishment, ranging from protecting the solvency of Medicare to improving health insurance coverage through the enactment of the Kassebaum-Kennedy bill and the Child Health Insurance Program. AL GORE's program responds to the real needs of the American people with real resources and a detailed action plan.

I am hopeful that every American will examine the records of the two candidates carefully. On health care, there should be no question as to which candidate stands with the powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Texas.

SETTING THE RECORD STRAIGHT

Mrs. HUTCHISON. Mr. President, I rise today to refute everything the Senator from Massachusetts has said about my State and my Governor.

Mr. President, I think it is legitimate to talk about a person's record when you are running for President of the United States. But, Mr. President, I object to the use of the Senate floor to trash my State of Texas. And I object to a misrepresentation of the record of my State.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. HUTCHISON. I will yield on your time—on the time of the Senator from Massachusetts, not on my 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has no time.

Mr. KENNEDY. But there is not a time limitation, is there?

The PRESIDING OFFICER. The Senator from Texas is under a time limitation.

Mr. KENNEDY. I ask my response not be charged to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, does the Senator from Texas deny that Texas is 48th out of 50 States in terms of the total number of uninsured children? Does she deny that?

Mrs. HUTCHISON. Mr. President, I deny that that is the relevant point. Because, in fact, 41 States are behind in the CHIP program sign-up because when Congress passed the Children's Health Care Program, they gave the States 3 years to spend the money. It just happened that our State meets every other year in the legislature. By the time they were able to meet and start the CHIP program, the State had had a very steady influx of children. We are on the way, and 40 other States are in the same situation.

So I am going to reclaim my time. I would like for the rest of my 15 minutes to start now because I thought the Senator from Massachusetts was going to ask a question. But I am not going to yield further.

The Senator from Massachusetts has been speaking for quite awhile about my home State of Texas. If there is more than 15 minutes before we start the foreign operations bill, I ask unanimous consent to be able to continue speaking until Senator McCONNELL comes and have the full time to refute what I think are misrepresentations of the Texas record.

The PRESIDING OFFICER. The Senator should be advised, there is an agreement to recognize Senator BAUCUS. But subject to that agreement, without objection, the Senator may proceed.

Mrs. HUTCHISON. I ask unanimous consent that I have up until the time that the foreign operations bill starts. What is the agreement with Senator BAUCUS?

The PRESIDING OFFICER. There is an agreement that Senator BAUCUS be recognized with no time limit before the foreign operations bill. However, the Senator is not here at this point.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak until I finish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the State of Texas has just surpassed New York as the second largest State in America. That didn't happen because our State wasn't well run. It didn't happen because we have a sorry education system. It didn't happen because we don't take care of our children. It happened because we have a great quality of life. We have a Governor, George W. Bush, who is doing a great job, and we have a legislature led by our Lieutenant Governor, Rick Perry, and our House Speaker, Pete Laney. One is a Democrat; one is a Republican. They work together. That is the way we do things in Texas.

There has been a gross misrepresentation about Texas throughout the campaign for President and on the Senate floor today. I will tell the Senate why the State of Texas is in great shape and why it is absolutely unconscionable to trash Texas in order to get an advantage in the Presidential race.

Let's take education. Everyone would acknowledge that we have a problem in the public education system of our country. Our Congress, the Republicans, and our Governor in Texas have tried to open up our public education system. Governor Bush has tried to take the problems we have and put creativity and more State resources into those problems so that every child will have a chance to reach his or her full potential in our State of Texas. That is what we have tried to do in Congress for the entire United States. We have tried to put creativity into the schools. We have tried to give parents more choices.

Every time we do, however, it is the people on the other side of the aisle who throw up the roadblocks, who want to have the Federal Government, from the top down, dictate what the local governments and the school boards would do all over our country.

If you think that Governor Bush disagrees with that, you are right. And so do I. He believes in local control. He is very pleased that Congress is going to put more money into public education, but he wants the decisions made by the people who know the children and who know what the children's needs are.

Let me tell you what he has done in Texas. We were very concerned about the high school dropout rate in Texas. It was especially high in our Hispanic community. Governor Bush believes, as do I, that if our young people are dropping out of high school, that is trouble—T-R-O-U-B-L-E—for all of us. It means those children will not have a chance to succeed, and it means our society is losing the benefit of a productive citizen.

Governor Bush said: Let's find out what the problem is. Well, we found out what the problem is. Many of those young people who are dropping out of high school can't read very well. So he said: We are going to attack this so that every child will be able to read at grade level, so that every child will be able to participate in public education all the way through the system. So we start testing our children in Texas in preschool, kindergarten, in the first grade, in the second grade. And in the third grade, the child must read at grade level. The child is tested. And if the child cannot pass the test, the child will not progress to the fourth grade.

That child will be given extra help to learn how to read until that child can read at grade level. Then that child will go to the fourth grade. Governor Bush believes that a child is not going to be able to learn multiplication tables if a child can't read in the third grade. Governor Bush wants to go back to basics in education. He wants reading, writing, arithmetic, and history to be the core subjects that are taught in our schools. That is what he has done in Texas. The test scores are going up, and especially they are going up among our minority students. In fact, we have phenomenal increases in the test scores of our minority students, which is the emphasis we have put in the program, because we are so hopeful that by starting at that third grade level, every child will be able to reach his or her full potential.

Texas is one of two States that has made the greatest recent progress in education according to the congressionally mandated National Education Goals Panel. African American fourth graders in Texas ranked first in the Nation in math. Since 1992, African American fourth graders in Texas have made the greatest gains in math, and Hispanic fourth graders have made the second greatest gains.

African American and Hispanic eighth graders in Texas ranked first and second in the Nation in writing. Texas eighth graders, as a whole, ranked fourth in the Nation. Under Governor Bush, the number of students passing all parts of the State skills test has increased by 51 percent. The number of both minority students and economically disadvantaged students passing all parts of this test increased by 89 percent.

I think that is a record of which our Governor should be very proud.

We have had problems in our public education system. We have had children who don't speak English in great numbers in our education system. We are a border State. We value education. Our Governor was the first to step up to the line and say we would educate every child in Texas regardless of whether or not that child was a legal resident of Texas. The children of illegal immigrants are educated in Texas, and that is under the leadership of our Governor.

So I think it is very important that we set the record straight because it is a good record. We take care of our children, and we believe a strong system of public education is the ticket to success in our country. We believe Texas is leading the way.

Now the Senator from Massachusetts pointed out that a Federal judge had said we are not doing enough for the children in the insurance program that has been a part of Medicaid. I think that is very interesting because that lawsuit was filed when we had another Governor in Texas, not Governor Bush. That lawsuit was filed when Ann Richards was the Governor of Texas. Governor Bush has been in office for 7 years, so that lawsuit has been pending for over 7 years. I wonder what it was that made Federal Judge William Wayne Justice decide to rule in the last 6 weeks in that case. I wonder why he waited for over 7 years to declare that Texas was not meeting its responsibilities. Furthermore, I wonder why he waited until October 30 to ask for the report from the State—October 30 of an election year in which our Governor is running for President. I just ask that question about the timing.

As a matter of fact, it happens that our State is going to report that they are doing everything they can to cover every child with Medicaid and under the CHIP program because 41 States were not able to meet the 3-year mandate of the CHIP program, for a combination of reasons. Partly, it was regulations put out by the Federal Government that our States had to digest before they would be able to go forward and put the program in place. Our State legislature meets every other year, as do many other State legislatures. So once they met, they put the program in place. Texas has been going full steam ahead ever since that point. Mr. President, 100,000 children are now covered under our CHIP program; 400,000 are expected to be covered by the end of next year.

Under Governor Bush, the percentage of Medicaid-eligible children who get prevention care has doubled from 30 percent to 60 percent. Congress is going to pass legislation that is going to help all 41 States that haven't been able to get their programs up completely and running, so that all of them will be covered and they will have the money they need, including Texas. So 41 States had to get the program up and going with legislatures that meet every other year. So the States and the Federal Government are working together to make sure children are covered, and our Governor is leading the way.

I want to discuss the Patients' Bill of Rights, which was mentioned by the Senator from Massachusetts. He acted as if we didn't have a Patients' Bill of Rights in Texas. We do have a Patients' Bill of Rights in Texas, and the Governor worked very hard to get that bill passed. The disagreement between the Governor and some of the people in the legislature, which was the subject of the negotiation, was how much the caps on pain and suffering lawsuits would be. The Governor thought they were too high. He didn't veto the bill; he let it go into law. In fact, because he did that, it is the basis of the law that eventually Congress will pass, because it has very clear internal reviews and very clear external reviews and because those reviews are so comprehensive and independent, there have been virtually no lawsuits filed, which is exactly what you want. You want patients to be covered; you want them to get the care they need. You don't want a bunch of lawsuits in which the patient is a person forgotten in the process. You want a Patients' Bill of Rights so that you can get the care and because the internal and external reviews have been so good, the system is working.

It is law in Texas today because Governor Bush was the leader who worked to get those internal and external reviews, who worked to have reasonable caps, who let the bill become law, and who now, I hope, will lead our country to a Patients' Bill of Rights that will not be a lawsuit machine but will give patients and their doctors the ability to make their decisions.

The Senator from Massachusetts said our Governor, in running for the Presidency, has a prescription drug benefit for our elderly, but he said it was "fuzzy." It is not fuzzy. He wants a prescription drug benefit for our elderly people who need it. He wants to do it immediately. He does not want one person to have to decide between a necessity in life and a prescription drug. So he is advocating exactly what we have been trying to do in Congress, which is to get money to the States immediately to help in a transition until we can have a real addressing of the issue of prescription drug benefits. He is advocating an option in Medicare so that every person will have the ability to have coverage, if that is the option the person in Medicare chooses to have—prescription drug benefits—something that would operate like Medicare Part B or Medicare Part C.

I think we should not have to criticize a State in order to make a point in a Presidential race. I don't think the people of America are very persuaded, and if Vice President GORE doesn't have anything else to talk about but the State of Texas, he should not be the leader of our country because I think most people would like to know what Vice President GORE and what Governor Bush are planning to do in the future for our country. I think their platforms are pretty clear. I don't think you have to say that the State of Texas is backward when we have one of the best qualities of life of any State in our Nation, and people are voting with their feet because they are moving to Texas by choice. Texas is a great place to live. We have wonderful people, and we have a legislature that operates in a bipartisan way. I don't think you would hear one of our legislators stand on the floor of the House or Senate and trash another State in order to make a point, because it is just not necessary.

We have a system of public education that is improving every day in Texas. It is under the leadership of Governor Bush that that is happening. We are covering our children in the CHIP program, and our outreach is comprehensive. We are trying to do the education efforts today so that every child who is eligible will know through that child's parents that they are eligible.

We have a Patients' Bill of Rights that is the leader in the Nation for patients in our State, with their doctors having control of their health care. We did it under the leadership of Governor Bush.

Mr. GRAMM. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to the Senator.

Mr. GRAMM. Mr. President, let me say I have been busy all morning trying to work out our Medicare and Medicaid Improvement Act and work on finalizing actions so we can, hopefully, finish the business of the Senate tomorrow or Friday. I have not had an opportunity to come over, though I understand Senator KENNEDY has gone on at great length talking about Texas.

Let me respond in the following way. There are a lot of States in the Union I wouldn't want to live in. But I know there are people who love those States. I am proud when people ask: What State do you represent in the Senate? I am proud I can say I am a Senator from the greatest State in the Union. I am a Senator from Texas.

Now, Texas does not need defense against TED KENNEDY. The fact that TED KENNEDY is not for George Bush for President is a very good reason to vote for George Bush for President. The fact that TED KENNEDY does not like our Patients' Bill of Rights in Texas is a pretty good indication we have a good Patients' Bill of Rights in Texas. After all, it was TED KENNEDY who joined the Clintons in proposing that the Government take over and run the health care system in America.

I don't have to defend Texas because people vote with their feet. We have had 321,666 people move from other States to Texas since George Bush has been Governor. They must think things are pretty good in Texas. We have created 1.6 million permanent, productive tax-paying jobs for the future in Texas while George Bush has been Governor. While America has lost manufacturing jobs, we have gained 100,000 manufacturing jobs in Texas. Come to think of it, wouldn't it be great if America were a little bit more like Texas?

I quote from the rules of the Senate, rule XIX, clause 3: No Senator in debate shall refer offensively to any State of the Union.

Now I don't intend to come over and say bad things about Massachusetts. Some great Americans have come from Massachusetts. Massachusetts is a great and wonderful State. I don't choose to live there, but I know the people who live there love it.

It is interesting that we are gaining two congressional seats because so many people are moving to Texas; Massachusetts keeps losing congressional seats. But I am not going to come out here and criticize Massachusetts.

I say to Senator KENNEDY and to others: if you want to run for President, you want to campaign, go out and do it. But I don't think we ought to turn the floor of the Senate into the fulcrum of that campaign.

I thank my colleague for coming over. She does a great job in defending Texas and defending its interests. I am always proud to be associated with her. Texas doesn't need any defending. But obviously the rules of the Senate do. I call on my colleagues to abide by the rules. I don't think we help each other if we try to tear down other people's States. I think it behooves us to try to build up our own States—to try to build up our own country. I think when we do that, the country benefits.

I thank my colleague for yielding.

Mrs. HUTCHISON. Mr. President, I wish to discuss for a moment this Rand report that has been quoted so many times by Senator KENNEDY and others. It seems there are some people in the Rand organization who have put something out showing Texas in a bad light in the education system.

That was not a full study. Rand actually did a full and comprehensive study. It was released July 25 of this year. I will read a few highlights of the comprehensive study. The study examined and compared the results from the National Assessment of Educational Progress Tests taken between 1990 and 1996 among 44 States. They judged the States according to State score improvements, raw achievement scores, and scores comparing students from similar demographic groups.

Results from the Rand study show that math scores in Texas had improved at twice the rate of the national average. Texas was second among all States in improved math scores. Texas leads all States in a comparison of students from similar socioeconomic and family backgrounds. Texas African Americans and non-Hispanic white fourth graders ranked first on this test in math in 1996. Texas Hispanic fourth graders ranked fifth. The study confirms earlier reports that Texas is one of two States that has made the greatest overall academic gains in recent years.

The report went on to say one reason why Texas has been so successful, according to the Rand study, has been the higher percentage of teachers who are satisfied with their teaching resources. Governor Bush provided those resources. He wants to do the same thing through initiatives such as Reading First, at the Federal level, which would offer training and a curriculum for teaching reading to K-through-12 teachers.

Governor Bush thinks reading is fundamental. I think his mother is the one who started that when she started the Reading First Program for America. He believes if a child can read, that child is going to be able to take the next steps in public education. That is why Governor Bush put the resources there in Texas. That is why the real Rand study that was comprehensive showed the great improvement in Texas. That is why his education plans for America will work because we want no child to be left behind in Texas or any other State.

I hope the campaign rhetoric doesn't hit the Senate floor again. I am not going to stand here and I am not going to sit in my office and listen to anyone else use Texas as a whipping boy, A, because Texas is a great State; B, we have a great Governor; C, the things that are being said are misrepresentations; and D, in Texas, where we have been behind in the past, Governor Bush has said we are going to get ahead.

We are tackling our problems. Every State has problems. I am proud of the leadership in Texas of our Speaker, Pete Laney and our Lieutenant Governor, Rick Perry, and our Governor, George Bush, who have worked together in a bipartisan way to make sure the resources are going into public education and into our children's health insurance program. It was our legislative leaders working with Governor Bush who said our entire State tobacco settlement would go to fund the children's health insurance program, and they took a huge part of our State tobacco settlement and put it in a trust fund in which every county in Texas will participate in perpetuity for the treatment of our indigent health care patients all over Texas. That was the leadership of our State legislature, and our Governor. Because they do want quality health care for all our Texas residents.

Maybe I am a little biased, but I think I come from a very great State. I think the statistics prove it. I do not want to hear anyone else say that Texas is not meeting its responsibilities in education, in health insurance, in patients' rights—because we are a leader. We are a leader and we want everyone in America to have the quality of public education that we are building to get in Texas. We want every child in America to reach his or her full potential. We want every child to have health insurance coverage. We want every person in Texas to have quality health care. That is why all of our tobacco settlement is going for health care or education programs to educate young people on the hazards of smoking. That is it, that is the entire use of our tobacco money: to educate young people on the hazards of smoking and health care for every citizen of Texas who needs it.

I am very proud of our record. I am proud of our Governor and I think he is the person who can bring these qualities to the United States.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4811, "Making appropriations for foreign operations, export financing, and related programs for the fiscal year 2001, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 24, 2000.)

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report on the foreign operations bill.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. Speaker, the bill before the Senate is a half billion dollars below last year's appropriation—the fiscal year 2000 bill was $15.4 billion—this year we are presenting a $14.9 billion bill. This includes $14.5 billion in fiscal year 2000 funds plus an additional $466 million in supplemental funding for debt relief, Southern Africa, and the Balkans.

Although we are below last year's level, we have managed to substantially increase key priorities, including providing $865 million for Ex-Im, a nearly $100 million increase over last year, $1.3 billion for development assistance, again a $100 million increase, within child survival we surpassed the request for AIDS funding and provided $315 million. Overall child survival funding was also increased to $963 million. In addition to over $1 billion in supplemental funds for Colombia, the Narcotics and Law enforcement account was increased by $20 million over the request to $325 million. For the first time in years, we managed to increase security assistance. This account is of real concern to our friends and allies in Central and Eastern Europe. We exceeded the request and provided $3.545 billion. To respond to crises from Chechnya to Sierra Leone, we substantially increased funding both over last year's level and this year's request for refugees to $700 million. In this account we were able to work out a compromise that will improve management and oversight of UNHCR while affording the administration flexibility to respond rapidly to any real emergency.

Finally, we provided funds for the fiscal year 2001 and the supplemental request for debt relief. In addition to language on IMF reforms recommended by Senator GRAMM, we have included a number of HIPC conditions worked out between Senator HELMS and Congressman LEACH, representing the authorizing committees. There are a number of policy provisions which are also important to mention. Within the $675 million account for Eastern Europe, we have provided up to $100 million for Serbia. Senator LEAHY and I agree that we will never be able to withdraw troops and help stabilize the Balkans as long as Milosevic and other criminals responsible for outrageous atrocities across the Balkans are allowed to go free. No government in the region will have confidence in Belgrade if the rule of law is not upheld.

The administration lobbied heavily against our arguments that U.S. support for the new government should come with specific conditions attached. We thought aid should flow only if the Serb government met three specific conditions: First, they need to cooperate with the War Crimes Tribunal. Second, they must take steps to end support for organizations in the Republic of Srpska which prevent effective integration of Bosnia Hercegovina. Finally, given Belgrade's vicious track record, we thought it was important to seek assurances that the new government will implement policies which respect the rights and aspirations of minorities and the rule of law. Each of these conditions was designed to serve our interests in stabilizing the region so that an exit strategy for U.S. troops can be safely and effectively executed. The bill modifies this approach and includes an agreement which will give this administration and the new government in Belgrade a 5-month window in which assistance can move forward. After that period, only humanitarian aid and support to local mayors will be allowed if Belgrade refuses to meet the conditions which I have outlined.

I must confess my reservations about this approach. I listened to the arguments for flexibility, but I have little confidence in the administration's past record of support for the Tribunal and standing up to Belgrade. I believe that there is no problem in Serbia that will be made easier by Milosevic's predatory presence. No regional government will have confidence in Belgrade as long as he is allowed to go free. It is in their interest and ours to see him turned over for trial. In the end I agreed to this compromise because funds for Serbia are made available subject to the committee's notification. If there is no sign of cooperation or progress on our conditions during the next five months, the administration should understand that I will put a hold on funding. This compromise is not a free pass to spend for five months—Senator LEAHY and I will be expecting concrete progress. The second area of tremendous concern addressed in the bill is Russia's action in Chechnya. Since launching this war, Moscow has blocked all humanitarian relief operations or international human rights investigations from proceeding in Chechnya. While we cannot always change the views in Moscow, I was extremely disappointed by the administration refusal to support the U.N. High Commissioner for Human Rights call for an international investigation. Instead Secretary Albright testified the administration preferred to allow Moscow to conduct its own internal investigation. The State Department has also rejected support for nongovernment groups providing relief and preferred instead to work through the Russian government.

To address these problems, we have earmarked $10 million for the more than 400,000 displaced families in Chechnya and Ingushetia which can only be provided through NGOs. Aid to the Russian government is also made contingent upon cooperation with international investigations in Chechnya. We have also made aid to the Russian Government contingent upon a certification that Moscow has terminated support for the nuclear program in Iran. In the past we have withheld 50 percent of the Russian government funds until this certification is made—this year we have increased the withholding to 60 percent. Putin has said Russia must build a dictatorship of law—what remains unclear is whether his personal emphasis will be on dictatorship or law. I think our aid should be leverage to secure a result which serves American interests and nuclear armed Iran certainly is not in U.S. interests.

Finally, let me mention debt relief. Senator HELMS and Congressman LEACH reported out bills which conditioned U.S. support to the Heavily Indebted Poor Countries Initiative managed by the IMF and the World Bank. The Foreign Relations Committee bill requires the Secretary of Treasury to certify that it is World Bank policy to—(1) suspend funding if loans are diverted or misused, (2) not displace private sector funding, and (3) disburse funds based on the implementation of reforms by the recipient country including the promotion of open markets and liberalization of trade practices, the promotion of projects which enhance economic growth and the establishment of benchmarks to measure progress toward graduation from assistance. Similar conditions are required of the IMF. In addition to including language supported by Senator HELMS and Congressman LEACH, we have included House language limiting resources to countries engaged in a pattern of human rights abuses. I supported stronger language which would have required that the Secretary of Treasury certify that the IMF and Bank actually were implementing new policy conditions before Treasury was allowed to disburse funds—this approach was recommended by Senator GRAMM, the chairman of the Banking Committee. That was my view of how it should have been handled. Instead, my colleagues on the conference supported Helms-Leach language which releases the funds and then requires reporting on performance over the course of the next year.

While I completely agreed with Senator GRAMM, I also shared the problem he has with his committee—there simply were not the votes to sustain this position. I think we have made progress on conditioning debt relief, but the Treasury Department should understand that I will continue to consult with Senator GRAMM when we receive notifications on intended debt relief recipients. Performance benchmarks are essential if we are to avoid seeing the same groups of countries and banks back in 5 years seeking the same relief all over again. Separate from the HIPC relief, we did include binding requirements that the Treasury Department withhold 10 percent of our contribution to any multilateral bank until specific conditions are met on procurement and management reforms. Not only will the banks have to improve internal management practices through audits, they will have to improve recipient country procurement management and financial practices. This is an important step in our battle against fraud and corruption. Once again, I think we have produced a balanced bill which funds U.S. priorities within sound budget principles and I urge its favorable consideration.

Finally, I repeat, this bill is below the amount spent for foreign operations last year. That makes it somewhat unique among the appropriations bills we have been in the process of passing, and I am proud to say we were able to bring this bill in under last year's total.

Mr. President, are we under some time agreement?

The PRESIDING OFFICER. The Senate is under a 1-hour time limit.

Mr. McCONNELL. I suggest the absence of a quorum and further suggest the time during the quorum call be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Senator BENNETT is here and wishes to speak in morning business. It seems to me he ought to speak on the bill time so we do not have to move the vote any later in the day.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. The ranking member is here. Maybe Senator BENNETT can comment after the ranking member addresses the bill.

Mr. BENNETT. Absolutely.

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad we are here. I commend Senator MCCONNELL and also our counterparts in the House, Chairman CALLAHAN and Mrs. PELOSI. The chairman, Senator MCCONNELL, and I have worked closely together on this bill. In the same way I tried to accommodate those concerns of his side of the aisle, he has tried to do the same on our side. As a result, we have a good bipartisan bill.

We tried to meet everyone's concerns without putting in unnecessary earmarks or taking away the appropriate flexibility the President should have. We funded the President's important priorities, and I note that both sides of the aisle supported those.

I am disappointed, of course, as I am sure the Senator from Kentucky is, with the amount of time it took to get here. Finally, we are here. Had it been left to the two of us, we could have finished this bill before the August recess, but while we were told to make sure the cars in the train would follow, we were not allowed in the engineer's seat to get it down the track. It is here now, and it is a good result.

I am glad that we found an acceptable compromise on family planning that does not restrict what private organizations can do with their own private funds. That is only wise. After all, we have heard speeches forever from people here about how the government should get off the backs of individuals. We have finally agreed to do that. It was not easy. I give very high praise to Congresswoman PELOSI for her work on this.

I am also pleased that we include $425 million, the Senate funding level for family planning. This is not money for abortions. No funds in this bill can be used for abortions. This is money for family planning. So many countries I have visited are among the poorest of the poor, and they tell me that reducing the rate of population growth is one of their highest priorities but they lack the money to do so. They also say that when they have money for family planning, the number of abortions in their country goes down.

We provide adequate authority and funding for debt forgiveness. That had overwhelming support at the meeting the President had with Republicans and Democrats, members of the clergy across the ideological spectrum, representing all faiths and persuasions. I felt honored to be in that meeting.

One of our Senate guest Chaplains that week, Father Claude Pomerleau of the University of Portland, accompanied me there. I thank him for his advice and help on this. I should also say that Father Pomerleau is my wife's brother, my brother-in-law. Even the President said that it was probably Father Pomerleau's recommendation that got me into the White House, rather than my position that got him in.

In seriousness, on the issue of debt forgiveness, we want to help the world's poorest countries get out of debt. We also want to be sure they make the necessary economic reforms so they can stay out of debt in the future. It is not enough to say, look, we are going to pay your bills so you can get out of debt. It does nothing if then within a few years they are back in debt.

We provided aid to Serbia, subject to important conditions relating to Serbia's cooperation with the War Crimes Tribunal. Chairman MCCONNELL, myself, as well as Senator BIDEN and others, strongly support these conditions.

The conditions do not take effect until March 31, 2001, and we do not intend the aid spigot to be opened wide before then. We expect the administration—this administration and the next one—to proceed cautiously. We will be watching, as appropriators, just how cautious they are. After all, administrations come and go, but the Appropriations Committee stays here, and we will be here to watch what is done next year.

We want to support the new Serbian Government, but only if it is truly democratic and respects the rights of its neighbors and also the rights of minorities. We expect the administration to treat the apprehension and prosecution of war criminals as a priority.

I am pleased with the amount of funds for HIV/AIDS. It is a $100 million increase above last year's level. We provided up to $50 million for child immunization, and substantial increases for programs to combat TB, malaria, and other infectious diseases.

There are a lot of other provisions I could mention, from restrictions on assistance for Peru—we did that because of the recent efforts to subvert democracy there. We hear the President of Peru make promises, but then take actions that belie what he has said. We put in additional funding for refugees. Unfortunately, we know that the reality throughout the world today is that there are more and more refugees. However, I strongly object to one House provision that was included. And I told the conferees that I objected. It is a $5.2 million earmark for AmeriCares. This is a private organization that does work in Latin America and other places. I cannot recall a single instance—certainly not since 1989, when I became chairman of the Foreign Operations Subcommittee; nor in the 5 years I have been ranking member, and the Senator from Kentucky has been chairman—when we have earmarked funds for a private organization such as this.

It was done here, as I understand it, because a 6-year, $5.2 million proposal of AmeriCares was rejected by AID. According to AID, the proposal was too high-tech to be sustainable in the country in question, and because some of the work was already being done by others. I suspect it was a proposal which would buy a lot of expensive equipment from some manufacturer somewhere but might not be something appropriate for that country.

Although AID suggested to AmeriCares that they submit a revised proposal, AmeriCares opted instead to seek a congressional earmark, ignoring the usual practice, and basically saying: Just give us the money. We will decide what to do with it.

I have no opinion on the merits of their proposal. But if you are going to be applying for Federal funds, you ought to follow the same rules everybody else does.

There are literally hundreds of PVOs that submit requests to AID, and many are rejected—some because they do not make sense, and others because there is not the money to fund them. Are we now going to give those other dissatisfied PVOs their own earmarks? It is a terrible precedent. It does not belong in this bill.

I will give you an example. I have fought to ban landmines all over the world. We have the Leahy War Victims Fund that spends millions of dollars every year for landmine victims. I wrote the legislation that was the first piece of legislation ever in any country to ban the export of landmines.

There are many NGOs and PVOs—that is, nongovernmental organizations and private voluntary organizations—that have come in and worked to get rid of landmines and care for landmine victims. Some are funded through the foreign aid bill or the defense appropriations bill. Some are funded through private donations that they raise. Many contact me because of my identification with this and say: Could I get Federal funding?

One of the nice things is that a lot of these—they are screened just before the money goes out. But can you imagine how it would be if we simply gave them the money just because it was requested by a Senator who wants to eradicate landmines?

It has always been my view we should let the experts judge the merits of these proposals, rather than just hand over the money to whichever organizations have the most political clout.

Some have complained—and I heard this morning—that this is a Republican bill. Others have said it is a Democratic bill. They are both wrong. Neither side got everything they wanted. There were significant compromises on funding and on policy by both sides. That is as it should be, especially for a bill that deals with foreign policy. And that is why I am proud to be here with the Senator from Kentucky, because we should not have a Republican foreign policy or a Democratic foreign policy. We should have a foreign policy that represents the interests of the United States.

We have had somewhat of an uneven record since the time when Senator Vandenberg spoke about "politics ending at the water's edge." But on this bill, at least, Republicans and Democrats have come together.

It is interesting, too, because the Subcommittee on Foreign Operations of the Appropriations Committee has probably the smallest staff of any committee around here—on the Republican side, with Robin Cleveland, and Tim Rieser on our side, aided by just a couple of people whom I will mention later—to put this together. We don't have huge armies of people to help us, but maybe that is just as well because as a result, in the end, Senators talk to Senators. That is the best way to do things around here.

I see the Senator from Utah is on the floor.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

THE RAND STUDY

Mr. BENNETT. Mr. President, I thank the Senator from Vermont for his courtesy. I was more than happy to give him whatever leeway he wanted, but I appreciate the opportunity to make a comment. Given the nature of the session in which we find ourselves, we have to take every opportunity as it comes along. As the chairman of the subcommittee, the Senator from Kentucky, indicated, the time will be taken off the bill.

I rise to take the opportunity to respond to the comments that were made earlier by the Senator from Massachusetts in his scathing attack on the education system in Texas. The Senator from Massachusetts, as well as Senator HARKIN yesterday, referred to a Rand Corporation study on the State of Texas schools. They would have us believe that based on that study, the Texas schools are terrible and, further, that those of us who are saying nice things about Texas schools are deliberately misleading the public.

I want to make it clear that the people who are missing this story are the people who sit in the gallery above the Chair. The press has missed the story here because they have bought the line laid down by the Senator from Massachusetts and others in his party that somehow the Rand Corporation has denounced Texas schools as being terribly inferior. The Rand Corporation has done no such thing. Democrats have used the recent Rand study to try to tell everybody that the Rand Corporation has done that. If I may, too many journalists have taken the press release as it has come out of the Democratic headquarters and not read the record for themselves.

I took a class in journalism. The first thing they said was, check the facts yourself. I didn't follow that career, but I have tried to remember that advice. So I have checked the facts myself. The place I went to begin with, with the help of my staff, was the Rand Corporation. Let us go back to the Rand Corporation and see what they have to say about Texas schools. I will leave aside the argument as to whether or not they are right. There is always the possibility that even these so-called experts could be wrong in their analysis. Let us set that aside for just a minute and ask ourselves, what does the Rand Corporation have to say about Texas schools?

This is what the Rand Corporation has to say about Texas schools. I am reading from a news release issued by the Rand Corporation itself. I ask unanimous consent that this be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. The Rand Corporation says:

> The education reforms of the 1980s and 1990s seem to be working, according to a new RAND report, but some states are doing far better than others in making achievement gains and in elevating their students' performance compared with students of similar racial and socioeconomic background in other states. Texas and Indiana are high performers on both these counts.

I will repeat that last sentence:

> Texas and Indiana are high performers on both these counts.

This is not a Republican speaking. This is not the Bush campaign speaking. This is the Rand Corporation speaking. Texas, a high performer.

It goes on:

> Math scores are rising across the country at a national average rate of about one percentile point per year, a pace outstripping that of the previous two decades and suggesting that public education reforms are taking hold. Progress is far from uniform, however. One group of states—led by North Carolina and Texas and including Michigan, Indiana and Maryland—boasts gains about twice as great as the national average.

This is the Rand Corporation, Mr. President, saying Texas is boasting rates of improvement twice the national average.

Back to the report:

> Even more dramatic contrasts emerge in the study's pathbreaking, cross-state comparison of achievement by students from similar families. Texas heads the class in this ranking with California dead last.

Interesting. They go on to say:

> Although the two states are close demographic cousins, Texas students, on average, scored 11 percentile points higher on NAEP math and reading tests than their California counterparts. In fact, Texans performed well with respect to most states. On the 4th-grade NAEP math tests in 1996, Texas non-Hispanic white students and black students ranked first compared to their counterparts in other states, while Hispanic students ranked fifth. On the same test, California non-Hispanic white students ranked third from the bottom, black students last, and Hispanic students fourth from the bottom among states.

How can this be, for the Rand Corporation to be saying such wonderful things about Texas and then having Democratic Senators come to the floor and quote the Rand Corporation as saying terrible things about Texas? If I were a conspiracy theorist, I would think the release of the latest Rand study might have something to do with the fact that there is an election in less than a week. But the president of the Rand Corporation has insisted that is not the case. He has insisted that the timing of the release of this second study, which is being used to trash Texas, was entirely coincidental and had nothing whatever to do with the election.

All right. Let's take him at his word and read his words to see how he reconciles the earlier Rand statement with the later one. I didn't tell you, but that first study I quoted from was released in July, before either of the conventions took place, before the question of Texas performance in education became a national priority or a national issue.

How does the president of Rand reconcile these two apparently irreconcilable positions, one where Rand says, in July, Texas is No. 1, Texas comes in first with California last, and the two States are demographically very similar—how do they reconcile that statement with the statements we are hearing on the floor today?

Read what he has to say, I say again to my journalist friends, who take the press release from the Democratic headquarters, put it in the headlines—top story in today's television—that the Rand Corporation has trashed the Texas record. I don't think any of them read what the president of Rand had to say because if they had, the story would have been different on this morning's news.

This is what he has to say:

> The July study "Improving Student Achievement" touched on the Texas schools and received widespread press play. Both efforts—

Talking about the July study and this last one—

> draw on NAEP scores. The new paper suggests a less positive picture of Texas education than the earlier effort, but I do not believe these efforts are in sharp conflict. Together, in fact, they provide a more comprehensive picture of key education issues.

So Rand is not backing away from their earlier statement that Texas is No. 1 in the areas that they quoted and covered in their first statement. They are not repudiating that.

They are not contradicting it. They are not backing away from it. Again, the president of Rand says:

> I do not believe that these efforts are in sharp conflict.

It is the politicians who have put them in sharp conflict, not the researchers. Let's examine the research and see what it says. Quoting again from the president of Rand:

> The July report differed in scope.

Then in parentheses he says:

> (It covered almost all States, not just Texas.)

Therein lies the answer to this dilemma. The July report that says Texas ranks No. 1 was a comparative study of Texas against other States. In that study, they said: In these areas we are checking, Texas is the best. The Rand Corporation said "Texas is the best."

Now, they came back to Texas to do a different study on an entirely different issue, and the issue they studied the second time was whether or not the Texas test system was a good one. They came to their own conclusion that the Texas system of testing needs to be improved. Their judgment, their opinion. Never at any time did they say that Texas was not getting better results than any other States, even with a system they claim needs to be improved.

I see the chairman of the subcommittee has returned. I will be happy to yield the floor now and get back to the foreign operations bill, which is before us. I could not pass the opportunity to straighten out the record.

The Senator from Massachusetts and the Senator from Iowa have misled us because they have not read the fine print of the report they are quoting from, and they have not consulted the opinion of the president of the organization they are citing. At no time, in no place, in spite of what the political headline said, has the Rand Corporation backed away from its conviction that Texas is first in many, if not all, of the categories they examined on education. The Governor of Texas and the two Senators from Texas who spoke earlier are rightly entitled to be very proud of the progress that has taken place in education in their State.

Exhibit 1

Rising Math Scores Suggest Education Reforms Are Working

STATE ACHIEVEMENT DIFFERENCES TIED TO SPENDING, POLICIES TEXAS FIRST, CALIFORNIA LAST IN TEST SCORES OF SIMILAR STUDENTS

WASHINGTON, D.C., July 25—The education reforms of the 1980s and 1990s seem to be working, according to a new RAND report, but some states are doing far better than others in making achievement gains and in elevating their students' performance compared with students of similar racial and socioeconomic background in other states. Texas and Indiana are high performers on both these counts.

The study is based on an analysis of National Assessment of Educational Progress (NAEP) tests given between 1990 and 1996. The authors rank the 44 participating states by raw achievement scores, by scores that compare students from similar families, and by score improvements. They also analyze which policies and programs account for the substantial differences in achievement across states that can't be explained by demographics. Here are the key findings:

Math scores are rising across the country at a national average rate of about one percentile point per year, a pace outstripping that of the previous two decades and suggesting that public education reforms are taking hold. Progress is far from uniform, however. One group of states—led by North Carolina and Texas and including Michigan, Indiana and Maryland—boasts gains about twice as great as the national average. Another group—including Wyoming, Georgia, Delaware, and Utah—shows minuscule gains or none at all. Most states fall in between.

Even more dramatic contrasts emerge in the study's pathbreaking, cross-state comparison of achievement by students from similar families. Texas heads the class in this ranking with California dead last. Wisconsin, Montana, Iowa, Maine, North Dakota, Indiana and New Jersey cluster closely behind Texas. Louisiana, Mississippi, West Virginia, Alabama and Rhode Island perform almost as dismally as California.

Although the two states are close demographic cousins, Texas students, on average, scored 11 percentile points higher on NAEP math and reading tests that their California counterparts. In fact, the Texans performed well with respect to most states. On the 4th-grade NAEP math tests in 1996, Texas non-Hispanic white students and black students ranked first compared to their counterparts in other states, while Hispanic students ranked fifth. On the same test, California non-Hispanic white students ranked third from the bottom, black students last, and Hispanic students fourth from the bottom among states.

Differences in state scores for students with similar families can be explained, in part, by per pupil expenditures and how these funds are allocated. States at the top of the heap generally have lower pupil-teacher ratios in lower grades, higher participation in public prekindergarten programs and a higher percentage of teachers who are satisfied with the resources they are provided for teaching. These three factors account for about two-thirds of the Texas-California differential. Teacher turnover also has a statistically significant effect on achievement. (California is now implementing class-size reduction and other reforms but these steps began after the 1996 NAEP tests.)

Having a higher percentage of teachers with masters degrees and extensive teaching experience appears to have comparatively little effect on student achievement across states. Higher salaries also showed little effect, possibly reflecting the inefficiency of the current compensation system in which pay raises reward both high- and low-quality teachers. However, the report points out that salary differences may have more important achievements effects within states than between states. Also, they may have greater impact during periods when teachers are in shorter supply than during the 1990-1996 measurement period.

To raise achievement scores, the most efficient and effective use of education dollars is to target states with higher proportions of minority and disadvantaged students with funding for lower pupil-teacher ratios, more widespread prekindergarten efforts, and more adequate teaching resources. As for teacher salaries and education, the report adds, "efforts to increase the quality of teachers in the long run are important, but . . . significant productivity gains can be obtained with the current teaching force if their working conditions are improved."

The most plausible explanation for the remarkable rate of math gains by North Carolina and Texas is the integrated sets of policies involving standards, assessment and accountability that both states implemented in the late 1980s and early 1990s.

The RAND study, led by David Grissmer, is based on NAEP tests given in 1990, 1992, 1994 and 1996 to representative samples of 2,500 students from the 44 voluntarily participating states. Five tests were given in mathematics and two in reading at either the 4th- or 8th-grade level. Not all of the states took all of the tests. And there were too few reading tests to permit a separate analysis of those results. Taken together, however, the tests provided the first set of data permitting statistically valid achievement comparisons across states. The researchers used data from the census and from the National Educational Longitudinal Survey to establish the student samples' family characteristics.

The 1998 NAEP reading and math scores became available too late to be incorporated in this analysis. "We're examining those data now, however, and we find that the state rankings change little and our findings about which policies make the most difference aren't affected at all," Grissmer declares.

"Our results certainly challenge the traditional view of public education as 'unreformable'," he concludes. "But the achievement of disadvantaged students is still substantially affected by inadequate resources. Stronger federal compensatory programs are required to address this inequity."

Grissmer's coauthors include Ann Flanagan, Jennifer Kawata and Stephanie Williamson. Improving Student Achievement: What NAEP Test Scores Tell Us was supported by the ExxonMobil Foundation, the Danforth Foundation, the NAEP Secondary Analysis Program, the Center for Research on Education Diversity and Excellence and by RAND.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I think the Senator from Utah has made an extraordinarily good point. If he would like to speak further, I can wait. I am going to propose a unanimous consent request.

Mr. BENNETT. I have probably exhausted my indignation on that subject, I say to the Senator from Kentucky. I will be available again if someone comes along to try to misinterpret and misquote these studies.

Mr. McCONNELL. I thank my friend for his very important contribution to what has become an issue across America.

Mr. President, with relation to the foreign operations bill, I ask unanimous consent that the vote regarding the foreign operations conference report occur beginning at 4:30 p.m., and that there be 4 minutes for debate immediately following the vote for closing remarks with respect to the pending Feingold amendment and S. 2508, and that that vote immediately occur.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, I was told this had been cleared on both sides. We will propound the unanimous consent request later when it is cleared.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I had to leave the floor for a moment. Am I correct that the continuing resolution will not be here for a 4:30 vote?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask the distinguished Senator from Kentucky, would it be his intention, once all time is finished or yielded back, to go to a rollcall vote on this bill?

Mr. McCONNELL. I am told that is fine with our side. We will be happy to finish up the debate and vote.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on final passage of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I know we are discussing the underlying bill. I ask unanimous consent to be yielded 7 minutes.

Mr. REID. Parliamentary inquiry, Mr. President: It is my understanding that we have a vote scheduled at 4:30.

The PRESIDING OFFICER. That is not correct; that has been changed.

Mr. REID. I don't understand how we are not having a vote at 4:30. How could it have been changed?

Mr. McCONNELL. Mr. President, I propounded a unanimous consent agreement to which the Senator from Florida objected and that is how we found ourselves where we are.

Mr. REID. So what I stated earlier on the floor—that we had a vote at 4:30—was really not accurate, is that true?

The PRESIDING OFFICER. The vote was to occur at that time, but the measure on which the vote was to occur has not yet arrived from the House.

Who yields time?

Ms. LANDRIEU. I have requested time. I understand under a previous unanimous consent request, Senator GRAHAM of Florida was granted 30 minutes. He is yielding me a part of his time.

The PRESIDING OFFICER. Does the Senator from Florida yield the time to the Senator from Louisiana?

Mr. GRAHAM. Mr. President, I yield 10 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we have been discussing a variety of subjects in the last few hours. The matter before the Senate is the Foreign Operations Appropriations bill.

One of the difficulties all Members are having, is trying to get some accurate information about what is actually in these bills, as they come to us rather quickly. That is one of the things we have been talking about today. I think Senator LEAHY raised an excellent point. There are provisions in foreign ops about which I also have some serious concerns. But right now, I just wanted to take a few minutes to discuss the Adoption Tax Credit.

ADOPTION TAX CREDIT

Mr. President, the adoption tax credit is broadly supported in this Chamber by Democrats and Republicans. It is one of the issues we seem to be able to come together on to say, yes, we believe in adoption. Adoption affirms life. It affirms families. It helps us to build families in very special ways. It provides an opportunity for children who don't have parents, and for parents who desperately want children, to get together.

Over the last couple of years, together, Democrats and Republicans, the White House, President Clinton and the First Lady, have been aggressive advocates of adoption. We have made great progress.

Just last week, under the tremendous leadership of Chairman HELMS, we passed the first ever International Treaty on Adoption. This treaty is going to reduce corruption, minimize the costs of international adoptions, and expedite this process so the children all around the world can find homes. We believe there are no unwanted children, just unfound families. We passed historic legislation a few years ago to help break down racial barriers to allow people of all different races to adopt children in need, in order to build families. We all know that love knows no color lines.

We are doing a wonderful job. I am on the floor today to encourage my colleagues to just try to do a little bit better. I am concerned that we are not going to expand this adoption tax credit and increase it in ways that are meaningful, in ways that will make a difference.

Just two months ago, many members of this body gathered in Philadelphia and vowed that under their leadership, no child would be left behind. This is a laudable goal, and one I think that every member of this body embraced. Here is our opportunity to prove it.

Let me briefly explain what I mean. Right now, as many people know—particularly those who have adopted children, or who have been touched in a positive way in their life through adoption, either as an adoptee, as a birth mother who is happy with the choice she made, or an adoptive couple—there is in place a $5,000 tax credit for adoption. We adopted this tax credit in 1996, in an effort to provide assistance to families wishing to adopt. It allows parents who adopt a child to receive a maximum of $5,000 in credit on their taxes. If that child is what we call a special needs child, the amount of the credit is raised by $1,000. In addition, reimbursements for adoption expenses from a private employer are also excluded from an adoptive parent's gross annual income.

The National Adoption Clearinghouse estimates that a private adoption costs anywhere from $4,000 to $30,000. International adoptions are reported at between $10,000 and $30,000. About six months ago, I was at a citizenship ceremony for newly adopted children. One mother came up to me and told me that, without the tax credit, she could not have even thought about adopting a second child.

So this is an important tax credit. It helps waiting children find homes. It helps working couples who want to be parents experience the sheer joy parenting brings. But it is not working for everyone. Unfortunately, the way the credit is currently structured, it is not helping all adoptive families, just some. Let me show you why.

As you can see, I have pictures of three children here, all of whom were adopted. The first Elena, a child from Guatemala, who was adopted when she was one year old. She has no known health conditions. This second child is Jack, a little boy from the United States, who was given up for adoption when he was born. Jack was immediately placed through a private adoption agency. Jack also has no known health conditions.

And this is Serina, a little girl, also from the United States who was also recently adopted. Serina was taken into foster care immediately upon her birth. She was born with prenatal cocaine addiction. She is small, in a wheelchair, and has difficulty seeing and hearing. She suffers from Cerebral Palsy, as well as multiple other problems.

As I mentioned, these two children, Elena and Jack, are relatively healthy. The third child, Serina, has multiple challenges. Under our current system, one would think all of these children and their families would deserve some help with adoption. But right now under our system, Elena and Jack have received help. Elena's parents received $9,786, while Jack's family claimed $5,890. Serina's parents, on the other hand, received nothing.

Under the current tax code, only expenses which are incurred in the act of adoption are eligible. Although adopting Serina meant that her adoptive parents had to renovate their car and make their home wheelchair accessible, such costs are not "qualified adoption expenses."

As I mentioned, the difficulty lies in the tax code. One can be reimbursed for expenses related to the adoption. But, as is widely known in the adoption community, when you adopt a special needs child, perhaps one who is not physically handicapped, or one who has emotional or mental difficulties or has been in foster care, there are little or no expenses related to the active adoption.

Serina is a special needs child, just like the 100,000 special needs children who are freed for adoption in the United States and yet are still waiting for a home. These are all children like Serina, waiting for a family to love and care for them. We want that adoption tax credit to work for these children, as well. The Department of Treasury estimates that, not including step parents, there were 77,000 adoptions in 1998, 31,000 of which were special needs. That is almost half.

Therefore, under our current system, the very children and families we are trying to help, encourage, and reward for opening up their homes and hearts to these children are actually being left out.

Here is a report to Congress from our own Department of Treasury, a report we received just in the last week. I brought this to the attention of our ranking member on the Finance Committee, Senator MOYNIHAN. This has also been transmitted to Chairman ROTH from Delaware, to help my colleagues understand that, according to this report, special needs children are being left out. I know that in the final days of the session, negotiators have been trying to reach a final agreement on a tax package. However, I am told that, while this package does include a provision to extend the non-special needs tax credit for two additional years, it does not include any relief for special needs children.

I know some people might say: Senator LANDRIEU is not right. She couldn't possibly be right. This can not be happening. We are not giving a tax credit for healthy kids and no tax credit for special needs kids.

That wasn't our intention. At least I believe it wasn't our intention.

Let me conclude by saying, when people stand up on this floor, or in Philadelphia, or in California, giving speeches all over America, and say they don't want to leave children behind, that "no child will be left behind", we are about to leave 100,000 children behind, because we will not take the time and the energy to fix this adoption tax credit. Children such as Serina, children in my State and a number of others, all of these beautiful children from different States—these are the kids who are about to be left behind.

If I have to come to this floor every day until we are finished—and Lord only knows how long we will be here—I will continue to do so, to speak for the children who are being left behind. We can fix the tax credit; it costs very little to fix it. If we are truly a body which vows to leave no child behind, then we must do something to help both special needs and non special needs children.

Mr. President, I will come to the floor every day if necessary to ensure that these children are not left behind.

I thank the Chair. I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, how much time remains under my 30 minutes?

The PRESIDING OFFICER. Twenty-one minutes 10 seconds.

FISCAL POLICY

Mr. GRAHAM. Mr. President, I yield myself such time as is necessary.

For the last several weeks, I have been raising concerns about the direction of our fiscal policy. Today, we reach a historic moment. Many were here in the 1980's and 1990's when the Federal Government, through annual deficits, acquired a record national debt of almost $5.5 trillion. In 1992, we reached the peak of this when we had a 1-year deficit of in excess of $290 billion.

In the 1990s, we took a number of steps to try to rectify this situation and to mitigate this constant increase in the national debt.

A key part of that process occurred in 1997. In 1997, we set spending limits for ourselves, including spending limits on the discretionary accounts of the Federal Government such as the account that we are dealing with today. We promised ourselves and the public that for every tax dollar cut there would be $1 less spent, and vice versa. That is the way in which a family would approach having to restrain its budget in order to come into line with its income. It would buy the holiday gifts that it could afford but not necessarily the ones that everyone in the family wants because for those family budgets there are some very real caps.

But, for Congress, the commitment to realistic budget and fiscal responsibility was a novel, even a radical idea. We had not even thought about it that much in the preceding 20 or 30 years. Apparently, it was so radical that it was too much to ask. It is almost as if this Halloween season we have all turned into Dr. Jekyll and Mr. Hyde. On the campaign trail we put on one costume; that is, the costume of our better selves where we boast about the courage and foresight it took to balance the budget. We talk about all the good things we are going to do, whether it is saving Social Security, providing a prescription drug benefit for Medicare, cutting taxes, or adding spending in other favorable programs. Then we return to Congress and we take off our mask. We begin grabbing for what we can get, a few billion here, a few billion there, regardless of the long-term consequences.

We have doled out treats to line our political pockets while we are playing a trick on the American public. That trick is that we are sleepwalking through the surplus. We are about to deny ourselves and future generations one of the greatest opportunities that we have had in American political and economic history: to use this enormous period of prosperity to deal with some of those long-term issues that will affect, not just ourselves, but future generations.

But as we vote to set the deficit monster free, we make the promise that this is only for this year. We are not really going to let him out of the cage; we are just going to open the door a bit and let him sniff some of the desirable consequences of profligate spending. This year we tell the American public this is our chance to celebrate this American prosperity. Next year we will cut the monster down to size, put him back in his cage, and no long-term harm will have been done. But the truth is for our children and our grandchildren this could be a very scary Halloween.

My friends, are we really so humble as to believe that what we do today will not resonate through future years? I personally find it hard to believe that this will be just a 1-year exception to a constancy of fiscal discipline.

In 1997, we planned for the future because we knew that what we did with the taxpayers' dollars would have real consequences. They are having real consequences.

I ask unanimous consent that a copy of the Washington Post article aptly entitled "Binges Becoming Regular Budget Fare" be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, this story chronicles the crumbling of our wall of fiscal resolve in the face of a behemoth of appropriations bills. The bill we have before us, the foreign operations bill, carries a $14.9 billion price tag.

It has been stated that this bill is actually lower than the bill that we passed last year. If I am in error—and it is very difficult to respond since we have only in the last few hours gotten a copy of a multipage bill, but as I read through the bill, it is my analysis that in calculating last year's $15.5 billion expenditure, we have included an almost $2 billion item, the Wye Plantation commitments for the Middle Eastern peace, which are nonrecurring. So if you are comparing apples to apples, those things that we spent money on last year and those things we are going to spend money on this year, actually last year's comparable appropriation for foreign operations was closer to $13.5 billion. So instead of the $14.9 billion being a reduction, it actually represents approximately a 10-percent increase over the spending that we had on this same account last year, a 10-percent increase, while we are operating under the rule that we are only supposed to spend the rate of inflation, which is 3.5 percent, as an increase from 1 year's budget to the next.

But that is not what is the true monster in this bill. The true monster in this bill is stuck into the appropriations language, which for us on the floor is printed in the CONGRESSIONAL RECORD, since we do not have a copy of the actual bill and conference report. It is specifically stuck on page H10776, nestled in between a provision that relates to gifts to the United States for reduction of the public debt—and I am glad to know that we get some gifts to reduce the public debt—and a provision that provides debt relief for heavily indebted poor countries. It may be appropriate that this language I am about to quote is inserted in between those two provisions.

In section 701(a), this language appears:

> Section 251 (c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 . . . is amended by striking subparagraph (A) and inserting the following:
>
> "(A) for discretionary category: $637,000,000,000 in new budget authority and $612,695,000,000 in outlays;".

That might seem fairly unexciting, but let me tell you what we are preparing to do. In that Balanced Budget Act of 1997, we provided a spending limit for discretionary accounts for each of the future years. For the fiscal year 2001, the year for which we are now appropriating, the spending limit was established at $542 billion. The legislation we are about to vote upon will increase that figure from $542 billion to $637 billion, a 17.5-percent increase in the allowable expenditure in this 1 year alone. That is the scale of the monster that we are about to let out of the cage by adopting this legislation.

This figure will put far more than a dent in the surplus that we promised. It will put a massive hole in our budget projections. The fact is, by the time we are done, Social Security is more likely to be floundering midstream without a life vest than to be in a secure lockbox on dry land. Instead of fiscal responsibility, we are now practicing fiscal myopia. We are honing in on the magic number, a $4.6 trillion surplus over the next 10 years. However, what we are forgetting to completely level with the American people about is that that $4.6 trillion is predicated on the assumption we are only going to spend $542 billion this year. We are about to authorize a number that is almost $100 billion larger.

The forecasters of the Congressional Budget Office do not have a crystal ball. They can only see the future the way we look at it and the degree of confidence they place in our actions. The CBO numbers, upon which the $4.6 trillion surplus is predicated, are based on those commitments made in 1997.

This appropriations bill demonstrates that we are not committed to those commitments of 1997. The surplus projections assume that discretionary spending increases each year would be restrained to the rate of inflation. We are about to completely abandon that facade.

What are we about to do as we go into this new reckless era? The best case scenario—and we can assume under that that we will, indeed, be able to increase discretionary spending for the future only by the rate of inflation, that this is just a 1-year aberration through which we are living; that Halloween is going to be repealed for future years—if we have that best case scenario, we can anticipate that our surplus will sink by about $100 billion over the next 10 years—$100 billion less than the projections.

I do not think that is a credible scenario. I do not believe there is any reason to believe that what we are doing today is exceptional. Rather, what we are doing today is going to be precedential for the future. And assume that it is precedential. The discretionary spending each year increases by the same rate that we are increasing it this year; that is, approximately 9 percent, or 5.5 percent more than the rate of inflation.

If we act in each of the next 10 years with the same abandon that we do this year, we will spend the entire 10-year projected surplus on this increased spending. There will be no money to strengthen Social Security. There will be no money to finance a tax cut. There will be no money to provide for prescription drugs through Medicare. In fact, spending at this rate will not only eliminate all of those potentials, but Congress will be forced to dip into the Social Security surplus, that thing which it has committed it would never ever do, by $400 billion over 10 years.

So we are making some very serious decisions as we pass this appropriations bill with its enormous increase in the limitation on discretionary spending.

Save Social Security, indeed. Could it be that when we talked about saving Social Security, we really meant preserving it as a museum piece so we could talk to our grandchildren about what it used to be like? We will tell them that back when we were young, the Government actually sent you money when you grew older and deserved a rest. But if discretionary spending will dent the surplus, the direction we are taking on mandatory spending will virtually hollow it out.

Our lack of fiscal discipline is not only to be found in the appropriations bill but also in the creation of new entitlements. We have already passed the Defense Department authorization bill that changes the health benefits as a new entitlement and will reduce the surplus by $60 billion over the next 10 years.

We are poised to approve give-backs to Medicare providers that will cost another estimated $75 to $80 billion of our surplus over the next 10 years.

Another $260 billion disappears if we pass a tax bill, which it is rumored that it is about to be presented to us by our colleagues from across the hall in the House of Representatives.

So when you add up all of this laundry list, you will find that we have reduced our surplus to another return to deficits.

It is very easy to add up these numbers and simply say it is too much, but I am well aware that much of the spending is for worthy causes, many of which I myself support. But what these individual pieces of legislation do not add up to is a solid plan for the future. What they do not add up to is the requirement that we make choices, that we set priorities, that we decide which of all of these good things is most important, and that we have the discipline to stick to those priorities.

I ask again, whatever happened to "Save Social Security first"?

Can we really say we have done anything to shore up the Medicare system which is desperately in need of an infusion if it is to remain viable for today's seniors, their children, and grandchildren?

Are we ever going to be able to pay down the debt?

Our colleagues in the House have suggested that 90 percent of the surplus for this year go to debt reduction. That proposal was for this year only, for fiscal year 2001, however, because they cannot do it over the next 10 years. Ten percent of the surplus would be $456 billion. Congress may very well enact legislation in the next few years that will exceed that amount by in excess of $100 billion.

We have already committed ourselves to more spending than the House of Representatives pledge would require using 90 percent of the surplus to pay down the national debt.

Mr. President, $100 billion is more money than most Americans can ever conceive of.

In a few short months, history will move forward again and we will gather together in the Chamber of the House of Representatives to greet a newly elected President to hear his first State of the Union Address.

By almost any measure, the state of our Union is strong. Our economy is the envy of the world. Incomes are up. Unemployment is down. Home ownership is up. Inflation is low. Mortgage rates remain modest.

As we await a new President, and the first State of the Union Address from that new President—the first new President elected in the 21st century—I am reminded of the historic State of the Union speech delivered by President Clinton at the beginning of 1998.

To provide context from that time, we, as a nation, were on the verge of shifting from annual deficits to a hope for a promised projected surplus. We were looking at a prospect we had not faced in years: What do we do with a possible surplus?

In his 1998 State of the Union Address, President Clinton answered that question. If I could quote from his eloquent words of that evening:

> For three decades, six Presidents have come before you to warn of the damage deficits pose to our nation. Tonight, I come before you to announce that the federal deficit—once so incomprehensibly large that it had eleven zeros—will be, simply, zero.
>
> If we balance the budget for the next year, it is projected that we'll then have a sizable surplus in the years that immediately follow. What should we do with this projected surplus?
>
> I have a simple, four-word answer: Save Social Security first.

Mr. President, that simple four-word answer, "Save Social Security first," brought all of us to our feet in January of 1998. And, Mr. President at 1600 Pennsylvania Avenue, your greatest legacy will be the restoration of fiscal discipline here in Washington.

Mr. President, you are being challenged as to the fidelity and sustainability of that commitment to fiscal discipline. We should now resist the temptation to allow the deficit monster to escape from the cage again.

We should give to President Clinton the rightful recognition for reversing decades of rampant borrowing and, as a result of that courage, producing sustained national prosperity and the potential for even more prosperity.

But, Mr. President, at the end of your administration, we need you to remain true to the principles that have produced this legacy. If we in the Congress are unable to exercise fiscal discipline, we will have to turn to you to provide us with the necessary restraints.

We are talking here about our children and our grandchildren. Are we again going to return to the days when we expect them to pay our bills or are we going to accept the responsibility that virtually every generation of Americans—but for those who have lived in the last 30 years—were prepared to accept? And that is that we would—each generation, each year—pay our bills and not ask future generations to do so. That is the fundamental issue we face with this appropriations bill. Because I believe it fails to meet that test, I will vote no.

Thank you, Mr. President.

EXHIBIT 1

[From the Washington Post, Oct. 25, 2000]

BINGES BECOMING REGULAR BUDGET FARE

(By Eric Pianin)

Rules created more than two decades ago to impose fiscal restraint on Congress have broken down, helping fuel a year-end spending spree that is resulting in billions of extra dollars for highways and bridges, water projects, emergency farm aid, school construction and scores of other projects.

Many budget hawks have derided the binge as a typical election year "porkfest." But key lawmakers and experts on federal budgeting say another less visible problem is that the law aimed at reining in such spending has been effectively gutted by the congressional leadership.

In particular, lawmakers are increasingly ignoring the annual congressional budge resolution, the document that is supposed to guide spending and tax decisions in the House and Senate every year. In years past, lawmakers might miss their budget targets by a few billion dollars, but now they are busting the budget by as much as $50 billion a year.

This year's budget resolution, for instance, called for about $600 billion in spending this fiscal year on defense, health, education and other non-entitlement programs. When Congress and the White House finally complete their negotiations, probably this week, the total will be $640 billion or more.

One reason, lawmakers say, is that the GOP congressional leadership has adopted—largely for political reasons—unrealistic budgets that understate the amount of spending members want. Another is that the emergence of big surpluses has made Congress much less vigilant bout living within its means—and more prone to make up the rules as it goes along.

"I think the budget process has been destroyed and I think, unfortunately, Republicans have been heavily numbered among the assassins," said Sen. PHIL GRAMM (R-Tex.), a veteran of budget skirmishes. "I think we've made a mockery of the process and it will be very difficult to revive it."

Stanley Collender, a prominent expert on federal spending, added: "What we're seeing is budget decision-making by the seat of their pants."

Collender and other experts say the increased spending being approved by Congress could begin to cut into projected surpluses, leaving less for the spending and tax cut initiatives proposed by Vice President Gore and Texas Gov. George W. Bush. Outside of the Social Security program, analysts have projected the federal government will run a $2.2 trillion surplus over the next decade. But the Concord Coalition, a bipartisan budget watchdog group, estimates that the forecast surpluses are likely to shrink by two-thirds, to about $172 billion, if congressional spending patterns persist.

Congress is on track to boost non-defense discretionary spending by 5.2 percent above the rate of inflation during fiscal 2001—the sharpest spending increase of its type in 25 years—according to a new analysis by Democrats on the House Budget Committee.

The decision to ignore the budget resolution is only one sign of a general brreakdown of fiscal discipline on Capitol Hill, according to fiscal experts. Congress and the Clinton administration are also ignoring spending caps both agreed to as part of the 1997 legislation to balance the federal budget.

Congress's enthusiasm for real budget constraints began to wane almost as soon as deficits gave way to surpluses beginning three years ago. Until then, the specter of towering annual deficits of as much as $290 billion had fostered a series of hardnosed policies, including a 1990 budget deal that for the first time imposed caps on spending and required Congress to offset tax cuts by reducing spending or raising other revenue.

The emergence of surpluses has left it to lawmakers to produce budget plans that would impose spending discipline with an eye to the time when Medicare and Social Security will begin to run short of money. But that has not happened.

In the politically charged environment of Capitol Hill, the House and Senate budget committees in recent years produced plans that budget experts say were more GOP political manifestors than practical blueprints. The problem came to a head in 1998, when House Budget Committee Chairman John R. Kasich (Ohio), then a Republican presidential aspirant, produced a House budget resolution so top-heavy with tax cuts and tough on domestic spending that he could not sell it to Senate Republicans or the White House.

For the first time in nearly 25 years, Congress completed that year without a budget. The following year Republicans managed to agree among themselves on a budget, but the document was largely ignored by GOP leaders when they negotiated a final spending agreement with the White House.

This year's plan was somewhat more pragmatic, but even so it called for $150 billion of tax cuts—about twice what Congress will finally settle for—and spending cuts in many areas that GOP members of the appropriations committees refused to accept.

Some of the additional funding this year will go for emergencies, such as restoration of western forest lands hit by fires last summer and security problems at the national nuclear laboratory at Los Alamos, NM. But much of the additional money will go to satisfy the election year demands of Clinton and special projects sought by GOP and Democratic lawmakers—ranging from $2 billion for extra highway and bridge projects to $5 million for an insect-rearing facility in Stoneville, Miss.

"The budget process can only do what the political will can support," said G. William Hoagland, the Republican staff director of the Senate Budget Committee. "I would argue that, if anything, what this year shows is that you need a [tough] budget process even more in times of surpluses than in times of deficits."

Another phenomenon in recent years has been a growing propensity on the part of congressional leaders to overrule key committees—even in promoting big policy changes. Last year, for example, Republican leaders waited until late in the year to unveil details of a plan to wall off the Social Security surplus from the rest of the budget. They returned from this year's August recess with a new idea for using nine-tenths of next year's surplus for debt reduction.

While both proposals, arguably, will help to impose some limitations on spending, they were presented without any meaningful debate or review by the committees with jurisdiction. House Majority Leader Richard K. Armey (R–Tex.) defended the practice, noting that "the leadership can't have any idea that holds water unless the [GOP] conference holds it with them."

BUSTING THE BUDGET

[Dollars in billions]

Fiscal year	Budget resolution	Actual spending	Excess spending
1997	$528	$538	$10
1998	531	533	2
1999	533	583	50
2000	540	587	47
2001	600	[1] 640	40

[1] Estimate.

Source: Senate Budget Committee.

THE CUBAN TRANSITION PROJECT

Mr. MACK. Mr. President, I would like to engage Senator McCONNELL, Chairman of the Foreign Operations Appropriations Subcommittee in a colloquy regarding an important project addressed in both the Senate and House Committee Reports. This project is the Cuban Transition Project located in Miami, FL.

Mr. McCONNELL. I would be pleased to engage in such a colloquy.

Mr. MACK. Mr. President, my purpose for entering into this colloquy is to seek clarification from the Chairman regarding the Conferees' intent to support the Cuban Transition Project. The House Committee Report states that it supports $3.5 million be provided through USAID for this important initiative to provide policy makers, analysts and others with accurate information and practical policy recommendations that will be needed over a multi-year basis to assist this country in preparation for our next stage of interaction with the Cuban community and nation. The Senate Committee Report similarly supported this project, and it is my understanding that you support this project and intend that it receive support from USAID.

Mr. McCONNELL. That is correct. Support for the Cuban Transition Project was clearly stated in both the House and Senate Reports, and it is the Committee's intention that the project be supported by USAID as indicated. This project is envisioned as a critical component as we prepare ourselves for dealing with Cuban issues in the future. It is our intent that the Cuban Transition Project receive funding this year.

Mr. MACK. I thank the Chairman for reiterating his support and clarifying the intent of the subcommittee. This project has the strong support of the Chairman of the House International Relations Committee, and I know that this committee will also be expressing support to the agency. I would like to ask if you will be willing to further advise the Agency formally of your position on this matter.

Mr. McCONNELL. Mr. President, the subcommittee will further clarify this matter with USAID and I would be happy to work further on any concerns that my colleague from Florida may have.

Mr. MACK. I thank the Chairman for his comments.

POLIO ERADICATION

Mr. HARKIN. Mr. President, I would like to engage in a colloquy with Senator LEAHY, ranking member of the Foreign Operations Appropriations Subcommittee. It is my understanding that the Senate Appropriations Committee report recommended $30 million for the global polio eradication campaign at USAID and the House recommended $25 million. It is also my understanding that the Child Survival and Disease Programs Fund received a $248 million increase for Fiscal 2001 and that there are sufficient funds for the USAID to provide the $30 million for global polio eradication, am I correct?

Mr. LEAHY. Yes, we have provided sufficient funds to fund polio eradication at the Senate level of $30 million.

Mr. HARKIN. Will the Senator work with me to ensure that the current USAID Administrator and the Administrator in the new administration provides $30 million for global polio eradication for fiscal 2001?

Mr. LEAHY. Yes, I would be happy to work for the Senator.

Mr. HARKIN. Thank you, Senator LEAHY for your commitment and leadership on this issue.

MICRONUTRIENT FUNDING

Ms. MIKULSKI. Mr. President, I wonder if the distinguished ranking member of the Foreign Operations Subcommittee. Senator LEAHY would engage in a brief colloquy about funding for USAID programs in micronutrients?

Mr. LEAHY. I would be delighted to do so with the distinguished Senator from Maryland, a member of the subcommittee.

Ms. MILKULSKI. It is my understanding that the conference report currently under consideration makes no reference to micronutrient programs funded through the Child Survival and Disease Programs Fund. However, the Senate provided $30 million for this activity in its version of H.R. 4811, while the House provided $25 million. Given that the conference report before the Senate provides $963 million for child survival and disease prevention activities, an increase of almost $250 million that I strongly support, I was wondering if the Ranking Member would join me in working to obtain the Senate level of $30 million for micronutrient programs.

Mr. LEAHY. I would be happy to. As the Senator has correctly pointed out, the conference report includes a significant increase for child survival activities at USAID. AID is strongly encouraged to dedicate more recourses to the micronutrient programs.

Ms. MIKULSKI. I thank my colleague.

Mr. FEINGOLD. Mr. President, I rise to comment on the conference report on the Foreign Operations Appropriations bill.

I reluctantly voted against that conference report, because it contained a provision dramatically increasing the budget caps, effectively throwing fiscal discipline to the wind.

But I want to go on record indicating that, if the amendment busting the budget caps had not been included in the bill, my vote would have been an enthusiastic yes. Substantively, this is a remarkably good bill, and I commend the managers, Chairman McCONNELL and the ranking member, Senator LEAHY, as well as Chairman Callahan and Congresswoman PELOSI for their excellent work.

An unprecedented commitment to fighting HIV/AIDS abroad and full funding of the Administration's request for debt relief initiatives are among the many laudable provisions in the bill that complement this year's authorizing work of the Senate Foreign Relations Committee.

The conference report contains significant assistance for important family planning work, which can help to bring better health and economic development to families and especially to women around the world. Moreover, I am pleased to see that the bill does not contain restrictive, so-called "Mexico City" language designed to limit what private organizations can do with funds raised from non-U.S. government sources.

During the debate on the Senate's version of this bill earlier this year, I asked for, and received, the commitment of Senators McCONNELL and

LEAHY to pursue full funding for flood recovery assistance in Mozambique and southern Africa, a region of the world utterly devastated by a series of cyclones earlier this year. This was especially tragic, because prior to the flooding, Mozambique had been making progress toward climbing out of poverty, enjoying economic growth rates of 10 percent per year. I want to thank both Senators for keeping their word. This conference report contains $135 million in flood recovery assistance for the region. This is the right thing to do.

I took a particular interest in the southern Africa issue, in part because I serve as the ranking member of the Senate Foreign Relations Committee's Subcommittee on African Affairs. In that same capacity, I have joined with a number of my colleagues on both sides of the aisle to insist that the Administration make accountability a top priority in the context of our policy towards Sierra Leone. I am gratified to note that the statement of the managers accompanying the conference report includes language urging the State Department to provide support for the Special War Crimes Court for Sierra Leone. The support of the Foreign Operations Appropriations Subcommittee for this key Congressional priority in West Africa should not be overlooked.

In another area of interest, I note that the conference report retains language suspending certain types of military and security assistance to Indonesia until a set of conditions relating to the disarmament and disbanding of militia forces and accountability for gross human rights abuses have been met. At the same time, it maintains an appropriate level of assistance for the people of East Timor, who are seeking to rebuild their communities and to fully realize their independence each day.

Finally, the conference report provides strong support for the Peace Corps and for important development assistance accounts which, when responsibly administered and monitored, can serve U.S. interests in building a more stable, prosperous, and democratic world.

All of these sound provisions make it all the more unfortunate that the bill has been tainted with the budget-busting amendment, so that my vote would have been an accurate reflection of my support for this bill. Too often in the past, the Congress has failed to understand the critical link between U.S. engagement with the rest of the world and our national interests—our security, our health, our economic stability, and even our national values. This bill recognizes those links and moves in the right direction. It's a shame that a bill that makes such sensible policy choices, so casually busts the budget caps that we rely upon to ensure fiscal responsibility.

Mr. McCAIN. Mr. President, I rise in opposition to the Conference Report for Foreign Operations Appropriations for Fiscal Year 2001.

The bill before us includes much that is good; in fact, it includes much that is important for our national security. For example, with the Middle East experiencing a level of turmoil not witnessed since the 1973 Yom Kippur War, the assistance in this bill for Israel and for other friends and allies in the region constitutes an essential component of our policy there. Vital humanitarian assistance programs are funded, including debt relief for especially poor countries.

However, I cannot support this conference report because it raises fiscal year 2001 discretionary spending caps to $637 billion from the $600 billion that was provided for in the budget resolution passed in April. Assuming that will be the new total amount of spending allowed, that would be nearly $40 billion more than the budget resolution, $13 billion more than what the President requested, and $50 billion more than what was spent in fiscal year 2000.

In addition, there remains the usual plethora of parochially-driven spending directives. While the bill appears to avoid legally restrictive earmarks, the effect of numerous provisions intended to do precisely that: direct funds where Members of Congress want them to go, usually for parochial reasons. I will be submitting a list of such items for the RECORD.

The decision to vote against this bill, irrespective of the usual pork-barrel provisions, however, was difficult. I recognize the importance of aid to Israel during this crucial period in its history, and I agree with the imperative of relieving the poorest countries of the burden of their international debts. The fiscal irresponsibility of Section 701 of this bill adjusting the spending caps upward to accommodate greater levels of pork barrel spending is too much to ignore. I'm not ignoring it, Mr. President. I oppose passage of this bill because I abhor the continuing disregard for fiscal responsibility it represents. And I abhor the cynicism illuminated by a decision to attach such fiscally irresponsible language to a spending bill so important to our national security.

Mr. President, I ask unanimous consent to print in the RECORD earmarks, Member-adds, and directive language.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 2001—EARMARKS, MEMBER-ADDS, AND DIRECTIVE LANGUAGE

International Fertilizer Development Center: $4 million;

United States Telecommunications Training Institute: $500,000;

National Albanian American Council training program: $1.3 million;

Section 536 Impact on Jobs in the United States: restrictive language intended to curtail trade that adversely affects employment in the United States;

Section 545 Purchase of American-Made Equipment and Products: Requires the Secretary of the Treasury to report to Congress on efforts by heads of Federal agencies to ensure that directors of international financial institutions make full use of American commodities, products and services;

Kiwanis/UNICEF Iodine Deficiency Program: $5 million;

University of California, San Fransisco: $500,000 to develop detailed epidemiological HIV/AIDS profiles for priority countries;

Gorgas Memorial Institute, University of Alabama: AID is "urged" to work closely with the institute, drawing from the $60 million alloted to address global health threat from tuberculosis;

Notre Dame's Vector Biology Laboratory Tulane University's Department of Tropical Medicine: AID is "urged" to direct $2 million to these institutes to establish Centers of Excellence for malaria research;

Carelift International: AID is "urged" to direct $7 million to Carelift International;

University of Missouri-St. Louis International Laboratory for Tropical Agriculture biotechnology program: AID is "urged" to allocate $1 million;

University of California, Davis: AID is "urged" to allocate $1 million for the university to train foreign scientists;

Tuskegee University, Alabama: AID is "urged" to allocate $1 million to establish a Center to Promote Biotechnology in International Agriculture at Tuskegee University;

Marquette University, Wisconsin: AID is urged to allocate a sum of money similar to that received under this bill as other universities to the Les Aspin Center for Government;

United States Telecommunications Training Institute: $500,000 "should" be made available for the institute;

Habitat for Humanity International: Department of State is urged to coordinate with AID to ensure the program receives $1.5 million;

Foundation for Environmental Security and Sustainability: AID is "urged" to allocate $2.5 million to support environmental threat assessments with interdisciplinary experts and academicians;

Alfalit International: earmarks $1.5 million to combat adult illiteracy;

University of San Fransisco: earmarks $1 million for the Center for Latin American Trade Expansion to assist in the development of trade promotion initiatives;

Patrick Leahy War Victims Fund: earmarks $12 million;

American Center for Oriental Research: DoS and AID are "urged" to allocate $2 million for the center, headquartered in Amman, Jordan, with operations in Boston, MA;

Dartmouth Medical School: AID is "urged" to allocate $750,000 for a joint program with the University of Pristina to help restore educational programs;

Florida State University: AID is "urged" to allocate $2 million for a distance learning program;

Synchrotron Light Source Particle Accelerator project (SESAME): "the managers intend that $15 million of the funds made available for Armenia should support this or a comparable project." Berkeley, California, partnership;

University of South Alabama: $1 million to study the environmental causes of birth defects in Ukraine;

Ohio Center for Economic Initiatives National Telephone Cooperative Association, Arlington, VA: $3.2 million for industrial sector management tours;

University of Alaska/Alaska Pacific University/Alaska Native regional governments (North Slope Borough and Northwest Arctic Borough): $20 million for the activities of these institutions in the Russian Far East;

World Council of Hellenes/United States-Russia Investment Fund: allocates an unspecified sum to the World Council of Hellenes and the United States-Russia Investment Fund to support the Primary Healthcare Initiative in Ukraine, Georgia, and Russia;

Notre Dame University: The Department of State is directed to support the university's program of human rights, democracy, and conflict resolution training in Colombia;

Naval Post-Graduate School, Monterey, California: DoS and AID are "urged" to allocate $150,000 for development of a peacekeeping initiative at the school:

Jamestown Foundation: $1 million to disseminate information and support research about China.

Mr. BIDEN. Mr. President, in June of this year I expressed my displeasure with the foreign operations appropriations bill when it came to the floor of the Senate. The overall funding level was too low, security assistant accounts were unfunded, burdensome conditions were placed on contributions to international organizations and an inadequate appropriation was made for debt relief.

I'm pleased to find that the conference report has corrected some of these problems in a very satisfactory way. Appropriators have done the right thing on debt relief, by fully funding the amounts requested. As the wealthiest nation in the world, there is no excuse for us ignoring the plight of the world's poorest countries which are laboring under an untenable debt burden.

I'm also relieved to see that the overall funding level of the bill comes far closer to the administration's request than the bill that the Senate passed in June. That bill, to my dismay, was $1.7 billion short of what was asked for. The conference report is a vast improvement. It is still some $200 million below what the executive branch has projected that it will need to undertake foreign operations. Obviously this is quite a large sum and there is a very serious need for Congress to reverse the trend of undercutting State Department and Agency for International Development programs. However the conference report brings the money requested and the money appropriated substantially closer.

The bill contains a provision for assistance to Serbia with which I am in agreement. To unilaterally lift sanctions, or to open up the aid spigot fully would be both premature and naive. The United States should adopt the more measured response reflected in this provision. The language in the conference report sends the right message that we must condition our aid to the new regime in Serbia until it has clearly demonstrated that it will cooperate with the Hague War Crimes Tribunal, respect the independence of Bosnia and Herzegovina and not undermine the Dayton Accords, and that it will unequivocally renounce the use of force in Kosovo and take steps to implement policies that reflect a respect for minorities and rule of law.

Finally Mr. President, let me say that I am also relieved to see that the level of funding dedicated to the Nonproliferation, Anti-terrorism, De-mining and Related Programs (NADR) has been increased substantially. The amount is almost $100 million more than the level in the Senate passed bill, and slightly higher than the President's request. Although I would like to see more resources dedicated to the International Science and Technology Centers program, I welcome the plus up in the larger account. These programs are a crucial element in our strategy to halt the spread of nuclear weapons, and combat terrorism.

One NADR account that received more than the amount requested was export control assistance, and I truly applaud that. The assistance that we give to other countries in developing export control laws, regulations, and enforcement is absolutely crucial from the non-proliferation standpoint, and it can also help combat international terrorism. As we plus up that program, however, we must remember to provide the personnel to implement it. Many of those personnel are in the Department of Commerce, and more are needed. Unless appropriators provide elsewhere the requested 7 additional personnel (which translates into 5 additional FTE in Fiscal Year 2001) for the Bureau of Export Administration, the additional funds that we make available in this bill simply will not be implemented as effectively as we would wish.

Mr. DODD. Mr. President, I rise today in support of the Foreign Operations Appropriations Conference report. It has taken some time to reach an agreement satisfactory to all interested parties, but I believe that the bill before us goes a long way toward advancing American interests abroad. Furthermore, this bill contains important provisions to help poor and vulnerable world citizens.

First of all, I am especially pleased that appropriators have agreed to fully fund the President's debt relief package for third world countries, and that language has been included to allow the International Monetary Fund to release $800 million from the sale of gold reserves so that the interest earned on the proceeds can be put to work providing debt forgiveness to heavily indebted poor nations in Africa and parts of Latin America. The burden of external debt has become a major impediment to economic development and poverty reduction in many of the world's poorest countries—a reality I have witnessed first-hand throughout my travels in Latin America. Until recently, the United States government and other creditors sought to address this problem by rescheduling loans, and in some cases, providing limited debt reduction. Despite such efforts, the cumulative debt of many of the poorest countries has continued to grow beyond their ability to repay, and thus, developing economies are struggling. And, even worse, it is the most vulnerable citizens in these fledgling democracies that are suffering from this debt. When already poor governments are investing vast amounts of their budgets in debt maintenance, little remains for social services for those most in need. As a result, women, children, and the poor end up suffering and living in want.

Throughout my tenure in the Senate, I have supported efforts to target assistance for programs designed to address the special needs and concerns of the poor, and I am grateful that we have had some success in this undertaking. United States assistance programs, together with other international aid efforts, have made basic human necessities available to many of those most in need. However, I believe that the debt reduction initiatives included in the Foreign Operations bill today build upon that success, and hope that they will dramatically increase the quality of life for citizens in indebted countries. We still have a long way to go to ensure that all people live free of hunger and want, but I think that today we are taking a dramatic leap forward toward that end.

I am also pleased with the increase in funding for children's health programs included in this bill. This conference report provides $963 million for child survival and disease programs, $413 million more than the administration requested. Besides providing funding of $110 million for UNICEF, this money will be used for immunization programs, prenatal care, polio eradication, combating illegal trafficking in women and children, and the establishment of orphanages for displaced children. My colleagues know of my deep commitment to child welfare both at home and abroad. Indeed, too often children are overlooked because they do not vote and have no voice in our political system. I am extremely happy that children's welfare programs have been so generously funded in this bill, and hope that this represents a trend that will continue in the years to come.

Finally, I would like to comment on the family planning provisions in the bill. I believe the problem of overpopulation is an extremely important issue and population stabilization is crucial to the well-being of the planet. Overpopulation threatens to exert tremendous social, ecological, medical, and economic hardship on much of the world, and we must take strong action to limit it.

For families living under the conditions that exist in many developing nations, family planning is critical. Without it, mothers have great difficulty spacing their births and limiting the number of children they bear and, as a result, they suffer the tremendous physical stress of repeated childbirth—often without the aid of physicians or midwives. Furthermore, women are not the only ones who suffer in these cases; their children suffer too. Children in large families find themselves competing for food with other siblings. As a result, they suffer from higher incidents of malnutrition and hunger.

Under the compromise included in the conference report, family planning groups abroad can finally use their own money to provide family planning services, although the restriction on federal funding of abortions continues. In addition, Congress has boosted the general funding available for international family planning from $370 million to $425 million which will be available for expenditure after February 15, 2001. By helping women avoid pregnancy before conception, this funding will help mothers in developing countries better plan their child rearing, and will reduce the number of abortions performed annually. Moreover, it will ensure that every child born is a wanted child and will reduce the number of children born to parents who do not have the resources to care for them.

I believe that this is a good bill. It helps those who need it most, and provides funding for our international priorities. It includes money to help end the devastation of AIDS in Africa, assists women, children, and the poor, and allows governments to finally get out of the shadow of crushing debt that both economic circumstance and mismanagement caused to be accrued. On balance, the programs funded in this appropriations bill advance America's foreign policy and national security interests. In short, it is good for the people of the world, and the people of America. When we invest pro-actively in global stability we encourage peace and commerce, and everybody wins. For these reasons, I will vote in favor of this bill and encourage my colleagues to do the same.

Mrs. MURRAY. Mr. President, I rise as a member of the Foreign Operations Appropriations Subcommittee to express my strong support for this conference report. I want to extend my congratulations to Senator LEAHY and Senator McCONNELL as this is clearly one of the best Foreign Operations bills produced in recent years.

This is a good bill which will advance U.S. interests on many fronts. This is a good bill for my constituents who are engaged in global affairs in everything from international trade to humanitarian relief efforts. This is always a tough bill to finish because it address several very controversial issues. Unlike years past, however, this bill is being widely praised by both parties and by the Administration. Again, that is a tribute to the leaders of our subcommittee who worked so hard to bridge very difficult issues.

Perhaps the most significant agreement within this bill is the commitment to fulfill U.S. obligations on debt relief. By providing the requested $435 million for debt relief, this Congress is sending a powerful message to the poorest countries in the world. The U.S. and the international community, by following through on debt relief to the world's poorest citizens, can give new hope to millions of people. I am proud to have supported this effort. And I am so proud of my constituents who embraced campaigns like Jubilee 2000 which made debt relief an issue no one could ignore.

I want to single out one gentleman in particular who touched so many of us here on Capitol Hill with his work. The Reverend David Duncombe from White Salmon, Washington was a heroic champion for debt relief. On two occasions in the last year, Reverend Duncombe staged hunger strikes here in Washington, D.C. to demonstrate the effects of starvation on the human body. Reverend Duncombe visited my office almost every Wednesday morning when he was in Washington, D.C. He stood before us all, day after day, in solidarity with the millions of people affected by this issue. Passage of debt relief is a genuine tribute to people like David Duncombe who rallied Americans to the debt relief cause all across our country. I'm proud Americans came together to ensure our foreign aid dollars will make a difference for poor citizens around the world.

I am strongly in support of this bill's increased funding for international family planning. This bill also repeals the global "Gag" order which has crippled our international family planning efforts in previous bills. We know that more and more women in the developing world are starting businesses and contributing to the economic health of families. These women want access to family planning programs and information to build strong, sustainable families. It is time to take our domestic political debate out of the international family planning appropriations process once and for all. International family planning programs help save the lives of women throughout the world. International family planning in a health issue and should be treated that way.

This bill is also strong in the area of export promotion. This bill provides more than $900 million to the Export-Import Bank of the United States which facilitates job creating exports from throughout our country. Other trade promotion entities like OPIC and TDA will receive increased funding under this bill as well. These programs are tangible, real proof that our foreign aid program generates jobs and economic opportunity for Americans.

There's so much more in this bill which will benefit America's interests. We continue our strong program of microcredit lending. Our commitment to UNICEF and important organizations like the Peace Corps continues with this bill. And we are providing increased funding to confront AIDS, tuberculosis and other health threats to the developing world. I am particularly supportive of the bill's $50 million contribution to the Global Alliance for Vaccines & Immunizations. The Foreign Operations Subcommittee has devoted much energy to the GAVI effort, and I encourage the Senate to continue its involvement in this promising program.

Our efforts to assist Russia and the former Soviet states as they continue to struggle with reform are key parts of this bill. Washington state is particularly interested in the Russian Far East. This bill funds democracy-building initiatives, economic transition and other programs for most regions of the former Soviet Union. It's frustrating work, but I support this assistance because it is important to our national interest. In other parts of the world, this bill funds human rights work, environmental protection programs, and other important democracy-building initiatives. From Burma to Serbia to Latin America, this bill works to advance America's interests in so many areas.

Mr. President, I urge my colleagues to support this important conference report.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

Mr. McCONNELL. Mr. President, does the Senator from Florida still have time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. GRAHAM. Mr. President, I yield back my 30 seconds.

Mr. McCONNELL. Is there any other time remaining under the agreement?

The PRESIDING OFFICER. The Senator from Kentucky has 5½ minutes.

Mr. McCONNELL. I yield back my time.

The PRESIDING OFFICER. Senator LEAHY has 9 minutes. Senator BYRD and Senator STEVENS have 5 minutes each remaining.

The Senator from Vermont.

Mr. LEAHY. Mr. President, earlier I had mentioned Robin Cleveland and Tim Rieser. I also want to thank Jennifer Chartrand and Billy Piper on the Republican side, who are always very helpful and did a superb job. On the Democratic side, Mark Lippert, who recently joined my staff from the Democratic Policy Committee, is mastering the Appropriations Committee process. I saw Jay Kimmitt on the floor earlier of the committee staff. Not only is he a good friend but a repository of all knowledge and the one to whom we can all turn when we need to know just how to get out of whatever mess we have stumbled into.

Mr. McCONNELL. Mr. President, I thank Tim Rieser and Mark Lippert, a representative of Senator LEAHY's staff, Jennifer Chartrand, and, of course, my longtime associate, Robin Cleveland, and Billy Piper as well, for their great work on this bill. I thank Senator LEAHY. It was good to work with him again this year.

Having said that, I understand there are 5 minutes that Senator STEVENS has reserved. I am told he is happy for me to yield that time back.

Mr. LEAHY. Mr. President, if the Senator will yield, I also yield back the time of the distinguished senior Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Let me also thank Jay Kimmitt, majority appropriations staff, for his outstanding work as well. With that, I believe we are ready.

Mr. President, I will propound a unanimous consent request before we go to the vote. I ask unanimous consent that the Senate now proceed to the vote regarding the foreign operations conference report, to be followed by 4 minutes of debate with closing remarks with respect to the pending Feingold amendment to S. 2508 and that vote immediately occur following those closing remarks, to be followed by a vote in relation to the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Therefore, Mr. President, there will be three back-to-back rollcall votes.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.—

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—65

Abraham
Baucus
Boxer
Brownback
Bunning
Campbell
Chafee, L.
Cochran
Collins
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Gorton
Grassley
Gregg
Hagel
Harkin
Hatch
Bennett
Biden
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Bingaman
Bond
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—27

Allard
Bayh
Breaux
Bryan
Byrd
Cleland
Conrad
Craig
Edwards
Enzi
Feingold
Fitzgerald
Graham
Gramm
Johnson
Kerrey
Kohl
Kyl
Landrieu
Lincoln
McCain
Miller
Robb
Sessions
Smith (NH)
Thomas
Voinovich

NOT VOTING—8

Akaka
Ashcroft
Burns
Feinstein
Frist
Grams
Helms
Lieberman

The conference report was agreed to.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2508.

Pending:

Campbell Amendment No. 4303, in the nature of a substitute.

Feingold Amendment No. 4326 (to Amendment No. 4303), to improve certain provisions of the bill.

Mr. CAMPBELL. I ask unanimous consent that Senator FEINGOLD and I have 2 minutes to address the Senate before the vote on the motion to table Feingold amendment No. 4326.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

AMENDMENT NO. 4326

Mr. FEINGOLD. My amendment is supported by the administration because it improves the bill. It actually makes the bill comply with Federal reclamation and environmental laws. It makes it clear that only the features of the latest version of the Animas-La Plata Project will be constructed, and the result of that, my colleagues, will be a better return for the taxpayers than the underlying measure. This is important.

The Ute and Navajo tribes will have their claims settled and paid for, even under my substitute, 100 percent by the Federal Government, but the nontribal water recipients will have to repay their share of the construction, fish and wildlife mitigation, and recreation costs. That kind of repayment is only fair. It is what other water users and other projects such as the California central valley and central Utah have to pay.

If my colleagues will look at the fact, this is not unprecedented. This is actually the way other water projects are handled now. The water users have to pay these fair costs. This amendment not only does not kill the bill, it just makes sure there is a fair opportunity for court review. The bill does not undercut; the non-Native American users actually pay their fair share.

Most importantly, this greatly expanded project that has now been scaled down to a reasonable level does not somehow get put back into this large wasteful project. It is both strong in terms of environmental concern and very strong in terms of the taxpayers.

I hope by supporting this, my colleagues, the Senator from Colorado could have this water project that he has worked on for so long, but that it be done in a responsible way which the administration supports.

Mr. CAMPBELL. Mr. President, I am joined by Senator BINGAMAN, Senator DOMENICI, and Senator ALLARD in asking the Senate to support our version of the Animas-La Plata water project by voting to table the Feingold amendment. In 2 minutes they will not have time to speak, but I believe I am speaking for them.

Our version of S. 2508 is truly bipartisan. By the way, it is not an expanded project. This is a much more reduced project. The Republican Governor and the Democratic attorney general of Colorado strongly oppose the Feingold amendment. By voting to table the Feingold amendment, we will leave intact a bipartisan version of S. 2508, supported by the administration, the States of Colorado and New Mexico, the Ute tribes of Colorado, the Navajo nation, and rural and municipal water users of southwest Colorado and northwest New Mexico.

In doing so, we will be saving the taxpayers over $400 million by downsizing the currently planned Animas-La Plata water project. If the Feingold amendment is not tabled, most of those entities will withdraw their crucial support for the historic compromise and it will be dead.

If the Feingold amendment is adopted and the compromise collapses, then our only option for satisfying the tribal water right claims will be to build the entire huge Animas-La Plata water project as authorized in 1968.

In addition to killing our bipartisan solution to a regional water conflict, the Feingold amendment unfairly singles out rural water users and small municipalities in both of our States to pay higher costs for their domestic water supplies than the residents of big cities such as Phoenix and Tucson that are served by the central Arizona and central Utah projects, which were also authorized in 1968 at the same time the Animas-La Plata Project was authorized.

As chairman of the Committee on Indian Affairs, the Feingold amendment sends the wrong message by penalizing a region for participating in historic water rights settlement. If the Feingold amendment is not tabled, there will only be losers because the Indians and non-Indians will be locked into needless and expensive litigation and taxpayers will have to pay the costs of litigation on both sides. Therefore, I ask my colleagues to join with me, along with Senators BINGAMAN, DOMENICI, and ALLARD, to support our bipartisan effort in voting to table the Feingold amendment.

I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I move to table the amendment of the Senator from Wisconsin, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 4326. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. GORTON) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—56

Abraham
Allard
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Campbell
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kerrey
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—34

Bayh
Biden
Boxer
Bryan
Byrd
Chafee, L.
Cleland
Collins
Dodd
Durbin
Edwards
Feingold
Fitzgerald
Graham
Harkin
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
McCain
Mikulski
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Wellstone
Wyden

NOT VOTING—10

Akaka
Ashcroft
Burns
Feinstein
Frist
Gorton
Grams
Helms
Lieberman
Roth

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Campbell substitute.

Without objection, the Campbell substitute is agreed to.

The amendment (No. 4303) was agreed to.

Mr. HATCH. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. GORTON) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 5, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—85

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—5

Boxer
Chafee, L.
Durbin
Feingold
Lautenberg

NOT VOTING—10

Akaka
Ashcroft
Burns
Feinstein
Frist
Gorton
Grams
Helms
Lieberman
Roth

The bill (S. 2508), as amended, was passed.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President. I rise today to congratulate my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, on the passage of S. 2508, the Colorado Ute Settlement Act Amendments of 2000. This important Indian water rights settlement would never have gotten as far as it has in the Senate without the hard work and dilligence of Senator CAMPBELL. As chairman of the Senate Energy and Natural Resources Committee and a member of the Senate Indian Affairs Committee, I know how difficult it is to reach consensus on Indian water rights settlements. It takes a great deal of knowledge, dedication and downright hard work to get these kinds of bills through committee and onto the Senate floor and while the work can be frustrating, the rewards of a job well done are the appreciation of the Tribe and the water users. Senator CAMPBELL should reap those rewards. This settlement has been a long time coming and I hope the House of Representatives will look favorably on the hard work that has been done here and pass this bill expeditiously so that it will make it to the White House and be signed into law.

My only regret is that this bill has taken so long to pass the Senate. Fulfilling this commitment to the Colorado Ute Indian Tribes and the Colorado water users never should have taken this long. The settlement agreement was signed in 1986 and now—finally—after 15 years of foot dragging and outright obstruction by outside groups, a bill to implement the agreement passes the Senate. The history of this unfulfilled promise is not a good one. For the past 15 years, numerous, and duplicative studies have been required, each of which resulted in substantial reductions in water to be diverted and stored in the Animas-La Plata project. The tribes, in order to get a project, have agreed to substantial modification of their rights under the 1986 agreement and 1988 Settlement Act to make this proposal work. The cost of the project has been cut by almost two thirds, yet opponents of the project are still unhappy. I wonder what would make them happy—complete and total derogation of the Federal Government's obligation to the tribes? I know Senator CAMPBELL would not let that happen and I would certainly support him in his efforts.

This bill, as passed today, represents the best hope for the United States to do right by the Colorado Ute Indian Tribes at this point and I am pleased to vote for it. I again congratulate Senator CAMPBELL.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 115) making continuing appropriations for fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution is read the third time.

The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT) the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. GORTON) and the Senator from Montana (Mr. BURNS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—87

Abraham
Allard
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Baucus
Leahy

NOT VOTING—11

Akaka
Ashcroft
Burns
Feinstein
Frist
Gorton
Grams
Helms
Jeffords
Lieberman
Roth

The joint resolution (H.J. Res. 115) was passed.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

ACKNOWLEGMENT OF SENATOR JEFF SESSIONS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator JEFF SESSIONS has achieved the 100 hour mark as presiding officer. In doing so, Senator SESSIONS has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator SESSIONS and his staff for their efforts and commitment to presiding duties during the 106th Congress.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 25, 1999:
Haeng Eom, 57, Seattle, WA;
Jeong Eom, 60, Seattle, WA;
Jamal Johnson, 18, New Orleans, LA;
Joe Leavitt, 65, Kansas City, MO;
Lanette Macias, 34, Kansas City, MO;
Solomon McGruder, 30, New Orleans, LA;
Irving E. Varon, 51, Seattle, WA;
Alfonso Vilmil, 53, El Paso, TX;
Walter Williams, 35, Nashville, TN; and
Unidentified Male, 16, Chicago, IL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

STATUS OF INTELLECTUAL PROPERTY LAW AND THE INTERNET

Mr. DEWINE. Mr. President, I rise today to discuss the impact the Internet is having on database producers and the lack of Intellectual Property protection we provide to creators of databases, in particular. This is an issue that deserves the Senate's attention, and I will be encouraging the Chairman of the Judiciary Committee, Senator HATCH, to hold hearings early next year to examine this issue in detail.

Intellectual Property laws are about striking a balance between our need to encourage invention and creativity with a public policy that discourages the use of monopoly power. Our founding fathers recognized the importance of national patent and copyright laws in Article 1, Section 8 of the United States Constitution. Similarly, we have a long tradition of protecting the public from monopolistic abuses through our Antitrust laws, starting with the Sherman Antitrust Act of 1890.

Through our copyright and patent laws, we allow artists and inventors to have monopolies of limited duration on their creations and inventions, which can have the short-term effect of limiting access by consumers. However, these exclusive rights give artists and inventors incentive to create more—ultimately to the benefit of the public at large. Our thriving economy and the success of our country's technology sector is evidence that we have reached an appropriate balance between exclusive rights and consumer access.

However, the balance has shifted with the emergence of new technology. Digital technology, for example, allows an individual to copy huge volumes of data from anonymous sources and then distribute it almost immediately all over the world through the Internet.

I am very concerned about the utter lack of protection for individuals and companies who invest substantial resources in gathering and organizing large volumes of data or information. These databases were, at one time, protected by our copyright laws under a legal theory known as "sweat-of-the-brow." This policy protected collections of information from theft and recognized that significant resources often were spent in collecting and organizing information. In 1991, the Supreme Court overturned the sweat-of-the-brow protection and said that only "original" works are covered by copyright law. This ruling, coupled with the ease of copying and distributing databases over the Internet, have created a significant problem with theft or "piracy" of databases. The creators of stolen databases are usually left with only piece-meal protections and often have no recourse whatsoever.

I share the concerns of those who believe that database protection legislation could limit the access of consumers to information, and I certainly will not support legislation that harms consumers. However, Mr. President, I believe that this is a case where our policies are out of balance.

Information is a resource that becomes much more valuable when it is organized in a coherent way. Database companies devote substantial resources to collecting, organizing, and maintaining information for users. Without such investments, vast quantities of data would be incomprehensible and almost unusable. We must give the companies that create these databases some sort of exclusive right to enjoy the benefits of their hard work and investment.

Without granting some exclusive right to database producers, investment in databases will diminish over time, as more and more databases are copied and distributed by pirates. Ultimately, the reliability of information available to consumers over the Internet would be undermined.

This potential for unreliability has serious real-life implications. For example, emergency room staff and parents use databases to identify poisons and their remedies; doctors use them to find specifics about a medical procedure; farmers use them for weather and soil information; lawyers use them to find cases and precedents; pharmacists use them to detect dangerous drug interactions; chemists use them to test new compounds; workers use them to find new jobs; and home buyers use them to find the right house. If these databases are not available or are inaccurate, it is the consumer who loses. As with all of our intellectual property rights, some small limitations on consumer access in the short-term will produce significant long-term advantages and increased access to accurate information.

This is not a new issue for the Senate. Two years ago, in the 105th Congress, a serious effort was made to pass legislation that would limit database piracy. Judiciary Committee Chairman HATCH hosted extensive negotiations between all interested parties. Unfortunately, a compromise on database protection could not be reached. At the last minute, the database provisions were dropped from the conference report for the Digital Millennium Copyright Act (DMCA).

When we passed the DMCA, I came to the Floor and expressed my disappointment that we could not reach a consensus on a database provision. Judiciary Committee Chairman HATCH and the Ranking Member LEAHY also expressed their disappointment. I asked, and Senator HATCH agreed, that the Judiciary Committee address the database bill early in the 106th Congress. Unfortunately, despite efforts particularly in the House of Representatives to reach an agreement, conflicts in the industry remain. We have not been able to consider such a bill during this Congress. Now, with only a few days left, it appears that we will not consider database protection at all this year.

I believe that we should start fresh on database legislation early next year. I ask Chairman HATCH for his commitment that the Judiciary Committee will hold a hearing on this important matter in the Spring. For my part, I will do everything I can to draw attention to this matter. I will continue working toward a solution that protects databases from piracy while protecting the rights of consumers.

INTERNATIONAL BROADCASTING EMPLOYEES

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator HELMS, in expressing my strong support for this legislation to benefit international broadcasting employees.

The bill is important for several reasons. A new special immigrant visa class will be established to cover individuals working in the United States for the International Broadcasting Bureau or one of the grantee organizations affiliated with the Broadcasting Board of Governors. Included among the grantee organizations are the well-respected Radio Free Asia, the Voice of America and Radio Free Europe.

In creating a special immigrant visa category, we are making a concerted effort to address the recruitment shortages plaguing these worthwhile broadcasting organizations. This legislation will help to attract qualified foreign employees for available positions with the international broadcasting industry here in the United States.

The mission of the United States with respect to international broadcasting makes it important for us to be able to attract and retain a large number of foreign language broadcasters. They must have a unique combination of journalistic skills, including fluency in various languages and an in-depth knowledge of the people, history and cultures of other nations. To carry out its mission, the Broadcasting Board of Governors and its grantees must employ a minimum of 3,400 broadcasters and support staff, such as reporters, writers, translators, editors, producers, announcers, and news analysts.

Historically, the Broadcasting Board of Governors has been unable to obtain sufficient numbers of U.S. workers with the rare combination of skills needed for this mission. As a result, we have had to look to other nations to attract the necessary talent.

No current visa category exists which properly suits the needs of the international broadcasting industry. Neither the H–1B nor J–1 non-immigrant visas are appropriate for the Broadcasting Board of Governors to use as a means to recruit foreign broadcasters and support personnel. Each of these categories has restrictions which make it difficult to recruit qualified applicants.

This legislation overcomes these problems by adding a special immigrant category under the Immigration and Nationality Act. Up to one hundred immigrant visas will be available each fiscal year for foreign nationals employed by the Broadcasting Board of Governors. Spouses and dependent children will also be able to benefit from this legislation.

This proposal will provide significant assistance for the international broadcasting industry in meeting its goals and recruitment needs in providing essential news coverage for many of the most dangerous regions of the world. The people employed by organizations like Radio Free Asia, the Voice of

America and Radio Free Europe are exceptionally talented and courageous. They and their families make substantial sacrifices, and they put themselves at great personal risk to carry out their important responsibilities. These dedicated men and women deserve our full support. I strongly urge my colleagues to pass this needed legislation.

GUN VIOLENCE IN AMERICA

Mr. LEVIN. Mr. President, the 106th Congress is about to adjourn without passing critical legislation to reduce the level of gun violence in this country.

Over the last years, the American people have been demanding that their schools, places of worship, and other public places be better protected from gun violence. Congress had an opportunity to address the gun violence problem in our country by passing sensible gun laws that would help ensure that young people or those with criminal backgrounds do not illegally gain access to firearms. In the end, Congress failed the American people.

It is very disappointing that Congress refused to act on the issue of gun violence. Too many senseless shootings have put our sense of safety in jeopardy. Here are just some of the high profile shootings that took place during this session of Congress, and the casualties that occurred as a result.

In the year 1999:

January 14, an office building, Salt Lake City, Utah, one dead, one injured;

March 18, a law office, Johnson City, Tennessee, two dead;

April 15, a library, Salt Lake City, Utah, three dead, four injured;

April 20, a high school, Littleton, Colorado, 15 dead, 23 injured;

May 20, a high school, Conyers, Georgia, six injured;

June 3, a grocery store, Las Vegas, Nevada, four dead;

June 11, a psychiatrist's office, Southfield, Michigan, three dead, four injured;

July 4, multiple locations, Illinois and Indiana, three dead, nine injured;

July 29, two day trading firms, Atlanta, Georgia, 13 dead, 13 injured;

August 5, two office buildings, Pelham, Alabama, three dead;

August 10, a Jewish Community Center, Los Angeles, California, five injured, and later in the same day, one dead;

September 14, a hospital, Anaheim, California, three dead;

September 15, a church, Fort Worth, Texas, eight dead, seven injured;

November 2 an office building, Honolulu, Hawaii, seven dead;

November 3, a shipyard, Seattle, Washington, two dead, two injured;

December 6, a middle school, Fort Gibson, Oklahoma, four injured; and

December 30, a hotel, Tampa, Florida, five killed, three injured.

In the year 2000:

January 23, a Sikh temple, El Sobrante, California, one dead, one injured;

February 14, a sandwich shop, Littleton, Colorado, two dead;

February 29, an elementary school, Flint, Michigan, one dead;

March 1, several locations, Wilkinsburg, Pennsylvania, three dead, two injured;

March 8, the scene of a fire, Memphis, Tennessee, four dead, two injured;

March 10, a high school dance, Savannah, Georgia, two dead, one injured;

March 24, a State office building, Effingham, Illinois, two dead;

April 18, a seniors home, Lincoln Park, Michigan, two dead, one injured;

April 24, a zoo, Washington, D.C., seven injured;

April 28, several locations, Pittsburgh, Pennsylvania, five killed, one injured;

April 28, a restaurant and hotel, Salt Lake City, Utah, two dead, three injured;

May 11, a middle school, Prairie Grove, Arkansas, two injured;

May 17, a ball park, Ozark, Alabama, two dead, one injured;

May 26, a middle school, Lake Worth, Florida, one dead;

June 25, a basketball court, Chicago, Illinois, seven injured;

August 28, a professor's office, Fayetteville, Arkansas, two dead;

September 7, a sewage lagoon, Bunker, Missouri, two dead, two injured;

September 24, a high school, outside Seattle, Washington, one injured;

September 26, a middle school, New Orleans Louisiana, two injured;

October 20, a courthouse, Yreka, California, one dead, two injured; and

October 23, a pizzeria in New Baltimore, Michigan, one dead.

Gun violence is a critical issue that the majority of Americans care about deeply. The will of the majority can be frustrated in the short run, but not in the long run. This issue will not go away. If this Congress will not pass legislation addressing gun violence in America, I am confident that another Congress will, and I will continue to work toward that objective.

UNITED STATES POLICY TOWARDS YUGOSLAVIA

Mr. BIDEN. Mr. President, I rise today to discuss the volatile situation in Yugoslavia. Slobodan Milosevic as Yugoslav dictator is history. The long nightmare is over. The Serbian people have spoken and, although Milosevic's ultimate fate is still uncertain, Kostunica's victory marks a sea change in Serbia's current history, a clear choice for democratic change over a stagnant and morally bankrupt dictatorship.

As Kostunica works hard to secure and stabilize his fledgling government, the final outcome is not yet certain. The United States must not fumble the opportunity to support the new Serbian government as it navigates a potentially treacherous transition. With Milosevic's party still controlling the Serb parliament and Milosevic himself still lurking in the political shadows, we must engage in an open and constructive dialogue with Kostunica and his allies.

To this end, I welcome the recent move by the administration to lift some of the sanctions that specifically targeted the Milosevic regime, namely the flight ban and the oil embargo, while retaining the so-called "outer wall" of sanctions. I also commend the State Department's decision to send a delegation to Belgrade to discuss the Kostunica government's assistance needs.

Mr. President, extending a helping hand does not, however, mean giving Kostunica and his new government a free pass when it comes to accounting for the terrible crimes of the Milosevic regime. To unilaterally lift all sanctions, or to open up the aid spigot fully would be both premature and naive. Instead, the United States should adopt a more measured response, recognizing as well the fact that a too forward-leaning or heavy handed policy could risk undermining Kostunica before he is able to consolidate power. The following immediate steps would, I believe, help lay the correct groundwork for future cooperation.

First, the United States must maintain its insistence that Milosevic be delivered to the Hague to stand trial for war crimes. Anything less would fatally undermine the International Tribunal.

Second, even as we congratulate Mr. Kostunica and recognize him as an inestimable improvement over his predecessor, we must emphasize to him that his democratic credentials alone will not be a sufficient qualification for Serbia to reenter the international community. A Kostunica government must fully respect the independence of Bosnia and Herzegovina and not undermine the Dayton Accords. Kostunica's recent meeting in Sarajevo with the three members of Bosnia's collective presidency gives some grounds for optimism. Serbia must also unequivocally renounce the use of force in Kosovo and take steps to implement policies that reflect a respect for minorities and rule of law.

The foreign operations bill for fiscal year 2001 will, in fact, condition U.S. assistance to Serbia on meeting the above benchmarks. I support this section of the bill because it is the right thing to do and the right message to send. But while we should remain firm in our policy, we must also be flexible in our evaluation, recognizing what Kostunica is able to do and what he is unable to do while pro-Milosevic forces still wield considerable power in the Serbian government.

Third, the Stability Pact for Southeast Europe must be given a jolt. Too much time has been wasted on conferences and working groups. Assistance must begin to flow in the next few months. A long-needed measure to help the front-line states would be a crash-effort to clear the Danube River of bombed-out bridges, thereby reopening vital trade links from Bulgaria and Romania to Western Europe.

Finally, we should strongly encourage the European Union to make good on this commitment to expand its membership to candidates as soon as they meet the qualifications. In Southeastern Europe this means Hungary and Slovenia. Brussels must not squander a once-in-a-lifetime opportunity.

Mr. President, there is another reason I wanted to take the floor today, one that touches on the future of our commitment to the Balkans and, indeed, to a stable and secure Europe.

As we continue to work towards a Serbia that will meet the necessary criteria to rejoin the community of western democracies, it is just as important to remember why we are engaged in the Balkans in the first place. This is, after all, an election year, a time when Americans should rightly question the policies and decisions of the current administration when making their decision about the next.

U.S. military engagement on the European continent since the end of World War II has provided the security umbrella under which democracy and free-market capitalism have been able to develop and flourish. The Balkans, however, are a world away from that reality, the last remaining area of instability in Europe. During the last decade several hundred thousand people have been killed in three bloody wars there. The NATO-led peacekeeping operations in Bosnia and Kosovo are designed to provide the same kind of umbrella as in post-war Western Europe to allow democracy, civil society, and capitalism to take root and develop.

Without American leadership, this region would most likely still be mired in civil war, ethnic cleansing, and ultra-nationalist aggression, with Milosevic firmly ensconced at the center of it all.

I remember well when in September 1992, reacting to the mass murders an ethnic cleansing that Milosevic directed in Croatia and Bosnia, I called for lifting the arms embargo against Bosnia and, six months later, for hitting the Bosnian Serbs with air strikes. I was joined by Bob Dole and JOE LIEBERMAN, but for three years ours was a lonely fight. Finally, after hundreds of thousands killed and massacres in Srebrenica and Sarajevo that galvanized public opinion, our government undertook a bombing campaign that led to the Dayton Accords.

Just as that American military action in 1995 served as the catalyst for change in Bosnia, so did Operation Allied Force in 1999 dash the myth in Serbia of Milosevic's invincibility. If he had gotten away with purging Kosovo of most of its ethnic Albanians, those in Serbia who found Milosevic to be odious would have had no reason to believe that anything could be done to stop his immoral and ruinous policies.

American leadership has been indispensable for successful military action in the Balkans. The bombing campaign our government undertook in 1995 led to the Dayton Accords for Bosnia. Operation Allied Force in 1999 forced Milosevic to withdraw his military and paramilitary units from Serbia, destroying the myth in Serbia of his invincibility. This leadership goes beyond the purely technical military assets that only the U.S. can deploy; it also involves intangibles. SFOR in Bosnia and KFOR in Kosovo contain thousands of highly qualified soldiers from many countries, but the American troop presence on the ground gave the mission its ultimate credibility with the Balkan peoples. This fact I have witnessed firsthand from my many trips to the region.

I am, therefore, alarmed by the recent calls for a unilateral withdrawal of U.S. forces from the Balkans. Such a radical shift in our policy, I believe, would have a catastrophic effect not only on the very real progress we have made in stabilizing both Bosnia and Kosovo, but on U.S. leadership in Europe and on the Atlantic Alliance as a whole. U.S. participation on the ground in the Balkans is essential to our overall leadership in NATO, which is an alliance not only of shared values, but also of shared risk and responsibility. To begin a disengagement from the Balkans would not only guarantee the loss of American leadership in NATO, but also, I fear, lead to the premature end of Western Europe's commitment to stabilizing the Balkans.

As my colleagues surely know, the vast majority of the troops in SFOR and KFOR—approximately eighty percent—are European. Yet despite this minority participation, the United States retains the command of both Balkan operations in the person of U.S. General Joseph Ralston, the Supreme Allied Commander Europe (SACEUR).

Let me be blunt: it is naive to believe that we could retain command of these operations—or, more importantly, leadership of NATO itself—if we would cavalierly inform our allies that we were unilaterally pulling out of the Balkans. It just won't work.

If the U.S. withdrew, like it or not, the future of SFOR and KFOR would be in jeopardy, and the likelihood of renewed hostilities and instability beyond the borders of Bosnia and Kosovo would greatly increase.

We are entering into a very sensitive period for the Balkans, one that could either strengthen or tear apart the fragile peace that KFOR and SFOR have helped secure. Local elections will take place in Kosovo later this month, in Bosnia in November, and in Serbia in December. The anti-democratic, ultra nationalist forces in the region are now no doubt biding their time and hoping for a new administration that has already laid its withdrawal cards on the table.

The assertion that our Balkan operations are a heavy drain on our resources is also completely off base. Our Bosnia and Kosovo operations together amount to little more than one percent of our total defense budget. This hardly constitutes a "hollowing out" of the military.

The argument that our commitment to the Balkans is open-ended is equally misleading. There are detailed military, political, economic, and social benchmarks set in place. Our "exit strategy" is crystal clear: a secure, stable, democratic Balkans with a free-market economy that can join the rest of the continent, a Europe "whole and free." These are the ideals for which the greatest generation fought and died. We dare not embark upon a policy that fails to recognize the most important international lesson of the twentieth century: America's national security is inextricably linked to the maintenance of a stable and peaceful Europe.

To pull the plug on a Balkans policy that has finally begun to yield real dividends and at the same time to put NATO, the most successful alliance in history, at risk would jeopardize America's national security.

It would also betray the brave crowds in Serbia, who have struggled to open up great possibilities for their country, the Balkans, and all of Europe. This is no time for Americans to retreat from the struggle out of ill-conceived, artificially narrow definitions of national security. The American people have shown time and again that they lack neither vision nor patience when they are convinced of the importance of a cause. A Europe unified by democracy is such a cause.

S. 1854, THE 21ST CENTURY ACQUISITION REFORM AND IMPROVEMENTS ACT OF 2000

Mr. HATCH. Mr. President, I was pleased that last Thursday the Senate unanimously passed S. 1854, the "21st Century Acquisition Reform and Improvements Act of 2000." I originally introduced the bill last year with Senators DEWINE and KOHL, and we are hopeful that it will be enacted into law this year. I want to express my thanks to Senator LEAHY, the Ranking Member of the Judiciary Committee, and to Senators DEWINE and KOHL, the Chairman and Ranking Member of the Antitrust Subcommittee, respectively, for their hard work and cooperation in developing and passing the bipartisan proposal that the Senate approved. The reforms that will be put in place upon enactment of this legislation are long overdue. Businesses, both small and large, as well as the antitrust enforcement agencies, have much to gain by its enactment.

As my colleagues know, the Hart-Scott-Rodino Antitrust Improvements Act of 1976 requires companies contemplating a merger or acquisition to file a pre-merger notification with the Antitrust Division or the Federal Trade Commission if the size of the companies and the size of the proposed transaction are greater than certain monetary thresholds. These monetary thresholds, however, are seriously outdated. They have not been changed—even for inflation—since the legislation was enacted more than two decades ago.

Because these monetary thresholds are obsolete, businesses today often are required to notify the Antitrust Division and the FTC of proposed transactions that simply do not raise competitive issues. As a result, the agencies are required to expend valuable resources performing needless reviews of transactions that were never intended to be reviewed. In short, current law senselessly imposes a costly regulatory and financial burden upon companies, particularly small businesses, and needlessly drains the resources of the agencies. Because of the unnecessarily low monetary thresholds, current law fails to reflect the true economic impact of mergers and acquisitions in today's economy.

In addition, after a pre-merger notification is filed, the Hart-Scott-Rodino Act imposes a 30-day waiting period, during which the proposed transaction may not close and the Antitrust Division or the FTC conducts an antitrust investigation. Prior to the expiration of this waiting period, the agency investigating the transaction may make a "second request"—a demand for additional information or documentary material that is relevant to the proposed transaction. Unfortunately, many second requests require the production of an enormous volume of materials, many of which are unnecessary for even the most comprehensive merger review. Complying with such second requests has become extraordinarily burdensome, often costing companies in excess of $1 million. Second requests also extend the waiting period for an additional 20 days, a period of time that does not begin to run until the agencies have determined that the transacting companies have "substantially complied" with the second request. This procedure results in many lawful transactions being unnecessarily delayed for extended periods of time, causing an enormous strain on the businesses, their employees, and their shareholders.

I am pleased that this legislation will rectify many of the problems with the 1976 Hart-Scott-Rodino Act. First, the legislation increases the size-of-transaction threshold from $15 million to $50 million, effectively exempting mergers and acquisitions that would not pose any competitive concerns from the Act's notification requirement. Such mergers make up over half of all transactions reported in 1999. Therefore, this legislation provides significant regulatory and financial relief for all businesses, particularly small and medium-sized ones. In addition, the legislation indexes the threshold for inflation, so that the problem of an expanding economy outgrowing the statute's monetary threshold will not recur.

In addition to providing regulatory and financial relief for companies, another purpose of this legislation is to ensure that the Antitrust Division and the FTC efficiently allocate their finite resources to those transactions that truly warrant antitrust scrutiny. To that end, one of its main objectives is to achieve a more effective and efficient merger review process by eliminating unnecessary burden, costly duplication and undue delay. In order to accomplish this objective, this legislation directs the Assistant Attorney General and the FTC to conduct an internal review and implement reforms of the merger review process, including the designation of a senior official for expedited review of appeals regarding the scope of and compliance with second requests. Fortunately, these reforms will be implemented quickly because, under this legislation, the Assistant Attorney General and the FTC will have 120 days to issue the guidelines and make the necessary changes to their regulations and policy documents to implement the reforms, and they must report back to Congress within 180 days.

This legislation sets forth reforms to the Hart-Scott-Rodino Act that are long overdue. It provides significant regulatory and financial relief for businesses, while ensuring that transactions that truly deserve antitrust scrutiny will continue to undergo review. Again, I thank my colleagues who joined me in supporting passage of this legislation. In the waning hours of this Congressional Session, it is my intention to see this non-controversial consensus legislation enacted into law this year, and I will seek its attachment to one of the remaining "must-pass" vehicles.

Finally, I would like to recognize the hard work and efforts of several staff members of the Judiciary Committee who were instrumental in the successful passage of this legislation. On my staff, I particularly would like to thank the Committee's Chief Counsel and Staff Director, Manus Cooney, the lead counsels who worked on this measure, Makan Delrahim, Rene Augustine, and Kyle Sampson, and legal fellow Thadd Prisco. On Senator LEAHY's staff, I would like to recognize the professional skills and input of the Minority Chief Counsel, Bruce Cohen, and the Minority General Counsel, Beryl Howell. On the Antitrust Subcommittee, I would like to thank Peter Levitas and Mark Grundvig, who are Senator DEWINE's able counsels, as well as Jon Leibowitz and Seth Bloom, counsels to Senator KOHL, for their tireless efforts and input. Without the assistance and hard work of these loyal public servants, the important reforms in this legislation would not have been possible. Thank you.

THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. I am pleased that the House of Representatives tonight approved the Bulletproof Vest Partnership Grant Act of 2000, S. 2413, and sent it to the president for his signature. President Clinton has already endorsed this legislation to support our nation's law enforcement officers and is eager to sign it into law.

Senator CAMPBELL and I introduced this bipartisan bill on April 12, 2000. The Senate Judiciary Committee passed our bill unanimously on June 29. For the past four months, we have been urging passage of the Bulletproof Vest Partnership Grant Act of 2000. The Senate finally passed our bipartisan bill on October 11, 2000 by unanimous consent.

I want to thank Senators HATCH, SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, ABRAHAM and GRAMS for cosponsoring and supporting our bipartisan bill.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998, pubic law 105-181. That law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999-2001.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

In its two years of operation, the Bulletproof Vest Partnership Grant Program funded more than 325,000 new bulletproof vests for our nation's police officers, including more than 536 vests for Vermont police officers with federal grant funds of $140,253 for Vermont law enforcement agencies. More information about the Bulletproof Vest Partnership Grant Program is available at the program's web site at http://vests.ojp.gov/. The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50-50 matching funds because of the tight budgets of these smaller communities. In addition, under the Leahy-Campbell floor amendment to this bill, the purchase of stab-proof vests will be eligible for grant awards to protect corrections officers and sheriffs who face violent criminals in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

In the last Congress, we created the Bulletproof Vest Partnership Grant Program in part in response to the tragic Drega incident along the Vermont and New Hampshire border. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later. I am relieved that Officer John Pfeifer is doing well and is back on duty today.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. We all grieve for the two New Hampshire officers who were killed. Their tragedy underscore the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers. Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association. In my home State of Vermont, the bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." Each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Mr. President, I look forward to President Clinton signing this life-saving legislation into law.

FAILURE TO PASS AN INTERSTATE WASTE BILL

Mr. ROBB. Mr. President, one of the many items that the Senate failed to address during this Congress is legislation that would allow the states to protect themselves from unwanted out-of-state garbage. Three separate bills were offered in the Senate on this issue and each had merit, at least as a point of departure. In fact two of the bills incorporated elements that easily passed the Senate a few years ago.

The Environment and Public Works Committee held a hearing on these bills but failed to move any of the bills forward. This is more than disappointing. For a state like Virginia that is now importing over 7 million tons of municipal solid waste each year, with no way to limit the growth of this unwanted import, it is important that the committee and the full Senate act on legislation.

Seven million tons of imported solid waste represents 280,000 truck loads of waste moving into the Commonwealth of Virginia each year. The traffic this generates is reason alone to authorize additional state controls. But there are other reasons. Cheap landfill disposal due to an over abundance of capacity, has made us less vigilant about recycling. And although new federal landfill standards protect our environment better than the old standards, today's landfills are much larger than yesterdays, and we are not yet certain that all the engineering improvements we have made are enough. We may not know if these new landfills leak for a few more years.

Transporting waste hundreds of miles for disposal is also a senseless use of diesel fuel, and when we are already facing a shortage we should seek to conserve our fuel resources. We are misallocating fuel that could be used to heat homes this winter and using it to hall trash up and down the east coast. I understand from the Federal Highway Administration that the large trucks used to transport waste get about 6.1 miles per gallon. An out of state delivery of trash to Virginia landfills can amount to 680 miles round trip and 68 gallons of gas. If only half the trips to Virginia are that long, over 500,000 gallons of diesel fuel will be used to ship waste several hundred miles. This is a waste.

During this Congress, I introduced one interstate waste bill and co-sponsored two others, and if members of the Senate propose other ways to deal with this problem, I am more than willing to work with them to develop something that is workable for all parties. But at this time unless a state chooses, as some have, to simply stop siting land disposal capacity, they lose all control in terms of how long that capacity will last and what kind of traffic it will receive.

When we come back next year I will try again to move legislation. I will meet with the exporting States and I will continue to work toward a goal of wiser use of our resources, and that includes recycling, minimizing waste in the first place and certainly finding a way to dispose of it without moving half way across the country.

INTERSTATE TRANSPORTATION OF SOLID WASTE

Mr. LEVIN. Mr. President, it is outrageous that another Congress has passed without the enactment of legislation which would resolve the problem of the interstate transportation of solid waste. The people should not be dumped on any longer. They should have some control over their own jurisdictions and over their own land. It is up to us to give them that authority. I just heard that Toronto Canada is thinking about sending its waste to Michigan and the people of Michigan have nothing to say about it.

The U.S. Supreme Court has ruled that, under the Commerce Clause of the Constitution, unless Congress acts, states and municipalities are powerless to stop trash from being brought into their jurisdictions—powerless to protect their citizens' safety, the environment and their quality of life. So our states and municipalities rely on us to pass this protective legislation, and we let them down—again. The Senate has expressed its will on this issue over and over again—A majority of Senators support this legislation. We passed it by an overwhelming vote of 94-6. But the House has not acted. There are a few people over there who oppose it who have managed to displace the will of what appears to be a clear majority of House Members.

What will it take? The problem is getting worse. Total interstate waste shipments continue to rise and there is a finite amount of landfill capacity available. Michigan, my State, imports over 12 percent of all of the solid waste it disposes of in landfills. Michigan counties and townships have plans for waste disposal. They have invested in it. They have made significant commitments to waste reduction and recycling. They have spent a lot of money on these investments to dispose of their waste locally. Those plans and those good faith investments are totally undermined when contracts to bring in waste from other states and countries are entered into without consideration by State, county, or local governments of the impact of those contracts for importing waste into those areas. When you import waste in that way, without consideration of plans, and without consideration of the efforts that local governments have made to dispose of their own waste, it totally disrupts those efforts and those expenditures. It is not right. States and local governments have a right to do that planning and to make those investments in order to dispose of their own waste and, should they see fit, not to see their own plans displaced by the import of waste from other places.

I want to commend all the Senators who have been involved in this effort for so many years. Our previous vote of 96 to 4 shows that this truly is a bipartisan effort and it will continue to be.

Our States are counting on us to give them the authority to protect their citizens and the environment. I can assure you that, when Congress returns in January, I will be ready to fight this battle again until we pass legislation to prevent our states from being dumping grounds.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. DEWINE. Mr. President, just before the August recess, the Senate passed the Religious Land Use and Institutionalized Persons Act of 2000, S. 2869. I had some serious concerns about this bill as originally introduced. As my colleagues know, the distinguished chairman of the Senate Judiciary Committee, Senator HATCH and my distinguished colleague from Massachusetts, Senator KENNEDY, came up with a bipartisan compromise that addressed many of the concerns I had about the initial bill. Specifically, I was concerned that the bill would have unintentionally impeded the ability of states and localities to protect the health and safety of children in a variety of ways. I am relieved that the new Senate version has a much more limited scope. Because the bill that was passed applies only to zoning decisions, landmark designations and institutionalized persons, it will not have any impact on child welfare systems, including the ability of states and localities to protect the health and safety of children. I see the distinguished Senator from Massachusetts on the floor and I would ask my colleague, as one of the authors of this new legislation, if my understanding of this legislation correct?

Mr. KENNEDY. The Senator from Ohio is correct.

Mr. DEWINE. Since the definition of "land use regulation" is limited to "a zoning or landmarking law, or the application of such a law," am I also correct in understanding that this legislation will not affect the ability of states and localities to enforce fire codes, building codes, and other measures to protect the health and safety of people using the land or buildings, such as children in childcare centers, schools, or camps run by religious organizations?

Mr. KENNEDY. Yes, the Senator from Ohio is correct.

Mr. DEWINE. Am I also correct that the legislation will not affect civil rights laws that protect young people?

Mr. KENNEDY. The Senator is correct.

Mr. DEWINE. I thank my friend and colleague from Massachusetts for clarifying these points, and for working to pass legislation that does not compromise the health and safety of children and their families.

RECORD THIRD QUARTER NET PROFITS FOR BIG OIL

Mr. LEAHY. Mr. President, I come to the floor once again to announce that Big Oil is beginning to release its third quarter profit reports and while the news is great for investors, it's not so great for American consumers. As American families have been paying sky-high prices at the gas pump and are bracing for record-high home heating costs this winter, the oil industry has been savoring phenomenal profits. Something is wrong when working families are struggling to pay for basic transportation and home heat while Big Oil rakes in obscene amounts of cash by the barrel.

The overall net income for major petroleum companies more than doubled in the third quarter of 2000 relative to the third quarter of 1999. Let me illustrate the phenomenal profits of the oil industry for the past year when gasoline prices soared and heating oil stocks fell.

In the third quarter of 2000, Chevron Corporation reported net profits of $1.53 billion, Exxon Mobil Corporation reported net profits of $4.29 billion, and Texaco reported net profits of $798 million. Compared to the third quarter of 1999, the profits in the third quarter of 2000 increased 163 percent for Chevron, 96 percent for Exxon Mobil, and 106 percent for Texaco. I ask unanimous consent that a chart of these statistics be printed in the RECORD.

Not surprisingly, these multi-million and even multi-billion dollar profits are making record profits. Exxon Mobil executive Peter Townsend is quoted as saying: "We've got a lot of cash around here. It's coming in pretty fast, flying through the door." And according to Fadel Gheit, an analyst with Fahnestock & Company: "The fourth quarter could beat the third."

There is no doubt that Big Oil reaped record profits while American consumers and small business owners dug deeper into their pockets to pay for soaring gasoline prices. And more record profits for Big Oil at the expense of consumers and small business owners are expected this winter when heating costs go through the roof. Mr. President, that is outrageous.

Even more disturbing are the recent press reports that the major oil companies are not using their record profits to boost production and lower future prices, but are instead cutting back on exploration and production. Listen to this from a report in the Wall Street Journal: "Exploration and production expenditures at the so-called super majors—Exxon Mobil Corp., BP Amoco PLC, and Royal Dutch/Shell Group—fell 20 percent to $6.91 billion in the first six months of the year from a year earlier. . . ."

The investment firm UBS Warburg in London estimated this month that the surplus cash of the top 10 global energy companies will total $40 billion this year and grow to $130 billion by the end of 2004. The companies, Warburg predicts, will use about two-thirds of the surplus to repurchase stock to bolster market price, and one-third to reduce debt. Indeed, last week Texaco and Chevron agreed to merge with Chevron paying $35.1 billion to acquire Texaco.

Well I for one have had enough of Big Oil making record profits at the expense of the working families and the small business owners who pay the oil bills, live by the rules and struggle mightily when fuel and heating costs skyrocket.

On September 27, 2000, I introduced S. 3118, the Windfall Oil Profits For Heating Assistance Act of 2000. My legislation imposes a windfall profits assessment on the oil industry to fund heating help for consumers and small business owners across America.

In true arrogance to the needs of Americans struggling to heat their homes, John Felmy of the American Petroleum Institute has publicly stated: "The profits aren't owned by consumers, they're owned by the shareholders. The companies have to do what's appropriate for owners of the enterprise."

The oil industry is made up of corporations formed under the laws of the United States. These oil industry corporations have a responsibility to the public good as well as their shareholders. To reap record windfall profits and then cut back on exploration and production to further increase future profits is poor corporate citizenship and an abuse of the public trust by these oil industry corporations and their executives.

In response to the energy crisis of the 1980s, Congress enacted the Crude Oil Windfall Profit Tax Act of 1980. This windfall profits tax, which was repealed in 1988, funded low-income fuel assistance and energy and transportation programs.

Similar to the early 1980s, American families again face an energy crisis of high prices and record oil company profits. This past June, gasoline prices hit all-time highs across the United States, with a national average of $1.68 a gallon, according to the Energy Information Administration. This winter, the Department of Energy estimates that heating oil inventories are 36 percent lower than last year with heating oil inventories in New England estimated to be 65 percent lower than last year. In my home state of Vermont, energy officials estimate heating oil costs will jump to $1.31 per gallon, up from $1.19 last winter and 80 cents in 1998.

Given the oil industry's record windfall profits in the face of this energy crisis, it is time for Congress to act and again limit the windfall profits of Big Oil. My bill would do just that and dedicate the revenue generated from this windfall profits adjustment to help working families and small business owners with their heating oil costs this winter.

Specifically, the Windfall Oil Profits For Heating Assistance Act of 2000 would impose a 100 percent assessment on windfall profits from the sale of crude oil. My legislation builds on the current investigation by the Federal Trade Commission into the pricing and profits of the oil industry. The bill requires the Federal Trade Commission to expand this investigation to determine if the oil industry is reaping windfall profits.

The revenue collected from windfall oil industry profits, under my legislation, would be dedicated to two separate accounts in the Treasury for the following: 75 percent of the revenues to fund heating assistance programs for consumers such as the Low Income Home Energy Assistance Program (LIHEAP), weatherization and other energy efficiency programs; and 25 percent of the revenues to fund heating assistance programs for small business owners.

American consumers and small business owners continue to pay sky-high gasoline prices and home heating oil costs are expected to hit an all-time high this winter while U.S. oil corporations reap more record profits. It is time for Congress to restore some basic fairness to the marketplace. It is time for Congress to transfer the windfall profits from Big Oil to fund heating oil assistance for working families.

I urge my colleagues to support the Windfall Oil Profits For Heating Assistance Act of 2000.

Mr. President, I ask that the chart to which I referred, be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

RECORD PROFITS FOR BIG OIL—THIRD QUARTER PROFITS

Company	3rd quarter		change (in percent)
	1999	2000	
Chevron	$582 million	$1.52 billion	163
Exxon Mobil	2.19 billion	4.29 billion	96
Texaco	387 million	798 million	106

RETIREMENT OF TINKER ST. CLAIR

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Tinker St. Clair, who is retiring at the end of this year after 21 years of outstanding service to the Senate as doorkeeper.

Tinker goes back many many years with the Kennedy family. In a sense, I inherited Tinker from my brothers. At the time of the 1960 Presidential campaign, Tinker was active in Democratic Party politics in McDowell County in the heart of coal country in West Virginia. Tinker supported Jack in the key West Virginia Presidential Primary that year, and he campaigned effectively for my brother throughout southern West Virginia. Jack won a dramatic victory in that primary, and it put him solidly on the road to the White House. So it's fair to say that the New Frontier was born right there in West Virginia, and Tinker St. Clair was very much a part of that victory.

Tinker was also there for my brother Robert Kennedy in his Presidential campaign in 1968.

For the past 21 years in the Senate, Tinker has been a great friend of mine as well, and a great friend of many other Senators on both sides of the aisle.

Day in and day out on the Senate floor, Tinker's welcoming smile and wonderful personality have warmed our hearts and minds. He is often here with us, sitting in the back of the Chamber, listening intently to our debates, offering an encouraging word when we arrive and when we finish speaking, reminiscing about past days in the Senate and past campaigns in West Virginia, telling us with pride about his children, his grandchildren, and in recent years, his great-grandchildren.

When Tinker leaves us this year, he will leave a place in our hearts that will be impossible to fill. But as he said the other day, he feels it is time, as the West Virginia mountaineer he's always been, to sit on the porch and enjoy his family.

As this session of Congress comes to an end, I express my warmest wishes to Tinker for a long and happy and healthy retirement. He has surely earned it. He has served West Virginia well, he has served the Senate well, and he has served the Nation well, and we will miss him very very much.

PRESIDENT KIM DAE JUNG AND THE NOBEL PEACE PRIZE

Mr. BINGAMAN. Mr. President, I rise today to congratulate the President of South Korea, Kim Dae Jung, for winning the Nobel Peace Prize. This is a man who truly deserves this honor, as there are few men in the world today who have worked so tirelessly for democracy and peace in East Asia. Like so many of the outstanding men of our time, President Kim's life reads something like a novel, from his early childhood as a farmer's son on a small Korean island, to his criticism of the Japanese colonial rule, to his constant fight against dictatorship in South Korea, to his relentless pursuit of a constructive engagement policy with North Korea. No part of his path to the present has been easy, and, he came perilously close to losing his life on several occasions. The stories that are told about his near death experiences at the hands of the military regime in South Korea, and the intervention by the United States to save his life, are legendary in his country. He has been accused of nearly every possible political crime, from subversion to treason. But he has persisted and has succeeded, this in spite of the formidable odds against him. Significantly, South Korea has achieved its status as one of the world's most stable democratic countries because of his efforts, and it is appropriate he should be recognized by the Norwegian Nobel Committee for the impact he has made over the years.

As my colleagues know, Secretary of State Madeleine Albright arrived in North Korea earlier this week, her stated goal being to improve relations with that country. This follows the trip to North Korea by President Kim, the trip to this country by North Korean Vice Marshal Jo Myong Rok, and the normalization of relations between North Korea and both Great Britain and Germany—all of which occurred in the last six months and are a direct result of the "sunshine policy" that President Kim introduced when he entered office. Needless to say, since the initiation of the policy he has been roundly condemned by government officials and analysts alike as an idealist who did not entirely understand what was at stake in the region. Recall it was only in June of 1999 that North and South Korea fought a battle off the South Korean coast. But President Kim has persevered and, as a result, has brought the region closer to peace and stability than any time in the last fifty years. This is no small accomplishment.

There is no doubt that South Korea has some serious challenges to face in the immediate future. Looking at the South Korean economy, although it has recovered substantially from the 1997 financial crisis, it is again showing signs of instability. The reforms that were considered necessary by President Kim for a sustained transformation—financial, corporate, and governmental—have not yet fully occurred, raising the possibility of another crisis down the road. It is also true that most of the rapprochement that has taken place between South Korea and North Korea is symbolic in nature, leading to hard questions concerning what concrete actions will be undertaken to increase cooperation and decrease tensions in the region.

But hopefully the Nobel Peace Prize will provide President Kim with additional leverage for the policies his country has been pursuing, and through greater national and international consensus, he will find a path to the desired end of peace and prosperity in the region. There is no doubt that remarkable steps forward have been taken by all those involved, and I remain optimistic that change can occur. Before she left North Korea, Secretary Albright stated that there were "many towering peaks ahead" in the process. This is, no doubt, true. Pragmatic and reciprocal confidence-building mechanisms will be required to convince all the parties involved that the peace process should move forward. But it is also true that the prospects for cooperation are brighter than ever before. And much of this progress can be directly attributed to President Kim.

So, Mr. President, I take this opportunity to congratulate President Kim for his selection by the Nobel Committee, to celebrate those things that he has accomplished in his life, and to wish him much success in the days, months, and years that follow.

THE LEGACY OF GUNN McKAY

Mr. LEAHY. Mr. President, all of us who knew him during his decade of service in Congress, and others who knew him only by reputation, mourn the recent passing of Gunn McKay.

Gunn McKay was a leading member of the Committee on Appropriations in the other body and chaired the Subcommittee on Military Construction. He was effective. He knew how to lead and how to legislate. His voice was an influential voice on energy issues and military readiness and Federal land policy. And he knew how to bring people together to get things done.

It was not politics that motivated Gunn McKay in his public service; it was people. He thrived in being able to help people get and keep good-paying jobs. He deeply, unequivocally believed that there is a role for government, through programs like Medicare and Social Security and in other ways, in helping those who struggle.

Gunn achieved all of the good he accomplished in life through a deep-down and infectious optimism about people and about the future. More than being a great public servant, he was a good man. Those who worked with him will tell you that Gunn did not have a mean bone in his body. When he left public life Gunn and his wife, Donna, devoted much of their time to church service abroad.

The Nation and its Congress are better for the fact that Gunn McKay served here. And so, certainly, are the people of his beloved State of Utah.

I ask unanimous consent that an article from the Salt Lake Tribune about Gunn McKay be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Salt Lake Tribune]

UTAH DEMO GUNN McKAY DIES AT 75

(By Judy Fahys)

K. Gunn McKay, the Weber County farmer's son and Democrat who served five terms in Congress in the 1970s and earned bipartisan praise for his down-home warmth and political skill, died Friday night from cancer. He was 75.

"Tell the facts and leave the right impression," McKay used to tell his young congressional aides, and that credo served the former teacher through a career in state and national politics and on Mormon mission assignments in Europe, Africa and Asia.

"Unassuming" and "determined" are the words Barry McKay, a Salt Lake City lawyer, used to describe his eldest brother. He recalled Friday how Gunn McKay spent most of one Christmas, the day he returned home from a church mission in England, helping neighbors start their frozen cars.

Political scientist J.D. Williams called McKay "the personification of Huntsville," McKay's hometown in the Ogden Valley.

"He talked with a rural Utah slang when he wanted to," said Williams. "He had a beautiful smile and demeanor, and he was everybody's friend."

"You didn't have to guess what he meant,"said former Sen. Jake Garn, a Republican who served with the Democrat in Congress and lived near him outside the nation's capital.

"He was extremely well-liked," said Garn, whose U.S. Senate service overlapped with six years of McKay's time in Washington. "Whether you agreed with him or not, you could trust him. He would always follow through."

McKay even converted David L. Bigler, a Utah historian and former public-relations director for Geneva Steel, then known as U.S. Steel. Bigler switched political parties to raise money for McKay's first campaign.

"He really did care for people," said Bigler, who was struck at once by McKay's integrity. "All politicians say that, but few of them do. He did."

Politics may have been in McKay's blood. His grandfather, Angus, was House Speaker in Utah's first Legislature. And his father, James, had run for the 1st Congressional District seat that McKay would win 35 years later, in 1970.

And unlike most emerging politicians, name recognition was never a problem for McKay, whose father was a cousin to one of the most beloved presidents of The Church of Jesus Christ of Latter-day Saints, Huntsville-born David O. McKay. The church leader died just a year before his relative took the oath for his first term in Congress.

The eldest of eight children, McKay was a three-sport star at Weber High School before serving in the U.S. Coast Guard during World War II and on an LDS mission to England the following three years. He later graduated from Utah State University with a degree in education.

He was teaching history in Ogden City Schools and running a deli when he was appointed to the first of two terms in the Utah Legislature.

From there, he was tapped to be chief of staff to Democratic Gov. Calvin L. Rampton.

During his five terms in Washington from 1971 to 1981, McKay built a reputation for being one of the half-dozen most conservative Democrats in a Congress long controlled by Democrats.

He fought federally funded abortions and backed the U.S. Supreme Court's decision to outlaw prayer in schools. He pushed the Central Utah Project, military appropriations that bolstered Hill Air Force Base and other Utah installations, "gasohol" and a balanced-budget law. He also fought higher fees for ranchers who leased federal range.

McKay's powers of persuasion helped land him a seat on the coveted Appropriations Committee upon entering Congress—the first ever for a Utahn.

"Most people have to wait [10 years] to be considered," said Jim McConkie, a Salt Lake City lawyer who served on McKay's congressional staff for five years.

McConkie recalled how McKay used his influential role as chairman of the Military Construction Subcommittee to become close to President Carter, who invited McKay to Camp David a few times.

"But he never lost his roots," said McConkie. "He could see to the heart of an issue."

Nothwithstanding his Washington successes, McKay lost his seat to Republican Rep. Jim Hansen in the Ronald Reagan landslide of 1980.

In 1986, when McKay unsuccessfully challenged Hansen for his old seat he shared his view of Utah voters, one that contemporary Utah Democrats have taken to heart.

"Utah voters are independent thinkers," McKay told The Salt Lake Tribune. "They are concerned with ineffective federal policies and lack of congressional action on issues which are increasingly having a negative impact on their lives."

The year after he left Congress, McKay went on an LDS mission to Scotland with his wife Donna. Later, the couple was called to serve in Kenya, where McKay found himself a block away from the embassy bombing in 1998.

They also served in Singapore and Malaysia. McKay took ill while serving in Pakistan.

The McKays, who married in 1950, had 10 children, 40 grandchildren and one great-grandchild.

Said former Utah First Lady Norma Matheson: "He loved being in public service, and it showed."

CONGRESSMAN MEEHAN'S ELOQUENT TRIBUTE TO HIS FATHER

Mr. KENNEDY. Mr. President, all of us who know and admire our distinguished colleague in the House of Representatives, Congressman MARTY MEEHAN, were saddened to learn of his father's death earlier this month.

At the funeral service for his father on October 14 in Lowell, Massachusetts, Congressman MEEHAN delivered an eloquent tribute to his father that deeply touched all of those who were present. He described in vivid terms and in many wonderful stories the lifelong love and support that Mr. Meehan gave to his family.

I believe that Congressman MEEHAN'S moving eulogy to his father will be of interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY OF MARTIN T. MEEHAN

(By U.S. Rep. Martin T. Meehan, October 14, 2000)

On behalf of my mother, brothers and sisters, my Aunt Katherine and Uncle John, my cousins, and my entire family, I want to thank all of you for joining us today to help celebrate our father's life. We are all honored by your presence and are grateful for your support and affection over the last few days.

I can imagine my father looking out at the long lines forming outside the McCabe's funeral Home yesterday. He would have said, "Frankie McCabe must be giving something out for Free!"

Frank isn't, Dad, believe me.

My father was born in Lowell on July 16, 1927 to Martin H. Meehan and Josephine Ashe Meehan. His father immigrated to the United States from County Clare, Ireland in 1912. His mother, immigrated from County Kerry the year before, was a cousin of the great Irish patriot Thomas Ashe, who died during one of the first hungers strikes—in Ireland's fight for freedom in Mount Joy Jail in 1916.

Thomas Ashe's picture was hung on the wall of his family home on Batchelder Street in the Acre Section of Lowell. In 1963, a portrait of President Kennedy was added.

The Acre was where the Greek and Irish immigrants settled in Lowell. My father grew up there and he loved it. Swimming in the canals, playing baseball for St. Patrick's and Lowell High School, and building lifetime bonds. It was a neighborhood where the kids were tough and strong, and everyone had a nick name—hence "Buster." The Acre was where thousands of new immigrant families were becoming part of the great American Dream.

In 1946, Dad met my mother at a party her cousin Maureen Gay had. Dad was not invited, he crashed. And my mother was glad he did. There were married three years later.

My father had a saying for everything in life. Some of them really bugged me at times. But they all had a purpose and wisdom for how to lead a good life.

"One God, One County, One Woman" he used to say. That—one woman—was my mother. He was passionately in love with her through 51 years of marriage. Their love for each other intensified and grew. I believe the love our father and mother shared for one another was extended to every person who was a part of their lives.

I can remember as a very small boy first learning the concept of love. "I love you kids with all my heart" he'd say. "But I love your mother even more". "But Dad", I once replied, "Who am I supposed to love more? You or Ma? "You kids should love your mother the most", he'd say. "She gave birth to you."

First they lived in a three tenement on Lincoln Street where Colleen and Kathy and I were born. Later they bought an eight-room house the next street over at 22 London Street where they raised seven children in a home that was filled with love, laughter, energy . . . action 24 hour a day . . . a strong commitment to the Catholic Church and to family.

It was a great neighborhood—and my father helped us spread our family's love all over it. And there isn't a better testament to that love—than our relationship with the Durkin family who had seven children of their own, just down the street. So many memories, so many stories.

Visiting the ice cream stand with Dad was unforgettable. He would load all of us into the car with as many of our friends as would fit. He would ask us what we wanted. "I'll have a banana split," I'd shout. My sisters would say, "I'll have a hot fudge Sunday." Our friends couldn't believe it—they would order a shake or double ice cream scoop with extra nuts, extra whipped cream!

He'd take everyone's order and then go up to the line. Don't worry, he'd say, "I'll carry it back".

Ten minutes later he'd return with 13 single cups of chocolate ice cream. "That's all they'd had," he'd shrug?

Dad was also a very successful little league coach. On Dad's White Sox team everyone played—at least three innings. I remember how embarrassed I was when Dad's White Sox lost every game—0–18. Some games we were winning after three winnings, 8 to 4 or even 7 to 2. But in the fourth inning Dad put all of the subs in—no matter what. "Everyone plays!" he'd say. The other teams kept the best players in for the whole game. Naturally, they would win.

Today I am so proud of the way my Dad coached the kids on that 0 and 18 team. Today, I am so proud of how my father lived his life.

As children, we shared so many happy times together each summer with family and friends at Seabrook Beach. Later as adults, with his grandchildren, we spent weekends at dad and Mom's beach house. After a few morning hours together on the beach, Mom and Dad would head back to the house to begin the daylong cooking ritual so that we could have a dinner together. Many times in the evenings, we would sing songs around a bonfire on the beach. We enjoyed lobster bakes and thankfully Mom and Dad got to enjoy an occasional sunrise together. And many times, after a long day, many of us would sit together and watch the sun go down and our father would say to us all, "It's a great life and it's a great country".

Dad worked at the Lowell Sun Publishing Company for 43 years. He started as a truck driver . . . became a linotype operator . . . Then became Assistant Foreman in the Composing Room. He loved the Sun and the newspaper business, and he knew it from soup to nuts. There were a lot of great reporters that came through the Sun over the years, but my father never hesitated to tell them when he felt they just didn't get it right—especially on a political story.

Frank Phillips, Chris Black, Brian Mooney and others all heard from Dad on more than one occasion. When he was finished he had earned their respect and they appreciated his wisdom and experience. And they all affectionately repeat those stories—even today.

Dad was an active lifetime member of the Typographical Union—serving in a leadership position. He always stressed the importance of workers being able to organize for fair wages and benefits. It's not surprising that my sisters Colleen and Kathy are members of the teachers union and Mark and Paul are active members of their respective unions as well.

But as strong a union person as he was—he loved the Lowell Sun and the company's ownership, the Costello Family. He followed the Costello kids' lives as if they were his own—always loyal to the company and the Costello family.

Supporting Mom and seven young children was not always easy. For seven years he got a second job working nights as a Corrections Officer. On Mondays, Tuesdays and Wednesdays he would get up at 5:30 to be at the Sun to punch in at 7 o'clock. His shift was over at 3:30. He'd put on his uniform at the Paper, punch in at the Jail at 4 o'clock and work until midnight. He got home by 12:30 in the morning, and went to bed for five hours so he could be back at the paper by 7 am.

I'm sure it wasn't easy—but he wanted the best for his children and he wanted my mother to be able to be home with us.

My father didn't care what we did for work—but he wanted us to get an education. And we all did. He was especially proud of the fact that my sisters Colleen, Kathy, and Mary all became school teachers. He thought it was the most important job of all. "Teaching is not a job"—Dad would say—"it's a vocation". He loved the idea that his daughters were helping to shape the minds of 25 kids in a classroom each day.

He was so proud of all his children, in a unique and special way. My brother Mark, a master electrician, "has the biggest and best heart of all my kids", he'd say. And Mark gave Dad his newest precious grandchild "Sarah" just two weeks ago. He was so proud that Paul followed him to the Sheriff's Department. Paul is a model for overcoming obstacles and winning. He recently went back to school for his degree, got married and was promoted to Captain as well.

When I ran for Congress in 1992 my sister Maureen answered the call and put her work—and life—on hold to take the most important job in the campaign—raising the money to win. My Dad just loved the fact that I turned to my sister. And when we won he knew it was Maureen who was the rock behind us. "Politics is a tough business," he'd say—"you need people you can really trust—and that means family". That's why President Kennedy had Bobby. 'Course after the election, I remember Maureen was sick and I asked, "What's wrong with her now?"—Dad's split second response—"Working for you!"

Dad was so well read, a voracious reader . . . A lover of poetry and words, and boy did he love to sing!

So much love in his heart, and this extension of love was felt by his grandchildren and in-laws. The term "in-laws" didn't mean much to Dad—he welcomed them and loved them like they were his own. And they loved him back.

All fifteen of his grandchildren are loved as individuals and each of them realizes the power of love and family through their papa and munama. One of my young nieces asked during the last couple of days, "How did Papa have so much love to give to so many people?" Well, I really don't know the answer to that for sure. I just know he did. Every time our father gave us a hug—or as he would say a hug-a-deen—he would accompany it with an "I love you". "Aren't they wonderful", Dad would say. "Your mother and I will live in them in the next generation through these beautiful kids . . . and as I've told you", he'd say, "that's the sweet mystery of life".

So happy, so content, there was nothing more in life that he wanted—than that which he already had—His Family.

And he thanked God for our happiness every single day.

Joseph P. Kennedy, Sr., once said that the measure of a man's success in life was not the money he had made, but rather the family he had raised. That quote has been framed in my parents' home over 15 years. My father believed it and devoted himself to family every day of his life for 73 years. He was an immensely successful man.

We love you Dad and will miss you.

CONSERVATION RESERVE PROGRAM TAX FAIRNESS

Mr. BROWNBACK. Mr. President, I rise today to urge my colleagues to retain the important ag tax provisions contained in the Senate version of the upcoming tax package that will soon be before us. I have not seen the final tax bill as of yet, but word is that most if not all of the agricultural tax provisions are being stripped from the bill at the will of the House. I hope this is not true. I cannot imagine why we would choose to leave out farmers from important tax relief at a time when this Congress has clearly recognized the economic hardships in farm country today.

I plead with my colleagues to include these necessary provisions in any final tax package.

Specifically, I am talking about a provision that came from a bill Senator DASCHLE and I introduced—along with 31 co-sponsors—to clarify that Conservation Reserve Program (CRP) payments made to farmers for taking agricultural land out of production for environmental improvement—are not subject to self employment social security taxes—a rate of up to 15 percent of the payment amount.

The CRP has been a great success for this nation. The program provides financial incentives for improving and preserving environmentally sensitive land—taking it out of production and enhancing its environmental benefit. The CRP program increases water quality, wildlife habitat and prevents soil erosion—all factors which have become even more important in light of recent concerns about nonpoint source pollution in our nation's waterways.

The Senate has strongly supported this measure—passing it by unanimous consent earlier this year on the death tax debate—and our Senate leadership has held firm in fighting for this needed provision, but for some reason, our fine colleagues in the House have decided to make an issue of this provision and are trying to strike it from the tax package.

It makes no sense to yield to the House on this matter. The provision, as currently contained in the Senate tax package—will only cost $292 million over 5 years—but that money and the clarity it brings to our nation's farmers is worth far more than can be said in this time of farm economic stress. This provision allows farmers to plan and better use their resources next year because they will no longer have to wonder or worry about whether the IRS is going to come after them for a conservation tax they didn't know they owed.

Currently, there is confusion over whether CRP income should be taxed owing to a recent court case in the 6th Circuit Court of Appeals which overturned a 1998 Tax Court ruling that CRP income is not subject to social security taxes. The Tax Court found and I concur, that because it is a rental payment the government makes in exchange for farmers taking environmentally sensitive land out of production, CRP payments should be treated the same as other contractual agreements made by farmers for land use—and be exempt from self-employment taxes.

The new court ruling creates a discrepancy between active farmers who take part in CRP—which are now subject to the tax—and landowners who do not farm but take part in CRP and are exempt from the tax.

This tax correction is just common sense. Now more than ever we should appreciate the need for conservation and the co-benefits of wildlife, air and water quality it provides. We should not allow a tax to create confusion and a disincentive for farmers to trust and work with government for the good of the environment.

Numerous ag groups support this bill including the National Corn Growers, National Wheat Growers, American Soybean and Cattlemen's Beef Associations—along with the National Farmer's Union and the American Farm Bureau. This is our only opportunity to address this important issue.

In my state of Kansas alone, $102.7 million in CRP payments were issued in 1999. Are we really going to tell farmers that this money—promised them for conservation purposes—will now be additionally taxed? This would amount to a disincentive for farmers to participate in environmental and conservation programs. Is that the message this Congress really wants to send?

Again, I urge my colleagues to include this important provision—and all the ag tax provisions that have been so carefully worked out and included in the Community Renewal and New Markets Act. We cannot afford to leave this important work undone.

ADDITIONAL STATEMENTS

DISABILITY MENTORING DAY

• Mr. HARKIN. Mr. President, Iowa Governor Tom Vilsack has proclaimed October 25 "Iowa Disability Mentoring Day." Today, Iowans around the state will work to raise awareness of the benefits for all of us of increasing employment opportunities for young people with disabilities. And young people with disabilities will learn about job opportunities through on-site work experiences, job shadowing, and other forms of job mentoring.

Many of the mentors will themselves be people with disabilities. All children need role models, and I'm thrilled that through mentoring, children with disabilities will see tangible evidence that their disability does not diminish their ability to participate in the cultural, economic, educational, political, and social mainstream.

It's no surprise that Iowa is celebrating disability mentoring, because we are a leader in the field. This week, Iowa received a Federal grant under the Work Incentives Improvement Act for the Working Together So All Can Work program. This grant will enable more people with disabilities to participate in the workforce.

And Iowa Creative Employment Options, along with the University of Iowa Hospital School, has started up the Healthy and Ready to Work Mentoring Project. The project is run by a mentoring group of young adults with disabilities who have achieved their career goals or are pursuing the education and training they need to reach their goals.

These young men and women are college students, computer programmers, teachers, television directors, social workers, and businesspeople. On top of their studies and jobs, they are working with high school guidance counselors, meeting with students with disabilities, and developing a resource book to help students with disabilities and other students prepare for their careers. And they're planning to do even more in the future.

Mr. President, ten years ago, we passed the Americans with Disabilities Act. We said no to exclusion, dependence, and paternalism for people with disabilities, and we said yes to inclusion, independence, and empowerment. Iowa Disability Mentoring Day and projects like the Healthy and Ready to Work Mentoring Project and the Working Together So All Can Work Program bring the ADA to life every day by increasing the independence and self-sufficiency of people with disabilities. I thank everyone who is a part of these efforts.●

IN RECOGNITION OF BERKELEY COLLEGE

● Mr. TORRICELLI. Mr. President, I stand today to congratulate Berkeley College for being named the Woodbridge Metro Chamber of Commerce Corporate Citizen of the Year. Berkeley College has become a vital link in the Township of Woodbridge and throughout Middlesex County among students, business leaders, and government officials. Cooperation among all three elements has allowed them to form stronger relationships, institutions, and alliances throughout the community.

Berkeley College has fostered this collaborative spirit by hosting a number of informational forums such as the Education Foundation's Educator Institute, Tech Academy 2000, and other useful job training programs. Berkeley College has also sponsored a number of annual public service events like the Mayor's Fun Run, the Mayor's Holiday Stroll in the Park, and Making Strides in Breast Cancer. Most importantly, Berkeley offers a high quality business education to more than 600 students who receive valuable hands on knowledge of the current business culture through the College's association with various business and government leaders.

It is an honor to be able to recognize the achievements of Berkeley College.●

IN RECOGNITION OF BERNADETTE M. SOHLER

● Mr. TORRICELLI. Mr. President, I rise today to honor Bernadette M. Sohler as the 2000 recipient of the Woodbridge Metro Chamber of Commerce Member of the Year for her exemplary service to the Chamber and the community at large.

Bernadette has served as a strong advocate and avid supporter of the Woodbridge Chamber since 1994. She served as its President from 1998–1999 and has volunteered for numerous committees including the Annual Chamber Golf Classic, Tour of Woodbrigde, Holiday Luncheon and Parade, Chairman's Award, and Staff Appreciation Day.

As the External Affairs Manager at the Middlesex Water Company, Bernadette is responsible for all community and media relations; employee, customer, financial communications; corporate contributions; and public education. Her numerous board positions include Chair of the Public Information Committee of the American Water Works Association, the Central Jersey National Council of Community and Justice, the Charity Committee of the Diocese of Metuchen, Raritan Bay Healthcare Foundation, and the Perth Amboy Neighborhood Empowerment Council Economic Development Task Force. Bernadette's strong record in the business community at the Middlesex Water Company and her commitment to public service demonstrate her outstanding achievements in the public and private sectors.

It is an honor to recognize Bernadette M. Sohler's efforts and congratulate her on receiving the 2000 Chamber of Commerce Member of the Year Award from the Woodbrigde Metro Chamber of Commerce.●

IN RECOGNITION OF ELIZABETH JONASKY

● Mr. TORRICELLI. Mr. President, I rise today to recognize Elizabeth Jonasky of Woodcliff Lake, New Jersey on the momentous occasion of her 105th birthday. Mrs Jonasky will reach this wonderful milestone on November 5th of this year, and I feel it fitting that we acknowledge this special moment.

As I ponder all of the marvels and tragedies of our world that Elizabeth Jonasky has witnessed, I am reminded of the profound words of the Greek philosopher Plato, who once said, "It gives me great pleasure to converse with the aged. They have been over the road that all of us must travel, and know where it is rough and difficult and where it is level and easy."

It is a honor to wish Mrs. Jonasky the best of happiness on her birthday. It is my sincere hope that we will be able to continue to learn about life's rough and easy spots from her for sometime to come.●

IN RECOGNITION OF FATHER ROBERT COUNSELMAN

● Mr. TORRICELLI. Mr. President, it is with great pleasure that I rise today to honor Father Robert Counselman, who received the 2000 William E. Short Award from the Woodbridge Metro Chamber of Commerce. Through his exemplary service to the community, Father Counselman has shown his dedication and commitment to numerous civic institutions within and outside of the church.

Father Counselman serves as Chaplain to the Woodbridge Township Police Department and the Woodbridge Chamber of Commerce. He is an active participant in several civic and private institutions such as Habitat for Humanity, the Woodbridge Historical League, the Community Advisory Panel, and the Woodbridge Historic Preservation Commission. He was also instrumental in setting up a "Soup Kitchen" at Trinity Church, which provides free meals on Fridays. In addition, he helped establish a community playground, and is always available to assist people in their times of need.

It is an honor to recognize Father Robert Counselman's work and congratulate him on receiving the William E. Short Award from the Woodbridge Metro Chamber of Commerce.●

IN RECOGNITION OF JOHN A. HOFFMAN ESQ.

● Mr. TORRICELLI. Mr. President, it is my pleasure to rise today to recognize John A. Hoffman Esq., a lifelong resident of central New Jersey, as the Woodbridge Metro Chamber of Commerce Citizen of the Year. John has participated in numerous business, legal, and community affairs for more than 35 years and has established a remarkable record of success.

Mr. Hoffman joined the firm of Wilentz, Goldman & Spitzer in 1963, and is currently a managing partner. He represents major corporate and government clients such as PSE&G, Verizon New Jersey, Inc., Elizabeth Town Water Company, the Middlesex County Utilities Authority, and the New Jersey Performing Arts Center. John also serves as a member on several boards such as the Middlesex County College Foundation, Robert Wood Johnson University Hospital Foundation, Sister Cities Program of New Brunswick, and the New Jersey Client Security Fund. John has devoted his life to the practice of law and has used his experience and vision to lead and advise several other institutions in New Jersey. It is his extensive service to these institutions and their continued success that our State of New Jersey owes a great debt of gratitude.

It is an honor to recognize Mr. Hoffman's work and extend my congratulations to him on receiving the 2000 Citizen of the Year Award from the Woodbridge Metro Chamber of Commerce.●

IN RECOGNITION OF LEE VETLAND

● Mr. TORRICELLI. Mr. President, it is with great pleasure that I rise today to recognize Lee Vetland, the Woodbridge Chamber of Commerce Small Business Person of the Year. As owner of Lee's Auto Body, Inc. in Avenel, New Jersey, Mr. Vetland has turned his business into a highly respected and successful enterprise.

Lee's Auto Body opened for business in 1975 with three employees. Since that time, through his own industry, hard work, and a strong work ethic, Lee has seen his business grow to 21 employees. His efforts and commitment extend to other areas besides his entrepreneurship. Lee is the Chairman of the Board for Auto Body Distributing Company, Vice President of the Auto Body Shop Association in New Jersey (A.A.S.P.N.J.), a member of the Advisory Board for the Amoco Dealer Panel, and the Governor's Task Force on insurance fraud. While Lee has excelled in the auto body business, his expertise and knowledge have benefitted numerous organizations and associations throughout New Jersey as well.

It is an honor to recognize Mr. Vetland's achievements and extend my congratulations to him for receiving the 2000 Small Business Person of the Year Award from the Woodbridge Metro Chamber of Commerce.●

IN RECOGNITION OF THE MIDDLESEX COUNTY DIVISION OF THE AMERICAN CANCER SOCIETY

● Mr. TORRICELLI. Mr. President, I stand today to congratulate the Middlesex County Division of the American Cancer Society for being honored with the Community Service Award by the Woodbridge Metro Chamber of Commerce. The Middlesex Unit offers a wide array of programs and resources to help people learn about new treatments for cancer, arrange for home care, locate medical supplies and uplift patients with cancer and their families.

The Middlesex Unit is dedicated to eliminating cancer as a major health problem by taking pro-active measures to save lives and diminish the suffering of cancer patients through research, education, advocacy, and service. The Middlesex County Division's commitment to reducing the effects of cancer through medical means as well as its commitment to helping patients through financial assistance illustrates the Division's unique and humane approach to aiding patients with cancer. Their services have been of great benefit to countless individuals in Middlesex County.

It is an honor to recognize the work of the Middlesex County Division of the American Cancer Society and congratulate them on receiving the Woodbridge Metro Chamber of Commerce's 2000 Community Service Award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

The message further announced that the House has passed the following bills, without amendment:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1161. An act to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes.

H.R. 1804. An act to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

H.R. 2413. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

H.R. 3312. An act to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions.

H.R. 3514. An act to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4656. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

H.R. 4940. An act to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy," and for other purposes.

H.R. 5068. An act to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office."

H.R. 5143. An act to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, as the "Morgan Station."

H.R. 5144. An act to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building."

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center."

H.R. 5478. An act to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 114. Concurrent resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defend liberty and our country through service in World War I.

S. Con. Res. 130. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

S. Con. Res. 146. Concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such as investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 414. Concurrent resolution relating to the reestablishment of representative government in Afghanistan.

The message further announced that the House has agreed to the resolution (H. Res. 645) returning to the Senate the bill (S. 1109) entitled the "Bear Protection Act of 1999" in which is conveys that in the opinion of the House, the bill contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of the House and that such bill be respectfully returned to the Senate with a message communicating the resolution.

The message also announced that the House has passed the bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, with amendment.

The message further announced that the House has passed the bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, with amendments.

The message also announced that the House has passed the bill (S. 1694) to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, with amendments.

The message further announced that the House has passed the bill (S. 2749) to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States, with amendments.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, with an amendment.

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At 3:34 p.m. a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East.

The message further announced that the House has passed the following bill, without amendment:

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

At 5:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

ENROLLED BILL SIGNED

At 7:24 p.m. a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-630. A resolution adopted by the Board of County Commissioners, Cuyahoga County, Ohio relative to the Ryan White CARE Act programs; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106–508).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH for the Committee on Finance.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. BOND:

S. 3236. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. McCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. HELMS (for himself and Mr. KENNEDY)):

S. 3239. A bill to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees; considered and passed.

By Mr. DOMENICI:

S. 3240. A bill to avoid a pay-go sequestration for fiscal year 2001; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. KERRY (for himself, Mr. McCAIN, Mr. KERREY, Mr. HAGEL, Mr. ROBB, and Mr. CLELAND):

S. 3241. A bill to carry out an international fellowship program between the United States and Vietnam to enable Vietnamese nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY

Mrs. BOXER. Mr. President, today I am proud to introduce the California Reclaimed Water Act for the 21st century. As California takes its first steps into the 21st century, it is undeniable that the quality of water, the quantity of water, and the availability of water are among the most formidable challenges to our 34 million citizens and the many diverse regions of our fast growing state. Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

California is making significant progress in its effort to put its water house in order. Between March and June of this year, two major water policy initiatives occurred in California. On March 7, 2000, California voters overwhelmingly approved a $2 billion water bond. Further, on August 28, 2000, Governor Gray Davis and Interior Secretary Bruce Babbitt signed the landmark CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The existing federal program to support water recycling is found in title XVI, Public Law 102–575 and was enacted in 1992. The law authorized recycling projects and studies throughout California, including in Los Angeles, San Diego, San Jose, and San Francisco. The law also authorized projects in Colorado and Arizona. The 1992 law also called for a special Southern California Comprehensive Water Reclamation and Reuse study to investigate how the use of recycled water could relieve water supply pressure in California. That study is being prepared by the U.S. Bureau of Reclamation, State of California's Department of Water Resources, Metropolitan Water District of Southern California, Central Basin and West Basin Municipal Water Districts, City of Los Angeles, City of San Diego, San Diego Water Authority, Santa Ana Watershed Project Authority and the South Orange County Reclamation Authority. It should soon be completed.

Expressing continued support for the title XVI program, in 1996 Congress authorized a second group of water recycling projects in California, from Watsonville to Ventura County, and from Pasadena to Orange County, plus individual projects in Utah, New Mexico, Texas and Nevada. The legislation I introduce today builds upon these congressional efforts, voter ballot initiatives and agency studies. The bill authorizes a series of title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State including: Castaic Lake Water Agency Reclaimed Water Project Lake County, Clear Lake Basin Water Reuse Project East Bay Municipal Utility District and the San Ramon Serves District Recycled Water Project Inland Empire Utilities Agency, Inland Empire Regional Water Recycling Project in San Bernardino County San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties State of California Water Recycling Program Regional Brine Lines (salt removal) in Southern California, the San Francisco Bay and the Santa Clara Valley areas Chino Basin Watermaster, Inland Empire Utilities Agency, Western Municipal Water District and the Santa Ana Watershed Project Authority for the Lower Chino Dairy Area Desalination Demonstration and Reclamation Project.

Additional research, in cooperation with the WateReuse Foundation, is mandated and two previously authorized projects, one in Los Angeles and the other in the San Gabriel Basin, are modified. Finally, my bill mandates that the proposed projects be coordinated with the CALFED Program. Taken together, these projects will have the capacity to produce hundreds of thousands of acre feet of water. The Inland Empire Regional Water Recycling Project, for example, is designed to yield up to 66,000 acre feet of recycled water annually. Each acre foot of recycled water reduces the demand for imported water from the Bay-Delta and the Colorado River. Inland proposed to "drought proof" its region with these and related investments.

Beneficiaries of these projects and these investments include the immediate service areas, downstream neighbors, and towns and communities throughout California. Water recycling projects in California also reduce the demand for imported water, be it from the San Francisco Bay-Delta or the Colorado River. Recycling and reuse investments in Southern California have the effect of helping the Bay-Delta by reducing demand for additional imported Bay-Delta water. These same investments benefit California's neighboring states up and down the Colorado River. As more water is developed locally, pressure is reduced for imports.

Presently, negotiations are underway between California and the other six states of the Colorado River Basin. California is being asked to reduce the amount of water it takes from the Colorado River. In fact, as a result of these talks, California faces a reduction of some 800,000 acre feet. The water recycling projects proposed in this legislation can help California meet this challenge. As a result, Utah, Colorado, Nevada and Arizona also benefit from these programs. Unlike traditional Bureau of Reclamation water projects, these water recycling projects require a majority of funds to be locally provided. Consistent with title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75 percent local funding. Federal cost sharing is limited to 25 percent. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

The water recycling projects authorized by my bill are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed on line within a short time. This bill helps communities throughout California. This bill helps communities in Southern California, reducing pressure on the Bay-Delta water supplies. And, this bill respects our neighboring states up and down the Colorado River. I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Reclaimed Water Act for the 21st Century".

SEC. 2. COORDINATION OF PROJECTS AND PROGRAMS.

Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following:

"(e) COORDINATION WITH CALFED BAY-DELTA PROGRAM.—

"(1) IN GENERAL.—The Secretary shall coordinate projects under this title with projects and programs under the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748).

"(2) FEDERAL EXPENDITURES.—The Secretary shall take into account Federal expenditures under this title in making determinations under the CALFED Bay-Delta Program relating to the equitable implementation of ecosystem restoration and water management.

"(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each project under this title shall be carried out in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 3. AUTHORIZATIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by inserting after section 1601 the following:

"Subtitle A—Specific Projects";

(2) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h–13, 390h–14, 390h–15, 390h–16) as sections 1640, 1671, 1672, and 1631, respectively;

(3) by moving section 1631 (as redesignated by paragraph (2)) to follow section 1630;

(4) by inserting before section 1671 (as redesignated by paragraph (2)) the following:

"Subtitle B—Studies and Research";

(5) by inserting after section 1631 (as redesignated by paragraph (2)) the following:

"SEC. 1632. CASTAIC LAKE WATER AGENCY RECLAIMED WATER PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Castaic Lake Water Agency, California, may participate in the design, planning, and construction of the Castaic Lake Water Agency reclaimed water project, California, to reclaim and reuse wastewater within and outside the service area of the Castaic Lake Water Agency for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1633. CLEAR LAKE BASIN WATER REUSE PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with Lake County, California, may participate in the design, planning, and construction of the Clear Lake Basin water reuse project to obtain, store, and use reclaimed wastewater in Lake County for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $9,000,000.

"SEC. 1634. SAN RAMON VALLEY RECYCLED WATER PROJECT.

"(a) IN GENERAL.—The Secretary may provide design and construction assistance for the East Bay Municipal Utility District/Dublin San Ramon Services District advanced wastewater reuse treatment project, California, for use for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1635. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional project described in the report submitted under section 1606 to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1636. SAN PABLO BAYLANDS WATER REUSE PROJECTS.

"(a) IN GENERAL.—The Secretary, in cooperation with Sonoma, Napa, Marin, and Solano Counties, California, may participate in the design, planning, and construction of water reuse projects, to be known collectively as the 'San Pablo Baylands water reuse projects', to obtain, store, and use reclaimed wastewater for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1637. CALIFORNIA WATER RECYCLING PROGRAM.

"(a) IN GENERAL.—The Secretary may provide assistance to the State of California in carrying out projects that receive funding under chapter 7, article 4, of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of the State of California to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) AGREEMENTS.—The Secretary may enter into such agreements as are necessary to carry out this section.

"(c) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—Upon approval of the Act referred to in subsection (a), there is authorized to be appropriated to carry out this section $50,000,000.

"SEC. 1638. REGIONAL BRINE LINES.

"(a) IN GENERAL.—

"(1) SOUTHERN CALIFORNIA.—The Secretary, in cooperation with units of local government, may carry out a program under the Federal reclamation laws to assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

"(A) the Salinity Management Study prepared by the Bureau of Reclamation; and

"(B) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

"(2) SAN FRANCISCO BAY AND SANTA CLARA VALLEY.—The Secretary may carry out a study of, and a program under the Federal reclamation laws to assist water agencies in, projects to construct regional brine lines in the San Francisco Bay area and the Santa Clara Valley area, California.

"(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

"(c) COST SHARING.—

"(1) PROJECTS.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

"(A) 25 percent of the total cost of the project; or

"(B) $50,000,000.

"(2) STUDY.—The Federal share of the cost of the study described in subsection (a)(2) shall be 50 percent.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 1639. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

"(a) In General.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, the Western Municipal Water District, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) Cost Sharing.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $50,000,000.

"(c) Limitation.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section."; and

(6) by inserting after section 1672 (as redesignated by paragraph (2)) the following:

"SEC. 1673. RESEARCH CONCERNING WATER REUSE.

"(a) In General.—The Secretary, in cooperation with the WateReuse Foundation, shall develop and carry out a program to conduct research concerning water reuse in relation to—

"(1) public health;

"(2) water quality;

"(3) new technology and techniques;

"(4) salt management;

"(5) economics;

"(6) ecosystem restoration; and

"(7) other important matters.

"(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2001 through 2005, to remain available until expended.".

SEC. 4. WEST BASIN COMPREHENSIVE DESALINATION DEMONSTRATION PROGRAM.

Section 1605 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-3) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) West Basin Comprehensive Desalination Demonstration Program.—

"(1) In general.—The Secretary, in cooperation with the West Basin Municipal Water District, shall participate in the planning, design, and construction of the components of the West Basin Comprehensive Desalination Demonstration Program in Los Angeles County, California.

"(2) Federal share.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

"(3) Limitation.—The Secretary shall not provide funds for the operation or maintenance of the components described in paragraph (1).".

SEC. 5. PROJECT MODIFICATIONS.

(a) Los Angeles Area.—Section 1613 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-11) is amended by striking subsection (b) and inserting the following:

"(b) Water Recycling Project.—

"(1) In general.—The Secretary may participate in the design, planning, and construction of a water recycling project, to be known as the 'City of Los Angeles Water Recycling Program', to reclaim and reuse wastewater within the city of Los Angeles and surrounding area for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(2) Components.—The water recycling project shall consist of—

"(A) the central city project, a multiphase project that may provide up to 4,000 acre-feet per year of recycled water for ecosystem restoration and for industrial, commercial, and irrigation customers near downtown Los Angeles; and

"(B) the harbor water recycling project, a multiphase project that may provide up to 25,000 acre-feet per year of recycled water to the Los Angeles Harbor area.

"(c) Cost Sharing.—

"(1) In general.—The Federal share of the cost of the projects described in subsections (a) and (b) shall not exceed 25 percent of the total cost of the projects.

"(2) Maximum federal share.—The Federal share with respect to the water recycling project described in subsection (b) shall not exceed $12,000,000.

"(d) Limitation.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a) or (b).".

(b) San Gabriel Basin.—Section 1640(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)) (as redesignated by section 3(a)(2)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2), by inserting "(other than section 1614)" after "this title"; and

(3) by adding at the end the following:

"(3) San Gabriel Basin.—In the case of the project authorized by section 1614, the Federal share of the cost of the project shall not exceed $50,500,000.".

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The Reclamation Wastewater and Groundwater Study and Facilities Act is amended—

(1) in section 1640 (43 U.S.C. 390h-13) (as redesignated by section 3(a)(2))—

(A) in subsection (a), by striking "1630" and inserting "1632"; and

(B) in subsection (d)(1), by inserting "(other than sections 1634, 1636, 1637, 1638, and 1639)" after "authorized by this title";

(2) in section 1671(c) (43 U.S.C. 390h-14(c)) (as redesignated by section 3(a)(2)), by striking "section 1633" and inserting "section 1672"; and

(3) in section 1672 (43 U.S.C. 390h-15) (as redesignated by section 3(a)(2))—

(A) in the section heading, by inserting "**FOR GROUNDWATER STUDY**" before the period; and

(B) by striking "section 1632" and inserting "section 1671".

(b) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371; Public Law 102-575) is amended—

(1) by inserting after the item relating to section 1601 the following:

"Subtitle A—Specific Projects";

and

(2) by striking the items relating to sections 1631 through 1634 and inserting the following:

"Sec. 1631. Willow Lake Natural Treatment System Project.
"Sec. 1632. Castaic Lake Water Agency reclaimed water project.
"Sec. 1633. Clear Lake Basin water reuse project.
"Sec. 1634. San Ramon Valley recycled water project.
"Sec. 1635. Inland Empire regional water recycling project.
"Sec. 1636. San Pablo Baylands water reuse projects.
"Sec. 1637. California water recycling program.
"Sec. 1638. Regional brine lines.
"Sec. 1639. Lower Chino Dairy Area desalination demonstration and reclamation project.
"Sec. 1640. Authorization of appropriations.
"Subtitle B—Studies and Research
"Sec. 1671. Groundwater study.
"Sec. 1672. Authorization of appropriations for groundwater study.
"Sec. 1673. Research concerning water reuse.".

Mr. WELLSTONE.

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for Medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

MEDICARE MENTAL HEALTH MODERNIZATION ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise today to introduce the Medicare Mental Health Modernization Act, a bill to improve the delivery of mental health services through the Medicare health care system. This improvement and modernization of mental health services in the Medicare system is long overdue, as it has remained virtually unchanged since it was enacted by Congress in 1965. In the 35 years since then, the scientific breakthroughs in our understanding of mental illnesses and the enormous improvements in medications and other effective treatments have dramatically changed our understanding and treatment of mental illness. Yet, the health care systems, both public and private, lag behind in its treatment of this potentially life-threatening disease, one that affects the young and the old. As we work to improve health care for all Americans, in all health care systems, the ever-growing population of older Americans make it all the more urgent that we bring the Medicare system into the 21st century, and bring mental health care to those in need.

Though they are so often not recognized, mental health problems among the elderly are widespread and life-threatening. Americans aged 65 years and older have the highest rate of suicide of any population in the United States, and suicide rates increase with age. While this age group accounts for only 13 percent of the U.S. population, Americans 65 and older account for 20 percent of all suicide deaths. All too often, depression among the elderly is untreated or inappropriately treated, and this disease and other illnesses such as Alzheimer's disease, anxiety, late-life schizophrenia, can lead to severe impairment or death.

Major depression is strikingly prevalent among older people, with between 8 and 20 percent of older people in community studies showing symptoms of depression. Studies of patients in primary care settings show that up to 37 percent are experiencing such symptoms, although they often go untreated. Depression is not a normal part of aging, but a serious debilitating disease. Almost 20 percent of the population of individuals age 55 and older experience a serious mental disorder. What is most alarming is that most elderly suicide victims—70 percent—have visited their primary care doctor in the month prior to their completed suicide. It is critical that the mental health expertise that is needed be provided within the Medicare system, and that screening, diagnosis, and treatment be provided in a timely manner.

Medicare coverage for mental health services is markedly different from other outpatient services. In order to receive mental health care, seniors must pay, out of their own pockets, half the cost of a visit to their mental health specialist, an extremely unfair burden to place on the elderly, who are so often facing other health or life difficulties as well.

We know too that substance abuse, particularly of alcohol and prescription drugs, among adults 65 and older is one of the fastest growing health problems in the United States, with 17 percent of this age group suffering from addiction or substance abuse. While addiction often goes undetected and untreated among older adults, aging and disability only makes the body more vulnerable to the effects of these drugs, further exacerbating underlying health problems, and creating a serious need for treatment that recognizes these vulnerabilities.

Medicare also provides health care coverage for non-elderly individuals who are disabled, through Social Security Disability Insurance, SSDI. According to the Health Care Financing Agency, HCFA, Medicare is the primary health care coverage for the 5 million non-elderly, disabled people on SSDI. Up to 40 percent of these individuals have a diagnosis of mental illness and/or addiction, and also face severe discrimination in their mental health coverage.

What will my bill do? The Medicare Mental Health Modernization Act has several important components. First, the bill reduces this discriminatory 50 percent copayment for mental health care to 20 percent, which is equal to the level that applies to every other outpatient service in Medicare. This is straightforward, fair, and the right thing to do. By doing so, this provision will increase access to mental health care overall, especially for those who currently forego seeking treatment, and instead, find themselves suffering from worsening mental health conditions. Secondly, the bill adds intensive residential services to the Medicare mental health benefit package. This provision will give people suffering from mental illnesses such as Alzheimer's disease or late-life schizophrenia an alternative to going to nursing homes. Instead, they will be able to be cared for in their homes or in more appropriate residential settings. I also ask the Secretary for Health and Human Services to conduct a study of the current Medicare coverage criteria to determine the extent to which people with these forms of illnesses are receiving the appropriate care that is needed.

Finally, my bill expands the number of mental health professionals eligible to provide services through Medicare to include clinical social workers and licensed professional mental health counselors. Provision of adequate mental health services provided through Medicare requires more trained and experienced providers for the aging and growing population and should include those who are appropriately licensed and qualified to deliver such care.

These changes are needed now. The mental health groups most concerned with medicare improvement are strongly supportive of this bill, including, among others, the American Counseling Association, the National Alliance for the Mentally Ill, the National Mental Health Association, the American Psychological Association, the Bazelon Center for Mental Health Law, and the National Association of State Mental Health Program Directors. The U.S. Surgeon General David Satcher recognized the urgency in his recent reports on mental health: "Mental Health: A Report of the Surgeon General" and "The Surgeon General's Call to Action to Prevent Suicide". Dr. Satcher stated, "Disability due to mental illness in individuals over 65 years old will become a major public health problem in the near future because of demographic changes. In particular, dementia, depression, and schizophrenia, among other conditions, will all present special problems for this age group."

For too long we have continued to neglect those with mental illness in our society, and the Medicare system is no exception. I urge your cosponsorship of this bill as we begin our work in this new century. It is time to treat the elderly in our society, particularly those with serious, debilitating diseases, with the care, respect, and fairness they deserve.

By Mr. BREAUX (for himself, and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes, to the Committee on Commerce, Science, and Transportation.

THE FREEDOM TO FISH ACT

Mr. BREAUX. Mr. President, I rise today to send to the desk a bill that is called the Freedom to Fish Act. The legislation cosponsored by Senator HUTCHISON addresses an unsettling situation arising over access to our nation's public coastal resources. I understand that it is very late in the session to be introducing new legislation, but I believe this matter is significantly important to require immediate recognition. There is a growing movement to limit the use and enjoyment of America's coastal and ocean waters. This restriction of public access is occurring under the guise of the establishment of marine protected areas. Many in the environmental community are lauding the creation of these undersea national parks as the silver bullet solution to our over-exploited fisheries and degraded habitat. The bill I am introducing today aims to correct a system that would unfairly penalize our nation's approximately ten million marine recreational anglers. For while I support the goal of healthy marine fisheries, I disagree strongly with any method that unnecessarily limits our citizens' access to public waters.

I believe that my record clearly indicates my dedication to protecting and improving the health of our oceans and coasts. However, I believe that restricting public access to those waters is not the appropriate vehicle for accomplishing that goal in most cases. The notion of a marine park is certainly not new, having its origins in successful land management practices. The establishment of wildlife refuges, national parks and forests has shown clear benefits to the natural species living on those lands and fresh waters. However, in the transfer from the land to the marine waters one very important aspect of the protected area has been neglected. While sport fishing is nearly universally accepted throughout this nation's terrestrial parks, and wilderness areas, those advocating the use of marine parks take pains to specifically restrict the access of recreational anglers. This seems ironic to me, as an increasing number of recreational anglers practice catch and release fishing and all contribute money to their state's fish and game departments through the payment of license fees and taxes. I believe these anglers to be among this nation's first conservationists and their contributions to the resource need to be recognized.

In response to criticism and attacks against our Nation's sportsmen and women, I introduce the Freedom to Fish Act. The act establishes guidelines and safeguards by which the public's right to use and enjoy these resources is preserved in all but the most serious cases. It provides assurances that the angling public will have a place at the table when decisions are made regarding their use of the resource. Second, the Freedom to Fish Act will ensure that recreational anglers will be prohibited from an area only when they have been shown to be causing significant adverse effects on that fishery resource. Further, should prohibitions be justified, this bill prevents areas larger than scientifically necessary from being closed. In those cases, criteria will be established so that once certain goals have been reached, the area will reopen to the public immediately. Restricting public admission to our coastal waters should not be our first course of action, but rather our last resort. Open access to fishing is the single most important element of recreational fishing. We must defend public access against those that would try to restrict it under the cloak of marine resource protection. With that, I submit the Freedom to Fish Act for your review and discussion.

Mr. McCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

TELECOMMUNICATIONS OWNERSHIP DIVERSITY ACT OF 2000

Mr. McCAIN. Mr. President, I rise today to introduce revised legislation that will make sure that new entrants and small businesses will have the chance to enter and grow in today's megacorporation-dominated telecommunications marketplace. Together with my good friend and colleague, Communications Subcommittee Chairman CONRAD BURNS, I am pleased to bring forward for the Senate's consideration The Telecommunications Ownership Diversity Act of 2000.

Mr. President, no one needs to be told that any small business faces significant barriers in trying to enter the telecommunications industry. These barriers are even more formidable when the entrepreneur happens to be a woman or a member of a minority group, due to their historically more difficult job of obtaining needed financing. Therefore, in this current telecom industry mixer, small businesses, especially those owned by minorities or women, are often left without partners, watching as bigger, more established companies, get to dance.

That's not right, but there is an answer. The answer isn't to forbid mergers out-of-hand, or to retain hopelessly outdated FCC ownership restrictions, or to pursue constitutionally or economically doomed set-aside programs. The answer is to give established industry players economic incentives to deal with new entrants and small businesses that counterbalance the incentives they have to deal with larger companies.

And that's what this bill does. The Telecommunications Ownership Diversity Act of 2000 will promote entry into the telecommunications industry during this period of unprecedented restructuring by providing carefully-limited changes to the tax law. These changes to the tax law are an indispensable component of the solution. Under current law, smaller companies typically must purchase properties for cash, and cash transactions are fully taxable to the seller. So naturally sellers of telecommunications businesses prefer to sell for stock, which is tax-deferred, and which large companies have to offer.

The Act will level the playing field for new entrants and small businesses by giving telecommunications business sellers a tax deferral when the property is bought for cash by a small business telecommunications company. The Act will also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecommunications business to claim the tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small business.

In recognition of the convergence of telecommunications services and the growing importance of wireless and other services as an essential component of the telecommunications market, the telecommunications businesses eligible for this capital gains tax deferral are broadly defined to include not only broadcast and cable TV-type businesses, but also wireline and wireless telephone service providers and resellers. To eliminate the potential for abuse, the Act would require the eligible purchaser to hold any property acquired for three years, during which time it could only be sold to an unrelated eligible purchaser. The General Accounting Office is required to thoroughly audit and report on the administration and effect of the Act every two years.

Mr. President, this legislation represents a significant step toward helping to ensure that small companies share a portion of the investment benefits our tax laws give to major telecommunications companies. Over the next several months, we look forward to working with interested organizations to further refine this legislation. Specifically, we would welcome comments on how to further refine the concepts of qualified telecommunications business and eligible purchaser so as to ensure that this legislation meets its goals in the most fair and effective manner. Moreover, we note that this legislation contains a "control" test that is intended to ensure that this legislation is not subject to abuse—and actually benefits those that it is intended to help. We recognize, however, that this control test may also need to be refined as we go forward.

Mr. President, hallmark developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense the telecommunications industry is a true microcosm of the American free-market system, in which the benefits produced by its entrepreneurs generate benefits that extend to all of us. It is therefore critically important that new entrants and small businesses have a chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. The Act will help them do that, and Senator BURNS and I are proud to sponsor it and to work for its enactment.

By Mr. McCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL CLIMATE CHANGE SCIENCE COMMISSION ACT

Mr. McCAIN. Mr. President, this bill provides for the creation of an international scientific commission to assess changes in global climate patterns and to conduct scientific studies and analysis on behalf of the nations of the world.

The Commerce Committee held three hearings on the subject of climate change this year. We heard from several witnesses on the science of global warming, the impacts of climate change on the United States, and solutions to climate change.

One of the most salient points of the three hearings was the importance of good science to the policymaking process. Most importantly, any action the United States takes in response to claims of global warming must be based on the best science available and not on rhetoric or political expedience. We must continue to invest in our research capabilities to fully understand the scientific interactions between humans, the land, the ocean, and the atmosphere.

Based upon testimonies received by the Commerce Committee, the knowledge base in some countries is far greater than in others. To solve this global problem of climate change, we must rely upon all the resources and knowledge available to us. We must ensure that the United States research program is providing the maximum returns on our investment dollars. It was both surprising and disappointing to see that for a recent assessment of the United States, we had to rely upon two foreign computer models. We must do better.

Mr. President, I feel it is of vital importance that we allow scientists the opportunity to pursue knowledge as opposed to being constrained by politics. In introducing this bill entitled, International Climate Change Science Commission Act, it is my hope and intention that the membership of the Commission will be filled by those who are scientists and fully appreciate the pursuit of truth and knowledge. I hope this commission will provide them with an opportunity to freely research, discuss, and document their scientific findings.

Mr. President, I realize this bill will not pass this session. However, it is my hope that by introducing this bill a discussion will begin in the scientific community of how to better structure this piece of legislation and to ensure that the best available science is used for policy decisions. After discussions with the scientific community, I intend to re-introduce this bill or a new version of the measure next session and hopefully then move towards its enactment.

I also plan to offer other pieces of legislation next year in this area. There are several types of actions that may be taken to address this situation as indicated in the Commerce Committee's hearing, "Solutions to Climate Change," held on September 21, 2000.

Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE MENTAL HEALTH ACCESS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation on behalf of the more than 50 million Americans each year who suffer from mental illness. This bill, the Mental Health Access Act, removes one of the many barriers to health care faced by those who have been treated for a mental condition.

The Mental Health Access Act limits the ability of health plans to redline individuals with a preexisting mental health conditions. I undertook this initiative when I learned that some of my constituents were being turned away from health plans in the private non-group market due solely to a past history of treatment for mental conditions. Unfortunately, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult to obtain private health insurance, especially if they must purchase it on their own and do not have an employer-sponsored group plan available to them. In part this is because while the Health Insurance Portability and Accountability Act (HIPPAA) protects millions of Americans in the group health insurance market, it affords few protections for individuals who apply for private non-group insurance.

The Mental Health Access Act closes this loophole by limiting any preexisting condition exclusion relating to a mental health condition to not more than 12 months and reducing this exclusion period by the total amount of previous creditable coverage. It prohibits any health insurer that offers health coverage in the individual insurance market from imposing a preexisting condition exclusion relating to a mental health condition unless a diagnosis, medical advice or treatment was recommended or received within the 6 months period to the enrollment date. And it prohibits health plans in the individual market from charging higher premiums to individuals based solely on the determination that the such individual has had a preexisting mental health condition. These provisions apply to all health plans in the individual market, regardless of whether a state has enacted an alternative mechanism (such as a risk pool) to cover individuals with preexisting health conditions.

The Mental Health Access Act complements ongoing efforts to enhance parity between mental health services and other health benefits. This is because parity alone will not help individuals who do not have access to any affordable health insurance due to preexisting mental illness discrimination. The Access Act does not mandate that insurers provide mental health services if they are not already offering such coverage. It simply prohibits plans in the private non-group market from redlining individuals who apply for general health insurance based solely on a past history of treatment for a mental condition.

Recognizing that we are nearing the close of this year's legislative session. I plan to reintroduced this bill when Congress returns and it is my hope that many of my colleagues will join me. In the meantime, I have asked the General Accounting Office (GAO)to examine the extent to which private health insurers medically underwrite for mental health conditions by either denying coverage or raising premiums, often to a level that is unaffordable for many individuals. Specifically, I have asked the GAO to examine: the types of mental health conditions for which individual health insurers typically underwrite; the degree to which there is an actuarial basis for these carrier practices; the prevalence of medical underwriting for mental health conditions that result in denying coverage or raising premiums; and the extent of state laws that prevent or constrain insurers from denying coverage or raising premiums due to a history of mental health conditions, including consumer protections such as appeals procedures and access to information.

It simply does not make sense that just because a person seeks treatment for mental illness he or she is rendered uninsurable. I invite my colleagues to enlist in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND ACT

Mr. HARKIN. Mr. President, today, Senator CRAIG and I are introducing the National Rural Cooperative and Business Equity Fund Act to create a new public/private partnership designed to attract equity investment in cooperatives and other businesses in rural America. Senators DASCHLE, JEFFORDS, and JOHNSON are cosponsoring this bipartisan measure.

The Iowa 2010 Strategic Planning Council was commissioned by Governor Vilsack to identify barriers to Iowa's economic development progress over the next ten years. The council found that two very significant hurdles were lack of venture funding and access to capital.

The situation is no different in many other rural areas. Many new rural businesses, particularly cooperatives and farmer-owned businesses, have tremendous difficulty acquiring equity capital—especially those involving value-added agricultural processing.

In Iowa alone, I have seen many cases where equity capital would have made a big difference in the future of a rural business. And every time we lose an opportunity to help a business, it means fewer jobs, fewer well-paying jobs, and less income for rural and small town America.

In fact, just recently, in eastern Iowa, a group of turkey producers joined together to purchase the soon-to-be-closed West Liberty packing plant from Louis Rich. Ultimately—with the assistance of a USDA loan guarantee and state and private support—the co-op successfully purchased the plant. However, they almost went under because of limited equity. Only by the skin of our teeth are those jobs still in Iowa and those farmers still enjoying the benefits of cooperative ownership of that plant. In too many other cases, good ideas have been shattered because of a lack of equity.

My state has made some progress through the Iowa Department of Economic Development's "Community

Economic Betterment Account" or CEBA, which recently set aside some funding for venture capital. But far more resources are needed in Iowa and across Rural America.

That's why this legislation is so important. If we pass the National Rural Cooperative and Business Equity Fund Act, we will help quality rural cooperatives and businesses succeed and expand, and we will create jobs and raise the incomes of employees and farmers.

We're opening this bill up to discussion today with the hope of passing it in the next Congress. I believe this legislation has a strong start in the support of Senators CRAIG, DASCHLE, JEFFORDS, and JOHNSON. We also have the support of a number of national organizations that are key players in rural economic development including: Agribank, the American Bankers Association, CoBank, the Farm Credit Council, the Independent Community Bankers Association, the National Cooperative Business Association, the National Cooperative Bank, National Farmers Union, the National Rural Electric Cooperative Association, and the National Rural Utilities Cooperative Finance Cooperation.

The equity fund created by this legislation will have a 12-person Board of Directors that would decide which proposals to fund. This board would include the Secretary of Agriculture and two of his or her appointees, and the remainder of the Board would be made up of private investors in the fund. The first $150 million in private sector investments will be matched dollar for dollar by the U.S. Department of Agriculture over a three year period. As a compensation for the lower rate of return in the equity fund relative to other investments, the Department of Agriculture will guarantee up to 50 percent of an investment. Debentures, which would be guaranteed, could also be issued.

Businesses applying for equity from the fund must be sponsored by a local entity, such as a bank, a regional or local development council, or a cooperative or economic development group. The businesses must be based in rural areas, and they cannot be primarily retail businesses. Cooperatives and other businesses receiving an equity investment from the fund will be required to invest a substantial amount of their own capital.

The Fund is intended to support projects that will provide off-farm income, additional markets for agricultural products, and new business opportunities in rural communities. A diverse range of viable projects, representing a variety of business structures, operating in rural communities of various sizes would be encouraged.

Mr. President, I urge my colleagues and those concerned about rural economic development to examine this measure between Congresses and at the beginning of the coming Congress. I am hopeful that we will be able to make the National Rural Cooperative and Business Equity Fund a reality.

ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1760

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1760, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3152

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3156, a bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts.

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486.

S. 3169

At the request of Mr. SESSIONS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3216

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3216, a bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

AMENDMENTS SUBMITTED

DAIRY MARKET ENHANCEMENT ACT OF 2000

CRAIG AMENDMENT NO. 4340

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle C—Dairy Product Mandatory Reporting

"SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

"SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) DAIRY PRODUCTS.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) MANUFACTURER.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

"(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(4) ENFORCEMENT.—

"(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

"(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

"(C) APPEAL.—

"(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(D) NONCOMPLIANCE WITH ORDER.—

"(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

"(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

"(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

"(A) the submission or reporting of information;

"(B) the receipt or availability of, or access to, published reports or information; or

"(C) any other activity required under this subtitle.

"(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

NATIONAL RECORDING PRESERVATION ACT OF 2000

DASCHLE (AND OTHERS) AMENDMENT NO. 4341

Mr. STEVENS (for Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. WYDEN)) proposed an amendment to the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; as follows:

In section 101, insert "and collections of sound recordings" after "recordings".

In section 102(a)(1), insert "and collections of sound recordings" after "recordings".

In section 102(a)(1), strike "10 years" and insert "25 years".

In section 102(a)(3), insert "and collections of sound recordings" after "recordings".

In section 102(b), insert "or collection of sound recordings" after "recording".

In section 103(a), insert "or collection of sound recordings" after "recording" each place it appears.

In section 103(b)(1), insert "or collection of sound recordings" after "sound recording".

In section 103(b)(4), insert "or collection of sound recordings" after "sound recording" the first place it appears.

In section 103(c), insert "or collection of sound recordings" after "sound recording".

In section 103(c), strike "recording," and insert "recording or collection,".

In section 104(a), insert "(including electronic access)" after "reasonable access".

In the heading for section 122(d)(2), insert "OR ORGANIZATION" after "ORGANIZATION".

In section 124(a)(1), insert "and collections of sound recordings" after "recordings" the first place it appears.

Add at the end of section 124 the following new subsection:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation's recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Insert after section 125 the following new section:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Redesignate section 133 as section 134 and insert after section 132 the following new section:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

DASCHLE AMENDMENT NO. 4342

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill (H.R. 4846) supra; as follows:

Amend the title to read as follows: "A Bill to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.".

HONORING SCULPTOR KORCZAK ZIOLKOWSKI

On October 24, 2000, the Senate amended and passed S. Res. 371, as follows:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: "My fellow chiefs and I would like the white man to know that the red man has great heroes, too.";

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2440).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2440) entitled "An Act to amend title 49, United States Code, to improve airport security", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Security Improvement Act of 2000".

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator's efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking ", as the Administrator decides is necessary to ensure air transportation security,";

(2) in subparagraph (D) by striking "as a screener" and inserting "in the position for which the individual applied"; and

(3) by adding at the end the following:

"(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

"(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

"(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

"(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

"(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

"(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

"(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

"(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal

Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

"(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

"(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.".

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting "(or found not guilty by reason of insanity)" after "convicted";

(2) in clause (xi) by inserting "or felony unarmed" after "armed";

(3) by striking "or" at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

"(xiii) a felony involving a threat;

"(xiv) a felony involving—

"(I) willful destruction of property;

"(II) importation or manufacture of a controlled substance;

"(III) burglary;

"(IV) theft;

"(V) dishonesty, fraud, or misrepresentation;

"(VI) possession or distribution of stolen property;

"(VII) aggravated assault;

"(VIII) bribery; and

"(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or"; and

(5) in clause (xv) (as so redesignated) by striking "clauses (i)–(xii) of this paragraph" and inserting "clauses (i) through (xiv)".

SEC. 3. IMPROVED TRAINING.

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRAINING STANDARDS FOR SCREENERS.—

"(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

"(2) CLASSROOM INSTRUCTION.—

"(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

"(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

"(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

"(A) complete 40 hours of on-the-job training as a security screener; and

"(B) successfully complete an on-the-job training examination prescribed by the Administrator.".

(b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

"(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.".

SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

"(1) ENFORCEMENT.—

"(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

"(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

"(2) IMPROVEMENTS.—The Administrator shall—

"(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

"(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

"(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

"(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

"(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

"(F) improve the execution of the Administrator's quality control program by January 31, 2001; and

"(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.".

SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

"(C) MANUAL PROCESS.—

"(i) IN GENERAL.—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

"(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

"(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment.".

SEC. 7. AIRPORT NOISE STUDY.

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking "**GENERAL ACCOUNTING OFFICE**";

(2) in subsection (a) by striking "Comptroller General of the United States shall" and inserting "Secretary shall enter into an agreement with the National Academy of Sciences to";

(3) in subsection (b)—

(A) by striking "Comptroller General" and inserting "National Academy of Sciences";

(B) by striking paragraph (1);

(C) by adding "and" at the end of paragraph (4);

(D) by striking "; and" at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is *amended by striking item relating to section 745 and inserting the following:*

"Sec. 745. Airport noise study.".

SEC. 8. TECHNICAL AMENDMENTS.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking "15" and inserting "18".

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking "40126" each place it appears and inserting "40128";

(2) in section 804(b) by striking "40126(e)(4)" and inserting "40128(f)"; and

(3) in section 806 by striking "40126" and inserting "40128".

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code or Federal Regulations (or any subsequent similar regulation)."; and

(2) by adding at the end the following:

"(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.".

SEC. 9. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

Mrs. HUTCHISON. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we have just passed the Aviation Security Improvement Act of 2000. I am very pleased that we have been able, in a very bipartisan way, to pass this bill. I would like to just talk a little bit about how we came to pass the Aviation Security Act of 2000.

Thanks to Senator SLADE GORTON, the chairman of the Aviation Subcommittee, I was able to chair a hearing in which we heard from the FAA, particularly Admiral Flynn, about the state of our airport security. "What is the state of our airport security?" we asked. We wanted to know if we were doing everything we could to give our traveling public the most security possible.

Admiral Flynn did a report and shared that with the Members of the Senate who came to the hearing. Every single Senator who attended the hearing became a cosponsor of the bill that we have just passed because there were some areas that we could clearly see needed to be made more strict, more stringent, just to make sure that we take every single measure we can to make our airports totally secure. Not that they are not, but there were some areas in which we could do better.

So after the hearing and because of the outstanding testimony of Admiral Flynn of the FAA, we did put together a bill that was quite bipartisan. Chairman JOHN MCCAIN of the Commerce Committee came together with Chairman SLADE GORTON of the Aviation Subcommittee. Senators HOLLINGS, INOUYE, BRYAN, and ROCKEFELLER all became immediate cosponsors of the bill. With that bipartisan group, we were able to make the changes that have been passed by the House and now will go to the President.

Six hundred million travelers will pass through U.S. airports. Their safety depends on the soundness of the inspection points and the checkpoints, and we all have been through those monitors and we know how important it is that we have the best equipment and the best trained technicians to make sure we do not have any kind of firearms or explosives of any kind going into our airplanes.

So we were able to pass this bill. I just want to make a couple of the points that are important in the bill.

First, today, a person who has a lapse in employment history—whether it would be a year, 18 months, 2 years—would have a criminal background check done before they could be hired to be an airport baggage screener.

Under the bill that we are passing today, there will be a criminal history record check on every person who becomes a baggage screener.

Secondly, we looked at the airport training requirements for airport baggage screeners. We found that in the most industrialized countries there is a minimum of 40 hours of required training before a person can become a baggage screener, but in America the standard is 8 hours.

The committee and the Congress believe we need to have more hours of required training and a test for baggage screeners. That will happen because of the bill we have just passed.

Third, the security procedures in sensitive areas, such as the air traffic control towers, will be beefed up. And there will be prescribed security protocols and sanctions for people who violate those protocols.

And fourth, the new generation of explosive detection systems will be utilized at a higher rate because of the bill we have passed today.

I think we have done a very good job. I am very pleased that we had such a bipartisan effort on this piece of legislation. It could not have happened without the House and the Senate working together and so many people who did come into the negotiations on this bill. The leadership of our chairman, JOHN MCCAIN, and our subcommittee chairman, SLADE GORTON, were essential, along with Senators HOLLINGS, INOUYE, BRYAN, and ROCKEFELLER.

I also thank the staff who worked so hard. As you know, many times Senators have 10 things that are being asked of them at any one time. Without very good staff work, this would not have passed. So I especially thank my Commerce Committee staff legislative aid, Joe Mondello, who did yeoman service in making sure the bill got through committee and worked out all the little things that came up that could have unraveled the bill and did not. On Senator MCCAIN's staff, Mike Reynolds, and Rob Chamberlin, who also did terrific work in making sure we got this expeditiously through the committee in the last hours of the session, because we did not want to wait 60 days before we could bring this back next year. It is too important.

The air traveling public deserve to have the very best airport security. That is what this bill will allow. I believe the President will sign the bill. I urge him to do so.

Thank you, Mr. President.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 106–173, announces the following appointments to the Abraham Lincoln Bicentennial Commission: The Senator from Kentucky (Mr. BUNNING), and Dr. Gabor S. Boritt, of Pennsylvania.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 3137.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3137) to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 3137, the James Madison Commemoration Commission Act. I was an original cosponsor of this legislation, which will establish a bipartisan commission to recognize the life and accomplishments of James Madison on the 250th anniversary of his birth, March 16, 2001.

Among his many accomplishments, James Madison was the primary author of the U.S. Constitution, a document so brilliantly constructed that it has been amended only 27 times in our Nation's history. The first 10 amendments were ratified as our Bill of Rights in 1791, over two centuries ago. There have been just 17 additional amendments.

Our tribute to the Father of the Constitution comes in the same year that the Senate defeated no less than three ill-conceived proposals to amend his handiwork. I am proud that we were good stewards of the Constitution, and that the anniversary of Madison's birth will truly be a cause for celebration.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be read a second and third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3137) was read the third time and passed, as follows:

S. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "James Madison Commemoration Commission Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Establishment.
Sec. 4. Duties.
Sec. 5. Membership.
Sec. 6. Powers.
Sec. 7. Staffing and support.
Sec. 8. Contributions.
Sec. 9. Reports.
Sec. 10. Audit of financial transactions.
Sec. 11. Termination.
Sec. 12. Authorization of appropriations.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) March 16, 2001, marks the 250th anniversary of the birth of James Madison;

(2) as a delegate to the Continental Congress, and to the Annapolis Convention of 1786, James Madison foresaw the need for a more effective national government and was a persuasive advocate for such a government at the Philadelphia Constitutional Convention of 1787;

(3) James Madison worked tirelessly and successfully at the Constitutional Convention to mold a national charter, the United States Constitution, that combined both energy and restraint, empowering the legislature, the executive, and the judiciary, within a framework of limited government, separated powers, and a system of federalism;

(4) James Madison was an eloquent proponent of the first 10 amendments to the Constitution, the Bill of Rights;

(5) James Madison faithfully served his country as a Representative in Congress from 1789 to 1797, as Secretary of State from 1801 to 1809, and as President of the United States from 1809 to 1817;

(6) as President, James Madison showed courage and resolute will in leading the United States to victory over Great Britain in the War of 1812;

(7) James Madison's political writings, as exemplified by his Notes on the Federal Convention and his contributions to The Federalist Papers, are among the most distinguished of American state papers;

(8) by his learning, his devotion to ordered liberty, and by the force of his intellect, James Madison made an indispensable contribution to the American tradition of democratic constitutional republicanism embodied in the Constitution of the United States, and is justifiably acclaimed as father of the Constitution;

(9) it is appropriate to remember, honor, and renew the legacy of James Madison for the American people and, indeed for all mankind; and

(10) as the Nation approaches March 16, 2001, marking the anniversary of the birth of James Madison, it is appropriate to establish a commission for the commemoration of that anniversary.

SEC. 3. ESTABLISHMENT.

A commission to be known as the James Madison Commemoration Commission (in this Act referred to as the "Commission") and a committee to be known as the James Madison Commemoration Advisory Committee (in this Act referred to as the "Advisory Committee") are established.

SEC. 4. DUTIES.

(a) COMMISSION.—The Commission shall—

(1) in cooperation with the Advisory Committee and the Library of Congress, direct the Government Printing Office to compile and publish a substantial number of copies of a book (as directed by the Commission) containing a selection of the most important writings of James Madison and tributes to him by members of the Commission and other persons that the Commission deems appropriate;

(2) in cooperation with the Advisory Committee and the Library of Congress, plan and coordinate 1 or more symposia, at least 1 of which will be held on March 16, 2001, and all of which will be devoted to providing a better understanding of James Madison's contribution to American political culture;

(3) in cooperation with the Advisory Committee recognize such other events celebrating James Madison's birth and life as official events of the Commission;

(4) develop and coordinate any other activities relating to the anniversary of the birth of James Madison as may be appropriate;

(5) accept essay papers (via the Internet or otherwise) from students attending public and private institutions of elementary and secondary education in any State regarding James Madison's life and contributions to America and award certificates to students who author exceptional papers on this subject; and

(6) bestow honorary memberships to the Commission or to the Advisory Committee upon such persons as it deems appropriate.

(b) ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) submit a suggested selection of James Madison's most important writings to the Commission for the Commission to consider for inclusion in the book printed as provided in subsection (a)(1);

(2) submit a list and description of events concerning the birth and life of James Madison to the Commission for the Commission's consideration in recognizing such events as official "Commission Events"; and

(3) make such other recommendations to the Commission as a majority of its members deem appropriate.

SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 19 members, as follows:

(A) The Chief Justice of the United States or such individual's delegate who is an Associate Justice of the Supreme Court of the United States.

(B) The Majority Leader and the Minority Leader of the Senate or each such individual's delegate who is a Member of the Senate.

(C) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives or each such individual's delegate who is a Member of the House of Representatives.

(D) The Chairman and the Ranking Member of the Committee on the Judiciary of the Senate or each such individual's delegate who is a member of such committee.

(E) The Chairman and the Ranking Member of the Committee on the Judiciary of the House of Representatives or each such individual's delegate who is a member of such committee.

(F) Two Members of the Senate selected by the Majority Leader of the Senate and 2 Members of the Senate selected by the Minority Leader of the Senate.

(G) Two members of the House of Representatives selected by the Speaker of the House of Representatives and 2 Members of the House of Representatives selected by the Minority Leader of the House of Representatives.

(H) Two members of the executive branch selected by the President of the United States.

(2) CHAIRMAN AND VICE CHAIRMAN.—The Chief Justice of the United States shall serve as Chairman of the Commission and the members of the Commission shall select a vice chairman from its members, unless the Chief Justice appoints a delegate to serve in his stead, in which circumstance, the members of the Commission shall select a chairman and vice chairman from its members.

(b) MEMBERSHIP OF THE ADVISORY COMMITTEE.—

(1) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of 14 members, as follows:

(A) The Archivist of the United States or such individual's delegate.

(B) The Secretary of the Smithsonian Institution or such individual's delegate.

(C) The Executive Director of Montpelier, the home of James Madison, and the 2001 Planning Committee of Montpelier or such individual's delegate.

(D) The President of James Madison University in Harrisonburg, Virginia or such individual's delegate.

(E) The Director of the James Madison Center, James Madison University in Harrisonburg, Virginia or such individual's delegate.

(F) The President of the James Madison Memorial Fellowship Foundation or such individual's delegate.

(G) Two members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Majority Leader of the Senate, and 2 members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the Senate.

(H) Two members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Speaker of the House of Representatives, and 2 members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the House of Representatives.

(2) CHAIRMAN AND VICE CHAIRMAN.—The members of the Advisory Committee shall select a chairman and vice chairman from its members.

(c) TERMS.—Each member of the Commission shall be selected and each member of the Advisory Committee shall be selected not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission and the Advisory Committee, respectively.

(d) Vacancies.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made in subsection (a). A vacancy in the Advisory Committee shall be filled by the person holding the office named in subsection (b) or his designate.

(e) Compensation.—

(1) Rates of pay.—Members of the Commission and the Advisory Committee shall serve without pay.

(2) Travel expenses.—Each member of the Commission and the Advisory Committee may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) Meetings.—The Commission shall meet at the call of its chairman or a majority of its members. The Advisory Committee shall meet at the call of the chairman or a majority of its members.

(g) Approval of Actions.—All official actions of the Commission under this Act shall be approved by the affirmative vote of not less than a majority of the members. All official actions of the Advisory Committee under this Act shall be approved by the affirmative vote of not less than a majority of the members.

SEC. 6. POWERS.

(a) Delegation of Authority.—Any member or staff person of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(b) Contract Authority.—

(1) In general.—The Commission may procure services and property, and make or enter into contracts, leases, or other legal agreements, in order to carry out this Act.

(2) Restriction.—The contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) Termination.—All supplies and property acquired by the Commission under this Act that remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(c) Information.—

(1) In general.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(2) Exception.—Paragraph (1) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(d) Rules and Regulations.—The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this Act. The Commission may also adopt such rules for the Advisory Committee.

(e) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies, and the Committee on the Judiciary of the Senate may mail items on behalf of the Commission.

(f) Necessary and Proper Powers.—The Commission may exercise such other powers as are necessary and proper in carrying out and effecting the purposes of this Act.

SEC. 7. STAFFING AND SUPPORT.

The Chairman of the Committee on the Judiciary of the Senate, the Chairman of the Committee on the Judiciary of the House of Representatives, and the Librarian of Congress shall provide the Commission and the Advisory Committee with such assistance, including staff support, facilities, and supplies at no charge, as may be necessary to carry out its duties.

SEC. 8. CONTRIBUTIONS.

(a) Donations.—The Commission may accept donations of money, personal services, and property, both real and personal, including books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials related to James Madison.

(b) Use of Funds.—

(1) In general.—Any funds donated to the Commission may be used by the Commission to carry out this Act. The source and amount of such funds shall be listed in the interim and final reports required under section 9.

(2) Procurement requirements.—

(A) In general.—In addition to any procurement requirement otherwise applicable to the Commission, the Commission shall conduct procurements of property or services involving donated funds pursuant to the small purchase procedures required by section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)). Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall not apply to such procurements.

(B) Definition.—In this paragraph, the term "donated funds" means any funds of which 50 percent or more derive from funds donated to the Commission.

(c) Volunteer Services.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(d) Remaining Funds.—Funds remaining upon the date of termination of the Commission shall be used to ensure the proper disposition of property donated to the Commission as specified in the final report required by section 9.

SEC. 9. REPORTS.

(a) Interim Report.—Not later than February 15, 2001, the Commission shall prepare and submit to the President and Congress an interim report detailing the activities of the Commission, including an accounting of funds received and expended by the Commission, during the period beginning on the date of enactment of this Act and ending on December 31, 2000.

(b) Final Report.—Not later than February 15, 2002, the Commission shall submit to the President and to Congress a final report containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) the findings, conclusions, and recommendations of the Commission;

(4) specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8(a), if any; and

(5) any additional views of any member of the Commission concerning the Commission's recommendations that such member requests to be included in the final report.

SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.

(a) In General.—The Inspector General of the General Services Administration shall audit financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(b) Audit Reports.—Not later than March 15, 2001, the Inspector General of the General Services Administration shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted before January 1, 2001. Not later than March 15, 2002, such Inspector General shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted during the period beginning on January 1, 2001, and ending on December 31, 2001.

SEC. 11. TERMINATION.

The Commission and the Advisory Committee shall terminate not later than 60 days following submission of the final report required by section 9.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $250,000 for fiscal year 2001.

INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT OF 1999

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 859, S. 1898.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1898) to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Juidiciary, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Dangerous Criminals Act of 2000" or "Jeanna's Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly

specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

SEC. 3. DEFINITIONS.

In this Act:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) PRIVATE PRISONER TRANSPORT COMPANY.—The term "private prisoner transport company" means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) VIOLENT PRISONER.—The term "violent prisoner" means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) STANDARDS AND REQUIREMENTS.—The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) FEDERAL STANDARDS.—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

SEC. 5. ENFORCEMENT.

(a) PENALTY.—Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

Mr. LEAHY. Mr. President, I rise today to express my strong support for S. 1898, the Interstate Transportation of Dangerous Criminals Act, also known as "Jeanna's bill." I worked with Senator DORGAN in developing this legislation, which passed the Judiciary Committee in September with unanimous bipartisan support. I praise Senator DORGAN's leadership, and am proud to be an original cosponsor.

Kyle Bell was sentenced to life in prison for the brutal murder of 11-year old Jeanna North. On October 13, 1999, Bell escaped, while being transferred interstate by a private prisoner transport company. He picked the locks on his handcuffs and leg irons, and slipped off the bus while it was stopped for gas in New Mexico. He was wearing his own street clothes and shoes. The guards did not notice that Bell was missing until nine hours later, and then delayed in notifying New Mexico authorities.

Kyle Bell's escape is not an isolated case. In recent years, there have been several escapes by violent criminals when vans operated by private prisoner transport companies broke down or guards fell asleep on duty. There have also been an alarming number of traffic accidents in which prisoners were seriously injured or killed because drivers were tired, inattentive or poorly trained.

Privatization of prisons and prisoner transportation services may be cost efficient, but public safety must come first. Jeanna's bill, S.1898, requires the Attorney General to establish some basic, common-sense guidelines for private companies that transport violent criminals across State lines, including:

minimum standards for pre-employment background checks;

minimum standards for training employees;

minimum standards for the identification, restraint, and safety of violent prisoners; and

a requirement that private prisoner transport companies notify local law enforcement in advance of any stops in their jurisdiction.

A violation is punishable by a $10,000 fine, plus restitution for the cost of recapturing any violent prisoner who escapes as the result of such violation. This should create a healthy incentive for companies to abide by the regulations and operate responsibly.

As Senator DORGAN has pointed out, a company hauling hazardous waste, cattle, or even circus animals has to meet certain minimum standards. Yet there are no requirements for hauling violent criminals around the country.

Jeanna's bill has been endorsed by a wide range of law enforcement and victims' rights groups, including the National Sheriff's Association, the National Association of Police Organizations, the Fraternal Order of Police, the California Correctional Peace Officers Association, the New York Correctional Officers and Police Benevolent Association, the National Organization of Parents of Murdered Children, the KlassKids Foundation, and many others. It will go a long way toward preventing more violent criminals from escaping. I am pleased that the Senate is finally passing this important legislation, and urge the House of Representatives to do the same.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1898), as amended, was read the third time and passed.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3239, introduced earlier today by Senators HELMS and KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3239) to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3239) was read the third time and passed, as follows:

S. 3239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN UNITED STATES INTERNATIONAL BROADCASTING EMPLOYEES.

(a) SPECIAL IMMIGRANT CATEGORY.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L); and

(3) by adding at the end the following new subparagraph:

"(M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.".

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by inserting before the period at the end the following: ", and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to visas made available in any fiscal year beginning on or after October 1, 2000.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3218, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3218) to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3218) was read the third time and passed.

PARLIAMENTARY ELECTIONS IN BELARUS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 153 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 153) expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 153) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 153

Whereas on October 15, 2000, Aleksandr Lukashenko and his authoritarian regime conducted an illegitimate and undemocratic parliamentary election in an effort to further strengthen the power and control his authoritarian regime exercises over the people of the Republic of Belarus;

Whereas during the time preceding this election the regime of Aleksandr Lukashenko attempted to intimidate the democratic opposition by beating, harassing, arresting, and sentencing its members for supporting a boycott of the October 15 election even though Belarus does not contain a legal ban on efforts to boycott elections;

Whereas the democratic opposition in Belarus was denied fair and equal access to state-controlled television and radio and was instead slandered by the state-controlled media;

Whereas on September 13, 2000, Belarusian police seized 100,000 copies of a special edition of the Belarusian Free Trade Union newspaper, Rabochy, dedicated to the democratic opposition's efforts to promote a boycott of the October 15 election;

Whereas Aleksandr Lukashenko and his regime denied the democratic opposition in Belarus seats on the Central Election Commission, thereby violating his own pledge to provide the democratic opposition a role in this Commission;

Whereas Aleksandr Lukashenko and his regime denied the vast majority of independent candidates opposed to his regime the right to register as candidates in this election;

Whereas Aleksandr Lukashenko and his regime dismissed recommendations presented by the Organization for Security and Cooperation in Europe (OSCE) for making the election law in Belarus consistent with OSCE standards;

Whereas in Grodno, police loyal to Aleksandr Lukashenko summoned voters to participate in this illegitimate election for parliament;

Whereas the last genuinely free and fair parliamentary election in Belarus took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been undercut by the authoritarian regime of Aleksandr Lukashenko; and

Whereas on October 11, the Lukashenko regime froze the bank accounts and seized the equipment of the independent publishing company, Magic, where most of the independent newspapers in Minsk are published: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON BELARUS PARLIAMENTARY ELECTIONS.

Congress hereby—

(1) declares that—

(A) the period preceding the elections held in Belarus held on October 15, 2000, was plagued by continued human rights abuses and a climate of fear for which the regime of Aleksandr Lukashenko is responsible;

(B) these elections were conducted in the absence of a democratic electoral law;

(C) the Lukashenko regime purposely denied the democratic opposition access to state-controlled media; and

(D) these elections were for seats in a parliament that lacks real constitutional power and democratic legitimacy;

(2) declares its support for the Belarus' democratic opposition, commends the efforts of the opposition to boycott these illegitimate parliamentary elections, and expresses the hopes of Congress that the citizens of Belarus will soon benefit from true freedom and democracy;

(3) reaffirms its recognition of the 13th Supreme Soviet as the sole and democratically and constitutionally legitimate legislative body of Belarus; and

(4) notes that, as the legitimate parliament of Belarus, the 13th Supreme Soviet should continue to represent Belarus in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

SEC. 2. SENSE OF CONGRESS ON DISAPPEARANCES OF INDIVIDUALS AND POLITICAL DETENTIONS IN BELARUS.

It is the sense of Congress that the President should call upon Aleksandr Lukashenko and his regime to—

(1) provide a full accounting of the disappearances of individuals in that country, including the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky; and

(2) release Vladimir Kudinov, Andrei Klimov, and all others imprisoned in Belarus for their political views.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

JAMES GUELFF BODY ARMOR ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 733, S. 783, by Senator DIANNE FEINSTEIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 783) to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "James Guelff Body Armor Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 4. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 5. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.".

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) AFFIRMATIVE DEFENSE.—

"(1) IN GENERAL.—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) EMPLOYER.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.".

SEC. 6. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

(e) NO LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this section.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 783), as amended, was read the third time and passed.

CELEBRATING THE BIRTH OF JAMES MADISON AND HIS CONTRIBUTIONS TO THE NATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 396.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 396) was agreed to.

The preamble was agreed to.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RETIRING COLLEAGUES

Mr. DODD. Mr. President, I will take a few minutes this evening to talk about a person who is a colleague in the sense that I have worked with him for 25 years in my office in Connecticut. He has recently retired. I will also discuss three colleagues here in the U.S. Senate who have announced their retirement. As we, hopefully, arrive at the closing of this session, I want to take a couple of moments to share my thoughts about these three colleagues. I will speak about two other colleagues tomorrow or the next day, if I can, so as not to consume too much time this evening because colleagues may want to be heard on other matters.

TRIBUTE TO STANLEY ISRAELITE

Mr. DODD. First, I want to pay tribute to a man that has literally been like a father, brother, and uncle to me, and a close confidant for a quarter of a century. I affectionately call him "the coach." Stanley Israelite has been with me in my office from the very first day in January of 1975 when I was sworn into the House of Representatives, until just months ago when, at age 75, he retired from the service of the U.S. Senate and service to me as a Member of the House and the Senate.

There are many words to describe Stanley Israelite and the many roles in my life and the lives of countless others in Connecticut and the country that he has served as a friend, counselor, trusted advisor, and faithful public servant. While these words can describe what he has been, there are really no words to describe what he has meant, particularly to me and to literally hundreds of others who have been blessed to know him and have been affected by the work he has performed on their behalf. It is equally the case that there are no words to express my true feelings of deep gratitude for Stanley's service and my personal sadness that he is retiring from the U.S. Senate.

Mr. President, in a recent edition of the New London Day, a local paper in Connecticut, the headline read "Israelite Enjoys Retirement for Day, Then Joins NCDC"—the Norwich Community Development Corporation. That one headline fairly well sums up Stanley's remarkable life of service. For almost 75 years, he has led a life of tireless devotion to the things that endure in this life: faith, family, compassion for the less fortunate, integrity, and great humility.

While many think of him as a quintessential public servant, Stanley Israelite's roots actually lie in the world of small business. His first occupation, after serving in the U.S. military, was helping to run his father's jewelry store in Norwich, Connecticut. He would later serve as an officer of the Norwich Chamber of Commerce and then became director of it. In fact, he was director when he joined me as a freshman member of the House. Subsequently, he was elected as a member of the City Council in his beloved hometown of Norwich, Connecticut, and was chosen to serve as commissioner to the Norwich Department of Public Utilities.

In his "spare time," he was corporator of the William W. Backus Hospital in Norwich, the former Norwich Savings Society, and the Norwich Free Academy, one of the oldest, if not the oldest, public high schools in America.

In the 1970s, he served as head of the Norwich Community Development Corporation. In that role, he oversaw the establishment of the Norwich Industrial Park. I know a lot of industrial parks built today are rather commonplace, but this was one of the first and one of the most unique in the State of Connecticut and across the country. This facility embodies Stanley's vision of a thriving economic community in southeastern Connecticut, and he created it while maintaining the wonderful topography and environmental integrity of that part of the city of Norwich.

It represents, in many ways—in stone, metal, glass, and the environment that surrounds it—the deep commitment of this remarkable man to make life better for those around him. As one former State Senator recently said of Stanley's work on the Norwich Industrial Park, "It's high time we name the park after him." I second that thought.

For the past 25 years, I have had the great privilege of knowing Stanley as a member of my staff. He served as my State director and senior advisor for a quarter century. But what truly distinguished Stanley was not the title that he held in my office, but his rock-solid sense of purpose. Stanley was with me on the very first day that I was sworn in as a new Member of Congress. Every single day, 7 days a week, I had at least one conversation with Stanley Israelite. I never made an important decision—very few decisions at all—without discussing them with Stanley and getting his solid advice as to how we ought to proceed. Early in my very first term, I remember being out with Stanley for dinner one night. In talking about the job and how the job ought to be done, he listened to me patiently, as he oftentimes did, go on at some length about the work and the projects we wanted to be involved in, the major issues affecting Electric Boat and all these important institutions in my congressional district. After I went on for some time, I turned to Stanley and asked him what he thought. I can almost hear him exactly. He said, "I am going to tell you one thing about this job." He paused and he just said, "Never forget the people."

With those words, Stanley Israelite embarked on a 25-year career with me, on a path and a journey that has been a joy every single day. I am constantly reminded by Stanley and by his words and deeds that our job is to never forget the people. For 25 years, he has been a champion of those who too often are ignored, the underdogs, the ill, the elderly, the frail—those who didn't have anybody to speak for them. For Stanley, every person does count. No matter is too small for his attention. For him, a constituent's problem became his problem. Words like "I can't help you," "try another office," "later," or "no," simply were not in Stanley's vocabulary.

In November of 1995, U.S. News and World Report published what they call their "Portraits of 12 Indispensable Americans." I am proud to tell you today that one of those 12 indispensable Americans was the man I speak about this evening, Stanley Israelite.

I ask unanimous consent that that profile of Stanley Israelite contained in the publication of U.S. News and World Report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATOR'S AIDE—HOUNDING THE BUREAUCRATS

(By James Popkin)

Lots of people's problems with their government aren't ideological, they're logistical. That's why many rely on the congressional aides like Stanley Israelite to help them fight their battles with government agencies.

> At 70, Stanley Israelite is fighting a crusade to prove the cynics wrong. Since 1975, when the gravely voiced former Brooklynite first went to work for then Rep. Christopher Dodd (now a senator), Israelite has helped thousands of Connecticut citizens replace lost passports, track down late tax refunds, ship dearly departeds to grieving families overseas and even bail the occasional misbehaving Connecticut teenager out of Mexican jails.
>
> All successful members of Congress have staffers like Israelite who can goose reluctant bureaucrats into action. Although Dodd happens to be a Democrat, effective constituent service is a congressional specialty that cuts across political lines. It's first and foremost a matter of good politics: Good service results in happy voters. But what distinguishes Israelite is his gusto for the job. And his not-so-artful technique. "When I call an agency because somebody is waiting for her Social Security check or a guy is waiting for an FHA loan and the agency gives me some song and dance, I try to let them know I'm not gonna take any of their crap," he says. "At times, I tell them I've discussed this problem with the senator. Sometimes, it isn't true."
>
> A former jewelry store owner and Chamber of Commerce honcho from Norwich, Conn., Israelite is Dodd's pipeline to many of the state's small-business owners. Harry Jackson, a life-long Republican who is the City Council president in Norwich, recalls how difficult it was to get a meeting with officials from the Environmental Protection Agency when the city wanted to build a new firehouse on federal land. "Stan got us in there after just one phone call," says Jackson, who ultimately built the firehouse.
>
> "Things happened." Don Daren says Israelite was a life-saver in 1981, when a state-based paper distributor was trying to secure a $900,000 umbrella loan from the Connecticut Development Authority. Daren, who owns the Arrow Paper Supply & Food Co., says it was going to take forever for the CDA to process his loan papers so he could buy a new warehouse. "Stanley told them [CDA officials] my problem, and things happened right away," says Daren, whose business has grown from 36 workers then to nearly 200 today. "He has his own constituency. People like Stanley."
>
> Ideally, says veteran Hartford Courant political columnist Don Noel, senators like Dodd would use their clout on Capitol Hill to fix bureaucracies and make them more consumer friendly—eliminating the need for taxpayer-financed ombudsmen like Israelite. But since that goal seems unattainable, Noel figures that Israelite plays a vital role. "If you have something you need the senator to do for you, if anyone can do it, Stanley can," he says.
>
> Israelite admits that he is motivated by a desire to help re-elect Dodd. But he adds: "Part of what drives me is knowing that there's someplace where somebody can go when they are not getting anyplace."

One of the great honors of my life has been to have Stanley by my side during very important moments—almost every important moment in the past 25 years. Many times when I received the applause as the elected official, the Congressman or the Senator, I knew the person who truly deserved the applause was Stan Israelite.

No tribute to Stanley would be complete without mentioning his wonderful family: his beloved and recently departed wife Pauline, who was as great and close a friend as Stanley; his son Michael and daughter-in-law Donna; his son John; his daughter Abby and son-in-law Bill Dolliver; his daughter Mindy and son-in-law Bill Wilkie; his siblings; and, not least, six wonderful grandchildren. To them I extend my heartfelt gratitude for sharing this remarkable man with me and so many others for a quarter century.

There are few words to describe Stanley that would adequately describe what he has done. No words will describe what he meant to countless individuals. For me, there is sadness that he has retired from my office in the Senate, but there is great comfort in knowing he will continue to work on behalf of the people of our State and his community, and will continue to be a close friend and incredibly important part of my life. So today, there is no need for goodbyes but only these words: Thank you, Coach.

When he departed, he said, "I am leaving the Senate, but not CHRIS DODD." I can say this to Stanley: You may have left my office, but you will never be very far away when I need you for that sound counsel and good advice you gave me for a quarter century. I thank this wonderful man for his service to me, to our State, and to the country.

TRIBUTE TO RETIRING SENATORS

Mr. DODD. Mr. President, I want to talk about three colleagues that are retiring. There are five, actually, but I will get to them later. I don't want to do it all at once tonight. I will speak about three of them: Senators RICHARD BRYAN, BOB KERREY, and FRANK LAUTENBERG. Later I will talk about CONNIE MACK and Senator PAT MOYNIHAN, who have also made decisions to retire from the Senate. They will be casting their last votes as Members of the Senate in the next three days. I want to take a few minutes in these remaining hours to pay tribute to these three individuals who will be leaving the Congress at the end of this session.

All three of these individuals have served with great distinction in this body. All have made a mark on our Nation for which this country will be grateful for generations to come. All will be missed by those of us who will remain in this body, not to mention by the people of their respective States and people across this country.

Let me first speak, if I may, about my good friend DICK BRYAN of Nevada. Few, if any, of our colleagues have come to this institution having already achieved as much distinction in public service as DICK BRYAN.

Long before he set foot on the floor of this U.S. Senate, he had accomplished a great deal for the people of his beloved State of Nevada. He is the first person in the history of that State to have served as Attorney General, Governor, and then U.S. Senator.

Senator BRYAN did not come to the Senate to sit on passed laurels and achievements. He did what he has done in every position of public trust he has ever held, even going back to his term as the president of his eighth great class at Park Elementary School; he went to work on behalf of the people he was elected to represent.

He went to work for consumers. As the former chairman of the Consumer Affairs Subcommittee of the Commerce Committee, Senator BRYAN successfully fought to have airbags installed in all automobiles sold in the United States. Some viewed this as a highly risky cause to champion as a politician—promoting airbags. It is thought that a Senator should avoid at all costs having his or her name associated with something like airbags.

But Senator BRYAN was not deterred. And today, thanks to him, hundreds of lives are saved every year by a feature that is now standard issue in American automobiles. Every day, when tens of millions of Americans drive to work, school, or the store, they can thank DICK BRYAN for making sure that their trip will be a safer one than it otherwise would have been.

Senator BRYAN also worked with a large coalition of children's advocates to enact new protections for Internet privacy. He led the fight to strengthen the laws governing the credit reporting industry, which is so crucial to the ability of virtually every American to obtain a home, a car, and a loan for any other modern necessity. And he took the lead in crafting legislation to reduce telemarketing fraud, which preys on so many elderly and other vulnerable citizens.

Aside from his record as a consumer advocate, DICK BRYAN is perhaps best known for his work on behalf of his state and its residents. We are all familiar with the tenacity with which he and his colleague Senator REID have worked to prevent the Nevada Test Site at Yucca Mountain from being designated as an interim storage facility for the nation's nuclear waste. I have myself known the unique pleasure of being visited by Senator BRYAN and Senator REID about this matter.

I have also admired Senator BRYAN's efforts to protect Nevada's lands, particularly in the southern part of the state. Because of his efforts, all proceeds from the sale of lands in that part of the state must be spent within the state. That's a plan that no other state enjoys, and it is a tribute to DICK BRYAN's legislative skills.

I would be remiss if I failed to mention the important work that Senator BRYAN has performed as a member of the Senate Ethics Committee and the Senate Select Committee on Intelligence.

These are important and sensitive committees on which to serve. It is a reflection of the high esteem in which he is held by his colleagues that he served on these committees—and did so, I might add, with discretion and with distinction.

In sum, Mr. President, RICHARD BRYAN has spent his two terms in the Senate working hard and working effectively—for consumers, for his constituents, for a stronger intelligence-gathering function by the United States, and for a stronger United States Senate. He has been an outstanding leader and a good friend. We wish him, his wife Bonnie, their children and grandchildren well as they begin the next phase of their life together.

TRIBUTE TO SENATOR KERREY

Mr. DODD. Mr. President, in a few short days, Senator KERREY will also be among our five colleagues bringing to an end their tenure in here in the Senate. I think all of us understand his decision and respect it, but I think we regret it.

Like Senator BRYAN, Senator KERREY is a former governor of his state. Like him, he has served in the Senate for two terms. And like Senator BRYAN, Senator KERREY has left a lasting mark on this institution, on his state, and on our country.

The outlines of this remarkable man's resume are known to many of us. BOB KERREY served with distinction in the Navy, and today is the only Member of Congress to have earned a Medal of Honor for his heroism in combat duty during the Vietnam war. He became a successful businessman in Omaha.

He was elected Governor of Nebraska in 1982. It was a time when few Democrats were running for—much less winning—state-wide offices, particularly in his part of the country. And it was a time when our entire country was mired in a recession, particularly in Nebraska and other farm states, which were suffering through the worst economic conditions since the Great Depression.

As Governor, BOB KERREY met the challenge of eliminating a serious budget deficit. In fact, he balanced his state's budget every year, helping to turn that deficit into a surplus. He also initiated innovative reforms in welfare, education, job training, and environmental protection.

In the opinion of his constituents and many others, BOB KERREY was proving himself to be an outstanding public servant. He established himself as someone willing to make tough decisions.

He showed that he has an ability to see "around the corner" and think "outside the box" by initiating thoughtful, creative, and effective policies for the benefit of the people of his beloved state of Nebraska.

But it can be said that public service has always needed BOB KERREY more than BOB KERREY has needed public service. He has never been one to assume that his gifts of leadership and his curiosity about life's meaning and purpose can only be satisfied by holding elected office. Despite his impressive record as Governor, and despite his strong public approval ratings, he declined to run for re-election and took leave of public life. He headed to southern California, where he taught a course on the Vietnam war to college students—readily admitting that one of the chief reasons for accepting that position was to wait out the worst months of the Nebraska winter on a warm beach.

Two years later, the people of Nebraska sent him to the United States Senate—to the good fortune not only of his constituents, but of his new colleagues and the American people. As a member of the Finance Committee, Agriculture Committee, Appropriations Committee, and Select Committee on Intelligence, he worked diligently to strengthen family farmers, small businesses, and our nation's vital intelligence-gathering agencies.

He also dedicated himself to perhaps the most important and intractable domestic policy question facing our nation: entitlement reform. He chaired the Bipartisan Commission on Entitlement and Tax Reform—which has produced what many regard as the definitive analysis of the entitlement system. He served on the National Commission on the Future of Medicare, proposing thoughtful ideas for health care reform. He also co-chaired the National Commission on Restructuring the Internal Revenue Service, where he developed some of the most sweeping reforms of IRS operations ever instituted.

Not all of Senator KERREY's ideas on entitlement reform have been adopted or even embraced. But each and every one of them has merited the careful consideration of our colleagues and of the country as a whole.

That in itself is the great tribute to the work of this fine Senator.

Like a sentry on the watch, his words of caution and warning will reverberate through the Halls of Congress long after his departure. He has persistently shone a light on the looming and inescapable demographic fact that retirees are growing in numbers that will soon overwhelm our present ability to sustain them under the umbrella of Social Security and Medicare.

He has done so not with the shrill self-righteousness that some bring to a cause about which they feel great passion. He has done so with conviction, humor, and humility. For his words of warning, and for the way in which he has uttered them, this body and our nation owe him a debt of gratitude.

Now he prepares to move on to academia, where he will become president of New School University in New York City. I come from a family of educators, and when BOB told me of his decision, my first reaction was: are you sure that you want to do this? If you think sitting through a markup or a hearing can be tedious, just wait until that first faculty meeting. And wait until you get a visit from an orange-haired undergraduate seeking special credit for his graffiti art. That will put your patience and problem-solving skills to the test.

But BOB will not be deterred. And I suspect that, as he has done throughout his career, he will shape his office and place more than it will shape him. He will bring his rare gifts of leadership to the higher education students and faculty with whom he will come in touch. I know I am joined by all of my colleagues in wishing him well, and I look forward to many more years of his friendship and his leadership. I don't believe America is through with BOB KERREY yet.

TRIBUTE TO SENATOR LAUTENBERG

Mr. DODD. Mr. President, I rise to pay tribute to another of our retiring colleagues, Senator LAUTENBERG.

FRANK LAUTENBERG is a remarkable man in a great many respects. He has lived the American dream, and devoted his life in public service to making the American dream alive and available to each and every American—regardless of race, creed, or station in life. He has made a lasting and indelible mark on the laws of our nation—and in the process made our nation a better place for all.

The son of immigrants, FRANK was born in Paterson, New Jersey. His family moved some twelve times during his boyhood in search of work. His father spent most of his time laboring in the silk mills of Paterson.

FRANK served in World War Two in the European theater. He attended Columbia University on the G.I. bill. After graduating from Columbia, he and two boyhood friends began a business. As chairman and CEO, it grew to become one of the largest computer services companies in the world.

FRANK became a very successful man financially. The time came when he decided to give something back to the country that had given him and his family so very much. For the past 18 years in the Senate, that is exactly what FRANK LAUTENBERG has done.

FRANK is one of those rare people who rises to a high place in life and never forgets where he came from. He did not pull up the ladder of opportunity once he had climbed it. He fought to keep it in place and make it stronger for those who came after him. He has always, I think, seen a bit of himself in the faces of the children and working people whom he has served.

It so happens that one of America's finest poets, William Carlos Williams also called Paterson, NJ his home. Williams was a doctor. He made house calls, carrying his black medical bag up and down the stairs of Paterson's tenements. He wrote poems at night, or scratched them out during brief intervals of his busy days tending to the sick and scared. He wrote once that there are "No ideas but in things". FRANK LAUTENBERG must intuitively graps the meaning of Williams poetry. For him, the noble ideas that have motivated his public service have taken shape in the things he had done—in the resources he has brought home to the people of his state, and in the laws he has written on behalf of all Americans.

In his eighteen years as a United States Senator, FRANK LAUTENBERG has amassed a remarkable record of public achievement. There are few areas of environmental, transportation, budget, and anti-crime policy that have not benefited from his careful mind and strong hand.

On the environment, FRANK helped write landmark legislation to cleanse our air, provide safer drinking water, and clean up more toxic waste sites. He authored measure to make America's beaches cleaner, and to ban the ocean dumping of sewage.

He has shaped our nation's transportation policy. FRANK understands as few others do that our nation can only grow and prosper to the degree that it is able to move people, goods, and services safely and efficiently. Along with Senator MOYNIHAN and others, his leadership has been instrumental in ensuring some modicum of balance in our funding for mass transit as opposed to roads and highways. He has been a leader in the ongoing effort to support Amtrak and the important cause of commuter and intercity passenger rail service, which can do so much to reduce traffic congestion and keep our air clean.

And no one has done more to promote transportation safety, on the road as well as in the air. FRANK LAUTENBERG authored the law to establish 21 as the legal drinking age, and to ban smoking on airplanes. And he is responsible more than anyone else for the landmark provision in this year's transportation appropriations bill lowering the legal standard for intoxication to .08 percent blood alcohol content. The drinking age law alone as saved an estimated 12,000 lives since its enactment in 1984. It's estimated that his ".08" measure will save an additional 600 lives each year in this country.

FRANK LAUTENBERG also understood that we must do more to protect law-abiding citizens from the scourge of gun violence. He authored the bill to close the gun-show loophole. He has fought for child-proof handguns. And his support for measures like the Brady bill was instrumental in bringing about a nationwide reduction in gun violence over the past 7 years.

Lastly, as ranking member of the Budget Committee, FRANK has played a valuable role in bringing about an end to budget deficits and putting our nation on the path to paying off our national debt. He has also worked to strengthen the solvency of Medicare and Social Security.

I said a while ago that FRANK LAUTENBERG proved to be a very successful businessman. He accumulated great financial wealth. No one would have faulted him if he just retired, having made that achievement and contribution for the private sector.

I think all of us, regardless of party and political persuasion, admire people who want to give something back and who are willing to jump into this arena of public life, running the risks that we all do when we place our name on ballots all cross this country. The fact that FRANK LAUTENBERG decided at the end of his private life to become a public citizen and make a significant contribution to his country stands as a wonderful model for others who have done well to follow and when they want to give something back.

Not everyone runs for public office, nor should they, but there are ways in which people can make contributions every day to improve the quality of life for people. FRANK LAUTENBERG is a living embodiment of that concept and that principle.

The colleagues I have talked about, the wonderful colleagues who have served so admirably and so well, DICK BRYAN, BOB KERREY, FRANK LAUTENBERG, and my friend, Stan Israelite, are examples of public servants who I will miss terribly every day. These are good Americans who have made a difference in the lives of all of us as citizens in this country.

I will find time to talk about my good friends, CONNIE MACK and PAT MOYNIHAN, but I see my colleagues on the floor. I thank them for their indulgence. I talked a little longer than I anticipated. I thank the Senators for their patience.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Oklahoma.

CONSULTING ON U.S.S. "COLE" ACTION

Mr. INHOFE. Mr. President, many on the Senate Armed Services Committee have been quite distressed over some of the uncertainties, some of the things that happened in conjunction with the tragedy of the U.S.S. *Cole*. Even though it is a delicate thing to talk about, there are people still around who believe that the President took some actions, such as sending the cruise missiles into Afghanistan and the cruise missiles into Sudan, without consultation with the Joint Chiefs of Staff, without consultation with the Intelligence Committee, the Senate Armed Services Committee, the House Armed Services Committee, something that was done and nobody knew it was going to happen. There are a lot of people who believe that might have been politically motivated.

I think it is very appropriate tonight to urge the President that if something should happen that we would have to take some kind of action in the next few days, in that there are only 13 days until a national election, make sure there are no suspicions out there. I want to get on record urging the President to work closely on any proposed action that could take place as a result of the U.S.S. *Cole* tragedy, to work closely on the matter, in full consultation with all members of the Joint Chiefs of Staff, with the top service commanders in chief, as well as the members of both the Senate Armed Services Committee, the House Armed Services Committee, and the Intelligence Committees. By doing this, we could preclude any types of suspicions, allowing us to participate in what would have to be a major decision.

The PRESIDING OFFICER. The Senator from Ohio.

FISCAL DISCIPLINE

Mr. VOINOVICH. Mr. President, one of the main reasons I ran for the Senate was to bring fiscal discipline to Washington. As the 106th Congress winds down this week, I look back with mixed feelings at the actions that have been taken over the last 2 years toward bringing our financial house in order. While for the first time we are not spending the Social Security surplus or the Medicare Part A surplus, I believe we could have done a much better job in reining in Federal spending.

Indeed, one fact that does not seem to draw too much attention is the fact that Washington increased overall nondefense domestic discretionary spending in fiscal year 2000 to $328 billion. That is a 9.3-percent boost over the previous fiscal year, and the largest single-year increase in nondefense discretionary spending since 1980. And I fear we will have another big increase in fiscal year 2001.

However, there is actually some good news to celebrate since the beginning of this Congress. As my colleagues may recall, President Clinton said in his State of the Union Address in 1999 that he wanted to save 62 percent of the surplus and spend the other 38 percent. Well, at the time, the entire surplus was the Social Security surplus.

It was Members on this side of the aisle in both the House and the Senate who exposed the President's plan as just another spending gimmick. We were also the ones who got busy advocating and fighting for a lockbox for

Social Security and Medicare. For all intents and purposes, we were successful in fiscal year 2000 in doing so, and we will do the same in fiscal year 2001.

Now the Vice President is out there on the campaign trail bending the truth and taking credit for lockboxing Social Security and Medicare. Everyone should be aware that it was the Clinton-Gore administration that sent a veto threat to the Senate regarding the Social Security lockbox amendment that the Senate considered in April of 1999.

Let me recite the direct quote from the veto threat:

> If the Abraham-Domenici amendment or similar legislation is passed by the Congress, the President's senior advisors will recommend to the President that he will veto this bill.

I suspect that senior advisors would include the Vice President.

Although Congress has agreed by consensus not to use the Social Security and Medicare surplus for more spending, Congress still has not been able to pass lockbox legislation. I am fearful, if things get tight in the future and we have a blip in the economy, Congress will revert to its old ways. So I am hoping next year that on a bipartisan basis we can pass lockbox legislation for the Social Security and Medicare surplus.

Probably the best news from fiscal year 2000 is that despite all the supplemental spending we did this past summer, we still achieved an $87 billion on-budget surplus in fiscal year 2000. That is a lot more than the $1 billion on-budget surplus we had at the end of fiscal year 1999. Without question, though, the American people are responsible for this surplus, and their success continues to generate better than expected revenues. However, Congress would have spent considerably more money, had it not been for a handful of us in the House and Senate who were willing to take the heat for condemning massive spending increases and budget gimmickry. Because this $87 billion on-budget surplus had not been spent, and not used for tax cuts, it is going to go to reduce the national debt.

In my view and in the view of many experts, using our on-budget surplus to pay down the national debt is the best way to ensure fiscal discipline and continue our economic prosperity. We need to continue that economic prosperity if we are going to deal with the problems of Social Security and Medicare in the future. We cannot be lulled by the booming economy and the fact that we have been able to utilize the $87 billion fiscal year 2000 on-budget surplus for debt reduction.

In addition, the way things are going right now in Washington, we may not even see a fiscal year 2001 on-budget surplus. That is because the projected $102 billion surplus is evaporating very quickly. With all the years of experience that I have had in public service, I have to say that I have never seen anything more fiscally irresponsible than the spending spree I have seen occur in Washington this year—but, in particular, these past weeks. The lack of willingness on the part of Congress to make the hard choices and restrain the urge to bring home the bacon is blowing a hole in the fiscal year 2001 surplus and a gigantic hole in the projected 10-year budget surplus.

I think back to 1997 when Congress passed the Balanced Budget Act, helping to put an end to the era of annual deficits. The Balanced Budget Act set spending targets for each fiscal year and was meant to teach Congress to prioritize its spending choices. Under the Balanced Budget Act, if Congress wanted to spend money, it had to find an offset to cover the additional spending. Fair enough, and it worked. It helped to balance the budget.

Today, with the surplus we have achieved and the surplus that everyone thinks we are going to have in the future, the discipline is gone. It is just an out-of-control feeding frenzy. Add the fact that the normal legislative process has gone out the window, and we are in a free fall. Right now, only a handful of individuals—the President and my colleagues who are on the Appropriations Committee—are making the decisions that will impact how much the Federal Government spends for the coming fiscal year. Once the decisions are made, they are packaged together, sent to the floor of the Senate and the House, and voted on: No debate, no amendments. In some circumstances, Members have not even seen the bills they are voting on.

Basically, it is a take-it-or-leave-it attitude. Since these bills contain the bacon, most Members go along and simply vote for them. For those Members who do, they will run home, bragging about how they got this or that for their districts or for their State, failing to understand that their constituents know there is no such thing as a free lunch. Make no mistake, the American people will fast appreciate the spending spectacle that is going on here in Congress. If you think they were mad in 1998 when Congress went on a similar spree—and I remember that because I was campaigning for the Senate in 1998 and I caught all kinds of flak from people because of what Congress had done—wait until they get wind of what is happening right now. And they will. We will definitely feel their wrath. But more important, we will experience their disappointment in letting them down.

This Senator is not going along with the "pork-a-thon." I have voted against most of the appropriations bills that have come before the Senate, not because I am opposed to the Federal Government spending money on what is necessary, but because Congress has been unwilling to prioritize spending and unwilling to make the hard choices within the framework of the 2001 budget resolution.

In case my colleagues are not aware, let me explain briefly how big the increases are in the various appropriations bills.

The fiscal year 2001 Interior appropriations bill spends $18.8 billion, a 26-percent increase over fiscal year 2000; the Transportation appropriations bill, spends $16.8 billion in discretionary spending, a 23-percent increase over fiscal year 2000; the VA-HUD appropriations bill spends $82.5 billion, a 14-percent increase; the Treasury-Postal appropriations bill spends $15.6 billion, a 13-percent increase; the Energy and Water appropriations bill spends $24 billion, a 12-percent increase; the Agriculture appropriations bill spends $15 billion in discretionary spending, an 8-percent increase, and that is not including agriculture emergency spending.

For fiscal year 1999 to fiscal year 2001, nearly $23.25 billion in agriculture emergency spending has been provided by the Government—$23.25 billion in emergency spending. That is more than double the approximately $10.75 billion in emergency spending for the entire 10 year period before. In other words, in 3 years, we have doubled the emergency spending for agriculture over what we spent in the 10 previous fiscal years.

In April, the Senate spent over 50 hours debating and amending a budget resolution for fiscal year 2001. An agreement was reached on an overall spending amount of $600.3 billion in budget authority. I worked with Senators like PHIL GRAMM to add new points of order to bring more discipline to the process. But in light of recent events, I wonder what was the 50 hours of effort over? I find myself asking, Why should we have a budget resolution if we are just going to ignore it? Why even have a budget process if we are just going to operate as if the rules did not exist? Congress and the White House are spending money like drunken sailors, and we need to get on the wagon before it is too late and we spend it all.

CBO's projections over the next 10 years estimate that Federal spending will grow with the rate of inflation, but this does not reflect reality. In fiscal year 2000 alone, we increased discretionary spending by 8.3 percent, a rate much higher than the actual inflation rate. When you compare that with the spending increases of 14 percent, 23 percent, and 26 percent in just fiscal year 2001 alone, then you can see the kind of trouble we are getting ourselves into.

Add up all the numbers, include the appropriations bills that have passed and those that are anticipated to pass; include as much as $265 billion worth of tax reductions for the next 10 years;

and, of course, we cannot forget there are going to be additional interest costs that will be generated by Congress simultaneously increasing spending and lowering taxes. Just add it all up. When you do, you will find that Congress and the Clinton-Gore administration will have reduced the 10-year projected budget surplus by more than $600 billion. In a worst case scenario, the Concord Coalition estimates that Congress' accelerated pace of spending could wipe out up to $1.46 trillion of the non-Social Security surplus projected for the next 10 years—over a trillion dollars is what they project. What a terrible thing we are doing to the next administration and to the citizens of this Nation.

After the 106th Congress' drunken spending spree is over, the American people and the future President will be waking up to a tremendous hangover.

FISHERMEN'S PROTECTIVE ACT OF 1967 AMENDMENTS

Mr. VOINOVICH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (H.R. 1651).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1651) entitled "An Act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes", with the following amendment:
>
> Page 1, line 4, strike "**SEC. 401. USE OF AIRCRAFT PROHIBITED.**" and all that follows through "**SEC. 402.**" and insert "**SEC. 401.**".

Mr. VOINOVICH. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, OCTOBER 26, 2000

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, October 26. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and it will be the intention of the leader to begin consideration of the Older Americans Act, hopefully under an agreement. I further ask consent that at 11 o'clock there be a period of morning business until 12 noon, with the time equally divided between Senators BRYAN and DOMENICI, and that Senator BRYAN be in control of the first half of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, the Senate will hopefully begin debate on the Older Americans Act at 9:30 a.m. At 11 a.m., the Senate will be in a period of morning business for 1 hour and then resume consideration of the Older Americans Act. The House is expected to consider the conference report to accompany the District of Columbia appropriations bill, which also contains the Commerce-Justice-State appropriations language, the Labor-HHS appropriations conference report, and the tax bill during tomorrow morning's session. It is hoped that the Senate can begin consideration of those bills as they are received from the House. Therefore, votes are expected in the afternoon on these bills, as well as a vote on a continuing resolution.

ORDER FOR RECESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator REID from Nevada, who has been very patient. I thank Senator REID and the Chair very much for their patience this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are to begin at 9:30 tomorrow. I ask unanimous consent that following the prayer and the Pledge of Allegiance, the Senator from Nevada be recognized for a half-hour tomorrow morning as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I withdraw the request, Mr. President.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Ohio has completed his work for the night.

The Senator from Ohio has finished for tonight?

Mr. VOINOVICH. Yes.

ISSUES BEFORE THE AMERICAN PEOPLE AND GOVERNOR BUSH

Mr. REID. Mr. President, we have an interesting number of issues before this body. We have talked on various occasions, not the least of which has been today, about what we have not done: A real Patients' Bill of Rights; a prescription drug coverage through Medicare; a minimum wage increase; tax-deductibility for college-level education, including lifelong learning; education funds to modernize our schools, to have afterschool programs, to have more teachers; commonsense gun safety legislation; long-term tax credits for families caring for elderly parents; and affordable housing. These issues—any one of them—could have been completed with the intercession of the Governor of Texas who is running for President.

The campaign, that will be completed in 12 or 13 days, is a campaign of ideas. What I would like to do tonight is spread across the RECORD of this Senate some of the ideas of George W. Bush, the Governor of the State of Texas. I say this because I think we should understand there are a number of policies that are being advocated by the Vice President and by the Governor of Texas.

So what I want to do today is quote verbatim, statements that have been made by George W. Bush. I will not be able to complete all of his statements tonight, but I am going to spend some time reading direct quotes of George W. Bush. Maybe I will return tomorrow or the day after to complete the statements of the Governor of the State of Texas.

The first quote comes from October 23, 2000. That was last Monday. Here is the direct quote:

> I don't want nations feeling like that they can bully ourselves and our allies. I want to have a ballistic defense system so that we can make the world more peaceful, and at the same time I want to reduce our own nuclear capacities to the level commiserate with keeping the peace.

October 18, 2000, another direct quote:

> Families is where our nation finds hope, where wings take dream.

He also said, on that same occasion, in LaCrosse, WI:

> If I'm the president, we're going to have emergency-room care, we're going to have gag orders.

He also said, and I quote:

> Drug therapies are replacing a lot of medicines as we used to know it.

Another direct quote:

> It's one thing about insurance, that's a Washington term.

Direct quote:

> I think we ought to raise the age at which juveniles can have a gun.

This is the Governor of the State of Texas, the man running for President of the United States, who has said these things.

The next direct quote:

> Mr. Vice President, in all due respect, it is—I'm not sure 80 percent of the people get the death tax. I know this: 100 percent will get it if I'm the president.

Next direct quote:

> Quotas are bad for America. It's not the way America is all about.

Direct quote.

October 18, in St. Louis, the same day that he said, "Families is where our nation finds hopes, where wings take dream," he said:

> If affirmative action means what I just described, what I'm for, then I'm for it.

In Greensboro, NC, on October 10 of this year, he said:

> Our priorities is our faith.

October 11 of the year 2000:

> I mean, there needs to be a wholesale effort against racial profiling, which is illiterate children.

The direct quote from Gov. George W. Bush: "I mean, there needs to be a wholesale effort against racial profiling, which is illiterate children."

Greensboro, NC, the day before—that is, October 10—when he was commenting on the Vice President's tax plan:

> It's going to require numerous IRA agents.

The Governor of the State of Texas said,' on October 4, in Reynoldsburg, OH:

> I think if you know what you believe, it makes it a lot easier to answer questions. I can't answer your question.

This was in response to a question about whether he wished he could take back any of his answers in the first debate. The direct quote is: "I think if you know what you believe, it makes it a lot easier to answer questions. I can't answer your question."

I do not think that takes any discussion to figure out what he just said, because I do not think he knows what he just said.

In Boston, on October 3 of the year 2000, he said:

> I would have my secretary of treasury be in touch with the financial centers, not only here but at home.

Saginaw, MI, September 29, 2000:

> I know the human being and fish can coexist peacefully.

Quote: "I know the human being and fish can coexist peacefully."

Redwood, CA, September 27, 2000:

> I will have a foreign-handed foreign policy.

Again, these are direct quotes from the Governor of the State of Texas, the man who has been nominated to be President of the United States.

Los Angeles, September 27:

> One of the common denominators I have found is that expectations rise above that which is expected.

Beaverton, OR, September 25, this year:

> It is clear our nation is reliant upon big foreign oil. More and more of our imports come from overseas.

Direct quote, MSNBC, September 20, 2000:

> Well, that's going to be up to the pundits and the people to make up their mind. I'll tell you what is a president for him, for example, talking about my record in the state of Texas. I mean, he's willing to say anything in order to convince people that I haven't had a good record in Texas.

September 9, on the Oprah show:

> I am a person who recognizes the fallacy of humans.

Interview with Paula Zahn, September 18, 2000:

> A tax cut is really one of the anecdotes to coming out of an economic illness.

I have read these over several times. I still am stunned by what has been said by the man running for President of the United States.

Orange, CA, September 15, 2000:

> The woman who knew that I had dyslexia—I never interviewed her.

Westminster, CA, September 13:

> The best way to relieve families from time is to let them keep some of their own money.

The same interview:

> They have miscalculated me as a leader.

Orlando, FL, September 12, 2000:

> I don't think we need to be subliminable about the differences between our views on prescription drugs.

This is a campaign of ideas, Mr. President, a discussion of policies, a discussion of having a vision of what this country needs, someone who can discuss them in a logical manner.

Pittsburgh, PA, September 8:

> This is what I'm good at. I like meeting people, my fellow citizens, I like interfacing with them.

Westland, MI, September 8:

> That's Washington. That's the place where you find people getting ready to jump out of the foxholes before the first shot is fired.

Detroit, September 7, 2000:

> Listen, Al Gore is a very tough opponent. He is the incumbent. He represents the incumbency. And a challenger is somebody who generally comes from the pack and wins, if you're going to win. And that's where I'm coming from.

Houston, TX, September 6:

> We'll let our friends be the peacemakers and the great country called America will be the pacemakers.

Scranton, PA, September 6:

> We don't believe in planners and deciders making decisions on behalf of Americans.

Allentown, PA, September 5:

> I regret that a private comment I made to the vice presidential candidate made it through the public airways.

New York Times, September 2:

> The point is, this is a way to help inoculate me about what has come and is coming.

CNN online chat:

> As governor of Texas, I have set high standards for our public schools, and I have met these standards.

Same interview:

> Well, I think if you say you're going to do something and don't do it, that is trustworthiness.

Des Moines, IA, August 21:

> I don't know whether I'm going to win or not. I think I am. I do know I am ready for the job. And, if not, that's just the way it goes.

Same, Des Moines, IA:

> This campaign not only hears the voices of entrepreneurs and the farmers and the entrepreneurs, we hear the voices of those struggling to get ahead.

Des Moines, IA, August 21:

> We cannot let terrorists and rogue nations hold this nation hostile or hold our allies hostile.

> I have a different vision of leadership. A leadership is something who brings people together.

That is from Bartlett, TN, August 18.

August 11, Associated Press:

> I think he needs to stand up and say if he thought the president were wrong on policy and issues, he ought to say where.

Salinas, CA, August 10:

> I want you to know that farmers are not going to be secondary thoughts to a Bush administration. They will be in the forethought of our thinking.

Today Show interview, August 1:

> And if he continues that, I'm going to tell the nation what I think about him as a human being and as a person.

Washington Post, July 15. This was a comment to New Jersey's Secretary of State, the Honorable DeForest Soaries, Jr.:

> You might want to comment on that, Honorable.

Seattle Post-Intelligencer, June 23, 2000:

> This case has had full analyzation and has been looked at a lot. I understand the emotionality of death penalty cases.

Cleveland, OH, June 29:

> States should have the right to enact reasonable laws and restrictions particularly to end the inhuman practice of ending a life that otherwise could live.

This is another Cleveland quote from a different time, July 1:

> Unfairly but truthfully, our party has been tagged as being against things. Anti-immigrant, for example. And we're not a party of anti-immigrants. Quite the opposite. We're a party that welcomes people.

Wayne, MI, June 28:

> The fundamental question is, Will I be a successful president when it comes to foreign policy? I will be, but until I'm the president, it's going to be hard for me to verify that I think I'll be more effective.

NPR radio, June 16:

> The only things that I can tell you is that every case I have reviewed I have been comfortable with the innocence or guilt of the person that I've looked at. I do not believe we've put a guilty . . . I mean innocent person to death in the State of Texas.

Hardball, MSNBC, discussion on abortion, May 31 of this year:

> I'm gonna talk about the ideal world, Chris. I've read—I understand reality. If you're asking me as the president, would I understand reality, I do.

June 9, 2000, Wilton, CT:

> There's not going to be enough people in the system to take advantage of people like me.

April 3, U.S. News and World Report:

> I think anybody who doesn't think I'm smart enough to handle the job is underestimating.

This is interesting. This is also on Hardball. Governor Bush:

> First of all, Cinco de Mayo is not the independence day. That's dieciseis de Septiembre, and . . .

Chris Matthews says:

> What's that in English?

Governor Bush:

> Fifteenth of September.

Mr. President, I took 2 years of high school Spanish, and I know that is not September 15.

From Albuquerque, NM, on May 31:

> Actually, I—this may sound a little West Texan to you, but I like it. What I'm talking about—when I'm talking about myself, and when he's talking about myself, all of us are talking about me.

Again, he said:

> Actually I—this may sound a little west Texan to you, but I like it. What I'm talking about—when I'm talking about myself, and when he's talking about myself, all of us are talking about me.

Here is another direct quote from the Albuquerque on May 31:

> This is a world that is much more uncertain than the past. In the past, we were certain, we were certain it was us versus the Russians in the past. We were certain, and therefore we had huge nuclear arsenals aimed at each other to keep the peace. That's what we were certain of. You see, even though it's an uncertain world, we're certain of some things. We're certain that even though the "evil empire" may have passed, evil still remains. We're certain there are people that can't stand what America stands for. We're certain there are madmen in this world, and there's terror and there's missiles, and I'm certain of this, too: I'm certain to maintain the peace, we better have a military of high morale, and I'm certain that under this administration, morale in the military is dangerously low.

He was talking with Paula Zahn on May 18 about Rudy Giuliani, the mayor of New York City:

> He has certainly earned a reputation as a fantastic mayor, because the results speak for themselves. I mean, New York is a safer place for him to be.

This was in the New York Times on March 4, 2000:

> The fact that he relies on facts—says things that are not factual—are going to undermine his campaign.

On his meeting with JOHN MCCAIN, in the Dallas Morning News on May 10, 2000, he said:

> I think we agree, the past is over.

This is from Reuters, May 5, 2000:

> It's clearly a budget. It's got a lot of numbers in it.

Here is an interview Governor Bush did with Jim Lehrer on The NewsHour, on April 27, 2000:

> Governor BUSH: Because the picture on the newspaper. It just seems so un-American to me, the picture of the guy storming the house with a scared little boy there. I talked to my little brother, Jeb—I haven't told this to many people. But he's the Governor of—I shouldn't call him my little brother—my brother, Jeb, the great Governor of Texas.
>
> JIM LEHRER: Florida.
>
> Governor BUSH: Florida. The State of Florida.

On April 26, 2000, he said:

> I hope we get to the bottom of the answer. It's what I'm interested to know.

On Meet The Press on April 15, he said:

> Laura and I really don't realize how bright our children is sometimes until we get an objective analysis.

On April 6, 2000, the Associated Press reports this quote:

> You subscribe politics to it. I subscribe freedom to it.

That was a question about whether he and AL GORE were making the Elian Gonzalez case a political issue.

This appeared in The Los Angeles Times on April 8, 2000:

> I was raised in the West. The west of Texas. It's pretty close to California. In more ways than Washington, DC, is close to California.

On March 28, 2000 in Reston, Virginia, he said:

> Reading is the basics for all learning.

This was at Fritsche Middle School in Milwaukee on March 30, 2000:

> We want our teachers to be trained so they can meet the obligations, their obligations as teachers. We want them to know how to teach the science of reading. In order to make sure there's not this kind of Federal—Federal cufflink.

Mr. President, I will make my final quote for tonight. We have several pages more we will do at a subsequent time.

In the Washington Post of March 24, 2000, this is his quote:

> Other Republican candidates may retort to personal attacks and negative ads.

Mr. President, I read these direct quotes. It would have been very easy to editorialize on every one of them. I chose not to do that. I chose, though, to spread across the record of this Senate statements made by Governor George W. Bush which should lead some to believe that if this man is going to be heavily involved in policy not only of this Nation, but this world, that they should be aware of some of the statements he has made. We want this to be a Government where people are clear on the issues, understand the issues. We have difficult, very complex problems not only domestically, but internationally. I think these quotes speak for themselves.

Mr. President, it is my understanding the Senator from Iowa is here and wishes to speak.

Mr. HARKIN. I ask the Senator to yield to me for a second.

Mr. REID. How much time do I have left?

The PRESIDING OFFICER. The Senator was given as much time as he may consume.

Mr. REID. I will yield the Senator some time.

Mr. HARKIN. I thank the Senator for mentioning some of those quotes. I didn't hear them all because I was on my way to the floor from my office.

Mr. REID. I was only able to get to a few of them. I only spent about 40 minutes talking on the direct quotes from the Governor of Texas. There will be more.

The PRESIDING OFFICER. The Senator from Nevada can only yield for a question at this point in time.

Mr. REID. It is my understanding he was asking me a question.

Mr. HARKIN. Yes. I appreciate the Senator's comments and reading those quotes. I wonder, did the Senator listen to the third and final debate?

Mr. REID. I didn't miss a single word of that debate.

Mr. HARKIN. I want to ask the Senator, did he hear the quote by about Governor Bush—there was a question asked about agriculture. Vice President GORE answered the question and it came to Governor Bush. He started talking about using food as a weapon. He made this quote—he said:

> We have got to stop using food. It hurts the farmers.

Does the Senator remember that quote?

Mr. REID. I listened with amazement. In responding to my friend from Iowa, following the second debate, the Vice President, during that debate, said that there was a young lady in Florida that wasn't able to get a desk. The Republican spin doctors came back the next day and said that wasn't true, she was only out of a desk for a day. In fact, she missed 7 days because of not having room in that classroom, for whatever reason. I was so amazed that the press picked up on what the Vice President said, which to me indicated that was just one of the minor problems that we have in education.

I heard a day or two after the debate from Governor Bush. He said this. I heard it. He said: Well, I did fine in the debate because the expectations were so low of me that all I had to do was show up and say my name is George W. Bush and win the debate.

I say to my friend from Iowa, that is about how the American press has treated it. All he had to do was show up and tell his name, because if they looked into some of his statements—for one, the statement that the Senator from Iowa asked me about regarding food—it seems to me for our farmers who are suffering so much in our country today that is something the press might want to pick up on.

Does the Senator have another question?

Mr. HARKIN. No.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the right to do that. Under the previous order, the Senate will recess until tomorrow morning at 9:30.

Mr. REID. I did not hear the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada was allowed time to speak, and after he spoke, the Senate is to be in recess until tomorrow at 9:30 a.m.

Mr. REID. I want to complete my statement. I will finish that in a hurry. This is a parliamentary inquiry to the Chair: We are going to come in at 9:30 tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. And we are to pick up the older Americans legislation.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield for a question.

Mr. HARKIN. Mr. President, I asked for 15 minutes at the end of the time. For some reason it got mixed up and I was not included on the list. It is my intention to ask unanimous consent that I be recognized to speak for 15 minutes before the Senate goes out on recess.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

SHORTAGE OF AIRLINE PASSENGER SPACE

Mr. HARKIN. Mr. President, one of the most serious issues facing our national air transport system is the shortage of space—both in the air and on the ground at key airports. We've seen this most clearly this past summer in the backups at Chicago O'Hare and in much of the airspace in the Northeast.

Americans have developed a tremendous appetite for air travel for both leisure and business needs. In the last few years, with our economy so strong, the result has been an increasing number of packed planes all year round, especially during the peak summer travel season.

But for many Americans trying to enjoy some vacation time, this summer was a season of discontent filled with bad weather, aging air traffic control systems and airline-employee difficulties. Countless Americans spent hours sitting on the tarmac at O'Hare waiting to take off, or sitting in the airport lounge, waiting for their planes to arrive. Thousands of Americans found themselves delayed, stranded and disappointed. A once-reliable system has become increasingly unreliable.

Some of these events are unavoidable. Clearly, there are times when bad weather requires us to delay or cancel flights. But when an airport is near capacity, even the tiniest alteration in landing and takeoff timing can quickly turn into considerable delays.

We've been seeing the warning signs for years. The National Civil Aviation Review Commission, chaired by the current Secretary of Commerce, Norm Mineta, warned us three years ago about our looming air travel crisis.

In fact, the very first sentence of the Commission's report reads as follows:

> Without prompt action, the United States' aviation system is headed toward gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy, and hurt our position in the global marketplace.

Mr. President, the future is now. As we have turned the corner into the 21st Century, the predicted air traffic control crisis is clearly upon us.

I believe FAA Administrator Jane Garvey has done a terrific job. However, there are a number of steps that the FAA and the airlines must take—in both the short and long run—to modernize the air traffic control system and reduce congestion, particularly as it affects the heavily traveled northeast air corridors between New York, Boston, and Washington, DC, and Chicago and other key Midwestern airports.

In the short term, the FAA needs to make better use of existing capacity. This means better communication between the FAA and airlines when bad weather ties up key airports and decisions must be made about reducing or rerouting air traffic. Right now, airlines have no coordinated plans on bad weather days, and they're left to guess whether their competitors will cancel or slow their flights or not.

Now I recognize that airlines can't simply pick up the phone and talk to each other about capacity decisions. Such discussions would run afoul of our nation's antitrust laws. But Congress and FAA should consider whether they should grant some form of very limited immunity so that airlines can discuss with the FAA the most efficient way to cope with bad weather.

Another short term solution involves alternative routings. I understand that the airlines, working cooperatively with FAA, have begun flying many routes at lower altitudes. This practice is costly since flying at lower altitude burns more fuel—but it should help increase airspace capacity. FAA also needs to explore the possibility of accessing airspace previously reserved for military use. Much of this military airspace can be made available to commercial operations on a short-term basis during severe weather.

The FAA must also add additional air traffic controllers. And FAA must make sure that these controllers have the most modern, up-to-date tools available to do their jobs.

The FAA needs to take full advantage of GPS technology to allow more direct routings between airports. FAA also needs to develop technology to allow pilots and air traffic controllers to communicate more effectively with each other. One such technology is advanced data links which could reduce controllers' workload and improve their ability to create and communicate alternative routines in severe weather. It would be far more accurate and efficient for many air traffic control commands to be given to pilots in written form. The airlines and the FAA are currently undergoing tests along those lines, but I believe they must move forward more quickly.

Finally, we in Congress must continue to increase FAA research and operating budgets. We need to expand programs that examine the problems of aging aircraft. And we need to invest more in technologies that will give both pilots and air traffic controllers the very best equipment for making safe decisions. We've got to fully fund NASA aviation programs like the one designed to better detect wake vortex trailing behind aircraft. Such technology can allow the FAA to narrow the decades old 7-mile separation standard and free up more airspace.

But these actions alone will not be sufficient. Our current system can barely handle the roughly 600 million passengers that currently travel each year. Yet, it is projected that the system will need to handle an expected 1 billion annual passengers within the next decade. Indeed, our demand for air travel seems ready to overrun our overburdened system. In some cases, we do need to add additional runway capacity.

Let's look specifically at Chicago's O'Hare International Airport. O'Hare is a place that I—and hundreds of thousands of fellow Iowans who land or connect through there every year—know well. On a blue-sky day, it's one of the best, most efficient airports in America. However, when the rain clouds or thunderstorms roll in, O'Hare can become one gigantic travel obstruction.

When O'Hare backs up, the result is a monumental ripple effect on the entire air traffic control system from Los Angeles to Boston. Because of its central location and population base, Chicago O'Hare has developed into the first or second largest hub airport in this country. It is the only hub that has two major airlines which maintain competing hub operations. This is good for the citizens of Chicago and Illinois, and it is also good for the people of Iowa and surrounding states that use O'Hare to connect to distant destinations.

We in Iowa can connect to our final destinations through such hubs as Minneapolis-St. Paul, Cincinnati, St. Louis or Denver. However, the largest share of Iowans choose to go through O'Hare because it is the largest and most convenient hub for our citizens. O'Hare also provides far more international connections than those other airports. In fact, well over 50 airlines operate there. In the past 12 months, more than 360,000 of my fellow Iowans have flown through O'Hare.

So the problems at O'Hare are not just a Chicago issue, they are a Midwestern issue, and they are a national issue.

This situation calls for immediate action. I strongly believe that the most important step we can take to begin to alleviate our national airline crisis is to provide additional facilities for planes to land and take off at Chicago's O'Hare airport. I believe O'Hare should logically have additional parallel runways to provide expanded capacity.

As we move into this new century, we need to ensure that the critical pathways of our air transport system are not encumbered by local disagreements, which constrain the needs of interstate commerce. In addition, if we want to foster increased competition between airlines and see continued service to O'Hare from the smaller commercial airports like Burlington and Waterloo in Iowa, and if we want to expand services to cities like Sioux City, then we must provide additional take off and landing space for new airlines.

Some have suggested building a new airport south of Chicago to relieve the problems at O'Hare. I feel that this is a poor policy choice. This proposed new airport has yet to attract any airline tenants who would pay for it. Furthermore, this proposed airport would drain customers away from Chicago's Midway Airport, which is the 9th busiest airport in America and provides point to point flights to over 50 cities. In addition, in order to build this new airport, we would have to take 24,000 acres of farmland out of production. Building another airport in Chicago does not solve our current problems at O'Hare.

The solution is new runways at O'Hare. O'Hare certainly has the space for them. We know that building new runways is far more cost-effective than spending billions of dollars on a new airport. And new runways would mean an immediate reduction in delays at O'Hare. These new runways would allow simultaneous landings during all weather periods—something the current configuration does not allow.

Normally, in order for a runway to be built, approval must be granted by the operator of the airport—the City of Chicago in the case of O'Hare—and the FAA. However, under Illinois law, the Governor of Illinois, through his Department of Transportation, must also approve such a plan. Speaking as a friendly neighbor from Iowa, I am sending a letter to both Mayor Richard M. Daley and Governor George H. Ryan asking that they approve new runways in the interest of improving our entire national air transport system.

While I am not privy to all of the local concerns surrounding O'Hare, I know that all airports confront noise mitigation problems. I also know that Chicago O'Hare has the best-funded and most extensive sound mitigation program of any airport in the country. I applaud the Mayor for that far-sighted undertaking. As a member of the Appropriations Committee, I offer my assistance to the Mayor and my distinguished colleagues from Illinois to ensure that appropriate Federal dollars are channeled into that effort.

I would say to Governor Ryan, who, I understand, favors a new airport, that I do not see much in the way of Federal assistance for new airport construction in the foreseeable future. Airports today are built and/or rehabilitated by airport tenants and their passengers. I believe that the most efficient way to minimize our tax dollars is to maximize our current facilities and continue to upgrade our air traffic control system.

Earlier this year, the Senate passed overwhelmingly and the President signed, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, commonly known as Air21. As many of my colleagues know, I worked closely with Senators GRASSLEY, McCAIN, HOLLINGS, ROCKEFELLER and DURBIN to draft the provision in the Air21 legislation that phases out the artificial slot-constraints at O'Hare by July 1, 2002. The intent of our effort was to increase small and mid-sized communities' access to the national air transportation system via O'Hare and to provide for increased competition at that premier connecting hub. This increased access is critical for business wishing to settle and grow in small and mid-sized communities.

While we succeeded in eliminating the barrier posed by slots, it is clear to me that O'Hare's runway, gate, and terminal space constraints continued to keep small and mid-sized communities from fully realizing the benefits of the Air21 legislation. I was extremely pleased to hear about the substantial progress in Chicago's World Gateway program. This program calls for $3.2 billion in infrastructure investments over the next several years at O'Hare—including 20 new gates and 2 new terminals. My understanding is that the two major carriers at O'Hare—United Airlines and American Airlines—have reached agreement with the City on this. I congratulate Mayor Daley on his work in bringing that agreement to closure. I also applaud American and United for their far-sighted investment in O'Hare. I only request that every effort be made to accelerate that program and to assure that space is allocated to smaller aircraft that serve smaller cities so that small town America gets a fair shake.

Without new runways, we will still be constrained by weather and air traffic control problems. It is time to remove this barrier to small and mid-sized community access to O'Hare. And it is time to expand our current national air traffic system in an effective, cost-efficient, cost-efficient way. We have neither the time nor the money nor the political will to build a new airport. Instead, we need to maximize the resources we already have. In the end, we may have to find a federal solution to this national problem.

New runways would make O'Hare and our entire national air transport system run more smoothly. I am certain that the hundreds of thousands of Iowans and others across the country who travel through O'Hare each year would appreciate this improvement. As would all those whose travel plans to other hubs and destinations are upset because aircraft are tied up at O'Hare. There is no more efficient, effective solution to aircraft delays in the Midwest and much of the Northeast than providing additional runway capacity at O'Hare.

RETIREMENT OF SENATOR LAUTENBERG

Mr. HARKIN. Mr. President, I wish to make a few brief remarks about one of our colleagues and a good friend of mine who is retiring this year.

Senator LAUTENBERG is a perfect example of the American dream come true. He grew up the son of immigrants, joined the Army Signal Corps in Europe during World War II, and then attended Columbia University on the G.I. bill. After graduation, Senator LAUTENBERG helped found a payroll services company called Automatic Data Processing. He soon became the firm's CEO, and, with 33,000 employees, his company is now one of the largest computing services companies in the world.

But Senator LAUTENBERG knew that the American dream isn't just about making it to the top. It's about giving back once you get there. That's why he ran for the United States Senate, and that's why, during his eighteen years in this Chamber, he's fought hard to make our country better for all Americans. He has fought hard to leave the ladder of opportunity down for others to climb. He's fought to improve transportation. His legislation and leadership has built and modernized highways and bridges and Amtrak rails across this country, and he's worked hard to make sure our planes and trains and cars are safe.

FRANK LAUTENBERG has fought to clean up our environment. Over the course of his career, he's worked on legislation to improve the Superfund program, redevelop Brownfields, force industry to cut down on pollution, clean up our beaches and protect our air and water. And he's fought to balance our budget. Senator LAUTENBERG focuses his sharp, business mind on the work of the Budget Committee, where he is ranking member and he helped move us from record deficits to record surpluses.

And Senator LAUTENBERG has taken on special interests like few others. He took on the gun lobby when he authored the domestic violence gun ban and other laws to fight gun violence. And he's one of the strongest supporters of the Brady bill in this Congress. He took on the liquor lobby when he became the lead sponsor of the bill that raised the drinking age to twenty-one. And he sponsored the recent provision in the transportation appropriations bill to lower the blood alcohol content standard to .08—a provision that's going to save hundreds of lives each year. And he's taken on big tobacco. When you fly on a commercial flight now, and you can actually take a breath without choking on smoke from other passengers, you can thank Senator FRANK LAUTENBERG, because he wrote the law that bans smoking on airplanes.

You know, after he got that bill passed, I was flying out to Iowa, and several flight attendants came up to me and said, "Senator, can you please thank Senator LAUTENBERG for us. We can finally work now without all that smoke." I hear that to this very day, the distinguished Senator from New Jersey always gets first class service even when he sits in coach. I still can't quite believe that Senator LAUTENBERG is leaving us. But I hope that wherever he goes, he'll find a new way to use his energy, intelligence, and talent to serve the American people. Our country can't afford to lose someone of his caliber.

My wife Ruth and I have been privileged to be friends of FRANK since we first came to the Senate in 1985. We have been privileged to travel on many trips, on many congressional delegations with Senator LAUTENBERG, as he confronted our enemies abroad and spoke with our friends abroad, to strengthen our U.S. position both in our economic endeavors with other countries and in our military position overseas.

We will miss him from this body, but I of course will not miss him as a friend. I sincerely hope that whatever FRANK LAUTENBERG does in the future, he will make himself available for further public service. Someone of his caliber and of his talent, of his compassion, and of his interest in making sure we leave the ladder of opportunity down for all Americans to climb, someone such as that we can't afford to lose from public life.

So, FRANK, we wish you Godspeed, the best in all your endeavors, the best of health and happiness in your future life. But please, if duty calls for public service, I know you will answer.

I thank the Presiding Officer for affording me the opportunity to make these comments this evening.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Thursday, October 26, 2000.

Thereupon, the Senate, at 8:23 p.m., recessed until Thursday, October 26, 2000, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE OCTOBER 25, 2000:

DEPARTMENT OF COMMERCE

JAMES A. DORSKIND, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE ANDREW J. PINCUS, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

LOIS N. EPSTEIN, OF NEW YORK, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE DEVRA LEE DAVIS, RESIGNED.

DEPARTMENT OF THE INTERIOR

KENNETH LEE SMITH, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE DONALD J. BARRY, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

GEORGE DARDEN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003. (REAPPOINTMENT)

GEORGE DARDEN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 17, 2000, VICE ZELL MILLER.

UNITED STATES INSTITUTE OF PEACE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003, VICE THEODORE M. HESBURGH, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, October 25, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 25, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Director, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

Almighty God, we acknowledge that Your mercy is great and it covers a multitude of our shortcomings. Your steadfast love is for each one and is unconditionally available to all. Your faithfulness is from generation to generation and is no respecter of persons.

Therefore, O God, we seek Your guidance in our work and our words. We need Your wisdom for our debates and our decisions. And we humbly pray for peace in our time, for peace in our community, and for peace in our world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building".

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building".

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building".

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building".

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building".

H.R. 4831. An act to designate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office".

H.R. 4853. An act to designate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station".

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building".

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4788) "An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes."

The message also announced that the Senate has passed bills, joint resolutions, and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1762. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

S. 2811. An act to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

S. 3164. An act to protect seniors from fraud.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

S. 3230. An act to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

S. J. Res. 36. Joint resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999.

S. J. Res. 55. Joint resolution to change the date for counting the electoral votes in 2001.

S. Con. Res. 150. Concurrent resolution relating to the reestablishment of representative government in Afghanistan.

S. Con. Res. 155. Concurrent resolution expressing the sense of Congress that the Government of the United States should actively

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 964) "An Act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes."

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. CHAFEE) as a member of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Sixth Congress, to be held in Berlin, Germany, November 17–22, 2000.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute requests per side.

THE ADMINISTRATION HAS DEMORALIZED OUR MILITARY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the Washington Times detailed the story of Shane Walsh, a former first lieutenant in the United States Army. And I say former first lieutenant because Shane Walsh has left the Army. His reason for leaving? Well, the Army he thought it would be and the Army he found it to be were two completely different things.

Lieutenant Walsh detailed the demoralizing situation facing our military today. For example, he said how M1A1 tanks sit abandoned with broken starter motors or unused simply because there is not enough money left to fuel them. His story is not unique. Our military is severely burdened by low morale and it continues to lose large numbers of servicemen and women today and every day.

The refusal of the Clinton-Gore administration to recognize this and to provide the necessary resources for our military, while still deploying them far and wide, has caused this desperate and disturbing situation.

Thankfully, this Republican Congress is truly committed to ensuring our military readiness today and in the future, and we are putting our military back on track with the needed resources to keep it strong and to keep qualified people like Shane Walsh in the military.

TRIBUTE TO JOHN H. KRAMER, DISTINGUISHED PUBLIC SERVANT

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I rise today to pay tribute to a distinguished public servant from my Congressional District, former Berks County Sheriff John Kramer. John has been a legend in local politics in my district for many years and has become my close personal friend and mentor.

John served as Chief Deputy Sheriff in Berks County, Pennsylvania, until 1975, when he was elected to his first term as county Sheriff. John won the primary election by nearly 10,000 votes, and later that year defeated his opponent by 20,000 votes in the general election.

Following that first election in 1975, John was reelected Berks County Sheriff four times, and in three of those elections was top voter of any candidate for office in the county. In 1995, after 20 years in office, he announced he wanted to retire and would not seek a sixth term.

John was also a sports figure. He bought the Rising Sun Hotel from his father in 1955 and founded the Rising Sun Athletic Association in 1965. The association sponsored bowling, basketball and softball teams. The Sunners softball team won the national softball championship in 1975, and in 1976 the team became co-world champion.

In office and in politics, John Kramer valued loyalty. He enjoyed bipartisan support and was well respected by Republicans and Democrats alike.

He is a fine supporter of the Reading Phillies and Philadelphia Phillies and counts among his friends Mike Schmidt, Pete Rose and Gregg Luzinski.

John and his lovely wife, Doris, have been married for 47 years and reside in Reading, Pennsylvania.

TRIBUTE TO THE HONORABLE TILLIE FOWLER, MEMBER OF CONGRESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, due to a scheduling conflict last night, I was unable to join my colleagues in a salute to the gentlewoman from Florida (Mrs. FOWLER), so today I join my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), in saluting this wonderful advocate for the people of the great State of Florida.

The gentlewoman from Florida (Mrs. FOWLER) came from Jacksonville to not only be an integral part of this august body but she came to represent what is the best in America: She took care to make certain our military was well equipped, she made certain her home of Jacksonville was looked after, and she rose to the top ranks of this Congress as a member of the leadership team.

So as we prepare to adjourn the 106th Congress, I salute the gentlewoman from Florida (Mrs. FOWLER), I salute her husband and family for allowing her to serve this great institution and our great State, and I know while her career may end in this House as we adjourn, hopefully this week, her sacrifice and her help for this Nation will continue long after this Congress adjourns. We all join Floridians everywhere in saluting her.

BRING OUR CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, Uchechi Anyanwu is a U.S. citizen born of Nigerian nationals who were here with U.S. green cards. She had a younger sister, Ogechi, also born in the U.S. Because of marital problems, the family went back to Nigeria. When they arrived there, the father informed the mother that the marriage was over, took possession of the mother's passport and the children. He wanted to get a divorce in Nigeria to avoid having to pay child support.

The mother was able to escape with her family's help. When she came back to the United States, the mother immediately got temporary custody. The father came back to the U.S. without the children. The mother and father appeared before a judge in August of 1997 and the judge ordered the return of the children. He refused, and has been in jail ever since.

The children were allegedly with a paternal aunt and uncle in Lagos, Nigeria. In November 1997, the mother got word that the younger daughter, Ogechi, died of malnutrition. The uncle was jailed for 2½ months for the murder of his niece, but then was released.

Interpol has verified the child's death, but the burial site is unknown. Interpol has checked at the aunt's and uncle's home for the surviving child, but has not found her there. Uchechi's mom has hired an attorney in Logos, who took all her money and disappeared.

Mr. Speaker, do we have to wait until children die before this Congress takes notice of children being taken across our borders? It is time to bring our children home.

OLDER AMERICANS ACT IS IMPORTANT TO FLORIDIANS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to be a strong supporter of the reauthorization of the Older Americans Act. The Older Americans Act has been responsible for allowing millions of seniors across our country to remain in their own homes and living independently, allowing our aged citizens to keep their dignity and self-respect.

Florida is home to the Nation's largest senior population, and they rely on the many provisions of the Older Americans Act for nutrition, transportation and counseling. Josefina Carbonell, of the Little Havana Activities and Nutrition Center, reminds me of this each and every day. Gracias, Josefina.

There is a new and important authorization of the National Family Caregivers Support Program that gives help to family members who provide in-home care to older seniors. I am pleased that the funding formula has been reformed in order to ensure that States with large senior populations, such as Florida, will receive their fair funding formula.

The biggest winners, of course, are our seniors, who deserve to enjoy their golden years.

COLORADO SUPREME COURT MAKES POOR DECISION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Colorado Supreme Court threw out the 5-year mandatory prison sentences for rapists and child molesters. Thus, over 100 rapists are now out on the street. Unbelievable. Naturally, many people are up in arms, and who can blame them.

If that is not enough to reward criminals, my colleagues, the victims of these creeps were not even notified. Not even notified. Beam me up, Mr. Speaker. The Supreme Court of Colorado needs their heads examined by a proctologist.

I yield back all the victims of the Colorado Supreme Court. Think about that.

VICE PRESIDENT'S ATTACK OF GOVERNOR BUSH'S SOCIAL SECURITY PLAN IS FALSE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I heard again yesterday Mr. GORE's attack on Governor Bush; that he was spending over the next 10 years the same $1 trillion twice, once to start up an investment account so that retirees could end up with more money, and once on Social Security benefits. I just wanted to set the record straight.

Over the next 10 years, there will be $7.8 trillion coming in to the Social Security Trust Fund. Benefits, or the cost during the next 10 years, is going to be $5.4 trillion. That leaves a balance, a surplus, of $2.4 trillion, and $1 trillion out of that $2.4 trillion is what Governor Bush is suggesting to use during the transition to start setting up personal retirement savings accounts that will supplement Social Security and add to benefits. It will stay in Social Security.

I think our goal has got to be to deal honestly with this problem; to get a better return on investments than the 1.9 percent that the average retiree now gets from the money sent in from the employer and employee.

IMMIGRATION BILL DISCRIMINATES

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, I want to appeal to the Republican side to look at the immigration law from 1996. The 1996 law on immigration took away all discretion. The 1996 law took away all due process. The 1996 law splits apart families. The 1996 law took away all compassion.

We need to repeal the most punitive aspects of the 1996 immigration law. We need to restore fairness and equity to the system of immigration and naturalization. We need to give parity to Central Americans who fled for their lives. We need to allow for families to reside together, where they will be able to apply for an application without having to leave this country. We need to make sure and make clear that this law will be changed. And we need to make sure that both Customs and the Commerce, Justice, State bills do not pass until we make sure this immigration law is taken care of.

I ask the Republican side that everything be done to make sure that equal treatment be taken into consideration in this particular piece of legislation. I ask for consideration in amending the 1996 piece of legislation.

REPUBLICAN ACCOMPLISHMENTS

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, this is the time of year when history gets rewritten in politics; when people like President Clinton take credit for welfare reform that he vetoed repeatedly. Who was actually responsible for getting the compass going in the right direction can be quite confusing. For that reason, I would like to set the record straight.

I think the American people can be proud of the progress the Republican Congress has shown. Just a few years before we got here, this administration forecast budget deficits of $200 billion or more as far as the eye could see, and they said that the deficit is not a problem; that it is not an issue for us.

Well, Republicans reversed that. In 1998, we balanced the budget for the first time in decades. The next year we stopped a 40-year raid on Social Security, where our Social Security surplus was being diverted to other programs instead of being saved for retirement. And this year, because of that fiscal responsibility, we have a budget surplus. That only means we have to work harder to be fiscally responsible and not allow the White House to go on another spending spree.

We think the best responsibility is paying down the debt.

□ 1015

DEMOCRATS ARE FIGHTING FOR SCHOOL CONSTRUCTION AND MODERNIZATION

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, Republicans in Washington, D.C., are always talking about what small business wants and it always comes down to what Washington Republicans want. But when I talk to small business men and women in Maine, the two most important issues to them are the education and training of their workforce and the cost of their health care.

The strong economy has meant that it is harder to find and keep qualified employees. But remember, the Republicans in this Congress tried and failed to eliminate the Federal Department of Education and the assistance that goes to local school boards.

It is Democrats who are fighting for school construction and modernization, which will improve education, hold down property taxes, and give our businesses, large and small, a better trained workforce.

On health care, too many small business men and women in Maine can now only afford to buy catastrophic health insurance with an annual $5,000 deductible. They are seeing 10 percent to 40 percent increases in their premiums. They will not get help from the Republicans in Congress because the majority here will not even support providing a guaranteed Medicare prescription drug benefit for our seniors.

For small business, Democrats stand for continued economic growth, support for education and health care, and fiscally responsible tax cuts.

REPUBLICANS STAND FOR LOCAL CONTROL OF EDUCATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we should rejoice in our constitutional republic when there are differences of opinion. And I welcome the comments from my friend the gentleman from Maine (Mr. ALLEN). Although I think that harsh political attacks, even taking a look at where we are on the calendar, may be somewhat out of place here.

Attacking prosperity is curious. Attacking local control of public education is even more curious. Mr. Speaker, "curiouser and curiouser" said Alice through the looking glass.

The fact is we stand for local control, putting parents in charge of education. And, yes, we invite our friends to put people in front of politics and join with us in a bipartisan way to make sure there is full health care deductibility, to make sure that there are solutions not decreed by Washington bureaucrats but by the people at home and the business owners and parents in the home and teachers in the classroom.

That is where our strength remains, not in the bureaucracies of Washington, D.C.

WE HAVE NOT DONE OUR WORK

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, we have not done our work. The Republican controlled Congress has not finished its work.

Where is the Patients' Bill of Rights? Where is a prescription drug benefit? Where is the minimum wage legislation? Where are the 100,000 new teachers? Where is the new school construction? Where is the juvenile justice bill?

The majority party has not done its work. We have not been fair to the American people. They deserve better. They should get better. They need our help, and Congress has done nothing.

We are nearing the end of another "do nothing" Congress that has not done anything, not anything, not one thing for the American people. We should be ashamed to leave this place, be ashamed to close this Congress and not to be finished with the American people's agenda.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members and staff are reminded that the use of personal electronic communication devices on the floor of the House is a violation of the rules of the House and Members are to disable wireless telephones when entering the chamber.

PEOPLE OF SUDAN DESERVE TO LIVE IN PEACE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as conflict rages in the Middle East and the world's attention is drawn to the crisis, it is vital that we do not forget other peoples around the world who suffer extreme violence.

One Sudanese man recently said, "We feel in Sudan that the world condemns us to die. Why? Our situation the world sees for 18 years, but no one seems to see help. We need mercy."

A number of Members of Congress have stood on the House floor to describe the horrors occurring in Sudan. Yet, for some reason, this administration believes that the issue of Sudan "is not marketable to the American people."

Why in the world are we ignoring the plight of millions of Muslims, Christians, and those of tribal religions whose homes, places of worship, and schools are being bombed? What kind of civilized government bombs a clearly marked hospital or church?

Mr. Speaker, the people of Sudan deserve to live in peace. Our administration must ensure that food aid is not used as a weapon by the Khartoum government against the people of the South and we must support the IGAD peace process.

EDUCATION FUNDING HOLDING CONGRESS UP

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GREEN of Texas. Mr. Speaker, I thank the coach from Georgia for sending me in.

Mr. Speaker, it is great to be here today. Except the problem I have is that we were supposed to be finished on October 3. This Congress has provided billions and billions of dollars for projects all over the country. And yet, what is holding us up? Education funding.

I want to congratulate my Republican colleagues for saying, we will do something for school construction around the country. But what about smaller class sizes?

Five years ago, when the Republicans took control, they wanted to eliminate the Department of Education. In fact, they have candidates all over the country saying that is what they want to do.

They are willing to now, instead of abolishing it up here, they just want to transfer funds to private schools. Over 90 percent of our children get their education through public schools. Let us do not take the funds away from them.

My children went to public schools. They graduated. They went to college. They had a great public education. My wife teaches math in a public high school in Houston, Texas. We have great public schools. But we do not do it by taking money away from them and sending dollars to private schools like my Republican colleagues want to do.

We need smaller class sizes. We need help with buildings. We need to work with our local school boards and our State legislators to say, okay, what works in Texas, we can help and we will send them funds to do it.

EDUCATION IS FIRST, LAST AND ALWAYS ABOUT CHILDREN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, education is first, last and always about children. The education debate is not about money. It is about Federal versus local control of schools and our children's future.

Republicans emphasize local education flexibility, not a Federal straitjacket so parents and teachers can decide if they need to hire more teachers or upgrade skills of their existing teachers. We promote basic academics and encourage parental involvement, not replace the role of children's parents in their lives. We support locally designed accountability standards, not mandated Federal testing.

We have tried to drive at least 95 cents of every Federal dollar directly to the classroom, not bureaucracies bloated by expanding the Federal role in neighborhood schools.

Mr. Speaker, the liberals have made it clear that in a Democrat Congress the education focus would once again shift back to the vision of big government, Washington-knows-best approach to dealing with local education issues.

Americans know better. They care about education and they are concerned about whether students are learning, whether they can read at grade level, and whether they are learning to add and subtract.

Under Republican leadership, we have placed the focus and quality on results with parents and teachers in control.

EDUCATION IS AN AMERICAN PROBLEM

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, to all of my colleagues, it is interesting when I hear and all of us in this debate about Federal versus local. Let us just deal with the facts for one moment.

Ninety-four cents of every dollar raised and spent for public education is raised and spent at the local level. Virtually all the policy setting authority for all of our schools across the country, in my district in Memphis and in districts all across this country, is done at the State and local level.

If we want to point fingers or blame people, we have to blame locals for our problem. But I am not in the business of blaming. What my local school districts suggest they want, Democrats, Republicans, conservatives and liberals, big government people and little government people, are actual solutions. They want help.

They have problems because kids are learning in trailer homes in my colleagues' districts and in our districts all across the country. They have problems because they have kids learning in closets and bathrooms in schools all across this country.

Now, we can sit here and pretend that this debate is meaningful and useful about Federal or local, liberal or conservative, Democrat or Republican. Reality is that there are kids that are not learning, there are kids that are caught in bathrooms and closets and trailer homes all across this country, because we would rather debate whether it is a local or Federal problem.

This is an American problem. I hope all of my colleagues will do the right thing and pass the education bill.

SAVING SOCIAL SECURITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Republicans will honor and strengthen Social Security. We will protect all benefits for today's seniors and ensure that Social Security is available for their grandchildren.

The administration has done nothing to save Social Security in the last 8 years even though the massive baby boom generation will begin drawing benefits 8 years from now.

When Social Security first started, there were 42 workers to support each retiree. In a few decades, there will be only two workers per retiree. As a result, Social Security benefits will exceed contributions beginning in the year 2015 and the system will go bankrupt in the year 2037.

The Vice President touts his plan for Social Security, but his plan would do nothing to improve the program's long-term solvency and will lead to higher taxes or cuts in benefits. In fact, the Vice President's plan would leave the basic structure of Social Security untouched, essentially gambling that future generations would be able to pay the bills when the baby boom generation begins to retire in full force. This is not good. Help is on the way with a Republican White House and a Republican Congress.

GOVERNOR BUSH'S TAX PROPOSAL

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, we are engaged in a great fiscal debate, a debate that is clouded by fuzzy fiscal figures. We are told by the Governor of Texas that he will provide tax relief to every American who pays taxes. This is simply not true.

Fifteen million Americans pay FICA tax that is pulled out of their wages, and these 15 million Americans who pay FICA tax but do not pay income tax will not get a single penny of relief from the Governor's proposal.

Second, he tells us that he will provide only $223 billion of tax relief to the richest one percent of Americans. He does this by ignoring his own estate tax repeal, which will cost $50 billion a year, $500 billion over 10 years, meaning that his plan will actually provide well over $700 billion to the wealthiest one percent of Americans.

Mr. Speaker, this debate is important. We need to look through the fuzzy fiscal facts and see it clearly.

BALANCED BUDGET SURPLUS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, for 30 years when Democrats controlled the House of Representatives they talked about a balanced budget. But it was only talk. The debt continued to rise and we did not have a balanced budget.

For many years they talked about welfare reform. But it never happened. For years Democrats talked about middle class tax relief. But they raised taxes on everybody in America, not just the middle class, but everybody.

Then, 6 years ago, Republicans took over the House and we finally saw a balanced budget, we finally saw welfare reform, even though the President vetoed it twice before finally signing it into law and taking credit for it. And we have seen welfare rolls come down across country.

Now that we have a balanced budget, we have a surplus. Republicans want to use that surplus to save Social Security and Medicare and give prescription drugs to seniors, to pay down the debt, and to cut taxes on everybody, especially the middle class.

That is the right thing to do for America.

CALLING ON PUBLIC RADIO TO DISCONTINUE POLITICAL ADS

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, Americans were shocked this morning to realize that today public radio is beginning to air political advertisements. It seems that public radio has interpreted their mandate to include reasonable access to Federal candidates to allow the placement of Democratic political advertisements on public radio.

Now, I think they have interpreted the law wrong. But I am calling upon public radio to immediately take those political ads down. The law requires, in effect, that they cannot charge for political advertising.

The Democrat candidates are apparently taking advantage of tax-free paid support to public radio by placing their ads free of charge on public radio. That ought to end today. If it does not end today, I will call upon every candidate in political elections to bring their ads to public radio and next year we will think about taking away their mandate entirely.

SOCIAL SECURITY PENSION AND VETERANS' ADMINISTRATION CHECKS

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, last week we passed a continuing resolution for 1 week. The purpose of that continuing resolution was to keep the Government going for another week while we negotiated some thorny issues over how much we are going to spend and what tax relief was going to be for the American people. But that resolution had a very important provision because it authorized the Clinton administration to prepare the November 1 Social Security pension checks and the Veterans' Administration checks.

□ 1030

It is very important for those seniors and those people who are reliant on those checks to know that they are going to be there on November 1. What is important is that the majority of the Democrats, and virtually all of the Democrat leadership, came to this floor and voted against the resolution to keep those checks going. What that means is that the Democrats want to make Social Security a political issue, and it is the Republicans who are saying we are going to make sure that the people who are dependent on those checks have the security they are intended to provide.

Mr. Speaker, today we will vote again on a continuing resolution. It will be interesting to see whether the Democrats really care about security, or they are after a political issue. I ask my colleagues to support this continuing resolution.

BIPARTISAN SPIRIT CAN MAKE PRESCRIPTION DRUG BENEFITS A REALITY

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, House Republicans are committed to achieving results, not setting up roadblocks. Already we have passed a plan to provide prescription drug coverage that is voluntary, affordable, and available to all. When we tried to work with Democrats on this issue, they got up and walked out of the Chamber.

It is time to put partisan politics aside and work to get a prescription drug plan signed into law. Vice President GORE campaigns for a plan to force seniors into a one-size-fits-all, government-run HMO. Recently, Mr. GORE told seniors a phony story about his own mother-in-law to win their support for this flawed drug plan. Now he and his friends in this Chamber are inventing stories about Medicare to frighten seniors.

Mr. Speaker, the Republican Congress has put the Nation's financial house in order, we stopped the raid on Social Security, and we are paying down the national debt. Now a prescription drug benefit is possible. If the President and our friends on the other side of the aisle would adopt a bipartisan spirit, we would be able to offer these benefits next year.

SENIORS DEMAND GUARANTEED MEDICARE PRESCRIPTION DRUG BENEFIT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is a difference, and I am glad my colleague just called for a bipartisan approach to solving the problems for all Americans.

Mr. Speaker, I would just ask my colleague to pose the question to senior citizens throughout this country: Do they want the opportunity to dial up their HMO or pharmaceutical company and beg for an opportunity to buy low-cost prescription drugs, or do they want a guaranteed benefit by Medicare? I venture to say that my seniors who have seen HMOs close their doors in their community, who are crying out for health care, would argue: "Give me a guaranteed Medicare prescription drug benefit. One that allows me to get the same cost and prices that are given to our hospitals and other large institutions."

Mr. Speaker, it is very simple. Give them an opportunity to pay their rent and buy their food and still have good health care. I hope my colleagues see the light and are willing to pass a real prescription drug benefit, a real Patients' Bill of Rights that allows the patient-physician relationship to be restored and for HMOs to find their place.

Lastly, Mr. Speaker, it is a shame, too, that we cannot pass a hate crimes bill.

LISTEN TO OUR SENIORS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I say to the President, "Listen to our seniors." My seniors are being hurt by their Medicare+Choice plans leaving the market. They are hurt because through these plans they get better benefits than Medicare offers, and millions of seniors in these plans are sicker and poorer than most of our senior citizens and can't afford Medigap prices.

You are closing down their plans, by having increased their reimbursements 2 percent a year for 3 years, and now offering 3 percent when costs are trending up at 8 to 10 percent, as well as giving every single Medicare provider a bigger increase. Your policy is simply forcing them out of the market.

Mr. Speaker, I would say to the President that the plans have already left the less densely populated areas and in the next round are going to leave areas like New York City and its boroughs, leaving millions of seniors stranded. And, cruelly, these seniors cannot buy Medigap insurance either, because they cannot afford it or they would be excluded because of preexisting conditions.

Mr. Speaker, I again say to the President, "Mr. President, help our seniors by giving the managed care plus choice plans a decent increase this year. And next year, let us reform Medicare so that the benefits are better for all seniors and the reimbursements fairer and simpler.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Member is reminded that remarks in debate are to be addressed to the Chair.

SECURING OUR CHILDRENS' FUTURE

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, imagine an America where all children receive a world class education and an opportunity to achieve their dreams in a safe school in every community. Imagine an America where the best and brightest teach America's children and every child can read by the third grade. Imagine an America where 95 percent of students graduate from high school and every high school graduate has access to a college education.

Mr. Speaker, House Republicans are committed to this vision for our children and making these dreams a reality.

Children are America's top priority. Republicans are open to innovation and new solutions to old problems. Republicans have made a solid commitment to education, but the Clinton-Gore administration and Democrats in Congress want the Federal Government to decide what local schools can and cannot do. This is what separates the two parties on education policy.

Wake up America. Every child, regardless of family income, deserves a quality education. We need to increase the role of parents in the day-to-day education of their children and decrease the role of Washington. Republicans are committed to securing America's future for our children and grandchildren.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 332, nays 51, not voting 49, as follows:

[Roll No. 544]

YEAS—332

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn

Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—51

Aderholt
Becerra
Bilbray
Borski
Brady (PA)
Capuano
Clay
Clyburn
Costello
Crane
DeFazio
English
Etheridge
Fattah
Filner
Green (TX)
Gutknecht
Hefley
Hill (MT)
Hilliard
Hooley
Hulshof
Kucinich
Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Pallone
Pickett
Ramstad
Riley
Sabo
Sanchez
Sawyer
Schaffer
Slaughter
Stark
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Udall (NM)
Velázquez
Visclosky
Waters
Weller
Wicker
Wu

NOT VOTING—49

Brown (OH)
Burton
Campbell
Cannon
Chenoweth-Hage
Coburn
Crowley
Danner
Delahunt
DeLay
Dickey
Dixon
Duncan
Engel
Forbes
Franks (NJ)
Goode
Goodling
Greenwood
Hastings (FL)
Hilleary
John
Kasich
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meek (FL)
Meeks (NY)
Metcalf
Mica
Morella
Murtha
Ney
Peterson (MN)
Peterson (PA)
Porter
Price (NC)
Shadegg
Shaw
Stabenow
Stupak
Talent
Taylor (MS)
Watts (OK)
Wise
Young (AK)

☐ 1056

Mr. HILLIARD changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 647 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 647

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

☐ 1100

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 647 provides for the consideration of the conference report to accompany H.R. 4811, the Foreign Operations appropriations bill for fiscal year 2001. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, I would like to commend the gentleman from Florida (Chairman YOUNG) and the gentleman from Alabama (Chairman CALLAHAN), the gentlewoman from California (Ms. PELOSI), the ranking member, for their hard work. I share the view expressed by the gentleman from Arizona (Chairman CALLAHAN) that this is a good bill; and as he stated last night in the Committee on Rules, the funding is too high for some, too low for others. It strikes an appropriate balance.

The bill contains $14.897 billion in funding, slightly below the President's request of $15.13 and includes an appropriation of $5 billion to reduce the public debt.

Mr. Speaker, I am very pleased that the bill appropriates $1.9 billion for military financing for Israel, as well as $840 million for economic assistance to Israel.

I also believe it is very important that we are increasing the child survival and disease program fund and providing $435 million for heavily indebted poor countries.

Mr. Speaker, I am also pleased that we are increasing funding for the agency for international development by $300 million over the prior fiscal year, bringing next year's funding to $3.08 billion.

I support this rule. The underlying legislation is very important. Obviously, much work has gone into this legislation. Mr. Speaker, again, I thank the gentleman from Florida (Mr. YOUNG), chairman of the full committee, and the gentleman from Alabama (Mr. CALLAHAN), chairman of the subcommittee, as well as the gentlewoman from California (Ms. PELOSI), the ranking member, for their hard work on this important legislation. I urge my colleagues to adopt both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time. As the gentleman just explained to my colleagues, this rule waives all points of order against the conference report on the foreign operations bill.

I consider these programs funded by this bill to be our first line of national defense. I believe the goodwill and friendship created by these programs helps prevent international tensions that, if left unresolved, might lead to more serious conflict. I think that we have many, many examples like this.

I think the greatest example before us today is North Korea. Mr. Speaker, I was saying a little bit about North Korea that it is a great example of what this bill is all about, because we, over the past 4 years through the world food program, have donated somewhere between 70 percent and 75 percent of all food aid, and humanitarian aid has brought us a tremendous amount of goodwill in North Korea.

It has really eased tensions, and I think it has, it has brought peace to a peninsula that has not had peace in a long time. That is an example of goodwill. That is an example of foreign aid that goes to save lives, that has really caught the attention of North Korea, South Korea, and so many countries of the world.

Mr. Speaker, moreover, this bill represents the spirit of American generosity and our commitment to the welfare of our fellow world citizens. This bill empowers individuals. It reduces hunger. It fights disease. It saves lives the world over.

I regret that many Americans do not see it that way. For that reason, the bill is very difficult to write. I applaud the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and the gentlewoman from California (Ms. PELOSI), the ranking Democratic member, for the work on this bill.

It has been difficult, but the result is a compromise that has support on both sides of the aisle. I am particularly pleased that many programs, as well as the overall total in the conference report, are increased over the levels in the original, inadequate House-passed bill.

One of the most important improvements in the funding is for debt relief. The conference report fully funds the President's request for $435 million, including $210 million in emergency supplemental funding. This is well over the original House bill. This money will help developing nations that are struggling to overcome crushing debts. This funding is critically important to allow these countries to get a fresh, debt-free start.

The bill increases the Child Survival and Disease Programs Fund to $248 million, more than last year's level, and this is $77 million more than the original House bill. Included in this figure is $110 million for UNICEF, the same as last year's level.

These programs give hope to the most vulnerable of the world's population, the children. These programs are aimed at improving the health of the children, enabling them to become healthy and productive adults.

I am also pleased that the bill prohibits foreign aid to any government which is aiding the rebels in Sierra Leone by providing military support or by assisting the illicit diamond trade in that country.

Overall, the bill provides $14.9 million for foreign operations, and that is $1.8 billion more than the bill we originally passed on the House floor in July. It is a 14 percent increase, and I am grateful for that. Still, it represents a 2 percent cut below the President's request. Also, it is less than the total appropriated last year, including supplemental and emergency funding.

Our Nation is the wealthiest in the world. We have the resources to help others and save lives, and I regret that getting the amount we finally achieved in this bill is such a struggle.

I do believe that the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI) have done the best they can in today's political environment. They have crafted this bill with compassion and understanding of the world's poor and needy people.

My regret over the low funding of the bill in no way diminishes my esteem for them and their work. In addition, I believe it is inappropriate to include in this bill the language that raises the overall spending cap for appropriations bills. This important provision should be considered separately.

Therefore, I will ask, or somebody on this side will ask, to defeat the previous question. If the previous question is defeated, I will ask to consider a concurrent resolution introduced by the gentleman from Wisconsin (Mr. OBEY).

This resolution would have the effect of amending the conference report to drop the language dealing with the spending caps. Furthermore, the resolution prohibits the House from adjourning until the spending caps are raised.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule, but I want to commend my colleagues on the subcommittee for their help with regard to the provisions related to Armenia and specifically the gentlewoman from California (Ms. PELOSI), the gentleman from Alabama (Mr. CALLAHAN), the chairman, and the gentleman from Michigan (Mr. KNOLLENBERG) for the work that they did on these provisions.

We are very happy with the fact that the level of assistance to Armenia at a minimum will be $90 million, which is more than what the administration had requested.

We also have the provisions in the bill that the House language provides funding for confidence-building measures and other activities in furtherance of the peaceful resolution of regional conflicts, particularly with regard to Nagorno-Karabagh. As many of my colleagues know, this is a conflict that has been going on for some time, and we certainly want to do everything we can to provide for confidence-building measures in that region.

Mr. Speaker, in addition to that, section 907 of the Freedom Support Act, which prohibits direct U.S. assistance to Azerbaijan because of the continued blockade of Armenia, the language from the previous year is maintained in that regard. I think that is very important, because we need to continue to send the message that this should not be direct assistance as long as the blockade of Armenia continues.

Lastly, I wanted to say that there is language in the report, language that says that in the event that Armenia is selected as the host site for the SESAME project, which is essentially a physics project, the Synchrotron Light Source Particle Accelerator Project, there is report language that says that $15 million of the funds made available for Armenia should support this or a comparable project.

I mention this, not only because the project itself is very important for the economic development of Armenia and I think the whole Caucasus's region, but also because it is an example of the type of development project that we would like to see more of. We would like to see more of U.S. assistance in the future, not as much the emphasis on humanitarian aid, more on development aid, and this is a good example.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I want to make it clear at the onset that my objection to this rule or to this bill has nothing to do with the Committee on Appropriations. The gentleman from Florida (Mr. YOUNG), the chairman of the Committee, and the gentleman from Wisconsin (Mr. OBEY) have done their work.

The problem that I have was already mentioned and that is raising the caps on this particular bill. It makes no sense whatsoever. This is something that we should have done 6 months ago and would have avoided the problems that we now have.

What are the problems we now have? Eight of the nine appropriations bills that Congress has passed and sent to the President would spend more than the President requested. The nine bills that have been sent to the President would result in $11.4 billion in outlays above the President's request.

The discretionary spending caps proposed by this rule would allow Congress to increase discretionary spending above the amount requested by the President, by $13 billion in budget authority and $8 billion in outlays. Now, the blame game has been going on and the finger pointing has been going on for weeks and will continue. But let us be real clear, and anyone that chooses to challenge me on these numbers, I will yield to them. This is the fourth year in a row that the Republican-controlled Congress has passed appropriations bills with higher discretionary spending outlays than the President has requested.

Mr. Speaker, although the Republican Congress cut discretionary spending with bipartisan help substantially in 1996, the first year after gaining the majority, total discretionary spending outlays in the 5 years that Republicans have controlled the Congress have exceeded the President's request by $4 billion in outlays.

By contrast, the Democratically controlled Congress appropriated less than Presidents Reagan and Bush requested during 7 years of the 12 years in office. Over the 12 years of the Reagan-Bush administrations, Congress appropriated $42 billion less than the President requested.

The 106th Congress is on pace to increase discretionary spending by at least 5.2 percent above the rate of inflation. This is the largest increase in discretionary spending. Hear me, the largest increase in discretionary spending since the Budget Act of 1974 was passed.

According to the Bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate that it has over the last 3 years under Republican Congress, nearly two-thirds of the projected $2.3 billion surplus will be wiped out. By approving this rule, Congress will be voting to increase the discretionary spending caps for fiscal year 2001 by $96 billion in budget authority and $67 billion in outlays.

The Blue Dogs have proposed that in exchange for increasing discretionary spending caps for the next year to a more realistic level, Congress should set new caps to impose meaningful discipline on discretionary spending for the next 5 years and avoid this problem. This is not the Committee on Appropriations' problem. This was a leadership decision.

□ 1115

This is not an appropriations problem, this is a leadership problem. By the leadership putting a budget on the floor that everyone knew could not be sustained, we find ourselves in this position here on October 25. The same will occur next year if we do not choose to put some fiscal discipline into how we deal with budgets in this place. The discretionary caps for fiscal year 2001 provided no discipline in the appropriation process, none; and that is why we are here.

Now, after fiscal year 2002, the discretionary caps expire. By the way, the caps next year that Congress will be looking at will be $551 billion in BA, almost $100 billion below what we are talking about passing for this year.

Now, let me remind everybody again: the President proposed to spend $624 billion this year in BA and $637 billion in outlays. The Republicans suggested $600 billion, which was a ridiculous amount; and they could not find votes on their own side. The Blue Dogs suggested 617 and 733. Now, today, with this vote, everyone that votes for this rule is voting to increase the caps over and above what the President requested and over and above what we would have had bipartisan cooperation for in holding the fiscal discipline in this body.

The Blue Dogs suggested a number. The leadership in this House said under no circumstances will we do anything other than what we are wanting. Now this is what they are going to get. They will vote for increasing these caps, and so stop going out in campaigns all over the country and blaming Democrats for being the high spenders. It does not wash. It will not wash. I would be glad to yield to anyone that suggests that anything that I am saying is not 100 percent the truth. Quit talking about big-spending Democrats. Let us start talking about a big-spending Congress. Let us start talking about someone that had a grand strategy that would bring us almost to the election year in keeping us here by trying to come up with a false impression of what the budget will be.

Vote against this rule because of the caps, and then let us do our job.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I thank him for his work. I thank the gentleman from Florida (Mr. DIAZ-BALART) of the Committee on Rules on the Republican side for bringing this bill to the floor. I thank the gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from California (Ms. PELOSI) and certainly the distinguished gentleman from Alabama (Mr. CALLAHAN) for his work.

I wish that we were discussing this weeks ago when we were piling up a lot of pork all over these bills, particularly roads and bridges which all of us need, and various other entities, because I consider this bill a bill that spells relief. And I hope that there will be a way that we handle our fiscal responsibilities in a proper manner, but we also realize the importance of this initiative.

First of all, this bill protects and allows us to be the responsible world leader and promoter of democracy that is so very important. It also says that we value the needs of women around this world as it relates to legitimately based family planning. The agreement also applauds the fact that there is now a sense of freedom in the former Yugoslavia, Serbia. It authorizes up to $100 million for assistance to Serbia; and having been in Kosovo and Albania and having seen Milosevic up close and knowing what he did to those people and that region, this is good news that we have an opportunity to stabilize that area.

I support the $2.3 billion for development aid, including $963 million for child survival and disease fund. The worst thing that we can find in developing nations are the number of children that are dying, the lack of opportunity, the poor health. This will be remedied in a large degree.

Let me also thank the leaders as well who I worked with of the Congressional Black Caucus, the gentlewoman from California (Ms. WATERS); the gentleman from Massachusetts (Mr. FRANK); the gentleman from Iowa (Mr. LEACH); and I know there are many others, including the gentlewoman from California (Ms. LEE) on the Marshall Plan. There is money in here to begin talking about fighting worldwide AIDS, but there is $435 million in debt relief. This is a jubilee day for all of the religious denominations from the Jewish community to the Catholic community, the Muslim community, the Protestant community, if I might cite the general conference of Seventh-day Adventists who have been missionaries in the fields in these developing nations for many, many years. This is a fine day if this bill is passed, because we begin to start telling countries that we can build schools, we can build hospitals, we can build housing, we can tend to those who are devastatingly ill, we can begin nutrition plans, begin agricultural plans, we can do this because we do not have to pay the enormous amount of debt.

I would say that there is a 20-month delay on this for us to determine whether this can be implemented. I hope we move this along rather quickly. I hope we do not put a high bar for these developing nations so that they can, in fact, do what they need to do. I have worked very closely; in fact, as a freshman member, I added $1 million to the African Development Fund Bank. I am delighted that it is now funded at $100 million.

Mr. Speaker, the reason why there is the old adage, teach them to fish and they will be able to eat for days and days and years and years as opposed to giving them a fish. This is what the African Development Fund Bank does. It, in fact, gives them the ability to build small enterprises. It is an excellent program, and I support it.

I was a strong supporter of peacekeeping missions and I am gratified that we are engaged in peace, but I am also gratified on this point, Mr. Speaker.

The Congo, unfortunately, gets no money. I am hoping that we can find peace in the Congo in that region based upon African nations coming together and realizing that this country, the former Zaire, has to be in the midst of creating its own peace and not war. Then I am delighted that there is language dealing with prohibiting any country that provides support to Sierra Leone's Revolutionary United Front for any other country from helping, to prohibiting any money going to those countries that would destabilize those regions.

Mr. Speaker, this is an important bill; and I hope that it passes.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I want to commend the gentleman from Alabama (Mr. CALLAHAN) for his hard work on this bill. I know they have tried to forge an effective compromise.

I do want to touch on a few things that I think are important as we go through this debate. The gentlewoman from Texas just said that this was a "jubilee day" for people of all religious faiths because of debt forgiveness, because now we can build schools across the world, and because children can now get vaccines. But I think it is important for us to recognize today that this money is not going to build schools. This money is going to bankers for debt relief.

So let us not sing that jubilee song too loudly.

Secondly, she implored that we not set the bar so high. Let me tell my colleagues something. Part of the problem is, and part of the reason that I oppose this bill, is that most of these countries are in debt today because their economic systems are in chaos and the IMF has not held them accountable. In fact, when a provision was attempted to be inserted on the Senate side that would have required these countries receiving debt forgiveness to open up their markets to world trade, it was rejected.

I would ask everybody to look at the countries whose debts are being forgiven today, and compare it to a Heritage Foundation and Wall Street Journal report on the Index of Economic Freedom. Heritage and the Wall Street Journal compile this list by judging economic freedom in 161 countries on factors like trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flow in foreign investment, banking, wages and prices, property rights, regulation, and the black market.

And, surprise of surprises: the 30 countries whose debts are being forgiven are the least free economically, restrict trade and have more centralized, socialistic-type governments that control the economies of the debtor nations.

Under some circumstances, I might not have a problem forgiving these debts. But today we are forgiving debt without requiring the type of reforms that would prevent these countries from coming back to us to ask for debt forgiveness again in 4 or 5 years. We know they are going to come back, because we are not requiring economic reform in these countries. It is a lesson we should have learned over and over again.

I know this bill is going to pass. But after everybody votes for this debt forgiveness plan, I ask that they go back and look at the Wall Street Journal's and Heritage's Index of Economic Freedoms.

Again, it is no coincidence that these 30 countries that are going to be bailed out by American tax dollars today, through their banks, are the same ones that are the most restrictive economically. Before this happens again, I hope we demand reforms in the way that the IMF loans money and the way these countries have the debt forgiven by American taxpayers.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking minority member on the Committee on Appropriations and the former chairman. He has also been a great proponent of humanitarian aid for many years, and he has played a major part in helping a lot of people all over the world.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me say that I think the bill that has been developed, the underlying bill, the foreign operations appropriations bill is a quite responsible bill; and I congratulate everyone who is involved, especially the gentleman from Alabama (Mr. CALLAHAN), and the gentlewoman from California (Ms. PELOSI).

I want to talk, however, about something which has been attached to this bill in the form of the Stevens amendment, because I think that amendment brings us face-to-face with what has essentially been the institutional dishonesty which has plagued this Congress going back to 1981.

What happened in 1981 and in many years since is that after the passage of the Budget Act, which imposed a new budget organization plan on the Congress, the Congress, beginning with 1981, began to pass a series of fictional budget resolutions. They are outlines which the Congress has to pass of expected budget activities; and after those outlines are passed, then we can proceed to pass the actual appropriation bills.

What has happened since 1981 is that the Congress has adopted fixed targets for spending based on assumptions that are totally false or at variance with what we really expected to happen down the line. Because those assumptions about what will happen next in the Congress are so at variance with the truth, those assumptions have allowed the Congress to then pretend that it had room in the budget to pass very large tax cuts, which we did in 1981; to pass very large spending increases, which we did in 1981. We essentially doubled the military budget on borrowed money.

The Congress pretended, at the time, that it was not doing it on borrowed money; it pretended it was paying for it. So for 18 years, we have been digging out from the deficits caused by the failure of those initial budget assumptions to really tell Congress ahead of time what would happen to the deficit if certain actions were taken.

Now we face the same situation again. We had a budget deal in 1997, and both the administration and the Congress agreed they were going to jump off the cliff and assume certain things were going to happen over the next few years; and they did. And as a result, this Congress proceeded under a budget resolution which, in the end, had to be hugely amended in order to fit our actions into those budget fixes.

Now we have this situation. The permanent budget ceiling under which we have been operating for appropriated money is $541 billion.

□ 1130

The budget resolution, which sort of bent that original number, the budget resolution that we have been operating under is about $600 billion. Now the Stevens amendment is an attempt to bring that number into some relationship to reality. The Stevens amendment requires that we change that number to $637 billion in discretionary spending for the next year.

Then guess what happens next year? Next year, the number reverts, and it goes back down to $551 billion. Is there one person on this floor who believes that, having raised that cap from $541 billion to $600 billion to $637 billion this year, that the Congress next year is going to cut enough money to get down to $551 billion in discretionary spending? Anybody who believes that the Congress is going to do that needs three straightjackets and a visit to the funny farm. It just is not going to happen that way.

So my objection to the Stevens amendment is not in what it attempts to do. It attempts to bring this institution closer to the truth. My problem is that it contains an implied lie for the next fiscal year. This is not the fault of the author of the amendment. He is just trying to get through the day 1 year at a time.

But the problem is that, by keeping that number in place in the out years, this institution, in effect, continues to lie to the American people about what we expect to be spent in future years.

So under these circumstances, there is not a Member of this body who has a right to question the veracity of either candidate for President so long as we continue to follow these fictions.

So that is why I am going to vote no on the rule. That is why I am going to vote no on the previous question, so that we can separate out this question and have an honest discussion of what our expectations are, not just for this year, but for the years to come.

I also have another concern. This Congress has added billions of dollars in appropriation bills which have passed above the President's request in several instances. Some of that spending I voted for and some of it I voted against. Now this ceiling is being adjusted to take into account all of that spending and also supposedly to make room for the other bills which have yet to be passed.

The major bill which has yet to be passed is the Labor, Health and Education bill. That is the bill that sums up our concern about people in the shadows of life: the weak, the young, the old, the sick. I am not at all certain that the assumptions that will be made about this number will enable us to meet our responsibilities on that bill.

I do not want to be seen as endorsing this number which would, in essence, bless all of the additional spending that has been approved by this Congress so far this year, but then put us in a position where when Education comes before us, we then say, "Oh, no, no, no, no, no, no, no, there is not enough room under the budget ceiling."

Oh, yes, we made enough room for the Energy and Water bill. We made enough room for the Defense bill. We made enough room for the Agriculture bill and the Transportation bill. But, oh, no, no, no, no, no, no, no, no room in the inn to meet our responsibilities on class size, on teacher training, on after-school centers, on Pell Grants, on educations for disabled children. That is my concern with this process.

So I want to vote for the foreign aid bill. If there is a responsible coalition, a majority of people in both caucuses for that bill, I intend to do so. But I would ask people to vote no on the previous question on the rule so that we can have a more honest, for once, discussion with our constituents about what this Congress is really spending this year and does really intend to spend in the coming years.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I wanted to say that I intend to vote for the previous question, and I intend to vote for the rule. This rule is basically the same rule that we have adopted for every appropriations bill. There is nothing unusual in the rule.

So we should do what we have done in all other instances. We ought to pass the rule so that we can get about the consideration of the bill on Foreign Operations.

On the previous question, the issue that the gentleman from Wisconsin (Mr. OBEY) has indicated he will oppose the previous question so that he can offer an amendment to the rule which would provide a vehicle for us to eliminate the language in the bill relative to the budget caps.

Now, I do not have a strong disagreement with the gentleman from Wisconsin (Mr. OBEY) on the budget caps, because I think he and I both agreed earlier in the year that the budget resolution was not realistic, that it did not really provide for the priorities of the Congress and for the priorities of the President of the United States.

But, nevertheless, the Congress adopted a budget resolution at a specific number. Well, obviously, as we took up the bills and as we passed it through the House, which we have passed all of them through the House, Mr. Speaker, and I cannot say that often enough, we have passed all those bills through the House, but then we have to negotiate with our colleagues in the other body because their priorities very often are different than our priorities. Once we resolve that, then we have priorities from the President of the United States whose priorities are different.

So we have one overall number, but three sets of priorities; and they do not all fit into that over-all number.

So the gentleman from Wisconsin (Mr. OBEY) and I do not disagree on that. We have made that fairly clear throughout the year. So now we come to the point of getting real. It has been suggested on several occasions in the debates before that these budget numbers are not real.

Well, now we are at the point where we are getting real because the appropriations bills have all passed the House. We bring today the next, after the Foreign Operations bill today, there are only two other appropriations vehicles out there for us to take up and consider, pass and send to the President. So we are at crunch time.

A lot of those issues were real thorny and controversial, most of which have nothing at all to do with appropriations, most of which are something not related at all to appropriations, but appropriations bills are being used as vehicle just to deal with these philosophical or these political or these authorizing-type issues.

As the House passed the bills, we knew that we would be exceeding the caps. So in the House on the appropriation bills, we waived the caps. But this provision from this bill that the gentleman from Wisconsin (Mr. OBEY) objects to, it is a provision that would apply to the Senate.

The other body needs this language because they have advised us that, without increasing the budget number, the caps, that they would not be able to consider any further appropriations bills.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. Yes, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to clear up one thing. It is not that I am objecting to the Stevens amendment. What I am trying to do is raise concerns about how it is going to be applied, whether it will be applied evenly to all bills, including Labor-HHS.

Secondly, what I object to is the fiction that, after this cap gets raised to $637 billion, that somehow this Congress expects next year to drop back down to $551 billion. I think that the Committee on the Budget's procedures are forcing this Congress to live under a ludicrous fiction which, in essence, is a public lie which none of us should be participating in.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) and I have agreed with each other many times that the budget process is far from perfect. We attempted to make some changes earlier this year, but we were not successful with legislation that would have made some changes. But he and I do not disagree on that.

But the point is, in order for the Senate to continue to proceed with consideration of further appropriations bills, they need this budget cap raised. Because under their rules, they have to do this. In the House, we do not have to. This does not affect the House. We have already taken care of that problem in our House. But in the other body, they need to do this and they need a 60-Member vote in order to accomplish it.

So if we do not do it on this bill, we are going to have to do it on the next bill, which hopefully we will have on the floor tomorrow if a couple of unsettled issues are settled, and that is the Commerce Justice bill, that would be applied to another bill. The Commerce Justice bill the Senate has not passed. So it has got to be connected to another bill, which we expect to be the District of Columbia appropriations bill, which both Houses have passed.

So we really need to do this. It is not a matter of whether one likes it or whether one does not like it. But if we are going to conclude our work, not in the House, but if we are going to conclude our work in the other body, we have to do this. So we might as well do it now, get it over with, and get on about our business. Hopefully, before the week is over, we will conclude the consideration of the District of Columbia and Commerce State Justice bill and then the Health and Education bill hopefully before the week is over.

But we need to move this bill out of the way so we can make room on our schedule for the next two vehicles. Then, Mr. Speaker, the appropriations process will have been completed. It has been delayed this year for a number of reasons. I will not take the time to express my opinion as to why the delays took place, but there have been delays, many of which were not under the jurisdiction of the Committee on Appropriations. But, nevertheless, there have been delays.

We need to move this rule today. We need to move this bill today. Then we have two other vehicles. Then our colleagues will be able to return to their districts and spend a few days on the campaign trail.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise on this rule today to let the American people know of the subterfuge that is going on in these waning days of the Congress.

If this rule passes, we will have a bill which amends the budget law to raise the spending limits that now enforce our discretionary budget to reflect the leadership's wanderlust for spending over the past 2 months. This is the day of reckoning for Republicans to wake up and admit the budget resolution they set forth earlier this year was based on a false premise.

But in typical fashion, the leadership has decided to determine unilaterally the fiscal priorities of this Congress without a bipartisan agreement on education funding. No money for new teachers, no money for school repairs or expansion, no money for after-school.

I ask Members to support the Democratic effort to defeat the previous question so we can appropriately decide the scope of our education investment and then set the new spending levels accordingly.

I deeply regret that we have reached this point in the larger budget process. This is no way to run a budget process, a Congress, or a country. This body does not meet. We do not negotiate. We do not discuss. Republican leaders take off 5 days at a time; and as a result, our basic work is undone because we are not here doing our work. The result is one of the biggest budget disasters that anybody can remember.

My colleagues on the other side have been so busy throwing money at projects just to get out of town that we have already spent $11.4 billion over the President's request, $11.4 billion over what the President asked for, and they still have not spent a dime to hire a new teacher or build a new school.

They have not spent a dime on quality teaching or after-school programs because they have refused to make education the priority of this Congress.

□ 1145

We now pass a new CR every day because we are so far into the fiscal year and so far behind in our work. We should be focused on legislation to lift up every public school. This should be the true focus and passion of this Congress.

Instead, just yesterday Republican leaders rejected the bipartisan Johnson-Rangel bill supported by 228 Members, Democrats and Republicans, to help districts with school construction, and they came up with their own plan that is a day late and a dollar short. Their plan creates incentives that delay school construction, and half the benefit does not even go to school districts but to bond holders. Private investors. Not children, not principals, not teachers, but bond holders.

We are calling on the leadership to pass the bipartisan school construction measure to help modernize our schools. This bill reduces the burden on local taxpayers struggling to finance new construction for their communities. We urge Republican leaders to set aside their opposition and provide enough funding for teachers, emergency school repairs, after-school programs and teacher training, and to put all these measures into the education bill so the President can sign a bill that improves our schools this year.

Let us not block progress on education. Let us impose order on this irresponsible budget process. Let us do the work of the American people on education. Stop the delays, stop the foot dragging, stop the electioneering and accomplish something meaningful for our children. We can still salvage something important from this budget process. Let us get it done, and let us get it done this week.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. CALLAHAN), the distinguished chairman of the subcommittee that has produced this legislation; and again I want to commend him for his hard work on it.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I am very surprised to hear the minority leader come before this body, a man who knows the inner workings of this body probably more than anyone else, and try to confuse this body with unrelated facts to what we are talking about.

Let us step back from all this rhetoric that we just heard and look at where we are. The minority leader ought to be here praising what we have accomplished by bringing this bill to the floor today. The minority and the majority worked together. We did not sit in some back room, like we did last year, and negotiate this with the White House or the President's representative and to come forth with something in the middle of the night. We have negotiated this bill for the last 6 months and without outside interference, which is something that the minority leader ought to be encouraging. We bring before our colleagues today an agreed-upon foreign operations bill for the fiscal year 2001.

My colleague can confuse all he wants with his lack of addressing issues in this bill on educational matters. I am surprised that the minority leader did not say we do not fix the notch-baby problem either. There are a lot of things that we do not do, but there are a lot of things we ought not be doing. What we are doing is bringing before the Members a bill, a consensus bill of both the minority and the majority that is a responsible bill to provide for the needs of the State Department and our foreign affairs for the next fiscal year.

It is not everything I wanted. It is not everything the minority ranking member wanted. But it is a good bill, and it has been manufactured in this institution without the involvement of the White House.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think the gentleman misheard the distinguished minority leader. I did not hear a single word of criticism about the gentleman's work product.

Mr. CALLAHAN. Reclaiming my time, Mr. Speaker, I think we heard a message, though, that is going out to all our Members over C-SPAN television confusing the fact about education and all these other issues which have nothing to do with where we are here today.

This simply says, as the chairman of our committee brought to the attention of the membership, that it facilitates the Senate by passing some rider to our bill that facilitates this bill to come up in the United States Senate. So I would respectfully not want to argue with the ranking member of our full committee, but I would say that none of the things that the minority leader mentioned has anything to do with this bill.

So I am urging the Members of this House, Republicans and Democrats, to vote for the previous question and to vote for the rule and let us get on with the business of the day, doing it like we are supposed to do it, between and amongst ourselves, without the tremendous pressure and input in a backroom deal with the President of the United States.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, Democrats have been chastised by their own leadership if they cosponsor bills, especially on Medicare. The whole partisanship in the direction instead of working together, while the President and our leadership and our appropriators are setting down with the President trying to negotiate these bills; and the President is sitting down trying to work with us, our colleagues on this side, their leadership, is so far extreme and so intent on taking back the majority that gridlock is the answer for them.

I would say when the gentleman from Missouri talks about increased costs going into this bill, I would remind people that the U.S.S. *Cole* that just went through a terrorist attack, that incident is going to cost $150 million to repair the *Cole*. It is going to take $4.5 million for a company out of Norway to come and transport the *Cole* so we can repair that ship.

The Chief of Naval Operations has put in a report, I have it and I will submit it for the RECORD, that says that because of all of the deployments that this administration has had us go on, $260 billion worth, which has come out of Defense, we have tired out our equipment and we have tired out our people. What they have had to do with equipment is take ship repair money and transfer it over for our submarine and our carrier refueling, nuclear refueling.

We have 22 ships tied up at the ports both in the Atlantic and Pacific fleets. They cannot go anywhere because they have had two and three times deferred maintenance. They cannot go anywhere. Before, they put them out to sea, hoping that they would not be in a war. Some did not have Ra-domes, some did not have radars, some did not have crash control or damage control, but yet they have put them out just to complete the mission. Well, they are gone.

Right now the CNO, and I am certain that my colleagues on the Democrat side have some ship repair industry in their districts, is $283 million short in ship repair because they have had to shift it over to nuclear refueling for subs and carriers because of all these deployments. I think that is wrong.

The gentleman from Missouri talked about construction for schools. If the gentleman from Missouri would waive Davis-Bacon, which costs 35 percent more to build our schools because they have to pay the union wage, most of us would support it. The gentleman from California (Mr. BILBRAY), in San Diego, has had $5 million by the unions before his opponent ever put in a nickel. Five million dollars. And they talk about campaign finance reform. What a joke.

I went to 18 districts over the last month. I went to 18 districts, and the minimum amount spent by these union bosses was $1 million against our vulnerable candidates. Would my colleagues waive Davis-Bacon for their union bosses? Do they care about school construction, or do they care about the schools?

Alan Bersin, San Diego superintendent, a Clinton appointee, asked me if I would support a local school bond. I said absolutely. It is the most Republican thing I could be asked to do, because we do not end up with only 48 cents out of a dollar going to the classroom. We end up with a 100 percent or at least 90 percent because we do not have to go through the bureaucracy of here in Washington, D.C. The leadership on that side wants to put the money here in Washington and have the bureaucracy eat up over half of it. We are saying no. Let us waive Davis-Bacon, let us build school construction, let us put it in school bonds, and let us get 90 cents out of a dollar and not pay off the union bosses and make it competitive.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume to simply say that I think many of us support the foreign aid bill, the substance of it. There is no question about it. We do have a problem with one aspect of the rule itself, and that is what I would like to address before I yield back the balance of my time.

Mr. Speaker, I will urge a "no" vote on the previous question. If the previous question is defeated, I will offer a substitute rule. The rule will adopt a concurrent resolution striking the spending caps sections from the conference report. It will make in order the foreign affairs conference report after the Senate also adopts the concurrent resolution. It will require the issue of caps be addressed before we adjourn sine die.

Mr. Speaker, I include for the RECORD the text of the amendment that I would offer along with extraneous material, as follows:

PREVIOUS QUESTION AMENDMENT—CONFERENCE REPORT ON FOREIGN OPERATIONS APPROPRIATIONS ACT, FY 2001

Strike out all after the resolving clause, and insert the following:

"That upon adoption of this resolution, the House shall be considered to have adopted a concurrent resolution introduced by Representative Obey on October 25, 2000, directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill (H.R. 4811) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes.

SEC. 2. Only upon receipt of a message from the Senate informing the House of the adoption of the concurrent resolution, it shall be in order to consider the conference report on the bill (H.R. 4811) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration."

SEC. 3. For the remainder of the 106th Congress, it shall not be in order in the House of Representatives to consider a sine die adjournment resolution until the House disposes of a bill or joint resolution to be introduced by Representative Obey adjusting the discretionary spending caps for fiscal year 2001.

H. CON. RES. 436

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 4811, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 101(a), insert before "are hereby enacted into law" the following: "and as modified in accordance with subsection (c),".

(2) In section 101(b), insert before the period at the end the following: ", modified in accordance with subsection (c)".

(3) At the end of section 101, add the following new subsection:

"(c) The modification referred to in subsections (a) and (b) to the text of the bill referred to in subsection (a) is as follows: title VII is modified by striking section 701.".

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio for his courtesy. I think we have had a very interesting debate. I want to reiterate that the underlying legislation is extremely important; the foreign aid legislation. The rule is fair, and I urge my colleagues to support it.

I thought it was interesting that we heard, during the debate, criticism of the budget process by our friends on the other side of the aisle, a budget process that was created when they were in the majority. Now they criticize it. We heard that we spend too much money, and yet they say that a number of their priorities are not met; that they need more money. They have said that we have taken too long, and yet then we hear that they would be comfortable if they had more time. So, obviously, that is the essence of debate: Honest disagreement.

I again want to commend the chairman, the gentleman from Alabama (Mr. CALLAHAN), for what I consider a very good work product and to reiterate what we heard from the chairman, the gentleman from Florida (Mr. YOUNG). It is time to pass this legislation and move on to the other two appropriations conference reports that we need to pass as well.

Mr. Speaker, I urge the adoption of the resolution as well as the conference report, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 197, not voting 25, as follows:

[Roll No. 545]

YEAS—210

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—25

Brown (OH)
Campbell
Chenoweth-Hage
Danner
Delahunt
Dickey
Edwards
Engel
Franks (NJ)
Hastings (FL)
John
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Peterson (PA)
Shadegg
Stupak
Talent
Watts (OK)
Wise

□ 1217

Mr. FORBES changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CALLAHAN. Mr. Speaker, pursuant to House Resolution 647, I call up the conference report on the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 647, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 24, 2000, at page H10759.)

The SPEAKER pro tempore. The gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4811, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House the fiscal year 2001 conference report for Foreign Operations, Export Financing, and Related Programs.

It includes no new taxes. It protects the national security, and it does nothing to threaten the solvency of the Social Security system.

This is my sixth and final year, under the rules, as chairman of this subcommittee; and I want to take this opportunity to thank the subcommittee, the entire subcommittee, including the gentlewoman from California (Ms. PELOSI), our ranking member, and all of the staff who have worked so well with me during this last 6 years.

Mr. Speaker, I am especially proud that we reached our compromise agreement within the Congress as required by the Constitution and without participation at the White House. As some may recall at this very moment last year, we were negotiating with the White House on the year 2000 appropriation bill for foreign operations. In the middle of the night, a document was brought to me that I totally disagreed with that was negotiated by Jack Lew, the President's representative to the Congress on these issues. So incensed was I, Mr. Speaker, that I refused to handle the bill and voted against my own bill.

This year we did it right. Even though there are some things in this bill that I do not totally agree with, there are some things and most things I do agree with.

What I am especially proud of is that we were able to work with the minority and that we worked out, as the Constitution says, an agreement between the House and the Senate minority and the majority; and we bring before this House today a bill that was handled by the House of Representatives and the United States Senate and not consummated in some back room negotiating with some bureaucrat from the White House. I am especially pleased with that.

Mr. Speaker, this bill totals $14.9 billion in discretionary budget authority. It includes $14.4 billion in regular funding and just under $500 million in supplemental funding. These supplements were originally requested for the fiscal year 2000, but have been included in this conference report to meet urgent needs in Southern Africa and Eastern Europe and to provide part of the debt relief package for heavily indebted poor countries.

If we include the President's regular budget request for fiscal year 2001, plus the request for the fiscal year 2000 supplementals that are included in the conference agreement, the President's total request was $15.8 billion. This conference report is almost $900 million below the President's request. We are also at $1.5 billion below the fiscal 2000 enacted level.

While we did cut funding significantly below the President's request, we were able to provide full funding for debt relief and provide $42 million more than he requested for overseas refugees. This bill contains $435 million for debt relief, as well as important reforms affecting the International Monetary Fund. I remain skeptical but hopeful that the HIPC program will actually help poor people as intended. I ask all of the religious leaders who supported HIPC to work with the committee to make sure that it lives up to the promises that were made.

The conference agreement also includes $315 million in funding to combat HIV/AIDS and $60 million to limit tuberculosis, both of which are very important priorities for Members on both sides of the aisle.

I am especially proud of the $295 million provided for the child survival and maternal health, the program that has helped Rotary International help eliminate polio. It is the best thing this Congress has done in the last 5 years since I have been chairman.

The conference report continues to phase out economic assistance to Israel, while providing an increase of $60 million to meet Israel's current military needs. Of the total funding in this bill, over $5.2 billion, or 35 percent of it, is dedicated to the Middle East. As usual, we prohibit funding for the PLO and the Palestinian Authority. While funds are available for the West Bank/Gaza program of AID, they are subject to the overall Middle East spending cap. Based on a freeze on Middle East spending, with the exception of the increase in military assistance for Israel, the administration's request for this program is cut by approximately 25 percent.

The conference report also restores funding for foreign military financing grants for our allies and friends around the world. The Waters and Lee amendments that were adopted on the House floor would have resulted in the elimination of our military assistance to the countries of Eastern Europe and to the Baltic States. Those amendments also cut funding for Israel. Given what is going on in the Middle East, we could not accept cuts in Israel's military assistance that were approved by the House and have to have provided full funding.

□ 1230

We have provided up to $100 million in assistance for Serbia. While that aid is conditioned upon Serbian cooperation with the prosecution of war criminals and other matters, we suspend the application of these provisions until March 31, 2001, in order to give the new democratic government in Serbia time to consolidate its gains. Until that time, we expect the Department of State will use existing authority under the appropriations accounts for Eastern Europe to weigh provisions of law that could unduly complicate the provision of assistance to Serbia, such as section 564 of the conference report.

We also provide $89 million in assistance for Montenegro and $65 million in assistance for Croatia and urge support for Macedonia based on its cooperation during the Kosovo air campaign.

The conference agreement also provides $25 million for the International Fund for Ireland in support of the Good Friday peace agreement. This is a $5.4 million appropriation above the President's request, but I believe it is important that we continue to provide as much support as possible to bring peace to Ireland.

Mr. Speaker, I ask that all Members support the passage of this conference report.

Mr. Speaker, I include the following for the RECORD:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2001 (H.R. 4811)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	759,000	963,000	742,500	768,000	865,000	+106,000
(Direct loan authorization)	(1,350,000)	(960,000)	(960,000)	(960,000)	(865,000)	(-485,000)
(Guaranteed loan authorization)	(10,400,000)	(15,040,000)	(15,040,000)	(15,040,000)	(13,535,000)	(+3,135,000)
Administrative expenses	55,000	63,000	55,000	58,000	62,000	+7,000
Negative subsidy	-15,000	-15,000	-15,000	-15,000	-15,000	
Total, Export-Import Bank of the United States	799,000	1,011,000	782,500	811,000	912,000	+113,000
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	35,000	39,000	37,000	38,000	38,000	+3,000
Insurance fees and other offsetting collections	-303,000	-283,000	-283,000	-283,000	-283,000	+20,000
Subsidy appropriation	24,000	24,000	24,000	24,000	24,000	
(Direct loan authorization)	(130,000)	(127,000)	(127,000)	(127,000)	(127,000)	(-3,000)
(Guaranteed loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	
Total, Overseas Private Investment Corporation	-244,000	-220,000	-222,000	-221,000	-221,000	+23,000
TRADE AND DEVELOPMENT AGENCY						
Trade and development agency	44,000	54,000	48,000	46,000	50,000	+6,000
Total, title I, Export and investment assistance	599,000	845,000	608,500	636,000	741,000	+142,000
(Loan authorizations)	(12,880,000)	(17,127,000)	(17,127,000)	(17,127,000)	(15,527,000)	(+2,647,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Child survival and disease programs fund	715,000	659,250	886,000		963,000	+248,000
UNICEF	(110,000)		(110,000)		(110,000)	
Global health				651,000		
Development assistance	1,228,000	948,822	1,258,000	1,368,250	1,305,000	+77,000
Development Fund for Africa		532,928				
International disaster assistance	202,880	220,000	165,000	220,000	165,000	-37,880
Emergency funding	25,000					-25,000
Transition initiatives			40,000		50,000	+50,000
(By transfer)					(5,000)	(+5,000)
Micro & Small Enterprise Development program account:						
Subsidy appropriation	1,500		1,500		1,500	
(Guaranteed loan authorization)	(30,000)		(30,000)		(30,000)	
Administrative expenses	500		500		500	
Urban and environmental credit program account:						
Subsidy appropriation	1,500					-1,500
(Guaranteed loan authorization)	(14,000)					(-14,000)
Administrative expenses	5,000					-5,000
Development credit programs account:						
Subsidy appropriation			1,500		1,500	+1,500
(By transfer)	(3,000)	(15,000)	(2,000)		(5,000)	(+2,000)
(Guaranteed loan authorization)	(40,000)	(213,000)	(49,700)		(49,700)	(+9,700)
Administrative expenses		8,000	6,495	4,000	4,000	+4,000
Subtotal, development assistance	2,179,380	2,369,000	2,358,995	2,243,250	2,490,500	+311,120
Payment to the Foreign Service Retirement and Disability Fund	43,837	44,489	44,489	44,489	44,489	+652
Operating expenses of the Agency for International Development	520,000	520,000	509,000	510,000	520,000	
(By transfer)					(1,000)	(+1,000)
Operating expenses of the Agency for International Development Office of Inspector General	25,000	27,000	27,000	25,000	27,000	+2,000
Total, Agency for International Development	2,768,217	2,960,489	2,939,484	2,822,739	3,081,989	+313,772
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	1,695,000	1,535,000	1,535,000	1,535,000	1,535,000	-160,000
Other	650,500	778,000	673,900	685,000	760,000	+109,500
Subtotal, Economic support fund	2,345,500	2,313,000	2,208,900	2,220,000	2,295,000	-50,500
Emergency funding	450,000					-450,000
International Fund for Ireland	19,600		25,000		25,000	+5,400
Assistance for Eastern Europe and the Baltic States	535,000	610,000	535,000	635,000	600,000	+65,000
Emergency funding	50,000					-50,000
Assistance for the Independent States of the former Soviet Union	839,000	830,000	740,000	775,000	810,000	-29,000
Total, Other Bilateral Economic Assistance	4,239,100	3,753,000	3,508,900	3,630,000	3,730,000	-509,100

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2001 (H.R. 4811) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation		20,000				
(By transfer)	(5,000)		(10,000)		(12,000)	(+7,000)
Total	(5,000)	(20,000)	(10,000)		(12,000)	(+7,000)
African Development Foundation						
Appropriation		16,000				
(By transfer)	(14,400)		(16,000)	(14,400)	(16,000)	(+1,600)
Total	(14,400)	(16,000)	(16,000)	(14,400)	(16,000)	(+1,600)
Peace Corps						
Appropriation	245,000	275,000	258,000	244,000	265,000	+20,000
Department of State						
International narcotics control and law enforcement	305,000	312,000	305,000	220,000	325,000	+20,000
Assistance for counternarcotics activities (emergency funding)	1,018,500					-1,018,500
Assistance to Plan Colombia		256,000				
Migration and refugee assistance	625,000	658,212	645,000	615,000	700,000	+75,000
United States Emergency Refugee and Migration Assistance Fund	12,500	20,000	12,500	15,000	15,000	+2,500
Nonproliferation, anti-terrorism, demining and related programs	216,600	346,740	241,600	215,000	311,600	+95,000
Total, Department of State	2,177,600	1,592,952	1,204,100	1,065,000	1,351,600	-826,000
Department of the Treasury						
International affairs technical assistance	1,500	7,000	2,000	5,000	6,000	+4,500
Debt restructuring	123,000	262,000	238,000	75,000	238,000	+115,000
United States community adjustment and investment program	10,000	10,000				-10,000
Subtotal, Department of the Treasury	134,500	279,000	240,000	80,000	244,000	+109,500
Total, title II, Bilateral economic assistance	9,564,417	8,898,441	8,150,484	7,841,739	8,672,589	-891,828
Appropriations	(8,020,917)	(8,898,441)	(8,150,484)	(7,841,739)	(8,672,589)	(+651,672)
Emergency funding	(1,543,500)					(-1,543,500)
(By transfer)	(22,400)	(15,000)	(26,000)	(14,400)	(39,000)	(+16,600)
(Loan authorizations)	(84,000)	(213,000)	(79,700)		(79,700)	(-4,300)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	50,000	55,000	47,250	55,000	55,000	+5,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,220,000	3,280,000	3,237,505	3,280,000	3,280,000	+60,000
Other	200,000	258,200	30,495	239,000	265,000	+65,000
Subtotal, grants	3,420,000	3,538,200	3,268,000	3,519,000	3,545,000	+125,000
(Limitation on administrative expenses)	(30,495)	(33,000)	(30,495)	(33,000)	(33,000)	(+2,505)
FMF program level	(3,420,000)	(3,538,200)	(3,268,000)	(3,519,000)	(3,545,000)	(+125,000)
Total, Foreign Military Financing	3,420,000	3,538,200	3,268,000	3,519,000	3,545,000	+125,000
Emergency Funding	1,375,000					-1,375,000
Special Defense Acquisition Fund:						
Offsetting collections	-6,000					+6,000
Peacekeeping operations	153,000	134,000	117,900	85,000	127,000	-26,000
Total, title III, Military assistance	4,992,000	3,727,200	3,433,150	3,659,000	3,727,000	-1,265,000
(Limitation on administrative expenses)	(30,495)	(33,000)	(30,495)	(33,000)	(33,000)	(+2,505)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	35,800	175,567	35,800	50,000	108,000	+72,200
Contribution to the International Development Association	775,000	835,570	566,600	750,000	775,000	
Contribution to Multilateral Investment Guarantee Agency	4,000	16,000	4,900	4,000	10,000	+6,000
(Limitation on callable capital subscriptions)	(20,000)	(80,000)	(24,500)	(80,000)	(50,000)	(+30,000)
Total, World Bank Group	814,800	1,027,137	607,300	804,000	893,000	+78,200

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2001 (H.R. 4811) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Contribution to the Inter-American Development Bank:						
Paid-in capital	25,611					-25,611
(Limitation on callable capital subscriptions)	(1,503,719)					(-1,503,719)
Contribution to the Inter-American Investment Corporation	16,000	34,000	8,000	10,000	25,000	+9,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund		25,900	10,000		10,000	+10,000
Total, contribution to the Inter-American Development Bank	41,611	59,900	18,000	10,000	35,000	-6,611
Contribution to the Asian Development Bank:						
Paid-in capital	13,728					-13,728
(Limitation on callable capital subscriptions)	(672,745)					(-672,745)
Contribution to the Asian Development Fund	77,000	125,000	72,000	100,000	72,000	-5,000
Total, contribution to the Asian Development Bank	90,728	125,000	72,000	100,000	72,000	-18,728
Contribution to the African Development Bank:						
Paid-in capital	4,100	6,100	3,100	6,100	6,100	+2,000
(Limitation on callable capital subscriptions)	(64,000)	(95,983)	(49,574)	(95,983)	(97,549)	(+33,549)
Contribution to the African Development Fund	128,000	100,000	72,000	72,000	100,000	-28,000
Total	132,100	106,100	75,100	78,100	106,100	-26,000
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,779	35,779	35,779	35,779	35,779	
(Limitation on callable capital subscriptions)	(123,238)	(123,238)	(123,238)	(123,238)	(123,238)	
Contribution to the International Fund for Agricultural Development			5,000		5,000	+5,000
Total, International Financial Institutions	1,115,018	1,363,918	813,179	1,027,879	1,146,879	+31,861
(Limitation on callable capital subscript)	(2,383,702)	(299,221)	(197,312)	(299,221)	(270,787)	(-2,112,915)
International Organizations and Programs						
Appropriation	183,000	364,000	183,000	268,000	186,000	+3,000
(By transfer)	(2,500)	(2,500)		(2,500)		(-2,500)
Total, title IV, Multilateral economic assistance	1,298,018	1,707,918	996,179	1,315,879	1,332,879	+34,861
(By transfer)	(2,500)	(2,500)		(2,500)		(-2,500)
(Limitation on callable capital subscript)	(2,383,702)	(299,221)	(197,312)	(299,221)	(270,787)	(-2,112,915)
TITLE V - GENERAL PROVISIONS						
Economic development administration (contingent emergency appropriations) for FY 2000				250,000		
International Health Emergencies (contingent emergency appropriations)				40,000		
Total, title V				290,000		
TITLE VI						
SOUTHERN AFRICA REHABILITATION AND RECONSTRUCTION						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Economic support fund (FY 2000, emergency appropriations)		183,000				
International disaster assistance:						
FY 2000 emergency appropriations		10,000				
FY 2000 Contingent emergency appropriations			160,000	35,000		
FY 2001 Contingent emergency appropriations					135,000	+135,000
Operating expenses of the Agency for International Development (FY 2000, emergency appropriations)		21,000				
FY 2001 Contingent emergency appropriations					13,000	+13,000
Total, AID		214,000	160,000	35,000	148,000	+148,000
Other Bilateral Economic Assistance						
Assistance for Eastern Europe and the Baltic States:						
FY 2000 emergency appropriations		195,000				
FY 2001 Contingent emergency appropriations					75,825	+75,825
Military Assistance						
International Military Education and Training:						
FY 2000 emergency appropriations		2,875				
FY 2001 Contingent emergency appropriations					2,875	+2,875
Foreign Military Financing Program:						
FY 2000 emergency appropriations		31,000				
FY 2001 Contingent emergency appropriations					31,000	+31,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2001 (H.R. 4811) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Department of the Treasury						
Debt restructuring:						
FY 2000 appropriations		210,000				
FY 2001 Contingent emergency appropriations					210,000	+210,000
PLAN COLOMBIA						
BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Department of State						
Assistance for Plan Colombia and for Andean regional counternarcotics (emergency appropriations)						
Contingent emergency appropriations				934,100		
DEPARTMENT OF JUSTICE						
Drug Enforcement Administration						
Salaries and expenses				17,850		
Methamphetamine initiative (contingent emergency appropriations)				40,000		
Total, Drug Enforcement Administration				57,850		
Office of Justice Programs						
State and Local Law Enforcement assistance (rescission)				-7,850		
Total, Department of Justice				50,000		
DEPARTMENT OF DEFENSE						
Military construction, Defense-wide (contingent emergency appropriations)				8,500		
Department of Defense				37,800		
Total, title VI		652,875	160,000	1,065,200	467,700	+467,700
FY 2001 contingent emergency					(467,700)	(+467,700)
FY 2000 funding		(652,875)	(160,000)	(1,065,200)		
Grand total	16,453,435	15,829,432	13,346,313	14,807,818	14,941,168	-1,512,267
FY 2001 appropriations	(16,453,435)	(15,176,557)	(13,186,313)	(13,492,618)	(14,941,168)	(-1,512,267)
Appropriations	(13,534,935)	(15,176,557)	(13,186,313)	(13,452,618)	(14,473,468)	(+938,533)
Emergency appropriations	(2,918,500)			(40,000)	(467,700)	(-2,450,800)
FY 2000 appropriations		(652,875)	(160,000)	(1,315,200)		
(By transfer)	(24,900)	(17,500)	(28,000)	(16,900)	(39,000)	(+14,100)
(Limitation on administrative expenses)	(30,495)	(33,000)	(30,495)	(33,000)	(33,000)	(+2,505)
(Limitation on callable capital subscript)	(2,383,702)	(299,221)	(197,312)	(299,221)	(270,787)	(-2,112,915)
(Loan authorizations)	(12,964,000)	(17,340,000)	(17,206,700)	(17,127,000)	(15,606,700)	(+2,642,700)

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today to join in presenting our Foreign Operations conference report. I do not use this word often around here about legislation that is being brought to the floor, but I really am genuinely proud of the priorities that are in this bill. Would I like to see more money in some of the areas, for example, in the AIDS account? Yes. As I said last night to the Committee on Rules, this is not a bill I would have written; but it is a bill I can support, because, while I would have liked more, the priorities are definitely in order.

Before I begin my remarks about the bill, Mr. Speaker, I want to acknowledge that our distinguished chairman will be managing this bill as chairman for the last time. I want to thank him for his leadership. I also want to commend the gentleman from Illinois (Mr. PORTER), the gentleman from California (Mr. PACKARD), who will be leaving the Congress, who are two distinguished members of the committee.

I want to also point out to our colleagues that since the bill came to the floor in its original form and today, we have lost our former colleague, Congressman Sid Yates. I bring up Sid because Sid served on the Foreign Operations Committee since the day it was formed. It was the Marshall Plan committee, imagine in those days, and, except for a brief hiatus when he left to run for Senate and came back, Sid served on the committee from then, the late 1940s, until he left Congress nearly 2 years ago. So I want to acknowledge all of the work that he did to promote democratic values and the compassion of the American people, and also as a tough budgeter on the committee. We will acknowledge the staff as we go on, but I did want to commend the gentleman from Illinois (Mr. PORTER), the gentleman from California (Mr. PACKARD), and the gentleman from Alabama (Mr. CALLAHAN) for their fine work.

Mr. Speaker, the chairman pointed out some of the aspects of the bill to our colleagues so they know what they are voting on; and I want to revisit some of those issues. In doing so, I want to recall to our colleagues' minds a quote from President Kennedy that I am fond of bringing up when we do this bill. Every person in America, practically, or certainly of a certain age, is familiar with President Kennedy's inaugural address when he said to the citizens of America, "Ask not what your country can do for you, but what you can do for your country." But not many people know that the very next line in that speech is, President Kennedy said to the citizens of the world, "ask not what America can do for you, but what we can do working together for the freedom of mankind."

It is in that spirit that I ask my colleagues to support this important legislation that is here today, because in demonstrating the compassion of the American people, in recognizing that it is in our national interest to promote the global environmental health and stop the spread of AIDS, malaria, tuberculosis, and helping countries develop so we develop markets for our products, this is all in our interest, but it is all in furtherance of the freedom of mankind as well.

The total funding bill, as has been mentioned, is $14.9 billion and is just almost near the President's request, a couple hundred million dollars short of that. The bill fully funds the President's request for $435 million for international debt relief. This is a very important accomplishment of this Congress, and it could not have happened without bipartisan cooperation. I think it never would have happened without the outside mobilization of the religious community throughout our country in this Jubilee Year to ask for forgiveness, including debt forgiveness.

This means the United States will be finally able to live up to the pledges made 2 years ago to the international community to engage in meaningful debt relief for the world's poorest countries. That language has been included to require the U.S. to oppose any loan from the international banks or IMF when it imposes user fees for a condition. More on that later.

The bill also contains on the subject of AIDS, which is a very high priority here.

Before I leave debt relief, I want to recognize the work of the authorizers, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE); the gentleman from Alabama (Mr. BACHUS); the gentlewoman from California (Ms. WATERS); the gentleman from Massachusetts (Mr. FRANK); and also the great work of the chairman of the Committee on the Budget, the gentleman from Ohio, on this. This has really been a bipartisan cooperative effort.

On the subject of AIDS, we are all familiar with the dramatic increase that this body voted on, the amendment of the gentlewoman from California (Ms. LEE), on the day she came back from the AIDS conference in Africa, and the bill includes $315 million for HIV-AIDS and which includes $20 million for the World Bank HIV-AIDS trust fund, which was the good work of the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking.

I hoped for more funding, as I mentioned at the beginning of my remarks, for HIV-AIDS and the trust fund, but the increases provided in this bill, along with the increased funding anticipated in the Labor-HHS bill, will bring about real advances in the fight against HIV-AIDS.

I want to talk for a moment about the international family funding, which has gone from 372 to 425 million dollars. No funding can be obligated until February 15. However, no Mexico City language has been included. I want to commend the President of the United States for his steadfastness on this, excluding this language from the bill; and I want to also commend Democrats and Republicans for working together on this, the gentlewoman from New York (Mrs. Maloney) and the gentleman from Pennsylvania (Mr. GREENWOOD), in terms of the Mexico City language, and, of course, the very distinguished members of our subcommittee on the Democratic side, the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from Michigan (Ms. KILPATRICK), the gentleman from Illinois (Mr. JACKSON), the gentleman from Minnesota (Mr. SABO) and the gentleman from Wisconsin (Mr. OBEY), who all helped to make this bill a success.

The bill contains a total of $693 million for the Child Survival Account, part of which we are going to call the Callahan Child Survival Maternal Health Account, in tribute to the fine work he has done on this. This account funds the HIV programs, as well as providing $50 million for global alliance for vaccines and immunizations and $60 million for tuberculosis.

The overall funding includes funding for the African Development Bank, for increased funding for the Inter-American Development Bank.

I just want to say on Serbia, because that is a question that has been asked, the language in the bill, the agreement allows up to $100 million in assistance for what I would characterize as an appropriate degree of flexibility. It is a compromise. More on that as the debate continues.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank my distinguished chairman for yielding me time.

Mr. Speaker, the gentleman might find this somewhat of a surprise when I rise in support of his bill, because the gentleman has known for years that I was one of the leading opponents of our foreign aid programs. I did so because I did not think they worked. I did not think that the claims of helping poor people were actually authentic. I would be here on the floor, and I had the privilege of being the ranking member on this subcommittee some years ago, and I remember being berated by others who would say this money is for the poorest of the poor.

Well, I am willing to help the poorest of the poor, but in those days the money was not going to help the poor, it was going to help the people who ran the countries where the poorest of the poor lived. Under the dynamic leadership of the gentleman from Alabama (Chairman CALLAHAN), things have changed. Reforms have been put into effect by his leadership that make it possible for me to stand here and support this bill.

The gentleman has done a good job in facing up to the tough issues in the foreign workplace. He has dealt with foreign leaders in a very professional and dignified, but tough, way.

I also want to compliment the gentlewoman from California (Ms. PELOSI). She has been very aggressive in making her own viewpoint known, but she has cooperated completely with the gentleman from Alabama (Chairman CALLAHAN). They have been a good team.

I would say as an aside, Mr. Speaker, that I really wish that we did not have the rule that the gentleman from Alabama (Chairman CALLAHAN) could not continue to be chairman of this subcommittee, but under the term limits that we imposed on ourselves for committee chairmen and subcommittee chairmen, the gentleman from Alabama (Mr. CALLAHAN) has to give up the leadership of this subcommittee. I think that is a mistake. I think the Congress will be worse off because of that, because of the ability that he has to deal with these international issues and to deal with international leaders, and also because of his ability in a no-nonsense way to bring together many divergent viewpoints that are held by many of our Members.

So the gentleman has done a really good job, and I just want to commend the gentleman as strongly as I possibly can for the good job that he has done, and tell him that I will continue to seek a way to keep him as chairman of the subcommittee when the time comes.

This is a good bill, Mr. Speaker. He and the gentlewoman from California (Ms. PELOSI) have done a really good job in identifying real needs and putting in safeguards that, in fact, will guarantee for the most part that the poorest of the poor that need the help are going to get the help.

Is it a perfect bill? Is it one that I read every word of it and read every section and say, gee, I agree with everything? No. To the contrary, there are still some things in this bill that I would prefer not be here. But, for the most part, I do agree with what is in the bill.

Again, I commend the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI) for the good job they have done. I hope we can proceed to complete that action on this bill today, because we have two other conference reports that we need to get to quickly so the House and the Congress can complete its appropriations mission for this year.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the very distinguished gentlewoman from New York (Mrs. LOWEY), a member of the committee.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this conference report, and I want to thank our distinguished chairman, the gentleman from Alabama (Mr. CALLAHAN) and our ranking member, the gentlewoman from California (Ms. PELOSI), who have worked so hard to craft this fair, bipartisan foreign operations bill. Of course, also our staff on both sides, who have done superb work on this bill. It goes a long way toward adequately funding United States foreign policy priorities, and it really has been a pleasure to work with the chairman and our ranking member. I thank them for their efforts and their superb work.

There are a lot of good things in this bill, and I would like to highlight just a few. First and foremost, this conference report removes the anti-democratic global gag rule restrictions that have threatened our international family planning programs throughout the past year. The language jeopardizes the lives of women around the world and undermines a key objective of United States foreign policy, the promotion of democracy around the world.

I am also pleased that this bill fully funds our yearly aid package for Israel. As recent events have shown, helping Israel, our ally in the Middle East, maintain its qualitative military edge in the region, remains an urgent United States national security objective.

The measure also provides $435 million for international debt relief, a hard-fought victory for our efforts to help the poorest of the poor throughout the world. One of the guiding principles of United States foreign policy is that, whenever possible, we should use our assistance to enable developing countries to stand on their own two feet. Because of this historic funding, many of the countries benefiting from these funds will, for the first time, be able to spend the necessary resources on health care and education for their citizens, rather than spending large percentages of their budget servicing debt. I am proud that the United States will be a partner in this international initiative.

The conference report also demonstrates a strong commitment to combatting HIV-AIDS, and it also supports a high United States contribution to the global alliance for vaccines and immunizations and supports the international AIDS vaccine initiative, two multilateral efforts to combat the infectious diseases that cause widespread human devastation and cripple developing economies.

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Mr. Speaker, I stood up here many times before to share with my colleagues why I think our investment in foreign aid is so important. In my judgment, the single most important argument for this investment is that in times of great prosperity and burgeoning budget surpluses, we have a responsibility to help those who have been left behind.

As a fortunate Nation, we have the moral obligation to alleviate some of the terrible, heartbreaking suffering in the world. But there is also another reason why our foreign assistance is so important. And that is because in the long run, we in the United States will reap the benefits from the stability shown by our aid.

Countries that are now top candidates for foreign assistance can use our aid to strengthen their democracies, stabilize their economies, and improve the health and well-being of their citizens. I strongly support the bill and again thank the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of our Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to express my strong support for this conference report, and I urge all of my colleagues to vote for this effective and responsible bill.

The gentleman from Alabama (Chairman CALLAHAN) deserves extraordinary praise, I think, for his accessibility, his leadership, his thoughtfulness, his patience, his effectiveness, last of all, but most importantly.

I would also like to extend congratulations to the gentlewoman from California (Ms. PELOSI).

I think the two of them, although it was difficult on some of the issues, work together very well. I do not want to forget the staff, and I am not going to start naming them, but the work that they have done is something that we should all be cheering about and saluting.

There are many things in this bill that deserve to be highlighted. First, this bill provides important funding for countries in the Middle East to help support peace in that region. Now, at this most difficult time, this funding is as important as it has ever been.

The United States has reiterated its support for Israel, Egypt and Jordan, countries which have successfully negotiated peace agreements, by providing significant economic and security assistance.

I am pleased also that we have provided $35 million to help the people of Lebanon. I must point out that this money will not be sent to the Lebanese government; rather, this money will be used to expand the USAID program in

Southern Lebanon, so that American NGOs, nongovernment organizations, will be able to directly provide services to the Lebanese people while monitoring the results of our efforts.

The bill also provides important funding for countries of the former Soviet Union, including $90 million for our ally, Armenia. In addition, we are financing confidence-building measures for the countries of the Southern Caucasus to help build a foundation for peace among Armenia, Nagorno-Karabagh and Azerbaijan.

Mr. Speaker, I am also pleased that the cuts made to foreign military financing during consideration on the House floor have been restored. This funding is essential for our allies, such as the Baltic countries, Latvia, Lithuania and Estonia.

Mr. Speaker, there are many reasons to support this bill, and the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), the ranking member, should again be commended for accommodating the Members of this body while crafting a very effective and responsible piece of legislation. I urge all Members to vote in favor of this bill.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), a very valued member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. KILPATRICK. Mr. Speaker, I will take this opportunity to thank the gentleman from Alabama (Chairman CALLAHAN) for his leadership over these last several years that I have had a chance to work with the gentleman. I want to thank the gentleman for allowing me to participate and also including some of the projects. I thank the gentleman very much for his leadership.

I want to thank the gentlewoman from California (Ms. PELOSI), our ranking member, for her undying efforts to work to get the job done. I want to thank the two of them. They certainly have brought a great deal to the floor. We would all hope for more money, at least on our side; but it certainly is a good bill. And I would urge my colleagues to support it.

I want to say special thanks to the gentleman from Florida (Chairman YOUNG) and the gentleman from Alabama (Chairman CALLAHAN) for being persistent, to see that Mozambique, one of the most stable countries on the African continent, is able to continue in their prosperity.

I know without their leadership, we would not have seen the early release of the dollars and then the final effort here in this bill. I want to thank both the gentleman from Florida (Chairman YOUNG) and the gentleman from Alabama (Chairman CALLAHAN).

We live in a global economy. When America deals well as the leading country in the world, it is our obligation to be a partner in the rest of the world, and this bill begins that effort. And I certainly want to add my voice to those who say that when we live in a global economy, and as the richest country in the world that God has blessed us to be born and raised in, that responsibility is beginning to be met with this foreign operations bill in front of us.

With the international family planning language set, with the $420 million appropriation there to help family planning for women all over the world, it is a major effort. I commend the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), the ranking member, for working closely and hard on that.

Debt relief for some of the poorest countries in the world, understanding that this country only has a small fraction of that debt relief, that much of it is from other countries, by us being the leaders in the world, our effort in this bill will certainly help those poor countries and send a signal to those other countries where much of that debt is held; Africa, the continent, the largest in the world, from funding the African Development Bank, the African Development Fund, helping in reaching out.

This is a bill that we can support. Thanks again to the gentleman from Alabama (Chairman CALLAHAN), the gentlewoman from California (Ms. PELOSI), our ranking member, for their support of our projects.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KASICH), the gentleman who supported the previous question just a few minutes ago.

Mr. KASICH. Mr. Speaker, there are probably a lot of our staff that are watching this bill, and they come to Washington fundamentally to hope that they can be involved in changing the world.

I think in a lot of ways this bill is a breakthrough, a historic precedent, an effort to really bring about great change in the world. I am referring to the section of this bill that provides debt relief for the poorest countries.

America has unprecedented economic and political and military power. And I do not think countries are much different than people. When people are successful, very successful, there is a tendency in human beings for resentment to build, and the person who is successful has it incumbent on them to try to work to share some of their bounty and to exercise humility as they carry on with their success.

The same is true with nations. When nations experience unprecedented economic success and political success and military success, great resentment begins to build, in fact some anger and hatred; some of which we have seen exhibited across this world in the last few weeks.

But in this bill is an effort to share our bounty, the wonderful American bounty, not only to share that bounty with the poorest of the poor, but then as a Nation to become a model and a leader among all the other free nations of the world to pitch in and do their share to share with the poorest of the poor. The Congress of the United States deserves great credit for the aid and the forgiveness of debt to the poorest countries in the world.

The President of the United States has shown great leadership in a meeting that was just held several weeks ago, and his staff deserves to be commended for their effort to carry through on this project. Religious leaders all over this country of all faiths, Jews and Christians, who got together to assert that this is the jubilee year, the year to give a fresh start to the poorest of the poor, have pitched in and have been relentless in their efforts to try to make sure that we share our bounty in a responsible way.

My good friend, my good friend Bono from the rock band U2, who set aside musical scores and concerts and albums and CDs in an effort to try to give something back to humanity. This has gone as high as the Pope, to the President of the United States, to religious leaders across this country to political leaders.

This program in forgiving debt is not to give relief to dictators and thieves and other countries. In fact, the reform language in this bill was written by Senator JESSE HELMS, one of the greatest reformers of the international institutions. I, myself, have chased the World Bank and the IMF to bring about needed reforms.

The debt relief in this bill is designed to make sure that these countries act responsibly; that, in fact, that the money that is forgiven by these countries will be used to deal with the health problems and the economic development problems of the poorest of the poor.

The jubilee year is special. The jubilee year is special because it is recognized in our great Old Testament, and it means that those who have bounty will forgive the debts of those who have little.

This is not just forgiveness. This is a down payment to give these countries a new start, to move towards free markets, to move to clean up the corrupt systems all over this world, but particularly the corrupt systems in Africa.

What the Congress engages in today is what can only be called a historic act of grace, and a historic act of grace is proper in the jubilee year. The United States provides the leadership, but so many of our other allies and friends around the world must join in. This is a time when we have provided that leadership, and we should be encouraged that we are all part of changing this world in which we live.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THe SPEAKER pro tempore (Mr. BARRETT of Nebreska). Although remarks in debate may identify Senate sponsorship of particular propositions, debate may not characterize Senators.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), our distinguished ranking member of the full Committee on Appropriations, the long-time chair of the Foreign Operations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I think there are many good things in this bill, and I especially want to say that I think that the debt relief provisions in this bill are long overdue. They will not cost the American taxpayers, because this is debt on the part of destitute countries that would never be repaid anyway. This is simply fessing up to the fact.

I would simply like to take one moment to make a comment on one region of the world that is funded heavily in this bill.

I do not believe that any Member of this House has been more supportive of the peace process or more insistent that the legitimate concerns of the Palestinians or the Arab world be brought into account in dealing with our problems in the Middle East, but I cannot begin to describe how dismayed I am at the way Mr. Arafat, and I believe even more so, a number of Arab governments have refused to recognize the opportunity presented to them by the extended hand of Mr. Barak, the leader of the State of Israel.

This was the greatest opportunity for peace that that region has seen in the over 30 years that I have been following events in that region.

I do not excuse the actions of Mr. Sharon in clumsily provoking antagonism in that region, and I recognize the concerns about the level of violence that has been inflicted by both sides in that region. But I believe that the Arab refusal to take Mr. Barak's hand is profoundly and tragically short-sighted, and I would hope that both sides, regardless of injustices perceived to be created by the other, I would hope that both sides recognize that it is not just they, but all of us who are at a precipice, and that is a precipice that we do not want to leap from.

It is going to be virtually impossible to put together a civilized policy in that part of the world, unless both sides recognize that the overall imperative that they both have is to bring peace to the people that they are supposed to represent. With that, I want to congratulate the gentlewoman from California (Ms. PELOSI), and I want to congratulate the gentleman from Alabama (Mr. CALLAHAN) for doing their usual, fine work.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida, (Ms. LEHTINEN-ROS).

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to engage in a colloquy with the gentleman from Alabama (Mr. Callahan), the chairman, on an important project addressed in both the House and the Senate committee reports, which originally accompanied this bill for the purpose of securing a clear understanding of the conferees' intent. I am speaking about the Cuban transition project.

Mr. CALLAHAN. Mr. Speaker, if the gentlewoman would yield, I would be most pleased to enter into a colloquy with the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, allow me to congratulate the gentleman from Alabama (Mr. Callahan) for a fine bill.

The Senate committee report states clearly that it supports the $3.5 million be provided through USAID for the important initiative to provide policymakers, analysts and others with accurate information and practical policy recommendations that will be needed over a multiyear basis to assist this country in preparing for the next stage of our interaction with the Cuban community and nation.

□ 1300

The gentleman's House committee report similarly supported this project, and it is my understanding that the gentleman does support this project, and indeed, that it receive support from USAID.

Mr. CALLAHAN. Mr. Speaker, if the gentlewoman will yield, the gentlewoman's understanding is indeed correct. Inasmuch as support for this project was clearly stated in both the House and Senate reports, we did not restate it in this statement of managers. However, the legislative history is clear. It is the committee's intention that the Cuban Transition Project be supported by USAID in fiscal year 2001 as indicated.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for reiterating his support and clarifying the intent of this subcommittee. It is true that this project has the strong support of the chairman of the House Committee on International Relations, and I know that this committee will also be expressing its support to the agency.

I would like to ask if the gentleman would be willing to further advise the agency formally of his position on this matter. I would be most appreciative of his assistance in this regard. Indeed, it would be very invaluable.

Mr. CALLAHAN. Mr. Speaker, if the gentlewoman would again yield, I assure the gentlewoman that the subcommittee will continue to work with her to ensure that USAID funds on these important programs are spent.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman.

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. JACKSON), a very distinguished member of our subcommittee.

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to support this conference report. This conference report is not a perfect product, but I think it is a good compromise and one that we can all live with. Passing this conference report is important to demonstrate America's leadership abroad. The aid provided in this bill can significantly improve the lives of hundreds of millions of people around the world. Too much is at stake in this conference report; and despite some of its shortcomings, I urge Members' support for this conference report.

I want to start my remarks by commending the gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee, and the gentlewoman from California (Ms. PELOSI), the ranking member, and the other members of the Subcommittee on Foreign Operations and the subcommittee staff for the work that they have done to get us here today. I want to especially thank the chairman and the ranking member for working with me in the subcommittee to improve some sections of this conference report with respect to Africa and those countries that are not as fortunate as the United States.

If the United States is to maintain its position as a global leader, we must act like one and assist those countries most in need. This conference report goes a long way in doing just that. There may be some Members of this body who disagree, but it is in our national interests to create opportunities and spread stability throughout the world by combating infectious diseases, poverty, working for conflict resolution, enhancing democratization, and fostering the conditions for economic growth. This conference report, Mr. Speaker, moves us in that direction.

The budget authority for the Foreign Operations Conference Report was $14.8 billion. Even though this amount is just shy of the President's request, I think it does tremendous good. Consider this: this conference report fully funds the President's request for $435 million in international debt relief, it contains $315 million to combat HIV/AIDS worldwide. In July of this year, this conference report was insufficient regarding the African Development Bank and the African Development Fund. I worked with the subcommittee markup, the full committee markup and floor consideration to ensure that these accounts were increased. I am pleased to say that this conference report includes $6.1 million for the African Development Bank and $100 million for the African Development Fund.

This conference report includes $425 million for international family planning, and under the chairman's leadership, the conference report contains large increases for the child survival and disease account, more than $248 million over fiscal year 2000. Within this account, $60 million is included for tuberculosis, $45 million for malaria, $50 million for the Global Alliance for Vaccines and Immunizations.

Many nations on the continent of Africa are making unprecedented progress towards democratic rule and open markets. This is why I had hoped and continue to hope that the development fund for Africa would be included as a separate account. As a separate account, DFA funding would be assured to remain focused on the long-term problems and development priorities of our African partners.

In July, when this bill was first being considered on the House Floor, I said, "In turning our attention to some important regions of the world, we should not turn our back on others." This conference report demonstrates that the U.S. has not turned its back on the world.

Again, I want to thank the chairman of the subcommittee, the ranking member, and their staffs for all of the work that they have done and for listening to and addressing my concerns. Again, I want to reiterate my support for this conference report.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, as a member of the House Committee on International Relations, I am convinced that foreign assistance is a good investment for America in two cases, where it strengthens our national security and where it exports our values of freedom, democracy, free enterprise, freedom of speech and religion, all of our exports.

Foreign assistance, when it hits the mark, can make a real difference for America; and I appreciate the leadership of the gentleman from Alabama (Mr. CALLAHAN) and the ranking member on this issue when we have hit that mark.

One area of the bill, though, I am terribly disappointed in and it deals with heavily indebted poor countries but probably not an area that we are thinking of. I think in addition to providing them a fresh start, I had hoped that we would also get in return a measure of justice for America and for American families of violent crime. Here is the problem. It used to be in past days that criminals would flee justice by running to the county line or to the State line. Today, criminals run to another country or to another continent. As a result, Americans are victims of violent crime, child abduction, terrorism, money laundering, drug trafficking; and we have very little hope of returning these criminals to face American justice.

That is because many of our treaties with other countries are outdated, but most importantly because 40 percent of the world is a safe haven for these criminals. They have no agreement with America to return them for justice here. Mr. Speaker, 35 of those countries happen to be heavily indebted poor countries; and I was hopeful that in this bill, we would have a provision that said in return for this fresh start, work with us to begin negotiations on extradition treaties. Not that they have to have one in place, because those take time, they have to be negotiated, they have to be thoughtful; but only that they responsibly sit down with America to discuss, to start negotiations so we can close safe havens.

I do not think it is fair that we subsidize any country anywhere that would harbor the terrorists that attacked the U.S.S. *Cole* recently. This issue will not be going away, and I am hopeful that we can work in a bipartisan manner to address this in the future.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. LAFALCE), the very distinguished ranking member of the Committee on Banking and Financial Services, and recognize him for the extraordinary work he did in the international debt relief provision.

Mr. LAFALCE. Mr. Speaker, yesterday, 40,000 people died of starvation and inadequate medical care. Today, 40,000 people will die. Tomorrow, I believe we will significantly reduce those numbers because of the debt relief provisions within this bill.

About 2 weeks ago, the gentlewoman from California (Ms. PELOSI); the gentlewoman from California (Ms. WATERS); the gentleman from Iowa (Mr. LEACH); and the gentleman from Alabama (Mr. BACHUS); and myself met with President Clinton and a representative of the National Catholic Bishops Conference, the president of Bread for The World, the Reverend Andy Young, and the Reverend Pat Robertson, and the White House; and we said that the most important foreign policy initiative for the new millennium would be the full funding of debt relief for the highly impoverished countries of the world.

Mr. Speaker, everyone should support this, the most important foreign policy initiative for the new millennium.

Nothing that Congress has done this year has the potential to do so much good so quickly as passage of debt relief funding. This week, Congress and the President reached an agreement to provide $435 million in funding for a multi-country initiative that will relieve the world's poorest countries of their international debt burdens. The agreement will also authorize the International Monetary Fund (IMF) to conduct a revaluation of its gold holdings in order to make even more resources available for debt relief. Our success in this area is in large part due to the consistent and effective efforts of the NGOs and the multi-faith coalition involved in the Jubilee 2000 effort, who have seen this as a highly appropriate way to celebrate Jubilee 2000. I fully concur. This week's victory for debt relief is a fitting victory for them and a tribute to the Jubilee year.

In 1999, the House Banking Committee approved H.R. 1095, which I co-sponsored with Chairman JIM LEACH. This bipartisan effort laid the groundwork for this week's agreement. H.R. 1095 authorized a multi-year initiative that will substantially reduce the debt owed by the poorest countries, provided they agree to use the resources to invest in their own citizens in the form of better education, health services, and serving other critical needs.

Forty-thousand people, half of them children, die each day as a result of starvation or inadequate medical care in poor countries. Debt relief will have a direct impact on this tragic situation. By freeing these countries of the burden of financing their debt, much of it incurred many years ago by corrupt regimes and dictatorships, we will help them make new funds available for anti-poverty programs. Debt burdens effectively hold hostage the public budgets of poor countries, with debt payments often accounting for 20 percent or more of the budget. With little room in their discretionary budgets to make basic social and economic investments or even to maintain a minimal level of services, these countries are forced to rely on outside sources of support in the form of grants and concessional loans, which are themselves too often in short supply. Only substantial debt relief will help to break this cycle of dependency.

Debt relief granted by the U.S. and other creditors in recent years is already bearing fruit. In Mozambique, the government has committed debt savings to an expansion of basic medicines in government clinics. In Bolivia, spending on health care, education, and other social programs increased by $119 million last year, a direct result of savings for debt relief. Not only do the poverty reduction strategies address critical short-term needs such as medicine and provision of food, these countries are also using their debt relief savings to make important long-term investments in their people and their economies. Uganda, for example, has used debt relief savings to eliminate the fees charged to grade school students. As a result, enrollment rates have nearly doubled since the introduction of the debt relief initiative, and Uganda is fast approaching universal enrollment in primary education with 94 percent of the primary school age population now in school.

These reforms are working because the debt relief initiative approved by Congress requires accountability, transparency in decision-making, and a responsible use of resources targeted on poverty alleviation. For example, Uganda's Poverty Action Fund has a transparent and accountable structure of management, with reports on financial allocations released quarterly at meetings of donors and NGO's. Working with officials at the World Bank and IMF, and with oversight from our own Treasury Department, all countries approved for debt relief will have comparable systems of accountability.

But let's be clear about the magnitude of the challenge before us, which goes far beyond sound fiscal management. Nearly half of the world's population lives on less than $2 a day. And of the 2 billion people that will be added to the world's population over the next 25 years, 97 percent will be in developing countries where poverty is most prevalent. We are facing a poverty time bomb. Our $435 million commitment is an important step toward improving this situation, but it will not single-handedly turn it around. I hope that this year's funding demonstrates a resolve to remain fully engaged in efforts to address the crises of poverty around the world.

Unfortunately, the tremendous political struggle associated with securing the $435 million this year, as well as a steadily declining development assistance budget, should give us pause in this respect. From Washington's perspective, these are too often seen as the problems of remote countries lacking strategic geopolitical significance for the United States. The U.S. spends less in real terms on development aid today than we did during the 1980's, and we spend less as a share of our economy than any of the other 20 OECD countries.

My greatest hope for the debt relief initiative does not rest in the dollars we've made available this year. It is in the bipartisan, multi-faith coalition that has formed around the issue and around the broader goal of sustained development in the world's poor countries. This coalition has given voice to a problem that has no political consistency within the United States. We must work hard on both sides of the aisle in the coming months and years to strengthen the coalition and strengthen the U.S. resolve to make a lasting commitment to alleviating global poverty.

Mr. CALLAHAN. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS), the very distinguished ranking member of the subcommittee that oversees international debt relief, and a real leader and fighter who was successful on this floor in increasing the funding for debt relief.

Ms. WATERS. Mr. Speaker, I rise to speak in support of the conference report for H.R. 4811, the foreign operations appropriations bill for fiscal year 2001. This conference report has broad bipartisan support and is a substantial improvement over the bill that passed the House on July 13, 2000.

I would like to thank the gentlewoman from California (Ms. PELOSI) who has been the real driving force behind this legislation to craft a bill that we could all support. But I would also like to thank the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Iowa (Mr. LEACH) and the gentleman from Alabama (Mr. BACHUS) and the CBC and particularly the gentlewoman from California (Ms. LEE) for her work, particularly as it relates to AIDS.

There are many substantial items in this bill, but I would like to make special mention of debt relief and AIDS. I am especially pleased that the conference report provides a total of $435 million to forgive the debts of the world's poorest countries. This appropriation fully funds the President's request and when leveraged with contributions from other creditor countries, will forgive $27 billion in debt owed by these impoverished countries. The conference report also includes language to permit the International Monetary Fund to use the earnings from the reevaluation of its gold reserves to fund its share of the international debt relief program.

Throughout this Congress, I have been working on this issue, and I have been inspired by the breadth and depth of the commitment to the forgiveness of poor country debts. I have worked with debt relief supporters from both sides of the aisle, as well as officials representing the administration and the Treasury Department, to ensure that the debt relief program will benefit the world's poorest people. I have also met with church leaders, development advocates, civil society leaders from poor countries, and many other members of the worldwide Jubilee 2000 movement which has been working to make debt relief a reality. The success of our efforts proves that we can overcome our differences.

Again, the money that is afforded for AIDS in this bill will help to deal with the problem of the epidemic that could not be dealt with because of the burden of the debt.

Mr. CALLAHAN. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), a leader in the fight for protecting reproductive rights throughout the world.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her great leadership on this bill.

We are 25 days late and $11 billion over the President's request. The bill does many good things, funding for Israel and other countries in the Middle East. It has funding for debt relief, relief for the AIDS epidemic. But I object to the fact that the bill also raises the cap on the total amount of discretionary spending on this and other fiscal year 2001 appropriations bills by $37 billion.

The conference report is the first step toward restoring the U.S.'s commitment to saving women's lives through international family planning without the onerous gag rule. The anti-democratic gag rule would have silenced women around the world by barring them from using their own funds to lobby for or against abortions or perform abortions. This is a short-term solution as it removes the gag rule until February 15, 2001, when the next President would have the ability to support or gag women's voices around the world. This is another reason why the choice for President on November 7 is so important.

Last year, President Clinton pledged to women Members of Congress that he would not sign any legislation that included the gag rule again. We thank him for standing firm and removing the gag rule that would be unconstitutional in our own country and it is unconscionable to force it on some of the world's poorest women.

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This conference report is the first time in 5 years that this body has increased funding for international family planning. Just 5 years ago, we spent $200 million more a year to save women's lives.

With the increase in this bill today, raising USAID funding to $425 million from $385 million last year, we are taking the first step to restoring our commitment to the life-saving resources international family planning provides to some of the world's poorest women.

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE), who, as I said before, coming back from Durban, South Africa, was successful on the floor increasing funds for HIV/AIDS, and with this bill taking a very major first step for the World Bank Trust Fund.

Ms. LEE. Mr. Speaker, I rise in strong support of the Foreign Operations conference report. I want to thank the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), ranking member, for their tireless and dedicated work really on behalf of our human family.

The funding in this bill signifies our Nation's commitment to peace and stability and to progress around the world. I am also pleased that the conference report includes funding for the flood victims of Mozambique and Madagascar and appeals the global gag rule so important to women in developing countries. It also includes debt relief funding, which is long overdue.

I want to express a special thanks to Jubilee 2000, our faith-based organization, the gentlewoman from California (Ms. WATERS), the gentleman from Alabama (Mr. BACHUS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Iowa (Chairman LEACH) for their successful efforts.

Debt relief is so important to poverty alleviation and to fighting the HIV/AIDS pandemic. As we all know this pandemic is wreaking havoc in Africa like no other disease in the history of humankind. But Africa is only the epicenter of this pandemic. It is a ticking time bomb in India, Asia and the Caribbean. So that is why the gentleman from Iowa (Chairman LEACH) and myself offered the World Bank AIDS Trust Fund.

I want to just thank the gentlewoman from California (Ms. PELOSI), the gentleman from Alabama (Chairman CALLAHAN), the gentlewoman from Michigan (Ms. KILPATRICK), the gentleman from Illinois (Mr. JACKSON), and all of those Members on the conference committee for reporting out $20 million for the trust fund, an excellent first start.

But we must do more. We must continue to fight until we make sure that we eradicate AIDS from the face of the globe. Six thousand people are dying in Africa every day now of AIDS. There are 12 million children who are orphans in Africa.

We must enlist our international partners in the private sector in a global international effort led by the United States, and we also must enhance the United States contribution to our joint U.N. program on AIDS.

In closing, I would just like to once again thank the gentlewoman from California (Ms. PELOSI), ranking member, for her support, her commitment and her hard work. I want to encourage her to keep up the good fight.

I want to also once again thank the gentleman from Iowa (Chairman LEACH), the members of the Congressional Black Caucus, the gentleman from New York (Mr. LAFALCE), ranking member, and former Congressman Ron Dellums for all of their hard work and their leadership.

I remind this Congress that fighting international AIDS is not a Democratic or Republican issue. It is a moral issue that demands a moral response.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CARDIN), and in recognizing him, acknowledge the work that he did along with the gentleman from Illinois (Mr. BLAGOJEVICH) in helping to shape the flexible compromise that we have in here, enabling us to go forward with assistance to Serbia while respecting the work of the War Crimes Tribunal.

Mr. CARDIN. Mr. Speaker, I really want to thank the gentlewoman from California (Ms. PELOSI) for the work she has done on this bill. This is a conference report very much worth supporting. I congratulate her and the gentleman from Alabama (Mr. CALLAHAN), chairman of the subcommittee.

I have had the honor of representing this body on the Organization for Security and Cooperation in Europe with some of our other colleagues, the Helsinki Commission. I just really want to compliment the language we have in aid to Serbia, because I believe it is consistent with the position that we have taken on the Helsinki Commission.

We welcome Serbia's change of leadership of Mr. Milosevic being removed from power. It is appropriate that we now participate with Serbia on foreign assistance. I support the provisions in the bill that does that.

I also think it is important that we make it clear, and we do, that, for ongoing assistance, Serbia must cooperate with the international Criminal Tribunal for Yugoslavia, that it must take steps to comply with the Dayton Accords, and it must take steps to implement the rule of law and protection for minority rights.

My colleagues spelled that out in their conference report, and I applaud them for it. It is a good compromise. I support it. I urge my colleagues to support the conference report.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BENTSEN), a very valued member of the Committee on Banking and Financial Services, who from day one has been very involved in helping us shape this debt relief package.

Mr. BENTSEN. Mr. Speaker, first let me commend the gentleman from Alabama (Mr. CALLAHAN), chairman, and the gentlewoman from California (Ms. PELOSI), ranking member of the subcommittee, on the compromise.

I support this bill. In particular, on the debt relief, I would like to make two points. One is, even though the United States is the smallest creditor among the industrialized nations in this, the debt relief package would not go forward without the participation and the leadership of the United States. So it is critical that we take a role in this.

I would say to the critics of the IMF, the World Bank, the last thing one wants is for the U.S. not to be involved in this because they will then take a leadership role. I think it is very important Members understand that.

Second of all, I want to commend the gentleman from Alabama (Mr. CALLAHAN) for his language providing for the moratorium, the 2-year moratorium, on new debt to HPIC countries. This is something I proposed in the Committee on Banking and Financial Services when we were working on the authorization.

I think it makes a great deal of sense, even countries going to the soft loan window, that when we relieve their debt, that we do not get them back into the red again. We ought to let them build out of it. I commend my colleagues for that. I think it makes a great deal of sense.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. CROWLEY), who has been a very important part of our challenge to shape language on family planning. He has been doing that ongoing. He is a very valued member of this effort.

Mr. CROWLEY. Mr. Speaker, I rise to express my strong support for the fiscal year 2001 Foreign Operations appropriations bill.

I sincerely thank the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), ranking member, for their tireless efforts on behalf of this bill.

From the explosion of violence in the Middle East to the historic democratic transition in Yugoslavia, the funding included in this package will have a tremendous impact throughout our world.

The scope of this bill is not limited to bilateral aid and debt relief. It takes into account important health issues as well.

It gives me great pleasure to vote for a Foreign Operations bill that does not contain the global gag rule.

The $425 million for international family planning will allow agencies around the world to do their job, to protect the lives of women and children.

I want to thank the President for his dedication to eliminating this harmful provision in this Foreign Operations bill.

This bill provides $435 million in debt relief to regional banks in Africa and Latin America.

I would like to mention two projects of particular importance to me, and the strengthening of the peace process in Northern Ireland.

I would be remiss if I did not thank the gentlewoman from New York (Mrs. LOWEY) in seeing that this money is provided in this bill.

The bill provides for $25 million for the International Fund for Ireland and $250,000 for Project Children. Both projects promote tolerance, understanding and cooperation in the north of Ireland.

The International Fund for Ireland is a wonderful program which bridges sectarian and political divides by bringing people in both the North and the Republic of Ireland together to build stronger communities. With contributions from the United States, the European Union, Canada, Australia and New Zealand, IFI has established the objectives of promoting economic and social advancement, and encourages contact, dialogue, and reconciliation between Unionists and Nationalists throughout Ireland.

Project Children was created in 1995 to bring outstanding students from Northern Ireland and the Republic of Ireland to the United States for the summer.

This provides students with the opportunity to develop leadership skills, gain valuable work experience at the highest levels in the U.S. political system, and offers a new perspective on the politics and culture of Northern Ireland, Ireland and the United States. Most importantly, this program allows the future leaders of Ireland to work in an environment of mutual respect, to demonstrate the progress that can be made by implementing a strategy, of tolerance and cooperation.

Tolerance and Cooperation. These are two things that seem to be quite elusive these days.

The latest eruption of violence in the Middle East has been cause for concern by many nations around the world.

The United States has been a firm and active supporter of the Middle East peace process for many years. We have sought to negotiate a peace that would be acceptable to all parties involved. Unfortunately, negotiating a lasting peace is impossible when all parties are not acting in good faith. Mr. Arafat has chosen the path of violence over the path of peace. The United States cannot condone such a decision. The provisions and funding included in this bill appropriately reflect the position of the United States on this matter. I encourage Mr. Barak and Mr. Arafat to return to the bargaining table as soon as possible. Nothing is gained when life is lost.

Clearly, this bill covers a wide spectrum of issues that are crucial to U.S. interests throughout the world. With that in mind, I urge my colleagues to join me in supporting this bill.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. DEUTSCH), a great advocate for peace in the Middle East.

Mr. DEUTSCH. Mr. Speaker, I wish that this bill literally had tens of billions of dollars of more aid for peace in the Middle East, because I think all of us know that, had there been a closure at the Camp David meeting, that we would have been asked to do that. I for one would have been ready to step up to the plate and vote and support that type of concept.

But I stand in front of my colleagues today as someone who has been supporting legislation to actually cut back and eliminate all aid, both direct and indirect aid, to the Palestinian Authority. The reason that I have done that is, unfortunately, what we have seen over the last several weeks is either one of two situations.

Either, one, Chairman Arafat has purposely, consciously chosen not to stop the violence, or the second is that he cannot stop the violence. Either one of those outcomes, either one of those explanations is reason enough to stop literally hundreds of millions of American taxpayer dollars funneling to the Palestinian Authority.

I urge my colleagues, even in the short time that we have left, to support this legislation and add it as one of our final acts before the end of this Congress.

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 1 minute to the very distinguished gentleman from New York (Mr. WEINER), another champion for peace in the Middle East.

Mr. WEINER. Mr. Speaker, there is a great deal to commend this bill, and I commend the authors and sponsors of it: $435 million for debt relief, funds for peace in Northern Ireland, $2.9 billion for Israel, but not a penny for the Palestinian Authority.

I, like the gentleman from Wisconsin (Mr. OBEY), believe that this is an opportunity to use this bill as an opportunity to pass along a message.

For virtually the entire existence of Israel, Chairman Arafat has had at his desk two buttons, one button that read "peace" and one button that read "war." At every major crossroads in our history, we have seen Mr. Arafat press the war button.

When it was time to consider the partition plan at the very beginning of the creation of the State of Israel, a plan that, frankly, hurt Israel, did not allow her to control Jerusalem, it was the Palestinians that said no. Ever since then, Yasser Arafat and the Palestinians have chosen war over peace. Today he is waging war.

Let us not be romantic about what goes on there. Let us not allow the image of people throwing stones change the fact that Israel is surrounded by nations that are at war with her.

We have to make the message clear from this House that enough is enough. Until Arafat is prepared to press the button that stands for peace, we will stand four square with our ally, Israel, in the Middle East.

Ms. PELOSI. Mr. Speaker, may I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentlewoman from California (Ms. PELOSI) has 30 seconds remaining. The gentleman from Alabama (Mr. CALLAHAN) has 8½ minutes remaining.

Ms. PELOSI. Mr. Speaker, would the gentleman from Alabama (Mr. CALLAHAN) be agreeable to yielding 1 minute of his time?

Mr. CALLAHAN. Mr. Speaker, in responding to the gentlewoman from California (Ms. PELOSI), this is my swan song. In order to yield her time, I am going to have to leave out an entire verse.

Ms. PELOSI. Is that the part about me, Mr. Speaker?

Mr. CALLAHAN. Mr. Speaker, in the spirit of cooperation such as has existed for the last year, I yield 1½ minutes of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, would the gentleman from Alabama be more agreeable to a unanimous consent to add 2 minutes on each side?

Mr. CALLAHAN. Mr. Speaker, I would rather not do that, but I yield 1½ minutes of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I am most grateful for the time. The gentleman from Alabama (Mr. CALLAHAN) is, as always, a gentleman.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this debate today I think points to the quality of the bill that the committee has brought before the full House. I think it is clear from the participation of so many Members that they have been participating every step of the way.

We are blessed in this House by a very active Congressional Black Caucus, Hispanic Caucus, Congressional Women's Caucus, all of whom have taken a very particular interest in this bill and different provisions in it. Their involvement has helped us produce a better bill.

The involvement of the outside community, particularly the Jubilee 2000 initiative of the ecumenical movement for debt forgiveness in this jubilee year has helped us produce good policy that will help people throughout the world, helped us produce a better bill.

We have commended each other variously and severally and individually as to our participation in various parts of the bill. I want to also recognize the Clinton administration. We are very proud of the debt relief provisions in this bill. The President has been a leader on this issue, has made it a very high priority as has Secretary Summers, Gene Sperling, his advisor, and others in the administration. They have helped us get where we are today on that score.

I also want to again commend the President for his commitment to reproductive freedom by staying with us with the promise of not signing a bill that would have the restrictive language that was contained in the bill last year.

Very important to all of this, though, Mr. Speaker, are our staff: Charlie Flickner, John Shank, Chris Walker, Gloria Maes, Nancy Tippins on the Republican side; Mark Murray and Jon Stivers on the Democratic side. I want to commend them for all of their hard work in bringing us to where we are today.

Then I would like to once again say good-bye to the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. PACKARD), two valued members of the committee, and commend the gentleman from Alabama (Mr. CALLAHAN), our distinguished chairman. It is a pleasure to work with him, Mr. Speaker. We do have our differences.

As I said last night, this is not a bill I would have written. It is a compromise. It has good priorities in it. We still have a long way to go. On HIV/AIDS, a disease that challenges the conscience of this world and certainly of our country with all of our tremendous resources, we have increased the funding; and with the World Bank Trust Fund, we have taken a major first step. But we must recognize that much more needs to be done.

□ 1330

We must all recognize that all of this is in our national interest, in our national interest to help the poorest of the poor in the world, to spread Democratic values, to make the world a more peaceful and safe place, to expand our own economy by promoting our exports. All of this is contained in this bill. This is a better bill because of the active involvement of our colleagues, the outside groups and the President of the United States.

Mr. Speaker, I yield back the balance of my time, and commend our distinguished chairman once again for his extraordinary service.

Mr. CALLAHAN. Mr. Speaker, I yield myself the balance of my time, and I echo the sentiments of my colleague from California with respect to our staff people who have helped us, assisted us, during these last 6 years: Mr. Flickner, Mr. Shank, Mr. Walker, Ms. Maes, along with Nancy Tippins, my legislative director, have been invaluable to me. When I came to foreign operations, I will assure my colleagues that I thought foreign was spelled F-O-R-N operations. They have educated me, they have worked with me, they have schooled me with respect to this great world that we live in. It has been tremendous that we have been able to achieve the successes that we have, which could not have been done without them.

Also Mark Murray on the Democratic side has been extremely cooperative, as has the gentlewoman from California (Ms. PELOSI). Jim Dyer, Mr. Parkinson, Mr. Mikel in our full committee office, as well as the chairman of our full committee, Mr. Young, have been extremely cooperative during these past 6 years. What a glorious past 6 years it has been and how fast it has gone by. How rapidly we have been able to learn about the world.

Mr. Speaker, we have had the opportunity to visit in bipartisan delegations countries that some of us did not know existed before we became involved in this committee. We have traversed the jungles of South America and Central America. We have visited countries that used to be the Soviet nation that are now independent states and listened to the leaders of those new nations strive for democracy and plead with us to send them additional technical assistance. Not cash, assistance in establishing a democracy and market economy.

What an interesting trip it has been. And I certainly would never, never regret for a moment that this opportunity to chair this subcommittee was given to me. With respect to the distinguished offer of our chairman of our full committee to consider the possibility of making me the chairman of this committee again next year, before he does that, I think I should advise him that I have had about all the fun I can stand. So I will want to talk to him before that decision is made. Yes, I want to be chairman. Yes, I have enjoyed foreign operations. Yes, I think we have accomplished a great deal. But before this final decision is made, let us sit down and have a cup of coffee and decide what might be best for me for the next 6 years.

With respect to foreign operations, when I first became chairman of this committee, I read a report about the attitude of the American people, a poll that was taken about their attitude toward foreign policy and foreign aid. The American people thought that 20 percent of the money that we appropriate went to foreign aid. In reality, this bill that we pass today represents 2 percent of the total appropriations that we will make this year. So our contribution is not anywhere near what the American people think.

In explaining foreign operations and foreign aid to the people of south Alabama, and indeed the people of the entire country, not one person that I have met during this entire 6 years has given any indication that they do not support direct aid to people who need it, to starving children, to sick people, to uneducated people.

No one objects to that. They object to years past when all of this money was given to the leaders of corrupt nations. No longer, because of the cooperation I have received from the minority and this House and the Senate, do we provide much of this direct aid outside of the Middle East. All of our efforts are concentrated in a manner that will ensure that the monies that we appropriate today go for the intended purposes, and that is to provide for the needy throughout the world, the less fortunate than those here in the United States.

Many comments have been made today about debt forgiveness. Not one individual on the Republican or Democratic side of this body disagrees with the intended purpose of debt forgiveness. There are some of us who question whether or not this entire $435 million will actually get to its intended purpose because the United States of America has already forgiven its bilateral debt to all these nations, and a lot of this money will go to these nations and just be channeled through to a bank that has made a bad loan. But no one disagrees with the Jubilee Year intentions of providing for those of us that are not so fortunate. So, yes, the $435 million is there, and I challenge those supporters of debt forgiveness to make absolutely certain that this money goes for its intended purpose.

It has been a great year. I will admit that we have had some trying times. The chairman of this committee has given me the opportunity to sit with some of my colleagues at the White House and to discuss the possibilities of the occupation that we went into in Kosovo. I sat with some of my colleagues, like the gentleman from Pennsylvania (Mr. MURTHA), and worried about our troops going into Bosnia. And even though, for instance, the gentleman from Pennsylvania (Mr. MURTHA) and I both disagreed about the involvement of our troops in Bosnia, nevertheless the Commander in Chief said that that was what he was going to do, and so we both came back and supported it.

So it has given me the opportunity to be involved in a process even though I disagreed at times with the President. I have disagreed with the Secretary of State. I have disagreed with the minority side of this House. But it has been a tremendous experience for me to have played a part in these historical events that have taken place during the last 6 years.

So I suppose my swan song on this particular bill, I say to the gentlewoman from California (Ms. PELOSI), would be patterned after one of her former residents of California, although ultimately he wised up and moved to the south, to Florida, but Frank Sinatra had that song that he sang, his theme song, "I Did It My Way."

This year, we did it our way. The gentlewoman from California (Ms. PELOSI) and I and our committee members and our chairman of our full committee sat down together and negotiated a bill that is not exactly what I would like in its entirety, nor is it exactly what the gentlewoman would like in its entirety, but it is a bill that originated in this House, that was compromised within the body of the legislative branch of government and which did not involve negotiations at some late-night hour with the President of the United States.

This is a bill, Mr. Speaker, that was formulated by this body. It is a bill that deserves the support of this entire body, and I urge a "yes" vote on passage of this bill.

Mr. PORTER. Mr. Speaker, I rise to congratulate the gentleman from Alabama for bringing this conference report to the floor. While this subcommittee works with one of the smaller allocations, this bill is usually one of the most contentious. The Chairman and his staff have done an outstanding job of trying to address numerous concerns while working within the constraints of, what I consider, too small a budget for the important programs that this bill supports.

I am pleased that the conference committee continues to recognize the needs of areas of conflict, such as Armenia, and Cyprus, and I hope that a peaceful settlement will soon be reached in both of these regions. I am also pleased that the committee recognizes areas of the world where unfortunately people have to flight for democracy and the rule of law such as Burma and Tibet.

Further, I strongly support the committee's continued suspension of military aid to and engagement with Indonesia until the East Timorese refugees are safely returned home and until there is accountability for the perpetrators of the violence which is occurring throughout Indonesia not only on Timor island, but also in the Moluccas, Aceh and West Papua.

I am pleased that the Migration and Refugee Assistance account is funded above the President's request. This is money which is critically needed in areas throughout the world to aid the most desperate peoples, the refugees who have been forced out of their homes. The increase is especially needed today in light of the increasing danger faced by refugees assistance workers as seen in the recent murders of UNHCR workers in West Timor and Guinea.

Also, I support the final funding level of the Global Environment Facility and the funding provided for biodiversity programs implemented through USAID. As indicated in the House Report and the Statement of Managers, the Congress supports increased funding for important biodiversity programs as protection of natural resources around the world becomes more critical as populations increase and economies expand.

Finally, I am pleased that agreements were reached on the two most contentious issues—debt relief for the world's poorest countries and international family planning. I support full funding for the U.S. contribution to the global initiative to alleviate the debt of the most impoverished countries and I am pleased that the Mexico City language was not included in this year's bill. The small increase in funding for international voluntary family planning program is at least a step in the right direction and will help to improve the health of countless women and children around the world, but a great deal more is needed.

While I support most aspects of this bill, I raise one concern regarding the International AIDS Vaccine Initiative (IAVI). As an early, strong and constant supporter of efforts to combat the global AIDS epidemic, I support the overall goal of this initiative. However, I raise concerns with the process. In the appropriations bill funding the National Institutes of Health (NIH), we do not earmark by disease or provide any funds for specific private research organizations. We believe that this should be determined by the scientists and researchers who know what is ripe for funding. Echoing concerns raised by Dr. Harold Varmus, Nobel Prize recipient for research and former Director of NIH, I believe that explicit support for IAVI sets a dangerous precedent for funding of medical research.

Finally, I remain concerned with the continued under funding in U.S. foreign assistance. As I have said before, the U.S. is now the sole superpower and world leader. Yet, we are not leading. As our role in the world becomes more important, our budget for foreign operations continues to lag behind our level of responsibility, thereby, limiting the impact we can have on global development.

Again, I would like to congratulate my colleague from Alabama and his staff for their hard work and ultimate success in bringing a free-standing Foreign Operations Conference Report to the floor.

Mr. PORTMAN. Mr. Speaker, I rise in support of the conference report on H.R. 4811, the Foreign Operations, Export Financing and Related Programs Appropriations Act for FY 2001. I'd like to thank Chairman CALLAHAN and Ranking Member PELOSI for once again including $13 million in funding for the Tropical Forest Conservation Act of 1998.

The Tropical Forest Conservation Act expands President Bush's Enterprise for the Americas Initiative and provides a creative market-oriented approach to protect the world's most threatened tropical forests on a sustained basis. It is a cost-effective way to respond to the global crisis in tropical forests—since 1950, half of the world's tropical forests have been lost. The groups that have the most experience preserving tropical forests—including the Nature Conservancy, World Wildlife Fund, Conservation International and others—agree with this approach, and the Administration strongly supports it as well. It is an excellent example of the kind of bipartisan approach we should have on environmental issues.

The Tropical Forest Conservation Act gives the President authority to reduce or cancel U.S. AID and/or P.L. 480 debt owed by an eligible country to the United States. In return, the country creates a fund in its local currency to preserve, maintain, and restore its tropical forests.

I am delighted that on September 12, 2000 the United States and Bangladesh signed the first Tropical Forest Conservation Act agreement. This agreement will allow Bangladesh to save $10 million in debt payments to the U.S. over 18 years. In return, Bangladesh is setting aside $8.5 million in its local currency to endow a Tropical Forest Conservation Fund.

Bangladesh's tropical forests cover more than three million acres, including an area that is home to 400 endangered Bengal tigers, the world's largest single population. The area also contains one of the largest mangrove forests in the world, and it has wetlands of internationally-recognized importance. Bangladesh is home to more than 5,000 species of plants, compared to 18,000 in the United States, which is 67 times its size. Clearly, the debt-for-forest arrangement with Bangladesh will play an important role in preserving endangered species and protecting biodiversity, as well as help that struggling nation's economy.

On another front, our government is actively involved in debt treatment discussions with the government of Belize, including a possible debt swap option with non-government organizations. This is an excellent example of a public-private partnership to protect tropical forests.

Several other countries have expressed interest in participating in Tropical Forest Conservation agreements including El Salvador, Peru, Thailand, Paraguay, Ecuador, Indonesia, Costa Rica, and the Philippines.

The Tropical Forest Conservation Act preserves and protects important tropical forests worldwide in a fiscally responsible fashion, and I call upon my colleagues to support the conference report which provides the funds necessary to implement this important program.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4811, the Foreign Operations Appropriations bill. Although this legislation contains some important and worthwhile provisions, it unfortunately contains more provisions that I oppose.

I applaud the appropriators and the administration for including Heavily Indebted Poor Countries (HIPC) debt relief funding. For decades many poor countries have been forced to spend large portions of their income to pay down debts incurred in an attempt to restructure their economies. In some cases this money was lost to fraud and abuse by leaders in these countries. For other countries this money failed to reform the economy. In other cases the money successfully transformed the economy, but they have been unable to provide health services and education because of the burdens of this debt. This initiative of debt relief is a good first step in helping the poorest in our world begin to receive the education and public health services they need by reducing their country's debt burden.

This bill also includes no restrictions on international family planning activities for non-profit organizations. I'm not sure why my anti-abortion colleagues have allowed this bill to proceed, but I'm thankful that this body has begun to realize that we cannot force our own personal morality on other people. I hope that in the future this body will continue on this path and support a woman's right to choose.

The funding for international HIV/AIDS programs and tuberculosis control programs will also provide much needed relief to those countries who are experiencing unprecedented outbreaks in these diseases. Most of this suffering is occurring in Africa, where these diseases threaten not only to kill millions of people, but also threaten the very stability of these countries. By providing this funding we will help alleviate the suffering of families around the world.

Unfortunately, I have several objections to this bill. Primarily, the continued American taxpayer subsidy of foreign militaries and U.S. defense contractors. This bill contains over $3 billion in aid to a handful of countries to purchase missiles, tanks, guns, attack helicopters, and fighter planes. In a time of increased tension and conflict this body should be working to reduce the number of guns in this world rather than wasting taxpayer money increasing the killing potential of foreign militaries.

Through this appropriation bill we also fail to protect human rights by continuing to provide anti-narcotics funding to countries with well-documented violations of human rights. It also does not include requirements that the School of Americas include human rights training in its course work. These failures will encourage human rights violators to continue their actions.

Finally this bill includes an increase in the spending caps for this year's budget. While Members on the other side of the aisle, claim to be fiscally conservative, their actions continue to spend billions of dollars that fail to protect future programs. If we approve this increase my Republican colleagues will push to spend more money on irresponsible tax cuts to benefit the wealthy and push through their BBRA give-back bill which will provide billions of dollars to HMO's which continue to drop seniors from their Medicare programs. This spending will not benefit the majority of Americans while at the same time kowtowing to the wealthy and special interests.

It is with these considerations that I vote against this appropriations bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and the nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the conference report on H.R. 4811 will be followed by 5-minute votes on each of the following motions to suspend the rules on which the yeas and nays were ordered yesterday: H.R. 782, H.R. 5375, H. Con. Res. 426, and S. 2547.

The vote was taken by electronic device, and there were—yeas 307, nays 101, not voting 24, as follows:

[Roll No. 546]

YEAS—307

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (WA)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Strickland
Sununu
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—101

Aderholt
Archer
Barr
Barrett (NE)
Barton
Berry
Blunt
Boyd
Brady (TX)
Canady
Cannon
Chabot
Chambliss
Coburn
Collins
Combest
Condit
Cook
Cox
Cubin
Cunningham
Deal
DeFazio
DeLay
DeMint
Doolittle
Duncan
Edwards
Emerson
Everett
Goode
Goodlatte
Goss
Graham
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Istook
Jefferson
Jenkins
Johnson, Sam
Jones (NC)
Kind (WI)
Kucinich
Lewis (KY)
Lucas (OK)
Luther
Manzullo
McDermott
McInnis
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Norwood
Oberstar
Paul
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Rahall
Riley
Rivers
Roemer
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Shows
Smith (MI)
Spence
Stark
Stearns
Stenholm
Stump
Tancredo
Tanner
Taylor (MS)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Walden
Watkins
Weldon (FL)
Whitfield

NOT VOTING—24

Brown (OH)
Campbell
Chenoweth-Hage
Conyers
Danner
Delahunt
Engel
Franks (NJ)
Gephardt
Hastings (FL)
John
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Peterson (PA)
Shadegg
Stupak
Talent
Wise

□ 1358

Messrs. HERGER, McINNIS, CANADY, GOODLATTE and WHITFIELD changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CRANE. Mr. Speaker, I mistakenly voted in favor of the Conference Report to H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes. My vote should have been recorded as a vote in opposition to the passage of the Conference Report.

□ 1400

OLDER AMERICANS ACT AMENDMENTS OF 2000

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The unfinished business is the question of suspending the rules and passing the bill, H.R. 782, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and pass the bill, H.R. 782, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 547]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter

Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—25

Brown (OH)
Campbell
Chenoweth-Hage
Danner
Delahunt
Engel
Franks (NJ)
Gephardt
Hastings (FL)
Hinchey
John
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Peterson (PA)
Shadegg
Stupak
Talent
Waxman
Wise

□ 1409

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McGOVERN. Mr. Speaker, because of urgent business in my congressional district, I was unable to be present earlier today, October 25, 2000, and I missed votes as a result. Had I been here, I would have voted in support of the Conference Report on the FY 2001 Foreign Operations Appropriations Bill (H.R. 4811) and in support of H.R. 782, the Older American Act Amendments, which would have been recorded as "yea" on rollcall votes 546 and 547.

I applaud Chairman CALLAHAN and Ranking Member PELOSI for negotiating a conference agreement that provides important funding for multilateral debt relief, HIV/AIDS treatment and prevention programs and child survival programs. While I would support greater funding for development assistance for USAID bilateral programs that promote sustainable development, poverty alleviation, universal education and refugee and disaster assistance, I recognize that this bill is a significant improvement over the original House-approved bill. I am very glad to see that the so-called "Mexico City" restrictions on international family planning programs have been removed from the bill. I also commend the conferees for including strong conditions on our military aid and relations with Indonesia because of the continuing refugee crisis in West and East Timor and for maintaining the Section 907 conditions on U.S. assistance to Azerbaijan.

I am especially pleased that statutory language remains in this bill requiring the President to direct all federal agencies to declassify and release all relevant documents about the 1980 murders in El Salvador of four American churchwomen. This is a matter on which I have long labored, and I hope our government will make all documents and other materials available to the families of these women before December 2, 2000, which will observe the 20th Anniversary of their deaths.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5375, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 183, not voting 26, as follows:

[Roll No. 548]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Pelosi
Petri
Pickering
Pickett
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski

Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Coble
Coburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Phelps
Pombo
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Sherman
Skelton
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—26

Brown (OH)
Campbell
Chenoweth-Hage
Danner
Delahunt
Engel
Franks (NJ)
Gephardt
Hastings (FL)
John
Klink
Largent
Lazio
Lewis (CA)
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Peterson (PA)
Royce
Shadegg
Stupak
Talent
Waxman
Wise

☐ 1416

Mr. ROTHMAN changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

CONCERNING VIOLENCE IN MIDDLE EAST

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 426.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 426, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 30, answered "present" 11, not voting 26, as follows:

[Roll No. 549]

YEAS—365

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Bonior
Boucher
Clay
Clayton
Coburn
Conyers
Dingell
Edwards
Ford
Gilchrest
Goodling
Hilliard
Hostettler
Jackson (IL)
Kilpatrick
Kucinich
Lee
Martinez
McKinney
Metcalf
Moran (VA)
Paul
Payne
Rahall
Rohrabacher
Sanford
Serrano
Stark
Thompson (MS)
Waters

ANSWERED "PRESENT"—11

DeFazio
Jones (OH)
LaHood
Lofgren
Rivers
Sanders
Sawyer
Snyder
Sununu
Thurman
Watt (NC)

NOT VOTING—26

Brown (OH)
Campbell
Chenoweth-Hage
Danner
Delahunt
Engel
Franks (NJ)
Gephardt
Hastings (FL)
John
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Peterson (PA)
Pickett
Royce
Shadegg
Stupak
Talent
Waxman
Wise

☐ 1426

Mr. FORD changed his vote from "present" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

GREAT SAND DUNES NATIONAL PARK AND PRESERVE ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2547.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the Senate bill, S. 2547, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 366, nays 34, not voting 32, as follows:

[Roll No. 550]

YEAS—366

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Miller (FL)
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—34

Abercrombie
Berry
Boyd
Burton
Chabot
Coble
Coburn
Conyers
Cook
Cubin
DeMint
Duncan
Hansen
Hefley
Herger
Hostettler
Jones (NC)
Metcalf
Miller, Gary
Moran (KS)
Paul
Pombo
Riley
Rohrabacher
Rush
Sabo
Sanford
Schaffer
Sensenbrenner
Simpson
Stearns
Stenholm
Tiahrt
Toomey

NOT VOTING—32

Brown (OH)
Buyer
Campbell
Chenoweth-Hage
Collins
Danner
Delahunt
Engel
Franks (NJ)
Gephardt
Hastings (FL)
Horn
John
Klink
Largent
Lazio
McCollum
McGovern
McIntosh
Meeks (NY)
Mica
Millender-McDonald
Minge
Peterson (PA)
Pickett
Royce
Shadegg
Stupak
Talent
Thompson (MS)
Waxman
Wise

☐ 1433

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2772. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 115, 116, 117, 118, 119, AND 120, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 646 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 646

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 2. upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 117) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 118) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 5. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 6. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. Moakley), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 646 is a closed rule providing for consideration of House Joint Resolutions 115, 116, 117, 118, 119, and 120. Each of these joint resolutions makes further continuing appropriations for fiscal year 2001 for a period of 1 day.

H. Res. 646 provides for 1 hour of debate on each joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of these joint resolutions. Finally, the rule provides one motion to recommit on each joint resolution as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day today and further continuing resolutions are necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills. Because the President refuses to sign any longer duration, the joint resolutions covered by this rule each simply extend the provisions included in H.J. Res. 109 by one additional day.

Mr. Speaker, after weeks of hard work, the House now just has three appropriations conference reports left to pass. However, as we work to reach agreement over the remaining appropriations bills, we will have to take valuable time away from our negotiations each day to pass 1-day continuing resolutions. President Clinton has threatened to veto any continuing resolution of more than one day's duration, so each day we must take the appropriators away from negotiations and bring them to the floor to vote on these 1-day measures.

Mr. Speaker, if that is what the President wants, it is fine with me. I will come to the floor every day to vote for a continuing resolution to keep the government running. Like my Republican colleagues, I am determined to pass fair and fiscally responsible appropriations bills. We will stay here as long as it takes to do the people's business.

Mr. Speaker, the Congress is responsible for only two-thirds of the appropriations process. The executive branch must also do its job to move the appropriations process along. We would all like to complete our business and go home, but our principles keep us here, and the Republican majority is committed to putting people before politics and passing appropriations bills that reflect the priorities of the American people.

I hope that the President will join us in our good-faith efforts to negotiate a fair, bipartisan solution to the disagreements still before us. I am confident that the fair, clean, continuing resolutions covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and judicious manner.

This rule was reported unanimously by the Committee on Rules yesterday evening, and I urge my colleagues to support it so we may proceed with general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. Linder), my colleague and my friend, for yielding me the customary half hour.

Mr. Speaker, this rule provides for the consideration of not 1, not 2, not 3, not 4, not 5, but 6 continuing resolutions. Each one ends on a different day beginning tomorrow and going through Halloween. That way my Republican colleagues can finish now or they can finish later. With this rule, they have the continuing resolution they need to, no matter when they finish, without having to get more rules on the continuing resolution.

Mr. Speaker, the 13 appropriation bills were supposed to have been passed and signed into law by October 1. Today only four appropriations bills have been signed into law, Defense, Military Construction, Interior and Transportation. There are 5 bills waiting at the White House: VA–HUD, Energy and Water, Legislative Branch, Treasury-Postal and Agriculture.

Mr. Speaker, so in order to keep the Federal Government open, despite the unfinished business, we must keep passing these continuing resolutions until the appropriation bills are finally signed into law.

Meanwhile, Mr. Speaker, the appropriations bills that are still outstanding, Labor, Health and Human Services, Commerce Justice State, Foreign Operations and the District of Columbia, are some of the most controversial. So these bills are not going to be finished without a fight, and that might take some time.

But my Republican colleagues continue to move slowly, and in the last month, the Congress has been in session only a few days a week, and for many of those days, we have been voting on very noncontroversial suspension bills.

Instead of renaming post offices, my Republican colleagues should have been passing real managed care reform. They should have passed the prescription drug program within Medicare. They should have passed campaign finance reform, gun safety legislation; but, Mr. Speaker, they did not. And even Republican Senator McCain said, we are gridlocked by the special interests.

Democrats, on the other hand, want to help working families. We want to hire 100,000 new teachers. We want to build new schools and repair the old ones.

We wanted to help school districts with school construction bonds. We want to create after-school programs. But my Republican colleagues just will not let us.

Mr. Speaker, even though my Republican colleagues balk at spending money on education, they are increasing spending on other items faster than ever before, even nondefense spending.

□ 1445

And that increase in spending, Mr. Speaker, is very significant, even if we account for inflation.

So I think it is time Congress enacted some bills for everyday Americans. I think it is time we put education first. I think it is time we finished the appropriation bills instead of stalling for another week. So I urge my colleagues to oppose this rule providing for the six continuing resolutions.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members it is not in order in debate to refer to statements of Senators occurring outside the Senate Chamber.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume, only to offer myself first in line to nominate my friend from Massachusetts as chairman of the national school board.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, those of us who are from the Midwest are familiar with an insect called the cicada. Now, the cicada is a very fierce bug that lays dormant for years, but at any given time, they seem to wake up from their slumber, they make an incredible racket for a very brief period of time, and then they are gone, they have vanished. Now, how very much like this Republican Congress are the cicada. It is a Congress that for 2 long years has been laying flat on its back and only now is it rising to its feet to give its self-serving speeches.

Now, in the words of Washington Post's editorial, this is an un-Congress. We have heard of the "uncola." They have called this the un-Congress. Quote: "The un-Congress continues neither to work nor adjourn. For 2 years, it has mainly pretended to deal with the issues that it has systematically avoided," The Washington Post.

Now, is this because, Mr. Speaker, there is no work left to be done? Granted, our country is in much better shape today than it was under the last Republican President, but that does not mean that all of America's problems have been solved.

Just consider education. We know that one of the toughest obstacles to learning is the fact that too many kids are stuck in overcrowded, undisciplined schools and classrooms, as the gentleman from Massachusetts has just made clear. Overcrowding has gotten so bad that in some schools it is at the point that classes have been held in converted boiler rooms. We have even heard of roofs caving in on our students. We should be doing something about that. We have a bill to do something about that. In fact, there are Republicans that have sponsored our bill to do something about that. We can pass the Rangel-Johnson bill. We can have safer and modern schools and, by the way, at the same time help cut the property taxes at the local level.

But, it seems the Republican leadership would rather complain about public schools than join with us in helping to fix them. If their leadership put as much time into crafting solutions as they do in passing stopgap measures, we could have addressed this issue. We could have passed the patients' bill of rights. We could have approved a Medicare prescription drug plan under Medicare. We could have had hate crimes legislation. We could have raised the minimum wage. All of these major pieces lie dormant like the cicada after it raises a racket.

So maybe if we could have done these things we could have earned the right to take some of those extra long weekends we have been enjoying. But, Mr. Speaker, I know I speak for my colleagues on this side of the aisle when I say that none of us ran for Congress because we came here to complain about problems. We came here to help solve them.

If my Republican friends are not willing to roll up their sleeves to stay here to face those four or five issues, to make sure we have the education agenda in modern schools, in lower class sizes, in after-school programs, if they are not willing to do that and they are not willing to do raising the minimum wage and doing the prescription drug benefit under Medicare and making HMOs accountable and passing campaign finance reform, I suggest that they step aside in favor of those who will.

So I urge my colleagues to vote no on this rule so that we can raise these issues in a way that will allow us to have them before us so we can have something to take back to the American people before this Congress adjourns.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank my colleague from Massachusetts for yielding me this time.

Mr. Speaker, I rise this afternoon reluctantly in support of the continuing resolutions that we will be passing, but in opposition to the rule. I would like to speak just briefly about the importance of understanding the current state of our fiscal affairs.

It is important to understand that these measures that we will be voting on are very small infinitesimal steps in a significantly larger process. That larger process is one that has not been very well explained to the American people. The American people understand or expect that we are going to have a budget surplus and that we will be paying down on the debt and that over the next 10 years, that payment may be as much as $4 trillion. Well, the facts do not really square up with that, and the action here today really gives us reason to pause.

I would like to start by just pointing out with respect to this chart that we have had not a surplus, but indeed we have had an increase in the debt over the last year. The dates here just are from June 30, 1999 to June 30, 2000. We can look and see that the debt went up by $40 billion. Now, compared to what it has been in some other years, this is really cause to rejoice, but compared to where we think we are, it is cause for pause, and it is cause to be much more sensible about where we are going.

In this regard, I would like to emphasize that if we look at the spending that has been occurring under the current leadership here in Congress over the last several years, discretionary spending has been going up at a rate of about 5.5 percent a year. And when we look at the Social Security system which we should not even consider in calculating our surplus, and we back out that amount, then we back out this increase that has occurred and projected into the future, we will have approximately $350 billion of surplus over the next 10 years.

Now, the point of this brief discussion is that we simply cannot afford all of the things that our colleagues and the leadership have been telling us we must do. For example, a $292 billion marriage tax bill which was misguided, it was not in the budget, it came up before we even passed a budget. This type of irresponsible legislation is what is going to put us back into deficit spending, back into the Social Security trust fund, and I urge my colleagues, as we consider these continuing resolutions this afternoon, let us be realistic about where we are going long term and let us make sure that we keep our eye on the ball and the ball is to pay down on the national debt.

Mr. MOAKLEY. Mr. Speaker, rightfully so, the Chair admonished me for using the name of a Senator. I meant to refer to our former House colleague, JOHN MCCAIN, the former Presidential candidate.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I want to follow up where our colleague, the gentleman from Minnesota (Mr. MINGE) has left off and actually rise in opposition to the rule which will give us a series of six 24-hour continuing resolutions.

According to information, Mr. Speaker, compiled by the House Committee on the Budget, the Republican leadership is in the process of busting the spending cap of $600.3 billion that they set earlier this year. Keep in mind that the Congress has not sent all 13 appropriations bills to the President yet, but if the present trend continues, the Republicans are on track to spend $620.5 billion, which means they will have busted the spending caps that they set by over $20 billion. In fact, on the nine bills that Congress has agreed upon, the Republican leadership has agreed to spend over $11 billion more than the President requested in his budget. Considering the House and Senate have not even worked out the differences on three of the 13 appropriations bills, including the huge Labor-HHS-Education bill, this number will only get significantly larger.

The really sad thing is that, Mr. Speaker, all of this could have been avoided. The Blue Dog Coalition worked very hard last spring to develop a viable budget plan and reached out and offered to work with the Republican leadership to reach a bipartisan agreement that would receive widespread support on both sides of the aisle.

First, our plan would have locked up 100 percent of the Social Security surplus for future retirees. It would have set aside 5 percent of the non-Social Security surplus for debt reduction over the next 10 years; set aside 20 percent of the non-Social Security surplus for tax cuts, and allowed Federal spending to grow at a rate of 2.5 percent over last year. However, like last year, Mr. Speaker, the Republican leadership was not interested in reaching a compromise. They enacted a completely unrealistic budget that set spending caps on the 13 annual appropriations bills at levels which assured those caps would be ignored this fall.

The fact that Congress is now in the 4th week of a new fiscal year with three of the 13 appropriations bills still not ready for the President's signature, including one that the Senate has not even considered, shows how unrealistic their budget was in March. Because they do not have a sound budget plan, this Republican Congress is on track to spend more money than any other Congress in history, with an increase in non-Defense spending of 5.2 percent over last year. I repeat, an increase in non-Defense spending of 5.2 percent over last year. This is over twice the rate of spending growth proposed in the Blue Dog budget.

This orgy of spending is a result of the poor budget decisions made by the Republican leadership in March of this year. Instead of working to develop a bipartisan budget plan with responsible tax and spending priorities, instead of working to develop a bipartisan plan with responsible priorities, we have passed a budget that made a nice political statement to a faction within the party with virtually no chance of being successfully implemented.

Mr. Speaker, there is an old saying that we use back home: you reap what you sow. When we sowed the seeds that grew into a budget back in March, the Republican leadership rejected every offer of compromise from the Blue Dog Coalition. Now it is fall and the crop has failed. We are 24 days past the end of the fiscal year with the spending caps destroyed, three appropriations bills left to pass, and no idea how much more will be spent.

Mr. Speaker, this is fiscally irresponsible, and it is a direct result of the failure of the Republican leadership to develop a sound budget plan back in March.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Here we are 25 days after the end of the fiscal year, and we still do not have all of the appropriations bills passed to keep the government running. Frankly, that is no way to run a railroad. One would not run one's business that way, one would not run one's household budget that way, but here we are.

Some may say, what is wrong with it? Well, what happens when we get in this predicament is exactly what we see playing out. The back room deals end up being made out of the light of day and we end up spending more money than this Congress should spend.

□ 1500

My friends in the other party always talk about the Democrats as the big spenders. I want to tell my colleagues those old fables just do not work anymore.

The truth is this is the fourth year in a row that the Republican-controlled Congress has passed appropriations bills with higher discretionary spending outlays than the President requested. By contrast, the Democratic-controlled Congresses of the Reagan and Bush years more often than not appropriated less than the President requested.

We all talk about this big budget surplus. The presidential candidates are talking about it, how they want to spend it. The truth of the matter is this Congress is frittering away that budget surplus. It may not even be here if we continue along this path.

We talk about a $2.2 trillion on-budget surplus, but it is based on a whole lot of iffy assumptions. If we continue increased spending at an annual rate of 5.5 percent as this Congress has done since 1998, we will wipe out two-thirds of that projected surplus.

Now, to put this in context, just a year ago, the Republicans in Congress proposed cutting taxes a trillion dollars. Now, I am for cutting taxes. But the truth of the matter is, if we had passed that legislation, we would have wiped out the surplus, considering the increase in spending that this Congress seems intent to do. The problem that we face today is to pass a budget that preserves our surplus and ensures our future prosperity.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I want to continue to talk a few minutes here about the Nation's financial picture. But before I do, we are now 25 days into the new fiscal year. Do my colleagues know how many days Congress has met of those 25? We have sat for 12, only 12 of those days.

At the beginning of the fiscal year this year, on October 1, only two of 13 appropriation bills had been completed and signed by the President. Today only four, there are five more waiting, but we are still three or four away from even having something to negotiate to send to the President.

Now, if one ran one's business in that manner or if a physician practiced medicine in that manner, I would suggest that a suit for malpractice, legislative malpractice would apply. This is not the way to conduct the Nation's business. It was done and the seeds were sown, as the gentleman from Florida (Mr. BOYD) said earlier, back in March when a political statement was enacted called a budget that was unrealistic and was never intended to be followed.

We are now in a situation where the Republicans say, well, we have to stay in session here to keep President Clinton from demanding all of this money to be spent. If we look at history, the gentleman from Texas (Mr. TURNER) just alluded to it, and the Blue Dogs went back and looked at this when we compiled our budget, over the 12 years Reagan-Bush, Bush-Quayle, the Democratic-controlled House at that time, part of that time, of course the Republicans had the Senate, spent less than those Presidents asked the Congress to spend.

For the last 4 years, the Republican Congress has spent more on nondefense items than President Clinton has asked for. We now are in a never-never land 25 days into a new fiscal year with no idea in sight of how we wind up the business of the country for the previous fiscal year. We are in a position where the surplus is a projection and the spending is a fact.

Now, we are going to support a CR to keep the government open. But this rule is a sham to get by for another 6 days, trying to keep this ball in the air before the November 7 election day so that no one can definitively and affirmatively state what this Congress did or did not do. I have been here 12 years. This is as poor a way to run the Nation's business as I have witnessed in those 12 years.

Yesterday or 2 days ago, we were not only not consulted, we are told 2 days ago there is a tax package out there, and the leadership is going to brief the chairman of the Committee on Ways and Means and the chairman of the Finance Committee in the Senate about what is in it.

We are supposed to be a legislative body. I tell my colleagues, the country needs to know that whatever may happen November 7, this situation is not the way to conduct their business in a responsible manner.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, there is an old saying at home, the proof of the pudding is in the eating. Well, take a good look at what we are talking about today. We continue to hear a lot of rhetoric from the other side of the aisle about Republicans standing up to big spending demands of the President and Democrats in Congress.

Before my colleagues point fingers about big spenders, they should take a good look in the mirror or better yet at the record. Eight of the nine appropriation bills that Congress has passed so far this year and sent to the President would spend more than the President has requested.

The nine bills Congress has sent to the President would result in $11.4 billion in outlays above the President's request. This is the chart. According to estimates of the Congressional Budget Office, the nine appropriation bills that this Congress, under Republican majority, has sent to the President would spend $498.6 billion, $11.4 billion more than the $487.1 billion requested by the President on those bills.

I do not know how my Republican colleagues can continue to honestly explain that Democrats are big spenders for asking for $5 billion in additional spending for education when they have already voted for appropriation bills spending $11 billion more than the President has requested.

According to one rather prominent Republican who has been a leader in fighting against pork barrel spending, the nine appropriation bills that Congress has sent to the President contain $21 billion in programs and projects which he identified as low priority, unnecessary or wasteful spending for programs and projects that have not been appropriately reviewed in the normal merit-based prioritization process of the Congress.

I do not understand how voting to increase spending by $21 billion on programs that some have identified as pork is acceptable, but asking for $5 billion more for education makes someone a big wasteful spender.

Everyone who voted for the rule on the Foreign Operations conference report earlier today voted to increase total spending by $13.3 billion in budget authority and $8.3 billion in outlays above the President. Let me repeat that. If my colleagues voted for the rule on the Foreign Operations bill, they voted to increase spending substantially above the amount requested by the President. No Member who voted for that rule can honestly continue to claim that the President is responsible for increased spending.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate it has over the last 3 years under Republican Congress for the next 10 years, nearly two-thirds of the projected $2.3 billion on-budget surplus everybody has been talking about will be wiped out.

I will again say to any of my colleagues on this side, if they wish to challenge me on anything I am saying as to the accuracy and authenticity of what I am saying, I will yield to them.

By contrast, discretionary spending increased by just 1.2 percent, the rate of inflation, under Democratic Congresses after the budget was created.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, does the gentleman's chart of the President's request include the additional demands he is making upon closing this process or only his original requests?

Mr. STENHOLM. The original requests, Mr. Speaker.

Mr. LINDER. Which does not include the coverage for fires in the West, for example.

Mr. STENHOLM. That is correct, Mr. Speaker.

Mr. LINDER. And did not include the coverage, the additional programs and spending he asked for right now at the end of the process.

Mr. STENHOLM. The numbers in our chart represent the original Republican requests, the original President's request, and the Blue Dog request that we have begged and pleaded with those of you on the other side to agree with us on numbers that we could stand together.

If we are so concerned about the President's request for spending, why did my colleagues never at one time, their leadership, ever come to the Blue Dogs and say we accept your numbers which is between the President and you.

So the point of the gentleman from Georgia (Mr. LINDER) is well taken except I think my point still stands. We are spending more because my colleagues have voted for it. Mr. Speaker, I appreciate the gentleman's point he is making because it is a valid point and is one which more people need to understand. But the finger pointing needs to stop. It needs to stop.

The problem is not today with the Budget Act, as some would say. The problem is with a leadership in this House that has made the budget process irrelevant by proposing unrealistic budgets, refusing to work in a bipartisan manner on a realistic budget that would have held down spending to less than what the President has requested. That is the problem.

As I said this morning, I have no quarrel with the Committee on Appropriations, and I see the chairman here and the ranking member. I have no problem here. Mine is with the process and the finger pointing that has gotten into the political process, which it is ridiculous.

The problem is with the leadership of this House. We now absolutely can show big spending originates in the House. Presidents do not spend money. Congress spends money. We are in the minority. I am in the minority. I am a part of the minority party. We cannot be responsible. The majority has to assume that responsibility.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to inform the gentleman from Georgia (Mr. LINDER) and me how much time is remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MOAKLEY) has 5½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 27½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Massachusetts for the time.

Mr. Speaker, what the gentleman from Texas (Mr. STENHOLM) just said is exactly on point. My friend Archie the cockroach said once that what happens to men or to mankind is not determined by the system that they have. He says, what happens to mankind is determined by what they do with whatever system they happen to have in hand. I think that is the case with the budget resolution.

As the gentleman from Texas has said, the problem we are facing now is not due to defects in the budget resolution, per se, although it certainly has some giant ones. The problem is that the budget resolutions have been used to deceive the American people about the true intention of this Congress for over 10 months. They have been used to deceive the American people about what is intended, what is affordable, and what is doable under that resolution.

Because those resolutions have been so deceptive, that is what has enabled the majority to pretend that there was enough room within their spending caps to provide the tax package that they tried to pass over the last 10 months. Most of the benefits in that tax package went to those in this society who were already the most comfortable and the most blessed.

Now we have the chickens coming home to roost time. We have just seen the passage of a provision in the previous bill which admits that the fiction that this Congress is going to spend only $600 billion this year on discretionary spending was a giant public fib.

So now we have proceeded to pass a number of bills, and we are down to two of them. The main issue that divides us on those two remaining appropriation bills is education. As the gentleman from Texas says, we are now being told that, after this Congress has exceeded the President's request on a number of those appropriation bills, after we have seen large amounts of money, $19 billion above last year put into the military budget, and, again, I find that amusing because the majority party said that there was not enough in that budget for readiness. Then they cut the readiness portion of the defense budget by $1.4 billion, either 1.4 or 1.6, I have forgotten which, in order to make room for congressional projects.

Now we are told, after we have done all of that, that there is not room in the inn to meet the President's budget request on reduced class size so that teachers are teaching classes rather than zoos.

□ 1515

We are told there is not enough room in the inn to train teachers, even though we are going to need well more than a million new teachers because so many are close to retirement nationally.

We are told there is no room in the inn to have a significant school modernization construction program. We have a $125 billion backlog in the need for school reconstruction in this country. The President is asking us to support a proposal that pays for less than 20 percent, and we are being told by the majority there is no room in the inn.

Well, I have to tell my colleagues something. There is no room in the schools, and we are going to have more than a million additional children attending our public schools and we are not ready for that challenge. We are not ready in terms of buildings, we are not ready in terms of technology, we are not ready in terms of teacher training. One out of every 10 teachers in this country is not qualified to teach the subject that they are teaching. We are certainly not meeting our responsibilities with respect to either Pell Grants so that we measure up to our pretense that we are providing equal opportunity for people to attend college, and we are certainly not meeting our obligations with respect to special education. I believe we are only spending about 17 percent, or at the 17 percent level in terms of the requirements in order to meet the mandates sent down by the Federal Government.

So now we are here having to pass these day-after-day CRs because the majority refuses to meet our national needs in education, after we have seen so much money poured into other bills. That is our problem. That is what needs to change if we want to go home.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 191, not voting 36, as follows:

[Roll No. 551]

YEAS—205

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—36

Bonilla
Brown (OH)
Campbell
Chenoweth-Hage
Collins
Danner
Delahunt
Ehrlich
Engel
Franks (NJ)
Gephardt
Greenwood
Gutierrez
Hastings (FL)
Istook
Johnson (CT)
Klink
Largent
Lazio
Maloney (CT)
McCollum
McDermott
McGovern
McIntosh
Meeks (NY)
Mica
Mollohan
Peterson (PA)
Radanovich
Shadegg
Slaughter
Stabenow
Stupak
Talent
Waxman
Wise

□ 1537

Messrs. MURTHA, FARR of California, and EDWARDS changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote. Had I been present, I would have voted in favor of the motion to suspend the rules and pass H. Res. 646 (rollcall No. 551).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 115 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Pursuant to the rule just adopted, I call up the joint resolution (H. J. Res. 115) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "October 26, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 115 is a continuing resolution, and it continues the funding of our Government for one day until midnight tomorrow night.

I am not sure that is the smartest way to go. I think that, with the progress that we are making now, that we could probably be finished by Friday or Saturday. I would have preferred to have introduced a resolution to go to at least Saturday. However, the President of the United States has told us that he would only sign CR's for one day at a time. And, of course, that is his prerogative. He is the President and he has the veto pen; and unless we have a two-thirds vote to override him, he prevails. And so, he prevails in this case, and we have a 1-day CR. If we do not finish our business tomorrow, we will have another 1-day CR.

Where we are on the progress of our bills is, after having passed the Foreign Operations appropriations conference report today, there are only two outstanding conference reports, one of which we intend to file tonight, that is the District of Columbia appropriations bill along with the Commerce, State, Justice bill. And then the one remaining bill is the Labor, Health and Human Services, and Education bill, which we hope to be able to file by tomorrow night and move to consideration of it Friday or Saturday.

Then we will have completed our appropriations process. All this CR does is extend the continuation of the Government from midnight tonight to midnight tomorrow night.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my ranking member for yielding me the time.

Mr. Speaker, let me just say I want to thank the President of the United States for insisting that this continuing resolution be for only 24 hours and that we operate with these 24-hour resolutions from now on.

And the reason is simple. Most of the discussion right now is over the fact that the Republican leadership refuses to move on the Democratic education initiatives that include funding for school modernization and also for more teachers and more money that goes back to the local towns and school districts to hire more teachers. I just want to say how important those initiatives are.

In the State of New Jersey, we rely mostly for our school funding on local property taxes; and increasingly we find that the towns are unable to afford more money for educational purposes. And so, what we have is that the class sizes continue to rise; the school buildings, in many cases, do not receive the necessary repairs; we have overcrowding where we cannot even in a lot of the school districts build a new school because we do not have the money.

So when the Democrats talk about an initiative that allows these towns to have more money to hire teachers, to reduce class size, or to pay for school modernization or for new schools, these are real problems, these are real issues that affect people every day and affect children in New Jersey and throughout the country every day.

□ 1545

The bottom line is the Republican leadership talks about the need for discipline in the classroom. How are we going to have discipline in the classroom if we have a class that has 25, 30, or even 40 students? If we give money back to the school districts to hire more teachers, they can reduce the class size. I think the President's suggestion is down to 18 students at the elementary level. That means better discipline in the classroom, better learning opportunities for these kids in the public schools.

And the same thing goes for the school modernization initiative. How can they learn if they are in a building that is falling apart? I have been to school districts in my district where the roof was collapsing. Or in other situations where they have to have two shifts and kids go to school starting at 7:00 in the morning to noon and then 12:00 noon to 5 o'clock, or something like that.

Mr. Speaker, the Democrats are talking about something that is real here. This is not pie in the sky. All we are saying is that we have the money now, let us make it available for these towns, because it helps with their property taxes. But most importantly, it helps with these kids and their lives.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's comments. Am I correct that if we passed the initiative that we have been hoping to pass on making sure that we have more classrooms and more teachers to bring class sizes down and have safe and clean, healthy schools to teach in, am I correct that if a local subdivision did not want to have more teachers, or did not want to do any school construction, that this legislation would not force them to do anything? Am I correct?

Mr. PALLONE. Absolutely.

Mr. HOYER. Mr. Speaker, so it would be the local school board's choice, the local citizens' choice whether or not to utilize these resources.

Mr. PALLONE. Absolutely.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. PORTER), chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. PORTER. Mr. Speaker, if I could say to the gentleman from New Jersey (Mr. PALLONE), the money for both classroom size reduction and for school construction has been included in the conference report since July 27. It is fully available under title VI of the Elementary and Secondary Education Act. Under this title the school district, if it decides it does not need the money for school construction, can use the money for other purposes like teacher training or equipping classrooms with technology and computers.

So there should be no dispute about the money being available. The dispute is about whether money is to be mandated by Washington to be spent for a particular purpose, or whether the local school district and the parents in that school district will decide the use for that money. The money is there;

there has never been a dispute about the money. There is a dispute about Washington control or about local decision-making. We favor local decision-making.

Mr. PALLONE. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I have great respect for the gentleman, as he knows, and for all that he has done in his capacity as chairman of the subcommittee. But I think there is a serious issue here about whether the money really is available in the sense that what has been proposed, from what I understand from the Republican leadership, is that this is more in the nature of a block grant and it is not necessarily the case the way the language is now that this money would be available for these purposes.

Mr. PORTER. Mr. Speaker, reclaiming my time, I would say to the gentleman that the way it is structured, not only $1.3 billion would be available for school construction, $2.7 billion would be available for that purpose. Or the $2.7 billion would be available for classroom size reduction. In other words, we are not straitjacketing the process; we are giving flexibility so that the schools can decide their needs themselves. That is the way it should be done, in my judgment.

Mr. PALLONE. Mr. Speaker, if the gentleman would again yield, I think there is a serious question about that and whether or not the money would actually flow to the school districts. I understand the gentleman disagrees.

Mr. OBEY. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I have great respect for the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee, my friend; but I would nonetheless like to set the record straight, because I view this issue quite differently than does he.

He says that the argument is not about availability of money. He says the argument is simply about whether or not we are going to have Federal dictation to local school districts or whether they are going to have some flexibility.

I would point out one simple fact: 93 percent of all of the money that is spent by every school district in the country, on average, is raised and spent in accordance with State and local wishes. That hardly sounds to me like Federal dictation. It is true that what we are trying to do on this side of the aisle is to assure that the other 7 percent is focused on what we regard to be critical national priorities. One of those priorities is school construction. Another is teacher training. A third is class size.

We happen to believe that the research shows that children do a better job of learning if the classes are small enough so that teachers can have, from time to time, control of the classroom in which they are teaching and have some close personal relationship with those students.

We also happen to believe that children do better if they are not in schools that are falling down. There is a $125 billion backlog on school construction in this country. The President is trying to fashion a program which meets at least 20 percent of that need, and we make no apology in trying to focus that 7 percent of Federal funds that we provide on those items.

The third point I would make is simply this. With respect to class size, lest anyone in this Chamber believe that there is not a large degree of flexibility for local school districts, let me point out the following: school districts now have flexibility to spend up to 25 percent of the funds on training, existing teachers, testing new teachers, and providing high-quality professional development to ensure that all teachers have the knowledge and schools to teach effectively.

So if school districts have already reached the class size target at 18, they are free to move a significant portion of their funds to teacher training, as the majority demanded last year.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, the gentleman says that we here in Washington know that reduced class sizes are better for kids to learn, and we here in Washington know that kids should not have to go to school in dilapidated classrooms. What makes the gentleman think that the local school board does not know those same things? What makes him think that we have to tell them how to spend their money?

It seems to me that the argument that since 93 percent of the money is raised locally, we ought to be able to dictate how our 7 percent is used simply goes against the genius of public education in our country. The secret is not Washington control, it is local control. That is what we have done for 200 years in America, and it seems to me that we can trust them to make these decisions. They have made a lot of good decisions.

Mr. OBEY. Mr. Speaker, taking back my time, I would simply say the gentleman has asked why is it that local school districts do not recognize these same priorities. The fact is that they do, and that is why they are asking us to pass these programs. Take a look and see which educational organizations have supported these programs: the PTA, right on down.

Mr. PORTER. Mr. Speaker, would the gentleman continue to yield?

Mr. OBEY. Mr. Speaker, I would prefer that the gentleman get some time from the gentleman from Florida (Mr. YOUNG). I would be happy to continue this exchange, but I prefer that some of it be on his time.

But let me simply complete my thought. Directing that 7 percent of the education money that is spent in this country be spent on national priorities is not what I call running roughshod over local control. What we are saying is they control 93 percent of the funds. Spend it any way they want. But if they want us to use taxpayers' dollars at the Federal level, we want them used for areas that we know by research work, and in areas that have an extra problem.

We know that the average school in this country is 43 years old. Some of them are so old we cannot even wire them anymore for modern technology. We ought to be helping to change that, instead of obstructing the efforts of the President to do something about it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I think the gentleman from Wisconsin (Mr. OBEY) has just clearly defined our differences. We believe that education decisions can be made at the local level, and we are willing to give not the President's level of $1.3 billion, but $2.7 billion. If local school districts want to use it for school construction, they can. We believe that they can make these decisions without Washington direction.

The flexibility that we believe in and the control that they believe in clearly defines the differences between our two parties in this area. That is the way it is. We understand it. We accept it. We think that they are wrong; and obviously, they think that we are wrong.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we have had this argument in our committee before, and I ask the gentleman why then does he not believe that all the education money that we appropriate in his bill should not be simply block granted? Let me give a specific example.

Mr. PORTER. Mr. Speaker, reclaiming my time, what makes the gentleman think that I do not believe that?

Mr. HOYER. Mr. Speaker, if he does, that is fine. Why does he not propose that?

Mr. PORTER. Mr. Speaker, again reclaiming my time, I will say to the gentleman that we have made every effort, for example, to put money into special education for disabled children. Now, that is an account that is a Federal mandate. We know that that money has to be spent. The more money that we put into that account, while it obviously helps that situation and that need, it also frees up other money that has had to be spent in that account for other purposes and allows the local school district to decide where those funds can best be used.

So, yes. Are we for more flexibility? Absolutely. That is what we believe in.

Mr. HOYER. Mr. Speaker, if the gentleman would continue to yield, I understand his premise. We have, for instance, billions of dollars in our bill for Head Start. Is it the gentleman's position that we ought to make that flexible so that if a community locally decides that they do not need a Head Start program in that community, they can use those dollars for something else?

Mr. PORTER. That is not an education program. That is an HHS program. It is a Federal program. It is not administered by the schools.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to tell the gentleman from Illinois (Mr. PORTER), my distinguished friend and chairman of the subcommittee, that in some instances he is correct. In Prince George's County, the Head Start program is administered by the school system and they can use Head Start money only for Head Start. They do not have the flexibility, I tell my friend, to put that money in other places.

Now, why is that? Why is that? Because 435 of us have been elected by the people of the United States to make policy, to make judgments, to establish priorities. I have full respect for State legislators. I was in the State legislature for 12 years, president of the Senate for my last 4. I respect the members of the State Senate. I respect my county council and my county executive.

But, Mr. Speaker, they were not elected to decide how we spend Federal tax revenues. As a matter of fact, we had a revenue-sharing program that most on that side of the aisle voted to repeal, as I recall. This is in effect what the gentleman from Illinois is talking about, a revenue-sharing program.

I believe, as the gentleman from New Jersey believes, that there is a critical problem in America: A, there is a shortage of teachers; B, there is a shortage of classrooms and we have crowded classrooms. Now, it may not exist in every school system. So what I believe, and what the President believes, is because we have identified a problem, the gentleman is correct, it may not exist in every school system. We are providing a program to respond to that problem.

Now, those who represent school districts that think that the teacher-pupil ratio is perfect, that the school buildings do not need rehabilitation, they do not need help with school bonding, then fine. They do not have to take the money. But we have identified as Federal legislators a need, and we are prepared to take the responsibility for appropriating funds to solve that problem.

□ 1600

That is where the gentleman and I disagree. He places it in a context that I think is not the premise that I adopted. I am not for controlling the local system. What I am for doing is establishing a Federal policy which says that we need to have small classrooms so that we can educate our children to be competitive in a world-class economy. I think that is essentially what we are trying to do.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, we are doing exactly the same thing. The money is there. In fact, more money is there for construction, for classroom size reduction. We simply provide flexibility as to how that money will be used.

Mr. HOYER. Mr. Speaker, reclaiming my time, the gentleman is not correct. Let me tell you, Mr. Chairman, why you are not correct. What you do is you take a sum of money and you distribute that by formula pursuant to title VI to every school system in America that may or may not have this particular problem that I think I have identified, my constituents have identified; and what you have turned it into is a revenue-sharing program to be disseminated. Some jurisdictions, frankly, are going to get a paltry sum.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the fact is the administration asked for $1.3 billion in renovation funds. They asked for $1.75 billion for class size. You merged that into a block grant. They asked for $3 billion. You gave them $2.7 and block granted it.

We have seen from the way you use the community service block grants and other programs that the first step on your side of the aisle is always to block grant funds. Then, after you block granted it so you do not have to take the heat for individual program cuts, then you cut the guts out of them in the second and third years. That is what has happened time and time again in social service programs, and we are not going to fall for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. PORTER), who is one of the leading experts in this Congress on the issue of education and funding for education.

Mr. PORTER. Mr. Speaker, I would simply say to my colleague from Wisconsin that there was already $365 million in the education block grant. The total for all activities including class size reduction and school renovations is $3.1 billion. I would also say to my friend from Maryland that his example of Head Start is an example of a federal program that does not exist under the Department of Education. It may be that school districts apply to the Department of Health and Human Services or the State of Maryland. But clearly that is not an example of what we are trying to do in providing greater flexibility in these accounts.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I tell my friend from Illinois, my point was, A, that the money in Head Start is in our bill. I said in our bill. I understand it is not in the education title because it is administered under HHS. It happens to be run by the education department in my county, and about one-quarter of the Head Start programs, as the gentleman knows, in America are under the education departments. Three-quarters are not.

My point was that the Head Start money is money that is identified for a particular program. I tell my friend from Illinois that we made a determination that children from at-risk homes needed a special start, a head start. It is a program Ronald Reagan said worked.

We, therefore, at the Federal level made a determination that we were going to, in our case, make billions of dollars available, but for this purpose, because we have made, as a Federal legislative body, a determination of a need.

My point to you, sir, is that I believe that we have made on our side of the aisle a similar determination that there is a classroom shortage in America, that there are crowded classrooms in America, and that we have a teacher shortage in America as a result of having more students in our schools than any time in our history.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

I understand the gentleman from Maryland's discussion about a specific Federal purpose like the Head Start Program or a specific Federal purpose like school construction or a specific Federal purpose like reducing the size of classrooms for teachers. But in this particular instance, there are specific needs that this money can fill.

For example, in the school district in Somerset County, where Crisfield students go to high school, there is no new construction that is needed. There are no new teachers needed, because classroom sizes are already small and getting smaller because the community is reducing in size. What is desperately needed in that poor, lower shore community, where salaries are very low, is some technology. So this particular program as distributed across the country can help in school class size, school construction, but in that community specifically these dollars spent by the local school district can help in the arena of enhancing those teachers, in training, technology, and computers.

Mr. OBEY. I yield 6 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the ranking member for yielding me time.

Mr. Speaker, the Un-Congress, as "The Washington Post" now calls us, will approve now its fifth continuing resolution, and with it the Federal Government will stay open for an additional 24 hours.

Mr. Speaker, I will support, of course, this resolution, and I urge my colleagues to do the same. It finally focuses on doing work. For as every one of us knew when we approved the fourth continuing resolution just 6 days ago, not much was going to be done in the 5 days that we lost. We knew it would take a measure such as this.

As "The Washington Post" again stated, "The un-Congress continues neither to work nor to adjourn. For 2 years, it has mainly pretended to deal with issues that it has systematically avoided."

This Congress has avoided a real patients' bill of rights, it has avoided a meaningful Medicare prescription drug benefit, it has avoided campaign finance reform, and now, of course, it seeks to avoid, I tell my friend from Maryland, the Democratic initiatives on class size reduction and school modernization.

It seeks instead to simply parcel out very small sums of money to everybody in America, and perhaps solve no problem, because the monies that everybody will receive will be too small to accomplish any one objective.

The mother of all budget train wrecks, those irresponsible and decisive government shutdowns in 1995, Mr. Speaker, has morphed this year into the eerily quiet derailment. After 6 years of Republican leadership, our budget process is in a shambles. It is unnecessarily contentious, it is often disingenuous. And I want to make it clear, as I have made it clear on each one of the four previous continuing resolutions, this is not the fault of the gentleman from Florida (Mr. YOUNG), a distinguished, able, effective and very honest chairman of the Committee on Appropriations, who does this institution credit in his leadership.

I believe it has contributed to the growing cynicism in our country towards the legislative process. While our budget debate need not degenerate into intransigence, the GOP's approach, in my opinion, over the last 6 years has made such an outcome inevitable.

The majority has adopted unrealistic budget resolutions in each of the last 3 years. That is why we are here today, because the budget resolution was unreasonable. And guess what we did just a few hours ago? We changed the budget caps. Why? Because they were not working.

In some years, including this one, House and Senate Republicans have been unable to reach agreement even among themselves, Mr. Speaker, as you know, and, although I do not want to put words in your mouth, I am sure you lament as well.

Just 2 years ago, Congress failed to enact a budget for the first time in 24 years, since the adoption of the 1974 Budget Act. And I will say to my friends on the majority side of the aisle, that budget could have been adopted without a single Democratic vote. It was not. Both Houses are controlled by the majority party, and they did not adopt a budget.

Republicans have loaded up spending bills with legislative riders that, frankly, have no place on appropriation bills. As Chairman YOUNG said recently, "the thing that is holding us up are the non-appropriation issues that should have been taken care of in authorizing committees."

Finally, Republicans have proposed spending cuts that even ardent conservatives could not long have lived with. My good friend the gentleman from South Carolina (Mr. SPRATT), the ranking member of our Committee on the Budget, how quickly they forget, released a report on Monday that debunks the myth of big spending Democrats. I want to have my majority party friends hear this. In fact, domestic appropriations have risen faster when the House is controlled by Republicans.

I will just let that sink in a while, because it is contrary, of course, to what you argue out on the hustings.

So while I urge my colleagues to vote for this continuing resolution, Mr. Speaker, and to complete this year's budget, I lament the fact that again we are hung up at the end of a session because of our unwillingness in the majority to confront the educational needs of America's children and America's families.

We have been discussing the difference, and the difference is the identification of a critical need in America, that of more classrooms. Why? Because we have more children in school than at any time in our history. And we know that we have a teacher shortage, a quality teacher shortage; and what we seek to do is expand upon the availability of classrooms and of teachers.

Mr. Speaker, I urge the majority party to take a hard look at our process. No reasonable person, in my view, can conclude that this is the way this great institution ought to be run. Even Senator PHIL GRAMM commented in the morning's Post, "I think the budget process has been destroyed; and I think, unfortunately, Republicans have been heavily numbered among the assassins." So said PHIL GRAMM.

Mr. Speaker, we can and should do better. Let us come to agreement on providing more classrooms and more teachers for our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members that it is not in order in debate to refer to statements of Senators occurring outside the Senate Chamber.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say, as good a friendship as I have with my friend the gentleman from Maryland (Mr. HOYER), I would strongly disagree with the statement that he made that the Republican majority has not done well for education. The gentleman from Illinois (Mr. PORTER) pointed out very effectively that we have actually provided more funding this year alone than the President asked for. The only difference is the great debate over who is going to control the funds, who is going to make the decision on what the needs are, back in my congressional district or in his congressional district, a bureaucrat in Washington, or the locally elected school board back home in our districts.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, the Democrats controlled this House for 40 years, and what have we ended up with? This Nation, with all its resources, last in math and science of all the industrialized nations; last in literacy. Our schools are crumbling, and they need help. But what have they done? They have catered to the trial lawyers and the unions to rip off our school system. And I want to be specific.

They talk about school construction. Waive Davis-Bacon. It costs between 15 to 35 percent, depending on what State, to build schools, because Federal dollars have to fall under the prevailing wage. They say, well, we want a living wage. Ninety percent of all the construction in this country are nonunion, and they earn a living wage. And, guess what? Minority contractors have a good chance at the jobs, where they do not with the unions.

We can build schools. Let us not take that money away from the schools. Let us let the schools keep it. Do they want more construction, do they want teacher training, or whatever? But my colleagues on the other side, because they get most of their campaign money out of the unions, will not cross the unions.

Secondly, my colleague from Wisconsin says that 93 percent of the money is controlled by State and local, and 7 percent Federal.

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That is the way it is supposed to work. Just look at IDEA and special education. Look at the requirements in the D.C. bill; we capped the amount that liberal trial lawyers could take out of special education, Alan Bernstein's number one problem in San Diego, the superintendent of schools.

But yet my colleagues wanted to pay off for the liberal trial lawyers and oppose it. Luckily, the Senate saw through in the conference. Guess what? The city was able to hire 123 special-needs teachers. Democrats wanted to control it. We said no, let the local district do it.

When I was chairman of the authorization committee, 16 programs came forward from different areas. Every one of them had the absolute best program in the world. And after the hearing, I said, which one of you have any one of the other 15 in your district? None of them. That is the whole point.

We want to give it directly to the schools so that the teachers, the parents, and the local administrators can make those decisions. My colleagues want Federal control of everything.

Another good example was Goals 2000. There are 14 "wills" in that bill, which means you will do it. They say it is voluntary. Well, it is only voluntary if you want the money. One of those wills you had to establish another board to see if you comply with Goals 2000. It then went to your school board. It then went to the principal; it then went to the superintendent.

Think about it, all the schools in California sending all of that paperwork to Sacramento and the bureaucracy it takes. Then where did it go? It came back here to the Department of Education.

Think of all the schools in the United States sending all of that paperwork and bureaucracy and, of course, there was paperwork going back. That is why we only get 48 cents out of a dollar to the classroom.

That is what my colleagues on the other side want to continue to do is have government control of education. Yes, Mr. Speaker, there is a difference, in the two parties.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me first commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for his sacrifices in trying to work through the difficult details of the bill.

If my colleagues listened to the last several speakers who came before us, claiming this is a do-nothing Congress, as if all of this slow-down of bill passage is our fault, well, if my colleagues listened to the other side of the aisle, this Chamber and this government would be financially insolvent if they had their way.

No rhyme or reason, no restrictions on spending. Our projects, our way or the highway. I voted for Patients' Bill of Rights. I have voted for hate crimes. I voted for a number of issues that are not considered traditional Republican issues, but I have yet to see my colleagues on the Democratic side of the aisle want to come to conclusion on any of those bills.

Minimum wage, let us not pass it, let us just use it for campaign issue; and then they come down to the floor here today, and assume some way, we, as the Republican majority, are holding up the will of the people.

Mr. Speaker, I personally believe we are exemplifying the will of the people by trying to bring some restraint and establish priorities and focus Federal resources.

The gentleman from Maryland (Mr. HOYER) said, despite the stump speeches, domestic spending has risen at the behest of the Republican leadership. Amen to that. We are finally putting our money in domestic accounts for the people of the United States who are the taxpayers. No longer are we willing to waste away money on international expeditions, finding ways to send money to every nation that never votes with us at the U.N. treaties or any other instances.

Again, I hope that the Members of this Congress will applaud and appreciate the hard work of the gentleman from Florida (Mr. YOUNG), and I hope they will come together and end the rhetoric.

Yes, it is almost election day; and we know we are all tense and ready to leave, but our government is better for the debate and the negotiations that have occurred. If the President is willing to negotiate with us on some of these final outstanding issues, we will be gone. Do not look to us and blame us for all of this slow-down.

I think a lot of it is occurring on the other side of the aisle, and they should take equal credit.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I think to understand our concern about today people need to understand what the record was yesterday. And if my colleagues take a look at what our Republican friends in the majority have tried to do on education since the day that they took over control of this Chamber 6 years ago, my colleagues will see the following:

Over that 6-year period, they tried to cut the President's budget request for education by a total of over $13 billion.

They shut down the government twice to try to force the President to buy their priorities which included the elimination of the Department of Education.

They will claim, well, you are just talking about cuts in the increase, you are not talking about cuts in actual spending levels.

I have two responses to that. First of all, we will have a million more children in our schools, and so any budget that does not provide increases for education each year, in fact, results in less dollars being spent on every child each year, and that is not a way to promote educational quality.

My second point is that even if you only measure the cuts, which our Republican friends tried to make in preexisting spending levels, you will find that they, on four occasions in the last 6 years, they tried to cut education spending below the amount that was being spent at the time to the tune of more than $5.5 billion.

After we went through all of the arguments, we wound up, because of pressure from the White House and pressure from the Democratic side of the aisle, we wound up restoring some $15.5 billion to those education budgets. That is the track record.

I was amused when I saw the Republican leadership yesterday in a media event brag about the fact that they should be trusted on education, because they had increased spending on education by over 50 percent since they had taken control of the House. That is true, but only after you shut down the government twice to try to avoid doing that, only after you tried to cut $5.5 billion below existing spending levels.

The only reason that spending for education has risen by 50 percent over the last 6 years is because we made you do it. I find it ironic that you are now taking credit for the fact that you were beaten in previous years. That is an interesting trick, but the numbers that I am giving you happen to be true.

Mr. Speaker, the record will bear them out.

Mr. Speaker, I submit for the RECORD the following three charts demonstrating what I have just said:

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST

[In millions of dollars]

Fiscal year	Request	House level	House cut	Percent cut
1996 Labor-HHS—Education	25,804	20,797	−5,007	−19
1997 Labor-HHS—Education	25,561	22,756	−2,805	−11
1998 Labor-HHS—Education	29,522	29,331	−191	−1
1999 Labor-HHS—Education	31,185	30,523	−662	−2
2000 Labor-HHS—Education	34,712	33,321	−1,391	−4
2001 Labor-HHS—Education	40,095	37,142	−2,953	−7
Total FY 96 to FY 01	186,879	173,870	−13,009	−7

Note.—Discretionary Funding—Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR

[In millions of dollars]

Fiscal year	Prior year	House level	House cut
1995 Rescission	25,074	23,440	−1,635
1996 Labor-HHS—Education	25,074	20,797	−4,277
1997 Labor-HHS—Education	22,810	22,756	−54
2000 Labor-HHS—Education	33,520	33,321	−199

Note.—Discretionary Funding—Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS

[In millions of dollars]

Fiscal year	House level	Conf agreement	Restoration	Percent increase
1995 Rescission	23,440	24,497	1,057	5
1996 Labor-HHS—Education	20,797	22,810	2,013	10
1997 Labor-HHS—Education	22,756	26,324	3,568	16
1998 Labor-HHS—Education	29,331	29,741	410	1
1999 Labor-HHS—Education	30,523	33,149	2,626	9
2000 Labor-HHS—Education	33,321	35,703	2,382	7
2001 Labor-HHS—Education	37,142	40,751	3,609	10
Total FY 95 to FY 01	197,310	212,975	15,665	8

Note.—Discretionary Funding—Minority Staff, House Appropriations Committee.

Now, we are down to the last days of this Congress, I hope, and we have essentially two issues remaining, one involves what are we going to do with the issues of class size and teacher training and Pell grants and special education. Are we going to meet our responsibilities there?

We have seen billions of dollars go into other appropriations bills. Now we are told, oh, you have to be tight on this one. So that is one education issue remaining.

The other issue is whether or not we are going to sufficiently respond to the President's request on school construction.

What has been missing from this debate so far on that side of the aisle is the recognition that there are two construction pieces which the administration is trying to achieve. The first is the small $1.3 billion renovation package which we are trying to get in the Labor, Health Education appropriation bill, and the second is the bonding assistance that the administration is trying to get, either by running it through this bill or by running it through the Committee on Ways and Means, the bonding authority which they are trying to get so that they can help by the expenditure of $2.5 billion of Federal money over a multiyear period so that they can leverage the construction of $25 billion in additional new school facilities, modern school facilities.

As I said before, to put that in context, the demonstrated need for the country is $125 billion. So that basically is what we find at issue on education as we try to reach agreement.

We are here because we have seen the succession of week-long continuing resolutions, and as a result of that, the Congress has moved along in a leisurely fashion, most Members being able to go home 5 days a week; the negotiators on the Committee on Appropriations being stuck here most of the time around the clock, 7 days a week.

Mr. Speaker, I have been home to my district exactly 2 days since Labor Day, and that is why I have told people I feel like a fugitive on a chain gang.

I would hope that we will be able to reach closure on these issues. Until we do, we have no choice but to approve the continuing resolution before us, but I would urge in the meantime that we have additional flexibility on the majority side when it comes to the school construction issue, because that, in my view, is the issue that has to be resolved before we are going to be able to put together the rest of the pieces on education and get out of here in time to at least say hello to the constituents that we all thought we would be greeting and meeting with and talking with for the last 3 weeks.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had been prepared to just yield back my time early on during this debate, because the issue before us is simply a 1-day extension of the continuing resolution, but so many things have been developed during this debate that I feel tempted to respond to each and every one of them, but I am not going to do that. But I feel tempted.

I understand the position of the minority. I served in the minority for a lot of years, as did many of my colleagues on this side of the aisle. We were not all here for 40 years, but for those who have been here nearly that long, we served in the minority almost the whole time we have been here, so we understand the frustrations.

But when we became the majority party and I became chairman of one of our subcommittees on appropriations, I was determined that the minority would have access to every bit of information, would have the opportunity to have input on every subject coming before that subcommittee, and I think any member of that subcommittee on either side would concede that and confirm the fact that that is how we function.

When I became chairman of the Committee on Appropriations, one of the first instructions I laid down to the Members and the staff that the minority would be included in all of our deliberations, and I believe they would admit to that at the staff level and the Member level.

We have met with each other off and on most of the year, and then as we got toward the end of the process, we began meeting with the President's representatives, and both parties were involved in all of those meetings. Even at that we understand the frustration of the minority.

We tried to be as responsible as we could and as generous as we could in trying to reach consensus and trying to reach bipartisan agreements.

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And we have reached a lot of bipartisan agreements. But there is a lot of political rhetoric occurring now, because we are rapidly approaching Election Day.

One of the things that got my attention was the gentleman from Wisconsin's statement that the Republicans shut down the government. Well, that conclusion is the result of masterful and effective spin-mastering. The Republicans did not shut down the government; the Republicans passed the appropriations bills, they sent them to the Clinton-Gore administration, they vetoed them, and when they vetoed them, the government shut down for a couple of days. The Republicans sent the appropriations bills to the President. We did our job. He vetoed them. Until we were able to come back and rewrite the bills, the government was closed for a short period of time.

Now, there are two major issues that have been developed here today. There are those who spoke and complained that the budget really was not high enough, that we were not doing enough spending. I say to those people who believe that, they are true to their conviction. They really believe that there should be more government spending, that there should be more government involvement. And while I might disagree with them, I do not question their sincerity, and I do not question their motivation for standing for what they believe.

But there are others who say, well, we are spending too much. Mr. Speaker, my colleagues will remember, as I remember, that all through this appropriations process we spent hour after hour, day after day, week after week on appropriations bills dealing with amendments from the minority side to increase spending, to increase the amount of money in those appropriations bills. Yet some of the people, not all, but some of the Members on that side who voted for all of those amendments now complain that we are spending too much money. We really cannot have it both ways. We cannot vote for every amendment to increase and vote against any amendment that would reduce and still stand up and say, with a clear conscience, we spent too much money.

There is another reason that it has taken some time to conclude this process. This is because we have included all sides, Republicans and Democrats in the House and in the Senate, and the White House. There is also another reason. We had a few years ago a real disaster, in my opinion. Under our watch, we had an omnibus bill that included about eight appropriations bills. We put all of those eight bills together, and the leadership sat down with the

White House and we negotiated them. We came out with an omnibus appropriations bill. I do not think many people today still know what was in that bill.

We have not done that this year. We have resisted that. We have gone one bill at a time. The House has had an ample opportunity to deal with every bill specifically and independently, and we passed all 13 of our bills through the House early in the process. Now, we slowed down a little when the other body did not get around to taking up some of their bills; but nevertheless, we found a way to deal with that, and we attached one of the bills they had not passed to one of the bills that we had passed. And probably tomorrow, we will do the same thing again.

Mr. Speaker, there is no omnibus appropriations bill being developed this year. We in the House have dealt with each and every one of the bills. That takes a little time, because instead of having one large negotiation taking place, we had 13 small negotiations that, by the way, all developed into pretty big ones. So it took a little more time.

Anyway, Mr. Speaker, we are not here to campaign. The political rhetoric that we hear from time to time on the floor, especially on appropriations bills, is not what we are here for. We are here to do the people's business. The campaigning should be on the campaign trail. I listened to the minority leader last week make what I thought was an excellent speech where he appealed to us and said, let us work together, let us be bipartisan, let us do the best we can to get our job done for what is best for the American people. I liked that speech and I complimented him right after he made the speech on the floor, in public. But then so much campaign rhetoric followed. I know that he was sincere, but I just believe that some of the people on his side were not listening to his appeal.

Mr. Speaker, we are here to deal with a 1-day continuing resolution. I just ask that the Members vote for this CR so we can get about the rest of our business today and the rest of the week.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 9, not voting 28, as follows:

[Roll No. 552]

YEAS—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Baird
Barton
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Costello
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Ford
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Visclosky

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Campbell
Chenoweth-Hage
Collins
Combest
Danner
Delahunt
Engel
Fossella
Franks (NJ)
Greenwood
Hastings (FL)
Klink
Largent
Lazio
Maloney (CT)
McCollum
McIntosh
Meeks (NY)
Mica
Owens
Peterson (PA)
Shadegg
Slaughter
Stupak
Talent
Waxman
Wise

□ 1656

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls Nos. 544 through 552. Had I been present, I would have voted "yea" for each of these measures.

CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 648 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 648

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), my friend, the ranking member of the Committee on Rules; pending which I yield myself such time as I may consume.

□ 1700

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 648 provides for consideration of the conference report to accompany S. 835, the Estuaries and Clean Waters Act of 2000. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read. This is a standard rule for this type of conference report. And I believe it is totally without controversy. I strongly urge my colleagues to support it.

Before we get a chance to vote, Mr. Speaker, S. 835 is an excellent piece of environmental legislation and yet another addition to the fine environmental legacy of the 106th Congress. S. 835 encourages partnerships between Federal, State, and local interests for estuary habitat restoration. Of even greater importance is that the bill supports the development and implementation of comprehensive management plans for the National Estuary Program. This is of particular importance to me because of the Charlotte Harbor NEP, which is located in my district in southwest Florida. I worked hard with our local community to secure the NEP designation for Charlotte Harbor, and I am pleased this legislation will ensure a comprehensive management plan goes forward from the process.

Another key issue for my home State of Florida is title VI of the bill, which authorizes a pilot program to allow States to explore alternate water supply solutions to meet critical needs. We have always had water wars in Florida, but given the increase in population and the attendant demand for water, we will surely reach a crisis point unless we take immediate action now. The alternate water source provisions in this bill will help in that effort, and I want to thank my colleague and good friend, the gentlewoman from Florida (Mrs. FOWLER), for her hard work in particular on this issue.

S. 835 also includes other critical restoration efforts for areas such as Lake Pontchartrain and the Tijuana River Valley. I am extremely disappointed to note the Senate refused to accept a provision passed by the House that would have established an EPA grant program to improve water quality in the Florida Keys. I am not aware of any substantive problem on this issue, and I remain hopeful we can adopt this program perhaps through another legislative vehicle.

Even so, this bill is a remarkable piece of legislation, and I commend the gentleman from Pennsylvania (Mr. SHUSTER) and his Committee on Transportation and Infrastructure for their hard work in the area and the successful result. In short, Mr. Speaker, this is a good rule, it is a good bill, and I encourage my colleagues to support both.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend from Florida (Mr. GOSS), for yielding me the customary time; and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule for the bipartisan conference report. America's estuaries are in trouble. According to the national water quality inventory, 44 percent of our estuaries are not meeting their designated uses, whether they are fishing, swimming, or supporting aquatic life. This bill attempts to do something about that by authorizing $275 million over the next 5 years to help the Corps of Engineers restore estuary habitats.

These funds will be available, Mr. Speaker, for projects to improve degraded estuaries and estuary habitats and get them to the point that they are self-sufficient ecosystems.

Mr. Speaker, estuaries are areas where the current of a river meets the tide of the sea; and because such a wide variety of life thrives there, they are the beginning of the food chain. Estuaries provide the nursing grounds for fisheries, support numerous endangered and threatened species, and host almost half of the migratory birds in the United States.

But, Mr. Speaker, estuaries are very fragile and are suffering from increasing human and environmental pressures. In response to those pressures, this bill includes a number of individual bills that passed the House overwhelmingly. The conference report passed the Senate by unanimous consent and is supported by State and local governments and the business community and the entire environmental community. I urge my colleagues to support this rule and this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentleman from Massachusetts for yielding me this time, the honorable dean of the Massachusetts delegation; and I wish to thank my colleagues on both sides of the aisle for their support of this rule that makes in order this very important piece of legislation, the Estuary Habitat Restoration Improvement Act.

For those of my colleagues who are familiar with my State of Rhode Island, we are practically one big estuary. The Narragansett Bay runs right through my State. It is a very important part of our whole economy; and so, therefore, this bill represents an important step forward for our State and also for our Nation in preserving these fragile estuaries.

My State, as my colleagues know, has had a long history of trying to work to preserve its Narragansett Bay. It goes to the importance of fishing in our State, sailing, swimming, and our number one industry, the tourism economy. Of course this has a major impact on our tourism economy. So for all of these reasons, this Habitat and Estuary Restoration Act is very important for our State's economy.

It is not only the case in Rhode Island but it is also the case nationally that our waters have not always been treated with the respect and care that they deserve. Estuaries are very valuable ecosystems in our overall environment. They nourish a wide variety of animal and plant life, as the gentleman from Massachusetts (Mr. MOAKLEY) pointed out. They also serve to help filtrate pollution that comes in in the form of so much runoff from farms, to oil spills, to wastewater overflow. Estuaries help in that very important part of preserving this environment by acting as a buffer.

Recently, I read an article in our own newspaper, the Providence Journal, where Curt Spalding, our executive director of Save the Bay in Rhode Island, said that we in Rhode Island have lost over half of our salt marshes in our State. Over 1,000 acres of eelgrass, for example, in our State, that we once possessed, only about 1/100th of that still remains, depriving countless marine life from its ability to find a source of primary food. And he writes that the damming of these rivers and streams has had a totally detrimental impact on countless fish habitat as well as other marine life.

So without immediate action on legislation such as this, we might pass the point of no return, and that is why acting on this legislation right away is so very important. That is why I urge my colleagues to pass this Estuary Habitat Restoration Act, making the provision of $275 million funding for local projects that will incent the saving of our estuaries. I urge all of my colleagues to support this very valuable and important piece of legislation to all of our coastal ways, and especially to our coastal ways in the Northeast, like my State of Rhode Island.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the bill, especially because it contains some very strong protection and preservation measures for the Long Island Sound.

I also wish good luck to the New York Mets, Mr. Speaker.

Mr. Speaker, I rise today in strong support of S. 835, the Estuary Habitat Restoration and Improvement Act Conference Report. This measure authorizes $1.6 billion over five years for various estuary conservation and restoration activities, including the Long Island Sound.

Preservation of the Long Island Sound is not a parochial issue, but a national one. By its inclusion as a charter member in the National Estuaries Program, the Sound has been designated as one of only 28 estuaries of national significance. Congress recognized the national importance of the Sound by creating the Long Island Sound Study (LISS), which involved Federal, state, and local entities as well as private groups. The result of this study was the Comprehensive Conservation and Management Plan (CCMP). This report has detailed the many challenges which Long Island Sound faces including floating garbage, biological contamination, and industrial waste—in short, all the things which plague our modern society.

The time to act is now. The $200 million over 5 years which is authorized under this agreement, will be used to provide grants to implement remedial efforts to clean up the Long Island Sound as part of the CCMP.

I am proud to represent an area that borders the Long Island Sound. The Sound is one of our nation's natural treasures with important environmental, recreational, and commercial benefits. Its value as an essential habitat for one of the most diverse ecosystems of the Northeast cannot be understated. Residents and vacationers alike enjoy the Sound for swimming and boating. And the approximately $5 billion in revenue generated by commerce relating to the Sound is vital to the region and to individuals who base their livelihood on the benefits of the Sound.

Unfortunately, the effects of millions of people on the shore and in the Sound are evidenced in the deteriorated water quality. Over the last several years, Long Island Sound has suffered from numerous forms of pollution. This pollution is now threatening the Sound's multibillion dollar a year fishing industry. The most recent and devastating example is the unexplained and widespread lobster die-off. We must supply adequate resources to address this lobster die-off and to examine possible problems in the water that could have caused this crisis. I am confident that this legislation will have a significant impact on the ongoing efforts to improve the quality of the Sound.

For the past seven years I have sponsored legislation to provide funding for clean up and pollution control programs for the Long Island Sound. I am very pleased that today we see legislation that will protect our beautiful Long Island Sound, along with other important bodies of water in our nation. I would like to thank Mr. SHUSTER and Mr. OBERSTAR for their leadership on this legislation and their commitment to preserving our national estuaries. I would also like to acknowledge the hard work and dedication of my colleagues who represent areas along Long Island Sound. Therefore, I ask my colleagues to join with me today in supporting this conference report.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I believe the gentleman from New York also endorsed the rule, at least I hope he did. I did not hear any controversy on the rule.

I think this is yet another accomplishment of the do-something 106th Congress. I see nothing except a good debate ahead and a strong approval.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I join my colleague on the rule as well as the bill.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank my distinguished friend, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 648, I call up the conference report on the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 648, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 24, 2000, at page H10537.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from California (Mr. FILNER) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, this conference report, includes several bills which have already passed the House. It includes the Estuaries Restoration Act authored by the gentleman from Maryland (Mr. GILCHREST); it includes the Chesapeake Bay Restoration Act, which was guided through the House by our late colleague, the gentleman from Virginia (Mr. BATEMAN); it includes the bill of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the National Estuary Program; the bill of the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. LAZIO), the Long Island Sound Restoration Act; it includes the bill of the gentleman from Louisiana (Mr. VITTER) and the gentleman from Louisiana (Mr. JEFFERSON), the Lake Pontchartrain Basin Restoration Act; the Alternate Water Sources Act authored by the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from Florida (Mrs. FOWLER); the bill of the gentleman from New York (Mr. SWEENEY) to reauthorize the Clean Lakes Program; and the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000, authored by the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. FILNER).

This legislation meets environmental restoration needs by encouraging cooperative efforts at the local, state and Federal levels and fostering public-private partnerships to identify and address water quality problems. I would like to assure my colleagues that this legislation does not create any new regulatory authorities and requires full public participation. In particular, the estuary habitat restoration strategy to be developed under section 106 of the act must be developed following public notice and a meaningful opportunity for comment. I expect the Estuary Habitat Restoration Council established under section 105 to provide a period of at least 90 days to allow the public to comment on the proposed strategy, or any subsequent revisions. This legislation is supported by state and local government, the business community and the environmental community. Every Member of Congress should be proud to support it.

I would like to thank the sponsors of the bills included in this conference report, the House conferees, and all the members of the Transportation and Infrastructure Committee. I would particularly like to thank Ranking Member OBERSTAR, Subcommittee Chairman BOEHLERT and Subcommittee Ranking Member BORSKI, for their hard work on bringing this legislation to the floor. Let me also congratulate and thank the Senate conferees, in particular Chairman SMITH and Ranking Member BAUCUS of the Environment and Public Works Committee, for their cooperation.

This conference report is also the result of a lot of hard work by House and Senate staff. Special thanks go to Susan Bodine, Carrie Jelsma, Donna Campbell, Ben Grumbles, Ken Kopocis, Ryan Seiger, Pam Keller, John

Rayfield, and David Jansen of the House staff and Ann Klee, John Pemberton, Suzanne Matwyshen, Ann Loomis, Jo-Ellen Darcy and Peter Washburn of the Senate staff. I urge all Members to support this comprehensive package of critically needed environmental bills.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I would like to give my thanks to the chairman for this great work. This is, in fact, a major step forward for environmental protection and estuary enhancement. So I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the other conferees on the Committee on Transportation and Infrastructure for their great work on this bill.

The section of the bill that, of course, I authored, H.R. 1237, allows the authorized funding of $35 million annually through 2005. These Federal funds can be used for implementation, in addition to the development of comprehensive management plans in estuarine areas.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program, NEP, in 1987. The NEP's purpose is to facilitate State and local governments' preparation of comprehensive management plans for threatened and impaired estuaries.

In support of this effort, the EPA is authorized to make grants to States to develop CCMPs for 30 designated estuaries across the country. My own State of New Jersey has three approved sites in the NEP, one of which is Barnegat Bay, which lies mostly in my district. The bay is a watershed which drains land for approximately 550 square miles. Over 450,000 people live in the Barnegat Bay watershed and the population doubles there in the summer.

Nonpoint source pollution, while diffuse, is cumulatively the most important issue in addressing adverse impacts on water quality and the health of living resources in the bay. The final CCMP for Barnegat Bay is complete, but without the additional funding of this program, as well as explicitly permitting NEP to use Federal funds for the implementation of the program, the Federal Government would have absolved itself of the responsibility as a partner with the States in protecting and enhancing the Nation's most endangered habitats.

Therefore, I would like to thank my colleagues, in particular the chairman, for expeditiously moving this bill.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman and the ranking member for doing such a fine job in bringing us this conference report. I would like to speak on one part of this conference report, a part that is a win-win-win solution for the people in San Diego, California, and all those areas which border the country of Mexico.

We have been dealing with the problem of Mexican sewage flowing into our area for many decades.

□ 1715

The gentleman from California (Mr. BILBRAY) and I introduced the legislation that has the provisions in this conference report. What we intended to do, Mr. Speaker, is to provide a comprehensive solution to the problem of Mexican sewage flowing into the United States in our waters.

We have a unique problem, the gentleman from California (Mr. BILBRAY) and I. I want to thank him for working so closely with me and for our staffs that worked so closely together. I do not think any other two Members of Congress can say that we have raw sewage flowing through our districts from another country onto our beaches and onto our riverbeds. And we, I know, jointly thank the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and their staffs, especially Ken Kopocis, Ryan Sieger, and David Heinsfeld because they worked very hard through some problems that we had between us and with the Senate. But once everyone realized the magnitude of the problem and, if I may say so, the historic opportunity to provide a comprehensive solution to it, these fine staff members and our leadership fought diligently to craft legislation on which all parties could agree. And the people of southern San Diego owe a great deal to the chairman and the ranking member, and I want to thank them so much on their behalf for their support.

We will advance, through this legislation, a common sense solution to the problem of international sewage, the treatment of Mexican sewage in Mexico. Before the gentleman from California (Mr. BILBRAY) and I introduced our legislation, plans called for treating less than half of the sewage that fouls our beaches and estuaries.

It has taken bureaucracies 10 years to prepare a secondary treatment farm of the International Wastewater Treatment Plant. In that time, the sewage flows have more than doubled. Yet, the plans have persisted for a so-called solution that will really not solve the problem but will only take us back 10 years ago. This legislation seizes the momentum for solving the problem and fixes the problem now and comprehensively.

My colleague from San Diego and I have been working, are working on this problem combined for probably 35 to 40 years. When we started this, 25 million gallons a day of sewage from Mexico needed to be treated to protect our water and land. Now it has reached 55 to 75 million gallons of sewage. Our residents and particularly our children need to be protected from this public health nightmare.

Private investors have come forward with an innovative public-private partnership to treat all of the sewage and treat it in Mexico. Mexico has generated the sewage and under a treaty has the right to the treated water. So it makes the most sense not only to treat the sewage that we have now but to treat it where it is generated and can be reused by that country's agricultural and industrial interest.

This is a win for the U.S. environment. It is a win for our children's health. It is a win for international relations and a win for recycling a precious resource.

So I urge support for this comprehensive solution. It is an innovative way to approach the issue. It is a longstanding health and environmental problem. And it most certainly has its own very needed place in the Estuaries and Clean Water Act of 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of our subcommittee.

Mr. BOEHLERT. Mr. Speaker, I am proud to be a supporter of the conference report on S. 835, the Estuaries and Clean Water Act of 2000.

As my colleagues before me have stated very eloquently, the chairman and the gentleman from California (Mr. Filner) and others who will be addressing some specifics of this bill, it is good legislation; and it deserves to be passed.

I am particularly pleased with the final package because it includes a reauthorization and an expansion of the Long Island Sound Program. I want to give particular praise to my colleagues, the gentleman from New York (Mr. LAZIO) and the gentlewoman from Connecticut (Mrs. JOHNSON). They and their colleagues have worked tenaciously on this legislation.

Let me tell my colleagues, in my capacity as chairman of the subcommittee, I was summoned to the office of the gentleman from New York (Mr. LAZIO) several months ago; and thus began a partnership with the gentleman and the gentlewoman from Connecticut (Mrs. JOHNSON). We worked literally hundreds of hours to put together this package.

I want to praise Governor Rowland of Connecticut and Governor Pataki of my home State of New York. They have been real leaders. This just does not happen overnight. This required a lot of hard work on the part of a lot of people with vision. Let me say that the vision of the Lazio-Johnson team has been something very special.

There is a lot more in this bill that is very good, and I will let my colleagues address that. But let me say that this is probably the last major bill of the Shuster chairmanship of the Committee on Transportation. And let me say, as someone who has been in this institution for many years as a staff member and as a Member of Congress in my own right, that the gentleman from Pennsylvania (Chairman SHUSTER) has proven by performance that he has been the most effective chairman this Congress has seen in many, many years.

He has assembled a very able, very capable, very professional team; and he has provided leadership for that team. And he has worked on a bipartisan basis. Every member of this committee, which is the largest committee in the history of the Congress, feels that they are part of the historic legislation, TEA-21, AIR-21; and we have laid the foundation for Water-21.

This does not just happen by accident. We have to have a leader. And the gentleman from Pennsylvania (Chairman SHUSTER) has provided that leadership. We have to have a very capable staff, and he has exercised the sound judgment to assemble a team second to none.

So as we look back on these 6 years, and incidentally, I think the idea of term limiting chairmen is crazy. I think the gentleman from Illinois (Mr. HYDE) had it right when he said it is a dumbing down of Congress. If we have good people in positions of major responsibility, we ought to keep them there. I might add, I am going to be a big beneficiary of term limits. But that is another story for another day.

But let me say in conclusion, this is a good bill. It came from a very productive committee that has had very able leadership. And I, for one, want to salute our very distinguished chairman as he brings this conference report to the floor for our consideration.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to thank the gentleman from Minnesota (Mr. OBERSTAR) and many other Members in this body. He has spent hours and hours learning about the issues in other parts of the country and my part of the world. In San Diego, California, I know how much time he has spent. He has asked his staff to make sure they understand the problem. He had legitimate questions and concerns, but he ended up fighting with us and for us to achieve this goal. And I thank him from the bottom of my heart.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking Democratic member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate the kind words of the gentleman.

But, Mr. Speaker, no one has been more persistent or vigorous in pursuit of a goal than has the gentleman from California (Mr. FILNER). He has doggedly pursued with the determination and with copious documentation the goal that we achieve today on this floor, and I compliment the gentleman on his extremely able representation of the people of his district. And I appreciate the partnership that has resulted also with the gentleman from California (Mr. BILBRAY) in equally pursuing. Practically the first issue that he discussed with me after his swearing into the Congress a few years ago was this very issue, and I have not forgotten.

I concur in the remarks of the able chairman of the Subcommittee on Water Resources. Our distinguished full committee chairman, on many occasions I have referred to his extraordinary leadership and record of accomplishment. But I am just a little puzzled. This should not be the last bill that the chairman brings to the House floor. We are hopeful that there will be another that will be a fitting cap to the chairman's distinguished career in the House and we finally act on the Water Resources Development Act.

I also want to pay deserved tribute to the gentleman from Pennsylvania (Mr. BORSKI) who has devoted an enormous amount of time to this legislation, of course to the gentleman from New York (Chairman BOEHLERT) for his pursuit of environmental protection on our committee. I appreciate the partnership that we have had and the leadership that he has given, Mr. Speaker.

The primary focus of this legislation is restoration of estuaries. In the Nation's ocean coastal regions, the estuary is the great meeting place of salt and fresh water, the great meeting place where new forms of life are created.

All through the world, there are about a handful of truly extraordinary great resources, estuaries. The Chesapeake Bay is one of those. There are others that we address today in this legislation. And the reason that we focus our attention on this legislation is that whatever drains into the estuary from the land, wherever the ocean meets that fresh water, either we are doing good for the generation of new species or the maintenance of existing species or we are doing irreparable harm.

The legislation that we act on today moves us in the direction of doing right by the fish and the wildlife in these vital transition areas between fresh and salt water.

In the most recent national water quality inventory, States reported that 44 percent of the Nation's assessed estuaries do not meet their designated use, fishing, swimming, supporting aquatic life.

In the Great Lakes, it is even more troubling; a matter that I spent a great deal of time on over my service in the Congress as a Member and previously as a member of the staff. The data on the Great Lakes are troubling. Ninety-six percent of the assessed shoreline miles of the Great Lakes do not meet one or more designated uses.

As expressed in one of the most important indicators of quality of water, fish consumption advisors, if we live anywhere in America, we have five parts per billion PCBs in our body. If we live within 25 miles of one of the Great Lakes and eat fish once a week, we have up to 440 parts per billion PCBs in our body.

We need to clean those estuaries. We need to remove the sediment on the bottom. We need to take those permanent toxins out of the bottom where they have been deposited over decades and remove them so that we can restore the health of the fishery and the health of the people who depend upon that beneficiary.

This bill does not address that issue, nor do I raise an issue about that. I just make the point that there is much more work for us to be done.

The $275 million over the next 5 years authorized under this bill will enable the Secretary of the Army and the Corps of Engineers to restore estuarine habitat. The cost will be shared with local sponsors to improve degraded estuaries and estuarine habitat, the goal of building a self-sustaining system integrated into the landscape surrounding the estuaries.

One important aspect of this program is the participation of nonprofit entities as local sponsors. The conference report allows nongovernmental organizations to act as local sponsors of estuary restoration projects after consultation and coordination with the appropriate State and local officials. Unlike the House-passed version of the bill, the conference report does not require the approval of the governor of a State before a nongovernmental organization can act as the non-Federal cosponsor.

I want to express to the chairman my great appreciation for his cooperation in working this matter out. It was very important to me and to the regions that I represent of Minnesota and those throughout the Great Lakes to have come to this accommodation, and I appreciate the chairman's assistance.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, as previous speakers have said, I would like to also add my comments and praise and respect to the gentleman from Pennsylvania (Chairman SHUSTER) of the Committee on Transportation and Infrastructure. It has been my experience in dealing with the gentleman from Pennsylvania (Chairman SHUSTER) that we have had for a number of years an honorable, professional relationship. The chairman has helped with this package of restoration bills to restore a number of problems throughout this Nation, and I want to thank him for that.

□ 1730

We are here to pass the conference report that will do a great deal as far as restoring America's estuaries and other problems throughout our coastal regions and the Great Lakes of the United States. We are here because our approach to these problems has not been the best in the past. Our approach to deal with the Nation's estuaries and the Great Lakes have been the responsibility of, for example, the Corps of Engineers, Fish and Wildlife, Department of Agriculture, EPA, National Marine Fisheries Service, U.S. Geological Survey, and the list goes on and on and on; and each of those Federal entities has been responsible for a certain piece of the whole.

Now, they have also been responsible for things like dredging, which degrade estuaries; bulldozing; the building of dams; draining; paving; sewage discharge. The list goes on there as well.

Each of those areas, draining, bulldozing, sewage discharge, dredging, damming, air pollution, all of those things has a degrading, fragmenting effect on our estuaries. And each of the Federal agencies has approached each of those entities as something distinct and separate.

What this legislation does is it brings all of those Federal agencies and their appropriate counterparts on the State level, the local level, and the private sector and it sees the estuaries as a whole. The entire ecosystem not only will be researched and studied, but will be restored. The grasses will be replanted. The oysters, instead of oyster bars, will have oyster reefs. The migrating songbirds will have a place to rest on the way to South America. The migrating Canada geese or the snowgeese or the shad or any other fish species that we can think of will come back because the ecosystem, instead of being fragmented, will begin to become whole.

Mr. Speaker, I urge my colleagues to vote "aye" on the conference report. I thank the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the committee, once again for his help with this legislation.

Mr. FILNER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Mrs. THURMAN), my good friend.

Mrs. THURMAN. Mr. Speaker, the love fest that is going on around here obviously makes us all feel very good about what this committee has accomplished over the last couple of years in transportation and in water issues, and so I give my congratulations to all of my colleagues for the work that they have done. I do not serve on the committee, so I am expressing great gratitude to all members who have worked over the last several years with me.

Mr. OBERSTAR. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, she may not serve on this committee, but she has been so persistent in pursuit of the issues that she and the gentlewoman from Florida (Mrs. FOWLER) have both coordinated on, that this is a better bill because of the gentlewoman's persistence.

Mrs. THURMAN. Mr. Speaker, reclaiming my time, I thank the gentleman for those kind words.

I have to say that I am very excited about the Alternative Water Sources Act being put into this conference report. For 20 years in various capacities, whether on the city council or in the State Senate, I have worked on alternative water sources because of some particular problems in the State of Florida. Those problems sometimes are issues where in counties that I live and represent, we have an abundance of water and to the south of me, there is not as much water. So there is always this opportunity or problem going on of trying to come in and pipe water down to other areas.

So what we have tried to really do in this piece of legislation is to work with the technology that is available across this country for providing alternative water sources, because we are finding that States and other places are actually having to hunt for this water for drinking and agriculture and industrial and commercial uses.

What the bill represents is the beginning of a long-term, sustained effort to meet our future water needs. Over the years, Congress has adopted many water programs: some deal with quality and others deal with quantity. But the Alternative Water Sources Act will help States meet ever-expanding demands for water. This bill establishes a 3-year, $75 million program to fund water projects that conserve, reclaim, and reuse precious water resources in an environmentally sustainable manner.

As a result of innovative technology, such as deep-well infusion, new methods of reusing and enhancing area water supplies can be applied today. And if we use or improve this technology in one part of the country, it will help other parts of the country because it will reduce pressure to move water from one region to another.

A quote from the Christian Science Monitor on April 14 said, "Whether it is desalinization, capturing rainwater, water-saving farming methods, or water pricing structures that impel greater conservation, humanity should use every tool available to safeguard this most basic natural resource."

Alternative water projects provide an important tool to safeguard this to safeguard these resources. And I realize that water reuse alone will not solve coming water problems. But I do believe that a real national water policy, that actually the gentleman from Minnesota (Mr. OBERSTAR) and I talked about on this floor, must include improved conservation programs. I think this is a great first step.

Mr. Speaker, I am looking forward to the road that we travel next year in the 107th Congress. The only thing that I will miss is the gentlewoman from Florida (Mrs. FOWLER), who has been steadfast, as always with tenacity, in helping us move this legislation along and her friendship, and her confidence in this piece of legislation is deeply appreciated. I will miss the gentlewoman, and I know she will be with us working right alongside of us anyway.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I also rise in strong support of the conference report on S. 835, the Estuaries and Clean Waters Act of 2000. This bill is a combination of eight important water-related pieces of legislation, and it does represent the true bipartisanship of the Committee on Transportation and Infrastructure.

I do also want to add my commendations to the gentleman from Pennsylvania (Chairman SHUSTER) to those of my colleagues for his tireless efforts on this important legislation and his effectiveness as chairman, because it has been a real pleasure and an honor for me to serve on the Committee on Transportation and Infrastructure and as a subcommittee chairman under his leadership for the past 6 years.

I would also like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST), and the gentleman from Pennsylvania (Mr. BORSKI) for their work on this important piece of legislation and all of their assistance that they provided in getting us to this point.

Mr. Speaker, I have worked on title VI of this bill, the Alternative Water Sources Act, with my colleague, the gentlewoman from Florida (Mrs. THURMAN), and she has worked tirelessly on this, and she is a true friend. This measure will create a pilot program providing Federal matching funds under the Clean Water Act to assist eligible States with the development of alternative water sources projects to meet the projected water supply demand for urban development, industrial, agricultural, and environmental needs.

Many will say our existing water supply is sufficient, but our children could have an uncertain future when they turn on the faucet. There are many

States, including Florida and New York, where the increase in population growth has put a significant strain on their water supply. That is why we need to encourage States to be forward thinking when it comes to water supply and alternative sources. A new Federal partnership is needed to avoid a crisis, a partnership that will ensure our water supply will keep pace with population growth and protect this natural resource.

So, I again want to thank the leadership of this committee for all of their hard work on this, and I encourage my colleagues to support this important legislation.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from California (Mr. FILNER) for yielding me this time.

Mr. Speaker, let me start by commending the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), chairman and the ranking member of the committee. I have to say, while I have not always agreed with the chairman and the ranking member, I have the greatest respect for them and I think they have been the most effective team in the time that I have spent in the House. And quite frankly, they have been a model for how this House ought to operate, and so I commend both of them, particularly the gentleman from Pennsylvania (Chairman SHUSTER), as well as the chairman and ranking member of the subcommittee.

I have had the opportunity to work with them on a number of pieces of legislation, even though I do not sit on the committee; and both the full and subcommittee chair and ranking members have always been helpful. If a Member has a good idea, they are willing to listen and work with them.

Mr. Speaker, I rise in strong support of the conference report on S. 835, the Estuaries and Clean Water Act. I want to commend our colleague, the gentleman from Maryland (Mr. GILCHREST), for his work on this, and in particular on the National Estuary Act of which he is an original sponsor and I am one of the cosponsors. This bill is tremendously important to restore all of our national estuaries, including Galveston Bay, which borders my district in Texas.

Galveston Bay produces two-thirds of Texas' oyster harvest, one-third of Texas' bay shrimp catch, and one-quarter of Texas' blue crab catch. Galveston Bay's watershed is heavily industrialized and densely populated. Since the 1950s, 30,000 acres of wetlands have been lost in this estuary. Wastewater discharges into Galveston Bay account for half of Texas' total wastewater discharges every year. Like many of America's beloved bays and estuaries, the productivity of Galveston Bay has declined. Local community response, however, which is necessary, is facilitated by this act.

The report authorizes $275 million over 5 years in a matching grant for locally developed estuary habitat restoration projects. The goal of this money is the restoration of a million acres of estuary over the next 10 years. Only with our help will estuaries continue producing food, water quality, employment, and recreation benefits along America's coastlines.

I am also pleased that the conference report authorizes an additional $175 million for the National Estuary Program. These funds will be used to develop and implement comprehensive programs in estuaries of national significance, including Galveston Bay.

As proof of the ability of local communities and organizations to take on estuary restoration, I would like to share this about Galveston Bay. The Galveston Bay Foundation was created under the National Estuary Program, and they have undertaken the ambitious program of restoring 24,000 of the 30,000 estuary acres lost, habitat acres lost in Galveston Bay. Assisted by the National Estuary Program, the foundation also monitors water quality by training volunteers in distributing monitoring equipment.

In addition, I would add that the Galveston Bay Foundation has been the catalyst for developing an environmentally sensitive approach to the deepening and widening of the Houston ship channel, which was authorized under WRDA 1996 bill. So I think from Galveston Bay, and this is true with the other bays around the Nation, the Galveston Bay Foundation has proved that the National Estuary Program works and that the National Estuary Act can work as well.

Mr. Speaker, I commend the chairman, ranking member, and the subcommittee chairman and ranking member for having the foresight to move this bill; the gentleman from Maryland (Mr. GILCHREST) for authoring it; and I hope the other body will pass it and the President will sign it.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Orleans, Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I too rise in strong support of this conference report on the Estuaries and Clean Water Act of 2000. I speak with personal knowledge of the importance of this effort, because of Lake Pontchartrain, a lake that lies largely within my congressional district. It is vital to the health of the entire region. It is vital to the quality of life, to the economic health of the region, and so too with the other estuaries we address in this bill.

It is not a case of people versus the environment somehow. It is people and the environment, hand in hand. Lake Pontchartrain is a good example; 5,000 square miles in the Pontchartrain Basin that encompasses 16 parishes in Louisiana as well as four counties in Mississippi, one of the largest estuaries in the United States. In the middle of it, Lake Pontchartrain, 630 square miles, the second largest lake in the United States after the Great Lakes. The population center, of course, for Louisiana, being surrounded by 1.5 million residents.

But we have had problems in that estuary system over the last 60 years. Wetlands loss, human activities, natural forces have all had adverse impact on the basin. Wetlands around the basin have been drained, dredged, and filled and channeled for oil and gas development. Storm water discharges, inadequate wastewater treatment, agricultural activities, all of these activities have significantly degraded water quality.

Loss of wetlands due to subsidence, salt water intrusion, and hurricanes have also harmed the basin wildlife population so that 13 species are actually on the U.S. Fish and Wildlife Service's threatened or endangered list. And today, swimming is still not allowed on the south shore due to high levels of pollution.

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As a result of this, I introduced last September the Pontchartrain Basin Restoration Act, and that is included in this conference report. It will create a coordinated, technically sound program that will truly bring restoration of the basin to the next level.

I want to thank everyone who was so helpful in passing this legislation in the conference report, certainly including the chairman, the ranking member of the full committee and the subcommittee and the subcommittee staff.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN), a great member of our committee and a great advocate for the people of Florida.

Ms. BROWN of Florida. Mr. Speaker, I come to the floor to express my strong support for the conference report. This bill is important to the citizens of the State of Florida and it contains provisions that would improve quality of life and contribute to the cleanup of Lake Apopka, Florida's second largest but most polluted lake.

For months I have worked with Senator BOB GRAHAM and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), along with Members of the local community, such as Commissioner Bob Freeman of Orlando and Friends of Lake Apopka seeking to get Federal help in tackling this problem of Lake Apopka.

Before the Second World War, Lake Apopka was a nationally known bass fishing and vacation spot. This 31,000 acre water body supported over two dozen fish camps as well as numerous hotels, restaurants and other businesses. This authorization is a well-deserved effort that includes Lake Apopka in a priority demonstration program under Clean Lakes administration by the EPA.

Regarding alternate water, I would like to congratulate also the gentlewoman from Florida (Mrs. THURMAN) and the conferees for their determination in getting a new grant program within EPA for alternate water sources.

I was proud to cosponsor this bill when it was introduced in the House, and I am very delighted it is included in this conference report. We must address the critical water resource needs of our expanding communities, especially in my home State, which so happens to be the fourth largest State and growing rapidly.

Mr. Speaker, the Water Infrastructure Network released a comprehensive report at the Conference of Mayors' press conference recently here at the Capitol on the crisis facing the Nation's waste water and drinking water systems. The report concluded that there is an "increasing gap between the Nation's water infrastructure needs and the Federal Government's financial commitment to safe and clean water."

This bill is a good start, and I want to commend the parties involved.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me time, and I want to commend the gentleman from Pennsylvania (Chairman SHUSTER) for his outstanding leadership of the Committee on Transportation and Infrastructure in these 6 years of his chairmanship and thank him and the gentleman from New York (Mr. BOEHLERT) for their thorough and careful negotiating of this bill with the Senate and my colleague, the gentleman from Maryland (Mr. GILCHREST), who was so instrumental in writing this estuary bill which will restore 1 million acres of estuary habitat over the next 10 years through a voluntary incentive-based program. I believe it is going to serve the Nation admirably and enable us to do something we have long needed to do, which is better protect our estuaries.

In this bill is the Long Island Sound bill that the gentleman from New York (Mr. LAZIO), with Republican and Democrat backing from New York, and I, with the same broad backing from Connecticut, spearheaded. It will provide Connecticut and New York with the help they need to restore the Long Island Sound to full health so that all of our constituents can enjoy its beaches, its seafood and the products that come through its ports.

As important, this bill's provisions in regard to the Long Island Sound provide Connecticut and New York with the flexibility that they need to develop innovative approaches to cleaning the Sound, while reducing costs for small communities and impoverished cities.

Indeed, we cannot do things in the future in exactly the same way we have done them in the past. We must achieve the same goals, but we must do it in a way that does not destroy the taxpaying base of our small rural communities with their rather set tax capability or harm our impoverished cities.

So this bill provides flexibility to allow States like Connecticut and New York to develop the kind of innovative and cost-effective approaches using the most modern technologies to address the problems of Long Island Sound and restore it to its health.

I thank the chairman for his leadership and his support.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Estuary Restoration Act is good for the Nation and thus good for California. I commend the leadership of the House and the Committee on Transportation and Infrastructure for their hard work to bring this conference report before us.

This act demonstrates congressional commitment to restoring one million acres of estuaries over the next decade, while promoting a constructive partnership among all levels of government and the private sector.

This conference report directs the Secretary of the Army to give priority consideration to the Los Cerritos wetlands, located in the district that I represent. Restoration of these wetlands will help retain natural habitat in Los Angeles County and improve the quality of life for residents throughout the area. Los Angeles County has lost more than 93 percent of its coastal wetlands. Los Cerritos represents one of only three sizable areas remaining that could be restored and could include nearly 400 acres when completed.

The Estuary Restoration Act provides critical help to our Nation's environment, and I strongly urge support for this vital legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BILBRAY)

Mr. BILBRAY. Mr. Speaker, I would like to thank the chairman for not only this bill, for including my bill into this package, but also all of the work that he has done to help us with the Tijuana sewage problem in San Diego Imperial Beach area. I want to thank the ranking member for his sensitivity to it. I know we have been discussing this a long time.

This bill that the gentleman from California (Mr. FILNER) and I have been working on that has been included in this package is actually one that goes back to a recognition that 20 years ago the Federal Government of the United States decided that the Tijuana estuarine area was so important environmentally that 50 percent of the City of Imperial Beach, my hometown, had to be taken by condemnation to be able to preserve it for future generations.

Sadly, Mr. Speaker, is the fact that from the month that that designation of estuarine preserve was given by the Federal Government, the estuary has been polluted by foreign sources of sewage. I want to commend the chairman and the ranking member, because in this bill, it is the first comprehensive, long-term strategy to address that pollution problem that has existed for all too long.

I think it recognizes the fact that if the Federal Government thinks that the Tijuana estuary is so important to preserve by taking it in possession, it is also important enough to make sure it is not polluted and destroyed by a foreign government's adverse activity through the introduction of sewage. This bill will finally have that comprehensive approach and do it in a way that is not only not piecemeal, but actually binational as we work into it.

I think again, as we have said before, the fact is that this bill will include a prototype that I would ask my colleagues to look at, that will not only work in Imperial Beach and San Diego and the Tijuana estuary, but I think will be the vanguard of environmental strategies around the world, and that is paying for a service done, rather than a project built; paying for the environment to be cleaned up, not for a plan or a project that hopefully will clean up the problem.

This is not the end, but it is definitely the beginning of the end of addressing a problem that some of us have worked on for over 20 years and spent many years working on.

I want to thank everyone involved, and the estuary and the people that live around the estuary will thank you for this for years to come.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I have had the privilege and the pleasure of serving on the Committee on Transportation and Infrastructure for the past 2 years. The gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), have disproven an old thought or an old perception that you cannot have it both ways, you cannot rebuild

America's infrastructure and at the same time improve the environmental conditions here, and this is one of the best examples of that. I want to thank them for all of their hard work.

Earlier this year, this House passed the Clean Lakes Act by an overwhelmingly bipartisan vote of 420 to 5. I introduced the Clean Lakes bill because I have a strong belief that we can make a difference in preserving the environment for future generations. I am pleased to see the Clean Lakes bill included as amendment to S. 835, and I am proud of the hard work that went into the conference report, and strongly support its passage today.

This single bill encompasses eight excellent programs that will advance clean water initiatives across the country and will benefit the generations to come by cleaning up and restoring many of our estuaries, sounds, beaches, bays, basins, keys and lakes.

I just want to take a moment to focus specifically on the Clean Lakes Program. Where I am from, which includes the Catskill and Adirondack mountain ranges in upstate New York, the very lives of our lakes are threatened. This bill forwards a number of initiatives that will allow us and give us the resources to fight the fight that we need to, to ensure that their pristine nature and the way of life that many of my constituents know today can be preserved.

Again I want to thank both the chairman and the gentleman from Minnesota (Mr. OBERSTAR) for their terrific work.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, again I want to thank the chairman and his staff, particularly Carrie Jelsma, was very helpful to us and worked so hard; the gentleman from Minnesota (Mr. OBERSTAR) and his staff, they worked overtime to help the people I know in my area; and I am sure throughout the Nation. I want to thank the staff of the gentleman from California (Mr. BILBRAY), Dave Schroeder, and my own staff member, Mary Niez, who worked tirelessly on this bill.

Mr. Speaker, thanks from many parts of the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while we are hopeful that we might have legislation to bring to this floor in the waning days of the Congress, that may well not be the case, so this could well be the last legislation that we will have before the body during my stewardship over the past 6 years as chairman of Committee on Transportation and Infrastructure, the largest committee of the Congress, 75 members, as well as the most productive.

I want to thank all of my colleagues on both sides of the aisle for their tremendous support in working to pass as much legislation as we have indeed passed to build America. The extraordinary bipartisanship of our committee is the reason why we were able to be so productive.

My dear friend, the gentleman from Minnesota (Mr. OBERSTAR), and I have worked shoulder to shoulder with all the members on both sides of the aisle. Over these past 6 years, this committee has passed through this House 265 bills, of which 109 pieces of legislation have been signed into law, an unparalleled record. Indeed, not only have there been a large number of bills come through our committee, but, as a result of the bipartisan effort in the committee and in this House, historic legislation as well.

We have put finally, after many years of battle, trust back into the transportation trust funds, in TEA-21, a $218 billion transportation to rebuild America, the largest transportation bill in the history not only of the United States but of the world, and yet no tax increase, because we simply unlocked the trust fund so the money the American people pay into that trust fund for transportation could be used.

Likewise, with AIR-21, a $40 billion bill to not only invest in building our aviation system, but to reform it as well. And, goodness knows, we need that investment and that reform in our aviation system. AIR-21 takes effect October 1, so it has just been in effect for a few weeks now. But in the months and years ahead, I am sure the American people will see the positive impact of that legislation.

We passed major environmental legislation to clean up our lakes and our waters, our water and sewer systems. We passed economic development legislation to create jobs and stimulate the economy. The committee indeed is the building committee of the Congress, and that is what that committee has been about for the past 6 years, on a totally bipartisan basis.

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Mr. Speaker, I insert for the RECORD a report entitled "Building a Transportation and Infrastructure Legacy, Accomplishments of the House Committee on Transportation and Infrastructure in the 104th, 105th, and 106th Congresses."

BUILDING A TRANSPORTATION AND INFRASTRUCTURE LEGACY, ACCOMPLISHMENTS OF THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 104TH, 105TH, 106TH CONGRESSES

INTRODUCTION

The House Transportation and Infrastructure Committee has been a Committee of accomplishment. During the past six years, under the bipartisan leadership of Chairman Bud Shuster (R-PA) and Ranking Members Norm Mineta (D-CA) and James Oberstar (D-MN), the Committee has been a driving force in renewing America's commitment to building assets and promoting safety in all modes of transportation and key aspects of environmental protection. The T&I Committee succeeded in restoring integrity to the Highway and Aviation Trust Funds after nearly three decades of fiscal abuse, enabling us to make much-needed improvements to our roads, bridges, transit systems, airports, and air traffic control system in a fiscally responsible manner and without increasing taxes. In the spirit of Teddy Roosevelt's leadership on the Panama Canal and Dwight Eisenhower's on the Interstate Highway System, the Transportation and Infrastructure Committee has renewed the country's commitment to our national transportation network as the cornerstone of a strong economy. It is a legacy that will last well into the 21st Century.

Whether it be a renewed investment in highways and transit systems contained in the "Transportation Equity Act for the 21st Century" ("TEA 21"), a commitment to modernization and expanding our aviation system found in the "Aviation Investment and Reform Act for the 21st Century" ("AIR 21"), a reform package to help the financially troubled national passenger railroad Amtrak achieve solvency, changes to our international ocean shipping regulations to encourage competition and increase U.S. exports, or assistance for water and wastewater infrastructure and hazardous waste cleanup, the T&I Committee has worked in a bipartisan fashion to address the needs of America's communities.

In addition, the Committee has worked hard to make sure that—both through proper investment and appropriate federal oversight—the public safety is protected in all modes of transportation. Through its six subcommittees—Aviation; Coast Guard and Maritime Transportation; Economic Development, Public Buildings, Hazardous Materials, and Pipeline Safety; Ground Transportation; Water Resources and Environment; and Oversight, Investigations and Emergency Management—significant time was devoted to safety oversight of aviation, railroads, motor carrier and truck safety, pipelines, commercial vessel and recreational boating safety, and public buildings, including increased federal security in the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

An equally important Committee responsibility is that of protecting our environment. The Subcommittee on Water Resources and Environment has led the effort to increase assistance for community water infrastructure systems and to protect and restore degraded or threatened waters and watersheds. The results have been landmark laws, such as Water Resource Development Acts, other bipartisan, broadly supported bills as well as probing oversight hearings that have ushered in significant administrative reforms for controversial Superfund and Clean Water programs. The Coast Guard and Maritime Transportation Subcommittee also developed legislation to help the Coast Guard improve the enforcement of Federal laws protecting the marine environment, including the reduction of solid waste pollution and oil spills from vessels. The Subcommittee also conducted extensive oversight hearings on marine environmental protection.

During the six years that the T&I Committee was led by Chairman Shuster, it grew from a 61-Member panel to a 75-Member panel—the largest in the history of Congress. To carry out its broad responsibilities, the Committee held 314 hearings, passed 265 bills through the House, of which 109 have been enacted into law to date.

RESTORING TRUST TO THE TRANSPORTATION TRUST FUNDS

When the Highway Trust Fund was established in 1956, the principle was simple: motorists would pay a tax that would be put into a Trust Fund dedicated to improving the nation's roadways. In 1970, the same framework was applied to the establishment of the Aviation Trust Fund. Unfortunately, the principle was compromised. For three decades, more money was collected than was actually spent on road improvements. Each year, the unified budget "borrowed" money from the trust fund to offset other federal spending. In 1995, the Highway, Aviation and two smaller water infrastructure trust funds had a combined balance of about $30 billion that, under the Administration's proposal, was expected to balloon to $77 billion by 2002.

Under Chairman Shuster's leadership, the T&I Committee launched a successful campaign that released billions of dollars in highway, transit and aviation funds and established permanent budget reforms that restored integrity to the Highway and Aviation Trust Funds and provided a precedent for unlocking the water trust funds.

Beginning with the introduction of H.R. 842, the "Truth in Budgeting Act" in the 104th Congress, which had 224 cosponsors and passed the House by an overwhelming vote of 284–143, and a subsequent amendment to the FY 1998 Budget Resolution that again demonstrated the strong support for unlocking the trust funds, the foundation was paved for passage of critical budget reforms in the 105th Congress with the enactment of TEA 21 (Public Law 105–178). This landmark legislation reauthorized the nation's highway and transit programs and changed the budget treatment of the Highway Trust Fund, thereby permanently protecting it from budgetary abuse.

In the 106th Congress, the Committee focused its effort on unlocking the Aviation Trust Fund. Again, budget reforms were instituted as part of the AIR 21 (Public Law 106–181), that are just now resulting in significant increases in funding for much-needed airport expansion and air traffic control system modernization.

INVESTING IN AMERICA AND OUR COMMUNITIES

One of the oldest responsibilities of the federal government is the establishment and maintenance of our transportation and infrastructure system. Beginning with ocean ports and waterways, then later roads, railways, and airports, the government made the necessary investments and the nation prospered. In today's increasingly global marketplace, the need for an efficient transportation network is more important than ever before. Moreover, assuring modern environmental and water infrastructure is both a quality of life issue and, for many communities, an economic necessity.

The T&I Committee's flagship achievement was the 1998 enactment of TEA 21, which reauthorized the nation's highway, transit, motor carrier, and highway safety programs for fiscal years 1998–2003. This historic legislation created, for the first time, a statutory link between highway and transit investment and the fuel excise taxes paid by motorists and deposited into the Highway Trust Fund.

TEA 21 puts the financial resources of the Highway Trust Fund to work rebuilding and improving the nation's infrastructure, which had suffered from anemic under-funding during the past several decades. The overall authorized levels of $218 billion represents a 43 percent increase in funding for roads, bridges, and transit systems nationwide. These increases were accomplished without increasing taxes by simply unlocking the money already being collected from system users. Moreover, the budget reforms mean that, if Trust Fund receipts increase in the future, the amount available to maintain and improve our roads and transit systems will increase. It also included a greatly expanded, $3.5 billion rail infrastructure revolving loan program to help communities address serious transportation choke points at major port, transloading facilities, passenger terminals and other intermodal facilities.

TEA 21 directly addressed equity concerns of "donor" states by ensuring a fair return on each state's Highway Trust Fund contributions. On an average annual basis, each state will receive more in real dollars than it did in ISTEA, TEA 21's predecessor, and each state will receive a "Minimum Guarantee" of 90.5 percent return on what its motorists contributed. The minimum guarantee replaces the myriad equity programs that existed under ISTEA. TEA 21 also eliminated the donor state "penalty" that counted allocations of discretionary grants against the state's return.

In response to a growing concern over our aviation system's ability to handle the increased demand for air travel since deregulation of the airline industry, the Aviation Subcommittee sponsored and the House passed H.R. 2276, "The Aviation Revitalization Act," to help the Federal Aviation Administration address some of the barriers to system improvements. These include changes to cumbersome personnel rules so the agency can move its most experienced air traffic controllers to areas of greatest needs and a simplification of procurement requirements in order to more quickly acquire advanced technology. The most significant of these reforms were ultimately enacted in the DOT appropriations bill.

In H.R. 3539, the "Federal Aviation Authorization Act" (Public Law 104–264), the Committee went further, increasing funding to enable FAA to hire and train additional maintenance and flight inspectors to achieve a higher level of safety for the flying public. It was in this legislation that Congress established the National Civil Aviation Review Commission to make recommendations on long-term actions to address increased demand.

In 1997, the National Civil Aviation Review Commission's report said that, "Without prompt action, the United States' aviation system is headed toward gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy, and hurt our position in the global marketplace. Lives may be endangered; the profitability and strength of the aviation sector could disappear; and jobs and business opportunities far beyond aviation could be foregone."

In response to these findings and ever-growing frustration on the part of passengers across the country, the Committee successfully passed the AIR 21. Significant increases in funding for air traffic control modernization and airport expansion are just now being realized as a result of this landmark legislation. While the effects will not be immediate. FAA will now have the resources to modernize the air traffic control system and expand airport capacity, thereby reducing chronic delays, which have crippled the aviation system and frustrated passengers.

The T&I Committee continued to champion the Economic Development Administration (EDA) and the Appalachian Regional Commission (ARC), both founded in 1965 to address the chronic poverty in economically distressed regions of the country. Through highway and safe drinking water investments, as well as investments in technical and vocational schools and health care facilities, the Appalachian region has seen its poverty rates cut in half and its employment rate and number of high school graduates double. It is a dramatic example of how investment in roads and other public infrastructure can spur economic growth and reduce poverty. The 105th Congress reauthorized these programs (Public Law 105–393), providing $1.8 billion over 5 years to EDA and $207 million for three years to ARC. In the case of EDA, it was the first time in seventeen years that the agency's mission was formally reauthorized, so agency reforms were also instituted to better direct its activities to the most distressed communities.

The T&I Committee also maintains jurisdiction over the nation's water infrastructure, including ports, inland waterways, drinking and wastewater infrastructure, and dams and other water management infrastructure developed by the Army Corps of Engineers. The Committee has sought to provide significant increases in funding for this infrastructure to help communities meet their ever-growing needs.

The Water Resources Development Act (WRDA) of 1996 (Public Law 104–303), authorizing $5.4 billion in various Corps of Engineers projects and programs, successfully returned Congress and the nation to the two-year cycle for enacting water projects and policy changes. On a bipartisan basis, the Committee authorized 44 major projects for navigation, flood control, shore protection, environmental restoration, hydropower production, water supply, and recreation, as well as scores of other projects and project modifications. WRDA of 1999 (Public Law 106–53), authorizing $6.1 billion in various Corps projects and programs, signified yet another bipartisan success in meeting the nation's water resource needs on a timely basis. Among the highlights: 45 major project authorizations, including a controversial flood control project for the American River in California, a new program for flood control and ecosystem restoration, and modified or additional authorities for critical projects and regional programs for environmental restoration and related infrastructure. WRDA 2000 authorized the Army Corps of Engineers to begin an historic 20-year project to restore the natural water flow in the Florida Everglades as well as authorizing $5.1 billion in flood control, navigation improvements, environmental protection and restoration, and other national water infrastructure projects. The House passed WRDA 2000 on October 19, 2000, by a vote of 394–14.

In addition, the Committee has also approved 200 survey resolutions since 1995, directing the Corps of Engineers to study potential solutions to water-related infrastructure problems throughout the country, as well as four "small watershed program" projects directing the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, to construct projects in rural areas for flood control, water supply, and environmental restoration.

The "Safe Drinking Water Act Amendments of 1996" (Public Law 104–182) included key provisions championed by the T&I Committee. It established a new $1 billion per year state revolving fund (SRF) for drinking water assistance, modeled on and integrated with the Clean Water Act's existing SRF, and included a new $350 million authorization for grants to States for drinking water infrastructure and watershed protection. It also included financial and technical assistance for the District of Columbia's drinking water treatment system and for sanitation needs in Alaska and along the U.S.-Mexico border.

Clean Water infrastructure also has been a major focus of the Committee over the last 6 years, including the development and passage of comprehensive legislation, over a dozen legislative and oversight hearings, and countless discussions with appropriators and members of the Executive Branch. The Committee has consistently sought to help communities and state and local water officials in their campaign to win more funding for core programs under the Clean Water Act, such as the SRF, and for grants to hardship communities, rural areas, and states for wastewater treatment, combined sewer and sanitary sewer overflows, and nonpoint source pollution. For example, the House-passed Clean Water Amendments of 1995 authorized over $11 billion for the SRF and $1 billion for nonpoint source grants.

In the 106th Congress, the Committee successfully moved important regional and national infrastructure and water quality bills through the House. For example, the "Estuaries and Clean Waters Act of 2000" authorized approximately $1.6 billion for various coastal and inland projects and infrastructure programs for the country. The House passed the conference report on this legislation (S. 835) on October 25, 2000, clearing the bill for the President.

PROMOTING TRANSPORTATION SAFETY

A key Committee responsibility is oversight of our Federal programs that protect the safety of the traveling public and our communities. The Committee took a number of steps to improve the public safety on board aircraft and marine vessels, and on our nation's roads, railroads, and pipeline transportation network.

Aviation safety played a prominent role during the past six years. In response to National Transportation Safety Board recommendations and at least seven accidents where pilot error was the cause and the pilot had a previous record of poor performance, Aviation Subcommittee Chairman Duncan sponsored the "Airline Pilot Hiring and Safety Act." The legislation, enacted as part of the Federal Aviation Reauthorization Act of 1996, requires airlines to request and receive records of an individual's performance as a pilot before hiring that individual as a commercial pilot. In the 1995 reauthorization of the National Transportation Safety Board (Public Law 104–291), the Committee made changes to facilitate voluntary reporting of safety data. In this year's NTSB reauthorization, the Committee clarified the role of the Safety Board in accident investigations and strengthened the protection of information obtained from voice and flight data recorders.

The Aviation Subcommittee also responded to reports that more people die from heart attacks aboard aircraft than die as a result of aircraft accidents. The Committee enacted the "Aviation Medical Assistance Act" (Public Law 105–170) directing the Federal Aviation Administration to gather data and develop a rule to require that defibrillators be installed on aircraft. Since then, airlines have begun installing defibrillators and many lives have been saved.

Promoting safety of motor carrier operations on our Nation's highways has always been one of the Committee's top priorities. In 1999, in an effort to ensure that motor carrier safety issues were given their due attention and funding with the U.S. Department of Transportation, the Ground Transportation Subcommittee held a series of four hearings to examine the effectiveness of the Federal Highway Administration's (FHWA's) oversight of this ever-expanding industry. The Committee found that motor carrier safety functions were hampered by competition for resources at FHWA.

The Motor Carrier Safety Act of 1999 (Public Law 106–159) transferred motor carrier safety functions and oversight of the motor carrier safety program (MCSAP) out of FHWA and created a new Administration to take over those responsibilities. The Act also equipped the new Federal Motor Carrier Safety Administration with an increase in funding for the MCSAP program and tighter, more demanding commercial drivers' licensing requirements.

In April 1995, a home-made bomb exploded outside the Murrah Federal Building in Oklahoma City, killing 168 people, including several preschool children enrolled in the building's child care center, and causing $500 million in damages to 320 buildings in the vicinity. This tragedy illustrated the vulnerability of federal employees and facilities to random acts of violence. The Committee responded by calling on the General Services Administration to undertake an assessment of security at all federal buildings. In July 1995, the Administration submitted its security assessment and requested over $240 million for upgrades at the nation's federal buildings. For FY 1997, the Committee approved $40 million to ensure that all newly authorized federal buildings, courthouses, and border stations received these security enhancements. The Committee also sponsored the House-passed Baylee's Law, requiring GSA to notify parents enrolling children in child care centers in federal buildings of the current federal agencies occupying the building and the level of security of the building.

To address one of our nation's most dire public health problems, the nation's failure to reduce illegal drug use among America's youth, the Committee moved to tighten the noose around illegal narcotics smugglers. While the Administration has relied on programs to treat and retreat hard-core drug addicts, the T&I Committee has consistently supported Coast Guard drug interdiction efforts, which raise the street price of illegal drugs to deter casual drug users, especially teenagers. The "Western Hemisphere Drug Elimination Act" (Public Law 105–277), represented a bold move by Congress to address the increase in illicit drug use by teenagers over the last eight years. It provided the Coast Guard with an additional $151 million annually to expand its drug interdiction efforts. In addition, the House-passed "Coast Guard Authorization Act of 1999" provides $550 million in additional funding for Coast Guard drug interdiction above the level requested by the President for fiscal year 2001.

In order to strengthen and improve our nation's efforts to combat drunk driving, the T&I Committee adopted a number of broad programs in TEA 21 to reduce drunk driving and accidents and fatalities. These included: a $500 million incentive grant program for states which enact .08 Blood Alcohol Content (BAC) laws; increased funding of $219 million for the impaired driving grant program along with programmatic reforms to include performance-based factors and to target those drunk drivers who pose the highest risk on the roads; and provisions to encourage states to enact open container laws and minimum penalties for repeat offenders.

The T&I Committee has sought, through a number of vehicles, to improve maritime safety. The "Sportfishing and Boating Safety Act of 1998," (enacted as part of Public Law 105–178) increased state funding for recreational boating safety programs. The Coast Guard Authorization Acts of 1996, 1998, and 2000 included provisions to improve maritime drug and alcohol testing programs, provide penalties for interfering with the safe operation of a vessel, and require a more prompt development of the Coast Guard's new National Distress and Response System. The Coast Guard and Maritime Transportation Subcommittee held numerous oversight hearings that highlighted the importance of safety in the maritime environment, including the Coast Guard's vessel traffic systems, commercial vessel safety mission, search and rescue mission, and icebreaking mission, as well as cruise ship safety, and recreational boating safety.

Lastly, the Committee has continued its oversight of the Pipeline Safety Program administered by the Department of Transportation. In the 104th Congress, the Committee reauthorized the pipeline safety program for a four-year term, introducing reform into the burdensome regulatory framework. In the 106th Congress,the Committee again sought to reauthorize the program, as well as address specific concerns raised by serious pipeline incident, which occurred in Bellingham, Washington, and Carlsbad, New Mexico. Towards this end, Chairman SHUSTER brought to the House for consideration S. 2438, a strong, bipartisan pipeline safety bill that passe the Senate 99–0. While the legislation received the support of a majority of House Members, it failed to gain the 2/3 vote required under "suspension," with only 51 Democrats supporting the bill. Some of the major reforms sought by this comprehensive bill included: mandates for periodic testing of pipelines and for training and evaluating safety personnel; significantly increased penalties for safety violators; a lower reporting threshold to require reporting of smaller hazardous liquid spills; an increased state role in the oversight of interstate pipelines; and increased funding for safety efforts. The legislation also included a number of provisions on "right to know" to broaden public access to information on pipeline operations and hazards, whistle blower protection, and establishment of a formal research and development program to develop pipeline inspection and safety technology. It is hoped that Congress will revisit this issue early in the next Congress.

MAKING TRANSPORTATION PROGRAMS WORK MORE EFFICIENTLY

The T&I Committee has jurisdiction over federal agencies that regulate transportation. In 1995, the Committee began looking at ways to make many of the federal regulatory functions perform better. Two early efforts were the Interstate Commerce Commission (ICC), which had economic oversight over the trucking and railroad industries, and the Federal Maritime Commission, which had oversight over ocean shipping. These two agencies, both envisioned as small entities charged with preventing monopolistic practices in their respective industries, had failed to evolve with the changing marketplace.

In the case of the ICC, established more than a century ago to oversee the railroad industry at the start of the industrial revolution, it had become archaic in the modern, global economy. The Interstate Commerce Commission Termination Act (Public Law 104-88) addressed these problems by eliminating the ICC and transferring nearly all of the remaining motor carrier regulatory oversight functions to the Federal Highway Administration. The remaining rail functions were transferred to a 3-member autonomous Surface Transportation Board within DOT. The legislation saved taxpayers money and established a regulatory framework that better ensures competition and smooth functioning of our $320 billion surface transportation industry.

The Federal Maritime Commission was subject to similar criticisms, where tariff filing requirements had saddled shippers and vessel operators with enormous administrative costs and strengthened foreign shipping cartels by providing them with access to the private shipping agreements of their U.S. competitors. In the 104th Congress, the T&I Committee put forward sweeping legislation to provide U.S. shippers and vessel operators with a level playing field in the global shipping industry. The legislation, H.R. 2149, received strong House support. Although the Senate failed to act on that legislation in the 104th Congress, it put forward compromise legislation in the 105th that incorporated many key elements of H.R. 2149. The House accepted the Senate's version and enacted the "Ocean Shipping Reform Act of 1998 (OSRA)" (Public Law 105-258). The most important provision of OSRA allows for "confidential contracts" for ocean transportation. At an oversight hearing a year after enactment, witnesses from the Federal Maritime Commission, international ocean carriers, U.S. shippers, and U.S. labor all reported that the new system was a success. The new system has increased competition in the international ocean shipping markets while allowing individual shippers and carriers to pursue private contracts that provide for the most efficient international ocean transportation arrangements.

The National Highway Designation Act of 1995 (Public Law 104-59) approved the designation of 160,000 miles of U.S. roadway as the National Highway System, and provided $13 billion in Interstate Maintenance and NHS highway funds to the states in 1996-97. The legislation also eliminated a number of federal sanctions that had been imposed on the states in the past, including penalties for states that fail to enforce a national maximum speed limit or compulsory motorcycle helmet laws, and streamlined the delivery of highway and transit programs.

In TEA 21, the Committee remained committed to making Federal highway and transit programs more efficient, working to streamline program delivery and cut red tape. The bill contained a landmark provision to streamline environmental reviews for highway and transit projects, which was backed by the Administration, state and local government groups and environmental constituencies.

Following the ValuJet and TWA airplane crashes in 1996, families who lost loved ones complained about their ill treatment at the hands of both government and airline officials. The Aviation Subcommittee held hearings that resulted in the introduction of the Aviation Disaster Family Assistance Act, which was included in the Federal Aviation Reauthorization Act of 1996 (Public Law 104-264). The law requires airlines to develop plans to handle these situations in the future and gives the National Transportation Safety Board responsibility for coordinating these efforts. As a result, more recent crashes have not given rise to the sort of complaints experienced in 1996. In 1999, the Committee sought to apply a similar framework to rail accidents in the Rail Passenger Disaster Family Assistance Act of 1999, which passed the House but was not enacted.

Under T&I Committee leadership, the 105th Congress enacted the Amtrak Reform and Accountability Act (Public Law 105-134). The bipartisan reforms contained in the Act remove Amtrak from a crippling statutory straight jacket. At the time, Amtrak was headed toward bankruptcy. Similar to legislation the T&I Committee successfully passed through the House in the 104th Congress but which the Senate declined to consider, this Act gave Amtrak the opportunity to operate in a more business-like fashion. Significantly, the Act allowed Amtrak for the first time to contract work (other than food service) with third parties and to evaluate routes based upon profitability rather than a congressionally determined route structure. It also eliminated statutory labor protections that required Amtrak to pay displaced workers a year of severance for each year of service (maximum of six years). Finally, the Act established a new, seven-member Reform Board filled with qualified professionals to provide a much-needed fresh start for Amtrak.

While the reform law provided Amtrak with many new tools, in addition to authorizing vastly increased funding, it did not and could not guarantee a successful outcome. The T&I Committee continues to conduct oversight of Amtrak operations and Reform Board actions. Recent reports from the General Accounting Office and the DOT Inspector General are that Amtrak is not taking advantage of the new law. The decisions it makes in the coming months will determine whether the goals of the reform law are realized.

In the 106th Congress, the T&I Committee worked with railroad labor groups and management to craft a reform package for the financially ailing Railroad Retirement program. The "Railroad Retirement and Survivors Improvement Act" provided long-term solvency to the federally-managed railroad pension fund by allowing limited trust fund resources to be privately invested. It also improved employee benefits by lowering the retirement age to 60 (with 30 years of service), increasing benefits for widows, and reducing the vesting period from 10 to 5 years.

Finally, the T&I Committee introduced and passed as part of AIR 21, an amendment to the "Death on the High Seas Act." The Act ensures that families will be treated the same regardless of whether an aircraft crashes on land or at sea. Prior to the enactment of this legislation, families were unable to recover damages for the death of a child as a result of an aircraft accident on the high seas.

ENSURING A CLEAN, SAFE ENVIRONMENT

Over the last five years, the Committee has led the debate on innovative and effective environmental protection for the 21st Century. Legislative achievements and oversight initiatives have translated into cleaner, safer communities, more deference to state and local decision making, and greater emphasis on cost-effective, science-based regulations.

The Committee's bipartisan "Clean Water Act Amendments of 1995," strongly supported by state and local officials, offered a comprehensive, commonsense approach to reauthorization and reform of the Clean Water Act. The House-passed legislation has served as a catalyst for regulatory reform in many ways including: more flexibility for water quality standards to reflect regional and seasonal variations; greater flexibility in the pretreatment and stormwater programs; increased focus on watershed-based effluent trading; greater emphasis on federal-state funding partnerships; increased funding for voluntary approaches to managing agricultural runoff and pilot projects to allow companies and communities regulatory flexibility to achieve environmental goals in more cost-effective ways.

The "Beaches Environmental Assessment and Coastal Health Act of 2000" authorized $150 million for EPA assistance to states to establish monitoring programs to provide the public with information about the quality of coastal recreational waters. This act also strengthens the science behind and effectiveness of water quality standards for coastal recreational waters. Comparable legislation had been pending, and languishing, in Congress for almost a decade. The "Estuaries and Clean Water Act of 2000," comprising 10 separate House-passed bills, authorized $1.6 billion in non-regulatory, federal assistance for Clean Water Act and related programs. Such efforts will help restore and protect estuaries, coastal waters and publicly owned lakes.

Efforts in the 104th and 105th Congresses to enact Superfund reform and address brownfields highlighted the glaring deficiencies of the Superfund toxic waste program: cleanups that are costly, delayed, and ineffective and a liability system that rewards litigation and rejects fairness. The "Reform of Superfund Act," the "Superfund Acceleration, Fairness, and Efficiency Act," and Committee hearings helped push the Administration towards modest reforms to make Superfund cleanups "faster, fairer, and more effective."

In 1996 and 1998, in the annual Department of Defense Authorization bills, the Committee participated in the development of language to encourage the redevelopment of closed bases. Also in the FY 1997 Omnibus Consolidated Appropriations bill, the Committee participated in the development of language to protect lenders from Superfund liability.

The push for administrative reform and legislative overhaul of Superfund continued in the 106th Congress. In an historic vote of 69 to 2, the Committee approved the "Recycle America's Land Act of 1999," reforming key aspects of Superfund liability and revitalizing brownfields. The legislation, which included liability for small businesses and incentives for voluntary cleanups, helped to initiate another round of modest administrative reforms.

With the enactment of the "National Invasive Species Act of 1996" (Public Law 104-332), the Committee expanded and improved efforts to combat problems from invasive, non-indigenous aquatic species (such as zebra mussels), including ballast water exchange procedures and Federal research and demonstration projects. Resulting efforts have benefited municipal, industrial and agricultural water supplies, maritime transportation, and the environment.

Finally, the National Parks Air Tour Management Act, sponsored by Aviation Subcommittee Chairman Duncan, helps minimize aircraft noise over national parks. The legislation, enacted as part of AIR 21, requires the FAA Administrator to prescribe operating conditions and limitations for each commercial air tour operator and, in cooperation with the Director of the National Park Service (NPS), develop a plan before air tours can be conducted over national parks.

Mr. Speaker, indeed, in closing, I want to give my heartfelt thanks to all my colleagues for their tremendous support, because without that support we would not have any accomplishments to insert in the RECORD today or, more importantly, to provide to the American people in the years ahead.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, just briefly, although I have commented many times in committee and on the several bills that we have had, since the gentleman from Pennsylvania (Chairman SHUSTER) is sounding a note this may, indeed, may be our last major bill on the floor, I just want to emphasize for our colleagues that in an era of rancor and divisiveness publicly in the body politic and between the parties and between the two bodies of Congress, this Committee on Transportation and Infrastructure has stood as a model of legislative achievement, as an example of how we can advance the commonweal of the Nation by working together in a relationship of trust and of understanding and of mutual respect.

Mr. Speaker, that is the bond that draws us together and the bond of respect that I hold for the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, and for his leadership, steadfast throughout these 6 years of holding an ideal and working to achieve it.

Together we have accomplished something of lasting value for America, and I compliment the chairman on his leadership, his distinguished contribution to America. That will stand for all time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR), my dear friend, and the key word, I think, is together. We have stood together, and so it is with heartfelt thanks that I thank the gentleman, the ranking member of the committee, as well as all of my colleagues for their tremendous support so that our stewardship of this committee could indeed be one in which we could be proud.

Mr. GEORGE MILLER of California. Mr. Speaker, the decline of estuary habitats—especially in the San Francisco Bay estuary—has been well-documented in the scientific and resource management literature for over 30 years. Tragically, San Francisco Bay has lost over 95% of its tidal wetlands and continues to be besieged by invasive and aquatic nuisance species.

Fortunately, S. 835, the Estuaries and Clean Water Act, will provide a reasonable, balanced approach to both preserve remaining estuarine habitats and to facilitate effective, locally-driven estuary restoration in estuaries like San Pablo Bay and Suisun Bay in my district.

I am particularly pleased that non-governmental organizations (NGOs) will be eligible to participate in this new program. NGOs, such as Save the Bay and The Bay Institute in the Bay Area, embody the locally driven focus of this legislation and provide local expertise and support.

Amendments agreed to in conference also enhance the role of the Estuary Habitat Restoration Council in the selection of projects and the delegation of oversight responsibilities for project implementation. This will bring additional expertise and provide direct ties to other successful Federal-State partnership programs for protecting the estuaries, such as the National Estuary Program, the National Estuarine Research Reserve Program, and the National Marine Fisheries Service's Fishery Habitat Restoration program.

This conference report is good environmental legislation and I encourage my colleagues on both sides of the aisle to support its passage.

Ms. DELAURO. Mr. Speaker, I strongly support the Conference Report on Estuaries and Clean Waters Act. This bill provides critical relief to the Long Island Sound and estuaries across the country.

Estuaries are an integral part of our environment, as well as our economy. They give live to and provide a habitat for many important species, they naturally cleanse our water, they provide protection against floods and storm damage, and serve as a playground for children and families during the summer months. The health of our nation's estuaries are critical to the protection of our natural heritage, and to those who make their lives off these waters.

The Long Island Sound, in particular, is one of the most complex estuaries in the country—10 percent of the U.S. population lives within 50 miles of the Sound and millions more flock to it for recreation every year. It brings in more than $5 billion annually to the regional economy from various activities—all of which require clean water.

However, these natural jewels are in danger of being lost forever, Estuaries are suffering from severe water quality problems, declining habitat quality, and, in some areas, total habitat loss. More than 50 percent of wetlands in coastal states have been destroyed—an amount equal in size to six Grand Canyons.

If you don't want to take my word on how important an estuary can be to our communities and our economy, I invite you to visit with the lobstermen in my district. Walk the docks with them, and listen to their stories. We are suffering a massive lobster die-off in the Long Island Sounds that has virtually wiped out an industry. While we are still searching for the specific cause of the die-off, we do know that a safer, cleaner Sound would mean that incidents like this would be less likely to occur in the future.

This bill provides a sensible approach to a problem that has plagued efforts to clean up our estuaries—the lack of a reliable, steady funding source for implementing conservation and management plans. Cleaning up estuaries cannot be piecemeal effort. This conference report takes a step in the right direction by authorizing the Long Island Sound Program at $200 million over five years—a significant increase over the $3 million a year it currently receives. It takes a comprehensive approach to fix such a complex problem.

That is why I have fought alongside NITA LOWEY to pass the Water Pollution Control and Estuary Restoration Act, which we first introduced nearly eight years ago, and which we fought for again in the current Congress. I want to thank all of my colleagues that have supported this effort over the years, especially my colleagues from Connecticut and New York, who have worked together to bring relief to the Sound. Thank you for working together on a bipartisan approach to fixing a non-partisan problem.

We have an obligation to protect and preserve the Sound for future generations. It is the right thing to do for our children and for our economy, and for men and women—like the Long Island Sound's lobstermen that are still struggling to stay afloat. I urge the House to pass this important legislation.

Mr. SHAYS. Mr. Speaker, I rise today in strong support of S. 835, the Estuary Habitat and Chesapeake Bay Restoration Act.

I would like to thank Mr. GILCHREST for all his efforts in bringing this bill forward.

I am thrilled that we are recognizing the critical importance of estuaries—the diverse, thriving habitats where fresh and salt water mix—and that this legislation will strengthen the all-important partnerships between federal, state, and local interests for estuary habitat restoration.

As a co-chair with NITA LOWEY of the Long Island Sound Caucus, I am particularly pleased that this legislation includes a title on Long Island Sound Restoration.

All of us who live in the Long Island Sound region owe a debt of gratitude to NANCY JOHNSON, and RICK LAZIO for their sponsorship and stewardship of the Long Island Sound Restoration Act.

Republicans and Democrats alike have worked for years on the ongoing local-state-federal effort to restore the Sound, and know just how important this important body of water is.

The Sound contributed over $5.5 billion to our regions economy in 1994—and obviously contributes even more today—through water-dependent activities such as commercial and recreational fishing, boating, and tourism.

The $40 million annual authorization for the Sound in this legislation will make it possible to continue the progress begun six years ago when New York and Connecticut first signed the Comprehensive Conservation and Management Plan (CCMP) for long Island Sound, which in itself was the culmination of 10 years of effort.

Since the implementation of the CCMP, our states have spent an extraordinary amount on Long Island Sound. The federal government has played a small, though vital role.

Today we have the opportunity to back up the promise of the CCMP with a commitment to fund Long Island Sound restoration in line with the Sound's place as the center of a watershed region encompassing 8 million people, with over 15 million living within 50 miles of the Sound's shores.

This is truly an estuary of national significance and one which deserves the support of this body. I urge my colleague to vote for this excellent bill.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 835.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I would ask the gentleman from North Carolina (Mr. COBLE) to explain the procedure and what he is offering.

Mr. COBLE. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, the purpose of the request is to take S. 2915, which improves the Federal Court System by improving its administration and procedures, eliminating operational inefficiencies, and reducing operating expenses, and not to pass the whole bill but to offer an amendment which will make technical corrections, strike section 103, and make modifications to section 309.

Section 103, which I propose to strike, provides that retirement funds contributed by the judiciary be transferred back to the judiciary, which judges for whom the contributions were made elected to transfer to another retirement system.

The amendment also makes modifications in section 309 which deals with insurance programs relating to judges of the Court of Federal Claims.

This amendment is noncontroversial.

Mr. SCOTT. Mr. Speaker, with that explanation, I support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Federal Courts Improvement Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.
Sec. 102. Disposition of miscellaneous fees.
Sec. 103. Transfer of retirement funds.
Sec. 104. Increase in chapter 9 bankruptcy filing fee.
Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Membership in circuit judicial councils.
Sec. 206. Sunset of civil justice expense and delay reduction plans.
Sec. 207. Repeal of Court of Federal Claims filing fee.
Sec. 208. Technical bankruptcy correction.
Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 210. Maximum amounts of compensation for attorneys.
Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.
Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.
Sec. 303. Payments to military survivors benefits plan.
Sec. 304. Creation of certifying officers in the judicial branch.
Sec. 305. Amendment to the jury selection process.
Sec. 306. Authorization of a circuit executive for the Federal circuit.
Sec. 307. Residence of retired judges.
Sec. 308. Recall of judges on disability status.
Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 311. Employment of personal assistants for handicapped employees.
Sec. 312. Mandatory retirement age for Director of the Federal Judicial Center.
Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

"(p) Transfer of Retirement Funds.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.".

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking "$300" and inserting "equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title".

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking "$400" and inserting "the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)".

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: "The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court."; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after "Commonwealth of Puerto Rico," the following: "the Territory of Guam, the Commonwealth of the Northern Mariana Islands,".

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

"(e) CONTEMPT AUTHORITY.—

"(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

"(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

"(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

"(iii) the act constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.".

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.".

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C)."; and

(2) in paragraph (5) by striking "retirement," and inserting "retirement under section 371(a) or 372(a) of this title,".

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$3,500" and inserting "$5,200"; and

(B) by striking "$1,000" and inserting "$1,500";

(2) in the second sentence by striking "$2,500" and inserting "$3,700";

(3) in the third sentence—

(A) by striking "$750" and inserting "$1,200"; and

(B) by striking "$2,500" and inserting "$3,900";

(4) by inserting after the second sentence the following: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "$750" and inserting "$1,200".

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting "Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.".

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after "title 5," and inserting "except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).".

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§ 613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—

"(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"613. Disbursing and certifying officers.".

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "or the clerk under supervision of the court if the court's jury selection plan so authorizes," after "jury commission,"; and

(2) in subsection (b) by inserting "or the clerk if the court's jury selection plan so provides," after "may provide,".

SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.".

SEC. 307. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.".

SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.".

SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

"§ 179. Personnel application and insurance programs

"(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

"(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(1) is retired under section 178 of this title; and

"(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

"(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

"179. Personnel application and insurance programs.".

SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking "or elects" and inserting ", is transferred to a position described under section 6301(2)(xiii) of this title, or elects".

SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(C) an office, agency, or other establishment in the judicial branch;".

SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking "subsection (b)" and inserting "subsection (a)"; and

(2) in paragraph (2)(D) by striking "subsection (c) or (d)" and inserting "subsection (b) or (c)".

SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking "2000" and inserting "2004".

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: ", and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking "Eugene" and inserting "Eugene or Springfield".

AMENDMENTS OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. COBLE:

Strike section 103 and redesignate the remaining sections accordingly.

In section 636(e)(6) of title 28, United States Code, as inserted by section 202 of the bill, strike the semicolons in subparagraph (A) and in clauses (i) and (ii) of subparagraph (B) and insert commas.

In section 179 of title 28, United States Code, as inserted by section 309(a) of the bill, strike subsection (b) and insert the following:

"(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(i) is retired under subsection (b) of section 178 of this title, and

"(ii) at the time of becoming such a retired judge—

"(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

"(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

"(B) Except as provided in subparagraph (C)—

"(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

"(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

"(I) beginning on the date on which eligibility would otherwise cease, and

"(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

"(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

"(i) subparagraph (B)(i) shall be applied by substituting 'the expiration of the term of office of the judge' for the matter following 'before'; and

"(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

"(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

"(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

"(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1) on the last day of such period; and

"(B) the provisions of paragraph (1) shall cease to apply.

"(3) For purposes of this subsection, the term 'open enrollment period' refers to a period described in section 8905(g)(1) of title 5.

In section 310, strike "6301(2)(xiii)" and insert "6301(2)(B)(xiii)".

In section 501, strike paragraphs (1) and (2) and insert the following:

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first,"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II)—

(I) by striking "October 1, 2003, or"; and

(II) by striking ", whichever occurs first"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

Amend the table of contents accordingly.

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from North Carolina (Mr. COBLE).

The amendments were agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2413) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I ask the distinguished gentleman from Arkansas (Mr. HUTCHINSON) to explain the purpose of his request.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, S. 2413, the Bulletproof Vest Partnership Grant Act of 2000, is identical to its House counterpart H.R. 4033, which passed the House on January 26, 2000, by a margin of 413–3.

This legislation will reauthorize the Bulletproof Vest Partnership Grant Program through fiscal year 2004. It will increase the authorized funding to $50 million per year and guarantee that smaller jurisdictions receive full funding available under the program.

Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for making that inquiry.

Mr. SCOTT. Mr. Speaker, with that explanation, I support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—The portion";

(2) by striking "subsection (a)" and all that follows through the period at the end of the first sentence and inserting "subsection (a)—

"(A) may not exceed 50 percent; and

"(B) shall equal 50 percent, if—

"(i) such grant is to a unit of local government with fewer than 100,000 residents;

"(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

"(iii) such portion does not cause such grant to violate the requirements of subsection (e)."; and

(3) by striking "Any funds" and inserting the following:

"(2) INDIAN ASSISTANCE.—Any funds".

(b) ALLOCATION OF FUNDS.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(g)) is amended to read as follows:

"(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.".

(c) APPLICATIONS.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll-1) is amended by adding at the end the following:

"(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

"(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

"(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.".

(d) DEFINITION OF ARMOR VEST.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll-2(1)) is amended—

(1) by striking "means body armor" and inserting the following: "means—

"(A) body armor";

(2) by adding "or" at the end; and

(3) by adding at the end the following:

"(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;".

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term "armor vest" (as defined in section 2503 of such Act (42 U.S.C. 379661l-2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of title I of the Omnibus

Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: ", and $50,000,000 for each of fiscal years 2002 through 2004".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments numbered 2 and 4, concur in Senate amendments numbered 1 and 3, and concur in Senate amendment numbered 5, with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, and the House amendment to the Senate amendment, as follows:

Senate Amendments:

Page 3, strike out lines 19 through 24 and insert:

"(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

"(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

"(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

"(B) the criteria and information used in making each designation.".

Page 7, line 6, after "offense" insert: *or apprehension of a fugitive*

Page 8, strike out lines 17 through 19

Page 9, strike out line 14 and insert:

issuance.

"(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.".

Page 10, after line 8, insert:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking "offense or" and inserting "offense,"; and

(2) by inserting "or (III) with respect to the apprehension of a fugitive," after "children,".

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking "or" and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; or"; and

(3) by adding at the end the following:

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.".

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

"(g) DEFINITIONS.—In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

"(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.".

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

House amendment to Senate amendment No. 5:

In lieu of the matter inserted by the Senate amendment numbered 5, insert the following:

SEC. 6. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 7. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such

subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. HUTCHINSON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arkansas?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I would ask the gentleman to explain the purpose of his request and the amendments that are being proposed.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, H.R. 3048, the Presidential Threat Protection Act of 2000 passed the House by voice vote on June 26 of this year.

The bill was introduced by the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM), to clarify the authority of the Secret Service to protect the President, former Presidents and their families, and candidates for the Office of President and Vice President and their families.

When this bill was considered in the other body, provisions were added that would have authorized the Attorney General to issue administrative subpoenas, principally through the U.S. Marshal Service in connection with investigations of fugitives from justice.

These provisions have caused considerable concern in the House, and in response to those concerns the unanimous consent request that I am making today will strike all of the provisions dealing with the administrative subpoenas in fugitive cases.

The unanimous request retains a provision from the Senate amendment to the underlying bill that requires the Attorney General to establish and fund fugitive apprehension task forces which are comprised of Federal, State, and local law enforcement agencies who work together to catch Federal and State fugitives.

Mr. Speaker, task forces such as these, led by the FBI with respect to violent crimes generally and led by the Marshals Service in fugitive cases, have proven effective over the years and should be continued.

The Attorney General retains the discretion as to where these task forces should be located; however, we believe that fugitive task forces created under this provision should not be located in places where they might overlap with existing FBI violent crime task forces.

Finally, Mr. Speaker, the unanimous consent requests that I am making today retain two minor amendments to the underlying Secret Service bill requested by the Senate.

Mr. Speaker, as I have said, this bill first passed the House by voice vote. The provisions added by the Senate that have caused concern here in the House will be deleted by my request. It is vitally important to the protective operation of the Secret Service that the remaining portions of this bill, the provisions that have passed without opposition, be enacted into law.

Mr. SCOTT. Mr. Speaker, based on the explanation, particularly in light of the disagreement to Senate amendments numbered 2 and 4, and the other amendments I do agree with, I support their concurrence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arkansas?

There was no objection.

A motion to reconsider was laid on the table.

DAIRY MARKET ENHANCEMENT ACT OF 2000

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dairy Market Enhancement Act of 2000”.

SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle C—Dairy Product Mandatory Reporting

“SEC. 271. PURPOSE.

“The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

“(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

“(2) improves the price and supply reporting services of the Department of Agriculture; and

“(3) encourages competition in the marketplace for dairy products.

“SEC. 272. DEFINITIONS.

“In this subtitle:

“(1) DAIRY PRODUCTS.—The term ‘dairy products’ means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

“(2) MANUFACTURER.—The term ‘manufacturer’ means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

“(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the dairy product manufacturing industry.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—In establishing the program, the Secretary shall only—

“(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

“(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

“(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

“(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

“(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

“(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class

IV milk under a Federal milk marketing order;

“(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

“(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

“(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

“(4) ENFORCEMENT.—

“(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

“(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

“(C) APPEAL.—

“(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

“(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

“(D) NONCOMPLIANCE WITH ORDER.—

“(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

“(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

“(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

“(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

“(A) the submission or reporting of information;

“(B) the receipt or availability of, or access to, published reports or information; or

“(C) any other activity required under this subtitle.

“(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

Mr. KIND. Mr. Speaker, I rise tonight to share my strong support for S. 2773—the Dairy Marketing Enhancement Act of 2000. To our nation's dairy farmers this legislation is commonly referred to as the mandatory price reporting bill. This legislation was passed by the Senate earlier today. Identical legislation, H.R. 5495, was introduced by myself, Congressman SIMPSON and others. This legislation is urgently needed to restore producer confidence in the dairy market following recent cheese and butter price/inventory reporting fiascoes that sent markets plunging.

As my colleagues who represent dairy farmers know, recent reporting errors in cheese and butter stocks have highlighted the need to make reporting of storable dairy products mandatory, verifiable and enforceable. A Chicago Mercantile Exchange warehouse reporting error resulted in a sizable inventory adjustment and caused a 10 cent drop in the double a butter price.

This latest inventory reporting error came less than a year after a similar error with the U.S. Department of Agriculture cheese inventory. Following that reporting error cheese prices dropped within a week to their lowest levels in almost a decade. These events have caused a great deal of concern among our nation's dairy producers.

Under current law, manufacturers of dairy products voluntarily provide the USDA with the amount and price of dairy commodities (cheese and butter) that the manufacturer has sold during a given month.

This information is then used by the USDA to establish the minimum monthly prices under the federal milk marketing order system. This legislation will foster a more accurate price and inventory reporting system for dairy products and enable farmers to base business decisions on the most accurate information.

By requiring mandatory reporting, dairy producers will be given more accurate, complete and timely market information. This information will lead to a better price discovery for all dairy products and allow producers and other market participants to make fully informed business decisions with respect to the marketing of raw milk.

Mr. Speaker, since the beginning of the calender year, dairy farmers have experienced excruciating low milk prices. These inhospitable market conditions have resulted in the loss of 3-to-4 family dairy farmers in my home state of Wisconsin each day. With the loss of these farmers, the economies of our rural communities are also placed under extreme financial pressure.

While this legislation is no panacea for ailing milk prices, it will go a long way in improving prevailing attitude and restore some much needed optimism.

It is for this reason that I ask all of my colleagues to join me in passing this simple but important piece of legislation.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of S. 2733. The bill represents a consensus among processor and producer groups. It will benefit the entire industry.

Mr. Speaker, under recently reformed Federal milk marketing orders, monthly minimum prices are determined based on market prices for manufactured dairy products, including nonfat dry milk, butter, cheddar cheese, and whey. USDA determines those product prices by surveying manufacturers. The responses are voluntary and USDA has limited authority to verify accuracy.

Mr. Speaker, because the determination of accurate market prices is key to establishing milk orders that are reflective of supply and demand, processors have agreed to subject themselves to the requirements that will result from the passage of this bill. The bill requires that USDA use the current survey format as a starting point for mandating reporting. For many processors, this will mean that little will change with the establishment of the mandatory program.

Mr. Speaker, in order to ensure accuracy, the bill allows the Secretary to require that reporting companies make their records available for Department audit. Any willful and intentional violation of requirements to make accurate and timely reports is punishable by a civil fine of up to $20,000 under the terms of the bill.

The bill also requires that USDA guard the confidentiality of information from each reporting company.

Mr. Speaker, I urge my colleagues to support S. 2733.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THANKING THE PEOPLE OF THE 12TH DISTRICT OF FLORIDA FOR THE HONOR TO SERVE IN THE UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CANADY) is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, some time in the next few days, the last vote of the 106th Congress will be cast. For those of us who will not be returning next year, that vote will mark the end of our legislative career.

Mr. Speaker, 260 years ago, Samuel Johnson wrote of those "points of time where one course of action ends and another begins," times when "we are forced to say of something, 'this is the last.' "

For those of us who will soon end our course as Members of Congress and begin some new endeavor, the sense of the honor it is to serve here is felt more keenly now than ever before. As I approach the point in time when I am forced to say with the vote I cast that this is the last, I wish to express my thanks to the people of the twelfth district of Florida for giving me the opportunity to serve as their representative over the last 8 years.

What a great privilege it is to serve in this House and to participate in the great American enterprise of government by reflection and choice. What an awesome privilege it is to be chosen to come from the communities we represent to this House and to take on the responsibilities imposed by our oath of office: the responsibility to support and defend the Constitution of the United States against all enemies, foreign and domestic; the responsibility to bear true and faithful allegiance to that Constitution; and the responsibility to well and faithfully discharge the duties of the office on which we enter. I will always be humbled by the knowledge that the people of the district I represent had the confidence in me to entrust me with these important responsibilities.

God has blessed our Nation in many ways. It has been a single blessing for the people of the United States to have a Constitution, a Constitution which has indeed secured for us the blessings of liberty.

Among the chief objects of our Constitution was to establish justice. The work of this House involves many mundane issues of passing significance. Much that takes place here will not long be remembered, but when we act to further the constitutional goal of establishing justice, we deal with matters of enduring significance.

As Members of this House, we can come to stand and to speak in this Chamber. We can rise in this place to speak against injustice; and when truth stumbles in the public square, we can sound a warning that in our life as a people, as well as in our individual lives, nothing is more important than the truth. We can sound a warning that justice is in peril whenever the truth is not respected. As Members, on occasion we have the privilege to stand here in defense of the powerless and to speak for those who cannot speak for themselves. The value of the opportunity to do such things is inestimable.

To all those who have made it possible for me to serve as a Member of this House, I owe a great debt of gratitude, a debt of gratitude which I do not have the words to express as I would like. I can simply say, thank you for allowing me to be your Congressman.

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to talk for just a few minutes about an issue that is critical not only to my district, but to communities and children all across this country. This issue is school construction. I am pleased that several of my Democratic colleagues have agreed to join me this evening to talk about school construction and other priorities in the Democrats' education agenda. I shall restrict my remarks mostly to school construction.

Today is October 25. The fiscal year started October 1; and yet, the Republican leadership of this House has failed to do its work and get the work done for the American people. To put it in school terms, they are tardy and they are incomplete. They have failed the test of leadership for the American people. Today, the House passed a stopgap spending measure to keep the government from shutting down for one more day. This is the fifth time this year that we have had to pass one of these bills just because the leadership, the Republican leadership has failed to get the people's work done.

Specifically, they have failed to act on important educational priorities, like the bipartisan school construction bill that is desperately needed in communities all across this country. The bill would provide $25 billion in school construction bonds to build new schools, renovate them, and to relieve overcrowding, reduce class size, and enhance the opportunity for discipline in the classroom and improve education by making sure that all of our children get the kind of individual attention that they need to learn.

Mr. Speaker, I have been working with my colleagues on both sides of the political aisle to pass this bill since I first came to this people's house 4 years ago. We have gathered more than 228 members on H.R. 4094; and yet, the Republican leadership has refused to simply bring this bill to a vote.

As this Congress crawls to its conclusion, more than 3 weeks late, the educational funding bill is the very last priority of the Republican leadership. While education languishes under the threats of cuts and the current congressional leadership has loaded up the appropriations bill with special interest pork, we are still waiting.

Last week, I told this body about a Senator from Arizona's observation that the leadership's pork has swelled each of the spending bills that have been passed. For example, he pointed out that the transportation appropriation contains some $700 million in transportation earmarks for the Chicago Metropolitan Transit Authority in the home State of the Speaker of the House. The transportation appropriations bill also earmarked $102 million for a bridge across the Mississippi River in the home State of the majority leader of the other body. A senior Republican appropriations member got $1.5 million to refurbish something called the Vulcan Statue in Alabama.

Today, I was shocked to read in the paper that one of the Republican appropriation members describing the raid on the U.S. Treasury by the chairman of the Senate Committee on Appropriations. The House Republican described items like $1.25 million for repairs to a church, $176,000 for a Reindeer Herders Association for somewhere in southeastern Alaska. That Republican concluded by saying, "You need a cargo plane to carry all of this money back."

Mr. Speaker, each of these projects may very well merit Federal support. These projects may not be the big spending Federal pork that they appear to be. I am not an expert on these items. But as a former State superintendent of the State of North Carolina, I know that our local neighborhood schools need our help. Our schools are bursting at the seams, and our communities do not have the resources to build or repair and provide the quality schools that our children need. As a result, children are stuffed into overcrowded classrooms, substandard facilities and rickety trailers that they should not be in.

My Republican colleagues like to talk about block grants, but when it comes to their own special projects, they are not shy about adding earmarks, and all of us in this body know what earmarks are. They are directed projects to be spent specifically for that purpose. If they were not so important, why did they not just put them in the transportation bill and let them decide at the local level how to spend the money. When it comes to roads, airports, bridges and prisons, special interest pork is powerful when it comes to powerful politicians.

Mr. Speaker, we should be able to come up with common sense legislation to build a few schools for the children in this country, and I think H.R.

4094 is that common sense bill. Mr. Speaker, I call on the Members to pass it and pass it now. Prisons ought not to be nicer than our schools.

Finally, Mr. Speaker, I think it is important to remind my colleagues that the bills we passed here are much more important than the abstract arguments about outlays and budget authority. These bills reflect our values, and these bills demonstrate what our priorities are.

CELEBRATING 10 YEARS OF SERVICE IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, last evening, rather late into the night, a number of my colleagues came here to the floor to do a Special Order celebrating or recognizing my retirement, I am not sure which. But it was certainly something that I appreciated, and I am not going to try and discredit the fine things that were said. All of those were very much appreciated.

But I did want to recognize my colleague from Illinois (Mr. SHIMKUS), who arranged for the group to come to the House Chamber; the gentleman from Illinois (Mr. PORTER); the gentlewoman from Illinois (Mrs. BIGGERT); and on the other side of the aisle, the gentleman from Texas (Mr. STENHOLM); the gentleman from Illinois (Mr. COSTELLO); and the gentleman from Illinois (Mr. LIPINSKI). I appreciate very much their comments and the recognition of the years that I have spent in this body.

I would like to say that serving in the United States Congress was the fulfillment of an ambition that I probably first thought about when I was in high school, and serving on the Committee on Agriculture and being a chairman there was part of that dream that I had for many years. So my almost 10 years in this body has been very fulfilling, very rewarding, and certainly a highlight in my life. The ability that I have had here to grow and to learn and to develop I think is something that one will take with them forever.

Mr. Speaker, I wish that I could say this to everyone in this country: The people in this House are some of the finest people that a person could meet anywhere, on both sides of the aisle. I cannot think of one person that I have served with in this House that I did not like, that I did not find had merit to what they said and believed in what they fought for here.

Unfortunately, the American people I do not think understand how we come here and how we fight and how we talk and stand for issues that are important to us, issues that we believe in. And even though we may disagree to a great extent, I never questioned somebody's motives or judgment, and that is, to me, a great honor. Everyone that I have served with here is a good person, and they are serving this country and our system.

I often say to many people, do not complain about the harsh rhetoric in the House. We never see tanks, we never see troops in the streets of this country because we fight our issues out right here on the floor of the House, and every society has to have a safety valve and it has to be a place for those issues to be vetted. This is that place. It is a great institution.

Mr. Speaker, I will always be proud to have been a part of this House, to have served in the Congress of the United States of America.

Mr. Speaker, thank you to you, thank you to every Member of this House.

☐ 1830

INDONESIA

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, once again I rise to share my concern over the continued bloodshed in Indonesia. I continue to receive reports that, despite statements of the Indonesian government in Jakarta, the violence, destruction and murder continues in Ambon.

The people living in the Malukus are pleading for the international community to get involved and bring them relief, both in terms of humanitarian aid and physical protection.

Reports from Indonesian NGOs state that refugees are not only neglected, but are harassed.

Recently, at least 32 people were killed in a day-long attack by Muslims on an outlying village in Ambon, the capital of the Maluka Islands. Eyewitnesses stated that the Jihad attackers were aided by government soldiers during the attack on the village of Hatiwe Besar.

Many who were killed died violently. Most of them, including a 10-month-old infant, were shot and their bodies were tossed in the fires of houses burned by the attackers.

In a different account of recent violence, families in one village that refused to fight were killed and their bodies were found deposited in the wells in the village.

Yet another account tells of women and girls who, at the sound of gunfire, "were desperately clawing at the small yellow buses, hammering on the side for the driver to stop and let them on. As we slowed down, they tried to board our vehicle. I had never seen such fear in people's faces, people who knew the sound of automatic guns meant that the army was in action and that death was not far away."

More eyewitness accounts reveal that even 3 weeks ago Jihad warriors were still moving by boat into the Malukus from Java and surrounding islands.

One man said, "We desperately need weapons to defend ourselves. Nobody cares about us. Nobody offers to help us. We cannot trust the army because they are often supporting the Jihad fighters. The politicians and authorities talk a lot, but their words and promises are not translated into action."

Many people who witness the violent attacks confirmed that, although the Indonesian Army was present during the attacks, either nothing was done to protect the villagers or some of the soldiers actually joined the aggressors in shooting at the escaping villagers.

Unfortunately, even people such as the current leader of the People's Consultative Assembly, Dr. Armien Rais, openly supported calls for Jihad or an Islamic holy war against the Christians and other religious believers in Indonesia.

However, there are other Islamic leaders who clearly state that this jihad should not be happening. "A.T. Zees, a Muslim leader in Minahasa, told a crowd of Protestant, Catholic, Hindu, and Buddhist leaders Sept. 14 that the jihad fighters should leave . . . In Islam, jihad is a holy war against all evils—not murdering Christians, destroying their houses and churches, robbing, and doing other contemptible deeds," he said. "A number of peaceful Muslims have tried to protect Christians."

Why does the world not pay attention to the continued violence in which reportedly over 4,000 people have been killed and over 350,000 are now refugees?

When the three U.N. workers were killed in East Timorese refugee camps, the whole world raised their voices and condemned the killings—rightly so. Yet, thousands have died in the Malukus, but instead of outrage, silence has reverberated.

Church leaders and other community leaders are pleading for the international community to send aid and protect the people against death from the Jihad fighters. Church leaders say that, if the U.N. will not send peacekeepers, the least we ask is that ships be kept ready to evacuate the surviving Christians. Otherwise they will be forced to choose between Islam and death.

Mr. Speaker, a whole population has been targeted and is slowly being wiped out or forced out of their homeland. Why will the Indonesian Government not act so that the killing stops? Where is the outrage in the international community? Something must be done, or we will see the destruction of an entire society.

Both Christians and Muslims from this area want peace. They have lived in peace for many years and in friendship with their neighbors.

We should ask that the IMF, the World Bank, U.N. officials take appropriate action to let the Indonesian Government know that they must take steps to stop the killing. It is not simply an internal Indonesian affair. The Indonesian people are crying out for help from the international community because they are not receiving it from their own government.

Delegations from the U.N. and other countries need to visit the Malukus to investigate and report on the bloodshed and destruction throughout the area.

In addition, our government needs to seriously consider the implications of resuming the close military ties with the Indonesian Government. The record of human rights abuses by the Indonesian military is well documented.

Further, our government needs to examine the religious nature of these killings. This is not simply a local economic conflict. Declarations of Jihad underscore the religious aspects to the violence, and this must be considered in terms of U.S. Government actions.

I enjoyed my visit to Indonesia earlier this year. Indonesia is a land of many resources in its people and its abundance of natural resources. We are friends of the Indonesian people. It is our hope that all the people in Indonesia will be able to live in peace.

EDUCATION ACHIEVEMENTS OF CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, there is much good news in higher education this year, and we should take a few moments in the House of Representatives to take notice of it.

Education Secretary Dick Riley appeared today before the last Committee on Education and the Workforce hearing of the 106th Congress. Although the stated purpose of the hearing was a sad commentary on presidential politics, it was an excellent opportunity to highlight the educational achievements of the past 8 years under Secretary Riley. He has been a true friend to all American children during his tenure, and especially to the Hispanic community, as no other Education Secretary before him.

On behalf of all American children, I want to commend Secretary Riley for his tireless dedication to improving both education programs and the Education Department. I know I for one have greatly enjoyed the opportunity to work with such a great and inspirational figure.

I am very glad to have worked with Secretary Riley personally, who visited my district twice over the past 4 years. It has afforded us both valuable experience because each time he has had the opportunity to witness the beneficial impact of Federal programs such as the E-Rate, bilingual education, or Gear-up in my south Texas congressional district.

For example, we have reaped a great benefit from the $75 million given to date to the Region One Education Service Center, which overseas 38 school districts in south Texas, serving 298,000 students, 95 percent of whom are Hispanic.

I know each time he visited he raised the morale of our students, strengthening the appreciation for education among Hispanic, low-income, and extremely motivated and bright students.

While many of the Department's achievements were noted in his testimony, there are others worthy of note here tonight. For example, $18 billion has been added to the annual Federal education spending since 1995. Math SAT scores are at an all-time high. NAEP, the National Assessment of Education Progress, reading achievement scores have significantly improved in all grades tested, and ACT scores increased from 1992 to 1999. Better still, the numbers of females and minorities taking the ACT test increased five-fold.

Secretary Riley is the undisputed champion of minority education. Under his tenure, the Department of Education has helped more than 200 colleges and universities, middle and high schools form Gear-up partnerships to help 480,000 students and their families to attend college. Many of the beneficiaries are minority students.

The Department of Education has also been an avid partner in implementing the Hispanic Education Action Plan, or HEAP, as we call it. It was started in 1994. These are among the exemplary programs that assist a great number of minority students and their families in districts such as mine in south Texas, the third poorest metropolitan statistical area in the Nation.

The Department's accomplishments included in the Secretary's testimony are sharply contrasted by a Rand report released yesterday on public education in my home State of Texas. The Rand report raises serious questions about the purported test score gains in our State standards test, the Texas Assessment of Academic Skills, commonly referred to as TAAS.

In particular, this report finds that results on TAAS, collected by Governor Bush's State Education Agency, and other standardized tests such as NAEP tell very different stories. Rand is by all accounts an unbiased, well-respected research organization. So when their reports state that alleged minority students' gains are illusory, we must take notice.

The report goes on to observe that "evidence regarding the validity of score gains on the TAAS can be obtained by investigating the degree to which these gains are also present on other measures of these same general skills." So how did they measure up?

Mr. Speaker, I want to conclude and say that it is vital to remember that the true education reform is slow and steady and based on empirical and unbiased data as Secretary Riley and the rest of the Department employees have done.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SAWYER) is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I rise today to join with the gentleman from Texas (Mr. HINOJOSA) and the gentleman from North Carolina (Mr. ETHERIDGE) in their interest in the subject of education.

We are fond of pointing out the absolute truth that education is a local function. It is a State responsibility. But from time to time in our Nation's history, it has become an overarching national concern. Such a time occurred a little over a hundred years ago as the United States emerged from what was largely an agrarian era in this Nation's history, a time when half of all of Americans lived and worked on farms because it took that many of us to feed and clothe all of us, to the entrance into the second industrial revolution.

It changed everything. Mechanized manufacturing and agriculture and transportation made it possible for cities to grow in ways that had never ever occurred before, and it changed the skill expectations of an entire country. It was a time when we really faced the challenge of elevating the skill level of an entire Nation from one end of the spectrum to another, all at the same time. That is an extraordinary undertaking in the life of any nation, and we have been through it. It was a time of overarching national concern.

The land grant colleges changed the way we educated people for nation-building here in the United States. Normal schools improved the education of teachers who, up to that point, the majority of whom had barely gotten beyond high school themselves when they were teaching high school. It was done through a partnership of local, State and Federal activity, and it really was a reinvention of America. It was the invention of the American century.

Today we find ourselves in a time of very similar change. Technology today is changing everything. We are seeing a time when the need has expanded in very much the same way as it did a hundred years ago.

Today we are finding an entire generation of baby boom teachers who began their careers in the late 1960s and early 1970s moving toward retirement, at the same time that the largest school age population in the Nation's history is moving through our classrooms, breaking enrollment records every year and likely to again for the next 12 to 15 years.

All of this is happening at a time when we are seeing the greatest shift in job skills expectation that we have seen in this country perhaps since that time 100 or 110 years ago when we became a new country.

We see at the same time that school buildings, some tired, many worn out, often obsolete, buildings that were at least in, close to a third of which were built prior to the Great Depression, coming into a time of extreme challenge and expectation. That is the circumstance that we face today. It is what the gentleman from North Carolina (Mr. ETHERIDGE) was talking about. It is what the gentleman from Texas (Mr. HINOJOSA) was talking about.

This is not a crisis, but it is a time when we need to understand those needs. We have been through that any number of times since 100 years ago when we put together the Land Grant Colleges Acts. We have seen it in the G.I. bill when millions of men came home from the Second World War, a war fought with some 23 percent high school graduates. It was not until 1951 that we saw half of all Americans graduating from high school. Today those numbers are up into the mid-80s, and the performance of minority populations are the highest they have ever been.

We saw that kind of cooperation in the National Defense Education Act in the wake of Sputnik and in title I for the educationally disadvantaged in the 1960s, the development of special education in the mid-1970s, the adult education programs that have grown in need and performance in the course of this decade alone.

□ 1845

And we have seen college aid, through financial loans and grants, change the face of higher education in the United States. It has not happened just because it is possible; it has happened because it has been necessary. It has been necessary as we seek to change the face of the Nation yet again.

We need to develop a whole new cohort of well-qualified teachers and to assist in the financing of a new school construction and renovation plan that will make it possible for this largest generation of school learners to take part in that education. This is not something we do simply because we think it would be nice. As we stand here trying to seek to extend the kind of prosperity that we enjoy today through paying down the national debt, through extending the solvency of Social Security, there is no better way we can do that than through ensuring the skill levels of a new Nation.

Our children will have to learn as if their entire world depended on it, because it does. Their world and our world.

HUNGER RELIEF ACT, H.R. 3192

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we observed World Food Day last week, and we paused to recognize that hunger is still a way of life for far too many in America and around the world. It is for that reason that I rise once again to urge this House and this Congress to pass the remaining provisions of the Hunger Relief Act, H.R. 3192.

This legislation enjoys the support of 186 cosponsors in the House, Democrats and Republicans. The companion bill, S. 1805 enjoys the support of 35 cosponsors in the Senate, Democrats and Republicans. Nearly 1,400 national, State and local organizations in all 50 States have endorsed the Hunger Relief.

Editorial boards, columns, articles and op-eds from the East Coast to the West Coast, from the far north to the far south, have expressed support for the act. Among those are The Washington Post, the Lincoln Journal Star, The New York Times, the Oregonian, the Philadelphia Inquirer, the Tulsa World, the Indianapolis Star, the Dallas Morning News, the Newark Star-Ledger and the North Carolina News and Observer.

In a recent letter, 25 leaders from the religious community urged the President and the Congress to make food stamp benefit restoration for legal immigrants a top priority during the final days of this session. Represented in that group of religious leaders are Catholic, Jewish, Methodist, Lutheran, Presbyterian, Mennonite, and other denominations.

More recently, more than 25 Members of this body sent a letter to the President urging him to help complete this task.

The National Conference of State Legislators, a group that supported the 1996 welfare reform bill, have also joined in that call. The U.S. Conference of Mayors and the National Black Caucus of State Legislators have also endorsed the Hunger Relief Act.

In short, Mr. Speaker, there is widespread support for finishing the job we started earlier with the passage of the agriculture appropriation conference report. As a part of that conference report we included two vitally important provisions from the Hunger Relief Act. We changed the vehicle limit so that families can retain a reliable car without losing food stamp benefits, and we changed the shelter cap so that families can obtain decent shelter without losing food stamp benefits. At the very least, we should now restore food stamp benefits for all legal immigrants.

Those legal immigrants who are now excluded from food stamp coverage came to America at a different time than our ancestors, but they should not be treated differently for that reason. They too embrace the promise of liberty etched on the statue in the harbor in New York. It seems strange that we must fight for food for those legal immigrants who cannot fight for themselves.

America is a strong Nation, and we are strong because we can provide quality food at affordable prices. There are many places in the world where the same cannot be said. But the real strength of America is not due to our advanced technology, our economic base, or our military might. The real strength of America is in its compassion for people. The real strength of America is caring and being concerned about those who live in the shadows of life: the poor, the weak, the frail, the disabled, our children, our seniors, the hungry. America's compassion makes us strong.

Less than 3 percent of the budget goes to help to feed the hungry, yet nearly 70 percent of legal immigrants are women, many of them with children.

Mr. Speaker, hunger is more than a mere word; it is a way of life for far too many legal immigrants. When we passed the welfare reform legislation, we did some things that were right, but there was one thing that was wrong. We excluded legal immigrants from the food stamp program.

With such broad-based bipartisan support from the Congress to the White House, from State legislators to governors' mansions and throughout the private sector, we have a chance to correct that mistake. Let us not go home to the comfort of our living rooms and to the refrigerators full of bounty while leaving legal immigrants without one of the most basic necessities of life, and that is food. Let us pass the other part of the Hunger Relief Act.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, Social Security has really come to light, so I am going to spend 5 minutes talking about Social Security, the problem and the potential solution, and what the presidential candidates are doing in their suggestions to help resolve this serious problem of Social Security.

Mr. Speaker, I came into Congress in 1993; and I introduced my first Social

Security bill. I have introduced a Social Security bill every session, and the last three were scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

I was selected to be chairman of the bipartisan task force on Social Security. I have found it is sort of like an automobile mechanic, the more the mechanic knows about the inside operations, probably the better he lubricates and adds the oil and greases his car. I am concerned, knowing some of the internal operations of Social Security, that there is a lot of friction there, that it is not solvent.

Just briefly, insolvency is certain. We know how many people there are. We know when they are going to retire. We know that people will live longer in retirement. We know how much they are going to pay in and how much they are going to take out. Payroll tax is not going to cover the benefits starting in 2015. It is a pay-as-you-go program. Current workers pay in their tax, and it is almost immediately sent out to current retirees. It is going to take $120 trillion over and above tax revenues over the next 75 years to accommodate the promises we have made in Social Security.

Some have suggested that economic growth is great now, that that is going to help solve the problem of Social Security. Not true. Social Security benefits are indexed to wage growth. So the higher the wages, the higher the benefits for everybody. When the economy grows, workers pay more in taxes, but also they will earn more in benefits when they retire. Growth makes the numbers look better now but leaves a larger hole to fill later.

The administration has used these short-term advantages as an excuse to do nothing. So if there is one criticism I would have it is the missed opportunity over the last 8 years of not really stepping up to the plate and fixing Social Security.

The Vice President has suggested that if we pay down the debt to the public, the debt we owe to the public is $3.4 trillion, the suggestion is that we use some of the Social Security surplus, pay down that debt, and then apply another IOU, or use the interest savings on that debt to help fix this big tall tower over here of $46.6 trillion. So the suggestion is that by paying down the debt, we will solve this problem. This next graph shows why that will not happen. The blue at the bottom represents $260 billion a year that we are now paying in interest on the debt.

So, look, it has to be a priority. Putting Social Security in the lockbox was a great thing the Republicans did. This year saying that at least 90 percent of the surplus has to go to pay down the debt was a good idea. But even if all of the $260 billion every year for the next 57 years was used to go into the Social Security Trust Fund, there would still be a shortfall of $35 trillion.

Look, this is a big-time problem. We have to do it now and not leave a big mortgage for our kids.

Very briefly, the biggest risk is doing nothing at all. I want to show these charts, because AL GORE has criticized Governor Bush of taking a trillion dollars out of Social Security, or using it twice. He is saying that the Governor is going to use it once to pay benefits and once to start private investment accounts.

Over the next 10 years, the revenues coming in to the Social Security Trust Fund are $7.8 trillion. The benefits, or the money going out, is $5.4 trillion. That leaves a surplus of $2.4 trillion. Governor Bush is suggesting we take $1 trillion of that and start using that to accommodate personally owned retirement accounts that individuals own; that if they die it goes into their estate, unlike Social Security, of course.

So as we can see, having current medium-income workers retire much wealthier by having this kind of magic that will develop with the magic of compound interest is one way to increase retirement benefits and save the system.

Some people have said it is too risky. I show this chart just because this represents the up and down of a 30-year average. Over a 30-year average for the last hundred years, the average income is 6.7 percent.

TRIBUTE TO THE HONORABLE THOMAS EWING AND THE HONORABLE JOHN PORTER, MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to two retiring Members of the Illinois delegation who have faithfully and effectively served their constituents and the citizens of this Nation.

First, the gentleman from Illinois (Mr. EWING), who spent 17 years in the Illinois General Assembly and rose to the position of assistant Republican leader and deputy minority leader before he came to Congress. In Congress, TOM EWING has focused much of his attention on issues relating to agriculture, crime prevention, education, economic growth and health care.

It has been a pleasure to work with him, and I wish him well as he returns to the very pleasant, peaceful, and friendly community in and around Pontiac, Illinois.

Now, Mr. Speaker, I turn my attention to the gentleman from Illinois (Mr. PORTER), who is completing his 11th term as a Member and is the very astute, sensitive, and effective chairman of the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations. He is founder and cochairman of the Congressional Human Rights Caucus. He has been cited many times by various budget watchdog groups and has stood in the vanguard on environmental issues.

JOHN PORTER has been a strong supporter of biomedical research, a friend of community health centers, and has stood tall against the continuous spread of HIV/AIDS. The Core Center of Chicago stands today as a model to fight these dreaded diseases and is indeed a testament to the support which JOHN PORTER gave to its efforts.

One of the things that I have always liked best about JOHN PORTER is his ability to convey optimism even when the cupboard is practically bare. He is always eager to look, to see, to try and determine and figure out whether or not he can find greatly needed resources for these programs.

□ 1900

I thank him for his sensitivity to the issues facing America and especially my district and wish him well in retirement.

Mr. Speaker, I also take this opportunity to pay tribute to the Honorable Donald Lemm, Mayor of Bellwood, Illinois, on the occasion of his pending retirement.

Mayor Lemm has lived in Bellwood all of his life, he and his late wife and four children and five grandchildren. He and his current wife, Joy, live at 517 51st Avenue. Mayor Lemm is a graduate of DePaul University with a degree in business administration and accounting. He is a member of the VFW and served in Korea with the 71st Station Hospital as sergeant major.

Prior to becoming mayor, Donald Lemm was a CTA executive for 40 years, serving in the capacities of training specialist, methods analyst, superintendent of bus and rail transportation, and retired as manager of insurance and pensions. He also served as administrative assistant to the chairman of the CTA Board and was retained by the Chicago Transit Authority as a consultant for 3 years after retirement.

Mayor Lemm is active in St. Simeon parish, has served several times as president of the Holy Name Society, is a member of the St. Simeon Contemporary Choir and St. Simeon Traveling Troop, is a lector and minister of the cup, and has served as a member of the parish financial planning commission.

Prior to becoming mayor, Donald Lemm served for 16 years as village clerk. As mayor, he has led the Village of Bellwood into the new millennium, opening up opportunity, creating increased property values, and serving as the role model.

Mr. Lemm has demonstrated what it really means to be a true public servant, always putting the interests of his community and his people above any personal interests.

And so, I am pleased to congratulate him on an excellent public career and wish him and his family well in retirement.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.".

EDUCATION AND CONDITION OF SCHOOLS NATIONWIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I want to take just a few minutes to bring to the attention of the Members of the House some information with regard to education and the condition of schools around the country, both in the State of New York and nationwide.

In New York, for example, there are a total number of 4,172 schools currently operating in the State. The total State and local district school construction spending in the most recent year for which figures are available was $1.6 billion.

According to the Census Bureau, New York, along with Texas and Florida, spends the most on the cost of school construction. However, despite being among the top three spenders for school construction, the poor condition of too many New York schools sends a clear signal that State and local funding is simply not enough to meet modernization needs.

In New York, as is true in many places around the country, the local school districts rely on the local real property tax to pay for the cost of education, including construction and modernization of our schools.

Ninety percent of the schools report a need to upgrade or repair buildings in order to bring them up to a good overall condition. In other words, 90 percent are less than good. Sixty-seven percent report at least one inadequate building feature such as the roof, plumbing, electricity. Seventy-six percent report at least one unsatisfactory environmental factor such as air quality, ventilation, or lighting. There are computers in the schools, but there is only one computer for every 16 students, 16 students trying to use each computer.

In 1998 and 1999, New York paid $618 million in interest on school debt. Again, this money comes out of the local real property tax. Sadly, these statistics reflect the condition of school buildings in almost every place around the country.

Two years ago, I conducted a school modernization study in the district that I represent, which is a largely rural district in upstate central New York. It has five small cities, but the rest of the district is largely rural. In addition to finding similar results as those I have just mentioned, I discovered also that nearly one-third of the schools in the New York State district that I represent were built before 1940. More than one-third of the schools surveyed reported being cited for fire code violations at some point within the previous year. Over half the respondents said that overcrowding in their classrooms was a serious problem.

This is costing us. It is costing us in the education of our children and the ability of those children to perform in the future, and it is going to cost our economy unless we face up to this problem.

The Democrats in this House, along with President Clinton and Vice President GORE, believe very strongly that in order to get our schools into the condition that they should be in the Federal Government needs to help local school districts afford to repair and modernize our schools.

We have a bipartisan bill. It is sponsored by Republicans as well as Democrats. It would provide $22 billion in public bonding authority to help rebuild and repair over 5,000 public schools. This bill would bring $2.5 billion to New York State alone for school construction and modernization.

The bill is popular in this House. It has 228 sponsors, including a number of Republicans as well as Democrats. And yet, the Republican leadership has thus far refused to allow for any consideration, any reasonable debate or a hearing on the floor of the House.

According to the General Accounting Office, a record 52.7 million children are enrolled currently in elementary and secondary schools across the country. That number is expected to climb to 54.3 children within less than 8 years. Thousands of new public schools will be needed within the next few years to accommodate rising enrollments.

We cannot expect States and local school districts, relying as they do on local real property taxes, to shoulder this financial burden. We ought to bring this bill to the floor of the House. We ought to give it careful and thoughtful consideration. We ought to give the Members of this House an opportunity to debate and vote on the bill.

The 228 sponsors believe that if that happens the bill will pass and we will provide the relief that is necessary for school districts and the children and the families they serve across the country.

I hope that before we leave here this bill will come to the floor and we will give it the consideration that it needs. The future of our country and specifically the future of our children and communities all across America depend upon modernizing our schools, providing these school construction funds.

AMERICA'S BETTER CLASSROOMS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I am pleased to follow my colleague the gentleman from New York (Mr. HINCHEY) in speaking about our public schools.

Once again, I rise to express my deep concern over the state of the schools across this Nation, which are overcrowded and in disrepair. In these precious last few days of the 106th Congress, I call upon our leadership to pass comprehensive school modernization legislation.

I strongly believe that education is a local issue, but overcrowding is a local problem which deserves a national response.

Just 1 month ago, I stood here holding a letter signed by over 300 students from Peabody Elementary School in Santa Barbara, California, expressing their desire for passage of school construction legislation.

At this school, students receive a top-notch education. Unfortunately, the students also feel the disturbing effects of overcrowding. This is a school built for 200 students, but now it has an enrollment of over 600.

The added portable classrooms take up precious playground space, which should be used so that students can take part in physical education and activities.

I have visited other schools in my district which suffer from similar circumstances. In Santa Maria, the Oakley School's enrollment is currently over 800, while the school was originally built for 480 students. The first of four lunch sessions begins at 10:30. The last children do not finish until well after 1:30 in the afternoon.

In San Luis Obispo County, Cambria Grammar School was built to handle 200 students. With eight portable buildings, they now have 345. Students have very limited playground space here, and their kindergarten needed to move to a nearby middle school because of overcrowding. This kindergarten is now housed in a portable room with a small, fenced-in playground.

I spent over 20 years as a school nurse in the Santa Barbara school system. I have seen firsthand the damage that deteriorating school buildings can do. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings at the most crucial time for learning in their lives.

We simply must do better for our students. I strongly support the America's Better Classroom Act. This legislation enjoys bipartisan support and has 225 cosponsors. It would provide approximately $25 billion in interest-free funds to State and local governments for school construction and modernization projects.

Such funding would help schools like Peabody, Oakley, and Cambria Grammar School to make improvements in classrooms and playgrounds that would help reduce class sizes.

When I think what our local educators are forced to deal with and the struggle they are engaged in to address all these problems, I am awed and impressed by how they pull it off each day. They all deserve our most heartfelt appreciation, and I applaud them for the work they do.

I believe that Members of Congress should come to the Central Coast of California and see the crowded conditions that students and faculty must contend with on a daily basis. Then I think we could see some action.

Here in Congress we must set our standards high to ensure that all children have a healthy and safe start. All children deserve to have safe, clean, modern schools to attend each day.

So, Mr. Speaker, I join with the students of the Central Coast of California and I ask that we bring H.R. 4094 to the floor for a vote before this session of Congress comes to a close. There is no excuse not to debate this important bipartisan bill. The 106th Congress is coming to an end, but our students have a lifetime of learning ahead and they need our help.

COMPILATION OF PRESCRIPTION DRUG LETTERS FOR HOUSE FLOOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, beginning on April 12, for the 20 weeks that the House has been in session, I have read 22 letters from MI seniors who desperately need help with their high prescription drug costs.

In that time, I have been pushing consistently for prescription drug coverage under Medicare. Our time is nearly up, and we still have not passed this important legislation.

Looking back through the 22 letters that I have read on the House floor, I am reminded of why it is so important to modernize Medicare and provide prescription drug coverage for seniors.

From Shirley and Raymond Radcliff, Escanaba: "We are a couple on a fixed income and cannot afford these drugs that continue to escalate. Our income cannot keep up with it. Fifteen pills of [one medication] are $41.99. I cannot afford that and discontinued taking them . . . A two month supply of [another medication] is $82.53. I no longer take those either, because I cannot afford them."

From Concetta Lisuzzo, Dearborn: "If you can bring these prices [down] I will be very grateful to you. It seems like a visit to the doctor adds one more prescription. Please help us, so we won't have to make choices between food or prescriptions."

From Annabelle Lewis, Alma: "I stopped taking [my medication] in January 1999, having cut pills in half."

From Julia Kanopsky, Livonia: "I just wish the government would take an interest in problems like this. To curb high prices, I eat two meals a day, and any more hike in health cost, I'll have to go on one meal."

From Dolores Graycheck, Indian River: "Each month we get deeper in debt and soon we, like a lot of other people, won't have anything left . . . I think it's a shame that our supposed Golden Years aren't Golden after all."

From Mr. and Mrs. Arnold Crook, Hillsdale: "We can't go [anywhere] or do anything because it takes all our income for the cost to live. Some weeks, I wonder how long we can go on. It keeps going up in cost and we cannot live."

From Harriett Simmons, Detroit: "We are senior citizens today but yesterday we were active, taxpaying citizens. Don't mistreat us now. We need protection."

USS LST MEMORIAL, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Speaker, this is a story about a World War II LST that is coming home. She is one of the last of her kind. She has seen a lot in her time. And now, at about 65 years of age, she is about to take on one of the biggest challenges of her entire lifetime.

She was there on D-Day, June 6, 1944. Time and again, the gallant LST 325 returned to Omaha Beach, through murderous gunfire, to unload more men and more equipment to replenish the high casualty and death rate being suffered. She was repaired, and she survived.

At the close of World War II, she was transferred for service to Greece and her name was changed to Syros. After years of good service to Greece, Syros was no longer needed.

About 3 years ago, my constituent, James Edwards of Canton, Texas, contacted me with a request for assistance in the retransfer of the LST from Greece to the United States LST Ship Memorial, Inc., a nonprofit organization whose membership consists of former Navy service members, mostly World War II type guys. I understand the feelings, as I fall in that category, too.

The members of this organization had a dream and a goal that never died. They planned, dreamed, and worked for years to own their own LST. They had a vision of using the ship for educational purposes.

□ 1915

They wanted young people to tour the ship and experience the value of such a trip in helping to win the war and to honor the work it had done. They wanted young Navy midshipmen to train on her, and they wanted Americans of all ages to climb aboard and visit her and even sail on her. Therefore, the LST had to be a movable museum, one that could sail around the waters of the United States and even up the rivers, docking at cities along the way to welcome visitors aboard. That was a tall order, but a worthy cause.

After learning of this noble plan, I introduced legislation to secure the transfer from Greece, and I want to thank my colleagues who supported this effort and helped pass it. I think it should be noticed that the legislation never required one Federal dollar. Unique in itself, the Memorial Association has been raising money and saving funds for years, waiting for that day when they could bring a "live" LST back home.

Mr. Speaker, the good news is that the veterans have been in Greece for 3 months, at their own expense, renovating the ship in preparation for the journey back home. She is equipped with the newest radar, repainted and made safe and livable for this historic trip. LST 325 will be sailed home by these veterans, most of whom are veterans of World War II and many of them who are retired. The average age is reported to be at 74 years young.

Recently, the men took LST 325 for a 5-hour shakedown. They cruised around Crete, and she performed perfectly. The report came back to me that the veterans said how wonderful to feel the salt air in their faces again, and I heard that there were some tears of joy mixed in. These men are being cheered and supported by current Navy personnel stationed in Crete and by members of the Hellenic Navy. I am pleased to tell my colleagues that our Ambassador to Greece, Nicholas Burns, and officials of our American Embassy, have done much to make all of this good news possible, and I am sure my colleagues will join me in being appreciative of their assistance.

Finally, having planned very well and believing they had all loose ends tied up, these veterans discovered that their source for food was not going to be available. Neither was their source for fuel. That was the bad news. How were they going to get the LST back home?

This story is fraught with heroes. This epic, this ongoing saga of 40 courageous World War II veterans giving of their hearts to bring the LST 325 home, found another big heart and that is the heart of Mike McAdams, a vice president of British Petroleum, a fellow Texan and former staffer of mine, who went to other officials of BP with the story of this little band of veterans, so full of bravery and determination and so in need of fuel.

Mr. Speaker, the good news is that British Petroleum has donated over 40,000 gallons of fuel to the men and the memorial ship, enough to bring LST 325 back home to America. They are ecstatic and grateful and so am I.

The corporate leaders of British Petroleum have shown a responsibility to share which cuts across all generations in a salute to those who have given so much and served so proudly. Mr. Speaker, I say: thank you, Mike Mc Adams and thank you British Petroleum.

The transfer of documents will take place in Athens momentarily and the LST 325 will be on her way. The plan is to stop in Rota, Spain, taking the southern route home. She is expected in Fort Lauderdale sometime around Thanksgiving, as she travels only 7½ knots an hour. I hope to be there when she arrives. What a celebration that will be.

When the men, these veterans, come home, they will have realized a dream of many years and a vision for a memorial that will honor all veterans who have put their lives in harm's way. Many of their shipmates lost their lives during the amphibious assaults, and the LST memorial will honor these men who sail this ship today in the memory of all who have gone before them.

Mr. Speaker, as we approach the end of the 106th Congress, I am honored to pay tribute to the veterans of the LST and all those who helped make this dream come true. I hope that my colleagues will join me in wishing them well and say a prayer for their safe journey back home.

STATEMENT OF THE HONORABLE TOM BLILEY, CHAIRMAN, COMMITTEE ON COMMERCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BLILEY) is recognized for 5 minutes.

Mr. BLILEY. Mr. Speaker, in an effort to provide a complete legislative record, I am providing the CBO cost estimates for H.R. 762, the Lupus Research and Care Amendments of 2000, and H.R. 3850, the Independent Telecommunications Consumer Enhancement Act of 2000, which were not included in the Committee's reports on the bills.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, October 4, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3850, the Independent Telecommunications Consumer Enhancement Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Ken Johnson, who can be reached at 226–2860.

Sincerely,
BARRY B. ANDERSON
(for Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 4, 2000

H.R. 3850: INDEPENDENT TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2000, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON COMMERCE ON SEPTEMBER 14, 2000

H.R. 3850 would exempt small telecommunications carriers from certain rules and reporting requirements administered by the Federal Communications Commission (FCC). The bill would relieve small carriers from the requirement to maintain separate affiliates to provide advanced telecommunications services. This provision could alter payments that such firms receive from the Universal Service Fund. The legislation also would require that the FCC grant or deny merger petitions from small telecommunications firms within 60 days, and all reconsideration and waiver petitions within 90 days.

CBO estimates that H.R. 3850 would have no significant impact on the federal budget. The bill could, however, have small effects on both direct spending and governmental receipts (revenues), so pay-as-you-go procedures would apply. H.R. 3850 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Based on information from the FCC, CBO estimates that the agency would spend about $3 million a year to implement H.R. 3850. The commission would need more staff to investigate the costs incurred by small telecommunications carriers, which the bill would exempt from certain reporting requirements. The FCC also would have to hire additional personnel to review merger, reconsideration, and waiver petitions in order to meet the bill's deadlines for acting on such petitions. Under current law, enforcement and regulatory costs that the agency incurs are offset by fees charged to the industries that the FCC regulates. Therefore, CBO expects that the net effect on the FCC's appropriated spending would be negligible.

H.R. 3850 would affect governmental receipts and direct spending in two ways. First, it could allow small telecommunications carriers to receive larger payments from the Universal Service Fund to support the added costs of providing advanced telecommunications services. Using the Universal Service Fund established by the Telecommunications Act of 1996, the FCC seeks to provide universal access to telecommunications services, in part through assessments on telephone companies to finance payments to companies that serve high-cost regions. Receipts to the Universal Service Fund are recorded as governmental receipts, and payments do not require annual appropriation action. Based on information from the FCC and the Universal Service Administrative Company, CBO estimates that any change in the Universal Service Fund's spending resulting from this legislation would not be significant and would be offset by either lower payments to other companies or higher revenues.

Second, H.R. 3850 would affect application fees the FCC collects to offset costs associated with tariff filings and other applications from the telecommunications industry. Those licensing fees are recorded as offsetting receipts. Based on information from the FCC, CBO expects that H.R. 3850 could affect the number of tariffs filed by small telecommunications carriers. However, CBO estimates that the resulting change, if any, in receipts from application fees would not be significant.

The CBO staff contact for this estimate is Ken Johnson, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 13, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 762, the Lupus Research and Care Amendments of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Alexis K. Ahlstrom, who can be reached at 226–9010.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 13, 2000

H.R. 762: LUPUS RESEARCH AND CARE AMENDMENTS OF 2000, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON OCTOBER 10, 2000

H.R. 762 would require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMSD) of the National Institutes of Health (NIH) to expand and intensify research and related activities of the institute regarding lupus. The NIH will spend approximately $50 million on lupus research this year. The act would require the Director to coordinate activities with similar activities conducted by other national research institutes and agencies of the NIH. The act also would require NIAMSD to conduct or support research to expand the understanding of the causes of lupus, and to increase research into finding a cure for the disease.

H.R. 762 would authorized grants for the establishment, operation, and coordination of delivery of essential services to individuals with lupus and their families. The act also would regulate charges (such as enrollment fees, premiums, deductible, cost sharing, copayments, coinsurance, or other charges) imposed by grantees on service recipients.

H.R. 762 would authorize the appropriation of such sums as necessary to carry out the act's provisions in fiscal years 2001 through 2003. At this time, CBS cannot estimate how much would be necessary to implement H.R. 762. However, because the act would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 762 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments, as well as a number of community and nonprofit organizations, would be eligible for grants established by H.R. 762 for the purpose of delivering and enhancing health care and related services for individuals with lupus.

The CBO staff contact is Alexis K. Ahlstrom, who can be reached at 226-9010. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

TODAY'S CHALLENGE: EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, the challenge confronting us today is education. Before us is the future of education. We as a Nation must place education as the number one priority if we are to meet the challenges and needs of the 21st century; if we are to look where our children are going to be and if they are well prepared to meet those challenges.

We need to invest in education. We need to come together in a bipartisan effort and support H.R. 4094; 228 Members are cosponsors. This is not a partisan issue. This is a bipartisan issue. This is about education and putting a high priority and investing in the future of America.

We need to make sure that class size reduction for our children is there. We have got to make sure that our children have the same opportunity that many other individuals have where they have small classes, but it can only happen through modernization and class size reduction.

We need to fund education at the highest level. When a child comes into school, they must feel comfortable to know that the ratio is 25 to one, student to teacher. If the atmosphere is good, the students feel good, the teachers feel good. They are in an atmosphere that they can learn. That is positive for a lot of our students. The individual attention is important to a student, because a student has to develop self-esteem, self-confidence in themselves. If he or she has confidence in himself and they know that the teacher is working in areas that they need, then we can have the accountability to make sure that our students are progressing and learning in our public institutions. It can only happen if we reduce the class sizes.

Yes, Mr. Speaker, we need teacher training; and, yes, we do need accountability. That is very important for us as well. But we must invest in education; we must allow that to happen. We must provide the tools and the instruments to make sure that our teachers have the resources and the funding. I know that it is very difficult in today's society. When we look at California alone, that has over 6 million students in our K through 12. More and more students are coming in, and yet we have a ratio of 45 to one in many of our schools. We need to make sure that we look across the Nation and we provide the funding.

My son, Joseph Baca, Jr., is a teacher in junior high, and he is going out and buying supplies. This should not happen to him and many other teachers because we are not providing the funds that are very much needed in our classrooms. We need to make sure that we provide not only the funding to make sure that teachers have the equipment, have the supplies, and create the atmosphere; we want to make sure that when children go into our schools, that they know very well that they are coming into a school that they do not have to worry about leaking roofs. They do not have to worry about not having any faucets that are fixed, and they do not have to worry about looking at windows that are broken. They do not have to look at walls that have graffiti. We want to create an atmosphere that is good for them.

If an atmosphere is good for them, then they will begin to learn. And if it is good for them, then teachers feel good about being energized in teaching.

At the same time, we have to make sure that we look at not only modernization, but the digital divide, to look at technology to make sure that we fund every one of our schools so that our children are well prepared to meet the 21st century and well prepared and well trained. If they are not, what is going to happen to our Nation? What is going to happen to our Nation? It is our responsibility that we provide the funding at a higher level. We have got to invest more. We are not investing enough in education.

Mr. Speaker, I believe the answer and the beginning and the right steps are in H.R. 4094. That is a step in the right direction. When an individual receives the funding, then that means we have the accountability. At the same time, when we look at where are our students, we must prepare them to meet the 21st century so they are ready to go to a community college and State college and our universities.

Are community colleges ready for them? We have to make sure that we provide tax incentives and tax rates and tuition that is available for our students to go on to our community colleges. More and more students are going to our community colleges right now, and we have to make sure that we provide the funding there. And as we look at those students who are transferring on to 4-year institutions, to make sure that they can get into a State college or university.

Mr. Speaker, I know that we have honors programs and other programs, but it becomes difficult when we do not have the funding and we do not have the financing that are available for a lot of our students. The tax incentives and tax breaks are there. Mr. Speaker, we need to invest more in education. We can take the right steps. The steps are ahead of us, but we have to come together in a bipartisan effort.

TRIBUTE TO CONGRESSMAN RON PACKARD UPON HIS RETIREMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. MCKEON) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCKEON. Mr. Speaker, the leader of our California delegation, the gentleman from California (Mr. LEWIS), has given me the honor of putting together a night to honor the gentleman from California (Mr. PACKARD), one of our colleagues who is leaving the House, retiring at the end of this session.

We wanted to take a little time to talk a little bit of his accomplishments while here in the Congress. First of all, we will hear from our leader, the gentleman from California (Mr. LEWIS). I yield to him such time as he desires.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding. And, Mr. Speaker, I would like to join my colleagues this evening in paying tribute to our friend from the Committee on Appropriations, RON PACKARD. RON is retiring from the House after 18 years of service to his constituents. He has had the privilege of representing one of the most beautiful parts of our State in south Orange County and north San Diego County, a small piece of Riverside County as well, as he would remind us.

It is understandable why RON would want to spend more time at home. He has just completed the building of a new home with his wife, Jean, seven children and too many grandchildren to count. He has got plenty to look forward to as he goes back home to his district.

RON came to the Congress after serving in the U.S. Navy and later as a member of the school board, active in the chamber of commerce. He served on the city council and was mayor of Carlsbad. RON was elected to Congress as a result of his success as a write-in candidate in 1982, one of the very few occasions in which a write-in candidate has been successful.

I have worked most closely with RON in the appropriations process where over the years he has been the chairman of the Subcommittee on Legislative Appropriations, the chairman of the Subcommittee on Military Construction Appropriations, and is just completing a tour representing our State very well on the subcommittee that deals with energy and water appropriations, a most important appropriations bill.

Mr. Speaker, we are going to miss RON greatly as a member of our committee. He has been of great service to Southern California.

Mr. MCKEON. Mr. Speaker, I yield now to the gentleman from Long Beach, California (Mr. HORN).

Mr. HORN. Mr. Speaker, RON PACKARD is truly a man of the House of Representatives. He is a gentleman. He is civility. He is a good listener, and he has got a ready smile. He won friends all over this Chamber on both sides of the aisle; and, of course, that is what effective legislators do.

Of course, when we all learned that he had a total of 44 children and grandchildren, 7 children, 34 grandchildren, and three great grandchildren, we were envious. And I always wondered how he remembered their names. I suspect Jean, his charming wife, maybe put a sort of easel up and when they were coming, said here are the names.

RON, in whatever he did as a legislator here, first on public works, now known as the Committee on Transportation and Infrastructure, but now on the Committee on Appropriations, he was very fair when he listened to all of us, Democrats, Republicans, Easterners, Westerners, Northerners, Southerners. On appropriations, he brought basic common sense to the Subcommittee on Energy and Water Development, one of the most difficult committees in this Chamber, because it involves floods, it involves ecology, it involves environment. RON could deal with all of those pressures.

He cared about our troops abroad, in particular. In the period when he was chairman of the Subcommittee on Military Construction, our troops abroad in Korea were in Second World War barracks going to pieces, and RON knew that should not be. If we have families, as we do now in all the services, we need good facilities and we need a place where they can call home when it is abroad.

Mr. Speaker, I want to thank RON for all he has done in this Chamber, and all he will do when he goes back to, as the gentleman from California (Mr. LEWIS) said, that beautiful part of the California coast.

So, Jean and RON, you are a great couple to have as a mentor and have as a model, and we thank you for what you have done in your 2 decades here, and we wish you well in the years ahead.

Mr. MCKEON. Mr. Speaker, I yield now to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a colleague of RON PACKARD's on the Committee on Appropriations.

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Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise tonight to wish our colleague RON PACKARD well in his retirement from the House of Representatives at the end of this 106th Congress.

Tonight a number of us have gathered in this Chamber during this special time to pay tribute to our colleague and our friend who has served with distinction in this people's House for 18 years. All of us know this very good-natured gentleman from California is one of only four Members of Congress to have ever won their first election to the Congress as a write-in candidate, a tremendous feat in and of itself. Little did we know that RON would go from that point in 1982 to become chairman of three very important House appropriations subcommittees.

As other Members have mentioned, many of us here tonight know RON for his years of service on the House Committee on Appropriations. I myself have had the honor of serving with him on that committee, and most recently I have had the pleasure of serving under his chairmanship on the appropriations Subcommittee on Energy and Water.

For the past 2 years, RON has been steadfast in reversing the President's decision to underfund our Nation's infrastructure needs. Due to his leadership, the Congress has maintained a strong commitment to partnerships with our local communities and States by providing these needed funds for flood control, shore protection and dredging our harbors and the like.

As a former businessman, school board member, city councilman, and mayor, RON has always believed that the Federal Government should provide a helpful hand but the true power and decisions should be returned to State and local government officials who know the best needs of their constituents.

On a personal note, in July of 1999, I traveled with RON and his wife, Jean, and other Members to Russia as part of our committee assignment on Energy and Water. RON and our colleagues toured the Russian "closed cities" or the former nuclear sites and met with numerous Russian officials. It was a trip to remember, in large part due to RON's leadership, his insistence that we see where U.S. dollars were being spent to dispose of or contain nuclear waste.

Throughout our trip within Russia, RON showed his dedication to our purpose for being there and to the American people by insisting on receiving a complete understanding of the current status of all of these nuclear sites. Additionally during this trip, I had the opportunity to get to know RON and Jean; and I can tell you, judging from our discussions about our families, that RON and Jean will definitely continue to be busy grandparents, taking a very active role in all of their 34 grandchildren's lives. The Congress' loss will be his family's gain.

I wish you well in retirement, RON. You have set a high standard for all of us to follow that remain. We will miss you. Good luck and Godspeed.

Mr. MCKEON. Mr. Speaker, I yield to the gentleman from Riverside, California (Mr. CALVERT), another of RON's good friends and neighbors.

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Valencia, California, for putting together this special order for our good friend, RON PACKARD; and I say that very sincerely.

I do not know if the gentleman remembers, but in 1982 we both ran for Congress in Republican primaries, and, something we have in common, we both lost. I lost my Republican primary, but RON went on to win a very substantial victory in a write-in campaign.

That has only happened four times in the history of the United States House of Representatives, which shows how popular and well loved he is in his district. I know that for a fact, because our districts adjoin each other in the Temecula-Marrietta areas of our district. And every year we would get together for the last 8 years I have been in the House, and we would meet and have what they call the RON and KEN show up there. And we would talk about issues that affect the Temecula-Marrietta Valley. I will miss that very much; and you need to come out, RON, to celebrate those times.

On issues out in those areas, Pierce's Disease, which is devastating the vintners out there in that area, and avocados, that we just successfully concluded here shortly, those I am sure are issues you are very proud of in the local sense. But, obviously, on a national sense, the service that you have done for the Committee on Appropriations in all the various subcommittees, legislative branch, certainly military construction, where you have helped a lot of young families get better housing and a better place to live, to help retention in our military forces, something I am sure you are very proud of. And certainly the energy and water account in which you have done many things throughout the country, and happily in our own area, the Temecula-Marrietta area that has devastating floods, that we can finally move toward flood protection for the many people that live in that area and the property we would like to protect.

So RON, it has been a privilege serving with you. I know that another thing that I do not know if a lot of people know, he is probably the finest golfer in the House. No doubt about it. He will be giving me at least a stroke a hole from now on. I really appreciate that.

I thank the gentleman for his service and look forward to many years to come of friendship.

Mr. MCKEON. Mr. Speaker, I yield to the gentleman from California (Mr. BACA), another golfer, a Member from the other side of the aisle, and also a neighbor and friend of RON's.

Mr. BACA. Mr. Speaker, it is a pleasure for me to be up here to say a few words about an individual. I am the new kid on the block. I just got elected not too long ago. I said, who is RON PACKARD? But, you know what, since I have gotten to know RON PACKARD, basically he reached out and touched the lives of many of us.

You may think the type of relationship he built here on a bipartisan is very important. I know we are going to miss you. I know I am going to miss you, since I am relatively new here. I know, not only because you are on the Committee on Appropriations, the Committee on Transportation and Infrastructure, the Subcommittee on Energy and Water, but what you have done throughout the area is you really have left a legacy for many other individuals in the community, because truly your legislation and your policies have been bipartisan, in the interests of California, in the interests of the Nation.

That is important for people to remember when they look at a legislator that is serving us. That is why not only is he well liked and loved in his district, but throughout the Nation and by many of us. You truly are a leader, a visionary, an individual who cares about not only our communities as a whole, and in your district, but you are an individual that is willing to listen on a bipartisan basis and say what is important for our Nation, what is important for California, and take action, which is very important on a bipartisan basis.

As the new kid on the block, I find that very energizing, I find that very enthusiastic, and I find that very motivating, because it is important to get motivated. Everybody told me, when you come up here, JOE, it is going to be so partisan. I found out that not everything is so partisan. Sometimes, yes, but there are individuals that are not, and you truly have developed a kind of friendship and you have opened the doors to many individuals to say what is it that you have to say that is good for California, what is it that is good for all of us. If it is good, I am willing to listen. That kind of relationship and kind of friendship, there is no dollar value that you can put on it.

It truly has been an honor to be your friend and know you this short period of time. I wish you were here longer. But I know that you left a legacy, not only the legacy in policy, but the legacy in golf. You truly are one individual that has been an outstanding golfer. A lot us are going to try to follow in the same footsteps, and hopefully we can. Thank you very much for serving the State of California and our Nation.

Mr. MCKEON. I yield to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank JOE BACA, a Member from the other side of the aisle, for giving tribute to someone that we cherish very, very much.

You know, RON PACKARD was a write-in, and what a rich legacy he gave the constituents of North County. Much of the district I now represent was RON's former district, and his legacy was hard to keep up with. As a matter of fact, when I go up there, they used to tell me, well, "RON didn't do it that way, DUKE." But RON gave me a lot of guidance.

RON PACKARD, DUNCAN HUNTER, myself and BRIAN BILBRAY represent North County, San Diego and San Diego City, both on authorization and appropriations, and I want to thank you for your leadership and what you were able to help us with. Not only from the appropriations, but RON also knows how to breach partisanship and work with Members on the other side, as you just witnessed with JOE BACA.

But he is no nonsense, and his style is that of a grandfather to a child. If you were bad on this House floor, or very partisan, RON, through his leadership, was not above going after somebody that was partisan. He was also not afraid to call for removal of the President or a cabinet member when he thought it was within his value system, and he had the strength of a leader to carry that through.

RON loved public service. He loved his wife, Jean, and his family, but his family might be described as a covey, a herd, a flock, or just maybe a large group. RON has seven children, 34 grandchildren and three great-grandchildren, the last we heard; and I am sure that that number is going to go up.

But I think it also shows the competitiveness of RON PACKARD. I would like to give a story off the Hill. RON does love golf, with a passion, and if he loses a dime, I mean, he frets for a week if he loses a dime. He is a fierce competitor. As a matter of fact, right there where he is sitting at this moment he was sitting with DUNCAN HUNTER one night.

Now, RON is a very good golfer, in the 70s or 90s. DUNCAN HUNTER is of equal caliber, in the 70s or 80s. I am lucky to break 100, so I am always asking for strokes on the golf course on the weekends from these two rascals, but they will not give it. Sometimes they cave in.

They were discussing something, and I was sitting behind them waiting for them to finish. Come to find out, they were plotting on Saturday when we went to the Old Soldiers Home golf course, both of them were going to show up with their arms in slings so they would not have to give me a stroke a hole that game.

Well, they did not see me slip out behind, they did not know the stealthiness of one Member; and, when we showed up, I had my arms in two slings, so they had to give me a stroke a hole.

But I thought I would share this letter. I thought enough of this, I got this just a couple of years ago from RON, to show you what a competitor he is. I would like to read it. He says, "Dear DUKE, you can have my wife, you can have my children, my grandchildren, my house, my car, my good name, but never, never, never, ever a stroke a hole. Signed, RON PACKARD."

God bless you, RON. We love you.

Mr. MCKEON. Mr. Speaker, I yield now to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, it is my honor to be here tonight to honor RON PACKARD. It is not a happy occasion, however. It is not happy, and it does not make me happy and does not make us happy that we will not have RON PACKARD with us to help us and to guide us and direct us and to cheer us in the years ahead in this body.

We will remain friends, we will remain people who respect RON PACKARD forever, but we will sorely miss you. This is something that I say from the heart.

RON has been a father figure, especially for those of us in the Republican Party and the Republican delegation from Orange County. He has been truly a father figure, a kind father. He has been a hard-working father, he has been a caring father, and he has been a wise father, and all of the things you think of when you think about a good man and a person of integrity, of strength, that is what you think of, that is what we think of, the people who have worked with him so many years and relied upon his strength of character and his cheerfulness, that is what we think of when we think of RON PACKARD.

RON started his career as a dentist. I always find it is fascinating to talk to people, as I have spoken to RON for many hours, about what they did in the previous career before actually coming here to Washington, D.C. Actually I know it is hard to say you were thrilled to hear stories of his dentistry, but it made him a real human being to me, and realizing you could actually go into a dentist's office and have RON PACKARD there, you know, him leaning over you and saying this is going to hurt me as much as it is you, and you realize that is really true; that RON is such a sympathetic person and empathetic with people, that he was as a dentist and a human being was very successful outside of the political arena.

Also we know that RON PACKARD served in the Armed Forces. I know he has several stories which he will not tell in public about the Armed Forces. He served his country and he had a good time doing it, but he also was very dedicated to his country. RON is the true image of a Patriot, of an

American Patriot. American patriots, some of us in the conservative movement think patriots are the solemn guys and just repeating slogans about the country. RON is an honest, honest patriotic person. He is an American, a true American, and you can sense that in his heart.

☐ 1945

How one can tell that this is so evident, not only to us, but to his constituents, as has been mentioned here several times, RON did not win his first race right off the bat. RON won a write-in race. Now, with a name like ROHRABACHER, I can tell my colleagues that that would have been absolutely impossible, but even with a name like PACKARD, which anybody can spell, it has only happened 4 times in the entire history of the United States Congress.

Why did this happen? What was the issue which made people in his district take the time to fill out that name? What was it that motivated them? What was the crying need that said, we need RON PACKARD in that first election? It was one word, and the word is integrity. The people in his district knew that they needed integrity and they called out for it and they knew that RON PACKARD was the candidate, even though they had to go out of the way and do more work to get him in by writing his name in, to get him in this position. Of course, since then he has been winning every election by huge majorities.

As a Member of Congress and the dean of the Orange County delegation, he has given all of us direction. We have looked at his hard work, we have looked at his fairness and his willingness always to lend a helping hand to others on both sides of the aisle, and yes, to give advice. We look at those things as a role model for the rest of us. I came in in 1988 and RON was already a veteran. I will have to say that what he has offered us and offered me personally has been very, very advantageous. He has given me a lot of professional guidance on how I should be operating here as a Member of Congress, but he has also served as a role model and given professional advice, or I should say personal advice.

RON is a model for us, both professionally and personally. RON, I might add, in the last election showed his values and showed how important values are to him by taking a lead in California in trying to pass the Save the Family or Protect the Family Act, which is basically designed to protect the institution of the family in California. Also, the efforts he has made to make sure that the Boy Scouts are not forced into lowering their moral standards or giving up the word "God" in their scout oath.

Mr. Speaker, I was just married 3 years ago, and I will close with this. I hope that I have as much happiness in my life and that it shows on my face and in my life as much as RON's family life and the happiness and joy that he has had has had on his life, because he has been a shining example to all of us of what marriage and what love between people is all about. We will miss you, RON. Your presence will not be forgotten; it will shine on as long as the rest of us are here. Thank you very much for all you have done for us and for what you have done for the United States of America.

Mr. McKEON. Mr. Speaker, I yield now to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I feel compelled to be very kind to RON, because as I have been listening to some of my other colleagues who are going to follow me, I think that this will end up as something other than a love fest. I have just heard a story that has not been shared with me that in fact our colleagues will get to hear from my dear friend and classmate, the gentleman from California (Mr. HUNTER) in a few minutes about RON's earlier life.

So let me take a couple of minutes and be very kind. I know that many people focus on the divisiveness that exists here in the Congress and the partisan antipathy that regularly goes on, but there is, in fact, a camaraderie. Then, when we look at the California congressional delegation, the California delegation is known for being extraordinarily divisive: Californians all hate each other; the Democrats and Republicans do not get along; the Republicans are all divided; the Democrats are all divided. If the truth were to be known, we rally, and RON PACKARD was key to putting together the kind of solidarity which we frankly do enjoy today.

I will always remember many late-night meetings which members of the California congressional delegation held, and RON PACKARD was always there. He had as a top priority bringing our delegation together, and he was key to that effort.

Mr. Speaker, I have heard about his wife, Jean, and this huge family, and he is the only guy I know who will actually look you in the eye and say that he does not know the names of some of his relatives. Somebody talked about the fact that he has a number of grandchildren and 7 children, and that when they have family reunions, the Packards have hundreds, I think it may be even thousands, who gather together for family reunions. It is a very, very impressive family that he has. I hope one day he gets to meet all of them.

I will say that when we look at the work that he has done on the Subcommittee on Energy and Water, most recently, I have to say that this very soft-spoken dentist, the former mayor of Carlsbad, has stood up in meetings, and now that he is getting ready to leave, I think I can share this, that he has made it very clear that if Members of Congress have been fortunate enough to have their issues that are priorities for them included in legislation, they had better vote for the legislation. RON very calmly, very firmly makes that statement, and he does it with a kind of confidence that only a powerful cardinal can exercise around here.

So we are going to miss RON. The gentleman from California (Mr. HUNTER) and I were just talking about the fact that RON is our junior colleague. We had the privilege of coming here with Ronald Reagan back in 1980 and then, as many have said, RON shocked the world of being the person, I guess the fourth, to win that famous write-in election, and the gentleman from California (Mr. HUNTER) has all kinds of stories about that write-in election that he will probably share with us.

So let me just say to RON and Jean, his wonderful wife who has stood by him, and I have had the privilege of traveling with them and spending time with other members of their family, they will be sorely missed. The California delegation has come together in large part due to the commitment that RON PACKARD made to that goal, and I shall always be grateful to him for that.

Mr. McKEON. Mr. Speaker, I yield now to another strong member of our delegation, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to give my thanks also to Mr. PACKARD who has done so much during his 18 years here in this body for the State of California and everybody not only who lives in his district, but in mine and in Mr. McKEON's, Mr. HUNTER's, Mr. DREIER's, and others. I know the gentleman from California (Mr. HUNTER) has some great stories that are coming. We have heard them in our luncheons and been regaled with them. They are good. I hope that they are presented and taken in the spirit of camaraderie that we have.

RON has a quiet leadership style that, as the gentleman from California (Mr. DREIER) said, members of both sides of the aisle appreciate and, frankly, rally around. He has been very fair to all members, regardless of party affiliation. Frankly, I have only been here for just about 2 years now, but in my short time, I have tried to emulate his qualities: humility, fairness, honesty, accountability, and frankly, the integrity that just comes. If one gets the chance to work with RON, it just comes out. It is just so clear. His qualities have won him many friends and admirers here in Washington and in California, as we can see from him being returned 8 times from his initial election.

Mr. Speaker, on the Subcommittee on Energy and Water, Mr. PACKARD has provided critical assistance for the safety of Americans across the Nation and particularly for Californians and specifically for people who live in the Sacramento area. He understands our challenges along the Sacramento River and the American River, and his work has led to a significant increase in the level of flood protection for the people that live in my area, and for this I am grateful. It makes a difference.

Mr. Speaker, RON PACKARD, as others have said, is very devoted to his family, which is and always has been his most important priority in life. As he takes his bride, Jean, and returns to California and leaves this august body, I know that he will enjoy spending time again with them in the manner in which perhaps every one of us should, and devoting more time to those that he loves as family members. I say to the gentleman, I appreciate your leadership and guidance, and you will be missed. Godspeed.

Mr. McKEON. Mr. Speaker, I yield now to the gentleman from Michigan (Mr. KNOLLENBERG), a colleague of Mr. PACKARD's on the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I too rise this evening to pay tribute to RON PACKARD, who I consider to be a distinguished statesman from the State of California, and on this occasion of his retirement at the end of the 106th Congress, I wish him well.

I have known RON and I have known his wife, Jean. I have not known the 7 children and, I believe, 34 grandchildren and the great grandchildren, but that will come. I have had the pleasure to travel with he and Jean on some CODELs, I would not say around the world, but certainly to various parts of the world, and we have had I think some very interesting experiences on those trips and I have gotten to know he and Jean. We find that his dedication to his family and to his church is very, very strong. It is unwavering. The fact that he is a dentist and that he moved from being a dentist into Congress is a little bit of a change, I guess, but others do the same from the field of medicine, so that is not so unusual. But he has made the change and he has done it, as somebody has already said, several members have mentioned the fact that he was only the fourth member, only the fourth in history to actually come to the House via the write-in process. I never believed anybody could get here by the write-in process, but RON did. The residents of his district in southern California have seen fit to send him back to Washington, and by overwhelming majorities, every election since, back to 1982. I think well they should, because RON PACKARD has been a respected and dedicated member of this House ever since. He has served his California constituents well. Not only that, he has served the Nation well, and that includes his service in the Navy and his time as the mayor of Carlsbad, California and, of course, the 18 years here in the House.

As we know, RON PACKARD is the chairman of the House Subcommittee on Energy and Water, and it has been my privilege to serve with him on that committee as well as on the Subcommittee on Foreign Operations for the past few years. He has also served, as we know, on the Subcommittee on Military Construction and the Subcommittee on Legislative Appropriations, as well as his efforts on the Subcommittee on Transportation.

I can assure my colleagues that the Energy and Water bill is no easy task, and let me say a little bit about why. It was only through RON's tireless dedication and self sacrifice that made difficult matters appear mundane. Energy and Water runs the gamut of issues, hitting upon matters of national and energy security. That bill provides vital important funding for such items as the Nation's stockpile stewardship, Cold War weapons plant cleanup and energy supply, only to name a few. But here is the part that gets tough. It not only funds hundreds, even thousands, of local water priorities performed by the Corps of Engineers and conducted in just about every Member's district, and the member from California has brought balance, he has brought common sense in approaching the Energy and Water bill discussions during his tenure. In fact, this year, RON PACKARD had to deal with some 3,000 requests. Now, those were not all Member requests, but a good many were and the rest came from a variety of sources. All of these have to come before the committee, all have to be dealt with. His hard work and dedication resulted in a timely and reasonable piece of legislation that covered all of those bases, and it took patience and it took thoughtfulness and it took courtesy, and he had all of those qualities to meet and deal with people and with their requests.

RON PACKARD's retirement will leave a set of shoes that will be difficult, if not impossible, to fill. Mr. Speaker, I think I echo the sentiments of all of the Members who have spoken here this evening in saying that this gentleman will certainly be missed.

I am certain that RON will make good use of his time in the coming months. I can only guess that golf courses around the country will be richer, will be the richer for it. RON, congratulations to you and to Jean. Enjoy your retirement, and thank you very much.

Mr. McKEON. Mr. Speaker, I yield now to another good friend of RON's and a member of the California delegation (Mr. DOOLITTLE).

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Mr. DOOLITTLE. Mr. Speaker, I want to thank the gentleman from California (Mr. McKEON) for organizing this special order.

RON is obviously someone who is looked upon very favorably here in the House and who is a friend to all. And in the frenetic pace that we have, we do not take time to stop and pause upon the contributions of any given individual until the time of his or her retirement.

It is unfortunate that it is that way, but at least we do have this occasion to pause for that moment, and many things have been said. RON has a very interesting life and a number of significant accomplishments.

I just want to provide just two or three brief snapshots of my encounters with RON. When I was a brand-new Member here, 10 years ago, I would take the Metro in; and so if we stayed late at night, although I could have taken the Metro back out, RON lived out near us, and he was kind enough to give me a ride.

So he introduced me to an interesting way of getting home. But the best way, and I always take it whenever I am driving, and that is you go down 395 South. You get off at Maine Avenue. You go past the Jefferson and Vietnam Veterans and Lincoln Memorials right along the Potomac River.

There are quite a few little turns you have to know how to make, but you end up going up over the Theodore Roosevelt Bridge looking past the Kennedy Center, and you are on 66 West. And, RON, every time I go that way I have you to thank for that. I think of you. I think of you every single time. I do think of you teaching me how to get home that way.

We have another thing that is somewhat unusual. When we were not back in our districts and happened to be here for the weekend, RON and I were members of the same congregation, the Oakton Ward of The Church of Jesus Christ of Latter Day Saints. And RON served for many days for the instructor of priesthood group.

I might add ORRIN and Elaine HATCH are members of that ward. And Jean, of course. RON and Jean's daughter Lisa. We miss them, I must say, as they have been wrapping up their affairs and making the transition completely back to California.

They have moved back with their family, and we do not see RON so much in that capacity, but we did see him there this last Sunday.

Anyway, I treasure those memories.

Lastly, but not least and most directly related to our legislative life, I had the privilege of working with RON on a very important issue to California, the subject of water and specifically, the subject of cow fed. RON is the chairman of the Subcommittee on Energy and Water Development, and as we all know, there is an appropriations subcommittee that handles the money to be spent for each of the different policy committees.

The policy subcommittee that I chair is the Subcommittee on Water and Power. And so we worked rather closely together on this very contentious issue of water, and that is really not resolved as of this moment and will be taken up in the next Congress.

But I do want to say this, rather than simply doing whatever he liked as the appropriations chairman, because frankly, if that power is used in that fashion, legislating on appropriations bills can occur and can occur contrary to whatever the policy committee would like to have happen. I do not think that that is appropriate, but it occasionally happens around here.

It did not happen with RON and his subcommittee, and I really value, RON, how closely you worked with us and the authorizers to try to reach an accommodation on that. You and I and our committees were together, but not all the parties in this process were, and so it has not worked out yet; but you certainly gave it the maximum effort. I am convinced the foundation that we laid will eventually be built upon to resolve this problem.

Lastly, the last personal snapshot, as you heard what a great golfer RON is, and I think he is one of the best in the House. But he and his wife also love games, board games, and we had a couple of delightful evenings over the years enjoying those experiences together as couples.

So I want to say thank you. We will miss you, and Godspeed in your new endeavors.

Mr. MCKEON. Mr. Speaker, I yield to the gentleman from San Diego, California (Mr. HUNTER), another good friend.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from California (Mr. MCKEON) for putting this special order together, and we talked about the serious side of RON I think a little too much tonight. I need to tell you a couple of stories about this guy.

The first story is, a number of people have talked about his patriotic service to the Nation as a Naval officer, indeed, a dentist; and there is one story that is floating around Southern California about a certain dentist who was seeing a large number of recruits. They were running them through pretty rapidly, filling teeth, pulling a few here and there and getting them in shape to go overseas.

RON and his cohort there, the other dentist who worked in the office, decided they would have a little fun. It involved a new technique, the technique of utilizing dynamite to remove bad teeth. So they had a rather large, naive young man who was in the chair, a little bit apprehensive about this dental work that was to begin.

RON very ceremoniously opened up a large volume, a big book; and he said we are going to try the new blasting technique on your teeth. I hope you like it. It is experimental, and RON proceeded to take a piece, a little roll of gauze that he dipped in iodine that looked like a miniature dynamite stick.

And as this horrified recruit, who had been promised good dental care in the U.S. Navy, lay back in that chair with just a look of horror on his face, RON inserted this small stick of dynamite under one of the molars or on top of one of his molars, he looked back at the book and he said it now says we have to attach the fuse, and he pulled out a piece of dental floss, which if you light it will in fact fizzle and sputter and acted something like a fuse, then he plugged the fuse into the small stick of dynamite that was laying on top of a now horrified recruit's back molar.

RON then, a very, very solemn man. We all know RON can be a solemn person. When RON is solemn we all get solemn, and he very solemnly skipped a few lines in the book, and he says to his friend, his fellow dentist, that we have to take cover. So they led the fuse over behind the desk and got down behind the desk; and RON then lit the fuse, and as this fuse sputtered and fizzled and the flame, the spark got closer and closer to this young recruit, the recruit got more and more agitated, as you may imagine, and finally leaped up with a squeak and raced out of the office.

RON was required shortly thereafter to visit the commanding officer. And this is pure RON PACKARD. He has gotten away with stuff all of his life. He very solemnly went in and began to explain what had happened very truthfully, and his commanding officer wanted to be very severe, but after RON had gone about halfway through the story, his commanding officer could not help himself, and he burst out laughing.

He finally just admonished RON and his colleague to get out of there, so they left. They promised not to harass any more recruits, and that is one of my favorite Navy stories.

But that epitomizes the sense of humor that RON has and RON has carried that sense of humor over to today. In fact, he has a great sense of humor. He actually told the gentleman from California (Mr. CUNNINGHAM) and I we had good golf swings before he proceeded to take us for a small wager, of course not illegal; but we have had a lot of fun out there playing golf.

RON is a fairly tight-fisted guy. I had an opportunity to actually make a hole-in-one in a golf tournament that my colleagues played in, and I thought I would get a car. But I was informed that since RON was running the tournament, I would not get any car. And I think I got just a couple of dollars for making this fabulous hole-in-one, even though another member of the conference then got a very nice car after he made a hole-in-one a couple of tournaments later.

RON wanted to present me with my car this year, which I understand was a small model about 5 inches long; so, RON, I want to get that as soon as possible.

My other favorite story about RON PACKARD involves his family, and it involves where he comes from in that great area of the Snake River Plains in Idaho, where people work from dawn to dark and have a tremendous work ethic and where everybody looks the other guy right straight in the eye and where literally a big piece of American wilderness was carved into a very productive land, and that is where RON and his 16 brothers and sisters, 14 boys and 3 girls, grew up near Meridian, Idaho, and the Snake River Plains there.

His father was working for Morrison, Knudson just prior to the Japanese bombing in Pearl Harbor in World War II, and he was on Wake Island. He was working as a civilian worker. When Wake Island was taken shortly after the bombing of Pearl Harbor he was captured by the Japanese. His father became a POW.

I think what his father did in that POW camp represents the character that RON took on, and that has followed him all of his life, and that is that RON's dad who became a POW was taken on one of the so-called hell ships to Japan and treated very brutally, helped to take care of the other POWs.

He became the historian of the POW camp, and he wrote down the history of all of the members of that POW camp, and he kept a log on what happened to them. As you know, 30 percent of our POWs were killed in World War II that were incarcerated in Japan.

He hid that little history, as I recall, in a piece of bamboo. And when he came back to the States, he made sure that he contacted every family that had a loved one in that POW camp and gave them the history of their loved one, who in most cases did not make it back or in many cases did not make it back before he went back to his own family, and then like RON PACKARD, he told them, all the kids, what had happened, and then he talked very little about it. And that is RON.

He is the kind of guy who has got great character, a great caring and does not dwell on himself a lot. We have had little cabals, as the gentleman from California (Mr. DREIER) said in the California delegation. I like a good cabal myself, and a good secret meeting; RON PACKARD is a guy that likes to bring people together and likes to put oil in the water and bring out the best in everyone.

He really epitomizes what is best about this Congress. He has got a good heart. He looks you in the eye. He helps you whenever he can, and he is a great citizen. And I cannot help but think that it was that upbringing that the 17 boys and girls, 14 boys and 3 girls, on the Snake River Plains of

Idaho and all that hard work that they had to endure and keeping that family going without a father that made RON PACKARD what he is.

We have been better for his presence. God bless you, RON.

Mr. McKEON. Mr. Speaker, I yield to another good friend of Mr. PACKARD's, the gentleman from South Carolina (Mr. CLYBURN), who served with him on the Committee on Appropriations.

Mr. CLYBURN. Mr. Speaker, I sat in my office listening to speeches being made, and I thought to myself how many times I had shared in private conversations with so many people both in this Congress and outside, how much admiration and respect I had for RON PACKARD. I thought to myself, maybe this is a good time to share with the world at large exactly what some of my feelings are for him.

Mr. Speaker, I met RON first when I showed up to play in one of his golf tournaments, and I think when he saw me, he thought maybe I had strayed on to the wrong golf course. But we struck up a relationship on that day; and some time after that, I was elected by my party to serve on the Committee on Appropriations and of course I sought a seat on the Committee on Energy and Water Development, and much to my pleasant surprise, I found out that RON PACKARD was the Chair of that subcommittee.

I cannot think of anybody with whom I have worked since being in this body that I felt more fairly treated than the time I spent on that subcommittee. And of course, I took leave from the committee and am still on leave from that committee and his subcommittee. We still find time to interact with each other.

Quite frankly, I am not too sure he didn't treat me more fairly in my absence than he would have if I had been there to argue my case in person. But this past Members golf tournament I had the opportunity to play in a foursome with RON PACKARD, and I always thought of how much I admired and respected him, until that day when he politely taught me just how much better a golfer he is than I am, but he did it in such a way that I really enjoyed that thumping you gave me on that day.

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But all of that aside, as I said earlier, in this body, I think, as some things get contentious, we often plead our partisan cases in such a way that even we are often not proud of how we have done it. But I have never seen an instance when my interaction with RON PACKARD was not of the highest regards for each other.

I wanted to come to the floor tonight and say how much I appreciate serving with him, how much I appreciate my friendship with him, and to wish him Godspeed in all that is before him in life and let him know that, if ever he comes to South Carolina, I want to repay that thumping on the golf course that he gave me not too long ago. I thank him and Godspeed.

Mr. McKEON. Mr. Speaker, I yield now to the gentleman from Orange County, California (Mr. COX), one of the leaders of our California delegation.

Mr. COX. Mr. Speaker, I thank the gentleman from California very much for yielding to me.

Mr. Speaker, I want to join with this distinguished group of Members on both sides of the aisle in paying tribute to my friend and our colleague, this great national leader from Southern California, RON PACKARD.

I, too, have enjoyed listening to the stories tonight on the floor, and I hope the gentleman from California (Mr. PACKARD) has, too. There are many to tell about a man whose time here in Congress has done so much to improve our national life and to improve this institution.

RON and Jean and their seven children and their 34 grandchildren are a family that the Packards have made us all feel a part of. I have met some, but not all of the Packard family. Perhaps someday I will be able to do that. But the family members that I have been introduced to and I have met are fine men and women that say a lot about RON and Jean.

I have my own much younger family. It seems to me, given the natural limits to mortal life, I can never catch up. But I know from the task of being a father what a measure of our own worth that is. That is one and only one, a big one, area of RON's life in which he has set an example for the rest of us.

When I first came to Congress, I had the opportunity to serve on the Public Works and Transportation Committee with my neighbor in Orange County to the south, RON PACKARD. RON was and is an expert in aviation, served on that as well as other subcommittees in the Congress, and continued to have even greater influence in that area on the Committee on Appropriations where, as has been remarked upon several times tonight, he is a cardinal, a term of reverence, well deserved in his case for someone who wields extraordinary power of the purse in our constitutional system.

I have had the opportunity even to have some vacation dinners with RON and Jean. Rebecca and I have shared a nice meal at some romantic spots in Hawaii together and gotten to know RON in that way personally, and it has been a lot of fun. I hope we have the opportunity to continue to do that even after he retires, because we are Southern California neighbors.

It has been mentioned because it is such an extraordinary fact of RON's career here how he got here in the first place, one of only four Americans in our national history to come to this people's House as a write-in candidate.

It is extraordinary in a time in election season right now when we are all talking about campaign finance reform and the nefarious influence of special interests to think about what this means in RON's case. RON got here in exactly the opposite way, not because of special interests, not because he was even the nominee of a major party. He was not. He had to run against the Democratic nominee, run against the Republican nominee as an individual. He was RON PACKARD first and became the party's standard bearer thereafter because the people wrote him in.

RON PACKARD and I share another distinction that I am very proud of. Possibly this means more to a Republican than a Democrat. But RON and I are the only Members to have our legislation become law, notwithstanding the veto of President Clinton, in two full terms of the Clinton administration: in my case, the Securities Litigation Reform Act; in his case something even more important, I have to say, and that is rebuilding our Nation's military.

Because as the chairman of the Subcommittee on Military Construction of our Committee on Appropriations, he put before this House what was necessary to rebuild our military, to provide the resources that armed services needed. He convinced our colleagues on both sides of the aisle. They voted to support his legislation. The same was true down the corridor in the other body, the United States Senate.

We sent that legislation to the President. When the President made the rare decision to cast a veto that he should not have, the Congress reacted quickly and supported RON PACKARD, even against the wishes of the President of the United States, because they knew he was supporting the United States military and that he was right.

Now, it should be said about a Republican who serves on the Committee on Appropriations that there are temptations. The whole term limits movement has a reason in America because of those temptations, because people who serve too long in Washington find it too easy to spend other people's money on pork barrel projects, on wasteful Washington ways. Sometimes they forget about the people back home. It is sad to say that temptation is strongest when one is closest to the money on the committee charged with spending it, the Committee on Appropriations in the House and in the Senate.

So how honored have we been as American citizens to be served by a chairman on the Committee on Appropriations who took his trust so seriously that, in discharging it, he actually reduced spending.

When RON PACKARD first became a chairman on the Committee on Appropriations in 1995, he quickly sent a bill to the floor of the House of Representatives that did not just cut spending for the benefit of taxpayers, it cut spending at home where, presumably, it would hurt Members of Congress themselves most, in our own legislative budget. He cut spending by Congress on itself by fully one-third, an extraordinary achievement when we had a new majority, a new Congress, under the leadership of RON PACKARD.

In fact, throughout his career in the majority as a cardinal, as a chairman on the Committee on Appropriations, RON PACKARD has been garnering awards, not for bringing home the bacon, but from such groups as Americans for Tax Reform, which rated him a taxpayer's hero, and the National Taxpayers Union, which rated RON PACKARD an appropriator and a chairman and a cardinal in the top 5 percent of people in this entire Congress interested in cutting spending.

This is an extraordinary accomplishment and something, Mr. Speaker, that the gentleman from California (Mr. PACKARD) can not only be proud of, but that all of his colleagues here are proud of. He has made us all proud. Everything that he has done in his career, even before he came to Congress, as a local leader, as a mayor, as a member of the city council, as a dentist with his own practice has distinguished him.

But in this Congress for 18 years, everyone on both sides of the aisle, as the gentleman is hearing tonight from his friends, has found him to be scrupulously honest in his dealings, to be always fair, and, just as importantly, to be hard working and is represented by the fact that he got here as a write-in candidate, a citizen legislator. The gentleman from California (Mr. PACKARD) is, in short, everything that a Member of Congress should be, everything a national leader should be.

It is well said that ours is a government of, by and for the people. The for and by parts are very important. But remember that it is also a government of the people, and that this Congress, which manufacturers nothing, is simply the sum of the people who populate it, the people who were chosen by the voters to come back here.

Therefore, by being who he has been, the fine gentleman that he has been and is, the leader that he has been, the exemplar that he has been for all of us, he have improved this institution, the people's House. The Congress of the United States and thus our country is the better for it.

It has been a privilege to know the gentleman from California (Mr. PACKARD) and to work with him, and I look forward to continuing our friendship in the years ahead.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE HONORABLE RON PACKARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PACKARD) is recognized for 5 minutes.

Mr. PACKARD. Mr. Speaker, I would like to make a response, but there is one or two others that would like to say a word.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I am happy to yield to the gentleman from California.

Mr. COX. Mr. Speaker, it is my understanding that the gentleman from California (Mr. MCKEON) would also be pleased to be recognized before the gentleman from California (Mr. PACKARD) speaks. If the gentleman would be willing to yield to him for 5 minutes, I will ask then for a 5-minute special order myself and yield to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. That will be fine.

Mr. Speaker, I yield to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, this has been a very enjoyable evening. I think there have been many great things said about a very great man.

Years ago, in 1982, my father-in-law, in one of his visits, said that he had been asked to help a great man in his Congressional District to run a write-in campaign for Congress. That man was RON PACKARD.

Whenever my father-in-law would visit, he would tell us stories of what they were doing and how they were preparing for the campaign. I knew not much about the Congress and knew nothing about running a campaign for Congress, and so I was not as impressed as I should have been.

Now, having run a campaign and been elected to Congress, I know that it is impossible to win on a write-in. I wish my father-in-law were still alive, and I could tell him how great a job I think he did in helping elect such a great man as RON PACKARD to Congress.

RON is in stature shorter than I am, but he is a man that I always look up to. There have been a couple of stories told about how tight he is with a penny or a dime. I think that if one knew his background one would understand why the story told about how he was raised with 16 brothers and sisters and how every penny, every dime counted I think is really important. It is reflected in one story that I have heard RON tell that I think shows how important money was to him and to his family as they were growing up.

His family had a .22 and a shotgun, and it was very expensive for them. It was hard for them to buy ammunition. But he tells of a story one time that he and his brother went out hunting ducks, and they had to wait till the ducks got in a line because they had to get as many as they could with one shot.

The one brother shot as many as he could when they got in line with the .22. Then, as the rest of the ducks took off, the second brother shot with the shotgun. Then they went around and gathered up all the ducks. They got 23 with one .22 shell and one shotgun shell.

The meat was important. The feathers were important for their pillows and their quilts. They used every bit of those 23 ducks. Life was not easy for them in Meridian, Idaho. But they did great things with their lives.

We have heard lots of stories about RON and his family. I know some of his brothers. I know what great people they are. There are so many things that we can learn from this great man.

He and I are from the same faith, and we believe the words of a prophet that lived many years ago that said, "whatever you achieve outside the home is not as important as what you achieve within the home." RON has done a great thing both within and without the home, but he has never forgotten his family.

Now, as he retires, he is going back to live in San Diego by other members of his family. We will miss him here but know that he will continue to do great things as he has throughout his life.

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I am very fortunate to call this great man a friend.

TRIBUTE TO THE HONORABLE RON PACKARD, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I come tonight because I think it is a testament of any Member of this House when someone on the other side drops what they are doing to come and speak favorably on the departure of a Member. I have come tonight because RON PACKARD is a friend of mine, one whom I admire immensely.

When I came to this House, I began to serve on the Committee on Transportation and Infrastructure. There were a lot of times when I was not quite clear as to what I would do in terms of asking for more funding for California, but then I met a man who was from California who knew exactly what I should be doing and how I should do it. That man was RON PACKARD.

RON PACKARD represents the best in all of us in this House, whether we are a Republican or a Democrat, because he simply puts his hands out to give advice when one who was a freshman sought that advice. He made me feel quite welcome to come to him and comfortable to come to him and to seek that advice. I remember one time when I was asking for perhaps more money than I should have for California, and he simply said, let us get together and see what we can do to work this out.

I will always have fond memories of RON PACKARD. And as he leaves this House to go and be with his family and children and grandchildren, I know that he will look back upon this House with fond memories, but we want him to leave knowing that he had friends on both sides of this aisle who not only recognized his experience and his expertise on transportation and appropriation issues but also recognized his friendship, his putting his hands out to both those across the aisle as well as those who worked directly with him on the Republican side.

We wish the very best for RON as he goes back to California. I know he will not miss the traveling, coming back and forth from California, but I hope he will miss us as his friends, because we certainly will miss him and all of the great things that he has done to make the people of California feel proud of him and to make this Nation feel proud of him. I am happy to call him my friend.

Mr. REGULA. Mr. Speaker, I rise today to join my colleagues in paying tribute to our colleague, Mr. PACKARD, of California for the many years of service and dedication he has given to this body and to the American people.

Mr. PACKARD is retiring from this House after 18 years, and during these years we have served together on the House Appropriations Committee. He has risen in service to Chair one of our most important subcommittees, and he has displayed outstanding leadership for the nation in this capacity. Water resources and energy resources are vitally important to the quality of life for our citizens, and RON's leadership has moved the U.S. to new levels of achievement in addressing those needs. The confidence of those he represents was well exemplified by the fact that RON was only one of four in the history of our nation who was elected by a write-in vote.

RON, I join your many friends in the House in wishing you and Jean years of happiness and good health.

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to my friend and colleague, the gentleman from California Representative RON PACKARD, Chairman of the Energy and Water Subcommittee on Appropriations. I am proud to recognize the gentleman for this accomplishments and wish him continued success as he retires from the United States Congress.

I have had the honor and pleasure to serve with Chairman PACKARD in the Appropriations Committee and I can tell you from personal experience that he is one of the hardest working and most effective members of Congress. As Chairman of the Energy and Water Subcommittee on Appropriations, he has done an extraordinary job of balancing the national and regional needs; and has always been a good steward of federal funds. He is a leader who has proven he can get things done.

He is a strong friend of Florida and a great American. I thank him for the continued support in working with me on various projects in my City of Miami and my state of Florida. I know I speak for Members on both sides of the aisle, when I say that Chairman Packard's calm judgement, strong leadership, unfailing courtesy and good humor have been truly appreciated in our deliberations and will be sorely missed.

Chairman PACKARD was first elected to Congress in 1982 by a write-in vote, becoming only the fourth successful write-in candidate for Congress in the history of the United States. Prior to his election to Congress, he served four years as mayor of Carlsbad, California, in the district he now represents. A dentist by education and profession, he was always active in civic affairs and public service.

Chairman PACKARD, you can be very proud of your accomplishments here and in the imprint that you have made in this institution and on the nation. I wish you the very best in the new challenges you undertake.

Mr. Speaker, Congressman's PACKARD's retirement is a loss to this institution, to his colleagues and in particular to his constituents. He will be remembered for his commitment and leadership. The people of California's 48th Congressional District will miss him, and so will we.

Mr. FILNER. Mr. Speaker, I rise today to join my colleagues from the California delegation in congratulating Congressman RON PACKARD on his retirement after serving the people of Southern California for over 20 years. I would like to take a moment to honor him and his record of service to California and the United States. Congressman PACKARD began his long career of public service as a trustee of the Carlsbad Unified School District. After serving on the Carlsbad City Council, and later as Mayor of Carlsbad, RON was elected to the House of Representatives from California's 48th District. In his first election to the House, he was only the fourth successful write-in candidate in U.S. history.

The citizens of Orange County, San Diego County and Riverside County, who placed his name on that first ballot, returned RON PACKARD to the House eight more times. I join the other members of the San Diego delegation in recognizing that the people of his district, of Southern California, and of the United States have been well served by his exemplary career.

As Chairman of the Energy and Water Subcommittee on Appropriations, Chairman of the Military Construction Appropriations Subcommittee, and Chairman of the Legislative Branch Appropriations Subcommittee, RON PACKARD was a model of bipartisan leadership. He always worked with Members on both sides of the aisle in a fair and balanced manner to bring important legislation to a successful conclusion. He represents how one can be a friendly and helpful person even to those, like myself, with whom he disagreed on most policy issues.

RON, as you look toward the future and a well-deserved retirement, the people of Southern California and your colleagues from the California delegation thank you for your fine example and wish you and your wife, Jeanne, the best of luck.

Mr. PORTER. Mr. Speaker, it has been my great privilege to serve in this body for the last eighteen years with my California colleague, RON PACKARD, and on the Appropriations Committee for the last eight. I also served on the Military Construction Subcommittee when he was its chairman and with him on the Foreign Operations Subcommittee.

I have very much enjoyed his friendship, our common interest in the great game of golf (at which he is very proficient, and I am, unfortunately, not very), as well as the opportunity to work with him on matters of mutual interest. He has always been fair, courteous, and forthcoming in all our dealings, a man of impeccable honesty and integrity, and the kind of representative for his constituents that does this body proud.

While we have our differences philosophically—for example, on voluntary family planning—I respect his commitments to his core beliefs. People of good will in our system can always hold differing convictions so long as they are mutually respected.

I wish RON and his wife, Jean, a rich and full and enjoyable life in retirement, the joys of his wonderful family, and, of course, lots of superlative rounds on his favorite courses.

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Congressman RON PACKARD as he prepares to retire at the end of the 106th Congress and conclude his remarkable career as an elected representative. For 18 years, I have had the honor of serving with my distinguished California colleague. Upon his arrival in 1982, Mr. PACKARD immediately immersed himself in many of the most significant policy debates of the time by serving on the Transportation and Science Committees. His vast intellect and ability to work with Members in a bipartisan fashion became apparent immediately, foreshadowing a long-standing career of effective and responsible leadership. Mr. PACKARD eventually made the transition to the Appropriations Committee where he went on to become one of the most well respected Chairmen of the Military Construction Subcommittee, and later the Energy and Water Subcommittee. Through his extraordinary work, he has become one of the most ardent fiscal hawks, has legislated against wasteful government spending and has continuously fought to solve the many immigration challenges confronting the state of California. Also, Mr. PACKARD has been a constant champion of the men and women who serve in our armed forces, and has led with a clear vision in working to meet the water, environmental, and energy needs of California and our nation.

But given his lifetime of public service, Mr. PACKARD's success in Congress comes as no surprise. That service began in the military as a dentist with the U.S. Navy Dental Corps at

Camp Pendleton, California located in the congressional district he would later represent. He soon became active in local and civic affairs, first serving on the Carlsbad school board, then the Chamber of Commerce, served two years on the Carlsbad City Council and eventually became the mayor of Carlsbad in 1978. It was during these years that the people of the 48th district in California learned of Mr. PACKARD's ability to fairly and justly serve those he represented, and as a result, they entrusted him with their congressional seat by electing him as a write-in candidate in 1982.

Mr. PACKARD's career has been exemplified by the values of hard-work, honor and integrity that are all too often absent in society. Through his ability to work in a bipartisan manner, he has been one of the most potent and influential leaders in this body and for 18 years has worked tirelessly to serve his constituents and our nation. Although my colleagues and I will miss his presence, we wish him well as he prepares for retirement and pursues new challenges. RON, best wishes to you and your family.

TRIBUTE TO THE HONORABLE RON PACKARD, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLITTLE) is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding to me.

I am overwhelmed by my colleagues and the generous, kind things that they have said. I have had the privilege to serve in Congress for 18 years now. I shall be eternally grateful to my constituents, the voters of my district, in San Diego County, Orange County, and Riverside County for allowing me to represent them here in Congress. To participate in the greatest legislative body in the world is a privilege that only a few have experienced, and I have been blessed beyond measure with that privilege.

When I first came to Congress, there were several major goals that I had hoped we could achieve together in our government. We were awash in deficit spending, adding to the national debt between $200 billion and $400 billion a year. I wanted to see our government live within its revenues and balance its budget. I wanted to restructure the entitlements of welfare and Medicare and Social Security. I wanted to reduce the heavy tax burden of our taxpayers. I wanted to strengthen our defense. I wanted to reduce the size of government and make it more efficient and more effective.

Who could have dreamed 18 years ago that we would be able, Republicans and Democrats together, to accomplish these remarkable goals? It has been a great time to serve in the House of Representatives. The opportunity to serve with each Member of Congress has been a wonderful treat, both sides of the aisle. I have not found it any more difficult to love and appreciate my Democratic friends than my Republican friends.

To work with a competent and loyal staff has been a great privilege. I have had great staff members throughout my career.

To serve with President Reagan and President Bush and, yes, with President Clinton, has been a very memorable experience for me.

I sincerely appreciate the kind and generous remarks of my colleagues from California and from all the other States that have been here. I love them dearly.

Lastly, I must express my deep love and admiration that I have for my wife, Jean. This job is particularly difficult for spouses and for family members. No Member of Congress could enjoy love and support and devotion more than I have from my wonderful wife and family. I am so fortunate.

I love what I do in this hallowed Chamber. I love America. I will miss dearly my colleagues, my constituents, my staff. I will miss the work. I love what we do here. I will not miss the uncertain schedule. I will not miss the fund-raising nor the campaigning. I will not miss the regular traveling from coast to coast. But I have learned that there are only three ways to leave this place, and two of them are real bad. I am leaving the right way, at the top of my career.

I am a praying man. I pray every day. And I will pray daily for all of my colleagues who continue this great work and service in this great deliberative body. I will miss you all very dearly. I love you and I love the work. I bid you a very fond farewell.

I want to thank those that put together this most memorable hour together. I deeply appreciate my colleagues, all of you. Thank you very, very much.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I am going to be joined with some of my colleagues on the Democratic side of the aisle to discuss health care and what we believe should be done in the waning days of this Congress. Unfortunately, most of what we are about to discuss is part of the unfinished agenda here which I have been somewhat critical of the Republican leadership in the House of Representatives for because these health care issues have not been resolved; yet they are very important to the average American.

When I talk about health care concerns, I believe that they are the Nation's number one priority right now. They concern matters that affect the daily lives of our constituents and which I think, if they were resolved and if they were attended to by the Republican leadership and passed and sent to the President in legislative form, would actually make a difference in people's lives. So for that reason I regret that on the issues such as prescription drugs for seniors under Medicare, HMO reform, and also increasing access to health care for those who are uninsured this Congress really has not accomplished much.

I do not really expect much to be accomplished in the next few days that we are here, but I do think it is unfortunate that the Republican leadership has so far, and has over the 2 years, refused to address these issues in a meaningful way.

I just wanted to summarize, if I could, and put them also in the context of the presidential debate, because I think that health care policy has really been one of the defining issues in the context of the presidential debate and the presidential campaign.

Let me mention first the issue of prescription drugs. We know that our senior citizens and the disabled, people who currently are eligible for Medicare, many of them do not have access to prescription drugs because it is not a basic benefit under the Medicare program. What the Democrats have been saying is that we would like it to be a basic Medicare benefit. We would like it to be included under the rubric of the Medicare program because we know that Medicare has been very successful in addressing the problems of hospital care, the need for hospital care and the need for physicians' care.

If a person now reaches the age of 65 or is eligible because they are disabled, they do get their hospital insurance taken care of under Medicare. And if they pay a certain amount a month, about $40 or so per month, then they have also their physician's care taken care of. But that is not the case with prescription drugs. Some seniors are able to get a prescription drug benefit if they are fortunate enough to have an HMO in their area that may cover it in some way. But that is not the majority.

Some senior citizens outside of Medicare are able to get coverage because they have it as part of an employer retirement plan or maybe they are eligible for veterans benefits as part of the Federal Government; but generally most seniors do not get either adequate prescription drug coverage or, in many cases, no prescription drug coverage at all.

Basically, using the example of Medicare part B for physician's care, what the Democrats have been saying and what Vice President GORE has been saying is that we will establish a new part D, for example, under Medicare. And just like with part B for the physician's care, seniors would pay so much per month. It would probably start as little as $25 a month; but as the benefits increase, it might get to be more. They would then get a certain prescription drug benefit that would be guaranteed, which would make it possible for them to simply go to their local pharmacy, and it would be covered. They would have a choice of a pharmacy to go to, and any prescription drug that is recommended by their physician or by the pharmacist as medically necessary would be covered.

Very simple concept, really. No magic here. It is simply included under the Medicare program. Well, the Republican leadership and the Republican presidential candidate, Governor Bush, do not like this. I think, frankly, though they may not admit it, that they do not like Medicare very much, and they do not like the idea of a public program like Medicare including prescription drugs. So what they propose I call a voucher. Basically, they say they are going to give a certain amount of money in the form of a subsidy or a voucher to seniors who are below a certain income, not the majority of seniors, but just those who are below a certain income. Those seniors can take this voucher, and they can go out in the private marketplace to see if they can find an HMO or some other kind of insurance plan that will cover them.

There are a lot of problems with that. First of all, it is not under Medicare, so it is not going to be universal. Most seniors would not be able to take advantage of it. In addition to that, with the exception of the HMOs, they are probably not able to buy a prescription drug policy. Most insurance companies do not sell prescription drug policies. So they may be able to get it through an HMO, but we know what the problems are with HMOs. We do not know how much the deductible is going to be; we do not know how much the copayment is going to be. We do not know whether all drugs will be covered. A lot of problems and a lot of inability, I would say ultimately, to get a good insurance program that covers prescription drugs.

So I would suggest that this Republican proposal and the one that comes from Governor Bush is not realistic. It is not something that is going to help most seniors. But even so, basically they have not paid a lot of attention to it here in the House of Representatives. They talked about it at one time, but that was it. There has not really been any movement to get this accomplished. That is unfortunate, because our seniors are crying out for an answer on the issue of prescription drugs.

Now, on a second issue, and that is the issue of HMO reform, once again the Democrats, and if we listened to the last debate, Vice President GORE was very specific that what we need in order to cure the abuses in the HMO system is the Patients' Bill of Rights, the Norwood-Dingell bill that was passed by the House of Representatives, mostly with Democratic votes but with some Republican support.

I will not get into all the details of the Patients' Bill of Rights, but basically it changes a lot of things that exist under current law in terms of the abuses we face with HMOs. Right now, the decision about what kind of medical care a person gets, whether that person gets a particular operation, how many days they stay in the hospital, what kind of equipment they get, these decisions are made by the insurance company, and many times without the patient's input or without the doctor's input. That is what leads to abuses.

HMOs deny care. People do not really have a way to redress their grievances because if they have to appeal the decision of the HMO, usually it is to the HMO itself, and they, of course, deny it again.

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What the Democrats have been saying with the patients' bill of rights, with the support of a minority of Republicans but not with the Republican leadership, is that we have been saying that we want to make sure that decisions about what kind of care they get, what is medically necessary, are made by the physician and the patient, not by the insurance company. That is what the patients' bill of rights says.

And secondly, it says that if the HMO denies them care that they think they should have or that they need, then they have a legitimate way of redressing their grievance by going into an outside board that is independent of the HMO, or, failing that, they have the right to go to court and bring suit, which is not possible now for most people who are in HMOs.

Well, if we listen to the third debate, Governor Bush said that he was in favor of HMO reform. But then when we look at his record in Texas, on one occasion when something like the patients' bill of rights came to his desk, he vetoed it. And then on another occasion when it came to his desk he basically was told, if you veto it again, we will override your veto, we have the votes in the legislature to override; and so, he let it become law without his signature, basically protesting it but indicating that he could not do anything about it because if he did veto it, it was going to be sustained anyway.

So we do not have much support here. We have a Presidential candidate on the Republican side that basically opposed HMO reform as Governor. And then we have a Republican leadership that still reluctantly allowed the patients' bill of rights to come to the floor of the House and it passed, but the Senate is holding it up and the Republican leadership continues to oppose it here in the House of Representatives.

The last major issue, and there are others but I want to get to my colleagues, the last major issue with regard to health care reform that faces many Americans is that many Americans, something like 44 million Americans right now, simply have no health insurance. They are not covered through their employer. They are not eligible for Medicaid because they are working and their income is a little too high and they cannot afford to go out in the private market and buy their own health insurance.

Well, the Democrats have been saying, let us try to solve that problem. We solved it to some extent in a significant way with children, which was the largest of this 44 million who did not have insurance. We passed the CHIP bill, and we gave money to the States so they could sign up kids for a health insurance program for the children of working parents. And that has been successful in probably signing up about half the children around the country that were previously uninsured.

But again, when it came to Governor Bush, he said that, although he was getting the money from the Federal Government, he wanted to keep the income levels for the kids' care program, for the CHIP program fairly low. And he had originally proposed, I think, 150 percent of poverty, and it took the Texas legislature basically to insist that the eligibility requirements be higher than that. And for a long time, essentially, he made it difficult for the CHIP program, for the Children's Health Insurance Program, to be implemented in the State of Texas in a way that would be helpful to more and more children.

Now, what the Democrats have been saying and what Vice President GORE has been saying is we want to expand the eligibility for this CHIP program to even higher incomes, maybe 250 percent of poverty. And at the same time, the Vice President and the Democrats have been saying we want to address the problem with the adults who are uninsured, so let us let the parents of the kids who are in the CHIP program enroll in the CHIP program as well so that they are insured. It certainly makes a lot of sense. But again, we do not see the Republicans supporting that initiative or taking any action here in the House of Representatives to address that concern.

Lastly, the other large group of people that we know are uninsured are the near elderly, the people between 55 and 65 that are not eligible for Medicare but who often lose their job or take early retirement and find themselves or their spouse without health insurance.

President Clinton and Vice President GORE and the Democrats have been advocating that those near elderly be able to buy into Medicare for maybe $300 or $400 a month, and again we have seen opposition from the Republican leadership and the unwillingness to bring this up in committee or on the floor of the House.

So whether it is the issue of access and covering the uninsured, whether it is the issue of HMO reform, or whether it is the issue of prescription drugs, over and over again the Democrats have put forward proposals supported by the Vice President which have been opposed or scuttled, if you will, by the Republicans and again not supported by their Presidential candidate, Governor Bush.

We are only pointing out the facts here tonight. I am joined by a number of my colleagues who would like to address this issue.

First, I would like to yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who also happens to be a physician.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as my colleague the gentleman from New Jersey (Mr. PALLONE) said, the big issues that remain before us as we come close to the end of the 106th Congress are the same ones that we have not been able to get the Republican leadership of this body to adequately address through several Congresses, not just this one, education and health care.

Last week I was able to join some of my colleagues to call for passage of our education agenda. But tonight I want to join my colleague in talking about health care.

A few weeks ago, I joined Senator BYRON DORGAN of North Dakota, along with the gentleman from Arkansas (Mr. BERRY) and others at a hearing in the other body to call on their leadership to bring the patients' bill of rights to the floor for a vote and to pass it. To date nothing has happened. That is despite the testimony of patients, of a mother who lost her daughter because she was denied the test and care that she needed, the testimony of health care professionals who said how their professional judgment and their values were daily compromised by having to work under the current managed care system.

The system has to be reformed to allow doctors and other providers to make decisions in consultation with their patients on what medical tests and care is indicated in each instance, to have the system better respond to the needs of patients for access to emergency services and specialists, and to make those who are making decisions on health care to be accountable for those decisions.

People all over this country are dissatisfied with managed care. They want the system revamped. They want a patients' bill of rights. The Vice President is poised to make that happen and we, their Representatives, need to respond.

I want to spend the rest of my time on the Medicare give-backs that are being proposed as a remedy for the cuts that took place in the Balanced Budget Amendment of 1997. It is important that, in this measure, the one that is proposed, those who are on the front lines providing health care to those in need be treated fairly and be given precedence since they are the ones who have suffered the most along with the patients who rely on them for service.

In my district, our only private home care agency was forced to close and our public health agency forced to cut back because of the cuts that were imposed in BBA 1997. This is a situation that has been repeated in towns, cities and rural areas around the country. Our hospitals and nursing homes in the Virgin Islands are lucky to still be open, although it has been a struggle to continue to provide care. Others have had to close their doors.

I want to say to the Nation's hospitals, do not accept the Trojan Horse that is being offered to you. The recommendation as it now stands is wrong. Do not let us be picked off one by one and pitted against each other. We can all win if we stand together on this issue.

As a doctor, I know how difficult it is to meet overhead costs and to keep providing services when the fees keep getting smaller. Our expenses and our operating overhead are not going down. They are going up. Our patients need, at the very least, the same level of care, and they deserve to have their needs met.

I resent the fact that the Republican leadership wants to give HMOs any part of that give-back. For what? They promise nothing in return. They have left Medicare patients, our elderly, stranded because they could not make the desired profit. They are holding out their hands for more money now, and they are not even being made to increase the service to the special population.

For too long, HMOs have been allowed to take the care out of "health care," and we say enough is enough. We need to give the dollars back to the providers of health care, to the doctors and nursing homes, hospitals and home health care agencies. The people of this country deserve the full range of health services, and giving our providers fair reimbursements and helping them to stay in business makes that possible. We in the Democratic Caucus say give the money to those who care, give it to the providers, not to the HMOs.

I must also mention an issue that is important to my district. That is the increases in Medicaid that the administration is seeking and the redistribution of the Children's Health Insurance Program funds that are not used by the States. In my district and the other territories, we have a cap on our Medicaid dollars; and we receive CHIP funds under a formula which does not allow us to provide the level or the scope of health care that our residents need. With our cap, we are unable to provide Medicaid to people even at the poverty level. So we have a large gap between those who are covered by Medicaid and the uninsured.

The Journal of the American Medical Association today reported a study on uninsured adults showing that when they are uninsured they are just not able to access any care, they go without even preventive services. And Sanda Adamson Fryhofer, the President of the American College of Physicians American Society of Internal Medicine, which funded this study, is quoted as saying, "Studies such as this one," the one on the uninsured adults, "prove that living without insurance," which many of the people in my district do and have done for years, "is a serious health risk that needs to be treated with the same sense of urgency as not wearing seatbelts or drunken driving."

In my district, close to one-third of the children are estimated to be uninsured. Kids count. The Community Foundation of the Virgin Islands recently released a report that showed that 41 percent of our children live in poverty, twice the national rate, and that deaths among Virgin Islands children under 14 are also nearly twice the national rate.

Health care is a right for all, not a privilege for the few. We have to get that straight before we adjourn and leave for this election.

This means passing a meaningful patients' bill of rights. It means adding prescription drug coverage to Medicare. It means making up for the damage we have done to hospitals, home health agencies, nursing homes, doctors and other providers with the cuts in 1997. And it means making CHIP and Medicaid fair and equitable to all Americans.

In closing, I want to take this opportunity because some of my colleagues will be on the floor later to pay tribute to another of our colleagues. I want to wish the gentleman from Rhode Island (Mr. WEYGAND) well and thank him for his service to our class in the Congress. I want to especially thank him for the interest and help in the national park and other issues in my district. And although we hate to see him leave this body, it is good to know that they will be able to count on his able leadership in the other body. He will make a great Senator from Rhode Island. We thank him for his service.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, we all respect and know the profession of the gentlewoman as being a physician. And she certainly has outlined here tonight some issues that I know are something that we are all very concerned about. Most of them deal with the choices that our constituents and the profession that she also represents feel is so important in the health and the welfare of our citizens in the country.

I want to ask the gentlewoman a question because I think it does go to the issue of the Medicare prescription drug benefit.

I am going to talk a little bit about a report that was just released that was done to look at the prescription drug coverage. And the loss of prescription drug coverage in Florida has gone from something like 26 percent to 41 percent within just 2 years for our senior population.

In the estimation of the gentlewoman, and particularly as we look at the buy-back bill that we are talking about on the Medicare, on the home health care agencies and hospitals and other things, in her professional career, would the gentlewoman agree that because of the hardship that people face in buying prescription drugs, and in fact we know that they are not taking the medicines as they have been prescribed, they are cutting them in half, they are taking them a different day, they are giving us the excuses that they want to make sure their spouse has them instead of them. What does the gentlewoman believe is not number-wise but just the cost to this country in medical expenses that we are having to pay for because people are not taking the life-saving medicines that they need to be taking on a regular basis?

□ 2100

Mrs. CHRISTENSEN. I cannot give you a specific number as you asked, but I know that it is multiplied severalfold because of the inability to take the drugs. For example, we know that if someone is able to take their hypertensive medication or their diabetic medication and maintain their hypertension or diabetes within the normal range, they can expect to live a normal life span and avoid the complications which put them into the hospital and greatly increase the cost of medical services. If we focus on prevention in health care instead of worrying about the cutting costs, if we focus on prevention, we will cut the costs of health care in this country.

Mrs. THURMAN. I thank the gentlewoman.

Mr. PALLONE. I think that that is a very good point. The point is that a lot of these preventative measures, particularly including prescription drugs, although initially there is a cost to the government and we know a rather large cost over the long term it may save costs in hospitalization and other kinds of nursing home care and institutionalization. It is a very good point.

Mrs. CHRISTENSEN. Absolutely.

Mr. PALLONE. Also I wanted to mention, it has to be so difficult as a physician with these HMOs when a decision is made that you think is not in the best interests of the patient. I imagine you go through that many times and this is really sad.

Mrs. CHRISTENSEN. I was fortunate that I was in a fee for service. But if you listen to the doctors who came to the Senate a few weeks ago, they talked about the fact that they just in good conscience sometimes had to just take the risk of going against the HMO's decision because they just could not deny an examination that they felt was needed for a patient. The testimony of the mother whose daughter's name is the same as mine, Donna Marie, who died because she did not have the appropriate test was a testimony to that. We took an oath. To make some of the decisions that the HMOs place on us goes against the oath that we took as physicians.

Mr. PALLONE. I want to thank you for joining us this evening and for all that you have done as part of our health care task force and drawing attention to this issue as well.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much for yielding. I think that this could not be a better discussion, but it is a distressing discussion. And I believe that the dialogue between my good friend the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is an important one as it relates to the human factor.

I would like to yield to a moment to the gentleman from New Jersey because I was getting ready to recount and take our historical journey back to how long we have actually been discussing the patients' bill of rights. I know we are discussing sort of a whole purview; and I have so many burning issues as relates to health care. And in Texas, right now, I am facing the catastrophe of HMOs closing up shop; and, of course, they would argue there is no money. And I would argue my seniors are left with distress and inability to be served. So we have to find a solution. Part of that solution was the patients' bill of rights.

As my memory seems to serve me, it looks as if as I came to Congress, and I came in the 104th Congress which was in 1995, I remember beginning the debate on the patients' bill of rights. I would simply like to yield to the gentleman so we all can understand where we are with the numbers of Members who signed up on the legislation. I think there are 280 plus, why we have not passed it.

My recollection, the bill was named Norwood-Dingell, that is a Republican and a Democrat. I remember physicians from both sides of the aisle coming to the floor pleading for that particular version to be passed. Might I yield to the gentleman from New Jersey to tell us where we are and why we are in this predicament at this point.

Mr. PALLONE. Basically as I think you remember, when we tried to bring up the patients' bill of rights, we were opposed by the Republican leadership; and we actually were only able to get it up because almost a majority of the House signed a discharge petition, including some Republicans. And as it got close to that magic 218 they decided we better bring it up, otherwise it is going to be discharged to the floor without the leadership's support.

But even when it passed the House, the Republican leadership made it clear that they opposed the bill because when we had the conference with the Senate every one of the conferees they appointed on the Republican side with one exception voted against the bill. I am one of the conferees. When we went to the conference, not surprisingly the majority of the Members there between the Senate and the House were against the Norwood-Dingell bill.

My colleague from Arkansas knows that that is a fact because he has also been part of the conference. I think the conference met officially once and then there were some smaller meetings after that, but the Republican leadership in the House and clearly the Republican leadership in the Senate made it quite clear that they were not willing to support the Norwood-Dingell bill and essentially scuttled the whole effort. It is nowhere now. The conference has not met in months. I yield to the gentlewoman from Florida.

Mrs. THURMAN. What you are actually saying to us tonight and obviously I have been here, too, but sometimes I think we need to make these points very clear, because I think quite frankly that the American public is tired of people who have not been trained as physicians making decisions, that this House, in a fairly good vote, a bipartisan vote, Democrats and Republicans coming together, a consensus, believing that the patients' bill of rights that would allow the choices, the decision making to return to physicians was passed. And if I remember correctly, there were actually instructions on this floor even after the conferees had been chosen that we said in again a bipartisan fashion that we asked for the conferees to at least be Members who had voted with the majority of the membership of this House, the people's House. They said to us, put the conferees on that believe as we do. And that passed.

Mr. PALLONE. That is correct. I would say even further that it is quite obvious from the composition of the Senate right now that if the bill were brought to the floor of the Senate and we just did not have a conference, just took the House bill and sent it over to the Senate and brought it up on the floor of the Senate, the votes would be there to pass it. So it is the Republican leadership in both Houses that is preventing this from happening even when we certainly had a majority here and probably even have the majority in the Senate to pass it.

Mrs. THURMAN. So it is those who control the agenda today, the Republican leadership, that is blocking not only the will of the House of Representatives but the majority of the people in this country's ability to have health care delivered by their doctors and not by untrained people.

Mr. PALLONE. Absolutely. I do not think there is any question that if there were a vote once again here or a vote in the Senate that this would pass, would go to the President and be signed into law.

Ms. JACKSON-LEE of Texas. I might add a third component because I think the third component is most onerous and slightly evil if I might use that terminology and that is, of course, the special interests, that has this legislation frozen, literally frozen, and that is insurance companies.

We have given them very nice names, HMOs, which are health maintenance organizations, but they are, in fact, insurance companies that are frightened beyond their expectations of what will happen if you restore to that really sacred relationship the patient and the physician assessing their particular status. I would like to just explore that, because that is why I believe it is so important that we move the Nation's health agenda along, and, that is, because people are not being served well by the HMO/insurance dominance.

I just wish to take you back to a very moving moment on the floor of the House by our colleague from Iowa, a physician from the other side of the aisle, brought in, I believe what was a quadruple amputee, I think all of us saw that and there was certainly a lot of debate about that young boy.

He was one of the most pleasant children that any of us have had a chance maybe to encounter, but it was not a pleasant experience. And he was here for what I think was a moment of drama that was necessary, and I am appreciative of it. Because when we heard the story of this little boy that in fact his parents after the tragic accident, I think they were camping, I think that what happened is that he got a rusty nail or some accident while they were camping and they rushed him to the hospital, to the nearest hospital emergency room and were told, your HMO does not cover you here.

The delay which required them to go some 50 miles away caused this little boy to have enormous reaction, I do not want to misplace the story, it might have been gangrene, but it resulted in him being a quadruple amputee, meaning hands and feet.

I think these are the kinds of stories that are not to be taken lightly nor are they only to suggest that we are creating an atmosphere of crisis. This is what is happening to Americans day by day, week by week and month by month and maybe even hour and minute and second. I believe the longer that we frustrate this system by not pushing forward the patients' bill of rights, and I thank the gentleman from New Jersey for giving the procedural structure as we have now, conference to those who do not understand is where you are supposed to come together, people of reasonable minds, and say how can we work this out.

It is well known that your conference was an opportunity for obstruction and that really what could happen is come to the floor of the House, and we could have this passed. I want to just move quickly to that obstruction, the patients' bill of rights, and then this clear choice on the prescription drug benefit. All of us have been part of that.

I see the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. BERRY) on the floor. I come from the State of Texas. Frankly I can say that we have a record that is not one to be proud of. But we certainly appreciate the fact that we have a situation where we can explain the difference between the plan that AL GORE has and the plan that we have been pushing here in the House as Democrats and what the Republicans with George Bush at the helm are trying to push on us.

Mr. BERRY. Mr. Speaker, knowing that the gentlewoman is from Texas, I would be interested to know what her experience with the Governor has been in Texas on a patients' bill of rights.

Ms. JACKSON-LEE of Texas. The gentleman raises a very interesting question because I have certainly been confused by the debates that have occurred and the explanation that the Governor has given. I think it is well known that the Governor did not sign a real patients' bill of rights. In fact, the one that is now being emulated here in this Congress which has been cited as a Texas bill really was passed without his signature. It came to his desk, and we have a procedure in the State of Texas where if you do not sign it, it becomes law. So in actuality, there are Members in this body, the gentleman from Texas (Mr. TURNER) for one and other Members who are not in this body who are now still State legislators who were the moving forces behind the patients bill of rights. But it was never signed by the Governor.

And so even as we argued in committee, in the Committee on the Judiciary, in the Committee on Commerce about the patients' bill of rights and we cited the Texas bill, it is a Texas bill but it was never signed. One of the reasons that it was not signed, and I cannot read the minds of the leadership at that time of our State, the Governor but certainly there was some argument about special interests who were still opposing it because it did give the right of the aggrieved person, the person who lost a loved one, the right to sue.

I just want to say something about that because you do not hear anyone raising their voices about that other than those who are continually denying service, because everyone knows patient and physician, no one who is dealing with health care and the life or death of a loved one is eager to rush to the courtroom. What they are eager to do is rush to the recovery room, because they want their loved one, they want to be well, they want their child to be well, they are not interested in playing out health care in the courtroom. And so it really is a minimal issue.

Mr. PALLONE. If I could ask the gentlewoman to yield a minute, I remember when we were discussing this at the time the patients' bill of rights passed, that I do not think there were more than a handful of cases since the Texas law became law where anybody had gone to court. Less than five or so at the time.

Ms. JACKSON-LEE of Texas. Absolutely. As we have seen, all of the testimony talks about the loss of my loved one and the fact that I would have wanted to have gotten the care from the physician as opposed to a denial of care. That is what we are on the floor to do.

Let me close my remarks by pointing out again about Texas, and I am glad my good colleague and neighbor from Arkansas pointed to distinctive differences between what we are debating on the floor of the House and what the Democratic caucus and a very large number of Members of the other side of the aisle are fighting against with the Republican leadership.

□ 2115

That is, again, pointing not only to the Patients' Bill of Rights, but this prescription drug benefit. And I just want to highlight, I have interpreted it this way. We now have to kind of say it is voluntary, because we hear the other side saying we want to force seniors into something. The only thing that we want to force seniors into is happiness, because we want seniors to be able to secure prescription drugs that they need and they can take the full amount, so that they are not choosing rent, they are not choosing food, and they are not choosing utilities over their full amount that the physician has prescribed.

What do I have in my offices? Seniors after seniors and letters after letters saying "I cannot take the full complement of the prescription; I do not have the money." So what our plan, the many who have worked on this plan who will speak tonight about their plan and the plan, and what AL GORE is proposing is a mandatory guaranteed benefit. Let me say the term "mandatory." It is under Medicare. It is mandatory that every senior does have a choice, but it is a guaranteed benefit under Medicare.

That makes a world of difference, because what it says is seniors can get the same low cost that local hospitals can and will not have to suffer the consequences of shooting up blood pressures from not taking their full prescription of blood pressure medicine, or their sugar going up because of the diabetes, which I hear so often from seniors.

The last point is on BBA 1997. We all tried to do the right thing. But it is interesting, we have been trying to fix it to ensure that we take care of our hospitals for a long time. Now, the tragedy is, I wish that for once we would have a bipartisan response to a problem that is hurting all of us. In rural communities, hospitals are closing. Urban communities, hospitals are closing. But yet we have a proposal on the table that does not answer the question of providing for the ones who are on the front lines, home health care centers, hospitals, and public hospitals.

So I hope that we can turn our attention to putting the right kind of legislation on the floor, because my public hospital system is watching. And I would hate to have to vote against this legislation because all of the money goes to HMOs. That is not keeping my public hospitals' doors open. That is not good health care. That is not preventive health care. That is not anything, because my hospitals, and when I say "my hospitals," I am sure others will talk about their hospitals. But the Harris County Hospital District doors will still be in trouble if this legislation passes with a large sum of the relief going to HMOs.

Mr. Speaker, I frankly think we can do better by the American people, and I think the American people will demand of us that. We have a short period of time. I hope that we can put the focus of health care back in the hands of the people and not in special interests.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Texas. She points out the fact that this is affecting real people in their lives, and that is what is so crucial about this tonight.

I yield now to the gentleman from Arkansas, who is one of the conferees on this ill-fated Patients' Bill of Rights conference, unfortunately.

Mr. BERRY. Mr. Speaker, I thank the gentleman from New Jersey and appreciate the leadership he has provided on this matter over the time that I have been in the House of Representatives. I appreciate our distinguished colleagues, especially the gentlewoman from Florida (Mrs. THURMAN), for the great job that she has done and the gentlewoman from Texas (Ms. JACKSON-LEE), and the distinguished gentleman from Maine (Mr. ALLEN). They have been working on these issues all the time we have been in the House, and I appreciate them very much.

The American public is outraged that we have not done anything in the 106th Congress on health care. Here we are 25 days into October, should have already finished the Congress' business and gone home. Yet we are here today because the Republican leadership has refused to deal even with the basic appropriations matters. We have not passed a prescription drug benefit for our seniors. We have not passed a Patients' Bill of Rights. We have, as the gentlewoman from Texas just referred to, hospitals and nursing homes closing almost daily now because of the Balanced Budget Act of 1997 that needs to be repaired.

Our seniors that do not have medicine cannot wait until the 107th Congress. What are we expecting them to do? They cannot wait when they do not have medicine and do not have the money to buy it. Our citizens that do not have a Patients' Bill of Rights, and they are not getting the health care they need from their insurance companies, they cannot wait.

Our nursing homes and hospitals and providers, particularly in rural America, cannot wait. It is time that we did something. The Republican leadership in this Congress should do something tomorrow to rectify this situation.

Mr. Speaker, I have to say it reminds me of the story of two men in the community where I grew up. One of them was named Dude and the other one's name was Possum. Now Possum could not see very well and he was getting on up in years and needed to go to Little Rock to the doctor about a hundred miles away, and Dude decided he would take him. So they got in the car and started to Little Rock, and they got to Little Rock and it was the first stop light that they encountered after traveling 100 miles and Dude came up to the stop light and slammed on his brakes. He sat there and waited until the light changed and then just floorboarded the automobile and roared off to the next stop light. When he came to it and it was red, he slammed on his brakes again. After doing that three or four times, Possum said, "Dude, what in the world are you doing?" And he said, "I don't understand this." And Dude said, "You know, an ignorant so-and-so irritates me. Can't you see I'm fighting the traffic?"

That is what the Republicans have been doing here for 2 years, is fighting the traffic. They are not getting anything done. They are slamming on their brakes, and they are stomping the accelerator. They are ripping and roaring and tearing around and declaring all of this great concern about America's health care, and the fact is they have not done anything and do not intend to.

It has been interesting to listen to Governor Bush talking about working in a bipartisan way. We are certainly willing to work with him. He better bring some new Republicans with him if he is going to get any cooperation. The Democrats are already there ready to pass a prescription drug benefit.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield, he is eloquently crafting the whole scenario. But I do want to comment on the point of the Governor and his constant refrain about working with Democrats and Republicans in the State of Texas. The gentleman just hit on the point.

I think it should be made very clear that the last Patients' Bill of Rights, which is in fact almost a replica of what we have in the House for which we have bipartisan support, which was under legislative Democratic leadership in Texas, was a bill he could not bring himself to sign. And rather than fight it by a veto again, realizing that he could not get a sustained veto, he let it languish and it went into law.

So this refrain of working with Democrats and Republicans on health care is somewhat, I might say, hypocritical; and the gentleman from Arkansas has hit the nail on the head. I would simply say that a good thing he might be able to do in this time frame is to call this leadership here and ask them to move forward on the Patients' Bill of Rights.

I yield back to the gentleman.

Mr. BERRY. Mr. Speaker, I think the gentlewoman from Texas makes a very good point. It is time that the Republican leadership in the Congress realizes what the American people want and do something about it. It is past time. Our seniors cannot afford to wait another day for prescription drug coverage, for our hospitals to get the money that they need, and for a Patients' Bill of Rights to be passed so that we have the ability for our doctors and patients to make the health care decisions that they are involved in; so that we can hold the insurance companies accountable in the event that they do cause some serious damage or injury to our loved ones.

It is unbelievable to me that one more Congress has already just about expired and nothing has happened. I continue to be amazed at this rhetoric that the Republicans put out every day: oh, we are for Patients' Bill of Rights. We are for prescription drug benefits for our senior citizens. We are for that 100 percent. The fact is they have been in control of this Congress since 1995 and have done absolutely nothing to move these issues forward.

As the gentleman from New Jersey explained a few minutes ago, we have done discharge petitions. We have done everything that we have; every tool that we have available to us has been used by the Democrats to try to get prescription drug coverage and a Patients' Bill of Rights and to change the Balanced Budget Act so that our health care providers, particularly in rural America, can stay in business, and yet nothing has happened. This is an abomination for this Congress to be this close to adjournment and still nothing has happened.

I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas for yielding me. I would like to follow up what he has been saying, because it is not just the Republican leadership here, though they certainly have not brought to the floor, they have not helped the process of passing a Patients' Bill of Rights or certainly not fought for our seniors.

But there is another group out there. The gentleman knows in the Fourth District in Arkansas, Citizens for Better Medicare is running television ads all across this country. Citizens for Better Medicare is a group, but it is not citizens, and they are not for better Medicare. Citizens for Better Medicare is funded by the pharmaceutical industry. And it is not the only organization that is funded by the pharmaceutical industry.

What they are doing is trying to go out and make heroes of those who have been fighting against a prescription drug benefit for seniors and to attack those who have been supporting a Medicare prescription drug benefit for seniors. The world is turned on its head and that little tag line under the TV ads which says "Citizens for Better Medicare" means that they are the pharmaceutical industry and they are going to do everything they can to stop seniors from getting a discount, stop seniors from getting a prescription drug benefit.

The Republican National Committee is doing the same thing, trying to confuse the American people. There is an ad being run by the RNC, and it says that the Gore plan would force people into a big government HMO. Not true. There is no such animal as a big government HMO. The HMOs are the folks, the private sector, they are the folks who are allowed by the Balanced Budget Act to come into Medicare and offer managed care to Medicare beneficiaries around the country.

My parents are two of the 1,700 people in Maine who are the last people to be covered by managed care under Medicare. And why? Because the managed care company could not make enough money in Maine, so they have pulled out. I will say one thing about Medicare. Medicare does not leave a State just because it is not making money. And the truth is if we are going to provide effective, reliable, voluntary prescription drug coverage for our seniors, it will only be through Medicare.

Just contrast George W. Bush's plan. This is a plan which he calls "Immediate Helping Hand." It is not immediate, and it is not much help, because here is how it works. For the first 4 years, there is $48 billion that will go to 50 different States to run 50 different programs to help only those who are low income. What is low income? Those who are taking in $14,500 a year or less. A widow earning $15,000 a year on Medicare, they wait. They wait for 4 years. And after 4 years, what they get to do under the Bush plan is call up an HMO who is operating in their State and hope that maybe, just maybe they will be providing a prescription drug plan.

Now, the chances are slim that they will be, because one thing the health insurance industry has made clear is that they will not provide stand-alone prescription drug coverage, which is at the heart of the Republican effort in the House, the Republican effort in the Senate, and the George W. Bush plan. That is how the Republicans say they are going to provide for our seniors, through HMOs that are saying themselves that they do not want any part of this business.

□ 2130

It is a scandal.

Mrs. THURMAN. I would just ask a question, because we talk about in these numbers of poverty or somebody under $14,000, that is not after expenditures. That is what they get at the beginning of the year, or what their allocation would be, would be $14,500. So if you were somebody who was 70 years old and if we look at the average of what a senior takes in medicine, life-sustaining medicines, then they could pay anywhere between $4,000 to $5,000 a year, not on anything else, but just on medicines, dropping now their income to $9,000, $9,000 which they have to live on, after the medicine which allows them to live.

Mr. ALLEN. The point is a very good one. I was at an assisted living facility just 2 weeks ago and one of the women there said, you know, I am spending $700 a month for my prescription medication, and, she said, I hope you do something soon. It is very clear, she could not continue spending $700 a month very long.

Yet, under the Bush proposal, it is 4 years, you wait 4 years, if you are taking in more than $14,500 a year, and you wait, and then after 4 years you call up your HMO and hope that maybe they are offering a plan that today they say they will not offer under any circumstances.

There is another issue here that we have not talked about, that I find is very important in Maine, and I will bet it is true in Arkansas and Florida, and New Jersey as well. When I talk to small businessmen and women in Maine, they say to me now, we cannot afford the kind of health insurance that we used to buy. And what are they buying, if they are buying anything at all? They are buying catastrophic coverage only. They are basically getting health insurance, and they will wind up paying for the first $5,000 of their health care.

That is not health insurance as we know it. Under that system, there is no incentive, financial incentive, to do preventive care. That is basically the individual, small businessman and woman, carrying the burden of their own health care, and getting insured only for expenses over $5,000.

I just was noticing that this is an area where AL GORE's plan really makes a difference, because he creates a 25 percent tax credit for small businesses who are purchasing health insurance for workers, number one; number two, he allows those who are 55 to 65 years old to buy into Medicare; and, three, he provides access to coverage for all children by expanding the children's health insurance program to 250 percent of poverty and allowing a buy-in to the CHIP program for families with incomes above that level.

So, by focusing on small businesses, by focusing on children and by focusing on those people between 55 and 65, you are attempting to get to the place where we can expand coverage. It will happen, if it happens, because Democrats are willing to stand up and fight the HMO industry and fight the prescription drug industry, because these industries cannot do it, and in some cases will not do it.

Mr. PALLONE. I appreciate my colleague's comments. Let me just say, we have about 4 or 5 minutes left. I certainly will yield to any of my colleagues. The gentleman from Arkansas?

Mr. BERRY. I thank the gentleman from New Jersey again. One of the things that I wonder about is our Republican leadership here, as I have said, they have refused to pass a patients' bill of rights and a prescription drug benefit for our seniors, and I wonder how they are going to face these seniors and say, well, wait 4 more years. How are they going to face these seniors that are thrown into terrible situations and say, well, we did not do it, but we are going to. We are with you. We are going to do it some day. How are they going to face a little boy that has lost his limbs?

Mr. PALLONE. What I find is a lot of times they will try to address maybe the individual's problem who comes to their office and see what they can do to help, but the bottom line is that everyone is suffering from this. Everybody in an HMO has the potential, no matter how wealthy they are or what their situation in life is, where the insurance company comes along and says to them that you cannot have a particular procedure. I do not care what your situation is you find yourself in. I noticed people that are the head of the company, the CEO of the company, that has had that situation. So this is something that affects everybody. This is not just something that applies to a few people.

I think they just pretend like they are doing something about it and hope that people forget.

Mrs. THURMAN. I appreciate the gentleman yielding. We have been doing a lot of surveys and different studies across the country, and then in particular within our districts, by the governmental operations staff to look at the different costs of what it costs in the United States for medicine, what it costs in Canada and what it costs in Mexico.

Just recently we have also looked at another study which has been done through the State of Florida, and looked at the prescription drug coverage for Florida seniors. I found it very interesting, which just tells me this issue is getting more difficult because we are getting more seniors who are losing their coverage, and probably a lot because of the pullouts of our HMO-managed care, managed-choice program.

The survey collected during 1999 showed that 41 percent of the Medicare beneficiaries surveyed in Florida reported now that they had no prescription drug coverage, and in 1998 it was 29 percent of surveyed Florida seniors that reported that they did not have. So just 1 year later, we have already seen an increase to 41 percent. That is almost 50 percent of the population of seniors in the State of Florida.

It would seem to me, and what I am most saddened about is, that we leave the 106th Congress after debating, after recognizing the problem, still with no prescription drug benefit, no relief in sight, and for why not, I do not have the answer, and I do not know what to tell them at home. It is because they would not have accepted the bill that was passed on this House. They understand that to depend on the very same people who have left them out with managed care and insurance companies, it is unacceptable.

ISSUES AFFECTING AMERICA

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. I have come this evening, colleagues, first of all I appreciate the opportunity to visit with you. Of course, we are trying to wrap up the session. I have got several comments that I want to make this evening in regards to a great bill that passed today on the Sand Dunes of Colorado, making it a new national park. I want to comment a little about the Colorado canyons. I want to talk a little about the death tax and the marriage penalty. I have a full agenda.

But I have to tell you before I start this, I cannot allow this last hour to go unrebutted. Colleagues, as you know, there were no Republicans involved in the last hour of discussion. It was all Democrats. And the four Democrats, whom I respect as individuals, but professionally, let us call it what it is. All four of these are supporting AL GORE for the presidency, and there is nobody to stand up for George W. Bush.

The best way to criticize George W. Bush is to go out and frighten the senior citizens, throw out these scare tactics. I could not believe what I heard in the last few minutes; scare the senior citizens, tell them how terrible it is, George W. Bush, how terrible the Republican leadership is in the House of Representatives; tell them how nothing is ever going to get done.

That is not how we accomplish things around here. I have urged my colleagues on the Democratic side over there, join with us.

We had a panel, and my colleague knows this, we had a panel, a non-partisan panel, put together to save Medicare; nonpartisan, meaning we had Republicans and Democrats, and we had Republicans and Democrats who worked together. You know what? After a long, arduous journey, with lots of technical roadblocks to overcome, they came up with a good solid recommendation. And it was not the Republican leadership that rejected it in the House. The Senate leadership did not reject this. Who rejected it was the President. The President rejected the nonpartisan solution.

So where are we with this? When we talk about health care, when we have a nonpartisan coalition, Democrats and Republicans, who have come together for a solution, and that solution is rejected at the last minute by the administration, what do we have to do? We have to start at square one, and that is what is happening.

We have got to come up with a solution. We are not going to come up with a solution, and I say with due respect to my Democratic colleagues who spoke in the last hour, we are not going to accomplish it with scare tactics. Really, you may get some political advantage here in the next 2 weeks, but the fact is, in the long run, it does not serve anything to scare these people.

My parents are seniors out there too, and I know most of my colleagues out here have colleagues who are seniors. We do not want to scare them. Let us figure out a solution for them.

My rebuttal, these are my remarks, this is my rebuttal page. I want to go over a couple of these things they talked about.

You know, they talked about a solution. I am not sure what solution they are talking about, but it seems to me that the solution that they talk about, which is not the solution that the bipartisan panel came up with, the solution they talked about is to increase the size of the government responsibility in your health care. One-size-fits-all. One-size-fits-all.

In other words, you, citizen A, and you, citizen B, go to the same doctor, whether you like it or not, and here is how much you are going to get, regardless of what you think your needs are.

By the way, the government, I heard one of my colleagues, with due respect, one of my Democratic colleagues who spoke in the last hour, he said there is no such animal as a government-run health care HMO.

You know what? The largest health care system in the Nation is run by the United States Government. Medicare. Medicaid. Look at the Veterans system. And the worst run system in the United States is run by the United States Government, Medicare and Medicaid. And you are willing to stand up and say, increase the government's involvement in everybody's health care, have the government really run the program to provide health care for the people of America?

That is exactly what Hillary Clinton attempted to do. That is exactly what she attempted to do 8 years ago. But now what you are trying to do is piecemeal.

Look, be up front with the people that we represent. Tell them that on a piecemeal basis we are going to try and put a cloud on top of you called "socialized health care." It means a lot bigger government. It means a system just like Medicare, that is run just as poorly as Medicare.

To my Democratic colleagues who like throwing scare tactics out, go talk to your local medical provider. Ask him what it is like to do business with Medicare. Just ask him. Ask him what it is like to do business with Medicaid. Go out there. I know this is true in the rural parts of the country, because I represent a rural part. Go out and ask rural doctors and rural hospitals, hey, is it a good deal doing business with the government? How efficient is the government Medicare reimbursement system?

Ask them about it. Ask them how efficient the Medicare coding system is in our health care system that the government runs. And the response? You know what the response is going to be. It is terrible.

I have got doctors in my own district ready to stop taking Medicare patients.

They are ready to stop taking them because it is such a hassle to deal with the government-run health care program.

Now, it is fundamentally unfair for anybody to stand up here and say that any colleague, whether they are Republicans or Democrats, that any colleague does not care about the health care of our seniors. That is nothing but an abused and overused scare tactic.

I am a Republican, obviously. I do not know one Democrat, I do not know one Democrat, even the Democrats that I have the most vigorous differences with, I do not know one Democrat who is opposed to some kind of health care, you know, wants to provide health care, wants to help our seniors or help all of our citizens. On the other hand, I do not know one Republican that is against helping our seniors, that is against trying to improve our health care system for all citizens.

So, for some of my colleagues to stand up here and say the Republican leadership is against the senior citizens, George W. Bush's plan is against them, come on, be fair about this.

Look, let us have a fair dispute. Let us have a fair debate on this floor. We can begin the debate by acknowledging that there are certain facts upon which we all agree. Everybody in these Chambers, everyone in these Chambers agrees that our health care system constantly needs to be revised.

□ 2145

We have to look for ways to improve prenatal care. We have to look for ways to make sure every woman gets a mammogram. We have to make sure our seniors have the kind of care so that they can afford prescription services. We all agree with that.

Mr. Speaker, I have never seen a Congressman or Congresswoman in my career, never seen one, that stood up and said that they are against mammograms and we should not offer them. I have never seen a Congressman or Congresswoman in my career that stood up and said that they are against senior citizens and that they want them to have high prescription care services. I have never seen a Congressman or Congresswoman, Republican or Democrat, in any of these cases that says that they are against better health care for the citizens of the United States.

So to stand up here and have the audacity to say, well, the Republican leadership does not want health care for seniors, and George W. Bush does not care about seniors and there is no big government thing. Come on. That is not a fair shot. That is not a fair debate.

Look, we can take shots. We can take the shots, but my colleagues have other people listening to them. They have seniors listening to them and they can be scared. These people can be scared. That is exactly the same type of tactics we are seeing being used on Social Security. George W. Bush comes up and says we cannot exist with the current status quo. Oh sure, my generation can make it. The generation ahead of me can make it on the current status quo with Social Security. But what about the young people of this country, who, by the way, their contributions are funding our generation?

So we get these scare tactics thrown in. How are we ever going to have a government that can really come up with good solutions if we are going to have these scare tactics over and over again?

It was amazing to me that in this last hour, unrebutted, that my four colleagues from the Democratic sides, unrebutted, time after time after time, threw out scare tactics about the Republican Party. They never said one decent thing, not one decent thing about the Republicans. Never. They implied, no, they made it very clear. They did not imply, they made it very clear that Republicans do not want prescription services; they do not want to help the senior citizens; they do not want this; they do not want that; they help fund these TV advertisements, as if the Democratic party is never doing anything like that at exactly the same point in time.

Come on, we need a solution here, and to do it we have to work across the aisle. To do it we have to commit to each other, Republican to Democrat, Democrat to Republican that we will not begin the process with scare tactics. Darn right we can scare the senior citizens. And what my colleagues are trying to do is scare them to the ballot box instead of helping them to a solution. They are trying to scare them to the ballot box instead of helping them to a solution. That is wrong.

Those seniors out there, every citizen in America, those young people out there, those people without insurance, those people who have to pay $700 a month for prescription services, they are not looking to be scared to the polling booth. They are not looking to be scared into their vote. They are asking us, they are begging us to help them with a solution. After listening to this last hour of unrebutted statements and scare tactics, I want to say, look, calm down, come back and go to work with us, just like we did with the bipartisan commission.

Take a look at the Republicans and take a look at the Democrats that were on that bipartisan commission. This was not loaded with Republican leadership. This was not loaded with Democratic leadership. Neither party had a ringer in there. We had some very dedicated people who wanted to come up with a solution, who thought the best way to approach it was a committee with both parties involved in it, with people who were respected and knowledgeable on the subject. And that is exactly what occurred. Unfortunately, it was rejected at the last moment by President Clinton.

We did not use scare tactics in there. We came up with a solution. And that is the way this should be done. Come back, come to work with us. That is what we are asking our colleagues to do.

Now, let me move on for a few minutes. I want to talk about a good bipartisan effort that we had today, and it shows that bipartisanship can work. It shows that when we put aside the vigor of our party right before the election, we can work on something and we can come together and do something pretty darned fruitful. And that is what we did today. We created a new national park in this country. This national park is a diamond in the rough. It is a national park which will exist for thousands of generations to come. It is a national park that 200 years or 300 years from now people will look back upon our generation, just like we look back on the generation that created Yellowstone and Yosemite and places like that, and say that somebody was really thoughtful about this, somebody was smart enough to put this into a park and save it for future generations.

Today, on a strong bipartisan vote, we created a new national park, America's newest national park, and it is located in the State of Colorado. I would like to spend a little time tonight first of all thanking my colleagues for their bipartisan support. There was opposition to this, and I will go through some of the points that the opposition made, but first of all I want to give my colleagues some dynamics of where this park is located.

First, a little about the 3rd Congressional District of the State of Colorado. The 3rd Congressional District is here outlined in the blue, where my pointer is. To give my colleagues an idea, this is Colorado, that is Denver, Colorado, that is Colorado Springs, Colorado, and down here is Pueblo. This is a highway called I-25, which goes from Wyoming, up here, down to New Mexico.

The 3rd Congressional District is a very interesting district in our country. First of all, almost all of my colleagues vacation in this district. We have the world premier ski resorts in this district. This district is the highest district in the Nation in elevation. I like to joke about the 3rd Congressional District, and in good humor say that once you go out of the district of the 3rd, it is downhill from there. It is because we live in the highest place in the Nation. Our ski resorts, Aspen, Telluride, Beaver Creek, Steamboat, Durango, Grand Junction, Breckenridge, and I could just go on and on with these premier ski resorts, the Alpines, the Rocky Mountains, the 14,000-foot peaks, the 56 mountains in Colorado, 54 of them in the 3rd Congressional District, over 14,000 feet.

It is a spectacular area of the country. It is also an area which has huge amounts of Federal land ownership. Take a look, for example, at our borders, then go east of our borders to the Atlantic Ocean. There is very little Federal land ownership. But go from our border in Colorado and come throughout this district and go on to the Pacific Ocean and there are tremendous amounts of Federal land ownership. So for those of us in the West, geographically, there is a dramatic difference in the West versus the East. One, in rainfall. It does not rain in the West like it does in the East. And number two, the location of Federal lands. Most, by far the majority, the greatest majority of Federal lands are located in the West. They are not located in the East.

So when we talk about Federal lands and what happens with Federal lands, there is very little pain felt in the East. The pain is all felt in the West. That is why we have heard people say "the war on the West." A lot of times we in the West are concerned about people in the East dictating to us our life-style, which does not apply to them in the East because they do not have the Federal lands. So we have very fragile feelings because we are very dependent on a concept called multiple use. These lands of the Federal Government were created and originated with the idea of lands of many uses, many uses: environmental uses, park uses, transportation uses.

For example, in my district almost every power line, every road, every cable TV, all our water, many of our rivers, they all have to come across on Federal land; or the water is stored on Federal land or it originates on Federal land. The key to our life-style, just the survival of our life-style out there are these Federal lands. We take a lot of pride in them, and I think that was demonstrated today with the creation of this national park.

Now, the national park that I am going to talk about involves the Sand Dunes. We see here an arrow pointing where the Sand Dunes are. That is the Sand Dunes, the national park we have created. It is a big chunk. This district, for example, the 3rd Congressional District, geographically is larger than the State of Florida. It is larger than the State of Florida, just this congressional district that I am privileged to represent. Down here, tucked away, is something that is absolutely amazing. It is a unique situation of one. Nowhere else in the world do we find what I am about to show my colleagues, and that is what we today put into a national park.

Let me point it out. We call them the Great Sand Dunes. We call them the Great Sand Dunes. Take a look at this. Maybe my colleagues would like to look at this picture here and say, well, they are sand dunes. Amazing, but somebody must have painted in all these Alpine rocky peaks behind it, these 14,000-foot peaks. Somebody must have painted that in, because nowhere in the world would there be massive sand dunes tucked in between 14,000-foot Alpine peaks. Well, there is somewhere in the world. It is located right here in the Sand Dunes at Alamosa, Colorado.

There are a lot of dynamics to these sand dunes that the average person, in fact some of our opponents to this called it nothing. They said this was nothing but a pile of sand. Fortunately, 366 of my colleagues today were able to have a vision beyond the so-called pile of sand. They had the ability to realize the diamond we held in our hands was a lot more precious than the opponents realized it was. We had the vision to look into the future and say, my gosh, look at the ecosystem, look at the ecological system, the biological system, the environmental, the water resources, the wildlife resources. Look what is contained within this unique setting found nowhere else in the world.

These mountains are not painted in. That is the exact setting. We see these sand dunes. Take a look at the sand dunes in one month. By the way, a human being would be about, well, we could not even see it. It would be at the end of a pinpoint. Probably not even that. A little teeny, teeny dot on these sand dunes, to give an idea of how massive these sand dunes are. If we took a big semi-truck, it would look about like this little thing out here right here.

If we looked at these sand dunes a month from today, a month from today, they would be different. Someone might say, wait a minute, it does not look quite the way it looked a month ago, and it is not. These sand dunes are constantly changing. Nowhere else in the world do we have a stream, a mountain stream that runs in waves. It runs in waves and that is how it carries the sand. The stream dries up just about the same day every year, within the same period of time every year. The stream water all of a sudden disappears, and then what happens is the winds start to come in, and the winds at first are slow but they are dry.

As my colleagues know, in the West it is a dry climate. We are not a humid area. It is a dry arid area. The winds come in slow at first. They dry the sand without blowing it. They dry the sand and prepare the sand to be moved from down here in the streambeds that come off these high Rocky Mountains as a result of the snow. It comes down these streambeds, and at the right time the sand is dried, and then the winds start to pick up more velocity. Then pretty soon the winds are heavier winds, and that is what begins to carry the sands. Then all of a sudden we see formations on these sand dunes, like you have never seen in your life.

We could observe it on a daily basis if we had the kind of technical binoculars, or whatever type of thing would measure that. But on a monthly basis with the human eye we can begin to see those changes, and it is all a matter of sequence. It is all a matter of sequence. And the people of the San Luis Valley for generations have known how special this is. They know how unique it is, and they have come to the government of the United States and they have said help us preserve it as a national park. This is so beautiful, it is so basic to the heritage of our families, we want it to be basic to the heritage of all future generations. We want all future generations to enjoy what families like the Salazars enjoy down there in the San Luis Valley, or like the Kriers, or the Santis, or people like that down in that valley, the Entzes and families like that.

They have come to us, and today we have responded on a bipartisan basis. Both Republicans and Democrats got together to give 366 votes in favor of this. There were only 34 people in this Chamber who voted no against naming this a national park. Only 34. I can tell my colleagues that they put up a heck of a fight. We met opposition to name this as a national park from the first day we proposed it. But the facts overcame the opposition.

I have to say there was a lot of support to name this a national park. It did not start with my colleague Senator ALLARD in the Senate, who did a fine job carrying this and passed it out of the United States Senate without one "no" vote. It passed out of the U.S. Senate with no "no" votes. Unanimous. It did not start with myself, who decided to carry the bill in the House, and 9 years ago stood on one of those mounds with a gentleman named Bob Zimmerman and his family, and he said to me this should be a national park. Bob Zimmerman told me this should be preserved for all future generations; that we have to preserve the system that we have.

☐ 2200

It did not all start right there. It started from the generations and generations of families. What happened in the last year, in fact on of these sand dunes stood Senator WAYNE ALLARD; Senator BEN CAMPBELL; Ken Salizar, the Attorney General of the State of Colorado; myself; Bruce Babbitt, the Secretary of the Interior. And during that little conversation we had on one of those sand dunes, of which we were just a tiny spec in this vast wonderful world of sand, we decided that we should respond to the community's wishes.

And we began to respond. First of all, the State legislature in Colorado, the State House of Representatives, passed overwhelmingly supporting this designation as a national park. Then the State Senate did the same thing on their resolution, overwhelmingly.

I can tell my colleagues, Gigi Dennis, a good friend of mine, she led the fight over there on the Senate side. And I can tell my colleagues that Lola Spradly on the House, she led over there. Russell George, Speaker of the House. I can name name after name. Matt Smith. A lot of different people got together in the State House and out of the House and the Senate they sent a message to the Government of Washington, D.C., make this a national park. We support your efforts. Help those communities preserve this for future generations.

But it did not stop there. The Governor of the State of Colorado, Bill Owens, a well-respected, very powerful, powerful in a positive sense, the Governor of the State of Colorado and his wife, the First Lady of the State of Colorado, they gave this their strong endorsement. The Attorney General Ken Salizar, and Ken Salizar has generations of family down there, Ken Salizar went to bat. We had the gentleman from Colorado (Mr. UDALL). We had the gentlewoman from Colorado (Ms. DEGETTE). We had a number of different people who have come together as a team to create the new national park in Colorado.

I hope all of you, just as you have experienced the ski areas in the Third Congressional District, most of you have skied in either Aspen or Vale or Telluride or Purgatory or Powder Horn or Steamboat or Breckenridge or any of these different areas, come enjoy this. Many of you in this room have enjoyed the Rocky Mountain National Park.

Colorado will now offer to the people of the United States, to the people of the world, the State of Colorado will soon have four national parks in that pristine country that I talk to you about all within a 2½ hour drive or 3 hour drive. It is exciting. It is spectacular. I invite my colleagues to come down and see it.

Let me talk just a little more about what else is contained here. We know that within this range there is an underground aquifer. We do not have the technical expertise to understand all of the fingers of that aquifer. In other words, we have a large pool of water underneath the ground, and we know it contains a huge quantity of water and we know that that water is fundamental, it is basic to the entire system that operates here. We know that that water is fundamental to the farmers and to the ranchers and to the communities and to the crops that they grow.

But we also know one other thing. We know that if that water is sucked out of this aquifer underneath this, there is not a human being alive that can describe the consequences. Oh, we know they will be negative. We know that taking the water from underneath this and moving this out of a valley to help the growth of another region to move it out of this region and move it to another, we know that the result would be, at a minimum, like the Owens Valley in California where they dried up an entire region for the benefit of the growth of another region. But what we do not know are totally the consequences of draining that aquifer because we technically do not have the expertise today to figure out where all that water goes.

And water is a sustainable resource. It is the only renewable resource known to man. It is the only resource that can be used and reused and reused and reused. It does not disappear. It recreates itself. And with water, one person's waste or excess water is another person's water. And so we have to be very careful about those water resources.

We had a lot of people involved in water, a lot of water experts: Dave Robins Ray Kogovsek, former Congressman; Kristine, who works with Ray; the Northern Water Conservancy District; Colorado River District. We had a number of different water experts that say this is a good national park, this should be named a national park. And that water, if ever they could get to the water, you need to leave that water in the valley or you stand the chance of collapsing something that is unique, as I said, known nowhere else in the world.

This is exciting. It is kind of fun. You can get up there in the summertime actually and you are able to literally ski down there without skis on your feet. The wildlife is unbelievable.

What we are hoping to do with this, by the way, and some of the opponents, as I said earlier, some of the opposition to this bill today said, well, this is nothing but a pile of sand. And I am quoting them. "This is nothing but a pile of sand." Let me tell you, on this pile of sand, 34 people bought the argument that this is nothing but a pile of sand. But 366 of you realized, and it is like you had telescopic eyes, you realized that this is not just a pile of sand, that these mountains, these 14,000 peaks, these sand dunes represent a remarkable geographical finding. It is like hitting pay dirt. And it is something that ought to be preserved. And 366 of you today on both sides of the aisle said this should be a national park, this should be honored by all Americans for all future generations for its uniqueness.

What we know about the park today, and I could go through a lot about what we do know, but what we do know about the park today is a fraction of what we will know about the park in just 10 years. It is a minute fraction of what we will know about the park in 20 years. And there is no comparison of what we know today as compared to what we will know about that park in 30 years.

And every year the knowledge we get about this park will only further justify, will only further justify the fact that we had enough gumption to stand up here despite the opposition and with the assistance of the U.S. Senate and with the assistance of the State House of Representatives, the State Senate, the Governor, and the Attorney General, we had the gumption to stand up and preserve it for future generations.

Now, I want my colleagues to know that I am a strong advocate of private property. There are no takings as a result of this national park. There are no in-holdings in this national park that are not aware of this. In fact, the major in-holdings are held by the Nature Conservancy District.

We have elk herds. We have elk. We have falcons. We have eagles. You name it. We have a lot of wildlife in this area. We have a ranch called the Baca Ranch. The controlling owners of that ranch want to see this national park, and they want the Baca Ranch to be a part of it.

Right now the Baca Ranch is inaccessible to the ordinary person, inaccessible because it is private property. These owners would like to see it a part of the park so that people regardless of their economic standing, regardless of where they come from, whether it is the United States or Mexico or Canada or South America, regardless, they are going to be able to go onto the Baca Ranch and enjoy the full diversity of the sand dunes.

Take a look at just the watershed resources that we have on the great sand dunes. I will just hold this up temporarily long enough to read the paragraph.

"The dunes watershed consists of two unique mountain streams originating in the pristine Alpine tundra. These waterways flow through ancient forests of spruce and fir. Slipping quietly past culturally scarred ponderosa pine and colorful aspen groves, they cut along the base of the tallest sand dunes in North America. They flow through the vast grasslands. And they end in a closed desert basin, all within a span of a few miles. This area, combined with the tall dunes and the integral sand deposits, encompass an entire system containing abundant diversity and special scenery. These dramatic contrasts, snow-capped mountain peaks and green forests above towering dunes, constitute a unique American landscape with scenery and diversity comparable to other national parks in our country and stand out as one of the best in the entire world."

That is what it is about. I want to congratulate the 365 Members, or 365 Members because obviously I voted for it, 365 of my colleagues that were able to see beyond this so-called pile of sand, that their vision allowed them foresight into the future and gave them vision into the future about future generations.

We were just talking about health care. We talked about Social Security. I am going to talk for a few minutes here shortly about taxes. The fact is we need as leaders people who have the vision to look into the future.

I think the greatest accomplishment I can have as a United States Congressman and I think the greatest accomplishment that my colleagues can have as United States Congressmen is that years down the road somebody will look back and say, you know, we are glad that the gentleman from Colorado (Mr. McINNIS) or we are glad that so-and-so or we are glad that this person had the vision to see just how important it was that the Ray Blunts, that the different parties involved here had that kind of vision. Because it is so important, because it is so important in our leadership role that is we provide something for the future.

And in the meantime, while we have provided it for the future, all of us get to enjoy it. All of us can go out there. We get to run in the sand. We can watch the wildlife. We can hunt. We can fish. We can travel around and see exactly what it is. And we do it without taking. There is no taking it. It has to be willing seller. There are no inholdings that are getting taken advantage of. That is the beauty of this thing, and that is why 366 people stood up today despite intense opposition, which by the way only resulted in 34 votes, but despite intense opposition on a ratio greater than ten to one, the people of these Chambers stood up today and said, future America, all of the world deserves to have this as a national park.

I can tell my colleagues I stand up here with a great deal of pride and honor, first of all to be a congressman from the State of Colorado, and, second of all, to represent the Third Congressional District of Colorado, and I stand up here with a great deal of honor to be the Congressman of the district that has America's newest national park, the Great Sand Dunes. And we are going to change it, no longer a national monument, the Great Sand Dunes National Park.

In conclusion on the park, first of all, many of my colleagues have been to Colorado to the Third Congressional District. They have skied it. They have hiked our 14,000-foot peaks. You have rafted our rivers. As you know, we are famous for fly fishing, mountain biking, you name it, horseback riding, off-road vehicles on designated trails. We have got lots of things to draw you to this district. Now we have one more thing.

For those of you, I want you to know that the communities of Alamosa, of Mount Vista, San Luis, Conejas, all of these different areas down there, the valley will welcome you with open hands. And study the history and the historical basis of the people and how they have lived on these lands all of these years. And you are going to walk away from this, you will walk away from these great sand dunes, you will walk away from there very, very inspired, not just by geographically and biologically and environmentally that you have seen, you are also going to walk away from there inspired to know that every United States Senator serving today by unanimous vote supported this and 366 Members of your Congress stood up and voted just today to create this new national park. I am proud of all of you for having done that.

Let me move now to an entirely different subject very briefly. I should point out here the Colorado canyons. I pointed this out today. My posters are a little worn, colleagues. You will have to excuse that. But last night it was signed by the President. This is the State of Utah. This again is a big chunk of the western portion of my district. This is the Colorado River.

Colorado is very unique when it comes to water. I thought I would spend a couple minutes and talk about water. Colorado is the only State in the Union where all our free-flowing water goes out of the State. We have no free-flowing water that comes into the State of Colorado for our use. And in Colorado, within the boundaries of Colorado, in our district, the Third Congressional District, again it is outlined by this blue line, within this district right here, 80 percent of the water in Colorado comes from that district. Eighty percent of the population of Colorado resides outside that district.

So you can see that because of the tremendous water resources that are in my congressional district, we have lots of trees, lots of understandings, and we have lots of discussions that are ongoing as to the best utilization of that water.

□ 2215

One of those discussions that came again just like the Great Sand Dunes National Park, that started at a community level, was the Colorado Canyons. That bill was signed by the President last night. It was supported again on the bipartisan basis. And it protected the water rights of the Colorado River for Colorado people. Although I can tell you the water in the Colorado River, it is called the mother of rivers, it provides drinking water for 23 million people, including the country of Mexico. It is a huge water resource. We know how to protect it. But we want to protect our rights, too. This bill protected Colorado water rights for Colorado people. This bill created a national conservation area. It created a wilderness area up on the top. We got in our community everyone from our county commissioners to our city council to our environmental organizations to our ranchers, to just community citizens, to people who cared, we put all of this together. I as a facilitator and others as a facilitator were able to come up with this compromise and we call this the Colorado Canyons bill. I am very proud of that. Again, another accomplishment by the people of Colorado to protect the resources of Colorado for future generations, while at the same time allowing current generations to enjoy the utilization of the resources that we have in the fine State of Colorado.

Let us shift gears completely and let us talk for a minute about taxes. I think it is very important. Because I have heard a lot of political rhetoric lately about tax cuts. There are some tax cuts that have taken place and there are a couple of tax cuts that ought to take place that I think when you sit down with the average American, one, they appreciate the fact that the taxes were cut or, two, they think these taxes should be eliminated. I can start out with the death tax. Do you think that our forefathers when they drafted the Constitution had in their wildest imagination that this government that they were creating, this new concept of democracy that they were putting together, would see death as a taxable event? That your death would result in a money-making revenue source for the government that they were creating? Can you imagine our forefathers thinking that as a revenue-raising, income-raising event for the Federal Government there should be a tax on your marriage? That when you get married that we should have a marriage tax?

Both of those taxes, the death tax and the marriage tax, should be eliminated. How can you argue with that? Regardless of the impact on the budget. Look at the basic concept, the fundamental question. Should we tax the event of death? Is death a taxable event? By the way, when we tax it, are we not a nation that wants to encourage family farms and ranches and small businesses to go from one generation to the next generation? And furthermore ask the question, does the death tax not in fact discourage that going from one generation to the next generation? Is this a country that should be discouraging families from transferring their business from mom and dad to kids, from those kids to their kids, from those kids to their kids? What made America great and what makes us great today is our family, the family foundation, the family block. A death tax has no place in our society in my opinion. I do not care who it taxes. By the way, it does not just hit 2 percent of the population as some like to say. It hits everybody in the community. When that money is taken out of a local community and is sent to Washington, D.C. for redistribution, and it never goes back anywhere close to the percentage back to that community from whence it came, in the same proportion, not even close. And there is a difference out there on this tax and there is a difference in this presidential election. George W. Bush has made it a commitment, he will eliminate that tax. And by a bipartisan vote on both sides of the aisle, Republicans and Democrats, although the President vetoed it, in fact the President not only vetoed the elimination of the death tax which both sides of this aisle supported, he and Vice President GORE proposed it actually increase this year by $9.5 billion. In their budget this year they actually had an increase of $9.5 billion in the death tax. That is a fundamental difference between the bipartisan, Republicans and Democrats, conservative Democrats, not the liberal Democrats but the conservative Democrats that supported that elimination, that is the difference between that team and the liberal Democrats' and AL GORE's proposal on the death tax.

I am not trying to be partisan here, but let us call facts as they are. Let us call it as it is. Who is for the death tax and who is not? Who is going to stand up and be counted to get rid of this death tax? The same thing for the marriage penalty. That was vetoed by the President. By the way, there are Members, conservative Democrats and Republicans, who say get rid of this marriage tax. No, what you hear from the liberals is, "Hey, let's tax the rich, let's transfer the wealth, let's move money from those who work, let's move money, let's transfer money, not create capital, transfer." It is all a question of transfer. The transfer agent is the United States Government. It is right here in Washington, D.C.

Let me ask you this: If one of my colleagues just won the lotto tomorrow and you won $50 million, and you want to distribute it around the country, help people out, help people with health care, help people buy open space, help people with hardships, would you send that $50 million to Washington, D.C. for redistribution to be handed out on your behalf? Of course you would not. Do you think Ted Turner or the Kennedys or any of those people send their money to Washington D.C. for disbursement? No, they create their own foundations because they know through their own foundations they can with some efficiency, a great deal more efficiency, put that money to work. It is the same concept with taxes. Do you think those tax dollars are more efficient in your pocket or more efficient in the pocket of the United States Congress and the President of the United States?

Clearly we ought to have some taxes. We have to fund the military. We have to fund highways. We have to fund social services. We have to fund Social Security. Medicare, Medicaid. We have obligations. The average taxpayer out there does not disagree with those obligations. What the average taxpayer disagrees with is the lack of efficiency. The government waste, the size and the increasing size of the government. This is a distinguishing issue in this upcoming presidential race.

Take a look at which side really has the history and has a record. Forget all the talk they talk about. Just look at the record. Which side, the conservatives or the liberals, increase the size of government? Take a look at the Great Society of Lyndon B. Johnson and figure out, was it the liberals who got the government to increase, was it the liberals who put it into the deficit for 40 some years or was it the conservatives? I am not talking about right-wing conservatives, I am talking about moderate people who say, I understand I have to pay some taxes but I want some justification.

Let me talk to you about a couple of the tax cuts. There is one very important tax cut to every one of you and every one of your constituents that we in the Republican Party with the help, by the way, of conservative Democrats passed and it benefits every one of your constituents that owns a home. Probably the largest tax break they have gotten in their life. We passed it off here and guess what happened? Nothing collapsed. Washington was able to survive. No program on social services collapsed. No child went hungry in a school. Our military did not miss any planes or jets as a result of this. All the dire circumstances of allowing the person who made the money to keep a little more of the money, none of these dire circumstances of not letting that money go to Washington occurred.

I hear the same kind of scare tactics today. George W. Bush talks about a tax reduction, a cut in the taxes for everybody, not just this group, not just this group but everybody. George W. Bush said the other day, the target ought to be everybody, it should not be a little tiny target based on class warfare. It should be a target for everybody. I will show you a tax that we made a target for homeowners which is a broad target. It used to be when you sold your home, if you sold your home for a profit, for example, you bought a home for $100,000, you sold a home for $350,000, which means you made a profit of $250,000, you were taxed on a $250,000 profit. That was what you were taxed on, $250,000. On a couple if you bought a home for $200,000, you sold the home for $700,000, you had a profit of $500,000, you were taxed on $500,000. That is the old regime. That is the old let the government grow bigger. That is the old look for anything you can to make it a taxable event. Tax death, tax marriage, tax an individual's sale of their home.

Most people in this country, the biggest investment of their lives will be their home. The proudest investment they will have in their lives outside of their children, but physical investment will be their home. Where most people will spend time in their lives will be their home. And the government has to tax it when you sell it? Come on.

A couple of years ago, the Republican leadership, with almost complete support, I think complete support from the Republican Members of Congress, as well as support from conservative Members of the Democratic Party, and granted the liberal side of the party will never vote to reduce your taxes. I can assure you, take a look at the history. You can tell that the liberal aspect, the liberal politicians will always want to grow the size of your government. The liberal politicians will always want to take individual rights and form it as a pool, as a group. They sacrifice the individual right to the benefit of the group right. They will transfer wealth, they will transfer money from those who work and give it to those who do not. It is just a liberal concept. There is a fundamental difference.

The same thing showed up on this tax cut, this tax reduction bill. These are the kind of reductions that George W. Bush talks about. These are the kind of tax reductions that we put into place. After our bill, and this says "After Republicans," and I have got to tell you, we had a lot of Democratic support, conservative Democrats, not the liberal but the conservative Democrats who supported this. Now, look what happens. Our individual, let us say Jane Adams bought the house for $100,000, she sold it for $350,000, she made 250. She was taxed on 250. Under our bill Jane Adams buys the house, same conditions, for 100, sells it for 350, makes $250,000 and that is her tax right there. Zero. That is her tax. Zero. And this is now law.

Even in the old days under the old regime, you only got one tax break in your entire life on the sale of your home and that is if you were older than 62 and you only got a tax break, I think up to $140,000. We did not just give that tax break to individuals. We said, in our country, most homes are owned by couples. Most homes are owned by couples. What are we going to do for couples? We said, hey, for couples, we double it. If you have got a couple, we are going to allow the first $250,000, the first $250,000 per person to be tax free. So if you live in a home, and most of us live in homes that today have appreciated. In other words, they are worth more today than they were when we bought them. That is called profit. I am not talking about equity. I am talking about profit. Most of us live in homes where if we sold the home, we could sell it for a profit. Under the old regime, money would have come out of your pocket and sent to Washington, D.C. simply because you sold your home. That is the only reason that money would be taken out of your pocket and sent to Washington, D.C., simply because you sold your home. We changed that. When we changed it, now when you sell that home for a profit up to $250,000 per person regardless of your age, renewable every 2 years, that money goes in your pocket for redistribution in your community instead of going out of your pocket to Washington, D.C. for redistribution in the bureaucracy that Washington uses it for.

You should have heard the cries back then. Just like I hear today when George W. Bush talks about a modest tax reduction for everybody, you hear these scare tactics: "Oh, my gosh, we're going to have the deficit tomorrow. School children won't get lunches. We're not going to get medical care. It's going to cost us."

Look at what happened. It is the same thing when we reduced the capital gains tax, which again with the help of conservative Democrats, again no help from the liberal Democrats, but we did get help from the conservative Democrats and the Republicans, we reduced capital gains from 28 percent to 20 percent. We had the same scare tactics out there. Oh, my gosh, the sky is falling. Reducing taxes on the American people? What a disaster. How could the Republicans and the conservative Democrats even possibly envision a tax reduction? It will destroy the country. Lowering capital gains from 28 percent to 20 percent, boom, the economy went up. Just like that. More tax dollars came in. You lowered the taxes, you had more economic activity, you had more creation of capital and your economy shot up like a rocket and we have been enjoying that for 3 or 4 years now since the reduction of capital gains.

□ 2230

Same thing on this. Did the sky fall in when people started to keep the money they made on the sale of their house? Did the sky fall in because the money individuals, regular working folks out there, because the money they had they made on the sale of their house did not come back to Washington, D.C., was not redistributed by Washington, D.C.? Did the sky fall in as a result of that? No, of course it did not.

We now have more than any other time in history greater homeownership by a larger population than ever in the history of this country. Our economy has improved. It did not go down. The sky did not fall in.

So when I hear these people out there talk about scare tactics because George W. Bush has the courage to stand up and say, look, it is easy to criticize. It is easy to envision that Washington, D.C., ought to be managing our money instead of us. We earned it. Washington did not earn it. We earned it. It is amazing that these scare tactics seem to be working out there. That somehow a tax cut, allowing the person who made the money to keep a larger percentage of that money to reduce the size of government, the sky is going to fall in.

Not being presumptuous, but if George W. Bush is fortunate enough to be elected President, we are going to see a tax cut not for a targeted group of people, not for the low income or the high income, but for everybody. And we are going to see a tax reduction that benefits the economy. Just like when the Republicans took capital gains and dropped it from 28 percent to 20 percent; just like when the Republicans took this tax on the sale of a home and reduced it for the first $500,000 for a couple to zero. Let Americans keep that amount of money in their pocket and renew it every 2 years, we will see an economic resurgence.

We are going to see a healthy economy because the fact is the more dollars we allow our citizens to keep, the dollars which they worked for, the stronger our economy will be. If we take a look, and by the way the Wall Street Journal has done splendid editorials on this, if we take a look at the three or four major tax reductions this last century in our government and take a look at what happened to the economy after that tax reduction, we will find that in every case, no exceptions, the economy improved. The economy was strengthened, and we actually had an economic boom which followed every one of those.

Why? Because the person that makes the money has a deeper appreciation for the money and is wiser in the utilization of that money than is the bureaucracy of Washington, D.C., which does not have to work for the money. It is simply getting their money by transfer. Our constituents get their money by work. They go out and create something and work and offer a product, they offer something of benefit. They create that capital. In Washington, we do not create capital. We get our money by transfer. We reach out to the people who work. We reach out to the people that create a profit, and we suck that money out of their pockets by transferring it to ours.

As a result of that, since the government did not have to work for the money, the government tends to be much less efficient, much sloppier, could care less in many circumstances how the dollars are spent, and we could show example after example of government waste, than does the individual.

The individual, that young man or young woman or that person, middle age or seniors that went out and spent their working day putting that money in their pocket, at 5 o'clock they get off shift and go home, they are very careful about how they spend their money. They watch their budgets. They try not to waste their money and they manage it. The taxpayer knows how to manage the money much better than we do in Washington, D.C.

What happens? The consequence of what I am saying, what happens when we allow the taxpayer to keep a few more dollars in their pocket and the government reduce its size and take the dollars that are absolutely necessary but no more? What happens when we allow that taxpayer to manage more money? The money is managed in a much more efficient way. And when the money is managed in a much more efficient way, what happens is that the economy strengthens and it begins to grow.

Mr. Speaker, what happens when the economy strengthens and begins to grow? There are more tax dollars that are originated that come to feed the government. It is a plus for the government. It is a plus for the taxpayer. It is a plus for our society.

So when we hear these scare tactics, just like we heard the hour previous to mine, scare tactics about health care, when we hear these scare tactics about Bush's tax reductions or the Republicans, take a look at examples that have occurred. Take a look at the capital gains taxation. Take a look at this household tax, and we will find out that is exactly what it was. Just like the health care, nothing much more than scare tactics.

Mr. Speaker, let me wrap up by saying to my 366 colleagues who voted for the creation of America's newest national park, let me say to those 366, their vision will come back generation after generation after generation. They can be proud that during their congressional career this should stand out as one of the highlights. Many generations into the future will look back and say: they did the right thing. They had the vision for future generations.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report concerning the foreign currencies and U.S. dollars utilized for official foreign travel by the House of Representatives, pursuant to Public Law 95–384, by a miscellaneous group during the third quarter of 2000 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 10, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/5	7/10	Romania		1,229.25		(3)				1,229.25
Hon. Steny Hoyer	7/5	7/6	Romania		489.90		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		734.85		(3)				1,274.75
Hon. Benjamin Cardin	7/5	7/6	Romania		491.70		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		737.55		(3)				1,279.25
Hon. Bob Clement	7/5	7/6	Romania		491.70		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		737.55		(3)				1,279.25
Hon. Robert E. "Bud" Cramer, Jr	7/5	7/6	Romania		491.70		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		737.55		(3)				1,279.25
Hon. Alcee Hastings	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Hon. Joseph Pitts	7/5	7/10	Romania		1,229.25		(3)				1,229.25
Hon. Matt Salmon	7/5	7/6	Romania		491.70		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		737.55		(3)				1,279.25
Hon. Louise Slaughter	7/5	7/6	Romania		491.70		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		737.55		(3)				1,279.25
Dr./RADM John Eisold	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Ms. Dorothy Taft	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. Ronald McNamara	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. Ben Anderson	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. John Finerty	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. Bob Hand	7/5	7/6	Romania		489.90		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		734.85		(3)				1,274.75
Ms. Marlene Kaufmann	7/5	7/6	Romania		489.90		(3)				
	7/6	7/7	Croatia		50.00		(3)				
	7/7	7/10	Romania		734.85		(3)				1,274.75
Ms. Maureen Walsh	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. Mark Gage	7/5	7/8	Romania		734.85		(3)				734.85
Ms. Marilyn Owen	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Mr. David Abramowitz	7/5	7/10	Romania		849.75		(3)				849.75
Mr. Fred Turner	7/5	7/10	Romania		1,224.75		(3)				1,224.75
Delegation Expenses									2,635.48		2,635.48
Committee total					25,286.35				2,635.48		27,921.83

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

CHRISTOPHER SMITH, Chairman, Oct. 19, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10708. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Non-Discretionary Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (RIN: 0584–AC41) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10709. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule: Defense Federal Acquisition Regulation Supplement; Update of Small Business Specialist Functions—received October 23, 2000; to the Committee on Armed Services.

10710. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

10711. A letter from the Acting Assistant Secretary, Department of Labor, Pension and Welfare Benefits Administration, transmitting the Department's final rule—Small Pension Plan Security Amendments (RIN: 1210–AA73) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10712. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Energy Efficiency and Renewable Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts Energy Conservation Standards [Docket No. EE–RM–97–500] (RIN: 1904–AA75) received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10713. A letter from the Acting Secretary, Department of State, transmitting a report on the Strategic Plan for 2000; to the Committee on Government Reform.

10714. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on the Commercial Inventory for FY 2000; to the Committee on Government Reform.

10715. A letter from the Director, Employment Service, Office of Personnel Management, transmitting the Office's final rule—Reduction in Force Retreat Rights (RIN: 3206–AJ14) received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10716. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 2000, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform.

10717. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report on the Strategic Plan for FY 2000—2005; to the Committee on Government Reform.

10718. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 1999 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

10719. A letter from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule—Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Play Area [Docket No. 98–2] (RIN: 3014–AA21) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Federal Airways in the Vicinity of Dallas/Fort Worth; TX [Docket No. 00–ASW–6] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the Administrator, Department of Transportation, FAA, transmitting a report on Pilot Records; to the Committee on Transportation and Infrastructure.

10722. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2000-NM-312-AD; Amendment 39-11914; AD 2000-20-03] (RIN: 2120-AA64) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600) and CL-600-2A12 (CL-601) Series Airplanes [Docket No. 99-NM-26-AD; Amendment 39-11902; AD 2000-19-01] (RIN: 2120-AA64) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Licensing and Safety Requirements for Operation of a Launch Site [Docket No. FAA-1999-5833; Amendment No. 401-2, 417-1 and 420-1] (RIN: 2120-AG15) received October 23, 2000, pursuant to 5.U.S.C. 801(a)(1)(A); to the Committee on Science.

10725. A letter from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Labeling of Flavored Wine Products (RIN: 1512-AB86) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10726. A letter from the Chief, Regulations Branch, Department of Treasury, U.S. Customs Service, transmitting the Department's final rule—Import Restrictions Imposed On Archaeological Material From the Prehispanic Cultures of the Republic of Nicaragua (RIN: 1515-AC70) received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10727. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update—received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1689. A bill to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State, and for other purposes; with an amendment (Rept. 106-1003 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 24, 2000]

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 26, 2000.

[Submitted October 25, 2000]

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 26, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 26, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 26, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 26, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 26, 2000.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1689. A bill to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State, and for other purposes, referred to the Committee on Transportation for a period ending not later than October 26, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

482. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to a resolution memorializing the Congress of the United States to review the actions of the Food and Drug Administration, whose marketing guidelines appear to promote and advance the best interests of the drug companies and their advertising outlets rather than the consumer and also, the FDA move to prohibit direct consumer marketing or in the alternative to impose tighter restrictions; to the Committee on Commerce.

483. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to a resolution memorializing the President and the Congress of the United States to proclaim and designate the week of October 8 through 14 this year and each year hereafter as "The Mighty Eighth Air Force Week"; to the Committee on Government Reform.

484. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to Resolution 12-85 memorializing the United States House of Representatives to oppose the application of the U.S. federal minimum wage to the Commonwealth; to the Committee on Resources.

485. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to a resolution memorializing the United States Congress to enact additional Balanced Budget Act relief in 2000 through adequate payments to Medicare insurers and Medicare providers; jointly to the Committees on Ways and Means and Commerce.

□ 0703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 7 o'clock and 3 minutes a.m.

CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. ARMEY submitted the following conference report and statement on the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-1004)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. ENACTMENT OF OTHER PROVISIONS OF LAW.

The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5538, as introduced on October 25, 2000 (the Minimum Wage Act of 2000).

(2) H.R. 5542, as introduced on October 25, 2000 (the Taxpayer Relief Act of 2000).

(3) H.R. 5543, as introduced on October 25, 2000 (the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000).

(4) H.R. 5544, as introduced on October 25, 2000 (the Pain Relief Promotion Act of 2000).

(5) H.R. 5545, as introduced on October 25, 2000 (the Small Business Reauthorization Act of 2000).

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval appendixes setting forth the texts of the bills referred to in section 1.

And the Senate agree to the same.

JIM TALENT,
DICK ARMEY,
Managers on the Part of the House.

CHRISTOPHER BOND,
CONRAD BURNS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment.

The conference agreement would enact by reference the provisions of five bills introduced on October 25, 2000. Those bills are the following:

(1) H.R. 5538, the Minimum Wage Act of 2000..

(2) H.R. 5542, the Taxpayer Relief Act of 2000.

(3) H.R. 5543, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

(4) H.R. 5544, the Pain Relief Promotion Act of 2000.

(5) H.R. 5545, the Small Business Reauthorization Act of 2000.

This joint statement sets out for convenience the text of each bill that would be enacted in the conference report by reference.

MINIMUM WAGE ACT OF 2000

The conference agreement would enact the provisions of H.R. 5538, as introduced on October 25, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minimum Wage Act of 2000".

SEC. 2. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

"(1) except as otherwise provided in this section, Not less than $5.15 an hour during the period ending June 30, 2000, not less than $5.65 an hour during the year beginning January 1, 2001, and not less than $6.15 an hour beginning January 1, 2002;".

TAXPAYER RELIEF ACT OF 2000

The conference agreement would enact the provisions of H.R. 5542, as introduced on October 25, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Relief Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code.

TITLE I—FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION

Sec. 101. Repeal of foreign sales corporation rules.
Sec. 102. Treatment of extraterritorial income.
Sec. 103. Technical and conforming amendments.
Sec. 104. Effective date.

TITLE II—SMALL BUSINESS TAX RELIEF

Sec. 201. Extension of work opportunity tax credit.
Sec. 202. Increase in amortizable reforestation expenditures, etc.
Sec. 203. Increase in expense treatment for small businesses.
Sec. 204. Increased deduction for meal expenses.
Sec. 205. Increased deductibility of business meal expenses for individuals subject to Federal limitations on hours of service.
Sec. 206. Repeal of modification of installment method.
Sec. 207. Income averaging not to increase alternative minimum tax liability; income averaging for fishermen.
Sec. 208. Repeal of occupational taxes relating to distilled spirits, wine, and beer.
Sec. 209. Exclusion from gross income for certain forgiven mortgage obligations.
Sec. 210. Clarification of cash accounting rules for small business.
Sec. 211. Amendments relating to demand deposit accounts at depository institutions.

TITLE III—HEALTH INSURANCE AND LONG-TERM CARE INSURANCE PROVISIONS

Sec. 301. Deduction for 100 percent of health insurance costs of self-employed individuals.
Sec. 302. Deduction for health and long-term care insurance costs of individuals not participating in employer-subsidized health plans.
Sec. 303. 2-year extension of availability of medical savings accounts.
Sec. 304. Additional consumer protections for long-term care insurance.
Sec. 305. Deduction for providing long-term care in the home to household members.

TITLE IV—PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS

Sec. 400. Short title.

Subtitle A—Individual Retirement Accounts

Sec. 401. Modification of IRA contribution limits.
Sec. 402. Deemed IRAs under employer plans.
Sec. 403. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 404. Modification of AGI limits for Roth IRAs.

Subtitle B—Expanding Coverage

Sec. 411. Increase in benefit and contribution limits.
Sec. 412. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 413. Modification of top-heavy rules.
Sec. 414. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 415. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 416. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 417. Deduction limits.
Sec. 418. Option to treat elective deferrals as after-tax Roth contributions.

Subtitle C—Enhancing Fairness for Women

Sec. 421. Catch-up contributions for individuals age 50 or over.
Sec. 422. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 423. Faster vesting of certain employer matching contributions.
Sec. 424. Simplify and update the minimum distribution rules.
Sec. 425. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 426. Provisions relating to hardship distributions.
Sec. 427. Waiver of tax on nondeductible contributions for domestic or similar workers.

Subtitle D—Increasing Portability for Participants

Sec. 431. Rollovers allowed among various types of plans.
Sec. 432. Rollovers of IRAs into workplace retirement plans.
Sec. 433. Rollovers of after-tax contributions.
Sec. 434. Hardship exception to 60-day rule.
Sec. 435. Treatment of forms of distribution.
Sec. 436. Rationalization of restrictions on distributions.
Sec. 437. Purchase of service credit in governmental defined benefit plans.
Sec. 438. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 439. Minimum distribution and inclusion requirements for section 457 plans.

Subtitle E—Strengthening Pension Security and Enforcement

Sec. 441. Repeal of 155 percent of current liability funding limit.
Sec. 442. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 443. Excise tax relief for sound pension funding.
Sec. 444. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 445. Treatment of multiemployer plans under section 415.
Sec. 446. Protection of investment of employee contributions to 401(k) plans.
Sec. 447. Periodic pension benefits statements.
Sec. 448. Prohibited allocations of stock in S corporation ESOP.

Subtitle F—Reducing Regulatory Burdens

Sec. 451. Modification of timing of plan valuations.
Sec. 452. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 453. Repeal of transition rule relating to certain highly compensated employees.
Sec. 454. Employees of tax-exempt entities.
Sec. 455. Clarification of treatment of employer-provided retirement advice.
Sec. 456. Reporting simplification.
Sec. 457. Improvement of employee plans compliance resolution system.
Sec. 458. Repeal of the multiple use test.
Sec. 459. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 460. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 461. Notice and consent period regarding distributions.
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Subtitle G—Other ERISA Provisions

Sec. 471. Missing participants.
Sec. 472. Reduced PBGC premium for new plans of small employers.
Sec. 473. Reduction of additional PBGC premium for new and small plans.
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Sec. 475. Substantial owner benefits in terminated plans.
Sec. 476. Multiemployer plan benefits guarantee.
Sec. 477. Civil penalties for breach of fiduciary responsibility.
Sec. 478. Benefit suspension notice.

Subtitle H—Plan Amendments

Sec. 481. Provisions relating to plan amendments.

TITLE V—SCHOOL CONSTRUCTION PROVISIONS

Sec. 501. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.
Sec. 502. Modification of arbitrage rebate rules applicable to public school construction bonds.

Sec. 503. Modification of special arbitrage rule for certain funds.
Sec. 504. Treatment of qualified public educational facility bonds as exempt facility bonds.
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TITLE VI—COMMUNITY REVITALIZATION

Subtitle A—Tax Incentives for Renewal Communities

Sec. 601. Designation of and tax incentives for renewal communities.
Sec. 602. Work opportunity credit for hiring youth residing in renewal communities.

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Sec. 611. Authority to designate 9 additional empowerment zones.
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Sec. 613. 20 percent employment credit for all empowerment zones
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Sec. 615. Higher limits on tax-exempt empowerment zone facility bonds.
Sec. 616. Nonrecognition of gain on rollover of empowerment zone investments.
Sec. 617. Increased exclusion of gain on sale of empowerment zone stock.

Subtitle C—New Markets Tax Credit

Sec. 621. New markets tax credit.

Subtitle D—Improvements in Low-Income Housing Credit

Sec. 631. Modification of State ceiling on low-income housing credit.
Sec. 632. Modification of criteria for allocating housing credits among projects.
Sec. 633. Additional responsibilities of housing credit agencies.
Sec. 634. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 635. Other modifications.
Sec. 636. Carryforward rules.
Sec. 637. Effective date.

Subtitle E—Other Community Renewal and New Markets Assistance

Sec. 641. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 642. Transfer of HUD assets in revitalization areas.
Sec. 643. Risk-sharing demonstration.
Sec. 644. Prevention and treatment of substance abuse; services provided through religious organizations.

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Sec. 651. Acceleration of phase-in of increase in volume cap on private activity bonds.
Sec. 652. Modifications to expensing of environmental remediation costs.
Sec. 653. Extension of DC homebuyer tax credit.

TITLE VII—ADMINISTRATIVE, MISCELLANEOUS, AND TECHNICAL PROVISIONS

Subtitle A—Administrative Provisions

Sec. 701. Exemption of certain reporting requirements.
Sec. 702. Extension of deadlines for IRS compliance with certain notice requirements.
Sec. 703. Extension of authority for undercover operations.
Sec. 704. Confidentiality of certain documents relating to closing and similar agreements and to agreements with foreign governments.
Sec. 705. Increase in threshold for Joint Committee reports on refunds and credits.
Sec. 706. Treatment of missing children with respect to certain tax benefits.
Sec. 707. Amendments to statutes referencing yield on 52-week Treasury bills.
Sec. 708. Adjustments for Consumer Price Index error.
Sec. 709. Prevention of duplication of loss through assumption of liabilities giving rise to a deduction.

Subtitle B—Miscellaneous Provisions

Sec. 710. Repeal of 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in general fund.
Sec. 711. Repeal of reduction of deductions for mutual life insurance companies.
Sec. 712. Repeal of policyholders surplus account provisions.
Sec. 713. Credit to holders of qualified Amtrak bonds.
Sec. 714. Farm, fishing, and ranch risk management accounts.
Sec. 715. Extension of enhanced deduction for corporate donations of computer technology.
Sec. 716. Relief from Federal tax liability arising with respect to certain claims against the Department of Agriculture for discrimination in farm credit and benefit programs.
Sec. 717. Expansion of credit for adoption expenses.
Sec. 718. Study concerning United States insurance companies with certain offshore reinsurance affiliates.
Sec. 719. Treatment of Indian tribal governments under Federal Unemployment Tax Act.

Subtitle C—Technical Corrections

Sec. 721. Amendments related to Ticket to Work and Work Incentives Improvement Act of 1999.
Sec. 722. Amendments related to Tax and Trade Relief Extension Act of 1998.
Sec. 723. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 724. Amendments related to Taxpayer Relief Act of 1997.
Sec. 725. Amendments related to Balanced Budget Act of 1997.
Sec. 726. Amendments related to Small Business Job Protection Act of 1996.
Sec. 727. Amendment related to Revenue Reconciliation Act of 1990.
Sec. 728. Other technical corrections.
Sec. 729. Clerical changes.

Subtitle D—Pay-Go Adjustments

Sec. 731. Avoidance of a Pay-Go sequestration for fiscal year 2001.

TITLE I—FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION

SEC. 101. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 102. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

"SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.".

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.
"Sec. 942. Foreign trading gross receipts.
"Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

"(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

"(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

"(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

"(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

"(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

"(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

"(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

"(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

"(A) foreign trade income properly allocable to activities which—

"(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

"(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

"(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

"(2) SPECIAL RULES FOR LEASED PROPERTY.—

"(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

"(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

"(i) was manufactured, produced, grown, or extracted by the taxpayer, or

"(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

"(3) SPECIAL RULES.—

"(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

"(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

"(a) FOREIGN TRADING GROSS RECEIPTS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

"(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

"(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

"(C) for services which are related and subsidiary to—

"(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

"(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

"(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

"(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

"(A) the qualifying foreign trade property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

"(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

"(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

"(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

"(2) REQUIREMENT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

"(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

"(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) TOTAL DIRECT COSTS.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

"(ii) FOREIGN DIRECT COSTS.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

"(A) advertising and sales promotion,

"(B) the processing of customer orders and the arranging for delivery,

"(C) transportation outside the United States in connection with delivery to the customer,

"(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

"(E) the assumption of credit risk.

"(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

"(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

"(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

"(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

"(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

"SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'qualifying foreign trade property' means property—

"(A) manufactured, produced, grown, or extracted within or outside the United States,

"(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to—

"(i) articles manufactured, produced, grown, or extracted outside the United States, and

"(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

"(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

"(A) a domestic corporation,

"(B) an individual who is a citizen or resident of the United States,

"(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

"(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

"(3) Excluded property.—The term 'qualifying foreign trade property' shall not include—

"(A) property leased or rented by the taxpayer for use by any related person,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

"(C) oil or gas (or any primary product thereof),

"(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(4) Property in short supply.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(b) Other Definitions and Rules.—For purposes of this subpart—

"(1) Transaction.—

"(A) In general.—The term 'transaction' means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) Grouping of transactions.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(2) United states defined.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

"(3) Related person.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) Gross and taxable income.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

"(c) Source Rule.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

"(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

"(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

"(d) Treatment of Withholding Taxes.—

"(1) In general.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

"(2) Exception.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

"(e) Election To Be Treated as Domestic Corporation.—

"(1) In general.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

"(2) Applicable foreign corporation.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

"(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

"(B) substantially all of the gross receipts of such corporation are foreign trading gross receipts.

"(3) Period of election.—

"(A) In general.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

"(B) Termination.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

"(C) Effect of revocation or termination.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

"(4) Special rules.—

"(A) Requirements.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

"(B) Effect of election, revocation, and termination.—

"(i) Election.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

"(ii) Revocation and termination.—For purposes of section 367, if—

"(I) an election is made by a corporation under paragraph (1) for any taxable year, and

"(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

"(C) Eligibility for election.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

"(f) Rules Relating to Allocations of Qualifying Foreign Trade Income From Shared Partnerships.—

"(1) In general.—If—

"(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

"(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

"(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

"(2) Special rules.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

"(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

"(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

"(g) Exclusion for Patrons of Agricultural and Horticultural Cooperatives.—Any amount described in paragraph (1) or (3) of section 1385(a)—

"(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(2) which is allocable to qualifying foreign trade income and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

"(h) Special Rule for DISCs.—Section 114 shall not apply to any taxpayer for any taxable year if, at any time during the taxable year, the taxpayer is a member of any controlled group of

corporations (as defined in section 927(d)(4), as in effect before the date of the enactment of this subsection) of which a DISC is a member."

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period "or under section 114".

(2) Section 275(a) is amended—

(A) by striking "or" at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting ", or", and by adding at the end of paragraph (4) the following new subparagraph:

"(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941)."; and

(B) by adding at the end the following the following new sentence: "A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).".

(3) Paragraph (3) of section 864(e) is amended—

(A) by striking "For purposes of" and inserting:

"(A) IN GENERAL.—For purposes of"; and

(B) by adding at the end the following new subparagraph:

"(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).".

(4) Section 903 is amended by striking "164(a)" and inserting "114, 164(a),".

(5) Section 999(c)(1) is amended by inserting "941(a)(5)," after "908(a),".

(6) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

"Sec. 114. Extraterritorial income.".

(7) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

"Subpart E. Qualifying foreign trade income.".

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall apply to transactions after September 30, 2000.

(b) NO NEW FSCS; TERMINATION OF INACTIVE FSCS.—

(1) NO NEW FSCS.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCS.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) EXCEPTION FOR OLD EARNINGS AND PROFITS OF CERTAIN CORPORATIONS.—

(A) IN GENERAL.—In the case of a foreign corporation to which this paragraph applies—

(i) earnings and profits of such corporation accumulated in taxable years ending before October 1, 2000, shall not be included in the gross income of the persons holding stock in such corporation by reason of section 943(e)(4)(B)(i), and

(ii) rules similar to the rules of clauses (ii), (iii), and (iv) of section 953(d)(4)(B) shall apply with respect to such earnings and profits.

The preceding sentence shall not apply to earnings and profits acquired in a transaction after September 30, 2000, to which section 381 applies unless the distributor or transferor corporation was immediately before the transaction a foreign corporation to which this paragraph applies.

(B) EXISTING FSCS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957) if—

(i) such corporation is a FSC (as so defined) in existence on September 30, 2000,

(ii) such corporation is eligible to make the election under section 943(e) by reason of being described in paragraph (2)(B) of such section, and

(iii) such corporation makes such election not later than for its first taxable year beginning after December 31, 2001.

(C) OTHER CORPORATIONS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957), and such corporation shall (notwithstanding any provision of section 943(e)) be treated as an applicable foreign corporation for purposes of section 943(e), if—

(i) such corporation is in existence on September 30, 2000,

(ii) as of such date, such corporation is wholly owned (directly or indirectly) by a domestic corporation (determined without regard to any election under section 943(e)),

(iii) for each of the 3 taxable years preceding the first taxable year to which the election under section 943(e) by such controlled foreign corporation applies—

(I) all of the gross income of such corporation is subpart F income (as defined in section 952), including by reason of section 954(b)(3)(B), and

(II) in the ordinary course of such corporation's trade or business, such corporation regularly sold (or paid commissions) to a FSC which on September 30, 2000, was a related person to such corporation,

(iv) such corporation has never made an election under section 922(a)(2) (as in effect before the date of the enactment of this paragraph) to be treated as a FSC, and

(v) such corporation makes the election under section 943(e) not later than for its first taxable year beginning after December 31, 2001.

The preceding sentence shall cease to apply as of the date that the domestic corporation referred to in clause (ii) ceases to wholly own (directly or indirectly) such controlled foreign corporation.

(4) RELATED PERSON.—For purposes of this subsection, the term "related person" has the meaning given to such term by section 943(b)(3).

(5) SECTION REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision shall be considered to be a reference to a section or other provision of the Internal Revenue Code of 1986, as amended by this title.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

TITLE II—SMALL BUSINESS TAX RELIEF

SEC. 201. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 51(c)(4)(B) is amended by striking "December 31, 2001" and inserting "June 30, 2004".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 202. INCREASE IN AMORTIZABLE REFORESTATION EXPENDITURES, ETC.

(a) INCREASE IN DOLLAR LIMITATION.—Paragraph (1) of section 194(b) (relating to amortization of reforestation expenditures) is amended by striking "$10,000 ($5,000" and inserting "$25,000 ($12,500".

(b) TEMPORARY SUSPENSION OF INCREASED DOLLAR LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 194 (relating to amortization of reforestation expenditures) is amended by adding at the end the following new paragraph:

"(5) SUSPENSION OF DOLLAR LIMITATION.—Paragraph (1) shall not apply to taxable years beginning after December 31, 2000, and before January 1, 2004.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 48(b) is amended by striking "section 194(b)(1)" and inserting "section 194(b)(1) and without regard to section 194(b)(5)".

(c) CAPITAL GAIN TREATMENT UNDER SECTION 631(b) TO APPLY TO OUTRIGHT SALES BY LAND OWNER.—

(1) IN GENERAL.—The first sentence of section 631(b) (relating to disposal of timber with a retained economic interest) is amended by striking "retains an economic interest in such timber" and inserting "either retains an economic interest in such timber or makes an outright sale of such timber".

(2) CONFORMING AMENDMENT.—The third sentence of section 631(b) is amended by striking

"The date of disposal" and inserting "In the case of disposal of timber with a retained economic interest, the date of disposal".

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to sales after the date of the enactment of this Act.

SEC. 203. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $35,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 204. INCREASED DEDUCTION FOR MEAL EXPENSES.

(a) IN GENERAL.—Paragraph (1) of section 274(n) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" in the text and inserting "the allowable percentage".

(b) ALLOWABLE PERCENTAGE.—Subsection (n) of section 274 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) ALLOWABLE PERCENTAGE.—For purposes of paragraph (1), the allowable percentage is—

"(A) in the case of amounts for items described in paragraph (1)(B), 50 percent, and

"(B) in the case of expenses for food or beverages, 70 percent.".

(c) CONFORMING AMENDMENT.—The heading for subsection (n) of section 274 is amended by striking "50 PERCENT" and inserting "LIMITED PERCENTAGES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 205. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (4) of section 274(n) (relating to limited percentages of meal and entertainment expenses allowed as deduction), as redesignated by section 204, is amended to read as follows:

"(4) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (2)(B) shall be applied by substituting '80 percent' for '70 percent'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 206. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) IN GENERAL.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) APPLICABILITY.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

SEC. 207. INCOME AVERAGING NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY; INCOME AVERAGING FOR FISHERMEN.

(a) IN GENERAL.—Section 55(c) (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS AND FISHERMEN.—Solely for purposes of this section, section 1301 (relating to averaging of farm and fishing income) shall not apply in computing the regular tax.".

(b) ALLOWING INCOME AVERAGING FOR FISHERMEN.—

(1) IN GENERAL.—Section 1301(a) is amended by striking "farming business" and inserting "farming business or fishing business".

(2) DEFINITION OF ELECTED FARM INCOME.—

(A) IN GENERAL.—Clause (i) of section 1301(b)(1)(A) is amended by inserting "or fishing business" before the semicolon.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 1301(b)(1) is amended by inserting "or fishing business" after "farming business" both places it occurs.

(3) DEFINITION OF FISHING BUSINESS.—Section 1301(b) is amended by adding at the end the following new paragraph:

"(4) FISHING BUSINESS.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 208. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 is amended by striking ", on payment of a special tax per annum,".

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 and the table of subparts for such part are amended to read as follows:

"PART II—MISCELLANEOUS PROVISIONS

"Subpart A. Manufacturers of stills.
"Subpart B. Nonbeverage domestic drawback claimants.
"Subpart C. Recordkeeping by dealers.
"Subpart D. Other provisions.".

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

"Part II. Miscellaneous provisions.".

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants), as amended by paragraph (5), is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking "and rate of tax" in the item relating to section 5111, as so redesignated.

(C) Section 5111, as redesignated by subparagraph (A), is amended—

(i) by striking "**AND RATE OF TAX**" in the section heading,

(ii) by striking "(a) ELIGIBILITY FOR DRAWBACK.—", and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

"Subpart C—Recordkeeping by Dealers

"Sec. 5121. Recordkeeping by wholesale dealers.
"Sec. 5122. Recordkeeping by retail dealers.
"Sec. 5123. Preservation and inspection of records, and entry of premises for inspection.".

(5)(A) Section 5114 (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.",

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) WHOLESALE DEALERS.—For purposes of this part—

"(1) WHOLESALE DEALER IN LIQUORS.—The term 'wholesale dealer in liquors' means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

"(2) WHOLESALE DEALER IN BEER.—The term 'wholesale dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

"(3) DEALER.—The term 'dealer' means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

"(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.".

(C) Paragraph (3) of section 5121(d), as so redesignated, is amended by striking "section 5146" and inserting "section 5123".

(6)(A) Section 5124 (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 and inserted after section 5121.

(B) Section 5124 is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.",

(ii) by striking "section 5146" in subsection (c) and inserting "section 5123", and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) RETAIL DEALERS.—For purposes of this section—

"(1) RETAIL DEALER IN LIQUORS.—The term 'retail dealer in liquors' means any dealer (other than a retail dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

"(2) RETAIL DEALER IN BEER.—The term 'retail dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

"(3) DEALER.—The term 'dealer' has the meaning given such term by section 5121(c)(3).".

(7) Section 5146 is moved to subpart C of part II of subchapter A of chapter 51, inserted after section 5122, and redesignated as section 5123.

(8) Part II of subchapter A of chapter 51 is amended by inserting after subpart C the following new subpart:

"Subpart D—Other Provisions

"Sec. 5131. Packaging distilled spirits for industrial uses.

"Sec. 5132. Prohibited purchases by dealers.".

(9) Section 5116 is moved to subpart D of part II of subchapter A of chapter 51, inserted after the table of sections, redesignated as section 5131, and amended by inserting "(as defined in section 5121(c))" after "dealer" in subsection (a).

(10) Subpart D of part II of subchapter A of chapter 51 is amended by adding at the end the following new section:

"SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

"(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

"(b) PENALTY AND FORFEITURE.—

"For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302.".

(11) Subsection (b) of section 5002 is amended—

(A) by striking "section 5112(a)" and inserting "section 5121(c)(3)",

(B) by striking "section 5112" and inserting "section 5121(c)", and

(C) by striking "section 5122" and inserting "section 5122(c)".

(12) Subparagraph (A) of section 5010(c)(2) is amended by striking "section 5134" and inserting "section 5114".

(13) Subsection (d) of section 5052 is amended to read as follows:

"(d) BREWER.—For purposes of this chapter, the term 'brewer' means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e).".

(14) The text of section 5182 is amended to read as follows:

"For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122.".

(15) Subsection (b) of section 5402 is amended by striking "section 5092" and inserting "section 5052(d)".

(16) Section 5671 is amended by striking "or 5091".

(17)(A) Part V of subchapter J of chapter 51 is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(18)(A) Sections 5142, 5143, and 5145 are moved to subchapter D of chapter 52, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended—

(i) by striking "this part" each place it appears and inserting "this subchapter", and

(ii) by striking "this subpart" in section 5732(c)(2) (as so redesignated) and inserting "this subchapter".

(B) Section 5732, as redesignated by subparagraph (A), is amended by striking "(except the tax imposed by section 5131)" each place it appears.

(C) Subsection (c) of section 5733, as redesignated by subparagraph (A), is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(D) The table of sections for subchapter D of chapter 52 is amended by adding at the end thereof the following:

"Sec. 5732. Payment of tax.

"Sec. 5733. Provisions relating to liability for occupational taxes.

"Sec. 5734. Application of State laws.".

(E) Section 5731 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(19) Subsection (c) of section 6071 is amended by striking "section 5142" and inserting "section 5732".

(20) Paragraph (1) of section 7652(g) is amended—

(A) by striking "subpart F" and inserting "subpart B", and

(B) by striking "section 5131(a)" and inserting "section 5111(a)".

(21) The table of sections for subchapter D of chapter 51 is amended by striking the item relating to section 5276.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001, but shall not apply to taxes imposed for periods before such date.

SEC. 209. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) IN GENERAL.—Paragraph (1) of section 108(a) (relating to exclusion from gross income) is amended by striking "or" at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.".

(b) QUALIFIED RESIDENTIAL INDEBTEDNESS.—Section 108 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

"(h) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

"(1) LIMITATIONS.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

"(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

"(B) the sum of—

"(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

"(ii) the outstanding principal amount of any other indebtedness secured by such property.

"(2) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

"(A) IN GENERAL.—The term 'qualified residential indebtedness' means indebtedness which—

"(i) was incurred or assumed by the taxpayer in connection with real property used as the principal residence (within the meaning of section 121) of the taxpayer and is secured by such real property,

"(ii) was incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

"(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

"(B) REFINANCED INDEBTEDNESS.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(C) EXCEPTIONS.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 108(a) is amended—

(A) in subparagraph (A) by striking "and (D)" and inserting "(D), and (E)", and

(B) by amending subparagraph (B) to read as follows:

"(B) INSOLVENCY EXCLUSION TAKES PRECEDENCE OVER QUALIFIED FARM EXCLUSION, QUALIFIED REAL PROPERTY BUSINESS EXCLUSION, AND QUALIFIED RESIDENTIAL INDEBTEDNESS EXCLUSION.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.".

(2) Paragraph (1) of section 108(b) is amended by striking "or (C)" and inserting "(C), or (E)".

(3) Subsection (c) of section 121 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE RELATING TO DISCHARGE OF INDEBTEDNESS.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after December 31, 2000.

SEC. 210. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, an eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

"(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if, for all prior taxable years beginning after October 31, 1999, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B).

"(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the averqge annual gross receipts of the taxpayer (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $2,500,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence."

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer elects not to use inventories with respect to any property for any taxable year beginning after the date of the enactment of this section, such property shall be treated as a material or supply which is not incidental.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 211. AMENDMENTS RELATING TO DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended by inserting at the end the following: "Notwithstanding any other provision of this section, a member bank may permit the owner of any deposit, any account which is a deposit, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board may determine by rule or order), for any purpose, to a demand deposit account of the owner in the same institution. With respect to an escrow account maintained in connection with a loan, a lender or servicer shall pay interest on such account only if such payments are required by contract between the lender or servicer and the borrower, or a specific statutory provision of the law of the State in which the security property is located requires the lender or servicer to make such payments. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account for purposes of this Act.".

(2) HOME OWNERS' LOAN ACT.—

(A) IN GENERAL.—Section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by adding at the end the following new subparagraph:

"(G) TRANSFERS.—Notwithstanding any other provision of this paragraph, a Federal savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. With respect to an escrow account maintained in connection with a loan, a lender or servicer shall pay interest on such account only if such payments are required by contract between the lender or servicer and the borrower, or a specific statutory provision of the law of the State in which the security property is located requires the lender or servicer to make such payments. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.".

(B) REPEAL.—Effective on at the end of the 2-year period beginning on the date of enactment of this Act, section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by striking subparagraph (G).

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end the following new paragraph:

"(3) TRANSFERS.—Notwithstanding any other provision of this subsection, an insured nonmember bank or insured State savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. With respect to an escrow account maintained in connection with a loan, a lender or servicer shall pay interest on such account only if such payments are required by contract between the lender or servicer and the borrower, or a specific statutory provision of the law of the State in which the security property is located requires the lender or servicer to make such payments. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.".

(b) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

"(i) [Repealed]".

(2) HOME OWNERS' LOAN ACT.—The 1st sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any" and inserting "savings association may not permit any".

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) [Repealed]".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—HEALTH INSURANCE AND LONG-TERM CARE INSURANCE PROVISIONS

SEC. 301. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 302. DEDUCTION FOR HEALTH AND LONG-TERM CARE INSURANCE COSTS OF INDIVIDUALS NOT PARTICIPATING IN EMPLOYER-SUBSIDIZED HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. HEALTH AND LONG-TERM CARE INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2001, 2002, and 2003	25
2004	35
2005	65
2006 and thereafter	100.

"(c) LIMITATION BASED ON OTHER COVERAGE.—

"(1) COVERAGE UNDER CERTAIN SUBSIDIZED EMPLOYER PLANS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer if for such month 50 percent or more of the cost of coverage under such plan (determined under section 4980B and without regard to payments made with respect to any coverage described in subsection (e)) is paid or incurred by the employer.

"(B) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of subparagraph (A) as paid by the employer.

"(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

"(i) plans which include primarily coverage for qualified long-term care services or are qualified long-term care insurance contracts, and

"(ii) plans which do not include such coverage and are not such contracts.

"(2) COVERAGE UNDER CERTAIN FEDERAL PROGRAMS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any amount paid for any coverage for an individual for any calendar month if, as of the first day of such month, the individual is covered under any medical care program described in—

"(i) title XVIII, XIX, or XXI of the Social Security Act,

"(ii) chapter 55 of title 10, United States Code,

"(iii) chapter 17 of title 38, United States Code,

"(iv) chapter 89 of title 5, United States Code, or

"(v) the Indian Health Care Improvement Act.

"(B) EXCEPTIONS.—

"(i) QUALIFIED LONG-TERM CARE.—Subparagraph (A) shall not apply to amounts paid for coverage under a qualified long-term care insurance contract.

"(ii) CONTINUATION COVERAGE OF FEHBP.—Subparagraph (A)(iv) shall not apply to coverage which is comparable to continuation coverage under section 4980B.

"(d) LONG-TERM CARE DEDUCTION LIMITED TO QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—In the case of a qualified long-term *care insurance contract, only eligible long-term care premiums (as defined in section 213(d)(10)) may be taken into account under subsection (a).*

"(e) DEDUCTION NOT AVAILABLE FOR PAYMENT OF ANCILLARY COVERAGE PREMIUMS.—Any amount paid as a premium for insurance which provides for—

"(1) coverage for accidents, disability, dental care, vision care, or a specified illness, or

"(2) making payments of a fixed amount per day (or other period) by reason of being hospitalized,

shall not be taken into account under subsection (a).

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

"(2) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations requiring employers to report to their employees and the Secretary such information as the Secretary determines to be appropriate.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 is amended by inserting after paragraph (17) the following new item:

"(18) HEALTH AND LONG-TERM CARE INSURANCE COSTS.—The deduction allowed by section 222.".

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking the last item and inserting the following new items:

"Sec. 222. Health and long-term care insurance costs.

"Sec. 223. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 303. 2-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2000" each place it appears and inserting "2002".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) by striking "1998 or 1999" each place it appears and inserting "1998, 1999, 2000, or 2001", and

(B) by striking "600,000 (750,000 in the case of 1999)" and inserting "750,000 (600,000 in the case of 1998)".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ", 1998, and 1999" and inserting "and of each calendar year after 1997 and before 2002".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraph (A) of section 7702B(g)(2) (relating to requirements of model regulation and Act) is amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

"(i) MODEL REGULATION.—The following requirements of the model regulation:

"(I) Section 6A (relating to guaranteed renewal or noncancellability), and the requirements of section 6B of the model Act relating to such section 6A.

"(II) Section 6B (relating to prohibitions on limitations and exclusions).

"(III) Section 6C (relating to extension of benefits).

"(IV) Section 6D (relating to continuation or conversion of coverage).

"(V) Section 6E (relating to discontinuance and replacement of policies).

"(VI) Section 7 (relating to unintentional lapse).

"(VII) Section 8 (relating to disclosure), other than section 8F thereof.

"(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

"(IX) Section 12 (relating to minimum standards).

"(X) Section 13 (relating to requirement to offer inflation protection), except that any requirement for a signature on a rejection of inflation protection shall permit the signature to be on an application or on a separate form.

"(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(XII) The provisions of section 26 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(ii) MODEL ACT.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) MODEL PROVISIONS.—The terms 'model regulation' and 'model Act' mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).

"(ii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(iii) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of a model regulation or the model Act has been met shall be made by the Secretary."

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) (relating to requirements of model provisions) is amended to read as follows:

"(1) REQUIREMENTS OF MODEL PROVISIONS.—

"(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

"(i) Section 9 (relating to required disclosure of rating practices to consumer)."

"(ii) Section 14 (relating to application forms and replacement coverage).

"(iii) Section 15 (relating to reporting requirements), except that the issuer shall also report at least annually the number of claims denied during the reporting period for each class of business (expressed as a percentage of claims denied), other than claims denied for failure to meet the waiting period or because of any applicable preexisting condition.

"(iv) Section 22 (relating to filing requirements for marketing).

"(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C, except that—

"(I) in addition to such requirements, no person shall, in selling or offering to sell a qualified long-term care insurance contract, misrepresent a material fact; and

"(II) no such requirements shall include a requirement to inquire or identify whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance.

"(vi) Section 24 (relating to suitability).

"(vii) Section 29 (relating to standard format outline of coverage).

"(viii) Section 30 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

"(B) MODEL ACT.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return), except that such section shall also apply to denials of applications and any refund shall be made within 30 days of the return or denial.

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6I (relating to policy summary).

"(v) Section 6J (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

SEC. 305. DEDUCTION FOR PROVIDING LONG-TERM CARE IN THE HOME TO HOUSEHOLD MEMBERS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. PROVISION OF LONG-TERM CARE IN THE HOME TO HOUSEHOLD MEMBERS.

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the applicable amount multiplied by the number of qualified family members of the taxpayer for the taxable year.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount for a taxable year shall be the amount determined in accordance with the following table:

"For taxable years beginning in:	***The applicable amount is:***
2001	*$3,000*
2002	*$4,000*
2003	*$5,000*
2004	*$6,000*
2005	*$7,000*
2006	*$8,000*
2007	*$9,000*
2008 and thereafter	*$10,000.*

"(b) LIMITATIONS.—

"(1) REDUCTION FOR AMOUNTS RECEIVED UNDER LONG-TERM CARE INSURANCE POLICY.—The amount of the deduction allowable under subsection (a) with respect to a qualified family member shall be reduced (but not below zero) by the amount received for the taxable year under a long-term care insurance policy (whether or not such policy is a qualified long-term care insurance contract under section 7702B) with respect to which the insured is the qualified family member.

"(2) PHASEOUT.—The amount of the deduction allowable under subsection (a) (after the application of paragraph (1)) shall be reduced in the

same manner as the exemption amount is reduced under section 151(d)(3).

"(c) QUALIFIED FAMILY MEMBER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified family member' means, with respect to any taxable year, any individual—

"(A) who is—

"(i) the taxpayer's spouse, or

"(ii) an individual who bears a relationship to the taxpayer described in any of paragraphs (1) through (8) of section 152(a),

"(B) who is a member for the entire taxable year of the household maintained by the taxpayer,

"(C) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than the sum of—

"(i) the exemption amount (as defined in section 151(d)), and

"(ii) the standard deduction, and

"(D) who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual described in paragraph (3) for a period—

"(i) which is at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year.

"(2) SPECIAL RULES.—

"(A) FREQUENCY OF CERTIFICATION.—The term 'qualified family member' shall not include any individual otherwise meeting the requirements of paragraph (1)(D) unless the certification is made within the 39½ month period ending on the due date (or such other period as the Secretary prescribes).

"(B) GROSS INCOME TEST NOT TO APPLY TO CERTAIN INDIVIDUALS.—Paragraph (1)(C) shall not apply to—

"(i) the spouse of the taxpayer,

"(ii) any child of the taxpayer described in section 151(c)(1)(B), and

"(iii) any gross income which is not taken into account under paragraph (1)(B) of section 151(c) by reason of paragraph (5) thereof.

"(3) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this paragraph if the individual meets any of the following requirements:

"(A) The individual is at least 6 years of age and—

"(i) is unable to perform (without substantial assistance from another individual) at least 3 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(ii) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment, and

"(I) is unable to perform, without reminding or cuing assistance, at least 1 activity of daily living (as so defined), or

"(II) to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

"(B) The individual is at least 2 but not 6 years of age and is unable due to a loss of functional capacity to perform (without substantial assistance from another individual) at least 2 of the following activities: eating, transferring, or mobility.

"(C) The individual is under 2 years of age and requires specific durable medical equipment by reason of a severe health condition or requires a skilled practitioner trained to address the individual's condition to be available if the individual's parents or guardians are absent.

"(d) SPECIAL RULES.—

"(1) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under this section to a taxpayer with respect to any qualified family member unless the taxpayer includes the name and taxpayer identification number of such member, and the identification number of the physician certifying such member, on the return of tax for the taxable year.

"(2) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—No deduction shall be allowable under this section in the case of a taxable year covering a period of less than 12 months, except that in the case of a taxable year closed by the death of a taxpayer a ratable portion of the deduction shall be allowable.

"(3) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 21(e) shall apply for purposes of this subsection.".

(b) DEDUCTION ALLOWABLE WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—

(1) Subsection (b) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the deduction allowed by section 223."

(2) Subsection (d) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the deduction allowed by section 223."

(c) CONFORMING AMENDMENTS.—

(1) Section 6213(g)(2) is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting ", and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) an omission of a correct TIN or physician identification number required under section 223(d)(1) (relating to deduction for provision of long-term care in the home to household members) to be included on a return."

(2) The table of sections for part VII of subchapter B of chapter 1 is amended by striking the last item and inserting the following new items:

"Sec. 223. Provision of long-term care in the home to household members.

"Sec. 224. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE IV—PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS

SEC. 400. SHORT TITLE.

This title may be cited as the "Retirement Savings and Pension Coverage Act of 2000".

Subtitle A—Individual Retirement Accounts

SEC. 401. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The deductible amount is:**
2001	$3,000
2002	$4,000
2003 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—

"(i) IN GENERAL.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for such taxable year (determined without regard to this subparagraph) shall be increased by the applicable catch-up amount.

"(ii) APPLICABLE CATCH-UP AMOUNT.—For purposes of clause (i), the applicable catch-up amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in:	**The applicable catch-up amount is:**
2001	$500
2002	$1,000
2003 and thereafter	$1,500.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000 amount under subparagraph (A) and the $1,500 amount under subparagraph (B) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) INCREASE IN AGI LIMITS FOR ACTIVE PARTICIPANTS.—

(1) JOINT RETURNS.—The table in clause (i) of section 219(g)(3)(B) (relating to applicable dollar amount) is amended to read as follows:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$56,000
2002	$60,000
2003	$64,000
2004	$68,000
2005	$72,000
2006	$76,000
2007 or thereafter	$80,000.".

(2) OTHER TAXPAYERS.—Section 219(g)(3)(B) (relating to applicable dollar amount) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) In the case of any other taxpayer:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$36,000
2002	$40,000
2003	$44,000
2004	$48,000
2005 or thereafter	$50,000.".

(c) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 402. DEEMED IRAS UNDER EMPLOYER PLANS.

(a) IN GENERAL.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) DEEMED IRAS UNDER QUALIFIED EMPLOYER PLANS.—

"(1) GENERAL RULE.—If—

"(A) a qualified employer plan elects to allow employees to make voluntary employee contributions to a separate account or annuity established under the plan, and

"(B) under the terms of the qualified employer plan, such account or annuity meets the applicable requirements of this section or section 408A for an individual retirement account or annuity,

then such account or annuity shall be treated for purposes of this title in the same manner as an individual retirement plan and not as a qualified employer plan (and contributions to such account or annuity as contributions to an individual retirement plan and not to the qualified employer plan). For purposes of subparagraph (B), the requirements of subsection (a)(5) shall not apply.

"(2) SPECIAL RULES FOR QUALIFIED EMPLOYER PLANS.—For purposes of this title, a qualified employer plan shall not fail to meet any requirement of this title solely by reason of establishing and maintaining a program described in paragraph (1).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4); except such term shall only include an eligible deferred compensation plan (as defined in section 457(b)) which is maintained by an eligible employer described in section 457(e)(1)(A).

"(B) VOLUNTARY EMPLOYEE CONTRIBUTION.—The term 'voluntary employee contribution' means any contribution (other than a mandatory contribution within the meaning of section 411(c)(2)(C))—

"(i) which is made by an individual as an employee under a qualified employer plan which allows employees to elect to make contributions described in paragraph (1), and

"(ii) with respect to which the individual has designated the contribution as a contribution to which this subsection applies.".

(b) AMENDMENT OF ERISA.—

(1) IN GENERAL.—Section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) is amended by adding at the end the following new subsection:

"(c) If a pension plan allows an employee to elect to make voluntary employee contributions to accounts and annuities as provided in section 408(q) of the Internal Revenue Code of 1986, such accounts and annuities (and contributions thereto) shall not be treated as part of such plan (or as a separate pension plan) for purposes of any provision of this title other than section 403(c), 404, or 405 (relating to exclusive benefit, and fiduciary and co-fiduciary responsibilities).".

(2) CONFORMING AMENDMENT.—Section 4(a) of such Act (29 U.S.C. 1003(a)) is amended by inserting "or (c)" after "subsection (b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 403. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—In the case of a qualified charitable distribution, no amount shall be includible in the gross income of the account holder or beneficiary.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(ii) which is a charitable contribution (as defined in section 170(c)) made directly from the account to an organization or entity described in section 170(c).

"(C) DENIAL OF DEDUCTION.—The amount allowable as a deduction to the taxpayer for the taxable year under section 170 (before the application of section 170(b)) for qualified charitable distributions shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which (but for this paragraph) would have been includible in the gross income of the taxpayer for such year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 404. MODIFICATION OF AGI LIMITS FOR ROTH IRAS.

(a) INCREASE IN AGI LIMIT FOR ROTH IRA CONTRIBUTIONS.—

(1) IN GENERAL.—Section 408A(c)(3)(C)(ii) (relating to limits based on modified adjusted gross income) is amended to read as follows:

"(ii) the applicable dollar amount is—

"(I) in the case of a taxpayer filing a joint return, $190,000, and

"(II) in the case of any other taxpayer, $95,000.".

(2) PHASEOUT AMOUNT.—Clause (ii) of section 408A(c)(3)(A) is amended to read as follows:

"(ii) $15,000 ($30,000 in the case of a joint return).".

(b) INCREASE IN AGI LIMIT FOR ROTH IRA CONVERSIONS.—Section 408A(c)(3)(B) (relating to rollover from IRA) is amended by striking "relates" and all that follows and inserting "relates, the taxpayer's adjusted gross income exceeds $100,000 ($200,000 in the case of a joint return).".

(c) CONFORMING AMENDMENT.—Section 408A(c)(3) is amended by striking subparagraph (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle B—Expanding Coverage

SEC. 411. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62" and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—In the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 664(g)(3)(E) (relating to plan requirements) is amended by striking "limitations under section 415(c)(1)" and inserting "applicable limitation under paragraph (7)".

(B) APPLICABLE LIMITATION.—Section 664(g) (relating to qualified gratuitous transfer of qualified employer securities) is amended by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 412. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 413. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $115,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) COST-OF-LIVING ADJUSTMENT.—Section 416(i)(1) is amended by adding at the end the following new subparagraph:

"(E) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2001, the Secretary shall adjust the $115,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2000, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lower multiple of $5,000.".

(3) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may *be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".*

(e) Frozen Plan Exempt From Minimum Benefit Requirement.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) Exception for frozen plan.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) Elimination of Family Attribution.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) Family attribution disregarded.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 414. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) In General.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Deduction Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 415. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 411, is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 416. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) Pension Benefit Plan.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) Eligible Employer.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) Determination of Average Fees Charged.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) Effective Date.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 417. DEDUCTION LIMITS.

(a) Modification of Limits.—

(1) Stock bonus and profit sharing trusts.—

(A) In general.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "25 percent".

(B) Conforming amendment.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "25 percent".

(2) Defined contribution plans.—

(A) In general.—Clause (v) of section 404(a)(3)(A) (relating to stock bonus and profit sharing trusts) is amended to read as follows:

"(v) Defined contribution plans subject to the funding standards.—Except as provided by the Secretary, a defined contribution plan which is subject to the funding standards of section 412 shall be treated in the same manner as a stock bonus or profit-sharing plan for purposes of this subparagraph.".

(B) Conforming amendments.—

(i) Section 404(a)(1)(A) is amended by inserting "(other than a trust to which paragraph (3) applies)" after "pension trust".

(ii) Section 404(h)(2) is amended by striking "stock bonus or profit-sharing trust" and inserting "trust subject to subsection (a)(3)(A)".

(iii) The heading of section 404(h)(2) is amended by striking "STOCK BONUS AND PROFIT-SHARING TRUST" and inserting "CERTAIN TRUSTS".

(b) Compensation.—

(1) In general.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) Definition of compensation.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as participant's compensation under subparagraph (C) or (D) of section 415(c)(3).".

(2) Conforming amendments.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 418. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX ROTH CONTRIBUTIONS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

"(a) General Rule.—If an applicable retirement plan includes a qualified Roth contribution program—

"(1) any designated Roth contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) Qualified Roth Contribution Program.—For purposes of this section—

"(1) In general.—The term 'qualified Roth contribution program' means a program under which an employee may elect to make designated Roth contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) Separate accounting required.—A program shall not be treated as a qualified Roth contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated Roth accounts') for the designated Roth contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Roth Contributions.—For purposes of this section—

"(1) Designated Roth contribution.—The term 'designated Roth contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated Roth account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated Roth account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated Roth account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated Roth account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated Roth account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated Roth contribution to any designated Roth account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated Roth account from a designated Roth account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated Roth contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND CONTRIBUTIONS AND EARNINGS THEREON.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated Roth contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated Roth account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(d)(1)) the following new sentence: "The preceding sentence shall not apply to the portion of such excess as does not exceed the designated Roth contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated Roth account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated Roth account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated Roth contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED ROTH CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated Roth contributions (as defined in section 402A) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as Roth contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle C—Enhancing Fairness For Women

SEC. 421. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable deferral amount, or

"(ii) the excess (if any) of—

"(I) the participant's compensation for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICABLE DEFERRAL AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(i), the applicable deferral amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable deferral amount:**
2001	$1,000
2002	$2,000
2003	$3,000
2004	$4,000
2005 or thereafter	$5,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $5,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) APPLICATION OF NONDISCRIMINATION RULES.—

"(A) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) AGGREGATION.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or any comparable limitation contained in the terms of the plan.

"(6) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A) and .

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 422. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after, the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Retirement Savings and Pension Coverage Act of 2000)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201(d)(3)(A)) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Retirement Savings and Pension Coverage Act of 2000)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 423. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	*20*
3	*40*
4	*60*
5	*80*
6	*100.".*

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	*20*
3	*40*
4	*60*
5	*80*
6	*100.".*

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2001; or

(B) January 1, 2005.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 424. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986; and

(B) modify such regulations to—

(i) reflect current life expectancy; and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) FRESH START.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) DATE FOR REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue final regulations described in paragraph (1) and such regulations shall apply without regard to whether an individual had previously begun receiving minimum distributions.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2000.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which

such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 425. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL 'AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 426. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2000.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Section 402(c)(4)(C) (relating to eligible rollover distribution) is amended by striking "described in section 401(k)(2)(B)(i)(IV)" and inserting "under the terms of the plan".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2001, unless a plan administrator elects to apply such amendment to distributions made after December 31, 2000.

SEC. 427. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 442(b), is amended by striking "or" at the end of subparagraph (A), by striking the period and inserting ", or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a qualified employer plan which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer.".

(b) EXCLUSION OF CERTAIN CONTRIBUTIONS.—Section 4972(c)(6), as amended by subsection (a), is amended by adding at the end the following new sentence: "Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).".

(c) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle D—Increasing Portability For Participants

SEC. 431. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) ROLLOVER AMOUNTS.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A), or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving

the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.”.

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking “; except that” and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking “and 408(d)(3)” and inserting “403(b)(8), 408(d)(3), and 457(e)(16)”.

(2) Section 219(d)(2) is amended by striking “or 408(d)(3)” and inserting “408(d)(3), or 457(e)(16)”.

(3) Section 401(a)(31)(B) is amended by striking “and 403(a)(4)” and inserting “, 403(a)(4), 403(b)(8), and 457(e)(16)”.

(4) Subparagraph (A) of section 402(f)(2) is amended by striking “or paragraph (4) of section 403(a)” and inserting “, paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)”.

(5) Paragraph (1) of section 402(f) is amended by striking “from an eligible retirement plan”.

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking “another eligible retirement plan” and inserting “an eligible retirement plan”.

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

“(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.”.

(8) Section 408(a)(1) is amended by striking “or 403(b)(8),” and inserting “403(b)(8), or 457(e)(16)”.

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking “and 408(d)(3)” and inserting “403(b)(8), 408(d)(3), and 457(e)(16)”.

(10) Section 415(c)(2) is amended by striking “and 408(d)(3)” and inserting “408(d)(3), and 457(e)(16)”.

(11) Section 4973(b)(1)(A) is amended by striking “or 408(d)(3)” and inserting “408(d)(3), or 457(e)(16)”.

(f) EFFECTIVE DATE; SPECIAL RULES.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendments made by this section shall apply to distributions after December 31, 2000.

(2) REASONABLE NOTICE.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before January 1, 2002, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 432. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding “or” at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

“(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term ‘eligible retirement plan’ means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking “section 408(d)(3)(A)(iii)” and inserting “section 408(d)(3)(A)(ii)”.

(2) Clause (i) of section 408(d)(3)(D) is amended by striking “(i), (ii), or (iii)” and inserting “(i) or (ii)”.

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

“(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.”.

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 433. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: “The preceding sentence shall not apply to such distribution to the extent—

“(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

“(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).”.

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: “The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

“(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

“(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).”.

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

“(H) APPLICATION OF SECTION 72.—

“(i) IN GENERAL.—If—

“(I) a distribution is made from an individual retirement plan, and

“(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

“(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

“(I) section 72 shall be applied separately to such distribution,

“(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

“(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2001.

SEC. 434. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

“(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

“(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 433, is amended by adding after subparagraph (H) the following new subparagraph:

“(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 435. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

“(D) PLAN TRANSFERS.—

“(i) IN GENERAL.—A defined contribution plan (in this subparagraph referred to as the ‘transferee plan’) shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the ‘transferor plan’) to the extent that—

“(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) SPECIAL RULE FOR MERGERS; ETC.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(2) AMENDMENT OF ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2002, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2002, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 436. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 437. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 438. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 439. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

Subtitle E—Strengthening Pension Security and Enforcement

SEC. 441. REPEAL OF 155 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENTS OF INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.".

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 442. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 443. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 444. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

"(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) each participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

"(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) NEW TECHNOLOGIES.—The Secretary may by regulations allow any notice under paragraph (1) or (2) of subsection (e) to be provided by using new technologies."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(F) The Secretary of the Treasury may by regulations allow any notice under subparagraph (A) or (B) to be provided by using new technologies.

"(4) For purposes of paragraph (3)—

"(A) The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan; and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) The term 'applicable pension plan' means—

"(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 and section 204(h)(3) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULES.—

(A) IN GENERAL.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) REASONABLE NOTICE.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before October 25, 2000, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 445. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

"(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

"(B) with any other multiemployer plan for purposes of applying the limitations established in this section.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 446. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 447. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2)—

"(A) the administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request, and

"(B) the administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) Notwithstanding paragraph (1), the administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall only be required to furnish a pension benefit statement under paragraph (1) upon the written request of a participant or beneficiary of the plan.

"(3) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant, and

"(C) may be provided in written, electronic, telephonic, or other appropriate form.

"(4)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 448. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

"(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) CROSS REFERENCE.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) NONALLOCATION YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), an individual shall be treated as owning deemed-owned shares of the individual. Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the *same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.*

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1); and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000; or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

Subtitle F—Reducing Regulatory Burdens

SEC. 451. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)"; and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan; and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 452. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) STANDARD FOR DISALLOWANCE.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting "avoidance or" before "evasion".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 453. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 454. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 455. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 456. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of plan years beginning after December 31, 2001, the Secretary of the Treasury shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2001.

SEC. 457. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 458. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 459. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test. Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2002.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2002.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2002, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 460. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "GOVERNMENTAL PLANS".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "EXCEPTION FOR GOVERNMENTAL PLANS".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "GOVERNMENTAL PLANS.—" after "(G)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 461. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(2) AMENDMENT OF ERISA.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)(A) and (2) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2000.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

(c) DISCLOSURE OF OPTIONAL FORMS OF BENEFITS.—

(1) REGULATIONS.—

(A) In General.—The Secretary of the Treasury shall, not later than December 31, 2001, issue final regulations under section 417(a)(3) of the Internal Revenue Code of 1986 which provide that if—

(i) a defined benefit plan offers both a qualified joint and survivor annuity and a single sum optional form of benefit, and

(ii) the distributable amount under such single sum option is less than the present value (determined in accordance with section 417(e) of such Code) of the qualified joint and survivor annuity commencing as of the same annuity starting date, the written explanation required by section 417(a)(3)(A) of such Code shall include sufficient information to allow the participant to understand the difference between the amount of the single sum and such present value.

(B) Unmarried Participants.—If the plan offers an unmarried participant one or more annuity options that are substantially more valuable than the qualified joint and survivor annuity offered by the plan, the comparison required under subparagraph (A) shall be made between the single sum option and the most valuable of the other annuity options offered by the plan.

(C) Form.—Any information required under this paragraph shall be provided in a manner calculated to be reasonably understood by the average plan participant.

(2) Effective Date.—Regulations issued under paragraph (1) shall only apply to distributions made not earlier than 6 months after the date such regulations are issued.

SEC. 462. ANNUAL REPORT DISSEMINATION.

(a) Report Available Through Electronic Means.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.".

(b) Effective Date.—The amendment made by this section shall apply to reports for years beginning after December 31, 1999.

SEC. 463. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and";

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in subparagraph (B) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) Reception and Representation Authority.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

SEC. 464. STUDY OF PENSION COVERAGE.

Not later than 5 years after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effect of the provisions of the Retirement Savings and Pension Coverage Act of 2000 on pension coverage, including—

(1) any expansion of coverage for low- and middle-income workers;

(2) levels of pension benefits;

(3) quality of pension coverage;

(4) worker's access to and participation in plans; and

(5) retirement security.

Subtitle G—Other ERISA Provisions

SEC. 471. MISSING PARTICIPANTS.

(a) In General.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

"(c) Multiemployer Plans.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) Plans Not Otherwise Subject to Title.—

"(1) Transfer to Corporation.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) Information to the Corporation.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) Payment by the Corporation.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) Plans Described.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) Certain Provisions Not to Apply.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) Effective Date.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 472. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) In General.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2000.

SEC. 473. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)); as amended by section 472(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2000.

SEC. 474. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 475. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2000, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2001.

SEC. 476. MULTIEMPLOYER PLAN BENEFITS GUARANTEE.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322A(c)) is amended—

(1) by striking "$5" each place it appears in paragraph (1) and inserting "$11",

(2) by striking "$15" in paragraph (1) and inserting "$33", and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 4244(e)(4) of such Act (29 U.S.C. 1424(e)(4)) is *amended by striking "and without regard to section 4022A(c)(2)".*

(c) Effective Date.—The amendments made by this section shall apply to benefits payable after the date of the enactment of this Act, except that such amendments shall not apply to any multiemployer plan that has received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

SEC. 477. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) Imposition and Amount of Penalty Made Discretionary.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) Applicable Recovery Amount.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) Other Rules.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) Transition rule.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 478. BENEFIT SUSPENSION NOTICE.

(a) Modification of Regulation.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan shall—

(A) be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accruals will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), include a statement that the rate of future benefit accruals will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) Effective Date.—The modification made under this section shall apply to plan years beginning after December 31, 2000.

Subtitle H—Plan Amendments

SEC. 481. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued under this title; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE V—SCHOOL CONSTRUCTION PROVISIONS

SEC. 501. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2000.

SEC. 502. MODIFICATION OF ARBITRAGE REBATE RULES APPLICABLE TO PUBLIC SCHOOL CONSTRUCTION BONDS.

(a) In General.—Subparagraph (C) of section 148(f)(4) is amended by adding at the end the following new clause:

"(xviii) 4-year spending requirement for public school construction issue.—

"(I) In general.—In the case of a public school construction issue, the spending requirements of clause (ii) shall be treated as met if at least 10 percent of the available construction proceeds of the construction issue are spent for the governmental purposes of the issue within the 1-year period beginning on the date the bonds are issued, 30 percent of such proceeds are spent for such purposes within the 2-year period beginning on such date, 60 percent of such proceeds are spent for such purposes within the 3-year period beginning on such date, and 100 percent of such proceeds are spent for such purposes within the 4-year period beginning on such date.

"(II) Public school construction issue.—For purposes of this clause, the term 'public school construction issue' means any construction issue if no bond which is part of such issue is a private activity bond and all of the available construction proceeds of such issue are to be used for the construction (as defined in clause (iv)) of public school facilities to provide education or training below the postsecondary level or for the acquisition of land that is functionally related and subordinate to such facilities.

"(III) Other rules to apply.—Rules similar to the rules of the preceding provisions of this subparagraph which apply to clause (ii) also apply to this clause.".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after December 31, 2000.

SEC. 503. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS.

(a) In General.—Paragraph (1) of section 648 of the Tax Reform Act of 1984 is amended to read as follows:

"(1) such securities or obligations are held in a fund—

"(A) which, except to the extent of the investment earnings on such securities or obligations, cannot be used, under State constitutional or statutory restrictions continuously in effect since October 9, 1969, through the date of issue of the bond issue, to pay debt service on the bond issue or to finance the facilities that are to be financed with the proceeds of the bonds, or

"(B) the annual distributions from which cannot exceed 7 percent of the average fair market value of the assets held in such fund except to the extent distributions are necessary to pay debt service on the bond issue.".

(b) Conforming Amendment.—Paragraph (3) of such section is amended by striking "the investment earnings of" and inserting "distributions from".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2001.

SEC. 504. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following:

"(13) qualified public educational facilities."

(b) Qualified Public Educational Facilities.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) ALLOCATION RULES.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate in a calendar year the amount described in subparagraph (A) for such year in such manner as the State determines appropriate.

"(ii) RULES FOR CARRYFORWARD OF UNUSED AMOUNT.—With respect to any calendar year, a State may make an election under rules similar to the rules of section 146(f), except that the sole carryforward purpose with respect to such election is the issuance of exempt facility bonds described in section 142(a)(13)."

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public-private schools)."

(e) CONFORMING AMENDMENT.—The heading of section 147(h) is amended by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS" in the heading and inserting "CERTAIN BONDS".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2000.

SEC. 505. EXPANSION OF QUALIFIED ZONE ACADEMY BOND PROGRAM.

(a) IN GENERAL.—So much of part IV of subchapter U of chapter 1 (relating to incentives for education zones) as precedes subsection (d) of section 1397E is amended to read as follows:

"PART IV—EDUCATION BOND PROVISIONS

"Sec. 1397E. Credit to holders of qualified zone academy bonds.

"Sec. 1397F. Qualified zone academy bond defined.

"Sec. 1397G. Authorization of additional qualified zone academy bonds without targeting and private partnership requirements.

"SEC. 1397E. CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer who holds a qualified zone academy bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified zone academy bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified zone academy bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the day that the issue is sold) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ZONE ACADEMY BOND.—The term 'qualified zone academy bond' has the meaning given to such term by section 1397F; except that such term shall also include any bond treated as a qualified zone academy bond under section 1397G. Such term shall not include any bond which is part of an issue unless such issue meets the requirements of subsection (g).

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(3) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means—

"(A) a bank (within the meaning of section 581),

"(B) an insurance company to which subchapter L applies,

"(C) a corporation actively engaged in the business of lending money, and

"(D) any other C corporation.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia, but does not include any other State agency.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include—

"(A) any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public, or

"(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

"(5) PERMITTED PURPOSE.—The term 'permitted purpose' means—

"(A) in the case of a bond which is a qualified zone academy bond without regard to section 1397G, any qualified purpose (as defined in section 1397F(a)(4)), and

"(B) in the case of a bond which is a qualified zone academy bond solely by reason of section 1397G, the purpose described in section 1397G(a)(2).

"(f) SPECIAL RULES.—

"(1) ONLY CERTAIN REFINANCINGS PERMITTED.—A refinancing of indebtedness (other than a qualified zone academy bond) shall be treated as a qualified zone academy bond only if such indebtedness was originally incurred by the issuer—

"(A) after the date of the enactment of this section,

"(B) for a term of not more than 1 year,

"(C) to finance an expenditure which is a permitted purpose to be financed by a qualified zone academy bond, and

"(D) in anticipation of being refinanced with proceeds of a qualified zone academy bond.

"(2) SINKING FUNDS.—Rules similar to the rules under section 148 on replacement proceeds shall apply for purposes of this section. Such replacement proceeds shall be invested in non-interest-bearing State and Local Government Series obligations issued by the Secretary.

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, an issue shall be treated as meeting the requirements of this subsection if the issue meets the spending requirements of subclause (I) of section 148(f)(4)(C)(xviii).

"(2) RULES REGARDING COMPLIANCE DURING 4-YEAR PERIOD.—If an issue fails to meet such spending requirements during the 4-year period beginning on the date of issuance, the issuer shall pay to the United States amounts which would be required to be paid to the United States under section 148(f)(2) were such issue required to meet the requirements of such section. Rules similar to the rules of clause (iii) of section 148(f)(4)(C) shall apply for purposes of the preceding sentence.

"(3) RULES REGARDING CONTINUING COMPLIANCE AFTER 4-YEAR DETERMINATION.—If at least 95 percent of the proceeds of the issue is not expended for 1 or more permitted purposes within the 4-year period beginning on the date of issuance, an issue shall be treated as continuing to meet the requirements of this subsection if the issuer uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of such 4-year period.

"(4) SMALL ISSUER EXCEPTION.—Paragraph (1) shall not apply to an issue issued by a governmental unit with general taxing powers if the requirements of paragraphs (2) and (3) of section 148(f) would be treated as met by reason of subparagraph (D) of section 148(f)(4) if such issue were treated as a tax-exempt bond and taken into account under such subparagraph, and such issue shall be so treated for purposes of determining whether such requirements are met with respect to tax-exempt bonds.

"(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

"(1) IN GENERAL.—If any bond which when issued purported to be a qualified zone academy bond ceases to be a qualified zone academy bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

"(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

"(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

"(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

"(3) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining —

"(i) the amount of any credit allowable under this part, or

"(ii) the amount of the tax imposed by section 55.

"(i) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(j) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified zone academy bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(k) REPORTING.—Issuers of qualified zone academy bonds shall submit reports similar to the reports required under section 149(e).

"(l) TERMINATION.—This section shall not apply to any bond issued after December 31, 2005.

"SEC. 1397F. QUALIFIED ZONE ACADEMY BONDS."

(b) EXTENSION OF QUALIFIED ZONE ACADEMY BOND PROVISIONS.—

(1) Subsections (d) and (e) of section 1397E (as in effect on the day before the date of the enactment of this Act) are hereby moved and inserted after the section heading for section 1397F (as added by subsection (a)) and redesignated as subsections (a) and (b).

(2) Subsection (b) of section 1397F (as so redesignated) is amended to read as follows:

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $400,000,000 for 1999,

"(C) $400,000,000 for 2000,

"(D) $400,000,000 for 2001,

"(E) $400,000,000 for 2002,

"(F) $400,000,000 for 2003, and

"(G) except as provided in paragraph (3), zero after 2003.

"(2) ALLOCATION OF LIMITATION.—

"(A) IN GENERAL.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to qualified zone academies within such State.

"(B) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (A) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis."

(3) Subsection (a) of section 1397F (as so redesignated) is amended—

(A) by striking "For purposes of this section—" in the material preceding paragraph (1) and inserting "For purposes of this part—".

(B) by striking "an eligible local" in paragraphs (1)(A) and (3)(A) (as redesignated by this paragraph) and inserting "a local",

(C) by striking "the maximum term permitted under paragraph (3)" in paragraph (1)(D) and inserting "15 years", and

(D) by striking paragraphs (3) and (6) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(4) Paragraph (3) of section 1397F(a) (as so redesignated) is amended—

(A) by striking "(4)" and all that follows through "The term" and inserting the following:

"(4) QUALIFIED ZONE ACADEMY.—The term",

(B) by striking subparagraph (B),

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and

(D) by redesignating subclauses (I) and (II) of subparagraph (D) (as so redesignated) as clauses (i) and (ii), respectively.

(c) AUTHORIZATION OF ADDITIONAL QUALIFIED ZONE ACADEMY BONDS WITHOUT TARGETING AND PRIVATE PARTNERSHIP REQUIREMENTS.—Part IV of subchapter U of chapter 1 is amended by adding at the end the following new section:

"SEC. 1397G. AUTHORIZATION OF ADDITIONAL QUALIFIED ZONE ACADEMY BONDS WITHOUT TARGETING AND PRIVATE PARTNERSHIP REQUIREMENTS.

"(a) IN GENERAL.—For purposes of this part, the term 'qualified zone academy bond' also includes any bond issued by a State or local government as part of an issue if—

"(1) the issuer designates such bond for purpose of this section, and

"(2) the requirements of subparagraphs (A), (B), and (D) of paragraph (1) of section 1397F(a) are met with respect to such issue, determined—

"(A) by treating any public school facility as being a qualified zone academy ,and

"(B) by applying paragraph (4) thereof as if the only qualified purpose were constructing, rehabilitating, or repairing a public school facility or acquiring the land which is functionally related and subordinate to the public school facility which is to be constructed with part of the proceeds of such issue.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) for such calendar year to such issuer.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national additional qualified zone academy bond limitation for each calendar year. Such limitation is—

"(1) $5,000,000,000 for 2001,

"(2) $5,000,000,000 for 2002, and

"(3) $5,000,000,000 for 2003.

"(4) except as provided in subsection (e), zero after 2003.

"(d) LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—

"(A) ALLOCATION ON THE BASIS OF POPULATION.—50 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated before such calendar year by the Secretary among the States on the basis of their respective populations.

"(B) ALLOCATION ON THE BASIS OF POVERTY.—50 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated before such calendar year by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(C) MINIMUM ALLOCATIONS TO SMALL STATES.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the amount allocated to such State under this subsection for such year is not less than $25,000,000.

"(D) USE OF CENSUS DATA.—Determinations under this subsection shall be made on the basis of the most recently available census data.

"(2) ALLOCATION WITHIN THE STATE.—

"(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the limitation allocated to any State may be allocated among governmental units in such State having authority to issue such bonds as provided by State law (or, in absence of State law, by the Governor of such State).

"(B) MINIMUM ALLOCATIONS TO LARGE LOCAL EDUCATIONAL AGENCIES.—In no event may the limitation for any calendar year allocated to any large local educational agency in a State be less than the sum of—

"(i) an amount which bears the same ratio to 50 percent of such limitation as the population within the area under the jurisdiction of such agency bears to the population of the entire State, and

"(ii) an amount which bears the same ratio to 50 percent of such limitation as the population within the area under the jurisdiction of such agency below the poverty line (as defined by the Office of Management and Budget) bears to such population of the entire State.

"(3) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 (in the aggregate for calendar years 2001, 2002, and 2003) shall be allocated by the Secretary (after consultation with the Secretary of the Interior) for purposes of the construction, rehabilitation, and repair of schools operated by or on behalf of an Indian tribal government (within the meaning of section 7871). In the case of amounts allocated under the preceding sentence, Indian tribal governments (as so defined) shall be treated as qualified issuers for purposes of this part.

"(4) REQUIRED STATE ALLOCATION PLANS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the limitation for any State shall be zero unless the limitation is allocated within such State pursuant to a qualified allocation plan.

"(B) QUALIFIED ALLOCATION PLAN.—For purposes of subparagraph (A), the term 'qualified allocation plan' means any plan which—

"(i) identifies the State's needs for public school facilities (including descriptions of the capacity of public schools in the State to house projected enrollments), particular financing difficulties being encountered by local school districts in the State, and health and safety problems at existing facilities, and

"(ii) describes how the State will allocate to local educational agencies, or otherwise use, its allocation under this section to address the needs identified under clause (i), including a description of how it will—

"(I) ensure that the needs of rural, urban, and suburban areas will be recognized,

"(II) ensure that the needs of localities with the greatest needs, as demonstrated by inadequate school facilities coupled with low level of resources, will be met, and

"(III) give priority to the role of charter schools in achieving State educational objectives.

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall apply to allocations after more than 6 months after the date of the enactment of this paragraph.

"(5) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency with at least 40,000 children who have attained age 5 but not age 18 for the most recent fiscal year ending before such calendar year.

"(e) CARRYOVER OF UNUSED LIMITATION.—

"(1) IN GENERAL.—If for any calendar year—

"(A) the amount allocated under subsection (d) to any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess.

"(2) 2-YEAR CARRYFORWARD.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(3) ALLOCATIONS FOR INDIAN SCHOOLS.—Rules similar to paragraphs (1) and (2) shall apply to the amounts allocated under subsection (d)(3); except that 2003 shall be treated as the unused limitation year."

(d) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED ZONE ACADEMY BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1397E(i) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1397E(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(e) CONFORMING AMENDMENTS.—

(1) Subsections (f), (g), and (h) of section 1397E (as in effect on the day before the date of the enactment of this Act) are hereby repealed.

(2) Subchapter U of chapter 1 of such Code is amended by redesignating section 1397F (as in effect on the day before the date of the enactment of this Act) as section 1397H.

(3) The table of parts of subchapter U of chapter 1 of such Code is amended by striking the item relating to part IV and inserting the following item:

"Part IV. Education bond provisions."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to obligations issued after December 31, 2000.

(2) MODIFICATION OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to corporations actively engaged in the business of lending money shall not apply after the date of the enactment of this Act.

TITLE VI—COMMUNITY REVITALIZATION

Subtitle A—Tax Incentives for Renewal Communities

SEC. 601. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.
"Part II. Renewal community capital gain; renewal community business.
"Part III. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—Not more than 40 nominated areas may be designated as renewal communities.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 12 must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

One of such 12 areas shall be an area within Mississippi, to be designated by the State of Mississippi, that includes at least 1 census tract within Madison County, Mississippi.

"(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(C) PREFERENCE FOR ENTERPRISE COMMUNITIES AND EMPOWERMENT ZONES.—With respect to the first 20 designations made under this section, a preference shall be provided to those nominated areas which are enterprise communities or empowerment zones (and are otherwise eligible for designation under this section).

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a renewal community, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal community,

"(II) to make the State and local commitments described in subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on January 1, 2002, and ending on the earliest of—

"(A) December 31, 2009,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

"(3) EARLIER TERMINATION OF CERTAIN BENEFITS IF EARLIER TERMINATION OF DESIGNATION.—If the designation of an area as a renewal community terminates before December 31, 2009, the day after the date of such termination shall be substituted for 'January 1, 2010' each place it appears in sections 1400F and 1400J with respect to such area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population of not more than 200,000 and at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress;

"(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

"(C) the poverty rate for each population census tract within the nominated area is at least 20 percent; and

"(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) CONSIDERATION OF OTHER FACTORS.—The Secretary of Housing and Urban Development, in selecting any nominated area for designation as a renewal community under this section—

"(A) shall take into account—

"(i) the extent to which such area has a high incidence of crime, or

"(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas, and

"(B) with respect to 1 of the areas to be designated under subsection (a)(2)(B), may, in lieu of any criteria described in paragraph (3), take into account the existence of outmigration from the area.

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

"(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

"(B) the economic growth promotion requirements of paragraph (3) are met.

"(2) COURSE OF ACTION.—

"(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

"(i) A reduction of tax rates or fees applying within the renewal community.

"(ii) An increase in the level of efficiency of local services within the renewal community.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

"(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

"(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

"(A) Licensing requirements for occupations that do not ordinarily require a professional degree.

"(B) Zoning restrictions on home-based businesses which do not create a public nuisance.

"(C) Permit requirements for street vendors who do not create a public nuisance.

"(D) Zoning or other restrictions that impede the formation of schools or child care centers.

"(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

"(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, the designation under section 1391 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

"(2) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

"(3) APPLICATION OF RULES RELATING TO CENSUS TRACTS.—The rules of section 1392(b)(4) shall apply.

"(4) CENSUS DATA.—Population and poverty rate shall be determined by using 1990 census data.

"(g) PRIORITY FOR DISTRICT OF COLUMBIA NOMINATED AREA.—For purposes of this subchapter—

"(1) IN GENERAL.—One nominated area within the District of Columbia shall be treated for purposes of subsection (a)(3) as having the highest average with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3).

"(2) DATE OF DESIGNATION.—Notwithstanding subsection (b)(1), the designation of a nominated area within the District of Columbia as a renewal community shall take effect on January 1, 2003.

"(3) NOMINATION.—The District of Columbia shall be treated as being both a State and local government with respect to such area.

"PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

"Sec. 1400F. Renewal community capital gain.
"Sec. 1400G. Renewal community business defined.

"SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include any qualified capital gain from the sale or exchange of a qualified community asset held for more than 5 years.

"(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community asset' means—

"(A) any qualified community stock,

"(B) any qualified community partnership interest, and

"(C) any qualified community business property.

"(2) QUALIFIED COMMUNITY STOCK.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

"(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

"(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term 'qualified community partnership interest' means any capital or profits interest in a domestic partnership if—

"(A) such interest is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, from the partnership solely in exchange for cash,

"(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business. A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

"(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

"(A) IN GENERAL.—The term 'qualified community business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010,

"(ii) the original use of such property in the renewal community commences with the taxpayer, and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

"(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(i) property which is substantially improved by the taxpayer before January 1, 2010, and

"(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that 'December 31, 2001' shall be substituted for 'December 31, 1997' in such clause.

"(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified capital gain' means any gain recognized on the sale or exchange of—

"(A) a capital asset, or

"(B) property used in the trade or business (as defined in section 1231(b)).

"(2) GAIN BEFORE 2002 OR AFTER 2014 NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before January 1, 2002, or after December 31, 2014.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

"(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting 'January 1, 2002' for 'January 1, 1998' and 'December 31, 2014' for 'December 31, 2007'.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this subchapter, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

"PART III—ADDITIONAL INCENTIVES

"Sec. 1400H. Renewal community employment credit.
"Sec. 1400I. Commercial revitalization deduction.
"Sec. 1400J. Increase in expensing under section 179.

"SEC. 1400H. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

"(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after December 31, 2001.

"(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

"(1) the applicable percentage shall be 15 percent, and

"(2) subsection (c) thereof shall be applied by substituting '$10,000' for '$15,000' each place it appears.

"SEC. 1400I. COMMERCIAL REVITALIZATION DEDUCTION.

"(a) GENERAL RULE.—At the election of the taxpayer, either—

"(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

"(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

"(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

"(B) in the case of such building not described in subparagraph (A), such building—

"(i) is substantially rehabilitated (within the meaning of section 47(c)(1)(C)) by the taxpayer, and

"(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

"(2) QUALIFIED REVITALIZATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

"(i) nonresidential real property (as defined in section 168(e)), or

"(ii) section 1250 property (as defined in section 1250(c)) which is functionally related and subordinate to property described in clause (i).

"(B) CERTAIN EXPENDITURES NOT INCLUDED.—

"(i) ACQUISITION COST.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

"(ii) CREDITS.—The term 'qualified revitalization expenditure' does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

"(1) $10,000,000, or

"(2) the commercial revitalization expenditure amount allocated to such building under this section by the commercial revitalization agency for the State in which the building is located.

"(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.—

"(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

"(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

"(A) for each calendar year after 2001 and before 2010 is $12,000,000 for each renewal community in the State, and

"(B) for each calendar year thereafter is zero.

"(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

"(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(e) Responsibilities of Commercial Revitalization Agencies.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part; and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the renewal community, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(f) Special Rules.—

"(1) Deduction in lieu of depreciation.—The deduction provided by this section for qualified revitalization expenditures shall—

"(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of one-half of such expenditures, and

"(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

"(2) Basis adjustment, etc.—For purposes of sections 1016 and 1250, the deduction under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

"(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

"(4) Clarification of allowance of deduction under minimum tax.—Notwithstanding section 56(a)(1), the deduction under this section shall be allowed in determining alternative minimum taxable income under section 55.

"(g) Termination.—This section shall not apply to any building placed in service after December 31, 2009.

"SEC. 1400J. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) In General.—For purposes of section 1397A—

"(1) a renewal community shall be treated as an empowerment zone,

"(2) a renewal community business shall be treated as an enterprise zone business, and

"(3) qualified renewal property shall be treated as qualified zone property.

"(b) Qualified Renewal Property.—For purposes of this section—

"(1) In general.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010, and

"(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

"(2) Certain rules to apply.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.".

(b) Exception for Commercial Revitalization Deduction From Passive Loss Rules.—

(1) Paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Exception for commercial revitalization deduction.—Subparagraph (A) shall not apply to any portion of the passive activity loss for any taxable year which is attributable to the commercial revitalization deduction under section 1400I.".

(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

"(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

"(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

"(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

"(iii) third to the portion of such credit to which subparagraph (B) applies,

"(iv) fourth to the portion of such loss to which subparagraph (C) applies, and

"(v) then to the portion of such credit to which subparagraph (D) applies.".

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any deduction under section 1400I (relating to commercial revitalization deduction).".

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CREDIT" and inserting ", REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION".

(c) Audit and Report.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal community program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)) and the empowerment zone and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) Clerical Amendment.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities.".

SEC. 602. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) High-Risk Youth.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(b) Qualified Summer Youth Employee.—Clause (iv) of section 51(d)(7)(A) is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(c) Headings.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

(d) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2001.

Subtitle B—Extension and Expansion of Empowerment Zone Incentives

SEC. 611. AUTHORITY TO DESIGNATE 9 ADDITIONAL EMPOWERMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

"(h) Additional Designations Permitted.—

"(1) In general.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than seven may be designated in urban areas and not more than 2 may be designated in rural areas.

"(2) Period designations may be made and take effect.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

"(3) Modifications to eligibility criteria, etc.—The rules of subsection (g)(3) shall apply to designations under this subsection.".

SEC. 612. EXTENSION OF EMPOWERMENT ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

"(A)(i) in the case of an empowerment zone, December 31, 2009, or

"(ii) in the case of an enterprise community, the close of the 10th calendar year beginning on or after such date of designation,".

SEC. 613. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES

(a) 20 Percent Credit.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended to read as follows:

"(b) Applicable Percentage.—For purposes of this section, the applicable percentage is 20 percent.".

(b) All Empowerment Zones Eligible for Credit.—Section 1396 is amended by striking subsection (e).

(c) Conforming Amendment.—Subsection (d) of section 1400 is amended to read as follows:

"(d) Special Rule for Application of Employment Credit.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting 'the District of Columbia' for 'such empowerment zone'.".

(d) Effective Date.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 614. INCREASED EXPENSING UNDER SECTION 179.

(a) In General.—Subparagraph (A) of section 1397A(a)(1) is amended by striking "$20,000" and inserting "$35,000".

(b) Expensing for Property Used in Developable Sites.—Section 1397A is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 615. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) In General.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones

designated under section 1391(g)) is amended to read as follows:

"(3) EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a) if—

"(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

"(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia) were taken into account under sections 1397C and 1397D.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 616. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 1 is amended—

(1) by redesignating subpart C as subpart D;

(2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively; and

(3) by inserting after subpart B the following new subpart:

"Subpart C—Nonrecognition of Gain on Rollover of Empowerment Zone Investments

"Sec. 1397B. Nonrecognition of Gain on Rollover of Empowerment Zone Investments.

"SEC. 1397B. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

"(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any qualified empowerment zone asset (with respect to the same zone as the asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EMPOWERMENT ZONE ASSET.—

"(A) IN GENERAL.—The term 'qualified empowerment zone asset' means any property which would be a qualified community asset (as defined in section 1400F) if in section 1400F—

"(i) references to empowerment zones were substituted for references to renewal communities,

"(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

"(iii) the date of the enactment of this paragraph were substituted for 'December 31, 2001' each place it appears.

"(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

"(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLLOVER.—This section shall not apply to—

"(A) any gain which is treated as ordinary income for purposes of this subtitle, and

"(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

"(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1012).

"(4) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1202.

"(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

"(A) the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223, and

"(B) only the first year of the taxpayer's holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraphs (2)(A)(iii), (3)(C), and (4)(A)(iii) of section 1400F(b).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (23) of section 1016(a) is amended—

(A) by striking "or 1045" and inserting "1045, or 1397B", and

(B) by striking "or 1045(b)(4)" and inserting "1045(b)(4), or 1397B(b)(4)".

(2) Paragraph (15) of section 1223 is amended to read as follows:

"(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397B in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale.".

(3) Paragraph (2) of section 1394(b) is amended—

(A) by striking "section 1397C" and inserting "section 1397D", and

(B) by striking "section 1397C(a)(2)" and inserting "section 1397D(a)(2)".

(4) Paragraph (3) of section 1394(b) is amended—

(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and

(B) by striking "section 1397B(d)" and inserting "section 1397C(d)".

(5) Sections 1400(e) and 1400B(c) are each amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

"Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

"Subpart D. General provisions.".

(7) The table of sections for subpart D of such part III is amended to read as follows:

"Sec. 1397C. Enterprise zone business defined.

"Sec. 1397D. Qualified zone property defined.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 617. INCREASED EXCLUSION OF GAIN ON SALE OF EMPOWERMENT ZONE STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

"(a) EXCLUSION.—

"(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(2) EMPOWERMENT ZONE BUSINESSES.—

"(A) IN GENERAL.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (1) shall be applied by substituting '60 percent' for '50 percent'.

"(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

"(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

"(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.".

(b) CONFORMING AMENDMENT.—Paragraph (8) of section 1(h) is amended by striking "means" and all that follows and inserting "means the excess of—

"(A) the gain which would be excluded from gross income under section 1202 but for the percentage limitation in section 1202(a), over

"(B) the gain excluded from gross income under section 1202.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

Subtitle C—New Markets Tax Credit

SEC. 621. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. NEW MARKETS TAX CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 5 percent with respect to the first 3 credit allowance dates, and

"(B) 6 percent with respect to the remainder of the credit allowance dates.

"(3) CREDIT ALLOWANCE DATE.—For purposes of paragraph (1), the term 'credit allowance date' means, with respect to any qualified equity investment—

"(A) the date on which such investment is initially made, and

"(B) each of the 6 anniversary dates of such date thereafter.

"(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

"(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

"(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

"(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

"(2) LIMITATION.—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity

shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

"(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

"(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

"(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

"(6) EQUITY INVESTMENT.—The term 'equity investment' means—

"(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

"(B) any capital interest in an entity which is a partnership.

"(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community development entity' means any domestic corporation or partnership if—

"(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

"(B) the entity maintains accountability to residents of low-income communities through their representation on any governing board of the entity or on any advisory board to the entity, and

"(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

"(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

"(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

"(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

"(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified low-income community investment' means—

"(A) any equity investment in, or loan to, any qualified active low-income community business,

"(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment,

"(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

"(D) any equity investment in, or loan to, any qualified community development entity.

"(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation (including a nonprofit corporation) or partnership if for such year—

"(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

"(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

"(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

"(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

"(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

"(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

"(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397C(d); except that—

"(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property, and

"(B) paragraph (3) thereof shall not apply.

"(e) LOW-INCOME COMMUNITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

"(A) the poverty rate for such tract is at least 20 percent, or

"(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

"(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

"(2) TARGETED AREAS.—The Secretary may designate any area within any census tract as a low-income community if—

"(A) the boundary of such area is continuous,

"(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

"(C) an inadequate access to investment capital exists in such area.

"(3) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

"(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

"(1) IN GENERAL.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

"(A) $1,000,000,000 for 2001,

"(B) $1,500,000,000 for 2002 and 2003,

"(C) $2,000,000,000 for 2004 and 2005, and

"(D) $3,500,000,000 for 2006 and 2007.

"(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to any entity—

"(A) with a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities, or

"(B) which intends to satisfy the requirement under subsection (b)(1)(B) by making qualified low-income community investments in 1 or more businesses in which persons unrelated to such entity (within the meaning of section 267(b) or 707(b)(1)) hold the majority equity interest.

"(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

"(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

"(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

"(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

"(B) interest at the underpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

"(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

"(A) such entity ceases to be a qualified community development entity,

"(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

"(C) such investment is redeemed by such entity.

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(h) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1400B, and 1400F.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

"(2) which prevent the abuse of the purposes of this section,

"(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

"(4) which impose appropriate reporting requirements, and

"(5) which apply the provisions of this section to newly formed entities.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the new markets tax credit determined under section 45D(a).".

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF NEW MARKETS TAX CREDIT BEFORE JANUARY 1, 2001.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2001.".

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the new markets tax credit determined under section 45D(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. New markets tax credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 2000.

(f) GUIDANCE ON ALLOCATION OF NATIONAL LIMITATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall issue guidance which specifies—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section;

(2) the competitive procedure through which such allocations are made; and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

(g) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the new markets tax credit program established under section 45D of the Internal Revenue Code of 1986 (as added by subsection (a)), report to Congress on such program, including all qualified community development entities that receive an allocation under the new markets credit under such section.

Subtitle D—Improvements in Low-Income Housing Credit

SEC. 631. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) $1.75 ($1.50 for 2001) multiplied by the State population, or

"(II) $2,000,000,".

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2002, the $2,000,000 and $1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.".

(c) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)"; and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)"; and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(d) EFFECTIVE DATE.—The amendments made by this section shali apply to calendar years after 2000.

SEC. 632. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting ", including whether the project includes the use of existing housing as part of a community revitalization plan" before the comma at the end of clause (iii); and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

"(vi) public housing waiting lists,

"(vii) tenant populations of individuals with children, and

"(viii) projects intended for eventual tenant ownership.".

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section 42(m)(1)(B) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,".

SEC. 633. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) MARKET STUDY; PUBLIC DISCLOSURE OF RATIONALE FOR NOT FOLLOWING CREDIT ALLOCATION PRIORITIES.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

"(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.".

(b) SITE VISITS.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period "and in monitoring for noncompliance with habitability standards through regular site visits".

SEC. 634. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) ADJUSTED BASIS TO INCLUDE PORTION OF CERTAIN BUILDINGS USED BY LOW-INCOME INDIVIDUALS WHO ARE NOT TENANTS AND BY PROJECT EMPLOYEES.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) INCLUSION OF BASIS OF PROPERTY USED TO PROVIDE SERVICES FOR CERTAIN NONTENANTS.—

"(i) IN GENERAL.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

"(ii) LIMITATION.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

"(iii) COMMUNITY SERVICE FACILITY.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).".

(b) CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)"; and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

SEC. 635. OTHER MODIFICATIONS.

(a) ALLOCATION OF CREDIT LIMIT TO CERTAIN BUILDINGS.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking "(as of" the first place it appears and inserting "(as of the later of the date which is 6 months after the date that the allocation was made or".

(2) The last sentence of section 42(h)(3)(C) is amended by striking "project which" and inserting "project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which".

(b) DETERMINATION OF WHETHER BUILDINGS ARE LOCATED IN HIGH COST AREAS.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting "either" before "in which 50 percent"; and

(2) by inserting before the period "or which has a poverty rate of at least 25 percent".

SEC. 636. CARRYFORWARD RULES.

(a) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit

carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of—

"(I) the unused State housing credit ceiling for the year preceding such year, over

"(II) the aggregate housing credit dollar amount allocated for such year.".

(b) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

SEC. 637. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle E—Other Community Renewal and New Markets Assistance

SEC. 641. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "FLEXIBLE AUTHORITY.—" and inserting "DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—"; and

(2) by adding at the end the following new subsection:

"(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

"(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

"(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

"(A) an unoccupied multifamily housing project;

"(B) a substandard multifamily housing project; or

"(C) an unoccupied single family property that—

"(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

"(ii) is an eligible asset under such section 204(h), but—

"(I) is not subject to a specific sale agreement under such section; and

"(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

"(3) TIMING.—The Secretary shall establish procedures that provide for—

"(A) time deadlines for transfers under this subsection;

"(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

"(C) such units and corporations to express interest in the transfer under this subsection of such properties;

"(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

"(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

"(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

"(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

"(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph;

"(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

"(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

"(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

"(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

"(A) UPON ENACTMENT.—Upon the enactment of this subsection, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

"(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

"(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

"(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

"(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

"(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

"(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

"(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

"(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of: (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish; and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

"(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

"(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

"(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

"(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

"(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

"(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

"(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

"(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

"(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

"(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

"(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

"(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

"(12) REGULATIONS.—

"(A) INTERIM.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

"(B) FINAL.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.".

SEC. 642. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 643. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z–14) is amended—

(1) by striking the section heading and inserting the following:

"RISK-SHARING DEMONSTRATION";

(2) by striking "reinsurance" each place such term appears and insert "risk-sharing";

(3) in subsection (a)—

(A) in the first sentence, by inserting "and with insured community development financial institutions" after "private mortgage insurers";

(B) in the second sentence—

(i) by striking "two" and inserting "four"; and

(ii) by striking "March 15, 1988" and inserting "the expiration of the 5-year period beginning on the date of the enactment of the Taxpayer Relief Act of 2000"; and

(C) in the third sentence—

(i) by striking "insured" and inserting "for which risk of nonpayment is shared"; and

(ii) by striking "10 percent" and inserting "20 percent";

(4) in subsection (b)—

(A) in the first sentence—

(i) by striking "to provide" and inserting ", in providing";

(ii) by striking "through" and inserting ", to enter into"; and

(iii) by inserting "and with insured community development financial institutions" before the period at the end;

(B) in the second sentence, by inserting "and insured community development financial institutions" after "private mortgage insurance companies";

(C) by striking paragraph (1) and inserting the following new paragraph:

"(1) assume a secondary percentage of loss on any mortgage insured pursuant to section 203(b), 234, or 245 covering a one- to four-family dwelling, which percentage of loss shall be set forth in the risk-sharing contract, with the first percentage of loss to be borne by the Secretary;"; and

(D) in paragraph (2)—

(i) by striking "carry out (under appropriate delegation) such" and inserting "perform or delegate underwriting,";

(ii) by striking "function as the Secretary pursuant to regulations," and inserting "functions as the Secretary"; and

(iii) by inserting before the period at the end the following: "and shall set forth in the risk-sharing contract";

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking "of" the first place it appears and inserting "for";

(ii) by inserting "received by the Secretary with a private mortgage insurer or insured community development financial institution" after "sharing of premiums"

(iii) by striking "insurance reserves" and inserting "loss reserves";

(iv) by striking "such insurance" and inserting "such risk-sharing contract"; and

(v) by striking "right" and inserting "rights"; and

(B) in the second sentence—

(i) by inserting "or insured community development financial institution" after "private mortgage insurance company"; and

(ii) by striking "for insurance" and inserting "for risk-sharing";

(6) in subsection (d), by inserting "or insured community development financial institution" after "private mortgage insurance company"; and

(7) by adding at the end the following new subsection:

"(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).".

SEC. 644. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:

"PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

"SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

"(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration that make awards of financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a 'designated program'). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

"(b) LIMITATION.—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

"(c) DEFINITIONS.—For purposes of this part (and subject to subsection (b)):

"(1) The term 'designated program' has the meaning given such term in subsection (a).

"(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(3) The term 'program beneficiary' means an individual who receives program services.

"(4) The term 'program participant' means a public or private entity that has received financial assistance under a designated program.

"(5) The term 'program services' means treatment for substance abuse, or preventive services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

"(6) The term 'religious organization' means a nonprofit religious organization.

"SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider—

"(1) may receive financial assistance under a designated program; and

"(2) may be a provider of services under a designated program.

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—

"(1) ELIGIBILITY AS PROGRAM PARTICIPANTS.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to restrict the ability of the Federal Government, or a State or local government receiving funds under such programs, to apply to religious organizations the same eligibility conditions in designated programs as are applied to any other nonprofit private organization.

"(2) NONDISCRIMINATION.—Neither the Federal Government nor a State or local government receiving funds under designated programs shall discriminate against an organization that is or applies to be a program participant on the basis that the organization has a religious character.

"(d) RELIGIOUS CHARACTER AND FREEDOM.—

"(1) RELIGIOUS ORGANIZATIONS.—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local government, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State shall require a religious organization to—

"(A) alter its form of internal governance; or

"(B) remove religious art, icons, scripture, or other symbols,

in order to be a program participant.

"(e) EMPLOYMENT PRACTICES.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a designated program.

"(f) RIGHTS OF PROGRAM BENEFICIARIES.—

"(1) IN GENERAL.—If an individual who is a program beneficiary or a prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide

to such individual (if otherwise eligible for such services), program services that—

"(A) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection.

Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government agency that administers the program of such referral.

"(2) NOTICES.—Program participants, public agencies that refer individuals to designated programs, and the appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this section.

"(3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—

"(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

"(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

"(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities under designated programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

"(g) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

"(2) LIMITED AUDIT.—With respect to the award involved, a religious organization that is a program participant shall segregate Federal amounts provided under award into a separate account from non-Federal funds. Only the award funds shall be subject to audit by the government.

"(h) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

"SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

"No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.

"SEC. 584. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

"(a) FINDINGS.—The Congress finds that—

"(1) establishing unduly rigid or uniform educational qualification for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

"(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

"(b) NONDISCRIMINATION.—In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied.".

Subtitle F—Other Provisions

SEC. 651. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

"(1) IN GENERAL.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to $75 ($62.50 in the case of calendar year 2001) multiplied by the State population, or

"(B) $225,000,000 ($187,500,000 in the case of calendar year 2001).

"(2) COST-OF-LIVING ADJUSTMENT.—In the case of a calendar year after 2002, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $5 ($5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 2000.

SEC. 652. MODIFICATIONS TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXPENSING NOT LIMITED TO SITES IN TARGETED AREAS.—Subsection (c) of section 198 is amended to read as follows:

"(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified contaminated site' means any area—

"(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(a)(1) in the hands of the taxpayer, and

"(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

"(2) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Such term shall not include any site which is on, or proposed for, the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

"(3) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirement of paragraph (1)(B).

"(4) APPROPRIATE STATE AGENCY.—For purposes of paragraph (3), the chief executive officer of each State may, in consultation with the Administrator of the Environmental Protection Agency, designate the appropriate State environmental agency within 60 days of the date of the enactment of this section. If the chief executive officer of a State has not designated an appropriate environmental agency within such 60-day period, the appropriate environmental agency for such State shall be designated by the Administrator of the Environmental Protection Agency.".

(b) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by striking "2001" and inserting "2003".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 653. EXTENSION OF DC HOMEBUYER TAX CREDIT.

Section 1400C(i) (relating to application of section) is amended by striking "2002" and inserting "2004".

TITLE VII—ADMINISTRATIVE, MISCELLANEOUS, AND TECHNICAL PROVISIONS

Subtitle A—Administrative Provisions

SEC. 701. EXEMPTION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)).

(2) Section 16(c) of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

(3) The following provisions of the Tariff Act of 1930:

(A) Section 330(c)(1) (19 U.S.C. 1330(c)(1)).

(B) Section 607(c) (19 U.S.C. 1607(c)).

(4) Section 5 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356n).

(5) Section 351(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)(2)).

(6) Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032).

(7) Section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081).

(8) The following provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.):

(A) Section 102(b)(4)(A)(ii)(I) (19 U.S.C. 2112(b)(4)(A)(ii)(I)).

(B) Section 102(e)(1) (19 U.S.C. 2112(e)(1)).

(C) Section 102(e)(2) (19 U.S.C. 2112(e)(2)).

(D) Section 104(d) (19 U.S.C. 2114(d)).

(E) Section 125(e) (19 U.S.C. 2135(e)).

(F) Section 135(e)(1) (19 U.S.C. 2155(e)(1)).

(G) Section 141(c) (19 U.S.C. 2171(c)).

(H) Section 162 (19 U.S.C. 2212).

(I) Section 163(b) (19 U.S.C. 2213(b)).

(J) Section 163(c) (19 U.S.C. 2213(c)).

(K) Section 203(b) (19 U.S.C. 2253(b)).

(L) Section 302(b)(2)(C) (19 U.S.C. 2412(b)(2)(C)).

(M) Section 303 (19 U.S.C. 2413).

(N) Section 309 (19 U.S.C. 2419).

(O) Section 407(a) (19 U.S.C. 2437(a)).

(P) Section 502(f) (19 U.S.C. 2462(f)).

(Q) Section 504 (19 U.S.C. 2464).

(9) The following provisions of the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.):

(A) Section 2(b) (19 U.S.C. 2503(b)).

(B) Section 3(c) (19 U.S.C. 2504(c)).

(C) Section 305(c) (19 U.S.C. 2515(c)).

(10) Section 303(g)(1) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602(g)(1)).

(11) The following provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.):

(A) Section 212(a)(1)(A) (19 U.S.C. 2702(a)(1)(A)).

(B) Section 212(a)(2) (19 U.S.C. 2702(a)(2)).

(12) The following provisions of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901 et seq.):

(A) Section 1102 (19 U.S.C. 2902).

(B) Section 1103 (19 U.S.C. 2903).

(C) Section 1206(b) (19 U.S.C. 3006(b)).

(13) Section 123(a) of the Customs and Trade Act of 1990 (Public Law 101–382) (19 U.S.C. 2083).

(14) Section 243(b)(2) of the Caribbean Basin Economic Recovery Expansion Act of 1990 (Public Law 101–382).

(15) The following provisions of the Internal Revenue Code of 1986:

(A) Section 6103(p)(5).

(B) Section 7608.

(C) Section 7802(f)(3).

(D) Section 8022(3).

(E) Section 9602(a).

(16) The following provisions relating to the revenue laws of the United States:

(A) Section 1552(c) of the Tax Reform Act of 1986 (100 Stat. 2753).

(B) Section 231 of the Deficit Reduction Act of 1984 (26 U.S.C. 801 note).

(C) Section 208 of the Tax Treatment Extension Act of 1977 (26 U.S.C. 911 note).

(D) Section 7105 of the Technical and Miscellaneous Revenue Act of 1988 (45 U.S.C. 369).

(17) Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308).

(18) Section 426 of the Black Lung Benefits Act (30 U.S.C. 936(b)).

(19) Section 7502(g) of title 31, United States Code.

(20) The following provisions of the Social Security Act:

(A) Section 215(i)(2)(C)(i) (42 U.S.C. 415(i)(2)(C)(i)).

(B) Section 221(i)(2) (42 U.S.C. 421(i)(2)).

(C) Section 221(i)(3) (42 U.S.C. 421(i)(3)).

(D) Section 233(e)(1) (42 U.S.C. 433(e)(1)).

(E) Section 452(a)(10) (42 U.S.C. 652(a)(10)).

(F) Section 452(g)(3)(B) (42 U.S.C. 652(g)(3)(B)).

(G) Section 506(a)(1) (42 U.S.C. 706(a)).

(H) Section 908 (42 U.S.C. 1108).

(I) Section 1114(f) (42 U.S.C. 1314(f)).

(J) Section 1120 (42 U.S.C. 1320).

(K) Section 1161 (42 U.S.C. 1320c–10).

(L) Section 1875(b) (42 U.S.C. 1395ll(b)).

(M) Section 1881 (42 U.S.C. 1395rr).

(N) Section 1882 (42 U.S.C. 1395ss(f)(2)).

(21) Section 104(b) of the Social Security Independence and Program Improvements Act of 1994 (42 USC 904 note).

(22) Section 10 of the Railroad Retirement Act of 1937 (45 U.S.C. 231f).

(23) The following provisions of the Railroad Retirement Act of 1974:

(A) Section 22(a)(1) (45 U.S.C. 231u(a)(1)).

(B) Section 22(b)(1) (45 U.S.C. 231u(b)(1)).

(24) Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1).

(25) Section 47121(c) of title 49, United States Code.

(26) The following provisions of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330-182):

(A) Section 4007(c)(4) (42 U.S.C. 1395ww note).

(B) Section 4079 (42 U.S.C. 1395mm note).

(C) Section 4205 (42 U.S.C. 1395i–3 note).

(D) Section 4215 (42 U.S.C. 1396r note).

(27) The following provisions of the Inspector General Act of 1978 (Public Law 95–452):

(A) Section 5(b).

(B) Section 5(d).

(28) The following provisions of the Public Health Service Act:

(A) In section 308(a) (42 U.S.C. 242m(a)), subparagraphs (A), (B), (C), and (D) of paragraph (1).

(B) Section 403 (42 U.S.C. 283).

(29) Section 404 of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p) (Public Law 95–626).

(30) The following provisions of the Older Americans Act of 1965:

(A) Section 206(d) (42 U.S.C. 3017(d)).

(B) Section 207 (42 U.S.C. 3018).

(31) Section 308 of the Age Discrimination Act of 1975 (42 U.S.C. 6106a(b)).

(32) Section 509(c)(3) of the Americans with Disabilities Act Of 1990 (42 U.S.C. 12209(c)(3)).

(33) Section 4207(f) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–1 note).

SEC. 702. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS.

(a) Annual Installment Agreement Notice.—Section 3506 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking "July 1, 2000" and inserting "September 1, 2001".

(b) Notice Requirements Relating to Computation of Penalty.—Subsection (c) of section 3306 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking "December 31, 2000" and inserting "June 30, 2001", and

(2) by adding at the end the following: "In the case of any notice of penalty issued after June 30, 2001, and before July 1, 2003, the requirements of section 6751(a) of the Internal Revenue Code of 1986 shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's assessment and payment history with respect to such penalty.".

(c) Notice Requirements Relating to Interest Imposed.—Subsection (c) of section 3308 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking "December 31, 2000" and inserting "June 30, 2001", and

(2) by adding at the end the following: "In the case of any notice issued after June 30, 2001, and before July 1, 2003, to which section 6631 of the Internal Revenue Code of 1986 applies, the requirements of section 6631 of such Code shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's payment history relating to interest amounts included in such notice.".

SEC. 703. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6), and the last sentence, of section 7608(c) are each amended by striking "January 1; 2001" and inserting "January 1, 2006".

SEC. 704. CONFIDENTIALITY OF CERTAIN DOCUMENTS RELATING TO CLOSING AND SIMILAR AGREEMENTS AND TO AGREEMENTS WITH FOREIGN GOVERNMENTS.

(a) Closing and Similar Agreements Treated As Return Information.—Paragraph (2) of section 6103(b) (defining return information) is amended by striking "and" at the end of subparagraph (B), by inserting "and" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) any agreement under section 7121, and any similar agreement, and any background information related to such an agreement or request for such an agreement,".

(b) Agreements With Foreign Governments.—

(1) In general.—Subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by inserting after section 6104 the following new section:

"SEC. 6105. CONFIDENTIALITY OF INFORMATION ARISING UNDER TREATY OBLIGATIONS.

"(a) In General.—Tax convention information shall not be disclosed.

"(b) Exceptions.—Subsection (a) shall not apply—

"(1) to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) which are entitled to such disclosure pursuant to a tax convention,

"(2) to any generally applicable procedural rules regarding applications for relief under a tax convention, or

"(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with each other party to the tax convention, that such disclosure would not impair tax administration.

"(c) Definitions.—For purposes of this section—

"(1) Tax convention information.—The term 'tax convention information' means any—

"(A) agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention,

"(B) application for relief under a tax convention,

"(C) any background information related to such agreement or application,

"(D) document implementing such agreement, and

"(E) any other information exchanged pursuant to a tax convention which is treated as confidential or secret under the tax convention.

"(2) Tax convention.—The term 'tax convention' means—

"(A) any income tax or gift and estate tax convention, or

"(B) any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

"(d) Cross References.—

"For penalties for the unauthorized disclosure of tax convention information which is return or return information, see sections 7213, 7213A, and 7431.".

(2) Clerical amendment.—The table of sections for subchapter B of chapter 61 is amended by inserting after the item relating to section 6104 the following new item:

"Sec. 6105. Confidentiality of information arising under treaty obligations.".

(c) Exception From Public Inspection as Written Determination.—

(1) Closing and similar agreements.—Paragraph (1) of section 6110(b) is amended to read as follows:

"(1) Written determination.—

"(A) In general.—The term 'written determination' means a ruling, determination letter, technical advice memorandum, or Chief Counsel advice.

"(B) Exceptions.—Such term shall not include any matter referred to in subparagraph (C) or (D) of section 6103(b)(2).".

(2) Agreements with foreign governments.—Paragraph (1) of section 6110(l) is amended by inserting "or 6105" after "6104".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 705. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) General Rule.—Subsections (a) and (b) of section 6405 are each amended by striking "$1,000,000" and inserting "$2,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment under section 6405 of the Internal Revenue Code of 1986.

SEC. 706. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) In General.—Subsection (c) of section 151 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under this section,

"(ii) the credit under section 24 (relating to child tax credit), and

"(iii) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

"(C) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—For purposes of section 32, an individual—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of section 32(c)(3)(A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 707. AMENDMENTS TO STATUTES REFERENCING YIELD ON 52-WEEK TREASURY BILLS.

(a) AMENDMENT TO THE ACT OF FEBRUARY 26, 1931.—Section 6 of the Act of February 26, 1931 (40 U.S.C. 258e–1) (relating to the interest rate on compensation owed for takings of property) is amended—

(1) in paragraph (1), by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding"; and

(2) in paragraph (2), by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding".

(b) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on unpaid criminal fines and penalties of more than $2,500) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled before" and inserting 'the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.".

(c) AMENDMENT TO THE INTERNAL REVENUE CODE.—Section 995(f)(4) (relating to the interest rate on tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking "the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period" and inserting "the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the 1-year period".

(d) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) AMENDMENT TO SECTION 1961.—Section 1961(a) of title 28, United States Code (relating to the interest rate on money judgments in civil cases recovered in Federal district court) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.".

(2) AMENDMENT TO SECTION 2516.—Section 2516(b) of title 28, United States Code (relating to the interest rate on a judgment against the United States affirmed by the Supreme Court after review on petition of the United States) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding".

SEC. 708. ADJUSTMENTS FOR CONSUMER PRICE INDEX ERROR.

(a) DETERMINATIONS BY OMB.—As soon as practicable after the date of the enactment of this Act, the Director of the Office of Management and Budget shall determine with respect to each applicable Federal benefit program whether the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries under such program (as compared to payments that would have been made if the error had not occurred). As soon as practicable after the date of the enactment of this Act, but not later than 60 days after such date, the Director shall direct the head of the Federal agency which administers such program to make a payment or payments that, insofar as the Director finds practicable and feasible—

(1) are targeted to the amount of the shortfall experienced by individual beneficiaries, and

(2) compensate for the shortfall.

(b) COORDINATION WITH FEDERAL AGENCIES.—As soon as practicable after the date of the enactment of this Act, each Federal agency that administers an applicable Federal benefit program shall, in accordance with such guidelines as are issued by the Director pursuant to this section, make an initial determination of whether, and the extent to which, the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries of an applicable Federal benefit program administered by such agency. Not later than 30 days after such date, the head of such agency shall submit a report to the Director and to each House of the Congress of such determination, together with a complete description of the nature of the shortfall.

(c) IMPLEMENTATION PURSUANT TO AGENCY REPORTS.—Upon receipt of the report submitted by a Federal agency pursuant to subsection (b), the Director shall review the initial determination of the agency, the agency's description of the nature of the shortfall, and the compensation payments proposed by the agency. Prior to directing payment of such payments pursuant to subsection (a), the Director shall make appropriate adjustments (if any) in the compensation payments proposed by the agency that the Director determines are necessary to comply with the requirements of subsection (a) and transmit to the agency a summary report of the review, indicating any adjustments made by the Director. The agency shall make the compensation payments as directed by the Director pursuant to subsection (a) in accordance with the Director's summary report.

(d) INCOME DISREGARD UNDER FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—A payment made under this section to compensate for a shortfall in benefits shall, in accordance with guidelines issued by the Director pursuant to this section, be disregarded in determining income under title VIII of the Social Security Act or any applicable Federal benefit program that is means-tested.

(e) FUNDING.—Funds otherwise available under each applicable Federal benefit program for making benefit payments under such program are hereby made available for making compensation payments under this section in connection with such program.

(f) NO JUDICIAL REVIEW.—No action taken pursuant to this section shall be subject to judicial review.

(g) DIRECTOR'S REPORT.—Not later than April 1, 2001, the Director shall submit to each House of the Congress a report on the activities performed by the Director pursuant to this section.

(h) DEFINITIONS.—For purposes of this section:

(1) APPLICABLE FEDERAL BENEFIT PROGRAM.—The term "applicable Federal benefit program" means any program of the Government of the United States providing for regular or periodic payments or cash assistance paid directly to individual beneficiaries, as determined by the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means a department, agency, or instrumentality of the Government of the United States.

(3) CPI COMPUTATION ERROR FOR 1999.—The term "CPI computation error for 1999" means the error in the computation of the Consumer Price Index announced by the Bureau of Labor Statistics on September 28, 2000.

(i) TAX PROVISIONS.—If any Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) reflects the CPI computation error for 1999—

(1) the correct amount of such Index shall (in such manner and to such extent as the Secretary of the Treasury determines to be appropriate) be taken into account for purposes of such Code, and

(2) tables prescribed under section 1(f) of such Code to reflect such correct amount shall apply in lieu of any tables that were prescribed based on the erroneous amount.

SEC. 709. PREVENTION OF DUPLICATION OF LOSS THROUGH ASSUMPTION OF LIABILITIES GIVING RISE TO A DEDUCTION.

(a) IN GENERAL.—Section 358 (relating to basis to distributees) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES FOR ASSUMPTION OF LIABILITIES TO WHICH SUBSECTION (d) DOES NOT APPLY.—

"(1) IN GENERAL.—If, after application of the other provisions of this section to an exchange

or series of exchanges, the basis of property to which subsection (a)(1) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount (determined as of the date of the exchange) of any liability—

"(A) which is assumed in exchange for such property, and

"(B) with respect to which subsection (d)(1) does not apply to the assumption.

"(2) EXCEPTIONS.—Except as provided by the Secretary, paragraph (1) shall not apply to any liability if—

"(A) the trade or business with which the liability is associated is transferred to the person assuming the liability as part of the exchange, or

"(B) substantially all of the assets with which the liability is associated are transferred to the person assuming the liability as part of the exchange.

"(3) LIABILITY.—For purposes of this subsection, the term 'liability' shall include any fixed or contingent obligation to make payment, without regard to whether the obligation is otherwise taken into account for purposes of this title."

(b) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—Section 357(d)(1) is amended by inserting "section 358(h)," after "section 358(d),".

(c) APPLICATION OF COMPARABLE RULES TO PARTNERSHIPS AND S CORPORATIONS.—The Secretary of the Treasury or his delegate—

(1) shall prescribe rules which provide appropriate adjustments under subchapter K of chapter 1 of the Internal Revenue Code of 1986 to prevent the acceleration or duplication of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(h)(3) of such Code (as added by subsection (a)) in transactions involving partnerships, and

(2) may prescribe rules which provide appropriate adjustments under subchapter S of chapter 1 of such Code in transactions described in paragraph (1) involving S corporations rather than partnerships.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to assumptions of liability after October 18, 1999.

(2) RULES.—The rules prescribed under subsection (c) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

Subtitle B—Miscellaneous Provisions

SEC. 710. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS AND INLAND WATERWAY TRANSPORTATION WHICH REMAIN IN GENERAL FUND.

(a) TAXES ON TRAINS.—

(1) IN GENERAL.—Subparagraph (A) of section 4041(a)(1) is amended by striking "or a diesel-powered train" each place it appears and by striking "or train".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 4041(a)(1) is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(C) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A). No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081."

(D) Subsection (e) of section 4082 is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(E) Paragraph (3) of section 4083(a) is amended by striking "or a diesel-powered train".

(F) Paragraph (3) of section 6421(f) is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081."

(G) Paragraph (3) of section 6427(l) is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof."

(b) FUEL USED ON INLAND WATERWAYS.—

(1) IN GENERAL.—Paragraph (1) of section 4042(b) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 4042(b) is amended by striking subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001.

SEC. 711. REPEAL OF REDUCTION OF DEDUCTIONS FOR MUTUAL LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 809 (relating to reductions in certain deductions of mutual life insurance companies) is hereby repealed.

(b) CONFORMING AMENDMENTS RELATED TO REPEAL OF SECTION 809.—

(1) Subsections (a)(2)(B) and (b)(1)(B) of section 807 are each amended by striking "the sum of (i)" and by striking "plus (ii) any excess described in section 809(a)(2) for the taxable year,".

(2)(A) The last sentence of section 807(d)(1) is amended by striking "(as defined in section 809(b)(4)(B))".

(B) Subsection (d) of section 807 is amended by adding at the end the following new paragraph:

"(6) STATUTORY RESERVES.—For purposes of this subsection, the term 'statutory reserves' means the aggregate amount set forth in the annual statement with respect to items described in subsection (c). Such term shall not include any reserve attributable to a deferred and uncollected premium if the establishment of such reserve is not permitted under section 811(c)."

(3) Subsection (c) of section 808 is amended to read as follows:

"(c) AMOUNT OF DEDUCTION.—The deduction for policyholder dividends for any taxable year shall be an amount equal to the policyholder dividends paid or accrued during the taxable year."

(4) Subparagraph (A) of section 812(b)(3) is amended by striking "sections 808 and 809" and inserting "section 808".

(5) Subsection (c) of section 817 is amended by striking "(other than section 809)".

(6) Subsection (c) of section 842 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(7) The table of sections for subpart C of part I of subchapter L of chapter 1 is amended by striking the item relating to section 809.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 712. REPEAL OF POLICYHOLDERS SURPLUS ACCOUNT PROVISIONS.

(a) REPEAL.—Section 815 (relating to distributions to shareholders from pre-1984 policyholders surplus accounts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 801 is amended by striking subsection (c).

(2) The table of sections for subpart D of part I of subchapter L of chapter 1 is amended by striking the item relating to section 815.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 713. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Amtrak Bonds

"Sec. 54. Credit to holders of qualified Amtrak bonds.

"SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified Amtrak bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified Amtrak bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified Amtrak bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED AMTRAK BOND.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified Amtrak bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for any qualified project,

"(B) the bond is issued by the National Railroad Passenger Corporation,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it meets the State contribution requirement of paragraph (3) with respect to such project and that it has received the required State contribution payment before the issuance of such bond, and

"(iii) certifies that it has obtained the written approval of the Secretary of Transportation for such project, including a finding by the Inspector General of the Department of Transportation that there is a reasonable likelihood that the proposed program will result in a positive incremental financial contribution to the National Railroad Passenger Corporation and that the investment evaluation process includes a return on investment, leveraging of funds (including State capital and operating contributions), cost effectiveness, safety improvement, mobility improvement, and feasibility,

"(D) the term of each bond which is part of such issue does not exceed 20 years,

"(E) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation (regardless of the establishment of the trust account under subsection (j)), and

"(F) the issue meets the requirements of subsection (h).

"(2) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(A), the proceeds of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

"(3) STATE CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1)(C)(ii), the State contribution requirement of this paragraph is met with respect to any qualified project if the National Railroad Passenger Corporation has a written binding commitment from 1 or more States to make matching contributions not later than the date of issuance of the issue of not less than 20 percent of the cost of the qualified project.

"(B) USE OF STATE MATCHING CONTRIBUTIONS.—The matching contributions described in subparagraph (A) with respect to each qualified project shall be used—

"(i) as necessary to redeem bonds which are a part of the issue with respect to such project, and

"(ii) in the case of any remaining amount, at the election of the National Railroad Passenger Corporation and the contributing State—

"(I) to fund a qualified project,

"(II) to redeem other qualified Amtrak bonds, or

"(III) for the purposes of subclauses (I) and (II).

"(C) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this paragraph, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

"(D) NO STATE CONTRIBUTION REQUIREMENT FOR CERTAIN QUALIFIED PROJECTS.—With respect to any qualified project described in paragraph (2)(B) or (4) of subsection (e), the State contribution requirement of this paragraph is zero.

"(4) QUALIFIED PROJECT.—

"(A) IN GENERAL.—The term 'qualified project' means—

"(i) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements for the northeast rail corridor between Washington, D.C. and Boston, Massachusetts (including the project described in subsection (e)(2)(B)),

"(ii) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements for the improvement of train speeds or safety (or both) on the high-speed rail corridors designated under section 104(d)(2) of title 23, United States Code, and

"(iii) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements for other intercity passenger rail corridors, including station rehabilitation or construction, track or signal improvements, or the elimination of grade crossings.

"(B) REFINANCING RULES.—For purposes of subparagraph (A), a refinancing shall constitute a qualified project only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the National Railroad Passenger Corporation—

"(i) after the date of the enactment of this section,

"(ii) for a term of not more than 3 years,

"(iii) to finance or acquire capital improvements described in subparagraph (A), and

"(iv) in anticipation of being refinanced with proceeds of a qualified Amtrak bond.

"(e) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a qualified Amtrak bond limitation for each fiscal year. Such limitation is—

"(A) $1,000,000,000 for each of the fiscal years 2001 through 2010, and

"(B) except as provided in paragraph (5), zero after fiscal year 2010.

"(2) BONDS FOR RAIL CORRIDORS.—

"(A) IN GENERAL.—Not more than $3,000,000,000 of the limitation under paragraph (1) may be designated for any 1 rail corridor described in clause (i) or (ii) of subsection (d)(4)(A).

"(B) SPECIFIC QUALIFIED PROJECT ALLOCATION.—Of the amount described in subparagraph (A), the Secretary of Transportation shall allocate $92,000,000 for the acquisition and installation of platform facilities, performance of railroad force account work necessary to complete improvements below street grade, and any other necessary improvements related to construction at the railroad station at the James A. Farley Post Office Building in New York City, New York.

"(3) BONDS FOR OTHER PROJECTS.—Not more than 10 percent of the limitation under paragraph (1) for any fiscal year may be allocated to qualified projects described in subsection (d)(4)(A)(iii).

"(4) BONDS FOR ALASKA RAILROAD.—The Secretary of Transportation may allocate to the Alaska Railroad a portion of the qualified Amtrak limitation for any fiscal year in order to allow the Alaska Railroad to issue bonds which meet the requirements of this section for use in financing any project described in subsection (d)(4)(A)(iii). For purposes of this section, the Alaska Railroad shall be treated in the same manner as the National Railroad Passenger Corporation.

"(5) CARRYOVER OF UNUSED LIMITATION.—If for any fiscal year—

"(A) the limitation amount under paragraph (1), exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1)(C)(i),

the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2014) shall be increased by the amount of such excess.

"(6) PREFERENCE FOR GREATER STATE PARTICIPATION.—In selecting qualified projects for allocation of the qualified Amtrak bond limitation under this subsection, the Secretary of Transportation shall give preference to any project with a State matching contribution rate exceeding 20 percent.

"(f) OTHER DEFINITIONS.—For purposes of this subpart—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(3) STATE.—The term 'State' means the several States and the District of Columbia, and any subdivision thereof.

"(4) PROGRAM.—The term 'program' means 1 or more projects implemented over 1 or more years to support the development of intercity passenger rail corridors.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

"(A) to spend at least 95 percent of the proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

"(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

"(C) to proceed with due diligence to complete such projects and to spend the proceeds of the issue.

"(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, an issue shall be treated as continuing to meet the requirements of this subsection if either—

"(A) the issuer uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

"(B) the following requirements are met:

"(i) The issuer spends at least 75 percent of the proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

"(ii) The issuer has proceeded with due diligence to spend the proceeds of the issue within such 3-year period and continues to proceed with due diligence to spend such proceeds.

"(iii) The issuer pays to the Federal Government any earnings on the proceeds of the issue that accrue after the end of such 3-year period.

"(iv) Either—

"(I) at least 95 percent of the proceeds of the issue is expended for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

"(II) the issuer uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of such 4-year period.

"(i) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

"(1) IN GENERAL.—If any bond which when issued purported to be a qualified Amtrak bond ceases to be a qualified Amtrak bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

"(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

"(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

"(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

"(3) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining —

"(i) the amount of any credit allowable under this part, or

"(ii) the amount of the tax imposed by section 55.

"(j) USE OF TRUST ACCOUNT.—

"(1) IN GENERAL.—The amount of any matching contribution with respect to a qualified project described in subsection (d)(3)(B)(i) or (d)(3)(B)(ii)(II) and the temporary period investment earnings on proceeds of the issue with respect to such project, and any earnings thereon, shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation to be used to the extent necessary to redeem bonds which are part of such issue.

"(2) USE OF REMAINING FUNDS IN TRUST ACCOUNT.—Upon the repayment of the principal of all qualified Amtrak bonds issued under this section, any remaining funds in the trust account described in paragraph (1) shall be available—

"(A) to the trustee described in paragraph (1), to meet any remaining obligations under any guaranteed investment contract used to secure earnings sufficient to repay the principal of such bonds, and

"(B) to the issuer, for any qualified project.

"(k) OTHER SPECIAL RULES.—

"(1) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(2) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified Amtrak bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(3) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified Amtrak bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the qualified Amtrak bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(4) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(5) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

"(6) REPORTING.—Issuers of qualified Amtrak bonds shall submit reports similar to the reports required under section 149(e).".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest), as amended by section 505(d), is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED AMTRAK BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(f)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Subpart H. Nonrefundable Credit for Holders of Qualified Amtrak Bonds.".

(2) Section 6401(b)(1) is amended by striking "and G" and inserting "G, and H".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after September 30, 2000.

(e) MULTI-YEAR CAPITAL SPENDING PLAN AND OVERSIGHT.—

(1) AMTRAK CAPITAL SPENDING PLAN.—

(A) IN GENERAL.—The National Railroad Passenger Corporation shall annually submit to the President and Congress a multi-year capital spending plan, as approved by the Board of Directors of the Corporation.

(B) CONTENTS OF PLAN.—Such plan shall identify the capital investment needs of the Corporation over a period of not less than 5 years and the funding sources available to finance such needs and shall prioritize such needs according to corporate goals and strategies.

(C) INITIAL SUBMISSION DATE.—The first plan shall be submitted before the issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section).

(2) OVERSIGHT OF AMTRAK TRUST ACCOUNT AND QUALIFIED PROJECTS.—

(A) TRUST ACCOUNT OVERSIGHT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of such Code (as so added) is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(B) PROJECT OVERSIGHT.—The National Railroad Passenger Corporation shall contract for an annual independent assessment of the costs and benefits of the qualified projects financed by such qualified Amtrak bonds, including an assessment of the investment evaluation process of the Corporation. The annual assessment shall be included in the plan submitted under paragraph (1).

(C) OVERSIGHT FUNDING.—Not more than 0.5 percent of the amounts made available through the issuance of qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 of such Code (as so added) may be used by the National Railroad Passenger Corporation for assessments described in subparagraph (B).

(f) PROTECTION OF HIGHWAY TRUST FUND.—

(1) CERTIFICATION BY THE SECRETARY OF THE TREASURY.—The issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation or the Alaska Railroad pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section) is conditioned on certification by the Secretary of the Treasury, after consultation with the Secretary of Transportation, within 30 days of a request by the issuer, that with respect to funds of the Highway Trust Fund described under paragraph (2), the issuer either—

(A) has not received such funds during fiscal years commencing with fiscal year 2001 and ending before the fiscal year the bonds are issued, or

(B) has repaid to the Highway Trust Fund any such funds which were received during such fiscal years.

(2) APPLICABILITY.—This subsection shall apply to funds received directly, or indirectly from a State or local transit authority, from the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986, except for funds authorized to be expended under section 9503(c) of such Code, as in effect on the date of the enactment of this Act.

(3) NO RETROACTIVE EFFECT.—Nothing in this subsection shall adversely affect the entitlement of the holders of qualified Amtrak bonds to the tax credit allowed pursuant to section 54 of the Internal Revenue Code of 1986 (as so added) or to repayment of principal upon maturity.

SEC. 714. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

"SEC. 468C. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business or commercial fishing, there shall be allowed as a deduction for any taxable year the

amount paid in cash by the taxpayer during the taxable year to a Farm, Fishing, and Ranch Risk Management Account (hereinafter referred to as the 'FFARRM Account').

"(b) LIMITATION.—

"(1) CONTRIBUTIONS.—The amount which a taxpayer may pay into the FFARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business or commercial fishing.

"(2) DISTRIBUTIONS.—Distributions from a FFARRM Account may not be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise contribute to the overcapitalization of any fishery. The Secretary of Commerce shall implement regulations to enforce this paragraph.

"(c) ELIGIBLE BUSINESSES.—For purposes of this section—

"(1) ELIGIBLE FARMING BUSINESS.—The term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(2) COMMERCIAL FISHING.—The term 'commercial fishing' has the meaning given such term by section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) but only if such fishing is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FFARRM ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'FFARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FFARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FFARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (B) or (C) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FFARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) SPECIAL RULES.—

"(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

"(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FFARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FFARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) CESSATION IN ELIGIBLE BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business or commercial fishing, there shall be deemed distributed from the FFARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business or commercial fishing.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 220(f)(8) (relating to treatment on death).

"(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(C) Section 408(e)(4) (relating to effect of pledging account as security).

"(D) Section 408(g) (relating to community property laws).

"(E) Section 408(h) (relating to custodial accounts).

"(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FFARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

"(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

"(6) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

"(g) REPORTS.—The trustee of a FFARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.".

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) a FFARRM Account (within the meaning of section 468C(d)), or".

(2) Section 4973 is amended by adding at the end the following new subsection:

"(g) EXCESS CONTRIBUTIONS TO FFARRM ACCOUNTS.—For purposes of this section, in the case of a FFARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FFARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.".

(3) The section heading for section 4973 is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.".

(4) The table of sections for chapter 43 is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc.".

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR FFARRM ACCOUNTS.—A person for whose benefit a FFARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FFARRM Account by reason of the application of section 468C(f)(3)(A) to such account.".

(2) Paragraph (1) of section 4975(e) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a FFARRM Account described in section 468C(d),".

(d) FAILURE TO PROVIDE REPORTS ON FFARRM ACCOUNTS.—Paragraph (2) of section 6693(a) (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) section 468C(g) (relating to FFARRM Accounts),".

(e) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 468B the following new item:

"Sec. 468C. Farm, Fishing and Ranch Risk Management Accounts.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 715. EXTENSION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES.—

(1) IN GENERAL.—Paragraph (6) of section 170(e) (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking "qualified elementary or secondary educational contribution" each place it occurs in the headings and text and inserting "qualified computer contribution".

(2) EXPANSION OF ELIGIBLE DONEES.—Clause (i) of section 170(e)(6)(B) (relating to qualified elementary or secondary educational contribution) is amended by striking "or" at the end of subclause (I), by adding "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Renewal and New Markets Act of 2000, established and maintained by an entity described in subsection (c)(1),".

(3) EXTENSION OF DONATION PERIOD.—Clause (ii) of section 170(e)(6)(B) is amended by striking "2 years" and inserting "3 years".

(b) CONFORMING AMENDMENTS.—

(1) Section 170(e)(6)(B)(iv) is amended by striking "in any grades of the K–12".

(2) The heading of paragraph (6) of section 170(e) is amended by striking "ELEMENTARY OR SECONDARY SCHOOL PURPOSES" and inserting "EDUCATIONAL PURPOSES".

(c) EXTENSION OF DEDUCTION.—Section 170(e)(6)(F) (relating to termination) is amended by striking "December 31, 2000" and inserting "December 31, 2003".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2000.

SEC. 716. RELIEF FROM FEDERAL TAX LIABILITY ARISING WITH RESPECT TO CERTAIN CLAIMS AGAINST THE DEPARTMENT OF AGRICULTURE FOR DISCRIMINATION IN FARM CREDIT AND BENEFIT PROGRAMS.

Notwithstanding any provision of the Internal Revenue Code of 1986, in the case of a person who is certified to be a member of the plaintiff class in the settlement of the consolidated actions entitled "Pigford, et al. v. Glickman", No. 97–1978 (D.D.C.) (PLF), and "Brewington et al. v. Glickman", No. 98–1693 (D.D.C.) (PLF), gross income for purposes of subtitle A of such Code shall not include—

(1) any cash payment received before, on, or after the date of the enactment of this Act by, or made on behalf of, a person under such settlement, and

(2) any amount which (but for this section) would be includible in gross income by reason of the discharge of indebtedness pursuant to such settlement.

SEC. 717. EXPANSION OF CREDIT FOR ADOPTION EXPENSES.

(a) INCREASE IN EXPENSES ALLOWABLE FOR ADOPTION.—Paragraph (1) of section 23(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—

"(A) IN GENERAL.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) for all taxable years with respect to the adoption of a child by the taxpayer shall not exceed the applicable amount.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A)—

"(i) CHILD WITH SPECIAL NEEDS.—In the case of a child with special needs, the applicable amount for a taxable year shall be the amount determined in accordance with the following table:

"For taxable years beginning in:	**The applicable amount is:**
2001	$8,000
2002	$10,000
2003 and thereafter	$12,000.

"(ii) OTHER CHILDREN.—In the case of a child who is not a child with special needs, the applicable amount for a taxable year shall be the amount determined in accordance with the following table:

"For taxable years beginning in:	**The applicable amount is:**
2001	$6,000
2002	$7,000
2003	$8,000
2004	$9,000
2005 and thereafter	$10,000.".

(b) INCREASE IN INCOME LIMITATION.—Clause (i) of section 23(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(c) EXTENSION OF SUNSET.—Subparagraph (B) of section 23(d)(2) (relating to eligible child) is amended by striking "2001" and inserting "2005".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 718. STUDY CONCERNING UNITED STATES INSURANCE COMPANIES WITH CERTAIN OFFSHORE REINSURANCE AFFILIATES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study on the extent to which United States tax on investment income of United States insurance companies is being avoided through the use of affiliated corporations in Bermuda or other offshore locations. In conducting such study, the Secretary shall—

(1) address issues concerning the application of current United States tax law in preventing such avoidance,

(2) examine changes to United States tax law which may be needed to prevent such avoidance, and

(3) make such recommendations as the Secretary considers appropriate.

(b) SUBMISSION OF STUDY TO CONGRESS.—Not later than December 31, 2001, the Secretary shall submit the study conducted under subsection (a), together with recommendations thereon, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 719. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) IN GENERAL.—Section 3306(c)(7) (defining employment) is amended—

(1) by inserting "or in the employ of an Indian tribe," after "service performed in the employ of a State, or any political subdivision thereof,"; and

(2) by inserting "or Indian tribes" after "wholly owned by one or more States or political subdivisions".

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2) by inserting ", including an Indian tribe," after "the State law shall provide that a governmental entity";

(2) in subsection (b)(3)(B) by inserting ", or of an Indian tribe" after "of a State or political subdivision thereof";

(3) in subsection (b)(3)(E) by inserting "or tribal" after "the State"; and

(4) in subsection (b)(5) by inserting "or of an Indian tribe" after "an agency of a State or political subdivision thereof".

(c) STATE LAW COVERAGE.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following new subsection:

"(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may make contributions for employment as if the employment is within the meaning of section 3306 or make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise wholly owned by such Indian tribe. State law may require a tribe to post a payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. Notwithstanding the requirements of section 3306(a)(6), if, within 90 days of having received a notice of delinquency, a tribe fails to make contributions, payments in lieu of contributions, or payment of penalties or interest (at amounts or rates comparable to those applied to all other employers covered under the State law) assessed with respect to such failure, or if the tribe fails to post a required payment bond, then service for the tribe shall not be excepted from employment under section 3306(c)(7) until any such failure is corrected. This subsection shall apply to an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) DEFINITIONS.—Section 3306 (relating to definitions) is amended by adding at the end the following new subsection:

"(u) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.".

(e) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to service performed on or after the date of the enactment of this Act.

(2) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this section)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(A) it is service which is performed before the date of the enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid, and

(B) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

Subtitle C—Technical Corrections

SEC. 721. AMENDMENTS RELATED TO TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 502 OF THE ACT.—

(1) Section 280C(c)(1) is amended by striking "or credit" after "deduction" each place it appears.

(2) Section 30A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) DENIAL OF DOUBLE BENEFIT.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under section 41."

(b) AMENDMENT RELATED TO SECTION 545 OF THE ACT.—Clause (ii) of section 857(b)(7)(B) is amended to read as follows:

"(ii) EXCEPTION FOR CERTAIN AMOUNTS.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust—

"(I) for services furnished or rendered by a taxable REIT subsidiary that are described in paragraph (1)(B) of section 856(d), or

"(II) from a taxable REIT subsidiary that are described in paragraph (7)(C)(ii) of such section."

(c) CLARIFICATION RELATED TO SECTION 538 OF THE ACT.—The reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation section 1.1502-34 shall be deemed to include a reference to section 732(f) of such Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendments made by this section shall take effect as if included in the provisions of the Ticket to Work and Work Incentives Improvement Act of 1999 to which they relate.

SEC. 722. AMENDMENTS RELATED TO TAX AND TRADE RELIEF EXTENSION ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1004(b) OF THE ACT.—Subsection (d) of section 6104 is amended by adding at the end the following new paragraph:

"(6) APPLICATION TO NONEXEMPT CHARITABLE TRUSTS AND NONEXEMPT PRIVATE FOUNDATIONS.—The organizations referred to in paragraphs (1) and (2) of section 6033(d) shall comply with the requirements of this subsection relating to annual returns filed under section 6033 in the same manner as the organizations referred to in paragraph (1).".

(b) AMENDMENT RELATED TO SECTION 4003 OF THE ACT.—Subsection (b) of section 4003 of the Tax and Trade Relief Extension Act of 1998 is amended by inserting "(7)(A)(i)(II)," after "(5)(A)(ii)(I),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax and Trade Relief Extension Act of 1998 to which they relate.

SEC. 723. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO INNOCENT SPOUSE RELIEF.—

(1) ELECTION MAY BE MADE ANY TIME AFTER DEFICIENCY ASSERTED.—Subparagraph (B) of section 6015(c)(3) is amended by striking "shall be made" and inserting "may be made at any time after a deficiency for such year is asserted but".

(2) CLARIFICATION REGARDING DISALLOWANCE OF REFUNDS AND CREDITS UNDER SECTION 6015(c).—

(A) IN GENERAL.—Section 6015 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) CREDITS AND REFUNDS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), notwithstanding any other law or rule of law (other than section 6511, 6512(b), 7121, or 7122), credit or refund shall be allowed or made to the extent attributable to the application of this section.

"(2) RES JUDICATA.—In the case of any election under subsection (b) or (c), if a decision of a court in any prior proceeding for the same taxable year has become final, such decision shall be conclusive except with respect to the qualification of the individual for relief which was not an issue in such proceeding. The exception contained in the preceding sentence shall not apply if the court determines that the individual participated meaningfully in such prior proceeding.

"(3) CREDIT AND REFUND NOT ALLOWED UNDER SUBSECTION (c).—No credit or refund shall be allowed as a result of an election under subsection (c).".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 6015(e) is amended to read as follows:

"(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either individual filing the joint return pursuant to section 6532—

"(A) the Tax Court shall lose jurisdiction of the individual's action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund, and

"(B) the court acquiring jurisdiction shall have jurisdiction over the petition filed under this subsection.".

(3) CLARIFICATIONS REGARDING REVIEW BY TAX COURT.—

(A) Paragraph (1) of section 6015(e) is amended in the matter preceding subparagraph (A) by inserting after "individual" the following: "against whom a deficiency has been asserted and".

(B) Subparagraph (A) of section 6015(e)(1) is amended to read as follows:

"(A) IN GENERAL.—In addition to any other remedy provided by law, the individual may petition the Tax Court (and the Tax Court shall have jurisdiction) to determine the appropriate relief available to the individual under this section if such petition is filed—

"(i) at any time after the earlier of—

"(I) the date the Secretary mails, by certified or registered mail to the taxpayer's last known address, notice of the Secretary's final determination of relief available to the individual, or

"(II) the date which is 6 months after the date such election is filed with the Secretary, and

"(ii) not later than the close of the 90th day after the date described in clause (i)(I).".

(C) Subparagraph (B)(i) of section 6015(e)(1) is amended—

(i) by striking "until the expiration of the 90-day period described in subparagraph (A)" and inserting "until the close of the 90th day referred to in subparagraph (A)(ii)", and

(ii) by inserting "under subparagraph (A)" after "filed with the Tax Court".

(D)(i) Subsection (e) of section 6015 is amended by adding at the end the following new paragraph:

"(5) WAIVER.—An individual who elects the application of subsection (b) or (c) (and who agrees with the Secretary's determination of relief) may waive in writing at any time the restrictions in paragraph (1)(B) with respect to collection of the outstanding assessment (whether or not a notice of the Secretary's final determination of relief has been mailed).".

(ii) Paragraph (2) of section 6015(e) is amended to read as follows:

"(2) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—The running of the period of limitations in section 6502 on the collection of the assessment to which the petition under paragraph (1)(A) relates shall be suspended—

"(A) for the period during which the Secretary is prohibited by paragraph (1)(B) from collecting by levy or a proceeding in court and for 60 days thereafter, and

"(B) if a waiver under paragraph (5) is made, from the date the claim for relief was filed until 60 days after the waiver is filed with the Secretary.".

(b) AMENDMENTS RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) DISPUTES INVOLVING $50,000 OR LESS.—Section 7463 is amended by adding at the end the following new subsection:

"(f) ADDITIONAL CASES IN WHICH PROCEEDINGS MAY BE CONDUCTED UNDER THIS SECTION.—At the option of the taxpayer concurred in by the Tax Court or a division thereof before the hearing of the case, proceedings may be conducted under this section (in the same manner as a case described in subsection (a)) in the case of—

"(1) a petition to the Tax Court under section 6015(e) in which the amount of relief sought does not exceed $50,000, and

"(2) an appeal under section 6330(d)(1)(A) to the Tax Court of a determination in which the unpaid tax does not exceed $50,000.".

(2) AUTHORITY TO ENJOIN COLLECTION ACTIONS.—

(A) Section 6330(e)(1) is amended by adding at the end the following: "Notwithstanding the provisions of section 7421(a), the beginning of a levy or proceeding during the time the suspension under this paragraph is in force may be enjoined by a proceeding in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction under this paragraph to enjoin any action or proceeding unless a timely appeal has been filed under subsection (d)(1) and then only in respect of the unpaid tax or proposed levy to which the determination being appealed relates.".

(B) Section 7421(a) is amended by inserting "6330(e)(1)," after "6246(b),".

(3) CLARIFICATION.—Paragraph (3) of section 6331(k) is amended by striking "(3), (4), and (5)" and inserting "(3) and (4)".

(c) AMENDMENT RELATED TO SECTION 1103 OF THE ACT.—Paragraph (6) of section 6103(k) is amended—

(1) by inserting "and an officer or employee of the Office of Treasury Inspector General for Tax Administration" after "internal revenue officer or employee", and

(2) by striking "INTERNAL REVENUE" in the heading and inserting "CERTAIN".

(d) AMENDMENT RELATED TO SECTION 3401 OF THE ACT.—Section 6330(d)(1)(A) is amended by striking "to hear" and inserting "with respect to".

(e) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Subparagraph (A) of section 6110(g)(5) is amended by inserting ", any Chief Counsel advice," after "technical advice memorandum".

(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. The amendments made by subsections (c), (d), and (e) shall take effect as if included in the provisions of the Internal Revenue Service Restructuring and Reform Act of 1998 to which they relate.

SEC. 724. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Paragraph (4) of section 6211(b) is amended by striking "sections 32 and 34" and inserting "sections 24(d), 32, and 34".

(b) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—The last sentence of section 3405(e)(1)(B) is amended by inserting "(other than a Roth IRA)" after "individual retirement plan".

(c) AMENDMENT TO SECTION 311 OF THE ACT.—Paragraph (3) of section 311(e) of the Taxpayer Relief Act of 1997 (relating to election to recognize gain on assets held on January 1, 2001) is amended by adding at the end the following new sentence: "Such an election shall not apply to any asset which is disposed of (in a transaction in which gain or loss is recognized in whole or in part) before the close of the 1-year period beginning on the date that the asset would have been treated as sold under such election."

(d) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—The flush sentence at the end of clause (ii) of section 56(a)(1)(A) is amended by

inserting before "or to any other property" the following: "(and the straight line method shall be used for such 1250 property)".

(e) AMENDMENTS RELATED TO SECTION 1072 OF THE ACT.—

(1) Clause (ii) of section 415(c)(3)(D) and subparagraph (B) of section 403(b)(3) are each amended by striking "section 125 or" and inserting "section 125, 132(f)(4), or".

(2) Paragraph (2) of section 414(s) is amended by striking "section 125, 402(e)(3)" and inserting "section 125, 132(f)(4), 402(e)(3)".

(f) AMENDMENT RELATED TO SECTION 1454 OF THE ACT.—Subsection (a) of section 7436 is amended by inserting before the period at the end of the first sentence "and the proper amount of employment tax under such determination".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief of 1997 to which they relate.

SEC. 725. AMENDMENTS RELATED TO BALANCED BUDGET ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 9302 OF THE ACT.—

(1) Paragraph (1) of section 9302(j) of the Balanced Budget Act of 1997 is amended by striking "tobacco products and cigarette papers and tubes" and inserting "cigarettes".

(2)(A) Subsection (h) of section 5702 is amended to read as follows:

"(h) MANUFACTURER OF CIGARETTE PAPERS AND TUBES.—'Manufacturer of cigarette papers and tubes' means any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption."

(B) Section 5702, as amended by subparagraph (A), is amended by striking subsection (f) and by redesignating subsections (g) through (p) as subsections (f) through (o), respectively.

(3) Subsection (c) of section 5761 is amended by adding at the end the following: "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under this subsection. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 726. AMENDMENTS RELATED TO SMALL BUSINESS JOB PROTECTION ACT OF 1996.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (B) of section 51(d)(2) is amended—

(1) by striking "plan approved" and inserting "program funded", and

(2) by striking "(relating to assistance for needy families with minor children)".

(b) AMENDMENT RELATED TO SECTION 1302 OF THE ACT.—Clause (i) of section 1361(e)(1)(A) is amended by striking "or" before "(III)" and by adding at the end the following: "or (IV) an organization described in section 170(c)(1) which holds a contingent interest in such trust and is not a potential current beneficiary,".

(c) AMENDMENT RELATED TO SECTION 1401 OF THE ACT.—Clause (ii) of section 401(k)(10)(B) is amended by adding at the end the following new sentence: "Such term includes a distribution of an annuity contract from—

"(I) a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501(a), or

"(II) an annuity plan described in section 403(a).".

(d) AMENDMENT RELATED TO SECTION 1427 OF THE ACT.—Clause (ii) of section 219(c)(1)(B) is amended by striking "and" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

"(II) the amount of any designated nondeductible contribution (as defined in section 408(o)) on behalf of such spouse for such taxable year, and".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Small Business Job Protection Act of 1996 to which they relate.

SEC. 727. AMENDMENT RELATED TO REVENUE RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11511 OF THE ACT.—Subparagraph (C) of section 43(c)(1) is amended—

(1) by inserting "(as defined in section 193(b))" after "expenses", and

(2) by striking "under section 193".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11511 of the Revenue Reconciliation Act of 1990.

SEC. 728. OTHER TECHNICAL CORRECTIONS.

(a) MODIFIED ENDOWMENT CONTRACTS.—

(1) Paragraph (2) of section 7702A(a) is amended by inserting "or this paragraph" before the period.

(2) Clause (ii) of section 7702A(c)(3)(A) is amended by striking "under the contract" and inserting "under the old contract".

(3) The amendments made by this subsection shall take effect as if included in the amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

(b) AFFILIATED CORPORATIONS IN CONTEXT OF WORTHLESS SECURITIES.—

(1) Subparagraph (A) of section 165(g)(3) is amended to read as follows:

"(A) the taxpayer owns directly stock in such corporation meeting the requirements of section 1504(a)(2), and".

(2) Paragraph (3) of section 165(g) is amended by striking the last sentence.

(3) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1984.

(c) CERTAIN ANNUITIES ISSUED BY TAX-EXEMPT ORGANIZATIONS NOT TREATED AS DEBT INSTRUMENTS UNDER ORIGINAL ISSUE DISCOUNT RULES.—

(1) Clause (ii) of section 1275(a)(1)(B) is amended by striking "subchapter L" and inserting "subchapter L (or by an entity described in section 501(c) and exempt from tax under section 501(a) which would be subject to tax under subchapter L were it not so exempt)".

(2) The amendment made by this subsection shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.

(d) TENTATIVE CARRYBACK ADJUSTMENTS OF LOSSES FROM SECTION 1256 CONTRACTS.—

(1) Subsection (a) of section 6411 is amended by striking "section 1212(a)(1)" and inserting "subsection (a)(1) or (c) of section 1212".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 504 of the Economic Recovery Tax Act of 1981.

(e) CORRECTION OF CALCULATION OF AMOUNTS TO BE DEPOSITED IN HIGHWAY TRUST FUND.—

(1) Subsection (b) of section 9503 is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(2) The amendment made by paragraph (1) shall apply with respect to taxes received in the Treasury after the date of the enactment of this Act.

(f) EXPENDITURES FROM VACCINE INJURY COMPENSATION TRUST FUND.—Section 9510(c)(1)(A) is amended by striking "December 31, 1999" and inserting "October 18, 2000".

SEC. 729. CLERICAL CHANGES.

(1) Clause (i) of section 45(d)(7)(A) is amended by striking "paragraph (3)(A)" and inserting "subsection (c)(3)(A)".

(2) Subsection (f) of section 67 is amended by striking "the last sentence" and inserting "the second sentence".

(3) The heading for paragraph (5) of section 408(d) is amended to read as follows:

"(5) DISTRIBUTIONS OF EXCESS CONTRIBUTIONS AFTER DUE DATE FOR TAXABLE YEAR AND CERTAIN EXCESS ROLLOVER CONTRIBUTIONS.—".

(4) Paragraph (3) of section 475(g) is amended by striking "267(b) of" and inserting "267(b) or".

(5) The heading for subparagraph (B) of section 529(e)(3) is amended by striking "UNDER GUARANTEED PLANS".

(6) Clause (iii) of section 530(d)(4)(B) is amended by striking "; or" at the end and inserting ", or".

(7) Paragraphs (1)(C) and (2)(C) of section 664(d) are each amended by striking the period after "subsection (g))".

(8)(A) Subsection (e) of section 678 is amended by striking "an electing small business corporation" and inserting "an S corporation".

(B) Clause (v) of section 6103(e)(1)(D) is amended to read as follows:

"(v) if the corporation was an S corporation, any person who was a shareholder during any part of the period covered by such return during which an election under section 1362(a) was in effect, or".

(9) Paragraph (7) of section 856(c) is amended by striking "paragraph (4)(B)(ii)(III)" and inserting "paragraph (4)(B)(iii)(III)"

(10) Subparagraph (A) of section 856(l)(4) is amended by striking "paragraph (9)(D)(ii)" and inserting "subsection (d)(9)(D)(ii)".

(11) Subparagraph (B) of section 871(f)(2) is amended by striking "19 U.S.C." and inserting "(19 U.S.C.".

(12) Subparagraph (B) of section 995(b)(3) is amended by striking "the Military Security Act of 1954 (22 U.S.C. 1934)" and inserting "section 38 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2778)".

(13) Section 1391(g)(3)(C) is amended by striking "paragraph (1)(B)" and inserting "paragraph (1)".

(14)(A) Paragraph (2) of section 2035(c) is amended by striking "paragraph (1)" and inserting "subsection (a)".

(B) Subsection (d) of section 2035 is amended by inserting "and paragraph (1) of subsection (c)" after "Subsection (a)".

(15) Paragraph (5) of section 3121(a) is amended by striking the semicolon at the end of subparagraph (G) and inserting a comma.

(16) Subparagraph (B) of section 4946(c)(3) is amended by striking "the lowest rate of compensation prescribed for GS–16 of the General Schedule under section 5332" and inserting "the lowest rate of basic pay for the Senior Executive Service under section 5382".

(17) Subsection (p) of section 6103 is amended—

(A) in paragraph (4), in the matter preceding subparagraph (A)—

(i) by striking the second comma after "(13)", and

(ii) by striking "(7)" and all that follows through "shall, as a condition" and inserting "(7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16) shall, as a condition", and

(B) in paragraph (4)(F)(ii), by striking the second comma after "(14)".

(18) Paragraph (5) of section 6166(k) is amended by striking "2035(d)(4)" and inserting "2035(c)(2)".

(19) Subsection (a) of section 6512 is amended by striking "; and" at the end of paragraphs (1), (2), and (5) and inserting ", and".

(20) Paragraph (1) of section 6611(g) is amended by striking the comma after "(b)(3)".

(21) Subparagraphs (A) and (B) of section 6655(e)(5) are amended by striking "subsections (d)(5) and (l)(3)(B)" and inserting "subsection (d)(5)".

(22) The subchapter heading for subchapter D of chapter 67 is amended by capitalizing the first letter of the second word.

(23)(A) Section 6724(d)(1)(B) is amended by striking clauses (xiv) through (xvii) and inserting the following:

"(xiv) subparagraph (A) or (C) of subsection (c)(4) of section 4093 (relating to information reporting with respect to tax on diesel and aviation fuels),

"(xv) section 4101(d) (relating to information reporting with respect to fuels taxes),

"(xvi) subparagraph (C) of section 338(h)(10) (relating to information required to be furnished to the Secretary in case of elective recognition of gain or loss), or

"(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts), and".

(B) Section 6010(o)(4)(C) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking "inserting 'or', and by adding at the end" and inserting "inserting ', or', and by adding after subparagraph (Z)".

(24) Subsection (a) of section 7421 is amended by striking "6672(b)" and inserting "6672(c)".

(25) Paragraph (3) of section 7430(c) is amended—

(A) in the paragraph heading, by striking "ATTORNEYS" and inserting "ATTORNEYS'", and

(B) in subparagraph (B), by striking "attorneys fees" each place it appears and inserting "attorneys' fees".

(26) Paragraph (2) of section 7603(b) is amended by striking the semicolon at the end of subparagraphs (A), (B), (C), (D), (E), (F), and (G) and inserting a comma.

(27) Clause (ii) of section 7802(b)(2)(B) is amended by striking "; and" at the end and inserting ", and".

(28) Paragraph (3) of section 7811(a) is amended by striking "taxpayer assistance order" and inserting "Taxpayer Assistance Order".

(29) Paragraph (1) of section 7811(d) is amended by striking "Ombudsman's" and inserting "National Taxpayer Advocate's".

(30) Paragraph (3) of section 7872(f) is amended by striking "foregoing" and inserting "forgoing".

Subtitle D—Pay-Go Adjustment

SEC. 731. AVOIDANCE OF A PAY-GO SEQUESTRATION FOR FISCAL YEAR 2001.

(a) Pay-Go Adjustments.—(1) In preparing the final sequestration report required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2001, in addition to the information required by that section, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal year 2001 under section 252 of that Act to zero.

(2) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying the conference report on the bill H.R. 2015 of the 105th Congress (House Report No. 105–217, filed July 30, 1997), the legislation enacted in sections 504 and 505 of the Department of Transportation and Related Agencies Appropriations Act, 2001, section 312 of the Legislative Branch Appropriations Act, 2001, and section 1003 of division B of H.R. 4516 (106th Congress), as enacted, that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exemption of Certain Budgetary Reports from Termination.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States Code, and any other law relating to the budget of the United States Government.

(2) The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(3) Sections 202(e)(1) and (3) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3)).

(4) Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)).

Following is explanatory language for H.R. 5542 as introduced on October 25, 2000. References in the following to the "conference agreement" refer to the text of that bill.

TITLE I. FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION

Repeal of FSC Provisions and Exclusion for Extraterritorial Income (Secs. 101–104 of the Bill and Secs. 114, 921–927, and 941–943 of the Code)

PRESENT LAW

Summary of U.S. income taxation of foreign persons

Income earned by a foreign corporation from its foreign operations generally is subject to U.S. tax only when such income is distributed to a U.S. person that holds stock in such corporation. Accordingly, a U.S. person that conducts foreign operations through a foreign corporation generally is subject to U.S. tax on the income from those operations when the income is repatriated to the United States through a dividend distribution to the U.S. person.[1] The income is reported on the U.S. person's tax return for the year the distribution is received, and the United States imposes tax on such income at that time. An indirect foreign tax credit may reduce the U.S. tax imposed on such income.

Foreign sales corporations

The income of an eligible foreign sales corporation ("FSC") is partially subject to U.S. income tax and partially exempt from U.S. income tax. In addition, a U.S. corporation generally is not subject to U.S. income tax on dividends distributed from the FSC out of certain earnings.

A FSC must be located and managed outside the United States, and must perform certain economic processes outside the United States. A FSC is often owned by a U.S. corporation that produces goods in the United States. The U.S. corporation either supplies goods to the FSC for resale abroad or pays the FSC a commission in connection with such sales. The income of the FSC, a portion of which is exempt from U.S. income tax under the FSC rules, equals the FSC's gross markup or gross commission income less the expenses incurred by the FSC. The gross markup or the gross commission is determined according to specified pricing rules.

A FSC generally is not subject to U.S. income tax on its exempt foreign trade income. The exempt foreign trade income of a FSC is treated as foreign-source income that is not effectively connected with the conduct of a trade or business within the United States.

Foreign trade income, other than exempt foreign trade income, generally is treated as U.S.-source income effectively connected with the conduct of a trade or business conducted through a permanent establishment within the United States. Thus, a FSC's income, other than exempt foreign trade income, generally is subject to U.S. tax currently and is treated as U.S.-source income for purposes of the foreign tax credit limitation.

Foreign trade income of a FSC is defined as the FSC's gross income attributable to foreign trading gross receipts. Foreign trading gross receipts generally are the gross receipts attributable to the following types of transactions: the sale of export property; the lease or rental of export property; services related and subsidiary to such a sale or lease of export property; engineering and architectural services for projects outside the United States; and export management services. Investment income and carrying charges are excluded from the definition of foreign trading gross receipts.

The term "export property" generally means property (1) which is manufactured, produced, grown or extracted in the United States by a person other than a FSC; (2) which is held primarily for sale, lease, or rental in the ordinary course of a trade or business for direct use or consumption outside the United States; and (3) not more than 50 percent of the fair market value of which is attributable to articles imported into the United States. The term "export property" does not include property leased or rented by a FSC for use by any member of a controlled group of which the FSC is a member; patents, copyrights (other than films, tapes, records, similar reproductions, and other than computer software, whether or not patented), and other intangibles; oil or gas (or any primary product thereof); unprocessed softwood timber; or products the export of which is prohibited or curtailed. Export property also excludes property designated by the President as being in short supply.

If export property is sold to a FSC by a related person (or a commission is paid by a related person to a FSC with respect to export property), the income with respect to the export transaction must be allocated between the FSC and the related person. The taxable income of the FSC and the taxable income of the related person are computed based upon a transfer price determined under section 482 or under one of two formulas specified in the FSC provisions.

The portion of a FSC's foreign trade income that is treated as exempt foreign trade income depends on the pricing rule used to determine the income of the FSC. If the amount of income earned by the FSC is based on section 482 pricing, the exempt foreign trade income generally is 30 percent of the foreign trade income the FSC derives from a transaction. If the income earned by the FSC is determined under one of the two formulas specified in the FSC provisions, the exempt foreign trade income generally is 15/23 of the foreign trade income the FSC derives from the transaction.

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[1] A variety of anti-deferral regimes impose current U.S. tax on income earned by a U.S. person through a foreign corporation. The Internal Revenue Code of 1986, as amended, (the "Code") sets forth the following anti-deferral regimes: the controlled foreign corporation rules of subpart F (secs. 951-954), the passive foreign investment company rules (secs. 1291-1298), the foreign personal holding company rules (secs. 551-558), the personal holding company rules (secs. 541-547), the accumulated earnings tax rules (secs. 531-537), and the foreign investment company rules (sec. 1246). Detailed rules for coordination among the anti-deferral regimes are provided to prevent a U.S. person from being subject to U.S. tax on the same item of income under multiple regimes.

A FSC is not required or deemed to make distributions to its shareholders. Actual distributions are treated as being made first out of earnings and profits attributable to foreign trade income, and then out of any other earnings and profits. A U.S. corporation generally is allowed a 100 percent dividends-received deduction for amounts distributed from a FSC out of earnings and profits attributable to foreign trade income. The 100 percent dividends-received deduction is not allowed for nonexempt foreign trade income determined under section 482 pricing. Any distribution made by a FSC out of earnings and profits attributable to foreign trade income to a foreign shareholder is treated as U.S.-source income that is effectively connected with a business conducted through a permanent establishment of the shareholder within the United States. Thus, the foreign shareholder is subject to U.S. tax on such a distribution.

HOUSE BILL

No provision. However, H.R. 4986, as passed by the House, repeals the present-law FSC rules and replaces them with an exclusion for extraterritorial income.

SENATE AMENDMENT

No provision. However, the Senate Finance Committee reported favorably an amended version of H.R. 4986 to the Senate (the "Senate Finance Committee amendment"). The Senate has taken no action with respect to the Senate Finance Committee amendment. The Senate Finance Committee amendment generally follows H.R. 4986, as passed by the House, with one amendment to strike a provision providing for a dividends-received deduction for certain dividends allocable to qualifying foreign trade income. Like H.R. 4986, the Senate Finance Committee amendment repeals the present-law FSC rules and replaces them with an exclusion for extraterritorial income.

CONFERENCE AGREEMENT

The conference agreement generally follows H.R. 4986, as passed by the House, and the Senate Finance Committee amendment, with some modifications. The conference agreement, like the Senate Finance Committee amendment, does not include the provision in the House bill that provides a dividends-received deduction for certain dividends allocable to qualifying foreign trade income.

Repeal of the FSC rules

The conference agreement repeals the present-law FSC rules found in sections 921 through 927 of the Code.

Exclusion of extraterritorial income

The conference agreement provides that gross income for U.S. tax purposes does not include extraterritorial income. Because the exclusion of such extraterritorial income is a means of avoiding double taxation, no foreign tax credit is allowed for income taxes paid with respect to such excluded income. Extraterritorial income is eligible for the exclusion to the extent that it is "qualifying foreign trade income." Because U.S. income tax principles generally deny deductions for expenses related to exempt income, otherwise deductible expenses that are allocated to qualifying foreign trade income generally are disallowed.

The conference agreement applies in the same manner with respect to both individuals and corporations who are U.S. taxpayers. In addition, the exclusion from gross income applies for individual and corporate alternative minimum tax purposes.

Qualifying foreign trade income

Under the conference agreement, qualifying foreign trade income is the amount of gross income that, if excluded, would result in a reduction of taxable income by the greatest of (1) 1.2 percent of the "foreign trading gross receipts" derived by the taxpayer from the transaction,[2] (2) 15 percent of the "foreign trade income" derived by the taxpayer from the transaction, or (3) 30 percent of the "foreign sale and leasing income" derived by the taxpayer from the transaction. The amount of qualifying foreign trade income determined using 1.2 percent of the foreign trading gross receipts is limited to 200 percent of the qualifying foreign trade income that would result using 15 percent of the foreign trade income. Notwithstanding the general rule that qualifying foreign trade income is based on one of the three calculations that results in the greatest reduction in taxable income, a taxpayer may choose instead to use one of the other two calculations that does not result in the greatest reduction in taxable income. Although these calculations are determined by reference to a reduction of taxable income (a net income concept), qualifying foreign trade income is an exclusion from gross income. Hence, once a taxpayer determines the appropriate reduction of taxable income, that amount must be "grossed up" for related expenses in order to determine the amount of gross income excluded.[3]

If a taxpayer uses 1.2 percent of foreign trading gross receipts to determine the amount of qualifying foreign trade income with respect to a transaction, the taxpayer or any other related persons will be treated as having no qualifying foreign trade income with respect to any other transaction involving the same property.[4] For example, assume that a manufacturer and a distributor of the same product are related persons. The manufacturer sells the product to the distributor at an arm's-length price of $80 (generating $30 of profit) and the distributor sells the product to an unrelated customer outside of the United States for $100 (generating $20 of profit). If the distributor chooses to calculate its qualifying foreign trade income on the basis of 1.2 percent of foreign trading gross receipts, then the manufacturer will be considered to have no qualifying foreign trade income and, thus, would have no excluded income. The distributor's qualifying foreign trade income would be 1.2 percent of $100, and the manufacturer's qualifying foreign trade income would be zero. This limitation is intended to prevent a duplication of exclusions from gross income because the distributor's $100 of gross receipts includes the $80 of gross receipts of the manufacturer. Absent this limitation, $80 of gross receipts would have been double counted for purposes of the exclusion. If both persons were permitted to use 1.2 percent of their foreign trading gross receipts in this example, then the related-person group would have an exclusion based on $180 of foreign trading gross receipts notwithstanding that the related-person group really only generated $100 of gross receipts from the transaction. However, if the distributor chooses to calculate its qualifying foreign trade income on the basis of 15 percent of foreign trade income (15 percent of $20 of profit), then the manufacturer would also be eligible to calculate its qualifying foreign trade income in the same manner (15 percent of $30 of profit).[5] Thus, in the second case, each related person may exclude an amount of income based on their respective profits. The total foreign trade income of the related-person group is $50. Accordingly, allowing each person to calculate the exclusion based on their respective foreign trade income does not result in duplication of exclusions.

Under the conference agreement, a taxpayer may determine the amount of qualifying foreign trade income either on a transaction-by-transaction basis or on an aggregate basis for groups of transactions, so long as the groups are based on product lines or recognized industry or trade usage. Under the grouping method, the conferees intend that taxpayers be given reasonable flexibility to identify product lines or groups on the basis of recognized industry or trade usage. In general, provided that the taxpayer's grouping is not unreasonable, it will not be rejected merely because the grouped products fall within more than one of the two-digit Standard Industrial Classification codes.[6] The Secretary of the Treasury is granted authority to prescribe rules for grouping transactions in determining qualifying foreign trade income.

Qualifying foreign trade income must be reduced by illegal bribes, kickbacks and similar payments, and by a factor for operations in or related to a country associated in carrying out an international boycott, or participating or cooperating with an international boycott.

In addition, the conference agreement directs the Secretary of the Treasury to prescribe rules for marginal costing in those cases in which a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

Foreign trading gross receipts

Under the conference agreement, "foreign trading gross receipts" are gross receipts derived from certain activities in connection with "qualifying foreign trade property" with respect to which certain "economic processes" take place outside of the United States. Specifically, the gross receipts must be (1) from the sale, exchange, or other disposition of qualifying foreign trade property; (2) from the lease or rental of qualifying foreign trade property for use by the lessee outside of the United States; (3) for services which are related and subsidiary to the sale, exchange, disposition, lease, or rental of qualifying foreign trade property (as described above); (4) for engineering or architectural services for construction projects located outside of the United States; or (5) for the performance of certain managerial services for unrelated persons. Gross receipts from the lease or rental of qualifying foreign trade property include gross receipts from the license of qualifying foreign trade property. Consistent with the policy adopted in the Taxpayer Relief Act of 1997,[7] this includes the license of computer software for reproduction abroad.

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[2] The term "transaction" means (1) any sale, exchange, or other disposition; (2) any lease or rental; and (3) any furnishing of services.

[3] For an example of these calculations, see the General Example, below.

[4] Persons are considered to be related if they are treated as a single employer under section 52(a) or (b) (determined without taking into account section 1563(b), thus including foreign corporations) or section 414(m) or (o).

[5] The manufacturer also could compute qualifying foreign trade income based on 30 percent of foreign sale and leasing income.

[6] By reference to Standard Industrial Classification codes, the conferees intend to include industries as defined in the North American Industrial Classification System.

Foreign trading gross receipts do not include gross receipts from a transaction if the qualifying foreign trade property or services are for ultimate use in the United States, or for use by the United States (or an instrumentality thereof) and such use is required by law or regulation. Foreign trading gross receipts also do not include gross receipts from a transaction that is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured.

A taxpayer may elect to treat gross receipts from a transaction as not foreign trading gross receipts. As a consequence of such an election, the taxpayer could utilize any related foreign tax credits in lieu of the exclusion as a means of avoiding double taxation. It is intended that this election be accomplished by the taxpayer's treatment of such items on its tax return for the taxable year. Provided that the taxpayer's taxable year is still open under the statute of limitations for making claims for refund under section 6511, a taxpayer can make redeterminations as to whether the gross receipts from a transaction constitute foreign trading gross receipts.

Foreign economic processes

Under the conference agreement, gross receipts from a transaction are foreign trading gross receipts only if certain economic processes take place outside of the United States. The foreign economic processes requirement is satisfied if the taxpayer (or any person acting under a contract with the taxpayer) participates outside of the United States in the solicitation (other than advertising), negotiation, or making of the contract relating to such transaction and incurs a specified amount of foreign direct costs attributable to the transaction.[8] For this purpose, foreign direct costs include only those costs incurred in the following categories of activities: (1) advertising and sales promotion; (2) the processing of customer orders and the arranging for delivery; (3) transportation outside of the United States in connection with delivery to the customer; (4) the determination and transmittal of a final invoice or statement of account or the receipt of payment; and (5) the assumption of credit risk. An exception from the foreign economic processes requirement is provided for taxpayers with foreign trading gross receipts for the year of $5 million or less.[9]

The foreign economic processes requirement must be satisfied with respect to each transaction and, if so, any gross receipts from such transaction could be considered as foreign trading gross receipts. For example, all of the lease payments received with respect to a multi- year lease contract, which contract met the foreign economic processes requirement at the time it was entered into, would be considered as foreign trading gross receipts. On the other hand, a sale of property that was formerly a leased asset, which was not sold pursuant to the original lease agreement, generally would be considered a new transaction that must independently satisfy the foreign economic processes requirement.

A taxpayer's foreign economic processes requirement is treated as satisfied with respect to a sales transaction (solely for the purpose of determining whether gross receipts are foreign trading gross receipts) if any related person has satisfied the foreign economic processes requirement in connection with another sales transaction involving the same qualifying foreign trade property.

Qualifying foreign trade property

Under the conference agreement, the threshold for determining if gross receipts will be treated as foreign trading gross receipts is whether the gross receipts are derived from a transaction involving "qualifying foreign trade property." Qualifying foreign trade property is property manufactured, produced, grown, or extracted ("manufactured") within or outside of the United States that is held primarily for sale, lease, or rental,[10] in the ordinary course of a trade or business, for direct use, consumption, or disposition outside of the United States.[11] In addition, not more than 50 percent of the fair market value of such property can be attributable to the sum of (1) the fair market value of articles manufactured outside of the United States plus (2) the direct costs of labor performed outside of the United States.[12]

The conferees understand that under current industry practice, the purchaser of an aircraft contracts separately for the aircraft engine and the airframe, albeit contracting with the airframe manufacturer to attach the separately purchased engine. The conferees intend that an aircraft engine be qualifying foreign trade property (assuming that all other requirements are satisfied) if (1) it is specifically designed to be separated from the airframe to which it is attached without significant damage to either the engine or the airframe, (2) it is reasonably expected to be separated from the airframe in the ordinary course of business (other than by reason of temporary separation for servicing, maintenance, or repair) before the end of the useful life of either the engine or the airframe, whichever is shorter, and (3) the terms under which the aircraft engine was sold were directly and separately negotiated between the manufacturer of the aircraft engine and the person to whom the aircraft will be ultimately delivered. By articulating this application of the foreign destination test in the case of certain separable aircraft engines, the conferees intend no inference with respect to the application of any destination test under present law or with respect to any other rule of law outside the conference agreement.[13]

The conference agreement excludes certain property from the definition of qualifying foreign trade property. The excluded property is (1) property leased or rented by the taxpayer for use by a related person, (2) certain intangibles,[14] (3) oil and gas (or any primary product thereof), (4) unprocessed softwood timber, (5) certain products the transfer of which are prohibited or curtailed to effectuate the policy set forth in Public Law 96-72, and (6) property designated by Executive order as in short supply. In addition, it is the intention of the conferees that property that is leased or licensed to a related person who is the lessor, licensor, or seller of the same property in a sublease, sublicense, sale, or rental to an unrelated person for the ultimate and predominate use by the unrelated person outside of the United States is not excluded property by reason of such lease or license to a related person.

With respect to property that is manufactured outside of the United States, rules are provided to ensure consistent U.S. tax treatment with respect to manufacturers. The conference agreement requires that property manufactured outside of the United States be manufactured by (1) a domestic corporation, (2) an individual who is a citizen or resident of the United States, (3) a foreign corporation that elects to be subject to U.S. taxation in the same manner as a U.S. corporation, or (4) a partnership or other pass-through entity all of the partners or owners of which are described in (1), (2), or (3) above.[15]

Foreign trade income

Under the conference agreement, "foreign trade income" is the taxable income of the taxpayer (determined without regard to the exclusion of qualifying foreign trade income) attributable to foreign trading gross receipts. Certain dividends-paid deductions of cooperatives are disregarded in determining foreign trade income for this purpose.

Foreign sale and leasing income

Under the conference agreement, "foreign sale and leasing income" is the amount of the taxpayer's foreign trade income (with respect to a transaction) that is properly allocable to activities that constitute foreign economic processes (as described above). For example, a distribution company's profit from the sale of qualifying foreign trade property that is associated with sales activities, such as solicitation or negotiation of the sale, advertising, processing customer orders and arranging for delivery, transportation outside of the United States, and other enumerated activities, would constitute foreign sale and leasing income.

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[7] The Taxpayer Relief Act of 1997, Public Law 105-34.

[8] The foreign direct costs attributable to the transaction generally must exceed 50 percent of the total direct costs attributable to the transaction, but the requirement also will be satisfied if, with respect to at least two categories of direct costs, the foreign direct costs equal or exceed 85 percent of the total direct costs attributable to each category.

[9] For this purpose, the receipts of related persons are aggregated and, in the case of pass- through entities, the determination of whether the foreign trading gross receipts exceed $5 million is made both at the entity and at the partner/shareholder level.

[10] In addition, consistent with the policy adopted in the Taxpayer Relief Act of 1997, computer software licensed for reproduction is considered as property held primarily for sale, lease, or rental.

[11] "United States" includes Puerto Rico for these purposes because Puerto Rico is included in the customs territory of the United States.

[12] For this purpose, the fair market value of any article imported into the United States is its appraised value as determined under the Tariff Act of 1930. In addition, direct labor costs are determined under the principles of section 263A and do not include costs that would be treated as direct labor costs attributable to "articles," again applying principles of section 263A.

[13] See, e.g., sections 927(a)(1)(B) and 993(c)(1)(B).

[14] The intangibles that are treated as excluded property under the bill are: patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property. Computer software that is licensed for reproduction outside of the United States is not excluded from the definition of qualifying foreign trade property.

[15] Except as provided by the Secretary of the Treasury, tiered partnerships or pass-through entities will be considered as partnerships or pass-through entities for purposes of this rule if each of the partnerships or entities is directly or indirectly wholly-owned by persons described in (1), (2), or (3) above.

Foreign sale and leasing income also includes foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside of the United States. Income from the sale, exchange, or other disposition of qualifying foreign trade property that is or was subject to such a lease[16] (i.e., the sale of the residual interest in the leased property) gives rise to foreign sale and leasing income. Except as provided in regulations, a special limitation applies to leased property that (1) is manufactured by the taxpayer or (2) is acquired by the taxpayer from a related person for a price that was other than arm's length. In such cases, foreign sale and leasing income may not exceed the amount of foreign sale and leasing income that would have resulted if the taxpayer had acquired the leased property in a hypothetical arm's-length purchase and then engaged in the actual sale or lease of such property. For example, if a manufacturer leases qualifying foreign trade property that it manufactured, the foreign sale and leasing income derived from that lease may not exceed the amount of foreign sale and leasing income that the manufacturer would have earned with respect to that lease had it purchased the property for an arm's-length price on the day that the manufacturer entered into the lease. For purposes of calculating the limit on foreign sale and leasing income, the manufacturer's basis and, thus, depreciation would be based on this hypothetical arm's-length price. This limitation is intended to prevent foreign sale and leasing income from including profit associated with manufacturing activities.

For purposes of determining foreign sale and leasing income, only directly allocable expenses are taken into account in calculating the amount of foreign trade income. In addition, income properly allocable to certain intangibles is excluded for this purpose.

General example

The following is an example of the calculation of qualifying foreign trade income.

XYZ Corporation, a U.S. corporation, manufactures property that is sold to unrelated customers for use outside of the United States. XYZ Corporation satisfies the foreign economic processes requirement through conducting activities such as solicitation, negotiation, transportation, and other sales-related activities outside of the United States with respect to its transactions. During the year, qualifying foreign trade property was sold for gross proceeds totaling $1,000. The cost of this qualifying foreign trade property was $600. XYZ Corporation incurred $275 of costs that are directly related to the sale and distribution of qualifying foreign trade property. XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. XYZ Corporation also generated gross income of $7,600 (gross receipts of $24,000 and cost of goods sold of $16,400) and direct expenses of $4,225 that relate to the manufacture and sale of products other than qualifying foreign trade property. XYZ Corporation also incurred $500 of overhead expenses. XYZ Corporation's financial information for the year is summarized as follows:

XYZ Corporation, a U.S. corporation, manufactures property that is sold to unrelated customers for use outside of the United States. XYZ Corporation satisfies the foreign economic processes requirement through conducting activities such as solicitation, negotiation,

	Total	Other property	QFTP[17]
Gross receipts	$25,000.00	$24,000.00	$1,000.00
Cost of goods sold	17,000.00	16,400.00	600.00
Gross income	8,000.00	7,600.00	400.00
Direct expenses	4,500.00	4,225.00	275.00
Overhead expenses	500.00		
Net income	3,000.00		

Illustrated below is the computation of the amount of qualifying foreign trade income that is excluded from XYZ Corporation's gross income and the amount of related expenses that are disallowed. In order to calculate qualifying foreign trade income, the amount of foreign trade income first must be determined. Foreign trade income is the taxable income (determined without regard to the exclusion of qualifying foreign trade income) attributable to foreign trading gross receipts. In this example, XYZ Corporation's foreign trading gross receipts equal $1,000. This amount of gross receipts is reduced by the related cost of goods sold, the related direct expenses, and a portion of the overhead expenses in order to arrive at the related taxable income.[18] Thus, XYZ Corporation's foreign trade income equals $100, calculated as follows:

Foreign trading gross receipts	$1,000.00
Cost of goods sold	600.00
Gross income	400.00
Direct expenses	275.00
Apportioned overhead expenses	25.00
Foreign trade income	100.00

Foreign sale and leasing income is defined as an amount of foreign trade income (calculated taking into account only directly-related expenses) that is properly allocable to certain specified foreign activities. Assume for purposes of this example that of the $125 of foreign trade income ($400 of gross income from the sale of qualifying foreign trade property less only the direct expenses of $275), $35 is properly allocable to such foreign activities (e.g., solicitation, negotiation, advertising, foreign transportation, and other enumerated sales-like activities) and, therefore, is considered to be foreign sale and leasing income.

Qualifying foreign trade income is the amount of gross income that, if excluded, will result in a reduction of taxable income equal to the greatest of (1) 30 percent of foreign sale and leasing income, (2) 1.2 percent of foreign trading gross receipts, or (3) 15 percent of foreign trade income. Thus, in order to calculate the amount that is excluded from gross income, taxable income must be determined and then "grossed up" for allocable expenses in order to arrive at the appropriate gross income figure. First, for each method of calculating qualifying foreign trade income, the reduction in taxable income is determined. Then, the $275 of direct and $25 of overhead expenses, totaling $300, attributable to foreign trading gross receipts is apportioned to the reduction in taxable income based on the proportion of the reduction in taxable income to foreign trade income. This apportionment is done for each method of calculating qualifying foreign trade income. The sum of the taxable income reduction and the apportioned expenses equals the respective qualifying foreign trade income (i.e., the amount of gross income excluded) under each method, as follows:

	1.2% FTGR[1]	15% FTI[2]	30% FS&LI[3]
Reduction of taxable income:			
1.2% of FTGR (1.2% * $1,000)	12.00		
15% of FTI (15% * $100)		15.00	
30% of FS&LI (30% * $35)			10.50
Gross-up for disallowed expenses:			
$300 * ($12/$100)	36.00		
$300 * ($15/$100)		45.00	
$275 * ($10.50/$100)[4]			28.88
Qualifying foreign trade income	48.00	60.00	39.38

[1] "FTGR" refers to foreign trading gross receipts.

[2] "FTI" refers to foreign trade income.

[3] "FS&LI" refers to foreign sale and leasing income.

[4] Because foreign sale and leasing income only takes into account direct expenses, it is appropriate to take into account only such expenses for purposes of this calculation.

In the example, the $60 of qualifying foreign trade income is excluded from XYZ Corporation's gross income (determined based on 15 percent of foreign trade income).[19] In connection with excluding $60 of gross income, certain expenses that are allocable to this income are not deductible for U.S. Federal income tax purposes. Thus, $45 ($300 of related expenses multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) of expenses are disallowed.[20]

	Other property	QFTP	Excluded/ disallowed	Total
Gross receipts	$24,000.00	$1,000.00		
Cost of goods sold	16,400.00	600.00		

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[16] For this purpose, such a lease includes a lease that gave rise to exempt foreign trade income under the FSC provisions.

[17] "QFTP" refers to qualifying foreign trade property.

[18] Overhead expenses must be apportioned in a reasonable manner that does not result in a material distortion of income. In this example, the apportionment of the $500 of overhead expenses on the basis of gross income is assumed not to result in a material distortion of income and is assumed to be a reasonable method of apportionment. Thus, $25 ($500 of total overhead expenses multiplied by 5 percent, i.e., $400 of gross income from the sale of qualifying foreign trade property divided by $8,000 of total gross income) is apportioned to qualifying foreign trading gross receipts. The remaining $475 ($500 of total overhead expenses less the $25 apportioned to qualifying income) is apportioned to XYZ Corporation's other income.

[19] Note that XYZ Corporation could choose to use one of the other two methods notwithstanding that they would result in a smaller exclusion.

[20] The $300 of allocable expenses includes both the $275 of direct expenses and the $25 of overhead expenses. Thus, the $45 of disallowed expenses represents the sum of $41.25 of direct expenses plus $3.75 of overhead expenses. If qualifying foreign trade income were determined using 30 percent of foreign sale and leasing income, the disallowed expenses would include only the appropriate portion of the direct expenses.

	Other property	QFTP	Excluded/ disallowed	Total
Gross income	7,600.00	400.00	(60.00)	7,940.00
Direct expenses	4,225.00	275.00	(41.25)	4,458.75
Overhead expenses	475.00	25.00	(3.75)	496.25
Taxable income				2,985.00

XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. A portion of this $40 of foreign income tax is treated as paid with respect to the qualifying foreign trade income and, therefore, is not creditable for U.S. foreign tax credit purposes. In this case, $6 of such taxes paid ($40 of foreign taxes multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) is treated as paid with respect to the qualifying foreign trade income and, thus, is not creditable.

The results in this example are the same regardless of whether XYZ Corporation manufactures the property within the United States or outside of the United States through a foreign branch. If XYZ Corporation were an S corporation or limited liability company, the results also would be the same, and the exclusion would pass through to the S corporation owners or limited liability company owners as the case may be.

Other rules

Foreign-source income limitation

The conference agreement provides a limitation with respect to the sourcing of taxable income applicable to certain sale transactions giving rise to foreign trading gross receipts. This limitation only applies with respect to sale transactions involving property that is manufactured within the United States. The special source limitation does not apply when qualifying foreign trade income is determined using 30 percent of the foreign sale and leasing income from the transaction.

This foreign-source income limitation is determined in one of two ways depending on whether the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts or on 15 percent of foreign trade income. If the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts, the related amount of foreign- source income may not exceed the amount of foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income if such foreign trade income were reduced by 4 percent of the related foreign trading gross receipts.

For example, assume that foreign trading gross receipts are $2,000 and foreign trade income is $100. Assume also that the taxpayer chooses to determine qualifying foreign trade income based on 1.2 percent of foreign trading gross receipts. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $76. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) (and the regulations thereunder) the $76 of taxable income would be sourced as $38 U.S. source and $38 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed the amount of the foreign trade income that otherwise would be treated as foreign source if the foreign trade income were reduced by 4 percent of the related foreign trading gross receipts. Reducing foreign trade income by 4 percent of the foreign trading gross receipts (4 percent of $2,000, or $80) would result in $20 ($100 foreign trade income less $80). Applying section 863(b) to the $20 of reduced foreign trade income would result in $10 of foreign-source income and $10 of U.S.-source income. Accordingly, the limitation equals $10. Thus, although under the general sourcing rule $38 of the $76 taxable income would be treated as foreign source, the special sourcing rule limits foreign-source income in this example to $10 (with the remaining $66 being treated as U.S.- source income).

If the qualifying foreign trade income is calculated based on 15 percent of foreign trade income, the amount of related foreign-source income may not exceed 50 percent of the foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income.

For example, assume that foreign trade income is $100 and the taxpayer chooses to determine its qualifying foreign trade income based on 15 percent of foreign trade income. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $85. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) the $85 of taxable income would be sourced as $42.50 U.S. source and $42.50 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed 50 percent of the foreign trade income that otherwise would be treated as foreign source. Applying section 863(b) to the $100 of foreign trade income would result in $50 of foreign-source income and $50 of U.S.-source income. Accordingly, the limitation equals $25, which is 50 percent of the $50 foreign-source income. Thus, although under the general sourcing rule $42.50 of the $85 taxable income would be treated as foreign source, the special sourcing rule limits its foreign-source income in this example to $25 (with the remaining $60 being treated as U.S.-source income).[21]

Treatment of withholding taxes

The conference agreement generally provides that no foreign tax credit is allowed for foreign taxes paid or accrued with respect to qualifying foreign trade income (i.e., excluded extraterritorial income). In determining whether foreign taxes are paid or accrued with respect to qualifying foreign trade income, foreign withholding taxes generally are treated as not paid or accrued with respect to qualifying foreign trade income.[22] Accordingly, the conference agreement's denial of foreign tax credits would not apply to suchtaxes. For this purpose, the term "withholding tax" refers to any foreign tax that is imposed on a basis other than residence and that is otherwise a creditable foreign tax under sections 901 or 903.[23] It is intended that such taxes would be similar in nature to the gross-basis taxes described in sections 871 and 881.

If, however, qualifying foreign trade income is determined based on 30 percent of foreign sale and leasing income, the special rule for withholding taxes is not applicable. Thus, in such cases foreign withholding taxes may be treated as paid or accrued with respect to qualifying foreign trade income and, accordingly, are not creditable under the conference agreement.

Election to be treated as a U.S. corporation

The conference agreement provides that certain foreign corporations may elect, on an original return, to be treated as domestic corporations. The election applies to the taxable year when made and all subsequent taxable years unless revoked by the taxpayer or terminated for failure to qualify for the election. Such election is available for a foreign corporation (1) that manufactures property in the ordinary course of such corporation's trade or business, or (2) if substantially all of the gross receipts of such corporation are foreign trading gross receipts. For this purpose, "substantially all" is based on the relevant facts and circumstances.

In order to be eligible to make this election, the foreign corporation must waive all benefits granted to such corporation by the United States pursuant to a treaty.[24] Absent such a waiver, it would be unclear, for example, whether the permanent establishment article of a relevant tax treaty would override the electing corporation's treatment as a domestic corporation under this provision. A foreign corporation that elects to be treated as a domestic corporation is not permitted to make an S corporation election. The Secretary is granted authority to prescribe rules to ensure that the electing foreign corporation pays its U.S. income tax liabilities and to designate one or more classes of corporations that may not make such an election.[25] If such an election is made, for purposes of section 367 the foreign corporation is treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

If a corporation fails to meet the applicable requirements, described above, for making the election to be treated as a domestic corporation for any taxable year beginning after the year of the election, the election will terminate. In addition, a taxpayer, at its other enumerated activities, would constitute foreign sale and leasing income.

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[21] The foreign-source income limitation provisions also apply when source is determined solely in accordance with section 862 (e.g., a distributor of qualifying foreign trade property that is manufactured in the United States by an unrelated person and sold for use outside of the United States).

[22] With respect to the withholding taxes that are paid or accrued (a prerequisite to the taxes being otherwise creditable), the provision in the bill treats such taxes as not being paid or accrued *with respect* to qualifying foreign trade income.

[23] This also would apply to any withholding tax that is creditable for U.S. foreign tax credit purposes under an applicable treaty.

[24] The waiver of treaty benefits applies to the corporation itself and not, for example, to employees of or independent contractors associated with the corporation.

[25] For example, the Secretary of the Treasury may prescribe rules to prevent "per se" corporations under the entity-classification rules from making such an election.

Foreign sale and leasing income also includes foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside of the United States. Income from the sale, exchange, or other disposition of qualifying foreign trade property that is or was subject to such a lease[16] (i.e., the sale of the residual interest in the leased property) gives rise to foreign sale and leasing income. Except as provided in regulations, a special limitation applies to leased property that (1) is manufactured by the taxpayer or (2) is acquired by the taxpayer from a related person for a price that was other than arm's length. In such cases, foreign sale and leasing income may not exceed the amount of foreign sale and leasing income that would have resulted if the taxpayer had acquired the leased property in a hypothetical arm's-length purchase and then engaged in the actual sale or lease of such property. For example, if a manufacturer leases qualifying foreign trade property that it manufactured, the foreign sale and leasing income derived from that lease may not exceed the amount of foreign sale and leasing income that the manufacturer would have earned with respect to that lease had it purchased the property for an arm's-length price on the day that the manufacturer entered into the lease. For purposes of calculating the limit on foreign sale and leasing income, the manufacturer's basis and, thus, depreciation would be based on this hypothetical arm's-length price. This limitation is intended to prevent foreign sale and leasing income from including profit associated with manufacturing activities.

For purposes of determining foreign sale and leasing income, only directly allocable expenses are taken into account in calculating the amount of foreign trade income. In addition, income properly allocable to certain intangibles is excluded for this purpose.

General example

The following is an example of the calculation of qualifying foreign trade income.

XYZ Corporation, a U.S. corporation, manufactures property that is sold to unrelated customers for use outside of the United States. XYZ Corporation satisfies the foreign economic processes requirement through conducting activities such as solicitation, negotiation, transportation, and other sales-related activities outside of the United States with respect to its transactions. During the year, qualifying foreign trade property was sold for gross proceeds totaling $1,000. The cost of this qualifying foreign trade property was $600. XYZ Corporation incurred $275 of costs that are directly related to the sale and distribution of qualifying foreign trade property. XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. XYZ Corporation also generated gross income of $7,600 (gross receipts of $24,000 and cost of goods sold of $16,400) and direct expenses of $4,225 that relate to the manufacture and sale of products other than qualifying foreign trade property. XYZ Corporation also incurred $500 of overhead expenses. XYZ Corporation's financial information for the year is summarized as follows:

XYZ Corporation, a U.S. corporation, manufactures property that is sold to unrelated customers for use outside of the United States. XYZ Corporation satisfies the foreign economic processes requirement through conducting activities such as solicitation, negotiation,

	Total	Other property	QFTP[17]
Gross receipts	$25,000.00	$24,000.00	$1,000.00
Cost of goods sold	17,000.00	16,400.00	600.00
Gross income	8,000.00	7,600.00	400.00
Direct expenses	4,500.00	4,225.00	275.00
Overhead expenses	500.00		
Net income	3,000.00		

Illustrated below is the computation of the amount of qualifying foreign trade income that is excluded from XYZ Corporation's gross income and the amount of related expenses that are disallowed. In order to calculate qualifying foreign trade income, the amount of foreign trade income first must be determined. Foreign trade income is the taxable income (determined without regard to the exclusion of qualifying foreign trade income) attributable to foreign trading gross receipts. In this example, XYZ Corporation's foreign trading gross receipts equal $1,000. This amount of gross receipts is reduced by the related cost of goods sold, the related direct expenses, and a portion of the overhead expenses in order to arrive at the related taxable income.[18] Thus, XYZ Corporation's foreign trade income equals $100, calculated as follows:

Foreign trading gross receipts	$1,000.00
Cost of goods sold	600.00
Gross income	400.00
Direct expenses	275.00
Apportioned overhead expenses	25.00
Foreign trade income	100.00

Foreign sale and leasing income is defined as an amount of foreign trade income (calculated taking into account only directly-related expenses) that is properly allocable to certain specified foreign activities. Assume for purposes of this example that of the $125 of foreign trade income ($400 of gross income from the sale of qualifying foreign trade property less only the direct expenses of $275), $35 is properly allocable to such foreign activities (e.g., solicitation, negotiation, advertising, foreign transportation, and other enumerated sales-like activities) and, therefore, is considered to be foreign sale and leasing income.

Qualifying foreign trade income is the amount of gross income that, if excluded, will result in a reduction of taxable income equal to the greatest of (1) 30 percent of foreign sale and leasing income, (2) 1.2 percent of foreign trading gross receipts, or (3) 15 percent of foreign trade income. Thus, in order to calculate the amount that is excluded from gross income, taxable income must be determined and then "grossed up" for allocable expenses in order to arrive at the appropriate gross income figure. First, for each method of calculating qualifying foreign trade income, the reduction in taxable income is determined. Then, the $275 of direct and $25 of overhead expenses, totaling $300, attributable to foreign trading gross receipts is apportioned to the reduction in taxable income based on the proportion of the reduction in taxable income to foreign trade income. This apportionment is done for each method of calculating qualifying foreign trade income. The sum of the taxable income reduction and the apportioned expenses equals the respective qualifying foreign trade income (i.e., the amount of gross income excluded) under each method, as follows:

	1.2% FTGR[1]	15% FTI[2]	30% FS&LI[3]
Reduction of taxable income:			
1.2% of FTGR (1.2% * $1,000)	12.00		
15% of FTI (15% * $100)		15.00	
30% of FS&LI (30% * $35)			10 50
Gross-up for disallowed expenses:			
$300 * ($12/$100)	36.00		
$300 * ($15/$100)		45.00	
$275 * ($10.50/$100)[4]			28.88
Qualifying foreign trade income	48.00	60.00	39.38

[1] "FTGR" refers to foreign trading gross receipts.

[2] "FTI" refers to foreign trade income.

[3] "FS&LI" refers to foreign sale and leasing income.

[4] Because foreign sale and leasing income only takes into account direct expenses, it is appropriate to take into account only such expenses for purposes of this calculation.

In the example, the $60 of qualifying foreign trade income is excluded from XYZ Corporation's gross income (determined based on 15 percent of foreign trade income).[19] In connection with excluding $60 of gross income, certain expenses that are allocable to this income are not deductible for U.S. Federal income tax purposes. Thus, $45 ($300 of related expenses multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) of expenses are disallowed.[20]

	Other property	QFTP	Excluded/ disallowed	Total
Gross receipts	$24,000.00	$1,000.00		
Cost of goods sold	16,400.00	600.00		

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[16] For this purpose, such a lease includes a lease that gave rise to exempt foreign trade income under the FSC provisions.

[17] "QFTP" refers to qualifying foreign trade property.

[18] Overhead expenses must be apportioned in a reasonable manner that does not result in a material distortion of income. In this example, the apportionment of the $500 of overhead expenses on the basis of gross income is assumed not to result in a material distortion of income and is assumed to be a reasonable method of apportionment. Thus, $25 ($500 of total overhead expenses multiplied by 5 percent, i.e., $400 of gross income from the sale of qualifying foreign trade property divided by $8,000 of total gross income) is apportioned to qualifying foreign trading gross receipts. The remaining $475 ($500 of total overhead expenses less the $25 apportioned to qualifying income) is apportioned to XYZ Corporation's other income.

[19] Note that XYZ Corporation could choose to use one of the other two methods notwithstanding that they would result in a smaller exclusion.

[20] The $300 of allocable expenses includes both the $275 of direct expenses and the $25 of overhead expenses. Thus, the $45 of disallowed expenses represents the sum of $41.25 of direct expenses plus $3.75 of overhead expenses. If qualifying foreign trade income were determined using 30 percent of foreign sale and leasing income, the disallowed expenses would include only the appropriate portion of the direct expenses.

	Other property	QFTP	Excluded/ disallowed	Total
Gross income	7,600.00	400.00	(60.00)	7,940.00
Direct expenses	4,225.00	275.00	(41.25)	4,458.75
Overhead expenses	475.00	25.00	(3.75)	496.25
Taxable income				2,985.00

XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. A portion of this $40 of foreign income tax is treated as paid with respect to the qualifying foreign trade income and, therefore, is not creditable for U.S. foreign tax credit purposes. In this case, $6 of such taxes paid ($40 of foreign taxes multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) is treated as paid with respect to the qualifying foreign trade income and, thus, is not creditable.

The results in this example are the same regardless of whether XYZ Corporation manufactures the property within the United States or outside of the United States through a foreign branch. If XYZ Corporation were an S corporation or limited liability company, the results also would be the same, and the exclusion would pass through to the S corporation owners or limited liability company owners as the case may be.

Other rules

Foreign-source income limitation

The conference agreement provides a limitation with respect to the sourcing of taxable income applicable to certain sale transactions giving rise to foreign trading gross receipts. This limitation only applies with respect to sale transactions involving property that is manufactured within the United States. The special source limitation does not apply when qualifying foreign trade income is determined using 30 percent of the foreign sale and leasing income from the transaction.

This foreign-source income limitation is determined in one of two ways depending on whether the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts or on 15 percent of foreign trade income. If the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts, the related amount of foreign- source income may not exceed the amount of foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income if such foreign trade income were reduced by 4 percent of the related foreign trading gross receipts.

For example, assume that foreign trading gross receipts are $2,000 and foreign trade income is $100. Assume also that the taxpayer chooses to determine qualifying foreign trade income based on 1.2 percent of foreign trading gross receipts. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $76. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) (and the regulations thereunder) the $76 of taxable income would be sourced as $38 U.S. source and $38 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed the amount of the foreign trade income that otherwise would be treated as foreign source if the foreign trade income were reduced by 4 percent of the related foreign trading gross receipts. Reducing foreign trade income by 4 percent of the foreign trading gross receipts (4 percent of $2,000, or $80) would result in $20 ($100 foreign trade income less $80). Applying section 863(b) to the $20 of reduced foreign trade income would result in $10 of foreign-source income and $10 of U.S.-source income. Accordingly, the limitation equals $10. Thus, although under the general sourcing rule $38 of the $76 taxable income would be treated as foreign source, the special sourcing rule limits foreign-source income in this example to $10 (with the remaining $66 being treated as U.S.- source income).

If the qualifying foreign trade income is calculated based on 15 percent of foreign trade income, the amount of related foreign-source income may not exceed 50 percent of the foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income.

For example, assume that foreign trade income is $100 and the taxpayer chooses to determine its qualifying foreign trade income based on 15 percent of foreign trade income. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $85. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) the $85 of taxable income would be sourced as $42.50 U.S. source and $42.50 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed 50 percent of the foreign trade income that otherwise would be treated as foreign source. Applying section 863(b) to the $100 of foreign trade income would result in $50 of foreign-source income and $50 of U.S.-source income. Accordingly, the limitation equals $25, which is 50 percent of the $50 foreign-source income. Thus, although under the general sourcing rule $42.50 of the $85 taxable income would be treated as foreign source, the special sourcing rule limits its foreign-source income in this example to $25 (with the remaining $60 being treated as U.S.-source income).[21]

Treatment of withholding taxes

The conference agreement generally provides that no foreign tax credit is allowed for foreign taxes paid or accrued with respect to qualifying foreign trade income (i.e., excluded extraterritorial income). In determining whether foreign taxes are paid or accrued with respect to qualifying foreign trade income, foreign withholding taxes generally are treated as not paid or accrued with respect to qualifying foreign trade income.[22] Accordingly, the conference agreement's denial of foreign tax credits would not apply to suchtaxes. For this purpose, the term "withholding tax" refers to any foreign tax that is imposed on a basis other than residence and that is otherwise a creditable foreign tax under sections 901 or 903.[23] It is intended that such taxes would be similar in nature to the gross-basis taxes described in sections 871 and 881.

If, however, qualifying foreign trade income is determined based on 30 percent of foreign sale and leasing income, the special rule for withholding taxes is not applicable. Thus, in such cases foreign withholding taxes may be treated as paid or accrued with respect to qualifying foreign trade income and, accordingly, are not creditable under the conference agreement.

Election to be treated as a U.S. corporation

The conference agreement provides that certain foreign corporations may elect, on an original return, to be treated as domestic corporations. The election applies to the taxable year when made and all subsequent taxable years unless revoked by the taxpayer or terminated for failure to qualify for the election. Such election is available for a foreign corporation (1) that manufactures property in the ordinary course of such corporation's trade or business, or (2) if substantially all of the gross receipts of such corporation are foreign trading gross receipts. For this purpose, "substantially all" is based on the relevant facts and circumstances.

In order to be eligible to make this election, the foreign corporation must waive all benefits granted to such corporation by the United States pursuant to a treaty.[24] Absent such a waiver, it would be unclear, for example, whether the permanent establishment article of a relevant tax treaty would override the electing corporation's treatment as a domestic corporation under this provision. A foreign corporation that elects to be treated as a domestic corporation is not permitted to make an S corporation election. The Secretary is granted authority to prescribe rules to ensure that the electing foreign corporation pays its U.S. income tax liabilities and to designate one or more classes of corporations that may not make such an election.[25] If such an election is made, for purposes of section 367 the foreign corporation is treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

If a corporation fails to meet the applicable requirements, described above, for making the election to be treated as a domestic corporation for any taxable year beginning after the year of the election, the election will terminate. In addition, a taxpayer, at its option and at any time, may revoke the election to be treated as a domestic corporation. In the case of either a termination or a revocation, the electing foreign corporation will not be considered as a domestic corporation effective beginning on the first day of the taxable year following the year of such termination or revocation. For purposes of section 367, if the election to be treated as a domestic corporation is terminated or revoked, such corporation is treated as a domestic corporation transferring (as of the first day of the first taxable year to which the election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies. Moreover, once a termination occurs or a revocation is made, the former electing corporation may not again elect to be taxed as a domestic corporation under the provisions of the conference agreement for a period of five tax years beginning with the first taxable year that begins after the termination or revocation.

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[21] The foreign-source income limitation provisions also apply when source is determined solely in accordance with section 862 (e.g., a distributor of qualifying foreign trade property that is manufactured in the United States by an unrelated person and sold for use outside of the United States).

[22] With respect to the withholding taxes that are paid or accrued (a prerequisite to the taxes being otherwise creditable), the provision in the bill treats such taxes as not being paid or accrued *with respect* to qualifying foreign trade income.

[23] This also would apply to any withholding tax that is creditable for U.S. foreign tax credit purposes under an applicable treaty.

[24] The waiver of treaty benefits applies to the corporation itself and not, for example, to employees of or independent contractors associated with the corporation.

[25] For example, the Secretary of the Treasury may prescribe rules to prevent "per se" corporations under the entity-classification rules from making such an election.

For example, assume a U.S. corporation owns 100 percent of a foreign corporation. The foreign corporation manufactures outside of the United States and sells what would be qualifying foreign trade property were it manufactured by a person subject to U.S. taxation. Such foreign corporation could make the election under this provision to be treated as a domestic corporation. As a result, its earnings no longer would be deferred from U.S. taxation. However, by electing to be subject to U.S. taxation, a portion of its income would be qualifying foreign trade income.[26] The requirement that the foreign corporation be treated as a domestic corporation (and, therefore, subject to U.S. taxation) is intended to provide parity between U.S. corporations that manufacture abroad in branch form and U.S. corporations that manufacture abroad through foreign subsidiaries. The election, however, is not limited to U.S.-owned foreign corporations. A foreign-owned foreign corporation that wishes to qualify for the treatment provided under the conference agreement could avail itself of such election (unless otherwise precluded from doing so by Treasury regulations).

Shared partnerships

The conference agreement provides rules relating to allocations of qualifying foreign trade income by certain shared partnerships. To the extent that such a partnership (1) maintains a separate account for transactions involving foreign trading gross receipts with each partner, (2) makes distributions to each partner based on the amounts in the separate account, and (3) meets such other requirements as the Treasury Secretary may prescribe by regulations, such partnership then would allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from such transactions on the basis of the separate accounts. It is intended that with respect to, and only with respect to, such allocations and distributions (i.e., allocations and distributions related to transactions between the partner and the shared partnership generating foreign trading gross receipts), these rules would apply in lieu of the otherwise applicable partnership allocation rules such as those in section 704(b). For this purpose, a partnership is a foreign or domestic entity that is considered to be a partnership for U.S. Federal income tax purposes.

Under the conference agreement, any partner's interest in the shared partnership is not taken into account in determining whether such partner is a "related person" with respect to any other partner for purposes of the conference agreement's provisions. Also, the election to exclude certain gross receipts from foreign trading gross receipts must be made separately by each partner with respect to any transaction for which the shared partnership maintains a separate account.

Certain assets not taken into account for purposes of interest expense allocation

The conference agreement also provides that qualifying foreign trade property that is held for lease or rental, in the ordinary course of a trade or business, for use by the lessee outside of the United States is not taken into account for interest allocation purposes.

Distributions of qualifying foreign trade income by cooperatives

Agricultural and horticultural producers often market their products through cooperatives, which are member-owned corporations formed under Subchapter T of the Code. At the cooperative level, the conference agreement provides the same treatment of foreign trading gross receipts derived from products marketed through cooperatives as it provides for foreign trading gross receipts of other taxpayers. That is, the qualifying foreign trade income attributable to those foreign trading gross receipts is excluded from the gross income of the cooperative. Absent a special rule, however, patronage dividends or per-unit retain allocations attributable to qualifying foreign trade income paid to members of cooperatives would be taxable in the hands of those members. The conferees believe that this would disadvantage agricultural and horticultural producers who choose to market their products through cooperatives relative to those individuals who market their products directly or through pass-through entities such as partnerships, limited liability companies, or S corporations. Accordingly, the conference agreement provides that the amount of any patronage dividends or per-unit retain allocations paid to a member of an agricultural or horticultural cooperative (to which Part I of Subchapter T applies), which is allocable to qualifying foreign trade income of the cooperative, is treated as qualifying foreign trade income of the member (and, thus, excludable from such member's gross income). In order to qualify, such amount must be designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons not later than the payment period described in section 1382(d). The cooperative cannot reduce its income (e.g., cannot claim a "dividends-paid deduction") under section 1382 for such amounts.

Gap period before administrative guidance is issued

The conferees recognize that there may be a gap in time between the enactment of the bill and the issuance of detailed administrative guidance. It is intended that during this gap period before administrative guidance is issued, taxpayers and the Internal Revenue Service may apply the principles of present-law regulations and other administrative guidance under sections 921 through 927 to analogous concepts under the conference agreement. Some examples of the application of the principles of present-law regulations to the conference agreement are described below. These limited examples are intended to be merely illustrative and are not intended to imply any limitation regarding the application of the principles of other analogous rules or concepts under present law.

Marginal costing and grouping

Under the conference agreement, the Secretary of the Treasury is provided authority to prescribe rules for using marginal costing and for grouping transactions in determining qualifying foreign trade income. It is intended that similar principles under present-law regulations apply for these purposes.[27]

Excluded property

The conference agreement provides that qualifying foreign trade property does not include property leased or rented by the taxpayer for use by a related person. It is intended that similar principles under present-law regulations apply for this purpose. Thus, excluded property does not apply, for example, to property leased by the taxpayer to a related person if the property is held for sublease, or is subleased, by the related person to an unrelated person and the property is ultimately used by such unrelated person predominantly outside of the United States.[28] In addition, consistent with the policy adopted in the Taxpayer Relief Act of 1997, computer software that is licensed for reproduction outside of the United States is not excluded property. Accordingly, the license of computer software to a related person for reproduction outside of the United States for sale, sublicense, lease, or rental to an unrelated person for use outside of the United States is not treated as excluded property by reason of the license to the related person.

Foreign trading gross receipts

Under the conference agreement, foreign trading gross receipts are gross receipts from, among other things, the sale, exchange, or other disposition of qualifying foreign trade property, and from the lease of qualifying foreign trade property for use by the lessee outside of the United States. It is intended that the principles of present-law regulations that define foreign trading gross receipts apply for this purpose. For example, a sale includes an exchange or other disposition and a lease includes a rental or sublease and a license or a sublicense.[29]

Foreign use requirement

Under the conference agreement, property constitutes qualifying foreign trade property if, among other things, the property is held primarily for lease, sale, or rental, in the ordinary course of business, for direct use, consumption, or disposition outside of the United States.[30] It is intended that the principles of the present-law regulations apply for purposes of this foreign use requirement. For example, for purposes of determining whether property is sold for use outside of the United States, property that is sold to an unrelated person as a component to be incorporated into a second product which is produced, manufactured, or assembled outside of the United States will not be considered to be used in the United States (even if the second product ultimately is used in the United States), provided that the fair market value of such seller's components at the time of delivery to the purchaser constitutes less than 20 percent of the fair market value of the second product into which the components are incorporated (determined at the time of completion of the production, manufacture, or assembly of the second product).[31]

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[26] The sourcing limitation described above would not apply to this example because the property is manufactured outside of the United States.

[27] See, e.g., Treas. Reg. sec. 1.924(d)-1(c)(5) and (e); Temp. Treas. Reg. sec. 1.925(a)-1T(c)(8); Temp. Treas. Reg. sec. 1.925(b)-1T.

[28] See Temp. Treas. Reg. sec. 1.927(a)-1T(f)(2)(i). The bill also provides that oil or gas or primary products from oil or gas are excluded from the definition of qualifying foreign trade property. It is intended that similar principles under present-law regulations apply for these purposes. Thus, for this purpose, petrochemicals, medicinal products, insecticides, and alcohols are not considered primary products from oil or gas and, thus, are not treated as excluded property. See Temp. Treas. Reg. sec. 1.927(a)-1T(g)(2)(iv).

[29] See Temp. Treas. Reg. sec. 1.924(a)-1T(a)(2).

[30] Foreign trading gross receipts eligible for exclusion from the tax base do not include gross receipts from a transaction if the qualifying foreign trade property is for ultimate use in the United States.

In addition, for purposes of the foreign use requirement, property is considered to be used by a purchaser or lessee outside of the United States during a taxable year if it is used predominantly outside of the United States.[32] For this purpose, property is considered to be used predominantly outside of the United States for any period if, during that period, the property is located outside of the United States more than 50 percent of the time.[33] An aircraft or other property used for transportation purposes (e.g., railroad rolling stock, a vessel, a motor vehicle, or a container) is considered to be used outside of the United States for any period if, for the period, either the property is located outside of the United States more than 50 percent of the time or more than 50 percent of the miles traveled in the use of the property are traveled outside of the United States.[34] An orbiting satellite is considered to be located outside of the United States for these purposes.[35]

Foreign economic processes

Under the conference agreement, gross receipts from a transaction are foreign trading gross receipts eligible for exclusion from the tax base only if certain economic processes take place outside of the United States. The foreign economic processes requirement compares foreign direct costs to total direct costs. It is intended that the principles of the present-law regulations apply during the gap period for purposes of the foreign economic processes requirement including the measurement of direct costs. The conferees recognize that the measurement of foreign direct costs under the present-law regulations often depend on activities conducted by the FSC, which is a separate entity. The conferees are aware that some of these concepts will have to be modified when new guidance is promulgated as a result of the conference agreement's elimination of the requirement for a separate entity.

Effective date

In general

The conference agreement is effective for transactions entered into after September 30, 2000. In addition, no corporation may elect to be a FSC after September 30, 2000.

The conference agreement also provides a rule requiring the termination of a dormant FSC when the FSC has been inactive for a specified period of time. Under this rule, a FSC that generates no foreign trade income for any five consecutive years beginning after December 31, 2001, will cease to be treated as a FSC.

Transition rules

Winding down existing FSCs and binding contract relief

The conference agreement provides a transition period for existing FSCs and for binding contractual agreements. The new rules do not apply to transactions in the ordinary course of business[36] involving a FSC before January 1, 2002. Furthermore, the new rules do not apply to transactions in the ordinary course of business after December 31, 2001, if such transactions are pursuant to a binding contract between a FSC (or a person related to the FSC on September 30, 2000) and any other person (that is not a related person) and such contract is in effect on September 30, 2000, and all times thereafter. For this purpose, binding contracts include purchase options, renewal options, and replacement options that are enforceable against a lessor or seller (provided that the options are a part of a contract that is binding and in effect on September 30, 2000).

Old earnings and profits of corporations electing to be treated as domestic corporations

A transition rule also is provided for certain corporations electing to be treated as a domestic corporation under the bill. In the case of a corporation to which this transition rule applies, the corporation's earnings and profits accumulated in taxable years ending before October 1, 2000 are not included in the gross income of the shareholder by reason of the deemed asset transfer for section 367 purposes that the bill provides. Thus, although the electing corporation may be treated as transferring all of its assets to a domestic corporation in a reorganization described in section 368(a)(1)(F), the earnings and profits amount that would otherwise be treated as a deemed dividend to the U.S. shareholder under the regulations under section 367(b) will not include the earnings and profits accumulated in taxable years ending before October 1, 2000. This treatment is similar to the treatment of earnings and profits of a foreign insurance company that makes the election to be treated as a domestic corporation under section 953(d), which election was a model for the election to be treated as a domestic corporation under the bill. Under section 953(d), earnings and profits accumulated in taxable years beginning before January 1, 1988 were not included in the earnings and profits amount that would be a deemed dividend for section 367(b) purposes.

Like the pre-1988 earnings and profits of a domesticating foreign insurance company under section 953(d), the earnings and profits to which this transition rule applies would continue to be treated as earnings and profits of a foreign corporation even after the corporation elects to be treated as a domestic corporation. Thus, a distribution out of earnings and profits of an electing corporation accumulated in taxable years ending before October 1, 2000 would be treated as a distribution made by a foreign corporation.[37] Rules similar to those applicable to corporations making the section 953(d) election that prevent the repatriation of pre-election period earnings and profits without current U.S. taxation apply for this purpose. Thus, for example, the earnings and profits accumulated in taxable years beginning before October 1, 2000 would continue to be taken into account for section 1248 purposes.[38]

The earnings and profits to which the transition rule applies are the earnings and profits accumulated by the electing corporation in taxable years ending before October 1, 2000. The transition rule will not apply to earnings and profits accumulated before that date that are succeeded to after that date by the electing corporation in a transaction to which section 381 applies unless, like the electing corporation, the distributor or transferor (from whom the electing corporation acquired the earnings and profits) could have itself made the election under the bill to be treated as a domestic corporation and would have been eligible for the transition relief.

The transition rule for old earnings and profits applies to two classes of taxpayers. The first class is FSCs in existence on September 30, 2000 that make an election to be treated as a domestic corporation because they satisfy the requirement that substantially all of their gross receipts are foreign trading gross receipts. To be eligible for the transition relief, the election must be made not later than for the FSC's first taxable year beginning after December 31, 2001.

The second class of corporations to which this transition relief applies is certain controlled foreign corporations (as defined in section 957). Notwithstanding other requirements for making the election to be treated as a domestic corporation provided under the bill's general provisions, such controlled foreign corporations are eligible under the transition rule to make the election to be treated as a domestic corporation and will not have the resulting deemed asset transfer cause a deemed inclusion of earnings and profits for earnings and profits accumulated in taxable years ending before October 1, 2000. To be eligible for the transition relief, such a controlled foreign corporation must be in existence on September 30, 2000. The controlled foreign corporation must be wholly owned, directly or indirectly, by a domestic corporation.[39] The controlled foreign corporation must never have made an election to be treated as a FSC and must make the election to be treated as a domestic corporation not later than for its first taxable year beginning after December 31, 2001. In addition, the controlled foreign corporation must satisfy certain tests with respect to its income and activities. For administrative convenience, these tests are limited to the three taxable years preceding the first taxable year for which the election to be treated as a domestic corporation applies. First, during that three-year period, all of the controlled foreign corporation's gross income must be subpart F income. Thus, the income was subject to full inclusion to the U.S. shareholder and, accordingly, subject to current U.S. taxation. Second, during that three-year period, the controlled foreign corporation must have, in the ordinary course of its trade or business, entered into transactions in which it regularly sold or paid commissions to a related FSC (which also was in existence on September 30, 2000).[40] If an electing corporation in this second class ceases to be (directly or indirectly) wholly owned by the domestic corporation that owns it on September 30, 2000, the election to be treated as a domestic corporation is terminated.

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[31] See Temp. Treas. Reg. sec. 1.927(a)-1T(d)(4)(ii).

[32] See Temp. Treas. Reg. sec. 1.927(a)-1T(d)(4)(iii), (iv), and (v).

[33] See Temp. Treas. Reg. sec. 1.927(a)-1T(d)(4)(vi).

[34] Id.

[35] Id.

[36] The mere entering into of a single transaction, such as a lease, would not, in and of itself, prevent the transaction from being in the ordinary course of business.

[37] It is anticipated that ordering rules similar to those that have been applied in guidance under section 953(d) would apply to distributions from the electing corporation. See Notice 89-79, 1989-2 C.B. 392.

[38] See the rules of section 953(d)(4)(ii), (iii) and (iv).

[39] The ultimate owner must be an actual domestic corporation, not a corporation that elects to be treated as a domestic corporation under the bill. In addition, although the controlled foreign corporation must be wholly owned for this purpose, it is intended that the mere nominal ownership of an insignificant number of shares of insignificant value (which may, for example, be required by foreign law) by someone unrelated to the domestic parent would not cause the controlled foreign corporation to fail to be wholly owned for these purposes.

Limitation on use of the gross receipts method

Similar to the limitation on use of the gross receipts method under the conference agreement's operative provisions, the conference agreement provides a rule that limits the use of the gross receipts method for transactions after the effective date of the conference agreement if that same property generated foreign trade income to a FSC using the gross receipts method. Under the rule, if any person used the gross receipts method under the FSC regime, neither that person nor any related person will have qualifying foreign trade income with respect to any other transaction involving the same item of property.

Coordination of new regime with prior law

Notwithstanding the transition period, FSCs (or related persons) may elect to have the rules of the conference agreement apply in lieu of the rules applicable to FSCs. Thus, for transactions to which the transition rules apply (i.e., transactions after September 30, 2000 that occur (1) before January 1, 2002 or (2) after December 31, 2001 pursuant to a binding contract which is in effect on September 30, 2000), taxpayers may choose to apply either the FSC rules or the amendments made by this bill, but not both. In addition, a taxpayer would not be able to avail itself of the rules of the conference agreement in addition to the rules applicable to domestic international sales corporations because the conference agreement provides that the exclusion of extraterritorial income will not apply if a taxpayer is a member of any controlled group of which a domestic international sales corporation is a member.

TITLE II. SMALL BUSINESS TAX RELIEF PROVISIONS

A. EXTENSION OF THE WORK OPPORTUNITY TAX CREDIT (SEC. 201 OF THE BILL AND SEC. 51 OF THE CODE)

PRESENT LAW

The work opportunity tax credit ("WOTC") is available on an elective basis for employers hiring individuals from one or more of eight targeted groups. The credit generally is equal to 25 percent of qualified first-year wages for employment of at least 120 hours but less than 400 hours and 40 percent of qualified first-year wages for employment of 400 hours or more. Qualified first-year wages consist of wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual begins work for the employer.

No more than $6,000 of wages during the first year of employment is permitted to be taken into account with respect to any individual. Thus, the maximum credit per individual is $2,400. With respect to qualified summer youth employees, the maximum credit is 40 percent of up to $3,000 of qualified first-year wages, for a maximum credit of $1,200. The credit is only effective for wages paid to, or incurred with respect to, qualified individuals who begin work for the employer before January 1, 2002.

The employer's deduction for wages is reduced by the amount of the credit.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, permanently extends the WOTC.

Effective date.—The provision is effective for wages paid to, or incurred with respect to, qualified individuals who begin work for the employer on or after July 1, 1999. Subsequent to Senate passage of H.R. 833, Public Law 106–170 extended the WOTC for 30 months (through December 31, 2001) and clarified the definition of the first year of employment for purposes of the WOTC.

CONFERENCE AGREEMENT

The conference agreement extends the WOTC for 30 months (through June 30, 2004). It is effective for wages paid to, or incurred with respect to, qualified individuals who begin work for the employer on or after January 1, 2002, and before July 1, 2004.

B. INCREASE THE MAXIMUM DOLLAR AMOUNT OF REFORESTATION EXPENDITURES ELIGIBLE FOR AMORTIZATION AND CREDIT (SEC. 202 OF THE BILL AND SECS. 48(B) AND 194 OF THE CODE)

PRESENT LAW

Amortization of reforestation costs (sec. 194)

A taxpayer may elect to amortize up to $10,000 ($5,000 in the case of a separate return by a married individual) of qualifying reforestation expenditures incurred during the taxable year with respect to qualifying timber property. Amortization is taken over 84 months (seven years) and is subject to a mandatory half-year convention.[41] In the case of an individual, the amortization deduction is allowed in determining adjusted gross income (i.e., an "above-the-line deduction") rather than as an itemized deduction. The amount eligible for amortization has not been increased since the election was added to the Code in 1980.[42]

Qualifying reforestation expenditures are the direct costs a taxpayer incurs in connection with the forestation or reforestation of a site by planting or seeding, and include costs for the preparation of the site, the cost of the seed or seedlings, and the cost of the labor and tools (including depreciation of long lived assets such as tractors and other machines) used in the reforestation activity. Qualifying reforestation expenditures do not include expenditures that would otherwise be deductible and do not include costs for which the taxpayer has been reimbursed under a governmental cost sharing program, unless the amount of the reimbursement is also included in the taxpayer's gross income.

Qualifying timber property includes any woodlot or other site that is located in the United States that will contain trees in significant commercial quantities and that is held by the taxpayer for the planting, cultivating, caring for, and cutting of trees for sale or use in the commercial production of timber products. The regulations require that the site consist of at least one acre that is devoted to such activities.[43] A taxpayer may hold qualifying timber property in fee or by lease. Where the property is held by one person for life with the remainder to another person, the life tenant is considered the owner of the property for this purpose.

Reforestation amortization is subject to recapture as ordinary income on sale of qualifying timber property within 10 years of the year in which the qualifying reforestation expenditures were incurred.[44]

Reforestation tax credit (sec. 48(b))

A tax credit is allowed equal to 10 percent of the reforestation expenditures incurred during the year that are properly elected to be amortized. An amount allowed as a credit is subject to recapture if the qualifying timber property to which the expenditure relates is disposed of within five years.

House Bill

No provision, but H.R. 3081 as passed by the House increases the amount of reforestation expenditures eligible for seven-year amortization and the reforestation credit from $10,000 to $25,000 per taxable year (from $5,000 to $12,500 in the case of a separate return by a married individual).

For taxable years beginning in 2001 through 2003, H.R. 3081 removes the limitation on the amount of expenditures eligible for seven-year amortization.

Effective date.—The provision is effective for expenditures paid or incurred in taxable years beginning after December 31, 2000. For taxable years beginning in 2001, 2002, and 2003, the amount of reforestation expenditures eligible for the credit is limited to $25,000 and no limit applies to the amount of expenditures eligible for seven-year amortization. For taxable years beginning after 2003, the amount of reforestation expenditures eligible for seven-year amortization and for the credit is limited to $25,000.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 3081.

C. CAPITAL GAINS TREATMENT UNDER SECTION 631(B) TO APPLY TO OUTRIGHT SALES OF TIMBER (SEC. 202(C) OF THE BILL AND SEC. 631(B) OF THE CODE)

PRESENT LAW

Gain on the cutting and sale of timber generally is eligible for capital gains treatment, provided the growing timber has been held for more than one year. If the taxpayer sells the timber at the time it is cut, the capital gain is measured as the difference between the sales price of the timber less cost of sales and any unrecovered costs of growing the timber.

If the taxpayer sells the timber prior to its being cut, a special rule allows the taxpayer to treat the sale as a capital gain, provided the taxpayer retains an economic interest in the timber and holds the timber for more than one year prior to the date of disposal. The date of disposal is deemed to be the date the timber is cut, unless the taxpayer receives payment for the timber prior to the date it is cut and elects to treat the date of payment as the date of disposal.

HOUSE BILL

No provision.

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[40] It is intended that, if the controlled foreign corporation's and related FSC's taxable years are still open under the statute of limitations for claims for refund under section 6511, redeterminations with respect to sales or commissions paid to the FSC are permitted for this purpose. See Temp. Treas. Reg. sec. 1.925(a)–1T(d)(4).

[41] Under the half-year convention, all reforestation expenditures are considered to be incurred on the first day of the first month of the second half of the taxable year. Thus, an amortization deduction equal to $\frac{6}{84}$ of the expenditures for the year is allowed in the first and eighth years and an amortization deduction equal to $\frac{1}{7}$ ($\frac{12}{84}$) of such expenditures is allowed in the second through seventh years.

[42] Sec. 301(a) of the Multiemployer Pension Plan Amendments Act of 1980.

[43] Treas. Reg. sec. 1.194–3(a).

[44] Sec. 1245(b)(7); Treas. Reg. sec. 1.194–1(c).

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

In the case of a sale of timber by the owner of the land from which the timber is cut, the requirement that a taxpayer retain an economic interest in the timber in order to treat gains on sales prior to the time the timber is cut as capital gains does not apply. Outright sales of timber by the landowner will qualify for capital gains treatment in the same manner as sales with a retained economic interest qualify under present law, except that the date-of-disposal rule will not apply.

Effective date.—The provision is effective for sales of timber after the date of enactment.

D. INCREASE SECTION 179 EXPENSING (SEC. 1203 OF THE BILL AND SEC. 179 OF THE CODE)

PRESENT LAW

Present law provides that, in lieu of depreciation, a taxpayer with a sufficiently small amount of annual investment may elect to deduct up to $20,000 (for taxable years beginning in 2000) of the cost of qualifying property placed in service for the taxable year (sec. 179). In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active conduct of a trade or business. The $20,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $200,000. In addition, the amount eligible to be expensed for a taxable year may not exceed the taxable income for a taxable year that is derived from the active conduct of a trade or business (determined without regard to this provision). Any amount that is not allowed as a deduction because of the taxable income limitation may be carried forward to succeeding taxable years (subject to similar limitations).

The $20,000 amount is increased to $25,000 for taxable years beginning in 2003 and thereafter. The increase is phased in as follows: for taxable years beginning in 2001 or 2002, the amount is $24,000; and for taxable years beginning in 2003 and thereafter, the amount is $25,000.

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, provides that the maximum dollar amount that may be deducted under section 179 is increased to $30,000 for taxable years beginning in 2001 and thereafter.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, includes a provision identical to the provision of H.R. 3081, as passed by the House.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 3081 and H.R. 833, with a modification. Under the conference agreement, the maximum dollar amount that may be deducted under section 179 is increased to $35,000 for taxable years beginning in 2001 and thereafter.

E. INCREASE DEDUCTION FOR BUSINESS MEALS (SEC. 204 OF THE BILL AND SEC. 274(N) OF THE CODE)

PRESENT LAW

Ordinary and necessary business expenses, as well as expenses incurred for the production of income, are generally deductible, subject to a number of restrictions and limitations (secs. 162 and 212). No deduction generally is allowed for personal, living, or family expenses (sec. 262).

Meal and entertainment expenses incurred for business reasons or for the production of income are deductible if certain legal and substantiation requirements are met. Generally, the amount allowable as a deduction for business meal and entertainment expenses is limited to 50 percent of the otherwise deductible amount (sec. 274(n)). Exceptions to this 50-percent rule are provided for food and beverages provided to crew members of certain vessels and off-shore oil or gas platforms or drilling rigs, as well as to individuals subject to the hours of service limitations of the Department of Transportation. No deduction is allowed for meal or beverage expenses unless they are not lavish or extravagant under the circumstances (sec. 274(k)(1)(A)). In addition, no deduction is allowed for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose (sec. 274(a)(3)).

An expense for food or beverages is not deductible unless the taxpayer establishes that the item was directly related to the "active conduct" of the taxpayer's trade or business or, in the case of an item directly preceding or following a substantial and bona fide business discussion, that the item was "associated with" the active conduct of the taxpayer's trade or business (sec. 274(a)(1)(A)). Accordingly, a business meal expense generally is not deductible unless there is a substantial and bona fide business discussion during, directly preceding, or directly following the meal. Also, the taxpayer or an employee of the taxpayer must be present at the meal (sec. 274(k)(1)(B)).

Separate requirements apply to deductions with respect to individuals who are traveling away from home in pursuit of a trade or business. The absence of a business discussion is irrelevant for purposes of the "active conduct" and "associated with" tests described above if the individual either has the meal alone or has the meal with other persons provided that no deduction is claimed with respect to those other persons.

No deduction is allowed with respect to business meal and entertainment expenses unless the taxpayer substantiates by adequate records or by sufficient evidence corroborating the taxpayer's own statement (1) the amount of the expense, (2) the time and place of the expense, (3) the business purpose of the expense, and (4) the business relationship of the taxpayer to the persons entertained (sec. 274(d)). The Code authorizes the IRS to provide simpler rules for amounts below a threshold specified by the IRS. Accordingly, the IRS provides standard meal allowances (generally $30 per day, but higher in specified high-cost areas and for employees "in the transportation industry") that taxpayers who are traveling away from home on business may utilize as an alternative to the substantiation procedures specified above (Treas. Reg. sec. 1.274(d)-1T).

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, increases the business meals deduction from the present-law 50 percent to 55 percent for taxable years beginning in 2001 and to 60 percent for taxable years beginning in 2002 and thereafter. The bill does not alter the 50-percent limitation with respect to the business entertainment deduction.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, phases in an increase from 50 percent to 80 percent in the deductible percentage of business meal expense for small businesses. The present-law 50 percent limitation continues to apply to entertainment expenses. The increase in the deductible percentage is phased in according to the following schedule:

Taxable years beginning in:	*Deductible percentage:*
2001	55
2002	60
2003	65
2004	70
2005	75
2006 and thereafter	80

Effective date.—The provision is effective for taxable years beginning after 2000.

CONFERENCE AGREEMENT

The conference agreement increases the business meals deduction from the present-law 50 percent to 70 percent for taxable years beginning after December 31, 2000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

F. INCREASED DEDUCTION FOR BUSINESS MEALS WHILE OPERATING UNDER DEPARTMENT OF TRANSPORTATION HOURS OF SERVICE LIMITATIONS (SEC. 205 OF THE BILL AND SEC. 274(n) OF THE CODE)

PRESENT LAW

Ordinary and necessary business expenses, as well as expenses incurred for the production of income, are generally deductible, subject to a number of restrictions and limitations. Generally, the amount allowable as a deduction for food and beverage is limited to 50 percent of the otherwise deductible amount. Exceptions to this 50 percent rule are provided for food and beverages provided to crew members of certain vessels and off-shore oil or gas platforms or drilling rigs.

The 1997 Act increased to 80 percent the deductible percentage of the cost of food and beverages consumed while away from home by an individual during, or incident to, a period of duty subject to the hours of service limitations of the Department of Transportation.

Individuals subject to the hours of service limitations of the Department of Transportation include:

(1) certain air transportation employees such as pilots, crew, dispatchers, mechanics, and control tower operators pursuant to Federal Aviation Administration regulations,

(2) interstate truck operators and interstate bus drivers pursuant to Department of Transportation regulations,

(3) certain railroad employees such as engineers, conductors, train crews, dispatchers and control operations personnel pursuant to Federal Railroad Administration regulations, and

(4) certain merchant mariners pursuant to Coast Guard regulations.

The increase in the deductible percentage is phased in according to the following schedule:

Taxable years beginning in:	*Deductible percentage:*
1998, 1999	55
2000, 2001	60
2002, 2003	65
2004, 2005	70
2006, 2007	75
2008 and thereafter	80

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, accelerates the increase in the deduction for business meals while operating under Department of Transportation hours of service limitations so that it becomes 80 percent in 2001 and thereafter.

Effective date.—The provision is effective for taxable years beginning after 2000.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 3081.

G. Repeal of Modification of Installment Method (sec. 206 of the bill and secs. 453 and 453A of the Code)

PRESENT LAW

The installment method of accounting allows a taxpayer to defer the recognition of income from the disposition of certain property until payment is received. Sales to customers in the ordinary course of business are not eligible for the installment method, except for sales of property that is used or produced in the trade or business of farming and sales of timeshares and residential lots if an election to pay interest under section 453(l)(2)(B) is made. Section 536(a) of the Ticket to Work and Work Incentives Improvement Act of 1999 prohibited the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting, effective for dispositions occurring on or after December 17, 1999.

A pledge rule provides that if an installment obligation is pledged as security for any indebtedness, the net proceeds[45] of such indebtedness are treated as a payment on the obligation, triggering the recognition of income. Actual payments received on the installment obligation subsequent to the receipt of the loan proceeds are not taken into account until such subsequent payments exceed the loan proceeds that were treated as payments. The pledge rule does not apply to sales of property used or produced in the trade or business of farming, to sales of timeshares and residential lots where the taxpayer elects to pay interest under section 453(l)(2)(B), or to dispositions where the sales price does not exceed $150,000. The Ticket to Work and Work Incentives Improvement Act of 1999 provided that the right to satisfy a loan with an installment obligation will be treated as a pledge of the installment obligation, effective for dispositions occurring on or after December 17, 1999.

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, repeals the prohibition on the use of the installment method of accounting for dispositions of property that would otherwise be reported for Federal income tax purposes using the accrual method of accounting. Accordingly, any disposition of property that otherwise qualifies to be reported using the installment method of accounting may be reported using that method without regard to whether the disposition would otherwise be reported using the accrual method of accounting.

The provision leaves unchanged the rule added by section 536(b) of the Ticket to Work and Work Incentives Improvement Act of 1999 that modified the installment method pledge rule.

Effective date.—The provision is effective for sales or other dispositions on or after December 17, 1999.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, contains the provisions enacted in the Ticket to Work and Work Incentives Improvement Act of 1999 prohibiting the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting and expanding the pledge rule.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 3081.

H. Coordinate Farmers and Fisherman Income Averaging and the Alternative Minimum Tax (sec. 207 of the bill and secs. 55 and 1301 of the Code)

PRESENT LAW

An individual taxpayer engaged in a farming business as defined by section 263A(e)(4) may elect to compute his or her current year tax liability by averaging, over the prior three-year period, all or portion of his or her taxable income from the trade or business of farming. The averaging election is not coordinated with the alternative minimum tax. Thus, some farmers may become subject to the alternative minimum tax solely as a result of the averaging election.

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, extends to individuals engaged in the trade or business of fishing the same election to income average that is available to farmers. For this purpose, the trade or business of fishing is the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) and includes the trade or business of catching, taking, or harvesting fish that are intended to enter commerce through sale, barter or trade.

The bill also coordinates farmers and fishermen income averaging with the alternative minimum tax. Under the bill, a farmer or fisherman will owe alternative minimum tax only to the extent he or she will owe alternative minimum tax had averaging not been elected. This result is achieved by excluding the impact of the election to average farm and fishing income from the calculation of both regular tax and tentative minimum tax, solely for the purpose of determining alternative minimum tax.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

No provision. However, the provision of H.R. 3081 is included in S. 3152.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 3081 and S. 3152.

I. Repeal Special Occupational Taxes on Producers and Marketers of Alcoholic Beverages (sec. 208 of the bill and secs. 5081, 5091, 5111, 5121, 5131, and 5276 of the Code)

PRESENT LAW

Under present law, special occupational taxes are imposed on producers and others engaged in the marketing of distilled spirits, wine, and beer. These excise taxes are imposed as part of a broader Federal tax and regulatory engine governing the production and marketing of alcoholic beverages. The special occupational taxes are payable annually, on July 1 of each year. The present tax rates are as follows:

Producers: Distilled spirits and wines (sec. 5081)—$1,000 per year, per premise, Brewers (sec. 5091)—$1,000 per year, per premise.

Wholesale dealers (sec. 5111): Liquors, wines, or beer—$500 per year.

Retail dealers (sec. 5121): Liquors, wines, or beer—$250 per year.

Nonbeverage use of distilled spirits (sec. 5131)—$500 per year.

Industrial use of distilled spirits (sec. 5276)—$250 per year.

HOUSE BILL

No provision, but H.R., 3081, as passed by the House repeals the special occupational taxes on producers and marketers of alcoholic beverages. The provision is effective on July 1, 2001. The provision does not affect liability for taxes imposed with respect to periods before July 1, 2001.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement includes the provision of H.R. 3081, as passed by the House.

J. Exclusion from Gross Income for Certain Forgiven Mortgage Obligations (sec. 209 of the bill and sec. 108 of the Code)

PRESENT LAW

Gross income includes all income from whatever source derived, including income from the discharge of indebtedness. However, gross income does not include discharge of indebtedness income if: (1) the discharge occurs in a Title 11 case; (2) the discharge occurs when the taxpayer is insolvent; (3) the indebtedness discharged is qualified farm indebtedness; or (4) except in the case of a C corporation, the indebtedness discharged is qualified real property business indebtedness. No exclusion is provided under present law for qualified residential indebtedness.

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, permits eligible individuals to elect an exclusion from discharge of indebtedness income to the extent such income is attributable to the sale of real property securing qualified residential indebtedness. Qualified residential indebtedness is defined as indebtedness incurred or assumed by the taxpayer for the acquisition, construction, reconstruction, or substantial improvement of the taxpayer's principal residence (within the meaning of section 121) and which is secured by such residence. For this purpose, refinanced indebtedness qualifies for the exclusion only to the extent that the principal amount of the refinanced indebtedness does not exceed the principal amount of the indebtedness before the refinancing. The exclusion does not apply to qualified farm indebtedness or qualified real property business indebtedness.

Effective date.—The provision is effective for discharges of indebtedness after December 31, 2000.

SENATE AMENDMENT

No provision. However, the provision of H.R. 3081 is included in S. 3152.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 3081 and S. 3152.

K. Clarification of Cash Accounting Rules for Small Businesses (sec. 210 of the bill and sec. 446 of the Code)

PRESENT LAW

Section 446(c) of the Code generally allows a taxpayer to select the method of accounting it will use to compute its taxable income if such method clearly reflects the income of the taxpayer. A taxpayer is entitled to adopt any one of the permissible methods for each separate trade or business, subject to certain restrictions. The regulations under section 446 require that a taxpayer use an accrual method of accounting with regard to purchases and sales of merchandise whenever section 471 requires the taxpayer to account for such items as inventory.[46] In general, section 471 provides that whenever, in the opinion of the Secretary of the Treasury, the use of inventories is necessary to clearly determine the income of the taxpayer, inventories must be taken by the taxpayer. Treas. Reg. sec. 1.471–1 requires a taxpayer to account for inventories when the production, purchase, or sale of merchandise is an income-producing factor in the taxpayer's business. Treas. Reg. sec. 1.162–3 requires taxpayers carrying materials and supplies (other than incidental materials and supplies) on hand to deduct the cost of materials and supplies only in the amount that they are actually consumed and used in operations during the tax year.

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[45] The net proceeds equal the gross loan proceeds less the direct expenses of obtaining the loan.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides that, notwithstanding any other provision of the Code, a taxpayer is not required to use an accrual method of accounting if the average annual gross receipts of the taxpayer (or any predecessor) do not exceed $2.5 million for all prior taxable years beginning after October 31, 1999 (including the prior taxable years of any predecessor). Thus, even if the production, purchase, or sale of merchandise is an income-producing factor in the taxpayer's business, the taxpayer is not required to use an accrual method of accounting with regard to such purchases and sales if the average annual gross receipts of the taxpayer do not exceed $2.5 million.

The provision also provides that a taxpayer meeting the average annual gross receipts test is not required to account for inventories under section 471. If a taxpayer elects not to account for inventory under section 471, the taxpayer is required to treat such inventory in the same manner as a material or supply that is not incidental. It is the intention of the conferees that a taxpayer that elects to treat inventory as a material or supply is to include in expense the charges for materials and supplies only in the amount that they are actually consumed and used in operation during the taxable year for which the return is made, provided that the costs of such materials and supplies have not been deducted in determining the net income or loss or taxable income for any previous year.[47]

Average annual gross receipts are determined by averaging the gross receipts of the three taxable year period ending with such prior taxable year.

For example, assume a calendar year entity had gross receipts of $1.5 million in 1998, $2.5 million in 1999, $3.5 million in 2000, and $4.5 million in 2001. In addition, the sale of inventory is an income-producing factor in the taxpayer's business. Average annual gross receipts are $2.5 million in 2000 and $3.5 million in 2001. In calendar year 2001, the entity may use the cash method of accounting notwithstanding that the production, purchase, or sale of merchandise is an income-producing factor in the taxpayer's trade or business, because it had average annual gross receipts of $2.5 million or less for all prior taxable years. In calendar year 2002, the entity may not use the cash method of accounting with regard to purchases and sales of merchandise, because average annual gross receipts for a prior taxable year (2001) exceed $2.5 million.

In addition, the rules of paragraph (2) and (3) section 448(c) (regarding the aggregation of related taxpayers, taxpayers not in existence for the entire three year period, short taxable years, definition of gross receipts, and treatment of predecessors) shall apply for purposes of determining the average annual gross receipts test.

Effective date.—The provision is effective for taxable years beginning after date of enactment. Any change in the taxpayer's method of accounting permitted as a result of the provision is treated as a voluntary change initiated by the taxpayer with the consent of the Secretary of the Treasury. Any required section 481(a) adjustment is to be taken into account over a period not to exceed four years under principles consistent with those in Rev. Proc. 99-49.[48]

L. Authorize Payment of Interest on Business Checking Accounts (sec. 211 of the bill)

The bill would eliminate the Federal prohibition on depository institutions paying interest on demand deposits. Thus, under the bill, depository institutions would be permitted to pay interest on business checking accounts.

Effective date.—The repeal of the prohibition on the payment of interest would be effective two years after the date of enactment. During the two year period beginning on the date of enactment, the bill would permit depository institutions to offer business customers checking accounts that allow the funds in the account to be swept into an interest-bearing account on a daily basis.

TITLE III. HEALTH INSURANCE AND LONG-TERM CARE INSURANCE PROVISIONS

A. Accelerate 100–Percent Self-Employed Health Insurance Deduction (sec. 301 of the bill and sec. 162(l) of the Code)

PRESENT LAW

Under present law, the individual income tax treatment of health insurance expenses depends on the individual's circumstances. Self-employed individuals may deduct a portion of health insurance expenses for the individual and his or her spouse and dependents. The deductible percentage of health insurance expenses of a self-employed individual is 60 percent in 2000 through 2001, 70 percent in 2002, and 100 percent in 2003 and thereafter. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse.

Employees can exclude from income 100 percent of employer-provided health insurance.

Individuals who itemize deductions may deduct their health insurance expenses only to the extent that the total medical expenses of the individual exceed 7.5 percent of adjusted gross income (sec. 213). Subject to certain dollar limitations, premiums for qualified long-term care insurance are treated as medical expenses for purposes of the itemized deduction for medical expenses (sec. 213). The amount of qualified long-term care insurance premiums that may be taken into account for 2000 is as follows: $220 in the case of an individual 40 years old or less; $410 in the case of an individual who is over 40 but not more than 50; $820 in the case of an individual who is more than 50 but not more than 60; $2,220 in the case of an individual who is more than 60 but not more than 70; and $2,750 in the case of an individual who is more than 70. These dollar limits are indexed for inflation.

The self-employed health deduction also applies to qualified long-term care insurance premiums treated as medical care for purposes of the itemized deduction for medical expenses.

HOUSE BILL

No provision. However, H.R. 3081, as passed by the House, increases the deduction for health insurance expenses (and qualified long-term care insurance expenses) of self-employed individuals to 100 percent beginning in 2001. H.R. 3081 also provides that the deduction is not available in any month in which the taxpayer participates in an employer-subsidized health plan.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, increases the deduction for health insurance expenses (and qualified long-term care insurance expenses) of self-employed individuals to 100 percent beginning in 2001.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 3081.

B. Above-the-Line Deduction for Health Insurance Expenses (sec. 302 of the bill and new sec. 222 of the Code)

PRESENT LAW

Under present law, the individual income tax treatment of health insurance expenses depends on the individual's circumstances. Self-employed individuals may deduct a portion of health insurance expenses for the individual and his or her spouse and dependents. The deductible percentage of health insurance expenses of a self-employed individual is 60 percent in 2000 and 2001; 70 percent in 2002; and 100 percent in 2003 and thereafter. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction applies to qualified long-term care insurance premiums treated as medical expenses under the itemized deduction for medical expenses, described below.

Employees can exclude from income 100 percent of employer-provided health insurance or qualified long-term care insurance.

Individuals who itemize deductions may deduct their health insurance expenses only to the extent that the total medical expenses of the individual exceed 7.5 percent of adjusted gross income (sec. 213). Subject to certain dollar limitations, premiums for qualified long-term care insurance are treated as medical expenses for purposes of the itemized deduction for medical expenses (sec. 213). The amount of qualified long-term care insurance premiums that may be taken into account for 2000 is as follows: $220 in the case of an individual 40 years old or less; $410 in the case of an individual who is more than 40 but not more than 50; $820 in the case of an individual who is more than 50 but not more than 60; $2,200 in the case of an individual who is more than 60 but not more than 70; and $2,750 in the case of an individual who is more than 70. These dollar limits are indexed for inflation.

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[46] Treas. Reg. sec. 1.446–1(c)(2)

[47] See Treas. Reg. sec. 1.162–3.

[48] 1999–52 I.R.B. 725.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, provides an above-the-line deduction for a percentage of the amount paid during the year for insurance which constitutes medical care (as defined under sec. 213, other than long-term care insurance treated as medical care under sec. 213) for the taxpayer and his or her spouse and dependents.[49] The deductible percentage is: 25 percent in 2002, 2003, and 2004; 35 percent in 2005; 65 percent in 2006; and 100 percent in 2007 and thereafter.

The deduction is not available to an individual for any month in which the individual is covered under an employer-sponsored health plan if at least 50 percent of the cost of the coverage is paid or incurred by the employer.[50] Thus, the individual must pay for more than 50 percent of the cost of the coverage in order to be eligible for the deduction. For purposes of this rule, any amount excludable from the gross income of the employee under the exclusion for employer-provided health coverage is treated as paid or incurred by the employer; thus, for example, health insurance purchased by an employee through a cafeteria plan with salary reduction amounts is considered to be paid for by the employer.[51] In determining whether the 50-percent threshold is met, all health plans of the employer in which the employee participates are treated as a single plan. If the employer pays for less than 50 percent of the cost of all health plans in which the individual participates, the deduction is available only with respect to each plan with respect to which the employer subsidy is less than 50 percent. Cost is determined as under the health care continuation rules.

The deduction is not available with respect to insurance providing coverage for accidents, disability, dental care, vision care, or a specific disease or making payments of a fixed amount per day (or other period) on account of hospitalization. Such insurance and employer payments for such insurance are not taken into account in determining whether the employee pays for more than 50 percent of the cost of health insurance.

The deduction is not available to individuals enrolled in Medicare, Medicaid, the Federal Employees Health Benefit Program ("FEHBP"),[52] Champus, VA, Indian Health Service, or Children's Health Insurance programs. Thus, for example, the deduction is not available with respect to Medigap coverage, because such coverage is provided to individuals enrolled in Medicare.

The provision authorizes the Secretary to prescribe rules necessary to carry out the provision, including appropriate reporting requirements for employers.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 833, except that the deductible percentage is 25 percent in 2001 through 2003, 35 percent in 2004, 65 percent in 2005, and 100 percent in 2006 and thereafter.

The following examples illustrate the application of the rule denying the deduction if the employer pays 50 percent or more of the cost of the coverage.

Example 1: Employee A participates in an employer-sponsored health plan. The annual cost for single coverage is $3,000, and the annual additional cost for coverage for A's spouse and dependents is $1,000. The employer pays 100 percent of the cost of individual coverage, but does not pay any additional amount for family coverage. A chooses family coverage. The total amount the employer pays for the insurance is $3,000, which is 75 percent of the total cost of the coverage ($4,000). A also purchases qualified long-term care insurance under an employer-sponsored plan, and pays for 100 percent of the cost of this coverage on an after-tax basis. The deduction is not available with respect to A's expenses for health insurance.[53]

Example 2: Employee B participates in two employer-sponsored health plans. One plan provides major medical coverage. The cost of this plan is $2,000 per year. The employer pays one-half of the cost of this plan. The second plan provides only dental insurance. The cost of the dental plan is $300 per year, which is paid by the employee. In determining whether B is entitled to the deduction, the dental plan is disregarded. Thus, the total cost of the health plans in which B participates is $2,000. The employer pays for 50 percent of this total cost. B may not deduct her share of the premium for the major medical plan, nor the cost of the dental insurance.

Example 3: Employee C participates in an employer-sponsored health plan. The cost of the plan is $4,000. The employer pays $1,000 of the cost of the plan directly, and Employee C pays the remainder of the $3,000 cost of the plan by salary reduction through a cafeteria plan. The $1,000 employer contribution and the $3,000 salary reduction contributions are all employer payments. Thus, the employer pays for the entire cost of the plan, and the deduction is not available.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

C. ABOVE-THE-LINE DEDUCTION FOR LONG-TERM CARE INSURANCE EXPENSES (SECS. 1302 AND 1304 OF THE BILL AND NEW SEC. 222 OF THE CODE)

PRESENT LAW

Under present law, the individual income tax treatment of health insurance expenses depends on the individual's circumstances. Self-employed individuals may deduct a portion of health insurance expenses for the individual and his or her spouse and dependents. The deductible percentage of health insurance expenses of a self-employed individual is 60 percent in 2000 and 2001; 70 percent in 2002; and 100 percent in 2003 and thereafter. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction applies to qualified long-term care insurance premiums treated as medical expenses under the itemized deduction for medical expenses, described below.

Employees can exclude from income 100 percent of employer-provided health insurance or qualified long-term care insurance.

Individuals who itemize deductions may deduct their health insurance expenses only to the extent that the total medical expenses of the individual exceed 7.5 percent of adjusted gross income (sec. 213). Subject to certain dollar limitations, premiums for qualified long-term care insurance are treated as medical expenses for purposes of the itemized deduction for medical expenses (sec. 213). The amount of qualified long-term care insurance premiums that may be taken into account for 2000 is as follows: $220 in the case of an individual 40 years old or less; $410 in the case of an individual who is more than 40 but not more than 50; $820 in the case of an individual who is more than 50 but not more than 60; $2,200 in the case of an individual who is more than 60 but not more than 70; and $2,750 in the case of an individual who is more than 70. These dollar limits are indexed for inflation.

In order for a long-term care contract to be qualified for purposes of the Code, the contract must satisfy certain consumer protection provisions of the long-term care insurance model act and regulations promulgated by the National Association of Insurance Commissioners ("NAIC") adopted as of January 1993. In addition, issuers of qualified long-term care contracts are required to satisfy certain disclosure requirements. An excise tax is imposed with respect to the failure to meet the applicable disclosure requirements.[54]

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, H.R. 833, as passed by the Senate, provides an above-the-line deduction for a percentage of the amount paid during the year for qualified long-term care insurance for the taxpayer and his or her spouse and dependents, subject to the present-law premium limitations.[55] The deductible percentage is: 25 percent in 2002, 2003, and 2004; 35 percent in 2005; 65 percent in 2006; and 100 percent in 2007 and thereafter.

The deduction is not available to an individual for any month in which the individual is covered under an employer-sponsored long-term care plan if at least 50 percent of the cost of the coverage is paid or incurred by the employer.[56] For purposes of this rule, any amounts excludable from the gross income of the employee with respect to qualified long-term care insurance are treated as paid or incurred by the employer. In determining whether the 50-percent threshold is met, all plans of the employer providing long-term care insurance in which the employee participates are treated as a single plan. If the employer pays less than 50 percent of the cost of all long-term care plans in which the individual participates, the deduction is available only with respect to each plan with respect to which the employer pays for less than 50 percent of the cost. Cost is determined as under the health care continuation rules.

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[49] The deduction only applies to health insurance that constitutes medical care; it does not apply to medical expenses. The deduction applies to self-insured arrangements (provided such arrangements constitute insurance, e.g., there is appropriate risk-shifting) and coverage under employer plans treated as insurance under section 104. Another provision of the bill provides a similar deduction for qualified long-term care insurance expenses.

[50] This rule is applied separately with respect to qualified long-term care insurance.

[51] Excludable employer contributions to a health flexible spending arrangement or medical savings account (including salary reduction contributions) are also considered amounts paid by the employer for health insurance that constitutes medical care. Salary reduction contributions are not considered to be amounts paid by the employee.

[52] This rule does not prevent individuals covered by the FEHBP from deducting premiums for health care continuation coverage, provided the requirements for the deduction are otherwise met.

[53] Under another provision of the bill, a deduction is available with respect to A's qualified long-term care insurance premiums.

[54] These provisions apply for all provisions of the Code relating to qualified long-term care contracts, not only the above-the-line deduction.

[55] The deduction only applies to insurance that constitutes medical care; it does not apply to long-term care expenses. The deduction applies to self-insured arrangements (provided such arrangements constitute insurance, e.g., there is appropriate risk-shifting) and coverage under employer plans treated as insurance under section 104. Another provision of the bill provides a similar deduction for health insurance expenses.

The provision authorizes the Secretary to prescribe rules necessary to carry out the provision, including appropriate reporting requirements for employers.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 833, except that the deductible percentage is 25 percent in 2001 through 2003, 35 percent in 2004, 65 percent in 2005, and 100 percent in 2006 and thereafter.[57]

The conference agreement adds additional consumer protection provisions for qualified long-term care contracts. In order to be a qualified contract for purposes of the Code, a long-term care insurance contract must satisfy the NAIC model act and regulations relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision. In addition, the conference agreement modifies the disclosure requirements applicable to issuers of long-term care contracts by adding the NAIC requirements regarding suitability and disclosure of rating practices. The conference agreement also updates present-law references to the NAIC model act and regulations to reflect current provisions.

Effective date.—The above-the-line deduction is effective for taxable years beginning after December 31, 2000. The consumer protection provisions are effective with respect to policies issued more than 1 year after the date of enactment.

D. MEDICAL SAVINGS ACCOUNTS ("MSAS") (SEC. 303 OF THE BILL AND SEC. 220 OF THE CODE)

PRESENT LAW

Within limits, contributions to a medical savings account ("MSA")[58] are deductible in determining adjusted gross income ("AGI") if made by an eligible individual and are excludable from gross income and wages for employment tax purposes if made by the employer of an eligible individual. Earnings on amounts in an MSA are not currently taxable. Distributions from an MSA for medical expenses are not taxable. Distributions not used for medical expenses are taxable. In addition, distributions not used for medical expenses are subject to an additional 15-percent tax unless the distribution is made after age 65, death, or disability.

MSAs are available to self-employed individuals[59] and to employees covered under an employer-sponsored high deductible plan of a small employer. An employer is a small employer if it employed, on average, no more than 50 employees on business days during either the preceding or the second preceding year.

In order for an employee of a small employer to be eligible to make MSA contributions (or to have employer contributions made on his or her behalf), the employee must be covered under an employer-sponsored high deductible health plan (see the definition below) and must not be covered under any other health plan (other than a plan that provides certain permitted coverage).

Similarly, in order to be eligible to make contributions to an MSA, a self-employed individual must be covered under a high deductible health plan and no other health plan (other than a plan that provides certain permitted coverage, described below). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse).

The maximum annual contribution that can be made to an MSA for a year is 65 percent of the deductible under the high deductible plan in the case of individual coverage and 75 percent of the deductible in the case of family coverage.

A high deductible plan is a health plan with an annual deductible of at least $1,550 and no more than $2,350 in the case of individual coverage and at least $3,100 and no more than $4,650 in the case of family coverage. In addition, the maximum out-of-pocket expenses with respect to allowed costs (including the deductible) must be no more than $3,100 in the case of individual coverage and no more than $5,700 in the case of family coverage.[60] A plan does not fail to qualify as a high deductible plan merely because it does not have a deductible for preventive care as required by State law. A plan does not qualify as a high deductible health plan if substantially all of the coverage under the plan is for permitted coverage (as described above). In the case of a self-insured plan, the plan must in fact be insurance (e.g., there must be appropriate risk shifting) and not merely a reimbursement arrangement.

The number of taxpayers benefiting annually from an MSA contribution is limited to a threshold level (generally 750,000 taxpayers). If it is determined in a year that the threshold level has been exceeded (called a "cut-off" year) then, in general, for succeeding years during the 4-year pilot period 1997–2000, only those individuals who (1) made an MSA contribution or had an employer MSA contribution for the year or a preceding year (i.e., are active MSA participants) or (2) are employed by a participating employer, is eligible for an MSA contribution. In determining whether the threshold for any year has been exceeded, MSAs of individuals who were not covered under a health insurance plan for the six month period ending on the date on which coverage under a high deductible plan commences would not be taken into account.[61] However, if the threshold level is exceeded in a year, previously uninsured individuals are subject to the same restriction on contributions in succeeding years as other individuals. That is, they would not be eligible for an MSA contribution for a year following a cut-off year unless they are an active MSA participant (i.e., had an MSA contribution for the year or a preceding year) or are employed by a participating employer.

The number of MSAs established has not exceeded the threshold level.

After December 31, 2000, no new contributions may be made to MSAs except by or on behalf of individuals who previously had MSA contributions and employees who are employed by a participating employer. An employer is a participating employer if (1) the employer made any MSA contributions for any year to an MSA on behalf of employees or (2) at least 20 percent of the employees covered under a high deductible plan made MSA contributions of at least $100 in the year 2000.

Self-employed individuals who made contributions to an MSA during the period 1997–2000 also may continue to make contributions after 2000.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement extends the MSA program through 2002. The same rules that apply to the limit on MSAs for 1999 apply to 2000 and 2001. Thus, for example, the threshold level in those years is 750,000 taxpayers.

Effective date.—The provision is effective on the date of enactment.

E. DEDUCTION FOR PROVIDING LONG-TERM CARE TO HOUSEHOLD MEMBERS (SEC. 305 OF THE BILL AND NEW SEC. 223 OF THE CODE)

PRESENT LAW

Under present law, the individual income tax treatment of health insurance expenses depends on the individual's circumstances. Self-employed individuals may deduct a portion of health insurance expenses for the individual and his or her spouse and dependents. The deductible percentage of health insurance expenses of a self-employed individual is 60 percent in 2000 and 2001; 70 percent in 2002; and 100 percent in 2003 and thereafter. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction applies to qualified long-term care insurance premiums treated as medical expenses under the itemized deduction for medical expenses, described below.

Employees can exclude from income 100 percent of employer-provided health insurance or qualified long-term care insurance.

Individuals who itemize deductions may deduct their health insurance expenses only to the extent that the total medical expenses of the individual exceed 7.5 percent of adjusted gross income (sec. 213). Subject to certain dollar limitations, premiums for qualified long-term care insurance are treated as medical expenses for purposes of the itemized deduction for medical expenses (sec. 213). The amount of qualified long-term care insurance premiums that may be taken into account for 2000 is as follows: $220 in the case of an individual 40 years old or less; $410 in the case of an individual who is more than 40 but not more than 50; $820 in the case of an individual who is more than 50 but not more than 60; $2,200 in the case of an individual who is more than 60 but not more than 70; and $2,750 in the case of an individual who is more than 70. These dollar limits are indexed for inflation.

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[56] This rule is applied separately with respect to health insurance.

[57] See the description of the above-the-line deduction for health insurance expenses for examples of the operation of the rule denying the deduction if the employer pays for 50 percent or more of the cost of the coverage.

[58] In general, an MSA is a trust or custodial account created exclusively for the benefit of the account holder and is subject to rules similar to those applicable to individual retirement arrangements. The trustee of an MSA can be a bank, insurance company, or other person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with applicable requirements.

[59] Self-employed individuals include more than 2-percent shareholders of S corporations who are treated as partners for purposes of fringe benefit rules pursuant to section 1372. Self-employed individuals are eligible for an MSA regardless of the size of the entity for which the individual performs services.

[60] These dollar amounts are for 2000. These amounts are indexed for inflation in $50 increments.

[61] Permitted coverage, as described above, does not constitute coverage under a health insurance plan for this purpose.

To qualify as a dependent under present law, an individual must: (1) be a specified relative or member of the taxpayer's household; (2) be a citizen or resident of the U.S. or resident of Canada or Mexico; (3) not be required to file a joint tax return with his or her spouse; (4) have gross income below the dependent exemption amount ($2,800 in 2000) if not the taxpayer's child; and (5) receive over half of his or her support from the taxpayer. If no one person contributes over half the support of an individual, the taxpayer is treated as meeting the support requirement if: (1) over half the support is received from persons each of whom, but for the fact that he or she did not provide over half such support, could claim the individual as a dependent; (2) the taxpayer contributes over 10 percent of such support; and (3) other caregivers who provide over 10 percent of the support file written declarations stating that they will not claim the individual as a dependent.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides taxpayers who maintain a household including one or more qualifying individuals a deduction with respect to each qualifying individual with long- term care needs, regardless of the expenses incurred in the care of the qualifying dependent. The deduction does not reduce adjusted gross income (i.e., is not "above-the-line"); however, the deduction is available whether or not the taxpayer itemizes deductions. The deductible amount is reduced by amounts received under a long-term care contract (whether or not qualified and including contracts that pay on a per diem or similar basis) covering the qualifying dependent. The deduction is phased out for higher income taxpayers in the same manner as the personal exemption amount.[62] The deduction is taken into account in determining alternative minimum taxable income.

The deductible amount is $3,000 in 2001 and increases by $1,000 each year thereafter until the limit is $10,000 in 2010 and thereafter.

An individual is a qualifying individual with respect to a taxpayer if the individual (1) is the spouse of the taxpayer or a relative of the taxpayer determined under the rules relating to the dependency exemption, and (2) lives in a household maintained by the taxpayer for the entire taxable year. In addition, if the individual is not the taxpayer's spouse or a child of the taxpayer (as determined under the dependency rules), the individual's gross income for the year must be less than the sum of the personal exemption amount, the standard deduction for a single taxpayer and, if applicable, the additional deduction for the elderly and blind.

A qualifying individual must be certified before the due date for the return for the taxable year (without regard to extensions) as having long-term care needs (as described below based on the age of the individual) for at least 180 consecutive days. Some portion of the 180-day period must fall within the taxable year. The deduction is not available unless the certification was made no more than 39-1/2 months before the due date for the return (or such other time as specified by the Secretary).

In general, an individual who is at least six years of age is considered to have long-term care needs if the individual is unable to perform at least three activities of daily living ("ADLs") without substantial assistance due to a loss of functional capacity including individuals born with a condition that is comparable to a loss of functional capacity. As under the present-law rules relating to long-term care, ADLs are eating, toileting, transferring, bathing, dressing and continence. Substantial assistance includes both hands-on assistance (that is, the physical assistance of another person without which the individual would be unable to perform the ADL) and stand-by assistance (that is, the presence of another person within arm's reach of the individual that is necessary to prevent, by physical intervention, injury to the individual when performing the ADL).

As an alternative to the two-ADL test, an individual is considered to have long-term care needs if the individual (1) requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment and (2) is unable to perform, without reminding or cuing assistance, at least one ADL or to the extent provided in regulations,[61] is unable to engage in age appropriate activities.

A child between the ages of two and six is considered to have long-term care needs if the child requires substantial assistance with two of the following ADLs: eating, transferring, and mobility.

A child under the age of two is considered to have long-term care needs if the child requires specific durable medical equipment (e.g., a respirator) by reason of a severe health condition or requires a skilled practitioner to address the child's condition when the parents are absent.

For purposes of the provision, a taxpayer would be considered to be maintaining a household for any period only if over one-half the cost of maintaining the household for the period is provided by the taxpayer (or, if married, the taxpayer and his or her spouse). If the taxpayer is married at the end of the taxable year, the deduction is available only if the taxpayer and his or her spouse file a joint return. An individual legally separated is not considered married. An individual is not considered married if the individual (1) files a separate return for the year, (2) maintains a household which constitutes the principal place of abode for a qualifying individual for more than one-half of the year, and (3) during the last six months of the year the individual's spouse is not a member of the individual's household.

The deduction is not available unless the taxpayer identification number of the qualifying individual is included on the taxpayer's return for the year. In addition, the deduction is not available unless the taxpayer includes on the return a physician identification number (e.g., the Unique Physician Identification Number currently required for Medicare billing). The IRS is authorized to use mathematical error procedures to deny claims for the deduction during return processing if the taxpayer does not provide valid taxpayer identification numbers and physician identification numbers.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

TITLE IV. PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS[1]

Subtitle A. Individual Retirement Arrangements ("IRAs") (sec. 401-404 of the bill) (sec. 101 of the House bill, secs. 101-104 of the Senate amendment, and secs. 219, 408, and 408A of the Code)

PRESENT LAW

In general

There are two general types of individual retirement arrangements ("IRAs") under present law: traditional IRAs, to which both deductible and nondeductible contributions may be made, and Roth IRAs. The Federal income tax rules regarding each type of IRA (and IRA contribution) differ.

Traditional IRAs

Under present law, an individual may make deductible contributions to an IRA up to the lesser of $2,000 or the individual's compensation if neither the individual nor the individual's spouse is an active participant in an employer-sponsored retirement plan. In the case of a married couple, deductible IRA contributions of up to $2,000 can be made for each spouse (including, for example, a homemaker who does not work outside the home), if the combined compensation of both spouses is at least equal to the contributed amount. If the individual (or the individual's spouse) is an active participant in an employer-sponsored retirement plan, the $2,000 deduction limit is phased out for taxpayers with modified adjusted gross income ("AGI") over certain levels for the taxable year.

The AGI phase-out limits for taxpayers who are active participants in employer-sponsored plans are as follows:

Single Taxpayers

Taxable years beginning in:	*AGI Phase-out range*
2000	$32,000–42,000
2001	33,000–43,000
2002	34,000–44,000
2003	40,000–50,000
2004	45,000–55,000
2005 and thereafter	50,000–60,000

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[62] The deduction is added to the taxpayer's personal exemptions for purposes of the personal exemption phaseout. For 2000, the personal exemption amount phases out over the following ranges of adjusted gross income: $193,400-$315,9000 for married taxpayers filing a joint return; $161,150-$283,650 for taxpayers filing as heads of households; and $128,950-$251,450 for unmarried taxpayers.

[61] The regulations are to be prescribed by the Secretary, in consultation with the Secretary of Health and Human Services.

[1] The provisions of the bill as passed by the House and the Senate did not contain provisions relating to pensions and individual retirement arrangements. Provisions described under the House bill refer to the provisions of H.R. 1102, the "Comprehensive Retirement Security and Pension Reform Act of 2000," as passed by the House. For legislative history, see H.R. Rep. No. 106-753. Provisions described under the Senate amendment refer to the provisions of H.R. 1102, the "Retirement Security and Savings Act of 2000," as reported by the Senate Committee on Finance on September 13, 2000. For legislative history, see S.Rep. No. 106-411.

Taxpayers Filing Joint Returns

Taxable years beginning in:	*Phase-out range*
2000	$52,000–62,000
2001	53,000–63,000
2002	54,000–64,000
2003	60,000–70,000
2004	65,000–75,000
2005	70,000–80,000
2006	75,000–85,000
2007 and thereafter	80,000–100,000

The AGI phase-out range for married taxpayers filing a separate return is $0 to $10,000.

If the individual is not an active participant in an employer-sponsored retirement plan, but the individual's spouse is, the $2,000 deduction limit is phased out for taxpayers with AGI between $150,000 and $160,000.

To the extent an individual cannot or does not make deductible contributions to an IRA or contributions to a Roth IRA, the individual may make nondeductible contributions to a traditional IRA.

Amounts held in a traditional IRA are includible in income when withdrawn (except to the extent the withdrawal is a return of nondeductible contributions). Includible amounts withdrawn prior to attainment of age 59-1/2 are subject to an additional 10-percent early withdrawal tax, unless the withdrawal is due to death or disability, is made in the form of certain periodic payments, is used to pay medical expenses in excess of 7.5 percent of AGI, is used to purchase health insurance for an unemployed individual, is used for education expenses, or is used for first-time homebuyer expenses of up to $10,000.

Roth IRAs

Individuals with AGI below certain levels may make nondeductible contributions to a Roth IRA. The maximum annual contribution that may be made to a Roth IRA is the lesser of $2,000 or the individual's compensation for the year. The contribution limit is reduced to the extent an individual makes contributions to any other IRA for the same taxable year. As under the rules relating to IRAs generally, a contribution of up to $2,000 for each spouse may be made to a Roth IRA provided the combined compensation of the spouses is at least equal to the contributed amount. The maximum annual contribution that can be made to a Roth IRA is phased out for single taxpayers with AGI between $95,000 and $110,000 and for taxpayers filing a joint return with AGI between $150,000 and $160,000. For married taxpayers filing a separate return, the phase-out range is $0 to $10,000.

Taxpayers with modified AGI of $100,000 or less generally may convert a traditional IRA into a Roth IRA. The amount converted is includible in income as if a withdrawal had been made, except that the 10-percent early withdrawal tax does not apply and, if the conversion occurred in 1998, the income inclusion may be spread ratably over 4 years. Married taxpayers who file separate returns cannot convert a traditional IRA into a Roth IRA.

Amounts held in a Roth IRA that are withdrawn as a qualified distribution are neither includible in income, nor subject to the additional 10-percent tax on early withdrawals. A qualified distribution is a distribution that (1) is made after the 5-taxable year period beginning with the first taxable year for which the individual made a contribution to a Roth IRA, and (2) which is made after attainment of age 59½, on account of death or disability, or is made for first-time homebuyer expenses of up to $10,000.

To the extent attributable to earnings, distributions from a Roth IRA that are not qualified distributions are includible in income and subject to the 10-percent early withdrawal tax (unless an exception applies).[2] The same exceptions to the early withdrawal tax that apply to IRAs apply to Roth IRAs.

Taxation of charitable contributions

Generally, a taxpayer who itemizes deductions may deduct cash contributions to charity, as well as the fair market value of contributions of property. The amount of the deduction otherwise allowable for the taxable year with respect to a charitable contribution may be reduced, depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer.

For donations of cash by individuals, total deductible contributions to public charities may not exceed 50 percent of a taxpayer's AGI for a taxable year. To the extent a taxpayer has not exceeded the 50-percent limitation, contributions of cash to private foundations and certain other nonprofit organizations and contributions of capital gain property to public charities generally may be deducted up to 30 percent of the taxpayer's AGI. If a taxpayer makes a contribution in one year which exceeds the applicable 50-percent or 30-percent limitation, the excess amount of the contribution may be carried over and deducted during the next five taxable years.

In addition to the percentage limitations imposed specifically on charitable contributions, present law imposes a reduction on most itemized deductions, including charitable contribution deductions, for taxpayers with AGI in excess of a threshold amount, which is indexed annually for inflation. The threshold amount for 2000 is $128,950 ($64,475 for married individuals filing separate returns). For those deductions that are subject to the reduction, the total amount of itemized deductions is reduced by 3 percent of AGI over the threshold amount, but not by more than 80 percent of itemized deductions subject to the reduction. The effect of this reduction may be to limit a taxpayer's ability to deduct charitable contributions.

HOUSE BILL

Increase in annual contribution limits

The House bill increases the maximum annual dollar contribution limit for IRA contributions from $2,000 to $3,000 in 2001, $4,000 in 2002, and $5,000 in 2003. The limit is indexed for inflation in $500 increments in 2004 and thereafter.

Additional catch-up contributions

In the case of individuals who have attained age 50 before the end of the taxable year, the IRA contribution limit is $5,000, beginning in 2001.

Increase in AGI limits for deductible IRA contributions

No provision.

Roth IRAs

No provision.

Deemed IRAs under employer plans

No provision.

Tax-free IRA withdrawals for charitable purposes

No provision.

Effective date

The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

Increase in annual contribution limits

The Senate amendment is the same as the House bill.

Additional catch-up contributions

The bill provides that individuals who have attained age 50 may make additional catch-up IRA contributions. The otherwise maximum contribution limit (before application of the AGI phase-out limits) for an individual who has attained age 50 before the end of the taxable year is increased by 50 percent.

Increase in AGI limits for deductible IRA contributions

Under the bill, the increases in the AGI phase-out limits for active participants in an employer-sponsored plan are evened out. In addition, the phase-out range for married taxpayers filing separately is conformed to the phase-out range for single taxpayers. The AGI phase-out limits under the bill are as follows.

Taxpayers Filing Returns Other Than Joint Returns

Taxable years beginning in:	*AGI Phase-out range*
2001	$36,000–46,000
2002	40,000–50,000
2003	44,000–54,000
2004	48,000–58,000
2005 and thereafter	50,000–60,000

Taxpayers Filing Joint Returns

Taxable years beginning in:	*AGI Phase-out range*
2001	$56,000–66,000
2002	60,000–70,000
2003	64,000–74,000
2004	68,000–78,000
2005	72,000–82,000
2006	76,000–86,000
2007 and thereafter	80,000–100,000

The present-law income phase-out range for an individual who is not an active participant in an employer-sponsored plan, but whose spouse is, remains at $150,000 to $160,000.

Roth IRAs

The bill increases the income phase-out range for Roth IRA contributions to $190,000 to $220,000 for married couples filing a joint return. In addition, the bill applies to married taxpayers filing a separate return the same phase-out range that applies to single taxpayers.

Under the bill, the income limit for conversions of traditional IRAs to Roth IRAs is $200,000 for married couples filing a joint return. For all other taxpayers (including married taxpayers filing a separate return), the limit is $100,000.

Deemed IRAs under employer plans

The bill provides that, if an eligible retirement plan permits employees to make voluntary employee contributions to a separate account or annuity that (1) is established under the plan, and (2) meets the requirements applicable to either traditional IRAs or Roth IRAs, then the separate account or annuity is deemed to be a traditional IRA or a Roth IRA, as applicable, for all purposes of the Code. For example, the reporting requirements applicable to IRAs apply. The deemed IRA, and contributions thereto, are not subject to the Code rules pertaining to the eligible retirement plan. In addition, the deemed IRA, and contributions thereto, are not taken into account in applying such rules to any other contributions under the plan. The deemed IRA, and contributions thereto, are subject to the exclusive benefit and fiduciary rules of ERISA to the extent otherwise applicable to the plan, but are not subject to the ERISA reporting and disclosure, participation, vesting, funding, and enforcement requirements that apply to the eligible retirement plan. An eligible retirement plan is a qualified plan (sec. 401(a)), tax- sheltered annuity (sec. 403(b)), or a governmental section 457 plan.

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[2] Early distribution of converted amounts may also accelerate income inclusion of converted amounts that are taxable under the 4-year rule applicable to 1998 conversions.

Tax-free IRA withdrawals for charitable purposes

The bill provides an exclusion from gross income for qualified charitable distributions from an IRA: (1) to an organization to which deductible contributions can be made; (2) to a charitable remainder annuity trust or charitable remainder unitrust; (3) to a pooled income fund (as defined in sec. 642(c)(5)); or (4) for the issuance of a charitable gift annuity. The exclusion applies with respect to distributions described in (2), (3), or (4) only if no person holds an income interest in the trust, fund, or annuity attributable to such distributions other than the IRA owner, his or her spouse, or a charitable organization.

In determining the character of distributions from a charitable remainder annuity trust or a charitable remainder unitrust to which a qualified charitable distribution from an IRA is made, the charitable remainder trust is required to treat as ordinary income the portion of the distribution from the IRA to the trust which would have been includible in income but for the provision, and is required to treat any remaining portion of the distribution as corpus. Similarly, in determining the amount includible in gross income by reason of a payment from a charitable gift annuity purchased with a qualified charitable distribution from an IRA, the taxpayer is not permitted to treat the portion of the distribution from the IRA that would have been taxable but for the provision and which is used to purchase the annuity as an investment in the annuity contract.

A qualified charitable distribution is any distribution from an IRA which (1) is made after age 70½ of the account holder, (2) qualifies as a charitable contribution (within the meaning of sec. 170(c)), and (3) is made directly to the organization or to a charitable remainder annuity trust, charitable remainder unitrust, pooled income fund, or charitable gift annuity (as described above).[3] A taxpayer is not permitted to claim a charitable contribution deduction for amounts transferred from his or her IRA to a charity or to a trust, fund, or annuity that, because of the provision, are excluded from the taxpayer's income. Conversely, if the amounts transferred would otherwise be nontaxable, e.g., a qualified distribution from a Roth IRA, the regularly applicable deduction rules would apply.

Effective date

The provisions are generally effective for taxable years beginning after December 31, 2000. The provision relating to deemed IRAs under employer plans is effective for plan years beginning after December 31, 2001.

CONFERENCE AGREEMENT

Increase in annual contribution limits

The conference agreement follows the House bill and the Senate amendment.

Additional catch-up contributions

The conference agreement follows the Senate amendment, with modifications. Under the conference agreement, the maximum catch-up amount is phased in over the same period as the increase in the IRA contribution limit. The maximum catch-up contribution is $500 in 2001, $1,000 in 2002, and $1,500 in 2003. The $1,500 amount is indexed for inflation beginning after 2003 (when the indexing of the $5,000 basic contribution limit begins).

Increase in AGI limits for deductible IRA contributions

The conference agreement follows the Senate amendment.

Roth IRAs

The conference agreement follows the Senate amendment.

Deemed IRAs under employer plans

The conference agreement follows the Senate amendment. As under the Senate amendment, if an eligible retirement plan permits employees to make voluntary employee contributions to a separate account or annuity that (1) is established under the plan, and (2) meets the requirements applicable to either traditional IRAs or Roth IRAs, then the separate account or annuity is deemed to be a traditional IRA or a Roth IRA, as applicable, for all purposes of the Code. For example, the IRA reporting requirements apply. The deemed IRA, and contributions thereto, are not subject to the Code rules pertaining to the eligible retirement plan. In addition, the deemed IRA, and contributions thereto, are not taken into account in applying such rules to any other contributions under the plan. The deemed IRA, and contributions thereto, are subject to the exclusive benefit and fiduciary rules of ERISA to the extent otherwise applicable to the plan, but are not subject to the ERISA reporting and disclosure, participation, vesting, funding, and enforcement requirements that apply to the eligible retirement plan. Except as otherwise specified, the provision does not affect the treatment of the deemed IRA as part of the qualified plan.

Tax-free IRA withdrawals for charitable purposes

The conference agreement follows the Senate amendment, with the modification that the tax-free treatment is available only for a distribution made to an organization to which charitable contributions (as defined in sec. 170(c)) can be made, and not for distributions to charitable remainder trusts, pooled income funds, or for the issuance of charitable gift annuities. The conferees clarify that the exclusion does not apply unless the distribution meets the requirements generally applicable to deductible contributions (other than the percentage limits on such deductions). Thus, for example, the substantiation rules and the rule limiting the deductible amount of a contribution to the excess, if any, of the value of the contribution over the value of any benefit received by the donor, would apply. It is intended that the Secretary will issue such rules as are necessary to apply to distributions made to organizations pursuant to the provision.

The conference agreement also clarifies that amounts that would have been includible in gross income but for the provision are not deductible in any year. In addition, such amounts are not taken into account in determining the deductible amount for any year. Except as provided in the provision, a distribution under the provision is treated the same as other IRA distributions. Thus, for example, the distribution is taken into account in determining whether the minimum distribution requirements are satisfied.

Effective date

The provisions are generally effective for taxable years beginning after December 31, 2000. The provision relating to deemed IRAs under employer plans is effective for plan years beginning after December 31, 2001.

Subtitle B: Expanding Coverage (secs. 411–418 of the bill)

A. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS (SEC. 201 OF THE HOUSE BILL, SEC. 201 OF THE SENATE AMENDMENT, AND SECS. 401(A)(17), 402(G), 408(P), 415, AND 457 OF THE CODE)

PRESENT LAW

In general

Under present law, limits apply to contributions and benefits under qualified plans (sec. 415), the amount of compensation that may be taken into account under a plan for determining benefits (sec. 401(a)(17)), the maximum amount of elective deferrals that an individual may make to a salary reduction plan or tax sheltered annuity (sec. 402(g)), and deferrals under an eligible deferred compensation plan of a tax-exempt organization or a State or local government (sec. 457).

Limitations on contributions and benefits

Under present law, the limits on contributions and benefits under qualified plans are based on the type of plan. Under a defined contribution plan, the qualification rules limit the annual additions to the plan with respect to each plan participant to the lesser of (1) 25 percent of compensation or (2) $30,000 (for 2000). Annual additions are the sum of employer contributions, employee contributions, and forfeitures with respect to an individual under all defined contribution plans of the same employer. The $30,000 limit is indexed for inflation in $5,000 increments.

Under a defined benefit plan, the maximum annual benefit payable at retirement is generally the lesser of (1) 100 percent of average compensation, or (2) $135,000 (for 2000). The dollar limit is adjusted for inflation in $5,000 increments.

Under present law, in general, the dollar limit on annual benefits is reduced if benefits under the plan begin before the social security retirement age (currently, age 65) and increased if benefits begin after social security retirement age.

Compensation limitation

Under present law, the annual compensation of each participant that may be taken into account for purposes of determining contributions and benefits under a plan, applying the deduction rules, and for nondiscrimination testing purposes is limited to $170,000 (for 2000). The compensation limit is indexed for inflation in $10,000 increments.

Elective deferral limitations

Under present law, under certain salary reduction arrangements, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals.

The maximum annual amount of elective deferrals that an individual may make to a qualified cash or deferred arrangement (a "section 401(k) plan"), a tax-sheltered annuity ("section 403(b) annuity") or a salary reduction simplified employee pension plan

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[3] It is intended that, in the case of transfer to a trust, fund, or annuity, the full amount distributed from an IRA will meet the definition of a qualified charitable distribution if the charitable organization's interest in the distribution would qualify as a charitable contribution under section 170.

("SEP") is $10,500 (for 2000). The maximum annual amount of elective deferrals that an individual may make to a SIMPLE plan is $6,000. These limits are indexed for inflation in $500 increments.

Section 457 plans

The maximum annual deferral under a deferred compensation plan of a State or local government or a tax-exempt organization (a "section 457 plan") is the lesser of (1) $8,000 (for 2000) or (2) 33½ percent of compensation. The $8,000 dollar limit is indexed for inflation in $500 increments. Under a special catch-up rule, the section 457 plan may provide that, for one or more of the participant's last 3 years before retirement, the otherwise applicable limit is increased to the lesser of (1) $15,000 or (2) the sum of the otherwise applicable limit for the year plus the amount by which the limit applicable in preceding years of participation exceeded the deferrals for that year.

HOUSE BILL

Limits on contributions and benefits

The House bill increases the $30,000 annual addition limit for defined contribution plans to $40,000. This amount is indexed for inflation in $1,000 increments.[4]

The House bill increases the $135,000 annual benefit limit under a defined benefit plan to $160,000. The dollar limit is reduced for benefit commencement before age 62 and increased for benefit commencement after age 65.

Compensation limitation

The House bill increases the limit on compensation that may be taken into account under a plan to $200,000. This amount is indexed for inflation in $5,000 increments.

Elective deferral limitations

The House bill increases the dollar limit on annual elective deferrals under section 401(k) plans, section 403(b) annuities and salary reduction SEPs to $11,000 in 2001, and in $1,000 annual increments thereafter until the limits reach $15,000 in 2005. The $15,000 limit is indexed for inflation in $500 increments beginning in 2006. Beginning in 2001, the House bill increases the maximum annual elective deferrals that may be made to a SIMPLE plan in $1,000 annual increments until the limit reaches $10,000 in 2004. The $10,000 limit is indexed for inflation in $500 increments beginning in 2005.

Section 457 plans

The House bill increases the dollar limit on deferrals under a section 457 plan to conform to the elective deferral limitation. Thus, the limit is $11,000 in 2001, and is increased in $1,000 annual increments thereafter until the limit reaches $15,000 in 2005. The $15,000 limit is indexed for inflation in $500 increments beginning in 2006. The limit is twice the otherwise applicable dollar limit in the three years prior to retirement.[5]

Effective date

The House bill is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except with respect to the provision relating to the defined contribution plan dollar limit. The Senate amendment retains the present-law $30,000 limit, and indexes the limit for inflation in $1,000 increments.

Effective date.—Same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill. In adopting rules regarding the application of the increase in the defined benefit plan limits under the bill, the conferees intend that the Secretary will apply rules similar to those adopted in Notice 99-44 regarding benefit increases due to the repeal of the combined plan limit under former section 415(e). Thus, for example, a defined benefit plan could provide for benefit increases to reflect the provisions of the bill for a current or former employee who has commenced benefits under the plan prior to the effective date of the bill if the employee or former employee has an accrued benefit under the plan (other than an accrued benefit resulting from a benefit increase solely as a result of the increases in the section 415 limits under the bill). As under the notice, the maximum amount of permitted increase is generally the amount that could have been provided had the provisions of the bill been in effect at the time of the commencement of benefit. In no case can benefits reflect increases that could not be paid prior to the effective date because of the limits in effect under present law. In addition, in no case can plan amendments providing increased benefits under the relevant provision of the bill be effective prior to the effective date of the provision.

B. PLAN LOANS FOR S CORPORATION SHAREHOLDERS, PARTNERS, AND SOLE PROPRIETORS (SEC. 202 OF THE HOUSE BILL, SEC. 202 OF THE SENATE AMENDMENT, AND SEC. 4975 OF THE CODE)

PRESENT LAW

The Internal Revenue Code prohibits certain transactions ("prohibited transactions") between a qualified plan and a disqualified person in order to prevent persons with a close relationship to the qualified plan from using that relationship to the detriment of plan participants and beneficiaries.[6] Certain types of transactions are exempted from the prohibited transaction rules, including loans from the plan to plan participants, if certain requirements are satisfied. In addition, the Secretary of Labor can grant an administrative exemption from the prohibited transaction rules if she finds the exemption is administratively feasible, in the interest of the plan and plan participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan. Pursuant to this exemption process, the Secretary of Labor grants exemptions both with respect to specific transactions and classes of transactions.

The statutory exemptions to the prohibited transaction rules do not apply to certain transactions in which the plan makes a loan to an owner-employee.[7] Loans to participants other than owner-employees are permitted if loans are available to all participants on a reasonably equivalent basis, are not made available to highly compensated employees, are made in accordance with specific provisions in the plan, bear a reasonable rate of interest, and are adequately secured. In addition, the Code places limits on the amount of loans and the repayment terms.

For purposes of the prohibited transaction rules, an owner-employee means (1) a sole proprietor, (2) a partner who owns more than 10 percent of either the capital interest or the profits interest in the partnership, (3) an employee or officer of an S corporation who owns more than 5 percent of the outstanding stock of the corporation, and (4) the owner of an individual retirement arrangement ("IRA"). The term owner-employee also includes certain family members of an owner-employee and certain corporations owned by an owner-employee.

Under the Internal Revenue Code, a two-tier excise tax is imposed on disqualified persons who engage in a prohibited transaction. The first level tax is equal to 15 percent of the amount involved in the transaction. The second level tax is imposed if the prohibited transaction is not corrected within a certain period, and is equal to 100 percent of the amount involved.

HOUSE BILL

The House bill generally eliminates the special present-law rules relating to plan loans made to an owner-employee (other than the owner of an IRA). Thus, the general statutory exemption applies to such transactions. Present law continues to apply with respect to IRAs.

Effective date.—The House bill is effective with respect to loans made after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.[8]

Effective date.—The Senate amendment is effective for years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

Effective date.—The conference agreement follows the Senate amendment. Thus, as under the Senate amendment, a loan that is a prohibited transaction solely because of the present-law restriction would cease to be a prohibited transaction on January 1, 2000. However, the loan would continue to be a prohibited transaction prior to January 1, 2000.

C. MODIFICATION OF TOP-HEAVY RULES (SEC. 203 OF THE HOUSE BILL, SEC. 203 OF THE SENATE AMENDMENT, AND SEC. 416 OF THE CODE)

PRESENT LAW

In general

Under present law, additional qualification requirements apply to plans that primarily benefit an employer's key employees ("top-heavy plans"). These additional requirements provide (1) more rapid vesting for plan participants who are non-key employees and (2) minimum nonintegrated employer contributions or benefits for plan participants who are non-key employees.

Definition of top-heavy plan

In general, a top-heavy plan is a plan under which more than 60 percent of the contributions or benefits are provided to key employees.

For purposes of determining whether a plan is a top-heavy plan, benefits derived both from employer and employee contributions, including employee elective contributions, are taken into account. In addition, the accrued benefit of a participant in a defined benefit plan and the account balance of a participant in a defined contribution plan includes any amount distributed within the 5-year period ending on the determination date.

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[4] The 25 percent of compensation limitation is increased to 100 percent of compensation under another provision of the House bill.

[5] Another provision of the House bill increases the 33⅓ percentage of compensation limit to 100 percent.

[6] Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), also contains prohibited transaction rules. The Code and ERISA provisions are substantially similar, although not identical.

[7] Certain transactions involving a plan and S corporation shareholders are permitted.

[8] The Senate amendment also amends the corresponding provisions of ERISA.

An individual's accrued benefit or account balance is not taken into account in determining whether a plan is top-heavy if the individual has not performed services for the employer during the 5-year period ending on the determination date.

SIMPLE plans are not subject to the top-heavy rules.

Definition of key employee

A key employee is an employee who, during the plan year containing the determination date for the plan year in question or any of the 4 preceding plan years, is (1) an officer earning over one-half of the defined benefit plan dollar limitation of section 415 ($67,500 for 2000), (2) a 5-percent owner of the employer, (3) a 1-percent owner of the employer earning over $150,000, or (4) one of the 10 employees earning more than the defined contribution plan dollar limit ($30,000 for 2000) with the largest ownership interests in the employer. A family ownership attribution rule applies to the determination of 1-percent owner status, 5-percent owner status, and largest ownership interest. Under this attribution rule, an individual is treated as owning stock owned by the individual's spouse, children, grandchildren, or parents.

Minimum benefit for non-key employees

A minimum benefit generally must be provided to all non-key employees in a top-heavy plan. In general, a top-heavy defined benefit plan must provide a minimum benefit equal to the lesser of (1) 2 percent of compensation multiplied by the employee's years of service, or (2) 20 percent of compensation. A top-heavy defined contribution plan must provide a minimum annual contribution equal to the lesser of (1) 3 percent of compensation, or (2) the percentage of compensation at which contributions were made for key employees (including employee elective contributions made by key employees and employer matching contributions).

For purposes of the minimum benefit rules, only benefits derived from employer contributions (other than amounts employees have elected to defer) to the plan are taken into account, and an employee's social security benefits are disregarded (i.e., the minimum benefit is nonintegrated). Employer matching contributions may be used to satisfy the minimum contribution requirement; however, in such a case the contributions are not treated as matching contributions for purposes of applying the special nondiscrimination requirements applicable to employee elective contributions and matching contributions under sections 401(k) and (m). Thus, such contributions would have to meet the general nondiscrimination test of section 401(a)(4).[9]

Top-heavy vesting

Benefits under a top-heavy plan must vest at least as rapidly as under one of the following schedules: (1) 3-year cliff vesting, which provides for 100 percent vesting after 3 years of service; and (2) 2-6 year graded vesting, which provides for 20 percent vesting after 2 years of service, and 20 percent more each year thereafter so that a participant is fully vested after 6 years of service.[10]

Qualified cash or deferred arrangements

Under a qualified cash or deferred arrangement (a "section 401(k) plan"), an employee may elect to have the employer make payments as contributions to a qualified plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals. A special nondiscrimination test applies to elective deferrals under cash or deferred arrangements, which compares the elective deferrals of highly compensated employees with elective deferrals of nonhighly compensated employees. (This test is called the actual deferral percentage test or the "ADP" test). Employer matching contributions under qualified defined contribution plans are also subject to a similar nondiscrimination test. (This test is called the actual contribution percentage test or the "ACP" test.)

Under a design-based safe harbor, a cash or deferred arrangement is deemed to satisfy the ADP test if the plan satisfies one of two contribution requirements and satisfies a notice requirement.

HOUSE BILL

Definition of top-heavy plan

The provision provides that a plan consisting of a cash-or-deferred arrangement that satisfies the design-based safe harbor for such plans and matching contributions that satisfy the safe harbor rule for such contributions is not a top-heavy plan. Matching or nonelective contributions provided under such a plan may be taken into account in satisfying the minimum contribution requirements applicable to top-heavy plans.[11]

In determining whether a plan is top-heavy, the provision provides that distributions during the year ending on the date the top-heavy determination is being made are taken into account; however, the present-law 5-year rule applies with respect to in-service distributions. Similarly, the provision provides that an individual's accrued benefit or account balance is not taken into account if the individual has not performed services for the employer during the 1-year period ending on the date the top-heavy determination is being made.

Definition of key employee

The provision (1) provides that an employee is not considered a key employee by reason of officer status unless the employee earns more than $150,000 in compensation for the year, and (2) repeals the top-10 owner key employee category.

The provision repeals the 4-year lookback rule for determining key employee status and provides that an employee is a key employee only if he or she is a key employee during the plan year containing the determination date for the plan year in question.

The family ownership attribution rule no longer applies in determining whether an individual is a 5-percent owner of the employer for purposes of the top-heavy rules only. The family ownership attribution rule continues to apply to other provisions that cross reference the top-heavy rules, such as the definition of highly compensated employee and the definition of 1-percent owner under the top-heavy rules.

Minimum benefit for non-key employees

Under the provision, matching contributions are taken into account in determining whether the minimum benefit requirement has been satisfied.[12]

The provision provides that, in determining the minimum benefit required under a defined benefit plan, a year of service does not include any year in which no employee benefits under the plan (as determined under sec. 410).

Effective date

The provision is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment follows the House bill, with the following modifications.

Under the Senate amendment, an employee is considered a key employee if, during the prior year, the employee was (1) an officer with compensation in excess of $85,000 (for 2000), (2) a 5-percent owner, or (3) a 1-percent owner with compensation in excess of $150,000. The present-law limits on the number of officers treated as key employees under (1) continue to apply. An employee who was not an employee in the preceding plan year, or who was an employee only for part of the year, is treated as a key employee if it can be reasonably anticipated that the employee will meet the definition of a key employee for current plan year.

The Senate amendment provides that, in determining the minimum benefit required under a defined benefit plan, a year of service does not include any year in which no key employee or former key employee benefits under the plan (as determined under sec. 410).

Effective date.—The Senate amendment is effective for years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications. Under the conference agreement, an employee is a key employee if, during the plan year containing the determination date for the plan year in question, the employee was (1) an officer with compensation in excess of $115,000 (indexed for inflation after 2001), (2) a 5-percent owner, or (3) a 1-percent owner with compensation in excess of $150,000. The present-law limits on the number of officers treated as key employees under (1) continue to apply. As under the House bill, the family ownership attribution rule no longer applies in determining whether an individual is a 5-percent owner of the employer for purposes of the top-heavy rules only. The family ownership attribution rule continues to apply to other provisions that cross reference the top-heavy rules, such as the definition of highly compensated employee and the definition of 1-percent owner under the top-heavy rules.

The conference agreement follows the Senate amendment in providing that, in determining the minimum benefit required under a defined benefit plan, a year of service does not include any year in which no key employee or former key employee benefits under the plan (as determined under sec. 410).

Effective date.—The conference agreement is effective for years beginning after December 31, 2000.

D. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS (SEC. 204 OF THE HOUSE BILL, SEC. 204 OF THE SENATE AMENDMENT, AND SEC. 404 OF THE CODE)

PRESENT LAW

Employer contributions to one or more qualified retirement plans are deductible subject to certain limits. In general, the deduction limit depends on the kind of plan.

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[9] Tres. Reg. sec. 1.416-1 Q&A M-19.

[10] Benefits under a plan that is not top heavy must vest at least as rapidly as under one of the following schedules: (1) 5-year cliff vesting; and (2) 3-7 year graded vesting, which provides for 20 percent vesting after 3 years of service and 20 percent more each year thereafter so that a participant is fully vested after 7 years of service.

[11] This provision is not intended to preclude the use of nonelective contributions that are used to satisfy the safe harbor rules from being used to satisfy other qualified retirement plan nondiscrimination rules, including those involving cross-testing.

[12] Thus, this provision overrides the provision in Treasury regulations that, if matching contributions are used to satisfy the minimum benefit requirement, then they are not treated as matching contributions for purposes of the section 401(m) nondiscrimination rules.

In the case of a defined benefit pension plan or a money purchase pension plan, the employer generally may deduct the amount necessary to satisfy the minimum funding cost of the plan for the year. If a defined benefit pension plan has more than 100 participants, the maximum amount deductible is at least equal to the plan's unfunded current liabilities.

In the case of a profit-sharing or stock bonus plan, the employer generally may deduct an amount equal to 15 percent of compensation of the employees covered by the plan for the year.

If an employer sponsors both a defined benefit pension plan and a defined contribution plan that covers some of the same employees (or a money purchase pension plan and another kind of defined contribution plan), the total deduction for all plans for a plan year generally is limited to the greater of (1) 25 percent of compensation or (2) the contribution necessary to meet the minimum funding requirements of the defined benefit pension plan for the year (or the amount of the plan's unfunded current liabilities, in the case of a plan with more than 100 participants).

For purposes of the deduction limits, employee elective deferral contributions to a section 401(k) plan are treated as employer contributions and, thus, are subject to the generally applicable deduction limits.

Subject to certain exceptions, nondeductible contributions are subject to a 10-percent excise tax.

HOUSE BILL

Under the House bill, elective deferral contributions are not subject to the deduction limits, and the application of a deduction limitation to any other employer contribution to a qualified retirement plan does not take into account elective deferral contributions.

Effective date.—The House bill is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

E. Repeal of Coordination Requirements for Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations (sec. 205 of the House bill, sec. 205 of the Senate amendment, and sec. 457 of the Code)

PRESENT LAW

Compensation deferred under an eligible deferred compensation plan of a tax-exempt or State and local government employer (a "section 457 plan") is not includible in gross income until paid or made available. In general, the maximum permitted annual deferral under such a plan is the lesser of (1) $8,000 (in 2000) or (2) 33⅓ percent of compensation. The $8,000 limit is indexed for inflation in $500 increments.

The $8,000 limit (as modified under the catch-up rule), applies to all deferrals under all section 457 plans in which the individual participates. In addition, in applying the $8,000 limit, contributions under a tax-sheltered annuity ("section 403(b) annuity"), elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan"), salary reduction contributions under a simplified employee pension plan ("SEP"), and contributions under a SIMPLE plan are taken into account. Further, the amount deferred under a section 457 plan is taken into account in applying a special catch-up rule for section 403(b) annuities.

HOUSE BILL

The House bill repeals the rules coordinating the section 457 dollar limit with contributions under other types of plans.[13]

Effective date.—The House bill is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

F. Eliminate IRS User Fees for Certain Requests Regarding Employer Plans (sec. 206 of the House bill)

PRESENT LAW

An employer that maintains a retirement plan for the benefit of its employees may request from the Internal Revenue Service ("IRS") a determination as to whether the form of the plan satisfies the requirements applicable to tax-qualified plans (sec. 401(a)). In order to obtain a determination letter on the qualified status of the plan, the employer must pay a user fee. The Secretary determines the user fee to be made for various types of requests, subject to statutory minimum requirements for average fees based on the category of the request. The user fee for a employee plan determination letter request may range from $125 to $1,250, depending upon the scope of the request and the type and format of the plan.[14]

In general, a qualified plan which does not meet the qualification requirements as a result of a disqualifying provision may be amended retroactively to comply with such requirements if the necessary amendments are adopted within the remedial amendment period. The remedial amendment period with respect to plan amendments needed to reflect changes in the law generally ends by the due date for the employer's tax return for the taxable year in which the change in the law occurs. The Secretary is authorized to extend the otherwise applicable remedial amendment period. Pursuant to this authority, the Secretary has provided extended remedial amendment periods with respect to recent legislation affecting qualified plans.[15]

HOUSE BILL

Under the House bill, a small employer (100 or fewer employees) is not required to pay a user fee for any determination letter request with respect to the qualified status of a retirement plan that the employer maintains, if the request is made within the first 5 plan years of the plan. The House bill applies only to requests by employers for determination letters concerning the qualified retirement plans they maintain. Therefore, a sponsor of a prototype plan is required to pay a user fee for a request for a notification letter, opinion letter, or similar ruling. A small employer that adopts a prototype plan, however, is not required to pay a user fee for a determination letter request with respect to the employer's plan.

Effective date.—The House bill is effective for determination letter requests made after December 31, 2000.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modification. Under the conference agreement, a small employer also is not required to pay a user fee for a determination letter request made prior to the end of a remedial amendment period beginning within the first 5 plan years of the plan. In addition, determination letter requests for which user fees are not required under the conference agreement are not taken into account in determining average user fees.

F. Deduction Limits (sec. 207 of the House bill, sec. 206 of the Senate amendment, and sec. 404 of the Code)

PRESENT LAW

Employer contributions to one or more qualified retirement plans are deductible subject to certain limits. In general, the deduction limit depends on the kind of plan. Subject to certain exceptions, nondeductible contributions are subject to a 10-percent excise tax.

In the case of a defined benefit pension plan or a money purchase pension plan, the employer generally may deduct the amount necessary to satisfy the minimum funding cost of the plan for the year. If a defined benefit pension plan has more than 100 participants, the maximum amount deductible is at least equal to the plan's unfunded current liabilities.

In some cases, the amount of deductible contributions is limited by compensation. In the case of a profit-sharing or stock bonus plan, the employer generally may deduct an amount equal to 15 percent of compensation of the employees covered by the plan for the year.

If an employer sponsors both a defined benefit pension plan and a defined contribution plan that covers some of the same employees (or a money purchase pension plan and another kind of defined contribution plan), the total deduction for all plans for a plan year generally is limited to the greater of (1) 25 percent of compensation or (2) the contribution necessary to meet the minimum funding requirements of the defined benefit pension plan for the year (or the amount of the plan's unfunded current liabilities, in the case of a plan with more than 100 participants).

In the case of an employee stock ownership plan ("ESOP"), principal payments on a loan used to acquire qualifying employer securities are deductible up to 25 percent of compensation.

For purposes of the deduction limits, employee elective deferral contributions to a qualified cash or deferred arrangement ("section 401(k) plan") are treated as employer contributions and, thus, are subject to the generally applicable deduction limits.[16]

For purposes of the deduction rules, compensation generally includes only taxable compensation, and thus does not include salary reduction amounts, such as elective deferrals under a section 401(k) plan or a tax-sheltered annuity ("section 403(b) annuity"), elective contributions under a deferred compensation plan of a tax-exempt organization or a State or local government ("section 457 plan"), and salary reduction contributions under a section 125 cafeteria plan. For purposes of the contribution limits under section 415, compensation does include such salary reduction amounts.

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[13] The limits on deferrals under a section 457 plan are modified under other provisions of the House bill.

[14] Authorization for the user fees was originally enacted in section 10511 of the Revenue Act of 1987 (Pub. L. No. 100-203, December 22, 1987). The authorization was extended through September 30, 2003, by Public Law Number 104-117 (An Act to provide that members of the Armed Forces preforming services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes (March 20, 1996)).

[15] See, e.g., Rev. Proc. 99-23, 1999-16 IRB 6.

[16] Another provision in the House bill provides that elective deferrals are not subject to the deduction limits.

HOUSE BILL

Under the House bill, the definition of compensation for purposes of the deduction rules includes salary reduction amounts treated as compensation under section 415. In addition, the annual limitation on the amount of deductible contributions to a profit-sharing or stock bonus plan is increased from 15 percent to 20 percent of compensation of the employees covered by the plan for the year.

Effective date.—The House bill is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

Under the Senate amendment, the definition of compensation for purposes of the deduction rules includes salary reduction amounts treated as compensation under section 415. In addition, the annual limitation on the amount of deductible contributions to a profit-sharing or stock bonus plan is increased from 15 percent to 25 percent of compensation of the employees covered by the plan for the year. Also, the Senate amendment provides that, except to the extent provided in regulations, a money purchase pension plan is treated like a profit-sharing or stock bonus plan for purposes of the deduction rules.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. The conferees intend that the Treasury regulations authorized by the conference agreement will address the need for an appropriate increase of the annual limitation on the amount of deductible contributions to a money purchase pension plan by an amount that equals the minimum funding requirement attributable to the prior plan year, but only to the extent that such amount was not deductible for the prior taxable year because the amount was not contributed prior to the due date of the employer's federal income tax return for the prior taxable year (even though the amount was contributed within 8½ months after the end of the prior plan year and therefore satisfied the minimum funding requirement).

H. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS (SEC. 208 OF THE HOUSE BILL, SEC. 207 OF THE SENATE AMENDMENT, AND NEW SEC. 402A OF THE CODE)

PRESENT LAW

A qualified cash or deferred arrangement ("section 401(k) plan") or a tax-sheltered annuity ("section 403(b) annuity") may permit a participant to elect to have the employer make payments as contributions to the plan or to the participant directly in cash. Contributions made to the plan at the election of a participant are elective deferrals. Elective deferrals must be nonforfeitable and are subject to an annual dollar limitation (sec. 402(g))[17] and distribution restrictions. In addition, elective deferrals under a section 401(k) plan are subject to special nondiscrimination rules. Elective deferrals that do not exceed the annual dollar limitation (and earnings attributable thereto) are not includible in a participant's gross income until distributed from the plan.

Elective deferrals for a taxable year that exceed the annual dollar limitation ("excess deferrals") are includible in gross income for the taxable year. If an employee makes elective deferrals under a plan (or plans) of a single employer that exceed the annual dollar limitation ("excess deferrals"), then the plan may provide for the distribution of the excess deferrals, with earnings thereon. If the excess deferrals are made to more than one plan of unrelated employers, then the plan may permit the individual to allocate excess deferrals among the various plans, no later than the March 1 (April 15 under the applicable regulations) following the end of the taxable year. If excess deferrals are distributed not later than April 15 following the end of the taxable year, along with earnings attributable to the excess deferrals, then the excess deferrals are not again includible in income when distributed. The earnings are includible in income in the year distributed. If excess deferrals (and income thereon) are not distributed by the applicable April 15, then the excess deferrals (and income thereon) are includible in income when received by the participant. Thus, excess deferrals that are not distributed by the applicable April 15th are taxable both in the taxable year when the deferral was made and in the year the participant receives a distribution of the excess deferral.

Individuals with adjusted gross income below certain levels generally may make nondeductible contributions to a Roth IRA and may convert a deductible or nondeductible IRA into a Roth IRA. Amounts held in a Roth IRA that are withdrawn as a qualified distribution are not includible in income, nor subject to the additional 10-percent tax on early withdrawals. A qualified distribution is a distribution that (1) is made after the 5-taxable year period beginning with the first taxable year for which the individual made a contribution to a Roth IRA, and (2) is made after attainment of age 59½, is made on account of death or disability, or is a qualified special purpose distribution (i.e., for first-time homebuyer expenses of up to $10,000). A distribution from a Roth IRA that is not a qualified distribution is includible in income to the extent attributable to earnings, and is subject to the 10-percent tax on early withdrawals (unless an exception applies).[18]

HOUSE BILL

A section 401(k) plan or a section 403(b) annuity is permitted to include a "qualified plus contribution program" that permits a participant to elect to have all or a portion of the participant's elective deferrals under the plan treated as designated plus contributions. Designated plus contributions are elective deferrals that the participant designates as not excludable from the participant's gross income.

The annual dollar limitation on a participant's designated plus contributions is the section 402(g) annual limitation on elective deferrals, reduced by the participant's elective deferrals that the participant does not designate as designated plus contributions. Designated plus contributions are treated as any other elective deferral for purposes of nonforfeitability requirements and distribution restrictions. Under a section 401(k) plan, designated plus contributions also are treated as any other elective deferral for purposes of the special nondiscrimination requirements.

The plan is required to establish a separate account, and maintain separate recordkeeping, for a participant's designated plus contributions (and earnings allocable thereto). A qualified distribution from a participant's designated plus contributions account is not includible in the participant's gross income. A qualified distribution is a distribution that is made after the end of a specified nonexclusion period and that is (1) made on or after the date on which the participant attains age 59½, (2) made to a beneficiary (or to the estate of the participant) on or after the death of the participant, or (3) attributable to the participant's being disabled.[19] The nonexclusion period is the 5-year-taxable period beginning with the earlier of (1) the first taxable year for which the participant made a designated plus contribution to any designated plus contribution account established for the participant under the plan, or (2) if the participant has made a rollover contribution to the designated plus contribution account that is the source of the distribution from a designated plus contribution account established for the participant under another plan, the first taxable year for which the participant made a designated plus contribution to the previously established account.

A distribution from a designated plus contributions account that is a corrective distribution of an elective deferral (and income allocable thereto) that exceeds the section 402(g) annual limit on elective deferrals is not a qualified distribution.

A participant is permitted to roll over a distribution from a designated plus contributions account only to another designated plus contributions account or a Roth IRA of the participant.

The Secretary of the Treasury is directed to require the plan administrator of each section 401(k) plan or section 403(b) annuity that permits participants to make designated plus contributions to make such returns and reports regarding designated plus contributions to the Secretary, plan participants and beneficiaries, and other persons that the Secretary may designate.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment refers to designated plus contributions as "Roth contributions."

The Senate amendment also includes additional clarifications in the legislative history. The Senate amendment provides that it is intended that the Secretary generally will not permit retroactive designations of elective deferrals as Roth contributions. The Senate amendment also clarifies that Roth contributions to a section 403(b) annuity are treated the same as other salary reduction contributions to the annuity (except that Roth contributions are includible in gross income). The Senate amendment provides that it is intended that the Secretary will provide ordering rules regarding the return of excess contributions under the special nondiscrimination rules (pursuant to sec. 401(k)(8)) in the event a participant has made both Roth contributions and regular elective contributions. It is intended that such rules will generally permit a plan to allow participants to designate which contributions are returned first or to permit the plan to specify which contributions are returned first.

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[17] The limit on elective deferrals is $10,500 for 2000. This limit is increased under another provision of the bill.

[18] Early distributions of converted amounts may also accelerate income inclusion of converted amounts that are taxable under the 4-year rule applicable to 1998 conversions.

[19] A qualified special purpose distribution, as defined under the rules relating to Roth IRAs, does not qualify as a tax-free distribution from a designated plus contributions account.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. The conference agreement clarifies the treatment of excess deferrals to the extent attributable to excess Roth contributions. In general, the conference agreement conforms the treatment of excess Roth contributions to the treatment of excess deferrals attributable to non-Roth elective deferrals. If excess Roth contributions (including earnings thereon) are distributed no later than the April 15th following the taxable year, then the Roth contributions are not includible in gross income as a result of the distribution, because such contributions are includible in gross income when made. Earnings on such excess contributions are treated the same as earnings on excess deferrals distributed no later than April 15th, i.e., they are includible in income when distributed. If excess Roth contributions are not distributed no later than the applicable April 15th, then such contributions (and earnings thereon) are taxable when distributed. Thus, as is the case with excess elective deferrals that are not distributed by the applicable April 15th, the contributions are includible in income in the year when made and again when distributed from the plan. Earnings on such contributions are taxable when received.

It is intended that the Secretary will provide ordering rules regarding the return of excess deferrals in the event a participant has made both Roth contributions and regular contributions to the plan. It is intended that such rules will generally permit a plan to allow participants to designate which contributions are returned first or to permit the plan to specify which contributions are returned first. It is also intended that the Secretary will provide ordering rules to determine the extent to which a distribution consists of excess Roth contributions.

Subtitle C. Enhancing Fairness for Women (secs. 421–427 of the bill)

A. ADDITIONAL SALARY REDUCTION CATCH-UP CONTRIBUTIONS (SEC. 301 OF THE HOUSE BILL, SEC. 301 OF THE SENATE AMENDMENT, AND SEC. 414 OF THE CODE)

PRESENT LAW

Elective deferral limitations

Under present law, under certain salary reduction arrangements, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals.

The maximum annual amount of elective deferrals that an individual may make to a qualified cash or deferred arrangement (a "401(k) plan"), a tax-sheltered annuity ("section 403(b) annuity") or a salary reduction simplified employee pension plan ("SEP") is $10,500 (for 2000). The maximum annual amount of elective deferrals that an individual may make to a SIMPLE plan is $6,000. These limits are indexed for inflation in $500 increments.

Section 457 plans

The maximum annual deferral under a deferred compensation plan of a State or local government or a tax-exempt organization (a "section 457 plan") is the lesser of (1) $8,000 (for 2000) or (2) 33⅓ percent of compensation. The $8,000 dollar limit is indexed for inflation in $500 increments. Under a special catch-up rule, the section 457 plan may provide that, for one or more of the participant's last 3 years before retirement, the otherwise applicable limit is increased to the lesser of (1) $15,000 or (2) the sum of the otherwise applicable limit for the year plus the amount by which the limit applicable in preceding years of participation exceeded the deferrals for that year.

HOUSE BILL

The provision provides that the otherwise applicable dollar limit on elective deferrals under a section 401(k) plan, section 403(b) annuity, or SIMPLE, or deferrals under a section 457 plan are increased for individuals who have attained age 50 by the end of the year.[20] Additional contributions are permitted to be made by an individual who has attained age 50 before the end of the plan year and with respect to whom no other elective deferrals may otherwise be made to the plan for the year because of the application of any limitation of the Code (e.g., the annual limit on elective deferrals) or of the plan. Under the provision, the additional amount of elective contributions that are permitted to be made by an eligible individual participating in such a plan is the lesser of (1) $5,000, or (2) the participant's compensation for the year reduced by any other elective deferrals of the participant for the year.[21] This $5,000 amount is indexed for inflation in $500 increments in 2006 and thereafter.

Catch-up contributions made under the provision are not subject to any other contribution limits and are not taken into account in applying other contribution limits. Such contributions are subject to applicable nondiscrimination rules.[22]

An employer is permitted to make matching contributions with respect to catch-up contributions. Any such matching contributions are subject to the normally applicable rules.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

The bill provides that individuals who have attained age 50 may be permitted to make additional catch-up elective contributions to employer-sponsored retirement plans.[23]

In the case of employer-sponsored retirement plans, the provision applies to elective deferrals under a section 401(k) plan, section 403(b) annuity, SIMPLE, or a section 457 plan. Additional contributions may be made by an individual who has attained age 50 before the end of the plan year and with respect to whom no other elective deferrals may otherwise be made to the plan for the year because of the application of any limitation of the Code (e.g., the annual limit on elective deferrals) or of the plan.[24] Under the bill, the additional amount of elective contributions that could be made by an eligible individual participating in such a plan is the lesser of (1) the applicable percent of the maximum dollar amount of elective deferrals otherwise excludable from the gross income of the participant for the year (under sec. 402(g)) or (2) the participant's compensation for the year reduced by any other elective deferrals of the participant for the year.[25] The applicable percent is 10 percent in 2001, and increases by 10 percentage points until the applicable percent is 50 in 2005 and thereafter.

Catch-up contributions made under the bill are not subject to any other contribution limits and are not taken into account in applying other contribution limits. In addition, such contributions are not subject to otherwise applicable nondiscrimination rules or the top-heavy rules.

An employer is permitted to make matching contributions with respect to catch-up contributions. Any such matching contributions are subject to the normally applicable rules.

Effective date.—The provision is effective for contributions in taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with a modification. Although catch- up contributions are subject to applicable nondiscrimination rules, a plan will not be treated as failing to meet the applicable nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible individuals participating in the plan to make the same election with respect to catch-up contributions. For purposes of this rule, all plans of related employers are treated as a single plan.

B. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS (SEC. 302 OF THE HOUSE BILL, SEC. 302 OF THE SENATE AMENDMENT AND SECS. 413(B), 415, AND 452 OF THE CODE)

PRESENT LAW

Present law imposes limits on the contributions that may be made to tax-favored retirement plans.

Defined contribution plans

In the case of a tax-qualified defined contribution plan, the limit on annual additions that can be made to the plan on behalf of an employee is the lesser of $30,000 (for 2000) or 25 percent of the employee's compensation (sec. 415(c)). Annual additions include employer contributions, including contributions made at the election of the employee (i.e., employee elective deferrals), after-tax employee contributions, and any forfeitures allocated to the employee. For this purpose, compensation means taxable compensation of the employee, plus elective deferrals, and similar salary reduction contributions. A separate limit applies to benefits under a defined benefit plan.

For years before January 1, 2000, an overall limit applies if an employee is a participant in both a defined contribution plan and a defined benefit plan of the same employer.

Tax-sheltered annuities

In the case of a tax-sheltered annuity (a "section 403(b) annuity"), the annual contribution generally cannot exceed the lesser of the exclusion allowance or the section 415(c) defined contribution limit. The exclusion allowance for a year is equal to 20 percent of the employee's includible compensation, multiplied by the employee's years of service, minus excludable contributions for prior years under qualified plans, tax-sheltered annuities or section 457 plans of the employer.

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[20] Another provision of the bill increases the dollar limit on elective deferrals under such arrangements.

[21] In the case of a section 457 plan, this catch-up rule does not apply during the participant's last 3 years before retirement (in those years, the regularly applicable dollar limit is doubled).

[22] Another provision of the bill provides that elective contributions are deductible without regard to the otherwise applicable deduction limits.

[23] Another provision of the bill provides for catch-up contributions to IRAs.

[24] A plan is not required to permit participants to make catch-up contributions.

[25] In the case of a section 457 plans, this catch-up rule does not apply during the participant's last 3 years before retirement. Under another provision in the bill, in those years, the regularly applicable dollar limit is doubled.

In addition to this general rule, employees of nonprofit educational institutions, hospitals, home health service agencies, health and welfare service agencies, and churches may elect application of one of several special rules that increase the amount of the otherwise permitted contributions. The election of a special rule is irrevocable; an employee may not elect to have more than one special rule apply.

Under one special rule, in the year the employee separates from service, the employee may elect to contribute up to the exclusion allowance, without regard to the 25 percent of compensation limit under section 415. Under this rule, the exclusion allowance is determined by taking into account no more than 10 years of service.

Under a second special rule, the employee may contribute up to the lesser of: (1) the exclusion allowance; (2) 25 percent of the participant's includible compensation; or (3) $15,000.

Under a third special rule, the employee may elect to contribute up to the section 415(c) limit, without regard to the exclusion allowance. If this option is elected, then contributions to other plans of the employer are also taken into account in applying the limit.

For purposes of determining the contribution limits applicable to section 403(b) annuities, includible compensation means the amount of compensation received from the employer for the most recent period which may be counted as a year of service under the exclusion allowance. In addition, includible compensation includes elective deferrals and similar salary reduction amounts.

Treasury regulations include provisions regarding application of the exclusion allowance in cases where the employee participates in a section 403(b) annuity and a defined benefit plan. The Taxpayer Relief Act of 1997 directed the Secretary of the Treasury to revise these regulations, effective for years beginning after December 31, 1999, to reflect the repeal of the overall limit on contributions and benefits.

Section 457 plans

Compensation deferred under an eligible deferred compensation plan of a tax-exempt or State and local governmental employer (a "section 457 plan") is not includible in gross income until paid or made available. In general, the maximum permitted annual deferral under such a plan is the lesser of (1) $8,000 (in 2000) or (2) 33⅓ percent of compensation. The $8,000 limit is increased for inflation in $500 increments.

HOUSE BILL

Increase in defined contribution plan limit

The bill increases the 25 percent of compensation limitation on annual additions under a defined contribution plan to 100 percent.[26]

Conforming limits on tax-sheltered annuities

The bill repeals the exclusion allowance applicable to contributions to tax-sheltered annuities. Thus, such annuities are subject to the limits applicable to tax-qualified plans.

The bill also directs the Secretary of the Treasury to revise the regulations relating to the exclusion allowance under section 403(b)(2) to render void the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, the regulatory provisions regarding the exclusion allowance are to be applied as if the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance were void.

Section 457 plans

The bill increases the 33⅓ percent of compensation limitation on deferrals under a section 457 plan to 100 percent of compensation.

Effective date

The provision generally is effective for years beginning after December 31, 2000. The provision regarding the regulations under section 403(b)(2) is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

C. FASTER VESTING OF EMPLOYER MATCHING CONTRIBUTIONS (SEC. 303 OF THE HOUSE BILL, SEC. 303 OF THE SENATE AMENDMENT, AND SEC. 411 OF THE CODE)

PRESENT LAW

Under present law, a plan is not a qualified plan unless a participant's employer-provided benefit vests at least as rapidly as under one of two alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of the participant's accrued benefit derived from employer contributions upon the completion of 5 years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to at least 20 percent of the participant's accrued benefit derived from employer contributions after 3 years of service, 40 percent after 4 years of service, 60 percent after 5 years of service, 80 percent after 6 years of service, and 100 percent after 7 years of service.[27]

HOUSE BILL

The bill applies faster vesting schedules to employer matching contributions. Under the provision, employer matching contributions must vest at least as rapidly as under one of the following two alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of employer matching contributions upon the completion of 3 years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to 20 percent of employer matching contributions for each year of service beginning with the participant's second year of service and ending with 100 percent after 6 years of service.

Effective date.—The provision is effective for contributions for plan years beginning after December 31, 2000, with a delayed effective date for plans maintained pursuant to a collective bargaining agreement. The provision does not apply to any employee until the employee has an hour of service after the effective date. In applying the new vesting schedule, service before the effective date must be taken into account.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

D. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES (SEC. 304 OF THE HOUSE BILL, SEC. 304 OF THE SENATE AMENDMENT, AND SECS. 401(A)19 AND 457 OF THE CODE)

PRESENT LAW

In general

Minimum distribution rules apply to all types of tax-favored retirement vehicles, including qualified plans, individual retirement arrangements ("IRAs"), tax-sheltered annuities ("section 403(b) annuities"), and eligible deferred compensation plans of tax-exempt and State and local government employers ("section 457 plans"). In general, under these rules, distribution of minimum benefits must begin no later than the required beginning date. Minimum distribution rules also apply to benefits payable with respect to a plan participant who has died. Failure to comply with the minimum distribution rules results in an excise tax imposed on the individual plan participant equal to 50 percent of the required minimum distribution not distributed for the year. The excise tax can be waived if the individual establishes to the satisfaction of the Secretary that the shortfall in the amount distributed was due to reasonable error and reasonable steps are being taken to remedy the shortfall.

Distributions prior to the death of the individual

In the case of distributions prior to the death of the plan participant, the minimum distribution rules are satisfied if either (1) the participant's entire interest in the plan is distributed by the required beginning date, or (2) the participant's interest in the plan is to be distributed (in accordance with regulations), beginning not later than the required beginning date, over a permissible period. The permissible periods are (1) the life of the participant, (2) the lives of the participant and a designated beneficiary, (3) the life expectancy of the participant, or (4) the joint life and last survivor expectancy of the participant and a designated beneficiary. In calculating minimum required distributions, life expectancies of the participant and the participant's spouse may be recomputed annually.

In the case of qualified plans, tax-sheltered annuities, and section 457 plans, the required beginning date is the April 1 of the calendar year following the later of (1) the calendar year in which the employee attains age 70½ or (2) the calendar year in which the employee retires. However, in the case of a 5-percent owner of the employer, distributions are required to begin no later than the April 1 of the calendar year following the year in which the 5-percent owner attains age 70½. If commencement of benefits is delayed beyond age 70½ from a defined benefit plan, then the accrued benefit of the employee must be actuarially increased to take into account the period after age 70½ in which the employee was not receiving benefits under the plan.[28] In the case of distributions from an IRA other than a Roth IRA, the required beginning date is the April 1 following the calendar year in which the IRA owner attains age 70½. The pre-death minimum distribution rules do not apply to Roth IRAs.

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[26] Another provision of the bill increases the defined contribution plan dollar limit.

[27] The minimum vesting requirements are also contained in Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

[28] State and local government plans and church plans are not required to actuarially increase benefits that begin after age 70½.

In general, under proposed regulations, in order to satisfy the minimum distribution rules, annuity payments under a defined benefit plan must be paid in periodic payments made at intervals not longer than one year over a permissible period, and must be nonincreasing, or increase only as a result of the following: (1) cost-of-living adjustments; (2) cash refunds of employee contributions; (3) benefit increases under the plan; or (4) an adjustment due to death of the employee's beneficiary. In the case of a defined contribution plan, the minimum required distribution is determined by dividing the employee's benefit by the applicable life expectancy.

Distributions after the death of the plan participant

The minimum distribution rules also apply to distributions to beneficiaries of deceased participants. In general, if the participant dies after minimum distributions have begun, the remaining interest must be distributed at least as rapidly as under the minimum distribution method being used as of the date of death. If the participant dies before minimum distributions have begun, then the entire remaining interest must generally be distributed within 5 years of the participant's death. The 5-year rule does not apply if distributions begin within 1 year of the participant's death and are payable over the life of a designated beneficiary or over the life expectancy of a designated beneficiary. A surviving spouse beneficiary is not required to begin distribution until the date the deceased participant would have attained age 70½.

HOUSE BILL

Modification of post-death distribution rules

The provision applies the present-law rules applicable if the participant dies before distribution of minimum benefits has begun to all post-death distributions. Thus, in general, if the employee dies before his or her entire interest has been distributed, distribution of the remaining interest is required to be made within 5 years of the date of death, or begin within one year of the date of death and paid over the life or life expectancy of a designated beneficiary. In the case of a surviving spouse, distributions are not required to begin until the April 1 of the calendar year following the year in which the surviving spouse attains age 70½. Minimum distributions that have already begun could be recalculated under the new rule.

Reduction in excise tax

The bill reduces the excise tax on failures to satisfy the minimum distribution rules to 10 percent of the amount that was required to be distributed but was not distributed.

Treasury regulations

The Secretary of the Treasury is directed to update, simplify, and finalize the regulations relating to the minimum distribution rules and to reflect in such regulations current life expectancies and to revise the required distribution methods so that, under reasonable assumptions, the amount of the required distribution does not decrease over time. The regulations are to permit recalculation of distributions for future years to reflect the change in the regulations, and to permit the election of a new designated beneficiary and method of calculating life expectancy. The regulations are to be effective for years beginning after December 31, 2000, and are to apply to individuals regardless of whether minimum distributions had begun.

Effective date

In general, the provision is effective for years beginning after December 31, 2000. The provision regarding Treasury regulations is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment provides that final Treasury regulations are to be issued no later than December 31, 2001, and the Senate amendment does not require that such regulations are to be effective for years beginning after December 31, 2000.

Effective date.—Same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—In general, the provision is effective for years beginning after December 31, 2000. The provision regarding Treasury regulations is effective on the date of enactment. The conference agreement also provides a transition rule with respect to the provision providing that the required beginning date in the case of a surviving spouse is no earlier than the April 1 of the calendar year after the surviving spouse attains age 70½. The conference agreement provides that, in the case of an individual who died before the date of enactment and prior to his or her required beginning date and whose beneficiary is the surviving spouse, minimum distributions to the surviving spouse are not required to begin earlier than the date distributions would have been required to begin under present law.

E. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE (SEC. 305 OF THE HOUSE BILL, SEC. 305 OF THE SENATE AMENDMENT, AND SEC. 457 OF THE CODE)

PRESENT LAW

Under present law, benefits provided under a qualified retirement plan for a participant may not be assigned or alienated to creditors of the participant, except in very limited circumstances. One exception to the prohibition on assignment or alienation rule is a qualified domestic relations order ("QDRO"). A QDRO is a domestic relations order that creates or recognizes a right of an alternate payee to any plan benefit payable with respect to a participant, and that meets certain procedural requirements.

Under present law, a distribution from a governmental plan or a church plan is treated as made pursuant to a QDRO if it is made pursuant to a domestic relations order that creates or recognizes a right of an alternate payee to any plan benefit payable with respect to a participant. Such distributions are not required to meet the procedural requirements that apply with respect to distributions from qualified plans.

Under present law, amounts distributed from a qualified plan generally are taxable to the participant in the year of distribution. However, if amounts are distributed to the spouse (or former spouse) of the participant by reason of a QDRO, the benefits are taxable to the spouse (or former spouse). Amounts distributed pursuant to a QDRO to an alternate payee other than the spouse (or former spouse) are taxable to the plan participant.

Section 457 of the Internal Revenue Code provides rules for deferral of compensation by an individual participating in an eligible deferred compensation plan ("section 457 plan") of a tax-exempt or State and local government employer. The QDRO rules do not apply to section 457 plans.

HOUSE BILL

The bill applies the taxation rules for qualified plan distributions pursuant to a QDRO to distributions made pursuant to a domestic relations order from a section 457 plan. In addition, a section 457 plan is not treated as violating the restrictions on distributions from such plans due to payments to an alternate payee under a QDRO. The special rule applicable to governmental plans and church plans applies for purposes of determining whether a distribution is pursuant to a QDRO.

Effective date.—The provision is effective for transfers, distributions, and payments made after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with a modification to the effective date.

Effective date.—The provision relating to taxation of distributions is effective for transfers, distributions, and payments made after December 31, 2000. The other provisions are effective on January 1, 2001, except that, in the case of a domestic relations order entered into before such date, the plan administrator (1) shall treat such order as a QDRO if the administrator is paying benefits pursuant to the order and (2) may treat any other such order entered into before the effective date as a QDRO.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

F. MODIFICATIONS RELATING TO HARDSHIP WITHDRAWALS (SEC. 306 OF THE HOUSE BILL, SEC. 306 OF THE SENATE AMENDMENT AND SECS. 401(K) AND 402 OF THE CODE)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement (a "section 401(k) plan") may not be distributable prior to the occurrence of one or more specified events. One event upon which distribution is permitted is the financial hardship of the employee. Applicable Treasury regulations[29] provide that a distribution is made on account of hardship only if the distribution is made on account of an immediate and heavy financial need of the employee and is necessary to satisfy the heavy need.

The Treasury regulations provide a safe harbor under which a distribution may be deemed necessary to satisfy an immediate and heavy financial need. One requirement of this safe harbor is that the employee be prohibited from making elective contributions and employee contributions to the plan and all other plans maintained by the employer for at least 12 months after receipt of the hardship distribution.

Under present law, hardship withdrawals of elective deferrals from a qualified cash or deferred arrangement (or 403(b) annuity) are not eligible rollover distributions. Other types of hardship distributions, e.g., employer matching contributions distributed on account of hardship, are eligible rollover distributions. Different withholding rules apply to distributions that are eligible rollover distributions and to distributions that are not eligible rollover distributions. Eligible rollover distributions that are not directly rolled over are subject to withholding at a flat rate of 20-percent. Distributions that are not eligible rollover distributions are subject to elective withholding. Periodic distributions are subject to withholding as if the distribution were wages; nonperiodic distributions are subject to withholding at a rate of 10 percent. In either case, the individual may elect not to have withholding apply.

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[29] Treas. Reg. sec. 1.401(k)-1.

HOUSE BILL

The Secretary of the Treasury is directed to revise the applicable regulations to reduce from 12 months to 6 months the period during which an employee must be prohibited from making elective contributions and employee contributions in order for a distribution to be deemed necessary to satisfy an immediate and heavy financial need. The revised regulations are to be effective for years beginning after December 31, 2000.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment also provides that any hardship distribution made pursuant to the terms of a plan is not an eligible rollover distribution. Thus, such distributions may not be rolled over, and are subject to the withholding rules applicable to distributions that are not eligible rollover distributions. The bill does not modify the rules under which hardship distributions may be made. For example, as under present law, hardship distributions of qualified employer matching contributions may only be made under the rules applicable to elective deferrals.

Effective date.—The provision directing the Secretary to revise the rules relating to safe harbor hardship distributions is effective on the date of enactment.

The provision providing that hardship distributions are not eligible rollover distributions is effective for distributions made after December 31, 2000. The Secretary has the authority to issue transitional guidance with respect to this provision to provide sufficient time for plans to implement the new rule.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision directing the Secretary to revise the regulations relating to safe harbor hardship distributions is effective on the date of enactment. The provision relating to rollover of hardship distributions is generally effective for distributions after December 31, 2001. For distributions occurring during calendar year 2001, a plan may treat a distribution that is a hardship distribution under the terms of the plan as not an eligible rollover distribution for all purposes of the Code. Thus, for example, if a plan treats a hardship distribution made in 2001 as not an eligible rollover distribution, the distribution could not be rolled over and the withholding rules applicable to distributions that are not eligible rollover distributions would apply.

G. Pension Coverage for Domestic and Similar Workers (sec. 307 of the Senate amendment and sec. 4972 of the Code)

PRESENT LAW

Under present law, within limits, employers may make deductible contributions to qualified retirement plans for employees. Subject to certain exceptions, a 10-percent excise tax applies to nondeductible contributions to such plans.

Employers of household workers may establish a pension plan for such workers. Contributions to such plans are not deductible because they are not made in connection with a trade or business of the employer.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the provision, the 10-percent excise tax on nondeductible contributions does not apply to contributions to a SIMPLE plan or a SIMPLE IRA which are nondeductible solely because the contributions are not a trade or business expense under section 162 because they are not made in connection with a trade or business of the employer. Thus, for example, employers of household workers could make contributions to such plans without imposition of the excise tax. As under present law, the contributions are not deductible. The present-law rules applicable to such plans, e.g., contribution limits and nondiscrimination rules, continue to apply. The provision does not apply with respect to contributions on behalf of the employer and members of his or her family.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference follows the Senate amendment, except that the conference agreement does not limit the waiver of the excise tax to contributions to a SIMPLE plan or SIMPLE IRA. The conference agreement provides that the 10-percent excise tax on nondeductible contributions does not apply to contributions to a SIMPLE IRA or plan, SEP, or qualified plan which are not deductible solely because the contributions are not made in connection with a trade or business of the taxpayer. Thus, for example, employers of household workers could make contributions to such plans without imposition of the excise tax. As under present law, the contributions are not deductible. The present-law rules applicable to such plans, e.g., contribution limits and nondiscrimination rules, continue to apply. The provision does not apply with respect to contributions on behalf of the employer and members of his or her family. For this purpose, family members include the individual, the individual's brothers and sisters, the brothers and sisters of the individual's parents and grandparents, and ancestors and lineal descendants of the foregoing, and a spouse of any of the foregoing.

No inference is intended with respect to application of the excise tax under present law to contributions that are not deductible because they are not made in connection with a trade or business of the employer.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

Subtitle D. Increasing Portability for Participants (secs. 431–439 of the bill)

A. Rollovers of Retirement Plan and IRA Distributions (secs. 401–403 of the House bill, sec. 401–403 of the Senate amendment and secs. 401, 402, 403(b), 408, 457, and 3405 of the Code)

PRESENT LAW

In general

Present law permits the rollover of funds from a tax-favored retirement plan to another tax-favored retirement plan. The rules that apply depend on the type of plan involved. Similarly, the rules regarding the tax treatment of amounts that are not rolled over depend on the type of plan involved.

Distributions from qualified plans

Under present law, an "eligible rollover distribution" from a tax-qualified employer-sponsored retirement plan may be rolled over tax free to a traditional individual retirement arrangement ("IRA")[30] or another qualified plan.[31] An "eligible rollover distribution" means any distribution to an employee of all or any portion of the balance to the credit of the employee in a qualified plan, except the term does not include (1) any distribution which is one of a series of substantially equal periodic payments made (a) for the life (or life expectancy) of the employee or the joint lives (or joint life expectancies) of the employee and the employee's designated beneficiary, or (b) for a specified period of 10 years or more, (2) any distribution to the extent such distribution is required under the minimum distribution rules, and (3) certain hardship distributions. The maximum amount that can be rolled over is the amount of the distribution includible in income, i.e., after-tax employee contributions cannot be rolled over. Qualified plans are not required to accept rollovers.

Distributions from tax-sheltered annuities

Eligible rollover distributions from a tax-sheltered annuity ("section 403(b) annuity") may be rolled over into an IRA or another section 403(b) annuity. Distributions from a section 403(b) annuity cannot be rolled over into a tax-qualified plan. Section 403(b) annuities are not required to accept rollovers.

IRA distributions

Distributions from a traditional IRA, other than minimum required distributions, can be rolled over into another IRA. In general, distributions from an IRA cannot be rolled over into a qualified plan or section 403(b) annuity. An exception to this rule applies in the case of so-called "conduit IRAs." Under the conduit IRA rule, amounts can be rolled from a qualified plan into an IRA and then subsequently rolled back to another qualified plan if the amounts in the IRA are attributable solely to rollovers from a qualified plan. Similarly, an amount may be rolled over from a section 403(b) annuity to an IRA and subsequently rolled back into a section 403(b) annuity if the amounts in the IRA are attributable solely to rollovers from a section 403(b) annuity.

Distributions from section 457 plans

A "section 457 plan" is an eligible deferred compensation plan of a State or local government or tax-exempt employer that meets certain requirements. In some cases, different rules apply under section 457 to governmental plans and plans of tax-exempt employers. For example, governmental section 457 plans are like qualified plans in that plan assets are required to be held in a trust for the exclusive benefit of plan participants and beneficiaries. In contrast, benefits under a section 457 plan of a tax-exempt employer are unfunded, like nonqualified deferred compensation plans of private employers.

Section 457 benefits can be transferred to another section 457 plan. Distributions from a section 457 plan cannot be rolled over to another section 457 plan, a qualified plan, a section 403(b) annuity, or an IRA.

Rollovers by surviving spouses

A surviving spouse that receives an eligible rollover distribution may roll over the distribution into an IRA, but not a qualified plan or section 403(b) annuity.

Direct rollovers and withholding requirements

Qualified plans and section 403(b) annuities are required to provide that a plan participant has the right to elect that an eligible rollover distribution be directly rolled over to another eligible retirement plan. If the plan participant does not elect the direct rollover option, then withholding is required on the distribution at a 20-percent rate.[12]

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[30] A "traditional" IRA refers to IRAs other than Roth IRAs or SIMPLE IRAs. All references to IRAs in the description of this provision refer only to traditional IRAs.

[31] An eligible rollover distribution may either be rolled over by the distributee within 60 days of the date of the distribution or, as described below, directly rolled over by the distributing plan.

The direct rollover rules do not apply to section 457 plans. Distributions from a section 457 plan are subject to wage withholding.

Notice of eligible rollover distribution

The plan administrator of a qualified plan or a section 403(b) annuity is required to provide a written explanation of rollover rules to individuals who receive a distribution eligible for rollover. In general, the notice is to be provided within a reasonable period of time before making the distribution and is to include an explanation of (1) the provisions under which the individual may have the distribution directly rolled over to another eligible retirement plan, (2) the provision that requires withholding if the distribution is not directly rolled over, (3) the provision under which the distribution may be rolled over within 60 days of receipt, and (4) if applicable, certain other rules that may apply to the distribution. The Secretary has provided more specific guidance regarding timing and content of the notice and has issued a safe harbor notice that is deemed to satisfy the requirements regarding the content of the notice.

Taxation of distributions

As is the case with the rollover rules, different rules regarding taxation of benefits apply to different types of tax-favored arrangements. In general, distributions from a qualified plan, section 403(b) annuity, or IRA are includible in income in the year received. In certain cases, distributions from qualified plans are eligible for capital gains treatment and averaging. These rules do not apply to distributions from another type of plan. Distributions from a qualified plan, IRA, and section 403(b) annuity generally are subject to an additional 10-percent early withdrawal tax if made before age 59½. There are a number of exceptions to the early withdrawal tax. Some of the exceptions apply to all three types of plans, and others apply only to certain types of plans. For example, the 10-percent early withdrawal tax does not apply to IRA distributions for educational expenses, but does apply to similar distributions from qualified plans and section 403(b) annuities. Benefits under a section 457 plan are generally includible in income when paid or made available. The 10-percent early withdrawal tax does not apply to section 457 plans.

HOUSE BILL

In general

The bill provides that eligible rollover distributions from qualified retirement plans, section 403(b) annuities, and governmental section 457 plans generally may be rolled over to any of such plans or arrangements. Similarly, distributions from an IRA generally may be rolled over into a qualified plan, section 403(b) annuity, or governmental section 457 plan. The direct rollover and withholding rules are extended to distributions from a governmental section 457 plan, and such plans are required to provide the written notification regarding eligible rollover distributions.[13] The rollover notice (with respect to all plans) is required to include a description of the provisions under which distributions from the plan to which the distribution is rolled over may be subject to restrictions and tax consequences different than those applicable to distributions from the distributing plan. Qualified plans, section 403(b) annuities, and section 457 plans are not required to accept rollovers.

Some special rules apply in certain cases. A distribution from a qualified plan is not eligible for capital gains or averaging treatment if there was a rollover to the plan that would not have been permitted under present law. Thus, in order to preserve capital gains and averaging treatment for a qualified plan distribution that is rolled over, the rollover must be made to a "conduit IRA" as under present law, and then rolled back into a qualified plan. Amounts distributed from a section 457 plan are subject to the early withdrawal tax to the extent the distribution consists of amounts attributable to rollovers from another type of plan. Section 457 plans are required to separately account for such amounts.

Rollover of after-tax contributions

The bill provides that employee after-tax contributions may be rolled over into another qualified plan or a traditional IRA. In the case of a rollover from a qualified plan to another qualified plan, the rollover may be accomplished only through a direct rollover. In addition, a qualified plan is permitted to accept rollovers of after-tax contributions only if the plan provides separate accounting for such contributions (and earnings thereon). After-tax contributions (including nondeductible contributions to an IRA) may not be rolled over from an IRA into a qualified plan, tax-sheltered annuity, or section 457 plan.

In the case of a distribution from a traditional IRA that is rolled over into an eligible rollover plan that is not an IRA, the distribution is attributed first to amounts other than after-tax contributions.

Expansion of spousal rollovers

The bill provides that surviving spouses may roll over distributions to a qualified plan, section 403(b) annuity, or governmental section 457 plan in which the surviving spouse participates.

Treasury regulations

The Secretary is directed to prescribe rules necessary to carry out the provisions. Such rules may include, for example, reporting requirements and mechanisms to address mistakes relating to rollovers. It is expected that the IRS will develop forms to assist individuals who roll over after-tax contributions to an IRA in keeping track of such contributions. Such forms could, for example, expand Form 8606—Nondeductible IRAs, to include information regarding after-tax contributions.

Effective date

The provisions are effective for distributions after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

Effective date.—The provisions are effective for distributions after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment. The conferees intend that the Secretary will revise the safe harbor rollover notice that plans may use to satisfy the rollover requirements. Until issuance of a new notice, the conferees intend that a plan will be treated as complying with the notice requirement if the plan makes a reasonable, good faith effort to comply. For example, the bill requires that the rollover notice include a description of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making the distribution. A plan will be treated as making a reasonable good faith effort to comply with this requirement if the notice states that distributions from the plan to which the rollover is made may be subject to different restrictions and tax consequences than those that apply to distributions from the plan from which the rollover is made.

Effective date.—The provisions are effective for distributions after December 31, 2000, except that the provision allowing after-tax contributions to be rolled over is effective for distributions after December 31, 2001.

B. WAIVER OF 60-DAY RULE (SEC. 404 OF THE HOUSE BILL, SEC. 404 OF THE SENATE AMENDMENT, AND SECS. 402 AND 408 OF THE CODE)

PRESENT LAW

Under present law, amounts received from an IRA or qualified plan may be rolled over tax free if the rollover is made within 60 days of the date of the distribution. The Secretary does not have the authority to waive the 60-day requirement.

HOUSE BILL

The bill provides that the Secretary may waive the 60-day rollover period if the failure to waive such requirement would be against equity or good conscience, including cases of casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.

Effective date.—The provision applies to distributions made after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

C. TREATMENT OF FORMS OF DISTRIBUTION (SEC. 405 OF THE HOUSE BILL, SEC. 405 OF THE SENATE AMENDMENT, AND SEC. 411(D)(6) OF THE CODE)

PRESENT LAW

An amendment of a qualified retirement plan may not decrease the accrued benefit of a plan participant. An amendment is treated as reducing an accrued benefit if, with respect to benefits accrued before the amendment is adopted, the amendment has the effect of either (1) eliminating or reducing an early retirement benefit or a retirement-type subsidy, or (2) except as provided by Treasury regulations, eliminating an optional form of benefit (sec. 411(d)(6)).[14]

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[12] Distributions from qualified plans and section 403(b) annuities that are not eligible rollover distributions are subject to elective withholding. Periodic distributions are subject to withholding as if the distribution were wages; nonperiodic distributions are subject to withholding at a rate of 10 percent. In either case, the individual may elect not to have withholding apply.

[13] The elective withholding rules applicable to distributions from qualified plans and section 403(b) annuities that are not eligible rollover distributions are also extended to distributions from governmental section 457 plans. Thus, periodic distributions from governmental section 457 plans that are not eligible rollover distributions are subject to withholding as if the distribution were wages and nonperiodic distributions from such plans that are not eligible rollover distributions are subject to withholding at a 10-percent rate. In either case, the individual may elect not to have withholding apply.

[14] A similar provision is contained in Title I of ERISA.

The Treasury Department has recently issued final regulations specifying situations in which optional forms of benefit may be eliminated. These regulations provide that, if certain requirements are satisfied, optional forms of benefit may be eliminated or reduced in connection with the voluntary transfer of benefits between defined contribution plans in connection with an asset or stock acquisition, merger, or other similar transaction involving a change in employer or in connection with the participant's change in employment status to an employment status with respect to which the participant is not entitled to additional allocations under the transferor plan.[35] The regulations also permit defined contribution plans to eliminate or restrict optional forms of benefit if the participant is entitled to receive a single-sum distribution that is otherwise identical to the optional form of benefit that is being eliminated or restricted.[36]

A plan that is a transferee of a plan that is subject to the joint and survivor rules is also subject to those rules.

HOUSE BILL

Transfers between defined contribution plans

A defined contribution plan to which benefits are transferred is not treated as reducing a participant's or beneficiary's accrued benefit even though it does not provide all of the forms of distribution previously available under the transferor plan if (1) the plan receives from another defined contribution plan a direct transfer of the participant's or beneficiary's benefit accrued under the transferor plan, or the plan results from a merger or other transaction that has the effect of a direct transfer (including consolidations of benefits attributable to different employers within a multiple employer plan), (2) the terms of both the transferor plan and the transferee plan authorize the transfer, (3) the transfer occurs pursuant to a voluntary election by the participant or beneficiary that is made after the participant or beneficiary received a notice describing the consequences of making the election, (4) in the case of a plan that provides for an annuity as the normal form of distribution in accordance with the joint and survivor rules (sec. 417), the participant's spouse (if any) consents to the transfer in a manner similar to the consent required by section 417, and (5) the transferee plan allows the participant or beneficiary to receive distribution of his or her benefit under the transferee plan in the form of a single sum distribution. The bill does not modify the rules relating to survivor annuities under section 417. Thus, as under present law, a plan that is a transferee of a plan subject to the joint and survivor rules is also subject to those rules.

Elimination of optional forms of benefit in the case of defined contribution plans offering a single-sum distribution

Except to the extent provided by the Secretary of the Treasury in regulations, a defined contribution plan is not treated as reducing a participant's accrued benefit if (1) a plan amendment eliminates a form of distribution previously available under the plan, (2) a single sum distribution is available to the participant at the same time or times as the form of distribution eliminated by the amendment, and (3) the single sum distribution is based on the same or greater portion of the participant's accrued benefit as the form of distribution eliminated by the amendment.

Early retirement benefits, retirement-type subsidies, and optional forms of benefit

The provision directs the Secretary of the Treasury to provide by regulations that the prohibitions against eliminating or reducing an early retirement benefit, a retirement-type subsidy, or an optional form of benefit shall not apply to plan amendments that do not adversely affect the rights of participants in a material manner but that do eliminate or reduce early retirement benefits, retirement-type subsidies, and optional forms of benefit that create significant burdens and complexities for a plan and its participants.

It is intended that the factors to be considered in determining whether an amendment has a materially adverse effect on a participant would include (1) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefits that are reduced or eliminated by the amendment, (2) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the amendment effective date provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment, (3) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable), (4) the size of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation, and (5) the number of years before the plan amendment is effective.

Treasury regulations

The Secretary is directed to issue, not later than December 31, 2001, final regulations under section 411(d)(6), including regulations required under the provision.

Effective date

The provision is effective for years beginning after December 31, 2000, except that the direction to the Secretary is effective on the date of enactment.

SENATE AMENDMENT

Transfers between defined contribution plans

The Senate amendment provision regarding transfers of defined contribution plan benefits is the same as the House bill, except that the Senate amendment does not include the requirement that, in the case of a plan with an annuity as the normal form of distribution, the spouse, if any, must consent to the transfer. As under present law, a plan that is a transferee of a plan subject to the joint and survivor rules is subject to the joint and survivor rules.

Elimination of optional forms of benefit in the case of defined contribution plans offering a single-sum distribution

The Senate amendment does not include the provision regarding elimination of forms of distribution in the case of plans offering a lump sum.

Early retirement benefits, retirement-type subsidies, and optional forms of benefit

The Senate amendment directs the Secretary of the Treasury to provide by regulations that the prohibitions against eliminating or reducing an early retirement benefit, a retirement-type subsidy, or an optional form of benefit do not apply to plan amendments that eliminate or reduce early retirement benefits, retirement-type subsidies, and optional forms of benefit that create significant burdens and complexities for a plan and its participants, but only if such an amendment does not adversely affect the rights of any participant in more than a de minimis manner.

For this purpose, the factors to be considered in determining whether an amendment has more than a de minimis adverse effect on any participant include (1) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefits that are reduced or eliminated by the amendment, (2) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the amendment effective date provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment, (3) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable), (4) the amount of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation,[37] and (5) the number of years before the plan amendment is effective.

Treasury regulations

The provision regarding issuance of Treasury regulations is the same as the House bill.

Effective date

The effective date of the Senate amendment provision is the same as the House bill.[38]

CONFERENCE AGREEMENT

Transfers between defined contribution plans

The conference agreement follows the Senate amendment.

Elimination of optional forms of benefit in the case of defined contribution plans offering a single-sum distribution

The conference agreement follows the House bill.

Early retirement benefits, retirement-type subsidies, and optional forms of benefit

The conference agreement follows the Senate amendment. As under the Senate amendment, the Secretary is directed to provide by regulation that the prohibitions against eliminating or reducing an early retirement benefit, a retirement-type subsidy, or an optional form of benefit do not apply to plan amendments that eliminate or reduce early retirement benefits, retirement-type subsidies, and optional forms of benefit that create significant burdens and complexities for a plan and its participants and that do not adversely affect the rights of any participant in more than a de minimis manner.

For this purpose, the factors to be considered in determining whether an amendment has more than a de minimis adverse effect on any participant include (1) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefits that are reduced or eliminated by the amendment, (2) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the amendment effective date provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment, (3) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable), (4) the amount of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation,[39] and (5) the number of years before the plan amendment is effective.

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[35] Treas. reg. sec. 1.411(d)-4, Q&A-3, paragraph (b).

[36] Treas. reg. sec. 1.411(d)-4 Q&A-2, paragraph (e).

[37] In determining the amount of any subsidy under the provision, it is expected that the regulations will value the subsidy by reference to the date on which it would be the most valuable with respect to the participant.

[38] The Senate amendment also amends the corresponding provisions of ERISA.

This provision of the bill does not affect the rules relating to involuntary cash outs (sec. 411(a)(11))[40] or survivor annuity requirements (sec. 417). Accordingly, if a participant is entitled to protections of the joint and survivor rules, those protections may not be eliminated. The intent of the provision authorizing regulations is solely to permit the elimination of early retirement benefits, retirement-type subsidies, or optional forms of benefit that have no more than a de minimis effect on any participant but create disproportionate burdens and complexities for a plan and its participants.

For example, assume the following. Employer A acquires employer B and merges B's defined benefit plan into A's defined benefit plan. The defined benefit plan maintained by B before the merger provides an early retirement subsidy for individuals age 55 with a specified number of years of service. E1 and E2 are were employees of B and who transfer to A in connection with the merger. E1 is 25 years old and has compensation of $40,000. The present value of E's early retirement subsidy under B's plan is $75. E2 is 50 years old and also has compensation of $40,000. The present value of Y's early retirement subsidy under B's plan is $10,000.

Assume that A's plan has an early retirement subsidy for individuals who have attained age 50 with a specified number of years of service, but the subsidy is not the same as under B's plan. Under A's plan, the present value of E2's early retirement subsidy is $9,500. Maintenance of both subsidies would create burdens for the plan and complexities for the plan and its participants.

Treasury regulations could permit E1's early retirement subsidy under B's plan to be eliminated entirely (i.e., even if A's plan did not have an early retirement subsidy). Taking into account all relevant factors, including the value of the benefit, E1's compensation, and the number of years until E1 would be eligible to receive the subsidy, the subsidy is de minimis. Treasury regulations could permit E2's early retirement subsidy under B's plan to be eliminated as to be replaced by the subsidy under A's plan, because the difference in the subsidies is de minimis. However, A's subsidy could not be entirely eliminated.

Treasury regulations

The conference agreement follows the House bill and the Senate amendment, except that the conference agreement provides that the Secretary is to issue the required regulations not later than December 31, 2002. Such regulations are to be effective for plan years beginning after December 31, 2002, or such earlier date as is specified by the Secretary.

Effective date

The provision is effective for years beginning after December 31, 2000, except that the direction to the Secretary is effective on the date of enactment.

D. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS (SEC. 406 OF THE HOUSE BILL, SEC. 406 OF THE SENATE AMENDMENT, AND SECS. 401(K), 403(B), AND 457 OF THE CODE)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan"), tax-sheltered annuity ("section 403(b) annuity"), or an eligible deferred compensation plan of a tax-exempt organization or State or local government ("section 457 plan"), may not be distributable prior to the occurrence of one or more specified events. These permissible distributable events include "separation from service."

A separation from service occurs only upon a participant's death, retirement, resignation or discharge, and not when the employee continues on the same job for a different employer as a result of the liquidation, merger, consolidation or other similar corporate transaction. A severance from employment occurs when a participant ceases to be employed by the employer that maintains the plan. Under a so-called "same desk rule," a participant's severance from employment does not necessarily result in a separation from service.[41]

In addition to separation from service and other events, a section 401(k) plan that is maintained by a corporation may permit distributions to certain employees who experience a severance from employment with the corporation that maintains the plan but does not experience a separation from service because the employee continues on the same job for a different employer as a result of a corporate transaction. If the corporation disposes of substantially all of the assets used by the corporation in a trade or business, a distributable event occurs with respect to the accounts of the employees who continue employment with the corporation that acquires the assets. If the corporation disposes of its interest in a subsidiary, a distributable event occurs with respect to the accounts of the employees who continue employment with the subsidiary.

HOUSE BILL

The bill modifies the distribution restrictions applicable to section 401(k) plans, section 403(b) annuities, and section 457 plans to provide that distribution may occur upon severance from employment rather than separation from service. In addition, the provisions for distribution from a section 401(k) plan based upon a corporation's disposition of its assets or a subsidiary is repealed; this special rule is no longer necessary as a result of the changes made by the provision.

Effective date.—The provision is effective for distributions after December 31, 2000, regardless of when the severance of employment occurred.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

E. PURCHASE OF SERVICE CREDIT UNDER GOVERNMENTAL PENSION PLANS (SEC. 407 OF THE HOUSE BILL, SEC. 407 OF THE SENATE AMENDMENT, AND SECS. 403(B) AND 457 OF THE CODE)

PRESENT LAW

A qualified retirement plan maintained by a State or local government employer may provide that a participant may make after-tax employee contributions in order to purchase permissive service credit, subject to certain limits (sec. 415). Permissive service credit means credit for a period of service recognized by the governmental plan only if the employee voluntarily contributes to the plan an amount (as determined by the plan) that does not exceed the amount necessary to fund the benefit attributable to the period of service and that is in addition to the regular employee contributions, if any, under the plan.

In the case of any repayment of contributions and earnings to a governmental plan with respect to an amount previously refunded upon a forfeiture of service credit under the plan (or another plan maintained by a State or local government employer within the same State), any such repayment is not taken into account for purposes of the section 415 limits on contributions and benefits. Also, service credit obtained as a result of such a repayment is not considered permissive service credit for purposes of the section 415 limits.

A participant may not use a rollover or direct transfer of benefits from a tax-sheltered annuity ("section 403(b) annuity") or an eligible deferred compensation plan of a tax-exempt organization of a State or local government ("section 457 plan") to purchase permissive service credits or repay contributions and earnings with respect to a forfeiture of service credit.

HOUSE BILL

A participant in a State or local governmental plan is not required to include in gross income a direct trustee-to-trustee transfer to a governmental defined benefit plan from a section 403(b) annuity or a section 457 plan if the transferred amount is used (1) to purchase permissive service credits under the plan, or (2) to repay contributions and earnings with respect to an amount previously refunded under a forfeiture of service credit under the plan (or another plan maintained by a State or local government employer within the same State).

Effective date.—The provision is effective for transfers after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

F. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT RULES (SEC. 408 OF THE HOUSE BILL, SEC. 408 OF THE SENATE AMENDMENT, AND SEC. 411(A)(11) OF THE CODE)

PRESENT LAW

If an qualified retirement plan participant ceases to be employed by the employer that maintains the plan, the plan may distribute the participant's nonforfeitable accrued benefit without the consent of the participant and, if applicable, the participant's spouse, if the present value of the benefit does not exceed $5,000. If such an involuntary distribution occurs and the participant subsequently returns to employment covered by the plan, then service taken into account in computing benefits payable under the plan after the return need not include service with respect to which a benefit was involuntarily distributed unless the employee repays the benefit.[42]

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[39] In determining the amount of any subsidy under the provision, it is expected that the regulations will value the subsidy by reference to the date on which it would be the most valuable with respect to the participant.

[40] Another provision of the bill provides that rollover amounts are not taken into account for purposes of the cash-out rules.

[41] Rev. Rul. 79-336, 1979-2 C.B. 187.

[42] A similar provision is contained in Title I of ERISA.

Generally, a participant may roll over an involuntary distribution from a qualified plan to an IRA or to another qualified plan.[43]

HOUSE BILL

For purposes of the cash-out rule, a plan is permitted to provide that the present value of a participant's nonforfeitable accrued benefit is determined without regard to the portion of such benefit that is attributable to rollover contributions (and any earnings allocable thereto).

Effective date.—The provision is effective for distributions after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

G. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS (SEC. 409 OF THE HOUSE BILL, SEC. 409 OF THE SENATE AMENDMENT, AND SEC. 457 OF THE CODE)

PRESENT LAW

A "section 457 plan" is an eligible deferred compensation plan of a State or local government or tax-exempt employer that meets certain requirements. For example, amounts deferred under a section 457 plan cannot exceed certain limits. Amounts deferred under a section 457 plan are generally includible in income when paid or made available. Amounts deferred under a plan of deferred compensation of a State or local government or tax-exempt employer that does not meet the requirements of section 457 are includible in income when the amounts are not subject to a substantial risk of forfeiture, regardless of whether the amounts have been paid or made available.[44]

Section 457 plans are subject to the minimum distribution rules applicable to tax-qualified pension plans. In addition, such plans are subject to additional minimum distribution rules (sec. 457(d)(2)(B)).

The limits on section 457 plans were first applied to plans of tax-exempt employers pursuant to the Tax Reform Act of 1986 (the "1986 Act"), generally effective for taxable years beginning after December 31, 1986. The limitations of section 457 do not apply to amounts deferred under a plan of a tax-exempt employer by an individual covered under such a plan on August 16, 1986, if the amounts (1) were deferred from taxable years beginning before January 1, 1987, or (2) are deferred from taxable years beginning after December 31, 1986, pursuant to an agreement that was in writing on August 16, 1986, and on such date provided for a deferral for each taxable year covered by the agreement of a fixed amount or of an amount determined pursuant to a fixed formula. The provision in (2) ceases to apply if there is any modification to the agreement or formula.

HOUSE BILL

The House bill provides that amounts deferred under a section 457 plan of a State or local government are includible in income when paid.

The House bill also repeals the special minimum distribution rules applicable to section 457 plans. Thus, such plans are subject to the minimum distribution rules applicable to qualified plans.

Effective date.—The provision is effective for distributions after December 31, 2000.

SENATE AMENDMENT

The Senate amendment includes the House bill provisions.

In addition, the Senate amendment modifies the transition rule adopted in the 1986 Act relating to deferred compensation plans of tax-exempt employers. Under the bill, the transition rule applies to agreements providing cost-of-living adjustments to amounts that otherwise satisfy the requirements of the transition rule. The grandfather does not apply to the extent that the annual amount provided under such an agreement exceeds the annual grandfathered amount multiplied by the cumulative increase in the Consumer Price Index (as published by the Department of Labor).

Effective date.—The provision is generally effective for distributions after December 31, 2000. The provision relating to plans of tax-exempt organizations is effective for taxable years ending after the date of enactment for cost-of-living increases after September 1993.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

Subtitle E. Strengthening Pension Security and Enforcement (secs. 441–448 of the bill)

A. PHASE IN REPEAL OF 155 PERCENT OF CURRENT LIABILITY FUNDING LIMIT; DEDUCTION FOR CONTRIBUTIONS TO FUND TERMINATION LIABILITY (SECS. 501 AND 502 OF THE HOUSE BILL, SECS. 501 AND 502 OF THE SENATE AMENDMENT, AND SECS. 404(A)(1), 412(C)(7), AND 4972(C) OF THE CODE)

PRESENT LAW

Under present law, defined benefit pension plans are subject to minimum funding requirements designed to ensure that pension plans have sufficient assets to pay benefits. A defined benefit pension plan is funded using one of a number of acceptable actuarial cost methods.

No contribution is required under the minimum funding rules in excess of the full funding limit. The full funding limit is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 155 percent of the plan's current liability, over (2) the value of the plan's assets (sec. 412(c)(7)).[45] In general, current liability is all liabilities to plan participants and beneficiaries accrued to date, whereas the accrued liability full funding limit is based on projected benefits. The current liability full funding limit is scheduled to increase as follows: 160 percent for plan years beginning in 2001 or 2002, 165 percent for plan years beginning in 2003 and 2004, and 170 percent for plan years beginning in 2005 and thereafter.[46] In no event is a plan's full funding limit less than 90 percent of the plan's current liability over the value of the plan's assets.

An employer sponsoring a defined benefit pension plan generally may deduct amounts contributed to satisfy the minimum funding standard for the plan year. Contributions in excess of the full funding limit generally are not deductible. Under a special rule, an employer that sponsors a defined benefit pension plan (other than a multiemployer plan) which has more than 100 participants for the plan year may deduct amounts contributed of up to 100 percent of the plan's unfunded current liability.

HOUSE BILL

Current liability full funding limit

The bill gradually increases and then repeals the current liability full funding limit. The current liability full funding limit is 160 percent of current liability for plan years beginning in 2001, 165 percent for plan years beginning in 2002, and 170 percent for plan years beginning in 2003. The current liability full funding limit is repealed for plan years beginning in 2004 and thereafter. Thus, in 2004 and thereafter, the full funding limit will be the excess, if any, of (1) the accrued liability under the plan (including normal cost), over (2) the value of the plan's assets.

Deduction for contributions to fund termination liability

The special rule allowing a deduction for unfunded current liability generally is extended to all defined benefit pension plans, i.e., the provision applies to multiemployer plans and plans with 100 or fewer participants. The special rule does not apply to plans not covered by the PBGC termination insurance program.[47]

The bill also modifies the rule by providing that the deduction is for up to 100 percent of unfunded termination liability, determined as if the plan terminated at the end of the plan year. In the case of a plan with less than 100 participants for the plan year, termination liability does not include the liability attributable to benefit increases for highly compensated employees resulting from a plan amendment which was made or became effective, whichever is later, within the last two years.

Effective date.—The provision is effective for plan years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

B. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING (SEC. 503 OF THE HOUSE BILL, SEC. 503 OF THE SENATE AMENDMENT, AND SEC. 4972 OF THE CODE)

PRESENT LAW

Under present law, defined benefit pension plans are subject to minimum funding requirements designed to ensure that pension plans have sufficient assets to pay benefits. A defined benefit pension plan is funded using one of a number of acceptable actuarial cost methods.

No contribution is required under the minimum funding rules in excess of the full funding limit. The full funding limit is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 155 percent of the plan's current liability, over (2) the value of the plan's assets (sec. 412(c)(7)). In general, current liability is all liabilities to plan participants and beneficiaries accrued to date, whereas the accrued liability full funding limit is based on projected benefits. The current liability full funding limit is scheduled to increase as follows: 160 percent for plan years beginning in 2001 or 2002, 165 percent for plan years beginning in 2003 and 2004, and 170 percent for plan years beginning in 2005 and thereafter.[48] In no event is a plan's full funding limit less than 90 percent of the plan's current liability over the value of the plan's assets.

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[43] Other provisions of the bill expand the kinds of plans to which benefits may be rolled over.

[44] This rule of inclusion does not apply to amounts deferred under a tax-qualified retirement plan or similar plans.

[45] The minimum funding requirements, including the full funding limit, are also contained in title I of ERISA.

[46] As originally enacted in the Pension Protection Act of 1997, the current liability full funding limit was 150 percent of current liability. The Taxpayer Relief Act of 1997 increased the current liability full funding limit to 155 percent in 1999 and 2000, and adopted the scheduled increases described in the text.

[47] The PBGC termination insurance program does not cover plans of professional service employers that have fewer than 25 participants.

An employer sponsoring a defined benefit pension plan generally may deduct amounts contributed to satisfy the minimum funding standard for the plan year. Contributions in excess of the full funding limit generally are not deductible. Under a special rule, an employer that sponsors a defined benefit pension plan (other than a multiemployer plan) which has more than 100 participants for the plan year may deduct amounts contributed of up to 100 percent of the plan's unfunded current liability.

Present law also provides that contributions to defined contribution plans are deductible, subject to certain limitations.

Subject to certain exceptions, an employer that makes nondeductible contributions to a plan is subject to an excise tax equal to 10 percent of the amount of the nondeductible contributions for the year. The 10-percent excise tax does not apply to contributions to certain terminating defined benefit plans. The 10-percent excise tax also does not apply to contributions of up to 6 percent of compensation to a defined contribution plan for employer matching and employee elective deferrals.

HOUSE BILL

In determining the amount of nondeductible contributions, the employer is permitted to elect not to take into account contributions to a defined benefit pension plan except to the extent they exceed the accrued liability full funding limit. Thus, if an employer elects, contributions in excess of the current liability full funding limit are not subject to the excise tax on nondeductible contributions. An employer making such an election for a year is not permitted to take advantage of the present-law exceptions for certain terminating plans and certain contributions to defined contribution plans. The provision applies to terminated plans as well as ongoing plans.

Effective date.—The provision is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

C. NOTICE OF SIGNIFICANT REDUCTION IN PLAN BENEFIT ACCRUALS (SEC. 504 OF THE HOUSE BILL, SECS. 521–523 OF THE SENATE AMENDMENT, AND SECS. 411(D) AND 417(E) AND NEW SEC. 4980F OF THE CODE)

PRESENT LAW

Section 204(h) of Title I of ERISA provides that a defined benefit pension plan or a money purchase pension plan may not be amended so as to provide for a significant reduction in the rate of future benefit accrual, unless, after adoption of the plan amendment and not less than 15 days before the effective date of the plan amendment, the plan administrator provides a written notice ("section 204(h) notice"), setting forth the plan amendment (or a summary of the amendment written in a manner calculated to be understood by the average plan participant) and its effective date. The plan administrator must provide the section 204(h) notice to each plan participant, each alternate payee under an applicable qualified domestic relations order ("QDRO"), and each employee organization representing participants in the plan. The applicable Treasury regulations[49] provide, however, that a plan administrator need not provide the section 204(h) notice to any participant or alternate payee whose rate of future benefit accrual is reasonably expected not to be reduced by the amendment, nor to an employee organization that does not represent a participant to whom the section 204(h) notice must be provided. In addition, the regulations provide that the rate of future benefit accrual is determined without regard to optional forms of benefit, early retirement benefits, retirement-type subsidiaries, ancillary benefits, and certain other rights and features.

A covered amendment generally will not become effective with respect to any participants and alternate payees whose rate of future benefit accrual is reasonably expected to be reduced by the amendment but who do not receive a section 204(h) notice. An amendment will become effective with respect to all participants and alternate payees to whom the section 204(h) notice was required to be provided if the plan administrator (1) has made a good faith effort to comply with the section 204(h) notice requirements, (2) has provided a section 204(h) notice to each employee organization that represents any participant to whom a section 204(h) notice was required to be provided, (3) has failed to provide a section 204(h) notice to no more than a de minimis percentage of participants and alternate payees to whom a section 204(h) notice was required to be provided, and (4) promptly upon discovering the oversight, provides a section 204(h) notice to each omitted participant and alternate payee.

The Internal Revenue Code does not require any notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual.

The Internal Revenue Code prohibits the reduction of a participant's accrued benefit by plan amendment (sec. 411(d)(6)), and, for this purpose, except to the extent set forth in Treasury regulations, treats the elimination or reduction of an early retirement benefit or retirement-type subsidy or an optional form of benefit as a reduction of a participant's accrued benefit. However, this prohibition does not prevent a plan amendment from ceasing or reducing future accruals.

In the case of a pension plan that is subject to the joint and survivor annuity rules, the Internal Revenue Code (sec. 417(e)) restricts distributions before normal retirement age without the consent of the participant and the participant's spouse unless the value of the distribution does not exceed a dollar limit ($5,000 under sec. 411(a)(11)(A)). For this purpose, under Treasury regulations, a specific interest rate and mortality table are prescribed for purposes of determining whether the distribution exceeds the dollar limit and prohibits a lump sum distribution of an amount less than the amount determined under the applicable interest rate and mortality table even if the distribution exceeds the dollar limit.

HOUSE BILL

The provision adds to the Internal Revenue Code a requirement that the plan administrator of a defined benefit pension plan or a money purchase pension plan with more than 100 participants furnish a written notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual. The plan administrator is required to provide in this notice, in a manner calculated to be understood by the average plan participant, sufficient information (as defined in Treasury regulations) to allow participants to understand the effect of the amendment.

The notice requirement does not apply to governmental plans or church plans with respect to which an election to have the qualified plan participation, vesting, and funding rules apply has not been made (sec. 410(d)).

The plan administrator is required to provide this notice to each affected participant, each affected alternate payee, and each employee organization representing affected participants. For purposes of the provision, an affected participant or alternate payee is a participant or alternate payee to whom the significant reduction in the rate of future benefit accrual is reasonably expected to apply.

Except to the extent provided by Treasury regulations, the plan administrator is required to provide the notice within a reasonable time before the effective date of the plan amendment.

The provision imposes on a plan administrator that fails to comply with the notice requirement an excise tax equal to $100 per day per omitted participant and alternate payee. For failures due to reasonable cause and not to willful neglect, the total excise tax imposed during a taxable year of the employer will not exceed $500,000. Furthermore, in the case of a failure due to reasonable cause and not to willful neglect, the Secretary of the Treasury is authorized to waive the excise tax to the extent that the payment of the tax would be excessive relative to the failure involved.

It is intended that the Secretary will issue the necessary regulations with respect to disclosure within 90 days of enactment. It is also intended that such guidance may be relatively detailed because of the need to provide for alternative disclosures rather than a single disclosure methodology that may not fit all situations, and the need to consider the complex actuarial calculations and assumptions involved in providing necessary disclosures.

In addition, the provision directs the Secretary of the Treasury to prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study is to examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. The Secretary is directed to submit such report, together with recommendations thereon, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate as soon as practicable, but not later than 60 days after the date of enactment.

Effective date.—The provision is effective for plan amendments taking effect on or after the date of enactment. The period for providing any notice required under the provision will not end before the last day of the 3-month period following the date of enactment. Prior to the issuance of Treasury regulations, a plan will be treated as meeting the requirements of the provision if the plan makes a good faith effort to comply with such requirements.

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[48] As originally enacted in the Pension Protection Act of 1997, the current liability full funding limit was 150 percent of current liability. The Taxpayer Relief Act of 1997 increased the current liability full funding limit to 155 percent in 1999 and 2000, and adopted the scheduled increases described in the text. Another proposal would gradually increase and then repeal the current liability full funding limit.

[49] Treas. Reg. sec. 1.411(d)-6.

SENATE AMENDMENT

The provision adds to the Internal Revenue Code a requirement that the plan administrator of a pension plan furnish a written notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual, including any elimination or reduction of an early retirement benefit or retirement-type subsidy.[50] The notice is required to set forth: (1) a summary of the amendment and the effective date of the amendment; (2) a statement that the amendment is expected to significantly reduce the rate of future benefit accrual; (3) a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual; (4) examples illustrating the plan changes for these classes of employees; (5) in the event of an amendment that results in a conversion of a traditional defined benefit plan to a cash balance plan (described below), a notice that the plan administrator will provide, generally no later than 15 days prior to the effective date of the amendment, a "benefit estimation tool kit" (described below) that will enable affected participants who have completed at least 1 year of participation to personalize the illustrative examples; and (6) notice of each affected participant's right to request, and of the procedures for requesting, an annual benefit statement as provided under present law. The plan administrator is required to provide the notice not less than 45 days before the effective date of the plan amendment.

The notice requirement does not apply to plans to which ERISA sec. 204(h) does not apply, including governmental plans or church plans with respect to which an election to have the qualified plan participation, vesting, and funding rules apply has not been made (sec. 410(d)).

The plan administrator is required to provide this generalized notice to each affected participant and each affected alternate payee. For purposes of the provision, an affected participant or alternate payee is a participant or alternate payee to whom the reduction in the rate of future benefit accrual, including any elimination or significant reduction in early retirement benefit or retirement-type subsidy, is reasonably expected to apply.

As noted above, the provision requires the plan administrator to provide a benefit estimation tool kit, no later than 15 days prior to the amendment effective date, to a participant for whom the amendment may reasonably be expected to produce a significant reduction in the rate of future benefit accrual if the amendment has the effect of converting a traditional defined benefit plan to a cash balance plan. The plan administrator is not required to provide this benefit estimation tool kit to any participant who has less than 1 year of participation in the plan. For purposes of the provision, a "cash balance plan" means a defined benefit plan under which the accrued benefit is determined as an amount other than an annual benefit commencing at normal retirement age, and any defined benefit plan, or portion of such a plan, that has an effect similar to a defined benefit plan under which the accrued benefit is determined as an amount other than an annual benefit commencing at normal retirement age (as determined under Treasury regulations). If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of a conversion to a cash balance plan, the provision treats the sponsor of the plan or plans providing for such coordination as having adopted such a conversion as of the date such coordination begins. If a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect equivalent to a cash balance conversion, such amendment is (to the extent provided in Treasury regulations) treated as a cash balance conversion. In addition, the provision provides for the Secretary of the Treasury to issue regulations to prevent avoidance of the requirements of the provision through the use of 2 or more plan amendments rather than a single amendment.

The benefit estimation tool kit is designed to enable participants to estimate benefits under the old and new plan provisions. The provision permits the tool kit to be in the form of software (for use at home, at a workplace kiosk, or on a company intranet), worksheets, or calculation instructions, or other formats to be determined by the Secretary of the Treasury. The tool kit is required to include any necessary actuarial assumptions and formulas and to permit the participant to estimate both a single life annuity at appropriate ages and, when available, a lump sum distribution. The tool kit is required to disclose the interest rate used to compute a lump sum distribution and whether the value of early retirement benefits is included in the lump sum distribution.

The provision requires the benefit estimation tool kit to accommodate employee-provided variables with respect to age, years of service, retirement age, covered compensation, and interest rate (when variable rates apply). The tool kit is required to permit employees to recalculate estimated benefits by changing the values of these variables. The provision does not require the tool kit to accommodate employee variables with respect to qualified domestic relations orders, factors that result in unusual patterns of credited service (such as extended time away from the job), special benefit formulas for unusual situations, offsets from other plans, and forms of annuity distributions.

In the case of a cash balance conversion that occurs in connection with a business disposition or acquisition transaction and within 1 year following the date of the transaction, the provision requires the plan administrator to provide the benefit estimation tool kit prior to the end of the 2-year period following the date of the transaction to the affected participants who become participants as a result of the transaction.

The provision permits a plan administrator to provide any notice required under the provision to a person designated in writing by the individual to whom it would otherwise be provided. In addition, the provision authorizes the Secretary of the Treasury to allow any notice required under the provision to be provided by using new technologies.

The provision imposes on a plan administrator that fails to comply with the notice requirement an excise tax equal to $100 per day per omitted participant and alternate payee. No excise tax shall be imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement. Also, no excise tax shall be imposed on any failure if any person subject to liability for the tax exercised reasonable diligence to meet the notice requirement and such person provides the required notice during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that the failure existed. If the person subject to liability for the excise tax exercised reasonable diligence to meet the notice requirement, the total excise tax imposed during a taxable year of the employer will not exceed $500,000. Furthermore, in the case of a failure due to reasonable cause and not to willful neglect, the Secretary of the Treasury is authorized to waive the excise tax to the extent that the payment of the tax is excessive or otherwise inequitable relative to the failure involved.

The provision adds to the Internal Revenue Code and ERISA requirements designed to prevent the use of "wear away" provisions under which participants earn no additional benefits for a period of time after a conversion of a traditional defined benefit plan to a cash balance plan. These requirements are in addition to the other provisions of the Internal Revenue Code that prohibit the reduction of a participant's accrued benefit by plan amendment (sec. 411(d)(6)). In the event of a conversion of a traditional defined benefit plan to a cash balance plan, the provision applies a minimum benefit requirement. This minimum benefit requirement requires a participant's accrued benefit under the cash balance plan to equal not less than (1) the benefit accrued for years of service prior to the conversion under the traditional defined benefit plan formula (not taking into account any early retirement benefit or retirement-type subsidy), plus (2) any benefit accrued for years of service after the conversion under the cash balance plan benefit formula. If the amendment provides that the accrued benefit initially credited to a participant's accumulation account (or its equivalent) on the effective date of the amendment satisfies the present value rules described below, the plan will not be treated as failing to provide to the participant an accrued benefit that includes such pre-conversion accrued benefit at any time after the effective date of the amendment merely because of a fluctuation in interest rates. The provision does not apply the minimum benefit requirement designed to prevent "wear away" to a cash balance conversion amendment to the extent that the amendment permits a participant to continue to accrue benefits in the same manner as under the terms of the plan in effect prior to the amendment (for example, by providing for the participant to receive the greater of the old or new formulas).

Under the provision, a plan is treated as satisfying the minimum benefit requirement designed to prevent "wear away" if a plan amendment provides that the present value of a participant's benefit accrued under a traditional defined benefit plan formula prior to a cash balance conversion is not less than the greater of (1) the present value determined using the applicable mortality table and the applicable interest rate in effect under the plan on the effective date of the cash balance conversion, or (2) the amount of the lump sum distribution that would be payable as of such effective date if the participant were eligible to receive a distribution under the terms of the plan as in effect immediately before such effective date, but not taking into account any early retirement benefit or retirement-type subsidy.

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[50] The provision also modifies the present-law notice requirement contained in section 204(h) of Title I of ERISA to provide that an applicable pension plan may not be amended to provide for a significant reduction in the rate of future benefit accrual in the event of an egregious failure by the plan administrator to comply with a notice requirement similar to the notice requirement that the provision adds to the Internal Revenue Code. In addition, the provision expands the current ERISA notice requirement regarding significant reductions in normal retirement benefit accrual rates to early retirement benefits and retirement-type subsidies.

Except as provided in regulations, the provision generally requires the present value of the accrued benefit of any participant under a cash balance plan to be equal to the balance in the participant's accumulation account (or its equivalent) as of the time of the present value determination. This requirement will not apply to any portion of the participant's benefit accrued prior to a cash balance conversion except to the extent the plan provides that the amount initially credited to a participant's accumulation account (or its equivalent) on the effective date of the conversion is not less than the benefit accrued for years of service prior to the conversion under the traditional defined benefit formula (not taking into account any early retirement benefit or retirement-type subsidy). This provision is solely intended to permit plan sponsors to provide interest credits in an amount greater than the amount currently permitted under the Internal Revenue Code. Regulations may condition satisfaction of this requirement on the plan crediting interest at rates not in excess of a maximum and not less than a minimum specified in the regulations.

Failure to comply with the requirements of the provision designed to prevent "wear away" results in the disqualification of the plan.

The provision directs the Secretary of the Treasury to define in regulations, within 12 months after the date of enactment, the terms "early retirement benefit" and "retirement-type subsidy." In addition, with respect to a participant who is eligible to accrue benefits under the terms of a defined benefit plan as in effect either before or after an amendment that results in a conversion to a cash balance plan, the provision directs the Secretary of the Treasury to prescribe regulations under which (1) the plan will be treated as meeting the requirements of sec. 411(b)(1)(A), (B), or (C) if such requirements are met separately with respect to each of the plan's methods of accruing benefits, and (2) the plan will not be treated as failing to meet the requirements of sec. 401(a)(4) merely because only participants as of the effective date of the amendment are so eligible, if the plan met the requirements of sec. 401(a)(4) under the terms of the plan as in effect before the amendment (subject to the terms and conditions provided by the regulations).

Under the provision, no inference is intended with respect to the proper treatment of cash balance plans or conversions to cash balance plans under the laws in effect prior to the effective date of the provision or under laws not affected by the provision. In addition, the provision is not intended to result in the treatment of a cash balance plan as a defined contribution plan, or to affect the rules relating to involuntary cash outs (sec. 411(a)(11))[51] or survivor annuity requirements (sec. 417).

Effective date.—The provision is effective for plan amendments taking effect on or after the date of enactment, with a delayed effective date for plans maintained pursuant to a collective bargaining agreement. The period for providing any notice required under the provision will not end before the last day of the 3-month period following the date of enactment. The notice requirements under the provision do not apply to any plan amendment taking effect on or after the date or enactment if, before September 5, 2000, notice is provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) that is reasonably expected to notify them of the nature and effective date of the plan amendment.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications.[52] The conference agreement also requires a notice with respect to the elimination or reduction of an early retirement benefit or retirement-type subsidy. In addition, the conference agreement authorizes the Secretary of the Treasury to provide a simplified notice requirement or an exemption from the notice requirement for plans with less than 100 participants and to allow any notice required under the conference agreement to be provided by using new technologies. The conference agreement also authorizes the Secretary to provide a simplified notice requirement or an exemption from the notice requirement if participants are given the option to choose between benefits under the new plan formula and the old plan formula. In such cases, the conferees understand that the fiduciary rules applicable to pension plans may require appropriate disclosure to participants, even if no disclosure is required under the provision. With respect to the amount of the excise tax for failure to comply with the notice requirement, the conference agreement provides that no excise tax shall be imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement. The conference agreement also provides that no excise tax shall be imposed on any failure if any person subject to liability for the tax exercised reasonable diligence to meet the notice requirement and such person provides the required notice during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that the failure existed. Furthermore, the conference agreement provides that if the person subject to liability for the excise tax exercised reasonable diligence to meet the notice requirement, the total excise tax imposed during a taxable year will not exceed $500,000.

Effective date.—The conference agreement is effective for plan amendments taking effect on or after the date of enactment. The period for providing any notice required under the conference agreement will not end before the last day of the 3-month period following the date of enactment. Prior to the issuance of Treasury regulations, a plan will be treated as meeting the requirements of the conference agreement if the plan makes a good faith effort to comply with such requirements. The notice requirement under the conference agreement does not apply to any plan amendment taking effect on or after the date or enactment if, before October 24, 2000, notice is provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) that is reasonably expected to notify them of the nature and effective date of the plan amendment.

D. Modifications to Section 415 Limits for Multiemployer Plans (sec. 505 of the House bill, sec. 504 of the Senate amendment, and sec. 415 of the Code)

PRESENT LAW

Under present law, limits apply to contributions and benefits under qualified plans (sec. 415). The limits on contributions and benefits under qualified plans are based on the type of plan.

Under a defined benefit plan, the maximum annual benefit payable at retirement is generally the lesser of (1) 100 percent of average compensation for the highest three years, or (2) $135,000 (for 2000). The dollar limit is adjusted for cost-of-living increases in $5,000 increments. The dollar limit is reduced in the case of retirement before the social security retirement age and increased in the case of retirement after the social security retirement age.

A special rule applies to governmental defined benefit plans. In the case of such plans, the defined benefit dollar limit is reduced in the case of retirement before age 62 and increased in the case of retirement after age 65. In addition, there is a floor on early retirement benefits. Pursuant to this floor, the minimum benefit payable at age 55 is $75,000.

In the case of a defined contribution plan, the limit on annual is additions if the lesser of (1) 25 percent of compensation[53] or (2) $30,000 (for 2000).

In applying these limits, plans of the same employer are aggregated. That is, all defined benefit plans of the same employer are treated as a single plan, and all defined contribution plans of the same employer are treated as a single plan. Under Treasury regulations, multiemployer plans are not aggregated with other multiemployer plans. However, if an employer maintains both a plan that is not a multiemployer plan and a mulitemployer plan, the plan that is not a multiemployer plan is aggregated with the multiemployer plan to the extent that benefits provided under the multiemployer plan are provided with respect to a common participant.[54]

HOUSE BILL

Under the House bill, the 100 percent of compensation defined benefit plan limit does not apply to multiemployer plans. In addition, multiemployer plans are not aggregated with any other plan maintained by the same employer, except for purposes of applying the dollar limitation on defined plans and the limits on annual additions to a plan that is not a multiemployer plan.

Effective date.—The provision is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill with respect to waiver of the 100 percent of compensation limit.

With respect to aggregation of multiemployer plans with other plans, the Senate amendment provides that multiemployer plans are not aggregated with single-employer defined benefit plans maintained by an employer contributing to the multiemployer plan for purposes of applying the 100 percent of compensation limit to such single-employer plan.

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[51] Another provision provides that rollover amounts are not taken into account for purposes of the cash-out rules.

[52] The conference agreement also modifies the present-law notice requirement contained in section 204(h) of Title I of ERISA to provide that an applicable pension plan may not be amended to provide for a significant reduction in the rate of future benefit accrual in the event of a failure by the plan administrator to comply with a notice requirement similar to the notice requirement that the conference agreement adds to the Internal Revenue Code. In addition, the conference agreement expands the current ERISA notice requirement regarding significant reductions in normal retirement benefit accrual rates to reductions in early retirement benefits and retirement-type subsidies.

[53] Another provision of the bill increases this limit to 100 percent of compensation.

[54] Treas. reg. sec. 1.415-8(e).

Effective date.—Same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment with respect to the 100-percent of compensation limitation. Thus, the 100-percent of compensation defined benefit plan limit does not apply to multiemployer plans.

The conference agreement follows the Senate amendment with respect to the aggregation of multiemployer plans with other plans, with modifications.

E. INVESTMENT OF EMPLOYEE CONTRIBUTIONS IN 401(K) PLANS (SEC. 505 OF THE SENATE AMENDMENT AND SEC. 1524(B) OF THE TAXPAYER RELIEF ACT OF 1997)

PRESENT LAW

The Employee Retirement Income Security Act of 1974, as amended ("ERISA") prohibits certain employee benefit plans from acquiring securities or real property of the employer who sponsors the plan if, after the acquisition, the fair market value of such securities and property exceeds 10 percent of the fair market value of plan assets. The 10-percent limitation does not apply to any "eligible individual account plans" that specifically authorize such investments. Generally, eligible individual account plans are defined contribution plans, including plans containing a cash or deferred arrangement ("401(k) plans").

The term "eligible individual account plan" does not include the portion of a plan that consists of elective deferrals (and earnings on the elective deferrals) made under section 401(k) if elective deferrals equal to more than 1 percent of any employee's eligible compensation are required to be invested in employer securities and employer real property. Eligible compensation is compensation that is eligible to be deferred under the plan. The portion of the plan that consists of elective deferrals (and earnings thereon) is still treated as an individual account plan, and the 10-percent limitation does not apply, as long as elective deferrals (and earnings thereon) are not required to be invested in employer securities or employer real property.

The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan does not apply if individual account plans are a small part of the employer's retirement plans. In particular, that rule does not apply to an individual account plan for a plan year if the value of the assets of all individual account plans maintained by the employer do not exceed 10 percent of the value of the assets of all pension plans maintained by the employer (determined as of the last day of the preceding plan year). Multiemployer plans are not taken into account in determining whether the value of the assets of all individual account plans maintained by the employer exceed 10 percent of the value of the assets of all pension plans maintained by the employer. The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan does not apply to an employee stock ownership plan as defined in section 4975(e)(7) of the Internal Revenue Code.

The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan applies to elective deferrals for plan years beginning after December 31, 1998 (and earnings thereon). It does not apply with respect to earnings on elective deferrals for plan years beginning before January 1, 1999.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the effective date of the rule excluding certain elective deferrals (and earnings thereon) from the definition of individual account plan by providing that the rule does not apply to any elective deferral used to acquire employer securities or employer real property acquired before January 1, 1999.

Effective date.—The provision is effective as if included in the section of the Taxpayer Relief Act of 1997 that contained the rule excluding certain elective deferrals (and earnings thereon) from the definition of individual account plan.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

F. PERIODIC PENSION BENEFIT STATEMENTS (SEC. 506 OF THE SENATE AMENDMENT AND SEC. 105(A) OF ERISA)

PRESENT LAW

Title I of ERISA provides that a pension plan administrator must furnish a benefit statement to any participant or beneficiary who makes a written request for such a statement. This statement must indicate, on the basis of the latest available information, (1) the participant's or beneficiary's total accrued benefit, and (2) the participant's or beneficiary's vested accrued benefit or the earliest date on which the accrued benefit will become vested. A participant or beneficiary is not entitled to receive more than 1 benefit statement during any 12-month period. The plan administrator must furnish the benefit statement no later than 60 days after receipt of the request or, if later, 120 days after the close of the immediately preceding plan year.

In addition, the plan administrator must furnish a benefit statement to each participant whose employment terminates or who has a 1-year break in service. For purposes of this benefit statement requirement, a "1-year break in service" is a calendar year, plan year, or other 12-month period designated by the plan during which the participant does not complete more than 500 hours of service for the employer. A participant is not entitled to receive more than 1 benefit statement with respect to consecutive breaks in service. The plan administrator must provide a benefit statement required upon termination of employment or a break in service no later than 180 days after the end of the plan year in which the termination of employment or break in service occurs.

HOUSE BILL

No provision.

SENATE AMENDMENT

A plan administrator of a defined contribution plan generally is required to furnish a benefit statement to each participant at least once annually and to a beneficiary upon written request.

In addition to providing a benefit statement to a participant or beneficiary upon written request, the plan administrator of a defined benefit plan generally is required either (1) to furnish a benefit statement at least once every 3 years to each participant who has a vested accrued benefit and who is employed by the employer at the time the plan administrator furnishes the benefit statements to participants, or (2) to annually furnish written, electronic, telephonic, or other appropriate notice to each participant of the availability of and the manner in which the participant may obtain the benefit statement.

The plan administrator of a multiemployer plan or a multiple employer plan is required to furnish a benefit statement only upon written request of a participant or beneficiary.[55]

The plan administrator is required to write the benefit statement in a manner calculated to be understood by the average plan participant and is permitted to furnish the statement in written, electronic, telephonic, or other appropriate form.

Effective date.—The provision is effective for plan years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the following modifications. The conference agreement authorizes the Secretary of Labor to provide that years in which no employee or former employee benefits under a plan need not be taken into account in determining the applicable 3-year period.

Effective date.—The conference agreement is effective for plan years beginning after December 31, 2001.

G. PROHIBITED ALLOCATIONS OF STOCK IN AN S CORPORATION ESOP (SEC. 506 OF THE HOUSE BILL, SEC. 507 OF THE SENATE AMENDMENT, AND SECS. 409 AND 4979A OF THE CODE)

PRESENT LAW

The Small Business Job Protection Act of 1996 allowed qualified retirement plan trusts described in section 401(a) to own stock in an S corporation. That Act treated the plan's share of the S corporation's income (and gain on the disposition of the stock) as includible in full in the trust's unrelated business taxable income ("UBTI").

The Tax Relief Act of 1997 repealed the provision treating items of income or loss of an S corporation as UBTI in the case of an employee stock ownership plan ("ESOP"). Thus, the income of an S corporation allocable to an ESOP is not subject to current taxation.

Present law provides a deferral of income on the sales of certain employer securities to an ESOP (sec. 1042). A 50-percent excise tax is imposed on certain prohibited allocations of securities acquired by an ESOP in a transaction to which section 1042 applies. In addition, such allocations are currently includible in the gross income of the individual receiving the prohibited allocation.

HOUSE BILL

In general

Under the provision, if there is a nonallocation year with respect to an ESOP maintained by an S corporation: (1) the amount allocated in a prohibited allocation to an individual who is a disqualified person is treated as distributed to such individual (i.e., the value of the prohibited allocation is includible in the gross income of the individual receiving the prohibited allocation); (2) an excise tax is imposed on the S corporation equal to 50 percent of the amount involved in a prohibited allocation; and (3) an excise tax is imposed on the S corporation with respect to any synthetic equity owned by a disqualified person.[56]

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[55] A multiple employer plan is a plan that is maintained by 2 or more unrelated employers but that is not maintained pursuant to a collective-bargaining agreement (sec. 413(c)).

[56] The plan is not disqualified merely because an excise tax is imposed under the provision.

It is intended that the provision will limit the establishment of ESOPs by S corporations to those that provide broad-based employee coverage and that benefit rank-and-file employees as well as highly compensated employees and historical owners.

Definition of nonallocation year

A nonallocation year means any plan year of an ESOP holding shares in an S corporation if, at any time during the plan year, disqualified persons own at least 50 percent of the number of outstanding shares of the S corporation.

A person is a disqualified person if the person is either (1) a member of a "deemed 20-percent shareholder group" or (2) a "deemed 10-percent shareholder." A person is a member of a "deemed 20-percent shareholder group" if the aggregate number of deemed-owned shares of the person and his or her family members is at least 20 percent of the number of deemed-owned shares of stock in the S corporation.[57] A person is a deemed 10-percent shareholder if the person is not a member of a deemed 20-percent shareholder group and the number of the person's deemed-owned shares is at least 10 percent of the number of deemed-owned shares of stock of the corporation.

In general, "deemed-owned shares" means: (1) stock allocated to the account of an individual under the ESOP, and (2) an individual's share of unallocated stock held by the ESOP. An individual's share of unallocated stock held by an ESOP is determined in the same manner as the most recent allocation of stock under the terms of the plan.

For purposes of determining whether there is a nonallocation year, ownership of stock generally is attributed under the rules of section 318,[58] except that: (1) the family attribution rules are modified to include certain other family members, as described below, (2) option attribution does not apply (but instead special rules relating to synthetic equity described below apply), and (3) "deemed-owned shares" held by the ESOP are treated as held by the individual with respect to whom they are deemed owned.

Under the provision, family members of an individual include (1) the spouse[59] of the individual, (2) an ancestor or lineal descendant of the individual or his or her spouse, (3) a sibling of the individual (or the individual's spouse) and any lineal descendant of the brother or sister, and (4) the spouse of any person described in (2) or (3).

The provision contains special rules applicable to synthetic equity interests. Except to the extent provided in regulations, the stock on which a synthetic equity interest is based is treated as outstanding stock of the S corporation and as deemed-owned shares of the person holding the synthetic equity interest if such treatment would result in the treatment of any person as a disqualified person or the treatment of any year as a nonallocation year. Thus, for example, disqualified persons for a year include those individuals who are disqualified persons under the general rule (i.e., treating only those shares held by the ESOP as deemed-owned shares) and those individuals who are disqualified individuals if synthetic equity interests are treated as deemed-owned shares.

"Synthetic equity" means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.[60]

Ownership of synthetic equity is attributed in the same manner as stock is attributed under the provision (as described above). In addition, ownership of synthetic equity is attributed under the rules of section 318(a)(2) and (3) in the same manner as stock.

Definition of prohibited allocation

An ESOP of an S corporation is required to provide that no portion of the assets of the plan attributable to (or allocable in lieu of) S corporation stock may, during a nonallocation year, accrue (or be allocated directly or indirectly under any qualified plan of the S corporation) for the benefit of a disqualified person. A "prohibited allocation" refers to violations of this provision. A prohibited allocation occurs, for example, if income on S corporation stock held by an ESOP is allocated to the account of an individual who is a disqualified person.

Application of excise tax

In the case of a prohibited allocation, the S corporation is liable for an excise tax equal to 50 percent of the amount of the allocation. For example, if S corporation stock is allocated in a prohibited allocation, the excise tax is equal to 50 percent of the fair market value of such stock.

A special rule applies in the case of the first nonallocation year, regardless of whether there is a prohibited allocation. In that year, the excise tax also applies to the fair market value of the deemed-owned shares of any disqualified person held by the ESOP, even though those shares are not allocated to the disqualified person in that year.

As mentioned above, the S corporation also is liable for an excise tax with respect to any synthetic equity interest owned by any disqualified person in a nonallocation year. The excise tax is 50 percent of the value of the shares on which synthetic equity is based.

Treasury regulations

The Treasury Department is given the authority to prescribe such regulations as may be necessary to carry out the purposes of the provision.

Effective date

The provision generally is effective with respect to plan years beginning after December 31, 2001. In the case of an ESOP established after July 11, 2000, or an ESOP established on or before such date if the employer maintaining the plan was not an S corporation on such date, the proposal is effective with respect to plan years ending after July 11, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

Subtitle F. Reducing Regulatory Burdens
(secs. 451-464 of the bill)

A. MODIFICATION OF TIMING OF PLAN VALUATIONS (SEC. 601 OF THE HOUSE BILL, SEC. 601 OF THE SENATE AMENDMENT, AND SEC. 412 OF THE CODE)

PRESENT LAW

Under present law, plan valuations are generally required annually for plans subject to the minimum funding rules. Under proposed Treasury regulations, except as provided by the Commissioner, the valuation must be as of a date within the plan year to which the valuation refers or within the month prior to the beginning of that year.[61]

HOUSE BILL

The provision incorporates into the statute the proposed regulation regarding the date of valuations. The provision also provides, as an exception to this general rule, that the valuation date with respect to a plan year may be any date within the immediately preceding plan year if, as of such date, plan assets are not less than 125 percent of the plan's current liability. Information determined as of such date is required to be adjusted actuarially, in accordance with Treasury regulations, to reflect significant differences in plan participants. An election to use a prior plan year valuation date, once made, may only be revoked with the consent of the Secretary.

Effective date.—The provision is effective for plan years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.[62]

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.[63]

B. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION (SEC. 602 OF THE HOUSE BILL, SEC. 602 OF THE SENATE AMENDMENT, AND SEC. 404 OF THE CODE)

PRESENT LAW

An employer is entitled to deduct certain dividends paid in cash during the employer's taxable year with respect to stock of the employer that is held by an employee stock ownership plan ("ESOP"). The deduction is allowed with respect to dividends that, in accordance with plan provisions, are (1) paid in cash directly to the plan participants or their beneficiaries, (2) paid to the plan and subsequently distributed to the participants or beneficiaries in cash no later than 90 days after the close of the plan year in which the dividends are paid to the plan, or (3) used to make payments on loans (including payments of interest as well as principal) that were used to acquire the employer securities (whether or not allocated to participants) with respect to which the dividend is paid.

The Secretary may disallow the deduction for any ESOP dividend if he determines that the dividend constitutes, in substance, an evasion of taxation (sec. 404(k)(5)).

HOUSE BILL

In addition to the deductions permitted under present law for dividends paid with respect to employer securities that are held by an ESOP, an employer is entitled to deduct dividends that, at the election of plan participants or their beneficiaries, are (1) payable in cash directly to plan participants or beneficiaries, (2) paid to the plan and subsequently distributed to the participants or beneficiaries in cash no later than 90 days after the close of the plan year in which the dividends are paid to the plan, or (3) paid to the plan and reinvested in qualifying employer securities.

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[57] A family member of a member of a "deemed 20-percent shareholder group" with deemed owned shares also is treated as a disqualified person.

[58] These attribution rules also apply to stock treated as owned by reason of the ownership of synthetic equity.

[59] As under section 318, an individual's spouse is not treated as a member of the individual's family if the spouses are legally separated.

[60] The provisions relating to synthetic equity do not modify the rules relating to S corporations, e.g., the circumstances in which options or similar interests are treated as creating a second class of stock.

[61] Prop. reg. sec. 1.412(c)(9)-1(b)(1).

[62] The Senate amendment also amends the corresponding provisions of ERISA.

[63] The conference agreement also amends the corresponding provisions of ERISA.

As under present law, the Secretary may disallow the deduction for any ESOP dividend if he determines that the dividend constitutes, in substance, an evasion of taxation (sec. 404(k)(5)).

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment, with the following modification. The conference agreement permits the Secretary of the Treasury to disallow the deduction for any ESOP dividend in the case of any dividend that constitutes the avoidance or evasion of taxation. For example, it is intended that the Secretary will disallow the deduction as an avoidance or evasion of taxation in circumstances similar to those that would result in a nonallocation year under the provision of the bill relating to S corporation ESOPs. The dividends deductible under the provision are treated the same as other plan earnings, i.e., they are not subject to the limits on elective deferrals or the special nondiscrimination rules applicable to section 401(k) plans, and are not treated as annual additions for purposes of the section 415 limits on contributions.

C. REPEAL TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES (SEC. 603 OF THE HOUSE BILL, SEC. 603 OF THE SENATE AMENDMENT, AND SEC. 1114(C)(4) OF THE TAX REFORM ACT OF 1986)

PRESENT LAW

Under present law, for purposes of the rules relating to qualified plans, a highly compensated employee is generally defined as an employee[64] who (1) was a 5-percent owner of the employer at any time during the year or the preceding year or (2) either (a) had compensation for the preceding year in excess of $85,000 (for 2000) or (b) at the election of the employer, had compensation in excess of $85,000 for the preceding year and was in the top 20 percent of employees by compensation for such year.

Under a rule enacted in the Tax Reform Act of 1986, a special definition of highly compensated employee applies for purposes of the nondiscrimination rules relating to qualified cash or deferred arrangements ("section 401(k) plans") and matching contributions. This special definition applies to an employer incorporated on December 15, 1924, that meets certain specific requirements.

HOUSE BILL

The provision repeals the special definition of highly compensated employee under the Tax Reform Act of 1986. Thus, the present-law definition applies.

Effective date.—The provision is effective for plan years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

D. EMPLOYEES OF TAX-EXEMPT ENTITIES (SEC. 604 OF THE HOUSE BILL AND SEC. 604 OF THE SENATE AMENDMENT)

PRESENT LAW

The Tax Reform Act of 1986 provided that nongovernmental tax-exempt employers were not permitted to maintain a qualified cash or deferred arrangement ("section 401(k) plan"). This prohibition was repealed, effective for years beginning after December 31, 1996, by the Small Business Job Protection Act of 1996.

Treasury regulations provide that, in applying the nondiscrimination rules to a section 401(k) plan (or a section 401(m) plan that is provided under the same general arrangement as the section 401(k) plan), the employer may treat as excludable those employees of a tax-exempt entity who could not participate in the arrangement due to the prohibition on maintenance of a section 401(k) plan by such entities. Such employees may be disregarded only if more than 95 percent of the employees who could participate in the section 401(k) plan benefit under the plan for the plan year.[65]

Tax-exempt charitable organizations may maintain a tax-sheltered annuity (a "section 403(b) annuity") that allows employees to make salary reduction contributions.

HOUSE BILL

The Treasury Department is directed to revise its regulations under section 410(b) to provide that employees of a tax-exempt charitable organization who are eligible to make salary reduction contributions under a section 403(b) annuity may be treated as excludable employees for purposes of testing a section 401(k) plan, or a section 401(m) plan that is provided under the same general arrangement as the section 401(k) plan of the employer, if (1) no employee of such tax-exempt entity is eligible to participate in the section 401(k) or 401(m) plan and (2) at least 95 percent of the employees who are not employees of the charitable employer are eligible to participate in such section 401(k) plan or section 401(m) plan.

The revised regulations are to be effective for years beginning after December 31, 1996.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

E. TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE (SEC. 605 OF THE HOUSE BILL, SEC. 605 OF THE SENATE AMENDMENT, AND SEC. 132 OF THE CODE)

PRESENT LAW

Under present law, certain employer-provided fringe benefits are excludable from gross income (sec. 132) and wages for employment tax purposes. These excludable fringe benefits include working condition fringe benefits and de minimis fringes. In general, a working condition fringe benefit is any property or services provided by an employer to an employee to the extent that, if the employee paid for such property or services, such payment would be allowable as a deduction as a business expense. A de minimis fringe benefit is any property or services provided by the employer the value of which, after taking into account the frequency with which similar fringes are provided, is so small as to make accounting for it unreasonable or administratively impracticable.

In addition, if certain requirements are satisfied, up to $5,250 annually of employer-provided educational assistance is excludable from gross income (sec. 127) and wages. This exclusion expires with respect to courses beginning after December 31, 2001.[66] Education not excludable under section 127 may be excludable as a working condition fringe.

There is no specific exclusion under present law for employer-provided retirement planning services. However, such services may be excludable as employer-provided educational assistance or a fringe benefit.

HOUSE BILL

Qualified retirement planning services provided to an employee and his or her spouse by an employer maintaining a qualified plan are excludable from income and wages. Qualified retirement planning services are advice and information regarding retirement planning. The exclusion is not limited to information regarding the qualified plan, and, thus, for example, applies to advice and information regarding retirement income planning for an individual and his or her spouse and how the employer's plan fits into the individual's overall retirement income plan. On the other hand, the exclusion does not apply to services that may be related to retirement planning, such as tax preparation, accounting, legal, or brokerage services.

The exclusion does not apply with respect to highly compensated employees unless the services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified plan.

Effective date.—The provision is effective with respect to years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment. The conferees intend that the provision will clarify the treatment of retirement advice provided in a nondiscriminatory manner. It is intended that the Secretary, in determining the application of the exclusion to highly compensated employees, may permit employers to take into consideration employee circumstances other than compensation and position in providing advice to classifications of employees. Thus, for example, the Secretary may permit employers to limit certain advice to individuals nearing retirement age under the plan.

F. REPORTING SIMPLIFICATION (SEC. 606 OF THE HOUSE BILL AND SEC. 606 OF THE SENATE AMENDMENT)

PRESENT LAW

A plan administrator of a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation generally must file with the Secretary of the Treasury an annual return for each plan year containing certain information with respect to the qualification, financial condition, and operation of the plan. Title I of ERISA also may require the plan administrator to file annual reports concerning the plan with the

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[64] An employee includes a self-employed individual.

[65] Treas. Reg. sec. 1.410(b)-6(g).

[66] The exclusion does not apply with respect to graduate-level courses.

Department of Labor and the Pension Benefit Guaranty Corporation ("PBGC"). The plan administrator must use the Form 5500 series as the format for the required annual return.[67] The Form 5500 series annual return/report, which consists of a primary form and various schedules, includes the information required to be filed with all three agencies. The plan administrator satisfies the reporting requirement with respect to each agency by filing the Form 5500 series annual return/report with the Department of Labor, which forwards the form to the Internal Revenue Service and the PBGC.

The Form 5500 series consists of 3 different forms: Form 5500, Form 5500–C/R, and Form 5500–EZ. Form 5500 is the most comprehensive of the forms and requires the most detailed financial information. Form 5500–C/R requires less information than Form 5500, and Form 5500–EZ, which consists of only 1 page, is the simplest of the forms.

The size of the plan determines which form a plan administrator must file. If the plan has more than 100 participants at the beginning of the plan year, the plan administrator generally must file Form 5500. If the plan has fewer than 100 participants at the beginning of the plan year, the plan administrator generally may file Form 5500–C/R. A plan administrator generally may file Form 5500–EZ if (1) the only participants in the plan are the sole owner of a business that maintains the plan (and such owner's spouse), or partners in a partnership that maintains the plan (and such partners' spouses), (2) the plan is not aggregated with another plan in order to satisfy the minimum coverage requirements of section 410(b), (3) the employer is not a member of a related group of employers, and (4) the employer does not receive the services of leased employees. If the plan satisfies the eligibility requirements for Form 5500–EZ and the total value of the plan assets as of the end of the plan year and all prior plan years does not exceed $100,000, the plan administrator is not required to file a return.

HOUSE BILL

The Secretary of the Treasury is directed to provide for the filing of a simplified annual return substantially similar to the Form 5500–EZ by a plan that (1) covers less than 25 employees on the first day of the plan year, (2) is not aggregated with another plan in order to satisfy the minimum coverage requirements of section 410(b), (3) is maintained by an employer that is not a member of a related group of employers, and (4) is maintained by an employer that does not receive the services of leased employees.

In addition, the Secretary is directed to modify the annual return filing requirements with respect to plans that satisfy the eligibility requirements for Form 5500–EZ to provide that if the total value of the plan assets of such a plan as of the end of the plan year and all prior plan years does not exceed $250,000, the plan administrator is not required to file a return.

Effective date.—The provision is effective on January 1, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment does not include the provision relating to annual returns for plans that cover less than 25 employees.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill, with the following modification. The conference agreement directs the Secretary of the Treasury to provide simplified reporting requirements for plan years beginning after December 31, 2001, for certain plans with fewer than 25 employees.

G. IMPROVEMENT TO EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM (SEC. 607 OF THE HOUSE BILL AND SEC. 607 OF THE SENATE AMENDMENT)

PRESENT LAW

A retirement plan that is intended to be a tax-qualified plan provides retirement benefits on a tax-favored basis if the plan satisfies all of the requirements of section 401(a). Similarly, an annuity that is intended to be a tax-sheltered annuity provides retirement benefits on a tax-favored basis if the program satisfies all of the requirements of section 403(b). Failure to satisfy all of the applicable requirements of section 401(a) or section 403(b) may disqualify a plan or annuity for the intended tax-favored treatment.

The Internal Revenue Service ("IRS") has established the Employee Plans Compliance Resolution System ("EPCRS"), which is a comprehensive system of correction programs for sponsors of retirement plans and annuities that are intended, but have failed, to satisfy the requirements of section 401(a) and section 403(b), as applicable.[68] EPCRS permits employers to correct compliance failures and continue to provide their employees with retirement benefits on a tax-favored basis.

The IRS has designed EPCRS to (1) encourage operational and formal compliance, (2) promote voluntary and timely correction of compliance failures, (3) provide sanctions for compliance failures identified on audit that are reasonable in light of the nature, extent, and severity of the violation, (4) provide consistent and uniform administration of the correction programs, and (5) permit employers to rely on the availability of EPCRS in taking corrective actions to maintain the tax-favored status of their retirement plans and annuities.

The basic elements of the programs that comprise EPCRS are self-correction, voluntary correction with IRS approval, and correction on audit. The Administrative Policy Regarding Self-Correction ("APRSC") permits a plan sponsor that has established compliance practices to correct certain insignificant failures at any time (including during an audit), and certain significant failures within a 2-year period, without payment of any fee or sanction. The Voluntary Compliance Resolution ("VCR") program, the Walk-In Closing Agreement Program ("Walk-In CAP"), and the Tax-Sheltered Annuity Voluntary Correction ("TVC") program permit an employer, at any time before an audit, to pay a limited fee and receive IRS approval of a correction. For a failure that is discovered on audit and corrected, the Audit Closing Agreement Program ("Audit CAP") provides for a sanction that bears a reasonable relationship to the nature, extent, and severity of the failure and that takes into account the extent to which correction occurred before audit.

The IRS has expressed its intent that EPCRS will be updated and improved periodically in light of experience and comments from those who use it.

HOUSE BILL

The Secretary of the Treasury is directed to continue to update and improve EPCRS, giving special attention to (1) increasing the awareness and knowledge of small employers concerning the availability and use of EPCRS, (2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures, (3) extending the duration of the self-correction period under APRSC for significant compliance failures, (4) expanding the availability to correct insignificant compliance failures under APRSC during audit, and (5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

H. REPEAL OF THE MULTIPLE USE TEST (SEC. 608 OF THE HOUSE BILL, SEC. 608 OF THE SENATE AMENDMENT, AND SEC. 401(M) OF THE CODE)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan") are subject to a special annual nondiscrimination test ("ADP test"). The ADP test compares the actual deferral percentages ("ADPs") of the highly compensated employee group and the nonhighly compensated employee group. The ADP for each group generally is the average of the deferral percentages separately calculated for the employees in the group who are eligible to make elective deferrals for all or a portion of the relevant plan year. Each eligible employee's deferral percentage generally is the employee's elective deferrals for the year divided by the employee's compensation for the year.

The plan generally satisfies the ADP test if the ADP of the highly compensated employee group for the current plan year is either (1) not more than 125 percent of the ADP of the nonhighly compensated employee group for the prior plan year, or (2) not more than 200 percent of the ADP of the nonhighly compensated employee group for the prior plan year and not more than 2 percentage points greater than the ADP of the nonhighly compensated employee group for the prior plan year.

Employer matching contributions and after-tax employee contributions under a defined contribution plan also are subject to a special annual nondiscrimination test ("ACP test"). The ACP test compares the actual deferral percentages ("ACPs") of the highly compensated employee group and the nonhighly compensated employee group. The ACP for each group generally is the average of the contribution percentages separately calculated for the employees in the group who are eligible to make after-tax employee contributions or who are eligible for an allocation of matching contributions for all or a portion of the relevant plan year. Each eligible employee's contribution percentage generally is the employee's aggregate after-tax employee contributions and matching contributions for the year divided by the employee's compensation for the year.

The plan generally satisfies the ACP test if the ACP of the highly compensated employee group for the current plan year is either (1) not more than 125 percent of the ACP of the nonhighly compensated employee group for the prior plan year, or (2) not more than 200 percent of the ACP of the nonhighly compensated employee group for the prior plan year and not more than 2 percentage points greater than the ACP of the nonhighly compensated employee group for the prior plan year.

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[67] Treas. Reg. sec. 301.6058–1(a).

[68] Rev. Proc. 98–22, 1998–12 I.R.B. 11, as modified by Rev. Proc. 99–13, 1999–5, I.R.B. 52.

For any year in which (1) at least one highly compensated employee is eligible to participate in an employer's plan or plans that are subject to both the ADP test and the ACP test, (2) the plan subject to the ADP test satisfies the ADP test but the ADP of the highly compensated employee group exceeds 125 percent of the ADP of the nonhighly compensated employee group, and (3) the plan subject to the ACP test satisfies the ACP test but the ACP of the highly compensated employee group exceeds 125 percent of the ACP of the nonhighly compensated employee group, an additional special nondiscrimination test ("multiple use test") applies to the elective deferrals, employer matching contributions, and after-tax employee contributions. The plan or plans generally satisfy the multiple use test if the sum of the ADP and the ACP of the highly compensated employee group does not exceed the greater of (1) the sum of (A) 1.25 times the greater of the ADP or the ACP of the nonhighly compensated employee group, and (B) 2 percentage points plus (but not more than 2 times) the lesser of the ADP or the ACP of the nonhighly compensated employee group, or (2) the sum of (A) 1.25 times the lesser of the ADP or the ACP of the nonhighly compensated employee group, and (B) 2 percentage points plus (but not more than 2 times) the greater of the ADP or the ACP of the nonhighly compensated employee group.

HOUSE BILL

The provision repeals the multiple use test.

Effective date.—The provision is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

I. Flexibility in Nondiscrimination, Coverage, and Line of Business Rules (sec. 609 of the House bill, sec. 609 of the Senate amendment and secs. 401(a)(4), 410(b), and 414(r) of the Code)

PRESENT LAW

A plan is not a qualified retirement plan if the contributions or benefits provided under the plan discriminate in favor of highly compensated employees (sec. 401(a)(4)). The applicable Treasury regulations set forth the exclusive rules for determining whether a plan satisfies the nondiscrimination requirement. These regulations state that the form of the plan and the effect of the plan in operation determine whether the plan is nondiscriminatory and that intent is irrelevant.

Similarly, a plan is not a qualified retirement plan if the plan does not benefit a minimum number of employees (sec. 410(b)). A plan satisfies this minimum coverage requirement if and only if it satisfies one of the tests specified in the applicable Treasury regulations. If an employer is treated as operating separate lines of business, the employer may apply the minimum coverage requirements to a plan separately with respect to the employees in each separate line of business (sec. 414(r)). Under a so-called "gateway" requirement, however, the plan must benefit a classification of employees that does not discriminate in favor of highly compensated employees in order for the employer to apply the minimum coverage requirements separately for the employees in each separate line of business. A plan satisfies this gateway requirement only if it satisfies one of the tests specified in the applicable Treasury regulations.

HOUSE BILL

The Secretary of the Treasury is directed to provide by regulation applicable to years beginning after December 31, 2000, that a plan is deemed to satisfy the nondiscrimination requirements of section 401(a)(4) if the plan satisfies the pre-1994 facts and circumstances test, satisfies the conditions prescribed by the Secretary to appropriately limit the availability of such test,[69] and is submitted to the Secretary for a determination of whether it satisfies such test (to the extent provided by the Secretary).

Similarly, a plan complies with the minimum coverage requirement of section 410(b) if the plan satisfies the pre-1989 coverage rules, is submitted to the Secretary for a determination of whether it satisfies the pre-1989 coverage rules (to the extent provided by the Secretary), and satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of the pre-1989 coverage rules.[70]

The Secretary of the Treasury is directed to modify, on or before December 31, 2000, the existing regulations issued under section 414(r) in order to expand (to the extent that the Secretary may determine to be appropriate) the ability of a plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The Senate amendment provides that the regulations required with respect to the nondiscrimination requirements of section 401(a)(4), the minimum coverage requirements of section 410(b), and the line of business requirements of section 414(r) are to be issued or effective, whichever is applicable, by December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the following modification. The conference agreement provides that the regulations required with respect to the nondiscrimination requirements of section 401(a)(4), the minimum coverage requirements of section 410(b), and the line of business requirements of section 414(r) are to be issued or effective, whichever is applicable, by December 31, 2002.

J. Extension to All Governmental Plans of Moratorium on Application of Certain Nondiscrimination Rules Applicable to State and Local Government Plans (sec. 610 of the House bill, sec. 610 of the Senate amendment, and sec. 1505 of the Taxpayer Relief Act of 1997, and secs. 401(a) and 401(k) of the Code)

PRESENT LAW

All governmental plans are exempt from the minimum coverage requirements (sec. 410(b)). A qualified retirement plan maintained by a State or local government is exempt from the rules concerning nondiscrimination (sec. 401(a)(4)) and minimum participation (sec. 401(a)(26)). All other governmental plans are not exempt from the nondiscrimination and minimum participation rules.

HOUSE BILL

The provision exempts all governmental plans (as defined in sec. 414(d)) from the nondiscrimination and minimum participation rules.

Effective date.—The provision is effective for plan years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

K. Notice and Consent Period Regarding Distributions; Disclosure of Optional Forms of Benefit (sec. 611 of the House bill, sec. 611 of the Senate amendment, and secs. 402(f), 411, and 417 of the Code)

PRESENT LAW

Notice and consent requirements apply to certain distributions from qualified retirement plans. These requirements relate to the content and timing of information that a plan must provide to a participant prior to a distribution, and to whether the plan must obtain the participant's consent to the distribution. The nature and extent of the notice and consent requirements applicable to a distribution depend upon the value of the participant's vested accrued benefit and whether the joint and survivor annuity requirements (sec. 417) apply to the participant.[71]

If the present value of the participant's vested accrued benefit exceeds $5,000, the plan may not distribute the participant's benefit without the written consent of the participant. The participant's consent to a distribution is not valid unless the participant has received from the plan a notice that contains a written explanation of (1) the material features and the relative values of the optional forms of benefit available under the plan, (2) the participant's right, if any, to have the distribution directly transferred to another retirement plan or IRA, and (3) the rules concerning the taxation of a distribution. If the joint and survivor annuity requirements apply to the participant, this notice also must contain a written explanation of (1) the terms and conditions of the qualified joint and survivor annuity ("QJSA"), (2) the participant's right to make, and the effect of, an election to waive the QJSA, (3) the rights of the participant's spouse with respect to a participant's waiver of the QJSA, and (4) the right to make, and the effect of, a revocation of a waiver of the QJSA. The plan generally must provide this notice to the participant no less than 30 and no more than 90 days before the date distribution commences.

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[69] Any conditions prescribed by the Secretary cannot be effective before the first year beginning not less than 120 days after the date on which the condition is prescribed.

[70] Any conditions prescribed by the Secretary cannot be effective before the first year beginning not less than 120 days after the date on which the condition is prescribed.

[71] Similar provisions are contained in Title I of ERISA.

If the participant's vested accrued benefit does not exceed $5,000, the terms of the plan may provide for distribution without the participant's consent. The plan generally is required, however, to provide to the participant a notice that contains a written explanation of (1) the participant's right, if any, to have the distribution directly transferred to another retirement plan or IRA, and (2) the rules concerning the taxation of a distribution. The plan generally must provide this notice to the participant no less than 30 and no more than 90 days before the date distribution commences.

The plan administrator is required to provide to the distributee of an eligible rollover distribution an explanation of the rollover and withholding rules applicable to the distribution. This notice must generally be provided no less than 30 days and not more than 90 days before the date of the distribution.

HOUSE BILL

A qualified retirement plan is required to provide the applicable distribution notice no less than 30 days and no more than 180 days before the date distribution commences. The Secretary of the Treasury is directed to modify the applicable regulations to reflect the extension of the notice period to 180 days and to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

Effective date.—The provision is effective for years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill with respect to the notice and consent period regarding distributions.

In addition, the Senate amendment requires that plan participants be notified of the existence of certain differences between the values of optional forms of benefit. If a plan provides optional forms of benefits and the present values of such optional forms of benefits are not actuarially equivalent as of the annuity starting date, then the plan is required to provide certain information regarding such benefits in the notice required to be provided regarding joint and survivor annuities. The information must be sufficient (as determined in accordance with Treasury regulations) to allow the participant to understand the differences in the present values of the optional forms of benefits and the effect the participant's election as to the form of benefit will have on the value of the benefits provided under the plan. The information must be provided in a manner calculated to be reasonably understood by the average plan participant.

Effective date.—Same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the following modification. With respect to the disclosure of the differences between the values of optional forms of benefits, the conference agreement directs the Secretary of the Treasury to issue, not later than December 31, 2001, final regulations under section 417(a)(3). These regulations are to provide that, if a defined benefit plan offers both a qualified joint and survivor annuity and a single sum optional form of benefit, and the distributable amount under such single sum option is less than the present value (determined in accordance with section 417(e)) of the qualified joint and survivor annuity commencing as of the same annuity starting date, the applicable distribution notice shall include sufficient information to permit the participant to understand the difference between the present value of the qualified joint and survivor annuity and the amount of the single sum. If the plan offers an unmarried participant one or more annuity options that are substantially more valuable than the qualified joint and survivor annuity offered by the plan, the required comparison shall be made between the single sum option and the most valuable of the other annuity options. The conference agreement provides that the regulations shall apply to distributions made not earlier than 6 months after the date the regulations are issued.

L. Annual Report Dissemination (sec. 612 of the Senate amendment and sec. 104(b)(3) of ERISA)

PRESENT LAW

Title I of ERISA generally requires the plan administrator of each employee pension benefit plan and each employee welfare benefit plan to file an annual report concerning the plan with the Secretary of Labor within seven months after the end of the plan year. Within nine months after the end of the plan year, the plan administrator generally must provide to each participant and to each beneficiary receiving benefits under the plan a summary of the annual report filed with the Secretary of Labor for the plan year.

HOUSE BILL

No provision.

SENATE AMENDMENT

Within nine months after the end of each plan year, the plan administrator is required to make available for examination a summary of the annual report filed with the Secretary of Labor for the plan year. In addition, the plan administrator is required to furnish the summary to a participant, or to a beneficiary receiving benefits under the plan, upon request.

Effective date.—The provision is effective for reports for years beginning after December 31, 1999.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the following modification. The conference agreement provides that the requirement that the summary annual report be provided to participants and beneficiaries is satisfied if the report is reasonably available through electronic means or other new technology.

M. Modifications to the SAVER Act (sec. 613 of the Senate amendment and sec. 517 of ERISA)

PRESENT LAW

The Savings Are Vital to Everyone's Retirement ("SAVER") Act[72] initiated a public-private partnership to educate American workers about retirement savings and directed the Department of Labor to maintain an ongoing program of public information and outreach. The Act also convened a National Summit on Retirement Savings held June 4–5, 1998, and to be held again in 2001 and 2005, co-hosted by the President and the bipartisan Congressional leadership. The National Summit brings together experts in the fields of employee benefits and retirement savings, key leaders of government, and interested parties from the private sector and general public. The delegates are selected by the Congressional leadership and the President. The National Summit is a public-private partnership, receiving substantial funding from private sector contributions. The goals of the National Summits are to: (1) advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based, public education program; (2) identify the barriers which hinder workers from setting aside adequate savings for retirement and impede employers, especially small employers, from assisting their workers in accumulating retirement savings; and (3) develop specific recommendations for legislative, executive, and private sector actions to promote retirement income savings among American workers.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision clarifies that future National Summits on Retirement Savings are to be held in the month of September in 2001 and 2005, and would add an additional National Summit in 2009. To facilitate the administration of future National Summits, the Department of Labor is given authority to enter into cooperative agreements (pursuant to the Federal Grant and Cooperative Agreement Act of 1977) with its 1999 summit partner, the American Savings Education Council.

Six new statutory delegates are added to future National Summits: the Chairman and Ranking Member of the House Ways and Means Committee, the Senate Finance Committee, and the Subcommittee on Employer-Employee Relations of the House Committee on Education and the Workforce. Further, the President, in consultation with the Congressional leadership, may appoint up to three percent of the delegates (not to exceed 10) from a list of nominees provided by the private sector partner in Summit administration. The provision also clarifies that new delegates are to be appointed for each future National Summit (as was the intent of the original legislation) and sets deadlines for their appointment.

The provision also sets deadlines for the Department of Labor to publish the Summit agenda, gives the Department of Labor limited reception and representation authority, and mandates that the Department of Labor consult with the Congressional leadership in drafting the post-Summit report.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

N. Studies (sec. 614 of the Senate amendment)

PRESENT LAW

No provision.

HOUSE BILL

No provision.

SENATE AMENDMENT

Report on pension coverage

The bill directs the Secretary to report to the Senate Committee on Finance and the House Committee on Ways and Means regarding the effect of the bill on pension coverage, including any expansion of coverage for low- and moderate-income workers, levels of pension benefits, quality of coverage, worker's access to and participation in plans, and retirement security. This report is required to be submitted no later than five years after the date of enactment.

Studies of preretirement uses of benefits and investment decisions

The bill directs the Secretary to conduct a study of the present-law rules that permit individuals to access their IRA or qualified retirement plan benefits prior to retirement, including an analysis of the use of the existing rules and the extent to which such rules undermine the goal of accumulating adequate resources for retirement. In addition, the Secretary of the Treasury is directed to conduct a study of the types of investment decisions made by IRA owners and participants in self-directed qualified retirement plans, including an analysis of the existing restrictions on investments and the extent to which additional restrictions would facilitate the accumulation of adequate income for retirement. The studies are required to be submitted to the Senate Committee on Finance and the House Committee on Ways and Means no later than January 1, 2002.

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[72] Pub. L. No. 105-92.

Effective date

The provisions are effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the following modification. The conference agreement does not direct the Secretary to conduct the study relating to pre-retirement access to IRA or qualified retirement plan assets or the study relating to the types of investment decisions made by IRA owners and participants in self-directed qualified retirement plans.

TITLE VII: OTHER ERISA PROVISIONS

(SECS. 471–478 OF THE BILL)

A. EXTENSION OF PBGC MISSING PARTICIPANTS PROGRAM (SECS. 206(F) AND 4050 OF ERISA)

PRESENT LAW

The plan administrator of a single-employer defined benefit pension plan that is subject to Title IV of ERISA and terminates under a standard termination is required to distribute the assets of the plan. With respect to a participant whom the plan administrator cannot locate after a diligent search, the plan administrator satisfies the distribution requirement only by purchasing irrevocable commitments from an insurer to provide all benefit liabilities under the plan or transferring the participant's designated benefit to the Pension Benefit Guaranty Corporation ("PBGC"), which holds the benefit of the missing participant as trustee until the PBGC locates the missing participant and distributes the benefit.

The PBGC missing participant program is not available to multiemployer plans or defined contribution plans and other plans not covered by Title IV of ERISA.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The PBGC is directed to prescribe for terminating multiemployer plans rules similar to the present-law missing participant rules applicable to terminating single employer plans that are subject to Title IV of ERISA.

In addition, plan administrators of certain types of plans not subject to the PBGC termination insurance program under present law are permitted, but not required, to elect to transfer missing participants' benefits to the PBGC upon plan termination. Specifically, the provision extends the missing participants program to defined contribution plans, defined benefit plans that have no more than 25 active participants and are maintained by professional service employers, and the portion of defined benefit plans that provide benefits based upon the separate accounts of participants and therefor are treated as defined contribution plans under ERISA.

Effective date.—The provision is effective for distributions made after final regulations under the provision are prescribed.

B. REDUCE PBGC PREMIUMS FOR SMALL AND NEW PLANS (SEC. 4006 OF ERISA)

PRESENT LAW

Under present law, the Pension Benefit Guaranty Corporation ("PBGC") provides insurance protection for participants and beneficiaries under certain defined benefit pension plans by guaranteeing certain basic benefits under the plan in the event the plan is terminated with insufficient assets to pay benefits promised under the plan. The guaranteed benefits are funded in part by premium payments from employers who sponsor defined benefit plans. The amount of the required annual PBGC premium for a single-employer plan is generally a flat rate premium of $19 per participant and an additional variable-rate premium based on a charge of $9 per $1,000 of unfunded vested benefits. Unfunded vested benefits under a plan generally means (1) the unfunded current liability for vested benefits under the plan, over (2) the value of the plan's assets, reduced by any credit balance in the funding standard account. No variable-rate premium is imposed for a year if contributions to the plan were at least equal to the full funding limit.

The PBGC guarantee is phased in ratably in the case of plans that have been in effect for less than 5 years, and with respect to benefit increases from a plan amendment that was in effect for less than 5 years before termination of the plan.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

Reduced flat-rate premiums for new plans of small employers

Under the conference agreement, for the first five plan years of a new single-employer plan of a small employer, the flat-rate PBGC premium is $5 per plan participant.

A small employer is a contributing sponsor that, on the first day of the plan year, has 100 or fewer employees. For this purpose, all employees of the members of the controlled group of the contributing sponsor are taken into account. In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all contributing sponsors (and their controlled group members) are taken into account in determining whether the plan is a plan of a small employer.

A new plan means a defined benefit plan maintained by a contributing sponsor if, during the 36-month period ending on the date of adoption of the plan, such contributing sponsor (or controlled group member or a predecessor of either) has not established or maintained a plan subject to PBGC coverage with respect to which benefits were accrued for substantially the same employees as are in the new plan.

Reduced variable-rate PBGC premium for new plans

The provision provides that the variable-rate premium is phased in for new defined benefit plans over a six-year period starting with the plan's first plan year. The amount of the variable-rate premium is a percentage of the variable premium otherwise due, as follows: 0 percent of the otherwise applicable variable-rate premium in the first plan year; 20 percent in the second plan year; 40 percent in the third plan year; 60 percent in the fourth plan year; 80 percent in the fifth plan year; and 100 percent in the sixth plan year (and thereafter).

A new defined benefit plan is defined as described above under the flat-rate premium provision relating to new small employer plans.

Reduced variable-rate PBGC premium for small plans

In the case of a plan of a small employer, the variable-rate premium is no more than $5 multiplied by the number of plan participants in the plan at the end of the preceding plan year. For purposes of this provision, a small employer is a contributing sponsor that, on the first day of the plan year, has 25 or fewer employees. For this purpose, all employees of the members of the controlled group of the contributing sponsor are taken into account. In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all contributing sponsors (and their controlled group members) are taken into account in determining whether the plan is a plan of a small employer.

Effective date

The reduction of the flat-rate premium for new plans of small employers and the reduction of the variable-rate premium for new plans are effective with respect to plans established after December 31, 2000. The reduction of the variable-rate premium for small plans is effective with respect to plan years beginning after December 31, 2000.

C. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS (SEC. 4007(B) OF ERISA)

PRESENT LAW

The PBGC charges interest on underpayments of premiums, but is not authorized to pay interest on overpayments.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement allows the PBGC to pay interest on overpayments made by premium payors. Interest paid on overpayments is to be calculated at the same rate and in the same manner as interest is charged on premium underpayments.

Effective date.—The provision is effective with respect to interest accruing for periods beginning not earlier than the date of enactment.

D. RULES FOR SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS (SECS. 4021, 4022, 4043 AND 4044 OF ERISA)

PRESENT LAW

Under present law, the PBGC provides participants and beneficiaries in a defined benefit pension plan with certain guarantees as to the receipt of benefits under the plan in case of plan termination. The employer sponsoring the defined benefit pension plan is required to pay premiums to the PBGC to provide insurance for the guaranteed benefits. In general, the PBGC will guarantee all basic benefits which are payable in periodic installments for the life (or lives) of the participant and his or her beneficiaries and are non-forfeitable at the time of plan termination. The amount of the guaranteed benefit is subject to certain limitations. One limitation is that the plan (or an amendment to the plan which increases benefits) must be in effect for 60 months before termination for the PBGC to guarantee the full amount of basic benefits for a plan participant, other than a substantial owner. In the case of a substantial owner, the guaranteed basic benefit is phased in over 30 years beginning with participation in the plan. A substantial owner is one who owns the entire interest in an unincorporated trade or business, or who owns, directly or indirectly, more than 10 percent of the voting stock of a corporation or all the stock of a corporation, or, in the case of a partnership, one who owns, directly or indirectly, more than 10 percent of either the capital interest or profits interest. Special rules restricting the amount of benefit guaranteed and the allocation of assets also apply to substantial owners.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The provision provides that the 60 month phase-in of guaranteed benefits applies to a substantial owner with less than a 50 percent ownership interest. For a substantial owner with a 50 percent or more ownership interest ("majority owner"), the phase-in occurs over a 10-year period and depends on the number of years the plan has been in effect. The majority owner's guaranteed benefit is limited so that it may not be more than the amount phased in over 60 months for other participants. The rules regarding allocation of assets apply to substantial owners, other than majority owners, in the same manner as other participants.

Effective date.—The provision is effective for plan terminations with respect to which notices of intent to terminate are provided, or for which proceedings for termination are instituted by the PBGC, after December 31, 2000.

E. Multiemployer Plan Benefits Guarantee (sec. 4022A of ERISA)

PRESENT LAW

The PBGC guarantees benefits of workers in multiemployer plans. The monthly guarantee is equal to the participant's years of service multiplied by the sum of (1) 100 percent of the first $5 of the monthly benefit accrual rate, and (2) 75 percent of the next $15 of the accrual rate. The level of benefits guaranteed by the PBGC under the multiemployer program has not increased since 1980. For a retiree with 30 years of service, the maximum guaranteed annual benefit is $5,850. The maximum guarantee under the PBGC's single-employer program is adjusted each year to reflect changes in the social security wage index.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement adjusts the amount guaranteed in multiemployer plans to account for changes in the social security wage index since 1980. Under the conference agreement, the PBGC guarantees a monthly benefit equal to the participant's years of service multiplied by the sum of (1) 100 percent of the first $11 of the monthly benefit accrual rate, and (2) 75 percent of the next $33 of the accrual rate. Thus, the conference agreement increases the maximum annual guarantee for a retiree with 30 years of service to $12,870.

Effective date.—The provision applies to benefits payable after the date of enactment, except that the provision does not apply to benefits under any multiemployer plan that has received financial assistance from the PBGC under section 4261 of ERISA within the 1-year period ending on the date of enactment.

F. Civil Penalties for Breach of Fiduciary Responsibility (sec. 502 of ERISA)

PRESENT LAW

Present law requires the Secretary of Labor to assess a civil penalty against (1) a fiduciary who breaches a fiduciary responsibility under, or commits a violation of, part 4 of Title I of ERISA, or (2) any other person who knowingly participates in such a breach or violation. The penalty is equal to 20 percent of the "applicable recovery amount" that is paid pursuant to a settlement agreement with the Secretary of Labor or that a court orders to be paid in a judicial proceeding brought by the Secretary of Labor to enforce ERISA's fiduciary responsibility provisions. The Secretary of Labor may waive or reduce the penalty only if the Secretary finds in writing that either (1) the fiduciary or other person acted reasonably and in good faith, or (2) it is reasonable to expect that the fiduciary or other person cannot restore all the losses without severe financial hardship unless the waiver or reduction is granted.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement makes the assessment of the penalty discretionary with the Secretary of Labor, rather than mandatory. This change will allow the Secretary to refrain from imposing the penalty in certain cases as well as to assess a penalty of less than 20 percent of the applicable recovery amount. The requirement of a settlement agreement is also eliminated. The applicable recovery amount is any amount recovered by a plan or by a participant or beneficiary more than 30 days after the fiduciary's or other person's receipt of a written notice of the violation from the Department of Labor ("DOL"). Payments made after the 30-day grace period,[73] whether they are made pursuant to a settlement agreement, or simply to discourage the DOL from bringing a legal action, are subject to the penalty, as are amounts recovered pursuant to a court order. ERISA section 502(l) is also amended to clarify that the term "applicable recovery amount" includes payments by third parties that are made on behalf of the relevant fiduciary or other persons liable for the amount that is recovered, including those who did not actually pay. These changes prevent avoidance of the penalty by having an unrelated third party pay the recovery amount.

Effective date.—The provision applies to any breach of fiduciary responsibility or other violation of part 4 of Title I of ERISA occurring on or after the date of enactment. The change with respect to "applicable recovery amount" includes a transition rule whereby a breach or other violation occurring before the date of enactment which continues past the 180th day from enactment (and which may have been discontinued during that period) is treated as having occurred after the date of enactment (to avoid having to make a complex determination regarding how much of the applicable recovery amount for such continuing violations should be attributed to the post-enactment part of the violation).

G. Benefit Suspension Notice (sec. 203 of ERISA)

PRESENT LAW

Under present law (ERISA sec. 203(a)(3)(B)), a plan will not fail to satisfy the vesting requirements with respect to a participant by reason of suspending payment of the participant's benefits while such participant is employed. Under the applicable Department of Labor ("DOL") regulations, such a suspension is only permissible if the plan notifies the participant during the first calendar month or payroll period in which the plan withholds benefit payments. Such notice must provide certain information and must also include a copy of the plan's provisions relating to the suspension of payments.

In the case of a plan that does not pay benefits to active participants upon attainment of normal retirement age, the employer must monitor plan participants to determine when any participant who is still employed attains normal retirement age. In order to suspend payment of such a participant's benefits, generally a plan must, as noted above, promptly provide the participant with a suspension notice.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement directs the Secretary of Labor to revise the regulations relating to the benefit suspension notice to generally permit the information currently required to be set forth in a suspension notice to be included in the summary plan description. The provision also directs the Secretary of Labor to eliminate the requirement that the notice include a copy of relevant plan provisions. However, individuals reentering the workforce to resume work with a former employer after they have begun to receive benefits will still receive the notification of the suspension of benefits (and a copy of the plan's provisions relating to suspension of payments). In addition, if a reduced rate of future benefit accruals will apply to a returning employee (as of his or her first date of participation in the plan after returning to work) who has begin to receive benefits, the notice must include a statement that the rate of future benefit accruals will be reduced.

Effective date.—The provision applies to plan years beginning after December 31, 2000.

Subtitle H. Provisions Relating to Plan Amendments (sec. 481 of the bill) (sec. 701 of the House bill and sec. 701 of the Senate Amendment)

PRESENT LAW

Plan amendments to reflect amendments to the law generally must be made by the time prescribed for filing the income tax return of the employer for the employer's taxable year in which the change in the law occurs.

A plan amendment may not decrease the accrued benefit of a plan participant (sec. 411(d)(6)).

HOUSE BILL

The House bill permits certain plan amendments made pursuant to the changes made by the bill (or regulations issued under the provisions of the bill) to be retroactively effective. If the plan amendment meets the requirements of the bill, then the plan is treated as being operated in accordance with its terms and the amendment does not violate the prohibition of reductions of accrued benefits. In order for this treatment to apply, the plan amendment must be made on or before the last day of the first plan year beginning on or after January 1, 2003 (January 1, 2005, in the case of a governmental plan). If the amendment is required to be made to retain qualified status as a result of the changes in the bill (or regulations) the amendment must be made retroactively effective as of the date on which the change became effective with respect to the plan and the plan must be operated in compliance until the amendment is made. Amendments that are not required to retain qualified status but that are made pursuant to the changes made by the bill (or applicable regulations) may be made retroactive as of the first day the plan was operated in accordance with the amendment.

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[73] The 30-day period may be extended by the Secretary of Labor.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment does not provide relief from the prohibition on reductions of accrued benefits.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the modification described below. As under the House bill, the provision applies to plan amendments required to maintain qualified status, as well as other amendments pursuant to the provisions of the bill (or applicable regulations). A plan amendment is not considered to be pursuant to the bill (or applicable regulations) if it has an effective date before the effective date of the provision of the bill (or regulations) to which it relates. Similarly, the provision does not provide relief from section 411(d)(6) for periods prior to the effective date of the relevant provision of the bill (or regulations) or the plan amendment.

The conference agreement provides that the Secretary is given authority to provide exceptions to the relief from the prohibition on reductions in accrued benefits. It is intended that the Secretary will not permit inappropriate reductions in contributions or benefits that are not directly related to the provisions of the bill. For example, it is intended that a plan that incorporates the section 415 limits by reference could be retroactively amended to impose the section 415 limits in effect before the bill. On the other hand, suppose a plan that incorporates the section 401(a)(17) limit on compensation by reference provides for an employer contribution of 3 percent of compensation. It is expected that the Secretary would provide that the plan could not be amended retroactively to reduce the contribution percentage, even though the reduction will result in the same dollar level of contributions for some participants because of the increase in compensation taken into account under the plan. As another example, suppose that under present law a plan is top-heavy and therefore a minimum benefit is required under the plan, and that under the provisions of the bill, the plan would not be considered to be top heavy. It is expected that the Secretary would generally permit plans to be retroactively amended to reflect the new top-heavy provisions of the bill.

TITLE V. INCENTIVES FOR PUBLIC SCHOOL CONSTRUCTION AND MODERNIZATION (SECS. 501–505 OF THE BILL AND SECS. 103, 148, 1397E AND NEW SECS. 1397F AND 1397G OF THE CODE)

PRESENT LAW

Tax-exempt bonds

In general

Interest on debt incurred by States or local governments is excluded from income if the proceeds of the borrowing are used to carry out governmental functions of those entities or the debt is repaid with governmental funds (sec. 103). Like other activities carried out and paid for by States and local governments, the construction, renovation, and operation of public schools is an activity eligible for financing with the proceeds of tax-exempt bonds.

Interest on bonds that nominally are issued by States or local governments, but the proceeds of which are used (directly or indirectly) by a private person and payment of which is derived from funds of such a private person is taxable unless the purpose of the borrowing is approved specifically in the Code or in a non-Code provision of a revenue Act. These bonds are called "private activity bonds." The term "private person" includes the Federal Government and all other individuals and entities other than States or local governments.

Private activities eligible for financing with tax-exempt private activity bonds

The Code includes several exceptions permitting States or local governments to act as conduits providing tax-exempt financing for private activities. Both capital expenditures and limited working capital expenditures of charitable organizations described in section 501(c)(3) of the Code—including elementary, secondary, and post-secondary schools—may be financed with tax-exempt private activity bonds ("qualified 501(c)(3) bonds").

In most cases, the volume of tax-exempt private activity bonds is restricted by aggregate annual limits imposed on bonds issued by issuers within each State. These annual volume limits equal $50 per resident of the State, or $150 million if greater. The annual State private activity bond volume limits are scheduled to increase to the greater of $75 per resident of the State or $225 million in calendar year 2007. The increase will be phased in ratably beginning in calendar year 2003.[1] This increase was enacted by the Tax and Trade Relief Extension Act of 1998. Qualified 501(c)(3) bonds are among the tax-exempt private activity bonds that are not subject to these volume limits.

Private activity tax-exempt bonds may not be used to finance schools owned or operated by private, for-profit businesses.

Arbitrage restrictions on tax-exempt bonds

The Federal income tax does not apply to income of States and local governments that is derived from the exercise of an essential governmental function. To prevent these tax-exempt entities from issuing more Federally subsidized tax-exempt bonds than is necessary for the activity being financed or from issuing such bonds earlier than necessary, the Code includes arbitrage restrictions limiting the ability to profit from investment of tax-exempt bond proceeds. In general, arbitrage profits may be earned only during specified periods (e.g., defined "temporary periods") before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., "reasonably required reserve or replacement funds"). Subject to limited exceptions, investment profits that are earned during these periods or on such investments must be rebated to the Federal Government.

The Code includes three exceptions applicable to education-related bonds. First, issuers of all types of tax-exempt bonds are not required to rebate arbitrage profits if all of the proceeds of the bonds are spent for the purpose of the borrowing within six months after issuance. In the case of governmental bonds (including bonds to finance public schools) the six-month expenditure exception is treated as satisfied if at least 95 percent of the proceeds is spent within six months and the remaining five percent is spent within 12 months after the bonds are issued.

Second, in the case of bonds to finance certain construction activities, including school construction and renovation, the six-month period is extended to 24 months for construction proceeds. Arbitrage profits earned on construction proceeds are not required to be rebated if all such proceeds (other than certain retainage amounts) are spent by the end of the 24-month period and prescribed intermediate spending percentages are satisfied.

Third, governmental bonds issued by "small" governments are not subject to the rebate requirement. Small governments are defined as general purpose governmental units that issue no more than $5 million of tax-exempt governmental bonds in a calendar year. The $5 million limit is increased to $10 million if at least $5 million of the bonds are used to finance public schools.

Another exception to the arbitrage restriction, enacted as part of the Tax Reform Act of 1984, provides that the pledge of income from investments in a Fund established under a provision of a State constitution adopted in 1876 as security for a limited amount of tax-exempt bonds will not cause interest on those bonds to be taxable. The terms of this exception are limited to State constitutional or statutory restrictions in effect as of October 9, 1969. The Fund consists of certain State lands that were set aside for the benefit of higher education, the income from mineral rights to these lands, and certain other earnings on Fund assets. The State constitution directs that monies held in the Fund are to be invested in interest-bearing obligations and other securities. The State constitution does not permit the expenditure or mortgage of the Fund for any purpose. Income from the Fund is apportioned between two university systems operated by the State. Tax-exempt bonds issued by the two university systems are secured by and payable from the income of the Fund. These bonds are used to finance buildings and other permanent improvements for the universities.

The General Assembly of the State approved proposed constitutional amendments regarding the manner in which amounts in the Fund are paid for the benefit of the two university systems. These amendments were voted on and passed by the State's citizens in November 1999. The State constitutional amendments have the effect of permitting the Fund to make annual distributions similar to standard university endowment funds, rather than the previous practice, which tied distributions to annual income performance, creating a variable pattern of distributions. Since these amendments were not in effect as of October 9, 1969, the amendments eliminate the benefits of the 1984 exception from the tax-exempt bond arbitrage restrictions.

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[1] Another provision of the conference agreement accelerates this increase in the volume limits in 2002.

Qualified Zone Academy Bonds ("QZABs")

As an alternative to traditional tax-exempt bonds, certain States and local governments are given the authority to issue "qualified zone academy bonds." Under present law, $400 million of qualified zone academy bonds may be issued per year in 1998, 1999, 2000, and 2001. The $400 million bond authority is allocated each year among the States according to their respective populations of individuals below the poverty line. Each State, in turn, allocates the credit to qualified zone academies within such State. A State may carry over any unused allocation into subsequent years (the first two years following the unused limitation year; three years for carryforwards from 1998 or 1999).

To be a qualified zone academy bond, a bond must satisfy several requirements. First, the bond must be issued pursuant to an allocation of bond authority from the issuer's State educational agency. Second, at least 95 percent of the bond proceeds must be used for an eligible purpose at a qualified zone academy. Eligible purposes include renovating school facilities, acquiring equipment, developing course materials, or training teachers. A qualified zone academy is a public school (or an academic program within a public school) that is designed in cooperation with business and is either (1) located in an empowerment zone or enterprise community or (2) attended by students at least 35 percent of whom are estimated to be eligible for free or reduced-cost lunches under the National School Lunch Act. Finally, private businesses must have promised to contribute to the qualified zone academy certain property or services with a present value equal to at least 10 percent of the bond proceeds.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

Extension of authority to issue present-law QZABs

The conference agreement extends authority to issue QZABs for two additional years, through December 31, 2003. Except as described below, present-law requirements for these bonds are retained.

Extension of modified QZAB authority to school construction

The conference agreement extends authority to issue QZABs, with modifications, to public school construction. The agreement authorizes issuance of up to $5 billion per year of school construction QZABs in 2001, 2002, and 2003. The $5 billion of annual authority will be allocated to the States (including the District of Columbia and U.S. possessions) by the Treasury Department on the following basis: 50 percent of the aggregate annual amount is allocated to the States based on population and 50 percent is allocated based on the portion of the State's population that lives in poverty. These allocations are to be based on the most recently available Census Bureau data. The State allocations are subject to a "small State floor" of $25 million per State.

Unissued tax-credit bond authority may be carried forward for up to two years. As is true under the current QZAB allocation rules, bond authority is treated as allocated on a "FIFO" basis.

Subject to a special rule for certain larger school districts, Governors are granted interim authority to allocate their State's authorized school construction QZAB issuance among school districts in the State unless State legislatures prescribe different allocation rules. For larger local school districts, defined as districts having school age populations in excess of 40,000, the conference agreement provides a minimum allocation (which cannot be overridden by State action) in an amount equal to the percentage of the State's total population that resides in the school district. The term "school age population" is defined as children ages five through seventeen.

In addition to the $5 billion general aggregate annual bond authority, the conference agreement authorizes up to $200 million of school construction QZABs to be issued to finance public schools operated by or for the benefit of Indian tribes. This $200 million of additional authority is a one-time authorization which may be allocated by the Treasury Department among Indian tribes at any time during the five-year period when school construction QZABs and present-law QZABs may be issued. Both the allocation authority and the authority to issue these bonds expires after December 31, 2005.

School construction is defined as capital expenditures for new construction, renovation, or repair or public schools (real property of a character subject to the allowance for depreciation), including charter schools, and the acquisition of functionally related and subordinate land. Unlike present-law QZABs, contributions by private businesses are optional, but not required, for schools receiving school construction QZAB financing. Additionally, the school construction QZABs are not limited to schools within an empowerment zone or enterprise community, or to schools satisfying the free or reduced-cost lunch criteria.

Rules applicable to QZABs issued after December 31, 2000 and to school construction QZABs

The following administrative rules apply to QZABs issued after December 31, 2000, and to the new modified QZABs for school construction:

(1) The maximum term of the bonds is 15 years.

(2) Information reporting requirements similar to the requirements that apply under present law to tax-exempt bonds (sec. 149(e)) are extended to these bonds.

(3) Eligible recipients of the tax credits are expanded to include all C corporations (but not S corporations or individuals).

(4) Credits accrue to holders on a quarterly basis (rather than annually as under the present-law QZAB program).

(5) Credit rates are set by reference to the daily corporate rate index established by the Treasury Department, and the credit rate for each bond issue is set as of the day before the date the bonds are issued (i.e., sold).

(6) As under the present-law QZAB program, credits are includible in the bondholder's gross income, but tax credits may be claimed against both regular income tax and the alternative minimum tax.

(7) All property financed with tax-credit bonds must be owned by a State or local government. Further, all such property must be used for a qualified public school purpose during the entire period that the bonds are outstanding. Failure to use the property for a qualified purpose results in termination of tax credits beginning on the later of (a) the date of bond issuance of (b) three years before the change in use occurs. Issuers are obligated to pay the Federal Government an amount equal to all credits accruing after the stated date (plus interest); bondholders are secondarily liable for this amount.

(8) Tax-credit bonds may not be issued to refinance any outstanding debt except certain "bridge financing," defined as construction period financing that (a) is issued after the date of the conference agreement's enactment; (b) has a term not exceeding one year and (c) is issued for a project identified for tax-credit bond financing before issuance of the bridge financing.

(9) Arbitrage restrictions similar to those that apply to tax-exempt bonds (as modified by the conference agreement) are extended to present-law QZABs and school construction QZABs.

Bond proceeds must be spent for the purpose of the borrowing within 48 months after bonds are issued, with intermediate spending requirements being prescribed:

Within	Must spend at least
12 months	10 percent
24 months	30 percent
36 months	60 percent
48 months	100 percent (less present-law retainage amounts (not exceeding 5 percent) which must be spent within 60 months)

Issuers failing to satisfy the intermediate 12, 24, or 36-month expenditure requirements must pay the Federal Government an amount equal to the investment earnings on all proceeds of the bond issue.

Issuers failing to satisfy the 48-month or 60-month expenditure requirements must redeem an amount of bonds having a face amount equal to the unspent proceeds.

A "small governmental unit" exception is provided to these arbitrage restrictions. This exception is coordinated with the present-law tax-exempt bond exception for these units (as that exception is modified by the agreement) to ensure that issuers do not claim double benefits.

Rules similar to the tax-exempt bond sinking fund restrictions are extended to tax-credit bonds. Under these rules, all replacement funds constituting a sinking fund under the tax-exempt bond rules must be invested in non-interest-bearing State and Local Government Series ("SLGS") obligations issued by the Treasury.

(10) A State must allocate its school construction QZAB authority in accordance with a qualified allocation plan. A qualified allocation plan is to contain, among other things: (a) an identification of the State's needs for public school facilities, and (b) a description of how the State will make allocations to address those needs, including how the State will ensure the needs of both rural, suburban, and urban areas will be recognized, ensure that the needs of localities with the greatest needs will be met and give priority to the role of charter schools in achieving State educational objectives. This requirement applies to allocations of tax-credit bond authority made on the date that is six months after the date the conference agreement is enacted.

Effective date.—These provisions apply to bonds issued in calendar years beginning after December 31, 2000.

Increase in the amount of governmental bonds that may be issued by governments qualifying for the "small governmental unit" arbitrage rebate exception

The additional amount of governmental bonds for public schools that small governmental units may issue without being subject to the arbitrage rebate requirement is increased from $5 million to $10 million. Thus, these governmental units may issue up to $15 million of governmental bonds in a calendar year provided that at least $10 million of the bonds are used to finance public school construction expenditures. This exception is coordinated with the tax- credit bond exception for these units to ensure that issuers do not claim double benefits, i.e., both tax-credit bonds and tax-exempt bonds are taken into account for purposes of this limitation.

Effective date.—The provision applies to bonds issued in calendar years beginning after December 31, 2000.

Conform provisions relating to arbitrage treatment to reflect state constitutional amendments

The conference agreement conforms the 1984 exception to the State constitutional amendments to permit its continued applicability to bonds of the two university systems. Limitations on the aggregate amount of bonds which may benefit from the exception are not modified.

Effective date.—The provision takes effect on January 1, 2001.

Construction bond expenditure rule for governmental bonds for public schools

The present-law 24-month expenditure exception to the arbitrage rebate requirement is liberalized for certain public school bonds. Under the agreement, no rebate is required with respect to earnings on available construction proceeds of public school bonds if the proceeds are spent within 48 months after the bonds are issued and the following intermediate spending levels are satisfied:

Within	Must spend at least
12 months	10 percent
24 months	30 percent
36 months	60 percent
48 months	100 percent (less present-law retainage amounts (not exceeding 5 percent) which must be spent within 60 months)

Effective date.—The provision applies to bonds issued after December 31, 2000.

Issuance of tax-exempt private activity bonds for certain public school facilities

The private activities for which tax-exempt bonds may be issued are expanded to include elementary and secondary public school facilities which are owned by private, for-profit corporations pursuant to public-private partnership agreements with a State or local educational agency. The term school facility includes school buildings and functionally related and subordinate land (including stadiums or other athletic facilities primarily used for school events) and depreciable personal property used in the school facility. The school facilities for which these bonds are issued must be operated by a public educational agency as part of a system of public schools.

A public-private partnership agreement is defined as an arrangement pursuant to which the for-profit corporate party constructs, rehabilitates, refurbishes or equips a school facility. The agreement must provide that, at the end of the contract term, ownership of the bond-financed property is transferred to the public school agency party to the agreement for no additional consideration.

Issuance of these bonds is subject to a separate annual per-State volume limit equal to the greater of $10 per resident ($5 million, if greater) in lieu of the present-law State private activity bond volume limits. As with the present-law State private activity bond volume limits, States decide how to allocate the bond authority to State and local government agencies. Bond authority that is unused in the year in which it arises may be carried forward for up to three years for public school projects under rules similar to the carryforward rules of the present-law private activity bond volume limits.

Effective date.—These provisions are effective for bonds issued after December 31, 2000.

TITLE VI. COMMUNITY RENEWAL PROVISIONS

A. RENEWAL COMMUNITY PROVISIONS (SECS. 601-602 OF THE BILL AND SECS. 51, 469, AND NEW SECS. 1400E-J OF THE CODE)

PRESENT LAW

In recent years, provisions have been added to the Internal Revenue Code that target specific geographic areas for special Federal income tax treatment. For example, empowerment zones and enterprise communities generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of Housing and Urban Development ("HUD") and Agriculture.

HOUSE BILL

No provision. However, H.R. 4923, as passed by the House, authorizes the designation of 40 "renewal communities" within which special tax incentives will be available. The following is a description of the designation process and the tax incentives that would be available within the renewal communities.

Designation process

Designation of 40 renewal communities.—The Secretary of HUD,[2] is authorized to designate up to 40 "renewal communities" from areas nominated by States and local governments. At least eight of the designated communities must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities are to be made within 24 months after the regulations are published. The designation of an area as a renewal community generally will be effective on July 1, 2001, and will terminate after December 31, 2009.

Eligibility criteria.—To be designated as a renewal community, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent;[3] (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. Those areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. A nominated area within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors) provided that it satisfies the area and eligibility requirements and the required State and local commitments described below.[4] The Secretary of HUD shall take into account in selecting areas for designation the extent to which such areas have a high incidence of crime, as well as whether the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas.

There are no geographic size limitations placed on renewal communities. Instead, the boundary of a renewal community must be continuous. In addition, the renewal community must have a minimum population of 4,000 if the community is located within a metropolitan statistical area (at least 1,000 in all other cases), and a maximum population of not more than 200,000. The population limitations do not apply to any renewal community that is entirely within an Indian reservation.

Required State and local commitments.—In order for an area to be designated as a renewal community, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the following governmental actions within the nominated area: (1) a reduction of tax rates or fees; (2) an increase in the level of efficiency of local services; (3) crime reduction strategies; (4) actions to remove or streamline governmental requirements; (5) involvement by private entities and community groups, such as to provide jobs and job training and financial assistance; and (6) the gift (or sale at below fair market value) of surplus realty by the State or local government to community organizations or private companies.

In addition, the nominating State and local governments must promise to promote economic growth in the nominated area by repealing or not enforcing four of the following: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3) permit requirements for street vendors who do not create a public nuisance; (4) zoning or other restrictions that impede the formation of schools or child care centers; and (5) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling, unless such regulations are necessary for and well-tailored to the protection of health and safety.

Empowerment zones and enterprise communities seeking designation as renewal communities.—An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area's designation as an empowerment zone or enterprise community ceases as of the date the area's designation as a renewal community takes effect.

Tax incentives for renewal communities

Under H.R. 4923, the following tax incentives are available during the period beginning July 1, 2001, and ending December 31, 2009.

Zero-percent capital gain rate.—H.R. 4923 provides a zero-percent capital gains rate for gain from the sale of a qualified community asset acquired after June 30, 2001, and before January 1, 2010, and held for more than five years. A "qualified community asset" includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning a partnership interest acquired for cash in a renewal community business); and (3) qualified community business property (meaning tangible property originally used in a renewal community business by the taxpayer) that is purchased or substantially improved after June 30, 2001.

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[2] In making the designations, the Secretary of HUD must consult with the Secretaries of Agriculture, Commerce, Labor, Treasury, the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration (and the Secretary of the Interior in the case of an area on an Indian reservation).

[3] Determined using 1990 census data.

[4] The designation of a nominated area within the District of Columbia as a renewal community becomes effective on January 1, 2003 (upon the expiration of the designation of the District of Columbia Enterprise Zone).

A "renewal community business" is similar to the present-law definition of an enterprise zone business.[5] Property will continue to be a qualified community asset if sold (or otherwise transferred) to a subsequent purchaser, provided that the property continues to represent an interest in (or tangible property used in) a renewal community business. The termination of an area's status as a renewal community will not affect whether property is a qualified community asset, but any gain attributable to the period before July 1, 2001, or after December 31, 2014, will not be eligible for the exclusion.

Renewal community employment credit.—Under H.R. 4923, a 15-percent wage credit is available to employers for the first $10,000 of qualified wages paid to each employee who (1) is a resident of the renewal community, and (2) performs substantially all employment services within the renewal community in a trade or business of the employer. The wage credit rate applies to qualifying wages paid after June 30, 2001, and before January 1, 2010.

Wages that qualify for the credit are wages that are considered "qualified zone wages" for purposes of the empowerment zone wage credit (including coordination with the Work Opportunity Tax Credit). In general, any taxable business carrying out activities in the renewal community may claim the wage credit.

Commercial revitalization deduction.—H.R. 4923 allows each State to allocate up to $12 million of "commercial revitalization expenditures" to each renewal community located within the State for each calendar year after 2001 and before 2010 ($6 million for the period of July 1, 2001 through December 31, 2001). The appropriate State agency will make the allocations pursuant to a qualified allocation plan.

A "commercial revitalization expenditure" means the cost of a new building or the cost of substantially rehabilitating an existing building. The building must be used for commercial purposes and be located in a renewal community. In the case of the rehabilitation of an existing building, the cost of acquiring the building will be treated as qualifying expenditures only to the extent that such costs do not exceed 30 percent of the other rehabilitation expenditures. The qualifying expenditures for any building cannot exceed $10 million.

A taxpayer can elect either to (a) deduct one-half of the commercial revitalization expenditures for the taxable year the building is placed in service or (b) amortize all the expenditures ratably over the 120-month period beginning with the month the building is placed in service. No depreciation is allowed for amounts deducted under this provision. The adjusted basis is reduced by the amount of the commercial revitalization deduction, and the deduction is treated as a depreciation deduction in applying the depreciation recapture rules (e.g., sec. 1250).

The commercial revitalization deduction is treated in the same manner as the low-income housing credit in applying the passive loss rules (sec. 469). Thus, up to $25,000 of deductions (together with the other deductions and credits not subject to the passive loss limitation by reason of section 469(i)) are allowed to an individual taxpayer regardless of the taxpayer's adjusted gross income. The commercial revitalization deduction is allowed in computing a taxpayer's alternative minimum taxable income.

Additional section 179 expensing.—Under H.R. 4923, a renewal community business is allowed an additional $35,000 of section 179 expensing for qualified renewal property placed in service after June 30, 2001, and before January 1, 2010. The section 179 expensing allowed to a taxpayer is phased out by the amount by which 50 percent of the cost of qualified renewal property placed in service during the year by the taxpayer exceeds $200,000. The term "qualified renewal property" is similar to the definition of "qualified zone property" used in connection with empowerment zones.

Expensing of environmental remediation costs ("brownfields").—Under H.R. 4923, a renewal community is treated as a "targeted area" under section 198 (which permits the expensing of environmental remediation costs). Thus, taxpayers can elect to treat certain environmental remediation expenditures that otherwise would be capitalized as deductible in the year paid or incurred. This provision applies to expenditures incurred after June 30, 2001, and before January 1, 2010.

Extension of work opportunity tax credit ("WOTC").—H.R. 4923 expands the high-risk youth and qualified summer youth categories in the WOTC to include qualified individuals who live in a renewal community.

Effective date.—Renewal communities must be designated within 24 months after publication of regulations by HUD. The tax benefits available in renewal communities are effective for the period beginning July 1, 2001, and ending December 31, 2009.

SENATE AMENDMENT

No provision. However, S. 3152 authorizes the Secretaries of HUD and Agriculture to designate up to 30 renewal zones from areas nominated by States and local governments. At least six of the designated renewal zones must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal zones must be made before January 1, 2002, and the designation are effective for the period beginning on January 1, 2002 through December 31, 2009.

The eligibility criteria (as well as the population and geographic limitations) are similar to those for renewal communities in the House bill, except that S. 3152 provides that any State without any empowerment zone would be given priority in the designation process. Also, the designations of renewal zones must result in (after taking into account existing empowerment zones) each State having at least one zone designation (empowerment or renewal zone). In addition, S. 3152 provides that, in lieu of the poverty, income, and unemployment criteria, outmigration may be taken into account in the designation of one rural renewal zone. Under a separate provision in S. 3152, the designation of the District of Columbia Enterprise Zone would be extended through December 31, 2006.

In order for an area to be designated as a renewal zone, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the governmental actions described in H.R. 4923. However, S. 3152 does not contain any of the economic growth provision requirements described in connection with renewal communities.

Tax incentives for renewal zones.—Under S. 3152, businesses in renewal zones would be eligible for the following tax incentives during the period beginning January 1, 2002 and ending December 31, 2009: (1) a zero-percent capital gains rate for qualifying assets limited to an aggregate amount not to exceed $25 million of gain per taxpayer;[6] (2) a 15-percent wage credit for the first $15,000 of qualifying wages; (3) $35,000 in additional 179 expensing for qualifying property; (4) and the enhanced tax-exempt bond rules that currently apply to businesses in the Round II empowerment zones.

GAO report.—The General Accounting Office will audit and report to Congress every three years (beginning on January 31, 2004) on the renewal zone program and its effect on poverty, unemployment, and economic growth within the designated renewal zones.

Effective date.—The 30 new renewal zones must be designated by January 1, 2002, and the resulting tax benefits are available for the period beginning January 1, 2002, and ending December 31, 2009.

CONFERENCE AGREEMENT

The conference agreement follows the provisions of H.R. 4923 with certain modifications to the designation process for renewal communities. The conference agreement authorizes the designation of 40 renewal communities, of which at least 12 must be in rural areas. Of the 12 rural renewal communities, one shall be an area within Mississippi, designated by the State of Mississippi, that includes at least one census tract within Madison County, Mississippi.

The tax incentives are the same as those described in H.R. 4923—i.e., (1) a zero-percent capital gains rate for capital gain from the sale of qualifying assets held for more than five years; (2) a 15 percent wage credit to employers for the first $10,000 of qualified wages paid to qualifying employees; (3) a commercial revitalization expenditure; (4) an additional $35,000 of section 179 expensing for qualified renewal property; and (5) an expansion of the Work Opportunity Tax Credit with respect to qualified individuals who live in a renewal community.[7] The 40 renewal communities must be designated by January 1, 2002, and the resulting tax-benefits are available for the period beginning January 1, 2002, and ending December 31, 2009.[8]

The conference agreement provides that, with respect to the first 20 designations of nominated areas as renewal communities, preference will be given to nominated areas that are enterprise communities and empowerment zones under present law that otherwise meet the requirements for designation as a renewal community.

The conference agreement includes the priority designation with respect to the District of Columbia Enterprise Zone (as contained in H.R. 4923). The conference agreement also includes the provision from S. 3152 that, in lieu of the poverty, income, and unemployment criteria, outmigration may be taken into account in the designation of one rural renewal community.

The General Accounting Office will audit and report to Congress on January 31, 2004, and again in 2007 and 2010, on the renewal community program and its effect on poverty, unemployment, and economic growth within the designated renewal communities.

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[5] An "enterprise zone business" is defined in section 1397B and is described in connection with the expansion of the empowerment zone benefits.

[6] Any gain attributable to the period before January 1, 2002, or after December 31, 2014, would not be eligible for the zero-percent capital gains rate.

[7] Under the conference agreement, renewal communities are not "targeted areas" for purposes of permitting expensing of certain environmental remediation costs. Another provision described below extends the brownfields provision for two years and eliminates the targeted area requirement.

[8] If a renewal community designation is terminated prior to December 31, 2009, the tax incentives would cease to be available as of the termination date.

Effective date.—The 40 renewal communities must be designated by January 1, 2002, and the resulting tax benefits will be available for the period beginning January 1, 2002, and ending December 31, 2009.

B. Empowerment Zone Tax Incentives

1. Extension and expansion of empowerment zones (secs. 611–615 of the bill and secs. 1391, 1394, 1396, and 1397A of the Code)

PRESENT LAW

Round I empowerment zones

The Omnibus Budget Reconciliation Act of 1993 ("OBRA 1993") authorized the designation of nine empowerment zones ("Round I empowerment zones") to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone,[9] (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) tax-exempt financing for certain qualifying zone facilities.[10] The tax incentives with respect to the empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the two additional Round I empowerment zones generally are available during the 10-year period of 2000 through 2009.[11]

Round II empowerment zones

The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise zone business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 1999 through 2008.

HOUSE BILL

No provision. However, as described in greater detail below, H.R. 4923 conforms and enhances the tax incentives for the Round I and Round II empowerment zones and extends their designations through December 31, 2009. H.R. 4923 also authorizes the designation of nine new empowerment zones ("Round III empowerment zones").

Extension of tax incentives for Round I and Round II empowerment zones

The designation of empowerment zone status for Round I and II empowerment zones (other than the District of Columbia Enterprise Zone)[12] is extended through December 31, 2009. In addition, the 20-percent wage credit is made available in all Round I and II empowerment zones for qualifying wages paid or incurred after December 31, 2001. The credit rate remains at 20 percent (rather than being phased down) through December 31, 2009, in Round I and Round II empowerment zones.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones.[13] Businesses in the D.C. Enterprise Zone are entitled to the additional section 179 expensing until the termination of the D.C. zone designation.[14] The bill also extends an empowerment zone's status as a "targeted area" under section 198 (thus permitting expensing of environmental remediation costs). The bill applies to expenses incurred after December 31, 2001, and before January 1, 2010.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone)[15] also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

Nine new empowerment zones

The Secretaries of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones will be located in urban areas, and two will be located in rural areas.

The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round II empowerment zones. The Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Businesses in the Round III empowerment zones are eligible for the same tax incentives that, under the bill, are available to Round I and Round II empowerment zones (i.e., a 20-percent wage credit, an additional $35,000 of section 179 expensing, and the enhanced tax-exempt financing benefits presently available to Round II empowerment zones). The Round III empowerment zones also are considered "targeted areas" for purposes of permitting expensing of certain environmental remediation costs under section 198.

Effective date

The extension of the existing empowerment zone designations is effective after the date of enactment. The extension of the tax benefits to existing empowerment zones (i.e., the expanded wage credit, the additional section 179 expensing, the brownfields designation, and the more generous tax-exempt bond rules) generally is effective after December 31, 2001.

The new Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Senate Amendment

No provision. However, S. 3152 contains a provision that conforms and enhances incentives for existing empowerment zones. Specifically, the provision extends the designation of empowerment zone status for Round I and II empowerment zones through December 31, 2009. In addition, a 15-percent wage credit is made available in all Round I and II empowerment zones, effective in 2002 (except in the case of the two additional Round I empowerment zones added by the 1997 Act, for which the 15-percent wage credit takes effect in 2005 as scheduled under present law). For all the empowerment zones, the 15-percent wage credit expires on December 31, 2009.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones.[16]

Under S. 3152, businesses located in Round I empowerment zones are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The proposal applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the provision.

Businesses located in any empowerment zone also qualify for a zero-percent capital gains rate for gain from the sale of a qualifying zone assets acquired after date of enactment and before January 1, 2010, and held for more than five years. Assets that qualify for this incentive are similar to the types of assets that qualify for the present-law zero percent capital gains rate for qualifying D.C. Zone assets. The zero-percent capital gains rate is limited to an aggregate amount not to exceed $25 million of gain per taxpayer. Gain attributable to the period before the date of enactment or after December 31, 2014, is not eligible for the zero-percent rate.

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[9] For wages paid in calendar years during the period 1994 through 2001, the credit rate is 20 percent. The credit rate is reduced to 15 percent for calendar year 2002, 10 percent for calendar year 2003, and 5 percent for calendar year 2004. No wage credit is available after 2004 in the original nine empowerment zones.

[10] For purposes of these tax incentives, a qualifying business does not include a trade or business consisting predominantly of the development or holding of intangibles for sale or license (sec. 1397B(d)(4)). While the provision does not modify the definition of a qualifying business, the sponsors of the legislation intend to review this issue.

[11] Except for the wage credit, which is reduced to 15 percent for calendar year 2005, and then reduced by five percentage points in each year in 2006 and 2007, with no wage credit available after 2007.

[12] As previously discussed, under H.R. 4923, the District of Columbia Enterprise Zone is given a priority designation as a renewal community effective January 1, 2003.

[13] The additional $35,000 of section 179 expensing is available throughout all areas that are part of a designated empowerment zone, including the non-contiguous "developable sites" that were allowed to be part of the designated Round II empowerment zones under the 1997 Act.

[14] The D.C. Enterprise Zone is scheduled to terminate on December 31, 2002.

[15] The present-law rules of sections 1394 and 1400A continue to apply with respect to the D.C. Enterprise Zone through its scheduled expiration of December 31, 2002.

[16] The additional $35,000 of section 179 expensing is available throughout all areas that are part of a designated empowerment zone, including the non-contiguous "developable sites" that were allowed to be part of the designated Round II empowerment zones under the 1997 Act.

Effective date.—The extension of the existing empowerment zone designations is effective after the date of enactment. The additional section 179 expensing and the more generous tax-exempt bond rules for the existing empowerment zones is effective after December 31, 2001. The zero-percent capital gains rate applies to qualifying property purchased after the date of enactment. The 15-percent wage credit generally is effective for qualifying wages paid after December 31, 2001. With respect to the two additional Round I empowerment zones, however, the wage credit is effective for qualifying wages paid after December 31, 2004.

CONFERENCE AGREEMENT

The conference agreement follows the provisions in H.R. 4923 with the following modifications. The conference agreement does not extend the empowerment zones' status as a "targeted area" for purposes of permitting expensing of certain environmental remediation costs under section 198.[17] In addition, the conference agreement provides that the General Accounting Office will audit and report to Congress on January 31, 2004, and again in 2007 and 2010, on the empowerment zone and enterprise community program and its effect on poverty, unemployment, and economic growth within the designated areas.

2. Rollover of gain from the sale of qualified empowerment zone investments (sec. 616 of the bill and new sec. 1397B of the Code)

PRESENT LAW

In general, gain or loss is recognized on any sale, exchange, or other disposition of property. A taxpayer (other than a corporation) may elect to roll over without payment of tax any capital gain realized upon the sale of qualified small business stock held for more than six months where the taxpayer uses the proceeds to purchase other qualified small business stock within 60 days of the sale of the original stock.

HOUSE BILL

No provision. However, under H.R. 4923, a taxpayer can elect to roll over capital gain from the sale or exchange of any qualified empowerment zone asset purchased after the date of enactment and held for more than one year ("original zone asset") where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets in the same zone ("replacement zone asset") within 60 days of the sale of the original zone asset. The holding period of the replacement zone asset includes the holding period of the original zone asset, except that the replacement asset must actually be held for more than one year to qualify for another tax-free rollover. The basis of the replacement zone asset is reduced by the gain not recognized on the rollover. However, if the replacement zone asset is qualified small business stock (as defined in sec. 1202), the exclusion under section 1202 would not apply to gain accrued on the original zone asset.[18] A "qualified empowerment zone asset" means an asset that would be a qualified community asset if the empowerment zone were a renewal community (and the asset is acquired after the date of enactment of the bill). Assets in the D.C. Enterprise Zone are not eligible for the tax-free rollover treatment.[19]

Effective date.—The provision is effective for qualifying assets purchased after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the provision in H.R. 4923.

3. Increased exclusion of gain from the sale of qualifying empowerment zone stock (sec. 617 of the bill and sec. 1202 of the Code)

PRESENT LAW

Under present law, an individual, subject to limitations, may exclude 50 percent of the gain[20] from the sale of qualifying small business stock held more than five years (sec. 1202).

HOUSE BILL

No provision. However, H.R. 4923 includes a provision that would increase the exclusion for small business stock to 60 percent for stock purchased after the date of enactment in a corporation that is a qualified business entity and that is held for more than five years. A "qualified business entity" means a corporation that satisfies the requirements of a qualifying business under the empowerment zone rules during substantially all the taxpayer's holding period.

Effective date.—The provision is effective for qualified stock purchased after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the provision in H.R. 4923.

C. New Markets Tax Credit (sec. 621 of the bill and new sec. 45D of the Code)

PRESENT LAW

Some tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the Small Business Administration to make loans to, or equity investments in, small businesses owned by persons who are socially or economically disadvantaged.

HOUSE BILL

No provision. However, H.R. 4923 includes a provision that creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar Year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	1.5 billion per year
2004–2005	2.0 billion per year
2006–2007	3.5 billion per year

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates after the interest is purchased from the CDE, and (2) a six percent credit on each anniversary date thereafter for the following four years.[21] The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F). The credit is subject to the general business credit rules.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through representation on governing or advisory boards, or otherwise and (3) is certified by the Treasury Department as an eligible CDE.[22] No later than 60 days after enactment, the Treasury Department shall issue regulations that specify objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2014.

A "qualified equity investment" is defined as stock or a similar equity interest acquired directly from a CDE in exchange for cash. Substantially all of the investment proceeds must be used by the CDE to make "qualified low-income community investments," meaning equity investments in, or loans to, qualified active businesses located in low-income communities, certain financial counseling and other services specified in regulations to businesses and residents in low-income communities.[23]

The stock or equity interest cannot be redeemed (or otherwise cashed out) by the CDE for at least seven years. If an entity fails to be a CDE during the seven-year period following the taxpayer's investment, or if the equity interest is redeemed by the issuing CDE during that seven-year period, then any credits claimed with respect to the equity interest are recaptured (with interest) and no further credits are allowed.

A "low-income community" is defined as census tracts with either (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income).

A "qualified active business" is defined as a business which satisfies the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in low-income communities; (2) a substantial portion of the use of the tangible property of such business is used within low-income communities; (3) a substantial portion of the services performed for such business by its employees is performed in low-income communities; and (4) less than 5 percent of the average aggregate of unadjusted bases of the property of such business is attributable to certain financial property or to collectibles (other than collectibles held for sale to customers). There is no requirement that employees of the business be residents of the low-income community.

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[17] Another provision described below extends the brownfields provision for two years and eliminates the targeted area requirement.

[18] See section 1045 for rollover of qualified small business stock to other small business stock.

[19] However, a qualifying D.C. Zone asset held for more than five years is eligible for a 100-percent capital gains exclusion (sec. 1400B).

[20] The portion of the capital gain included in income is subject to a maximum regular tax rate of 28 percent, and 42 percent of the excluded gain is a minimum tax preference.

[21] Thus, a credit would be available on the date on which the investment is made and for each of the six anniversary dates thereafter.

[22] A specialized small business investment company and a community development financial institution are treated as satisfying the requirements for a CDE.

[23] If at least 85 percent of the aggregate gross assets of the CDE are invested (directly or indirectly) in equity interests in, or loans to, qualified active businesses located in low-income communities, then there would be no need to trace the use of the proceeds from the particular stock (or other equity ownership) issuance with respect to which the credit is claimed.

Rental of improved commercial real estate located in a low-income community is a qualified active business, regardless of the characteristics of the commercial tenants of the property. The purchase and holding of unimproved real estate is not a qualified active business. In addition, a qualified active business does not include (a) any business consisting predominantly of the development or holding of intangibles for sale or license; (b) operation of any facility described in sec. 144(c)(6)(B); or (c) any business if a significant equity interest in such business is held by a person who also holds a significant equity interest in the CDE. A qualified active business can include an organization that is organized on a non-profit basis.

Effective date.—The provision is effective for qualified investments made after December 31, 2000.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that creates a new markets tax credit that is similar to the provision in H.R. 4923. Under S. 3152, the maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2002	$1.0 billion
2003–2006	$1.5 billion per year

S. 3152 defines a CDE in the same manner as in H.R. 4923, except that the accountability requirement is clarified to provide that the CDE must maintain accountability to residents of low- income communities through the representation of the residents on governing or advisory boards of the CDE. No later than 120 days after enactment, the Treasury Department will issue guidance that specifies objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities,[24] as well as to entities that intend to invest substantially all of the proceeds they receive from their investors in businesses in which persons unrelated to the CDE hold the majority equity interest.

Under S. 3152, if a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2013.

Substantially all of the investment proceeds must be used by the CDE to make "qualified low-income community investments." Qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active businesses located in low- income communities,[25] (2) certain financial counseling and other services specified in regulations to businesses and residents in low-income communities, (3) the purchase from another CDE of any loan made by such entity that is a qualified low income community investment, or (4) an equity investment in, or loans to, another CDE.[26] Treasury Department regulations will provide guidance with respect to the "substantially all" standard.

The definition of a "low-income community" is the same as in H.R. 4923, except that under S. 3152, the Secretary may designate any area within any census tract as a "low income community" provided that (1) the boundary of the area is continuous,[27] (2) the area (if it were a census tract) would satisfy the poverty rate or median income requirements set forth above[28] within the targeted area, and (3) an inadequate access to investment capital exists in the area.

The definition of a "qualified active business" is the same as in H.R. 4923, except that S. 3152 clarifies that a qualified active business can include an organization that is organized on a non-profit basis.

The General Accounting Office will audit and report to Congress by January 31, 2004 (and again by January 31, 2007) on the new markets tax credit program, including on all qualified community development entities that receive an allocation under the new markets tax credit.

Effective date.—The provision is effective for qualified investments made after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 4923 with some modifications.

The definition of a CDE includes the clarification in S. 3152 regarding the accountability requirement, as well as the priority allocation to CDEs with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities,[29] as well as to entities that intend to invest substantially all of their investment proceeds in businesses in which persons unrelated to the CDE hold the majority equity interest.

The conference agreement adopts S. 3152's definitions of "qualified low-income community investment" (which permits investments in related businesses) and "low-income community" (which provides discretion to designate targeted population areas). In addition, the definition of a "qualified active business" includes an organization that is organized on a non-profit basis.

Under the conference agreement, the General Accounting Office will audit and report to Congress by January 31, 2004, and again in 2007 and 2010, on the new markets tax credit program, including on all qualified community development entities that receive an allocation under the new markets tax credit program.

D. INCREASE THE LOW-INCOME HOUSING TAX CREDIT CAP AND MAKE OTHER MODIFICATIONS (SECS. 631–637 OF THE BILL AND SEC. 42 OF THE CODE)

PRESENT LAW

In general

The low-income housing tax credit may be claimed over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage for newly constructed or substantially rehabilitated housing that is not Federally subsidized is adjusted monthly by the Internal Revenue Service so that the 10 annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing that is Federally subsidized and for existing housing that is substantially rehabilitated is calculated to have a present value of 30 percent qualified expenditures.

Credit cap

The aggregate credit authority provided annually to each State is $1.25 per resident, except in the case of projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit and certain carry-over amounts.

Expenditure test

Generally, the building must be placed in service in the year in which it receives an allocation to qualify for the credit. An exception is provided in the case where the taxpayer has expended an amount equal to 10-percent or more of the taxpayer's reasonably expected basis in the building by the end of the calendar year in which the allocation is received and certain other requirements are met.

Basis of building eligible for the credit

Buildings receiving assistance under the HOME investment partnerships act ("HOME") are not eligible for the enhanced credit for buildings located in high cost areas (i.e., qualified census tracts and difficult development areas). Under the enhanced credit, the 70-percent and 30-percent credit are increased to a 91-percent and 39-percent credit, respectfully.

Eligible basis is generally limited to the portion of the building used by qualified low-income tenants for residential living and some common areas.

State allocation plans

Each State must develop a plan for allocating credits and such plan must include certain allocation criteria including: (1) project location; (2) housing needs characteristics; (3) project characteristics; (4) sponsor characteristics; (5) participation of local tax-exempts; (6) tenant populations with special needs; and (7) public housing waiting lists. The State allocation plan must also give preference to housing projects: (1) that serve the lowest income tenants; and (2) that are obligated to serve qualified tenants for the longest periods.

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[24] A record of having successfully provided capital or technical assistance to disadvantaged businesses or communities could be demonstrated by the past actions of the CDE itself or an affiliate (e.g., in the case where a new CDE is established by a nonprofit organization with a history of providing assistance to disadvantaged communities).

[25] Thus, a qualified low-income community investment may include an investment in a qualifying business in which the CDE (or a related party) holds a significant interest. However, as previously mentioned, in allocating the credits among eligible CDEs, the Treasury Department will give priority to CDEs that intend to invest substantially all of the proceeds they receive from their investors in businesses in which persons unrelated to the CDE hold the majority of the equity interest. For purposes of this provision, persons are related to each other if they are described in sections 267(b) or 707(b)(1).

[26] If at least 85 percent of the aggregate gross assets of the CDE are invested (directly or indirectly) in equity interests in, or loans to, qualified active businesses located in low-income communities, then there would be no need to trace the use of the proceeds from the particular stock (or other equity ownership) issuance with respect to which the credit is claimed.

[27] It is intended that the continuous boundary that delineates the portion of the census tract as a "low-income community" should be a pre-existing boundary (such as an established neighborhood, political, or geographic boundary).

[28] A low-income community is defined as census tracts with either (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income).

[29] A record of having successfully provided capital or technical assistance to disadvantaged businesses or communities could be demonstrated by the past actions of the CDE itself or an affiliate (e.g., in the case where a new CDE is established by a nonprofit organization with a history of providing assistance to disadvantaged communities).

Credit administration

There are no explicit requirements that housing credit agencies perform a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project, nor that such agency conduct site visits to monitor for compliance with habitability standards.

Stacking rule

Authority to allocate credits remains at the State (as opposed to local) government level unless State law provides otherwise.[30] Generally, credits may be allocated only from volume authority arising during the calendar year in which the building is placed in service, except in the case of: (1) credits claimed on additions to qualified basis; (2) credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service; and (3) carryover allocations.

Each State annually receives low-income housing credit authority equal to $1.25 per State resident for allocation to qualified low-income projects.[31] In addition to this $1.25 per resident amount, each State's "housing credit ceiling" includes the following amounts: (1) the unused State housing credit ceiling (if any) of such State for the preceding calendar year;[32] (2) the amount of the State housing credit ceiling (if any) returned in the calendar year;[33] and (3) the amount of the national pool (if any) allocated to such State by the Treasury Department.

The national pool consists of States' unused housing credit carryovers. For each State, the unused housing credit carryover for a calendar year consists of the excess (if any) of the unused State housing credit ceiling for such year over the excess (if any) of the aggregate housing credit dollar amount allocated for such year over the sum of $1.25 per resident and the credit returns for such year. The amounts in the national pool are allocated only to a State which allocated its entire housing credit ceiling for the preceding calendar year, and requested a share in the national pool not later than May 1 of the calendar year. The national pool allocation to qualified States is made on a pro rata basis equivalent to the fraction that a State's population enjoys relative to the total population of all qualified States for that year.

The present-law stacking rule provides that a State is treated as using its annual allocation of credit authority ($1.25 per State resident) and any returns during the calendar year followed by any unused credits carried forward from the preceding year's credit ceiling and finally any applicable allocations from the National pool.

HOUSE BILL

Credit cap

No provision. However, H.R. 4923 increases the $1.25 per capita cap to $1.75 per capita. This increase is phased-in over six years. Also, beginning in 2001 the per capita cap for each State is modified so that small population State are given a minimum of $2 million of annual credit cap. Therefore the credit cap would be the greater of: $1.35 per capita or $2 million in calendar year 2001; $1.45 per capita or $2 million in calendar 2002; $1.55 per capita or $2 million in calendar year 2003; $1.65 per capita or $2 million in calendar year 2004; $1.70 per capita or $2 million in calendar year 2005; and $1.75 per capita or $2 million in calendar year 2006. The $1.75 per capita credit cap and $2 million amount are indexed for inflation beginning in 2007.

Expenditure test

The provisions of H.R. 4923 allow a building which receives an allocation in the second half of a calendar to qualify under the 10-percent test if the taxpayer expends an amount equal to 10-percent or more of the taxpayer's reasonably expected basis in the building within six months of receiving the allocation regardless of whether the 10-percent test is met by the end of the calendar year.

Basis of building eligible for the credit

The provisions of H.R. 4923 make three changes to the basis rules of the credit. First, the definition of qualified census tracts for purposes of the enhanced credit is expanded to include any census tracts with a poverty rate of 25 percent or more. Second, H.R. 4923 extends the credit to a portion of the building used as a community service facility not in excess of 10 percent of the total eligible basis in the building. A community service facility is defined as any facility designed to serve primarily individuals whose income is 60 percent or less of area median income. Third, H.R. 4923 provides that assistance received under the Native American Housing Assistance and Self-Determination Act of 1996 is not taken into account in determining whether a building is Federally subsidized for purposes of the credit. This allows such buildings to qualify for something other than the 30-percent credit generally applicable to Federally subsidized buildings.

State allocation plans

The provisions of H.R. 4923 strikes the plan criteria relating to participation of local tax- exempts, replacing it with two other criteria: tenant populations of individuals with children and projects intended for eventual tenant ownership. It also provides that the present-law criteria relating to sponsor characteristics include whether the project involves the use of existing housing as part of a community revitalization plan. Also, H.R. 4923 adds a third category of housing projects to the preferential list. That third category is for projects located in qualified census tracts which contribute to a concerted community revitalization plan.

Credit administration

The provisions of H.R. 4923 require a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project and a written explanation available to the general public for any allocation not made in accordance with the established priorities and selection criteria of the housing credit agency. They also require site inspections by the housing credit agency to monitor compliance with habitability standards applicable to the project.

Stacking rule

The provisions of H.R. 4923 modify the stacking rule so that each State would be treated as using its allocation of the unused State housing credit ceiling (if any) from the preceding calendar before the current year's allocation of credit (including any credits returned to the State) and then finally any National pool allocations.

Effective date

In general, H.R. 4923 is effective for calendar years beginning after December 31, 2000, and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date. The increase and indexing of the credit cap is effective for calendar years after December 31, 2000.

SENATE AMENDMENT

Credit cap

No provision. However, S. 3152 increases the annual State credit caps from $1.25 to $1.75 per resident beginning in 2001. Also, beginning in 2001 the per capita cap for each State is modified so that small population State are given a minimum of $2 million of annual credit cap. The $1.75 per capita cap and the $2 million amount are indexed for inflation beginning in calendar 2002.

Expenditure test

No provision.

Basis of building eligible for the credit

The provision in S. 3152 relating to the treatment of buildings receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 is the same as one of the provisions in H.R. 4923. The other provisions in H.R. 4923 relating to the basis of building eligible for the credit are not part of S. 3152.

State allocation plans

No provision.

Credit administration

No provision.

Stacking rule

The provision of H.R. 4923 is included in S. 3152.

Effective date

The provisions are effective for calendar years beginning after December 31, 2000 and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds which are issued after such date subject to the private activity bond volume limit.

CONFERENCE AGREEMENT

Credit cap

The conference agreement follows the provisions of H.R. 4923 and S. 3152 with a modification increasing the per-capita low-income housing credit cap from $1.25 per capita to $1.50 per capita in calendar year 2001 and to $1.75 per capita in calendar year 2002. Beginning in calendar year 2003, the per-capita portion of the credit cap will be adjusted annually for inflation. For small States, a minimum annual cap of $2 million is provided for calendar years 2001 and 2002. Beginning in calendar year 2003, the small State minimum is adjusted for inflation.

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[30] For example, constitutional home rule cities in Illinois are guaranteed their proportionate share of the $1.25 amount, based on their population relative to that of the State as a whole.

[31] A State's population, for these purposes, is the most recent estimate of the State's population released by the Bureau of the Census before the beginning of the year to which the limitation applies. Also, for these purposes, the District of Columbia and the U.S. possessions (i.e., Puerto Rico, the Virgin Islands, Guam, the Northern Marianas and American Samoa) are treated as States.

[32] The unused State housing credit ceiling is the amount (if positive) of the previous year's annual credit limitation plus credit returns less the credit actually allocated in that year.

[33] Credit returns are the sum of any amounts allocated to projects within a State which fail to become a qualified low-income housing project within the allowable time period plus any amounts allocated to a project within a State under an allocation which is canceled by mutual consent of the housing credit agency and the allocation recipient.

Expenditure test

The conference agreement follows the provision of H.R. 4923.

Basis of building eligible for the credit

The conference agreement includes all three of the changes to the credit basis rules included in H.R. 4923.

State allocation plans

The conference agreement includes the provision of H.R. 4923.

Credit administration

The conference agreement includes the provision of H.R. 4923.

Stacking rule

The conference agreement follows the provisions of H.R. 4923 and the S. 3152.

Effective date

The provision is generally effective for calendar years beginning after December 31, 2000, and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date.

E. ACCELERATE SCHEDULED INCREASE IN STATE VOLUME LIMITS ON TAX-EXEMPT PRIVATE ACTIVITY BONDS (SEC. 651 OF THE BILL AND SEC. 146 OF THE CODE)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the governmental units (sec. 103). Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated transportation facilities (airports, docks and wharves, mass transit, and high speed rail facilities), privately owned and/or provided municipal services (water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (small manufacturing facilities and redevelopment in economically depressed areas), and certain social programs (low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue for most of these purposes in each calendar year is limited by State-wide volume limits. The current annual volume limits are $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain "new" empowerment zone and enterprise community bonds).

The current annual volume limits that apply to private activity tax-exempt bonds increase to $75 per resident of each State or $225 million, if greater, beginning in calendar year 2007. The increase is, ratably phased in, beginning with $55 per capita or $165 million, if greater, in calendar year 2003.

HOUSE BILL

No provision. However, H.R. 4923 accelerates the scheduled increase in the present-law annual State private activity bond volume limits to $75 per resident of each State, or $225 million (if greater) beginning in calendar year 2007. The increase is phased in as follows, beginning in calendar year 2001:

Calendar year	Volume limit
2001	$55 per resident ($165 million if greater)
2002	$60 per resident ($180 million if greater)
2003	$65 per resident ($195 million if greater)
2004, 2005, and 2006.	$70 per resident ($210 million if greater)
2007 and thereafter.	$75 per resident ($225 million if greater)

Effective date.—The provision is effective beginning in calendar year 2001 and is fully effective in calendar year 2007 and thereafter.

SENATE AMENDMENT

No provision. However, S. 3152 increases the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater) beginning in calendar year 2001. In addition, the $75 per resident and the $225 million State limit will be indexed for inflation beginning in calendar year 2002.

Effective date.—The provisions are effective in calender years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the provisions of H.R. 4923 and S. 3152 with a modification increasing the State volume limits from the greater of $50 per resident or $150 million to the greater of $62.50 per resident or $187.5 million in calendar year 2001. The volume limit will increase further, to the greater of $75 per resident or $225 million in calendar year 2002. Beginning in calendar year 2003, the volume limit will be adjusted annually for inflation.

F. EXTENSION AND MODIFICATION TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS (SEC. 652 OF THE BILL AND SEC. 198 OF THE CODE)

PRESENT LAW

Taxpayers can elect to treat certain environmental remediation expenditures that would otherwise be chargeable to capital account as deductible in the year paid or incurred (sec. 198). The deduction applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

A "qualified contaminated site" generally is any property that (1) is held for use in a trade or business, for the production of income, or as inventory; (2) is certified by the appropriate State environmental agency to be located within a targeted area; and (3) contains (or potentially contains) a hazardous substance (so-called "brownfields"). Targeted areas are defined as: (1) empowerment zones and enterprise communities as designated under present law; (2) sites announced before February 1997, as being subject to one of the 76 Environmental Protection Agency ("EPA") Brownfields Pilots; (3) any population census tract with a poverty rate of 20 percent or more; and (4) certain industrial and commercial areas that are adjacent to tracts described in (3) above. However, sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 cannot qualify as targeted areas.

Eligible expenditures are those paid or incurred before January 1, 2002.

HOUSE BILL

No provision. However, H.R. 4923 as passed by the House extends an empowerment zone's status as a "targeted area" under section 198. In addition, H.R. 4923 provides that renewal communities (as defined in H.R. 4923) also constitute a "targeted area" under section 198.[14]

Effective date.—The provision is effective for expenditures incurred after June 30, 2001, and before January 1, 2010.

SENATE AMENDMENT

No provision. However, S. 3152 extends the expiration date for eligible expenditures to include those paid or incurred before January 1, 2004.

In addition, S. 3152 eliminates the targeted area requirement, thereby, expanding eligible sites to include any site containing (or potentially containing) a hazardous substance that is certified by the appropriate State environmental agency. However, expenditures undertaken at sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 would continue to not qualify as eligible expenditures.

Effective date.—The provision to extend the expiration date is effective upon the date of enactment. The provision to expand the class of eligible sites is effective for expenditures paid or incurred after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows S. 3152. By extending and expanding section 198, the conferees do not intend to displace the general tax law principle regarding expensing versus capitalization of expenditures which continues to apply to environmental remediation efforts not specifically covered under section 198.

G. EXTENSION OF DISTRICT OF COLUMBIA HOMEBUYER TAX CREDIT (SEC. 653 OF THE BILL AND SEC. 1400C OF THE CODE)

PRESENT LAW

First-time homebuyers of a principal residence in the District of Columbia are eligible for a nonrefundable tax credit of up to $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to individuals and married couples. Married individuals filing separately can claim a maximum credit of $2,500 each. The credit phases out for individual taxpayers with adjusted gross income between $70,000 and $90,000 ($110,000-$130,000 for joint filers). For purposes of eligibility, "first-time homebuyer" means any individual if such individual did not have a present ownership interest in a principal residence in the District of Columbia in the one year period ending on the date of the purchase of the residence to which the credit applies. The credit is scheduled to expire for residences purchased after December 31, 2001.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals filing a joint return so that it is twice that of individuals. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $140,000 and $180,000.

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[14] Also see provisions above relating to empowerment zones and renewal communities.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the provision in S. 3152 with respect to the extension of the first-time homebuyer credit for two years (through December 31, 2003). The conference agreement does not include the provision regarding the phase-out range.

TITLE VII. ADMINISTRATIVE, MISCELLANEOUS, AND TECHNICAL CORRECTIONS PROVISIONS

Subtitle A. Administrative Provisions

A. Exempt Certain Reports From Elimination Under the Federal Reports Elimination and Sunset Act of 1995 (sec. 701 of the bill)

PRESENT LAW

Section 303 of the Federal Reports Elimination and Sunset Act of 1995 eliminates many periodic Federal reporting requirements, effective May 15, 2000.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement exempts certain reports from elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.

B. Extension of Deadlines for IRS Compliance With Certain Notice Requirements (sec. 702 of the bill, secs. 6631 and 6751(a) of the Code)

PRESENT LAW

The Internal Revenue Service Restructuring and Reform Act of 1998 ("IRS Restructuring Act of 1998") imposed several notice requirements relating to penalties, interest and installment agreements. Section 6715 of the Code, added by section 3306 of the IRS Restructuring Act of 1998, requires that each notice imposing a penalty include the name of the penalty, the Code section under which the penalty is imposed, and a computation of the penalty.[35] This requirement applies to notices issued, and penalties assessed after December 31, 2000.[36]

Section 6631 of the Code, added by section 3308 of the IRS Restructuring Act of 1998, requires that every IRS notice sent to an individual taxpayer that includes an amount of interest required to be paid by the taxpayer also include a detailed computation of the interest charged and a citation to the Code section under which such interest is imposed. The provision is effective for notices issued after December 31, 2000.

Section 3506 of the IRS Restructuring Act of 1998 requires the IRS to send every taxpayer in an installment agreement an annual statement of the initial balance owed, the payments made during the year, and the remaining balance. The provision became effective on July 1, 2000.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

It is the understanding of the conferees that due to the need for substantial systems modifications, and Year 2000 programming priorities, the IRS will be unable to fully comply with certain notice requirements in accordance with deadlines imposed by the IRS Restructuring Act of 1998. The conference agreement extends the deadlines for complying with the penalty, interest, and installment agreement notice requirements. Specifically, the annual installment agreement notice requirement is extended from July 1, 2000, to September 1, 2001. The deadlines for complying with the notice requirements relating to the computation of penalties and interest[17] are both extended to June 30, 2001. In addition, for penalty notices issued after June 30, 2001, and before July 1, 2003, the notice requirements will be treated as met if the notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's assessment and payment history with respect to such penalty. Similarly, for interest notices issued after June 30, 2001, and before July 1, 2003, the notice requirements will be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's payment history relating to interest amounts included in such notice.

Effective date.—The provision is effective on the date of enactment.

C. Extension of Authority for Undercover Operations (sec. 703 of the bill and sec. 7608 of the Code)

PRESENT LAW

The Anti-Drug Abuse Act of 1988 exempted IRS undercover operations from the otherwise applicable statutory restrictions controlling the use of Government funds (which generally provide that all receipts must be deposited in the general fund of the Treasury and all expenses be paid out of appropriated funds). In general, the exemption permits the IRS to "churn" the income earned by an undercover operation to pay additional expenses incurred in the undercover operation. The IRS is required to conduct a detailed financial audit of large undercover operations in which the IRS is churning funds and to provide an annual audit report to the Congress on all such large undercover operations. The exemption originally expired on December 31, 1989, and was extended by the Comprehensive Crime Control Act of 1990 to December 31, 1991. In the Taxpayer Bill of Rights II (Public Law 104–168), the authority to churn funds from undercover operations was extended for five years, through 2000.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement extends the authority of the IRS to "churn" the income earned from undercover operations for an additional five years, through 2005.

Effective date.—The provision is effective on the date of enactment.

D. Competent Authority and Pre-filing Agreements (sec. 704 of the bill and secs. 6103, 6110, and new sec. 6105 of the Code)

PRESENT LAW

Section 6103

Section 6103 of the Code sets forth the general rule that returns and return information are confidential. A return is any tax return, information return, declaration of estimated tax, or claim for refund filed under the Code on behalf of or with respect to any person. The term return also includes any amendment or supplement, including supporting schedules or attachments or lists, which are supplemental to or are part of a filed return. Return information is defined broadly. It includes the following information:

A taxpayer's identity, the nature, source or amount of income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, overassessments, or tax payments;

Whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing;

Any other data, received by, recorded by, prepared by, furnished to, or collected by the Secretary with respect to a return or with respect to the determination of the existence, or possible existence, of liability (or the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense;[38]

Any part of any written determination or any background file document relating to such written determination which is not open to public inspection under section 6110;[39] and

Any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to the agreement or any application for an advance pricing agreement.

The term "return information" does not include data in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer.

Secrecy of information exchanged under tax treaties

U.S. tax treaties typically contain articles governing the exchange of information. These articles generally provide for the exchange of information between the tax authorities of the two countries when such information is necessary for carrying out provisions of the treaty or of the countries' domestic tax laws. Individuals referred to as "competent authorities" are designated by each country to make written requests for information and to receive information.[40]

The exchange of information articles typically cover information relating to taxes to which the treaty applies, but can also apply to other taxes (e.g., excise taxes) not covered by the treaty. Many of the treaties permit the exchange of information even if the taxpayer involved is not a resident of one of the treaty countries. The exchange of information articles may be similar to, or represent a variation on, Article 26 of the 1996 U.S. model income tax treaty.

Information that is received under the exchange of information articles is subject to secrecy clauses contained in the treaties. In this regard, the country requesting information under the treaties typically is required to treat any information received as secret in the same manner as information obtained under its domestic laws. In general, disclosure is not permitted other than to persons or authorities involved in the administration, assessment, collection or enforcement of taxes to which the treaty applies. For example, disclosure generally can be made to legislative bodies, such as the tax-writing committees of the Congress, and the General Accounting Office for purposes of overseeing the administration of U.S. tax laws.

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[35] Sec. 6715(a).

[36] P.L. 105-206, sec. 3306.

[17] Secs. 6715(a) and 6631.

[38] Sec. 6103(b)(2)(A).

[39] Sec. 6103(b)(2)(B).

[40] The U.S. competent authority is the Secretary of the Treasury or his delegate. The U.S. competent authority function has been delegated to the Commissioner of Internal Revenue, who has redelegated the authority to the Director, International. On interpretive issues, the latter acts with the concurrence of the Associate Chief Counsel (International) of the IRS.

In addition to the exchange of information articles in U.S. tax treaties, exchange of information provisions are contained in tax information exchange agreements entered into between the United States and another country.[41] In addition, information may be exchanged pursuant to the Convention on Mutual Administrative Assistance in Tax Matters developed by the Council of Europe and the Organization for Economic Cooperation and Development (the "Multilateral Mutual Assistance Convention"), which limits the use of exchanged information and permits disclosure of such information only with the prior authorization of the competent authority of the country providing the information.[42] The United States has also entered into a number of implementation and coordination agreements with possessions that provide for the exchange of tax information. Moreover, the United States has entered into various mutual legal assistance treaties with other countries, some of which can be used to obtain tax information in criminal investigations.

Both the confidentiality provisions of section 6103, as well as treaty secrecy provisions can cover return information.

Section 6110 and section 7121

Section 6110 of the Code provides for disclosure of written determinations. With certain exceptions, section 6110 makes the text of any written determination the Internal Revenue Service ("IRS") issues available for public inspection. A written determination is any ruling, determination letter, technical advice memorandum, or Chief Counsel advice. The IRS is required to redact certain material before making these documents publicly available.[43] Among the information to be redacted is information specifically exempted from disclosure by any statute (other than Title 26) that is applicable to the IRS. Once the IRS makes the written determination publicly available, the background file documents associated with such written determination are available for public inspection upon written request. Section 6110 defines "background file documents" as any written material submitted by the taxpayer or other requester in support of the request. Background file documents also include any communications between the IRS and persons outside the IRS concerning such written determination that occur before the IRS issues the determination.

(1) the names, addresses, and other identifying details of the person to whom the written determination pertains and of any other person, other than a person with respect to whom a notation is made under subsection (d)(1) (relating to third party contacts), identified in the written determination or any background file document;

(2) information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and which is in fact properly classified pursuant to such Executive order;

(3) information specifically exempted from disclosure by any statute (other than [Title 26]) which is applicable to the Internal Revenue Service;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions; and (7) geological and geophysical information and data, including maps, concerning wells.

For Chief Counsel Advice, paragraphs 2 through 7 do not apply, however, material may be deleted in accordance with subsections (b) and (c) of the FOIA (except that in applying Exemption 3 of the FOIA, no statutory provision of the Code is to be taken into account.) See sec. 6110(i)(3).

Section 6110 was added to the Code in 1976. The legislative history provided that a written determination would not be considered a ruling, technical advice memorandum, or determination letter, unless the document satisfies three criteria:

(1) The document recites the relevant facts;

(2) The document explains the applicable provisions of law; and

(3) The document shows the application of law to the facts.[44]

The legislative history further provided that section 6110 " does not require public disclosure of a closing agreement entered into between the IRS and a taxpayer which finally determines the taxpayer's tax liability with respect to a taxable year'Your committee understands that a closing agreement is generally the result of a negotiated settlement and, as such, does not necessarily represent the IRS view of the law. Your committee intends, however, that the closing agreement exception is not to be used as a means of avoiding public disclosure of determinations which, under present practice, would be issued in a form which would be open to public inspection [under the bill]."[45]

Closing agreements are entered into under the authority of section 7121. Closing agreements finally and conclusively settle a tax issue between the IRS and a taxpayer. Closing agreements may: (1) determine a taxpayer's entire tax liability for a previous tax period; or (2) fix the tax treatment of one or more specific items affecting tax liability for any tax period. Thus, closing agreements may settle the treatment of a specific item for periods ending after the execution of the agreement. A single closing agreement may cover both the determination of a taxpayer's entire tax liability for a previous tax period and fix the tax treatment of specific items for any tax period.

Freedom of Information Act

The Freedom of Information Act ("FOIA"), enacted in 1966, established a statutory right to access government information. While the purpose of section 6103 is to restrict access to returns and return information, the basic purpose of the FOIA is to ensure that the public has access to government documents. In general, the FOIA provides that any person has a right of access to Federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. Exemption 3 of the FOIA allows the withholding of information prohibited from disclosure by another statute if certain requirements are met.[46] The right of access is enforceable in court.

Pending FOIA requests and litigation involving IRS records

Records covered by treaty secrecy clauses

A publisher of tax related material and commentary has made a FOIA request for the disclosure of competent authority agreements. The request has been pending since March 14, 2000.[47] The IRS has not denied the request, nor has it produced any documents responsive to the request. At this time, no suit has been filed to compel disclosure of these documents, although such a suit may be brought in the future.

In connection with a separate request, the IRS was sued under the FOIA to compel disclosure of Field Service Advice memoranda ("FSAs").[48] FSAs are prepared by attorneys in the IRS National Office of the Office of Chief Counsel. They are prepared in response to requests from IRS field personnel for legal guidance, usually with respect to issues relating to a particular taxpayer. FSAs usually contain a statement of issues, facts, legal analysis and conclusions. The primary purpose of FSAs is to ensure that IRS field personnel apply the law correctly and uniformly. The D.C. Circuit determined that FSAs are subject to disclosure. However, the court remanded the case to district court to address assertions of privilege, including those based on treaty secrecy. A decision on this issue by the district court is still pending.[49]

Pre-filing agreements

On February 11, 2000, the IRS issued Notice 2000-12, in which the IRS established a pilot program for "Pre-filing Agreements." Under this program, large businesses may request a review and resolution of specific issues relating to tax returns they expect to file between September and December of 2000. The purpose of the program is to enable taxpayers and the IRS to resolve issues that are likely to be disputed in post-filing audits. Examples of such issues include: (1) asset valuation and the allocation of a business's purchase or sale price among the assets acquired or sold; (2) the identification and documentation of hedging transactions; and (3) the determination of "market" for taxpayers using the lower of cost or market method of inventory valuation in situations involving inactive markets. The program is intended to address issues for which the law is settled.

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[41] Sections 274(h)(6)(C) and 927(e)(3) specifically provide the Secretary of the Treasury the authority to enter into tax information exchange agreements. This eliminates the need for Senate ratification, which is required for a tax treaty. In addition, all tax information exchange agreements are required to include specific non-disclosure provisions which provide that "information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States, or the beneficiary country and will be used by such persons or authorities only for such purposes."

Sec. 274(h)(6)(C)(i).

[42] The U.S. Senate ratified the Multilateral Mutual Assistance Convention, subject to certain reservations, in September 1990. The Multilateral Mutual Assistance Convention entered into force on April 1, 1995, and has been signed by the following countries: Denmark, Finland, Iceland, the Netherlands, Norway, Sweden, and the United States.

[43] For rulings, determination letters and technical advice memoranda, section 6110(c) provides the following exemptions from disclosure:

[44] H.R. Rep. 94'658, at 315 (1976).

[45] *Id.* at 316.

[46] 5 U.S.C. sec. 552(b)(3).

[47] The initial FOIA request of March 14, 2000, covered all competent authority agreements executed for the United States from January 1, 1990, to date. In response to a request from the Department of Treasury, by letter dated April 17, 2000, the FOIA request was narrowed to cover competent authority agreements executed between 1997 and 1999. The right to pursue the 1990 through 1996 agreements, however, was reserved.

[48] *Tax Analysts* v. *IRS*, 117 F.3d 607 (D.C. Cir. 1997).

[49] *Tax Analysts* v. *IRS*, No. 94-CV-923 (GK) (D.D.C.).

In Notice 2000–12, the IRS stated that pre-filing agreements are closing agreements entered into pursuant to section 7121. As such, the notice provides that the information generated or received by the IRS during the pre-filing agreement process constitutes return information. The notice further provides that pre-filing agreements are not written determinations as defined in section 6110, nor are they subject to disclosure under the FOIA.

Several pre-filing agreements have been completed. A FOIA request for these agreements has not been made.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The provision affirms that closing and similar agreements, and information exchanged and agreements reached pursuant to a tax treaty, are confidential. Further, the provision clarifies that such protected documents are not to be disclosed under the FOIA or section 6110.

Clarification that return information includes closing agreements and similar dispute resolution agreements

Protection for closing agreements, pre-filing agreements and similar agreements not containing an exposition of the tax law

The bill provides that agreements entered into under section 7121 or similar agreements are confidential return information. Similar agreements are intended to include negotiated agreements that (1) are the result of an alternative dispute resolution or dispute avoidance process relating to liability of any person under the Code for any tax, penalty, interest, fine or forfeiture or other imposition or offense and (2) do not establish, set forth, or resolve the government's interpretation of the relevant tax law. This is not meant to preclude citation, or repetition of, the Code, Treasury regulations, or other published rules.

It is intended that pre-filing agreements be covered by this provision. It is the understanding of the conferees that pre-filing agreements do not explain the applicable provisions of law or otherwise contain any exposition of the tax law or the position of the IRS. In addition, it is not intended that the closing and similar agreement exception be used as a means of avoiding public disclosure of determinations that, under present law, would be issued in a form that would be open to public inspection. Thus, technical advice memoranda, chief counsel advice or other material clearly available to the public under present law section 6110, would not be exempt from disclosure by virtue of the fact that such material is contained in a background file for a closing agreement. For example, if a revenue agent seeks technical advice in connection with a pre-filing agreement, such technical advice would remain subject to the requirements of section 6110. Since the pre-filing agreement program involves only settled issues of law, it is the understanding of the conferees that documents of this nature generally would not be generated in the pre-filing agreement process.

The provision is not intended to foreclose the disclosure of tax-exempt organization closing agreements to the extent such disclosure is authorized under section 6104.[50] Since section 6103 permits the disclosure of return information as authorized by Title 26, a disclosure authorized by section 6104 is permissible, notwithstanding the fact that a closing agreement is return information.

Report on pre-filing agreement program

It is intended that the Secretary make publicly available an annual report relating to the pe-filing agreement program operations for the preceding calendar year. The annual reporting requirement is for five years, or the duration of the program, whichever is shorter. The report is to include (1) the number of pre-filing agreements completed, (2) the number of applications received, (3) the number of applications withdrawn, (4) the types of issues which are resolved by completed agreements, (5) whether the program is being utilized by taxpayers who were previously subject to audit by the IRS, (6) the average length of time required to complete an agreement, (7) the number, if any, and subject of technical advice and chief counsel advice memoranda issued to address issues arising in connection with any pre-filing agreement, (8) any model agreements,[51] and (9) any other information the Secretary deems appropriate. The first report, covering the calendar year 2000, is to be issued no later than March 30, 2001. The information required for the annual report is subject to the restrictions of section 6103. Therefore, the Secretary will disclose information only in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer. The Joint Committee on Taxation periodically may review pre-filing agreements to determine whether they contain legal interpretations that should be disclosed to the public.

Clarification that information protected by treaty is confidential

Protection for agreements and information exchanged pursuant to tax treaty

The provision adds a new Code section 6105, which provides that tax convention information, with limited exceptions, cannot be disclosed. Thus, the provision confirms that agreements concluded under, and information received pursuant to, a tax convention are confidential and can only be disclosed as provided in such tax convention.

Under the provision, a tax convention is defined to include any income tax or gift and estate tax convention, or any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

It is the understanding of the conferees that competent authority agreements (also referred to as mutual agreements) generally do not contain an explanation of the law or application of law to facts. Instead, such agreements are negotiated arrangements to resolve issues of double taxation. Thus, the term tax convention information for purposes of the provision includes: (1) any agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention; (2) an application for relief under a tax convention (sought by either a taxpayer or another competent authority); (3) any background information related to such agreement or application; (4) documents implementing such agreement; and (5) any other information exchanged pursuant to a tax convention that is treated as confidential or secret under such tax convention. The conferees intend that tax convention information would include documents and any other information that reflects tax convention information, including the association of a particular treaty partner with a specific issue or matter.

The general rule that tax convention information cannot be disclosed does not apply to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) that are entitled to disclosure under the tax convention. It also does not apply to any generally applicable procedural rules regarding applications for relief under a tax convention. This exception is intended to ensure that there is no restriction on the release by the Secretary of publicly available procedural rules concerning matters such as how or when to make a request for competent authority assistance. Thus, certain material generated by IRS, i.e., its Competent Authority procedures (primarily reflected in Rev. Proc. 96–13), or similar material produced by a treaty partner (for example, an Information Circular produced and published by the Canadian tax authority) may be made available to the public. The general rule does not apply to the disclosure of information not relating to a particular taxpayer if, after consultation with the parties to a tax convention, the Secretary determines that such disclosure would not impair tax administration. This is consistent with current practice. An example of a general agreement that could be disclosed under this provision is the agreement between the competent authorities of Mexico and the United States regarding the maquiladora industry. That agreement, which was not taxpayer specific, was publicized by press release IR–INT–1999–13. The conferees intend that the "impairment of tax administration" for purposes of this provision include, but not be limited to, the release of documents that would adversely affect the working relationship of the treaty partners. Under the provision, except as otherwise provided, taxpayer- specific tax convention information could not be publicly disclosed, even if it would not impair tax administration.

A taxpayer-specific competent authority agreement that relates to the existence or possible existence of liability (or amount thereof) of any person for any tax, penalty, interest, fine, forfeiture, or other imposition or offense under the Code is return information under section 6103. It is also an agreement pursuant to a tax convention under section 6105. Return information, including taxpayer-specific competent authority agreements, remains subject to the confidentiality provisions of section 6103. Thus, civil and criminal penalties for the unauthorized disclosure of returns and return information continue to apply to return information that is also covered by section 6105. However, tax convention information that is return information may only be disclosed to the extent provided in, and subject to the terms and conditions of, the relevant tax convention.

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[50] The D.C. Circuit recently remanded to the district court for factual development the issue of whether the closing agreement in that case was submitted in support of an exemption application, and therefore, subject to disclosure under section 6104. *Tax Analysts* v. *IRS*, 214 F.3d 179 (D.C. Cir 2000), vacating and remanding 99-2 U.S.T.C. (CCH) 794 (D.D.C. 1999).

[51] See e.g., Appendix A of Rev. Proc. 2000-38 which is a model "Closing Agreement on Final Determination Covering Specific Matters" regarding method of accounting for distributor commissions. Rev. Proc. 2000-38, 2000-40 I.R.B. 314-315 (October 2, 2000). That model agreement does not identify any particular taxpayer but sets forth the substance of the agreement.

Interaction with FOIA and section 6110

Under the provision, closing agreements and similar agreements would not be considered written determinations for purposes of section 6110 and, thus, would not be subject to public disclosure. Such agreements would be defined as return information under section 6103 and, therefore, such documents would be protected from disclosure pursuant to Exemption 3 of the FOIA in conjunction with section 6103.

In addition, under the provision, section 6110 would not apply to material covered by section 6105. In the litigation over FSAs, there has been some dispute as to whether treaties qualify as statutes for purposes of withholding information pursuant to Exemption 3 of the FOIA. The conferees believe that treaties are the equivalent of statutes for purposes of Exemption 3 of the FOIA. Section 6105 satisfies Exemption 3 of the FOIA. Taxpayer-specific tax convention information concerning a taxpayer's tax liability, such as taxpayer-specific competent authority agreements, would be exempt from the FOIA as both return information under section 6103 and information protected from disclosure by tax convention under section 6105. Agreements not relating to a particular taxpayer, and other tax convention information related to such agreements, could be disclosed under FOIA if it is determined that the disclosure would not impair tax administration.

EFFECTIVE DATE

The provision applies to disclosures on, or after, the date of enactment, and thus, applies to all documents in existence on, or created after, the date of enactment.

E. Increase Joint Committee on Taxation Refund Review Threshold to $2 Million (Sec. 705 of the Bill and Sec. 6405 of the Code)

PRESENT LAW

No refund or credit in excess of $1,000,000 of any income tax, estate or gift tax, or certain other specified taxes, may be made until 30 days after the date a report on the refund is provided to the Joint Committee on Taxation (sec. 6405). A report is also required in the case of certain tentative refunds. Additionally, the staff of the Joint Committee on Taxation conducts post-audit reviews of large deficiency cases and other select issues.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement increases the threshold above which refunds must be submitted to the Joint Committee on Taxation for review from $1,000,000 to $2,000,000. The staff of the Joint Committee on Taxation would continue to exercise its existing statutory authority to conduct a program of expanded post-audit reviews of large deficiency cases and other select issues, and the IRS is expected to cooperate fully in this expanded program.

Effective date.—The provision is effective on the date of enactment, except that the higher threshold does not apply to a refund or credit with respect to which a report was made before the date of enactment.

F. Clarifying the Allowance of Certain Tax Benefits With Respect to Kidnapped Children (Sec. 706 of the Bill and Secs. 2, 24, 32, and 151 of the Code)

PRESENT LAW

The Code generally requires that a taxpayer provide over one-half of the support for each individual claimed as that taxpayer's dependent. Similarly, the child credit, the surviving spouse filing status, and the head of household filing status require that a taxpayer satisfy certain requirements with regard to individuals that qualify as the taxpayer's dependent(s). Finally, the earned income credit for taxpayers with qualifying children generally is available only if the taxpayer has the same principal place of abode for more than one-half the taxable year with an otherwise qualifying child.

Recently published IRS guidance first denied a dependency exemption to certain taxpayers with kidnapped children (TAM 200034029), then allowed such tax benefits to such taxpayers (TAM 200038059).

HOUSE BILL

No provision. However, H.R. 5117 clarifies that the dependency exemption, the child credit, the surviving spouse filing status, the head of household filing status, and the earned income credit are available to an otherwise qualifying taxpayer with respect to a child who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer. Generally, this treatment continues for all taxable years ending during the period that the child is kidnapped. However, this treatment ends for the taxable year ending after the calender year in which it is determined that the child is dead (or, if earlier, in which the child would have attained age 18).

Effective date.—The provision is effective for taxable years ending after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the provision of H.R. 5117.

G. Conforming Changes to Accommodate Reduced Issuances of Certain Treasury Securities (Sec. 707 of the Bill and Sec. 995(f)(4) of the Code)

PRESENT LAW

Code section 995(f)(4) dealing with the interest charge on the deferred tax liability of the shareholders of a domestic international sales corporation provides that the interest rate be determined by reference to the average investment yield on United States Treasury bills with maturities of 52 weeks. In addition, provisions of Federal law relating to interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 28), interest on certain unpaid criminal fines and penalties (Title 18), and interest on compensation for certain takings of property (Title 40) determine the applicable interest rate by reference to 52-week Treasury bills.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conferees understand that, as a result of prior Congressional efforts at budgetary control, current and projected Federal budget surpluses are reducing the need of the Treasury Department to issue certain securities. The Treasury Department has informed the Congress that on grounds of efficient debt management, and predictability and liquidity for the financial markets, the Treasury Department has announced it is likely to cease issuing 52-week Treasury bills. The conference agreement modifies the Code (sec. 995(f)(4)) and certain other parts of Federal law relating to interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 28), interest on certain unpaid criminal fines and penalties (Title 18), and interest on compensation for certain takings of property (Title 40) that make specific reference to yields on 52-week Treasury bills. The conference agreement generally replaces the reference to 52-week Treasury bills with a reference to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System.

Effective date.—The provision is effective upon the date of enactment.

H. Authorization of Agencies to Use Corrected Consumer Price Index (Sec. 708 of the Bill)

PRESENT LAW

Code section 1(f) provides for adjustments in the tax tables so that inflation will not result in tax increases. Numerous other provisions of the Code are indexed as well. Section 1(f) provides that inflation is measured by changes in the consumer price index ("CPI") for the preceding year as published by the Department of Labor compared to the CPI for the calendar year 1992. Section 1(f) directs the Secretary to publish tables with applicable tax rates based upon calculated inflation adjustments by December 15 of the year before the year to which the tables are to apply.

In addition, payments made under Social Security, certain Federal employee retirement programs, and certain payments to individuals under various welfare and income support programs are adjusted annually by changes in the CPI.

On September 28, 2000, the Bureau of Labor Statistics ("BLS") announced that the agency had discovered a computational error in quality adjustments of air conditioning as a part of the cost of housing resulting in errors in the reported CPI between January 1999 and August 2000. The BLS reported that the CPI levels starting in January 1999 have been either 0.0, 0.1, or 0.2 index points lower than the levels that would have been published without the error. Consistent with agency guidelines and past practice, the BLS announced that it is revising the reported CPI back to January 2000 to the fully correct levels. The BLS will make no change to reported levels for January through December 1999. However, the BLS will make the corrected levels of the CPI for 1999 available upon request.

HOUSE BILL

No provision.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

The conference agreement authorizes the Secretary of the Treasury to use the corrected levels of the CPI for 1999 and 2000 for all purposes of the Code to which they might apply. The conference agreement directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

In addition, the conference agreement provides that the Director of the Office of Management and Budget ("OMB") shall assess Federal benefit programs to ascertain the extent to which the CPI error has or will result in a shortfall in program payments to individuals for 2000 and future years. The conference agreement directs the Director to issue guidelines to agency administrators to determine the extent, if any, of such shortfalls in payments to individuals. The agency administrators are to report their findings to the Director and to Congress within 30 days. The conference agreement provides that, within 60 days of the date of enactment, the Director instruct the head of any Federal agency which administers an affected program to make a payment or payments to compensate for the shortfall and that such payments are targeted to the amount of the shortfall experienced by individual beneficiaries. Applicable Federal benefit programs include the old-age and survivors insurance program, the disability insurance program and the supplemental security income program under the Social Security Act and other programs as determined by the Director. The conference agreement directs the Director to report to the Congress on the activities performed pursuant to this provision by April 1, 2001.

The conferees recognize that the error in the CPI was computational in nature. The conferees support the BLS's policy to incorporate methodological changes only on a prospective basis. The conferees also understand that BLS policy provides that published indices generally not be revised except for those found to be in error for the year in which the error was discovered or within the past twelve months. The conferees recognize that the errors in the CPI date to as long as 20 months prior to the announcement of the error. The conferees recognize that the BLS's policy of not publishing corrected index numbers, beyond those provided as described above, has been applied in those rare cases where an error has been discovered in the past. However, the conferees understand that in the past 25 years the few errors that have been discovered have involved sub-indices and have not affected the level of the CPI itself. The last time the U.S. City Average All Items CPI was revised was in December 1974, when the values for the months of April through October 1974 were recalculated and released with issuance of the November CPI. Therefore, past precedent does not strictly apply to the present situation.

The conferees believe that integrity of official government data is vital to policymakers and private individuals and businesses throughout the country. The conferees emphasize that the CPI plays an important role in economic planning. For this reason the conferees are concerned that, while the BLS has published corrected CPI numbers for 2000, the BLS does not intend to publish corrected CPI numbers for 1999 as part of the official CPI series. To its credit, the BLS announced the error publicly. The national press reported the error.[52] In the absence of a correction to the official CPI series, the Federal government will be left in the position of maintaining, as an official data series, index numbers that the Federal government has admitted are incorrect. The conferees believe that the public's trust in the integrity of official government data is a paramount goal and the conferees strongly encourage the Commissioner of the Bureau of Labor Statistics to review carefully the agency's current policy with respect to publishing as part of an official series corrections to data found to be in error for reasons of computational error. The conferees believe such a review should be made both with respect to the error announced on September 28, 2000, and as a matter for the future for those rare circumstances where such a similar computational error might once again arise.

Effective date.—The provision is effective on the date of enactment.

I. Prevent Duplication or Acceleration of Loss Through Assumption of Certain Liabilities (sec. 709 of the bill and sec. 358 of the Code)

PRESENT LAW

Generally, no gain or loss is recognized when one or more persons transfer property to a corporation in exchange for stock and immediately after the exchange such person or persons control the corporation. However, a transferor recognizes gain to the extent it receives money or other property ("boot") as part of the exchange (sec. 351).

The assumption of liabilities by the controlled corporation generally is not treated as boot received by the transferor,[53] except that the transferor recognizes gain to the extent that the liabilities assumed exceed the total of the adjusted basis of the property transferred to the controlled corporation pursuant to the exchange (sec. 357(c)).

The assumption of liabilities by the controlled corporation generally reduces the transferor's basis in the stock of the controlled corporation that assumed the liabilities. The transferor's basis in the stock of the controlled corporation is the same as the basis of the property contributed to the controlled corporation, increased by the amount of any gain (or dividend) recognized by the transferor on the exchange, and reduced by the amount of any money or property received, and by the amount of any loss recognized by the transferor (sec. 358). For this purpose, the assumption of a liability is treated as money received by the transferor.

An exception to the general treatment of assumptions of liabilities applies to assumptions of liabilities that would give rise to a deduction, provided the incurrence of such liabilities did not result in the creation or increase of basis of any property. The assumption of such liabilities is not treated as money received by the transferor in determining whether the transferor has gain on the exchange. Similarly, the transferor's basis in the stock of the controlled corporation is not reduced by the assumption of such liabilities. The Internal Revenue Service has ruled that the assumption by an accrual basis corporation of certain contingent liabilities for soil and groundwater remediation would be covered by this exception.[54]

HOUSE BILL

No provision. However, the conference agreement to the Taxpayer Refund and Relief Act of 1999 (H.R. 2488) included an earlier version of the legislation, effective for assumptions of liabilities after July 14, 1999.

SENATE AMENDMENT

No provision. However, the conference agreement to the Taxpayer Refund and Relief Act of 1999 (H.R. 2488) included an earlier version of the legislation, effective for assumptions of liabilities after July 14, 1999. In addition, on October 20, 1999, the Senate Finance Committee reported a bill (S. 1792) that contains a provision that limits the acceleration or duplication of losses through assumptions of liabilities. On April 4, 2000, Senators Roth and Moynihan introduced a bill that contains the same provision (S. 2354).

Effective date.—The provision in S. 2354 is effective for assumptions of liabilities on or after October 19, 1999. Except as provided by the Secretary, the rules addressing transactions involving partnerships are effective with the same effective date. Any rules addressing transactions involving S corporations may likewise be effective for assumptions of liabilities on or after October 19, 1999 or such later date as may be prescribed in such rules.

CONFERENCE AGREEMENT

The conference agreement adopts the provision in S. 2354.

Under the conference agreement, if the basis of stock (determined without regard to this provision) received by a transferor as part of a tax-free exchange with a controlled corporation exceeds the fair market value of the stock, then the basis of the stock received is reduced (but not below the fair market value) by the amount (determined as of the date of the exchange) of any liability that (1) is assumed in exchange for such stock, and (2) did not otherwise reduce the transferor's basis of the stock by reason of the assumption. Except as provided by the Secretary of the Treasury, this provision does not apply where the trade or business with which the liability is associated is transferred to the corporation as part of the exchange, or where substantially all the assets with which the liability is associated are transferred to the corporation as part of the exchange.

The exceptions for transfers of a trade or business, or of substantially all the assets, with which a liability is associated, are intended to obviate the need for valuation or basis reduction in such cases. The exceptions are not intended to apply to situations involving the selective transfer of assets that may bear some relationship to the liability, but that do not represent the full scope of the trade or business, (or substantially all the assets) with which the liability is associated.

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[52] For example, John M. Berry, "Inflation Higher Than Reported," The Washington Post, September 27, 2000, p. E-1, John M. Berry, "Rent Error Leads to Revision Of the CPI," The Washington Post, September 29, 2000, p. E-3, Nicholas Kulish, "Major Price Index Is Revised Upward As Result of Error," The Wall Street Journal, September 28, 2000, p. A2, and Nicholas Kulish, "Second-Period GDP Rose at 5.6% Annual Rate," The Wall Street Journal, September 29, 2000, p. A2. The conferees observe that these press reports highlight the potential confusion for the public regarding these data. The Washington Post reported that "the CPI figures for 1999 were not revised" (September 29, 2000 story) while The Wall Street Journal reported that "[t]he BLS said a complete revision of all the data sets would be released" (September 28, 2000 story) and "it [BLS] announced that it would revise the index" (September 29, 2000 story).

[53] The assumption of liabilities is treated as boot if it can be shown that "the principal purpose" of the assumption is tax avoidance on the exchange, or is a non-bona fide business purpose (sec. 357(b)).

[54] Rev. Rul. 95-74, 1995-2 C.B. 36. The ruling addressed a parent corporation's transfer to a subsidiary of substantially all the assets of a manufacturing business, in exchange for stock and the assumption of liabilities associated with the business, including certain contingent environmental remediation liabilities. These liabilities arose due to contamination of land during the parent corporation's operation of the manufacturing business. The transferor had no plan or intention to dispose of (or to have the subsidiary issue) any subsidiary stock. The IRS ruled that the contingent liabilities would not reduce the transferor's basis in the stock of the subsidiary because the liabilities had not been taken into account by the transferor prior to the transfer and had not given rise to deductions or basis for the transferor.

For purposes of the provision, the term "liability" includes any fixed or contingent obligation to make payment, without regard to whether such obligation or potential obligation is otherwise taken into account under the Code. The determination whether a liability (as more broadly defined for purposes of this provision) has been assumed is made in accordance with the provisions of section 357(d)(1) of the Code. Under the standard of 357(d)(1), a recourse liability is treated as assumed if, based on all the facts and circumstances, the transferee has agreed to and is expected to satisfy such liability (or portion thereof), whether or not the transferor has been relieved of the liability. For example, if a transferee corporation does not formally assume a recourse obligation or potential obligation of the transferor, but instead agrees and is expected to indemnify the transferor with respect to all or a portion of a such an obligation, then the amount that is agreed to be indemnified is treated as assumed for purposes of the provision, whether or not the transferor has been relieved of such liability. Similarly, a nonrecourse liability is treated as assumed by the transferee of any asset subject to such liability.[55]

The application of the provision is illustrated in the following example: Assume a taxpayer transfers assets with an adjusted basis and fair market value of $100 to its wholly- owned corporation and the corporation assumes $40 of liabilities (the payment of which would give rise to a deduction). Thus, the value of the stock received by the transferor is $60. Under present law, the basis of the stock would be $100. The provision requires that the basis of the stock be reduced to $60 (i.e., a reduction of $40). Except as provided by the Secretary, no basis reduction is required if the transferred assets consisted of the trade or business, or substantially all the assets, with which the liability is associated.

The provision does not change the tax treatment with respect to the transferee corporation.

The Secretary of the Treasury is directed to prescribe rules providing appropriate adjustments to prevent the acceleration or duplication of losses through the assumption of liabilities (as defined in the provision) in transactions involving partnerships. The Secretary may also provide appropriate adjustments in the case of transactions involving S corporations. In the case of S corporations, such rules may be applied instead of the otherwise applicable basis reduction rules.

Effective date.—The provision is effective for assumptions of liabilities on or after October 19, 1999. Except as provided by the Secretary, the rules addressing transactions involving partnerships are effective with the same effective date Any rules addressing transactions involving S corporations may likewise be effective for assumptions of liabilities on or after October 19, 1999, or such later date as may be prescribed in such rules.

Subtitle B. Miscellaneous Provisions

A. Repeal Certain Excise Taxes on Rail Diesel Fuel and Inland Waterway Barge Fuels (sec. 710 of the bill and secs. 4041 and 4042 of the Code)

PRESENT LAW

Under present law, diesel fuel used in trains is subject to a 4.3-cents-per gallon General Fund excise tax. Similarly, fuels used in barges operating on the designated inland waterways system is subject to a 4.3-cents-per-gallon General Fund excise tax. In both cases, the 4.3-cents- per-gallon excise tax rates are permanent.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The 4.3-cents-per-gallon General Fund excise tax rates on diesel fuel used in trains and fuels used in barges operating on the designated inland waterways system is repealed.

Effective date.—The provision takes effect on January 1, 2001.

B. Repeal of Reduction of Deductions for Mutual Life Insurance Companies and of Policyholder Surplus Accounts of Life Insurance Companies (secs. 711–712 of the bill and secs. 809 and 815 of the Code)

PRIOR AND PRESENT LAW

Reduction in deductions for policyholder dividends and reserves of mutual life insurance companies (sec. 809)

In general, a corporation may not deduct amounts distributed to shareholders with respect to the corporation's stock. The Deficit Reduction Act of 1984 added a provision to the rules governing insurance companies that was intended to remedy the failure of prior law to distinguish between amounts returned by mutual life insurance companies to policyholders as customers, and amounts distributed to them as owners of the mutual company.

Under the provision, section 809, a mutual life insurance company is required to reduce its deduction for policyholder dividends by the company's differential earnings amount. If the company's differential earnings amount exceeds the amount of its deductible policyholder dividends, the company is required to reduce its deduction for changes in its reserves by the excess of its differential earnings amount over the amount of its deductible policyholder dividends. The differential earnings amount is the product of the differential earnings rate and the average equity base of a mutual life insurance company.

The differential earnings rate is based on the difference between the average earnings rate of the 50 largest stock life insurance companies and the earnings rate of all mutual life insurance companies. The mutual earnings rate applied under the provision is the rate for the second calendar year preceding the calendar year in which the taxable year begins. Under present law, the differential earnings rate cannot be a negative number.

A company's equity base equals the sum of: (1) its surplus and capital increased by 50 percent of the amount of any provision for policyholder dividends payable in the following taxable year; (2) the amount of its nonadmitted financial assets; (3) the excess of its statutory reserves over its tax reserves; and (4) the amount of any mandatory security valuation reserves, deficiency reserves, and voluntary reserves. A company's average equity base is the average of the company's equity base at the end of the taxable year and its equity base at the end of the preceding taxable year.

A recomputation or "true-up" in a subsequent year is required if the differential earnings amount for the taxable year either exceeds, or is less than, the recomputed differential earnings amount. The recomputed differential earnings amount is calculated taking into account the average mutual earnings rate for the calendar year (rather than the second preceding calendar year, as above). The amount of the true-up for any taxable year is added to, or deducted from, the mutual company's income for the succeeding taxable year.

Distributions to shareholders from policyholders surplus account (sec. 815)

Under the law in effect from 1959 through 1983, a life insurance company was subject to a three-phase taxable income computation under Federal tax law. Under the three-phase system, a company was taxed on the lesser of its gain from operations or its taxable investment income (Phase I) and, if its gain from operations exceeded its taxable investment income, 50 percent of such excess (Phase II). Federal income tax on the other 50 percent of the gain from operations[56] was deferred, and was accounted for as part of a policyholder's surplus account and, subject to certain limitations, taxed only when distributed to stockholders or upon corporate dissolution (Phase III). To determine whether amounts had been distributed, a company maintained a shareholders surplus account, which generally included the company's previously taxed income that would be available for distribution to shareholders.[57] Distributions to shareholders were treated as being first out of the shareholders surplus account, then out of the policyholders surplus account, and finally out of other accounts.

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[55] Section 357(d)(2) contains a limitation in the case of certain nonrecourse liabilities. Also, under section 357, regulations, if issued, may provide for different results.

[56] The legislative history to the Life Insurance Company Tax Act of 1959 states that "[t]his 50 percent reduction in underwriting gains is made because of the claim that it is difficult to establish with certainty the actual annual income of life insurance companies. It has been pointed out that because of the long-term nature of their contracts, amounts, which may appear as income in the current year and as proper additions to surplus, may, as a result of subsequent events, be needed to fulfill life insurance contracts. Because of this difficulty in arriving at true underwriting gains on an annual basis, the bill provides for the taxation of only 50 percent of this gain on a current basis." Report of the Committee on Ways and Means to accompany H.R. 4245, H. Rep. No. 34, 86th Cong., 1st Sess. at 13 (1959). Similarly, the Senate report provides, "Although it is believed desirable to subject this underwriting income to tax, it is stated that because of the long-term nature of insurance contracts it is difficult, if not impossible, to determine the true income of life insurance companies otherwise than by ascertaining over a long period of time the income derived from a contract or block of contracts. Because of this, the bill as amended by your committee, like the bill as passed by the House, does not attempt to tax on an annual basis all of what might appear to be income. In both the House and your committee's bill, half of the underwriting income is taxed as it accrues each year. The other half of the underwriting income is taxed when it is paid out in a distribution to shareholders after the taxed income has been distributed, or when it is voluntarily segregated and held for the benefit of the shareholders. This other half of the underwriting income also is taxed if the cumulative amount exceeds certain prescribed limits or if for a specified period of time the company ceases to be a life insurance company." Report of the Committee on Finance to accompany H.R. 4245, S. Rep. No. 291, 86th Cong., 1st Sess. at 7 (1959).

[57] Other events are treated as a subtraction from the policyholders surplus account. If for any taxable year the taxpayer is not an insurance company, or for any 2 taxable years the company is not a life insurance company, then the balance in the policyholder surplus account at the close of the preceding

The Deficit Reduction Act of 1984 included provisions that, for 1984 and later years, eliminated further deferral of tax on amounts (described above) that previously would have been deferred under the three-phase system. Although for taxable years after 1983, life insurance companies may not enlarge their policyholders surplus account, the companies are not taxed on previously deferred amounts unless the amounts are treated as distributed to shareholders or subtracted from the policyholders surplus account (sec. 815).

Under present law, any direct or indirect distribution to shareholders from an existing policyholders surplus account of a stock life insurance company is subject to tax at the corporate rate in the taxable year of the distribution.[58] Present law (like prior law) provides that any distribution to shareholders is treated as made (1) first out of the shareholders surplus account, to the extent thereof, (2) then out of the policyholders surplus account, to the extent thereof, and (3) finally, out of other accounts.[59]

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

Reduction in deductions for policyholder dividends and reserves of mutual life insurance companies (sec. 809)

The conference agreement repeals the rules requiring reduction in certain deductions of mutual life insurance companies (sec. 809) for taxable years beginning after December 31, 2000.

Effective date.—The repeal is effective for taxable years beginning after December 31, 2000.

Distributions to shareholders from policyholders surplus account (sec. 815)

The conference agreement repeals the rules relating to distributions to shareholders from the policyholders surplus account of a life insurance company (sec. 815) for taxable years beginning after December 31, 2000.

Effective date.—The repeal is effective for taxable years beginning after December 31, 2000.

C. TAX-CREDIT BONDS FOR THE NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK") AND THE ALASKA RAILROAD (SEC. 713 OF THE BILL AND NEW SEC. 54 OF THE CODE)

PRESENT LAW

Present law does not authorize the issuance by any private, for-profit corporation of bonds the interest on which is tax-exempt or eligible for an income tax credit. Tax-exempt bonds may be issued by States or local governments to finance their governmental activities or to finance certain capital expenditures of private businesses or loans to individuals. Additionally, States or local governments may issue tax-credit bonds to finance the operation of "qualified zone academies."

Tax-exempt bonds

Interest on bonds issued by States or local governments to finance direct activities of those governmental units is excluded from tax (sec. 103). In addition, interest on certain bonds ("private activity bonds") issued by States or local governments acting as conduits to provide financing for private businesses or individuals is excluded from income if the purpose of the borrowing is specifically approved in the Code (sec. 141). Examples of approved private activities for which States or local governments may provide tax-exempt financing include transportation facilities (airports, ports, mass commuting facilities, and certain high speed intercity rail facilities); public works facilities such as water, sewer, and solid waste disposal; and certain social welfare programs such as low-income rental housing, student loans, and mortgage loans to certain first-time homebuyers. High speed intercity rail facilities eligible for tax-exempt financing include land, rail, and stations (but not rolling stock) for fixed guideway rail transportation of passengers and their baggage using vehicles that are reasonably expected to operate at speeds in excess of 150 miles per hour between scheduled stops.

Issuance of most private activity bonds is subject to annual State volume limits of $50 per resident ($150 million if greater). These volume limits are scheduled to increase to $75 per resident ($225 million if greater) over the period 2003 through 2007.

Investment earnings on all tax-exempt bonds, including earnings on invested sinking funds associated with such bonds is restricted by the Code to prevent the issuance of bonds earlier or in a greater amount than necessary for the purpose of the borrowing. In general, all profits on investment of such proceeds must be rebated to the Federal Government. Interest on bonds associated with invested sinking funds is taxable.

Tax-credit bonds for qualified zone academies

As an alternative to traditional tax-exempt bonds, certain States or local governments are given authority to issue "qualified zone academy bonds." A total of $400 million of qualified zone academy bonds is authorized to be issued in each year of 1998 through 2001. The $400 million is allocated to States according to their respective populations of individuals below the poverty line.

Qualified zone academy bonds are taxable bonds with respect to which the investor receives an income tax credit equal to an assumed interest rate set by the Treasury Department to allow issuance of the bonds without discount and without interest cost to the issuer. The bonds may be used for renovating, providing equipment to, developing course materials for, or training teachers in eligible schools. Eligible schools are elementary and secondary schools with respect to which private entities make contributions equaling at least 10 percent of the bond proceeds.

Only financial institutions are eligible to claim the credits on qualified zone academy bonds. The amount of the credit is taken into income. The credit may be claimed against both regular income tax and AMT liability.

There are no arbitrage restrictions applicable to investment earnings on qualified zone academy bond proceeds.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision, but S. 3152, authorizes the National Railroad Passenger Corporation ("Amtrak") and the Alaska Railroad to issue an aggregate amount of $10 billion of tax-credit bonds to finance its capital projects. Annual issuance of the bonds may not exceed $1 billion per year (plus any authorized amount that was not issued in previous years) during the ten Fiscal Year period, 2001–2010. Unused bond authority could be carried forward to succeeding years until used, subject to a limitation that no tax-credit bonds could be issued after fiscal year 2015.

Projects eligible for tax-credit bond financing are defined as the acquisition, construction of equipment, rolling stock, and other capital improvements for (1) the northeast rail corridor between Washington, D.C. and Boston, Massachusetts;[60] (2) high-speed rail corridors designated under section 104(d)(2) of Title 23 of the United States Code; and (3) other intercity passenger rail corridors, including station rehabilitation or construction, track or signal improvements, or grade crossing elimination. Item 3 is limited to a maximum of 10 percent of the proceeds of any bond issue. At least 70 percent of the authorized tax-credit bonds must be issued for projects described in (2) and (3). No more than $3 billion of the bonds may be designated for any one high-speed rail corridor.

As with qualified zone academy bonds, the interest rate on Amtrak/Alaska Railroad tax-credit bonds will be set to allow issuance of the bonds at par, i.e., without any interest cost to Amtrak or the Alaska Railroad. In general, proceeds of Amtrak/Alaska Railroad tax-credit bonds would have to be spent within 36 months after the bonds are issued. As of the date the bonds were issued, Amtrak or the Alaska Railroad must certify that it reasonably expects—

(1) to incur a binding obligation with a third party to spend at least 10 percent of the bond proceeds within six months (or in the case of self-constructed property, to have commenced construction or preliminary engineering studies within six months);

(2) to spend the bond proceeds with due diligence; and

(3) to spend at least 95 percent of the proceeds for qualifying capital costs within three years.

Amtrak/Alaska Railroad tax-credit bonds may only be issued for projects that are approved by the Department of Transportation and, in the case of Amtrak, with respect to which there are binding commitments from one or more States to make matching contributions of at least 20 percent of the project cost. Projects having State matching contributions in excess of 20 percent are given a preference. The State matching contributions, along with earnings on investment of the tax-credit bond proceeds must be invested in a trust account (i.e., a sinking fund) and used along with earnings on the trust account for repayment of the principal amount of the bonds.

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taxable year is taken into income (former sec. 815(d)(2) as in effect prior to the 1984 Act, which is referred to in present-law sec. 815(f)). Further, the policyholder surplus account is reduced by the excess of the account over the greatest of 3 amounts related to reserves: (1) 15 percent of life insurance reserves at the end of the taxable year; (2) 25 percent of the amount by which the life insurance reserves at the end of the taxable year exceed the life insurance reserve at the end of 1958; or (3) 50 percent of the net amount of the premiums and other consideration taken into account for the taxable year (former sec. 815(d)(4)(A)-(C), as in effect prior to the 1984 Act, which is referred to in present-law sec. 815(f)).

[58] Section 815.

[59] Section 815(b).

[60] $92 million of Amtrak's tax-credit bond authority for Northeast Corridor projects is set aside for the acquisition and installation of platform facilities, performance of railroad force account work necessary to complete improvements below grade, and any other necessary improvements related to construction at the new railroad station at the James A. Farley Post Office Building in New York City. Projects finance with this $92 million of tax-credit bonds are not subject to the Senate contribution requirement, described below.

Amtrak/Alaska Railroad tax-credit bonds can be owned (and income tax credits claimed) by any taxpayer. The amount of the credit will be included in the bondholder's income. Additionally, provisions are included in the proposal to allow the credits to be stripped and sold to different investors than the investors in the bond principal.

The required State matching contribution may not be derived from Federal monies. Any Federal Highway Trust Fund monies transferred to the States are treated as Federal monies for this purpose. During the period when tax-credit bonds are authorized, Amtrak and the Alaska Railroad are not allowed to receive any Highway Trust Fund monies other than those authorized on the date of the provision's enactment.

Amtrak is required annually to submit a five-year capital plan to Congress, and to satisfy independent oversight requirements with respect to the management of tax-credit-bond-financed projects. Finally, the Treasury Department is required to certify annually that funds deposited in the escrow accounts for repayment of tax-credit bonds issued by Amtrak (with actual and projected earnings thereon) are sufficient to ensure full repayment of the bond principal.

Effective date.—The provision is effective for tax credit bonds issued by Amtrak or the Alaska Railroad after September 30, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with several modifications and clarifications.

First, the expenditure requirements applicable to these tax credit bonds are modified to add an actual expenditure requirement to the Senate amendment's reasonable expectations test. Under the actual expenditure requirement, unless at least 95 percent of the bond proceeds is spent within 3 years after the bonds are issued, unspent proceeds must be used to redeem bonds within 90 days after the end of the period. An exception allows the expenditure period to be extended to four years if (1) at least 75 percent of the proceeds are spent within the initial three year period, (2) the issuer has proceeded with due diligence to spend the proceeds within the initial three-year period, and (3) the issuer pays to the Federal Government all earnings on unspent proceeds that accrue after the end of the initial three-year period. If the issuer qualifies for the exception, but fails to satisfy its spending requirements, unspent proceeds must be used to redeem bonds within 90 days after the end of the four-year period.

Second, the definition of qualified expenditures is modified to preclude the use of bond proceeds to refinance outstanding debt except for "bridge" and similar financing incurred for a qualified project pending issuance of tax-credit bonds. Qualified bridge financing is defined as financing that (1) is issued after the date of enactment of the provision, (2) has a term of not more than three years, (3) is used to finance or acquire capital improvements that qualify for tax-credit bond financing, and (4) is issued in anticipation of being refinanced with proceeds of tax-credit bonds.

Third, provisions are added requiring that tax-credit-bond-financed property be continuously used for a qualified purpose throughout the term of the bonds.

Fourth, clarification is provided that the use of tax-credit bond proceeds to redeem bonds (except as required above and except with regard to not more than five percent of the bond proceeds) is not a qualified expenditure. A further modification allows Amtrak to treat as a qualified project expenditure, expenditure of not more than 0.5 percent of bond proceeds for costs of complying with the oversight requirements imposed on that railroad by the conference agreement.

Fifth, clarification is provided that the tax credit rate is determined on the date the bonds are sold (rather than the actual issuance date, if different).

Sixth, the Senate amendment is modified to require actual deposit in to the Trust Account securing repayment of the bonds of the required State contributions before any tax-credit bonds are issued.

Seventh, for bonds issued by Amtrak, the Senate amendment is modified to require (in addition to approval by the Secretary of Transportation) a finding by the Inspector General of the Department of Transportation that there is "a reasonable likelihood" that the proposed projects will result "in a positive incremental financial contribution" to Amtrak and to specify criteria to be used in making this determination.

Return on investment.—The measurements used to evaluate the amount of return on investment shall include (1) the positive incremental financial contribution to Amtrak, including all system-wide impacts and (2) the value of the net cash flow to Amtrak produced over the life of the program, discounted to current dollars. Such net cash flow should take into consideration operating efficiencies produced as a result of the total capital investment as well as incremental passenger related, mail and express, State and other revenue as a result of the total capital investment.

Leveraging of funds.—The measurements used to evaluate the leveraging of funds shall include (1) the amount of public and private match provided for the program, (2) the percentage of public and private match provided for the program relative to Amtrak's contribution and (3) the stability or reliability of state and local capital and operating support.

Cost effectiveness.—The measurement used to evaluate cost effectiveness is the incremental cost to Amtrak per incremental passenger or the incremental cost to Amtrak per incremental revenue generated as a result of the capital investment.

Safety improvement.—The measurements used to evaluate safety improvement shall include (1) the prevention or reduction of customer or third party injuries and (2) the prevention or reduction of employee injuries.

Mobility improvement.—The measurements used to evaluate the level of mobility improvement shall include (1) travel time savings and (2) low income households served.

Feasibility.—The measurements used to evaluate feasibility shall include (1) timing of program implementation, (2) technical feasibility and (3) likelihood of public and private participation.

Eighth, clarification is provided that the tax-credit bonds are the obligation of the issuing railroad notwithstanding the existence of the Trust Account securing their repayment. As in the case of other tax-preferred debt, no implied Federal Guarantee arises by virtue of the availability of tax credits on these bonds.

Ninth, the Senate amendment is modified to provide that funds in the Trust Account that are not required to redeem bonds may be used for additional qualified projects.

D. FARM, FISH, AND RANCH RISK MANAGEMENT ACCOUNTS ("FFARRM ACCOUNTS") (SEC. 714 OF THE BILL AND NEW SEC. 468C OF THE CODE)

PRESENT LAW

There is no provision in present law allowing the elective deferral of farm or fishing income.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 allows taxpayers engaged in an eligible business to establish FFARRM accounts. An eligible business is any trade or business of farming in which the taxpayer actively participates, including the operation of a nursery or sod farm or the raising or harvesting of crop-bearing or ornamental trees. An eligible business also is the trade or business of commercial fishing as that term is defined under section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) and includes the trade or business of catching, taking or harvesting fish that are intended to enter commerce through sale, barter or trade.

Contributions to a FFARRM account are deductible and are limited to 20 percent of the taxable income that is attributable to the eligible business. The deduction is taken into account in determining adjusted gross income and reduces the income attributable to the eligible business for all income tax purposes other than the determination of the 20 percent of eligible income limitation on contributions to a FFARRM account. Contributions to a FFARRM account do not reduce earnings from self-employment. Accordingly, distributions are not included in self-employment income.

A FFARRM account is taxed as a grantor trust and any earnings are required to be distributed currently. Thus, any income earned in the FFARRM account is taxed currently to the farmer or fisherman who established the account. Amounts can remain on deposit in a FFARRM account for up to five years. Any amount that has not been distributed by the close of the fourth year following the year of deposit is deemed to be distributed and includible in the gross income of the account owner.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the provision of S. 3152.

E. EXTENSION AND MODIFICATION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY (SEC. 715 OF THE BILL AND SEC. 170 (e)(6) OF THE CODE)

PRESENT LAW

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for that year (disregarding charitable contributions and with certain other modifications) (sec. 170(b)(2)). Corporations also are subject to certain limitations based on the type of property contributed. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property.

Section 170(e)(6) allows corporate taxpayers an augmented deduction for qualified contributions of computer technology and equipment (i.e., computer software, computer or peripheral equipment, and fiber optic cable related to computer use) to be used within the United States for educational purposes in grades K–12. Eligible donees are: (1) any educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place where its educational activities are regularly carried on; and (2) tax-exempt charitable organizations that are organized primarily for purposes of supporting elementary and secondary education. A private foundation also is an eligible donee, provided that, within 30 days after receipt of the contribution, the private foundation contributes the property to an eligible donee described above.

Qualified contributions are limited to gifts made no later than two years after the date the taxpayer acquired or substantially completed the construction of the donated property. In addition, the original use of the donated property must commence with the donor or the donee. Accordingly, qualified contributions generally are limited to property that is no more than two years old. Such donated property could be computer technology or equipment that is inventory or depreciable trade or business property in the hands of the donor.

Donee organizations are not permitted to transfer the donated property for money or services (e.g., a donee organization cannot sell the computers). However, a donee organization may transfer the donated property in furtherance of its exempt purposes and be reimbursed for shipping, installation, and transfer costs. For example, if a corporation contributes computers to a charity that subsequently distributes the computers to several elementary schools in a given area, the charity could be reimbursed by the elementary schools for shipping, transfer, and installation costs.

The special treatment applies only to donations made by C corporations. S corporations, personal holding companies, and service organizations are not eligible donors.

The provision is scheduled to expire for contributions made in taxable years beginning after December 31, 2000.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003. In addition, S. 3152 expands the enhanced deduction to include donations to public libraries.

Effective date.—The provision is effective upon the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows S. 3152 with a modification that qualified contributions include gifts made no later than three years after the date the taxpayer acquired or substantially completed the construction of the donated property.

Effective date.—The provision is effective for contributions made after December 31, 2000.

F. Settlement of Certain Discrimination Claims Brought by Farmers Against the Department of Agriculture (sec. 716 of the bill)

PRESENT LAW

Income tax

Gross income means "income from whatever source derived" except for certain items specifically excluded by statute.[61] Sources of income include compensation for services, interest, dividends, capital gains, rents, royalties, gross profits from a trade or business, income from the discharge of indebtedness, and income from S corporations, partnerships, trusts, and estates. In determining taxable income, a taxpayer's gross income is reduced by exemptions and deductions. Absent any applicable exemption or exclusion, an amount received by an individual in the settlement of a lawsuit generally is includible in gross income.

HOUSE BILL

No provision. However, H.R. 2233 excludes from gross income any cash received or cancellation of indebtedness income as a result of the settlement of certain claims brought by certain farmers against the Department of Agriculture for discrimination in farm credit and benefit programs. The bill further provides that such amounts are not included in the gross estate of any qualified person for estate tax purposes. Finally, the bill provides that these amounts are not to be (1) considered income or resources in determining eligibility for, (2) used to deny or reduce funds under, or (3) used as a basis for determining the amount of assistance under, any program funded in whole or in part with Federal funds. The bill is limited to certified members of the plaintiff class in the settlement of two consolidated class action suits. The two suits are *Pigford, et al.* v. *Glickman* No. 97–1978 (D.D.C.)(PLF) and *Brewington, et al.* v. *Glickman* No. 98–1693 (D.D.C.)(PLF).

Effective date.—The provision is effective after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the provision of H.R. 2233, with modifications. The conference agreement provision provides an exclusion of certain amounts from gross income for purposes of Subtitle A of the Internal Revenue Code. This exclusion applies to any (1) cash payment received before, on, or after the date of enactment by or made on behalf of, a person under the settlement of these two claims or (2) cancellation of indebtedness income pursuant to the settlement of these two claims. The conference agreement does not include the provision of H.R. 2233 that provides an exclusion of amounts from the gross estate of any qualified person, for estate tax purposes. Further, the conference agreement does not include the provision of H.R. 2233 providing that amounts are not to be (1) considered income or resources in determining eligibility for, (2) used to deny or reduce funds under, or (3) used as a basis for determining the amount of assistance under, any program funded in whole or in part with Federal funds.

G. Extension of the Adoption Tax Credit (sec. 717 of the bill and sec. 23 of the Code)

PRESENT LAW

Taxpayers are entitled to a maximum nonrefundable credit against income tax liability of $5,000 per child for qualified adoption expenses paid or incurred by the taxpayer (sec. 23). In the case of a special needs adoption, the maximum credit amount is $6,000. A special needs child is a child who is a citizen or resident of the United States and who the State has determined: (1) cannot or should not be returned to the home of the birth parents, and (2) has a specific factor or condition because of which the child cannot be placed with adoptive parents without adoption assistance. The adoption of a child who is not a citizen or a resident of the United States is a foreign adoption.

Qualified adoption expenses are reasonable and necessary adoption fees, court costs, attorneys' fees, and other expenses that are directly related to the legal adoption of an eligible child. All reasonable and necessary expenses required by a State as a condition of adoption are qualified adoption expenses. Otherwise qualified adoption expenses paid or incurred in one taxable year are not taken into account for purposes of the credit until the next taxable year unless the expenses are paid or incurred in the year the adoption becomes final.

An eligible child is an individual (1) who has not attained age 18 or (2) who is physically or mentally incapable of caring for himself or herself. After December 31, 2001, the credit will be available only for special needs adoptions.

No credit is allowed for expenses incurred (1) in violation of State or Federal law, (2) in carrying out any surrogate parenting arrangement, (3) in connection with the adoption of a child of the taxpayer's spouse, (4) that are reimbursed under an employer adoption assistance program or otherwise, or (5) for a foreign adoption that is not finalized.

The credit is phased out ratably for taxpayers with modified AGI above $75,000, and is fully phased out at $115,000 of modified AGI. For these purposes modified AGI is computed by increasing the taxpayer's AGI by the amount otherwise excluded from gross income under Code sections 911, 931, or 933.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 extends the adoption credit for the adoption of non- special needs children for two years through December 31, 2003.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement extends the credit for nonspecial needs adoptions to include qualified adoption expenses paid or incurred prior to December 31, 2005, and increases the maximum credit by $1,000 per year beginning for taxable years beginning after December 31, 2000 and until the maximum credit reaches $10,000 per year for taxable years beginning after December 31, 2004. In the case of special needs adoptions, the maximum credit is increased by $2,000 per year for taxable years beginning after December 31, 2000 until the maximum credit reaches $12,000 per year for taxable years beginning after December 31, 2002.

Additionally, for taxable years beginning after December 31, 2000, the income limitation for the credit is increased to $150,000 of modified AGI, and is phased out ratably for taxpayers with modified AGI between $150,000 and $190,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

H. Study of Tax Treatment with Respect to Certain Offshore Insurance Companies (sec. 718 of the bill)

PRESENT LAW

Under present law, under the rules of subchapter L of the Code, a life insurance company is subject to tax on its life insurance company taxable income. Similarly, a property and casualty insurance company is subject to tax on its taxable income, which is calculated by taking into account the company's underwriting income and investment income, as well as gains and other income items. An insurance company may enter into a reinsurance contract or agreement with another insurer, whereby risks, or portions of risks, are transferred from one insurer to another or are shared or allocated among insurers.

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[61] Section 61.

Present law provides rules governing allocation in the case of reinsurance agreements that involve tax avoidance or evasion. Under this rule, in the case of two or more related persons that are parties to a reinsurance agreement (or an agent of a party to a reinsurance agreement), the Treasury Secretary may allocate between or among such persons income (whether investment income, premium or otherwise), deductions, assets, reserves, credits, and other items related to the agreement. The Treasury Secretary may also recharacterize any such items or make any other adjustment. The Secretary may make the allocation, recharacterization or adjustment if he determines that it is necessary to reflect the proper source and character of the taxable income (or other item) of each related person or agent.[62]

Other rules also provide for the allocation of income and deductions among taxpayers. In any case of two or more organizations owned or controlled directly or indirectly by the same interests, the Treasury Secretary may distribute, apportion, or allocate gross income, deductions, credits, or allowances between or among the organizations, if he determines that it is necessary in order to prevent evasion of taxes or clearly to reflect the income of the organizations.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides that the Secretary of the Treasury is to conduct a study on the extent to which U. S. tax on investment income of U.S. insurance companies is being avoided through the use of affiliated corporations in Bermuda or other offshore locations. In conducting the study, the Treasury Secretary is to address issues concerning the application of current U.S. tax law in preventing such avoidance, changes to U.S. tax law that may be needed to prevent such avoidance, and is to make appropriate recommendations. The Treasury Secretary is to submit the study and recommendations to the House Committee on Ways and Means and the Senate Committee on Finance no later than December 31, 2001.

I. TREATMENT OF INDIAN TRIBES AS NON-PROFIT ORGANIZATIONS AND STATE OR LOCAL GOVERNMENTS FOR PURPOSES OF THE FEDERAL UNEMPLOYMENT TAX ("FUTA") (SEC. 719 OF THE BILL AND SEC. 3306 OF THE CODE)

PRESENT LAW

Present law imposes a net tax on employers equal to 0.8 percent of the first $7,000 paid annually to each employee. The current gross FUTA tax is 6.2 percent, but employers in States meeting certain requirements and having no delinquent loans are eligible for a 5.4 percent credit making the net Federal tax rate 0.8 percent. Both non-profit organizations and State and local governments are not required to pay FUTA taxes. Instead they may elect to reimburse the unemployment compensation system for unemployment compensation benefits actually paid to their former employees. Generally, Indian tribes are not eligible for the reimbursement treatment allowable to non-profit organizations and State and local governments.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 provides that an Indian tribe (including any subdivision, subsidiary, or business enterprise chartered and wholly owned by an Indian tribe) is treated like a non-profit organization or State or local government for FUTA purposes (i.e., given an election to choose the reimbursement treatment).

Effective date.—The provision generally is effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe is not treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

CONFERENCE AGREEMENT

The conference agreement follows the provision of S. 3152.

Subtitle C. Tax Technical Corrections

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement includes tax technical corrections.[61] Except as otherwise provided, the technical corrections contained in the bill generally are effective as if included in the originally enacted related legislation. The provisions under the IRS Restructuring Act of 1998 relating to innocent spouse and to procedural and administrative issues (other than the provision relating to clarification of Tax Court authority to issue appealable decisions) are effective upon the date of enactment of the bill.

Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999 (sec. 721 of the bill)

Research credit.—The provision clarifies the anti-double dip rule coordinating the research credit (sec. 41) and the Puerto Rico economic activity credit (sec. 30A). It is arguable that the present-law provisions could be construed so that the amount of wages on which a taxpayer could claim the section 30A credit is reduced only by the amount of credit claimed under section 41, rather than by the amount of wages upon which the section 41 credit is based. This result is inconsistent with the legislative history of the original provisions. The provision deletes the words "or credit" after "deduction" in section 280C(c)(1), and adds a new subsection in section 30A specifying that wages or other expenses taken into account for section 30A may not be taken into account for section 41.

Taxable REIT subsidiaries.—The provision clarifies that a REIT's redetermined rents (described in sec. 857(b)(7)(B)) that are subject to tax under section 857(b)(7)(A) do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under sec. 512(b)(3), relating to certain rents, if received by certain types of organizations described in sec. 511(a)(2)).

Partnership basis adjustments.—The provision provides that the rule in the consolidated return regulations (Treas. Reg. sec. 1.1502-34) aggregating stock ownership for purposes of section 332 (relating to complete liquidation of a subsidiary that is a controlled corporation) also applies for purposes of section 732(f) (relating to basis adjustments to assets of a controlled corporation received in a partnership distribution).

Amendments related to the Tax and Trade Relief Extension Act of 1998 (sec. 722 of the bill)

Exempt organizations.—The provision clarifies that nonexempt charitable trusts and nonexempt private foundations are subject to the public disclosure requirements of section 6104(d).

Capital gains.—The provision clarifies that if (1) a charitable remainder trust sold section 1250 property after July 28, 1997, and before January 1, 1998, (2) the property was held more than one year but not more than 18 months, and (3) the capital gain is distributed after December 31, 1997, then any capital gain attributable to depreciation will be taxed at 25 percent (rather than 28 percent). Treasury has published a notice (Notice 99-17, 1999-14 I.R.B., April 5, 1999) providing that the gain is taxed at 25 percent.

Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998 (sec. 723 of the bill)

Innocent spouse

Timing of request for relief.—Confusion currently exists as to the appropriate point at which a request for innocent spouse relief should be made by the taxpayer and considered by the IRS. Some have read the statute to prohibit consideration by the IRS of requests for relief until after an assessment has been made, i.e., after the examination has been concluded, and if challenged, judicially determined. Others have read the statute to permit claims for relief from deficiencies to be made upon the filing of the return before any preliminary determination as to whether a deficiency exists or whether the return will be examined. The consideration of innocent spouse relief requires that the IRS focus on the particular items causing a deficiency; until such items are identified, the IRS cannot consider these claims. Congress did not intend that taxpayers be prohibited from seeking innocent spouse relief until after an assessment has been made; Congress intended the proper time to raise and have the IRS consider a claim to be at the same point where a deficiency is being considered and asserted by the IRS. This is the least disruptive for both the taxpayer and the IRS since it allows both to focus on the innocent spouse issue while also focusing on the items that might cause a deficiency. It also permits every issue, including the innocent spouse issue, to be resolved in single administrative and judicial process. The bill clarifies the intended time by permitting the election under (b) and (c) to be made at any point after a deficiency has been asserted by the IRS. A deficiency is considered to have been asserted by the IRS at the time the IRS states that additional taxes may be owed. Most commonly, this occurs during the Examination process. It does not require an assessment to have been made, nor does it require the exhaustion of administrative remedies in order for a taxpayer to be permitted to request innocent spouse relief.

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[62] H.R. 4192 (106th Cong., 2d. Sess.,) introduced April 5, 2000, would modify these rules relating to reinsurance transactions. That bill would provide that if a domestic person directly or indirectly reinsurances a U.S. risk with a related foreign reinsurer, then the investment income of the domestic person would be increased by the product of (1) the reserves or liabilities related to the U.S. risk ceded to the foreign reinsurer, and (2) the average applicable Federal mid-term rate.

[61] In addition to other tax technical corfections, the bill contains the technical corrections contained in H.R. 2488, the Financial Freedom Act of 1999 (106th Cong., 1st Sess., reported by the House Committee on Ways and Means, H. Rept. 106-238, July 16, 1999, 393-397), as passed by the House, and S. 1429, the Taxpayer Refund Act of 1999 (reported by the Senate Committee on Finance, S. Rept. 106-120, July 23, 1999, 221-225), as passed by the Senate. (The technical corrections were not included in the conference agreement to H.R. 2488, the Taxpayer Refund and Relief Act of 1999 (106th Cong., 1st Sess., H. Rept. 106-289, Aug. 4, 1999, 542-543). The Taxpayer Refund and Relief Act of 1999 was vetoed by President Clinton.) However, the bill does not include the following provisions enacted in other legislation: sections 1601(b)(2) and (c) of H.R. 2488 (and section 504(c) of S. 1429), relating to the Vaccine Trust Fund, which were enacted in the "Ticket to Work and Work Incentives Improvement Act of 1999" (P.L. 106-170, sec. 523(b)).

Allowance of refunds.—The current placement in the statute of the provision for allowance of refunds may inappropriately suggest that the provision applies only to the United States Tax Court, whereas it was intended to apply administratively and in all courts. The bill clarifies this by moving the provision to its own subsection.

Non-exclusivity of judicial remedy.—Some have suggested that the IRS Restructuring Act administrative and judicial process for innocent spouse relief was intended to be the exclusive avenue by which relief could be sought. The bill clarifies Congressional intent that the procedures of section 6015(e) were intended to be additional, non-exclusive avenues by which innocent spouse relief could be considered.

Time for filing a petition with the Tax Court.—As enacted, the time period for seeking a redetermination in the Tax Court of innocent spouse relief begins on the date of the determination as opposed to the day after the determination. This period is one day shorter than that generally applicable to petition the Tax Court with respect to a deficiency notice (sec. 6213) and the period during which collection activities are prohibited and the limitations period is suspended. The bill clarifies the computation of this period and conforms it to the generally applicable 90-day period for petitioning the Tax Court. Conforming amendments are made as to the period for which collection activities are prohibited and collection limitations suspended.

Waiver of final determination upon agreement as to relief.—Congress intended in enacting section 6015 to provide a simple and efficient procedure by which the IRS could consider relief, and if relief was denied (in whole or in part) and the spouse requesting such relief did not agree with such denial, such issue could be considered by the Tax Court. Congress did not intend to require a rigid formal process when the IRS and the spouse requesting relief agreed on the extent of relief to be granted. However, the provisions of section 6015(e) have been interpreted as requiring the issuance in all circumstances of a formal "Notice of Determination," which contains a statement of the time period within which a petition may be filed with the Tax Court and which delays final resolution of the request for relief until the expiration of the period for filing a petition with the Tax Court. The issuance of the Notice of Determination is confusing to the taxpayer when the requested relief was fully granted or when the IRS and the taxpayer otherwise agreed on the application of the innocent spouse provisions to the taxpayer's case. It also may cause unnecessary filings with the Tax Court and delay the closing of the case until the time for filing with the Tax Court expires.

Congress has addressed the analogous situation in the deficiency context in section 6213(d). In such situations, upon written agreement, the IRS may adjust the taxpayer's liability as agreed, and no additional formal notice is necessary. The bill reflects that an analogous waiver was intended to apply in the innocent spouse context. The bill consequently permits taxpayers and the IRS to enter into a similar written agreement in innocent spouse cases, which allows for the taxpayer's liability to be immediately adjusted as agreed, and makes unnecessary a formal Notice of Determination or Tax Court review. This written agreement is to specify the details of the agreement between the IRS and the taxpayer as to the nature and extent of innocent spouse relief that will be provided. Conforming amendments are made as to the period for which collection activities are prohibited and collection limitations suspended.

Procedural and administrative issues

Disputes involving $50,000 or less.—The provision clarifies that the small case procedures of the Tax Court are available with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing. The small case procedures provide an accessible forum for taxpayers who have small claims with less formal rules of evidence and procedure. Use of the procedure is optional to the taxpayer, with the concurrence of the Tax Court. In view of the recent enactment of the innocent spouse and pre-levy administrative due process hearing provisions, it is anticipated that the Tax Court will give careful consideration to (1) a motion by the Commissioner of Internal Revenue to remove the small case designation (as authorized by Rules 172 and 173 of the Tax Court Rules) when the orderly conduct of the work of the Court or the administration of the tax laws would be better served by a regular trial of the case, as well as (2) the financial impact upon the taxpayer, including additional legal fees and costs, of not utilizing small case treatment. For example, removing the small case designation may be appropriate when a decision in the case will provide a precedent for the disposition of a substantial number of other cases. It is anticipated that motions by the Commissioner to remove the small case designation will be made infrequently.

Authority to enjoin collection actions.—While a dispute is pending under the pre-levy administrative due process hearing procedures, levy action is statutorily suspended for that period. The Tax Court and district courts are expressly granted authority to enjoin improper levy action in general, but that authority does not explicitly extend to improper levy action that occurs during the period when levy action is statutorily suspended under the administrative due process provisions. The provision clarifies the ability of the courts (including the Tax Court) to enjoin levy during the period that levy is required to be suspended with respect to a dispute under the pre-levy administrative due process hearing procedures.

Clarification of permissible extension of limitations period for installment agreements.—Uncertainty exists as to whether the permissible extension of the period of limitations in the context of installment agreements is governed by reference to an agreement of the parties pursuant to section 6502 or by reference to the period of time during which the installment agreement is in effect pursuant to sections 6331(k)(3) and (i)(5). The provision clarifies that the permissible extension of the period of limitations in the context of installment agreements is governed by the pertinent provisions of section 6502.

Clarification of Tax Court authority to issue appealable decisions.—The statutory provision for judicial review of a dispute concerning the pre-levy administrative due process hearing may be unclear as to whether a determination of the Tax Court is an appealable decision. The provision clarifies that the determination of the Tax Court (other than under the small case procedures) in a dispute concerning the pre-levy administrative due process hearing is a decision of the Tax Court and would be reviewable as such.

Other issues

IRS restructuring.—When the Office of the Chief Inspector was replaced by the Treasury Inspector General for Tax Administration (TIGTA) under the IRS Restructuring and Reform Act of 1998, Inspection's responsibilities were assigned to the TIGTA. TIGTA personnel are Treasury, rather than IRS, personnel. TIGTA personnel still need to make investigative disclosures to carry out the duties they took over from Inspection and their additional tax administration responsibilities. However, section 6103(k)(6) refers only to "internal revenue" personnel. The provision clarifies that section 6103(k)(6) permits TIGTA personnel to make investigative disclosures.

Compliance.—Section 3509 of the IRS Restructuring and Reform Act of 1998 expanded the disclosure rules of section 6110 to also cover Chief Counsel advice (sec. 6110(i)). This is a conforming change related to ongoing investigations. The provision adds to section 6110(g)(5)(A), after the words technical advice memorandum, "or Chief Counsel advice."

Amendments related to the Taxpayer Relief Act of 1997 (sec. 724 of the bill)

Deficiency created by overstatement of refundable child credit.—The provision treats the refundable portion of the child credit under section 24(d) as part of a "deficiency." Thus, the usual assessment procedures applicable to income taxes will apply to both the nonrefundable and the refundable portions of the child credit. (This will reverse the conclusion reached by Internal Revenue Service Chief Counsel Memorandum 199948027 interpreting present law.)

Roth IRAs.—Code section 3405 provides for withholding with respect to designated distributions from certain tax-favored arrangements, including IRAs. In general, section 3405(e)(1)(B)(ii) excludes from the definition of a designated distribution the portion of any distribution which it is reasonable to believe is excludable from gross income. However, all distributions from IRAs are treated as includible in income. The exception was consistent with prior law when all IRA distributions were taxable, but does not account for the tax-free nature of certain Roth IRA distributions. The provision extends the exception to Roth IRAs.

Capital gain election.—The provision provides that an election to recognize gain or loss made pursuant to section 311(e) of the Taxpayer Relief Act of 1997 does not apply to assets disposed of in a recognition transaction within one year of the date the election would otherwise have been effective. Thus, for example, if an asset is sold in 2001, no election may be made with respect to that asset. In addition, it is clarified that the deemed sale and repurchase by reason of the election is not taken into account in applying the wash sale rules of section 1091.

Straight-line depreciation under AMT.—The provision clarifies that the Taxpayer Relief Act of 1997 did not change the requirement that the straight-line method of depreciation be used in computing the alternative minimum tax ("AMT") depreciation allowance for section 1250 property. It is arguable that the changes made by that Act could be read as inadvertently allowing accelerated depreciation under the AMT for section 1250 property which is allowed accelerated depreciation under the regular tax.

Transportation benefits.—Under present law, salary reduction amounts are generally treated as compensation for purposes of the limits on contributions and benefits under qualified plans. In addition, an employer can elect whether or not to include such amounts for nondiscrimination testing purposes. The IRS Reform Act permitted employers to offer a cash option in lieu of qualified transportation benefits. The provision treats salary reduction amounts used for qualified transportation benefits the same as other salary reduction amounts for purposes of defining compensation under the qualified plan rules.

Tax Court jurisdiction.—The Tax Court recently held that its jurisdiction pursuant to section 7436 extends only to employment status, not to the amount of employment tax in dispute (*Henry Randolph Consulting* v. *Comm'r*, 112 T.C. #1, Jan. 6, 1999). The provision provides that the Tax Court also has jurisdiction over the amount.

Amendments related to the Balanced Budget Act of 1997 (sec. 725 of the bill)

Tobacco floor stocks tax.—The provision clarifies that the floor stocks taxes imposed on January 1, 2000, and January 1, 2002, apply only to cigarettes rather than to all tobacco products. As enacted, the law could be construed as ambiguous, referring to imposition on all tobacco products but imposing liability only with respect to cigarettes.

Tobacco excise tax.—Conforming amendments are provided to two provisions to reflect the fact that the tax on cigarette papers is not imposed on "books" of papers since January 1, 2000.

Coordination of trade rules and tobacco excise tax.—Clarification is provided that the penalty on reimporting cigarettes other than for return to a manufacturer (effective January 1, 2000) does not apply to cigarettes re-imported by individuals to the extent those cigarettes can be entered into the U.S. without duty or tax under the Harmonized Tariff Schedule.

Amendment related to the Small Business Job Protection Act of 1996 (sec. 726 of the bill)

Work opportunity tax credit.—Section 51(d)(2) refers to eligibility for the work opportunity tax credit with respect to certain welfare recipients without taking into account the enactment of the temporary assistance for needy families ("TANF") program. The provisions conform references in the work opportunity tax credit to the operation of TANF.

Electing small business trusts holding S corporation stock.—The provision allows an electing small business trust (sec. 1361(e)) to have an organization described in section 170(c)(1) (relating to State and local governments) as a beneficiary if the organization holds a contingent interest and is not a potential current beneficiary.

Definition of lump-sum distribution.—Section 1401(b) of the Small Business Job Protection Act of 1996 Act repealed 5-year averaging for lump-sum distributions. The definition of lump-sum distribution was preserved for other provisions, primarily those relating to NUA in employer securities. The definition was moved from section 402(d)(4)(A) to section 402(e)(4)(D)(i). This definition included the following sentence: "A distribution of an annuity contract from a trust or annuity plan referred to in the first sentence of this subparagraph shall be treated as a lump sum distribution." The provision adds this language back into the definition of lump-sum distribution. The sentence is relevant to section 401(k)(10)(B), which permits certain distributions if made as a "lump-sum distribution."

IRAs for nonworking spouses.—Section 1427 of the Small Business Job Protection Act of 1996 expanded the IRA deduction for nonworking spouses. The maximum permitted IRA contributions is generally limited by the individual's earned income. However, under present law, it is possible for a nonworking (or lesser earning) spouse to make IRA contributions in excess of the couple's combined earned income. The following example illustrates present law.

Example: Suppose H and W retire in the middle of January, 1999. In that year, H earns $1,000 and W earns $500. Both are active participants in an employer-sponsored retirement plan. Their modified AGI is $60,000. They make no Roth IRA contributions. Before application of the income phase-out rules, the maximum deductible IRA contribution that H can make is $1,000 (sec. 219(b)(1)). After application of the income phase-out rule in section 219(g), H's maximum contribution is $200, and H contributes that amount to an IRA. Under 408(o)(2)(B), H can make nondeductible contributions of $800 ($1,000 − $200).

W's maximum permitted deductible contribution under section 219(c)(1)(B), before the income phase-out, is $1,300 (the sum of H and W's earned income ($1,500), less H's deductible IRA contribution ($200)). Under the income phase-out, W's deductible contribution is limited to $200, and she can make a nondeductible contribution of $1,000 ($1,300 − $200).

The total permitted contributions for H and W are $2,300 ($1,000 for H plus $1,300 for W). The combined contribution should be limited to $1,500, their combined earned income.

The provision provides that the contributions for the spouse with the lesser income cannot exceed the combined earned income of the spouses.

Amendment related to the Revenue Reconciliation Act of 1990 (sec. 727 of the bill)

Qualified tertiary injectant expenses.—The provision clarifies that the enhanced oil recovery credit (sec. 43) applies with respect to qualified tertiary injectant expenses described in section 193(b) that are paid or incurred in connection with a qualified enhanced oil recovery project, and that are deductible for the taxable year (regardless of the provision allowing the deduction). Purchased and self-produced injectants are treated the same for purposes of the section 43 credit.

Amendments to other acts (sec. 728 of the bill)

Insurance.—The legislative history of section 7702A(a) (enacted in the Technical and Miscellaneous Revenue Act of 1988) indicated that if a life insurance contract became a modified endowment contract ("MEC"), then the MEC status could not be eliminated by exchanging the MEC for another contract. Section 7702A(a)((2), however, arguably might be read to allow a policyholder to exchange a MEC for a contract that does not fail the 7-pay test of section 7702A(b), then exchange the second contract for a third contract, which would not literally have been received in exchange for a contract that failed to meet the 7–pay test. The provision clarifies section 7702A(a)(2) to correspond to the legislative history, effective as if enacted with the Technical and Miscellaneous Revenue Act of 1988 (generally, for contracts entered into on or after June 21, 1988).

Insurance.—Under section 7702A, if a life insurance contract that is not a modified endowment contract is actually or deemed exchanged for a new life insurance contract, then the 7–pay limit under the new contract is first be computed without reference to the premium paid using the cash surrender value of the old contract, and then would be reduced by 1/7 of the premium paid taking into account the cash surrender value of the old contract. For example, if the old contract had a cash surrender value of $14,000 and the 7-pay premium on the new contract would equal $10,000 per year but for the fact that there was an exchange, the 7–pay premium on the new contract would equal $8,000 ($10,000–$14,000/7). However, section 7702A(c)(3)(A) arguably might be read to suggest that if the cash surrender value on the new contract was $0 in the first two years (due to surrender charges), then the 7–pay premium might be $10,000 in this example, unintentionally permitting policyholders to engage in a series of "material changes" to circumvent the premium limitations in section 7702A. The provision clarifies section 7702A(c)(3)(A) to refer to the cash surrender value of the old contract, effective as if enacted with the Technical and Miscellaneous Revenue Act of 1988 (generally, for contracts entered into on or after June 21, 1988).

Worthless securities.—Section 165(g)(3) provides a special rule for worthless securities of an affiliated corporation. The test for affiliation in section 165(g)(3)(A) is the 80–percent vote test for affiliated groups under section 1504(a) that was in effect prior to 1984. When section 1504(a) was amended in the Deficit Reduction Act of 1984 to adopt the vote and value test of present law, no corresponding change was made to section 165(g)(3)(A), even though the tests had been identical until then. The provision conforms the affiliation test of section 165(g)(3)(A) to the test in section 1504(a)(2), effective for taxable years beginning after December 31, 1984.

Exception for certain annuities under OID rules.—The Deficit Reduction Act of 1984 expanded the prior-law rules for inclusion in income of original issue discount ("OID") on debt instruments. That Act provided an exception from the definition of a debt instrument for certain annuity contracts, including any annuity contract to which section 72 applies and that is issued by an insurance company subject to tax under subchapter L of the Code (and meets certain other requirements) (sec. 1275(a)(1)(B)(ii)). The provision clarifies that an annuity contract otherwise meeting the applicable requirements also comes within the exception of section 1275(a)(1)(B)(ii) if it is issued by an entity described in section 501(c) and exempt from tax under section 501(a), that would be subject to tax as an insurance company under subchapter L if it were not exempt under section 501(a). For example, the provision clarifies that an annuity contract otherwise meeting the requirements that is issued by a fraternal beneficiary society which is exempt from Federal income tax under section

501(a), and which is described in section 501(c)(8), comes within the exception under section 1275(a)(1)(B)(ii). However, an annuity contract issued by a foreign insurer that is not subject to tax in the U.S. as an insurance company under subchapter L with respect to the contract does not come within the exception under section 1275(a)(1)(B)(ii). It is understood that charitable gift annuities (as defined in sec. 501(m)) depend (in whole or in substantial part) on the life expectancy of one or more individuals, and thus come within the exception under section 1275(a)(1)(B)(i). The provision is effective as if included with section 41 of the Deficit Reduction Act of 1984 (i.e., for taxable years ending after July 18, 1984).

Losses from section 1256 contracts.—Section 6411 allows tentative refunds for NOL carrybacks, business credit carrybacks and, for corporations only, capital loss carrybacks. Individuals normally cannot carry back a capital loss. However, section 1212(c) does allow a carryback of section 1256 losses, if elected by the taxpayer. The provision amends section 6411(a) by including a reference to section 1212(c), effective as if included with section 504 of the Economic Recovery Tax Act of 1981.

Highway Trust Fund.—The provision modifies administrative procedures of the Highway Trust Fund to conform to the 1993 repeal of the special tax rate applicable to ethanol prior to 1994. The provision is effective for taxes received after the date of enactment. This ensures that retroactive adjustments, if any, are not made to the Highway Trust Fund.

Conforming amendment for expenditures from Vaccine Injury Compensation Trust Fund.—The provision makes a conforming amendment to the expenditure purposes of the Vaccine Injury Compensation Trust Fund to enable certain payments to be made from the Trust Fund.

Clerical changes (sec. 729 of the bill)

The bill makes a number of clerical and typographical amendments to the Code.

EXCLUSION FROM PAYGO SCORECARD

PRESENT LAW

Under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, tax reduction legislation is subject to a "pay-as-you-go" (PAYGO) requirement. The PAYGO system tracks legislation that may increase budget deficits using a "scorecard" (estimated by the Office of Management and Budget). Any revenue loss would have to be offset by other revenue increases, reductions in direct spending or a combination of the two.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides that, upon enactment of the Act, the Director of the Office of Management and Budget shall not make any estimate of the changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 resulting from the enactment of the Act.

TAX COMPLEXITY ANALYSIS

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service ("IRS") and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided, along with an estimate of the number of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues. Time constraints prevented the staff of the Joint Committee on Taxation from consulting with the IRS regarding the provisions in the conference agreement that have widespread applicability.

1. Increase deduction for business meals (sec. 204 of the conference agreement)

Summary description of provision

The provision increases the deductible percentage of business meal (food and beverage) expenses to 70 percent, effective for taxable years beginning after December 31, 2000.

Number of affected taxpayers

It is estimated that almost all small businesses will be affected by the provision.

Discussion

Because the provision increases the percentage deduction only with respect to meals and not entertainment, small businesses may have to keep additional records to distinguish between the two types of expenditures. The provision may lead to additional disputes between small businesses and the IRS regarding the nature of an expenditure, particularly in business situations where the meal and entertainment is provided as a package for a single price. No new regulatory changes would be needed to implement the provision (although a conforming change to regulations to reflect the increasing percentage would be appropriate).

2. Accelerate 100-percent self-employed health insurance deduction (sec. 301 of the conference agreement)

Summary description of provision

The provision accelerates the increase in the deduction for health insurance expenses of self-employed individuals so that the deduction is 100 percent in years beginning after December 31, 2000.

Number of affected taxpayers

It is estimated that the provision will affect three million small businesses.

Discussion

It is not anticipated that individuals or small businesses will need to keep additional records due to the provision. It is not anticipated that the provision will result in an increase in disputes with the IRS, or increase tax return preparation costs. It is not anticipated that regulatory guidance will be needed to implement the provision. Accelerating the 100-percent deduction may simplify the preparation of tax returns for self-employed individuals, because they will no longer need to keep track of the percent of health insurance expenses that are deductible, and will need to perform one less calculation.

ESTIMATED REVENUE EFFECTS OF THE "TAXPAYER RELIEF ACT OF 2000"

Fiscal Years 2001 - 2010

[Millions of Dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
Extraterritorial Income Exclusion; FSC Repeal (H.R. 4986)	generally Ta 9/30/00	-153	-315	-348	-384	-423	-466	-514	-566	-623	-687	-1,623	-4,479
Small Business Tax Relief Provisions													
A. Extend the Work Opportunity Tax Credit Through 6/30/04 [1]	wpoifibwa 12/31/01	---	-119	-317	-379	-267	-126	-45	-12	-2	---	-1,081	-1,267
B. Increase Maximum Reforestation Expenses Qualifying for Amortization and Credit from $10,000 to $25,000; Remove Cap on Amortization of Reforestation Costs in 2001 Through 2003; Clarify Capital Gains Treatment of Sales of Timber	tyba 12/31/00 & sa DOE	-5	-15	-22	-27	-29	-32	-34	-33	-29	-25	-98	-250
C. Increase Section 179 Expensing to $35,000	tyba 12/31/00	-558	-866	-561	-473	-405	-354	-347	-362	-369	-372	-2,863	-4,667
D. Increase Business Meals Deduction (Excluding Entertainment Expenses) to 70% in 2001 and Thereafter	tyba 12/31/00	-1,129	-2,207	-2,304	-2,404	-2,508	-2,620	-2,736	-2,858	-2,987	-3,124	-10,553	-24,876
E. 80% Business Meals Deduction for Workers Subject to DOT Hours of Service Limitation	tyba 12/31/00	-39	-70	-64	-55	-47	-37	-26	-13	---	---	-276	-351
F. Permit Installment Method for Accrual Basis Taxpayers	iso/a 12/17/99	-1,120	-394	-249	-70	-8	-20	-34	-47	-60	-76	-1,841	-2,078
G. Coordinate Farmer Income Averaging and the AMT and Provide the Same Income Averaging Relief to Commercial Fishermen	tyba 12/31/00	-1	-2	-2	-2	-3	-3	-4	-5	-6	-7	-9	-33
H. Repeal the Occupational Taxes Relating to Distilled Spirits, Wine, and Beer	7/1/01	-64	-75	-75	-75	-75	-75	-75	-75	-75	-75	-364	-739
I. Exclusion from Gross Income for Certain Forgiven Mortgage Obligations	doia 12/31/00	-2	-6	-6	-6	-7	-7	-7	-7	-8	-8	-27	-64
J. Clarification of Cash Accounting Rules for Small Businesses	tyba DOE	-61	-212	-224	-269	-238	-223	-127	-79	-58	-44	-1,024	-1,555
K. Authorize Payment of Interest on Business Checking Accounts	DOE & 2ya DOE	Negligible Effect											
Total of Small Business Tax Relief Provisions		-2,979	-3,966	-3,824	-3,780	-3,587	-3,497	-3,435	-3,491	-3,594	-3,731	-18,136	-35,880
Health Insurance and Long-Term Care Provisions													
A. Accelerate 100% Self-Employed Health Insurance Deduction and Extend Eligibility to Those Who Choose Not to Participate in Employer-Subsidized Health Plans	tyba 12/31/00	-274	-1,053	-697	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-2,024	-2,024

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Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
B. Provide an Above-the-Line Deduction for Health Insurance Expenses for Which the Taxpayer Pays At Least 50%, Phased in as Follows: 25% in 2001 through 2003, 35% in 2004, 65% in 2005, and 100% thereafter	tyba 12/31/00	-456	-1,555	-1,667	-2,000	-3,410	-6,418	-9,209	-9,743	-10,303	-10,920	-9,088	-55,682
C. Provide an Above-the-Line Deduction for Long-Term Care Insurance Expenses for Which the Taxpayer Pays At Least 50%, Phased in as Follows: 25% in 2001 through 2003, 35% in 2004, 65% in 2005, and 100% thereafter	tyba 12/31/00	-41	-280	-333	-394	-641	-1,250	-1,934	-2,055	-2,174	-2,295	-1,688	-11,396
D. Two-Year Extension of Medical Savings Accounts	DOE	[2]	-3	-4	-4	-4	-4	-4	-3	-3	-3	-16	-33
E. Additional Consumer Protections for Long-Term Care Insurance	pimt 1ya DOE	Negligible Revenue Effect											
F. Provide an Additional Personal Deduction to Caretakers of Family Members - $3,000 in 2001 increasing by $1,000 per year to a maximum of $10,000 in 2008	tyba 12/31/00	-447	-899	-1,208	-1,492	-1,813	-2,127	-2,456	-2,769	-2,909	-3,033	-5,859	-19,152
Total of Health Insurance and Long-Term Care Provisions		-1,218	-3,790	-3,909	-3,890	-5,868	-9,799	-13,603	-14,570	-15,389	-16,251	-18,675	-88,287
Pensions and Individual Retirement Arrangement Provisions													
A. Individual Retirement Arrangement Provisions													
1. Modification of IRA Contribution Limits - increase the maximum contribution limit for traditional and Roth IRAs to: $3,000 in 2001, $4,000 in 2002, $5,000 in 2003, and index for inflation thereafter	tyba 12/31/00	-395	-1,194	-2,013	-2,726	-3,404	-3,983	-4,389	-4,815	-5,289	-5,827	-9,733	-34,037
2. IRA Catch-Up Contributions - increase maximum contribution limits for traditional and Roth IRAs for individuals age 50 and above; the catch-up amount is $500 in 2001, $1,000 in 2002, and $1,500 in 2003, with indexing thereafter in $500 increments	tyba 12/31/00	-71	-154	-163	-155	-147	-151	-172	-183	-189	-209	-690	-1,595
3. Increase AGI limits for deductible IRA contributions, including for married filing separately	tyba 12/31/00	-103	-357	-475	-411	-276	-160	-124	-103	-106	-109	-1,621	-2,222
4. Increase income limits for contributions to Roth IRAs for joint filers to twice the limits for single filers	tyba 12/31/00	-9	-54	-128	-216	-316	-425	-540	-657	-779	-910	-723	-4,033
5. Increase the income limit for conversions of an IRA to a Roth IRA to $200,000 for joint filers	tyba 12/31/00	400	1,046	719	166	-724	-1,317	-1,060	-614	-142	-150	1,607	-1,676
6. Deemed IRAs under employer plans	tyba 12/31/01	Negligible Revenue Effect											
7. Allow tax-free withdrawals from IRAs for charitable purposes; the exclusion is available only with respect to distributions made to an organization to which deductible contributions can be made	tyba 12/31/00	-133	-267	-270	-273	-276	-279	-282	-285	-288	-291	-1,217	-2,641
Total of Individual Retirement Arrangement Provisions		-311	-980	-2,330	-3,615	-5,143	-6,315	-6,567	-6,657	-6,793	-7,496	-12,377	-46,204

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
B. Provisions for Expanding Coverage													
1. Increase contribution and benefit limits:													
a. Increase limitation on exclusion for elective deferrals to: $11,000 in 2001, $12,000 in 2002, $13,000 in 2003, $14,000 in 2004, and $15,000 in 2005; index thereafter [3] [4]	yba 12/31/00	-130	-310	-452	-557	-640	-698	-747	-796	-846	-895	-2,089	-6,070
b. Increase limitation on SIMPLE elective contributions to: $7,000 in 2001, $8,000 in 2002, $9,000 in 2003, and $10,000 in 2004; index thereafter [3] [4]	yba 12/31/00	-4	-14	-21	-26	-28	-28	-29	-31	-32	-34	-93	-246
c. Increase defined benefit dollar limit to $160,000	yba 12/31/00	-18	-31	-40	-45	-48	-50	-53	-55	-57	-59	-182	-454
d. Lower early retirement age to 62; lower normal retirement age to 65	yba 12/31/00	-3	-4	-4	-4	-5	-5	-5	-5	-5	-5	-21	-45
e. Increase limitation for defined contribution plans to $40,000 with indexing in $1,000 increments [3]	yba 12/31/00	-6	-12	-14	-15	-16	-17	-19	-20	-21	-23	-63	-163
f. Increase qualified plan compensation limit to $200,000 [3]	yba 12/31/00	-43	-74	-84	-91	-99	-107	-115	-122	-131	-139	-391	-1,004
g. Increase limits on deferrals under deferred compensation plans of State and local governments and tax-exempt organizations to: $11,000 in 2001, $12,000 in 2002, $13,000 in 2003, $14,000 in 2004, and $15,000 in 2005; index thereafter [3] [4]	yba 12/31/00	-52	-91	-104	-114	-125	-134	-142	-151	-159	-167	-486	-1,238
2. Plan loans for S corporation owners, partners, and sole proprietors	yba 12/31/00	-18	-30	-33	-35	-37	-39	-42	-44	-47	-49	-153	-374
3. Modification of top-heavy rules; compensation limit for officers is $115,000 (indexed)	yba 12/31/00	-3	-7	-9	-10	-11	-12	-14	-15	-17	-18	-40	-116
4. Elective deferrals not taken into account for purposes of deduction limits	yba 12/31/00	-40	-75	-87	-94	-101	-108	-115	-122	-129	-135	-396	-1,004
5. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations	yba 12/31/00	-16	-22	-22	-22	-22	-23	-24	-25	-26	-27	-104	-228
6. Elimination of user fee for certain requests regarding small employer pension plans; waiver applies only for request made during first 5 plan years or the remedial amendment period beginning within the first 5 plan years [5]	rma 12/31/00	-7	-8	-9	---	---	---	---	---	---	---	-24	-24
7. Definition of compensation for purposes of deduction limits [3]	yba 12/31/00	-1	-2	-3	-3	-3	-3	-3	-3	-3	-3	-12	-28
8. Option to treat elective deferrals as after-tax contributions	tyba 12/31/00	50	100	131	144	89	-2	-104	-218	-345	-485	514	-640
9. Increase stock bonus and profit sharing plan deduction limit from 15% to 25%	tyba 12/31/00	-6	-12	-14	-15	-16	-18	-19	-20	-22	-23	-63	-165
Total of Provisions for Expanding Coverage		-297	-592	-765	-887	-1,062	-1,244	-1,431	-1,627	-1,840	-2,062	-3,603	-11,799

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Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
C. Provisions for Enhancing Fairness for Women													
1. Additional catch-up contributions for individuals age 50 and above - increase the otherwise applicable contribution limit phased in by $1,000 a year until it is $5,000 in 2005, with indexing thereafter in $500 increments; nondiscrimination rules apply	tyba 12/31/00	-13	-32	-45	-53	-57	-59	-61	-63	-67	-70	-200	-521
2. Equitable treatment for contributions of employees to defined contribution plans [3]	yba 12/31/00	-51	-78	-84	-91	-97	-104	-111	-118	-124	-131	-401	-989
3. Faster vesting of certain employer matching contributions	ci pyba 12/31/00	Negligible Revenue Effect											
4. Simplify and update the minimum distribution rules - modify post-death distribution rules, reduce the excise tax on failures to make minimum distributions to 10%, and direct the Treasury to simplify and finalize regulations relating to the minimum distribution rules	yba 12/31/00	-118	-212	-239	-268	-297	-330	-366	-402	-441	-484	-1,135	-3,157
5. Clarification of tax treatment of division of section 457 plan benefits upon divorce	tdapma 12/31/00	Negligible Revenue Effect											
6. Modification of safe harbor relief for hardship withdrawals from 401(k) plans; modify definition of hardship for rollover purposes	yba 12/31/00	Negligible Revenue Effect											
7. Eliminate the excise tax on employers who make nondeductible contributions to all types of plans on behalf of domestic and similar workers	tyba 12/31/00	[2]	[2]	-1	-3	-4	-6	-8	-10	-12	-14	-8	-57
Total of Provisions for Enhancing Fairness for Women		-182	-322	-369	-415	-455	-499	-546	-593	-644	-699	-1,744	-4,724
D. Provisions for Increasing Portability for Participants													
1. Rollovers allowed among governmental section 457 plans, section 403(b) plans, and qualified plans	dma 12/31/00	26	-5	-5	-5	-5	-5	-5	-6	-6	-6	6	-22
2. Rollovers of IRAs to workplace retirement plans	dma 12/31/00	Negligible Revenue Effect											
3. Rollovers of after-tax retirement plan contributions	dma 12/31/01	Negligible Revenue Effect											
4. Waiver of 60-day rule	dma 12/31/00	Negligible Revenue Effect											
5. Treatment of forms of qualified plan distributions	yba 12/31/00	Negligible Revenue Effect											
6. Rationalization of restrictions on distributions	da 12/31/00	Negligible Revenue Effect											
7. Purchase of service credit in governmental defined benefit plans	ta 12/31/00	Negligible Revenue Effect											
8. Employers may disregard rollovers for cash-out amounts	da 12/31/00	Negligible Revenue Effect											
9. Minimum distribution and inclusion requirements for section 457 plans	da 12/31/00	Considered in Other Provisions											
Total of Provisions for Increasing Portability for Participants		26	-5	-5	-5	-5	-5	-5	-6	-6	-6	6	-22
E. Provisions for Strengthening Pension Security and Enforcement													
1. Phase in repeal of 155% of current liability funding limit; extend maximum deduction rule	pyba 12/31/00	---	-14	-20	-36	-36	-38	-38	-39	-41	-42	-106	-304
2. Excise tax relief for sound pension funding	yba 12/31/00	-2	-3	-3	-3	-3	-3	-3	-3	-3	-3	-14	-29
3. Notice of significant reduction in plan benefit accruals; notice is required with respect to the elimination or reduction of early retirement benefit or retirement-type subsidy	pateo/a DOE	Negligible Revenue Effect											

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
4. Repeal 100% of compensation limit for multiemployer plans	yba 12/31/00	-2	-4	-4	-4	-4	-4	-5	-5	-5	-5	-19	-42
5. Modification of section 415 aggregation rules for multiemployer plans	yba 12/31/00	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-4	-8
6. Prohibited allocations of stock in an ESOP of an S corporation	[6]	1	4	5	6	8	8	9	10	10	10	24	72
7. Investment of employee contributions in 401(k) plans	aiii TRA'97	Negligible Revenue Effect											
8. Periodic pension benefit statements	pyba 12/31/00	No Revenue Effect											
Total of Provisions for Strengthening Pension Security and Enforcement		-4	-18	-23	-38	-36	-38	-38	-38	-40	-41	-119	-311
F. Provisions for Reducing Regulatory Burdens													
1. Modification of timing of plan valuations	pyba 12/31/00	Negligible Revenue Effect											
2. ESOP dividends may be reinvested without loss of dividend deduction; modify present-law antiabuse rule to permit the Secretary to disallow the deduction in the case of any dividend that constitutes the avoidance or evasion of taxation	tyba 12/31/00	-19	-44	-56	-61	-63	-66	-69	-71	-74	-77	-243	-600
3. Repeal transition rule relating to certain highly compensated employees	pyba 12/31/00	-2	-3	-3	-3	-3	-3	-4	-4	-4	-4	-13	-32
4. Employees of tax-exempt entities	DOE	Negligible Revenue Effect											
5. Treatment of employer-provided retirement advice	tyba 12/31/00	Negligible Revenue Effect											
6. Pension plan reporting simplification [7]	1/1/01	Negligible Revenue Effect											
7. Improvement to Employee Plans Compliance Resolution System [7]	DOE	Negligible Revenue Effect											
8. Repeal of the multiple use test	yba 12/31/00	Considered in Other Provisions											
9. Flexibility in nondiscrimination, coverage, and line of business rules [7]	DOE	Negligible Revenue Effect											
10. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local government plans	yba 12/31/00	Negligible Revenue Effect											
11. Notice and consent period regarding distributions; and notice regarding optional forms of benefit	yba 12/31/00	No Revenue Effect											
12. Annual report dissemination	yba 12/31/99	No Revenue Effect											
13. Amendments to the SAVER Act	DOE	No Revenue Effect											
14. Require Secretary of Treasury to study and report on the effect of the bill on pension coverage	DOE	No Revenue Effect											
Total of Provisions for Reducing Regulatory Burdens		-21	-47	-59	-64	-66	-69	-73	-75	-78	-81	-256	-632
G. ERISA Provisions													
1. Extension of PBGC missing plan participants program [5]	[8]	—	[9]	[9]	[9]	[9]	[9]	[9]	[9]	[9]	[9]	[2]	-1
2. Reduce PBGC premium for new plans of small employers [5]	pea 12/31/00	—	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-2	-4
3. Phase-in additional PBGC premium for new plans; include additional variable premium relief for small employers [5]	ya 12/31/00	—	-3	-3	-3	-3	-3	-3	-4	-4	-4	-13	-30
4. Authorization for PBGC to pay interest on premium overpayment refunds [5]	iafpbo/a DOE	—	-3	-3	-3	-3	-3	-3	-3	-3	-3	-12	-27

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
5. Rules for substantial owner benefits in terminated plans [5]	noitta 12/31/00	---	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-2	-5
6. Increase in multiemployer plan benefits guarantee [5]	bpa DOE	---	---	---	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-1	-2
7. Civil penalties for breach of fiduciary duty [10]	[11]	No Revenue Effect											
8. Benefit suspension notice	pyba 12/31/00	No Revenue Effect											
Total of ERISA Provisions		---	-7	-7	-7	-7	-7	-7	-8	-8	-8	-30	-68
H. Provisions Relating to Plan Amendments	DOE	No Revenue Effect											
Total of Pensions and Individual Retirement Arrangement Provisions		**-789**	**-1,971**	**-3,558**	**-5,031**	**-6,774**	**-8,177**	**-8,667**	**-9,004**	**-9,409**	**-10,393**	**-18,123**	**-63,760**
School Construction Provisions													
A. Small Governmental Unit Arbitrage Rebate Exception - increase arbitrage rebate exception for governmental bonds used to finance qualified school construction from $10 million to $15 million	bia 12/31/00	[2]	-3	-5	-6	-11	-14	-15	-16	-17	-18	-24	-104
B. Liberalize Construction Bond Expenditure Rule for Public School Bonds - provide new 4-year expenditure schedule for bonds for public school construction under the arbitrage rebate rules	bia 12/31/00	-16	-139	-262	-296	-312	-328	-331	-326	-320	-312	-1,027	-2,644
C. Modify Special Provision for a Permanent University Fund	1/1/01	[2]	-1	-1	-1	-1	[12]	[2]	-1	-1	[2]	-3	-4
D. Issuance of Private Activity Bonds for Public School Facilities - issuance of tax-exempt private activity bonds for qualified education facilities with annual volume cap the greater of $10 per resident or $5 million	bia 12/31/00	-6	-19	-37	-57	-83	-113	-146	-178	-210	-241	-202	-1,090
E. Tax-Credit Bonds													
1. Extend authority to issue QZABs for an additional 2 years (through 2003) at present-law $400 million per year authorized issuance levels; with certain modifications	bia 12/31/01	---	[2]	-2	-8	-17	-24	-25	-25	-25	-25	-28	-154
2. School Construction QZABs - authorize issuance of a new sub-category of QZABs for construction, renovation, and repair of public schools of $5 billion annually for 2001, 2002, and 2003; private investment not required; modified targeting criteria and administrative rules; unused bond authority from any year to carry forward for up to 2 years, used on a FIFO basis; additional $200 million for construction of tribal schools on Indian reservations	bia 12/31/00	-14	-68	-181	-335	-470	-542	-558	-558	-558	-558	-1,068	-3,843
Total School Construction Provisions		**-36**	**-230**	**-488**	**-703**	**-894**	**-1,021**	**-1,075**	**-1,104**	**-1,131**	**-1,154**	**-2,352**	**-7,839**

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
Community Revitalization Provisions													
A. Tax Incentives for Renewal Communities and Empowerment Zones													
1. Designate 40 renewal communities, 12 of which are in rural areas, to receive the following tax benefits: a wage credit of 15% on first $10,000 of qualified wages; an additional $35,000 of section 179 expensing; deduction for qualified revitalization expenditures, capped at $12 million per community; and 0% capital gains tax rate on qualifying assets held more than 5 years	DOE [13]	---	-360	-583	-557	-571	-614	-691	-899	-942	-371	-2,070	-5,588
2. Designate 9 new empowerment zones, extend present-law empowerment zone designations through 12/31/09, expand the 20% wage credit to all empowerment zones, increase the additional section 179 expensing to $35,000 for all empowerment zones including D.C. in 2002, and extend the more favorable round II tax exempt financing rules to all existing and new empowerment zones excluding D.C.	DOE [14]	---	-243	-470	-470	-537	-592	-599	-615	-783	-239	-1,721	-4,548
3. Capital gain rollover of empowerment zone assets and increased exclusion of gain on sale of certain empowerment zone investments	ima DOE	[2]	-3	-15	-32	-52	-71	-93	-118	-152	-202	-102	-738
B. New Markets Tax Credit - provide new markets tax credit with allocation authority of $1.0 billion in 2001, $1.5 billion in 2002 and 2003, $2.0 billion in 2004 and 2005, and $3.5 billion in 2006 and 2007	ima 12/31/00	-2	-18	-115	-246	-365	-531	-725	-813	-828	-747	-747	-4,391
C. Increase the Low-Income Housing Tax Credit and Make Other Modifications - increase per capita credit to $1.50 in 2001, $1.75 in 2002, and indexed for inflation thereafter; $2 million small State minimum in 2001 and 2002 and index for inflation thereafter; modify stacking rules and credit allocation rules; certain Native American housing assistance disregarded in determining whether building is Federally subsidized for purposes of the low-income housing credit	generally cyba 12/31/00	-9	-52	-148	-282	-433	-598	-779	-976	-1188	-1416	-924	-5,880
D. Other Provisions													
1. Private Activity Bond State Volume Limits - increase annual State volume cap to the greater of: $62.50 per resident or $187.5 million in 2001, and $75 per resident or $225 million in 2002; index for inflation thereafter	cyba 12/31/00	-16	-95	-195	-284	-361	-425	-473	-513	-557	-600	-951	-3,519
2. Expensing of Environmental Remediation Expenditures and Expansion of Qualifying Sites - for expenditures incurred before 2004 ("Brownfields")	DOE & epoia DOE	-13	-97	-225	-165	-39	-1	5	17	17	12	-538	-489
3. Extend the D.C. Homebuyer Credit Through 12/31/03	DOE	[12]	-7	-25	-14	[2]	[2]	[2]	[2]	[2]	[2]	-46	-46
Total of Community Revitalization Provisions		-40	-875	-1,776	-2,050	-2,358	-2,832	-3,355	-3,917	-4,433	-3,563	-7,099	-25,199

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
Administrative, Miscellaneous, and Technical Provisions													
A. Administrative Provisions													
1. Exempt Certain Reports From Elimination Under the Federal Reports Elimination And Sunset Act of 1995	DOE	No Revenue Effect											
2. Extension of Deadlines for IRS Compliance with Certain Notice Requirements	DOE	No Revenue Effect											
3. 5-Year Extension of Authority for IRS Undercover Operations	1/1/01	[15]	[15]	[15]	[15]	[15]	[15]	[15]	[15]	[15]	[15]	[16]	[17]
4. Confidentiality of Certain Documents Relating to Closing and Similar Agreements and to Agreements with Foreign Governments	DOE	Negligible Revenue Effect											
5. Increase in Joint Committee on Taxation Refund Review Threshold	DOE	Negligible Revenue Effect											
6. Clarify Dependency Deduction for Kidnapped Children	tyea DOE	Negligible Revenue Effect											
7. Conforming Changes to Accommodate Reduced Issuances of Certain Treasury Securities	DOE	Negligible Revenue Effect											
8. Authorization to Use Corrected Consumer Price Index:													
a. Tax revenues [18]	DOE	-20	-20	---	---	---	---	---	---	---	---	-40	-40
b. Outlays [5] [19] [20]	DOE	-970	-570	-560	-550	-550	-540	-520	-520	-510	-500	-3,200	-5,790
9. Prevent Duplication or Acceleration of Loss Through Assumption of Certain Liabilities	aolo/a 10/19/99	13	15	17	19	21	23	25	27	29	31	85	220
B. Miscellaneous Provisions													
1. Repeal the 4.3-Cents-Per-Gallon Tax on Railroad Diesel Fuel and Inland Waterway Fuel Currently Paid Into the General Fund	1/1/01	-102	-147	-151	-155	-159	-164	-168	-173	-178	-183	-715	-1,580
2. Repeal of Reduction of Deductions for Mutual Life Insurance Companies and of Policyholder Surplus Accounts of Life Insurance Companies	tyba 12/31/00	-88	-93	-80	-63	-51	-64	-56	-47	-49	-55	-375	-645
3. Tax Credit Bonds for the National Railroad Passenger Corporation ("Amtrak") - $1 billion tax credit bonds per year	bia 9/30/00	-13	-82	-156	-221	-290	-360	-429	-499	-569	-639	-762	-3,259
4. Farm, Fishing, and Ranch Risk Management ("FFARRM") Accounts	tyba 12/31/00	-3	-73	-136	-179	-146	-113	-66	-30	-6	-6	-539	-760
5. Extend present-law section 170(e)(6) relating to corporate contributions of computer equipment through 12/31/03; expand list of eligible donees to include public libraries; expand to include 3-year property	cma 12/31/00	-60	-112	-120	-60	-3	---	---	---	---	---	-355	-355
6. Exemption for Settlement of Discrimination Claims Brought by Certain Farmers Against the Department of Agriculture	aoty	-325	-13	---	---	---	---	---	---	---	---	-338	-338

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
7. Adoption Credit - extend through 12/31/05 for non-special needs adoptions, with an increase in the qualified expenses level to $10,000 for non-special needs adoptions and $12,000 for special needs adoption, phased in by $1,000 a year and $2,000 a year, respectively; phaseout starting point increased to $150,000 of AGI, fully phased out at $190,000 of AGI	tyba 12/31/00	-21	-156	-386	-480	-567	-469	-113	-96	-79	-58	-1,610	-2,426
8. Study on Bermuda Insurance Companies	DOE						No Revenue Effect						
9. Treatment of Indian tribes as Non-Profit Organizations and State or Local Governments for Purposes of the Federal Unemployment Tax [5]	[21]	-20	-10	-9	25	2	2	[2]	2	1	[12]	-14	-9
C. Technical Correction Provisions	---						No Revenue Effect						
Total of Administrative, Miscellaneous, and Technical Provisions		-1,609	-1,261	-1,581	-1,664	-1,743	-1,685	-1,327	-1,336	-1,361	-1,410	-7,861	-14,977
NET TOTAL		-6,824	-12,407	-15,483	-17,501	-21,646	-27,476	-31,975	-33,987	-35,939	-37,188	-73,868	-240,421
Repeal the Federal Communications Excise Tax (included in the Treasury Appropriations bill)	10/1/00	-4,328	-4,562	-4,799	-5,043	-5,303	-5,578	-5,868	-6,174	-6,502	-6,852	-24,035	-55,009

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

aiii TRA'97 = as if included in the Taxpayer Relief Act of 1997
aolo/a = assumption of liabilities on or after
aoty = all open taxable years
bia = bonds issued after
bpa = benefits payable after
ci = contributions in
cma = contributions made after
cyba = calendar years beginning after
da = distributions after
dma = distributions made after
DOE = date of enactment
dola = discharges of indebtedness after
epoia = expenditures paid or incurred after
ima = investments made after
iafpbo/a = interest accruing for periods beginning on or after
iso/a = installment sales on or after
noitta = notice of intent to terminate after
pateo/a = plan amendments taking effect on or after
pea = plans established after
pimt = policies issued more than
pyba = plan years beginning after
rma = requests made after
sa = sales after
ta = transfers after
Ta = transactions after
tdapma = transfers, distributions, and payments made after
tyba = taxable years beginning after
tyea = taxable years ending after
wpoifibwa = wages paid or incurred for individuals beginning work after
ya = years after
yba = years beginning after
1ya = 1 year after
2ya = 2 years after

[1] Estimate includes interaction with certain Tax Incentives for Renewal Communities and Empowerment Zones provisions.
[2] Loss of less than $500,000.
[3] Estimate includes interaction with other provisions in Provisions for Expanding Coverage.
[4] Estimate includes interaction with the Individual Retirement Arrangement provisions.
[5] Estimate provided by the Congressional Budget Office.
[6] Generally effective with respect to years beginning after December 31, 2001. In the case of an ESOP established after July 11, 2000, or an ESOP established on or before such date if the employer maintaining the plan was not an S corporation on such date, the proposal would be effective with respect to plan years ending after July 11, 2000.

[Footnotes for the Table are continued on the following page]

Footnotes for the Table continued:

[7] Directs the Secretary of the Treasury to modify rules through regulations.
[8] Effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing provision.
[9] Loss of less than $100,000.
[10] Department of Labor penalties.
[11] In general, the proposal would apply to any breach of fiduciary responsibility or other violation of part 4 of Subtitle B. of the Title I. and ERISA occurring on or after the date of enactment.
[12] Gain of less than $500,000.
[13] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment.
The tax benefits for the designated communities generally are effective beginning on 1/1/02, and terminating on 12/31/09.
[14] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.
[15] Gain of less than $1 million.
[16] Gain of less than $5 million.
[17] Gain of less than $10 million.
[18] Estimate for fiscal year 2002 includes an increase in EIC outlays of $17 million.
[19] Negative numbers indicate a increase in Federal outlays.
[20] Estimate includes a loss of $4,100 million over the Federal fiscal year period 2001 - 2010 to the Social Security trust fund.
[21] The proposal generally would be effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe would not be treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5543, as introduced on October 25, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO OTHER ACTS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO OTHER ACTS.—In this Act:

(1) BALANCED BUDGET ACT OF 1997.—The term "BBA" means the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999.—The term "BBRA" means the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to other Acts; table of contents.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

Sec. 101. Coverage of biennial screening pap smear and pelvic exams.
Sec. 102. Coverage of screening for glaucoma.
Sec. 103. Coverage of screening colonoscopy for average risk individuals.
Sec. 104. Modernization of screening mammography benefit.
Sec. 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease.

Subtitle B—Other Beneficiary Improvements

Sec. 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.
Sec. 112. Preservation of coverage of drugs and biologicals under part B of the medicare program.
Sec. 113. Elimination of time limitation on medicare benefits for immunosuppressive drugs.
Sec. 114. Imposition of billing limits on prescription drugs.

Subtitle C—Demonstration Projects and Studies

Sec. 121. Demonstration project for disease management for severely chronically ill medicare beneficiaries.
Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.
Sec. 123. Study on medicare coverage of routine thyroid screening.
Sec. 124. MedPAC study on consumer coalitions.
Sec. 125. Study on limitation on State payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries.
Sec. 126. Institute of Medicine study on waiver of 24-month waiting period for medicare disability eligibility for amyotrophic lateral sclerosis (ALS) and other devastating diseases.
Sec. 127. Studies on preventive interventions in primary care for older Americans.
Sec. 128. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

Sec. 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals.
Sec. 202. Assistance with fee schedule payment for professional services under all-inclusive rate.
Sec. 203. Exemption of critical access hospital swing beds from SNF PPS.
Sec. 204. Payment in critical access hospitals for emergency room on-call physicians.
Sec. 205. Treatment of ambulance services furnished by certain critical access hospitals.
Sec. 206. GAO study on certain eligibility requirements for critical access hospitals.

Subtitle B—Other Rural Hospitals Provisions

Sec. 211. Equitable treatment for rural disproportionate share hospitals.
Sec. 212. Option to base eligibility for medicare dependent, small rural hospital program on discharges during 2 of the 3 most recently audited cost reporting periods.
Sec. 213. Extension of option to use rebased target amounts to all sole community hospitals.
Sec. 214. MedPAC analysis of impact of volume on per unit cost of rural hospitals with psychiatric units.

Subtitle C—Other Rural Provisions

Sec. 221. Assistance for providers of ambulance services in rural areas.
Sec. 222. Payment for certain physician assistant services.
Sec. 223. Revision of medicare reimbursement for telehealth services.
Sec. 224. Expanding access to rural health clinics.
Sec. 225. MedPAC study on low-volume, isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

Sec. 301. Revision of acute care hospital payment update for 2001.
Sec. 302. Additional modification in transition for indirect medical education (IME) percentage adjustment.
Sec. 303. Decrease in reductions for disproportionate share hospital (DSH) payments.
Sec. 304. Wage index improvements.
Sec. 305. Payment for inpatient services of rehabilitation hospitals.
Sec. 306. Payment for inpatient services of psychiatric hospitals.
Sec. 307. Payment for inpatient services of long-term care hospitals.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

Sec. 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001.
Sec. 312. Increase in nursing component of PPS Federal rate.
Sec. 313. Application of SNF consolidated billing requirement limited to part A covered stays.
Sec. 314. Adjustment of rehabilitation RUGs to correct anomaly in payment rates.
Sec. 315. Establishment of process for geographic reclassification.

Subtitle C—Hospice Care

Sec. 321. Full market basket increase for 2001.
Sec. 322. Clarification of physician certification.
Sec. 323. MedPAC report on access to, and use of, hospice benefit.

Subtitle D—Other Provisions

Sec. 331. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.
Sec. 332. Posting of information on nursing facility staffing.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

Sec. 401. Revision of hospital outpatient PPS payment update.
Sec. 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS.
Sec. 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.
Sec. 404. Application of rules for determining provider-based status for certain entities.
Sec. 405. Treatment of children's hospitals under prospective payment system.
Sec. 406. Inclusion of temperature monitored cryoablation in transitional pass-through for certain medical devices, drugs, and biologicals under OPD PPS.

Subtitle B—Provisions Relating to Physicians' Services

Sec. 411. GAO studies relating to physicians' services.
Sec. 412. Physician group practice demonstration.
Sec. 413. Study on enrollment procedures for groups that retain independent contractor physicians.

Subtitle C—Other Services

Sec. 421. 1-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants.
Sec. 422. Update in renal dialysis composite rate.
Sec. 423. Payment for ambulance services.
Sec. 424. Ambulatory surgical centers.
Sec. 425. Full update for durable medical equipment.
Sec. 426. Full update for orthotics and prosthetics.
Sec. 427. Establishment of special payment provisions and requirements for prosthetics and certain custom fabricated orthotic items.
Sec. 428. Replacement of prosthetic devices and parts.
Sec. 429. Revised part B payment for drugs and biologicals and related services.
Sec. 430. Contrast enhanced diagnostic procedures under hospital prospective payment system.
Sec. 431. Qualifications for community mental health centers.
Sec. 432. Modification of medicare billing requirements for certain Indian providers.
Sec. 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.
Sec. 434. MedPAC study and report on medicare reimbursement for services provided by certain providers.
Sec. 435. MedPAC study and report on medicare coverage of services provided by certain nonphysician providers.

Sec. 436. GAO study and report on the costs of emergency and medical transportation services.
Sec. 437. GAO studies and reports on medicare payments.
Sec. 438. MedPAC study on access to outpatient pain management services.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

Sec. 501. 1-year additional delay in application of 15 percent reduction on payment limits for home health services.
Sec. 502. Restoration of full home health market basket update for home health services for fiscal year 2001.
Sec. 503. Temporary two-month extension of periodic interim payments.
Sec. 504. Use of telehealth in delivery of home health services.
Sec. 505. Study on costs to home health agencies of purchasing nonroutine medical supplies.
Sec. 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas.
Sec. 507. Clarification of the homebound definition under the medicare home health benefit.

Subtitle B—Direct Graduate Medical Education

Sec. 511. Increase in floor for direct graduate medical education payments.
Sec. 512. Change in distribution formula for Medicare+Choice-related nursing and allied health education costs.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 521. Revisions to medicare appeals process.
Sec. 522. Revisions to medicare coverage process.

Subtitle D—Improving Access to New Technologies

Sec. 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.
Sec. 532. Retention of HCPCS level III codes.
Sec. 533. Recognition of new medical technologies under inpatient hospital PPS.

Subtitle E—Other Provisions

Sec. 541. Increase in reimbursement for bad debt.
Sec. 542. Treatment of certain physician pathology services under medicare.
Sec. 543. Extension of advisory opinion authority.
Sec. 544. Change in annual MedPAC reporting.
Sec. 545. Development of patient assessment instruments.
Sec. 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments.

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Sec. 601. Increase in minimum payment amount.
Sec. 602. Increase in minimum percentage increase.
Sec. 603. 10-year phase-in of risk adjustment.
Sec. 604. Transition to revised Medicare+Choice payment rates.
Sec. 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans.
Sec. 606. Permitting premium reductions as additional benefits under Medicare+Choice plans.
Sec. 607. Full implementation of risk adjustment for congestive heart failure enrollees for 2001.
Sec. 608. Expansion of application of Medicare+Choice new entry bonus.
Sec. 609. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 611. Payment of additional amounts for new benefits covered during a contract term.
Sec. 612. Restriction on implementation of significant new regulatory requirements mid-year.
Sec. 613. Timely approval of marketing material that follows model marketing language.
Sec. 614. Avoiding duplicative regulation.
Sec. 615. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities.
Sec. 616. Eliminating health disparities in Medicare+Choice program.
Sec. 617. Medicare+Choice program compatibility with employer or union group health plans.
Sec. 618. Special medigap enrollment antidiscrimination provision for certain beneficiaries.
Sec. 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans.
Sec. 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated.
Sec. 621. Providing choice for skilled nursing facility services under the Medicare+Choice program.
Sec. 622. Providing for accountability of Medicare+Choice plans.

Subtitle C—Other Managed Care Reforms

Sec. 631. 1-year extension of social health maintenance organization (SHMO) demonstration project.
Sec. 632. Revised terms and conditions for extension of medicare community nursing organization (CNO) demonstration project.
Sec. 633. Extension of medicare municipal health services demonstration projects.
Sec. 634. Service area expansion for medicare cost contracts during transition period.

TITLE VII—MEDICAID

Sec. 701. DSH payments.
Sec. 702. New prospective payment system for Federally-qualified health centers and rural health clinics.
Sec. 703. Streamlined approval of continued State-wide section 1115 medicaid waivers.
Sec. 704. Medicaid county-organized health systems.
Sec. 705. Deadline for issuance of final regulation relating to medicaid upper payment limits.
Sec. 706. Alaska FMAP.

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. 801. Special rule for redistribution and availability of unused fiscal year 1998 and 1999 SCHIP allotments.
Sec. 802. Authority to pay medicaid expansion SCHIP costs from title XXI appropriation.

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

Sec. 901. Extension of transition for current waivers.
Sec. 902. Continuing of certain operating arrangements permitted.
Sec. 903. Flexibility in exercising waiver authority.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

Sec. 911. Outreach on availability of medicare cost-sharing assistance to eligible low-income medicare beneficiaries.

Subtitle C—Maternal and Child Health Block Grant

Sec. 921. Increase in authorization of appropriations for the maternal and child health services block grant.

Subtitle D—Diabetes

Sec. 931. Increase in appropriations for special diabetes programs for type I diabetes and Indians.
Sec. 932. Appropriations for Ricky Ray Hemophilia Relief Fund.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

SEC. 101. COVERAGE OF BIENNIAL SCREENING PAP SMEAR AND PELVIC EXAMS.

(a) IN GENERAL.—

(1) BIENNIAL SCREENING PAP SMEAR.—Section 1861(nn)(1) (42 U.S.C. 1395x(nn)(1)) is amended by striking "3 years" and inserting "2 years".

(2) BIENNIAL SCREENING PELVIC EXAM.—Section 1861(nn)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking "3 years" and inserting "2 years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to items and services furnished on or after July 1, 2001.

SEC. 102. COVERAGE OF SCREENING FOR GLAUCOMA.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by inserting "and" at the end of subparagraph (T); and

(3) by adding at the end the following:

"(U) screening for glaucoma (as defined in subsection (uu)) for individuals determined to be at high risk for glaucoma, individuals with a family history of glaucoma and individuals with diabetes;".

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Screening for Glaucoma

"(uu) The term 'screening for glaucoma' means a dilated eye examination with an intraocular pressure measurement, and a direct ophthalmoscopy or a slit-lamp biomicroscopic examination for the early detection of glaucoma which is furnished by or under the direct supervision of an optometrist or ophthalmologist who is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, if the individual involved has not had such an examination in the preceding year.".

(c) CONFORMING AMENDMENT.—Section 1862(a)(1)(F) (42 U.S.C. 1395y(a)(1)(F)) is amended—

(1) by striking "and,"; and

(2) by adding at the end the following: "and, in the case of screening for glaucoma, which is performed more frequently than is provided under section 1861(uu),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.

SEC. 103. COVERAGE OF SCREENING COLONOSCOPY FOR AVERAGE RISK INDIVIDUALS.

(a) IN GENERAL.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)(C), by striking "In the case of an individual at high risk for colorectal cancer, screening colonoscopy" and inserting "Screening colonoscopy"; and

(2) in paragraph (2), by striking "In paragraph (1)(C), an" and inserting "An".

(b) FREQUENCY LIMITS FOR SCREENING COLONOSCOPY.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended—

(1) in paragraph (2)(E)(ii), by inserting before the period at the end the following: "or, in the case of an individual who is not at high risk for colorectal cancer, if the procedure is performed within the 119 months after a previous screening colonoscopy";

(2) in paragraph (3)—

(A) in the heading by striking "FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER";

(B) in subparagraph (A), by striking "for individuals at high risk for colorectal cancer (as defined in section 1861(pp)(2))";

(C) in subparagraph (E), by inserting before the period at the end the following: "or for other individuals if the procedure is performed within the 119 months after a previous screening colonoscopy or within 47 months after a previous screening flexible sigmoidoscopy".

(c) EFFECTIVE DATE.—The amendments made by this section apply to colorectal cancer screening services provided on or after July 1, 2001.

SEC. 104. MODERNIZATION OF SCREENING MAMMOGRAPHY BENEFIT.

(a) INCLUSION IN PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(13)," after "(4),".

(b) CONFORMING AMENDMENT.—Section 1834(c) (42 U.S.C. 1395m(c)) is amended to read as follows:

"(c) PAYMENT AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

"(1) IN GENERAL.—With respect to expenses incurred for screening mammography (as defined in section 1861(jj)), payment may be made only—

"(A) for screening mammography conducted consistent with the frequency permitted under paragraph (2); and

"(B) if the screening mammography is conducted by a facility that has a certificate (or provisional certificate) issued under section 354 of the Public Health Service Act.

"(2) FREQUENCY COVERED.—

"(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (B)—

"(i) no payment may be made under this part for screening mammography performed on a woman under 35 years of age;

"(ii) payment may be made under this part for only one screening mammography performed on a woman over 34 years of age, but under 40 years of age; and

"(iii) in the case of a woman over 39 years of age, payment may not be made under this part for screening mammography performed within 11 months following the month in which a previous screening mammography was performed.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply with respect to screening mammographies furnished on or after January 1, 2002.

(d) PAYMENT FOR NEW TECHNOLOGIES.—

(1) TESTS FURNISHED IN 2001.—

(A) SCREENING.—For a screening mammography (as defined in section 1861(jj) of the Social Security Act (42 U.S.C. 1395(jj))) furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology, payment for such screening mammography shall be made as follows:

(i) In the case of a technology which directly takes a digital image (without involving film) and subsequently analyzes such resulting image with software to identify possible problem areas, in an amount equal to 150 percent of the amount of payment under section 1848 of such Act (42 U.S.C. 1395w–4) for a bilateral diagnostic mammography (under HCPCS code 76091) for such year.

(ii) In the case of a technology which allows conversion of a standard film mammogram into a digital image and subsequently analyzes such resulting image with software to identify possible problem areas, in an amount equal to the limit that would otherwise be applied under section 1834(c)(3) of such Act (42 U.S.C. 1395m(c)(3)) for 2001, increased by $15.

(B) BILATERAL DIAGNOSTIC MAMMOGRAPHY.—For a bilateral diagnostic mammography (under HCPCS code 76091) furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology described in subparagraph (A)(i), payment for such mammography shall be the amount of payment provided for under such subparagraph.

The Secretary of Health and Human Services may implement the provisions of this paragraph by program memorandum or otherwise.

(2) CONSIDERATION OF NEW HCPCS CODE FOR NEW TECHNOLOGIES AFTER 2001.—The Secretary shall · determine, for such screening mammographies performed after 2001, whether the assignment of a new HCPCS code is appropriate for screening mammography that uses a new technology. If the Secretary determines that a new code is appropriate for such screening mammography, the Secretary shall provide for such new code for such tests furnished after 2001.

(3) NEW TECHNOLOGY DESCRIBED.—For purposes of this subsection, a new technology with respect to a screening mammography is an advance in technology with respect to the test or equipment that results in the following:

(A) A significant increase or decrease in the resources used in the test or in the manufacture of the equipment.

(B) A significant improvement in the performance of the test or equipment.

(C) A significant advance in medical technology that is expected to significantly improve the treatment of medicare beneficiaries.

(4) HCPCS CODE DEFINED.—The term "HCPCS code" means an alphanumeric code under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 105. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH DIABETES OR A RENAL DISEASE.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 102(a), is amended—

(1) in subparagraph (T), by striking "and" at the end;

(2) in subparagraph (U), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary with diabetes or a renal disease who—

"(i) has not received diabetes outpatient self-management training services within a time period determined by the Secretary; and

"(ii) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;".

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by section 102(b), is amended by adding at the end the following:

"Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

"(vv)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

"(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

"(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

"(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

"(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed; or

"(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

"(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of the enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.".

(c) PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and" before "(S)"; and

(2) by inserting before the semicolon at the end the following: ", and (T) with respect to medical nutrition therapy services (as defined in section 1861(vv)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or 85 percent of the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vi) A registered dietitian or nutrition professional.".

(e) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 2002.

(f) STUDY.—Not later than July 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report that contains recommendations with respect to the expansion to other medicare beneficiary populations of the medical nutrition therapy services benefit (furnished under the amendments made by this section).

Subtitle B—Other Beneficiary Improvements

SEC. 111. ACCELERATION OF REDUCTION OF BENEFICIARY COPAYMENT FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) REDUCING THE UPPER LIMIT ON BENEFICIARY COPAYMENT.—

(1) IN GENERAL.—Section 1833(t)(8)(C) (42 U.S.C. 1395l(t)(8)(C)) is amended to read as follows:

"(C) LIMITATION ON COPAYMENT AMOUNT.—

"(i) TO INPATIENT HOSPITAL DEDUCTIBLE AMOUNT.—In no case shall the copayment amount for a procedure performed in a year exceed the amount of the inpatient hospital deductible established under section 1813(b) for that year.

"(ii) TO SPECIFIED PERCENTAGE.—The Secretary shall reduce the national unadjusted copayment amount for a covered OPD service (or group of such services) furnished in a year in a manner so that the effective copayment rate (determined on a national unadjusted basis) for that service in the year does not exceed the following percentage:

"(I) For procedures performed in 2001, 60 percent.

"(II) For procedures performed in 2002 or 2003, 55 percent.

"(III) For procedures performed in 2004, 50 percent.

"(IV) For procedures performed in 2005, 45 percent.

"(V) For procedures performed in 2006 and thereafter, 40 percent.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies with respect to services furnished on or after January 1, 2001.

(b) CONSTRUCTION REGARDING LIMITING INCREASES IN COST-SHARING.—Nothing in this Act or the Social Security Act shall be construed as preventing a hospital from waiving the amount of any coinsurance for outpatient hospital services under the medicare program under title XVIII of the Social Security Act that may have been increased as a result of the implementation of the prospective payment system under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(c) GAO STUDY OF REDUCTION IN MEDIGAP PREMIUM LEVELS RESULTING FROM REDUCTIONS IN COINSURANCE.—The Comptroller General of the United States shall work, in concert with the National Association of Insurance Commissioners, to evaluate the extent to which the premium levels for medicare supplemental policies reflect the reductions in coinsurance resulting from the amendment made by subsection (a). Not later than April 1, 2004, the Comptroller General shall submit to Congress a report on such evaluation and the extent to which the reductions in beneficiary coinsurance effected by such amendment have resulted in actual savings to medicare beneficiaries.

SEC. 112. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including drugs and biologicals which are not usually self-administered by the patient)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to drugs and biologicals administered on or after the date of the enactment of this Act.

SEC. 113. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) IN GENERAL.—Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended by striking ", but only" and all that follows up to the semicolon at the end.

(b) CONFORMING AMENDMENTS.—

(1) EXTENDED COVERAGE.—Section 1832 (42 U.S.C. 1395k) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) PASS-THROUGH; REPORT.—Section 227 of BBRA is amended by striking subsection (d).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after the date of the enactment of this Act.

SEC. 114. IMPOSITION OF BILLING LIMITS ON PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)) is amended by adding at the end the following new paragraph:

"(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made under this part only on an assignment-related basis.

"(B) The provisions of subsection (b)(18)(B) shall apply to charges for such drugs or biologicals in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2001.

Subtitle C—Demonstration Projects and Studies

SEC. 121. DEMONSTRATION PROJECT FOR DISEASE MANAGEMENT FOR SEVERELY CHRONICALLY ILL MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project under this section (in this section referred to as the "project") to demonstrate the impact on costs and health outcomes of applying disease management to medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. In no case may the number of participants in the project exceed 30,000 at any time.

(b) VOLUNTARY PARTICIPATION.—

(1) ELIGIBILITY.—Medicare beneficiaries are eligible to participate in the project only if—

(A) they meet specific medical criteria demonstrating the appropriate diagnosis and the advanced nature of their disease;

(B) their physicians approve of participation in the project; and

(C) they are not enrolled in a Medicare+Choice plan.

(2) BENEFITS.—A beneficiary who is enrolled in the project shall be eligible—

(A) for disease management services related to their chronic health condition; and

(B) for payment for all costs for prescription drugs without regard to whether or not they relate to the chronic health condition, except that the project may provide for modest cost-sharing with respect to prescription drug coverage.

(c) CONTRACTS WITH DISEASE MANAGEMENT ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the project through contracts with up to three disease management organizations. The Secretary shall not enter into such a contract with an organization unless the organization demonstrates that it can produce improved health outcomes and reduce aggregate medicare expenditures consistent with paragraph (2).

(2) CONTRACT PROVISIONS.—Under such contracts—

(A) such an organization shall be required to provide for prescription drug coverage described in subsection (b)(2)(B);

(B) such an organization shall be paid a fee negotiated and established by the Secretary in a manner so that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under the medicare program as a result of the project; and

(C) such an organization shall guarantee, through an appropriate arrangement with a reinsurance company or otherwise, the net reduction in expenditures described in subparagraph (B).

(3) PAYMENTS.—Payments to such organizations shall be made in appropriate proportion from the Trust Funds established under title XVIII of the Social Security Act.

(d) APPLICATION OF MEDIGAP PROTECTIONS TO DEMONSTRATION PROJECT ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to enrollment (and termination of enrollment) in the demonstration project under this section, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

(2) In applying paragraph (1)—

(A) any reference in clause (v) or (vi) of section 1882(s)(3)(B) of such Act to 12 months is deemed a reference to the period of the demonstration project; and

(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Health and Human Services.

(e) DURATION.—The project shall last for not longer than 3 years.

(f) WAIVER.—The Secretary of Health and Human Services shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (c)(3).

(g) REPORT.—The Secretary of Health and Human Services shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

SEC. 122. CANCER PREVENTION AND TREATMENT DEMONSTRATION FOR ETHNIC AND RACIAL MINORITIES.

(a) DEMONSTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct demonstration projects (in this section referred to as "demonstration projects") for the purpose of developing models and evaluating methods that—

(A) improve the quality of items and services provided to target individuals in order to facilitate reduced disparities in early detection and treatment of cancer;

(B) improve clinical outcomes, satisfaction, quality of life, and appropriate use of medicare-covered services and referral patterns among those target individuals with cancer;

(C) eliminate disparities in the rate of preventive cancer screening measures, such as pap smears and prostate cancer screenings, among target individuals; and

(D) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency.

(2) TARGET INDIVIDUAL DEFINED.—In this section, the term "target individual" means an individual of a racial and ethnic minority group, as defined by section 1707 of the Public Health Service Act, who is entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(b) PROGRAM DESIGN.—

(1) INITIAL DESIGN.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall evaluate best practices in the private sector, community programs, and academic research of methods that reduce disparities among individuals of racial and ethnic minority groups in the prevention and treatment

of cancer and shall design the demonstration projects based on such evaluation.

(2) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall implement at least 9 demonstration projects, including the following:

(A) 2 projects for each of the 4 major racial and ethnic minority groups (American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics. The 2 projects must target different ethnic subpopulations.

(B) 1 project within the Pacific Islands.

(C) At least 1 project each in a rural area and inner-city area.

(3) EXPANSION OF PROJECTS; IMPLEMENTATION OF DEMONSTRATION PROJECT RESULTS.—If the initial report under subsection (c) contains an evaluation that demonstration projects—

(A) reduce expenditures under the medicare program under title XVIII of the Social Security Act; or

(B) do not increase expenditures under the medicare program and reduce racial and ethnic health disparities in the quality of health care services provided to target individuals and increase satisfaction of beneficiaries and health care providers;

the Secretary shall continue the existing demonstration projects and may expand the number of demonstration projects.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date the Secretary implements the initial demonstration projects, and biannually thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction under the demonstration projects.

(C) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) WAIVER AUTHORITY.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

(e) FUNDING.—

(1) DEMONSTRATION PROJECTS.—

(A) STATE PROJECTS.—Except as provided in subparagraph (B), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate, of such funds as are necessary for the costs of carrying out the demonstration projects.

(B) TERRITORY PROJECTS.—In the case of a demonstration project described in subsection (b)(2)(B), amounts shall be available only as provided in any Federal law making appropriations for the territories.

(2) LIMITATION.—In conducting demonstration projects, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the sum of the amount which the Secretary would have paid under the program for the prevention and treatment of cancer if the demonstration projects were not implemented, plus $25,000,000.

SEC. 123. STUDY ON MEDICARE COVERAGE OF ROUTINE THYROID SCREENING.

(a) STUDY.—The Secretary of Health and Human Services shall request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to conduct a study on the addition of coverage of routine thyroid screening using a thyroid stimulating hormone test as a preventive benefit provided to medicare beneficiaries under title XVIII of the Social Security Act for some or all medicare beneficiaries. In conducting the study, the Academy shall consider the short-term and long-term benefits, and costs to the medicare program, of such addition.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report on the findings of the study conducted under subsection (a) to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate.

SEC. 124. MEDPAC STUDY ON CONSUMER COALITIONS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study that examines the use of consumer coalitions in the marketing of Medicare+Choice plans under the medicare program under title XVIII of the Social Security Act. The study shall examine—

(1) the potential for increased efficiency in the medicare program through greater beneficiary knowledge of their health care options, decreased marketing costs of Medicare+Choice organizations, and creation of a group market;

(2) the implications of Medicare+Choice plans and medicare supplemental policies (under section 1882 of the Social Security Act (42 U.S.C. 1395ss)) offering medicare beneficiaries in the same geographic location different benefits and premiums based on their affiliation with a consumer coalition;

(3) how coalitions should be governed, how they should be accountable to the Secretary of Health and Human Services, and how potential conflicts of interest in the activities of consumer coalitions should be avoided; and

(4) how such coalitions should be funded.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a). The report shall include a recommendation on whether and how a demonstration project might be conducted for the operation of consumer coalitions under the medicare program.

(c) CONSUMER COALITION DEFINED.—For purposes of this section, the term "consumer coalition" means a nonprofit, community-based group of organizations that—

(1) provides information to medicare beneficiaries about their health care options under the medicare program; and

(2) negotiates benefits and premiums for medicare beneficiaries who are members or otherwise affiliated with the group of organizations with Medicare+Choice organizations offering Medicare+Choice plans, issuers of medicare supplemental policies, issuers of long-term care coverage, and pharmacy benefit managers.

SEC. 125. STUDY ON LIMITATION ON STATE PAYMENT FOR MEDICARE COST-SHARING AFFECTING ACCESS TO SERVICES FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if access to certain services (including mental health services) for qualified medicare beneficiaries has been affected by limitations on a State's payment for medicare cost-sharing for such beneficiaries under section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)). As part of such study, the Secretary shall analyze the effect of such payment limitation on providers who serve a disproportionate share of such beneficiaries.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study under subsection (a). The report shall include recommendations regarding any changes that should be made to the State payment limits under section 1902(n) for qualified medicare beneficiaries to ensure appropriate access to services.

SEC. 126. INSTITUTE OF MEDICINE STUDY ON WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE DISABILITY ELIGIBILITY FOR AMYOTROPHIC LATERAL SCLEROSIS (ALS) AND OTHER DEVASTATING DISEASES.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study that examines the appropriateness of waiving the 24-month waiting period for eligibility for benefits under the medicare program under title XVIII of the Social Security Act applicable under section 226(b) of such Act (42 U.S.C. 426(b)) for individuals with a devastating disease. For purposes of this section, the term "devastating disease" means amyotrophic lateral sclerosis (ALS) and includes any other disease that is as rapidly debilitating as ALS.

(b) REPORT.—The contract shall provide for the submission to Congress and the Secretary of a report on the study conducted under subsection (a) by not later than 18 months after the date of the enactment of this Act.

SEC. 127. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) STUDIES.—The Secretary of Health and Human Services, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting and that are most valuable to older Americans.

(b) MISSION STATEMENT.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 128. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF CARDIAC AND PULMONARY REHABILITATION THERAPY SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under the medicare program under title XVIII of the Social Security Act.

(2) FOCUS.—In conducting the study under paragraph (1), the Commission shall focus on the appropriate—

(A) qualifying diagnoses required for coverage of cardiac and pulmonary rehabilitation therapy services;

(B) level of physician direct involvement and supervision in furnishing such services; and

(C) level of reimbursement for such services.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

SEC. 201. CLARIFICATION OF NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) Payment Clarification.—Section 1834(g) (42 U.S.C. 1395m(g)) is amended by adding at the end the following new paragraph:

"(4) No beneficiary cost-sharing for clinical diagnostic laboratory services.—No coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under this part shall apply with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital service. Nothing in this title shall be construed as providing for payment for clinical diagnostic laboratory services furnished as part of outpatient critical access hospital services, other than on the basis described in this subsection.".

(b) Technical and Conforming Amendments.—

(1) Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by striking "or which are furnished on an outpatient basis by a critical access hospital".

(2) Section 403(d)(2) of BBRA (113 Stat. 1501A–371) is amended by striking "The amendment made by subsection (a) shall apply" and inserting "Paragraphs (1) through (3) of section 1834(g) of the Social Security Act (as amended by paragraph (1)) apply".

(c) Effective Dates.—The amendment made—

(1) by subsection (a) applies to services furnished on or after the date of the enactment of BBRA;

(2) by subsection (b)(1) applies as if included in the enactment of section 403(e)(1) of BBRA (113 Stat. 1501A–371); and

(3) by subsection (b)(2) applies as if included in the enactment of section 403(d)(2) of BBRA (113 Stat. 1501A–371).

SEC. 202. ASSISTANCE WITH FEE SCHEDULE PAYMENT FOR PROFESSIONAL SERVICES UNDER ALL-INCLUSIVE RATE.

(a) In General.—Section 1834(g)(2)(B) (42 U.S.C. 1395m(g)(2)(B)) is amended by inserting "115 percent of" before "such amounts".

(b) Effective Date.—The amendment made by subsection (a) applies with respect to items and services furnished on or after April 1, 2001.

SEC. 203. EXEMPTION OF CRITICAL ACCESS HOSPITAL SWING BEDS FROM SNF PPS.

(a) In General.—Section 1888(e)(7) (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking "Transition for" and inserting "Treatment of";

(2) in subparagraph (A), by striking "In general.—The" and inserting "Transition.—Subject to subparagraph (C), the";

(3) in subparagraph (A), by inserting "(other than critical access hospitals)" after "facilities described in subparagraph (B)";

(4) in subparagraph (B), by striking ", for which payment" and all that follows before the period; and

(5) by adding at the end the following new subparagraph:

"(C) Exemption from PPS of swing-bed services furnished in critical access hospitals.—The prospective payment system established under this subsection shall not apply to services furnished by a critical access hospital pursuant to an agreement under section 1883.".

(b) Payment on a Reasonable Cost Basis for Swing Bed Services Furnished by Critical Access Hospitals.—Section 1883(a) (42 U.S.C. 1395tt(a)) is amended—

(1) in paragraph (2)(A), by inserting "(other than a critical access hospital)" after "any hospital"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of this title, a critical access hospital shall be paid for covered skilled nursing facility services furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v)).".

(c) Effective Date.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 204. PAYMENT IN CRITICAL ACCESS HOSPITALS FOR EMERGENCY ROOM ON-CALL PHYSICIANS.

(a) In General.—Section 1834(g) (42 U.S.C. 1395m(g)), as amended by section 201(a), is further amended by adding at the end the following new paragraph:

"(5) Coverage of costs for emergency room on-call physicians.—In determining the reasonable costs of outpatient critical access hospital services under paragraphs (1) and (2)(A), the Secretary shall recognize as allowable costs, amounts (as defined by the Secretary) for reasonable compensation and related costs for emergency room physicians who are on-call (as defined by the Secretary) but who are not present on the premises of the critical access hospital involved, and are not otherwise furnishing physicians' services and are not on-call at any other provider or facility.".

(b) Effective Date.—The amendment made by subsection (a) applies to cost reporting periods beginning on or after October 1, 2001.

SEC. 205. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) In General.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) Services furnished by critical access hospitals.—Notwithstanding any other provision of this subsection, the Secretary shall pay the reasonable costs incurred in furnishing ambulance services if such services are furnished—

"(A) by a critical access hospital (as defined in —section 1861(mm)(1)), or

"(B) by an entity that is owned and operated by a —critical access hospital,

but only if the critical access hospital or entity is the –only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital.".

(b) Conforming Amendment.—Section 1833(a)(1)(R) (42 U.S.C. 1395l(a)(1)(R)) is amended—

(1) by striking "ambulance service," and inserting "ambulance services, (i)"; and

(2) by inserting before the comma at the end the –following: "and (ii) with respect to ambulance services described in section 1834(l)(8), the amounts paid shall be the amounts determined under section 1834(g) for outpatient critical access hospital services".

(c) Effective Date.—The amendments made by this section apply to services furnished on or after the date of the enactment of this Act.

SEC. 206. GAO STUDY ON CERTAIN ELIGIBILITY REQUIREMENTS FOR CRITICAL ACCESS HOSPITALS.

(a) Study.—The Comptroller General of the United States shall conduct a study on the eligibility requirements for critical access hospitals under section 1820(c) of the Social Security Act (42 U.S.C. 1395i–4(c)) with respect to limitations on average length of stay and number of beds in such a hospital, including an analysis of—

(1) the feasibility of having a distinct part unit as part of a critical access hospital for purposes of the medicare program under title XVIII of such Act, and

(2) the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limitations on average annual length of stay and number of beds.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) together with recommendations regarding—

(1) whether distinct part units should be permitted as part of a critical access hospital under the medicare program;

(2) if so permitted, the payment methodologies that should apply with respect to services provided by such units;

(3) whether, and to what extent, such units should be included in or excluded from the bed limits applicable to critical access hospitals under the medicare program; and

(4) any adjustments to such eligibility requirements to account for seasonal variations in patient admissions.

Subtitle B—Other Rural Hospitals Provisions

SEC. 211. EQUITABLE TREATMENT FOR RURAL DISPROPORTIONATE SHARE HOSPITALS.

(a) Application of Uniform Threshold.—Section 1886(d)(5)(F)(v) (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended—

(1) in subclause (II), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "30 percent";

(2) in subclause (III), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "40 percent"; and

(3) in subclause (IV), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "45 percent".

(b) Adjustment of Payment Formulas.—

(1) Sole community hospitals.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(A) in clause (iv)(VI), by inserting after "10 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)"; and

(B) by adding at the end the following new clause:

"(x) For purposes of clause (iv)(VI) (relating to sole community hospitals), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 17.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 17.3, but is less than 30.0, such adjustment percentage is equal to 4 percent; or

"(III) is equal to or exceeds 40, such adjustment percentage is equal to 5 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(2) Rural referral centers.—Such section is further amended—

(A) in clause (iv)(V), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xi)"; and

(B) by adding at the end the following new clause:

"(xi) For purposes of clause (iv)(V) (relating to rural referral centers), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 17.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 17.3, but is less than 30.0, such adjustment percentage is equal to 4 percent; or

"(III) is equal to or exceeds 30, such adjustment percentage is determined in accordance with the following formula: (P–30)(.6) + 4,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(3) SMALL RURAL HOSPITALS GENERALLY.—Such section is further amended—

(A) in clause (iv)(III), by inserting after "4 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xii)"; and

(B) by adding at the end the following new clause:

"(xii) For purposes of clause (iv)(III) (relating to small rural hospitals generally), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 17.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 17.3, such adjustment percentage is equal to 4 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(4) HOSPITALS THAT ARE BOTH SOLE COMMUNITY HOSPITALS AND RURAL REFERRAL CENTERS.—Such section is further amended, in clause (iv)(IV), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, the greater of the percentages determined under clause (x) or (xi)".

(5) URBAN HOSPITALS WITH LESS THAN 100 BEDS.—Such section is further amended—

(A) in clause (iv)(II), by inserting after "5 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xiii)"; and

(B) by adding at the end the following new clause:

"(xiii) For purposes of clause (iv)(II) (relating to urban hospitals with less than 100 beds), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 17.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 17.3, but is less than 40.0, such adjustment percentage is equal to 4 percent; or

"(III) is equal to or exceeds 40, such adjustment percentage is equal to 5 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

SEC. 212. OPTION TO BASE ELIGIBILITY FOR MEDICARE DEPENDENT, SMALL RURAL HOSPITAL PROGRAM ON DISCHARGES DURING 2 OF THE 3 MOST RECENTLY AUDITED COST REPORTING PERIODS.

(a) IN GENERAL.—Section 1886(d)(5)(G)(iv)(IV) (42 U.S.C. 1395ww(d)(5)(G)(iv)(IV)) is amended by inserting ", or 2 of the 3 most recently audited cost reporting periods for which the Secretary has a settled cost report," after "1987".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cost reporting periods beginning on or after April 1, 2001.

SEC. 213. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(I)(i) (42 U.S.C. 1395ww(b)(3)(I)(i)) is amended—

(1) in the matter preceding subclause (I), by striking "that for its cost reporting period beginning during 1999" and all that follows through "for such target amount" and inserting "there shall be substituted for the amount otherwise determined under subsection (d)(5)(D)(i), if such substitution results in a grèater amount of payment under this section for the hospital";

(2) in subclause (I), by striking "target amount otherwise applicable" and all that follows through "target amount')" and inserting "the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the 'subsection (d)(5)(D)(i) amount')"; and

(3) in each of subclauses (II) and (III), by striking "subparagraph (C) target amount" and inserting "subsection (d)(5)(D)(i) amount".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 405 of BBRA (113 Stat. 1501A–372).

SEC. 214. MEDPAC ANALYSIS OF IMPACT OF VOLUME ON PER UNIT COST OF RURAL HOSPITALS WITH PSYCHIATRIC UNITS.

The Medicare Payment Advisory Commission, in its study conducted pursuant to subsection (a) of section 411 of BBRA (113 Stat. 1501A–377), shall include—

(1) in such study an analysis of the impact of volume on the per unit cost of rural hospitals with psychiatric units; and

(2) in its report under subsection (b) of such section a recommendation on whether special treatment for such hospitals may be warranted.

Subtitle C—Other Rural Provisions

SEC. 221. ASSISTANCE FOR PROVIDERS OF AMBULANCE SERVICES IN RURAL AREAS.

(a) TRANSITIONAL ASSISTANCE IN CERTAIN MILEAGE RATES.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) TRANSITIONAL ASSISTANCE FOR RURAL PROVIDERS.—In the case of ground ambulance services furnished on or after the date on which the Secretary implements the fee schedule under this subsection and before January 1, 2004, for which the transportation originates in a rural area (as defined in section 1886(d)(2)(D)) or in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)), the fee schedule established under this subsection shall provide that, with respect to the payment rate for mileage for a trip above 17 miles, and up to 50 miles, the rate otherwise established shall be increased by not less than ½ of the additional payment per mile established for the first 17 miles of such a trip originating in a rural area.".

(b) GAO STUDIES ON THE COSTS OF AMBULANCE SERVICES FURNISHED IN RURAL AREAS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on each of the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters referred to in paragraph (1) are the following:

(A) The cost of efficiently providing ambulance services for trips originating in rural areas, with special emphasis on collection of cost data from rural providers.

(B) The means by which rural areas with low population densities can be identified for the purpose of designating areas in which the cost of providing ambulance services would be expected to be higher than similar services provided in more heavily populated areas because of low usage. Such study shall also include an analysis of the additional costs of providing ambulance services in areas designated under the previous sentence.

(3) REPORT.—Not later than June 30, 2002, the Comptroller General shall submit to Congress a report on the results of the studies conducted under paragraph (1) and shall include recommendations on steps that should be taken to assure access to ambulance services in rural areas.

(c) ADJUSTMENT IN RURAL RATES.—In providing for adjustments under subparagraph (D) of section 1834(l)(2) of the Social Security Act (42 U.S.C. 1395m(l)(2)) for years beginning with 2004, the Secretary of Health and Human Services shall take into consideration the recommendations contained in the report under subsection (b)(2) and shall adjust the fee schedule payment rates under such section for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) applies to services furnished on or after the date the Secretary implements the fee schedule under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)). In applying such amendment to services furnished on or after such date and before January 1, 2002, the amount of the rate increase provided under such amendment shall be equal to $1.25 per mile.

SEC. 222. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.—Section 1842(b)(6)(C) (42 U.S.C. 1395u(b)(6)(C)) is amended—

(1) by striking "for such services provided before January 1, 2003,"; and

(2) by striking the semicolon at the end and inserting a comma.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 223. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) TIME LIMIT FOR BBA PROVISION.—Section 4206(a) of BBA (42 U.S.C. 1395l note) is amended by striking "Not later than January 1, 1999" and inserting "For services furnished on and after January 1, 1999, and before July 1, 2001".

(b) EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(m) PAYMENT FOR TELEHEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary shall pay for telehealth services that are furnished via a telecommunications system by a physician (as defined in section 1861(r)) or a practitioner (described in section 1842(b)(18)(C)) to an eligible telehealth individual enrolled under this part notwithstanding that the individual physician or practitioner providing the telehealth service is not at the same location as the beneficiary. For purposes of the preceding sentence, in the case of any Federal telemedicine demonstration program conducted in Alaska or Hawaii, the term 'telecommunications system' includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.

"(2) PAYMENT AMOUNT.—

"(A) DISTANT SITE.—The Secretary shall pay to a physician or practitioner located at a distant site that furnishes a telehealth service to an eligible telehealth individual an amount equal to the amount that such physician or practitioner would have been paid under this title had such service been furnished without the use of a telecommunications system.

"(B) FACILITY FEE FOR ORIGINATING SITE.—With respect to a telehealth service, subject to section 1833(a)(1)(U), there shall be paid to the originating site a facility fee equal to—

"(i) for the period beginning on July 1, 2001, and ending on December 31, 2001, and for 2002, $20; and

"(ii) for a subsequent year, the facility fee specified in clause (i) or this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

"(C) TELEPRESENTER NOT REQUIRED.—Nothing in this subsection shall be construed as requiring an eligible telehealth individual to be presented by a physician or practitioner at the originating site for the furnishing of a service via a telecommunications system, unless it is medically necessary (as determined by the physician or practitioner at the distant site).

"(3) LIMITATION ON BENEFICIARY CHARGES.—

"(A) PHYSICIAN AND PRACTITIONER.—The provisions of section 1848(g) and subparagraphs (A) and (B) of section 1842(b)(18) shall apply to a physician or practitioner receiving payment under this subsection in the same manner as they apply to physicians or practitioners under such sections.

"(B) ORIGINATING SITE.—The provisions of section 1842(b)(18) shall apply to originating sites receiving a facility fee in the same manner as they apply to practitioners under such section.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) DISTANT SITE.—The term 'distant site' means the site at which the physician or practitioner is located at the time the service is provided via a telecommunications system.

"(B) ELIGIBLE TELEHEALTH INDIVIDUAL.—The term 'eligible telehealth individual' means an individual enrolled under this part who receives a telehealth service furnished at an originating site.

"(C) ORIGINATING SITE.—

"(i) IN GENERAL.—The term 'originating site' means only those sites described in clause (ii) at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system and only if such site is located—

"(I) in an area that is designated as a rural health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

"(II) in a county that is not included in a Metropolitan Statistical Area; or

"(III) from an entity that participates in a Federal telemedicine demonstration project that has been approved by (or receives funding from) the Secretary of Health and Human Services as of December 31, 2000.

"(ii) SITES DESCRIBED.—The sites referred to in clause (i) are the following sites:

"(I) The office of a physician or practitioner.

"(II) A critical access hospital (as defined in section 1861(mm)(1)).

"(III) A rural health clinic (as defined in section 1861(aa)(s)).

"(IV) A Federally qualified health center (as defined in section 1861(aa)(4)).

"(V) A hospital (as defined in section 1861(e)).

"(D) PHYSICIAN.—The term "physician" has the meaning given that term in section 1861(r).

"(E) PRACTITIONER.—The term 'practitioner' has the meaning given that term in section 1842(b)(18)(C).

"(F) TELEHEALTH SERVICE.—

"(i) IN GENERAL.—The term 'telehealth service' means professional consultations, office visits, and office psychiatry services (identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90809, and 90862 (and as subsequently modified by the Secretary)), and any additional service specified by the Secretary.

"(ii) YEARLY UPDATE.—The Secretary shall establish a process that provides, on an annual basis, for the addition or deletion of services (and HCPCS codes), as appropriate, to those specified in clause (i) for authorized payment under paragraph (1).".

(c) CONFORMING AMENDMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(1)), as amended by section 105(c), is further amended—

(1) by striking "and (T)" and inserting "(T)"; and

(2) by inserting before the semicolon at the end the following: ", and (U) with respect to facility fees described in section 1834(m)(2)(B), the amounts paid shall be 80 percent of the lesser of the actual charge or the amounts specified in such section".

(d) STUDY AND REPORT ON ADDITIONAL COVERAGE.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify—

(A) settings and sites for the provision of telehealth services that are in addition to those permitted under section 1834(m) of the Social Security Act, as added by subsection (b);

(B) practitioners that may be reimbursed under such section for furnishing telehealth services that are in addition to the practitioners that may be reimbursed for such services under such section; and

(C) geographic areas in which telehealth services may be reimbursed that are in addition to the geographic areas where such services may be reimbursed under such section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall be effective for services furnished on or after July 1, 2001.

SEC. 224. EXPANDING ACCESS TO RURAL HEALTH CLINICS.

(a) IN GENERAL.—The matter in section 1833(f) (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking "rural hospitals" and inserting "hospitals".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISOLATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) indicating—

(1) whether low-volume, isolated rural health care providers are having, or may have, significantly decreased medicare margins or other financial difficulties resulting from any of the payment methodologies described in subsection (c);

(2) whether the status as a low-volume, isolated rural health care provider should be designated under the medicare program and any criteria that should be used to qualify for such a status; and

(3) any changes in the payment methodologies described in subsection (c) that are necessary to provide appropriate reimbursement under the medicare program to low-volume, isolated rural health care providers (as designated pursuant to paragraph (2)).

(c) PAYMENT METHODOLOGIES DESCRIBED.—The payment methodologies described in this subsection are the following:

(1) The prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(2) The fee schedule for ambulance services under section 1834(l) of such Act (42 U.S.C. 1395m(l)).

(3) The prospective payment system for inpatient hospital services under section 1886 of such Act (42 U.S.C. 1395ww).

(4) The prospective payment system for routine service costs of skilled nursing facilities under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(5) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

SEC. 301. REVISION OF ACUTE CARE HOSPITAL PAYMENT UPDATE FOR 2001.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XVI), by striking "minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals," and inserting "for hospitals in all areas,";

(2) in subclause (XVII)—

(A) by striking "minus 1.1 percentage points" and inserting "minus 0.55 percentage points; and

(B) by striking "and" at the end;

(3) by redesignating subclause (XVIII) as subclause (XIX);

(4) in subclause (XIX), as so redesignated, by striking "fiscal year 2003" and inserting "fiscal year 2004"; and

(5) by inserting after subclause (XVII) the following new subclause:

"(XVIII) for fiscal year 2003, the market basket percentage increase minus 0.55 percentage points for hospitals in all areas, and".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for fiscal year 2001 for inpatient hospital services furnished by subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)), the "applicable percentage increase" referred to in section 1886(b)(3)(B)(i) of such Act (42 U.S.C. 1395ww(b)(3)(B)(i))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be determined in accordance with subclause (XVI) of such section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be equal to—

(A) the market basket percentage increase plus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas; and

(B) the market basket percentage increase for sole community hospitals.

(c) CONSIDERATION OF PRICE OF BLOOD AND BLOOD PRODUCTS IN MARKET BASKET INDEX.—The Secretary of Health and Human Services shall, when next (after the date of the enactment of this Act) rebasing and revising the hospital market basket index (as defined in section 1886(b)(3)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(iii))), consider the prices of blood and blood products purchased by hospitals and determine whether those prices are adequately reflected in such index.

(d) MEDPAC STUDY AND REPORT REGARDING CERTAIN HOSPITAL COSTS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on—

(A) any increased costs incurred by subsection (d) hospitals (as defined in paragraph (1)(B) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))) in providing inpatient hospital services to medicare beneficiaries under title XVIII of such Act during the period beginning on October 1, 1983, and ending on September 30, 1999, that were attributable to—

(i) complying with new blood safety measure requirements; and

(ii) providing such services using new technologies;

(B) the extent to which the prospective payment system for such services under such section provides adequate and timely recognition of such increased costs;

(C) the prospects for (and to the extent practicable, the magnitude of) cost increases that hospitals will incur in providing such services that are attributable to complying with new blood safety measure requirements and providing such services using new technologies during the 10 years after the date of the enactment of this Act; and

(D) the feasibility and advisability of establishing mechanisms under such payment system to provide for more timely and accurate recognition of such cost increases in the future.

(2) CONSULTATION.—In conducting the study under this subsection, the Commission shall consult with representatives of the blood community, including—

(A) hospitals;

(B) organizations involved in the collection, processing, and delivery of blood; and

(C) organizations involved in the development of new blood safety technologies.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

(e) ADJUSTMENT FOR INPATIENT CASE MIX CHANGES.—

(1) IN GENERAL.—Section 1886(d)(3)(A) (42 U.S.C. 1395ww(d)(3)(A)) is amended by adding at the end the following new clause:

"(vi) Insofar as the Secretary determines that the adjustments under paragraph (4)(C)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of discharges that do not reflect real changes in case mix, the Secretary may adjust the average standardized amounts computed under this paragraph for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to discharges occurring on or after October 1, 2001.

SEC. 302. ADDITIONAL MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (V) by striking "and" at the end;

(2) by redesignating subclause (VI) as subclause (VII);

(3) in subclause (VII) as so redesignated, by striking "2001" and inserting "2002"; and

(4) by inserting after subclause (V) the following new subclause:

"(VI) during fiscal year 2002, 'c' is equal to 1.57; and".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding paragraph (5)(B)(ii)(V) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)), for purposes of making payments for subsection (d) hospitals (as defined in paragraph (1)(B) of such section) with indirect costs of medical education, the indirect teaching adjustment factor referred to in paragraph (5)(B)(ii) of such section shall be determined, for discharges occurring on or after April 1, 2001, and before October 1, 2001, as if "c" in paragraph (5)(B)(ii)(V) of such section equalled 1.66 rather than 1.54.

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting "or of section 302 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000" after "Balanced Budget Refinement Act of 1999".

(d) CLERICAL AMENDMENTS.—Section 1886(d)(5)(B) (42 U.S.C. 1395ww(d)(5)(B)), as amended by subsection (a), is further amended by moving the indentation of each of the following 2 ems to the left:

(1) Clauses (ii), (v), and (vi).

(2) Subclauses (I) (II), (III), (IV), (V), and (VII) of clause (ii).

(3) Subclauses (I) and (II) of clause (vi) and the flush sentence at the end of such clause.

SEC. 303. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (III), by striking "each of" and by inserting "and 2 percent, respectively" after "3 percent"; and

(2) in subclause (IV), by striking "4 percent" and inserting "3 percent".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making disproportionate share payments for subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) for fiscal year 2001, the additional payment amount otherwise determined under clause (ii) of section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be adjusted as provided by clause (ix)(III) of such section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall, instead of being reduced by 3 percent as provided by clause (ix)(III) of such section as in effect after the date of the enactment of this Act, be reduced by 1 percent.

(c) CONFORMING AMENDMENTS RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(iv) (42 U.S.C. 1395ww(d)(2)(C)(iv)), is amended—

(1) by striking "1989 or" and inserting "1989,"; and

(2) by inserting ", or the enactment of section 303 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000" after "Omnibus Budget Reconciliation Act of 1990".

(d) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(i) (42 U.S.C. 1395ww(d)(5)(F)(i)) is amended by striking "and before October 1, 1997,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as if included in the enactment of BBA.

(e) REFERENCE TO CHANGES IN DSH FOR RURAL HOSPITALS.—For additional changes in the DSH program for rural hospitals, see section 211.

SEC. 304. WAGE INDEX IMPROVEMENTS.

(a) DURATION OF WAGE INDEX RECLASSIFICATION; USE OF 3-YEAR WAGE DATA.—Section 1886(d)(10)(D) (42 U.S.C. 1395ww(d)(10)(D)) is amended by adding at the end the following new clauses:

"(v) Any decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i)(II) for fiscal year 2001 or any fiscal year thereafter shall be effective for a period of 3 fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such reclassification before the end of such period.

"(vi) Such guidelines shall provide that, in making decisions on applications for reclassification for the purposes described in clause (v) for fiscal year 2003 and any succeeding fiscal year, the Board shall base any comparison of the average hourly wage for the hospital with the average hourly wage for hospitals in an area on—

"(I) an average of the average hourly wage amount for the hospital from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys; and

"(II) an average of the average hourly wage amount for hospitals in such area from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys.".

(b) PROCESS TO PERMIT STATEWIDE WAGE INDEX CALCULATION AND APPLICATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for purposes of computing and applying a statewide geographic wage index) under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying the area wage index under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)). Such process shall be established by October 1, 2001, for reclassifications beginning in fiscal year 2003.

(2) PROHIBITION ON INDIVIDUAL HOSPITAL RECLASSIFICATION.—Notwithstanding any other provision of law, if the Secretary applies a statewide geographic wage index under paragraph (1) with respect to a State, any application submitted by a hospital in that State under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)) for geographic reclassification shall not be considered.

(c) COLLECTION OF INFORMATION ON OCCUPATIONAL MIX.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide for the collection of data every 3 years on occupational mix for employees of each subsection (d) hospital (as defined in section 1886(d)(1)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(D))) in the provision of inpatient hospital services, in order to construct an occupational mix adjustment in the hospital area wage index applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)).

(2) APPLICATION.—The third sentence of section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking "To the extent determined feasible by the Secretary, such survey shall measure" and inserting "Not less often than once every 3 years the Secretary (through such survey or otherwise) shall measure".

(3) EFFECTIVE DATE.—By not later than September 30, 2003, for application beginning October 1, 2004, the Secretary shall first complete—

(A) the collection of data under paragraph (1); and

(B) the measurement under the third sentence of section 1886(d)(3)(E), as amended by paragraph (2).

SEC. 305. PAYMENT FOR INPATIENT SERVICES OF REHABILITATION HOSPITALS.

(a) ASSISTANCE WITH ADMINISTRATIVE COSTS ASSOCIATED WITH COMPLETION OF PATIENT ASSESSMENT.—Section 1886(j)(3)(B) (42 U.S.C.

1395ww(j)(3)(B)) is amended by striking "98 percent" and inserting "98 percent for fiscal year 2001 and 100 percent for fiscal year 2002".

(b) Election To Apply Full Prospective Payment Rate Without Phase-In.—

(1) In general.—Paragraph (1) of section 1886(j) (42 U.S.C. 1395ww(j)) is amended—

(A) in subparagraph (A), by inserting "other than a facility making an election under subparagraph (F)" before "in a cost reporting period";

(B) in subparagraph (B), by inserting "or, in the case of a facility making an election under subparagraph (F), for any cost reporting period described in such subparagraph," after "2002,"; and

(C) by adding at the end the following new subparagraph:

"(F) Election to apply full prospective payment system.—A rehabilitation facility may elect, not later than 30 days before its first cost reporting period for which the payment methodology under this subsection applies to the facility, to have payment made to the facility under this subsection under the provisions of subparagraph (B) (rather than subparagraph (A)) for each cost reporting period to which such payment methodology applies.".

(2) Clarification.—Paragraph (3)(B) of such section is amended by inserting "but not taking into account any payment adjustment resulting from an election permitted under paragraph (1)(F)" after "paragraphs (4) and (6)".

(c) Effective Date.—The amendments made by this section take effect as if included in the enactment of BBA.

SEC. 306. PAYMENT FOR INPATIENT SERVICES OF PSYCHIATRIC HOSPITALS.

With respect to hospitals described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric units described in the matter following clause (v) of such section, in making incentive payments to such hospitals under section 1886(b)(1)(A) of such Act (42 U.S.C. 1395ww(b)(1)(A)) for cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, the Secretary of Health and Human Services, in clause (ii) of such section, shall substitute "3 percent" for "2 percent".

SEC. 307. PAYMENT FOR INPATIENT SERVICES OF LONG-TERM CARE HOSPITALS.

(a) Increased Target Amounts and Caps for Long-Term Care Hospitals Before Implementation of the Prospective Payment System.—

(1) In general.—Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(A) in subparagraph (H)(ii)(III), by inserting "subject to subparagraph (J)," after "2002,"; and

(B) by adding at the end the following new subparagraph:

"(J) For cost reporting periods beginning during fiscal year 2001, for a hospital described in subsection (d)(1)(B)(iv)—

"(i) the limiting or cap amount otherwise determined under subparagraph (H) shall be increased by 2 percent; and

"(ii) the target amount otherwise determined under subparagraph (A) shall be increased by 25 percent (subject to the limiting or cap amount determined under subparagraph (H), as increased by clause (i)).".

(2) Application.—The amendments made by subsection (a) and by section 122 of BBRA (113 Stat. 1501A–331) shall not be taken into account in the development and implementation of the prospective payment system under section 123 of BBRA (113 Stat. 1501A–331).

(b) Implementation of Prospective Payment System for Long-Term Care Hospitals.—

(1) Modification of requirement.—In developing the prospective payment system for payment for inpatient hospital services provided in long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program under title XVIII of such Act required under section 123 of BBRA, the Secretary of Health and Human Services shall examine the feasibility and the impact of basing payment under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment system, including adjustments to DRG weights, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

(2) Default implementation of system based on existing DRG methodology.—If the Secretary is unable to implement the prospective payment system under section 123 of the BBRA by October 1, 2002, the Secretary shall implement a prospective payment system for such hospitals that bases payment under such a system using existing hospital diagnosis-related groups (DRGs), modified where feasible to account for resource use of long-term care hospital patients using the most recently available hospital discharge data for such services furnished on or after that date.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

SEC. 311. ELIMINATION OF REDUCTION IN SKILLED NURSING FACILITY (SNF) MARKET BASKET UPDATE IN 2001.

(a) In General.—Section 1888(e)(4)(E)(ii) (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively;

(2) in subclause (III), as so redesignated—

(A) by striking "each of fiscal years 2001 and 2002" and inserting "each of fiscal years 2002 and 2003"; and

(B) by striking "minus 1 percentage point" and inserting "minus 0.5 percentage points"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) for fiscal year 2001, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year;".

(b) Special Rule for Payment for Fiscal Year 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the Federal per diem rate referred to in paragraph (4)(E)(ii) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if "plus 1 percentage point" had been substituted for "minus 1 percentage point" under subclause (II) of such paragraph (as in effect on the day before the date of the enactment of this Act).

(c) Relation to Temporary Increase in BBRA.—The increases provided under section 101 of BBRA (113 Stat. 1501A–325) shall be in addition to any increase resulting from the amendments made by subsection (a).

(d) GAO Report on Adequacy of SNF Payment Rates.—Not later than July 1, 2002, the Comptroller General of the United States shall submit to Congress a report on the adequacy of medicare payment rates to skilled nursing facilities and the extent to which medicare contributes to the financial viability of such facilities. Such report shall take into account the role of private payors, medicaid, and case mix on the financial performance of these facilities, and shall include an analysis (by specific RUG classification) of the number and characteristics of such facilities.

(e) HCFA Study of Classification Systems for SNF Residents.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study of the different systems for categorizing patients in medicare skilled nursing facilities in a manner that accounts for the relative resource utilization of different patient types.

(2) Report.—Not later than January 1, 2005, the Secretary shall submit to Congress a report on the study conducted under subsection (a). Such report shall include such recommendations regarding changes in law as may be appropriate.

SEC. 312. INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE.

(a) In General.—The Secretary of Health and Human Services shall increase by 16.66 percent the nursing component of the case-mix adjusted Federal prospective payment rate specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770), effective for services furnished on or after April 1, 2001, and before October 1, 2002.

(b) GAO Audit of Nursing Staff Ratios.—

(1) Audit.—The Comptroller General of the United States shall conduct an audit of nursing staffing ratios in a representative sample of medicare skilled nursing facilities. Such sample shall cover selected States and shall include broad representation with respect to size, ownership, location, and medicare volume. Such audit shall include an examination of payroll records and medicaid cost reports of individual facilities.

(2) Report.—Not later than August 1, 2002, the Comptroller General shall submit to Congress a report on the audits conducted under paragraph (1). Such report shall include an assessment of the impact of the increased payments under this subtitle on increased nursing staff ratios and shall make recommendations as to whether increased payments under subsection (a) should be continued.

SEC. 313. APPLICATION OF SNF CONSOLIDATED BILLING REQUIREMENT LIMITED TO PART A COVERED STAYS.

(a) In General.—Section 1862(a)(18) (42 U.S.C. 1395y(a)(18)) is amended by striking "or of a part of a facility that includes a skilled nursing facility (as determined under regulations)," and inserting "during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), which are furnished to such an individual without regard to such period),".

(b) Conforming Amendments.—(1) Section 1842(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended—

(A) by inserting "by, or under arrangements made by, a skilled nursing facility" after "furnished";

(B) by striking "or of a part of a facility that includes a skilled nursing facility (as determined under regulations)"; and

(C) by striking "(without regard to whether or not the item or service was furnished by the facility, by others under arrangement with them made by the facility, under any other contracting or consulting arrangement, or otherwise)".

(2) Section 1842(t) (42 U.S.C. 1395u(t)) is amended by striking "by a physician" and "or of a part of a facility that includes a skilled nursing facility (as determined under regulations),".

(3) Section 1866(a)(1)(H)(ii)(I) (42 U.S.C. 1395cc(a)(1)(H)(ii)(I)) is amended by inserting after "who is a resident of the skilled nursing facility" the following: "during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), that are furnished to such an individual without regard to such period)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to services furnished on or after January 1, 2001.

(d) OVERSIGHT.—The Secretary of Health and Human Services, through the Office of the Inspector General in the Department of Health and Human Services or otherwise, shall monitor payments made under part B of the title XVIII of the Social Security Act for items and services furnished to residents of skilled nursing facilities during a time in which the residents are not being provided medicare covered post-hospital extended care services to ensure that there is not duplicate billing for services or excessive services provided.

SEC. 314. ADJUSTMENT OF REHABILITATION RUGS TO CORRECT ANOMALY IN PAYMENT RATES.

(a) ADJUSTMENT FOR REHABILITATION RUGS.—

(1) IN GENERAL.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for such services furnished on or after April 1, 2001, and before the date described in section 101(c)(2) of BBRA (113 Stat. 1501A–324), the Secretary of Health and Human Services shall increase by 6.7 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG–III rehabilitation groups described in paragraph (2) furnished to an individual during the period in which such individual is classified in such a RUG–III category.

(2) REHABILITATION GROUPS DESCRIBED.—The RUG–III rehabilitation groups for which the adjustment described in paragraph (1) applies are RUC, RUB, RUA, RVC, RVB, RVA, RHC, RHB, RHA, RMC, RMB, RMA, RLB, and RLA, as specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770).

(b) CORRECTION WITH RESPECT TO REHABILITATION RUGS.—

(1) IN GENERAL.—Section 101(b) of BBRA (113 Stat. 1501A–324) is amended by striking "CA1, RHC, RMC, and RMB" and inserting "and CA1".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to services furnished on or after April 1, 2001.

(c) REVIEW BY OFFICE OF INSPECTOR GENERAL.—The Inspector General of the Department of Health and Human Services shall review the medicare payment structure for services classified within rehabilitation resource utilization groups (RUGs) (as in effect after the date of the enactment of the BBRA) to assess whether payment incentives exist for the delivery of inadequate care. Not later than October 1, 2001, the Inspector General shall submit to Congress a report on such review.

SEC. 315. ESTABLISHMENT OF PROCESS FOR GEOGRAPHIC RECLASSIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services may establish a procedure for the geographic reclassification of a skilled nursing facility for purposes of payment for covered skilled nursing facility services under the prospective payment system established under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)). Such procedure may be based upon the method for geographic reclassifications for inpatient hospitals established under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(b) REQUIREMENT FOR SKILLED NURSING FACILITY WAGE DATA.—In no case may the Secretary implement the procedure under subsection (a) before such time as the Secretary has collected data necessary to establish an area wage index for skilled nursing facilities based on wage data from such facilities.

Subtitle C—Hospice Care

SEC. 321. FULL MARKET BASKET INCREASE FOR 2001.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii) (42 U.S.C. 1395f(i)(1)(C)(ii)) is amended—

(1) by redesignating subclause (VII) as subclause (IX);

(2) in subclause (VI)—

(A) by striking "through 2002" and inserting "through 2000"; and

(B) by striking "and" at the end; and

(3) by inserting after subclause (VI) the following new subclauses:

"(VII) for fiscal year 2001, the market basket percentage increase for the fiscal year;

"(VIII) for fiscal year 2002, the market basket percentage increase for the fiscal year minus 0.25 percentage points; and".

(b) TRANSITION DURING FISCAL YEAR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for hospice care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) for fiscal year 2001, the payment rates referred to in paragraph (1)(C) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under paragraph (1) if "plus 1.0 percentage points" were substituted for "minus 1.0 percentage points" under paragraph (1)(C)(ii)(VI) of such section for fiscal year 2001.

(c) CONFORMING AMENDMENTS TO BBRA.—

(1) IN GENERAL.—Section 131 of BBRA (113 Stat. 1501A–333) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of BBRA.

(d) TECHNICAL AMENDMENT.—Section 1814(a)(7)(A)(ii) (42 U.S.C. 1395f(a)(7)(A)(ii)) is amended by striking the period at the end and inserting a semicolon.

SEC. 322. CLARIFICATION OF PHYSICIAN CERTIFICATION.

(a) CERTIFICATION BASED ON NORMAL COURSE OF ILLNESS.—

(1) IN GENERAL.—Section 1814(a) (42 U.S.C. 1395f(a)) is amended by adding at the end the following new sentence: "The certification regarding terminal illness of an individual under paragraph (7) shall be based on the physician's or medical director's clinical judgment regarding the normal course of the individual's illness.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to certifications made on or after the date of the enactment of this Act.

(b) STUDY AND REPORT ON PHYSICIAN CERTIFICATION REQUIREMENT FOR HOSPICE BENEFITS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine the appropriateness of the certification regarding terminal illness of an individual under section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) that is required in order for such individual to receive hospice benefits under the medicare program under title XVIII of such Act. In conducting such study, the Secretary shall take into account the effect of the amendment made by subsection (a).

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1), together with any recommendations for legislation that the Secretary deems appropriate.

SEC. 323. MEDPAC REPORT ON ACCESS TO, AND USE OF, HOSPICE BENEFIT.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study to examine the factors affecting the use of hospice benefits under the medicare program under title XVIII of the Social Security Act, including a delay in the time (relative to death) of entry into a hospice program, and differences in such use between urban and rural hospice programs and based upon the presenting condition of the patient.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission deems appropriate.

Subtitle D—Other Provisions

SEC. 331. RELIEF FROM MEDICARE PART A LATE ENROLLMENT PENALTY FOR GROUP BUY-IN FOR STATE AND LOCAL RETIREES.

(a) IN GENERAL.—Section 1818 (42 U.S.C. 1395i–2) is amended—

(1) in subsection (c)(6), by inserting before the semicolon at the end the following: "and shall be subject to reduction in accordance with subsection (d)(6)"; and

(2) by adding at the end of subsection (d) the following new paragraph:

"(6)(A) In the case where a State, a political subdivision of a State, or an agency or instrumentality of a State or political subdivision thereof determines to pay, for the life of each individual, the monthly premiums due under paragraph (1) on behalf of each of the individuals in a qualified State or local government retiree group who meets the conditions of subsection (a), the amount of any increase otherwise applicable under section 1839(b) (as applied and modified by subsection (c)(6) of this section) with respect to the monthly premium for benefits under this part for an individual who is a member of such group shall be reduced by the total amount of taxes paid under section 3101(b) of the Internal Revenue Code of 1986 by such individual and under section 3111(b) by the employers of such individual on behalf of such individual with respect to employment (as defined in section 3121(b) of such Code).

"(B) For purposes of this paragraph, the term 'qualified State or local government retiree group' means all of the individuals who retire prior to a specified date that is before January 1, 2002, from employment in 1 or more occupations or other broad classes of employees of—

"(i) the State;

"(ii) a political subdivision of the State; or

"(iii) an agency or instrumentality of the State or political subdivision of the State.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to premiums for months beginning with July 1, 2001.

SEC. 332. POSTING OF INFORMATION ON NURSING FACILITY STAFFING.

(a) MEDICARE.—Section 1819(b) (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following new paragraph:

"(8) INFORMATION ON NURSE STAFFING.—

"(A) IN GENERAL.—A skilled nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed in a uniform manner (as specified by the Secretary) and in a clearly visible place.

"(B) PUBLICATION OF DATA.—A skilled nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).".

(b) MEDICAID.—Section 1919(b) (42 U.S.C. 1395r(b)) is amended by adding at the end the following new paragraph:

"(8) INFORMATION ON NURSE STAFFING.—

"(A) IN GENERAL.—A nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed in a uniform manner (as specified by the Secretary) and in a clearly visible place.

"(B) PUBLICATION OF DATA.—A nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).".

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

SEC. 401. REVISION OF HOSPITAL OUTPATIENT PPS PAYMENT UPDATE.

(a) IN GENERAL.—Section 1833(t)(3)(C)(iii) (42 U.S.C. 1395l(t)(3)(C)(iii)) is amended by striking "in each of 2000, 2001, and 2002" and inserting "in each of 2000 and 2002".

(b) ADJUSTMENT FOR CASE MIX CHANGES.—

(1) IN GENERAL.—Section 1833(t)(3)(C) (42 U.S.C. 1395l(t)(3)(C)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

"(iii) ADJUSTMENT FOR SERVICE MIX CHANGES.—Insofar as the Secretary determines that the adjustments for service mix under paragraph (2) for a previous year (or estimates that such adjustments for a future year) did (or are likely to) result in a change in aggregate payments under this subsection during the year that are a result of changes in the coding or classification of covered OPD services that do not reflect real changes in service mix, the Secretary may adjust the conversion factor computed under this subparagraph for subsequent years so as to eliminate the effect of such coding or classification changes.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of BBA.

SEC. 402. CLARIFYING PROCESS AND STANDARDS FOR DETERMINING ELIGIBILITY OF DEVICES FOR PASS-THROUGH PAYMENTS UNDER HOSPITAL OUTPATIENT PPS.

(a) IN GENERAL.—Section 1833(t)(6) (42 U.S.C. 1395l(t)(6)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) USE OF CATEGORIES IN DETERMINING ELIGIBILITY OF A DEVICE FOR PASS-THROUGH PAYMENTS.—The following provisions apply for purposes of determining whether a medical device qualifies for additional payments under clause (ii) or (iv) of subparagraph (A):

"(i) ESTABLISHMENT OF INITIAL CATEGORIES.—The Secretary shall initially establish under this clause categories of medical devices based on type of device by April 1, 2001. Such categories shall be established in a manner such that each medical device that meets the requirements of clause (ii) or (iv) of subparagraph (A) as of as of January 1, 2001, is included in such a category and no such device is included in more than one category. For purposes of the preceding sentence, whether a medical device meets such requirements as of such date shall be determined on the basis of the program memoranda issued before such date or if the Secretary determines the medical device would have been included in the program memoranda but for the requirement of subparagraph (A)(iv)(I). The categories may be established under this clause by program memorandum or otherwise, after consultation with groups representing hospitals, manufacturers of medical devices, and other affected parties.

"(ii) ESTABLISHING CRITERIA FOR ADDITIONAL CATEGORIES.—

"(I) IN GENERAL.—The Secretary shall establish criteria that will be used for creation of additional categories (other than those established under clause (i)) through rulemaking (which may include use of an interim final rule with comment period).

"(II) STANDARD.—Such categories shall be established under this clause in a manner such that no medical device is described by more than one category. Such criteria shall include a test of whether the average cost of devices that would be included in a category and are in use at the time the category is established is not insignificant, as described in subparagraph (A)(iv)(II).

"(III) DEADLINE.—Criteria shall first be established under this clause by July 1, 2001. The Secretary may establish in compelling circumstances categories under this clause before the date such criteria are established.

"(IV) ADDING CATEGORIES.—The Secretary shall promptly establish a new category of medical devices under this clause for any medical device that meets the requirements of subparagraph (A)(iv) and for which none of the categories in effect (or that were previously in effect) is appropriate.

"(iii) PERIOD FOR WHICH CATEGORY IS IN EFFECT.—A category of medical devices established under clause (i) or clause (ii) shall be in effect for a period of at least 2 years, but not more than 3 years, that begins—

"(I) in the case of a category established under clause (i), on the first date on which payment was made under this paragraph for any device described by such category (including payments made during the period before April 1, 2001); and

"(II) in the case of any other category, on the first date on which payment is made under this paragraph for any medical device that is described by such category.

"(iv) REQUIREMENTS TREATED AS MET.—A medical device shall be treated as meeting the requirements of subparagraph (A)(iv) if—

"(I) the device is described by a category established and in effect under clause (i); or

"(II) the device is described by a category established and in effect under clause (ii) and an application under section 515 of the Federal Food, Drug, and Cosmetic Act has been approved with respect to the device, or the device has been cleared for market under section 510(k) of such Act, or the device is exempt from the requirements of section 510(k) of such Act pursuant to subsection (l) or (m) of section 510 of such Act or section 520(g) of such Act.

Nothing in this clause shall be construed as requiring an application or prior approval (other than that described in subclause (II)) in order for a covered device to qualify for payment under this paragraph.

"(C) LIMITED PERIOD OF PAYMENT.—

"(i) DRUGS AND BIOLOGICALS.—The payment under this paragraph with respect to a drug or biological shall only apply during a period of at least 2 years, but not more than 3 years, that begins—

"(I) on the first date this subsection is implemented in the case of a drug or biological described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a drug or biological described in subparagraph (A)(iv) and for which payment under this part is made as an outpatient hospital service before such first date; or

"(II) in the case of a drug or biological described in subparagraph (A)(iv) not described in subclause (I), on the first date on which payment is made under this part for the drug or biological as an outpatient hospital service.

"(ii) MEDICAL DEVICES.—Payment shall be made under this paragraph with respect to a medical device only if such device—

"(I) is described by a category of medical devices established and in effect under subparagraph (B); and

"(II) is provided as part of a service (or group of services) paid for under this subsection and provided during the period for which such category is in effect under such subparagraph.".

(b) CONFORMING AMENDMENTS.—Section 1833(t) (42 U.S.C. 1395l(t)) is further amended—

(1) in paragraph (6)(A)(iv)(II), by striking "the cost of the device, drug, or biological" and inserting "the cost of the drug or biological or the average cost of the category of devices";

(2) in paragraph (6)(D) (as redesignated by subsection (a)(1)), by striking "subparagraph (D)(iii)" in the matter preceding clause (i) and inserting "subparagraph (E)(iii)"; and

(3) in paragraph (12)(E), by striking "additional payments (consistent with paragraph (6)(B))" and inserting "additional payments, the determination and deletion of initial and new categories (consistent with subparagraphs (B) and (C) of paragraph (6))".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(d) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B)(i) of section 1833(t)(6) of the Social Security Act (as amended by subsection (a)), payment shall be made for such device under such section in accordance with the provisions in effect before the date of the enactment of this Act, except that, beginning on the date that is 30 days after the date of the enactment of this Act, payment shall also be made for such a device that is not included in a program memorandum described in such subparagraph if the Secretary of Health and Human Services determines that the device is likely to be described by such an initial category or would have been included in such program memoranda but for the requirement of subparagraph (A)(iv)(I) of that section.

(2) APPLICATION OF CURRENT PROCESS.—Notwithstanding any other provision of law, the Secretary shall continue to accept applications with respect to medical devices under the process established pursuant to paragraph (6) of section 1833(t) of the Social Security Act (as in effect on the day before the date of the enactment of this Act) through December 1, 2000, and any device—

(A) with respect to which an application was submitted (pursuant to such process) on or before such date; and

(B) that meets the requirements of clause (ii) or (iv) of subparagraph (A) of such paragraph (as determined pursuant to such process),

shall be treated as a device with respect to which an initial category is required to be established under subparagraph (B)(i) of such paragraph (as amended by subsection (a)(2)).

SEC. 403. APPLICATION OF OPD PPS TRANSITIONAL CORRIDOR PAYMENTS TO CERTAIN HOSPITALS THAT DID NOT SUBMIT A 1996 COST REPORT.

(a) In General.—Section 1833(t)(7)(F)(ii)(I) (42 U.S.C. 1395l(t)(7)(F)(ii)(I)) is amended by inserting "(or in the case of a hospital that did not submit a cost report for such period, during the first subsequent cost reporting period ending before 2001 for which the hospital submitted a cost report)" after "1996".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of BBRA.

SEC. 404. APPLICATION OF RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

(a) Grandfather.—Notwithstanding any other provision of law, for purposes of making determinations of provider-based status under title XVIII of the Social Security Act on or after October 1, 2000, any facility or organization that is treated as provider-based in relation to a hospital or critical access hospital under such title as of October 1, 2000—

(1) shall continue to be treated as provider-based in relation to such hospital or critical access hospital under such title during the 2-year period beginning on October 1, 2000; and

(2) the requirements, limitations, and exclusions specified in paragraphs (d), (e), (f), and (h) of section 413.65 of title 42, Code of Federal Regulations shall not apply to such facility or organization in relation to such hospital or critical access hospital until after the end of such 2-year period.

(b) Temporary Criteria.—For purposes of title XVIII of the Social Security Act—

(1) a facility or organization for which a determination of provider-based status in relation to a hospital or critical access hospital is requested on or after October 1, 2000, and before October 1, 2002, may not be treated as not having provider-based status in relation to such a hospital for any period before a determination is made with respect to such status pursuant to such request; and

(2) in making a determination with respect to such status for any facility or organization in relationship to such a hospital on or after October 1, 2000, the following rules apply:

(A) The facility or organization shall be treated as satisfying any requirements and standards for geographic location in relation to such a hospital if the facility or organization—

(i) satisfies the requirements of section 413.65(d)(7) of title 42, Code of Federal Regulations; or

(ii) is located not more than 35 miles from the main campus of the hospital or critical access hospital.

(B) The facility or organization shall be treated as satisfying any of the requirements and standards for geographic location in relation to such a hospital if the facility or organization is owned and operated by a hospital or critical access hospital that—

(i) is owned or operated by a unit of State or local government, is a public or private nonprofit corporation that is formally granted governmental powers by a unit of State or local government, or is a private hospital that has a contract with a State or local government that includes the operation of clinics located off the main campus of the hospital to assure access in a well-defined service area to health care services for low-income individuals who are not entitled to benefits under title XVIII (or medical assistance under a State plan under title XIX) of such Act; and

(ii) has a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of such Act (42 U.S.C. 1395ww(d)(5)(F))) greater than 11.75 percent or is described in clause (i)(II) of such section.

(c) Definitions.—For purposes of this section, the terms "hospital" and "critical access hospital" have the meanings given such terms in subsections (e) and (mm)(1), respectively, of section 1861 of the Social Security Act (42 U.S.C. 1395x).

SEC. 405. TREATMENT OF CHILDREN'S HOSPITALS UNDER PROSPECTIVE PAYMENT SYSTEM.

(a) In General.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(1) in the heading of paragraph (7)(D)(ii), by inserting "AND CHILDREN'S HOSPITALS" after "CANCER HOSPITALS"; and

(2) in paragraphs (7)(D)(ii) and (11), by striking "section 1886(d)(1)(B)(v)" and inserting "clause (iii) or (v) of section 1886(d)(1)(B)".

(b) Effective Date.—The amendments made by subsection (a) apply as if included in the enactment of section 202 of BBRA (113 Stat. 1501A–342).

SEC. 406. INCLUSION OF TEMPERATURE MONITORED CRYOABLATION IN TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL DEVICES, DRUGS, AND BIOLOGICALS UNDER OPD PPS.

(a) In General.—Section 1833(t)(6)(A)(ii) (42 U.S.C. 1395l(t)(6)(A)(ii)) is amended by inserting "or temperature monitored cryoablation" after "device of brachytherapy".

(b) Effective Date.—The amendment made by subsection (a) applies to devices furnished on or after April 1, 2001.

Subtitle B—Provisions Relating to Physicians' Services

SEC. 411. GAO STUDIES RELATING TO PHYSICIANS' SERVICES.

(a) Study of Specialist Physicians' Services Furnished in Physicians' Offices and Hospital Outpatient Department Services.—

(1) Study.—The Comptroller General of the United States shall conduct a study to examine the appropriateness of furnishing in physicians' offices specialist physicians' services (such as gastrointestinal endoscopic physicians' services) which are ordinarily furnished in hospital outpatient departments. In conducting this study, the Comptroller General shall—

(A) review available scientific and clinical evidence about the safety of performing procedures in physicians' offices and hospital outpatient departments;

(B) assess whether resource-based practice expense relative values established by the Secretary of Health and Human Services under the medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for such specialist physicians' services furnished in physicians' offices and hospital outpatient departments create an incentive to furnish such services in physicians' offices instead of hospital outpatient departments; and

(C) assess the implications for access to care for medicare beneficiaries if the medicare program were not to cover such services in physicians' offices.

(2) Report.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on such study and include such recommendations as the Comptroller General determines to be appropriate.

(b) Study of the Resource-Based Practice Expense System.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the refinements to the practice expense relative value units during the transition to a resource-based practice expense system for physician payments under the medicare program under title XVIII of the Social Security Act. Such study shall examine how the Secretary of Health and Human Services has accepted and used the practice expense data submitted under section 212 of BBRA (113 Stat. 1501A–350).

(2) Report.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding—

(A) improvements in the process for acceptance and use of practice expense data under section 212 of BBRA;

(B) any change or adjustment that is appropriate to ensure full access to a spectrum of care for beneficiaries under the medicare program; and

(C) the appropriateness of payments to physicians.

SEC. 412. PHYSICIAN GROUP PRACTICE DEMONSTRATION.

(a) In General.—Title XVIII is amended by inserting after section 1866 the following new sections:

"DEMONSTRATION OF APPLICATION OF PHYSICIAN VOLUME INCREASES TO GROUP PRACTICES

"Sec. 1866A. (a) Demonstration Program Authorized.—

"(1) In general.—The Secretary shall conduct demonstration projects to test and, if proven effective, expand the use of incentives to health care groups participating in the program under this title that—

"(A) encourage coordination of the care furnished to individuals under the programs under parts A and B by institutional and other providers, practitioners, and suppliers of health care items and services;

"(B) encourage investment in administrative structures and processes to ensure efficient service delivery; and

"(C) reward physicians for improving health outcomes.

Such projects shall focus on the efficiencies of furnishing health care in a group-practice setting as compared to the efficiencies of furnishing health care in other health care delivery systems.

"(2) Administration by contract.—Except as otherwise specifically provided, the Secretary may administer the program under this section in accordance with section 1866B.

"(3) Definitions.—For purposes of this section, terms have the following meanings:

"(A) Physician.—Except as the Secretary may otherwise provide, the term 'physician' means any individual who furnishes services which may be paid for as physicians' services under this title.

"(B) Health care group.—The term 'health care group' means a group of physicians (as defined in subparagraph (A)) organized at least in part for the purpose of providing physicians' services under this title. As the Secretary finds appropriate, a health care group may include a hospital and any other individual or entity furnishing items or services for which payment may be made under this title that is affiliated with the health care group under an arrangement structured so that such individual or entity participates in a demonstration under this section and will share in any bonus earned under subsection (d).

"(b) Eligibility Criteria.—

"(1) In general.—The Secretary is authorized to establish criteria for health care groups eligible to participate in a demonstration under this section, including criteria relating to numbers of health care professionals in, and of patients served by, the group, scope of services provided, and quality of care.

"(2) Payment method.—A health care group participating in the demonstration under this section shall agree with respect to services furnished to beneficiaries within the scope of the demonstration (as determined under subsection (c))—

"(A) to be paid on a fee-for-service basis; and

"(B) that payment with respect to all such services furnished by members of the health care

group to such beneficiaries shall (where determined appropriate by the Secretary) be made to a single entity.

"(3) DATA REPORTING.—A health care group participating in a demonstration under this section shall report to the Secretary such data, at such times and in such format as the Secretary requires, for purposes of monitoring and evaluation of the demonstration under this section.

"(c) PATIENTS WITHIN SCOPE OF DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary shall specify, in accordance with this subsection, the criteria for identifying those patients of a health care group who shall be considered within the scope of the demonstration under this section for purposes of application of subsection (d) and for assessment of the effectiveness of the group in achieving the objectives of this section.

"(2) OTHER CRITERIA.—The Secretary may establish additional criteria for inclusion of beneficiaries within a demonstration under this section, which may include frequency of contact with physicians in the group or other factors or criteria that the Secretary finds to be appropriate.

"(3) NOTICE REQUIREMENTS.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.

"(d) INCENTIVES.—

"(1) PERFORMANCE TARGET.—The Secretary shall establish for each health care group participating in a demonstration under this section—

"(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and

"(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.

"(2) INCENTIVE BONUS.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.

"(3) ADDITIONAL BONUS FOR PROCESS AND OUTCOME IMPROVEMENTS.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) an additional bonus for a year, equal to such portion as the Secretary may designate of the saving to the program under this title resulting from process improvements made by and patient outcome improvements attributable to activities of the group.

"(4) LIMITATION.—The Secretary shall limit bonus payments under this section as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to patients within the scope of the demonstration do not exceed the amount which the Secretary estimates would be expended if the demonstration projects under this section were not implemented.

"PROVISIONS FOR ADMINISTRATION OF DEMONSTRATION PROGRAM

"SEC. 1866B. (a) GENERAL ADMINISTRATIVE AUTHORITY.—

"(1) BENEFICIARY ELIGIBILITY.—Except as otherwise provided by the Secretary, an individual shall only be eligible to receive benefits under the program under section 1866A (in this section referred to as the 'demonstration program') if such individual—

"(A) is enrolled in under the program under part B and entitled to benefits under part A; and

"(B) is not enrolled in a Medicare+Choice plan under part C, an eligible organization under a contract under section 1876 (or a similar organization operating under a demonstration project authority), an organization with an agreement under section 1833(a)(1)(A), or a PACE program under section 1894.

"(2) SECRETARY'S DISCRETION AS TO SCOPE OF PROGRAM.—The Secretary may limit the implementation of the demonstration program to—

"(A) a geographic area (or areas) that the Secretary designates for purposes of the program, based upon such criteria as the Secretary finds appropriate;

"(B) a subgroup (or subgroups) of beneficiaries or individuals and entities furnishing items or services (otherwise eligible to participate in the program), selected on the basis of the number of such participants that the Secretary finds consistent with the effective and efficient implementation of the program;

"(C) an element (or elements) of the program that the Secretary determines to be suitable for implementation; or

"(D) any combination of any of the limits described in subparagraphs (A) through (C).

"(3) VOLUNTARY RECEIPT OF ITEMS AND SERVICES.—Items and services shall be furnished to an individual under the demonstration program only at the individual's election.

"(4) AGREEMENTS.—The Secretary is authorized to enter into agreements with individuals and entities to furnish health care items and services to beneficiaries under the demonstration program.

"(5) PROGRAM STANDARDS AND CRITERIA.—The Secretary shall establish performance standards for the demonstration program including, as applicable, standards for quality of health care items and services, cost-effectiveness, beneficiary satisfaction, and such other factors as the Secretary finds appropriate. The eligibility of individuals or entities for the initial award, continuation, and renewal of agreements to provide health care items and services under the program shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

"(6) ADMINISTRATIVE REVIEW OF DECISIONS AFFECTING INDIVIDUALS AND ENTITIES FURNISHING SERVICES.—An individual or entity furnishing services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

"(7) SECRETARY'S REVIEW OF MARKETING MATERIALS.—An agreement with an individual or entity furnishing services under the demonstration program shall require the individual or entity to guarantee that it will not distribute materials that market items or services under the program without the Secretary's prior review and approval.

"(8) PAYMENT IN FULL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an individual or entity receiving payment from the Secretary under a contract or agreement under the demonstration program shall agree to accept such payment as payment in full, and such payment shall be in lieu of any payments to which the individual or entity would otherwise be entitled under this title.

"(B) COLLECTION OF DEDUCTIBLES AND COINSURANCE.—Such individual or entity may collect any applicable deductible or coinsurance amount from a beneficiary.

"(b) CONTRACTS FOR PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary may administer the demonstration program through a contract with a program administrator in accordance with the provisions of this subsection.

"(2) SCOPE OF PROGRAM ADMINISTRATOR CONTRACTS.—The Secretary may enter into such contracts for a limited geographic area, or on a regional or national basis.

"(3) ELIGIBLE CONTRACTORS.—The Secretary may contract for the administration of the program with—

"(A) an entity that, under a contract under section 1816 or 1842, determines the amount of and makes payments for health care items and services furnished under this title; or

"(B) any other entity with substantial experience in managing the type of program concerned.

"(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

"(A) IN GENERAL.—A contract under this subsection shall be for an initial term of up to three years, renewable for additional terms of up to three years.

"(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of section 5 of title 41, United States Code.

"(5) APPLICABILITY OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall apply to program administration contracts under this subsection.

"(6) PERFORMANCE STANDARDS.—The Secretary shall establish performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate. The eligibility of entities for the initial award, continuation, and renewal of program administration contracts shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

"(7) FUNCTIONS OF PROGRAM ADMINISTRATOR.—A program administrator shall perform any or all of the following functions, as specified by the Secretary:

"(A) AGREEMENTS WITH ENTITIES FURNISHING HEALTH CARE ITEMS AND SERVICES.—Determine the qualifications of entities seeking to enter or renew agreements to provide services under the demonstration program, and as appropriate enter or renew (or refuse to enter or renew) such agreements on behalf of the Secretary.

"(B) ESTABLISHMENT OF PAYMENT RATES.—Negotiate or otherwise establish, subject to the Secretary's approval, payment rates for covered health care items and services.

"(C) PAYMENT OF CLAIMS OR FEES.—Administer payments for health care items or services furnished under the program.

"(D) PAYMENT OF BONUSES.—Using such guidelines as the Secretary shall establish, and subject to the approval of the Secretary, make bonus payments as described in subsection (c)(2)(A)(ii) to entities furnishing items or services for which payment may be made under the program.

"(E) OVERSIGHT.—Monitor the compliance of individuals and entities with agreements under the program with the conditions of participation.

"(F) ADMINISTRATIVE REVIEW.—Conduct reviews of adverse determinations specified in subsection (a)(6).

"(G) REVIEW OF MARKETING MATERIALS.—Conduct a review of marketing materials proposed by an entity furnishing services under the program.

"(H) ADDITIONAL FUNCTIONS.—Perform such other functions as the Secretary may specify.

"(8) LIMITATION OF LIABILITY.—The provisions of section 1157(b) shall apply with respect to activities of contractors and their officers, employees, and agents under a contract under this subsection.

"(9) INFORMATION SHARING.—Notwithstanding section 1106 and section 552a of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including medical information) on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract.

"(c) RULES APPLICABLE TO BOTH PROGRAM AGREEMENTS AND PROGRAM ADMINISTRATION CONTRACTS.—

"(1) RECORDS, REPORTS, AND AUDITS.—The Secretary is authorized to require entities with agreements to provide health care items or services under the demonstration program, and entities with program administration contracts under subsection (b), to maintain adequate records, to afford the Secretary access to such records (including for audit purposes), and to furnish such reports and other materials (including audited financial statements and performance data) as the Secretary may require for purposes of implementation, oversight, and evaluation of the program and of individuals' and entities' effectiveness in performance of such agreements or contracts.

"(2) BONUSES.—Notwithstanding any other provision of law, but subject to subparagraph (B)(ii), the Secretary may make bonus payments under the demonstration program from the Federal Health Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in amounts that do not exceed the amounts authorized under the program in accordance with the following:

"(A) PAYMENTS TO PROGRAM ADMINISTRATORS.—The Secretary may make bonus payments under the program to program administrators.

"(B) PAYMENTS TO ENTITIES FURNISHING SERVICES.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may make bonus payments to individuals or entities furnishing items or services for which payment may be made under the demonstration program, or may authorize the program administrator to make such bonus payments in accordance with such guidelines as the Secretary shall establish and subject to the Secretary's approval.

"(ii) LIMITATIONS.—The Secretary may condition such payments on the achievement of such standards related to efficiency, improvement in processes or outcomes of care, or such other factors as the Secretary determines to be appropriate.

"(3) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the demonstration program, or with an entity to administer the program, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the program, for individuals eligible to be enrolled under such program, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(d) LIMITATIONS ON JUDICIAL REVIEW.—The following actions and determinations with respect to the demonstration program shall not be subject to review by a judicial or administrative tribunal:

"(1) Limiting the implementation of the program under subsection (a)(2).

"(2) Establishment of program participation standards under subsection (a)(5) or the denial or termination of, or refusal to renew, an agreement with an entity to provide health care items and services under the program.

"(3) Establishment of program administration contract performance standards under subsection (b)(6), the refusal to renew a program administration contract, or the noncompetitive award or renewal of a program administration contract under subsection (b)(4)(B).

"(5) Establishment of payment rates, through negotiation or otherwise, under a program agreement or a program administration contract.

"(6) A determination with respect to the program (where specifically authorized by the program authority or by subsection (c)(2))—

"(A) as to whether cost savings have been achieved, and the amount of savings; or

"(B) as to whether, to whom, and in what amounts bonuses will be paid.

"(e) APPLICATION LIMITED TO PARTS A AND B.—None of the provisions of this section or of the demonstration program shall apply to the programs under part C.

"(f) REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of this section, and biennially thereafter for six years, the Secretary shall report to Congress on the use of authorities under the demonstration program. Each report shall address the impact of the use of those authorities on expenditures, access, and quality under the programs under this title.".

(b) GAO REPORT.—Not later than 2 years after the date on which the demonstration project under section 1866A of the Social Security Act, as added by subsection (a), is implemented, the Comptroller General of the United States shall submit to Congress a report on such demonstration project. The report shall include such recommendations with respect to changes to the demonstration project that the Comptroller General determines appropriate.

SEC. 413. STUDY ON ENROLLMENT PROCEDURES FOR GROUPS THAT RETAIN INDEPENDENT CONTRACTOR PHYSICIANS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current medicare enrollment process for groups that retain independent contractor physicians with particular emphasis on hospital-based physicians, such as emergency department staffing groups. In conducting the evaluation, the Comptroller General shall consult with groups that retain independent contractor physicians and shall—

(1) review the issuance of individual medicare provider numbers and the possible medicare program integrity vulnerabilities of the current process;

(2) review direct and indirect costs associated with the current process incurred by the medicare program and groups that retain independent contractor physicians;

(3) assess the effect on program integrity by the enrollment of groups that retain independent contractor hospital-based physicians; and

(4) develop suggested procedures for the enrollment of these groups.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

Subtitle C—Other Services

SEC. 421. 1-YEAR EXTENSION OF MORATORIUM ON THERAPY CAPS; REPORT ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.

(a) IN GENERAL.—Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking "2000 and 2001." and inserting "2000, 2001, and 2002.".

(b) CONFORMING AMENDMENT TO CONTINUE FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—Section 221(a)(2) of BBRA (113 Stat. 1501A–351) is amended by striking "(under the amendment made by paragraph (1)(B))".

(c) STUDY ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the implications—

(A) of eliminating the "in the room" supervision requirement for medicare payment for services of physical therapy assistants who are supervised by physical therapists; and

(B) of such requirement on the cap imposed under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) on physical therapy services.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 422. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) UPDATE.—

(1) IN GENERAL.—The last sentence of section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by striking "for such services furnished on or after January 1, 2001, by 1.2 percent" and inserting "for such services furnished on or after January 1, 2001, by 2.4 percent".

(2) PROHIBITION ON EXEMPTIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Health and Human Services may not provide for an exception under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) on or after December 31, 2000.

(B) SPECIAL RULES FOR 2000.—

(i) IN GENERAL.—Any exemption rate under such section 1881(b)(7) in effect on December 31, 2000, shall continue in effect so long as such rate is greater than the composite rate as updated by the amendment made by paragraph (1).

(ii) RESUBMISSION OF CERTAIN APPLICATIONS.—In the case of an application for an exemption rate under such section that was filed by a facility during 2000 that was not approved by the Secretary of Health and Human Services, the facility may submit an application for an exemption rate for that year by not later than July 1, 2001.

(b) DEVELOPMENT OF ESRD MARKET BASKET.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall collect data and develop an ESRD market basket whereby the Secretary can estimate, before the beginning of a year, the percentage by which the costs for the year of the mix of labor and nonlabor goods and services included in the ESRD composite rate under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) will exceed the costs of such mix of goods and services for the preceding year. In developing such index, the Secretary may take into account measures of changes in—

(A) technology used in furnishing dialysis services;

(B) the manner or method of furnishing dialysis services; and

(C) the amounts by which the payments under such section for all services billed by a facility for a year exceed the aggregate allowable audited costs of such services for such facility for such year.

(2) REPORT.—The Secretary of Health and Human Services shall submit to Congress a report on the index developed under paragraph (1) no later than July 1, 2002, and shall include in the report recommendations on the appropriateness of an annual or periodic update mechanism for renal dialysis services under the medicare program under title XVIII of the Social Security Act based on such index.

(c) INCLUSION OF ADDITIONAL SERVICES IN COMPOSITE RATE.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall develop a system which includes, to the maximum extent feasible, in the composite rate used for payment under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)), payment for clinical diagnostic laboratory tests and drugs (including drugs paid under section 1881(b)(11)(B) of such Act (42 U.S.C. 1395rr(b)(11)(B)) that are routinely used in furnishing dialysis services to medicare beneficiaries but which are currently separately billable by renal dialysis facilities.

(2) REPORT.—The Secretary shall include, as part of the report submitted under subsection (b)(2), a report on the system developed under paragraph (1) and recommendations on the appropriateness of incorporating the system into medicare payment for renal dialysis services.

(d) GAO STUDY ON ACCESS TO SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall study access of medicare beneficiaries to renal dialysis services. Such study shall include whether there is a sufficient supply of facilities to furnish needed renal dialysis services, whether medicare payment levels are appropriate, taking into account audited costs of facilities for all services furnished, to ensure continued access to such services, and improvements in access (and quality of care) that may result in the increased use of long nightly and short daily hemodialysis modalities.

(2) REPORT.—Not later than January 1, 2003, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 423. PAYMENT FOR AMBULANCE SERVICES.

(a) RESTORATION OF FULL CPI INCREASE FOR 2001.—Section 1834(l)(3) (42 U.S.C. 1395m(l)(3)) is amended by striking "reduced in the case of 2001 and 2002" each place it appears and inserting "reduced in the case of 2002".

(b) MILEAGE PAYMENTS.—Section 1834(l)(2)(E) (42 U.S.C. 1395m(l)(2)(E)) is amended by inserting before the period at the end the following: ", except that, beginning on the date on which the Secretary implements such fee schedule, such phase-in shall provide for full payment of any national mileage rate for ambulance services provided by suppliers that are paid by carriers in any of the 50 States where payment by a carrier for such services for all such suppliers in such State did not, prior to the implementation of the fee schedule, include a separate amount for all mileage within the county from which the beneficiary is transported".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to services furnished on or after the date on which the Secretary of Health and Human Services implements the fee schedule under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)).

SEC. 424. AMBULATORY SURGICAL CENTERS.

(a) DELAY IN IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—The Secretary of Health and Human Services may not implement a revised prospective payment system for services of ambulatory surgical facilities under section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) before January 1, 2002.

(b) EXTENDING PHASE-IN TO 4 YEARS.—Section 226 of the BBRA (113 Stat. 1501A–354) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) in the first year of its implementation, only a proportion (specified by the Secretary and not to exceed ¼) of the payment for such services shall be made in accordance with such system and the remainder shall be made in accordance with current regulations; and

"(2) in each of the following 2 years a proportion (specified by the Secretary and not to exceed ½, and ¾, respectively) of the payment for such services shall be made under such system and the remainder shall be made in accordance with current regulations.".

(c) DEADLINE FOR USE OF 1999 OR LATER COST SURVEYS.—Section 226 of BBRA (113 Stat. 1501A–354) is amended by adding at the end the following:

"By not later than January 1, 2003, the Secretary shall incorporate data from a 1999 medicare cost survey or a subsequent cost survey for purposes of implementing or revising such system.".

SEC. 425. FULL UPDATE FOR DURABLE MEDICAL EQUIPMENT.

(a) IN GENERAL.—Section 1834(a)(14) (42 U.S.C. 1395m(a)(14)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (F);

(2) in subparagraph (C)—

(A) by striking "through 2002" and inserting "through 2000"; and

(B) by striking "and" at the end; and

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) for 2001, the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

"(E) for 2002, 0 percentage points; and".

(b) CONFORMING AMENDMENTS TO BBRA.—Subsection (a) of section 228 of BBRA (113 Stat. 1501A–356) is amended—

(1) in the matter preceding paragraph (1), by striking "for such items";

(2) in paragraph (1), by inserting "oxygen and oxygen equipment for" after "(1)"; and

(3) in paragraph (2), by inserting "all such covered items for" after "(2)".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect as if included in the enactment of BBRA.

SEC. 426. FULL UPDATE FOR ORTHOTICS AND PROSTHETICS.

Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(1) by redesignating clause (vi) as clause (viii);

(2) in clause (v)—

(A) by striking "through 2002" and inserting "through 2000"; and

(B) by striking "and" at the end; and

(3) by inserting after clause (v) the following new clause:

"(vi) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

"(vii) for 2002, 1 percent; and".

SEC. 427. ESTABLISHMENT OF SPECIAL PAYMENT PROVISIONS AND REQUIREMENTS FOR PROSTHETICS AND CERTAIN CUSTOM FABRICATED ORTHOTIC ITEMS.

(a) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following:

"(F) SPECIAL PAYMENT RULES FOR CERTAIN PROSTHETICS AND CUSTOM FABRICATED ORTHOTICS.—

"(i) IN GENERAL.—No payment shall be made under this subsection for an item of custom fabricated orthotics described in clause (ii) or for an item of prosthetics unless such item is—

"(I) furnished by a qualified practitioner; and

"(II) fabricated by a qualified practitioner or a qualified supplier at a facility that meets such criteria as the Secretary determines appropriate.

"(ii) DESCRIPTION OF CUSTOM FABRICATED ITEM.—

"(I) IN GENERAL.—An item described in this clause is an item of custom fabricated orthotics that requires education, training, and experience to custom fabricate and that is included in a list established by the Secretary in subclause (II). Such an item does not include shoes and shoe inserts.

"(II) LIST OF ITEMS.—The Secretary, in consultation with appropriate experts in orthotics (including national organizations representing manufacturers of orthotics), shall establish and update as appropriate a list of items to which this subparagraph applies. No item may be included in such list unless the item is individually fabricated for the patient over a positive model of the patient.

"(iii) QUALIFIED PRACTITIONER DEFINED.—In this subparagraph, the term 'qualified practitioner' means a physician or other individual who—

"(I) is a qualified physical therapist or a qualified occupational therapist;

"(II) in the case of a State that provides for the licensing of orthotics and prosthetics, is licensed in orthotics or prosthetics by the State in which the item is supplied; or

"(III) in the case of a State that does not provide for the licensing of orthotics and prosthetics, is specifically trained and educated to provide or manage the provision of prosthetics and custom-designed or fabricated orthotics, and is certified by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or is credentialed and approved by a program that the Secretary determines, in consultation with appropriate experts in orthotics and prosthetics, has training and education standards that are necessary to provide such prosthetics and orthotics.

"(iv) QUALIFIED SUPPLIER DEFINED.—In this subparagraph, the term 'qualified supplier' means any entity that is accredited by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or accredited and approved by a program that the Secretary determines has accreditation and approval standards that are essentially equivalent to those of such Board.".

(b) EFFECTIVE DATE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate revised regulations to carry out the amendment made by subsection (a) using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on HCFA Ruling 96–1, issued on September 1, 1996, with respect to distinguishing orthotics from durable medical equipment under the medicare program under title XVIII of the Social Security Act. The study shall assess the following matters:

(A) The compliance of the Secretary of Health and Human Services with the Administrative Procedures Act (under chapter 5 of title 5, United States Code) in making such ruling.

(B) The potential impact of such ruling on the health care furnished to medicare beneficiaries under the medicare program, especially those beneficiaries with degenerative musculoskeletal conditions.

(C) The potential for fraud and abuse under the medicare program if payment were provided for orthotics used as a component of durable medical equipment only when made under the special payment provision for certain prosthetics and custom fabricated orthotics under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.

(D) The impact on payments under titles XVIII and XIX of the Social Security Act if such ruling were overturned.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 428. REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.

(a) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)), as amended by section 427(a), is

further amended by adding at the end the following new subparagraph:

"(G) REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.—

"(i) IN GENERAL.—Payment shall be made for the replacement of prosthetic devices which are artificial limbs, or for the replacement of any part of such devices, without regard to continuous use or useful lifetime restrictions if an ordering physician determines that the provision of a replacement device, or a replacement part of such a device, is necessary because of any of the following:

"(I) A change in the physiological condition of the patient.

"(II) An irreparable change in the condition of the device, or in a part of the device.

"(III) The condition of the device, or the part of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device, or, as the case may be, of the part being replaced.

"(ii) CONFIRMATION MAY BE REQUIRED IF REPLACEMENT DEVICE OR PART IS LESS THAN 3 YEARS OLD.—If a physician determines that a replacement device, or a replacement part, is necessary pursuant to clause (i)—

"(I) such determination shall be controlling; and

"(II) such replacement device or part shall be deemed to be reasonable and necessary for purposes of section 1862(a)(1)(A);

except that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require confirmation of necessity of the replacement device, or, as the case may be, the replacement part.".

(b) PREEMPTION OF RULE.—The provisions of section 1834(h)(1)(G) as added by subsection (a) shall supersede any rule that as of the date of the enactment of this Act may have applied a 5-year replacement rule with regard to prosthetic devices.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items replaced on or after April 1, 2001.

SEC. 429. REVISED PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGY FOR DRUGS AND BIOLOGICALS.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the reimbursement for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) and for related services under part B of title XVIII of such Act. In the study, the Comptroller General shall—

(i) identify the average prices at which such drugs and biologicals are acquired by physicians and other suppliers;

(ii) quantify the difference between such average prices and the reimbursement amount under such section; and

(iii) determine the extent to which (if any) payment under such part is adequate to compensate physicians, providers of services, or other suppliers of such drugs and biologicals for costs incurred in the administration, handling, or storage of such drugs or biologicals.

(B) CONSULTATION.—In conducting the study under subparagraph (A), the Comptroller General shall consult with physicians, providers of services, and suppliers of drugs and biologicals under the medicare program under title XVIII of such Act, as well as other organizations involved in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and to the Secretary of Health and Human Services a report on the study conducted under this subsection, and shall include in such report recommendations for revised payment methodologies described in paragraph (3).

(3) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGIES.—

(A) IN GENERAL.—The Comptroller General shall provide specific recommendations for revised payment methodologies for reimbursement for drugs and biologicals and for related services under the medicare program. The Comptroller General may include in the recommendations—

(i) proposals to make adjustments under subsection (c) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for the practice expense component of the physician fee schedule under such section for the costs incurred in the administration, handling, or storage of certain categories of such drugs and biologicals, if appropriate; and

(ii) proposals for new payments to providers of services or suppliers for such costs, if appropriate.

(B) ENSURING PATIENT ACCESS TO CARE.—In making recommendations under this paragraph, the Comptroller General shall ensure that any proposed revised payment methodology is designed to ensure that medicare beneficiaries continue to have appropriate access to health care services under the medicare program.

(C) MATTERS CONSIDERED.—In making recommendations under this paragraph, the Comptroller General shall consider—

(i) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans;

(ii) as a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services in lieu of services in a physician's office; and

(iii) the effect of any revised payment methodology on the delivery of drug therapies by hospital outpatient departments.

(D) COORDINATION WITH BBRA STUDY.—In making recommendations under this paragraph, the Comptroller General shall conclude and take into account the results of the study provided for under section 213(a) of BBRA (113 Stat. 1501A–350).

(b) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, based on the recommendations contained in the report under subsection (a), the Secretary of Health and Human Services, subject to paragraph (2), shall revise the payment methodology under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) for drugs and biologicals furnished under part B of the medicare program. To the extent the Secretary determines appropriate, the Secretary may provide for the adjustments to payments amounts referred to in subsection (a)(3)(A)(i) or additional payments referred to in subsection (a)(2)(A)(ii).

(2) LIMITATION.—In revising the payment methodology under paragraph (1), in no case may the estimated aggregate payments for drugs and biologicals under the revised system (including additional payments referred to in subsection (a)(3)(A)(ii)) exceed the aggregate amount of payment for such drugs and biologicals, as projected by the Secretary, that would have been made under the payment methodology in effect under such section 1842(o).

(c) TEMPORARY INJUNCTION AGAINST REDUCTIONS IN PAYMENT RATES.—Notwithstanding any other provision of law, the Administrator of the Health Care Financing Administration may not directly or indirectly increase or decrease the rates of reimbursement (in effect on September 1, 2000) for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of such Act (42 U.S.C. 1395u(o)) until such time as the Secretary has reviewed the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC PROCEDURES UNDER HOSPITAL PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Secretary shall create additional groups of covered OPD services that classify separately those procedures that utilize contrast media from those that do not.".

(b) CONFORMING AMENDMENT.—Section 1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by inserting "(including contrast agents)" after "only such drugs".

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after January 1, 2001.

SEC. 431. QUALIFICATIONS FOR COMMUNITY MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity" and all that follows and inserting the following: "entity that—

"(i)(I) provides the mental health services described in section 1913(c)(1) of the Public Health Service Act; or

"(II) in the case of an entity operating in a State that by law precludes the entity from providing itself the service described in subparagraph (E) of such section, provides for such service by contract with an approved organization or entity (as determined by the Secretary);

"(ii) meets applicable licensing or certification requirements for community mental health centers in the State in which it is located; and

"(iii) meets such additional conditions as the Secretary shall specify to ensure (I) the health and safety of individuals being furnished such services, (II) the effective and efficient furnishing of such services, and (III) the compliance of such entity with the criteria described in section 1931(c)(1) of the Public Health Service Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to community mental health centers with respect to services furnished on or after the first day of the third month beginning after the date of the enactment of this Act.

SEC. 432. MODIFICATION OF MEDICARE BILLING REQUIREMENTS FOR CERTAIN INDIAN PROVIDERS.

(a) IN GENERAL.—Section 1880(a) (42 U.S.C. 1395qq(a)) is amended by adding at the end the following new sentence: "A hospital or a freestanding ambulatory care clinic (as defined by the Secretary), whether operated by the Indian Health Service or by an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for payments for services for which payment is made pursuant to section 1848, notwithstanding sections 1814(c) and 1835(d), if and for so long as it meets all of the requirements which are applicable generally to such payments, services, hospitals, and clinics.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after January 1, 2001.

SEC. 433. GAO STUDY ON COVERAGE OF SURGICAL FIRST ASSISTING SERVICES OF CERTIFIED REGISTERED NURSE FIRST ASSISTANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effect on the medicare program under title XVIII

of the Social Security Act and on medicare beneficiaries of coverage under the program of surgical first assisting services of certified registered nurse first assistants. The Comptroller General shall consider the following when conducting the study:

(1) Any impact on the quality of care furnished to medicare beneficiaries by reason of such coverage.

(2) Appropriate education and training requirements for certified registered nurse first assistants who furnish such first assisting services.

(3) Appropriate rates of payment under the program to such certified registered nurse first assistants for furnishing such services, taking into account the costs of compensation, overhead, and supervision attributable to certified registered nurse first assistants.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 434. MEDPAC STUDY AND REPORT ON MEDICARE REIMBURSEMENT FOR SERVICES PROVIDED BY CERTAIN PROVIDERS.

(a) Study.—The Medicare Payment Advisory Commission shall conduct a study on the appropriateness of the current payment rates under the medicare program under title XVIII of the Social Security Act for services provided by a—

(1) certified nurse-midwife (as defined in subsection (gg)(2) of section 1861 of such Act (42 U.S.C. 1395x);

(2) physician assistant (as defined in subsection (aa)(5)(A) of such section);

(3) nurse practitioner (as defined in such subsection); and

(4) clinical nurse specialist (as defined in subsection (aa)(5)(B) of such section).

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 435. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF SERVICES PROVIDED BY CERTAIN NONPHYSICIAN PROVIDERS.

(a) Study.—

(1) In general.—The Medicare Payment Advisory Commission shall conduct a study to determine the appropriateness of providing coverage under the medicare program under title XVIII of the Social Security Act for services provided by a—

(A) surgical technologist;

(B) marriage counselor;

(C) marriage and family therapist;

(D) pastoral care counselor; and

(E) licensed professional counselor of mental health.

(2) Costs to program.—The study shall consider the short-term and long-term benefits, and costs to the medicare program, of providing the coverage described in paragraph (1).

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 436. GAO STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) Study.—The Comptroller General of the United States shall conduct a study on the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for any changes in methodology or payment level necessary to fairly compensate suppliers of emergency and medical transportation services and to ensure the access of beneficiaries under the medicare program under title XVIII of the Social Security Act.

SEC. 437. GAO STUDIES AND REPORTS ON MEDICARE PAYMENTS.

(a) GAO Study on HCFA Post-Payment Audit Process.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the post-payment audit process under the medicare program under title XVIII of the Social Security Act as such process applies to physicians, including the proper level of resources that the Health Care Financing Administration should devote to educating physicians regarding—

(A) coding and billing;

(B) documentation requirements; and

(C) the calculation of overpayments.

(2) Report.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

(b) GAO Study on Administration and Oversight.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the aggregate effects of regulatory, audit, oversight, and paperwork burdens on physicians and other health care providers participating in the medicare program under title XVIII of the Social Security Act.

(2) Report.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding any area in which—

(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or

(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

SEC. 438. MEDPAC STUDY ON ACCESS TO OUTPATIENT PAIN MANAGEMENT SERVICES.

(a) Study.—The Medicare Payment Advisory Commission shall conduct a study on the barriers to coverage and payment for outpatient interventional pain medicine procedures under the medicare program under title XVIII of the Social Security Act. Such study shall examine—

(1) the specific barriers imposed under the medicare program on the provision of pain management procedures in hospital outpatient departments, ambulatory surgery centers, and physicians' offices; and

(2) the consistency of medicare payment policies for pain management procedures in those different settings.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 501. 1-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

(a) In General.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subclause (II) as subclause (III);

(2) in subclause (III), as redesignated, by striking "described in subclause (I)" and inserting "described in subclause (II)"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) For the 12-month period beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (I), updated under subparagraph (B).".

(b) Change in Report.—Section 302(c) of BBRA (113 Stat. 1501A–360) is amended—

(1) by striking "Not later than" and all that follows through "(42 U.S.C. 1395fff)" and inserting "Not later than April 1, 2002"; and

(2) by striking "Secretary" and inserting "Comptroller General of the United States".

(c) Case Mix Adjustment Corrections.—

(1) In general.—Section 1895(b)(3)(B) (42 U.S.C. 1395fff(b)(3)(B)) is amended by adding at the end the following new clause:

"(iv) Adjustment for case mix changes.—Insofar as the Secretary determines that the adjustments under paragraph (4)(A)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of different units of services that do not reflect real changes in case mix, the Secretary may adjust the standard prospective payment amount (or amounts) under paragraph (3) for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.".

(2) Effective date.—The amendment made by paragraph (1) applies to episodes concluding on or after October 1, 2001.

SEC. 502. RESTORATION OF FULL HOME HEALTH MARKET BASKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

(a) In General.—Section 1861(v)(1)(L)(x) (42 U.S.C. 1395x(v)(1)(L)(x)) is amended—

(1) by striking "2001,"; and

(2) by adding at the end the following: "With respect to cost reporting periods beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket index.".

(b) Special Rule for Payment for Fiscal Year 2001 Based on Adjusted Prospective Payment Amounts.—

(1) In general.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) for home health services for fiscal year 2001, the Secretary of Health and Human Services shall—

(A) with respect to episodes and visits ending on or after October 1, 2000, and before April 1, 2001, use the final standardized and budget neutral prospective payment amounts for 60 day episodes and standardized average per visit amounts for fiscal year 2001 as published by the Secretary in Federal Register of the July 3, 2000 (65 Federal Register 41128–41214); and

(B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use such amounts increased by 2.2 percent.

(2) No effect on other payments or determinations.—The Secretary shall not take the provisions of paragraph (1) into account for purposes of payments, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act.

SEC. 503. TEMPORARY TWO-MONTH EXTENSION OF PERIODIC INTERIM PAYMENTS.

(a) Temporary Extension.—Notwithstanding subsection (d) of section 4603 of BBA (42 U.S.C. 1395fff note), as amended by section 5101(c)(2) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277)), the amendments made by subsection (b) of such section 4603 shall not take effect until December 1, 2000, in the case of a home health agency that was receiving periodic interim payments under section 1815(e)(2) as of September 30, 2000.

(b) Payment Rule.—The amount of such periodic interim payment made to a home health agency by reason of subsection (a) during each of November and December, 2000, shall be equal to the amount of such payment made to the agency in their last full monthly periodic interim payment. Such amount of payment shall be included in the tentative settlement of the last cost report for the home health agency under the payment system in effect prior to the implementation of the prospective payment system under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)).

SEC. 504. USE OF TELEHEALTH IN DELIVERY OF HOME HEALTH SERVICES.

Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(e) Construction Related to Home Health Services.—

"(1) Telecommunications.—Nothing in this section shall be construed as preventing a home health agency furnishing a home health unit of service for which payment is made under the prospective payment system established by this section for such units of service from furnishing services via a telecommunication system if such services—

"(A) do not substitute for in-person home health services ordered as part of a plan of care certified by a physician pursuant to section 1814(a)(2)(C) or section 1835(a)(2)(A); and

"(B) are not considered a home health visit for purposes of eligibility or payment under this title.

"(2) Physician certification.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or section 1835(a)(2)(A) of such Act (42 U.S.C. 1395f(a)(2)(C), 1395n(a)(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.".

SEC. 505. STUDY ON COSTS TO HOME HEALTH AGENCIES OF PURCHASING NONROUTINE MEDICAL SUPPLIES.

(a) Study.—The Comptroller General of the United States shall conduct a study on variations in prices paid by home health agencies furnishing home health services under the medicare program under title XVIII of the Social Security Act in purchasing nonroutine medical supplies, including ostomy supplies, and volumes if such supplies used, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

(b) Report.—Not later than October 1, 2001, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), and shall include in the report recommendations respecting whether payment for nonroutine medical supplies furnished in connection with home health services should be made separately from the prospective payment system for such services.

SEC. 506. TREATMENT OF BRANCH OFFICES; GAO STUDY ON SUPERVISION OF HOME HEALTH CARE PROVIDED IN ISOLATED RURAL AREAS.

(a) Treatment of Branch Offices.—

(1) In general.—Notwithstanding any other provision of law, in determining for purposes of title XVIII of the Social Security Act whether an office of a home health agency constitutes a branch office or a separate home health agency, neither the time nor distance between a parent office of the home health agency and a branch office shall be the sole determinant of a home health agency's branch office status.

(2) Consideration of forms of technology in definition of supervision.—The Secretary of Health and Human Services may include forms of technology in determining what constitutes "supervision" for purposes of determining a home heath agency's branch office status under paragraph (1).

(b) GAO Study.—

(1) Study.—The Comptroller General of the United States shall conduct a study of the provision of adequate supervision to maintain quality of home health services delivered under the medicare program under title XVIII of the Social Security Act in isolated rural areas. The study shall evaluate the methods that home health agency branches and subunits use to maintain adequate supervision in the delivery of services to clients residing in those areas, how these methods of supervision compare to requirements that subunits independently meet medicare conditions of participation, and the resources utilized by subunits to meet such conditions.

(2) Report.—Not later than January 1, 2002, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations on whether exceptions are needed for subunits and branches of home health agencies under the medicare program to maintain access to the home health benefit or whether alternative policies should be developed to assure adequate supervision and access and recommendations on whether a national standard for supervision is appropriate.

SEC. 507. CLARIFICATION OF THE HOMEBOUND DEFINITION UNDER THE MEDICARE HOME HEALTH BENEFIT.

(a) Clarification.—

(1) In general.—Sections 1814(a) and 1835(a) (42 U.S.C. 1395f(a) and 1395n(a)) are each amended—

(A) in the last sentence, by striking ", and that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment"; and

(B) by adding at the end the following new sentences: "Any absence of an individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial, or medical treatment in an adult day-care program that is licensed or certified by a State, or accredited, to furnish adult day-care services in the State shall not disqualify an individual from being considered to be 'confined to his home'. Any other absence of an individual from the home shall not so disqualify an individual if the absence is of infrequent or of relatively short duration. For purposes of the preceding sentence, any absence for the purpose of attending a religious service shall be deemed to be an absence of infrequent or short duration.".

(2) Effective date.—The amendments made by paragraph (1) shall apply to items and services provided on or after the date of enactment of this Act.

(b) Study.—

(1) In general.—The Comptroller General of the United States shall conduct an evaluation of the effect of the amendment on the cost of and access to home health services under the medicare program under title XVIII of the Social Security Act.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

Subtitle B—Direct Graduate Medical Education

SEC. 511. INCREASE IN FLOOR FOR DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(h)(2)(D)(iii) (42 U.S.C. 1395ww(h)(2)(D)(iii)) is amended—

(1) in the heading, by striking "IN FISCAL YEAR 2001 AT 70 PERCENT OF" and inserting "FOR"; and

(2) by inserting after "70 percent" the following: ", and for the cost reporting period beginning during fiscal year 2002 shall not be less than 85 percent,".

SEC. 512. CHANGE IN DISTRIBUTION FORMULA FOR MEDICARE+CHOICE-RELATED NURSING AND ALLIED HEALTH EDUCATION COSTS.

(a) In General.—Section 1886(l)(2)(C) (42 U.S.C. 1395ww(l)(2)(C)) is amended by striking all that follows "multiplied by" and inserting the following: "the ratio of—

"(i) the product of (I) the Secretary's estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital's cost reporting period ending in the second preceding fiscal year, to the hospital's total inpatient days for such period, and (II) the total number of inpatient days (as established by the Secretary) for such period which are attributable to services furnished to individuals who are enrolled under a risk sharing contract with an eligible organization under section 1876 and who are entitled to benefits under part A or who are enrolled with a Medicare+Choice organization under part C; to

"(ii) the sum of the products determined under clause (i) for such cost reporting periods.".

(b) Effective Date.—The amendment made by subsection (a) applies to portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 521. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) Conduct of Reconsiderations of Determinations by Independent Contractors.—Section 1869 (42 U.S.C. 1395ff) is amended to read as follows:

"DETERMINATIONS; APPEALS

"Sec. 1869. (a) Initial Determinations.—

"(1) Promulgations of regulations.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

"(A) The initial determination of whether an individual is entitled to benefits under such parts.

"(B) The initial determination of the amount of benefits available to the individual under such parts.

"(C) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract (other than a contract under section 1852) with the Secretary to administer provisions of this title or title XI.

"(2) Deadlines for making initial determinations.—

"(A) In general.—Subject to subparagraph (B), in promulgating regulations under paragraph (1), initial determinations shall be concluded by not later than the 45-day period beginning on the date the fiscal intermediary or *the carrier, as the case may be, receives a claim for benefits from an individual as described in paragraph (1). Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 45-day period.*

"(B) CLEAN CLAIMS.—Subparagraph (A) shall not apply with respect to any claim that is subject to the requirements of section 1816(c)(2) or section 1842(c)(2).

"(3) REDETERMINATIONS.—

"(A) IN GENERAL.—In promulgating regulations under paragraph (1) with respect to initial determinations, such regulations shall provide for a fiscal intermediary or a carrier to make a redetermination with respect to a claim for benefits that is denied in whole or in part.

"(B) LIMITATIONS.—

"(i) APPEALS RIGHTS.—No initial determination may be reconsidered or appealed under subsection (b) unless the fiscal intermediary or carrier has made a redetermination of that initial determination under this paragraph.

"(ii) DECISION MAKER.—No redetermination may be made by any individual involved in the initial determination.

"(C) DEADLINES.—

"(i) FILING FOR REDETERMINATION.—A redetermination under subparagraph (A) shall be available only if notice is filed with the Secretary to request the redetermination by not later than the end of the 120-day period beginning on the date the individual receives notice of the initial determination under paragraph (2).

"(ii) CONCLUDING REDETERMINATIONS.—Redeterminations shall be concluded by not later than the 30-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a request for a redetermination. Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 30-day period.

"(D) CONSTRUCTION.—For purposes of the succeeding provisions of this section a redetermination under this paragraph shall be considered to be part of the initial determination.

"(b) APPEAL RIGHTS.—

"(1) IN GENERAL.—

"(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a)(1) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). For purposes of the preceding sentence, any reference to the 'Commissioner of Social Security' or the 'Social Security Administration' in subsection (g) or (l) of section 205 shall be considered a reference to the 'Secretary' or the 'Department of Health and Human Services', respectively.

"(B) REPRESENTATION BY PROVIDER OR SUPPLIER.—

"(i) IN GENERAL.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

"(ii) MANDATORY WAIVER OF RIGHT TO PAYMENT FROM BENEFICIARY.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

"(iii) PROHIBITION ON PAYMENT FOR REPRESENTATION.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

"(iv) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 205(j) and section 206 (other than subsection (a)(4) of such section) regarding representation of claimants shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

"(C) SUCCESSION OF RIGHTS IN CASES OF ASSIGNMENT.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

"(D) TIME LIMITS FOR FILING APPEALS.—

"(i) RECONSIDERATIONS.—Reconsideration under subparagraph (A) shall be available only if the individual described in subparagraph (A) files notice with the Secretary to request reconsideration by not later than the end of the 180-day period beginning on the date the individual receives notice of the redetermination under subsection (a)(3), or within such additional time as the Secretary may allow.

"(ii) HEARINGS CONDUCTED BY THE SECRETARY.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

"(E) AMOUNTS IN CONTROVERSY.—

"(i) IN GENERAL.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

"(ii) AGGREGATION OF CLAIMS.—In determining the amount in controversy, the Secretary, under regulations, shall allow two or more appeals to be aggregated if the appeals involve—

"(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

"(II) common issues of law and fact arising from services furnished to two or more individuals by one or more providers of services or suppliers.

"(F) EXPEDITED PROCEEDINGS.—

"(i) EXPEDITED DETERMINATION.—In the case of an individual who has received notice by a provider of services that the provider of services plans—

"(I) to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

"(II) to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a)(1), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

"(ii) EXPEDITED HEARING.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

"(G) REOPENING AND REVISION OF DETERMINATIONS.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

"(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

"(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under subparagraphs (B) and (C) of subsection (a)(1). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

"(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term 'qualified independent contractor' means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a)(1), and that meets the requirements established by the Secretary consistent with paragraph (3).

"(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet the all of the following requirements:

"(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required by the Secretary to carry out the provisions of this subsection, and shall have sufficient training and expertise in medical science and legal matters to make reconsiderations under this subsection.

"(B) RECONSIDERATIONS.—

"(i) IN GENERAL.—The qualified independent contractor shall review initial determinations. In the case an initial determination made with respect to whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)), such review shall include consideration of the facts and circumstances of the initial determination by a panel of physicians or other appropriate health care professionals and any decisions with respect to the reconsideration shall be based on applicable information, including clinical experience and medical, technical, and scientific evidence.

"(ii) EFFECT OF NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—

"(I) NATIONAL COVERAGE DETERMINATIONS.—If the Secretary has made a national coverage determination pursuant to the requirements established under the third sentence of section 1862(a), such determination shall be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section.

"(II) LOCAL COVERAGE DETERMINATIONS.—If the Secretary has made a local coverage determination, such determination shall not be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section. Notwithstanding the previous sentence, the qualified independent contractor shall consider the local coverage determination in making such decision.

"(III) ABSENCE OF NATIONAL OR LOCAL COVERAGE DETERMINATION.—In the absence of such a national coverage determination or local coverage determination, the qualified independent contractor shall make a decision with respect to the reconsideration based on applicable information, including clinical experience and medical, technical, and scientific evidence.

"(C) DEADLINES FOR DECISIONS.—

"(i) RECONSIDERATIONS.—Except as provided in clauses (iii) and (iv), the qualified independent contractor shall conduct and conclude a reconsideration under subparagraph (B), and mail the notice of the decision with respect to the reconsideration by not later than the end of the 30-day period beginning on the date a request for reconsideration has been timely filed.

"(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of

the decision by the end of the period described in clause (i) or to provide notice by the end of the period described in clause (iii), as the case may be, the party requesting the reconsideration or appeal may request a hearing before the Secretary, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

"(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) as follows:

"(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j) and subject to clause (iv), not later than the end of the 72-hour period beginning on the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

"(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

"(III) SPECIAL RULE FOR HOSPITAL DISCHARGES.—A reconsideration of a discharge from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (2), (3), and (4) of section 1154(e) as in effect on the date that precedes the date of the enactment of this subparagraph.

"(iv) EXTENSION.—An individual requesting a reconsideration under this subparagraph may be granted such additional time as the individual specifies (not to exceed 14 days) for the qualified independent contractor to conclude the reconsideration. The individual may request such additional time in orally or in writing.

"(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

"(i) PHYSICIANS AND HEALTH CARE PROFESSIONAL.—No physician or health care professional under the employ of a qualified independent contractor may review—

"(I) determinations regarding health care services furnished to a patient if the physician or health care professional was directly responsible for furnishing such services; or

"(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the family of the physician or health care professional has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(ii) FAMILY DESCRIBED.—For purposes of this paragraph, the family of a physician or health care professional includes the spouse (other than a spouse who is legally separated from the physician or health care professional under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents of the physician or health care professional.

"(E) EXPLANATION OF DECISION.—Any decision with respect to a reconsideration of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the decision as well as a discussion of the pertinent facts and applicable regulations applied in making such decision, and in the case of a determination of whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)) an explanation of the medical and scientific rational for the decision.

"(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a decision with respect to a reconsideration under this subsection, the qualified independent contractor shall promptly notify the entity responsible for the payment of claims under part A or part B of such decision.

"(G) DISSEMINATION OF DECISIONS ON RECONSIDERATIONS.—Each qualified independent contractor shall make available all decisions with respect to reconsiderations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, other entities under contract with the Secretary to make initial determinations under part A or part B or title XI, and to the public. The Secretary shall establish a methodology under which qualified independent contractors shall carry out this subparagraph.

"(H) ENSURING CONSISTENCY IN DECISIONS.—Each qualified independent contractor shall monitor its decisions with respect to reconsiderations to ensure the consistency of such decisions with respect to requests for reconsideration of similar or related matters.

"(I) DATA COLLECTION.—

"(i) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

"(ii) TYPE OF DATA COLLECTED.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

"(I) Specific claims that give rise to appeals.

"(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

"(III) Situations suggesting the need for changes in national or local coverage policy.

"(IV) Situations suggesting the need for changes in local medical review policies.

"(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

"(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of a decision of the contractor with respect to a reconsideration to the Secretary for a hearing, including as necessary, explanations of issues involved in the decision and relevant policies, and (ii) participate in such hearings as required by the Secretary.

"(4) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

"(5) LIMITATION ON QUALIFIED INDEPENDENT CONTRACTOR LIABILITY.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

"(d) DEADLINES FOR HEARINGS BY THE SECRETARY.—

"(1) HEARING BY ADMINISTRATIVE LAW JUDGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(B) WAIVER OF DEADLINE BY PARTY SEEKING HEARING.—The 90-day period under subparagraph (A) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(2) DEPARTMENTAL APPEALS BOARD REVIEW.—

"(A) IN GENERAL.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in paragraph (1) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(B) DAB HEARING PROCEDURE.—In reviewing a decision on a hearing under this paragraph, the Departmental Appeals Board shall review the case de novo.

"(3) CONSEQUENCES OF FAILURE TO MEET DEADLINES.—

"(A) HEARING BY ADMINISTRATIVE LAW JUDGE.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in paragraph (1), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(B) DEPARTMENTAL APPEALS BOARD REVIEW.—In the case of a failure by the Departmental Appeals Board to render a decision by the end of the period described in paragraph (2), the party requesting the hearing may seek judicial review, notwithstanding any requirements for a hearing for purposes of the party's right to such judicial review.

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction that relates to a method for determining the amount of payment under part B and that was initially issued before January 1, 1981, shall not be subject to judicial review.

"(2) OUTREACH.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary under section 1804(b) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

"(3) CONTINUING EDUCATION REQUIREMENT FOR QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing

education with respect to coverage of items and services under this title or policies of the Secretary with respect to part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(4) REPORTS.—

"(A) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.

"(B) SURVEY.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title who have filed appeals of determinations under this section, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.".

(b) APPLICABILITY OF REQUIREMENTS AND LIMITATIONS ON LIABILITY OF QUALIFIED INDEPENDENT CONTRACTORS TO MEDICARE+CHOICE INDEPENDENT APPEALS CONTRACTORS.—Section 1852(g)(4) (42 U.S.C. 1395w–22(g)(4)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) CONFORMING AMENDMENT.—Section 1154(e) (42 U.S.C. 1320c–3(e)) is amended by striking paragraphs (2), (3), and (4).

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to initial determinations made on or after October 1, 2002.

SEC. 522. REVISIONS TO MEDICARE COVERAGE PROCESS.

(a) REVIEW OF DETERMINATIONS.—Section 1869 (42 U.S.C. 1395ff), as amended by section 521, is further amended by adding at the end the following new subsection:

"(f) REVIEW OF COVERAGE DETERMINATIONS.—

"(1) NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—Review of any national coverage determination shall be subject to the following limitations:

"(i) Such a determination shall not be reviewed by any administrative law judge.

"(ii) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

"(iii) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the Board determines that the record is incomplete or lacks adequate information to support the validity of the determination. In reviewing such a determination, the Departmental Appeals Board shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(iv) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(B) DEFINITION OF NATIONAL COVERAGE DETERMINATION.—For purposes of this section, the term 'national coverage determination' means a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under this title, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title or a determination with respect to the amount of payment made for a particular item or service so covered.

"(2) LOCAL COVERAGE DETERMINATION.—

"(A) IN GENERAL.—Review of any local coverage determination shall be subject to the following limitations:

"(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the administrative law judge determines that the record is incomplete or lacks adequate information to support the validity of the determination. In reviewing such a determination, the administrative law judge shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(ii) Upon the filing of a complaint by an aggrieved party, a decision of an administrative law judge under clause (i) shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

"(iii) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(B) DEFINITION OF LOCAL COVERAGE DETERMINATION.—For purposes of this section, the term 'local coverage determination' means a determination by a fiscal intermediary or a carrier under part A or part B, as applicable, respecting whether or not a particular item or service is covered on an intermediary- or carrier-wide basis under such parts, in accordance with section 1862(a)(1)(A).

"(3) NO MATERIAL ISSUES OF FACT IN DISPUTE.—In the case of a determination that may otherwise be subject to review under paragraph (1)(A)(iii) or paragraph (2)(A)(i), where the moving party alleges that—

"(A) there are no material issues of fact in dispute, and

"(B) the only issue of law is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid,

the moving party may seek review by a court of competent jurisdiction without filing a complaint under such paragraph and without otherwise exhausting other administrative remedies.

"(4) PENDING NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an aggrieved person (as described in paragraph (5)) may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request (notwithstanding the receipt by the Secretary of new evidence (if any) during such 90-day period), the Secretary shall take one of the following actions:

"(i) Issue a national coverage determination, with or without limitations.

"(ii) Issue a national noncoverage determination.

"(iii) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

"(iv) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

"(B) In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

"(C) When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

"(5) STANDING.—An action under this subsection seeking review of a national coverage determination or local coverage determination may be initiated only by individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

"(6) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary with respect to a national coverage determination shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

"(7) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making and implementing such determinations.

"(B) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

"(8) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting administrative or judicial review pursuant to this section insofar as such review is explicitly prohibited or restricted under another provision of law.".

(b) ESTABLISHMENT OF A PROCESS FOR COVERAGE DETERMINATIONS.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended by adding at the end the following new sentence: "In making a national coverage determination (as defined in paragraph (1)(B) of section 1869(f)) the Secretary shall ensure that the public is afforded notice and opportunity to comment prior to implementation by the Secretary of the determination; meetings of advisory committees established under section 1114(f) with respect to the determination are made on the record; in making the determination, the Secretary has considered applicable information (including clinical

experience and medical, technical, and scientific evidence) with respect to the subject matter of the determination; and in the determination, provide a clear statement of the basis for the determination (including responses to comments received from the public), the assumptions underlying that basis, and make available to the public the data (other than proprietary data) considered in making the determination.".

(c) IMPROVEMENTS TO THE MEDICARE ADVISORY COMMITTEE PROCESS.—Section 1114 (42 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(i)(1) Any advisory committee appointed under subsection (f) to advise the Secretary on matters relating to the interpretation, application, or implementation of section 1862(a)(1) shall assure the full participation of a nonvoting member in the deliberations of the advisory committee, and shall provide such nonvoting member access to all information and data made available to voting members of the advisory committee, other than information that—

"(A) is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section (relating to trade secrets); or

"(B) the Secretary determines would present a conflict of interest relating to such nonvoting member.

"(2) If an advisory committee described in paragraph (1) organizes into panels of experts according to types of items or services considered by the advisory committee, any such panel of experts may report any recommendation with respect to such items or services directly to the Secretary without the prior approval of the advisory committee or an executive committee thereof.".

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to—

(1) a review of any national or local coverage determination filed,

(2) a request to make such a determination made,

(3) a national coverage determination made, on or after October 1, 2001.

Subtitle D—Improving Access to New Technologies

SEC. 531. REIMBURSEMENT IMPROVEMENTS FOR NEW CLINICAL LABORATORY TESTS AND DURABLE MEDICAL EQUIPMENT.

(a) PAYMENT RULE FOR NEW LABORATORY TESTS.—Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395l(h)(4)(B)(viii)) is amended by inserting before the period at the end the following: "(or 100 percent of such median in the case of a clinical diagnostic laboratory test performed on or after January 1, 2001, that the Secretary determines is a new test for which no limitation amount has previously been established under this subparagraph)".

(b) ESTABLISHMENT OF CODING AND PAYMENT PROCEDURES FOR NEW CLINICAL DIAGNOSTIC LABORATORY TESTS AND OTHER ITEMS ON A FEE SCHEDULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish procedures for coding and payment determinations for the categories of new clinical diagnostic laboratory tests and new durable medical equipment under part B of the title XVIII of the Social Security Act that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for ICD–9–CM.

(c) REPORT ON PROCEDURES USED FOR ADVANCED, IMPROVED TECHNOLOGIES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that identifies the specific procedures used by the Secretary under part B of title XVIII of the Social Security Act to adjust payments for clinical diagnostic laboratory tests and durable medical equipment which are classified to existing codes where, because of an advance in technology with respect to the test or equipment, there has been a significant increase or decrease in the resources used in the test or in the manufacture of the equipment, and there has been a significant improvement in the performance of the test or equipment. The report shall include such recommendations for changes in law as may be necessary to assure fair and appropriate payment levels under such part for such improved tests and equipment as reflects increased costs necessary to produce improved results.

SEC. 532. RETENTION OF HCPCS LEVEL III CODES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall maintain and continue the use of level III codes of the HCPCS coding system (as such system was in effect on August 16, 2000) through December 31, 2003, and shall make such codes available to the public.

(b) DEFINITION.—For purposes of this section, the term "HCPCS Level III codes" means the alphanumeric codes for local use under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 533. RECOGNITION OF NEW MEDICAL TECHNOLOGIES UNDER INPATIENT HOSPITAL PPS.

(a) EXPEDITING RECOGNITION OF NEW TECHNOLOGIES INTO INPATIENT PPS CODING SYSTEM.—

(1) REPORT.—Not later than April 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report on methods of expeditiously incorporating new medical services and technologies into the clinical coding system used with respect to payment for inpatient hospital services furnished under the medicare program under title XVIII of the Social Security Act, together with a detailed description of the Secretary's preferred methods to achieve this purpose.

(2) IMPLEMENTATION.—Not later than October 1, 2001, the Secretary shall implement the preferred methods described in the report transmitted pursuant to paragraph (1).

(b) ENSURING APPROPRIATE PAYMENTS FOR HOSPITALS INCORPORATING NEW MEDICAL SERVICES AND TECHNOLOGIES.—

(1) ESTABLISHMENT OF MECHANISM.—Section 1886(d)(5) (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraphs:

"(K)(i) Effective for discharges beginning on or after October 1, 2001, the Secretary shall establish a mechanism to recognize the costs of new medical services and technologies under the payment system established under this subsection. Such mechanism shall be established after notice and opportunity for public comment (in the publications required by subsection (e)(5) for a fiscal year or otherwise).

"(ii) The mechanism established pursuant to clause (i) shall—

"(I) apply to a new medical service or technology if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate;

"(II) provide for the collection of data with respect to the costs of a new medical service or technology described in subclause (I) for a period of not less than two years and not more than three years beginning on the date on which an inpatient hospital code is issued with respect to the service or technology;

"(III) subject to paragraph (4)(C)(iii), provide for additional payment to be made under this subsection with respect to discharges involving a new medical service or technology described in subclause (I) that occur during the period described in subclause (II) in an amount that adequately reflects the estimated average cost of such service or technology; and

"(IV) provide that discharges involving such a service or technology that occur after the close of the period described in subclause (II) will be classified within a new or existing diagnosis-related group with a weighting factor under paragraph (4)(B) that is derived from cost data collected with respect to discharges occurring during such period.

"(iii) For purposes of clause (ii)(II), the term 'inpatient hospital code' means any code that is used with respect to inpatient hospital services for which payment may be made under this subsection and includes an alphanumeric code issued under the International Classification of Diseases, 9th Revision, Clinical Modification ('ICD–9–CM') and its subsequent revisions.

"(iv) For purposes of clause (ii)(III), the term 'additional payment' means, with respect to a discharge for a new medical service or technology described in clause (ii)(I), an amount that exceeds the prospective payment rate otherwise applicable under this subsection to discharges involving such service or technology that would be made but for this subparagraph.

"(v) The requirement under clause (ii)(III) for an additional payment may be satisfied by means of a new-technology group (described in subparagraph (L)), an add-on payment, a payment adjustment, or any other similar mechanism for increasing the amount otherwise payable with respect to a discharge under this subsection. The Secretary may not establish a separate fee schedule for such additional payment for such services and technologies, by utilizing a methodology established under subsection (a) or (h) of section 1834 to determine the amount of such additional payment, or by other similar mechanisms or methodologies.

"(vi) For purposes of this subparagraph and subparagraph (L), a medical service or technology will be considered a 'new medical service or technology' if the service or technology meets criteria established by the Secretary after notice and an opportunity for public comment.

"(L)(i) In establishing the mechanism under subparagraph (K), the Secretary may establish new-technology groups into which a new medical service or technology will be classified if, based on the estimated average costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate.

"(ii) Such groups—

"(I) shall not be based on the costs associated with a specific new medical service or technology; but

"(II) shall, in combination with the applicable standardized amounts and the weighting factors assigned to such groups under paragraph (4)(B), reflect such cost cohorts as the Secretary determines are appropriate for all new medical services and technologies that are likely to be provided as inpatient hospital services in a fiscal year.

"(iii) The methodology for classifying specific hospital discharges within a diagnosis-related group under paragraph (4)(A) or a new-technology group shall provide that a specific hospital discharge may not be classified within both a diagnosis-related group and a new-technology group.".

(2) PRIOR CONSULTATION.—The Secretary of Health and Human Services shall consult with groups representing hospitals, physicians, and manufacturers of new medical technologies before publishing the notice of proposed rulemaking required by section 1886(d)(5)(K)(i) of the Social Security Act (as added by paragraph (1)).

(3) CONFORMING AMENDMENT.—Section 1886(d)(4)(C)(i) (42 U.S.C. 1395ww(d)(4)(C)(i)) is amended by striking "technology," and inserting "technology (including a new medical service or technology under paragraph (5)(K)),".

Subtitle E—Other Provisions

SEC. 541. INCREASE IN REIMBURSEMENT FOR BAD DEBT.

Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii)—

(A) by striking "during a subsequent fiscal year" and inserting "during fiscal year 2000"; and

(B) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following new clause:

"(iv) for cost reporting periods beginning during a subsequent fiscal year, by 30 percent of such amount otherwise allowable.".

SEC. 542. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—When an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary of Health and Human Services shall treat such component as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) or as an outpatient hospital service for which payment is made to the hospital under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) DEFINITIONS.—For purposes of this section:

(1) COVERED HOSPITAL.—The term "covered hospital" means, with respect to an inpatient or an outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a medicare carrier (that has a contract with the Secretary under section 1842 of the Social Security Act, 42 U.S.C. 1395u) and not to such hospital.

(2) FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term "fee-for-service medicare beneficiary" means an individual who—

(A) is entitled to benefits under part A, or enrolled under part B, or both, of such title; and

(B) is not enrolled in any of the following:

(i) A Medicare+Choice plan under part C of such title.

(ii) A plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm).

(iii) A program of all-inclusive care for the elderly (PACE) under section 1894 of such Act (42 U.S.C. 1395eee).

(iv) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203).

(c) EFFECTIVE DATE.—This section applies to services furnished during the 2-year period beginning on January 1, 2001.

(d) GAO REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of the previous provisions of this section on hospitals and laboratories and access of fee-for-service medicare beneficiaries to the technical component of physician pathology services.

(2) REPORT.—Not later than April 1, 2002, the Comptroller General shall submit to Congress a report on such study. The report shall include recommendations about whether such provisions should be extended after the end of the period specified in subsection (c) for either or both inpatient and outpatient hospital services, and whether the provisions should be extended to other hospitals.

SEC. 543. EXTENSION OF ADVISORY OPINION AUTHORITY.

Section 1128D(b)(6) (42 U.S.C. 1320a–7d(b)(6)) is amended by striking "and before the date which is 4 years after such date of enactment".

SEC. 544. CHANGE IN ANNUAL MEDPAC REPORTING.

(a) REVISION OF DEADLINES FOR SUBMISSION OF REPORTS.—

(1) IN GENERAL.—Section 1805(b)(1)(D) (42 U.S.C. 1395b–6(b)(1)(D)) is amended by striking "June 1 of each year (beginning with 1998)," and inserting "June 15 of each year,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies beginning with 2001.

(b) REQUIREMENT FOR ON THE RECORD VOTES ON RECOMMENDATIONS.—Section 1805(b) (42 U.S.C. 1395b–6(b)) is amended by adding at the end the following new paragraph:

"(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.".

SEC. 545. DEVELOPMENT OF PATIENT ASSESSMENT INSTRUMENTS.

(a) DEVELOPMENT.—

(1) IN GENERAL.—Not later than January 1, 2005, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the development of standard instruments for the assessment of the health and functional status of patients, for whom items and services described in subsection (b) are furnished, and include in the report a recommendation on the use of such standard instruments for payment purposes.

(2) DESIGN FOR COMPARISON OF COMMON ELEMENTS.—The Secretary shall design such standard instruments in a manner such that—

(A) elements that are common to the items and services described in subsection (b) may be readily comparable and are statistically compatible;

(B) only elements necessary to meet program objectives are collected; and

(C) the standard instruments supersede any other assessment instrument used before that date.

(3) CONSULTATION.—In developing an assessment instrument under paragraph (1), the Secretary shall consult with the Medicare Payment Advisory Commission, the Agency for Healthcare Research and Quality, and qualified organizations representing providers of services and suppliers under title XVIII.

(b) DESCRIPTION OF SERVICES.—For purposes of subsection (a), items and services described in this subsection are those items and services furnished to individuals entitled to benefits under part A, or enrolled under part B, or both of title XVIII of the Social Security Act for which payment is made under such title, and include the following:

(1) Inpatient and outpatient hospital services.

(2) Inpatient and outpatient rehabilitation services.

(3) Covered skilled nursing facility services.

(4) Home health services.

(5) Physical or occupational therapy or speech-language pathology services.

(6) Items and services furnished to such individuals determined to have end stage renal disease.

(7) Partial hospitalization services and other mental health services.

(8) Any other service for which payment is made under such title as the Secretary determines to be appropriate.

SEC. 546. GAO REPORT ON IMPACT OF THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) ON HOSPITAL EMERGENCY DEPARTMENTS.

(a) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate by May 1, 2001, on the effect of the Emergency Medical Treatment and Active Labor Act on hospitals, emergency physicians, and physicians covering emergency department call throughout the United States.

(b) REPORT REQUIREMENTS.—The report should evaluate—

(1) the extent to which hospitals, emergency physicians, and physicians covering emergency department call provide uncompensated services in relation to the requirements of EMTALA;

(2) the extent to which the regulatory requirements and enforcement of EMTALA have expanded beyond the legislation's original intent;

(3) estimates for the total dollar amount of EMTALA-related care uncompensated costs to emergency physicians, physicians covering emergency department call, hospital emergency departments, and other hospital services;

(4) the extent to which different portions of the United States may be experiencing different levels of uncompensated EMTALA-related care;

(5) the extent to which EMTALA would be classified as an unfunded mandate if it were enacted today;

(6) the extent to which States have programs to provide financial support for such uncompensated care;

(7) possible sources of funds, including medicare hospital bad debt accounts, that are available to hospitals to assist with the cost of such uncompensated care; and

(8) the financial strain that illegal immigration populations, the uninsured, and the underinsured place on hospital emergency departments, other hospital services, emergency physicians, and physicians covering emergency department call.

(c) DEFINITION.—In this section, the terms "Emergency Medical Treatment and Active Labor Act" and "EMTALA" mean section 1867 of the Social Security Act (42 U.S.C. 1395dd).

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

SEC. 601. INCREASE IN MINIMUM PAYMENT AMOUNT.

Section 1853(c)(1)(B)(ii) (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclauses (II) and (III), for a succeeding year"; and

(2) by adding at the end the following new subclauses:

"(II) For 2001, for any area in a Metropolitan Statistical Area within any of the 50 States and the District of Columbia with a population of more than 250,000, $525 (and for any other area within any of the 50 States, $475).

"(III) For 2001, for any area in a Metropolitan Statistical Area outside the 50 States and the District of Columbia with a population of more than 250,000, $525 (and for any other area outside the 50 States and the District of Columbia, $475), but not to exceed 120 percent of the amount determined under this subparagraph for such area for 2000.".

SEC. 602. INCREASE IN MINIMUM PERCENTAGE INCREASE.

Section 1853(c)(1)(C)(ii) (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended by inserting "(or 103 percent in the case of 2001)" after "102 percent".

SEC. 603. 10-YEAR PHASE-IN OF RISK ADJUSTMENT.

Section 1853(a)(3)(C)(ii) (42 U.S.C. 1395w–23(a)(3)(C)(ii)) is amended—

(1) in subclause (I), by striking "and 2001" and inserting "and each succeeding year through the first year in which risk adjustment is based on data from inpatient hospital and ambulatory settings"; and

(2) by amending subclause (II) to read as follows:

"(II) beginning after such first year, insofar as such risk adjustment is based on data from inpatient hospital and ambulatory settings, the methodology shall be phased in equal increments over a 10-year period that begins with such first year.".

SEC. 604. TRANSITION TO REVISED MEDICARE+CHOICE PAYMENT RATES.

(a) ANNOUNCEMENT OF REVISED MEDICARE+CHOICE PAYMENT RATES.—Within 2 weeks after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine, and shall announce (in a manner intended to provide notice to interested parties) Medicare+Choice capitation rates under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) for 2001, revised in accordance with the provisions of this Act.

(b) REENTRY INTO PROGRAM PERMITTED FOR MEDICARE+CHOICE PROGRAMS IN 2000.—A Medicare+Choice organization that provided notice to the Secretary of Health and Human Services before the date of the enactment of this Act that it was terminating its contract under part C of title XVIII of the Social Security Act or was reducing the service area of a Medicare+Choice plan offered under such part shall be permitted to continue participation under such part, or to maintain the service area of such plan, for 2001 if it provides the Secretary with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)) within 2 weeks after the date revised rates are announced by the Secretary under subsection (a).

(c) REVISED SUBMISSION OF PROPOSED PREMIUMS AND RELATED INFORMATION.—If—

(1) a Medicare+Choice organization provided notice to the Secretary of Health and Human Services as of July 3, 2000, that it was renewing its contract under part C of title XVIII of the Social Security Act for all or part of the service area or areas served under its current contract, and

(2) any part of the service area or areas addressed in such notice includes a payment area for which the Medicare+Choice capitation rate under section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) for 2001, as determined under subsection (a), is higher than the rate previously determined for such year,

such organization shall revise its submission of the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)), and shall submit such revised information to the Secretary, within 2 weeks after the date revised rates are announced by the Secretary under subsection (a). In making such submission, the organization may only reduce premiums, cost-sharing, enhance benefits, or utilize the stabilization fund described in section 1854(f)(2) of such Act (42 U.S.C. 1395w–24(f)(2)).

(d) DISREGARD OF NEW RATE ANNOUNCEMENT IN APPLYING PASS-THROUGH FOR NEW NATIONAL COVERAGE DETERMINATIONS.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

SEC. 605. REVISION OF PAYMENT RATES FOR ESRD PATIENTS ENROLLED IN MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—Section 1853(a)(1)(B) (42 U.S.C. 1395w–23(a)(1)(B)) is amended by adding at the end the following: "In establishing such rates, the Secretary shall provide for appropriate adjustments to increase each rate to reflect the demonstration rate (including the risk adjustment methodology associated with such rate) of the social health maintenance organization end-stage renal disease capitation demonstrations (established by section 2355 of the Deficit Reduction Act of 1984, as amended by section 13567(b) of the Omnibus Budget Reconciliation Act of 1993), and shall compute such rates by taking into account such factors as renal treatment modality, age, and the underlying cause of the end-stage renal disease.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments for months beginning with January 2002.

(c) PUBLICATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish for public comment a description of the appropriate adjustments described in the last sentence of section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(B)), as added by subsection (a). The Secretary shall publish such adjustments in final form by not later than July 1, 2001, so that the amendment made by subsection (a) is implemented on a timely basis consistent with subsection (b).

SEC. 606. PERMITTING PREMIUM REDUCTIONS AS ADDITIONAL BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—

(1) AUTHORIZATION OF PART B PREMIUM REDUCTIONS.—Section 1854(f)(1) (42 U.S.C. 1395w–24(f)(1)) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) PREMIUM REDUCTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a Medicare+Choice organization may elect a reduction in its payments under section 1853(a)(1)(A) with respect to a Medicare+Choice plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of each enrollee in such plan as provided in section 1840(i).

"(ii) AMOUNT OF REDUCTION.—The amount of the reduction under clause (i) with respect to any enrollee in a Medicare+Choice plan—

"(I) may not exceed 125 percent of the premium described under section 1839(a)(3); and

"(II) shall apply uniformly to each enrollee of the Medicare+Choice plan to which such reduction applies.".

(2) CONFORMING AMENDMENTS.—

(A) ADJUSTMENT OF PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS.—Section 1853(a)(1)(A) (42 U.S.C. 1395w–23(a)(1)(A)) is amended by inserting "reduced by the amount of any reduction elected under section 1854(f)(1)(E) and" after "for that area,".

(B) ADJUSTMENT AND PAYMENT OF PART B PREMIUMS.—

(i) ADJUSTMENT OF PREMIUMS.—Section 1839(a)(2) (42 U.S.C. 1395r(a)(2)) is amended by striking "shall" and all that follows and inserting the following: "shall be the amount determined under paragraph (3), adjusted as required in accordance with subsections (b), (c), and (f), and to reflect 80 percent of any reduction elected under section 1854(f)(1)(E).".

(ii) PAYMENT OF PREMIUMS.—Section 1840 (42 U.S.C. 1395s) is amended by adding at the end the following new subsection:

"(i) In the case of an individual enrolled in a Medicare+Choice plan, the Secretary shall provide for necessary adjustments of the monthly beneficiary premium to reflect 80 percent of any reduction elected under section 1854(f)(1)(E). This premium adjustment may be provided directly or as an adjustment to any social security, railroad retirement, and civil service retirement benefits, to the extent which the Secretary determines that such an adjustment is appropriate with the concurrence of the agencies responsible for the administration of such benefits.".

(C) INFORMATION COMPARING PLAN PREMIUMS UNDER PART C.—Section 1851(d)(4)(B) (42 U.S.C. 1395w–21(d)(4)(B)) is amended—

(i) by striking "PREMIUMS.—The" and inserting "PREMIUMS.—

"(i) IN GENERAL.—The"; and

(ii) by adding at the end the following new clause:

"(ii) REDUCTIONS.—The reduction in part B premiums, if any.".

(D) TREATMENT OF REDUCTION FOR PURPOSES OF DETERMINING GOVERNMENT CONTRIBUTION UNDER PART B.—Section 1844 (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

"(c) The Secretary shall determine the Government contribution under subparagraphs (A) and (B) of subsection (a)(1) without regard to any premium reduction resulting from an election under section 1854(f)(1)(E).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2002.

SEC. 607. FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.

(a) IN GENERAL.—Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) in clause (ii), by striking "Such risk adjustment" and inserting "Except as provided in clause (iii), such risk adjustment"; and

(2) by adding at the end the following new clause:

"(iii) FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.—

"(I) EXEMPTION FROM PHASE-IN.—Subject to subclause (II), the Secretary shall fully implement the risk adjustment methodology described in clause (i) with respect to each individual who has had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on July 1, 1999, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

"(II) PERIOD OF APPLICATION.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.".

(b) EXCLUSION FROM DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.—Section 1853(c)(5) (42 U.S.C. 1395w–23(c)(5)) is amended by striking "subsection (i)" and inserting "subsections (a)(3)(C)(iii) and (i)".

SEC. 608. EXPANSION OF APPLICATION OF MEDICARE+CHOICE NEW ENTRY BONUS.

(a) IN GENERAL.—Section 1853(i)(1) (42 U.S.C. 1395w–23(i)(1)) is amended in the matter preceding subparagraph (A) by inserting ", or filed notice with the Secretary as of October 3, 2000, that they will not be offering such a plan as of January 1, 2001" after "January 1, 2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the enactment of BBRA.

SEC. 609. REPORT ON INCLUSION OF CERTAIN COSTS OF THE DEPARTMENT OF VETERANS AFFAIRS AND MILITARY FACILITY SERVICES IN CALCULATING MEDICARE+CHOICE PAYMENT RATES.

The Secretary of Health and Human Services shall report to Congress by not later than January 1, 2003, on a method to phase-in the costs of military facility services furnished by the .Department of Veterans Affairs, and the costs of military facility services furnished by the Department of Defense, to medicare-eligible beneficiaries in the calculation of an area's Medicare+Choice capitation payment. Such report shall include on a county-by-county basis—

(1) the actual or estimated cost of such services to medicare-eligible beneficiaries;

(2) the change in Medicare+Choice capitation payment rates if such costs are included in the calculation of payment rates;

(3) one or more proposals for the implementation of payment adjustments to Medicare+Choice plans in counties where the payment rate has been affected due to the failure to calculate the cost of such services to medicare-eligible beneficiaries; and

(4) a system to ensure that when a Medicare+Choice enrollee receives covered services through a facility of the Department of Veterans Affairs or the Department of Defense there is an appropriate payment recovery to the medicare program under title XVIII of the Social Security Act.

Subtitle B—Other Medicare+Choice Reforms

SEC. 611. PAYMENT OF ADDITIONAL AMOUNTS FOR NEW BENEFITS COVERED DURING A CONTRACT TERM.

(a) In General.—Section 1853(c)(7) (42 U.S.C. 1395w–23(c)(7)) is amended to read as follows:

"(7) ADJUSTMENT FOR NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.—If the Secretary makes a determination with respect to coverage under this title or there is a change in benefits required to be provided under this part that the Secretary projects will result in a significant increase in the costs to Medicare+Choice of providing benefits under contracts under this part (for periods after any period described in section 1852(a)(5)), the Secretary shall adjust appropriately the payments to such organizations under this part. Such projection and adjustment shall be based on an analysis by the Chief Actuary of the Health Care Financing Administration of the actuarial costs associated with the new benefits.".

(b) Conforming Amendment.—Section 1852(a)(5) (42 U.S.C. 1395w–22(a)(5)) is amended—

(1) in the heading, by inserting "AND LEGISLATIVE CHANGES IN BENEFITS" after "NATIONAL COVERAGE DETERMINATIONS";

(2) by inserting "or legislative change in benefits required to be provided under this part" after "national coverage determination";

(3) in subparagraph (A), by inserting "or legislative change in benefits" after "such determination";

(4) in subparagraph (B), by inserting "or legislative change" after "if such coverage determination"; and

(5) by adding at the end the following:

"The projection under the previous sentence shall be based on an analysis by the Chief Actuary of the Health Care Financing Administration of the actuarial costs associated with the coverage determination or legislative change in benefits.".

(c) Effective Date.—The amendments made by this section are effective on the date of the enactment of this Act and apply to national coverage determinations and legislative changes in benefits occurring on or after such date.

SEC. 612. RESTRICTION ON IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS MIDYEAR.

(a) In General.—Section 1856(b) (42 U.S.C. 1395w–26(b)) is amended by adding at the end the following new paragraph:

"(4) PROHIBITION OF MIDYEAR IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS.—The Secretary may not implement, other than at the beginning of a calendar year, regulations under this section that impose new, significant regulatory requirements on a Medicare+Choice organization or plan.".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 613. TIMELY APPROVAL OF MARKETING MATERIAL THAT FOLLOWS MODEL MARKETING LANGUAGE.

(a) In General.—Section 1851(h) (42 U.S.C. 1395w–21(h)) is amended—

(1) in paragraph (1)(A), by inserting "(or 10 days in the case described in paragraph (5))" after "45 days"; and

(2) by adding at the end the following new paragraph:

"(5) SPECIAL TREATMENT OF MARKETING MATERIAL FOLLOWING MODEL MARKETING LANGUAGE.—In the case of marketing material of an organization that uses, without modification, proposed model language specified by the Secretary, the period specified in paragraph (1)(A) shall be reduced from 45 days to 10 days.".

(b) Effective Date.—The amendments made by subsection (a) apply to marketing material submitted on or after January 1, 2001.

SEC. 614. AVOIDING DUPLICATIVE REGULATION.

(a) In General.—Section 1856(b)(3)(B) (42 U.S.C. 1395w–26(b)(3)(B)) is amended—

(1) in clause (i), by inserting "(including cost-sharing requirements)" after "Benefit requirements"; and

(2) by adding at the end the following new clause:

"(iv) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.".

(b) Effective Date.—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

SEC. 615. ELECTION OF UNIFORM LOCAL COVERAGE POLICY FOR MEDICARE+CHOICE PLAN COVERING MULTIPLE LOCALITIES.

Section 1852(a)(2) (42 U.S.C. 1395w–22(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) ELECTION OF UNIFORM COVERAGE POLICY.—In the case of a Medicare+Choice organization that offers a Medicare+Choice plan in an area in which more than one local coverage policy is applied with respect to different parts of the area, the organization may elect to have the local coverage policy for the part of the area that is most beneficial to Medicare+Choice enrollees (as identified by the Secretary) apply with respect to all Medicare+Choice enrollees enrolled in the plan.".

SEC. 616. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) Quality Assurance Program Focus on Racial and Ethnic Minorities.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) are each amended by adding at the end the following:

"Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.".

(b) Report.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following new paragraph:

"(5) REPORT TO CONGRESS.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

"(B) CONTENTS OF REPORT.—Each such report shall include the following:

"(i) A description of the means by which such programs focus on such racial and ethnic minorities.

"(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

"(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.".

SEC. 617. MEDICARE+CHOICE PROGRAM COMPATIBILITY WITH EMPLOYER OR UNION GROUP HEALTH PLANS.

(a) In General.—Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

"(i) Medicare+Choice Program Compatibility With Employer or Union Group Health Plans.—To facilitate the offering of Medicare+Choice plans under contracts between Medicare+Choice organizations and employers, labor organizations, or the trustees of a fund established by 1 or more employers or labor organizations (or combination thereof) to furnish benefits to the entity's employees, former employees (or combination thereof) or members or former members (or combination thereof) of the labor organizations, the Secretary may waive or modify requirements that hinder the design of, the offering of, or the enrollment in such Medicare+Choice plans.".

(b) Effective Date.—The amendment made by subsection (a) applies with respect to years beginning with 2001.

SEC. 618. SPECIAL MEDIGAP ENROLLMENT ANTI-DISCRIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) Disenrollment Window in Accordance With Beneficiary's Circumstance.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(1) in subparagraph (A), in the matter following clause (iii), by striking ", subject to subparagraph (E), seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such subparagraph" and inserting "seeks to enroll under the policy during the period specified in subparagraph (E)"; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

"(E) For purposes of subparagraph (A), the time period specified in this subparagraph is—

"(i) in the case of an individual described in subparagraph (B)(i), the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the applicable notice;

"(ii) in the case of an individual described in clause (ii), (iii), (v), or (vi) of subparagraph (B) whose enrollment is terminated involuntarily, the period beginning on the date that the individual receives a notice of termination and ending on the date that is 63 days after the date the applicable coverage is terminated;

"(iii) in the case of an individual described in subparagraph (B)(iv)(I), the period beginning on the earlier of (I) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice, if any, and (II) the date that the applicable coverage is terminated, and ending on the date that is 63 days after the date the coverage is terminated;

"(iv) in the case of an individual described in clause (ii), (iii), (iv)(II), (iv)(III), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date that is 60 days before the effective date of the disenrollment and ending on the date that is 63 days after such effective date; and

"(v) in the case of an individual described in subparagraph (B) but not described in the preceding provisions of this subparagraph, the period beginning on the effective date of the disenrollment and ending on the date that is 63 days after such effective date.".

(b) EXTENDED MEDIGAP ACCESS FOR INTERRUPTED TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)), as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(F)(i) Subject to clause (ii), for purposes of this paragraph—

"(I) in the case of an individual described in subparagraph (B)(v) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with an organization or provider described in subclause (II) of such subparagraph is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, such subsequent enrollment shall be deemed to be an initial enrollment described in such subparagraph; and

"(II) in the case of an individual described in clause (vi) of subparagraph (B) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with a plan or in a program described in such clause is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, such subsequent enrollment shall be deemed to be an initial enrollment described in such clause.

"(ii) For purposes of clauses (v) and (vi) of subparagraph (B), no enrollment of an individual with an organization or provider described in clause (v)(II), or with a plan or in a program described in clause (vi), may be deemed to be an initial enrollment under this clause after the 2-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan, or program.".

SEC. 619. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.

(a) OPEN ENROLLMENT.—Section 1851(f)(2) (42 U.S.C. 1395w–21(f)(2)) is amended by striking ", except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections and changes of coverage made on or after January 1, 2001.

SEC. 620. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN IN WHICH THEY ARE ENROLLED IS TERMINATED.

(a) IN GENERAL.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B)) is amended by striking "except that" and all that follows and inserting the following: "except that—

"(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

"(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A), then the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of the enactment of this Act.

(2) APPLICATION TO PRIOR PLAN TERMINATIONS.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a)) also shall apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of the enactment of this Act. In applying this paragraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of the enactment of this Act.

SEC. 621. PROVIDING CHOICE FOR SKILLED NURSING FACILITY SERVICES UNDER THE MEDICARE+CHOICE PROGRAM.

(a) IN GENERAL.—Section 1852 (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

"(l) RETURN TO HOME SKILLED NURSING FACILITIES FOR COVERED POST-HOSPITAL EXTENDED CARE SERVICES.—

"(1) ENSURING RETURN TO HOME SNF.—

"(A) IN GENERAL.—In providing coverage of post-hospital extended care services, a Medicare+Choice plan shall provide for such coverage through a home skilled nursing facility if the following conditions are met:

"(i) ENROLLEE ELECTION.—The enrollee elects to receive such coverage through such facility.

"(ii) SNF AGREEMENT.—The facility has a contract with the Medicare+Choice organization for the provision of such services, or the facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated skilled nursing facilities that are under contract with the Medicare+Choice organization for the provision of such services and through which the enrollee would otherwise receive such services.

"(B) MANNER OF PAYMENT TO HOME SNF.—The organization shall provide payment to the home skilled nursing facility consistent with the contract or the agreement described in subparagraph (A)(ii), as the case may be.

"(2) NO LESS FAVORABLE COVERAGE.—The coverage provided under paragraph (1) (including scope of services, cost-sharing, and other criteria of coverage) shall be no less favorable to the enrollee than the coverage that would be provided to the enrollee with respect to a skilled nursing facility the post-hospital extended care services of which are otherwise covered under the Medicare+Choice plan.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to do the following:

"(A) To require coverage through a skilled nursing facility that is not otherwise qualified to provide benefits under part A for medicare beneficiaries not enrolled in a Medicare+Choice plan.

"(B) To prevent a skilled nursing facility from refusing to accept, or imposing conditions upon the acceptance of, an enrollee for the receipt of post-hospital extended care services.

"(4) DEFINITIONS.—In this subsection:

"(A) HOME SKILLED NURSING FACILITY.—The term 'home skilled nursing facility' means, with respect to an enrollee who is entitled to receive post-hospital extended care services under a Medicare+Choice plan, any of the following skilled nursing facilities:

"(i) SNF RESIDENCE AT TIME OF ADMISSION.—The skilled nursing facility in which the enrollee resided at the time of admission to the hospital preceding the receipt of such post-hospital extended care services.

"(ii) SNF IN CONTINUING CARE RETIREMENT COMMUNITY.—A skilled nursing facility that is providing such services through a continuing care retirement community (as defined in subparagraph (B)) which provided residence to the enrollee at the time of such admission.

"(iii) SNF RESIDENCE OF SPOUSE AT TIME OF DISCHARGE.—The skilled nursing facility in which the spouse of the enrollee is residing at the time of discharge from such hospital.

"(B) CONTINUING CARE RETIREMENT COMMUNITY.—The term 'continuing care retirement community' means, with respect to an enrollee in a Medicare+Choice plan, an arrangement under which housing and health-related services are provided (or arranged) through an organization for the enrollee under an agreement that is effective for the life of the enrollee or for a specified period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to contracts entered into or renewed on or after the date of the enactment of this Act.

(c) MEDPAC STUDY.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study analyzing the effects of the amendment made by subsection (a) on Medicare+Choice organizations. In conducting such study, the Commission shall examine the effects (if any) such amendment has had on—

(A) the scope of additional benefits provided under the Medicare+Choice program;

(B) the administrative and other costs incurred by Medicare+Choice organizations;

(C) the contractual relationships between such organizations and skilled nursing facilities.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 622. PROVIDING FOR ACCOUNTABILITY OF MEDICARE+CHOICE PLANS.

(a) MANDATORY REVIEW OF ACR SUBMISSIONS BY THE CHIEF ACTUARY OF THE HEALTH CARE FINANCING ADMINISTRATION.—Section 1854(a)(5)(A) (42 U.S.C. 1395w–24(a)(5)(A)) is amended—

(1) by striking "value" and inserting "values"; and

(2) by adding at the end the following: "The Chief Actuary of the Health Care Financing Administration shall review the actuarial assumptions and data used by the Medicare+Choice organization with respect to such rates, amounts, and values so submitted to determine the appropriateness of such assumptions and data.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to submissions made on or after January 1, 2001.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SHMO) DEMONSTRATION PROJECT.

Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 531(a)(1) of BBRA (113 Stat. 1501A–388), is amended by striking "18 months" and inserting "30 months".

SEC. 632. REVISED TERMS AND CONDITIONS FOR EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION (CNO) DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 532 of BBRA (113 Stat. 1501A–388) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) TERMS AND CONDITIONS.—

"(1) JANUARY THROUGH SEPTEMBER 2000.—For the 9-month period beginning with January 2000, any such demonstration project shall be *conducted under the same terms and conditions as applied to such demonstration during 1999.*

"(2) OCTOBER 2000 THROUGH DECEMBER 2001.—For the 15-month period beginning with October 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999, except that the following modifications shall apply:

"(A) BASIC CAPITATION RATE.—The basic capitation rate paid for services covered under the project (other than case management services) per enrollee per month and furnished during—

"(i) the period beginning with October 1, 2000, and ending with December 31, 2000, shall be determined by actuarially adjusting the actual capitation rate paid for such services in 1999 for inflation, utilization, and other changes to the CNO service package, and by reducing such adjusted capitation rate by 10 percent in the case of the demonstration sites located in Arizona, Minnesota, and Illinois, and 15 percent for the demonstration site located in New York; and

"(ii) 2001 shall be determined by actuarially adjusting the capitation rate determined under clause (i) for inflation, utilization, and other changes to the CNO service package.

"(B) TARGETED CASE MANAGEMENT FEE.—Effective October 1, 2000—

"(i) the case management fee per enrollee per month for—

"(I) the period described in subparagraph (A)(i) shall be determined by actuarially adjusting the case management fee for 1999 for inflation; and

"(II) 2001 shall be determined by actuarially adjusting the amount determined under subclause (I) for inflation; and

"(ii) such case management fee shall be paid only for enrollees who are classified as moderately frail or frail pursuant to criteria established by the Secretary.

"(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG SITES.—Each project shall implement for each site—

"(i) protocols for periodic telephonic contact with enrollees based on—

"(I) the results of such standardized written health assessment; and

"(II) the application of appropriate care planning approaches;

"(ii) disease management programs for targeted diseases (such as congestive heart failure, arthritis, diabetes, and hypertension) that are highly prevalent in the enrolled populations;

"(iii) systems and protocols to track enrollees through hospitalizations, including pre-admission planning, concurrent management during inpatient hospital stays, and post-discharge assessment, planning, and follow-up; and

"(iv) standardized patient educational materials for specified diseases and health conditions.

"(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

"(i) enrollee satisfaction surveys; and

"(ii) reporting on specified quality indicators for the enrolled population.

"(c) EVALUATION.—

"(1) PRELIMINARY REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate a preliminary report that—

"(A) evaluates such demonstration projects for the period beginning July 1, 1997, and ending December 31, 1999, on a site-specific basis with respect to the impact on per beneficiary spending, specific health utilization measures, and enrollee satisfaction; and

"(B) includes a similar evaluation of such projects for the portion of the extension period that occurs after September 30, 2000.

"(2) FINAL REPORT.—The Secretary shall submit a final report to such Committees on such demonstration projects not later than July 1, 2002. Such report shall include the same elements as the preliminary report required by paragraph (1), but for the period after December 31, 1999.

"(3) METHODOLOGY FOR SPENDING COMPARISONS.—Any evaluation of the impact of the demonstration projects on per beneficiary spending included in such reports shall include a comparison of—

"(A) data for all individuals who—

"(i) were enrolled in such demonstration projects as of the first day of the period under evaluation; and

"(ii) were enrolled for a minimum of 6 months thereafter; with

"(B) data for a matched sample of individuals who are enrolled under part B of title XVIII of the Social Security Act and are not enrolled in such a project, or in a Medicare+Choice plan under part C of such title, a plan offered by an eligible organization under section 1876 of such Act, or a health care prepayment plan under section 1833(a)(1)(A) of such Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 532 of BBRA (113 Stat. 1501A–388).

SEC. 633. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b–1 note), as amended by section 6135 of the Omnibus Budget Reconciliation Act of 1989, section 13557 of the Omnibus Budget Reconciliation Act of 1993, section 4017 of BBA, and section 534 of BBRA (113 Stat. 1501A–390), is amended by striking "December 31, 2002" and inserting "December 31, 2004".

SEC. 634. SERVICE AREA EXPANSION FOR MEDICARE COST CONTRACTS DURING TRANSITION PERIOD.

Section 1876(h)(5) (42 U.S.C. 1395mm(h)(5)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A), the following new subparagraph:

"(B) Subject to subparagraph (C), the Secretary shall approve an application for a modification to a reasonable cost contract under this section in order to expand the service area of such contract if—

"(i) such application is submitted to the Secretary on or before September 1, 2003; and

"(ii) the Secretary determines that the organization with the contract continues to meet the requirements applicable to such organizations and contracts under this section.".

TITLE VII—MEDICAID

SEC. 701. DSH PAYMENTS.

(a) MODIFICATIONS TO DSH ALLOTMENTS.—

(1) INCREASED ALLOTMENTS FOR FISCAL YEARS 2001 AND 2002.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r–4(f))) is amended—

(i) in paragraph (2), by striking "The DSH allotment" and inserting "Subject to paragraph (4), the DSH allotment";

(ii) by redesignating paragraph (4) as paragraph (6); and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULE FOR FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), the DSH allotment for any State for—

"(i) fiscal year 2001, shall be the DSH allotment determined under paragraph (2) for fiscal year 2000 increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2000; and

"(ii) fiscal year 2002, shall be the DSH allotment determined under clause (i) increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2001.

"(B) LIMITATION.—Subparagraph (B) of paragraph (3) shall apply to subparagraph (A) of this paragraph in the same manner as that subparagraph (B) applies to paragraph (3)(A).

"(C) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2002.—The DSH allotment for any State for fiscal year 2003 or any succeeding fiscal year shall be determined under paragraph (3) without regard to the DSH allotments determined under subparagraph (A) of this paragraph.".

(2) SPECIAL RULE FOR MEDICAID DSH ALLOTMENT FOR EXTREMELY LOW DSH STATES.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r–4(f)), as amended by paragraph (1), is amended by inserting after paragraph (4) the following new paragraph:

"(5) SPECIAL RULE FOR EXTREMELY LOW DSH STATES.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 1999, as reported to the Administrator of the Health Care Financing Administration as of August 31, 2000, is greater than 0 but less than 1 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2001 shall be increased to 1 percent of the State's total amount of expenditures under such plan for such assistance during such fiscal year. In subsequent fiscal years, such increased allotment is subject to an increase for inflation as provided in paragraph (3)(A).".

(B) CONFORMING AMENDMENT.—Section 1923(f)(3)(A) (42 U.S.C. 1396r–4(f)(3)(A)) is amended by inserting "and paragraph (5)" after "subparagraph (B)".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) take effect on the date the final regulation required under section 705(a) (relating to the application of an aggregate upper payment limit test for State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services provided by government facilities that are not State-owned or operated facilities) is published in the Federal Register.

(b) ASSURING IDENTIFICATION OF MEDICAID MANAGED CARE PATIENTS.—

(1) IN GENERAL.—Section 1932 (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(g) IDENTIFICATION OF PATIENTS FOR PURPOSES OF MAKING DSH PAYMENTS.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require the entity either—

"(1) to report to the State information necessary to determine the hospital services provided under the contract (and the identity of hospitals providing such services) for purposes of applying sections 1886(d)(5)(F) and 1923; or

"(2) to include a sponsorship code in the identification card issued to individuals covered under this title in order that a hospital may identify a patient as being entitled to benefits under this title.".

(2) CLARIFICATION OF COUNTING MANAGED CARE MEDICAID PATIENTS.—Section 1923 (42 U.S.C. 1396r–4) is amended—

(A) in subsection (a)(2)(D), by inserting after "the proportion of low-income and medicaid patients" the following: "(including such patients

who receive benefits through a managed care entity)";

(B) in subsection (b)(2), by inserting after "a State plan approved under this title in a period" the following: "(regardless of whether such patients receive medical assistance on a fee-for-service basis or through a managed care entity)"; and

(C) in subsection (b)(3)(A)(i), by inserting after "under a State plan under this title" the following: "(regardless of whether the services were furnished on a fee-for-service basis or through a managed care entity)".

(3) EFFECTIVE DATES.—

(A) The amendment made by paragraph (1) applies to contracts as of January 1, 2001.

(B) The amendments made by paragraph (2) apply to payments made on or after January 1, 2001.

(c) APPLICATION OF MEDICAID DSH TRANSITION RULE TO PUBLIC HOSPITALS IN ALL STATES.—

(1) IN GENERAL.—During the period described in paragraph (3), with respect to a State, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514), as amended by section 607 of BBRA (113 Stat. 1501A–321) shall be applied as though—

(A) "September 30, 2002" were substituted for "July 1, 1997" each place it appears;

(B) "hospitals owned or operated by a State (as defined for purposes of title XIX of such Act), or by an instrumentality or a unit of government within a State (as so defined)" were substituted for "the State of California";

(C) paragraph (3) were redesignated as paragraph (4);

(D) "and" were omitted from the end of paragraph (2); and

(E) the following new paragraph were inserted after paragraph (2):

"(3) '(as defined in subparagraph (B) but without regard to clause (ii) of that subparagraph and subject to subsection (d))' were substituted for '(as defined in subparagraph (B))' in subparagraph (A) of such section; and".

(2) SPECIAL RULE.—With respect to California, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514) shall be applied without regard to paragraph (1).

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins, with respect to a State, on the first day of the first State fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding State fiscal year.

(4) APPLICATION TO WAIVERS.—With respect to a State operating under a waiver of the requirements of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under section 1115 of such Act (42 U.S.C. 1315), the amount by which any payment adjustment made by the State under title XIX of such Act (42 U.S.C. 1396 et seq.), after the application of section 4721(e) of the Balanced Budget Act of 1997 under paragraph (1) to such State, exceeds the costs of furnishing hospital services provided by hospitals described in such section shall be fully reflected as an increase in the baseline expenditure limit for such waiver.

(d) ASSISTANCE FOR CERTAIN PUBLIC HOSPITALS.—

(1) IN GENERAL.—Beginning with fiscal year 2002, notwithstanding section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) and subject to paragraph (3), with respect to a State, payment adjustments made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to a hospital described in paragraph (2) shall be made without regard to the DSH allotment limitation for the State determined under section 1923(f) of that Act (42 U.S.C. 1396r–4(f)).

(2) HOSPITAL DESCRIBED.—A hospital is described in this paragraph if the hospital—

(A) is owned or operated by a State (as defined for purposes of title XIX of the Social Security Act), or by an instrumentality or a unit of government within a State (as so defined);

(B) as of October 1, 2000—

(i) is in existence and operating as a hospital described in subparagraph (A); and

(ii) is not receiving disproportionate share hospital payments from the State in which it is located under title XIX of such Act; and

(C) has a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3))) in excess of 65 percent.

(3) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—With respect to any fiscal year, the aggregate amount of Federal financial participation that may be provided for payment adjustments described in paragraph (1) for that fiscal year for all States may not exceed the amount described in subparagraph (B) for the fiscal year.

(B) AMOUNT DESCRIBED.—The amount described in this subparagraph for a fiscal year is as follows:

(i) For fiscal year 2002, $15,000,000.

(ii) For fiscal year 2003, $176,000,000.

(iii) For fiscal year 2004, $269,000,000.

(iv) For fiscal year 2005, $330,000,000.

(v) For fiscal year 2006 and each fiscal year thereafter, $375,000,000.

(e) DSH PAYMENT ACCOUNTABILITY STANDARDS.—Not later than September 30, 2002, the Secretary of Health and Human Services shall implement accountability standards to ensure that Federal funds provided with respect to disproportionate share hospital adjustments made under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are used to reimburse States and hospitals eligible for such payment adjustments for providing uncompensated health care to low-income patients and are otherwise made in accordance with the requirements of section 1923 of that Act.

SEC. 702. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C); and

(2) by inserting after paragraph (14) the following new paragraph:

"(15) provide for payment for services described in clause (B) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);".

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—

"(1) IN GENERAL.—Beginning with fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

"(2) FISCAL YEAR 2001.—Subject to paragraph (4), for services furnished during fiscal year 2001, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center or clinic of furnishing such services during fiscal years 1999 and 2000 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during fiscal year 2001.

"(3) FISCAL YEAR 2002 AND SUCCEEDING FISCAL YEARS.—Subject to paragraph (4), for services furnished during fiscal year 2002 or a succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

"(A) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

"(B) adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during that fiscal year.

"(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after fiscal year 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic so qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year based on the rates established under this subsection for the fiscal year for other such centers or clinics located in the same or adjacent area with a similar case load or, in the absence of such a center or clinic, in accordance with the regulations and methodology referred to in paragraph (2) or based on such other tests of reasonableness as the Secretary may specify. For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3).

"(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—

"(A) IN GENERAL.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

"(B) PAYMENT SCHEDULE.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the Federally-qualified health center or rural health clinic, but in no case less frequently than every 4 months.

"(6) ALTERNATIVE PAYMENT METHODOLOGIES.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount which is determined under an alternative payment methodology that—

"(A) is agreed to by the State and the center or clinic; and

"(B) results in payment to the center or clinic of an amount which is at least equal to the amount otherwise required to be paid to the center or clinic under this section.".

(c) Conforming Amendments.—

(1) Section 4712 of the BBA (Public Law 105–33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking "1902(a)(13)(C)" and inserting "1902(a)(15), 1902(aa),".

(d) GAO Study of Future Rebasing.—The Comptroller General of the United States shall provide for a study on the need for, and how to, rebase or refine costs for making payment under the medicaid program for services provided by Federally-qualified health centers and rural health clinics (as provided under the amendments made by this section). The Comptroller General shall provide for submittal of a report on such study to Congress by not later than 4 years after the date of the enactment of this Act.

(e) Effective Date.—The amendments made by this section take effect on October 1, 2000, and apply to services furnished on or after such date.

SEC. 703. STREAMLINED APPROVAL OF CONTINUED STATE-WIDE SECTION 1115 MEDICAID WAIVERS.

(a) In General.—Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following new subsection;

"(f) An application by the chief executive officer of a State for an extension of a waiver project the State is operating under an extension under subsection (e) (in this subsection referred to as the 'waiver project') shall be submitted and approved or disapproved in accordance with the following:

"(1) The application for an extension of the waiver project shall be submitted to the Secretary at least 120 days prior to the expiration of the current period of the waiver project.

"(2) Not later than 45 days after the date such application is received by the Secretary, the Secretary shall notify the State if the Secretary intends to review the terms and conditions of the waiver project. A failure to provide such notification shall be deemed to be an approval of the application.

"(3) Not later than 45 days after the date a notification is made in accordance with paragraph (2), the Secretary shall inform the State of proposed changes in the terms and conditions of the waiver project. A failure to provide such information shall be deemed to be an approval of the application.

"(4) During the 30-day period that begins on the date information described in paragraph (3) is provided to a State, the Secretary shall negotiate revised terms and conditions of the waiver project with the State.

"(5)(A) Not later than 120 days after the date an application for an extension of the waiver project is submitted to the Secretary (or such later date agreed to by the chief executive officer of the State), the Secretary shall—

"(i) approve the application subject to such modifications in the terms and conditions—

"(I) as have been agreed to by the Secretary and the State; or

"(II) in the absence of such agreement, as are determined by the Secretary to be reasonable, consistent with the overall objectives of the waiver project, and not in violation of applicable law; or

"(ii) disapprove the application.

"(B) A failure by the Secretary to approve or disapprove an application submitted under this subsection in accordance with the requirements of subparagraph (A) shall be deemed to be an approval of the application subject to such modifications in the terms and conditions as have been agreed to (if any) by the Secretary and the State.

"(6) An approval of an application for an extension of a waiver project under this subsection shall be for a period not to exceed 3 years.

"(7) An extension of a waiver project under this subsection shall be subject to the final reporting and evaluation requirements of paragraphs (4) and (5) of subsection (e) (taking into account the extension under this subsection with respect to any timing requirements imposed under those paragraphs).".

(b) Effective Date.—The amendment made by subsection (a) applies to requests for extensions of demonstration projects pending or submitted on or after the date of the enactment of this Act.

SEC. 704. MEDICAID COUNTY-ORGANIZED HEALTH SYSTEMS.

(a) In General.—Section 9517(c)(3)(C) of the Comprehensive Omnibus Budget Reconciliation Act of 1985 is amended by striking "10 percent" and inserting "14 percent".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 705. DEADLINE FOR ISSUANCE OF FINAL REGULATION RELATING TO MEDICAID UPPER PAYMENT LIMITS.

(a) In General.—Not later than December 31, 2000, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), notwithstanding any requirement of the Administrative Procedures Act under chapter 5 of title 5, United States Code, or any other provision of law, shall issue under sections 447.272, 447.304, and 447.321 of title 42, Code of Federal Regulations (and any other section of part 447 of title 42, Code of Federal Regulations that the Secretary determines is appropriate), a final regulation based on the proposed rule announced on October 5, 2000, that—

(1) modifies the upper payment limit test applied to State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services by applying an aggregate upper payment limit to payments made to government facilities that are not State-owned or operated facilities; and

(2) provides for a transition period in accordance with subsection (b).

(b) Transition Period.—

(1) In general.—The final regulation required under subsection (a) shall provide that, with respect to a State described in paragraph (3), the State shall be considered to be in compliance with the final regulation required under subsection (a) so long as, for each State fiscal year during the period described in paragraph (4), the State reduces payments under a State medicaid plan payment provision or methodology described in paragraph (3), or reduces the actual dollar payment levels described in paragraph (3)(B), so that the amount of the payments that would otherwise have been made under such provision, methodology, or payment levels by the State for any State fiscal year during such period is reduced by 15 percent in the first such State fiscal year, and by an additional 15 percent in each of next 5 State fiscal years.

(2) Requirement.—Notwithstanding paragraph (1), the final regulation required under subsection (a) shall provide that, for any period (or portion of a period) that occurs on or after October 1, 2008, medicaid payments made by a State described in paragraph (3) shall comply with such final regulation.

(3) State described.—A State described in this paragraph is a State with a State medicaid plan payment provision or methodology which—

(A) was approved, deemed to have been approved, or was in effect on or before October 1, 1992 (including any subsequent amendments or successor provisions or methodologies and whether or not a State plan amendment was made to carry out such provision or methodology after such date) or under which claims for Federal financial participation were filed and paid on or before such date; and

(B) provides for payments that are in excess of the upper payment limit test established under the final regulation required under subsection (a) (or which would be noncompliant with such final regulation if the actual dollar payment levels made under the payment provision or methodology in the State fiscal year which begins during 1999 were continued).

(4) Period described.—The period described in this paragraph is the period that begins on the first State fiscal year that begins after September 30, 2002, and ends on September 30, 2008.

SEC. 706. ALASKA FMAP.

Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), only with respect to each of fiscal years 2001 through 2005, for purposes of titles XIX and XXI of the Social Security Act, the State percentage used to determine the Federal medical assistance percentage for Alaska shall be that percentage which bears the same ratio to 45 percent as the square of the adjusted per capita income of Alaska (determined by dividing the State's 3-year average per capita income by 1.05) bears to the square of the per capita income of the 50 States.

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

SEC. 801. SPECIAL RULE FOR REDISTRIBUTION AND AVAILABILITY OF UNUSED FISCAL YEAR 1998 AND 1999 SCHIP ALLOTMENTS.

(a) Change in Rules for Redistribution and Retention of Unused SCHIP Allotments for Fiscal Years 1998 and 1999.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(g) Rule for Redistribution and Extended Availability of Fiscal Years 1998 and 1999 Allotments.—

"(1) Amount redistributed.—

"(A) In general.—In the case of a State that expends all of its allotment under subsection (b) or (c) for fiscal year 1998 by the end of fiscal year 2000, or for fiscal year 1999 by the end of fiscal year 2001, the Secretary shall redistribute to the State under subsection (f) (from the fiscal year 1998 or 1999 allotments of other States, respectively, as determined by the application of paragraphs (2) and (3) with respect to the respective fiscal year)) the following amount:

"(i) State.—In the case of 1 of the 50 States or the District of Columbia, with respect to—

"(I) the fiscal year 1998 allotment, the amount by which the State's expenditures under this title in fiscal years 1998, 1999, and 2000 exceed the State's allotment for fiscal year 1998 under subsection (b); or

"(II) the fiscal year 1999 allotment, the amount by which the State's expenditures under this title in fiscal years 1999, 2000, and 2001 exceed the State's allotment for fiscal year 1999 under subsection (b).

"(ii) Territory.—In the case of a commonwealth or territory described in subsection (c)(3), an amount that bears the same ratio to 1.05 percent of the total amount described in paragraph (2)(B)(i)(I) as the ratio of the commonwealth's or territory's fiscal year 1998 or 1999 allotment under subsection (c) (as the case may be) bears to the total of all such allotments for such fiscal year under such subsection.

"(B) Expenditure rules.—An amount redistributed to a State under this paragraph with respect to fiscal year 1998 or 1999—

"(i) shall not be included in the determination of the State's allotment for any fiscal year under this section;

"(ii) notwithstanding subsection (e), shall remain available for expenditure by the State through the end of fiscal year 2002; and "(iii) shall be counted as being expended with respect to a fiscal year allotment in accordance with applicable regulations of the Secretary.

"(2) EXTENSION OF AVAILABILITY OF PORTION OF UNEXPENDED FISCAL YEARS 1998 AND 1999 ALLOTMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (e):

"(i) FISCAL YEAR 1998 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1998 that were not expended by the State by the end of fiscal year 2000, the amount specified in subparagraph (B) for fiscal year 1998 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

"(ii) FISCAL YEAR 1999 ALLOTMENT.—Of the amounts allotted to a State pursuant to this subsection for fiscal year 1999 that were not expended by the State by the end of fiscal year 2001, the amount specified in subparagraph (B) for fiscal year 1999 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

"(B) AMOUNT REMAINING AVAILABLE FOR EXPENDITURE.—The amount specified in this subparagraph for a State for a fiscal year is equal to—

"(i) the amount by which (I) the total amount available for redistribution under subsection (f) from the allotments for that fiscal year, exceeds (II) the total amounts redistributed under paragraph (1) for that fiscal year; multiplied by

"(ii) the ratio of the amount of such State's unexpended allotment for that fiscal year to the total amount described in clause (i)(I) for that fiscal year.

"(C) USE OF UP TO 10 PERCENT OF RETAINED 1998 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding section 2105(c)(2)(A), with respect to any State described in subparagraph (A)(i), the State may use up to 10 percent of the amount specified in subparagraph (B) for fiscal year 1998 for expenditures for outreach activities approved by the Secretary.

"(3) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in paragraphs (1) and (2) relating to the allotment for fiscal year 1998 or fiscal year 1999, the Secretary shall use the amounts reported by the States not later than November 30, 2000, or November 30, 2001, respectively, on HCFA Form 64 or HCFA Form 21, as approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4901 of BBA (111 Stat. 552).

SEC. 802. AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.

(a) AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) by redesignating subparagraphs (A) through (D) of paragraph (2) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) by redesignating paragraph (1) as subparagraph (C), and indenting appropriately;

(3) by redesignating paragraph (2) as subparagraph (D), and indenting appropriately;

(4) by striking "(a) IN GENERAL.—" and the remainder of the text that precedes subparagraph (C), as so redesignated, and inserting the following:

"(a) PAYMENTS.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP (or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b))) of expenditures in the quarter—

"(A) for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for which payment is made on the basis of an enhanced FMAP under the fourth sentence of section 1905(b);

"(B) for the provision of medical assistance on behalf of a child during a presumptive eligibility period under section 1920A;"; and

(5) by adding after subparagraph (D), as so redesignated, the following new paragraph:

"(2) ORDER OF PAYMENTS.—Payments under paragraph (1) from a State's allotment shall be made in the following order:

"(A) First, for expenditures for items described in paragraph (1)(A).

"(B) Second, for expenditures for items described in paragraph (1)(B).

"(C) Third, for expenditures for items described in paragraph (1)(C).

"(D) Fourth, for expenditures for items described in paragraph (1)(D).".

(b) ELIMINATION OF REQUIREMENT TO REDUCE TITLE XXI ALLOTMENT BY MEDICAID EXPANSION SCHIP COSTS.—Section 2104 (42 U.S.C. 1397dd) is amended by striking subsection (d).

(c) AUTHORITY TO TRANSFER TITLE XXI APPROPRIATIONS TO TITLE XIX APPROPRIATION ACCOUNT AS REIMBURSEMENT FOR MEDICAID EXPENDITURES FOR MEDICAID EXPANSION SCHIP SERVICES.—Notwithstanding any other provision of law, all amounts appropriated under title XXI and allotted to a State pursuant to subsection (b) or (c) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal years 1998 through 2000 (including any amounts that, but for this provision, would be considered to have expired) and not expended in providing child health assistance or related services for which payment may be made pursuant to subparagraph (C) or (D) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) (as amended by subsection (a)), shall be available to reimburse the Grants to States for Medicaid account in an amount equal to the total payments made to such State under section 1903(a) of such Act (42 U.S.C. 1396b(a)) for expenditures in such years for medical assistance described in subparagraphs (A) and (B) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1) (as so amended).

(d) CONFORMING AMENDMENTS.—

(1) Section 1905(b) (42 U.S.C. 1396d(b)) is amended in the fourth sentence by striking "the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year" and inserting "the State's available allotment under section 2104".

(2) Section 1905(u)(1)(B) (42 U.S.C. 1396d(u)(1)(B)) is amended by striking "and section 2104(d)".

(3) Section 2104 (42 U.S.C. 1397dd), as amended by subsection (b), is further amended—

(A) in subsection (b)(1), by striking "and subsection (d)"; and

(B) in subsection (c)(1), by striking "subject to subsection (d),".

(4) Section 2105(c) (42 U.S.C. 1397ee(c)) is amended—

(A) in paragraph (2)(A), by striking all that follows "Except as provided in this paragraph," and inserting "the amount of payment that may be made under subsection (a) for a fiscal year for expenditures for items described in paragraph (1)(D) of such subsection shall not exceed 10 percent of the total amount of expenditures for which payment is made under subparagraphs (A), (C), and (D) of paragraph (1) of such subsection.";

(B) in paragraph (2)(B), by striking "described in subsection (a)(2)" and inserting "described in subsection (a)(1)(D)"; and

(C) in paragraph (6)(B), by striking "Except as otherwise provided by law," and inserting "Except as provided in subparagraph (A) or (B) of subsection (a)(1) or any other provision of law,".

(5) Section 2110(a) (42 U.S.C. 1397jj(a)) is amended by striking "section 2105(a)(2)(A)" and inserting "section 2105(a)(1)(D)(i)".

(e) TECHNICAL AMENDMENT.—Section 2105(d)(2)(B)(ii) (42 U.S.C. 1397ee(d)(2)(B)(ii)) is amended by striking "enhanced FMAP under section 1905(u)" and inserting "enhanced FMAP under the fourth sentence of section 1905(b)".

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 4901 of the BBA (111 Stat. 552).

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

SEC. 901. EXTENSION OF TRANSITION FOR CURRENT WAIVERS.

Section 4803(d)(2) of BBA is amended—

(1) in subparagraph (A), by striking "24 months" and inserting "36 months";

(2) in subparagraph (A), by striking "the initial effective date of regulations described in subsection (a)" and inserting "July 1, 2000"; and

(3) in subparagraph (B), by striking "3 years" and inserting "4 years".

SEC. 902. CONTINUING OF CERTAIN OPERATING ARRANGEMENTS PERMITTED.

(a) IN GENERAL.—Section 1894(f)(2) (42 U.S.C. 1395eee(f)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1, 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program.".

(b) CONFORMING AMENDMENT.—Section 1934(f)(2) (42 U.S.C. 1396u–4(f)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as included in the enactment of BBA.

SEC. 903. FLEXIBILITY IN EXERCISING WAIVER AUTHORITY.

In applying sections 1894(f)(2)(B) and 1934(f)(2)(B) of the Social Security Act (42 U.S.C. 1395eee(f)(2)(B), 1396u–4(f)(2)(B)), the Secretary of Health and Human Services—

(1) shall approve or deny a request for a modification or a waiver of provisions of the PACE protocol not later than 90 days after the date the Secretary receives the request; and

(2) may exercise authority to modify or waive such provisions in a manner that responds promptly to the needs of PACE programs relating to areas of employment and the use of community-based primary care physicians.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

SEC. 911. OUTREACH ON AVAILABILITY OF MEDICARE COST-SHARING ASSISTANCE TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES.

(a) OUTREACH.—

(1) IN GENERAL.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1143 the following new section:

"OUTREACH EFFORTS TO INCREASE AWARENESS OF THE AVAILABILITY OF MEDICARE COST-SHARING

"SEC. 1144. (a) OUTREACH.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall conduct outreach efforts to—

"(A) identify individuals entitled to benefits under the medicare program under title XVIII who may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

"(B) notify such individuals of the availability of such medical assistance under such sections.

"(2) CONTENT OF NOTICE.—Any notice furnished under paragraph (1) shall state that eligibility for medicare cost-sharing assistance under such sections is conditioned upon—

"(A) the individual providing to the State information about income and resources (in the case of an individual residing in a State that imposes an assets test for such eligibility); and

"(B) meeting the applicable eligibility criteria.

"(b) COORDINATION WITH STATES.—

"(1) IN GENERAL.—In conducting the outreach efforts under this section, the Commissioner shall—

"(A) furnish the agency of each State responsible for the administration of the medicaid program and any other appropriate State agency with information consisting of the name and address of individuals residing in the State that the Commissioner determines may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

"(B) update any such information not less frequently than once per year.

"(2) INFORMATION IN PERIODIC UPDATES.—The periodic updates described in paragraph (1)(B) shall include information on individuals who are or may be eligible for the medical assistance described in paragraph (1)(A) because such individuals have experienced reductions in benefits under title II.".

(2) AMENDMENT TO TITLE XIX.—Section 1905(p) (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(5) For provisions relating to outreach efforts to increase awareness of the availability of medicare cost-sharing, see section 1144.".

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study of the impact of section 1144 of the Social Security Act (as added by subsection (a)(1)) on the enrollment of individuals for medicare cost-sharing under the medicaid program. Not later than 18 months after the date that the Commissioner of Social Security first conducts outreach under section 1144 of such Act, the Comptroller General shall submit to Congress a report on such study. The report shall include such recommendations for legislative changes as the Comptroller General deems appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) shall take effect one year after the date of the enactment of this Act.

Subtitle C—Maternal and Child Health Block Grant

SEC. 921. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 501(a) (42 U.S.C. 701(a)) is amended in the matter preceding paragraph (1) by striking "$705,000,000 for fiscal year 1994" and inserting "$850,000,000 for fiscal year 2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2000.

Subtitle D—Diabetes

SEC. 931. INCREASE IN APPROPRIATIONS FOR SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b) of the Public Health Service Act (42 U.S.C. 254c-2(b)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) TRANSFERRED FUNDS.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) APPROPRIATIONS.—For the purpose of making grants under this section, there is appropriated, out of any funds in the Treasury not otherwise appropriated—

"(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

"(B) $100,000,000 for fiscal year 2003.".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c) of such Act (42 U.S.C. 254c-3(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) TRANSFERRED FUNDS.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) APPROPRIATIONS.—For the purpose of making grants under this section, there is appropriated, out of any money in the Treasury not otherwise appropriated—

"(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

"(B) $100,000,000 for fiscal year 2003.".

(c) EXTENSION OF FINAL REPORT ON GRANT PROGRAMS.—Section 4923(b)(2) of BBA is amended by striking "2002" and inserting "2003".

SEC. 932. APPROPRIATIONS FOR RICKY RAY HEMOPHILIA RELIEF FUND.

Section 101(e) of the Ricky Ray Hemophilia Relief Fund Act of 1998 (42 U.S.C. 300c–22 note) is amended by adding at the end the following: "There is appropriated to the Fund $475,000,000 for fiscal year 2001, to remain available until expended.".

Following is explanatory language for H.R. 5543 as introduced on October 25, 2000.

STATEMENT OF MANAGERS FOR THE MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtilte A—Improved Preventive Benefits

Section 101. Coverage of biennial screening pap smear and pelvic exams

The provision modifies current law to provide Medicare coverage for biennial screening pap smears and pelvic exams, effective July 1, 2001.

Section 102. Coverage of screening for glaucoma

The provision would add Medicare coverage for annual glaucoma screenings, beginning January 1, 2002, for persons determined to be at high risk for glaucoma, individuals with a family history of glaucoma, and individuals with diabetes. The service would have to be furnished by or under the supervision of an optometrist or ophthalmologist who is legally authorized to perform such services in the state where the services are furnished.

Section 103. Coverage of screening colonoscopy for average risk individuals

The provision would authorize coverage for screening colonoscopies, beginning July 1, 2001, for all individuals, not just those at high risk. For persons not at high risk, payments could not be made for such procedures if performed within 10 years of a previous screening colonoscopy or within 4 years of a screening flexible sigmoidoscopy.

Section 104. Modernization of screening mammography benefit

Beginning in 2002, the provision would eliminate the statutorily prescribed payment rate for mammography payments and specify that the services are to be paid under the physician fee schedule. The provision would specify two new payment rates for mammographies that utilize advanced new technology for the period April 1, 2001 to December 21, 2001. Payment for technologies that directly take digital images would equal 150% of what would otherwise be paid for a bilateral diagnostic mammography. For technologies that convert standard film images to digital form, an additional payment of fifteen dollars would be authorized. The Secretary would be required to determine whether a new code is required for tests furnished after 2001.

Section 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease

The provision would establish, effective January 1, 2002, Medicare coverage for medical nutrition therapy services for beneficiaries who have diabetes or a renal disease. Medical nutrition therapy services would be defined as nutritional diagnostic, therapy and counseling services for the purpose of disease management which are furnished by a registered dietician or nutrition professional, pursuant to a referral by a physician. The provision would specify that the amount paid for medical nutrition therapy services would equal the lesser of the actual charge for the service or 85% of the amount that would be paid under the physician fee schedule if such services were provided by a physician. Assignment would be required for all claims. The Secretary would be required to submit a report to Congress that contains an evaluation of the effectiveness of services furnished under this provision.

Subtitle B—Other Beneficiary Improvements

Section 111. Acceleration of reduction of beneficiary copayment for hospital outpatient hospital outpatient department services

Effective January 1, 2001, the provision would modify current law by limiting the amount of a beneficiary's copayment for a procedure in a hospital outpatient department to the hospital inpatient deductible applicable in that year.

In addition, starting in January, 2001, the provision would require the Secretary of HHS to reduce the effective copayment rate for outpatient services to a maximum rate of 60% and then gradually reduce the effective coinsurance rate in 5 percentage point intervals from 2002 through 2006 until the maximum rate is 40% in 2006. As stated in BBA 97, hospitals may waive any increase in coinsurance that may have arisen from the implementation of the outpatient prospective payment system (PPS).

The Comptroller General would be required to work with the National Association of Insurance Commissioners (NAIC) to evaluate the extent to which premiums for supplemental policies reflect the acceleration of the reduction in beneficiary coinsurance for hospital outpatient services and result in savings to beneficiaries and to report to the Congress by April 1, 2004.

Section 112. Preservation of coverage of drugs and biologicals under part B of the medicare program

The provision would clarify policy with regard to coverage of drugs, provided incident to physicians services, that cannot be self-administered. The provision would specify that such drugs are covered when they are not usually self-administered by the patient.

Section 113. Elimination of time limitation on Medicare benefits for immunosuppressive drugs

The provision would eliminate the current time limitations on the coverage of immunosuppressive drugs for beneficiaries who have received a covered organ transplant. The provision would apply to drugs furnished, on or after the date enactment.

Section 114. Imposition of balanced billing limits on prescription drugs

The provision would specify that payment for drugs under Part B must be made on the basis of assignment.

Subtitle C—Demonstration Projects and Studies

Section 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries

The Secretary would be required to conduct a demonstration project to illustrate the impact on costs and health outcomes of applying disease management to Medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. Up to 30,000 beneficiaries would be able to enroll, on a voluntary basis, for disease management services related to their chronic health condition. In addition, contractors providing disease management services would be responsible for providing beneficiaries enrolled in the project with prescription drugs.

Section 122. Cancer prevention and treatment demonstration for ethnic and racial minorities

The provision would require the Secretary to conduct demonstration projects for the purpose of developing models and evaluating methods that improve the quality of cancer prevention services, improve clinical outcomes, eliminate disparities in the rate of preventive screening measures, and promote collaboration with community-based organizations for ethnic and racial minorities.

Section 123. Study on Medicare coverage of routine thyroid screening

The provision would require the Secretary to request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to analyze the addition of routine thyroid screening under Medicare. The analysis would consider the short term and long term benefits, and cost to Medicare, of adding such coverage for some or all beneficiaries.

Section 124. MedPAC study on consumer coalitions

The provision would require MedPAC to conduct a study that examines the use of consumer coalitions in the marketing of Medicare+Choice plans. A consumer coalition would be defined as a non-profit community-based organization that provides information to beneficiaries about their health options under Medicare and negotiates with Medicare+Choice plans on benefits and premiums for beneficiaries who are members of the coalition or otherwise affiliated with it.

Section 125. Study on limitation on state payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries

The provision would require the Secretary of HHS to conduct a study to determine if access to certain services (including mental health services) has been affected by a specific provision in law. That provision specifies that states are not required to pay Medicare cost-sharing charges for QMBs to the extent these payments would result in a total payment in excess of the Medicaid level.

Section 126. Institute of Medicine study on waiver of 24-month waiting period for Medicare disability eligibility for amyotrophic lateral sclerosis (ALS) and other devastating diseases

The provision would provide for an Institute of Medicine study that examines the appropriateness of waiving the 24-month waiting period for Medicare disability eligibility for an individual medically determined to have amyotrophic lateral sclerosis (ALS) or an other disease that is as rapidly debilitating.

Section 127. Studies on preventive interventions in primary care for older Americans

The provision would require the Secretary, acting through the United States Preventive Services Task Force, to conduct a series of studies designed to identify preventive interventions in primary care for older Americans.

Section 128. MedPAC study and report on Medicare coverage of cardiac and pulmonary rehabilitation and therapy services

The provision would require MedPAC to conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under Medicare.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

Section 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals

Effective for services furnished on or after the enactment of BBRA99, Medicare beneficiaries would not be liable for any coinsurance, deductible, copayment, or other cost sharing amount with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital (CAH) service. Conforming changes that clarify that CAHs are reimbursed on a reasonable cost basis for outpatient clinical diagnostic laboratory services are also included.

Section 202. Assistance with fee schedule payment for professional services under all-inclusive rate

Effective for items and services furnished on or after April 1, 2001, Medicare would pay a CAH for outpatient services based on reasonable costs or, at the election of an entity, would pay the CAH a facility fee based on reasonable costs plus an amount based on 115% of Medicare's fee schedule for professional services.

Section 203. Exemption of critical access hospital swing beds from SNF PPS

Swing beds in critical access hospitals (CAHs) would be exempt from the SNF prospective payment system. CAHs would be paid for covered SNF services on a reasonable cost basis.

Section 204. Payment in critical access hospitals for emergency room on-call physicians

When determining the allowable, reasonable cost of outpatient CAH services, the Secretary would recognize amounts for the compensation and related costs for on-call emergency room physicians who are not present on the premises, are not otherwise furnishing services, and are not on-call at any other provider or facility. The Secretary would define the reasonable payment amounts and the meaning of the term "on-call." The provision would be effective for cost reporting periods beginning on or after October 1, 2001.

Section 205. Treatment of ambulance services furnished by certain critical access hospitals

Ambulance services provided by a critical access hospital (CAH) or provided by an entity that is owned or operated by a CAH would be paid on a reasonable cost basis if the CAH or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of the CAH. The provision would be effective for cost reporting periods beginning on or after implementation of the fee schedule.

Section 206. GAO study on certain eligibility requirements for critical access hospitals

Within one year of enactment, GAO would be required to conduct a study on the eligibility requirements for critical access hospitals (CAHs) with respect to limitations on average length of stay and number of beds, including an analysis of the feasibility of having a distinct part unit as part of a CAH and the effect of seasonal variations in CAH eligibility requirements. GAO also would be required to analyze the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limits on average annual length of stay and number of beds.

Subtitle B—Other Rural Hospitals Provisions

Section 211. Equitable treatment for rural disproportionate share hospitals

For discharges occurring on or after April 1, 2001, all hospitals would be eligible to receive DSH payments when their DSH percentage (threshold amount) exceeds 15%. The DSH payment formulas for sole community hospitals (SCHs), rural referral centers (RRCs), rural hospitals that are both SCHs and RRCs, small rural hospitals and urban hospitals with less than 100 beds would be modified.

Section 212. Option to base eligibility for Medicare dependent, small rural hospital program on discharges during 2 of the 3 most recent audited cost reporting periods

An otherwise qualifying small rural hospital would be able to be classified as an MDH if at least 60% of its days or discharges were attributable to Medicare Part A beneficiaries in at least two of the three most recent audited cost reporting periods for which the Secretary has a settled cost report.

Section 213. Extension of option to use rebased target amounts to all sole community hospitals

Any SCH would be able to elect payment based on hospital specific, updated FY1996 costs if this target amount resulted in higher Medicare payments. There would be a transition period with Medicare payment based completely on updated FY1996 hospital specific costs for discharges occurring after FY2003.

Section 214. MedPAC analysis of impact of volume on per unit cost of rural hospitals with psychiatric units

MedPAC would be required to report on the impact of volume on the per unit cost of rural hospitals with psychiatric units and include in its report a recommendation on whether special treatment is warranted.

Subtitle C—Other Rural Provisions

Section 221. Assistance for providers of ambulance services in rural areas

The provision would make additional payments to providers of ground ambulance services for trips, originating in rural areas, that are greater than 17 miles and up to 50 miles. The payments would be made for services furnished on or after implementation of the fee schedule and before January 1, 2004. The provision would require the Comptroller General to conduct a study to examine both the costs of efficiently providing ambulance services for trips originating in rural areas and the means by which rural areas with low population densities can be identified for the purpose of designating areas in which the costs of ambulance services would be expected to be higher. The Comptroller General would submit a report to Congress by June 30, 2002 on the results of the study, together with recommendations on steps that should be taken to assure access to ambulance services for trips originating in rural areas. The Secretary would be required to take these findings into account when establishing the fee schedule, beginning with 2004.

Section 222. Payment for certain physician assistant services

This provision would give permanent authority to physician assistants who owned rural health clinics that lost their designation as such to bill Medicare directly.

Section 223. Expansion of Medicare payment for telehealth services

The provision would establish revised payment provisions, effective no later than July 1, 2001, for services that are provided via a telecommunications system by a physician or practitioner to an eligible beneficiary in a rural area. The Secretary would be required to make payments for telehealth services to the physician or practitioner at the distant site in an amount equal to the amount that would have been paid to such physician or practitioner if the service had been furnished to the beneficiary without the use of a telecommunications system. A facility fee would be paid to the originating site. Originating sites would include a physician or practitioner office, a critical access hospital, a rural health clinic, a Federally qualified health center or a hospital. The Secretary would be required to conduct a study, and submit recommendations to Congress, that identify additional settings, sites, practitioners and geographic areas that would be appropriate for telehealth services. Entities participating in Federal demonstration projects approved by, or receiving funding from, the Secretary as of December 31, 2000 would be qualified sites.

Section 224. Expanding Access to rural health clinics

All hospitals of less than 50 beds that own rural health clinics would be exempt from the per visit limit.

Section 225. MedPAC study on low-volume, isolated rural health providers

MedPAC would be required to study the effect of low patient and procedure volume on the financial status and Medicare payment methods for hospital outpatient services, ambulance services, hospital inpatient services, skilled nursing facility services, and home health services in isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

Section 301. Revision of acute care hospital payment update for 2001

All hospitals would receive the full market basket index (MBI) as an update for FY2001. In order to implement this increase for hospitals other than sole community hospitals (SCH), those hospitals would receive the MBI minus 1.1 percentage points (the current statutory provision) for discharges occurring on or after October 1, 2000 and before April 1 2001; these non-SCH hospitals would receive the MBI plus 1.1 percentage points for discharges occurring on or after April 1, 2001 and before October 1, 2001. For FY2002 and FY2003, hospitals would receive the MBI minus .55 percentage points. For FY2004 and subsequently, hospitals would receive the MBI.

The Secretary is directed to consider the prices of blood and blood products purchased by hospitals in the next rebasing and revision of the hospital market basket to determine whether those prices are adequately reflected in the market basket index. MedPAC is directed to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2001, the Secretary would be able to adjust the standardized amount in future fiscal years to correct for changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the resource intensity of patients treated by PPS hospitals.

Section 302. Additional modification in transition for indirect medical education (IME) percentage adjustment

Teaching hospitals would receive 6.25% IME payment adjustment (for each 10% increase in teaching intensity) for discharges occurring on or after October 1, 2000 and before April 1, 2001. The IME adjustment would increase to 6.75% for discharges on or after April 1, 2001 and before October 1, 2001, for an average of 6.5% for FY2001. The IME adjustment would be 6.375% in FY2002 and 5.5% in FY2003 and in subsequent years.

Section 303. Decrease in reductions for disproportionate share hospital (DSH) payments

Reductions in the DSH payment formula amounts would be 2% in FY2001, 3% in FY2002, and 0% in FY2003 and subsequently. To implement the FY2001 provision, DSH amounts for discharges occurring on or after October 1, 2000 and before April 1, 2001, would be reduced by 3% which was the reduction in effect prior to enactment of this provision. DSH amounts for discharges occurring on or after April 1, 2001 and before October 1, 2001 would be reduced by only 1 percentage point.

Section 304. Wage index improvements

For FY2001 or any fiscal year thereafter, a Medicare Geographic Classification Review Board (MGCRB) decision to reclassify a prospective payment system hospital for use of a different area's wage index would be effective for 3 fiscal years. The Secretary would establish procedures whereby a hospital could elect to terminate this reclassification decision before the end of such period. For FY2003 and subsequently, MGCRB would base any comparison of the average hourly wage of the hospital with the average hourly wage for hospitals in the area using data from each of the two immediately preceding surveys as well as data from the most recently published hospital wage survey.

The Secretary would establish a process which would first be available for discharges occurring on or after October 1, 2001 where a single wage index would be computed for all geographic areas in the state. If the Secretary applies a statewide geographic index, an application by an individual hospital would not be considered. The Secretary would also collect occupational data every three years in order to construct an occupational mix adjustment for the hospital area wage index. The first complete data collection effort would occur no later than September 30, 2003 for application beginning October 1, 2004.

Section 305. Payment for inpatient services in rehabilitation hospitals

Total payments for rehabilitation hospitals in FY2002 would equal the amounts of payments that would have been made if the rehabilitation prospective payment system (PPS) had not been enacted. A rehabilitation facility would be able to make a one-time election before the start of the PPS to be paid based on a fully phased-in PPS rate.

Section 306. Payment for inpatient services of psychiatric hospitals

The provision would increase the incentive payments for psychiatric hospitals and distinct part units to 3% for cost reporting periods beginning on or after October 1, 2000.

Section 307. Payment for inpatient services of long-term care hospitals

For cost reporting periods beginning during FY 2001, long term hospitals would have the national cap increased by 2% and the target amount increased by 25%. Neither these payments nor the increased bonus payments provided by BBRA 99 would be factored into the development of the prospective payment system (PPS) for long term hospitals. When developing the PPS for inpatient long term hospitals, the Secretary would be required to examine the feasibility and impact of basing payment on the existing (or refined) acute hospital DRGs and using the most recently available hospital discharge data. If the Secretary is unable to implement a long term hospital PPS by October 1, 2002, the Secretary would be required to implement a PPS for these hospitals using the existing acute hospital DRGs that have been modified where feasible.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

Section 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001

The provision would modify the schedule and rates according to which federal per diem payments are updated. In FY 2002 and FY 2003 the updates would be the market basket index increase minus 0.5 percentage point. The update rate for the period October 1, 2000, through March 31, 2001, would be the market basket index increase minus 1 percentage point; the update rate for the period April 1, 2001, through September 30, 2001, would be the market basket index increase plus one percentage point. Temporary increases in the federal per diem rates provided by BBRA 99 would be in addition to the increases in this provision. By July 1, 2002, the Comptroller General would be required to submit a report to Congress on the adequacy of Medicare payments to SNFs, taking into account the role of private payers, medicaid, and case mix on the financial performance of SNFs and including an analysis, by RUG classification, of the number and characteristics of such facilities. By January 1, 2005, the Secretary would be required to submit a report to Congress on alternatives for classification of SNF patients.

Section 312. Increase in nursing component of PPS federal rate

The provision would increase the nursing component of each RUG by 16.66 percent over current law for SNF care furnished after April 1, 2001, and before October 1, 2002. Skilled nursing facilities would be required to post nurse staffing information daily for each shift in the facility.

The Comptroller General would be required to conduct an audit of nurse staffing ratios in a sample of SNFs and to report to Congress by August 1, 2002, on the results of the audit of nurse staffing ratios and recommend whether the additional 16.66 percent payment should be continued.

Section 313. Application of SNF consolidated billing requirement limited to part A covered stays

Effective January 1, 2001, the provision would limit the current law consolidated billing requirement to services and items furnished to SNF residents in a Medicare part A covered stay and to therapy services furnished in part A and part B covered stays.

The Inspector General of HHS would be required to monitor part B payments to SNFs on behalf of residents who are not in a part A covered stay.

Section 314. Adjustment of rehabilitation RUGS to correct anomaly in payment rates

Effective for skilled nursing facility (SNF) services furnished on or after April 1, 2002, the provision would increase by 6.7 percent certain federal per diem payments to ensure that Medicare payments for SNF residents with "ultra high" and "high" rehabilitation therapy needs are appropriate in relation to payments for residents needing "medium" or "low" levels of therapy. The 20 percent additional payment that was provided in BBRA 99 for certain RUGS is removed to make this provision budget neutral.

The Inspector General of HHS would be required to review and report to Congress by October 1, 2001, regarding whether the RUG payment structure as in effect under the BBRA 99 includes incentives for the delivery of inadequate care.

Section 315. Establishment of process for geographic reclassification

The provision would permit the Secretary to establish a process for geographic reclassification of skilled nursing facilities based upon the method used for inpatient hospitals. The Secretary may implement the process upon completion of the data collection necessary to calculate an area wage index for workers in skilled nursing facilities.

Subtitle C—Hospice Care

Section 321. Full market basket increase for 2001

The provision would modify update procedures for Medicare daily payment rates for hospice care. It would provide an increase in FY 2001 equal to the full increase in the market basket index. (The rates would be lower in the period October 1, 2000, through March 21, 2001, and higher in the period April 1, 2001, through September 30, 2001.) For FY 2002, payments would be updated by the market basket index increase minus .25 percentage point. The temporary increase in payment rates provided in BBRA 99 for FY 2001 and FY 2002 (.5 percent and .75 percent, respectively) would be included in the base on which updates are computed.

Section 322. Clarification of physician certification

Effective for certifications of terminal illness made on or after the date of enactment, the provision would modify current law to specify that the physician's or hospice medical director's certification of terminal illness would be based on his/her clinical judgment regarding the normal course of the individual's illness. The Secretary would be required to study and report to Congress within 2 years of enactment on the appropriateness of certification of terminally ill individuals and the effect of this provision on such certification.

Section 323. MedPAC report on access to, and use of, hospice benefit

The provision would require MedPAC to examine the factors affecting the use of Medicare hospice benefits, including delay of entry into the hospice program and urban and rural differences in utilization rates. The provision would require a report on the study to be submitted to Congress 18 months after enactment.

Section 331. Relief From Medicare Part A late enrollment penalty for group buy-in for state and local retirees

The provision would exempt certain state and local retirees, retiring prior to January 1, 2002, from the Part A delayed enrollment penalties. These would be groups of persons for whom the state or local government elected to pay the delayed Part A enrollment penalty for life. The amount of the delayed enrollment penalty which would otherwise be assessed would be reduced by an amount equal to the total amount of Medicare payroll taxes paid by the employee and the employer on behalf of the employee.

Section 332. Posting of information on nursing facility staffing.

The provision would require skilled nursing facilities to post nurse staffing information daily for each shift in the facility.

Title IV—Provisions Relating to Part B

Subtitle A—Hospital Outpatient Services

Section 401. Revision of hospital outpatient PPS payment update

Effective as if enacted with the BBRA 99, the provision would modify the current law update rates applicable to the hospital outpatient PPS by providing in FY 2001 an update equal to the full rate of increase in the market basket index. As under current law, the increase in FY 2002 would be the market basket index increase minus one percentage point.

If the Secretary determines that updates to the adjustment factor used to convert the relative utilization weights under the PPS into payment amounts have, or are likely to, result in hospitals' changing their coding or classification of covered services, thereby changing aggregate payments, the Secretary would be authorized to adjust the conversion factor in later years to eliminate the effect of coding or classification changes.

Section 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS

The provision would modify the procedures and standards by which certain medical devices are categorized and determined eligible for pass-through payments under the PPS. Through public rule-making procedures, the Secretary would be required to establish criteria for defining special payment categories under the PPS for new medical devices. The Secretary would be required to promulgate, through the use of a program memorandum, initial categories that would encompass each of the individual devices that the Secretary had designated as qualifying for the pass-through payments to date. In addition, similar devices not so designated because they were payable under Medicare prior to December 31, 1996, would also be included in initial categories. The Secretary would be required to create additional new categories in the future to accommodate new technologies meeting the "not insignificant cost" test established in BBRA 99.

Once the categories were established, pass-through payments currently authorized under section 1833(t)(b) of the Social Security Act would proceed on a category-specific, rather than device-specific basis. These payments would be designated as "category-based pass-through payments." These payments would be continued to be made for the 2 to 3 years payment period originally specified in BBRA 99, and, for each given category, would begin when the first such payment is made for any device included in a specified category. At the conclusion of this transitional payment period, categories would sunset and payment for the device would be included in the underlying PPS payment for the related service.

Section 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report

Effective as if enacted with BBRA 99, the provision would modify current law as enacted in BBA 99 to enable all hospitals, not just those hospitals filing 1996 cost reports, to be eligible for transitional payments under the PPS.

Section 404. Application of rules for determining provider-based status for certain entities

The provision would grandfather existing arrangements whereby certain entities (such as outpatient clinics, skilled nursing facilities, etc.) are considered "provider-based" entities, meaning they are affiliated financially and clinically with a main hospital. Existing provider-based status designations would continue for two years beginning October 1, 2000. If a facility or organization requests approval for provider-based status during the period October 1, 2000, through September 31, 2002, it could not be treated as if it did not have such status during the period of time the determination is pending. In making such a status determination on or after October 1, 2000, HCFA would treat the applicant as satisfying any requirements or standards for geographic location if it satisfied geographic location requirements in regulations or is located not more than 35 miles from the main campus of the hospital.

An applicant facility or organization would be treated as satisfying all requirements for provider-based status if it is owned or operated by a unit of State or local government or is a public or private nonprofit corporation that is formally granted governmental powers by a unit of State or local government, or is a private hospital that, under contract, serves certain low income households or has a certain disproportionate share adjustment.

These provisions are in effect during a two-year period beginning on October 1, 2000.

Section 405. Treatment of children's hospitals under prospective payment system

The BBRA 99 provides special "hold harmless" payments to ensure that cancer hospitals would receive no less under the hospital outpatient PPS than they would have received, in aggregate, under the "pre-BBA" system, that is, the pre-PPS payment system. Effective as if included in the BBRA 99, the provision would extend this hold harmless protection to children's hospitals.

Sec 406. Inclusion of temperature monitored cryoablation

The provision would include temperature monitored cryoablation as part of the transitional pass-through for certain medical devices, drugs, and biologicals under the hospital outpatient prospective payment system, effective April 1, 2001.

Subtitle B—Provisions Relating to Physicians Services

Section 411. GAO studies relating to physicians' services

The provision would require the GAO to conduct a study on the appropriateness of furnishing in physicians offices specialist services (such as gastrointestinal endoscopic physicians'services) which are ordinarily furnished in hospital outpatient departments. The GAO would also be required to study the refinements to the practice expense relative value units made during the transition to the resource-based system.

Section 412. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating under Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health outcomes. The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target (reflecting base expenditures adjusted for risk and expected growth rates). The Secretary would pay each group a bonus for each year equal to a portion of the savings for the year relative to the target. In addition, at such time as the Secretary had developed appropriate criteria, the Secretary would pay an additional bonus related to process and outcome improvements. Total payments under demonstrations could not exceed what the Secretary estimates would be paid in the absence of the demonstration program.

Section 413. Study on enrollment procedures for groups that retain independent contractor physicians

The provision would require the Comptroller General to conduct a study of the current Medicare enrollment process for groups that retain independent contractor physicians; particular emphasis would be placed on hospital-based physicians, such as emergency department staffing groups.

Subtitle C—Other Services

Section 421. One-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants

The provision would extend the moratorium on the physical therapy and occupational therapy caps for 1 year through 2002; it would also extend the requirement for focused reviews of therapy claims for the same period. The Secretary would be required to conduct a study on the implications of eliminating the "in the room" supervision requirement for Medicare payment for physical therapy assistants who are supervised by physical therapists and the implications of this requirement on the physical therapy cap.

Section 422. Update in renal dialysis composite rate

The provision would specify that the composite rate payment for renal dialysis services would be increased by 2.4% for 2001. The provision would require the Secretary to collect data and develop an end-stage renal disease (ESRD) market basket whereby the Secretary could estimate before the beginning of a year the percentage increase in costs for the mix of labor and non-labor goods and services included in the composite rate. The Secretary would report to Congress on the index together with recommendations on the appropriateness of an annual or periodic update mechanism for dialysis services. The Comptroller General would be required to study the access of beneficiaries to dialysis services. There is a hold harmless provision for facilities who received exemptions for their 2000 rates, and for facilities that had their applications denied in 2000 but resubmit them by July 1, 2001and are approved.

Section 423. Payment for ambulance services

The provision would provide for the full inflation update in ambulance payments for 2001. It would also specify that any phase-in of the ambulance fee schedule would provide for full payment of national mileage rates in states where separate mileage payments were not made prior to implementation of the fee schedule.

Section 424. Ambulatory surgical centers

The provision would delay implementation of proposed regulatory changes to the ambulatory payment classification system, which are based on 1994 cost data, until January 1, 2002. At that time, such changes would be phased in over 4 years: in the first year the payment amounts would be 25 percent of the revised rates and 75 percent of the prior system rates; in the second year payments would be 50 percent of the revised rates and 50 percent of the prior system rates, etc. The provision also requires that the revised system, based on 1999 (or later) cost data, be implemented January 1, 2003. (The phase-in of the revised system and 1994 data would end when the system with 1999 or later data was implemented.)

Section 425. Full update for durable medical equipment

The provision would modify updates to payments for durable medical equipment. For 2001, the payments for covered DME would be increased by the full increase in the consumer price index for urban consumers during the 12-month period ending June 2000. No increase would be authorized for 2002.

Section 426. Full update for orthotics and prosthetics

The provision would modify updates to payments for orthotics and prosthetics: in 2000 the rates would be increased by one percent; in 2001, the increase would be equal to the percentage increase in the consumer price index for urban consumers during the 12-month period ending with June, 2000; for 2002, payments would be increased by one percent over the prior year's amounts.

Section 427. Establishment of special payment provisions and requirements for prosthetics and certain custom fabricated orthotic items

Under the provision, certain prosthetics or custom fabricated orthotics would be covered by Medicare if furnished by a qualified practitioner and fabricated by a qualified practitioner or qualified supplier. The Secretary would be required to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would be required to promulgate regulations to provide these items, using negotiated rulemaking procedures.

Not later than 6 months from enactment, the Comptroller General would be required to submit to Congress a report on the Secretary's compliance with the Administrative Procedures Act with regard to HCFA Ruling 96-1; certain impacts of that ruling; the potential for fraud and abuse in provision of prosthetics and orthotics under special payment rules and for custom fabricated items; and the effect on Medicare and Medicaid payments if that ruling were overturned.

Section 428. Replacement of prosthetic devices and parts

The provision would authorize Medicare coverage for replacement of artificial limbs, or replacement parts for such devices, if ordered by a physician for specified reasons. Effective for items furnished on or after enactment, coverage would apply to prosthetic items 3 or more years old, and would supersede any 5-year age rules for such items under current law.

Section 429. Revised part B payment for drugs and biologicals and related services

The provision would require the Comptroller General to study and submit a report to Congress and the Secretary on the reimbursement for drugs and biologicals and for related services under Medicare; the report would include specific recommendations for revised payment methodologies. The Secretary would revise the current payment methodologies for covered drugs and biologicals and related services based on these recommendations; however, total payments under the revised methodologies could not exceed the aggregate payments the Secretary estimates would have been made under the current law. The provision would establish a temporary injunction on changes in payment rates until the Secretary reviewed the GAO report.

Section 430. Contrast enhanced diagnostic procedures under hospital prospective payment system

The provision would require the Secretary to create under that hospital outpatient PPS additional and separate groups of covered services which include procedures that utilize contrast media. The provision would take effect January 1, 2001, and separate groups of covered services which include procedures that utilize contrast media.

Section 431. Qualifications for community mental health centers

The provision would clarify the qualifications for community mental health centers providing partial hospitalization services under Medicare.

Section 432. Modification of medicare billing requirements for certain indian providers

The provision would authorize hospitals and free-standing ambulatory care clinics of the Indian Health Service to bill Medicare for services which are paid for under the physician fee schedule.

Section 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants

The provision would require the Comptroller General to conduct a study on the effect on both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants.

Section 434. MedPAC study and report on medicare reimbursement for services provided by certain providers

The provision would require MedPAC to conduct a study on the appropriateness of current payment rates for services provided by a certified nurse midwife, physician assistant, nurse practitioner, and clinical nurse specialist.

Section 435. MedPAC study and report on medicare coverage of services provided by certain non-physician providers

The provision would require MedPAC to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 436. GAO study and report on the costs of emergency and medical transportation services

The provision would require the Comptroller General to conduct a study on the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

Section 437. GAO studies and reports on medicare payments

The provision would require the Comptroller General to conduct a study on the post-payment audit process for physicians services. The study would include the proper level of resources HCFA should devote to educating physicians regarding coding and billing, documentation requirements, and calculation of overpayments. The Comptroller General would also be required to conduct a study of the aggregate effects of regulatory, audit, oversight and paperwork burdens on physicians and other health care providers participating in Medicare.

Section 439. MedPAC study on access to outpatient pain management services

The provision would require MedPAC to conduct a study on the barriers to coverage and payment for outpatient interventional pain medicine procedures under Medicare.

TITLE V—PROVISION RELATING TO PARTS A AND B

Subtitle A—Home Health Services

Section 501. 1-Year additional delay in application of 15 percent reduction on payment limits fo home health services

The provision would require that the aggregate amount of Medicare payments to home health agencies in the second year of the PPS (FY 2002) shall equal the aggregate payments in the first year of the PPS, updated by the market basket index (MBI) increase minus 1.1 percentage points. The 15 percent reduction to aggregate PPS amounts, which, under current law, would go into effect October 1, 2001, would be delayed until October 1, 2002.

The Comptroller General (rather than the Secretary) would be required to submit, by April 1, 2002, a report analyzing the need for the 15 percent or other reduction.

If the Secretary determines that updates to the PPS system for a previous fiscal year (or estimates of such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments due to changes in coding or classification of beneficiaries' service needs that do not reflect real changes in case mix, effective for home health episodes concluding on or after October 1, 2001, the Secretary may adjust PPS amounts to eliminate the effect of such coding or classification changes.

Section 502. Restoration of full home health market basket update for home health services for fiscal year 2001

The provision would modify the home health PPS updates. During the period October 1, 2000, through March 31, 2001, the rates promulgated in the home health PPS regulations on July 3, 2000, would apply for 60-day episodes of care (or visits) ending in that period. For the period April 1, 2001, through September 31, 2001, those rates would be increased by 2.2 percent for 60-day episodes (or visits) ending in that time period.

Section 503. Temporary two-month extension of periodic interim payments

The provision would extend applicability of periodic interim payments provided under current law. Home health agencies that were receiving such payments as of September 30, 2000, would continue to receive them until December 1, 2000. The payments in each of November and December 2000 would equal the amount those agencies received in October 2000. The amounts would be included in the agency's last settled cost report before implementation of the PPS.

Section 504. Use of telehealth in delivery of home health services

The provision would clarify that the telecommunications provisions should not be construed as preventing a home health agency from providing a service, for which payment is made under the prospective payment system, via a telecommunications system, provided that the services do not substitute for "in-person" home health services ordered by a physician as part of a plan of care or are not considered a home health visit for purposes of eligibility or payment.

Section 505. Study on costs to home health agencies of purchasing nonroutine medical supplies

The provision would require that, not later than October 1, 2001, the Comptroller General shall submit to Congress a report regarding the variation in prices home health agencies pay for nonroutine supplies, the volume of supplies used, and what effect the variations have on the provision of services. The Secretary would be required to make recommendations on whether Medicare payment for those supplies should be made separately from the home health PPS.

Section 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas

The provision would clarify that neither time nor distance between a home health agency parent office and a branch office shall be the sole determinant of a home health agency's branch office status. The Secretary would be authorized to include forms of technology in determining "supervision" for purposes of determining a home health agency's branch office status.

Not later than January 1, 2002, the Comptroller General would be required to submit to Congress a report regarding the adequacy of supervision and quality of home health services provided by home health agency branch offices and subunits in isolated rural areas and to make recommendations on whether national standards for supervision would be appropriate in assuring quality.

Section 507. Clarification of the homebound benefit

The provision clarifies that the need for adult day care for patient's plan of treatment does not preclude appropriate coverage for home health care for other medical conditions. The provision also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health benefits.

Subtitle B—Direct Graduate Medical Education

Section 511. Increase in floor for direct graduate medical education payments

A hospital's approved per resident amount for cost reporting periods beginning during FY2002 would not be less than 85% of the locality adjusted national average per resident amount.

Section 512. Change in distribution formula for Medicare+Choice-related nursing and allied health education costs

A hospital would receive nursing and allied health payments for Medicare managed care enrollees based on its per day cost of allied and nursing health programs and number of days attributed to Medicare enrollees in comparison to that in all other hospitals. The provision would be effective for portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Section 521. Revisions to medicare appeals process

The provision would modify the Medicare appeals process. Generally, initial determinations by the Secretary would be concluded no later than 45-days from the date the Secretary received a claim for benefits. Any individual dissatisfied with the initial determination would be entitled to a redetermination by the carrier or fiscal intermediary who made the initial determination. Such redetermination would be required to be completed within 30 days of a beneficiary's request. Beneficiaries could appeal the outcome of a redetermination by seeking a reconsideration. Generally, a request for a reconsideration must be initiated no later than 180 days after the date the individual receives the notice of an adverse redetermination. In addition, if contested amounts are greater than $100, an individual would be able to appeal an adverse reconsideration decision by requesting a hearing by the Secretary (first for a hearing by an administrative law judge, then in certain circumstances, for a hearing before the Department Appeals Board). If the dispute is not satisfactorily resolved through this administrative process, and if contested amounts are greater than $1,000, the individual would be able to request judicial review of the Secretary's final decision. Aggregation of claims to meet these thresholds would be permitted.

An expedited determination would be available for a beneficiary who received notice: 1) that a provider plans to terminate services and a physician certifies that failure to continue the provisions of the services is likely to place the beneficiary's health at risk; or 2) that the provider plans to discharge the beneficiary.

The Secretary would enter into 3-year contracts with at least 12 qualified independent contractors (QICs) to conduct reconsiderations. A QIC would promptly notify beneficiaries and Medicare claims processing contractors of its determinations. A beneficiary could appeal the decision of a QIC to an ALJ. In cases where the ALJ decision is not rendered within the 90-day deadline, the appealing party would be able to request a DAB hearing.

The Secretary would perform outreach activities to inform beneficiaries, providers, and suppliers of their appeal rights and procedures. The Secretary would submit to Congress an annual report including information on the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including recommendations for change as necessary. The report would also contain an analysis of the consistency of the QIC determinations as well as the cause for any identified inconsistencies.

Section 522. Revisions to medicare coverage process

The provision would clarify when and under what circumstances Medicare coverage policy could be challenged. An aggrieved party could file a complaint concerning a national coverage decision. Such complaint would be reviewed by the Department Appeals Board (DAB) of HHS. The provision would also permit an aggrieved party to file a complaint concerning a local coverage determination. In this case, the determination would be reviewed by an administrative law judge. If unsatisfied, complainants could subsequently seek review of such a local policy by the DAB. In both cases, a DAB decision would constitute final HHS action, and would be subject to judicial review. The provision would also permit an affected party to submit a request to the Secretary to issue a national coverage or noncoverage determination if one has not been issued. The Secretary would have 90 days to respond. HHS would be required to prepare an annual report on national coverage determinations.

Subtitle D—Improving Access to New Technologies

Section 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment

The provision would specify that the national limitation amount for a new clinical laboratory test would equal 100% of the national median for such test. The Secretary would be required to establish procedures that permit public consultation for coding and payment determinations for new clinical diagnostic laboratory tests and new durable medical equipment. The Secretary would be required to report to Congress on specific procedures used to adjust payments for advanced technologies; the report would include recommendations for legislative changes needed to assure fair and appropriate payments.

Section 532. Retention of HCPCS level III Codes.

The provision would extend the time for the use of local codes (known as HCPCS level III codes) through December 31, 2003; the Secretary would be required to make the codes available to the public.

Section 533. Recognition of new medical technologies under medicare inpatient hospital PPS

The Secretary would be required to submit a report to Congress no later than April 1, 2001, on potential methods for more rapidly incorporating new medical services and technologies used in the inpatient setting in the clinical coding system used with respect to payment for inpatient services. The Secretary would be required to identify the preferred methods for expediting these coding modifications in her report, and to implement such method by October 1, 2001. Additional hospital payments could be made by means of a new technology group (DRG), an add-on payment, payment adjustment or other mechanism. However, separate fee schedules for additional new technology payments would not be permitted. The Secretary would implement the new mechanism on a budget neutral basis. The total amount of projected additional payments under the mechanism would be limited to an amount not greater than the Secretary's annual estimation of the costs attributable to the introduction of new technology in the hospital sector as a whole (as estimated for purposes of the annual hospital update calculation).

Subtitle E—Other Provisions

Section 541. Increase in reimbursement for bad debt

Effective beginning with cost reports starting in FY2001, the provision would increase the percentage of the reasonable costs associated with beneficiaries' bad debt in hospitals that Medicare would reimburse to 70%.

Section 542. Treatment of certain physician pathology services under medicare

The provision would permit independent laboratories, under a grandfather arrangement to continue, for a 2-year period (2001–2002), direct billing for the technical component of pathology services provided to hospital inpatients and hospital outpatients. The Comptroller General would be required to conduct a study of the effect of these provisions on hospitals and laboratories and access of fee-for-service beneficiaries to the technical component of physician pathology services. The report would include recommendations on whether the provisions should continue after the 2-year period for either (or both) inpatient and outpatient hospital services and whether the provision should be extended to other hospitals.

Section 543. Extension of advisory opinion authority

The Office of the Inspector General's authority to issue advisory opinions to outside parties who request guidance on the applicability of the anti-kickback statute, safe harbor provisions and other OIG health care fraud and abuse sanctions would be made permanent.

Section 544. Change in annual MedPAC reporting

The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. The provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 545. Development of patient assessment instruments

The provision would require the Secretary to report to the Congress on the development of standard instruments for the assessment of the health and functional status of patients and make recommendations on the use of such standard instruments for payment purposes.

Section 546. GAO report on impact of the emergency medical treatment and Active Labor Act (EMTALA) on hospital emergency departments

GAO would be required to evaluate the impact of the Emergency Medical Treatment and Active Labor Act on hospitals, emergency physicians, and on-call physicians covering emergency departments and to submit a report to Congress by May 1, 2001.

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Section 601. Increase in minimum payment amount

The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other areas within the 50 States and the District of Columbia, the minimum would be $475. For any area outside the 50 States and the District of Columbia, the $525 and $475 minimum amounts would also be applied, except that the 2001 minimum payment amount could not exceed 120% of the 2000 minimum payment amount.

Section 602. Increase in minimum percentage increase

This provision would apply a 3% minimum update in 2001 and return to the current law minimum update of 2% thereafter.

Section 603. 10-Year phase in of risk adjustment

Until such time that risk adjustment is based on data from inpatient hospital and ambulatory settings, 10% of payments would be based on risk-adjusted inpatient data built on the 15 principal inpatient diagnostic cost groups (PIP-DCGs) and 90% would be adjusted solely using the older demographic method. Beginning with the first year that risk adjustment is based on data from inpatient hospitals and ambulatory settings, it would be phased in over 10 years, in equal increments. (The Secretary currently plans to implement this new system in 2004.)

Section 604. Transition to revised Medicare+Choice payment rates

Within 2 weeks after the date of enactment of the Act, the Secretary must announce revised M+C capitation rates for 2001, due to changes from this Act. Plans that previously provided notice of their intention to terminate contracts or reduce their service area for 2001 would have 2 weeks after announcement of the revised rates to rescind their notice and submit ACR information. Further, any M+C organization that would receive higher capitation payments as a result of this Act must submit revised ACR information within 2 weeks after announcement of the revised rates. Plans may only reduce premiums, reduce cost sharing, enhance benefits, or utilize stabilization funds. Notwithstanding the issuance of revised rates, M+C organizations would continue to be paid on a fee-for-service basis for costs associated with new national coverage determinations that are made mid-year.

Section 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans

This provision would require that the Secretary increase the M+C payment rates for enrollees with ESRD. The revised rates would reflect the demonstration rate (including the risk-adjustment methodology) of social health maintenance organizations' ESRD capitation demonstrations. The revised rates would include adjustments for factors such as renal treatment modality, age, and underlying cause of the disease.

Section 606. Permitting premium reductions as additional benefits under Medicare+Choice plans

This provision would permit M+C plans to offer reduced Medicare Part B premiums to their enrollees as part of providing any required additional benefits or reduced cost-sharing. An M+C organization could elect a reduction in its M+C payment up to 125% of the annual Part B premium. However, only 80% of this amount could be used to reduce an enrollee's actual Part B premium. This would have the effect of returning up to 100% of the beneficiary's Part B premium. The reduction would apply uniformly to each enrollee of the M+C plan. Plans would include information about Part B premium reductions as part of the required information that is provided to enrollees for comparing plan options.

Section 607. Full implementation of risk adjustment for congestive heart failure enrollees for 2001

This provision would fully implement risk adjustment based on inpatient hospital diagnoses for an individual who had a qualifying congestive heart failure inpatient diagnosis between July 1, 1999 and June 30, 2000, if that individual was enrolled in a coordinated care plan offered on January 1, 2001. This would apply for only 1 year, beginning on January 1, 2001. This payment amount would be excluded from the determination of the budget neutrality factor.

Section 608. Expansion of application of Medicare+Choice new entry bonus

This provision would expand the application of the new entry bonus for M+C plans to include areas for which notification had been provided, as of October 3, 2000, that no plans would be available January 1, 2001.

Section 609. Report on inclusion of certain costs of the Department of Veterans Affairs and Military Facility Services in calculating Medicare+Choice payment rates

The Secretary shall report to Congress by January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs or the Department of Defense to Medicare-eligible beneficiaries in the calculation of an area's M+C capitation payment. This report would include, on a county-by-county basis: the actual or estimated costs of such services to Medicare-eligible beneficiaries; the change in M+C capitation payment rates if such costs were included in the calculation of payment rates; one or more proposals for the implementation of payment adjustments to M+C plans in counties where the payment rate has been affected due to failure to account for the cost of such services; and a system to ensure that when a M+C enrollee receives covered services through a facility of these Departments, there is an appropriate payment recovery to the Medicare program.

Subtitle B—Other Medicare+Choice Reforms

Section 611. Payments of additional amounts for new benefits covered during a contract term

The provision would require payment adjustments to M+C plans if a legislative change resulted in significant increased costs, similar to the current law requirements for adjusting payments due to significant increased costs resulting from National Coverage Determination (NCDs). In addition, this provision would require that cost projections and payment adjustments be based on actuarial estimates provided by the Chief Actuary of the Health Care Financing Administration.

Section 612. Restriction on implementation of significant new regulatory requirements mid-year

The provision would preclude the Secretary from implementing, other than at the beginning of a calendar year, regulations that impose new, significant regulatory requirements on M+C organizations and plans.

Section 613. Timely approval of marketing material that follows model marketing language

The provision would require the Secretary to make decisions, within 10 days, approving or modifying marketing material used by M+C organizations, provided that the organization uses model language specified by the Secretary. This provision would apply to marketing material submitted on or after January 1, 2001.

Section 614. Avoiding duplicative regulation

This provision would further stipulate when Medicare law preempts State law or regulation from applying to M+C plans, by specifying that the term benefit requirements includes cost-sharing requirements. Second, the provision would stipulate that State laws and regulations affecting marketing materials, and summaries and schedules of benefits regarding an M+C plan, would also be preempted by Medicare law.

Section 615. election of uniform local coverage policy For Medicare+Choice plan covering multiple localities

An M+C organization offering a plan in an area with more than one local coverage policy would be able to elect to have the local coverage policy for the part of the area that is most beneficial to M+C enrollees (as identified by the Secretary) apply to all M+C enrollees enrolled in the plan.

Section 616. Eliminating health disparities in Medicare+Choice Program

This provision would expand the M+C quality assurance programs for M+C plans to include a separate focus on racial and ethnic minorities. The Secretary would also be required to report to Congress how the quality assurance programs focus on racial and ethnic minorities, within 2 years after enactment and biannually thereafter.

Section 617. Medicare+Choice Program compatibility with employer or union group health plans

In order to make the M+C program compatible with employer or union group health plans, this provision would allow the Secretary to waive or modify requirements that hinder the design of, offering of, or enrollment in certain M+C plans. Plans included in the category are M+C plans under contract between M+C organizations and employers, labor organizations, or trustees of a fund established by employers and/or labor organizations.

Section 618. Special Medigap enrollment antidiscrimination provision for certain beneficiaries

This provision would extend the period for Medigap enrollment for certain M+C enrollees affected by termination of coverage. For individuals enrolled in an M+C plan during a 12-month trial period, their trial period would begin again if they re-enrolled in another M+C plan because of an involuntary termination. During this new trial period, they would retain their rights to enroll in a Medigap policy; however, the total time for a trial period could not exceed 2 years from the time they first enrolled in an M+C plan.

Section 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans

This provision would allow individuals who enroll in an M+C plan after the 10th day of the month to receive coverage beginning on the first day of the next calendar month, effective January 1, 2001.

Section 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated

This provision would permit ESRD beneficiaries to enroll in another M+C plan if they lost coverage when their plan terminated its contract or reduced its service area. This provision would also be retroactive, to include individuals whose enrollment in an M+C plan was terminated between December 31, 1998 and enactment of this legislation.

Section 621. Providing choice for skilled nursing facility services under the Medicare+Choice program

Effective for M+C contracts entered into or renewed on or after the date of enactment, the provision would require an M+C plan to cover post-hospitalization skilled nursing care through an enrollee's "home skilled nursing facility" if the plan has a contract with the facility or if the home facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated SNFs that are under contract with the plan. A "home skilled nursing facility" is defined as (a) one in which the enrollee resided at the time of the hospital admission that triggered eligibility for SNF care upon discharge, or (b) is the facility that is providing such services through the continuing care retirement community in which the enrollee resided at the time of hospital admission, or (c) is the facility in which the spouse of the enrollee is residing at the time of the enrollee's hospital discharge. The beneficiary would be required to receive coverage for SNF care at the home facility that is no less favorable than he or she would receive otherwise in another SNF that has a contract with the plan.

Home skilled nursing facilities are permitted to refuse to accept Medicare+Choice enrollees or to impose conditions on their acceptance of such an enrollee.

The provision would require the Medicare Payment Advisory Commission (MedPAC) to analyze and, within 2 years of enactment, report to Congress on the effects of this provision on the scope of benefits, administrative and other costs incurred by M+C organizations, and the contractual relationships between those plans and SNFs.

Section 622. Providing for accountability of Medicare+Choice plans

The provision would mandate review of ACR submissions by the HCFA Chief Actuary with respect to submissions for ACRs filed for 2001 and thereafter.

Subtitle C—Other Managed Care Reforms

Section 631. 1-Year extension of Social Health Maintenance Organization (SHMO) demonstration poject

The provision would extend SHMO waivers until 30 months after the Secretary submits a report with a plan for integration and transition of SHMOs into an option under the M+C program. This 30-month extension would supersede the 18-month extension in BBRA 99.

Section 632. Revised terms and conditions for extension of Medicare Community Nursing Organization (CNO) Demonstration Project

Effective as if enacted with BBRA99, the provision would eliminate the requirement that CNO capitated payments be reduced to ensure budget neutrality. Through December 2001, the projects would operate under the same terms and conditions applicable during 1999, but with modification to the capitation rates. From October 1, 2000, through December 31, 2000, the capitation rates would be adjusted for inflation since 1999 and for changes in service packages, but reduced by 10 percent for in projects in Arizona, Minnesota, and Illinois and by 15 percent in New York. In 2001, the rates would be determined by actuarially adjusting the rates in the prior period for inflation, utilization, and changes to the service package. Adjustments would be made to case management fees for certain frail enrollees, and requirements would be imposed to create greater uniformity in clinical features among participating sites and to improve quality and enrollee satisfaction.

By July 1, 2001, the Secretary would be required to submit to the House Committees on Ways and Means and Commerce and the Senate Committee on Finance a report evaluating the projects for the period July 1997 through December 1999 and for the extension period after September 30, 2000. A final report would be required by July 1. 2002. The provision would require certain methods to be used to compare spending per beneficiary under the projects.

Section 633. Extension of Medicare municipal health services demonstration projects

The provision would extend the Medicare municipal health services demonstration projects for 2 additional years, through December 31; 2004.

Section 634. Service area expansion for medicare cost contracts during transition period

This provision would allow service area expansion for Medicare cost contracts, if the request was submitted to the Secretary before September 1, 2003.

TITLE VII—MEDICAID

Section 701. DSH payments

(a) Modifications to DSH allotments

For FY2001, the provision would set each state's DSH allotment equal to its allotment for FY2000 increased by the percentage change in the consumer price index for that year, subject to a ceiling that would be equal to 12% of that state's total medical assistance payments in that year.

For FY2002, the provision would set each state's DSH allotment equal to its allotment for 2001 as determined above, increased by the percentage change in the consumer price index for FY2001, subject to a ceiling equal to 12% of that state's total medical assistance payments in that year.

For extremely low DSH states, states whose FY1999 federal and state DSH expenditures (as reported to HCFA on August 31, 2000) are greater than zero but less than one percent of the state's total medical assistance expenditures during that fiscal year, the DSH allotments for FY2001 would be equal to 1 percent of the state's total amount of expenditures under their plan for such assistance during that fiscal year. For subsequent fiscal years, the allotments for extremely low DSH states would be equal to their allotment for the previous year, increased by the percentage change in the consumer price index for the previous year, subject to a ceiling of 12% of that state's total medical assistance payments in that year.

Effective on the date that the final regulation for Medicaid upper payment limits is published in the Federal Register.

(b) Assuring identification of Medicaid managed care patients

Effective for Medicaid managed care contracts in effect on January 1, 2001, the provision would clarify that Medicaid enrollees of managed care organizations and primary care case management organizations are to be included for the purposes of calculating the Medicaid inpatient utilization rate and the low-income utilization rate. Also effective January 1, 2001, states must include in their MCO contracts information that allows the state to determine which hospital services are provided to Medicaid beneficiaries through managed care, and would also require states to include a sponsorship code for the managed care entity on the Medicaid beneficiary's identification card.

(c) Application of Medicaid DSH transition rule to public hospitals in all states

The provision would revise BBA97, as modified by BBRA 99, so that the 175% hospital-specific limit, formerly applied only to certain public hospitals in California, applies to qualifying public hospitals in all states. The higher limit would apply for two state fiscal years beginning on the first day of the state fiscal year that begins after September 30, 2002 and ends on the last day of the succeeding state fiscal year. Hospitals that would qualify for the higher hospital-specific limit would be those owned or operated by a state and meet the minimum federal requirements for disproportionate share hospitals. The permanent ceiling for California would not be affected.

For states operating under waivers approved under section 1115 of the Social Security Act, increased payments for public hospitals under this provision would be included in the baseline expenditure limit for the purposes of determining budget neutrality.

(d) Assistance for certain public hospitals

The provision would provide additional funds for certain public hospitals that are: owned or operated by a state (or by an instrumentality or unit of government within a state); are not receiving DSH payments as of October 1, 2000: and have a low-income utilization rate in excess of 65% as of the same date. Funds are provided in addition to the DSH allotment for any state with eligible hospitals and the total for all states cannot exceed the following amounts: $15 million for FY 2002; $176 million for 2003; $269 million for 2004; $330 million for 2005; and for FY 2006 and each fiscal year thereafter; $375 million.

(e) DSH payment accountability standards

The provision would require the Secretary to implement accountability standards to ensure that DSH payments are used to reimburse States and hospitals that are eligible for such payments and are otherwise in accordance with Medicaid statutory requirements.

Section 702. New prospective payment system for federally-qualified health centers and rural health clinics

The provision would create a new Medicaid prospective payment system for federally qualified health centers (FQHCs) and rural health centers (RHCs) beginning in FY2001. In FY2001 existing FQHCs and RHCs would be paid per visit payments equal to 100% of the average costs incurred during 1999 and 2000 adjusted to take into account any increase or decrease in the scope of services furnished. For entities first qualifying as FQHCs or RHCs after 2000, the per visit payments would begin in the first year that the center or clinic attains qualification and would be based on 100% of the costs incurred during that year based on the rates established for similar centers or clinics with similar caseloads in the same adjacent geographic area. In the absence of such similar centers or clinics, the methodology would be based on that used for developing rates for established FQHCs or RHCs or a methodology or reasonable specifications as established by the Secretary. For each fiscal year thereafter, per visit payments for all FQHCs and RHCs would be equal to amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services for that fiscal year, and adjusted for any increase or decrease in the scope of services furnished during that fiscal year. In managed care contracts, States must make supplemental payments to the center or clinic that would be equal to the difference between contracted amounts and the cost-based amounts. Those payments would be paid on a schedule mutually agreed to by the State and the FQHC or RHC. Alternative payment methods would be permitted only when payments are at least equal to amounts otherwise provided.

The provision would also direct the Comptroller General to provide for a study on how to rebase or refine cost payment methods for the services of FQHCs and RHCs. The report would be due to Congress no later than 4 years after the date of enactment.

Section 703. Streamlined approval of continued state-wide 1115 Medicaid waivers

The provision would define the process for submitting requests for and receiving extensions of Medicaid demonstration waivers authorized under Section 1115 of the Social Security Act which have already received initial 3-year extensions. It would require each state requesting such an extension to submit an application at least 120 days prior to the expiration date of the existing waiver. No later than 45 days after the Secretary receives such application, the Secretary would be required to notify the State if she intends to review the existing terms and conditions of the project and would inform the State of proposed changes in the terms and conditions of the waiver. If the Secretary fails to provide such notification, the request would be deemed approved. During the 30-day period beginning after the Secretary provides the proposed terms and conditions to the state, those terms and conditions would be negotiated. No later than 120 days after the date that the request for extension was submitted (or such later date as agreed to by the chief executive officer of the State) the Secretary would be required to approve the application subject to the agreed upon terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. If the waiver is not approved or disapproved during this period, the request would be deemed approved in the terms and conditions as have been agreed to (if any) by the Secretary and the State. Approvals would be for periods not to exceed 3 years and would be subject to the final reporting and evaluation requirements in current law.

Section 704. Medicaid county-organized health systems

The provision would allow the current exemption for certain Health Insuring Organizations (HIOs) from certain Medicaid HMO contracting requirements to apply as long as no more than 14% of all Medicaid beneficiaries in the state are enrolled in those HIOs. This provision would be effective as if included in the enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985.

Sec. 705. Deadline for issuance of final regulation relating to Medicaid upper payment limits

The provision would require the Secretary to issue final regulations governing upper payment limits no later than December 31,

2000. It also requires that the final regulation establish a separate UPL for non-state-owned or operated government facilities based on the proposed rule described above.

The provision also requires the final regulation to stipulate a third set of rules governing the transition period for certain states. This additional set of rules would apply to states with payment arrangements approved or in effect on or before October 1, 1992, or under which claims for federal matching were paid on or before that date, and for which such payments exceed the UPLs established under the final regulation. For these states, a 6-year transition period would apply, beginning with the period that begins on the first state fiscal year that starts after September 30, 2002 and ends on September 30, 2008. For each year during the transition period, applicable states must reduce excess payments by 15%. Full compliance with final regulations is required by October 1, 2008.

Section 706. Alaska FMAP

The provision would change the formula for calculating the state percentage and thus the federal matching percentage for Alaska for fiscal years 2001 through 2005. The state percentage for Alaska would be calculated by using an adjusted per capita income instead of the per capita income generally used. The adjusted per capita income for Alaska would be calculated as the three year average per capita income for the state divided by 1.05.

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Section 801. Special rule for redistribution and availability of unused fiscal year 1998 and 1999 SCHIP allotments

The provision would establish a new method for distributing unspent FY1998 and FY1999 allotments. States that use all their SCHIP allotments (for each of those years) would receive an amount equal to estimated spending in excess of their original exhausted allotment. Each territory that spends its original allotment would receive an amount that bears the same ratio to 1.05% of the total amount available for redistribution as the ratio of its original allotment to the total allotment for all territories.

States that do not use all their SCHIP allotment would receive an amount equal to the total amount of unspent funds, less amounts distributed to states that fully exhausted their original allotments, multiplied by the ratio of a state's unspent original allotment to the total amount of unspent funds. States may use up to 10% of the retained FY1998 funds for outreach activities.

To calculate the amounts available for redistribution in each formula described above, the Secretary would use amounts reported by states not later than November 30 of the relevant fiscal year on HCFA Form 64 or HCFA Form 21, as approved by the Secretary. Redistributed funds would be available through the end of FY2002.

Section 802. Authority to pay Medicaid expansion SCHIP costs from title XXI appropriation

This provision provides a technical accounting clarification requested by the Health Care Financing Administration. It would authorize the payment of the costs of SCHIP Medicaid expansions and costs of benefits provided during periods of presumptive eligibility from the SCHIP appropriation rather than from the Medicaid appropriation, with a subsequent offset. In addition, the provision would codify proposed rules regarding the order of payments for benefits and administrative costs from state-specific SCHIP allotments.

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

Section 901. Extension of transition for current waivers

The provision would permit the Secretary to continue to operate the Program of All-Inclusive Care for the Elderly (PACE) under waivers for a period of 36 months (rather than 24 months), and States may do so for 4 years (rather than 3 years). OBRA 86 required the Secretary to grant waivers of certain Medicare and Medicaid requirements to not more than 10 public or non-profit private community-based organizations to provide health and long-term care services on a capitated basis to frail elderly persons at risk of institutionalization. BBA 97 established PACE as a permanent provider under Medicare and as a special benefit under Medicaid.

Section 902. Continuing of certain operating arrangements permitted

If prior to becoming a permanent component of Medicare, a PACE demonstration project had contractual or other operating arrangements that are not recognized under permanent program regulations, the provision would require the Secretary, in consultation with the state agency, to permit it to continue under such arrangements as long as it is consistent with the objectives of the PACE program.

Section 903. Flexibility in exercising waiver authority

The provision would enable the Secretary to exercise authority to modify or waive Medicare or Medicaid requirements to respond to the needs of PACE programs related to employment and the use of community care physicians. The Secretary must approve requests for such waivers within 90 days of the date the request for waiver is received.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

Section 911. Outreach on availability of medicare cost-sharing assistance to eligible low-income Medicare beneficiaries

The provision would require the Commissioner of the Social Security Administration to conduct outreach efforts to identify individuals who may be eligible for Medicaid payment of Medicare cost sharing and to notify these persons of the availability of such assistance. The Commissioner would also be required to furnish, at least annually, a list of such individuals who reside in each state to that state's agency responsible for administering the Medicaid program as well as to any other appropriate state agency. The list should include the name and address, and whether such individuals have experienced reductions in Social Security benefits. The provision would also require the General Accounting Office to conduct a study of the impact of the outreach activities of the Commissioner to submit to Congress no later than 18 months after such outreach begins. The provision would be effective one year after date of enactment.

Subtitle C—Maternal and Child Health Block Grant

Section 921. Increase in authorization of appropriations for the maternal and child health services block grant

The provision would increase the authorization of appropriations for the Maternal and Child Health Services Block Grant under Title V from $705,000,000 to $850,000,000 for fiscal year 2001 and each fiscal year thereafter.

Subtitle D—Diabetes

Section 931. Increase in appropriations for special diabetes programs for type I diabetes and Indians

The provision would extend for 1 year, to FY2003, the authority for grants to be made for both the Special Diabetes Program for Type I Diabetes and for the Special Diabetes Programs for Indians under the Public Health Service Act. The provision would also expand funding available for these programs. For each grant program, the provision would increase total funding to $100 million each for FY2001, FY2002 and FY2003. For FY2001 and FY2002, $30 million of the $100 million for each program would be transferred from SCHIP as set forth in the Balanced Budget Act of 1997; the remaining $70 million would be drawn from the Treasury out of funds not otherwise appropriated. In FY2003, the entire $100 million would be drawn from the Treasury out of funds not otherwise appropriated. In addition, the provision would extend the due date on final evaluation reports for these two grant programs from January 1, 2002 to January 1, 2003.

Section 932. Appropriations for Ricky Ray Hemophilia Relief Fund

This provision provides for a direct appropriation of $475 million for FY 2001. Funds would be available until expended.

PAIN RELIEF PROMOTION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5544, as introduced on October 25, 2000. The text of that bill follow:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pain Relief Promotion Act of 2000."

SECTION 2. FINDINGS.

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of patients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

(a) In General.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

(1) Promote and advance scientific understanding of pain management and palliative care.

(2) Collect and disseminate protocols and evidence-based practices regarding, pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

(b) Definition.—In this section, the term "pain management and palliative care" means—

(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life;

the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) In General.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

(a) In General.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

(b) Priority.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

(c) Certain Topics.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

(d) Program Sites.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

(e) Evaluation of Programs.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

(f) Peer Review Groups.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

(g) Definition.—In this section, the term "pain management and palliative care" means—

(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life:

the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.

(b) Authorization of Appropriations; Allocation.—

(1) In general.—Section 758 of the Public Health Services Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking "sections 753, 754, and 755" and inserting "sections 753, 754, 755, and 756".

(2) Amount.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) In General.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality;

except that the Attorney General may take such other actions as may be necessary to enforce this Act.

(b) Pain Relief.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking "(c) Before" and inserting the following:

(c) Procedures.—

(1) Order to show cause.—Before; and

(2) by adding at the end the following:

(2) Burden of proof.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner's intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.

SEC. 202. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and" and

(3) by adding at the end the following:

(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsection (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.

SEC. 203. FUNDING AUTHORITY.

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5545, as introduced on October 25, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Small Business Reauthorization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—BUSINESS LOAN PROGRAMS

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.
Sec. 208. Appraisals for loans secured by real property.
Sec. 209. Sale of guaranteed loans made for export purposes.
Sec. 210. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.
Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

Sec. 601. Short title.
Sec. 602. HUBZone small business concern.
Sec. 603. Qualified HUBZone small business concern.
Sec. 604. Other definitions.

Subtitle B—Other HUBZone Provisions

Sec. 611. Definitions.
Sec. 612. Eligible contracts.
Sec. 613. HUBZone redesignated areas.
Sec. 614. Community development.
Sec. 615. Reference corrections.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. Membership of the Council.
Sec. 703. Repeal of procurement project.
Sec. 704. Studies and other research.
Sec. 705. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Loan application processing.
Sec. 802. Application of ownership requirements.
Sec. 803. Subcontracting preference for veterans.
Sec. 804. Small Business Development Center Program funding.
Sec. 805. Surety bonds.
Sec. 806. Size standards.
Sec. 807. Native Hawaiian organizations under section 8(a).
Sec. 808. National Veterans Business Development Corporation correction.
Sec. 809. Private sector resources for SCORE.
Sec. 810. Contract data collection.
Sec. 811. Procurement program for women-owned small business concerns.

TITLE IX—COMMUNITY RENEWAL AND NEW MARKETS INITIATIVES

Sec. 901. New markets venture capital program.
Sec. 902. BusinessLINC grants and cooperative agreements.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

SEC. 102. FINDINGS

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this title referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) DATABASE.—

"(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) ANNUAL REPORTING.—

"(1) IN GENERAL.—Each Federal"; and

(2) by adding at the end the following:

"(2) CALCULATION OF EXTRAMURAL BUDGET.—

"(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns

in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

"(1) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) MENTOR.—The term 'mentor' means an individual described in section 35(c)(2).

"(5) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

"(8) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(9) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

"(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

"(iv) to encourage the commercialization of technology developed through SBIR program funding.

"(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

"(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

"(B) shall consider, at a minimum—

"(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

"(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the projected costs of the proposed activities are reasonable;

"(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

"(v) the manner in which the applicant will measure the results of the activities to be conducted.

"(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

"(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

"(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

"(1) Federal agencies required by section 9 to have an SBIR program; and

"(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

"(A) State and local development agencies and entities;

"(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

"(C) State science and technology councils; and

"(D) representatives of technology-based small business concerns.

"(e) ADMINISTRATIVE REQUIREMENTS.—

"(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

"(2) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

"(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

"(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

"(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

"(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

"(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

"(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

"(f) REPORTS.—

"(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

"(A) a description of the structure and procedures of the program;

"(B) a management plan for the program; and

"(C) a description of the merit-based review process to be used in the program.

"(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

"(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

"(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

"(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

"(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

"(ii) the status of the implementation and description of the usage of the Mentoring Networks.

"(g) REVIEWS BY INSPECTOR GENERAL.—

"(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

"(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

"(B) the overall management and effectiveness of the FAST program.

"(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

"(h) PROGRAM LEVELS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

"(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

"(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.".

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

"(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

"(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

"(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

"(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

"(F) the Institutional Development Award Program of the National Institutes of Health; and

"(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

"(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

"(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

"(i) a State that is eligible to participate in that program; or

"(ii) a State described in paragraph (3); or

"(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

"(i) a State that is eligible to participate in a technology development program; or

"(ii) a State described in paragraph (3).

"(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) third phase partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (d); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(d) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

"(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.".

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking "2001" and inserting "2005".

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "for fiscal year 1998, 1999, 2000, or 2001" and inserting "for each of the fiscal years 2000 through 2005,".

TITLE II—BUSINESS LOAN PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the "Small Business Loan Improvement Act of 2000".

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (ii)—

(A) by striking "80 percent" and inserting "85 percent"; and

(B) by striking "$100,000" and inserting "$150,000".

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$750,000," and inserting, "$1,000,000 (or if the gross loan amount would exceed $2,000,000),".

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.".

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking "(4) INTEREST RATES AND FEES.—" and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES.—"; and

(2) by adding at the end the following:

"(C) PREPAYMENT CHARGES.—

"(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

"(I) the loan is for a term of not less than 15 years;

"(II) the prepayment is voluntary;

"(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

"(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

"(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

"(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

"(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

"(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.".

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

"(18) GUARANTEE FEES.—

"(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

"(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.

"(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).".

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

"(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.".

SEC. 208. APPRAISALS FOR LOANS SECURED BY REAL PROPERTY.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(29) REAL ESTATE APPRAISALS.—With respect to a loan under this subsection that is secured by commercial real property, an appraisal of such property by a State licensed or certified appraiser—

"(A) shall be required by the Administration in connection with any such loan for more than $250,000; or

"(B) may be required by the Administration or the lender in connection with any such loan for $250,000 or less, if such appraisal is necessary for appropriate evaluation of creditworthiness.".

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502(3)(E) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(E)) is amended—

(1) by striking "The collateral" and inserting the following:

"(i) IN GENERAL.—The collateral"; and

(2) by adding at the end the following:

"(ii) APPRAISALS.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

"(I) shall be required by the Administration before disbursement of the loan if the estimated value of that property is more than $250,000; or

"(II) may be required by the Administration or the lender before disbursement of the loan if the estimated value of that property is $250,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.".

SEC. 209. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.

Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:

"(C) each loan, except each loan made under section 7(a)(14), shall have been fully disbursed to the borrower prior to any sale.".

SEC. 210. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking "$25,000" each place it appears and inserting "$35,000";

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking "$7,500" each place it appears and inserting "$10,000";

(3) in paragraph (3)(E), by striking "$15,000" and inserting "$20,000";

(4) in paragraph (5)(A)—

(A) by striking "25 grants" and inserting "55 grants"; and

(B) by striking "$125,000" and inserting "$200,000";

(5) in paragraph (6)(B), by striking "$10,000" and inserting "$15,000"; and

(6) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) NUMBER OF PARTICIPANTS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.".

(b) CONFORMING AMENDMENTS.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking "$25,000" and inserting "$35,000".

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.".

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) SALE OF CERTAIN DEFAULTED LOANS.—

"(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) ELIGIBILITY FOR DELEGATION.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business

Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) SCOPE OF DELEGATED AUTHORITY.—

"(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—

"(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) PURCHASE OF INDEBTEDNESS.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) ADMINISTRATION ACTION ON REQUEST.—

"(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

"(C) WORKOUT PLAN.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

"(e) REPORT.—

"(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

"(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(D) A comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small

Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the "Small Business Investment Corrections Act of 2000".

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment".

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking "(b) Notwithstanding" and inserting the following:

"(b) FINANCIAL INSTITUTION INVESTMENTS.—

"(1) CERTAIN BANKS.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.".

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration".

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for participating securities obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration".

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking "subchapter s corporation" and inserting "subchapter S corporation";

(2) by striking "the end of any calendar quarter based on a quarterly" and inserting "any time during any calendar quarter based on an"; and

(3) by striking "quarterly distributions for a calendar year," and inserting "interim distributions for a calendar year,".

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking "five years" and inserting "1 year".

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Programs Reauthorization Act of 2000".

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(g) FISCAL YEAR 2001.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(h) FISCAL YEAR 2002.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $80,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,000,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this

Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(i) Fiscal Year 2003.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2003:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans as provided in section 7(a);

"(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) Drug-Free Workplace Program.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking "**drug-free workplace demonstration program**" and inserting "**paul d. coverdell drug-free workplace program**"; and

(2) in subsection (g)(1), by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003".

(b) HUBZone Program.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(c) Very Small Business Concerns Program.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(d) Socially and Economically Disadvantaged Businesses Program.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(e) SBDC Services.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "2000" and inserting "2003".

SEC. 504. COSPONSORSHIP.

(a) In General.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

"(1)(A) to provide—

"(i) technical, managerial, and informational aids to small business concerns—

"(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

"(II) by cooperating and advising with—

"(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

"(bb) other Federal and State agencies;

"(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

"(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and

"(ii) through cooperation with a profit-making concern (referred to in this paragraph as a 'cosponsor'), training, information, and education to small business concerns, except that the Administration shall—

"(I) take such actions as it determines to be appropriate to ensure that—

"(aa) the Administration receives appropriate recognition and publicity;

"(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

"(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

"(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

"(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

"(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

"(bb) the terms and conditions of the cooperation shall be specified;

"(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

"(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

"(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

"(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.".

(b) Extension of Cosponsorship Authority.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "HUBZones in Native America Act of 2000".

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

"(3) HUBZone small business concern.—The term 'HUBZone small business concern' means—

"(A) a small business concern that is owned and controlled by 1 or more persons, each of whom is a United States citizen;

"(B) a small business concern that is—

"(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

"(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2))); or

"(C) a small business concern—

"(i) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments; or

"(ii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.".

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) In General.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

"(I) it is a HUBZone small business concern—

"(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

"(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed by 1 or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

"(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and".

(b) Clarifying Amendment.—Section 3(p)(5)(D)(i) of the Small Business Act (15

U.S.C. 632(p)(5)(D)(i)) is amended by inserting "once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern," before "include".

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

"(6) NATIVE AMERICAN SMALL BUSINESS CONCERNS.—

"(A) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the same meaning as the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(B) ALASKA NATIVE VILLAGE.—The term 'Alaska Native Village' has the same meaning as the term 'Native village' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(C) INDIAN RESERVATION.—The term 'Indian reservation'—

"(i) has the same meaning as the term 'Indian country' in section 1151 of title 18, United States Code, except that such term does not include—

"(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of enactment of this paragraph, unless that tribe is recognized after that date of enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

"(II) lands taken into trust or acquired by an Indian tribe after the date of enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of enactment; and

"(ii) in the State of Oklahoma, means lands that—

"(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

"(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).".

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) QUALIFIED CENSUS TRACT.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking "(I)".

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

"(ii) in which—

"(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; or

"(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.".

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b)(3) of the Small Business Act (15 U.S.C. 657a(b)(3)) is amended—

(1) by striking "In any" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in any"; and

(2) by adding at the end the following:

"(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

"(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation;

"(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

"(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation.

"(C) TREATMENT OF PREFERENCE.—A contract awarded to a HUBZone small business concern under a preference described in subparagraph (B) shall not be counted toward the fulfillment of any requirement partially set aside for competition restricted to small business concerns.".

(b) DEFINITIONS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking "and" at the end; and

(B) by adding at the end the following:

"(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and"; and

(2) by adding at the end the following:

"(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).".

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) redesignated areas."; and

(2) in paragraph (4), by adding at the end the following:

"(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.".

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) a small business concern that is—

"(i) wholly owned by a community development corporation that has received financial assistance under Part 1 of Subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

"(ii) owned in part by 1 or more community development corporations, if all other owners are either United States citizens or small business concerns."; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (D)".

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking "subclause (IV) and (V) of subparagraph (A)(i)" and inserting "items (aa) and (bb) of subparagraph (A)(i)(III)".

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting "qualified HUBZone small business concerns," after "small business concerns,".

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "National Women's Business Council Reauthorization Act of 2000".

SEC. 702. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "Not later" and all that follows through "the President" and inserting "The President";

(2) in subsection (b)—

(A) by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator"; and

(B) by striking "the Assistant Administrator of the Office of Women's Business Ownership and";

(3) in subsection (d), by striking ", except that" and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator".

SEC. 703. REPEAL OF PROCUREMENT PROJECT.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is repealed.

SEC. 704. STUDIES AND OTHER RESEARCH.

Section 410 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 409. STUDIES AND OTHER RESEARCH.

"(a) IN GENERAL.—The Council may conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.

"(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.".

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,000,000, for each of fiscal years 2001 through 2003, of which $550,000 shall be available in each such fiscal year to carry out section 409.

"(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and

approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(30) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.''.

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.''.

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,'' in each of the first and second sentences; and

(B) in subparagraph (F), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concern owned and controlled by veterans,''; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,''.

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking ''For fiscal year 1985'' and all that follows through ''expended.'' and inserting the following: ''For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

''(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

''(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

''(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

''(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

''(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).''.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

''(C) FUNDING FORMULA.—

''(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

''(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

''(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

''(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

''(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

''(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

''(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

''(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

''(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

''(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

''(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

''(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

''(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

''(v) USE OF AMOUNTS.—

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

''(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

''(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

''(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

''(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

''(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.''.

SEC. 805. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking ''$1,250,000'' and inserting ''$2,000,000''; and

(2) in subsection (e)(2), by striking ''$1,250,000'' and inserting ''$2,000,000''.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''2000'' and inserting ''2003''.

SEC. 806. SIZE STANDARDS.

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is *amended in the eighth sentence, by striking "four-digit standard" and all that follows through "published" and inserting "definition of a 'United States industry' under the North American Industry Classification System, as established".*

(b) ANNUAL RECEIPTS.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking "$500,000" and inserting "$750,000".

SEC. 807. NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).

Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

"(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency,".

SEC. 808. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION CORRECTION.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

"(A) $4,000,000 for fiscal year 2001;

"(B) $4,000,000 for fiscal year 2002;

"(C) $2,000,000 for fiscal year 2003; and

"(D) $2,000,000 for fiscal year 2004.";

(2) in paragraph (2)(A), by striking "2001" each place it appears and inserting "2002"; and

(3) in paragraph (2)(B), by striking "2002 or 2003" and inserting "2003 or 2004".

SEC. 809. PRIVATE SECTOR RESOURCES FOR SCORE.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, SCORE may solicit cash and in-kind contributions from the private sector to be used to carry out its functions under this Act, and may use payments made by the Administration pursuant to this subparagraph for such solicitation.".

SEC. 810. CONTRACT DATA COLLECTION.

(a) DEFINITION OF BUNDLED CONTRACT.—Section 3(o)(1) of the Small Business Act (15 U.S.C. 632(o)(1)) is amended to read as follows:

"(1) BUNDLED CONTRACT.—The term 'bundled contract' means a contract, or a modification of an existing contract, that is entered into to meet—

"(A) requirements that are consolidated in a bundling of contract requirements regardless of whether the contracting agency has conducted a study of the effects of the solicitation for the contract on civilian or military personnel of the United States; or

"(B) any procurement requirement that permits the consolidation of 2 or more procurement requirements.".

(b) ANALYSIS REQUIRED WITH RESPECT TO BUNDLED CONTRACTS.—Section 15(e)(2)(A) of the Small Business Act (15 U.S.C. 644(e)(2)(A)) is amended—

(1) by striking "(A) IN GENERAL.—" and inserting the following:

"(A) DETERMINATION OF NECESSITY.—

"(i) IN GENERAL.—"; and

(2) by adding at the end the following:

"(ii) IDENTIFICATION OF DISPLACED PRIME CONTRACTORS.—The market research required by clause (i) shall identify each small business concern that will be displaced as a prime contractor as a result of the award of a contract described in such clause, and the Administrator shall maintain such data for a period of not less than 10 years.

"(iii) BUNDLED CONTRACTS SUBJECT TO RECOMPETITION.—

"(I) IN GENERAL.—Not less than 30 days before issuing a solicitation to recompete a previously bundled contract as a contract that continues to contain the bundling of contract requirements of the original bundled contract, the head of the agency shall notify the Administrator and transmit a report to the Administrator containing the results of the market research required under clause (i).

"(II) REVIEW AND DETERMINATION.—The Administrator shall, not later than 30 days after notification under subclause (I), review and determine—

"(aa) the amount of savings and benefits (in accordance with this subsection) achieved under the bundling of contract requirements; and

"(bb) whether such savings and benefits will continue to be realized if the contract remains bundled and whether such benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

"(II) APPEAL.—

"(aa) IN GENERAL.—If, after conducting a review under subclause (II), the Administrator reaches a conclusion with respect to the savings and benefits of the recompeted bundle different than that reached by the head of the contracting agency as part of the market analysis required under clause (i) and such head proceeds with a solicitation for the contract, the Administrator shall file an appeal with the Administrator of the Office of Federal Procurement Policy.

"(bb) NOTICE.—If the Administrator files an appeal under item (aa), the Administrator shall notify the head of the contracting agency.

"(cc) FILING OF REPORTS.—Not less than 5 calendar days after notice is given under item (bb), the Administrator shall submit a report containing information on the Administrator's conclusions and determinations under subclause (II), and the head of the contracting agency shall submit the report described in subclause (I), to the Administrator of the Office of Federal Procurement Policy.

"(dd) DECISION.—Not later than 7 calendar days after the submission of reports under item (cc), the Administrator of the Office of Federal Procurement Policy shall determine whether the subject contract shall be recompeted as bundled contract.".

(c) ANNUAL REPORT ON CONTRACT BUNDLING.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) ANNUAL REPORT ON CONTRACT BUNDLING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually in March thereafter, the Administration shall transmit a report on contract bundling to the Committees on Small Business of the House of Representatives and the Senate.

"(2) CONTENTS.—Each report transmitted under paragraph (1) shall include—

"(A) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

"(B) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

"(i) data on the number and total dollar amount of all contract requirements that were bundled; and

"(ii) with respect to each bundled contract, data or information on—

"(I) the justification for the bundling of contract requirements;

"(II) the cost savings realized by bundling the contract requirements over the life of the contract;

"(III) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

"(IV) the extent to which the bundling of contract requirements complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and

"(V) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.".

(d) REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.—Section 414(a) of the Small Business Reauthorization Act of 1997 (4 U.S.C. 405 note) is amended—

(1) by striking "$5,000,000" and inserting "$25,000"; and

(2) by striking "bundling of contract requirements" and inserting "bundled contract".

(e) PROVISION OF DATA.—Upon the request of the Administrator of the Small Business Administration, the head of any contracting agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this section or the amendments made by this section.

SEC. 811. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

"(1) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) CONTRACTING OFFICER.—The term 'contracting officer' has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

"(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term 'small business concern owned and controlled by women' has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

"(2) AUTHORITY TO RESTRICT COMPETITION.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if—

"(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

"(B) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

"(C) the contract is for the procurement of goods or services with respect to an industry identified by the Administrator pursuant to paragraph (3);

"(D) the anticipated award price of the contract (including options) does not exceed—

"(i) $5,000,000, in the case of a contract assigned an industrial classification code for manufacturing; or

"(ii) $3,000,000, in the case of all other contracts;

"(E) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

"(F) each of the concerns—

"(i) is certified by a Federal agency, a State government, or a national certifying entity approved by the Administrator, as a small business concern owned and controlled by women; or

"(ii) certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation, in accordance with standards established by the Administration, to support such certification.

"(3) WAIVER.—With respect to a small business concern owned and controlled by women, the Administrator may waive subparagraph (2)(A) if the Administrator determines that the concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented.

"(4) IDENTIFICATION OF INDUSTRIES.—The Administrator shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

"(5) ENFORCEMENT; PENALTIES.—

"(A) VERIFICATION OF ELIGIBILITY.—In carrying out this subsection, the Administrator shall establish procedures relating to—

"(i) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this subsection (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under paragraph (2)(F)); and

"(ii) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under paragraph (2)(F).

"(B) EXAMINATIONS.—The procedures established under subparagraph (A) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

"(C) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to—

"(i) section 1001 of title 18, United States Code; and

"(ii) sections 3729 through 3733 of title 31, United States Code.

"(6) PROVISION OF DATA.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.".

TITLE IX—COMMUNITY RENEWAL AND NEW MARKETS INITIATIVES

SEC. 901. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "New Markets Venture Capital Program Act of 2000".

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(1) in the heading for the title, by striking "SMALL BUSINESS INVESTMENT COMPANIES" and inserting "INVESTMENT DIVISION PROGRAMS";

(2) by inserting before the heading for section 301 the following:

"PART A—SMALL BUSINESS INVESTMENT COMPANIES";

and

(3) by adding at the end the following:

"PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

"SEC. 351. DEFINITIONS.

"In this part, the following definitions apply:

"(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity capital investments in businesses made with a primary objective of fostering economic development in low-income geographic areas. For the purposes of this paragraph, the term 'equity capital' has the same meaning given such term in section 303(g)(4).

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual whose income (adjusted for family size) does not exceed—

"(A) for metropolitan areas, 80 percent of the area median income; and

"(B) for nonmetropolitan areas, the greater of—

"(i) 80 percent of the area median income; or

"(ii) 80 percent of the statewide nonmetropolitan area median income.

"(3) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means—

"(A) any population census tract (or in the case of an area that is not tracted for population census tracts, the equivalent county division, as defined by the Bureau of the Census of the Department of Commerce for purposes of defining poverty areas), if—

"(i) the poverty rate for that census tract is not less than 20 percent;

"(ii) in the case of a tract—

"(I) that is located within a metropolitan area, 50 percent or more of the households in that census tract have an income equal to less than 60 percent of the area median gross income; or

"(II) that is not located within a metropolitan area, the median household income for such tract does not exceed 80 percent of the statewide median household income; or

"(iii) as determined by the Administrator based on objective criteria, a substantial population of low-income individuals reside, an inadequate access to investment capital exists, or other indications of economic distress exist in that census tract; or

"(B) any area located within—

"(i) a HUBZone (as defined in section 3(p) of the Small Business Act and the implementing regulations issued under that section);

"(ii) an urban empowerment zone or urban enterprise community (as designated by the Secretary of Housing and Urban Development); or

"(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture).

"(4) NEW MARKETS VENTURE CAPITAL COMPANY.—The term 'New Markets Venture Capital company' means a company that—

"(A) has been granted final approval by the Administrator under section 354(e); and

"(B) has entered into a participation agreement with the Administrator.

"(5) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(6) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 354(e), that—

"(A) details the company's operating plan and investment criteria; and

"(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low-income geographic areas.

"(7) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any small business investment company that—

"(A) invests solely in small business concerns that contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages;

"(B) is organized or chartered under State business or nonprofit corporations statutes, or formed as a limited partnership; and

"(C) was licensed under section 301(d), as in effect before September 30, 1996.

"(8) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States;

"SEC. 352. PURPOSES.

"The purposes of the New Markets Venture Capital Program established under this part are—

"(1) to promote economic development and the creation of wealth and job opportunities in low-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

"(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in low-income geographic areas, to be administered by the Administrator—

"(A) to enter into participation agreements with New Markets Venture Capital companies;

"(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low-income geographic areas; and

"(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 353. ESTABLISHMENT.

"In accordance with this part, the Administrator shall establish a New Markets Venture Capital Program, under which the Administrator may—

"(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

"(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 355; and

"(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

"SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

"(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

"(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

"(3) the company has a primary objective of economic development of low-income geographic areas.

"(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administrator that includes—

"(1) a business plan describing how the company intends to make successful developmental

venture capital investments in identified low-income geographic areas;

“(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management;

“(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

“(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the company's staff or from an outside entity;

“(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

“(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

“(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company's business plan; and

“(8) such other information as the Administrator may require.

“(c) CONDITIONAL APPROVAL.—

“(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall, in accordance with this subsection, conditionally approve companies to participate in the New Markets Venture Capital Program.

“(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

“(A) The likelihood that the company will meet the goals of its business plan.

“(B) The experience and background of the company's management team.

“(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

“(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

“(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

“(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

“(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by persons on the company's staff or by persons outside of the company.

“(H) Any other factors deemed appropriate by the Administrator.

“(3) NATIONWIDE DISTRIBUTION.—The Administrator shall select companies under paragraph (1) in such a way that promotes investment nationwide.

“(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administrator shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

“(1) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who meet criteria established by the Administrator.

“(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

“(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

“(i) shall have binding commitments (for contribution in cash or in kind)—

“(I) from any sources other than the Small Business Administration that meet criteria established by the Administrator;

“(II) payable or available over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

“(III) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

“(ii) shall have purchased an annuity—

“(I) from an insurance company acceptable to the Administrator;

“(II) using funds (other than the funds raised under paragraph (1)) from any source other than the Administrator; and

“(III) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

“(iii) shall have binding commitments (for contributions in cash or in kind) of the type described in clause (i) and shall have purchased an annuity of the type described in clause (ii), which in the aggregate make available, over a multiyear period acceptable to the Administrator (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

“(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

“(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

“(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

“(C) LIMITATION.—In order to comply with the requirements of subparagraphs (A) and (B), the total amount of a company's in-kind contributions may not exceed 50 percent of the company's total contributions.

“(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved to operate as a New Markets Venture Capital company under subsection (c), either—

“(1) grant final approval to the applicant to operate as a New Markets Venture Capital company under this part and designate the applicant as such a company, if the applicant—

“(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

“(B) enters into a participation agreement with the Administrator; or

“(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection, revoke the conditional approval granted under that subsection.

“SEC. 355. DEBENTURES.

“(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

“(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

“(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

“(d) MAXIMUM GUARANTEE.—

“(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a New Markets Venture Capital company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

“(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

“SEC. 356. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

“(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

“(b) GUARANTEE.—

“(1) IN GENERAL.—The Administrator may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

“(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

“(3) PREPAYMENT OR DEFAULT.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

“(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

“(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

“(e) SUBROGATION AND OWNERSHIP RIGHTS.—

“(1) SUBROGATION.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

“(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

“(f) MANAGEMENT AND ADMINISTRATION.—

“(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

“(2) CONTRACTING OF FUNCTIONS.—

“(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

“(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

“(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

“(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

“(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

“(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

“SEC. 357. FEES.

“Except as provided in section 356(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

“SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

“(a) IN GENERAL.—

“(1) AUTHORITY.—In accordance with this section, the Administrator may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

“(2) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

“(3) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

“(A) AUTHORITY.—In accordance with this section, the Administrator may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the New Markets Venture Capital Program Act of 2000.

“(B) USE OF FUNDS.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low-income geographic area.

“(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

“(4) GRANT AMOUNT.—

“(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under with section 354(d)(2).

“(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a New Markets Venture capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to New Markets Venture Capital companies set forth in section 354(d)(2).

“(5) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (4), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

“(b) SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—The Administrator may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part, under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

“(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in cash or in kind), other than those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

“(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a New Markets Venture Capital company or a specialized small business investment company.

“SEC. 359. BANK PARTICIPATION.

“(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

“(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

“SEC. 360. FEDERAL FINANCING BANK.

“Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

“SEC. 361. REPORTING REQUIREMENTS.

“Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

“(1) information related to the measurement criteria that the company proposed in its program application; and

“(2) in each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

“SEC. 362. EXAMINATIONS.

“(a) IN GENERAL.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Small Business Administration in accordance with this section.

“(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

“(c) COSTS.—

“(1) ASSESSMENT.—

“(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

“(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

“(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Small Business Administration.

“SEC. 363. INJUNCTIONS AND OTHER ORDERS.

“(a) IN GENERAL.—Whenever, in the judgment of the Administrator, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administrator may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administrator that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

“(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the New Market Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

“(c) ADMINISTRATOR AS TRUSTEE OR RECEIVER.—

“(1) AUTHORITY.—The Administrator may act as trustee or receiver of a New Markets Venture Capital company.

“(2) APPOINTMENT.—Upon request of the Administrator, the court may appoint the Administrator to act as a trustee or receiver of a New Markets Venture Capital company unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

“SEC. 364. ADDITIONAL PENALTIES FOR NONCOMPLIANCE.

“(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administrator may in accordance with this section—

“(1) void the participation agreement between the Administrator and the company; and

“(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

“(b) ADJUDICATION OF NONCOMPLIANCE.—

“(1) IN GENERAL.—Before the Administrator may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

“(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Administrator or by the Attorney General.

"SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

"(a) Parties Deemed To Commit a Violation.—Whenever any New Markets Venture Capital company violates any provision of this Act, of a regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

"(b) Fiduciary Duties.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person's fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

"(c) Unlawful Acts.—Except with the written consent of the Administrator, it shall be unlawful—

"(1) for any person to take office as an officer, director, or employee of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs or management of such a company, if the person—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

"(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, or breach of trust; and

"(2) for any person continue to serve in any of the capacities described in paragraph (1), if—

"(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

"SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any New Markets Venture Capital company.

"SEC. 367. REGULATIONS.

"The Administrator may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

"SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated for fiscal years 2001 through 2006, to remain available until expended, the following sums:

"(1) Such subsidy budget authority as may be necessary to guarantee $150,000,000 of debentures under this part.

"(2) $30,000,000 to make grants under this part.

"(b) Funds Collected for Examinations.—Funds deposited under section 362(c)(2) are authorized to be appropriated only for the costs of examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part.".

(c) Conforming Amendment.—Section 20(e)(1)(C) of the Small Business Act (15 U.S.C 631 note) is amended by inserting "part A of" before "title III".

(d) Calculation of Maximum Amount of SBIC Leverage.—

(1) Maximum leverage.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(2) Maximum leverage.—

"(A) In general.—After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(i) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

"(ii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

"(iii) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

"(B) Adjustments.—

"(i) In general.—The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

(ii) Initial adjustments.—The initial adjustments made under this subparagraph after the date of the enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.

"(C) Investments in low-income geographic areas.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.".

(2) Maximum aggregate leverage.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following new subparagraph:

"(D) Investments in low-income geographic areas.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.".

(e) Bankruptcy Exemption for New Markets Venture Capital Companies.—Section 109(b)(2) of title 11, United States Code, is amended by inserting "a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958," after "homestead association,".

(f) Federal Savings Associations.—Section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

"(F) New markets venture capital companies.—A Federal savings association may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business investment Act of 1958, except that a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.".

SEC. 902. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(n) BusinessLINC Grants and Cooperative Agreements.—

"(1) In general.—In accordance with this subsection, the Administrator may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

"(A) to expand business-to-business relationships between large and small businesses; and

"(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protégé programs or community-based, statewide, or local business development programs.

"(2) Matching requirement.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) or (1)(B) an amount, either in kind or in cash, equal to the grant amount.

"(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $6,600,000, to remain available until expended, for each of fiscal years 2001 through 2006.".

Following is explanatory language for H.R. 5545, as introduced on October 25, 2000. References in the following to the "conference agreement" refer to the text of that bill.

JOINT STATEMENT OF MANAGERS OF H.R. 2614—SMALL BUSINESS REAUTHORIZATION

Title I—Small Business Innovation Research Program

The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106–329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen Sensenbrenner, Morella, and Mark Udall.

On March 21, 2000, the Senate Committee marked-up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House Committees on Small Business and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. For purposes of this statement, the bill passed by the House of Representatives is referred to as the "House version" and the bill reported by the Senate Committee on Small Business is referred to as the "Senate version."

Section 101. Short title; table of contents

The compromise text uses the Senate short title: "Small Business Innovation Research Program Reauthorization Act of 2000." The table of contents lists the sections in the compromise text.

Section 102. Findings

The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 103. Extension of the SBIR program

The House version extends the SBIR program for seven years through September 30, 2007. The Senate version extends the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 104. Annual report

The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 105. Third phase assistance

The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 106. Report on programs for annual performance plan

This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 107. Output and outcome data

Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the Senate and House versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of Defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketable product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 108. National Research Council Reports.

The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make recommendations on potential improvements to the program. The Senate version contains no similar provision. The study was designed to answer questions remaining from the House Committees' reviews of these programs and to make sure that a current evaluation of the program is available when the program next comes up for reauthorization.

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands on the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House version's review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to choose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits to the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version, except that the bill now asks the NRC to make recommendations, should there be any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure that individuals from the small business community with expertise in the SBIR program are well-represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with and consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small businesses involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 109. Federal agency expenditures for the SBIR program

The Senate version requires each Federal agency with an SBIR program to provide the SBA with a report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 110. Policy directive modifications

The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version includes policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require that small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that small businesses provide a "succinct commercialization plan for each second phase award moving towards commercialization." The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes "a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential . . .", and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) requires that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR program enter into follow-on, non-SBIR funding agreements with the small business concern for such research, development, or production.

The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutorily required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designed to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102-564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report of the House Committee on Small Business (H.Rpt. 102-554, Pt. I) provides that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather, by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasize the intent initially set forth in H.Rpt. 102-554, Pt. 1, including the clarification that follow-on phase III procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 111. Federal and State Technology Partnership Program

This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version in the compromise text are an extension of the maximum duration of awards from three years to five and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velazquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 112. Mentoring networks

The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 111, is the same as the Senate text. The House version did not contain a similar provision.

Section 113. Simplified reporting requirements

This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA's SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 114. Rural Outreach Program extension

This provision, which was not in either the House or the Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvements to the program, if any.

TITLE II—BUSINESS LOAN PROGRAMS

SECTION 7(A) PROGRAM

The Conferees have been concerned that the availability of smaller 7(a) guaranteed business loans has not been keeping pace with the demands of the small business community. In 1994, SBA initiated the LowDoc pilot loan program to make loans of $100,000 and less more readily available. In 1995, the Congress established a guarantee level of 80% for LowDoc loans. As requested in the Administration's 2001 Budget, during consideration of H.R. 2615 in the House of Representatives, the 80% guarantee was extended up to loans of $150,000. The Senate and the House both acted to increase the size of the LowDoc loans. In addition, both Houses agreed to increase the guaranteed percentage from 80% to 85% in anticipation that small business lenders will be more willing to focus on the smaller sized loans.

In 1988, the Congress acted to establish the maximum 7(a) loan guarantee amount at $750,000. In order to keep up with inflation, the Committee bill increases the maximum guaranteed amount to $1 million. Although a strict inflationary increase in the maximum guaranteed amount would be closer to $1.25 million, the Conferees believe it is prudent to limit the increase to $1 million, which will leave sufficient resources in the program for smaller loans.

The Conference Report also establishes a ceiling on the maximum loan size of $2 million. It has been reported to the Committee that the 7(a) guarantee has been used in conjunction with large loans in excess of $2 million. Under the Federal Credit Reform Act of 1991, appropriated subsidy dollars are used based on the gross amount of the loan. In these cases, the SBA loan guarantee is a relatively small portion of the loan, and the Conferees have questioned whether these loans meet the "credit elsewhere" standard for 7(a) loans and whether this is a good use of appropriated subsidy dollars. Therefore, the Committee agrees with the House of Representatives and has approved a ceiling of $2 million for the gross amount of a 7(a) loan.

In an effort to reduce the size of the credit subsidy rate, in 1997 Congress adopted a provision to reduce SBA's liability for accrued interest on 7(a) loans that are in default. Section 501 deletes this provision since the intended savings from this provision have failed to materialize.

For the past three years, the House and Senate Committees on Small Business have received reports about the increased number of early prepayments of large, long term SBA-guaranteed 7(a) loans. Previously, as the result of an increase in prepayments, the credit subsidy rate was adjusted upwards for Fiscal Year 1998. Subsequently, the number of prepayments continued to climb. In some cases, it has been reported that some small businesses were using the 7(a) program for short term bridge financing, when the program is designed to help small businesses obtain long term credit at a reasonable interest rate. The effect of early prepayments is to reduce the availability of long term 7(a) loans to small businesses that cannot obtain credit elsewhere.

The prepayment penalty approved by the Conferees would assess a fee to the borrower for early prepayment of any 7(a) loan with a term of 15 years or more. A penalty or fee will be assessed against any prepayment in excess of 25% of the outstanding amount of the loan during any of the first three years after disbursement. Five percent will be assessed in the first year, three percent in the second year, and one percent in the third year. If a prepayment in excess of 25% is made, the penalty will be assessed against the entire outstanding balance of the loan.

In 1995, Congress increased the guarantee fees charged to 7(a) borrowers in order to reduce the credit subsidy rate for the 7(a) program. The Senate agrees with provision, suggested by SBA and adopted by the House of Representatives, which simplifies the guarantee fee schedule. For loans totaling $150,000 or less, the guarantee fee would be two percent of the guarantee amount; for loans greater than $150,000 but less than $700,000, the fee would be three percent; and for loans of $700,000 or more, the guarantee fee would be three and ½ percent. In addition, the Conferees approved a new provision designed to be an incentive for lenders to focus more on smaller loans. This provision allows a lender to retain 25% of the guarantee fee for loans of $150,000 or less.

In 1997, Congress approved a new provision for the 504 Certified Development Company program which allows borrowers to lease out 20% of the property being financed so long as the remaining 80% is occupied by the borrower. The Conferees have approved a similar provision for 7(a) borrowers. This new provision permits the property to be financed with a 7(a) loan 20 percent or less of the business space will be rented to tenants with the borrower occupying 60% of the remaining space.

MICROLOAN PROGRAM

This section makes programmatic and technical changes to the Small Business Administration's microloan program to make it more flexible to meet credit needs, more accessible to micro entrepreneurs across the nation, and more streamlined for lenders to make loans and provide management assistance. The Senate Committee on Small Business worked closely with industry and the SBA to develop these changes.

Congress created the microloan program as a pilot in 1991 (Public Law 102-140) to reach very small businesses that were not being served by traditional lenders or SBA's credit programs. Often minorities, women, and low-income individuals, these microentrepreneurs needed very little money to launch a business, but they could not get loans because they were considered unreliable or risky borrowers by traditional credit markets. Their often weak or non-existent credit histories or limited business experience caused traditional commercial lenders to shy away from making such loans. To fill this credit need, the Microloan program was designed to provide loans to non-profit intermediary lenders, who in turn provide fixed-rate loans of not more than $25,000, and on average, loans less than $10,000, to very small businesses. In addition, lending intermediaries receive an annual grant from the SBA to provide on-going technical assistance to small businesses. The technical assistance is fundamental to this program because it teaches microentrepreneurs how to manage a successful business, and running a successful business is key to loan repayment.

As industry experts and micro borrowers have testified numerous times regarding the link between financing and technical assistance, it is critical to the success of micro enterprise, in general, and the SBA microloan program, in particular. The low default rates of loans are evidence of the tremendous success of this program. Since the first microloan was made in 1992, the Federal government has had only one default in its loans to the intermediary loan providers. Equally impressive, the lending intermediaries have had losses of only three to five percent from small businesses, and the losses are fully covered by the mandatory loss reserve that each intermediary must maintain. Because of this successful track record, in 1997 the Congress voted to transform the Microloan program from a demonstration program to a permanent part of the array of SBA credit assistance programs.

There are currently 156 intermediaries and 19 non-lending technical assistance providers in the SBA Microloan Program. To date, the lending intermediaries have made 10,230 loans worth some $105 million. The SBA reports that for every microloan, 1.7 jobs are created. The average loan to a microentrepreneur is about $10,000, with interest rates averaging 11 percent and an average term of 39 months.

Since the microloan program was started in 1991, it has grown from 35 to 156 intermediaries. The market has also changed. Thus, as the Senate Committee on Small Business reviewed the program for reauthorization, it worked with trade associations representing microlenders, the Small Business Administration, and individual microlenders to craft legislation that would meet market needs and foster the success of the program.

Chief among those changes, in large part to reflect inflation, is increasing the maximum loan amount and average loan sizes. The maximum loan amount would increase from $25,000 to $35,000; the average loan size for each intermediary's portfolio would increase from $10,000 to $15,000. For speciality lenders, those making smaller loans and receiving additional technical assistance to make them, this legislation would raise their average loan size from $7,500 to $10,000.

There are 156 intermediaries out of the 200 Congressionally authorized. Three states—Alaska, Louisiana and Wyoming—do not have any intermediaries, though they are working to find appropriate participants. While the need for more technical assistance is partially to blame for the inability of the program to grow and add intermediaries, the industry groups, local economic development leaders and the SBA have asked Congress to expand the program. This Conference Report not only increases the appropriation for direct microloans and technical assistance for each of the next three years to allow the program to expand, but it also takes a balanced approach to increasing the number of intermediaries authorized. The House and Senate Conferees agreed to increase the number of intermediaries from 200 to 300.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Under the Small Business Investment Act of 1958, 504 guaranteed loans for the following public policy goals are eligible for loans guarantees up to $1,000,000:

Business district revitalization;

Eexpansion of exports;

Expansion of minority business development;

Rural development;

Enhanced economic competition;

Changes necessitated by Federal budget cutbacks; and

Business restructuring arising from Federal mandated standards or policies affecting the environment or the safety and health of employees.

Both the House and Senate bill add loans to women-owned small businesses to the current list of public policy goals specified under the Act.

In August 1988, Congress approved legislation (P.L. 100-418) to increase the 504 loan guarantee ceiling to $750,000 from $500,000, except for a limited number of loans meeting the special public policy purposes. In order to adjust this amount to reflect inflation, the loan guarantee ceiling would need to be increased to approximately $1,250,000. Therefore, the Senate agreed with the position taken by the House and approved an increase to $1,000,000. The House and Senate further agreed to increase the maximum guaranteed amount on loans made to meet the public policy purposes to $1,300,000 from $1,000,000.

PROGRAM FEES

In 1995, at the urging of the SBA and the National Association of Development Companies (NADCO), the trade organization that represents the 504 lenders and Certified Development Companies (CDCs), both the House and Senate agreed to legislation mandating that the 504 program be supported entirely by fees paid by the private sector. These new fees were imposed beginning in FY 1996. Subsequently, the SBA undertook an extensive review of the performance of the 504 program, and the credit subsidy rate, which determines the amount of money that must be maintained in the loss reserve account for this program, was increased from 0.57% to 6.85%, an increase of 1200%. Since the 504 program was being funded only by fees paid by the private sector, the fees paid by the borrower in FY 1997 were increased from 0.125% to 0.875%, which placed a financial burden on 504 borrowers. The Conferees are pleased to note that since FY 1997 the credit subsidy rate estimate has dropped resulting in a decrease in borrower fees from 0.875% to 0.472% for FY 2001. The bill authorizes SBA to collect these fees to offset the credit subsidy cost through September 30, 2003.

PREMIER CERTIFIED LENDERS PROGRAM

In October 1994, Congress approved the Premier Certified Lenders Program on a pilot basis (P.L. 103-403). In December 1997, this pilot program was extended by Congress, and the limitation on the number of CDCs that could participate in the PCLP was removed (P.L. 105-135). The Senate noted the success of the program and has agreed with the House of Representatives to make the PCLP a permanent part of the 504 program. In making the PCLP pilot a permanent part of the 504 program, the Conferees expect the SBA to continue its efforts to work with the CDC community to take complete advantage of the strengths of the most successful and well-run CDCs.

ASSET SALES

In response to the plans by the SBA to undertake the sale of assets held by the Agency, the both Senate and House approved a provision that requires the SBA to notify CDCs prior to including a 504 loan in an asset sale. The Committee adopted this section in order to insure there is an open dialogue and cooperation between the Agency and the relevant CDCs. For the past four years, the Committee has encouraged the SBA to move forward with its asset sales program; however, we do not believe this step forward should necessarily harm its lending partners.

LOAN LIQUIDATION PROGRAM

In response to reports about low recoveries after the default of a 504 loan, the Congress approved legislation in 1996 to establish the Loan Liquidation Pilot Program (P.L. 104-208). The pilot liquidation program allowed up to 20 qualified CDCs to liquidate loans that they originated. It was implemented by the SBA in June 1997. The results to date for the pilot program are encouraging, and the Conferees have concluded that it is in the best interest of the 504 program to allow additional CDCs to conduct their own liquidation and foreclosure activities. The Committee is pleased to note that the recovery estimate for FY 2001 has increased for the first time since 1995. The Administration's estimate for FY 2001 is 31 percent, and the assumptions used by OMB and the SBA do not include an increase in recoveries that should result from making the Loan Liquidation Program permanent. The Conferees urge the SBA to continue its efforts and to make maximum use of the Loan Liquidation Program so that the recovery level will increase further.

A number of CDCs have demonstrated the ability through the pilot program and other lending programs in which they participate, to perform such activities, and have indicated a willingness to perform such functions to supplement SBA's activities in this area. Accordingly, the Conference Report makes the pilot liquidation program permanent and requires SBA to permit certain CDCs to foreclose and liquidate defaulted loans that they have originated under the 504 loan program.

In order to participate in the loan liquidation program, a CDC must have made at least 10 loans per year for the past three fiscal years, and it must have at least one employee with two years of liquidation experience or be a member of the Accredited Lenders Program with at least one employee with two years of liquidation experience. Representatives of either group must complete a training program developed by SBA. Participants in the pilot liquidation program and Premier Certified Lenders automatically qualify for the permanent liquidation program.

CDCs eligible to participate in liquidation activities are required to perform all liquidation and foreclosure functions pursuant to a liquidation plan approved by SBA. The Conference Report also authorizes CDCs to take other actions, in lieu of full liquidation or foreclosure, to mitigate loan losses pursuant to a workout plan. Prior to a CDC commencing liquidation or foreclosure activities and prior to engaging in other actions to mitigate loan losses, a CDC is required to provide the SBA with a liquidation plan or workout plan, as the case may be, for approval. The SBA has 15 days to approve a liquidation plan or a workout plan. The legislation further permits CDCs to litigate matters relating to their liquidation activities subject to SBA monitoring of such litigation.

SBA is authorized to suspend or revoke the authority of a CDC to liquidate loans if the CDC either does not meet the eligibility requirements or fails to comply with any statutory or regulatory requirement relating to the foreclosure or liquidation of loans or any other applicable provision of law. CDCs are also prohibited from taking any action that would result in an actual or apparent conflict of interest in connection with the liquidation of their loans.

The bill requires the SBA to submit annually to Congress a report on the results of the delegation of authority to CDCs to liquidate and foreclose loans and a comparison of such results to SBA's liquidation performance.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

DEFINITIONS

The provisions generally make some technical improvements to the operations of the SBIC Program. Under current law, national banks, member banks of the Federal Reserve, and nonmember insured banks as permitted by State law are allowed to invest in SBICs. The Senate and House Committees approved a provision to allow any Federal Savings Association to make similar investments in SBICs.

The Committees also approved a provision to clarify the what is meant by the term "long-term" as found in Section 103 of the Small Business Investment Act. It is the Committees' understanding that the SBA has construed "long term" to mean a minimum of five years for all SBIC investments other than those made to "disadvantaged businesses," when "long term" is construed to mean four years. The Committee believes the Agency's interpretation of "long-term" to be overly restrictive. Under the Generally Accepted Accounting Principles (GAAP), the accounting principles that govern business commerce in the United States, the term "long-term" is defined as any period of time greater than one year. Therefore, the Conferees have adopted a definition of "long-term" to be a period of time of not less than one year.

SUBSIDY FEES

The President's FY 2001 budget request for SBA, as amended, included a "0" credit subsidy rate for the SBIC Debenture program. The House and Senate Committees have been informed by SBA staff that the income generated by fees paid by the SBICs to SBA will actually exceed the amounts needed to fund the reserve account required under the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The Conferees believe it is important that the SBICs should not be required to pay more in fees than is necessary to bring the credit subsidy rate to "0." Therefore, the Conferees have adopted a provision, similar to the one it adopted for the 504 Development Company Program in 1996, which directs the SBA to reduce the annual fee paid by the SBIC from 1 percent to the amount necessary to reduce the credit subsidy rate to "0." The new provision applies to the SBIC Debenture and Participating Securities programs.

DISTRIBUTIONS

The Senate Committee approved a technical change that permits a qualifying SBIC to make a quarterly tax distribution any time during the applicable calendar quarter. The House passed a similar provision in H.R. 3845. Conferees concur with this provision. Under current law, SBICs may make prioritized payment distributions, profit distributions, and other optional distributions on any date with prior SBA approval. Tax distributions, however, may only be made at the end of calendar year quarters. The SBIC community has informed the Senate Committee that the practical impact of this restriction is that SBICs are forced to delay otherwise permitted interim distributions (including tax distributions) to the end of a quarter or split their distributions into two distributions. Postponing an entire distribution to the end of a quarter has negative cash flow and internal rate of return (IRR) implications. Consequently, most SBICs decide to split their distributions, making tax distributions at the end of the calendar quarter, while making all other distributions at any time during the quarter. Splitting distributions requires the preparation, submission, and SBA review of two sets of documents. The result is an inefficient use of time and resources by SBA and the SBICs.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 502. Reauthorization of Small Business Programs

Title I of the bill authorizes appropriations for SBA's business loan programs and certain other SBA programs. Included among the loan programs are Section 7(a) Guaranteed Business Loans, 504 Development Company Loans, Microloans, Disaster Loans, and Small Business Investment Company Debentures and Participating Securities.

Funding for these SBA programs is detailed in the following chart. As indicated, the bill is a three year authorization. The Conferees have carefully considered the Administration's funding request for each program as well as recommendations from small business owners, individual entrepreneurs, the lending community, and members of this Conference.

PROGRAM LEVELS FOR SBA REAUTHORIZATION BILL

[In millions of dollars unless otherwise noted]

Program	Current level FY01	FY01 budget request	SBA 3 year authorization request 01/02/03	Reauthorization bill 2001	Reauthorization bill 2002–2003	Reauthorization bill
7(a) (in billions)	$9.8	$11.5	$14.5/15/16	$14.5	$15	$16
504 (in billions)	$3.5	$3.75	$5/5.25/5.5	$4	$4.5	$5

PROGRAM LEVELS FOR SBA REAUTHORIZATION BILL—Continued

[In millions of dollars unless otherwise noted]

Program	Current level FY01	FY01 budget request	SBA 3 year authorization request 01/02/03	Reauthorization bill 2001	Reauthorization bill 2002–2003	Reauthorization bill
SBIC:						
Debentures	$800	$500	$1,000/1,200/1,400	$1,500	$2,500	$3,000
Participating Securities	$1,350/$2,000	$2,000/2,500/3,000	$2,500	$3,500	$4,000	
Microloan:						
Technical Assistance	$23.2	$45.0	$59/80/100	$45	$60	$70
Direct Loans	$29	$60	$75/80/85	$60	$80	$100
Guaranteed Loans	carryover	0	$40/40/40	$50	$50	$50
Delta	$1,000		$0/0/0	$500	$500	$500
Surety Bond Guarantee:						
General Program	$1,800	$1,700	$2,000/2,000/2,000	$4,000	$5,000	$6,000
Preferred Program				50% of total	50% of total	50% of total
SCORE	$3.5	$5.0	$5.9/8/8.5	$5	$6	$7
SBDC	$84.5	$85	$95/95/95	$125	$125	$125
HUBZone	$2.0	$5.0	$6/6/6	$10	$10	$10

DRUG-FREE WORKPLACE PROGRAM

In 1998, the Congress enacted the Drug-Free Workplace Demonstration Program under the leadership of Senator Paul Coverdell of Georgia. The purpose of the program is to provide financial and technical assistance to small business concerns seeking to establish a drug-free workplace program. The law authorized $10 million in FY 1999 and 2000. Section 809 extends the Drug-Free Workplace Program for FY 2001, 2002 and 2003 and authorizes $5 million for each in the period. The Conference Report recognizes the important work of Senator Coverdell and names the program in his honor.

HUBZONE PROGRAM

This subsection would increase the annual authorization for the HUBZone Program to $10,000,000 for fiscal years 2001, 2002, and 2003. It is the Conferees intention that funds appropriated under the authorization in this subsection shall be used for direct HUBZone Program expenses and should not be diverted by the SBA for any other program or account that is not part of the HUBZone Program.

VERY SMALL BUSINESS PROGRAM

This section would extend the Very Small Business Program pilot. The pilot program is targeted at firms seeking to do business with the Federal government with 15 or fewer employees and with less than $1 million in annual receipts. To date, SBA has had insufficient experience and data to evaluate the program, which SBA failed to implement until March 4, 1999, more than four years after Congress enacted the program. The Conferees anticipate that new reporting requirements set forth in the Federal Procurement Data System will provide SBA with sufficient data to evaluate the program over the next three years.

SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM

The Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 15 U.S.C. 644 note) establishes procurement procedures to help small business concerns owned and controlled by socially and economically disadvantaged individuals to meet certain Federal procurement goals. The procurement procedures are scheduled to terminate on September 30, 2000. The Conference Report approved an extension of the program for three years, through September 30, 2003.

COSPONSORSHIP

This program provides a means of leveraging the scarce resources at SBA, the Agency engages in a variety of cosponsorships with public and private sector organizations. Current statutory language refers only to training as a permitted cosponsored activity with for-profit entities. SBA defines training as being limited to narrower topics of interest to relatively small numbers of business owners or those in certain types of businesses. There are, however, broader business-related topics, such as the effective use of technology, e-commerce, exporting/importing, about which all small businesses should be informed and educated.

The SBA has recommended that the terms "information and education" be added to the types of assistance that can be provided to small businesses. SBA believes this change will give it the flexibility in the types of assistance that can be provided to small businesses. The Conferees agreed with the SBA's recommendation, concluding that while traditional training in these areas may also be offered, the need to reach broader audiences with timely, updated information and education is vital to the success of the largest number of small businesses.

TITLE VI: HUBZONE PROGRAM

The HUBZone program aims to direct portions of Federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas. These areas can also include certain rural communities and tend, generally, to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable, without a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and remain profitable. This gives small business a chance to get a foothold and provides jobs to these areas. New business and new jobs mean new life and hope for these communities.

Since the HUBZone Act was adopted in the Small Business Reauthorization Act of 1997, the Small Business Administration has been implementing the program. On March 22, 1999, SBA began accepting applications from interested firms. Experience to date has revealed several difficulties with implementation, which the Senate Committee has sought to rectify in this legislation.

Subtitle A—HUBZones in Native America Act

One such problem was an unintended consequence of wording in the 1997 legislation that inadvertently excluded Indian Tribal enterprises and Alaska Native Corporations from participation. The definition of "HUBZone small business concern" specified that eligible small businesses must be 100% owned and controlled by U.S. citizens. This provision sought to insure that HUBZone benefits, financed by the American taxpayer, should be available only for U.S. beneficiaries.

However, since citizens are "born or naturalized" under the Fourteenth Amendment, ownership by citizens implies ownership by individual flesh-and-blood human beings. Corporate owners and Tribal government owners are not "born or naturalized" in the usual meanings of those terms. Thus, the Small Business Administration found that it had no authority to certify small businesses owned wholly or partly by Alaska Native Corporations and Tribal governments.

Since Native American communities were always intended to benefit from HUBZone opportunities, the Committee has included language to make such firms eligible. On many reservations, particularly the isolated ones, the only investment resources available are the Tribal governments. Excluding those governments from investing in their own reservations means, in practical terms, excluding those reservations from the HUBZone program entirely. Similarly, Alaska Native Corporations have corporate resources that are necessary to make real investments in rural Alaska and to provide jobs to Alaska Natives who currently have no hope of getting them.

The Senate Committee was guided by three broad principles in crafting this legislation. First, no firm should be made eligible solely by virtue of who it is. For example, Alaska Native Corporations will not be eligible solely because they are Alaska Native Corporations. Instead, Alaska Native Corporations and Indian Tribal enterprises should be eligible only if they agree to advance the goals of the HUBZone program: job creation and economic development in the areas that need it most.

Second, the Senate Committee sought to make the HUBZone program conform to existing Native American policy. The Committee is aware of controversy over whether to change Alaska Native policy so that Alaska Natives exercise governmental jurisdiction over their lands, just like Tribes in the Lower 48 States do on both their reservations and trust lands. The Alaska Native Claims Settlement Act (ANCSA) of 1971 deliberately refrained from creating Alaska Native jurisdictions in Alaska, and this Committee's legislation is intended to conform to existing practice in ANCSA.

The third principle underlying this bill is that Alaska Natives and Indian Tribes should participate on as even a playing field as possible. Exact equivalence is not possible because the Federal relationship with Alaska Natives differs significantly from the relationship with Indian Tribes, and also because

Alaska is a very different State from the Lower 48. However, ANCSA provided that Alaska Natives should be eligible to participate in Federal Indian programs "on the same basis as other Native Americans." The House Conferees have agreed to adopt the Senate provision.

Subtitle B—Other HUBZone Provisions

Subtitle B contains several technical changes to clarify interpretive issues concerning the original HUBZone Act, as well as new language to correct an unforeseen situation regarding procurement of commodities. Subtitle B makes a further amendment to the categories of eligible HUBZone firms, to include the HUBZone program as one of the tools Community Development Corporations can use in rebuilding their communities and neighborhoods.

The Conference Report includes a technical correction to the definition of "qualified census tract." It also makes two major substantive changes to the definition of "qualified nonmetropolitan county."

First, the definition is clarified to ensure that nonmetropolitan counties in the HUBZone program are those that were considered to be such as of the time of the last decennial (10 year) census. The HUBZone program relies on census tracts selected in metropolitan areas based on the last census, so that a metropolitan county—in order to have such census tracts—must have been considered metropolitan at that time. A nonmetropolitan county may be eligible as a HUBZone based on income data collected during the census or on unemployment data produced annually by the Bureau of Labor Statistics.

During the ten-year period between each census, some counties become so integrated into the commercial activities of a metropolitan area that they are moved from the nonmetropolitan category to the metropolitan category. Such counties would become ineligible for HUBZone participation. They would not have been metropolitan counties at the time of the last census, so no qualified census tracts would have been selected there. They would also no longer be nonmetropolitan counties, so the income and unemployment tests available to such counties would no longer apply. Thus, counties that change from nonmetropolitan to metropolitan, in the period between each census, would become ineligible until the next census is taken. The Conference Report corrects this problem by freezing, for HUBZone purposes, the categories of metropolitan and nonmetropolitan counties as they stood at the time of the last census.

The second major change to the definition of "qualified nonmetropolitan county" is the addition of a grandfathering clause. Because the Bureau of Labor Statistics (BLS) issues new county-level unemployment data annually, nonmetropolitan counties may shift into and out of eligibility on a yearly basis. The Committee believes that this type of movement is too fluid for a program that should be stable in its first few years. Companies will be confused about the merits of the program if firms lose and gain eligibility from year to year. A company will not want to invest in such a county only to have it suddenly become ineligible, due to new BLS data, before the company has even had the opportunity to recoup its investment by participating in the HUBZone program.

The legislation seeks to stabilize this situation by looking at the unemployment picture over a three-year period for nonmetropolitan counties. It also provides that companies in such a county will have a one year period to pursue HUBZone opportunities and wrap up its activities under the program, after such a county becomes ineligible due to new BLS data. A similar one year period is provided for changes that may result due to enactment of this legislation.

COMMODITIES PROCUREMENT

In 1999, the Senate Committee became aware of potential implementation problems in HUBZone procurements of certain commodities, particularly food-aid commodities purchased by the Department of Agriculture (USDA), that could lead to unintended and anti-competitive results. Because bids for commodities generally tend to fall within a narrow range of prices, the 10% price evaluation preference that currently exists could be overwhelmingly decisive. In such purchases, a handful of HUBZone firms could secure significant portions of these markets. This, in turn, could prompt other vendors to abandon these markets, thus reducing USDA's vendor base and reducing competition. These are results that would be contrary to the goals set forth in §2 of the Small Business Act.

To prevent irreparable harm to USDA's vendor base until the matter could be addressed more comprehensively in this legislation, Senator Bond sponsored a proviso in the Fiscal 2000 Agriculture Appropriations Act. As adopted in the conference report, §751 of that Act limited the price evaluation preference to 5% for up to half of the total dollar value of each commodity in a particular tender (solicitation). It also prohibited contract awards to a HUBZone firm that would be of such magnitude as to require the firm to subcontract to purchase the commodity being procured, since such a scenario would simply allow these firms to purchase commodities from subcontractors and in turn sell them to the Government at inflated prices.

The legislation seeks to address this issue on a more permanent basis. The Conferees are aware that USDA relies upon a complex computer program to evaluate commodities bids, and thus the Conference Report seeks to set a long-term policy that will not require frequent and expensive changes to this software. Although the legislation reduces the level of HUBZone program incentives that otherwise would be available under the HUBZone Act, the bill still seeks to ensure substantial awards to HUBZone concerns, while protecting existing incentives available to other types of small business concerns. The Conferees intend that these incentives help commodities procurements contribute their fair share toward achieving the Government-wide goal of 23% of prime contract dollars to small business concerns, but without the anti-competitive effects of awarding overwhelming shares of the market to HUBZone firms.

COMMUNITY DEVELOPMENT CORPORATIONS

For reasons similar to the problems preventing HUBZone program participation by Indian Tribal enterprises and Alaska Native Corporations, small businesses owned by Community Development Corporations were also inadvertently made ineligible by the original HUBZone Act. The Conference Report has included a provision to correct this problem. As with Tribal enterprises and Alaska Native Corporations, addressed in Subtitle A of this Title, Community Development Corporations are not made automatically eligible. These firms must agree to advance the job-creation goals of the HUBZone program. Specifically, as other businesses must do, these enterprises must maintain their principal office in a HUBZone and employ 35% of their workforce from one or more HUBZones.

TITLE VII: NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

The Senate bill would re-authorize the National Women's Business Council for three years, from FY 2001 to 2003, and to increase the annual appropriation from $600,000 to $1 million. The increase in funding will allow the Council to: support new and ongoing research; produce and distribute reports and recommendations prepared by the Council; and create an infrastructure to assist states in developing women's business advisory councils, coordinate summits and establish an interstate communication network. The House Conferees agree in part with the Senate's title.

The increase will also be used to assist Federal agencies meet the procurement goal for women-owned businesses established by Congress in 1994 under section 15(g) of the Small Business Act. By law, Federal agencies must strive to award women-owned small businesses at least 5 percent of the total amount of Federal prime contract dollars. The Conferees feel strongly that Federal agencies should meet the five-percent goal, and it supports the Council's plan to expand its efforts to increase the percentage of prime contracts that go to women-owned businesses. Based on current data, women are not receiving awards proportionate to their presence in the economy. For example, women-owned businesses make up 38 percent of all small businesses, yet women-owned businesses received only 2.42 percent of the $189 billion in Federal prime contracts in FY1999.

According to the National Foundation for Women Business Owners, over the past decade the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. They generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the Council, which is bi-partisan, has provided important unbiased advice and counsel to Congress.

This Conference Report allows the Council to continue to perform its duties at the level it has done so far, as well as expand its activities to support initiatives that are creating the infrastructure for women's entrepreneurship at the state and local level.

TITLE VIII: MISCELLANEOUS PROVISIONS

LOAN APPLICATION PROCESSING

The Senate Conferees agreed with the House provision directing the SBA to conduct a study in one year from the date of enactment to determine the average time SBA requires to process an SBA-guaranteed loan.

APPLICATION OF OWNERSHIP REQUIREMENTS

The Conferees agreed to a provision to clarify the impact of community property state laws to determine the eligibility for applicants for assistance under SBA's credit programs. The new provision applies to the Small Business Act and the Small Business Investment Act of 1958. It states that eligibility of an applicant under the SBA's credit programs will be determine without regard to any ownership interest of a spouse arising solely form the application of the community property laws of a State for purposes of determining marital interests.

SUBCONTRACTING PREFERENCE FOR VETERANS

The House Conferees agreed with the Senate provision to clarify that service-disabled veterans are on the same preference level as small disadvantaged businesses (SDBs) and women-owned small businesses for Federal contracting opportunities. When the Congress enacted the Veterans Entrepreneurship and Small Business Development Act (P.L. 106–50), it was not absolutely clear that the contracting preferences were to apply specifically to service-disabled veterans. The Conferees intend for this section to clear up any misunderstandings that might remain.

SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING

The House Conferees agreed with the Senate provision to clarify the funding formula for States to receive funds under the Small Business Development Center (SBDC) program. This funding formula was developed in close consultation with the SBA and the SBDC association. Importantly, the formula sets forth how the minimum funding level will be applied. The Conference Agreement assures that each SBDC will receive a minimum of $500,000 annually unless the annual appropriation from Congress is less than $81,500,000. If the annual appropriation is more than $90,000,000, the minimum annual amount shall be $500,000 plus a percentage amount equal to the percentage amount by which the appropriation exceeds $90,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION CORRECTION

The Conferees have agreed to a technical change that defers for one year the requirement that the National Veterans Business Development Corporation provide matching funds. The authorization level for the Corporation to receive Federal funds has been adjusted to the following: $4,000,000 in fiscal years 2001 and 2002, and $2,000,000 in fiscal years 2003 and 2004.

PRIVATE SECTOR RESOURCES FOR SCORE

The Committees on Small Business for the Senate and House of Representatives have followed the success and growth of the SCORE program over the past five years. Much of the success or the program is tied to its ability to obtain in-kind and monetary contributions from the private sector to supplement the annual Congressional appropriation. Companies have donated computers and Internet services to support the efforts of 14,000 SCORE volunteers to provide counseling to small businesses throughout the United States. The section approved by the Conferees makes it clear that SCORE may solicit cash and in-kind contributions from the private sector to carry out its functions under the Small Business Act.

CONTRACT DATA COLLECTION

The Senate Conferees agreed with the House Conferees to include a new section that makes improvements in the collection of data on the growing practice by Federal agencies to bundle multiple contract requirements into one large contract. This practice has had a detrimental impact on the ability of small businesses to compete for Federal contracts. The new section clarifies the definition of a bundled contract and requires the SBA to prepare an annual report for the House and Senate Committees on Small Business. The section also strengthens the ability of the Administrator of SBA to challenge an agency decision to bundle multiple contract requirements.

PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS

The Senate Conferees agreed with the House Conferees to include a new section to give Federal agencies the authority to restrict competition for any contract for the procurement of goods or services by the Federal government to small businesses owned and controlled by women who are economically disadvantaged. The SBA Administrator may waive the requirement that the businesses must be owned by women who are economically disadvantaged if it is determined the business is in an industry in which small business concerns owned and controlled by women are substantially under represented.

The purpose of H.R. 5545 the "New Markets Venture Capital Program Act of 2000," is to promote economic development, wealth and job opportunities in low income (LI) areas by encouraging venture capital investments and offering technical assistance to small enterprises. The central goal of the legislation is to fulfill the unmet equity investment needs of small enterprises primarily located in LI areas.

The bill creates a developmental venture capital program by amending the Small Business Investment Act to authorize the U.S. Small Business Administration (SBA) to enter into participation agreements with 10 to 20 New Markets Venture Capital (NMVC) companies in a public/private partnership. It further authorizes SBA to guarantee debentures of NMVC companies to enable them to make venture capital investments in smaller enterprises in LI areas. And it authorizes SBA to make grants to NMVC companies, and to other entities, for the purpose of providing technical assistance to smaller enterprises that are financed, or expected to be financed, by such companies.

The Act will also enhance the ability of existing Small Business Investment Companies (SBICs) to invest in LI areas. It allows them to have access to the leverage capital authorized under the program, without entering into a participation agreement with SBA to act as an NMVC company.

Finally, enhances the ability of existing Specialized Small Business Investment Companies (SSBICs) to invest in LI areas. It allows them to have access to the operational assistance grant funds authorized under the program, also without entering into a participation agreement with SBA to act as an NMVC company.

Despite our unprecedented economic prosperity, there remain places in America that have yet to reap the benefits of this prosperity. Although many Americans enjoy strong income and wage growth, millions in underserved areas still do not have access to jobs or entrepreneurial opportunities.

For example, between 1997 and 1998, the median income for the nation's households rose 3.5 percent in real terms. Yet 12.7 percent of Americans (34.5 million people) still live below the poverty level. These 34.5 million people live in the inner cities and rural areas of America, where jobs are scarce and there is little to attract would-be small business investors.

The overall poverty rate for the U.S. in 1998 was 12.7 percent, but the poverty rate among both African American and Latino populations was 26 percent—double the national average. In rural communities, poverty remains a persistent problem. Job growth is well below the national average, with unemployment hovering at or above 14%. Additionally, the unemployment levels in many urban communities range from 7.5% for African Americans to 6.4% for Hispanics. Both are nearly double the national average.

It is not enough to merely create jobs in these pockets of poverty. Rather, we must create a small business backbone, an economic infrastructure to enable these communities to develop their full potential and participate fully in the economic mainstream.

H.R. 5545 uses SBA resources targeted to corporations and small businesses that want to do business in the untapped markets of our underserved communities. It is a wise investment in the hopes of millions of families who are not sharing in the American Dream.

There is a pressing need for this legislation. There are virtually no institutional sources of equity capital in distressed communities. The national venture capital industry for community development comprises only 25 firms managing approximately $157 million. Only 14 of those are capitalized at $5 million or more—the absolute minimum for economic viability.

H.R. 5545 will tap unrealized resources in our nation, thus benefiting our economy as a whole. It will increase the attractiveness of investment in places with high unemployment and too few businesses. The more the business community knows about these new markets, the more likely they will invest in them—and the more businesses that invest in these new markets, the more these areas will share in our nation's economic prosperity. This legislation provides a road map for the next generation to succeed, and it makes good sense from both a public policy and business standpoint.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Designates the bill as the "New Markets Venture Capital Program Act of 2000."

Section 2. New Markets Venture Capital Program

This Section amends Title III of the Small Business Investment Act of 1958 by adding new Sections 351 through 368 to establish the "New Markets Venture Capital Program."

H.R. 5545 will add the following new sections to the Small Business Investment Act:

Section 351. Definitions

Establishes definitions for developmental venture capital, New Markets Venture Capital Companies, low- or moderate-income geographic area, operational assistance, participation agreement, and Specialized Small Business Investment Companies as used in the legislation.

"Developmental venture capital" is defined as equity capital invested in small businesses, with a primary objective of fostering economic development in low income geographic areas. For the purposes of this Act, the Committee considers equity capital investments to mean stock of any class in a corporation, stock options, warrants, limited partnership interests, membership interests in a limited liability company, joint venture interests, or subordinated debt with equity features if such debt provides only for interest payments contingent upon earnings. Such investments must not require amortization. They may be guaranteed; but neither the Equity capital investment nor the guarantee may be secured.

A "New Markets Venture Capital Company" is defined as a company that has been approved by the Administration to operate under the New Markets Venture Capital Program, and has entered into a participation agreement with the Administration to make equity investments and provide technical assistance to small enterprises located in low- or moderate-income areas.

The term "low income geographic area" means a census tract, or the equivalent county division as defined by the Bureau of the Census for purposes of defining poverty areas, in which the poverty rate is not less than 20 percent. In those areas in a metropolitan area 50 percent or more of the households must have an income equal to less than 60 percent of the median income for the area. In rural areas the median household income for a tract must not exceed 80 percent of the statewide median household income. This definition also includes any area located within a HUBZone, an Urban Empowerment Zone or an Urban Enterprise Community, or a rural Empowerment Zone or a Rural Enterprise Community.

The term "low income individual" is included for the purpose of allowing waivers of the low income area requirement for areas of significant economic disadvantage that may not otherwise qualify. A low income individual is defined as someone whose income does not exceed 80 percent of the area median income in metropolitan areas, or 80 percent of either the area or statewide median income in rural areas.

The term "operational assistance" is defined as management, marketing, and other technical assistance that assists a small business concern with business development.

"Participation agreement" is defined as an agreement between the Administration and an NMVC Company detailing the company's operating plan and investment criteria; and requiring that investments be made in smaller enterprises at least 80 percent of which are located in low income geographic areas.

"Specialized Small Business Investment Company" means any small business investment company that was licensed under section 301(d) as in effect before September 30, 1996.

Section 352. Purposes

Describes the purposes of the Act, which are:

(1) to promote economic development and the creation of wealth and job opportunities in low- or moderate-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small entrepreneurs locate in low- or moderate-income areas; to be administered by the Small Business Administration; to enter into a participation agreement with NMVC companies; to guarantee debentures of NMVC companies to enable each such company to make developmental venture capital investments in smaller enterprises in low- or moderate-income geographic areas; and to make grants to NMVC companies for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

Section 353. Establishment

Authorizes the SBA to establish the NMVC Program, under which the SBA may form New Markets Venture Capital companies by entering into participation agreements with firms that are granted final approval under the requirements set forth in Section 354 and formed for the purposes outlined in Section 352.

This Section also authorizes SBA to guarantee the debentures issued by the NMVC Companies as provided in Section 355; and to make operational assistance grants to NMVC Companies and other entities in accordance with Section 358.

Section 354. Selection of the New Markets Venture Capital Companies

Establishes the criteria to be followed by SBA in selecting the NMVC Companies. This section provides for specific selection criteria to be developed by the SBA—based on the criteria enumerated in this legislation—and designed to ensure that a variety of investment models are chosen and that appropriate public policy goals are addressed. Geographic dispersion must also be taken into account in the selection process.

H.R. 5545 requires Program participants to satisfy the following application requirements:

(1) Each NMVC must be a newly formed, for-profit entity with at least $5 million of contributed capital or binding capital commitments from non-Federal investors, and with the primary objective of economic development in low- or moderate-income geographic areas.

(2) Each NMVC's management team must be experienced in some form of community development or venture capital financing.

(3) Each NMVC must concentrate its activities on serving its investment areas, and submit a proposal that will expand economic opportunities and address the unmet capital needs within the investment areas.

(4) Each applicant must submit a strong proposal to provide operational assistance, including the possible use of outside, licensed professionals.

(5) Each NMVC must have binding commitments (in cash or in-kind) for operational assistance and overhead, payable or available over a multi-year period not to exceed 10 years, in an amount equal to 30% of its committed and contributed capital. These commitments may be from any non-SBA source and the cash portion may be invested in an annuity payable semi-annually over a multi-year period not to exceed 10 years.

The Committee is well aware that it will be difficult for some NMVCs to raise their entire operational assistance match during the application stage. Those NMVCs that are unable to raise the required match, but have submitted a reasonable plan to the Administrator to meet the requirement, may be granted a conditional approval from the Administrator and be allowed to draw one dollar of federal matching funds for every dollar of private funds raised provided that (for the purpose of final approval) they raise at least 20 percent of the required matching funds, and have at least 20 percent of the match on hand when applying for additional grant funds.

The Committee believes that it is important to give NMVCs the flexibility to obtain the required private operational assistance funds, however, from a safety and soundness standpoint, federal assistance funds should not be placed at greater risk than private assistance funds.

This conditional approval shall be made with the expectation that the required capital funding commitments will be obtained within two years of the conditional approval.

The bill also authorizes SBA to select firms that have experience with investing in enterprises located in low income areas to participate as NMVCs. SBA will enter into an agreement with each NMVC setting forth the specific terms of that firm's participation in the program. Each agreement will be tailored to the particular NMVC's operations and will be based on the NMVC's own proposal, submitted as part of the NMVC's application form. The agreement will require that investments be made by the NMVC in smaller enterprises, at least 80% of which are located in low income geographic areas.

In order for an investment to be counted toward the 80% goal under H.R. 5545, the investment must be made in a small business concern located in an LI area. This ensures that the New Markets Venture Capital Company Program will focus investment capital where it is most needed, rather than duplicating existing SBA programs.

The Committee believes that the targeting of low-income communities is the most important element of H.R. 4530. If Congress and the Administration are serious about helping our nation's low-income cities, towns, and rural areas we should demonstrate our commitment by ensuring that this bill is focused on these areas. The Committee has accomplished this by requiring that 80% of all investment will concentrate on those needing this help the most.

By clearly focusing this legislation on the communities that need assistance the most, the Committee has maximized the impact of this program. It is also the Committee's view that by investing the majority of funds in low income communities, we will not only provide the benefit of increased opportunities for working families, but H.R. 4530 will also provide the benefit of improving the physical community. This double benefit ensures that the resources spent under H.R. 4530 will provide the maximum economic impact on the low- or moderate-income communities to which this bill is targeted.

The Committee recognizes that the legislation may offer some benefits to working families located outside of the LMI areas as defined by the legislation. To address this concern, up to 20% of a New Markets Venture Capital Company's investments are permitted in those businesses that are in need of equity investment, but fall outside the LMI areas as defined by the legislation. However, it is the Committee's strong opinion that to reduce the targeting below 80% would significantly diminish the impact in the LMI areas, and would be contrary to the intent of the program. In addition, the Act includes a provision allowing the Administrator to waive the low income designation requirements for areas of significant economic distress that would not otherwise qualify.

Section 355. Debentures

Authorizes SBA to guarantee debentures issued by NMVC companies. The terms of the guaranteed debentures issued under this section may not exceed 15 years and the maximum total guarantee for any NMVC company shall not exceed 150 percent a company's private capital.

Section 356. Issuance and guarantee of trust certificates

Authorizes SBA to issue and guarantee trust certificates representing ownership of all or part of the debentures issued by an NMVC company and guaranteed by the Administration. Each guarantee issued under this section is limited to the amount of the principal and interest on the guaranteed debentures that compose the trust or pool of certificates.

This section grants SBA subrogation and ownership rights over the trust certificates guaranteed under this section, but prohibits SBA from collecting a fee for any guarantee of a trust certificate issued under this section. Finally, this section allows SBA to contract with an agent to carry out the pooling and central registration functions for the trust certificates issued.

Section 357. Fees

Authorizes SBA to charge such fees as it deems appropriate with respect to any guarantee or grant issued to an NMVC company.

This authorization is subject to the prohibition contained in Section 356 that prohibits SBA from collecting a fee for any guarantee of a trust certificate issued under that section.

Section 358. Operational assistance grants

Authorizes SBA to make operational assistance grants to New Markets Venture Capital Companies established under the legislation and to certain Specialized Small Business Investment Companies.

Each NMVC is eligible for one or more grants, on a matching basis, in an amount equal to the amount the NMVC makes available for operational assistance. The operational assistance grant will be made available to the NMVC semi-annually over a multi-year period not to exceed 10 years. SBA is also authorized to provide supplemental grants to NMVCs.

This section of the bill also allows Specialized Small Business Investment Companies ("SSBICs") access to the operational assistance grant funds authorized under the program without entering into a participation agreement with SBA to act as an NMVC company. The participation of the SSBICs, however, is limited only to investments they make in LMI areas after the date of enactment, and they must match the operational assistance funds to one LMI investment.

This section of the bill explicitly prohibits NMVCs and SSBICs from using operational assistance grants, both the federal contribution and the match, to supplement their own bottom line. This prohibition includes items that are not aimed at directly benefiting the small enterprises, such as, but not limited to—the purchase of furniture, office supplies, physical improvements to the NMVCs' or SSBICs' places of business, and marketing services. The Committee included this limitation to ensure that the investments made through this program will be for the benefit of small businesses located in LMI areas, which is the intent of the legislation.

It is the Committee's view that this provision does allow for operational assistance funds under the legislation to be used for salaries of those NMVC or SSBIC employees that are providing direct technical assistance to the small enterprise. NMVCs and SSBICs that use their own staff to provide the necessary direct assistance to smaller enterprises may be reimbursed for the direct cost of staff out of grant funds, but only to the extent such costs are allocable to the operational assistance.

This section also requires the NMVC companies to document in their operation plan the extent to which they intend to use licensed professionals (e.g., licensed attorneys and Certified Public Accountants) when providing technical assistance that requires such expertise. This ensures that the NMVC companies will provide the best assistance possible to the small business concerns. It is not meant to be construed as requirement that licensed professional are sole persons to provide such assistance, but their use is encouraged is highly technical situations.

Evidence presented to the Congress by the community development venture capital advocates indicates that providing technical assistance to a small business dramatically increases that business' chance of success. The Congress wishes to ensure that all small businesses receiving technical assistance under this program will receive the best technical assistance available. We believe this will further increase the businesses' chances of success.

Section 359. Bank participation

Allows any national bank, and any member bank of the Federal Reserve System to invest in an NMVC company formed under this legislation so long as the investment would not exceed 5 percent of the capital and surplus of the bank.

Banks that are not members of the federal Reserve system are allowed to invest in an NMVC company formed under this legislation so long as such investment is allowed under applicable State law, and so long as the investment would not exceed 5 percent of the capital and surplus of the bank.

Section 360. Federal financing bank

Establishes that Section 318 of the Small Business Investment Act does not apply to any NMVC Company created under this legislation.

Section 361. Reporting requirements

Establishes reporting requirements for the NMVC Companies. Specifically, the NMVC companies are required to provide to SBA such information as the Administration requires, including: information related to the measurement criteria that the NMVC proposed in its program application; and, for each case in which the NMVC makes an investment or a grant to a business located outside of an LMI area, a report on the number and percentage of employees of the business who reside in an LMI area.

Section 362. Examinations

Requires that each NMVC company shall be subjected to examinations made at the direction of the Investment Division of SBA. This section allows for examinations to be conducted with the assistance of a private sector entity that has both the necessary qualifications and expertise.

It is the intent of the Committee that the oversight of the NMVC program be modeled after that developed for the SBIC program and administered by SBA's Investment Division. Oversight should include a close working relationship between SBA analysts and NMVC management teams, detailed reporting requirements, frequent on-site examinations to evaluate performance and conformance with the operating plan, and careful analysis of the firm's economic impact.

Section 363. Injunctions and other orders

Grants SBA the power of injunction over NMVC companies and the authority to act as a trustee or receiver of a company if appointed by a court.

This section of the legislation closely tracks the existing injunction provision (Section 311) of the Small Business Investment Act of 1958. Again, it is the Committee's intent that oversight of the NMVC program be modeled after that developed for the SBIC program and administered by SBA's Investment Division. This oversight should include a close working relationship between SBA analysts and NMVC management teams, detailed reporting requirements, frequent on-site examinations to evaluate performance and conformance with the operating plan, and careful analysis of the firm's economic impact.

Section 364. Additional penalties for noncompliance

Grants SBA or the Attorney General the authority to file a cause of action against an NMVC company for non-compliance. Should a court find that a company violated or failed to comply with provisions of this legislation or other provisions of the Small Business Investment Act of 1958, this section grants SBA the authority to void the participation agreement between the company and the SBA.

Section 365. Unlawful acts and omissions; breach of fiduciary duty

Defines what is to be considered as a violation of this legislation, who is considered to have a fiduciary duty, and who is ineligible to serve as an officer, director, or employee of any NMVC company because of unlawful acts.

This section of the legislation closely tracks the unlawful acts provision (Section 314) of the Small Business Investment Act of 1958. It is the Committee's intent to grant SBA the same authority over NMVC companies that it has over Small Business Investment Companies with respect to unlawful acts and the breach of fiduciary responsibility.

Section 366. Removal or suspension of directors or officers

Grants SBA the authority to use the procedures set forth in Section 313 of the Small Business Investment Act of 1958 to remove or suspend any director or officer of an NMVC company.

Section 367. Regulations

Authorizes the Small Business Administration to issue such regulations as it deems necessary to carry out the provisions of the legislation.

Section 368. Authorization of appropriations

Authorizes appropriations for the Program for Fiscal Years 2001 through 2006. This section authorizes such subsidy budget authority as necessary to guarantee $150,000,000 of debentures and $30,000,000 to make operational assistance grants.

The Committee estimates that the Program will only require a one-time appropriation of $45 million—$15 million for loan guarantees and $30 million for operational assistance grants. This $15 million will allow SBA to back $150 million in loans to small business in low- or moderate-income areas.

Section 368(c). Conforming amendment

Makes a conforming change to the Small Business Investment Act of 1958 to account for the changes made by this legislation.

Section 368(d). Calculation of maximum amount of SBIC leverage

Allows Small Business Investment Companies ("SBICs") to obtain additional access to leverage outside the statutory caps. The exemption of the SBICs, however, is limited only to investments they make in LMI areas.

This section provides that investments made in LI areas will not apply against the leverage cap of the individual SBIC as long as the total amount invested through the program does not exceed 50% of the SBIC's paid-in capital.

Section 368(e). Bankruptcy exemption for new markets venture capital companies

Adds NMVC companies to the list of entities that may not be considered a debtor under a Title 11 bankruptcy proceeding.

Section 368(f). Federal savings associations

Amends the "Home Owners Loan Act" to allow federal savings associations to invest in an NMVC company formed under this legislation so long as the investment would not exceed 5 percent of the capital and surplus of the savings association.

SEC. 903. BUSINESSLINC

H.R. 5545, also establishes the BusinessLINC program, designed to promote business growth in inner cities and economically distressed rural areas by matching large and small firms into business-to-business partnering and mentoring relationships. BusinessLinc would accomplish this by providing seed funding to third party entities such as local Chambers of Commerce to promote such relationships. In addition to seed funding, such entities will also receive funds for technical assistance programs to small businesses to supplement the mentor-protégé relationships established as a result of BusinessLINC.

BusinessLINC helps businesses by providing online information and a database of companies that are interested in mentor-protégé programs.

Grants may be made to a coalition/combination of private and public entities only if the coalition/combination provides an amount, either in kind or in cash, equal to the grant amount for the purposes above.

Despite the unprecedented economic prosperity we are experiencing in this country, there are several areas of the country that have still not achieved parity. These areas are primarily inner cities, rural areas, and Native American communities. BusinessLINC will enable business opportunities for small businesses who would otherwise have no access to outside larger markets. While these small businesses have strong potential, they are located in communities where corporate America would not necessarily look. BusinessLINC will break that barrier. When the BusinessLINC model has been applied in the past, small businesses have seen growth as much as 45 percent. With this assistance, the local community will be charting its own path to recovery. The "LINC" in BusinessLINC stands for "Learning, Information, Networking, and Collaboration."

SECTION BY SECTION ANALYSIS

Section 1. Short title

Designates the bill as the "BusinessLINC Act of 2000."

Section 2. Authorization

This Section amends the Small Business Act by Adding a new paragraph (m), "BusinessLINC grants and cooperative agreements."

Paragraph (1) allows the Administrator to make grants or enter into cooperative agreements with any coalition/combination of private and/or public entities to (a) promote business-to-business relationships between large and small businesses and (b) to provide online information and a database of companies that are interested in mentor-protégé programs.

It is the opinion of the Conference that private and/or public entities eligible for grants should be limited to chambers of commerce and other not-for-profit business organizations. The Conferees intend that grant money be provided to large businesses. Further, if a grant is made to a combination of entities, one entity must take a lead position.

It is further the opinion of the Conference that promotion of business-to-business relationships between large and small businesses referenced in paragraph (a) above should include the facilitation of such relationships as mentor-protégé, prime/subcontractor, and teaming.

The Conference intends that an element to be considered by the Administrator when evaluating a grant proposal, shall be the training of small businesses or "proteges." An additional evaluation element intended by the Conference shall be measurable goals to be achieved through the business-to-business partnerships.

The Conference further intends that the online database referenced in paragraph (b) above, should make use of the SBA's current PRO-Net database to the greatest extent practicable. The Conference is concerned that online privacy issues should also be addressed by the SBA in the implementation of the databases. Further, it is the Committee's opinion that the databases should be vigilantly maintained by the SBA to ensure that only firms eligible to be mentors should be included in the mentor database, and only those firms eligible to serve as intermediaries should be included in the intermediary database.

Paragraph (2) specifies that the Administrator may make grants as long as the coalition/combination of public and/or private entities provides an amount, either in kind or in cash, equal to the grant amount for the purposes delineated in paragraph (1) above.

The Conference is well aware that it may be difficult for some entities to raise their entire match during the application stage. Those entities that are unable to raise the required match, but have submitted to the Administrator a reasonable plan to meet the requirement, may be granted a conditional approval from the Administrator and be allowed to draw one dollar of federal matching funds for every dollar of private funds raised. This conditional approval shall be made with the expectation that the required funding commitments will be obtained within two years of the conditional approval.

The Conference believes that it is important to give entities the flexibility to obtain the required private operational assistance funds, however, from a safety and soundness standpoint, federal funds should not be placed at greater risk than private capital.

Paragraph (3) specifies the authorization for the program for fiscal years 2001 through 2003. This amount shall be $6,600,000 for each of the three fiscal years.

JIM TALENT,
DICK ARMEY,
Managers on the Part of the House.

CHRISTOPHER BOND,
CONRAD BURNS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–1005)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4942) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Section 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5547, as introduced on October 25, 2000.

(2) H.R. 5548, as introduced on October 25, 2000.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the text of the bills referred to in subsection (a) of this section.

And the Senate agree to the same.

ERNEST J. ISTOOK, Jr.,
RANDY "DUKE" CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
C.W. BILL YOUNG,
Managers on the Part of the House.
KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
RICHARD J. DURBIN,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes more than the District of Columbia Appropriations Act, 2001. The conference agreement has been expanded to include the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as well as the District of Columbia Appropriations Act, 2001. Both of these Acts have been enacted into law by reference in this conference report; however, a copy of the referenced legislation has been included in this statement for convenience.

DISTRICT OF COLUMBIA APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5547 as introduced on October 25, 2000. The text of that bill follows:

A BILL Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-

of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

Federal Payment for Incentives for Adoption of Children

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.".

Federal Payment to the Chief Financial Officer of the District of Columbia

For a Federal payment to the Chief Financial Officer of the District of Columbia, $1,250,000, of which $250,000 shall be for payment to a mentoring program and for hotline services; $250,000 shall be for payment to a youth development program with a character building curriculum; $250,000 shall be for payment to a basic values training program; and $500,000, to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall.

Federal Payment for Commercial Revitalization Program

For a Federal payment to the District of Columbia, $1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: Provided further, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

Federal Payment to the District of Columbia Public Schools

For a Federal payment to the District of Columbia Public Schools, $500,000: Provided, That $250,000 of said amount shall be used for a program to reduce school violence: Provided further, That $250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

Federal Payment to the Metropolitan Police Department

For a Federal payment to the Metropolitan Police Department, $100,000: Provided, That said funds shall be used to fund a youth safe haven police mini-station for mentoring high risk youth.

Federal Contribution to Covenant House Washington

For a Federal contribution to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, $500,000.

Federal Payment to the District of Columbia Corrections Trustee Operations

For salaries and expenses of the District of Columbia Corrections Trustee, $134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $105,000,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,409,000; for the District of Columbia Superior Court, $71,121,000; for the District of Columbia Court System, $17,890,000; $5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and $3,325,000, including $825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: Provided, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

Defender Services in District of Columbia Courts

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,387,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC–99–226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the House and Senate Appropriations Committees on the status of these reforms.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $112,527,000, of which $67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $18,778,000 shall be transferred to the Public Defender Service; and $26,228,000 shall be available to the Pretrial Services Agency: Provided, That of the amount provided under this heading, $17,854,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and $836,000 of the $17,854,000 referred to in this proviso is for the Public Defender Service: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, *the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.*

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, $1,000,000: Provided, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: Provided further, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: Provided further, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

FEDERAL PAYMENT FOR PLAN TO SIMPLIFY EMPLOYEE COMPENSATION SYSTEMS

For a Federal payment to the Mayor of the District of Columbia for a contract for the study and development of a plan to simplify the compensation systems, schedules, and work rules applicable to employees of the District government, $250,000: Provided, That under the terms of the contract the plan shall include (at a minimum) a review of the current compensation systems, schedules, and work rules applicable to such employees; a review of the best practices regarding the compensation systems, schedules, and work rules of State and local governments and other appropriate organizations; a proposal for simplifying the systems, schedules, and rules applicable to employees of the District government; and the development of strategies for implementing such proposal, including an identification of any statutory, contractual, or other barriers to implementing the proposal and an estimated time frame for implementing the proposal: Provided further, That under the terms of the contract the contractor shall submit the plan to the Mayor and to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That the Mayor shall develop a proposed solicitation for the contract not later than 90 days after the date of the enactment of this Act and shall submit a copy of the proposed solicitation to the Comptroller General for review at least 90 days prior to the issuance of such solicitation: Provided further, That not later than 45 days after receiving the proposed solicitation from the Mayor, the Comptroller General shall review the solicitation to ensure that it adequately addresses all of the necessary elements described under this heading and report to the Committees on Appropriations of the House of Representatives and Senate on the results of this review: Provided further, That for purposes of this contract the term "District government" has the meaning given such term in section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–393(5), D.C. Code), except that such term shall not include the courts of the District of Columbia and shall include the District of Columbia Financial Responsibility and Management Assistance Authority.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority [WMATA], a contribution of $25,000,000, to remain available until expended, to design and build a Metrorail station located at New York and Florida Avenues, Northeast: Provided, That prior to the release of said funds from the U.S. Treasury, the District of Columbia shall set aside an additional $25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide $25,000,000: Provided further, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: Provided, That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: Provided further, That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: Provided further, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities; $5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $500,000 to be used for the network of satellite pediatric health clincs for children and families in underserved neighborhoods and communities in the District of Columbia.

CHILD ADVOCACY CENTER

For a Federal contribution to the Child Advocacy Center for its Safe Shores program, $500,000.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $1,000,000.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS

For a Federal contribution to the District of Columbia Special Olympics, $250,000.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 126 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $5,677,379,000 (of which $172,607,000 shall be from intra-District funds and $3,250,783,000 shall be from local funds): Provided further, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia: Provided further, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2): Provided further, That none of the funds contained in this Act or any other funds available to the Authority or any other entity of the District of Columbia government from any source (including any accounts of the Authority) may be used for any payments (including but not limited to severance or bonus payments, and payments under agreements in effect before the enactment of this Act) to any individual upon or following the individual's separation from employment with the Authority (other than a payment of the individual's regular salary for services performed prior to separation or a payment for unused annual leave accrued by the individual), except that an individual who is employed by the Authority during the entire period which begins on the date of the enactment of this Act and ends on September 30, 2001, may receive a severance payment after such date in an aggregate amount which does not exceed the product of 200 percent of the indtvidual's average weekly salary during the final 12-month period (or portion thereof) during which the individual was employed by the Authority and the number of full years during which the individual was employed by the Authority.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $195,771,000 (including $162,172,000 from local funds, $20,424,000 from Federal funds, and $13,175,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues *from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: Provided further, That, effective September 30, 2000, section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1531) is amended by inserting ", to remain available until expended," after "$5,000,000": Provided further, That not later than March 1, 2001, the Chief Financial Officer of the District of Columbia shall submit a study to the Committees on Appropriations of the House of Representatives and Senate on the merits and potential savings of privatizing the operation and administration of St. Elizabeths Hospital.*

Economic Development and Regulation

Economic development and regulation, $205,638,000 (including $53,562,000 from local funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government $762,546,000 (including $591,565,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

Public Education System

Public education system, including the development of national defense education programs, $998,918,000 (including $824,867,000 from local funds, $147,643,000 from Federal funds, and $26,408,000 from other funds), to be allocated as follows: $769,943,000 (including $629,309,000 from local funds, $133,490,000 from Federal funds, and $7,144,000 from other funds), for the public schools of the District of Columbia; $200,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,679,000 from local funds for the State Education Office, $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $105,000,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That the District of Columbia public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: Provided further, That the quarterly payment of October 15, 2000, shall be fifty (50) percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31–2853.43(A)(2)(D); Public Law 104–134, as amended): Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs:' Provided further, That $76,433,000 (including $44,691,000 from local funds, $13,199,000 from Federal funds, and $18,543,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $200,000 is allocated for the East of the River Campus Assessment Study, $1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, $500,000 for the Adult Education State Plan, $650,000 for The Saturday Academy Pre-College Program, and $481,000 for the Strengthening of Academic Programs; and $26,459,000 (including $25,208,000 from local funds, $550,000 from Federal funds and $701,000 other funds) for the Public Library: Provided further, That the $1,020,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and $119,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,204,000 (including $1,780,000 from local funds, $404,000 from Federal funds and $20,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That $2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: Provided further, That $50,000 is allocated to fund a conference on learning support for children ages 3-4 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: Provided further, That no local funds in this Act shall be used to administer a *system-wide standardized test more than once in FY 2001: Provided further, That no less than $436,452,000 shall be expended on local schools through the Weighted Student Formula: Provided further, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That the District of Columbia Public Schools shall spend $250,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: Provided further, That the District of Columbia Public Schools shall spend $250,000 to implement a Failure Free Reading program in the District's public schools: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2001, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2002: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2001, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2002.*

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,535,654,000 (including $637,347,000 from local funds, $881,589,000 from Federal funds, and $16,718,000 from other funds): Provided, That $25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): Provided further, That $1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: $250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and $1,000,000 shall be paid in equal monthly installments by the 15th day of each month: Provided further, That $400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That $7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: Provided further, That notwithstanding any other provision of law, to augment the District of Columbia subsidy for the District of Columbia Health and Hospitals Public Benefit Corporation, the District of Columbia may transfer from other non-Federal funds appropriated under this Act to the Human Support Services appropriation under this Act an amount not to exceed $90,000,000 for the purpose of restructuring the delivery of health services in the District of Columbia: Provided further, That such restructuring shall be pursuant to a restructuring plan approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Board of Directors of the Public Benefit Corporation: Provided further, That—

(1) the restructuring plan reduces personnel levels of D.C. General Hospital and of the Public Benefit Corporation consistent with the reduction in force set forth in the August 25, 2000, resolution of the Board of Directors of the Public Benefit Corporation regarding personnel structure, by reducing personnel by at least 500 full-time equivalent employees, without replacement by contract personnel;

(2) no transferred funds are expended until 10 calendar days after the restructuring plan has received final approval and a copy evidencing final approval has been submitted by the Mayor to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate; and

(3) the plan includes a certification that the plan does not request and does not rely upon any current or future request for additional appropriation of Federal funds.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $278,242,000 (including $265,078,000 from local funds, $3,328,000 from Federal funds, and $9,836,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $100,000 shall be available for a commercial sector recycling initiative, $250,000 to initiate a recycling education campaign, $10,000 for community clean-up kits, $190,000 to restore a 3.5 percent vacancy rate in Parking Services, $170,000 to plant 500 trees, $118,000 for two water trucks, $150,000 for contract monitors and parking analysts within Parking Services, $1,409,000 for a neighborhood cleanup initiative, $1,000,000 for tree maintenance, $600,000 for an anti-graffiti program, $226,000 for a hazardous waste program, $1,260,000 for parking control aides, and $400,000 for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds).

RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $150,000,000 from local funds: Provided, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under this Act has been fully funded for fiscal year 2001 pursuant to section 450A of the District of Columbia Home Rule Act as set forth herein.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, $243,238,000 from local funds: Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $2,000,000 is allocated to the Metropolitan Police Department, $4,300,000 for the Fire and Emergency Medical Services Department, $1,622,000 for the Public Library, $2,010,000 for the Department of Parks and Recreation, $7,500,000 for the Department of Public Works, and $1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $5,961,000 from local funds, previously appropriated in this Act as a Federal payment, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,409,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $2,675,000 from local funds.

Management Supervisory Service

For management supervisory service, $13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

Tobacco Settlement Trust Fund Transfer Payment

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Financing and Trust Fund Amendment Act of 2000, there is transferred the amount available pursuant thereto, but not to exceed $61,406,000, to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; to be codified at D.C. Code, sec. 6–135), to be spent pursuant to local law.

Operational Improvements Savings (Including Managed Competition)

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions ,of $10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

Management Reform Savings

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

Cafeteria Plan Savings

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of $5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority and the Washington Aqueduct

For operation of the Water and Sewer Authority and the Washington Aqueduct, $275,705,000 from other funds (including $230,614,000 for the Water and Sewer Authority and $45,091,000 for the Washington Aqueduct) of which $41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $223,200,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Sports and Entertainment Commission

For the Sports and Entertainment Commission, $10,968,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

District of Columbia Health and Hospitals Public Benefit Corporation

(Including Transfer of Funds)

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212 (D.C. Code, sec. 32–262.2), $123,548,000, of which $45,313,000 shall be derived by transfer from the general fund, and $78,235,000 from other funds: Provided, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading until a restructuring plan for D.C. General Hospital has been approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the Authority, the Chief Financial Officer of the District of Columbia, and the Chair of the Board of Directors of the Corporation: Provided further, That for each payment or group of payments made by or on behalf of the Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of any provision of this Act: Provided further, That more than one payment may be covered by the same affidavit under the previous proviso, but a single affidavit may not cover more than one week's worth of payments: Provided further, That it shall be unlawful for any person to order any other person to sign any affidavit required under this heading, or for any person to provide any signature required under this heading on such an affidavit by proxy or by machine, computer, or other facsimile device.

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), $1,808,000 from other funds.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $52,726,000 from other funds.

Capital Outlay

(Including Rescissions)

For construction projects, an increase of $1,077,282,000 of which $806,787,000 is from local funds, $66,446,000 is from highway trust funds, and $204,049,000 is from Federal funds, and a rescission of $55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,022,074,000 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

General Provisions

Sec. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

Sec. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

Sec. 104. (a) Requiring Mayor to Maintain Index.—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) Public Inspection.—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) Contracts Exempted.—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) District Government Defined.—In this section, the term "District government" means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 105. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 106. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 107. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 108. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 109. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 110. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 111. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed two percent of the local funds in the appropriation.

SEC. 112. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 113. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 114. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 115. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 116. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 117. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 118. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 119. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 120. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

"(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

"(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding $25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

"(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.".

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31–2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking "AUTHORITY" and inserting "ELIGIBLE CHARTERING AUTHORITY";

(B) in clause (i), by striking "Authority" and inserting "eligible chartering authority"; and

(C) by amending clause (ii) to read as follows:

"(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.".

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31–2853.20, D.C. Code) is amended by adding at the end the following new subsection:

"(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31–2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.".

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31–2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31–2853.13(h)(2), D.C. Code) is amended by striking "(17).".

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31–2853.43, D.C. Code) is amended by adding at the end the following new subsection:

"(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.".

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31–2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) PARTICIPATION IN GSA PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

"(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1).".

SEC. 121. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. (a) The Superintendent of the District of Columbia Public Schools (DCPS) and the University of the District of Columbia (UDC) shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education;

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 122. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

SEC. 123. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 124. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 125. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 126. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 127. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 128. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 129. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–625.7), is amended as follows:

(1) Subsection (a) is amended by striking "September 30, 2000" and inserting "September 30, 2000, and each subsequent fiscal year".

(2) Subsection (b) is amended by striking "Prior to February 1, 2000" and inserting "Prior to February 1 of each year".

(3) Subsection (i) is amended by striking "March 1, 2000" and inserting "March 1 of each year".

(4) Subsection (k) is amended by striking "September 1, 2000" and inserting "September 1 of each year".

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 130. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 131. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 132. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 133. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which *seeks to require Congress to provide for voting representation in Congress for the District of Columbia.*

SEC. 134. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 135. Subsection 3(e) of Public Law 104–21 (D.C. Code sec. 7–134.2(e)) is amended to read as follows:

"(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1 thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31 thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.".

SEC. 136. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 137. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 138. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 139. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 140. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 141. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings, including managed competition, and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 142. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 143. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 144. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 145. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24–1232, D.C. Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

"(f) TREATMENT AS FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government, solely for purposes of the following provisions of title 5, United States Code:

"(A) Chapter 83 (relating to retirement).

"(B) Chapter 84 (relating to the Federal Employees' Retirement System).

"(C) Chapter 87 (relating to life insurance).

"(D) Chapter 89 (relating to health insurance).

"(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

"(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

"(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

"(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

"(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 146. It is the sense of the Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 147. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 148. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 149. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 150. (a) Effective 120 days after the date of the enactment of this Act, it shall be unlawful for any person to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private elementary or secondary school (including a public charter school). It is stipulated that based on a survey by the Metropolitan Police Department of the District of Columbia that sites at 4th Street Northeast and Rhode Island Avenue Northeast, Southern Avenue Southeast and Central Avenue Southeast, 1st Street Southeast and M Street Southeast, 21st Street Northeast and H Street Northeast, Minnesota Avenue Northeast and Clay Place Northeast, and 15th Street Southeast and Ives Street Southeast are outside the 1000-foot perimeter. Sites at North Capitol Street and New York Avenue Northeast, Division Avenue Northeast and Foote Street Northeast, Georgia Avenue Northwest and New Hampshire Avenue Northwest, and 15th Street Northeast and A Street Northeast are found to be within the 1000-foot perimeter.

(b) The Public Housing Police of the District of Columbia Housing Authority shall prepare a monthly report on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted, and shall submit such reports to the Executive Director of the District of Columbia Housing Authority, who shall submit them to the Committees on Appropriations of the House of Representatives and Senate. The Executive Director shall ascertain any concerns of the residents of any public housing site about any needle exchange program conducted on or near the site, and this information shall be included in these reports. The District of Columbia Government shall take appropriate action to require relocation of any such program if so recommended by the police or by a significant number of residents of such site.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of $100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

"SECTION 1. BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS.

"(a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

"(b) EXCEPTIONS.—

"(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

"(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

"(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

"(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

"(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

"(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

"(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.".

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 152. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 153. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 154. (a) IN GENERAL.—The District of Columbia Home Rule Act, as amended by section 159(a) of this Act, is further amended by inserting after section 450A the following new section:

"COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

"SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

"(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

"(1) A cash management policy.

"(2) A debt management policy.

"(3) A financial asset management policy.

"(4) An emergency reserve management policy in accordance with section 450A(a).

"(5) A contingency reserve management policy in accordance with section 450A(b).

"(6) A policy for determining real property tax exemptions for the District of Columbia.

"(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

"(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) for review;

"(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia (Council) for approval; and

"(3) not later than September 1 of each year, notify the Committees on Appropriations of the

Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council.

"(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—

"(1) CHIEF FINANCIAL OFFICER.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to this section.

"(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council for its prompt review and adoption.

"(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the Authority for a review of not to exceed 30 days.

"(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review, and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.".

(b) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450A the following new item:

"Sec. 450B. Comprehensive financial management policy.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 155. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47–317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: "Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect."; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: "upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.".

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47–317.3, D.C. Code) is amended—

(A) in the heading, by striking "DURING A CONTROL YEAR";

(B) in the matter preceding paragraph (1), by striking "During a control year, the Chief Financial Officer" and inserting "The Chief Financial Officer";

(C) in paragraph (1), by striking "Preparing" and inserting "During a control year, preparing";

(D) in paragraph (3), by striking "Assuring" and inserting "During a control year, assuring";

(E) in paragraph (5), by striking "With the approval" and all that follows through "the Council—" and inserting "Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—";

(F) in paragraph (11), by striking "or the Authority" and inserting "(or by the Authority during a control year)"; and

(G) by adding at the end the following new paragraphs:

"(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

"(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

"(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(21) Administering the centralized District government payroll and retirement systems.

"(22) Governing the accounting policies and systems applicable to the District government.

"(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).".

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking "or subsection (d)"; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 156. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

SEC. 157. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100–71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the "agency") may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100–71 or 12 months after the date referred to in paragraph (1), whichever is later.

SEC. 158. Commencing October 1, 2000, the Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 159. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

"RESERVE FUNDS

"SEC. 450A. (a) EMERGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2001, 1 percent.

"(ii) For fiscal year 2002, 2 percent.

"(iii) For fiscal year 2003, 3 percent.

"(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve

fund which shall include (but which may not be limited to) the following requirements:

"(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–707) or unexpected obligations by Federal law.

"(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6–1504, D.C. Code).

"(C) The emergency reserve fund may not be used to fund—

"(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

"(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

"(iii) settlements and judgments made by or against the Government of the District of Columbia.

"(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

"(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

"(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

"(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

"(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated from local funds for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

"(b) CONTINGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated from local funds for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2005, 1 percent.

"(ii) For fiscal year 2006, 2 percent.

"(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

"(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

"(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

"(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

"(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated from local funds for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

"(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.".

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

"Sec. 450A. Reserve funds.".

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), D.C. Code) is amended—

(A) in paragraph (1), by striking "Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act" and inserting "For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year"; and

(B) by adding at the end the following new paragraph:

"(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the $150,000,000 balance.".

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47–392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

TREATMENT OF REVENUE BONDS SECURED BY TOBACCO SETTLEMENT PAYMENTS

SEC. 160. (a) PERMITTING COUNCIL TO DELEGATE AUTHORITY TO ISSUE BONDS.—

(1) IN GENERAL.—Section 490 of the District of Columbia Home Rule Act (sec. 47–334, D.C. Code) is amended—

(A) by redesignating subsections (i) through (m) as subsections (j) through (n); and

(B) by inserting after subsection (h) the following new subsection:

"(i)(1) The Council may delegate to the District of Columbia Tobacco Settlement Financing Corporation (hereafter in this subsection referred to as the "Corporation") established pursuant to the Tobacco Settlement Financing Act of 2000 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations which are used to borrow money to finance or assist in the financing or refinancing of capital projects and other undertakings of the District of Columbia and which are payable solely from and secured by payments under the Master Tobacco Settlement Agreement. The Corporation may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection and the provisions of the Tobacco Settlement Financing Act of 2000.

"(2) Revenue bonds, notes, and other obligations issued by the Corporation under a delegation of authority described in paragraph (1) shall be issued by resolution of the Corporation, and any such resolution shall not be considered to be an act of the Council.

"(3) The fourth sentence of section 446 shall not apply to—

"(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

"(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

"(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

"(D) any amount obligated or expended for repair, maintenance, and capital improvements

to facilities financed pursuant to this subsection.

"(4) In this subsection, the term 'Master Tobacco Settlement Agreement' means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998, by the District of Columbia and leading United States tobacco product manufacturers.".

(2) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 47-304, D.C. Code) is amended by striking "and (h)(3)" and inserting "(h)(3), and (i)(3)".

(b) WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR TOBACCO SETTLEMENT FINANCING ACT.—Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Tobacco Settlement Financing Act of 2000 (title XXXVII of D.C. Act 13-375, as amended by section 8(e) of D.C. Act 13-387) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 161. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended—

(1) by amending the second sentence of paragraph (2)(B) to read as follows: "Of such amounts and proceeds, $5,000,000 shall be set aside for a credit enhancement fund for public charter schools in the District of Columbia, to be administered and disbursed in accordance with paragraph (3)."; and

(2) by adding at the end the following new paragraph:

"(3) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

"(A) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

"(i) 50 percent shall be used to make grants under subparagraph (B); and

"(ii) 50 percent shall be used to make grants under subparagraph (C).

"(B) GRANTS TO ELIGIBLE NONPROFIT CORPORATIONS.—

"(i) IN GENERAL.—Using the amounts described in subparagraph (A)(i), not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001, the Mayor of the District of Columbia shall make and disburse grants to eligible nonprofit corporations to carry out the purposes described in subparagraph (E).

"(ii) ADMINISTRATION.—The Mayor shall administer the program of grants under this subparagraph, except that if the committee described in subparagraph (C)(iii) is in operation and is fully functional prior to the date the Mayor makes the grants, the Mayor may delegate the administration of the program to the committee.

"(C) OTHER GRANTS.—

"(i) IN GENERAL.—Using the amounts described in subparagraph (A)(ii), the Mayor of the District of Columbia shall make grants to entities to carry out the purposes described in subparagraph (E).

"(ii) PARTICIPATION OF SCHOOLS.—A public charter school in the District of Columbia may receive a grant under this subparagraph to carry out the purposes described in subparagraph (E) in the same manner as other entities receiving grants to carry out such activities.

"(iii) ADMINISTRATION THROUGH COMMITTEE.—The Mayor shall carry out this subparagraph through the committee appointed by the Mayor under the second sentence of paragraph (2)(B) (as in effect prior to the enactment of the District of Columbia Appropriations Act, 2001). The committee may enter into an agreement with a third party to carry out its responsibilities under this subparagraph.

"(iv) CAP ON ADMINISTRATIVE COSTS.—Not more than 10% of the funds available for grants under this subparagraph may be used to cover the administrative costs of making grants under this subparagraph.

"(D) SPECIAL RULE REGARDING ELIGIBILITY OF NONPROFIT CORPORATIONS.—In order to be eligible to receive a grant under this paragraph, a nonprofit corporation must provide appropriate certification to the Mayor or to the committee described in subparagraph (C)(iii) (as the case may be) that it is duly authorized by two or more public charter schools in the District of Columbia to act on their behalf in obtaining financing (or in assisting them in obtaining financing) to cover the costs of activities described in subparagraph (E)(i).

"(E) PURPOSES OF GRANTS.—

"(i) IN GENERAL.—The recipient of a grant under this paragraph shall use the funds provided under the grant to carry out activities to assist public charter schools in the District of Columbia in—

"(I) obtaining financing to acquire interests in real property (including by purchase, lease, or donation), including financing to cover planning, development, and other incidental costs;

"(II) obtaining financing for construction of facilities or the renovation, repair, or alteration of existing property or facilities (including the purchase or replacement of fixtures and equipment), including financing to cover planning, development, and other incidental costs; and

"(III) enhancing the availability of loans (including mortgages) and bonds.

"(ii) NO DIRECT FUNDING FOR SCHOOLS.—Funds provided under a grant under this subparagraph may not be used by a recipient to make direct loans or grants to public charter schools.".

SEC. 162. (a) EXCLUSIVE AUTHORITY OF MAYOR.—Notwithstanding section 451 of the District of Columbia Home Rule Act or any other provision of District of Columbia or Federal law to the contrary, the Mayor of the District of Columbia shall have the exclusive authority to approve and execute leases of the Washington Marina and the Washington municipal fish wharf with the existing lessees thereof for an initial term of 30 years, together with such other terms and conditions (including renewal options) as the Mayor deems appropriate.

(b) DEFINITIONS.—In this section—

(1) the term "Washington Marina" means the portions of Federal property in the Southwest quadrant of the District of Columbia within Lot 848 in Square 473, the unassessed Federal real property adjacent to Lot 848 in Square 473, and riparian rights appurtenant thereto; and

(2) the term "Washington municipal fish wharf" means the water frontage on the Potomac River lying south of Water Street between 11th and 12th Streets, including the buildings and wharves thereon.

SEC. 163. Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)(4)(A)) is amended—

(1) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively; and

(2) by inserting after clause (v) the following:

"(vi) immediately upon completing the remediation required under clause (ii) (but in no event later than June 1, 2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the condition that the County use the property only for educational purposes;".

SEC. 164. (a) Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1-1182.8(a), D.C. Code) is amended—

(1) in paragraph (4)(A), by striking "the same auditor)" and inserting "the same auditor, except as may be provided in paragraph (5)); and

(2) by adding at the end the following new paragraph:

"(5) Notwithstanding paragraph (4)(A), an auditor who is a subcontractor to the auditor who audited the financial statement and report described in paragraph (3)(H) for a fiscal year may audit the financial statement and report for any succeeding fiscal year (as either the prime auditor or as a subcontractor to another auditor) if—

"(A) such subcontractor is not a signatory to the statement and report for the previous fiscal year;

"(B) the prime auditor reviewed and approved the work of the subcontractor on the statement and report for the previous fiscal year; and

"(C) the subcontractor is not an employee of the prime contractor or of an entity owned, managed, or controlled by the prime contractor.".

(b) The amendment made by subsection (a) shall apply with respect to financial statements and reports for activities of the District of Columbia Government for fiscal years beginning with fiscal year 2001.

SEC. 165. Section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)) is amended by adding at the end the following new paragraph:

"(6) MEADOWOOD FARM LAND EXCHANGE.—

"(A) IN GENERAL.—If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as 'Meadowood Farm') to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property located at the Lorton Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the 'Laurel Hill Residential Land'), the actual exchange to occur no later than December 31, 2001.

"(B) TERMS AND CONDITIONS.—(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

"(ii) The transfer of property to Fairfax County, Virginia, under clause (i) shall be subject to such terms and conditions that the Administrator of General Services considers to be appropriate to protect the interests of the United States.

"(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County's cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii).

"(C) MANAGEMENT OF PROPERTY.—The property transferred to the Secretary of the Interior *under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.".*

SEC. 166. Section 158(b) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1527) is amended to read as follows:

"(b) SOURCE OF FUNDS; TRANSFER.—An amount not to exceed $5,000,000 from the National Highway System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).".

This Act may be cited as the "District of Columbia Appropriations Act, 2001".

DISTRICT OF COLUMBIA APPROPRIATIONS

Following is explanatory language on H.R. 5547, as introduced on October 25, 2000.

The conferees on H.R. 4942 agree with the matter included in H.R. 5547 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by the conferees on the differences in H.R. 4942. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4942. References to the Senate bill or Senate Amendment mean the Senate passed version of H.R. 4942.

The conference agreement on the District of Columbia Appropriations Act, 2001, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 106–786 and Senate Report 106–409 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement agreed to herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided.

A summary chart appears later in this statement just before the explanations of the general provisions showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation title showing the fiscal year 2000 appropriation, the fiscal year 2001 request, the House and Senate recommendations and the conference allowance.

Federal Funds

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

Appropriates $17,000,000 as proposed by the Senate instead of $14,000,000 as proposed by the House. The conference agreement deletes language limiting administrative expenses to not more than five percent of the appropriation.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

Appropriates $1,250,000 instead of $1,500,000 as proposed by the House. The appropriation includes $250,000 for payment to a mentoring program and for hotline services; $250,000 for payment to a character education initiative; $250,000 for a program to provide basic values training in the local public schools; and $500,000 for the design, construction, and maintenance of a trash rack system to mitigate environmental harm caused by trash carried in city runoff which flows through the National Arboretum via the Hickey Run Watershed into the Anacostia River.

The conferees direct the District's Chief Financial Officer to make the above payments within 30 days of the enactment of this Act as follows: $250,000 to the International Youth Service and Development Corp., for the mentoring program and hotline services; $250,000 to Values First, a 501(c)3 educational organization, to expand their current program that trains District public school teachers in how to instill basic values into the lives of their students; $250,000 to the Best Friends Foundation for the character education initiative; and $500,000 to the National Arboretum for the Hickey Run stormwater outfall project. The conferees do not expect the Chief Financial Officer to administer these programs or get involved in any way with the programs except to ensure that the funds are disbursed promptly and correctly to the proper organizations. The conferees direct that each of the organizations provide an annual report by November 30, 2001, to the Committees on Appropriations of the House and the Senate.

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

Appropriates $1,500,000 as proposed by the Senate to provide offsets against local taxes for a commercial revitalization program in enterprise zones and low and moderate income areas in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Appropriates $500,000 as proposed by the Senate for the District of Columbia Public Schools to be used for programs to reduce school violence and to enhance the reading skills of local public school students.

FEDERAL PAYMENT TO THE METROPOLITAN POLICE DEPARTMENT

Appropriates $100,000 to the Metropolitan Police Department to fund a youth safe haven police mini-station for mentoring high risk youth.

FEDERAL CONTRIBUTION TO COVENANT HOUSE WASHINGTON

Appropriates $500,000 as proposed by the Senate for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CORRECTIONS TRUSTEE OPERATIONS

Appropriates $134,200,000 as proposed by the Senate instead of $134,300,000 as proposed by the House.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriates $105,000,000 instead of $99,500,000 as proposed by the House and $109,080,000 as proposed by the Senate and allocates $7,409,000 for the District of Columbia Court of Appeals instead of $7,709,000 as proposed by the House and the Senate and $71,121,000 for the District of Columbia Superior Court instead of $72,399,000 as proposed by the House and the Senate and $17,890,000 for the Court System instead of $16,892,000 as proposed by the House and $17,892,000 as proposed by the Senate. The appropriated amount includes (1) $5,255,000 to finance a pay adjustment of 8.48 percent for non-judicial employees as proposed by the Senate, and (2) $3,325,000 for capital improvements of which $825,000 is for roofing repairs to the Old Courthouse instead of $2,500,000 for capital improvements as proposed by the House and $5,825,000 for capital improvements of which $825,000 is for roofing repairs to the Old Courthouse as proposed by the Senate. The conference agreement retains the proviso concerning the purchase, installation and operation of an Integrated Justice Information System as proposed by the House.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

Appropriates $34,387,000 as proposed by the House instead of $38,387,000 as proposed by the Senate and makes conforming technical changes.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION

AGENCY FOR THE DISTRICT OF COLUMBIA

Appropriates $112,527,000 as proposed by the Senate instead of $115,752,000 as proposed by House and allocates $67,521,000 for Community Supervision and Sex Offender Registration as proposed by the Senate instead of $69,871,000 as proposed by the House, and $26,228,000 for the Pretrial Services Agency as proposed by the Senate instead of $27,103,000 as proposed by the House. The conference agreement also requires that $17,854,000 of this appropriation, of which $836,000 is for the Public Defender Service, be used to improve pretrial defendant and post-conviction offender supervision, to enhance drug testing and sanctions-based treatment programs and other treatment services, to expand intermediate sanctions and offender reentry programs, to continue planning and design proposals for a residential sanctions center, and to make improvements in the administrative infrastructure including information technology instead of $22,161,000 of which $836,000 is for the Public Defender Service as proposed by the House. The conference agreement inserts language as proposed by the Senate to allow the agency to use funds for the transfer and hire of motor vehicles. The conferees direct that vehicles be provided directly by the General Services Administration and not by a third party leasing company.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

Appropriates $1,000,000 as proposed by the House to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions.

FEDERAL PAYMENT FOR PLAN TO SIMPLIFY EMPLOYEE

COMPENSATION SYSTEMS

Appropriates $250,000 to the Mayor as proposed by the House to contract for the study and development of a plan to simplify the pay and compensation systems and schedules and work rules that currently apply to employees of the District of Columbia. Simplifying the pay and compensation systems and schedules and work rules should result in significant savings to District taxpayers and make the District government's operations more efficient.

The conferees agree that the solicitation for the contract is to provide that any contract awarded under the solicitation require that the contractor submit a plan to the Mayor and the House and Senate Committees on Appropriations that includes, at a minimum, certain specific elements. The first of these is a review of the current pay and compensation systems and schedules and work rules that apply to employees of the District of Columbia. Second, the plan the contractor develops must contain a review of the best practices of state and local governments and other appropriate organizations regarding pay and compensation systems. The conferees recognize that a substantial number of District employees are members of employee unions; therefore, a review of best practices should focus on state and local governments and other organizations that have similarly unionized workforces. Third, the plan must contain a proposal for simplifying pay and compensation systems and schedules that apply to employees of the District of Columbia. Finally, the contractor's plan must contain an estimated timeframe for completion and strategies for implementing the plan, including identification of any statutory, contractual, or other barriers to implementation. Included in the discussion of barriers should be discussion of mitigating strategies and a recognition of the potential barrier of collective bargaining agreements to the successful implementation of a simplified pay system. This section applies to all employees of the District of Columbia, including employees of all independent agencies, school board employees and employees of District agencies currently in receivership and other agencies, but does not apply to employees who work in the District court system.

The Mayor is to develop a proposed solicitation within 90 days of enactment of this Act and submit a copy to the Comptroller General for his review at least 90 days prior to issuance of the proposed solicitation. The Comptroller General shall, within 45 days after receipt of the copy of the proposed solicitation, review it to ensure that it adequately addresses all of the elements required by this section and report to the House and Senate Committees on Appropriations the results of his review. The conferees expect the District government to supplement this amount, if necessary, with local funds, and for the Mayor to allocate the contract cost as he deems appropriate.

METRORAIL CONSTRUCTION

Appropriates $25,000,000 in Federal funds for a contribution to the Washington Metropolitan Area Transit Authority as proposed by the Senate instead of $25,000,000 of which $17,900,000 would be by transfer as proposed by the House and inserts language concerning the release of the funds and the application of 49 U.S.C. 5309(a)(2) to this project as proposed by the Senate. The conferees agree that this contribution is contingent upon the District government setting aside $25,000,000 in its capital budget for the project and establishing a special taxing district for the neighborhood of the proposed Metrorail site to contribute an additional $25,000,000. The conferees note that the commitment of $25,000,000 has not been secured by the establishment of a special taxing district. Until this funding has been secured, the Federal funds appropriated under this heading are to be held by the U.S. Treasury. The conferees agree that this appropriation is not to be considered a one-third contribution to this project and do not plan to revise the Federal contribution to reflect a percentage contribution. The conferees direct the Washington Metropolitan Area Transit Authority to closely monitor the development of this project, especially the cost containment issues, and will hold the Authority responsible and accountable.

FEDERAL PAYMENT FOR NATIONAL MUSEUM OF AMERICAN MUSIC

Deletes the paragraph appropriating $250,000 to the Federal City Council for planning costs for a National Museum of American Music proposed by the House and deleted by the Senate. The conferees have not recommended additional funding for the National Museum of American Music. The President's budget proposal includes $3,000,000 to fund the staff, consultants, design, environmental assessments and preparation of Request for Proposals to complete the planning phase of the museum.

In the District of Columbia Appropriations Act for fiscal year 1999 (Public Law 105–277), the Federal City Council, a private, non-profit organization, received $300,000 to conduct a needs and design study for a National Museum of American Music. Although the needs and design study has not been completed, the scope of the envisioned project has expanded to a multi-million dollar, mixed-use development that would include, in addition to the Museum, performance and entertainment venues, retail and dining facilities, hotels and housing, a performing arts theater, and an elementary school. The Federal City Council and other interested parties have targeted the current Washington Convention Center site as the preferred location for the development.

The conferees have determined that additional funding of the project is premature. First, local District officials have not had an opportunity to review and analyze the proposed project. Nor has the District government made a financial commitment to this project. Also at issue is whether the project envisioned by the Federal City Council constitutes the highest and best use of the real estate under consideration. Finally, the conferees have not been provided with a detailed analysis of the project scope and all potential funding sources.

The conferees direct the General Accounting Office to review the National Museum of American Music project proposal and report to the Committees on Appropriations of the Senate and the House by April 1, 2001, on: (1) total project cost estimates; (2) all potential project funding sources (including local District, Federal, and private funding sources); (3) an analysis of whether the proposed project is suited for the site of the current Convention Center; and (4) whether it constitutes the highest and best use of the property at issue. The conferees encourage the staff of the Library of Congress and the Smithsonian to collaborate with the staff of the Federal City Council in the preparation of this report. The requested data will enable the Committees to more carefully analyze the appropriateness of continued Federal funding.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

Appropriates $3,450,000 for environmental and infrastructure costs at Poplar Point as proposed by the Senate. The conference agreement allocates $2,150,000 for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia and no more than $1,300,000 for infrastructure costs for an entrance to Anacostia Park as proposed by the Senate. The conference action also prohibits the use of any of these funds to purchase private property in the Poplar Point area as proposed by the Senate. The conferees note that in addition to the $3,450,000 provided under this heading, $4,615,000 in Federal funds appropriated for infrastructure needs in Public Law 105–277 (112 Stat. 2681–552.3) has also been allocated to the Poplar Point project.

PRESIDENTIAL INAUGURATION

Appropriates $5,961,000 as proposed by the House instead of $6,211,000 as proposed by the Senate to reimburse the District government for expenses incurred in connection with presidential inauguration activities.

CHILDREN'S NATIONAL MEDICAL CENTER

Appropriates $500,000 for a Federal contribution to the Children's National Medical Center to be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District.

CHILD ADVOCACY CENTER

Appropriates $500,000 for a Federal contribution to the Child Advocacy Center for its Safe Shores program. The conferees are concerned with the inadequate treatment received by young victims of abuse and neglect. Safe Shores is the District's only Child Advocacy Center and serves an ever-growing population of maltreated children in the District of Columbia. Safe Shores is equipped with clinicians trained to work specifically with children to help facilitate resolution and healing for the young victims of abuse and neglect. Safe Shores works with the Metropolitan Police Department and the Child and Family Services Agency as an integral part of the multidisciplinary child welfare team in the District and is vital to effective intervention and case management. The conferees are disturbed by the lack of financial support offered the Center by the District's current administration, particularly in light of recent discoveries by the General Accounting Office of the crisis situation of the District's child welfare system.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

Appropriates $1,000,000 for a Federal contribution to St. Coletta of Greater Washington, Inc., for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction. The facility will be located at 212 M Street, S.E., and will provide vocational and functional life skills training, speech/language therapy, occupational therapy, physical therapy and behavior management to 100 adolescents and 50 adults.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS

Appropriates $250,000 for a Federal contribution to the District of Columbia Special Olympics which provides a year-round 15-sport program serving 2,500 mentally and developmentally disabled children and adults in the District.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

The conference agreement appropriates $100,000 under section 151 of the general provisions to the Metropolitan Police Department on the condition that the District government enacts into law a ban on the possession of tobacco products by minors as specified in section 151. The funds are to be used by the Department to enforce the ban.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

Inserts an additional exception to the spending ceiling for operating expenses to reflect the reserve fund and provides that operating expenses for the District for fiscal year 2001 shall not exceed $5,677,379,000 of which $172,607,000 is from intra-District funds and $3,250,783,000 is from local funds instead $5,689,176,000 of which $192,804,000 is from intra-District funds and $3,245,523,000 is from local funds as proposed by the House and $5,546,536,000 of which $192,804,000 is from intra-District funds and $3,096,383,000 is from local funds as proposed by the Senate. The changes in the amounts reflect actions taken by the conferees in the funding levels under the various appropriation headings.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Appropriates $3,140,000 from other funds instead of $3,140,000 from local funds as proposed by the House and $6,500,000 from other funds as proposed by the Senate. The conference agreement retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House and inserts a proviso that limits severance or bonus payments and payments under agreements in effect before the enactment of this Act to two weeks for each full year of employment with the Authority. The severance payments are only for employees who are employed by the Authority during the entire period which begins on the date of the enactment of this Act and ends on September 30, 2001. An employee who leaves prior to September 30, 2001 is not entitled to any payment other than their regular salary for services performed prior to separation and a payment for unused regular annual leave accrued by the individual. The conferees believe the severance allowance recommended is generous.

GOVERNMENTAL DIRECTION AND SUPPORT

Appropriates $195,771,000 including $162,172,000 from local funds instead of $194,521,000 including $160,922,000 from local funds as proposed by the House and $194,271,000 including $160,672,000 from local funds as proposed by the Senate. The conference agreement deletes (1) the proviso proposed by the Senate regarding the use of freed-up appropriations and (2) the proviso proposed by the House that would have restricted the availability of funds for the Maximus, Inc., revenue recovery services contract GF 98104. The conference agreement includes language that provides the Office of the Chief Technology Officer with small purchase procurement authority of $500,000 as proposed by the House.

Office of the Mayor.—The conference agreement provides $7,467,000 instead of $5,967,000 provided by the House and $7,217,000 provided by the Senate. The allowance recommended by the conferees includes $1,500,000 in Federal funds to remain available until expended as proposed by the Senate for the commercial revitalization program and $250,000 in Federal funds as proposed by the House for the study and development of a plan to simplify the pay and compensation systems and schedules and work rules that currently apply to employees of the District of Columbia. A discussion of the requirements and expectations regarding the plan to simplify the District's pay and compensation systems can be found earlier in this report under "Federal Payment for Plan to Simplify Employee Compensation Systems". The Mayor's request of $10,717,000 was adjusted to exclude $5,000,000 for the one-time appropriation in fiscal year 2000 for the commercial revitalization program. The conference agreement includes language as proposed by the Senate that makes the $5,000,000 available until expended.

Office of the Chief Financial Officer.—The conference agreement includes an increase of $1,250,000 in Federal funds appropriated earlier in this Act for the Office of the Chief Financial Officer instead of $1,500,000 as proposed by the House. The allowance includes $250,000 for payment to a mentoring program and for hotline services; $250,000 for payment to a character education initiative; $250,000 for a program to provide basic values training in the local public schools; and $500,000 for the design, construction, and maintenance of a trash rack system to mitigate environmental harm caused by trash carried in city runoff which flows through the National Arboretum via the Hickey Run Watershed into the Anacostia River. Instructions to the Chief Financial Officer on the payment of these amounts are included under Federal Funds earlier in this report.

St. Elizabeths Hospital.—The conference agreement inserts a proviso that requires the Chief Financial Officer to submit a study by March 1, 2001, to the Committees on Appropriations of the House and the Senate on the merits and potential of privatizing the operation and administration of St. Elizabeths Hospital.

ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement deletes the proviso proposed by the Senate regarding the use of freed-up appropriations.

PUBLIC SAFETY AND JUSTICE

Appropriates $762,546,000 including $591,565,000 from local funds instead of $762,346,000 including $591,365,000 from local funds as proposed by the House and the Senate. The increase of $200,000 reflects two Federal payments of $100,000 each appropriated elsewhere in this Act and described below.

Youth safe haven.—The conference agreement provides $100,000 in Federal funds for a youth safe haven police mini-station program to be established in coordination with the Milton S. Eisenhower Foundation. The program creates youth safe havens in which nonprofit groups work with young people after school in public housing, other low-income neighborhoods and middle schools in the District of Columbia.

Tobacco possession by minors.—The conference agreement provides $100,000 in Federal funds included in section 151 of the general provisions to the Metropolitan Police Department on the condition that the District government enacts into law a ban on the possession of tobacco products by minors as specified in section 151. The funds are to be used by the Department to enforce the ban.

Other.—The conference agreement includes a proviso that caps the number of police officers assigned to the Mayor's security detail at 15 as proposed by the Senate and deletes the proviso proposed by the Senate regarding the use of freed-up appropriations. The conference agreement also deletes the proviso proposed by the Senate concerning Chapter 23 of title 11 of the District of Columbia Code relating to the Office of the Chief Medical Examiner. That proviso is replaced by section 148 under General Provisions .

PUBLIC EDUCATION SYSTEM

Appropriates $998,918,000 including $824,867,000 from local funds as proposed by the Senate instead of $995,418,000 including $821,367,000 from local funds as proposed by the House and deletes the proviso proposed by the Senate regarding the use of freed-up appropriations.

Public schools.—Allocates $769,943,000 including $629,309,000 from local funds for public schools as proposed by the Senate instead of $769,443,000 including $628,809,000 from local funds as proposed by the House. The increase above the House allowance includes $250,000 for a program to reduce school violence and $250,000 for a program to enhance the reading skills of public school students.

College tuition support.—Allocates $17,000,000 from Federal funds appropriated earlier in this Act as proposed by the Senate instead of $14,000,000 from Federal funds appropriated earlier in this Act as proposed by the House.

Public charter schools.—Inserts language as proposed by the Senate requiring quarterly reimbursements to be based on quarterly enrollment reports. The conference agreement includes language as proposed by the House requiring that the quarterly payment of October 15, 2000 to the public charter schools be 50 percent of each public charter school's annual entitlement based on the unaudited October 5 enrollment count. The conference agreement includes language as proposed by the House requiring that the balance of unused allocations for public charter schools be available for public education in accordance with the School Reform Act of 1995. The conference agreement deletes language proposed by the House that would have required the Mayor to convene a task force concerning the School Reform Act of 1995 for the purpose of instituting a funding mechanism for the projected growth of charter schools.

Excel Institute Adult Education Program.—Inserts language as proposed by the House that allows funds allocated to the Institute to be used for construction and to acquire services from the General Services Administration on a reimbursable basis.

Learning support conference.—Deletes the date requirement for a conference on learning support for children ages 3 and 4.

Weighted student formula.—Provides that no less than $436,452,000 is to be expended on local schools through the Weighted Student Formula as proposed by the Senate instead of $389,219,000 as proposed by the House.

Federal funds.—Allocates $250,000 in Federal funds appropriated earlier in this Act for a program to reduce school violence in the District's public schools as proposed by the Senate and $250,000 in Federal funds appropriated earlier in this Act for a program to enhance the reading skills of District public school students as proposed by the Senate.

Evaluation process.—Inserts language concerning the evaluation process for public school employees as a proviso as proposed by the Senate instead of as a general provision (section 145 of House bill) as proposed by the House.

Fiscal year change.—Inserts language that provides advance appropriations on July 1, 2001 to public charter schools and to regular public schools based on the District's proposed budget for fiscal year 2002 as submitted to Congress and requires that the advances be charged against the final amount enacted into law in the fiscal year 2002 District of Columbia Appropriations Act instead of language proposed by the House that would have changed the fiscal year. The language recommended by the conferees will facilitate the operation of the public charter schools and the regular public schools by aligning funding with the programmatic school year that begins July 1, 2001 and ends June 30, 2002.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,535,654,000 including $637,347,000 from local funds instead of $1,532,204,000 including $633,897,000 from local funds as proposed by the House and $1,532,704,000 including $634,397,000 from local funds as proposed by the Senate and changes the heading to reflect the inclusion of transfers in this paragraph. The conference agreement deletes the proviso proposed by the Senate regarding the use of freed-up appropriations.

Brownfield remediation at Poplar Point.—The conference agreement reflects an increase of $3,450,000 from Federal funds previously appropriated in this Act for environmental and infrastructure costs at Poplar Point as proposed by the Senate. The conference agreement allocates $2,150,000 for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia and no more than $1,300,000 for infrastructure costs for an entrance to Anacostia Park as proposed by the Senate. The conference action also prohibits the use of any of these funds to purchase private property in the Poplar Point area as proposed by the Senate. The conferees note that in addition to the $3,450,000 provided under this heading, $4,615,000 in Federal funds appropriated for infrastructure needs in Public Law 105-277 (112 Stat. 2681-552,3) has also been allocated to the Poplar Point project.

Ready, Willing and Able Program.—The conference agreement retains the proviso that provides $1,250,000 be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as proposed by the House.

Hamilton Field.—The conference agreement retains the proviso proposed by the Senate that authorizes the District of Columbia to enter into a long-term lease of Hamilton Field with Gonzaga College High School in exchange for Gonzaga introducing and implementing a youth baseball program focused on 13 to 18 year old residents, summer and fall baseball programs and baseball clinics.

Public benefit corporation.—The conference agreement includes a proviso that allows the District to transfer not more than $90,000,000 from local funds provided under other accounts in this Act for the purpose of restructuring the delivery of health services in the District instead of 15 percent of local funds in the appropriation as proposed by the Senate. The language requires that the restructuring be pursuant to a restructuring plan approved by the Mayor, the Council, the Financial Authority, and the Board of Directors of the Public Benefit Corporation that reduces personnel levels consistent with the reduction-in-force set forth in the August 25, 2000 resolution of the Board of Directors of the Corporation which requires reducing personnel by at least 500 full-time equivalent employees without replacement by contract personnel. The language also requires that no funds be expended until 10 calendar days after the restructuring plan has received final approval and a copy has been submitted by the Mayor to the House and Senate Committees on Appropriations, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs. The language agreed to by the conferees also requires that the plan include a certification that it does not rely upon any current or future request for additional appropriation of Federal Funds. Conforming language is included under the heading "District of Columbia Health and Hospitals Public Benefit Corporation".

PUBLIC WORKS

Deletes the proviso proposed by the Senate regarding the use of freed-up appropriations and makes editorial changes to language allocating funds to various programs.

RECEIVERSHIP PROGRAMS

Deletes the proviso proposed by the Senate regarding the use of freed-up appropriations.

RESERVE

Modifies language proposed by the Senate that provides for the replacement of funds expended during fiscal year 2000 from the $150,000,000 Reserve instead of the establishment of a $150,000,000 Reserve by the Chief Financial Officer as proposed by the Senate. The modified language also provides that no funds are to be obligated or expended until the emergency reserve fund has been fully funded for fiscal year 2001 as proposed by the Senate. The House language provided for the replacement of funds expended and prohibited the obligation of the reserves until certain conditions were met.

EMERGENCY RESERVE FUND

Inserts language providing for an emergency reserve fund from local funds as proposed by the Senate.

REPAYMENT OF LOANS AND INTEREST

Deletes the proviso proposed by the Senate regarding the use of freed-up appropriations and inserts a proviso proposed by the Senate providing that unused reserve funds shall be used for Pay-As-You-Go Capital Funds.

PRESIDENTIAL INAUGURATION

Appropriates $5,961,000 from Federal funds appropriated earlier in this Act as proposed by the House instead of $6,211,000 from Federal funds appropriated earlier in this Act as proposed by the Senate.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

Modifies language proposed by the House and the Senate making the transfer of not to exceed $61,406,000 to the Tobacco Settlement Trust Fund subject to the issuance of bonds to pay the purchase price of the District's right, title and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Financing and Trust Fund Amendment Act of 2000.

CAFETERIA PLAN SAVINGS

Deletes the proviso proposed by the Senate regarding the use of freed-up appropriations.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

The conference agreement provides $140,725,000 for fiscal year 2001 for the following capital projects: $77,372,000 for the Blue Plains Wastewater Treatment Plant, zero for the stormwater program, $21,450,000 for the water program, $1,182,000 for the sanitary sewer program, zero for the combined sewer program, $1,699,000 for the capital equipment program and $39,022,000 for the Water and Sewer Authority's share of the Washington Aqueduct capital projects. The conferees agree that the Water and Sewer Authority is expressly authorized to expend funds between projects authorized in prior years' budgets within these seven projects provided the Committees on Appropriations of the House and the Senate are notified of the details in writing at least 30 days prior to the obligation of the funds.

The conferees agree that section 140(b) of the House bill and section 127(b) of the Senate bill (new section 129(b)) also applies to the Water and Sewer Authority and that the agency head of the Water and Sewer Authority may abolish positions and separate the employees encumbering those abolished positions in accordance with the modified reduction in force procedures and severance pay authorized in section 129(b). The conferees agree that while section 129(b) applies to the Water and Sewer Authority, it does not change the Authority's general exemption from coverage under the Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), or the Authority's independent legal status within the District government.

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS

PUBLIC BENEFIT CORPORATION

Inserts language that (1) requires a restructuring plan for D.C. General Hospital to be approved by District officials prior to increasing the appropriation through reprogramming, transfers, loans or other mechanisms, (2) requires the District's Chief Financial Officer to sign an affidavit certifying that payments made on behalf of the Corporation do not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of this Act, (3) clarifies what may be covered by an affidavit, and (4) makes it unlawful to order a person to sign any affidavit or to provide a signature on an affidavit by proxy, machine, computer or facsimile device. The conference action does not prohibit reimbursement to the Corporation for services provided to other District government agencies and grants that in prior years were not included in the amounts appropriated from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

The conference agreement retains the proviso that requires the Retirement Board to provide quarterly reports of the allocations of charges by fund and expenditures of all funds.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY AND FY 2001 FINANCIAL PLAN

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 2000, the fiscal year 2001 request, the House and Senate recommendations, and the conference allowance, and the fiscal year 2001 Financial Plan which is the starting point for the independent auditor's comparison with actual year-end results as required by section 132 of the Act follow:

SUMMARY
FY 2001 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	14,000,000	0	17,000,000	0	17,000,000
Federal Payment to the Chief Financial Officer of the District of Columbia	0	1,500,000	0	0	0	1,250,000
Federal Payment for Commercial Revitalization Program	0	0	0	1,500,000	0	1,500,000
Federal Payment to the District of Columbia Public Schools	0	0	0	500,000	0	500,000
Federal Payment for the Metropolitan Police Department	0	0	0	0	0	100,000
Federal Contribution to Covenant House Washington	0	0	0	500,000	0	500,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	134,300,000	0	134,200,000	0	134,200,000
Federal Payment to the District of Columbia Courts	0	99,500,000	0	109,080,000	0	105,000,000
Defender Services in District of Columbia Courts	0	34,387,000	0	38,387,000	0	34,387,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	115,752,000	0	112,527,000	0	112,527,000
Federal Payment for Washington Interfaith Network	0	1,000,000	0	0	0	1,000,000
Federal Payment for Plan to Simplify Employee Compensation Systems	0	250,000	0	0	0	250,000
Metrorail Construction	0	7,100,000	0	25,000,000	0	25,000,000
(By Transfer)	0	(17,900,000)	0	0	0	0
Federal Payment for National Music Museum of American Music	0	250,000	0	0	0	0
Federal Payment for Brownfield Remediation	0	0	0	3,450,000	0	3,450,000
Presidential Inauguration	0	5,961,000	0	6,211,000	0	5,961,000
Children's National Medical Center	0	0	0	0	0	500,000
Child Advocacy Center	0	0	0	0	0	500,000
St. Coletta of Greater Washington Expansion Project	0	0	0	0	0	1,000,000
District of Columbia Special Olympics	0	0	0	0	0	250,000
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors, Sec. 151	0	0	0	0	0	100,000
Total, Federal funds to the District of Columbia	0	414,000,000	0	448,355,000	0	444,975,000
By transfer	0	(17,900,000)	0	0	0	0

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
District of Columbia Financial Responsibility and Management Assistance Authority	0	3,140,000	0	6,500,000	0	3,140,000
Governmental Direction and Support	2,023	194,521,000	2,023	194,271,000	2,023	195,771,000
Economic Development and Regulation	1,525	205,638,000	1,525	205,638,000	1,525	205,638,000
Public Safety and Justice	9,037	762,346,000	9,037	762,346,000	9,037	762,546,000
Public Education System	12,131	995,418,000	12,131	998,918,000	12,131	998,918,000
Human Support Services	3,929	1,532,204,000	3,929	1,532,704,000	3,929	1,535,654,000
Public Works	1,858	278,242,000	1,858	278,242,000	1,858	278,242,000
Receivership Programs	2,739	389,528,000	2,739	389,528,000	2,739	389,528,000
Reserve	0	150,000,000	0	150,000,000	0	150,000,000
Repayment of Loans and Interest	0	243,238,000	0	243,238,000	0	243,238,000
Repayment of General Fund Recovery Debt	0	39,300,000	0	39,300,000	0	39,300,000
Payment of Interest on Short-Term Borrowing	0	1,140,000	0	1,140,000	0	1,140,000
Presidential Inauguration	0	5,961,000		6,211,000	0	5,961,000
Certificates of Participation	0	7,950,000	0	7,950,000	0	7,950,000
Wilson Building	0	8,409,000		8,409,000	0	8,409,000
Optical and Dental Insurance Payments	0	2,675,000	0	2,675,000	0	2,675,000
Management Supervisory Services	0	13,200,000	0	13,200,000	0	13,200,000
Tobacco Settlement Trust Fund Transfer Payment	0	61,406,000	0	61,406,000	0	61,406,000
Operational Improvements Savings (Including Managed Competition)	0	(10,000,000)	0	(10,000,000)	0	(10,000,000)
Management Reform Savings	0	(37,000,000)		(37,000,000)	0	(37,000,000)
Cafeteria Plan Savings	0	(5,000,000)	0	(5,000,000)	0	(5,000,000)
Water and Sewer Authority and the Washington Aqueduct	0	275,705,000		275,705,000	0	275,705,000
Lottery and Charitable Games Enterprise Fund	100	223,200,000	100	223,200,000	100	223,200,000
Sports and Entertainment Commission	0	10,968,000	0	10,968,000	0	10,968,000
District of Columbia Health and Hospitals Public Benefit Corporation	0	78,235,000	0	78,235,000	0	78,235,000
District of Columbia Retirement Board	14	11,414,000	14	11,414,000	14	11,414,000
Correctional Industries Fund	12	1,808,000	12	1,808,000	12	1,808,000
Washington Convention Center Enterprise Fund	0	52,726,000	0	52,726,000	0	52,726,000
Total, operating expenses	33,368	5,496,372,000	33,368	5,503,732,000	33,368	5,504,772,000
Capital Outlay:						
General fund	0	1,022,074,000	0	1,022,074,000	0	1,022,074,000
Water and Sewer fund	0	140,725,000	0	140,725,000	0	140,725,000
Total, capital outlay	0	1,162,799,000	0	1,162,799,000	0	1,162,799,000
Grand Total, District of Columbia Funds	33,368	6,659,171,000	33,368	6,666,531,000	33,368	6,667,571,000

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
D.C. Financial Responsibility and Management Assistance Authority	3,140,000	6,500,000	3,140,000	6,500,000	3,140,000

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
Council of the District of Columbia	10,477,000	12,124,000	12,124,000	12,124,000	12,124,000
Office of the District of Columbia Auditor	1,183,000	1,283,000	1,283,000	1,283,000	1,283,000
Advisory Neighborhood Commissions	623,000	748,000	748,000	748,000	748,000
Office of the Mayor	9,207,000 1/	10,717,000	5,967,000	7,217,000	7,467,000
Office of the Secretary	1,816,000	1,946,000	1,946,000	1,946,000	1,946,000
Citywide Call Center	0	0	0	0	0
Office of the City Administrator	12,821,000	23,386,000	23,386,000	23,386,000	23,386,000
Office of Personnel	10,445,000	11,285,000	11,285,000	11,285,000	11,285,000
Human Resource Development	3,766,000	2,744,000	2,744,000	2,744,000	2,744,000
Office of Finance and Resource Management	778,000	2,153,000	2,153,000	2,153,000	2,153,000
Office of Contracting and Procurement	14,150,000	15,337,000	15,337,000	15,337,000	15,337,000
Office of the Chief Technology Officer	3,740,000	11,770,000	11,770,000	11,770,000	11,770,000
Office of Property Management	9,152,000	8,550,000	8,550,000	8,550,000	8,550,000
Contract Appeals Board	687,000	734,000	734,000	734,000	734,000
Board of Elections and Ethics	3,238,000	3,250,000	3,250,000	3,250,000	3,250,000
Office of Campaign Finance	978,000	1,209,000	1,209,000	1,209,000	1,209,000
Public Employee Relations Board	632,000	652,000	652,000	652,000	652,000
Office of Employee Appeals	1,337,000	1,434,000	1,434,000	1,434,000	1,434,000
Metropolitan Washington Council of Governments	367,000	367,000	367,000	367,000	367,000
Office of the Inspector General	6,827,000	12,399,000	12,399,000	12,399,000	12,399,000
Office of the Chief Financial Officer	75,132,000	75,683,000	77,183,000	75,683,000	76,933,000
Total, Governmental Direction and Support	167,356,000	197,771,000	194,521,000	194,271,000	195,771,000
Plus Intra-District funds	32,796,000	36,950,000	36,950,000	36,950,000	36,950,000
Total	200,152,000	234,721,000	231,471,000	231,221,000	232,721,000

1/ General Provision, Sec. 168, $5,000,000.

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
Business Services and Economic Development	22,515,000	26,753,000	26,753,000	26,753,000	26,753,000
Office of Zoning	1,275,000	1,763,000	1,763,000	1,763,000	1,763,000
Department of Housing and Community Development	56,739,000	48,273,000	48,273,000	48,273,000	48,273,000
Department of Employment Services	63,690,000	80,812,000	80,812,000	80,812,000	80,812,000
Board of Appeals and Review	240,000	244,000	244,000	244,000	244,000
Board of Real Property Assessments and Appeals	291,000	300,000	300,000	300,000	300,000
Department of Consumer and Regulatory Affairs	27,125,000	26,513,000	26,513,000	26,513,000	26,513,000
Office of Banking and Financial Institutions	870,000	1,869,000	1,869,000	1,869,000	1,869,000
Public Service Commission	5,327,000	5,678,000	5,678,000	5,678,000	5,678,000
Office of People's Counsel	2,823,000	3,020,000	3,020,000	3,020,000	3,020,000
Department of Insurance and Securities Regulation	6,990,000	7,359,000	7,359,000	7,359,000	7,359,000
Office of Cable Television and Telecommunications	2,450,000	3,054,000	3,054,000	3,054,000	3,054,000
Total, Economic Development and Regulation	190,335,000	205,638,000	205,638,000	205,638,000	205,638,000
Plus Intra-District Funds	3,136,000	2,017,000	2,017,000	2,017,000	2,017,000
Total	193,471,000	207,655,000	207,655,000	207,655,000	207,655,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recom- mendation	Senate Recom- mendation	Conference Allowance
Metropolitan Police Department	301,574,000	303,212,000	303,212,000	303,212,000	303,412,000
Fire and Emergency Medical Services Department	111,870,000	116,596,000	116,596,000	116,596,000	116,596,000
Police Officers and Fire Fighters' Retirement System	39,900,000	49,000,000	49,000,000	49,000,000	49,000,000
Office of the Corporation Counsel	46,425,000	45,965,000	45,965,000	45,965,000	45,965,000
Settlements and Judgments Fund	26,900,000	23,450,000	23,450,000	23,450,000	23,450,000
Department of Corrections	245,577,000	212,993,000	212,993,000	212,993,000	212,993,000
District of Columbia National Guard	1,748,000	2,326,000	2,326,000	2,326,000	2,326,000
D.C. Emergency Management Agency	2,641,000	2,978,000	2,978,000	2,978,000	2,978,000
Commission on Judicial Disabilities and Tenure	143,000	169,000	169,000	169,000	169,000
Judicial Nomination Commission	85,000	90,000	90,000	90,000	90,000
Citizen Complaint Review Board	1,200,000	857,000	857,000	857,000	857,000
Advisory Commission on Sentencing	707,000	733,000	733,000	733,000	733,000
Office of the Chief Medical Examiner	0	3,977,000	3,977,000	3,977,000	3,977,000
Total, Public Safety and Justice	778,770,000	762,346,000	762,346,000	762,346,000	762,546,000
Plus Intra-District funds	5,726,000	5,884,000	5,884,000	5,884,000	5,884,000
Total	784,496,000	768,230,000	768,230,000	768,230,000	768,430,000

1/ Includes $100,000 under Sec. 151 for Enforcement of Law Banning Possession of Tobacco Products by Minors.

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
District of Columbia Public Schools	713,197,000	769,443,000	769,443,000	769,943,000	769,943,000
Teachers' Retirement System	10,700,000	200,000	200,000	200,000	200,000
State Education Office	0	1,679,000	1,679,000	1,679,000	1,679,000
D.C. Resident Tuition Support	17,000,000	17,000,000	14,000,000	17,000,000	17,000,000
Public Charter Schools	27,885,000	105,000,000	105,000,000	105,000,000	105,000,000
University of the District of Columbia	72,347,000	76,433,000	76,433,000	76,433,000	76,433,000
District of Columbia Public Library	24,171,000	26,459,000	26,459,000	26,459,000	26,459,000
Commission on the Arts and Humanities ...	2,111,000	2,204,000	2,204,000	2,204,000	2,204,000
Total, Public Education System	867,411,000	998,418,000	995,418,000	998,918,000	998,918,000
Plus Intra-District funds	13,768,000	44,820,000	44,820,000	44,820,000	24,623,000
Total	881,179,000	1,043,238,000	1,040,238,000	1,043,738,000	1,023,541,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Human Services	393,691,000	384,840,000	384,840,000	385,340,000	384,840,000
Department of Health	1,004,113,000	1,014,881,000	1,014,881,000	1,014,881,000	1,014,881,000
Department of Parks and Recreation	26,196,000	28,855,000	28,855,000	28,855,000	28,855,000
D.C. Office on Aging	18,616,000	19,131,000	19,131,000	19,131,000	19,131,000
Public Benefit Corporation Subsidy	44,435,000	45,313,000	45,313,000	45,313,000	45,313,000
Unemployment Compensation Fund	7,200,000	6,199,000	6,199,000	6,199,000	6,199,000
Disability Compensation Fund	25,150,000	25,836,000	25,836,000	25,836,000	25,836,000
Office of Human Rights	1,221,000	1,407,000	1,407,000	1,407,000	1,407,000
Office on Latino Affairs	880,000	882,000	882,000	882,000	882,000
D.C. Energy Office	4,859,000	4,860,000	4,860,000	4,860,000	4,860,000
Brownfield Remediation	0	10,000,000	0	0	3,450,000
Total, Human Support Services	1,526,361,000	1,542,204,000	1,532,204,000	1,532,704,000	1,535,654,000
Plus Intra-District funds	6,568,000	6,586,000	6,586,000	6,586,000	6,586,000
Total	1,532,929,000	1,548,790,000	1,538,790,000	1,539,290,000	1,542,240,000

PUBLIC WORKS

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
Department of Public Works	106,209,000	108,589,000	108,589,000	108,589,000	108,589,000
Department of Motor Vehicles	25,393,000	27,825,000	27,825,000	27,825,000	27,825,000
D.C. Taxicab Commission	730,000	673,000	673,000	673,000	673,000
Washington Metropolitan Area Transit Commission	81,000	82,000	82,000	82,000	82,000
Washington Metropolitan Area Transit Authority	135,532,000	138,073,000	138,073,000	138,073,000	138,073,000
School Transit Subsidy	3,450,000	3,000,000	3,000,000	3,000,000	3,000,000
Total, Public Works	271,395,000	278,242,000	278,242,000	278,242,000	278,242,000
Plus Intra-District funds	19,382,000	19,703,000	19,703,000	19,703,000	19,703,000
Total	290,777,000	297,945,000	297,945,000	297,945,000	297,945,000

RECEIVERSHIP PROGRAMS

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
Child and Family Services Agency	119,355,000	166,652,000	166,652,000	166,652,000	166,652,000
Incentives for Adoption of Children	5,000,000	5,000,000	0	0	0
Commission on Mental Health Services	204,422,000	210,569,000	210,569,000	210,569,000	210,569,000
Corrections Medical Receiver	13,300,000	12,307,000	12,307,000	12,307,000	12,307,000
Total, Receivership Programs	342,077,000	394,528,000	389,528,000	389,528,000	389,528,000
Plus Intra-District funds	1,200,000	1,800,000	1,800,000	1,800,000	1,800,000
Total	343,277,000	396,328,000	391,328,000	391,328,000	391,328,000

FINANCING AND OTHER

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recommendation	Senate Recommendation	Conference Allowance
Workforce Investment	8,500,000	0	0	0	0
Buyouts and Other Management Reforms	18,000,000 1/	0	0	0	0
Reserve	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000
Repayment of Loans and Interest	328,417,000	243,238,000	243,238,000	243,238,000	243,238,000
Repayment of General Fund Recovery Debt	38,286,000	39,300,000	39,300,000	39,300,000	39,300,000
Payment of Interest on Short-Term Borrowing	9,000,000	1,140,000	1,140,000	1,140,000	1,140,000
Presidential Inauguration	0	6,211,000	5,961,000	6,211,000	5,961,000
Certificates of Participation	7,950,000	7,950,000	7,950,000	7,950,000	7,950,000
Wilson Building	0	8,409,000	8,409,000	8,409,000	8,409,000
Optical and Dental Insurance Payments	1,295,000	2,675,000	2,675,000	2,675,000	2,675,000
Management Supervisory Service	0	13,200,000	13,200,000	13,200,000	13,200,000
Tobacco Settlement Trust Fund Transfer Payment	0	61,406,000	61,406,000	61,406,000	61,406,000
Operational Improvement Savings (Including Managed Competition)	0	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Management Reform Savings	0	(37,000,000)	(37,000,000)	(37,000,000)	(37,000,000)
Cafeteria Plan Savings	0	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Productivity Bank	20,000,000	0	0	0	0
Productivity Bank Savings	(20,000,000)	0	0	0	0
Management Reform and Productivity	(7,000,000)	0	0	0	0
General Supply Schedule Savings	(14,457,000)	0	0	0	0
Total, Financing and Other Uses	539,991,000	481,529,000	481,279,000	481,529,000	481,279,000

1/ General Provisions, Sec. 157.

ENTERPRISE AND OTHER FUNDS

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Water and Sewer Authority	236,075,000	230,614,000	230,614,000	230,614,000	230,614,000
Washington Aqueduct	43,533,000	45,091,000	45,091,000	45,091,000	45,091,000
Total, Water and Sewer	279,608,000	275,705,000	275,705,000	275,705,000	275,705,000
D. C. Lottery and Charitable Games Control Board	234,400,000	223,200,000	223,200,000	223,200,000	223,200,000
D.C. Sports and Entertainment Commission	10,846,000	10,968,000	10,968,000	10,968,000	10,968,000
District of Columbia Health and Hospitals Public Benefit Corporation	89,008,000	78,235,000	78,235,000	78,235,000	78,235,000
District of Columbia Retirement Board	9,892,000	11,414,000	11,414,000	11,414,000	11,414,000
Correctional Industries Fund	1,810,000	1,808,000	1,808,000	1,808,000	1,808,000
Washington Convention Center Authority	50,226,000	52,726,000	52,726,000	52,726,000	52,726,000
	675,790,000	654,056,000	654,056,000	654,056,000	654,056,000
Plus Intra-District funds	70,177,000	75,044,000	75,044,000	75,044,000	75,044,000
Total	745,967,000	729,100,000	729,100,000	729,100,000	729,100,000

Agency/Activity	FY 2000 Approved	FY 2001 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Summary for checking:					
Control Board	3,140,000	6,500,000	3,140,000	6,500,000	3,140,000
Gov. Dir	167,356,000	197,771,000	194,521,000	194,271,000	195,771,000
Ec. Dev.	190,335,000	205,638,000	205,638,000	205,638,000	205,638,000
Pub. Safety	778,770,000	762,346,000	762,346,000	762,346,000	762,546,000
Ed.	867,411,000	998,418,000	995,418,000	998,918,000	998,918,000
Hum.Support	1,526,361,000	1,542,204,000	1,532,204,000	1,532,704,000	1,535,654,000
Public Works	271,395,000	278,242,000	278,242,000	278,242,000	278,242,000
Receivership Programs	342,077,000	394,528,000	389,528,000	389,528,000	389,528,000
Workforce Investments	8,500,000	0	0	0	0
Buyouts and Other Management Reforms	18,000,000	0	0	0	0
Reserve	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000
Repayment of Loans and Interest	328,417,000	243,238,000	243,238,000	243,238,000	243,238,000
Repayment of General Fund Deficit	38,286,000	39,300,000	39,300,000	39,300,000	39,300,000
Interest on Short-Term Borrowing	9,000,000	1,140,000	1,140,000	1,140,000	1,140,000
Inaugural Expenses	0	6,211,000	5,961,000	6,211,000	5,961,000
Certificates of Participation	7,950,000	7,950,000	7,950,000	7,950,000	7,950,000
Wilson Building	0	8,409,000	8,409,000	8,409,000	8,409,000
Optical and Dental Benefits	1,295,000	2,675,000	2,675,000	2,675,000	2,675,000
Management Supervisory Service	0	13,200,000	13,200,000	13,200,000	13,200,000
Tobacco Settlement Trust Fund	0	61,406,000	61,406,000	61,406,000	61,406,000
Operational Improvement Savings	0	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Management Reform Savings	0	(37,000,000)	(37,000,000)	(37,000,000)	(37,000,000)
Cafeteria Plan Savings	0	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Productivity Bank	20,000,000	0	0	0	0
Productivity Bank Savings	(20,000,000)		0	0	0
Management Reform and Productivity	(7,000,000)	0	0	0	0
General Supply Schedule Savings	(14,457,000)	0	0	0	0
Enterprise	675,790,000	654,056,000	654,056,000	654,056,000	654,056,000
Total	5,362,626,000	5,521,232,000	5,496,372,000	5,503,732,000	5,504,772,000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
TOTAL RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2001
AS APPROVED BY CONFERENCE AGREEMENT, OCTOBER 11, 2000
(Amount in Thousands)

		Local Funds		Federal Grants		Private & Other		Subtotal FY 2001		Intra-District		FY 2001 Total Resources	
	Code	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
District of Columbia Financial Responsibility and Management Assistance Authority	XB	0	0	0	0	0	3,140	0	3,140	0	0	0	3,140
Governmental Direction and Support:													
Council of the District of Columbia	AB	157	12,118	0	0	0	6	157	12,124	0	0	157	12,124
Office of the D.C. Auditor	AC	14	1,283	0	0	0	0	14	1,283	0	0	14	1,283
Advisory Neighborhood Commissions	DX	1	748	0	0	0	0	1	748	0	0	1	748
Office of the Mayor	AA	71	7,467	0	0	0	0	71	7,467	0	0	71	7,467
Office of the Secretary	BA	25	1,853	0	0	2	93	27	1,946	0	0	27	1,946
CityWide Call Center	CW	0	0	0	0	0	0	0	0	38	1,959	38	1,959
Office of the City Administrator	AE	58	5,000	15	18,386	0	0	73	23,386	4	266	77	23,652
Office of Personnel	BE	126	9,998	0	0	21	1,287	147	11,285	24	1,246	171	12,531
Human Resource Development	HD	1	2,744	0	0	0	0	1	2,744	0	0	1	2,744
Office of Finance and Resource Management	AS	35	2,153	0	0	0	0	35	2,153	0	0	35	2,153
Office of Contracting and Procurement	PO	223	15,337	0	0	0	0	223	15,337	0	0	223	15,337
Office of the Chief Technology Officer	TO	60	11,756	0	0	0	14	60	11,770	35	2,422	95	14,192
Office of Property Management	AM	62	6,620	0	0	1	1,930	63	8,550	219	26,269	282	34,819
Contract Appeals Board	AF	6	734	0	0	0	0	6	734	0	0	6	734
Board of Elections and Ethics	DL	50	3,250	0	0	0	0	50	3,250	0	0	50	3,250
Office of Campaign Finance	CJ	15	1,209	0	0	0	0	15	1,209	0	0	15	1,209
Public Employee Relations Board	CG	4	652	0	0	0	0	4	652	0	0	4	652
Office of Employee Appeals	CH	15	1,434	0	0	0	0	15	1,434	0	0	15	1,434
Metropolitan Washington Council of Governments	EA	0	367	0	0	0	0	0	367	0	0	0	367
Office of the Inspector General	AD	90	11,293	15	1,106	0	0	105	12,399	0	0	105	12,399
Office of the Chief Financial Officer	AT	912	66,156	3	932	41	9,845	956	76,933	70	4,788	1,026	81,721
Total, Governmental Direction and Support		1,925	162,172	33	20,424	65	13,175	2,023	195,771	390	36,950	2,413	232,721
Economic Development and Regulation:													
Business Services and Economic Development	EB	88	10,353	2	304	7	16,096	97	26,753	0	0	97	26,753
Office of Zoning	BJ	16	1,763	0	0	0	0	16	1,763	0	0	16	1,763
Department of Housing & Community Development	DB	7	3,702	137	40,109	0	4,462	144	48,273	0	0	144	48,273
Department of Employment Services	CF	71	11,972	407	51,787	172	17,053	650	80,812	0	0	650	80,812
Board of Appeals and Review	DK	3	244	0	0	0	0	3	244	0	0	3	244
Board of Real Property Assessments and Appeals	DA	3	300	0	0	0	0	3	300	0	0	3	300
Department of Consumer and Regulatory Affairs	CR	397	25,228	0	75	6	1,210	403	26,513	0	1,500	403	28,013
Office of Banking and Financial Institutions	BI	0	0	0	0	20	1,869	20	1,869	0	0	20	1,869
Public Service Commission	DH	0	0	2	103	56	5,575	58	5,678	0	0	58	5,678
Office of People's Counsel	DJ	0	0	0	0	28	3,020	28	3,020	0	0	28	3,020
Department of Insurance and Securities Regulation	SR	0	0	0	0	89	7,359	89	7,359	0	0	89	7,359
Office of Cable Television and Telecommunications	CT	0	0	0	0	14	3,054	14	3,054	12	517	26	3,571
Total, Economic Development and Regulation		585	53,562	548	92,378	392	59,698	1,525	205,638	12	2,017	1,537	207,655

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	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2001 FTE	Subtotal FY 2001 Amount	Intra-District FTE	Intra-District Amount	FY 2001 Total Resources FTE	FY 2001 Total Resources Amount
Public Safety and Justice:													
Metropolitan Police Department	FA	4,351	284,704	200	9,721	71	8,987	4,622	303,412	2	3,454	4,624	306,866
Fire and Emergency Medical Services Department	FB	1,948	116,587	0	0	0	9	1,948	116,596	0	0	1,948	116,596
Police Officers and Fire Fighters' Retirement System	FD	0	49,000	0	0	0	0	0	49,000	0	0	0	49,000
Office of the Corporation Counsel	CB	297	28,076	180	13,760	12	4,129	489	45,965	27	2,130	516	48,095
Settlement and Judgments Fund	ZH	0	23,450	0	0	0	0	0	23,450	0	0	0	23,450
Department of Corrections	FL	892	80,193	0	0	923	132,800	1,815	212,993	0	300	1,815	213,293
District of Columbia National Guard	FK	30	1,820	13	506	0	0	43	2,326	0	0	43	2,326
D.C. Emergency Management Agency	BN	26	2,015	13	963	0	0	39	2,978	0	0	39	2,978
Commission on Judicial Disabilities and Tenure	DQ	2	169	0	0	0	0	2	169	0	0	2	169
Judicial Nomination Commission	DV	1	90	0	0	0	0	1	90	0	0	1	90
Citizen Complaint Review Board	FH	21	857	0	0	0	0	21	857	0	0	21	857
Advisory Commission on Sentencing	FZ	6	733	0	0	0	0	6	733	0	0	6	733
Office of the Chief Medical Examiner	FX	49	3,871	0	0	2	106	51	3,977	0	0	51	3,977
Total, Public Safety and Justice		7,623	591,565	406	24,950	1,008	146,031	9,037	762,546	29	5,884	9,066	768,430
Public Education System:													
District of Columbia Public Schools	GA	9,660	629,309	1,097	133,490	93	7,144	10,850	769,943	81	14,909	10,931	784,852
Teachers' Retirement System	GX	0	200	0	0	0	0	0	200	0	0	0	200
State Education Office	GD	9	1,679	0	0	0	0	9	1,679	0	0	9	1,679
D.C. Resident Tuition Support	GT	15	17,000	0	0	0	0	15	17,000	0	0	15	17,000
Public Charter Schools	GC	0	105,000	0	0	0	0	0	105,000	0	0	0	105,000
University of the District of Columbia	GF	505	44,691	200	13,199	111	18,543	816	76,433	115	9,677	931	86,110
District of Columbia Public Library	CE	422	25,208	9	550	1	701	432	26,459	0	0	432	26,459
Commission on the Arts and Humanities	BX	2	1,780	7	404	0	20	9	2,204	0	37	9	2,241
Total, Public Education System		10,613	824,867	1,313	147,643	205	26,408	12,131	998,918	196	24,623	12,327	1,023,541
Human Support Services:													
Department of Human Services	JA	884	198,674	1,136	181,828	10	4,338	2,030	384,840	0	1,730	2,030	386,570
Department of Health	HC	420	314,906	752	690,295	64	9,680	1,236	1,014,881	5	401	1,241	1,015,282
Department of Parks and Recreation	HA	514	26,617	0	34	83	2,204	597	28,855	93	4,059	690	32,914
D.C. Office on Aging	BY	14	14,169	9	4,962	0	0	23	19,131	3	266	26	19,397
Public Benefit Corporation Subsidy	JC	0	45,313	0	0	0	0	0	45,313	0	0	0	45,313
Unemployment Compensation Fund	BH	0	6,199	0	0	0	0	0	6,199	0	0	0	6,199
Disability Compensation Fund	BG	0	25,836	0	0	0	0	0	25,836	0	100	0	25,936
Office of Human Rights	HM	20	1,301	0	106	0	0	20	1,407	0	0	20	1,407
Office on Latino Affairs	BZ	4	882	0	0	0	0	4	882	0	30	4	912
D.C. Energy Office	JF	0	0	13	4,364	6	496	19	4,860	0	0	19	4,860
Brownfield Remediation	BR	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Human Support Services		1,856	637,347	1,910	881,589	163	16,718	3,929	1,535,654	101	6,586	4,030	1,542,240

		Local Funds		Federal Grants		Private & Other		Subtotal FY 2001		Intra-District		FY 2001 Total Resources	
	Code	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Public Works:													
Department of Public Works	KA	1,460	98,973	8	3,328	47	6,288	1,515	108,589	265	19,703	1,780	128,292
Department of Motor Vehicles	KV	258	24,709	0	0	76	3,116	334	27,825	0	0	334	27,825
D.C. Taxicab Commission	TC	6	241	0	0	3	432	9	673	0	0	9	673
Washington Metropolitan Area Transit Commission	KC	0	82	0	0	0	0	0	82	0	0	0	82
Washington Metropolitan Area Transit Authority	KE	0	138,073	0	0	0	0	0	138,073	0	0	0	138,073
School Transit Subsidy	KD	0	3,000	0	0	0	0	0	3,000	0	0	0	3,000
Total, Public Works		1,724	265,078	8	3,328	126	9,836	1,858	278,242	265	19,703	2,123	297,945
Receivership Programs:													
Child and Family Services Agency	RL	367	97,198	210	68,754	0	700	577	166,652	0	1,800	577	168,452
Commission on Mental Health Services	RM	1,502	125,408	660	66,801	0	18,360	2,162	210,569	0	0	2,162	210,569
Corrections Medical Receiver	RR	0	12,307	0	0	0	0	0	12,307	0	0	0	12,307
Total, Receivership Programs		1,869	234,913	870	135,555	0	19,060	2,739	389,528	0	1,800	2,739	391,328
Financing and Other:													
Reserve	RD	0	150,000	0	0	0	0	0	150,000	0	0	0	150,000
Repayment of Loans and Interest	DS	0	243,238	0	0	0	0	0	243,238	0	0	0	243,238
Repayment of General Fund Recovery Debt	ZD	0	39,300	0	0	0	0	0	39,300	0	0	0	39,300
Payment of Interest on Short-Term Borrowing	ZA	0	1,140	0	0	0	0	0	1,140	0	0	0	1,140
Presidential Inauguration	SB	0	5,961	0	0	0	0	0	5,961	0	0	0	5,961
Certificates of Participation	CP	0	7,950	0	0	0	0	0	7,950	0	0	0	7,950
Wilson Building	ZZ	0	8,409	0	0	0	0	0	8,409	0	0	0	8,409
Optical and Dental Insurance Payments	DI	0	2,675	0	0	0	0	0	2,675	0	0	0	2,675
Management Supervisory Services	MS	0	13,200	0	0	0	0	0	13,200	0	0	0	13,200
Tobacco Settlement Trust Fund Transfer Payment	TT	0	61,406	0	0	0	0	0	61,406	0	0	0	61,406
Operational Improvement Savings (Including Managed Competition	PN	0	(10,000)	0	0	0	0	0	(10,000)	0	0	0	(10,000)
Management Reform Savings	PC	0	(37,000)	0	0	0	0	0	(37,000)	0	0	0	(37,000)
Cafeteria Plan Savings	PG	0	(5,000)	0	0	0	0	0	(5,000)	0	0	0	(5,000)
Total, Financing and Other .		0	481,279	0	0	0	0	0	481,279	0	0	0	481,279
Total, General Fund - Operating Expenses		26,195	3,250,783	5,088	1,305,867	1,959	294,066	33,242	4,850,716	993	97,563	34,235	4,948,279

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	Code	Local Funds		Federal Grants		Private & Other		Subtotal FY 2001		Intra-District		FY 2001 Total Resources	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Enterprise Funds:													
Water and Sewer Authority	LA	0	0	0	0	0	230,614	0	230,614	0	0	0	230,614
Washington Aqueduct	LB	0	0	0	0	0	45,091	0	45,091	0	0	0	45,091
Total, Water and Sewer Fund		0	0	0	0	0	275,705	0	275,705	0	0	0	275,705
D.C. Lottery and Charitable Games Control Board	DC	0	0	0	0	100	223,200	100	223,200	0	0	100	223,200
D.C. Sports and Entertainment Commission	SC	0	0	0	0	0	10,968	0	10,968	0	0	0	10,968
District of Columbia Health and Hospitals Public Benefit Corporation	JB	0	0	0	0	0	78,235	0	78,235	0	71,424	0	149,659
District of Columbia Retirement Board	DY	0	0	0	0	14	11,414	14	11,414	0	0	14	11,414
Correctional Industries Fund	FP	0	0	0	0	12	1,808	12	1,808	19	3,620	31	5,428
Washington Convention Center Authority	ES	0	0	0	0	0	52,726	0	52,726	0	0	0	52,726
Total, Enterprise and Other Funds		0	0	0	0	126	654,056	126	654,056	19	75,044	145	729,100
Total, Operating Expenses		26,195	3,250,783	5,088	1,305,867	2,085	948,122	33,368	5,504,772	1,012	172,607	34,380	5,677,379
Capital Outlay													
General Fund		0	818,025	0	204,049	0	0	0	1,022,074	0	0	0	1,022,074
Water and Sewer		0	0	0	0	0	140,725	0	140,725	0	0	0	140,725
Total, Capital Outlay		0	818,025	0	204,049	0	140,725	0	1,162,799	0	0	0	1,162,799
GRAND TOTAL		26,195	4,068,808	5,088	1,509,916	2,085	1,088,847	33,368	6,667,571	1,012	172,607	34,380	6,840,178

Fiscal Year 2001 Financial Plans
(In thousands of dollars)

	Local funds	Grants and other revenue	Gross funds
Revenue:			
Local sources, current authority:			
Property taxes	644,360	0	644,360
Sales taxes	651,230	0	651,230
Income taxes	1,291,179	0	1,291,179
Gross receipts and other taxes	331,659	0	331,659
Licenses, permits	37,095	0	37,095
Fines, forfeitures	67,716	0	67,716
Service charges	61,528	0	61,528
Miscellaneous	71,033	294,066	365,099
Subtotal, local revenues	3,155,800	294,066	3,449,866
Federal sources:			
Federal payment	30,111	0	30,111
Grants	0	1,305,867	1,305,867
Subtotal, Federal sources	30,111	1,305,867	1,335,978
Other financing sources:			
Lottery transfer	69,000	0	69,000
Total, general fund revenues	3,254,911	1,599,933	4,854,844
Expenditures:			
Current operating:			
D.C. Financial Responsibility and Management Assistance Authority	0	3,140	3,140
Governmental Direction and Support	162,172	33,599	195,771
Economic Development and Regulation	53,562	152,076	205,638
Public Safety and Justice	591,565	170,981	762,546
Public Education System	824,867	174,051	998,918
Human Support Services	637,347	898,307	1,535,654
Public Works	265,078	13,164	278,242
Receivership Programs	234,913	154,615	389,528
Reserve	150,000	0	150,000
Repayment of Loans and Interest	243,238	0	243,238
Repayment of General Fund Recovery Debt	39,300	0	39,300
Payment of Interest on Short-Term Borrowing	1,140	0	1,140
Presidential Inauguration	5,961	0	5,961
Certificates of Participation	7,950	0	7,950
Wilson Building	8,409	0	8,409

	Local funds	Grants and other revenue	Gross funds
Optical and Dental Insurance Payments	2,675	0	2,675
Management Supervisory Services	13,200	0	13,200
Tobacco Settlement Trust Fund Transfer Payment	61,406	0	61,406
Operational Improvement Savings (Including Managed Competition)	(10,000)	0	(10,000)
Management Reform Savings	(37,000)	0	(37,000)
Cafeteria Plan Savings	(5,000)	0	(5,000)
Total, general fund expenditures	3,250,783	1,599,933	4,850,716
Surplus/(Deficit)	4,128	0	4,128
Enterprise fund data:			
Enterprise fund revenues:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D.C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise fund revenues	0	654,056	654,056
Enterprise fund expenditures:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D. C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise expenditures	0	654,056	654,056
Surplus/(Deficit)	0	0	0
Total, operating revenues	3,254,911	2,253,989	5,508,900
Total, operating expenditures	3,250,783	2,253,989	5,504,772
Revenues versus expenditures	4,128	0	4,128

GENERAL PROVISIONS

In addition to the explanations that follow, the conference agreement changes several section numbers for sequencing purposes and makes technical revisions in certain citations. Unless noted otherwise, the conference agreement refers to H.R. 4942 as passed the House.

The conference agreement deletes section 101 of the House bill as proposed by the Senate concerning the availability of consulting service contracts for public inspection.

The conference agreement deletes section 102 of the House bill as proposed by the Senate concerning vouchers covering expenditures of appropriations being audited before payments.

The conference agreement deletes section 104 of the House bill as proposed by the Senate concerning allowances for privately owned automobiles and motorcycles used for the performance of official duties.

The conference agreement retains section 107 of the House bill (new section 104) requiring the Mayor to maintain an index of all employment personal services and consulting contracts with specific information on any severance clause.

The conference agreement retains section 108 of the House bill (new section 105) prohibiting any appropriation from remaining available for obligation beyond the current fiscal year unless expressly so provided.

The conference agreement deletes section 114 of the House bill as proposed by the Senate that would have prohibited the Mayor from borrowing any funds for capital projects unless the Council had approved the borrowing by resolution.

The conference agreement deletes section 115 of the House bill as proposed by the Senate that would have prohibited the Mayor from using moneys borrowed for capital projects for operating expenses.

The conference agreement modifies section 116 of the House bill and section 109 of the Senate bill (new section 111) concerning reprogramming guidelines. The modification allows inter-appropriation transfers of not-to-exceed 2 percent provided the Committees on Appropriations of the Senate and the House are notified in writing 30 days in advance as proposed by the Senate.

The conference agreement deletes section 117 of the House bill as proposed by the Senate that would have prohibited the use of Federal funds to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

The conference agreement retains section 110 of the Senate bill (new section 112) stating that consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

The conference agreement deletes section 118 of the House bill as proposed by the Senate that would have prohibited the use of Federal funds to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon.

The conference agreement deletes section 119 of the Senate bill concerning the use of previously appropriated funds for accounting and financial management services as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

The conference agreement amends section 120 of the Senate bill (new section 122) increasing the amount that can be paid to attorneys representing special education students.

The conference agreement amends section 124 of the House bill and section 116 of the Senate bill (new section 118) to allow the District of Columbia Courts to accept gifts to carry out authorized functions or duties without prior approval by the Mayor.

The conference agreement deletes sections 126, 132, 133, and 134 of the House bill and incorporates those four sections into section 118 of the Senate bill (new section 121). These sections relate to reporting requirements for the District of Columbia Public Schools and the University of the District of Columbia.

The conference agreement retains section 127 of the House bill and section 141 of the Senate bill (new section 153) concerning the Federal Grant and Cooperative Agreements Act of 1977 as it relates to the District of Columbia.

The conference agreement retains section 118 of the Senate bill (new section 121) which incorporates sections 126, 132, 133, and 134 of the House bill concerning reporting requirements for the District of Columbia Public Schools and the University of the District of Columbia.

The conference agreement retains section 127(b) of the Senate bill instead of section 140(b) of the House bill (new section 129(b)) concerning the modification of reduction in force procedures. The Senate version makes the modifications permanent law.

The conference agreement deletes section 128 of the House bill as proposed by the Senate that would have established conditions for granting preference to public charter schools in the use of surplus school properties.

The conference agreement retains section 129 of the House bill (new section 120) concerning the modification of contracting requirements for public charter schools in the District.

The conference agreement deletes section 138 of the House bill as proposed by the Senate concerning the classification of employees of the District of Columbia public schools.

The conference agreement replaces section 140(b) of the House bill with section 127(b) of the Senate bill (new section 129(b)) relating to the modification of reduction in force procedures. The Senate version makes the modifications permanent law.

The conference agreement retains section 140(c) of the House bill (new subsection 129(c)) that requires a prior analysis with certain exceptions for the procurement of goods and services in excess of $2,500.

The conference agreement deletes Section 144 of the House bill as proposed by the Senate concerning reorganization plans.

The conference agreement deletes section 145 of the House bill as proposed by the Senate relating to the evaluation process for District of Columbia Public School employees. This section has been included as a proviso under the Public Education System appropriation heading.

The conference agreement retains section 132 of the Senate bill (new section 136) which requires the Chief Financial Officer to submit a revised appropriated funds operating budget no later than November 1, 2000 or within 30 calendar days after the date of the enactment of this Act.

The conference agreement retains Section 147 of the House bill (new section 134) concerning the transfer or confinement of inmates classified above the medium security level to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

The conference agreement deletes section 148 of the House bill as proposed by the Senate concerning the District's reserve fund.

The conference agreement retains section 149 of the House bill (new section 135) relating to the audit of the District of Columbia Highway Trust Fund by the Inspector General of the District of Columbia.

The conference agreement retains section 133(b) of the Senate bill (new section 137(b)) that requires a separate accounting by individuals or entities who receive any funds in this Act and carry out a needle exchange program for the hypodermic injection of any illegal drug.

The conference agreement amends section 153 of the House bill and section 136 of the Senate bill (new section 140) concerning certifications by chief financial officers that they understand the duties, including reporting requirements, and restrictions applicable to them and their agency as a result of this Act. The language requires the certification within 60 days as proposed by the Senate instead of within 30 days as proposed by the House and deletes the civil money penalty for violations as proposed by the Senate.

The conference agreement replaces section 154 of the House bill with section 144 of the Senate bill (new section 156) relating to overtime compensation for District government employees for time worked in excess of 40 hours per week.

The conference agreement retains section 158 of the House bill (new section 144) which authorizes the Mayor to allocate the District's limitation amount of qualified zone academy bonds among qualified zone academies within the District.

The conference agreement retains section 159 of the House bill (new section 145) which amends Section 11232 of the Balanced Budget Act of 1997 concerning Federal benefits for employees of the Corrections Trustee, Adult Probation, Office of Parole, and Pretrial Services Agency.

The conference agreement deletes section 160 of the House bill as proposed by the Senate that expressed the sense of the Congress that patients of St. Elizabeths Hospital and taxpayers of the District of Columbia are being poorly served by the current facilities and management of the Hospital. Language under Governmental Direction and Support requires the Chief Financial Officer to submit a study to the House and Senate Committees on Appropriations on the merits and potential savings of privatizing the operation and administration of the Hospital.

The conference agreement retains section 161 of the House bill (new section 146) expressing the sense of the Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property.

The conference agreement deletes section 162 of the House bill as proposed by the Senate that related to the fiduciary duty of District officials. The conferees are concerned that many District officials are treating incidences of mismanagement in their operations and finances as the norm. This attitude is unacceptable. Although the conferees are deleting section 162 from the bill, the conferees continue to be concerned and urge officials of the District of Columbia government (including officials of the District of Columbia Financial Responsibility and Management Assistance Authority, independent agencies, boards, commissions, and corporations of the government) to take all steps necessary to maintain a fiduciary duty to the taxpayers of the District in the administration of funds under their control.

The conference agreement modifies and transfers section 163 of the House bill to the appropriation "District of Columbia Health and Hospitals Public Benefit Corporation" as a proviso that requires a restructuring plan for D.C. General Hospital to be approved by District officials prior to increasing the appropriation through reprogrammings, transfers, loans or other mechanisms.

The conference agreement modifies and transfers the three subsections of section 164 of the House bill to the appropriation "District of Columbia Health and Hospitals Public Benefit Corporation" as provisos that (1) require a certification by the Chief Financial Officer, (2) clarify what may be covered by an affidavit, and (3) make certain actions unlawful regarding the signing of any affidavit.

The conference agreement deletes section 165 of the House bill as proposed by the Senate that would have prohibited the District of Columbia Health and Hospital Public Benefit Corporation from obligating or expending any amounts during fiscal year 2001 unless the Corporation certified that the obligation or expenditure was within the budget authority provided to the Corporation in this Act.

The conference agreement retains section 167 of the House bill (new section 147) that provides that nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of contraceptive coverage by health insurance plans, but expressing the intent of Congress that any legislation enacted should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

The conference agreement retains section 168 of the House bill (new section 148) which repeals chapter 23 of title 11, of the D. C. Code and provides that this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

The conference agreement retains section 169 of the House bill (new section 149) concerning the prompt payment of appointed counsel.

The conference agreement revises section 170 of the House bill (new section 150) concerning the distribution of any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private elementary or secondary school (including a public charter school) other than the locations cited in this Act and requires monthly reports on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted. The language also requires the Public Housing Police to submit monthly reports on illegal drug activity at or near any public housing site where a needle exchange program is conducted to the Executive Director of the D.C. Housing Authority and to the Committees on Appropriations of the House and the Senate. The monthly reports are to be submitted by the 15th calendar day of the following month. The conference agreement requires the Executive Director to ascertain any concerns of the residents of the public housing site about the needle exchange programs on or near their sites and requires the District government to take appropriate action to require relocation of the program if recommended by the housing police or by a significant number of residents of the site.

The conference agreement modifies section 171 of the House bill (new section 151) by appropriating $100,000 to the Metropolitan Police Department on the condition that the District government enacts into law a ban on the possession of tobacco products by minors as specified in this section. The funds are to be used by the Department to enforce the ban.

The conference agreement retains section 166 of the House bill and section 140 of the Senate bill (new section 152) that allows the D.C. Corporation Counsel to review and comment on briefs in private lawsuits and to consult with officials of the District government regarding such lawsuits.

The conference agreement retains section 142 of the Senate bill (new section 154) which amends section 450 of the Home Rule Act concerning a "Comprehensive Financial Management Policy" for the District of Columbia.

The conference agreement retains section 143 of the Senate bill (new section 155) which amends section 424(b) of the Home Rule Act concerning the appointment and duties of the Chief Financial Officer.

The conference agreement retains section 144 of the Senate bill and section 154 of the House bill (new section 156) concerning overtime work for employees of the District of Columbia government.

The conference agreement retains section 145 of the Senate bill (new section 157) which allows the Court Services and Offender Supervision Agency for the District of Columbia to continue to operate its ongoing drug-free workplace testing program during the period that its plan is being reviewed for approval by the Department of Health and Human Services.

The conference agreement retains section 146 of the Senate bill (new section 158) which requires the Mayor to continue to submit quarterly reports on crime; access to drug abuse treatment, management of parolees and pre-trial violent offenders; education, including access to special education services and student achievement; improvements in basic District services; the application for and management of Federal grants; and indicators of child well-being.

The conference agreement retains section 147 of the Senate bill (new section 159) establishing reserve funds (emergency reserve fund and contingency reserve fund). The conference agreement includes the Senate bill's provision establishing both an emergency and contingency reserve fund in the District's budget. The provision requires the emergency reserve to be established first, through a deposit each year of one percent of the District's local funds for four years. The conferees believe that a four percent emergency reserve fund, that can only be tapped in extraordinary circumstances and that is maintained in a separate account, will increase the fiscal stability of the city and indicate to the financial markets that the District has a healthy financial cushion that is walled off from the rest of the general budget. The conferees believe that holding these reserves can and will eventually reduce the borrowing costs of the District.

The conference agreement inserts a new section 160 that authorizes the District government to delegate its bonding authority to the District of Columbia Tobacco Settlement Financing Corporation. The Corporation will use the proceeds from the bond sale to repay outstanding debt, with expected savings to the District of $61,400,000 in debt service for fiscal year 2001. These savings are included in the District's budget for fiscal year 2001. The conferees believe that the proceeds of the tobacco securitization will be used solely to reduce the District's debt or to fund the emergency reserve fund. The conferees also expect that an amount equal to 50 percent of the interest savings secured by the tobacco securitization proceeds will be transferred to the emergency reserve fund established in this Act.

The conference agreement inserts a new section 161 that revises section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 to require that half of the public charter school credit enhancement fund created by that legislation be granted expeditiously by the Mayor to one or more qualified non-profit corporations to demonstrate innovative methods of providing credit enhancement assistance to public charter schools. The remaining half of the funds are to be administered by a five-person committee that may either provide those funds directly to charter schools or provide them to non-profit entities to promote innovative credit enhancement initiatives. Activities by recipient entities to enhance the availability of loans to charter schools may include, but are not limited to, guaranteeing, insuring or providing security (including by pledging collateral or taking title to real property) for loans; providing down payment assistance, subsidizing installment payments or otherwise directly facilitating loans; facilitating a secondary market for loans; and helping to identify potential lending sources, encouraging private lending and other similar activities to promote lending to charter schools. Activities by recipient entities to enhance the availability of bond financing for charter schools may include, but are not limited to, providing technical and other administrative assistance; and providing financial or other assistance necessary to improve the rating or proposed repayment terms of a bond issue, to induce the participation of underwriters, or to otherwise enhance the commercial feasibility of a proposed transaction (including by providing for all or a portion of installment payments on the bond in the event of borrower default or, in the case of a bond issue with a floating rate, a marked increase in the applicable rate, the pledging of reserves or other collateral, or by taking title to property or other interests). The conferees request that quarterly reports be submitted by the 15th calendar day of the month following the end of each quarter to the House and Senate Committees on Appropriations, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs. Each report is to include, but not be limited to, the amount expended by payee for the quarter and cumulative, the services received for those funds, the amount of loans generated (gross and net) showing specific bond counsel and all other fees itemized with the names of those receiving the funds, the names of the lenders, the names of the charter schools receiving the proceeds, a description of the purpose for which each charter school will use the proceeds and a detailed status report with cost information on the progress each charter school is making to accomplish the purpose for which it received the proceeds. These reports are to continue until the purpose for which the proceeds were obtained has been accomplished.

The conference agreement inserts a new section 162 which gives the Mayor the exclusive authority to approve and execute leases of the Washington Marina and the Washington municipal fish wharf with the existing lessees for an initial term of 30 years, together with such other terms and conditions, including renewal options, as the Mayor deems appropriate.

The conference agreement inserts a new section 163 which transfers two sites, designated for educational use, to Fairfax County, Virginia immediately upon completion of the necessary remediation by the General Services Administration.

The conference agreement inserts a new section 164 that waives restrictions and allows the District's Inspector General to enter into a contract for the independent audit of the District's financial statements with an auditor who was a subcontractor to the independent auditor who audited the District's financial statements for the preceding fiscal year.

The conference agreement inserts a new section 165 that provides an alternative mechanism to exchange property as envisioned in the Lorton Technical Corrections Act of 1998. Under the 1998 legislation, the Interior Department was authorized to hold a portion of the 3,000 acre surplus Federal property in Lorton, Virginia and exchange it for Meadowood Farm on Mason Neck, Virginia. The Interior Department, however, encountered difficulties dealing directly with the owners of the Meadowood property. Fairfax County has volunteered to serve as an intermediary acquiring Meadowood in exchange for the Lorton parcel held by the Interior Department. Fairfax County believes it can deal more effectively with the owners of Meadowood. In return, the county believes that if it acquires the Interior Department's holding at Lorton it can make the necessary site improvements to generate a higher sales price. The language provides assurances that Fairfax County will be reimbursed for all costs involved in the acquisition of both the Meadowood property and the Lorton property. Any excess profits from the sale of the Lorton property would be returned to the General Services Administration. Any losses incurred by Fairfax County would be borne by the county alone.

The conference agreement inserts a new section 166 amending section 158(b) of the District of Columbia Appropriations Act, 2000 (Public Law 106-113, approved November 29, 1999; 113 Stat. 1527) to direct the Federal Highway Administration to conduct and perform the 14th Street bridge work identified in section 158. This work relates to a project to complete design requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the 14th Street Bridge.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follows:

(In thousands of dollars)

Federal Funds:	
New budget (obligational) authority, fiscal year 2000	$436,800
Budget estimates of new (obligational) authority, fiscal year 2001	445,425
House bill, fiscal year 2001	414,000
Senate bill, fiscal year 2001	448,355
Conference agreement, fiscal year 2001	444,975
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+8,175
Budget estimates of new (obligational) authority, fiscal year 2001	−450
House bill, fiscal year 2001	+30,975
Senate bill, fiscal year 2001	−3,380
District of Columbia Funds:	
New budget (obligational) authority, fiscal year 2000	*6,778,433*
Budget estimates of new (obligational) authority, fiscal year 2001	*6,691,932*
House bill, fiscal year 2001	*6,659,171*
Senate bill, fiscal year 2001	*6,666,531*
Conference agreement, fiscal year 2001	*6,667,571*
Conference agreement, compared with:	
New budget (obligational) authority, fiscal year 2000	*−110,862*
Budget estimates of new (obligational) authority, fiscal year 2001	*−24,361*
House bill, fiscal year 2001	*+8,400*
Senate bill, fiscal year 2001	*+1,040*

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5548 as introduced on October 25, 2000. The text of that bill follows:

A BILL Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $88,713,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2000: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,915,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $205,000,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $5,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $201,420,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $161,062,000.

DETENTION TRUSTEE

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,000,000: Provided, That the Trustee shall be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,575,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $535,771,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, $18,877,000 shall remain available until expended only for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $95,838,000: Provided, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $95,838,000 of offsetting collections derived from fees collected in fiscal year 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,250,382,000; of which not to exceed $2,500,000 shall be available until September 30, 2002, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2001: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,439 positions and 9,557 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $125,997,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $125,997,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,107,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $572,695,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: Provided, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 3,947 positions and 3,895 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $18,128,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 10 years.

In addition, $13,500,000, to remain available until expended, shall be available only for the purchase of two Sabreliner-class aircraft.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, $597,402,000, to remain available until expended: Provided, That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $125,573,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $8,475,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, $10,800,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $325,898,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,235,600,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2002; of which not less than $437,650,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 25,569 positions and 25,142 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $16,687,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,363,309,000; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2002; of which not to exceed $50,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,520 positions and 7,412 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $2,547,057,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 19,783 positions and 19,191 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $578,819,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,100 positions and 3,150 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: Provided further, That, notwithstanding any other provision of law, during fiscal year 2001, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and *facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $133,302,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.*

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 707, of which 600 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,476,889,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2002: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $835,660,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $197,239,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 821 and 822 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, $220,980,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $2,848,929,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) $523,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) $60,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) $20,000,000 shall be available to carry out section 102(2) of H.R. 728;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $686,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which:

(a) $165,000,000 shall be available for payments to States for incarceration of criminal aliens,

(b) $35,000,000 shall be available for the Cooperative Agreement Program,

(c) $34,000,000 shall be reserved by the Attorney General for fiscal year 2001 under section 20109(a) of subtitle A of title II of the 1994 Act, and

(d) $2,000,000 shall be for the review of State environmental impact statements;

(4) $8,000,000 for the Tribal Courts Initiative;

(5) $569,050,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $69,050,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $11,500,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(7) $2,000,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(8) $210,179,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) $31,625,000 shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence,

(b) $5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women,

(c) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(d) $11,000,000 shall be used exclusively for violence on college campuses;

(9) $34,000,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(10) $25,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(11) $5,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(12) $1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(13) $63,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(14) $5,000,000 for demonstration grants on alcohol and crime in Indian Country;

(15) $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(16) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(17) $1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(18) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(19) $250,000,000 for Juvenile Accountability Incentive Block Grants (of which $500,000 shall be used to construct a treatment and security facility for mid-risk youth in Southwest Colorado) except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2001, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(20) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided further, That funds made available in fiscal year 2001 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service: Provided further, That balances for these programs may be transferred from the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account to this account.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $34,000,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,032,325,000, to remain available until expended; of which $130,000,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $17,500,000 is for the National Institute of Justice to develop school safety technologies, and of which $30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities to reduce States' DNA convicted offender sample backlog and for awards to State, local, and private laboratories; of which $566,825,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $180,000,000 shall be available for school resource officers, of which $35,000,000 shall be used to improve tribal law enforcement including equipment and training, of which $25,500,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which $29,500,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and of which $15,000,000 shall be used to combat violence in schools; of which $140,000,000 shall be used for a law enforcement technology program; of which $48,500,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots"; of which $75,000,000 shall be for grants to States and units of local government for a Community Prosecution Program in areas of high gun-related violent crime to address gun-related violence and violations of gun statutes in cases involving drug-trafficking or gang-related crime; of which $25,000,000 shall be used for the Community Prosecutors program; of which $17,000,000 shall be for a police integrity program; and of which $30,000,000 shall be for an offender re-entry program: Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $31,825,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $5,000,000 shall be available to improve tribal law enforcement including equipment and training: Provided further, That no funds that become available as a result of deobligations from prior year balances, excluding those for program management and administration, may be obligated except in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $279,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $50,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $16,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,500,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,400,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Hereafter, authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall *remain in effect until the effective date of a subsequent Department of Justice Appropriation Authorization Act.*

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 108(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106–113) shall apply for fiscal year 2001 and thereafter.

SEC. 109. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2001.

SEC. 110. Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended by inserting before the period at the end of the second sentence the following: ", except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35".

SEC. 111. Section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106–113) shall apply hereafter.

SEC. 112. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsections:

"(t) GENEALOGY FEE.—(1) There is hereby established the Genealogy Fee for providing genealogy research and information services. This fee shall be deposited as offsetting collections into the Examinations Fee Account. Fees for such research and information services may be set at a level that will ensure the recovery of the full costs of providing all such services.

"(2) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee.

"(3) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

"(u) PREMIUM FEE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS.—The Attorney General is authorized to establish and collect a premium fee for employment-based petitions and applications. This fee shall be used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. For approval of the benefit applied for, the petitioner/applicant must meet the legal criteria for such benefit. This fee shall be set at $1,000, shall be paid in addition to any normal petition/application fee that may be applicable, and shall be deposited as offsetting collections in the Immigration Examinations Fee Account. The Attorney General may adjust this fee according to the Consumer Price Index.".

SEC. 114. Section 1402(d)(3) of Public Law 98–473 is amended by inserting "and the Federal Bureau of Investigation" after "United States Attorneys Offices".

SEC 115. Beginning in fiscal year 2001 and thereafter, funds appropriated to the Federal Prison System may be used to place in privately operated prisons only such persons sentenced to incarceration under the District of Columbia Code as the Director, Bureau of Prisons, may determine to be appropriate for such placement consistent with Federal classification standards, after consideration of all relevant factors, including the threat of danger to public safety.

SEC. 116. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 117. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, $2,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 118. Notwithstanding any other provision of law, for fiscal 2001 and hereafter, with respect to any grant program for which amounts are made available under this title, no grant funds may be made available to any local jail that runs "pay-to-stay programs."

SEC. 119. Notwithstanding any other provision of law, including section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis.

This title may be cited as the "Department of Justice Appropriations Act, 2001".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $29,517,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $48,100,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines and teletype equipment, $337,444,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $64,747,000 shall be for Trade Development, $25,555,000 shall be for Market Access and Compliance, $40,645,000 shall be for the Import Administration, $194,638,000 shall be for the United States and Foreign Commercial Service, and $11,859,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers *under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $64,854,000, to remain available until expended, of which $7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.*

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $411,879,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $53,745,000, to remain available until September 30, 2002.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $157,227,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $130,898,000 to remain available until expended: Provided, That, of the total amount available for the decennial census ($130,898,000 in new appropriations and $260,000,000 in unobligated balances from prior years), $24,055,000 is for Program Development and Management; $55,096,000 is for Data Content and Products; $122,000,000 is for Field Data Collection and Support Systems; $1,500,000 is for Address List Development; $115,038,000 is for Automated Data Processing and Telecommunications Support; $55,000,000 is for Testing and Evaluation; $5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; $9,197,000 is for Marketing, Communications and Partnership activities; and $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $145,508,000, to remain available until expended: Provided, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $11,437,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $45,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be: Provided further, That the Administrator shall, after consultation with other federal departments and agencies responsible for regulating the core operations of entities engaged in the provision of energy, water and railroad services, complete and submit to Congress, not later than twelve months after date of enactment of this subsection, a study of the current and future use of spectrum by these entities to protect and maintain the nation's critical infrastructure: Provided further, That within six months after the release of this study, the Chairman of the Federal Communications Commission shall submit a report to Congress on the actions that could be taken by the Commission to address any needs identified in the Administrator's study.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $783,843,000, to remain available until expended: Provided, That of this amount, $783,843,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2001, should the total amount of offsetting fee collections be less than $783,843,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $783,843,000 in fiscal year 2001 shall not be available for obligation: Provided further, That not to exceed $254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,080,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $312,617,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute *of Standards and Technology, $105,137,000, to remain available until expended.*

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $145,700,000, to remain available until expended, of which not to exceed $60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $34,879,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,869,170,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $682,899,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

COASTAL AND OCEAN ACTIVITIES

In addition, for coastal and ocean activities, $420,000,000, to remain available until expended, of which $135,000,000 is for ocean, coastal and waterway conservation programs; of which $135,000,000 is for National Oceanic and Atmospheric Administration programs; and of which $150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Lands Act as authorized by section 903 of this Act: Provided, That of the funds provided under this heading for ocean and coastal conservation programs, $10,000,000 is available for implementation of State nonpoint pollution control plans established pursuant to section 6217 of the Coastal Zone Management Act of 1972 as amended by P.L. 101–508 other than in non-contiguous States except Hawaii; $30,000,000 is for competitive grants for community-based coastal restoration activities in the Great Lakes region; $14,000,000 is for the University of New Hampshire, Building and Pier; $1,000,000 is for the Sea Coast Science Center; $3,000,000 is for the Great Bay Partnership; $1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; $1,000,000 is for the Mississippi Laboratories at Pascagoula; $8,000,000 is for the ACE Basin NERRS Research Center construction; $4,000,000 is for Kachamek Bay NERRS research center construction; $1,000,000 is for the Raritan, New Jersey, NERRS land acquisition; $2,500,000 is for Winyah Bay land acquisition; $2,000,000 is for ACE Basin Land Acquisition; $10,000,000 is for a direct payment to the SeaLife Center; $10,000,000 is for Dupage River restoration; $1,000,000 is for Detroit River restoration; $500,000 is for lower Rouge River restoration; $8,500,000 is for Bronx River restoration and land acquisition; $16,000,000 is for a grant for Eastern Kentucky Pride, Inc, of which $11,000,000 is for design and construction of facilities for water protection and related environmental infrastructure; $3,000,000 is for a grant to the Louisiana Department of Natural Resources for brown marsh research/mitigation and nutria control; $2,000,000 is for land acquisition in southern Orange County, California for conservation of coastal sage scrub; $3,000,000 is for planning, renovation and construction of facilities for a new national estuarine research reserve in San Francisco, California; $2,000,000 is for a grant to the National Fish and Wildlife Foundation for species management and estuarine habitat conservation; and $1,500,000 is for a grant to the Pinellas County Environmental Foundation for the Tampa Bay watershed Provided further, That of the funds provided for the National Oceanic and Atmospheric Administration programs, $5,000,000 is for National Estuarine Research Reserves operations; $12,000,000 is for Marine Sanctuaries operations; $8,500,000 is for Coastal Zone Management Act grants; $1,500,000 is for Program Administration; $4,000,000 is for marine mammal strandings; $25,000,000 is for protection of Coral Reefs; $36,000,000 is for Pacific Coastal Salmon Recovery grants to States and tribes; $6,000,000 is for fisheries habitat restoration; $15,000,000 is for NOAA Cooperative Enforcement initiative; $3,000,000 is for Atlantic Coast observers; $3,000,000 is for Cooperative Research; $3,000,000 is for Red Snapper research; $3,000,000 is for Aquaculture; $5,000,000 is for Harmful algal Blooms research; $2,000,000 is for Ocean exploration initiative; and $3,000,000 is for Marine Sanctuaries construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $54,000,000, subject to express authorization.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $20,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,200,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $288,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $35,920,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department *of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).*

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 208. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 209. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $4,000,000 is appropriated to the Institute at Saint Anselm College, $4,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $3,000,000 is appropriated to the Thayer School of Engineering for the biocommodity and biomass research initiative, and $3,000,000 is appropriated to establish the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies.

In addition, of the amounts for "National Oceanic and Atmospheric Administration, Procurement, Acquisition, and Construction", $5,000,000 shall be for a grant for Eastern Kentucky Pride, Inc., for design and construction of facilities for water protection and related environmental infrastructure.

SEC. 210. (a) The Secretary of Commerce shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in marine biology, oceanography, or maritime archaeology, including the curation, preservation, and display of maritime artifacts, to be known as "Dr. Nancy Foster Scholarships".

(b) The purpose of the Dr. Nancy Foster Scholarship Program is to recognize outstanding scholarship in marine biology, oceanography, or maritime archaeology, particularly by women and members of minority groups, and encourage independent graduate level research in such fields of study.

(c) Each Dr. Nancy Foster Scholarship award—

(1) shall be used to support a candidate's graduate studies in marine biology, oceanography, or maritime archaeology at a sponsoring institution; and

(2) shall be made available to individual candidates in accordance with guidelines issued by the Secretary.

(d) The amount of each Dr. Nancy Foster Scholarship shall be provided directly to each recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by the sponsoring institution.

(e) The Secretary shall make 1 percent of the amount appropriated each fiscal year to carry out the National Marine Sanctuaries Act (46 U.S.C. 1431 et seq.) available for Dr. Nancy Foster Scholarships.

(f) Repayment of the award shall be made to the Secretary in the case of fraud or noncompliance.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2001".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $37,591,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $7,530,000, of which $4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $17,930,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $12,456,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,359,725,000 (including the purchase of firearms and ammunition); of which not to exceed $17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,602,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to *foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $435,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).*

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $59,567,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $199,575,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $58,340,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,777,000; of which $1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,931,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will: (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section; (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for: (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers; (B) the legality of the proposed payment under the appropriation or fund involved; and (C) the correctness of the computations of certified payment requests.

(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) A certifying or disbursing officer: (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and (2) is entitled to relief from liability arising under this section as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

SEC. 305. DISTRICT JUDGES FOR THE DISTRICT COURTS. (a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the district of Arizona;

(2) 1 additional district judge for the southern district of Florida;

(3) 1 additional district judge for the eastern district of Kentucky;

(4) 1 additional district judge for the district of Nevada;

(5) 1 additional district judge for the district of New Mexico;

(6) 1 additional district judge for the district of South Carolina;

(7) 1 additional district judge for the southern district of Texas;

(8) 1 additional district judge for the western district of Texas;

(9) 1 additional district judge for the eastern district of Virginia; and

(10) 1 additional district judge for the eastern district of Wisconsin.

(b) TABLE.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judges authorized under subsection (a), such table is amended—

(1) in the item relating to the district of Arizona, by striking ''11''' and inserting ''12'';

(2) in the item relating to the southern district of Florida, by striking ''16'' and inserting ''17'';

(3) in the item relating to the eastern district of Kentucky, by striking ''4'' and inserting ''5'';

(4) in the item relating to the district of Nevada, by striking ''6'' and inserting ''7'';

(5) in the item relating to the district of New Mexico, by striking ''5'' and inserting ''6'';

(6) in the item relating to the district of South Carolina, by striking ''9'' and inserting ''10'';

(7) in the item relating to the southern district of Texas, by striking ''18'' and inserting ''19'';

(8) in the item relating to the western district of Texas, by striking ''10'' and inserting ''11'';

(9) in the item relating to the eastern district of Virginia, by striking ''9'' and inserting ''10''; and

(10) in the item relating to the eastern district of Wisconsin, by striking ''4'' and inserting ''5''.

(c) DESIGNATION OF JUDGE TO HOLD COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

SEC. 306. Section 332 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.".

SEC. 307. Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(C) an office, agency, or other establishment in the judicial branch;".

SEC. 308. (a) SUPREME COURT POLICE RETIREMENT.—

(1) SERVICE DEEMED TO BE SERVICE AS LAW ENFORCEMENT OFFICER.—Any period of service performed before the effective date of this section by an individual as a member of the Supreme Court Police, who is such a member on such date, shall be deemed to be service performed as a law enforcement officer for purposes of chapters 83 and 84 of title 5, United States Code. Notwithstanding any amendment made by this section, any period of service performed before the effective date of this section by an individual as a member of the Supreme Court Police, who is not such a member on such date, shall be employee service for purposes of chapters 83 and 84 of title 5, United States Code.

(2) CONTRIBUTIONS.—The Marshal of the Supreme Court of the United States shall pay an amount determined by the Office of Personnel Management equal to—

(A)(i) the difference between—

(I) the amount that was deducted and withheld from basic pay under chapters 83 and 84 of title 5, United States Code, for the period of service described in the first sentence of paragraph (1); and

(II) the amount that should have been deducted and withheld for such period of service, if it had instead been performed as a law enforcement officer; and

(ii) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under clause (i); and

(B) with respect to the period of service described in subparagraph (A), the difference between the Government contributions that were in fact made to the Civil Service Retirement and Disability Fund for such service, and the amount that would have been required if such service had instead been performed as a law enforcement officer, subject to subsection (f).

(3) DEPOSIT OF PAYMENTS.—Payments under paragraph (2) shall be paid from the salaries and expenses account from appropriations to the Supreme Court of the United States, including any prior year unobligated balances, and deposited in the Civil Service Retirement and Disability Fund.

(b) AMENDMENTS TO CHAPTER 83.—

(1) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by inserting "member of the Supreme Court Police," after "member of the Capitol Police,"; and

(B) in subsection (c) in the item relating to law enforcement officers by inserting ", member of the Supreme Court Police for Supreme Court Police service," after "law enforcement service".

(2) MANDATORY SEPARATION.—(A) Section 8335 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

"(e) A member of the Supreme Court Police who is otherwise eligible for immediate retirement under section 8336(n) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Marshal of the Supreme Court of the United States, when in his judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Marshal shall notify the member in writing of the date of separation at least 60 days in advance thereof. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.".

(B) Section 8335(f) of title 5, United States Code, as redesignated by subparagraph (A), is amended by striking "Police)" and inserting "Police or the Supreme Court Police)".

(3) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended by redesignating subsection (n) as subsection (o) and inserting after subsection (m) the following:

"(n) A member of the Supreme Court Police who is separated from the service after becoming 50 years of age and completing 20 years of service as a member of the Supreme Court Police or as a law enforcement officer, or any combination of such service totaling at least 20 years, is entitled to an annuity.".

(4) COMPUTATION.—Section 8339 of title 5, United States Code, is amended by redesignating subsection (r) as subsection (s) and inserting after subsection (q) the following:

"(r) The annuity of a member of the Supreme Court Police, or former member of the Supreme Court Police, retiring under this subchapter is computed in accordance with subsection (d).".

(c) AMENDMENTS TO CHAPTER 84.—

(1) IMMEDIATE RETIREMENT.—Section 8412(d) of title 5, United States Code, is amended by inserting "or Supreme Court Police" after "Capitol Police" each place it appears.

(2) COMPUTATION OF BASIC ANNUITY.—Section 8415(g) of title 5, United States Code, is amended by inserting "member of the Supreme Court Police," after "law enforcement officer,".

(3) DEDUCTIONS FROM PAY.—Section 8422(a)(3) of title 5, United States Code, is amended in the item relating to law enforcement officers by inserting "member of the Supreme Court Police," after "member of the Capitol Police,".

(4) GOVERNMENT CONTRIBUTIONS.—Section 8423(a) of title 5, United States Code, is amended by inserting "members of the Supreme Court Police," after "law enforcement officers," each place it appears.

(5) MANDATORY SEPARATION.—(A) Section 8425 of title 5, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

"(d) A member of the Supreme Court Police who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Marshal of the Supreme Court of the United States, when in his judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Marshal shall notify the member in writing of the date of separation at least 60 days before the date. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.".

(B) Section 8425(e) of title 5, United States Code, as so redesignated, is amended by striking "Police)" and inserting "Police or Supreme Court Police)".

(d) PAYMENTS FOR OTHER LIABILITY.—

(1) IN GENERAL.—The Marshal of the Supreme Court of the United States shall pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund resulting from the amendments related to the Civil Service Retirement System under this section, and for any estimated increase in the supplemental liability of the Fund resulting from the amendments related to the Federal Employees' Retirement System under this section.

(2) INSTALLMENTS.—The amount determined under paragraph (1) shall be paid in 5 equal annual installments with interest computed at the rates used in the most recent valuation of the Federal Employees' Retirement System.

(3) SOURCE OF FUNDS.—Payments under this subsection shall be made from amounts available from the salaries and expenses account from appropriations to the Supreme Court of the United States, including any prior year unobligated balances.

(e) NO MANDATORY SEPARATION FOR A 2-YEAR PERIOD.—Nothing in section 8335(e) or 8425(d) of title 5, United States Code, as added by this section, shall require the automatic separation of any member of the Supreme Court Police before the end of the 2-year period beginning on the effective date of this section.

(f) NONREDUCTION IN GOVERNMENT CONTRIBUTIONS.—Notwithstanding any other provision of this section, Government contributions to the Civil Service Retirement and Disability Fund on behalf of a member of the Supreme Court Police shall, with respect to any service performed during the period beginning on January 1, 1999, and ending on December 31, 2002, while subject to the Federal Employees' Retirement System, be determined in the same way as if this section had never been enacted.

(g) SAVINGS PROVISION.—Nothing in this section or in any amendment made by this section shall, with respect to any service performed before the effective date of such amendment, have the effect of reducing the percentage applicable in computing any portion of an annuity based on service as a member of the Supreme Court Police below the percentage which would otherwise apply if this section had not been enacted.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 8337(a) of title 5, United States Code, is amended in the last sentence by striking "8339(a)–(e), (n), (q), or (r)" and inserting "8339(a) through (e), (n), (q), (r), or (s)".

(2) Subsections (f) and (m) of section 8339 of title 5, United States Code, are each amended by striking "subsections (a)–(e), (n), (q), and (r)" and inserting "subsections (a) through (e), (n), (q), (r), and (s)".

(3) Section 8339(g) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "subsections (a)–(c), (n), (q), or (r)" and inserting "subsections (a) through (c), (n), (q), (r), or (s)"; and

(B) in the matter following paragraph (2), by striking "(q), or (r)" each place it appears and inserting "(q), (r), or (s)".

(4) Section 8339(i) of title 5, United States Code, is amended by striking "(a)–(h), (n), (q), and (r)" and inserting "(a)–(h), (n), (q), (r), or (s)".

(5) Sections 8339(j), 8339(k)(1), and 8343a of title 5, United States Code, are each amended by striking "(a)–(i), (n), (q), and (r)" each place it appears and inserting "(a)–(i), (n), (q), (r), and (s)".

(6) Section 8339(l) of title 5, United States Code, is amended by striking "(a)–(k), (n), (q), and (r)" and inserting "(a)–(k), (n), (q), (r), and (s)".

(7) Subsections (b)(1) and (d) of section 8341 of title 5, United States Code, are each amended by striking "(q), and (r)" and inserting "(q), (r), and (s)".

(8) Section 8344(a)(A) of title 5, United States Code, is amended by striking "(q), and (r)" and inserting "(q), (r), and (s)".

(i) APPLICABILITY.—This section and the amendments made by this section shall apply only to an individual who is employed as a member of the Supreme Court Police after the later of October 1, 2000, or the date of enactment of this Act.

(j) EFFECTIVE DATE.—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on the first day of the first applicable pay period that begins on the later of October 1, 2000, or the date of enactment of this Act.

SEC. 309. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2001, to receive a salary adjustment in accordance with 28 U.S.C. 461, only if for the purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), adjustments under section 5303 of title 5, United States Code, shall take effect in fiscal year 2001: Provided, That, if such adjustments take effect pursuant to this section, $8,801,000 is appropriated for such adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as the "Judiciary Appropriations Act, 2001".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,758,725,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: Provided further, That, of the amount made available under this heading, $246,644,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, $5,000,000 shall be available only for overseas continuing language education: Provided further, That of the amount made available under this heading, not to exceed $1,400,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2001 and 2002, under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 2001 and 2002 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: Provided further, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: Provided further, That in fiscal year 2001 and thereafter reimbursements for services provided to the press in connection with the travel of senior-level officials may be collected and credited to this appropriation and shall remain available until expended: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That of the amount made available under this heading, $40,000,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which $20,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $410,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $97,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $28,490,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $231,587,000, to remain available until expended: Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,499,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $15,467,000, to remain available until September 30, 2002: Provided, That, notwithstanding the limitations of 3 U.S.C. 202(10) concerning 20 or more consulates, of the amount made available under this heading, $5,000,000 shall be available only for the reimbursement of costs incurred by the City of Seattle, Washington.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, $416,976,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $663,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $5,477,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $591,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $16,345,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,224,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $870,833,000: Provided, That any payment of arrearages under this title *shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2000 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000: Provided further, That if the Secretary of State is unable to make the aforementioned certification, the $100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $846,000,000, of which 15 percent shall remain available until September 30, 2002: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $7,142,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $22,950,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $6,741,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,392,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $13,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,999,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, $398,971,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $20,358,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking "and the Deputy Secretary of State" and inserting ", the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources".

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy Secretary of State for Management and Resources." after the item relating to the "Deputy Secretary of State".

SEC. 405. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 406. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, Burkina Faso, the Democratic Republic of the Congo, or the Republic of Angola with the exception of diamonds certified by the lawful governments of the Republic of Sierra Leone, the Democratic Republic of the Congo, or the Republic of Angola.

SEC. 407. Section 37(a)(3) of the State Department Basic Authorities Act, as amended, (22 U.S.C. 2709) is amended by—

(1) striking "and" at the end of subsection (a)(3)(C); and

(2) by inserting at the end the following new subsections:

"(E) a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and

"(F) an individual who has been designated by the President to serve as Secretary of State, prior to that individual's appointment.".

SEC. 408. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State, and for the American Section of the International Joint Commission in Public Law 106–246, may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2001".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $86,910,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $30,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,987,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $490,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to S. 2327 as passed the Senate, $1,000,000, to remain available until expended: Provided, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,370,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $303,864,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $230,000,000, of which not to exceed $300,000 shall remain available until September 30, 2002, for research and policy studies: Provided, That $200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at $29,854,000: Provided further, That any offsetting collections received in excess of $200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $15,500,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $145,254,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $145,254,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $330,000,000, of which $310,000,000 is for basic field programs and required independent audits; $2,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $10,800,000 is for management and administration; and $7,000,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,700,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $127,800,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, $295,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $331,635,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That $88,000,000 shall be available to fund grants for performance in fiscal year 2001 or fiscal year 2002 as authorized by section 21 of the Small Business Act, as amended: *Provided further*, That, of the funds made available under this heading, $4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c).

In addition, for the costs of programs related to the New Markets Venture Capital Program, $37,000,000, of which $7,000,000 shall be for BusinessLINC, and of which $30,000,000 shall be for technical assistance: *Provided*, That the funds appropriated under this paragraph shall not be available for obligation until the New Markets Venture Capital Program is authorized by subsequent legislation.

In addition, to reimburse the Small Business Administration for qualified expenses of delinquent non-tax debt collection, to be derived from increased agency collections of delinquent debt, 5 percent of such collections but not to exceed $3,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,953,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,250,000, to be available until expended; and for the cost of guaranteed loans, $163,160,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2002: *Provided*, That of the total provided, $22,000,000 shall be available only for the costs of guaranteed loans under the New Markets Venture Capital program and shall become available for obligation only upon authorization of such program by the enactment of subsequent legislation in fiscal year 2001: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $76,140,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $108,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $98,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $6,850,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts, to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new *programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.*

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended—

(1) by striking "and" after "Toussaint,"; and

(2) by inserting before the semicolon at the end of the subsection, ", Jean Leopold Dominique, Jean-Claude Louissaint, Legitime Athis and his wife, Christa Joseph Athis, Jean-Michel Olophene, Claudy Myrthil, Merilus Deus, and Ferdinand Dorvil".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2001.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $537,500,000 shall not be available for obligation until the following fiscal year.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted *on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.*

SEC. 624. Beginning 60 days from the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.

SEC. 625. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

SEC. 626. Title 18, section 4006(b)(1) is amended by inserting, ", the Federal Bureau of Investigation" after "United States Marshals Service".

SEC. 627. Section 3022 of the 1999 Emergency Supplemental Appropriations Act (113 Stat. 100) is amended by striking "between the date of enactment of this Act and October 1, 2000,".

SEC. 628. Section 623 of H.R. 3421 (the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (16 U.S.C. 3645)), as enacted into law by section 1000(a)(1) of Public Law 106–113 (113 Stat. 1535), is amended—

(a) in subsection (a)(1) by striking "The Northern Fund and Southern Fund shall each receive $10,000,000 of the amounts authorized by this section.";

(b) by striking subsection (d) and inserting in lieu thereof the following new subsection:

"(d)(1) PACIFIC SALMON TREATY.—

"(A) For capitalizing the Northern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of $75,000,000.

"(B) For capitalizing the Southern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of $65,000,000.

"(C) To provide economic adjustment assistance to fishermen pursuant to the 1999 Pacific Salmon Treaty Agreement, there is authorized to be appropriated in fiscal years 2000, 2001, and 2002 a total of $30,000,000.

"(2) PACIFIC COASTAL SALMON RECOVERY.—

"(A) For salmon habitat restoration, salmon stock enhancement, and salmon research, including the construction of salmon research and related facilities, there is authorized to be appropriated for each of fiscal years 2000, 2001, 2002, and 2003, $90,000,000 to the States of Alaska, Washington, Oregon, and California. Amounts appropriated pursuant to this subparagraph shall be made available as direct payments. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

"(B) For salmon habitat restoration, salmon stock enhancement, salmon research, and supplementation activities, there is authorized to be appropriated in each of fiscal years 2000, 2001, 2002, and 2003, $10,000,000 to be divided between the Pacific Coastal tribes (as defined by the Secretary of Commerce) and the Columbia River tribes (as defined by the Secretary of Commerce).".

SEC. 629. Section 3(3) of the Interstate Horseracing Act of 1978 (15 U.S.C. 3002(3)) is amended by inserting "and includes pari-mutuel wagers, where lawful in each State involved, placed or transmitted by an individual in one State via telephone or other electronic media and accepted by an off-track betting system in the same or another State, as well as the combination of any pari-mutuel wagering pools" after "another State".

SEC. 630. (a) Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

"(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

"(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

"(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

"(A) in excess of $200,000,000 (as adjusted and published for each fiscal year beginning after September 30, 2004, in the same manner as provided in section 8(a)(5) to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2003); or

"(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

"(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

"(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

"(III) any voting securities or assets of a person with annual net sales or total assets of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).".

(b) Section 605 of title VI of Public Law 101–162 (15 U.S.C. 18a note) is amended—

(1) by inserting "(a)" after "SEC. 605.",

(2) in the 1st sentence—

(A) by striking "at $45,000" and inserting "in subsection (b)", and

(B) by striking "Hart-Scott-Rodino Antitrust Improvements Act of 1976" and inserting "section 7A of the Clayton Act", and

(3) by adding at the end the following:

"(b) The filing fees referred to in subsection (a) are—

"(1) $45,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is less than $100,000,000 (as adjusted and published for each fiscal year beginning after September 30, 2004, in the same manner as provided in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2003);

"(2) $125,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $100,000,000 (as so adjusted and published) but less than $500,000,000 (as so adjusted and published); and

"(3) $280,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $500,000,000 (as so adjusted and published).",

(4) by striking "States." and inserting "States", and

(5) by adding a period at the end.

(c) Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended)—

(1) by inserting "(A)" after "(1)", and

(2) by inserting at the end the following:

"(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue, to hear any petition filed by such person to determine—

"(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

"(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

"(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

"(iii) Not later than 90 days after the date of the enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient ,merger review process.

"(iv) Not later than 120 days after the date of enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

"(v) Not later than 180 days after the date the of enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

"(I) which reforms each agency has adopted under this subparagraph;

"(II) which steps each has taken to implement such internal reforms; and

"(III) the effects of such reforms.".

(d) Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking "20 days" and inserting "30 days", and

(2) by adding at the end the following:

"(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5 of the United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.".

(e) This section and the amendments made by this section shall take effect on the 1st day of the 1st month that begins more than 30 days after the date of the enactment of this Act.

SEC. 631. (a) The Secretary of the Army is authorized to take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $19,200,000 and an estimated non-Federal cost of $4,800,000.

(b) For purposes of this section only, "stabilize and renovate" shall include, but shall not be limited to, the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 632. (a)(1) The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A); or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 CFR 73.853),

except as expressly authorized by an Act of Congress enacted after the date of the enactment of this Act.

(3) Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modifies its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b)(1) The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than nine FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

SEC. 633. For an additional amount for "Small Business Administration, Salaries and Expenses", $40,000,000, of which $2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $600,000 shall be available for a grant for Western Carolina University to develop a tourism and hospitality curriculum; $2,500,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop facilities, including the Museum's participation in the Point Residency and the Community Gallery projects; $1,000,000 shall be available for a grant to Soundview Community in Action in the Bronx, New York, for a technology access and business improvement project; $5,000,000 shall be available for the Center for Rural Development, Somerset, Kentucky, for a regional program of technology workforce development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $500,000 shall be available for a grant for Pike County, Kentucky, for an interpretive development initiative; $1,000,000 shall be available for a grant to the East Los Angeles Community Union to develop a facility; $5,000,000 shall be available for a grant to the Southern Kentucky Tourism Development Association for a regional tourism promotion initiative; $1,500,000 shall be available for a grant for Union College, Barbourville, Kentucky, for a technology and media center; $500,000 shall be available for a grant to the National Corrections and Law Enforcement Training and Technology Center, Inc., to work in conjunction with the Office of Law Enforcement Technology Commercialization and the Moundsville Economic Development Council for continued operations of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; $2,000,000 shall be available for a grant for the City of Paintsville, Kentucky, for a regional arts and tourism center; $200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; $800,000 shall be available for a grant for the Museum of Science and Industry to develop a Manufacturing Learning Center; $200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma, to continue support for a resource center for rural businesses; $1,000,000 shall be available for a grant for Greenpoint Manufacturing and Design Center to acquire certain properties to develop a small business incubator facility; $1,000,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; $200,000 shall be available for a grant for Old Sturbridge Village's Threshold Project to develop an arts and tourism facility; $1,300,000 shall be available for a grant to Pulaski County, Kentucky, for an emergency training center; $2,000,000 shall be available for a grant for Promesa Enterprises in the Bronx, New York, to assist community-based businesses; $1,000,000 shall be available for a grant to the City of Oak Ridge, Tennessee, to develop a center to support technology and economic development initiatives; $1,000,000 shall be available for a grant for the Safer Foundation to develop a facility; $250,000 shall be available for a grant for the Johnstown Area Regional Industries Center for a Workforce Development initiative; $600,000 shall be available for a grant for the Buckhorn Children's Foundation for a community-based youth development facility; $250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to continue support for the Entrepreneur Challenge 2000 small business incubator initiative; $250,000 shall be available for a grant to the Business Development Assistance Group to establish an Entrepreneurship Center for New Americans in Northern Virginia; $1,000,000 shall be available for a grant for the Brotherhood Business Development and Capital Fund for a small business technical assistance and loan program; $900,000 shall be available for a grant for the Arizona Department of Public Safety for planning and design for infrastructure improvements; $250,000 shall be available for a grant for Gadsden State Community College to develop a Center for Economic Development; $2,000,000 shall be available for a grant to Morehead State University for a science research and technology center; $350,000 shall be available for a grant for the Nicholas County, Kentucky, Industrial Authority to acquire certain properties in Carlisle, Kentucky, to develop a small business initiative; $350,000 shall be available for a grant for Montgomery County, Kentucky, to develop an education and training facility; $500,000 shall be available for a grant to the New York City Department of Parks and Recreation, Bronx County, to develop a river house facility; $500,000 shall be available for a grant to the New York Public Library Mott Haven Branch in the Bronx, New York, to develop a facility; and $500,000 shall be available for a grant to the Oklahoma Department of Career and Technology Education for a technology-based pilot program for vocational training for economic and job development.

SEC. 634. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to issue or renew, for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel—

(1) to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna; or

(2) to fish for, catch, or possessing Atlantic bluefin tuna located by the use of an aircraft.

SEC. 635. (a) This section may be cited as "Amy Boyer's Law".

(b) Congress makes the following findings:

(1) The inappropriate display, sale, or use of social security numbers is a significant factor in a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) Because social security numbers are used to track financial, health care, and other sensitive information about individuals, the inappropriate sale or display of those numbers to the general public can result in serious invasions of individual privacy and facilitate the commission of criminal activity.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains the social security number system, and because the Federal Government does not permit persons to exempt themselves from the requirements of that system, it is appropriate for the Federal Government to take steps to stem abuse of the system.

(4) A social security number is simply a sequence of numbers. In no meaningful sense can the number itself impart knowledge or ideas. Persons do not sell or transfer such numbers in order to convey any particularized message, nor to express to the purchaser any ideas, knowledge, or thoughts.

(5) No one should seek to profit from the display or sale to the general public of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Various entities may display, sell, or use social security numbers, including the private sector, the Federal Government and State governments, and Federal and State courts. Whatever the source, the inappropriate display or sale to the general public of social security numbers should be prevented.

(7) Congress should enact legislation that will offer an individual assigned a social security number necessary protection from the display, sale, or purchase of the number in circumstances that might facilitate unlawful conduct or that might otherwise likely result in unfair and deceptive practices.

(c)(1) Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY NUMBER

"SEC. 1150A. (a) Except as otherwise provided in this section, no person may display or sell to the general public any individual's social security number, or any identifiable derivative of such number, without the affirmatively expressed consent, electronically or in writing, of the individual.

"(b) No person may obtain any individual's social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes.

"(c) In order for consent to exist under subsection (a), the person displaying, or seeking to display, or selling or attempting to sell, an individual's social security number, or any identifiable derivative of such number, shall—

"(1) inform the individual of the general purposes for which the number will be utilized and the types of persons to whom the number may be available; and

"(2) obtain affirmatively expressed consent electronically or in writing.

"(d) Except as set forth in subsection (b), nothing in this section shall be construed to prohibit or limit the display, sale, or use of a social security number—

"(1)(A) permitted, required, or excepted, expressly or by implication, under section 205(c)(2), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), section 6109(d) of the Internal Revenue Code of 1986, the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), or the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936) or the amendments made by that Act, or (B) in connection with an activity authorized under or pursuant to section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), whether or not such activity is conducted by or subject to any limitations or requirements applicable to a financial holding company;

"(2) by a professional or commercial user who appropriately uses the information in the normal course and scope of their businesses for purposes of retrieval of other information, except that the professional or commercial user may not display or sell the number (or any identifiable derivative of the number) to the general public;

"(3) for purposes of law enforcement, including investigation of fraud or as required under subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951-1959); or

"(4) that may appear in a public record including, but not limited to, proceedings or records of Federal or State courts.

"(e)(1) Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

"(A) such preliminary and equitable relief as the court determines to be appropriate; and

"(B) the greater of—

"(i) actual damages;

"(ii) liquidated damages of $2,500; or

"(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of $10,000.

"(2) In the case of a civil action brought under paragraph (1)(B)(iii) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

"(3) No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

"(4) The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

"(f)(1) Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

"(A) a civil money penalty of not more than $5,000 for each such violation; and

"(B) a civil money penalty of not more than $50,000, if violations have occurred with such frequency as to constitute a general business practice.

"(2) Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

"(3) The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

"(g) In this section, the term 'display or sell to the general public' means the intentional placing of an individual's social security number, or identifying portion thereof, in a viewable manner on a web site that makes such information available to the general public, or otherwise intentionally communicating an individual's social security number, or an identifying portion thereof, to the general public.

"(h) Nothing in this section shall be construed to limit the use of social security numbers by the Federal Government for governmental purposes, including any of the following purposes:

"(1) National security.

"(2) Law enforcement.

"(3) Public health.

"(4) Federal or federally-funded research conducted for the purposes of advancing knowledge.

"(5) When such numbers are required to be submitted as part of the process for applying for any type of government benefit or program.".

(2) Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8), the following new paragraphs:

"(9) except as provided in section 1150A(d), knowingly and willfully displays or sells to the general public (as defined in section 1150A(g)) any individual's social security number, or any identifiable derivative of such number, without the affirmatively expressed consent (as defined in section 1150A(c)), electronically or in writing, of such individual; or

"(10) obtains any individual's social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes;".

(3) The amendments made by this subsection apply with respect to violations occurring on and after the date that is 2 years after the date of enactment of this Act.

(d)(1) The Comptroller General of the United States shall conduct a study of the feasibility and advisability of imposing additional limitations or prohibitions on the use of social security numbers in public records.

(2) Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and such recommendations for legislative action as the Comptroller General considers appropriate.

SEC. 636. The Cuyahoga Valley National Park shall not be redesignated as a Class I area under title I, Part C of the Clean Air Act, 42 U.S.C. sections 7470–7479.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

Amounts otherwise available for obligation in fiscal year 2001 for the Drug Diversion Control Fee Account are reduced by $8,000,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 104–208, $7,644,000 are rescinded.

TITLE VIII—DEBT REDUCTION AND OTHER MATTER

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit on November 1, 2000, of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, the amount equal to the difference between $240,088,000,000 and the aggregate amount deposited into this account in other appropriation Acts for fiscal year 2001 enacted before such date.

GENERAL PROVISION

SEC. 801. Beginning on the first day of the 107th Congress, the Presiding Officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress. Further that there is now in effect a standing order of the Senate that the reading of conference reports, are no longer required, if the said conference report is available in the Senate.

TITLE IX—WILDLIFE, OCEAN AND COASTAL CONSERVATION

SEC. 901. WILDLIFE CONSERVATION AND RESTORATION PLANNING.

For expenses necessary to support activities that supplement, but not replace, existing funding available to the States and territories from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration plans and programs, $50,000,000, to remain available until expended: Provided, That these funds may be used by a State, territory or an Indian Tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects: Provided further, That the Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; (B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and, (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That no State, territory or other jurisdiction shall receive a grant unless it has certified to the Service that it has in place, or has agreed to develop by a mutually agreed date certain, a wildlife conservation strategy and plan.

SEC. 902. WILDLIFE CONSERVATION AND RESTORATION.

(a) PURPOSES.—The purposes of this section are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

(b) REFERENCE TO LAW.—In this section, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(c) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"As used in this Act—

"(1) the term 'conservation' means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

"(2) the term 'Secretary' means the Secretary of the Interior;

"(3) the term 'State fish and game department' or 'State fish and wildlife department' means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

"(4) the term 'wildlife' means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

"(5) the term 'wildlife-associated recreation' means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

"(6) the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

"(7) the term 'wildlife conservation education' means projects, including public outreach, intended to foster responsible natural resource stewardship; and

"(8) the term 'wildlife-restoration project' includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.".

(d) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'Wildlife Conservation and Restoration Account'. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account $50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).''; and

(2) by adding at the end the following:

"(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

"(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.".

(e) APPORTIONMENTS OF AMOUNTS.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

"(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration Account:

"(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof;

"(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), *shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each fiscal year among the States in the following manner:*

"(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

"(ii) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

"(3) Of the amounts transferred to the Wildlife Conservation and Restoration Account, not to exceed 3 percent shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

"(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(D) WILDLIFE CONSERVATION STRATEGY.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

"(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

"(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

"(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

"(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

"(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

"(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

"(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(f) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

(g) EDUCATION.—Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

(h) PROHIBITION AGAINST DIVERSION.—No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.

(i) NORTH AMERICAN WETLANDS CONSERVATION ACT.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "$30,000,000" and inserting "$50,000,000".

SEC. 903. COASTAL IMPACT ASSISTANCE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 31. COASTAL IMPACT ASSISTANCE.

"Nothing in this section shall be construed as a permanent authorization.

"(a) DEFINITIONS.—When used in this section—

"(1) The term 'coastal political subdivision' means a county, parish, or any equivalent subdivision of a Producing Coastal State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

"(2) The term 'coastal population' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

"(3) The term 'Coastal State' has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

"(4) The term 'coastline' has the same meaning as the term 'coast line' as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

"(5) The term 'distance' means minimum great circle distance, measured in statute miles.

"(6) The term 'leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

"(7) The term 'Producing Coastal State' means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(8) The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(9) The term 'Secretary' means the Secretary of Commerce.

"(b) AUTHORIZATION.—For fiscal year 2001, $150,000,000 is authorized to be appropriated for the purposes of this section.

"(c) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.—The Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

"(1) ALLOCATIONS TO PRODUCING COASTAL STATES.—In each fiscal year, each Producing Coastal State's allocable share shall be equal to the sum of the following:

"(A) 60 percent of the amounts appropriated shall be equally divided among all Producing Coastal States;

"(B) 40 percent of the amounts appropriated for the purposes of this section shall be divided among Producing Coastal States based on Outer Continental Shelf production, except that of such amounts no Producing Coastal State may receive more than 25 percent in any fiscal year.

"(2) CALCULATION.—The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of all Producing Coastal States for the period beginning on January 1, 1995 and ending on December 31, 2000. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State's payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—Thirty-five percent of each Producing Coastal State's allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in paragraph (C) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues:

"(A) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State.

"(B) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions in the Producing Coastal State.

"(C) 50 percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate that Producing Coastal State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(4) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

"(d) COASTAL IMPACT ASSISTANCE PLAN.—

"(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan. The Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

"(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if the plan contains each of the following:

"(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

"(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

"(C) A contact for each political subdivision and description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

"(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

"(E) Measures for taking into account other relevant Federal resources and programs.

"(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

"(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

"(e) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

"(1) uses set forth in new section 32(c)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) proposed by the amendment to H.R. 701 of the 106th Congress as reported by the Senate Committee on Energy and Natural Resources;

"(2) projects and activities for the conservation, protection or restoration of wetlands;

"(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

"(4) planning assistance and administrative costs of complying with the provisions of this section;

"(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

"(6) mitigating impacts of Outer Continental Shelf activities through funding of (A) onshore infrastructure projects and (B) other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities: Provided, That funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

"(f) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.".

TITLE X—LOCAL TV ACT

SECTION 1001. SHORT TITLE.

This title may be cited as the "Launching Our Communities' Access to Local Television Act of 2000".

SEC. 1002. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in nonserved areas and underserved areas.

SEC. 1003. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the "Board").

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(D) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by an affirmative vote of not less than 3 members of the Board.

SEC. 1004. APPROVAL OF LOAN GUARANTEES.

(a) Authority To Approve Loan Guarantees.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) Regulations.—

(1) Requirements.—The Administrator (as defined in section 5), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 11 have been appropriated in a bill signed into law.

(2) Elements.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) Construction.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) Authority Limited by Appropriations Acts.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts, and the Board may accept credit risk premiums from a non-Federal source in order to cover the cost of a loan guarantee under this Act, to the extent that appropriations of budget authority are insufficient to cover such costs.

(d) Requirements and Criteria Applicable to Approval.—

(1) In General.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) Prerequisites.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to a nonserved area or underserved area;

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses, or for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j));

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in a nonserved area or underserved area and is commercially viable;

(D)(i) the loan—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization;

(ii) if the loan is provided by a lender described in clause (i)(II) and the Board determines that the making of the loan by such lender will cause a decline in such lender's debt rating as described in that clause, the Board at its discretion may disapprove the loan guarantee on this basis;

(iii) no loan may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(iv) any loan must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(v) for purposes of clause (i)(I)(bb), the term "net equity" means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) Protection of United States Financial Interests.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the "Amount" for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant;

(iv) all necessary and required regulatory and other approvals, spectrum licenses, and delivery permissions have been received for the loan and the project under the loan;

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) Considerations.—

(1) Type of Market.—

(A) Priority Considerations.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order:

(i) First, to projects that will serve households in nonserved areas. In considering such projects, the Board shall balance projects that will serve the largest number of households with projects that will serve remote, isolated communities (including noncontiguous States) in areas that are unlikely to be served through market mechanisms.

(ii) Second, to projects that will serve households in underserved areas. In considering such projects, the Board shall balance projects that will serve the largest number of households with projects that will serve remote, isolated communities (including noncontiguous States) in areas that are unlikely to be served through market mechanisms.

Within each category, the Board shall consider the project's estimated cost per household and shall give priority to those projects that provide the highest quality service at the lowest cost per household.

(B) Additional Consideration.—The Board should give additional consideration to projects that also provide high-speed Internet service.

(C) Prohibitions.—The Board may not approve a loan guarantee under this Act for a project that—

(i) is designed primarily to serve 1 or more of the top 40 designated market areas (as that term is defined in section 122(j) of title 17, United States Code); or

(ii) would alter or remove National Weather Service warnings from local broadcast signals.

(2) Other Considerations.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals, but for applicable Federal, State, or local laws or regulations;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(3) Further Consideration.—In implementing this Act, the Board shall support the use of loan guarantees for projects that would serve households not likely to be served in the absence of loan guarantees under this Act.

(f) Guarantee Limits.—

(1) Limitation on Aggregate Value of Loans.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of such loans) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the "applicable portion") and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—

(A) IN GENERAL.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(B) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—Credit risk premiums under this subsection shall be imposed only to the extent provided for in advance in appropriations Acts.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 502(5) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the "Escrow Account") established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (i) and (j) of section 5, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) of this section when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) LIMITATIONS ON GUARANTEES FOR CERTAIN CABLE OPERATORS.—Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for a project that extends, upgrades, or enhances the services provided over any cable system to an area that, as of the date of the enactment of this Act, is covered by a cable franchise agreement that expressly obligates a cable system operator to serve such area.

(j) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

(k) APPLICABILITY OF APA.—Except as otherwise provided in subsection (j), the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), shall apply to actions taken under this Act.

SEC. 1005. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the "Administrator") shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 6(a)(2).

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii).

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) EXPIRATION OF LOAN GUARANTEE UPON STRIPPING.—Notwithstanding subsections (c), (e), and (h), a loan guarantee under this Act shall have no force or effect if any part of the guaranteed portion of the loan is transferred separate and apart from the unguaranteed portion of the loan.

(e) ADJUSTMENT.—The Board may approve the adjustment of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the adjustment is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the adjustment is consistent with the underwriting criteria developed under section 4(g);

(4) the adjustment does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the adjustment does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the adjustment.

(f) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(g) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(h) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the

loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(i) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(j) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(k) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(l) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(m) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(n) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—

(A) IN GENERAL.—Any fee collected under this subsection shall be used, subject to subparagraph (B), to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(B) SUBJECT TO APPROPRIATIONS.—The authority provided by this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(C) LIMITATION ON FEES.—The aggregate amount of fees imposed by this subsection shall not exceed the actual amount of administrative costs under this Act.

(o) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (f); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(p) EFFECT OF BANKRUPTCY.—

(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 1006. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on each audit conducted under subsection (a).

SEC. 1007. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term "covered rural service area licensing proceeding" means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term "tentative selectee" means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 1008. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

"(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.".

SEC. 1009. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

SEC. 1010. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term "affiliate"—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) NONSERVED AREA.—The term "nonserved area" means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by any commercial, for profit, multichannel video provider.

(3) UNDERSERVED AREA.—The term "underserved area" means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (3), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 1011. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 1012. PREVENTION OF INTERFERENCE TO DIRECT BROADCAST SATELLITE SERVICES.

(a) TESTING FOR HARMFUL INTERFERENCE.—The Federal Communications Commission shall provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the direct broadcast satellite frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service.

(b) TECHNICAL DEMONSTRATION.—In order to satisfy the requirement of subsection (a) for any pending application, the Commission shall select an engineering firm or other qualified entity independent of any interested party based on a recommendation made by the Institute of Electrical and Electronics Engineers (IEEE), or a similar independent professional organization, to perform the technical demonstration or analysis. The demonstration shall be concluded within 60 days after the date of enactment of this Act and shall be subject to public notice and comment for not more than 30 days thereafter.

(c) DEFINITIONS.—As used in this section:

(1) DIRECT BROADCAST SATELLITE FREQUENCY BAND.—The term "direct broadcast satellite frequency band" means the band of frequencies at 12.2 to 12.7 gigahertz.

(2) DIRECT BROADCAST SATELLITE SERVICE.—The term "direct broadcast satellite service" means any direct broadcast satellite system operating in the direct broadcast satellite frequency band.

TITLE XI—ENCOURAGING IMMIGRANT FAMILY REUNIFICATION

SEC. 1101. SHORT TITLE.

This title may be cited as—

(1) the "Legal Immigration Family Equity Act"; or

(2) the "LIFE Act".

SEC. 1102. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA; PROVISIONS AFFECTING SUBSEQUENT ADJUSTMENT OF STATUS FOR SUCH NONIMMIGRANTS.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (T), by striking "or" at the end;

(2) in subparagraph (U), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(V) subject to section 214(o), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d)) of a petition to accord a status under section 203(a)(2)(A) that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act, if—

"(i) such petition has been pending for 3 years or more; or

"(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

"(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 203(a)(2)(A); or

"(II) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 245, pursuant to the approval of such petition, remains pending.

(b) PROVISIONS AFFECTING NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(o)(1) In the case of a nonimmigrant described in section 101(a)(15)(V)—

"(A) the Attorney General shall authorize the alien to engage in employment in the United States during the period of authorized admission and shall provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment; and

"(B) the period of authorized admission as such a nonimmigrant shall terminate 30 days after the date on which any of the following is denied:

"(i) The petition filed under section 204 to accord the alien a status under section 203(a)(2)(A) (or, in the case of a child granted nonimmigrant status based on eligibility to receive a visa under section 203(d), the petition filed to accord the child's parent a status under section 203(a)(2)(A)).

"(ii) The alien's application for an immigrant visa pursuant to the approval of such petition.

"(iii) The alien's application for adjustment of status under section 245 pursuant to the approval of such petition.

"(2) In determining whether an alien is eligible to be admitted to the United States as a nonimmigrant under section 101(a)(15)(V), the grounds for inadmissibility specified in section 212(a)(9)(B) shall not apply.

"(3) The status of an alien physically present in the United States may be adjusted by the Attorney General, in the discretion of the Attorney General and under such regulations as the Attorney General may prescribe, to that of a nonimmigrant under section 101(a)(15)(V), if the alien—

"(A) applies for such adjustment;

"(B) satisfies the requirements of such section; and

"(C) is eligible to be admitted to the United States, except in determining such admissibility, the grounds for inadmissibility specified in paragraphs (6)(A), (7), and (9)(B) of section 212(a) shall not apply.".

(c) PROVISIONS AFFECTING PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(m)(1) The status of a nonimmigrant described in section 101(a)(15)(V) who the Attorney General determines was physically present in the United States at any time during the period beginning on July 1, 2000, and ending on October 1, 2000, may be adjusted by the Attorney General, in the discretion of the Attorney General and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence, if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in paragraphs (6)(A), (7), and (9)(B) of section 212(a) shall not apply; and

"(C) an immigrant visa is immediately available to the alien at the time the alien's application is filed.

"(2) Paragraph (1) shall not apply to an alien who has failed (other than through no fault of

the alien or for technical reasons) to maintain continuously a lawful status since obtaining the status of a nonimmigrant described in section 101(a)(15)(V).

"(3) Upon the approval of an application for adjustment made under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference visas authorized to be issued under sections 202 and 203 within the class to which the alien is chargeable for the fiscal year then current.

"(4) The Attorney General may accept an application for adjustment made under paragraph (1) only if the alien remits with such application a sum equalling $1,000, except that such sum shall not be required from an alien if it would not be required from the alien if the alien were applying under subsection (i).

"(5) The sum specified in paragraph (4) shall be in addition to the fee normally required for the processing of an application under this section.

"(6)(A) The portion of each application fee (not to exceed $200) that the Attorney General determines is required to process an application under this subsection shall be disposed of by the Attorney General as provided in subsections (m), (n), and (o) of section 286.

"(B) One-half of any remaining portion of such fee shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).

"(7) Nothing in this subsection shall be construed as precluding a nonimmigrant described in section 101(a)(15)(V) who is eligible for adjustment of status under subsection (a) from applying for and obtaining adjustment under such subsection. In the case of such an application, the alien shall be required to remit only the fee normally required for the processing of an application under subsection (a).".

(d) CONFORMING AMENDMENTS.—

(1) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended, in each of subsections (b) and (h), by striking "(H)(i) or (L)" and inserting "(H)(i), (L), or (V)".

(2) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in each of subsections (d) and (f), by striking "under subsection (a)," each place such term appears and inserting "under subsection (a) or (m),"; and

(B) in subsection (e)(1), by striking "subsection (a)." and inserting "subsection (a) or (m).".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act on or before the date of the enactment of this Act.

SEC. 1103. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF CITIZENS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

(a) IN GENERAL.—Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended to read as follows:

"(K) subject to subsections (d) and (p) of section 214, an alien who—

"(i) is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

"(ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

"(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;".

(b) PROVISIONS AFFECTING NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 2 of this Act, is further amended by adding at the end the following:

"(p)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(ii) until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe.

"(2) In the case of an alien seeking admission under section 101(a)(15)(K)(ii) who concluded a marriage with a citizen of the United States outside the United States, the alien shall be considered inadmissible under section 212(a)(7)(B) if the alien is not at the time of application for admission in possession of a valid nonimmigrant visa issued by a consular officer in the foreign state in which the marriage was concluded.

"(3) In the case of a nonimmigrant described in section 101(a)(15)(K)(ii), and any child of such a nonimmigrant who was admitted as accompanying, or following to join, such a nonimmigrant, the period of authorized admission shall terminate 30 days after the date on which any of the following is denied:

"(A) The petition filed under section 204 to accord the principal alien status under section 201(b)(2)(A)(i).

"(B) The principal alien's application for an immigrant visa pursuant to the approval of such petition.

"(C) The principal alien's application for adjustment of status under section 245 pursuant to the approval of such petition.".

(c) CONFORMING AMENDMENTS.—

(1) ADMISSION OF NONIMMIGRANTS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking "101(a)(15)(K)" and inserting "101(a)(15)(K)(i)".

(2) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a) is amended, in each of subsections (b)(1)(B) and (d)(1)(A)(ii), by striking "214(d)" and inserting "subsection (d) or (p) of section 214".

(3) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (d), by striking "(relating to an alien fiancee or fiance or the minor child of such alien)"; and

(B) in subsection (e)(3), by striking "214(d)" and inserting "subsection (d) or (p) of section 214".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act before, on, or after the date of the enactment of this Act.

SEC. 1104. ADJUSTMENT OF STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE.

(a) IN GENERAL.—In the case of an eligible alien described in subsection (b), the provisions of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a), as modified by subsection (c), shall apply to the alien.

(b) ELIGIBLE ALIENS DESCRIBED.—An alien is an eligible alien described in this subsection if, before October 1, 2000, the alien filed with the Attorney General a written claim for class membership, with or without a filing fee, pursuant to a court order issued in the case of—

(1) Catholic Social Services, Inc. v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993); or

(2) League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993).

(c) MODIFICATIONS TO PROVISIONS GOVERNING ADJUSTMENT OF STATUS.—The modifications to section 245A of the Immigration and Nationality Act that apply to an eligible alien described in subsection (b) of this section are the following:

(1) TEMPORARY RESIDENT STATUS.—Subsection (a) of such section 245A shall not apply.

(2) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—In lieu of paragraphs (1) and (2) of subsection (b) of such section 245A, the Attorney General shall be required to adjust the status of an eligible alien described in subsection (b) of this section to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

(A) APPLICATION PERIOD.—The alien must file with the Attorney General an application for such adjustment during the 12-month period beginning on the date on which the Attorney General issues final regulations to implement this section.

(B) CONTINUOUS UNLAWFUL RESIDENCE.—

(i) IN GENERAL.—The alien must establish that the alien entered the United States before January 1, 1982, and that he or she has resided continuously in the United States in an unlawful status since such date and through May 4, 1988. In determining whether an alien maintained continuous unlawful residence in the United States for purposes of this subparagraph, the regulations prescribed by the Attorney General under section 245A(g) of the Immigration and Nationality Act that were most recently in effect before the date of the enactment of this Act shall apply.

(ii) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

(iii) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) of such Act or has fulfilled that requirement or received a waiver thereof.

(iv) CUBAN AND HAITIAN ENTRANTS.—For purposes of this section, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96–422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

(C) CONTINUOUS PHYSICAL PRESENCE.—

(i) IN GENERAL.—The alien must establish that the alien was continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988, except that—

(I) an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of this subparagraph by virtue of brief, casual, and innocent absences from the United States; and

(II) brief, casual, and innocent absences from the United States shall not be limited to absences with advance parole.

(ii) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this section or section 245A of the Immigration and Nationality Act.

(D) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien—

(i) is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the Immigration and Nationality Act;

(ii) has not been convicted of any felony or of three or more misdemeanors committed in the United States;

(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

(E) BASIC CITIZENSHIP SKILLS.—

(i) IN GENERAL.—The alien must demonstrate that the alien either—

(I) meets the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or

(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

(ii) EXCEPTION FOR ELDERLY OR DEVELOPMENTALLY DISABLED INDIVIDUALS.—The Attorney General may, in the discretion of the Attorney General, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older or who is developmentally disabled.

(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312(a) of the Immigration and Nationality Act may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III of such Act.

(3) TEMPORARY STAY OF REMOVAL, AUTHORIZED TRAVEL, AND EMPLOYMENT DURING PENDENCY OF APPLICATION.—In lieu of subsections (b)(3) and (e)(2) of such section 245A, the Attorney General shall provide that, in the case of an eligible alien described in subsection (b) of this section who presents a prima facie application for adjustment of status to that of an alien lawfully admitted for permanent residence under such section 245A during the application period described in paragraph (2)(A), until a final determination on the application has been made—

(A) the alien may not be deported or removed from the United States;

(B) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need; and

(C) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(4) APPLICATIONS.—Paragraphs (1) through (4) of subsection (c) of such section 245A shall not apply.

(5) CONFIDENTIALITY OF INFORMATION.—Subsection (c)(5) of such section 245A shall apply to information furnished by an eligible alien described in subsection (b) pursuant to any application filed under such section 245A or this section, except that the Attorney General (and other officials and employees of the Department of Justice and any bureau or agency thereof) may use such information for purposes of rescinding, pursuant to section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)), any adjustment of status obtained by the alien.

(6) USE OF FEES FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Notwithstanding subsection (c)(7)(C) of such section 245A, no application fee paid to the Attorney General pursuant to this section by an eligible alien described in subsection (b) of this section shall be available in any fiscal year for the purpose described in such subsection (c)(7)(C).

(7) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS BEFORE APPLICATION PERIOD.—In lieu of subsection (e)(1) of such section 245A, the Attorney General shall provide that in the case of an eligible alien described in subsection (b) of this section who is apprehended before the beginning of the application period described in paragraph (2)(A) and who can establish a prima facie case of eligibility to have his status adjusted under such section 245A pursuant to this section (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

(A) may not be deported or removed from the United States; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(8) JURISDICTION OF COURTS.—Effective as of November 6, 1986, subsection (f)(4)(C) of such section 245A shall not apply to an eligible alien described in subsection (b) of this section.

(9) PUBLIC WELFARE ASSISTANCE.—Subsection (h) of such section 245A shall not apply.

(d) APPLICATIONS FROM ABROAD.—The Attorney General shall establish a process under which an alien who has become eligible to apply for adjustment of status to that of an alien lawfully admitted for permanent residence as a result of the enactment of this section and who is not physically present in the United States may apply for such adjustment from abroad.

(e) DEADLINE FOR REGULATIONS.—The Attorney General shall issue regulations to implement this section not later than 120 days after the date of the enactment of this Act.

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—The provisions of subparagraphs (A) and (B) of section 245A(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(f)(4)) shall apply to administrative or judicial review of a determination under this section or of a determination respecting an application for adjustment of status under section 245A of the Immigration and Nationality Act filed pursuant to this section.

(g) DEFINITION.—For purposes of this section, the term "such section 245A" means section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a).

Titles I through VII of this Act may be cited as the "Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001."

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5548, as introduced on October 25, 2000.

The conferees on H.R. 4942 agree with the matter included in H.R. 5548 and enacted in this conference report by reference and the following description of it. The bill was developed through negotiations by subcommittee members of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittees of the House and Senate on the differences in the House passed and Senate reported versions of H.R. 4690. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4690. References to the Senate reported amendment mean the Senate reported version of H.R. 4690.

The House passed H.R. 4690 on June 26, 2000. The Senate reported from Committee a Senate amendment to H.R. 4690 on July 21, 2000. References in the following statement to appropriations amounts or other items proposed by the House bill or the Senate-reported amendment refer only to those amounts and items recommended in the House-passed and Senate-reported versions of H.R. 4690. Any reference to appropriations amounts or other items included in the conference agreement reflects the final agreement on H.R. 4690. This statement reflects how the funds provided in the conference agreement are to be spent.

Senate-reported amendment: The Senate Appropriations Committee considered H.R. 4690 as passed by the House, struck all after the enacting clause, and inserted the text of the Senate-reported amendment. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $88,713,000 for General Administration, instead of $83,713,000 as proposed in the Senate-reported amendment and $84,177,000 as proposed in the House bill.

The conference agreement adopts by reference the House report language regarding budget "shortfalls" and racial disparities in Federal capital prosecutions.

The conference agreement includes a $5,000,000 transfer from the Immigration and Naturalization Service Salaries and Expenses account to continue the planned integration of the Immigration and Naturalization Service (INS) IDENT system and the Federal Bureau of Investigation (FBI) IAFIS system.

The conference agreement includes a $5,000,000 increase for the Office of Intelligence Policy and Review for Foreign Intelligence Surveillance Act applications.

The conference agreement includes bill language contained in the House bill specifying the amount of funding provided for the Department Leadership Program and the Offices of Legislative and Public Affairs.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $15,915,000 for the Joint Automated Booking System (JABS) program as proposed in the Senate-reported amendment, instead of $1,800,000 as proposed in the House bill.

NARROWBAND COMMUNICATIONS

The conference agreement includes $205,000,000 for narrowband communications conversion activities as proposed in the Senate-reported amendment, instead of $95,445,000 as proposed in the House bill. The conference agreement provides funding necessary to continue implementation of the Department of Justice Wireless Network (JWN), and for operations and maintenance of legacy systems. The Wireless Management Office (WMO) is directed to submit quarterly status reports on implementation of the JWN, with the first such report due no later than February 15, 2001.

The conference agreement deletes a citation included in the House bill but not included in the Senate-reported amendment.

COUNTERTERRORISM FUND

The conference agreement includes $5,000,000 for the Counterterrorism Fund as proposed in the Senate-reported amendment, instead of $10,000,000 as proposed in the House bill. When combined with $32,844,150 in prior year carryover, a total of $37,844,150 will be available in the Fund in fiscal year 2001 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident.

The conference agreement retains language, included in the House bill and carried in previous Acts, authorizing the Attorney General to make expenditures from the fund, subject to section 605 of this Act. The Senate-reported amendment proposed to give this authority to a new Deputy Attorney General.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $201,420,000 for the Telecommunications Carrier Compliance program for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA), instead of $278,021,000 as proposed in the House bill. The Senate-reported amendment did not include funding for this activity. This amount, when combined with funds previously made available, will provide the full $500,000,000 authorized and required to implement CALEA.

The conference agreement concurs with the direction in the House report that the Department and the Federal Bureau of Investigation (FBI) are to remain focused on the timely implementation of CALEA, and have therefore included $17,300,000 within the FBI Salaries and Expenses account for CALEA implementation. The Department of Justice is directed to submit a reorganization proposal no later than November 15, 2000, to ensure coordination of CALEA implementation and other related electronic surveillance issues.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $161,062,000 for Administrative Review and Appeals, instead of $159,570,000 as proposed in the House bill and $112,814,000 as proposed in the Senate-reported amendment. Of the total amount provided, $159,335,000 is for the Executive Office for Immigration Review (EOIR) and $1,727,000 is for the Office of the Pardon Attorney.

The conference agreement includes $9,566,000 for adjustments to base, and $3,000,000, 37 positions and 19 full-time equivalent workyears (FTE) to address the increased Immigration Judge and appellate caseload. In addition, EOIR is directed to provide such sums as necessary for point-to-point installation of video-conferencing equipment in accordance with EOIR's plan and the Senate report. The conference agreement also includes direction under the INS Examinations Fees account regarding continued support for contract court interpreter services.

DETENTION TRUSTEE

The conference agreement includes $1,000,000 to establish a new Federal Detention Trustee within the Department of Justice as proposed in the House bill. The Senate-reported amendment did not address this matter. The conference agreement reflects the concerns expressed in the House report regarding the planning and management of detention space in the Department of Justice. Therefore, the direction included in the House report regarding the authorities and duties of this new Trustee, and the establishment of regional pilot projects to test better mechanisms for addressing detention needs, is adopted by reference. Further, the Department of Justice is expected to consolidate all detention resources under the Trustee as part of the fiscal year 2002 budget submission.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $41,575,000 for the Office of Inspector General (OIG) instead of $41,825,000 as proposed in the House bill and $42,192,000 as proposed in the Senate-reported amendment. The conference agreement also assumes that $1,500,000 in INS fees will be available to the OIG.

The conference agreement directs the Department of Justice to review its procedures for releasing OIG investigatory material and findings and inform the Committees on Appropriations by June 1, 2001, if any procedures should be modified.

The OIG is directed to submit future budget requests separating OIG Leadership Offices and OIG Operational Offices. The OIG Leadership Offices decision unit should include the following: the Inspector General, the Deputy Inspector General, the Counselor to the Inspector General, the Special Counsel, and the Special Investigations and Review Unit. The Operational Offices decision unit should include the following offices: the Audit Division, the Investigations Division, the Inspections Division, and the Management and Planning Division.

The conference agreement directs that the OIG submit a detailed financial plan to the Committees on Appropriations by December 1, 2000.

United States Parole Commission

SALARIES AND EXPENSES

The conference agreement includes $8,855,000 for the U.S. Parole Commission, as proposed in the House bill, instead of the $7,380,000 as proposed in the Senate-reported amendment. The conference agreement adopts by reference the recommendation in the Senate report on detailing attorneys.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $535,771,000 for General Legal Activities, instead of $523,228,000 as proposed in the House bill, and $494,310,000 as proposed in the Senate-reported amendment.

The recommendation includes base adjustments for all divisions, but does not include an undefined base restoration. The distribution of funding provided is as follows:

Office of the Solicitor General	$7,118,000
Tax Division	70,991,000
Criminal Division	110,851,000
Civil Division	154,092,000
Environment and Natural Resources	68,703,000
Office of Legal Counsel	4,967,000
Civil Rights Division	92,166,000
Interpol—USNCB	7,686,000
Legal Activities Office Automation	18,877,000
Office of Dispute Resolution	320,000
Total	535,771,000

The conference agreement includes a $3,000,000 increase for the Civil Rights Division, including funding for civil enforcement for police misconduct, and other highest priority initiatives.

The conference agreement provides $18,877,000 to remain available until expended for office automation costs as proposed in the House bill, instead of $18,571,000 as proposed in the Senate-reported amendment. The conference agreement adopts language included in the Senate-reported amendment which limits the use of these funds to automation costs and allows such funds to be used for the United States Trustees Program. The conference agreement adopts by reference the Senate report language regarding the Office of Special Investigations, and the House report language regarding extradition reporting and extradition treaties.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2001 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $120,838,000 for the Antitrust Division as proposed in the Senate-reported amendment, instead of $113,269,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $95,838,000 will be derived from current year fee collections and $25,000,000 from estimated unobligated fee collections available from prior years, resulting in a net direct appropriation of $0. The use of any remaining unobligated fees balances from prior years is subject to the reprogramming requirements outlined in section 605 of this Act.

Appropriations for both the Division and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to include a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,250,382,000 for the U.S. Attorneys, instead of $1,247,416,000 as proposed in the House bill, and $1,159,014,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement provides a net increase of $59,896,000 for pay and inflationary adjustments to enable the U.S. Attorneys to maintain the current operating level. The conference agreement does not include $7,425,000 requested as base adjustments to substitute direct appropriations for activities previously supported from the Health Care Fraud and Abuse Control (HCFAC) account. The Department of Justice is directed to continue to provide funding for not less than 177 positions and 177 FTE to the U.S. Attorneys from the HCFAC account to support health care fraud activities.

The conference agreement also includes the following program increases:

Firearms Prosecutions.—$15,259,000, 163 positions and 82 FTE, including 113 attorneys, to augment prosecutions under existing firearms statutes. This amount, when combined with base resources of $7,125,000, will provide a total of $22,384,000 for intensive firearms prosecution projects. The direction included in the House report regarding the criteria and process for allocation of these funds is adopted by reference. Further, the Executive Office of U.S. Attorneys is directed not to set aside any portion of these funds for headquarters priorities, but rather is to allocate these funds in accordance with the priorities identified by the local districts which will result in a direct increase in prosecutions under existing gun laws. In addition, the conference agreement adopts the Senate direction requiring the annualization of funds provided in fiscal year 2000 for firearms prosecutions, and the reporting requirement regarding panel attorney costs.

Cyber Crime and Intellectual Property.—$3,974,000, 50 positions and 25 FTE, including 28 attorneys, to augment the investigation and prosecution of computer and intellectual property crimes, including crimes identified in the No Electronic Theft (NET) Act, the National Information Infrastructure Assurance Act, and the Economic Espionage Act. The direction included in the Senate report regarding submission of a report on copyright enforcement is adopted by reference.

Immigration.—$1,974,000, 24 positions and 12 FTE, including 13 attorneys, to address the growing criminal immigration caseload along the Southwest Border, with particular emphasis to be placed on prosecutions of individuals involved in alien smuggling, document fraud, and illegal aliens with multiple deportations. The conference agreement adopts by reference the direction included in the House report regarding submission of a spending plan for these resources.

Indian Country.—$5,000,000, 60 positions and 30 FTE, including 33 attorneys, to enhance Federal investigation and prosecution activities in Indian Country to meet Federal statutory responsibilities related to Indian Country.

Legal Education.—$2,300,000 to continue establishment of a distance learning facility at the National Advocacy Center (NAC). This amount, when combined with $15,316,000 in base resources, provides a total of $17,616,000 under this account for legal education at the National Advocacy Center (NAC). These funds are to be spent in accordance with the direction included in the Senate report.

Within the total amount available to the U.S. Attorneys, the conference agreement includes $2,612,000 for technology demonstration projects, and adopts by reference the direction included in the Senate report regarding distribution of these resources. In addition, $1,000,000 is included from within base resources to continue a violent crime task force demonstration project, as proposed in the Senate-reported amendment. The conference agreement also adopts by reference the direction included in the House and Senate reports regarding the unstaffed offices report, as well as the direction included in the Senate report regarding an office in Western Kentucky. In addition, the Senate report language regarding property flipping, computer network privatization, and a fiscal year 1995 quarterly reporting requirement are adopted by reference.

The conference agreement does not adopt the recommendations included in the Senate report regarding the reallocation of existing staffing to the Southwest border and within the Missouri River Valley, spending freezes among object classifications, elimination of base funds for office relocations, limitations on expansion of gun prosecution initiatives, or pre-trial sentencing guidelines.

In addition to identical provisions that were included in both the House bill and Senate-reported amendment, the conference agreement includes the following provisions: (1) providing for 9,439 positions and 9,557 workyears for the U.S. Attorneys, instead of 9,381 positions and 9,529 workyears as proposed in the House bill, and 9,120 positions and 9,398 workyears as proposed in the Senate-reported amendment; (2) allowing not to exceed $2,500,000 for the National Advocacy Center as proposed in the Senate-reported amendment; and (3) providing $1,000,000 for violent crime task forces to remain available until expended as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate bill withholding 50 percent of funds available to U.S. Attorneys until the Attorney General establishes certain rules and penalties in accordance with the Senate version of the fiscal year 2000 appropriations bill.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $125,997,000 for the U.S. Trustees for fiscal year 2001, to be entirely funded from offsetting collections, instead of $126,242,000 proposed in the House bill and $127,212,000 proposed in the Senate-reported amendment. The conference agreement does not provide amounts the budget request assumed would carry forward to fiscal year 2002. The conference agreement adopts by reference the Senate report language on the National Advocacy Center (NAC). The conference agreement also adopts House report language on the reprogramming of offsetting collections.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,107,000 for the Foreign Claims Settlement Commission, instead of $1,000,000 as proposed in the House bill and $1,214,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $572,695,000 for the U.S. Marshals Service Salaries and Expenses account, instead of $560,438,000 as proposed in the House bill and $550,472,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The amount included in the conference agreement includes a $4,713,000 net increase in base adjustments, as follows: $19,774,000 for pay and inflationary increases, offset by decreases of $4,852,000 for one-time equipment purchases and $10,209,000 from the transfer of the Seized Assets Management Program to the Assets Forfeiture Fund. Within the amount provided, a total of $1,735,000 is included for the Warrant Information Network and other networks and online services, and $725,000 is for recurring costs of the Electronic Surveillance Unit as directed in the Senate report. The conference agreement does not adopt the recommendation included in the Senate-reported amendment to transfer funding from this account for U.S. Marshals Service costs associated with the Justice Prisoner Alien Transportation System (JPATS), but instead provides $25,503,000 for U.S. Marshals Service requirements under this account.

In addition, the conference agreement includes $27,389,000 in program increases for the following:

Courthouse Security Staffing and Equipment.—$21,211,000, for courthouse security personnel and equipment. Of this amount, $6,711,000, 89 positions and 45 FTE are provided for courthouse security personnel at new and expanded courthouses expected to open in fiscal year 2001. Language included in the House report regarding the submission of a spending plan and allocation of resources in excess of requirements is adopted by reference.

In addition, $14,500,000 is provided for courthouse security equipment, as follows:

USMS Courthouse Security Equipment

[In thousands of dollars]

New Courthouses	$8,173
Las Vegas, NV	(1,023)
Cleveland, OH	(1,012)
Columbia, SC	(1,122)
Greenville, TN	(353)
Corpus Christi, TX	(1,078)
Laredo, TX	(989)
Providence, RI	(920)
Helena, MT	(658)
Wheeling, WV	(245)
Denver, CO	(773)
Other Security Requirements	5,684
Nationwide Equipment Maintenance Requirement	643
Total, USMS Security Equipment	14,500

The Marshals Service is directed to use the $5,684,000 provided for Other Security Requirements to address the highest priority security equipment needs for existing courthouses and new courthouses with the greatest deficiencies, and to submit a spending plan for these funds no later than December 1, 2000.

Electronic Surveillance Unit.—$3,150,000, and up to 6 positions and 3 FTE, for personnel and equipment for the Electronic Surveillance Unit.

Special Assignments.—$2,500,000 for security at high threat and/or high profile trials and for protective details for judicial personnel involved in these trials, including the World Trade Center bombing trial. The Marshals Service is directed to annualize this increase in fiscal year 2002. Concerns have been expressed regarding the exclusion of the Marshals Service from the threat assessment and decision-making process regarding certain special and other protective assignments. In addition, the level of protection at Federal facilities by the General Services Administration (GSA) is inadequate relative to the amount the Marshals Service and other agencies are charged by GSA for these services. The Department is directed to report to the Committees on Appropriations no later than December 15, 2000, on the role afforded to the Marshals Service in the threat assessment and decision-making process for special and other protective assignments, and to provide recommendations to augment the Marshals Service's role in this activity. Further, the Department is directed to provide a report on the adequacy of support provided by GSA for facility protection, relative to the amount GSA is charging for these services.

Financial Management.—$378,000, 8 positions and 4 FTE to improve financial management.

Cost Saving Initiatives.—$150,000 for implementation and support of a variety of cost saving initiatives as directed in the Senate report. Should additional funds become available through savings achieved, the Marshals Service may use those funds for additional staff only in accordance with Section 605 of this Act.

The conference agreement adopts by reference the concerns expressed in the Senate report regarding the Special Operations Group (SOG) and directs the Marshals Service to provide a report to the Committees on Appropriations no later than January 15, 2001, on the utilization of the SOG, as well as the resource requirements necessary to ensure that the SOG can fulfill its intended mission.

The conference agreement includes language providing not to exceed 3,947 positions and 3,895 FTE for the Marshals Service, instead of 4,168 positions and 3,892 FTE as proposed in the House bill. The Senate-reported amendment did not include a similar provision. The conference agreement does not include a provision proposed in the Senate-reported amendment prohibiting the Marshals Service from providing a protective vehicle for the Director of the Office of National Drug Control Policy (ONDCP) unless certain conditions are met. A similar provision was not included in the House bill. However, the Marshals Service is directed to provide a report to the Committees on Appropriations no later than January 15, 2001, on the usage of a protective vehicle by the Director of ONDCP.

CONSTRUCTION

The conference agreement includes $18,128,000 in direct appropriations for the U.S. Marshals Service Construction account, instead of $6,000,000 as proposed in the House bill, and $25,100,000 as proposed in the Senate-reported amendment. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Birmingham, AL	$472
Fort Smith, AR	400
Hartford, CT	200
Wilmington, DE	100
Bowling Green, KY	300
Boston, MA	650
Ann Arbor, MI	200
Detroit, MI	650
Wilmington, NC	775
Buffalo, NY	150
Tulsa, OK	300
Philadelphia, PA	400
Hato Rey, PR	793
Spartanburg, SC	1,441
Greenville, MS	1,187
Other Renovation Projects	9,500
Security Specialists/Construction Engineers	610
Total, Construction	18,128

The Marshals Service is directed to use the $9,500,000 provided for Other Renovation Projects for the highest priority security construction needs in locations with a security score of 50 or less, and to submit a spending plan for these funds no later than December 1, 2000.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference agreement includes language, as proposed in the House bill, to continue the operations of JPATS on a revolving fund basis through reimbursements from participating agencies, instead of through a direct appropriation under this account as proposed in the Senate-reported amendment. The conference agreement does include a direct appropriation of $13,500,000 for a one-time capitalization of the Fund to procure two Sabreliner-class aircraft as proposed in the Senate-reported amendment.

FEDERAL PRISONER DETENTION

The conference agreement provides $597,402,000 for Federal Prisoner Detention as proposed in both the House bill and the budget request, instead of $539,022,000 as proposed in the Senate-reported amendment, an increase of $72,402,000 over the fiscal year 2000 direct appropriation. The increase has been provided as follows: (1) $53,180,000 is for increased jail days; (2) $10,000,000 is for the Cooperative Agreement Program; (3) $675,000 is for increased medical costs; and (4) $500,000 is for prisoner medical guard services.

The conference agreement does not include language in this section proposed in both the House bill and Senate-reported amendment regarding contracts with private entities for the confinement of Federal detainees, but instead addresses this matter as a new general provision under Title I of this Act. Language is included, as proposed in the House bill, permanently making available amounts appropriated under this account to be used to reimburse the Federal Bureau of Prisons for certain costs associated with providing medical care to certain pre-trial and pre-sentenced detainees. The Senate-reported amendment addressed this matter elsewhere under Title I of this Act.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $125,573,000 for Fees and Expenses of Witnesses, instead of $95,000,000 as proposed in the House bill, and $156,145,000 as proposed in the Senate-reported amendment.

Language is included allowing not to exceed $5,000,000 to be made available for secure telecommunications equipment and networks related to protected witnesses, as proposed in the House bill. The conference agreement does not include a provision allowing up to $77,067,000 to be transferred from this account to the Federal Prisoner Detention account as proposed in the Senate-reported amendment.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $8,475,000 for the Community Relations Service as proposed in the Senate-reported amendment, instead of $7,479,000 as proposed in the House bill. The conference agreement adopts the funding increases provided in the Senate report. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in both the House bill and the Senate-reported amendment.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate-reported amendment, instead of no funding as proposed in the House bill.

Radiation Exposure Compensation

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses for fiscal year 2001, the full amount requested and the same amount proposed in both the House bill and the Senate-reported amendment. The conference agreement adopts the bill language in the House bill.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $10,800,000 for the compensation trust fund, instead of $3,200,000 provided in the House bill and $14,400,000 in the Senate-reported amendment. The conference agreement includes bill language from the Senate-reported amendment allowing claimants who qualify under the original statute to be paid and does not provide funding for the expansion of the program authorized under Public Law 106–245.

Interagency Law Enforcement

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides a total of $328,898,000 for Interagency Crime and Drug Enforcement as proposed in the House bill, of which $325,898,000 is derived from direct appropriations, and $3,000,000 is from prior year carryover. The House bill included $328,898,000 in direct appropriations, while the Senate-reported amendment proposed $316,792,000. The distribution of the total available funding is as follows:

Reimbursements by Agency

[In thousands of dollars]

Drug Enforcement Administration	$108,190
Federal Bureau of Investigation	112,468
Immigration and Naturalization Service	15,808
Marshals Service	1,984
U.S. Attorneys	86,582
Criminal Division	814
Tax Division	1,380
Administrative Office	1,672
Total	328,898

The conferees note that the report requested in fiscal year 2000 has not yet been delivered to the Committees on Appropriations.

Federal Bureau of Investigation

SALARIES AND EXPENSES

The conference agreement includes a total of $3,235,600,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account, instead of $3,229,505,000 as proposed in the House bill, and $3,077,581,000 as recommended in the Senate-reported amendment. Of this amount, the conference agreement provides that not less than $437,650,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $400,650,000 as proposed in the Senate-reported amendment, and $159,223,000 as proposed in the House bill. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement includes a net increase of $136,080,000 for adjustments to base as follows: increases totaling $137,219,000 for pay and inflationary increases, including $27,711,000 for increased costs associated with the transfer of Civil Service Retirement System (CSRS) employees to the Federal Employee Retirement System (FERS), increased Federal health insurance premium costs, and continued direct funding for the National Instant Check System; offset by decreases totaling $1,139,000 for non-recurring equipment purchases.

The conference agreement adopts the concerns and direction included in the House report regarding the FBI's inability to execute its budget within the funding levels provided. The conference agreement provides the full amount requested for base adjustments to support the FBI's current staffing and operating level as reflected in the budget request. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement. The FBI is directed to continue to provide quarterly reports to the Committees on Appropriations which delineate by direct and reimbursable the funded and actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than January 15, 2001.

The following distribution represents the conference agreement:

FBI SALARIES AND EXPENSES, FISCAL YEAR 2001

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Criminal, Security and Other Investigations:			
Organized Criminal Enterprisees	3,984	3,993	450,678
White Collar Crime	4,284	4,184	483,273
Other Field Programs	10,551	10,304	1,307,024
Subtotal	18,819	18,481	2,240,975
Law Enforcement Support:			
Training, Recruitment, and Applicant	1,003	984	120,454
Forensic Services	692	680	156,004
Information, Management, Automation & Telecommunications	569	562	166,121
Technical Field Support & Services	232	229	141,642
Criminal Justice Services	2,171	2,182	216,957
Subtotal	4,667	4,637	801,178
Program Direction: Management and Administration	2,083	2,024	193,447
Total, Direct Appropriations	25,569	25,142	3,235,600

The FBI is reminded that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

In addition, the conference agreement includes a total of $59,712,000 in program enhancements for the FBI, of which $58,348,000 is for initiatives to enhance the FBI's ability to investigate threats related to domestic terrorism and cyber crime, as follows:

$25,000,000 is for Digital Storm. The FBI is directed to provide a spending plan to the Committees on Appropriations, no later than December 15, 2000, for Digital Storm.

$2,000,000 is for Joint Terrorism Task Forces. The FBI is directed to provide a report and spending plan to the Committees on Appropriations, no later than December 15, 2000, on this program.

$10,000,000 is for intelligence gathering and analysis, of which $1,305,000 (20 positions and 10 FTE) is for FISA preparation; $5,606,000 is for contract translation services; and $3,089,000 (55 positions and 28 FTE) is for intelligence research specialists. The conference agreement does not adopt the recommendation included in the Senate report to require the conversion of special agents to 55 intelligence research specialists. While the conference agreement does provide an enhancement for this activity, the FBI is directed to use attrition to convert support positions to intelligence research specialist positions to meet additional requirements in this area.

$20,000,000 is for other activities, of which the FBI may spend up to $1,364,000 for National Integrated Ballistics Network (NIBIN) Connectivity; $3,700,000 (26 positions and 13 FTE) for a counterintelligence initiative; $3,936,000 for the Automated Computer Examination System (ACES) and Computer Analysis and Response Team equipment; $5,500,000 for the Special Technologies and Applications Unit; and $5,500,000 for Digital Storm. Should the FBI require additional resources to address personnel requirements, the Committees would be willing to entertain a reprogramming under Section 605 from funding provided for these enhancements.

$612,000 (8 positions and 4 workyears, including 2 agents) is for the Intellectual Property Rights Center, as provided for in the House report, to improve intelligence and analysis related to intellectual property. The reporting requirement included in Senate report regarding copyright enforcement is adopted by reference.

$2,100,000 is for implementation of the Communications Assistance for Law Enforcement Act (CALEA), for a total of not less than $17,300,000 within the FBI to be used for this purpose. The conference agreement adopts the direction in the House report that the Department and the FBI remain focused on the timely implementation of CALEA, and therefore the Department of Justice is directed to submit a reorganization proposal to address coordination of CALEA implementation and other related electronic surveillance issues no later than November 15, 2000. This reorganization is expected to ensure continued coordination between the Department and the FBI on all matters involving CALEA implementation, as well as to ensure prioritization of financial and personnel resources required for a continued and sustained implementation effort.

National Instant Check System (NICS).—The conference agreement includes $67,735,000 in direct appropriations to continue operations of the NICS, as well as to provide system enhancements, including funds for "hot" backup for the Interstate Identification Index (III) and other system availability improvements.

The fiscal year 2001 budget request for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs to operate the NICS.

FBI Technology Upgrade Plan.—The conference agreement includes total funding of $100,700,000, 14 positions and 7 FTE, for this initiative (previously referred to as the Information Sharing Initiative/e-FBI). This amount is to be derived from $80,000,000 made available in prior years, and $20,700,000 in fiscal year 2001 base funding. The House bill proposed a total of $139,344,000 for this initiative, to be derived from $80,000,000 in prior year funds, $20,000,000 in fiscal year 2001 base funds, and $39,344,000 in fiscal year 2001 program increases. The Senate-reported amendment proposed a total of $40,000,000 for this initiative, to be derived from prior year funds, and eliminated $20,000,000 in fiscal year 2001 base funding for this activity. The conference agreement does not include the rescission of $40,000,000 in prior year funds for these activities as proposed under Title VII of the Senate-reported amendment.

The conference agreement approves the plan dated September 2000, entitled "FBI Technology Upgrade Plan, Reprioritized Three Year Implementation Plan." Therefore, the conference agreement includes the full amount necessary for year one costs as identified on page 47 of the September 2000 implementation plan. The FBI is directed to provide quarterly status reports to the Committees on implementation of this plan, including funding obligations, with the first such report due no later than February 15, 2001.

National Infrastructure Protection/Computer Analysis Response Teams (CART).—The FBI is directed to convert 14 part-time positions for Computer Analysis Response Teams (CART) examiners to full-time positions from personnel not currently assigned to computer intrusion/infrastructure protection squads, similar to direction included in the Senate report. The conference agreement also adopts the direction included in the Senate report regarding training, promotion and retention of CART members and computer intrusion/infrastructure protection squads. The Senate direction regarding development of a cadre of computer experts from other agencies and the private sector is adopted by reference.

Victim/Witness Specialists.—The conference agreement includes a new general provision under Title I of this Act authorizing funds to be provided to the FBI to improve services for crime victims from the Crime Victims Fund. These services are to be limited to victim assistance as described in the Victims of Crime Act and shall not cover non-victim witness activities such as witness protection or non-victim witness management services, paralegal duties or community outreach. The FBI is further directed to work with the Office of Victims of Crime (OVC) in developing position descriptions, grade level and hiring requirements, training and annual reporting requests for these specialists. The conference agreement assumes $7,400,000 will be needed to support 112 victim/witness specialists to be distributed as directed in the Senate report. The Committees on Appropriations expect to be notified of the final distribution of these specialists.

Other.—The Senate report language regarding copyright enforcement, continued collaboration with the Southwest Surety Institute, the Northern New Mexico anti-drug initiative, mitochondrial DNA, crimes against children, and background checks for school bus drivers is adopted by reference. The conference agreement also adopts by reference the House report language regarding the Housing Fraud Initiative, the Jewelry and Gem program, and submission of a comprehensive information technology report.

In addition, the FBI is directed to fully reimburse the private ambulance providers for their costs in support of Hostage Rescue Team operations in St. Martin Parish, Louisiana, in December, 1999.

In addition to identical provisions that were included in both the House bill and the Senate-reported amendment, the conference agreement includes a provision, modified from language proposed in the House bill, providing not to exceed 25,569 positions and 25,142 FTE for the FBI from funds appropriated in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes $16,687,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of $1,287,000 as proposed in the House bill, and $42,687,000 as proposed in the Senate-reported amendment. The agreement provides an increase of $15,400,000 over the fiscal year 2000 level for the FBI Academy firearms range modernization project, as follows: $1,900,000 for relocation and consolidation of an ammunition storage facility and for lead abatement at existing outdoor ranges; and $13,500,000 for completion of Phase I and Phase II of this project.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,363,309,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account, instead of $1,362,309,000 as proposed in the House bill, and $1,345,655,000 as proposed in the Senate-reported amendment. In addition, $83,543,000 is derived from the Diversion Control Fund for diversion control activities. The following narrative reflects how the funds provided in the conference agreement are to be spent.

Budget and Financial Management.—The conference agreement adopts by reference the concerns and direction included in both the House and Senate reports regarding budget and financial management. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement.

The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Enforcement:			
Domestic Enforcement	2,252	2,183	$407,261
Foreign Cooperative Investigation	732	699	206,644
Drug and Chemical Diversion	142	143	16,156
State and Local Task Forces	1,678	1,675	242,257
Subtotal	4,804	4,700	872,318
Investigative Support:			
Intelligence	883	900	112,904
Laboratory Services	381	378	44,463
Training	99	98	20,309
RETO	355	353	85,190
ADP	133	130	140,479
Subtotal	1,851	1,859	403,345
Management and Administration	865	853	87,646
Total, DEA	7,520	7,412	1,363,309

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $43,616,000 for base adjustments, as follows: increases totaling $48,293,000 for pay and other inflationary costs to maintain current operations, offset by decreases totaling $4,677,000 for costs associated with one-time and non-recurring equipment purchases, GSA rent decreases, and the transfer of funding for a demand reduction project to the Office of Justice Programs.

In addition, the conference agreement includes program increases totaling $64,200,000, as follows:

Investigative and Intelligence Requirements.—$48,100,000 is provided for the following investigative and intelligence enhancements:

$3,100,000, 19 positions (11 agents) and 9 FTE within Domestic Enforcement for the Special Operations Division (SOD) to expand support for the Southwest Border Initiative and to address money laundering and financial investigations.

$43,000,000, 2 positions and 1 FTE within Automated Data Processing to continue deployment of Phase II of FIREBIRD. When combined with $44,870,000 in existing base resources, a total of $87,870,000 is available for this program in fiscal year 2001 to enable FIREBIRD to be fully deployed to all domestic offices and Western Hemisphere offices. Of this amount, $28,000,000 is for deployment, $10,477,000 is for technology renewal, and $49,393,000 is for operations and maintenance and telecommunications costs. DEA is directed to continue to provide quarterly FIREBIRD status and obligation reports to the Committees on Appropriations.

$2,000,000 within Intelligence, of which $1,800,000 is for enhancements to the El Paso Intelligence Center (EPIC), and $200,000 is to meet expanded participation in the National Drug Pointer Index (NDPIX) information system. The House direction regarding a comprehensive report on participation and utilization of EPIC is adopted by reference.

Domestic Enhancements.— $14,600,000 is provided for the following domestic counterdrug enhancements:

$4,600,000, 25 positions (15 agents) and 13 FTE within Domestic Enforcement to establish an additional Regional Enforcement Team (RET). This amount, when combined with existing base resources, provides a total of $24,195,000 for RETS in fiscal year 2001.

$1,500,000, 14 positions (9 agents) and 7 FTE within Domestic Enforcement to enhance heroin enforcement, providing a total of $30,291,000 in fiscal year 2001 for this effort, as recommended in the Senate report. The Senate direction regarding black tar heroin is adopted by reference.

$1,500,000 within Domestic Enforcement to enhance methamphetamine enforcement, providing a total of $27,459,000 in fiscal year 2001 for this effort, as recommended in the Senate report.

$1,000,000 within State and Local Task Forces to enhance State and local methamphetamine training activities, as recommended in the Senate report.

$6,000,000 within Research, Engineering and Technical Operations (RETO) to procure three additional single-engine helicopters for drug enforcement activities along the Southwest border.

In addition, the conference agreement includes a total of $20,000,000 under the Community Oriented Policing Services Methamphetamine/Drug "Hot Spots" program to assist State and local law enforcement agencies with the costs associated with methamphetamine clean-up.

Budget and Financial Management.—$1,500,000, 8 positions and 4 FTE within Program Management and Administration to improve DEA's financial and resource management oversight, including funds to support DEA's Federal Financial System and for additional staffing for Finance and Resource Management.

Other.—The conference agreement includes a total of $20,000,000 for the special investigative unit (SIU) program. Within the amount available, DEA may establish a joint Haitian/Dominican Republic SIU on the island of Hispaniola. DEA is reminded that the Committees on Appropriations are to be notified in accordance with section 605 of this Act prior to the expansion of this program to any additional countries. There are continued concerns about endemic corruption within the Mexico SIU program which has severely limited its effectiveness. DEA is directed to report to the Committees on Appropriations no later than February 1, 2001, on progress made in resolving these problems and recommendations to make the Mexico program effective.

The conference agreement adopts by reference the direction included in the House report regarding continued participation in the HIDTA program, quarterly reports on source and transit countries, quarterly reports on implementation of the Caribbean initiative, and a report on requirements in the region. The conference agreement does not include funding under DEA for continuation of the demand reduction initiative recommended in the House report, but has instead transferred base funding for this program from DEA Domestic Enforcement to the Office of Justice Programs. DEA is also directed to better coordinate its operations with other Federal agencies, including INS and the FBI, along the Southwest Border, and to pursue co-location of offices whenever practical. The direction included in the Senate report regarding DEA's presence in Chile is adopted by reference. Within the amounts provided under this account, DEA may use up to $500,000 for a study on methods to eliminate the effectiveness of anhydrous ammonia in methamphetamine production, as authorized.

Drug Diversion Control Fee Account.—The conference agreement provides $83,543,000 for DEA's Drug Diversion Control Program for fiscal year 2001, as provided in the House bill and the Senate-reported amendment. This amount includes an increase of $3,213,000 for adjustments to base, including the annualization of 25 positions provided in fiscal year 2000 for customer service improvements and drug data analysis. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2001. As was the case in fiscal years 1999 and 2000, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2001.

The conference agreement includes bill language, modified from language proposed in the House bill, providing not to exceed 7,520 positions and 7,412 FTE for DEA from funds provided in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes no new funding for this account as proposed in the Senate-reported amendment, instead of $5,500,000 as proposed in the House bill. A total of $19,500,000 in prior year carryover balances is available to fund planned fiscal year 2001 expenditures.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $3,125,876,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $3,121,213,000 as provided in the House bill, and $2,895,397,000 as provided in the Senate-reported amendment. In addition to the amounts appropriated, the conference agreement assumes that $1,549,480,000 will be available from offsetting fee collections instead of $1,438,812,000 as proposed by the House and $1,524,771,000 as proposed by the Senate. Thus, including resources provided under the Construction account, the conference agreement provides a total operating level of $4,808,658,000 for INS, instead of $4,670,689,000 as proposed by the House and $4,553,470,000 as proposed by the Senate, representing a $548,242,000 (13%) increase over fiscal year 2000. The following narrative reflects how funds provided in the conference agreement are to be spent.

INS Organization and Management.—The conference agreement incorporates concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for services to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency. Consistent with the concept of separating immigration enforcement from services, the conference agreement continues to provide for a separation of funds, as in the fiscal year 1999 and 2000 Appropriations Acts. The conference agreement separates funds into two accounts, as requested in the budget and proposed in the House bill: Enforcement and Border Affairs, and Citizenship and

Benefits, Immigration Support and Program Direction. INS enforcement funds are provided in the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are provided in the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities for both enforcement and services functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to be provided in the INS Construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $2,547,057,000 for Enforcement and Border Affairs, and $578,819,000 for Citizenship and Benefits, Immigration Support and Program Direction.

Base adjustments.—The conference agreement provides a total increase of $101,008,000 and 641 FTE for adjustments to base for INS salaries and expenses, offset by a $89,000,000 and 404 FTE transfer to the INS Exams Fees account for the naturalization and backlog reduction initiatives, as proposed in the budget request. The conference agreement does not include transfers to the Exams Fees account, the Breached/Bond Detention account, and the Justice Prisoner Alien Transportation System (JPATS) Fund, as proposed in the Senate-reported amendment.

For the Enforcement and Border Affairs account, the conference agreement provides an increase of $86,255,000 and 889 FTE for pay and inflationary adjustments for Border Patrol, Investigations, Detention and Deportation, and Intelligence. This represents the full amount requested less $11,770,000 for the annualization of border patrol agents not yet hired, and $3,343,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. Funds have not been included for the proposed increase in the journeyman level for border patrol agents and immigration inspectors.

For the Citizenship and Benefits, Immigration Support and Program Direction account, the conference agreement includes an increase of $14,752,000 for pay and inflationary adjustments for the existing activities of Citizenship and Benefits, Immigration Support, and Management and Administration; offset by a transfer of $89,000,000 in naturalization and backlog reduction activities to the Exams Fees account, as proposed in the budget. The amount provided for base adjustments represents the full amount requested less $690,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. In addition, $35,000,000 is continued within the base to support naturalization and other benefits processing backlog reduction activities.

None of these amounts include offsetting fees, which are used to fund both enforcement and services functions.

In addition, program increases totaling $222,768,000 are provided, as follows:

Border Control and Management.—$100,612,000 is provided for additional border patrol staffing, technology, land border inspections, and Joint Terrorism Task Forces, as follows:

$52,000,000, 430 positions and 215 FTE, are for new border patrol agents. It is noted that again in fiscal years 1999 and 2000, the INS has failed to hire the 1,000 new border patrol agents provided in each of those years. Should the INS be unable to recruit the required agents again in fiscal year 2001, the INS is to submit a reprogramming in accordance with section 605 of this Act, prior to expenditure of the funds provided for the hiring of border patrol agents for any other purpose.

While some level of border control is being witnessed on parts of the Southwest border, particularly in San Diego, as a result of increased border patrol agents and technology, in other areas of the country border control remains a growing problem, particularly in the Northwest, Southeast, and other areas of the Southwest border. The House report language regarding consultation and submission of a deployment plan for new border patrol agents and direction in the House report regarding quarterly hiring status reports are adopted by reference. Senate report language prohibiting the transfer of any border patrol agents or technology from the Northwest border to the Southwest border is also adopted by reference.

$33,835,000 is for additional border patrol equipment and technology, for the following activities:

$598,000 is for replacement patrol boats to combat alien smuggling on the Great Lakes, the Detroit River, Lake St. Clair, and the St. Lawrence Seaway.

$17,500,000 is for the deployment of additional Integrated Surveillance Intelligence Systems (ISIS) along the Northern and Southern borders. When combined with existing base funds, a total of $35,500,000 is available for ISIS. INS is directed to consult with the Committees on Appropriations and provide a deployment plan for these systems no later than December 15, 2001, which reflects the highest priority locations on both the Northern and Southern borders.

$15,737,000 is for additional border patrol equipment and technology. The conference agreement includes a total of $30,737,000 for additional border patrol equipment and technology, of which $15,737,000 is provided as a program increase and $15,000,000 is to be derived from within existing base resources. Funding provided is to be used for high priority equipment, including fiber optic scopes, hand-held search lights, vehicle infrared cameras, Global Positioning Systems, infrared scopes, night vision goggles, handheld range-finder night vision binoculars, and pocket scopes. INS is directed to provide a spending plan for these funds to the Committees on Appropriations no later than December 15, 2000.

$6,277,000, 72 positions and 36 FTE are for additional inspectors at land border Ports of Entry (POE). INS is directed to consult with the Committees on Appropriations and provide a deployment plan no later than December 15, 2000 which reflects the highest priority locations for distribution of these resources.

$7,000,000, 58 positions and 29 FTE are for additional investigators and operational costs associated with INS participation in Joint Terrorism Task Forces to address immigration-related issues in terrorism cases.

Additionally, the conference agreement includes a $1,500,000 increase for the Law Enforcement Support Center (LESC), providing a total of $12,500,000 for the LESC in fiscal year 2001.

The conference agreement adopts by reference the House report language regarding the relocation of Tucson Sector helicopter operations and related housing costs, a joint plan on combating illegal immigration through Federal lands and parks, and establishment of a joint task force to study emergency medical services for illegal aliens.

Interior Enforcement/Removal of Deportable Aliens.—$120,856,000 is provided for interior enforcement, including the tracking, detention, and removal of aliens, as follows:

$87,306,000, 120 positions and 60 FTE are for an additional 1,167 detention beds, including 1,000 beds in State and local facilities, and 120 juvenile detention beds, as proposed in the House report.

$15,550,000 is for additional JPATS movements, as proposed in the House report. The conference agreement does not include the proposed transfer of funds from INS to the JPATS Fund for this activity which was recommended in the Senate report.

$11,000,000, 100 positions and 50 FTE are for 23 additional Quick Response Teams, as proposed in the House report. The House report language regarding consultation and submission of a deployment plan and direction regarding quarterly status reports are adopted by reference.

In addition, the conference agreement includes an additional $3,000,000 under the Community Oriented Policing Services program to expand the program to provide video-teleconferencing equipment and technology to allow State and local law enforcement to confirm the status of an alien suspected of criminal activity.

$3,000,000, 28 positions and 14 FTE are for expansion of the on-going Criminal Alien Apprehension Program (CAAP), pursuant to Public Law 105–141. The Senate report language regarding Salt Lake City is adopted by reference, and INS is directed to report its intention regarding this matter to the Committees on Appropriations no later than December 1, 2000. The House report language regarding consultation and submission of a deployment plan is adopted by reference.

$4,000,000, 26 positions and 13 FTE are for INS to enter INS criminal alien records into the National Criminal Information Center (NCIC) in order to address the current backlog and to ensure that INS does not lose its NCIC privileges. The direction included in the House report regarding development of a comprehensive plan to address this problem is adopted by reference.

Concerns have been expressed regarding the adequacy of the current training course for Detention Enforcement Officers (DEO) in light of the increasingly violent detainee population and other factors. INS is directed to complete a comprehensive assessment of its current DEO training course and provide a report to the Committees on Appropriations no later than July 1, 2001, with recommendations for improvements.

The conference agreement reflects concerns regarding INS' failure to vigorously pursue an effective interior enforcement strategy, and adopts by reference the direction included in the House report regarding quarterly reporting on detention and removal orders. The Senate report language regarding tuberculosis monitoring is also adopted by reference.

Professionalism and Infrastructure.—The conference agreement includes an increase of $1,300,000 for the Debt Management Center, as proposed in the Senate report. INS is expected to follow the direction included in the

Senate report regarding annualization of this increase in fiscal year 2002.

IAFIS/IDENT.—The conference agreement adopts the recommendation included in the House report directing that $5,000,000 from within existing INS base funds available for IDENT be transferred to the Justice Management Division to continue the planned IAFIS/IDENT integration project, including systems design and development work and additional operational testing. INS is directed to comply with the direction in the House report regarding further deployment of IDENT.

Within the total amount available to INS, $2,103,000 is to be used to establish the task force required by Public Law 106–215.

Services/Benefits.—The Congress has provided significant additional resources to the INS over the past three years to address the naturalization backlog, improve the integrity of the naturalization process, and improve services. The conference agreement provides a total of $1,004,851,000 for these activities, $70,134,000 (7%) over the amount requested in the budget, and $135,222,000 (16%) over the fiscal year 2000 level. However, serious concerns remain about the INS' failure to manage its resources, and the Committees continue to receive complaints from Members of Congress and their constituents about the problems of backlogs in application processing and casework, and deficiencies in other services. Again this year, the conference agreement includes significant additional resources, over and above the President's budget request, for benefits and services. Therefore, INS is directed to conduct a complete review of staffing and resource needs to improve benefits and services in all current INS offices, as well as the need for additional offices, particularly in rural areas. INS is directed to complete this review and report its findings to the Committees on Appropriations, including a proposal to reallocate resources as warranted, no later than December 15, 2000. As part of this review, the INS is directed to pay particular attention to the following areas: Fort Smith, Arkansas; Adak, Alaska; San Francisco, California; Ventura, California; Washington, D.C.; Des Moines, Iowa; Louisville, Kentucky; the Bronx, New York; New York, New York; Omaha, Nebraska; Northern New Jersey; Las Vegas, NV; Greer, South Carolina; Nashville, Tennessee; Roanoke, Virginia; and Milwaukee, Wisconsin. In addition, the conferees are concerned with the diversion of resources from smaller rural offices and direct INS to notify the Committees prior to the reallocation of resources, including the temporary reassignment of personnel, from the area identified in the Senate report.

The conference agreement adopts by reference the direction included in the House report regarding monthly reports on the status of processing immigration benefits applications, continuation of the San Jose customer service pilot, and a report on unreviewed Citizenship USA cases, which is to be submitted no later than November 1, 2000.

In addition to identical provisions included in both the House bill and the Senate-reported amendment, the conference agreement includes the following additional provisions, as follows: (1) a limitation of $30,000 per individual employee for overtime payments, as proposed in the House bill, instead of $20,000 as proposed in the Senate-reported amendment; (2) a limitation on funding and staffing available to the Offices of Legislative and Public Affairs, as proposed in the House bill; (3) a prohibition on the use of funds to operate the San Clemente and Temecula traffic checkpoints unless certain conditions are met, as proposed in the House bill; and (4) limitations on the number of positions and FTE provided to INS in this Act, modified from language proposed in the House bill.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,549,480,000 will be available from offsetting fee collections, instead of $1,438,812,000 as proposed in the House bill and $1,524,771,000 as proposed in the Senate-reported amendment, to support activities related to the legal admission of persons into the United States. These activities are funded entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

Immigration Inspections User Fees.—The conference agreement includes $494,384,000 of spending from offsetting collections in this account, the same amount proposed in Senate report, and $15,505,000 above the amount included in the House report. This amount represents a $38,999,000 increase over fiscal year 2000 spending, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The conference agreement includes $18,489,000 for adjustments to base, the full amount requested. In addition, program increases are provided as follows: $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals; and $8,324,000 to address additional staffing and other requirements. Funding is not included for the proposed change in the journeyman level for inspectors. INS is directed to consult with Committees on Appropriations and to submit a spending and deployment plan no later than December 1, 2000, which allocates these additional resources to the highest priority locations. Should additional fees become available, the INS may submit a reprogramming in accordance with section 605 of this Act.

Immigration Examinations Fees.—The conference agreement includes a total of $1,004,851,000 to support the adjudication of applications for immigration benefits, instead of $918,717,000 as proposed in the House bill, $841,017,000 as proposed in the Senate-reported amendment, and $934,617,000 as requested in the budget. These funds are derived from offsetting collections in the Examinations Fees account from persons applying for immigration benefits, including collections from a new voluntary premium processing fee as proposed in the House bill and the budget request, and $35,000,000 in continued direct appropriations under the Citizenship and Benefits, Immigration Support, and Program Direction account. The conference agreement reflects the INS' revised revenue estimates for collections from existing fees which is $107,534,000 higher than the amount assumed in the budget request, and $144,534,000 above the amount available in fiscal year 2000. When combined with additional revenues estimated from the new voluntary premium processing fee, the total amount of collections available in the Examinations Fees account for adjudication of immigration benefits is $224,534,000 over the amount available in fiscal year 2000. When combined with direct appropriations, the total amount included in the conference agreement for benefits processing, adjudication, and backlog reduction is an increase of $70,134,000 (7%) above the budget request and $135,222,000 (16%) above the amount provided in fiscal year 2000. Therefore, the conference agreement does not include the reinstatement of section 245(i) as proposed in the Senate-reported amendment. In addition, the conference agreement does not adopt the transfer of $49,741,000 from Examinations Fees funding to the Executive Office of Immigration Review (EOIR); and the transfer of $50,000,000 in non-adjudication related activities from the Salaries and Expenses account to the Examinations Fees account which were proposed in the Senate-reported amendment.

Within the Examinations Fees account, the conference agreement provides the following: $25,676,000 for adjustments to base; and program enhancements totaling $94,841,000, as proposed in the House report, for the following activities: (1) $16,000,000 for implementing premium business service processing; (2) $7,500,000 for anti-fraud investigations related to business-related visa applications and marriage fraud; (3) $13,000,000 for the telephone customer service center, for a total of $43,000,000, the full amount requested; (4) $4,200,000 for the indexing and conversion of INS microfilm images, for a total of $7,200,000; and (5) $53,641,000 for replacement of the case tracking system and hardware in field offices and continued development and installation of digital photography and signature capabilities in the Application Support Centers. Included within these amounts is $6,000,000 for installation of the CLAIMS 4 system in the Los Angeles, California district office which will complete nationwide deployment of the system. INS is directed to submit a spending plan in accordance with the reprogramming procedures set forth in section 605 of this Act which allocates the remaining $51,134,000 in additional resources made available in the Exams Fees account, and the $35,000,000 in continued direct appropriations provided for backlog reduction initiatives.

The INS is directed to make available to EOIR from the INS Examinations Fees account not less than $1,000,000 to be applied toward expenditures related to EQIR's acquisition of contract court interpreter services for immigration court proceedings.

Land Border Inspections Fees.—The conference agreement includes $1,670,000 in spending from the Land Border Inspection Fund, as proposed in the Senate report, instead of $1,641,000 as proposed in the House report. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California, and from Automated Permit Ports that provide pre-screened local border residents' border crossing privileges by means of automated inspections.

Immigration Breached Bond/Detention Fund.—The conference agreement includes $80,600,000 in spending from the Breached Bond/Detention Fund, as proposed in the House report, instead of $130,634,000 as proposed in the Senate report, and reflects the current estimate of revenues available in the Fund in fiscal year 2001 based upon current law. The conference agreement does not assume the reinstatement of Section 245(i), which was proposed in the Senate-reported amendment and the budget request. Instead, the conference agreement provides a $37,480,000 increase in the INS Salaries and Expenses account to fully fund the detention requirements requested in the Fund, but for which revenues are insufficient in fiscal year 2001. The agreement does not include the base transfer to the Breached Bond/Detention Fund account, as proposed in the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, the amount requested and proposed in the House report, instead of $5,593,000 as proposed in the Senate report.

H–1B Fees.—The conference agreement includes $1,125,000 in spending from the H–1B Fee account, the amount requested and the amount proposed in the House report, instead of $1,473,000 as proposed in the Senate report.

CONSTRUCTION

The conference agreement includes $133,302,000 for construction for INS, as proposed in the Senate-reported amendment, instead of $110,664,000 as proposed in the House bill. This amount fully funds the Administration's request, funds $5,000,000 in habitability, life safety, and other improvements at the Charleston Border Patrol Academy, and provides increases over the requested amount of $7,353,000 for one-time build out and $9,814,000 for maintenance, repair, and alteration to accelerate these programs.

The conference agreement includes language, as proposed in the House bill and carried in prior Appropriations Acts, prohibiting funds from being used for site acquisition, design, or construction of a checkpoint in the Tucson Sector. The Senate-reported amendment did not include a similar provision.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,476,889,000 for the salaries and expenses of the Federal Prison System, instead of $3,430,596,000 as proposed in the House bill and $3,573,729,000 as proposed in the Senate-reported amendment. The agreement assumes that, in addition to the amounts appropriated, $31,000,000 will be available for necessary operations from unobligated carryover balances from the prior year.

The conference agreement includes funding to begin and or complete the activation of the following facilities:

Victorville, CA	$5,882,000
Houston, TX	637,000
Brooklyn, NY	8,131,000
Philadelphia, PA	5,718,000
Butner, NC	11,808,000
Loretto, PA expansion	613,000
Pollock, LA	33,511,000
Atwater, CA	22,316,000
Coleman, FL	10,235,000
Honolulu, HI	14,119,000
Ft. Dix, NJ expansion	4,893,000
Yazoo City, MS expansion	674,000
Lompoc, CA expansion	907,000
El Paso, TX expansion	2,357,000
Seagoville, TX expansion	1,208,000
Jesup, GA expansion	200,000

The conference agreement provides an additional $500,000 for the National Institute of Corrections (NIC) to study whether the location of illegal alien holding facilities along the Southern border of the United States contributes to the illegal immigration problems in this country. The conference agreement includes $4,000,000 for the NIC to address issues related to children of prisoners, as described in the Senate report. Of the amounts provided, up to $1,000,000 shall be for the NIC to address the issue of staff sexual misconduct involving female inmates as described in the Senate report.

The conference agreement provides $100,000 for implementation of a pilot internship program at the Federal Correctional Institution in Yazoo City, MS as described in the Senate report. The conference agreement adopts the Senate report language directing BOP to continue to assess the feasibility of construction of a high security facility in Yazoo City, MS as described in the Senate report.

The conference agreement includes a $3,000,000 enhancement for education programming instead of the $7,433,000 requested. If additional resources become available either through prior year unobligated balances or as a result of savings in fiscal year 2001, BOP is expected to fund these additional costs.

BUILDINGS AND FACILITIES

The conference agreement includes $835,660,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, the same level as provided in the House bill, instead of $724,389,000 as provided in the Senate-reported amendment. The conference agreement provides $681,271,000 for construction of new facilities as outlined below:

[In thousands of dollars]

Facility	*Amount*
Facilities with prior funding:	
FCI Forrest City, AR	$95,814
FCI Yazoo City, MS	86,884
USP Lompoc, CA	118,111
FCI Butner, NC	83,111
FCI Victorville, CA	116,838
FCI Herlong/Sierra, CA	116,861
Facilities with no prior funding:	
USP Western	11,930
USP Southeastern	11,931
FCI Southeastern	5,430
FCI Mid-Atlantic	5,430
FCI Midwestern	5,431
FCI Western	6,000
FCI South Central	5,000
FCI Northeast	5,000
FCI Mid-Atlantic	5,000
Mid-Atlantic Female	2,000
Alaska Prison Study	500
Total	681,271

After reviewing numerous sites in South Carolina, the Bureau of Prisons (BOP) narrowed its focus on four potential locations that would be suitable for the construction of correctional facilities. Following a comprehensive Environmental Impact Study completed in April, 2000, the BOP identified two preferred sites in Williamsburg and Marlboro Counties. A Record of Decision (ROD) for the Salters site, Williamsburg County was signed by the Director, BOP on July 19, 2000. On the same date, the ROD was signed for the Bennetsville site, Marlboro County. The BOP is in the process of procuring a design/build contract for the Salters site and is proceeding with the second preferred site, consistent with the ROD and the fiscal year 2001 request.

The Senate provided $7,954,000 to plan and design a prison in Alaska while the House included no such funding. The managers note that there is no Federal prison in Alaska and State prisons are severely overcrowded and are operating under a court order requiring some prisoners to be transported to lower 48 State prisons. Likewise, Federal prisoners in Alaska must be transported by commercial air to Federal facilities thousands of miles away at a huge cost to taxpayers.

The Director of the Bureau of Prisons is directed to prepare a feasibility study on the need for a new prison in Alaska including the number of Federal prisoners who would be housed, the types of detention, rehabilitation, vocational and educational facilities that would be required, and the potential to lease surplus beds to the State of Alaska to reduce its prison overcrowding. The report should also analyze the costs of construction, the cost savings that would be realized from reduced prisoner transportation costs, and potential financing options, including State contributions and private financing and operation. The managers have provided $500,000 for the study which should be conducted in consultation with the U.S. Marshal for Alaska, the Chief Judge of the United States District Court, the Alaska Commissioner of Corrections and private parties or non-profit corporations with an interest in prison issues. The report should be submitted to the House and Senate Committees on Appropriations by March 15, 2001.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in both the House bill and the Senate-reported amendment.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $418,219,000 for Justice Assistance, instead of $307,611,000 as proposed in the House bill and $426,403,000 as proposed in the Senate-reported amendment. The conference agreement includes the following:

National Institute of Justice	$70,000,000
Defense/Law Enforcement Technology Transfer	*(12,277,000)*
Bureau of Justice Statistics	28,755,000
Missing Children	23,048,000
Regional Information Sharing System	25,000,000
National White Collar Crime Center	9,250,000
Management and Administration	41,186,000
Subtotal	197,239,000
Counterterrorism Programs:	
Equipment	109,400,000
Nunn-Lugar-Domenici Program	20,980,000
Training	45,500,000
Exercises	7,000,000
Technical Assistance	2,000,000
Counterterrorism Research and Development	36,100,000
Subtotal	220,980,000
Total, Bureau of Justice Assistance	418,219,000

National Institute of Justice (NIJ).—The conference agreement provides $70,000,000 for the National Institute of Justice, instead of $41,448,000 as proposed in the House bill and $46,000,000 as proposed in the Senate-reported amendment. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $17,500,000 is provided from within technology funding in the Community Oriented Policing Services account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, within the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts by reference the following recommendations in the House report which are within the overall amounts provided to NIJ. The Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a grant at the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the Snohomish County Medical Examiner's Office to assist in the development of a new death investigation module for the FBI's ViCAP system; and a $1,800,000 grant for facial recognition.

The conference agreement adopts the following recommendations in the Senate report that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on Appropriations on its intentions regarding: a $400,000 grant for continued research into non-toxic drug detection and identification aerosol technology; a $300,000 grant for Washington State Breaking the Cycle; and a $100,000 grant for perfluorocarbon tracer.

Within, the amount provided, the conference agreement directs that increased amounts over fiscal year 2000 be made available for computerized identification systems and the DNA Research Technology and Development Program, as proposed in the Senate report.

The conference agreement provides $15,000,000 for an education and development initiative to promote criminal justice excellence at Eastern Kentucky University in conjunction with the University of Kentucky.

The conference agreement includes $600,000 for NIJ to develop, test, and validate a prototype national Vulnerability Assessment (VA) methodology for assessing the security of chemical facilities against terrorist and criminal attacks, consistent with the requirements of Public Law 106-40. This report is expected to include recommendations for the Attorney General on the appropriate security classification and public release of information likely to be generated by a national VA of chemical facilities, including an analysis of expected risks and benefits. One year after enactment of this Act, the Attorney General shall provide to the Committees on Appropriations a comprehensive report on the findings derived from the development of the VA methodology. The information contained in this report will be used only to describe and validate conditions at chemical facilities in general and will contain no identifications of specific chemical facilities.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $12,277,000 to assist NIJ, in conjunction with the Department of Defense, in converting non-lethal defense technology to law enforcement use. Within the amount provided is funding for the continuation of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assisting law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis. The current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers. The current year level is provided for the Center for Rural Law Enforcement Technology and Training to evaluate and assist in providing technology needs of rural State and local law enforcement officers, as part of the National Law Enforcement and Corrections Technology Center (NLECTC) system. $1,500,000 is also provided to develop plans to establish a National Law Enforcement and Corrections Technology Center in Alaska as described in the Senate report.

The conference agreement includes an $8,000,000 increase for smart gun technology research and development.

Bureau of Justice Statistics (BJS).—The conference agreement provides $28,755,000 for the Bureau of Justice Statistics, instead of $25,505,000 as proposed in the House bill and $27,305,000 as proposed by the Senate-reported amendment. The recommendation includes $500,000 for inflationary cost increases, $725,000 to collect Computer Crime and Cyber-Fraud Statistics as described in the Senate report and $2,000,000 for tribal criminal justice statistics.

Missing Children.—The conference agreement provides $23,048,000 for the Missing Children Program instead of $25,473,000 as proposed in the Senate-reported amendment and $19,952,000 as proposed in the House bill. Within the amounts provided the conference agreement assumes the following:

(1) $9,298,000 for the Missing Children Program within the Office of Justice Programs, Justice Assistance, including the following: $6,500,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $11,450,000 for the National Center for Missing and Exploited Children, of which $100,000 is provided for a case manager as described in the Senate report; $2,250,000 is for CyberTipline, Cyperspace training and continuation of a study regarding the victimization of children on the Internet as described in the Senate report. Additional funding is also provided for a legal and technical assistance section. OJP is directed to work with the National Center for Missing and Exploited Children to identify law enforcement agencies which currently utilize computers in their patrol vehicles and create a program to use computers to disseminate information on missing children as described in the Senate report.

(3) $2,300,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes $25,000,000 for RISS, instead of $20,000,000 and a $5,000,000 transfer from the COPS program as proposed in the House bill and $30,000,000 as proposed in the Senate- reported amendment.

White Collar Crime Information Center.—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), as proposed in the House bill, instead of no funding as proposed in the Senate-reported amendment.

Counterterrorism Assistance.—The conference agreement includes a total of $220,980,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $152,000,000 as proposed in the House bill and $257,000,000 as proposed in the Senate-reported amendment. Funding is provided as follows:

Equipment.—$109,400,000 is provided for grants to equip State and local first responders, including, but not limited to, firefighters and emergency services personnel, as follows:

$97,000,000 for Domestic Preparedness Equipment Grants to be used to procure specialized equipment required by State and local first responders to respond to terrorist incidents involving chemical, biological, radiological, and explosive weapons of mass destruction (WMD). The conference agreement continues the direction included in the fiscal year 2000 Appropriations Act, allowing funds to be allocated only in accordance with an approved State plan, and adopts the direction included in the Senate report requiring 80 percent of each State's funding to be provided to local communities with the greatest need. Within the total amount provided for these grants, up to $2,000,000 shall be made available for continued support of the Domestic Preparedness Equipment Technical Assistance program at the Pine Bluff Arsenal;

$5,000,000 is for equipment grants for State and local bomb technicians, instead of $10,000,000 as proposed in the House report; and

$7,400,000 is for pre-positioned equipment, as proposed in the Senate report.

Nunn-Lugar-Domenici Program (NLD).—$20,980,000 is for the NLD Domestic Preparedness Program authorized under the National Defense Authorization Act, 1997, and previously funded by the Department of Defense, to provide training and other assistance to the 120 largest U.S. cities. On April 6, 2000, the President proposed the transfer of responsibility for completion of the NLD program to the Department of Justice. The conference agreement provides the full amount necessary to complete the NLD program, of which $8,100,000 is for training and $6,880,000 is for exercises for the remainder of the 120 cities; $3,000,000 is for Improved Response Plans; and $3,000,000 is for management and administrative costs associated with this program. Within the amounts provided for Domestic Preparedness Equipment grants, the Office of Justice Programs may provide equipment to NLD cities if such equipment is necessary to fulfill the requirements of the program. The conference agreement includes a series of new programs to address training and exercise requirements on a national basis, and expects the Office of Justice Programs to provide any future training and exercises assistance through these programs. The Senate report language regarding administration of this program is adopted by reference.

Training.—$45,500,000 is for training programs for State and local first responders, to be distributed as follows:

$33,500,000 is for the National Domestic Preparedness Consortium, of which $15,500,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; $5,250,000 is for the Texas Engineering Extension Service at Texas A&M; and $12,750,000 is to be equally divided among the three other Consortium members;

$8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, OJP is expected to consider the needs of firefighters and emergency services personnel, and State and local law enforcement;

$3,000,000 is for continuation of distance learning training programs at the National

Terrorism Preparedness Institute at the Southeastern Public Safety Institute to provide training through advanced distributive learning technology and other mechanisms; and

$1,000,000 is for continuation of the State and Local Antiterrorism Training Program.

Exercises.—$7,000,000 is for exercise programs, of which $4,000,000 is for grants to assist State and local jurisdictions in planning and conducting exercises to enhance their response capabilities, and $3,000,000 is for planning, execution, and analysis of TOPOFF II. The direction included in the Senate report regarding distribution of exercises grants in accordance with approved State plans is adopted by reference.

Technical Assistance.—$2,000,000 is for technical assistance to States and localities, as proposed in the Senate report.

Counterterrorism Research and Development.—$36,100,000 is for counterterrorism research and development, of which $18,000,000 is for the Dartmouth Institute for Security Technology Studies (ISTS), $18,000,000 is for the Oklahoma City National Memorial Institute for the Prevention of Terrorism (MIPT), and $100,000 is for a pilot project to develop an RDT&E system similar to the Department of Defense System, as proposed in the Senate report. Within the amount provided for MIPT, up to $4,000,000 is to be used to support the development of performance standards in a biological and chemical environment for respirators and personal protective garments. The MIPT and the ISTS are directed to work with the Technical Support Working Group and the National Domestic Preparedness Office to develop and implement a process whereby WMD equipment is standardized.

The conference agreement includes language modified from language included in the House bill and the Senate-reported amendment providing funding · for counterterrorism programs.

Management and Administration.—The conference agreement includes $41,186,000 for Management and Administration, instead of $39,456,000 as proposed by the House, and $40,125,000 as proposed by the Senate. The conference agreement adopts the House report language concerning the reorganization of the Office of Justice Programs and the submission of a report on the implementation of the reorganization by December 31, 2000.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,848,929,000 for State and Local Law Enforcement Assistance, instead of $2,823,950,000 as proposed in the House bill, and $1,475,254,000 as proposed in the Senate-reported amendment. The conference agreement provides for the following programs:

Local Law Enforcement Block Grant	$523,000,000
Boys and Girls Clubs	(60,000,000)
Law Enforcement Technology	(20,000,000)
State Prison Grants	686,500,000
Cooperative Agreement Program	(35,000,000)
Indian Country Earmark	(34,000,000)
Alien Incarceration	(165,000,000)
State Environmental Impact Statements	(2,000,000)
State Criminal Alien Assistance Program	400,000,000
Indian Tribal Courts Program	8,000,000
Byrne Discretionary Grants	69,050,000
Byrne Formula Grants	500,000,000
Drug Courts	50,000,000
Juvenile Crime Block Grant	250,000,000
Violence Against Women Act Programs	288,679,000
State Prison Drug Treatment	63,000,000
Indian Country Alcohol and Crime Prevention	5,000,000
Missing Alzheimer's Patient Program	900,000
Law Enforcement Family Support Programs	1,500,000
Motor Vehicle Theft Prevention	1,300,000
Senior Citizens Against Marketing Scams	2,000,000
Total	2,848,929,000

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate-reported amendment, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $60,000,000 to the Boys and Girls Clubs of America. In addition, the conference agreement extends the set-aside for law enforcement technology, as proposed in both the House bill and the Senate-reported amendment.

State Prison Grants.—The conference agreement includes $686,500,000 for State Prison Grants as proposed in the House bill, instead of $76,000,000 as proposed in the Senate-reported amendment. Of the amount provided, $450,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for the reimbursement of the costs of incarceration of criminal aliens, $35,000,000 is available for the Cooperative Agreement Program, $34,000,000 is available for Indian tribes, and $2,000,000 is available for review of State environmental impact statements to determine compliance with Federal requirements and ensure that State projects are not delayed.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $565,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, instead of $50,000,000, as proposed in the Senate-reported amendment and $585,000,000 as proposed in the House bill. Of the total amount, the conference agreement includes $400,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill.

Indian Tribal Courts.—The conference agreement includes $8,000,000, instead of $5,000,000 as proposed in the Senate-reported amendment, and no funding in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems by providing resources for the necessary tools to sustain safer and more peaceful communities.

Edward Byrne Grants to States.—The conference agreement provides $569,050,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $69,050,000 is discretionary grants and $500,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $69,050,000 for discretionary grants under the Edward Byrne Memorial State and Local Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,000,000 as proposed in the House bill and the Senate-reported amendment. Within the amount provided for discretionary grants, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

$2,000,000 for the Drug Abuse Resistance Education (DARE AMERICA) program;

$1,600,000 for continued support for the expansion of Search Group, Inc. and the national Technical Assistance and Training Program to assist States, such as West Virginia, to accelerate the automation of fingerprint identification processes;

$4,400,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign, McGruff;

$800,000 for the Haymarket Center;

$5,000,000 for Project HomeSafe for safety packets which include a gun locking device and information on how to handle and store guns safely as described in the Senate report;

$150,000 for the Ottawa County, MI, Sheriff's Department to support crime fighting technologies;

$1,000,000 for the Tools for Tolerance Program;

$500,000 for the Littleton Area Learning Center;

$4,500,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

$2,000,000 for the Youth Safe Haven program;

$1,900,000 for the Families and Schools Together (FAST) program;

$1,500,000 for Project Return in New Orleans, LA;

$2,000,000 for the Alaska Native Justice Center;

$400,000 for the Ridge House in Reno, NV;

$3,000,000 for a grant to the National Center for Justice and the Rule of Law at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges, court personnel, prosecutors, police agencies, and attorneys;

$350,000 for a grant to Turtle Mountain Community College's Department of Justice for "Project Peacemaker";

$300,000 for the Chattanooga Endeavors program;

$750,000 for a grant to the University of Kentucky College of Law ·for teleconferencing equipment for prosecutor training;

$1,000,000 for the Fels Center at the University of Pennsylvania for a demonstration fellowship project;

$1,400,000 for rural alcohol interdiction, investigations, and prosecutions in the State of Alaska;

$150,000 for the MUSC Innovative Alternatives for Women program;

$750,000 for the Nevada National Judicial College;

$3,000,000 for a grant for the National Fatherhood Initiative;

$190,000 to the Hampshire County, MA, TRIAD project;

$450,000 for the Gospel Rescue Mission;

$2,250,000 the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;

$2,000,000 for the Rural Crime Prevention and Prosecution program;

$1,000,000 for the Night Light program in San Bernardino, CA to assign probation officers to patrol with law enforcement during peak crime hours;

$800,000 for the Illegal Firearms Reduction Program in Illinois;

$850,000 for the DuPage County Children's Sexual Abuse Center;

$1,000,000 for Operation NITRO (Narcotics Interdiction To Reduce Open-Air Drug Markets) in Newark, NJ;

$1,800,000 for the Center for Rural Law Enforcement Technology and Training;

$2,505,000 for Kentucky Child Advocacy Centers;

$1,000,000 for a community court pilot project in Los Angeles, CA;

$1,000,000 for a Neighborhood Policing Initiative for the Homeless in Clearwater, FL;

$1,000,000 for the National Children's Advocacy Center in Huntsville, Alabama for a Child Abuse Investigation and Prosecution Enhancement Initiative;

$1,100,000 for the National Training and Information Center;

$1,000,000 for the Doe Fund's Ready, Willing and Able program;

$30,000 for the Crimestoppers program in Lexington, KY, to expand its efforts to involve citizens in crime prevention;

$1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;

$3,000,000 for the Regional Mobile Gang Task Force Enforcement Team in Orange County, CA;

$500,000 for the Local Initiative Support Corporation;

$300,000 for the National Association of Town Watch's National Night Out crime prevention program;

$2,000,000 for a Spokane County crime task force for costs associated with State and local investigations;

$750,000 for Operation Child Haven;

$150,000 for the Samantha Reid Foundation;

$500,000 for the Sunflower House in Shawnee, KS; and

$400,000 for the Domestic Violence Services for Women in Substance Abuse Treatment and Substance Abuse Treatment for Women in Domestic Violence Shelters project at the University of Northern Iowa.

The conference agreement adopts the Senate report language supporting the national motor vehicle title information system. Within available resources for Byrne discretionary grants, OJP is urged to review proposals, and provide grants if warranted, to the Alaska Federation of Natives and the Alaska court system for an alcohol law offenders program using Naltrexone and other drug therapies.

Byrne Formula Grants.—The conference agreement provides $500,000,000 for the Byrne Formula Grant program as proposed in the House bill, instead of $400,000,000 as proposed in the Senate-reported amendment.

Drug Courts.—The conference agreement includes $50,000,000 for drug courts, instead of $40,000,000 as proposed in the Senate-reported amendment and the House bill. Localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

The conference agreement recognizes that there are currently over 480 drug courts in the United States. These drug courts play an important role in controlling the behavior and drug addiction of drug-using offenders across the Nation. Among these courts, there are only three comprehensive drug court systems in the country, one of which is in Denver, Colorado. Denver's adult drug court was established in 1994 and recently a juvenile drug court was established. The conference agreement recognizes the Denver concept has demonstrated its efficacy and, with sufficient resources, could serve as a model for other drug courts.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides $250,000,000 for the Juvenile Accountability Incentive Block Grant program to address the problem of juvenile crime as proposed in the House bill instead of $100,000,000 as proposed in the Senate-reported amendment.

Violence Against Women Act Grants.—The conference agreement includes $288,679,000 for grants to support the Violence Against Women Act, instead of $283,750,000 as proposed in the House bill, and $284,854,000 as proposed in the Senate- reported amendment. The conference agreement provides funding under this account as follows:

General Grants	$210,179,000
Civil Legal Assistance	(31,625,000)
National Institute of Justice	(5,200,000)
OJJDP-Safe Start Program	(10,000,000)
Violence on College Campuses	(11,000,000)
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	11,500,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Training Programs	5,000,000
Total	288,679,000

State Prison Drug Treatment.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill and the Senate-reported amendment. The conference agreement prohibits funding in this program from being used for aftercare programs.

Indian Country Alcohol and Crime Prevention.—The conference agreement includes $5,000,000 for demonstration grants on alcohol abuse and crime in Indian country. No funding was proposed for this program in either the House bill or the Senate-reported amendment. These funds are only available for law enforcement activities.

Safe Return Program.—The conference agreement includes $900,000 as proposed in the both the House bill and the Senate-reported amendment.

Law Enforcement Family Support.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate-reported amendment and the House bill.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House bill and the Senate-reported amendment. The conference agreement adopts by reference the Senate report language on the National Advocacy Center and coordinating with the Federal Trade Commission.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed in the House bill.

The conference agreement adopts the House report language by reference concerning false residential and commercial alarms. The conference agreement also includes language proposed in the House bill providing for Guam to be considered a State under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $34,000,000 for the Weed and Seed program, instead of $33,500,000 proposed by the House bill and $40,000,000 as proposed by the Senate-reported amendment. The conference agreement includes the expectation that an additional $6,500,000 will be made available from the Assets Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $1,032,325,000 for the Community Oriented Policing Services (COPS) program, instead of $812,025,000 in the Senate-reported amendment and $595,000,000 in the House bill. This conference agreement assumes that $5,000,000 will be available to the program in unobligated balances, providing for a total program level of $1,037,325,000.

Police Hiring Initiatives.—The conference agreement includes $470,000,000 for police hiring initiatives. Of this amount $180,000,000 is provided specifically for school resource officers and $35,000,000 is provided specifically for hiring police officers for Indian Country, with an additional $5,000,000 from unobligated carryover balances from fiscal year 2000 for Indian Country grants. Since fiscal year 1998, the COPS program has recovered over $100,000,000 per year in prior year funds. The conference agreement includes a provision requiring the COPS program office to submit a reprogramming request to the Committees on Appropriations before spending any funds made available through prior year deobligations, with an exception for program management and administration funding.

Safe Schools Initiative (SSI).—To address the issue of violence in our schools, the conference agreement includes $227,500,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and around schools; $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; and $17,500,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety.

Indian Country.—The conference agreement includes a total of $40,000,000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate. Of the $40,000,000 for this program, $35,000,000 is from direct appropriations and $5,000,000 is from unobligated balances.

Management and Administration.—The conference agreement includes language that provides that not to exceed $31,825,000 shall be expended for management and administration of the program.

Non-Hiring Initiatives.—The COPS program reached its original goal of funding 100,000 officers in May of 1999. Accordingly, the conference agreement funds initiatives to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement. This will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need; to address crime in and around schools; to provide law enforcement technology for local law enforcement; to combat the emergence of methamphetamine in new areas and police "hot spots" of drug market activity; and to make more bullet proof vests available for local law enforcement officers and correctional officers. In addition, the conference agreement provides funding for Community and Gun Violence Prosecutors, law enforcement costs associated with Offender Reentry programs and Police Integrity training. The conference agreement includes funding for the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes $140,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, it supports the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

$3,000,000 for a grant for the Law Enforcement On-Line Program (LEO). The conference agreement directs the Department of Justice to submit a report to the Committees on Appropriations by February 1, 2001, on the future of the LEO system. The report shall present the Department's vision for LEO, interoperability of LEO with other FBI and Departmental systems, and the relationship of LEO to the Global Justice Information Network. The report should also include funding requirements and a project time line for achieving the Department's vision and address whether management of LEO should remain with the FBI, or be transferred to JMD;

$500,000 for a grant to Delaware County, IN, for mobile data terminals for law enforcement vehicles;

$250,000 for a grant to Clackamas County, OR, for police communications equipment;

$1,000,000 for a grant to Jackson, MS, for law enforcement technologies and equipment;

$5,000,000 for a grant to the National Center for Missing and Exploited Children to continue the program created in fiscal year 2000 that provides targeted technology to police departments for the specific purpose of child victimization prevention and response. The technology available to help law enforcement find missing children is not at the level it needs to be. Most police departments across the United States do not have personal computers, modems, and scanners. The departments that do rarely have them in areas focusing on crimes against children;

Up to $3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;

$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

$3,000,000 for a grant to allow the Utah Olympic Public Safety Command to implement the public safety master plan for the 2002 Winter Olympic Games;

$300,000 for a grant to the Kansas City Community Security Initiative to continue developing community policing models in Kansas City neighborhoods;

$150,000 for a grant to establish a Computer Crime Unit within the Montana Board of Crime Control;

$1,500,000 for a grant to the New Hampshire Department of Safety to support Operation Streetsweeper;

$400,000 for a grant to the Western Missouri Public Safety Training Institute for classroom and training equipment to facilitate the training of public safety officers;

$3,500,000 for a grant to continue the Consolidated Advanced Technologies for Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety, in cooperation with the National Resource Center and the National Institute of Justice;

$400,000 for a grant to Mountain Village, CO, for public safety information management systems related to law enforcement;

$500,000 for a grant to Washington State for an electronic jail booking and reporting system;

$850,000 for a grant to the South Carolina Law Enforcement Division for a high technology crime investigative unit;

$500,000 for a grant to the National Center for Rural Law Enforcement in Little Rock, AR, to continue providing management education, research, forensics, computer, and technical assistance and training to rural law enforcement agencies, tribal police, and railroad police throughout the Nation;

$130,000 for a grant to Jackson County, MS, for public safety and automated system technologies related to law enforcement;

$750,000 for grants to the Bennington, Brattleboro, Newport, Montpelier, and Winooski, VT, for police technology systems and equipment;

$900,000 for a grant to Billings, MT, for patrol car mobile data terminals;

$100,000 for a grant to the Inglewood, CA, police department for technology systems;

$600,000 for a grant for telecommunications upgrades in rural areas of Montana to improve law enforcement response times;

$750,000 for a grant to the Macon, GA, Police Department for technology equipment and software;

$700,000 for a grant for a voice trunking system to assist law enforcement in eastern North Carolina;

$1,000,000 for a grant to the North Star Borough for centralized and computer-aided dispatch equipment and a study of needs;

$60,000 for a grant to Monroe County, MI, for a data transmission mechanism for squad cars;

$600,000 for a grant to the State Police of Virginia for computers and related equipment;

$5,000,000 for a grant for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with the law enforcement needs arising from the 2002 Winter Olympics;

$250,000 for a grant to Lane County, OR, for an area information records system;

$550,000 for a grant to the Clearwater Economic Development Association to provide funding to sheriffs' offices in Clearwater, Idaho, Lemhi, Lewis and Nez Perce counties, ID, to buy radio communications equipment;

$200,000 for a grant to the Pawtucket, RI, Police Department for patrol car mobile data terminals;

$150,000 for a grant to Bolivar County, MS, for public safety equipment and automated system technologies to improve county law enforcement;

$500,000 for a grant to the Maine State Police to upgrade their police radio system;

$350,000 for a grant to Huntingdon County, PA, for rural law enforcement technology needs;

$2,200,000 for a grant to the Alaska Department of Public Safety for technology, policing, and enforcement initiatives;

$2,500,000 for a grant to the Virginia Department of State Police for law enforcement technologies;

$200,000 for a grant to the Easley, SC, Police Department for policing equipment upgrades and computer enhancements;

$110,000 for a grant to the Scotts Bluff County, NE, consolidated communications center to improve law enforcement response times;

$250,000 for a grant to the Vermont State Police for computer and radio system upgrades and integration;

$3,000,000 for a grant for the Southeastern Law Enforcement Technology Center's Coastal Plain Police Communications initiative for regional law enforcement communications equipment;

$1,300,000 for a grant to the Alaska Department of Public Safety for the law enforcement photo network to provide statewide access to the Alaska booking, driver, and ID photographic information throughout the State;

$100,000 for a grant to the Lawrence, MA, Police Department for a police identification management system;

$300,000 for a grant to Grand Rapids, MI, for computer equipment for police officer vehicles;

$3,000,000 for a grant to the Milwaukee, WI, police department for communications infrastructure equipment;

$500,000 for a grant to Nye County, NV, for computer upgrades and other technologies;

$750,000 for a grant to the Vermont Department of Public Safety for mobile communications technology upgrades for law enforcement;

$1,650,000 for a grant to the South Carolina Law Enforcement Division for emergency response technology equipment, including datamasters;

$100,000 for a grant to Deschutes County, OR, for mobile data and radio communications upgrades;

$750,000 for a grant to the City of Paducah and McCracken County, KY, for a Public Safety Mobile Data System to assist law enforcement;

$400,000 for a grant to the Arkansas Crime Information Center to address software and hardware requirements;

$500,000 for a grant to the City of Seattle and King County, WA, for technology upgrades and to assist with inter-jurisdictional investigations;

$1,800,000 for a grant to the State of Alaska for the training of Village Public Safety Officers and the purchase of emergency response equipment;

$500,000 for a grant to Madison, WI, for communications upgrades needed to address police radio transmitting capacity and inter-agency communications;

$150,000 for a grant to the Yellowstone County, MT, Sheriff's office for training technologies upgrades;

$1,500,000 for a grant to Baltimore, MD, for police training programs and equipment;

$2,000,000 for a grant to Clark County, NV, to upgrade mobile and in-vehicle computers;

$1,400,000 for a grant to the Virginia State Police's Bureau of Criminal Intelligence Division for technical equipment;

$500,000 for a grant to the Johnson County, KS, Sheriff's Department for a countywide public safety radio network;

$400,000 for a grant to the Montgomery, AL, Police Department for an integrated communications system;

$150,000 for a grant to the Bozeman, MT, police department for high risk activity training equipment;

$100,000 for a grant to St. Clair County, MI, to assist with law enforcement data needs;

$600,000 for a grant to the Alabama Department of Public Safety for technology and automated systems to assist law enforcement;

$3,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four Southwest Border States;

$200,000 for a grant to Hall County, NE, for mobile data computers for law enforcement;

$100,000 for a grant to Burrillville, RI, for a communications system to assist law enforcement;

$200,000 for a grant to Irvington, NJ, for police technology needs;

$3,000,000 for a grant for videoteleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification and status of illegal and criminal aliens in their custody;

$2,000,000 for a grant to Ventura County, CA, for an integrated justice information system;

$3,000,000 for a grant for the Southwest Alabama Justice Integration Project;

$5,000,000 for a grant for the Ohio WEBCHECK system;

$1,750,000 for a grant to the Missouri State Highway Patrol for an integration technology program;

$1,750,000 for a grant to the California Highway Patrol for a communications system;

$3,000,000 for a grant for SmartCOP in Alabama;

$3,000,000 for a grant for Project Hoosier SAFE-T;

$2,920,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

$600,000 for a grant to modernize and update law enforcement technologies and equipment in East Baton Rouge Parish, Livingston Parish and Ascension Parish, LA;

$1,000,000 for a grant to the Riverside, CA, police department for mobile data terminals;

$1,000,000 for a grant to Orange County, CA, for a seamless, integrated communications technology system;

$260,000 for a grant to Shively, KY, for police department communications improvements;

$1,500,000 for a grant for the Citrus Heights, CA, police force for computer networking and radios;

$250,000 for a grant for the Suffolk County, NY, Police Department Technology Crimes Initiative;

$750,000 for a grant for Riviera Beach, FL, for a police mobile radio system;

$750,000 for a grant for Clearwater, FL, for laptop computers and printers for police vehicles and network operations;

$750,000 for a grant for the cities of Arcadia, and Sierra Madre, CA, to improve crime technology and communications between the cities;

$600,000 for a grant for a computer-aided dispatch and records management system for the Bells Garden, CA, police department;

$3,000,000 for a grant for the Chattanooga, TN, Police Department to improve information sharing;

$3,000,000 for a grant for the purchase and installation of mobile data computers for the Huntsville, AL, police department;

$83,000 for a grant for the Long County, GA, police department for a communications system;

$3,500,000 for a grant for Pinellas County, FL, law enforcement agencies to demonstrate with the Florida Department of Motor Vehicles how facial recognition technology may be used by police;

$1,300,000 for a grant for vehicle-mounted cameras and equipment for the Jefferson County, KY, police department;

$3,000,000 for a grant for the Lexington, KY, police department for communications equipment to improve officer safety and effectiveness;

$350,000 for a grant for the Daviess County, KY, sheriff's department for a wireless mobile information system;

$250,000 for a grant for the City of Falls Church, VA, police department for a computer-aided dispatch and records management system;

$3,000,000 for a grant for Yuma, AZ, for telecommunications and technology infrastructure for law enforcement officers;

$152,000 for a grant for Mexico Beach, FL, to upgrade its dispatch communications service;

$1,500,000 for a grant for an integrated public safety records management and document imaging system for the Wichita Police Department (KS);

$500,000 for a grant for the East Valley Regional Community Analysis Center for a data warehousing project;

$7,500,000 for a grant for a regional law enforcement technology program in Kentucky;

$1,235,000 for a grant for the Virgin Islands for technology equipment and upgrades;

$1,500,000 for a grant for a justice tracking information system (JUSTIS) for San Francisco, CA;

$230,000 for a grant for Glendale, CA, for police training equipment and technologies;

$1,190,000 for a grant for Pasadena, CA, for a computerized geographic information system;

$152,000 for a grant for the New Jersey State Police's High-tech Crime Unit for technology equipment;

$50,000 for a grant for the Tuckahoe, NY, police department for technology upgrades;

$1,000,000 for a grant for the Greater Atlanta Data Center;

$300,000 for a grant for the Berkshire County Regional Strategic Response Team in Pittsfield, MA;

$500,000 for a grant for mobile data terminals for Louisville, KY, to improve information retrieval on-scene and greatly reduce time used to complete paperwork off-scene;

$750,000 for a grant for the Louisiana State Police for communications and computer system upgrades for the Public Safety Emergency Services Training Center;

$50,000 for a grant for the Bound Brook, NJ, police department for law enforcement technologies;

$500,000 for a grant for the Tampa, FL, police department for in-vehicle video cameras;

$750,000 for a grant for the North Carolina State Highway Patrol for mobile data terminals;

$1,000,000 for the Center for Criminal Justice Technology;

$500,000 for a grant for the San Joaquin County, CA, sheriff's office for technology enhancements; and

$1,000,000 for a grant for Minnesota for a radio system to improve law enforcement communications in rural Minnesota.

2. COPS Methamphetamine/Drug "Hot Spots" Program.—The conference Agreement provides **$48,500,000** for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. The House bill proposed **$45,675,000** and the Senate-reported amendment proposed **$41,700,000** for this purpose.

Within the amount provided, the conference agreement includes **$20,000,000** to be reimbursed to the Drug Enforcement Administration as described above. The conference agreement expects the COPS office to award grants for the following programs:

$2,000,000 to the Washington State Methamphetamine Initiative for a comprehensive program to address methamphetamine enforcement, treatment, and cleanup efforts;

$2,500,000 to the Midwest (Missouri) Methamphetamine Initiative to train and provide related equipment to State and local law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$2,000,000 to the Kansas Bureau of Investigation to combat methamphetamine and to train officers in those types of investigations;

$750,000 to the Indiana State Police for a methamphetamine program to address training, equipment, and removal requirements;

$250,000 to the State Police of Virginia for an intensified methamphetamine enforcement program;

$800,000 to Southern Utah law enforcement agencies to be used to purchase remote methamphetamine detection laboratories to identify infrastructure decay caused by the disposal of hazardous and toxic chemicals;

$1,000,000 for the Mississippi Bureau of Narcotics to combat methamphetamine and to train officers on the proper recognition, collection, removal, and destruction of methamphetamine:

$600,000 for the South Dakota Division of Alcohol and Drug Abuse to expand its Community Mobilization Project to include a methamphetamine prevention project;

$500,000 to the State of Illinois to combat methamphetamine and to train officers in those type of investigations;

$800,000 to the State of Idaho to train State and local law enforcement officers in the proper recognition, collection, removal, and destruction of methamphetamine;

$1,000,000 for the Iowa Methamphetamine Clandestine Lab Task Force;

$1,500,000 for the Arkansas Methamphetamine Law Enforcement Initiative, of which, **$150,000** is for the Arkansas State Crime Lab to hire three additional chemists and **$1,350,000** is for the Arkansas State Police for training, enforcement, and cleanup efforts;

$350,000 to the Nebraska Clan Lab Team for the Nebraska Methamphetamine Fighting Initiative;

$1,000,000 for the Western Wisconsin Methamphetamine Law Enforcement Initiative;

$1,000,000 for personnel, equipment, and training for Arizona law enforcement to combat methamphetamine;

$250,000 for the Nye County, NV, Methamphetamine Initiative;

$750,000 to the Alabama Department of Public Safety to combat methamphetamine production and distribution;

$250,000 for the Hawaii Department of Public Safety, Narcotics Enforcement Division to address methamphetamine diversion, production, distribution, and enforcement efforts;

$400,000 for the Vermont State Multi-Jurisdictional Drug Task Force;

$2,200,000 for the Tri-State Methamphetamine Training Program (IA/SD/NE) to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

$1,000,000 to form a Western Kentucky Methamphetamine training program and provide equipment and personnel;

$1,000,000 for the Eastern Appalachian Taskforce on Methamphetamine Eradication in Tennessee, including $100,000 to establish videoconferencing with the Hamilton County District Attorney's Office;

$250,000 for the Polk County, FL, sheriff's office to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs for an expanded methamphetamine program;

$750,000 for Central Kentucky to assist local police and sheriffs' departments with costs associated with combating the production and distribution of methamphetamine;

$1,500,000 for the Oklahoma State Bureau of Investigation for costs associated with combating the production and distribution of methamphetamine; and

$300,000 for the Ascension Parish, LA, sheriff's office to support officer training and outreach programs.

The conference agreement expects the COPS office to review requests from the California Bureau of Narcotics Enforcement's Methamphetamine Strategy and Merced County, CA, and provide grants, if warranted.

3. COPS Safe Schools Initiative (SSI)/School Prevention Initiatives.—The conference agreement includes $15,000,000 to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House bill and the Senate-reported amendment. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

$3,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

$541,000 for the Milwaukee schools' Summer Stars program;

$250,000 for the Sioux Falls, SD, school district to expand an alternative educational support program for at-risk youth;

$250,000 for the Safe Schools program at the University of Montana;

$500,000 for the School Security and Technology Center in New Mexico;

$375,000 for the Kenosha County, WI, Sheriff's Department to address school resource officer needs;

$350,000 for Berkeley, CA, for an intercom and surveillance safety system;

$250,000 for the King County, WA, school resource officer program;.

$750,000 to the University of Louisville Center for the Study and Prevention of Violence in Urban Schools;

$350,000 for Bennington, VT, for a teen delinquency prevention project;

$1,500,000 for the Youth Advocacy Program;

$350,000 for the Alaska Community in Schools Mentoring program;

$750,000 for Compton, CA, for the Youth Center and After School Initiative;

$2,000,000 for the National Center for Rural Law Enforcement for the school violence research center;

$375,000 for the Waukesha, WI, Police Department to address school resource officer requirements;

$150,000 for the Nevada Foundation for Youth Development;

$495,000 for the Home Run Program;

$500,000 for the Safer School Initiative in Maricopa County, AZ;

$1,300,000 to setup the Aggressors, Victims and Bystanders Demonstration Project for Palm Beach County, FL, middle schools;

$120,000 for the Copiague School District School Safety Program; and

$80,000 for the Lindenhurst School Violence Program.

4. COPS Bullet-Proof Vests Initiative.—The conference agreement includes $25,500,000 to provide State and local law enforcement officers with bullet-proof vests. The House bill provided $25,000,000 for this program and the Senate-reported amendment provided $26,000,000.

5. Police Corps.—The conference agreement includes $29,500,000 for the Police Corps as proposed in the Senate-reported amendment instead of the $15,000,000 as proposed in the House bill.

6. Crime Identification Technology Act Program [CITA].—As included in both the House bill and the Senate-reported amendment, the conference agreement provides $130,000,000 for the CITA program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105–251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities in forensic sciences, including DNA.

Jennifer's Law (P.L. 106–177) authorizes funds for States to apply for competitive grants to cover the costs associated with entering complete files on unidentified victims into the FBI's National Crime Information Center (NCIC). This law provides incentives for States to report to the NCIC information on unidentified, deceased persons and will give law enforcement officials the opportunity to identify missing children who are reported as "unidentified". The conference agreement notes that funding provided under CITA is authorized to fund these costs and encourages States to use CITA funds for this purpose.

Within the amounts provided, the Office of Justice Programs is directed to provide grants to the following:

$500,000 for Hamilton County, OH, for a juvenile case management system and integrated automated fingerprint information system;

$150,000 for Kalamazoo County, MI, to integrate its criminal justice system data online;

$100,000 for Ogden, UT, for public safety and automated system technologies;

$2,500,000 for the Missouri State Court Administrator for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

$1,250,000 for the Alaska Department of Public Safety for an information network;

$150,000 for Logan County, OH, to support a regional planning criminal information infrastructure system;

$4,000,000 for the State Police of NH, for a VHF trunked digital radio system;

$4,700,000 for the State of Minnesota for a criminal justice integrated information system, of which $700,000 shall be allocated to Hennepin County;

$2,000,000 to automate the criminal records management system in San Diego, CA;

$1,500,000 to upgrade the Indianapolis Automated Fingerprint Identification System; and

$1,500,000 for an information technology project in Wayne County, MI, to improve communications and information sharing between local, State and Federal law enforcement.

Safe Schools Technology.—Within the amounts available for crime identification technology, the conference agreement includes $17,500,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth. The conference agreement adopts by reference the Senate report language regarding a competitive grant to a university based technology center.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for crime identification technology, the conference agreement provides $35,000,000 for States to upgrade criminal history records so that these records can interface with other databases holding information on other categories of individuals who are prohibited from purchasing firearms under Federal or State statute. Additionally, the national sexual offender registry (NSOR) component of the Criminal History Records Upgrade Program has two principal objectives. The registry assists States in developing complete and accurate in-State registries. It will also assist States in sharing their registry information with the FBI system which identifies those offenders for whom special law enforcement interest has been noted.

DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).—Within the amounts available for crime identification technology, the conference agreement includes $30,000,000 for grants to reduce DNA backlogs and for the Crime Laboratory Improvement Program (CLIP). The CLIP/DNA Program supports State and local government crime laboratories to develop or improve the capability to analyze DNA in a forensic laboratory, as well as other general forensic science capabilities. Within the amounts provided under CITA, it is expected that the Office of Justice Programs will provide grants to the following programs:

$400,000 to the Southeast Missouri Crime Laboratory; $450,000 to the Rhode Island State Crime Laboratory; $650,000 to the Georgia State Crime Laboratory; $950,000 to the Iowa Forensic Science Improvement Initiative; $2,500,000 to the South Carolina Law Enforcement Division's forensic laboratory; $2,000,000 to the Marshall University Forensic Science program; $4,000,000 to the West Virginia University Forensic Identification Program; $500,000 to the Vermont Forensic Laboratory; $2,500,000 to the National Center for Forensic Science at the University of Central Florida; $500,000 to the National Academy for Forensic Computing and Investigation in Charlotte, NC; $500,000 to Ohio forensic science laboratory improvements; $150,000 to the Kansas Bureau of Investigations for a new latent fingerprint examination instrument; $650,000 to the Bellevue, WA, Police Department's Forensic Services Unit; $700,000 to the Arizona Department of Public Safety Southern Regional Crime Laboratory for forensic equipment; and $2,600,000 to the National Forensic Science Technology Center.

The conference agreement encourages the CLIP/DNA program to support within existing funds the Mississippi Crime Lab in improving its capacity to analyze and process forensic, DNA and toxicology evidence and in upgrading its technology.

The conference agreement adopts the Senate report language directing OJP to conduct a study of the funding requirements for the operation of forensic science laboratories given the caseload growth and backlog.

7. Community Prosecutors.—The conference agreement includes $100,000,000 for the Community Prosecutors program. The House bill and the Senate-reported amendment did not include funding for this program. Of the funds provided, $25,000,000 is for continuation of the current community prosecutors program and $75,000,000 is for community prosecutors in high gun violence areas. The $75,000,000 is to be used exclusively for community prosecutors to prosecute cases involving violent crimes committed with guns, and violations of gun statutes in cases involving drug trafficking and gang-related crime in high gun violence areas. The Department of Justice is directed to submit a report to the Committees on Appropriations by December 15, 2000, outlining how the $75,000,000 for community prosecutors in high gun violence areas will be spent. The report shall include but not be limited to the following information: (1) a definition of a high gun violence area; (2) the amount of funding per prosecutor that will be provided; and (3) an explanation of how local communities will be able to continue to employ the prosecutors that are hired after the grant has expired.

8. Offender Reentry.—In recognition of the public safety issues generated by the increasing number of offenders who have served their sentences and are returning from jails and prisons to our communities, the conference agreement includes $30,000,000 for the law enforcement costs related to establishing offender reentry programs. The House bill did not include funding for this program and the Senate-reported amendment included $7,000,000 for this program within State Prison Grants.

Offender reentry programs establish partnerships among institutional corrections, community corrections, social services programs, community policing and community leaders to prepare for more successful returns of inmates to their home neighborhoods. The $30,000,000 provided is intended to fund law enforcement participation and coordination of offender reentry programs. These funds are not provided to teach job training skills or provide alcohol or drug abuse treatment. The Department of Justice is directed to submit an implementation plan to the Committees on Appropriations by December 15, 2000, outlining how the funds will be spent. The report shall include the following: (1) a description of the law enforcement costs that will be funded; (2) an explanation of how the non-law enforcement costs such as job training, education, and drug treatment will be funded; (3) an explanation of how this program is being coordinated with the Departments of Labor and Health and Human Services; and (4) an explanation of how local communities will be able to fund the operational costs of this program after their grants expire.

9. Police Integrity Program.—The conference agreement provides $17,000,000 for police integrity training to provide training and technical assistance grants to develop and implement new policing methods and strategies. Neither the House bill nor the Senate-reported amendment included funding for this initiative.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $298,597,000 for Juvenile Justice programs, instead of $287,097,000 as proposed in the House bill and $279,697,000 as proposed in the Senate-reported amendment. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. The conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $279,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $50,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

$3,000,000 for Parents Anonymous, Inc., to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency. The conference agreement directs Parents Anonymous to open up an active dialog with those organizations no longer associated with the program. With a concerted effort by all parties, problematic issues can be resolved which will ultimately benefit the cause of child abuse prevention;

$1,000,000 to continue the Achievable Dream after-school program for at-risk youth;

$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education for family and juvenile law;

$1,900,000 for continued support of law-related education;

$1,500,000 for continuation of the Center for Research on Crimes Against Children which focuses on improving the handling of child crime victims by the justice system;

$1,500,000 for equipment and programming costs at the Brown County, SD, Juvenile Detention Center;

$750,000 for juvenile drug treatment services in Cook County, IL;

$250,000 to the Low Country Children's Center;

$1,500,000 to expand the Milwaukee Safe and Sound Program to other Milwaukee neighborhoods;

$150,000 to the Mel Blount Youth Home;

$300,000 to the New Mexico PAL program;

$250,000 to the juvenile assessment center in Billings, MT, for child and family intervention programs;

$150,000 to Sioux Falls, SD, Turning Point locations, including the Bowden Youth Center;

$300,000 to the New Mexico Cooperative Extension Service 4–H Youth Development Program;

$1,000,000 for Project Escape;

$400,000 to the Institute for Character Development, Civic Responsibility, and Leadership at Neumann College;

$750,000 to Utah State University's Youth and Families with a Promise program;

$120,000 to the South Dakota Unified Judicial System to continue the Intensive Juvenile Probation program;

$250,000 to the Hawaii Navigator Project;

$500,000 to the North Eastern Massachusetts Law Enforcement Council;

$150,000 to the Vermont Coalition of Teen Centers;

$250,000 to the Better Way program in Muncie, IN;

$350,000 to drug prevention programs in Shelby County, KY;

$150,000 to the South Dakota Network Against Family Violence and Sexual Assault;

$100,000 to the Alfred University Coordinating County Services for Families and Youth program;

$500,000 to the Kansas YouthFriends program;

$500,000 to perform a national demonstration of the Learning for Life Program which is then to be replicated by the Gulf Ridge Council and others;

$1,500,000 to the State of Alaska for a child abuse investigation program;

$1,250,000 to Aberdeen, SD, for a youth enrichment program;

$438,000 to the National Association of State Fire Marshals for implementing a national juvenile fire-setter intervention mobilization plan that will facilitate and promote the establishment of juvenile fire-setter intervention programs based on existing model programs at the State and local level;

$3,000,000 for the "Innovative Partnerships for High Risk Youth" demonstration;

$7,500,000 for the Youth ChalleNGe Program;

$300,000 to Prevent Child Abuse America for the programs of the National Family Support Roundtable;

$2,000,000 to continue the L.A.'s Best youth program;

$500,000 to the Culver City Juvenile Crime Diversion Initiative;

$275,000 to the Sports Foundation to work with at-risk youth;

$300,000 to the No Workshops * * * No Jump Shots program to provide case management, counseling and mandatory workshops for at-risk youth;

$1,000,000 to the Greater Heights program to provide at-risk youth with mentoring, positive activities, networking and alternatives to incarceration;

$500,000 to Our Next Generation;

$1,000,000 to the Youth Crime Watch of America;

$150,000 to Operation Quality Time;

$1,300,000 to the Suffolk University Center for Juvenile Justice;

$1,000,000 for Drug Free America;

$750,000 to New Mexico State University to establish an After School Services Pilot Program for at-risk youth;

$250,000 for the Culinary Education Training for At-Risk Youth in Miami-Dade, FL;

$1,000,000 to Mount Vernon, NY, to provide after-school services to at-risk youth;

$500,000 to the Lourdes Health Network in Pasco, WA, for extension of the school year program for youth and adolescents at risk of delinquency;

$250,000 to the Ella H. Baker House to support its juvenile delinquency intervention and prevention programs;

$365,000 to Project Bridge to continue to assist at-risk youths in Riverside County, CA;

$500,000 to Wichita State University for a juvenile justice program;

$500,000 to the Wayne County Department of Community Justice for an at-risk youth program including prevention and intervention services;

$1,000,000 for the West Farms program to assist at-risk youth; and

$50,000 for the Maryhurst Youth Center.

The conference agreement recognizes Project CRAFT (Community Restitution and Apprenticeship-Focused Training) as a successful model and proven intervention technique in the rehabilitation and reduced recidivism of accused and adjudicated juvenile offenders. The OJP is encouraged to work in cooperation with the Department of Labor to replicate Project CRAFT in order to offer at-risk and adjudicated youth pre-apprenticeship training and job placement in the residential construction trades.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $16,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth by bringing young people in high crime areas together with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. OJJDP is directed to provide a $3,000,000 grant for the Big Brothers/Big Sisters of America program.

7. $95,000,000 for the At Risk Children's Program (Title V). Under Title V juvenile justice programs, the At Risk Children's Program provides funding to support comprehensive delinquency prevention plans formulated at the community level. The program targets truancy and school violence; gangs, guns, and drugs; and other influences that lead juveniles to delinquency and criminality.

Safe School Initiative (SSI).—The conference agreement includes $15,000,000 within Title V grants for the Safe School initiative as proposed in the Senate report. Within the amount provided, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations on its intentions regarding:

$3,600,000 to the Hamilton Fish National Institute on School and Community Violence;

$1,250,000 to the Teens, Crime, and Community Program;

$200,000 to the Decatur Mentoring Project in Decatur, IL;

$250,000 to an Allegheny County, PA, youth development program;

$1,000,000 to establish and enhance after-school programs for at-risk youth in Baltimore, MD;

$750,000 to the University of South Alabama for Youth Violence Prevention Research;

$900,000 to the Stop Truancy Outreach program;

$58,000 to the Southern Kentucky Truancy Diversion program;

$1,000,000 to the "I Have a Dream" foundation for at-risk youth program;

$500,000 to the Family, Career, and Community Leaders of America (FCCLA), STOP the Violence—Students Taking On Prevention Project; and

$1,000,000 to the Little Rock School District to create a safe, secure and healthy school environment.

Tribal Youth Program.—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Within the amounts provided for underage drinking, OJP shall make awards of $700,000 to expand Oregon Partnership programs and $500,000 to the Sam Houston State University and Mothers Against Drunk Driving for the National Institute of Victims Studies.

Drug Prevention Program.—The conference agreement includes $11,000,000 as proposed in the House bill to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

Victims of Child Abuse Act.—The conference agreement includes $8,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The following programs are included in the agreement:

$1,250,000 to Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$5,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$750,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $35,624,000, instead of $33,224,000 as proposed in the House bill and the Senate-reported amendment. This includes $33,224,000 for the death benefits program and $2,400,000 for the disability benefits program. In addition to the $2,400,000 appropriated for disability benefits, it is estimated there will be $500,000 in available disability carryover balances for a total of $2,900,000 for disability payments in fiscal year 2001.

In addition, the conferees understand that there is an estimated $2,300,000 unobligated balance available for the Education Assistance to Dependents Program in fiscal year 2001. This amount is estimated to be sufficient to cover the cost of this program, which has recently been expanded to provide benefits to the children and spouses of Federal, State and local public safety officers permanently disabled in the line of duty as long ago as 1978.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101, identical in the House bill and the Senate-reported amendment, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102, modified from language proposed in the House bill and the Senate-reported amendment, which continues certain authorities for the Department of Justice contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980, until enactment of subsequent authorization legislation.

Sec. 103.—The conference agreement includes section 103, as proposed in the House bill, which prohibits the use of funds to perform abortions in the Federal Prison System. The Senate-reported amendment did not include a similar provision.

Sec. 104.—The conference agreement includes section 104, as proposed in the House bill, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion. The Senate-reported amendment did not include a similar provision.

Sec. 105.—The conference agreement includes section 105, as proposed in the House bill, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility. The Senate-reported amendment did not include a similar provision.

Sec. 106.—The conference agreement includes section 106, identical in both the House bill and the Senate-reported amendment, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5 percent and 10 percent limitations on transfers among Department of Justice accounts. The Senate-reported amendment included a minor technical difference in the language.

Sec. 108.—The conference agreement includes section 108, as proposed in the House bill, which sets forth the grant authority of the Assistant Attorney General for the Office of Justice Programs and makes these authorities permanent. The Senate-reported amendment included such authorities only for fiscal year 2001.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which continues a provision in the fiscal year 2000 Appropriations Act to allow assistance and services to be provided to the families of the victims of Pan Am 103. The Senate-reported amendment did not include a similar provision.

Sec. 110.—The conference agreement includes a new provision, numbered as section 110, which modifies section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) to reduce the fees charged to au pairs, camp counselors, and participants in summer work travel programs for collection of certain information. The Senate-reported amendment included a provision to repeal section 641 and section 110 of the IIRIRA, while the House bill did not address this matter.

Sec. 111.—The conference agreement includes section 111, modified from language proposed in the House bill, which relates to the payment of certain compensation from funds appropriated to the Department of Justice. A similar provision was included as section 113 of the Senate-reported amendment.

Sec. 112.—The conference agreement includes section 112, as proposed in the House bill, which establishes fees for genealogy services and voluntary premium processing for Immigration and Naturalization Service activities. The Senate-reported amendment did not include a similar provision.

Sec. 114.—The conference agreement includes section 114, proposed as section 110 in the Senate-reported amendment, which allows funds to be provided to the FBI from the Crime Victims Fund to improve services to crime victims. Additional direction regarding implementation of this provision is included under the FBI Salaries and Expenses account. In addition, the conference agreement assumes that funding will continue to be provided to the U.S. Attorneys to support the current number of victim witness coordinators in fiscal year 2001, as was provided from the Fund in fiscal year 2000.

Sec. 115.—The conference agreement includes section 115, proposed as section 112 in the Senate-reported amendment, which permanently allows funds appropriated to the Federal Bureau of Prisons (BOP) to be used to place prisoners in privately operated prisons provided that the Director of BOP determines such placement is consistent with Federal classification standards. The House bill did not include a similar provision.

Sec. 116.—The conference agreement includes section 116, proposed as section 114 in the Senate-reported amendment, which makes available up to $1,000,000 for technical assistance from funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The House bill did not include a similar provision.

Sec. 117.—The conference agreement includes section 117, proposed as section 115 in the Senate-reported amendment, which makes available funds provided in fiscal year 2000 for certain activities. The House bill did not include a similar provision.

Sec. 118.—The conference agreement includes section 118, proposed as section 116 in the Senate-reported amendment, which permanently prohibits funds from being provided to any local jail that runs a "pay to stay" program. The House bill did not include a similar provision.

Sec. 119.—The conference agreement includes a new provision which allows the Attorney General to enter into contracts and other agreements for detention and incarceration space and facilities on any reasonable basis. The House bill and the Senate-reported amendment included similar language elsewhere in Title I of this Act.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

The conference agreement includes $29,517,000 for the salaries and expenses of the Office of the United States Trade Representative (USTR) instead of $29,433,000 as proposed in the House bill and $29,600,000 as proposed in the Senate-reported amendment. The USTR is directed to provide the necessary space within its Geneva offices for use by Department of Commerce Import Administration personnel working with the USTR on issues related to antidumping and countervailing duties.

International Trade Commission

SALARIES AND EXPENSES

The conference agreement includes $48,100,000 for the salaries and expenses of the International Trade Commission (ITC) instead of $46,995,000 as proposed in the House bill and $49,100,000 as proposed in the Senate-reported amendment. The conference agreement incorporates by reference report language in both the Senate and House reports.

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

The conference agreement includes $337,444,000 in new budgetary resources for the operations and administration of the International Trade Administration (ITA) for fiscal year 2001, of which $3,000,000 is derived from fee collections, instead of $321,448,000 as proposed by the House bill, and $318,686,000 as proposed by the Senate-reported amendment. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding. ITA is, however, directed to adhere to the reprogramming procedures set forth in section 605 of this Act, and to submit a spending plan.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$64,747,000
Market Access and Compliance	25,555,000
Import Administration	40,645,000
U.S. & F.C.S.	194,638,000
Executive Direction and Administration	11,859,000
Fee Collections	(3,000,000)
Total, ITA	334,444,000

Trade Development (TD).—The conference agreement provides $64,747,000 for this activity. Of the amounts provided, $50,992,000 is for the TD base program, $9,750,000 is for the National Textile Consortium, $3,000,000 is for the Textile/Clothing Technology Corporation, and $250,000 is for the requested export database. Existing members of the National Textile Consortium should receive funding at the fiscal year 2000 level and the remaining $750,000 is available for new members on a competitive basis. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative as recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $25,555,000 for this activity. Of the amounts provided, $18,755,000 is for the base program, $500,000 is for the strike force teams initiative as provided in the current year, and $6,300,000 is for the trade enforcement and compliance initiative, the full amount requested in the budget. Senate report language regarding the Mid-American Regional Council is incorporated by reference.

Import Administration.—The conference agreement provides $40,645,000 for the Import Administration. Requested program increases are included as follows: $1,250,000 for overseas compliance; $2,225,000 for China and Japan compliance; and $3,000,000 for import surge monitoring enforcement. Funding for a trade-law technical assistance center and a World Trade Organization initiative is not included. Senate report language on ITA and USTR work is included by reference.

U.S. and Foreign Commercial Service (US & FCS).—The conference agreement includes $194,638,000 for the programs of the US & FCS, the same amount provided in the House bill and $23,923,000 above the Senate-reported amendment. House report language regarding the Rural Export Initiative, the Global Diversity Initiative, and base resources is adopted by reference. Senate report language regarding the US & FCS's work on the Appalachian-Turkish Trade Project is adopted by reference.

Executive Direction and Administration.—The conference agreement includes $11,859,000 in direct appropriations and $847,000 in prior year carryover, providing total availability of $12,706,000 for the administrative and policy functions of the ITA. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding.

House report language regarding trade missions, buying power maintenance, and trade show revenues is included by reference.

Export Administration

OPERATIONS AND ADMINISTRATION

The conference agreement includes $64,854,000 for the Bureau of Export Administration (BXA) instead of $53,833,000 as proposed in the House bill and $61,037,000 as proposed in the Senate-reported amendment. The conference agreement assumes $425,000 will be available from prior year carryover. Of the amount provided, $31,328,000 is for Export Administration base, including Chemical Weapons Convention (CWC) implementation and $7,250,000 is for CWC inspections; $25,033,000 is for Export Enforcement, including $500,000 for computer export verification as in the current year and $1,000,000 for the Chemical Weapons Convention Treaty; $4,051,000 is for Management and Policy Coordination; and $4,867,000 is for the Critical Infrastructure Assurance Office (CIAO). The House report language regarding the final year of operation for the CIAO is incorporated by reference.

The conference agreement does not include under this heading, a provision proposed in the House bill regarding the processing of licenses for the export of satellites to the People's Republic of China. The conference agreement includes an identical provision under "Department of State, Diplomatic and Consular Programs", as proposed in the Senate-reported amendment.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $411,879,000 for Economic Development Administration (EDA) grant programs instead of $361,879,000 as proposed in the House bill and $218,000,000 as proposed in the Senate-reported amendment.

Of the amounts provided, $286,700,000 is for Public Works and Economic Development, $49,629,000 is for Economic Adjustment Assistance, $31,450,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate the funding as directed in the House report. The conference agreement does not include set-aside funding for specific sectors or populations that was requested in the budget. The authorized, traditional programs provide support for all communities facing economic hardship. Within the funding for Economic Adjustment Assistance, EDA is expected to increase funding for assistance to the timber and coal industries above fiscal year 2000 levels. In addition, EDA is expected to provide resources for communities affected by economic downturns due to United States-Canadian trade-related issues, New England fisheries impacted by regulations, and communities impacted by NAFTA, as directed in the Senate report.

The conference agreement makes funding under this account available until expended, as proposed in both the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $28,000,000 for salaries and expenses of the EDA instead of $26,499,000 as proposed in the House bill and $31,542,000 as proposed in the Senate-reported amendment. This funding will allow EDA to increase its level of administrative operations to manage increased program funding levels. The EDA is directed to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources to achieve efficient and effective control of EDA programs.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of $27,000,000 as proposed in the Senate-reported amendment. House report language regarding the Entrepreneurial Technology Apprenticeship Program is included by reference.

ECONOMIC AND INFORMATION INFRASTRUCTURE

Economic and Statistical Analysis

SALARIES AND EXPENSES

The conference agreement includes $53,745,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $49,499,000 as proposed in the House bill and $53,992,000 as proposed in the Senate-reported amendment. Funding is included to begin the necessary task of updating and improving statistical measurements of the U.S. economy, international transactions, and the effects of e-business, as referenced in the Senate report. House report language regarding the Integrated Environmental-Economic Accounting initiative is included by reference.

Bureau of the Census

The conference agreement provides total spending of $733,633,000 for the Bureau of the Census for fiscal year 2001, instead of a direct appropriation of $670,867,000 as proposed in the House bill, and a direct appropriation of $693,610,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $157,227,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2001, instead of $140,000,000 as proposed in the House bill, and $158,386,000 as proposed in the Senate-reported amendment. The agreement represents a $17,227,000 increase over the fiscal year 2000 level. The distribution of funding is as follows:

Current Economic Statistics	$103,228,000
Current Demographic Statistics	50,100,000
Survey Development and Data Surveys	3,899,000
Total	157,227,000

For current economic statistics programs, the conference agreement provides a total of $103,228,000, of which $11,295,000 is for adjustments to base, and $3,000,000 is for program enhancements for the following initiatives: $2,000,000 to begin the measurement of electronic businesses, and $1,000,000 to support efforts to improve the timeliness, quality and coverage of export trade statistics. The conference agreement fully funds base requirements for these programs to ensure that key reports on manufacturing, general economic and foreign trade statistics are maintained and issued on a timely basis. The conference agreement does not include additional funding requested to begin funding a specialized Survey of Minority Owned Business Enterprises under this account, because such action is inconsistent with the long-standing practice of requiring specialized surveys to be funded by an affected agency or entity. The conference agreement adopts the Senate report language requiring a report on reimbursements to be submitted with the fiscal year 2002 budget request.

The Bureau of the Census is directed to make the following changes beginning with the data collection on or after October 1, 2000, to the monthly report entitled "Preliminary: U.S. Imports for Consumption of Steel Products": (1) to delineate all products listed in such report into the following categories: alloy steel products, stainless steel products, and carbon steel products; (2) to add the following specialty steel categories to the report: alloy steel and silicon electrical steel; and (3) to divide in the report all steel line pipe products into the following categories: line pipe products 16 inches or less in diameter, and line pipe products over 16 inches in diameter.

Concerns have been expressed regarding recent actions taken by the Bureau of the Census to change the manner in which data are collected from the Shipper's Export Declaration, and the burden this may impose on some shippers. The Bureau is requested to provide a report on this matter to the Committees on Appropriations no later than December 15, 2000.

It is the Congress' understanding that the Office of Management and Budget (OMB) will not be designating or defining any changes to metropolitan areas during fiscal year 2001. In order to ensure public acceptance of revised standards for defining metropolitan areas, OMB will continue to work with the Congress to resolve outstanding issues before adopting revised standards. With respect to the titling of Combined Areas that may be defined in 2003, OMB is urged to adopt a standard as follows: (1) the name of the largest principal city of the largest Core Based Statistical Area should appear first in the Combined Area title; and (2) in accordance with local opinion, up to two additional names could be included in the Combined Area title, provided that the additional names are the names of principal cities in the Combined Area or suitable regional names; and the resulting title of the Combined Area would be distinct from the title of any Metropolitan Area, Micropolitan Area, or Metropolitan Division defined in 2003 or beyond. With respect to titling of Metropolitan Areas, OMB is urged to continue to work with the Congress to address local concerns.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides a total spending level of $576,406,000 for periodic censuses and programs, of which $276,406,000 is provided as a direct appropriation, and $300,000,000 is from prior year unobligated balances, instead of a direct appropriation of $530,867,000 as proposed in the House bill, and a direct appropriation of $535,224,000 as proposed in the Senate-reported amendment.

Decennial Census Programs.—The conference agreement includes a total of $390,898,000 for completion of the 2000 decennial census, of which $130,898,000 is provided as a direct appropriation, and $260,000,000 is derived from prior year carryover, instead of a direct appropriation of $392,898,000 as proposed in the House bill, and a direct appropriation of $389,716,000 as proposed in the Senate-reported amendment. The following represents the distribution of total funds provided for the 2000 Census in fiscal year 2001:

Program Development and Management	$24,055,000
Data Content and Products	55,096,000
Field Data Collection and Support Systems	122,000,000
Address List Development	1,500,000
Automated Data Process and Telecommunications Support	115,038,000
Testing and Evaluation	55,000,000
Puerto Rico, Virgin Islands and Pacific Areas	5,512,000
Marketing, Communications and Partnerships	9,197,000
Census Monitoring Board	3,500,000
Total, Decennial Census	390,898,000

The Bureau is directed to continue to provide monthly reports on the obligation of funds against each framework. Reallocation of resources among the frameworks listed above is subject to the requirements of section 605 of this Act, as is allocation of any additional unobligated balances not allocated in this conference agreement.

The conference agreement includes language designating the amounts provided for each decennial framework, modified from language proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in section 605 of this Act. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision.

Other Periodic Programs.—The conference agreement includes a total of $185,508,000 for other periodic censuses and programs, of which $40,000,000 is derived from prior year unobligated balances available from the decennial census, instead of a direct appropriation of $137,969,000 as proposed in the House bill, and $145,508,000 as proposed in the Senate-reported amendment. The following table represents the distribution of funds provided for non-decennial periodic censuses and related programs:

Economic Statistics Programs	$45,928,000
Economic Censuses	(42,846,000)
Census of Governments	(3,082,000)
Demographic Statistics Programs	(96,380,000)
Intercensal Demographic Estimates	(5,583,000)
Continuous Measurement	(21,615,000)
Demographic Survey Sample Redesign	(4,769,000)
Electronic Information Collection (CASIC)	(6,000,000)
Geographic Support	(35,108,000)
Data Processing Systems	(23,305,000)
Suitland Federal Center	43,200,000
Total	185,508,000

The Secretary of Commerce is directed to submit to the Congress, no later than September 30, 2001, a written report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens and their dependents living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. This report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

Suitland Federal Center.—The conference agreement includes a total of $43,200,000 for activities related to renovation of Census Bureau facilities at the Suitland Federal Center, of which $40,000,000 is provided from prior year unobligated balances and $3,200,000 is provided from direct appropriations. This amount represents the Census Bureau's costs associated with renovation of this facility, as follows: $3,200,000 for planning and design work, and $40,000,000 for above-standard costs. The construction and tenant build-out costs for this facility are to be funded by the General Services Administration (GSA), not the Census Bureau, and the conference agreement includes new language prohibiting Census Bureau funds from being used for these purposes. Language is also included, as proposed in the Senate-reported amendment, requiring quarterly reports from the Census Bureau and GSA on this project.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

The conference agreement includes $11,437,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA) as provided in the Senate-reported amendment, instead of $10,975,000 as proposed in the House bill. The conference agreement includes, by reference, Senate report language regarding funding for the critical infrastructure program, and House report language regarding reimbursements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $43,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $31,000,000 as proposed in the House bill and $50,000,000 as proposed in the Senate-reported amendment. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an appropriate balance between traditional grants and those to stations converting to digital broadcasting. NTIA is directed to place emphasis on distance learning initiatives targeting rural areas, as described in Senate report.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $45,500,000 for NTIA's Information Infrastructure Grants program, instead of $15,500,000 as proposed in both the House bill and the Senate-reported amendment. Senate report language regarding the overlap of funding under this heading with funding for the Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks is included by reference. The conference agreement includes language proposed in the Senate-reported amendment regarding uses of spectrum. The House bill did not include a provision on this matter. Senate report language regarding proposals for several grant programs is not included in the conference agreement. House report language regarding telecommunications research is included by reference.

Patent and Trademark Office

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $1,038,732,000 for the Patent and Trademark Office (PTO) as proposed in the Senate-reported amendment and requested in the budget, instead of $904,924,000 as proposed in the House bill. Of the amount provided in the conference agreement, $783,843,000 is to be derived from fiscal year 2001 offsetting fee collections, and $254,889,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $167,732,000, or 19 percent, above the fiscal year 2000 operating level for the PTO. The PTO has experienced significant growth in recent years due to increased application filings for patents and trademarks, and funding is provided to address these increased filings.

The conference agreement includes bill language limiting the amount of carryover that may be obligated in fiscal year 2001, as proposed in the House bill.

The conference agreement includes House report language concerning PTO's partnership with the National Inventor's Hall of Fame and Inventure Place, and Senate report language concerning the official insignias of Native American Tribes, and agency budget forecasts.

SCIENCE AND TECHNOLOGY

Technology Administration

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $8,080,000 for the Technology Administration, instead of $7,945,000 as proposed in the House bill, and $8,216,000 as proposed in the Senate-reported amendment. The conference agreement continues direction as in fiscal years 1998, 1999, and 2000 regarding the use of Technology Administration and Department of Commerce resources to support foreign policy initiatives and programs.

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $312,617,000 for the internal (core) research account of the National Institute of Standards and Technology (NIST), instead of $292,056,000 as proposed in the House bill, and $305,003,000 as proposed in the Senate-reported amendment.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$40,127,000
Manufacturing Engineering	19,821,000
Chemical Science and Technology	33,360,000
Physics	31,556,000
Material Sciences and Engineering	54,658,000
Building and Fire Research	17,124,000
Computer Science and Applied Mathematics	52,551,000
Technology Assistance	17,349,000
Baldrige Quality Awards	5,205,000
Research Support	36,599,000
Infrastructure Protection Research Grants	5,000,000
Subtotal	313,350,000
Deobligations	(733,000)
Total	312,617,000

In addition, the conference agreement includes funding for the Physics program as referenced in the Senate report. Of the funding provided for Computer Science and Applied Mathematics, $3,000,000 is for expert review teams, and $4,000,000 is for internal critical infrastructure protection activities. Funding is included for the Building and Fire Program at $1,192,000 above the budget request, and $2,000,000 is to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. A total of $282,000 is authorized to be transferred to the NIST working capital fund, as referenced in the House bill instead of $6,200,000 as referenced in the Senate-reported amendment. Language regarding the placement of NIST personnel overseas is included as in the House report.

Funding of $5,000,000 is provided for a new program to award research grants for critical infrastructure protection. NIST is required to submit an implementation plan for this new, competitive grant program, prior to obligation of funding.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $250,837,000 for the NIST external research account, instead of $104,836,000 as proposed in the House bill, and $262,737,000 as proposed in the Senate-reported amendment.

Manufacturing Extension Partnership Program.—The conference agreement includes $105,137,000 for the Manufacturing Extension Partnership Program (MEP), instead of $104,836,000 as proposed in the House bill, and $109,137,000 as proposed in the Senate-reported amendment. The conference agreement includes no funding for new initiatives. Additional funding is provided for the centers. The conference agreement incorporates direction in the Senate report that the Northern Great Plains Initiative e-commerce project should assist small manufacturers with marketing and business development purposes in rural areas.

Advanced Technology Program.—The conference agreement includes $145,700,000 for the Advanced Technology Program (ATP), instead of $153,600,000 as proposed in the Senate-reported amendment, and no funding as proposed in the House bill. The amount of carryover funding available in fiscal year 2001 is $45,000,000, providing total available funding of $190,700,000 for fiscal year 2001.

The recommendation provides the following: (1) $84,800,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, 1999, and 2000; (2) $60,700,000 for new awards in fiscal year 2001; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement includes bill language, modified from the Senate language, designating $60,700,000 for new ATP awards.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $34,879,000 for construction, renovation and maintenance of NIST facilities, instead of $26,000,000 as proposed in the House bill, and $28,879,000 as proposed in the Senate-reported amendment.

Of the amount provided, $14,000,000 is for grants and cooperative agreements as referenced in Section 209 of this Act; and $20,879,000 is for safety, capacity, maintenance, and repair projects at NIST, including funding to address electrical service issues at NIST's Boulder campus.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,627,500,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $2,230,959,000 as proposed in the House bill, and $2,687,070,000 as proposed in the Senate-reported amendment. Of these amounts, the conference agreement includes $1,869,170,000 in the Operations, Research, and Facilities (ORF) account, $682,899,000 in the Procurement, Acquisition and Construction (PAC) account, and $75,431,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,869,170,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,608,125,000 as proposed in the House bill, and $1,958,046,000 as proposed in the Senate-reported amendment.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the account entitled "Promote and Develop Fishery Products and Research Related to American Fisheries", as proposed in the House bill, instead of $72,828,000 as proposed in the Senate-reported amendment. In addition, the conference agreement assumes prior year deobligations totaling $16,650,000, $4,000,000 in offsets from fee collections, and $3,200,000 to be transferred from the Coastal Zone Management Fund to the ORF account.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA lines offices. The Senate-reported amendment contained no similar provision.

The conference agreement includes language, similar to language proposed in the House bill and carried since the 1999 Appropriations Act, designating the amount available for Executive Direction and Administration and prohibiting augmentation of specified offices through formal or informal personnel details, transfers, or reimbursements above 42 personnel. The Senate-reported amendment contained no such provision.

The conference agreement includes language proposed in the House bill making the use of deobligated balances subject to standard reprogramming procedures. NOAA is directed that any use of deobligations above $16,650,000 is subject to the procedures set forth in section 605 of this Act. In addition, the conference agreement includes House bill language limiting administrative charges assessed on assigned activities, as in the current year. The Senate-reported amendment included no similar provisions.

The conference agreement does not include language in the Senate-reported amendment regarding lawsuits. The House bill did not address this matter.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request. House and Senate report language regarding these fees is incorporated by reference.

The conference agreement does not include a provision, as proposed in the Senate-reported amendment, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

The following table reflects the distribution of the funds provided in this conference agreement.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	35,298	38,456	32,718	40,256	37,437
Address Survey Backlog	18,900	18,000	18,900	22,000	20,450
Subtotal	54,198	56,456	51,618	62,256	57,887
Geodesy	20,159	20,206	21,159	21,134	22,384
Tide and Current Data	12,390	15,089	15,089	12,293	15,089
Acquisition of Data	15,546	17,246	14,546	18,246	18,246
NOAA Corps strength increase				1,000	1,000
Total, Navigation Services	102,293	108,997	102,412	114,929	114,606
Ocean Resources Conservation and Assessment:					
Ocean Assessment Program	44,846	41,465	34,348	49,515	49,956
GLERL		6,085		7,000	
Response and Restoration	15,329	20,149	10,991	19,884	11,600
Oceanic and Coastal Research	8,470	8,500	5,410	10,500	9,500
Subtotal—Estuarine & Coastal Assessment	68,645	76,199	50,749	86,899	71,056
Coastal Ocean Program	17,200	18,232	17,087	19,432	18,287
Total, Ocean Resources Conservation & Assessment	85,845	94,431	67,836	106,331	89,343
Ocean and Coastal Management:					
CZM Grants	54,700	147,400	54,700	60,000	52,000
Program Administration	4,500	6,608	4,500	4,500	4,500
Estuarine Research Reserve System	6,000	12,000	6,000	12,000	9,750
Nonpoint Pollution Control	2,500	4,500	2,500		
Subtotal, Coastal Management	67,700	170,508	67,700	76,500	66,250
Marine Sanctuary Program	23,000	32,000	22,500	23,500	20,500
Total, Ocean & Coastal Management	90,700	202,508	90,200	100,000	86,750
Total, NOS	278,838	405,936	260,448	321,260	290,699
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	107,848	101,988	100,100	117,795	119,945
Antarctic Research	1,234	1,200	1,200	2,000	1,500
Chesapeake Bay Office	2,390	1,500	2,390	3,000	2,500
Right Whale Research		200			
MARFIN	2,750	2,750	2,500	3,500	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,400
Alaskan Groundfish Surveys	900	661	661	900	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	820	780	820	780	820
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Hawaii Stock Management Plan	500		500	500	500
Yukon River Chinook Salmon	1,200	700		1,500	1,500
Atlantic Salmon Research	710	710	710	710	710
Gulf of Maine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Pacific Salmon Treaty Program	17,431	10,587	5,587	10,587	7,456
Red Snapper Monitoring and Research				7,500	4,500
SE Cooperative Research					2,500
Hawaiian Monk Seals	750	500	500	800	800
Steller Sea Lion Recovery Plan	4,000	1,440	1,440	12,300	12,300
Hawaiian Sea Turtles	285	248	248	300	300
Bluefish/Striped Bass	1,000		1,000		1,500
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Subtotal	146,980	128,426	122,818	167,334	166,593
Fishery Industry Information:					
Fish Statistics	13,000	18,871	13,000	21,871	17,680
Alaska Groundfish Monitoring	5,500	5,200	5,200	7,100	6,750
PACFIN/Catch Effort Data	3,000	3,000	4,700	3,700	3,000
AKFIN (Alaska Fishery Information Network	2,500			3,400	3,000
RECFIN	3,700	3,100	3,100	3,700	3,700
GULF FIN Data Collection Effort	3,500		3,000		3,500
Subtotal	31,200	30,171	29,000	39,771	37,630
Information Analyses and Dissemination	20,900	21,403	20,400	21,403	21,150
Computer Hardware and Software	3,500	3,500	750	3,500	3,500
Subtotal	24,400	24,903	21,150	24,903	24,650
Acquisition of Data	25,943	25,944	25,943	26,944	26,900
Total, Information, Collection, and Analyses	228,523	209,444	198,911	258,952	255,773
Conservation and Management Operations:					
Fisheries Management Programs	38,830	37,825	34,680	79,295	62,888
Columbia River Hatcheries	12,055	15,212	12,055	15,742	14,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	13,150	13,100	13,150	15,100	13,150
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Pacific Tuna Management/Pelagic Fisheries	2,300	1,250	1,250	3,000	2,650
Fisheries Habitat Restoration	2,000	4,000	2,000	2,000	2,000
NE Fisheries Management	6,000	11,900	6,000	3,980	
NE Consortium				5,000	5,000
NE Cooperative		15,000	15,000	15,000	15,000
Norton Sound Fisheries		5,000	5,000	5,000	5,000
Coral Reefs		5,000		3,000	
Subtotal, Fisheries Mgmt. Programs	75,501	109,533	90,301	143,283	120,900
Protected Species Management	6,200	8,988	6,950	11,288	9,038
Dolphin Encirclement	3,300	3,300	3,300	3,300	3,300
Driftnet Act Implementation	3,439	3,278	3,278	5,250	3,775
Marine Mammal Protection Act	7,583	7,225	7,225	8,225	8,125
Endangered Species Act Recovery Plan	43,500	55,450	42,800	47,765	55,338
Native Marine Mammals	950	700	200	1,200	950
Observers/Training	2,650	4,500	5,700	4,925	6,475
SUBTOTAL	67,622	83,441	69,453	81,953	87,001
Habitat Conservation	9,200	11,079	9,200	11,079	10,140
Enforcement & Surveillance	17,950	22,354	17,950	22,354	22,354
Total, Conservation, Management & Operations	170,273	226,407	186,904	258,669	240,404
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,590	2,590	2,590	2,590
Anadromous Grants	2,100	2,100	2,100	2,100	2,100
Interstate Fish Commissions	7,750	4,000	7,750	8,750	8,000
Subtotal	12,450	8,690	12,440	13,440	12,690
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	9,500	8,328	8,328	8,778	8,328
Hawaiian Fisheries Development	750			750	750
Alaska Fisheries Development Foundation				300	
Subtotal	10,250	8,328	8,328	9,828	9,078
Total, State and Industry Programs	22,700	17,018	20,768	23,268	21,768
TOTAL, NMFS	421,496	452,870	406,583	540,889	517,945
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	16,900	14,986	12,900	14,986	14,943
Climate & Global Change Research	67,000	67,095	63,000	68,895	68,500
GLOBE	3,000	5,000			3,000
Climate Observations & Services		24,000		14,000	12,250
Subtotal	86,900	111,081	75,900	97,861	98,693
Long-term Climate & Air Quality Research	30,000	30,525	29,409	33,025	33,019
Information Technology/High Performance Computing	12,750	12,750	12,000	12,750	12,750
Subtotal	42,750	43,275	41,409	45,775	45,769
Total, Climate and Air Quality Research	129,650	154,356	117,309	143,656	144,462
Atmospheric Programs:					
Weather Research	37,350	37,075	35,850	38,075	37,500

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
STORM	2,000			1,000	350
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	43,700	41,425	40,200	43,425	42,200
Solar/Geomagnetic Research	7,000	6,182	6,000	6,182	6,000
Total, Atmospheric Programs	50,700	47,607	46,200	49,607	48,200
Ocean and Great Lakes Programs:					
Marine Prediction Research	27,325	22,595	19,725	30,245	32,525
GLERL	6,825		7,125		7,000
Sea Grant Program	59,250	59,250	61,250	64,750	62,250
National Undersea Research Program	13,800	5,750		17,000	15,800
Total, Ocean and Great Lakes Programs	107,200	87,595	88,100	111,995	117,575
Acquisition of Data	12,952	12,952	12,952	12,952	12,952
Total, OAR	300,502	302,510	264,561	318,210	323,189
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	480,758	508,936	506,348	505,503	462,180
Susquehanna River Basin flood system	1,125	619	1,250	1,500	1,313
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Advanced Hydrological Prediction System	1,000	1,000	1,000	1,000	1,000
WFO Maintenance	3,250	5,250	3,250	5,250	4,250
Weather Radio Transmitters			3,000		4,308
Subtotal	480,758	508,936	503,348	505,403	508,647
Central Forecast Guidance	37,081	38,001	37,081	38,001	37,500
Atmospheric and Hydrological Research	3,000	3,068	3,000	3,068	3,034
Total, Operations and Research	520,839	550,005	543,429	546,472	549,181
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	38,836	38,802	38,802	38,802	38,802
ASOS	7,345	7,423	7,345	7,423	7,423
AWIPS/NOAA Port	32,150	38,642	32,150	38,642	35,396
Total, Systems Acquisition	78,331	84,867	78,297	84,867	81,621
Total, NWS	599,170	634,872	621,726	631,339	630,802
NAT'L ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE					
Satellite Observing Systems:					
Ocean Remote Sensing	4,000	4,000		4,000	4,000
Environmental Observing Systems	53,300	53,912	50,800	56,412	53,300
Global Disaster Information Network		5,500			3,000
Total, Satellite Observing Systems	57,300	63,412	50,800	60,412	60,300
Data and Information Services	38,700	32,454	40,700	35,754	49,700
Environmental Data Management Systems	12,335	12,335	12,335	12,335	12,335
Regional Climate Centers	2,750		2,750	3,600	2,900
Total, EDMS	53,785	44,789	55,785	51,689	64,935
Total, NESDIS	111,085	108,201	106,585	112,101	125,235
PROGRAM SUPPORTS					
Administration and Services:					
Executive Direction and Administration	19,387	19,902	19,902	19,902	19,902
Systems Acquisition Office	712	712	700	712	712
NMFS Study				750	750
Subtotal	20,099	20,614	19,900	21,364	21,364
Central Administrative Support	31,850	33,132	31,850	33,132	33,132
Minority Serving Institutions		17,000			15,000
Total, Administration and Services	51,949	53,746	51,750	54,496	69,496
Aircraft Services	10,760	11,009	11,000	14,309	11,809
Rent Savings (Transferred to ATB)	(4,656)		(4,656)		
Total, Program Support	58,053	64,755	58,094	68,805	81,305
Fleet Planning and Maintenance	13,243	9,294	7,000	19,004	11,010
Facilities					
NOAA Facilities Maintenance	1,809	1,941	1,800	1,941	1,870
Environmental Compliance	2,000	3,899	2,000	3,899	2,000
Suitland				14,700	
Columbia River Facilities	3,365		3,365	3,465	3,365
NERRS Construction				3,000	
Boulder Facilities (GSA) Operations	3,850	5,350	3,850	4,000	4,000
NARA Records Mgmt		262		262	
Total, Facilities	11,024	11,452	11,015	31,267	11,235
Direct Obligations	1,793,411	1,989,890	1,736,012	2,042,875	1,991,420
Offset for Fee Collections (Adjustment)	(4,000)		4,000	4,000	4,000
Reimbursable Obligations	195,767	204,400	204,400	204,400	204,400
Offsetting Collections (data sales)	3,600	3,600	3,600	3,600	3,600
Offsetting Collections (fish fees/IFQ CDQ)	4,000				
Subtotal, Reimbursables	199,367	208,000	212,000	212,000	212,000
Total, Obligations	1,992,778	2,197,890	1,948,012	2,254,875	2,203,420
Financing					
Deobligations (Prior year recoveries)	(36,000)	(36,000)	(36,000)	(10,000)	(16,650)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Unobligated Balance transferred, net					
Offsetting Collections (data sales)	(3,600)	(3,600)	(3,600)	(3,600)	(3,600)
Offsetting Collections (fish fees/IFQ CDQ)	(4,000)		(4,000)		(4,000)
Federal Funds	(134,927)	(147,700)	(147,700)	147,700)	(147,700)
Non-federal Funds	(60,840)	(56,700)	(56,700)	(56,700)	(56,700)
Subtotal, Financing	(239,367)	(244,000)	(248,000)	(218,000)	(228,650)
Budget Authority	1,753,411	1,953,890	1,700,012	2,036,875	1,974,770
Financing From:					
Promote and Develop American Fisheries	(68,000)	(68,000)	(68,000)	(66,278)	(68,000)
Coastal Zone Management Fund	(4,000)	(3,200)	(4,000)	(3,200)	(3,200)
Anticipated Offsetting Collections (fish fees)		(20,000)			
Anticipated Offsetting Collections (navigation fees)		(14,000)			
Disaster Relief—Norton Sound		(5,000)	(5,000)	(5,000)	(5,000)
Disaster Relief—NE Fisheries		(15,000)	(15,000)	(15,000)	(15,000)
Subtotal, ORF	1,310,677	1,501,890	1,240,012	1,610,875	1,883,570
Additional Adjustments:					
Domestic Travel					(4,000)
Foreign Travel					(2,400)
General Office Supplies					(5,000)
Non-Maritime/Non-capitalized equipment					(3,000)
Subtotal, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
Total, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
PROCUREMENT, ACQUISITION AND CONSTRUCTION					
Systems Acquisition:					
CAMS		15,823	4,500	17,823	19,823
AWIPS	16,000	17,300	16,000	17,300	16,300
ASOS	3,855	5,125	3,855	5,125	3,855
NEXRAD	8,280	9,580	8,280	9,580	8,280
Computer Facilities Upgrades	11,100	15,085	11,100	15,085	15,085
Polar Spacecraft and Launching	190,979	213,619	206,965	213,639	210,310
Geostationary Spacecraft and Launching	266,615	290,824	290,824	290,824	290,824
Radiosonde Replacement	7,000	7,000	2,000	7,000	5,000
GFDL Supercomputer	5,000	7,000	5,000	7,000	4,000
Evansville Dopple Radar		5,500	5,500		5,500
NOAA Weather Radio Expansion/Enhancement		6,244		6,244	
National Data Archive [NEDAAS]		4,000		4,000	2,000
Subtotal, Systems Acquisition	508,829	597,100	554,024	593,620	580,977
Construction:					
WFO Construction	9,526	9,526	9,136	9,526	9,526
NERRS Construction	6,750	8,000	6,000	8,000	7,500
Botanical Gardens	1,500				3,500
Alaska Facilities	9,750	1,000		19,000	19,000
National Marine Life Center				1,000	800
Great Bay NERRS, NH					5,000
Kasitsna Bay Lab/Kachemak Bay					5,000
NORC Rehabilitation (Suitland)	3,045				
Marine Sanctuaries	3,000	3,000	3,000		
Suitland Facility	3,000				15,000
Norman, OK		3,000		3,000	3,000
LaJolla Bluffs, CA		4,600		4,600	
Western Region Consolidation		200		200	
Coastal Service Center Wing (SC)				4,000	
Aquatic Resources					5,000
Pribilof Island Cleanup (AK)				7,000	6,000
Folly Beach Seabrook Tract (SC)				2,000	2,000
Subtotal, Construction	36,571	29,326	18,136	57,326	81,326
Fleet Replacement					
Fishery Research Vessel Placement	51,567	8,300		8,300	8,300
Adventurous Refurbishment		8,000		8,000	8,000
Fairweather Refurbishment					6,800
Naval Surplus vessels for coastal research (YTT)					5,000
Subtotal, Fleet Replacement	51,567	16,300		16,300	28,100
Deobligations (PAC)	(7,400)	(7,504)	(8,704)	(7,504)	(7,504)
Offset from House floor action.					
Total, PAC	589,567	635,222	563,456	659,742	682,899
Pacific Coast Salmon Recovery	58,000	160,000	58,000	58,000	74,000
Coastal Impact Assistance Fund		100,000			
Fisheries Assistance Fund		10,000			
Fisherman's Contingency	953	951	951	953	952
Foreign Fish Observer Fund	189	191	189	191	191
Fisheries Finance Program	338	6,628	238	338	288
(Individual Fisheries Quota)	(100)	(100)			
Total, NOAA	2,330,458	2,741,682	2,230,846	2,666,621	2,627,500

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $290,699,000 under this account for the activities of the National Ocean Service, instead of $260,448,000 as recommended in the House bill and $321,26,000 as proposed in the Senate-reported amendment.

Mapping and Charting.—The conference agreement provides $37,437,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of the NOS and concerns about the ability of the NOS of continue to meet its mission requirements over the long term. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999, one-time funding of $300,000 for the Seacoast Science Center, and $1,500,000 for shoreline mapping as requested in the budget.

The conference agreement also includes $20,450,000 within the line item Address Survey Backlog/Contracts exclusively for contracting with the private sector for data acquisition needs. This is $2,450,000 above the request and is intended to increase efforts to address the backlog through contract support.

Geodesy.—The conference agreement provides $22,384,000 for geodesy programs, including $19,634,000 for the base program; not less than $500,000 for the South Carolina Geodetic Survey as referenced in the Senate report; not less than $1,000,000 for the implementation of the National Height Modernization (NHM) system in North Carolina; not less than $1,000,000 for the California Spatial Reference Center; and not less than $250,000 for the National Geodetic Survey to implement the NHM study.

Tide and Current Data.—The conference agreement includes $15,089,000 for this activity, including $12,293,000 for the base program and $2,796,000 for the continued implementation of the Physical Oceanographic Real-Time System (PORTS) program, as referenced in the House report.

The conference agreement includes $2,000,000 above the request for data acquisition and for building NOAA corps officer strength and for additional days at sea.

Ocean Assessment Program.—The conference agreement includes $49,956,000 for the activity, including the following: $12,658,000 for the base program; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida ecosystem restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico through the Department of Natural Resource; $4,425,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources: $2,500,000 for the JASON project; and $2,923,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement includes $18,750,000 for the Coastal Services Center, including funds for initiation of a collaborative program in Hawaii for the U.S. Pacific Basin, consistent with activities identified in the fiscal year 2000 conference report, and funding for planning and design for additional space at the Coastal Services Center.

Office of Response and Restoration.—The conference agreement includes $11,600,000 for the activity, including; $2,674,000 for the Estuarine and Coastal Assessment program, $5,210,000 for the Damage Assessment program, $1,000,000 in accordance with the Oil Pollution Act of 1990, and $2,716,000 for a new base program to provide greater flexibility for program managers to address response and restoration functions. No funding is provided for coral restoration.

Oceanic and Coastal Research.—The conference agreement includes $9,500,000 for this activity, which includes $6,970,000 for base, $1,250,000 for fish forensics and enforcement, and $1,280,000 for the Marine Environmental Health Research Laboratory (MEHRL). The conference agreement includes language as proposed in the Senate report regarding national overhead costs associated with managing the missions and operations of the research facilities funded in the Oceanic and Coastal Research activity and the National Ocean Service is directed to transfer budget and management operations for the MEHRL and the Charleston Lab to the Coastal Services Center.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS, as proposed in the Senate report.

Coastal Ocean Program (COP).—The conference agreement provides $18,287,000 for the Coastal Ocean Program, of which $5,287,000 is provided for research related to hypoxia, pfistereia, and other harmful algal blooms, including the "dead-zone" in the Gulf of Mexico, as referenced in the House report. The managers of COP are directed to follow the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

Coastal Zone Management.—The conference agreement includes $66,250,000 for this activity, of which $52,000,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), and $4,500,000 is for program administration. NOAA is directed to prepare an assessment of the National impact of this program and submit such assessment to the Committees on Appropriations no later than March 15, 2001. The conference agreement does not include funding for the Non-Point Pollution program authorized under section 6217 of the CZMA. The conference agreement also includes $9,750,000 for the National Estuarine Research Reserve System (NERRS) operations and maintenance program, an increase of $3,750,000 above the current year level.

Marine Sanctuary Program.—The conference agreement includes $20,500,000 for the National Marine Sanctuary Program. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $517,945,000 for the National Marine Fisheries Service (NMFS), instead of $406,583,000, as recommended in the House bill and $540,889,000, as recommended in the Senate report.

In addition, the conference agreement includes $4,000,000 to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program.

Resource Information.—The conference agreement provides $119,945,000 for fisheries resource information. Within the funds provided for resource information, $88,145,000 is provided for the base programs. The conference agreement includes $4,250,000 for west coast ground fish. NMFS is directed to distribute this funding to appropriate labs based on the current year distribution, and no labs should receive less than current year funding. Funding above the amounts for the base program is as follows: $1,700,000 is to expand stock assessments; $850,000 is for MARMAP; $2,500,000 is for the Gulf of Mexico consortium; and $200,000 is for the Atlantic Herring and Mackerel initiative. In addition, NMFS is expected to continue to provide onsite technical assistance to the National Warmwater Aquaculture Research Center and provide $250,000 from base resources for the harvest technology unit under this direction included in the Senate report. In addition, $500,000 is provided for the Hawaiian Community Development Program and fishery demonstration projects for native fisheries, as referenced in the Senate report.

In addition, within the total funds provided for resource information, the conference agreement includes: $6,500,000 for the Gulf of Alaska for continued implementation of the Magnuson-Stevens Act, as referenced in the Senate report; $1,000,000 for research on Alaska near shore fisheries, to be distributed as in the current year; $850,000 for the Chesapeake Bay oyster recovery partnership; $3,000,000 for research on the Charleston bump; $300,000 for research on shrimp pathogens; $150,000 for lobster sampling; $600,000, for bluefin tuna tagging initiative for the New England Aquarium; $300,000 for Chinook Salmon research in the NMFS Auke Bay laboratory; $750,000 for Magnuson-Stevens Act implementation; $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report; $300,000 for research on Southeastern sea turtles; $200,000 for the Kotzebue Sound test fishery for king crab and sea snail; $1,000,000 for the State of Alaska for the Bering Sea crab; $350,000 for the South Carolina Department of Natural Resources Biological Identification Program; and $1,000,000 for the Tri-Coastal Marine Stock Assessment. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative. NOAA is directed to continue working with the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution.

NMFS is directed to continue collaborative research with the Center for Shark Research and other qualified institutions to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Funding for the Chesapeake Bay Multi-Species Management Strategy has been moved to the Chesapeake Bay Office line, for a total of $2,500,000 for the office, of which $500,000 is for multi-species management, including blue crabs.

Under the MARFIN line, $3,250,000 is provided for base activities, including $750,000 for activities relating to red snapper research, and $250,000 is provided for Northeast activities.

Funding for right whale research and recovery activities is provided under the Endangered Species line. Under the Yukon River Chinook Salmon line, $1,000,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement, and funding is provided for the North Pacific Research Board, as referenced in the Senate report. The conference agreement includes $12,300,000 for Steller sea lion recovery, to be allocated according to the direction in the Senate report. Senate language regarding the Administration's reduction of funding for Steller sea lion recovery is included by reference.

Senate language regarding computer hardware and software funding is included by reference.

Funding for bluefish/striped bass has been provided as follows: $450,000 for the NMFS base research program, $800,000 for the Cooperative Marine Education and Research Program in New Jersey, and $250,000 for other existing bluefish/striped bass research.

Funding of $2,500,000 is provided for a cooperative research program to address the lack of sufficient funding for research for the southeast.

Fishery Industry Information.—The conference agreement provides $37,630,000 for this activity. Within the $6,750,000 provided for Alaska groundfish monitoring, the conference agreement includes $3,125,000 for the base program, of which $1,600,000 is to implement requirements of the American Fisheries Act and the crab and scallop fisheries management plans; $1,000,000 for a winter pollock survey in Alaska; and current year levels for NMFS rockfish research, crab management, and external rockfish research. In addition, the conference agreement provides $175,000 for the Gulf of Alaska Coastal Communities Coalition, $300,000 for the NMFS Alaska region infield monitoring program, and $150,000 for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for fish statistics, the conference agreement provides $13,180,000 for the base program, $1,000,000 for the National Standard 8 program, $2,000,000 for research and data collection on fishing communities and economics; and $1,500,000 for the Atlantic States Marine Fishery Commission as referenced by the Senate report. Of the $3,700,000 for recreational fishery harvest monitoring, $500,000 is for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under the Fish Industry Information activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines, in accordance with the direction included in the Senate report. In addition, of the funding, $3,500,000 is provided for the Gulf of Mexico Fisheries Information Network.

Under the Acquisition of Data line, within the total of $26,900,000, $957,000 is provided for additional days at sea for data acquisition.

Fisheries Management Programs.—The conference agreement includes $62,888,000 for this activity. Within this amount, $29,288,000 is provided for base activities, and $4,000,000 is for NMFS facilities maintenance. In addition, $21,000,000 is included to provide increases for data collection on fishery management programs, including $8,000,000 to respond to lawsuits under the National Environment Policy Act (NEPA), $3,000,000 for research regarding Hawaiian sea turtles related lawsuits, and $10,000,000 for research regarding the Alaska Steller sea lion and pollock lawsuit. The requested levels for the Atlantic Salmon Recovery Plan, the State of Maine Recovery Plan, and Rancho Nuevo sea turtles are included. Funding is included for continuation of the Bronx River recovery and restoration project as referenced in the House report; $300,000 for the Connecticut River Partnership; and $150,000 for Chinook Salmon management; and $6,700,000 is for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $14,055,000 for NMFS support of the Columbia River hatcheries program. NMFS is expected to support base hatchery operations at a level of $11,400,000, $600,000 is for fall chinook rearing, $1,700,000 is provided for monitoring and evaluation efforts, and $300,000 is for conservation marking as referenced in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report and the balance is for JIMAR.

For New England Fisheries Management, $5,000,000 is provided as proposed in the Senate-reported amendment. The conference agreement also includes a transfer of $15,000,000 from USDA (P.L. 106-78) for NE cooperative fisheries.

Protected Species Management.—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem, $1,500,000 is provided for the State of Maine salmon recovery, and $750,000 is for bottle-nosed dolphins.

Driftnet Act Implementation.—Within the funds provided for Driftnet Act Implementation, $150,000 is for Pacific Rim Fisheries Program, $200,000 is for Washington and Alaska participation, and $250,000 is for Russian EEZ observers.

Marine Mammal Protection Act.—Within funds provided, $900,000 is for harbor seal research in Alaska.

Endangered Species Recovery Plans.—A total of $55,338,000 is provided for this activity. Of these amounts, $1,500,000 is for technical support to the State of Washington, $850,000 is for Alaskan Steller sea lion recovery, $2,700,000 is for other species, $3,338,000 is for sea turtles, $36,450,000 is for the Pacific salmon recovery initiative, $3,500,000 is for marine mammals, $2,000,000 for Atlantic Salmon recovery, and $5,000,000 is for right whales. Within the amount provided for right whales, NMFS is directed to make tagging whales a priority. NMFS is directed to make $2,900,000 available to the Northeast Consortium to administer a competitive grants program, open to all Atlantic coastal States, using an independent review panel of experts and scientists in the field, to fund research on whale-friendly fishing gear and operations, surveys and studies to reduce potential conflicts between right whales and local industries, and other research including tagging, acoustic studies, habitat research and hydrodynamic modeling studies. Of the funding provided, $2,100,000 is to help meet its responsibilities for the implementation of programs, research, and enforcement activities for the recovery of the right whale, including the use of aerial surveys, of which no more than 30 percent can be used for salaries. Due to the Department of Commerce's delay in providing a spending plan and allocating right whale funds in fiscal year 2000, NMFS is directed to provide the Committees on Appropriations no later than January 30, 2001, with a spending plan for fiscal year 2001. In addition, the Committee expects NMFS to develop and submit by July 31, 2001, a five-year research and management plan to facilitate right whale recovery.

Native Marine Mammal Commissions.—The conference agreement recommends that funding be distributed at current year levels.

Observers and Training.—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific fishery observer training program; (2) $1,875,000 for North Pacific marine resources observers; (3) $350,000 for east coast observers; (4) $2,275,000 for west cost observers; (5) $1,200,000 for Hawaii; and (6) $350,000 for Atlantic observers. NMFS is directed to submit a spending plan prior to allocation of funding. Senate language regarding enforcement and surveillance is adopted by reference.

Interstate Fish Commissions.—The conference agreement includes $8,000,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,250,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, NMFS is directed to provide to the Alaska Fisheries Development Foundation funding to be used in accordance with the direction included in the Senate report, and to provide funds pursuant to the direction included in the House report to support ongoing efforts related to Vibrio vulnificus. Senate report regarding the Hawaiian fisheries development program and the Oceanic Institute is adopted by reference.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $323,189,000 for Oceanic and Atmospheric Research activities, instead of $264,561,000 as recommended in the House bill and $318,210,000 as recommended in the Senate-reported amendment.

Inerannual and Seasonal Climate Research.—The conference agreement includes $14,943,000 for interannual and seasonal climate research, of which $2,000,000 is for the Institute for the Study of Earth, Oceans, and Space.

Climate and Global Change Research.—The conference agreement includes $68,500,000 for the Climate and Global Change research program, of which $750,000 is above base resources for the International Research Institute for Climate Prediction to restore it to the fiscal year 2000 appropriated level of funding. Of the amounts provided, $1,000,000 is for the variability beyond ENSO activity, $1,000,000 is the climate forming agents activity, and $2,000,000 is for refinement of climate models.

Climate Observations & Services.—The conference agreement includes $1,000,000 for climate data and information; $2,000,000 for baseline observations; $5,000,000 for ocean observations; $3,000,000 for the climate reference network; and $1,250,000 for an ice research program at the Thayer School of Engineering.

Long-Term Climate and Air Quality Research.—The conference agreement provides $33,019,000 for this activity. Funding is distributed as follows: $27,850,000 for base; $500,000 for the California study; and $4,669,000 for the Health of the Atmosphere initiative.

Atmosphere Programs.—The conference agreement provides $37,500,000 for this activity. Of this amount, $1,000,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,500,000 is provided for the U.S. Weather Research Program for hurricane-related research.

STORM.—The conference agreement includes $350,000 for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

Marine Prediction Research.—The conference agreement includes $32,525,000 for marine prediction research. Within this amount, the following is provided: $9,825,000 for the base program; $1,650,000 for Arctic research; $2,400,000 for the Open Ocean Aquaculture program; $3,300,000 for tsunami mitigation, of which $1,000,000 is for TWEAK; $150,000 for a Lake Champlain Study; $2,100,000 for the VENTS program; $4,300,000 for continuation of the initiative on aquatic ecosystems, including $300,000 for a nitrogen study; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the Chesapeake Bay ballast water demonstration; $100,000 for the Lake

Champlain Canal Barrier Demonstration, as referenced in Senate report; $500,000 for additional resources to support Hypoxia research; $2,600,000 for mariculture research; and $450,000 for the Pacific tropical fish program to be administered by HIEDA. The conference agreement includes $2,000,000 for the ocean exploration initiative, as referenced in Senate report; $500,000 for the International Pacific Research Center at the University of Hawaii, and $1,000,000 for the SE Atlantic Marine monitoring and prediction center at the University of North Carolina, as referenced in the Senate report.

GLERL.—Within the $7,000,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore and zebra mussel research programs at current levels.

Sea Grant.—The conference agreement includes $62,250,000 for the National Sea Grant program, of which $56,250,000 is for the base program. Sea Grant is directed to fund the oyster disease research program at $2,000,000, an increase of $500,000, and to maintain current levels for the zebra mussel research program and the Gulf of Mexico oyster program. The Sea Grant program is directed to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program and submit to the Committees on Appropriations by June 30, 2001.

National Undersea Research Program (NURP).—The conference agreement includes $15,800,000 for the National Undersea Research Program (NURP). The Senate report included $17,800,000 for this program; the House did not include funding for this program. Of the amount provided, $6,900,000 is for research conducted through the east coast NURP centers and $6,900,000 is for the west coast NURP centers, including Hawaiian and Pacific center and the west coast and polar regions center. The conferees expect level funding will be available for Aquarius, ALVIN, and program administration. Of the amount provided, $2,000,000 is for the National Center for Natural Products.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $630,802,000 for the National Weather Service (NWS), instead of $621,726,000 as proposed in the House bill, and $631,339,000 as proposed in the Senate-reported amendment.

Local Warnings and Forecasts.—The conference agreement includes $462,180,000 for this activity, including $452,280,000 for base, $4,790,000 for mitigation activities, and $400,000 for the Cooperative Observers Network. The NWS is directed to submit a spending plan to the Committees on Appropriations for the Cooperative Observers Network. Within the total amount provided for Local Warnings and Forecasts, $270,000 is for the North Dakota Agricultural Weather Network, $590,000 is for the University of Utah for support to the Winter Olympics; and $500,000 is for the Mount Washington Observatory, as directed in Senate report. The NWS is directed to follow direction in the Senate report relating to "the 1995 Secretary's Report to Congress on the Adequacy of NEXRAD Coverage and Degradation of Weather Services", and to make appropriate arrangements for Erie, PA and Williston, ND. Of the funds provided for Local Warnings and Forecasts, $3,350,000 is provided for data buoys, of which $1,700,000 is for Alaska.

Weather Radio Transmitters.—Of the amount provided, $2,323,000 is provided for base; $500,000 is for the sate of Illinois, to complete state-wide implementation; $77,000 is for a transmitter in Mason County, Kentucky; $100,000 is for Melba, Mississippi transmitters; $100,000 is for Barrow, Alaska; $125,000 is for New Hampshire; $855,000 is for Kentucky, including Elizabethtown; $150,000 is for South Dakota; and $78,000 is for a transmitter in Steuben County, Indiana.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $125,235,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $580,977,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Satellite Observing Systems.—The conferees have included $60,300,000 for this activity, an increase of $3,000,000 for the Global Disaster Information Network (GDIN). Funding for other services is consistent with current year levels. Funding for the wind demonstration project is to be provided in accordance with the direction in the Senate report.

Environmental Data Management.—The conference agreement includes: $64,935,000 for EDMS activities. For EDMS base activities, the conference agreement includes $25,000,000. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $6,000,000 is included for the Coastal Ocean Data Development Center and $2,500,000 for the Center for Spatial Data Research at Jackson State University. The conference agreement provides $15,700,000 to continue the multi-year program of climate database modernization and utilization, as referenced in the House report. The conference agreement includes $2,900,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $81,305,000 for NOAA program support, instead of $58,094,000 as provided in the House report, and $68,805,000, as provided in the Senate-reported amendment. Included in this total is $11,809,000 for Aircraft Services, including an increase to base of $800,000 for increased fuel costs. Included in the amount provided, $15,000,000 is for the new educational program with Minority Serving Institutions. Under Departmental Management, the Commerce Department is directed to submit reports on the Commerce Administrative Management System (CAMS) implementation, as referenced in the Senate report.

The conference agreement includes $750,000 to fund a study to review the ability of NMFS to adequately meet its legal missions and requirements. NOAA is expected to have the review headed by an individual from outside the agency who is familiar with oceans and fishery management issues. The individual selected must seek the assistance of the National Academy of Sciences and the American Society of Public Administration in conducting a top to bottom review of NMFS programs, budgetary requirements, management, and constituent relations. This review must be completed within one year. NOAA is expected to give regular progress reports to the Committees on Appropriations prior to submitting the final written report outlining the findings and recommendations for the future.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes $11,010,000 for this activity, instead of $7,000,000 in the House report, and $19,004,000 in the Senate-reported amendment. The amount provided includes $9,294,000 for base and $1,716,000 for additional days at sea and general maintenance.

FACILITIES

The conference agreement includes $11,235,000 for facilities maintenance, lease costs, and environmental compliance, instead of $11,015,000 as proposed in the House report, and $31,267,000 as recommended in the Senate report. The Department of Commerce is directed to continue working with the General Services Administration (GSA) to address the 39 percent increase in GSA rental charges for the Boulder facility, as referenced in the Senate report language.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $682,899,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,504,000 in deobligations from this account. The following distribution reflects the fiscal year 2001 funding provided for activities within this account:

Systems Acquisition:	
CAMS	$19,823,000
ASOS	3,855,000
NEXRAD	8,280,000
Computer Facilities Upgrade	15,085,000
Evansville Doppler	5,500,000
Polar Spacecraft and Launching	210,310,000
Geostationary Spacecraft and Launching	290,824,000
Radiosonde Replacement	5,000,000
AWIPS	16,300,000
National Data Archives	2,000,000
GFDL Supercomputer	4,000,000
Subtotal, Systems Acquisition	580,977,000
Construction:	
WFO Construction	9,526,000
NERRS Construction	7,500,000
N.Y. Botanical Garden	3,500,000
Alaska Facilities	19,000,000
National Marine Life Center	800,000
Norman, Oklahoma	3,000,000
Aquatic Resources	5,000,000
Pribilof Cleanup	6,000,000
Folley Beach Tract	2,000,000
Suitland Facility	15,000,000
Kasitsna Bay Lab/Kachemak Bay	5,000,000
Great Bay	5,000,000
Subtotal, Construction	81,326,000
Fleet Replacement:	
Fishery Research Vessel Replacement	8,300,000
ADVENTUROUS Refurbishment	8,000,000
FAIRWEATHER Refurbishment	6,800,000
Navy Surplus Coastal Research Vessel	5,000,000
Subtotal, Fleet Replacement	28,100,000

Systems Acquisition.—Of the funding provided for Polar Spacecraft and Launching, $73,325,000 is for Polar Convergence. A total of $290,824,000 for the Geostationary Spacecraft and Launching line is provided as requested in the budget.

Construction.—The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: $7,000,000 is for overall NERRS requirements, and $500,000 is for the Jacques Cousteau NERRS. The funds appropriated for Alaska facilities are to be distributed as follows: $15,000,000 is for the Juneau Lab, and $4,000,000 is for the SeaLife Center. The conference agreement includes $3,000,000 for architecture and engineering of a building for the University of Oklahoma. The conference agreement assumes that funding for NOAA's occupancy of the proposed building will be based on an operating lease arrangement once the building has been constructed by the University of Oklahoma and is ready for NOAA occupancy.

In addition, the conference agreement includes $15,000,000 for NOAA's Suitland, Maryland facility. Funding is provided to cover those costs in addition to the basic building costs provided by the GSA. Bill language is included to prohibit the Department of Commerce from paying the traditional GSA building requirements for the Suitland facility.

Fleet Replacement.—The conference agreement includes funding for the refurbishment of the *Fairweather* in Alaska and the Navy Surplus YTT vessel, other than baseline operations, in South Carolina.

COASTAL AND OCEAN ACTIVITIES

In addition to the funds provided to the National Oceanic and Atmospheric Administration in the above table and narrative, the conference agreement includes an additional $420,000,000 for special purposes. Of this amount, $150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Act for fiscal year 2001 only and does not alter the underlying authorization; $135,000,000 is for ocean, coastal and conservation programs, and $135,000,000 is for National Oceanic and Atmospheric Administration programs. Of the funds provided for ocean, coastal and conservation programs, $10,000,000 is provided for implementation of Sate nonpoint pollution control plans pursuant to section 6217 of the Coastal Zone Act, as amended, other than non-contiguous States except Hawaii; $30,000,000 is for competitive grants for coastal communities in the Great Lakes region; $14,000,000 is for the University of New Hampshire marine facilities program; $1,000,000 is for the Sea Coast Science Center; $3,000,000 is for the Great Bay Partnership; $1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; $1,000,000 is for the Mississippi Laboratories at Pascagoula, $8,000,000 is for the ACE Basin NERRS Research Center construction, $2,500,000 is for Winyah Bay land acquisition, $2,000,000 is for ACE Basin Land Acquisition, $10,000,000 is for the Sealife Center, $4,000,000 is for Kachameck Bay NERRS research center construction; $1,000,000 is for the Raritan, N.J. NERRS land acquisition; $10,000,000 is for DuPage River restoration; $1,000,000 if for Detroit River restoration, $500,000 is for lower Rouge River restoration; $8,500,000 is for Bronx River restoration and land acquisition; $16,000,000 is for a grant for Eastern Kentucky Pride, Inc., of which $11,000,000 is for design and construction of facilities for water protection and related environmental infrastructure, and $5,000,000 is for the aquatic resources environmental initiative; $3,000,000 is for a grant to the Louisiana Department of Natural Resources for brown marsh research, mitigation and nutria control; $2,000,000 is for land acquisition in southern Orange County, California for conservation of coastal sage scrub and riparian habitats; $3,000,000 is for planning, renovation and construction of facilities for a new national estuarine research reserve in San Francisco, California; $2,000,000 is for a grant to the National Fish and Wildlife Foundation for species management and esturaine habitat conservation; and $1,500,000 is for a grant to the Pinellas County Environmental Foundation for the Tampa Bay watershed. Of the funds provided for the National Oceanic and Atmospheric Administration programs, $5,000,000 is for National Estuarine Research Reserve operations, $12,000,000 is for Marine Sanctuary operations, $8,500,000 for Coastal Zone Management, $1,500,000 for CZMA Program Administration, $4,000,000 is for marine mammal strandings, $14,000,000 is for the National Ocean Service's protection of coral reefs program, $11,000,000 is for the National Marine Fisheries Service's Coral reefs program, $36,000,000 is for additional amounts for the purpose of the Pacific Coastal Salmon Recovery account, $6,000,000 is for fisheries habitat restoration, $15,000,000 is for NOAA's Cooperative Enforcement initiative, $3,000,000 is for Atlantic coast observers, $3,000,000 is for Cooperative Research, $3,000,000 is for Red Snapper research, $3,000,000 is for Aquaculture, $5,000,000 is for Harmful Algal Bloom research, $2,000,000 is for the Ocean Exploration initiative, and $3,000,000 is for Marine Sanctuary construction. The amounts provided under this heading for certain activities for ocean, coastal and waterway conservation programs are in addition to amounts provided elsewhere in this bill.

Of the $135,000,000 provided for NOAA programs, NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for the additional funding initiatives by February 28, 2001.

Great Lakes Coastal Restoration Grants.—The conference agreement includes a new appropriation of $30,000,000 for matching grants to be awarded competitively to state and local governments to undertake coastal and water quality restoration projects in the Great Lakes region. Proposals funded under this program should be consistent with a Great Lakes State's approved coastal management program under section 306 of the Coastal Zone Management Act. Restoration projects eligible for funding would include contaminated site cleanup, stormwater controls, wetland restoration, acquisition of greenways and buffers, and other projects designed to control polluted runoff and protect and restore coastal resources. NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for this initiative no later than January 15, 2001.

PACIFIC SALMON COASTAL RECOVERY

In fiscal year 2000, funding for the Southern Fund was provided under the NOAA, ORF account heading. The conference agreement includes funding for the Northern Transboundary Fund and Southern Transboundary Fund under this heading, in addition to funding provided within the Department of State. The conference agreement includes the full amount requested for the funds and for a payment to the State of Washington.

In addition, the conference agreement includes $54,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington, $10,000,000 is provided to the State of Alaska, $9,000,000 is provided to the State of Oregon, and $9,000,000 is provided to the State of California. In addition, $6,000,000 is provided for coastal tribes, and $2,000,000 for river tribes. Of the funds made available to the State of Washington, $4,000,000 shall be allocated through the Salmon Recovery Funding Board directly to the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The monies shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species Act and Clean Water Act. Of the funding made available to the State of Alaska, $350,000 shall be used to continue the operation of the Crystal Lake hatchery in Petersburg, and $1,000,000 for the Metlakatla hatchery. None of the $54,000,000 shall be used for the buy back of commercial fishing licenses or vessels.

The conference agreement includes language proposed in the House bill making funding under this heading subject to express authorization. The Senate-reported amendment did not include this language.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $3,200,000 as provided in the Senate-reported amendment, instead of $4,000,000 as provided in the House bill. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $952,000 for the Fishermen's Contingency Fund. The House bill included $951,000 and the Senate-reported amendment included $953,000 for this program.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $191,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in the Senate-reported amendment. The House bill included $189,000 for this program

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $288,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $338,000 as provided in the Senate-reported amendment. Funding is provided in accordance with the Senate-reported amendment.

Departmental Management

SALARIES AND EXPENSES

The conference agreement includes $35,920,000 for the departmental management of the Commerce Department, instead of $28,392,000, as proposed in the House bill, and $32,340,000, as proposed in the Senate-reported amendment; of which $4,000,000 is provided for the Department's re-wiring initiative. No funding is provided for the security initiative. Funding of $19,823,000 is provided within NOAA for the Commerce Administrative Management System (CAMS). The Commerce Department is directed to submit quarterly reports for implementation of CAMS, the initial report should include an overview of planned CAMS implementation, including milestones, and cost estimates for each stage of deployment. All subsequent reports should outline progress in meeting the milestones and spending targets.

Office of Inspector General

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $21,000,000 as recommended in the House bill and $19,000,000 as recommended in the Senate-reported amendment. The Inspector General is reminded that office closings, staff reductions, or reorganizations are subject to the reprogramming procedures outlined in section 605 of this Act.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Sec. 201.—The conference agreement includes section 201, included in both the House bill and the Senate-reported amendment, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House bill and the Senate-reported amendment, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House bill and the Senate-reported amendment, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in the House bill and the Senate-reported amendment, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate-reported amendment included a provision prohibiting reimbursements in relation to the 1990 decennial census.

Sec. 205.—The conference agreement includes section 205, as proposed in the House bill, regarding transfer authority among Commerce Department appropriation accounts. The Senate-reported amendment proposed to increase the percentage of funding available for transfer.

The conference agreement does not include section 206 of the House bill providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce. The Senate bill did not contain a provision on this matter.

Sec. 206.—The conference agreement includes section 206, included in both the House bill and the Senate-reported amendment, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act be absorbed within the total budgetary resources available to such department or agency, with a modification to include loan collateral and grants protection.

Sec. 207.—The conference agreement includes section 207, as proposed in both the House bill and the Senate-reported amendment, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 208.—The conference agreement includes section 208, as proposed in both the House bill and the Senate-reported amendment with minor technical changes, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 209.—The conference agreement includes section 209, modified from a provision in the Senate-reported amendment, to provide $14,000,000 within the "National Institute of Standards and Technology, Construction of Research Facilities" account, for four construction projects. Of this amount, $4,000,000 is appropriated to the Institute at Saint Anselm College, $4,000,000 is for a cooperative agreement with the Medical University of South Carolina, $3,000,000 is for the Thayer School of Engineering for the biocommodity and biomass research initiative, and $3,000,000 is appropriated to establish the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies. In addition, of the amounts provided within the NOAA PAC account, $5,000,000 is provided for a grant to Pride, Inc.

Sec. 210.—The conference agreement includes a new provision, numbered as section 210, which establishes the Dr. Nancy Foster Memorial Scholarship program for advanced degrees in marine studies, as part of the National Marine Sanctuary Program.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $37,591,000 for the salaries and expenses of the Supreme Court, as provided in the Senate-reported amendment, instead of $36,782,000 as provided in the House bill.

House report language with respect to law clerk selection is adopted by reference.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $7,530,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill and the Senate-reported amendment. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2001.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $17,930,000 for the U.S. Court of Appeals for the Federal Circuit as provided in the Senate-reported amendment, instead of $17,846,000 as provided in the House bill. This provides funding for base adjustments and two additional assistants. No funding is provided for additional staff in the Clerk's office.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $12,456,000 for the U.S. Court of International Trade as provided in the Senate-reported amendment, instead of $12,299,000 as provided in the House bill.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,359,725,000 for the salaries and expenses of the Federal Judiciary as provided in the Senate-reported amendment, instead of $3,328,778,000 as provided in the House bill.

House report language with respect to the Southwest Border is adopted by reference.

An April 2000 review of Federal judges sharing of courtrooms prepared by the Congressional Budget Office (CBO) indicated that courtroom sharing by judges should not cause trial delays for a significant number of trials, and that for the few that might be delayed the waiting time would be less than half a day. The CBO study also found that many courtrooms are in use for a small percentage of the available workdays. A study of the Judiciary's space and facilities program recently completed by Ernst and Young, however, suggested that requiring judges to share courtrooms is not practical. The Ernst and Young report stated that current court records do not adequately track courtroom usage, making it difficult to determine if courtroom sharing by Federal judges is a viable option. The conference agreement directs CBO to review and comment on the Ernst and Young report, and to provide the Committees on Appropriations with its findings no later than February 1, 2001. The Administrative Office of the U.S. Courts shall provide such assistance as may be necessary to CBO to complete its review. This issue is of great importance because any reduction in the number of courtrooms and associated court space could significantly reduce rental payments, which continue to consume an inordinate amount of the Judiciary's available resources.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides $2,602,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986 as provided in the Senate-reported amendment, instead of $2,600,000 as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $435,000,000 for the Federal Judiciary's Defender Services account, instead of $420,338,000 as provided in the House bill, and $416,368,000 as provided in the Senate-reported amendment. The conference agreement directs that a portion of the funds made available be used for an increase to $75 an hour for in-court time and $55 an hour for out-of-court time for Criminal Justice Act panel attorneys.

Language relating to capital habeas corpus costs in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $59,567,000 for Fees of Jurors and Commissioners, as proposed in the Senate-reported amendment, instead of $60,821,000 as provided in the House bill.

COURT SECURITY

The conference agreement includes $199,575,000 for the Federal Judiciary's Court Security account as provided in the Senate-reported amendment, instead of $198,265,000 as proposed in the House bill. Of the amount provided, $10,000,000 for security system funding shall remain available until expended.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $58,340,000 for the Administrative Office of the United States Courts as provided in the House bill, instead of $50,000,000 as provided in the Senate-reported amendment.

Language in the introductory section relating to the Federal Judiciary in the House report with respect to the Optimal Utilization of Judicial Resources report is adopted by reference.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $18,777,000 for fiscal year 2001 salaries and expenses of the Federal Judicial Center as provided in the House bill, instead of $19,215,000 as proposed in the Senate-reported amendment. Of the amount provided, $1,000 shall be available for official reception and representation expenses, as provided in the House bill, instead of $1,500 as proposed in the Senate-reported amendment.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes $35,700,000 for payment to the various judicial retirement funds, as provided in both the House bill and the Senate-reported amendment.

United States Sentencing Commission

SALARIES AND EXPENSES

The conference agreement includes $9,931,000 for the U.S. Sentencing Commission, as provided in the Senate-reported amendment, instead of $9,615,000 as provided in the House bill.

General Provisions—The Judiciary

Section 301.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes a provision as proposed in the House bill related to the transfer of funds, instead of the modification proposed in the Senate-reported amendment. The House report language with respect to section 302 is incorporated by reference.

Sec. 303.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing up to $11,000 of salaries and expenses provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes a provision included in the House bill to authorize the Judiciary to appoint statutory certifying officers who will be responsible for verifying the receipt of and payment for goods and services. This authority is currently available to the Executive Branch. The Senate-reported amendment did not contain a similar provision.

Sec. 305.—The conference agreement includes a new provision authorizing ten district judgeships, one for each of the following states: Arizona, Florida, Kentucky, Nevada, New Mexico, South Carolina, Virginia, and Wisconsin; and two additional district judgeships for Texas. In addition, the section directs the chief judge of the eastern district of Wisconsin to designate one judge who shall hold court for such district in Green Bay, Wisconsin.

Sec. 306.—The conference agreement includes a new provision that allows the United States Court of Appeals for the Federal Circuit to appoint a circuit executive or a clerk, but not both, or to appoint a combined circuit executive/clerk.

Sec. 307.—The conference agreement includes a new provision to extend to the Judiciary authority currently available to the Legislative and Executive branches of Government, to use appropriated funds to pay for the employment of personal assistants. The language will allow the judicial branch to hire readers for the blind, interpreters for the deaf, and other personal assistants as may be necessary for judges and other employees with disabilities.

Sec. 308.—The conference agreement includes a new provision to bring the Supreme Court Police into parity with the retirement benefits provided to the United States Capitol Police and other federal law enforcement agencies.

Sec. 309.—The conference agreement includes a provision, modified from a provision proposed as section 304 in the Senate-reported amendment. The modified language authorizes Justices and judges of the United States to receive a salary adjustment only if under each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), adjustments under 5 U.S.C. 5305 shall take effect in fiscal year 2001. If such adjustments are made, then $8,801,000 is appropriated for the cost of adjustments under this Title. The House bill did not include a similar provision on this matter.

The conference agreement does not include the Senate provision related to honoraria or outside earnings limits for Federal judges.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $3,168,725,000 for Diplomatic and Consular Programs, instead of $3,089,325,000 as included in the House bill and $3,148,494,000 as included in the Senate-reported amendment. The conference agreement includes $2,718,725,000 for State Department activities under this account, $40,000,000 related to the implementation of the 1999 Pacific Salmon Treaty, and an additional $410,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language in this account, and throughout this Title, that modifies citations of authorization legislation carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement does not include language proposed in the Senate-reported amendment to modify the purposes for which funds transferred from this account to the "Emergencies in the Diplomatic and Consular Service" account may be used.

The conference agreement includes language, not included in the House bill or the Senate-reported amendment, transferring $1,400,000 to the Presidential Advisory Commission on Holocaust Assets in the United States.

The conference agreement includes language, as proposed in the House bill, which makes fees collected in fiscal year 2001 related to affidavits of support available until expended. The Senate-reported amendment gave the Department permanent authority to use such fee collections.

The conference agreement includes language designating $246,644,000 for public diplomacy international information programs as proposed in the House bill. The Senate-reported amendment did not contain a similar provision. This amount represents the full requested funding level for these program activities.

The conference agreement includes language under this account allowing the Department to collect and use reimbursements for services provided to the press. This language was proposed in the Senate-reported amendment under "Representation Allowances". The House bill did not contain a provision on this matter.

The conference agreement does not include language proposed in the Senate-reported amendment to place limitations on certain details of State Department senior executives to other agencies or organizations. The House bill did not include a similar provision.

The conference agreement does not include an earmark of $5,000,000 under this account, as proposed in the Senate-reported amendment, for a payment to the City of Seattle for costs incurred as host of the WTO Ministerial Conference. The House bill did not include a provision on this matter. The conference agreement addresses this issue under the "Protection of Foreign Missions and Officials" account.

The conference agreement does not adopt a Senate provision providing $1,000,000 to establish an Ambassador's Fund for Cultural Preservation. Instead, the Department shall identify up to $1,000,000 from funds provided under this account for an Ambassador's Fund for Cultural Preservation as described in the Senate report. United States Ambassadors in less-developed countries may submit competitive proposals for one-time or recurring projects with awards based on the importance of the site, object, or form of expression, the country's need, the impact of the United States contribution to the preservation of the site, object, or form of expression, and the anticipated benefit to the advancement of United States diplomatic goals. The Department is directed to submit an annual report to the House and Senate Committees on Appropriations on the selection process used, and on the expenditure of funds by project.

The conference agreement includes language making $5,000,000 available for overseas continuing language education, instead of $10,000,000 as proposed in the Senate-reported amendment. The House bill did not include a similar provision. Language in the Senate report requiring a report on the distribution of this funding is adopted by reference.

The conference agreement does not include language earmarking $12,500,000 for the East-West Center, as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. Funding for the East-West Center is addressed under a separate heading in this Title.

The conference agreement does not include language earmarking $1,350,000 for the Protection Project as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. The Department is directed to continue support for this activity.

The conference agreement includes language allowing certain advances for services related to the Panama Canal Commission to be credited to this account and to remain available until expended, as proposed in the House bill. The Senate-reported amendment did not include a similar provision.

The conference agreement includes a provision, modified from language included in the Senate-reported amendment, designating $40,000,000 under this account to implement the 1999 Pacific Salmon Treaty. The Senate-reported amendment provided $60,000,000 for this purpose, and the House bill did not contain a similar provision. Of the amount provided, $10,000,000 is for further capitalizing the Northern Boundary Fund, $10,000,000 is for further capitalizing the Southern Boundary Fund, and $20,000,000 is for the State of Washington Department of Fish and Wildlife as authorized under section 628 of this Act.

The conference agreement does not include a provision proposed in the Senate-reported amendment regarding funding for the Office of Defense Trade Controls. The Office is expected to review applications, regardless of identified end user, with the utmost scrutiny.

The conference agreement includes language requiring the Department to notify Congress fifteen days in advance of processing licenses for the export of satellites to the People's Republic of China, as proposed in the Senate-reported amendment. The House bill included an identical provision under the Department of Commerce, Bureau of Export Administration.

The conference agreement includes a provision, not in the House bill or the Senate-reported amendment, to allow the Department to collect and deposit Machine Readable Visa fees as offsetting collections to this account in fiscal years 2001 and 2002 to recover costs. The conference agreement does not include provisions to limit the use of Machine Readable Visa fees in fiscal year 2001 and to make excess collections available in the subsequent fiscal year, as carried in both the House bill and the Senate-reported amendment. The House bill included a fiscal year 2001 spending limitation of $342,667,000. The Senate-reported amendment included a limitation of $267,000,000.

The conference agreement does not include language proposed in the Senate-reported amendment earmarking funds for the Office of the Coordinator for Counterterrorism and for the preparation of a study on the U.S. Government response to an international WMD terrorist event. The House bill did not include a similar provision.

The conference agreement includes $410,000,000 for worldwide security upgrades under this account as proposed in the House bill, instead of $272,736,000 as proposed in the Senate-reported amendment. The Department shall submit a detailed spending plan by December 31, 2000, for the entire amount provided for worldwide security upgrades. The House report designated $66,000,000 for a perimeter security initiative, and $16,000,000 to support additional staffing for the Bureau of Diplomatic Security, as requested. Since the time of the budget request, the Department has notified the Committees of increasing requirements to implement perimeter security upgrades. The Department is expected to reflect this development in the spending plan, increasing the amount for perimeter security and decreasing the amount for staffing. Any amount exceeding $8,000,000 for increased staffing will be subject to reprogramming. The conference agreement adopts, by reference, language in the Senate report regarding bomb detection equipment and a report on certain security issues.

The Committees acknowledge the Department's continuing efforts to increase minority recruitment and diversity in the Foreign Service and commend the Department for its ongoing efforts to partner with Howard University and other institutions. For FY 2001 the Department is directed to supplement its minority recruitment activities by initiating a model program to facilitate the entry of non-traditional and minority students into foreign policy careers. This program would provide a continuum of education and support for successful students at two- and four-year colleges to continue their studies at a university that provides undergraduate programs for non-traditional students and graduate studies in international and public affairs. The Department is directed to provide $1,000,000 to the educational partnership between Hostos Community College and Columbia University in New York to establish such a model program. It is expected that this new program would assist members of minority groups in pursuing careers in the Foreign Service and the State Department.

Within the amount provided under this account, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not specifically funded by the conference agreement through the normal reprogramming process.

Extended tours, particularly at language incentive posts, could improve efficiency and reduce costs. The Department is directed to report to the Committees, not later than February 15, 2001 on: 1) cost savings by subaccount that would result from four-year tours being adopted; 2) proposed changes to promotion criteria necessary to accommodate four-year tours; and 3) proposed four-year assignments by job description and post with full justification.

The conference agreement does not adopt language in the Senate report allocating additional funds to certain geographic regions, but commends the Department's operations in Buenos Aires, Argentina; Montevideo, Uruguay; and Sao Paulo, Brazil. These posts are well run, language skills are uniformly excellent, and personnel are genuinely enthusiastic about, and deeply involved in, the local government, community and culture. These posts serve as model embassies to be emulated. The Department is urged to devote the necessary resources to these posts to maintain the high caliber of operations at each.

Questions have been raised concerning the adequacy of current U.S. representation in Equatorial Guinea. Therefore, the Department is directed to explore the establishment, within resources currently available, of an American Presence Post in Equatorial Guinea and to report to the Committees no later than December 1, 2000, on the costs, staffing, and need for such a post.

Increasing amounts of funding are requested under this title for costs related to the absence or inadequacy of democratic governance in Kosovo, East Timor, Sierra Leone, and the Democratic Republic of the Congo. United Nations peacekeeping missions in Kosovo and East Timor are, in fact, surrogate governments, for which the United States is assessed over thirty percent of the total costs. In order to ensure that adequate and coordinated efforts are underway to develop effective democratic governance, the Department is directed to submit to the Committees a plan describing all such U.S. Government-sponsored activities in these four locations, and the anticipated results from these activities, not later than May 1, 2001. The Department is directed to coordinate closely with other U.S. Government agencies, the United Nations, the National Endowment for Democracy, and relevant non-governmental organizations in compiling the plan.

The conference agreement adopts, by reference, language in the House report regarding: reform and restructuring, including the submission of a reorganization plan corresponding with general provisions included in this title; carrying out the recommendations of the Overseas Presence Advisory Panel including the submission of a report; the submission of a minority recruitment and hiring plan; the Overseas Schools Advisory Council; the negotiation of effective extradition treaties; and unfair treatment of U.S. companies in Peru.

The conference agreement adopts, by reference, language in the Senate report regarding: the Department's budget justification books; amounts to be provided for the Arctic Council and the Bering Straits Commission; the submission of a plan regarding information about biotechnology abroad; and a report on international sea turtle conservation efforts.

The conference agreement does not include language in the Senate report on Sierra Leone and the Department's Bureau of African Affairs.

CAPITAL INVESTMENT FUND

The conference agreement includes $97,000,000 for the Capital Investment Fund, instead of $79,670,000 as proposed in the House bill and $104,000,000 as proposed in the Senate-reported amendment. The conference agreement does not include language as proposed in the Senate-reported amendment allowing the Department to retain control of its overseas telecommunications infrastructure in the event that the current joint management is abolished or dissolved.

Within the amount provided in this account, $17,000,000 shall be for a pilot project to establish a common technology platform at overseas posts pursuant to the recommendations of the Overseas Presence Advisory Panel. The conference agreement includes the direction in the House report requiring the submission of a spending plan for this pilot project.

The conference agreement also includes, by reference, the report on modernization projects and resulting efficiencies requested in the House report.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $28,490,000 for the Office of Inspector General as proposed in the House bill, instead of $29,395,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, the guidance included in both the House and Senate reports.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $231,587,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $213,771,000 as proposed in the House bill and $225,000,000 as proposed in the Senate-reported amendment. The conference agreement makes the funds provided under this account available until expended as in previous years, and as proposed in the House bill.

The following chart displays the conference agreement on the distribution of funds by program or activity under this account:

[In thousands of dollars]

	Amount
Academic Programs:	
Fulbright Program	114,000
Regional Scholars Program	2,000
Foreign Study Grants for U.S. Undergraduates	1,500
College and University Affiliations Program	1,000
Educational Advising and Student Services	3,200
English Language Programs	2,600
Hubert H. Humphrey Fellowships	6,100
Edmund S. Muskie Fellowship Program	500
American Overseas Research Centers	2,280
South Pacific Exchanges	500
Tibet Exchanges	500
East Timor Exchanges	500
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	135,180
Professional and Cultural Programs:	
International Visitor Program	46,500
Citizen Exchange Program	15,000
Congress Bundestag Youth Exchange	2,857
Mike Mansfield Fellowship Program	2,200
Olympic/Paralympic Exchanges	1,000
Special Olympic Exchanges	500
Youth Science Leadership Institute of the Americas	100
Irish Institute	500

	Amount
Montana International Business Exchange	100
University of Akron Global Business Exchange	100
Interparliamentary Exchanges with Asia	150
Subtotal, Professional and Cultural Exchanges:	69,007
North/South Center	1,400
Exchanges Support	26,000
Total	231,587

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act. Significant carryover and recovered balances are often available under this account, and the Department is directed to submit a proposed spending plan for such balances, subject to the regular reprogramming procedures. To the extent such balances are available, the Department is encouraged to give priority to providing additional support for the Muskie Fellowship Program, and supporting the Central European Executive Exchange Program and the Institute for Representative Government.

The conference agreement includes only $500,000 in new appropriations under this account for Muskie Fellowships for graduate student exchanges with the former Soviet Union. In addition to the amounts provided under this account for nations of the former Soviet Union, the Department expects to receive transfers from appropriations for Freedom Support Act exchange programs. In fiscal year 2000, an additional $93,000,000 was transferred to this account for exchanges with the former Soviet Union, including $18,309,000 for graduate student exchanges. A similar amount is expected to be available for such exchanges in fiscal year 2001. In its graduate exchange programs with the former Soviet Union, the Department shall emphasize Masters in Business Administration programs in such areas as marketing, distribution, and finance.

Should balances become available, the Department is expected to consider awarding a grant for the Central European Executive Exchange Program. The Committees expect that the proposal submitted for this project will include participation from Central European countries in addition to Hungary and the Czech Republic, and will contain a plan to continue the project in future years without Federal financial support.

The conference agreement includes, by reference, the program guidance contained in both the House and Senate reports.

REPRESENTATION ALLOWANCES

The conference agreement includes $6,499,000 for Representation Allowances instead of $5,826,000 as proposed in the House bill, and $6,773,000 as proposed in the Senate-reported amendment. The conference agreement does not include language under this account allowing the Department to collect and use reimbursement for services provided to the press as proposed in the Senate-reported amendment. This language is instead included under the "Diplomatic and Consular Programs" account.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $15,467,000 for Protection of Foreign Missions and Officials, instead of $8,067,000 as provided in the House bill and $10,490,000 as proposed in the Senate-reported amendment. Of the amount provided, $5,000,000 is designated for reimbursement to the City of Seattle. Similar language was included in the Senate-reported amendment under "Diplomatic and Consular Programs". The House bill did not address this matter. The direction included in the House and Senate reports regarding the review of reimbursement claims is adopted by reference.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $1,079,976,000 for this account, instead of $1,064,976,000 as proposed in the House bill and $782,004,000 as proposed in the Senate-reported amendment.

The conference agreement does not include language proposed in the Senate-reported amendment adding "Centers for Antiterrorism and Security Training" to the allowable uses of funding under this account. The House bill had no similar language.

The conference agreement does not include a Senate provision stating that certain proceeds of sales shall be available only for a new embassy facility in the Republic of Korea. Proceeds realized from the sale of the diplomatic facility in Seoul known as "Compound II" shall only be available for the site acquisition and preparation, design, or construction of diplomatic facilities, housing, or Marine security guard quarters in the Republic of Korea. These funds shall be available for obligation and expenditure until all proceeds from the sale of "Compound II" are exhausted. The Committees expect the Department to provide an update every January 1 on construction projects in the Republic of Korea.

The conference agreement includes $663,000,000 for the costs of worldwide security upgrades, including $515,000,000 for capital security projects. The conferees direct the Department to comply with the direction in the House report regarding the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the Department shall include an assessment of need, and such funding as is appropriate, for security upgrades related to existing housing, schools, and Marine quarters, as well as the acquisition of new secure Marine quarters.

The conference agreement does not include new appropriations for non-security capital projects. The Department has indicated that $30,500,000 is available from previous appropriations and proceeds to pay all anticipated site acquisition and related costs of the new Beijing chancery project in fiscal year 2001. The conference agreement includes, by reference, the direction in the Senate report regarding the Beijing chancery project. The ongoing costs of housing projects in Chengdu and Shenyang are included in amounts provided for facilities rehabilitation under this account.

The budget request included planned expenditures of $67,000,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conference agreement anticipates that the amount of funds available for such purchases will be much greater, and directs the Department to submit a spending plan for these funds that includes: at least $19,000,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $20,000,000 for continuing costs of the Taiwan project. Any additional use of these funds is subject to reprogramming.

The conference agreement includes, by reference, language in the House report under "Worldwide Security Upgrades" and "Responding to the Recommendations of the Overseas Presence Advisory Panel", and language in the Senate report on joint ventures and a General Accounting Office review of a property issue in Paris. Within the amount provided under this account, the Department is expected to support the rehabilitation projects in Moscow and Istanbul described in the Senate report.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 60 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,477,000 for the Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $11,000,000, as provided in the Senate-reported amendment.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,195,000 for the Repatriation Loans Program account as provided in the House bill, instead of $1,200,000 as provided in the Senate-reported amendment.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $16,345,000 for the Payment to the American Institute in Taiwan account, as provided in both the House bill and the Senate-reported amendment. The conference agreement includes, by reference, language in both the House and Senate reports. Funding for the relocation of the Institute is discussed under the "Embassy Security, Construction, and Maintenance" account.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $131,224,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House bill and the Senate-reported amendment.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $870,833,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $880,505,000 as proposed in the House bill, and $943,944,000 as proposed in the Senate-reported amendment.

The conference agreement includes language requiring that $100,000,000 may be made available to the United Nations only pursuant to a certification that the U.N. has taken no action during calendar year 2000 prior to the enactment of this Act to cause the U.N. to exceed the adopted budget for the biennium 2000–2001. Similar language was included in the House bill. The Senate-reported amendment did not include a provision on this matter.

The conference agreement does not include an additional $64,800,000 for the United States share of the new North Atlantic Treaty Organization headquarters as proposed in the Senate-reported amendment. The House bill did not have a similar provision. Within the amount provided under this heading, $8,000,000 is included for the first incremental payment for the U.S. share of the new headquarters building, as requested.

The amount provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. The conference agreement anticipates that the Department has prepaid $32,600,000 of the fiscal year 2001 assessment for the United Nations regular budget, using excess fiscal year 2000 funds. In addition, the Department's recalculation of its fiscal year 2001 request for this account has resulted in a lowering of the request by an additional $37,908,000, resulting primarily from exchange rate fluctuations. In recognition of the prepayment and the recalculation of the request, the conference agreement assumes an adjusted request level of $875,552,000. The conference agreement does not include requested funding for the Interparliamentary Union and the Bureau of International Expositions, and anticipates additional savings related to requested programs that are terminating or have not yet begun.

Provisions in the House report relating to reports on reforms in international organizations, and Senate report language relating to reporting on War Crimes Tribunals are adopted by reference. The conference agreement does not include an additional $13,000,000, as proposed in the Senate report, for Pan American Health Organization (PAHO) disease prevention and control programs. The Department is encouraged to pursue appropriate funding for such an initiative in the future. The conference agreement adopts, by reference, language in the House report concerning PAHO, and directs the Department to provide PAHO with its full United States assessment level for fiscal year 2001.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $846,000,000 for Contributions for International Peacekeeping Activities, instead of $500,000,000 as proposed in the Senate-reported amendment and $498,100,000 as proposed in the House bill.

The conference agreement provides that, of the total funding provided under this heading, not to exceed fifteen percent shall remain available until September 30, 2002. The Senate-reported amendment made all funding available until expended, and the House bill had no provision on the matter. The conferees expect that before any excess funding is carried over into fiscal year 2002 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2002 assessment for the United Nations regular budget.

The conference agreement includes, by reference, language in the House report requiring a Department report to the Committees related to the costs of continuing UN activities in Angola and Haiti from the UN regular budget, requiring a report on peacekeeping assessment rate reform, and directing the Department to support the work of the UN Office of Internal Oversight Services. The conference agreement also includes, by reference, language in the Senate report regarding the investigation of charges against those responsible for the planning and execution of the air war over Serbia and Kosovo.

The establishment of several large and complex missions over the past year has overtaken the capacity of the UN to successfully plan and manage such activities. The Department is directed to allocate available funds in this account on a priority basis, and to take no action to extend or expand missions or create new missions for which funding is not available. The conference agreement does not include funding for the MINURSO mission in Western Sahara. In addition to the notification requirements under this account, the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 2000, through the normal reprogramming process.

ARREARAGE PAYMENTS

The conference agreement does not include funding for arrearage payments in this Act. The Senate-reported amendment provided $102,000,000 for additional arrearage payments above the $926,000,000 authorized and appropriated in previous years, subject to certain conditions. The House bill did not include new funding for arrearage payments.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $7,142,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC) as proposed in the Senate-reported amendment, instead of $19,470,000 as proposed in the House bill. The conference agreement includes, by reference, language in the House report regarding the South Bay International Wastewater Treatment Plant.

CONSTRUCTION

The conference agreement includes $22,950,000 for the Construction account of the IBWC instead of $26,747,000 as proposed in the Senate-reported amendment and $6,415,000 as proposed in the House bill. The conference agreement provides funding for the following activities: facilities renovation—$425,000; heavy equipment replacement—$1,000,000; land mobile radio systems replacement—$500,000; hydrologic data collection system rehabilitation—$500,000; Rio Grande construction—$2,685,000; Colorado River construction—$805,000; a feasibility study for the construction of a diversionary structure to control sewage flows in the flood control channel of the Tijuana River—$500,000; and operations and maintenance—$16,535,000. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming. The conferees also expect the Commission to submit to the Committees, not later than November 15, 2001, an end-of-year report on operations and maintenance spending. This report shall include actual obligations, and balances carried forward, by project.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $6,741,000 for the U.S. share of expenses of the International Boundary Commission; the International Joint Commission, United States and Canada; and the Border Environment Cooperation Commission, as proposed in the Senate-reported amendment, instead of $5,710,000 as proposed in the House bill. The conference level will provide funding at the following levels for the three commissions: International Boundary Commission—$970,000; International Joint Commission—$3,771,000; and Border Environment Cooperation Commission—$2,000,000.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $19,392,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate-reported amendment, instead of $15,485,000 as proposed in the House bill.

The conference agreement includes the funding distribution requested in the President's budget and adopts, by reference, language in the Senate report on treating Lake Champlain with lampricide, and giving priority to States providing matching funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $9,250,000 for the Payment to the Asia Foundation account, instead of $8,216,000 as provided in the House bill, and instead of no funding as provided in the Senate-reported amendment. The conferees support the work of the Asia Foundation on democracy and the rule of law in the Asia-Pacific region. Since the establishment of multi-party democracy in 1990, Nepal continues to struggle with political instability, weak legal institutions and economic stagnation. Increased funding in this account is expected to allow the Foundation to expand law reform activities in Nepal.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Trust Fund in fiscal year 2001 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2001 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $13,500,000 for operations of the East-West Center as proposed in the Senate-reported amendment, instead of no funds as proposed in the House bill. The conference agreement does not include an additional earmark of $12,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate-reported amendment.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,999,000 for the National Endowment for Democracy as proposed in the Senate-reported amendment, instead of $30,872,000 as proposed in the House bill. The Endowment shall submit to the Committees, not later than February 1, 2001, a detailed program plan for NED activities in East Timor, Kosovo, Sierra Leone and the Democratic Republic of the Congo.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $398,971,000 for International Broadcasting

Operations, instead of $419,777,000 as proposed in the House bill and $388,421,000 as proposed in the Senate-reported amendment. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed in the Senate-reported amendment, and as enacted in previous years.

The conference agreement includes language in this and other broadcasting accounts that modifies citations of authorization legislation as carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement includes, by reference, language in the House report on the review of television-related programs, Radio Free Asia, further consolidation and streamlining within international broadcasting, and reprogramming requirements. The conference agreement also includes, by reference, language in the Senate report on the VOA charter requirements, and on the initiation of RFE/RL broadcasting in Avar, Chechen and Circassian.

The Broadcasting Board of Governors (BBG) is expected to devote a proportionate and reasonable share of total VOA programming to the charter requirements of explaining American foreign policy and explaining American values, institutions, and thought. Should the BBG determine that organizational changes would facilitate the achievement of this goal, such proposed changes shall be submitted to the Committees through the regular reprogramming process.

The conference agreement provides inflationary adjustments to base funding levels for all broadcasting entities. Within the amount provided, $1,000,000 shall be for Uighur language broadcasting by Radio Free Asia. The BBG is directed to provide an allocation plan for all available funding under this account to the Committees within sixty days from the enactment of this Act.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000, to remain available until expended, for Broadcasting to Cuba under a separate account as proposed in the Senate-reported amendment, instead of $22,806,000 within the total for International Broadcasting Operations as proposed in the House bill. The conference agreement does not include language proposed in the Senate-reported amendment, providing that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $20,358,000 for the Broadcasting Capital Improvements account, instead of $18,358,000 as proposed in the House bill, and $31,075,000 as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate-reported amendment making a specific amount under this account available for the costs of overseas security upgrades.

The conference agreement includes, by reference, language in the House report on digital development and conversion, security upgrades, relocation of the Poro Point medium wave transmitter, and the submission of a spending plan through the reprogramming process. The conference agreement also includes, by reference, language in the Senate report on the notification of the Committees prior to the release of funds for security upgrades.

The BBG may propose through the reprogramming process to allocate funds under this account for rotatable antennas, or for other infrastructure improvements at the Greenville, NC, transmitting station, as discussed in the Senate report.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

Section 401.—The conference agreement includes section 401, as proposed in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate-reported amendment included a similar provision with minor technical differences related to the citation of authorizing provisions.

Sec. 402.—The conference agreement includes section 402, as provided in both the House bill and the Senate-reported amendment, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, proposed as section 404 in both the House bill and the Senate-reported amendment, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 2000, detailing any programs or activities involving the PBC in fiscal year 2000, and any plans for such programs in fiscal year 2001.

Sec. 404.—The conference agreement includes section 404, proposed as section 405 in the House bill, creating the position of Deputy Secretary of State for Management and Resources. The Senate-reported amendment did not include a provision on this matter. The conference agreement adopts, by reference, the guidance on this matter provided in the House report under the "Diplomatic and Consular Programs" account.

Sec. 405.—The conference agreement includes section 405, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 406.—The conference agreement includes section 406, proposed in the Senate-reported amendment as section 409, prohibiting the use of funds in this or any other Act to allow entry of diamonds into the United States if they were mined in certain countries, unless certain documentation is provided. The House bill did not include a provision on this matter.

Sec. 407.—The conference agreement includes section 407, not included in either the House bill or the Senate-reported amendment, extending authorities to provide protective services to departing and incoming Secretaries of State.

Sec. 408.—The conference agreement includes section 408, not included in either the House bill or the Senate-reported amendment, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $98,700,000 for the Maritime Security Program as proposed in both the House bill and the Senate-reported amendment.

OPERATIONS AND TRAINING

The conference agreement includes $86,910,000 for the Maritime Administration Operations and Training account instead of $84,799,000 as proposed in the House bill and $80,240,000 as proposed in the Senate-reported amendment. Within this amount, $47,236,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $13,000,000 above base funding levels for further deferred maintenance and renovation requirements as described in the House report. The conferees adopt, by reference, language in the House report regarding the submission of a spending plan for this initiative.

The conference agreement includes $7,473,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in fiscal year 2000.

The conference agreement also includes, by reference, language in the House report on submission of a report on maritime education and training.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $30,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $10,621,000 as proposed in the House bill and $20,221,000 as proposed in the Senate-reported amendment. The conference agreement adopts the Senate approach of dropping a limitation on the loan program level of not to exceed $1,000,000,000. The House bill included this provision, which has also been carried in previous years. MARAD shall not make commitments exceeding $1,000,000,000 in fiscal year 2001, including commitments made with appropriations from previous fiscal years, without prior notification to the Committees in accordance with section 605 reprogramming procedures.

The conference agreement also includes an additional $3,987,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,795,000 as proposed in the House bill, and $4,179,000 as proposed in the Senate-reported amendment. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

MARAD has indicated to the Committees that it expects to carry over approximately $10,000,000 in this account which may be used as additional subsidy budget authority in fiscal year 2001.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions, as proposed in both the House bill and the Senate-reported amendment, involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of

America's Heritage Abroad, as proposed in the Senate-reported amendment, instead of $390,000 as proposed in the House bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in the Senate-reported amendment, instead of $8,866,000 as proposed in the House bill.

The conference agreement includes language allowing the Chairperson to be reimbursed for 125 billable days, as proposed in the House bill, and as carried in previous years. The Senate-reported amendment included language limiting all commissioners to not more than 75 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for the Commission on Ocean Policy as proposed in the Senate-reported amendment, instead of no funding as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,370,000 for the Commission on Security and Cooperation in Europe as proposed in the Senate-reported amendment, instead of $1,182,000 as proposed in the House bill.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement includes $500,000 for the Congressional-Executive Commission on the People's Republic of China. Neither the House bill nor the Senate-reported amendment included funding for this new Commission.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $303,864,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $290,928,000 as proposed in the House bill, and $294,800,000 as proposed in the Senate-reported amendment.

Within the total amount, the conference agreement includes $30,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, instead of $29,000,000 as proposed in the House bill, and $31,000,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, language in the House report regarding submission of a spending plan, reducing the backlog of private sector charges, and utilizing the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $230,000,000 for the salaries and expenses of the Federal Communications Commission (FCC), instead of $207,909,000 as provided in the House bill, and $237,188,000 as proposed in the Senate-reported amendment. Of the amounts provided, $200,146,000 is to be derived from offsetting fee collections, as provided in both the House bill and the Senate-reported amendment, resulting in a net direct appropriation of $29,854,000, instead of $7,763,000 included in the House bill, and $37,042,000 included in the Senate-reported amendment. Receipts in excess of $200,146,000 shall remain available until expended but shall not be available for obligation until October 1, 2001.

The conference agreement directs the Commission to submit, no later than December 15, 2000, a financial plan proposing a distribution of all the funds in this account, subject to the reprogramming requirements under section 605 of this Act.

From within the funds provided, the FCC is urged to support public safety, emergency preparedness and telecommunications functions of the 2002 Olympic Winter Games.

The Senate report included language on public broadcasting stations' access to spectrum. The House included no similar language. The FCC is examining this issue, which is also pending in the Court of Appeals. The conference agreement reflects the belief that this issue can be resolved through the administrative or judicial process, so no legislative action is required at this time. The Chairman of the FCC should report to the House and Senate Committees on Appropriations on any action the Commission takes on this issue by April 1, 2001.

The FCC shall take all actions necessary to complete the processing of applications for licenses or other authorizations for facilities that would provide services covered by the Satellite Home Viewers Improvement Act (Public Law 106–113, 113 Stat. 1501), specifically to deliver multi-channel video services including all local broadcast television station signals and broadband services in unserved and underserved local television markets by November 29, 2000, as required by Public Law 106–113, 113 Stat. 1501.

The Senate report language with respect to a broadcast industry code of conduct for the content of programming is incorporated by reference.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $15,500,000 for the salaries and expenses of the Federal Maritime Commission, instead of $14,097,000 as proposed in the House bill and $16,222,000 as proposed in the Senate-reported amendment.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $147,154,000 for the Federal Trade Commission, instead of $134,807,000 as proposed in the House bill and $159,500,000 as proposed in the Senate-reported amendment. The conference agreement assumes that, of the amount provided, $145,254,000 will be derived from fees collected in fiscal year 2001 and $1,900,000 will be derived from estimated unobligated fee collections available from fiscal year 2000. These actions result in a final appropriation of $0. Any use of remaining unobligated fee collections from prior years are subject to the reprogramming requirements outlined in section 605 of this Act.

The conference agreement adopts by reference the Senate report language on slotting allowances, identity theft and Internet fraud.

Appropriations for both the Antitrust Division of the Department of Justice and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to establish a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Both the House bill and the Senate-reported amendment included in the Federal Trade Commission's appropriation language similar language to create a three tiered fee structure and raise the filing threshold to $35,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent. This should allow the Commission to focus more resources on the review of complex mergers and non-merger activities such as consumer protection.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $330,000,000 for the payment to the Legal Services Corporation, instead of $300,000,000 as proposed in the Senate-reported amendment, and $275,000,000 as proposed in the House bill. The conference agreement provides $310,000,000 for grants to basic field programs and independent audits, $10,800,000 for management and administration, $2,200,000 for the Office of Inspector General, and $7,000,000 for client self-help and information technology. The conference agreement also includes $31,625,000 for civil legal assistance under the Violence Against Woman Act programs funded under Title I of this Act. In addition, according to LSC-released statistics, grantees received over $605,000,000 of funding during 1999.

Within the amounts provided for management and administration, the Corporation is expected to hire at least seven investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the regulations grantees agreed to abide by when accepting Federal funding.

The conference agreement adopts by reference the House report language on class action suits and the Senate report language on travel.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in the fiscal year 2000 Act, as proposed in both the House bill and the Senate-reported amendment.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,700,000 for the salaries and expenses of the Marine Mammal Commission, as proposed in both the House bill and the Senate-reported amendment.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $422,800,000 for the Securities and Exchange Commission (SEC), instead of $392,624,000 as proposed in the House bill and $489,652,000 as proposed in the Senate-reported amendment. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1999 and 2001, as proposed in both the House bill and the Senate-reported amendment. The conference agreement appropriates $295,000,000 from fees collected in fiscal year 1999, and $127,800,000 from fees to be collected in fiscal year 2001.

The conference agreement provides for the Commission's adjustments to base and requested program increases for additional staff, information systems, and a special pay rate. Within the increased funding provided for information systems, the Commission shall identify $2,000,000 for additional information systems support to help investigate and prosecute Internet fraud cases, as described in the Senate report. The conference agreement does not include language in Title VI of this Act, nor additional funding above the request under this heading, as proposed in the Senate-reported amendment, for the exemption of the SEC from Federal pay regulations.

Any offsetting fee collections in fiscal year 2001 in excess of $127,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes, by reference, language in the Senate report on the Office of Economic Analysis, the implementation of a new fee collection system, recommendations for increased civil penalties, and the need to educate investors regarding Internet securities fraud.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $331,635,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $304,094,000 as proposed in the House bill and $143,475,000 as proposed in the Senate-reported amendment. The conference agreement does not split funding for non-credit business assistance programs into a separate account, as proposed in the budget request and the Senate-reported amendment, but rather includes funding for such programs under this account.

In addition, the conference agreement includes $37,000,000 for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including $7,000,000 for BusinessLINC and $30,000,000 for technical assistance.

The conference agreement includes language, as proposed in the Senate-reported amendment, allowing SBA to use five percent, or not to exceed $3,000,000, of increased collections of delinquent non-tax debt to reimburse for qualified expenses of such collections. The House bill did not contain language on this matter.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement also includes an additional $108,354,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $166,541,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for expenses of the HUBZone program, and $8,000,000 for systems modernization initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. This amount also includes $2,000,000 to assist the SBA in transforming its workforce to meet changes in the way its programs are carried out. The SBA shall submit a plan, prior to the expenditure of resources provided for systems modernization and workforce transformation, in accordance with section 605 of this Act.

The conference agreement includes the following amounts for non-credit programs:

Small Business Development Centers	$88,000,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	20,000,000
SCORE	3,750,000
Business Information Centers	500,000
Women's Business Centers	12,000,000
Survey of Women-Owned Businesses	694,000
National Women's Business Council	750,000
One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
National Veterans Business Development Corp	4,000,000
SBIR Rural Outreach Program	5,000,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
PRIME	15,000,000
New Markets Technical Assistance	30,000,000
BusinessLINC	7,000,000
Regulatory Fairness Boards	500,000
Total	202,094,000

Small Business Development Centers (SBDCs).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language, similar to that proposed in the Senate-reported amendment under "Non-Credit Business Assistance Programs" making funds for the SBDC program available for two years.

National Veterans Business Development Corporation.—The conference agreement includes language, as proposed in the House bill, designating $4,000,000 for the National Veterans Business Development Corporation. The Senate-reported amendment did not include a provision on this matter, but Senate report language designated $4,000,000 for the same purpose.

Microloan Technical Assistance.—The conference agreement includes $20,000,000 for the Microloan Technical Assistance program. Should savings occur during fiscal year 2001 in this account, the SBA may propose to allocate an additional amount for the Microloan Technical Assistance program through the regular reprogramming process. The SBA was unable to obligate approximately $3,500,000 allocated to this program in fiscal year 2000, which was transferred to the Business Loans Program account.

The conference agreement adopts language included in the House report directing the SBA to fully fund LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment.

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The conference agreement adopts the approach in the House bill of not including funding under a separate heading for the non-credit business assistance programs of the SBA. Instead, funding for these programs is included under "Salaries and Expenses", as in previous years. The Senate-reported amendment included $153,690,000 for such programs under this separate account.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,953,000 for the SBA Office of Inspector General, instead of $10,905,000 as proposed in the House bill and $13,000,000 as proposed in the Senate-reported amendment.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program account to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program. The conference agreement does not include direction provided in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $294,410,000 under the SBA Business Loans Program Account, instead of $269,300,000 as proposed in the House bill, and $296,200,000 as proposed in the Senate-reported amendment. The conference agreement includes language, as proposed in the House bill, making $45,000,000 of the amount included for guaranteed loans available for two fiscal years. The Senate-reported amendment did not contain a similar provision. Within the amount provided, $22,000,000 shall be available only for the New Markets Venture Capital Program, subject to the enactment of authorizing legislation in fiscal year 2001.

The conference agreement includes $2,250,000 for the costs of direct loans, instead of $2,500,000 as proposed in the House bill and $2,600,000 as proposed in the Senate-reported amendment. The conferees understand that $300,000 in carryover is available for the Microloan Direct Loan Program, and, together with the appropriated amount, will support an estimated fiscal year 2001 program level of over $28,400,000.

Not including the funding provided for the New Markets Venture Capital Program, the conference agreement includes $141,160,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $114,960,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $114,500,000 as proposed in the House bill and $134,000,000 as proposed in the Senate-reported amendment. When combined with an estimated $14,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated fiscal year 2001 program level of up to $10,400,000,000, assuming a subsidy rate of 1.24%. In addition, the conference agreement includes a provision, as proposed in both the House bill and the Senate-reported amendment, requiring the SBA to notify the Committees in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $26,200,000 for the SBIC participating securities program as proposed in the Senate-reported amendment, instead of $23,300,000 as proposed in the House bill. This amount will result in an estimated total program level of $2,000,000,000 in fiscal year 2001. No appropriation is required for the SBIC debentures program, as the program will operate with a zero subsidy rate in fiscal year 2001.

The conference agreement includes required language, as proposed in the House bill, limiting the 504 CDC and the SBIC debentures program levels, instead of similar language in the Senate-reported amendment.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the House bill, instead of $130,800,000 as proposed in the Senate-reported amendment, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $184,494,000 for this account, of which

$76,140,000 is for the subsidy costs for disaster loans and $108,354,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $140,400,000 for loans and $136,000,000 for administrative expenses. The Senate-reported amendment provided $142,100,000 for loans and $139,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $76,140,000 subsidy appropriation, when combined with $71,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $900,000,000.

The conference agreement includes language, as proposed in the House bill, designating amounts for direct and indirect administrative expenses, and allowing appropriations for indirect administrative costs to be transferred to and merged with appropriations for Salaries and Expenses under certain conditions. The conference agreement includes $98,000,000 for direct administrative expenses instead of $125,646,000 as proposed in the House bill, and $9,854,000 for indirect administrative expenses as proposed in the House bill. The amount provided for direct administrative expenses, when combined with an estimated $26,000,000 in carryover balances, will provide the requested level for this activity. The conference agreement includes a provision that any amount in excess of $9,854,000 to be transferred to Salaries and Expenses from the Disaster Loans Program account for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act, as proposed in the House bill. In addition, any such reprogramming shall be accompanied by a report from the Administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan-making and -servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate-reported amendment.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the State Justice Institute as proposed in the Senate-reported amendment, instead of $4,500,000 as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the Courts of Appeals, District Courts, and Other Judicial Services account in Title III as proposed in the Senate-reported amendment.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House bill and the Senate-reported amendment, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House bill and the Senate-reported amendment, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House bill and the Senate-reported amendment, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, as proposed in the House bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 605.—The conference agreement includes section 605, as included in the Senate-reported amendment, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the version in the House bill which contained minor differences.

Sec. 606.—The conference agreement includes section 606, identical in both the House bill and the Senate-reported amendment, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, as proposed in the House bill, regarding the purchase of American-made products. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 608.—The conference agreement includes section 608, identical in both the House bill and the Senate-reported amendment, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest. The Senate-reported amendment did not contain a provision on this matter.

Sec. 610.—The conference agreement includes section 610, identical to the House bill and section 609 in the Senate-reported amendment, that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 611.—The conference agreement includes section 611, as proposed in the House bill, which prohibits the use of funds to provide certain amenities for Federal prisoners. The Senate-reported amendment included a similar provision as section 612, but proposed to make the prohibition permanent.

Sec. 612.—The conference agreement includes section 612, as proposed in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate-reported amendment did not contain a provision on this matter.

Sec. 613.—The conference agreement includes section 613, identical in both the House bill and the Senate-reported amendment, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department.

Sec. 614.—The conference agreement includes section 614, as proposed in the Senate-reported amendment, which permanently prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner. The House bill included a similar provision as section 614, but did not propose to make the prohibition permanent.

Sec. 615.—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate-reported amendment did not include a similar provision.

Sec. 616.—The conference agreement includes section 616, as proposed in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate-reported amendment did not contain a provision on this matter.

Sec. 617.—The conference agreement includes section 617, modified from language proposed as section 615 in the Senate-reported amendment, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also adds eight individuals to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

Sec. 618.—The conference agreement includes section 618, identical, but proposed as section 617 in the House bill and section 616 in the Senate-reported amendment, which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 619.—The conference agreement includes section 619, modified from language proposed as section 618 in the House bill and section 619 in the Senate-reported amendment, which delays obligation of any receipts deposited or available in the Crime Victims Fund in excess of $537,500,000 until the following fiscal year. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

Sec. 620.—The conference agreement includes section 620, proposed as section 619 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate-reported amendment did not contain a provision on this matter.

Sec. 621.—The conference agreement includes section 621, identical in both the House bill and the Senate-reported amendment, but proposed as section 620 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Sec. 622.—The conference agreement includes section 622, proposed as section 621 in the House bill, which prohibits the use of Department of Justice funds to transport a maximum or high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate-reported amendment did not contain a similar provision.

Sec. 623.—The conference agreement includes section 623, modified from language proposed as section 622 in the House bill, regarding the Kyoto Protocol on Climate Change. The Senate-reported amendment did not include a provision on this matter. The conference agreement does not adopt the report language contained in the House report.

Sec. 624.—The conference agreement includes section 624, modified from language proposed as section 623 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate-reported amendment did not include a provision on this matter.

Sec. 625.—The conference agreement includes section 625, proposed as section 624 in the House bill, which prohibits the use of funds for the State Department to approve the purchase of property in Arlington, Virginia, by the Xinhua News Agency. The Senate-reported amendment did not include a provision on this matter.

Sec. 626.—The conference agreement includes section 626, proposed in the Senate-reported amendment as section 623, amending existing law related to certain medical costs to apply to suspects in the custody of the Federal Bureau of Investigation. The House bill did not include a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed in the Senate-reported amendment as section 624, amending a fiscal year 1999 supplemental appropriations provision to permanently extend the time period in which certain takings of Cook Inlet Beluga Whales would be considered violations of the Marine Mammal Protection Act. The House bill did not include a provision on this matter.

Sec. 628.—The conference agreement includes section 628, modified from language proposed in the Senate-reported amendment as section 625, amending Public Law 106–113 to extend the authorization for Pacific Salmon Treaty and Recovery efforts. The House bill did not include a provision on these matters.

Sec. 629.—The conference agreement includes a new section 629, to clarify the Interstate Horseracing Act regarding certain parimutuel wagers.

Sec. 630.—The conference agreement includes a new section 630, which modifies existing law to include a three-tiered Hart-Scott-Rodino fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Similar language was included under the "Federal Trade Commission, Salaries and Expenses" heading in Title V of both the House bill and the Senate-reported amendment.

Sec. 631.—The conference agreement includes a new section 631, authorizing the stabilization and renovation of a certain lock and dam.

Sec. 632.—The conference agreement includes a new section 632, requiring the Federal Communications Commission to take certain actions regarding Low-Power FM regulations.

Sec. 633.—The conference agreement includes a new section 633, providing additional amounts for the Small Business Administration, Salaries and Expenses account for a number of small business initiatives.

Sec. 634.—The conference agreement includes a new section 634, prohibiting the use of funds in this, or any previous Act, or hereinafter made available to the Department of Commerce, to allow fishing vessels to use aircraft to assist in the fishing of Atlantic bluefin tuna.

Sec. 635.—The conference agreement includes section 635, amending 42 U.S.C. 1301 to prohibit certain misuses of social security numbers. The House bill did not include a provision on this matter.

Sec. 636.—The conference agreement includes a new section 636, related to designation of the Cuyahoga Valley National Park pursuant to 42 U.S.C. sections 7470–7479.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $8,000,000 from the amounts otherwise available for obligation in fiscal year 2001 for the "Drug Diversion Control Fee Account", as proposed in the Senate-reported amendment. The House bill did not include a rescission from this account.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $7,644,000 from unobligated balances under this heading, as proposed in the House bill. The Senate-reported amendment did not include a rescission from this account.

The conference agreement does not include a title providing contingent emergency funds for a "Southwest Border Initiative" for certain Department of Justice and Federal Judiciary accounts, as proposed in the Senate-reported amendment.

These needs are instead addressed in the regular accounts for such programs in Title I and Title III of this Act.

TITLE VIII—DEBT REDUCTION

DEPARTMENT OF TREASURY

BUREAU OF THE PUBLIC DEBT

Gifts to the United States for Reduction of the Public Debt

The conference agreement includes a new title depositing an additional amount in fiscal year 2001 into the account established under 31 U.S.C. section 3113(d), to reduce the public debt.

TITLE IX—WILDLIFE, OCEAN AND COASTAL CONSERVATION

Sec. 901-902.—The conference agreement includes $50,000,000 for formula grants to the States for wildlife conservation and restoration programs. Funding is provided through the U.S. Fish and Wildlife Service in the Department of Interior. This amount is in addition to funds provided for new, competitively awarded and cost-shared wildlife programs in the FY 2001 Interior Appropriations Act. This action recognizes wildlife conservation as a critical component of a nationwide strategy and supports state efforts in wildlife conservation and restoration. The conference agreement includes authorization language for this program.

Funding has been provided for the development, revision, and implementation of wildlife conservation and restoration programs and plans to address the unmet needs for a diverse array of wildlife and associated habitats. Funds provided to states or Indian Tribes may be used for planning and implementation of wildlife conservation programs and conservation strategies, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects, for new programs and projects as well as to enhance existing programs and projects.

Each state's apportionment is determined by formula which considers the total area of the state (1/3 of the formula) and the population (2/3 of the formula). No state will receive an amount that is less than one percent of the amount available or more than five percent for any fiscal year. Puerto Rico and the District of Columbia each receive a sum equal to not more than one-half of one percent and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands each receive a sum equal to not more than one-fourth of one percent. The conference agreement requires States and other jurisdiction to have or agree to develop a wildlife conservation strategy and plan as a condition for receiving a federal grant under this program.

Sec. 903.—The conference agreement includes language authorizing a coastal impact assistance program for fiscal year 2001.

TITLE X

The conference agreement includes a new title X to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

TITLE XI

The conference agreement includes a new title XI, the Legal Immigration Family Equity Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2000	$39,600,967
Budget estimates of new (obligational) authority, fiscal year 2001	50,932,968
House bill, fiscal year 2001	37,394,617
Senate bill, fiscal year 2001	36,689,955
Conference agreement, fiscal year 2001	39,868,390
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+267,423
Budget estimates of new (obligational) authority, fiscal year 2001	−11,064,578

House bill, fiscal year 2001	+2,473,773
Senate bill, fiscal year 2001	+3,178,435

ERNEST J. ISTOOK, Jr.
RANDY "DUKE" CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
C.W. BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
RICHARD J. DURBIN,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 8 o'clock and 32 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1006) on the resolution (H. Res. 651) providing for the consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1007) on the resolution (H. Res. 652) waiving points of order against the conference report to accompany the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1008) on the resolution (H. Res. 653) waiving points of order against the conference report to accompany the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 24, 2000 AT PAGE H10718

The following bill was inadvertently printed in the wrong version and appears below in the correct version as passed by the House.

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

The Clerk read as follows:

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.".

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.".

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking "; and" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.".

SEC. 4. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;".

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archeological, scientific,".

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301.".

SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and".

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.".

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

"(vi) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis for the findings made under section 303(a) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).".

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C.1434(d)) is amended by adding at the end the following:

"(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.".

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking "management techniques," and inserting "management techniques and strategies,"; and

(2) by adding at the end the following: "This review shall include a prioritization of management objectives.".

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

"(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

"(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

"(A) the addition of a new sanctuary will not have a negative impact on the System; and

"(B) sufficient resources were available in the fiscal year in which the finding is made to—

"(i) effectively implement sanctuary management plans for each sanctuary in the System; and

"(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

"(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

"(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

"(A) a Thunder Bay National Marine Sanctuary; or

"(B) a Northwestern Hawaiian Islands National Marine Sanctuary.".

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) PUBLIC COMMENT.—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine

Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) Report.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting "for any person" after "unlawful";

(2) in paragraph (2) by inserting "offer for sale, purchase, import, export," after "sell,"; and

(3) by amending paragraph (3) to read as follows:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

"(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

"(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or".

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) Powers of Authorized Officers To Arrest.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).".

(b) Criminal Offenses.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

"(c) Criminal Offenses.—

"(1) Offenses.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

"(2) Punishment.—Any person that is guilty of an offense under this subsection—

"(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

"(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.".

(c) Subpoenas of Electronic Files.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting "electronic files," after "books,".

(d) Nationwide Service of Process.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

"(l) Nationwide Service of Process.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

"SEC. 308. REGULATIONS.

"The Secretary may issue such regulations as may be necessary to carry out this title.".

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) In General.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

"(b) Research and Monitoring.—

"(1) In general.—The Secretary may—

"(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

"(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

"(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

"(2) Availability of results.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

"(c) Education.—

"(1) In general.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

"(2) Educational activities.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

"(d) Interpretive Facilities.—

"(1) In general.—The Secretary may develop interpretive facilities near any national marine sanctuary.

"(2) Facility requirement.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

"(e) Consultation and Coordination.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.".

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

"(b) Public Notice Required.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) in subsection (d)(3)(B), as redesignated, by striking "designating and"; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

"(4) Waiver or reduction of fees.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.".

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) Agreements and Grants.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

"(a) Agreements and Grants.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.".

(b) Use of Resources From Other Government Agencies.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

"(e) Use of Resources of Other Government Agencies.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

"(f) Authority To Obtain Grants.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.".

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) Venue for Civil Actions.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking "in the United States district court for the appropriate district"; and

(3) by adding at the end the following:

"(2) An action under this subsection may be brought in the United States district court for any district in which—

"(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

"(B) the vessel is located, in the case of an action against a vessel; or

"(C) the destruction of, loss of, or injury to a sanctuary resource occurred.".

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

"(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

"(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

"(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

"(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

"(C) to restore degraded sanctuary resources of other national marine sanctuaries.".

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

"(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) to carry out this title—

"(A) $32,000,000 for fiscal year 2001;

"(B) $34,000,000 for fiscal year 2002;

"(C) $36,000,000 for fiscal year 2003;

"(D) $38,000,000 for fiscal year 2004;

"(E) $40,000,000 for fiscal year 2005; and

"(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking "provide assistance" in subsection (a) and inserting "advise and make recommendations".

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting "or the System" after "sanctuaries";

(2) in subsection (a)(4) by striking "use of any symbol published under paragraph (1)" and inserting "manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,";

(3) by amending subsection (e)(3) to read as follows:

"(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(4) by adding at the end the following:

"(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

"(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

"(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

"(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

"(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.".

SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

"SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

"(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

"(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups ; and

"(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

"(c) AWARD.—Each Dr. Nancy Foster Scholarship—

"(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

"(2) shall be awarded in accordance with guidelines issued by the Secretary.

"(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

"(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

"(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

"(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term 'maritime archeology' includes the curation, preservation, and display of maritime artifacts.".

SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

"(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);".

(2) Section 302(9) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(3) Section 303(b)(2)(D) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(4) Section 304(a)(5) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "UNITED STATES" and inserting "UNITED STATES".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 2:30 p.m. on account of personal business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of district-related business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. SAWYER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. MOORE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, today.

Mr. BLILEY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, October 26.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BACA, for 5 minutes, today.

Mr. PACKARD, for 5 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

SENATE BILLS, A JOINT RESOLUTION AND A CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2811. An act to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture.

S. 3164. An act to protect seniors from fraud, to the Committee on the Judiciary, in addition to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office"; to the Committee on Government Reform.

S.J. Res. 36. Joint resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999; to the Committee on Government Reform.

S. Con. Res. 155. Concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 468. An act to establish the Saint Helens Island National Scenic Area.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building".

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building".

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building".

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building".

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building".

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office".

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station".

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building".

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 19, 2000:

H.R. 2296. To amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2348. To authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 5212. To direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

H.R. 3244. To combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4635. Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

H.J. Res. 114. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 20, 2000:

H.R. 4132. To authorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 3069. To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 1695. To provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2607. To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 4461. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies program for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4850. To increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 5164. To amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

On October 24, 2000:

H.R. 209. To improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. To amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. To amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. To amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4392. To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4320. To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4835. To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 5234. To amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 33 minutes a.m.), the House adjourned until today, Thursday, October 26, 2000, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[October 26, (legislative day of October 25), 2000]

Mr. ARMEY: Committee of Conference. Conference report on H.R. 2614. A bill to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. 106–1004). Ordered to be printed.

Mr. ISTOOK: Committee of Conference. Conference report on H.R. 4942. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–1005). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 651. Resolution providing for consideration of motions to suspend the rules (Rept. 106–1006). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 652. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2614), to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. 106–1007). Referred to the House Calendar.

Mr. LINDER: Committee on Rules: House Resolution 653. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4942), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–1008). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Virginia:

H.R. 5537. A bill to waive the period of Congressional review of the Child in Need of Protection Amendment Act of 2000; to the Committee on Government Reform.

By Mr. TRAFICANT:

H.R. 5538. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage by $1 over 2 years; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan (for himself and Ms. Baldwin):

H.R. 5539. A bill to extend for 9 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

H.R. 5540. A bill to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 5541. A bill to amend the Internal Revenue Code of 1986 to make the Hope and Lifetime Learning Credits refundable, and to allow taxpayers to obtain short-term student loans by using the future refund of such credits as collateral for the loans; to the Committee on Ways and Means.

By Mr. ARMEY:

H.R. 5542. A bill to amend the Internal Revenue Code of 1986 to provide tax relief; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Banking and Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Bliley, and Mr. Bilirakis):

H.R. 5543. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protection in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE:

H.R. 5544. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself and Ms. Velazquez):

H.R. 5545. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. ANDREWS (for himself, Mr. Clay, Mr. Kildee, Mr. Owens, Mr. Payne, Mrs. Mink of Hawaii, Ms. Woolsey, Mr. Romero-Barcelo, Mr. Fattah, Mr. Tierney, Mr. Kind, Ms. Sanchez, Mr. Ford, Mr. Kucinich, and Mr. Holt):

H.R. 5546. A bill to amend the Internal Revenue Code of 1986 to improve the retirement security of American families; to the Committee on Ways and Means.

By Mr. ISTOOK:

H.R. 5547. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. ROGERS:

H.R. 5548. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. ANDREWS (for himself, Mr. CLAY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. TIERNEY, Mr. KIND, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, and Mr. HOLT):

H.R. 5549. A bill to amend the Employee Retirement Income Security Act of 1974 to improve the retirement security of American families; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 5550. A bill to suspend temporarily the duty on certain steam or other vapor generating boilers used in nuclear facilities; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. GREEN of Texas, Mr. PALLONE, Mr. BROWN of Ohio, Mr. STARK, and Mr. CONYERS):

H.R. 5551. A bill to provide access to affordable health care for all Americans; to the Committee on Commerce.

By Mr. DOYLE (for himself, Mr. EVANS, Mr. FILNER, Mr. MURTHA, Mr. BALDACCI, Mr. HOLDEN, Mr. BORSKI, Mr. LARSON, Mr. KANJORSKI, Mr. MASCARA, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. FORBES, Mr. COYNE, Mr. KLINK, Mr. PASCRELL, Mr. BARCIA, Ms. BROWN of Florida, and Ms. DEGETTE):

H.R. 5552. A bill to amend title 38, United States Code, to enhance outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing surviving spouses and dependents of benefits available to them under laws administered by the Secretary of Veterans Affairs, and to improve local assistance levels by providing dedicated staff to assist surviving spouses and dependents in obtaining benefits under those laws; to the Committee on Veterans' Affairs.

By Mr. ENGLISH:

H.R. 5553. A bill to amend title II of the Social Security Act to establish, for purposes of disability determinations under such title, a uniform minimum level of earnings, for demonstrating ability to engage in substantial gainful activity, at the level currently applicable solely to blind individuals; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 5554. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California:

H.R. 5555. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Resources.

By Mr. SANDLIN:

H.R. 5556. A bill to amend the Social Security Act to reduce the waiting period for benefits under the Medicare Program from two years to 18 months for individuals with disabilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 5557. A bill to amend the Fair Housing Act to modify certain requirements for the design and construction of certain multifamily housing; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 5558. A bill to change the name of Medicare's Medicare+Choice Program to Medicare-No-Choice so as to explain more accurately to beneficiaries what the program means; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 5559. A bill to require the Federal Energy Regulatory Commission to establish a temporary bid cap on electric power sold at wholesale in New York State; to the Committee on Commerce.

H.R. 5560. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to extend energy assistance to households headed by certain senior citizens; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 5561. A bill to require foreign countries to meet certain requirements relating to political freedom, transparency, accountability, and good governance in order to be eligible to receive cancellation or reduction of debt owed to the United States; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H. Con. Res. 436. Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of H.R. 4811; to the Committee on the Budget, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD:

H. Con. Res. 437. Concurrent resolution to reaffirm the commitment of the United States to help Guam achieve full self-governance, and for other purposes; to the Committee on Resources.

By Mr. BILBRAY (for himself, Mr. PACKARD, and Mr. HUNTER):

H. Res. 650. Resolution expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California; to the Committee on Commerce.

By Mr. REYNOLDS:

H. Res. 651. Resolution providing for consideration of motions to suspend the rules; House Calendar No. 320. House Report No. 106–1006.

By Mr. LINDER:

H. Res. 652. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2614), to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes; House Calendar No. 321. House Report No. 106–1007.

H. Res. 653. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4942), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; House Calendar No. 322. House Report No. 106–1008.

By Mr. BACA (for himself, Mr. BECERRA, Mr. BISHOP, Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BOYD, Ms. CARSON, Mrs. CLAYTON, Mr. CONDIT, Mr. CONYERS, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DOYLE, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FOLEY, Mr. GEPHARDT, Mr. GOODLING, Mr. FORD, Mr. FROST, Mr. GUTIERREZ, Mr. HILL of Indiana, Mr. JACKSON of Illinois, Ms. KILPATRICK, Ms. LEE, Mr. LIPINSKI, Mr. MALONEY of Connecticut, Mr. MATSUI, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. RUSH, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. ORTIZ, Mr. RAHALL, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Mr. WYNN):

H. Res. 654. Resolution expressing the sense of the House of Representatives regarding the contributions of Tiger Woods and Tiger Woods Foundation; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 360: Mr. SMITH of Washington.

H.R. 1366: Mr. LAMPSON.

H.R. 1732: Ms. NORTON.

H.R. 2000: Mr. HAYWORTH.

H.R. 2166: Mr. WU and Mr. SHAW.

H.R. 2344: Ms. DANNER and Mrs. CHRISTENSEN.

H.R. 2620: Mr. PAYNE.

H.R. 2953: Mr. INSLEE.

H.R. 3901: Ms. NORTON.

H.R. 4007: Ms. BERKLEY.

H.R. 4207: Mr. KUCINICH.

H.R. 4289: Mr. HALL of Ohio.

H.R. 4393: Mr. FOLEY.

H.R. 4527: Mrs. BIGGERT, Mr. RANGEL, Mr. STUPAK, Ms. BALDWIN, and Mr. FARR of California.

H.R. 4560: Mrs. EMERSON.

H.R. 4669: Mr. LEWIS of Kentucky.

H.R. 4874: Mr. DEMINT.

H.R. 4926: Mrs. CLAYTON, Mr. WYNN, Ms. ESHOO, Mr. RUSH, and Mr. DAVIS of Illinois.

H.R. 4964: Mr. UPTON.

H.R. 4971: Mr. BAIRD.

H.R. 5052: Mr. TRAFICANT.

H.R. 5057: Mr. WAXMAN.

H.R. 5137: Mr. STENHOLM and Mr. SMITH of Texas.

H.R. 5147: Mr. WAMP and Mr. BLAGOJEVICH.

H.R. 5152: Ms. WOOLSEY.

H.R. 5163: Mrs. CHRISTENSEN.

H.R. 5253: Mr. WU.

H.R. 5259: Mr. LINDER, Mrs. THURMAN, Mr. TANNER, Mr. KINGSTON, and Mr. LUCAS of Kentucky.

H.R. 5261: Mr. DOYLE and Ms. KILPATRICK.

H.R. 5274: Mr. RUSH, Mrs. MORELLA, and Mr. DUNCAN.

H.R. 5275: Mr. LUTHER.

H.R. 5338: Mrs. ROUKEMA.

H.R. 5365: Mrs. JOHNSON of Connecticut.

H.R. 5397: Mr. BENTSEN.

H.R. 5475: Mr. SANDERS.

H.R. 5530: Mr. SHAW, Mrs. MORELLA, and Mr. BARTLETT of Maryland.

H. Con. Res. 337: Mr. MEEHAN, Mr. RILEY, Mr. ROYCE, Mr. PAYNE, and Mr. HILLIARD.

H. Con. Res. 401: Mr. FRANK of Massachusetts.

H. Con. Res. 426: Mr. BLUMENAUER and Mr. HAYWORTH.

H. Res. 146: Mr. WAXMAN.

H. Res. 461: Mr. GOODLING and Ms. WATERS.

H. Res. 537: Mr. WAXMAN, Mr. THOMPSON of California, Mr. HINCHEY, Mr. BAKER, Mr. WATTS of Oklahoma, and Mrs. FOWLER.

EXTENSIONS OF REMARKS

DEANNA SAUCEDA DEPARTS KRQE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. UDALL of New Mexico. Mr. Speaker, one of the finest and most respected news anchors in New Mexico, Deanna Sauceda, is departing KRQE television of Albuquerque, New Mexico, after a distinguished career with the news station for nearly 12 years. She has often been credited with making a major contribution toward building KRQE's solid reputation.

There are thousands of loyal KRQE watchers who have great faith in what they see from the Channel 13 KRQE newscasts. They believe them to be fair and thorough—providing news coverage that keeps them well informed by separating fact from opinion. As the lead anchor for the program, Deanna Sauceda insisted on good reporting, crisp writing, visual stories, and accuracy in every thing covered in KRQE's news reports.

I had the privilege of being interviewed by Deanna just over a week ago. That opportunity was afforded because KRQE has committed to giving all the candidates for federal office 5 minutes of free air time to help constituents learn what the issues are and where candidates stand. I applaud KRQE for providing this service and engaging its viewers in our democracy. The professional that she is, during our interview Deanna asked me some hard-hitting and engaging questions. While she was tough, she also had a wonderful sense of humor and it was a lovely dialogue.

I know that Deanna Sauceda will be missed for her judgment, experience, toughness under pressure, and for her vast knowledge of the people, places, and events that have made New Mexico over the last two decades.

Deanna, I wish you the best of luck in your new endeavors.

TRIBUTE TO THE SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORPORATION ON ITS 28TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SERRANO. Mr. Speaker, I again pay tribute to the South Bronx Overall Economic Development Corporation for its 28 years of fruitful service to the South Bronx community.

In 1972, U.S. Senator Jacob Javits, New York State Attorney General Robert Abrams, and six major banks joined together to establish the South Bronx Overall Economic Development Corporation (SOBRO). The corporation was founded at a time when the South Bronx was suffering from major economic devastation, jobs were scarce, and people were leaving the area.

Over the past 28 years, SOBRO has successfully encouraged investment and economic growth in the South Bronx and has provided education and job training to area residents. Among its many accomplishments, SOBRO has trained or placed in jobs more than 20,000 residents, created or retained more than 30,000 jobs in the area, stimulated more than $120 million in investments, and assisted in the reconstruction of commercial districts.

In collaboration with Mott Haven Neighborhood Strategies Project, SOBRO has been successful in training residents and placing them in jobs with businesses in empowerment zone areas. SOBRO also provides business training and technical assistance to minority entrepreneurs. It has also established a credit loan program to facilitate financial services, including loans for small businesses.

In addition, by forming partnerships with local businesses and area high schools, SOBRO has succeded in providing valuable internship programs and part-time jobs for high school and intermediate school students. The organization also trains adults in many skills including cable installation, computer repair, home health care, customer service, and building maintenance.

Moreover, SOBRO has assisted in the transformation of abandoned buildings into affordable housing and commercial space. It currently has many projects underway, including the reconstruction of a 60-unit housing project for people living with AIDS. In addition, SOBRO has been successful in renovating Bruckner Boulevard, which has attracted many artists, antique shops, and other businesses to the area.

Changes in the welfare law are placing greater constraints on organizations like SOBRO that are trying to assist people in need. Despite this, SOBRO has continued to provide quality services to low-income South Bronx residents and to attract businesses to the area.

I would like to especially compliment this year's honorees, Maura Markus, President Citibank North America, Ken Williams, District Manager, The Home Depot, Bernard Beal, CEO, M.R. Beal & Company, and Dave Valentin, world-renowned jazz flutist, for their leadership in improving the quality of life in our community.

Mr. Speaker, it is an honor for me to recognize SOBRO for it 28 years of achievements, training and educating the youth, spurring economic growth, and beautifying our South Bronx congressional district.

ON S. 2950, SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of the companion House legislation, I support the passage of this Senate measure so it can go to the President for signature into law.

This bill is important for the country, and particularly for Colorado because it would authorize establishing a National Historic Site at the site of the Sand Creek Massacre—an event that for more than a century has been regarded as one of the most emotionally charged and controversial events in American history.

On November 29, 1864, Col. John M. Chivington, leading about 700 soldiers of the First and Third Colorado Volunteers, attacked a village of about 500 Cheyenne and Arapaho people. These people were under the overall leadership of Black Kettle, and had camped on Sand Creek at the direction of Major Scott Anthony, who commanded Fort Lyon, about 40 miles to the south. By day's end, the soldiers had killed at least 150 people, including women and children.

The massacre resulted in almost instant controversy, which ultimately led to three federal investigations, all of which condemned Chivington's actions. By the 1865 Treaty of Little Arkansas with the Cheyenne and Arapaho, victims of Sand Creek received minor compensation for their suffering and loss of property. While some efforts were made to understand the massacre, place blame on the responsible parties, and compensate the tribes, little was actually done.

Many people, including Gen. William Tecumseh Sherman, visited the site and collected artifacts of all kinds. The land involved later was used for large-scale cattle operations, and eventually small private landowners farmed and grazed the property. As time passed, evidence of the massacre slowly disappeared. Although the event continued to be remembered, mostly by the tribes and historians, the only commemoration of the massacre was a simple granite marker placed near the site by the local community in 1950.

In 1998, Public Law 105–243 authorized the Secretary of the Interior to identify the location and extent of the Sand Creek Massacre and to determine the suitability and feasibility of designating the site as a unit of the National Park System. Starting in 1998 a variety of techniques and methods were used to locate the site of the Sand Creek Massacre. These included a thorough research of written records, archaeology, geomorphology, aerial photographic analysis, traditional tribal methods and recording the oral traditions of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne and the Northern Arapaho.

Once the location of the site was identified, the next task was to determine national significance and suitability and reasonability of the site as a unit of the system. To be eligible for consideration, National Park Service management policies state that an area must possess nationally significant natural, cultural or recreational resources; be a suitable and feasible addition to the system; and require direct NPS management instead of protection by some other governmental agency or private sector. The Special Resource Study for the Sand Creek Massacre site, completed in July 2000, concluded that the area is nationally significant.

I agree with that assessment. The Sand Creek Massacre site possesses exceptional value in illustrating and interpreting the history of U.S.-Indian relations in the American West. The massacre of nearly 150 Cheyenne and Arapaho people who believed they were under the protection of the U.S. Government was a major turning point in the relationship between whites and Indians. Virtually all Indian and army conflicts that ensued were rooted, at least partly, in the massacre.

Thus, a National Park System unit at Sand Creek would provide an opportunity for Americans to better understand the significance of the massacre, the chain of events that led to it, the relationship between Indians and whites during the mid-to late-19th Century, the devastating effects of the massacre upon the Cheyenne and Arapaho peoples, and its far reaching repercussions, many of which linger today. The site also retains a high degree of physical integrity, and its isolated setting will give visitors an opportunity to contemplate the complexities of the human tragedy that unfolded there.

The Interior Department's Special Resource Study also concluded that Sand Creek is both suitable and feasible as a unit of the National Park System—suitable because it represents a cultural theme that is not already adequately represented in the system, and feasible because the area taken as a whole is of sufficient size and configuration to ensure long-term resource protection and accommodate public use.

S. 2950 would authorize the establishment of Sand Creek National Historic Site. The unit would be established once the Secretary of the Interior determines that sufficient lands have been acquired to provide for the protection and commemoration of the Sand Creek Massacre. Lands are identified on a map dated July 1, 2000 and would be acquired through donation, purchase from willing sellers or exchange. Priority for acquisition is given to the site containing the historical member. Keys to managing the site would be protection of the natural and cultural features that and critical to telling the story of Sand Creek; and cooperation and consultation with the tribes in the development of management plans and educational programs.

Mr. Speaker, let me conclude by commending the senior Senator from Colorado, Senator Campbell, for introducing this bill and for all he has done to make it possible for this bill to be before the House today. I urge its passage.

A SPECIAL TRIBUTE TO DR. ROBERT J. BLOUGH, FOR HIS DEDICATED SERVICE TO HENRY COUNTY, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the State of Ohio. Dr. Robert J. Blough retired from his family practice in Ohio's 5th Congressional District after nearly five decades of distinguished service.

Dr. Blough joined the U.S. Air Force following high school. It was while stationed in China that he decided to become a doctor. A bomb blast occurred costing many lives with countless injured. The terrible incident inspired him to spend the rest of his life helping people.

Dr. Blough has combined his sound medical skills with his compassionate, personal, and dedicated approach to the practice of medicine for nearly 47 years. One of his patients remarked on his dedication by stating, "Dr. Blough was on call seven days a week, 24 hours a day, 365 days a year. He's touched the life of everybody in this community for miles around, either themselves or their family member." His medical career alone distinguishes him as a most valued citizen, but Dr. Blough has contributed so much more.

Dr. Blough has worn many hats throughout his life. Previously, he piloted his own private plane traveling from coast to coast on vacations. He also served as an examiner for the Federal Aviation Administration and as manager for Deshler Airport.

The doctor recently retired from 35 years of service as the on-call doctor for Oak Grove Nursing Home. And Dr. Blough will retire soon as coroner of Henry County when his term expires at the end of the year.

Dr. Blough's dedication to his community is second only to his great love for his family. Along with Celia, his loving wife of more than 55 years, he is blessed with three children.

Mr. Speaker, I have known of Dr. Blough's dedication and service that has earned him the highest regard for his character and abilities as a physician. At this time, I would ask my colleagues of the 106th Congress to join me in paying special tribute to Dr. Robert J. Blough. His professionalism and service to his community is an example for all citizens of Ohio and across the country. We thank him, and wish him and his wife, Celia, the very best in all of his future endeavors.

HONORING ERIC FONOIMOANA

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor Eric Fonoimoana from my district. On Tuesday, September 26th, Eric and his teammate Dain Blanton captured the Olympic gold medal for beach volleyball.

Eric has excelled in the sport of beach volleyball for more than a decade. A lifelong resident of the South Bay, Eric was the star player on both the Manhattan Beach Mira Costa High School and University of California Santa Barbara volleyball teams. Following a storied collegiate career, he turned pro in 1993.

For eight years, Eric has been a dominant beach volleyball player. The endless training and competition culminated with the victory in Sydney. I congratulate Eric Fonoimoana on this outstanding achievement. I commend his commitment and dedication to athletic excellence. He has brought honor to the South Bay. He has brought honor to the United States. Congratulations to one of the best beach volleyball players in the world.

PAY IT FORWARD

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I would like to call to your attention a concept that I believe has the potential to inspire all people, but particularly middle-school children. It's a unique idea called "Paying it Forward." I am only too pleased to tell my colleagues about this idea.

The idea I am referring to has been encapsulated in the book by Catherine Ryan Hyde entitled "Pay it Forward." This book was also recently released as a motion picture. It is the tender yet powerful story of Trevor McKinney, a twelve-year-old boy with a vivid imagination and a paper route, who takes to heart the challenge of an extra-credit assignment for his Social Studies class: Think of an idea for world change, and put it into action. Responding to the challenge, Trevor chooses three people for whom he will do a good deed. Then, rather than allowing them to pay him back, he tells them to "pay it forward" by doing something good for three more people. In turn, those three people are to help three more people and so on. In this way, Trevor believes his acts of kindness will multiply out, geometrically, until the world is a different place. Mr. Speaker, in the end, "Pay It Forward" is the story of seemingly ordinary people participating in the extraordinary through the simple faith of a child.

It has been brought to my attention that there is a Pay It Forward Foundation. The purpose of the foundation is to encourage middle school children to get involved in their local communities and to "pay it forward." As children create their own ideas for how to pay it forward with their schools and communities, teachers can incorporate relevant social needs and current affairs into their discussions. A Pay It Forward project can be applied to all aspects of academic institutional life. This is a worthy mission that not only helps the surrounding communities, but also helps our students realize that they can change the world. Quite frankly, that is a message that is long overdue. It is a message about overcoming the belief in our individual cynicism that has resulted in withdrawal from participation in our governmental, educational, and community activities. I encourage each and every one of you to take the message to heart. We can never do enough to make the world a better place.

TRIBUTE TO AQUINAS HOUSING CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I pay tribute to Aquinas Housing Corporation (AHC) which will celebrate its Nineteenth Anniversary of providing services to the community on Wednesday, November 8, 2000, at the Marina Del Rey restaurant in the Bronx.

Aquinas Housing Corporation was founded in 1981 by a group of volunteers who understood the need to provide quality transitional housing services to families in need.

Mr. Speaker, over the past 19 years, Aquinas Housing Corporation has sponsored and developed the rehabilitation of 35 buildings, 990 residential units, 104 cooperatives and 115 two and three family homes. By the year 2000, AHC plans to renovate 10 more buildings with 160 additional units for a total of 1,152 decent and affordable rental housing units that were non existent prior to AHC's creation.

Along with housing development, AHC provides a full range of social services to the residents of its buildings and community at large. Services offered include an adult job readiness program, a computer learning center, a clothing bank, case management, tenant organizing, neighborhood improvement projects, classes in English as a Second Language, parenting skills, senior services, a home based child care resource and referral center, a tree maintenance program, and activities and field trips for youth and seniors.

It is a privilege for me to represent the 16th district of New York where Aquinas Housing Corporation is located, and I am delighted by its success. I have witnessed first-hand the exemplary work they are doing for our community and I am deeply impressed. I applaud the commitment and the efforts of Aquinas Housing Corporation's staff in the assistance they provide to the elderly, and low- and moderate-income families, as well as, in facilitating educational opportunities for our talented youth.

I would like to especially compliment this year's honorees, Monadnock Construction which has been with Aquinas Housing since 1992, Ana Maria Chamorro, a long time resident of Community Board Six, and John DelValle Senior Vice President of retail banking at Banco Popular, for their leadership in improving the quality of life in our community.

Mr. Speaker, I ask my colleagues to join me in recognizing the Aquinas Housing Corporation and its staff and in wishing them continued success.

SPANISH PEAKS WILDERNESS ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. UDALL of Colorado. Mr. Speaker, as an original cosponsor of the companion House legislation, I rise in support of this important bill to designate the Spanish Peaks as wilderness. Enactment of this legislation has been delayed far too long.

The mountains we call the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. Their Native American name is Wayatoya. The eastern peak rises to 12,893 feet above sea level, and the summit of the western peak is at 13,626 feet.

These two peaks were landmarks for Native Americans and for some of Colorado's other early settlers and for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, New Mexico.

This part of the San Isabel National Forest has outstanding scenic, geologic, and wilderness values, including a spectacular system of more than 250 free-standing dikes and ramps of volcanic materials radiating from the peaks. These lands are striking for their beauty and are also very valuable for wildlife habitat.

Since 1977, the Spanish Peaks have been included in the National Registry of Natural Landmarks, and the State of Colorado has designated them as a natural area. The Forest Service first reviewed them for possible wilderness designation as part of its second roadless area review and evaluation and first recommended them for wilderness in 1979. However, the Colorado Wilderness Act of 1980 instead provided for their continued management as a wilderness study area—a status that was continued on an interim basis by the Colorado Wilderness Act of 1993.

In short, Mr. Speaker, the Spanish Peaks are a very special part of Colorado. As I said, their inclusion in the National Wilderness Preservation System has been too long delayed. In fact, I had hoped that designation of this area as wilderness would be completed two years ago after the House passed a Spanish Peaks wilderness bill sponsored by my predecessor, Representative David Skaggs, and Representative MCINNIS.

Unfortunately, the Senate did not act on that measure, so it was necessary to start again in this Congress. And again it has taken longer than I would have liked—the House passed a bill more than a year ago, and the bill now before us was passed by the Senate back in April of this year. But, better late than never.

This bill does differ from the prior Skaggs-McInnis bill in a few respects, and in particular by the exclusion from wilderness of an old road, known as the Bulls Eye Mine Road, and the inclusion of language related to that road. There have been some questions about the scope and effect of that language. However, in a floor colloquy when the House debated the companion legislation last year the gentleman from American Samoa, Mr. FALEOMAVAEGA, and Mr. MCINNIS clarified matters—and the committee report on the Senate bill echoes that colloquy. That report says:

> "Section 3(a) addresses the management of the Bulls Eye Mine road. The subsection directs the Secretary of Agriculture to allow for the continuation of historic uses of the road established before the date of enactment of the Act, subject to such terms and conditions as the Secretary may prescribe. The Committee notes that the Bulls Eye Mine road—which has been excluded from the Spanish Peaks is not intended to restrict or otherwise limit the Secretary's management authority with respect to the road, including any decision to open or close the road, nor does it require the Secretary to improve or maintain the road. However, the Committee expects that the Secretary will consult with local citizens and other interested parties regarding the implementation of this Act with respect to the road.

Like the House colloquy, this report language is an important part of the legislative history of this bill.

Mr. Speaker, this is the third wilderness bill involving lands in Colorado that has passed during this Congress. I have supported all of them, because I think we need to make it a priority to protect our state's open spaces and wilderness areas, and I think we should be proud of their enactment.

But much more remains to be done. Still pending in the Resources Committee are two wilderness bills I have introduced, dealing with the James Peak area and with lands within Rocky Mountain National Park, as well as a very important bill by our colleague Ms. DeGette that breaks important new ground in terms of protecting wilderness areas on public lands in Colorado managed by the Bureau of Land Management.

I had hoped that before now all these measures would have been given consideration in our Committee and here on the floor of the House. But that hasn't happened. So, if I have the opportunity to serve in the next Congress, I will do all I can to have them considered next year.

Meanwhile, I urge enactment of the Spanish Peaks Wilderness Act.

HONORING RACING LEGEND DARRELL WALTRIP ON THE OCCASION OF HIS RETIREMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CLEMENT. Mr. Speaker, I rise today to honor racing legend Darrell Waltrip of Franklin, Tennessee, on the occasion of his retirement after twenty-nine successful years at the top of the sport. Waltrip is concluding his monumental NASCAR career with a Victory 2000 tour across the nation.

Darrell Waltrip was born February 5, 1947, in Owensboro, Kentucky. His love of racing began at the age of 12 when he first drove a go-kart. Just four short years later, he was racing a stock car. Eventually, his father helped him build a 1936 Chevrolet Coupe that he could race on a dirt track in his hometown. Fortunately, his father was able to share almost his entire career with him until he passed away after an extended illness in early 2000. Today, Waltrip makes his home in Franklin, Tennessee, near Nashville, with his wife Stévie, and children Jessica and Sarah.

Darrell Waltrip's first professional race was a Winston Cup race at the Talladega, Alabama, Superspeedway in 1972. Over the years, Waltrip sped to the top of his field, earning numerous accolades and winning many races including the coveted Winston Cup championship a total of three times. For example, he was voted Most Popular Driver two times by his peers and named American Driver of the Year three times. In 1977, 1981, and 1982, he was named National Motorsports Press Association Driver of the Year. In addition, the years 1981 and 1982 brought honors as Auto Racing Digest Driver of the Year. Today, he is considered one of the foremost race drivers to participate in the sport, and his influence can be seen among the new generation of NASCAR drivers.

During the years 1981–1986, his partnership with car owner Junior Johnson yielded three series championships, 43 victories and 34 pole positions. The highlight of Waltrip's career came in 1989 when he won the Daytona 500 on February 17, in car No. 17, in his 17th attempt for one of racing's highest honors.

Darrell Waltrip's statistics are phenomenal. With a career that includes 276 top-five finishes, 390 top-ten finishes, 37 Superspeedway wins, 47 short track wins, and winnings totaling nearly $18 million, there is no doubt that Waltrip is a true racing legend.

He has broken many barriers in the sport by becoming both a driver and an owner, and is recognized as the first corporate spokesperson in racing. In Tennessee, he is known and loved for his numerous and continuous charitable contributions to the community. In 1979, he was named Tennessee's Professional Athlete of the Year.

Currently, he owns and operates Darrell Waltrip Honda-Volvo Car Dealership, serving many of his fans. I consider Darrell Waltrip a personal friend. In fact, I was with him for the grand opening of his car dealership in Williamson County.

Darrell Waltrip is to be commended and honored for his incredible racing career, which has entertained and enthralled thousands of fans for the past twenty-nine years. He is a true racing pioneer, taking the sport beyond the racetrack and into the hearts and homes of America.

RECOGNIZING PAUL TOWNSEND'S CONTRIBUTIONS TO LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. FORBES. Mr. Speaker, I rise today to honor an exceptional man who has dedicated himself to Long Island, its people, its businesses, and its natural resources. A tenth generation Long Islander, Mr. Paul Townsend has worked for more than half a century to promote and preserve Long Island.

Mr. Townsend has provided leadership at the highest level. He has served as a catalyst for change and development of our region. His energy and enthusiasm for a wide range of projects is unparalleled. He promoted landmarks such as Levittown. He worked with the federal government to create the Fire Island National Seashore. He created institutions such as Long Island Business News and North Shore University Hospital. He and his wife Terry, worked to establish Long Island's first professional Equity theatre. He served as editor of the Long Island Business News for 45 years and now serves as editor emeritus.

Using his vision, Mr. Townsend assembled the talent to bring important projects to fruition. He worked to produce affordable housing which is now a model for the nation. He, and his colleagues, developed the United Way of Long Island and he served as its first executive director. Long Island's United Way now consists of over 160 health and human care service agencies. The United Way helps local people and in the process, strengthens the community. This organization has helped to prevent youth violence, help care for the very young and the old, provide emergency food, shelter and clothing, and support job assistance training for the disabled.

Mr. Townsend also founded the Long Island Business Development Council and worked to establish Long Island's Entrepreneur Awards Program. He and his wife received the Long Island Association's first Lifetime Achievement Award. He has been an integral part of the Long Island business community.

Mr. Townsend has made countless contributions to the Long Island community. His dedication to the community distinguishes him as a role model all Americans should aspire to emulate. And so it is with great pleasure that I commend Mr. Townsend on his achievements, and wish him all the best for the future.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE"

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. QUINN. Mr. Speaker, we gather today to honor the crew of the naval destroyer U.S.S. *Cole*. A tragedy of great magnitude occurred in the Yemen port of Aden on October 12, 2000. While the U.S.S. *Cole* was refueling in Aden, in an apparent terrorist suicide mission, a small boat loaded with explosives struck the U.S.S. *Cole*. The impact of the explosion left a 40-by-45 hole in the side of the destroyer, but this impact extends far beyond the port of Yemen, and into the hearts of the American people.

Not only did this explosion strike a devastating blow to the ship itself, but the ship's crew as well. This deliberate act of terrorism has left seven crewmembers dead, ten missing and presumed dead, and over three dozen wounded.

So, we gather here today to not only express our heartfelt sympathies to the families, friends, and loved ones of these servicemen and women, but also to express our thanks for the ultimate sacrifice that these men and women made for their nation. The United States Government has yet to identify the culprit of this terrible act, but we do know that the U.S.S. *Cole* and its crew were going about routine duties in the area and performed dutifully and selflessly in a situation of great duress.

This unfortunate tragedy has taken seventeen lives and wounded over 40 U.S. servicemen. We cannot commend the crew of the U.S.S. *Cole* highly enough for the exemplary spirit and patriotism which they demonstrated in salvaging their crew and ship. Let the memory of those who perished in the U.S.S. *Cole* attack, motivate us to carry on with the same spirit with which they served to preserve the future peace and security, of our nation.

STROKE THERAPY'S NEW PUSH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. PRICE of North Carolina. Mr. Speaker, a recent article in the Washington Post reminds us of the urgent attention stroke deserves as the third leading cause of death in this country.

Stroke affects the most delicate and vital organ of the body, the brain. The National Stroke Association uses the term "brain attack" to characterize this medical condition and describe the urgent need for prompt medical attention. A stroke occurs when blood flow to the brain is interrupted either by a clogged artery or a blood vessel rupture.

Stroke touches the lives of four out of every five American families. It touched the Congress this year with the tragic death of our friend and colleague, Senator Paul Coverdell. Each year 750,000 Americans will suffer a stroke and 160,000 of them will die. African Americans and Latinos are at an even greater risk of stroke. Stroke is also a leading cause of adult disability, leaving a majority of survivors with disabilities ranging from moderate to severe. The statistics are staggering, but fortunately, many strokes can be prevented.

There are important resources available for stroke prevention, treatment and rehabilitation. The National Stroke Association has a wealth of information available on its web site at www.stroke.org, or by calling 1–800–STROKES. Clearly, stroke is an issue that deserves debate, discussion and our immediate attention as a major public health issue. I submit this article to my colleagues and look forward to discussing approaches we might take to reduce the terrible toll from stroke.

[From The Washington Post, Sept. 24, 2000, Sunday, Final Edition]

STROKE THERAPY'S NEW PUSH; AGGRESSIVE DOCTORS GO DEEP INTO THE BRAIN

(By Susan Okie)

Like a wisp of cloud that's really the edge of a hurricane, the first sign of what was about to happen to Garline Perry seemed a small thing.

One morning last month, Perry complained to his wife that he couldn't keep his balance. When he tried to walk, she said, he kept "listing to the right."

Susana Perry took her husband, 57, to the emergency room at Inova Fair Oaks Hospital. Minutes after they arrived, the storm hit.

"He yelled, 'I can't hear you! I can't see you!' . . . He fell to the floor and starting convulsing," recalled Susana Perry. A two-inch clot had blocked a major artery at the back of Perry's brain, producing a catastrophic stroke.

Unable to move, talk, breathe or even blink, the Fairfax man was placed on a respirator and flown by helicopter to Inova Fairfax Hospital, where radiologist John J. "Buddy" Connors embarked on a rescue mission that few doctors would dare attempt. He snaked a long, fine tube through an artery to reach the plug of congealed blood inside Perry's brain and began to drip in a clot-busting drug, hoping to reopen the blocked vessel.

Along with perhaps 300 other doctors in the United States, Connors works on the uncharted borders of stroke therapy, putting novel devices and powerful drugs deep into an organ where a mishap can mean death, coma or paralysis. Such maneuvers signal a newly activist approach to a disorder that doctors once met with resignation. Strokes, the third-leading cause of death in the United States, are now viewed as emergencies in which rapid and aggressive treatment may save lives and minimize disability.

Although the treatment administered by specialists such as Connors has produced dramatic results for some patients, it remains largely untested except in small pilot studies. The situation underscores the challenge researchers face in developing a new treatment, especially a complex one that combines drugs, devices and technical skill. Often, such therapies are refined and tested one patient at a time, evolving and proliferating for years before anyone is certain how well they work.

"The fact that [a new treatment] seems logical and does what it should doesn't necessarily mean that it's going to benefit the patient," said John R. Marler, associate director for clinical trials at the National Institute of Neurological Disorders and Stroke.

Doctors such as Connors, faced daily with desperate cases, contend that they are advancing medical knowledge as best they can. "We have to do this," Connors said. "We know we can help patients. . . . There is no regulatory process for this kind of thing."

DAMAGE CONTROL

Some 600,000 Americans suffer strokes each year. The problem occurs when a blood vessel in the brain becomes blocked by a clot or hemorrhage, causing nerve cells supplied by the vessel to die. Until recently, there was no way to mitigate the damage, only physical therapy and the hope that the brain would partially recover in time.

That changed in 1996, when the Food and Drug Administration approved the clot-dissolving drug tPA as the first effective treatment. But only about 2 percent of U.S. stroke victims receive tPA. a major reason is time: The intravenous therapy only helps if it is started within three hours of the first symptoms, and few people with an incipient stroke make it to the emergency room and through the required battery of checkups and tests before that deadline has passed.

The approach Connors uses appears to be effective if started within six hours after symptoms begin. Specialists in his field also believe it may produce better outcomes by delivering clot-dissolving drugs directly into an artery of the brain instead of through an arm vein, the only mode of administration approved by the FDA.

When tPA is given intravenously, Connors said, "they give you a massive amount . . . just so that a teeny bit of it might get to a small clot in your brain." It's like pouring Drano into a house's main water intake pipe, hoping that some will reach a blocked sink. In contrast, Connors said, he uses a different clot-dissolving drug at about one-fiftieth the usual intravenous dose and puts it as close as possible to the blockage.

The effectiveness of intra-arterial treatment varies, depending on how soon it is started and on the size and location of the clot. Only two studies, funded by Abbott Laboratories, maker of a clot-dissolving drug called prourokinase, have evaluated such treatment by comparing it with a placebo. In the larger study, involving 180 patients, 40 percent of those who received the therapy recovered enough to live independently, compared with 25 percent of patients given a placebo. The degree of benefit was similar to that seen with intravenous tPA, but the rate of brain hemorrhages was higher—about 10 percent among recipients of intra-arterial prourokinase, compared with 6 percent among patients in the tPA study.

Although the findings suggested that the treatment could be beneficial, the FDA asked the manufacturer to conduct another study to obtain more data about the therapy's safety and effectiveness. Abbott has not decided whether to do so.

Genentech Inc., which makes tPA, also has not decided whether to study intra-arterial treatment, a spokesman said.

Connors believes that companies do not want to fund additional trials because they doubt they will recoup research costs. "Genentech, Abbott and other companies have done the math. . . . The doses that we use for [intra-arterial] therapy are so small that it would take 500 years for them to make that money back at the rate that we are using the drugs now," he said.

Tareta Lewis, an Abbott spokeswoman, said cost is not the only consideration. "There are many things that go into making the decision," she said.

Lacking such studies, Connors and other specialists say they don't know the exact benefits and risks of what they are doing.

"We get the patients who don't meet the three-hour time window" for intravenous tPA, said Richard Latchaw, chief of neuroradiology at the University of Pittsburgh. "Using a compassionate view, we will go ahead and give intra-arterial tPA in a dosage that we personally think is efficacious. Do we know exactly what that dosage should be? No."

The therapy has never been directly compared with intravenous tPA. The National Institute of Neurological Disorders and Stroke plans to fund a study at the University of Cincinnati Medical Center in which researchers will give 80 patients with major strokes a combination of intravenous and intra-arterial treatment. They intend to compare the outcomes to existing data on intravenous tPA.

"Itra-arterial therapy does more than put the drug next to the clot," said Marler. "They're passing the catheter into the clot, trying to break [it] up. . . . There are definitely patients it will help, but does it balance out" against the increased risk of bleeding?

In the meantime, Connors said, "hundreds of patients are being treated right now, all over the United States." He has organized a training course for doctors to be held in Washington next month and is setting up a registry to collect data on patient outcomes.

"This is a new field and we don't know everything we need to know," Connors said. "You're playing statistics. The whole thing is statistics and odds."

DIFFICULT DECISIONS

The odds in Perry's case looked to be long. His clot was in the basilar artery, dreaded location for a stroke because it nourishes areas of the brain that control life-support functions such as breathing. Without treatment, he would certainly die. With it, Connors thought he might recover and regain considerable function.

But there was a third possibility. Perry might end up in a nightmarish state that neurologists call "locked in"; awake and aware, but permanently unable to speak, move or communicate.

If that were the outcome, Connors told Susana Perry that afternoon, "if it was me, I wouldn't want to make it."

He offered to stop treatment if she thought it best.

When Connors posed that question, he and his team had already been working on Perry for an hour at Inova Fairfax Hospital. Perry lay on a table in an operating room equipped with X-ray machines that took magnified pictures of blood flowing through the vessels of his brain.

While an anesthesiologist monitored Perry's vital functions, surgically gowned nurses and technicians rushed to fetch drugs and equipment.

Connors and another doctor, Firas Al-Ali, had threaded a long, slippery tube called a catheter, thinner than a strand of angel hair pasta, through a larger tube in Perry's groin, guiding it along major arteries of his abdomen, chest and neck until the tip rested against the clot inside his skull.

Through the catheter, they squirted dye to illuminate the blocked vessel on X-rays and dribbled in medicines that they hoped would tease apart the clump of protein and blood cells.

Most clots that Connors attacks in this way are the size of a grain of rice. Perry's was the size of his little finger.

Connors asked Susana Perry for permission to "go for cleaning everything up" to maximize her husband's chances of recovery—even though doing so would heighten the risk that the drugs might cause bleeding in his brain.

"His outlook was 99 percent death," Connors said. "The options were so bad. It's one thing to have a stroke where you can't move your arm but you're mostly still you. It's another thing to have a stroke where you're paralyzed from the eyes down. . . . There's no right or wrong decision on this. It's something where you have to think, 'What if this was me?' and get the family involved."

Susana Perry told Connors to go for broke. "I said, 'I'm not ready to get rid of this guy,'" she recalled.

Connors treated Perry for eight more hours. At last, he removed the catheter and stitched up the small wound in Perry's groin. He estimated that he had dissolved about 95 percent of the clot. Now, it was a matter of waiting to see whether the treatment had worked.

At 1 a.m. the next day, a nurse woke Susana Perry, who was asleep in a room near the intensive care unit. "He's responding," the nurse said. "He's nodding 'yes' or 'no' to simple questions."

Perry was still on a respirator and his left side was paralyzed, but the pace of his recovery over the next few days astonished his doctors. Three days after his stroke, he signaled to his son that he wanted something. A nurse handed him a pad and pencil. He wrote, "Beer."

Two days later, doctors disconnected the respirator and Perry was able to breathe on his own. A week after the stroke, he had regained some movement in his left leg and was eating and cracking jokes about the hospital food. "There's so much I'm learning from the beginning," he said, speaking slowly. "You take so much for granted."

"His level of recovery is—what can I say?—miraculous," said David Grass, Perry's neurologist. "This would have been fatal, absolutely no doubt. . . . He has a left-sided weakness that is improving. He has normal mental function. He has some mild difficulty seeing to his right, but that's improving. He's had no problems with speech. . . . He's going to need several months of rehabilitation, but I'm optimistic that he may eventually be able to return to work."

PRESENTATION OF TERESA OE: NORTH DAKOTA'S STATE BEEF AMBASSADOR

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. POMEROY. Mr. Speaker, on September 28–30 of this year, the North Dakota Stockmen's Association held its annual convention in Bismarck, ND. I would like to take this opportunity to share with my colleagues the remarks of one of the conference presenters. Ms. Teresa Oe, a high school student from Belfield, North Dakota and North Dakota's State Beef Ambassador, gave an impressive speech to the convention delegates. Ms. Oe's remarks addressed the environmental benefits of cattle grazing. I would encourage my colleagues to take a moment to review her remarks which may help to bridge communication between cattlemen and environmentalists.

THE MISUNDERSTANDING

(By: Teresa Oe—North Dakota State Beef Ambassador)

Cattlemen and environmentalists have long regarded each other as the enemy. Rarely do they wish to converse with one another, let alone compromise. When they eventually agreed to "discuss" matters, the resulting arguments are based primarily on biased opinion and accusations. This communication gap has led to the disastrous misunderstanding that cattle and conservation cannot successfully coexist.

The irony in this notion, however, is that modern day cattlemen, equipped with new range management tools, are extremely capable and dedicated conservationalists. Believe it or not, grazing cattle are their most valuable means for upgrading environmental well being.

According to the 2000 Cattle and Beef Handbook, produced by the National Cattlemen's Beef Association, "Grazing lands comprise about one-third of the land in the United States." Due to steep terrain or dry conditions, these lands often are not suitable for cultivation or development. Cattle graze these virtually useless lands, utilizing grass, one of our country's most ample, renewable resources. Cattle are capable of efficiently transforming grass and other forage into nutritious high-protein beef.

Nevertheless, more and more every day, environmentalists are questioning if cattle belong on the rangelands. Surely, if environmental agencies only knew the significance of cattle to these areas, then their minds would be at ease and our cattle could continue to do their job. With this motive in mind, it is my privilege to share with you five major environmental benefits of cattle on the rangelands.

First of all, properly grazed cattle promote healthy soil and plant vigor. As a matter of fact, as documented in the Soil and Land Conditions publication, the Wildflower Research Center states, "Grazing is necessary for the maintenance of grassland systems." Cattle actually help plants and grasses grow by aerating the soil with their hooves. When cattle saunter over the land, they loosen the dirt which allows more oxygen to enter the soil. Without this oxygen, the soil develops a hard crust and is unable to readily absorb water and nutrients. Moreover, cattle naturally fertilize the soil in the form of manure.

Cattle also encourage plant reproduction. As a natural means of reseeding, they scatter the seeds of various plant life and bury them in the ground, surrounding them in soil that is necessary for the onset of growth.

Regulating bothersome weeds and shrubs is also characteristic of cattle. They consume these nuisances which, otherwise, without the use of herbicides, would have the potential to grow and reproduce uncontrollably.

Furthermore, cattle are doing a large favor for many species of wildlife. Elk, deer, wild sheep, antelope, and geese, among others, are partial to young, palatable grass shoots. In order to stimulate and enhance this new, preferred growth, cattle must first remove the rank fall vegetation that other animals are hesitant to eat.

Last, but certainly not least, cattle grazing aids in preventing fires. Longer vegetation helps carry uncontrolled wildfires that cause mass destruction and expense. In the Wow that Cow! pamphlet published by the American National Cattle Women Inc., it points out that grazing these areas reduces the amount of matter on the ground, thus limiting the quantity of fuel to burn and restricting the fires ability to spread quickly.

Many members of our society have been misinformed that rangelands are in pitiful condition and that cattle are to blame, when in fact, just the opposite is true. As quoted by Rockwood Research in 1996, "73 percent of cattlemen's range of pasture land had been reported as improved in the past ten years, while only six percent had declared a decline." Not surprisingly, this study also showed that 62 percent of cattlemen reported an increase in wildlife. People for the USA! Grazing Position Paper states, "Scientists and range experts are constantly proving that rangelands are currently in their best condition since the turn of the 20th century, and the improvement is continuing."

If statistics verify that rangelands and the wildlife therein are truly thriving, why then do members of the environmental community still feel the cattle should be removed from these areas? Mistakes by ranchers of the past are mostly responsible for the negative attention that cattle receive, but this is unfair. Cattle can only be as efficient workers as their owners are good managers. Ranchers of the past did not have the educational resources that are available to us now. Today's cattlemen have a tremendous understanding of the correlation between the proper maintenance of natural recources and their success as livestock producers. Educated ranchers of this generation are better able to make use of cattle grazing as an effective management tool.

Please, take just a moment to visualize the rangelands without cattle. Better yet, try to imagine McDonald's without hamburgers, a shower without soap, Tupperware without plastic, a diabetic without insulin, or a kiss without toothpaste. Impossible, isn't it? But without cattle, it would be extremely difficult of even impossible to obtain these items. After all, cattle provide beef and other byproducts that are significant in the creation of countless industrial, household, pharmaceutical, and food products that we use every day. My wish is that everyone will understand that no matter who you are or what kind of stand you take on environmental issues, if cattle are removed from the rangelands, ultimately everyone will suffer.

In order to prevent this dilemma, we must enlighten others with the truth about cattle and grazing. The devastating misunderstanding that cattle and conservation cannot successfully coexist will be reversed only by knowledge and communication. Please take it upon yourselves to share with others the virtue of cattle on our rangelands and beef in our every day lives.

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CONGRATULATIONS TO THE EASTERN MUNICIPAL WATER DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CALVERT. Mr. Speaker, I rise today to congratulate Eastern Municipal Water District, who observed its 50th anniversary of service to western Riverside County on October 14th. On that nostalgic day Eastern Municipal celebrated with present and past employees, and their families, with a fly-over, antique car show, displays and demonstration, live '50s music, clowns, a magic show and much more.

Formed in 1950 to secure additional water for the western Riverside County, which faced declining groundwater supply and continuing droughts, Eastern Municipal has exceeded expectations. Originally only serving a lightly populated area, it now has a service area of 555 square miles,' with a total of nearly 440,000 people, while additionally providing sewage collection and water recycling services. In 1999/2000 Eastern Municipal sold 83,000 acre-feet of fresh water alone (one-acre-foot is 325,900 gallons, or as much as two families use in and around their homes in one year). One quarter of their water supply comes from wells, while the remainder comes from the Colorado River Aqueduct and its connections to the California State Water Project. Additionally, Eastern Municipal sells to eight other water agencies, which serve the areas of: Elsinore Valley, Western Riverside County, Lake Hemet, City of Hemet, Nuevo, City of San Jacinto and Rancho California.

In water storage, Eastern Municipal maintains 76 tanks which hold nearly 170 million gallons of water. These tanks provide assurance that water will be available during possible future droughts or declining water supply.

Mr. Speaker, for the state of California there are two issues constantly at the forefront: water, and more water. Therefore, the importance of municipal water districts cannot be underestimated—they will continue to grow and play an increasingly important role in southern California. As the Riverside and the Inland Empire continue to grow, we will need to find ways to live within the 4.4 million acre-feet restriction on the Colorado River that has been imposed by the Secretary of the Interior on southern California. The goals of reclamation will become even more important. Eastern Municipal Water District has proven itself capable of solving our water supply challenges for the past 50 years. I look forward to working with them on our important shared goals for years to come. Again, I extend my "Congratulations!" to Eastern Municipal Water District.

IN SUPPORT OF THE FISCAL YEAR 2001 AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of H.R. 4461, the Fiscal Year Agriculture Appropriations Conference report. Although this bill is flawed, it contains critical provisions which reflect my commitment to providing seniors access to lifesaving prescription medications. The measure provides $78.5 billion—$3 billion more than the House-passed bill—for critical programs from prescription drugs to hunger, food safety, and clean water.

I vigorously support efforts to increase seniors' access to affordable prescription drugs. This Conference agreement allows U.S. pharmacies and wholesalers to buy American-made prescription drugs abroad and reimport them into the United States. Since these drugs are often sold abroad at prices significantly below those charged in the United States, America consumers will be able to purchase these reimported drugs at lower prices than they would otherwise pay.

Although I support the reimportation provisions, this step should not be mistaken as a substitute for much-needed prescription drug coverage under Medicare. I continue to urge my colleagues to join me in calling for the enactment of a comprehensive prescription drug program to be included as a part of all Seniors' basic Medicare benefits.

In addition to addressing the problem of prescription drugs for seniors, the Conferees have taken steps to ameliorate several other pivotal issues in the House-passed bill. The report addresses the ongoing prevalence of hunger and food insecurity in America by incorporating sections of H.R. 3192, the Hunger Relief Act. Low-income families are currently disqualified from participation in the food stamp program if they own a car worth more than $4,650, or if they pay monthly housing costs of more than $275. As a cosponsor of the Hunger Relief Act, I am pleased that under this report both vehicle and housing expenses would be updated to more accurately reflect the expense of reliable transportation, and the high cost of housing incurred by America's working families—allowing increased participation in the nation's first line of defense against hunger.

The measure also improves upon the House bill by providing sufficient funding for critical food safety and conservation programs. The Conference measure increased funding for the Food Safety and Inspection Service by more than $22 million, which will help minimize contamination and ensure consumer food safety. Additionally, the bill provides additional funding for state water quality grants and conservation programs, which include essential flood prevention operations.

Unfortunately, the Conference committee did not act in the best interest of our children, or our farmers, when it agreed to a $500 million subsidy for tobacco companies. I have worked hard to protect America's children from the dangers of tobacco, and I have supported long-term solutions to the fundamental problems facing the small family-run tobacco farm, which is why I am deeply dismayed that the Conferees have included such an ill conceived provision that undermines the health of our children and the viability of the struggling family farm.

My colleagues, as unsatisfactory as some of the provisions in this bill may be, it is up to us to do everything in our power to provide access to prescription drugs that can mean the different between life and death, or between health and chronic disease, for senior citizens. Although the Agriculture Appropriations Conference Report is not a perfect bill, I urge you not to let the perfect be the enemy of the good. For that reason, I support H.R. 4461, the Fiscal Year 2001 Agriculture Appropriations Conference report.

TRIBUTE TO MRS. THELMA M. WILLIAMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in congratulating a very special person, Mrs. Thelma M. Williams, who will be honored in New Jersey by the Elks Pride of Trenton on October 28th for her many years of dedicated community service.

A native of Freehold, New Jersey, Mrs. Williams is a member of St. Michael's Episcopal Church, where she works on the Building Ground Committee and with the Episcopal Church Women. A caring person who is always there to help others, Mrs. Williams serves as a volunteer in the soup kitchen. Organizations to which she belongs include the Elks Pride of Trenton; the NAACP; and AFSCME, where she holds the post of treasurer. In addition, she works on the Board of Elections and serves as a trustee of the Northwest Community Improvement Association. She was employed by the State for 32 years and retired in 1990.

Mrs. Williams is proud of her family—she has a daughter, Marie Meadow, two grandchildren and three great-grandchildren. She serves as an inspiration to all of those around her.

Mr. Speaker, I know my colleagues join me in expressing our appreciation to Mrs. Williams for her dedicated service and our very best wishes as she is honored this weekend.

PERSONAL EXPLANATION

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CANNON. Mr. Speaker, on September 7, 2000 the House in recorded vote number 459 voted on H.R. 4844 the Railroad Retirement and Survivors' Improvement Act. During this vote I mistakenly voted Nay against the bill and should have voted Aye in favor of the bill. I am a co-sponsor of H.R. 4844 and wish to express my support for the bill.

INDIAN GOVERNMENT INFILTRATING ORGANIZATIONS TO PROMOTE THE SPECTRE OF "TERRORISM" IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. TOWNS. Mr. Speaker, it has recently come to light that the police in Punjab have been planting RDX explosives on members of the Babbar Khalsa organization in Punjab and then killing them in encounters, claiming that they are importing the explosives from Pakistan.

The Indian government is known to have infiltrated the organization's top levels. They used their agents within this and other organizations to carry out the bombing of their own Air India airliner off Canada in 1985, which killed 329 innocent people.

In November 1994, the Hitavada, an Indian newspaper, reported that the Indian government paid $1.5 billion to the late Governor of Punjab, a man named Surendra Nath, to foment terrorist activity in Punjab and Kashmir. In March, according to two extensive investigations, the Indian government murdered 35 Sikhs in the village of Chithi Singhpora. Between 1993 and 1994, 50,000 Sikhs "disappeared" at the hands of Indian forces. According to Amnesty International, there are thousands of political prisoners being held without charge or trial. Human-rights activists say that there are 50,000 Sikh political prisoners alone. The Akali Dal government in Punjab promised to get these political prisoners released, buy they have made no move to do so.

Mr. Speaker, it is clear who the real terrorists are. As the defenders of freedom and democracy, America must declare India a terrorist state and cut off its aid until the terrorism and human-rights violations end. We should also declare our support for protecting the rights of Sikhs, Christians, Muslims, and other minorities by supporting self-determination for their homelands in the form of a free and fair plebiscite on their political status, with international supervision to make sure that neither side tries to corrupt the vote.

Mr. Speaker, the Council of Khalistan has issued a press release on the Indian government's effort to revive the spectre of "terrorism" in Punjab by planting RDX explosives on Sikh activitists. I encourage all my colleagues to read this informative press release, and I would like to insert it into the RECORD at this time.

BABBAR KHALSA MEMBERS BEING KILLED FOR RDX—PLANTING EXPLOSIVE IS MODUS OPERANDI OF INDIAN INTELLIGENCE

INDIAN GOVERNMENT HAS INFILTRATED SIKH ORGANIZATIONS

WASHINGTON, D.C., October 24, 2000.—Punjab Police have been killing members of Babbar Khalsa in encounters in Punjab, claiming that they are bringing RDX explosives in from Pakistan. Planting RDX explosives is the modus operandi of the Indian government. A few years ago, they planted RDX in the car of an American businessman who was visiting Punjab and Pakistan to visit relatives and religious shrines.

"The Indian government has infiltrated the top levels of Babbar Khalsa," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. He noted that the book "Soft Target," written by two Canadian journalists, proves that the Indian government carried out the 1985 bombing of an Air India jetliner that killed 329 people. They used their agents within Babbar Khalsa in that operation, he charged.

"There is no terrorism in Punjab except the terrorism of the Indian government," Dr. Aulakh said. He noted that in March, during President Clinton's visit to India, the Indian government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility. In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, about $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan and in Kashmir. The Indian Supreme Court described the situation in Punjab as "worse than a genocide."

About 50,000 Sikhs languish in Indian prisons as political prisoners without charge or trial. Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been murdered since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988, as well as tens of thousands of Dalit "untouchables," Assamese, Manipuris, Tamils, and others.

"There are many good people in Babbar Khalsa who just want freedom for our homeland, Khalistan," Dr. Aulakh said, "but they are being used by Indian intelligence and its agents within Babbar Khalsa to revive the myth of Sikh terrorism and undermine the Sikh struggle for freedom. The infiltration goes to the highest levels," he said. "I call on Babbar Khalsa members to make sure that they are not used by Indian infiltrators. I call on them to unite with the Council of Khalistan in the peaceful, democratic, nonviolent movement to liberate Khalistan," he said.

"India is on the verge of disintegration," said Dr. Aulakh. "Kashmir is going to be free. Khalistan will also be free during this decade, by the grace of Guru. Guru gave sovereignty to the Sikh Nation," he said. "It is time for a unified effort to liberate Khalistan. We need to support the leadership which is sincere, capable, committed, and dedicated to the liberation of Khalistan," he said. "The Council of Khalistan has led the struggle for the last 15 years and has the above mentioned qualities. We must unite behind the Council of Khalistan, form a Khalsa Paj Party in Punjab, Khalistan, and begin a Shantmai Morcha to liberate Khalistan."

WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of HR 5302, to designate the United States Courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

This designation is a fitting tribute to a great American who overcame great obstacles to uphold the honor and love he had for America.

Mr. Nakamura displayed immense courage and bravery on the battlefield.

On July 4, 1944, Mr. Nakamura crawled within range of an enemy machine-gun nest and destroyed it with four grenades. Later that afternoon Mr. Nakamura was killed near Castellina, Italy by a sniper as he provided cover fire for his retreating platoon. For his bravery and sacrifice his commanding officer nominated him for the Army's highest honor, the Medal of Honor.

Mr. Nakamura was a Japanese-American. After the bombing of Pearl Harbor on December 7, Japanese-Americans were immediately targeted as the enemy. It did not matter that we were citizens, or had worked hard alongside other Americans for a better future for ourselves and our children. Up and down the West coast more than 100,000 Japanese-Americans, 70,000 of whom were native-born U.S. citizens, were removed from their homes and communities and placed in internment camps.

On February 1, 1943, President Roosevelt reversed his stance on Japanese-Americans and declared "Americanism is not, and never was, a matter of race or ancestry." With this announcement he established the 442nd Regimental Combat Team (RCT), a regiment composed solely of second generation Japanese-Americans, or Nisei. Mr. Nakamura was one of the nearly 12,000 Nisei who volunteered, 3,400 were inducted into the Army.

After nine months of training the 442nd RCT joined the 100th Infantry Battalion consisting of 1,300 Nisei from Hawaii. During seven major European campaigns the 442nd and 100th received 9,486 Purple Hearts, 18,143 individual decorations, and 21 Congressional Medals of Honor. The 442nd became the most highly decorated military unit in U.S. history.

The Medal of Honor that Mr. Nakamura and other soldiers of the 442nd RCT were nominated for were not officially awarded. It took fifty-six years for the government to award Mr. Nakamura his Medal of Honor. Only seven honorees were alive to receive their award in June 2000.

By designating the United States Courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse" we acknowledge the courage and the sacrifice made by Mr. Nakamura.

I thank this House for the recognition you have bestowed on this great American who never once doubted his country or his love for it, even from behind the barbed wire of a concentration camp.

INTRODUCTION OF THE ARIZONA WATER SETTLEMENTS ACT OF 2000

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. HAYWORTH. Mr. Speaker, today I am pleased to introduce the Arizona Water Settlements Act of 2000 with the entire Arizona House delegation. This is landmark legislation which, as stated in the delegation's introductory statement, will resolve long-standing issues pertaining to the repayment obligations of the state of Arizona for the construction of the Central Arizona Project (CAP). In addition, it will address allocation of remaining CAP water to satisfy the water rights claims of a number of Arizona tribes, including the Gila River Indian Community and the Tohono O'odham Nation. This is an issue that is important to the state of Arizona, as evidenced by the delegation's full support. In fact, the principal purpose of introducing this legislation at this time is to encourage all parties involved to expeditiously resolve the few remaining issues of the agreement, and to show the Arizona delegation's full commitment to the issue. We fervently hope that all the parties will work in the coming months to wrap up the last remaining details of the settlement.

Some of these issues also reflect a delicate balance. For example, the issue of lands acquired by the tribes after the settlement date and the procedures with which the tribes bring these lands into "trust" is an issue that is still being negotiated. It is my understanding that although the tribes have been working closely with the other parties, and that a tremendous amount of work has already been accomplished, the final details have yet to be agreed upon. All of Indian Country will be looking to this provision because it could very well affect all future Native American water and land dispute settlements.

Another critical component of the bill is the use of the settlement funds. It is important that we come to an agreement with the affected Arizona tribes on how best to utilize the funds associated with the settlement. I know that the Gila River Indian Community has worked hard to come to a consensus on this issue, and I hope we will be able to put this issue to rest prior to the start of the 107th Congress. These are important and difficult issues that still need to be finalized, but I am extremely encouraged that all the parties are so close to an agreement. I commend all the parties involved not only for their perseverance, but more importantly, their willingness to negotiate their differences for the benefit of all Arizonans.

Along with this intoductory statement, I am also including a statement from the Arizona congressional delegation in support of this legislation and a letter from Governor Hull expressing her support for this bill. I am happy to sponsor this bill and look forward to enacting legislation on this issue early in the 107th Congress.

STATEMENT OF THE ARIZONA CONGRESSIONAL DELEGATION REGARDING THE ARIZONA WATER SETTLEMENTS ACT OF 2000

October 24, 2000.

We are pleased to announce that legislation was introduced today to resolve issues relating to the repayment obligations of the State of Arizona for construction of the Central Arizona Project (CAP), allocation of remaining CAP water (including the use of nearly 200,000 acre-feet of water to satisfy the water rights claims of the Gila River Indian Community, the Tohono O'odham Nation, and other Arizona Indian tribes), and other issues, including final settlement of all claims to waters of the Gila River and its tributaries.

Legislation is needed to codify several aspects of the settlement of these various water related issues. Although not all water users have reached agreement on all issues, negotiations are continuing at a rapid pace. We, therefore, expect that all of the remaining differences will be resolved and settlement agreements will be signed by the parties in the next two months. When final agreements are signed, we intend to introduce the final version of legislation to effectuate those settlements. In the meantime, we have introduced this first version of legislation to demonstrate our commitment to the settlement process, and to allow all interested parties the time to suggest changes to precisely reflect the terms of the settlement.

One of the purposes of this legislation is to implement the settlement (in lieu of adjudication) of all of the water rights claims to the Gila River and its tributaries. Once this legislation is enacted, and the presiding judge approves the settlement agreement, water litigation over rights to the waters of the Gila River, which has been ongoing since 1978, will be terminated. Resolution of this case, and of other issues addressed in the settlement agreements, will help to ensure that there is a more stable and certain water supply for the various water users. This is a significant benefit to the citizens of Arizona, the tribes, and the United States.

The legislation will also resolve several financial issues. For example, it will effectuate a settlement of litigation between the state and federal government over the state's repayment obligation for construction of the Central Arizona Project. It also amends the Colorado River Basin Project Act of 1968 to authorize the Secretary of the Interior to expand funds from the Lower Colorado River Basin Development Fund to construct irrigation distribution systems to deliver CAP water to the Gila River Indian Community and other CAP water users.

In addition, this legislation authorizes the reallocation of 65,647 acre-feet of CAP water for use by Arizona communities, and the reallocation of nearly 200,000 acre-feet for the settlement of Indian water claims.

We compliment the parties for their hard work and their commitment to resolving these difficult and sometimes contentious issues. We hope and expect that all parties will continue to negotiate in good faith to resolve the remaining issues.

Since the parties have not yet completed their negotiations, this bill is, of necessity, also a work in progress. We point out that some of the provisions in the bill may have to be modified (e.g. Section 207 has not been totally agreed to by all interested parties), and other provisions will have to be added (e.g., resolution of conflicts involving water users in the Upper Gila Valley, the City of Safford, and the San Carlos Apache Tribe).

We note that, while Interior staff have been active in the ongoing negotiations and have served on the committees drafting the bill, the Department of the Interior has not had an opportunity to vet some sections of this draft prior to its introduction. One reason for introducing this bill now rather than waiting until the final settlement agreement has been completed, is to enable Secretary Babbitt to analyze and comment upon the draft legislation before he leaves office in January. Secretary Babbitt has been a major participant in the negotiations over the last two years; and his input into the final legislation will be very important to the successful conclusion of the process.

In summary, our intention is to initiate public discussion of the issues and elicit constructive comments on this bill. Our plan is to reintroduce a modified form of this bill early in the 107th Congress. We expect that the necessary settlement agreements will be complete and signed prior to reintroduction. In relation to the Gila River Indian Community Settlement, we expect that all of the participants named in the attached list will support the settlement agreement, and the implementing legislation, Section 213 has been left open for additional parties to the agreement.

We hope that agreement can be reached to settle the claims of the San Carlos Apache Tribe. Title IV has been left open for this purpose. However, if the San Carlos Tribe cannot reach agreement with the other parties, including the United States, it is our intention to proceed without Title IV. A separate San Carlos settlement will have to be pursued at a later date.

We pledge our continuing effort to work with the parties to successfully conclude these historic settlements.

John McCain, Bob Stump, Jon Kyl, Jim Kolbe, Ed Pastor, Matt Salmon, J.D. Hayworth, John Shadegg.

SETTLEMENT PARTICIPANTS

Gila River Indian Community
United States—Department of the Interior; Department of Justice
State of Arizona/Arizona Department of Water Resources
Central Arizona Water Conservation District
Salt River Project
Roosevelt Water Conservation District
ASARCO
Phelps Dodge
City of Mesa
City of Chandler
City of Scottsdale
City of Peoria
City of Glendale
City of Phoenix
Maricopa Stanfield Irrigation and Drainage District
Central Arizona Irrigation and Drainage District
San Carlos Irrigation and Drainage District
Town of Coolidge
Hohokam Irrigation and Drainage District
Gila Valley Irrigation District
Franklin Irrigation District
City of Safford
Town of Kearney
Graham County Utilities
Arizona State Land Department
Arizona Water Company
City of Tempe
Arizona Game and Fish
City of Casa Grande
Town of Gilbert
Town of Florence
Town of Duncan
Buckeye Irrigation Company
Roosevelt Irrigation District
New Magma Irrigation and Drainage District

STATE OF ARIZONA,
Phoenix, AZ, October 11, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: I commend you for the introduction of the draft legislation the Arizona Water Settlements Act of 2000. This bill will maintain the momentum toward the completion of negotiations on difficult water issues concerning the Central Arizona Project, the Gila River Indian Community, the Tohono O'odham Nation, and the San Carlos Apache Tribe.

The Central Arizona Project is the lifeblood of Arizona. Confirming the repayment settlement between the United States and the Central Arizona Water Conservation District will benefit all of Arizona's taxpayers. Confirming the agreement between the Secretary of the Interior and the Arizona Department of Water Resources on the allocation of CAP water will provide for Arizona's future.

It is my understanding that when this legislation is reintroduced in the next congressional session, the parties will approve the Gila River Indian Community settlement agreement. The Governor of the State of Arizona has traditionally been a signatory to Indian water rights settlements and I expect to be a signatory to the Gila settlement. However, I want to emphasize that I will only support a complete settlement of the Gila River Indian Community claims. For example, the economic well being of the upper Gila River Valley communities and agricultural interests is of great interest of the State of Arizona. I understand that much work remains to resolve these upper valley isues and I urge all the participants to reach an agreement as part of the overall settlement.

Again, I commend your efforts to move the process along, and I look forward to our continued work together on Arizona water resource issues.

Sincerely,

JANE DEE HULL,
Governor.

OLDER AMERICANS ACT AMENDMENTS OF 2000

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H.R. 782, the Older Americans Act Amendments of 2000. I am delighted that we are at long last reauthorizing this very popular program that has helped to improve the lives of America's seniors since it was first established in 1965, my first year in Congress.

Reauthorization of the Older Americans Act (OAA) is long overdue. Authorization of programs under OAA expired at the end of fiscal year 1995. Nonetheless, Congress has continued to appropriate funds for OAA programs. These programs have earned broad bipartisan support.

H.R. 782 contains several provisions that will strengthen the Older Americans Act, including establishment of the National Caregiver Program to aid families in caring for frail elders and for grandparents caring for grandchildren. This program, authorized at $125 million, provides grants to states for a multifaceted system of supportive services including information, assistance, counseling, and respite services.

The bill also provides new demonstration programs on domestic violence, rural health, computer training, and transportation. H.R. 782 authorizes as permanent two current demonstration programs—the Eldercare Locator Service and the Pension Rights and Counseling Program.

These are in addition to the mainstays of the Older Americans Act: elderly nutrition programs that provide congregate and home-delivered meals to over 3 million older persons annually; the Senior Community Service Employment Program, which provides opportunities for part-time employment in community service activities for unemployed, low-income older persons; and elder abuse prevention and long-term care ombudsman programs.

I am very pleased to be given an opportunity to reauthorize this vital legislation, which makes a tremendous difference in the lives of our senior citizens.

TRIBUTE TO THE HONORABLE TOM EWING ON HIS RETIREMENT FROM CONGRESS

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CRANE. Mr. Speaker, I have served with TOM EWING since he was elected in a special election on July 2, 1991. TOM is one of a handful of members who serve on four committees: Agriculture; Transportation and Infrastructure; Science; and Administration. He is also a member of the President's Export Council. TOM represents the 15th District of Illinois, which covers the east central portion of our great state. Before his election to Congress, TOM served 17 years in the Illinois House of Representatives. He was the Assistant Republican Leader of the House from 1982 to 1990 and was named Deputy Minority Leader in 1990. During his tenure in the Illinois General Assembly and as a member of the U.S. House of Representatives, TOM has received numerous state and national awards from business, education, environmental, senior citizens and agricultural organizations. He has been recognized for his leadership in the areas of crime prevention, welfare reform, economic growth and health care.

TOM's emphasis on fiscal integrity and personal responsibility has earned him praise from such groups as the United States Chamber of Commerce, the 60/Plus Senior Citizens Association, the United Seniors Association, the Council for Citizens Against Government Waste, and Americans for Tax Reform. In Congress, TOM has made balancing the budget, reducing the national debt, preserving Social Security, sending more money directly to the classroom and healthcare his top priorities. I know first hand from visiting with farmers in TOM's district that he has been a stalwart champion of agriculture issues and the opening of new, foreign markets for United States agriculture products. I want to wish TOM and his wife Connie all the best as they head toward their golden years.

TURN ON THE LIGHTS! MAKE EVERY SCHOOL A COMMUNITY SCHOOL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KILDEE. Mr. Speaker, "Turn on the Lights! Make Every School a Community School," is the theme of the 19th annual National Community Education Day to be observed in communities across the country on Tuesday, November 14, 2000.

Sponsored by the National Community Education Association (NCEA), this special day was established in 1982 to recognize and promote strong working partnerships between schools and communities. In my hometown of Flint, Michigan the day will be celebrated with a Community Education Breakfast for 250 people representing school districts and communities across Genesee County. The featured speaker will be John Windom, the Director of Community Education in St. Louis, Missouri.

Community Education Day in 2000 calls attention to the benefits of the community school, a school that is open beyond the regular school day—in the evenings, on the weekends, during the summer—to all members of the community.

The 20,000 community schools across the country focus on meeting community needs with community resources. Differing from community to community, needs range from health and nutrition services, to literacy training, social services, school-age care, extended day programs, career retraining, workforce preparation, continuing education, and recreation opportunities.

Community schools foster community involvement. They are places where community members can meet to learn, to have fun, to tackle issues. They provide safe, nurturing environments for children and youth.

Schools can serve their communities beyond the traditional six hour day and 180-day school year. Located in most neighborhoods, they're easily accessible, they belong to the public, they have good resources, and their traditional hours leave lots of time for other uses.

National Community Education Day is cosponsored by over 35 organizations, including the Alliance for Children and Families, the Childrens Defense Fund, the Council of Chief State School Officers, the National PTA, the National Assembly of Health and Human Service Organizations, and the U.S. Department of Education.

I am pleased to stand before you today to support our community schools and the fine work being done by the National Center for Community Education in Flint, Michigan. The contributions that community education has made to millions of children and families deserve the recognition of the United States Congress.

BEVERLY SAN AGUSTIN: GUAM'S 2001 TEACHER OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. UNDERWOOD. Mr. Speaker, I am pleased to announce the winner of Guam's 2001 Teacher of the Year Award, Beverly San Agustin.

Beverly teaches Social Studies and American Government at Simon Sanchez High School. Her unique educational and motivational techniques as well as her desire to reach out to every student have distinguished her among her hard working colleagues. Her selection was based on interviews and classroom observations. Beverly also makes extra efforts to see that her classes are learning to their potential and preparing themselves for the demands of the 21st century. A 22-year veteran in the field of education, Beverly's efforts to increase the credibility of teaching as a profession is designed to entice and encourage a new generation of students into following her in this most honorable profession.

As Teacher of the Year, she will be visiting us here in Washington, D.C. while representing Guam at the National Teacher of the Year announcement ceremony. In addition, she will also be the island's representative in a number of Teacher of the Year activities throughout the 2000–2001 school year. These include Space Camp and the National Teacher of the Year Forum.

Also worth mentioning are the finalists: Monina Sunga of Vicente Benavente Middle School, Cheryle Jenson of Price Elementary School, John Randolph Coffman of P.C. Lujan Elementary School, and Alvaro Abaday of my alma mater, John F. Kennedy High School. Ms. Jenson, a first grade teacher, was the runner-up.

Teachers make great contributions towards shaping our future. They provide the foundation and support to foster the education of our children. They help mold and shape students into knowledgeable young adults. Teachers help students realize their potential for success and foster self-confidence. They have a personal commitment to help students become a whole person, equipped with the knowledge, self-confidence, and respect they need to compete and excel in today's ever changing world. Tomorrow's leaders are being prepared for their impending roles in society by today's teachers.

I would like to congratulate this year's Guam finalists and, especially, the 2001 Teach of the Year, Beverly San Nicolas. I take great pride in having these individuals counted as my colleagues in the field of education and I urge them to keep up their excellent work. Si Yu'os Ma'ase'.

COMPUTER SECURITY ENHANCEMENT ACT OF 2000

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DINGELL. Mr. Speaker, H.R. 2413, the Computer Security Enhancement Act of 2000, contains modest but important changes to the legislation as it was reported by the Committee on Science. These changes to section 12 and other provisions of the bill were made at the request of the Committee on Commerce, and, as a result of their adoption, I have no objection to this bill. I want to thank and commend the Chairman and Ranking Member of the Science Committee, Representative BART GORDON, and their staffs, for their courtesy and cooperation in this matter.

The changes made clear that, as in the case of the Electronic Signatures Act that recently became law, the Federal Government will not establish a one-size-fits-all standard for electronic authentication technology that must be used by government agencies and those entities that report to them. Federal agencies and their committees of proper, legislative jurisdiction must be unconstrained in their ability to see that electronic authentication technologies that best serve their statutory and regulatory purposes are adopted. As a result, this legislation only asks that the National Institute of Standards and Technology (NIST) serve as a resource for federal agencies on electronic authentication technologies, and any guidelines and standards NIST develops are to be both advisory and, very importantly, technology-neutral.

In fact, a provision of the bill as it was reported by the Science Committee would have required NIST to report to Congress within 18 months after enactment, evaluating the extent to which electronic authentication technology being used by federal agencies conforms to NIST standards. That provision of the Committee-reported bill as been deleted. Instead, NIST is only asked to report to Congress concerning progress federal agencies made and problems they encounter in implementing electronic authentication technologies. In addition, a new provision of the bill provides that a study on electronic authentication technologies to be completed by the National Research Council of the National Academy of Sciences may not recommend any single technology for use by government agencies.

Mr. Speaker, I think that the Science Committee has focused attention on an important issue, and I thank them for their hard work. I have no objection to suspending the rules and passing this legislation.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of S. 1452, especially subtitle B of title V. The title expands housing assistance for native Hawaiians by extending to them the same types of federal housing programs available to American Indians and Alaska natives. The provision authorizes appropriations for block grants for affordable housing activities and for loan guarantees for mortgages for owner- and renter-occupied housing. It authorizes technical assistance in cases where administrative capacity is lacking. The block grants would be provided by the Department of Housing and Urban Development to the Department of Hawaiian Home Lands of the government of the State of Hawaii.

I thank the Chairman of the Banking Committee [Mr. LEACH], the Ranking Member [Mr. LAFALCE], the Chairman of the Housing Subcommittee [Mr. LAZIO], and the Ranking Member of Subcommittee [Mr. FRANK] and the gentleman from Indiana [Mr. BEREUTER] for their assistance in incorporating the provisions for Native Hawaiian housing in the bill.

Passage of this bill is critical because within the last several years, three studies have documented the housing conditions that confront Native Hawaiians who reside on the Hawaiian home lands or who are eligible to reside on the home lands.

In 1992, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing issued its final report to Congress, "Building the Future: A Blueprint for Change." In its study, the Commission found that Native Hawaiians had the worst housing conditions in the State of Hawaii and the highest percentage of homelessness, representing over 30 percent of the State's homeless population.

In 1995, the U.S. Department of Housing and Urban Development issued a report entitled, "Housing Problems and Needs of Native Hawaiians." This report contained the alarming conclusion that Native Hawaiians experience the highest percentage of housing problems in the nation—49 percent—higher than that of American Indians and Alaska Natives residing on reservations (44 percent) and substantially higher than that of all U.S. households (27 percent). The report also concluded that the percentage of overcrowding within the Native Hawaiian population is 36 percent compared to 3 percent for all other U.S. households.

Also, in 1995, the Hawaii State Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiians population, the needs of Native Hawaiians eligible to reside on the Hawaiian home lands are the most severe. 95 percent of home lands applicants (16,000) were in need of housing, with one-half of those applicant households facing overcrowding and one-third paying more than 30 percent of their income for shelter.

S. 1452 will provide eligible low-income Native Hawaiians access of Federal housing programs that provide assistance to low-income families. Currently, those Native Hawaiians who are eligible to reside on Hawaiian home lands but who do not qualify for private mortgage loans, are unable to access such Federal assistance.

I look forward to enactment to the bill because it is so important to the native people of Hawaii.

HONORING CAROL BEESE OF BARRINGTON, ILLINOIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. CRANE. Mr. Speaker, today I pay tribute to a good friend, Carol Beese, of Barrington, Illinois. Carol is a community leader without equal, and is retiring from the Barrington Area Chamber of Commerce after 32 years of service.

Carol became involved in the Barrington Area Chamber of Commerce many years ago. A true professional, her career in public service as a leader is rarely equaled. As President of the Chamber of Commerce, Carol has built the organization into one of the most energetic and engaged Chambers in the State of Illinois. She has been both dedicated and adamant with regard to the issues facing Chamber members, and is active as liaison between local businesses and Village officials.

She is truly deserving of this tribute, and I am certain she will remain committed to serving the Barrington community for many years to come.

HONORING FLINT, MI OFFICE OF HEARINGS AND APPEALS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KILDEE. Mr. Speaker, I rise before you to call attention to an event taking place in my hometown of Flint, Michigan. Today, civic and community leaders will gather to mark the official relocation of the Social Security Administration's Flint Office of Hearings and Appeals to 300 W. Second Street.

Last year, the Flint Office of Hearings and Appeals celebrated its 25th Anniversary. Since 1974, the office has existed in the downtown business district, providing an accessible service for thousands of individuals. The office provides a public service not only to residents of Flint, but also to Ann Arbor, Bay City, Saginaw, West Branch, Alpena, and many other surrounding communities. Staffed by three Administrative Law Judges, a Senior Administrative Law Judge, and 25 loyal staff members, the office is one of the Social Security Administration's ten most productive offices nationally. During the 2000 fiscal year, the Flint OHA processed 1,994 dispositions.

I would also like to recognize Paul C. Lillios, Regional Chief Administrative Law Judge for Michigan, Ohio, Illinois, Indiana, Wisconsin, and Minnesota. Judge Lillios will be in attendance to officiate the ceremony. His presence is proof of the SSA's commitment to the city, and its pledge to implement reform that will prove beneficial to its customers.

Mr. Speaker, as a Member of Congress, I consider it both my duty and my privilege to work to improve the quality of life for our citizens. I am glad that one person who shares this sentiment is Kenneth Apfel, the Commissioner of Social Security. He has diligently worked to ensure that the offices under his care maintain a high standard of productivity. I am pleased that the Flint OHA is one such office that has lived up to this ideal. I ask my fellow Members of Congress to join me in recognizing the opening of the new OHA office, and the beginning of a new era in public service.

BREAST CANCER AWARENESS MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. UNDERWOOD. Mr. Speaker, in recognition of Breast Cancer Awareness Month, I rise in support of all of the women and families across this nation who have been affected by or are at risk of breast cancer.

Breast cancer is a serious health concern for all women. Besides skin cancer, more women in the United States are diagnosed with breast cancer than any other cancer each year. One in nine American women will be diagnosed with breast cancer during her lifetime, and about 40,800 will die from this disease during this year alone.

All women are at risk. Two-thirds of women with breast cancer have no family history of the disease or show other risk factors. Although there is a greater chance of incidence in women over 50 years old, breast cancer can occur at any age. White women are more likely to develop breast cancer than other women, however women of all races can be affected. For example, Asian Pacific Americans have a rate of 72.6 incidences per 100,000 people, and Hispanics have a rate of 69.4 of incidences per 100,000 people.

Such facts and figures illustrate the widespread severity of this issue, and I commend the many local and national organizations who have dedicated their time and efforts in the fight against breast cancer. Many organizations are active in developing programs to raise awareness on breast cancer, conducting extensive research, organizing programs and support groups for breast cancer patients and families, performing community services and volunteer work, and compiling and distributing information. With the help of such efforts, women have detected breast cancer earlier through monthly breast exams and annual mammograms. Currently, there are two million breast cancer survivors in the United States.

I urge my colleagues to join the battle against breast cancer and support initiatives that help women across our nation face the challenges of this deadly disease. Therefore, I recognize Breast Cancer Awareness Month for all of the mothers, sisters, and daughters, families, and friends across the nation who have been affected by or are at risk of breast cancer, and I pay tribute to those who have passed on due to this disease.

INTRODUCTION OF THE BASIC ACCESS TO SECURE INSURANCE COVERAGE (BASIC) HEALTH PLAN ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. DINGELL. Mr. Speaker, today, I am introducing the Basic Access to Secure Insurance Coverage Health Plan (BASIC) Act which builds on existing health insurance programs to provide all uninsured Americans, regardless of age or family status, the opportunity to get health insurance. The BASIC plan would create a universal guarantee for health insurance for all Americans.

While we are experiencing unprecedented prosperity and a strong economy, yet there are still 43 million of Americans who are uninsured. Being uninsured is not a "Washington problem." It is a human problem, as those 43 million people understand. In any given year, one-third of the uninsured go without needed medical care. Eight million uninsured Americans fail to take medication their doctors prescribe, because they cannot afford to fill the prescription. A new study published this month in the Journal of the American Medical Association confirms the serious health consequences of lacking insurance. Long-term and short-term uninsured adults were more likely than insured adults to face cost barriers to care and forgo needed care.

Lack of health insurance can have serious financial consequences as well. An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs.

The BASIC Health Plan Act builds on two successful federal-state health insurance programs: Medicaid and the Children's Health Insurance Program (CHIP). The BASIC plan would extend these programs to all individuals and families with income up to 300% of the poverty level through a multi-year phase in. Other uninsured individuals may buy in to the program by paying the cost through premiums. Since nearly three-fourths of the uninsured have family incomes below 300 percent of the poverty level, this expansion is targeted at those who need it.

This bill also includes a number of provisions to ensure that families can easily access health insurance through the BASIC program. First, it simplifies and streamlines the application and enrollment process for these programs to make them seamless. Second, the bill would make it easier for states to identify and enroll families in coverage. Third, the bill improves upon the CHIP benefit package to guarantee all children receive adequate preventive services and treatment.

Additionally, since 82 percent of the uninsured are workers or dependents of workers, this bill seeks to use families' connection to employment to facilitate access to health insurance coverage. Employers will not be required to provide coverage or contribute to the cost of coverage, although they may if they so wish. However, they will be required to facilitate access to the coverage by withholding any required premium contributions from the employee's periodic pay, just like they do for taxes today.

I believe the BASIC Health Plan Act is an excellent starting point for providing health care coverage for every American. Over the past few years, Congress has lost focus on addressing this pressing issue. This time is upon us again to place health insurance at the forefront of our agenda.

I look forward to working with my colleagues in the House and the Senate on the BASIC Health Plan Act to help provide health insurance coverage to many of the millions of Americans who are currently without health insurance.

Need for Legislation and Summary of the "BASIC" Health Program: Universal Access to Affordable Quality Health Insurance

America is the only industrial country in the world, except South Africa, that does not guarantee health care for all its citizens. The number of uninsured declined last year for the first time in more than a decade—but 43 million Americans remain uninsured, and any slowdown in the economy is likely to send the number up again. The vast majority of the uninsured are workers or dependents of workers. The consequences of being uninsured go far beyond vulnerability to catastrophic medical costs. The uninsured often lack timely access to quality health care, especially preventive care. They suffer unnecessary illness and even death because they have no coverage.

Growth in the Uninsured

The number of the uninsured has grown from 32 million in 1987 to 43 million this year. Except for a brief pause in 1993 and 1994, the number of uninsured has consistently increased by a million or more each year until this year. Even these figures understate the number of the uninsured. During the course of a year, 70 million Americans will be uninsured for an extended period of time.

Characteristics of the Uninsured

The vast majority of privately insured Americans—161 million citizens under 65—receive coverage on the job as workers or members of their families. But the uninsured are also overwhelmingly workers or their dependents. Eighty-two percent of those without insurance are employees or family members of employees. Of these uninsured workers, most are members of families with at least one person working full-time.

Most uninsured workers are uninsured because their employer either does not offer coverage, or because they are not eligible for the coverage offered. Seventy percent of uninsured workers are in firms where no coverage is offered. Eighteen percent are in firms that offer coverage, but they are not eligible for it, usually because they are part-time workers or have not been employed by the firm long enough to qualify for coverage. Only 12% of uninsured workers are offered coverage and decline.

The uninsured are predominantly low and moderate income persons. Almost 25 percent are poor (income of $8,501 or less for a single individual; $13,290 or less for a family of three). Twenty-eight percent have incomes between 100 and 200 percent of poverty. Eighteen percent have incomes between 200 and 300 percent of poverty. Almost three-fourths have incomes below 300 percent of poverty.

Consequences of Being Uninsured

An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs. The health consequences of being uninsured are often as devastating as the economic costs:

In any given year, one-third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take medication their doctors prescribe, because they cannot afford to fill the prescription.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty, because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has already spread in their bodies. As a result, they are 50% more likely to die of the disease.

The tragic bottom line is that 83,000 Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

THE PROPOSAL: SUMMARY OF BASIC ACCESS TO SECURE INSURANCE COVERAGE HEALTH PLAN ("BASIC" HEALTH PLAN)

Overview

The BASIC program builds on two successful federal-state health insurance programs: Medicaid and the Child Health Insurance Program (CHIP). It also incorporates a number of elements from Vice-President Gore's proposal to improve and expand upon insurance coverage under CHIP and Medicaid to the parents of eligible children. The BASIC plan extends the availability of subsidized coverage to all uninsured low and moderate income Americans, regardless of age or family status. It guarantees the availability of coverage in every state for every uninsured person, and includes provisions to encourage enrollment by those who are eligible. The plan also allows other uninsured individuals to buy-in to the program by paying the full premium.

Key Provisions

PHASE I: COVERAGE FOR CHILDREN AND PARENTS—EXPANSION OF CHIP AND MEDICAID

Eligibility levels are raised to 300% of poverty ($42,450 for a family of three) for all uninsured children over 2 years.

Coverage is made available to all uninsured parents of enrolled children.

Coverage is made available to legal immigrant children, and their parents.

The minimum benefit package under CHIP for children is improved by adding eye-glasses, hearing aids, and medically necessary rehabilitative services for disabled or developmentally delayed children.

Additional steps are established to encourage enrollment of eligible children and their parents, including presumptive eligibility, qualification for at least twelve months, and simplified application forms.

The system of capped state allotments under CHIP is eliminated and federal matching funds are made available for all eligible persons enrolled in the program.

PHASE II: COVERAGE FOR THE REMAINING UNINSURED

Subsidized coverage is made available for the remaining uninsured with incomes below 300% of the poverty level. Coverage is phased in by income levels, beginning with those below 50% of the poverty level in the third year of the program, rising to 300% of the poverty level in the ninth year.

Other uninsured individuals above 300% of poverty may buy-in to the program by paying the cost through premiums.

Responsibility of Employers

Eighty-two percent of the uninsured are workers or dependents of workers. Employers will not be required to provide coverage or contribute to the cost of coverage—but they will be required to offer their uninsured employees an opportunity to enroll in the program and agree to facilitate the coverage by withholding any required premium contributions from the employee's periodic pay.

Cost

Preliminary estimates of similar proposals indicate that the federal cost will be $200–300 billion over the next ten years, beyond the amount already budgeted for expansions of coverage under the current CHIP program.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. UNDERWOOD. Mr. Speaker, in recognition of Domestic Violence Awareness Month, and on behalf of the victims and families affected by domestic violence, I rise to speak on this rapidly growing and widespread health concern. Domestic violence involves serious physical, sexual and psychological consequences not only for women, but for children and entire families. It affects our entire nation and cuts across all lines of race, age, socioeconomic status, sexual orientation, and religion. Not only does domestic violence include spouse or partner abuse and woman battering, it also involves child abuse, elder abuse, and violence between roommates.

The devastating statistics demonstrates the urgency of this matter. Every year, 3 to 4 million women are beaten by male partners. Every 21 days, a woman is killed by domestic violence, and every 15 seconds, a domestic violence act occurs somewhere in the U.S. This means that there are over 2.5 million victims of domestic violence per year. Almost 2 out of 3 females from this group have been attacked by a family member or acquaintance. In addition, more than 53 percent of male abusers beat their children, and 32 out of 1,000 people over age 65 experience elder abuse.

Domestic violence not only affects the victim but also affects families, relatives, and unborn children. While victims are traumatized and left with a sense of vulnerability and helplessness, the over 3 million children who witness acts of domestic violence display emotional and behavorial disturbances. Also, pregnant women who are victims of physical abuse have greater chance of miscarriage.

Unfortunately, domestic violence involves victims from all walks of life and all geographic locations. In Guam, of the 2,090 violent offenses reported to the Guam Police Department, 661 arrests were made for family violence. In 1999, the Guam Child Protective Services received 1,908 referrals, and between 1997 and 1999, the Guam Adult Protective Services received 907 referrals for the elderly and persons with disabilities.

Such violence should not be tolerated. Every woman, man, and child has the right to a healthy and safe environment. Numerous national and state organizations have contributed to efforts in raising awareness, conducting programs encouraging preventive mechanisms, providing counseling services, and building centers or shelters for victims and their families.

In recognition of this growing concern and the need to address this issue, October has been declared "Family Violence Awareness Month" by the Governor of Guam. It has included a Silent Witness Ceremony in honor of domestic violence victims, a Hands Across Guam Rally for island wide community outreach, a Family Violence Conference for the general public and professional staff, and a Poster Exhibition for Elementary Schools including children's artwork on family and love.

Guam has also benefitted from the $300 million in "STOP (Services, Training, Officers and Prosecution) Violence Against Women" grant funds, which were awarded by the U.S. Department of Justice's Violence Against Women Office to 4,715 grant recipients nationwide. Of these funds, 51 grants were awarded to agencies and organizations in Guam, totaling more than $2.5 million.

Domestic violence is a widespread and growing problem needing urgent and constant attention. We must all work together so that women, children, and families can live in a safe and nurturing home environment. I will continually support this issue for all victims of domestic violence and for the healthy and safe environment of our entire Nation.

INTRODUCTION OF LEGISLATION TO RENAME "MEDICARE+CHOICE" AS "MEDICARE-NO-CHOICE"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. STARK. Mr. Speaker, sometimes a lie is repeated so often, that people forget what a falsehood it is.

For years, people who want to privatize Medicare have been saying that joining a managed care plan—an HMO—will give seniors more choice. In 1997, they even renamed the whole HMO program, "Medicare+Choice," pronounced Medicare Plus Choice.

What a lie.

In traditional, fee-for-service Medicare, you have total freedom of choice. One of my constituents in Medicare from Fremont, California can decide to go to Baltimore's Johns Hopkins, which US News consistently rates as the Nation's best hospital, and Medicare will pay.

But when you join a Medicare+Choice HMO, all of a sudden you are limited in the hospitals you can go to and the doctors you can see that the HMO and Medicare will pay for.

So Medicare+Choice really isn't "more choice." More HMOs simply mean "more choices of plans that limit your choice of doctors and hospitals."

Therefore, let's be honest: to stop the lie and make it clear what managed care is all about, I am today introducing a bill that says, in its entirety,

> Strike the words 'Medicare+Choice' wherever it appears in the law, and substitute the words 'Medicare-No-Choice'.

This name change may seem like a silly idea at first blush, but there is a good reason for it. The current name gives the impression that you are getting more than you would in traditional Medicare. All too often, that is not the case. The reality is that seniors are being duped by HMOs each and every day into joining plans that offer the world and then take most of those benefits away year by year—if they even remain in the program at all.

"Medicare-No-Choice"—this name change would give Medicare beneficiaries pause and might cause them to look at the details of the plan more than is currently the case. And, Mr. Speaker, that is not a silly change at all.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, I was not able to vote on the following measures yesterday.

On roll No. 541—H. Res. 634 (Rule on H.R. 4656), if I had been present, I would have voted "yea."

On roll No. 542—H. Con. Res. 414 (Regarding establishment of representative government in Afghanistan), if I had been present, I would have voted "yea."

On roll No. 543—H.R. 4271—National Science Education Act, if I had been present, I would have voted "yea."

HAIL THE VETERAN

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BILIRAKIS. Mr. Speaker, as Veterans' Day approaches, I wanted to share a poem which was written by one of my constituents, Charlie Reese, with my colleagues.

Hail the Veteran—whose noble deeds,
Nurtured Liberty's growing seeds,
Soldier, Sailor, airman, grunt,
Who held this Nation's battle fronts.

These selfless people who paid the price,
With years or life in sacrifice.
In war or peace they joined the ranks.
Hail the Veteran—and give them thanks.

Hail the Veteran—whose heroic duty,
Helped preserve this Nation's beauty,
Who came to their great country's aid,
With dedication that will never fade.

In barracks or bulwarks, on sea or soil,
Our freedom protected because of their toil.
The campaigns and marches and endless drills—
Hail the Veteran—for their mighty will.

Who through the years answered the call,
Who soared and swam and stood and crawled,
Who in our history shall ever stand tall,
Hail the Veteran—they gave their all.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4868, TARIFF SUSPENSION AND TRADE ACT OF 2000

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. WOLF. Madam Speaker, I am disappointed that a section of H.R. 4868 may ease the process in which gum arabic from Sudan may be imported into the United States.

The President imposed comprehensive sanctions against Sudan because of its horrible human rights record, sponsorship of terrorism, and implication in the assassination attempt on Egyptian President Hosni Mubarak, under Executive Order 13067, on November 3, 1997.

With the events of the past few weeks, including the bombing of the U.S.S. *Cole*, this Congress should not be weakening or adjusting the sanctions in place on Sudan. We have reports that Osama bin Laden has been involved in and may still have a role in the gum arabic industry in Sudan. It has also been reported that bin Laden could be a prime suspect in masterminding the bombing of the U.S.S. *Cole*. We do know that he has been implicated in the attacks on two U.S. embassies in Africa.

In short, this is a horrible time for Congress and for the Administration to weaken our resolve on sanctions against Sudan.

LACK OF HEALTH INSURANCE BANKRUPTS MILLIONS OF AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. STARK. Mr. Speaker, the record of the 106th Congress on major health care policy issues—Medicare prescription drug coverage, managed care reform, and extension of coverage to the 44 million Americans who lack it—is appalling. Our failure to enact legislation that provides baseline coverage for all of our citizens is not simply that emergency rooms are overcrowded and public health clinics are overflowing. Our lack of a guaranteed health care safety net indirectly plunges millions into bankruptcy and financial ruin who, once sick, cannot afford to pay for their high medical treatment costs out-of-pocket.

This piercing fact is highlighted in a column that was published in the Philadelphia Inquirer on Oct. 8. Health care economist Uwe Reinhardt points out the fallacy of self-reliance when it comes to health insurance. I submit the following article in the CONGRESSIONAL RECORD.

[From the Philadelphia Inquirer, Oct. 8, 2000]

ISSUE NO. 1: HEALTH-CARE SYSTEM WANTED

(By Uwe Reinhardt)

Several years ago, in a fit of compassion, New York Mayor Rudy Giuliani appointed former Republican Mayor John Lindsay to two no-show municipal jobs, solely to provide the latter with city-financed insurance coverage for health care not covered by Medicare. Lindsay, after several strokes and with Parkinson's disease, was facing out-of-pocket outlays for health care that had begun to strain his finances.

Millions of fellow Americans share Lindsay's predicament. The most recent estimate by the U.S. Bureau of the Census revealed that about 42 million Americans find themselves without any health insurance coverage for at least part of the year. Almost half the uninsured at any time have been uninsured for more than two years. Many millions more, including Medicare beneficiaries like John Lindsay, have shallow insurance coverage.

To be sure, most of the uninsured probably are relatively healthy. When they do fall seriously ill, they usually receive critically needed care at nearby hospitals. Ultimately, the hospital tries to recover the cost of its "charity care" from insured patients, but only after first hounding the uninsured themselves for payment, often with the help of tough collection agencies. According to survey research by Harvard law professor Elizabeth Warren, medical bills now are the second most frequently cited reason for the bankruptcy of American families, right behind "job loss" and ahead of "divorce."

Political leaders in any other industrialized nation would think it unacceptable nation would think it unacceptable to force families, stricken by serious illness, to face the added prospect of bankruptcy. Not so with this nation's policy-making elite. To illustrate, in their first debate, neither presidential candidate addressed the problem on his own. And moderator Jim Lehreer saw no reason to accord the issue an explicit question. Perhaps all of them surmised that, in these times of economic bounty, their audience would have little interest in the acute distress of a misfortunate few.

Alas, the economy may not always remain bountiful. If it doesn't, American consumers, feeling poorer, might tighten their belts, thereby triggering a consumption-led recession. With a recession would come layoffs, and with them a loss of employment-based health insurance. The middle class might then be reminded once more that it lacks what families in all other industrialized nations enjoy; universal, permanent protection against the financial consequences of illness.

Universal coverage could easily be provided in this country, if only the nation's political elite were willing to do three things. First, there must be a mandate on every individual to have at least catastrophic health insurance. Second, between $60 billion and $100 billion a year would have to be appropriated to subsidize the health insurance of low-income families. Third, government regulation would have to ensure an efficient market for individually purchased health insurance. That insurance could be private or, should private insurance fail to meet social needs, public (e.g., Medicaid and Medicare). The shelves of the nation's think tanks bend under the weight of ready-to-go proposals that could achieve both objectives.

Opponents of such measures are fond of reminding us of this nation's "rugged individualism" and its tradition of "self-reliance." For the most part, it is empty talk. Most corporate executives, for example, enjoy comprehensive, tax-sheltered "social insurance" paid for by their corporations, literally until these executives' last day on earth. Furthermore, the plight of former Mayor Lindsay stands as a stark warning to all would-be rugged individualists who believe that self-reliance is the proper solution to this nation's health-care woes. In the end, even he could not be protected by our nation's brittle private health-insurance system. He was saved by what is otherwise decried as "a complete government takeover" of his health-care needs.

A common lament is that the typical college student today insists on doing well by doing good. Too few of them are said to heed President John Kennedy's eloquent exhortation to self-sacrifice: "Ask not what your country can do for you—ask what you can do for your country." But why would any American youngster seek to lay out for a country that thinks nothing of letting its citizens slide into the undignified status of health-care beggars, and into financial destitution, simply because serious illness struck? America's allegedly selfish young have read their country's soul and are acting accordingly.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, I am pleased that the House today considered S. 1452, the Manufactured Housing Improvement Act, and I would like to thank Housing Subcommittee Chairman RICK LAZIO for all of his efforts to open homeownership opportunities to so many American families.

This bill encompasses many important provisions from H.R. 1776, the homeownership bill that passed the House overwhelmingly earlier this year. It also includes important provisions to preserve affordable housing for seniors, and other low-income and working families.

I would like to mention two provisions that I introduced (H.R. 2860 and H.R. 2931) which were included in H.R. 1776, and now S. 1452.

The first would create a pilot program to assist law enforcement officers purchase homes in locally designated "at risk" areas. The proposal would allow law enforcement officers to purchase homes with no downpayment. They must use the property as their primary residence for at least 3 years, and have 6 months of service. It is modeled after a pilot program that was conducted in Wisconsin. The Milwaukee pilot was successful because it offered a "no downpayment option." Seventy-five percent of those who participated in the program said they did so because of the no downpayment requirement.

This proposal will not only provide homeownership opportunities for law enforcement officers who might otherwise not have the money for a downpayment on a home, but will also deter crime. Criminals will be far less likely to commit an act of violence if they know a police officer lives right next door. Finally, this gives control to local officials, allowing mayors to designate the areas they believe need the most protection.

My second provision expands on the Section 8 homeownership rule to make it more accessible to persons with disabilities. This provision provides incentives for employment and homeownership for the most underserved group of homeowners in the country. Nationally unemployment rates among the disabled of working age exceed 70 percent and homeownership rates at less than 5 percent.

Two of the biggest barriers to homeownership for persons with disabilities are affordability and accessibility. It costs $20–$40 thousand to customize a home for some disabled individuals. This pilot program addresses these problems by allowing disabled families making up to 100 percent of the area median income to qualify to use their Section 8 voucher for homeownership. The benefit may continue for the entire term of the mortgage provided they remain eligible for such assistance. It also requires one or more members of the family to have achieved employment and participation in a homeownership counseling program.

While I am very pleased with the outcome of the negotiations on S. 1452, I am concerned at the omission of one provision in particular. Section 102 of H.R. 1776 requires the federal government to perform a housing impact analysis before it issues new regulations. This important provision would give the private sector an opportunity to see the impacts on housing before a rule is implemented. Hopefully, this would result in less costly regulations that impede homeownership. While it was omitted from the final version we considered today, I am hopeful we can come back to this next year and pass it into law.

S. 1452 will help so many Americans achieve the dream of homeownership. I am pleased at the House's actions, and am hopeful that the other body will quickly take up and pass this extremely important legislation.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BILIRAKIS. Mr. Speaker, on October 24, 2000, I missed rollcall votes 541, 542 and 543. Had I been present, I would have voted "aye" on all three votes.

HONORING DR. ROBIN BEACH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize a remarkable member of the medical community, Dr. Robin Beach. Her contributions to the citizens of Colorado are immeasurable and deserve the recognition of this body. I would at this time like to pay tribute to a truly inspirational and compassionate human being.

Robin began her distinguished career in medicine with an education almost as impressive as her work in medicine. She received her undergraduate degree in Zoology from Duke University graduating with distinction. Robin then went on to receive her M.D. from Duke and her M.P.H. from the University of California at Berkeley. This impressive educational background easily prepared her to become the expert in Pediatrics she is today.

Robin's illustrious career in pediatrics began at the University of Colorado Medical Center where she completed her residency. She then went on to work for the University Health Services in Boulder, Colorado where she served as Chief of Staff and Chief of the Medical Services. Her expert knowledge of medicine along with her natural ability to lead has propelled her into leadership roles for many different organizations within the medical community. She has served the Denver Health Authority in the capacities, of assistant director of Community Health Services, and Director of the Westside Medical Center, the Adolescent Ambulatory Services, and the Westside Teen Clinic.

Robin's career has been one of great distinction and has been full of many immeasurable contributions to her community. But it is her recent academic appointment that may rank above all when it comes to her accomplishments. She is now able to utilize her advanced knowledge of pediatric medicine to educate future doctors. She is currently a professor of Pediatrics and Adolescent Medicine at the University of Colorado Health Sciences Center. In addition to this great honor she has also received a number of awards for her work in the medical community, the Kathleen Ann Mullen Memorial Award and the Adele Dellenbaugh Hofmann Award both for her work with adolescent medicine.

Robin is a truly remarkable human being and her contributions, not only to her community but also to the field of Pediatrics, are unparalleled. Mr. Speaker, on behalf of the State of Colorado and the US Congress I would like to commend Dr. Beach on her many accomplishments and wish her the very best as she continues to educate Colorado's future doctors in the field of Pediatrics.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KOLBE. Mr. Speaker, on October 24, 2000 the House debated and voted on H. Res. 634, "Providing for the consideration of H.R. 4656, Lake Tahoe Basin School Site Land Conveyance Act", H. Con. Res. 414, "Relating to the Reestablishment of Representative Government in Afghanistan", and H.R. 4271, the "National Science Education Act." Had I been present, I would have voted "aye" on H. Res. 634, (roll call vote number 541) "aye" on H. Con. Res. 414 (roll call vote number 542), and "aye" on H.R. 4271 (roll call vote number 543).

HONORING A FORGOTTEN HERO, SEAMAN ARTHUR REID, JR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PAYNE. Mr. Speaker, more than five decades have passed since a massive explosion at the Port Chicago naval base in California claimed the life of a courageous young Seaman, Arthur Reid, Jr. and 319 other servicemen, mostly African Americans. Nearly 400 more were wounded in the incident.

On October 26, 2000, I will have the privilege of presenting to Seaman Reid's sister, Margaret Reid Severin, three long overdue military awards in his behalf—the American Campaign Medal, the Gold Star Lapel Button, and the World War II Victory Medal. Mrs. Severin was only 13 at the time she lost her brother, but she has faithfully honored his memory ever since, despite the fact that the Navy provided very little information or support following the tragic loss of his life.

I was pleased to have the opportunity to help secure Seaman Reid's service records from the National Personnel Records Center in St. Louis, which confirmed his meritorious military record recommending him for leadership.

It was through the efforts and outstanding research of Mrs. Severin's coworker, Ms. Sheri Humphrey, that the story of Seaman Reid came to light. Ms. Humphrey worked diligently to track down information from veterans' files which revealed the plight of Seaman Reid and his fellow servicemen at Port Chicago.

The Port Chicago tragedy has been described as "America's Dark Secret" because of the circumstances surrounding the disaster. It was on the evening of July 17th, 1944, during World War II, that the munitions blast occurred. In an era of a segregated military, enlisted African Americans were relegated to duties separate from those of their white counterparts. Instead of obtaining ship duty, they were assigned to load ammunition and explosives on ships at port without the benefit of proper training for this potentially dangerous responsibility. After the terrible tragedy, African American servicemen still suffering from the trauma of the explosion were ordered back to work handling ammunition at another location. At that point, 258 of them refused that specific assignment, saying they would take any other duty but that one in view of their experience. At a racially charged court martial trial, 208 servicemen were given bad conduct discharges and denied three months' pay. Another 50 were convicted of mutiny, which could have resulted in the death penalty. Sentences of 8 and 15 years at hard labor were meted out, but eventually clemency was granted at the conclusion of the war.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in honoring a true World War II hero, Seaman Arthur Reid, Jr., and in expressing to his sister Margaret Reid Severin our profound appreciation for his ultimate sacrifice for our country.

IN MEMORY OF ENSIGN ANDREW TRIPLETT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PICKERING. Mr. Speaker, today I come before the House of Representatives to honor the life of an outstanding American, and member of the United States Navy, Ensign Andrew Triplett, originally of Shuqualak, Mississippi. Ensign Triplett was among the 17 brave sailors who gave their lives for our country in the attack on the U.S.S. *Cole*, on Thursday, October 12, 2000. This attack also injured 33 other sailors in the harbor of Aden, Yemen.

Andrew Triplett, noted for his quiet, shy nature, grew up near Willow Grove in Shuqualak, Mississippi, where he attended Reed Elementary School and in 1987 graduated from Noxubee High School in Macon, Mississippi. Upon his graduation Andrew Triplett enlisted in the Navy, where while serving his country he met his wife, Lorrie, a Detroit native. Just seven years ago, they began their family with the birth of their first daughter, Andrea, and three years later their second child Savannah Renee was born. Andrew and Lorrie lived in Virginia Beach, Virginia and were members of Pleasant Grove Baptist Church.

Successfully moving up the ladder as an enlisted man, Andrew was accepted for Officers' Candidate School and received his commission as an officer in April, 1999. On the U.S.S. *Cole*, he was assigned to the engineering department, a job that he was said to love. Tragically, it was the engineering department that suffered the blast damage from the explosive in the harbor.

For Ensign Andrew Triplett's thirteen years of service to the United States of America in the United States Navy, and for his life-long devotion as a son, husband, brother, father and citizen, I pay tribute. Ensign Triplett was the son of Mr. and Mrs. Ree D. Triplett of Shuqualak, Mississippi. He is survived by his wife, Lorrie, and his two little girls, Andrea (age seven) and Savannah Renee (age four); his parents, Savannah and Ree Triplett of Shuqualak, Mississippi; and his two brothers, two former servicemen, Theotis Donald (Air Force) and Wayne (Marine Corps).

Mr. Speaker, I ask our colleagues to join me in remembering this present day hero, Ensign Andrew Triplett. Our sincere prayers and thoughts are with the Triplett family at this difficult time, and the other families who lost loves ones on the U.S.S. *Cole*.

RECOGNIZING THE HONORABLE HUGH DESMOND HOYTE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. TOWNS. Mr. Speaker, I rise today to recognize His Excellency, the Honorable Hugh Desmond Hoyte, the former President of Guyana and current leader of the People's National Congress.

During his Presidency from August 1985 to October 1992, Mr. Hoyte initiated far-reaching electoral and economic reforms that strengthened the bases of the democratic culture of Guyana, promoted market-oriented policies and stimulated economic growth. Prior to becoming President, Mr. Hoyte served as First Vice President and Prime Minister. In addition, he held numerous Ministerial posts, including those of Home Affairs, Finance, Works and Communications, and Economic Development.

As a Minister of Government, Mr. Hoyte had at various times responsibility for African, Caribbean and Pacific affairs under the Lome Convention. His portfolio also included Caribbean Community Affairs. As a member of its Conference, the Heads of Government of the Caribbean Community charged him with responsibility for promoting freedom of movement within the Community and for coordinating the Caribbean Community's policy on the environment for the Earth Summit in Rio in 1992.

In fact, Mr. Hoyte has always taken a keen interest in ecological and environmental matters, working closely with the London-based Commonwealth Human Ecology Council. He is the architect of the Iwokrama International Rainforest Project in Guyana, which he initiated as the Commonwealth Heads of Government Conference in Kuala Lumpur, Malaysia, in 1989.

Born in Georgetown, Guyana in March 1929, Mr. Hoyte received B.A. and LL.B. degrees from the University of London. He is a British-trained lawyer, a Barrister-at-Law of the Honourable Society of the Middle Temple and a Member of the Guyana Bar. He was appointed to the Queen's Council in 1969, and his designation was changed to Senior Counsel in 1970 when Guyana became a republic.

Mr. Speaker, Mr. Hoyte is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join his wife, Joyce Hoyte, and me in recognizing this truly remarkable man.

INTRODUCTION OF THE RESPONSIBLE DEBT RELIEF AND DEMOCRACY REFORM ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. WOLF. Mr. Speaker, I am introducing the Responsible Debt Relief and Democracy Reform Act, legislation intended to provide debt relief to poor countries that have an insurmountable debt burden and to encourage these same countries to implement reforms for sound democracy and the maintenance of a civil society.

Many of the poorest countries of the world are struggling with democracy or with bad governance, and they are caught in a downward spiral of debt. Their futures are difficult and uncertain because of an overwhelming debt burden.

Many of the poorest countries have to spend an exorbitant amount of their budgets simply to make their debt payments. The rock singer, Bono, a vocal advocate for providing debt relief to heavily indebted poor countries, says, "A country like Niger, with a life expectancy of 47 years, spends more paying off their debts than on health and education combined."

Indeed, a country like Niger is not alone. Debt payments by the poor countries of the world can consume as much as 30–40 percent of a country's revenue. The chances of these countries ever paying back their loans is slim, to none. Realistically, none of their debt is going to be repaid.

The problem is that it is the poorest people of the world in the poorest countries who suffer as a result of their governments' massive debt. The poorest of the poor struggle to find food to survive. Suffering from malnourishment, their immune systems are lowered and people catch horrible diseases that wrack their bodies. The poor countries of the world have an alarmingly low life expectancy rate, with reports indicating that the average person in Sierra Leone only lives for 27 years. Canceling or reducing the debt of the poorest countries of the world is an opportunity for the U.S. to alleviate the suffering that these people face.

An article in Sojourners magazine describes part of the problem in Africa:

> It might seem odd to describe Hamsatou, a 13-year old girl in the West African country of Niger, as lucky. A mysterious flesh-eating disease known as "the Grazer" has consumed the left side of her face, leaving a gaping hole at the side of her nose, through which you can see her pink, unprotected tongue. She shields her head in embarrassment in her village, has no prospect of marriage, and rarely walks further than the nearby well. "When I go to the market . . . I'm ashamed of myself. I cover my face so people won't stare at me and laugh."
>
> But Hamsatou is lucky because she is alive. One in three children in Niger, the world's poorest country, do not reach 5 years of age. And while the Grazer will kill 120,000 children in the world this year, a $3 mouthwash would have ensured she need never have succumbed to its ravages. Unfortunately the government of Niger does not have $3 to spare. Three quarters of its annual tax revenue is spent on servicing its $1.4 billion international debt. Sojourners May–June 2000

Unfortunately, many of these poor countries that have insurmountable debt and that need democratic reform are in Africa. The Clinton Administration's Africa policies have failed across the board. "'African Renaissance' Hailed By Clinton Now a Distant Memory" is the title of a recent article in the Los Angeles Times by Robin Wright. Ms. Wright says that just two years ago, President Clinton hailed what he called an "African renaissance." Now, despite several years of rhetoric on Africa by the Clinton administration, this article states that a recent national intelligence estimate says that "Africa faces a bleaker future than at any time in the past century." Most Africans are worse off now than they were eight years ago.

The U.S. can help provide hope and opportunity for those who may be hopeless. Providing debt relief to the poorest governments of the world, if done in the right way, can free these governments to better address the needs of their own people.

But simply canceling a country's debt doesn't necessarily pave the way to good government. The governments of poor countries are often part of the problem. For a variety of reasons, poorly run governments frequently stand in the way of alleviating poverty or sickness or of providing hope and opportunity to the poorest of the poor.

That is why the legislation I propose today will provide incentives to countries to reform their governments, to institute needed democratic reforms and basic structures of a civil society such as, respect for human rights, promoting religious freedom, freedom of the press, and freedom of association.

This legislation says that debt relief by the U.S. will be provided to countries that meet the following requirements, as determined by the President of the U.S.: freedom of the press, freedom of association, an independent and non-discriminatory judiciary, reduction or elimination of corruption relating to public officials, including the promulgation of laws prohibiting bribery of public officials and disclosure of assets by such officials; the establishment of an independent anti-corruption commission; the establishment of an independent agency to audit financial activities of public officials, free and fair elections, practice of internationally recognized human rights, opposition to international terrorism as determined by the Secretary of State.

The President may waive one or more of these requirements for emergency humanitarian relief purposes, if the President determines and certifies to Congress that it is in the national security interests of the U.S., or if the President determines that a recipient country is making demonstrable progress in the aforementioned areas.

The President is to notify Congress of the justification for the determination of the countries that will receive a cancellation or reduction of debt according to the conditions in this legislation.

Finally, this legislation conveys the sense of Congress that the President should instruct the U.S. director at each international financial institution to which the U.S. is a member to use the voice, vote, and influence of the U.S. to urge the cancellation or reduction of debt owed to the institution by a country only if the country meets the same requirements applicable in this legislation.

Debt relief to poor countries as described in this legislation is responsible debt relief. Passage of this legislation could help to foster the growth and development of democracy, respect for human rights, the promotion of religious freedom, the establishment of freedom of the press, and greater freedom of association in poor countries through helping these countries to have economic growth that will help their people.

We need to help poor people in these countries overcome their debt burdens but it must be done responsibly. Rather than just write off debt from poor countries, this legislation sets up a framework to help those nations in their struggle toward democracy. It says progress in democratic reforms, honoring human rights, and opposition to terrorism are important for developing or poor countries. It says that one of the ways to help the poor is to give them opportunities created by engendering democracy, transparency, and much needed relief from their country's overwhelming debt burden. Lastly it says that if those goals are met, the U.S. will help those countries struggling to help their citizens to a better, more prosperous life.

I introduce this legislation to begin the discussion of how the U.S. can help bring hope to the poorest people in the world through the promotion of debt relief and good government. While this legislation may not be the perfect answer, I am hopeful this legislation could provide the foundation for discussion on how to help the poor and give them opportunities so that the next Congress and the next Administration can deal with this important issue.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsible Debt Relief and Democracy Reform Act".

SEC. 2. ADDITIONAL REQUIREMENTS FOR CANCELLATION OR REDUCTION OF DEBT OWED TO THE UNITED STATES.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is maneded by adding at the end the following:

"PART VI—ADDITIONAL REQUIREMENTS FOR CANCELLATION OR REDUCTION OF DEBT OWED TO THE UNITED STATES

"SEC. 901. CANCELLATION OR REDUCTION OF DEBT.

"Beginning on and after the date of the enactment of this part, the President may cancel or reduce amounts owed to the United States (or any agency of the United States) by foreign countries as a result of concessional or nonconcessional loans made, guarantees issued, or credits extended under any other provision of law only if, in addition to the requirements contained under the applicable provisions of law providing authority for the debt cancellation or reduction, the requirements contained in section 902 are satisfied.

"SEC. 902. ADDITIONAL REQUIREMENTS.

"(a) IN GENERAL.—A foreign country shall be eligible for cancellation or reduction of debt under any other provision of law only if the government of the country—

"(1) ensures freedom of the press;

"(2) ensures freedom of association;

"(3) has established an independent and nondiscriminatory judiciary;

"(4) provides for the reduction or elimination of corruption relating to public officials, including—

"(A) the promulgation of laws to prohibit bribery of and by public officials, including disclosure of assets by such officials upon taking office, periodically while in office, and upon leaving office;

"(B) the establishment of an independent anti-corruption commission—

"(i) to receive and verify the disclosure of assets by public officials in accordance with subparagraph (A); and

"(ii) to investigate allegations or corruption or misconduct by public officials and to make all findings available to the appropriate administrative or judicial entities; and

"(C) the establishment of an independent agency—

"(i) to audit the financial activities of public officials and agencies; and

"(ii) to make all audits under clause (i) available to the appropriate administrative or judicial entities;

"(5) is elected through free and fair elections

"(6) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

"(7) does not repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

"(b) EXCEPTIONS.—The President may waive the application of 1 or more of the requirements of subsection (a) with respect to the cancellation or reduction of debt owed to the United States by a foreign country—

"(1) for emergency humanitarian relief purposes;

"(2) if the President determines that it is in the national security interests of the United States to do so; or

"(3) if the President determines that the foreign country is making demonstrable progress in meeting the requirements of paragraphs (1) through (7) of subsection (a) by adopting appropriate legal and other related reforms.

"(c) CONGRESSIONAL NOTIFICATION.—Not later than 7 days prior to the cancellation or reduction of debt in accordance with section 901, the President shall transmit to the Congress a report that contains a justification for the determination by the President that—

"(1) the requirements contained in each of paragraphs (1) through (7) of subsection (a) have been satisfied with respect to the foreign country involved; or

"(2) the requirement of paragraph (1), (2), or (3) of subsection (b) has been satisfied with respect to the foreign country involved."

SEC. 3. SENSE OF THE CONGRESS RELATING TO CANCELLATION OR REDUCTION OF MULTILATERAL DEBT.

It is the sense of the Congress that the President should instruct the United States Executive Director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to urge that the cancellation or reduction of debt owed to the institution by a country may be provided only if the country meets the same requirements applicable to the cancellation or reduction of amounts owed to the United States under paragraphs (1) through (7) of section 902(b) of the Foreign Assistance Act of 1961 (as added by section 2).

A TRIBUTE TO BOB GREGORY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PAYNE. Mr. Speaker, I rise to pay tribute to a man who has given his considerable talent and energy for the betterment of his community, Mr. Bob Gregory of Colonia, New Jersey.

As Chairman of the Merck Volunteer Focus Group, Mr. Gregory personally coordinated more than fifty community service initiatives last year which raised about $128,000 while providing hundreds of hours of in-kind and volunteer services. He also chaired the Rahway Downtown Revitalization team as part of the Neighbor of Choice initiative and was instrumental in effectively aligning the efforts of the Volunteer Focus Group with Rahway's revitalization goals. He remains very active in local community organizations, including Merrill Park Youth, Rahway P.A.L., Rahway Aesthetic Committee, Union County Board of Agriculture, Rahway Lions, Rahway Honorary P.B.A., Rahway Excellence in Education, John Shippen Minority Youth Association, and as an advisor to Union County VoTech Schools.

Mr. Gregory has been a positive influence in the lives of children in his community. Last year, he worked on the Environmental Champions project which involved the completion of horticulture projects with children at all of the Rahway Schools, the Library, City Parks, City Hall, JFK Youth Center and the Capo Bianco Housing Project. He also helped spearhead the renovation of the Rahway Elks banquet hall, with all profits earned from rentals going to support handicapped children. He coordinated the Linden Interfaith Council Food Drive to feed 100 needy families in Linden and the Cancer Care Golf Outing to raise funds for Cancer Research and Home Care. His good works have extended to an international level, as he traveled to the Dominican Republic with the Volunteer Medical Team sponsored by Healing the Children.

Mr. Speaker, we owe a debt of gratitude to Mr. Gregory for all that he has done to improve the lives of so many people. Please join me in commending him for his outstanding work and in wishing him continued success.

IN MEMORY OF MR. PRENTISS WALKER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PICKERING. Mr. Speaker, whereas Mr. Prentiss Walker, a former citizen of Mize, Mississippi, dedicated many years of his life in working for the conservative Christian principles on which this nation was built; and

Whereas, Mr. Walker sacrificed in working to build the Republican party in the South and especially Mississippi; and

Whereas Mr. Walker believed so strongly in conservative Christian principles that he offered himself as a candidate for Congress of the United States and was elected in 1964 as the first Republican Congressman from Mississippi in over 100 years.

Whereas Mr. Walker served his state and his nation in this office demonstrating his strong convictions by every vote he made and by leading others to join in his patriotic stand; and

Whereas Mr. Walker was a true political pioneer in the state of Mississippi, making the way for many others to follow in his path of service in our nation's capitol; and

Whereas Mr. Walker continued to lead in the development of the Mississippi Republican Party and leading the citizens of Mississippi to dedication to conservative Christian principles long after he left the Congress, be it therefore resolved:

We express our deep appreciation to his wife Dimple and to his memory for his tireless service to the cause of returning our nation to the greatness it achieved by following the foundational beliefs on which our forefathers founded these United States of America.

RECOGNIZING THE 97TH ANNIVERSARY OF OUR LADY OF CHARITY ROMAN CATHOLIC CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. TOWNS. Mr. Speaker, I rise today to celebrate the 97th Anniversary of the founding of Our Lady of Charity Roman Catholic Church in Brooklyn, New York. Let me congratulate this "Faith Community of Black Catholics" who, under the guidance of Father Andrew L. Struzzieri, are continuing in the tradition of almost a century of dedicated work serving the emotional and spiritual needs of Brooklyn residents.

Since Our Lady of Charity Roman Catholic Church was founded, the members of the congregation have exemplified the very best in humanity through a common commitment to the Christian faith. As one of the oldest places of worship in Brooklyn, the congregation has adopted the tree as a symbol of the strong roots that Charity members establish to better themselves and, ultimately, the community. As is said in proverbs:

He is like a tree planted near running water, that yield fruit in due season, and whose leaves never fade. Psalm 1:3 NAB

Mr. Speaker, Our Lady of Charity Roman Catholic Church's reputation for being on the leading edge of the development of creative and innovative strategies to address human needs at home and abroad is an inspiration to us all. For the past three years some of their special contributions have been to present Brooklyn Senior High School Youth with scholarships and gifts toward their college education. Its Prison Ministry continues to be dedicated to work towards assisting those in their time of extreme need by way of prayer and positive actions. Its Ministers of Service provide Eucharist to the sick at Brookdale Hospital and those parishioners who are unable to leave their homes.

In closing, Mr. Speaker, let me again offer my sincere congratulations to Kerry Mills, Anniversary Chairperson, and the entire congregation of Our Lady of Charity Roman Catholic Church and to commend them on their immense contributions during these past 97 years. I hope my colleagues will join me in wishing them good fortune and continued blessings in the future.

IN CELEBRATION OF THE TWENTY-FIRST BIRTHDAY OF ROBERT A. WEYGAND, JR.

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. WEYGAND. Mr. Speaker, I rise today to recognize the twenty-first birthday of my son, Bobby.

As time goes on, and often at unfathomable speed as I advance in age, it is easy to forget some of the most precious moments in our life. I pen this statement to document one such special event, the twenty-first birthday of our son, Bobby. Now there are many sons and daughters that reached their twenty-first birthday on October 9, 2000 and I know how special they each must be to their parents. So I ask the Congress's indulgence if my perspective on this date is very personal, and not as objective as it should be, but my thoughts are entirely true, honest, and undeniable.

Bobby is the youngest of our three wonderful children and, as such, the benefactor of both pampering and brutal jokes. Being the only boy, he had the advice and assistance of his older sisters, whether requested or not. He always wanted to find his own way since "they just don't understand boys" as he would say. Life was not easy in those early years. For him, paths had been already cut by his parents and sisters and he was expected to follow them even when he wished for another course. He managed to do very well, which is not easy with such a dominating father. Everyone who knows him likes him because of who he is, that is a great accomplishment for anyone.

Changing schools, as he did, is not easy for any child and Bobby was no exception. Moving to a new school in third grade was very difficult, but he managed through the "new kid" taunting and jokes, and made friendships that will last him a lifetime. When we moved homes while he was still in high school, some cast unwarranted public scrutiny on him more than any student should endure. He accepted it with no complaints. Even harassing TV cameras at his high school graduation did not rattle his cage; he stood his ground. He was proud to graduate from East Providence High School with his friends. Through school, sports, and friendships, he has always made me proud to call him my son. He is even more than that, he is my friend.

Bobby is a very caring person (he gets that from his mom), sometimes forgetful (that's my fault), and always fun to be around (his sisters saw to that). I am very lucky to have a great family, each one of them provides a special light to my life. I love my son and my family and they love me. What greater gifts can life bring me, I know not. Happy birthday, Bobby.

HONORING ADELLE GORDON ON HER 75TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Adelle Gordon, a psychiatric social worker from Rochester, New York, who is one of the unsung early pioneers of the women's movement.

Back in 1951, Mrs. Gordon, then a graduate student at Columbia University's School of Social Work, wrote her dissertation on the conflicts of a group of young mothers who were torn between staying at home with their children or returning to work for financial or professional reasons. Her prescient paper, "A Study of the Adjustment of Fourteen Professional Women to Motherhood," touched on the difficulties facing working mothers in that era, with minimal support from spouses and employers, as well as the frustrations of housewives who felt culturally pressured to stay home. Mrs. Gordon's research evolved at a Central Park playground, where she took her own toddler son and met the women who became her subjects.

Mrs. Gordon, who will turn 75 on November 11, has devoted her social work career to counseling low income families, often referred by their local school districts. Starting out at the Hartford Family Service Society, she spent five years at the New Britain Child Guidance Clinic before joining the Rochester Mental Health Center in 1964. Recently retired, she has also taught at the University of Rochester. Married to David Gordon, she is the mother of two children, Bart (deceased) and Meryl, and has two grandchildren, Jesse and Nathan Gordon. As a working mother before the invention of the take-out, she developed her own domestic engineering system, cooking and freezing a week's worth of dinners in a day and defrosting the rest of the week.

Mr. Speaker, women like Adelle Gordon are rarely mentioned in the history books about the feminist movement in the United States. But their quiet contributions are what made this enormous generational change possible. Please join me in honoring Mrs. Gordon for her 75th year and for her pioneering service to families with working mothers.

RECOGNIZING THE CONTRIBUTIONS OF AMERICAN PATRIOT ROBERT MORRIS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. FOLEY. Mr. Speaker, I would like to recognize for the CONGRESSIONAL RECORD an American patriot who has gone largely unnoticed in our reflections of history but whose contributions to the founding of our great country were singularly significant and decisive.

The patriot was Robert Morris, and I am fortunate enough to have as constituents in my Florida district some of his descendants—notably Gladys Hungling of Sebring, a U.S. Army veteran of the Korean War.

Morris was a financier—but not just any financier. The 1962 "Dictionary of American Biography" calls him the "financier of the American Revolution," and for good reason. Without his considerable skills, it is all but certain that our founders would not have had the financial ability to fight and win the Revolutionary War.

Robert Morris was born in 1734 in England. He came to live in Maryland as a child, at age 13, but soon became involved with a Philadelphia import-export business, in which he stayed involved for nearly 40 years. It was in this business that he honed his skills for finance, eventually becoming a leading member of trade—and arguably the wealthiest—in both Philadelphia and the colonies. Because of his prominence and skills, he became part of the center core of people who eventually shaped our land.

A close friend of George Washington, Morris's was a Pennsylvania delegate to the Continental Congress. More significantly, he was also one of only two colonials who signed all three of our founding documents: the Declaration of Independence, the Articles of Confederation and the Constitution.

And, as superintendent of finance under the Articles of Confederation, he was the forerunner to our first American secretary of the treasury. It was Robert Morris who knew the "art magick"—as George Washington called Morris" skills in high finance—and he used those skills to secure funds for the war, often using his own credit and money to back it up. He also founded the first government-incorporated bank in the country, the Bank of North America, in order to finance Washington's Yorktown campaign in 1781. He did so, according to records in the National Archives, by obtaining a sizable loan from France and by using his own credit and funds.

Robert Morris' legacy to the founding of our country was not without controversy: During his own day, he was criticized for the way his personal finances were tied to the finances of his young country. But the fate of the two were very different. The war effort he made possible through his "art magick" succeeded. The Declaration, the Articles and the Constitution he signed gave birth to a great nation. Robert Morris himself ended up in debtors' prison, dying amid poverty and obscurity.

Yet it is to this American patriot that we ourselves are the debtors, Mr. Speaker. Because without his financial wherewithal, the ability to successfully wage the Revolutionary War—and become the great country we are—would have been lost.

SOUTHEAST TEXAS ENTERTAINMENT COMPLEX

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. LAMPSON. Mr. Speaker, I rise today to recognize the groundbreaking of a new comprehensive entertainment complex in Southeast Texas. I specifically want to commend Jefferson County Judge Carl Griffith for his efforts in making the establishment of this facility a reality.

The development of the Southeast Texas Entertainment Complex means great things for the people of Southeast Texas. This 221 acre facility, which is scheduled to be completed by 2002, will contain a new fair grounds with 10 acres of midway; paved parking for 9000 vehicles; 80, 000 square feet of air-conditioned exhibit and convention space; an air-conditioned rodeo arena; an outdoor concert pavilion; Olympic-standard softball complexes; a recreational vehicle park; a Regional Visitor's Center; jogging trails; and a wildlife habitat. This facility truly presents great opportunity for the citizens of Jefferson County and Southeast Texas.

This facility is slated to create an estimated 1,238 new jobs producing more than $121.9 million payed in salaries to new workers. In addition, an estimated $481 million will be pumped into the local economy. The Southeast Texas Entertainment Complex is expected to draw over 7.8 million visitors, nearly 3 million of them from outside the area.

Mr. Speaker, I am truly excited about the creation of this park and what this presents to the citizens of Southeast Texas. This facility will present phenomenal cultural, economic, and recreational opportunities to the citizens of Texas. I would once again like to offer my sincere gratitude to those who have helped to make the Southeast Texas Entertainment Complex a reality.

COSMETOLOGY TAX FAIRNESS AND COMPLIANCE ACT OF 2000

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I have introduced the "Cosmetology Tax Fairness and Compliance Act of 2000" to extend the same tax fairness provision applied to the tip-intensive restaurant industry, to the tip-intensive cosmetology industry. Just like restaurant owners, this legislation will permit salon owners to claim a credit against income tax for the employer's share of FICA (Social Security and Medicare) tax paid on tips paid to their employees.

Under current law, salons are required to pay FICA taxes on tips paid to their employees even though the employers do not pay the tip compensation to the employees or control the amount of tip compensation paid to their employees. The credit would be allowed only for FICA tax on tips paid to employees. It would not be allowed for SECA tax (Social Security and Medicare tax paid by the self-employed) paid by individual salon owners and independent contractors on tips that they receive.

In addition, the Act will also help to correct the problem of systemic tax evasion in the cosmetology industry. This proposed legislation would close a loophole in a group of tax compliance provisions that are intended to encourage everyone to comply with the tax law. Under present law, when an independent contractor provides services to a business, the business generally must provide the independent contractor with a Form 1099, and the IRS with the information contained in the Form 1099. This is vital information for the IRS because the form tells the Service the address and taxpayer identification number ("TIN") of the independent contractors. The IRS can then check to see if tax returns were filed by them. However, under current law, Forms 1099 are not provided to cosmetologists who are independent contractors because they are technically providing their services to individual customers, rather than to businesses. The legislation requires salon owners (and others who lease space to hairstylists and other cosmetologists) to provide a type of Form 1099 to stylists and other cosmetologists operating as independent contractors on their premises, and to provide the IRS with the names, addresses and TINs of the independent contractors. It also requires salon owners (and other lessors) to provide a copy of an IRS publication describing the tax obligations of independent contractors. The IRS has a publication, Publication 3518 Beauty Industry Federal Tax Guidelines, that can be used for this purpose.

This minimal reporting requirement will go a long way in solving the widespread tax cheating that currently occurs in the professional salon industry. Today, thousands of law-abiding salon owners who pay their taxes, are placed at a competitive disadvantage by a persistent minority of the salon industry who do not report or underreport their revenues and tips. Legitimate salon owners are hurt when some stylists leave to become independent contractor "booth renters" believing their take home pay will increase because they won't report all (or any) of their revenues and tips. Legitimate salon owners are forced to replace the departed stylist, as well as losing the customers who follow the stylist to the underground economy.

Simple equity requires that salon owners not be asked to pay tax on tips that others choose to pay to their employees. The cosmetology industry should be placed on an equal footing with the restaurant and food delivery industries. Further, law-abiding salon owners should not be penalized and placed at a competitive disadvantage because they pay their taxes while others in the industry do not.

This identical bill was introduced in the other body by Sen. Rick Santorum. (R-PA). While Congress is not expected to act on this legislation in the waning days before adjournment, this legislation lays down a marker for reintroduction next Congress when we will push for enactment.

I urge my colleagues in the House to review this proposed legislation and to cosponsor the "Cosmetology Tax Fairness and Compliance Act" when it is reintroduced in the 107th Congress.

TRIBUTE TO LEO JOHN DEJAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to musician and octogenarian Leo John Dejan, of Los Angeles, California.

Born on May 4, 1911, in New Orleans, Louisiana, to John Dejan and Elodie Planchard Dejan, Leo began his musical career when at the tender young age of seven, he learned to play the violin. He went on to master the trumpet and by the time he was twelve, young Leo was earning money as a professional musician. In 1923 along with his brother, Harold, he formed his own band, calling it "The Original Moonlight Serenaders." The following year, Leo changed the name of the band to the "Black Diamond Orchestra." The Black Diamond's were very popular throughout New Orleans, French Quarter and on Lake Pontchartrain, playing at carnivals, in parades, and at dances. On occasion, they would play with legendary jazz musician Louis "Satchmoll" Armstrong.

Leo studied music at Xavier University in New Orleans. He became the school's bandmaster and in 1933 organized the university's first school band. While attending Xavier, he met Sister Katherine Drexel, founder of the Order of the Blessed Sacrament who on October 1, 2000, was canonized by Pope John Paul. Little did he know the significance of their meeting at that time, but today Leo is profoundly moved by his chance encounter with this remarkable woman, a former Philadelphia socialite and philanthropist, who would become Saint Katherine.

With the outbreak of World War II, Leo volunteered for duty with the United States Navy, serving as bandmaster at Lake Pontchartrain Naval Station. For a time, Leo's band could be heard every Sunday evening on the "Skyway to Victory" radio program on New Orleans radio station WWL.

On July 16, 1937, while still in the Navy, Leo married Helena Charbonnet. The couple had three children: son, Leo, Jr., and daughters Glynis Ann and Debbie Marie. The Navy transferred Leo and his family to Treasure Island in San Francisco, California, in 1944. After the war, they returned to New Orleans where Leo taught mathematics and music at Xavier, and returned to his musical career playing lead trumpet in local bands.

After his service with the Navy ended, in 1947 Leo and Helena moved the family West to Los Angeles. There he joined the city of Los Angeles' Bureau of Music as a contractor to the Parks and Recreation Department. He provided concert, Dixieland, and "longhair" bands to the city and played with the summer circus and Dixieland bands around town. He also did studio recording work, cutting sound tracks and backing sides.

As Leo's family blossomed and musical engagements became less reliable, he went to work for the United States Postal Service, operating out of Los Angeles' famed Ambassador Hotel. He continued to play in occasional jazz sets around town and in 1975 signed with Crescent Jazz Productions to appear in their "A Night in New Orleans" European tour, featuring the New Orleans Society Orchestra and Eagle Brass Band. Leo and Helena packed their bags and went abroad, where Leo played to packed audiences in Belgium, England, Germany, and Austria. It was an unforgettable occasion that Leo holds dear to his heart.

In 1992, Leo's beloved Helena passed away. For fifty-five years, she was his best friend, the love of his life, and his soul mate. He now lives with daughter Glynis and her husband, retired Los Angeles Superior Court Judge Dion Morrow, who have welcomed him into their warm and loving home. Despite his young 89 years, Leo continues to work in the community by volunteering for the Los Angeles County Sheriff's Department, working out of the Ladera sub-station.

When not volunteering, Leo, who will turn 90 on May 11, 2001, remains a life member of AFM Local 47. He is an active bowler and a member of the seniors clubs of Saint Bernadette Church and the Claude Pepper Senior Citizens Center. He is listed in Who's Who of American Jazz musicians, and when the spirit moves him, can often be found doing a set or two on his trumpet.

Mr. Speaker, it is a sincere pleasure to recognize the outstanding contributions of Leo John Dejan to the music industry and to jazz lovers everywhere. I am proud to call him my friend and on behalf of the residents of the 32nd Congressional District, I congratulate him on his exemplary career.

H.R. 4788: SMALL WATERSHED REHABILITATION

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. COMBEST. Mr. Speaker, yesterday, October 24, 2000, the other body adopted H.R. 4788, a bill that contained a number of provisions important to U.S. agriculture and the rural areas of our country.

Among other items in this bill is legislative language contained in Title I of H.R. 728, the Small Watershed Rehabilitation Amendments, a bill Mr. LUCAS of Oklahoma introduced early in this Congress. The House adopted this legislation on July 17, 2000, but it was not acted on in the other body until yesterday.

The Small Watershed Rehabilitation Amendments of 2000 will authorize the Department of Agriculture to provide cost-share funding for local sponsors to rehabilitate dams that were built with USDA assistance. Under the Act, the Secretary of Agriculture will establish a system for approving requests for rehabilitation assistance, taking into account health, safety, environmental and cost considerations. Before approving a rehabilitation project for USDA funding, the Secretary will examine and consider all feasible options for rehabilitation, which under the bill may include correcting damage or deterioration of the structure, upgrading the structural measures to meet changed land use conditions or safety needs within the watershed, and decommissioning the structure.

The legislation is clear that a local sponsor may not be required to engage in a particular form of rehabilitation, and a project may not commence unless the Secretary and the local sponsor agree on the form of rehabilitation. At the same time, the Secretary will not place any specific form of rehabilitation assistance at a disadvantage when evaluating applications for rehabilitation assistance. It is expected that NRCS will follow the normal procedures for Federal agencies for water resource planning.

In closing, Mr. Speaker, the legislation contained in H.R. 4788 for dam rehabilitation under the small watershed program is important to rural areas, and I am pleased we have sent it on to the President for enactment. I commend the gentleman from Oklahoma, Congressman FRANK LUCAS, who is a valued member of the House Agriculture Committee, for his hard work and dedication to this issue.

RETIREMENT OF HON. TILLIE FOWLER

SPEECH OF

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to my colleague for whom I have a profound sense of respect, the Honorable TILLIE FOWLER of Florida. Congresswoman FOWLER has a long and distinguished career of public service. TILLIE came to Washington to help secure the futures of our children by tackling and improving such things as education and defense. It is with the latter, that I have had the privilege to work closely with Tillie on the Armed Services Committee.

TILLIE's expertise in the field of defense and national security came as a result of her passion, dedication and commitment to our proud men and women who serve today in the armed services. As the Representative from the Jacksonille area, she has been a well-spoken advocate for our soldiers, sailors and marines standing watch, and has continuously worked to improve quality of life and readiness of our forces. She has earned respect from both sides of the aisle for her unrelenting efforts to make a difference in the lives of our children.

Congresswoman FOWLER will be missed in the House of Representatives in January 2001. I wish the best for her and her family in the future challenges they face, and thank her for her service to Florida and the United States.

IN HONOR OF MR. MICHAEL CUDAHY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BARRETT. Mr. Speaker, today I honor Michael Cudahy, a distinguished constituent from Milwaukee.

Mr. Cudahy is a highly successful businessman whose innovation and hard work resulted in the founding of Marquette Medical Systems. His company is not only a leader in global production of medical diagnostic equipment, it has provided citizens of Wisconsin with jobs for 33 years.

In addition to his business savvy, Mr. Cudahy has donated his personal resources to programs and institutions that work to better the Milwaukee community. In 1996, Mr. Cudahy donated $4 million to the construction of Discovery World and IMAX theater. The theater presents a signature film that guides the audience on an educational tour of Milwaukee, before each of its feature films. The film was created and narrated by Mr. Cudahy.

In the spirit of education, Mr. Cudahy contributed $10 million to Marquette University for a mathematics and computer science building. Additionally, he donated $2.5 million to the Medical College of Wisconsin for a cardiovascular center. Mr. Cudahy, who believes that "an ounce of prevention is better than a pound of care," he has worked to improve the quality of life for children in Milwaukee.

The YMCA of Metropolitan Milwaukee received a generous contribution of 55 acres and $5.5 million from Mr. Cudahy in 1998. The 55 acres that were once part of Mr. Cudahy's childhood home have been used to build the John C. Cudahy YMCA, a recreation facility that provides educational and fitness programs to area youth. Most recently, Mr. Cudahy made history with his $3 million donation to the Boys & Girls Clubs of Greater Milwaukee. The contribution was the largest ever received by the club in its 113 year history and will be used in attempts to double membership.

Mr. Speaker, I commend Michael Cudahy in his efforts to improve the community and better the lives of its citizens. From the beginning, Michael Cudahy's innovation, vision, and dedication have been an asset to the city of Milwaukee. His generous nature and positive outlook on life are an inspiration to all of us.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CARDIN. Mr. Speaker, I rise today in strong support of H. Con. Res. 426, concerning the recent disturbing violence in the Middle East. The resolution expresses the sense of Congress that the success of the Middle East peace process depends on the leadership of the Palestinians abandoning the use of violence and joining with the Prime Minister Barak of Israel in a true search for peace.

Two weeks ago, Mr. Speaker, I rose with a heavy heart, after learning about the latest violence in Israel. News reports at that time told us that two Israeli reserve soldiers had been killed in the West Bank town of Ramallah. The Israeli soldiers were detained by the Palestinian police after they inadvertently made a wrong turn down a street, and were taken to a police station. Apparently a mob of Palestinians broke into the police station, slaughtered the Israeli soldiers, and paraded their bodies through the streets.

This horrendous incident followed on the heels of days of violence by the Palestinian people. The tragedy of the return to street violence was aggravated by the refusal of the Palestinian leadership, and Yasser Arafat in particular, to move aggressively to restore order to the troubled region. Rather than exercise its law enforcement responsibilities, the Palestinian leadership actually encouraged the violence.

Mr. Speaker, the resolution before us today rightly condemns the Palestinian leadership for encouraging the violence and doing so little for so long to stop it, resulting in the senseless loss of life. Mr. Arafat must call upon the Palestinian leadership to refrain from any exhortations to public incitement, and Mr. Arafat must use his security forces to act immediately to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations. His total failure to take such actions necessitates our action today on this resolution.

I call on Mr. Arafat to live up to his obligations under the Oslo Accords, and to maintain public order and calm in the West Bank through a vigorous use of the Palestinian police force. Let us remember that the Palestinians now fully control over 40 percent of the West Bank and Gaza, with over 95% of the Palestinian population under the civil administration of the Palestinian Authority. As the Palestinians gain greater authority and control over their domestic affairs, they also must shoulder the additional security responsibilities that come hand-in-hand with territorial control. The Palestinians must ensure the safety of both Israelis and Palestinians within their areas of control.

Mr. Arafat has personally assumed responsibility over all PLO elements and personnel in order to assure the maintenance of peace, law, and order in the West Bank. Just two weeks ago Mr. Arafat allowed a Palestinian mob to destroy Joseph's Tomb, a Jewish holy site in the West Bank, just hours after Israeli troops withdrew and allowed the Palestinian police to take control. Mr. Arafat has again violated his obligations under the Oslo Accords to "ensure free, unimpeded and secure access to the relevant Jewish holy site[s]" and to "ensure the peaceful use of such site[s], to prevent any potential instances of disorder, and to respond to any incident."

The statements attributed to Mr. Arafat following the recent Arab League summit only exacerbate the problem of his failure to be a leader for peace. Upon his return to Gaza on October 22, 2000, Mr. Arafat stated: "We will continue on to Jerusalem, the capital of the independent Palestinian state. If Barak wants to, he will accept it. And if he doesn't accept it, he can go to hell." Those are not the words of one seeking to put the peace process back on track.

Moreover, it is very troubling to see that Arab leaders legitimized the use of violence by the Palestinians as a negotiating tactic while Mr. Arafat praised those involved in violent attacks against Israelis. The Arab League also called for a downgrading of existing ties with Israel and for a halt in the establishment of any new relations with the Jewish state.

Mr. Speaker, each of us prays for peace in the Middle East. The only way to achieve peace is for the Palestinian leaders not only to condemn terrorism, but to take steps to stop it. We must also unequivocally state to Mr. Arafat, and to the countries of the Arab League, that Israel will only yield territory as the result of negotiations through a legitimate peace process, and that the United States stands firmly against the continued promotion of violence and terrorism by the Palestinian leadership, and specifically Mr. Arafat.

TRIBUTE TO ANN MARIE COMISKEY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. LEVIN. Mr. Speaker, I rise to honor Ann Marie Comiskey who will be named Troy's Distinguished Citizen of the Year by Leadership Troy at their annual community awards banquet on Wednesday, October 25, 2000.

Ann was nominated for this prestigious award by the Troy Women's Association. She has been involved with this group for the past 23 years where she has served in numerous capacities, including President, Chaplain, Historian, Membership Chair, Parliamentarian and several other positions on the Board of Directors. Ann has also served on multiple committees to organize many of the Association's events.

Ann Comiskey's dedication to her community extends beyond the Troy Women's Association. She is currently a member of St. Anastasia Church where she serves on the Missions Committee and has served as a Eucharistic Minister and a teacher of Catechism. Ann has shared her knowledge in education and counseling on the Advisory Committee to the Troy Adult and Community Education Department, President of the Wayne Monroe Adult and Community Education Association, and is a member of the Michigan Adult and Community Education Association. She is currently one of the Vice Presidents of the Boys and Girls Club of Troy where she has devoted her time to the Taste of Troy Committee and is also the Chair of the 50/50 Raffle and Sustaining Membership Committees.

Mr. Speaker, I ask my colleagues to join me in recognizing a remarkable woman for her energy and enthusiasm during her years of dedication and devotion to the people of her community. Ann Comiskey is, indeed, a distinguished citizen.

A TRIBUTE IN THE MEMORY OF DR. MARVIN WEINREB

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Ms. LEE. Mr. Speaker, I rise with a great sense of loss as I pay tribute to Dr. Marvin Weinreb, a prominent East Bay community leader, friend and humanitarian, who left us on October 14, 2000, at the age of 74.

Dr. Weinreb donated his time and efforts to areas throughout the world in need of his medical expertise. He both piloted planes and gave medical assistance for the organization Los Medicos Voladores ("The Flying Doctors"), which provides volunteer medical aid to people in Central America. A dedicated doctor, Dr. Weinreb took time to help educate other doctors and train and encourage people interested in the medical profession.

Dr. Weinreb demonstrated a lifelong devotion to the Jewish, East Bay and International Communities. He was a former president of Temple Beth Shalom in San Leandro, the Jewish Federation of the Greater East Bay, and the Judah L. Magnus Jewish Museum in Berkeley, as well as a former chair of the Southern Alameda County campaign for the United Jewish Welfare Fund. He also served as a school board trustee in Hayward from 1965 to 1977.

Dr. Weinreb graduated from Lehigh University in Pennsylvania, and attended medical school at the University of Chicago. He then practiced dermatology in the Bay Area, and held the post of clinical professor of dermatology at the University of California, San Francisco, Medical School.

Dr. Weinreb and five members of The Flying Doctors were en route to a conference when their plane went down near Ensenada, taking the lives of all the passengers.

Services were held for Dr. Weinreb at Temple Beth Sholom, in San Leandro, California, on October 19, 2000. The community has lost a great person and dedicated humanitarian. My thoughts and prayers are with all of these families at this difficult time.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4886, TARIFF SUSPENSION AND TRADE ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. KUCINICH. Madam Speaker, I rise today in support of H.R. 4868, the Miscellaneous Trade and Technical Corrections Act. This legislation is of great importance and its passage must be concluded rapidly in order to be voted on by the 106th Congress.

This legislation contains vital provisions from H.R. 1622, the Dog and Cat Protection Act, a bill which bans the import, export, and sale of products containing dog and cat fur. This issue is of the highest moral imperative. An estimated 2 million dogs and cats are killed each year for their fur as part of the international fur trade. These animals are kept in deplorable conditions, subjected to unbearable treatment and face brutal deaths including clubbing and skinning alive. This abuse of animal rights must be stopped.

There is strong support for this legislation in Congress. The Dog and Cat Protection Act has broad bipartisan backing and 93 cosponsors. The Miscellaneous Trade and Technical Corrections Act was approved unanimously by both the House and the Senate. The concern for animal welfare is also shared by the American people. Over 65 million households have a dog or cat. In my own district of Cleveland, Ohio a local Television report by Dick Goddard succeeded in raising public awareness on this issue. His commendable work encouraged thousands of Cleveland residents to express their opposition to this abusive treatment of animals.

Madam Speaker, I rise today to urge Congress to finish the Conference Report on H.R. 4868, and allow a vote on this vital piece of legislation. I believe that every effort should be made to ensure that the 106th Congress is allowed to vote on this issue. Americans deserve to be protected from unknowingly participating in this brutal trade.

NATIONAL SCIENCE EDUCATION ACT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. PAUL. Mr. Speaker, I urge my colleagues to reject the National Science Act (H.R. 4271), which violates the limits on congressional power found in Article 1, section 8 and the 10th amendment to the Constitution by using tax monies unjustly taken from the American people to promote the educational objectives favored by a few federal politicians and bureaucrats. As an OB-GYN, I certainly recognize the importance of increasing the quality of science education as well as undertaking efforts to interest children in the sciences. However, while I share the goals of the drafters of this legislation, I recognize that Congress has no constitutional authority to single out any one academic discipline as deserving special emphasis. Instead, the decision about which subjects to emphasize should be made by local officials, educators and parents.

H.R. 4271 not only singles out science for special emphasis, certain positions of the bill will lead to a national science curriculum. For instance, the bill calls for the Department of Education and the National Science Foundation to coordinate and disseminate information on "standard" math and science curricula as well as licensing requirements for teachers of math, science, engineering or technology. While local school districts are not forced to adopt these standards, local schools will be pressured to adopt these standards because they are the ones favored by their DC–based overlords. I would also ask the drafters of this bill what purpose is served by spending taxpayer moneys to create and disseminate a model curriculum at the federal level if their intent is not to have local schools adopt the federally-approved model?

I also object to the provision of this bill providing special assistance to science teachers for training and professional development as well as grants for so-called "Master Teachers." Of course, I recognize that, like other citizens, teachers are underpaid because they are overtaxed. This is why I have introduced the Teacher Tax Cut Act (H.R. 937) which provides all teachers with a $1,000 tax credit. H.R. 937 effectively raises teacher salaries by lowering their taxes. In contrast H.R. 4271 raises the salaries of certain congressionally-favored educators by effectively cutting the pay of engineers, doctors, truck drivers, waiters, and even their fellow educators. Mr. Speaker, I cannot find any constitutional nor moral justification for Congress to redistribute money to any favorite class of professionals.

If the steady decline of America's education system over the past thirty years has shown us anything, it is that centralizing control leads to a declining education system. In fact, according to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

In order to put education resources back into the hands of the American people I have introduced the Family Education Freedom Act (H.R. 935). This act provides a $3,000 per child tax credit for parents to help cover K-12 education expenses. I have also introduced the Education Improvement Tax Cut Act (H.R. 936), which provides a $3,000 tax deduction for contributions to K-12 education scholarships as well as for cash or in-kind donations to private or public schools. HRs 935 and 936 move control of education resources back into the hands of the American people and help ensure parents can provide their children an excellent education. In fact, since the tax credits contained in H.R. 935 and H.R. 936 may be used to help finance the purchase of items necessary for a science education, such as labs equipment and computers, these bills will particularly benefit those citizens who wish to improve science education. I therefore urge my colleagues to reject the failed, unconstitutional command-and-control approach of H.R. 4271 and instead embrace my legislation to retum control of education resources to the American people.

SUPPORTING THOSE WHO REAFFIRM THE OCCURRENCE OF THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. CAPUANO. Mr. Speaker, I rise today in to express my disappointment that the House of Representatives chose not to consider H. Res. 596 last Thursday. This was the second time this resolution had been pulled from consideration, despite pledges by the leadership that the US would go on record to affirm their support for the Armenian genocide. It now appears that the House will not have such an opportunity before we adjourn the 106th Congress.

This resolution recognized the suffering of nearly two million Armenians from 1915 through 1923, as the Ottoman Empire strove to wipe out an entire race of men, women, and children. Those who were not murdered were effectively removed from their homes of 2,500 years in what is now modem day Turkey.

It called upon the President of the United States to do three things. Ensure that US foreign policy reflects consideration and sensitivity for human rights, ethnic cleansing, and genocide documented in US records relating to the Armenian Genocide and the consequences of the Turkish court's failure to enforce judgments against those responsible for committing genocide; recognize, during his annual commemoration of the Armenian Genocide on April 24th, that this was a systematic and deliberate annihilation of 1,500,000 people, and reflect upon the United States' effort to intervene on behalf of Armenians during the genocide; and finally, in his annual commemoration of the Armenian Genocide, emphasize that the modem day Republic of Turkey did not conduct the Armenian Genocide, which was perpetrated by the Ottoman Empire.

It was eighty-five years ago that Ottoman leaders used the guise of war as an opportunity to eliminate the Armenian population from the Empire. What began as confiscation of Armenian property in order to "support" the war effort, ended with the murder of 1.5 million people and the deportation of 500,000 others.

In May 1915, the Allied Powers of World War I charged the Ottoman Empire with a "crime against humanity" and vowed to hold responsible those involved in committing genocide. Despite commitments by the Allied Powers and indictments by the post-war Turkish government of the top leaders involved in perpetrating the Armenian genocide and the destruction of Armenian property, justice has not been served to those responsible for the atrocities against Armenians.

It is a shame that America does not have the courage to support the 2 million Armenians that suffered through a genocide. We should look more towards our friends in the international community who have not been deterred in their recognition of the annihilation of Armenians for what it really was—a genocide. The European Parliament and the United Nations have recognized and reaffirmed the Armenian genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies, and the French National Assembly. It is time for America to venerate Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

I commend the bravery and dedication exhibited by the Armenian people to have their story heard. I wholeheartedly supported this resolution and am disappointed that cowardliness reigned supreme to prevent its consideration in the U.S. House of Representatives.

IN HONOR OF JOHN F. HENNING

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to one of organized labor's greatest leaders on the occasion of his 85th birthday. John F. "Jack" Henning has had a long and distinguished career on the frontlines of the labor movement, fighting passionately for justice, equality, and human rights here and around the world. It is my privilege to commend and thank him for his lifetime of leadership.

Jack Henning was born in San Francisco in 1915 to hard-working parents of modest means. Hardworking himself, he graduated from St. Mary's College with a degree in English literature. In 1938, he started working with the Association of Catholic Unionists in San Francisco and began his steady climb within the labor movement. By 1949, he was working for the California Labor Federation, the official AFL–CIO organization for California, as a senior staff member, and in 1970, the Federation selected him as Executive Secretary-Treasurer. He held that position until 1996.

In addition to his service with the California Labor Federation, Jack served the cause of organized labor from within the halls of government. From 1959-1962, he served as the Director of the California State Department of Industrial Relations. He then served in the Kennedy and Johnson administrations as the U.S. Under Secretary of Labor. In these positions and afterward as an advocate, he worked consistently for justice and fair treatment of workers. He was instrumental, for example, in securing organizing rights for California's farm workers, in preventing restaurants from counting tips as wages under minimum wage laws, and in encouraging the labor movement to take strong stands for civil rights.

Jack has served on the Board of Regents of the University of California, where he fought to divest the University's holdings in South Africa under apartheid, and the Board of Trustees of St. Mary's College. He has sat on San Francisco's Public Welfare Commission and the Fair Employment Practices Commission and was the U.S. ambassador to New Zealand from 1967–1969.

In 1999, the University of California at Berkeley's Center for Labor Research and Education created the John F. Henning Center for International Labor Relations in recognition of his tremendous contributions to the labor movement. The Henning Center focuses on strategies for global unionism and the impact of globalization on workers around the world. Jack was also named Distinguished Labor Leader in Residence at the University of California's Institute of Industrial Relations.

Jack Henning has been an unfailing voice on behalf of the working women and men of the United States and of the world. We are all indebted to his leadership.

It is my honor to join his seven children, John Junior, Brian, Patrick, Nancy, Daniel, Thomas, and Mary, and his many friends and colleagues in wishing him a Happy Birthday.

HONORING JANET DENNIS ON HER RETIREMENT

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who will be leaving my staff at the end of this year. Janet Dennis, Field Representative in my Bangor, Maine, District Office, will retire after nearly 35 years of congressional service.

It has been said that no government, regardless of its history and structure, can be better than the people who make it work. People like Janet Dennis, then, are the reason why our government is the best in the world. Janet is as dedicated a public servant as you will ever meet. She has worked hard every day to make government work for people.

Janet has been invaluable to me. I came to rely heavily on her advice and greatly appreciated her ability to identify and head off problems before others even realized they were coming. She has provided outstanding leadership to my district staff, and frequently has been asked for advice on handling complicated matters. I know that we all have learned much from Janet and are better for our time spent working with her.

Her good judgment, integrity and dedication have been an asset to my office, and to the people of Maine. Janet has never said no to a case. Rather, she has taken on challenging cases and pursued them relentlessly. She has treated constituents and colleagues alike with respect. She has also been an excellent driver, getting me everywhere I need to be in a very large district. She seems to cover an awful lot of ground in a very short time—and I appreciate it.

For more than three decades, Mainers have had the benefit of Janet's efforts. She worked for Senators Ed Muskie and George Mitchell before joining my staff, and brought with her a wealth of experience and institutional knowledge. As she retires, she leaves a void that will be difficult to fill.

There is no question, however, that this retirement is well deserved. I know that Janet is looking forward to spending more time with her husband, Richard, and her children and their families. I'm sure that she won't miss the long drive from her home in Waterville to the Bangor office, and that she will revel in having extra time to spend at camp during Maine's glorious summer months.

Janet Dennis has been a model public servant. Moreover, she has been a joy to work with every day. On behalf of myself, my family and the people of Maine, I am honored to have this opportunity to publicly thank Janet, and to wish her all the best as she enters this new phase of her life.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. KNOLLENBERG. Mr. Speaker, today the House of Representatives is voting on House Concurrent Resolution 426 regarding the current violence in the Middle East. I believe it is appropriate for the United States to express solidarity with Israel, but it is with reluctance that I am voting in favor of this resolution.

I am concerned about the timing and perception of this resolution. The United States has an essential role to play as facilitator of peace. The United States must be careful to encourage the peace process, and not detract from it. I am concerned this resolution may be perceived as placing entire blame for the violence on the Palestinian leadership. That is not the case, and I hope it will not be perceived in that way. In fact, in order to reach a long-lasting peace, both sides will eventually have to accept some responsibility for the current situation.

I remain a strong supporter of Israel and the U.S.-Israel relationship. But it is clear the demonstration by Ariel Sharon in Jerusalem's Old City was an ill-advised provocation. And there probably couldn't have been a worse time for a provocation. Mr. Sharon must have understood how his actions would be perceived. In fact, the Israeli government understood this danger, which is why they provided Mr. Sharon with a security force.

At the same time, Chairman Arafat has clearly used Mr. Sharon's visit as an opportunity to drastically change the dynamics of the peace process. With the recent violence, including the desecration of the West Bank holy site of Joseph's Tomb, Mr. Arafat's ability and willingness to prevent violence and maintain peace throughout Palestinian controlled areas have come into serious question.

On two occasions imprisoned Palestinian militants were released from jail. Although there have been some assurances made that these individuals are being rearrested, militant Palestinian organizations have disputed that, declaring most remain free. In addition, incitement to violence continues to be broadcast from Palestinian Authority radio and televisions stations. I am hopeful Mr. Arafat will have the ability and willingness to address these issues and restore calm and stability to the areas he is responsible for controlling.

Now is the time for responsible leaders to call on their people to abandon violence as a means of achieving their goals. I am hopeful both leaders will work to restore stability to the region, condemn the use of violence and reiterate their commitment to the peace process. The violence must stop in order for the parties to re-engage in that process.

HONORING OUR SENIORS

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, we all realize that maintaining good health is imperative to enjoying a long, fulfilling life. And reauthorizing the Older Americans Act is an excellent way for us to provide seniors with the opportunity to live life to its fullest.

The 1965 Older Americans Act created a series of federal programs specifically designed to meet the service needs of seniors. Although older persons may receive services under other federal programs, the Older Americans Act is the major vehicle for organizing and delivering supportive and nutrition services to senior citizens.

Thousands of elderly and disabled Americans rely on quality services such as those provided by the Administration on Aging, and programs like nutrition services, family care giver, elder abuse prevention, long term care, senior community service employment and Native American programs for the elderly.

We, in Congress, must make sure that seniors receive these much needed services and benefits in the most efficient manner possible. Along with state and local agencies, including national associations like Green Thumb, Congress must work diligently to ensure that older Americans can look forward to long, productive lives within their own communities and around the nation.

Seniors serve as grandparents who provide care for numerous children, strengthen families, tutor students, operate computers, teach crafts, work as librarians, and provide many other important community services. Through these efforts, and countless others, senior citizens have helped to make America the great country it is today and will continue to make significant contributions for years to come. Therefore, I challenge all Americans, young and old, to work with me on issues critical to our seniors.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today to commend Chairman LEACH, Chairman LAZIO, Mr. LAFALCE, and my colleagues on the House Banking Committee for their tireless work on moving legislation that brings some much-needed reforms to the housing industry. For the most part, S. 1452 is a product of which we should all be very proud.

Furthermore, I am pleased to see that several components of H.R. 1776, the Housing and Economic Opportunity Act, have been included in S. 1452. As my colleagues may remember, H.R. 1776 passed our Chamber earlier in the year by an overwhelming and bipartisan vote of 417 to 8. However, there is one particular omission that concerns me. Unfortunately, this omission may ultimately have an impact on the number of families who may realize the American dream of homeownership.

The provision that has been omitted from S. 1452 is section 102 of H.R. 1776. Section 102 requires that the Federal Government perform a housing impact analysis before it issues new regulations. The impact analysis would determine if a significant negative impact on affordable housing would result from those new regulations. "Significant" would be defined as increasing consumers" cost of housing by more than $100,000,000 per year. Further, Mr. Chairman, H.R. 1776 stipulates that the private sector would have an opportunity to submit an alternative tc the proposed regulation if it would have less of a negative impact on the cost of homeownership.

As with the other provisions in title I of H.R. 1776, the goal of the housing impact analysis is to alert federal agencies and the general public of the impact of regulation on housing affordability. Ultimately, the objective would be to help bring down the cost of a home by minimizing regulations that pose a barrier to homeownership. The housing impact analysis addresses this issue by requiring the Federal Government to perform an "internal check" to see if the regulation might be constructed in a better way that would not lock individuals out of homeownership.

I see this internal check as a positive action, Mr. Speaker, and I am concerned that this worthy provision, a provision 417 of my colleagues supported, was left out S. 1452. I hope that this concept does not die with the closing of the 106th Congress, but is reviewed again next year, with the commencement of the 107th.

SAND CREEK MASSACRE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SCHAFFER. Mr. Speaker, on November 29, 1864, John M. Chivington and his troops invaded the Native American village of Sand Creek in southern Colorado. At least 150 Cheyenne and Arapaho Indians were murdered along the banks of Sand Creek. The stories of this massacre have been passed down through generations, however, the victims have not received the recognition they deserve.

Last year the Sand Creek Massacre National Historic Site Study Act was signed into law. This Act directed the National Park Service to study, survey, and locate the site of the Sand Creek Massacre and assess the suitability of making the site a part of the National Park Service. From this study, the Park Service identified 12,480 acres as the site of the massacre.

Since then, Senator CAMPBELL and I introduced legislation to designate the 12,480 acres as a National Historic Site. I have worked closely with the Kiowa County Commissioners as well as the landowners within the boundaries of the site to insure private property rights are protected. While the legislation authorizes the Park Service to negotiate for property from willing sellers only, traditional agricultural operations inside the national historic site will continue until the private property owners decide to sell their land. Additionally, the bill will grant decedents of the Cheyenne and Arapaho tribes access to allow traditional observances on the land.

Mr. Speaker, I believe this legislation is long overdue, and this bill appropriately recognizes the massacre.

"CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I am proud to join Senator BARBARA BOXER in introducing the California Reclaimed Water Act for the 21st Century.

The recent string of wet winters in California should not let us forget that water shortages and drought are quite normal in our State. I strongly believe that investment in reclaimed water technology—water recycling—can help us "drought-proof" any of our community water supplies in California.

Projects that recycle water result in a net increase in available local water supplies and can decrease the need for water that must be supplied and often imported from other sources. Because wastewater for recycling is available even when other water supplies are diminished, recycled water can assist in providing a long-term, reliable, local source of water even during droughts.

Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

About 3% of the water supply in the San Francisco Bay Area is now recycled. Water managers hope that eventually as much as 40% of the water will be recycled, perhaps as much as 500,000 acre-feet per year. California cities need planning help and financial assistance to find markets for the recycled water, and to construct the treatment and conveyance facilities needed to get the treated water to identified markets.

Recycled water can be used for irrigation of golf courses, parks, school lands, business campuses, and highway medians, and for groundwater recharge, wetlands development; and industrial purposes. We have to start thinking about recycled water as a critical component of the water supply picture in California.

Californians and government agencies have recently affirmed their support for water recycling, first with the passage of the California water bond last March, and more recently with the approval of the CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The Federal government's support for water recycling was initially authorized in the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992. The Bureau of Reclamation's so-called "Title XVI" program originally approved financial assistance for planning, design and construction of four water recycling projects in California. More projects were approved in 1996.

The legislation I introduce today builds upon these Congressional efforts, voter ballot initiatives and agency studies. Senator BARBARA BOXER has today introduced identical legislation in the U.S. Senate.

The bill authorizes a series of new Title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State on water recycling activities. Specific projects included in the bill are: Castaic Lake Water Agency; Clear Lake Basin Water Reuse Project; San Ramon Valley Recycled Water Project; Inland Empire Regional Water Recycling Project; San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties; State of California Water Recycling Program; Regional Brine Lines (salt removal) in Southern California and in the San Francisco Bay and the Santa Clara Valley areas; Lower Chino Dairy Area Desalination Demonstration and Reclamation Project; and the West Basin Comprehensive Desalination Demonstration Program.

These projects will have the capacity to produce hundreds of thousands of acre-feet of useable water. Each acre-foot of recycled water produced by these projects will reduce the demand in California for imported water from the Bay-Delta and the Colorado River.

Unlike traditional Bureau of Reclamation water projects, these water recycling projects require a majority of funds to be locally provided. Consistent with Title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75% local funding. Federal cost sharing is limited to 25%. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

I strongly believe that water recycling will continue to play an important and growing role in total water management strategies to provide a safe and sustainable water supply in California and in many other parts of the country. The water recycling projects authorized by the legislation I am introducing today are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed in service within a short time.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to House Concurrent Resolution 426, Concerning the Violence in the Middle East.

It is truly disheartening to witness the renewed violence that has plagued Israel and the Palestinian territories for nearly thirty days. World leaders, especially President Clinton and United Nations Secretary-General Kofi Annan, have made numerous attempts to engage the Israeli and Palestinian leaders in negotiations toward an immediate cease-fire agreement that can realistically be implemented. Unfortunately, the latest emergency summit that took place in Egypt on October 16 had little impact on the cessation of violence or the pacification of hostilities.

The United States, as one of the foremost advocates of a sustainable Middle East peace agreement, must be very careful not to actively create conditions which defeat the very progress we are trying to achieve. H. Con Res. 426 suggests that Palestinian Authority Chairman Yasser Arafat and the Palestinian Liberation Organization (PLO) are the sole parties responsible for the current tragic state of affairs. By supporting this type of inaccurate portrayal, we damage our credibility as a neutral party genuinely seeking to bring about a peaceful solution to an extremely volatile situation.

On October 4, 2000, the United Nations Security Council passed Resolution 1322, condemning the surging violence by both Israelis and Palestinians, and the destruction of holy sites in the city of Jerusalem. This resolution passed the Security Council without a single opposing vote—the United States was the only nation to abstain. Due to language in the UN measure regarding the provocation of violence by Likud Party leader Ariel Sharon, and the excessive use of force against Palestinian civilians by Israeli troops, H. Con. Res. 426 expresses its desire for the President exercise UN veto power to "ensure that the Security Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestinian Authority." Yet H. Con. Res. 426 itself is undeniably unbalanced and fails to acknowledge any responsibility on the part of Israel.

The conflict in the Holy Land has endured far too long, resulting in the unnecessary loss of human life, creating a rift between ethnic and religious groups, and eroding the historic and aesthetic attributes of the area. A lasting peace agreement will require the commitment of both Israeli and Palestinian leaders and citizens. At this fragile moment in Middle East history, let us not assign blame to one group or another, but rather suggest shared responsibility. The goal of the U.S. is to foster mutual, unwavering effort on the part of both parties to desist from violence and to accept negotiation as the only means of political action.

Last month, I further demonstrated my commitment to the negotiation process by supporting H.R. 5272, the Peace Through Negotiations Act of 2000. This measure strongly encourages the Palestinian Authority not to undermine the prospects of peace by unilaterally declaring Palestinian Statehood. Before the United States can be accepted as an honest broker in these or any negotiations, it must demonstrate an even-handed approach with both parties. H. Con. Res. 426 undercuts this goal.

I extend my heartfelt condolences to the surviving family members of the individuals killed on both sides of the conflict. May the memory of those victims serve as a catalyst to end the cycle of violence.

MARKING THE 300TH ANNIVERSARY OF THE FOUNDING OF LEBANON, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today with pride to mark the 300th anniversary of the founding of Lebanon, Connecticut. Over the past three centuries, Lebanon has developed a rich history that is a source of pride for every resident and citizens across eastern Connecticut. As residents celebrate their past this year, they look forward to the many exciting opportunities for their community in the years ahead.

Lebanon was officially incorporated in October 1700. Covering more than 55 square miles, the community hosts some of the State's most productive dairy and poultry farms and spectacular open spaces. Lebanon is well-known throughout Connecticut for its rich and varied history.

The history of Lebanon is inexorably tied to the Revolutionary War. Arguably, Lebanon was at the center of Connecticut's efforts to support our quest for independence and freedom. The State's Revolutionary War Governor—Jonathan Trumbull—was a resident of Lebanon. He converted a building which had served as a general store into the State's "War Office." From this office, which still sits on the Lebanon Town Green, Governor Trumbull and the Council of Safety met frequently to direct the State's war effort. According to "Connecticut: A Fully Illustrated History of the State From the Seventeenth Century to the Present" by Albert Van Dusen, the Council, which consisted of many of the leading men of the day, including Samuel Huntington, William Williams and Deputy Governor Griswold, "put in untold hours of work at about 1,200 meetings, mostly held at the 'War Office.'" These men met at great risk to their personal safety throughout the War.

Governor Trumbull's extraordinary leadership and the resourcefulness and productivity of the people of my state earned Connecticut the distinction as the "Provisions State" during the War. The State provided everything from food and clothing to guns and ammunition for the Continental Army. During one of the darkest periods of the War, General Washington appealed to Governor Trumbull for supplies for the soldiers suffering through the winter at

Valley Forge when colonies in the central part of the country failed to provide promised rations. According to Van Dusen, Governor Trumbull "immediately ordered Commissaries Henry Chamberlain and Peter Colt to take $200,000, earlier allocated to cattle purchases, and scour the countryside for live beef. The cattle were driven in herds by Champion and his son to Valley Forge. The first herd was devoured within 5 days by the ravenous soldiers."

In addition to the many contributions of Governor Trumbull, the men of Lebanon played a crucial role in the War effort. More than 670 men from Lebanon served in the Continental Army beginning with the Battle of Bunker Hill through to victory at Yorktown. It is estimated that this figure represented about half of the total adult population of the community. Lebanon also played host to French forces under the command of Duke de Lauzun between November 1780 and June 1781.

Today, we stand more than two centuries removed from the end of the Revolution. However, the important role of Lebanon in one of the most defining moments in our nation's history remains clear on the landscape and in the spirit of the community. The historic buildings remain on the Town Green and the rich history is maintained through the work of the Lebanon Historical Society and the new Lebanon History Museum and Visitors Center. It remains alive in the hearts of hundreds of people who gathered last month to reenact a Revolutionary War encampment.

Over the past 300 years, Lebanon has grown, changed and prospered. Although agriculture remains important, the Town's economy has changed significantly with tourism becoming increasingly important. Lebanon retains much of its rural character and its rich history, incredible mile-long Town Green and natural resources make it an integral part of the Quinebaug and Shetucket Rivers National Heritage Corridor.

Mr. Speaker, I am proud to join with the residents of Lebanon in celebrating the community's 300th birthday. We are united in the knowledge that the next 100 years will be as productive and proud as the past three centuries.

IN MEMORY OF THEODORE M. BERRY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Theodore M. Berry, a local hero who passed away on October 15, 2000. Over the past century, Ted had a profound impact on the Cincinnati area, and our nation, as a civic leader and civil rights advocate.

Ted was born in Maysville, KY, on November 8, 1905. Shortly thereafter, he moved to Cincinnati, graduating as the valedictorian from Cincinnati's Woodward High School in June, 1924. He went on to the University of Cincinnati Law School, where he paid his way by working at local steel mills. He graduated in 1931 and was admitted to the Ohio Bar in 1932.

In the 1930's and 1940's, Ted was a prominent leader at the NAACP Cincinnati branch, where twice he was elected president. In 1939, he was appointed Assistant Hamilton County Prosecutor. From 1947 to 1961, he served on the Ohio Committee for Civil Rights Legislation, focusing his attention on equal employment and fair housing issues. During this period, he also began a career as a Cincinnati City Council member.

Over the course of his life, Ted worked tirelessly to fight poverty, and, in 1964, he created Cincinnati's first Community Action Commission, which enabled Cincinnati to participate with President Lyndon Johnson's new Office of Economic Opportunity (OEO). A year later, President Johnson appointed Ted as head of OEO's Community Action Programs. Under Ted's leadership, innovative and effective programs such as Head Start were established. When he returned to Cincinnati, he became the city's first African-American mayor, serving from 1972 to 1975. Since then, he has reappeared in the public spotlight helping to advance the causes of numerous political and civic organizations.

Ted was honored by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian in 1984. In 1999, Cincinnati City Council approved funds to construct the Theodore M. Berry International Friendship Park along Cincinnati's riverfront. Last February, Applause! magazine honored Ted as the "Person of the Century" at the 10th annual Imagemaker Awards at the Arnoff Center for the Arts. In March, the Hamilton County Commissioners approved funds to construct the future Theodore M. Berry Way in Cincinnati.

Ted is survived by his wife, Johnnie Mae, and their three children: Theodore Berry, Jr., Faith Berry, and Gail Berry West. He was a dedicated public servant and strong advocate for civil rights, and, although he will be dearly missed, his accomplishments, leadership, and compassion will not be forgotten.

PAY TELEPHONES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BARCIA. Mr. Speaker, I want to spend a few minutes today discussing a segment of the communications system that we often take for granted—pay telephones. We have all had experiences using pay telephones when we are away from home. Even in these days of wireless telephones, pay telephones are essential for many Americans. They are a great convenience when we are traveling, when we are away from the office, and, in many cases, when we have an emergency.

There are about 2 million pay telephones in the country today, about 1.5 million of which are owned and operated by the same companies that operate local telephone exchanges. Another 500,000 phones are owned and operated by independent pay telephone companies. For thousands of people in rural and low-income areas, pay telephones are a source of basic telephone service. About 6% of all households in the country do not have a telephone. In poor urban areas, 25% or more of households do not have a telephone, and up to 20% of rural households do not have telephones in some areas. For families in these households, pay telephones often provide basic telephone service.

Our national policy regarding pay telephones has evolved significantly over the last twenty years. Prior to 1984, pay telephones were a regulated monopoly owned exclusively by the local telephone exchanges. In 1984, the Federal Communications Commission ordered local exchanges to provide service with independent payphone companies that wanted to install their own payphones. This development introduced competition for the first time in the payphone industry. However, full competition did not develop because charges to payphone companies were still set high enough to subsidize other services.

In 1996, another development occurred. With the 1996 Telecommunications Act, Congress stated that it wanted to further competition in the payphone industry so that there would be widespread deployment of payphones. Rates paid by payphone companies to local exchange carriers were to be based on costs so that there would not be a cross-subsidization of other services. During the late 1980s, consumers had begun to experience the convenience of dialing "800" numbers at payphones without having to pay for them at the payphone. As the volume of these calls increased, it became clear that, as a matter of fairness, the payphone operator should receive some compensation for them. After all, the 1996 Act mandated that the payphone owner was to be fairly compensated for each and every call of this kind since it was his or her equipment that was being used to make the call.

Unfortunately, the goals of the 1996 Act have not been fulfilled. There has been substantial confusion about the definition of "cost-based" rates. While the FCC has taken some steps toward defining "cost-based" rates, it still has not given state regulatory commissions and local exchange carriers final guidance concerning the proper standard. The FCC's Common Carrier Bureau recently ordered Wisconsin carriers to file cost-based rates so that the FCC itself could review them. However, that order was stayed after an objection was filed. My concern is that a protracted proceeding before the FCC to determine the precise definition of "cost-based" could mean that payphone companies will pay substantially above costs for months or even years.

A related issue is the problem of dial around compensation. It is a great convenience for consumers to be able to dial "800" numbers without having to put coins in a payphone. However, it's only fair—and, in fact, it is the policy of the 1996 Act—that payphone owners are fairly compensated. These companies purchase, install and maintain the equipment and pay line rates for access to the local telephone exchange. The FCC has given some guidance as to which carrier is responsible for paying compensation, but the current system has proven to have a number of serious problems. Often, several companies are involved in carrying the signal from the caller to the final destination, and it can be difficult to determine what company is responsible for paying the compensation. In many cases, all the carriers deny responsibility and payphone owners must initiate expensive litigation to receive any compensation. The FCC should move quickly to review its current approach to dial around compensation in order to resolve outstanding questions and to come up with a workable, effective system.

While these regulatory issues remain unresolved, the payphone industry and, ultimately, American consumers are being injured. Up to 300,000 payphone lines have been disconnected around the country in the last few years. Some of this may be due to the market forces from competition from wireless telephones. To the extent that market forces are reducing the number of pay telephones, that is the fair result of competition. However, it is likely that much of this reduction is due to the twin effects of payphone operators paying excessive costs for line rates and receiving inadequate compensation for dial around calls. This squeeze on payphone companies has led to the disconnection of telephones and in some cases companies dropping out of the market entirely.

In Michigan, there has been about a 25% reduction in the number of independent telephone companies in operation. The largest independent payphone company providing service in Detroit, with over 2000 phones, is in bankruptcy. I have heard story after story of payphones being disconnected, in rural areas, in urban playgrounds, and in other areas.

One of the particularly troubling aspects of this story is that we could have substantially better payphone service. The technology exists to provide Internet access, video services, and other services to consumers at pay telephones if the economic incentives allowed these developments. Today, in Europe, many of these services exist, and in a limited number of cases, they exist in the United States. However, our policy, although well intentioned, has had the effect of discouraging technological developments in the industry while individual companies struggle to survive.

I urge the FCC to look into these issues and take action to resolve these issues. Consumers in Michigan, indeed all over the country, will benefit from the Commission's efforts.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. JAMES A. LEACH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. LEACH. Mr. Speaker, following is a section-by-section analysis of S. 1452.

S. 1452, Manufactured Housing Improvement Act of 2000 with Amendments

SECTION-BY-SECTION

Section 1. Short Title and Table of Contents. States that the act may be cited as the "American Homeownership and Economic Opportunity Act of 2000."

Section 2. Findings and purpose. Congressional findings are that expanding homeownership opportunities should be a national priority, that there is an abundance of conventional capital available, that communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens to achieve homeownership, and that consumers should have access to lending opportunities at reasonable costs with knowledge behind lending decisions. Purposes of the act are to encourage homeownership by families not otherwise able to afford homeownership, to promote the ability of the private sector to produce affordable housing without excessive government regulation, to expand homeownership through tax incentives such as the home mortgage-interest deduction, and to facilitate the availability of capital for homeownership opportunities.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Section 101. Short title. This title may be referred to as the "Housing Affordability Barrier Removal Act of 2000."

Section 102. Grants for regulatory barrier removal strategies. Authorizes $15 million for FY 2001 through FY 2005 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is a reauthorization of the same amount under an already existing CDBG setaside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy ("CHAS").

Section 103. Regulatory barriers clearinghouse. Creates within HUD's Office of Policy Development and Research a "Regulatory Barriers Clearinghouse" to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Section 201. Reduced downpayment requirements for loans for teachers and uniformed municipal employees. Allows reduced downpayment requirements for FHA-insured loans for teachers and uniformed municipal employees. Authority for the provision expires September 30, 2003.

Section 202. Home equity conversion mortgages. Allows for the refinancing of home equity conversion mortgages (HECMs) for elderly homeowners. Gives the Secretary discretion to reduce the single premium payment to an amount as determined by an actuarial study, to be conducted by the Secretary within 180 days of enactment, and to credit the premium paid on the original loan. Authorizes the Secretary to establish a limit on origination fees that may be charged (which fees may be fully financed). Waives counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department; provides a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

In cases where the reverse mortgage proceeds are used for long-term care insurance contracts, a portion of those proceeds may be used for up-front costs, such as initial service, appraisal and inspection fees. Requires HUD to waive the up-front mortgage insurance premium in cases where reverse mortgage proceeds are used for costs of a qualified long-term care insurance contract.

Directs the Department to conduct an actuarial study within 180 days of enactment of the effect creating a single national loan limit for HECM reverse mortgages.

Section 203. Law enforcement officer homeownership pilot program. Requires the HUD Secretary to develop a pilot program designed to assist law enforcement officers, including correctional officers, to purchase homes in locally designated high crime areas. No downpayment is required. The borrower must have served as police officer for at least 6 months. The provision is primarily targeted for high-crime areas. Provides that the Secretary shall not approve any application for assistance received under this section that is received after expiration of the 3-year period beginning when the Secretary first makes assistance available.

Section 204. Assistance for self-help housing providers. Reauthorizes the self-help housing providers through FY 2003, at such sums for FY 2001 and such sums as may be necessary for each of FY 2002 and 2003. Allows projects with 5 or more units to use their funds over a 3-year period. Allows entities to advance themselves funds prior to completion of environmental reviews for purposes of land acquisition.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Section 301. Downpayment assistance. Public Housing Authorities (PHAs) are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent that sums are appropriated.

Section 302. Pilot program for homeownership assistance for disabled families. Adds a pilot program to demonstrate the use of tenant-based section 8 assistance (section 8 vouchers) for the purchase of a home that will be owned by 1 or more members of the disabled family and will be occupied by that family and meets certain requirements. Requirements include purchase of the property within three years of enactment of this Act; demonstrated income level from employment or other sources (including public assistance), that is not less than twice the Section 8 payment standard established by the PHA; participation in a housing counseling program provided by the PHA; and other requirements established by the PHA in accordance with requirements established by the Secretary of HUD.

Section 303. Funding for pilot program. Authorizes such sums as may be appropriated for a grant program to supplement demonstration programs approved under the Section 8 homeownership demonstration program. The program has a 50% match requirement.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Section 401. Short title. Provides that this title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

Section 402. Changes in amortization schedule. Clarifies that private mortgage insurance (PMI) termination/cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule then in effect (the most recent calculation); treats a balloon mortgage like an ARM (uses most recent amortization schedule); bases cancellation/termination rights on modified terms if loan modification occurs.

Section 403. Deletion of ambiguous references to residential mortgages. Clarifies that borrowers' PMI cancellation and termination rights apply only to mortgages created after the effective date of the legislation (one-year after the date of enactment).

Section 404. Cancellation rights after cancellation date. Clarifies that the good payment history requirement in the bill is calculated as of the later of the cancellation date or, the date on which a borrower requests cancellation. Provides that if a borrower is not current on payments as of the termination date, but later becomes current, termination shall not take place until the first day of the following month (eliminates lender need to check and cancel PMI every day of the month). Clarifies that PMI cancellation or termination does not eliminate requirement to make PMI payments legitimately accrued prior to any cancellation or termination of PMI.

Section 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements. Adds provision clarifying cancellation and termination issues related to terms ambiguous in law, including "good payment history", "automatic termination" and "accrued obligation for premium payments". Clarifies that PMI cancellation rights exist on the cancellation date, or any later date, as long as the borrower complies with all cancellation requirements. Clarifies that borrower must be current on loan payments to exercise cancellation.

Section 406. Definitions. Sets forth definitions of: a) refinanced; b) midpoint of the amortization period; d) original value; and e) principal residence.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

SUBTITLE A—NATIVE AMERICAN HOUSING

Section 501. Lands Title Report Commission. Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs (BIA) conducts title reviews in connection with the sale of Indian lands. Receipt of a certificate from BIA is a prerequisite to any sales transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on Banking, Housing and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500,000.

Section 502. Loan guarantees. Permanently authorizes the section 184 Loan Guarantee Program for Indian housing.

Section 503. Native American housing assistance. Makes the following amendments to the Native American Housing and Self-Determination Act of 1996 (NAHASDA):

Restricts Secretary's authority to grant waiver of Indian housing plan requirements, upon noncompliance due to circumstances beyond the control of the Indian tribe, to a period of 90 days. Allows Secretary to waive requirement for a local cooperation agreement provided the recipient has made a good faith effort to comply and agrees to make payments in lieu of taxes to the jurisdiction.

Sets forth requirement for assistance to Indian families that are not low-income upon a showing of need. Eliminates separate Indian housing plan requirements for small Indian tribes.

Provides Secretary with authority to waive statutory requirements of environmental reviews upon a determination that failure to comply does not undermine goals of the National Environmental Policy Act, will not threaten the health or safety of the community, is the result of inadvertent error and can be corrected by the recipient of funding. The intent is to address problems resulting from procedural, rather than substantive, noncompliance.

Authorizes tribal housing entities to provide housing on Indian reservations to full-time law enforcement officers, sworn to implement the Federal, State, county, or tribal law.

Revises provisions regarding audits and reviews by the Secretary by making applicable the requirements of the Single Audit Act to tribal housing entities; allowing these housing entities to be treated as non-Federal entities; and, permitting the Secretary to conduct audits. The audits will determine whether the grant recipient has carried out eligible activities in a timely manner; has met certification requirements; has an on going capacity to carry out eligible activities in a timely manner; and, has complied with the proposed housing plan.

Prescribes formula allocation for Indian housing authorities operating fewer than 250 units by requiring the amount of assistance provided to these tribes to be based on an average of their allocations from the prior five (5) fiscal years (fiscal years 1992 through 1997).

Amends hearing requirements to allow the Secretary to take immediate remedial action if the Secretary determines that the recipient has failed to comply substantially with any material provision of NAHASDA resulting in continued federal expenditures not authorized by law.

Upon noncompliance with the law due to technical incapacity, requires a recipient to enter into a "performance agreement" with the Secretary before the Secretary can provide technical assistance.

For section 8 vouchers currently being used by an Indian tribe, requires counting such vouchers under the NAHASDA block grant allocation formula to ensure that families currently participating in the Section 8 voucher program will continue to be funded.

Repeals requirement regarding the certification of compliance with subsidy layering requirements with respect to housing assisted with grant amounts provided under the Act.

SUBTITLE B—NATIVE HAWAIIAN HOUSING

Section 511. Short title. Provides that the subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000."

Section 512. Findings. Finds that Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States, and that Congress finds it necessary to extend the Federal low-income housing assistance available under the Native American Housing and Self Determination Act of 1996 to those Native Hawaiians.

Section 513. Housing assistance. Provides the Secretary of HUD with authority to establish a program for the provision of block grants for affordable housing activities for Native Hawaiians, within the Native American Housing Assistance and Self Determination Act of 1996. The Secretary is to be guided by the program requirements of titles I, II and IV of the Native American Housing Assistance and Self-Determination Act in the implementation of housing assistance programs for Native Hawaiians under this title. The Secretary may make exceptions to, or modifications of, program requirements as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians. Sets forth definitions, the requirements associated with housing plans, and other program requirements.

Section 514. Loan guarantees. Provides for loan guarantees for Native Hawaiian Housing. Loans guaranteed by the Secretary pursuant to this title shall be in amounts not to exceed one hundred percent of the unpaid principal and interest that is due on an eligible loan. A loan is an eligible loan if that loan is made only to a borrower who is a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a private nonprofit organization experience in the planning and development of a affordable housing for native Hawaiians.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Section 601. Short Title References. States that this title may be cited as the "Manufactured Housing Improvement Act of 2000."

Section 602. Findings and purposes. Current law provisions are replaced with a more detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the act. Expresses the continuing need for affordability and the need for objective, performance-based standards, while emphasizing the need for consumer protection.

Section 603. Definitions. Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process (Section —4). Adds a definition for the monitoring function and related definitions for primary inspection agency, design approval inspection agency, and production inspection primary inspection agency duties, which had not been previously defined. The term "dealer" has been replaced throughout with the term "retailer."

Section 604. Federal manufactured home construction and safety standards. Section 604 of current law (P.L. 93-383) is revised to establish a consensus committee that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. These recommendations would be published in the Federal Register for notice and comment prior to final adoption by the Secretary. The committee shall be composed of 21 voting members, appointed by the Secretary, based on recommendations of administering organizations, who shall be qualified individuals (7 producers of manufactured housing, 7 users of manufactured housing, and 7 general interest groups and/or public officials), and one additional non-voting member to represent the Secretary on the consensus committee. The committee would function in accordance with the American National Standards Institute (ANSI) procedures for the development and coordination of American National Standards.

If the Secretary fails to take final action on a proposed revised standard, the Secretary shall appear before the housing and appropriation subcommittees and committees of the House of Representatives and the Senate and state the reason for failure.

Further, if the Secretary does not appear in person as required, the Secretary will be prohibited from expending funds collected under authority of this title in any amount greater than that collected and expended in the fiscal year preceding enactment of the Manufactured Housing Improvement Act of 2000.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council; manufactured home installation. Section 605 of existing law (P.L. 93–383) would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section –04. A new section 605 is added, entitled "Section 605. Manufactured Home Installation," which give states five years to adopt an installation program. During this five-year period, the Secretary of the Department of Housing and Urban Development (HUD) and the Consensus Committee are charged with constructing a "model" manufactured housing installation program. In states that choose not to adopt an installation program, HUD may contract with an appropriate agent in those states to implement the "model" installation program.

Section 606. Public information. Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Section 607. Research, Testing, Development, and Training. Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Prohibited Acts. Requires continued compliance with the requirements for the installation program required by Section 605 in any State that has not adopted and implemented a State installation program.

Section 609. Fees. Amends current section 620 by allowing the Secretary to use industry label fees for the administration of the consensus committee, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for HUD's efforts to promote the availability and affordability of manufactured housing. Prohibits the use of label fees to fund any activity not expressly authorized by the act, unless already engaged in by the Secretary, makes expenditure of label fees subject to annual Congressional appropriations review. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 610. Dispute Resolution. In order to address problems that may arise with manufactured homes, Section 610 gives the states five years to adopt a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers regarding the responsibility for the correction or repair of defects in manufactured homes that are reported during the one year period beginning on the date of installation. This also requires state issuance of appropriate orders for the correction or repair of defects in the manufactured homes that are reported during the 1-year period beginning on the date of installation under the dispute resolution program. In states that choose not to adopt their own dispute resolution program, HUD may contract with an appropriate agent in those states to implement a dispute resolution program.

Section 611. Elimination of annual report requirement. Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 612. Effective date. Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 613. Savings provision. Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Section 701. Guarantees for refinancing of rural housing loans. Amends Section 502(h) of the Housing Act of 1949 to allow borrowers of Rural Housing Service single-family loans to refinance an existing direct or guarantee loan with a new guarantee loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced; the same home is used as security; the principle is equal or lower than the refinanced amount plus closing costs, discount points not exceeding 2 basis points and, an origination fee prescribed by the Agriculture Secretary [HR 3834 (Andrews) Homeowners Financing Protection Act (passed the House under suspension on September 19, 2000).]

Section 702. Promissory note requirement under housing repair loan program. Increases amount of promissory note (instead of use of liens on property) amounts from $2,500 to $7,500 (adjusted from late 1970's amount to account for home repairs, e.g. roofing, heating systems, windows, etc.) without going through the formal loan process.

Section 703. Limited partnership eligibility for farm labor housing loans. Technical amendment that clarifies that limited partnerships are eligible for loans under Section 514 (Farm Labor Housing) in cases where the general partner is a nonprofit entity.

Section 704. Project accounting records and practices. Sets forth accounting and record keeping requirements, including maintaining accounting records in accordance with generally accepted accounting principles for all projects that receive funds under this program; retaining records available for inspection by the USDA Secretary for not less than six years, and other requirements.

Section 705. Definition of rural area. Extends designation of rural areas, for purposes of the Rural Housing Service housing programs, for a narrow category of communities until the 2010 census.

Section 706. Operating assistance for migrant farmworkers projects. Allows Section 521 operating assistance for farm labor housing complexes where "mixed" migrant and annual workers will live.

Section 707. Multifamily rental housing loan guarantee program. Allows Native Americans to become eligible borrowers under the multifamily loan guarantee program; authorizes a "balloon payment" as a financing option; allow fees from lenders to be used to help offset program costs; and repeals existing prohibition against the transfer of property title from the lender to the federal government as well as the prohibition against the transfer of liability from one borrower to another.

Section 708. Enforcement provisions. Provides criminal penalties and civil sanctions for violations of program requirements.

Section 709. Amendments to title 18 of the United States Code. Amends Title 18 of the U.S. Code—Money Laundering—to strengthen enforcement and prosecution of program fraud and abuse.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Section 801. Short Title. This title may be cited as the "Affordable Housing for Seniors and Families Act."

Section 802. Regulations. Provides that the Secretary of HUD shall issue regulations implementing the provisions of this title only after notice and opportunity for public comment.

Section 803. Effective Date. Provides that the provisions of the title are effective upon enactment unless such provisions specifically provide for effectiveness or applicability upon another date certain.

SUBTITLE A—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Section 811. Prepayment and refinancing. Requires the Secretary to approve prepayment of mortgages for Section 202 properties if the sponsor (owner) continues the low-income use restrictions. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structures, and other specified purposes.

This allows sponsors to build equity in their project that can be used to refinance at lower interest rates. The refinancing may result in lower project based Section 8 if the sponsor elects lower debt service in addition to the lower interest rate. The savings can then be used for improvements to the facility or services for residents.

SUBTITLE B—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 821. Supportive housing for elderly persons. Authorizes such sums for the existing program of supportive housing for the elderly (section 202 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 822. Supportive housing for persons with disabilities. Authorizes such sums for the existing program of supportive housing for the disabled (section 811 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 823. Service coordinators and congregate services for elderly and disabled housing. Authorizes such sums for grants for service coordinators, who link residents with supportive or medical services in the community, for certain federally assisted multifamily housing projects for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

SUBTITLE C—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

PART 1—HOUSING FOR THE ELDERLY

Section 831. Eligibility of for-profit limited partnerships. Allows 202 sponsors to form limited partnerships with for-profits, but the nonprofits must be the controlling partner. Through this partnership, the sponsors could compete for the low income housing tax credit. With this change, owners could build bigger developments and achieve scale economies. The units financed under Section 202 would be governed by those rules, and the tax credit units would be governed under those rules. States would still be making the decision who gets the LIHTC, and the limited partnerships would have to compete like everybody else.

Section 832. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 833. Authority to acquire structures. Removes limitation allowing private non-profit housing providers to acquire only RTC-held properties. RTC went out of business. This provision allows 202 projects to acquire properties.

Section 834. Use of project reserves. Project reserves, a set-aside account funded through rent receipts for repairs to the building's structure or infrastructure over the years (roof, elevator, etc.), may be used to reduce the number of dwelling units in the 202 project. The use of these funds is subject to the Secretary's approval to ensure the use is designed to retrofit obsolete or unmarketable units.

During the cost containment phase of the Section 202 program, many efficiencies were built. In many cases, it is preferable to convert efficiencies to 1 or 2 bedroom apartments. In other instances, the project may want to reduce units to make room for a clinic or community space.

Section 835. Commercial activities. Makes clear that commercial facilities may be located and operated, in Section 202 projects, as long as the business is not subsidized with 202 funds. These facilities can benefit residents and bring some additional revenue (rent) to the project.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Section 841. Eligibility of for-profit limited partnerships. Provides that for-profit limited partnerships are eligible to participate in the 811 program established under this Act. The nonprofit will be the controlling partner, and the limited partnership may compete for the LIHTC.

Section 842. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for the disabled.

Section 843. Tenant-based assistance for persons with disabilities. Provides that tenant-based rental assistance provided under Section 811 of the Cranston-Gonzalez National Affordable Housing Act may be provided by a private nonprofit organization as well as by a public housing agency as under current law. Caps the amount of tenant-based assistance under Section 811 at 25% of the yearly appropriation for Section 811 housing to ensure that money remains available for construction of affordable housing stock for the disabled.

Section 844. Use of project reserves. Project reserves may be used to reduce the number of dwelling units in an 811 project to retrofit obsolete or unmarketable units. Allows flexibility to design the project in a way that makes it more comfortable & appealing for the residents.

Section 845. Commercial Activities. Clarifies that commercial facilities may be located and operated in Section 811 projects, as long as the business is not subsidized with 811 funds.

PART 3—OTHER PROVISIONS

Section 851. Service coordinators. Allows service coordinators to assist low-income elderly or disabled families living in the vicinity of an eligible federally assisted project. Requires HUD and HHS to develop standards for service coordinators in federally assisted housing to educate seniors about telemarketing fraud and facilitating prosecution of such fraud. This change will make the project a focal point of the community, address the isolation many seniors feel particularly in rural areas—and help seniors protect themselves against fraud.

SUBTITLE D—PRESERVATION OF AFFORDABLE HOUSING STOCK

Section 861. Section 236 Assistance. Allows owners of uninsured Section 236 projects to retain excess income. This money is needed for repairs to the aging projects. The FY 00 VA-HUD bill allowed uninsured Section 236 owners to retain excess income (which results when 30% of somebody's income exceeds the base rent established by HUD), but the authority had to be approved on an annual basis through the appropriations process. This provision puts the uninsured 236s on equal footing with the FHA insured projects, which are already allowed to retain excess income.

To the extent a project owner has remitted excess income charges to HUD since the date of enactment of the FY 1999 appropriations Act, the Department may return to the relevant project owner any such excess charges remitted. This would put these owners on an equal footing with those owners who had retained these excess charges and whom HUD has, through notice, permitted to retain such excess income.

SUBTITLE E—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES

Section 871. Rehabilitation of existing hospitals, nursing homes, and other facilities.

Currently, Section 223(f) of National Housing Act (NHA) provides mortgage insurance for purchase or refinancing of non-FHA multifamily housing projects and for refinancing of existing debt on non-FHA hospitals. Section 223(f) insurance is also broadly used for nursing homes, assisted living facilities, etc. Amends current law to allow for purchase as well as refinancing of such hospitals and includes integrated service facilities, which are defined in Section 872. Allows repairs and minor improvements to be included in financings, consistent with protocols in non-FHA financings. Clarifies program ambiguities such that savings include refinancing of short-term balloon loans.

Section 872. New integrated service facilities. Currently, Section 232 of NHA authorizes FHA insurance for nursing homes, intermediate care, board and care, and assisted living facilities. This section introduces a concept of an integrated service facility, and then makes these facilities eligible for mortgage insurance. An integrated service facility is defined as providing health care to sick, injured, disabled, elderly or infirm persons or services for the treatment and prevention of illness, or any combination thereof. It also removes a barrier to use of FHA insurance for some assisted living facilities by allowing the FHA to establish alternative underwriting standards when states lack licensing requirements. Another barrier to FHA insurance is removed by making the alternative Certificate of Need (CON) test for nursing homes, intermediate care facilities, and integrated service facilities more workable. Currently, FHA insurance is conditional upon the CON; however, several states have sunset CON programs or the agencies which would issue CONS. Moreover, an existing, but no longer appropriate, requirement that residents of nursing homes A are not acutely ill is stricken.

Section 873. Hospitals and Hospital-Based Health Care Facilities. Currently, Section 242 authorizes FHA insurance for hospitals and associated facilities. This section changes the definition of an eligible hospital to eliminate the test that denies eligibility where more than 50% of patient days are non-acute in nature. The 50% rule, especially in a continuum of care environment, creates a financing void for hospitals providing significant non-acute and other essential services now subject to the 50% rule. Modifies eligibility test used as an alternative to the CON requirement under the statute so that a sponsor applicant may commission an independent study in defined circumstances. Allows integrated service facilities to be Section 242 eligible when owned by a hospital sponsor.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Section 901. Extension of Loan Term for Manufactured Home Lots. Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Section 902. Use of Section 8 Vouchers for Opt—Outs. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 by changing the effective date when Section 8 vouchers may be used in situations where owners opt out of the program from 1996 to 1994.

Section 903. Maximum payment standard for enhanced vouchers. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 to require that HUD may not limit the value of enhanced vouchers as provided under the statute if such limit would adversely affect the assisted families to which enhanced vouchers are provided.

Section 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects. Allows HOME funds (in rental units otherwise not eligible for HOME funds) to be used for facilities with units with low-income families having a grandparent residing with a grandchild, or in some cases, where great- and great-great grandchildren are residing in the unit, with neither of the child's parents residing in the household.

TITLE X—BANKING AND HOUSING AGENCY REPORTS

Section 1001. Short title. The title is cited as the "Federal Reporting Act of 2000."

Section 1002. Amendments to the Federal Reserve Act. Provides a new reporting requirement to replace the expired provisions relating to the semi-annual "Humphrey-Hawkins" reports requirements. Section 1002 requires the Chairman of the Federal Reserve Board to appear before Congress at semi-annual hearings to discuss monetary policy as well as economic developments and prospects for the future. The Chairman will appear before the House Banking Committee around February 20 of even numbered years and July 20 of odd numbered years, and before the Senate Banking Committee on February 20 of odd numbered years and July 20 of even numbered years. Either Committee may request the Chairman to appear after his scheduled appearance before the other.

Requires the Federal Reserve Board to submit, concurrent with each semi-annual hearing, a written report to both Committees discussing the same subjects, taking into account developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

Section 1003. Preservation of certain reporting requirements. This Section reinstates certain reports which expired in May 2000 pursuant to the Federal Reports Elimination and Sunset Act of 1995.

(1) President's economic report, together with the annual report of the Council of Economic Advisors. Due: During first 20 days of each regular session.

(2) President's report on impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the US. Due: Annually (to Banking and Armed Services Committees) (This report discloses impact on the U.S. economy in cases where foreign governments, to justify the purchase of U.S.-made defense systems, require technology transfers or direct in-country investments. Such concessions ensure the sale but may impair future sales or enhance the production capacity of a potential foreign competitor to the U.S.)

(3) Commerce Department report on operations under the Public Works and Economic Development Act of 1965 (by the Economic Development Administration) Due: Annually. (The EDA provides grants for public works and other assistance to alleviate unemployment in economically distressed areas.)

(4) HUD's agenda of all rules and regulations under development or review. Due: Semiannually (to Banking Committee).

(5) HUD report on early defaults on FHA-insured loans. Due: Annually. (The report includes data on lenders and the numbers of loans they make—and defaults and foreclosures thereon—by census tract.)

(6) Two HUD Reports related to civil rights: (a) Progress in eliminating discriminatory housing practices. Due: Annually. (The report reviews the nature and extent of progress in eliminating housing discrimination practices, obstacles remaining, and recommendations for legislation or executive action.) and (b) Data on applicants, participants, and beneficiaries of the programs administered by HUD. Due: Annually. (The report provides data on race, color, religion, sex, national origin, age, handicap, and family characteristics of applicants or participants in HUD programs.)

(7) Two HUD reports related to lead-based paint hazards: (a) Assessment of the progress made in implementing the various programs authorized by the Act. Due: Annually. (This report covers research/studies into lead poisoning and recommendations for legislative or other action to improve HUD's performance in combating such hazards.); and (b) Progress of the Department in implementing expanded lead-based paint hazard evaluation and reduction activities. Due: Biennially. (This report is related to the one above and provides an assessment of HUD's progress in various lead-based paint abatement programs.)

(8) FHA annual report. Due: Annually. (The report provides an analysis of income demographic borrower information, specifically related to incomes not exceeding 100% of area median income (AMI), 80% of AMI, 60% of AMI; minority, central city and rural borrowers; and, HUD activities to ensure participation by these groups.)

(9) HUD annual report. Due: Annually. (This is an annual report by the Secretary to the President for submission to the Congress on all operations and programs under HUD's jurisdiction during the previous year.)

(10) HUD annual report. Due: Annually. (This is a general requirement for an annual report from the Secretary to the President on the activities of HUD for submission to Congress.)

(11) FEMA report on operations under the National Flood Insurance Act of 1968. Due: Biennially. (This report covers operations of the national flood insurance program offered to communities which enforce flood plain management measures.)

(12) HUD report on Indians and Alaska Native housing and community development. Due: Annually. (The report covers the housing needs of Indian tribes in the U.S. and HUD's activities in meeting such needs. It includes estimates of the costs of projected activities for succeeding fiscal years, statistics on the conditions of Indian and Alaska Native housing, and recommendations for new legislation.)

(13) HUD report on actuarial soundness of the Mutual Mortgage Insurance Fund. Due: Annually. (The report describes HUD actions to ensure the Fund maintains a capital ratio of at least 1.25 percent.)

(14) Treasury Department report on progress in enhancing human rights through U.S. participation in international financial institutions. Due: Quarterly (to Banking and International Relations Committees).

(15) Treasury Department reports: (a) Financial statement and report of transactions of the Exchange Stabilization Fund (ESF). Due: Monthly (to Banking Committee); and (b) Operations of the ESF. Due: Annually.

(16) OCC, FDIC, and Federal Reserve Board reports on activities of the consumer affairs division. Due: Annually. (These reports describe actions taken by the agencies to prevent unfair or deceptive acts or practices by banks and to address consumer complaints.)

(17) OCC Annual Report. Due: Annually.

(18) OTS report on minority institutions. Due: Annually. (This report relates to OTS actions to preserve minority ownership of minority financial institutions many of which serve lower income and minority communities.)

(19) Appalachian Regional Commission report of activities. Due: Annually. (The report covers Federal-State activities to support economic development in the 13 Appalachian states.)

(20) Export-Import Bank reports: (a) Export financing competition. Due: Annually. (This report reviews how well Exim's programs compete with those of other export credit agencies, and includes other "sub-reports" which will also continue, i.e. the Trade Promotion Coordinating Committee (TPCC) Strategic Plan, Advisory Committee comments on Exim's competitiveness, and Competitive Insurance Opportunities report on Exim deals with respect to countries that deny opportunities to US insurance companies.); (b) Tied aid credits. Due: Biannually. (This report covers the tied aid credit program under which grants are made to supplement financing for a US export when it appears predatory financing will be available from another country for a competitor's product.); and (c) Operations as of the close of business each fiscal year. Due: Annually (This report includes other "sub-reports" which would also be retained, i.e. environmental exports and small business exports. Three other sub-reports are listed for repeal under Section 1005.)

(21) FDIC report on operations of the Corporation. Due: Annually. (The report also includes information on the BIF and SAIF.)

(22) Federal Financing Bank report on activities of the Bank. Due: Annually. (The FFB lends to federal agencies to reduce the cost of borrowing, ensure coordination of borrowings with federal fiscal and debt management, and assure minimal disruption of private markets and institutions.)

(23) Federal Housing Finance Board Annual Report. Due: Annually.

(24) Federal Reserve survey of bank fees and services. Due: Annually. (The report covers discernible changes in cost and availability of bank services.)

(25) Federal Reserve assessment of the profitability of credit card operations of depository institutions. 15 U.S.C. 1637 Due: Annually. (The report also discusses trends in credit card interest rates.)

(26) Federal Reserve report on credit card price and availability information. Due: Semiannually. (The Board provides information on a sample of 150 card issuers twice a year.)

(27) Federal Reserve activities under the Equal Credit Opportunity Act. Due: Annually. (This information is included in the Board's annual report.)

(28) Federal Reserve report on administration of and recommendations as to changes in the Truth in Lending Act. Due: Annually. (The report provides information on compliance with TILA regulations.)

(29) Federal Reserve Board of Governors report of activities. Due: Annually.

(30) Federal Reserve report on policy actions of the Federal Open Market Committee and the Board. Due: Annually. (This is included in the Fed's annual report.)

(31) Federal Trade Commission's reports on administration of the Fair Debt Collection Practices Act. Due: Annually. (The report covers elimination of abusive debt collection practices.)

(32) National Credit Union Administration's report on operations and financial information. Due: Annually.

(33) Treasury Department report on activities and audit of financial statement of the Resolution Funding Corporation. Due: Annually. (REFCORP was established by FIRREA to raise funding for RTC resolution of insolvent S&Ls. Funds are appropriated to Treasury to pay interest on obligations issued by REFCORP.)

(34) Neighborhood Reinvestment Corporation's annual report. Due: Annually. (The corporation was set up to continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services and providing grants and technical assistance to facilitate reinvestment.)

(35) Voluntary agreements under the Defense Production Act. Due: At least annually. (This report is due to the Congress and the President from any individual(s) designated by the President, describing voluntary agreements and plans of action in effect for preparedness programs and expansion of production capacity and supply.)

(36) Justice Department report on data collection re banks and banking. Due: Quarterly. (This report details civil and criminal investigations and prosecutions relating to banking law offenses.)

(37) Federal Housing Administration Advisory Board report on assessment of the activities of the Federal Housing Administration; effectiveness of the Mortgagee Review Board. Due: Annually. (This report covers the soundness of FHA's underwriting procedures and other activities relating to the FHA's ability to serve nation's homebuyers and renters, as well as the effectiveness of the Mortgagee Review Board which takes action against mortgagees in violation of the

Fair Housing Act or other statutory requirements.)

Section 1004. Coordination of Reporting Requirements. Subsection (a) requires the FDIC's annual report to include the agency's annual consumer affairs report.

Subsection (b) requires the annual report of the Federal Reserve Board of Governors to include the Fed's annual report of activities under the Equal Credit Opportunity Act, the Board's annual consumer affairs report, the annual report on administration of the Truth in Lending Act, and the Fed's annual report on policy actions of the Federal Open Market Committee and the Board.

Subsection (c) requires the OCC annual report to include the agency's annual consumer affairs report.

Subsection (d) requires the Exim Bank's annual report on export financing competition to include the tied aid report, and makes the latter an annual rather than semi-annual report.

Subsection (e) requires HUD's annual report to include the Department's two annual reports required under the Civil Rights Act relating to progress in eliminating housing discrimination and data on applicants and participants in HUD programs, the Department's annual and biennial reports on lead based paint, the Department's annual report on all HUD programs and operations, and HUD's annual report on housing programs related to Indians and Alaskan Natives.

Subsection (f) requires the annual report of the Federal Housing Administration to include the annual report on early defaults on FHA-insured loans and the annual report on the actuarial soundness of the Mutual Mortgage Insurance Fund.

Subsection (g) amends the International Financial Institutions Act to change Treasury's report on promoting human rights through international financial institutions from a quarterly report to an annual report.

Section 1005. Elimination of certain reporting requirements. Provides for the repeal of certain Export-Import Bank reports. One is a report from the President requesting legislation if the amount of direct loan authority or guarantee authority available to the Export-Import Bank for the fiscal year involved exceeds the amount necessary. This report is being repealed because it is a corollary to the President's annual report on sufficiency of Exim authority which expired pursuant to the sunset. There are four "sub-reports" to Exim's annual report that are also to be repealed: (1) a report on specific Exim's programs and activities to promote nonnuclear renewable energy resources and description of Exim's actions to assist small business which is being repealed because this information is already included in other reports; (2) a report on Exim's actions on maintaining "key linkage industries" which is unnecessary because Exim's annual report covers exports for various industries; (3) a report on Exim's measures to supplement financing for agricultural commodities which was enacted 20 years ago but which is no longer needed with Exim continuing to be involved in this area; and (4) a report on Exim's programs on the export of services which is also covered in the annual report since it is part of Exim's activities.

This section also provides for the repeal of a semi-annual FDIC report on the agency's efforts to maximize the efficient use of private sector contractors to manage assets held by the agency. There is little need for the report today since assets have declined significantly since 1991. The 1999 report showed the agency had only about 3% of the assets in liquidation it had 7 years earlier.

TITLE XI—NUMISMATIC COINS

Section 1101. Short Title. Specifies that the Section be known as the "United States Mint Numismatic Coin Clarification Act of 2000."

Section 1102. Clarification of Mint's Authority. Specifies that the United States Mint ("Mint") need not issue silver "proof" collector versions of the new golden-colored one-dollar coin, and adds the word "platinum" before the word "bullion" in law elaborating Mint authority to strike platinum bullion coins.

Section 1103. Additional Report Requirements. Adds a supplemental requirement to the Mint's annual audited financial statements to show the actual cost of producing and distributing circulating coins.

TITLE XII—FINANCIAL REGULATORY RELIEF

Section 1200. Short Title. This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000.

Section 1201. Repeal of Savings Association Liquidity Provision. Repeals unnecessary provisions relating to savings association liquidity requirements.

Section 1202. Non-controlling Investments by Savings Association Holding Companies. Allows a savings and loan holding company to acquire a five to twenty-five percent non-controlling interest of another SLHC or savings association, subject to the approval of the Director of the OTS.

Section 1203. Repeal of Deposit Broker Notification and Record Keeping Requirement. Repeals requirement that brokers file a written notice with the FDIC before soliciting or placing deposits with an insured depository institution.

Section 1204. Expedited Procedures for Certain Reorganizations. Simplifies procedures for a national bank reorganizing into a bank holding company.

Section 1205. National Bank Directors. Permits national banks to elect directors to terms of up to 3 years on a staggered basis. Permits Comptroller to remove the limitation on the number of board members.

Section 1206. Amendment to Bank Consolidation and Merger Act. Permits national bank, upon approval of Comptroller, to merge or consolidate with its subsidiaries or nonbank affiliates with no increase in powers for the national bank.

Section 1207. Loans on or Purchases by Institutions of their own Stock. Repeals prohibition on a bank owning or holding its stock, but retains prohibition on making loans or discounts on the security of its own stock.

Section 1208. Purchased Mortgage Servicing Rights. Authorizes the appropriate Federal banking agencies to jointly simplify capital calculations by not requiring banks or thrifts to distinguish between types of mortgage servicing rights. This would allow regulators to value marketable mortgage servicing assets in capital determinations up to 100% of their fair market value rather than the current level which is limited to 90% of fair market value.

Section 1211. Call Report Simplifications. Provides for the modernization of the call report filing and disclosure system.

Section 1221. Elimination of Duplicative Disclosure of Fair Market Value of Assets and Liabilities. Clarifies that banking agencies need no longer pursue further development of the supplemental disclosure method. Even so, Section 36 of FDIA and its supporting regulations provide agencies with discretion to seek additional information in regulatory reports and annual reports regarding fair market value.

Section 1222. Payment of Interest in Receiverships With Surplus Funds. Gives the FDIC the authority to establish a uniform interest rate with regard to receiverships.

Section 1223. Repeal of Reporting Requirement on Differences in Accounting standards. Amends the requirement for each agency to produce an Annual Report on "Agency Differences in Reporting-Capital Ratios and Related Accounting Standards," Instead, this provision directs the Federal banking agencies to jointly produce one report.

Section 1224. Agency Review of Competitive Factors in Bank Mergers Act Filings. Eliminates the requirement that each federal banking agency request a competitive factors report from the other three federal banking agencies as well as the Attorney General. The proposed provision would decrease that number to two, with the AG continuing to be required to consider the competitive factors of each merger transaction. The provision also requires the responsible banking agency to take into account appropriate competitive measures when considering the competitive effect of mergers.

Section 1231. Federal Reserve Board Buildings. Allows the Federal Reserve Board to have more than one building.

Section 1232. Positions of Board of Governors of Federal Reserve System on the Executive Schedule. Raises the pay of the Chairman of the Federal Reserve Board from Level II of the Executive Schedule to Level I (approx. $14,800) and the Board Members from Level III to Level II (approx. $10,500).

Section 1233. Extension of Time. Extends deadline for new FHLB capital rules from 12 months to 18 months.

Section 1241. Technical Correction Relating to Deposit Insurance Funds. Makes technical correction to FDIA.

Section 1242. Rules For Continuation of Deposit Insurance For Member Banks Converting Charters. Makes technical changes with regard to a cross-reference cite.

Section 1243. Amendments to the Revised Statutes.

503(a) Provides that the Comptroller may waive the U.S. citizenship requirement for up to a minority of a national bank's directors. The Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) inadvertently deleted the long-standing authority of the Comptroller to waive the citizenship requirement for up to a minority of directors of national banks that are subsidiaries or affiliates of foreign banks.

503(b) Updates Section II to reflect that national banks no longer issue national currency, while maintaining the provision that prohibits the Comptroller from owning interest in the national banks they regulate.

503(c) Repeals Section 5138 of the Revised Statutes (first enacted in 1864), which imposes minimum capital requirements for national banks. This minimum capital requirement (ranging from $50,000 to $200,000) is obsolete, since Congress granted the Federal banking agencies the regulatory authority to establish minimum capital requirements in 1983.

Section 1244. Conforming Change to the International Banking Act of 1978. Allows branches and agencies of foreign banks that satisfy the asset test imposed on domestic banks to be examined on an 18-month cycle instead of the 12-month cycle.

TRIBUTE TO THE HONORABLE TOM EWING ON HIS RETIREMENT FROM CONGRESS

SPEECH OF

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. HASTERT. Mr. Speaker, it's sad to part ways with TOM. He's an old friend who I've known over a span of more than 20 years. He's someone I've worked with in representing the people of our state of Illinois, both in Congress and our state legislature. He's someone who helped me rally the troops when I was chief deputy whip, and he's someone who supported me for Speaker of the House. I have great respect for TOM.

Since he was elected in 1991, TOM has worked for the families in Illinois' 15th District. TOM, a farmer himself, stood up for Illinois farmers' interests as Chairman of the House Subcommittee on Risk Management and Specialty Crops and Research. He fought for the Republican principles he represents so that he could make American lives better—a balanced budget, lower taxes, fair treatment for small businesses, welfare reform and Social Security and Medicare reform.

TOM wanted to retire so he could spend more time with his wife, Connie, his six children and his grandchildren. I hope his future years with them are filled with much happiness. I wish him the best of luck and thank this honorable and decent man for everything he has done for both the people of Illinois and the men and women of this country. I know our friendship will continue even after he goes back home.

25TH ANNIVERSARY OF NAEMT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, today I rise to highlight an important milestone for America's Emergency Medical Services systems and to voice my continued support for the nation's EMTs and Paramedics.

This year marks the 25th anniversary of the National Association of Emergency Medical Technicians (NAEMT). For 25 years NAEMT has represented the interests of America's 600,000 EMTs and Paramedics, while witnessing the evolving role of EMS in this country. No longer are EMS personnel simply "ambulance drivers," but instead they provide quality medical care for the sick and injured, including advanced life support with such interventions as intravenous cannulation, cardiac defibrillation, endotracheal intubation, and medication administration. But EMS personnel today do more than just clinical medicine. Whether it be a free blood pressure and blood sugar screening hosted by the local EMS agency in the rural town of Eveleth, Minnesota or the initiation of a defibrillator training program for community members in Omaha, Nebraska, EMTs and Paramedics across America exhibit a special dedication to the people of their communities. I applaud America's EMS personnel for their 25 years of outstanding service.

The aging population and concerns about healthcare for the 21st century are both issues we are fervently debating in Congress right now. EMS, as part of the allied healthcare system, is not immune from the effects of these emerging issues. Instead, these issues are rapidly increasing the roles of EMS personnel. At the NAEMT conference "Outlook 2000" in Reno, Nevada on November 8–11, America's EMTs and Paramedics will boldly step forward and accept these new challenges.

Mr. Speaker, I am convinced that today's EMTs and Paramedics will continue to proudly serve the people of this nation and will confront future challenges not with trepidation, but with the same confident altruism that led them to first develop America's EMS systems a quarter century ago.

PERSONAL EXPLANATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BILBRAY. Mr. Speaker, on October 24 I was in my district and was absent for rollcall votes No. 541, No. 542, and No. 543. Had I been present, I would have voted: "yea" on H. Res. 634 (rollcall vote No. 541); "yea" on H. Con. Res. 414 (rollcall vote No. 542); and "yea" on H.R. 4271 (rollcall vote No. 543).

NATIONAL LAW ENFORCEMENT MUSEUM ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. COSTELLO. Mr. Speaker, as a co-sponsor of this legislation, I rise today in support of S. 1438, the National Law Enforcement Museum Act, which honors the men and women who serve our nation as law enforcement officers.

America's law enforcement officers are one of our most valuable resources. Almost one million individuals nationwide perform an incredibly important task as they put their lives in danger on a daily basis to protect and serve the American people. As a former police officer, and the father of a former police officer, I know the inherent risk involved in the profession and salute these men and women for their efforts.

This legislation will allow the National Law Enforcement Officers Memorial Fund to go forward with plans to build the most comprehensive law enforcement museum and research facility in the world. The museum will serve to educate and inform the public of the risks and duties that law enforcement officers face on a daily basis.

Mr. Speaker, I urge my colleagues to join me in supporting the National Law Enforcement Museum Act. America's law enforcement officers are highly deserving of the praise and recognition that the museum will bring them.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. NUSSLE. Mr. Speaker, on Tuesday, October 24, 2000, I was unavoidably detained by weather problems in the Midwest and missed rollcall vote #541–#543. Had my votes been recorded, they would have been in the following manner:

Rollcall Vote #541 (On agreement to H. Res. 634) "yea".

Rollcall Vote #542 (To suspend the rules and pass H. Con. Res. 414) "yea".

Rollcall Vote #543 (To suspend the rules and pass H.R. 4271) "yea".

NATIONAL LAW ENFORCEMENT MUSEUM ACT

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. LANTOS. Mr. Speaker, I rise today in strong support of S. 1438, the National Law Enforcement Memorial Museum Act. This important piece of legislation would give all Americans a place to honor and commemorate the members of our nation's law enforcement agencies and provide a museum for those who have made the supreme sacrifice in the line of duty.

Mr. Speaker, during our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. According to the most recent FBI statistics, almost 63,000 officers are assaulted each year, and this results in more than 21,000 injuries. I am appalled to report that on average, one police officer is killed somewhere in the United States every 54 hours.

Everyday some 740,000 law enforcement professionals are asked to put their lives on the line to protect the safety of others. We owe all of these officers a huge debt of gratitude. I believe that the time has come to honor all law enforcement officers and to pay particular honor to their fallen colleagues for their outstanding service and sacrifice made for our country.

Mr. Speaker, this important legislation will establish a comprehensive law enforcement museum and research repository. The museum will permit researchers, practitioners, and the general public to have access to this premiere source of information on issues related to law enforcement history and safety.

As my colleagues are aware, in 1984 we mandated the establishment of the National Law Enforcement Officers Memorial. This memorial was dedicated in 1991 just a few blocks from this Capitol Building. The legislation we are considering today calls for the construction for the National Law Enforcement Museum near the current memorial, a proper place for this important museum.

Mr. Speaker, the time has come to finish what we began in 1984, and I urge my colleagues to join me in voting for this important legislation.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. EWING. Mr. Speaker, the Commodity Exchange Act now bans the offer and purchase of single stock futures products in the United States. The bill would lift that ban, subject to joint CFTC and SEC regulation, effective in one year for public customers and 8 months for institutional investors. U.S. investors today also are barred from buying single stock futures traded on foreign exchanges. Section 221(j) of the bill includes an amendment to the Commodity Exchange Act that would immediately allow U.S. investors to buy single stock futures—even those based on U.S. stocks—that are traded on foreign exchanges. This disparate treatment of U.S. and foreign exchanges has been pointed out by numerous futures and securities exchanges, and other financial industry representatives.

If U.S. customers are going to be allowed to purchase futures on equities traded overseas, the products should be subject to the same timing restrictions and oversight that is applicable to domestic security futures products. Section 221(i) would allow foreign exchanges to offer in the U.S. and U.S. investors to purchase, security futures products only under terms and conditions acceptable to the SEC and CFTC. Section 22(j) of the bill thus may conflict with Section 221(i) of the bill. This issue needs to be addressed before the bill is sent to the President.

OLDER AMERICANS ACT AMENDMENTS OF 2000

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I support H.R. 782, the Older Americans Act Amendments and I commend its sponsors for getting it to the floor of the House today. This program has not been reauthorized since it expired in 1995, but continued only through annual appropriations.

Today when we pass this reauthorization measure, we can finally say to our Senior citizens that we care about their concerns, enough to provide the support and assistance they need.

Mr. Speaker I especially applaud the bills provisions with regard to older people of color, who are often poorer, lack health care services and experience greater difficulties having their needs met.

The seniors in my district have benefited greatly from this act in the past and from the annual appropriations to continue the services—from the elderly nutrition programs to the home care for the frail elderly and the senior community service employment program. They are very proud of the variety of needed services they give to the community through this latter program.

We are also pleased that this reauthorization includes a national family caregiver support program. Many families across the country will be helped through this important measure.

Mr. Speaker, this reauthorization is long overdue and I am pleased to join my many colleagues in supporting it.

TRIBUTE TO THE HONORABLE DONALD P. LEMM, MAYOR OF BELLWOOD, ILLINOIS, ON THE OCCASION OF HIS RETIREMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. DAVIS of Illinois. Mr. Speaker, Donald P. Lemm has lived in Bellwood, Illinois all of his life, he and his late wife Ida had four children and five grandchildren. He and his current wife Joy, live at 517 51st Avenue. Mayor Lemm is a graduate of DePaul University with a degree in business administration and accounting. He is a member of the VFW and served in Korea with the 71st Station Hospital as Sergant Major.

Prior to becoming Mayor, Donald P. Lemm was a CTA Executive for 40 years, serving in the capacities of Training Specialists, Methods Analysts, Superintendent of Bus and Rail Transportation and Retired as Manager of Insurance and pensions. He also served as Administrative Assistant to the Chairman of the CTA Board and was retained by the CTA as a consultant for three years after retirement.

Mayor Lemm is active in St. Simeon Parish, has served several times as President of the Holy Name Society, is a member of the St. Simeon's Contemporary Choir and St. Simeon's Traveling Troupe, is a Lector and minister of the cup and has served as a member of the Parish Finance/Planning Committee. Prior to becoming Mayor, Donald P. Lemm served for sixteen years as village clerk. As Mayor, he has led the village to greater property values, added business, a more diverse and professional workforce, and a more open atmosphere for village residents.

Mayor Lemm, has served as chairman of the West Suburban Neighborhood Preservation Agency and is a Board Member of such groups as the Boys and Girls Club of Bellwood and Hillside, the Council of Mayors, West Central Municipal Conference (V.P.), West Cook Solid Waste Agency and many more.

Over the years Mayor Donald P. Lemm has vividly demonstrated what it means to be a true public servant. He has consistently put the interest of his community above his personal agendas, he has not played politics with the peoples' needs, he has been a true representative of the people's interest and balanced manager of their affairs. Therefore, I am pleased to congratulate him on an excellent public career and wish him and his family well in retirement.

TRIBUTE TO LT. HAZEL WHITE, ON THE OCCASION OF HER RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BACA. Mr. Speaker, I would like to honor California Department of Corrections Lieutenant Hazel White, who will be retiring on October 31, 2000, having completed 35 years of state service.

Lieutenant White began her career with the Department of Corrections in 1965.

As Camp Commander at Camp Prado, CC #28, she represents the institution with professionalism and distinction, serving as mentor, role model, and example.

Her diligence in handling matters has been an incentive for the staff at Camp Prado and staff from other camps to follow in her footsteps by utilizing professionalism in dealing with all issues. She has been sensitive to issues involving other CDC staff, the inmates and their families. Hazel reminds all who work with her of the importance of working together as a team, by her own diligence and actions.

Throughout the course of her distinguished career, Hazel has been assigned numerous special tasks and projects, including Rape and Assault prevention, and auditing various institutions. Her peers and supervisors have commented often on her enthusiasm and self-motivation.

Her continuous rating of outstanding in performance reports, and numerous awards and commendations issued to her from her superiors speak for themselves regarding her achievements throughout the years, not only as Camp Commander and Lieutenant but as officer and sergeant.

A devoted wife to Charlie White, a retired CDF Fire Captain, Hazel has three adult daughters, and she is also a devoted grandmother. She has been very giving to the community, participating in local youth sporting activities.

People comment on her quick laugh, her sense of humor, and her persistent optimism about the world.

In short, she is a model of excellence we can all follow, at work and in our community. It is my hope that she enjoys a productive, happy, and long retirement. I wish her all of our hopes, all of our thoughts, all of our good prayers, as she embarks upon this new period in her life.

SALUTING JACINTO ACEBAL FOR RECEIVING THE UNITED STATES POSTAL SERVICE LIFETIME ACHIEVEMENT AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I congratulate a friend and constituent of my Congressional district, Jacinto "Ace" Acebal, on receiving the Dot Sharpe Lifetime Achievement Award.

This national award for diversity achievement is presented by the United States Postal Service to outstanding postal employees who have demonstrated contributions over a substantial period of their postal careers, including community and civic involvement.

Jacinto joined the United States Postal Service as a letter carrier and during his career has been promoted to Supervisor of Customer Service, Equal Employment Opportunity Counselor Investigator, Human Resource Specialist, and most recently, Hispanic Programs Specialist. As a result of the work that he has accomplished in his latest position, there are more Hispanics on the United States Postal Service south Florida district registers, and the hiring of Hispanic has increased from 35% to 50.4%.

Ace has not only had a exceptionally successful career with the United States Postal Service and been one of our community's most involved and caring members, he has also demonstrated remarkable courage and patriotism. He joined the United States Army, volunteered to go to Vietnam and shortly thereafter requested to be assigned to combat duty. Jacinto was recognized as the most decorated Cuban American in the War having obtained eighteen medals during his one year service.

Here at home, Ace has always exhibited a willingness to volunteer for causes benefitting the young and old, postal employees, civilians, veterans, and especially minorities. He is an active citizen who has contacted me and other Members of Congress on matters such as the importance of saving Social Security and raising awareness of veterans' issue. It is fitting that he should receive the Dot Sharpe Lifetime Achievement Award.

I am proud to know individuals like Jacinto and I ask my Congressional colleagues to join me in congratulating Jacinto on his latest achievement.

MEMORIAL TRIBUTE TO THE LATE CONGRESSMAN SIDNEY YATES

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PHELPS. Mr. Speaker, I never had the privilege to serve with the late Congressman Sid Yates, but I feel like I have known him through the positive impact he had on the State of Illinois and the Nation. He truly stood for all of the ideals that made this country great.

FOR THE RELIEF OF PERSIAN GULF EVACUEES

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3646, a bill I introduced to grant permanent immigrant status to those families who were evacuated from Kuwait for safety reasons by the United States Government prior to United States military intervention against Iraq's invasion of Kuwait in 1990.

These families have been cleared by INS and the FBI, and have been found to be hardworking, self-sufficient individuals, who have been in limbo for nearly a decade while awaiting adjustment of their status.

None of these individuals have ever been a ward of the State, but have found jobs and resources necessary to make themselves completely self-supporting citizens of this country.

I wish to express my deep gratitude to my colleagues, Immigration Subcommittee Chairman LAMAR SMITH, and Judiciary Committee Chairman HENRY HYDE, and their hard working staff, for the effort that they have made to bring this bill to fruition.

It was a long, hard journey of cooperation and coordination among subcommittee and full committee staff, the Immigration and Naturalization Service, and the Federal Bureau of Investigation, whose job it was to do an in-depth investigation of the Persian Gulf evacuees during their 10 year hiatus in the United States, and to find them worthy of permanent status.

All these efforts, individually and collectively have brought us to today's passage of H.R. 3646, granting permanent immigrant status to those people who have come to be known as Persian Gulf evacuees.

Again, I thank my colleagues for their support of this important legislation to assist these families in securing the right to remain in the United States after our government evacuated them from Kuwait at the start of the Persian Gulf war, to ensure their safety.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BECERRA. Mr. Speaker, on October 24, 2000, I was detained with business in my district, and therefore unable to cast my votes on rollcall numbers 541 through 543. Had I been present for the votes, I would have voted "yea" on rollcall vote 542, and "nay" on rollcall votes 541 and 543.

PERSONAL EXPLANATION

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. TAUZIN. Mr. Speaker, I was recorded as a "yea" on rollcall vote No. 382. It was my intention to vote "nay".

THE ARIZONA WATER SETTLEMENTS ACT OF 2000

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. PASTOR. Mr. Speaker, I am proud to be a sponsor of the Arizona Water Settlements Act of 2000, H.R. 5529. This legislation, which was introduced yesterday with the support of the entire Arizona House Delegation, will resolve several long-standing issues pertaining to the repayment obligations and water allocation related to the Central Arizona Project. Although outstanding issues remain, significant progress has been made. It is my hope that the introduction of this bill will encourage all parties involved to quickly finalize the few remaining issues of the agreement, as well as show the Delegation's strong commitment to seeing this process through.

Among the issues yet to be firmly resolved is that of the procedures though which Tribes may bring land acquired after the settlement date into "trust." It is my understanding that although the Tribes have been working closely with the State parties, and that a tremendous amount of work has already been accomplished, the final details have yet to be agreed upon. Settling this issue will require a delicate balance of interests, and the outcome will impact not only the parties to this settlement, but other tribes as well, including the Pascua Yaqui and Tohono O'Odham in the district I represent. In fact, all of Indian Country will be looking to this provision because it could very well affect all future Native American water and land dispute settlements. Therefore, this matter must be finalized in a manner that sets an acceptable precedent if the final agreement is to maintain the broad support enjoyed by this preliminary legislation.

There are other important and difficult issues yet to be resolved, including the utilization of settlement funds. Nevertheless, I am extremely encouraged that all the parties are so close to an agreement and focused on cooperation. I commend all the parties involved for their determination to make this happen and their commitment to negotiate their differences for the benefit of all Arizonans. This agreement is a cornerstone of the foundation on which Arizona will thrive in the future. I am proud to support the new Act, and I look forward to enacting final legislation on this issue early in the 107th Congress.

RETIREMENT OF HON. TILLIE FOWLER

SPEECH OF

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DAVIS of Florida. Mr. Speaker, tonight I would like to pay tribute to Congresswoman TILLIE FOWLER. TILLIE's record of service has made the 4th Congressional District of Florida and the entire state proud.

Not long ago, a close friend of mine, who is also one of Congresswoman FOWLER's constituents, told me a story about TILLIE that captures her character perfectly. He said that he was shopping in the grocery store one day and recognized his Congresswoman in one of the aisles. Taking a chance, he walked up to TILLIE and introduced himself. Soon, my friend discovered that even in the midst of grocery shopping, his Member of Congress is kind, compassionate and down-to-earth and treats her constituents with the respect and attention they deserve.

Those in Congress who have had the privilege to get to know TILLIE recognize that she has as much respect for this institution as she does for the people she represents. She is thoughtful in her actions and independent in her decisionmaking. TILLIE's integrity and dedication to her work stands as an example for her colleagues on both sides of the aisle.

Finally, on behalf of all the citizens of Florida, I would like to thank TILLIE for her service to our great state. TILLIE's efforts on behalf of all Floridians is evidence of her love for our great state. I know I speak for everyone in sending her my best wishes for all her future endeavors.

RECOGNITION OF U.S. OLYMPIC MEDALISTS DELISHA MILTON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KINGSTON. Mr. Speaker, today I rise to recognize DeLisha Milton as a gold medalists in the 2000 Summer Olympics. We should all applaud her hard work and determination in representing our country in the Olympic Games.

DeLisha Milton of Riceboro, Georgia, won the gold medal in the women's Olympic basketball tournament. The defending gold medalists U.S. Women's Basketball Team (8–0) made it look easy when they won the game 76–54 victory over host Australia to finish first in the tournament. The win marked the 34th triumph in 37 Olympic games from the Americans since women's basketball became an Olympic sport in 1976.

Milton was a key member of the United States team that won all nine of its games and captured the gold at the 1998 World Championship. She averaged 7.1 points and 4.2 rebounds per contest in the tournament. The previous year, Milton helped the U.S. triumph at the World University Games.

Milton completed a standout collegiate career in 1997. As a senior, she led Florida to the quarter finals of the NCAA tournament and earned Southeastern Conference Player of the Year honors. Averaging 19.4 points and 8.8 rebounds per game, Milton was a first-team All American selection and also won the Wade Trophy, awarded annually to the Nation's top senior in women's basketball.

Please join me again in applauding DeLisha Milton on earning the gold medal in the 2000 Olympic Games. Through her hard work and determination she has excelled at the game of basketball. She is a fine young woman with high morals. Our society today needs more people like her that work extremely hard to represent our country. This young woman not only achieved an Olympic medal she proved that the American youth are indeed the best!

'STANKY AND THE COAL MINERS' CELEBRATE 55TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to John "Stanky" Stankovic of Nanticoke, Pennsylvania, who has been entertaining people of all ages with his polka magic for 55 years. In 1945, at the age of 9, Stanky and some friends landed a job playing polka music at a three-day wedding in Nanticoke.

From that beginning, Stanky and the Coal Miners, as he and his band are known now, have gone on to play all over the world with scores of famous people. He has learned or written more than 500 songs, most of which are featured in the band's 21 albums and six videos.

He learned to play the accordion from his father, Joe Stankovic, a Czech immigrant who came to America at age 16 and went straight to work in the coal mines. When Stanky was a young man, he was more interested in being a professional baseball player. However, his father wisely made sure he practiced his music one hour a day before going out to play, and audiences around the world have benefited from Stanky's ultimate career choice. For example, in 1988, Stanky and the Coal Miners played to a crowd of a million people in Tiananmen Square in Beijing, China.

While the membership of the Coal Miners has changed many times over the years, Stanky's own family now forms the core of the band. Playing regularly with him are his wife, Dottie; his daughters, Kim Bukowski and Debra Horoschock; his son-in-law, Vince Horoschock; and his granddaughters, 3-year-old Alexandra Bukowski and 2-year-old Ashley Horoschock. Other members include drummers Norbert Wisniewski, Tom Novakowski and Dave Burns and trumpeter Mark Steinkircher.

Stanky and Dottie also host and produce the popular "Pennsylvania Polka" program on WVIA, Northeastern Pennsylvania's public television station. The show has aired for 20 years, allowing him to reach a wider audience of fans. While Stanky travels the world, he always remembers the region he calls home and the people who love his music. When he is in Northeastern Pennsylvania, Stanky also devotes one or two days a week to playing concerts at local rest homes.

Mr. Speaker, I send my congratulations to Stanky and the Coal Miners in this, the year of their 55th anniversary, and I also send my best wishes for continued success.

TRIBUTE TO REPRESENTATIVES THOMAS EWING AND JOHN PORTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to two retiring members of the Illinois Delegation who have faithfully and effectively served their constituents and the citizens of this Nation.

Firstly, Representative THOMAS W. EWING, who spent 17 years in the Illinois General Assembly and rose to the positions of Assistant Republican Leader and Deputy Minority Leader, before he left to come to Congress.

In Congress, Representative EWING has focused much of his attention on issues relating to agriculture, crime prevention, education, economic growth and healthcare. It has been a pleasure working with Representative EWING and I wish him well as he returns to the very pleasant, peaceful and friendly community in and around Pontiac, Illinois.

And now Mr. Speaker, I turn my attention to Representative JOHN EDWARD PORTER, who is completing his 11th term as a member and is very astute, sensitive and effective Chairman of Labor, HHS-Education Appropriations Sub-Committee. He is founder and Co-Chairman of the Congressional Human Rights Caucus. He has been cited many times by various budget watchdog groups and has stood in the vanguard on environmental issues. Representative PORTER has been a strong supporter of biomedical research, a real friend of Community Health Centers and has stood tall against the continuous spread of HIV–AIDS.

The Core Center of Chicago stands today as a model to fight these dreaded diseases. And is a testament to the support which JOHN PORTER gave to its efforts. One of the things that I like best about JOHN is his ability to convey optimism even when the cupboard is practically bare. It's been a pleasure working with Mr. PORTER, I thank him for his sensitivity to the issues facing America and especially my district and wish him well in retirement.

TRIBUTE TO THE HONORABLE TOM EWING ON HIS RETIREMENT FROM CONGRESS

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. KNOLLENBERG. Mr. Speaker, I rise to salute my friend and colleague, Congressman

Tom Ewing. Like the rest of the Members of the House, I can say that Tom will be sorely missed when he leaves this body.

Before I go any further, I must point out that Tom, myself, and Representative Bill Barrett all bear a resemblance to one another. It is not uncommon for colleagues to confuse us for one another.

Colleagues often say such things as, "Great job in the chair" or "Saw you on television—good job" or some have approached me with an agriculture issue. The thing is, I wasn't even close to the chair, on television, or on a committee that deals with ag issues.

In fact, I have been mistaken for Tom or Bill—and vice versa—so many times that it has become somewhat of an inside joke among the three of us.

Actually, it has gotten so out of hand that people have started confusing whose wife is with whom. Now I've been married to my wife Sandie for 38 years, but Tom and Bill continually have people mistakenly ask them how their "wife" Sandie is.

Of course, these people are making an honest mistake but, naturally, the three of us have only perpetuated it—sometimes when these people ask me how Connie or Elsie are doing, I'll kid around and answer them. And these guys are all too ready to return the favor when people ask them about Sandie.

It's gotten so regular that one time Tom and Bill saw Sandie approaching in one of the hallways and Tom quipped to Bill, "Look Bill, here comes our wife."

Since Tom and Bill are moving on, I won't have anyone to get confused with anymore. I might start to get lonely.

On a more serious note, Tom has been a good friend and a valuable Member of the House of Representatives. His experience—first as a lawmaker in the Illinois State House and then in this body—will be missed. His advice and level perspective will be notably absent.

Sandie and I wish you and Connie health, happiness, and love as you enter the next phase of your lives.

CONGRATULATING VICTORIA CLARK ON HER ACHIEVEMENTS IN SCIENCE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Victoria Clark, a Ware County High School freshman, for receiving top honors in the state of Georgia in the field of science. She has become a finalist in the Discovery Young Scientist Challenge and is competing with 40 students nationwide for a college scholarship.

Miss Clark was recognized as a state winner because of the outstanding science project she entered in the state competition. The project she has been working on focuses on a way to detect early signs of age-related macular degeneration, which is incurable and hereditary. This disorder is the leading cause of blindness. Her research has explored the prospective of using a color hue test to discover the disease early on.

Miss Clark was an eighth grade student when her project was chosen to compete at the state level. She won first place at the Georgia Science and Engineering Fair in April. She was chosen for the national competition from among 1,600 other middle school students in 23 states who entered the competition.

Victoria Clark is a wonderful student and has been recognized many times before for her scholastic aptitude, especially in science. She is also a well-rounded young person and a contributing citizen of Waycross, Georgia. She is working for the betterment of her community, and with this project, she is contributing not only to her own success, but to finding a cure which threatens people the world over.

Mr. Speaker, I want to congratulate and honor Victoria Clark. She is a bright young person who is helping people by improving the detection of this life altering disease. Her research is amazing and has been recognized as such by teachers and scientists alike. For one so young, too, her accomplishments are exceptional. She serves as an example to all of us of what young people can do for others if given the opportunity.

RECOGNIZING ROBERT R. McMILLAN AND HIS CONTRIBUTIONS TO RELATIONS WITH PANAMA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KING. Mr. Speaker, I rise today to recognize the high priority that should be placed on improving our relationship with Panama. Beyond the interest in the Panama Canal, where the traffic destined to or from the United States amounts to some 65% of total Canal tonnage, U.S. investment in Panama ranks third in Latin America. Panama has many investment opportunities and is fast becoming a strong tourist destination. Large numbers of Panamanians are fluent in English, and the U.S. dollar is the official currency of the nation making Panama attractive to private investments. It is extremely important, in the interests of both the United States and Panama, to keep strong personal and economic ties between the countries.

One Long Islander is trying to make a difference in those relations. Robert R. McMillan has just been elected Chairman of the United States-Panama Business Council—an organization devoted to the continuance of close relations between our two nations. I want to congratulate him on his election and wish him the best in his new endeavors.

H.R. 5430: THE CONSUMER ONLINE PROTECTION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. GREEN of Texas. Mr. Speaker, American consumers are flocking to the Internet in unprecedented numbers seeking to transact business and tap the nearly limitless informational databases. The explosion in Internet usage, however, is not without problems. Unlike shopping in a mall or browsing through a library where individuals travel anonymously through the merchandise racks and library stacks, the Internet is increasing becoming less and less anonymous. Direct marketing firms are now trying to identify individuals as they surf the web to isolate where they visit and what they are viewing.

While just knowing where individuals are traveling to on the Internet has some value it is the next step in data collection that is most disconcerting. Companies are now attempting to complete the step by attaching your personal information to your web site visits. It is this type of activity that has truly frightening implications because it lifts the veil of anonymity that consumers enjoy in the traditional bricks-and-mortar marketplace. Powerful computer programs have been developed that can compile personal information at a level and completeness usually associated with the knowledge of an immediate family member.

For that reason, I have introduced H.R. 5430, the Consumer Online Protection Act of 2000. H.R. 5430 seeks to return some of the anonymity back to consumers while they are online by prohibiting the correlation of personal information to web visits. In addition, the legislation requires the Federal Trade Commission (FTC) to promulgate rules specifying that all operators of a Web site or online service provide clear and conspicuous notice of their privacy policy in clear non-legalistic terms. H.R. 5430 also requires a Web site or online service to provide consumers with an opt-out to prevent the use of their personal information for any activity other then transactional. Finally, the privacy policy must clearly state how any collected information will be shared or transferred to an external company or third party.

Taken in combination, these requirements will provide consumers with the knowledge and control they need to prevent the dissemination of personal information provided to an online entity. What I am seeking to prohibit is a third party creating a complete profile of individuals and families to sell or share without prior affirmative consent. While I understand that there are many differing approaches to the issue of Internet privacy, I believe this legislation addresses a critical component and I look forward to moving this legislation in the 107th Congress.

THE DEATH IN CUSTODY REPORTING ACT OF 2000

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise to commend the work of this Congress in passing H.R. 1800, the "Death in Custody Reporting Act of 2000." This bipartisan legislation was passed unanimously by both the House and the Senate and will bring much-needed accountability to the operation of our nation's prisons and jails. Passage of this legislation brings to an end a seven year effort to increase public trust in our criminal justice system.

Each year, an estimated 1,000 men and women die questionable deaths while in police custody or in jail. Many of these deaths are listed as suicides, but such conclusions are often tainted by inadequate recordkeeping, investigative incompetence, and contradictory physical evidence. In addition, many of these individuals have been arrested for relatively minor offenses—reducing the likelihood that they would take their own lives.

Suspicious deaths occur throughout the country and require our immediate attention. One teenage boy who was found dead by hanging in an Arkansas jail had been arrested for failing to pay a fine for underage drinking. Another individual in an Arkansas jail was found suffocated by toilet paper that had been stuffed down his throat. According to press reports, no records existed as to why he was in custody.

In any other atmosphere, unnatural deaths under questionable circumstances would not only be reported, but would raise serious concerns. State and local jails and lockups should be no different. This legislation will provide openness in government and will bolster public confidence and trust in our judicial system. In addition, it will serve as a deterrent to future misconduct as wrong-doers will know that their actions will be monitored.

Mr. Speaker, I also want to acknowledge the work of Mr. Mike Masterson, a veteran reporter and editor, who began investigating suspicious prison deaths some 5 years ago as the investigative projects editor at the Asbury Park Press. His comprehensive review of these cases, which was published by the Asbury Park Press in February 1995, led to increased public awareness of this issue and prompted my support for the idea of collecting better data on these deaths. While Mr. Masterson served only briefly at the Asbury Park Press, he continued writing about this issue during his tenure as editor of the Northwest Arkansas Times in Fayetteville, Arkansas. I am grateful indeed for Mr. Masterson's long-time support and dedication to this issue.

Finally, I want to thank my colleagues, Representative BOBBY SCOTT and Senator TIM HUTCHINSON for their support. These gentlemen began this debate many years ago and I am grateful for their foundational work on this issue.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SIMPSON. Mr. Speaker, on rollcall No. 534, final passage of S. 2796, the Water Resources Development Act of 2000; I was inadvertently detained. Had I been present, I would have voted "yea."

INTRODUCTION OF THE RETIREMENT ENHANCEMENT ACT OF 2000

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. ANDREWS. Mr. Speaker, today I introduce the Retirement Enhancement Act of 2000. The Retirement Enhancement Act of 2000 consist of two bills one amending the Employee Retirement Income Security Act (ERISA) and the other amending the Internal Revenue Code (IRC). These bills are the product of my work as the Ranking Member of the Subcommittee on Employer-Employee Relations, which earlier this year held a number of bipartisan hearings to consider updating ERISA. Throughout the hearings, the Subcommittee Chairman, Representative JOHN BOEHNER, and I, maintained a common agenda of seeking to strengthen a private pension system that is already very strong as a result of ERISA. We both recognized ERISA's achievement in moving from a system where insecure pensions were somewhat common, to a situation where insecure pensions are exceedingly rare. Witnesses were selected to testify at the hearing that could assist us in looking for ways the Congress could make the pension holdings of Americans expand and grow even more secure.

The subcommittee heard from representatives of pension participants, employers, and financial advisors. They presented us with a variety of proposals to improve the retirement security of American workers. Taking the best of these contributions, and coupling them with other pension provisions that I have either advocated or supported in the past, I drafted this comprehensive pension reform legislation.

Joining with me as cosponsors of the Retirement Enhancement Act of 2000 are numerous members of the Committee on Education and the Workforce, including Representatives CLAY, KILDEE, OWENS, PAYNE, MINK, WOOLSEY, ROMERO-BARCELO, FATTAH, TIERNEY, KIND, SANCHEZ, FORD, KUCINICH and HOLT. They share my belief that enactment of these bills will ensure that all workers and retirees receive their promised benefits.

Since the enactment of ERISA, the number of Americans who participate in a pension plan has grown from 38.4 million in 1975 to almost double that today. While this growth is considerable, it still leaves about half the workforce without access to a pension plan through their employer. Both the General Accounting Office and Congressional Research Service have recently completed studies analyzing pension coverage in the United States. The studies found that about 53 percent of workers, roughly 68 million people, lacked a pension without coverage worked for an employer that did not sponsor a plan, while 14 percent lacked coverage because their company's plan did not include them.

These bills seek to eliminate the remaining weaknesses in ERISA and lay the groundwork to help those not covered by an employer pension. These bills seek to improve pension coverage and adequacy. Pension coverage for all workers is very important and we should all support the effort to achieve this goal. Under these bills, employers that sponsor plans would be required to offer pension coverage to all employees who meet current minimum eligibility requirements such as completion of one year of employment. These bills also improve coverage for part-time workers who represent one of the largest groups without pension coverage. As the workforce changes to include many temporary and contract workers, Congress must also help to improve pension coverage for this part of America's workforce. With the ever-changing workforce it is also important that we decrease the vesting period for workers in defined contribution plans. For workers who will have many employers during their working lives, we need to ensure that they will earn pension benefits that will benefit them in retirement.

The Retirement Enhancement Act seeks to expand pension availability to those workers without it. One of the innovative ways in which it would do so is to create a model small employer group pension plan into which small employers could buy in with minimal administrative responsibilities. The Departments of Labor and Treasury would work with associations or financial institutions to advertise these model plans so that employers would know that easy and accessible pension options exist.

The Retirement Enhancement Act of 2000 includes important pension protections for women. These bills establish a 75 percent joint and survivor annuity option that would provide surviving spouses greater benefits in retirement. It protects divorced spouses' pension rights and improves spousal information rights. These bills would also allow for time taken off from work under the Family and Medical Leave Act to count toward pension participation and vesting requirements.

The act improves ERISA's safeguards for the investment of pension plan monies. It creates an expedited prohibited transaction exemption approval process under which plans would be able to more easily and quickly provide participants with new investment products. It does so, however, without weakening participant protections. These bills also make clear that employers may offer access to investment advice to participants with limited liability provided such advice is by qualified advisors and they are subject to the fiduciary responsibility requirements. This will be extremely helpful to those workers in defined contribution pension plans who bear the primary responsibility for their pension plan investment decisions.

The Retirement Enhancement Act of 2000 improves access to pension information and strengthens enforcement mechanisms. It would require that plan participants regularly receive statements apprising them of the status of their earned pension benefits. Pension plans would also have to provide more detailed financial information about their earnings and investments. These bills would improve the current pension auditing system by requiring accountants to conduct full scope audits and report irregularities to the Department of Labor.

The bills create an alternate dispute resolution system to resolve benefit disputes. The Department of Labor, along with dispute resolution organizations, would develop an early neutral evaluation program. This would allow for participants to receive benefits in a timely manner instead of after years of litigation. The bills also strengthen ERISA's remedies to ensure that participants have meaningful access to court, and that the courts can remedy violations of the law.

Finally, the Retirement Enhancement Act of 2000 requires the timely distribution of defined contribution cash-out amounts, which would have to be made within 60 days of an employee's termination. It permits employees to work longer without being required to start pension receipt by delaying the minimum distribution of benefits from age 70½ to 75. Furthermore, for workers who are involuntarily terminated, it permits them to borrow against their pension earnings in order pay for health or job training expenses.

Mr. Speaker, it is now time for the Congress to build on what was started with the enactment of ERISA in 1974, and take additional steps to ensure retirement security for our workforce. Advances in medical technology, environmental protection, nutrition, and improved living standards give us reason to believe that Americans are going to live longer lives. Whether the quality of these lives, after retirement, is good or not, will depend upon the existence, nature, and security of each person's pension plan. Because employers are rapidly shifting to the use of employee-directed pension accounts, more and more workers will be making decisions that are critical to their future financial health. I believe that the Retirement Enhancement Act of 2000 will help make those decisions easier, and make the benefits of those decisions more secure. I look forward to working with my colleagues and the pension community to continue to improve these bills and advance their consideration during the next Congress.

Mr. Speaker, I submit the following summary and letters of support from AARP, AFL–CIO, the Pension Rights Center, and the Women's Institute for A Secure Retirement to be included in the RECORD.

SUMMARY OF THE RETIREMENT ENHANCEMENT ACT OF 2000 SPONSORED BY CONGRESSMAN ROBERT E. ANDREWS

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) AMENDMENTS

TITLE I. IMPROVED PENSION VESTING AND PARTICIPATION:

(1) PENSION COVERAGE FOR ALL EMPLOYEES—Employers that sponsor plans would be required to offer pension coverage to all employees who meet minimum eligibility requirements in a single line of business (age 21 or older, one year of service).

(2) IMPROVE COVERAGE FOR PART-TIME WORKERS—Reduce from 1000 to 750 or more hours a year the minimum service requirement and provide pro-rata credit for part-time workers.

(3) 3 YEAR VESTING FOR DEFINED CONTRIBUTION PLANS—The maximum pension vesting period for defined contribution plans would be reduced to 100% after 3 years or 20% a year phased in over 5 years.

(4) ENCOURAGE CREATION OF SMALL EMPLOYER GROUP PENSION PLANS—Model small employer group pension plans would be created in which small employers could buy in with minimal administrative responsibilities. The Departments of Labor and Treasury would contract with associations or financial institutions to advertise the model plans.

TITLE II. IMPROVED PENSION PROTECTIONS FOR WOMEN

(1) ELIMINATE INTEGRATION WITH SOCIAL SECURITY AND OTHER BENEFITS—Prospectively prohibit the reduction of pension benefits by integrating them with Social Security or workers' compensation benefits and adjust pre-1989 benefits for current employees.

(2) EXTEND SPOUSAL CONSENT TO DEFINED CONTRIBUTION PLANS—Provide spouses in defined contribution plans with the right to consent to plan distributions.

(3) PROVIDE A 75% JOINT AND SURVIVOR ANNUITY OPTION—Provide a 75% joint and survivor annuity option to participants in plans which currently offer a 50% annuity and other annuity forms (survivor would receive 75% of joint spousal benefit).

(4) PROTECT DIVORCED SPOUSES' PENSION RIGHTS—Divorce decrees would be required to specify how pension benefits are to be allocated or if allocation waived.

(5) COUNT FAMILY AND MEDICAL LEAVE FOR VESTING—Family and medical leave would count towards pension participation and vesting.

(6) IMPROVE SPOUSAL INFORMATION RIGHTS—Provides spouses with information about survivor annuities and elective contributions.

(7) EXTEND PRIVATE SECTOR PROTECTIONS TO CIVIL SERVICE AND MILITARY RETIREMENT—Extend private sector spouse and divorce protections to civil service and military retirement systems (i.e. civil service—presume spouse is beneficiary, and military—permit surviving spouses to receive higher benefits if they delay retiring until Social Security eligibility age.)

TITLE III. IMPROVED INVESTMENT STANDARDS

(1) CREATE AN EXPEDITED PROHIBITED TRANSACTION APPROVAL PROCESS—Create an expedited interim DOL approval process under which plans would be able to engage in financial transactions that require prohibited transaction exemption if the financial entity provides the plan with a letter of credit and meets other fairness requirements.

(2) CLARIFY INVESTMENT ADVICE RULES—Codify Department of Labor interpretive bulletin provisions in order to make clear that employer liability is limited to selection and oversight of advisor and provide standards for qualified investment advisors.

(3) PERMIT EMPLOYEE INVOLVEMENT IN PENSION INVESTMENTS—Permit participants in defined contribution plans in which employees make contributions to participate in investment and other plan decisions.

(4) ENCOURAGE DIVERSIFICATION OF PENSION ASSETS—Permit employees to request diversification of employer contributions. Plans may phase in over a reasonable period of time not to exceed 3 years. ESOPs and stock bonus plans exempted.

(5) IMPROVE PARTICIPANT ACCESS TO INVESTMENT INFORMATION—Participants may, upon written request, receive information on specific plan investment transactions and proxy votes.

(6) PROVIDE INVESTMENT RETURN INFORMATION—Plans would be required to include reporting of net return and administrative fees in benefit reports to participants.

TITLE IV. IMPROVE PENSION INFORMATION AND ENFORCEMENT

(1) PROVIDE PARTICIPANTS WITH PERIODIC BENEFIT STATEMENTS—Participants in single employer defined benefit plans every 3 years and participants in defined contribution plans annually would receive a statement of their expected benefits. Multi-employer plan participants would receive statements on request.

(2) PROVIDE ACCURATE FINANCIAL STATUS INFORMATION—Pension plan sponsors would be required to accurately report their financial status to participants in order to correct misinformation generated by Financial Accounting Standards Board (FASB) requirements.

(3) IMPROVE PENSION PLAN AUDITING—Accountants would be required to conduct full scope audits and report financial irregularities to the Department of Labor.

(4) IMPROVE PENSION PLAN DATA COLLECTION—The Department of Labor would be directed to collect sufficient statistical and survey information and biennially report to Congress and the public on pension coverage and adequacy.

(5) PROVIDE ACCESS TO ALTERNATIVE DISPUTE RESOLUTION—The Department of Labor, in consultation with dispute resolution organizations, would develop an early neutral evaluation program to aid resolution of pension grievances.

(6) IMPROVE COURT ENFORCEMENT OR WRONGFUL BENEFIT DENIALS—Permit courts to review benefit denials de novo and award prevailing plaintiff's attorneys' fee and costs (including expert witness costs) and appropriate relief.

(7) PERMIT PBGC TO TRACK LOST PENSIONS—Authorizes the PBGC to assist defined contribution plans in locating missing participants.

TITLE V. IMPROVING PENSION PROTECTIONS FOR THE CHANGING WORKFORCE

(1) PERMIT LOANS TO PAY HEALTH OR JOB TRAINING EXPENSES—Involuntarily terminated employees would be able to borrow against some of the pension benefits and IRA fund to pay health care expenses, including COBRA premiums, and job training expenses.

(2) AUTOMATIC ROLL-OVER OF PENSION MONIES—Provides that lump sum pension cash-out prior to retirement will be automatically rolled over to another qualified pension plan unless the participant elects to receive a lump sum cash-out.

(3) TIMELY DISTRIBUTION OF BENEFITS—Defined contributions plans which are immediately valuable would be required to pay lump sum distributions within 60 days of employee termination.

(4) PHASE-IN BENEFIT REPAYMENTS—permit participants who have received benefit overpayments to request repayment over a phased in period, up to 5 years, and permit fiduciaries to waive repayment in hardship cases.

INTERNAL REVENUE CODE AMENDMENTS

(1) EXPAND PARTICIPANT PROTECTIONS IN STATE AND LOCAL PLANS.—Create reporting and disclosure and enforcement requirements for public plans, including review boards to oversee plan changes.

(2) NARROW 401(K) PLAN EXEMPTIONS—The 401(k) non-discrimination safe harbor exemption would be narrowed so that the exemption only applies if an employer enrolls all eligible employees in the plan.

(3) SIMPLIFY SIMPLE EMPLOYEE PENSIONS (SEPs)—Make SEPs simpler by permitting 3 year vesting, increasing contribution limits, and eliminating other administrative requirements.

(4) INCREASE MINIMUM DISTRIBUTION AGE—Permit retirees to delay pension receipt from 70½ to 75.

(5) IMPROVE MULTI—EMPLOYER PLAN PROTECTIONS—Eliminate unfair restrictions on multi-employer plan pension benefits and increase PBGC guaranteed benefit levels for multi-employer plans.

(6) HARMONIZE STATE AND LOCAL PENSION PLAN TREATMENT—Provide comparable benefit rollover treatment for 457 state and local plans as is provided to private section plans.

(7) PROHIBIT ANTI—UNION EXCLUSIONS-Prohibit employers from excluding unionized employees from 401(k) plan participation if the employees have no other plan.

AARP
Washington, DC, October 24, 2000.

Hon. ROBERT ANDREWS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ANDREWS: AARP applauds your leadership in introducing the Retirement Enhancement Act of 2000. Your bill would build upon efforts to improve coverage and benefit adequacy in our pension system.

While Social Security and Medicare remain the foundation of retirement security, other components of the retirement framework must be improved. In particular, we must begin to address the continued holes in pension coverage, adequacy and portability. Pension coverage rates have been stagnant for the last twenty-five years, with just under half the workforce covered by a pension. In addition, the shift to defined contribution plans, such as 401(k) plans, has created new challenges for achieving equity and adequacy.

Under current law, employers are permitted to exclude a large percentage of workers for coverage under any plan the employer offers. Your bill would help address the need for greater pension coverage by improving the minimum coverage rules. In addition, your bill would encourage the creation of plans in the small business sector, which is especially important given the lack of coverage in this part of the workforce.

Your bill would also attempt to improve benefit adequacy by eliminating integration of pensions and Social Security, a practice which disproportionately reduces benefits for lower wage workers. Your bill would also seek to improve equity for women by improving spousal rights and benefits. Given that the average benefit for women is only about half the amount of the average benefit for men, as well as women's longer life expectancy, improvements are essential if we are to improve the economic security of women as they age.

AARP supports your effort to improve the information available to plan participants by requiring that plans provide periodic benefit statements. While many employers routinely provide such statements, participants should be automatically entitled to information about the amount and security of their benefits. Your bill would also attempt to address some of the problems associated with plan distributions by providing for automatic rollovers of benefit amounts from a plan to another retirement vehicle. This change is crucial to helping ensure that retirement money is actually preserved for retirement.

AARP commends you for your efforts to address some of the shortcomings in the current pension system. If pensions are to become a more universal and more adequate source of retirement income security, then changes are needed. AARP looks forward to working with you and others in Congress to further improve the pension system. If you have any further questions, please feel free to call me, or have your staff call David Certner of our Federal Affairs staff at 202-434-3760.

Sincerely,

MARTIN A. CORRY,
Director, Federal Affairs.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, October 2, 2000.

Hon. ROBERT E. ANDREWS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ANDREWS: The AFL-CIO commends your efforts to improve the retirement security of America's working families by introducing the Retirement Enhancement Act of 2000. This important legislation will expand coverage, strengthen workers' rights, and improve benefit security at a time when too many workers lack adequate pension benefits on their jobs and those who are fortunate enough to have pensions, increasingly find them at risk.

Among the bill's many provisions that will mean a better retirement future for working families are important worker protections that would:

Limit an employer's ability to unfairly divide its workforce and deny workers pension coverage;

Ensure that workers will have a real voice in the management of their 401(k) and other defined contribution pensions;

Extend important disclosure and enforcement protections to workers who participate in pension plans sponsored by state and local government employers;

Make critical improvements to the insurance protections for workers participating in multiemployer plans, bringing them more in line with corporate single employer plans.

The AFL-CIO supports the Retirement Enhancement Act of 2000 and thanks you for raising this vitally important issue.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legislation.

PENSION RIGHTS CENTER,
Washington, DC, October 12, 2000.

Hon. ROBERT E. ANDREWS,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN ANDREWS: The Pension Rights Center is pleased to express our strong support for the Retirement Enhancement Act of 2000.

Your legislation would encourage the creation of new private retirement plans that would provide pensions fairly for workers, and would end many of the inequities that affect so many employees who are now participating in plans. The Retirement Enhancement Act would also address too-long-overlooked problems affecting homemakers in both the private and federal retirement systems, and would help even the playing field for private sector participants and beneficiaries seeking to enforce their pension rights.

The Pension Rights Center is a nonprofit consumer organization dedicated to promoting retirement income security. For the past 24 years, the Center has worked with retiree, women's and employee organizations to secure a wide range of reforms to improve the nation's pension programs. We commend you for introducing this critically important legislation, which holds the promise of assuring millions of working Americans that they will have enough money to pay their bills when they are too old to work.

Sincerely yours,

KAREN W. FERGUSON,
Director.

WOMEN'S INSTITUTE FOR A SECURE RETIREMENT,
Washington, DC, October 6, 2000.

Hon. ROBERT ANDREWS,
U.S. House of Representatives,
House Education and Workforce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE ANDREWS: We applaud the introduction of the Retirement Enhancement Act of 2000 (REA 2000) because it addresses the current alarming situation—a situation where millions of women are retiring into eventual poverty, despite a lifetime of work. This bill will improve the long-term economic security of women, by removing many of the barriers that have made it impossible for many women (and men) to achieve a secure retirement without the benefit of an employer-sponsored pension plan. In addition, this legislation increases protection for women during the times when they are most economically vulnerable—during divorce and widowhood.

The Women's Institute for a Secure Retirement (WISER) is a nonprofit organization that seeks to ensure that poverty among older women will be reduced by improving the opportunities for women to secure retirement benefits. WISER works with community based organizations, advocates and policymakers to provide a key link between federal policy and individual women.

Although women are entering the workforce in record numbers, their access to retirement benefits has not followed at the same level. A recent report indicates that women comprise 69% of retired persons living below the poverty threshold without pension income. In addition, because women earn less than men—75% of working women earn $30,000 a year or less—which impacts the amount they can save for their own retirement.

Again, we support REA 2000, which reflects many of the provisions contained in WISER's Pension Action Agenda to improve pension and healthcare benefits for women.

Sincerely,

M. CINDY HOUNSELL,
Executive Director.

INDIA PRACTICING STATE TERRORISM IN PUNJAB AND KASHMIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BURTON of Indiana. Mr. Speaker, there have been several disturbing reports lately coming out of India on its human rights violations in Punjab, Kashmir, and elsewhere. These reports demonstrate that India is still heavily involved in terrorism.

On September 16, 2000, Indian author Pankaj Mishra wrote an article in the New York Times about how India has lost its way in terms of democracy and human rights. He wrote that "the Hindu nationalists remain attached to a stern 19th century idea of nationalism, which dilutes traditional social and cultural diversity and replaces it with one people, one culture and one language." This is a climate of intolerance that no government, especially one claiming to be "democratic," should be promoting. He noted that the Indian government "has used brute force in Punjab, the northeastern states, and now Kashmir to suppress disaffected minorities."

This "preference for force over democracy," as Mishra calls, it is also explained in material published by the Human Rights Network in New York. It cites the tens of thousands of Sikhs who are being held as political prisoners in "the world's largest democracy," as well as the massacre of 35 Sikhs in Chithi Singhpora, Kashmir, during the President's visit to India in March. The organization also documents the government's arrest of human-rights activist Rajiv Singh Randhawa, who was the only eyewitness to the police kidnapping of Jaswant Singh Khalra, and other incidents. Khalra, the General Secretary of the Human Rights Wing, was subsequently murdered while in police custody. The police picked up Mr. Randhawa in June of 2000 when he tried to give British Home Minister Jack Straw a petition on human rights.

The Indian government has murdered over 250,000 Sikhs since 1984, according to the Politics of Genocide by Inderjit Sigh Jaijee. More than 200,000 Christians in Nagaland, over 70,000 Muslims in Kashmir, and tens of thousands of other minority people are also being killed at the hands of the Indian government. The U.S. Commission on International Religious Freedom has cited India for "denial of religious freedom to her people."

It is incumbent upon the United States as the moral and democratic leaders of the world to do whatever we can to spread freedom to every corner of the world. We must impose penalties on India for its violations of religious freedom, as the law demands. We should declare India a terrorist state, as 21 Members of this House urged the President to do in a letter earlier this year. We should stop most foreign aid to India until everyone within its borders enjoys the basic human rights that define a democratic country. And we should urge India to hold free and fair plebiscites under international monitoring in Punjab, in Kashmir, in Nagaland, and wherever there is a freedom movement to determine the political future of these states in the democratic way. Canada has held periodic votes in Quebec on its political status. In America, we have done the same for Puerto Rico. When will India follow the lead of the real democracies in the world and allow people to decide their own future by the democratic means of voting.

All of this information and more can be found in the report of the Human Rights Network, the Mishra article in the New York Times, and an open letter to Indian Prime Minister Vajpayee from the National Association of Asian Indian Christians in the USA. I submit these documents into the RECORD.

[From the Human Rights Network, Sept./Oct. 2000]

INDIA'S BRUTE FORCE IN PUNJAB, KASHMIR & NORTHEASTERN STATES

Mr. Pankaj Mishra's article in the New York Times (9/16/2000) is refreshing in its boldness and articulate in its contents and style. It is also a wake up call for India's ruling regime under Prime Minister Atal Bihari Vajpayee. It underscores the fact that during the last two decades 'the central government . . . has used brute force in Punjab, the northeastern states, and now in Kashmir to suppress disaffected minorities.' He warns that "the preference for force over dialogue could end up undermining India's fragile democracy." This is in complete contrast with the Prime Minister's sermons on peace and harmony, both at the United Nations Millennium Summit as well as in Washington, D.C. We would like to remind the Prime Minister that his claim of rosy picture in the so-called democratic and secular India masks the painful truth, and draw his attention to the following:

1. Tens of thousands of Sikh prisoners of conscience—men and women—are languishing in Indian jails without a charge or a fair trial. Many have been in illegal custody since 1984.

2. Most independent observers and human rights organizations have blamed the Government sponsored militant groups for the mass murder of the Sikhs in Kashmir (India) during President Clinton's visit in March, 2000. In the absence of an independent investigation by the UN Human Rights Commission, the Sikh nation holds the Indian Government, under Prime Minister Vajpayee, responsible for this barbarian act of mass murder of the Sikhs.

3. Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human rights organizations. These figures were published in The Politics of Genocide, by Inderjir Jaijee, a highly respected human rights advocate.

4. The Government of India is silent about the Interim Report on Enforced Disappearances, Arbitrary Executions and Secret Cremations in Punjab (August 1999), prepared under the leadership of an eminent human rights champion, Mr. Ram Narayan Kumar.

5. The Government is also silent about the kidnapping and murder of Mr. Jaswant Singh Khalra in police custody. Mr. Khalra was reported to have compiled a list of several thousand Sikhs, who were secretly cremated as "unidentified bodies," by Taran Taran (Punjab) police (US Department of State Report, January 1998). In a recent press release (9/7/00) Amnesty International has reported the arrest of Mr. R.S. Randhawa, a key eyewitness in the case of Mr. Khalra. The Amnesty has called upon the international community to intervene on behalf of Mr. Randhawa and against suppression of "evidence in this case."

6. In a letter to President Bill Clinton (9/12/00), seventeen Congressmen have pointed out that besides the mass murder of the Sikhs, "India has also killed more than 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits, Assamese, Tamils, and others." In an open letter to Prime Minister Vajpayee (NYT 9/8/00), Asian Indian Christians have expressed their "deep concerns regarding the persecution of Christians in India by extremist groups. Priests, missionaries and church workers have been murdered, nuns and other women assaulted, churches and schools bombed and burned, cemeteries desecrated, Christian institutions harassed and intimidated." The US Commission on International Religious Freedom has recommended that India be closely monitored for "denial of religious freedom to her people."

7. Some high profiled and officially blessed emissaries have been negotiating the nature of "ransom" for the release of Mr. Raj Kumar, a renowned movie actor, who has been kidnapped by a notorious bandit Mr. Veerappan in South India. The "ransom" includes, inter alia, the demand by the bandit to release more than 100 of his associates from Indian jails. The officials agreed to comply with the "ransom" demands until the Supreme Court intervened to delay the official duplicity.

8. In complete contrast with the "ransom" negotiations with a bandit, the Government has spent hundreds and thousands of dollars to provide unreliable and tainted evidence against young Sikhs, like Sardars Sukhminder Singh (Sukhi) and Ranjit Singh (Kuki)—who have been advocating the creation of an environment in Punjab where the aspirations of the Sikh nation can find full expression. India's intelligence agencies have hounded Sukhminder and Ranjt around the world and then dragged them to India's torture chambers through a decade-long and expensive extradition proceeding in the U.S.

9. Instead of offering an apology to the people of Punjab (for state terrorism and crime of genocide committed by India's paramilitary forces over the last two decades), and initiating the process of restitution, the Indian Government continues pouring salt on the wounds of the people of Punjab, through a policy of deception and distortion.

10. RSS, the parent organization of the ruling BJP, in a secret memorandum to its local units, has recently outlined a master plan for ethnic cleansing in India by wiping out all the minorities—through water and food poisoning, rape, orchestrated conflicts, riots, mass killing and disposal of bodies, etc.—whether they are Christians, Sikhs, Muslims, Dalits, Budhhists, and others. This "final solution," is reminiscent of Nazi genocide of the Jews and other minorities during WW II. It is no wonder that the Indian Government is silent on this very serious issue of national and international concern.

11. The 1985 agreement regarding the rehabilitation of the Sikh soldiers, who had protested, as a matter of deep faith and conscience, against the Indian Army's brutal attack on the Golden Temple Complex and almost forty other Sikh shrines, has not been honored. Many of these soldiers are living in poverty. The families of those, who have died during the attack are living under appalling conditions.

12. India's nuclear arsenal hovers over Punjab and escalating conflict between India and Pakistan over Kashmir endangers the very survival of Punjab.

13. The water from Punjab's rivers is still being diverted to other states, without the

consent of Punjab and without a fair compensation to Punjab. Since the Punjabi farmers are forced to rely more and more on tubewells (a more expensive alternative), the water level in Punjab is sinking lower and lower, seriously endangering its agricultural economy. Punjab's farmers, who have ushered in the green revolution, are still being robbed of their hard earned income, through the Government's arbitrary procurement policy. Many of them are committing suicide because of increasing bankruptcies—the byproduct of official arrogance and discrimination, and

14. Finally, the Sikh nation is still yearning for "freedom, justice, and peace," as enshrined in the Universal Declaration of Human Rights, and is aspiring for self-determination in accordance with Articles 1 and 55 of the UN Charter. We would like to realize this quest for self-determination within the framework of a regional commonwealth of free nations (like the European Union). This South Asian Commonwealth, consisting of India, Pakistan, Punjab, Kashmir, Nagaland, Bangladesh, Sri Lanka, the Tamil Homeland, Nepal, and others, can usher in a new era of freedom, justice and peace for all in the subcontinent. By the same token, it can liberate the entire region from this lethal armament race and constant fear of mutual annihilation through a nuclear holocaust. The resources, worth billions of dollars, saved through the elimination of the weapons of mass murder, can be utilized for meeting the basic needs of the people of South Asia—like education, housing, health, food, drinking water, social welfare, and employment.

[From the New York Times, Sept. 16, 2000]

Yearning To Be Great, India Loses Its Way

(By Pankaj Mishra)

New Delhi—In the last two years, the Indian government, dominated by the Hindu nationalist party, Bharatiya Janata, has tried to establish an exalted position in the world for India. It has conducted nuclear tests, lobbied hard for a permanent seat on the United Nations Security Council and played up the West's high demand for India's skilled information-technology workers. Atal Behari Vajpayee, the Indian prime minister, who met with President Clinton in Washington and addressed the Congress this week, hopes to achieve, among other things, an American endorsement of India's claim to superpower status.

For all these aspirations to 21st century greatness, however, the Hindu nationalists remain attached to a stern 19th-century idea of nationalism, which dilutes traditional social and cultural diversity and replaces it with one people, one culture and one language.

The intolerant climate can be seen in the growing incidents of violence against minorities, particularly Christian missionaries, the steady takeover of government research institutions by Hindu ideologues and the introduction of Hindu-oriented syllabuses in schools and universities.

In neighboring Pakistan, which was created as a homeland for Muslims in 1947, a similar attempt at building a monolithic national identity, through Islam, has produced disastrous results.

Since Islam has failed to bind the country's many ethnic and linguistic minorities, the job of holding the country together has fallen to the Pakistani army. It has tried to pacify the minorities through brutal, and sometimes counterproductive, methods. For instance, in 1971, the terrorized Bengali Muslim population of East Pakistan seceded to form, with India's assistance, the new nation of Bangladesh.

Despite that loss, the power of the Pakistani army grew and grew. Ruled by a military dictator, Pakistan became the overeager host, in 1979, of the C.I.A's proxy war against the Soviet Union in Afghanistan. The arms received from the United States and Saudi Arabia found their way to the black market. Civil war broke out as competing Islamic outfits fought each other with their deadly new weapons. And a flourishing drug trade led to an estimated five million Pakistanis becoming heroin addicts.

In the last 20 years, drug smugglers, Islamic fundamentalists and army intelligence officers have come to dominate Pakistan's political life. Jihad, now exported to the disputed territory of Kashmir and the Central Asian republics, is the semi-official creed of many in the ruling elite. Pakistan is now even further away from being a multi-ethnic democracy.

India looks more stable, but its political culture has changed drastically in the last two decades. The central government as distrustful of federal autonomy as Pakistan's ruling elite, has used brute force in Punjab, the northeastern states, and now in Kashmir to suppress disaffected minorities.

In the process, India's awkward but worthy experiment with secular democracy has been replaced by a vague, but aggressive ideology of a unitary Hindu nationalism.

The new upper-caste Hindu middle class, created by India's freshly globalized economy, includes this nationalism's most fervent supporters. It greeted India's nuclear tests in 1998 euphorically.

But this middle class is also apolitical and a bit unsure of itself. Its preoccupations are best reflected in the revamped news media, which now focus more on fashion designers and beauty queens than on the dark realities of a poor and violent country.

Popular patriotism brings temporary clarity to the confused self-image of the new middle class and helps veil some of the government's more questionable actions. For instance, in Kashmir, the government's failure to accommodate the aspirations of the mostly Muslim population led to a popular armed uprising against Indian rule.

The Hindu nationalists describe the uprising as an attack on the very idea of India and have diverted an enormous amount of national energy and resources—including some 400,000 soldiers—toward fighting the insurgents and their Pakistani supporters.

Since the invisible majority of India's billion-strong population—its destitute masses—couldn't care less about Kashmir, it is the affluent Hindu middle class that enforces the domestic consensus on the subject. It blames Pakistan for everything, ignoring the harshness of Indian rule and the near-total collapse of civil liberties in Kashmir.

Supporters of Hindu nationalism assume that a country with a strong military can absorb any amount of conflict and anomie within its borders. But the preference for force over dialogue could end up undermining India's fragile democracy and growing economy—just as the excessive reliance on military solutions to political problems has blighted Pakistan.

[From the New York Times, Sept. 8, 2000]

An Open Letter to the Hon. Atal Behari Vajpayee, Prime Minister of India

The President, Officers, the Governing Council and the members of the National Association of Asian Indian Christians in the U.S.A. Inc. (NAAIC USA) are extremely pleased that you are here on an official visit to the U.S. and will be meeting with President Clinton and the high dignitaries of this country. We warmly welcome you and extend our best wishes to you for productive deliberations and consultations which we hope would strengthen the relationship between the people of India and the United States.

We are also taking this opportunity to express our deep concerns regarding the persecution of Christians in India by extremist groups. Priests, missionaries and church workers have been murdered, nuns and other women assaulted, churches and schools bombed and burned, cemeteries desecrated, and Christian institutions harassed and intimidated. There have been scores of incidents involving extortions, illegal and preventive detention, tortures, custodial deaths, anti-conversion laws that would make genuine conversions illegal. All these have created an atmosphere for Christians in many parts of India to live in fear; these are increasing unabated. This situation is antithetical to the declared ideals of the Republic of India and the provisions of its Constitution. Anti-Christian crusade and "hate campaigns" being waged through pamphlets, posters, and newspapers, lead to more violence. The pattern and intensity of these attacks and provocative comments by leaders close to the Government and the ruling Coalition show that attacks are organized efforts to intimidate a peace-loving minority community in India.

It is appalling to note that your Government is still in the denial mode by labeling these attacks as 'isolated incidents' and even as the work of some "foreign hands."

These attacks and the inability to control the growing violence of self-proclaimed Hindu nationalists against Christians have simply tarnished India's image as a secular nation. They have created a feeling of absence of rule of law in India and apprehension as to whether the Indian democracy is teetering towards a theocratic state. The U.S. Commission on International Religious Freedom has recommended that India be closely monitored for "denial of religious Freedom to her people." Even the U.S. Congressional Record cites a number of these attacks on Christians and depicts them as indicative of the depth of religious intolerance in India. These acts are atrocious also because of the well-acknowledged loyalty and commitment of Indian Christian community to the welfare of India demonstrated through participation in the independence struggle, in the established of schools and institutions of health care and patriotic sacrifices of thousands of Christians.

Your visit now provides a fitting opportunity for the Government of India to assure the world and the U.S. that India will continue its constitutional commitment as a secular state to protect the interests of all people, including the religious minorities, and uphold the constitutional freedom to "profess, practice and propagate" one's religious faith. We urge you to set forth the steps so far taken by the Government to bring the culprits, both individuals and organizations, to justice. It is imperative that you explain to the international community steps taken by the Government to protect the Christian community of India. We ask that the Government of India make every effort to put an end to the atrocities committed against Christians in the great land of India. May your leadership be strengthened through such decisive actions. We pray to God to help you in such efforts.

Respectfully,

The National Association of Asian Indian Christians in the USA, Inc., P.O. Box 279, Martinsville, NJ 08836.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. NEY. Mr. Speaker, I submit the following statement for the CONGRESSIONAL RECORD. On September 24, 2000, I had personal family business and as a result missed rollcall vote numbers 541, 542, and 543. Please excuse my absence from this vote. If I were present, I would have voted "aye."

COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. EWING. Mr. Speaker, I am pleased to submit for the RECORD the following documents in support of H.R. 4541.

LETTERS OF SUPPORT RECEIVED

Ad Hoc Coalitation of Commercial and Investment Banks, The Bond Market Association, Emerging Markets Traders Association, The Foreign Exchange Committee, Futures Industry Association, The Financial Services Roundtable, International Swaps and Derivatives Association, Securities Industry Association.

Morgan Stanley Dean Witter, Goldman, Sachs & Co., Merrill Lynch & Co., Inc., Citigroup Inc., The Chase Manhattan Bank, Credit Suisse First Boston, Inc.

Investment Company Institute, Enron Corp., Chicago Mercantile Exchange, Chicago Board of Trade, Securities Industry Association.

Energy Group: BP Amoco, Enron North America, Inc., Goldman, Sachs & Co., Koch Industries, Inc., Morgan Stanley Dean Witter, Phibro Inc., Sempra Energy Trading Corp.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET: STATEMENT OF ADMINISTRATION POLICY, OCTOBER 19, 2000

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4541—COMMODITY FUTURES MODERNIZATION ACT OF 2000 (REP. EWING (R) ILLINOIS AND 3 COSPONSORS)

The Administration strongly supports the version of H.R. 4541, the Commodity Futures Modernization act of 2000, that the Administration understands will be considered on the House floor. This legislation would reauthorize the Commodity futures Trading Commission (CFIC) and modernize the Nation's legal and regulatory framework regarding over-the-counter (OTC) derivatives transactions and markets. In so doing, H.R. 4541 also would implement many of the unanimous recommendations regarding the treatment of OTC derivatives made by the President's Working Group on Financial Markets, which includes the Secretary of the treasury and the Chairmen of the Federal Reserve Board of Governors, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

It is important that this legislation be enacted this year because of the meaningful steps it would take in helping to: promote innovation; enhance the transparency and efficiency of derivative markets; maintain the competitiveness of U.S. businesses and markets; and, potentially, reduce systemic risk. H.R. 4541 would accomplish these goals while assuring adequate customer protection for small investors and protecting the integrity of the underlying securities and futures markets. A failure to modernize the Nation's framework for OTC derivatives during this legislative session would deprive American markets and businesses of these important benefits and could result in the movement of these markets to overseas locations with more updated regulatory regimes. The Administration looks forward to working with Members of Congress to improve certain aspects of the bill as it continues through the legislative process.

OCTOBER 18, 2000.

Hon. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC

Hon. RICHARD GEPHARDT, *Minority Leader, House of Representatives, Washington, DC*

DEAR SPEAKER HASTERT AND LEADER GEPHARDT: The undersigned organizations, representing the full range of the interested U.S. financial sector, strongly urge you and each of your colleagues to support "The Commodity Futures Modernization Act of 2000" (H.R. 4541) when it is considered by the House of Representatives this week.

This legislation would provide "legal certainty" that over-the-counter derivatives transactions will continue to be enforceable in accordance with their terms. Enhanced legal certainty for OTC derivatives will reduce systemic risk and the core legal certainty provisions of H.R. 4541 are based upon the unanimous recommendations of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System and the Chairmen of both the Securities and Exchange Commission and the Commodity Futures Trading Commission.

These core legal certainty provisions were approved by overwhelming and bipartisan majorities of the House Agriculture, Banking and Commerce Committees and they have the virtually unanimous support of the private sector.

Final Congressional approval of H.R. 4541 this year is urgently needed. In addition to providing legal certainty for OTC derivatives, H.R. 4541 will modernize the extremely outmoded Commodity Exchange Act. This will reduce systemic risk, promote financial innovation and enable the United States to retain its leadership role in the global financial markets.

Sincerely,

Ad Hoc Coalition of Commercial and Investment Banks, The Bond Market Association, Emerging Markets Traders Association, The Foreign Exchange Committee, Futures Industry Association, International Swaps and Derivatives Association, Securities Industry Association.

OCTOBER 18, 2000.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC

Hon. TOM EWING,
Chairman, Agriculture Subcommittee on Risk Mgt., Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN COMBEST AND EWING: As members of the Ad Hoc Coalition of Commercial and Investment Banks, the undersigned firms strongly urge the House to pass "The Commodity Futures Modernization Act of 2000" (HR 4541) when it is considered on the floor. This legislation is critical to securing legal certainty for our financial markets and to fostering continued American innovation in the increasingly important realm of derivative financial products. The President's Working Group on Financial Markets has testified that securing legal certainty for financial derivatives is imperative to reduce system risk and we strongly agree.

Clearly, the legislation represents compromises in terms of the objectives of all interested parties. However, HR 4541 successfully achieves the most important core objectives needed for the markets to prevent the flight of our domestic financial derivatives business abroad. In addition, the legislation makes historic changes in the operation of our domestic futures exchanges that will enable them to offer new products and to effectively compete with foreign exchanges.

We view enactment of HR 4541 to be extremely important and believe that the failure of Congress to enact the bill will have very significant, adverse consequences for the markets and market participants in this country. We applaud your leadership throughout the development of HR 4541 and urge your colleagues to take favorable action before the end of this session.

Sincerely,

MORGAN STANLEY DEAN WITTER
GOLDMAN, SACHS & CO.
MERRILL LYNCH & CO., INC.
CITIGROUP INC.
THE CHASE MANHATTAN BANK
CREDIT SUISSE FIRST BOSTON INC.

CHICAGO MERCANTILE EXCHANGE,
CHICAGO BOARD OF TRADE,
Chicago, IL, October 19, 2000.

DEAR REPRESENTATIVE: We urge you to pass H.R. 4541, the Commodity Futures Modernization Act of 2000, scheduled to come to the House floor today. Simply put, vote for this bill is a vote for U.S. markets. A vote against the bill is a vote for London and other foreign markets.

Foreign exchanges are offering products that U.S. futures exchanges can't. That is a recipe for competitive disaster for the U.S. futures industry in today's global economy. London's futures exchange will take the unprecedented step of trading single stock futures on U.S. companies in January 2001. London joins nine other jurisdictions that know the marketplace wants this product that was "temporarily" banned in the U.S. 18 years ago.

H.R. 4541 is a comprehensive package that addresses this prohibition on single stock futures and provides a streamlined regulatory structure endorsed by financial regulators, one that meets the demands of today's dynamic and changing markets. It also provides the legal certainly that will allow U.S.

financial service firms to keep their swaps business in the U.S. rather than moving it off-shore.

Like any comprehensive legislation, this bill is not perfect from our perspective. However, it is critically important that H.R. 4541 be enacted into law this year to prevent our international competitors from having exclusive access to these new products.

Vote for U.S. investors and markets by supporting this historic legislation.

Sincerely,

CHICAGO BOARD OF TRADE.
CHICAGO MERCANTILE EXCHANGE.

SULLIVAN & CROMWELL,
New York, NY, October 19, 2000

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC

Hon. TOM EWING,
Chairman, Agriculture Subcommittee, on Risk Mgt, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN COMBEST AND EWING: On behalf of the entities listed below (collectively, the "Energy Group"), I write this letter to strongly urge enactment of H.R. 4541, the Commodity Futures Modernization Act of 2000. This legislation provides critical legal certainty for energy companies and allows them to provide risk management services to their clients and for themselves without risk that their transactions could later be found to violate the Commodity Exchange Act.

We applaud your leadership and the excellent work of your Committees and the other Committees of Congress in developing this legislation. Passage of the legislation will promote business and innovation in this important sector of the economy.

We appreciate your support of this initiative. We would be pleased to respond to any questions that any member might have.

Sincerely,

KENNETH M. RAISLER.

BP Amoco
Enron North America, Inc.
Goldman, Sachs & Co.
Koch Industries, Inc.
Morgan Stanley Dean Witter
Phibro Inc.
Sempra Energy Trading Corp.

ENRON CORP.,
Houston, TX, October 19, 2000.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to urge enactment of H.R. 4541, the Commodity Futures Modernization Act of 2000, by this Congress. This important legislation provides critical legal certainty for a range of transactions that are a central part of Enron's risk management and commodity trading businesses. Enron is the largest trader of natural gas and electricity in the U.S. and we actively trade other commodities. To facilitate our commodity trading business we have developed EnronOnline which is the world's largest business-to-business marketplace with over $130 billion in trades since November 1999.

We appreciate the fine work of the House Agriculture, Commerce, and Banking Committees and applaud the leadership of their Chairmen and Ranking Members. The Bill is the product of hard work and compromise and it would be unfortunate if this effort would have to wait until the next Congress to be rewarded.

Prompt adoption of H.R. 4541 will assure that Enron and others active in the commodity trading and risk management industry can continue to grow our businesses and provide innovative service to our customers without the risk and cost of legal uncertainty that now exists.

I appreciate your attention to this important matter and would be pleased to respond to any questions that you might have.

Sincerely,

KENNETH L. LAY,
Chairman.

SECURITIES INDUSTRY ASSOCIATION,
Washington, DC, October 18, 2000.

DEAR REPRESENTATIVE: I am writing on behalf of the Securities Industry Association ("SIA") to urge you to vote for H.R. 4541, the Commodity Futures Modernization Act of 2000. SIA believes that this legislation can ensure that American financial markets remain in the vanguard of innovation and investor protection. H.R. 4541 may be considered on the suspension calendar as early as today.

The legislation provides legal certainty for OTC derivatives. These provisions of the bill, which largely track the unanimous recommendations of the Report of the President's Working Group on Financial Markets, would finally remove the shadow of legal uncertainty that has threatened this vital sector of the U.S. capital markets for more than a decade. We can not stress too strongly the importance that we place on Congress enacting these provisions this year. We have consistently urged Congress, among other steps, to: Clarify the enforceability of derivatives transactions between eligible participants; exclude certain hybrid instruments from the CEA; remove restrictions on the clearance and settlement of OTC derivatives; clarify the instruments and transactions to which the Treasury Amendment applies; and exclude financial and certain non-agricultural commodities from the CEA.

While this legislation does not address every aspect of these issues, H.R. 4541 takes great strides in providing a legislative solution to those issues.

We also note that we have some lingering concerns with the bill's provisions that would eliminate legal prohibitions on single stock futures. SIA does not object to the bill on this basis and hopes that these issues can be resolved. With these concerns in mind, SIA strongly supports the overall goals of the legislation and urges Congress to move the process forward.

In our view the most important issue for Congress to resolve is the legal uncertainty affecting OTC derivatives and hybrid instruments involving non-exempt securities. Resolution of that issue should not be postponed. The problems engendered by the CEA are real and are exacerbated by the increasing globalization of financial markets. Markets can migrate quickly, and once established in a new, more hospitable legal environment, may not return. Congress has the power to maintain this country's preeminent leadership position in the global financial markets by moving promptly to correct this long-standing problem.

Rarely is Congress presented with the opportunity to make a material contribution to the mitigation of systemic risk, but H.R. 4541 presents just such an opportunity. SIA is greatly encouraged by the House Committees' action on H.R. 4541, and their efforts to ensure passage of this key legislation this year. We ask that you build on this solid record of progress to ensure that United States capital markets remain competitive and on the cusp of innovation and urge you to vote for H.R. 4541. SIA stands ready to assist you in any way we can to facilitate enactment of legislation this year. We appreciate your consideration of our views.

Sincerely,

MARC E. LACKRITZ,
President.
STEVE JUDGE,
Senior Vice President, Government Affairs.

INVESTMENT COMPANY INSTITUTE,
Washington, DC, September 19, 2000.

Hon. THOMAS W. EWING,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN EWING: The Investment Company Institute is writing to express our support for the version of H.R. 4541, the "Commodity Futures Modernization Act of 2000" scheduled for floor consideration today. This consensus bill reconciles the legislation reported by the Commerce, Banking and Agriculture Committees.

The Institute supports H.R. 4541 because of the Section 208 provisions in the legislation that apply important consumer and investor protections found in the Investment Company Act of 1940 to pools of single stock futures. Such language ensures that investors in pools of single stock futures will enjoy the same safeguards that have made mutual funds the investment choice for over 83 million Americans.

For this reason, we ask you to support this consensus legislation.

Sincerely,

MATTHEW P. FINK,
President.

HONORING JIM BARBIERI OF INDIANA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SOUDER. Mr. Speaker, Bluffton, Indiana is not a large city. It is a small city nestled in the bluffs above the Wabash River in Indiana. It has grown to serve the surrounding prime agricultural land of Wells County.

Bluffton is renowned throughout Indiana and the country for its extraordinary newspaper. It doesn't have lots of color pictures and fancy charts. But it is stuffed with real news, in great detail, and topped by the world's most comprehensive headlines.

This is largely the product of Jim Barbieri, a throwback to earlier days of local journalism. An aggressive advocate, and when needed, critic of the local community, Jim is also active in State and National issues. But even in small-town Indiana, he also brings a world perspective.

His writing is thorough and fair. But it is also much more. Jim captures the room, the people in it, and the context of the debate. When one reads the Bluffton News-Banner it is though you had been at each event. Except that often, you learn a lot more from the article about the meeting then you learn at the meeting.

Recently Jim Barbieri celebrated 50 years at the Bluffton News-Banner. That itself is a tremendous and increasingly rare, commitment. Think of the historical perspective provided by such a paper compared to the transient nature of much news today.

I hope that journalism schools in America will use the example of Jim Barbieri to show that even in modern America you still can practice the type of community-based newspapers that anchored our Republic. I submit for the RECORD the following articles.

DEAR JIM: Congratulations on 50 years of journalism in Bluffton.

You are a living example of historic tradition of influential small-town newspaper editors. William Allen White in Emporia, Kansas, was an early Jim. Even the famous Niles Register, chronicle and journal of record of the early American Republic, was not as thorough as you.

I know of no one in the public arena who is not astonished that you can take such complete notes with so few errors. I expect to read something like this:

"Congressman Souder, riding in a black Lexus, was in Bluffton today for the third time this year. He was accompanied by Mary Honegger of Ossian, who has been a senior advisor to Souder since he first experienced his candidacy in 1994. The Honeggers have an animal clinic in Ossian that is well spoken of in the area. Souder was here to discuss trade with China. . ."

In other words, Jim, your stories in the Bluffton News-Banner not only include what I say, when and where, but a context and lots of local color. Your writing makes one "feel" the meeting, not just get the general facts.

And the headlines. Your headlines have more news than a half-hour TV news broadcast.

You are also a tireless advocate for Bluffton and Wells County. While being a local promoter, you also have a world vision. You understand that in education and commerce, the competition is not just Decatur and Huntington.

Hopefully, your tribute will help all of us to ask: Where will the next Jim Barbieri come from? Are we producing the young people with the curiosity and the commitment to debating truth?

Thanks, Jim, for your fundamental belief: By publicizing the words of the debate, people will choose the truth.

Sincerely,

MARK SOUDER,
U.S. Congressman, 4th District, Indiana.

To my Dad. Everyone in town knows you. Or they think they know you. They think you are the man with the pipe in your mouth, hurrying, on his way to cover five meetings on a Tuesday night. Or the man with his byline all over the paper and the editorial opinions supporting most everything good in this community. Or they think you are the man with possibly the most trashed out car in town (unless they've seen mine) or the man with the ever-present camera at every accident scene or stage production or community awards ceremony. Or they think you are the man they see at all hours of the night, drinking coffee and reading the paper at Pak a Sak or Hardees. Or they see you after you've been up all night writing or hassling with the computers or out covering a fire, sacked out in your chair, seemingly dead to the world. And they think they know you and who you are. And most of them feel lucky to know who you are.

But I know who you really are.

You are the man who was home every night for supper at precisely 6:30 and acted delighted every time and even after the billionth time, Chuck and I would jump out from behind the door and "surprise" you. You are the man who let me hide behind him when I was afraid I'd fall into the press pit at the old brown Banner building.

You are the man who must have pulled Chuck and I "up" the hill at the State Park on a sled a hundred times over the years. And Chuck really should have been walking!

You are the man who made sure that for the "trouble" of stopping to see you at your messy little office on Market St. that I received at least 50 cents to go buy French fries or a Coke at the Snug or at Rexall's. And on a good Saturday, you didn't even mind when I'd stop by about eight or nine times. And if I had anyone hanging out with me, they'd strike it rich too. I wonder if the Snug and the Rexall's knew you were a major source of income for them for years.

You are the fastest two-fingered typist in town. And the only man I know, who knew how to type at all, before the advent of the computer age.

You are the man I never ever heard utter a single swear word until I was 15 and you had an ear operation and they wouldn't let you out of the hospital so you could go back to work. And then after that, even though you don't exactly swear like a trooper or anything, you must have decided I was old enough to hear them. Either that, or this is about when the country commissioners started to aggravate you. :) I'm not sure.

You are the man that wouldn't let me have a paper route, because "girls don't have paper routes," until I lost interest in it and then suddenly it seemed there were girls passing paper routes. And even though I find your former attitude "sexist" in this day and age, I'm still kind of amused by it. You thought I was pretty special. I guess. Too special for a paper route.

You are the man who carried me up the stairs to bed every night until I was nine (or possibly your back gave out) and then went back out to cover who knows what breaking story.

You are the man who cooked us a gourmet supper of hotdogs every Sunday evening so that Mom could have a break. Because Chuck really was a terrible child and Mom would just get sick of him—and she needed that break.

You are the man who was so delighted with the birth of his first grandchild, that even I, her mother got sick of reading about her in the paper. You are the man who is loathe to leave a basketball game or a football game or a baseball game in which his grandson is playing. And ever quick to point out exactly when and where he made the slightest contribution to the game. You are the man who passes up Colts tickets to watch his grandson sit on a bench for most of a Varsity game that he was lucky enough to dress for.

You are the man who has been right there supporting his granddaughter when things have been tough for her. And ready to argue with me tooth and nail, if you didn't think I had the right idea on parenting her or Stephen. Not everyone will stand up to me, but you will.

You are a man who finds joy in singing bird clocks and dancing Santas and setting up and running your own railroad every Christmas and doesn't really understand people who don't share your passion for these things. (For instance, Mom.)

You are the man who took a "break", every day from your job (when most people would have already retired anyway) to stop and pack up about 48 newspapers and deliver half of Stephen's route, just so you could hang out with him and Jenni and Barkley and get to know them. And on the days when Stephen had a sports practice or a game you would pass the whole route, whether there was snow, sleet, rain or high winds or water on Elm Dr. up to your waist! And you let him keep all the Christmas tips to boot!

You are the man who Barkley, the paper Beagle, howls like crazy for even when just your car drives up in the driveway—she loves you so!

And you are a lot more.

So, even though I think this community should thank its lucky stars they have been fortunate enough to have you in their midst—and I think they should be honored that you have been working with them and for them for all these 50 years and they should be grateful that they've had the opportunity to "know" you—I count myself and my children far luckier than them even, because I know you as my Dad and the Grandpa to my kids. And I love you!!!

CINDIE.

DEAR JIM: Fourteen years ago, as a 27-year-old young man, you brought me under your wing and showed me what being a real newspaperman was all about. I thought I knew, having a bit of newspapering in my background. But I learned that I had a lot to learn.

You showed me what real dedication is. Time and time again in our first year, we worked long days together, making big changes and setting new directions. Our day typically began at 8 a.m. and finished at 10 p.m. Then after I, droopy-eyed, waved good night to you and walked out the door, I shook my head in amazement. Because I knew that you, once again, was just getting started. Why, you had a newspaper yet to write!

Indeed, you have written the News-Banner for 50 years. No act of journalism is more astonishing or worthy.

You have been courageous. Only a few people know the tough calls you have made with such high integrity. You always have done the best to treat every Wells County citizen the same. I learned that my first month when, coming back from a weekend trip, I slowed down a little late on S.R. 124. An observant officer noticed the infraction. I stopped by the office to tell you about the incident. You nodded, and I thought nothing more of it until you printed a major story the next day about all the speeding tickets issued over the weekend with mine being the lead example!

Your ability to walk down to the Post Office and back and pick up two front page stories is legendary. I used to wonder how you could do this, until I realized that you simply remember everything. My favorite example is when we were interviewing a thirty-something applicant for a computer job. I began the interview process. After deciding she would do the job well, I brought her to you for your approval. You seemed lost in thought as I described her background. Then you suddenly looked up. "What's your name again?" you asked. She repeated her name. "Did you go to Norwell High School?" you asked. "Yes," she said. "Did you graduate in 1976?" you asked. "Yes," she said. "You did well in school, didn't you?" you asked. "Yes," she said. "That's right," you said. "I remember reading your name on the honor roll." True story, Jim. But only one of many.

Your career at the News-Banner is testimony to the amazing things a single person can accomplish in a life. From meeting with a half a dozen U.S. Presidents, to personally witnessing the transfer of power from the former Soviet Union to the new Russian Government to writing an editorial every weekday the News-Banner has published for five decades, to having the profound respect of every newspaperman who knows you, yours has been a reporter's career in full.

I doubt you could have hoped for anything more when you walked in the News-Banner for the first time 50 years ago.

Jim, I salute you.

GEORGE WITWER.

DEAR JIM: This has turned out to be one of the most difficult notes I've ever written.

I have come to the conclusion that this is because when one tries to address such a remarkable career, there are so many avenues to pursue, so many things that could be said, so many adjectives that fit, that one simply struggles with where to begin, let alone where it might take you.

At last, however, the occasion is made to address just one aspect: your deep love of and commitment to your profession and the company you came to adopt. This commitment is so deep and so complete that you can welcome someone into the fold who you know will make some changes to an operation and a newspaper that you've spent a lifetime building.

While most of things we've done have received your enthusiastic support, I am aware we've made changes you've not agreed with, as you've voiced those concerns. There are perhaps other changes that you've had concerns about of which you haven't spoken, but I'd be surprised.

At any rate, the point being of course, whether you've agreed or disagreed, you've been supportive of everything we've done and tried, and as everyone knows, your support is never just a token word, but always 100 percent of your considerable resources.

For your friendship and support, I will be forever grateful.

Sincerely,

MARK MILLER.

WRITTEN BY JIM BARBIERI FOR 50TH FAMILY BANQUET

50 years, they've gone too soon,
Looking back before man walked on the moon,
Addition, subtraction, multiplication, division,
We did them all without computer precision.
Radio or movies our entertainment decision
Or watch the snow on the early television.
The then-modern News-Banner, I must confess
Was cranking 'em out daily on a 1913 press.
From years of sway, both fore and aft,
Alas, it had developed a crooked shaft.
But day by day, we met the test,
Gathering news and ads and doing our best;
We set metal type and remelted lead,
Locked up the big chases and put it to bed.
The old press grunted at its daily chore,
And daily that shaft bent a little bit more,
Until one day we had a Chicago official
Look at the press and he gave a long whistle.
In nationwide travels where he'd been sent,
He had never met a press with its shaft so bent.
He said this calls for a repair first class;
He tried to bend it back but he fell on his knees.
But being a master of the press printing craft,
He wouldn't be defeated by a crooked shaft.
He said they had invented a wonderful machine
That would straighten any shaft that he'd ever seen
It cost us a bundle to do it up right;
To unbend our shaft took most of a night.
But we had to admit that it really felt great
To turn on a press with a shaft that was straight.
Alas, no one figured that day by day
The rest of the press had bent too in a gradual way.
The other parts had learned where to place their trust;
To a straightened out shaft they could not adjust.
As the press started up, straight for the first time in years,
There was a loud eruption as it broke all the gears.
The moral of this story is that we get shaped by our days;
Thus a 50-year reporter also gets set in his ways.
So that the way I work may be out of date,
But don't try to bend me to make me go straight.
Let me go on in my very old fashion,
Covering the news with an old time passion.
The style in which my career has been blest,
To you may be faulty, but I give it my best.
When God takes me home at the end of my years,
He'll not straighten me out and pop all my gears
He'll say "you, reporter, for the sins that you bring,
We'll take you like you are with a bent angelic wing;
For if we rejected all bent with no more care,
You'd never find in Heaven a crooked mayor.
And we all know that Heaven could not run well
Without a journalist to give them all hell.
So in the celestial press room we bid you to trod,
But don't ever misquote Peter or mispell God."

IN HIS OWN WORDS . . .

It seems like forever, and yet it seems like yesterday since that June day, a half-century ago, in 1950 when I began at the News-Banner.

Maybe that is appropriate because while the 50-year period has brought breathtaking changes, the task at hand daily remains remarkably unchanged.

Unlike a number of smarter people, I never formulated a life or career plan. My idea of planning ahead is getting out today's paper. Long range planning is tomorrow's paper.

Working in a small city appealed to me at the start here, partially because of the prior experience I had on the Chicago American. I had enjoyed that Chicago experience immensely and learned a lot, especially from an editor named Bill Becker, who didn't write for the paper but was a terrific critic and restyler of other reporting and writing. I remember that when he summoned me to his desk, it was bad news. He was going to rip apart what I had written and call me "Jimmy," neither of which I relished.

But one great thing about working in Chicago was that between about 10 p.m. and 4 a.m. daily in Chicago, about everything that ever happened in the history of the world happened three or four times. I had a good introduction on a great variety of stories.

But what appealed to me more about going to a small city upon graduation from DePauw University was the opportunity to do more things around the newspaper instead of one specialty.

Particularly I wanted to learn and do advertising and circulation too. While at DePauw, I had been editor of the school newspaper, and we had it printed at the Greencastle Banner, a daily newspaper in that small city of about 5,000 people. Realized then was that small dailies cover the day's news around the world like big urban newspapers do, even if not as intensively. The smaller daily papers also have a hometown touch unmatched in the big cities but are not left out of the big daily events. I also had helped with the production side of our school paper and learned to set headlines into metal type with a Ludlow machine.

Here in Bluffton I had excellent teachers in Roger Swaim and Orin Craven, both of whom were sticklers for doing things right. Although there are many improvements in newspapers today over 50 years ago, and a substantially greater quantity of both news/editorial and advertising copy now being handled—essential to handle—it is also true that copy flows into the paper today from a lot of sources without nearly the stringency that was given to copy Eugene McCord and I would write back in the period around and after 1950.

In those days, we didn't have the blessing of computers and the ability to tab in corrections, new information or second thoughts.

We did so with pencil on double-space-typed copy, and sometimes this could make for messy looking sheets of copy—hen tracks, we called them.

Believe me, when my copy had too many of these, I would rush to retype so that Roger wouldn't see sloppy looking stuff heading to the Linotypes, and so that Orin wouldn't find any errors. They sure would let you know.

We had four Linotypes setting news copy and a Ludlow for ads and headlines display type. Most people at the News-Banner today have no idea of the long era in which we cast the lines of news type out of lead in a factory-type situation, assembling the type into page forms called chases and then the husky guys lifting the chases full of type onto the 1913 flatbed press. We had great craftsmen, led by Charlie Anderson when I started. Charlie's brother, Earl, made up our pages artfully. When President Kennedy was assassinated, Earl changed the front page and reversed the column rules or lines between columns that we used in those days. The effect was to print thick black lines between columns to carry the mourning effect. For the headline atop that story, we used wood type, putting it together letter by letter.

Anyhow, although Earl passed on long ago, just the other day, Earl Anderson's grandson, Brian Anderson, stopped to see me at the News-Banner, and I met Earl's great-granddaughter, Bethany.

Lee Mattax in time became our superintendent, and we had other great people in our production shop.

One such person is still alive and well. You know him as Joe Smekens, who came on board in the early 1960s as a Linotype operator.

Of the four Linotypes we had, three were usually on straight news and one on ads. That one was the most complex and Joe became very good on it.

But to give you an idea of the vast change, when we went to our new building and to photo composition in 1975, one of the two photo-setters we had would produce four times as much type as all four of our Linotypes put together. And today's laser-printing is much faster than the photosetters.

In the old days, when one of our Linotypes went on the blink, it was a real struggle to get the paper out. You just couldn't make up for lost time like you can today.

Also, our 1913 flatbed press was much slower than the new offset rotary press we acquired in 1975 with the new building.

It used to take us the good part of two hours to run eight pages. Now we can run 14,000 per hour on 16 pages at a time or turn out 16 pages in a half-hour or less. We also can do color with the current press, which we have added to and plan to do so again very soon.

It's hard to start mentioning names without leaving out people, but Mary Coffield was a star for a lot of years and so was the late Marlene Holloway in our office. Kaye Ivins did a lot to get us into photography in a modern way. Of course, Joe Smekens has been a special hero for years, and Glen Werling is a real professional in this opinion and a high quality newspaperman.

After Roger Swaim was stricken with a heart attack in 1964, I had increasing duties in the management of the company and this led subsequently to becoming general manager and guiding the building project with the change of printing methods and more.

It is impossible to review all the countless stories worked on over the years, everything from heart-tugging human interest events to grizzly murders.

I've been able to cover and question or interview six U.S. Presidents, and I was in the Kremlin when the Soviet Union came to an end—seeing Gorbachev go out and Yeltsin take over. I was among the earliest Americans to meet with Boris Yeltsin. Thus, the small city field has not lacked for big coverage opportunities.

In the course of things, I worked alongside many fine persons in police and fire and EMS roles. We had our ups and downs in staff situations. I was reminded just the other day about an episode in the 1960s when police pursued a man they were seeking eastward on Ind. 124 into the heart of Bluffton and the northward on Ind. 1 at speeds up to 100 miles per hour and more. When the fleeing man raced into Ossian, the town was very busy with a golf dinner going on at Eve's Place in the Ossian downtown. This guy hit five cars parked along the street, and the impacts forced him to a stop.

One of those whose parked car had been hit was very upset at the wild driving and ran up to the suspect's auto, pulling open the driver seat door.

Up in his face came a gun, which he managed to push aside. Fortunately, Trooper Boomershine had been close behind and jumped into the back seat of the auto, reaching forward then in subduing the suspect.

The car had been stolen and was readily traced to a Huntington County location. Police going there found the owner shot to death.

Thus, we had a murder case along with the wild episode here. We had a questionable reporter at the time, and I sent him to Huntington County to get the story—in fact I sent a kid in our mailing department to drive him there so he would find it.

Soon the reporter came back to tell me he had no story because the sheriff was too busy to talk with him. I decided that when you send a reporter to a murder scene and he practically trips over the body on the way back to tell you there's no story, you have a problem. I sent him home and finished the murder coverage myself.

In my 50 years, I have missed only one day for health. That was in 1971 when I had an ear operation for which they sent me to Lutheran Hospital in Fort Wayne. The day after the operation I was recuperating there, and I saw out the window some police and ambulance vehicles heading into the emergency area. Soon I saw a couple of Wells County cars.

I went out into the hall and buzzed down in the elevator to the emergency area, where I found out about an accident in Allen County injuring severely a Wells County resident. Someone down there saw me in my hospital robe and asked who I was. I said "I'm a patient on the fourth floor."

"You don't belong down here," I was told.

"I'll never do it again," I promised and I zoomed back to my room and called the story in to Roger Swaim. Thus, I counted that as a work day. The next day I was out of the hospital and back to the office.

In the modern era, I've been very thankful that young George Witwer, with the help of his Dad, George O. Witwer, and I were able to buy the New-Banner in 1986, keeping it under home ownership.

Since we had kept going, publishing despite the Palm Sunday Tornado of 1965 and the Great Blizzard of 1978, the News-Banner and predecessors have published every publishing day without failure since the Evening News was launched in 1892.

When we went into the new building with the new press and the switch to offset printing, we closed up in the old shop on West Market Street after getting out the Saturday paper on Sept. 5, 1975, and opened on Monday, Sept. 7, 1975 in the new operation and building.

No one on our staff had ever worked a single day in an operation like the new one. I likened it to jumping out of an airplane with a do-it-yourself parachute kit, but we made it.

We did have and do have a lot of good friends in the newspaper field—in our neighboring cities and elsewhere. Fred Isch, now the mayor of Decatur and doing a tremendous job, was and is a tremendous friend.

In the period since we bought the News-Banner, soon afterwards adding the Ossian Journal, we have made a lot more progress.

Greatly involved in a lot of this was Michelle Moore, who did a terrific job for us and is a wonderful friend. Tom Hullinger was a big factor in progress we made. Jim Kroemer has been a special friend in our progress.

We managed by 1997 to pay off about a million dollars in debt for the purchase of the News-Banner, the Ossian journal and the modern equipment we added—the switch into laser-printing and into pagination. Howard "Bub" Jones is another exceptional production artist.

Just three years ago, we took a huge step forward by gaining the services of Mark Miller, who started at Decatur in 1975 and is the kind of younger era, dynamic leader most needed for the present and future.

He is also an excellent person, and I feel a very fine journalist along with his super business ability.

I consider the steadfast determination by which we have kept our own press, rather than succumbing to the central printing trend so many other small dailies went to, plus the gaining of Mark Miller to head our company into the future as the biggest pluses for the company's future.

There are so many names unnamed in this review—great names also in our progress and in my life over the past half-century. There isn't space to give them all, and some here now might ask for raises.

Best to say, therefore, that a lot of thanks for a great half-century ride are owed to many, named and unnamed, and since I'm too young to retire, it's best to look ahead, not back.

The News-Banner and life in Wells County have been and are the best. I like to hope that when the time comes, I'll end up working on the Celestial New-Banner, which I imagine is a lot like the one here on earth.

JIM BARBIERI.

SENATE—*Thursday, October 26, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of strength for tired bodies, stressed out emotions, and strained minds, we pray for the Senators and their staffs as they press on to the goal of finishing the work of this 106th Congress. Infuse them with star-spangled patriotism that will give them the second wind of Your divine energy, resiliency, and endurance. Remind them that You called them here to be servant leaders, promised Your hour-by-hour replenishment, and assured them that You would never leave nor forsake them in demanding times. May they turn to You constantly throughout this day. As they draw on Your wisdom, give them insight and discernment; as they depend on Your Spirit, grant them patience; as they receive Your peace, set them free of anxiety and tension; as they invite You to guide them, show them workable solutions and creative compromises. And now, as they run for the finish line, help them cheer on each other, rather than tripping up each other. Grant these leaders Your help from above, Your unfailing encouragement, and Your undying love. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, I announce for the information of all Senators, it is hoped that the Senate can begin consideration of the Older Americans Act under a time agreement this morning. Until an agreement can be reached, the Senate will be in a period of morning business with Senator BRYAN to be recognized at 11 a.m. and Senator DOMENICI to be recognized at 11:30 a.m.

Following morning business, it is hoped the Senate can resume consideration of the Older Americans Act, with votes expected on two Gregg amendments as well as a vote on final passage. The House is expected to consider the D.C. appropriations conference report, the tax bill, and a continuing resolution today. Therefore, Senators can expect votes during this afternoon's session.

I thank my colleagues for their attention on this matter.

Let me also at this point, on behalf of the majority leader, propound a unanimous consent.

UNANIMOUS-CONSENT REQUEST—H.R. 782

Mr. DEWINE. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 782, regarding the Older Americans Act, and it be considered under the following terms: 30 minutes for debate on the bill equally divided in the usual form; that the only amendments in order be the following: One amendment offered by Senator GREGG relating to title V, which would be 2 hours equally divided for that particular amendment, and an additional amendment offered by Senator GREGG relating to title V, and that would be 2 hours equally divided as well, with no other amendments or motions in order to the bill.

I further ask unanimous consent that following the use or yielding back of time on each amendment, the Senate proceed to a vote on each amendment. Further, I ask that, following the disposition of the above amendments, the bill be read the third time and the Senate then proceed to passage of H.R. 782, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, I say to my friend from Ohio who read the unanimous consent request, the substance of the agreement is fine with the minority. We would only hope that there could be a definite time locked in for a vote. During the last couple of weeks, there have been a lot of Members who simply have not known when they were going to be called upon to vote. They have other business they are conducting. We, again, have no disagreement with the substance of the unanimous consent agreement. However, we object unless we can get a definite time as to when we can vote.

I also say, through the Chair to my friend from Ohio, it is not as if there are a number of votes being anticipated here so that we are going to slow things up if you set, for example, 5 o'clock, which we would suggest, as a definite time for voting on these amendments. So until we can get a definite time locked in for voting on the amendments, at or about 5 o'clock, we would object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. DEWINE. Mr. President, if I could, let me thank my colleague from Nevada. I understand there is no objection, actually, to the substance, then, of the agreement and what we are waiting for is some agreement with regard to the actual time the votes will actually take place. Is that correct?

Mr. REID. Yes. I say to my friend, we believe it is a very important piece of legislation. We are glad it is here. We think the time arrangement on the amendments offered by the Senator from New Hampshire is fair. We simply believe we need a time certain to vote. That should be easy to get. I hope the majority leader will agree to that as soon as possible.

Mr. DEWINE. I thank my colleague.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

Mr. DEWINE. Mr. President, as the lead sponsor of the Older Americans Act, along with my friend, the chairman of the committee, Senator JEFFORDS, I thought I would take a few moments, even though we are not technically on the bill at this point, to begin a discussion of this bill. I make note to my colleagues in the Chamber that I will be a few minutes in doing this, so if any of my colleagues do want to proceed in morning business on other matters, I will be more than happy to yield when they come to the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We will begin today a debate about a bill that has been long in coming. Previous Congresses have had difficulty reaching agreement on reauthorizing the Older Americans Act for any number of reasons, and previous Congresses have failed to do that. But I think anyone who works in this field, anyone who understands what is going on with the Older Americans Act, knows it is past time for Congress to reauthorize the bill.

This is a bipartisan program. It is a program that dates over 35 years. It is a program that delivers great services to the senior citizens of this country. What we have done in this bill in a very bipartisan fashion is to bring it up to date to meet the needs of senior citizens entering this new century.

This bill is going to help ensure the continuation of valuable supportive services for lower income older Americans. It will establish new and reliable services from which every older American can benefit and provide support for those caring for older adults.

This reauthorization would not be a reality if it were not for the persistent, bipartisan efforts and dedication of the Senate Aging Subcommittee ranking member, Senator MIKULSKI; Health, Education, Labor, and Pensions Committee chairman, Senator JEFFORDS and the ranking member, Senator KENNEDY; the House Education and the Workforce Committee chairman, Congressman GOODLING, and the ranking member, Congressman CLAY; as well as the House Postsecondary Education, Training, and Life-Long Learning Subcommittee Chairman MCKEON and Congressman MARTINEZ. Each has worked tirelessly on this legislation, along with the members and staff of the Senate Aging Subcommittee, the full Health, Employment, Labor, and Pensions Committee, and the Senate Select Committee on Aging.

I also thank additional colleagues, such as Senator HAGEL, Senator COLLINS, and Senator WYDEN, for their insights and contributions to reaching a bipartisan agreement on this bill. I will mention later the great work that Senator GRASSLEY has also done to offer a new provision in this bill which, again, meets the needs of seniors in this century. Because of this support and help, we are going to see the Older Americans Act finally reauthorized.

Reauthorization attempts in both the 104th and 105th Congresses failed for many reasons. So as chairman of the Aging Subcommittee, I introduced S. 1536, with the hope we could get a reauthorization passed in this Congress. At the end of this past July, our committee marked up that bill and developed a solid piece of legislation that reflects months of hard work and deliberation. I am very pleased that yesterday the House of Representatives passed this bill overwhelmingly by a vote of 405–2. They passed their reauthorization bill which represents the combined legislative efforts of both the House and the Senate.

I point out to my colleagues that one of the things we did as we worked through this bill for the last 2 years was to work with the House Members on both sides of the aisle so we would finally emerge with a consensus bill and a bill we would be able to pass in both the Senate and the House.

This reauthorization bill we have before us today represents a modernized and streamlined Older Americans Act and one that maintains some of the most important and successful programs the Federal Government provides for our senior citizens.

As an editorial in a newspaper in my home State of Ohio, the Cincinnati Post, on September 20, 1999, stated:

> The Older Americans Act has been the closest thing on record to a national policy on aging.

That is a pretty strong statement, but it is true. It is true because the Older Americans Act created and is responsible for programs that do the following: Provide nutrition both at home and at senior community centers; protect the elderly from abuse, neglect, and unhealthy nursing homes; offer valuable jobs to seniors; furnish transportation which is so vital for the way seniors live today; and render valuable in-home services such as homemaker and home health aides, chore services, respite care, and personal care services.

To be sure, as our senior population grows larger and larger, these services and many others become more and more important—not just important but, in many cases, essential to maintain the quality of life of our senior citizens, central to the continued well being and prosperity of our aging senior community. That is why it is fundamental to the security of our seniors that we reauthorize, protect, and improve the Older Americans Act. Our reauthorization bill does just that.

First, it will permit States to implement cost sharing for some of the services provided under the Older Americans Act. This means that States will be able to obtain payments from wealthier seniors for services. Doing so enables States to expand services to additional older individuals.

This is something that was asked for by the people who testified in our committee. They told us the current rules and regulations were complicated, very difficult to understand, and were being interpreted differently from county to county within a State, such as my State of Ohio.

Working in a bipartisan fashion, we put together the language that will make it much easier for these laws to be administered.

Second, our authorization will increase flexibility for States by authorizing the Assistant Secretary on Aging to issue waivers to States with certain provisions of the Older Americans Act. This flexibility will help eliminate obsolete, duplicative, and burdensome requirements of a State plan and the area plan.

Third, our bill includes the first major changes to the Senior Community Service Employment Program, title V. It begins to change the allocation of funds between the States and the organizations that provide jobs. It allocates 75 percent of the first $35 million in additional funding for the program to the States and 25 percent to organizations. Any increase in funding over $35 million will be split 50–50 between the States and the national organizations. Historically, the funding split has been practically the reverse, with 78 percent allocated to national sponsors and 22 percent to the States. This is an improvement that has received bipartisan support of the Governors across the country.

Let me stop for a moment and say how much we have relied on the Governors as we have fashioned this bill and how much they support this bill. This bill is supported by the NGA; it is supported by the southern Governors. It has received a great deal of support and help from them. We thank them for that support.

Additionally, our bill provides Governors greater responsibility and influence over the allocation of title V job slots within their States, and it includes performance measures that all organizations and States must meet. Failure to meet such standards will result in the loss of job slots. Those slots then will be redistributed through open competition and will help eliminate poorly performing grantees in the program—one more way the Governors will have more say in title V and more say in how these slots are allocated and, not only a say in how they are allocated, but a say in what happens with them, and they will have the ability to measure the success or failure of these programs.

These improvements are the result of our efforts to make sure our reauthorization bill addresses the most important concerns facing older Americans. That is why even before drafting the reauthorization bill, as chairman of the Aging Subcommittee, we held six subcommittee hearings covering titles of the existing law.

I see on the floor my colleague, Senator MIKULSKI, who played such a major role in those committee hearings. In fact, those six hearings were very helpful in eliciting information to make this a better bill.

At one of those hearings, for example, we heard from Reeve Lindbergh, the daughter of Charles and Anne Morrow Lindbergh. Her mom was subjected, according to her testimony, to 10 years of financial and other abuse and, as Reeve pointed out: "It"—referring to that type of elder abuse—"can happen to anyone."

Because of similar testimony, we included language in the reauthorization to protect elders not only from physical abuse and neglect but also from financial abuse and exploitation. We also added language to coordinate State and local advocacy and protection services directly to State and local law enforcement agencies, as well as linking them to the court system.

I will now turn to a provision that has bipartisan support and whose lead sponsor is my friend, Senator CHUCK GRASSLEY. This is the National Caregiver Support Act which is an integral part of this bill.

Another one of our Aging Subcommittee hearings focused on the bill I just referenced, the National Family Caregiver Support Act, which Senator GRASSLEY sponsored, along with Senators BREAUX, BRYAN, DODD, HUTCHINSON, KOHL, LINCOLN, MIKULSKI, REED from Rhode Island, REID from Nevada, SANTORUM, and WYDEN.

Following moving testimony from people such as Carolyn Erwin-Johnson from Baltimore, MD, we included this important act as a provision in our reauthorization bill. At our subcommittee hearing, Carolyn spoke movingly of one of the most important aspects of the Caregiver Support Act—the need for respite care. Let me explain.

When her elderly mother became unable to care for herself anymore, Carolyn decided against placing her in a nursing home. She chose, instead, to care for her mom at home. When her mother first moved in with her, Carolyn said she had to discontinue her doctorate program. She had to find a job and more accommodating hours. Unfortunately, and not surprisingly, that job also paid less money.

Carolyn continued in her testimony that she needed advice about lifting her mother, feeding her mom, medications, and many other challenges, things she had not faced before in her life, and most of us have not.

Most of all, however, because of her mother's constant care needs, Carolyn testified that she just needed some rest, she just needed a break. With the National Family Caregiver Support Act provision included in our reauthorization, Carolyn will get that break in the form of respite care—someone to take over for her for maybe a weekend, maybe a day, maybe just a few hours, so she can shop for herself and complete some overtime work or just rest. Again, this is an attempt to bring this bill up to date and to authorize the type of services that are so very important today.

In addition to respite care, the Caregiver Support Act brings an intergenerational element to the reauthorization of the Older Americans Act.

During an Aging Subcommittee field hearing we held in Cleveland, we heard from grandparents who, for any number of reasons, were caring for their grandchildren, raising their grandkids. In some cases their own children were addicted to drugs or were in prison or died. There are any number of reasons why these folks were doing something that we did not see done that much 20 or 30 or 40 years ago but something that is, frankly, very common today. Rather than relinquishing their grandchildren to foster care, these grandparents took on the responsibility of raising them and keeping the family together. That is something that we in Congress should support when people make that choice.

The grandparents who testified in front of our committee in Cleveland are not alone. The number of grandparents raising children is growing and growing. In fact, a Census Bureau report released last year indicated that 3.9 million children in the United States were living in homes maintained by their grandparents. That is up an astounding 75 percent since 1970.

A 1998 study by the University of Cincinnati found that grandparents are caring for their grandchildren in 10 percent of Ohio households with children, and of that 10 percent, approximately 32,000 grandparents statewide are the sole providers for their grandchildren. Amazing figures.

Let's look at the example of a Cleveland woman in her early seventies named Bertha. At our hearing last year, she told us her story. She told us about the difficulties she faced in taking on the responsibility of raising her three great-nephews—Clarence, age 12; Joseph, age 11; and Christopher, age 10.

The boys' father—a horribly sad story—died from AIDS. Their drug-addicted mother was simply in no shape to take care of them at all. Someone needed to take care of those boys, so Bertha took them in.

When the three boys first moved into Bertha's home, she had no way to support them financially. To be eligible for assistance, she became a licensed foster mother. But despite doing so, a full year went by before the county gave her any financial assistance at all. Additionally, she testified it has been very difficult getting information about available services. In the process, she has encountered mounds of bureaucratic redtape.

New information and assistance services in the Older Americans Reauthorization Act, as well as the respite care and support groups provided in the Caregiver Support Program, will provide much needed assistance to people, relatives, great-aunts, grandparents—people such as Bertha, people who have taken on a tremendous responsibility many years after raising their own children, many years, I am sure, after they thought they would ever be doing this.

Many older Americans who are now raising children for the second time need information, and they need respite care. Our bill would provide those kinds of services.

I see my colleagues on the floor, Senator MIKULSKI and Senator KENNEDY. And Senator JEFFORDS will be here in a moment. Let me conclude for now by saying that this is a long time in coming. It is a good reauthorization bill. It is the product of a great deal of work by many Members of this Chamber. It is a bill we can all be proud of, a bill we can be proud today to pass and send to the President. Our reauthorization bill makes the most substantial reforms in the Older Americans Act since its creation.

Our bill is a key step toward preparing for the demographic tidal wave of aging baby boomers in the next few decades. The fact is that we are an aging nation. Today, 12.7 percent of the U.S. population is over the age of 65. By the year 2030, that number will grow to 20 percent. There is no indication that this trend will slow anytime soon.

Americans, thank heavens, are living longer, making it all the more pressing we ensure that supportive services exist for every older American now and in the future. By working together, on a bipartisan and bicameral basis—both sides of the aisle; both the House and the Senate—we have crafted a bill that will make a lasting contribution to all older Americans; and that is something we can all be proud of as a major accomplishment as this 106th Congress ends.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank Senator DEWINE and Senator JEFFORDS for their leadership. As Senator DEWINE has pointed out, this has been a long, continuing struggle for the last 2 years. This has been a bipartisan struggle. We are grateful for the efforts of the House of Representatives.

I wish to say on our side, the real champion for this program is on my left, Senator MIKULSKI, from the State of Maryland, who over the period of these last 2 years has been an absolutely tireless advocate on this particular issue, as she has been on so many others. We would not be here this morning in the final hours of this session if not for her strength and determination to see this measure move ahead.

I think what she and others have understood is that it has been 5 years since we have seen this important legislation expire. As a result, we have seen even funding on the Older Americans Act. In that respect, there has been a falling behind in the attention to the services for our senior citizens.

This is a much better bill than the last authorization; and it will benefit our senior population in a much more sensitive and extensive way. Hopefully, it will gain acceptance and support from our colleagues in the Senate and the House and will be sent to the President so we can strengthen the outreach programs that are lifelines to our senior citizens.

So I pay particular tribute to my colleague, Senator MIKULSKI, for her leadership. I thank the administration and President Clinton for the strong priority that he has placed on this and the attention that the Secretary has given to getting this action.

I think most of us know we are operating in a very highly charged political atmosphere as we are coming to the last 2 weeks of a political campaign for election to the House and the Senate. But the House of Representatives yesterday passed this bill 405–2. We are very hopeful that we will have a similar outcome. It does indicate that when people of good will want to move a process forward, it can be done. I commend all of those who have worked over a very considerable period of time and have really tried to find common ground on some very difficult and complex issues.

Finally, I wish to highlight the very important aspects of this legislation. I think the most powerful and obviously important parts are the nutrition programs, which have been the largest and the longest standing of the programs—this traces back to 1965. Meals on Wheels and congregate meals have been an incredibly important program in permitting so many of our seniors to live at home, and also to benefit from nutritious meals in these congregate sites. It is an important nutritional aspect for many of our seniors who are hard pressed.

This bills value in terms of our elderly population cannot really be measured in terms of dollars and cents. It includes important preventive health programs, absolutely essential transportation programs, and important employment opportunities as well. These opportunities enable many of our seniors continue to be useful, constructive, and productive workers, primarily focused on serving communities.

There are extraordinary workers under this program. I have met so many of them in travels around my own State of Massachusetts. What they do in terms of adding an additional dimension of services in local communities is really extraordinary. Many people believe, with regard to programs in which they are particularly interested, that they get a great bang for the buck. This Nation, with this program, gets enormous advantages in terms of permitting our seniors to live in the kind of peace and dignity and with a degree of security in these areas which they would be hard pressed to have if this legislation were not on the books.

The Older Americans Act was enacted in 1965, three years after I was first elected to the Senate. I am proud to have been one of its original supporters. Over the years since then, we have repeatedly expanded the act to meet more of the needs facing older citizens.

Today, the Senate is about to approve a reauthorization of the act which keeps faith with the nation's senior citizens. Current law supports a broad array of home-based and community-based support services to enhance the health and well-being of persons over sixty years of age. This legislation preserves and strengthens these programs, which provide vital links between senior citizens and their communities.

For seniors who are healthy and active, the act offers community service employment opportunities, preventive health services, and transportation services. It also supports a range of social activities, including congregate meals. The act supports more than 6,400 multipurpose senior citizen centers across the country.

For those frail seniors who lack mobility, it helps to maintain a lifeline to the outside world. It provides daily home-delivered meals, in-home care services, home-maker services, and transportation to doctors and other caregivers, and it supports programs to protect vulnerable seniors from abuse and exploitation. The long-term care ombudsman program investigates and resolves complaints of elderly residents of nursing home facilities and other adult care homes.

These programs make a significant difference for those they were designed to help. This legislation reaffirms our commitment to ensuring that older Americans continue to receive the services which are so essential to their quality of life. This reauthorization means increased federal financial support of these very worthwhile programs.

Of all the Older American Act programs, nutrition assistance is the largest and longest running. It was created as a response to disturbing evidence that, due to poverty and isolation, many senior citizens were suffering from serious nutrition deficiencies, and that the lack of good nutrition was contributing to their poor health.

Today, under the act, we are providing over 240 million meals a year to over 3 million senior citizens. Approximately half of these meals are provided in congregate social settings and the other half are delivered daily through the Meals on Wheels program to seniors in their homes. This program has broad-based community support. The many volunteers who deliver meals to the home-bound have greatly expanded the reach of the act. Unfortunately, we have not had sufficient resources to fully meet the need. Passage of this legislation will mean a substantial increase in the level of funding for these vital nutrition programs.

The Senior Community Service Employment Program, authorized by title V of the act, is the nation's only employment and training program aimed exclusively at low-income older persons—and it will have an increasingly important role as the Baby Boom generation ages. The nation will have 1.4 million more low-income persons over the age of 55 in the year 2005 than there were in 1995, and many of them will want to continue working.

Title V serves over 90,000 low-income elderly persons every year. Eighty percent of these participants are age 60 or over, and 16 percent are above 75 years of age. The jobs obtained through this program provide these men and women with needed economic support. But it does much more than that. It keeps them active and involved in their communities, not isolated at home. It provides opportunities to make important contributions to their communities and to learn new skills—and it enhances their sense of dignity and self-esteem. In this legislation, we have significantly .strengthened the Community Service Employment Program and provided for its much-needed expansion.

As part of this legislation, we have also created a National Family Caregiver Support Program to help families who care for ill or disabled parents or elderly relatives at home. We know how difficult it can become for a family when an elderly person needs a high degree of continuous care. We know the importance of keeping a frail senior at home in a loving environment whenever it is medically possible. This new program will provide essential support services to help these seniors remain with their loved ones. These families deserve our assistance, and this new program will ensure that they receive it.

Family caregivers will be able to obtain a broad range of support services, including respite care, in-home assistance, training in caregiver skills, and family counseling, all of which will make a major difference for these vulnerable seniors and their families. The federal government will fund 75 percent of the cost of these services, and the states will fund the remainder. We have authorized $125 million for the first year of this new effort, and we anticipate the program will grow in succeeding years.

This reauthorization of the Older Americans Act is the product of a two-year bipartisan effort. Senators JEFFORDS, DEWINE, MILULSKI, and I share a common commitment to preserving and strengthening these programs, which have done so much to improve the lives of millions of senior citizens. We also shared a common determination to break through the barriers which prevented reauthorization in the last two Congresses. I commend my three colleagues for their leadership in fashioning this legislation. Because of the bipartisan spirit in which they approached this task, they made the difficult possible.

I also commend the important role of the Clinton administration. The Departments of Labor and Health and Human Services have been extremely helpful throughout the reauthorization effort. President Clinton deserves particular credit for proposing creation of the National Family Caregiver Support Program.

The legislation before us is supported by the National Governors' Assn. and by nearly fifty organizations, which represent senior citizens, including: The Leadership Council of Aging Organizations; American Association of Retired Persons; National Committee to Preserve Social Security and Medicare; National Association of Area Agencies on Aging; National Association of State Units on Aging; Meals on Wheels Association of America; Generations United; Green Thumb; National Council of Senior Citizens; National Urban League; National Council on Aging; National Caucus and Center on Black Aged; National Association for Hispanic Elderly; National Asian Pacific Center on Aging; National Indian Council on Aging; Alzheimer's Association; American Society on Aging; Gerontological Society of America; Association of Jewish Aging Services; National Academy of Elder Law Attorneys; Older Women's League; National Association of State Long Term Care Ombudsman Programs; and National Association of Nutrition and Aging Services Programs.

I ask unanimous consent that letters of support from a number of these organizations may be placed in the RECORD. Their strong support demonstrates that this bill will truly benefit the older Americans it is designed to serve, and I urge the Senate to approve it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

National Governors Association,
Washington, DC, October 17, 2000.

Hon. Trent Lott,
Majority Leader, U.S. Senate, Washington, DC.
Hon. Thomas A. Daschle,
Minority Leader, U.S. Senate, Washington, DC.

Dear Majority Leader Lott and Minority Leader Daschle: As the end of the 106th Congress approaches, the nation's Governors urge you to help the states provide critical support and services for the nation's seniors by reauthorizing the Older Americans Act (OAA).

This law has established the primary framework in the states for the delivery of vital support and nutritional services to seniors. Reauthorization of this important program will demonstrate a federal commitment to these critical issues, and will be crucial for ensuring that seniors continue to receive key OAA services.

The authorization for the OAA expired in 1995, and the law has not been reauthorized in the past five years. This lack of legal authority puts OAA programs and funding at risk. After considerable negotiation and compromise, we now understand that the current proposal enjoys broad bipartisan support. We therefore ask that you move quickly to ensure the reauthorization of the Older Americans Act this year.

Sincerely,

Governor Jim Hodges,
Chair, Human Resources Committee, State of South Carolina.
Governor Bob Taft,
Vice-Chair, Human Resources Committee, State of Ohio.

Leadership Council of Aging Organizations,
Washington, DC, July 18, 2000.

Hon. James M. Jeffords,
Chairman, Senate Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The undersigned members of the Leadership Council of Aging Organizations (LCAO), applaud the leadership of the Senate Committee on Health, Education, Labor, and Pensions for developing a bipartisan bill to reauthorize the Older Americans Act which will modernize and strengthen the programs and services provided to millions of older Americans. We are especially appreciative of the open and productive process used by Committee staff to obtain input from all interested parties on the future of the Act.

We believe the Committee has crafted a compromise bill, which moves the Act in a number of critical new program directions, while maintaining the integrity of all of the current Titles. We are especially pleased that the bill authorizes a new Family Caregiver Support Program that will provide essential services to thousands of people caring for older individuals in the home.

We urge you to support this bill when the full Committee considers it this week.

Sincerely,

AARP; AFL-CIO Department of Public Policy; Alliance for Aging Research; Alzheimer's Association; American Association for International Aging; American Association of Homes and Services for the Aging; American Society of Consultant Pharmacists; American Society on Aging; Association for Gerontology and Human development in Historically Black Colleges and Universities; Association of Jewish Aging Services; B'nai B'rith International; Gerontological Society of America; Green Thumb; Meals on Wheels Association of America; National Academy of Elder Law Attorneys; National Association of Area Agencies on Aging; National Association of Foster Grandparent Program Directors; National Association of Nutrition and Aging Services Programs; National Association of Retired and Senior Volunteer Program Directors; National Association of Senior Companion Project Directors; National Association of State Long Term Care Ombudsman Programs; National Association of State Units on Aging; National Caucus and Center on Black Aged; National Committee to Preserve Social Security and Medicare; National Council on the Aging; National Hispanic Council on Aging; National Osteoporosis Foundation; National Senior Service Corps Directors Association; OWL; United Jewish Communities.

July 14, 2000.

Hon. Jim Jeffords,
Chairman, Senate Health, Education, Labor, and Pensions Committee, Dirksen Senate Office Building, Washington, DC.
Hon. Edward M. Kennedy,
Ranking Member, Senate Health, Education, Labor, and Pensions Committee, Dirksen Senate Office Building, Washington, DC.

Dear Chairman Jeffords and Senator Kennedy: The undersigned Title V private sector grantees thank you, Senator DeWine and Senator Mikulski for your leadership in constructing an Older Americans Act (OAA) reauthorization bill that all interested parties can support. We believe you have succeeded in that endeavor. While some elements of the July 12 draft bill can be improved, we believe that, on balance, the overall package will put the OAA on solid footing for the next five years.

We are pleased that the Committee has incorporated many improvements recommended by our organizations. With respect to Title V, we particularly appreciate provisions that:

hold States and private sector grantees harmless at the FY 2000 level of activity;

ensure that a unit cost adjustment due to an increase in the minimum wage or cost of living increases will have first priority in new Title V appropriations;

establish clear administrative cost definitions;

set strong but reasonable placement standards and provide for the establishment of performance standards reflecting the multiple goals of the program; and,

establish procedures to ensure greater accountability and that introduce constructive competition into the program.

The allocation of the first $35 million available after unit cost and minimum wage increases remains troubling. We hope, however, that the new performance and accountability measures in the legislation will produce better results.

Regarding Title III, we commend the Committee for addressing a number of issues of concern to most of our organizations and others in the aging network. Among improvements are measures that buttress legal assistance services, restore consumer grievance procedures and strengthen public hearing provisions. It is our understanding that the targeting language in the law has not been changed in the draft bill. On the other hand, while we welcome enhanced consumer protections related to financial contributions, we remain concerned about the impact on vulnerable individuals of expanded cost sharing by the States. We urge you to narrow the scope of this activity as the legislation moves forward.

All in all, we believe the Committee has met the considerable challenge of updating the Older Americans Act and strengthening the infrastructure needed to serve a rapidly expanding aging population. We look forward to working with you to see this legislation enacted before the end of the 106th Congress.

Sincerely,

Horace B. Deets, on behalf of:
AARP, Green Thumb,
National Asian Pacific
Center on Aging—
NAPCA, National
Association for
Hispanic Elderly—
ANPPM, National
Caucus and Center on

Black Aged—NCCBA,
National Council of
Senior Citizens—NCSC,
National Indian
Council on Aging—
NICOA, National Urban
League—NUL.

National Committee to Preserve
Social Security and Medicare,
Washington, DC, July 14, 2000.

Hon. Edward M. Kennedy,
Ranking Minority Member, Committee on Health, Education, Labor and Pensions, Russell Senate Office Building, Washington, DC.

Dear Senator Kennedy: On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I would like to thank you for your strong efforts to reauthorize the Older Americans Act this Congress. We have reviewed the draft legislation for next week's scheduled mark-up and I am delighted to say that we support its favorable consideration.

This legislation would protect and preserve the many key components of the Older Americans Act, which include the meals programs, in-home service, Title IV research, and jobs programs. It also preserves the vital provisions of Title VII Vulnerable Elder Rights programs, including Legal Services, Elder Abuse Prevention, and the Long-Term Care Ombudsman. We are also pleased that your bill would add important new provisions to the Older Americans Act for pension counseling and family caregiver support.

I know this bill is the product of considerable bi-partisan negotiation and effort, and we appreciate your strong leadership in this process. It would be a tremendous 35th birthday present to the Older Americans Act if it were signed into law this year.

This reauthorization effort and any changes it brings will set the stage for aging policy as we enter the new millennium—an era in which meeting the needs of our more isolated seniors within their communities must dominate an increasing share of our national attention. We look forward to the enactment of Older Americans Act legislation before the close of the 106th Congress.

Sincerely,
Martha A. McSteen,
President.

National Association of Area
Agencies on Aging,
Washington, DC, July 17, 2000.

Hon. Edward Kennedy,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate Dirksen Senate Office Building, Washington, DC.

Dear Senator Kennedy: The National Association of Area Agencies of Aging (N4A) commends you and your staff for your leadership on the Older Americans Act Reauthorization. We are extremely pleased that a compromise measure has been developed that resolves a majority of the issues that delayed reauthorization in the past. We are hopeful that the consensus growing around this compromise measure will provide the impetus necessary to see this law reauthorized during the 106th Congress.

For over thirty years, the Older Americans Act (OAA) programs and services have improved the quality of life for millions of older adults and their families. Services provided through the OAA include a wide range of home and community based services, such as information and assistance to older adults and their caregivers, home delivered meals, transportation, home care, respite care, adults day care, elder rights and legal assistance, employment assistance and direct funding for tribal elders. The time is long overdue for Congress to reconfirm the federal commitment to the nation's older citizens by reauthorizing the legislation that facilitates the ability of these individuals to remain in the settings where they want and deserve to be, in their homes and communities.

The bill contains many provisions that have long been priorities of N4A. Our membership particularly appreciate the bill's inclusion of a $125 million authorization for a Family Caregiver Support Program which builds upon existing infrastructures at the local level.

The 655 Area Agencies on Aging and 230 Title VI Native American Indian grantees that N4A represents are anxious to see the Older Americans Act reauthorized this year. We support movement of the Chairman's mark out of committee and to the floor for consideration by the full Senate. We stand ready to assist you in your efforts to make 2000 the year that we realize the long-overdue Older Americans Act Reauthorization.

Sincerely,
Janice Jackson,
Executive Director.
Barry Donenfeld,
President.

National Association
of State Units on Aging,
Washington, DC, July 18, 2000.

Hon. Edward Kennedy,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Kennedy: The National Association of State Units on Aging (NASUA) urges you to support the Senate Health, Education, Labor and Pensions Committee's leadership bill to modernize and reauthorize the Older Americans Act (OAA). As you know, the bill will be considered by the Committee on July 19.

Since its enactment in 1965, the OAA has provided the elderly with home and community-based services so they may remain in their homes and live with independence and dignity. Such services include home-delivered and congregate meals, in-home care, respite care, adult day care, and case management. OAA programs and services complement other state and federal programs, such as the Social Services Block Grant, the Medicaid waiver program, and state-funded home and community-based service programs.

The leadership bill will reauthorize the Older Americans Act for 5 years. It maintains the focus and integrity of all the current titles in the Act, including those programs that authorize the long-term care ombudsman program and state legal assistance development.

Most importantly, the bill authorizes a new national family caregiver support program to provide supportive services to family and friends who care for older people in the home. The bill will also revitalize the Title V employment program. In addition, it will give states the option to institute cost sharing for certain services in order to expand services available to those now on waiting lists.

The leadership bill is the product of many months of hard work on the part of committee staff, members, and aging organizations that serve older people. It is a compromise we believe will advance the interests of older people in the new millennium.

If you have any questions, please call Kathy Konka at 202/898–2578.

Sincerely,
Daniel A. Quirk, PhD,
Executive Director.

Meals on Wheels Association
of America,
July 14, 2000.

Hon. Edward M. Kennedy,
Ranking Member, Committee on Health, Education, Labor and Pensions, Russell Senate Office Building, Washington, DC.

Dear Senator Kennedy: As President of the Meals On Wheels Association of America (MOWAA), the oldest and largest national organization representing those providing meals to seniors, I am writing to request your support of "The Older Americans Act Amendments of 2000" (the DeWine/Jeffords substitute to S. 1536), proposed legislation to reauthorize the Older Americans Act. Reauthorization of the Older Americans Act during this Congress is a priority for MOWAA, and we are delighted that you and your colleagues have an opportunity to approve a bill that addresses the concerns expressed to you by MOWAA, other service providers and groups serving Older Americans, and the elderly themselves.

When I presented testimony to the Subcommittee last year, I stated that MOWAA was committed to reauthorization, because we believe that the Act is a lifeline for many of this country's seniors. It is the foundation on which a large and vital national, yet distinctly local, system of home and community-based services has been built. In other words, it has worked well. But as we move into this new millennium, and the needs and profiles of those who rely on the Act's services continue to change, parts of the Act need to be modified and fine-tuned to meet the new challenges. MOWAA's testimony outlined some of the changes that this Association believed would be important for the future health and growth of senior meal programs and the elderly whom they serve. We are delighted that our recommendations were carefully examined, and that changes consistent with our suggestions have been included in the draft bill.

Specifically, we are pleased that the DeWine/Jeffords substitute to S. 1526 includes a section relating to "Voluntary Contributions." The proposed language makes clear that meal programs can accept and solicit voluntary contributions. Under the proposed legislation, as we understand it, area agencies on aging will consult with meal providers and others to determine the best method for soliciting and collecting contributions. Contributions would be used for the provision of services. While encouraging client financial participation in a noncoercive way, and by ensuring that no client can be denied a service, the current draft proposal also affords strong protection for clients who are unable or unwilling to pay. MOWAA strongly supports all of these provisions.

This Association has also been on record as supporting giving increased flexibility to States and localities to move nutrition services monies where they are most needed. The legislation accomplishes this by increasing to fifty percent the amount of funds that can be transferred between congregate and home-delivered meals. Additionally, we have also advocated for simplification of the so-called "USDA per meal reimbursement," and the bill achieves that goal by essentially eliminating a reimbursement "rate" and basing allocations on the actual number of meals served in the previous fiscal year. We support both these provisions.

Again, the Meals On Wheels Association of America supports the draft legislation, a reauthorization bill that we believe is forward-looking at the same time that it preserves the fundamental principles on which the Act was created. Committee approval would be a strong and important step forward in the legislative process, and we sincerely hope that you will vote to report a bipartisan bill to the full Senate on July 19. Additionally, we hope all your colleagues in the Senate, and those in the House as well, will recognize the significance of what the Committee has done and commit themselves to continuing to work on a bipartisan basis to enact an Older Americans Act reauthorization in the 106th Congress. Our Nation's seniors deserve no less.

Sincerely,
RICHARD LIPNER,
President.

GENERATIONS UNITED,
Washington, DC, July 18, 2000.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: Generations United (GU) supports the draft version of the Older Americans Act that will be marked-up on July 19, 2000. Generations United believes that it is important that the Older Americans Act be re-authorized this year. We applaud the efforts of Senators Jeffords, Kennedy, DeWine, and Mikulski to reach a compromise.

This version includes the National Family Caregiver Support Program, which Generations United has long supported. The Program provides valuable assistance to caregivers, including older adult caregivers and grandparents who are raising grandchildren. The number of grandparents raising their grandchildren has steadily increased in recent years. These caregivers face an emotional and financial toll that is often unforeseen. We believe that they merit support under the Older Americans Act.

Generations United is the national membership organization focused solely on promoting intergenerational strategies, programs, and public policies. GU represents more than 185 national, state, and local organizations and individuals representing more than 70 million Americans and is the only national organization advocating for the mutual well-being of children, youth, and the elderly. Since 1986, Generations United has served as a resource for educating policymakers and the public about the economic, social, and personal imperatives of intergenerational cooperation. GU acts as a catalyst for stimulating collaboration between aging, children, and youth organizations providing a forum to explore areas of common ground while celebrating the richness of each generation.

We urge you to support the draft Older Americans Act that is being presented on Wednesday.

Sincerely,
GENERATIONS UNITED.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 18, 2000.
Hon. EDWARD M. KENNEDY,
Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I wanted to take this opportunity to commend you for your outstanding leadership that you and Senators Jeffords, DeWine and Mikulski have provided in seeking to reauthorize the Older Americans Act (OAA). The Administration strongly supports the OAA bipartisan compromise developed by you and your staff, and urges quick and unanimous Committee approval of this vital legislation.

We are extremely grateful that your compromise includes the National Family Caregiver Support Program. This is a key Administration priority that will help hundreds of thousands of family members who are struggling to care for their older loved ones who are ill or who have disabilities. The National Family Caregiver Support Program has gained the strong support of older persons and their family members all across the country.

We are also especially pleased that your bipartisan compromise includes many other provisions that will strengthen and improve OAA services provided to America's older persons. We support provisions to protect the targeting of service to low-income minority elders, acknowledge culturally appropriate services for Native Americans, maintain the priority for legal services, and allow cost-sharing where appropriate. The bipartisan compromise will also usher the OAA into the 21st century by providing new flexibility throughout the Act, and authorizing a White House Conference on Aging in 2005.

The reauthorization of the Older Americans Act is critically important for millions of older Americans and their families. We are most appreciative of your commitment to the OAA and look forward to working with you to secure final enactment of this legislation in the weeks ahead.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the Administration's program.

An identical letter is being sent to Senator Jeffords.

Sincerely,
DONNA E. SHALALA.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, July 18, 2000.
Hon. JAMES M. JEFFORDS,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JEFFORDS: I wanted to take this opportunity to commend the efforts of the Committee in working to address and strengthen vital legislation that enhances services to millions of older Americans. The Department of Labor appreciates the leadership of the Committee in developing this legislation and supports Committee approval of S. 1536, the "Older Americans Act Amendments of 2000."

Among a number of other things, this legislation would reauthorize and amend the Senior Community Service Employment Program (SCSEP) that is authorized under Title V of the Older Americans Act and administered by the Department of Labor. SCSEP provides part-time community service employment to low-income individuals age 55 and older. This important program provides much needed employment and income to participants, enhances the provision of community services, and promotes economic self-sufficiency by facilitating the reentry of participants into the labor force and helping them to obtain unsubsidized employment.

The amendments to SCSEP contained in this bill incorporate the key features of the Administration's proposal for reauthorization of the program that were included in S. 1203, sponsored by Senator Mikulski. While retaining the unique and complementary structure of the program under which national nonprofit agencies and organizations as well as States receive grants to operate projects, the bill also contains a number of enhancements to SCSEP.

These enhancements include the establishment of a performance accountability system that would hold each grantee accountable for attaining quality levels of performance with respect to core performance measures. These performance measures include the placement and retention of participants in unsubsidized employment, customer satisfaction of employers and participants, the number of persons served, and the community services provided. The performance measures would be designed to promote the continuous improvement of SCSEP. Failure to attain appropriate levels of performance by a grantee would lead to significant consequences, including the potential loss of part or all of the grant. The Department believes these provisions would strengthen accountability and performance under the program and make a good program even better.

The amendments would also strengthen the linkages of SCSEP with the broader workforce investment system established under the Workforce Investment Act of 1998 (WIA). SCSEP is a required partner in the One-Stop delivery system under WIA, and these amendments enhance the connections between SCSEP and WIA through provisions that would allow older individuals easier access to appropriate services under both programs and avoid duplication of services.

In addition, the amendments would improve States' ability to coordinate services to participants by enhancing the planning process relating to SCSEP programs. The bill provides for broad participation of stakeholders in the development of a plan in each State to ensure the equitable distribution of projects within the State. Other enhancements include the incorporation of fiscal accountability provisions similar to those contained in WIA, including definitions of administrative and programmatic costs and the application of uniform cost principles and administrative requirements.

The Department of Labor believes it is essential that the older Americans Act be reauthorized and enhanced. This legislation advances those objectives while authorizing important improvements to the program. We urge the Committee to approve this legislation and look forward to continuing to work with you to ensure enactment of this important reauthorization.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the Administration's program.

Sincerely,
ALEXIS M. HERMAN.

Ms. MIKULSKI. Mr. President, today I rise with great enthusiasm to support passage of the bipartisan Older Americans Act and its amendments for the year 2000.

This bill enjoys very strong bipartisan support in this institution and in the House and, I believe, among the American people. Yesterday the House passed this legislation overwhelmingly, 405–2. The Senate companion bill that we are bringing to the attention of our colleagues today already has 72 cosponsors. There is strong bipartisan, bicameral agreement to reauthorize the

Older Americans Act. It is built on the strong foundation of S. 1536 and the bipartisan compromises reached by the HELP Committee in that bill.

This legislation also has the strong support of the executive branch. President Bill Clinton's team from HHS was enormously helpful in enabling us to shape not only the reauthorization of the bill as we knew it but help create a framework for the future. The gifted Administrator on Aging, Jeanette Takamura, was tremendously helpful.

This bill is long overdue in its reauthorization. The reauthorization expired in 1995. It became bogged down for almost 5 years in prickly politics, most of which had nothing to do with how we could make sure we were effectively serving the senior population.

This year, as we moved into the 106th Congress, Senator MIKE DEWINE of Ohio and I pledged that we would do everything we could to come up with an excellent framework to meet the needs of the seniors, to not only reauthorize and rubberstamp but to look at it, to be both fiscally prudent but also to be effective with taxpayers' money. He worked very hard in doing that and worked very hard with my staff. I thank him and his staff for their collegial, cordial work on this legislation.

Of course, Senator JEFFORDS has been tremendously helpful. He enabled us to hold our hearings, to move the process forward. I personally thank him. Of course, my champ, the ranking member, Senator KENNEDY, with his very able staff, enabled us to work with the constituency groups, and so on.

So we did all the right process things. Now it is time to move the process to closure. We have had debate. We have had hearings. We have had consultations. We have consensus. Now it is time we have reauthorization. I hope today we can move expeditiously, entertain any amendments that Members would like to offer, and dispose of them in a timely way. The seniors are looking for it.

When I visit the senior centers in my own community, they say: How are you doing on the Older Americans Act? I say: We are doing fine, but the Older Americans Act is being stalled in a variety of procedural matters.

Let's remove the procedural barriers. Let's also deal with the amendments.

What I like about this legislation is that it keeps our promises to older Americans to retain and strengthen the current Older Americans Act programs, but it also provides new innovations and accountability to improve it. It will ensure that the Older Americans Act continues to meet the day-to-day needs of our country's older Americans and yet the long-range needs of an ever increasing aging population.

One of the highlights of this bill is the creation of a program called the National Family Caregiver Support Program. This recognizes the tremendous aging population, many who are left at home, many of whom rely on the primary caregiver as the American family. The American family is stepping forward to take care of older parents and at the same time being able to raise their own children.

This places tremendous stress on the family in terms of time, energy, and even finances, but, as always, the American family is up to it. The American family is ready to step forward. Often the caregiving is primarily done by women, some who have taken temp jobs, some who have taken flextime jobs, some who are juggling so many others, often to the tune of at least 20 or 40 hours a week either in their own home or going to the home of a parent.

The American family is up to it, but we have to be up to supporting the American family. Government should never be a substitute for the family, but the family should be able to rely on the Government for certain support services to enable them to be the best at caregiving and not wear out.

The National Family Caregiver Support Program will provide very important support services. It will also provide information assistance to millions of Americans who are searching for what are the best resources to help their older parent. Also, it provides for them training, counseling, and even some respite care. Even the best family can't keep at it 24–7, 52 weeks of the year.

It will also help grandparents who care for grandchildren, and, as I said, this program has strong bipartisan support.

Later I will go into the need for caregiving, why it is so important, why we need to support the families.

At the same time, though, while we look for innovation, we also maintain the core programs of the Older Americans Act. I remember when this legislation was passed in 1972, I was so excited about it, working in Baltimore's neighborhoods, that we were actually going to have programs that would come right to the community and right at the neighborhood level.

We knew the seniors needed support services. We knew they were facing loneliness. We knew they were facing poor nutrition. We knew they were often the subject of scams and fraud and a variety of kinds of abuse. As a result of what was done in 1972, we stayed the course. But now, what are the best practices, the highest use of new technologies, and so on, to accomplish this goal?

The program called Meals on Wheels changed the face of America.

Fifty volunteers, often working with nonprofits, were able to get meals into a home in order to keep people independent and at the same time keep a unique partnership between the Federal Government and nonprofits, helping people remain independent. There were people who were lonely—often widows or men who lost wives who were kind of walking around, hanging out at diners or cafes in certain areas. They needed companionship and maybe a hot meal, and they also needed a sense of purpose where they themselves would volunteer. We use the term congregate meals. What an insipid term because what we really wanted them to do is congregate with other people, to have fun and good meals and even learn some new skills which we are going to bring in with crossing the digital divide. Those nutritional programs kept people alive. My own dear mother, when she came home from an acute care facility, temporarily used that as we pitched in with the rest of the family.

We also maintain a separate and distinct title IV program for research and demonstration because we think we have to try new ideas before we create them and institutionalize them into the legislation. Innovation has always been a unique characteristic. We also talk about a White House conference in 2005. We maintain another poor program—support for transportation services. It is absolutely crucial in our own community and into rural areas. This language also requires older American services to be directed to those who need them the most. However, we acknowledged the unmet need that can exist in rural areas, so we included provisions to improve the delivery of services to older individuals in rural areas.

I congratulate Senator DEWINE, who really ensured a sensitivity to that. I represent rural counties myself. At the same time, we recognize the need to strengthen certain programs and increase accountability. The bill gives greater flexibility to transfer of funds between those congregate and home-delivered meals to the areas of greatest need. It also includes performance measures for States and private sector grantees in the Senior Community Service Employment Program. If these standards are not met and performance is not improved, other entities will get the opportunity to competitively bid for a portion or all of the original entity's grant—whatever the word "entity" means. While I believe that overall the current grantees are performing very well, these provisions will ensure that seniors get the high-quality services they deserve. We ensure accountability for not only the taxpayers' funds but the services being delivered.

So this bill strikes a good balance between recognizing the need for additional resources to support OAA programs and protecting the most vulnerable citizens and their access to services. It also authorizes the seniors to make voluntary contributions for all OAA services. It also allows States to require cost sharing for a limited number of services, such as transportation, respite care, and personal care. A long list of services is exempt from cost sharing, such as Meals on Wheels, information and assistance, and that very important ombudsman program. It also provides guidance to States and protections to help ensure that seniors are not discouraged from seeking services because of cost sharing.

I note the strong need for increased funding for the Older Americans Act programs. Very few OAA programs have seen increased funding in recent years. Yet there is a growing need for services. I support full funding for OAA and also for the new National Family Caregiver Support Program. Also, the core programs need increases in funding.

So I think this is good legislation. I think it is good authorization. I think it will provide immeasurable guidance to the appropriators for the next 3 years. This morning I say we have good legislation. We can be so proud of the bipartisan, bicameral support. This is what America wants us to do, really—focus on the day-to-day needs of our constituents, look ahead to an aging population, and come up with a fiscally prudent, service-effective framework, and get the job done. All too often in this institution, when all is said and done, more gets said than done. Today, let's stay late and get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I renew Senator DEWINE's earlier request with respect to the Older Americans Act and amend the request to include that at the conclusion or yielding back of the debate time, the bill be set aside with the votes to occur on the amendments and the bill at 5 p.m. today. I further ask consent that the time consumed thus far be deducted from the time agreement accordingly.

Mr. REID. Mr. President, reserving the right to object, I wonder if the Senator from Vermont knows and can give us assurance that that will be the first vote of the day.

Mr. JEFFORDS. I cannot give such assurance.

Mr. REID. We won't object, however. It is quite apparent that we are interested in that being the first vote.

Mr. JEFFORDS. I understand. I have no authority to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator yield for a question?

Mr. JEFFORDS. Yes.

Mr. REID. The general debate time is gone. The majority and minority used more than their allotted time. We have 4 hours under the control of the Senator from New Hampshire, and we would make it easier for staff and the parties here debating if we would explicitly determine that the time you are going to use will come off Senator GREGG's time. Otherwise, we don't have any time to be debating. Would the Senator from New Hampshire allow the Senator from Vermont to use part of his time?

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OLDER AMERICANS ACT AMENDMENTS OF 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 782) to amend the Older Americans Act of 1965 to extend authorization of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator from New Hampshire is authorized to offer two amendments to the bill with 2 hours evenly divided on each amendment.

Mr. GREGG. I yield such time as he may consume to the Senator from Vermont at this point.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate is moving to pass the Older Americans Act Amendments of 2000. This year is the 35th anniversary of the Older Americans Program. Since 1965, the act has provided a range of needed social services to our Nation's senior citizens.

It is the major vehicle for the organization and delivery of supportive and nutrition services to older persons, and it has grown and changed to meet our citizens' needs. In 1972, we created the national nutrition program; in 1978, we established a separate title for Native Americans; and in 1987, we authorized programs to prevent elder abuse and neglect.

The act has been reauthorized 12 times, most recently in 1992. Reauthorization legislation was considered in the 104th and 105th Congresses but did not pass due to controversy about a number of proposals. Now, we have the chance to pass this act and provide our elderly with desperately needed help.

The Older Americans Act programs play a vital role in all our communities. Because of the Older Americans Act, millions of nutritious meals are delivered each year to the generation that served our country in World War II. It funds the operations of senior centers and other supportive services to enhance the dignity and independence of the Nation's elders; and it provides part-time employment opportunities to tens of thousands of senior citizens.

Indeed, virtually all of our Nation's elderly are benefiting from the act. However, more could be done to help our senior citizens and their families. This is why we are here to pass the Older Americans Act Amendments of 2000. I want to commend all of the members of the Committee on Health, Education, Labor, and Pensions for their work and contributions in this effort. Senator DEWINE and Senator MIKULSKI led the way on this reauthorization effort early in this Congress. The Subcommittee on Aging held a series of seven hearings, receiving testimony from over 30 witnesses. The hearings addressed important issues, including elder abuse, supportive services, State and local views, longevity in the workplace, and long-term family caregiver programs. In March, 1999, we were very fortunate to hear testimony from Ms. Reeve Lindbergh of St. Johnsbury, Vermont. She spoke to our committee about the unacceptable problem of elder abuse which confronts some of our most fragile elders.

Then, in April, we heard from another Vermonter, Mr. John Barbour, who serves as the director of the Champlain Valley Agency on Aging, in Winooski, Vermont. He alerted the committee to changes needed in the nutritional programs outlined in title III of the act. This bill improves the Older Americans Act in several key areas. For example, it sets out specific policies objectives related to income, health, housing, long-term care, employment, retirement, and community services that will improve the lives of all older Americans. One of the most important aspects of this Act is the establishment of the Grassley-Breaux, National Family Caregiver Support Program. According to the 1994 National Long Term Care Survey, there are more than 7 million informal caregivers—including spouses, adult children, other relatives, and friends who provide day-to-day care for most of our Nation's elders.

The National Family Caregiver Program authorizes $125 million in Federal assistance to help families care for their elderly by providing a multifaceted system of supportive services, including information, assistance, counseling, and respite services. Moreover, it will help older individuals who are caring for relative children, such as their grandchildren. This program will also extend to older folks who are caring for their adult children with mental retardation and developmental disabilities. Significant changes have been made to title V which authorizes community service employment for older Americans to provide part-time community service jobs for unemployed, low-income persons 55 years old and over.

There will be 1.4 million more low-income persons over the age of 55 in the year 2005 than there were a decade earlier, and many of them will continue working. Employment obtained through this program provides these workers with needed economic support. It keeps them active and involved in their communities, and it provides them with the opportunity to make important contributions to their communities, learn new skills, and enhance their sense of dignity and self-esteem. The changes made in title V by the bill are a critical part of this legislation, because they strengthen and modernize the Senior Employment Program.

To begin, the program will now stress economic self-sufficiency and will increase the number of placements in public- and private-sector unsubsidized employment. The employment program is integrated with the Workforce Investment Act, including one-stop delivery systems and participant assessments and services, while the program itself and the administrative costs are codified. Also, under this title, a State Senior Employment Services Plan is established which provides Governors with greater influence and responsibility concerning the allocation of job slots. The newly established State plan ensures for the first time a planning process with broad participation by representatives from throughout the aging community.

Other sections have also been strengthened. It authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. This act consolidates the demonstration programs from 18 to 10 categories, including sections on violence against older Americans, rural health, computer training, and transportation. Title VI, grants to Native Americans, authorizes funds for social and nutrition services to older Indians and Native Hawaiians. It also adds a provision which authorizes funds for activities that protect the rights of the vulnerable elderly. I want to take this opportunity to acknowledge the many other individuals and organizations that have contributed to this effort. Senator KENNEDY contributed his long experience to this effort. He helped us find the middle ground and solutions to many thorny issues. Senator HUTCHINSON was especially active on these efforts to address the employment and services needs of the rural elderly.

Among the groups in the network of aging organizations, special recognition must go to the National Council of Older Americans and the National Association of State Units on Aging for their insight in proposing a compromise to the employment services program. AARP, with the leadership of Horace Deets, undertook the difficult task of seeking consensus among the many aging organizations. Green thumb tirelessly educated Members of Congress about the importance of these aging populations, especially those Members representing rural constituencies. The Leadership Council of Aging Organizations, currently being chaired by the Committee to Preserve Social Security and Medicare, provided a continuous forum for many issues to be addressed. Others contributing to this effort include the Southern Governors Association, the National Caucus on Black Aging, the National Association of Area Agencies on Aging, and Meals on Wheels. Finally, the Administration on Aging, headed by Jeanette Takamura, provided ongoing leadership and continuous expert support in strengthening these programs.

Yesterday our colleagues in the House passed the Older Americans Reauthorization Act by an overwhelming majority. In summary, S. 1536 goes a long way to improving supportive, employment, and nutritional services for the elderly. This legislation updates the Older Americans Act, making it more relevant and useful to our country's senior citizens. All of these individuals have worked hard to develop innovative strategies to strengthen and modernize the Older Americans Act, and I know that through these efforts our Nation's elders will be better served by this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. As I understand, there are 2 hours under my control.

The PRESIDING OFFICER. Both sides have 1 hour on each of the two amendments, so the Senator does have 2 hours.

AMENDMENT NO. 4343

Mr. GREGG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4343.

Mr. GREGG. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 151, strike line 1 through line 23, page 153, and insert the following:

"(d) RESPONSIBILITY TESTS.—

"(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall make an assessment of the applicant agency or State's overall responsibility to administer Federal funds.

"(2) REVIEW.—

"(A) IN GENERAL.—As part of the assessment described in paragraph (1), the Secretary shall conduct a review of the available records to assess the applicant agency or State's proven ability and history with regard to the management of other grants, including Department of Labor grants, and may consider any other information.

"(B) EXISTING GRANTEES.—As part of the assessment described in paragraph (1), any applicant agency or State who in the prior year received funds under this title shall be assessed in accordance with subparagraph (A), and particular consideration shall be given to such agency or State's proven ability to manage funds under this title.

"(C) TIME FOR REVIEW.—The Secretary shall conduct the review described in this paragraph in a timely manner to ensure that, if such agency or State is determined to be not responsible and ineligible as a grantee, any competition of funds from such agency or State who in the prior year received funds under this title will be accomplished without disruption to any employment of older individuals provided under this title. Such competition shall be performed in accordance with paragraph (7).

"(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A), (B), and (C) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

"(4) TEST.—The responsibility test shall include the following factors:

"(A) Efforts by the Secretary to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

"(B) Established fraud or criminal activity of a significant nature within the organization.

"(C) Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or investigations by the Federal Government.

"(D) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

"(E) Willful obstruction of the audit process.

"(F) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

"(G) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

"(H) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

"(I) Failure to submit required reports.

"(J) Failure to properly report and dispose of government property as instructed by the Secretary.

"(K) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

"(L) Failure to ensure that a subrecipient complies with its Office of Management and

Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

"(M) Failure to audit a subrecipient within the required period.

"(N) Final disallowed costs in excess of 2 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

"(O) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

"(5) DETERMINATION.—Applicants that are determined to be not responsible under paragraph (4), shall not be selected as a grantee, and shall not receive a grant, or be allowed to enter into a contract, to provide goods, services, or employment with funds made available under this title.

"(6) AUTHORITY TO BAR PROVIDERS.—If, after notice and an opportunity for a hearing, the Secretary determines that an applicant agency or State who in the prior year received funds under this title, is not responsible under paragraph (4), and that funds expended under such title by a recipient of a grant, directly or indirectly, by a grant to or contract with a provider to provide employment for older individuals, have not been expended in compliance with this title or a regulation issued to carry out this title, then the Secretary shall issue an order barring such provider, for a period not to exceed 5 years as specified in such order, from receiving a grant, or entering into a contract, to provide goods, services, or employment with funds made available under this title.

"(7) COMPETITION FOR FUNDS.—

"(A) IN GENERAL.—In the case of an applicant agency or State, who has in the prior year received funds under this title, and who has been determined to be not responsible under paragraph (4), the Secretary shall establish procedures to conduct a competition for the funds to carry out such project among any and all eligible entities that meet the responsibility test under paragraph (4), except that any existing grantee that is the subject of the corrective action under subsection (e) shall not be eligible to compete for such funds.

"(B) USE OF FUNDS.—The eligible applicant or State that receives the grant through the competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

"(8) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

"(9) ADDITIONAL AUDITS.—With respect to unspent funds under this title that are returned to the Department of Labor at the end of the program year, the Secretary may use such funds (not to exceed $1,000,000 annually) to provide for additional auditing and oversight activities of grantees receiving funds under this title.".

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, first, I congratulate the Senator from Ohio and the ranking member, the Senator from Maryland, for bringing this bill forward, the chairman and ranking members of the subcommittee, and also the chairman of the full committee and ranking member of the full committee, the Senators from Vermont and Massachusetts.

The Older Americans Act is a significant piece of legislation. I had the good fortune to chair this subcommittee for a number of years and worked very hard on this piece of legislation. Regrettably, at that time we were unable to pass it all the way through the Congress. Certainly, the work of the Senator from Ohio and the Senator from Maryland in getting it to this point is significant and positive for senior citizens of America.

This is a very important piece of legislation. There is no question about that. The changes made to this bill are extremely constructive to making the plan more flexible, more vibrant, more effective for our seniors and for the States in their ability to administer this program. Again, they have done an excellent job and I look forward to voting for final passage of the full bill.

There is, however, one area where I have reservations about the mechanisms in the bill which are designed to protect the money and make sure the money flows to the benefit of senior citizens. The whole object of this piece of legislation is to benefit our seniors primarily in meals programs, employment programs, and a variety of other programs. It is extremely critical that the dollars that are spent not get tied up in bureaucracy and not get abused or misused, not be subject to fraudulent activity but, rather, actually flow through the system to the benefit of seniors; in the specific area of title V, which is the employment program of the bill, that the dollars flow for the purposes of employing seniors in jobs that can be constructive for them and give them a better lifestyle. That is the purpose of this bill.

The problem, the concern, I have with the bill is that I do not believe it is strong enough in the area of enforcing the discipline in order to assure that the dollars flow through and end up benefiting the seniors of our country.

I have suggested some changes to the bill which are part of this amendment. The bill has what is known as a responsibility test in title V which essentially lays out approximately 12 different areas where the Department must review the activities of grantees in order to determine whether or not they are delivering services correctly.

Let me step back a minute and explain that there are a series of grantees under this title V proposal. One group is funded at the State level; another group is funded at the Federal level. The group funded at the Federal level is made up of a series of named agencies, specific agencies. Some of them are extraordinarily good at what they do. For example, Green Thumb does an extremely good job. Our parks department does an extremely good job. These agencies every year get what amounts to an entitlement, a specific amount of money to specifically grant to them $350 million in total which flows to each one of these agencies without any competition.

With most Federal grants, most Federal contracts, if you want to build a road or you want to start a program of social service somewhere, you want to help people out in a day-care center, you have to usually compete, go through a system of applying to the proper Federal agency and competing for that money to see if the program you are proposing makes more sense that the program somebody else is proposing. That is called good government, creating that atmosphere of competition so that different ideas come to the table.

In the area of these initiatives, I think nine agencies get the money independent of any competition. They get this money as an entitlement. It is simply a check written every year to them and they get it under the law. They don't have to compete for it. They don't have to apply for it. All they have to do is go to the Department of Labor and pick up their check.

Obviously, when you have that structure, you are bypassing one of the safeguards for making sure that the money is effectively spent and that it flows to the people who deserve it. You are bypassing the safeguard of annual competition for the funds—a fairly significant decision, by the way.

When you do bypass that safeguard, you need to put into the law something that makes sense in the area of giving the Department of Labor oversight over those dollars so the Department of Labor has the authority and the capacity to look at a grantee who has an absolute right to this money and say: Well, even though you have an absolute right to this money, Mr. or Mrs. Grantee, you have to do a better job or we are going to have to question whether you should get the money. If you don't do a better job, we will have to put you through some disciplines to get you to do a better job or, alternatively—and this is where I am really concerned—if you happen to misuse this money, if you happen to use it in a way which is totally inappropriate to the purposes of assisting seniors in getting better employment, the Department of Labor should have the authority to go in and say you can't have that money any longer. I mean, that is just logical to me. This is pure logic, as far as I see; "intuitively obvious through observation," as a professor of mine once said.

If someone is abusing the money, the Department of Labor ought to have the right to go in and reduce that grant, or maybe even eliminate the grant, take the money back and redistribute it to people who are using it effectively, such as Green Thumb.

But, under the present law, that is not the case. That type of authority really does not rest with the Department of Labor. There are procedures the Department of Labor can go through, but the complication, bureaucracy, and time limit involved in executing those procedures makes them virtually useless. As a result, there is no clear-cut way for the Department of Labor to, essentially, make accountable those agencies which presently have what amounts to an entitlement from the Department of Labor and from us, the Congress, for $350 million.

What my legislation does is try to address that issue. It tries to add to the responsibility test which is in the bill. The present responsibility test in the bill has good language, but unfortunately it does not have good enforcement and does not have the language we need in order to accomplish enforcement in any sort of reasonable timeframe. It tries to add to that language tightening elements which will make it more effective for the Department of Labor.

Let me run through it briefly. Essentially what it does is it says: First, the grantees have to have the proven ability to do what they say they are going to do. That is reasonable. You wouldn't want someone who cannot establish that. It says if they misuse the funds—including doing lobbying or litigation against the Federal Government, which is illegal, by the way; they are not allowed to do that—if they misuse the funds and the Secretary identifies that or an independent inspector general audit identifies that or there are official inquiries of the Federal Government that identify that, that misuse of funds is cause for the Department of Labor to move and take the money back from that grantee. It does not have to, but it creates a cause that allows the Department of Labor to do that. One would think they would because why would the Department of Labor want to fund somebody who had been found by, for example, the General Accounting Office or the inspector general, to have misused funds? So that only makes sense, in my opinion.

It also tightens the disallowance. Under the present proceedings, you can have a 5-percent misuse of funds and still get away with it. There is law that says basically if you want to take 5 percent of your grant and misuse it, essentially you are going to get protection. We move that down to 2 percent, which I think seems a little more reasonable. Then what it says is, if there is a grantee who has misused funds, who has been found by the Department of Labor or the IG or the GAO, some group that has the imprimatur of authority of the Federal Government—if that group determines there has been a misuse of funds and revokes the grant, then the dollars get rebid. The dollars flow back into the pool, the pot; they are not lost. They go back into title V and they get rebid.

For example, if one of the nine grantees were found to be acting inappropriately, misusing funds—inappropriateness doesn't lose your funds but misusing funds, fraudulently using funds, that grantee loses its funds—that money would go back in the pool and logically somebody such as Green Thumb or some other agency which has a respectable track record and knows what they are doing and has not been using the money for inappropriate activities and has been getting the money out to the senior citizens would have the right to compete to get those dollars. That is the theme of this amendment: good government, it is called; a good government amendment.

Why do we need it? We need it because we have an example of one of these agencies that gets an entitlement acting in a way which essentially has been a misuse of funds. Yet there has been no way to remove that agency from the list of those who get an entitlement. This agency is, today, called the National Senior Citizens Education and Research Center. It used to be known as the National Council of Senior Citizens. I think it is important to review the things this group has done with these tax dollars which have flowed to it for the purposes of helping seniors, and have turned out to be doing a lot less than that. In fact, they have been found by innumerable Federal reviews to have actually been misusing those funds in a way that is significant.

This is not a small agency. This agency every year gets $64 million in tax money written to it as a check, as an entitlement—$64 million. That is a lot of money to be flowing to an agency without any competition, without any oversight in the sense it has to justify how it uses those dollars or, when it does have to justify them, actually has to produce a result, as we will see from what they have actually done as an agency. So it is not small dollars.

The IG took a number of looks at this. I think it is important to review what the IG has found. The IG found this grantee has misused over $10 million of Federal taxes since 1992—$10 million. In an audit in 1992–1994—and remember, the IG does not audit every year, so it could have been more. Who knows? But from an audit in 1992–1994, they questioned $5.8 million of direct costs claimed by the National Council of Senior Citizens as not allowable under OMB regulations. These regulations are regulations the Department did not enforce: $3.8 million for health insurance refunds that it received from insurers providing health coverage for seniors participating in the JOBS Program.

This may seem to be a worthy endeavor, purchasing health insurance for seniors. It is. But the IG found the National Council of Senior Citizens paid premiums out of its DOL account but received refunds based on favorable claim experiences and, instead of using the refunds to offset the earlier charges to the DOL grant, the National Council of Senior Citizens essentially pocketed the money. Under the Federal regulation, Circular A–122 of the OMB, the refund should have been credited directly to the costs of the program. But they were not: $1.1 million of direct costs were questioned in 1992 and 1994 because the National Council of Senior Citizens charged its DOL grant the cost of incurring the administration for this health insurance program on which they got the refunds.

Here is a clever little scheme. They charged a fee to the insurer and claimed the fee for administering the plan was membership promotion income. The fee should have gone to reduce the DOL grant cost as required under the circular I just cited. But, instead, the money went into—where? The National Council of Senior Citizens' pockets. We will later get to what that money went to and, believe me, it was not senior citizens. It is very interesting where this money ended up. This trail leads down some very interesting roads.

Mr. President, $580,000 of the $850,000 total general liability insurance cost was also questioned during the 1992–1994 audit as being an arm's length transaction because the insurance company shared the same management as the personnel of the National Council of Senior Citizens, and it was not competitively bid. In other words, the National Council of Senior Citizens was hiring its leadership to run an insurance company to insure its programs. That has a very suspicious note to it, I would think, under any program. It is a very disturbing finding by the audit.

This very disturbing finding by the audit was that the liability company, which was being run by the National Council of Senior Citizens, appeared to be related almost entirely to the National Council of Senior Citizens and its affiliated entities. Many of the insurance company board members were members of the National Council of Senior Citizens' executive management group.

This is not my information, by the way. This is information found by the IG. The IG found this liability insurance to not be an arm's length transaction, and the DOL, Department of Labor, has even concluded that all of the costs of the policy should be disallowed.

So you have what appears to be a sham contract, not an arm's length contract, for $850,000 that was not even competed out. The Department of Labor has agreed with the bulk of these findings from the 1992–1994 audit and has issued a final determination that requires the National Council of Senior Citizens to repay millions of dollars in questionable funds. Has the agency repaid these funds? No, it has not. In fact, they have appealed the administrative law judge decision, and are currently in a discovery process.

Then there is, of course, the fact that they will probably go to Federal court, all the time keeping these funds which are so clearly being misused.

Believe me, they are not running to benefit any senior citizen who is trying to get a job under this program.

All during this process, they have been running this sham operation—that is my term; "it is not an arm's length transaction" was the IG's term—all during this process they have been receiving $64 million a year every year, just being paid out.

There are other items about this organization that are working their way through the Department of Labor which are showing there are even more serious issues and significant problems.

An IG report reviewing the 1995 funds—remember, the ones I was talking about reviewed 1992 to 1994—finds identical violations—identical violations. In other words, after they have already been found to have violated the rules of the Department of Labor, the rules of the Office of Management and Budget, and the rules of objectivity, identical violations were committed in 1995, and it was recommended $2.8 million be disallowed.

There are still other audits reviewing 1996 and part of 1997 that call into question approximately $2.7 million. This grantee has simply not, under any reasonable test, been administering these funds in a responsible way. It has been misusing these funds.

As if these types of findings are not bad enough, there is another audit from the IG dated April 24, 1998—fairly recently—which exposes a $6.1 million slush fund at the National Council of Senior Citizens maintained for over 14 years. This fund, which they euphemistically call a contingency fund, was set up in 1984 with $3.7 million in Federal funds to provide financial assistance to enrollees "in case the JOBS Program had been terminated by the Congress or the administration." In other words, they set up a slush fund, the purpose of which was to continue the program in case Congress, by some decision, decided the program was not any good. In other words, they were going to be an extraordinary form of government. We now do not have three branches of Government, we have a fourth over here. It is called the National Council of Senior Citizens which had decided even if Congress determined, which it has not and which it will not, that title V did not make sense, they were going to continue to run title V with tax dollars. That is a new form of government in our midst.

The program was not terminated, of course. It has continued. It will continue as far as the eye can see because it is a program which, on balance, has worked extraordinarily well for our seniors.

Has the slush fund been terminated which was set up in 1984 in case there was a contingency that this program might be terminated? Has that slush fund been terminated? No, it has not. The IG found it. After the IG discovered the fund, by then the money had been transferred to a trust fund. It recommended the money be returned to the Treasury, but the National Council of Senior Citizens filed a lawsuit in Federal court saying they should be able to keep the money.

This is unacceptable. It should be unacceptable to all of us. Anybody who is interested in good government should say, on the face of it, this is an unacceptable action by somebody who is using our Federal dollars in trust for the purposes of helping seniors get jobs.

Many of the grantees who participate in these programs, even the entitlement grantees—in fact, all the entitlement grantees—do so with the understanding that they have local and community organizations; they basically take the money from the Federal Government under this entitlement, and they funnel it out to the local community organizations which then manage the money and the people they administer. Green Thumb is a classic example of this. Urban League and ARP are other examples. This is a very legitimate, good way to do it. They have a national organization and send it out to the local organization. That is the concept behind this.

This is why we had, I presume, although I do not know, the original nine grantees. I hope nine is right. Nine grantees were picked because they were national but they had local organizations or they at least represented they would.

The National Council of Senior Citizens does not. It does not have local affiliates. Instead, they function exclusively as a middleman program. They subcontract the services and the job placement out to other nonprofit organizations in States. They do not have a unique expertise to bring to the table. They are simply an intermediary.

In their case, they are an intermediary which takes a fair amount of the money and keeps it here in Washington, as it would appear, under their insurance program to benefit an insurance company with which it is affiliated, in the sense its membership is the same membership as the National Council of Senior Citizens group, and that it creates a slush fund with the money, and that the IG in 1992, 1993, 1994, 1995, 1996, 1997, and 1998 found in violation of the rules of the Department of Labor and the Office of Management and Budget.

One has to wonder why we need such a middleman. Would it not make more sense, if we are going to have these entitlement programs, if we at least send them to people who are using the money to benefit seniors and give them jobs, such as the Urban League, ARP, or Green Thumb, and let them compete for it.

There is something equally disturbing about this organization because, as I said earlier, where did this money go? What were they doing? It is my understanding that at one point almost 90 percent of the money of this organization came from this entitlement, and even today this entitlement makes up a huge amount of their funds. So shouldn't they be basically working on senior citizens issues? You say, yes, that is right, of course.

It turns out that a lawsuit in New York City involving the Teamsters Union and the illegal use of cash in the electoral process for the president of the Teamsters Union, which some may remember involved transferring money from the Democratic National Committee to the Teamsters Union and the Teamsters Union to the Democratic National Committee—back and forth and in and out—that in that lawsuit, lo and behold, the National Council of Senior Citizens ended up being named as an unindicted co-conspirator.

According to the scheme outlined by the Federal prosecutors in the court documents, the Teamsters allegedly funneled money illegally into the National Council of Senior Citizens, which then arranged to hire direct mailing firms whose president applied a portion of the money received to the campaign for the presidency of the Teamsters Union.

Money, of course, is fungible, but one has to presume that some of the operating dollars was being used by the National Council of Senior Citizens to float this exercise with the Teamsters Union. You explain to me why funds which are supposed to be flowing to benefit seniors getting jobs are flowing to get the president of the Teamsters Union elected president of the Teamsters Union. Explain that to us and tell us that we, as a Senate, justify allowing this to happen. It is pretty hard to explain.

Is that their only illegal campaign activity? No, it is not. In yet another instance involving the same organization, the Federal Election Commission conducted an investigation of the National Council of Senior Citizens, and as part of the complaint filed relating to the 1994 Virginia Senate race, that investigation resulted in the National Council of Senior Citizens admitting that they had violated the law, and I believe they actually paid a fine as a result of violating an election campaign law.

These election violations involved paying for publications specifically endorsing candidates, making illegal corporate advances, and coordinating activities of political candidates.

This, by the way, is an organization which gets a majority of its funding or has traditionally gotten a majority of its funding, as a result of an entitlement to tax dollars, the purpose of those tax dollars being to hire senior citizens to give them work so they can have a better lifestyle.

So one would guess that maybe—this is only a guess or a projection—maybe some of that contingency fund, otherwise known as a slush fund that the IG found was used at least potentially, because money is fungible, be exchanged with the dollars which were being used, in the FEC's opinion, in violation of campaign financing, and in opinion of the U.S. attorney for the district of New York for the purposes of being an unindicted co-conspirator in the election of the president of the Teamsters Union, who later lost his election. He won the election, but it was sort of one of those elections that was thrown out because there was so much inappropriateness about it; and he was found to have violated the law in that election as did a number of other individuals.

So this organization has a pretty sour—and "poor" would be generous—track record on the management and use of the funds which flowed to it as an entitlement under title V.

Does my language specifically say this organization gets defunded? No, it does not. I would certainly hope there would be a conclusion by the Department of Labor that this sort of action was intolerable and that tax dollars should not be used in this way. They should not be used to create slush funds. They should not be used to fund liability in health insurance corporations which are closely connected to the management of the group that is paying for them. They should not be used in a mismanaged way, as the IG has found. I would certainly hope that.

But my amendment does not specifically say the National Council of Senior Citizens, which has now been renamed—I always forget its new name, but I guess it is changing its name again anyway. It changes its name a lot. I can't, quite honestly, understand why they did that. They are going to change its name again and are going to be absorbed into the AFL-CIO, which is the original creator of the organization.

The National Senior Citizens Education and Research Center —the National Council of Senior Citizens—which will soon be an AFL arm, that the organization should lose its funding and that those funds should be made available to other agencies which are doing the job right, does my amendment say that has to happen? No, it does not.

What my amendment says is this. I will run through it. Basically, it boils down to saying we should manage these Federal resources in the way they are intended; that we should manage them for the purposes of giving senior citizens jobs, and making sure the people who are responsible for giving them jobs are responsible organizations. That is essentially what my amendment does.

Let me run through the specifics so people understand this is a reasonably benign amendment. I do not know why it has been resisted. I find the resistance, in light of what the National Council of Senior Citizens has done—in fact, we have a track record of an agency that has clearly misused funds—highly inappropriate.

But in the first part of my amendment, basically, I take the responsibility tests section of the present bill, and I add to them language which says, first, there must be proven ability of the agency which is getting these entitlement dollars from the Federal Government to do the job of delivering a senior citizen employment program. There is nothing unreasonable about that.

Second, we say the Secretary must do a timely review of each agency to determine that they have the capacity to do the job they claim they are going to do.

There is a problem here in that sometimes these——

The PRESIDING OFFICER. Will the Senator suspend?

We have an order to go to morning business until noon.

Mr. GREGG. I ask unanimous consent——

The PRESIDING OFFICER. What is the request?

Mr. GREGG. I ask unanimous consent that I be allowed to continue under this bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I say to my friend from New Hampshire, we have had a number of people lined up since yesterday to speak in this period of time.

Does the Senator have an idea how long he wants to speak on his statement?

Mr. GREGG. My statement will go for about another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair, and I especially thank the Senator from Nevada for his courtesy in allowing me to proceed.

Anyway, the first section goes to requiring proven ability.

The second section requires that there be timely reviews and that there be no disruption of service. In other words, I do not want seniors losing their jobs because the agency has come in and said that somebody has been misusing their funds.

Thirdly, we make it clear that in three major areas if you are found to be in violation of the responsibility test, you lose your funding if the Department of Labor decides to do that.

The first two are already in the bill: fraud and debts after three demand letters. The third one, which I am putting in, is:

> Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or [audits] by the Federal Government.

In addition, as I mentioned earlier, we basically lower the hold harmless from 5 percent to 2 percent.

Lastly—and I think equally importantly—we put in a competition clause so if it is determined that one of these agencies does not qualify, is misusing funds, or has acted fraudulently, then the funds can be competed out.

We also make it clear that the Department of Labor can use some of the extra money which they retained from this program for the purposes of auditing programs to make sure they are being done correctly.

The important point here is this. I am not suggesting anything radical. I am not suggesting anything even remotely outrageous or excessive. All I am saying is, let's, under this responsibility test, have some teeth. Let's make it possible for the Department of Labor to come in, and when they find that a group has been acting inappropriately with these funds, misusing these funds, let's give them the authority they need to take action. They may not take action, but let's at least give them the authority to do that.

Under the present responsibility test, and the time constraints, and the bureaucracy, it is 3 years, at a minimum, before they could take action—3 years for the National Council of Senior Citizens; that is $64 million a year, almost $200 million of taxpayer money being misused.

We have already had audits which establish beyond a question that one agency has acted inappropriately and has misused the funds. It is appropriate we give the Department of Labor the authority to act, so if they determine that, they can take action to make sure the money ends up where it is supposed to be, which is in the pockets of seniors who deserve to have jobs and need those jobs for a better lifestyle.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask my colleagues to bear with me. I have two unanimous consent requests that have been cleared on both sides.

CARDIAC ARREST SURVIVAL ACT OF 2000

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 572, H.R. 2498.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4344

Mr. JEFFORDS. Mr. President, Senator FRIST has an amendment at the desk, and I ask for its consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. FRIST, for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, Mrs. MURRAY, Mr. GORTON, and Mr. GRAHAM, proposes an amendment numbered 4344.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4344) was agreed to.

Mr. FRIST. Mr. President, I am pleased the Senate has passed, H.R. 2498, the Public Health Improvement Act of 2000, a bill which combines a number of critical bills improving the health of our citizens.

Title I of this measure contains a bill which passed the Senate Health, Education and Pensions Committee on June 14, 2000, the Public Health Threats and Emergencies Act of 2000. This important legislation, which I drafted with my colleague, Senator KENNEDY, is the culmination of three hearings and forums and a GAO report over the last two years which demonstrated the need to improve our public health infrastructure and address the growing threats of antimicrobial resistance and bioterrorism.

The conclusion is clear: we need to improve our public health infrastructure to be able to respond in a timely and effective manner to these and other threats. For too long, we have not provided adequate funding to maintain and improve the core capacities of our nation's public health infrastructure. As the GAO report found, many State and local public health agencies lack even the basic equipment of a fax machine or answering machine to assist in their work and improve communications.

Besides improving our core public health capacity, this Act addresses two specific problems faced by the nation: antimicrobial resistance and bioterrorism.

The first, antimicrobial resistance is a growing public health problem. As a heart and lung transplant surgeon, I know all too well that the most common cause of death after the transplantation of a heart or lung is not rejection, but infection. One hundred percent of transplantation patients get infections following surgery. Infection is the most common complication following surgery, the leading cause for rehopitalization, and the most expensive aspect of treatment post-transplantation. Antibiotics are a mainstay of treatment, yet we are seeing increasingly resistant bacteria which are not killed by most first-line antimicrobials.

The second issue addressed by this act, bioterrorism, poses a significant threat to our country's strategic well-being. As a nation we are presently more vulnerable to bioweapons than other more traditional means of warfare. Bioweapons pose considerable challenges, different from those of standard terrorist devices, including chemical weapons.

The mere term "bioweapon" invokes visions of immense human pain and suffering and mass casualties. Pound for pound, ounce for ounce, bioagents represent one of the most lethal, but also covert, weapons of mass destruction known. Victims of a covert bioterrorist attack do not necessarily develop symptoms upon exposure to the bioagent as the onset may be delayed for days after the bioweapon is dispersed.

As a result, exposed individuals will likely show up in emergency rooms, physician offices, or clinics with nondescript symptoms or ones that mimic the common cold or flu. Physicians and other health care providers will likely not attribute these symptoms to a bioweapon. If the bioagent is communicable, such as small pox, many more people may be infected in the interim, including our health care workers. As Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County pointed out in our hearing on bioterrorism, "many localities are on their own for the first 24 to 48 hours after an attack before Federal assistance can arrive and be operational. This is the critical time for preventing mass casualties."

If experts are correct in their belief that a major bioterrorist attack is a virtual certainty, then it is no longer a question of "if" but rather "when". In fact, my home town of Nashville last year joined an ever-increasing number of cities to receive and respond to a package suspected to contain anthrax. Thankfully, this was a hoax.

The Public Health Threats and Emergencies Act provides greater resources and coordination to improve our public health infrastructure and bolster our preparedness against antimicrobial resistance and bioterrorism.

To strengthen public health infrastructure's ability to fulfill its core functions and respond to emerging threats and emergencies, the bill authorizes the establishment of voluntary performance goals for public health systems, grants to public health agencies for assessments and core capacity building, and funding to rebuild and remodel the facilities of the Centers for Disease Control and Prevention, CDC.

To combat antimicrobial resistance, the bill authorizes a task force to coordinate Federal programs related to antimicrobial resistance and to improve public education on antimicrobial resistance; National Institutes of Health (NIH) research into new therapeutics against and improved diagnostics for resistant pathogens; and grants to detect, monitor, and combat antimicrobial resistance.

To prevent and respond to bioterrorism, the bill authorizes: two interdepartmental task forces to address the joint issues of research needs and the public health and medical consequences of bioterrorism; NIH and CDC research on the epidemiology of bioweapons and the development of new vaccines or therapeutics for bioweapons; and grants to improve the ability of public health agencies, hospitals, and health care facilities to detect, diagnose, and respond to bioterrorism.

We must act now to improve our basic capacities to address all public health threats, including antimicrobial resistance and bioterrorism. This legislation provides State and local public health agencies the necessary resources so that we better protect the health and well-being of our Nation's citizens.

The Public Health Improvement Act also improves our nation's medical research infrastructure through two bills that I co-authored: the Clinical Research Enhancement Act and the Twenty-First Century Research Laboratories Act.

As a physician, I am aware of the need to translate laboratory discoveries into advances in patient care, but I was troubled by numerous reports and analyses showing insufficient support for patient-oriented research in the United States. The "Clinical Research Enhancement Act," which I also drafted with Senator KENNEDY, addresses this issue by establishing intramural and extramural clinical research fellowship programs and a continuing education clinical research training program at the NIH. In addition, the bill provides grants for the establishment of general clinical research centers, which provide the infrastructure for clinical research, including clinical training and career enhancement.

The "Twenty-First Century Research Laboratories Act," which I drafted with Senator HARKIN improves our research infrastructure that is central to our continued leadership in medical research. Unfortunately, many research facilities are outdated, and future increases in federal funding for the NIH must include support for the renovation and construction of extramural research facilities and the purchase of state-of-the-art laboratory instrumentation. To renovate biomedical and behavioral research facilities, the bill authorizes grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, including centers of excellence. In addition, it provides grants to public and non-profit private entities for the purchase of high-end, state-of-the art laboratory instrumentation.

The "Public Health Improvement Act" also includes important public health bills such as the "Cardiac Arrest Survival Act," the "Rural Access to Emergency Devices Act," the "Lupus Research Act," the "Prostate Cancer Research and Protection Act," as well as important critical pieces of legislation improving organ donation and procurement.

The "Cardiac Arrest Survival Act," which Senator GORTON introduced, allows the Secretary of HHS to make recommendations with respect to placing automated external defibrillators, AEDs, in federal building and to expand liability protection to persons or organizations who use AEDs. The "Rural Access to Emergency Devices Act," which Senator COLLINS introduced would improve access to AEDs in small communities and rural areas to boost the survival rates of individuals in those communities who suffer cardiac arrest. In many small and rural communities limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. This legislation is intended to increase access to AEDs and trained local responders for smaller towns and rural areas where those first on the scene may not be paramedics or others who would normally have AEDs. With more than 700 people dying of sudden cardiac arrest each day, up to 30 percent of which could be saved through immediate medical attention, including defibrillation and cardiopulmonary resuscitation, it is my hope this provision will lead to increased placement and use of this life saving equipment.

Senator BENNETT introduced the Lupus Research Act, to require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research and related activities of the Institute regarding lupus. Lupus is a disorder of the immune system that affects between 1,400,000 and 2,000,000 Americans. Many with the disease are either misdiagnosed or not diagnosed at all. Lupus is often life threatening and is nine times more likely to affect women than men. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed properly, the majority of lupus cases can be controlled with proper treatment. This measure will increase research into this disease so that it may be more effectively diagnosed and treated.

Title VI of the Public Health Improvement Act contains the Prostate Cancer Research and Protection Act, which I introduced last year. Each year an estimated 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related death in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until it's in its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and take steps to ensure early detection. The "Prostate Cancer" bill expands the authority of the CDC to carry out activities related to prostate cancer screening and overall awareness and surveillance of the disease. The bill also extends the authority of the NIH to conduct basic and clinical research in combating prostate cancer.

Finally, I would like to talk about provisions of great personal significance to me relating to organ procurement and donation. Last year, more than 21,000 lives were saved through transplantation in the United States. However, the demand for transplants has more than tripled in the past ten years, and 16 people die each day before they can receive a transplant. As a transplant surgeon, I can't express enough to my colleagues and the nation how important organ donation is. That is why the "Public Health Improvement Act" includes a resolution recognizing the need for increased organ and tissue donation and the important role that families play in the process. The resolution designates November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members. It encourages families to use the time of Thanksgiving, a time dedicated to spending time with one another, to discuss this critical life-saving issue among themselves so that they may make informed decisions should the occasion to donate arise. Thanksgiving is a time to reflect on our blessings, and it represents the perfect opportunity for family members to discuss this simple act that can give life to those most in need.

The bill also includes the "Organ Procurement Organization Certification Act," which was drafted by Senators COLLINS and DODD. Organ Procurement Organizations, OPOs, approach families regarding organ donation and arrange transportation of organs and transplant surgery logistics. They must currently be recertified every two years by the Health Care Financing Administration, HCFA, in order to qualify for Medicare reimbursement. This bill requires HCFA to change the standards for recertification to account for variation in the number of potential donors in a given state and extends the current certification cycle from two to four years.

Mr. President, I am pleased that the Senate has passed this bill, which represents the work of many Senators which I have mentioned in my remarks. I am thankful to all my colleagues for their support and willingness to help improve the public health of this nation. I would especially like to thank Senators JEFFORDS and KENNEDY and Representatives Tom BLILEY, MICHAEL BILIRAKIS, JOHN DINGELL and SHERROD BROWN, and their excellent staffs for all the hard work and dedication that has gone into negotiating this package of bills. I would also like to thank Mr. Bill Baird and Ms. Daphne Edwards of the Office of Senate Legislative Counsel, for their tireless work and great expertise in drafting this bill. I would like to thank my Staff Director of the Public Health Subcommittee, Anne Phelps, and my Health Advisors Dave Larson and Mary Sumpter Johnson for their work in making this bill possible. Finally, I would like to thank the many groups who have worked on the various provisions in this bill for their support, and I look forward to enactment of this bill this year.

Mr. President, I ask unanimous consent to place in the record a summary of the Public Health Improvement Act and letters of support for the Public Health Threats and Emergencies Act, which is incorporated in the Public Health Improvement Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC HEALTH IMPROVEMENT ACT OF 2000

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Most Americans live longer, healthier lives today than ever before. However, the nation also faces grave new threats that, if unmet, will imperil the extraordinary medical progress made in recent decades. These emerging threats include new or resurgent infectious diseases, dangerous microbes resistant to antibiotics, and bioterrorist attacks. The provision under this Title strengthens the nation's capacity to detect and respond to these serious public health threats by:

Improving the capacity of national, state, and local public health agencies to detect and respond effectively to infectious disease outbreaks and other public health emergencies;

Enhancing the nation's ability to detect and control the spread of disease-causing microbes that are resistant to antibiotics; and

Upgrading the nation's preparedness for the public health and medical consequences of bioterrorist attacks.

Improving the Capacity of Public Health Agencies to Combat Disease Emergencies

Drug resistant diseases such as malaria and tuberculosis continue to claim millions of lives across the world and will pose an increasing danger to this country in years to come. The recent outbreak of West Nile Fever in the Northeast is an ominous warning of emerging infectious diseases. New plagues like Ebola virus pose new threats to population around the world, including the United States.

To respond effectively to these growing threats, we must strengthen the capacity of our public health agencies to detect, diagnose, and contain infectious disease outbreaks. Many of these agencies lack the basic computer equipment to share data electronically on disease outbreaks and cannot perform simple lab tests to diagnose infections. Most agencies don't have a complete assessment of their current capacities and needs. To meet these challenges, Title I establishes grant programs to allow state and local public health agencies to:

Assess their current capacities and identify their areas of greatest need.

Upgrade the ability of public health labs to identify disease-causing microbes.

Improve and expand electronic communication networks.

Develop plans to respond to public health emergencies.

Train public health personnel.

Revitalizing Centers for Disease Control and Prevention

The mission of the federal Centers for Disease Control and Prevention (CDC) is to prevent and control disease, injury, and disability. However, most of CDC's laboratory facilities are in a state of disrepair and require immediate modernization. If nothing is done, these facilities may be severely outmatched by undiscovered biological threats encountered in the future. To better defend against and combat the public health threats of the 21st century, this bill authorizes funding to CDC for construction and renovation of facilities.

Combating Antimicrobial Resistance

The widespread use of antibiotics beginning in the 1940's provided—for the first time in history—effective treatments for infectious diseases. These miracle drugs have saved countless lives, but today they are increasingly prescribed or used inappropriately. Antibiotics that once had the power to cure dangerous infections are now often useless, because microbes have become resistant to all but the newest and most expensive drugs. Some "superbugs" are impervious to any current pharmaceutical treatment.

Resistance to antibiotics takes a heavy toll on patients across the nation. The World Health Organization (WHO) estimates that 14,000 Americans per year, or one American every 38 minutes, die from drug-resistant infections. The financial burden of antibiotic resistance is also staggering. WHO estimates that the United States spends $10 billion a year treating antibiotic-resistant infections—and this burden will grow heavier as more and more microbes become resistant. To meet the grave and growing problem of antimicrobial resistance, the provisions under Title I:

Directs HHS to conduct a nationwide campaign to educate patients and doctors about the appropriate use of antibiotics;

Authorizes HHS initiatives to monitor and contain the spread of resistant microbes;

Authorizes grants for public health agencies to combat antimicrobial resistance;

Establishes demonstration grants for hospitals and clinics to promote the judicious use of antibiotics and to control the spread of resistant infections.

Protecting the Public Health Against Bioterrorist Attacks

The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the population. An Anthrax attack could kill 10 million people. The nation must be prepared to resist these threats as vigorously if they were an invading army. To enhance the ability of the nation's public health agencies to respond to acts of bioterrorism against the civilian population, the provisions under Title I:

Establishes grants to train health care professional in recognizing and treating illnesses caused by such attacks;

Improves coordination among federal agencies to develop public health countermeasures against bioterrorism, such as stockpiles of necessary drugs; and

Reauthorizes an existing provision that allows the Secretary of HHS to protect the public health in the event of a bioterrorist attack or other disease emergency.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Clinical research is needed to translate the discoveries made in the laboratory into advances in patient care. Numerous reports and analyses have proven that there is insufficient support for patient-oriented research in the United States. Title II will address these issues by:

Establishing intramural and extramural clinical research fellowship programs and a continuing education clinical research training program at NIH.

Providing statutory authority to the Director of the National Center for Research Resources to award grants for the establishment of general clinical research centers. These centers provide the infrastructure for clinical research, including clinical training and career enhancement. The activities of the GCRCs will be expanded through the increased use of telecommunications and telemedicine.

Establishing the Mentored Patient-Oriented Research Career Development Awards. These grants support clinical investigators in the early phases of their independent careers by providing salary and other support for a period of supervised study.

Establishing the Mid-Career Investigator Awards in Patient-Oriented Research. These grants provide support for mid-career level clinicians to allow them protected time to devote to clinical research and to act as mentors for beginning clinical investigators.

Establishing the Graduate Training in Patient-Oriented Research Awards. These two-year grants provide stipend, tuition, and institutional support for individuals in advanced degree programs in clinical research.

Creating a clinical research educational loan repayment program to encourage recruitment of new clinical investigators.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

The National Institutes of Health (NIH) is the principal source of federal funding for medical research at research institutions in the United States. The infrastructure of our research institutions is central to our continued leadership in medical research, but many research facilities are outdated and inadequate. Future increases in federal funding for the NIH must include increased support for the renovation and construction of extramural research facilities and the purchase of state-of-the-art laboratory instrumentation.

To renovate biomedical and behavioral research facilities, Title III authorizes the Director of the National Center for Research Resources (NCRR) at the NIH may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, including centers of excellence. In addition, the provision under this Title would also provide grants to public and non-profit private entities for the purchase of high-end, state-of-the art laboratory instrumentation.

TITLE IV—CARDIAC ARREST SURVIVAL

More than 700 people die each day from sudden cardiac arrest, but immediate medical attention could save up to 30 percent of these victims through immediate medical response, including defibrillation and cardiopulmonary resuscitation. Title VI will increase public awareness about automated external defibrillators and encourage their use.

Part A—Recommendations for Federal Buildings

Placement of AEDs in Federal Buildings

The Secretary of HHS shall make recommendations with respect to placing automated external defibrillators (AEDs) in federal buildings that include procedures for:

Implementing appropriate nationally recognized training courses in performing CPR and in using AEDs;

Proper maintenance and testing of the devices, according to manufacturer guidelines;

Ensuring direct involvement of a licensed medical professional and coordination with EMS in the oversight of training and notification when the devices are used; and

Ensuring that the local EMS agent is notified regarding the location and type of device.

Extending Good Samaritan Protections

This legislation establishes Good Samaritan protection for any person who provides emergency medical care through the use of an AED unless the person engages in willful or wanton misconduct, gross negligence, reckless misconduct or a conscious, flagrant indifference to the rights or safety of the victim. This legislation does not supersede any existing or future law of any state.

Organizations that purchase for defibrillators are extended the same Good Samaritan protection unless they are grossly negligent or engaged in willful or wanton misconduct, if (1) they have notified local emergency personnel regarding the placement of the device; (2) the AED is properly maintained and tested in accordance with the manufacturer's guidelines; and (3) employees of the acquirer who are expected users received proper training.

Part B—Rural Access to Emergency Devices

This legislation is intended to improve access to automated external defibrillators (AEDs) in small communities and rural areas to boost the survival rates of individuals in those communities who suffer cardiac arrest. In many small and rural communities limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. This legislation is intended to increase access to AEDs and trained local responders for smaller towns and rural areas where those first on the scene may not be paramedics or others who would normally have AEDs.

Under this legislation, the Secretary of HHS, acting through the Rural Health Outreach Office of the Health Resources and Services Administration (HRSA), shall award grants to community partnerships consisting of local emergency responders, police and fire departments, hospitals and other community organizations to enable them to purchase AEDs and to provide defibrillator and basic life support training through the American Heart Association, the American Red Cross, or other national recognized training courses. The bill authorizes $25 million a year over three years for this purpose.

TITLE V—LUPUS RESEARCH AND CARE

Lupus is a disorder of the immune system that affects between 1,400,000 and 2,000,000 Americans and many more with the disease are either misdiagnosed or not diagnosed at all. Lupus is often life threatening and is nine times more likely to affect women than men. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed properly, the majority of lupus cases can be controlled with proper treatment.

Provisions under this Title would require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research and related activities of the Institute regarding lupus. Requires the Director to coordinate such activities with similar activities conducted by other national research institutes and agencies of NIH; and conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus, including research to determine the reasons underlying the elevated prevalence of the disease among African-American and other women. The provisions also creates grants for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

This year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related death in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and to take steps to ensure early detection.

The provisions under this Title expands the authority of the Centers for Disease Control and Prevention (CDC) to carry out activities related to prostate cancer screening and overall awareness and surveillance of the disease. The bill also extends the authority of the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Last year, there were almost 22,000 transplants, nearly double the roughly 13,000 transplants performed ten years ago. Unfortunately, the demand for transplants has more than tripled in the past ten years from 19,095 in 1989 to 72,255 in 1999.

Last year, 6,125 patients were removed from the OPTN waiting list due to death, an increase of over 350% in the last ten years. Moreover, since 1988, 38,574 patients have died before they could receive a transplant, and the yearly figures only continue to increase. OPOs are organizations that approach families regarding organ donation and arrange transportation of organs and transplant surgery logistics. (OPOs are not responsible for the allocation of organs.) Each state has one or two OPOs that cover non-overlapping geographic regions. Currently, OPOs must be recertified every two years by the Health Care Financing Administration (HCFA) in order to qualify for Medicare reimbursement. Because Medicare funds make up a large percentage of OPO budgets, decertification essentially shuts down an OPO.

Requires HCFA to change the standards for recertification to account for variation in the number of potential donors in a given state, extends the current certification cycle from two to four years, ensures rights of OPOs, and reinstates certification for all OPOs who were decertified in April.

The bill also recognizes the need for increased organ and tissue donation and the important role that families play in the process—noting that designation as an organ donor on a driver's license or similar instrument does not ensure donation. The provision designates Thanksgiving as a day to "Give Thanks, Give Life", and encourages families to use the time of Thanksgiving to discuss organ and tissue donation to foster informed decisions among family members if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

To address the devastating disease of Alzheimer's, the provisions under this Title would authorize NIH to establish a program to enhance clinical research relating to the treatment of individuals with Alzheimer's disease. The provisions would also provide support to clinicians for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

In an effort to develop treatment for sexually transmitted diseases, the provisions under this Title would authorize NIH to establish a program to enhance clinical research relating to the treatment and care of individuals with sexually transmitted diseases. The provisions would also provide support to promising clinicians for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

TITLE X—MISCELLANEOUS PROVISIONS

Technical amendment to the Children's Health Act of 2000 which corrects an inaccurate citation to a provision in the Code of Federal Regulations.

SEPTEMBER 21, 2000.

Re The Public Health Threats and Emergencies Act

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Senators Bill Frist and Ted Kennedy have joined in introducing a bipartisan bill that addresses a pressing issue in public health. The organizations below join in urging you to cosponsor S. 2731, "The Public Health Threats and Emergencies Act," and to support its prompt passage.

Our nation faces grave new health threats in the 21st century. New or resurgent infectious diseases, such as West Nile virus, hantavirus, and Lyme disease, are on the upswing, and the globalization of our economy makes the importation of threatening new microorganisms highly likely. An increasing number of microbes that cause serious disease have developed resistance to existing antibiotics, so that formerly treatable infections, such as staphylococcus and tuberculosis, may rapidly become incurable. In addition, our national security is directly threatened by biological weapons, such as smallpox and anthrax, which could devastate large populations if used for terrorism and mass destruction.

Our public health system, a collaboration among federal, state and local governments, who must work closely with private medical providers, bears the awesome responsibility for protecting the population from these serious threats. However, the public health system is not uniformly well prepared to detect disease outbreaks rapidly or respond to them effectively. Preparing our nation to address these threats requires revitalizing public health agencies with trained personnel, up-to-date equipment and technology, and development of new systems to monitor and respond to disease.

The Public Health Threats and Emergencies Act authorizes steps that are widely agreed to be essential to preparing for new public health threats. It enjoys bipartisan support in both the Senate and the House and the endorsement of leading experts in public health and bioterrorism. Please cosponsor S. 2731 and enable the public health system to respond effectively to deadly public health threats before they strike on a widespread basis.

Sincerely,

American College of Preventive Medicine, American Lung Association, American Public Health Association, American Society for Microbiology, American Thoracic Society, Association of American Medical Colleges, Association for Professionals in Infection Control and Epidemiology, Association of Public Health Laboratories, Association of Schools of Public Health, Association of State and Territorial Health Officials, Council of State and Territorial Epidemiologists, Food and Environment Program, Union of Concerned Scientists, Infectious Disease Society of America, National Association of Counties, National Association of County and City Health Officials, National Association of Local Boards of Health, National Association for Public Health Statistics and Information Systems, National Environmental Health Association, Partnership for Prevention, Physicians for Social Responsibility, Research! America.

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, DC, September 19, 2000.

Hon. BILL FRIST,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: The Association of American Medical Colleges strongly supports the Public Health Threats and Emergencies Act of 2000, S. 2731. The AAMC represents the nation's 125 allopathic medical schools, nearly 400 major teaching hospitals and health care systems, more than 87,000 faculty in 91 professional and scientific societies, and the nation's 67,000 medical students and 102,000 residents.

This legislation is needed to strengthen the nation's public health infrastructure and improve our preparedness at a time when we are confronted by significant threats to the health of the American people: new and re-emerging infectious diseases; increasing antimicrobial resistance, and the growing menace of bioterrorism. We must take steps now to restore and strengthen the capacity of our public health system, which has been eroded by inadequate funding. This legislation will provide the resources to revitalize our ability to respond to these public health emergencies with trained personnel, state-of-the-art equipment and technology, and the development of new systems to monitor and combat these deadly diseases. The bill also authorizes needed funding to rebuild and remodel the facilities of the Centers for Disease Control and Prevention. In addition, this bill will coordinate federal research and education efforts, and provide grants to improve the capacity of institutions to detect and respond to antimicrobial resistance and bioterrorism.

We commend you and Senator Kennedy for your leadership in sponsoring this legislation that addresses a critical set of issues affecting the health and safety of the American people, and urge the Senate to pass S. 2731 before the end of the current session.

Sincerely,

Jordan J. Cohen, M.D.

National Association of
County and City Health Officials,
Washington, DC, July 13, 2000.

Senator Bill Frist,
Subcommittee on Public Health, Health, Education, Labor, and Pensions, Committee, U.S. Senate, Washington, DC.

Dear Senator Frist: The National Association of County and City Health Officials (NACCHO) is very pleased to support S. 2731, the "Public Health Threats and Emergencies Act" that you have introduced. This groundbreaking proposal provides a vigorous and rational approach to improve our nation's public health system and its preparedness to meet the public health threats of the 21st century. You are doing a great service by recognizing that strengthening the underlying infrastructure of public health is essential to protecting the health of all Americans.

NACCHO is the organization representing the almost 3000 local public health agencies—in cities, counties and towns—that serve on the front lines in protecting and promoting the nation's health. We are extraordinarily grateful for your keen understanding of public health threats and your commitment to addressing them skillfully and constructively. NACCHO looks forward to working with you to ensure that the promise of your legislation is fulfilled. Thank you for your continuing foresight and leadership.

Sincerely,

Stephanie B.C. Bailey, MD, MSHSA,
President, NACCHO and Director of Health.

Association of Public Laboratories,
Washington, DC, August 3, 2000.

Re "Public Health Threats and Emergencies Act", S. 2731

Hon. William H. Frist,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.
Hon. Edward M. Kennedy,
U.S. Senate, Senate Russell Office Building, Washington, DC.

Dear Senators Frist and Kennedy: The Association of Public Health Laboratories (APHL) supports S. 2731 introduced June 14, 2000 to amend Title III of the Public Health Services Act for enhancing the Nation's capacity to address public health threats and emergencies. APHL is a professional association organized to promote the role and contributions of public health laboratories in support of the public health objectives of disease prevention and health promotion.

Public health laboratories represent a first line of defense in the rapid recognition and prevention of the spread of communicable diseases. These public health laboratories provide essential services for disease surveillance and prevention as well as identification of new and re-emerging infectious disease agents that threaten the public's health and welfare. Besides the 56 State and Territorial Public Health Laboratories, and the Federal (CDC) laboratories, nearly 1,000 local health departments also provide some level of direct public health laboratory services.

All sectors of the public health infrastructure (disease control and prevention, maternal and child health, environmental health, epidemiology, emergency preparedness and response) are critically linked to the local, state and federal public health laboratory "system". These public health laboratories provide early warning signals of health risks, compile data to solve outbreak investigations, and identify causes of disease to aid in treatment and prevention. This leadership, through science and through service, promotes health and quality of life by preventing and controlling disease, birth defects, disability and death resulting from interactions between people and their environment. Clearly, the nation's public health laboratories play a vital role in disease prevention programs and are central to the national public health infrastructure. The loss of these laboratories, or the diminishment of their abilities, will surely create a serious public health crisis.

As new public health challenges arise, the effectiveness of the national public health system's response will depend on the efficacy of public health laboratories. It is evident that the advent of new or re-emerging diseases and outbreaks (including West Nile Fever Virus, Hantavirus infection, HIV/AIDS, Legionellosis, Lyme Disease, antimicrobial-resistant communicable disease agents, genetic disorders, *E. coli* O157:H7 infections, environmental exposures and potential bioterrorism activities) presents a tremendous challenge to the public health system, and particularly to public health laboratories. Facing these challenges will require critical development or enhancement of the functions, responsibilities, staffing and capability of these laboratories.

The public health laboratory must maintain expertise and flexibility to investigate disease outbreaks; conduct special disease surveillance activities; determine immunity levels for a variety of vaccine preventable diseases; and to provide laboratory support as part of the state's disaster preparedness plan for response to emergencies. This includes ensuring that a well trained and equipped cadre of personnel are available to quickly respond to public health emergencies and on-going laboratory surveillance activities at the local, state and federal levels.

APHL also supports the revitalization of laboratories within the Centers for Disease Control and Prevention (CDC) as an important component of this bill as these laboratories have been, and will remain, a critical partner with state and local laboratories in disease prevention and diagnosis.

We applaud the proactive stance taken through this bill to evaluate and enhance the public health laboratories infrastructure to protect the health and welfare of our nation's population and look forward to working with you on this effort. Please fell free to contact APHL's executive director, Scott J. Becker, at 202–822–5227 as needed.

Sincerely,

Ronald L. Cada, DrPH,
President, APHL.

National Foundation for
Infectious Diseases,
Bethesda, MD, August 2, 2000.

Hon. William Frist,
U.S. Senate, Dirksen Building,
Washington, DC.

Dear Senator Frist: The National Foundation for Infectious Diseases (NFID) is a national, not-for-profit organization whose mission is professional and public education about, and support of research into the causes, treatments, and prevention of infectious diseases. I am writing on behalf of the NFID Board of Directors and Board of Trustees to endorse S. 2731, the Public Health Threats and Emergencies Act of 2000. This bill, introduced by you and Senator Kennedy, seeks to strengthen the public health infrastructure in the United States by improving surveillance, recognition, treatment, control, and prevention of infectious diseases. The bill specifically, and importantly, singles out antimicrobial resistance and bioterrorist threats, and outlines programs to address these growing public health concerns.

As you are aware, infectious diseases now are the third most common cause of death in the United States. National and global infectious diseases threats continually emerge, highlighted most recently by the epidemic of West Nile Virus in New York City last summer. However, one need look no farther than the devastating human immunodeficiency virus pandemic to recognize the vulnerability of human populations to emergent microbial pathogens. The alarming rise in antimicrobial resistance and the possibility of bioterrorist attacks upon the civilian population have increasingly captured the attention of public health officials, clinicians, legislative officials, and the general public.

It is within the context of these concerns that the NFID wholeheartedly supports the efforts taken by you and Senator Kennedy. Building the capacity to respond to natural and intentional infectious diseases threats will require substantial funding and your commitment to increase the needed support is to be lauded.

The NFID is pleased to work with you to accomplish your goals and would be happy to continue to be involved as S. 2731 moves forward. If I can be of assistance in the future, please do not hesitate to call me at (301) 656-0003 X 13 or fax at (301) 907-0878.

Sincerely yours,

William J. Martone, M.D.,
Senior Executive Director.

American Society for Microbiology,
Washington, DC, July 5, 2000.

Hon. William Frist,
U.S. Senate, Dirksen Building,
Washington, DC.

Dear Senator Frist: The American Society for Microbiology (ASM), which represents over 42,000 microbiologists and infectious disease experts, is writing to endorse S. 2731, the Public Health Threats and Emergencies Act of 2000.

The ASM applauds the initiative which you and Senator Kennedy have taken to respond to emerging public health threats, particularly the alarming trend toward antimicrobial resistance among pathogenic microorganisms. Your commitment to significantly strengthening the public health system to respond to the potential threat of bioterrorism is very reassuring for the country and the microbiological community. The Society especially commends your efforts in drafting legislation to increase needed support for the public health needs of the nation. Public Health Agency plans to address antimicrobial resistance and improve the public health infrastructure urgently require additional funding to be successful.

The ASM is pleased to work with you towards achieving this goal. The ASM would like to continue to be involved in the process as S. 2731 moves forward. Please do not hesitate to call on the ASM at anytime. We stand ready to be of assistance to you and your staff.

Sincerely,

Gail H. Cassell, Ph.D.,
Chair, Public and Scientific Affairs Board.

American Society of Tropical
Medicine and Hygiene,
Boston, MA, August 8, 2000.

Hon. William Frist,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Frist: The American Society of Tropical Medicine and Hygiene commends you and your colleague Senator Edward Kennedy for introducing S. 2731, "The Public Health Threats and Emergencies Act of 2000," legislation that will bolster the public health infrastructure and the national response to new and re-emerging health threats.

The American Society of Tropical Medicine and Hygiene is a professional society of 3,500 researchers and practitioners dedicated to the prevention and treatment of infectious and tropical infectious diseases. The collective expertise of the Society is in the areas of basic molecular science, medicine, vector control, epidemiology, and public health.

The Society believes a strong federal commitment to domestic and international research, prevention and treatment activities targeted towards infectious and tropical infectious disease, whether naturally occurring or resulting from a deliberate terrorist act, is absolutely critical to protecting our nation's health and national security interests. S. 2731 represents an important step in protecting the public from the most serious health and security threats of the 21st Century—infectious disease, antimicrobial resistance, and bioterrorism—by providing resources and the leadership mechanism across federal agencies to launch a comprehensive, coordinated attack against these killers.

The American Society of Tropical Medicine and Hygiene strongly supports S. 2731 and looks forward to working with you to advance this initiative and pursue additional prevention strategies to control these health threats from exacting a greater burden on domestic and global health.

Thank you for your ongoing efforts to address these critical public health issues.

Sincerely,

Dyann F. Wirth, Ph.D.,
Past President.

SmithKline Beecham,
Philadelphia, PA, June 20, 2000.

Hon. William Frist,
U.S. Senate,
Washington, DC.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senators Frist and Kennedy: I am writing on behalf of SmithKline Beecham to commend you upon introduction of your legislation, "The Public Health Threats and Emergencies Act", designed to address the threat of antibiotic resistance, public health emergencies and bioterrorist attacks. As emphasized this week in a new report by the World Health Organization, resistance to antibiotics is increasing rapidly, threatening to recreate the preantibiotic era when bacterial infections killed and maimed routinely.

While antibiotics are a crucial tool to fighting disease, it is important that they be prescribed judiciously. To this end, SmithKline Beecham has worked in partnership with medical and public health organizations, such as the U.S. Centers for Disease Control and Prevention, in an effort to ensure that antibiotics are prescribed appropriately, and that attention is paid to prescribing antibiotics that are most effective against the most prevalent disease-causing bacteria. We note that your bill furthers this type of activity by encouraging federal agencies and professional organizations and societies to develop and implement educational programs fostering public awareness of the threat of resistance and the prudent use of antibiotics.

America must do its part to help preserve the effectiveness of our current pharmaceutical arsenal against infection and our country must quickly develop an effective strategy against this growing public health threat. The Public Health Threats and Emergencies Act is a major step toward accomplishing this important goal. For our part, SmithKline Beecham is committed to investing heavily in state of the art approaches to new antibiotic discovery in order to have the best possible chance of combating antibiotic resistance. We feel that more needs to be done to foster research and development of new lines of defense against resistance microbes.

We look forward to working with you on this important issue. I thank you for the opportunity to comment on your bill, and applaud you for your initiative.

Sincerely,

Jean-Pierre Garnier, Ph.D.
Chief Executive Officer.

Mr. KENNEDY. Mr. President, the Public Health Improvement Act of 2000 will bring far-reaching benefits to the health of millions of Americans. I commend my colleagues, Senator Jim Jeffords and Senator Bill Frist, for their leadership in bringing this important measure to the Senate floor today. The leadership of our colleagues in the House was also essential in developing this groundbreaking bill, and I thank Representatives Tom Bliley, John Dingell, Michael Bilirakis, and Sherrod Brown for their dedication and skillful work in bringing this legislation forward.

The Act will help the nation meet many of the health challenges we face at the beginning of the 21st century. Few of these are more grave than the ominous threat of attack with a biological weapon. Like the lethal mushroom cloud of a nuclear bomb, a haze of anthrax spores released by a terrorist over one of our major cities could bring death and disease to millions of Americans. Chilling revelations from the former Soviet Union and other nations have revealed extensive and sophisticated programs to use deadly microbes as weapons of mass destruction. Just this week, we heard alarming news from Uganda about the deadly outbreak of Ebola fever. Yet viruses like Ebola were a subject of research in bioweapons programs whose aim was to make these viruses even deadlier and more contagious.

Senator Frist and I have held numerous hearings in the Public Health Subcommittee on these public health threats. Witness after witness testified that the best way to defend the nation against these deadly biological weapons threats is to strengthen the ability of public health agencies to respond at the local, state and national levels. Given the importance of these agencies in safeguarding the health of the nation, we were appalled to hear that many public health agencies are underfunded, ill-equipped and poorly prepared to respond to these modern disease threats. In this electronic era, when we can send an e-mail message from Cape Town to Cape Cod in the blink of an eye, our nation's public health agencies often lack equipment as basic as a fax machine. At a time when scientists have deciphered the entire DNA sequence of the human genetic code, many of the nation's public health laboratories cannot conduct simple genetic tests to identify deadly microbes rapidly and accurately. Yet, in a disease emergency, swift action can keep a local outbreak from becoming a national epidemic. A few lost hours can mean thousands more lost lives.

To counter the threat of infectious disease outbreaks—whether naturally occurring or resulting from bioterrorist attacks—we must strengthen our public health defenses. Expert testimony provided to our committee showed how much work needs to be done. We must begin by defining and assessing the capacities that public health agencies need to fight infectious diseases. Our bill authorizes grants to these agencies to enable them to assess their ability to respond effectively to infectious disease threats.

Once assessments have been completed, state and local public health agencies will become eligible to receive grants to strengthen their capacity to fight infectious disease threats. While only a few states that have already completed capacity assessments will be eligible for these grants in the first year of this program, more and more states will become eligible in the years to come.

Strengthening the nation's public health agencies will also assist in countering the threats posed by microbes that have become resistant to antibiotics. Not long ago, doctors were confident that most microbes could be easily treated with antibiotics. In recent years, however, this confidence has been shaken by the rise of deadly infections that cannot be cured by antibiotics. The World Health Organization estimates that 14,000 Americans die every year from drug-resistant infections, and that fighting these infections costs the United States $10 billion per year. These figures are distressing, and they are sure to become even more alarming in the future, as the number of resistant infections increases.

We must clearly do more to halt that upward spiral. If we act now to contain the spread of antibiotic resistance, we can buy enough time for new antibiotics to be developed that provide additional defenses against microbes that are becoming increasingly resistant to the current generation of drugs. This legislation supports efforts to use existing drugs more carefully, monitor drug-resistant infections more diligently, and conduct research to find the next generation of antimicrobial treatments.

The existing interagency task force on antimicrobial resistance has made a good start in tackling these problems. This group has carefully brought together federal agencies with special responsibilities in areas related to antimicrobial resistance, and has sought the advice of experts in formulating its Action Plan. Our legislation provides statutory authorization for this task force to continue its essential work. The activities already underway or planned by the task force will do much to invigorate federal efforts to fight antimicrobial resistance, and our committee will watch carefully to make sure that these promising plans are translated into effective action.

The Food and Drug Administration has a special responsibility to protect the public from the growing threat of drug-resistant microbes in our nation's food supply. Numerous scientific studies have provided compelling evidence that there is a link between the overuse of antibiotics in food animals and the alarming increase in drug-resistant microbes found in meat and poultry. The FDA deserves credit for carefully gathering information about the risk of using antibiotics in food animals. The agency now has an opportunity to act decisively on this information, by setting regulatory thresholds for the presence of drug-resistant microbes in food at levels which will protect the public health. Both consumers and producers will benefit if the nation can be assured that its food supply is safe and uncontaminated. I am sure that many members of our committee and our colleagues in Congress will pay close attention to the decisions that the FDA makes on this important issue in the months to come.

Countering emerging public health threats is only one part of this important legislation. The Act also includes important provisions to strengthen clinical research. These provisions, which the Senate approved last November as the Clinical Research Enhancement Act, will begin to reverse the alarming decline in the number of health professionals who conduct research directly related to the needs of patients. These provisions will also provide clinical researchers with the facilities they need to conduct their important work.

Numerous expert reports and analyses have proven that support for patient-oriented research is inadequate in the United States. Too often, talented health professionals are deterred from careers in clinical research because of inadequate grant funding or the extreme financial pressure of high educational debt. In addition, there are too few clinical research centers which conduct high quality patient-oriented research. The Act addresses these deficiencies by authorizing grants for clinical researchers throughout their careers, by providing relief from the education debt burden that keeps many health professionals from pursuing careers in clinical research, and by authorizing grants to establish general clinical research centers.

This legislation is not intended to single out any individual area of medical research for special study or emphasis. Instead, it provides broad support for clinical research so that clinical researchers can pursue whichever avenues of medical research have the greatest medical need or offer the most promising opportunities. In introducing and passing this legislation, it is our strong view that awards under the Act should be granted to investigators who show the greatest promise and who are conducting research of the greatest scientific or health value, regardless of the specific diseases or conditions they may be studying.

The Clinical Research Enhancement Act will bear fruit now and in the coming years as new medical advances move more rapidly from the laboratory of the researcher to the bedside of the patient. The skill and dedication of the nation's clinical researchers deserve this support, and it is long overdue.

The Act will also revitalize the nation's biomedical research facilities. Continued progress in medicine depends on modern and well-maintained research facilities—yet the nation's basic biomedical research facilities are in an alarming state of disrepair. To restore and rebuild the nation's biomedical research infrastructure, the Act incorporates the provisions originally passed in the Senate last year as the Twenty-First Century Research Laboratories Act. I commend Senator HARKIN for his leadership on these needed provisions. I also commend our colleague, Representative MICHAEL BILIRAKIS, for introducing and championing this legislation in the House.

Earlier this year, the National Science Foundation conducted a comprehensive study of the nation's research facilities. The shocking facts uncovered by the analysis demonstrate the need for this important legislation. Over 60 percent of the universities and research institutions studied by the NSF had inadequate laboratory space in the biomedical sciences. The NSF found that 5 percent of the laboratory space at the nation's research institutions is in such poor condition that it needs immediate replacement. An additional 18 percent—or 4.6 million square feet of lab space—needs major repairs and renovations. Funding for such construction has not kept pace with the significant budget increases provided to the NIH in recent years. As a result, 54 percent of all research institutions have had to defer needed construction for research and development due to insufficient funding, resulting in a backlog of more than $2.1 billion in deferred construction.

Funding from state, local and institutional sources can meet a significant proportion of this shortfall. But federal resources are needed too, to revitalize the nation's biomedical research laboratories. Under this legislation, NIH will be authorized to provide merit-based grants for construction or revitalization of essential laboratory facilities.

The Act also authorizes grants to institutions to purchase the sophisticated scientific instruments that are increasingly required to conduct top quality biomedical research. As scientists learn more and more about the fundamental processes of life, advances in research rely increasingly on complex and expensive scientific instruments. In a matter of moments, an advanced DNA sequencer can find out vital information about the genes that affect health and disease. New microscopes and imaging devices can provide snapshots inside the body or within a single cell.

The Federation of American Societies for Experimental Biology recently released a detailed survey about the needs of the nation's biomedical research institutions for scientific equipment. Over 80 percent of NIH grant recipients believed that shared scientific equipment and core facilities are essential to their research—but more than half felt that NIH's grant support is inadequate for purchases of this needed equipment. Future progress in medicine will increasingly depend on sophisticated and expensive equipment. Congress has a responsibility to accelerate this progress by providing adequate federal support for equipment.

The Act also includes the House-passed Lupus Research and Care Amendments of 2000. These provisions authorize new resources for lupus research and new programs for treating this cruel disease. Lupus disproportionately affects women, and it affects African-American women in particular.

Patients with lupus suffer a debilitating variety of symptoms that include inflammation of the joints, kidney failure, painful skin rashes, neurological impairments and many other painful conditions. While lupus is rarely fatal, it can often result in a lifetime of pain or disability for persons with the disease. There is no known cure for lupus, but the Act will advance our understanding of this disease, and provide assistance to persons who suffer from its consequences.

The Act will also improve the treatment and detection of prostate cancer, by incorporating the provisions of the Prostate Cancer Research and Prevention Act that was passed by the Senate last November. Too often, men with prostate cancer go untreated because they fail to take advantage of screening procedures that detect the early symptoms of this deadly disease. Early detection is the key to surviving prostate cancer, and these provisions will assist the efforts of the Department of Health and Human Services to promote widespread screening for this disease.

The Act also reflects the nation's commitment to improving the treatment and understanding of Alzheimer's disease and sexually transmitted diseases, by authorizing fellowships for clinical scientists conducting research in these areas. Large numbers of Americans today have friends or relatives who suffer from the terrifying loss of mental abilities brought on by Alzheimer's disease. We have made a significant investment in basic research, and we must ensure that the new treatments produced by research are brought rapidly to patients suffering from this disease. I commend my colleague from Massachusetts, Representative ED MARKEY, for introducing the Alzheimer's Clinical Research and Training Awards Act of 2000, which has been incorporated into this Act. This measure authorizes clinical research awards to health professionals for research, study and practice at centers of excellence for Alzheimer's disease research and treatment. The Act includes a similar provision to increase support for health professionals engaged in clinical research on sexually transmitted diseases, which will improve the understanding and treatment of these disorders.

Taken together, the provisions of the Public Health Improvement Act of 2000 will improve the lives of millions of Americans and help safeguard the nation's health in the years ahead. This significant legislation will help revitalize the capacity of the nation's public health agencies to respond effectively to public health emergencies, such as infectious disease outbreaks or bioterrorist attacks. It will help bridge the gap between discoveries made in the laboratory and improvements in patient care by providing new support for talented health professional to pursue careers in patient-oriented clinical research. This legislation will help rebuild the nation's laboratory infrastructure, which is in an alarming state of decay and disrepair. The Act also gives new emphasis to research into the causes and treatment of lupus, prostate cancer, Alzheimer's disease and sexually transmitted diseases. The Public Health Improvement Act of 2000 can help lay a firm foundation for more effective public health in a wide variety of areas, and I urge my colleagues to approve this much needed legislation.

AMENDING SECTION 319

Mr. FRIST. Mr. President, the Public Health Improvement Act of 2000 incorporates provisions that I originally introduced with my colleague, Senator KENNEDY, as the Public Health Threats and Emergencies Act. The Act reauthorizes and amends Section 319 of the Public Health Service Act. This Section reauthorizes the "Public Health Emergency Fund," from which the Secretary of Health and Human Services may expend funds in the event of a public health emergency. The Public Health Emergency Fund is a separate and distinct fund from the existing Public Health and Social Services Emergency Fund, which is now used to fund other programs within the Department of Health and Human Services. It is our intent that the provisions of Section 319 of the Public Health Service Act apply to the Public Health Emergency Fund, and not to the Public Health and Social Services Emergency Fund.

Since public health emergencies may present unanticipated costs, the sponsors of the Act did not specify a dollar amount in authorizing appropriations for the Public Health Emergency Fund. However, we believe that a fund should exist from which expenditures can be made in the event of a public health emergency and appropriations made accordingly, so that monies need not be diverted from existing programs when emergencies arise, as is often now the case.

Mr. KENNEDY. I thank my colleague, Senator FRIST, for his thoughtful remarks regarding the Public Health Threats and Emergencies Act, and I agree with them strongly.

WEAPONS OF MASS DESTRUCTION

Mr. SESSIONS. Mr. President, I would like to engage the distinguished Senator from Tennessee in a brief colloquy to clarify language in the Public Health Improvement Act of 2000 as it pertains to public health countermeasures to a bio-terrorist attack.

I commend my colleague for bringing such an important measure to the Senate floor. His legislation addresses several weaknesses that persist today in the pre-crisis and consequence management phases of an attack by a terrorist using a weapon of mass destruction, WMD. Since the end of the cold war, our nation has strived to address how we might cope with an event the likes of which we have never seen on our soil; an event that could easily produce thousands of civilian casualties. To this end the government has taken some steps to train responders, provide them needed equipment, and in rare cases created exercises to test systems and response capabilities. The nation is making strides, and government is spending billions on all sorts of related programs. Yet, I think we remain adrift and ill-prepared to address both the cause and effect of a WMD event, particularly one involving a biological weapon.

American's Public Health system is second to none. It has the inherent capacity to thoroughly plan, properly train, and expertly execute tasks associated with a crisis. My colleague's experience in the field of medicine takes the need for planning and training for a bio-terrorist event to the next level by requiring the establishment of two interagency working groups. Each is designed to bring the expertise resident in the government today forward in a constructive manner which will allow agencies to set in motion processes that will result in increased planning, preparedness and most importantly response.

One of the failures of WMD programs found elsewhere in the nation and elsewhere in the government is the unnecessary proliferation of new bureaucracies created to manage new programs, grants, and training programs at the expense of producing qualified graduates. Therefore, I believe in this instance that it is extremely important to use existing Public Health Service training facilities, particularly those with WMD training programs in place whenever practical to respond to the training needs of medical professionals outlined in this legislation. Does the Senator from Tennessee agree that these PHS facilities, which already have the infrastructure in place to implement weapons of mass destruction training and related activities, should be considered as an eligible applicant of any grants or new training initiatives initiated by the Secretary?

Mr. FRIST. The Senator from Alabama is correct. Using current facilities and training programs would provide our health care professionals the most efficient way of training as many medical personnel as possible in the shortest amount of time.

Mr. SESSIONS. Mr. President, I would like to thank my colleague for his hard work on this issue. I, too, look forward to working with my friend from Tennessee and other colleagues on this important issues.

* * *

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 2498), as amended, was read the third time and passed.

NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5178, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5178) to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, this is an important piece of legislation. Although we will not spend time on the floor debating it or talking about it, that does not take away from the significance of the needlestick bill.

I extend my appreciation to everyone on the majority side and the many people who have worked on our side for coming up with a bipartisan bill to alleviate a significant problem that nurses in America have had for many years.

Mr. President, on October 17, 1997, 28-year-old Lisa Black, a registered nurse from Reno, Nevada, was nursing a man in the terminal stages of AIDS when a needle containing his blood punctured her skin.

Today, Lisa Black is infected with Hepatitis C and HIV.

She must take 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of Hepatitis C.

Karen Daley, a nurse for over 20 years and President of the Massachusetts Nurses Association, sustained a needlestick injury when she reached her gloved hand into a needle box to dispose of the needle with which she had drawn blood.

Karen Daley did everything in her power and took all the necessary precautions—including wearing gloves and following proper procedures—to reduce her risk of exposure to bloodborne pathogens. Her injury did not occur because she was careless or distracted or not paying attention to what she was doing.

Karen Daley has good reason to believe that had a safer needle and disposal system been in place at her hospital, she would not be sick today. According to the CDC, eighty percent of all needlestick injuries can be prevented through the use of safer needles.

I am pleased that today we are passing bipartisan legislation—the Needlestick Worker Safety and Prevention Act—that will help reduce the incidence of needlestick injuries and illnesses, like those sustained by Karen Daley and Lisa Black.

The Health Care Worker Safety and Prevention Act will strengthen the Occupational Safety and Health Administration's (OSHA) standard on bloodborne pathogens to encourage greater utilization of newer, safer devices in health facilities. It will require the involvement of workers who provide direct patient care in determining which safer needles and sharps to use in the workplace and a more consistent documentation of all needlestick injuries.

I would like to thank Senators KENNEDY, JEFFORDS, and ENZI as well as Representatives BALLENGER and OWENS for their commitment to this legislation. I am pleased that we were able to come together across party lines to protect the health and safety of our front-line health care workers.

Mr. KENNEDY. Mr. President, I commend Senator JEFFORDS, Senator ENZI, and Senator REID for their effective work on this important legislation. And I also commend the American Nurses Association, the American Federation of Teachers, the Service Employees International Union and the American Federation of Federal, State, County and Municipal Employees for their effective efforts in supporting it.

Needle stick protection is vitally important to health care professionals and to the many others who come in contact with them. Last year, as many as 800,000 health care professionals suffered needle stick injuries. Over 1,000 health care workers were infected with serious diseases, including HIV, Hepatitis B and Hepatitis C.

These injuries were preventable, and because of this bill, many future needle stick injuries will be prevented. The Center for Disease Prevention estimates that this bill will reduce needle stick injuries by as much as 88 percent.

But numbers alone cannot convey the human tragedy of these injuries. One of my constituents, Karen Daley of Boston, is the President of the Massachusetts Nurses Association and was a registered nurse, a job she loved and found very fulfilling. In January 1999, while on duty in an emergency room in Boston, Karen was accidentally stuck by a contaminated needle. Six months later, she tested positive for HIV and Hepatitis C. Fortunately, Karen is in reasonably good health today, although she may never again be able to practice her chosen profession of nursing.

The Needle Stick Safety and Prevention Act will help prevent tragic accidents like Karen Daley's. This bill requires employers to use, where appropriate, safety-designed needles and other sharp devices to reduce the potential transmission of disease to health care workers and patients. It is not enough to rely solely on one type of control, such as disposable needles and other equipment, when safer, appropriate medical devices are available and can be effective in reducing the risk of contaminated needle injuries.

This bill also provides that employers must establish an injury log to record the kind of devices, and the location, of all needle stick accidents. This information must be considered when determining appropriate devices to be used.

This bill strikes a critical balance between the reasoned judgment of health care professionals on patient safety and OSHA's responsibility to protect the health and safety of employees. The bill also provides that non-managerial employees and their representatives—those on the front lines of service delivery—must participate in determining the appropriate devices used in health care settings. Nothing in this bill would justify the establishment of an employer-dominated labor organization or the bypassing of a collective bargaining representative in violation of the National Labor Relations Act.

I urge all of my colleagues, on both sides of the aisle, to support this important legislation.

Mr. ENZI. Mr. President, I am extremely pleased to speak today at the passage of H.R. 5178, the Needlestick Safety and Prevention Act. By passing this bill, we ensure a safer workplace for the men and women who perform the valuable service of taking care of the people of this country. The bi-partisan nature of this bill is a testament to the importance of the problem we have addressed and the fairness and reasonableness of the solution. I want to commend the hard work of my colleagues Senators JEFFORDS, KENNEDY, and REID and their staff in crafting this solution. I also want to recognize the efforts of my House colleagues, Representatives BALLENGER and OWENS and their staff. This truly was a bipartisan and bicameral effort and it is a wonderful example of what we can accomplish when we all work together.

We came together over this bill to address the convergence of increased concern over accidental needlestick injuries in health care settings ("needlesticks" is a term used broadly, as health care workers can suffer injuries from a broad array of "sharps" used in health care settings, from needles to IV catheters to lancets) with the technological advancements made over the past decade in the many types of engineering controls that can be used in the workplace to help protect health care workers against sharps injuries. We responded to these two factors by drafting a bill that highlights the importance of using newer, safer technologies but also allows health care employers the flexibility to choose the technology that provides the best protection under the circumstances. I have further elaborated on my views on the substance of this legislation in the Joint Statement of Legislative Intent, submitted with the legislation.

The passage of this bill today is extremely significant on several levels. First and foremost, this bill will save lives because fewer health care workers will contract deadly diseases from accidental needlesticks. Almost equally as important, it will also reduce the number of health care workers who are forced to suffer the living hell of not knowing whether they contracted a deadly disease after a contaminated needlestick. The health care workers on the front lines in hospitals, clinics, and other locations are absolutely critical to this country and I hope this bill will provide some peace of mind to these individuals.

Finally, I want to reiterate the significance of the bipartisan and bicameral nature of this legislation. I believe this bill brings employers and employees together to improve safety in the workplace and I hope to be able to work with my co-sponsors and my colleagues in the House on more such measures in the future.

Mr. JEFFORDS. Mr. President, I rise today to express my gratitude and delight because of the successful outcome of a bipartisan, bicameral effort to protect the health of those who protect the health of others. I speak, of course, of our nation's health care workers, who dedicate their lives to caring for others. And I am gratified because today we have enacted legislation, the Needlestick Safety and Prevention Act, which addresses an important health issue threatening our nation's care givers.

In March of this year, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospitals. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur annually. Due to these injuries, numerous health care workers have contracted fatal or other serious viruses and diseases, including the human immunodeficiency virus, (HIV), hepatitis B, and hepatitis C.

The statistics paint a bleak picture, but there is hope. There has been an explosion of technological development, resulting in a substantial increase in the number and assortment of new, and much safer, medical devices, such as needleless systems, retractable needles, and syringes with needle guards or sheaths. The legislation that we have passed today will require employers to identify, evaluate, and make use of these devices. As a result, lives will be saved.

This bipartisan success resulted from a shared concern about this health hazard, and a shared belief of how to resolve it, among myself, and Senators ENZI, KENNEDY and REID. I must also thank our dedicated staffs, and also Representatives CASS BALLENGER, and MAJOR OWENS, and their staffs. Senators ENZI, KENNEDY, REID, and I have also worked together on a Joint Statement of Legislative Intent. I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD. I also ask unanimous consent that a letter from Charles N. Jeffress, Assistant Secretary for Occupational Safety and Health, to Senator JIM BUNNING, and a letter from Representatives BALLENGER and OWENS, addressed to me, be made a part of the RECORD.

I thank all my colleagues who have joined in helping to adopt this important legislation. It is a vital step in ensuring worker safety in health care settings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF LEGISLATIVE INTENT ON H.R. 5178

The legislation derives from the convergence of two critical circumstances which have a profound effect on the safety of health care workers in the United States. The first circumstance is the increased concern over accidental needlestick injuries in health care settings. "Needlesticks" is a term used broadly, as health care workers can suffer injuries from a broad array of "sharps" used in health care settings, from needles to IV catheters to lancets. The second circumstance is the technological advancements made over the past decade in the many types of engineering controls that can be used in the workplace to help protect health care workers against sharps injuries. Because of the convergence of these two circumstances—and because of increasing concern over the public health issue related to the spread of hepatitis C, it is appropriate to take this action at this time.

Section 1 of the Bill provides the title the "Needlestick Safety and Prevention Act." Section 2 of the bill provides the Congressional findings.

Section 3 of the bill directly modifies the Bloodborne Pathogens Standard, 29 C.F.R. §1910.1030, one of the health and safety standards promulgated by the Department of Labor's Occupational Safety and Health Administration (OSHA). The legislation builds on the most recent action taken by OSHA related to the Bloodborne Pathogens Standard—the revision in November 1999 to OSHA's Compliance Directive on Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens ("Compliance Directive").

In modifying the Bloodborne Pathogens Standard ("BBP standard") this bill makes narrowly-tailored changes to the BBP standard. It makes clear in the BBP standard the direction already provided by OSHA in its Compliance Directive: namely, that employers who have employees with occupational exposure to bloodborne pathogens must consider and, where appropriate, use effective engineering controls, including safer medical devices, in order to reduce the risk of injury from needlesticks and from other sharp medical instruments ("sharps"). This bill is not intended to change the existing application of OSHA's BBP standard to all employees who are reasonably anticipated to have occupational exposures to blood or other potentially infectious materials, including health care workers, laboratory personnel, housekeepers and waste disposal employees, among others.

The bill accomplishes this in several ways. First, the BBP standard is modified so that the definition of "engineering controls" at 29 C.F.R. §1910.1030(b) includes as additional examples of such controls, "safer medical devices, such as sharps with engineered sharps injury protections and needleless systems." Following that step, the BBP standard is amended so that both "sharps with engineered sharps injury protections" ("SESIPS") and "needleless systems" are added to the definitions of the standard.

The citing of these examples should not be considered an endorsement or preference of a specific product or assurance of a specific product's effectiveness. Rather, it is the intent of this legislation to reflect innovation and evolving technology in the marketplace, in particular development in safer medical devices such as SESIPS and needleless systems. This legislation anticipates that hospitals and other employers, in crafting their Exposure Control Plans, will adopt procedures and use devices that have been proven to reduce the risk of needlestick injuries. Employers use their Exposure Control Plans to evaluate appropriate practices and devices for reducing occupational exposure. To focus attention on the need for employers to look at changes in technology, this legislation further modifies the BBP standard by adding to the existing requirements concerning Exposure Control Plans at 29 CFR §1910.1030(c)(1)(iv). Through these modifications, employers will be required to demonstrate in the review and update of their Exposure Control Plans that their Exposure Control Plans reflect changes in technology and also that they document annually the consideration and implementation of appropriate, commercially available and effective safer medical devices.

It is through an employer's Exposure Control Plan that engineering controls, including safer medical devices, are considered and deployed in the workplace. It is not the intent of this legislation to disturb OSHA's existing determination that to the extent that specific types of devices, such as catheter securement devices or sharps destruction devices can reduce the risk of needlestick injuries, such devices could be appropriate components of an employer's comprehensive exposure control plan. OSHA expressed its understanding of and agreement with this intent in a letter to Senator Jim Bunning, dated October 13, 2000. The letter is submitted as an attachment to this joint statement.

It is also not the intent of this legislation to disturb the underlying flexible, performance-oriented nature of the Bloodborne Pathogens Standard. For example, this legislation's reference to the consideration and implementation of safer medical devices is hinged upon the "appropriateness" and the "commercial availability" of such devices. Finally, while this may be stating the obvious, it is not the intent of this legislation, nor for that matter of the current Bloodborne Pathogens Standard, for employers to implement use of any engineering control, including a safer medical device, in any situation where it may jeopardize a patient's safety, an employee's safety or where it may be medically contraindicated. Moreover, all of the affirmative defenses available to an employer under the current BBP standard remain intact with this legislation. It is not the intent of this legislation to alter OSHA's current enforcement of the BBP standard in these circumstances. Attached to this Joint Statement is a letter from Representatives Ballenger and Owens, the co-sponsors of H.R. 5178, expressing their full support for the views expressed in this statement.

The drafters are aware that some of the newer most effective technologies are more expensive than others and may create higher costs for health care facilities. Because some entities largely dependent on Medicare and/or Medicaid, such as long term care providers, will be required to comply with this legislation, we encourage the Health Care Financing Administration to examine the costs of the new technologies and consider these costs when determining Medicare reimbursement rates. Similarly, we hope that the states will examine these costs and determine whether the costs should be reflected in the Medicaid reimbursement rates.

Section 3 of the bill amends the BBP standard in two additional ways. First, it adds a requirement that in addition to the recordkeeping requirements already found in the BBP standard, employers must record percutaneous injuries from contaminated sharps in a sharps injury log. The legislation sets out the minimum information to be included in such a log, namely the type of device used, an explanation of the incident, and where the injury occurred. Employers are free to include other information should they find it helpful. However, this legislation does require that in recording the information and maintaining the log, the confidentiality of the injured employee is to be protected.

The requirement for a sharps injury log is consistent with current OSHA recordkeeping in two specific ways. First, the sharps injury log requirement does not apply to any employer who is not already required to maintain a log of occupational injuries and illnesses under 29 CFR §1904. Second, employers are not required to maintain the sharps injury logs for a period of time beyond that currently required for the OSHA 200 logs.

The sharps injury log is to be used as a tool for employers so that they may determine their high risk areas for sharps injuries and use it as a means to evaluate particular devices that may or may not be effective in reducing sharps injuries. At a House Subcommittee on Workforce Protections hearing in June, representatives of the American Hospital Association testified that many health care settings, particularly hospitals, already have in place some type of "surveillance system" for tracking needlestick and other sharps injuries. The AHA witness noted that hospitals have found this to be an effective tool to provide necessary information to help reduce such injuries.

The second way in which Section 3 amends the BBP standard is by specifying that employers must solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls. Employers are also to document this in the Exposure Control Plans. The intent of this section is simple—to involve in the selection of engineering controls those workers who are potentially exposed to needlestick injuries.

Section 4 of the legislation explains that the modifications as delineated by Section 3 of the bill can be changed by a future rulemaking by OSHA on the Bloodborne Pathogens Standard.

Finally, Section 5 of the bill directs that the modifications to the BBP standard are to be made without regard to the standard OSHA rulemaking requirements or the requirements of the Administrative Procedures Act. Admittedly, preemption of the OSHA rulemaking procedures is not an action to be undertaken lightly. Indeed, the requirements of this bill are driven by the unique circumstances surrounding this narrow and particular public health issue. Although there is no such thing as binding precedent for Congress, it is not the intent of this legislation, through the process used here, to diminish the carefully constructed requirements and procedures for OSHA rulemaking.

The legislation does prescribe, however, that the changes to the BBP standard are to be made by the Secretary of Labor and published in the Federal Register within six months of enactment and that the changes will take effect 90 days after such publication.

Submitted October 25, 2000.

James M. Jeffords, Edward M. Kennedy, Michael B. Enzi, Harry Reid.

U.S. DEPARTMENT OF LABOR, ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH,
Washington, DC, October 13, 2000.

Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: Thank you for your inquiry regarding OSHA's enforcement of the bloodborne pathogens standard and the effect of OSHA's November 1999 Compliance Directive on Enforcement Procedures on Occupational Exposure to Bloodborne Pathogens.

OSHA has long required employers to protect employees from exposure to bloodborne pathogens through the use of engineering controls, which include sharps disposal devices such as sharps destruction devices. To the extent that specific types of engineering controls such as sharps destruction devices can reduce the risk of needlestick injuries, such controls could be appropriate components of an employer's comprehensive exposure control plan. OSHA has allowed, and intends to continue to allow, employers to use sharps destruction devices to help reduce the risk of needlestick injuries in appropriate circumstances, as set forth in OSHA's November 1999 Compliance Directive.

It is my understanding that S. 3067, like the House companion bill, is entirely compatible with and closely tracks the language of OSHA's November 1999 Compliance Directive and will not change in any way OSHA's treatment of needle destruction devices or OSHA's enforcement of the bloodborne pathogens standard's obligation that employers use engineering controls.

I hope that this letter is responsive to your inquiry. Thank you for your interest in occupational safety and health.

Sincerely,

CHARLES N. JEFFRESS,
Assistant Secretary.

COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2000.

Hon. JIM M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN JEFFORDS: Thank you for your sponsorship of The Needlestick Safety and Prevention Act and for your work on this important legislation. We appreciate your sharing with us the Senate Joint Statement of Legislative Intent and want to express our full support for the views expressed in the Senate statement. We want to reiterate that it is not the intent of this legislation to alter OSHA's current enforcement of the Bloodborne Pathogens Standard.

Sincerely,

CASS BALLENGER,
Chairman, Subcommittee on Workforce Protections.
MAJOR R. OWENS,
Ranking Member, Subcommittee on Workforce Protections.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5178) was read the third time and passed.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I ask unanimous consent that following my remarks and those of Senator REID, Senator HOLLINGS be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL REFLECTIONS OF THE HON. RICHARD H. BRYAN

Mr. BRYAN. Mr. President, within the next few days, I will cast my last vote as a U.S. Senator, and by the end of this year, I will conclude 36 years of public experience.

Permit me to reflect for a moment on this experience and share with you some observations.

The last decade of the 20th century has witnessed more change than any decade in human history. When I began my Senate service in January of 1989, the world was a very different place than it is today. The Soviet Union and the United States faced off in a cold war, a cold war that dominated global politics from the end of World War II. The ancient capitals of Eastern Europe were satellite appendages of the Soviet Union. There were two Germanys and a wall divided Berlin. The economic pundits were telling us that the Japanese economic model represented the wave of the future, and it was feared that America was in decline.

All of that has changed. The Soviet Union has imploded. It no longer exists. Eastern Europe is no longer a series of satellite states of the Soviet Union, but nascent democracies are developing in most of eastern Europe. The Berlin Wall has come down. Germany is reunited. And once again, Berlin is the capital of that country. The

Japanese economy for the past decade has remained largely stagnant. And here at home, America enjoys the longest economic expansion in the Nation's history.

The way in which we live our day-to-day lives has experienced dramatic change as well, from the omnipresent cellular telephone to the advent of the Internet and the world of e-commerce.

What about the Senate, this place where we spend our working hours. It has seen much change as well: The great debate that proceeded a resolution of support for operation Desert Storm was in the finest traditions of Webster and Calhoun—many have said that this was our finest bipartisan hour—the unpleasant duty of sitting in judgment of a fellow colleague and ultimately rendering the appropriate judgment; and the awesome responsibility of determining the fate of an American President, only the second Congress in our Nation's history to be so charged.

There have been moments of inspiration as well. None of us will ever forget listening in those joint sessions of Congress to Lech Walesa, Vaclav Havel share with us their struggle to achieve democracies in their own countries. The democratic spirit may be suppressed but never extinguished.

In the history of the Senate, there have been 1,581 men and women who have served, only 23 of them from Nevada. It has been a great honor and privilege for me to be one of those and to represent the State of Nevada. How effectively I have discharged that responsibility awaits the verdict of history.

As a youngster, I dreamed of serving as Governor of my own State. It was my life goal. Serving in the Senate of the United States is like adding a little frosting to that cake.

I have thought often of my parents during these past 12 years. My father, like so many Nevadans of his generation, came from a poor family. His dream was to become a lawyer. But America was gripped in a great depression. This city and the patronage of Nevada's Congressman James Scrugham made it possible for him to achieve his goal. While attending law school in the Nation's Capital, he met my mother, a native Virginian. The following year, I was born in this city. So in a sense, I have been here before.

I spoke about change a moment ago. The Senate today is a very different institution than it was a decade ago; I fear in many respects a diminished institution. Those of us who seek election to the Senate today frequently denigrate it and seek public favor by demeaning it. This has taken a toll on the public esteem in which we are all held. A media that is appropriately critical of our shortcomings is not always able to find its voice in telling the American public of its successes. We are more partisan, more polarized than we were a decade ago. And for some, compromise has become a nasty word, forgetting our own heritage, because the Senate itself is a product of the great compromise of our Constitution—a Senate with equal representation for each State, and a House of Representatives based on population.

The role of money: Yes, it is fair to say that it has always been a factor in American politics, but today it has become too much of a dominant force. It consumes more of our time. It drives our schedule. It is a corrosive force that threatens to undermine public confidence in our institutions of government.

I believe there is a direct correlation between the decline of citizen participation in government and voting, to the public perception that politics is all about money. Most Americans feel they are excluded from this process.

Perhaps less visible to the public, the rules which have served this institution so well for decades and which govern the way in which we process legislation have broken down.

There is much that I will miss: My colleagues, who represent a broad spectrum of political views, who bring their varied experience to the Senate, dedicated men and women who labor mightily on behalf of the constituents they represent, most especially my senior colleague with whom I have worked in this body, as well as the State legislature, and on issues affecting the State of Nevada for the last 37 years.

My personal staff, both here in Washington and at home—I have simply loved our working relationship. It has been a joy for me to come to work each morning. I have appreciated their hard work, the long hours, the personal sacrifice. Nevadans have been well served by their dedication. Without their support, any success I might have had would not have been possible.

The people who make our hectic lives a little more manageable—the elevator operators, the Capitol Police, the food servers, those who staff the Cloakrooms, our floor staff and many, many others.

This building in which we work, so rich with the history of our country—there has not been a single day in the past 12 years that I have not felt a sense of awe when coming to work.

And this city, with its magnificent cathedrals of governance that serve as the guardians of the American dream—I will miss that as well.

My wife joins me this morning in the gallery of this great Chamber. Nothing I have been able to do, nothing I have been able to achieve, would have been possible without her support, her personal sacrifice, and those of our three children, Richard, Leslie, and Blair, who have all been a part of my life and a part of public service in my life. Whatever I have become, whatever I am, is largely because of their support of my efforts to pursue my own dreams and goals.

I leave the Senate with a great sense of respect for this institution, which has been so much a part of my life for the past 12 years. It is troubled in many ways, as I have said. However, none of those problems is insurmountable. If we can resist the temptation to seek momentary partisan advantage, if we can restore civility in our public discourse as we debate the great issues and policy differences of our time, if we can apply the rules that govern the process by which we conduct the Senate's business fairly to all, and if we can work together for the common good, I am confident that the future of the Senate can be as bright as the past.

Mr. President, I yield the floor for the last time.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, is recognized.

TRIBUTE TO SENATOR RICHARD BRYAN

Mr. REID. Mr. President, before my friend leaves the floor, I want to say a couple things to him and have on the record of the Senate for the remainder of time of this Republic the fact that the State of Nevada has had 23 Senators, and never in the history of the State of Nevada on any level of government have there been two elected officials who have worked more closely together than Senators BRYAN and REID.

We took the bar together in 1963. He then began service for a short period of time as a private attorney. Then he became a prosecuting attorney and then Nevada's first public defender. We went to the State legislature together in 1967 where we were known as the "gold dust twins." We were the only two freshmen in that 60-body legislature. That was the beginning of our love for the legislative process.

Senator BRYAN went on to serve, after the Nevada Assembly, in the State senate, then to serve as attorney general of the State of Nevada, as Governor of Nevada, elected twice, and then he came to Washington as a U.S. Senator. No one in the history of the State of Nevada has had such an electric and exciting political career as Senator RICHARD BRYAN. I feel so fortunate that this partnership we have developed over the years is one we both feel good about.

As strong as the partnership is of Senators REID and BRYAN, as he mentioned, the knowledge that we in Nevada have as to the relationship of Richard and Bonnie Bryan is very significant. She literally has been with him every step of the way. She was a wonderful first lady who is still talked about as to her proficiency.

It is with a great deal of sadness that occasions such as this have come since he announced his retirement. The first came when he announced at a press conference in front of his alma mater, Las Vegas High School, he wasn't going to run anymore. I shed about all the tears I could on that occasion. I don't think I have shed any tears since then publicly, but I have privately. My life will never be the same without Senator RICHARD BRYAN working with me. We have had a wonderful run. I hope that at least I can speak from his perspective that the people of the State of Nevada have benefited as a result of his service. He has done some wonderful things—helping local government in Nevada, State government in Nevada, and helping people throughout America, especially with his consumer advocacy.

So I wish there were something I could say that would translate into the love and affection and admiration I have for Senator BRYAN, but I can't do that, other than to close by acknowledging our unique friendship and the love we have for one another.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, as I understand it, I have 10 minutes as in morning business.

The PRESIDING OFFICER. That is correct.

TRIBUTE TO SENATOR RICHARD BRYAN

Mr. HOLLINGS. Mr. President, let me say that no one has really performed more distinguished service than our colleague from Nevada, RICHARD BRYAN. I have seen them all now over my 34 years. Senator BRYAN has judgment. It comes from his hard experience as a State's Governor, and it comes from a tremendous sense of history. I have always been impressed with his fascinating knowledge of historical facts, and he brings history into focus in regard to present-day realities. We are going to miss that. We are going to miss that here in the Senate. We are going to miss his charming wife Bonnie. We have worked with both of them, traveled with both of them, and they have made a magnificent contribution to the future of this country.

I have said time and again that, more than a balanced budget, what we need is balanced Senators, balanced Congressmen. If anyone is one who is really balanced in his approach to the needs of the Nation and the way we go about doing our business here in the Senate, it is RICHARD BRYAN of Nevada. I didn't realize that was what we were going to have here this morning, but I jump at the chance to say something about a distinguished Senator such as Senator BRYAN.

BUDGET FRUSTRATIONS

Mr. HOLLINGS. Mr. President, I am going to go into my frustration that, I take it, is well known. I am back almost like George Wallace some 30 years ago when he said there wasn't a dime's worth of difference. Both Republicans and Democrats pass these trade bills on the premise that they are going to create jobs in America, when the truth of the matter is they are going to create jobs outside of America. We are going to transfer the fine, good manufacturing jobs from the United States—more or less the middle class of the country—to countries offshore and to Mexico and the Caribbean. Otherwise, we constantly talk of saving Social Security—both Republicans and Democrats—when the truth of the matter is we are squandering Social Security.

I ask unanimous consent to have printed in the RECORD "Trust Funds Looted to Balance Budget."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions]

	1999	2000	2001
Social Security	855	1,009	1,175
Medicare:			
HI	154	176	198
SMI	27	34	35
Military Retirement	141	149	157
Civilian Retirement	492	522	553
Unemployment	77	85	94
Highway	28	31	34
Airport	12	13	14
Railroad Retirement	24	25	26
Other	59	62	64
Total	1,869	2,106	2,350

Mr. HOLLINGS. Mr. President, it shows that last year—the year 2000—we owed Social Security some $1.009 trillion. That is a significant figure. The year before that—1999—we owed $855 billion. But you can see it is jumping in increments of $150 billion.

These are the trust funds that we are borrowing from when they talk about surplus, because both Republicans and Democrats are talking about the surplus. Governor Bush and Vice President GORE are out on the campaign trail talking about how we are going to spend the money.

Yesterday, in USA Today, the headline was "Clinton announces record $237 billion surplus."

I ask unanimous consent that this article and headline be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLINTON ANNOUNCES RECORD $237B SURPLUS

(By Jeannine Aversa)

WASHINGTON.—Flush with tax revenue from a booming economy, the federal government posted a record $237 billion surplus for the budget year that ended Sept. 30, the Clinton administration announced Tuesday.

It marked the third straight year of surpluses, something that hasn't happened since the late 1940s. Social Security taxes provided nearly $150 billion of the surplus.

"This is the third surplus in a row—the first time our nation has done that in 51 years, since 1949, when Harry Truman was president," Clinton said on the White House South Lawn during an event to push his education initiatives.

Clinton said that in 1993, the federal deficit was $290 billion, the national debt had quadrupled in 12 years and economists predicted that this year, instead of a $237 billion surplus, the United States would have a $455 billion deficit.

Clinton then used the new surplus numbers to plug Vice President Gore's bid for the presidency. "Working together, we turned that around—not by chance, but by choice," he said. "I believe we have to first stay with what got us here—pay down the debt, strengthen the Social Security and Medicare systems . . . and we need to then seize this opportunity to take the money that's left to invest in our future, especially education."

The official announcement of the surplus came two weeks before voters elect a new president. A major point of contention between Gore and Texas Gov. George W. Bush, the Republican nominee, has been what should be done with surpluses that are projected to total $4.6 trillion over the next decade.

Bush has proposed a $1.3 trillion across-the-board tax cut; Gore has proposed smaller, targeted tax cuts and more government spending.

The government's surplus for 2000 surpassed the record of $124 billion for fiscal year 1999 and came on top of a $69.2 billion surplus in fiscal year 1998.

The surplus in 1998 marked the first time the government had managed to finish in the black since 1969.

The last time the government reported three consecutive years of surpluses was in 1947, 1948 and 1949. The record-breaking economy is in its longest-ever streak of uninterrupted growth.

Americans are enjoying plentiful jobs, low inflation—outside of the recent burst in energy prices—and rising incomes. That prosperity also is helping to generate more tax revenue, thanks to increases in both personal and corporate incomes.

Economists say low unemployment has been one of the cornerstones to the prosperity. The surging economy pulled the nation's unemployment rate back down to a three-decade low of 3.9% in September from an already low 4.1% in August.

Last month, Clinton had estimated a surplus of around $230 billion for the recently ended fiscal year, and the Congressional Budget Office was predicting $232 billion.

Revenue for fiscal year 2000 totaled $2.03 trillion, while expenditures came to $1.79 trillion, the Treasury Department and the Office of Management and Budget said.

Tax payments from individuals totaled $1 trillion, compared with $879 billion in fiscal year 1999. Payments from corporate taxes came to $207.3 billion, up from $184.7 billion.

The biggest spending categories in fiscal 2000 were:

Social Security, $441.8 billion, up from $419.8 billion in fiscal 1999.

Programs of the Health and Human Services Department, including Medicare and Medicaid, $382.6 billion, compared with $359.7 billion.

Interest on public debt, $362.1 billion, up from $353.5 billion.

Military spending, $281.2 billion, up from $261.4 billion.

Mr. HOLLINGS. Mr. President, I see our distinguished chairman of the Budget Committee here.

I ask unanimous consent to have the morning's editorial of the Washington Post entitled "Say Goodbye to the Surplus" printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAY GOODBYE TO THE SURPLUS

Congressional Republicans reached agreement yesterday on the contents of the tax cut bill they intend to send the president before adjourning. They suggest it's a relatively minor measure, but it's not. If it becomes law atop all the spending increases also agreed to in this session, Congress and the president will have used up, before the election, well over a third of the projected budget surplus—the $2.2 trillion over 10 years in other than Social Security funds—that the presidential candidates are so busily dispensing on the campaign trail. It's an astonishing display of lack of discipline and misplaced priorities.

The president sent a letter implying that he might sign the tax bill even while objecting to major parts. He ought instead to veto it if congressional Democrats won't block it first. As with the other Republican tax cuts he vetoed earlier in the year, this would cost too much—an estimated quarter-trillion dollars over the 10 years—and too much of the money would go to the part of the population least in need.

In the name of increasing access to health care, the legislation would grant a new tax deduction to people who buy their own insurance. The deduction would mainly benefit those in the top tax brackets who tend already to be insured. The president observed that, far from increasing access, it could have the perverse effect of inducing employers to drop insurance they now maintain for their employees. Among much else, the bill would also increase the amounts that can be contributed annually to tax-favored retirement accounts, a step that by definition benefits only those who can afford to save the maximum now.

The health insurance deduction was part of the Republicans' price for the $1-an-hour increase in the minimum wage that the bill also contains. The price is too high. Also in the bill will be so-called Medicare givebacks, increases in payments to providers that the president earlier objected were tilted in favor of managed care companies already overpaid. This is on balance a bad bill dusted with confectioner's sugar and offered up at year's end on a take-it-or-leave-it basis. The right response would be to vote it down.

Mr. HOLLINGS. Mr. President, it is not goodbye to the surplus. We never had it.

I promised the distinguished Senator from New Mexico, Mr. DOMENICI, that I would jump off the Capitol dome if the so-called Balanced Budget Act balanced the budget by this year. I came close to having to buy a parachute and getting ready to jump. I really did.

There was an inordinate collection of revenues, including personal income taxes and corporate returns throughout the year. I was extremely worried and was going to have to face up to the truth to my good friend, the distinguished chairman of our Budget Committee. But I was saved by the bell with the reality that we never had a surplus.

There is no better document than this one. The Treasury news "For Immediate Release" of October 24 entitled "Joint Statements of Lawrence H. Summers, Secretary of the Treasury, and Jacob J. Lew, Director of the Office of Management and Budget on budget results for the fiscal year 2000."

Mr. HOLLINGS. Mr. President, you can see the total Federal securities, and the net transactions at the beginning of this year were $5,606.1 trillion. At the close of the month, September 30, the end of fiscal year 2000, the debt was $5,629.0 trillion. The debt increased $22.9 billion. That is not a surplus.

I ask unanimous consent to have printed in the RECORD the table of budget realities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

President and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	....
1947	34.5	−9.9	4.0	+13.9	257.1	....
1948	29.8	6.7	11.8	+5.1	252.0	....
1949	38.8	1.2	0.6	−0.6	252.6	....
1950	42.6	1.2	−3.1	−4.3	256.9	....
1951	45.5	4.5	6.1	+1.6	255.3	....
1952	67.7	2.3	−1.5	−3.8	259.1	....
1953	76.1	0.4	−6.5	−6.9	266.0	....
1954	70.9	3.6	−1.2	−4.8	270.8	....
Eisenhower:						
1955	68.4	0.6	−3.0	−3.6	274.4	....
1956	70.6	2.2	3.9	+1.7	272.7	....
1957	76.6	3.0	3.4	+0.4	272.3	....
1958	82.4	4.6	−2.8	−7.4	279.7	....
1959	92.1	−5.0	−12.8	−7.8	287.5	....
1960	92.2	3.3	0.3	−3.0	290.5	....
1961	97.7	−1.2	−3.3	−2.1	292.6	....
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
Ford:						
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
Carter:						
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.5	81.9	−221.2	−303.1	2,120.6	190.3

HOLLINGS' BUDGET REALITIES—Continued

President and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
1987	1,004.1	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.5	100.0	−155.2	−255.2	2,601.3	214.1
1989	1,143.7	114.2	−152.5	−266.7	2,868.3	240.9
Bush:						
1990	1,253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,324.4	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,381.7	113.2	−290.4	−403.6	4,002.1	292.3
1993	1,409.5	94.2	−255.1	−349.3	4,351.4	292.5
Clinton:						
1994	1,461.9	89.0	−203.3	−292.3	4,643.7	296.3
1995	1,515.8	113.3	−164.0	−277.3	4,921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5,181.9	344.0
1997	1,601.3	165.8	−22.0	−187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	−109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,788.0	259.9	237.0	−22.9	5,629.0	361.9

Mr. HOLLINGS. Mr. President, as you can see, during 1968–1969, when President Lyndon Johnson last balanced the budget, we had at that particular time a $2.9 billion surplus. We have been running deficits ever since.

I heard the litany in the debates why we had not done anything.

When this Congress started 8 years ago, as the RECORD shows, in 1992, there was a deficit of $403.6 billion. We were spending $403.6 more than we were taking in.

Under the 1993 provisions, whereby we not only cut spending but we increased taxes, including the tax on Social Security and the tax on gasoline. We reduced the Federal workforce by 300,000 employees. That got us on the road to reducing the deficit from $403.6 billion to $22.9 billion. But the debt has continued to increase, and there is no surplus. That is the point I am trying to make.

Only on last evening, in trying to renegotiate the State-Justice-Commerce bill—I don't know whether it will be included—but they wanted the statement that $240 billion shall be used to pay down the debt. Absolutely false. They transfer the debt to these trust funds that I have already listed in the RECORD with respect to Social Security, Medicare, military retirement, civilian retirement, unemployment compensation, and on down the list. They are really transferring. They are not paying down anything. There is no surplus. We have increased the debt.

The reality is that we have just created the biggest waste in the history of government.

I served on the Grace Commission against waste, fraud, and abuse. We worked very diligently and carried out about 85 percent of the recommendations of the Commission. In spite of our efforts, however, under President Reagan's so-called "voodoo" economics, the debt increased. We kept going, first under President Reagan, with a $1 trillion debt, and then a second trillion dollars, a third trillion dollars, a fourth trillion, a fifth trillion, and now the debt has grown to $5.7 trillion.

Along with that is the interest cost. Under President Johnson, when we balanced that budget, it was $16 billion. That is 200 years of history including the cost of all the wars, from the Revolutionary War, World Wars I and II, Korea, and Vietnam. It has gone from $16 billion up to $362 billion.

I ask unanimous consent that this document entitled "The Public Debt To the Penny" be printed in the RECORD and the list of interest costs be printed in the RECORD as of the day before yesterday, which is the most recent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The public debt to the penny

	Amount
Current:	
10/24/2000	$5,674,018,471,636.91
Current month:	
10/23/2000	5,670,684,446,983.21
10/20/2000	5,671,113,923,599.68
10/19/2000	5,670,716,361,031.21
10/18/2000	5,664,293,307,225.32
10/17/2000	5,664,975,939,816.81
10/16/2000	5,660,152,346,828.33
10/13/2000	5,654,691,872,296.28
10/12/2000	5,652,782,594,061.86
10/11/2000	5,660,113,029,266.52
10/10/2000	5,658,397,995,719.35
10/06/2000	5,660,786,987,693.59
10/05/2000	5,662,225,814,331.71
10/04/2000	5,653,380,479,214.62
10/03/2000	5,653,358,623,363.58
10/02/2000	5,661,548,045,674.53
Prior months:	
09/29/2000	5,674,178,209,886.86
08/31/2000	5,677,822,307,077.83
07/31/2000	5,658,807,449,906.68
06/30/2000	5,685,938,087,296.66
05/31/2000	5,647,169,888,532.25
04/28/2000	5,685,108,228,594.76
03/31/2000	5,773,391,634,682.91
02/29/2000	5,735,333,348,132.58
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior fiscal years:	
09/29/2000	5,674,178,209,886.86
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

INTEREST EXPENSE ON THE PUBLIC DEBT OUTSTANDING

The monthly Interest Expense represents the interest expense on the Public Debt Outstanding as of each month end. The interest expense on the Public Debt includes interest for Treasury notes and bonds; foreign and domestic series certificates of indebtedness, notes and bonds; Savings Bonds; as well as Government Account Series (GAS), State and Local Government series (SLGs), and other special purpose securities. Amortized discount or premium on bills, notes and bonds is also included in interest expense.

The fiscal year Interest Expense represents the total interest expense on the Public Debt Outstanding for a given fiscal year. This includes the months of October through September.

Interest Expense—Fiscal Year 2000

September	$18,230,568,576.64
August	22,180,621,064.98
July	19,332,594,012.00
June	75,884,057,388.85
May	26,802,350,934.54
April	19,878,902,328.72
March	20,889,017,596.95
February	20,778,646,308.19
January	19,689,955,250.71
December	73,267,794,917.58
November	25,690,033,589.51
October	19,373,192,333.69
Fiscal Year Total	361,997,734,302.36

Available Historical Data—Fiscal Year End

2000	361,997,734,302.36
1999	353,511,471,722.87
1998	363,823,722,920.26
1997	355,795,834,214.66
1996	343,955,076,695.15
1995	332,413,555,030.62
1994	296,277,764,246.26
1993	292,502,219,848.25
1992	292,361,073,070.74
1991	286,021,921,181.04
1990	264,852,544,615.90
1989	240,863,231,535.71

Mr. HOLLINGS. Mr. President, you can see the interest cost of $361,997,734,302.36, and on down the list.

At $1 billion a day—I will never forget the comments made by the distinguished majority leader at the time President Clinton was making his address to the joint session of Congress at the beginning of the year. He said that gentleman is costing us $1 billion a minute. The President talked for 90 minutes. Governor Bush wants to cut taxes some $90 billion. So the two of them—the Bush program and the Clinton program—are $180 billion. We are spending $362 billion on interest costs alone.

That leaves $182 billion that you can use to increase research for cancer, increase defense—defense is stretched now—and everything else.

The point is we are spending a fortune on absolutely nothing. With the profligacy of these past Congresses, the lack of awareness of the American people, and the media's failure to deliver the truth to the American public, I wanted the record to be cleared.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, do I understand I have a half hour?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Thank you, Senator HOLLINGS, for your kind remarks. I don't agree with your theory or your conclusions, but I appreciate working with you over the years. Your dedication to getting the debt under control has not gone unnoticed over the years. We had an unusual recovery with huge amounts of new taxes coming in that neither you or I expected. Society has changed, no doubt about that.

ODD GIFT OF BONDS

Mr. DOMENICI. Mr. President, today I will speak about Vice President GORE's lack of a Social Security policy. I will entitle my premise today "Odd Gift of Bonds."

Let me start by saying I found it interesting that just 2 days ago the Treasury Secretary—that is, Secretary Summers—took time out of his busy schedule to speak with reporters and go on the talk show circuit to comment on Governor Bush's Social Security proposal. Some of Secretary Summer's conclusions appeared on the front page of the Washington Post yesterday. The title was "Cabinet Opens Up On Bush." "Treasury Secretary says Social Security Math Doesn't Add Up."

I hope when I am finished some people will take a look at the Vice President's so-called Social Security plan, and maybe they will conclude, as I have, that the math does add up, but it doesn't do a thing for Social Security long term. Nothing. Zero.

It should be noted, at least while I have been here, that traditionally, Secretaries of the Treasury do not get themselves involved in political campaigns, and for good reason. Indeed, former Secretary Bob Rubin, also an appointee of this administration, stayed out of the campaign in 1996. But apparently Secretary Summers had enough time to give interviews; but he didn't have enough time to offer any real evidence to back up his stated claims. None. No evidence. In fact, I'm quite sure that the Secretary of the Treasury is grading a fictional Bush plan so that he can join with the Vice President and many other Democrats in orchestrating a campaign to scare senior citizens, as they have done regularly in past campaigns.

Also, I find it interesting that the Washington Post reporter—whom I know—who wrote this story, didn't come to any Member or anyone who has tried to understand the Gore Social Security plan to ask for some comments about it and whether it does anything at all for Social Security.

So today I will take a few minutes to explain the Clinton-Gore Social Security plan, and then the Gore plan, which is slightly different than the Clinton-Gore plan, which is really not a plan at all but an illusion of a plan. It is not a plan. It is an illusion of a plan.

President Clinton initially proposed a version of this plan in January of 1999. It was never taken seriously then or now. And for good reason. I can remember it was very difficult to get a Democrat to offer the President's plan, including the so-called Social Security fix in the budget hearings, in the Budget Committee, and surely there were never more than a few Senators whom I believe in clear partisan dedication who supported this odd gift of bonds to the Social Security trust fund.

This so-called plan, the one that President Clinton sent us in 1999, is strictly a political exercise intended to create the perception that the President and Vice President have met their commitment to "save Social Security first," as they state it, when, in fact, they have no such plan, and the Social Security long-term problems remain absolutely unresolved.

In fact, as Governor Bush has said, for 8 years the Clinton-Gore administration has promised to save Social Security, and yet, under the Clinton-Gore administration, the present value of the Social Security deficits have already increased 60 percent during that 8 years of doing nothing, according to the Social Security actuaries. That's roughly $28,000 per household. That is the amount that it has gone up. Perhaps Secretary Summers, as the managing trustee of Social Security, should be asked why he has allowed that to happen. It has happened because we have not taken steps to reform or fix Social Security.

Now I will talk about the $40 trillion IOU plan. What does the Clinton-Gore plan do? Beginning in the year 2011, and continuing through 2050, they transfer IOUs from the general fund of the government to the Social Security trust fund. I will soon introduce a letter from the Congressional Budget Office that says over that period of time from 2011 to 2050 the total accumulated costs of both interest and IOUs—get this—will be $40 trillion. That means for that plan to make sense somehow, some way, some time, during 2011 and 2050, they will have to ask the American people to do one of three things:

No. 1, increase taxes by $40 trillion over that period of time. Why? To pay off the IOUs which are soon going to be needed by the Social Security recipients of our country.

No. 2, restrain and restrict the programs of our Federal Government over that period of time; that is, discipline our programs so we will save $40 trillion and put it against the IOUs—a mammoth expectation without any probability of occurring.

Or we can do some of the two of them.

Or we can just say we will do it all by cutting programs of ordinary people that are going on day by day.

Nonetheless, these estimates will indicate that we will have to do something in the future to raise large amounts of money that are not currently within the Social Security actuarial expectations from the payroll tax. It will have to come from somewhere. Is that a plan to fix Social Security? I ask anyone if that is a plan? It is not a plan. It won't work. It has been more or less unacceptable to Congress for the 2½ years that it has been lounging around someplace, for somebody to consider.

The estimate I am talking about comes from the Social Security actuaries who estimated the initial amount of general fund transfers to be $9.9 trillion.

We then asked the Congressional Budget Office to calculate for us how much additional interest would be paid to the trust fund, based on these transfers. CBO, the Congressional Budget Office, using the actuaries' numbers, estimated that the interest payments would add $30 trillion to the general fund transfers to the trust fund. In total, then, that is $40 trillion in IOUs by 2050.

For those who might have a little difficulty with IOUs, let me just say, think of it as a postdated check. The check is there and it is valuable because it has a signature on it: USA. But it is dated 2050. Then when you say: OK, the check is good, pay me—we will, as a nation, have to come up with $40 trillion.

When the President initially made this proposal, he—that is President Clinton—he at least proposed one real provision that would have changed Social Security's long-term financing.

The President proposed to set up a new Government-run board that would invest up to 15 percent of the Social Security trust fund in the stock market and private bonds. President Bill Clinton recommended that. But it would be run by the Government and the Government would be involved in huge numbers and huge dollar values of the stock of the American stock exchanges and of companies of America.

There was a resounding opposition to using a Government board to invest Social Security money in the stock market because it would become political. It would become a board that might not want to invest in this because of public opinion, or that, because the particular corporation causes obesity by selling hamburgers, that is not the right thing so you would not invest in that particular stock.

The Federal Reserve Board Chairman said, to that piece of the President's plan: Too much Government involvement in the private economy.

So the Vice President has said he does not support that portion of President Clinton's plan. So what he has left is a plan with no investment and $40 trillion will accumulate, by the year 2050, which we will have to pay from somewhere.

If you ask, Has he helped anything in his plan? Well, I ask you. He also, I think, makes matters a little worse by proposing two new unfunded benefit expansions that will cost between $100 and $180 billion over 10 years, which just adds to the numbers we have been talking about because we have expanded Social Security without the wherewithal to pay it after 2011.

To show you the lack of seriousness of this IOU proposal, the Gore plan does not start transferring funds to Social Security until 2011, well beyond any two terms that he might serve, and five Congresses from now. What he is really saying is he wants the economy of this country to commit $40 trillion in general funds on the promise that we will impose fiscal discipline on 10 future Presidential terms and 20 Congresses. But he will not transfer a penny to Social Security until 2011.

Who is going to pay these IOUs off? Our children and our grandchildren. They will be saddled with all the debt and they will be forced to pay these IOUs back—in the form of higher taxes or through the other suggestions that are possibilities that are talked about.

In March of 1999, Senator BOB KERREY said, this plan "has a great deal of pain in [the] plan—a hidden pain in the form of income tax increases that will be borne by future generations of Americans."

That is by BOB KERREY, Democrat from Nebraska. I could not agree more.

What is more, the President's own budget for 2000 agreed with Senator KERREY:

> These [trust fund] balances . . . are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, through borrowing from the public, or reducing the benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay the benefits.

An odd gift of bonds—which is the full extent, that I can find, of the plan the Vice President has put forth. I can find very few economists who believe these transfers to Social Security are a good idea and they will fix Social Security.

In fact, Ed Gramlich, whom this President recently appointed to the Federal Reserve Board, headed a commission for the President on Social Security. This is what he said:

> During the deliberations of the 1994-1996 Social Security Advisory Commission, we considered whether general revenues should be used to help shore up the Social Security program. This idea was unanimously rejected for a number of reasons . . . there are serious drawbacks to relaxing Social Security's long-run budget constraint through general revenue transfers.

Alan Blinder, GORE's economic adviser, said, in 1999, that the administration should drop the "gift of bonds."

It is from his quote that I named this assessment. He said that the administration should drop the "gift of bonds."

This is what he said, that is Blinder, at a Ways and Means Committee hearing in 1999.

> It amounts to a pledge to provide that much more money for Social Security in the future—somehow. But it does not specify the sources. Thus, by itself, it does not fill any of the funding gap. . . . There is a simpler and more intuitively appealing plan which, had the President proposed it, would, I believe, have generated less confusion and raised fewer objections. That would be to dedicate the [Social Security surpluses] over the next 15 years to debt reduction, and therefore to national saving—and to forget about the new gift of bonds and odd scorekeeping rules.

Meaning that you have to invent some way to score this in a budget way or to make sense.

The Clinton-Gore plan is not really a plan at all. It is a political proposal to confuse the debate and absolve him from the responsibility to offer a real plan to save Social Security.

Mr. President, I ask unanimous consent the article by Glenn Kessler regarding the Secretary of Treasury's assessment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 25, 2000]

CABINET OPENS UP ON BUSH

TREASURY SECRETARY SAYS SOCIAL SECURITY MATH DOESN'T ADD UP

(By Glenn Kessler)

Treasury Secretary Lawrence H. Summers offered a detailed critique of Texas Gov. George W. Bush's Social Security plan yesterday, wading into a political fight usually shunned by his predecessors and creating an unusual chorus of criticism of the GOP presidential nominee by senior Cabinet officials.

In an interview, Summers said that Bush's comments on Social Security "reveal a fundamental misunderstanding of the system." The Bush plan to divert a portion of payroll taxes to help establish individual accounts for young workers, he added, well require either "large cuts" in guaranteed benefits or an infusion of billions of dollars in new revenue.

But Summers—an economist who also serves as managing trustee of Social Security and conducted academic work on funding the system before he entered government—said there is no way money collected now can also pay current benefits if it is channeled into investment accounts.

"It is an arithmetic challenge that cannot be met," Summers said, asserting that under the Bush plan the Social Security trust fund would be fully depleted when someone who is now 42 retires.

Summers' remarks come as the Gore campaign and the Democratic National Committee are pounding battleground states with advertisements and recorded phone calls that echo the themes outlined by Summers—that Bush's math on Social Security doesn't add up and that the Republican is bound to break promises to either senior citizens or young workers.

While Summers is a key behind-the-scenes economic adviser to Vice President Gore, the Treasury Secretary, the Secretary of State, the Defense Secretary and the Attorney General are generally the Cabinet officials who try to remain aloof from politics in presidential elections.

Yet, over the weekend, Secretary of State Madeleine K. Albright also departed from that tradition, taking the unusual step of denouncing Bush's proposal to withdraw U.S. ground forces from the Balkans as risky and misguided and possibly leading to the dissolution of NATO.

"This is a very inappropriate continuing pattern of the politicization of the most sensitive Cabinet agencies, State and Treasury," said Bush spokesman Ari Fleischer. "In the waning days of the Clinton era, perhaps it was too much to hope that the historically nonpolitical agencies could remain about the fray."

As Treasury secretary four years ago, Robert E. Ruben would only obliquely make observations about the economic proposals offered by Republican presidential candidate Robert J. Dole, usually in response to questions and then mostly to defend administration policy. Nicholas Brady, Treasury secretary in 1988 under President Ronald Reagan and in 1992 under Bush's father, President George Bush, said yesterday that Summers' comments were "totally inappropriate."

"I don't think it's his business to be commenting on Governor Bush's proposal on Social Security," Brady said.

Allen Sinai, chief executive of Primark Decision Economics, agreed that the critique was unusual but said it was appropriate, given Summers' background. "We happened to have the coincidence of having a Treasury secretary who is also the finest economist of our generation," Sinai said. "Who's to say what's fair or not fair?"

Treasury officials made much the same case, saying Summers' comments were justified because he is the managing trustee of Social Security and had been considered an expert in the field when he was in academia.

Summers also took issue with Bush's claim that he would be able to build up $3 trillion in these new private accounts while also eliminating the national debt by 2016. Gore has set a goal of eliminating the debt by 2012.

"Without dedicating Social Security surpluses to debt reduction rather than to new private accounts, it appears to me that on any realistic basis it is impossible to eliminate the debt any time in the next 20 years without using nearly the entire budget surplus, which is clearly precluded by their large tax cuts," Summers said.

Under the Bush plan, about $1.9 trillion would be transferred from the Social Security surplus to the private accounts by 2016, which the campaign says would grow to $3 trillion, assuming a 5.5 percent return and moderate inflation. But that money could not also be used to pay down the debt.

Fleischer insisted the Bush plan will pay down the entire national debt by 2016.

Summers began making the case against Bush's Social Security plan in a little-noticed address before the Conference Board in New York last week. In that speech, he said that diverting two percentage points of the payroll tax—about 15 percent—a year "would lead to an excess of benefits over tax revenues by 2005, and the total exhaustion of the trust fund in the early 2020s."

Yesterday, Summers expounded on that theme and also targeted Bush's contention in his first debate with Gore that "I want to get a better rate of return for your own money than the paltry 2 percent that the current Social Security trust gets today."

Summers said that reflected a "fundamental misunderstanding" because payroll taxes are used to provide benefits for retirees, the disabled and survivors, and thus can't be invested. "Comparing rates of return is just not a legitimate argument," Summers said.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I sent on October 6 to Dan L. Crippen—he is the Congressional Budget Office Director. I asked him the following:

> I am attaching a June 26, 2000 memorandum from the SSA [the Social Security people] actuaries which gives the exact size of these annual transfers. Their data shows that $9.8 trillion in cumulative annual transfers will have been made by 2050 under the Administration's proposal. I would like CBO to estimate what the cumulative interest on these transfers would be in the years specified in the attached table. Secondly, could you tell me the total amount of IOUs that will be deposited into the [Social Security] trust fund as a result of the cumulative transfers plus the cumulative interest on these transfers in each of the specified years.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 6, 2000.

DAN L. CRIPPEN,
Director, Congressional Budget Office, Washington, DC.

DEAR DR. CRIPPEN: The Administration's Mid-Session Review on the Budget for Fiscal Year 2001 contains a proposal related to Social Security trust fund reserves.

Specifically, the Administration proposes to begin transferring general revenues to the Social Security trust fund in 2011 and continuing to 2050. These general revenue transfers will add to the trust fund balances (in the form of Treasury IOUs) and will generate additional interest income (in the form of Treasury IOUs) for the trust fund as well.

I am attaching a June 26, 2000 memorandum from the SSA actuaries which gives the exact size of these annual transfers. Their data shows that $9.8 trillion in cumulative annual transfers will have been made by 2050 under the Administration's proposal. I would like CBO to estimate what the cumulative interest on these transfers would be in the years specified in the attached table. Secondly, could you tell me the total amount of IOUs that will be deposited into the SS trust fund as a result of the cumulative transfers plus the cumulative interest on these transfers in each of the specified years.

Thank you for your prompt consideration of this request.

Sincerely,

PETE V. DOMENICI,
Chairman.

[$ trillion]

Year	Cumulative transfers (IOUs)	Cumulative interest on transfers (IOUs)	Cumulative transfers + interest on transfers (IOUs)
2015	859.6		
2020	2144.6		
2025	3429.6		
2030	4714.6		
2035	5999.6		
2040	7284.6		
2045	8569.6		
2050	9854.6		

Mr. DOMENICI. I ask unanimous consent the June 26, 2000, memorandum to Social Security chief actuary Harry C. Ballantyne, on long-range OASDI financial effects of the President's proposal for strengthening Social Security, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION
MEMORANDUM, JUNE 26, 2000

To: Harry C. Ballantyne, Chief Actuary
From: Stephen C. Goss, Deputy Chief Actuary
Subject: Long-Range OASDI Financial Effects of the President's Proposal for Strengthening Social Security—Information

This memorandum provides estimates of the financial effects of the proposal presented in the President's Mid-Session Review of the Fiscal Year 2001 Budget on June 20, 2000. This proposal would require that transfers be made from the General Fund of the Treasury of the United States to the Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) trust funds for each fiscal year 2011 through 2050. In addition, the President proposes that a portion of the transfers would be invested in corporate equities (stock), up to a limited portion of the total assets of the trust funds.

If transfers were invested only in special interest-bearing obligations (special issues) of the United States Treasury, the date of exhaustion of the combined OASI and DI trust funds would be extended by an estimated 20 years, from 2037 under present law to 2057 under the proposal. The estimated size of the long-range actuarial deficit would be reduced from 1.89 percent of effective taxable payroll under present law to 0.86 percent of payroll under the proposal. All estimates reflect the intermediate assumptions of the 2000 Trustees Report, adjusted to reflect the recent enactment of the retirement earnings test beginning in the year 2000 for persons who have attained their normal retirement age.

In addition to the transfers, the President proposes that up to 15 percent of trust fund assets would eventually be invested in stock. With both the transfers and the investment in stock, the date of exhaustion of the combined OASI and DI trust funds would be extended by an estimated 26 years, from 2037 under present law to 2063 under the proposal. The estimated size of the long-range actuarial deficit would be reduced from 1.89 percent of effective taxable payroll under present law to 0.48 percent of payroll under the proposal. (Due to interaction among provisions, a complete elimination of the actuarial deficit would require additional OASDI changes that would reduce the present law deficit by up to about 0.75 percent of taxable payroll.) These estimates are based on the intermediate assumptions of the 2000 Trustees Report (adjusted for elimination of the earnings test at the normal retirement age) and other assumptions described below.

The amount of transfer for each year would be based on a calculation of the increase in the combined OASI and DI trust fund assets that would have occurred during fiscal years 2001 through 2015 if all trust-fund assets had been invested in obligations of the United States Treasury. However, actual transfer amounts would be limited to dollar amounts specified in the law, based on projected on-budget surpluses in the President's Mid-Session Review of the FY 2001 Budget.

Base transfer amounts are intended to be equal to the amount by which interest on publicly-held Federal debt would be lower as a result of the OASDI "surplus" during fiscal years 2001 through 2015 than if there had been no such surplus, assuming that all transfers had been invested solely in special issues of the Treasury.

Beginning in the year 2011, 50 percent of the amount transferred would be used to purchase stock and 50 percent would be used to purchase special issues of the Treasury. All dividends would be reinvested in stock. This procedure would continue until the market value of all stock held by the OASDI trust funds reaches 15 percent of total OASDI trust fund assets. Thereafter, the percentage of total trust fund assets that is held in stock would be maintained at 15 percent by buying and selling stock as necessary.

Stock investments would be managed by the private sector. Stock investments would be required to reflect the composition of all publicly-traded stock in the United States (for example, the composition of the Wilshire 5000 index).

TRANSFER AMOUNTS FROM THE GENERAL FUND OF THE TREASURY TO THE OASI AND DI TRUST FUNDS

The proposal would provide for transfers in each fiscal year 2011 through 2050 with the amount based on the following procedure:

(1) A base amount would be computed for each fiscal year 2011 through 2016 equal to:

(a) the calculated increase in the amount of assets in the combined OASI and DI trust funds that would have occurred from September 30, 2000 to the September 30 immediately prior to the start of the fiscal year, if all assets had been invested only in special issues of the Treasury, multiplied by,

(b) an interest rate based on the average market yield on all marketable interest-bearing obligations of the United States forming a part of the publicly-held debt in the month prior to the fiscal year.

(2) The actual transfer amount for each fiscal year 2011 through 2016 would be equal to the base transfer amount for the year, subject to a dollar-specified limit in the law. This limit, computed by the Office of Management and Budget, represents the amount of on-budget surplus that was projected to be available for transfers to the OASDI trust funds under the assumptions and policy of the President's Mid-Session Review of the FY 2001 Budget.

(3) The actual transfer amount for fiscal years 2017 through 2050 would be equal to the actual transfer amount computer for fiscal year 2016.

Under (1)(b), calculation of the interest rate would be based on yields on corporate bonds if there is no publicly-held debt. In this case, the interest rate would be based on the current market yield of investment-grade corporate obligations, less an adjustment to account for the estimated difference between yields of such corporate obligations and "obligations of comparable maturities issued by risk-free government issuers selected by the Secretary of the Treasury."

ESTIMATED TRANSFER AMOUNTS AND LIMITS UNDER THE PROPOSAL

[Billions of current dollars]

Fiscal year	Estimated base amount[1]	Dollar-specified limit[2]	Estimated transfer amount
2011	$122.4	$123	$122.4
2012	145.0	147	145.0
2013	169.8	172	169.8
2014	196.7	200	196.7
2015	225.7	230	225.7
2016 and later	257.0	263	257.0

[1] Based on the intermediate assumptions of the 2000 Trustees Report (adjusted for elimination of the earnings test at the normal retirement age).

[2] Specified in law, computed by the Office of Management and Budget based on the President's Mid-Session Review of the FY 2001 Budget.

It should be noted that the "base" amounts that would be computed for transfers in years 2011 through 2016 may be higher or lower than the estimates provided above based on the intermediate assumptions of the 2000 Trustees Report. For example, if price inflation (increase in the CPI) turns out to be higher or lower than assumed by the Trustees between now and 2015, with real rates of growth as currently assumed, the based transfer amounts could differ substantially.

If inflation is lower than expected through 2015, making base amounts computed in years 2011 through 2016 lower than those estimated above, the dollar-specified limits on transfers would not affect these base amounts in the determination of actual transfers. However, if inflation is higher than expected through 2015, making base amounts computed in years 2011 through 2016 higher than those estimated above, the dollar-specified limits on transfers would reduce the actual transfer amounts to levels below the base amounts.

OASDI TRUST FUND ASSETS IN STOCK

The 1994–96 Advisory Council on Social Security requested estimates assuming that the total annual real yield on stock investments would ultimately average about 7 percent, approximately the average (geometric mean) total yield on stocks since 1900 (or since 1926). Total yield includes dividends as well as capital gains. Estimates for this proposal are based on this assumption. (See section below for analysis of the sensitivity of the estimates to variation in the assumed real yield on stock.)

The 4-percentage-point difference between this assumed ultimate real stock yield and the Trustees' 3.0-percent assumed ultimate real yield on government bonds held by the trust funds (the equity premium) is assumed to be maintained, on average, throughout the 75-year projection period.

The table below provides the estimated percentage of OASDI trust fund assets that would be held in stock at the end of each calendar year 2010–17. The stock holdings are estimated to reach the level of 15 percent of total trust fund assets by the end of 2017, after which point this percentage would be maintained under the proposal.

PERCENT OF OASDI TRUST FUND ASSETS IN STOCK, END OF YEAR

Year	Percent
2010	0.5
2011	2.4
2012	4.4
2013	6.6
2014	8.9
2015	11.4
2016	13.8
2017	15.0

The portion of the total value of publicly-traded stock in the United States that is held by the OASDI trust funds will depend not only on the yield achieved in the market, but also on the rate of growth in the total market value of all stock. The total value of stock represented in the Wilshire 5000 index (a fair representation of all publicly-traded stock in the United States) was $9.3 trillion at the beginning of 1998.

Assuming that the total market value of publicly-traded stock will rise on average by the rate of growth in GDP after 1998, the trust funds would be expected to hold about 3.7 percent of the total market value, on average, over the 30-year period 2011 through 2040.

AVERAGE PERCENTAGE OF TOTAL STOCK MARKET VALUE HELD BY OASDI

Years	Percent
2011–20	2.3
2011–30	3.5
2011–40	3.7
2011–50	3.6

SENSITIVITY TO ASSUMED REAL YIELD ON STOCK

Due to the current, historically-high, level of stock prices relative to corporate earnings, many analysts expect that the total real yield on stock will average less than 7 percent over the next 75 years. For example, the 1999 Technical Panel appointed by the Social Security Advisory Board recommended the assumption that the ultimate real yield on stock would exceed the real yield on government bonds held by the trust funds by 3 percentage points, on average, over the next 75 years. In the context of the intermediate assumptions of the 2000 Trustees Report, this would imply a long-run average total real yield on stock of 6 percent (3 percentage points above the Trustees' assumption of an average 3-percent real yield on government obligations held by the trust funds).

Assuming a 6-percent average total real yield on stock over the long-range (75-year) period, the estimated year of trust fund exhaustion would be extended by 25 years, from 2037 to 2062 (one year sooner than with an assumed 7 percent real stock yield). The estimated long-range OASDI actuarial deficit would be reduced from 1.89 to 0.57 percent of taxable payroll (0.09 percent of payroll higher than with an assumed 7 percent real stock yield).

STEPHEN C. GOSS.

Mr. DOMENICI. This is the response to my letter, dated October 18, which has an attachment to it. I will read a paragraph.

> Although the transfers (and the interest earned on them) would improve the apparent solvency of the trust fund, they would increase the liabilities in the rest of the budget at the same time.

That is what I have been saying.

> As a result, the proposed transfers would have no impact on the Government's net indebtedness, nor would they directly enhance Government's ability to meet promises to future retirees. Indeed, the Government's revenues and expenditures would be the same regardless of whether the transfers were made.

I ask unanimous consent that Dan Crippen's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 18, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In your letter of October 6, you asked the Congressional Budget Office (CBO) to use data you provided from the Social Security actuaries to estimate the size of the cumulative impact, including interest, of the President's proposal to make transfers from the general fund of the Treasury to the Social Security trust funds.

Although the transfers (and the interest earned on them) would improve the apparent solvency of the trust funds, they would increase the liabilities in the rest of the budget at the same time. As a result, the proposed transfers would have no impact on the government's net indebtedness, not would they directly enhance the government's ability to meet its promises to future retirees. Indeed, the government's revenues and expenditures would be the same regardless of whether the transfers were made. Ultimately, the government's ability to pay for future commitments, whether they are Social Security benefits or some other payments, depends on the total financial resources of the economy—not on the balances in the trust funds.

As you requested, CBO prepared its estimates using information about the proposal and the size of the transfers from a June 26, 2000, memorandum issued by the actuaries of the Social Security Administration. For its estimates, CBO used the actuaries' assumptions about interest rates from the 2000 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds and assumed that the transfers would be made in the middle of the fiscal year. The estimates using these data are listed in the enclosed table. CBO has not evaluated the actuaries' assumptions.

Pleae feel free to call me if you have any questions, or have your staff contact Douglas Hamilton at 202–226–2770.

Sincerely,

DAN L. CRIPPEN,
Director.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the attached table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECTS OF PRESIDENT'S PROPOSED TRANSFERS FROM THE GENERAL FUND TO THE SOCIAL SECURITY TRUST FUNDS ON THE CUMULATIVE INTEREST PAID TO THE SOCIAL SECURITY TRUST FUNDS

[In trillions of dollars]

	2010	2015	2020	2025	2030	2035	2040	2045	2050
Cumulative Transfers	0	0.9	2.1	3.4	4.7	6.0	7.3	8.6	9.9
Cumulative Interest on Transfers	0	0.1	0.7	1.9	4.1	7.4	12.4	19.7	30.0
Total	0	1.0	2.8	5.3	8.8	13.4	19.7	28.3	39.9

Source: Completed using data from the actuaries of the Social Security Administration.

Note: Numbers may not add up to totals because of rounding.

Mr. DOMENICI. Mr. President, I will tell the Senate what it says. It is attached to CBO's letter, and it goes 2010, 2015, 2020, right up to 2050, and it has the cumulative IOU transfers that were put in and then the cumulative interest on the transfers.

I was shocked—maybe I should not have been; it is almost automatic, it is almost arithmetic—but the total of the cumulative interest on the IOUs and the cumulative transfers amount to $40 trillion by the year 2050. That is the IOU that we give to the American people. They will have to pay it in order to keep Social Security solvent, but nobody is being told that. They are being told we have fixed the plan for *x* number of years from now.

LET'S GET IT RIGHT

Mr. DOMENICI. Mr. President, I want to take a few moments on two other subjects. First, the Vice President of the United States continues to tell the American people that he has been a master at reorganizing our Government and making it efficient, and that a very large number of employees have been cut from the payroll of the U.S. Government due to this effort.

I want to print in the RECORD a chart from the Office of Management and Budget—their own—the total executive branch civilian full-time equivalent employees during this period of time that they claim they reduced the workforce.

All I want to say is one thing: It did not take much to do this because 96 percent, a larger number than I thought, 96 percent of the employee reduction—that is the civilian full-time equivalent reduction—are military civilians who were taken off the payroll as we reduced the Defense Department of the United States; 96 percent. Four percent is the reduction in the nonmilitary civilian payroll of the United States.

Let's get it right, Mr. Vice President. Let's tell it right. There were no real reductions other than civilians who were laid off because we reduced the Defense Department. I want to be correct. I said there were none; 4 percent of reductions were from the rest of the civilian Government of the United States.

On the last item, let's get this one right. Mr. Vice President, you referred twice in debates to a program to give health insurance to kids. There is a program called CHIP which the U.S. Government gave money to each State so they could try to insure or bring into Medicaid or at least in some way cover more children.

The Vice President said to the Republican nominee: Texas has not done very well with that. Your program for covering children obviously indicates—I am paraphrasing—that you did not care about children's health.

What should have been said is that 40 States of the Union were unable to use their CHIP money. Would that not have been a fairer thing to say rather than say Texas? The State that has the largest amount of money under that program for children's health and cannot spend it, has not spent it to this date is the State of California. As a matter of fact, they had $591 million that they could not spend on children's health coverage because the program will not work. You cannot fit it into States. You cannot get it approved by the legislature. You cannot find the match, or whatever the reason.

Those 40 States, in addition to Texas, are California, Georgia, Washington, Minnesota—Minnesota had the highest percentage of that money left over because they could not spend it, 99 percent. New Mexico, my State, had 92. Arizona had 67 percent of their money.

Let's be fair. When you talk about children's health coverage and this Federal program, do not say Texas was unable to spend theirs. Let's say 40 States have been unable, so there must be some deficiency in the program, not in the States. All of those States are led in dollar numbers by the State of California which could not spend $591 million because the program is difficult to do and very difficult to effectuate the coverage of children.

It is widely recognized that this S-CHIP program began slowly because State legislatures and HCFA had to approve plans. Right now, we are busy trying to extend the plan for 2 more years for all States. That is because 40 of them have been unable to spend all of the money available.

I ask the Vice President: In all those States, including California because they have this huge balance they could not use, is the Governor there adverse to covering children and having more children involved in something like children's insurance or Medicaid or the like? I do not think so, nor do I think the Governor of Texas is because I believe when 40 States cannot do it, we ought to tell it like it is.

The next time you are talking about this, Mr. Vice President, you ought to say not Texas alone but California and 39 other States have been unable to use this CHIP money, this children's insurance money, for one reason or another. Texas is among the 40. They do not stand alone.

I ask unanimous consent that information that summarizes what I have said be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

1. FEDERAL FUNDING AND REQUIREMENTS

As part of the 1997 Balanced Budget Act, Congress created the State Children's Health Insurance Program (S-CHIP).

The program provides allotments to States to expand health insurance coverage for children based on a formula that takes into consideration the number of low income children in the state with no health insurance coverage.

States must match the federal funding, but at a rate that is more favorable to the states than Medicaid.

States may use S-CHIP funds to: expand Medicaid, provide coverage outside of Medicaid as long as the program meets certain requirements, or some combination of the two.

The aggregate federal allotments for S-CHIP are as follows:

[Dollars in billions]

Year	Dollars
1998	4.3
1999	4.3
2000	4.3
2001	4.3
2002	3.2
98–02	20.3
98–07	39.7

2. LARGE ELIGIBLE BUT UNENROLLED POPULATION

Estimates indicate that there are 2 to 4 million children eligible but not enrolled in Medicaid and another 2 million or more who are eligible but not enrolled in S-CHIP.

Some families lack information; others wait to sign up for the program when they need to get health care.

As more working class families have become eligible, it is likely that many of them get health insurance sporadically through work, but most S-CHIP programs do not provide subsidies for employer-based coverage.

3. STATES WITH UNEXPENDED FY 1998 FUNDS

There are approximately 40 states that did not use their full FY 1998 allotment by the end of FY 2000.

32 states had no spending in FY 1998

6 states had no spending at all in FY 1998 and FY 1999.

[Dollars in millions]

Selected states	FY 98 Allotment	Unused FY 1998 Funds*	Percent unused
California	$855	$591	69
Texas	581	449	77
Arizona	117	78	67
Georgia	125	77	61
Washington	47	46	98
Minnesota	28	28	99
Louisiana	102	74	73
New Mexico	63	58	92

*Source: Health Care Financing Administration (6-27-00).

4. EXTENSION OF USE OF FUNDS

It is widely recognized that the S-CHIP program began slowly because state legislatures and HCFA had to approve state plans.

Congress is expected to allow states with unused funds from FY 1998 and FY 1999 to keep those funds for an additional period of time as enrollment accelerates.

Mr. DOMENICI. Mr. President, with reference to how many civilian full-time equivalent employees have been reduced during the 8 years showing that 96 percent of it is military and 4 percent civilian comes from OMB, I ask unanimous consent that chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOTAL EXECUTIVE BRANCH CIVILIAN FULL-TIME EQUIVALENT EMPLOYEES: 1993-2000

[In thousands]

Fiscal year	Department of Defense	All other agencies	Total executive branch
1993	932	1207	2139
1994	868	1184	2053
1995	822	1148	1970
1996	779	1113	1892
1997	746	1089	1835
1998	707	1083	1790
1999	681	1097	1778
2000	661	1195	1857
Decrease from 1993-2000	−271	−12	−282
Portion of Total Decrease from 1993 to 2000	271/ 282=96%	12/ 282+4%	

Source: Office of Management and Budget, The Budget of the United States Government for Fiscal Year 2001, Historical Tables, Table 17.3, p. 282.

Mr. DOMENICI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we concluded a short time ago with the argument by the Senator from New Hampshire, Mr. GREGG, on his concerns about some aspects of the Older Americans Act. I thought we were going to resume a robust debate. That does not quite seem like it is going to happen, but I am going to have things to say. Right now I suggest the absence of a quorum and ask unanimous consent that it be charged equally, and then I will take the floor and begin my rebuttal.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from North Dakota, Mr. DORGAN, be recognized for 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator has 15 minutes.

OUR COUNTRY'S ECONOMY

Mr. DORGAN. Mr. President, I want to speak for a few minutes today about the issue of this country's economy. I was reminded the other day, in one of the discussions with respect to the contest for the Presidency this year, that some say: Really, nothing has happened with respect to the last 8 years and this administration. It got me to thinking of where we have been and what we are experiencing in this country today.

As I have indicated previously, I believe we are blessed in this country. We have the strongest economy in the world and the longest economic expansion in this country's history. And this is not all accidental. Some say that had nothing to do with Government, it had to do with the American people. The American people were working very hard in the 1950s and the 1980s, and during other periods. However, you also need a set of sensible Government policies that reduce the Federal indebtedness, stimulate investment and do the other things that are necessary to allow this economic engine to run and to work right. So this is not an accident.

Let me describe where we are. At the moment, we are 115 months into the longest economic expansion on record. That is something all of us should feel very good about.

Let me describe what happened to us back in the 1980s. In the early 1980s especially, we began a significant amount of red ink, deficit after deficit after deficit, and it kept getting worse and worse.

As you can see from this chart, the deficits went up to $290 billion in the Federal budget in 1992. Then, in 1993, Congress made some hard decisions. This President, a new President, proposed a controversial new economic plan. Some did not like it. Some still do not like it. It passed the Senate by one vote and passed the House by one vote. This new economic plan provided a different direction. The deficits got smaller and smaller, and then we began to see surpluses, and more surpluses, and more.

Is this a turnaround? Yes, I think so. Is it accidental? No. It happened, as you can see indicated on this chart, when a new President proposed a bold economic plan and, by one vote in the House and the Senate, we embraced a new direction and a new approach. You can see by this chart what the result has been. We went from the largest deficits in history to the largest surpluses in this country's history.

Jobs created. The Government does not create jobs. But jobs are created in a timeframe in which the Government, with a set of policies, provides for economic opportunity in the expansion of the economy. Under the Reagan administration, in 8 years, 16 million jobs were created; the Bush administration, 4 years, 2.5 million jobs; under this administration, in 8 years, 22 million new jobs. It is a wonderful record, with an economy that is working better than anyone ever could have anticipated.

The unemployment rate. This economy is full of good news for our country. You can see what has happened to the unemployment rate, beginning in 1992 and 1993, when this Congress set this country on a different course to an economy of reduced deficits, with more robust growth. Unemployment has gone down, down, way down. That is good economic news for America's families.

The inflation rate is down. As we can see, we have had a low inflation rate that has been stable throughout the 1990s.

The lowest poverty rate in two decades. You can see from this chart what happened when this economy began to kick into fifth gear and we began to see lower deficits and more economic growth. We saw lower unemployment, and now we see lower poverty rates.

Some say: That is just an accident; isn't it? No, it is not just an accident. This Congress, by one vote, embraced a new plan offered by a new President in 1993. It was very controversial, and it worked. The evidence is all around us.

We had people on the floor of the Senate who said: Pass this plan, and it will bankrupt our country. Pass this plan, and our country will experience a recession. Pass this plan, and there will be people unemployed in the streets.

They were wrong. Where we were headed was a very difficult circumstance for our country: Bigger and bigger deficits; slow, anemic economic growth. We changed the plan. The Clinton-Gore proposal in 1993 was passed by one vote in both the House and the Senate. We changed direction. And we see unemployment down, inflation down, poverty rates down, and more.

And now, as a result of economic growth and better opportunity, the federal income tax burden on middle-income taxpayers has decreased, as well as the percent of income paid in Federal income taxes.

With respect to the burden of Federal income taxes on middle-income workers, those with average income of $39,000 in 1999, the Federal income tax burden has actually decreased during this same period.

Federal spending as a percentage of the gross domestic product in this country is down. That is not an accident either. That relates how much we spend to what our economy is in terms of its total value of goods and services produced. Federal spending is lower as a percent of GDP.

Let's review the U.S. economy, since we passed the bill in 1993, that a new President, a new Vice President proposed that we pass to change direction. We were headed in the wrong direction. We saw deficit after deficit. It was getting larger.

Let me show the chart again, because I think it is important —deficit after deficit, getting larger each year. Here is where we were. As you can see, a $290 billion Federal deficit in that 1 year, growing by leaps and bounds. We changed direction. The deficits got smaller and smaller and turned into surpluses. That is not an accident. That is a function of good public policy.

In 1992, we had the highest dollar deficit in history. Today, we have the largest dollar surplus in our Federal budget history. Economic growth, 2.8 percent annually in the 12 years before 1993, since 3.9 percent annually; job growth, 1989 to 1992, one of the worst 4-year periods in history, 2.5 million new jobs; in the 8 years since, 22 million new jobs. The unemployment rate average, 7 percent from 1981 to 1992; 4.1 percent in the last 8 years, the lowest in 30 years. Home ownership fell between 1982 and 1992. Now it is the highest in history. Median family income fell from 1988 to 1992. Now it has increased by $5,000 since 1993. Welfare rolls increased 22 percent from 1982 to 1992; decreased by 53 percent between 1993 and 2000. The Dow Jones was at 3,300, and now it is over 10,000.

That is the consequence of having an economic plan that works. When people say, well, not much has changed, a lot has changed. In 1992, this country was headed in the wrong direction. Now it is headed in the right direction. In 1992, we had an anemic economy that was producing higher deficits, slower growth, more unemployment. Now we have an economy that is producing budget surpluses, lower unemployment, lower inflation, and the longest economic expansion in this country's history.

When I hear discussions on the campaign trail about where we have been and where we are, they need to be rooted in some basis of fact. You would have had to have been on another planet not to understand that the last 8 years have been truly significant.

I am not saying that one side or the other should claim credit for everything. I am saying this because I was here and I know it. This country was headed in the wrong direction, with fiscal policies that said you can have a very big tax cut, you can double defense spending, and somehow everything will turn out all right. It didn't. It turned out with huge, growing, abiding deficits every year that sucked the strength out of this country's economy. It meant people didn't have jobs when they wanted jobs. It meant businesses couldn't expand when they wanted to expand. It meant our Federal budget deficit was swollen with red ink.

It wasn't working. It was a plan that didn't work. David Stockman told us in his book, shortly after helping concoct the plan in early 1981, that it wouldn't work. It didn't work. It put this country in a deficit ditch, a deep hole.

We had a new plan, a different plan. No, it wasn't the same old trickle down where you pour something in at the top and hope everybody down at the bottom gets damp somehow. It was a plan that percolates up, saying that this country's economic engine works best when everybody has a little something to work with, when everyone has confidence in the future.

Our economy rests on a mattress of confidence of a sort. If people are confident about the future, they do things that manifest that confidence. They buy a car, a house, do the kinds of things that manifest confidence in the future. If they are not confident in their future, they do exactly the opposite and the economy contracts.

No one has ever repealed the business cycle nor will they. We have economic expansions and contractions. But economic expansions occur when people are confident, and they are sustained when people are confident.

Right here, in 1993, this new President, President Clinton, and Vice President GORE said: We have a different plan. We are going to change directions. We don't want to be in the same deficit ditch we have been in all these years. It is going to be tough. It is going to be controversial, but we want you to be with us to make these changes. Enough of us were. As I indicated, by one vote in the Senate and one vote in the House, we changed direction.

The American people had an assessment that was different than the assessment they had in the past. They became confident that Congress finally was going to do something to tackle these deficits, not just talk about them but tackle them, to get this country's fiscal policy back under some amount of control.

People's confidence increased. The result was that our economy began to rebound. It produced more economic growth than anyone thought possible. It produced lower unemployment than virtually anyone thought possible, and we have economic strength and opportunity across the entire country as a result of it.

Some areas have been left behind; I understand that. My point is, even as we work on those remaining areas, this country has done very well. It is not an accident. I get a little fatigued hearing people say nothing has happened in the last 8 years.

What has happened is this administration, the Clinton-Gore administration, inherited a weak, anemic economy, and we turned it around. Was it easy? No. We paid a price for the votes we cast to do it. It wasn't easy. It wasn't the best political choice. It wasn't the most popular choice. But it was the required choice to say what is happening in this country isn't right and we need to change it.

Changing it has meant that virtually everything in this country has improved. Welfare rolls are down, home ownership is up, unemployment down, inflation down. Almost every indices of economic health in this country shows strong, sustained improvement. That is not some historical accident. It is not. It is a function of a Congress, a President, and Vice President teaming up to make tough choices, to say we are moving in the wrong direction and, with as much strength and courage as it takes, we are going to turn that steering wheel and move the country back in the right direction.

When people said, we blame you for the votes you cast in 1993, even back then, just after the vote, I said: You can't blame me. I demand that you give me credit for that vote. As unpopular as it might be, it was the right thing for this country to do. I am proud to have participated in it. I feel exactly the same way today. Do not dare to blame me for that vote. I voted to change direction because this country was headed in the wrong direction.

This country is now headed in the right direction. We have a lot of challenges ahead of us and a lot to do. One of my great worries is that those people who now say, oh, by the way, we are going to have 10 years of surpluses, don't understand the lessons of history. We don't have 10 years of surpluses. We have economic uncertainty ahead, unless we maintain a fiscal policy that makes sense. A trillion and a half dollars in tax cuts before even the surplus exists will put us right back into the same deficit ditch we had been in for so long back in the 1980s and early 1990s.

We dare not squander this opportunity. We need a fiscal policy that makes sense, one on which we can rely, one that says to the American people, our first priority is not to give tax cuts with money we don't have. Our first priority, when we have better economic times and have a budget surplus, is to use part of that surplus to pay down the Federal debt. If during tough times you run up the Federal debt, as we did, during good times you ought to have the common sense to pay down part of that Federal debt, as we should.

This is the story. This is where we have been, and this is where we are. I worry very much that the kind of proposals offered by some here and by Governor Bush running for President—about $1.5 trillion in new tax cuts, most of which will go to those who need it least—will put us right back into the same deficit we have been in too long. We have worked too hard to squander our economic strength now.

THE OLDER AMERICANS ACT AMENDMENTS OF 2000—Continued

Mr. DEWINE. Mr. President, the business before us is the Older Americans Act.

The PRESIDING OFFICER. Who yields time to the Senator from Ohio?

Mr. DEWINE. I yield myself as much time as I may consume.

The PRESIDING OFFICER. The time is under the control of Senator JEFFORDS of Vermont.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. There are 108 minutes remaining.

Mr. JEFFORDS. How much time does the Senator desire?

Mr. DEWINE. One minute, and then I will ask that my colleague from Iowa be recognized.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Ohio.

Mr. DEWINE. Mr. President, the business before the Senate is the Older Americans Act. Specifically, we have Senator GREGG's amendment. I rise, very reluctantly, to oppose that amendment. In a moment, I will explain to my colleagues why I believe that amendment is unnecessary and why I believe it simply must be turned down if we are going to pass the Older Americans Act this year.

Before I do that, I want to allow my colleague from Iowa, who has come to the floor and has a major provision in this bill, to talk about this provision. I compliment him on it. He has been the lead sponsor in the Senate on a separate bill. We incorporated his bill into the Older Americans Act. The provision he will explain to the Senate is one of the new provisions of the Older Americans Act in this bill and it is a major contribution. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I have a question for the Senator from Ohio. He has the floor. I thought we would be alternating in the spirit of comity. What was the preference?

Mr. DEWINE. I was trying to accommodate Mr. GRASSLEY, whom I asked to come over here about this time. It is my understanding he has about 10 minutes. I would be happy to have you proceed at any point. At some point, I am going to talk about the Gregg amendment and why I think it should be opposed. I will be on the floor, so it doesn't matter when I do it.

Ms. MIKULSKI. My suggestion is that Senator GRASSLEY proceed and then our colleague, Senator MURRAY, proceed. She wishes to speak for 10 minutes. How about if those two speak—GRASSLEY followed by MURRAY—and then, if it is appropriate, unless other Members want to speak, the Senator and I can engage in debate on the amendment.

Mr. DEWINE. That is fine with me.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Iowa 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise today in support of H.R. 782, the Older Americans Act Amendments of 2000. I join my colleagues in commending Chairmen JEFFORDS and DEWINE and other members of the committee for their hard work and endless energy in bringing this important measure to the floor.

In its 35th year, the Older Americans Act continues to meet its mission of helping seniors stay independent and part of their community. The wide array of services available under the act serve as the life-line to millions of seniors across the Nation.

Seniors in both rural and urban areas rely heavily on one or more of these services: nutrition services such as home-delivered meals; meals served in congregate settings; transportation services to medical appointments; legal assistance; protection from abuse through the ombudsman program; pension counseling services; in-home services; and volunteer and employment opportunities for older persons.

As chairman of the Senate Special Committee on Aging, I am particularly pleased that this bill contains the National Family Caregiver Support Program. Over the past 3 years, Senator BREAUX and I have convened a number of hearings to examine the important role that family caregivers play. More than 20 million Americans are caring for an aging or ailing family member. To put this number in perspective, there are fewer than 2 million seniors living in nursing homes. So simply by looking at the numbers, we can conclude that the bulk of caring for our Nation's elderly is carried out by family and friends in the form of informal caregiving.

The story of Barbara Boyd, a state legislator from Ohio who testified before the Special Committee on Aging last year, provides a good example of what a caregivers job entails. Ms. Boyd cared at home for her mother who had Alzheimer's disease and breast cancer. Her mother had $20,000 in savings and a monthly Social Security check. That went quickly. Her prescription drugs alone ran $400 a month. Antibiotics, ointments to prevent skin breakdown, incontinence supplies, and other expenses cost hundreds of dollars a month.

Ms. Boyd exhausted her own savings to care for her mother, and exhausted herself. She isn't complaining. Family caregivers don't complain.

The contribution of family caregivers is enormous. Economically, family caregiving is worth billions of dollars. Emotionally and physically, caregiving is often an overwhelming task. Caregivers know what it entails to juggle personal and professional demands with the responsibilities that accompany caregiving.

This is why the Family Caregiving Support Program, now a part of the Older Americans Act bill before us, is critically important to families caring for loved ones who are ill or who have disabilities. The program uses existing resources to meet a pressing need. In this case, the already successful network of aging centers will administer the program.

It will serve millions of caregivers throughout hundreds of communities nationwide by providing: respite care; information and assistance; caregiving counseling and training and supplemental services to caregivers and their families.

Our country is aging, and that demographic shift creates new needs, and this legislation helps us meet those needs. The Older Americans Act not only serves as a critical safety net, but it embraces important principles that we should uphold in policies that serve our nation's elderly.

The act calls attention to the need to prepare our nation's aging population for its own longevity by enhancing health promotion opportunities, improving flexibility for states and area agencies on aging, by modernizing programs and services, and in calling for a White House Conference on Aging in 2005.

Finally, the act provides authorization for the thirteen area agencies on aging in my home state of Iowa. In 1999, these funds enabled the agencies to serve nearly 293,000 elderly Iowans. The services the act funds are critical to older Americans in my state and throughout the country.

I ask unanimous consent that a copy of a letter I recently received from

Representative BOYD be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OHIO HOUSE OF REPRESENTATIVES,
Columbus, OH, October 16, 2000.

Senator CHUCK GRASSLEY,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: We have in the state of Ohio term limits, and I am at the end of my fourth term. I will certainly miss the House, but I know my work is not done. I will continue to advocate for the elderly, especially Alzheimer's and caregivers. There is a rumor that I will be in other areas of "expertise", which are Welfare Reform, Human Services, and healthcare. It is my understanding that I have a great advocacy being voiced in my interest in public policy in the state of Ohio.

My passion will always revolve around the issue of caregiving. I have found that I remain a voice on the issue and a sounding board for those who are heartbroken.

October 21st will be two years since Mother passed, and there is not a day that dawns that I do not think of her. She, in her last years, taught me more than I ever learned in college. Everyday I marvel at the fact that I did what I set out to do during those five and a half years. Truly, my heavenly father watches over me.

If there is ever an opportunity to serve on a national level, on a board or committee on caregiving, please keep me in mind. I will be sure to keep in touch with you.

Thank you again for giving me an opportunity to tell my story as a caregiver.

Yours in Service,

BARBARA BOYD,
State Representative.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to join with my colleagues on the HELP Committee in urging passage of this important bipartisan legislation to reauthorize the Older Americans Act.

For more than 30 years, the Older Americans Act has been our Nation's most important resource for helping seniors get the services they need in their own communities.

The OAA provides funding for senior centers, transportation, recreation, adult education, Meals-on-Wheels, preventive health care, and other essential services.

In fiscal year 2000 alone, OAA programs have provided more than $15 million in services in Washington State.

In addition, the act provides resources for the Nation's largest program for older workers, and it provides subsidized jobs and training to more than 65,000 low-income workers over age 54.

With more people retiring, the demand for OAA services has grown dramatically in recent years. Unfortunately, the program has not kept pace with current needs.

Today, we have an opportunity to finally reauthorize the Older Americans Act, and I'm calling on my colleagues to pass a clean reauthorization bill that is based on the bipartisan legislation developed by the members of the HELP Committee.

As a member of the Aging Subcommittee of the HELP Committee, I have been eager to pass a strong reauthorization bill.

While I'm disappointed it has taken so long, I know this bill will improve the programs that seniors and their families rely on.

As I have traveled around my State, I've seen the impact these programs are making. It's not just seniors who want the act reauthorized. Their families, physicians and communities also want to see the Act strengthened.

The safety net programs authorized in the Older Americans Act provide a life line for our most vulnerable citizens.

The Older Americans Act closes the gaps in services and offers seniors a way to maintain a dignified quality of life.

The nutritional assistance programs alone are critical to addressing the needs of low and moderate income seniors.

Job training programs allow seniors to keep their economic independence and to maintain important social ties to their communities.

The most significant improvement in this legislation is the creation of the new Family Caregiver Support program.

This innovative new program will offer families real support in meeting the long term care needs of their loved ones.

It will also provide assistance to older spouses—often older women—who are left to care for a frail family member.

The Aging Subcommittee heard testimony from many family members who are struggling to care for their aging parents. Because they don't have any help, they face significant financial and emotional burdens.

I know this new program will begin to address the problems facing those families who are caring for aging relatives in their homes.

I thank the chairman of the Aging Subcommittee, Senator DEWINE, for his leadership in making this bill a reality.

I also thank Senator MIKULSKI for her efforts and hard work in making sure we honor the commitment to our seniors before we adjourn for the year.

I urge my colleagues to defeat the pending amendment and send this bill to the President without further delay.

We cannot allow this session to end without continuing the programs that have served America's seniors so well throughout the years.

I yield the floor.

Mr. JEFFORDS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ninety-three minutes.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Ohio 15 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank the Chair, and I thank the chairman of the committee.

Mr. President, I rise very reluctantly to oppose the amendment of my colleague, Senator GREGG. I do so reluctantly because it is very well intended. Frankly, as I listened to his speech, there was very little, if anything, about which I disagreed. The bottom line is that the reforms he has requested and about which he has been so eloquent over the last few years are, in fact, included in the bill that is in front of us. The reality is that while those reforms are already in the bill, if his amendment were accepted, it would kill the bill at this late date.

We need to keep in mind that the House of Representatives has already passed this bill overwhelmingly with only two dissenting votes. This bill is the result of over 2 years of compromise work and labor. This bill has the accountability and the reforms that my colleague was asking about and has requested. I salute him for bringing these issues up not just on the floor today but, frankly, for bringing them up during the committee hearings, and I salute him for bringing them up before that. Because of what my colleague has done and because of the issues he has raised, we have incorporated these reforms into this bill. He gets a lot of credit, I believe, for doing that.

I think, therefore, his amendment is simply just not necessary and ultimately, at this late date, turns out to be an amendment that could kill this bill.

I would like to talk a minute about this bill from the point of view of the Governors. I think when looking at it from the point of view of the Governors, we can get a better understanding of the reforms this bill makes, the improvements this bill makes, and the accountability that is now in this bill that does not exist in the status quo.

Let me make something very clear. The killing of this bill will not improve the status quo. We will be stuck with the status quo if this bill goes down. The question is, Does this bill fundamentally improve where we are today and bring about more accountability? I think clearly a fair reading of this bill indicates that it would.

Let me talk about this bill from the point of view of the Governors.

First of all, this bill recognizes growth in States that have more senior citizens, and therefore it is fair and it is the right thing to do.

No. 2, this bill has numerous reforms in regard to title V. We recall what title V is. Title V is employment for seniors who couldn't get a job. That helps them; it not only helps them but helps the community. We have these all over the country. My colleague talked about Green Thumb and talked about the National Park Service. These jobs are all over the country in all 50 States. They are very valuable to the seniors and very valuable to the communities that are being served.

The appropriators have traditionally, year after year, split this money 78 percent and 22 percent—78 percent going to the 9 or 10 national contractors and 22 percent going to the States. That has not changed. That is what the appropriators have done year after year.

We bring about some more equity and fairness. We say dollars on top of that up to $35 million—any additional dollars up to $35 million—we are going to split and we are going to reverse that. Basically, we are going to have 25 percent that is going to go national but 75 percent of the money will be spent by the Governors in the local communities as they see fit. That is a fundamental change. Again, it is one of the reasons the Governors of our Nation want this bill.

We then go further and say beyond $35 million—if the appropriators put in beyond $35 million—it would be a 50-50 split; again, certainly an improvement over the status quo. Again, we get to the issue of accountability.

The next reason the Governors like this bill is that they get to submit for the first time a plan to the Department of Labor for the national contractors that are coming into the States. The complaint we hear from them now is: These national contractors come into our States, and they may be doing good work, but they may be in the wrong area or they may not spread around the States. The Governors and the people in the States of Ohio, or Illinois, or Pennsylvania, or Florida understand what our communities' needs are. We ought to have some input in that.

This bill says: Yes, you can have that input. You can submit this plan to the Department of Labor, and they have to pay attention to it for the first time. That is an improvement in local control. That is one of the reasons the States like this bill so much and one of the reasons the National Governors' Association has endorsed this bill wholeheartedly.

We next provide more accountability. We say after the national contractor comes in, after the national contractor begins its work, after they have this employment, if the State of Ohio or the State of Vermont or the State of Massachusetts decides the contractor is not doing a good job, they have redress and procedures they can follow to hold that national group accountable—again, a very significant improvement. Again, a reform that is contained in this bill.

In summary, Governors will have a greater role in planning and administering a program within a State. Under our reauthorization bill, Governors will submit a State plan to the Department of Labor which will describe where these jobs are needed within a State, where the population of older individuals who qualify for the program are located, and describe how the plan would coordinate with the programs under the Workforce Investment Act. The Governors are also given, under our bill, the opportunity to submit recommendations to the Secretary of Labor regarding proposed projects within the State that would be carried out by the public and private nonprofit grantees.

Finally, under our bill, the Governors can hold those public and private grantees that operate in their States, for the first time, accountable if they fail to serve seniors. Under the bill, the Governor can request the Secretary of Labor to review a public and private nonprofit grantee operating within the State. If the grantee is not meeting performance standards, the Secretary, under our bill, is required to take corrective action against that grantee.

Next, new cost controls will prevent misuse of funds by the grantees. That is very important. The reauthorization bill would codify definitions of administrative expenses and programmatic expenses. It would also require at least 75 percent of a grantee's funds be used for enrollee wages and benefits. This bill also explicitly states that the funds a grantee receives for the program must be used solely for that particular program. Moreover, the bill expressly requires each grantee to comply with OMB circulars and rules, and requires the grantees to maintain records sufficient to permit tracing of funds to ensure that funds have not been spent unlawfully.

Further, grantees will be required to serve seniors or they will lose their grant. The reauthorization bill introduces performance measures in competition into the program for the first time.

The bill will establish a three-strikes-and-you-are-out policy to ensure performance goals are met. Failure to meet performance standards will first result in technical assistance and require the grantee to come up with a plan for the future. Failure to meet performance standards a second consecutive year will result in a net loss of 25 percent of the grant which will be competitively bid in an open competition. Failure to meet performance standards a third year will cut off the grantee from the program, and the grant will be competitively bid in open competition. Failure of a public and private nonprofit agency grantee to meet performance standards a fourth year in an individual State will also lead to the loss of the grant, which will then be competitively bid in an open competition.

These reforms significantly improve the Older Americans Act. They protect the taxpayers and provide seniors with a jobs program that works. Failure to pass these reforms this year will only continue a system that has not served the job placement needs of seniors in many States and will not correct the deficiencies in the administration and planning of the program. The only way these improvements will be realized is to pass this bill, the Older Americans Act, a bipartisan, bicameral initiative.

Under the bill, funding may only be used for provisions of title V. I want to make this very clear. The provisions of training and jobs to low-income seniors is the only legal use of money under our bill. You can't use, under this bill, money for lobbying. Under our bill you cannot use it for litigation. We make sure of that by specific reference to the OMB circular and we make reference in the bill to that which prohibits that type of activity.

Each grantee receiving funds must comply with the law. They cannot do lobbying; they cannot do electioneering activities. That is under our bill, as well.

Under our bill, the Secretary must conduct a review and apply responsibility tests to all applicants receiving funds, just as the Gregg amendment provided. Under our bill, it is simple: If you fail to meet a responsibility test, you cannot be a grantee.

Putting this bill together has not been an easy task. Let me remind my colleagues, it has been 8 years since Congress reauthorized the Older Americans Act. It has been 5 years since that last reauthorization expired. It has not been easy, but we are here today with a bill that fundamentally changes the status quo. Our bill makes significant and substantial improvements to the existing Older Americans Act. Failure to pass this bill would mean that we are going to be stuck with the status quo for at least 2 more years.

I will be quite candid. After what we have gone through to put this together, if this bill fails today, I don't know how anybody thinks we could put another bill together next year or the year after. It would force another Congress to rehash these issues and try to pass a bipartisan bill. Keep in mind, we now have a bill that is more acceptable to our friends in the House. We worked this bill and coordinated this bill closely with them. They passed this bill yesterday 405-2. This bill has the support, as I indicated a moment ago, for very good and substantial reasons, of the National Governors' Association. It is not easy getting all 50 Governors to agree on anything. They agree on this bill. They want this bill. They have lobbied for the bill. They have been a part of putting it together. Failure to pass this bill means we will be stuck with the status quo for a long time.

I congratulate my colleague from New Hampshire for his work. I believe it is abundantly clear we have covered the concerns he has raised. The good news is if we pass the bill before the Senate, we can change the status quo for the better, particularly title V.

Let me talk for a moment about the status of title V. It is funded now at $440 million annually and administered by the Department of Labor, which awards grants to 10 national organizations, AARP, Green Thumb, U.S. Forest Service, and the State governments. As I outlined, 78 percent of the funds are awarded by the Department of Labor on a noncompetitive basis to the 10 national organizations; 22 percent of the funds are distributed to the States. That is the status quo. As I indicated a moment ago, we fundamentally change that status quo.

Let me conclude by referencing the bill. If my colleagues have concerns about the reforms, whether or not they were in this bill, I reference them to this bill, to actually look at the bill. We provide for accountability in regard to title V entities in two separate ways. One, we do it before the fact, before they are chosen; second, we provide it after the fact.

The first is what is labeled in the bill as a responsibility test. In the section on the responsibility test, it outlines what the Federal Government must look at before a grantee is chosen. Let me emphasize this is not in current law. The great improvement this bill makes is we put this in law. No matter who the Secretary of Labor is, no matter which party runs the Department of Labor, they have to follow the law. They have strict criteria that they have to follow. We spell it out.

The bill provides:

> Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant agency or State's overall responsibility to administer Federal funds.

As part of that, the Secretary may consider any information about that proposed grantee-specific language which I will read.

The organization's history with regard to the management of other grants—

So I listened very carefully to the concerns of my colleague from New Hampshire about a specific grantee. I say to him, look at the language in this bill. We have addressed those concerns. The Department of Labor will look at these things and they will look at a past history and they will look at a pattern and they will look to see if there have been problems in the past. We go on and spell this out, page after page, all the different things the Department can look at and should, in fact, look at:

> Failure to submit required reports; failure to maintain effective cash management or cost controls; failure to ensure that a subrecipient complies with the Office of Management and Budget Circular[s]; failure to audit a subrecipient within the required period; willful obstruction of audit process; failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion—[et cetera, et cetera.]

I will not read them all. They are all here. Then we also provide any history and we provide any information.

So the Department, for the first time, is being told they have to consider this information, and that is what the law will be after we pass this bill.

We next say after the fact, if they get that, if they do get the grant, we then provide in a section called "National Performance Measures And Competition For Public And Private Nonprofit Agencies And Organizations":

> The Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established. . . .

We outline, as I indicated a minute ago, how that is done as well. That is in this bill as well. We step them down and we punish them and we eventually, if they keep doing it, say they do not get any more money and they are gone. That is what is in this bill.

So let me conclude. We have a strong bill in front of us. It is a bipartisan bill. It is our chance to pass the Older Americans Act. We will not have another chance in this Congress. We may not get another chance in the next Congress. It is the right thing to do. There are groups across this country that want this but, more importantly, the senior citizens of this country need it. It is the right thing to do.

We address the concerns my colleague has raised. I again thank my colleague from New Hampshire for raising this amendment, but I very reluctantly must oppose it, and I urge my colleagues to oppose it. Make no mistake about it, we have this covered. We have the reforms in the bill and, No. 2, if his amendment would pass, this bill would die and we would not reauthorize the Older Americans Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume. I yield myself enough time to congratulate the Senator from Ohio for doing a tremendous job. We have been waiting 8 long years to solve some of these problems. I also congratulate the Senator from New Hampshire for raising these issues over and over. I firmly believe we have, now, a bill that takes care of those problems and we have one that we must vote in favor of, otherwise this bill will die. That would be a terrible thing to happen.

I suggest the absence of a quorum, and I ask the time be charged evenly against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I thank my colleagues for all of their kind comments on this legislation and also how they were complimentary, both on the content and the bipartisan nature of it. We really only have one unresolved issue and that is the amendment raised by our colleague from New Hampshire. I say to my colleague from New Hampshire, we admire his stewardship over Federal funds and his insistence on accountability. However, we think his amendment, though very well intentioned, is really misguided.

We are concerned, both on the basis of content and then also the consequences for this legislation. Number one, if the Gregg amendment should prevail, this could have the consequence of really killing this bill. This is a bill that has been arrived at through a very delicate bipartisan agreement, not only within our own institution but in the House. We are in the closing hours of the 106th Congress. If an amendment is agreed to, we are going to have to have a conference or this bill will go back to the House. Then the lid goes off and we will be involved in a variety of other discussions. I think my colleagues know that once you start talking you tend not to stop talking.

So we really encourage that people be aware this could sink the Older Americans Act for the 106th Congress. I would so regret that because we have worked so hard among ourselves with constituency groups and others. Really, from the standpoint of process, I hope, one would really look at this.

The second point is, in terms of the Gregg amendment itself, we are concerned that it does not provide due process. What it would do is allow a preliminary finding from an agency other than the Department of Labor to stop an organization from running its jobs program. There would be no opportunity to appeal or to be heard. There would be an audit by the IG or GAO, which would then serve as a final determinant. Audits are meant to raise questions, not to be a final determination. So we would raise that as, really, a very serious question.

This amendment is not needed. Current law already prohibits using these funds for lobbying or litigation against the Government. These are in well-known, well-circulated OMB circulars. Also, our own legislation pending before the Senate already has pretty firm, strict, and clear accountability. It says if you don't meet the standards, you lose all or part of your grant. And then those funds not used, because you have lost them, will be able to be competed for by other national organizations. This is a process for recompeting funds of a State or nonprofit agency or organization that does not meet established performance standards. I believe the process will work, and we should not interfere with it.

We believe we do have very firm accountability in this legislation. These performance measures in this bill are simply this: If an organization or a State fails to meet these standards or improve its performance, other entities will get the opportunity to competitively bid for a portion or all of the organization's grant. We establish a minimum amount that must be spent on enrollee wages and fringe benefits. We clarify the way the organization must define and report their costs, so there is no room for ambiguity. We codify our own clear responsibility tests and have very firm criteria for granting eligibility. We require a broad planning process so the area of greatest need within a State is served as efficiently and as specifically as possible. These provisions will ensure seniors get the high-quality services they deserve, and taxpayers will get value for their dollar.

Also, know that in addition to what we have in this legislation, as I said, the Government already has Government-wide standards and procedures, applicable to the suspension and debarment of any Federal contractor and grant recipient. The NSCERC is currently engaged in an audit resolution process with DOL. All indications are that this process is working and we should not interfere with it.

Also, during the debate words were used such as "slush fund," et cetera. I think that was a little harsh and inaccurate. Did the National Senior Citizens Education Research Center have problems? You bet.

The Department of Labor did an audit. They found that there was no malicious intent to defraud. There was no intent to be scum or scam. What they did was essentially have a certain program related to the HIP indemnity in the wrong category.

Do they owe the Federal Government some money? Yes. Is there discussion ongoing now about the most effective way to recapture that? Yes.

I ask unanimous consent that a document giving the status of the National Senior Citizens Education and Research Center grant program be printed in the RECORD, along with a letter from the Department of Labor essentially saying how all of this is currently going through a process and is coming to a satisfactory conclusion. Some serious mistakes were made, but they were not malicious, they were not criminal, and they were not intentional.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUS OF THE NATIONAL SENIOR CITIZENS EDUCATION AND RESEARCH CENTER GRANT, OCTOBER 5, 2000

The Senior Community Service Employment Program (SCSEP) provides community service employment opportunities to economically disadvantaged senior citizens. The National Senior Citizens Education and Research Center (NSCERC) is one of 10 national grantees. It is funded for over $65.0 million, which it subgrants to about 150 groups in 28 States, including local governments, and nonprofit organizations. This year it will provide positions to about 15,000 low-income seniors.

Prior to 1996, the SCSEP program was operated by the National Council of Senior Citizens, NCSC. As a result of 1995 legislation, NCSC as a 501(c)(4) organization became ineligible to be a grantee. Consequently, a novation agreement was made which transferred the grant to NSCERC, an affiliated but separate 501(c)(3) organization.

An audit was conducted by the Department's Inspector General (IG) of NCSC's program administration which covered a three year period from July 1, 1992 thru June 30, 1995. The audit was initiated by the IG as part of its regular responsibility to audit federal employment programs. A Final Determination was issued in March, 2000 disallowing nearly $5 million. This determination is under appeal to the Department's Office of Administrative Law Judges (ALJ's). The ALJ's decision can be appealed to the Secretary.

"About 78 percent of the disallowed costs are attributed to NCSC's/NSCERC's treatment of the program's Hospital Indemnity Insurance Plan (HIP) refunds and administrative funds. Payments for participant insurance were charged to the SCSEP grant. NCSC/NSCERC treated the refunds as royalty income instead of program income, crediting the refunds to the NCSC organization rather than to the SCSEP grant."

The OIG has also conducted audits of the NCSC's/NSCERC's grants for subsequent fiscal years. There are substantial amounts of questioned costs for these years, as well. A large portion of the questioned costs related to the same issue, the proper application of HIP refunds. The Department, NCSC, and its successor grantee NSCERC continue to work to resolve issues related to these subsequent audits. On March 24, 2000, the Department issued an Initial Determination on the second audit, covering the period 7/1/95 to 6/30/96. This determination proposes to disallow $1.3 million in direct cost against both NCSC and NSCERC. The Department anticipates issuing a final determination in the near future.

As a result of these audit findings the Department has taken the following steps:

1. Payments for the hospital insurance indemnity plan, which produced the refunds were phased out as of September 1999.

2. An escrow account has been established to receive refunds and other insurance payments until a final resolution can be reached on the audits. As of March 2000, the escrow account totaled approximately $3.1 million.

3. A clear organizational separation was established between NCSC and NSCERC. Each organization now has a separate board and management.

4. The Department is committed to providing "due process" and a fair and equitable resolution of the audit findings.

U.S. DEPARTMENT OF LABOR, ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING,
Washington, DC, October 24, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We are pleased to respond to your request for information about the status of the agency determinations with respect to the Department of Labor's (DOL) Final Determination of the National Council of Senior Citizens (NCSC) and National Senior Citizens Education and Research Center (NSCERC) audits conducted by the DOL's Office of the Inspector General (OIG).

Prior to 1996, NCSC operated a grant under the Senior Community Service Employment Program (SCSEP). Pursuant to legislative and regulatory requirements, NCSC as a 501(c)(4) organization became ineligible to be a grantee. Consequently a novation agreement was made which transferred the grant to NSCERC, an affiliated but separate 501(c)(3) organization.

The status of the DOL's Final Determination is as follows:

Background: The OIG issued an audit on February 3, 1999 which covered the period from July 1, 1992 through June 30, 1995—with a total cost audited of $184,746,124. Of the audited costs, $5,814,942 or 3.1 percent of the total grant funds was questioned by the auditors.

Final Determinations: On March 2, 2000, ETA issued a Final Determination disallowing $4,961,583 or 2.7 percent of the total costs audited.

Current Status: The Final Determination was appealed to the Office of Administrative Law Judges on March 20, 2000.

The OIG issued a second audit on September 24, 1999. The resolution status of this audit is as follows:

Background: The audit covered the period from July 1, 1995 through June 30, 1996 with a total cost audited of $60,828,900. Of the audited costs, the auditors questioned $2,250,828 or 3.7 percent; they also questioned the indirect cost allocation base proposed by NCSC and NSCERC.

Initial Determination: On March 24, 2000, ETA issued an Initial Determination proposing a disallowance of $1,262,607 in direct costs and an undetermined amount of indirect costs pending the negotiation of a Final Indirect Cost Agreement between the Department of Labor, NCSC and NSCERC.

Current Status: The Department of Labor's Office of Cost Determination is currently in negotiations with NCSC and NSCERC to reach an agreement on the final indirect cost rate. If an agreement is reached, a Final Determination will be issued relating to the questioned direct costs only. If no agreement is reached, a Final Determination will be issued addressing both the direct and indirect questioned costs with an indirect costs rate determined by the Office of Cost Determination.

A third OIG audit was issued March 29, 2000. It covered the period from July 1, 1996 through December 31, 1997. The Department of Labor has not issued an Initial Determination, pending a review of the indirect cost rate.

Should you or your staff have any questions, please contact Raymond J. Uhalde, Deputy Assistant Secretary of Labor. Mr. Uhalde can be reached at (202) 693-2700.

As a courtesy, I am sending a copy of this letter to Senate Health Education, Labor and Pensions Committee Chairman, Senator Jeffords.

Sincerely,

RAYMOND J. UHALDE
(For Raymond L. Bramucci).

GOOD REASONS TO SUPPORT SCSEP

The Senior Community Service Employment Program (SCSEP) authorized under Title V of the Older Americans Act should be preserved and expanded for the following reasons:

1. The SCSEP is our country's only workforce development program designed exclusively to maximize the productive contributions of a rapidly growing older population through training, retraining, and community service and is a good model of success in the area of welfare-to-work programs. History has taught us that mainstream employment and training programs like JTPA and CETA are not successful in serving older workers. A targeted approach is needed.

2. The SCSEP is primarily operated by private, nonprofit national aging organizations that are customer-focused, mission driven, and experienced in serving older, low-income people. These nonprofit organizations work in close partnership with the Governors, Department of Labor, aging network, and employment and training system, actively participating in One Stop Service initiatives designed to streamline and integrate services.

3. The SCSEP is a critical part of the Older Americans Act, balancing the dual goals of community service as well as employment and training for low-income seniors. Many nutrition programs and other services for seniors are dependent on labor provided by SCSEP.

4. The SCSEP has consistently exceeded all goals established by Congress and the Department of Labor, surpassing the 20% placement goal for more than 15 years. Virtually all appropriated funds are spent each grant year, in stark contrast to similar programs.

5. The SCSEP is a means tested program, serving low-income Americans age 55+. The program serves less than 1% of those who are eligible; long waiting lists are common in most areas of the country.

6. The SCSEP serves the oldest and poorest in our society, and those most in need: 41% of enrollees are minorities—the highest minority participation rate of any Older Americans Act program; 73% are female; 36% are age 70 and older; 83% are age 60 and older; 36% do not have a high school education; and 11 % have disabilities.

7. The SCSEP ensures national responsiveness to local needs by directly involving participants in meeting critical human needs in their communities, from child and elder care to public safety and environmental preservation. The SCSEP has been a major contributor to national disaster relief efforts, most recently resulting from floods in the midwest, hurricanes in the southeast, and the California earthquakes.

8. The SCSEP has demonstrated high standards of performance and fiscal accountability unique in government programs. Less than 15% of funding is spent on administrative costs—one of the lowest rates among federal programs.

9. The SCSEP historically has enjoyed strong public support because it is based on the principles of personal responsibility, lifelong learning, and service to community. In addition, the program is extremely popular among participants, host agencies, employers, communities, and the membership of our nation's largest aging organizations.

Ms. MIKULSKI. Mr. President, the other point I want to make is we have the accountability. This is a good program, and it is hard to administer. The Senior Community Service Employment Program is under title V. Do you know what it does? It helps old people of modest income find work. This is not easy.

This program itself serves the oldest and poorest in our society. Forty-one percent are minorities, the highest minority participation of any Older Americans Act program. This primarily helps women. Seventy percent of them are women. They are old. They are poor. They are trying to add extra money to hold body, soul, and prescription drugs together.

At the same time, 83 percent are over 60; 36 percent do not have a high school education; 11 percent have disabilities. This is a very intensive hands-on program to operate. It takes a lot of help to get people ready for a job and a lot of professionalism to find the jobs for them. By all accounts, all of the grantees have met those criteria.

I could go through example after example in my own State, but I will give two. An 85-year-old woman is now a senior aide working as a library assistant for $7.17 an hour. Another 71-year-old female was employed as a customer service rep of one of our Maryland agencies because she had good manners and a good work ethic, and therefore they taught her the skills to earn some extra money. These are the kinds of people this program helps.

Many of the nonprofits that operate these programs operate with a very low margin. This is a very cost-intensive and labor-intensive program to operate. I hope we defeat the Gregg amendment because: First, it is not necessary. We have good, tight accountability requirements in the bill and responsibility. Second, it will kill the bill. And third, we do not need to add more bureaucracy, more shackles, more audits, more paperwork just because we are cranky with one organization. Let's give them the chance to meet the responsibilities established by the Department of Labor and pay the money back, and let's renew the Older Americans Act and leave this Senate with our heads held high that we defied the laws of inertia in this institution and reauthorized the Older Americans Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself such time as I may use.

Mr. President, the case has been very well stated by the Senators from Ohio, Vermont, and Maryland. I listened carefully to the points the Senator from New Hampshire made earlier today. It is worthy for our committee to give consideration to these points. I thought the Senator from Ohio and others thoroughly explained how steps were already taken to address those issues and went into considerable detail in explaining the provisions of the bill that will address the challenges which the good Senator raised.

A great deal of time was taken by the committee to address those challenges. I think the committee has done a good job in addressing them. I do not think, therefore, that amendment is necessary to ensure the interests of the elderly people, as well as the taxpayers.

We must remember that it is not unusual for auditors to identify expenditures which do not conform with the terms of a grant, and for the Department to require repayment of the disputed amounts. Disallowed costs are usually nothing more than good-faith errors or honest disagreements over the interpretation of the terms of a grant.

For example, during 1998, the Employment and Training Administration of the Department of Labor which administers title V of the Older Americans Act, amongst the many workforce programs it supervises, reviewed 84 audits, examining $30 million in questioned costs, and ultimately disallowed $18 million in grantee expenditures. The disallowed costs included agencies of State and local governments, as well as private organizations, and the disallowance of costs is a routine part of supervision that in no way impugns the integrity of the grantees involved.

The Gregg amendment is an extreme and unfair response to a problem which has already been remedied. The Department of Labor has already disallowed the insurance royalty payments which were the major focus of the inspector general's report on NCSC's Title V program grant, ordered the financial practice in question terminated, and demanded repayment of the disallowed costs. The cost items which DOL has disallowed cover the period between 1992 and 1996. The objectionable practices have been stopped. The matter is currently before an administrative law judge.

Furthermore, the legislation reported from the HELP Committee already addresses the financial accountability of title V program operators. It establishes strong new performance measures which program operators must meet each year, and provides for removal of operators who consistently fail to meet performance standards. It sets strict limits on the purposes for which the funds can be used. It sets forth in statute a 14-point "Responsibility Test" which each program operator must pass in order to be eligible to participate in the title V programs. Section 514(d) requires a detailed examination of the organization's past performance in administering federal funds. The Department will have ample authority to disqualify those program operators whom it deems untrustworthy or unreliable. The procedures we have established are tough and fair. After extensive review of the Senior Community Service Employment Program, the committee believes that these new performance standards and responsibility tests will effectively protect the interest of both the senior citizens who participate in the program and the taxpayers who fund it.

SENATOR GREGG'S "DEAR COLLEAGUE LETTER"

The Senator from New Hampshire claimed in a "Dear Colleague" dated September 27 that: "Under current law, nine grantees—mostly aligned with the Democratic Party and organized labor—receive over $400 million in federal grant dollars on a noncompetitive basis." This statement is both factually inaccurate and highly misleading. Firstly, over $400 million does not go to private organizations under the Senior Citizens Community Employment Act. Of that amount, $96 million actually goes directly to state government agencies, and an additional $28 million goes to the U.S. Forest Service. Secondly, the largest private grantee is Green Thumb, which receives $107 million each year. Green Thumb's principal activity is operating senior employment programs and its political involvement is minimal. AARP receives $51 million and the National Council on the Aging receives $38 million. They are broadbased advocacy groups for senior concerns, not aligned with any political party. Another $38 million is divided amongst four organizations focused on serving low income minorities—African-Americans, Hispanics, Asians, and American Indians, and $15 million is provided to the National Urban League to support its senior employment efforts.

The National Council of Senior Citizens, which the Senator from New Hampshire has so sharply criticized, receives less than 15 percent of the total appropriation for title V. While I certainly disagree with the allegations he has leveled against NCSC, it would be grossly unfair to impugn the legitimacy of the entire Senior Community Service Employment Program based on those allegations even if his claims about NCSC were accurate. The same organizations which are receiving funds today to operate senior employment programs were selected to operate those programs in the Reagan and Bush administrations, as well as in the current administration. The facts clearly demonstrate that these program operators were not selected because of their partisan "alignment," as the "Dear Colleague" letter implies. They have been selected because of their strong track record of delivering employment services to seniors.

NCSC/NSCERC PROGRAMS

As I noted earlier, the inspector general reports which the Senator from New Hampshire discussed cover the period from 1992 to 1996. In fact, NCSC has not been the recipient of grants to operate senior employment programs since that time. As a result of legislation passed by Congress in 1995, NCSC as a 501(c0(4) organization became ineligible to be a grantee. A new 501(c)(3) organization, the National Senior Citizens Education and Research Center (NSCERC) was established to receive the grant and operate the program. Federal funds received by NSCERC have been used by NSCERC to operate the senior employment program. Thus, the activities, political and otherwise, which NCSC may have engaged in since that time are not relevant to the operation of the Senior Community Service Employment program in any way.

Let's look at the program which NSCERC operates and the impact it has on the lives of thousands of older Americans each year. One hundred and forty-four senior employment projects are operated by NSCERC in 27 states and the District of Columbia. More than 15,500 seniors are enrolled in these programs each year, working in public and non-profit organizations. Most of these older workers would be living below the poverty line but for this program. Three quarters of them are women and half are minorities. A third of them never graduated from high school. Without this program it would be extremely difficult for them to find employment. This program makes an enormous difference in their lives. (Worker Profiles).

The impact of the program extends far beyond the seniors who are employed in it. They perform a broad variety of community services, including teaching children as aides in schools and day care centers, performing clerical work in libraries and in government and charitable organization offices, delivering meals to homebound elderly, assisting with in-home health care services, and driving senior citizen transport vans. Their work touches the lives of countless people—the very young and the very old, the sick, the frail, and the disabled. We should not make light of their contributions, nor of the importance of the non-profit senior employment program operators who make the program possible.

Let me give you a few examples. NSCERC works with the Flint Michigan Community School system and operates a Senior AIDES project in the schools. Dr. James E. Ray, the Superintendent of Community Education explains the importance of the program:

> Flint Community Schools and NSCERC have piloted a unique Title V intergenerational tutor training program. This initiative has proven to be very successful in meeting the educational and emotional needs of our at-risk elementary school children, while at the same time providing income assistance and social purpose for low-income senior citizens. It has been so successful in fact that a consultant for the U.S. Department of Labor (DOL) recommended that DOL partner with the U.S. Department of Education to expand the program nationwide.

NSCERC works with the Mexican American Opportunity Foundation in Los Angeles to help Hispanic children bridge the language barrier. Martin Castro, president of the foundation, describes the program:

> Since 1978, our agency, the Mexican American Opportunity Foundation, has operated three Title V Programs through contractual agreements with the National Council of Senior Citizens and now with the National Senior Citizens Education and Research Center. Our three Senior AIDES Programs, with a combined enrollment of almost 300 Senior Aides, have provided thousands of Hispanic elderly with the opportunity to remain in the workforce while simultaneously increasing their skills to obtain unsubsidized employment . . . This partnership has allowed our organization to develop a comprehensive intergenerational model in teaching preschool children in a bilingual and bicultural environment. It has allowed our preschool children in East Los Angeles, the majority of whom speak only Spanish, to learn English by the time they enter Kindergarten. Senior Aides assigned to our child care centers have contributed enormously to the success of this teaching model.

NSCERC and its predecessor NCSC have worked with Seniors Inc. in Colorado to operate that state's largest program. Seniors Inc.'s executive director Lewis Kallas explains the significance of NSCERC's participation:

> Seniors Inc. is Colorado's largest Title V local sponsor with 225 senior positions in 18 countries. We have contracted with Colorado's Aging Services Division and NSCERC to effectively administer the Title V Program since 1970. Our long and positive relationship and experiences with NCSC, and now NSCERC, have resulted in a Colorado program that serves as a national model. Much of this success is directly attributed to the National Council of Senior Citizens and NSCERC. These national organizations do business with one thing in mind—the needs of older and vulnerable senior citizens—My insight is not in passing; but rather historic and based upon real experiences that I now have enhanced the lives of thousands of low-income Colorado seniors.

While the prime purpose of the program is to fund community service employment for low income seniors, it also helps to train these workers and place many of them in unsubsidized jobs. Of the nine national organizations and fifty states that operate senior employment programs, NSCERC has one of the highest success rates in placing senior workers in unsubsidized jobs. It has the third highest placement rate amongst national organizations, and its placement rate is higher than the rates achieved by 41 of the states. (1998)

"DISALLOWED COSTS"

The Senator from New Hampshire has made it sound as if having "disallowed costs" means a program operator has engaged in serious misconduct. That is simply not an accurate portrayal. Agencies which receive substantial federal grants are audited routinely. It is not unusual for the auditors to identify expenditures which do not conform with the terms of a grant, and for the Department to require repayment of the disputed amounts. "Disallowed costs" are usually nothing more than good faith errors or honest disagreements over the interpretation of the terms of a grant. For example, between 1997 and 1999, the Employment and Training Administration of the Department of Labor, which administers title V of the Older Americans Act amongst the many workforce programs it supervises, reviewed 71 audits—examining $102.4 million in questioned costs out of $1.9 billion in federal grants examined, and ultimately disallowing $76.8 million in grantee expenditures. The percentage of costs questioned by the inspector general was 5.3 percent, and the percentage disallowed by the Department of Labor was 4.0 percent. The grantees found to have "disallowed costs" included agencies of State and local governments as well as numerous private organizations. The disallowance of costs is a routine part of grant supervision, and in no way impugns the integrity of the grantees involved.

The inspector general's audit which questioned certain expenditures by NCSC covered the fiscal years 1992 through 1995. The audit was completed in February of 1999. Based on that audit, the Department of Labor issued its final determination disallowing $5 million in costs over the three year period. During that period, NCSC had received approximately $180 million in funding for the operation title V programs. Thus, the amount disallowed constituted less than 3 percent of the federal funds which NCSC received during that period. Most of the disputed amount involved one administrative practice by NCSC which was disapproved by the auditors. A subsequent audit covering fiscal year 1996 led to an initial determination of $1.3 million in disallowed costs for that period. Most of the disallowance arose from the same disputed administrative practice. Again, this disallowance involved less than 3 percent of the $61 million in funding which the organization received to operate title V programs.

The administrative practice which gave rise to the disallowances involved payments from a health insurance company which provided coverage to NCSC members and to title V program participants. The health insurance premiums for senior citizens participating in the title V program were properly paid from the title V grant. Under the terms of the policy, the insurance company made a payment to NCSC at the end of each year based upon the profit it made on the account during that year. NCSC viewed those payments as "royalties" for the use of the organization's name by the insurer in soliciting business. Such royalties would belong to the organization. The DOL auditors viewed those payments as "rebates." If they were rebates, then the portion attributable to title V participants should have been credited to the federal grant. The treatment of those payments from the insurer constitutes an overwhelming majority (approximately 80 percent of the costs which DOL has disallowed).

When the issue of these disputed payments from the insurance company was raised by the first inspector general's Report in early 1999, the practice was stopped. Federal funds have not been used to purchase insurance for more than one year. Over $3 million has been placed by NCSC in an escrow account to cover a portion of the reimbursement which the Department of Labor is seeking. The issue of whether the payments were "royalties" or "rebates" is currently pending before an administrative law judge. Like all disputes regarding disallowed costs, this case will be resolved through the established legal process. Congressional intervention in that legal process would be wrong. The administrative practice which the auditors objected to is no longer taking place. It was terminated more than one year ago. No congressional action is needed to prevent this practice from occurring in the future. Any attempt to change the law retroactively or to impose harsh additional penalties after the fact would be unfair and unconstitutional. Congress is expressly prohibited from passing ex post facto laws, and that is what the Gregg amendment would be.

CONCLUSION

There are governmentwide regulations established by the Office of Management and Budget which set forth the standards for debarring a grantee from further participation in a federal program. The disallowance of costs in the NCSC/NSCERC matter is not the type of incident which would even remotely justify debarment under the existing rules. There is no rational basis for establishing a different debarment standard for title V of the Older Americans Act than for every other program in the federal government. Yet, that is what the Gregg amendment would do. It would set a much harsher standard and apply that standard retroactively. The amendment should be soundly rejected.

The rules governing debarment should remain uniform throughout the federal system. These rules certainly should not be changed retroactively for one program.

The Senate should not allow this issue to jeopardize passage of the Older Americans Act, which is so important to the well-being of so many senior citizens across America. The legislation before you represents a delicate consensus which has been reached across the aisle and between the Chambers. Its provisions have been carefully negotiated over a 2-year period. It is supported by the National Governors' Association and by more than 40 senior citizens organizations. The House of Representatives has already passed it. The Gregg amendment would unravel that consensus. If the Gregg amendment were to pass, the Older Americans Act would not be reauthorized this year. We should not allow this narrow issue to stand in the way of a very important bill. We owe it to millions of seniors to look at the big picture—to reauthorize the Older Americans Act and to create the National Family Caregiver Program.

So I again commend all of our colleagues, the chairman of our committee, Senator DEWINE, and particularly the good work of the Senator from Maryland. Their work has been indispensable.

I think we have a very solid piece of legislation. I hope we will get an overwhelming vote in the Senate in support of it.

Mr. BREAUX. Will the Senator from Massachusetts yield me time?

Mr. KENNEDY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Fifty-eight minutes.

Mr. KENNEDY. Sure.

Mr. BREAUX. Five minutes is fine.

Mr. KENNEDY. That is fine.

Mr. BREAUX. I thank the Senator from Massachusetts for yielding me some time to make some comments on this very important legislation.

The Older Americans Act is a piece of legislation that is incredibly important, not only to the 14 percent of all Americans who are legally classified as being elderly—those who are over the age of 65—but it is a piece of legislation that is incredibly important, not only to them but also to their children, to their grandchildren, and to other members of their family and friends who are concerned that, while we make great strides in technology in this country in keeping people living longer, it is also extremely important we recognize that just having medical technology to allow people to live longer is not as important as also making sure we allow them to live better.

It is one thing to live longer, but if you are living longer in conditions that are not what we, as Americans, think are ideal, sometimes people wonder whether, in fact, it is really worth it.

So the Older Americans Act clearly addresses some of these types of issues and questions about how do we, with medical science, as a society, allow our citizens to enjoy living longer lives but also living better, more fruitful lives in their golden years.

Part of that is the Older Americans Act, which provides, in many cases, some of the services that allow people to live better lives. It really is a wonder that this act is supported not only by seniors in this country but, I think, by most Americans by a very large margin. It has not been reauthorized in over 5 years. People would say: What is the matter, Congress? Don't you realize the importance and the numbers of older Americans who depend on this particular piece of legislation?

In many cases, they depend on it for their transportation because many seniors are homebound and have no way of getting around. It is a program that provides hot meals delivered to the homes of seniors who do not have the ability to go outside their home for meals. That is extremely important. It is a program that encourages the employment of more and more seniors in the workforce, which is incredibly important at a time when we actually have a labor shortage in this country. It has been shown, very clearly, that the shortfall can be made up, in many cases, by talented, experienced, learned seniors who can contribute to the workforce past their normal retirement years.

It is a program that provides assistance for adult day care, which is extremely important now, as more and more of the traditional caregivers are working themselves. It is a program that helps provide adult day care for seniors in this country, which is incredibly important.

It is a program that addresses the question of abuse prevention, and helps elders in this country to know what their civil rights are to make sure they are not taken advantage of by unscrupulous telemarketers, for instance.

All of those things are done by the Older Americans Act, which expired 5 years ago.

Finally, today, this body—and the House did a couple days ago, I think—will be able to reauthorize this very important program.

I am delighted that part of the program contains legislation that I have introduced called the National Caregiver Program. I introduced it along with Senator CHUCK GRASSLEY and other distinguished Members of the Senate. This is now going to be part of the Older Americans Act.

If I may take a moment to say what the National Caregiver Program does, I think it addresses something that is an incredibly serious problem, and one that is growing every day, of the so-called "sandwich generation"—those adults in this country who are trying to raise small children but also are having to divide up their time by helping to take care of their senior parents. That is a very serious problem for many Americans—making sure I am taking care of my children, that I am raising them properly, but that I am also taking care of my parents who have given me so much and it is now time for me to help them in their golden years.

The National Caregiver Program will provide $125 million a year. It is an authorization to provide assistance for all of those who are caring for an aging parent or an aging spouse, for instance, in their home. I think this is very important and something that this legislation, for the first time, will make available.

We have had hearings in Louisiana by the aging committee, of which I serve as the ranking Democratic member, with Chairman CHUCK GRASSLEY. We are told there are about 22 million families in America who are struggling every day in their lives to provide care for their children and at the same time trying to balance that with caring for a senior parent or a senior spouse.

The National Caregiver Program that is now part of this legislation will provide information to these families about available services of which many of them are not aware. This program will offer individual counseling to these family caregivers about support groups and how you go about making caregiving work more efficiently and better.

It will provide respite care, which is so incredibly important. Sometimes families who are providing 24-hour-a-day care, 7 days a week, 12 months out of the year for their children, and are trying to do it for their parents as well—in the same home—quite frankly, need a break. They need a rest from this 24-hour-a-day burden, which they are happy to do. It is a joy to be able to be in a position to provide this type of service. But every now and then you simply need a break.

The National Caregiver Program will be able to provide what we call respite care, to give someone a break, to get out of the house, to go out with their family and enjoy a meal outside of the home, or to take a child to a school function, knowing that someone will be there to take care of their adult family member who still resides in their home. Also, it can provide some other supplemental services, which I happen to think is incredibly important.

So I say to my colleagues—both on the Republican side as well as on our side of the aisle—this is good legislation. It is important legislation. Everywhere I went in Louisiana over the past couple days, I spoke with senior groups and aging councils, and they all asked the same question: Senator, when is Congress going to get around to passing the Older Americans Act? For the life of me, I never had a good reason to tell them why we have not done it before.

Is this a program that has some things that are not run 100 percent correctly? We have had examples of that in the past, but you cannot tell me a Federal program that can't be improved upon.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BREAUX. I ask for 2 more minutes, if that is all right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Let me conclude by saying there were problems in the program back in the early 1990s that are being corrected—have been corrected. I think the fact is, Congress is showing that we are going to provide careful and adequate oversight to this program. I think it is very important. We, on the aging committee, have spent an incredible amount of time, under Chairman GRASSLEY's leadership, looking at programs that benefit seniors. We are making sure we have GAO looking at these programs, and making sure they are run properly. I can tell you, they are getting a great deal more scrutiny than they have had in the past. The end result is that we have a better program than we had back in the early 1990s.

It is essential. It is important. It is necessary. It has widespread, across-the-board support. I commend Senator JEFFORDS and Senator KENNEDY for at last being able to bring this to the floor of the Senate. They eliminated all the roadblocks. I think this is well on its way to passing as a clean bill. I strongly support it and strongly oppose any amendments which would probably result in the bill not passing because of the lateness of the hour. I add my strong voice to the support of those who know this is the right thing to do and the right time to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend from Vermont on the floor. If he wanted to make some other remarks on this legislation, I would certainly yield for that purpose, if I could get the floor back after he has concluded. I want to address the Senate on another related matter on health care.

Mr. JEFFORDS. I have 3 minutes.

Mr. KENNEDY. I yield then to the Senator from Vermont and ask unanimous consent that after he concludes, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I first thank all Members for the support they have given to this legislation during the period it has been under consideration. It has been a long time, some 8 years now, for those of us who have been strong in wanting to get it revised and take a good look at it. Eight years is long enough.

I also thank the Senator from New Hampshire for his long-term efforts to reauthorize the act. As the chairman of the Aging Subcommittee during the last Congress, Senator GREGG was instrumental in bringing to light many of the improvements that are now included in this bill.

Let me be clear about the changes that have been made to the Senior Employment programs in this bill, the effort that has gone into crafting this balanced agreement, and the broad support this compromise enjoys.

This act makes significant reforms to the Senior Employment Program. That is where the problems have been. It focuses the purposes of employment programs on enrollee economic self-sufficiency and on unsubsidized employment in the public and private sectors. It coordinates SCEP with the Workforce Investment Act programs. That is important. Importantly, it implements stringent eligibility and accountability tests for all grant applicants. Administrative and program costs are now defined in statute and capped so that resources are directed into employment services for the elderly.

The bill includes new cost controls that will prevent the misuse of funds by grantees. It also would require at least 75 percent of a grantee's funds be used for enrollee wages and benefits, and the bill explicitly states that the funds a grantee receives must be used solely for the employment program.

Moreover, the bill expressly requires each grantee to comply with OMB circulars and rules and requires the grantees to maintain records sufficient to permit tracing of funds to ensure that funds have not been spent unlawfully.

The bill institutes and requires performance outcome measures, annual grantee evaluations, grantee accountability, and it creates a new grant competition for those not meeting performance measures.

It provides Governors and States greater resources and influence over job slot allocations, but also requires broad stakeholder participation in a State Senior Employment Services Plan coordinated through the Governors' offices.

This bill marks a landmark agreement between the States and the grantee providers of jobs. The bill allocates new funding above the current level of effort such that any increases up to $35 million will be divided 75 percent to States and 25 percent to other grantees; amounts above $35 million would be divided 50/50. This was very important to the States and a good compromise.

Finally, grantees will be required to serve seniors or they will lose their grant. Our bill introduces performance measures and competition into the senior employment program for the first time. The bill would establish a "three strikes and you're out" policy to ensure performance goals are met.

Failure to meet performance measures will first result in technical assistance and will require the grantee to come up with a plan on how it will meet performance measures in the future.

Failure to meet performance standards a second consecutive year will result in a loss of 25 percent of the grant, which will be competitively bid in an open competition.

Failure to meet performance standards a third consecutive year will cut off the grantee from the program, and the grant will be competitively bid in an open competition.

Failure of a public and private nonprofit agency grantee to meet performance measures in an individual state will also lead to the loss of the grant, which will then be competitively bid in an open competition.

These reforms significantly improve the Older Americans Act, protect the taxpayers and, and provide seniors with a jobs program that works. Failure to pass these reforms this year will maintain the status quo. It will only continue a system that does not serve the job placement needs of seniors in many states, and will not correct the deficiencies in the administration and planning of the program. The only way these improvements will be realized is to pass the Older Americans Act Amendments of 2000, a bipartisan, bicameral initiative.

The bill will bring agreement for the first time in almost 10 years. It is supported by the National Governors Association, the Southern Governors Association, the Administration, and over 40 national aging groups. Yesterday, the House passed this measure on a vote of 405–2. This measure has 73 cosponsors in the Senate.

This is a delicate compromise, and any further amendments to this measure will surely prevent it from being enacted this year. I urge all of my colleagues to vote against any amendments and join in the bipartisan and bicameral effort to pass the Older Americans Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE CREDIBILITY GAP IN HEALTH CARE

Mr. KENNEDY. Mr. President, few, if any, issues are of greater concern to American families than quality, affordable health care. Americans want an end to HMO abuses. They want good health insurance coverage. They want a prescription drug benefit for senior citizens under Medicare. They want to preserve and strengthen Medicare, so that it will be there for both today's and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election is clear, and it is not just a choice between different programs. it is also a choice based on who can be trusted to do the right thing for the American people. AL GORE's record and his program are clear. He has been deeply involved in health care throughout his career.

The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance to protecting Medicare. He has consistently stood for patients and against powerful special interests.

AL GORE lays out a constructive, solid program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights. He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare, without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George Bush doesn't just have a credibility gap. He has a credibility chasm. He has consistently stood with the powerful against the people. He refuses to take on the drug companies, the insurance companies, or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. On health care, his values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he did support a national Patients' Bill of Rights. He said he wanted all people covered. He said that he was in favor of a patients' right to sue, as provided under Texas law. He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights.

That's what he said. But the reality is very different. Governor Bush vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature. That's not the record of a person who is candid about where he stands and what he has done. And it's not a record that recommends him for national office for any citizen concerned about a strong, effective Patients' Bill of Rights. It's the record of a candidate who stands with powerful insurance companies and HMOs, not with American families. And it isn't a record that shows leadership, either. In Congress, the House of Representatives passed a good Patients' Bill of Rights by an overwhelming bipartisan margin. That bill is supported by all the organizations of doctors, nurses, and patients. No other proposal enjoys support from any of those groups. Yet it remains mired in the Senate because of the adamant opposition of the Senate Republican leadership.

On the most recent vote on this bill, we were one vote shy of having a majority. Governor Bush is now the leader of his party. One phone call from Governor Bush to TRENT LOTT and that bill would be law today. But Governor Bush has declined to make that call, just as he has declined to support the Patients' Bill of Rights itself.

Yesterday, my good friend from Texas stated that the only reason Governor Bush vetoed that first bill and let the right to sue under the second program become law without his signature was that there was a disagreement on how much the caps on pain and suffering would be. I regret that my colleague has been misled. The fact is there was no provision for lawsuits in the first Patients' Bill of Rights bill vetoed by the Governor. To reiterate, there was no provision for lawsuits at all in the first bill, yet the Governor vetoed it.

In the second bill, there also was no issue about the caps on pain and suffering. Texas already had caps on pain and suffering under their existing general tort law, and everybody assumed those caps would apply to lawsuits against HMOs. There was never any discussion of this issue. The fact is that Mr. Bush, despite what he may say today, simply doesn't believe health plans should be held accountable. That is why he refused to sign the law allowing suits against HMOs. Once again, he distorted his record in Texas, and both the record and distortions call into serious questions where he would stand as President.

In the course of the debate yesterday, my colleagues from Texas said they were tired of hearing Texas "trashed". They implied that I had said offensive things about their State. Let me be clear. I think Texas is a wonderful State. I have many good friends in Texas. Texas has produced statesmen who have made our country a better place—from Sam Houston to Lyndon Johnson. It produces much of the oil that keeps our country running. I have no quarrel with the State of Texas. My quarrel is with George W. Bush's distortion of his record in Texas. My quarrel is with the priorities that the Bush record in Texas demonstrates. My quarrel is with the idea that the interests of powerful special interests are more important than the interests of patients. My quarrel is with the idea that tax cuts for the wealthy are more important than health care for children.

On health insurance, the record is equally clear and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of uninsured. Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet Governor Bush has not only done nothing to address this problem, he has actually fought against solutions. In Texas, he placed a higher priority on large, new tax breaks for the oil industry instead of good health care for children and their families.

When Congress passed the Child Health Insurance Program in 1997, we put affordable health insurance for children within the reach of every moderate- and low-income working family. Yet George Bush's Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

In fact, the Bush campaign's defense of this unacceptable record is almost as telling as the record itself. According to the New York Times, the Bush campaign acknowledges that Governor Bush had fought to keep eligibility narrow, but that he did so because he was concerned about costs and the spillover effect on Medicaid. This so-called spillover effect is the increase in enrollment of Medicaid-eligible children that occurs when the Children's Health Insurance Program is put into effect. Vigorous outreach efforts by State governments would identify children who qualify for the new program, and many other children would also be identified who qualify for Medicaid.

In other words, Governor Bush not only opposed expanding eligibility for the new program, he was worried that uninsured children eligible for Medicaid might actually receive the coverage to which they were already entitled. It is no wonder his Texas administration was cited by a Federal judge for its failure to live up to a consent order to let families of poor children know about their eligibility to enroll their children in Medicaid and about the health services to which they were entitled.

An article in Time magazine says it all. It is titled "Tax Cuts Before Tots. Candidate Bush is pushing his compassion, but poor kids in Texas have not seen much of it." Under a box entitled "Lost Opportunity? Bush and Poor Kids," the author makes the following points:

> Bush helped to secure tax cuts by underfunding Medicaid, causing a $400 million shortfall in the program. He delayed on State law to expand Medicaid coverage for 303,000 new kids. They went five years without health insurance. He fought efforts to require automatic coverage for families forced off welfare rolls.

There it is, Mr. President. That isn't the Senator from Massachusetts talking, that is Time magazine and their conclusion based upon the facts in Texas.

Yesterday, my colleague from Texas offered all sorts of explanations for Governor Bush's miserable record with regard to covering children. She said the court case I referred to was begun before Governor Bush took office. That is true, but the consent decree settling the case was agreed to by Governor Bush's administration in February 1996. And the recent action by the Federal judge was based on the Bush administration's failure to live up to the consent decree to which it agreed. The Bush administration did not keep its word. Children were simply not its priority.

She said Texas could not implement the CHIP program promptly because its legislature only meets every 2 years. But other States have legislatures that meet every 2 years and they were able to get their programs going more promptly. In fact, Texas was the next to last State in the whole country to approve the CHIP program.

Now my colleagues yesterday and my friend from New Mexico today raised a red herring in trying to defend the indefensible. They claimed that I criticized Governor Bush for failing to spend all his CHIP money and said that 40 other states had not spent their full allotment. I did nothing of the kind. many states had difficulty in implementing the program promptly and fully enough to spend all their allotted funds. But they did not delay for almost three years in passing their programs. They do not set up barriers that make it difficult for children that enroll. They do not put a higher priority on tax cuts than children's health. Their Governors, by and large, did not fight to keep eligibility narrow instead of broad. But Governor Bush has done all these things, and then he tries to mislead the American people about his record.

The fact is that Bush's shoddy record on children goes well beyond CHIP. Far more uninsured children are eligible for Medicaid than CHIP, and Bush fought efforts to get them enrolled. He fought a bill to provide for automatic re-enrollment in Medicaid of children whose parents lose cash welfare payments. Texas remains one of only ten states that impose an assets requirement on children seeking Medicaid eligibility, and it is one of just a handful of states that require parents to go in person to the welfare office to apply for their children. In fact, Governor Bush's record is so bad that, although Texas has more than one million children who are uninsured, Texas is one of the few states where the number of children enrolled in CHIP or Medicaid actually declined in 1999.

When it comes to health care for children, George W. Bush gives new meaning to the term "compassionate conservative." Based on his record, he is compassionate because he claims to understand the pain of uninsured children and their families, and he is conservative because he won't do anything about it.

Governor Bush's misstatement of his Texas record does not end with uninsured children. In the debates, Vice-President GORE pressed Governor Bush on the Texas record on the uninsured. Governor Bush said that Texas was spending $4.7 billion a year for uninsured people. But it turns out that actually only one-quarter of that amount was being spent by the State of Texas. The vast majority of the spending was by hospitals, doctors, and county governments.

On the Texas record on the uninsured, Governor Bush stated that the percentage of the uninsured in Texas had gone down, while the percentage of the uninsured in America has gone up. In fact, in 1994, when Governor Bush took office, the percent of the uninsured in Texas was 24.2. By 1998, that percentage had increased—not decreased—to 24.5. The number of the uninsured had grown by 300,000. In 1998, the overall percentage of the uninsured dropped by identical amounts both nationally and in Texas—4.9 percent in Texas and 4.9 percent nationally.

But, because of Governor Bush's inaction on children, the percentage of children who were uninsured dropped almost twice as much nationally as in Texas—10 percent nationally and only 5.2 percent in Texas. When Governor Bush took office, Texas ranked second from the bottom of all 50 states in covering children and citizens of all ages. Today, after six years under his watch, Texas still ranks second from the bottom.

Perhaps the most ominous revelation about Governor Bush's true attitude to this issue came in the third debate, when he said, "It's one thing about insurance, that's a Washington term."

Insurance a Washington term?

Governor Bush should try telling that to hard-working families in Texas and across the country who don't take their children to the doctor when they have a sore throat or fever because they can't afford the medical bill.

He should try telling that to the young family whose hopes for the future are wrecked when a breadwinner dies or is disabled because an illness was not diagnosed and treated in time. He should try telling that to the elderly couple whose hopes for a dignified retirement are swept away on a tidalwave of medical debt.

He should tell that to the 200,000 families who are forced into bankruptcy every year because of medical bills they cannot pay. He should tell that to the nine million families who spend more than one-fifth of their income on medical costs. He should tell that to the parents of the four hundred thousand children suffering from asthma who never see a doctor—to the parents of the five hundred thousand children with recurrent earaches who never see a doctor—and to the parents of the more than five hundred thousand children with severe sore throats who never see a doctor. Mr. President, he should tell that to the 27,000 uninsured women who are diagnosed with breast cancer every year—and are 50 percent more likely to die of the illness, because they are uninsured. He should tell that to the 83,000 Americans who die every year because they are uninsured and, as a result, do not receive timely or adequate medical use.

Insurance is far more than just a Washington term. It's a Main Street term in every community in America, and its lack of availability is a crisis for millions of families across the country.

Prescription drug coverage under Medicare is another major aspect of the health care challenges facing America. Few issues are more important to senior citizens and their families. They deserve a prescription drug benefit under Medicare—and we should provide it in a way that strengthens the promise of Medicare, not in a way that breaks that promise and breaks faith with the elderly.

The differences between Vice-President GORE and Governor Bush on this issue are fundamental. Governor Bush stands with the big drug companies, and Vice-President AL GORE stands with senior citizens. But Governor Bush has sought at every turn to blur the differences between their two plans in a way that is so misleading as to make a mockery of his own attacks on the Vice-President's credibility.

Vice-President GORE laid out his vision for Medicare in clear terms. He wants a guarantee—a lock-box—to assure that the current Medicare surplus will be used only for Medicare—and not diverted to other purposes. He wants to use some of the surplus to strengthen Medicare and keep it solvent for the future. He wants an immediate prescription drug benefit under Medicare that will benefit all senior citizens, not just very low income seniors. He wants to assure that senior citizens who prefer to stay with the current Medicare program and retain the right to choose their own doctors are not penalized for that choice or coerced into joining an HMO.

In spite of direct challenges from Vice-President GORE, Governor Bush refused to endorse a lock-box. It's not part of his priorities, and the reason is clear. He needs to use some of Medicare's surplus to finance his massive tax cuts for the rich.

Vice-President GORE has clearly pointed out the many flaws in Governor Bush's prescription drug plan for senior citizens. But Governor Bush has no response on the merits. Instead, he hides behind phrases like "fuzzy numbers" and "scare tactics."

But the numbers aren't fuzzy, and senior citizens should be concerned. Let's look at the facts.

Prescription drug coverage under the Bush plan is not immediate, and most senior citizens would be left out. As Vice-President GORE has pointed out, for the first four years, the Bush plan would cover low income seniors only. AL GORE cited the example of a senior named George McKinney. He said, "George McKinney is 70 years old, has high blood pressure. His wife has heart trouble. They have income of $25,000 a year. They cannot pay for their prescription drugs. And so they're some of the ones that go to Canada regularly in order to get their prescription drugs."

Governor Bush responded, "Under my plan, the man gets immediate help with prescription drugs. It's called immediate helping hand. Instead of squabbling and finger-pointing, he gets immediate help." He kept accusing Vice-President GORE of using "fuzzy math" and "scare tactics."

But Governor Bush's own announcement of his Medicare plan proves AL GORE's point. This is what Governor Bush said:

> For four years, during the transition to better Medicare coverage, we will provide $12 billion a year in direct aid to low income seniors . . . Every senior with an income less than $11,300—$15,200 for a couple—will have the entire cost of their prescription drug covered. For seniors with incomes less than $14,600—$19,700 for couples—there will be a partial subsidy.

George McKinney has an income of $25,000. He would clearly be ineligible for help under Governor Bush's plan. If Governor Bush thinks that's fuzzy math, then education reform is even more urgent than any of us realized. And in the third debate, Governor Bush finally admitted that the first phase of his program is only for "poor seniors."

George McKinney is not alone. The vast majority of senior citizens would not qualify for Governor Bush's prescription drug program—and many of those who did qualify would not participate.

Even this limited program for low income seniors would not be immediate, because every state in the country would have to pass new laws and put the program in place—a process that could take years in many states.

The low priority that Governor Bush places on this problem is also demonstrated by the fact that sixteen states have enacted programs to help low income senior citizens with their prescription drug costs, and Texas is not one of them.

George Bush's prescription for middle-income senior citizens is clear—take an aspirin and call your HMO in four years.

Governor Bush's prescription drug plan would also require senior citizens to go to an HMO or an insurance company to obtain their coverage. In the first debate, Vice-President GORE pointed out that most senior citizens "would not get one penny for four to five years, and then they would be forced to go into an HMO or an insurance company and ask them for coverage. But there would be no limit on the premiums or the deductibles or any of the terms or conditions."

Again, Governor Bush did not respond to the Vice-President's specific points. Instead, he claimed that the Vice-President was trying to "scare" voters.

The facts are clear. Governor Bush's policy paper states that, "Each health insurer, including HCFA-sponsored plans that wish to participate . . . will have to offer an "expanded" benefit package, including out-patient prescription drugs . . . . This will give seniors the opportunity to select the plan that best fits their health needs."

In other words, to get prescription drug coverage under the Bush plan, you have to get it through a private insurance plan. How high will the co-payments be? How high will the premiums be? How high will the deductible be? Governor Bush has no answer. Those important points are all left up to the private insurance companies.

Governor Bush says senior citizens will have the opportunity to select the plan that best meets their health needs. But what they will really have is the opportunity to select whatever plan private insurers choose to offer. If it costs too much, senior citizens are out of luck. If it doesn't cover the drugs their doctor prescribes, they're out of luck. The Bush plan is an insurance industry's dream, and a senior citizen's nightmare.

Governor Bush believes that private insurance companies and HMOs are the best way to provide prescription drug coverage to seniors. I don't question his sincerity. But I do question his unwillingness to defend his position in an open debate in front of the American people. When Vice-President GORE points out the facts, it isn't enough to evade the issue by calling the facts "fuzzy math" or a "scare tactic".

The ads that the Republican National Committee is running for the Bush campaign against the Gore plan reach new lows in disinformation. Under the Bush plan, senior citizens would have to get their prescription drugs through an HMO or private insurance company, but the GOP ads stand reality on its head by stating that under the Vice-President's proposal, senior citizens would have to obtain their coverage from a "government-run HMO."

In fact, under the Vice President's plan senior citizens would obtain their drug coverage through Medicare, in essentially the same way they obtain physician and hospital coverage today. The Gore plan specifically guarantees that it will cover any drug that a senior citizen's doctor prescribes. That's not true under the Bush plan—and it is a glaring omission.

Another issue in the debate over prescription drug coverage has not received sufficient attention—the linkage in Governor Bush's proposal between prescription drug coverage and other cutbacks in Medicare. When the American people and senior citizens understand what Governor Bush is proposing, they will reject it resoundingly.

Governor Bush has been very clear. His drug benefit won't be available to senior citizens unless they are willing to accept severe changes in Medicare's coverage of their doctor's bills and hospital bills. He reiterated that point in the second debate. He said, "I think step one to make sure prescription drugs are more affordable for seniors . . . is to reform the Medicare system." Prescription drug coverage that senior citizens need should not be held hostage to changes in Medicare that senior citizens don't want—and it won't be held hostage under AL GORE's plan.

Governor Bush thinks that Medicare is obsolete and should be sent to the scrap heap. He favors a new model—in which senior citizens have to join HMOs or other private insurance plans or pay exorbitant premiums. But Medicare is still far and away one of the most successful social programs ever enacted. Senior citizens don't think that Medicare is ready for the scrap heap. They don't want to have to give up their family doctor and join an HMO in order to obtain coverage. But under the Bush plan, the price of staying in current Medicare and keeping your own doctor could be a premium increase of as much as 47 percent in the very first year, according to the Medicare actuary. For the vast majority of senior citizens, this heavy financial pressure could force them to give up their current Medicare coverage and their own doctor, and join an HMO.

Under the leadership of the Clinton-Gore administration, Medicare has gone from a condition of imminent bankruptcy to one in which Medicare will be solvent for the next quarter century—the longest period of projected Medicare solvency in the program's entire history. The independent Medicare Commission recently considered a proposal similar to the Bush plan, and the Commission said it could cause Medicare to become insolvent as early as 2005—just five years from now. If so, Congress would be faced with the stark choice of raising taxes, cutting benefits, or raising premiums. That's the Bush plan—and it's not a plan to protect senior citizens. It's a plan to privatize Medicare, and turn it over to the tender mercy of HMOs and the private insurance industry.

On prescription drugs and every other aspect of Medicare, the choice between the two presidential candidates is very clear—and it is clear on every other aspect of health care. The Bush record in Texas is one of indifference and ineptitude—of putting powerful interests ahead of ordinary families.

The Bush record in the campaign is one of consistent deception and distortion. The Bush proposals are at best inadequate and at worst harmful. Tax cuts for the wealthy are not as important as health care for children and prescription drugs for seniors. The American people understand that—but Governor Bush does not.

AL GORE has a career-long record of fighting for good health care for families, for children, and for senior citizens. The current administration has a solid record of bipartisan accomplishment, ranging from protecting the solvency of Medicare to improving health insurance coverage though enactment of the Kassebaum-Kennedy bill and the Child Health Insurance Program. AL GORE's program responds to the real needs of the American people with real resources and a detailed action plan.

I am hopeful that every American will examine the records of the two candidates carefully. On health care, there should be no question as to which candidate stands with powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

ORDER OF PROCEDURE

Mr. JEFFORDS. Mr. President, will the Senator yield? The Senator's words have kind of strayed a little bit from the Older Americans Act. Perhaps I could put in a unanimous consent request so that the Senator from Massachusetts is aware and so that we perhaps can do something else.

Mr. REID. Mr. President, parliamentary inquiry. It is my understanding the Senator from Massachusetts is speaking under a unanimous consent agreement. He can speak for as long he wants.

Mr. JEFFORDS. On the Older Americans Act, I believe.

Mr. REID. No. There is no subject.

The PRESIDING OFFICER. The time is under the control of Senator JEFFORDS.

Mr. REID. I thought that under the unanimous consent agreement he could speak for as long as he needs.

Mr. KENNEDY. Parliamentary inquiry? I believe when I started to speak there was still time.

Mr. JEFFORDS. I am just asking what happens at the end. I would like to put a unanimous consent request in to make sure that we have time available before we vote.

Mr. KENNEDY. Mr. President, I yield for that purpose, if he wants to make that request at this time with the understanding that I be recognized.

The PRESIDING OFFICER. If the Senator from Vermont would state his unanimous consent request?

Mr. JEFFORDS. Following the remarks of Senator KENNEDY, I ask unanimous consent all time be yielded back on the bill and that there be 30 minutes equally divided for closing remarks prior to the vote on the bill with Senator GREGG to be recognized for the last 15 minutes.

Mr. REID. Mr. President, reserving the right to object, I understand that at 4:30 we would go to general debate on this bill with Senator GREGG getting the last 15 minutes.

Mr. JEFFORDS. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, as I understand it, if this is not objected to, then we are in a period of morning business without a time limitation.

Mr. REID. The Senator from Massachusetts, I say to the Presiding Officer, has no time constraint on his speaking now.

The PRESIDING OFFICER. Under the 24½ minutes that are now remaining in opposition to the Gregg amendment, time has been yielded for as much as he may consume to the Senator from Massachusetts after which the previous unanimous consent agreement will take effect.

The Senator may complete his statement.

Mr. KENNEDY. That is the order as stated by the Senator from Vermont. Am I correct?

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that the Senate enter into a period of morning business until the hour of 3 p.m. with the time equally divided in the usual form.

Mr. REID. Mr. President, reserving the right to object, does the Senator from Vermont have any idea what we will do at 3 o'clock?

Mr. JEFFORDS. I have no idea.

Mr. REID. My point is, I say to my friend from Vermont, that until we have something more to do on the floor—we have had a number of requests on this side and probably on your side for people to speak in morning business—we will wait until 3 p.m. If there is no other business, we will go into morning business at 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, would it be appropriate to inquire now if I could be placed on the list to speak as if in morning business for approximately 10 minutes?

The PRESIDING OFFICER. When does the Senator wish to speak?

Ms. LANDRIEU. Following Senator KENNEDY's time, which I understand would be about 20 more minutes, and then we go into morning business. I understand Senator ALLARD also wants to speak. I would be happy to follow Senator ALLARD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts.

EDUCATION

Mr. KENNEDY. Mr. President, I want to just take a few minutes to review the education record. I think I have tried to outline in as an objective way as possible what the record is with regard to health, particularly with regard to children in the State of Texas, the Governor's record on the Patients' Bill of Rights, on the CHIP program, and also on the Medicaid program.

I think one can't review that record—not only my statements or the statements in the most recent Time Magazine which have drawn effectively the exact same conclusion—and not reach the conclusion that children have not been a priority on the political agenda of Texas over the period of the last six years.

On the issue of education, I spoke briefly yesterday in the Senate. I am troubled, as many of our colleagues, that we are not having cloture on the Elementary and Secondary Education Act. In spite of all of the assurances that were given by the majority leader and Republican leadership, we still failed to do it.

I commend again our colleagues, Senator DEWINE, Senator JEFFORDS, Senator MIKULSKI, and others for effectively concluding the Older Americans Act shows even in these final hours that bipartisanship can work in a very important area. I welcome the chance to work with our colleagues on the committee and the chairman to make sure that we are going to take action. That is an enormously important piece of legislation for our seniors.

Education is enormously important for families as well. In spite of the fact that assurances were given by the majority, we still have not done so. For the first time in 35 years, we have not completed our work and reauthorized the Elementary and Secondary Education Act.

What has to be a central distress to all families is it appears now that the appropriations that are going to fund the Elementary and Secondary Education Act will be the last train out of the station.

They are more than 3½ weeks late after the end of the fiscal year. It is troublesome to me to hear all of the statements about the importance of prioritizing education when we see that we have basically failed to do our work here in the Senate on this issue.

I want to take a moment to find out what we might look to in terms of the future, again looking to what has happened in Texas over the period of these last several years.

On the issue of the record on education in Texas, it is more of an "education mirage" than an "education miracle."

Under Governor Bush, in 1998, according to the National Center for Educational Statistics, Texas ranked 45th in the nation in high school completion rates. Seventy-one percent of high school dropouts in Texas are minorities. Hispanic students in Texas dropped out at more than twice the rate of white students in the State.

In August, the College Board reported nationally that from 1997 to 2000, SAT scores have increased. But in Texas they have decreased. In 1997, Texas was 21 points below the SAT national average, and by 2000 the gap had widened to 26 points.

Let me review that very quickly. Since we have had a lot of talk and we have had a lot of sound bites on education, let's look at what has happened.

We will come back to what happened under the last several years in these same areas at the national level, which the Vice President was involved in and which he would like to see continued and expanded.

On Tuesday, Governor Bush heard more bad news. The Rand Corporation released a study that raises serious questions about the validity of the gains in student achievement claimed by the Governor. On CNN in August, the Governor said: Our state . . . has done the best . . . not measured by us but measured by the Rand Corporation . . . who take an objective look as to how states are doing when it comes to educating children.

Clearly, at that time, George W. Bush trusted the conclusions by Rand.

On CNN, in September, Governor Bush said: One of my proudest accomplishments is I worked with Republicans and Democrats to close the achievement gap in Texas.

The recent Rand study shows his claim is false. The achievement gap in Texas is not closing; it is widening.

On Fox News, in August, Governor Bush said: Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans.

But, the Rand study shows that the tests cited by Governor Bush to support his claim are biased. They found the gains in student achievement are the product of a discredited practice called "teaching to the test," and that claims of real success in student achievement far exceed the actual results in Texas.

The Rand study also says the gains in student achievement in Texas may be inflated, questioning the validity of the scores. According to the study, gains on the Texas State test are far greater than the results for the same students on standard national tests.

The Rand study questions the value of the Texas State test because it involves teaching to the test instead of real learning. The Bush education plan has the same serious flaw. It focuses on tests, tests, and more tests. We, as a country, have more tests than any other country in the world.

Inevitably, schools will focus more and more on test preparation, as happened in Texas with the State tests, and less on real teaching. In the end, it is education that suffers and so do the students.

In addition, in Texas more and more students with disabilities are excluded from taking the test, and more and more students are dropping out or being held back. That is not a satisfactory prescription for improving education.

Instead, we should look at the success of States such as North Carolina, which is improving education the right way by investing in schools, teacher quality, and afterschool programs in order to produce better results for students.

Governor Bush's plan mandates more tests for children but it does nothing to ensure schools actually improve so that children will obtain a better education.

It is clear that Governor Bush is out of touch with parents and students when it comes to education. Governor Bush says everything in education is failing—it is all doom and gloom. His solutions go back to the old scheme to abandon public schools and refuse to make needed investments in education. He mandates more and more tests for children, but does nothing to help create the change needed to ensure that all the children pass the tests. He turns his back on what works and resorts to right wing policies instead, which are inadequate to meet the challenges of genuine school reform.

Early education initiatives are especially important. Study after study has shown that children who have quality learning experiences early in life have a greater ability to learn in school, to work successfully with their teachers and their peers, and to master needed skills. We can do more—much more—to put this impressive research into practice. But Governor Bush has no plan to expand access to preschool education. He has no plan to expand Head Start—only empty rhetoric about reforming the program.

Assistance for low-performing schools is also essential. We know that with needed investments, failing public schools will improve. In North Carolina, low-performing schools are given technical assistance by special state teams that provide targeted support to help turn around those schools. In the 1997–98 school year, 15 schools were selected and received intensive help from these state assistance teams. In August 1998, the state reported that most of these schools had achieved "exemplary" growth—and none continue to be identified as low-performing. In the 1998–99 school year, 11 schools were identified and received help from the assistance teams. Nine schools met or exceeded their growth targets at the end of the year. That's the kind of aid to education that works, and we should support it in all states. Instead, Governor Bush abandons low-performing schools—and proposes instead a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them.

Another major problem hindering schools' ability to teach students effectively is the fact that many schools have obsolete, crumbling and inadequate facilities. All teachers and students deserve safe, modern facilities with up-to-date technology. Sending children to dilapidated and overcrowded classrooms sends an unacceptable message. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the boardroom—and no teacher should have to tolerate it in the classroom. We have an obligation to children and parents to modernize the nation's schools—to build more schools, so that there are more classrooms and less overcrowding, and more computers and other equipment. It is long past time to end the days when the worst building in town is the school house with its crumbling walls and broken pipes and leaky roofs that plague students and teachers and classrooms. But congressional Republicans have repeatedly refused to address these pressing needs. Governor Bush doesn't do nearly enough either. He makes only a token investment in school construction, and he ignores communities' needs to repair crumbling and unsafe schools.

Smaller classes are also an indispensable element of school reform. Research documents what parents and teachers have always known—that small classes improve student achievement. Teachers are able to maintain discipline more effectively. Students receive more individual attention and instruction. Students with learning disabilities are identified earlier, and their needs can be met without placing them in costly special education. Instead of applying this basic and widely accepted principle, Governor Bush eliminates the current and increasingly effective effort to help communities reduce class sizes. We must also make a stronger commitment to help communities attract, train and support the highest quality teachers and principals. Two million new teachers will be needed over the next 10 years, because of the large number of teachers nearing retirement and the continuing large increases in student enrollment. The shortage of teachers is compounded by the shameful fact that 50 percent of teachers leave the profession within 5 years.

Instead of using our budget resources to strengthen programs that work to improve teacher quality and put well-trained teachers in all classrooms, Governor Bush would simply hand over a block grant to states—a blank check—and hope that state governors will spend the federal aid in ways that improve teacher quality. Clearly, America can do better than that. We have to do better than that. We must also do more to make college accessible and affordable. Parents and students across the country are also struggling to pay for college. The opportunity for a college education should not be determined by the level of family income. Any student who has the ability, who works hard, and who wants to attend college should have the opportunity to do so. We should do more—much more—to make college affordable for every qualified student.

We also need to do more to help train workers who have lost their jobs because of corporate down-sizing or business relocations, so they can find other good jobs in their communities. Workers need opportunities to upgrade their skills to remain competitive, especially in the modern economy. Better services and real training for dislocated workers will give them the skills they need to continue their careers. It will also help to meet employers' growing needs for well-qualified workers. But, Governor Bush has no plan to make college more affordable or help these dislocated workers. He expands Pell grants primarily for the first year of college only. He makes only a limited effort to help the nation's workers upgrade their skills.

The vast majority of Americans want us to address these challenges more effectively. We know that many schools across the country are doing an excellent job. The real challenge is to do what it takes to create better schools and better college opportunities for all students. Like Governor Bush, this Republican Congress deserves a failing grade for its lack of support for school reform. Too often, we have abandoned states and local school districts in their efforts to provide students with a good education. Too often, Congress has stood on the sidelines and declined to be an active participant in the nation's education policy. It is only through a strong and cooperative commitment at every level—federal, state, and local—that the nation can adequately meet its education needs. We have a responsibility to do all we can to meet the pressing challenge to guarantee that students will graduate from school and college well-prepared for careers in the new information-age and in our technologically-advanced economy and our competitive global society.

That's what AL GORE and Democrats in Congress are proposing—a constructive and more effective balance between accountability for better results and additional resources for programs that work to improve schools. We will ensure that every child receives a good early education, by ensuring that preschool is available to all children. We will help communities improve public schools. Our goal is to put a well-trained teacher in every classroom. We understand that when class size goes up, opportunity for learning goes down. We will help schools reduce class size, so the nation's students can be taught more effectively. We will make major investments in helping communities to build new schools, to alleviate overcrowding and to repair and modernize obsolete and dilapidated classrooms and facilities. We will hold states and schools accountable for results, so that all children have the opportunity to meet high standards. We will expand opportunities for college and later learning by making college tuition tax deductible and by increasing Pell grants. We will reach out to millions of disadvantaged young children and help them to see and believe that college can be a realistic option for their future. We will help the nation's workers obtain the on-going skills training they need, and provide tax credits for employers who offer worker training.

In all of these ways, AL GORE's approach to education is the right direction for the nation's future. We have reached the final days of this Congress, and we have yet to give needed priority to education. Negotiations are underway, and there is still a chance to meet our commitment to families and communities across the country, and do what is needed to meet their education needs.

At the end of this Congress, families across the country will assess what we have done to meet these priorities, and the verdict has to be, "too little, too later." This Republican Congress deserves a failing grade on education, and no "election eve conversion" is enough to avoid that failing grade. The American people share our Democratic commitment to the nation's students, parents, schools and communities. We have already made students and families across the country wait too long for this needed education assistance.

We have seen the SAT math scores at their highest in 30 years. This is a very modest improvement nationwide, but all the indicators are going in the right direction as compared to Texas, and scores have increased both for males and females.

The number of students taking advanced math and science classes from 1990 to 2000: There is an increase in the number of students taking precalculus, calculus, and physics; students are taking more difficult and challenging courses. They are doing better on the national standardized tests. That is because they want to go to college because there is an increasing opportunity available to them under the proposals made by the administration. That is catching on with students all over the country because we are finding more and more students are taking the SAT. More and more students are taking the difficult, challenging, rigorous tests. Students are doing better in spite of the fact more are taking more difficult and challenging courses, and the national trends are moving in the right direction. That is completely contrary to what has happened in the State of Texas.

This is not to suggest we don't have many areas of our country and many school districts that don't need a great deal of help and assistance. However, what we are seeing as a result of the administration, which Vice President Gore has been a part of, and he has been strongly supportive of, these education programs are moving in the right direction. They are moving in the right direction.

When he talks about smaller class sizes, better trained teachers, mentoring in terms of teaching, afterschool programs, new technology, and accountability, it is being based upon the schools and school districts which are effectively breaking the mold where we are getting children with enhanced achievement and accomplishment. That is what I think families want in this country, not just cliches.

I also wish to mention a final point of contrast between Governor Bush and the Vice President on the early education initiatives and how important they are. Study after study has shown that children who have quality learning experiences early in life have a greater ability to learn in school, to work successfully with their teachers, their peers, and master needed skills. We can do much more to put this impressive research into practice.

We have some bold initiatives which are bipartisan. I commend the leadership, Senator STEVENS, Senator JEFFORDS, and others who have been a part of this effort for some period of time. I think we have some real movement here. That debate has been independent of the broader issues on elementary and secondary education. I know in the Vice President's proposal, in terms of investing in the future, this early education program has an important commitment.

I remind our colleagues that this whole area was an area that had bipartisan support a number of years ago when the Governors met in Charlottesville. The first recommendation was made to the American people that the Governors were going to be committed. We were challenging the administration. The Congress was ready to learn. Children ought to be ready to learn when they go to school. "Ready to learn" means giving those children the kind of confidence building that is so essential in the very early years, when their brains are in formation.

Various Carnegie commission reports have demonstrated the early interventions help build confidence. They also demonstrate children begin to appreciate learning in these early formative years. Second, the children develop interpersonal skills which are enormously important when they begin their education experience. Finally, the tests show they develop a sense of humor, which I think is probably of value in carrying one through life.

This early intervention has been particularly and repeatedly emphasized and stressed by the Vice President. It ought to be taken into strong consideration.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Colorado.

Mr. ALLARD. Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. ALLARD. I ask unanimous consent I be allowed to speak for 10 minutes under morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. ALLARD. Mr. President, I have been following the debate between the two Presidential candidates and notice that the Vice President wants to take full credit for paying down the deficit. At the time that the legislation went through the Congress, the President's proposal was a tax increase, and it was a proposal to increase spending in 1993.

I served on the Budget Committee in the House and I expressed at that time in reality this was not a tax to cut the deficit; it was a tax to increase spending. As members of the House Budget Committee, we had pointed out at that time that it was going to create a $2 billion deficit as far as the mind's eye could see.

So now we have the Vice President on the campaign trail taking credit for having eliminated the deficit. In reality, what it was, it was the Republican Congress. In 1993, when this was passed, Democrats controlled the Senate, Democrats controlled the House, and Democrats were in control of the Presidency. This passed by a very narrow margin in the House. Not one Republican voted for it. It came over to the Senate and would not have passed the Senate if at that time the Vice President, AL GORE, had not voted for the budget proposal which, in effect, was going to maintain the deficit at $200 billion.

So I wanted to bring some facts to the floor in that regard. I thought it was important I do that.

This year, in July, just before we were ready to adjourn, the assistant minority leader pointed out that I made a comment at one time and my comment was, about the President's plan in 1992, which we were voting on:

> In summary, the plan has a fatal flaw—it does not reduce the deficit.

Today I am standing up on the Senate floor to stand by my remarks because, if we look historically, that plan did not reduce the deficit. In fact, I repeat, AL GORE's record is that of a tax hike because he is the one who voted for this—his vote alone. AL GORE would like to have you believe that actually what he was doing was putting in place a plan to eliminate the deficit.

I point out there is no document in the Clinton-Gore administration that exists that shows the largest tax hike—and that is what this was—the largest tax hike in American history did, or would have, or could ever have balanced the budget—not one document.

I have here before me "A Vision of Change For America." This is dated February 17, 1993. This is the President's plan on how he was going to eliminate the deficit. If we look at that, on page 22 of that document, we see the projected deficit 5 years out, from 1993, is $241 billion, despite all the rhetoric and how it is going to pay down the deficit with the tax increase.

Then, in September of the same year, in 1993, if we look on page 34 of the "Mid-Session Review" of the 1994 budget, we see the projected deficit out to 1998 is $181 billion.

Then, if we look at the budget of the U.S. Government proposed for 1995, proposed in 1994, again, on page 13 of that particular document we see the projected deficit, 5 years out from the date of that document, is $181 billion again. It is flat-lining out at approximately $200 billion a year.

Then we have another document that was published in 1994, the "Mid-Session Review" of the 1995 budget. On page 3 of that document, it shows that the deficit, 5 years out from that date, is projected to be $207 billion. This is deficit spending. This is where you are going in, on any one fiscal year, and you are spending more than what you bring in, in revenues.

Then, following out through the first couple of years since his proposal, we look at the document, "The Budget Of The U.S. Government, Fiscal Year 1996." If we look on page 2 of that particular document, we see the projected deficit for the year 2000, 5 years out, was $194 billion.

Then, in the Mid-Session Review on that particular budget, Mid-Session Review of the 1996 budget, we see the projected deficit 5 years out on that document is $235 billion in 2005.

If you recall, in 1996 we had the Republican Congress elected. Under pressure from the Republicans in the Congress, the President finally admitted that his plan was not going to eliminate the deficit. So, in working with the Republican Congress, a new plan was beginning to be put in place. That is what this chart reflects. It reflects two things. The red part is this projected deficit that was passed by the President and the Congress and put into law. As we can see, it is about $200 billion deficit spending. This is a tax increase, the largest tax increase in the history of this country.

Then we see the Republicans come into power in 1996, and what happens, which is reflected by this black line, is that the deficits dramatically are reduced, and then we find, a little past 1997, actually we are beginning to get some surpluses until where we are at 2000, where we have the huge surpluses we are dealing with today.

I think the wrong person is taking credit for this. It is the Republican Congress that made a difference on deficit spending. It was not the largest tax increase in the history of this country which was passed in the Senate, here, by the Vice President. So this is a summary of what happened 2 years after the largest tax hike in history. Finally, Clinton and GORE admitted America was still 10 years away and almost $1 trillion short of a balanced budget.

It is not just their documents I demonstrated with on the floor of the Senate. In their own words, they verify this. During the signing ceremony on the largest tax hike in history, not a word was uttered by President Clinton about balancing the budget or saving Social Security or paying off the national debt. At that time, the Republican plan was we really needed to have dramatic changes if we were going to make a difference in saving Social Security, eliminating the deficit, and paying down the debt. But all the plan we got out of AL GORE and the administration was that we increased taxes and we would eliminate the deficit, and it was not working because they also increased spending.

If we look at the President's comments at the signing of the Omnibus Budget Reconciliation Act of 1993, on August 10 of 1993—this is from a book entitled "Public Papers of the President, William J. Clinton," 1993, volume 2, page 1355. If you read through his comments and examine his remarks, not once was a word uttered about balancing the budget, saving Social Security, or even paying off the national debt. Thus, AL GORE's tax hike was actually no act of heroism. What it really was, was a tax-and-spend vote instead of a tax to end the deficit.

So I wanted to address that issue here on the floor of the Senate.

In summation, Mr. President, no Clinton-Gore budget document from February 13, 1993, through July 28, 1995, ever shows a balanced budget resulting from Mr. GORE's record tax hike. No Clinton-Gore budget document from February 13, 1993, through July 28, 1995, ever shows a Social Security surplus being saved from Mr. GORE's record tax hike. And no Clinton-Gore budget document from February 13, 1993, through July 28, 1995, ever shows debt reduction or elimination resulting from Mr. GORE's record tax hike. Yet AL GORE now claims and lectures as if he actually created this surplus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

ADOPTION TAX CREDIT FOR SPECIAL NEEDS CHILDREN

Ms. LANDRIEU. Mr. President, I was on the floor yesterday and said that I would be back every day speaking about this issue, I think one of the more important issues that we need to address before we leave town. Nobody is too sure when that is actually going to happen. Some of us were expecting to be back home, having finished the people's work, weeks ago. Even as I inquire on both sides of the aisle, there is not any sense of when we will get home. I will stay here as long as it takes to get the job done, and I am not complaining.

One of the things I hope we can get done in some way, somehow, through some rule, some procedure, or some bill before we leave is to fix something so we will not be embarrassed about what we have not done. I will explain.

A few years ago, 5 years to be exact, a wonderful new provision was put in the law called the adoption tax credit. I am the cochair, along with Senator CRAIG, my wonderful colleague from Idaho. This is a wonderful coalition of Democrats, Republicans, conservatives, liberals, but we have all come together on the issue of adoption, promoting it as a wonderful way to build families, to strengthen communities, to give children hope, to put parents together with children whom they have always wanted to have, dreamed, and worked for, who will love them and raise them because governments do not do a very good job of that. The fact is, there are literally millions and millions of children in this world who are desperate for someone to love them and provide a home.

Congress, in a bipartisan expression, overwhelmingly put into effect a wonderful tax credit because adoptions, unlike pregnancy, are not covered by insurance. There are not the same benefits, unfortunately, in the labor market or in business for pregnancies and adoption.

Recognizing the somewhat disadvantage on families who build their families through adoption, the Congress rightfully put in place a $5,000 credit for families.

There is a recent Treasury report that says the credit is being used by thousands of families. This report, which was filed in the last 2 weeks, goes into some very clear and interesting detail about who is using this credit, how much the expenses related to adoption are.

For those who are not familiar, since our children are adopted, I can say from personal experience that there are expenses associated not only with the legal act itself but with agency expenses. In the United States, that can range anywhere from a low of $2,000 to a high of $15,000 or $20,000. For international adoptions—and there are many Members and staffers who have adopted who can give personal testimony—that can range anywhere from a low of $5,000 to $30,000. It is an expense with which many moderate- and middle-income families have difficulty.

Despite those difficulties, there are families all over this Nation who have adopted not one not two children. I met a family recently from Philadelphia that has adopted 20 children, some of them with special needs. This is not a family that inherited a fortune or is heir to a great fortune. This is a working family struggling to put food on the table, but because they felt compelled to give hope and prayer to some children, they have opened their home to 20.

I do not expect there will be many people who will adopt 20. I am one of nine, and my mother did a pretty terrific job of raising nine of us. I have two children, which is what I can handle at this time.

This adoption tax credit is working to a certain extent. We are ready to extend it because it runs out this year. We want to do that, and we want to increase it. Right now, it is $5,000 for a regular adoption and $6,000 for a special needs child.

The problem is—and I urge my colleagues and those who are interested in this issue to hear me—that under the current Tax Code, special needs children—special needs children are defined as those who are in foster care. There are 100,000 of them whose parental rights—the rights of their parents—have been terminated. These children are freed for adoption. There are another 400,000 children of all ages, races, and background in foster care, either on their way to being reunited with their family, which is always our hope if that is possible, or on their way to an adoptive family.

If we do not make a change in the bill on which we will be asked to vote sometime in the next few days, or if we do not make a change in the phraseology about this tax credit, we are going to leave behind 100,000 children. If the train is leaving the station, it is as if you are waving goodbye to 100,000 children in this Nation, some of the most vulnerable children, children the system has failed, children whose parents abandoned them, abused them, or grossly neglected them. The system has already failed them once, Mr. President. I do not have the heart and I do not think we have the heart to fail them again.

I know there are many issues, big bills and important issues, but for 100,000 kids in America, Serina being one of them, if we do not fix this problem, which I think is the intention of this body, then we are going to leave children like Serina behind. Let me tell you a little about Serina.

Serina was taken into foster care immediately upon her birth. Her mother was a 16-year-old foster child herself who was addicted to crack cocaine. Because of her mother's drug addiction, one might say we could blame the mother, but since the system failed her and left her in foster care without a real mother and real father, then I am not sure who is to blame, but this child was born with cerebral palsy because babies do not take crack cocaine very well, as well as other multiple problems, including addiction, a history of herpes, encephalitis, seizure disorders, including epilepsy. She has two biological siblings, one of whom was also adopted by her adoptive parents.

The family that adopted Serina, knowing full well these conditions, knowing full well the difficulties involved in raising this child—the doctors said she could never walk; she could never hear; she could never function. She is doing all of these things beautifully. She, under our current Tax Code, gets nothing. Her parents get nothing for the adoption because she is a special needs child, as is obvious. There are no expenses necessarily associated with her adoption. These are not the kind of children that agencies regularly place. There were no legal fees. There are no adoption agency fees.

We are about to pass a bill that is going to leave behind 100,000 of the most vulnerable, most needy children and their families who are doing God's work.

I am happy these other children—a little girl from Guatemala and a little boy from the United States—are able to use the current adoption system. Their parents, too, have done a wonderful job giving these children an opportunity for life, love, and success. The adoption credit is working for them. I say hooray and let's continue it. But, please, let us not leave behind the special needs children of our own country, American citizens, children born in the United States.

We say in the adoption caucus—and I am proud to be one of the leaders—that there are no unwanted children; there are just unfound families.

If our Tax Code can help people build homes, can help businesses start up, and can help very wealthy people support their products internationally, if we can give millions and hundreds of tax credits to special interests, I most certainly think the Members of this body—the House and Senate; Republicans and Democrats—can find the will to add not one dollar but to change a phrase in the law so all children and all families can benefit from this adoption credit.

Mr. President, I yield back the remainder of my time. But I will be back on the floor later today and every day, if not today, until we leave here. If I have to read the names of every one of the 100,000 children waiting, I am going to try to do that, until I get some response that this tax credit we are about to pass is going to include the children who need the help the most and their families. If I have to read all 100,000 names—this I hold in my hand is just a few—I am prepared to do it.

I thank the Chair and yield back the remainder of my time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. HUTCHISON. Will the Senator yield?

Mr. President, I ask how much time is left in morning business so I can ask unanimous consent that I have time after the Senator from Missouri has spoken. Could the Presiding Officer tell me what the time limit at this point is?

The PRESIDING OFFICER. The majority has 13 minutes; the minority has 14 minutes 20 seconds.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that after the Senator from Missouri speaks, we extend the time for the majority and the minority equally by 15 minutes each; 15 minutes for the majority, 15 minutes for the minority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair.

AMERICA'S BRAVE SERVICE MEN AND WOMEN AND VICE PRESIDENT GORE'S RECORD ON FOREIGN POLICY

Mr. BOND. Mr. President, I rise today to address two issues that are related; first, to express support for one of the most lethal and effective foreign policy instruments we know; that is, our brave service men and women who are standing guard on distant shores. We were reminded of that recently by the terrorist attack on the U.S.S. *Cole* in Yemen. It was yet another reminder that our forces are on watch 24 hours a day in farflung places many of us have never heard of. Their presence and service is a crucial component of foreign policy.

The effort of the sailors aboard the U.S.S. *Cole* in saving the ship is a testimony to the honor, courage, and commitment the Navy expects from every sailor wearing the Navy uniform.

Our thanks and our congratulations go to them; our sorrow, of course, for those who were lost; and our sympathies and prayers go with their families.

But in light of the danger in which these fighting men and women of the United States are placed, it is important we assess our foreign policy, and that we take a look at the record of what has happened in the past.

What have the two candidates done? Where would the Vice President lead us, based on his experience to date?

When you talk about experience with respect to Vice President GORE's foreign policy, I am reminded of that old saw that "experience is what you get when you expected to get something else." His record of experience has been a very bad one, and one that will put at risk other sailors and other U.S. military in the future. You don't need to look too far to share these concerns.

First, let me call attention to a Wall Street Journal editorial page article, "Gore's Hidden Weakness: Foreign Policy" from Monday, October 23. There Robert Zoellick expresses concern over the supposed foreign policy experience that Vice President GORE would bring to the White House.

In the article he said that in the Chernomyrdin agreement:

> . . . he blessed Russian exports to Iran of weapons that could only be targeted against the U.S. Navy, which protects the world's energy lifeline.

He went on to say:

> . . . Russian technicians continued to help Iran develop "laser isotope separation technology" used to enrich uranium for nuclear weapons.

This was to a country that the State Department called "the most active state sponsor of terrorism." We would have hoped that our Vice President, in his agreements with Mr. Chernomyrdin, would have been trying to build a market economy based on the rule of law. He should have prodded them to close down the corrupt commissions. But what we seem to have seen, as a result, or what has followed on that agreement, was a Soviet-style bureaucracy that never made any progress.

There was an admission that the IMF money went to foreigners and Russian speculators.

Quoting the editorial further, the former chairman of Russia's security commission said:

> "I cannot explain why the Western governments didn't pay serious attention." And Anatoly Chubais, Mr. Chernomyrdin's deputy, said pithily: "We conned them out of $20 billion."

And the editorial writer, Mr. Zoellick, says:

> Mr. Gore's Russian record is more than a litany of costly mistakes. The vice president was unable to either perceive the true nature of Russia's transformation or to design creative U.S. policy to match the circumstances.

I think we ought to be alarmed. We ought to be alarmed at the record that Vice President GORE has written as he takes credit for our foreign policy with Russia.

Is it really credit, when we find that the Russians continue to export arms to Iran? Would it alarm Americans that Iran, which relies on Russian arms sales to maintain its own military, sends arms also to Hezbollah's guerrillas in Lebanon, which uses those same arms against Israeli soldiers in settlements?

Yesterday, the Senate Committee on Foreign Relations began hearings to probe the recent press reports that Vice President AL GORE and the Russian Prime Minister Viktor Chernomyrdin made a secret agreement 5 years ago promising the Clinton White House would not enforce the law requiring sanctions for Russian sales to Iran.

Is this what we can expect, secret deals with Russia that have not stopped the sales of dangerous weapons to Iran? We are still seeking disclosure to the appropriate committees of Congress of the details of the Gore-Chernomyrdin agreement.

They have not come forward even to give the committees of jurisdiction the details on that agreement. What is going on? Why is it being hidden?

I think we all ought to be very much concerned about what appears to be a series of deadly mistakes covered up—covered up—and kept out of the view of the congressional committees.

Now, portions of the 12-page agreement between Vice President GORE and Mr. Chernomyrdin appeared in the October 17 edition of the Washington Times. In there, it appeared that the U.S. Vice President committed our country to "avoid any penalties to Russia that might otherwise arise under domestic law." The final document reads: "This aide memoire, as well as the attached annexes, will remain strictly confidential."

This secret Gore-Chernomyrdin agreement, and the Clinton-Gore administration's promise not to implement U.S. laws requiring sanctions for Russian weapons proliferation to Iran, was first reported in the New York Times on October 13 of this year. It said there that:

> In exchange for the Russian promises, the United States pledged not to seek penalties against Russia under a 1992 law that requires sanctions against countries that sell advanced weaponry to countries the State Department classifies as state sponsors of terrorism. Iran is on that list.

The law they are referring to, of course, is the 1992 Iran-Iraq Non-Proliferation Act. That was sponsored by the Senator from Tennessee, Mr. AL GORE, along with Senator MCCAIN.

Let's be clear. This law requires the President impose sanctions on countries that sell advanced weaponry or assist in nuclear weapons programs in countries sponsoring terrorism. Russian cooperation with Iran's nuclear program was a major concern behind enactment of that legislation. How do you get around that?

The White House has attempted to downplay the impact of Vice President GORE's deal by arguing the weaponry transferred was "antiquated."

I see nothing antiquated about laser isotope separation technology, which was described in the Wall Street Journal article, being used to enrich uranium for nuclear weapons.

It is my understanding that some of the weapons sold to Iran by Russia included the Kilo-class submarine, which is difficult to detect and track in the shallow waters of the Persian Gulf because they generate very little noise while operating on battery power. In the event of a crisis, these submarines would present a credible threat to U.S. forces, allied vessels, and merchant marine traffic. They also aid wake-homing torpedoes and antiship mines. If these weapons pose a significant threat to U.S. ships and forces in the region, then these transfers appear to me to meet the threshold for sanctions under the Gore-McCain Act.

Make no mistake, were tensions to escalate between the United States and countries in the Middle East, these weapons could have a catastrophic effect on our sailors and other military personnel on ships in the region. We just saw what a small simple boat loaded with explosives could do. What other reminders do we need.

The Vice President defends his actions claiming that none of the weapons included met the standard for triggering sanctions. Yet the Washington Times uncovered a letter sent last January to the Russian Foreign Minister by Secretary of State Madeleine Albright admitting:

> Without the aid memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

In classified documents obtained by the Washington Times, a 1995 letter, apparently written by Mr. Chernomyrdin to Vice President GORE, said:

> The information we are passing on to you is not to be conveyed to third parties, including the U.S. Congress. Open information concerning our cooperation with Iran is obviously a different matter, and we do not object to the constructive use of such information. I am counting on your understanding.

These secret agreements between the Vice President and Mr. Chernomyrdin took place in the context of a Gore-Chernomyrdin Commission, which began in 1993 and was conducted in twice yearly meetings until Mr. Chernomyrdin was removed from his position in 1998. These secret agreements contradict administration and Vice President GORE's concerns regarding the spread of dangerous missiles in the Middle East and the proliferation of weapons of mass destruction to a country such as Iran who exports terrorism.

Former Secretaries of State and Defense, Directors of Central Intelligence, National Security Advisers, have put out a strong letter, dated October 24, saying in part:

> This is why we are deeply disturbed by the agreement made by Vice President Gore and then Russian Premier Chernomyrdin in which America acquiesced in the sale by Russia to Iran of highly threatening military equipment such as modern submarines, fighter planes, and wake-homing torpedoes.
>
> We also find incomprehensible that this agreement was not fully disclosed even to those committees of Congress charged with receiving highly classified briefings—apparently at the request of the Russian Premier. But agreement to his request is even more disturbing since the Russian sales could have brought about sanctions against Russia in accordance with a 1992 U.S. law sponsored by Senator John McCain and then Senator Al Gore.

This letter was signed by George Schultz, Jim Baker, Zbigniew Brzezinski, Frank Carlucci, Henry Kissinger, Donald Rumsfeld, James Schlesinger, Brent Scowcroft, Caspar Weinberger, and James Woolsey. I think their concerns ought to be concerns of all of us.

This foreign policy effort is part and parcel with Vice President GORE's approach to the people. Who does the Vice President trust. Apparently not the people, not the U.S. Congress.

The reason we are here discussing this issue is because exactly 13 days ago the New York Times revealed that Vice President GORE signed this secret agreement I have been discussing. This Gore-Chernomyrdin deal has broad foreign policy ramifications. The decision to allow Russia to escape the consequences of providing Iran with conventional weapons is one which affects the security of our allies and more importantly the security of our troops such as those who routinely patrol the waters of the Persian Gulf and the Gulf of Oman. This is not the type of agreement which should have been kept from the American people.

In closing, I find it unconscionable that the Vice President of the United States could willingly withhold information from the Congress regarding the sale of arms from Russia to Iran; to a state described by his own administration as "the most active state sponsor of terrorism." I find it highly disturbing knowing the difficulties we have faced in this region over the years that the Vice President would willingly hide from the people a deal that puts in the hands of the Iranian government weapons that could do real harm to our forces in the region who routinely patrol the Persian Gulf and Gulf of Oman. Our forces put their lives at risk any time they enter this region of the world because tensions are so high. Is it unrealistic to ask that the Government that sends our military forces into harm's way would work at decreasing the availability of arms in the region that could potentially be used against them?

Is it unrealistic to expect from our President and Vice President sufficient trust in the people and our form of government to convey information to the Congress critical to our national security, critical to the security of our allies and critical to the stability of a region of the world that is wrought with tension and hatred for our allies such as Israel? I think not. I urge my fellow citizens to not simply accept the spin by supporters of Vice President GORE that his foreign policy experience is necessarily good for America and the troops we send in harm's way to enforce it.

I urge this body to take action to get copies of that agreement from the administration. We should demand it. We should subpoena it. I hope my colleagues will joint me in seeking that resolution.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal and the statement by former Secretaries of State be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, October 23, 2000]

GORE'S HIDDEN WEAKNESS: FOREIGN POLICY

By Robert B. Zoellick

Events around the world have thrust foreign policy into the presidential campaign and political commentators are making routine references to Al Gore's "experience." Yet the vice president's international seasoning reminds me of the hapless Hapsburgs: The Austro-Hungarians had a long record of battles, but kept retreating and losing . . . wars, territories, and eventually their country! If experience is bad, it is a defect, not a credential. Here are four of Mr. Gore's major defects.

MAJOR FLAWS

First: Mr. Gore proclaims that he led U.S. policy toward Russia. We have learned from the New York Times, however, that he blessed Russian exports to Iran of weapons that could only be targeted against the U.S. Navy, which protects the world's energy lifeline. After Mr. Gore signed a secret agreement approving these arms sales in 1995, the prime ministers of Russia and Iran jointly described the U.S. presence in the Gulf as "totally unacceptable." Instead of making the Russians pay a price for subverting U.S. interests, Mr. Gore promised Russia that America would help Moscow find more customers for its arms and make its military industry eligible for technical assistance.

Mr. Gore also stopped sanctions against Russia, required by a law that he had cosponsored in 1992. In return, the Russians promised to stop those arms sales by the end of 1999 but, responding to U.S. weakness, reneged on the deal and sold additional weapons to Iran. Meanwhile, according to the administration's own testimony, Russian technicians continued to help Iran develop "laser isotope separation technology" used to enrich uranium for nuclear weapons. And the State Department recently called Iran "the most active state sponsor of terrorism."

This example is part of a pattern: Mr. Gore's diplomatic myopia, a function of his concentration on near-term tasks, leaves him blind to the wider, strategic implications of his actions. Consider Mr. Gore's dealings with Russia's economy. Energetically pursuing his penchant for bureaucratic detail, he embraced a commission with Viktor Chernomyrdin, the Russian prime minister, that approached economics with faculty "Gosplan" logic.

The old Soviet approach to economic relations was to establish joint ventures blessed by high-level officials (who, like Mr. Chernomyrdin, received preferential treatment). To build a market economy based on the rule of law, Mr. Gore should have prodded Russia to close down corrupt commissions and open avenues for private entrepreneurs. Yet as the head of the political section in the U.S. Embassy in Moscow reported, the Gore-Chernomyrdin commisison resembled a Soviet-style bureaucracy with any information that contradicted success filed away forever.

Admitting that the IMF's money went to "foreigners and Russian speculators," the former chairman of Russia's Securities Commission said: "I cannot explain why the Western governments didn't pay serious attention." And Anatoly Chubais, Chernomyrdin's deputy, said pithily: "We conned them out of $20 billion."

Mr. Gore's Russia record is more than a litany of costly mistakes. The vice president was unable either to perceive the true nature of Russia's transformation or to design creative U.S. policy to match the circumstances. Mr. Gore was committed to process over substantive results. Unwilling to face unpleasant truths, he did not hold Russians accountable for lies and other actions that harmed U.S. interests. Second: Commentators generally assume that Mr. Gore supports free trade, but his track record suggests that his "leadership" on trade would be tepid at best, and counterproductive at worst.

After the 1994 elections, Mr. Gore would not defend the North American Free Trade Agreement, much less make the larger case for free trade. The administration set distant goals for trade, but was unwilling to back words with actions. By the time Messrs. Clinton and Gore stirred themselves to try to recover fast-track trade negotiating authority in 1997, protectionists had made it impossible. As a result, the administration retreated when it could only get the support of about 40 out of over 200 Democrats in the House.

Mr. Gore's record provides additional evidence that he is unwilling to expend political capital to promote trade. He did not lift a finger to prevent the World Trade Organization fiasco in Seattle; but he did applaud Mr. Clinton's destructive announcement that any new trade agreement must include labor provisions backed by sanctions, which the administration's own negotiators had resisted.

When Mr. Clinton and George W. Bush worked this year to win votes for normal trade relations with Beijing—so that China could enter the WTO—Mr. Gore again dodged responsibility. In fact, he told union protectionists behind closed doors that if Mr. Clinton failed with the China vote, he—Al Gore—would insist on labor provisions in any new agreement.

Third: Mr. Gore's experience with the environment should be of concern to Americans, regardless of their views on climate change. He locked our climate change policy into a bureaucratic, restrictive, and impractical Kyoto treaty. The Senate, Democrats and Republicans alike, voted 97 to 0 in protest against this agreement. The treaty has many flaws, not the least of which is a failure to include greenhouse gas requirements for China, India and other countries whose growing emissions could dwarf America's own reductions.

Even some environmentalists are concerned privately that this impractical agreement—like other in Mr. Gore's international file—impedes realistic goals based on scientific evidence and practical plans to deal with greenhouse gases. Indeed, Joe Lieberman, who recognized that the Kyoto treaty had created stalemate instead of progress, tried to fashion legislation that bypassed the Kyoto strictures.

POOR JUDGMENT

Finally, Mr. Gore's experience flashes warning signs about his approach to being commander-in-chief. Mr. Gore reminds us that he voted in support of the Gulf War resolution. He does not admit, however, that in critical Senate testimony only about six weeks before the war began, he harshly criticized President Bush's decision to send the military reinforcements to the Gulf that were necessary to launch a successful attack. Instead, Mr. Gore wanted to rely on economic sanctions.

It was also discouraging that Mr. Gore told a national TV audience that he would impose social policy "litmus tests" on appointments to the Joint Chiefs of Staff. After learning that this idea would have politicized the military—and precluded the service of Colin Powell, Norman Schwarzkopf and others who differ with him on gays in the military—the "experienced" vice president reversed himself.

Mr. Gore's spinners are now programmed to blurt out that he has 20-odd years of foreign policy exposure. There is more than a touch of truthful irony in that claim. This is part of a pattern of the vice president relying on references to resumes, committees and agreements—instead of outlining strategies to use U.S. power for sound ends. Mr. Gore does indeed have foreign policy experience. Unfortunately for him, it is bad experience.

STATEMENT BY FORMER SECRETARIES OF STATE, DEFENSE, DIRECTORS OF CENTRAL INTELLIGENCE AND NATIONAL SECURITY ADVISORS ON THE SALE OF RUSSIAN WEAPONS TO IRAN, OCTOBER 24, 2000

The following individuals, who include supporters of both Governor George W. Bush and Vice President Gore, believe strongly that:

"The President's most important job is safeguarding our nation's security and our ability to protect our interests, our citizens and our allies and friends. The military balance in regions of vital interest to America and her allies—including the Persian Gulf, which is a critical source of the world's energy supplies—is the essential underpinning for a strong foreign policy.

"This is why we are deeply disturbed by the agreement made between Vice President Gore and then Russian Premier Chernomyrdin in which America acquiesced in the sale by Russia to Iran of highly threatening military equipment such as modern submarines, fighter planes, and wake-homing torpedoes.

"We also find incomprehensible that this agreement was not fully disclosed even to those committees of Congress charged with receiving highly classified briefings—apparently at the request of the Russian Premier. But agreement to this request is even more disturbing since the Russian sales could have brought about sanctions against Russia in accordance with a 1992 U.S. law sponsored by Senator John McCain and then Senator Al Gore."

George P. Shultz, former Secretary of State.

James A. Baker, III, former Secretary of State.

Zbigniew Brzezinski, former Assistant to the President for National Security Affairs.

Frank C. Carlucci, former Secretary of Defense and former Assistant to the President for National Security Affairs.

Lawrence S. Eagleburger, former Secretary of State.

Henry A. Kissinger, former Secretary of State and former Assistant to the President for National Security Affairs.

Donald H. Rumsfeld, former Secretary of Defense.

James R. Schlesinger, former Secretary of Defense and former Director of Central Intelligence.

Brent Scowcroft, former Assistant to the President for National Security Affairs.

Caspar W. Weinberger, former Secretary of Defense.

R. James Woolsey, Attorney and former Director of Central Intelligence.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend my colleague from Missouri for bringing up a very important issue.

THE RECORD IN TEXAS

Mrs. HUTCHISON. Mr. President, it looks as though we are going to have to respond to the many charges that are being made on the Senate floor in the Presidential campaign. I am sorry it has come to that because I don't like to see that happening on the Senate floor. I am committed to not letting the record go unchallenged when I know for a fact the record is being misrepresented.

In fact, the Senator from Massachusetts earlier this afternoon misrepresented the facts about Governor Bush's record in Texas. I am very proud to say that Governor Bush has an outstanding record in Texas; that Texas is a great place to live; that Texas has surpassed New York now to be the second largest State in America. That is because so many people are choosing to come to Texas to live. They are coming for a variety of reasons. Quality of life is No. 1. A good solid public education system that is improving every day is another. Quality health care is another. We have many reasons to be proud of the record of our State and the Governor and the legislature of our State.

I will address first the issue of education. This has been the most egregious misrepresentation. In fact, the Rand organization that does research into many areas put out just this last July a comprehensive study of public education reforms in our country. The report based its analysis on the National Assessment of Educational Progress tests given between 1990 and 1996. The authors ranked the 44 participating States by raw achievement scores, by scores that compare students from similar families and by score improvements. They also analyzed which policies and programs accounted for the substantial differences in achievements across States that can't be explained by demographics.

What they were doing is taking 44 States that had significant public education reforms and determining what worked and what didn't. I will read directly from the press release that was issued by the Rand Corporation.

> Math scores are rising across the country at a national average rate of about one percentile point per year, a pace outstripping that of the previous two decades and suggesting that public education reforms are taking hold. Progress is far from uniform, however. One group of states—led by North Carolina and Texas and including Michigan, Indiana and Maryland—boasts gains about twice as great as the national average.

I just learned that Senator KENNEDY made the charge that Texas is dead last in public education.

I think the Rand study released in July of this year that looked at a comprehensive set of scores from 44 States should be given some weight.

No. 2, from the Rand report:

> Even more dramatic contrasts emerge in the study's pathbreaking, cross-State comparison of achievement by students from similar families. Texas heads the class in this ranking. . . .

I am not going to read the names of the States that are at the bottom because I don't think it is necessary. Texas is No. 1.

> Although the two States are close demographic cousins, Texas students, on average, scored 11 percentile points higher on the NAEP math and reading tests than their . . . counterparts. In fact, the Texans performed well with respect to most States. On the fourth grade NAEP math tests in 1996, Texas non-Hispanic white students and black students ranked first compared to their counterparts in other States, while Hispanic students ranked fifth.

The report goes on to say:

> The most plausible explanation for the remarkable rate of math gains by North Carolina and Texas is the integrated set of policies involving standards, assessment and accountability that both States implemented in the late 1980s and early 1990s.

I remind you that Governor Bush was elected in 1994 in Texas. That is when we started beginning to see the results of the reforms that have taken place.

Let's talk about Governor Bush's record. Since being elected Governor, George Bush has seen minority test scores increase by 85 percent. Overall test passage rates increased by 38 percent. Governor Bush and the legislature, working together, increased teacher salaries by one-third since his election, increased public funding of education by $8 billion, and per pupil expenditures have increased by 37 percent. Under Governor Bush's education reform plan, social promotions were ended. We spent $200 million in new early education funding to make sure all third graders read at grade level.

That is the emphasis Governor Bush has made in Texas that is beginning to reap the great rewards shown by the students who have been tested in these recent tests that are now being studied. In fact, Texas is at the top of the class. It is because they are going to the third grade level to target students who don't have reading skills. Governor Bush believes that if a child can't read at grade level in the third grade, of course, the child is going to have trouble going through the public education system.

It does not take a rocket scientist to know if the child is trying to progress without reading skills, the child is going to fall behind. That is what we are trying to correct in Texas, and it is working. It is working. That is why our test scores are skyrocketing.

I think we need to put to rest all of the misinformation that is out there about the Texas public education system. We are very proud that we are putting the money into the system; we are increasing teacher's salaries; we are attracting more teachers so that our teacher shortages will go down.

Most public schools have teacher shortages, and we are trying to address that issue with creativity. We are trying to attract people into the classroom who have specific skills that we don't have in the classroom now because of the teacher shortages. So we are targeting math and science and languages and computer skills. We are looking to retired military people, people retired from industry, and we are trying to attract them to the teaching profession because we think it is so important that our young people have access to this kind of quality in the classroom.

We in Texas stand second to none in the improvements in our public education system, and it is going nowhere but up. We know if we can catch those children in the third grade, they are going to have a chance to reach their full potential, and that is what Governor Bush is doing in Texas and what he wants to do for our country.

Let's talk about health care. Governor Bush and the Texas Legislature have led the effort to enact the Nation's first comprehensive Patients' Bill of Rights. In fact, Texas has a Patients' Bill of Rights, and it is a terrific program. It is working. It is working because we have an independent review process, because we are targeting health care; we are not targeting trial lawyers being able to sue HMOs—although that is allowed if all of the appeals are exhausted. It is allowed, but there are caps on noneconomic damages. So that brings more reasonable limits to irrational lawsuits, but it allows the protection of the patient who doesn't get the good care.

But the focus is not on retribution; the focus is on getting health care in the first place. It doesn't help the patient to be able to sue later for a terrible accident. What we want is for the health care decisions to be made by the patient and the doctor. That is what the Patients' Bill of Rights does in Texas. It became law while Governor Bush was our Governor, working with our bipartisan legislature.

Today, we have 100,000 children enrolled in the CHIP program. We will enroll 425,000 by the end of next year. We are in the process of educating parents about who is eligible for the CHIP program. We are going to reach every child who is eligible for this program so that our children will have health care.

Let me tell you what Governor Bush and the legislature did to make sure of that coverage. They allocated the largest part of the tobacco settlement that Texas got to the CHIP program for health insurance for every child in Texas, and they put into a trust fund billions of dollars from which the interest will go to every county in Texas for the purpose of providing indigent health care in those counties because, of course, in many counties in Texas the buck stops with them for the provision of health care for their indigent population.

This money will come in perpetuity to every one of the 254 counties in Texas. Every one of those counties will participate in the interest on that trust fund for their health care needs in that county, and that is a huge help for those counties providing that health care. That was done under the leadership of Governor Bush and the great speaker of the Texas House and the Lieutenant Governor of Texas. It was a bipartisan effort that made that happen.

So I think our Texas health care system is very sound. I have heard a lot of charges being made about the quality of our public education and our health care, and I just happen to know firsthand that those making the charges are misinformed. I don't think we need to run down one of the great States in our Nation in order to get advantages in the Presidential race.

I am disappointed, frankly, in my colleagues who would do this. I am disappointed that they don't have enough to say about their views and their visions for our country, that they have to come to the Senate floor and run down Texas in their campaign for President of the United States. I don't think it is necessary, I don't think it is proper, and I don't think it is seemly. I think we can do better in this country, and I don't think—at least I hope that not one person in this country is going to have his or her vote swayed because of what is happening in Texas.

I would like to think that if people are looking at Texas they have the facts and that they have a good feeling about my great State. I certainly don't think running down my State is the way to run a Presidential campaign because people are moving to our State by the thousands. That is why Texas is now the second largest State in America—surpassing New York. They are coming there because it is a good climate in which to do business; it is a good climate in which to create jobs; and it is a good climate in which to raise a family. It is a good place to live. And we have a Governor who has contributed a whole lot to make that happen. We have a great legislature that has worked with our Governor in a bipartisan way.

That is what our Governor would like to bring to the Congress. We would like to be able to work in a bipartisan way to make the laws that will achieve the dreams of every American child. We would like to have cooperation between the Republicans and the Democrats. But I don't think we are fostering cooperation when people come to the Senate floor and run down my State. I don't think that is very bipartisan, and I don't think it is very honorable.

I hope we can turn off the Texas bashing. I hope we can talk about the dreams and aspirations of our Presidential candidate. I hope we can give Governor Bush the credit for the reforms in the public education system that are making such a difference in the lives of so many Texans. Our children are learning to read and they are beginning to like school. They are wanting to stay in school, and they are not going to drop out of high school if they have a chance to see that their public education is going somewhere. We are giving hope to our children. We are taking care of them. That is what we should all want for all of our States.

I don't think we should have to continually come to the floor to defend our State. I hope I don't have to do it again. But I guarantee that I will be here again if I hear that one of my colleagues is bashing Governor Bush and the State of Texas. Every time I hear that is happening, I am going to come to the floor and I am going to ask for time to set the record straight because the record is a good one. The record is one of education reform that has a goal, that allows every child in Texas to reach his or her full potential, and a goal that we want for every State in this country. We want no child to be left behind. We want every child to reach his or her full potential with a public education—not that we don't wish the children who have private education well. We want them to have those choices. We want children to be able to go to private schools, or parochial schools, or public schools, or charter schools. We want all the options out there because we believe with all of the options that every child will then have a chance to do what is best for that child, and we believe the base of all of this is a strong system of public education.

We believe that a public education that has competition is a better public education. That is why we want the choices and the creativity for our children's education.

I hope this is the end of Texas bashing. I hope this is the end of our congressional session so we can have our Presidential campaign on the merits so that the people of our country will be able to listen to the Presidential candidates. But I don't think we need to have a Presidential race that runs down the State of one of our candidates. Thank goodness we don't see that happening on the other side of the aisle. The Republicans are not bashing Tennessee. We like Tennessee very much. We don't think it is necessary to run down a State from which another Presidential candidate comes in order to get advantages. We happen to believe Tennessee is a great State. We believe Texas is a great State, too.

I hope this is the end of this kind of politicking. I hope it is the end of using the Senate floor for political advantage in the Presidential race.

I hope we can give the credit that is deserved to the Governor of Texas and to the Legislature of Texas working together and for their willingness to address the issues of education reform, for their willingness to address the issues related to health care and health care coverage for our children because we have made it a priority in Texas. That is why it is such a terrific State; we believe in the jobs that are created in Texas and the good working people who live in Texas have been able to do very well because we have a healthy climate in Texas and a healthy business climate, as well as a healthy environment and a healthy climate in which to raise families. Those are the fundamentals of what our State has to offer, and it is why so many people are moving to our great State and why we welcome that move.

I thank the Presiding Officer for allowing me to correct the record that was created with some misinformation earlier today. I hope we will not have to defend Texas again. I hope we are very close to ending the Texas bashing because I don't think anybody is going to vote against Governor Bush because of misinformation about Texas. I think the people of America are smarter than that. I think the people of America deserve better than that. It is my fervent hope that they are able to hear the candidates' views on the issues without the negative campaigning on what is happening in Texas. I think if anybody would just come to Texas and see for themselves, they would be very pleased with the leadership of Governor Bush and our Texas Legislature.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I may proceed in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS

Mr. GRAMM. Mr. President, I thank my dear colleague from Texas for her comments on the floor. It seems that our colleague, Senator KENNEDY from Massachusetts, has decided that now he wants to come over daily and tell people how terrible Texas is. I think my dear colleague from Texas has done a very good job answering Senator KENNEDY. But I don't think, quite frankly, the charges need to be answered per se in any other way other than saying that in America, thank God, we have a freedom where people can move. So if Texas were this terrible State that Senator KENNEDY says it is, then we would expect people to be exercising their freedom to move out of Texas and to move to paradise States such as Massachusetts.

Mr. BENNETT. Mr. President, will the Senator yield for a quick unanimous consent request?

Mr. GRAMM. I would be happy to yield.

Mr. BENNETT. I am thrilled with the presentation of the Senator from Texas.

Mr. President, I ask unanimous consent that when he is through I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Thank you. I thank the Senator.

Mr. GRAMM. Mr. President, Senator KENNEDY would have us believe that Texas is a terrible place. But we can look at what is actually happening in Texas. We created 1.6 million new, permanent, productive, tax-paying jobs for the future since Governor Bush has taken office. This is 50 percent faster than job growth nationwide. And while the Nation has lost manufacturing jobs, we have created almost 100,000 new manufacturing jobs in Texas under the leadership of Governor Bush.

But there is a simple, empirical test as to whether people want to live in a State and what the quality of life is and how good the political leadership is of that State. People vote with their feet. People vote with their feet by leaving places that have bad government and they come to places that have good government.

Senator KENNEDY wants us to believe that Texas is this terrible place. The incredible paradox is, consistently now for over 30 years, people have been leaving Massachusetts and moving to Texas. For over 30 years, Texas has exploded in population as Americans have chosen to move there, make their life there, and cast their lot with those who were elected to represent them in Texas. And for over 30 years, people have cast their lot by picking up, packing up their children in the station wagon, and driving out of Massachusetts. It seems to me that is the empirical test.

I personally believe that this silly business about attacking States as part of a political campaign doesn't make any sense. I don't know why Senator KENNEDY feels compelled to talk about it. I don't know why he feels compelled to try to attack Texas. The last fellow that tried to attack Texas was General Santa Ana. It did not turn out too well for him. Maybe Senator KENNEDY thinks it is going to turn out better for him than it did for General Santa Ana.

I think the message here is not that Massachusetts is a bad place because people are picking up and moving out of it; in fact, it is a very nice place. They have very good people. But they have politicians who have implemented in Massachusetts the program that AL GORE wants to implement in America. They have spent and taxed, spent and taxed, spent and taxed. In the process, every time we take a census, every time we reapportioned representation in the U.S. Congress for the last 30 years, relatively speaking, as compared to the population growth of the country, people have moved out of Massachusetts and moved to Texas. We have gained congressional representation, and Massachusetts has lost congressional representation.

I don't think that says that Massachusetts is a bad place. Everything I know about their people, they are wonderful people. But it says something about the key issue in the campaign for President of the United States. It says that when Americans have the right to vote with their feet, they turn their backs on the policies of AL GORE—spend and tax, spend and tax, spend and tax—and they vote with their feet by walking away from those policies.

Senator KENNEDY has come over today and yesterday and instead of defending GORE's policies, which no one can defend, he tries to attack Texas. But the plain truth is, the people who have moved out of Massachusetts in the last 30 years have moved because they were rejecting AL GORE's policies of spend and tax that have been implemented in Massachusetts.

Here is the problem. If we implemented those policies in America, the policies that have been implemented in Massachusetts and that AL GORE has proposed, with almost $3.3 trillion worth of new Government spending, over 70 massive new Government programs and program expansions, if we adopted those policies in America, where would you move? How would you move with your feet? Who is ready to walk off and leave their country?

The problem is, we can vote with our feet to leave Massachusetts and flee bad government and come to Texas. But we can't vote with our feet, we don't want to vote with our feet, to leave America. So again we don't want to leave America, I say to my dear colleague from Utah; we need to turn our back on the policies of tax and spend that have been imposed by politicians in Massachusetts and we need to reject them for America.

I have thought it is bad policy and bad form to debate the campaign for President on the floor of the Senate. But given that Senator KENNEDY is now going to do it every day, apparently, I thought I would take the bait and talk for a moment.

When people were listening to the Presidential debates—the Senator from Utah watched them, I know, because we talked about it the next morning—they kept hearing AL GORE say: 1 percent of Americans get all the benefit. They get all these tax cuts. It is the rich people. It is the people against the privileged. And AL GORE is for the people. That is what they heard.

Those, by the way, are the same slogans that destroyed ancient Rome and destroyed ancient Athens. And I have to say that AL GORE sounds like a socialist candidate running in a Third World country, to stoop low enough to use that kind of language.

I want to explain to people why it is phony. Let me start by talking about AL GORE's record on taxes. Everybody knows he is not for George W. Bush's proposal to cut taxes. We all know that. Let me talk about his record in Congress, and as Vice President, on taxes. How many people know that when Jimmy Carter was President he proposed a tax cut in 1978, that among other things raised the personal exemption from $750 to $1,000 for working families with children, and made the earned-income tax credit permanent. When Jimmy Carter in 1978 said the American people deserve a tax cut and because of inflation—remember, Senator BENNETT, the inflation was in double digits when Jimmy Carter was President—he said we need to raise the personal exemption. What did AL GORE say? It is for the rich. It is for the rich. When you raise the personal exemption from $750 to $1,000, it will help the rich people. So he voted against the tax cut. Apparently, everybody that got a tax cut was rich.

Then in 1981 when Ronald Reagan proposed reducing taxes across the board for everybody, taking millions of families off the tax rolls completely, AL GORE thought that was a tax cut for rich people, and so he voted no.

Then when we had our effort to reduce the tax burden in 1995, AL GORE again had a chance to support tax cuts, but he supported the veto that killed the bill.

Then when we had the Tax Relief Act of 1999, a tax relief that was aimed at repealing the marriage penalty, AL GORE again supported the veto that killed the bill. He believed that if you make $21,800 and you meet another person who makes $21,800 a year and you fall in love and you get married, you become too rich to deserve a tax cut, and you are going to pay on average $1,400 a year to the Federal Government in taxes for the right to be married.

Why should you do that? Because AL GORE believes that he can spend that $1,400 better than your family can spend it. So when he had a chance in that tax cut to say yes, he said no.

When we passed the marriage penalty repeal, free standing, in the year 2000, he was opposed to it because we actually stretched the tax bracket for couples with each person making $21,925 a year so that they didn't go into the higher, 28 percent tax bracket. But AL GORE thought they were the 1 percent who were privileged and so he supported the President in vetoing the repeal of the marriage tax penalty.

Then we passed the death tax repeal. This is a tax that small business people and family farmers pay. They work a lifetime to build up a business or family farm. They scrimp, they sacrifice, they save, and they build up the farm or business. They may not have much cash, but their land, if they are farmers, is worth a lot of money if they sold it. But they don't want to sell it. Their father worked it. They worked it. They want their children to work it. But AL GORE said: No, you are rich. And, besides, if you have to sell your family business, if you have to sell your family farm, it is worth it because the Government can spend this money better than you can spend this money.

Now look, here are all of the tax cuts since AL GORE has been a Member of Congress, or Vice President, that have been considered—major tax cuts by the U.S. Congress in all the years since AL GORE came to the House of Representatives. Guess what. He thought every one of these tax cuts was for rich people, because he never voted for a major tax cut. Not once since he came to Congress has he believed, on a major tax bill, that we ought to be cutting taxes.

I guess he thought, when we were raising the exemption for children from $750 to $1,000, that all those children were rich. When Reagan cut taxes across the board, took millions of people off the tax rolls, I guess AL GORE thought they were all rich, because he was against it. The point is, he has been against every major tax cut since he has been in public life; every one of them has been a dangerous scheme, to AL GORE.

Now that is only part of the story. You see, we have raised taxes since AL GORE has been in Congress. In fact, I have here every major tax increase that has been voted on since AL GORE came to Congress and while he was Vice President. Guess what. One thing you have to give him credit for, he is totally consistent; he has never voted against a major tax increase since he has been in public life. He voted for the major tax increase in 1983, 1984, 1987, in 1990, and 1993, and let me talk briefly about 1993.

You heard, if you watched all those debates, that AL GORE wants to tax rich people. He loves capitalism, but he seems to hate capitalists. He loves economic growth, but he seems to hate people who create it. He wants to pit people against each other, so if somebody is creating jobs, you ought to resent them if you are a worker.

I do not know about our colleague from Utah, but neither of my parents graduated from high school. No poor person ever hired me in my life. Every job I ever got was from somebody who had a lot more money than I had. I was glad to have the job. Those jobs made it possible for people such as me to be successful in America. But AL GORE supported every major tax increase that has been voted on since he has been in public life—he voted for it.

Do you remember the point in the debate where he said: I am proud to have cast the deciding vote on the 1993 Clinton economic program. He did not tell people that that deciding vote was for a gasoline tax increase. The rhetoric of AL GORE and Bill Clinton was their 1993 tax bill only taxed rich people—it did not tax anybody but rich people. But listen to their definition of rich.

If you drove a car or a truck in America, you paid a higher gasoline tax, so, by AL GORE's definition, you were rich. If you remember, in the bill that was voted on in the House, that AL GORE supported, it had a Btu tax that would have taxed everybody's utility bills. Guess what. If you have heating or air-conditioning, if you use electricity or heating oil or natural gas, AL GORE believes you are rich, because he said he was only taxing rich people. Yet he supported taxing everybody's utility bill.

The final one, which was the ultimate, it seems to me, was the tax on Social Security. You know, it is funny. When you are not in these debates, you watch them on television, and you are brilliant. If you were just there, you would know exactly what to say. It is funny, when you are there, you never quite know what to say. But when AL GORE was talking about Social Security and he was accused of never having done anything about it, he didn't defend himself. But in fact he has done something. AL GORE, in fact, cast the deciding vote on something that profoundly affected Social Security, and that deciding vote was to tax the Social Security benefits of people who make over $25,000 a year—in fact, to tax 85 percent of the benefits of every retiree in America who made over $25,000 a year.

Wait a minute. AL GORE said, when he was for this bill, that it only taxed rich people. If you make $25,000 a year and you are drawing Social Security, to AL GORE you are rich.

A final thing, and then I will stop. I thought it would be interesting. We heard all this business about who gets AL GORE's tax cut. I decided to do a little experiment. It is a little bit clever—it is not too clever—but here is the basic point. I decided to take a page out of the Washington Post. This is a want ads page of the Washington Post. It is page D11, on Tuesday, October 24. I have reproduced it up here.

I went through this list of jobs and asked: Who taking a job in this list would not be too rich to get AL GORE's tax cut? I am not talking about a tax cut you get if you do what AL GORE wants you to do. I am talking about a cut in your income taxes, where you get to keep more of your money. So follow with me, if you will. This is page D11 of the want ads. Here are all the jobs: From Fairfax Yellow Cab, "cash daily"; dispatcher; we have here a sports entertainment local branch office for a national sports marketing firm; we have here a newspaper carrier; we have a driver for a warehouse chain—pretty much typical jobs in America.

If you go through this and you say, OK, take off every job that was on the want ads page in the Washington Post on Tuesday so that you just leave those jobs that, if you take those jobs, you get AL GORE's tax cut, there it is.

Now look. This is page D11 of the Washington Post. These are jobs that are out there right now for people: Landscape foreman and laborer, janitorial; interior design, sales; driver, class A tractor-trailer; drafter, 2 years of experience needed. These are real jobs in the real world. If you took one of these jobs, would you be too rich to get AL GORE's tax cut? When you take all the job ads off that would make you too rich for AL GORE's tax cut, that is what is left. Those are the jobs you could take and you would get AL GORE's tax cut. Here they are: Dry cleaning, pants pressers.

You can take a job in Vienna. Let me make it very clear, I am not denigrating these jobs. These are tickets to success in America. Thank God people are creating these jobs.

I do not want to go too far in reading it. Here is the point: You could get a job pressing pants, you could get a job as a lifeguard and cleaning a swimming pool, you could get a job as a newspaper carrier, and you could get AL GORE's tax cut. But if you have any of these other jobs—one can see the difference between them—if you got any of those other jobs, you do not get AL GORE's tax cut. I guess this says you are in the 1 percent. That comes as a big surprise to people as to who is rich and who is not rich.

I will sum up, make my point, and then yield to Senator BENNETT.

AL GORE has served in public life for a long time. In fact, he took pride in it. Look, it is God's work to be involved in public life. The point is, on every tax increase since AL GORE has been in public life, every one of any size or significance, he has voted for every one of them. Every tax cut voted on since AL GORE has been in public life, he has opposed every single major tax cut.

He has written a so-called tax cut that 89 percent of the jobs in the Washington Post on page D11 on Tuesday, if you took one of those jobs, your income would be too high to qualify for his tax cut.

If you did something he wanted you to do, that there was some kind of favorable tax treatment for, you might get some benefit, but in terms of getting to keep more of your own money to spend, which is what most people call a tax cut, this is what you are down to.

Why? Why has AL GORE in his whole public life never voted against a tax increase, never voted for a tax cut, and why does he want to exclude almost anybody who would get any job at random out of the newspaper? Because he believes in his heart that Government can spend the money better in Washington than you can spend it at home.

AL GORE is not against married couples. He is not against love. I know he loves his family, and he has a wonderful family. He should love them. But he believes that having working couples in America pay $1,400 a year in a marriage penalty is OK, it is a good thing, it ought not to be repealed, because he believes Government can spend the $1,400 better than they can spend it.

He believes it is OK to make people sell the family farm or sell the family business and destroy their parents' life's work and everything their family has worked for in America to give Government 55 cents out of every dollar they earn, not because he does not like small business or does not like family farms, he likes them, but he believes with all of his heart that Government can spend the money better than they can. If you have to sell your family farm and you have to give the life work of your parents and grandparents to the Government, he believes the Government will do the right thing in spending it and you will be better off.

If you believe that, your choice in this election is very clear. If you believe that Government, by spending $3.3 trillion on new Government programs, which is what AL GORE has proposed, can make your life better, then you ought to vote for him. If you believe it is not risky to spend $3.3 trillion in Washington but it is risky to give back $1.3 trillion in tax cuts to working Americans, AL GORE is your man.

On the other hand, if you believe the Government is probably about as big as it ought to be, if you believe that you can do a better job spending your money than the Government can do, then you probably ought not to vote for AL GORE. You probably ought to vote for George Bush.

To tie it all together, what does this have to do with bashing Texas and Massachusetts? It has to do with people who have already made these decisions. Millions of people have moved to Texas because they wanted lower taxes, because they wanted more opportunity, because they wanted to decide. It was not that they hated Government. The Government does a lot of good things. It is they believe they can do things for their family better than the Government can do things for them.

Senator KENNEDY does not believe that. He thinks AL GORE is right. He believes we need to spend all this money. He believes we need a bigger Government. His State historically—it has changed; it is getting better, I believe—but historically, his State believed the same thing, which is why so many people moved to Texas, because they were voting for freedom instead of Government.

Quite frankly, I would rather we not debate the Presidential campaign on the floor of the Senate, but as long as Senator KENNEDY is going to debate it, I am going to debate it. I want to debate the real issues, and the real issue is, do you want more Government or do you want more opportunity for your family? It is just about as clear as the issue can be clear.

Al Gore voted for every tax increase of any significance, against every tax cut of any significance since he has been in public life for one reason: He believes that Government can spend your money better. I do not. George Bush does not. The question is: What does America think?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized under the previous order.

EDUCATION

Mr. BENNETT. Mr. President, I thank the senior Senator from Texas for that most enlightening presentation. I agree with him we probably should not be debating the Presidential race on the floor.

I noticed the Senator from Massachusetts comes to the floor every day and talks about education, very often giving the same speech using the same set of charts. So I have decided I ought to respond to some of those charts to set the record straight.

One of the charts which the Senator from Massachusetts uses shows the increased school enrollment in the Nation, and he uses it to justify the Democratic position that we ought to require spending for new school construction. He says: Where are these students going to be housed if we do not pass this bill in the Federal Government that will mandate school construction?

We Republicans have always said we are willing to spend the money on education. Make no mistake, we are not talking about dollars here. Indeed, the bill that is working its way through the process and may come to the floor this week has more money for education than the President initially requested. Understand that. We are not talking about dollars, we are talking about control. Who is going to control the spending of those dollars? Will it be the Federal Government or will it be the people in the local areas?

I came across this chart, which I have had reproduced. It demonstrates what is happening with the percentage changes in public elementary and secondary school enrollment. The Senator from Massachusetts has a chart showing enrollment going up, and I agree with that, but this is a different chart, and it comes from the U.S. Department of Education. This, obviously, is not Republican propaganda. This comes from the administration. It breaks down school enrollment by region.

You will notice that there is an increase in school enrollment in the West, where I live. It shows an increase from 1988 to 1998 and a projected increase from 1998 to 2008. It is a tremendous increase.

There is an increase in the South. This shows the increase from 1988 to 1998 and the projected increase from 1998 to 2008.

But when we go to the Northeast, we find that the projection is the other way.

In the Northeast, the projected percentage change in public elementary and secondary school enrollment is going down, not up; and in the Midwest, it is going down, not up—down by an even greater amount. It has gone up less than any other region in the 10-year period prior to 1998, and will go down more than any other region in the years from 1998 to 2008.

When you see the breakdown coming from the Department of Education, I think you see the flaw in the argument of the Senator from Massachusetts. And I think you see the reason to support the position the Republicans have taken. Yes, we need new school construction in this country, but we do not need it everywhere. We do not need it mandated from Washington. Washington, I have discovered, has a way of adopting formulas. Boy, have I learned about formulas since I have been in the Senate.

We had a debate on this floor about funds to address class size, and everyone was saying: We must reduce class size if we are going to improve education. I am all for reducing class size. Then I looked at the formula, and I discovered a very interesting thing. Do you know the State that has the largest class size? It is a tossup. Sometimes it is California; sometimes it is Utah.

When I looked at the formula for how Washington would allocate the money that we were supposedly adopting to reduce class size, I found that it had nothing whatever to do with class size. It was a formula based on poverty, and States that already had smaller class sizes would get most of the money for the purpose of reducing class sizes. And my State, which vies for having the largest class size, would get precious little of that money.

So I opposed that proposal. And I got beaten up in my campaign: Senator BENNETT, you are not in favor of reducing class size because you didn't vote for the proposal. I said to my opponent: Read the bill and you will find that it would not have done much for Utah. Once you got past the title, it had little to do with reducing class size where enrollments are highest.

The same thing is true here. We are talking about the need for new construction, but are we going to have a Federal formula that will determine how the money is allocated per State? Every State, I guarantee you, will get money to increase school construction, including States in the Northeast, where enrollment is projected to go down, not up. The money would be allocated the way Washington allocates, and those of us in the West would get hurt.

We need to understand that when we use these educational slogans about "we must build new schools because our enrollment is going up," we are glossing over the issue, and we are not paying attention to what it really is. This is why I am proud to be supporting the Republican position that says: Federal spending for education, yes. Federal dominance of education, no. Increased money from the Federal Government for the districts that need it, absolutely. Federal dictating to the districts, no.

So every time the Senator from Massachusetts shows us his charts and tells us about enrollments going up, let's remember that enrollments are not going up uniformly. Enrollments are going up differently. If we pass the bill that the Senator from Massachusetts daily demands that we pass, I'm afraid that those of us in the West would get shortchanged, those in the South would get shortchanged, and those in the area of the Senator from Massachusetts would get extra money at the expense of the rest of the country.

Should we spend more money on education? Yes. Should we dictate it from Government? No. Ignoring local needs is not good for education. It is not good for our schoolchildren. It would not be the smart thing to do.

Now, with regard to another education issue, I have listened to the Senator from Massachusetts attack Texas.

Yesterday, I pointed out that the quoting of the Rand report as a vehicle for attacking Texas demonstrated that someone had not read the Rand report. I pointed out that the President of Rand himself said, as the second report was issued, that it did not negate the findings of the first report, which said that Texas was No. 1—that Texas had done the best job—in a number of areas.

When the second report came out, which dealt with Rand's analysis of the Texas test procedures, the President of Rand said, this is not in conflict with our earlier findings that said that Texas leads the Nation in increases in improvements in education. But those who use the Rand report to bash Texas did not bother to quote the President of Rand, did not bother to look at the earlier Rand report; they just picked out those things that they thought would be good for them.

So it has been injected into the Presidential campaign, whether we like it or not. And in that spirit, I went to the web site of Gore-Lieberman, Inc. to find out some of the things that we could expect from Vice President GORE if he were elected. I found some very interesting things.

I now refer to the Gore-Lieberman web site. It states that GORE would test students with real tests for real accountability. He would require testing to measure achievement and attach real consequences to the results of those tests.

I find that very interesting. Is the Federal Government going to write the tests? And is the Federal Government going to mandate the test and come down on schools that do not meet the achievements of the tests? And what are the real consequences that he is talking about?

In the campaign, sometimes the rhetoric can get fuzzy. But this is the one I find most interesting: GORE would offer choice of high-caliber preschool. He would make high-quality voluntary preschool available to all 4-year-olds so that every family can have a choice in preschool.

Dare I use the hated word, Mr. President? Are we talking about "vouchers"? Are we saying that money would go to families for a choice in preschool that would be funded by the Federal Government? Are we talking about the Department of Education mandating preschool availability to every 4-year-old in the country, and then following that 4-year-old with some money? Are we talking about the GI bill for 4-year-olds?

Congress passed the GI bill after the end of the Second World War, and established the precedent that the money goes with the student, not to the school. That is a precedent I applaud. All of those who talk about vouchers in elementary and secondary schools say it is terrible that you might spend money on a religious school, that it violates the separation of church and state. I did not notice that with the GI bill.

With the GI bill, if a veteran wants to take the money and go to Notre Dame and study to be a Catholic priest, the Federal Government says: It's none of our business. We are giving you the money. You go where you want.

So I ask the question: When the Vice President says that he would make available high-quality voluntary preschool to all 4-year-olds, would he object if a 4-year-old decided to go to a Montessori school, a Montessori school where he might learn a little bit of Catholic history? Would we have that happen under the program that is touted on the Gore-Lieberman, Inc. web site? What do they mean when they say preschool for all 4-year-olds? We have not had any indication of how much that is going to cost or how that would be administered in the Department of Education.

Based on past experience, I am afraid how it would be administered, that it would take us back into the same morass I was referring to with respect to this chart. We would see a Federal program that does not address real needs. That would be the case with school construction. That would be the case, by the way, in the proposal for 100,000 new teachers. We looked at the proposal of 100,000 new teachers in the State of Utah. We can use new teachers in the State of Utah.

Everyone can use new teachers. We found out that the program for 100,000 new teachers would give us a few additional teachers per school district—not per school, per school district. We have school districts in Utah that have 100,000 students in them. We would get a few additional teachers for each school district in the State of Utah.

The thing I am afraid of is that with even one additional teacher would come a whole host of Federal controls, a whole host of Federal requirements. As I have said on the floor before, I was lured back into public life, away from my business career, when I was asked to serve as chairman of the Strategic Planning Commission for the Utah State school board. I found out the degree to which the Federal Government controls local decisions. The Federal Government puts up 6 percent of the money, but controls 60 percent of the decisions. I didn't like that when I had nothing to do with elective politics, when I was just serving a public service responsibility trying to improve education. I don't like it now, when I am in a policy position. I don't think it is sound policy.

I think you are going to see the same kind of thing apply to this suggestion from "Gore-Lieberman, Inc." that says there will be preschool available to all 4-year-olds. I think the process would be that the Federal Government might put up 6 percent of the money and make 60 percent or more of the decisions. I am guessing because we don't have any of the specifics.

Let me leave the education issue and make one final observation in response to the comments of the senior Senator from Texas. He talked about tax cuts and how, in fact, they benefited people other than the rich.

Let me give, if I may, briefly, my own experience. This is not theoretical. This is not out of some think tank. This is not some group of academics. This is a real experience of a real person in real life.

It was in 1984 that I received a phone call from a friend of mine in Salt Lake City. At the time I was living in California. I was asked: Would you come to Salt Lake and consult with us as we try to start a little business?

At the time I flew to Salt Lake to sit down with those people to talk about that business, they had four full-time employees. They were literally operating out of the basement of the man who had the business card that said he was the president of that company—a grandiose title, a lot of dreams, and four people. Mr. President, 1984 is smack in the middle of what we have heard some people call "the decade of greed," because that was the period of time when the top marginal tax rate was 28 percent. And that is terrible, some people said, because the rich are getting by only having to pay 28 percent on their income.

Well, I moved to Utah. I became the president of that company. We grew that company through the decade of greed with internally generated funds. The reason we were able to grow that company with internally generated funds is because we filed as an S corporation under the tax law, which meant our top tax rate was 28 percent. That meant for every dollar we earned trying to get that company going, we could keep 72 cents to fund its growth.

The company today has over 4,000 employees, 1,000 times what it had when it was founded. The company pays millions of dollars today in corporate income tax. The suppliers that supply goods to that company pay millions of dollars in corporate income taxes. Those 4,000 employees of the company pay millions of dollars in income tax. If you will, that company is making its significant contribution to today's surpluses as those millions and millions of dollars come into the Federal Treasury.

If the top corporate tax rate, top effective tax rate, had been 39.6 percent, as it is today, instead of 28 percent, I can tell you from firsthand knowledge that we could not have grown that company in that atmosphere. Instead of keeping 72 cents out of every dollar we made in order to grow the company, if we had only been able to keep 60, that extra 12-cent difference would have sunk us. I know. I sweat over the books. I worried about meeting payroll. I worried about cash-flow.

It is the harvest of the seeds that were planted in the decade of greed that are now producing the tremendous income that is coming into this economy. Look at the companies that have built over time and ask how many of them were started in the period when the tax rate was lower and paid S chapter funds.

When I first came to the Senate, I tried to explain how all this worked. I asked the question on the Senate floor: Is there anybody here who understands what a K–1 is? I asked the question when the chairman of the Budget Committee at the time was on the floor. He was debating the tax structure. He had no idea what a K–1 was. I asked others in my own party: Does anybody know what a K–1 is? They had no idea. They knew what a W–2 was. That is the form that indicates your wages. But they didn't know what a K–1 was.

A K–1 is the tax form that is filed that tells you what percentage of your income has to be paid on your individual income tax because it is a flowthrough in an S corporation structure.

Most entrepreneurs all start out in that structure, and most Americans have no understanding of how it works. That is the area where the high marginal tax rates bite, and that is the area where the entrepreneur feels it. Just because there is a tiny percentage of the population who understands, it doesn't mean that it is a tiny percentage of the population who pays those taxes.

The argument being made by the Senator from Texas is a correct one. We should recognize that in America the economy and our place in the economy is not static. We are fluid, all of us. We move up and down. There have been times when I have been in the top 1 percent and I have paid millions of dollars in taxes. There have been times in my life in my entrepreneurial cycle when I have been in the bottom 1 percent and paid no taxes. It is the opportunity to move from the bottom 1 percent to the top 1 percent that motivates all Americans. It is the tax burden the Senator from Texas was talking about that de-motivates the Americans who want to make that move.

Ultimately, it is the revenue that comes from Americans who take those risks and make those moves that gives us the budget surplus.

I close with an observation. It came from another politician who made it very clear. He said: We must remember, money does not come from the budget. Money comes from the people. Money comes from the economy.

If we assume that money comes from the budget and is therefore ours to spend, we make a serious mistake. As long as we remember that money comes from the people, we will make intelligent decisions as to how we treat the people's money.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask my assistant leader if I might have 10 minutes.

Mr. REID. Ten minutes will be fine.

CHOICES FOR THE AMERICAN PEOPLE

Mrs. BOXER. I thank the assistant leader for the time.

I was very interested in hearing the Senator from Utah talk both about the economy and about education. I may never have been in quite that high an income bracket as he was, but I think I have a view that I learned growing up as a child of an immigrant family on my mother's side, a first-generation American who had to go to public schools.

I know the assistant leader has a major story to tell. I think it is very important that we consider that when we are on the floor. We ought to be fighting for the people who really need to make sure they have the economic opportunity; and everything that we do, we should keep those working families in mind because I think that the people at the top 1 percent are OK. In fact, many of them live in my State and they are telling me: Senator, we don't want a great big, irresponsible tax cut. We are doing great. We want to make sure, in fact, that the rest of America can come along. I thank them for that progressive position.

I think this Presidential race presents the starkest choice when it comes to our economy, and the good news is we have history to prove who succeeded on this economy and who has failed miserably.

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to yield.

Mr. REID. The Senator talked about tax cuts. You are aware, are you not, that the Vice President and the minority, the Senate Democrats, pushed very hard for tax cuts—for example, a tax cut to allow parents to deduct $10,000 a year to send their child to school?

Mrs. BOXER. To college, absolutely.

Mr. REID. Yes. Also, the Senator has worked since she has been in the Congress on afterschool programs and on child care. The Senator is aware that, again, Vice President GORE and the Democrats in the Senate have pushed for making sure that people who have to work have some help taxwise with child care.

Mrs. BOXER. I think one of the biggest differences in the Presidential race, which is mirrored on the floor of the Senate as we debate tax legislation, is the fact that in Vice President GORE's plan it is the middle class who will get the breaks; in Governor Bush's plan, it is the very top 1 percent.

I want to be specific because I think people are tired of hearing that, and they don't really know exactly what we are talking about. Under Governor Bush's plan, if you earn over $350,000 a year, you get back $50,000 a year. You get back $50,000 a year. That is more than three full-time minimum wage jobs, I say to my friend. If under Governor Bush's plan you earn $30,000 a year, you get back about $200 a year. So I think my friend is right to point out that the kind of tax cuts Vice President GORE has in his plan, the kind of tax cuts that we stand here and fight for, would be for those in the middle class who really need to have the help.

I think that tax deduction for tuition is very important because the cost of college is going up enormously.

Mr. REID. Will the Senator also yield? I will make sure she has adequate time for her statement.

Mrs. BOXER. Absolutely.

Mr. REID. Has the Senator noticed what happened on the floor in the last couple of days? An independent group, the Rand Corporation, that doesn't have a political bone in its body—it is independent; it is bipartisan; it is fair; and it has been around for a long time. The Senator from California is aware that, in effect, the Rand Corporation's independent report came out yesterday and said the things Governor Bush has been saying about education in Texas are wrong, not true, misleading. The children in Texas, in fact, aren't doing any better than the children in other places. They are doing worse. Has the Senator noticed those statements from the other side in trying to explain education?

Mrs. BOXER. I have.

Mr. REID. Today, I got up and read the newspaper and the American Academy of Actuaries—another group similar to the Rand Corporation—which also is not political, has said that what Governor Bush has been saying about his tax plan, his dream for this country, is flawed; it would bankrupt the country. In the last 2 days, there were two blockbuster reports, from the Rand Corporation and the American Academy of Actuaries, which say what Governor Bush said is wrong about education and that his tax plan would bankrupt the country.

Mrs. BOXER. I am aware of those reports, and I am aware of yet another report that came out in the last few days as well. Another independent, nonpartisan report says Texas is 48th in ranking as far as a good place to raise a child. Only two States were worse than Texas in terms of raising a child.

I say to my friend that I don't really know why we are in session now. We should have finished our work a long time ago. As long as we are in session, I intend, on behalf of the people I represent, to come down to this floor and make sure the folks in the country understand the choices they are facing, both in the Presidential election and in the congressional elections.

When our friend from Utah comes and talks about the economy and says, amazingly, the reason we are doing well in this economy is because of what happened 20 years ago, I have to scratch my head and say this is back to the future, folks, back to the future. He is citing things that happened 20 years ago.

I want to cite what happened when then-President Bush in the 1980s went to Japan. He was there to beg for guidance on what to do about our economy, which was failing. People had no hope. They were afraid. The recession was taking hold. Things could not have been worse. Deficits were as far as the eye could see. He went to Japan and said: Please, sir, tell me what you are doing.

Well, the answer was right here in America: faith in the entrepreneurship of our people, faith in our children, investing in their education, and the guts to cut this deficit, to make the hard choices that President Clinton and Vice President GORE made. We were proud to stand with them and we saw AL GORE cast the tie-breaking vote. So our friends on the other side of the aisle are going to go back 20 years. That is similar to saying if you had a disease 20 years ago and you took something for it and it didn't work, but something else in the nineties worked, you are giving credit to that medicine.

Mr. REID. Will the Senator yield for another question?

Mrs. BOXER. I am happy to yield.

Mr. REID. The Senator and I were in the Congress in 1993 when not a single Republican in the House or a single Republican in the Senate voted for President Clinton's Budget Deficit Reduction Act. The Senator remembers that.

Mrs. BOXER. Absolutely.

Mr. REID. Does the Senator remember listening to Senator WAYNE ALLARD, then a Representative, saying: "In summary, the plan has a fatal flaw; it does not reduce the deficit."

Mrs. BOXER. I remember that.

Mr. REID. Does the Senator remember Senator CONRAD BURNS saying: "So we are still going to pile up some more debt, but most of all we are going to cost jobs in this country."

Mrs. BOXER. I remember that, and I remember serving on the Budget Committee and listening to these remarks in the committee by Senator PHIL GRAMM from Texas predicting the worst. What did he say?

Mr. REID. Senator GRAMM said: "This program is going to make the economy weaker. Hundreds of thousands of people are going to lose their jobs as a result of this program."

He said: "I believe hundreds of thousands of people are going to lose jobs as a result of this program. I believe Bill Clinton will be one of these people."

Mrs. BOXER. How about 22 million new jobs instead of 100,000 lost jobs?

Mr. REID. The Senator knows that a majority of those jobs are high-wage jobs. As far as the deficit they talked about—how this deficit was going to be exploding—$300 billion a year in deficit, and it was masked because there was about $100 billion a year we used to offset the debt, which would have been really $400 billion.

Mrs. BOXER. That is correct.

Mr. REID. We have a $260 billion surplus now. I say to my friend, you know what they are saying. I was on a little debate on public television with some of them. They are scripted. I didn't realize it—I said you got this from Frank

Luntz, and I didn't realize he was up in the room and he briefed them beforehand.

Mrs. BOXER. He is a Republican pollster.

Mr. REID. I am sorry I didn't mention that he is a Republican pollster. He scripts them. They are saying the Republican majority has put this economy on the road to recovery even though not a single one of them had the nerve to vote with the Democrats to get the economy on the right track.

I appreciate very much the Senator from California. I have so much admiration for the Senator from California because she represents a country, as far as most of the Senators are concerned. She represents 35 million people. I think what you say we should listen to because you have seen the economy in California reverse itself.

Mrs. BOXER. Yes. The economy in California was just on its knees; it was so bad when Bill Clinton and AL GORE took over. I remember being on an airplane talking to Leon Panetta, the then-budget adviser to President Clinton. And we were looking at every avenue to bring hope to the people. One of the things they did was invest in defense technology. We had the Technology Reinvestment Act. We did so many things to bring this country back. That is why I wonder why the Bush camp isn't ahead in California because they have spent $1 million practically every week—if not more—bashing AL GORE. People remember, I say to my friend. We were in a horrible situation.

I was an economics major in college, which doesn't qualify me for that so much. But I do know something about Economics 101. It is pretty simple. You don't give a big massive tax cut in a time when the economy is running strong.

We have been joined by our friend from New Jersey who ran an extraordinarily successful business and came here. We are going to miss him so much. He knows because it is so clear that you don't give the stimulus with tax cuts to wealthiest people in the middle of a prosperous time. You don't do that. You will only then add to inflation, which will lead to higher interest rates, which will then turn around and make it more expensive for people to buy a home, to send their kids to college, or to buy cars. As sure as you can bet on it, people will start retrenching, and it will lead to a recessionary atmosphere.

We know the George W. Bush plan is wrong—not because we are talking about it from an academic point of view but the fact is we lived through the trickle-down economics. We lived through that decade. Oh, you could go back and find some quotes from those trickle-down big tax cuts to the wealthy. What were the wealthy going to do? They were going to invest in the businesses here and create jobs. Let me tell you that didn't happen. A lot of that money went offshore. The bottom line is we got into big trouble. While our Republican friends were talking about a constitutional amendment to balance the budget, guess what we did. We balanced the budget without one of their votes.

Mr. REID. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. REID. The Senator remembers that the Senator from California and I sponsored our own constitutional amendment to balance the budget. Does she remember that? We wanted to exclude the surpluses from Social Security, but they wouldn't vote with us.

Mrs. BOXER. That is right. We wanted to protect Social Security. They did not want to go that way, which really led me to Social Security.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be recognized for 5 minutes. It is my understanding we would have 10 minutes remaining after that. Is that right?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is correct.

Mr. REID. Mr. President, before the Senator from New Jersey takes the floor, he is a person who came to the Senate with wealth. He created it himself. He knows what it means to be an entrepreneur. Yet he has been someone who has fought for the working men and women of this country for his entire 18 years in the Senate. He recognizes that the business community needs direction to try to do that. There has been nobody in the Senate that has been more for the working men and women of this country than FRANK LAUTENBERG. When he speaks on an economic issue, we should listen.

Mrs. BOXER. Mr. President, Senator LAUTENBERG has been my real chairman of the Budget Committee. Senator DOMENICI is the official chairman. But I always call Senator LAUTENBERG my chairman because he speaks for me. He has incredible experience on growing a business that turns into a mega business with his compassion and his caring about his employees and people who work for a living. My friend helped on the issue of Social Security. We tried to protect Social Security and set aside that surplus in a lockbox, and we finally made it happen.

I want to say again, if we had followed Governor Bush on Social Security, he promised a trillion dollars to the seniors, and he promised the same trillion dollars to the young people, telling them they could have their private stock market accounts.

The other thing I didn't mention today is I used to be a stockbroker after I graduated from college with my degree in economics. It was a long time ago. But I have seen the market go up, and I have seen the smiles on the faces of the people who entrusted me with their investments. I have seen the market go down.

I think what we need to keep in mind as we talk about privatization of Social Security is this: If you happen to retire on a day when your stock market funds are turned into an annuity and prices are high, you are doing great. But with a volatile stock market that can go down 400 points in one day, and that happens to be your day, or within the days of the month that you are going to turn that stock market fund into an annuity, you are going to find yourself in deep trouble.

That is another reason why AL GORE makes so much sense because he is saying save Social Security; keep it the foundation of the house. And if you want to do a voluntary stock market investment on top of your Social Security foundation, that is fine.

My friends, that makes sense. It is conservative. It isn't a river boat gamble. It is another great issue at stake. Great issues are at stake in this election. It is an exciting election. It is not an election between two people who agree on everything. They do not agree. We have a Republican candidate who wants to go back to the 1980s with trickle-down economics of the past, with small investments in education.

I will end my remarks with education because the Senator from Utah said there is a big difference between Republicans and Democrats. He said Democrats want the Federal Government to tell the local school districts what to do. That is incorrect. Every single program that we support dealing with school construction, dealing with smaller class sizes, dealing with after school, dealing with high tech in the schools—those are all options the school districts can take advantage of if they so choose. There is no program on this side of the aisle, or any in AL GORE's portfolio, that says that any local school district has to take these funds. I think that is key.

It goes back to Dwight David Eisenhower, whom I always quote, because he said you can't really be a strong country and you can't be secure unless you have an educated workforce. This was a Republican President. I liked Ike. My family liked Ike. One of the reasons they liked Ike was because he said that educating our children was a national priority and the Federal Government shouldn't just say: Here, States; take a whole lot of money and do what you want. He started the National Defense Education Act. That wasn't a blank check to the States. It was clearly for a purpose, and the purpose was to make sure that our teachers knew math and knew science and could teach math and science.

We know if you follow the Dwight Eisenhower kind of system that we need to look at our school districts and say: What do you need help with? Can we help you? We have the resources thanks to the great stewardship of the Clinton/Gore team. We have the great stewardship of the economy. We can invest some money.

Do you know what they told us? We need to help with the hiring of teachers. We need school construction. We need afterschool funds so our kids can learn after school. And the Democrats responded.

The big fight at the end of this year is over a lot of those issues. We stand with the children; we stand with the families; and we stand with the seniors against the HMOs. That will be a big issue in the last few days. Are we just going to do giveaways to the HMOs and keep letting them drop the seniors out of Medicare? We on this side of the aisle and Vice President GORE are ready to stand up to the HMOs. We are ready to stand up to the tobacco companies. We are ready to stand up for our children. In the waning days, I think these issues will play themselves out.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 9 minutes remaining.

Mr. LAUTENBERG. Mr. President, I say to Senator BOXER and Senator REID, thank you for your comments, but, more than that, for our ability to work together to try to take care of our citizens as we believe they would want, to look at the issues fairly and squarely, and not spend as much time dancing around the truth and around the issues, as often goes on here. I thank the Senator, and I will send my thanks to Senator REID. I will miss working with both of you and colleagues on both sides of the aisle.

I am particularly grateful to the occupant of the chair, the chairman of the Environment and Public Works Committee, who, although we had some disagreements in terms of particular policies, always tried to work them out. I appreciate that balanced view, even though we didn't win as many as I wanted to.

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GOP ATTACK ON VICE PRESIDENT GORE

Mr. LAUTENBERG. Mr. President, last month, and again last week, the Republican staff of the Senate Budget Committee released two reports criticizing what they wrongly described as the economic plan proposed by Vice President GORE and our distinguished colleague, Senator LIEBERMAN. I wanted to come to the floor to discuss these reports, which I believe were inappropriate, and a misuse of taxpayer dollars. They also were grossly inaccurate and unfair.

Let me read from a section of the Senate Ethics Manual.

> CAMPAIGN USE OF OFFICIAL RESOURCES
>
> Official resources may only be used for official purposes. It is thus inappropriate to use any official resources to conduct campaign or political activities.

Mr. President, as we all know, and the Senate Ethics Manual makes clear, it is inappropriate to use any official resources to conduct campaign or political activities. Of course, it can be difficult to draw a clear line between official Senate business and campaign activities. And reasonable people can disagree about many of the documents that are produced routinely here in the Congress. But, having said that, the reports issued by the Budget Committee staff, in my view, go well over the line. These reports are focused entirely on AL GORE's campaign proposals, or at least the staff's erroneous interpretation of those proposals. And their obvious purpose is not to provide an objective analysis, but to attack the Vice President. These staff reports aren't just biased, they're pure propaganda. And I would note that the latest report was issued just hours before the last Presidential debate. Not surprisingly, they issued no comparable critique of Governor Bush's budget plan.

Now, Mr. President, I recognize that the Budget Committee is not like the Joint Committee on Taxation, which is supposed to operate in a nonpartisan manner. The Republican staff of the Budget Committee makes no pretense to being nonpartisan, and serves only on behalf of Republican Senators. So one would expect them to issue reports that further a partisan agenda. But, Mr. President, that does not justify the issuance of reports that are so obviously intended for campaign purposes, and that are so blatantly misleading and factually inaccurate.

Mr. President, I could take a long time reviewing the many flaws of the Republican staff reports, but let me mention just a few. Perhaps most importantly, the reports dramatically and inappropriately exaggerate the costs of the Gore plan. First, they suggest that the Vice President's $360 billion Medicare "lock box" represents new spending that somehow would use Social Security funds and increase the budget deficit. This claim is preposterous. In fact, the Medicare lock box reserves funds for debt reduction, not new spending. It wouldn't spend a penny of Social Security surpluses, or any surpluses, for that matter. Yet by, in effect, counting as spending the $360 billion Medicare lock box, and an additional $99 billion of General Fund transfers to Medicare, the Republican staff has artifically created a $450 billion raid on Social Security that simply does not exist. And, Mr. President, that's just the beginning.

The GOP staff also charges the Vice President with the costs of budget proposals put forward by President Clinton, even though the Gore plan clearly does not endorse the entire Clinton budget. This results in doublecounting many similar proposals put forward by both Clinton and Gore, such as their different retirement savings plans. And, of course, it exaggerates the real cost of the Gore/Lieberman plan. Another way that the GOP staff inflates the costs of the Gore plan is to adopt its own scoring rules. The GOP staff went well beyond the scoring of the Congressional Budget Office or the Office of Management and Budget. It created its own special methods of evaluating the costs of the Vice President's proposals. And it shouldn't come as any surprise that they lead to much higher cost estimates.

Take, for example, the Vice President's Retirement Savings Plus proposal, which the Gore campaign says would cost $200 billion. The Republican staff cites a figure of $750 billion. This number is simply made up, and is not backed up by any official CBO or OMB estimate. Similarly, the GOP staff exaggerates the cost of Vice President GORE's preschool proposal. Their report characterizes the Gore plan as if it were an open-ended entitlement, with no state match. That leads to much higher costs. In fact, though, the Gore proposal is for block grants that require a state match.

Another trick that the GOP staff used to create a misleading impression about the Vice President's proposal was to deviate from standard practice and use a so-called "freeze baseline." In other words, the GOP staff counted as a cost of his plan $1.2 trillion in discretionary spending, and related interests costs, that simply reflect the costs of maintaining current policy. These costs normally are considered part of the budget baseline, not new spending. The well-respected, nonpartisan Center on Budget and Policy Priorities made this point in a sharp critique of the GOP staff report. The Center concluded that the Budget Committee's analysis, and I quote, "is marred by several serious flaws"—unquote—which the Center said inflate the cost estimate assigned to the Gore plan.

Mr. President, the Republican staff was so intent on slandering the Vice President as a big spender that they went to extremes in characterizing some of his proposals. The GOP staff calls anything new spending—even tax cuts. Look at what they include in their long list of new "spending and regulatory programs":

Marriage penalty relief.

A long-term care tax credit.

A disabled workers tax credit.

Mr. President, is marriage penalty relief "new spending"? Even George Orwell wouldn't go that far. In fact, the GOP staff's blacklist goes beyond tax cuts. It even includes gun control.

Closing the gun show loophole. Banning junk guns. Requiring mandatory gun safety locks.

Mr. President, would closing the gun show loophole amount to a return of Big Government? Would requiring gun manufacturers to include trigger locks amount to a whole new spending program? I don't think so.

Mr. President, I could go on and on about the Republican report, but I won't. And, frankly, the misstatements and distortions in their report are only part of the problem. This report should not have been produced in the first place. It's obviously intended to be used in the presidential campaign to harm the Vice President. And it's just not the type of report that should be produced with taxpayer dollars. Campaign materials should be produced by campaigns, Mr. President, not congressional staff. And, at a minimum, if reports on issues related to the campaign are issued, especially this close to an election, they ought to at least be fair and accurate. I don't think that's too much to ask, Mr. President.

Let me recite some facts on GORE and the size of Government.

Under the Clinton-Gore administration Government is smaller: Between 1981 and 1992, the size of the Federal civilian workforce increased. Since 1993, however, the Federal workforce has been reduced by 377,000—a 17 percent decline.

The Federal workforce is now the smallest since the Kennedy administration in 1960.

Under the Clinton-Gore administration Federal spending is lower: Spending as a share of GDP increased between 1981 and 1992—rising from 21.7 percent to 22.5 percent. Since 1992, however, federal government spending as a share of the economy has been cut from 22.2 percent to 18.7 percent in 1999—its lowest level since 1966.

Although Bush promises to reduce government, under him, Texas government spending increased at twice the rate of the federal government. While the Federal workforce has been reduced by 17 percent, under George Bush, Texas has added 6,200 bureaucrats—a 2-percent increase.

With that, I will yield the floor.

THE OLDER AMERICANS ACT AMENDMENTS OF 2000—Continued

Mr. WELLSTONE. Mr. President, I rise today to voice my strong support for the passage of H.R.782, The Older Americans Amendments Act of 1999. Even with the support of seniors' advocacy groups, it has taken the Congress a full five years to reach bipartisan agreement on this legislation. We should not miss this opportunity to keep our commitment to our most vulnerable senior citizens. I want to applaud the persistence, commitment, and leadership of Chairman JEFFORDS and Senators DEWINE, MIKULSKI and KENNEDY, their staffs, and other colleagues on the HELP committee who have been unwilling to give up during this long process.

With the enactment of the Older Americans Act in 1965, Congress created a new Federal program specifically designed to meet the social services needs of older people. In 1972, Congress added the best known program "Meals on Wheels" which brought nutritionally balanced meals to seniors' homes or to seniors in congregate settings. In Minnesota alone, 185,000 seniors benefit from this seniors' meal program. Whenever I talk with seniors or their family members in Minnesota, I hear about this valuable service that provides seniors with necessary nutrition and, in the congregate settings, necessary socialization.

On the 35th anniversary of the Older Americans Act, it is fitting that in a bipartisan bicameral manner we vote to continue the Act's broad policy objectives of providing programs related to health, housing, long-term care, employment, retirement, and community services for low and moderate income seniors. I hope the Senate will overwhelmingly pass this legislation, as did the House yesterday, and signal America's continuing commitment to our senior citizens.

In addition to Meals on Wheels, this legislation continues the popular senior jobs program which provides financial help for needy seniors, provides them with a sense of meaning and usefulness, and also expands their opportunities for needed socialization. During the 1999–2000 program year, Green Thumb (one of the grantees) in Minnesota has exceeded the major goals set by Congress and the Department of Labor, DOL, for job placement, while serving 1,188 mature job seekers. In addition, Minnesota seniors provided nearly 640,000 hours of community services to almost 500 public and nonprofit "host agencies", including schools, hospitals, rest homes, libraries, parks, senior dining sites and senior centers, museums, and many more.

During this past winter, Green Thumb in Minnesota engaged in a special partnership with the Census Bureau to assist in recruiting older census workers. As a result of Green Thumb's advertising, over 2,700 mature workers were referred to the Census Bureau. With support of the Older Americans Act, Green Thumb provided job counseling and training to most of these workers.

In total, for the 1999–2000 program year, approximately 2,260 Minnesota seniors were placed in jobs through all the grantee programs in the state. Programs like these are invaluable for the seniors involved, for their families, and for communities. We must vote to continue them.

This legislation also contains a number of new programs which I wholeheartedly endorse because I believe they will protect seniors and provide support for their families and communities. Most noteworthy is the National Family Caregiver Program which is authorized at $125 million. Minnesota will receive about $1.8 million for the program. The Caregiver Program will provide grants to states for the following long-term care services: information about available services to caregivers, whether they be spouses, children, or grandchildren; assistance to caregivers in gaining access to services; individual counseling; organization of support groups and caregiver training to help families make decisions and solve programs related to their care giving roles; and, perhaps most important of all, respite services to provide families temporary relief from care giving responsibilities.

This legislation also authorizes new programs for protection of older women from domestic violence and sexual abuse, rural health care model programs, and computer training. There are also grants to establish multi- disciplinary centers of gerontology to do research and train people in different disciplines to work with the elderly. As our elderly population grows so does the need for appropriately-trained people to meet their health and social needs.

Every program in The Older Americans Amendments Act of 1999 is needed and will contribute to the emotional and physical well being of our seniors, those who love them, and the communities in which they live. I urge all of my colleagues to vote for this bill.

Mr. BYRD. Mr. President, it is with great pleasure that I support H.R. 782, the Older Americans Act Amendments of 1999. This legislation, of which I am a cosponsor, has been a long time coming. For five long years, senior citizens have been anxiously awaiting the reauthorization of the Older Americans Act, and seniors in my home state of West Virginia have felt betrayed by the failure of Congress to reauthorize this bill. Betrayed, Mr. President. That is why I am so pleased that, in the final days of the 106th Congress, the Senate has the opportunity to vote on this much-needed legislation.

According to the West Virginia Bureau of Senior Services, in Fiscal Year 1999, the Older Americans Act made it possible for approximately 50,459 seniors in West Virginia to have access to vital services like transportation, congregate and home delivered meals, adult day care, and health screenings. In addition, 676 seniors in West Virginia were able to move into the work force through Title V, the Senior Community Service Employment Program. These programs have surely helped many, many seniors, Mr. President, and I am pleased that the Senate is demonstrating how important our nation's oldest citizens are by reauthorizing the Older Americans Act.

I am also pleased that this legislation would establish a new National Family Caregiver Support program, which would include respite, adult day care, and home care services for individuals with the greatest social and economic needs. With West Virginia having the country's oldest population for the second year in a row, and with more than fifteen percent of West Virginia's seniors who are age sixty and older considered to be living in a state of poverty, the National Family Caregiver Support program will offer much-needed assistance for home-bound seniors and their families, who are struggling to cope with the emotional and financial burdens placed on them.

In June of this year, I was fortunate to attend, and speak at, the first-ever International Conference on Rural Aging, held in my home state of West Virginia. This conference was an historic opportunity for global leaders in the aging community to converge and explore the various challenges facing the exploding senior population, both in the United States and across the globe. Of the many issues that were addressed at the conference, including the lack of access to quality health care and vital services, loss of independence and autonomy, and lack of proper elderly nutrition, I am proud to say that the Older Americans Act offers seniors programs that support their desire to remain in their own homes and live independently. The Older Americans Act gives seniors, in both urban and rural areas, the opportunity to maintain a high-quality of life and the opportunity to feel like active participants in their communities. Among the highest concerns of the elderly in the United States, the need for reauthorization of the Older Americans Act has been labeled a critical priority for keeping pace with the rapidly growing aging population.

I would like to point out, Mr. President, that Copernicus was 70 when he argued that the sun, not the Earth, is the center of the cosmos. Grandma Moses was in her 70s when she started painting. Claude Monet painted his famous water lilies at the age of 74. My friend from Ohio, former Senator John Glenn, ventured back into space at the age of 76. Benjamin Franklin was 79 when he invented bifocals. These remarkable individuals were most certainly contributing to society well into what society would consider the "Golden Years." By reauthorizing the Older Americans Act, we are not only giving many other "golden seniors" the opportunity to contribute to society, but we are acknowledging the sense that we value them and we are proud to invest in them. I am proud to support this legislation, and I encourage all of my colleagues to do so as well.

Mr. HARKIN. Mr. President, it is truly a privilege to be here today to speak in support of this important reauthorization of the Older Americans Act. I want to thank Senators JEFFORDS, DEWINE, MIKULSKI and KENNEDY for their leadership and steadfast work toward bringing this for us to consider today. As you know, this is the first reauthorization of these programs in eight long years. The House passed H.R. 782 on a vote of 405–2 yesterday. It's time has come today.

The Older Americans Act is the most important Federal senior's services program and has provided essential services to our nation's seniors for the last 35 years. In particular, the program has provided services to those seniors who are vulnerable because poverty, frailty or isolation. As America gets older, we have a growing need for the services and programs authorized by the OAA. We in Iowa have the highest percentage of seniors over the age of 85 in the country. We are ranked 5th in the nation in our percentage of seniors over the age of 65. The services provided through the Older Americans Act provide a lifeline to many of my constituents.

I'm proud to support the strengthening of programs such as congregate and home delivered meals, family caregiver support, in-home services for the frail elderly such as those with Alzheimer's disease, home health, and the senior community service program. These programs help Iowa seniors live independently and remain in their homes and communities.

One of my constituents told me recently what the OAA means to her: Virginia Mehl, who lives in a rural town in Iowa, had never worked away from her farm home. At the age of 79, faced with the death of her husband, she had to go and find work, cleaning an office. Suffering from fibromyalgia, she was having a real tough time. Thankfully, someone pointed her to Green Thumb, one of the organizations administering the senior community service employment program. With their help, Mrs. Mehl learned computer and office skills, enabling her to be placed in the office where she now works. She told me: "Green Thumb is the best thing that ever happened to me. [I have] the opportunity to learn new skills, meet new people, and pay for my aqua-exercise classes which I need for my disease."

Mrs. Mehl is just one example of how the Older Americans Act has been an extraordinary vehicle for helping hundreds of thousands of senior Americans obtain the training and job experience needed to improve their lives and provide economic independence, changing the negative stereotypes about aging, encouraging seniors to embrace new technology and keep up with the changing face of our economy.

Seniors in our States have been calling on us since 1995 to reauthorize these important programs. Today, at long last, and with strong bipartisan cooperation, we will do just that.

Mr. REED. Mr. President, I rise today to echo the strong support of my colleagues for the reauthorization of the Older Americans Act.

In July, we celebrated the 35th anniversary of the Older Americans Act, a milestone for a program that has meant so much to millions of America's seniors. The Older Americans Act brings critical support services to the elderly in communities throughout this nation and has greatly benefitted seniors in my State.

The long overdue reauthorization of this Act is particularly significant for the State of Rhode Island. The Older Americans Act has had a long and rich legacy in my State since the Act's inception. Indeed, former Rhode Island Congressman John Fogarty played a key role in authoring the original Act, and I am pleased to have played a role in the reauthorization of this historic Act.

Since 1965, thousands of Rhode Island seniors have enjoyed the benefits of Older Americans Act programs—from congregate and home delivered meals, senior center programs, protective and legal services for the elderly, among other essential programs and services, all of which have brought comfort and enrichment to the lives of seniors in my State. For example, this year, Older Americans Act funding has helped to provide the following services to seniors in my State: 667,101 congregate meals at 74 sites; 540,008 home delivered meals; and 3,500 clients served through the home visitation program.

For many unfortunate reasons, authorization of this legislation lapsed in 1995 and since that time, Congress has been wrangling with its reauthorization. And if it were not for the hard work and sheer determination on the part of Senators JEFFORDS, KENNEDY, DEWINE, and MIKULSKI and their staffs frankly we would not be here this afternoon. I would also like to recognize Janette Takamura, the Assistant Secretary for Aging, for her insights and expertise that have proven invaluable throughout this process and for her tremendous leadership at the Administration on Aging. Indeed, getting to this point has not been easy. I commend my colleagues for their diligence and willingness to compromise on key issues, and I have been pleased to support these efforts.

Their long and hard work has resulted in a thoughtful and balanced bill that lays out a vision for Older Americans Act programs for the next several decades. Specifically, this legislation streamlines and updates existing programs and authorizes new programs designed to meet the needs of the growing population of American seniors and their families in the coming century.

In particular, as an original cosponor of S. 707, legislation introduced by Senators GRASSLEY and BREAUX, I would like to highlight the inclusion of the Family Caregiver Support program in the Older Americans Act reauthorization. The Family Caregiver Support program is designed to meet the critical needs of families who are caring for loved ones with chronic illnesses or disabilities. This program will support respite services for caregivers, counseling and caregiver training and information about additional support services in the community.

Family caregivers are the unsung heros in the provision of long-term care in this country. Nationally, more than 7 million Americans serve as caregivers for relatives, friends and loved ones. Last Fall, I held a Special Senate Committee on Aging field hearing in Rhode Island to explore the burdens and challenges that face family caregivers in my State.

My home State of Rhode Island has the third highest concentration of people over the age of 65 in the Nation, has enjoyed a longstanding commitment to community-based services for the elderly.

Consequently, over 90 percent of Rhode Island seniors are living outside of institutional-based care settings, thanks in large part to the selfless contributions of families and friends in providing elders with the support they need to remain in their homes and communities.

Indeed, my State has already begun to work on creative ways to provide caregivers the resources they need. Recently, the Rhode Island Department of Elderly Affairs was one of 16 national recipients of an Administration on Aging demonstration grant to develop and implement a model to provide training, support and qualified respite care for Alzheimer's families. Monies provided through the new Family Caregiver program under the Older Americans Act will greatly help to fortify and expand ongoing home- and community-based initiatives in my State.

I would also like to commend my colleagues for the inclusion of funding under Title IV to help States start to address the transportation needs of our Nation's seniors. Indeed, in Rhode Island, there is a growing demand from senior centers for transit vans to move seniors who cannot drive and are not served by regular mass transit. This is an issue of growing importance in my State, and I look forward to further considering ways to improve senior transit.

In closing, I would again like to express my appreciation to my colleagues and their staffs for their tremendous efforts to reauthorize this monumental piece of legislation. Thank you, Mr. President.

Mr. GORTON. Mr. President, I am pleased to be a cosponsor of Older Americans Act amendments of 2000. Seniors are a vital part of our community. The programs authorized by this Act help make sure low-income and frail seniors have every opportunity to stay independent, in their own homes, and remain a part of the community. Through meals on wheels and the congregate meal program thousands of seniors in Washington state whether homebound or not, receive nutritious meals and an opportunity to socialize with their peers. Through community service employment many low-income seniors who have poor job prospects have been meaningfully employed in a wide range of activities including education, health care, senior centers and nutrition services for older people. This reauthorization makes sure these needs will continue to be met.

In addition this bill funds activities to protect the rights of the vulnerable elderly through the long-term care ombudsman program which provides volunteer advocates for seniors living in nursing homes and other long-term facilities; through programs to prevent elder abuse, neglect and exploitation; and through assistance programs for insurance and other public benefits.

This year's authorization also includes an important new addition to the Older Americans Act—the National Family Caregiver Support program. Thousands of families are choosing to care for their senior parents and grandparents in their own homes. This can be a wonderful option for seniors who are no longer able to live independently but may not need or want the full time care of a nursing home, or for those seniors unable to afford assisted living arrangements. Counseling, training and respite care will be available to family caregivers. These services will also be made available to grandparents who are caregivers to children.

I deeply believe that seniors in this country should continue to have access to the quality services they have received in the past from the Older Americans Act. This reauthorization not only accomplishes that goal but includes needed improvements. My only regret is that I was unable to be here in person to vote in favor of its passage.

Mr. FRIST. Mr. President, I am pleased today to support passage of the Older Americans Act (OAA) Reauthorization. This Act has been providing a wide range of services, such as a community service employment program, nutrition services, and research, training, and demonstration activities since 1965 for older persons, especially those at risk of losing their independence.

One such service is the Act's nutrition program, which provides millions of meals to older persons in congregate settings, such as senior centers, and to frail older persons in the comfort of their homes. The nutrition program is the Act's largest program providing meals to people who are generally older, poor, and living alone. Most significantly, this program is often the most important source of a balanced, nutritious meal for its elderly participants. While these seniors need some assistance securing adequate meals for themselves, through OAA they don't have to give up living on their own to ensure they have proper nutrition.

In an effort to expand other home-based services, this bill authorizes $125 million in appropriations for a National Family Caregiver Support Program. The new caregiver program which will provide grants to support families and other providers of in-home and community care to older individuals, to develop innovative approaches to caregiving, and to link family support programs with programs for persons with mental retardation or related developmental disabilities and their families. This provision will help not only our seniors, but their families who are struggling to care for them in a home environment rather than a nursing home.

Another example of how OAA helps seniors keep their independence is through the senior community service employment program, which provides opportunities for part-time employment in community service activities for unemployed, low-income older persons. One goal of this program is to increase the income of these persons, however the broader goal is to assist them obtain jobs and become more self-sufficient. While the program supports over 61,500 jobs for elderly Americans, we all benefit from its efforts. Its participants are enthusiastic additions to our labor force, eagerly taking on jobs in community service that might otherwise go unattended. The participants are eager to enter the workforce and are often hired into other jobs outside of the program because of their strong work ethic.

In my home state of Tennessee, 1,224 positions have been established for the senior community service employment program through 1999. During that same year, 547 older Tennesseans were placed into the workforce outside those positions, which means that Tennessee has a rate of 45 percent for transitioning these subsidized part-time jobs into employment outside the program. Of the four senior community service employment program grantees operating in Tennessee, Green Thumb is the oldest and largest, serving 744 elderly Tennesseans during 2000. Green Thumb is currently transitioning 65 percent of elderly Tennesseans from their training program into the workforce, or in other words, at a much higher rate than the national average.

In Tennessee, the seniors served by the senior community service employment program are typically destitute women, with little to no job experience and the inability to pay for food and other basic needs. I recently heard the story of 83 year old Nell Taylor of Trenton, Tennessee. Ms. Taylor has worked at the Department of Human

Services in Trenton since 1987 after starting with Green Thumb in 1985. As a result of her experience in the program, she wrote, "I am so thankful to know I have a job in DHS for it makes me feel like I am wanted and I am important."

Other stories illustrating the success of this program are those of Elizabeth Powell and Marion Perry. Elizabeth Powell is a teacher's assistant, who also tutors individuals in the "English as a Second Language class," at the Rhea County Adult Education program in Dayton, Tennessee. At 69 years of age, Ms. Powell inspires students having received her own GED at age 58 and knowing personally how the lack of a diploma or GED hinders job opportunities. Marion Perry of Etowah, Tennessee, is a 57-year-old, part-time school bus driver who needed a second job to support his family, which includes several adopted and foster children of various nationalities. Within a couple of weeks, Green Thumb assisted Perry in securing a job as a security guard with a local company.

These few programs I've mentioned today, together with the many other services and activities established by OAA, are providing our elderly Americans with needed services, helping them maintain their independence, and affirming the valuable role they play in our community. I would like to thank Senator JEFFORDS and Senator DEWINE for their leadership on this issue. I would also like to thank Senator KENNEDY for his work and dedication to this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, in half an hour we are going to have the opportunity to cast two votes. The first vote will be on the Gregg amendment. The second vote will be on the Older Americans Act. We have the opportunity to do something that Congress has not done for 8 years; that is, to reauthorize and change and improve the Older Americans Act. For 5 years this bill has not been reauthorized. It is time we do it.

Let me be very candid and very blunt about the amendment of my colleague from New Hampshire. I understand his concerns. He has expressed them very well. The reality is we have taken his concerns into consideration, and we have done more than that, we have incorporated them into this bill. So the bill we will ultimately pass today, I certainly hope without the Gregg amendment, will reflect what my colleague from New Hampshire has already contributed. That has already been done. He should be very proud of that because he has been the voice talking about accountability.

The bill that is in front of us is a bill that needs to pass. Lest anyone make a mistake about what is at stake on this first vote on the Gregg amendment, if the Gregg amendment is agreed to, the Older Americans Act reauthorization will die. It is as simple as that. We have taken a long time to get to this point. We are in the last few days of this Congress.

The House of Representatives, that has been working with us so very closely, passed this identical bill yesterday by an overwhelming vote, with only two votes against it. The idea we would be able to add the Gregg amendment, which makes changes in the bill, and get the bill ultimately passed is absurd. Make no mistake about it; the key vote today is on the Gregg amendment. Anyone who is for the Older Americans Act needs to vote against the Gregg amendment.

Let me talk about the accountability we have been able to put into this bill. The accountability takes care of those issues about which Senator Gregg was concerned. We do it, basically, in two separate ways. We do it by requiring, for the first time, the Department of Labor to have very specific standards and very specific criteria. We enumerate that in the section I have in front of me called "Responsibility Tests." We outline what the Department of Labor will take into consideration when they decide whether or not this contract will be let to an organization. It says:

> Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant agency or State's overall responsibility to administer Federal funds.
>
> As part of the review described in [this paragraph] the Secretary may consider any information, including the organization's history with regard to the management of other grants.

It goes on and on, page after page, to describe what is in there that they will have to look at.

The second way this bill brings about accountability is after the fact, if a grantee is awarded a contract. It provides for a process of review, to make a determination whether or not the grantee has met the national performance standards.

The PRESIDING OFFICER. The 5 minutes allocated have expired.

Mr. DEWINE. I ask unanimous consent for 1 additional minute.

Mr. JEFFORDS. I am sorry, but I am just about out.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. The Senator from Vermont has 10 minutes remaining.

Mr. JEFFORDS. Mr. President, earlier I recognized the many contributions made by Senator GREGG to the provisions contained in our bill. We were glad to add those provisions. I regret that my colleague does not find them sufficient. But I must say that his amendment goes too far, and if adopted it will kill any chance of reauthorizing the Older Americans Act this year. I urge all of the Senators to vote against the amendment.

On its face, this proposal may look reasonable, but it is not.

It sets standards that would penalize all grantees and would preclude them providing these valuable services without the opportunity to have what are book keeping disputes adjudicated.

Moreover, the bill expressly requires each grantee to comply with OMB circulars and rules and requires the grantees to maintain records sufficient to permit tracing of funds to ensure that funds have not been spent unlawfully.

The bill institutes and requires performance outcome measures, annual grantee evaluations, grantee accountability and it creates a new grant competition for those not meeting performance measures.

It provides Governors and States greater resources and influence over job slot allocations, but also requires broad stakeholder participation in a State Senior Employment Services Plan coordinated through Governor's offices.

Our bill introduces performance measures and competition into the senior employment program for the first time. The bill would establish a 'three strikes and you're out' policy to ensure performance goals are met.

Failure to pass these reforms this year will maintain the status quo. It will only continue a system that does not serve the job placement needs of seniors in many states, and will not correct the deficiencies in the administration and planning of the program. The only way these improvements will be realized is to pass the Older Americans Act Amendments of 2000, a bipartisan, bicameral initiative.

This amendment is not opposed by just the aging organizations like AARP. It is also opposed by the Southern Governors Association. Yesterday, Governor Bush of Florida urged us to pass this bill and send it the President for his signature. Governor Huckabee of Arkansas said.

> The Senate must move expeditiously to pass this bill without any amendments.

I urge all the Senators to vote against the Gregg amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

Today, the Senate is about to approve a reauthorization of the Older Americans Act which keeps faith with the nation's senior citizens. These programs provide vital links between senior citizens and their communities.

For seniors who are healthy and active, the act offers community service employment opportunities, preventive health services, and transportation services. It also supports a range of social activities, including congregate meals. The act supports more than 6,400 multi-purpose senior citizen centers across the country. For those frail seniors who lack mobility, it helps to maintain a lifeline to the outside world. It provides daily home-delivered meals, in-home care services, homemaker services, and transportation to doctors and other caregivers, and it supports programs to protect vulnerable seniors from abuse and exploitation.

This legislation reaffirms our commitment to ensuring that older Americans continue to receive the services which are so essential to their quality of life. This reauthorization should mean increased Federal financial support for these very worthwhile programs.

As part of this legislation, we have also created a National Family Caregiver Support Program to help families who care for ill or disabled parents or elderly relatives at home. We know how difficult it can become for a family when an elderly person needs a high degree of continuous care. We know the importance of keeping a frail senior at home in a loving environment whenever it is medically possible. This new program will provide essential support services to help these seniors remain with their loved ones. These families deserve our assistance, and this new program will ensure that they receive it.

Family caregivers will be able to obtain a broad range of support services, including respite care, in-home assistance, training in caregiver skills, and family counseling, all of which will make a major difference for these vulnerable seniors and their families. We have authorized $125 million for the first year of this new effort, and we anticipate the program will grow in succeeding years. Massachusetts families will receive over $3 million dollars to help them care for their elderly loved ones.

The Senior Community Service Employment Program, authorized by title V of the act, is the nation's only employment and training program aimed exclusively at low-income older persons—and it will have an increasingly important role as the Baby Boom generation ages.

Title V serves over 90,000 low-income elderly persons every year. The jobs obtained through this program provide these men and women with needed economic support. But it does much more than that. It keeps them active and involved in their communities, not isolated at home. It provides opportunities to make important contributions to their communities and to learn new skills—and it enhances their sense of dignity and self-esteem. In this legislation, we have significantly strengthened the Community Service Employment Program and provided for its much-needed expansion.

The legislation already addresses the financial accountability of title V program operators. It establishes strong new performance measures which program operators must meet each year, and provides for removal of operators who consistently fail to meet performance standards. It sets strict limits on the purposes for which program funds can be used, and established a 14-point financial responsibility test which every program operator must pass. The Department will have ample authority to disqualify those program operators whom it deems either untrustworthy or unreliable. The procedures we have established are tough and fair. The Gregg amendment is not needed.

Reauthorization of the Older Americans Act has been co-sponsored by over 70 Senators. It is supported by the National Governors' Association and by more than forty citizens organizations. It was overwhelmingly approved by the House of Representatives yesterday on a vote of 405-2. It is the product of a delicate bipartisan and bicameral consensus. Any change in the bill at this late date would have the effect of killing the reauthorization of the OAA for this session. That would be a serious loss for the millions of seniors who depend on this program, and are counting on us to reauthorize it. Please oppose the Gregg amendment so that we can finally enact this important bill this year.

I think the real test of a civilization is how it honors its elderly people, its senior citizens. I think that is a very fair criterion and it is one we ought to be reminded about. After all, these are the men and women who fought the wars, brought the country out of the Depression, and continued to make sacrifices for their children. We have enacted legislation historically, with Social Security, to try to keep these individuals out of poverty and also a Medicare program to address their needs.

This Older Americans Act is of great importance to millions of our senior citizens, to make sure they can live a quality life. It is not a prescription drug program. No, it is not, but it does provide vital services: Nutrition programs, preventive health care programs, transportation programs, feeding programs, in-home delivered meals programs. It is something that is really a lifeline for millions of our senior citizens. It is an employment program for many of our elderly people who want to provide services in local communities in nonprofit organizations.

The amendment before us, the amendment that has been put forward by Senator GREGG, brought a matter to the committee that the committee considered. I just hope our colleagues listen to the excellent presentations of the Senators from Ohio and Vermont, that would indicate that on these issues, this legislation responds to those questions and does it well.

This is an opportunity, with the defeat of the Gregg amendment, to pass this legislation and be on the road to provide meaningful services to our senior citizens. I hope the Gregg amendment will be defeated and we will have an overwhelming vote in support of the legislation.

I yield.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes remaining. The Senator from New Hampshire has 15 minutes remaining.

Mr. JEFFORDS. I yield 5 minutes to the good Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the bipartisan Older Americans Act—OAA Amendments of 2000—H.R. 782. This bill passed the House yesterday with the overwhelmingly bipartisan vote of 405-2. The Senate companion bill S. 1536 has 72 cosponsors. H.R. 782 is a bipartisan, bicameral agreement to reauthorize the OAA. It is built on the strong foundation of S. 1536 and the bipartisan compromises reached by the HELP Committee in that bill. It also has the overwhelming support of the aging community. H.R. 782 is well worthy of your support.

This bill long overdue. It keeps our promise to older Americans to retain and strengthen current OAA programs, but is also provides new innovations and accountability to further improve the Act. It will ensure that the Older Americans Act continues to meet the day-to-day needs of our country's older Americans and the long range needs of our aging population.

The highlight of this bill is the creation of the national Family Caregiver Support Program. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. it also will help grandparents who care for grandchildren. This program has strong bipartisan support, will get behind our nation's families, and give help to those who practice self-helped.

Today our families are the backbone of the long term care system in this country. Currently about 12.8 million adults need assistance from others to carry out activities of daily living, such as bathing and feeding. By 2030 there will be about 21 million people over the age of 70 needing care. More than half of the elderly that do not currently receive help do not expect to have help in the future.

One in four adults currently provides care for an adult with a chronic health condition. The economic impact of caregiving is staggering. A recent study found that on average, workers who take care of older relatives lose $659,139 in wages, pension benefits, and Social Security over a lifetime. Further, it is estimated that the national economic value of informal caregiving was $196 billion in 1997.

Many of us have personally cared for sick or aging parents or other relatives and understand firsthand the strains and stresses facing caregivers. We know that adult children are most often the providers of care for seniors. This is the sandwich generation with moms and dads caring for their own children and their own parents. They have full-time jobs at the office and then they come home to full time jobs of caring for other family members.

My sisters and I cared for my mother when she was ill. We were fortunate. We all lived relatively close to my mother and could share caregiving responsibilities. But may families may be scattered across the country and find it more difficult to ensure that older members of their family are cared for properly. In addition, as our population ages, many people are living longer. We now see 80-year-old spouses caring for each other. We can see 70-year-old daughter caring for her 90-year-old mother.

The National Family Caregiver Support Program will help caregivers across the country care for their older relatives, grandparents care for grandchildren, and older individuals care for adult children with disabilities. It is a vital new innovation in this bill. It will meet the day-to-day needs of countless families across the country. We must pass this bill to create this program to help families.

When many Americans think of how the Federal Government helps our country's older Americans, they think of Social Security and Medicare. But what many Americans do not realize is the vital role that the Older Americans Act plays in meeting the day-to-day needs of seniors in this country. In this bill we maintain core programs in this Act that help our seniors.

Some of the most well known OAA programs are congregate and home-delivered meals. OAA provides about 240 million meals to over 3 million older persons. About half of these meals are provided in congregate settings and the other half are provided to frail older persons in their homes. These meal programs are vital to seniors.

A national evaluation of the nutrition program shows that, compared to the total elderly population, nutrition program participants are older and more likely to be poor, to live alone, and to be members of minority groups. The report found that the program plays an important role in the participants' overall nutrition and that these meals are the primary source of daily nutrients for these seniors. For every Federal dollar spent, the program leverages on average $1.70 for congregate meals, and $3.35 for home-delivered meals. A hot lunch at a senior center could be the only hot meal some seniors get each day.

Congregate meals also provide an opportunity for seniors to get out of their homes and socialize with other older persons in their community. After a meal, seniors may stay on for other activities. A meal can lead to a spirited game of bingo, ping-pong, pool, a dance class, or an exercise class. These kinds of activities keep older Americans more active and engaged which can help them live longer and live better. Home-delivered meals allow the frail elderly to enjoy a nutritious hot meal in the comfort of their own home. It can help keep seniors in their own home rather than having to live in an institution.

We also maintain important protective services for seniors such as legal assistance, the long-term care ombudsman, and elder abuse prevention activities. Legal assistance helps seniors with everything from writing a will to guardianship issues to assistance with housing to accessing Social Security benefits.

The long-term care ombudsman is the only OAA program that focuses solely on the needs of institutionalized persons. A senior in a nursing home or that senior's family can contact a local long-term care ombudsman if they are concerned about the quality of care their family member is receiving in a nursing home. The ombudsman is a neutral third party that investigates and helps resolve complaints about quality of care. This is an invaluable resource for seniors to help ensure that they get the best care possible.

The Act also provides for elder abuse prevention programs. OAA helps coordinate elder abuse prevention programs and combat crimes against seniors. It helps train professionals who serve seniors to help them better recognize signs of abuse and help seniors who are victims of abuse. OAA helps increase public awareness about elder abuse both among seniors and in the community at large.

We keep innovation and new ideas flowing by maintaining a separate and distinct Title IV for Research and Demonstration Projects, which is where innovative programs like the eldercare locator got started. We recognize the importance of the White House Conference on Aging to the aging community, and require the President to call such a conference before the end of 2005. Past White House conferences have brought forth innovative new ideas and created new programs to better serve seniors.

We maintain strong support for transportation services, which are critically important to seniors in our rural areas. I know this can be especially important in areas like Western Maryland and the Eastern Shore where seniors may have to travel further to the grocery store or a doctor's appointment or to their nearest senior center. And we retain core provisions of the law, like minority targeting language. That language ensures that OAA services are directed to those who need them the most. However, we acknowledge that unmet need can exist in rural areas, so we have included provisions to help improve the delivery of services to older individuals in rural areas.

At the same time, we recognize the need to strengthen certain programs in the Act and increase accountability. We have focused efforts on strengthening accountability and improving the Senior Community Service Employment Program or title V.

This program provides part-time community service jobs to low-income seniors. It gives them a steady source of income that they need for rent, groceries, medical care, and utilities. Most of the seniors participating in the program are older women whose work histories include working in the home, domestic work, caring for their children and grandchildren, or part-time unskilled employment. Many have not finished high school. Few have pensions, and Social Security or supplemental security income may be the only source of income for the majority of participants. They count on their check from this program to pay their bills.

Seniors also receive valuable training and skills that enable them to get unsubsidized jobs in the public and private sectors. This is especially important in today's right labor market. Increasingly, employers are looking to older workers to fill jobs traditionally not held by older Americans.

Title V also gives something back to communities. Seniors in this program serve meals in senior centers and drive the vans to help seniors get to their local senior center for a hot lunch. They work in schools and hospitals and day care centers. They make a difference in their communities and their work does not go unnoticed.

We have taken a number of steps to increase accountability. We establish performance measures. If an organization or a state fails to meet these standards and improve its performance, other entities will get the opportunity to competitively bid for a portion or all of the original organization or entity's grant. We establish a minimum amount that must be spent on enrollee wages and fringe benefits. We clarify the way organizations must define and report their costs so that there is no room for ambiguity. We codify responsibility tests and new criteria for grantee eligibility. We require a broad and open planning process so that areas of greatest need within a State are served as efficiently as possible.

While I believe that overall the current grantees are performing very well, these provisions will help ensure that seniors get the high quality services they deserve. They also strengthen the entire SCSEP program and do not target one particular grantee.

This bill strikes a good balance between recognizing the need for additional resources to support OAA programs and protecting the most vulnerable seniors and their access to services. It specifically authorizes seniors to make voluntary contributions—donations—for all OAA services. The bill also allows states to require cost-sharing for a limited number of services such as transportation, respite care, and personal care. A long list of services is exempt from cost sharing, such as the meals program, information and assistance, and ombudsman. It also provides guidance to states and protections to help ensure that seniors are not discouraged from seeking services because of cost-sharing.

I also want to note the strong need for increased funding for Older Americans Act programs. Very few OAA programs have seen increased funding in recent years, yet there is a growing need for services. I strongly support full funding of the new National Family Caregiver Support Program, but other OAA programs must also receive needed increases in funding. I strongly urge my colleagues on the Appropriations Committee and in the Senate leadership to do as much as possible to increase funding for these valuable programs in the final days of this Congress and in the future. I look forward to working with you to do that.

I want to thank Senator DEWINE, Chairman of the Aging Subcommittee, for his sincere dedication to reauthorizing the OAA and willingness to work in a bipartisan manner to accomplish this. Thank you to Senator JEFFORDS for his strong leadership in moving this bill through the Health, Education, Labor, and Pensions Committee and all the way through until enactment. Senator KENNEDY also deserves credit for this bill—he continues to be a tireless advocate for the OAA and the people it serves. I want to thank the Senate staff that have worked so hard on this legislation: Sean Donohue, Hollis Turnham, Karla Carpenter, Jeff Teitz, Abby Brandel, and Rhonda Richards. I can not think of any better way to celebrate the 35th anniversary of the OAA in 2000 than by enacting this long-awaited bipartisan reauthorization of the Older Americans Act.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Ms. MIKULSKI. Mr. President, I urge adoption of the bill and defeat of the Gregg amendment.

Mr. JEFFORDS. Mr. President, I yield the remainder of my time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized 2¾ minutes.

Mr. DEWINE. Mr. President, I think it has pretty much been said. I ask my colleagues to defeat the Gregg amendment and to pass the Older Americans Act. This is a bill that needs to pass. It is a bill that is sponsored by 73 Members of this body. It is a bill that is supported by the National Governors' Association which urges us to pass the bill. I have a letter from the Southern Governors' Association, signed by all the Southern Governors, including Governor Bush from Texas, as well as Governor Bush from Florida.

Governor Bush from Florida has been very instrumental in working with us on this bill and is a very strong proponent and advocate of the bill because he understands what a difference it will make.

I reiterate, the concerns my colleague from New Hampshire has raised, and I know he will speak in a moment, are valid concerns. We have taken them into consideration. We have incorporated them into this bill. We congratulate him on the work he has done. This bill is a better bill because of what JUDD GREGG has done.

We are now, though, at the point where we have incorporated those reforms. This is a reform-minded bill. This is a bill that will make a difference. This is a bill that will change the status quo. We are now faced with the prospect of either passing this good bill and sending it on to the President of the United States or, if we adopt the Gregg amendment, killing the bill and seeing the status quo remain because that is what will happen.

None of the reforms my colleague wants to see take place will take place if we kill this bill. It will not be one of them. We will continue to muck along. We will continue to move along as we have year after year with the status quo and with no reforms at all. If you are for reforms, you have to vote against the Gregg amendment and then vote for final passage.

I thank the Chair and thank my colleagues.

AMENDMENT NO. 4343

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes remaining. All time controlled by Senator JEFFORDS has expired. The Senator from New Hampshire.

Mr. GREGG. I thank the Chair.

Mr. President, first, I appreciate the kind words that have been expressed relative to my efforts on this bill. They are minor compared to the efforts of the Senator from Ohio and the Senator from Maryland who have worked very hard.

The underlying bill is a strong bill. Remember, we are talking about a 5-year authorization. We are not talking about 1 day, 2 days, 1 year, or 2 years. We are talking about 5 years. We are talking about continuing the status quo for another 5 years on this piece of legislation.

This amendment is about good government. The amendment is: Are you for language which says that a grantee that misuses the funds can be disciplined by the Department of Labor? It is that simple. It is generic. If the Department of Labor determines that a grantee misuses funds, this gives the Department of Labor the capacity to do something about that.

As I talked about earlier today, we have an example of one of the grantees, the National Council of Senior Citizens, which has grossly misused funds, which set up a slush fund of $6 million, which spent over $10 million basically to pay for expenses for insurance, which were insurance organizations operated by the same people who ran the National Council of Senior Citizens, which has had an audit in the years 1992, 1993, 1994, 1995, 1996, 1997, and 1998, all of which audits have shown it has misused funds.

If we do not adopt this amendment, that organization will continue to get $64 million a year, will continue to misuse those funds, and the Department of Labor will not have the authority to act against that organization in anything that is even conceivably a reasonable timeframe. Under this bill, as it is presently structured, the fastest timeframe in which the Department of Labor can act against an organization which has acted in the manner in which this organization has acted is 3 years. Even then it is not an issue because there is no language for activity for misuse of funds. They would have to raise it to a level of criminal or fraudulent activity, which is a standard that is very hard to prove.

It is very obvious that American tax dollars are not being used for the purposes of employing senior citizens, which should be our goal. I am asking for some extremely reasonable good government language to be inserted into this bill. The only argument I have heard today against this language is essentially that, if this little amendment goes in, this bill dies.

I say to my colleagues, that is absurd on its face. We are not leaving here very soon. Regrettably, I wish we were leaving here today. A lot of us wish we were leaving here today, but we are not. I happen to know of three major pieces of legislation which are not going to be completed today. They probably are not going to be completed tomorrow. It is a fairly safe bet that we are going to be back next week. In fact, I can almost guarantee it. I can say that with some authority because I happen to chair one of the committees which has jurisdiction over one of these pieces of legislation, the Commerce-State-Justice appropriations bill. That bill is not going to be completed today, and it is probably not going to be completed this week, and probably we will be back next week.

The same is true of the Labor-HHS bill, and the same is true of the tax bill. We know we are going to be able to take this amendment, send it back to the House, have it passed, and come back here and pass the whole bill.

If that is the reason this language is being opposed, it is inaccurate. This language can be inserted, this bill can be reformed and it can be corrected, and the bill can be brought back to us and passed.

The House of Representatives passed this bill overwhelmingly. This language is not debilitating to the bill. It is an attempt to make the bill function as it should.

What should it do? It should make sure that when we give $350 million a year to agencies without requiring them to bid on the programs, when we give them an entitlement that says, you get this money; you just walk up to the window and we give it to you, at least those agencies should be required not to misuse the money; that those agencies should be required to spend the money for the purposes of employing senior citizens, not for the purpose of creating a slush fund, not for the purpose of financing a Teamsters Union election, not for the purpose of financing a campaign against a Senator, not for the purpose of creating an insurance vehicle which benefits the underlying agency. It should be that those moneys should be used for the senior citizens, to be employed under the bill under title V.

That is all this language does. It is benign language. Without this language, we will essentially continue a process that allows these agencies to come to the window, take the money, and run, without adequate accountability. Even more importantly, there will be no competition and no performance standards.

So the language is reasonable. It needs to be included in the bill. The timing of this bill is not such that this language is going to kill the bill. The momentum for this bill is immense. There is no way that this bill will not pass with this language in it if this amendment is agreed to. The bill will pass. The bill will be conferenced. The bill will be back here. The bill will be voted on before we adjourn as a Senate or a Congress. So that debate is inaccurate.

So I hope that this language, which is a very reasonable attempt to address what is regrettably a glaring problem in the delivery of these services, will be accepted. I hope people would not vote against something so simple as a statement that we should allow the Department of Labor to discipline people who misuse tax dollars. To vote against that is really to take a position which I think is very hard to defend.

We are going to vote on this amendment. I would certainly appreciate my colleagues not being swayed by the argument that a vote for my amendment will bring the bill down because that argument is a red herring, in my opinion, because we are going to be here next week and we can certainly pass this bill next week. It will pass on a voice vote once this amendment is taken. In fact, it will pass by unanimous agreement.

But, rather, I hope my colleagues will be swayed by the fact that if we fail to include this amendment, we will continue to have the issue of whether or not the dollars we are spending to employ seniors, to make their lives better, are, instead, going to be able to be spent to benefit some agency in some way that has no relationship to seniors and their needs. A good government requires that this type of language be put in the bill. Therefore, I ask my colleagues to support the amendment.

Mr. President, I understand that all time on the other side has been used; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment No. 4343. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 69, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—25

Allard
Ashcroft
Bond
Brownback
Bunning
Campbell
Craig
Enzi
Fitzgerald
Frist
Gramm
Gregg
Hutchison
Inhofe
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Sessions
Shelby
Smith (NH)
Thompson
Warner

NAYS—69

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Chafee, L.
Cleland
Cochran
Collins
Conrad
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Graham
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
Mikulski
Miller
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—6

Feinstein
Gorton
Grams
Helms
Lieberman
Specter

The amendment (No. 4343) was rejected.

Mr. JEFFORDS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.—

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi

Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—6

Feinstein
Gorton
Grams
Helms
Lieberman
Specter

The bill (H.R. 782) was passed.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The majority leader.

Mr. LOTT. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate has passed the Older Americans Act Amendments of 2000. This year is the 35th anniversary of the Older Americans Program. Since 1965, the Act has provided a range of needed social services to our Nation's senior citizens. It is the major vehicle for the organization and delivery of supportive and nutrition services to older persons, and it has grown and changed to meet our citizens' needs. In 1972, we created the national nutrition program; in 1978, we established a separate title for Native Americans; and in 1987, we authorized programs to prevent elder abuse, neglect, and exploitation. The Act has been reauthorized 12 times, most recently in 1992. Reauthorization legislation was considered in the 104th and 105th Congresses but did not pass due to controversy about a number of proposals. But those controversies were addressed and the Senate has voted unanimously to pass this Act and provide our elderly with desperately needed help.

The Older Americans Act programs play a vital role in all our communities. Because of the Older Americans Act, millions of nutritious meals are delivered each year to the generation that served our country in World War II. It funds the operations of senior centers and other supportive services to enhance the dignity and independence of the Nation's elders; and it provides part-time employment opportunities to tens of thousands of senior citizens. Indeed, virtually all of our Nation's elderly are benefitting from the Act. However, more could be done to help our senior citizens and their families. This is why we are here to pass the Older Americans Act Amendments of 2000.

I want to commend all of the members of the Committee on Health, Education, Labor, and Pensions for their work and contributions in this effort. Senator DEWINE and Senator MIKULSKI led the way on this reauthorization effort early in this Congress. Beginning on March 3, 1999, the Subcommittee on Aging held a series of hearings, receiving testimony from over 30 witnesses. The first hearing presented Subcommittee members with an overview of the various Older Americans Act programs. Subsequent Subcommittee hearings covered other important issues, including elder abuse, supportive services, State and local views, longevity in the workplace, and long-term family caregiver programs. In March, 1999, we were very fortunate to hear testimony from Ms. Reeve Lindbergh of St. Johnsbury, Vermont. She spoke to our Committee about the unacceptable problem of elder abuse which confronts some of our most fragile elders. Then, in April, we heard from another Vermonter, Mr. John Barbour, who serves as the Director of the Champlain Valley Agency on Aging, in Winooski, Vermont. He alerted the Committee to changes needed in the nutritional programs outlined in Title III of the Act.

This bill improves the Older Americans Act in several key areas. For example, Title I sets out broad policy objectives related to income, health, housing, long-term care, employment, retirement, and community services that will improve the lives of all older Americans. Modifications under this title establish a Federal definition of "in-home services" and give both State units and area agencies on aging the ability to include locally significant in-home services in their service definition.

Title II identifies the Administration on Aging as the chief Federal agency advocate for older persons and also establishes the Eldercare Locator Service and Pension Rights and Counseling as ongoing programs.

Significant modifications have been made to Title III, grants for State and community programs. One of the most important aspects of this Act is the establishment of the Grassley-Breaux National Family Caregiver Support Program. According to the 1994 National Long Term Care Survey, there are more than 7 million informal caregivers—including spouses, adult children, other relatives, and friends who provide day-to-day care for most of our Nation's elders. The National Family Caregiver Program authorizes $125 million in Federal assistance to help families care for their elderly by providing a multifaceted system of supportive services, including information, assistance, counseling, and respite services. Moreover, it will help older individuals who are caring for relative children, such as their grandchildren. According to the United States Census Bureau, in 1997, almost 4 million children were living in homes maintained by their grandparents. This program will also extend to older folks who are caring for their adult children with mental retardation and developmental disabilities.

Other changes to this title clarify the role of area agencies on aging with respect to case management, information and referral services, and also strengthen their obligations to coordinate volunteer programs and efforts with other community organizations providing similar services. In addition, the interstate formula allotments are updated, with appropriations being tied to minimum-growth hold harmless amounts, so that no State receives less than it did in FY 2000.

Title V authorizes community service employment for older Americans to provide part-time community service jobs for unemployed, low-income persons 55 years old and over. There will be 1.4 million more low-income persons over the age of 55 in the year 2005 than there were a decade earlier, and many of them will continue working. Employment obtained through this program provides these workers with needed economic support. It keeps them active and involved in their communities, and it provides them with the opportunity to make important contributions to their communities, learn new skills, and enhance their sense of dignity and self-esteem.

The changes made in Title V by this bill are a critical part of this legislation, because they strengthen and modernize the Senior Employment Program. To begin, the purpose statement is amended to stress economic self-sufficiency and to increase the number of placements in public- and private-sector unsubsidized employment. The employment program is integrated with the Workforce Investment Act, including one-stop delivery systems and participant assessments and services, while the program itself and the administrative costs are codified. Also, under this title, the State Senior Employment Services Plan is established which provides Governors with greater influence and responsibility concerning the allocation of job slots. The newly established State Plan ensures for the first time a planning process with broad participation by representatives from State and area agencies on aging; State and local workforce investment boards; public and private non-profit providers of employment services; businesses and labor organizations; and other aging network stakeholders.

The remaining sections have also been modified. Title IV, training, research, and discretionary projects and programs, authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. This Act consolidates the demonstration programs from 18 to 10 categories, including sections on violence against older Americans, rural health, computer training, and transportation. Title VI, grants to Native Americans, authorizes funds for social and nutrition services to older Indians and Native Hawaiians. The modifications by this Act authorize the Family Caregiver Support Program for tribal organizations. Then, a provision is added under Title VII, vulnerable elder rights protection activities, which authorizes funds for activities that protect the rights of the vulnerable elderly. The new provision requires that ombudsman programs coordinate with "law enforcement" agencies.

I want to take this opportunity to acknowledge the many other individuals and organizations that have contributed to this effort. In addition to leadership Senators DEWINE and MIKULSKI, KENNEDY contributed his long experience to this effort. He helped us find the middle ground and solutions to many thorny issues. Senator GREGG was instrumental in focusing the Committee's attention on the much-needed reforms in the employment services program, and the program is much strengthened by his work. Senator HUTCHINSON was especially active on these efforts to address the employment and services needs of the rural elderly.

Among the groups in the network of aging organizations, special recognition must go to the National Council of Older Americans and the National Association of State Units on Aging for their insight in proposing a compromise to the employment services program. AARP, with the leadership of Horace Deets, undertook the difficult task of seeking consensus among the many aging organizations. Green Thumb tirelessly educated members of Congress about the importance of these aging populations, especially those members representing rural constituencies. The Leadership Council of Aging Organizations, currently being chaired by the Committee to Preserve Social Security and Medicare, provided a continuous forum for many issues to be addressed. Others contributing to this effort include the National Caucus on Black Aging, the National Association of Area Agencies on Aging, and Meals on Wheels. Finally, the Administration on Aging, headed by Jeanette Takamura, provided ongoing leadership and continuous expert support in strengthening these programs.

Many of our staff deserve considerable recognition for their dedicated work. Daphne Edwards in the Office of the Legislative Counsel worked tirelessly on countless drafts of this legislation. Carol O'Shaughnessy of the Congressional Research Service lent her counsel, as well as her years of experience with aging programs, to this bill. Abby Brandel and Rhonda Richards of Senator MIKULSKI's office, and Jeffrey Teitz of Senator KENNEDY's staff, worked diligently to reach accords on many of these difficult issues. Alan Gilbert with Senator GREGG provided invaluable guidance on the employment services program. Kate Hull, of Senator HUTCHINSON's staff, also dedicated many hours of effort to the final product. Recognition is deserved especially by Karla Carpenter, the staff director of the Aging Subcommittee, who with Senator DEWINE developed the framework for this modernization bill and who stuck with the effort to see it finished. Finally, on my own staff, I want to acknowledge and commend the efforts of Hollis Turnham and Sean Donohue. Hollis came to my office as the Senator John Heinz Fellow on Aging, and her extensive experience with these programs was invaluable to the completion of the bill. Hollis brought with her years of experience in serving our Nation's elders and a full knowledge of just how the Older Americans Act affects our older Americans. After several years of trying, this effort to reauthorize the Older Americans Act could have gone astray at countless points over these past two years. Therefore, much credit must go to Sean Donohue, whose focus, experience, and sheer tenacity guided this successful effort.

In summary, our bill goes a long way to improving supportive, employment, and nutritional services for the elderly. This legislation updates the Older Americans Act, making it more relevant and useful to our country's senior citizens. All of these individuals have worked hard to develop innovative strategies to strengthen and modernize the Older Americans Act, and I know that through these efforts our Nation's elders will be better served by this legislation.

Mr. KENNEDY. Mr. President, the reauthorization of the Older Americans Act which just received the Senate's unanimous approval is the product of a two-year bipartisan effort. Earlier today, I said Senators JEFFORDS, DEWINE, MIKULSKI, and I share a common commitment to preserving and strengthening these programs, which have done so much to improve the lives of millions of senior citizens. I commend my three colleagues for their tremendous leadership in fashioning this legislation.

Now, I would like to recognize the members of our staffs who did the work that made this bill possible: Rhonda Richards and Abby Brandel from Senator MIKULSKI's office, Karla Carpenter from Senator DEWINE's office, Sean Donohue, Hollis Turnham and Mark Powden from Senator JEFFORD's office, and Jeffrey Teitz, Michael Myers, and Jerry Wesevich from my office. We assigned them an extremely difficult task. Efforts to reauthorize the Older Americans Act had failed in the last two Congresses. This year, at each point when the differences appeared too wide, these individuals found a creative way to bridge the divide. They managed to build the consensus which has enabled this legislation to pass both the House and Senate so overwhelmingly.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report accompanying H.R. 2614, and I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Gramm
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln

Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—5

Feinstein
Gorton
Grams
Helms
Lieberman

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2614 "To amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD (Part II) of October 25, 2000.)

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the continuing resolution, that no amendments be in order, the vote occur immediately; that following the vote the time be divided as follows: 15 minutes under the control of Senator MCCAIN and 30 minutes under the control of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the joint resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, this will be the last vote of the night. We will then be on the Tax Relief Act conference report.

Of course, Senators have indicated that they wish to speak on that, and perhaps other subjects. The pending business then will be the Tax Relief Act conference report.

But this will be the last vote tonight.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on passage of H.J. Res. 116.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (M. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Leahy

NOT VOTING—5

Feinstein
Gorton
Grams
Helms
Lieberman

The joint resolution (H.J. Res. 116) was passed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to read some headlines from newspapers across the United States commenting on our work:

> "Congress' Pork Roast" The News and Observer (Raleigh, NC)
>
> "Imaginary Numbers Game: Congress Pork-Barrel Is Eroding The Surplus" The Record (Bergen County, NJ)
>
> "Congress Rolls Out The Pork-Barrel Election, Surplus Bring Free Spending" The Florida Times-Union (Jacksonville)
>
> "Costly Delay: Politics Prompts Capitol Hill Feeding Frenzy" Telegram & Gazette (Worcester, MA)
>
> "Bellying Up To A Pork Barrel" The Christian Science Monitor
>
> "Dollars Flying In Congress' Flurry Of Final Spending" USA Today
>
> "Congress Has Last-Minute Pork Feast" Chattanooga Times
>
> "Spending Bill Fat With Pork: Both Parties Engaged In Budget-Busting Spree" The Houston Chronicle

I am saddened by these headlines because of the damage such words do to the reputation of our governmental institutions. But I am also angered by them.

Why? Because we are deliberately, of our own free will, spending the surplus and jeopardizing future prosperity.

With this year-end spending blitz, Congress and the President have blown away the last remaining vestiges of fiscal discipline that, for a brief, very brief moment in time, had put the brakes on the spending frenzies that all too often engulfed our Capitol and contributed to our huge national debt, which stands today at $5.7 trillion.

Tens of billions in pork barrel and special interest spending have been packed into these appropriations bills, as well as numerous provisions pushed by Capitol Hill lobbyists that the American public will not know about until after these bills become law. In fact, Dan Morgan of the Washington Post aptly characterized this well-coordinated, last minute lobbying offensive as "high noon at Gucci Gulch."

I regard such a spectacle as demeaning to our Government.

U.S. News & World Report, October 23, 2000:

> Nearly two weeks past its promised departure date, Congress remains in Washington, locked in a standoff with the White House and mired in its own disarray over the Federal budget. And as the dealing crackles up and down Pennsylvania Avenue and across the Capitol Rotunda, the shenanigans are going to cost a staggering amount of money. By some estimates, if the spending increases continue at the current pace—nearly twice the rate of inflation—the non-Social Security surplus could be eliminated in less than 5 years.

* * * * * * *

> Feast day. The $650 billion figure must be stacked against the famed 1997 balanced budget deal. Under that agreement, the government was supposed to spend $541 billion in discretionary dollars this year. They should miss the mark by a mere $100 billion or so. The Republicans will outspend their own budget resolution passed this spring by about $50 billion. Election-year politics, an irrepressible instinct for pork, and a unique moment of plenty have combined to create a kind of fiscal third-base coach waving everybody home to score whatever spending project his heart desires
>
> * * * * *
>
> The spending comes in big chunks and small. In Alaska, thanks to Senate Appropriations Chairman Ted Stevens, taxpayers will spend $176,000 to help the Reindeer Herders Association. Stevens set aside a total of $43 million for other Alaska transportation projects. Alabamians may be forever grateful for the $1.5 million set aside to help restore the venerable Vulcan statue in Birmingham, a 56-foot, iron rendition of the Roman god of fire and metalwork. Built as an entry for the 1904 World's Fair, it won the grand prize in the Palace of Metallurgy. Stewart Dansby, executive director of the Vulcan Park Foundation, says officials at the organization talked to Alabama Sen. Richard Shelby about helping to fund the renovation. "Why are federal tax dollars being spent on a statue in Birmingham?" asks Dansby. "Because Vulcan is symbolic of American industrial strength. He represents the working person and . . . . These are federal dollars that would have gone somewhere."
>
> There is ample evidence of that. The huge surpluses projected over the next decade—$268 billion next year—may have forever changed politics in Washington. The result is a kind of giddiness. "The surplus is burning a hole in our pocket. It is affecting our judgment," says Republican Sen. Phil Gramm of Texas
>
> * * * * *
>
> Senators from both sides of the aisle have been treating themselves to hundreds of spending programs of peculiar, and perhaps dubious, value. Examples:
>
> Harry Reid has secured more than $14 million for five projects in Nevada, including $2 million to enable airline passengers to get boarding passes at their hotels.

Who I see here.

> Tom Harkin added more than $7 million to next year's Agriculture bill to fund "integrated cow resources management and agriculture-based industrial lubricants research."

Perhaps Senator Harkin can enlighten us on that.

> Robert Byrd has earmarked $5.25 million for a new dorm at the National Conservation Training Center in Shepherdstown, a facility run by the U.S. Fish and Wildlife Service.
>
> Ted Stevens (R-Alaska), the appropriator in chief, scored $400,000 for a parking lot in Talkeetna—a slice of the $43 million in special projects he pulled out of the Transportation bill.
>
> Pete Domenici a nominal budget hawk, claims that the $200,000 he got for a railroad museum in Las Cruces "could improve transportation for the entire nation."
>
> Richard Shelby opposed Federal involvement in peanut allergy research in 1998, but he has secured $500,000 for the same in fiscal year 2001.

Mr. President, I have included the top 10 list on several occasions. One of my favorites was insect rearing, bug raising for fun and profit. There are many others that my colleagues may be entertained by, but also American taxpayers may be somewhat disturbed by.

The Washington Post, Eric Pianan, October 25:

> Rules created more than two decades ago to impose fiscal restraint on Congress have broken down, helping fuel a year-end spending spree that is resulting in billions of extra dollars for highways and bridges, water projects, emergency farm aid, school construction and scores of other projects.
>
> Many budget hawks have derided the binge as a typical election year "porkfest." But key lawmakers and experts on federal budgeting say another less visible problem is that the law aimed at reining in such spending has been effectively gutted by the congressional leadership.
>
> In particular, lawmakers are increasingly ignoring the annual congressional budget resolution, the document that is supposed to guide spending and tax decisions in the House and Senate every year. In years past, lawmakers might miss their budget targets by a few billion dollars, but now they are busting the budget by as much as $50 billion this year.
>
> This year's budget resolution, for instance, called for about $600 billion in spending this fiscal year on defense, health, education, and other non-entitlement programs. When Congress and the White House finally complete their negotiations . . . the total will be $640 billion or more. . . .
>
> The decision to ignore the budget resolution is only one sign of a general breakdown of fiscal discipline on Capitol Hill, according to fiscal experts. Congress and the Clinton administration are also ignoring spending caps, both agreed to as a part of the 1997 legislation to balance the federal budget.
>
> Congress's enthusiasm for real budget constraints began to wane almost as soon as deficits gave way to surpluses beginning three years ago. Until then, the specter of towering annual deficits of as much as $290 billion had fostered a series of hard-nosed policies, including a 1990 budget deal that for the first time imposed caps on spending and required Congress to offset tax cuts by reducing spending or raising other revenues.
>
> The emergence of surpluses has left it to lawmakers to produce budget plans that would impose spending discipline with an eye to the time when Medicare and Social Security will begin to run short of money. But that has not happened.

All of this maneuvering and horse trading predictably has been conducted behind closed doors, away from the public eye, bypassing a process whereby all of my elected colleagues should evaluate the merit of each budget item.

The big winner in this budget ritual is not the American people but bigger Government and bigger bank accounts for special interests.

As Ronald Reagan was fond of saying, "Facts are stubborn things," and the facts swirling around the fiscal year 2001 budget are disheartening to anyone who believes in smaller Government, fiscal restraint, and the responsibility of elected officials to do everything possible to ensure prosperity for our children and grandchildren.

A few months ago, Republicans outlined our spending plan, calling for about $600 billion in so-called discretionary spending. That is spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending.

But the unsavory mix of Members adding billions upon billions more in special interest spending, in what the Associated Press described as a "bipartisan spending bazaar," combined with a President determined to squeeze as many taxpayer dollars as possible as the price for letting everyone go home, led to a "compromise" only Washington could love. In the end, bidding up the final spending tally in the range of $640 billion to $650 billion, give or take a few billion, but this explosion of spending does not seem to bother the White House. Just last week, I was amused to read the words of the President's Chief of Staff, who said in a speech that at the end of this budget process, "We will have a budget that is fiscally responsible."

It is a mind-boggling comment, at odds with the facts.

For the fiscal year 2001, we have already spent at least $30 billion past the discretionary spending limits set by the budget resolution for this year. When all is said and done and all the bills have been properly reviewed, we could very well spend up to $50 billion more. What is going on here?

The Congress has not always acted this way. As a matter of fact, in 1997 and 1998, when we still had deficits, we spent less money than the actual budget caps. Since the era of surpluses began in 1999, the Congress and the President have taken this to mean they now have a license to spend freely without any adherence to limits. In fact, a recent Cato Institute study of congressional budget habits found that from fiscal year 1998 to fiscal year 2000, domestic spending grew by more than 14 percent in real terms.

Our continuing irresponsibility is threatening to consume a substantial portion of the projected on-budget surpluses before they are realized. Do any of my colleagues genuinely believe we will actually spend less next year?

According to a CBO report released this month, even if we are to save all of today's projected surpluses, we still face the possibility of an uncertain long-term fiscal future as the aging of our population and, thanks to the wonders of modern medicine, the lengthening of our lifespans lead to surging entitlements costs.

The CBO projected the three main entitlements programs—Social Security, Medicare, and Medicaid—will rise from roughly 7.5 percent of gross domestic product today to 17 percent by the year 2040, absent structural reforms. One line in particular in the report should grab the attention of my colleagues. It reads:

> Projections of future economic growth and fiscal imbalances are quite sensitive to assumptions about what policymakers will do with the budget surplus that are projected to arise over the next decade.

Remember, today's official budget surplus projections assume discretionary spending will grow for the next 10 years at the rate of inflation, which makes the conclusion of a recent Concord Coalition report even more alarming. The report warns "that if discretionary spending continues to grow at the same rate it has in recent years, two-thirds of the projected 10-year non-Social Security surplus would disappear." That will translate into a reduction of the non-Social Security surplus by $1.4 trillion.

While the White House was the chief engineer pushing the spending bonanza, my party, yet again, let pass a golden opportunity to showcase our fiscal discipline and resolute devotion to debt reduction. We could have supported spending bills with no hard-earned taxpayers' money spent at the behest of individual lawmakers without authorization and adequate congressional review, but we did not.

As we are close to the end of this Congress, we must look to the next Congress, indeed the next President, to address many of the pressing problems that plague our Nation. The real question that faces us is whether we will end the Washington partisan gridlock and achieve results for the American people on a range of critical issues, such as prescription drugs, HMO reform, Social Security reform, and military reform.

I strongly submit that to break the gridlock that cripples Washington, we must break the stranglehold of the special interests on our political process.

For example, we have been trying for nearly 2 years to get a decent health care bill of rights passed into law. The purpose of the legislation is to provide every American who is caught in a squeeze play between employers' HMOs and their doctors with some basic rights designed to ensure they get the quality health care they have paid for and deserve. Yet the trial lawyers and the health care industry lobbies have succeeded in derailing any hope of reaching a meaningful compromise. So Americans, average Americans, will go on suffering at the hands of health care bureaucracy decisions often guided more by the bottom line than the best interests of the patients.

We must have courage to say no to the special interests who pay the soft money fee to gain access to the high political councils while the average taxpayer is left out in the cold. It will not be easy breaking our addiction to soft money.

Roll Call newspaper reports that in a recent survey of 300 senior corporate executives conducted by the Tarrance Group:

> Nearly three-quarters said pressure is placed on business leaders to make large political donations, and half of the executives said their colleagues "fear adverse consequences for themselves or their industry if they turn down requests" for contributions.

And 79 percent said the campaign finance system is "broken and should be reformed."

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. MCCAIN. I thank the Chair. I will make the rest of my remarks brief.

Such pressure for campaign contributions seems to be paying dividends. According to the Center for Responsive Politics, in 1992, soft money accounted for 18 percent of the political parties' overall fundraising. Today, that figure has more than doubled to "40 percent of everything the parties raise."

We are going in the wrong direction, and it is undermining our democracy. That is why I pledge to bring campaign finance reform to the Senate floor when the Senate convenes next year.

Let me be clear; no matter which party prevails in November, our democracy will be the loser unless we clean up our political process. Without real change in how we conduct our politics, cynicism will prevail and continue to eat away at our public square, fueling even lower voter turnout and turning more and more Americans away from public service.

Mr. President, this is too high a price to pay. That is why I am committed to clean up the budget process and the way we fund campaigns. Please join me in this process.

LOW-POWER FM RADIO SERVICE

Mr. MCCAIN. Mr. President, there is a great example of the influence of special interests, which I am told has been inserted into the Commerce-State-Justice, the Judiciary, and related agencies appropriations conference report, without a debate on this floor, without a vote on this floor.

Mr. President, I understand that legislation restricting low-power FM services has been added behind closed doors to that appropriations bill. The addition of this rider illustrates, once again, how the special interests of a few are allowed to dominate the voices of the many in the backdoor dealings of the appropriations process.

Low-power FM radio service provides community-based organizations, churches, and other nonprofit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness within our communities, about our communities. As such, low-power FM is supported by the U.S. Conference of Mayors, the National League of Cities, Consumers' Union and many religious organizations, including but not limited to, the U.S. Catholic Conference and the United Church of Christ. These institutions support low-power FM because they see what low-power FM's opponents also know to be true—that these stations will make more programming available to the public, and provide outlets for news and perspectives not currently featured on local radio stations.

But, the special interests forces opposed to low-power FM—most notably the National Association of Broadcasters and National Public Radio have mounted a vigorous behind-the-scenes campaign against this service.

Let me repeat—and my dear friend from Nebraska joined me in this effort. Together, we tried to stop the National Association of Broadcasters and National Public Radio. Simply put, they have won again.

I believe the Senator from Nebraska will agree with me there is no way they could have carried that vote on the floor of this Senate. There is no way they could have deprived all of these communities, all of these small business people, all of these religious organizations, all of these minority groups—but they stuck it into an appropriations bill, a piece of legislation that never had a single bit of debate and would never have passed through the Commerce Committee, of which I am the chairman, if it had been put to a vote.

Earlier this year, Senator KERRY and I introduced the Low Power FM Radio Act of 2000, which would have struck a fair balance between allowing low-power radio stations to go forward while at the same time protecting existing full-power stations from actual interference. Under our bill, low-power stations causing interference would be required to stop causing interference—or be shut down—but noninterfering low-power FM stations would be allowed to operate without further delay. The opponents of low-power FM did not support this bill because they want low-power FM to be dead rather than functional.

Congress should not permit the appropriations process to circumvent the normal legislative process.

Mr. President, low-power FM is an opportunity for minorities, churches and others to have a new voice in radio broadcasting. In the Commerce Committee, we constantly lament the fact that minorities, community-based organizations, and religious organizations do not have adequate opportunities to communicate their views. Moreover, over the years, I have often heard many Members of both the Committee and this Senate lament the enormous consolidation that has occurred in the telecommunications sector as a whole and the radio industry specifically. Here, we had a chance to simply get out of the way, and allow noninterfering low-power radio stations to go forward to help combat these concerns. Instead, we allowed special interests to hide their competitive fears behind the smokescreen of hypothetical interference to severely wound—if not kill—this service in the dead of night.

Mr. President, speaking for my side of the aisle, we are the party of Abraham Lincoln. We constantly endorse the importance of religious speech to American culture. How can we possibly stifle an opportunity for minority and religious organizations to communicate more effectively with their local communities? By permitting special interests to stifle these voices we are truly compromising the most fundamental principles of our party and our Nation.

I stand before these community-based organizations, these religious organizations, these people throughout these small communities all over America and say: I apologize. I apologize to you for this action—behind closed doors—that we are going to deprive you of a voice, of a very small FM radio station. And I will tell you who did it. The National Public Radio and the National Association of Broadcasters—the same organization that got $70 billion worth of free spectrum of public taxpayer-owned property. And, by the way, they are not giving back their analog spectrum, which is the subject for another speech. I say to the National Association of Broadcasters and the National Public Radio, shame on you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 30 minutes.

Mr. HARKIN. Mr. President, I listened somewhat tentatively to the comments made by my friend from Arizona. He talked about ending the partisan gridlock. If you want to end the partisan gridlock, take a look at the tax bill that just came over. This package was never considered in the Finance Committee, never considered on the Senate floor. No Democrats were ever invited to any of the meetings to work it out. There was no consultation with any Democrat. No paper was ever shared with any Democrat in putting it together. It was stuffed into an unrelated conference report. It was sent over here for a vote. And the Republicans have said to the Democrats: Take it or leave it, but you have no part in drafting it, debating it, or anything else.

I would say, if you want to end the partisan gridlock, Republicans should start working in a bipartisan fashion around here to fashion.

I hear George Bush out there. He is saying he wants to come to Washington and end this gridlock. I say to Governor Bush: Pick up the phone and call Senator LOTT. Pick up the phone and call Speaker HASTERT. Tell them to quit playing these kinds of games, these partisan games around here, where we get a tax bill on the Senate floor, in the closing days of this year, that we have had absolutely no part in—absolutely none whatsoever.

Mr. KERREY. I would just like to ask the Senator a question. If the Senator wouldn't mind yielding, I think we can do this almost as a colloquy.

Mr. HARKIN. Yes, I would be glad to.

Mr. KERREY. The Senator from Iowa has been around here a couple years longer than I have. I wonder if the Senator would agree with me. My experience is that all 100 people in this Senate—every single one of them—are trying to do the best job they can. They have different points of views. The Republicans bring certain things to the arguments sometimes that Democrats don't bring, and Democrats bring things that Republicans don't bring from time to time.

Mr. HARKIN. True.

Mr. KERREY. I wonder if the Senator would agree with that.

Mr. HARKIN. That is true. That is the way the legislative process works. I am not always right. You are not always right. Republicans are not always right. But if we work together in that kind of a spirit, it can be worked out. That is the way it should be done.

Mr. KERREY. I wonder if the Senator from Iowa would yield for a second question.

Mr. HARKIN. Sure.

Mr. KERREY. I heard the Governor of Texas say he does not like the Vice President's tax cut proposal because it is targeted. Doesn't it seem that the tax cut proposal that is being brought to us—though it might be hard for my friends on the other side of the aisle to state that they are saying the Vice President is right—is not an across-the-board tax cut, this is a targeted tax cut? Will my friend from Iowa agree they seem to be saying we should have a targeted tax cut?

Mr. HARKIN. I agree on targeted tax cuts, but I would appreciate the Senator expanding on his point.

Mr. KERREY. Well, their bill does not have across-the-board tax cuts. There has been a debate going on between the Vice President and the Governor of Texas as to whether or not there should be an across-the-board tax cut of $1.6 trillion that the Governor of Texas wants to do, on top of $1.1 trillion of payroll tax cuts, and hundreds of billions of dollars of spending as well.

I said the other day, it reminds me of voodoo economics II. I do not think he would be proposing this, which is essentially the failed policies of the past. We tried that once before. President Bush, in 1990, broke from the failed policies of that.

I heard the Senator from Arizona earlier talk about the budget caps that were in the 1990 budget agreement. That started us on the road of eliminating our deficits. But he has an across-the-board tax cut. He is criticizing the Vice President for targeting tax cuts, and it seems our friends on the other side of the aisle are saying the Vice President is right, we should have a targeted tax cut.

I wonder if my friend from Iowa has also experienced, when you are having discussions, there are some things Democrats bring to the argument, bring to the discussion. I wonder, as I look at this tax bill, if any of the people, the Republicans who are part of this thing, ever asked the question: Now that we are going to target tax cuts, is it fair? Are we being fair here? Are we targeting it to the right group of people?

It seems to me, as I look at least at the early analysis, that that question couldn't have been asked.

Mr. HARKIN. Would the Senator enlighten us a little further?

Mr. KERREY. I don't know. I am certain we will have a chance to look at the precise numbers that CBO and others have done. As I look at the numbers right now, it seems our friends on the other side of the aisle, having put this together without Democrats there —if the American people wonder what they lost by not having Democrats there, it doesn't look as if anybody was there to say: Is this fair?

What they have said is, we are going to target $4 billion a year of tax cuts to Americans who make more than $319,000 a year. A lot of my friends make more than $319,000 a year, but $4 billion total out of what appears to be about $6 or $7 billion a year seems to be a pretty big targeted tax cut for people over $300,000 a year. For Members of Congress on up, we are a little over $130,000. It is $670 million of targeted tax cuts to that group. But for the group of Americans under $40,000 a year, they get about $50 or $60 million total.

I don't know. I guess many of my colleagues felt the same sort of movement of their hearts when they read the stories of the sailors who lost their lives on the U.S.S. *Cole*. We had a chance to read the biographies. It was a very moving thing to think about their lives. I noted that not a single one of those individuals were college graduates. They were all high school graduates. They were all enlisted, save one who was an ensign, just became an ensign after 12 years of enlistment. If you read their stories, their moms and dads are waiters; their moms and dads are nurses; their moms and dads are schoolteachers; their moms and dads are making less than $40,000 a year. That is a majority of the country. Those are the folks who are running our Little League baseball groups. Those are the people who are volunteering at church.

If you decide the Vice President is right—we should not have an across-the-board tax cut; we ought to have a targeted tax cut—it seems to me that we ought to be trying to target it to those folks who are having trouble sending their kids to college, having trouble paying health care, having trouble doing all sorts of other things as well. It seems to me what was missing as they put this thing together was some Democrat raising their hand and saying: Is this fair?

I wonder if the Senator from Iowa would agree with that sort of quick analysis.

Mr. HARKIN. I appreciate the Senator from Nebraska bringing that out because obviously this is a targeted tax cut. As the Senator just said, they have targeted it to the wrong people: not the kind of people and the families whose sons and daughters lost their lives in the Persian Gulf recently, not those, but to those with the highest incomes.

I know the Senator had the aggregate figures, but he mentioned the fact that most of these families make less than $40,000 a year. Under the Republicans' targeted tax cut, if you are a family making $24,000 to $39,300 a year, if you are in that group where average Americans are, you get $94 a year in a tax cut. If, however, you are making more than $319,000 a year, on average, you get 4,158 bucks a year in a tax cut from their targeted tax cut.

So the Senator is right. They have targeted it to those who make more than $319,000 a year. And the Senator is right, you have to ask the question: What is fair about this?

Mr. KERREY. I am very sympathetic to the large amount of taxes that higher income Americans are paying. They have been contributing a substantial amount to deficit reduction since President Bush signed into law an increase in their taxes in 1990 and President Clinton essentially continued that in 1993. And the Republican Congress, to their eternal credit, continued it in 1997. We have been generating a lot, and I am grateful for the income. Indeed, I understand why a group of men and women putting together this tax bill would be more sympathetic to people making over $130,000 a year. That is most of us. In fact, indeed, it is all of us. We tend to hang out with people who make more than $130,000 a year, and we complain about our taxes, too. I understand why we are sympathetic.

It seems to me what was missing in all of this, what I find to be very difficult to support, now that we have decided the Vice President is correct; we should have a targeted tax cut rather than across the board, I don't think it passes the fairness test. As a consequence, the American people are going to end up, if this becomes law—and the President has indicated he is going to veto it, thank goodness, because if it did become law, they would end up having a very difficult time saying, well, yes, it cut taxes in a targeted way, as the Vice President is suggesting, but it doesn't seem to be a fair proposal.

Mr. HARKIN. The Senator is right. It does not pass the fairness test at all. I might ask the Senator one other question. We know that there are a lot of people in this country who lack health insurance. As I understand it, in this tax bill, there is a provision that is supposed to expand coverage. But the way it is drafted, $18,000 in tax benefits are provided for each estimated person who will gain health insurance coverage. I ask the Senator, does this sound like fiscal conservatism?

Mr. KERREY. It seems nobody was in the room to say: Hey, that doesn't seem to be fair. If you look at the average household—Nebraska and Iowa are pretty close to being the same —the average household in Nebraska pays more payroll taxes than they pay income taxes. Income credits very often don't affect them at all. One of the great paradoxes of allowing people to deduct health insurance is the higher your income, the more subsidy you get. We have an awful lot of people in Nebraska who don't have health insurance as a consequence of where they work. And when they go out and try to buy this health insurance, they don't get as much subsidy as somebody who has a higher income. As a consequence, they are not buying it. As a consequence, we now know it is fact that you are going to be less healthy if you don't have health insurance. My friend from Iowa is exactly right again. It doesn't pass the fairness test.

Mr. HARKIN. The Senator points out that most people pay payroll taxes. Especially in the income brackets where they are lacking health insurance, they are paying more in payroll taxes than they are income taxes. That is why you are only getting 600,000 more people with health insurance at a cost of $18,000 in tax incentives per person per year. What a giveaway.

Does the Senator agree that for those income groups that lack a lot of health insurance coverage—and that is low-income people who are working for minimum wage or maybe above minimum wage, or working for small businesses that can't afford to give them health insurance coverage in our small towns and communities —would it not be better or cheaper, fairer to expand the Medicaid program or the CHIP program to cover the kids?

Mr. KERREY. Absolutely. It would be fairer to provide full deductibility for the self-employed. The Senator from Iowa and I both represent a lot of self-employed families, many of whom are farmers, and they are increasingly going into town to get the jobs just to get health insurance. Absolutely, it would be more fair.

I find most Americans want to do things in a fair way. They want us to tell them the truth about the facts. If they see the facts, they see the struggle that is going on.

Again, I wonder if anybody who was sitting in this room putting this tax bill together said, hey, did you see the story that says that now a majority of households in America have both mom and dad working? Did you see the story in the newspaper that said of the 270 American corporations surveyed, 70 percent paid less than the 35 percent effective tax rate, and a large number of them didn't pay any taxes at all because they are using stock options to reduce the cost of their taxes?

Did you read the story about Americans with higher incomes saying they don't want to pay any taxes so they will park their accounts down in the Bahamas and get a credit card or a debit card? Did anybody in this room say that is not fair? Maybe we should say to these folks who are down there running their accounts in the Bahamas: The next time you have a fire in your house or need the police force, or need the Navy, why don't you get the Bahamian Navy or the Bahamian police force or the Bahamian firefighters to help you out?

I mean, did anybody in this room say, with all the evidence around, this isn't fair? I have to say to my friend from Iowa, it just doesn't pass the fairness test. I think Americans want our laws to be fair. They want us to write fair laws and regulations. They want us to look at society and say it needs to be the land of opportunity for everybody. There are very few Americans who would not like a tax cut. If we are going to target them, as Vice President GORE has been saying, and the Republicans are going to say, we agree, the Vice President is right; we ought to have a targeted tax credit, it seems we ought to try to apply some standard or test of fairness as we do it.

Mr. HARKIN. I really appreciate the Senator's remarks.

What the Republicans have done is they have given us this tax package without involving any Democrat. So you are right, none of us was in the room to ever ask the question, Is this fair? They have now dropped this on us. What they have done, really, is sort of given lie to their whole campaign theme with Governor Bush, and that is that you need a tax cut—to just shotgun it out there—and they have given us a targeted tax cut. I am grateful to the Senator for pointing that out.

Mr. KERREY. I have one last question. I find myself saying it doesn't hurt me. I wasn't in the room. It didn't hurt me at all. As a matter of fact, because my income is over $130,000, those folks making the decision in that room helped me out. I guess I should sneak over and thank them for giving me a big tax cut. The people who get hurt are not Members of Congress who weren't in the room; they are Americans who either don't get the targeted benefit or who do get it and say, oh, my gosh, if you are going to do a tax cut, for gosh sakes, help the people who really need it. I think most Americans want our tax laws and the rest of the laws to be as fair as we possibly can make them.

Mr. HARKIN. The Senator is right.

Again, I will just add on top of that, the other unfairness part of this bill is that they didn't what they should have to really expand health insurance coverage in a meaningful way to low-income people. I am talking about people who are working, not people who are on Medicaid and getting coverage. I am talking about low-income people above the poverty line and modest income people who are working hard, making $20,000 a year; they may have a couple kids. They are not in this bill.

Mr. KERREY. I am sure my friend knows this, but one of the problems is this: Let's say you have a mom and dad both on minimum wage. That means they are probably making a $14,000 or $15,000 gross salary—maybe a bit more, maybe $16,000 or $17,000. I can't remember, but I think it is $8,000 that the minimum wage will produce. Say both are working 40 hours a week and generating $18,000 to $20,000 a year. FICA is taking a lot of taxes from them to pay the health insurance of a lot of other people. I have a claim on their income. Every Member of Congress who will get a big tax cut has a claim on their income to pay our health insurance.

Did anybody in that room putting the tax proposal together say, hey, I don't think that is fair? Well, that is why you need Democrats in the room. That is why God created Democrats. We sit in the room and say, Is that fair? Sometimes we do it to a fault. That is why we need Republicans to push back and say, Can we afford it? Some of us have Republican and Democrat in us and go back and forth all the time. This isn't fair. As the Senator said, I represent low-income working families without health insurance subsidizing my health insurance. I have a claim on mine, and I am getting a big tax cut. I just say to my friend, does that seem fair to you?

Mr. HARKIN. This is not fair.

After listening to the Senator, it raises another question in my mind. Sometimes it seems that Republicans don't believe there is anybody in this country who makes $20,000 or $30,000 a year. Maybe they think this is a myth. Sometimes it seems like they don't exist for them.

Mr. KERREY. I think they do understand it. I think they do, but the problem, it seems to me, is you have to step back from time to time and look at the work you are doing, and you have to apply other values, other standards, to it.

I just don't, in this case, look at this proposal—and I am not able to reach the conclusion that I am going to target a tax cut, as the Vice President has been calling for, that somebody was in that room saying, gee, we have to make sure it is fair. It just didn't get there.

I appreciate very much the Senator answering the questions I have asked of him. I look forward, in fact, to a time when we have our friends on the other side of the aisle engaging in this dialog.

Maybe there is an answer here. Maybe somebody was asking the question over and over: Is this fair? I watched with great interest as the Texas Governor talked about compassionate conservatism. I wonder if my friend noticed that some of his Republican friends were saying: Hey, knock that compassion stuff off. You are sounding too much like a Democrat there, let alone acting compassionately. If you use that word too much, you might not get enough people to come out and vote for you.

I understand and appreciate when my friends on the other side come and say: You want to make it fair, but we have to afford it. God bless them. Senator MCCAIN earlier was talking about it. God bless Senator MCCAIN for bringing that up. We have to pay attention to the need to keep the economy growing.

Mr. HARKIN. Sometimes they ask can we afford it. I ask: can we afford to add 600,000 additional individuals under their bill by giving a tax incentive for health insurance that costs $18,000 per person per year that gains coverage, how can we afford that? Can we afford it when there are so many ways that far more people could acquire health insurance with a far smaller incentive, but one that was properly designed for the purpose.

Mr. KERREY. It does seem a little pricey.

Mr. HARKIN. I thank the Senator from Nebraska. We are going to have the debate tomorrow. We will be talking more tomorrow on the tax bill.

TRIBUTE TO SENATOR BOB KERREY

Mr. HARKIN. Mr. President, I enjoyed the exchange I just had with my good friend of longstanding, Senator BOB KERREY from Nebraska. I just want to talk a little about my friend BOB KERREY as he seeks to retire from the Senate to start a new career.

BOB KERREY is what I have often referred to as two dying breeds all rolled into one: He is a true American war hero, the likes of which this body hasn't seen for over a century, and he is a public servant who speaks his mind and the truth regardless of the political costs. Around here, that is refreshing, as we just heard.

We all know that, as a young man, BOB volunteered for duty, was accepted into the elite Navy Seals—believe me, I was in the Navy, and that is tough duty. He served in Vietnam. Three months into his service, in a very daring night mission, a grenade exploded at his feet that was thrown by the enemy. He lost his right leg below the knee. Although he was in unbearable pain from that and from other wounds on other parts of his body—his arms and hands—barely conscious, he continued to direct his men until they were able to escape.

He won the Congressional Medal of Honor—the highest American decoration—for his courage. He is the only current Member of Congress with this distinction and only the fifth Member of the Senate to win this medal. The other four won theirs during the Civil War. So BOB KERREY is the first Member of the Senate to win the Congressional Medal of Honor since the Civil War. That is why we haven't seen his likes around here in over a century.

Senator KERREY will never tell you all this. It is funny how those who have done the most in battle talk about it the least, and those who have done the least, who have used money and family connections to skirt military service, are always the loudest supporters of more military spending.

Well, Senator KERREY and I go back a long way—back to when he first ran for Governor and won in 1982. I had been in Congress for three or four terms by then. I remember going from my district border, the Missouri River—right across the Missouri River from Omaha. And since I was somewhat known in Omaha, I went across the river to campaign for this guy I had heard so much about. In spite of my having campaigned for him, he won the governorship. Since then, we have campaigned for each other in almost every election. He has either come over to campaign with me, or I have gone over to campaign with him in Nebraska. The exception, of course, was the Presidential race of 1992 when we both sought the nomination. So I suppose looking back on how things turned out, we might as well have campaigned for each other that year.

Throughout his service as Governor of Nebraska and as that State's Senator, BOB KERREY has never been afraid to let his colleagues, his constituents, and the American public know what is on his mind. He is not afraid to learn and grow and modify his opinions when issues become more clear and convincing and when other views come into play. In this way, BOB KERREY is a model legislator—not so rigid that he is mired in constancy and not so drifting that he has lost his anger.

Senator KERREY has brought his honesty and clear thinking to a host of important issues. Throughout his career, he has worked to improve education in America. He has been a staunch advocate for Head Start, youth and family mentoring, and vocational education.

He has been a leader in our battle to bridge the digital divide and bring technology to the classroom. The e-rate amendment that he cosponsored allowed schools in rural areas across America to access the Internet.

He has been a lifelong champion of family farmers in Nebraska and throughout the country. He has fought to strengthen market prices, improve agricultural education, empower producers in USDA decisionmaking, and, of course, he has been one of the best supporters of increasing the use of ethanol.

BOB KERREY has also been at the forefront of a host of important government reform initiatives. He has worked on a national bipartisan commission to reform Medicare. He is chair of a bipartisan commission on entitlement and tax reform. He is cochair of a national commission on restructuring the IRS, a commission which he created back in 1996.

In addition, BOB has a strong record of service to the Democratic Party. As chair of the Democratic Senate Campaign Committee in 1995, 1996, and 1997, he pulled the Democrats through some tough times. If it weren't for his hard work, we might be a lot more of a minority than we are now.

Senator KERREY's heroism in Vietnam was just the beginning. He continued to act bravely and sacrifice greatly for this country throughout his career in government. The New School University is lucky to have someone of his stature and character at its helm. BOB KERREY is a truly unique American, one who my wife Ruth and I have been privileged to call a friend for many, many years. Ruth and I wish BOB the best in his future endeavors, and we hope he will continue to make himself available for further public service. Our country needs it.

GOVERNOR BUSH'S TAX PROPOSAL

Mr. HARKIN. Mr. President, an article appeared today in the Washington Post, Thursday, October 26, 2000, in which the American Academy of Actuaries, a respected nonpartisan organization of financial and statistical experts, reported Governor Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

It is interesting. Ari Fleischer, a Bush spokesman, faulted the study because it relied on growth estimates contained in a recent Congressional Budget Office report that projected long-term budget trends. He said that this assumes growth "at an unusually low level" past 2010.

Wait a minute. The Congressional Budget Office is run by the Republicans, not by the Democrats.

Lastly, this report said "counting his taxes and individual accounts, Bush is very much overspending Gore."

I ask, in this campaign who is really the big spender? Obviously, it is Gov. George Bush of Texas. Don't take my word for it. Take the word of the American Academy of Actuaries for it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Continued

Mr. LOTT. Mr. President, I believe we are ready to report the conference report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A conference report to accompany H.R. 2614, an act to amend the Small Business Investment Act, and other purposes.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2557 regarding American dependence on foreign oil.

I hope any Members who want to speak on the conference report will do so this evening. I will work with the minority leader to try to set up a time for a vote tomorrow.

In the meantime, I yield the floor for the tax debate. I observe that Senator BOND of Missouri is on the way to talk about the contents of the Tax Relief Act.

Mr. REID. Mr. President, I ask for the yeas and nays on moving to the energy bill.

The PRESIDING OFFICER. The majority leader has the floor at this time.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand that we do have Senators who intend to use time tonight on the tax debate or other matters: Senator REID, for 20 minutes; Senator DASCHLE for 10 minutes; and Senator DODD for 30 minutes. I am not asking to lock the time but reserving. They have indicated they would need part of that time.

Senator BOND, the chairman of the Committee on Small Business, is here and wishes to continue the floor discussion on the tax bill.

Mr. REID. Let me say to the leader, we do have some people who wish to speak. As I indicated to the majority leader, the Democratic leader has been trying to find time all day to speak. He is in his office and will come out here in a short time to speak for 20 minutes or so. We have a number of other people to speak on this legislation. It shouldn't take too long.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REID. Will the Senator withhold for a second? Senator DASCHLE, as I indicated to the leader, has been waiting to speak all day. Would the Senator yield to the Democratic leader to give a speech?

Mr. BOND. I am happy to do so, so long as I can regain the floor when he concludes so I may discuss the conference report which is before the Senate. I am happy to accommodate the distinguished minority leader.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to retain the floor?

Mr. BOND. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. DASCHLE. I appreciate very much the cooperation of the Senator from Missouri.

ENDING THE 106TH CONGRESS

Mr. DASCHLE. I wanted to talk briefly tonight about where we are. We are now 26 days into the new fiscal year. We should have completed our work 26 days ago. We are at a stage that should command we work together to try to resolve what remaining differences there are, finish our work, and do all we can to bring this session to a close.

Unfortunately, that is not what has happened tonight. What has happened tonight is that our Republican colleagues have insisted on a conference report for Commerce-State-Justice which they know will be vetoed. They have insisted on drafting a piece of legislation incorporating $240 billion in tax cuts, approximately $81 billion we are told—even though we still haven't had it analyzed and calculated—in changes to the Balanced Budget Act of 1997.

They insisted at the last minute, without any consultation, on incorporating one of the most controversial pieces of legislation pending before the Senate at the end of the year, a bill having to do with forcing States to accept a certain position on physician assisted suicide. There hasn't been any vote in the full Senate, but it is in this tax bill. It is a bill that has nothing to do with taxes, nothing to do with hospitals and ways with which to address the real problems we are facing all across this country with health providers, hospitals, clinics, hospice facilities, nursing homes. You name it, virtually every health facility in this country today is either on the verge of bankruptcy or in a serious financial position. We all recognize the need to do this before we leave, to address the problems our hospitals and all of our health facilities are facing.

What happened is that our Republican colleagues, with absolutely no consultation with any Democrats—House, Senate, or White House—have cobbled together a bill they know will be vetoed. The President just this afternoon sent a letter indicating he will veto the Commerce-State-Justice bill and he will veto the tax bill.

I come to the floor chagrined, disappointed, angered, frustrated. Speaker HASTERT has already reacted to the veto letters. I will quote what is reported in Congress Daily:

> Do you have to have everything you want? How much petulance is there on the other side of the aisle?

When asked if Republicans would be willing to rework a tax bill at all, he responded that any new legislation would have to go through committee "because anything else would amount to half-assed legislating."

Let me repeat that. He said that new legislation would have to go through committee "because anything else would amount to half-assed legislating."

What is this, if it isn't what the Speaker has already described as half-assed legislating? We have got a bill before the Senate that nobody has seen. We have a bill before the Senate that hasn't gone through committee. No one has had the opportunity to consider it carefully. I hope my colleagues will hear me out on this. In fact, we have just heard and been told, and now it has been confirmed, that the conference report we are about to vote on tomorrow literally eliminates the minimum wage for 6 months—eliminates it because of a glitch in the writing of the bill. We are eliminating the minimum wage for half a year in this legislation, totally. We are not rolling it back. We are not freezing it. It is eliminated.

I know our Republican colleagues had no real desire to eliminate the minimum wage, but that is what is in this legislation. Why? I think the answer is clear. Because the Speaker described it—I won't repeat it again and again but I think he had a very apt description for what we are doing right now. We are not going through committee. We are not going through the legislation on the floor. We are not going through a normal conference.

Let me start by saying what this is really all about is fairness. This is about fairness. It is about whether we are fair to a process and whether we are fair to all Senators who ought to have an opportunity to more carefully consider a $240 billion tax cut. It is about whether or not fairness would dictate that, if we are going to address a bill as important as restoring some of the payments through Medicare for all the health facilities in this country, we would have a chance to look at it; that we would have a chance to be consulted about it; that we would have a chance to voice our concerns about it and ultimately to have a chance to put the bill together in a way we can bring it back to the Senate and House with some expectation that there has been this deliberation. That is fairness.

I hear the Republican candidate for President, Governor Bush, talk, as he should, about the need for bipartisanship. If he says it once, he says it 10 times a day: I want to restore bipartisanship.

I must say, why wait until next year? Why not do it now? What is wrong with a little bipartisanship in putting a tax bill together? What is wrong with a little bipartisanship in ensuring that as we write a Balanced Budget Restoration Act that we have Republican and Democratic input? That is bipartisanship.

We have had a lot of bipartisan votes this year. We have the votes, now, to pass a Patients' Bill of Rights. That is bipartisanship. We have had Patients' Bill of Rights votes throughout the year. We have a bipartisan bill. We have had a bipartisan bill on a number of pieces of legislation relating to education, a bipartisan bill on minimum wage, a bipartisan bill on gun safety. Every time we have a bipartisan bill, the Republican leadership is not willing to allow the process to be complete. So there is no bipartisanship, whether it is on all the issues upon which we have already voted or whether it is on this bill tonight. None. Zero. No consultation.

This is about fairness. It is also about fairness when it comes to the issues we are talking about in the bill itself. I am very troubled by the amazing and extraordinarily complex ways our colleagues on the other side of the aisle have attempted to address many of the issues before us in this bill. We have not seen, until just this afternoon, what the tax bill entails. But we are told the tax bill has provisions incorporated that allow the bottom 60 percent of all taxpayers to receive only 5 percent of the tax benefits—60 percent of all taxpayers get 5 percent of the benefit. That is an unfairness as well.

We hear so much debate at the national level, at the Presidential level, about making sure everybody benefits. How is it the top 40 percent should get 95 percent of the benefit, once again? And why is it we have to insist that, in situation after situation involving tax fairness, it has to be a fight about whether or not we can equitably distribute the benefit? Once again, each and every time the minimum of what you would expect for working families is left off the table. I do not understand why we cannot be more fair when it comes to tax policy and distribution. But for 60 percent of the people to get 5 percent of the benefit is not fair.

It is not fair as well to be sending millions of children to schools that are in a total state of disrepair. I do not have the number in front of me, but I will tell you this: 76 percent of all the school districts in this country have at least one school building that is in a state of disrepair. There are hundreds of billions of dollars in backlog all over this country with regard to school construction. We have had problems with infrastructure all over our State. My State is not unique. There is not a State in this country that has been able to adequately and satisfactorily address the problems with regard to school construction—not one.

What we have said is let's take at least a modicum of the responsibility. My goodness, if we can pass highway construction bills and courthouse construction bills and airport construction bills and all the array of other housing construction bills at the Federal level, certainly we can help school districts help build better schools. What is wrong with providing them with some tools, financially, to get that job done? If this fight is about anything tonight, it is about that. It is about our inability to address in a meaningful way real school construction this year.

We had asked for a $25 billion commitment on the part of the Federal Government and this bill falls far short of the mark. And the President said on that basis alone he would be prepared to veto this bill. If we do not fix the school construction bill adequately in this legislation, it will never be signed. That, too, is a question of fairness—fairness for those school kids who must face the fact each and every day that their safety and the quality of their education is dictated by the crumbling school they must enter each and every day they come. That is wrong. That is unfair. That ought to be addressed in this Congress before we leave. And whether it is in this tax bill or in the education funding that has to be appropriated prior to the time we leave, we have to fix it. We have to address it.

There is also, as I noted earlier, a serious question relating to the fairness of the BBRA, the Balanced Budget Reform Act. We know what limited dollars we have. We recognize this may be our last shot. This may be our last real opportunity to send as much help out to the States as we can possibly provide if we are going to solve the problem of nursing homes, solve the problem of hospitals and clinics, solve the problems of hospice. Whether or not we are able to get that job done depends on whether or not we can adequately address it in this bill.

But what did our Republican colleagues do? They spent $28 billion over five years, more than a third of which goes to HMOs who have already indicated, with or without the money, they are pulling out of Medicare in many States. They will not be influenced by this legislation or by the incredible price tag this legislation holds for them.

I must say, I don't get it. We all claim to be concerned about the threat to the surplus that we have so carefully been able to amass over the last couple of years. We have all indicated that is our highest priority, to assure that we can retain the fiscal responsibility this year, next year, and from here on out. Yet we pass a bill that includes a gift of more than $11 billion to HMOs in the name of trying to keep them in Medicare in States when they have said they will not stay in those States regardless of how much we pay them, ransom or not. There is an $11 billion ransom payment in here and it is not going to help one State.

The problem we have is that it is taking money away from nursing homes. It is taking money away from hospitals. It is taking money away from hospice. It is taking money away from clinics. I do not understand, in the name of fairness, why we can't appreciate how extraordinarily important this is.

This is a question of fairness. It is a question of being fair to the nursing homes and hospitals which are hanging on by their fingernails tonight, hoping we can do the right thing in providing them with the assistance they need in fixing the mistake we made in 1997. It is a question of fairness about whether or not we are going to provide tax benefits to all the people, not just to those at the top.

It is a question of fairness with regard to whether or not schools are going to have the kinds of funds they need to ensure they have the ability to build the schools our children need today; not tomorrow, today. It is a question of fairness whether or not we can do what Governor Bush, Vice President GORE, and so many of those out there seem to be talking about each and every day: restoring some semblance of bipartisanship in this body, in the Congress, and in the Federal Government.

We have fallen so far off that mark. There is not anything bipartisan about this package. There is absolutely nothing in here that even begins to appreciate the need for a bipartisan consensus, and here we are tonight, 26 days after the fiscal year began, with a veto of a bill that should have been resolved months ago.

It is not only unfair, it is incredibly bad management. We can do better than this, Mr. President. We have to do better than this. We have to do better than this in restoring some sort of comity, some sort of cooperation, and some sort of dialog when we take on bills of this import. We have to restore fairness if we are really going to address tax legislation this year.

Fairness dictates that we have a school construction program of which we can all be proud. Fairness demands that we find a better way to solve the BBA problem than we have in this bill. We need fairness. We need attention to those issues. We need to resolve it before we leave. We need to do it tonight, tomorrow, Sunday, Monday, however long it takes. We have to do this before we leave.

We will have more to say about this.

Mr. WYDEN. Will the distinguished minority leader yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Oregon.

Mr. WYDEN. I thank my colleague. Mr. President, I think Senator DASCHLE has given an excellent statement tonight and has come back to what I think is the central concern of our time, and that is that the people of this country want to see bipartisan cooperation on all the central matters that are before the country.

I want to ask the Senator a question about the process. I will be very brief because I know the Senator from Missouri has been anxious to talk and has been very patient.

The tax legislation before us directs Federal law enforcement officials to criminalize the pain management decisions of our health care providers in an effort to throw Oregon's assisted-suicide law into the trash can. More than 50 major health organizations have said that they oppose this effort in this legislation because they believe the bill before us is going to have a chilling effect on pain management.

I am going to have a whole lot more to say about this subject tomorrow. Tonight I will be very brief. It seems to me what Senator DASCHLE is saying tonight—and I am interested in his thoughts—is that on an issue such as this, one of the most important bioethical decisions of our time, what the Senate ought to do is have a real debate, a real discussion, a chance to work in a bipartisan way rather than proceeding as we are now to establish new rules on one of the most sensitive, ethical, and social issues of our time without any opportunity to review it or modify it.

Is the Senator from South Dakota just saying he wants Government to operate in a fashion along the lines of what the American people expect on these central and very difficult issues?

Mr. DASCHLE. Mr. President, the Senator from Oregon has stated it so succinctly and so correctly. That is exactly what I am saying. He has noted the extraordinary nature of the provision he has cited. There is a great deal of controversy involving the issue, and I give credit to those in Oregon who have tried to grapple with the very personal issue of suicide and physician-assisted efforts involving suicide.

As he has noted, a large number of organizations have publicly stated their support for the Oregon law, but the real question is not whether one agrees with the Oregon law or one does not agree. The question is, On a question of this controversy, of this import, of this breadth, should we be forced at 8:15 tonight to be talking about it without having had the benefit of discussion in the full Senate up until now?

Not only that, should we take it on a take-it-or-leave-it basis? This has been buried in a bill having nothing to do with physician-assisted suicide. This has a lot to do with taxes. It has a lot to do with school construction. It has a lot to do with health care. It has nothing to do with physician-assisted suicide, and at the last minute, our Republican colleagues put it in there, buried it in the bill and now want us to vote on it, up or down, no debate.

That is incredibly bad management. That is so unfair, not only to us—we ought to have the opportunity—but to Oregon, to the country, to the issue. That is what troubles me perhaps most of all: Once again, they have denigrated the institutional process in ways I do not think anybody can fully appreciate. Something as important as this should have its day in court. There should be a debate about it. I am sure in Oregon they spent a lot of time debating, considering, and consulting prior to the time they came to any conclusion. We should do no less.

The Senator from Oregon is absolutely right. That is in part what this is about.

Mr. WYDEN. Mr. President, if the minority leader will yield again briefly, as someone who opposes assisted suicide—and I have talked to almost all of our colleagues—I know there is very strong feeling in the Chamber, just as the minority leader has said in his thoughtful statement. There ought to be a way to oppose assisted suicide without setting in place a Federal law enforcement regime that will harm pain management.

I ask the minority leader, as we go forward in this debate, because I intend to talk for a long time about this tomorrow, is it the Senator's desire that at least we could try tomorrow to have a discussion on this extraordinarily important social and ethical question?

Mr. DASCHLE. I respond to the Senator from Oregon, since it is part of this legislation, I think it dictates that we have a lengthy discussion about it. Certainly we have to make sure that everybody understands the ramifications of all the provisions.

Again, in the name of fairness, we ought to be providing those Senators who have a great deal of interest in this issue and who certainly know more about it than many of us who have not been exposed to much of the debate to date, that we have some discussion about it. Again, it goes back to the Speaker's comments in the first place. You can do it the right way or you can do it the way they have done it tonight. We have done it wrong tonight. People like the Senator from Oregon, like the Senator from Nevada—all of us—deserve better. The people deserve better. We are going to insist that they get better than what they have been given so far.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Missouri.

Mr. BOND. Mr. President, I am going to make some comments about the conference report that is before us, but perhaps it would be advisable to set the record straight. I agreed to allow the minority leader to go first as a courtesy to him. There are many things he said that I believe reflect a viewpoint many of us on this side of the aisle do not share.

I would only note that when we talk about bipartisanship, it was our understanding that the leadership on both sides, for example, agreed we would get 10 appropriations bills passed out of the Senate before the July recess. Due to the extensive debate and extended dilatory activities engaged in on this floor prior to our August recess, to get something like the fifth, sixth, and seventh bill before us, we had to invoke cloture.

Now, to me, that is not a mark of good bipartisan cooperation. We have been stalled for many months. There have been examples where we have worked on a bipartisan basis.

In another role, I express my appreciation to my colleagues on the Democratic side of the aisle for getting our Veterans Affairs, Housing and Urban Development bill passed. I think we have worked on a bipartisan basis there.

But with the problems we are having with the appropriations bills, the problems we are having throughout, I do not think the other side can say we have been the ones who have refused to operate in a bipartisan manner.

I heard reports from the majority leader, for example, of the contacts made to him by the President of the United States, a Democratic President, about this bill and about the measures in it.

If you look at this bill, a lot on my side of the aisle do not like it because it has so many of the priorities that our Democratic friends wanted. If this were strictly a Republican or a partisan bill, I do not think you would see the minimum wage in its current form; you would not see the community renewal, a massive new Federal Government program.

Frankly, with all the spending the President has requested in the Labor-HHS appropriations bill—and the President is now requesting more spending in that bill than his initial budget request—to add, as this bill does, some $16 billion for school construction, which is two-thirds of the President's request, I think is a major step towards helping in this new area, which traditionally has been the responsibility of the local school districts.

We have heard there is a desire for more and more spending. That is not surprising. That is the habit of our friends on the other side of the aisle. They have never seen a tax surplus they did not want to spend. Tax cuts are very unpalatable to them. But we want to leave some of the taxes in the pockets of the people who earn them.

I have not seen the figures—I do not know the study the minority leader came up with to say that 60 percent only get 5 percent of the tax cuts—but I think, if my memory serves me correctly, the lowest income 40 percent of the population do not pay any income taxes. I imagine the lowest 60 percent probably pay not more than a couple of percent of the total tax burden.

Now that is not to say there has not been some fuzzy math with respect to the figures we presented, but only to say that if you are going to have tax cuts, the people who get the tax cuts are going to be the people who pay the taxes. It sounds logical, sounds simple, but that is the fact of the matter.

I might add, also, that small rural school districts will be benefited in school construction because their exemption has been raised from $10 million to $15 million.

When we hear talk that the Democrats have not had anything to say about this, the tax bill includes bills that have already been voted on and passed, been voted out of the House, been voted out of the Finance Committee. Certainly the small business portion of the bill, which I am going to talk about, has been passed, as usual, out of the Small Business Committee on a unanimous vote, a bipartisan vote.

If I remember correctly, when the bills that are included in the small business section came before this body, there was only one dissenting vote, and that was on my side of the aisle.

But if there is ever a bipartisan measure, it is the measures we have reported out of the Small Business Committee.

On the Retirement Security and Savings Act of 2000, when the House passed the pension bill earlier this year, it was a vote of 401-25. It was reported out of the Finance Committee last month by a unanimous vote. I was not there for the vote, but I assume there were some Democrats there—there usually are—who voted for it unanimously.

So it stretches credulity beyond any acceptable measure to say that this does not incorporate measures adopted and supported by our colleagues on the other side of the aisle—certainly measures demanded by the President.

We had a caucus on our side, and many people thought it would be difficult to vote for a bill because there were so many priorities from the Democratic side. But under the measure that has come before us, there are clearly many important Democratic priorities.

Excuse me, I misspoke a few moments ago when I indicated what the percentage of total taxes was paid by the lowest income taxpayers. The lowest income taxpayers, the bottom 56 percent pay 6 percent of the taxes. So that is roughly the figure.

H.R. 2614—CONFERENCE REPORT

Mr. BOND. Let me move to the bill before us. It has been thoroughly covered with faint praise. Maybe it deserves a hearing in its own right before this thing gets pasted all over the place. I would like my colleagues and our constituents to know what is in it because I think there are some good things in it.

The conference report on H.R. 2614, the Certified Development Program Improvement Act, has grown over the past week to include not only a 3-year reauthorization bill for the Small Business Administration, but it includes extensive tax legislation, provisions to reform and improve the Medicare program, and, as I mentioned, pension reform. We might call this bill "Small Business and Friends." A lot of important luggage is being carried on the train that our little small business bill is pulling.

As chairman of the Committee on Small Business, I will comment first on the Small Business Reauthorization Act of 2000. This is, as I said before, the result of many months of work by the Senate and House Committees on Small Business. The bill is the conference agreement to reauthorize most small business programs at the Small Business Administration, and it reauthorizes the Small Business Innovation Research Program.

To summarize the provisions briefly, this includes an 8-year reauthorization of the Small Business Innovation Research Program, the SBIR Program. This program was initially implemented in 1983 and allows Federal agencies to award research grants and contracts to small research firms. This is vitally important to develop the capacity in the economy as a whole, and the country as a whole, to do high-quality research needed by the Federal Government.

Some 50,000 SBIR awards have been made since the inception of the program. It contains measures to ensure that small businesses receive the appropriate allocation of Federal R&D

funds, to require that agencies retain more comprehensive information on the program's operations that will improve its management, and to protect the intellectual property of the small businesses that participate in the program.

The conference report also establishes what we call the FAST program, a matching grant initiative to provide incentives to States to assist in the development of high-tech small businesses.

We have noted, particularly those of us from the heartland, that companies on the east and west coasts generally receive the vast majority of SBIR awards, while companies in the South, Midwest, and Rocky Mountain States receive proportionally very few awards. Out in the heartland, we, too, have technology. We have research capabilities. The FAST program will help even out the concentration of the awards by providing wide latitude to States to provide the type of help their high-tech businesses need to succeed and create high-paying quality jobs for their citizens.

The Small Business Reauthorization Act of 2000 also includes a comprehensive reauthorization of the credit and management assistance programs that are included in the broad umbrella of small business programs administered by the SBA. The omnibus bill includes the flagship 7(a) guaranteed business loan program, the Small Business Investment Company program, and the Microloan program. Certain improvements were made to the Microloan program championed by the ranking member of the Committee on Small Business, the distinguished Senator from Massachusetts, Mr. JOHN KERRY. The Microloan program has been expanded. We also included aspects which will be especially beneficial to women-owned small businesses across the United States.

In addition, this extensive legislation would reauthorize and make improvements in the management assistance programs, including the SCORE and Small Business Development Center program. As a result of the continuing oversight responsibilities of the Committee on Small Business, the bill includes a significant improvement package for the HUBZone program. This is a program which I was pleased to present and have adopted by Congress, signed by the President, that provides set-aside contracts to bring jobs and economic opportunity to areas where there has been high unemployment and high poverty. This is a geographically based program, which actually takes the jobs to the communities that need them to help people get from welfare to work by using the power of the Federal Government as a purchaser to create business opportunities.

First and foremost, the bill, H.R. 5545, addresses the inadvertent exclusion of Indian tribal enterprises and Alaska Native corporations from the program. These provisions resulted from extensive negotiations between the Committee on Small Business, the Committee on Indian Affairs, and the Alaska congressional delegation. The HUBZone section of the bill also seeks to clarify the effects of the HUBZone price evaluation preference on commodity procurements in which the range of bid prices tends to be small, and the HUBZone price evaluation preference would be overwhelmingly decisive.

In addition, the legislation makes other improvements and clarifications in a variety of SBA programs to make them more effective. For example, there has been some confusion among the Federal agencies about contract preferences for service-disabled veterans. This bill would make it absolutely clear that service-disabled veterans are on the same preference level as the small disadvantaged businesses and women-owned small businesses for Federal contracting opportunities.

The conference report incorporates the new market venture capital program of 2000. The purpose of this program is, similarly, to promote economic development, new investment, and job opportunities in low-income areas. It accomplishes this goal by providing incentives to encourage small venture capital firms to invest in targeted low-income communities and economically distressed inner cities and poor rural counties.

This is a program that has been developed with bipartisan support. This is certainly something that will assist us in this country in getting more people off of welfare, making sure that job opportunities go to the places and the people who most need them.

When the Congress enacted my HUBZone legislation 3 years ago, it established the Federal contracting incentives to lure small businesses into distressed cities and rural counties. I believe this new market venture capital program will add an additional building block in our strategy to make sure these economically distressed areas are attractive to small businesses and that they will be able to bring job opportunities and new vitality to these historically neglected areas of the Nation.

As everybody now has heard from the other side, the conference report does deal with taxes. I believe it is a great victory for the American taxpayers. The tax portion has four sections. First, the legislation includes the Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000. I can see that is going to be a real winner. That title really rolls off your tongue, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. That one will be a winner. But it is must-do legislation, seriously. We have to do it by November 1, if we are to avoid a potential trade war—at least sanctions —with the European Union.

Second, the conference report includes a House-Senate compromise on the Retirement Security and Savings Act of 2000, which has enormous bipartisan support, having passed the House earlier this year by a vote of 401–25 and being reported out of the Senate Finance Committee by unanimous vote. That legislation includes sweeping changes encouraging retirement savings, expanding pension coverage by increasing contribution limits on IRA and other types of pension plans, increasing portability, and providing meaningful relief for women who often take time off to raise their families. And it contains a number of provisions to reduce regulatory burdens that are very excessive and will be especially helpful to small businesses, our constituency in the Committee on Small Business.

The third part of the tax portion of the conference report is a minimum wage increase and a package of small business tax provisions. I raised questions about raising the minimum wage when it first came here. I think it can be detrimental to small business. I do not believe it is good economics. We know it is good politics. It is always nice to promise somebody a raise, particularly when you don't have to come up with the money that they are being paid. This is great election year politics. I know everybody wants to do something. It makes you feel good to give somebody a raise out of someone else's pocket.

The problem is, right now it probably won't hurt small businesses too much because most small businesses I know of, if they are hiring reasonably competent workers, have to pay well over the minimum wage. The real downside is that the very people it is supposed to help are the ones who may not get the jobs. Right now we see people who have never had a job before, teenagers, first-time employees, perhaps persons with disabilities, often minority students coming out of college, have trouble getting jobs. If the minimum wage is raised, we may see in the United States, as we do in Europe, high unemployment among teenagers.

What the minimum wage does is make it very difficult to get on the first rung of that ladder of economic progress. It is like putting grease on that first rung of the ladder and saying, boy, this is going to make it easy to slip onto that first rung. Unfortunately, the grease on the first rung of the ladder too often slips people off, when businesses find they just can't make a profit, hiring people at an inflated minimum wage.

I hope we will continue, as a result of the economic and fiscal restraint of the Republican-led Congress, if we can keep the economy going as it has since the Republicans took control of the Congress beginning in 1995, we hope that wages will continue to go up and productivity will continue to go up so we don't need the minimum wage. If the time comes when there are tight economic times, the victims of the increased minimum wage will be the small businesses, the smallest businesses, the ones with the lowest profit margin and the most needy workers, the workers very often not supporting their families but trying to get on the first rung of the economic ladder so they can build a bank account and make enough money to start a family.

In addition to the minimum wage, however, there are small business advantages from this bill. I appreciate the work of Chairman ROTH to include a significant package of small business tax relief items, including something that has been my top priority since we began in 1995, and that is 100 percent deductibility of health insurance for the self-employed starting in 2001. I have been working on it for over 5 years to ensure that the self-employed are on a level playing field with their corporate competitors.

In the past we said, you can have it, but it was 2007 and then 2003. A lot of self-employed people said: That is nice, but I can't wait until 2007 or 2003 to get sick. Well, now I hope we will have it in 2001, so they will be able to afford the health insurance for themselves and their families. Coupled with a new above-the-line deduction for employees who pay for the majority of their health insurance costs, we will now reach more than a million of the uninsured and help them get the coverage they need and deserve.

Second is a repeal of the Clinton-Gore installment limitation, which has been an unforeseen barrier to small businesses looking to sell all or part of their business assets, in many cases to fund the small business owner's retirement.

Third, a clear safe harbor for small businesses to use the cash method of accounting. This has been a real nightmare for the smallest businesses, to have to come up with accrual accounting. They are in business to make widgets or sell hamburgers, not to be accounting specialists who have to come up with an accrual system. Now small businesses with gross receipts under $2.5 million can continue to use cash accounting. It also lets the IRS know that it can stop its campaign to force small businesses into using the more burdensome accrual accounting rules.

We will increase expensing of equipment up to $35,000 per year, which will reduce compliance costs by allowing small firms to deduct purchases rather than setting up elaborate depreciation schedules to figure out how to deduct them over many years.

Something we are proud of, particularly in the Ninth Congressional District in Missouri, which is represented by my colleague on the House side, who has been a champion of this measure, and my Senate colleague to the north, Senator GRASSLEY, is the new farmer, fisherman, and ranch risk management accounts —the FFARRM accounts—which permit farmers, fishermen, and ranchers to make tax-deductible contributions of up to 20 percent of the income in good years for use during subsequent economic declines. The bill also provides important alternative minimum tax—or AMT—relief for farmers who use income averaging, and it extends the work opportunity tax credit through June 30, 2004.

The fourth component of the tax package is the Community Renewal and New Markets Act of 2000, which is intended to reinvigorate our distressed communities. This portion of the legislation includes the House-Administration compromise on empowerment zones/renewal communities and new markets tax credit, which creates 40 renewal communities and 9 empowerment zones.

This certainly was not my recommended legislation, but this was part of the bipartisan compromise we reached with the President and incorporated it in the bill. These renewal communities would have a zero capital gains rate, and the legislation creates a new-markets tax credit for equity investments in qualified low-income communities. The goal of this program is to bring the innovation and creativity of America's businesses—and especially small businesses—into these renewal communities to make real economic change for the future.

The legislation also increases the low-income housing tax credit and private-activity-bonds volume caps, which are key financing features for renewal communities. They included provisions to help clean up brownfields by allowing expensing of brownfield cleanup costs, except Superfund sites, through 2003. That is good for communities and for the environment.

These four core components of the tax package provide important tax relief for Americans throughout our economy.

The legislation also addresses several other priorities, such as the school construction bond provision which I have already mentioned. This is another avenue to address construction and modernization needs without a Federal stranglehold. It is my belief that local school districts know best how to address their needs. While providing them this assistance, it keeps the Federal camel's nose out from under the tent.

The adoption tax credit, which is very important and has been addressed previously on the floor, is to encourage loving families to adopt children. It also makes other strides toward improving and reforming our Tax Code as which we are going to have to rely. The White House leadership, next year, I believe will complete that work.

Medicare. This legislative package addresses the problems caused by the Balanced Budget Act of 1997, as implemented with the chronic incompetence of the Health Care Financing Administration. I have heard time and time again health care providers talk about what is happening to them under the BBA. When you ask the questions, you find out it is how HCFA has implemented the BBA. They have used the BBA to cut far more than Congress ever mandated.

What they seem to want to do is to cut out choice for patients—cut out the choice they have of going into a Medicare insurance plan such as we have or an HMO plan as is available to FEHBP members; it puts out their choices to use home health care.

HCFA has gone about doing everything in its power to collapse the present system. I guess—and I can only surmise —that they would like to see the kind of health care plan that was so infamously run up the flagpole in 1993 without getting any salutes.

I remember hanging around here in August of 1993 as they talked about Mrs. Clinton's health care plan and kept waiting for somebody to try to introduce it and get a vote on it. But as we looked at that June bug longer and longer, as people got to look at it more and more, the minimum amount of enthusiasm I saw initially grew even less. But HCFA has never given up. By killing off parts of our health care system one at a time, they hope maybe we can have a totally Government-run health care system.

The Vice President on the campaign trail has said he hopes to be able to go to a European system within a few years. Well, if you let HCFA in control long enough to kill the existing health care system, there may not be anything left.

This Medicare bill, just very briefly, provides benefits to patients and providers worth $32 billion, benefits for nearly 40 million Americans relying on Medicare. Glaucoma screening, colonoscopy screening, mammography, nutrition therapy services for some patients, additional coverage of immunosuppressive drugs —all have been added to the Medicare program. Help for just about every type of Medicare provider to allow them to continue to provide high-quality care to seniors and the disabled. Hospitals, particularly rural hospitals, home health care, nursing homes, hospice providers, and Medicare HMOs that have been driven out of the field by cuts, and targeted help for particular health care providers that are most in need. As one who lives in a rural community, the bill targets $1.7 billion for rural health care providers to help them deal with the unique challenges of rural health care, which I think is very important.

More than $6 billion to Medicare HMOs will help address the widespread withdrawals from the Medicare program we have seen in the last couple of years.

Why have HMOs been leaching Medicare? Not because they are evil incarnate, as some would have us believe. If that were the case, the seniors losing their HMO coverage would not be so upset. No, these providers left because the payment system for HMOs is seriously flawed and in many areas has provided inadequate reimbursement. This new funding will address this issue.

Approximately $1.5 billion in assistance to home health care providers. Home health care patients have, by far, borne the greatest brunt of HCFA's maladministration of the BBA. They were supposed to save $16 billion over 5 years, and they are on the path to save $55 to $60 billion by eliminating too much of home health care and making it unavailable. It has been devastating. Tens of thousands of seniors previously receiving home health care lost it during the crisis of the last few years. The bill postpones for 1 additional year the potentially devastating 15 percent cuts which are addressed in this legislation. They would be the death knell of home health care.

Next year, we need to get rid of that completely. We need to get a brand new Medicare system, such as the bipartisan deal that was worked out in the Breaux-Frist commission before the White House pulled the plug on it.

Finally, this bill helps community health centers, the clinics that exist in more than 3,000 urban and rural medically underserved areas nationwide, ensuring that they continue to receive adequate reimbursement from the State Medicaid programs so they can pursue their mission of providing care to those Americans who would otherwise not get any.

There is a long list of more than 40 organizations, led by the American Hospital Association, supporting this legislation.

I ask unanimous consent to have a letter from the AHA to Chairman BILL THOMAS on the House side listing the letters of support for the provisions printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BOND. Mr. President, overall I believe this is an excellent package that is badly needed by seniors, the disabled, hospitals, nursing homes, and other providers.

Finally, we have already had a lot of discussion about the Pain Relief Promotion Act. Obviously it is controversial. The bill simply amends the Controlled Substances Act to prohibit the use of federally regulated drugs to help his or her life.

Let me be clear about that. Simply put, this would prevent any effort to assist in a suicide by using controlled substances such as powerful pain killers. The bill goes further in its efforts to provide appropriate relief to people suffering great pain. It provides a variety of provisions and educational programs to encourage appropriate pain relief. Indeed, under this legislation for the first time ever the Controlled Substances Act would explicitly recognize that aggressive pain relief is an appropriate and fully warranted use of controlled substances.

I believe a vast majority of Americans share a simple belief—that I hold very strongly—that doctors we rely on to nurture and extend our lives should not be party to efforts actively to promote someone's death. The bill simply recognizes that consensus.

It looks like we are going to have lots of discussion and have an opportunity to hear many different views on this legislation. But before we paint it as the most ugly duckling coming down the path, I thought my colleagues and those who may be watching or listening still at this late hour would like to know that there are some beautiful limbs and beautiful facets of this that are very important bipartisan measures.

I hope we can pass this because there are many priorities that the President has asked for, that leaders on the Democratic side have asked for, and I believe our side wishes as well that are beneficial to a great number of American people who are waiting for our response.

I thank the Chair. I apologize to my colleague from Nevada whom I misled into thinking that it was going to be a short set of remarks.

EXHIBIT 1

AHA, ADVANCING HEALTH IN AMERICA,
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, House Ways and Means Committee, Washington DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the "Beneficiary Improvement and Protection Act of 2000" (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY 2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY 2002, and establish an 85% national floor for direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the execrated reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY 2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,
Executive Vice President.

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals,

National Association of Community Health Centers,

American Medical Rehabilitation Providers Association,

HealthSouth,

National Association of Long Term Hospitals,

Acute Long Term Hospital Association,

National Association of Children's Hospitals,

Kennedy Krieger Institute,

National Association of Rural Health Clinics,

National Association of Urban Critical Access Hospitals,

American Medical Group Associates,

Mississippi Hospital Association,

Tennessee Hospital Association,

The University of Texas System,

National Association of Psychiatric Health Systems,

Healthcare Leadership Council,

National Association for Home Care,

American Association for Homecare,

American Federation of HomeCare Providers,

Alliance for Quality Nursing Home Care,

American Association of Homes and Services for the Aging,

Visiting Nurses Associations of America,

National Hospice and Palliative Care Organization,

National PACE Association,

Association of Ohio Philanthropic Homes, Housing and Services for the Aging,

John Hopkins Home Care Group,

Patient Access to Transplantation Coalition,

LifeCare Management Services,

American Cancer Society,

Alliance to Save Cancer Care Access,

Intercultural Cancer Center,
The Susan G. Komen Breast Cancer Foundation,
National Kidney Foundation,
The Glaucoma Foundation,
Juvenile Diabetes Foundation,
National Multiple Sclerosis Society,
American College of Gastroenterology,
American Academy of Ophthalmology,
American Optometric Association,
American Dietetic Association,
American Association of Blood Banks/America's Blood Centers/American Red Cross,
Association of Surgical Technologists,
AdvaMed,
GE Medical Systems,
Landrieu Public Relations,
National Orthotics Manufacturers Association,
American Orthotic and Prosthetics Association,
UBS Warburg.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Missouri did not mislead me. He never has. The fact is, he didn't contemplate our leader coming forward and saying a number of things that the Senator felt deserved a response. I enjoyed listening to the Senator from Missouri, even though I may not have agreed.

Mr. President, first of all, just a couple of comments on what my friend from Missouri just said.

With the pension provision in the bill—now some $64 billion—it is true there was some action taken in the Finance Committee. But not a single second was spent on this floor dealing with the $64 billion provision which is jammed into this bill.

On the budget amendment, $80 billion—nothing in finance. In fact, the chairman of the Finance Committee said he would allow a vote in the Finance Committee if all the Members promised not to bring up prescription drugs in any way, or Patients' Bill of Rights. The minority would not agree to that. It seems totally reasonable in the Finance Committee that this is something that should have been brought up. As a result of the chairman's action, the matter was not brought before the Finance Committee. And again this $80 billion matter received no floor consideration.

New markets initiative: $25 billion—nothing in the Finance Committee; no action taken on the floor.

Keep in mind that I have gone over just a few things; in fact, three. We are already up to about $200 billion, and not a single minute spent on the Senate floor with $200 billion of the taxpayers' money. That doesn't take into consideration foreign sales. That is $4.5 billion. The Finance Committee spent a little time on that; nothing on the floor. Why? Because the outlandish proposition was made that if this came to the floor, someone was going to offer an amendment. Pardon me. But isn't that what the Senate is all about? People have a right to offer amendments to pieces of legislation. But because there was this terrible threat that on a piece of legislation a Senator will offer an amendment, we have no floor action on it; again, $4.5 billion.

I also say there is going to be plenty of debate tomorrow on a number of these issues. But on this bill itself, there has been no conference and no Democratic involvement at all in bringing this bill to the point where it is. The Democrats were not even allowed to see the document until it came here.

These are members of the Finance Committee. One of the most bipartisan and, I would say, nonpartisan people I have ever worked with is the senior Senator from Louisiana, JOHN BREAUX, a senior Member of the Finance Committee. He was not allowed to look at any of the papers. He was not happy about that.

Today the bill was dumped in our lap.

I would also say about the assisted suicide that there will be lots of debate on it tomorrow. The Senator from Oregon, Senator WYDEN, feels very strongly about this, as he should. Why? It doesn't matter how you feel on this issue. The fact is that the voters in the State of Oregon said we feel this way on assisted suicide. As a result of the people of Oregon passing a law in the State of Oregon, we now have this action.

It seems to me those who keep talking about States rights should leave a State alone. People of the State of Oregon voted a certain way. If you disagree with what the people of the State of Oregon did in voting in favor of assisted suicide, then let's at least have the ability on the Senate floor to debate the issue which we have been prevented from doing.

My friend from Missouri, for whom I have the greatest respect, talked about health care.

They always throw in the 1993 Clinton health care plan. Let's bring this down to reality so people really understand what this is all about.

When the health care debate started, 80 percent of the people of America favored reforming the health care system. But then comes Halloween and the masquerade by the health insurance industry. They spent over $100 million trying to abuse and frighten the American people. They succeeded beyond anyone's wildest dreams. They were probably even surprised on how they succeeded in frightening the people of America with their Harry and Louise ads and with their clever manipulations.

As a result of that, we got no health care reform because after they did their television and radio advertising, 80 percent of the people in America didn't want health care reform. They were frightened. They were confused.

That doesn't take away from the fact that we now have 45 million people with no health insurance. It doesn't take away from the fact that we have many people who have insurance that gives them minimum and inadequate rights. That is why we tried to pass the Patients' Bill of Rights—to give patients certain rights.

THE NOVEMBER ELECTION

Mr. REID. Mr. President, my friend from Missouri not so subtly indicated that he thinks there is going to be a new world out there after the November 7 election. I think he is going to be very disappointed. He is going to be disappointed because the American people understand the record of George W. Bush better each day.

For example, the prescription of George W. Bush for health care, I think, is bad medicine for America. Why? Because the State of Texas and George Bush have the worst record in the nation on health insurance coverage. That says a lot. But he has won that award; just like Houston is the most polluted city in America. He won that award. He also wins the award for the worse health coverage in America. Texas has fallen to last among all States in overall health insurance coverage. Texas ranks second to last in health insurance coverage for children, and the percentage of children without coverage has gone up under the Governor.

While nationwide Medicaid enrollment has increased, Medicaid enrollment in Texas has declined.

George W. Bush retains roadblocks to eligible populations in health programs. Even a judge found Texas guilty of not providing 1.5 million children with adequate health care. This was August of this year. The justice said the State failed not only the 1.5 million children but 13,000 abused and neglected children. Rather than taking corrective action, the State decided to appeal the court's ruling over the objection of State legislators.

Texas legislators blame Bush for Texas' poor health insurance coverage.

In a letter to the Vice President from Texas State representatives, the Governor prioritized oil breaks over children's health insurance in 1999. In 1999, after Bush deemed a $45 million oil industry tax break an emergency and made it the first signed bill of the session, Democratic legislators questioned his priorities in putting the legislation before expanding the CHIP program, or children health insurance programs. "It's about priorities," Democratic representative Dale Tillery said. "I know a whole lot of uninsured children, but I don't know a whole lot of poor oilmen."

I could go into more detail about Governor Bush's record on health care but this gives us a general idea.

The American public is beginning to find out more about George W. Bush.

Yesterday, the Rand Corporation, a nonprofit organization that helps improve policy and decisionmaking through research and analysis, an independent, fair, nonpartisan corporation, said that claims Governor Bush has been making about education in Texas and how well they are doing is without foundation, not factual. In fact, the only way that Governor Bush is able to take any credit for it is that tests are skewed in Texas. The Rand Corporation said if you use Texas math in any State, the education scores all over America would be magnified.

The fact is, the State of Texas is doing worse that most States. What Governor Bush is claiming about education is simply without foundation.

In addition to the independent Rand Corporation, another independent nonpartisan body, the American Academy of Actuaries, reported today that Governor Bush's proposed tax cut will basically bankrupt the country. The American Academy of Actuaries report finds that George W. Bush's $3 trillion tax cut, combined with his plan to divert money from the Social Security trust fund into individual stock market accounts, would make it all but impossible to eliminate the publicly held national debt. In fact, one of the people from the American Academy of Actuaries who worked on this report said: I don't see any way they pay off the public debt. Given Bush's large package of tax cuts, the budget will go negative quickly. There won't be a surplus anymore.

This is not a partisan report. It has been produced by one of the most widely respected organizations in America. The American Academy of Actuaries is part of a growing chorus of voices which have discredited Governor Bush's plan to privatize this Nation's most successful Federal program in our history, Social Security. In August, the Century Foundation also concluded that Governor Bush was making a promise to seniors and to young people that he couldn't keep with his Social Security privatization scheme. You can't do it for both.

This study, which was written by the respected economist Henry J. Aaron and former Federal Reserve Board member Alan Blinder, found that diverting just 2 percentage points of the Social Security payroll tax into private accounts would result in a reduction of benefits by as much as 54 percent and higher payroll taxes to keep the Social Security trust fund solvent.

In addition, Larry Summers, the Secretary of the Treasury, who is also a trustee of the Social Security system, and therefore has a fiduciary relationship to make sure the system remains solvent, said if just 2 percent of the payroll tax is diverted from the Social Security revenue stream, the Social Security trust fund will lack the resources to pay benefits by the time someone who is now 40 retires.

By today's report, the most damning indictment of the Bush plan to date is this report from the actuary group, the first independent report finding that the Federal budget surplus, a result of hard choices we have made in this country, would be eliminated by Governor Bush's shaky retirement scheme. To add insult to injury, not only would we return to the bad old days of deficits as far as the eye could see, we would devastate the most popular social program in the Nation's history, a program which has virtually eliminated the poverty rate among the elderly, provides critical benefits to disabled Americans, and supports widows, many of whom have little or no retirement security.

Let's review what is at stake in this privatization scheme. We have turned a record deficit of $400 billion, counting the Social Security surplus we used to use to hide the deficit, in 1992, to a record surplus this year of $260 billion. We have paid down more than $450 billion in debt. We sparked the longest expansion in economic history, 22 million new jobs, the fastest and longest real wage growth in three decades, the lowest unemployment in three decades, the highest home ownership in two decades, and the largest 5-year drop in childhood poverty since the 1960s.

I was on a debate a week ago last Sunday and two Republican colleagues who I had the pleasure of discussing the issues with started saying it is because the Gingrich Congress that we were able to get this House in order. I said: You must have been talking to Frank Luntz who is the pollster who always tells you guys what to say. I didn't know, but as I was speaking, he was in the room. He had been there discussing with these two Members of Congress what they should say.

We should state the facts. The 1993 Clinton Budget Deficit Reduction Act passed this body without a single Republican vote, passed the House of Representatives without a single Republican vote; the tie was broken by Vice President GORE, setting this Nation on a road to economic recovery. That is what happened. There were all kinds of prophecies of doom. I read them in the RECORD earlier today. That didn't come to be. This legislation has put this country where it should be.

There is a real chance we could throw all this away with Governor Bush's $3 trillion tax cut and his dangerous Social Security privatization plan. For a month, the Vice President has been saying that Bush's plan would hurt Social Security and bring us record deficits. Governor Bush called that fuzzy math. Now the Nation's best mathematicians have found that the public's economic plans and Social Security plans could do just that—bankrupt this Nation and Social Security.

This report validates everything that the minority has been saying over here. It tells us that George W. Bush's plan would make Social Security financially unstable during the lifetime of today's seniors. It shows Governor Bush outspending AL GORE, and AL GORE as the candidate of fiscal responsibility. By comparison, Vice President Gore and congressional Democrats want to preserve Social Security's fundamental guarantee to America's seniors. We can do that by dedicating all of the Social Security surplus to that program.

Of course we have to take care of debt reduction. Our plan reduces publicly held debt and would strengthen Social Security by using long-term interest savings to keep the system solvent.

We talked about tax cuts. But the most important tax cut the American people would ever receive is to reduce the long-held debt this country has. If we reduce that debt, it will save this country $250 to $300 billion a year according to where the interest rate is paid. That is where every American, no matter if they are rich or poor, will get a tax savings because everything they buy will be cheaper.

The Vice President also proposes to end the motherhood penalty by giving parents a credit toward Social Security for up to 5 years spent raising their children. The widow benefit would be increased. He is proposing retirement savings plus, which is not a privatization scheme but would allow Americans to create individual retirement accounts that would supplement their Social Security and help them reap historic long-term gains in the stock market.

Yesterday, I came to this floor, approximately 24 hours ago. I talked about this campaign being a campaign, we would hope, of ideas, of policy views, of a vision for what the country should be. Not the ability to operate a 7-Eleven store but to operate the greatest country in the history of the world, the only superpower left in the world.

Having said that, I am going to again give some direct quotes and these are all brand new. I did not talk about them last night. I am, tonight, going to again read verbatim quotes that have been made by a person, Governor Bush, who wants to be President of the United States. Here is what he said.

Interview with the New York Times, March 15, 2000:

> People make suggestions on what to say all the time. I'll give you an example; I don't read what's handed to me. People say, "Here, here's your speech, or here's an idea for a speech." They're changed. Trust me.

Interview with the Associated Press, March 8, 2000:

> It's evolutionary, going from governor to president, and this is a significant step, to be able to vote for yourself on the ballot, and I'll be able to do so next fall, I hope.

Next direct quote:

> It is not Reaganesque to support a tax plan that is Clinton in nature.

February 23, 2000, USA Today:

> I don't have to accept their tenants. I was trying to convince those college students to accept my tenants. And I reject any labeling me because I happened to go to the university.

New York Daily News, February 19, this year:

> I understand small business growth. I was one.

Florence, SC, February 17, 2000:

> The Senator has got to understand if he's going to have—he can't have it both ways. He can't take the high horse and then claim the low road.

To Cokie Roberts, February 20, 2000:

> Really proud of it. A great campaign. And I'm really pleased with the organization and the thousands of South Carolinians that worked on my behalf. I'm very gracious and humbled.

He said:

> I am very gracious and humbled.

Newsweek, February 28, 2000:

> I don't want to win? If that were the case why the heck am I on the bus 16 hours a day, shaking thousands of hands, giving hundreds of speeches, getting pillared in the press and cartoons and still staying on message to win?

Same interview:

> I thought how proud I am to be standing up beside my dad. Never did it occur to me that he would become the gist for cartoonists.

Hilton Head, SC:

> If you are sick and tired of the politics of cynicism and polls and principles, come and join this campaign.

That was on February 16, 2000. Again, that same day, those in Beaufort, SC:

> How do you know if you don't measure if you have a system that simply suckles kids through?

Here, in Beaufort he was explaining the need for educational accountability.

In a South Carolina debate, February 15:

> We ought to make the pie higher.

"Meet The Press," February 13:

> I do not agree with this notion that somehow if I go to try to attract votes and to lead people toward a better tomorrow somehow I get subscribed to some—some doctrine gets subscribed to me.

"Meet The Press," February 13, 2000:

> I've changed my style somewhat, as you know. I'm less—I pontificate less, although it may be hard to tell it from this show. And I'm more interacting with people.

Nashua, NH, February 1, New York Times:

> I think we need not only to eliminate the tollbooth to the middle class, I think we should knock down the tollbooth.

San Antonio Express-News, January 30:

> The most important job is not to be governor, or first lady in my case.

January 29, 2000:

> Will the highways on the Internet become more few?

Concord, NH:

Los Angeles Times, January 28:

> This is Preservation Month. I appreciate preservation. It's what you do when you run for president. You gotta preserve.

Chamber of Commerce in Nashua, NH, January 27:

> I know how hard it is for you to put food on your family.

Quoted by Molly Ivins, this is from the San Francisco Chronical, January 21:

> What I am against is quotas. I am against hard quotas, quotas they basically delineate based upon whatever. However they delineate, quotas, I think vulcanize society. So I don't know how that fits into what everybody else is saying their relatives positions, but that's my position.

Iowa Western Community College, January 21:

> This is a quote: "When I was coming up it was a dangerous world, and you knew exactly who they were. . . . It was us vs. them, and it was clear who them was. Today, we are not so sure who the they are, but we know they're there."

This is from the Des Moines Register, January 15:

> The administration I'll bring is a group of men and women who are focused on what's best for America, honest men and women, decent men and women, women who will see service to our country as a great privilege and who will not stain the house.

Financial Times, January 14:

> This is a dangerous world. It's a world of madmen and uncertainty and potential mental losses.

Same interview:

> We must all hear the universal call to like your neighbor just like you like to be liked yourself.

Florence, SC, January 11:

> Rarely is the question asked: Is your children learning?

Same interview:

> Gov. Bush will not stand for the subsidation of failure.

"Larry King Live," December 16 of last year:

> There needs to be debates, like we're going through. There needs to be town-hall meetings. There needs to be travel. This is a huge country.

New Hampshire, Republican debate:

> I read the newspaper.

> In answer to a question about his reading habits.

"Meet The Press," November 21, of last year:

> I think it's important for those of us in a position of responsibility to be firm in sharing our experiences, to understand that the babies out of wedlock is a very difficult chore for mom and baby alike. . . . I believe we ought to say there is a different alternative than the culture that is proposed by people such as Miss Wolf in society. . . . And, you know, hopefully condoms will work, but it hasn't worked.

From "A Charge to Keep," by George W. Bush, published last year in November:

> The students at Yale came from all different backgrounds and all parts of the country. Within months, I knew many of them.

New York Times:

> The important question is, How many hands have I shaked?

The Washington Post, July 27:

> I don't remember debates. I don't think we spent a lot of time debating it. Maybe we did, but I don't remember.

This is on a discussion of the Vietnam war when he was at Yale.

Knight Ridder News Service:

> The only thing I know about Slovakia is what I learned first-hand from your foreign minister, who came to Texas.

The fact is, the meeting was not with the Minister of Slovakia but with the Prime Minister of Slovenia, two different countries.

June 16, New York Times:

> If the East Timorians decide to revolt, I'm sure I'll have a statement.

Economist, June 12:

> Keep good relations with the Grecians.

CNN Inside Politics, April 9:

> Kosovians can move back in.

> I was just inebriating what Midland was all about then.

This is from an interview, as quoted in "First Son" by a man named Bill Minutaglio.

Arlington Heights, IL, October 24, a day or so ago, to make sure we are current:

> It's important for us to explain to our Nation that life is important. It is not only life of babies, but it is life of children living, you know, the dark dungeons of the Internet.

The debate to become President of the United States is a very serious debate. It involves things we talked about tonight. Tax policy, established by an independent group—the tax policy of want-to-be-President George W. Bush would bankrupt the country. His Social Security policy would bankrupt Social Security. His education program in Texas has been a failure. His efforts to talk about bipartisanship is without any foundation.

He, in the debates, talked about bipartisanship. The fact is, on major issues in play in this election, bipartisan projects have been blocked by the highly partisan Republican majority. Overcoming that kind of determined partisan opposition means working with people such as Dr. Charlie Norwood on the Patients' Bill of Rights.

Although George W. Bush claimed credit for the Texas Patients' Bill of Rights, the truth is he initially vetoed it and later let it become law without signature. Or working with JOHN MCCAIN on the bipartisan campaign finance reform bill or GORDON SMITH and 12 other Republicans on the bipartisan hate crimes bill or JOHN WARNER and RICHARD LUGAR on the bipartisan legislation to close the gun show loophole. Not only does Governor Bush fail to appreciate what kinds efforts these involve, he actually opposes every one of these bipartisan measures.

Instead of showing bipartisan leadership, Governor Bush stands squarely with the entrenched Republican majority on every one of these issues, and that is not bipartisanship.

I read quotes tonight and last night. The American public must decide for themselves if this man is the person who should be President of the United States.

Mr. President, until my friend, Senator BROWNBACK, arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GORE-CHERNOMYRDIN DEAL

Mr. BROWNBACK. Mr. President, I wish to take some time this evening to discuss an issue on which I held a hearing, along with Senator GORDON SMITH, yesterday. It concerns something that is very troubling: The arming of Iran, which occurred recently, and concerns an agreement that was made by Vice President AL GORE with then-Prime Minister of Russia Viktor Chernomyrdin on allowing Russia to convey armaments to Iran and avoid U.S. sanctions law.

I do not want to discuss so much that part of the issue, although it is an important part of it, but I want to get to the issue of an agreement made between the Vice President and then-Prime Minister of Russia Viktor Chernomyrdin to allow the conveyance of this equipment, military hardware—we are talking submarines, tanks, attack helicopters, a lot of equipment.

It was stated by the Vice President in this agreement—and we found this out when it was leaked to the press 14 days ago, in the New York Times—that we will not sanction Russia for allowing this to take place.

I asked the administration in the hearing I held yesterday and I asked by letter today signed by a number of my colleagues: Let us see the agreement the Vice President entered into with Viktor Chernomyrdin. To date, the administration has refused to convey that document to us. We held a closed session yesterday. We said: Convey it to us in closed session. They refused.

This afternoon, a group of Senators and myself sent a letter to the Secretary of State, Madeleine Albright, restating our position that the administration should share with the Congress the documents relating to the Gore-Chernomyrdin agreement which allowed Russia to sell conventional weaponry to Iran and not be sanctioned under U.S. law.

If we have not received the documents by noon on Monday, the Foreign Relations Committee will be forced to issue—and pursue issuing—a subpoena to receive those documents from the administration.

This letter was signed by Senator GORDON SMITH; myself, who chaired the hearing yesterday; along with Chairman MCCAIN of the Commerce Committee; Senator LUGAR; Chairman SHELBY of the Intelligence Committee; Chairman WARNER of the Armed Services Committee; Chairman THOMPSON of the Governmental Affairs Committee; and Senators NICKLES and LOTT of leadership.

In it we express our disappointment with the administration's continued stonewalling and refusal to provide documents related to the Gore-Chernomyrdin agreement. They refused to even allow us to see documents which have been published in the press, which is how we learned about them. These were published in the New York Times. That is how we learned about this taking place.

Essentially, now, the administration is asking us to trust them. But the fact that almost everything we have learned about this secret deal has come from the New York Times and the Washington Times—and not the administration—makes such trust difficult.

Congress has the right and the responsibility to review all the relevant documents and to judge for itself whether the transfers the Vice President signed off on were covered by U.S. nonproliferation laws.

Unfortunately, until the New York Times broke the story 14 days ago, Congress had not seen this written, signed agreement between the Vice President and the Russian Prime Minister. In open session hearing yesterday, I asked them to deny this, that this had been conveyed to the Congress. What we heard was that the administration had "telegraphed" the contents of the agreement, that they had "briefed" but they were unable to say that they had transmitted this document to the Congress, as they were required to do.

In essence, they said to us: Look, we were telling you that the Vice President was meeting with Mr. Chernomyrdin. We told you that they were discussing a number of issues. That should be good enough.

Well, it isn't. Now we are saying to the administration: Show us the documents that have now been—some of them have been leaked to the press. Tell us what the agreement was. Because we want to determine whether or not laws were violated.

To date, they have continued to stonewall and to refuse to provide the documents to us. We provided, as I stated, a closed session for them to provide it to us in case there were national security concerns. They refused to do so.

The decision to allow Russia to escape the consequences of providing Iran with conventional weapons is one which affects not only the security of the American military personnel in the gulf but also the security of our allies in the region. This is not the type of agreement which should have been kept from the American people, and it certainly is not something that Members of Congress should have learned about first in the press.

The Vice President is saying this deal with Russia slowed down and prevented more weapons transfers from Russia to Iran. The fact is that the Russians did not keep their side of the bargain.

I have held a number of hearings on Russian arms transfers to Iran over the last 4 years. As a matter of fact, I held six hearings on the topic of Iran's weaponry buildup. At each of these hearings we have seen and have had experts cite the level and the amount of weaponry that has been transferred from Russia to Iran. At almost all these hearings—as a matter of fact, I think all of them—we had an administration witness there. We said to them: Stop this flow of weaponry from Russia to Iran. We are going to face this weaponry or our allies in the region are going to face this weaponry.

At each of these hearings the administration would say: Yes, it is terrible that Russia is conveying this weaponry to Iran. We are trying to stop it. Then I would ask: Are you sanctioning Russia for doing this? They would say: Well, no, we are not doing this. We are not sure it rises to that level. We are not sure we should do this. And all along, there was this secret agreement in the background that they had agreed to—the Vice President had—that they would not sanction Russia. And they did not disclose that at any of these hearings nor even allude to the fact that that existed. Until we found out about it 14 days ago in the New York Times, I did not know this existed.

This should have been conveyed to the Congress. We should have been brought in so we could appraise whether or not these sanctions should have happened with this level of weaponry that has been flowing from Russia to Iran.

I have a compilation now, from open sources, of some of the weapons that have been transferred. These are all weapons which pose a direct threat to our forces in the gulf as well as to our allies. This is a list gleaned from various press sources and other open sources. And we do not have the list of the weapons the administration agreed to let Russia supply to Iran.

Yes, the press is reporting there was an annex to the Gore-Chernomyrdin agreement that listed the level of weaponry, the amount of weapons that could be conveyed from Russia to Iran, and that this would not be sanctioned. We need to see that annex. We need to see what was agreed to be allowed to be conveyed. We know some of what has been conveyed because of open sources in the press. We do not know what was in the agreement between Vice President Gore and Mr. Chernomyrdin. So the Congress is continuing to be left in the dark about what laws, if any, have been broken.

The administration claims that the weaponry is not destabilizing and therefore not subject to sanctions anyway. When you look at the list, the public list, I submit that any and all of these weapons pose a direct threat to our soldiers and sailors in this region. They include submarines. They include attack helicopters. They include attack aircraft, mines, and torpedoes. I think that would be and is destabilizing in the region. It is destabilizing. It is clear that this so-called deal did not stop these transfers from occurring.

The main problem here, that I am complaining about this evening, is not the weaponry, although I think that is a terrible problem and one we are going to have to face. It is going to be very problematic for us and our allies to face in the future. The main problem is we are not being given the opportunity to look at these documents—the agreement—ourselves, to determine the legality of this deal and whether or not it falls into the categories of an agreement that should have been transmitted to Congress by law, and then whether, in fact, this deal allowed Russia to circumvent the law.

By stonewalling on providing us with the material to allow us to see their side of this issue, the administration is raising even more questions than were raised by the initial New York Times article. Why are they refusing to provide these documents? Is there something they are hiding? Provide it to us in closed session. Yet they have continued to refuse to do that.

The administration has an obligation to submit these agreements to the Congress. They never revealed there was a written and signed agreement which binds both sides and binds the United States into skirting U.S. laws.

Now, a couple of laws I think are in play here, whether or not they have been violated. We have not heard from the administration about these. They say they have not, overall, been violated. But the Gore-McCain Act is one, I believe—as we look at it and study it, if we are able to get the information—that was probably violated. Allowing Iran to have this sort of weaponry is one that would violate this law.

Mr. President, I want to go through a series of charts here to maybe put down clearly what has taken place to date.

Fourteen days ago, there was an article that appeared in the New York Times. I am summarizing here about what took place. Fourteen days ago, an article appeared in the New York Times stating that a secret agreement had been reached between Vice President GORE and then-Russian Prime Minister Viktor Chernomyrdin allowing Russia to avoid sanctions required under U.S. weapons proliferation laws for selling arms to Iran. This is what was in the newspaper, signed by AL GORE and Viktor Chernomyrdin. There is attached to this—we have not seen it, but it has been reported—an annex listing weaponry that can be conveyed.

They are saying here: In light of the undertakings contained in this joint statement—in the aide-memoire—the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

So here is the Vice President of the United States signing an agreement with Mr. Chernomyrdin saying we are going to not enforce U.S. domestic law on these transfers.

Now my question to you, to all of the people, and to the administration, is: Does the Vice President have this authority to waive these sanctions? No, he does not have the authority to waive these sanctions. Under the law, they have to issue the sanctions.

Now they can choose later to find a way out, to waive them afterwards, but they cannot just waive these sanctions. The Vice President does not have the authority to do this. He enters into an agreement saying: We will take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

I want to go to Secretary Albright's letter to Ivan Ivanov, the Foreign Minister of Russia, about this aide memoire where she says:

> Without the aide memoire which we just looked at—

This is the Gore-Chernomyrdin agreement—

> Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

This is her letter to the Russian Foreign Minister, January 13 of this year. The Secretary of State is saying, if we hadn't agreed in this signed secret agreement that we would not sanction you, you would have been subject to sanctions. The Secretary of State is saying it. You would “have been subject to sanctions based on various provisions of our laws.”

This is the other part that was in the secret agreement with Chernomyrdin, that “we are prepared to take steps” that I previously read. The administration itself is saying, look, we agreed with you not to sanction you, but if we hadn't agreed to it, you would have been subject to U.S. sanctions law. Does the Vice President have the authority to waive U.S. sanctions? He doesn't have that authority to do this. Yet that is what he did.

I want to show you some of what we are talking about, the weaponry that has been conveyed. This is one piece of equipment, Russian attack submarines for Iran, three Kilo-class attack submarines have been conveyed under this agreement. We have, as I mentioned, attack helicopters, airplanes. The administration was saying, look, we are not going to sanction you because we have secretly agreed not to sanction you.

I don't want to go on a long time about this. I just want to continue to raise this issue because I am deeply troubled about a couple of things.

No. 1, for 4 years I have been holding hearings about conveyance of weaponry from Russia to Iran and pressing the administration, what are you doing to stop this conveyance of weaponry from Russia to Iran, because our allies will face this equipment in the future. They wring their hands and say, it is terrible what is going on. And then nothing would happen.

Now, 14 days ago, I found out the reason nothing is going to happen—a secret agreement was agreed to that they weren't going to sanction Russia. They were going to let it go ahead and continue to happen. Now we face heightened danger in the Persian Gulf. This equipment is there, and some of it is still being conveyed.

No. 2, we have asked the administration, show us the agreement. You should have shown it to us when it took place so we could understand what this is. I believe there was a violation of the law then. We need to see these documents now. They say nothing illegal has taken place. OK, then, fine. Show us the documents.

A letter was sent today. We want to see the documents of this agreement. We don't want to continue to read about it in the newspaper. We want to see the documents. Convey them to us; send it in a closed session. If there is national security interests, we want to see these documents. That is what we are saying now.

What I am also saying is, what I have stated this evening, if we don't have these by noon on Monday, we will seek a subpoena to receive these documents and get them from the administration.

I think this is highly suspect, what has taken place by the administration. We are only now finding out about it. We need to see what it was that the administration agreed to, what it is that is still taking place between Russia and Iran, and why the United States is not stepping in to stop this.

I believe you will be hearing more about this unless the administration comes forward and comes clean. I hope they do. I hope they tell us: Here it is, and here is all of what we agreed to. Here is why we agreed to all of this. Here is why we think this is working, rather than it isn't.

But right now, all we have are secret deals that somehow are getting leaked out to the newspapers, and we don't even know what the agreement is. We don't know what it is. We deserve to know what that agreement is.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRIPPING JIM LYONS' AUTHORITY AT USDA

Mr. DASCHLE. Mr. President, the Founding Fathers intended that the legislative process work through strongly held policy differences to establish the law of the land. They saw open dialogue as central to our democracy, and their vision has served the American people well for over 200 years. It is regrettable, therefore, when policy disagreements degenerate into acts of retribution against individual public servants whose only transgression is to execute the directives of the President they serve.

That is exactly what happened recently when a provision was inserted into the fiscal year 2001 Agriculture Appropriations Bill stripping the USDA Under Secretary for Natural Resources and Environment, Jim Lyons, of his authority to administer the Forest Service and the Natural Resources Conservation Service until his term in office expires in January 2000. This provision is not only unfair to Mr. Lyons, it undermines the separation of powers doctrine because it is designed solely to intimidate administration officials who are faithful to the policies of the President.

What has Mr. Lyons done, you might ask, to warrant such rebuke? The simple answer is: he has done a difficult job conscientiously.

Mr. President, Mr. Lyons was confirmed as the Under Secretary for Natural Resources and Environment by the Senate in May of 1993. As Undersecretary, he administers two important agencies—the Forest Service and the Natural Resources Conservation Service—that include nearly half the employees in the Department.

I have worked closely with Mr. Lyons over the past 8 years and respect greatly his work ethic, his understanding of the issues within his agencies' jurisdiction and his commitment to the public policy making process. We have had policy disagreements, but I have never had reason to question Mr. Lyons' dedication to his job or fitness to serve as Undersecretary.

Mr. Lyons has provided steady and clear leadership during his tenure at USDA, tackling many complex and controversial issues that have plagued the conservation and forestry communities for years. While many of these policy challenges defy easy solution, Jim Lyons never shirked his responsibility to address them. Further, it has been his hallmark to solicit and discuss the views of all parties in a search of common ground in the pursuit of Administration objectives. That approach was particularly evident in the policy dispute that culminated in the Agriculture Appropriations rider relieving Mr. Lyons of line authority for the Forest Service and the Natural Resources Conservation Service.

The Office of the Under Secretary for Natural Resources and Environment, NRE, has responsibility within USDA for working with the Environmental Protection Agency, EPA, on issues affecting clean water and air, agriculture, forestry and other environmental concerns. It was in this role that Mr. Lyons entered into negotiations with the EPA to reduce the impact of EPA's proposed Total Maximum Daily Load, TMDL, rule on agriculture and forestry, while helping to ensure our continued progress in improving the quality of the waters of the United States.

After months of negotiation with the EPA, Mr. Lyons helped construct a rule that would provide for measured progress in reducing non-point source pollution through the use of voluntary, incentive-based programs administered largely through the Natural Resources Conservation Service. Many of the provisions objectionable to commodity groups and the Farm Bureau were dropped from the final rule or significantly modified. The provisions affecting silvicultural activities and forestry were dropped altogether.

In August, the President announced the final TMDL rules, and, in response to concerns expressed by Members of Congress, delayed their implementation for one year. Nonetheless, some who were upset that EPA had elected even to proceed with the rules decided to take their frustration out on Mr. Lyons, charging that he had not done enough to fight this rulemaking. As a consequence, language was added to the House version of the fiscal year 2001 Agriculture Appropriations bill defunding Mr. Lyons' office.

At the urging of Senator COCHRAN and his colleagues on the Senate Appropriations Committee, the House agreed to restore funding for the Undersecretary's office, but eliminate Mr. Lyons' authority to manage, supervise or direct his agencies—the job he had sworn to do and for which this body had confirmed him nearly 8 years ago. While policy differences certainly are an important and accepted part of the legislative process, acts of retribution against individual public servants—which this rider is—should not be tolerated.

Mr. Lyons does not deserve this treatment. During his USDA career, he has faithfully pursued the President's policies, spearheading major reforms in the management of both the Forest Service and the Natural Resources Conservation Service, NRCS, and helping to develop the Forest Service's new natural resources agenda, which is focused on watershed protection, recreation, road management reform and sustainable forestry.

Under Mr. Lyons' leadership, the Natural Resources Conservation Service has assumed a leadership role for the Administration in promoting conservation of the nation's private lands and has taken on an expanded role in protecting clean water and fish and wildlife habitats. Mr. Lyons has advocated establishing riparian buffers to capture nutrient and pesticide runoff, promoted efforts to protect farm and forest lands threatened with development, and encouraged strategies to protect drinking water supplies at their source.

Mr. Lyons was also the principle architect of the President's Northwest Forest Plan conserving old-growth forests and promoting sustainable forestry. He has initiated efforts to assess forest ecosystem health in the Columbia River Basin, the Sierra Nevada and the southern Appalachians. He directed key acquisitions and additions to the National Forest System, and has overseen purchase of lands including New Mexico's Baca Ranch and the New World Mine near Yellowstone National Park. He was instrumental in the establishment of the Giant Sequoia National Monument.

Mr. Lyons continues to lead USDA efforts on the presidential initiative to protect remaining national forest roadless areas. He helped craft the President's report on this year's devastating wildfires and then worked to shape the emergency funding package that will be used to restore fire-damaged forest lands and reduce the risks to communities from future wildfires. Mr. Lyons has promoted outdoor recreation on the national forests and created new programs and partnerships to improve urban forestry and conservation activities.

In the Black Hills of South Dakota, Mr. Lyons worked with me to resolve differences between the timber industry and environmentalists that allowed timber harvesting to proceed in a responsible and environmentally sensitive manner. This experience demonstrated Mr. Lyons' ability to work with diverse interests in the pursuit of sound, common sense policies that reconcile multiple use objectives.

President Clinton's approach to the stewardship of our national resources is clear, and Mr. Lyons has been faithful to that vision. His public record over the past eight years identify him as a leading conservationist and an effective agent of change, not only within the Department of Agriculture, but also within the Administration.

Mr. President, I regret that, as the end of the Clinton Administration approaches, one of its longest serving subcabinet officials has been targeted for retribution as a result of a disagreement over policy. Personal attack should never become an accepted method for settling policy differences. I hope that the politics of personal intimidation can be removed from our policy debates.

Finally, I ask unanimous consent to print a recent New York Times editorial on this subject in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PETTINESS ON CAPITOL HILL

Marion Berry, a Democratic Representative from Arkansas, has raised Congressional arrogance to a new level.

Gripped by ideological fury in June, Mr. Berry added a provision to the agricultural spending bill stripping funds from the office of James Lyons, an under secretary of agriculture who oversees the Forest Service and the Natural Resources Conservation Service. Mr. Lyons' Republican critics later modified the amendment so that it left the funding intact but stripped him of his authority to run the agencies. Either way, it was clear that Mr. Lyons had been singled out for special abuse, and that Mr. Berry had started the crusade.

What had Mr. Lyons done to deserve this? According to Mr. Berry himself, the under secretary's main sin was to side with the Environmental Protection Agency when it decided to enforce a long-dormant provision of the Clean Water Act to get a better grip on polluted runoff from so-called "non-point" sources like farms, city streets and golf courses. Mr. Lyons helped the E.P.A. establish a timetable that would enable farmers to comply with the law on a reasonable schedule. But he never challenged the agency's authority to enforce the law, as some agricultural lobbyists had hoped he would, nor was he, in Mr. Berry's view, sufficiently pro-farmer in his negotiations.

A conservationist, Mr. Lyons has angered members of Congress before, not least for his support of President Clinton's plan to put millions of acres of the national forests off-limits to new roads, as well as his efforts to enlarge protections for Alaska's Tongass National Forest. But nobody had gone so far as to undermine his job. The White House, already worn out from its efforts to block anti-environmental riders in other bills, is unlikely to fight this one, in part because it will have no serious effect on the two agencies or even on Mr. Lyons himself. The provision expires Jan. 20, when Mr. Lyons will leave Washington to teach at Yale. But it is still a petty gesture that brings no honor on Mr. Berry or the other congressmen who have willingly gone along with his vendetta.

SECTION-BY-SECTION ANALYSIS OF THE PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Mr. President, on October 25, 2000, Representative HENRY HYDE introduced H.R. 5544, the Pain Relief Promotion Act of 2000. The text of the legislation is based on the Senate Judiciary committee substitute to H.R. 2260, the Pain Relief Promotion Act, ordered reported out of the Senate Judiciary Committee on April 27, 2000.

For the information of all Members of Congress, I offer the following section-by-section analysis of the legislation.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—PAIN RELIEF PROMOTION ACT OF 2000, H.R. 5544

Section 1. Short title

Entitles the act the "Pain Relief Promotion Act of 2000."

Section 2. Findings

Makes a series of findings about the importance of emphasizing pain management and palliative care in the first decade of the new millennium, the regulation of drugs with a potential for abuse under the Controlled Substances Act, the use of such drugs by practitioners for legitimate medical purposes, especially the purpose of relieving pain and discomfort even if it increases the risk of death, the need for improved treatment of pain, and the fact that dispensing and distributing such drugs affects interstate commerce.

TITLE I

Section 101. Activities of Agency for Healthcare Research and Quality

This section amends the Public Health Services Act by authorizing a program responsibility for the Agency for Healthcare Research and Quality in the Department of Health and Human Services to promote and advance scientific understanding of palliative care. The Agency is directed to collect and disseminate protocols and evidence-based practices for pain management and palliative care with priority for terminally ill patients.

The section is specifically made subject to subsections (e) and (f) of section 902 of the Public Health Service Act [42 U.S.C. 299a(e) and (f)], added by the Healthcare Research and Quality Act of 1999, Public Law 106–129, which prevent the mandating of national standards of clinical practice. This section has a definition of pain management and palliative care which is a modified version of the World Health Organization's definition of palliative care.

Section 102. Activities of Health Resources and Services Administration

This section amends the Public Health Services Act by authorizing a program for education and training in pain management and palliative care in the Health Resources and Services Administration of the Department of Health and Human Services. This section allows the Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality to award grants, cooperative agreements and contracts to health professions schools, hospices, and other public and private entities to develop and implement pain management and palliative care education and training programs for health care professions.

This section requires the applicant for the award to include three educational informational components in the program: (1) the program must have a component that addresses a means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially in terminally ill patients, including the use of controlled substances; (2) the program must provide information and education on the applicable laws on controlled substances, including those permitting dispensing or administering them to relieve pain even in cases wheresuch efforts may unintentionally increase the risk of death, and (3) the information and education must provide recent findings and developments in the improvement of pain management and palliative care. Health professions schools, residency training programs, continuing education, graduate programs in the health professions, hospices, and other sites as determined by the Secretary will be used as program sites.

This section also requires the Secretary to evaluate the programs directly or through grants or contracts and mandates that the Secretary include individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served in each peer review group involved in the selection of the grantees.

Five million dollars annually are authorized to carry out these programs.

Section 103. Decade of pain control and research

This section designates the decade beginning January 1, 2001, as the "Decade of Pain Control and Research."

Section 104. Effective date

This section makes title I effective on the date of enactment.

Section 201. Reinforcing existing standard for the legitimate use of controlled substances

This section amends the Controlled Substances Act to establish that physicians and other licensed health care professionals holding DEA registrations are authorized to dispense, distribute, or administer controlled substances for the legitimate medical purpose of alleviating a patient's pain or discomfort in the usual course of professional practice even if the use of these drugs may increase the risk of death.

Essentially, this provision makes clear that there exists a "safe harbor" for those who dispense controlled substances for pain relief and palliative care, even if such treatment increases a patient's risk of death. The Department of Justice (DOJ) has taken the position that the Pain Relief Act "would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context."

Without creating any new Federal standard, this section also ensures that the new safe harbor is not construed to change the proper interpretation of current law that the administration, dispensing, or distribution of a controlled substance for the purpose of assisting a suicide is not authorized by the Controlled Substances Act. Individuals covered by the CSA would not be subject to any new liability under the statute—with the exception of those who would attempt in the future to rely on the Oregon Act as a defense to alleged violations of the CSA.

This section further provides that the Attorney General in implementing the Controlled Substances Act shall not give force or effect to any State law permitting assisted suicide or euthanasia. This effectively overturns the June 5, 1998 ruling of the Attorney General insofar as that ruling concluded "the CSA does not authorize DEA to prosecute, or to revoke the DEA registration of, a physician who has assisted in a suicide in compliance with Oregon law [or the law of any other state that might authorize assisting suicide of euthanasia."

This section provides that the provisions of the bill are effective only upon enactment with no retroactive effect. This means that the Oregon statute will serve as a defense for any actions taken in complaince under the Oregon law prior to the enactment of H.R. 5544.

This section further provides that nothing in it shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine, affirming that regardless of whether a practitioner's DEA registration is deemed inconsistent with the public interest, the status of the practitioner's State professional license and State prescribing privileges remain solely within the discretion of State authorities.

This section also provides that nothing in the act is to be construed to modify Federal requirements that a controlled substance may be dispensed only for a legitimate medical purpose nor to authorize the Attorney General to issue national standards for pain management and palliative care clinical practice, research, or quality, except that the Attorney General may take such other actions as may be necessary to enforce the act.

This section provides that in any proceeding to revoke or suspend a DEA registration based on alleged intent to cause or assist in causing death in which the practitioner claims to have been dispensing, distributing, or administering controlled substances to alleviate pain or discomfort in the usual course of professional practice, the burden rests with the Attorney General to prove by clear and convincing evidence that the practitioner's intent was to cause or assist in causing the death.

Section 202. Education and training programs

This section directs educational and research training programs for law enforcement to include means by which they may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Section 203. Funding authority

This section designates the source of funds for carrying out duties created under some provisions of the Controlled Substances Act, as amended by H.R. 5544.

Section 204. Effective date

This section establishes that the effective date of the act is that of its enactment.

THE COUNTERTERRORISM ACT OF 2000

Mr. LEAHY. Mr. President, Senator KYL spoke on the floor yesterday about the Counterterrorism Act of 2000, S. 3205, which he introduced two weeks ago on October 12, 2000. I had planned to speak to him directly about this legislation when I got into the office yesterday, but before I had the opportunity to speak to him, even by telephone, my colleague instead chose to discuss this matter on the Senate floor.

I have worked with Senator KYL to pass a number of matters of importance to him in past Congresses and in this one. Most recently, for example, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to get four more judges in Arizona. I was happy to help Senator KYL clear each of those matters.

Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret hold on S. 3205. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. I will include letters from the Department of Justice, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union for the RECORD at the end of my statement. I shared many of the concerns of those organizations and the Justice Department.

I learned late last week that Senator KYL was seeking to clear S. 3207 for passage by the Senate, even though it had been introduced only the week before. I do not believe the Senate should move precipitously to pass a bill that has garnered so much serious opposition before having the opportunity to review it in detail and ensure that earlier pitfalls had been addressed. Let me say that having reviewed the bill introduced by Senator KYL, it is apparent that he has made efforts to address some of those serious and legitimate concerns.

Senator KYL has suggested that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

That being said, I should note that the Department of Justice has advised me about inaccurate and incorrect statements in Senator KYL's bill, S. 3205, which are among the items that should be fixed before the Senate takes up and passes this measure.

I have shared those items and other suggestions to improve this legislation with the cosponsor of the bill, Senator FEINSTEIN, whose staff requested our comments earlier this week. My staff provided comments to Senator FEINSTEIN, and understood that at least in the view of that cosponsor of this bill, some of those comments were well-taken and would be discussed with Senator KYL and his staff. Indeed, my staff received their first telephone call about S. 3205 from Senator KYL's staff just yesterday morning, returned the call without finding Senator KYL's staff available, and hoped to have constructive conversations to resolve our remaining differences. Yet, before these conversations could even begin, Senator KYL chose to conduct our discussions on the floor of the Senate. There may be more productive matters on which the Senate should focus its attention, but I respect my colleague's choice of forum and will lay out here the continuing concerns I have with his legislation.

First, the bill contains a sense of the Congress concerning the tragic attack on the U.S.S. *Cole* that refers to outdated numbers of sailors killed and injured. I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I have urged the sponsors of the bill to correct this part of the bill. I note that last week the Senate passed at least two resolutions on this matter, expressing the outrage we all feel about the bombing attack on that Navy ship.

Second, this sense of the Congress urges the United States Government to "take immediate actions to investigate rapidly the unprovoked attack on the" U.S.S. *Cole*, without acknowledging the fact that such immediate action has been taken. The Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one does. We should be commending the Administration for the swift and immediate actions taken to this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, as I previously indicated, the Department of Justice has suggested several corrections to the "Findings" section of this bill. For example, the bill suggests there are "38 organizations" designated as Foreign Terrorist Organizations (FTOs) when there are currently 29. The bill also states that "current practice is to update the list of FTOs every two years" when in fact the statute requires redesignation of FTOs every two years. The bill also states that current controls on the transfer and possession of biological pathogens were "designed to prevent accidents, not theft," which according to the Justice Department is simply not accurate.

Fourth, the bill requires reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill would require the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. I have suggested that this report also be required to be submitted to the Judiciary Committees. As the Chairman of the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, I would have expected that Senator KYL would support this suggested change.

Fifth, the bill would require reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs and other facilities in the United States. No definition of "biological pathogen" is included in the bill and the scope could therefore cover a vast array of biological materials. I have suggested that the focus of these requested reports could be better directed by more carefully defining this term.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I have asked for an explanation for this provision. I have scoured the record in vain for explanatory statements by the sponsors of this bill for this provision. It is unclear to me why law enforcement officers conducting investigations here in the United States need such insurance, let alone intelligence officers acting overseas. There may be a good reason why these officers need this special protection, beyond the limited immunity they already have and beyond what other law enforcement and intelligence officers are granted. I need to know the reason for this special protection before any of us are able to evaluate the merits of this proposal.

I stand ready, as I always have, to work with the sponsors of S. 3205 to improve their bill.

I ask unanimous consent to print in the RECORD the two letters to which I referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg., Washington, DC.
Hon. RICHARD H. BRYAN,
Vice Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: We are writing to express our opposition to the "Counterterrorism Act of 2000," which we understand Senators Kyl and Feinstein are seeking to add to the intelligence authorization bill. At least three provisions of the Act pose grave threats to constitutional rights, and others raise serious questions as well.

SECTION 10

Section 10 of the Counterterrorism Act would amend the federal wiretap statute ("Title III") to allow law enforcement agencies conducting wiretaps within the United States to share information obtained from such surveillance with the intelligence agencies. The provision breaches the well-established and constitutionally vital line between law enforcement and intelligence activities. The provision has no meaningful limitations. It allows the CIA and other intelligence agencies to acquire, index, use and disseminate information collected within the US about American citizens. It is not subject to any meaningful judicial controls.

Efforts have been underway for a number of years to improve the sharing of information between law enforcement and intelligence agencies, particularly in areas concerning terrorism and trans-national criminal activity. Significant improvements have been achieved. However, it has been recognized consistently in all these efforts that the fundamental distinction between intelligence and law enforcement serves important values and must be maintained.

Paramount among the reasons why we distinguish between law enforcement and intelligence agencies, and confine them to their separate spheres, is to protect civil and constitutional rights. The intelligence agencies operate in secret without many of the checks and balances, the judicial review and the public accountability that our Constitution demands for most exercises of government power. The secretive data gathering, storage and retention practices of the intelligence agencies are appropriate only when conducted overseas for national defense and foreign policy purposes and only when directed against people who are not US citizens or permanent residents.

Therefore, we have always maintained strict rules against intelligence agency activities in the US or directed against US citizens and residents. From the outset, the National Security Act of 1947 has specifically provided that the Central Intelligence Agency shall "have no police, subpoena or law enforcement powers or internal security functions." This was intended to prevent the CIA from collecting information on Americans. Likewise, the National Security Agency has very strict rules about the collection or dissemination of information concerning Americans.

This prohibition against intelligence agencies collecting and disseminating information about people in the US would be rendered meaningless if the FBI could give personally identifiable information about US citizens to the CIA or NSA, which then could retain the information in files retrievable by name. Yet that is what the proposed amendment does. The proposed amendment contains no meaningful limitations. It does not say that the information to be shared can relate only to non-US persons. It does not say that the information could be kept by the receiving intelligence agencies only in non-personally retrievable form (a restriction that increasingly loses meaning anyhow as agencies develop the capability to search the full next of their files).

Moreover, this breach would involve one of the most intrusive of law enforcement techniques—electronic interception of telephone conversations, e-mail and other electronic communications. In recognition of the especially intrusive nature of wiretapping, section 2.4 of E.O. 12333 expressly states that the CIA is not authorized to conduct electronic surveillance within the United States. All Title III interceptions take place in the US. The overwhelming majority of targets of law enforcement wiretapping are US persons. In this information age, when so much sensitive personal information is exchanged electronically, the American public is increasingly concerned about the breadth and intrusiveness of government wiretapping.

The problems posed by the proposed Section 10 are compounded by the secrecy with which the intelligence agencies operate. There is little likelihood that a person who was the subject of a file at the CIA would ever learn about it, and even less likelihood that they would ever learn that information in the file was obtained by a law enforcement wiretap. So there would be little opportunity for uncovering abuses and little recourse to the judiciary for misuse of the information.

The provision stands in fundamental contradiction to the specificity and minimization requirements of Title III, which are central to the privacy protection scheme of that law. The minimization rule requires every wiretap to be "conducted in such a way as to minimize the interception of communications not otherwise subject to interception" under Title III. 18 U.S.C. 2518(5). Every order under Title III must include "a particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates," 18 U.S.C. 2518(4)(c). Together, these provisions make it illegal to intercept under Title III communications that do not relate to a criminal offense. Yet the proposed amendment would seem to mean either that officials conducting Title III wiretaps would be intercepting communications involving foreign intelligence that is not relevant to crimes in the U.S. or the CIA would be compiling information about crimes, including crimes inside the U.S., in violation of the National Security Act.

SECTION 9

Section 9 of the Counterterrorism Act of 2000 also threatens to erase the dividing line between law enforcement and intelligence agencies that protects individuals in the U.S. against secret domestic intelligence activity. Section 9 would require the Director of the FBI to submit to Congress a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating to the intelligence agencies information collected and assembled by the FBI on international terrorism and other national security matters.

But Section 9 calls for far more than an objective study. It requires the FBI to submit a proposal for such an information sharing function, including a budget, an implementation proposal and a discussion of the legal restrictions associated with disseminating law enforcement information to the intelligence agencies. This is putting the cart before the horse. With the emphasis in recent years on cooperation between the FBI and the CIA, the factual predicate has not been established for even concluding that the FBI is not already properly sharing intelligence information. Further, only recently the FBI adopted a strategy that stresses intelligence collection and analysis—it would be prudent first to examine the effectiveness and civil liberties implications of that strategy before directing the FBI to design a new intelligence sharing mechanism. Then it would be prudent to draw distinctions among the various types of information that the FBI is collecting, to ensure that information sharing does not infringe on the rights of Americans and does not involve the intelligence agencies in domestic law enforcement matters. All of these nuances are missing from Section 9. All of them could be accomplished by the relevant Congressional committees in a neutral and objective fashion without the need for this amendment.

The provision does not draw a distinction between information collected by the FBI under its counterintelligence authority and information collected by the Bureau in criminal matters: While there are overlaps between foreign intelligence and criminal investigations, especially in international terrorism matters, there are nonetheless important and long-standing rules intended to enforce the distinction. Since the period of COINTELPRO and the Church Committee, it has been recognized that the rights of American are better protected (and the FBI may be more effective) when international terrorism and national security investigations are conducted under the rules for criminal investigations. Section 9 is flawed for failing to recognize this distinction and seeming to encourage its obliteration.

SECTION 11

Section 11 of the bill is essentially a direction to the Executive Branch to be more aggressive in investigating "terrorist fundraising" of an undefined nature. Fundraising to support violent activities is properly a crime. But in the 1996 Antiterrorism and Effective Death Penalty Act, Congress also made it a crime to support the legal, peaceful political activities of groups that the Executive Branch designates as terrorist organizations. The 1996 Act was supposed to allow the government to respond to fundraising in the US on behalf of terrorist groups. At the time, opponents of the law argued that there was no evidence that extensive fundraising of this nature occurred and worried that the law would be used as an excuse to launch intimidating investigations into the political activities of Arab immigrants and other ethnic communities. We opposed the 1996 Act on the ground that it unconstitutionally criminalized support activities that were protected under the First Amendment. The proposed amendment to the intelligence authorization bill reaches even more broadly than the 1996 Act.

Section 11 of the bill essentially tells the Executive Branch to go out and punish fundraising conduct where little or none has been found. The recent case of Wen Ho Lee highlights the dangers of Congress telling the Executive Branch to be more aggressive in investigating and prosecuting a particular crime. The last time something like this happened was in the 1980s, when some in Congress urged the FBI to be more aggressive in investigating what they believed to be a Communist-supported conspiracy in the US to support terrorism in El Salvador. The resulting "CISPES" investigation intruded on the First Amendment rights of thousands of Americans peacefully opposed to US policy in Central America, turned up no evidence of wrongdoing, and proved a major embarrassment for the FBI. This danger is exacerbated by the proposed amendment, which encourages the Executive Branch to use Civil and administrative remedies, including the tax laws, that are not subject to the protections of criminal due process. It is further exacerbated since the amendment encourages the commingling of criminal information and intelligence information collected with the most intrusive of techniques and such secrecy that the targets of any adverse action may have a hard time defending themselves.

We also have concerns with other sections of the proposed amendment: (1) Section 6, concerning the guidelines on recruitment of CIA informants, implicitly questions the historical lessons and value judgments reflected in the guidelines and is clearly intended to be seen as a signal from Congress that the CIA should be freer in recruiting informants who are human rights abusers. This practice has embarrassed our country in the past and would embarrass us again if the practice were renewed, undercutting American foreign policy support for the rule of law and our efforts to discourage and resolve violence in emerging democracies and other transitional societies. (2) Section 12 would require IHIS to take "actions" to make standards for the physical protection and security of biological pathogens "as rigorous as the current standards" for critical nuclear materials." The questions posed by the threat of biological weapons require a far more carefully designed policy than a blanket direction to establish for "biological pathogens" the same protections that apply to critical nuclear materials. Take the case of West Nile virus, or the AIDS virus. Are these "biological pathogens?" Does section 12 mean that all medical research and all medical facilities handling research and treatment of the West Nile or AIDS viruses must institute the security clearance checks, polygraphs, and pre-publication review requirements (all of which raise serious constitutional due process, privacy and civil liberties concerns) that apply to workers at nuclear weapons facilities?

For these reasons, we urge you to oppose the addition of the Counterterrorism Act to the intelligence authorization bill.

Respectfully,

LAURA W. MURPHY,
Director,
American Civil Liberties Union, Washington National Office.
JAMES X. DEMPSEY,
Senior Staff Counsel,
Center for Democracy and Technology.
KATE MARTIN,
Executive Director,
Center for National Security Studies.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 28, 2000.

Hon. RICHARD SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter expresses the views of the Justice Department on the proposed counterterrorism amendment (the "Counterterrorism Act of 2000") to S. 2507, the "Intelligence Authorization Act for Fiscal Year 2001." The Department opposes the amendment.

Section 10 would amend 18 U.S.C. §2517 to permit the sharing of foreign intelligence or counterintelligence information, collected by investigative or law enforcement officers under title III, with the intelligence community. We oppose this provision. Although we recognize the arguments for allowing title III information to be shared as a permissive matter, this would be a major change to existing law and could have significant implications for prosecutions and the discovery process in litigation. Any consideration of the sharing of law enforcement information with the intelligence community must accommodate legal constraints such as Criminal Rule 6(e) and the need to protect equities relating to ongoing criminal investigations. While we understand the concerns of the Commission on Terrorism, we believe that law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security.

Section 10 also raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons. Such a change to title III should not be made lightly, without full discussion of the issues and implications.

Section 9 of the amendment presumptively would give the FBI 60 days to resolve these and other concerns in a report to Congress on the feasibility of establishing a dissemination center within the FBI for information collected and assembled by the FBI on international terrorism and other national security matters. In our view, the issues involved in the dissemination of this information do not avail themselves of resolution in this very short time frame. In addition, we note that law enforcement officials conducting operations that result in the collection or assembly of this kind of information often will not be in a position to discern whether the information they have gathered actually qualifies as pertinent to foreign intelligence or counterintelligence. Accordingly, to the extent that disclosure becomes mandatory, we anticipate that a substantial and costly effort would be necessary to create the necessary screening process.

Section 11 of the amendment would require the creation of a joint task force to disrupt the fundraising activities of international terrorist organizations. We believe that this type of rigid, statutory mandate would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment.

Section 12 of the amendment would require the Attorney General to submit a report on the means of improving controls of biological pathogens and the equipment necessary to produce biological weapons. Subsection 12(a)(2)(A) would require that the report include a list of equipment critical to the development, production, and delivery of biological weapons. We question the utility of such a list because it is our understanding that much of this equipment is dual-use and widely used for peaceful purposes. Section 12(b) directs the Secretary of Health and Human Services to undertake certain actions relating to protection and security of biological pathogens described in subsection (a). In keeping with the concerns regarding Executive branch authority, as discussed above, and the complexity and scope of this matter, the Administration believes that any authority should be vested in the President.

Moreover, section 12(a)(2)(B) would purport to require that the Attorney General submit a report to Congress on biological weapons that "shall include" the following:

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President "shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient." U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that "the Attorney General shall, to the extent that she deems it appropriate," submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$607.973	$597.098
Highways		26.920
Mass transit		4.639
Mandatory	327,787	310,215
Total	935,760	938.872
Adjustments:		
General purpose discretionary	+468	+105
Highways		
Mass transit		
Mandatory		
Total	+468	+105
Revised Allocation:		
General purpose discretionary	608.441	597.203
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310.215
Total	936,228	938.977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,534.078	1,495,819	7,381
Adjustments: Emergencies	+468	+105	−105
Revised Allocation: Budget Resolution	1,534.546	1,495,924	7.276

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

TRIBUTE TO SENATOR MOYNIHAN

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to "The Fisc," the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the "donor" status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.

TRIBUTE TO RETIRING SENATOR CONNIE MACK

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the career of Connie MACK as he retires from the Senate. Senator MACK has served the people of Florida with distinction during his two terms in the Senate, as well as during his three terms in the House of Representatives. Throughout his career in public service, Senator MACK has been willing to address complex issues and help move the debate forward.

On matters of fiscal policy, Senator MACK and I have not often agreed, but I have admired his willingness to engage these issues in a serious way that fosters the kind of discussion we need in the Senate to deliberate on the difficult questions before us.

Senator MACK has been a steadfast advocate for increased NIH funding, and I have been proud to support his efforts, including his proposal, passed as an amendment to the fiscal year 1998 budget resolution, to double funding for NIH over the next five years. I share his belief that increasing funding for biomedical research is one of the most important ways we can improve the quality of life for America's families. Groundbreaking research, development of drug therapies and new medical procedures, all of these steps move us closer to life-saving medical breakthroughs that can detect, prevent, and eliminate life-threatening disease.

I have also been pleased to support Senator MACK's effort, along with Senator GRAHAM, to restore the Everglades. His work to preserve and restore this unique and beautiful area, home to fragile habitats and many endangered species, will undoubtedly be one of his greatest legacies.

It has been a pleasure to serve with Senator MACK over the last seven years. As he leaves the Senate, I wish him all the best and thank him for his many years of distinguished public service.

TRIBUTE TO BOB KERREY

Mr. FEINGOLD. Mr. President, when I first heard that BOB KERREY had decided not to run again, I knew the Senate was losing a true American original, and a big part of what makes the Senate special.

From my first moments in the Senate back in 1993, there was one thing I could tell right away—BOB KERREY is a true leader. In an age of poll-driven politics, BOB KERREY isn't afraid to ruffle a few feathers to raise the level of debate and work for the greater good. He has sparked debate on the big issues: saving Social Security, controlling federal spending, guaranteeing the right to health insurance, and helping the poor, just to name a few.

I was proud to work with him on the bipartisan deficit reduction package he spearheaded with former Senator Hank Brown of Colorado, and I'm proud to have a colleague with such a sincere commitment to fiscal responsibility. He fought to balance the federal budget when others said it could not be done. As Chair of the Bipartisan Commission on Entitlement and Tax Reform, BOB KERREY directed our attention to the long-term challenges that we need to heed.

BOB KERREY is a pleasure to work with, but he is also a courageous public servant who is willing to stand alone when it is necessary. In addition to his heroic record of public service, he is a hero who served his country valiantly in the Vietnam War. BOB KERREY brings great honor to the Senate as only the fifth Medal on Honor winner to serve in this body, and while he never makes a big deal about the honors he has received, every day he has served in the U.S. Senate, BOB KERREY has exhibited the strength of character that befit those tributes.

And while all those things are important, it is also essential to have a sense of humor, and we all know that BOB possesses that quality in spades. He is a pleasure to be around, and a good friend. I wish him all the best as he moves on to head the New School, and in everything he does.

TRIBUTE TO FRANK LAUTENBERG

Mr. FEINGOLD. Mr. President, as this Congress draws to a close, I want to take a moment to thank my friend FRANK LAUTENBERG for his 18 years of service in the body. The people of New Jersey are losing a skilled legislator and a gifted advocate. Whether he is fighting racial profiling or taking on the tobacco industry, FRANK LAUTENBERG has consistently fought for a healthier, safer, more just world for all of us.

After a successful career in the private sector, FRANK ran for the U.S. Senate motivated to give something back to his state and the nation. And never has he had greater success than during his 18 years in public service. It has been a pleasure to serve with Senator LAUTENBERG on the Budget Committee, where he has provided outstanding leadership as the committee's ranking member. Senator LAUTENBERG played a crucial role in crafting the bipartisan budget agreement of 1997 which led to the balanced budget, and putting this body back on the road to fiscal responsibility.

I stood side by side with Senator LAUTENBERG in the fight to implement the gift ban in 1995. And I've been especially proud to work with him to end racial profiling—the abhorrent law enforcement practice that targets African Americans, Hispanic Americans and other minorities for traffic stops based on the color of their skin. Together Senator LAUTENBERG and I introduced S. 821, the Traffic Stops Study Act, to require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. We've worked together on this issue for more than two years, and I believe our legislation will prevail, if not in this Congress, then in the next one.

I will proudly continue the fight to pass the Traffic Stops Study Act in the next Congress, but I will miss greatly FRANK's leadership on this issue. When we do finally pass this simple bill to get an accurate picture of racial profiling on our nation's roadways, we'll owe a big part of that victory to Senator LAUTENBERG.

Today I thank FRANK LAUTENBERG for his leadership on racial profiling and so many other issues that matter to the people of this nation. I wish him and his family all the best in his retirement, and thank him for his many contributions to the U.S. Senate, and to the American people.

THE SMALL BUSINESS INNOVATION RESEARCH'S RURAL OUTREACH PROGRAM

Mr. ENZI. Mr. President, I rise today to speak about giving small businesses the tools they need to be successful in today's competitive marketplace. I am committed to providing those tools by fully supporting the continuation of the Small Business Innovation Research (SBIR) Rural Outreach Program. Congressional commitment to small business development has created a network of people nationwide, especially in Wyoming, that is excited and knowledgeable about the SBIR Rural Outreach Program.

The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses in rural areas that have a passion to explore, develop and commercialize their innovative ideas. Created in 1982, the SBIR Program is a highly competitive program that encourages small business to explore their technological potential and provides the incentive to profit from its commercialization. By including qualified small businesses in the Nation's research & development arena, high-tech innovation is stimulated and the United States gains entrepreneurial spirit as it meets its specific research and development needs.

The SBIR Program is designed to target the entrepreneurial sector because that is where most innovation and innovators thrive. However, the risk and expense of conducting serious R&D efforts are often beyond the means of many small businesses. By reserving a specific percentage of federal R&D funds for small business, the SBIR Program protects the small business and enables it to compete on the same level as large businesses. The SBIR Program funds the critical startup and development stages and it encourages the commercialization of the technology, product, or service, which, in turn, stimulates the U.S. economy.

Each year, ten federal departments and agencies are required by the SBIR Program to reserve a portion of their R&D funds for award to small business. Such agencies include the Department of Agriculture, Department of Commerce, Department of Defense, National Aeronautics and Space Administration, and National Science Foundation.

Following submission of proposals, agencies make SBIR awards based on small business qualification, degree of innovation, technical merit, and future market potential. Small businesses that receive awards or grants then begin a three-phase program. Phase I is the startup phase, awarding up to $100,000 for approximately 6 months support exploration of the technical merit or feasibility of an idea or technology. Phase II awards of up to $750,000, for as many as 2 years, expanding Phase I results. During this time, the R&D work is performed and the developer evaluates commercialization potential. Only Phase I award winners are considered for Phase II. Phase III is the period during which Phase II innovation moves from the laboratory into the marketplace. The small business must find funding in the private sector or other non-SBIR federal agency funding.

In 1997, Senator BURNS and I cosponsored legislation and Congress established the SBIR Rural Outreach Program to increase the SBIR participation of small businesses located in the states that receive the fewest SBIR awards. The program is limited to funding activities which encourage small firms in those states to participate in the SBIR Rural Outreach Program. The Outreach Program is targeted toward the 25 under-represented jurisdictions in the SBIR program in an effort to provide a secure funding mechanism to states so that they could develop an effective five-year effort to assist small businesses to take advantage of the SBIR program.

As you may know, western small businesses have some special impediments to overcome. The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses that have a passion to explore, develop and commercialize their innovative ideas. This is especially true in rural states like Wyoming. The Wyoming small business community is one of the cornerstones of our state's economy. Wyoming is the smallest state, with a large number of small businesses. The SBIR Rural Outreach Program is one way for Wyoming's small businesses to access federal funding.

Rural states need technology-based businesses that the SBIR program nurtures. The SBIR Rural Outreach Program is one of the few opportunities for Wyoming's small businesses to access federal R&D funding. I believe more innovative and aggressive approaches are needed to help rural states achieve greater participation in this, especially at those agencies that have proved difficult for small businesses to access.

There are several outreach activities that have been effective in helping small businesses in rural states compete successfully in the SBIR Rural Outreach Program. For example, the Wyoming SBIR Initiative outreach efforts have led to substantial gains in both the number of proposals submitted, the quality of proposals submitted, and the number selected for award. For example, Wyoming received one Phase I award in 1994. Wyoming, however, received 8 Phase I awards by 1995 and has received a total of 43 Phase I awards by 2000. To date, Wyoming has received approximately $9 million since 1987 for both Phase I and II awards, but there is still more that should be done to assist small businesses in the West.

I want to share the dramatic impact that SBIR awards have made on one Wyoming company—Wyoming Sawmills, Incorporated. The company's first Phase I SBIR award was from U.S. Department of Agriculture in May 1997, and it won the follow-on Phase II program in September 1998. The project aims to convert low-grade lumber into construction quality lumber through an innovative laminating technique. Wyoming Sawmills will begin commercial sales of the new product in 1999, and it already has captured related R&D funding based on this SBIR project. In January 1999, the company won a National Science Foundation Phase I award on another laminated wood product concept.

Another success story is CC Technology. CC Technology, a Laramie-based small business, has been notified of a $400,000 SBIR Phase II grant award from the National Science Foundation, NSF. During Phase I, the business did research on measuring cyanide levels in gold mining leach pads. For Phase II, a team consisting of CC Technology, Detection Limit, and Aspect Consultant Group has been built to monitor cyanide at both the mining solution levels and at trace levels for environmental compliance.

I want to express a special thank you to Chris Busch, from Senator BURNS' home state of Montana and who coordinated SBIR efforts in Wyoming for the past five years. Chris Busch did a remarkable job working with people in Wyoming to raise the awareness and participation of small businesses in the SBIR program. Working with small businesses, public organizations, and others in Wyoming and nationwide, Chris got people involved, helped them through the grant management process, and guided them in market development and commercialization. His commitment to small business development has created a network of people in Wyoming that is excited and knowledgeable about SBIR. Chris has helped to plant the seeds of economic diversity in communities that really need it. Chris' activities and commitment of this program are making SBIR work.

In closing, SBIR programs work for small businesses in rural states, especially Wyoming. Fortunately, we have several dedicated westerners in the Congress who have committed their time and legislative efforts to expand the successes of SBIR to all parts of the country. It is my hope that my colleagues will see the importance of this particular government program that is truly assisting small businesses nationwide. I look forward to continued bipartisan efforts to benefit our nation's small businesses by strongly supporting the SBIR Rural Outreach Program.

REAUTHORIZATION OF THE STATE AGRICULTURAL MEDIATION PROGRAM

Mr. JOHNSON. Mr President, I rise today to applaud Senate adoption of legislation I introduced to re-authorize and expand a popular program which provides mediation services between agricultural producers and the various credit and United States Department of Agriculture agencies who family farmers and ranchers work with to maintain their farming and ranching operations.

On June 15, 2000, I introduced S. 2741, legislation to re-authorize, expand, and clarify the state agricultural mediation program. Nine Senators cosponsored this legislation, including Senators DASCHLE, ROBERTS, CONRAD, GRASSLEY, KERREY, CRAIG, HARKIN, DORGAN, and LEVIN. I thank these colleagues for their bipartisan support for my bill, which was included as part of the Grain Standards Act adopted by the Senate earlier this week.

Extension of this mediation program was adopted with wide bipartisan support in the Senate as part of the Grain Standards Act Reauthorization. The present state agricultural mediation law was set to expire this year, but our reauthorization extends it through 2005.

This step was significant because family farmers and ranchers in my state of South Dakota and all across this country continue to suffer from a depressed rural economy and rock-bottom commodity prices. Agriculture is the backbone of our economy, and we must not fail to provide support to our family farmers and ranchers who are coping with these difficult times.

During the 1980's farm crisis, Congress approved federal funds and participation in a state-by-state operated farm mediation program. Authorized in the Agricultural Credit Act of 1987, this mediation program helps farmers and ranchers, and their creditors, in resolving credit disputes in a confidential and non-adversarial setting, which is outside the traditional process of litigation, appeals, bankruptcy, and foreclosure. The mediators are neutral facilitators and they do not make decisions for the disputing parties.

Each year Congress provides funding for state mediation, and these funds are matched with state funds to carry out the mediation program. Currently, twenty-five states participate in this mediation program, including Alabama, Arkansas, Arizona, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New York, New Jersey, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

I am pleased we were able to clarify and expand the scope of mediation in this reauthorization. With the support and direction of the Coalition of Agricultural Mediation Programs (CAMP), mediation now clearly can aim to resolve disputes such as wetland determinations, grazing issues, and USDA farm program matters, in addition to the traditional credit role of mediation. CAMP represents the individuals and entities across the nation who administer the state agricultural mediation programs, and I thank that organization for their leadership on this issue.

I want to specifically offer my thanks and gratitude to Linda Hodgin, Director of Mediation and Ag Counseling, with the South Dakota Department of Agriculture. Linda's knowledge, input, and ability to work with CAMP enabled Congress to enact the mediation reauthorization this year. Under her direction in the last two years, around 500 family farmers and ranchers in South Dakota have benefitted from the services of mediation and counseling. The mediators and counselors who work with Linda in South Dakota are to be commended for their time and commitment to family farm agriculture.

We live in a day and age where nearly every farmer and rancher must secure financing from some source in order to take care of production costs associated with agricultural production. This mediation program allows agricultural producers to settle their credit and farm program disputes in a fair way without digging themselves into legal debt. I wish to thank my colleagues who supported this important initiative.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 26, 1999:

Manuel Guilarte, 78, Miami-Dade County, FL;

Damien McFarland, 25, Gary, IN;

Willie B. Nelson, 47, Atlanta, GA;

Sarah Petty, 49, Atlanta, GA;

Brett Pleasants, 39, Denver, CO;

Brenda Ray, 31, Atlanta, GA;

Tony B. Richards, 32, Memphis, TN;

Fernando Rodriquez, 25, Detroit, MI;

Comer Sistrunk, Jr., 61, Cincinnati, OH;

Ronald Turchi, 61, Philadelphia, PA;

Tony Unk, Houston, TX;

Michael Washington, 16, Baltimore, MD; and

Deric West, 18, Oakland, CA.

One of the victims of gun violence I mentioned, 31-year-old Brenda Ray of Atlanta, was shot and killed one year ago today while walking home from her sister's house with her two children. A stranger approached Brenda, robbed her, then shot her in the chest while her six-year-old son and five-year-old daughter stood by watching.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

PASSAGE OF S. 3164

Mr. LEAHY. Mr. President, I am pleased that the "Protecting Seniors from Fraud Act" passed the Senate. I was an original cosponsor of this bill, S. 3164, which Senator BAYH introduced on October 5, 2000, with Senators GRAMS and CLELAND. I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would "be of assistance in a number of ways." I have urged the Chairman of the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I also urge my colleagues to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

ADDITIONAL STATEMENTS

TRIBUTE TO LOCAL 1945, AFGE

• Mr. SESSIONS. Mr. President I rise to day to pay tribute to the Local 1945 Chapter of the American Federation of Government Employees.

On December 1, 1959 the charter of the American Federation of Government Employees (Local 1945) was established at Anniston Army Depot. Of the seventy-eight charter members that established Local 1945, only nine survive today.

These nine leaders in government service, through their courage and dedication, were instrumental in the development of a proud and professional workforce for Anniston Army Depot and the Department of Defense. The workforce these individuals cared for and inspired has supported United States soldiers around the world during times of conflict, crisis and war. In the jungles of Vietnam, along the thirty-eighth parallel, and in the sands of Kuwait have been evidenced the dedication of the Anniston Army Depot employees to their nation's soldiers. Tanks, small arms, and munitions did not leave the hills of Alabama alone but were accompanied by the thoughts and prayers of a humble and caring group of federal employees shaped in many ways, by these special nine men.

Today, while we seek to honor these fine men in the sunset of their lives it must be noted that the traditions of excellence and integrity they gave to their co-workers still survives in youthful exuberance, rekindled by this remembrance.

In homage to: Billy Bean; Elmer Graham; Raymond Guthrie; Atwell Burgess; William Hammond; Raymond Lusk; George Hunt; J.B. Perry; and William Hagan.•

RECOGNIZING CALIFORNIA'S OLYMPIANS

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize California's participants in the Games of the XXVIIth Olympiad for their outstanding efforts and accomplishments. I am so proud of their performances and the dignity with which they carried themselves.

This year, the United States had another spectacular Games, and I am particularly pleased that Californians had much to do with our success. Some of this year's most memorable moments involved athletes from California: Marion Jones was the first woman ever to medal in five track and field events, Sean Burroughs helped our baseball team snatch gold from a heavily favored Cuban Team, Eric Fonoimoana and Dain Blanton won gold in the beach volleyball tournament, Venus Williams was the second woman ever to win gold medals in both singles and doubles tennis, and Lisa Leslie led the women's basketball team to its 34th Olympic championship.

The Olympics have long been the world's premiere stage where athletes compete; their performances are inspiring and, sometimes, heart-breaking. And while the world enjoys two weeks of drama and intense competition, we must remember that these athletes have chased their Olympic dreams for years, even decades, with perseverance and courage. I thank each athlete—qualifier and medal winner alike—for giving us the privilege of witnessing their triumphs. Each performance was a very personal moment in these athletes' lives, and I am inspired by their courage and resolve to pursue their Olympic dreams. These athletes competed with all their heart and they make California proud.

Mr. President, I ask that the following names of the medal winning athletes from California be printed in the RECORD.

Aaron Peirsol, Silver medal, Swimming—Men's 200 Meter Backstroke.

Amanda Beard, Bronze Medal, Swimming—Women's 200 Meter Breaststroke.

Venus Williams, Gold Medal, Tennis—Women's Singles; Gold Medal, Tennis—Women's Doubles.

Serena Williams, Gold Medal, Tennis—Women's Doubles.

Guenter Seidel, Bronze Medal, Equestrian Team Dressage Grand Prix.

Christine Traurig, Bronze Medal, Equestrian Team Dressage Grand Prix.

Eric Fonoimoana, Gold Medal, Men's Beach Volleyball.

Dain Blanton, Gold Medal, Men's Beach Volleyball.

Sean Burroughs, Gold Medal, Men's Baseball.

Marion Jones, Gold Medal, Track and Field—Women's 100 Meters; Gold Medal, Track and Field—Women's 200 Meters; Gold Medal, Track and Field—Women's 4x400 Meter Relay; Bronze Medal, Track and Field—Women's 4x100 Meter Relay; Bronze Medal, Track and Field—Women's Long Jump.

Chryste Gaines, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Torri Edwards, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Mari Holden, Silver Medal, Cycling—Women's Individual Time Trial.

Lisa Leslie, Gold Medal, Women's Basketball.

Gary Payton, Gold Medal, Men's Basketball.

Alonzo Mourning, Gold Medal, Men's Basketball.

Jason Kidd, Gold Medal, Men's Basketball.

Mark Reynolds, Silver Medal, Sailing—Men's Open Sail Star Fleet Races.

Lorrie Fair, Silver Medal, Women's Soccer.

Kaitlin Sandeno, Bronze Medal, Swimming—Women's 800 Meter Freestyle.

Bernice Orwig, Silver Medal, Women's Water Polo.

Joy Fawcett, Silver Medal, Women's Soccer.

Mark Crear, Bronze Medal, Track and Field, men's 110 Meter Hurdles.

Jason Lezak, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Jenny Thompson, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x200 Meter Free Relay; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Freestyle.

Lenny Krazelburg, Gold Medal, Swimming—Men's 100 Meter Backstroke; Gold Medal, Swimming—Men's 200 Meter Backstroke; Gold Medal, Swimming—Men's 4x100 Meter Medley.

Anthony Ervin, Gold Medal, Swimming—Men's 50 Meter Freestyle; Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Anthony Ervin, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

John Godina, Bronze Medal, Track and Field, Men's Shot Put.

Pease Glaser, Silver Medal, Sailing, Women's 470 Fleet Races.

Tom Wilkens, Bronze Medal, Swimming—200 Meter Individual Medley.

Dara Torres, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Butterfly; Bronze Medal, Swimming—Women's 100 Meter Freestyle; Bronze Medal, Swimming—Women's 50 Meter Freestyle.

Sheila Douty, Gold Medal, Softball.

Kathy Sheehy, Silver Medal, Women's Water Polo.

Calvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay.

Alvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay; Silver Medal, Track and Field—400 Meters.

Stacey Nuveman, Gold Medal, Softball.
Yolanda Griffith, Gold Medal, Women's Basketball.
Lisa Fernandez, Gold Medal, Softball.
Danielle Slaton, Silver Medal, Women's Soccer.
Brandi Chastain, Silver Medal, Women's Soccer.
Kimberly Rhode, Bronze Medal, Shooting—Women's Double Trap Final.
Nicole Payne, Silver Medal, Women's Water Polo.
Maurice Green, Gold Medal, Track and Field—100 Meters; Gold Medal, Track and Field—4x100 Meter Relay.
Robin Beauregard, Silver Medal, Women's Water Polo.
Nikki Serlenga, Silver Medal, Women's Soccer.
Crystl Bustos, Gold Medal, Softball.
Julie Foudy, Silver Medal, Women's Soccer.
Laura Berg, Gold Medal, Softball.
Dot Richardson, Gold Medal, Softball.
Ericka Lorenz, Silver Medal, Women's Water Polo.
Adam Nelson, Silver Medal, Track and Field—Men's Shot Put.
Lindsey Benko, Gold Medal, Swimming—Women's 4x200 Meter Free Relay.
Heather Petri, Silver Medal, Women's Water Polo.
JJ Isler, Silver Medal, Sailing—470 Fleet Races.
John Drummond, Gold Medal, Track and Field—4x100 Meter Relay.
Julie Swail, Silver Medal, Women's Water Polo.
Coralie Simmons, Silver Medal, Women's Water Polo.
Ellen Estes, Silver Medal, Women's Water Polo.
Brenda Villa, Silver Medal, Women's Water Polo.

RECOGNIZING ROBERT A. ELLERD

• Mr. BURNS. Mr. President, I would like to take a moment to recognize Robert A. Ellerd—a great Montanan, a great Marine, and a great man.

This year, Bob will be honored as Marine of the Year by the Gallatin Valley Detachment of the Marine Corps League. Every year these Marines get together for the Marine Corps Birthday Ball in Bozeman to honor the tradition of the Marines as well as recognize one of their own. Bob certainly deserves to be the one honored.

Bob enlisted in the Marines in December 1941, even though he worked in an essential industry—meat packing—and could have accepted a deferment. After training in San Diego, he left for the South Pacific. There he helped guard the Samoa Islands and took part in the fierce combat in the Allied efforts to take Guadalcanal and the Marshall and Gilbert Islands.

Later in the war, Bob used his combat experience to train other infantry before they headed to the front lines. No doubt his work helped save hundreds of lives and contributed to the victory that saved the world from tyranny.

There really are no words that I can say to adequately thank Bob Ellerd, but I can express my appreciation from a grateful nation. Bob is one reason we now call it the Greatest Generation, and they couldn't have a picked a better Marine of the Year. Thank you Bob, and Semper Fi.•

TRIBUTE TO JOHN F. GARDE UPON HIS RETIREMENT

• Mr. DURBIN. Mr. President, today I would like to pay tribute to a constituent from Illinois, John F. Garde. Mr. Garde will soon be retiring as the Executive Director of the American Association of Nurse Anesthetists, AANA, after 17 years of service. I am very pleased to honor the distinguished career of John F. Garde for his contributions to the practice of anesthesia from my state of Illinois.

The AANA is the professional association that represents over 27,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthetics for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stablization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

John received his anesthesia training in 1957 from St. Francis Hospital School of Anesthesia in LaCrosse, WI and began practicing at the U.S. Public Health Hospital in Detroit, Michigan the following year. Having been a provider of anesthesia for numerous years he became an Associate Professor and Chairman of the Department of Anesthesia at Wayne State University, College of Pharmacy and Allied Health in 1975. Using this experience, he then became the Education Director of the AANA in Park Ridge, IL in 1980 before taking his current role as Executive Director in 1983. He accolades range from propelling nurse anesthesia programs into a graduate framework resulting in 50 per cent of them moving into the College of Nursing, as well as establishing the International Federation of Nurse Anesthetists (IFNA) during his tenure with the AANA. John has served the AANA as a member, board member, past president, and now will be retiring as a very celebrated executive director among his peers.

Mr. Garde has many honors to follow his list of career accomplishments. John was inducted as a fellow of the American Academy of Nursing in 1994. In 1999 the Association of Chicagoland recognized him for his outstanding contributions to the Association community, presenting him with the John C. Thiel Distinguished Service Award.

I ask my colleagues to join me today in recognizing Mr. John F. Garde, CRNA, MS, FAAN, for his notable career and outstanding achievements.•

TRIBUTE TO VAUGHAN TAYLOR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Vaughan Taylor, a Jacksonville, North Carolina, attorney and his wife Linda for their heroic efforts to help save the lives of three of the crew members aboard the *Frisco*, a Virginia Beach fishing vessel.

Avid sailors, Vaughan and Linda are no strangers to the perils of the sea. As Vaughan navigated their 40 foot sailboat, *Legacy*, off the shores of North Carolina, he encountered a pile of floating wreckage. What he did not expect to find were three members of the Lynnhaven based scalloper, *Frisco*. It had been more than eight hours since a freighter had emerged from the fog, crushing the *Frisco* and leaving its crew of four clinging to debris in the dead of night.

Knowing that their boat was not only low on fuel in bad weather, but also dangerously testing the limit to his radio's frequency, Vaughan and Linda pushed ahead, determined to rescue these men. After radioing for help from anyone who could hear his plea, Vaughan sprang to action aboard the sailboat and began to haul the first member of the crew out of the water. Time was of the essence as he struggled to pull the other crew member from the water. Unable to fight against the weight of his water logged survival suit, Vaughan secured the survivor to the boat with a life preserver and tight line.

Using their years of experience at sea, Vaughan and his wife risked their own safety to save the lives of these men. By treating them for hypothermia, they were able to avoid a fatal tragedy for these men. Concentrating on getting the men the five miles back to shore safely, Vaughan hoisted the sails, kept in touch with the U.S. Coast Guard and began cruising at top speeds towards the Chesapeake Bay. Ending the heroic crusade with the credit of saving these lives, and only a mere .8 gallons of gas to spare, Vaughan Taylor serves as a positive role model for all those who venture into the high seas.

In all that Vaughan Taylor approaches, he gives unbridled efforts, and stops at nothing short of success. As has been the case in his work for U.S. personnel missing in action and their families, Vaughan continuously fights for the rights of others. He is also one of the most well-respected attorneys representing military personnel who need help, and his knowledge of the uniform code of military justice is second to none. It comes as no surprise that he would risk his own life with his wife by his side, to save his fellow man. I am proud to call Vaughan Taylor a close friend of mine, and I applaud his devotion to humanitarian causes.

Mr. President, also let me express my sympathy to the family of Captain Charlie Peel, the owner of the *Frisco*, who, unfortunately was never found. He was very much respected by all of the waterman in Lynnhaven Inlet, and was like a father to the others aboard the *Frisco*. I am sure he will be missed, and is in our thoughts and prayers.•

UNITED STATES COURTHOUSE AT ISLIP, NEW YORK

• Mr. MOYNIHAN. Mr. President, on October 16 the new United States Courthouse at Islip, New York, was dedicated in a splendid ceremony at which the distinguished architect Richard Meier spoke, in the company of Robert A. Peck, the singularly gifted Commissioner of the Public Buildings Service of the General Services Administration.

The ceremony was splendid for the simple reason that the courthouse is magnificent. Perhaps the finest public building of our era. Certainly the finest courthouse. And it could never have happened save for the Design Excellence Program Commissioner Peck has put in place with his characteristic compound of genius and persistence.

Major Peck, as he is known to his friends (he was a Green Beret officer), is a public servant of unexampled ability and achievement. His record is known to all. Some number of years ago when he was counsel to the Senate Committee on Environment and Public Works, he put together for the Committee a slide show consisting of photographs of early public buildings in early America. He did not plead his case; he made it. The buildings exude a confidence and expectation that clearly explain the endurance of American democracy. I recall in particular a white wooden-frame courthouse in Rhode Island. Graceful, serene, unthreatening yet equally forceful. Of a sudden it came to us. As nowhere else on earth, the courthouse is a symbol of government in the United States. Go to London, go to Paris. There are courthouses, or at least courtrooms there. If you can find them. Amidst the cathedrals and the palaces, and to be sure, the buildings of the legislature. Here it is different. The courthouse square is where folk gather.

The Nation owes Robert A. Peck more than it will ever know. But this would hardly matter to him. As the time approaches when he will leave government, he takes with him the knowledge of his singular public service.

I ask that Major Peck's address on the occasion of the courthouse dedication be included in the RECORD at this point, along with a brief summary of his service.

The material follows:

ROBERT A. PECK, COMMISSIONER, GSA PUBLIC BUILDING SERVICE, 16 OCTOBER 2000

Building partners, GSA colleagues, and distinguished guests; may it please the court: This is a fine day, a great day for this Court, for New York, for Long Island and for us in the General Services Administration. But more important still, we might well someday regard this as the day that marked the full flowering of a renaissance in public building in America.

At the turn of another century, at this season exactly two hundred years ago, the White House and the Capitol were occupied, if not quite completed, in Washington. It is not by chance that they quickly became the architectural icons of American democracy. George Washington and Thomas Jefferson intended them to be just that. They conscientiously sought to erect Federal buildings of a scale, style and quality that would reflect the noble origins and intentions of the new government.

And so began a tradition of American public building that would, for a century and a half, produce some of the finest buildings in America. The federal government built courthouses, post offices, land offices and custom houses all over the expanding nation. You can see photos of Federal buildings of imposing stature, constructed of enduring materials and elegantly detailed, sitting on unpaved streets in what were literally one-horse towns. The buildings simultaneously planted the flag and put the towns on the map. The government was proud to build them and the townspeople were proud to have them. States and cities followed suit with stately civic buildings, malls, and memorials.

Then, after World War II, something happened. As the scale of government increased, public buildings diminished. Not in size, but in accomplishment. Just as GSA was being founded, fifty-one years ago, public architecture fell into decline and, quickly, into deserved disrepute.

As in so many other things, there was a brief shining moment for public architecture in the Kennedy Administration. Drafted by a then-special assistant to the Secretary of Labor, one Daniel Patrick Moynihan, a set of Guiding Principles for Federal Architecture appeared from nowhere. Certainly no one had asked for them. The Principles called for federal architecture which is "distinguished and which will reflect the dignity, enterprise, vigor and stability of the American National Government." But the Kennedy era produced few buildings and, in any event, the spark didn't ignite.

GSA would try on occasion. I was witness to one noteworthy hearing in the first or second year of Senator MOYNIHAN's first term in which a GSA official, pointing to a tepid design, said the government was trying to put the poetry back in its architecture. Senator MOYNIHAN advised, "better try to learn the prose first."

Look at this building. Walt Whitman does come to mind, or perhaps Mozart or Copland, if architecture is indeed frozen music.

GSA is now some forty buildings into the largest public buildings program since that of the 1930's. We are turning out building after building, mostly courthouses but also office buildings, border stations and even laboratories, that meet the test of the Guiding Principles.

GSA's Design Excellence Program has changed our expectations for public architecture. Members of Congress from both parties and local community leaders now demand quality from us. Many cities are following suit and are hiring the best designers they can find to build new civic structures, in so doing reviving their own traditions born in the City Beautiful movement of a century ago.

Inside GSA, Design Excellence has spurred us to demand higher quality of ourselves, not just in architecture but in all that we do. We aspire to build historic landmarks for the next generation. Just as so many Federal buildings of the 19th and early 20th century have become local landmarks that citizens rally to defend, so we are determined that our new buildings will stir affectionate and passionate defenders in the years to come.

Richard Meier's accomplishment here sets a mark that will be hard to surpass but that challenges us to accept nothing short of the inspirational when we build.

GSA in this Administration made a bold decision to pursue design excellence. All praise is due to GSA's chief architect, Ed Feiner, a native of New York City and his GSA colleague, Marilyn Farley, who persevered through years of indifferent response inside GSA to become the architects of our Design Excellence process. In his New Yorker review of this building, Paul Goldberger said the GSA was a much more enlightened client for Richard Meier than was at least one other well-known client of his. To Ed and Marilyn go much of the credit for this.

We are fortunate to have as our clients in this, as in so many of our projects, the federal judiciary. They are not easy clients, as you might expect of those with lifetime tenure who are used to having the final say. But they are the best clients, because they care about the quality of the buildings in which they carry out perhaps the most sensitive function in our society. Judge Wexler has lived and breathed this building for a long, long time and we are all in his debt.

At these dedications, those of us who speak—the judges and the architects excluded—often have had little to do with the day to day agonies and triumphs of seeing a project like this to completion. So thanks to the GSA project managers, the construction managers, the architect's team and the builders, those who sat here in the construction trailers, who hammered out the details and who worked in the prose of budgets and schedules. And thanks to the construction workers, too often overlooked as we congratulate each other.

Again, thank you to Richard Meier. Your building is at once a structure that stirs emotion and embodies reason, a building that at once demonstrates the power of large ideas and proves, as Mies van der Rohe said, that god is in the details.

May I sound a few cautionary notes and, in this political season, petition for help? We have retained our way on public architecture only recently, to the enduring benefit of our people, our communities and our policy. But we could regress.

There are still some, not many, thankfully, who would limit budgets to such a degree that we would be putting up throw-away buildings. GSA has combined judicious and vigorous budget-setting with our design excellence procedures to make sure that we build with prudence as well as with grace.

There are some, again not many, who think GSA should build in a "traditional" style, whatever that means. At the turn of the last century, the federal government did decree an official style. As happens too frequently in government, what started out as a declaration in favor of a fresh idea remained in force so long that it prevented the government from keeping up with changing times. The Guiding Principles wisely forbade the government from having an official style and directed instead that the government take architectural direction from the best practitioners in the private design community. We need support in building buildings like this one, a striking and ennobling structure of and for the 21st century.

And finally, there is the nation's understandable concern with security. We must build buildings like this one, that intelligently and rationally counter likely and deterrable risks. We must not and need not wall off our public buildings and our public servants from the public they are intended to serve. We must not let the terrorists become our most influential architects.

Everyone in GSA who has had anything to do with this project will be proud as long we he or she lives that we had even a small role in giving New York and the nation this temple of democracy. We are proud to be building buildings worthy of the American people—none so worthy as this.

Robert A. Peck

Robert A. Peck was appointed Commissioner of the Public Buildings Service of the U.S. General Services Administration on December 26, 1995. The position dates in a direct line to the establishment of a Federal Office of Construction in 1853. As head of the Public Buildings Service, Bob Peck is in charge of asset management and design, construction, leasing, building operations, security and disposals for a real estate portfolio of more than 330 million square feet in more than 3,300 public and private buildings accommodating over one million workers. PBS owns or leases nearly all civilian Federal office space, courthouses and border stations and many laboratories and storage facilities. The PBS annual budget is approximately $5.5 billion, nearly 90% of which is contracted to the private sector.

Mr. Peck has been a land use and real estate lawyer, real estate investment executive and vice president for government and public affairs at the American Institute of Architects.

In prior public service, Mr. Peck has worked at the U.S. Office of Management and Budget, the National Endowment for the Arts, the Carter White House and the Federal Communications Commission. He was chief of staff to U.S. Senator Daniel Patrick Moynihan (D–NY) and a counsel to the Senate Committee on Environment and Public Works (where among his other duties was oversight of the Public Buildings Service). He was also a Special Forces (Green Beret) officer in the U.S. Army Reserve.

Mr. Peck received his B.A., cum laude, Phi Beta Kappa, with distinction in economics, from the University of Pennsylvania in 1969 and his J.D. from Yale Law School in 1972. He has been a visiting lecturer in art history at Yale University and a visiting Loeb Fellow at the Harvard University Graduate School of Design. In 1997, he was named an honorary member of the American Institute of Architects and in 2000 received a Corporate Real Estate Leadership award from Site Selection, the magazine of the International Development Research Council.

Bob Peck has been active in historic preservation and urban design, serving as president of the D.C. Preservation League and as a presidential appointee on the U.S. Commission of Fine Arts, the Federal design review board for the nation's capital. He has written and spoken extensively on preservation, urban planning, infrastructure investment and transportation. He is a member of the Board of Regents of the American Architectural Foundation and serves on the national advisory board of the Mayors Institute on City Design.•

GENERAL SCHOOMAKER

• Mr. THOMAS. Mr. President, it is a privilege for me to join the Secretary of Defense in recognizing General Peter Schoomaker, a man whose lifetime of service commemorates the very spirit on which our great country was founded. General Schoomaker's distinguished military career will draw to a close on October 27, 2000, when he steps down from his position as Commander in Chief of the United States Special Operations Command.

General Schoomaker has always demonstrated a commitment to excellence and service. Since being commissioned as a second lieutenant in 1969, upon graduation from the University of Wyoming, his commitment to serve has provided him with the foundation of a lifetime of success. He has served at all levels in conventional and special operations and participated in numerous contingency operations, ranging from Desert One in Iran through Uphold Democracy in Haiti. He currently shoulders the responsibility for all special operations of the Army, Navy, and Air Force, both active and reserve.

Clearly, General Schoomaker has been a pivotal and talented player on the national security stage, but his measure as a man goes beyond the profession at which he excels. General Schoomaker's quest for excellence began early when he was a defensive lineman for the University of Wyoming football team which won the 1967 Sugar Bowl. These memories rank high on his list of notable achievements, primarily because of the teamwork it took to succeed. Fostering a spirit of teamwork continues to be the guiding force in General Schoomaker's leadership philosophy, and his enduring legacy for the service epitomizes the concepts he learned long ago on the gridiron.

Mr. President, the people of Wyoming have been blessed with a long list of servicemen and women who are willing to put the needs of other in front of their own. Today, I have the opportunity to celebrate an adopted son of my home state, General Peter Schoomaker, a man who embodies the qualities of determination, self-sacrifice, and leadership.•

IN RECOGNITION OF DEBORAH V.H. COOK AND PATRICIA BUEKAMA

• Mr. TORRICELLI. Mr. President, I rise today to recognize Ms. Deborah V.H. Cook and Ms. Patricia Buekema for their 25 years of service to the Glen Ridge School System.

For the past 25 years, these outstanding educators have taught many grade levels and a countless number of students have benefitted from their instruction. As members of the Glen Ridge community, Ms. Cook and Ms. Buekema have demonstrated an extraordinarily high level of commitment and selflessness to which we should all strive to achieve.

However, the impact of their service reaches far beyond the classroom. Both Ms. Cook and Ms. Buekema have dedicated themselves to creating a supportive and productive environment for the youth of Glen Ridge. They have helped to shape the minds and encourage the spirit of these young individuals during a crucial stage of development in their lives.

Ms. Cook's and Ms. Buekema's accomplishments, throughout their years of service, reflect only a small portion of the many contributions they have made to the people of Glen Ridge. Their efforts have touched the lives of their students as well as those throughout their community.

They are an example of the professionalism that we look for in our educators, and the type of citizens that we hope to find in our neighborhoods, which is why their dedication is to be recognized and commended.•

HONORING OF PHYLLIS E. THOMPSON

• Mr. REID. Mr. President, I rise today to honor a remarkable Nevadan, Phyllis Thompson. Phyllis has been a resident of Henderson, Nevada since 1951. On November 1, 2000, she will be receiving the Philanthropy Day Award from St. Rose Dominican Hospital. The Philanthropy Day Award honors individuals who embody volunteerism and have made significant civic and charitable contributions. There is no one more deserving of this honor than Phyllis Thompson.

Phyllis Thompson is a talented and tenacious businesswoman. She entered the construction business in the early 1970s, an all-male field at the time. She and her husband Charles started Basic Ready Mix with one truck, and she had to work nights as a waitress to make ends meet. Eventually, she was able to expand the business to 175 trucks. She sold the company in 1991, but she could not stay retired for long. In 1996, she founded Phyllis E. Thompson Companies, a commercial real estate firm, which she has built into an unequivocal success.

Not only has Phyllis Thompson accomplished a great deal in the business world, but she has also enjoyed success as a sportsman. She has been hunting trophy deer for twenty years and is a professional off-road racer. In 1997, she won the Nevada Prim 250, a 250 mile off-road race.

Throughout her extraordinary life, Phyllis Thompson's true devotion has been to family. She is the proud mother of two children, Lonny and Terri, and has been blessed with six grandchildren. In addition, her charitable work has been focused on helping families. St. Rose Dominican Hospital, the Salvation Army, Boys & Girls Clubs of Henderson, Cystic Fibrosis Foundation, Safe House, and Child Seekers are among the many organizations to which she has given so much. In fact, she was recognized in 1999 as Board Member of the Year by the Boys & Girls Clubs of Henderson.

Philanthropy Day, established in 1986, is observed every November to recognize the importance of philanthropy in our communities. It is a time to acknowledge the entire spectrum of services provided by the non-profit community, and recognize the profound effect that volunteerism and giving have on the fabric of society.

Phyllis Thompson embodies the spirit of Philanthropy Day. She has shared her success and good fortune through volunteerism and philanthropy. She sets a wonderful example for all of our citizens, selflessly giving of her time, talent and financial means to help others make the most of their lives. I thank her for their friendship and all that she has done for the citizens of Nevada.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

I hereby report to the Congress on the developments since my last concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995 (the "Order"). This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. 1703(c). Sanctions imposed against significant narcotics traffickers centered in Colombia pursuant to Executive Order 12978 are separate from, and independent of, sanctions imposed pursuant to the Foreign Narcotics Kingpin Sanctions Act (Pub. L. 106–120, Title VIII). This report covers sanctions imposed and persons named as specially designated narcotics traffickers pursuant to Executive Order 12978, but does not cover those persons identified pursuant to the Foreign Narcotics Kingpin Designation Act, who are addressed in a separate report as provided in that Act.

1. On October 21, 1995, I signed Executive Order 12978, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order") (60 Fed. Reg. 54579, October 24, 1995). The Order blocks all property and interests in property that are or hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, in which there is any interest of four individuals named as significant foreign narcotics traffickers. These traffickers, two of whom are now decreased, were listed in the Annex to the Order and identified as principals in the so-called Cali drug cartel centered in Colombia. The Order also blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) materially to assist in or provide financial or technological support for, or goods or service in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition, the Order blocks all property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively "Specially Designated Narcotics Traffickers" or "SDNTs").

The Order further prohibits any transaction or dealing by a U.S. person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Department of the Treasury's Office of Foreign Assets Control ("OFAC") acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On October 24, 1995, the Department of the Treasury issued a Notice containing 76 additional names of persons determined to meet the criteria set forth in the Order. Additional Notices expanding and updating the list of SDNTs were published on November 29, 1995 (60 Fed. Reg. 61288), March 8, 1996 (61 Fed. Reg. 9523), and January 21, 1997 (62 Fed. Reg. 2903).

Effective February 28, 1997, OFAC issued the Narcotics Trafficking Sanctions Regulations ("NTSR" or the "Regulations"), 31 C.F.R. Part 536, to further implement the President's declaration of a national emergency and imposition of sanctions against significant foreign narcotics traffickers centered in Colombia (62 Fed. Reg. 9959, March 5, 1997).

On April 17, 1997 (62 Fed. Reg. 19500, April 22, 1997), July 30, 1997 (62 Fed. Reg. 41850, August 4, 1997), September 9, 1997 (62 Fed. Reg. 48177, September 15, 1997), and June 1, 1998 (63 Fed. Reg. 29608, June 1, 1998), OFAC amended the appendices to 31 C.F.R. chapter V, revising information concerning individuals and entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia.

On May 27, 1998 (63 Fed. Reg. 28896, May 27, 1998), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the list for the first time beyond the Cali cartel by adding the name of one of the leaders of Colombia's North Coast cartel Julio Cesar Nasser David, who has been determined to play a significant role in international narcotics trafficking centered in Colombia, and 14 associated businesses and four individuals acting as fronts for the North Coast cartel. Also added were six companies and one individual that have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia. These changes to the previous SDNT list brought it to a total of 451 businesses and individuals.

On June 25, 1999, OFAC amended the appendices to 31 C.F.R. chapter V by adding the names of eight individuals and 41 business entities acting as fronts for the Cali or North Coast cartels and supplementary information concerning 44 individuals already on the list (64 Fed. Reg. 34984, June 30, 1999). The entries for four individuals previously listed as SDNTs were removed from appendix A because OFAC had determined that these individuals no longer meet the criteria for designation as SDNTs. These actions were part of the ongoing interagency implementation of the Order. The addition of these 41 business entities and eight individuals to appendix A (and the removal of four individuals) brought the total number of SDNTs to 496 (comprised of five principals, 195 entities, and 296 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order.

3. On March 29, 2000 (65 Fed. Reg. 17590, April 4, 2000), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the SDNT list beyond the Cali cartel for the second time by adding the names of two of the leaders of Colombia's North Valle drug cartel, Ivan and Julio Fabio Urdinola Grajales, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and six associated businesses and two individuals acting as fronts for the North Valle cartel. Also added were 14 companies and 7 individuals that have been determined to be owned or controlled by, or to act for or on behalf of, the

Cali cartel in Colombia. The entry for one individual previously listed as an SDNT was removed from appendix A because OFAC had determined that the individual no longer met the criteria for designation as an SDNT. These changes to the previous SDNT list brought it to a total of 526 businesses and individuals.

On June 1, 2000, OFAC announced the removal of two individuals previously listed as SDNTs because OFAC had determined that the two individuals no longer met the criteria for designation as SDNTs. These changes to the previous list brought it to a total of 524 businesses and individuals.

On August 18, 2000, OFAC expanded the SDNT list beyond the Cali cartel for the third time by adding the names of Arcangel de Jesus Henao Montoya, a leader of one of the most powerful drug trafficking groups that comprise Colombia's North Valle drug cartel, and Juan Carlos Ramirez Abadia, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and five associated businesses and one individual acting as fronts for the North Valle cartel. These changes to the previous SDNT list brought it to a total of 532 (comprised of nine principals, 220 entities, and 303 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order. The list of SDNTs now includes kingpins, associates, and businesses from Colombia's Cali, North Valle, and North Coast drug cartels. The SDNT list will continue to be expanded to include additional drug trafficking organizations centered in Colombia and their fronts.

4. OFAC has disseminated and routinely updated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. In addition to bulletins to banking institutions via the Federal Reserve System and the Clearing House Interbank Payments System (CHIPS), individual notices were provided to all relevant state and federal regulatory agencies, automated clearing houses, and state and independent banking associations across the country. OFAC contacted all major securities industry associations and regulators. It posted electronic notices on the Internet and numerous computer bulletin boards, fax-on-demand services, and provided the same material to the U.S. Embassy in Bogota for distribution to U.S. companies operating in Colombia.

5. During the reporting period, as of September 6, 2000, seven financial transactions totaling more than $203,000 were reported to OFAC as having been blocked. These funds will remain in that status pending investigation by OFAC. As of September 6, 2000, OFAC had issued 18 specific licenses pursuant to the Order since the inception of the program. These licenses were issued in accordance with established Treasury policy authorizing the completion of pre-sanctions transactions, the receipt of payment of legal fees for representation of SDNTs in proceedings within the United states arising from the imposition of sanctions, and certain administrative transactions. In addition, a license was issued to authorize a U.S. company in Colombia to make certain payments to two SDNT-owned entities in Colombia (currently under the control of the Colombian government) for services provided to the U.S. company in connection with the U.S. company's occupation of office space and business activities in Colombia.

6. The narcotics trafficking sanctions have had a significant impact on the Colombian drug cartels. SDNTs have been forced out of business or are suffering financially. Of the 220 business entities designated as SDNTs as of September 6, 2000, nearly 60, with an estimated aggregate income of more than $230 million, had been liquidated or were in the process of liquidation. Some SDNT companies have attempted to continue to operate through changes in their company names and/or corporate structures. OFAC has placed a total of 27 of these successor companies on the SDNT list under their new company names.

As a result of OFAC designations, Colombian banks have closed nearly 500 SDNT accounts, affecting more than 200 SDNTs. One of the largest SDNT commercial entities, a discount drugstore with an annual income exceeding $136 million, has been reduced to operating on a cash basis. Another large SDNT commercial entity, a supermarket with an annual income exceeding $32 million, entered liquidation in November 1998 despite changing its name to evade the sanctions. An SDNT professional soccer team was forced to reject an invitation to play in the United States, two of its directors resigned, and the team now suffers restrictions affecting its business negotiations, loans, and banking operations. An SDNT radio station has had difficulty in getting advertisers since its inclusion on the SDNT list. These specific results augment the less quantifiable but significant impact of denying the designated individuals and entities of the Colombian drug cartels access to U.S. financial and commercial facilities.

Various enforcement actions carried over from prior reporting periods are continuing and new reports of violations are being aggressively pursued. Since the last report, OFAC has collected no civil monetary penalties but is continuing to process three cases for violations of the Regulations.

7. The expenses incurred by the Federal Government in the six-month period from April 21, through October 20, 2000, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Significant Narcotics Traffickers are estimated at approximately $570,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, and the Office of the General Counsel), the Department of Justice, and the Department of State. This data does not reflect certain costs of operations by the intelligence and law enforcement communities.

8. Executive Order 12978 provides this Administration with a tool for combating the actions of significant foreign narcotics traffickers centered in Colombia and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The Order is designed to deny these traffickers the benefit of any assets subject to the jurisdiction of the United States and the benefit of trade with the United States by preventing U.S. persons from engaging in any commercial dealings with them, their front companies, and their agents. Executive Order 12978 and its associated SDNT list demonstrate the United States' commitment to end the damage that such traffickers wreak upon society in the United States and abroad. The SDNT list will continue to be expanded to include additional Colombian drug trafficking organizations and their fronts.

The magnitude and the dimension of the problem in Colombia—perhaps the most pivotal country of all in terms of the world's cocaine trade—are extremely grave. I shall continue to exercise the powers at my disposal to apply economic sanctions against significant foreign narcotics traffickers and their violent and corrupting activities as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

H.R. 468. An act to establish the Saint Helens Island National Scenic Area.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building."

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building."

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building."

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building."

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office."

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station."

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office."

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; that it has disagreed to the amendments of the Senate numbered 2 and 4 to the aforesaid bill; and that it has agreed to the amendment of the Senate numbered 5 to the aforesaid bill with an amendment.

The message further announced that the House has passed the following bill, with amendments:

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting and for other purposes.

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvement to the certified development company program, and for other purposes.

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, and requests the concurrence of the Senate:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 20, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 8:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 26, 2000, he had presented to the President of the United States the following enrolled bills:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11291. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Archaeological Material From the Prehispanic Cultures of the Republic of Nicaragua" (RIN 1515–AC70) received on October 24, 2000; to the Committee on Finance.

EC–11292. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1999"; to the Committee on Foreign Relations.

EC–11293. A communication from the Acting Secretary of State, transmitting, pursuant to law, the revised strategic plan; to the Committee on Foreign Relations.

EC–11294. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "(N– (–fluorophenyl) –N– (1-mthylethyl)-2 – [[5—(trifluoromethyl) –1,3,4-thiadiazol –2–yl]oxy] acetamide; Extension of Tolerance for Emergency Exemptions" (FRL# 6751–1) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11295. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin, Extension of Tolerance for Emergency Exemptions" (FRL# 6750–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11296. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations" (Docket# 99–038–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11297. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton" (RIN 0560–AF13) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11298. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations Governing the Peanut Poundage Quota and Price Support Programs" (RIN 0560–AF61) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11299. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2000 Marketing Quotas and Price Support Levels for Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured (Types 35–36), Virginia Sun-Cured (Type 37), and Cigar-Filler and Binder (Types 42–44 and 53–55) tobaccos" (RIN 0560–AF86) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11300. A communication from the Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Lamb Industry Adjustment Assistance Program Set Aside" (RIN 0570–AA31) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11301. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board" (Docket Number: LS–00–04) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11302. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL# 6891–6) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11303. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; New Source Review Revision" (FRL# 6891-9) received on October 24, 2000; to the Committee on Environment and Public Works.

EC-11304. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District" (FRL# 6893-1) received on October 24, 2000; to the Committee on Environment and Public Works.

EC-11305. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Event Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites" (RIN 3150-AF98) received on October 24, 2000; to the Committee on Environment and Public Works.

EC-11306. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "New Dosimeter Technology: amend and revise 10 CFR Parts 34, 36, and 39" (RIN 3150-AG21) received on October 25, 2000; to the Committee on Environment and Public Works.

EC-11307. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report for fiscal year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11308. A communication from the Director of the Corporate Policy and Research Department, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumption for Valuing and Paying Benefits" received on October 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11309. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Duplication and electronic generation of forms" (RIN 1115-AF66) received on October 24, 2000; to the Committee on the Judiciary.

EC-11310. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go report number 514, dated October 20, 2000; to the Committee on the Budget.

EC-11311. A communication from the Chair of the Farm Credit System Insurance Corporation, transiting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-11312. A communication from the Senior Benefits Programs Planning Analyst, Western Farm Credit Bank, transmitting, pursuant to law, the 1999 annual report number 95-595; to the Committee on Governmental Affairs.

EC-11313. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Systems, Ravenwood, Missouri" (MM Docket No. 00-109) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11314. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Upton and Pine Haven, Wyoming)" (MM Docket No. 99-57) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11315. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, (Grants and Milan, New Mexico)" (MM Docket No. 99-75, RM-9446) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11316. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Pearsall, Texas" (MM Docket No. 00-26) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11317. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Urbana, Illinois" (MM Docket No. 00-76, RM-9809) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11318. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Thomasville, Georgia" (MM Docket No. 00-98, RM-9811) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11319. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Killeen, Texas" (MM Docket No. 00-103, RM-9878) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11320. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Jenner, California, Culver, Indiana, Lake Isabella, California, Olpe, Kansas, Covelo, California, Sterling, Colorado, Kahului, Hawaii)" (MM Docket No. 00-33; RM-9816; MM Docket No. 00-34; RM-9817; MM Docket No. 00-35; RM-9818; MM Docket No. 00-71; RM-9852; MM Docket No. 00-72; RM-9853; MM Docket No. 00-74; RM-9862; MM Docket No. 00-75; RM-9863) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11321. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Cloverdale, Point Arena, and Cazadero, California)" (MM Docket Nos. 99-180, 00-59, RM-9583, RM-9734 and RM-9759) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11322. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Charlotte, Texas" (MM Docket No. 00-22) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11323. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, George West, Pearsall and Victoria, TX" (MM Docket No. 99-342) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11324. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eastman, Vienna, Ellaville, and Byromville, Georgia)" (MM Docket No. 00-56, RM-9839, RM-9905, RM-9906) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 876: A bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience (Rept. No. 106-509).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3244. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3245. A bill to provide for the transfer of the Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

By Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. Lugar):

S. 3248. A bill to authorize the Hoosier Automobile and Truck National Heritage Trail Area; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. Wellstone, Mr. Kennedy, Mrs. Murray, Mr. Feingold, Mr. Bingaman, Mrs. Boxer, Ms. Mikulski, Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Akaka, Mr. Lieberman, Mr. Leahy, Mr. Baucus, and Mr. Rockefeller):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. Feinstein, Mr. Lugar, Mr. Schumer, Mr. Gorton, Mr. Johnson, Mr. Helms, Mr. Allard, Mr. Ashcroft, Mr. Wyden, Mr. Torricelli, Mr. DeWine, Mr. Grams, Mr. Roth, Mrs. Hutchison, Mr. Smith of Oregon, Mr. Bond, Mr. Durbin, Mr. Cleland, Mr. Grassley, Ms. Collins, Mr. Kyl, Mr. Breaux, Mr. Lautenberg, Mr. Hatch, Mr. Murkowski, Mrs. Lincoln, Ms. Landrieu, Mr. Specter, Mr. Voinovich, Mr. Miller, Mr. Robb, Mr. Inhofe, Mr. Crapo, Mr. Bunning, Mr. Edwards, Ms. Mikulski, Mr. Lott, Mr. Daschle, Mr. Reid, Mr. Santorum, Mr. Fitzgerald, Ms. Snowe, Mrs. Boxer, Mr. Reed, Mr. Levin, Mr. McConnell, Mr. Hagel, Mr. Gramm, Mr. Moynihan, Mr. Kennedy, Mr. L. Chafee, Mr. Campbell, and Mr. Rockefeller):

S. 3250. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 156. A concurrent resolution to make a correction in the enrollment of the bill S. 1474; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PRODUCER PROTECTION ACT OF 2000

Mr. HARKIN. Mr. President, I am introducing the Agricultural Producer Protection Act of 2000, a bill which will help ensure an open competitive agricultural marketplace. There is no issue raising more concerns in agriculture today than the rapid increase of economic concentration and vertical integration. The structure of agriculture and the entire agribusiness and food sector is being massively transformed—and the pace is accelerating. Large agribusinesses through mergers, acquisitions, and strategic alliances are controlling more and more of the production and processing of our agricultural commodities. Beyond this horizontal concentration, these large firms are relying on production and marketing contracts to hasten the trend toward vertical integration in agriculture.

According to the Department of Agriculture, the top four fed cattle packers control 80 percent of the market, while the top four pork processors control almost 60 percent of the market. In the grain industry, the top four firms control 73 percent of the wet corn milling, 71 percent of soybean milling, and 56 percent of flour milling. This conglomeration of power is limiting producers' marketing choices and adversely affecting the prices they receive. While the market basket of food has only increased by 3 percent since 1984, the farm value of that market basket has plummeted 38 percent. In fact, the farmer's share of the retail food dollar has dropped from 47 percent in 1950 to 21 percent in 1999. In addition, the farm-to-wholesale price spreads for pork increased by 52 percent and for beef by 24 percent in the past five years.

But farmers are not the only ones at risk because of the conglomeration of economic power by a few large agribusinesses and the reductions in competition. Consumers are also at risk. I liken arrangement to an hourglass, with many farmers on one side and many consumers on the other side. In the middle is a choke point with just a few large agribusiness firms. We, as consumers, should not become reliant on an every dwindling number of companies for our food.

Agribusiness is changing the way they play the game and it is becoming increasingly clear that enforcement of the antitrust and competition laws—including the Sherman Act, the Clayton Act, the Federal Trade Commission Act, and the Packers and Stockyards Act—is not enough by itself to ensure healthy competition in agriculture. Congress must step in and clarify the rules of the game before the big conglomerates push the independent producers out entirely. That is what my legislation is designed to do.

Consolidation and vertical integration in the agricultural sector is resulting in a great disparity in bargaining power and a gross inequality in economic strength between agribusinesses and producers. The impacts of this disparity are being most dramatically seen in the increased use of contracting in agriculture. I recognize that it is probably inevitable that there will be more contracting for a number of reasons. However, as recognized by several state Attorneys General who have proposed model state contract legislation, contracting with large agribusinesses pose serious problems that our current laws do not reach.

First, large companies are increasingly leveraging their economic muscle and control of market information to dictate contract terms to the detriment of producers. Large companies often offer contracts to producers on a "take it or leave it" basis. The company tells the farmer to sign a form contract with no opportunity to negotiate different terms and with little or no ability to take time to think about whether or not to sign the contract.

Second, large agribusinesses are transferring a disproportionate share of the economic risks to farmers through contracts. The contractual risks producers will face under a contract are usually buried in pages of legalese and fine print. Producers are often stuck with unfair contract terms they did not even know existed because of the lack of opportunity to consult with an attorney or an accountant.

Third, increasing use of contracts threatens market transparency. Prevailing prices for agricultural commodities have traditionally been readily available through public transactions. The use of strict confidentiality clauses in contracts veil transactions in secrecy. These clauses prohibit farmers from comparing contracts and negotiating for a fair deal. Farmers are often prohibited from discussing their deals with other producers, let alone with a financial or market advisor, an attorney, or an accountant.

Fourth, once a producer enters into a contractual relationship with a company there is virtually no realistic protection from unfair practices, abuses, or retaliation. Most production contracts require producers to make substantial long term capital investments in buildings and equipment prior to ever getting a contract. Once a producer makes the financial commitment, they are offered short term contracts that must be continually renewed. Because of these financial obligations, producers often have no other alternative than to sign whatever contract is offered to them. This situation not only makes it easier for a company to retaliate against those who try to speak up for their rights but also eliminates virtually any bargaining power the producer may have had. They often have no other alternative than to take a contract which further exploits them with unfair terms and which further shifts the economic risks to producers. In addition, if a producer has to litigate individually against an agribusiness conglomerate it is very expensive and they are at a huge disadvantage.

The Agricultural Producer Protection Act of 2000 provides reasonable oversight of agricultural contracting that will address these problems and promote fair, equitable, and competitive markets in agriculture. The Act would: (1) require contracts to be written in plain language and disclose risks to producers; (2) provide contract producers three days to review and cancel production contracts; (3) prohibit confidentiality clauses in contracts; (4) provide producers with a first-priority lien for payments due under contracts; (5) prohibit producers from having contracts terminated out of retaliation; and (6) make it an unfair practice for processors to retaliate or discriminate against producers who exercise rights under the Act.

My legislation also recognizes that there must be a balance between providing oversight of contracting and addressing the root of the problem—the growing disparity in bargaining power between large agribusinesses and independent producers. Independent farmers can compete and thrive if the competition is based on productive efficiency and delivering abundant supplies of quality products at reasonable prices. But no matter how efficient farmers are, they cannot survive a contest based on who wields the most economic power.

Because of the increased levels of concentration and vertical integration in agriculture, it is imperative that Congress facilitate a more competitive and balanced marketplace for negotiations between large agribusinesses and producers. The Agricultural Producer Protection Act of 2000 provides farmers with the tools necessary to bargain more effectively with large agribusiness conglomerates for fair and truly competitive prices for the commodities they grow.

Congress passed the Agricultural Fair Practices Act of 1967 to ensure that farmers could join together to market their commodities without fear of interference or retribution from processors. Unfortunately, the law has several weaknesses which prevent it from truly helping producers generate enough market power to bargain effectively with large processors. The law: (1) does not require that processors bargain with association members; (2) contains a loophole allowing agribusinesses to refuse to bargain with producers for any reason besides belonging to an association, which makes it much easier to manufacture an excuse for why they refuse to deal with association members; and (3) does not give the Secretary of Agriculture authority to impose penalties for violations of the Act, which greatly reduces the incentive for processors to obey the law.

My legislation addresses these shortcomings. The Agricultural Producer Protection Act of 2000 sets up a procedure where farmers can voluntarily form an association of producers and petition to the Secretary to become accredited. Once accredited, agribusinesses are required to bargain in good faith with the association of producers. This requirement will help producers organize in order to negotiate fairly and effectively on the price and marketing terms for their commodities. In addition, my legislation gives the Secretary increased investigative and enforcement authority to ensure that these large processors follow the law.

Finally, my legislation amends the Packers and Stockyards Act of 2000 to give the Secretary administrative enforcement authority to stop unfair practices in the poultry industry. Unlike the livestock industry, the Secretary does not currently have authority to take administrative actions, including holding hearings and assessing civil and criminal penalties for violations of the Packers and Stockyards Act in the poultry industry. My legislation addresses this discrepancy and responds to the Administration's repeated requests for this authority.

Unfortunately, current law has resulted in little being done to stop the rapid consolidation and vertical integration in agriculture which is threatening both farmers and consumers. We must address this trend now before it builds more momentum, making independent farmers a footnote in the history books and putting consumers at the mercy of large agribusiness companies.

My legislation attacks the problems resulting from agribusiness concentration and vertical integration in two very fundamental ways. First, it provides reasonable oversight of contracting practices in order to stop the current inequalities and unfair practices farmers are facing due to the lack of bargaining power. But, I also recognize that we must address the increasing disparity in bargaining power head on. My legislation gives producers the tools necessary to enhance their bargaining position in order to negotiate fairly and equitably on the price and marketing terms for their commodities. I believe both must be done in order to ensure a fair, open agricultural marketplace.

Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

BURMA APPAREL AND TEXTILE IMPORT BAN BILL

Mr. HARKIN. Mr. President, while we are encouraged by democratic gains in Serbia, the people of Burma continue to suffer at the hands of the world's most brutal military dictatorship—a regime which, perversely, calls itself the State Peace and Development Council (SPDC). Now more than ever, as a nation committed to democracy, freedom, and universal human and worker rights, America must dissociate itself from Burma's repressive regime. We must do all we can to deny any material support to the military dictators who rule that country with an iron fist. Amidst the most recent crackdown on pro-democracy forces launched in mid-August, we must demonstrate anew to the Burmese people our recognition of their nightmarish plight and our support for their noble struggle to achieve democratic governance.

A few yeas ago, Congress enacted some sanctions and President Clinton issued an Executive Order in response to a prolonged pattern of egregious human rights violations in Burma. At the heart of those measures is the existing prohibition on U.S. private companies making new investments in Burma's infrastructure. Pre-1997 investments were not affected.

Nevertheless, the ruling military junta in Burma has hung on to power and continues to blatantly violate internationally-recognized human and worker rights. The most recent State Department Human Rights Country Report on Burma cites "credible reports that Burmese Army soldiers have committed rape, forced porterage, and extrajudicial killing." It mentions arbitrary arrests and the detention of at least 1300 political prisoners.

Human Rights Watch/Asia reports that children from ethnic minorities are forced to work under inhumane conditions for the Burmese Army, deprived of adequate medical care and sometimes dying from beatings.

The UN Special Rapporteur on Burma, just released a chilling and alarming account which puts the number of child soldiers at 50,000—the highest in the world. Sadly, the children most vulnerable to recruitment into the military are orphans, street children, and the children of ethnic minorities.

The same UN report also discussed how minorities in Burma continue to be the targets of violence. It deals vicious human rights violations aimed at minorities including extortion, rape, torture and other forms of physical abuse, forced labor, "portering", arbitrary arrests, long-term imprisonment, forcible relocation, and in some cases, extrajudicial executions. It also cites reports of massacres in the Shan state in the months of January, February and May of this year.

A 1998 International Labor Organization Commission of Inquiry has determined that forced labor in Burma is practiced in a "widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people."

In one recent high-profile court case, California District Court Judge Ronald Lew found "ample evidence in the record linking the Burmese Government's use of forced labor to human rights abuses."

In sum, gross violations of human rights and systematic labor repression inside Burma go on and on, outside the purview of CNN and the rest of the international media.

But despite the onslaught of the Burmese military regime and their vow to destroy the National League for Democracy (NLD) by the end of this year. Aung San Suu Kyi, a remarkably courageous leader, stands steadfast—like a living Statue of Liberty—in her work with the Burmese people for democracy. We must never forget that she and her NLD colleagues won 392 of 485 seats in a democratic election held in 1990. But they have never been allowed to take office.

Still, Aung San Suu Kyi—the 1991 Nobel Peace Prize winner—and countless others are denied freedom of association, speech and movement on a daily basis. During the past two and a half months, she has come under renewed threats and intimidation. Last August, her vehicle was forced off the road by Burmese security forces when she tried to travel outside Rangoon to meet with her NLD colleagues. She sat in her car on the roadside for a week until a midnight raid of 200 riot police forced her back to her home and placed her under house arrest until September 14, 2000. Nevertheless, she tried again on September 21st, but she was prevented from boarding a train. The latest pathetic excuse from the authorities for abridging her freedom to travel within Burma on that occasion, was that all tickets had been sold out.

Mr. President, we must answer anew the cry of the Burmese people and their courageous leaders. That is why I wrote to President Clinton on September 12th and I ask that my letter be included in the RECORD at this time. In that letter, I spelled out in detail all of the reasons why a ban on apparel and textile imports from Burma makes good sense. As yet, I don't have a formal reply from the White House.

Accordingly, I am introducing legislation today with Senators LEAHY, WELLSTONE, HOLLINGS, FEINGOLD, LAUTENBERG, and SCHUMER to ban soaring imports of apparel and textiles from Burma. I am pleased that U.S. Congressman TOM LANTOS from California is introducing the companion bill in the U.S. House of Representatives at the same time.

Most Americans think that a trade ban with Burma already exists. This is simply not true.

In fact, imports of apparel and textiles from Burma are increasing, sending hundreds of millions of U.S. dollars straight into the coffers of the Burmese military dictatorship. These ruthless military dictators and their drug-trafficking cohorts are spending this hard currency to purchase more guns and to buy loyalty among their troops to continue their policy of repression and cruelty.

According to the National Labor Committee, U.S. apparel imports from Burma between 1995 and 1999 increased by 272%. The World Trade Atlas shows that in just one year (1998-1999), apparel imports more than doubled, dramatically rising from $61 million to $131 million. In particular, knit and woven apparel accounted for over 80% of U.S. imports from Burma during 1999.

In other words, every time American consumers buy travel and sports bags, women's underwear, jumpers, shorts, tank tops and towels made in the Burmese gulag, they are unwittingly helping to sustain and tighten the repressive military junta's grip on power.

U.S. apparel imports from Burma provide the SPDC with critically-needed hard currency because the military dictators directly own or have taken de facto control of production in many apparel and textile factories. They profit even more from a 5% export tax. As I said earlier, this hard currency is used to buy new weapons and ammunition from China and elsewhere, thus underwriting the perpetuation of modern-day slavery, forced labor and forced child labor in Burma.

But you don't have to take my word for it. At a recent news conference in Washington, DC, U Maung Maung, the General Secretary of the Federation of Trade Unions in Burma stated that "the practice of purchasing garments made in Burma extends the continued exploitation of my people, including the use of slave labor by the regime, by further delaying the return of democratic government in Burma." At grave personal risk, he and other NLD leaders have disclosed that apparel and textile exports to America and other foreign markets are increasingly important in helping sustain the Burmese military junta in power.

Some may ask whether a ban on Burmese apparel and textile imports might harm American companies and consumers. Nothing could be further from the truth. Currently, U.S. apparel and textile imports from Burma account for less than one-half of one percent of total US apparel and textile imports.

Other may assert that enactment of this legislation would violate WTO rules. But if and when the Government of Burma should file a WTO complaint, I don't think we should shy away from such a case. It would present the opportunity to argue the view that WTO member nations should have the right, at a minimum, to enact laws to block imports of products made by forced labor or in flagrant violation of other internationally-recognized worker rights. In effect, if national governments cannot take a stand against trafficking in products made with forced labor in international trade, then under what human rights conditions or by what standards of civility will it ever be possible in the WTO system?

Mr. President, America must take a stronger stand in solidarity with the Burmese people and in defense of universal human rights and worker rights in that besieged nation. Banning apparel and textile imports from Burma reflects the belief of the American people that increased trade with foreign countries must promote respect for human rights and worker rights as well as property rights.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 12, 2000.

Hon. WILLIAM J. CLINTON,
President, Office of the White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express concern that developments in trade between the U.S. and Burma may be strengthening the Burmese military junta. To support the duly-elected democratic government of Burma and promote internationally recognized human and worker rights, and to remedy this inconsistency in U.S. policy toward Burma, a ban on U.S.-Burmese trade in apparel seems warranted.

Since the U.S. instituted a ban on new investment in Burma at your initiative in May, 1997, little has changed. The authoritarian regime continues to actively violate human rights and tacitly condone narcotrafficking. A 1998 International Labor Organization (ILO) Commission of Inquiry detailed the military's "widespread and systematic" use of forced labor (Attachment 1). The most recent State Department Human Rights Country Report on Burma also addresses forced labor practices and other human rights violations; according to the Report, in March 2000, about 1300 political prisoners remained in detention (Attachment 2). Democratically-elected Aung San Suu Kyi and eight other leaders of the National League for Democracy have been confined to their homes since this Saturday, September 2, in yet another standoff with the State Peace and Development Council (SPDC). Furthermore, Burma continues to be the world's second leading producer of opium (Attachment 2).

I am concerned that allowing rapidly increasing apparel imports from Burma by U.S. importers implicitly supports the SPDC and may undermine the effects of divestment. Between 1995 and 1999, Burmese apparel imports by the U.S. skyrocketed by 272% and the trend continues (Attachment 8). Compared with last year's data, apparel imports rose 121% in the first five months of

2000 alone (Attachment 9). As U.S. apparel companies attracted by low production costs increase their apparel orders, critically-needed hard currency earnings in the form of U.S. dollars flow in ever-greater amounts into the coffers of the Burmese military. This revenue is spent on arms from China and elsewhere, further oppressing the Burmese people. We cannot ignore the impact that our dollars are having on the human rights and core labor standards of the people of Burma. Furthermore, a ban on apparel imports would not significantly hurt U.S. businesses or consumers, since Burma accounts for only 0.46% of U.S. apparel imports (Attachment 10).

As Burma's economy continues to deteriorate, the apparel industry serves as a valuable lifeline for the SPDC. Both labor and human rights organizations, and prominent leaders of the democratic Burmese government in exile, have emphasized the connection between apparel and Burma's military (Attachment 3 and 4). U Bo Hla Tint, Minister for North and South American Affairs of the National Coalition Government for the Union of Burma, stated in a recent press conference that "it is the Burmese military that directly owns most of the garment and textile manufacturing facilities in Burma" (Attachment 5). Furthermore, U Muang Muang, the General Secretary of the Federation of Trade Unions of Burma and the President of the Burma Institute for Democracy and Development, argued in a recent speech that "the military regime and Burma's drug lords control most commercial activities in Burma and this is especially true of the garment and textile industry. By purchasing garments made in Burma, American companies are directly enriching and strengthening those most brutal and un-democratic elements in Burma that continue to oppress the people" (Attachment 6). Not only does the SPDC benefit from direct ownership of apparel factories, but also from an export tax of 5% on all apparel leaving Burma (Attachment 7). We should act to curb this significant source of hard currency earnings to the SPDC.

A ban on apparel imports from Burma would further demonstrate U.S. opposition to the Burmese military junta and reinforce our commitment to universal human rights and internationally recognized worker rights. In addition, cutting back revenue for the SPDC may help lead to a more rapid demise of that brutal military regime and allow Aung San Suu Kyi and her National League for Democracy to assume their positions of power in a duly-elected democratic government.

I look forward to your reply. Thank you for your attention and thoughtful consideration of my concerns and proposal for a complete ban on apparel imports from Burma.

With best regards.

Tom Harkin,
U.S. Senator.

Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

LEGISLATION TO ESTABLISH A CHIEF LABOR NEGOTIATOR

Mr. HARKIN. Mr. President, I am also introducing legislation today that would ensure working men and women the representation they deserve in future trade negotiations.

The Trade and Labor Negotiation Fairness Act would create a new, Presidentially-appointed and Senate-confirmed position of Chief Labor Negotiator at the United States Trade Representative's USTR office. The Chief Labor Negotiator would represent the interests of workers during trade negotiations.

Nearly three years ago, farmers and others in the U.S. agriculture sector felt they needed stronger representation and greater attention by USTR. So I called for the creation of a new position at USTR having ambassadorial rank and devoted solely to representing the U.S. in agricultural trade matters. I met with Ambassador Barshefsky and pursued my proposal in the Administration. Peter Scher was appointed early in 1997 to the new USTR position and was succeeded by Greg Frazier. Both of them have done a good job representing U.S. farmers and our agriculture sector.

Earlier this year, in the Trade and Development Act of 2000, Congress specified in statute that USTR shall have a Chief Agricultural Negotiator. That position will exist regardless of who is in the White House or USTR. This position would have equal status to that of the Chief Agricultural Negotiator at USTR.

Why do we need a Chief Labor Negotiator at USTR? Because the crucial role that worker rights play in the global economy has been ignored for too long. Enforceable labor standards have been left out of the trade agreements the U.S. has negotiated.

U.S. working men and women are placed at a disadvantage by this unfair competition. If this trend continues, U.S.-based companies will face continuing pressure to lower their standards to compete in the global economy.

The result will be depressed wages, fewer benefits, unsafe working conditions for American workers, and little or no improvement in other countries.

We need to use trade negotiations to raise standards around the world—not drag down standards here at home. We must ensure that labor rights are a key consideration in future trade negotiations and an integral part of future trade agreements. The Chief Labor Negotiator's primary job would be to make this happen by ensuring that the interests of workers are represented in future trade negotiations.

I've heard the argument that other countries don't want to talk about labor rights in trade discussions. USTR needs to take the lead and insist labor standards are an essential part of future trade negotiations. Our own economy and the well being of our families depend on it. And if trade is truly going to improve living standards around the world, it is essential that labor standards are included in future trade agreements.

USTR needs someone who represents workers' interests—not on the sidelines, but in the room during discussion of future trade agreements. Because the Chief Labor Negotiator at USTR will have ambassadorial rank, that person will be able to meet with the highest-level trade officials of other countries—and to insist that labor standards are on the table and are included in future agreements.

Vice President Gore recognizes that. He has repeatedly said that as President, he would work to ensure workers' rights are included in future trade agreements. Establishing a Chief Labor Negotiator position at USTR would help him and future Presidents keep that commitment.

I urge my colleagues to review this bill over the coming weeks because I will be re-introducing it next year with the hope of getting it passed in the Senate and signed into law.

Mr. HARKIN (for himself, Mr. Wellstone, Mr. Kennedy, Mrs. Murray, Mr. Feingold, Mr. Bingaman, Mrs. Boxer, Ms. Mikulski, Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Akaka, Mr. Lieberman, Mr. Leahy, Mr. Baucus, and Mr. Rockefeller):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE FAIRNESS ACT—STRIKER REPLACEMENT

Mr. HARKIN. Mr. President, I along with 15 of my colleagues are introducing a bill today that addresses an issue we haven't talked enough about in the Senate in recent years—but it's a critically important issue that we cannot continue to ignore.

I am talking about workers rights—specifically the erosion of a worker's fundamental right to strike, to protect that right.

Today, we are introducing the Workplace Fairness Act. This may sound familiar to many of my colleagues here in the Senate. It was a bill my good friend and former colleague Senator Howard Metzenbaum from Ohio introduced in the 102d and 103d Congress.

The Workplace Fairness Act would amend the National Labor Relations Act and the Railway Labor Act by prohibiting employers from hiring permanent replacement workers during a strike. It would also make it an unfair labor practice for an employer to refuse to allow a striking worker who has made an unconditional offer to return to go back to work.

Why do we need this legislation?

Because right now, a right to strike is a right to be permanently replaced—to lose your job. Every cut-rate, cutthroat employer knows they can break a union if they are willing to play hardball and ruin the lives of the people who have made their company what it is. In my own state of Iowa—Titan

Tire Company out of Des Moines, is trying to drive out the union workers with permanent replacements—the union has been on strike for two and a half years now.

Over the past two decades, workers' right to strike has too often been undermined by the destructive practice of hiring permanent replacement workers. Since the 1980s, permanent replacements have been used again and again to break unions and to shift the balance between workers and management.

Titan Tire just outside is just one of many examples.

On May 1, 1998, the 650 members of the United Steelworkers of America, Local 164, who work in Des Moines Titan Tire plant, were forced into an Unfair Labor Practice Strike.

During the contract negotiations preceding this strike, Titan International Inc. President and CEO, Morry Taylor, attempted to eliminate pension and medical benefits and illegally move jobs and equipment out of the plant. He also forced employees to work excessive mandatory overtime, sometimes working people as many as 26 days in a row without a day off.

Well, the membership decided that Titan's final offer was impossible to accept, and they voted to strike. Two months later, in July, 1998, Titan began hiring permanent replacement workers.

During the past two and a half years, approximately 500 permanent replacement workers have been hired at the Des Moines plant. And little or no progress has been made toward reaching a fair settlement. In fact, on April 30, 2000, the day before the second anniversary of the Titan strike, Morrie Taylor predicted that the strike would never be settled.

Workers deserve better than this. Workers aren't disposable assets that can be thrown away when labor disputes arise.

When we considered this legislation in 1994, the Senator Labor and Human Resources Committee heard poignant testimony about the emotional and financial hardships caused by hiring permanent replacement workers. We heard about workers losing their homes; going without health insurance because of the high costs of COBRA coverage; feeling useless when they were permanently replaced after years of loyal service.

The right to strike—which we all know is a last resort since no worker takes the financial risk of a strike lightly—is fundamental to preserving workers' right to bargain for better wages and better working conditions. Without the right to strike, workers forego their fair share of bargaining power.

Permanent striker replacement not only affects the workers who were replaced. It affects other workers in competing companies. When one employer in an industry breaks a union, hires permanent replacements, and cuts salaries and benefits, it affects all the other companies in the industry. Now they either have to find a way to compete with the low-wages and shoddy benefits of a cut-rate, cut-throat business—or they have to follow suit.

Also, workers faced with being replaced are forced to make a choice. They can either stay with the union and fight for their jobs, or they can cross the picket line to avoid losing the job they've held for ten or twenty or thirty years.

Is this a free choice, as some of our colleagues would suggest? Or is this blackmail that takes away the rights and the dignity of the workers of this country? What does it mean to tell workers, "you have the right to strike"—when we allow them to be summarily fired for exercising that right?

In reality, there is no legal right to strike today. And because there is no legal right to strike, there is no legal right to bargain collectively. And since there is no legal right to bargain collectively, there is no level playing field between workers and management.

In other words, Management gets to say that you must bargain on their terms—or find some other place to work. If you're permanently replaced, that means you're out of work; you lose all your pension rights; you lose your seniority; you lose your job forever.

How did this happen? We've got to go back to the 1930's for the answer.

In response to widespread worker abuses—and union busting—Congress passed the National Labor Relations Act—the Wagner Act—in 1935 and it was signed into law by President Roosevelt. The Wagner Act guarantees workers the right to organize and bargain collectively and strike if necessary. It makes it illegal for companies to interfere with these rights. In fact, it specifies the right to strike and states: 'Nothing in this act—except as specifically provided herein—shall be construed so as to interfere with or impede or diminish in any way the right to strike.'

In 1938, the Supreme Court dealt the Wagner Act a mortal blow in the case *National Labor Relations Board (NLRB) versus Mackay Radio and Telegraph Co.* In that case, the Court said that Mackay Radio could hire permanent replacement workers for those engaged in an economic strike.

There are two types of strikes: economic and unfair labor practices. Employers must rehire employees in unfair labor practice strikes. The NLRB determines if the strike is economic or based on unfair labor practices. Union cannot know in advance whether NLRB will rule that their employer has engaged in unfair labor practices. So any employee participating in a strike runs a risk of permanently losing his or her job.

What's interesting is that following the Court's ruling, companies did not take advantage of this loophole until the 1980s. Before then, they recognized that doing that would upset this level playing field. For almost 40 years, management rarely hired permanent replacements.

That began to change in the 1980s. Since then, hiring permanent replacements has become a routine practice to break unions and shift the balance between workers and management.

Again Mr. President, the Workplace Fairness Act would restore the fundamental principle of fair labor-management relations—the right of workers to strike without having to fear losing their jobs.

Permanent striker replacement keeps us from moving forward as a nation into an era of high-wage, high-skilled, highly productive jobs in the global marketplace. Without the right to strike, workers' rights will continue to erode. The result will be fewer incentives and less motivation to produce good work, and companies will also suffer with less quality in their products.

Obviously, Mr. President, this legislation won't be adopted this year. But we are introducing it today to begin the debate and to signal our intent on raising it and other fundamental labor law reforms in the next session of Congress. Its time for us to level the playing field for hard-working Americans.

Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

ASSISTANCE FOR INTERNATIONAL EDUCATIONAL, CULTURAL, AND ARTS PROGRAMS OF THE DEPARTMENT OF STATE

Mr. BIDEN. Mr. President, I introduce legislation which would authorize the establishment of nonprofit entities to provide grants and other assistance for international educational, cultural and arts programs through the Department of State. This is an initiative I have discussed with officials of the Department of State and introduce today to initiate discussion on how to best stimulate a vibrant exchange of international educational, cultural and arts programs.

We are in a era in which cultural issues are increasingly central to international issues and diplomacy. Trade disputes, ethnic and regional conflicts and issues such as biotechnology all have cultural and intellectual underpinnings.

Cultural programs are increasingly necessary to promoting international understanding and achieving U.S. national objectives. American multinational companies and other Americans doing business overseas welcome opportunities to show their support for the unique cultures of nations in which they do business, as well as their interest in telling the story of America's diversity in other countries.

One way they could do this is by helping to sponsor cultural exchange programs arranged through the Department of State. The problem is that there is apparently no clear easy way to do that—no point of contact for corporations or others interested in supporting cultural diplomacy—no clear avenues to assist cultural programs supported by our government. There also are concerns about possible conflicts of interest. Moreover, many people in our own government are uncertain whether they should engage in presenting the creative, intellectual and cultural side of our nation.

Under this legislation Congress would authorize the establishment of private nonprofit organizations for the support of international cultural programs, making it both easy and attractive for private organizations to support cultural programs in cooperation with the Department of State. In so doing, we would affirm support for the promotion and presentation of the nation's intellectual and creative best as part of American diplomacy.

This initiative would support a broad range of cultural exchange programs—projects that send Americans abroad and that bring people from other countries to the United States. Its priority would be to support the organization and promotion of major, high-profile presentations of art exhibitions, musical and theatrical performances which represent the finest quality of creativity our nation produces. These should be presentations that reach large numbers of people, which contribute to achieving our national interests and which represent the diversity of American culture.

There would be authority to solicit support for specific cultural endeavors, offering individuals, foundations, multinationals corporations and other American businesses engaged overseas the opportunity to publicly support cross-cultural understanding in countries where they do business.

The nonprofit entity would work with the Bureau of Educational and Cultural Affairs as well as the Under Secretary for Public Diplomacy and Public Affairs at the Department of State.

Mr. President, that is the overall purpose of this legislation. I am sure we will be able to improve on how to encourage a vibrant exchange of cultural programs, and I welcome suggestions on how best to do that. It is for that purpose that I introduce this legislation at the end of this Congress, with the intention of reintroducing it next year with the benefit of those suggestions.

I ask consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America's creative, visual and performing arts, is an especially effective means of advancing the U.S. national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity and vitality of the arts in the United States are presented to foreign audiences by and in cooperation with our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of multinational companies and other private sector contributors.

(7) The U.S. private sector should be encouraged to cooperate closely with the Secretary of State and her representatives to expand and spread appreciation of U.S. cultural and artistic accomplishments.

SEC. 2. AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.

Section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, (22 U.S.C. 2255(f)) is further amended—

(1) by inserting "(1)" after "(f)"; and by adding at the end the following new paragraphs:

(2) The Secretary of State is authorized to provide for the establishment of private, nonprofit entities to assist in carrying out the purposes of the Act. Any such entity shall not be considered an agency or instrumentality of the United States government, nor shall its employees be considered employees of the United States government for any purposes.

(3) The entities may, among other functions, (a) encourage participation and support by U.S. multinational companies and other elements of the private sector for cultural, arts and educational exchange programs, including those programs that will enhance international appreciation of America's cultural and artistic accomplishments; (b) solicit and receive contributions from the private sector to support these cultural arts and educational exchange programs; and (c) provide grants and other assistance for these programs.

(4) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of these entities, including the solicitation and receipt of funds for the entity; designation of a program in recognition of such contributions; and designation of members, including employees of the U.S. government, on any board or other body established to administer the entity.

(5) Any funds available to the Department of State may be made available to such entities to cover administrative and other costs for their establishment. Any such entity is authorized to invest any amounts provided to it by the Department of State, and such amounts, as well as any interest or earnings on such amounts, may be used by the entity to carry out its purposes.

ADDITIONAL COSPONSORS

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2789

At the request of Mr. COCHRAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3139, a bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien

S. 3147

At the request of Mr. ROBB, the names of the Senator from Ohio (Mr . VOINOVICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3181

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

At the request of Mr. HAGEL, the names of the Senator from Maine (Ms.

COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3181, supra.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. CON. RES. 153

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 153, a concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 156—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 1474

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert "not" after "shall".

AMENDMENTS SUBMITTED

OLDER AMERICANS AMENDMENTS OF 1999

GREGG AMENDMENT NO. 4343

Mr. GREGG proposed an amendment to the bill (H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; as follows:

Beginning on page 151, strike line 1 through line 23, page 153, and insert the following:

"(d) RESPONSIBILITY TESTS.—

"(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall make an assessment of the applicant agency or State's overall responsibility to administer Federal funds.

"(2) REVIEW.—

"(A) IN GENERAL.—As part of the assessment described in paragraph (1), the Secretary shall conduct a review of the available records to assess the applicant agency or State's proven ability and history with regard to the management of other grants, including Department of Labor grants, and may consider any other information.

"(B) EXISTING GRANTEES.—As part of the assessment described in paragraph (1), any applicant agency or State who in the prior year received funds under this title shall be assessed in accordance with subparagraph (A), and particular consideration shall be given to such agency or State's proven ability to manage funds under this title.

"(C) TIME FOR REVIEW.—The Secretary shall conduct the review described in this paragraph in a timely manner to ensure that, if such agency or State is determined to be not responsible and ineligible as a grantee, any competition of funds from such agency or State who in the prior year received funds under this title will be accomplished without disruption to any employment of older individuals provided under this title. Such competition shall be performed in accordance with paragraph (7).

"(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A), (B), and (C) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

"(4) TEST.—The responsibility test shall include the following factors:

"(A) Efforts by the Secretary to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

"(B) Established fraud or criminal activity of a significant nature within the organization.

"(C) Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or investigations by the Federal Government.

"(D) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

"(E) Willful obstruction of the audit process.

"(F) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

"(G) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

"(H) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

"(I) Failure to submit required reports.

"(J) Failure to properly report and dispose of government property as instructed by the Secretary.

"(K) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

"(L) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

"(M) Failure to audit a subrecipient within the required period.

"(N) Final disallowed costs in excess of 2 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

"(O) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

"(5) DETERMINATION.—Applicants that are determined to be not responsible under paragraph (4), shall not be selected as a grantee, and shall not receive a grant, or be allowed to enter into a contract, to provide goods, services, or employment with funds made available under this title.

"(6) AUTHORITY TO BAR PROVIDERS.—If, after notice and an opportunity for a hearing, the Secretary determines that an applicant agency or State who in the prior year received funds under this title, is not responsible under paragraph (4), and that funds expended under such title by a recipient of a grant, directly or indirectly, by a grant to or contract with a provider to provide employment for older individuals, have not been expended in compliance with this title or a regulation issued to carry out this title, then the Secretary shall issue an order barring such provider, for a period not to exceed 5 years as specified in such order, from receiving a grant, or entering into a contract, to provide goods, services, or employment with funds made available under this title.

"(7) COMPETITION FOR FUNDS.—

"(A) IN GENERAL.—In the case of an applicant agency or State, who has in the prior year received funds under this title, and who has been determined to be not responsible under paragraph (4), the Secretary shall establish procedures to conduct a competition for the funds to carry out such project among any and all eligible entities that meet the responsibility test under paragraph (4), except that any existing grantee that is the subject of the corrective action under subsection (e) shall not be eligible to compete for such funds.

"(B) USE OF FUNDS.—The eligible applicant or State that receives the grant through the competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

"(8) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

"(9) ADDITIONAL AUDITS.—With respect to unspent funds under this title that are returned to the Department of Labor at the end of the program year, the Secretary may use such funds (not to exceed $1,000,000 annually) to provide for additional auditing and oversight activities of grantees receiving funds under this title.

TO AMEND PUBLIC HEALTH SERVICE ACT (CARDIAC ARREST SURVIVAL ACT OF 1999)

FRIST (AND OTHERS) AMENDMENT NO. 4344

Mr. JEFFORDS (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, Mrs. MURRAY, Mr. GORTON, and Mr. GRAHAM)) proposed an amendment to the bill (H.R. 2498) to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health Improvement Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Sec. 101. Short title.
Sec. 102. Amendments to the Public Health Service Act.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Increasing the involvement of the National Institutes of Health in clinical research.
Sec. 204. General clinical research centers.
Sec. 205. Loan repayment program regarding clinical researchers.
Sec. 206. Definition.
Sec. 207. Oversight by General Accounting Office.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Biomedical and behavioral research facilities.
Sec. 304. Construction program for National Primate Research Centers.
Sec. 305. Shared instrumentation grant program.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Recommendations and guidelines of Secretary of Health and Human Services regarding automated external defibrillators for Federal buildings.
Sec. 404. Good samaritan protections regarding emergency use of automated external defibrillators.

Subtitle B—Rural Access to Emergency Devices

Sec. 411. Short title.
Sec. 412. Findings.
Sec. 413. Grants.

TITLE V—LUPUS RESEARCH AND CARE

Sec. 501. Short title.
Sec. 502. Findings.

Subtitle A—Research on Lupus

Sec. 511. Expansion and intensification of activities.

Subtitle B—Delivery of Services Regarding Lupus

Sec. 521. Establishment of program of grants.
Sec. 522. Certain requirements.
Sec. 523. Technical assistance.
Sec. 524. Definitions.
Sec. 525. Authorization of appropriations.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Sec. 601. Short title.
Sec. 602. Amendments to the Public Health Service Act.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Sec. 701. Organ procurement organization certification.
Sec. 702. Designation of Give Thanks, Give Life Day.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

Sec. 801. Alzheimer's clinical research and training awards.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

Sec. 901. Sexually transmitted disease clinical research and training awards.

TITLE X—MISCELLENOUS PROVISIONS

Sec. 1001. Technical correction to the Children's Health Act of 2000.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Health Threats and Emergencies Act".

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

"SEC. 319. PUBLIC HEALTH EMERGENCIES.

"(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

"(1) a disease or disorder presents a public health emergency; or

"(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

"(b) PUBLIC HEALTH EMERGENCY FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the 'Public Health Emergency Fund' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

"(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

"(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

"(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

"(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

"(a) CAPACITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

"(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, state and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

"(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

"(B) identify disease-causing pathogens rapidly and accurately;

"(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

"(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

"(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

"(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of 2 or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of 2 or more States or political subdivisions of States, in addition to awarding such grants.

"(b) PROCEDURE.—

"(1) IN GENERAL.—A State, or a consortium of 2 or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

"(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

"(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of 2 or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of 2 or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of 2 or more States or political subdivisions of States.

"(d) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

"SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

"(a) Program Authorized.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

"(b) Eligible Entities.—A State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States, that has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

"(c) Use of Funds.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

"(1) train public health personnel;

"(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

"(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

"(4) enhance laboratory capacity and facilities.

"(d) Report.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

"(e) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

"(a) Findings.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the twenty-first century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

"(b) Authorization of Appropriations.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated $180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

"SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

"(a) Task Force.—

"(1) In general.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

"(2) Members of task force.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

"(3) Agenda.—

"(A) In general.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

"(i) public health factors contributing to increasing antimicrobial resistance;

"(ii) public health needs to detect and monitor antimicrobial resistance;

"(iii) detection, prevention, and control strategies for resistant pathogens;

"(iv) the need for improved information and data collection;

"(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

"(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

"(B) Detection and control.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

"(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

"(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

"(4) Meetings.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

"(b) Research and Development of New Antimicrobial Drugs and Diagnostics.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

"(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

"(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

"(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

"(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

"(5) other relevant research areas.

"(c) Education of Medical and Public Health Personnel.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

"(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

"(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

"(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

"(d) Grants.—

"(1) In general.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

"(2) Eligible entities.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

"(3) Use of funds.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

"(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

"(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

"(C) develop and implement policies to control the spread of antimicrobial resistance.

"(e) Grants for Demonstration Programs.—

"(1) In general.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

"(2) Eligible entities.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

"(3) Technical assistance.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

"(f) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK.

“(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

“(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

“(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

“(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

“(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

“(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

“(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

“(2) FUNCTIONS.—Such working group shall—

“(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel to detect, diagnose, and respond to a bioterrorist attack; and

“(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

“(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

“(ii) hospitals, primary care facilities, and public health agencies.

“(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

“(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

“(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

“(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

“(B) addressing rapid and accurate identification of potential bioweapons;

“(C) coordinating medical care for individuals exposed to bioweapons; and

“(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

“(4) COORDINATION.—The Secretary, in awarding grants under this subsection, shall—

“(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

“(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

“(5) ACTIVITIES.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

“(d) FEDERAL ASSISTANCE.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

“(e) EDUCATION.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

“(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

“(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

“(f) FUTURE RESOURCE DEVELOPMENT.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

“(1) the epidemiology and pathogenesis of potential bioweapons;

“(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

“(3) the development of medical diagnostics to detect potential bioweapons; and

“(4) other relevant research areas.

“(g) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

“(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

“(2) the coordination of the activities described in paragraph (1);

“(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

“(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

“(h) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

“(a) IN GENERAL.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

“(b) ELIGIBLE ENTITIES.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

“(c) SPECIFIC CRITERIA.—In making grants under subsection (a), the Secretary shall take into account the following factors:

“(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

“(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

“(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

“(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

“(5) Such other factors as the Secretary determines to be appropriate.

“(d) DURATION OF AWARD.—The period during which payments are made under a grant under subsection (a) may not exceed five years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(e) SUPPLEMENT NOT SUPPLANT.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

"(f) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.".

TITLE II—CLINICAL RESEARCH ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Clinical Research Enhancement Act of 1999".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

"(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

"(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

"(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

"(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

"(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

"(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.".

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(b) Mid-Career Investigator Awards in Patient-Oriented Research.—

"(1) Grants.—

"(A) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) Use.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(c) Graduate Training in Clinical Investigation Award.—

"(1) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) Limitations.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

"(4) Definition.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(5) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(d) Clinical Research Curriculum Awards.—

"(1) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

"(3) Limitations.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

"(4) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

"(a) In General.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) Application of Provisions.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Funding.—

"(1) Authorization of appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(2) Availability.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking "For purposes" and inserting "(a) Health Service Research.—For purposes"; and

(2) by adding at the end the following:

"(b) Clinical Research.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.".

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

SEC. 301. SHORT TITLE.

This title may be cited as the "Twenty-First Century Research Laboratories Act".

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

"SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

"(a) Modernization and Construction of Facilities.—

"(1) In general.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) Construction and cost of construction.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) Scientific and Technical Review Boards for Merit-Based Review of Proposals.—

"(1) In general: approval as precondition to grants.—

"(A) Establishment.—There is established within the Center a Scientific and Technical

Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

"(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

"(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

"(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

"(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

"(5) CERTAIN AUTHORITIES.—

"(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

"(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(iv) the age and condition of existing research facilities.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended by striking "1994" and all that follows through "$5,000,000" and inserting "2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary".

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Cardiac Arrest Survival Act of 2000".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

"RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

"SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

"(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

"(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

"(2) Proper maintenance and testing of the devices.

"(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

"(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

"(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

"(1) consult with appropriate public and private entities;

"(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

"(3) consult with and counsel other Federal agencies where such devices are to be used.

"(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

"(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.".

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

"LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

"Sec. 248. (a) Good Samaritan Protections Regarding AEDs.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

"(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

"(2) to properly maintain and test the device; or

"(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

"(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

"(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

"(b) Inapplicability of Immunity.—Immunity under subsection (a) does not apply to a person if—

"(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

"(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

"(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

"(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

"(c) Rules of Construction.—

"(1) In general.—The following applies with respect to this section:

"(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

"(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

"(C) This section does not waive any protection from liability for Federal officers or employees under—

"(i) section 224; or

"(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

"(2) Civil actions under Federal law.—

"(A) In general.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

"(B) Federal areas adopting State law.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

"(d) Federal Jurisdiction.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

"(e) Definitions.—

"(1) Perceived medical emergency.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

"(2) Other definitions.—For purposes of this section:

"(A) The term 'automated external defibrillator device' means a defibrillator device that—

"(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

"(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

"(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

"(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

"(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.".

Subtitle B—Rural Access to Emergency Devices

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Rural Access to Emergency Devices Act" or the "Rural AED Act".

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated external defibrillators in communities across the United States.

SEC. 413. GRANTS.

(a) In General.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) Community Partnerships.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the

American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) Report.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the "Lupus Research and Care Amendments of 2000".

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

"LUPUS

"Sec. 441A. (a) In General.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) Coordination With Other Institutes.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) Programs for Lupus.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

"(2) Basic research concerning the etiology and causes of the disease.

"(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

"(4) The development of improved diagnostic techniques.

"(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(6) Information and education programs for health care professionals and the public.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.".

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) In General.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) Recipients of Grants.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) Certain Activities.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) Integration With Other Programs.—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 522. CERTAIN REQUIREMENTS.

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 523. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

SEC. 524. DEFINITIONS.

For purposes of this subtitle:

(1) Official Poverty Line.—The term "official poverty line" means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the "Prostate Cancer Research and Prevention Act".

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) Preventive Health Measures.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

"(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

"(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

"(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

"(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

"(5) To improve surveillance for prostate cancer.

"(6) To address the needs of underserved and minority populations regarding prostate cancer.

"(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

"(A) to screen men for prostate cancer as a preventive health measure;

"(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

"(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

"(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities."; and

(2) in subsection (l)(1), by striking "1998" and inserting "2004".

(b) National Institutes of Health.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking "and 1996" and inserting "through 2004".

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) Short Title.—This section may be cited as the "Organ Procurement Organization Certification Act of 2000".

(b) Findings.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) Certification and Recertification of Organ Procurement Organizations.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) Findings.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) DESIGNATION.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

(1) by redesignating section 445I as section 445J; and

(2) by inserting after section 445H the following:

"SEC. 445I. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

"(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease.

"(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer's disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

"(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.".

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

"SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

"(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

"(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

"(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.".

TITLE X—MISCELLENOUS PROVISIONS

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN'S HEALTH ACT OF 2000.

(a) IN GENERAL.—Section 2701 of the Children's Health Act of 2000 is amended by striking "part 45 of title 46" and inserting "part 46 of title 45".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of the Children's Health Act of 2000.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

SESSIONS AMENDMENT NO. 4345

Mr. BROWNBACK (for Mr. SESSIONS) proposed an amendment to the bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Coverdell National Forensic Sciences Improvement Act of 2000".

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking "and" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

"(A) forensic science laboratory or forensic science laboratory system, that—

"(i) employs 1 or more full-time scientists—

"(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

"(II) who provide testimony with respect to such physical evidence to the criminal justice system;

"(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

"(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

"(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.".

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

"SEC. 2801. GRANT AUTHORIZATION.

"The Attorney General shall award grants to States in accordance with this part.

"SEC. 2802. APPLICATIONS.

"To request a grant under this part, a State shall submit to the Attorney General—

"(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

"(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

"(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

"SEC. 2803. ALLOCATION.

"(a) IN GENERAL.—

"(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

"(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

"(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

"(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

"(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

"(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

"(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

"SEC. 2804. USE OF GRANTS.

"(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

"(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

"(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

"(2) may not be used for any general law enforcement or nonforensic investigatory function.

"(c) FACILITIES COSTS.—

"(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

"(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

"(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

"SEC. 2805. ADMINISTRATIVE PROVISIONS.

"(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

"(b) EXPENDITURE RECORDS.—

"(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

"(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

"SEC. 2806. REPORTS.

"(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

"(1) a summary and assessment of the program carried out with the grant;

"(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

"(3) such other information as the Attorney General may require.

"(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

"(1) the aggregate amount of grants awarded under this part for that fiscal year; and

"(2) a summary of the information provided under subsection (a).".

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

"(A) $35,000,000 for fiscal year 2001;

"(B) $85,400,000 for fiscal year 2002;

"(C) $134,733,000 for fiscal year 2003;

"(D) $128,067,000 for fiscal year 2004;

"(E) $56,733,000 for fiscal year 2005; and

"(F) $42,067,000 for fiscal year 2006.".

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding "and" at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking "(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and

scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: "A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.".

BIRMINGHAM PLEDGE LEGISLATION

SESSIONS AMENDMENTS NOS. 4346–4347

Mr. BROWNBACK (for Mr. SESSIONS) proposed two amendments to the joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; as follows:

AMENDMENT NO. 4346

Strike all after the resolved clause and insert the following:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as "National Birmingham Pledge Week.".

AMENDMENT NO. 4347

Strike the preamble and insert the following:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.";

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

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AMERICAN MUSEUM OF SCIENCE AND ENERGY LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4348

Mr. BROWNBACK (for Mr. MURKOWSKI (for himself, Mr. FRIST, and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4940) to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy," and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

"SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

"(a) IN GENERAL.—The Museum—

"(1) is designated as the "American Museum of Science and Energy"; and

"(2) shall be the official museum of science and energy of the United States.

"(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

"(c) PROPERTY OF THE UNITED STATES.—

"(1) IN GENERAL.—The name American Museum of Science and Energy is declared the property of the United States.

"(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

"(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

"SEC. 2. AUTHORITY.

"To carry out the activities of the Museum, the Secretary may—

"(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

"(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

"(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

"(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

"(A) relevant to the contents of the Museum; and

"(B) informative, educational, and tasteful;

"(3) collect reasonable fees where feasible and appropriate;

"(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

"(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

"(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

"SEC. 3. MUSEUM VOLUNTEERS.

"(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

"(b) STATUS OF VOLUNTEERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

"(2) EXCEPTIONS.—

"(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

"(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

"(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

"SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) MUSEUM.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary.".

HEALTH CARE FAIRNESS ACT OF 1999

FRIST (AND OTHERS) AMENDMENT NO. 4349

Mr. BROWNBACK (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr. HATCH, Mr. CLELAND, and Mr. SESSIONS)) proposed an amendment to the bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health and Health Disparities Research and Education Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

Sec. 101. Establishment of National Center on Minority Health and Health Disparities.
Sec. 102. Centers of excellence for research education and training.
Sec. 103. Extramural loan repayment program for minority health disparities research.
Sec. 104. General provisions regarding the Center.
Sec. 105. Report regarding resources of National Institutes of Health dedicated to minority and other health disparities research.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

Sec. 201. Health disparities research by Agency for Healthcare Research and Quality.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

Sec. 301. Study and report by National Academy of Sciences.

TITLE IV—HEALTH PROFESSIONS EDUCATION

Sec. 401. Health professions education in health disparities.
Sec. 402. National conference on health professions education and health disparities.
Sec. 403. Advisory responsibilities in health professions education in health disparities and cultural competency.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

Sec. 501. Public awareness and information dissemination.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Departmental definition regarding minority individuals.
Sec. 602. Conforming provision regarding definitions.
Sec. 603. Effective date.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white individuals live below the poverty line with many living in nonmetropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underrepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure strong scientific, technological, and engineering workforce.

(7) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access,-patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science -researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

"Subpart 6—National Center on Minority Health and Health Disparities

"SEC. 485E. PURPOSE OF CENTER.

"(a) IN GENERAL.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

"(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

"(c) MINORITY HEALTH DISPARITIES RESEARCH.—For purposes of this subpart:

"(1) The term 'minority health disparities research' means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

"(2) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(3) The term 'minority group' has the meaning given the term 'racial and ethnic minority group' in section 1707.

"(4) The terms 'minority' and 'minorities' refer to individuals from a minority group.

"(d) Health Disparity Populations.—For purposes of this subpart:

"(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

"(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

"(3) The term 'health disparities research' means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

"(e) Coordination of Activities.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

"(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

"(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

"(f) Collaborative Comprehensive Plan and Budget.—

"(1) In general.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

"(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

"(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

"(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

"(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

"(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

"(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

"(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

"(2) Certain components of plan and budget.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

"(A) basic research and applied research, including research and development with respect to products;

"(B) research that is conducted by the agencies;

"(C) research that is supported by the agencies;

"(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

"(3) Minority health disparities research.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

"(g) Participation in Clinical Research.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

"(h) Research Endowments.—

"(1) In general.—The Director of the Center may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

"(2) Eligibility.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

"(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

"(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

"(i) Certain Activities.—In carrying out subsection (a), the Director of the Center—

"(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

"(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

"(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

"(j) Advisory Council.—

"(1) In general.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

"(2) Membership.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

"(k) Annual Report.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

"(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

"(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

"(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

"(4) contain such recommendations as the Director considers appropriate.

"(l) Authorization of Appropriations.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.".

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

"(G) The National Center on Minority Health and Health Disparities."; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

"SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

"(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

"(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

"(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

"(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

"(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled as students in the institution (including individuals accepted for enrollment in the institution);

"(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

"(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

"(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

"(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

"(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

"(e) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

"(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

"(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

"(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

"SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

"(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

"(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

"SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

"(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

"(b) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

"(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

"(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

"(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

"(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.".

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by striking subsection (g); and

(2) by adding at the end the following:

"SEC. 903. RESEARCH ON HEALTH DISPARITIES.

"(a) IN GENERAL.—The Director shall—

"(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

"(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

"(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

"(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

"(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

"(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

"(b) RESEARCH AND DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

"(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

"(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority health disparity populations;

"(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

"(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

"(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

"(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

"(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

"(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

"(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

"(c) QUALITY MEASUREMENT DEVELOPMENT.—

"(1) IN GENERAL.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

"(2) EXAMINATION OF CERTAIN PRACTICES.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

"(3) REPORT.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

"(d) DEFINITION.—For purposes of this section:

"(1) The term 'health disparity population' has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

"(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.".

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c-6) is amended by adding at the end the following:

"(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.".

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

"SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

"(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

"(2) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private entities as determined appropriate by the Secretary.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a), $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.".

(b) NURSING EDUCATION.—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

"SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

"(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.".

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.".

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

(b) PARTICIPANTS.—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) ISSUES.—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) PUBLICATION OF FINDINGS.—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) in subsection (b), by adding at the end the following paragraph:

"(10) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.";

(2) in subsection (c)(2), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)"; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

"(1) RECOMMENDATIONS REGARDING LANGUAGE.—

"(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health of Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.".

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) by striking "Asian Americans and" and inserting "Asian Americans;"; and

(2) by inserting "Native Hawaiians and other" before "Pacific Islanders;".

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term "racial and ethnic minority group" has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Bowen, a fellow on the committee, be granted privileges of the floor for the remainder of the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that a fellow from the office of Senator JOHNSON, Bryan Kaatz, be allowed floor privileges during the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that floor privileges be granted to Jerry Pannullo, John Sparrow, Valerie Mark, and Ben Gann of the Finance Committee staff until the end of the session. I make that request on behalf of Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARIFF SUSPENSION AND TRADE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4868.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4868) entitled "An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes", with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tariff Suspension and Trade Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drug.
Sec. 1102. HIV/AIDS drug.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron red LS–B HC.
Sec. 1108. Cibacron brilliant blue FN–G.
Sec. 1109. Cibacron scarlet LS–2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-Dichlorotoluene.
Sec. 1113. 3-Amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-Fluoro-2-nitrobenzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. 2,4-Dicumylphenol.
Sec. 1120. Certain cathode-ray tubes.
Sec. 1121. Other cathode-ray tubes.
Sec. 1122. Certain raw cotton.
Sec. 1123. Rhinovirus drug.
Sec. 1124. Butralin.
Sec. 1125. Branched dodecylbenzene.
Sec. 1126. Certain fluorinated compound.
Sec. 1127. Certain light absorbing photo dye.
Sec. 1128. Filter Blue Green photo dye.
Sec. 1129. Certain light absorbing photo dyes.
Sec. 1130. 4,4′-Difluorobenzophenone.
Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPME.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2 Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4-triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodothioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN–N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungaflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion navy H-EXL.
Sec. 1176. Procion yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperse 17260.
Sec. 1184. Solsperse 17000.
Sec. 1185. Solsperse 5000.
Sec. 1186. Certain TAED chemicals.
Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent blue 124.
Sec. 1189. Solvent blue 104.
Sec. 1190. Pro-jet magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-Cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.
Sec. 1203. Vulkalent E/C.
Sec. 1204. Baytron M.
Sec. 1205. Baytron C–R.
Sec. 1206. Baytron P.
Sec. 1207. Molds for use in certain DVDs.
Sec. 1208. KN001 (a hydrochloride).
Sec. 1209. Certain compound optical microscopes.
Sec. 1210. DPC 083.
Sec. 1211. DPC 961.
Sec. 1212. Petroleum sulfonic acids, sodium salts.
Sec. 1213. Pro-jet cyan 1 press paste.
Sec. 1214. Pro-jet black ALC powder.
Sec. 1215. Pro-jet fast yellow 2 RO feed.
Sec. 1216. Solvent yellow 145.
Sec. 1217. Pro-jet fast magenta 2 RO feed.
Sec. 1218. Pro-jet fast cyan 2 stage.
Sec. 1219. Pro-jet cyan 485 stage.
Sec. 1220. Triflusulfuron methyl formulated product.
Sec. 1221. Pro-jet fast cyan 3 stage.
Sec. 1222. Pro-jet cyan 1 RO feed.
Sec. 1223. Pro-jet fast black 287 NA paste/liquid feed.
Sec. 1224. 4-(cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1225. 4″-epimethylamino-4″-deoxyavermectin B_{1a} *and* B_{1b} *benzoates.*
Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1227. Mixtures of 2-(2-chloroethoxy) - N - [[4-methoxy-6-methyl - 1,3,5 - triazin - 2-yl) - mino]carbonyl-benzenesulfonamide] and 3,6-dichloro - 2 - methoxybenzoic acid.
Sec. 1228. (E,E)-α-(methoxyimino) - 2 - [[[[1-[3-(trifluoro- methyl)phenyl]-ethylidene]amino] oxy]methyl]benzeneacetic acid, methyl ester.
Sec. 1229. Formulations containing sulfur.
Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin - 2 - yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl - N - phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1232. (R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester.
Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
Sec. 1234. Benzothialdiazole-7-carbothioic acid, S-methyl ester.
Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.

Sec. 1236. 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
Sec. 1237. Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
Sec. 1240. 4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1241. Mixtures of 2-(((((4,6-dimethoxypyrimidin - 2 - yl)aminocarbonyl)) aminosulfonyl))-N,N - dimethyl-3-pyridine- carboxamide and application adjuvants.
Sec. 1242. Monochrome glass envelopes.
Sec. 1243. Ceramic coater.
Sec. 1244. Pro-jet black 263 stage.
Sec. 1245. Pro-jet fast black 286 paste.
Sec. 1246. Bromine-containing compounds.
Sec. 1247. Pyridinedicarboxylic acid.
Sec. 1248. Certain semiconductor mold compounds.
Sec. 1249. Solvent blue 67.
Sec. 1250. Pigment blue 60.
Sec. 1251. Menthyl anthranilate.
Sec. 1252. 4-Bromo-2-fluoroacetanilide.
Sec. 1253. Propiophenone.
Sec. 1254. m-chlorobenzaldehyde.
Sec. 1255. Ceramic knives.
Sec. 1256. Stainless steel railcar body shells.
Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
Sec. 1258. Pendimethalin.
Sec. 1259. 3,5-Dibromo-4-hydoxybenzonitril ester and inerts.
Sec. 1260. 3,5-Dibromo-4-hydoxybenzonitril.
Sec. 1261. Isoxaflutole.
Sec. 1262. Cyclanilide technical.
Sec. 1263. R115777.
Sec. 1264. Bonding machines.
Sec. 1265. Glyoxylic acid.
Sec. 1266. Fluoride compounds.
Sec. 1267. Cobalt boron.
Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
Sec. 1269. Fipronil technical.
Sec. 1270. KL540.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Technical correction.
Sec. 1303. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.
Sec. 1406. Printing cartridges.
Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
Sec. 1408. Certain entries of tomato sauce preparation.
Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
Sec. 1412. Neoprene synchronous timing belts.
Sec. 1413. Reliquidation of drawback claim number R74-10343996.
Sec. 1414. Reliquidation of certain drawback claims filed in 1996.
Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
Sec. 1416. Reliquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
Sec. 1417. Reliquidation of certain drawback claims relating to juices.
Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
Sec. 1419. Reliquidation of drawback claim number WJU1111031-7.
Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
Sec. 1421. Reliquidation of certain drawback claims relating to juices.
Sec. 1422. Drawback of finished petroleum derivatives.
Sec. 1423. Reliquidation of certain entries of self-tapping screws.
Sec. 1424. Reliquidation of certain entries of vacuum cleaners.
Sec. 1425. Liquidation or reliquidation of certain entries of conveyor chains.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
Sec. 1432. Findings; purpose.
Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1441. Short title.
Sec. 1442. Findings and purposes.
Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.
Sec. 1464. Importation of gum arabic.
Sec. 1465. Customs services at the Detroit Metropolitan Airport.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.
Sec. 2002. Chief Agricultural Negotiator.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10
9902.08.07
9902.29.10
9902.29.14
9902.29.22
9902.29.25
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.38
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.48
9902.29.49
9902.29.56
9902.29.59
9902.29.64
9902.29.70
9902.29.71
9902.29.73
9902.29.77
9902.29.78
9902.29.79
9902.29.80
9902.29.81
9902.29.83
9902.29.84
9902.29.89
9902.29.94
9902.29.99
9902.30.00
9902.30.05
9902.30.08
9902.30.11
9902.30.13
9902.30.14
9902.30.15
9902.30.21
9902.30.23
9902.30.25
9902.30.27
9902.30.30
9902.30.32
9902.30.34
9902.30.35
9902.30.36
9902.30.37
9902.30.39
9902.30.40
9902.30.42
9902.30.43
9902.30.46
9902.30.47
9902.30.48
9902.30.50
9902.30.51
9902.30.52
9902.30.55
9902.30.57
9902.30.61
9902.30.62
9902.30.81
9902.30.82
9902.30.85
9902.30.88
9902.30.94
9902.30.95
9902.30.97
9902.31.05
9902.38.07
9902.39.08
9902.39.10
9902.44.21
9902.57.02
9902.62.01
9902.62.04
9902.64.02
9902.70.12
9902.70.13
9902.70.14
9902.70.15
9902.78.01
9902.84.47
9902.85.40
9902.85.44
9902.98.00

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidinecarboxamide (CAS No. 186538-00-1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979-85-6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826-36-8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	”.

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.04	Reactive Red 270 (CAS No. 155522-05-7) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062-28-0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.86	Reactive Red 268 (CAS No. 152397-21-2) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614-37-1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369-43-6) (provided for in subheading 2933.90.06) ...	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.82	2,6-Dichlorotoluene (CAS No. 118-69-4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369-96-5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143-82-5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	”.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940-17-2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4- pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1130. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.10	Di-trimethylolpropane (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	”.

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.62	2-Chloro-p-toluidine (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.17	2,6-Dichloro aniline (CAS No. 608-31-1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.06	Diphenyl sulfide (CAS No. 139-66-2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582-09-8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	”.

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80-73-9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283-68-6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	”.

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

“	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861-40-1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691-43-3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524-04-1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.61	Quinoline (CAS No. 91-22-5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4- triazolo[1,5-c] pyrimidine (CAS No. 166524-74-9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.01	Thionyl chloride (CAS No. 7719-09-7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331-43-1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

"	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "Free" each place it appears and inserting "1.1%"; and

(B) by striking "On or before 12/31/2001" each place it appears and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "1.1%" each place it appears and inserting "2.3%"; and

(B) by striking "On or before 12/31/2002" each place it appears and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393-46-1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393-48-3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "5.4%" and inserting "4.7%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.7%" and inserting "4.0%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.0%" and inserting "3.3%"; and

(B) by striking "On or before 12/31/2002" and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN-N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777-72-9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860-33-8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.09	Mixtures of enilconazole (CAS No. 35554-44-0 or 73790-28-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.22	2-(2'-Hydroxy-5'- methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478-09-0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.10	Enilconazole (CAS No. 35554-44-0 or 73790-28-0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82-46-2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5-(tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	”.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b')-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b')-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b')-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “7.4%” and inserting “6.7%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “6.7%” and inserting “6.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087-01-4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking “6.8%” and inserting “5.9%”; and
(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking “5.9%” and inserting “5.4%”; and
(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406-37-3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-i,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879-66-2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879-66-2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543-57-4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.71	Isobornyl acetate (CAS No. 125-12-2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.73	Solvent blue 124 (CAS No. 29243-26-3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.72	Solvent blue 104 (CAS No. 116-75-6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298-44-9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.78	10-Undecylenic acid (CAS No. 112-38-9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.81	*2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94-74-6) and its 2-ethylhexyl ester (CAS No. 29450-45-1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039-46-5) (provided for in subheading 2921.19.60)*	*2.6%*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.83	*Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.10	*Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.01	*Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.84	*2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.85	*Cyclohexadec-8-en-1-one (CAS No. 3100-36-5) (provided for in subheading 2914.29.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.33	*N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159-98-0) (provided for in subheading 2933.69.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1200. o-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.86	*o-Cumyl-octylphenol (CAS No. 73936-80-8) (provided for in subheading 2907.19.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.08	*Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038-54-4, 25038-74-8, and 25191-04-1) (provided for in subheading 3908.10.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.14	*Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775-94-9) (provided for in subheading 3812.20.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.31	*Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.87	*3,4-Ethylenedioxythiophene (CAS No. 126213-50-1) (provided for in subheading 2934.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.15	*Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214-82-5) (provided for in subheading 3815.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.15	*Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090-83-8) (provided for in subheading 3911.90.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1207. MOLDS FOR USE IN CERTAIN DVDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.19	*Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.88*	*2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.98.07*	*Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting "cleanroom class 1" criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8" or more; and fitted with special microscope stages having a lateral movement range of 6" or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)*	*Free*	*No Change*	*No change*	*On or before 12/31/2003* ".

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.92*	*(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.20.05*	*(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.34.01*	*Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.20*	*Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.23*	*Direct black 184 (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.99*	*Direct yellow 173 (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.46*	*Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.24*	*Direct violet 107 (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.17*	*Direct blue 307 (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.25*	*[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.50*	*Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.11*	*[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxyethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003* ".

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.65*	*Direct blue 199 sodium salt (CAS No. 90295–11–7) (provided for in subheading 3204.14.30)*	*9.5%*	*No change*	*No change*	*On or before 12/31/2000* ".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—

(A) by striking "9.5%" and inserting "8.5%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "8.5%" and inserting "7.4%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—

(A) by striking "7.8%" and inserting "7.1%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "7.1%" and inserting "6.4%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1225. 4"-EPIMETHYLAMINO-4"-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.94	4"-Epimethyl-amino-4"-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	".

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-N-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO]CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1228. ($_{,}$)-A-(METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]-ETHYLIDENE]AMINO]OXY]METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-$_{N}$-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1$_{H}$-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, $_{S}$-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.22	*Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.42	*Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1235. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.30	*O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198-08-7) (provided for in subheading 2930.90.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.80	*1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207-90-1) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.76	*Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439-46-6) (provided for in subheading 2934.10.10)*	*4.3%*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.40	*1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125-34-5) (provided for in subheading 2935.00.75)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.94	*4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312-89-0) (provided for in subheading 2933.69.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.97	*4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341-86-1) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL))-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.69	*Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991-09-4) (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.01	*Monochrome glass envelopes (provided for in subheading 7011.20.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.00	*Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.13	*5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.44	*1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932-24-3) (provided for in subheading 3204.14.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.28.08	*2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263-52-9) (provided for in subheading 2904.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	
	9902.28.09	*4,4'-Dibromobiphenyl (CAS No. 92-86-4) (provided for in subheading 2903.69.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	
	9902.28.10	*4-Bromotoluene (CAS No. 106-38-7) (provided for in subheading 2903.69.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.29.38	*1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300-85-0) (provided for in subheading 2933.90.79)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	
	9902.29.39	*1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 128433-68-1) (provided for in subheading 2933.90.24)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	

	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 100237-71-6) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	”.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.53	Solvent blue 67 (CAS No. 81457-65-0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.08	Pigment blue 60 (CAS No. 81-77-6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.10	Menthyl anthranilate (CAS No. 134-09-08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326-66-9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.16	Propiophenone (CAS No. 93-55-0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587-04-2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487-42-1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	”.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689-99-2 and 56634-95-8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689-99-2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	”.

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112-29-0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	”.

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	".

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	".

SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting "12/31/2003":

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX-E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting "12/31/2003".

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking "Free" and inserting "1.6%"; and

(II) by striking "12/31/2000" and inserting "12/31/2001".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking "1.6%" and inserting "1.8%"; and

(II) by striking "12/31/2001" and inserting "12/31/2002".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking "1.8%" and inserting "1.9%"; and

(II) by striking "12/31/2002" and inserting "12/31/2003".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking "4011.91.50" each place it appears and inserting "4011.91";

(B) by striking "4011.99.40" each place it appears and inserting "4011.99"; and

(C) by striking "86 cm" each place it appears and inserting "63.5 cm".

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U-9069)) is amended—

(A) by striking "7.6%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

(4) DPX-E9260.— Heading 9902.33.63 (relating to DPX-E9260) is amended—

(A) by striking "5.3%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking "(provided for in subheading 2916.39.45)" and inserting "(provided for in subheading 2916.39.75)".

SEC. 1303. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85-0001814-6	10/05/89	Miami, FL
E85-0001844-3	10/30/89	Miami, FL
E85-0002268-4	07/21/90	Miami, FL
E85-0002510-9	12/15/90	Miami, FL
E85-0002511-7	12/15/90	Miami, FL
E85-0002509-1	12/15/90	Miami, FL
E85-0002527-3	12/12/90	Miami, FL
E85-0002550-0	12/20/90	Miami, FL
102-0121558-8	12/11/91	Miami, FL
E85-0002654-5	04/08/91	Miami, FL
E85-0002703-0	05/01/91	Miami, FL
E85-0002778-2	06/05/91	Miami, FL
E85-0002909-3	08/05/91	Miami, FL
E85-0002913-5	08/02/91	Miami, FL
102-0120990-4	10/18/91	Miami, FL
102-0120668-6	09/03/91	Miami, FL
102-0517007-8	11/20/91	Miami, FL
102-0122145-3	03/05/91	Miami, FL
102-0121173-6		Miami, FL
102-0121559-6		Miami, FL
E85-0002636-2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509-0210046-5	August 18, 1989
815-0908228-5	June 25, 1989
707-0836829-8	April 4, 1990
707-0836940-3	April 12, 1990
707-0837161-5	April 25.1990
707-0837231-6	May 3, 1990
707-0837497-3	May 17, 1990
707-0837498-1	May 24, 1990
707-0837612-7	May 31, 1990
707-0837817-2	June 13, 1990
707-0837949-3	June 19, 1990
707-0838712-4	August 7, 1990
707-0839000-3	August 29, 1990
707-0839234-8	September 15, 1990
707-0839284-3	September 12, 1990
707-0839595-2	October 2, 1990
707-0840048-9	November 1, 1990
707-0840049-7	November 1, 1990
707-0840176-8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110-1197671-6	10/18/86	7/6/92
110-1198090-8	12/19/86	1/23/87
110-1271919-8	11/12/86	11/6/87
110-1272332-3	11/26/86	11/20/87
110-1955373-1	12/17/86	7/26/96
110-1271914-9	11/12/86	11/6/87
110-1279006-6	09/09/87	8/26/88
110-1279699-8	10/06/87	11/6/87
110-1280399-2	11/03/87	12/11/87
110-1280557-5	11/11/87	12/28/87
110-1280780-3	11/24/87	01/29/88
110-1281399-1	12/16/87	2/12/88
110-1282632-4	02/17/88	3/18/88
110-1286027-3	02/26/88	2/17/89
110-1286056-2	02/23/88	2/12/89
719-0736650-5	07/27/87	3/13/92
110-1285877-2	09/08/88	06/02/89
110-1285885-5	09/08/88	06/02/89
110-1285959-8	09/13/88	06/02/89
110-1286057-0	03/01/88	04/01/88
110-1286061-2	03/02/88	02/24/89
110-1286120-6	03/13/88	03/03/89
110-1286122-2	03/13/88	03/03/89
110-1286123-0	03/13/88	03/03/89
110-1286124-8	03/13/88	03/03/89
110-1286133-9	03/20/88	04/15/88
110-1286134-7	03/20/88	04/15/88
110-1286151-1	03/15/88	09/15/89
110-1286194-1	03/22/88	08/24/90
110-1286262-6	04/04/88	06/09/89
110-1286264-2	03/30/88	06/09/89
110-1286293-1	04/09/88	06/02/89
110-1286294-9	04/09/88	06/02/89
110-1286330-1	04/13/88	06/02/89
110-1286332-7	04/13/88	06/02/89
110-1286376-4	04/20/88	06/02/89
110-1286398-8	04/29/88	06/02/89
110-1286399-6	04/29/88	06/02/89
110-1286418-4	05/06/88	06/02/89
110-1286419-2	05/06/88	06/02/89
110-1286465-5	05/13/88	06/02/89
110-1286467-1	05/13/88	06/02/89
110-1286488-7	05/20/88	07/01/88
110-1286489-5	05/20/88	07/01/88
110-1286490-3	05/20/88	07/01/88
110-1286567-8	05/27/88	06/02/89
110-1286578-5	06/03/88	06/02/89
110-1286579-3	06/03/88	06/02/89
110-1286638-7	06/10/88	06/02/89
110-1286683-3	06/17/88	06/02/89
110-1286685-8	06/17/88	06/02/89
110-1286703-9	06/24/88	07/29/88
110-1286725-2	06/24/88	06/02/89
110-1286740-1	07/01/88	06/02/89
110-1286824-3	07/08/88	06/02/89
110-1286863-1	07/20/88	06/02/89
110-1286910-0	07/24/88	06/02/89
110-1286913-4	07/29/88	06/02/89
110-1286942-3	07/26/88	09/09/88
110-1286990-2	08/02/88	06/02/89
110-1287007-4	08/05/88	06/02/89
110-1287058-7	08/09/88	06/02/89
110-1287195-7	09/22/88	06/02/89
110-1287376-3	09/29/88	06/02/89
110-1287377-1	09/29/88	06/02/89
110-1287378-9	09/29/88	06/02/89
110-1287573-5	10/06/88	06/02/89
110-1287581-8	10/06/88	06/02/89
110-1287756-6	10/11/88	06/29/90
110-1287762-4	10/11/88	06/02/89
110-1287780-6	10/14/88	06/02/89
110-1287783-0	10/14/88	06/02/89
110-1287906-7	10/18/88	06/02/89
110-1288061-0	10/25/88	06/02/89
110-1288086-7	10/27/88	06/02/89
110-1288229-3	11/03/88	06/02/89
110-1288370-5	11/08/88	06/29/90
110-1288408-3	11/10/88	06/29/90
110-1288688-0	11/24/88	06/02/89
110-1288692-2	11/24/88	06/02/89
110-1288847-2	11/29/88	06/29/90
110-1289041-1	12/07/88	06/02/89
110-1289248-2	12/22/88	06/02/89
110-1289250-8	12/21/88	06/02/89
110-1289260-7	12/22/88	06/02/89
110-1289376-1	12/29/88	06/02/89
110-1289588-1	01/15/89	06/02/89
110-0935207-8	01/05/90	03/13/92
110-1294738-5	10/31/89	03/20/90
110-1204990-1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110-1231352-1	07/24/88	08/26/88
110-1231359-6	07/31/88	09/09/88
110-1286029-9	02/25/88	03/25/88
110-1286078-6	03/04/88	04/08/88
110-1286079-4	03/04/88	06/29/90
110-1286107-3	03/10/88	04/08/88
110-1286153-7	03/11/88	04/15/88
110-1286154-5	03/17/88	04/22/88
110-1286155-2	03/31/88	04/22/88
110-1286203-0	03/24/88	06/29/90
110-1286218-8	03/18/88	04/22/88
110-1286241-0	03/31/88	03/24/89
110-1286272-5	03/31/88	08/03/90
110-1286278-2	04/04/88	08/03/90
110-1286362-4	04/21/88	06/29/90
110-1286447-3	05/06/88	06/29/90
110-1286448-1	05/06/88	06/29/90
110-1286472-1	05/11/88	06/29/90
110-1286664-3	06/16/88	06/29/90
110-1286666-8	06/16/88	07/13/90
110-1286889-6	07/22/88	08/03/90
110-1286982-9	08/04/88	06/29/90
110-1287022-3	08/11/88	06/29/90
110-1804941-8	05/04/88	07/29/94
037-0022571-1	01/05/89	02/17/89
110-1135050-8	04/01/89	02/19/93
110-1135292-6	04/23/89	02/19/93
110-1135479-9	05/04/89	12/28/92
110-1136014-3	06/01/89	02/19/93
110-1136111-7	06/09/89	02/19/93
110-1136287-5	06/15/89	12/28/92
110-1136678-5	07/14/88	02/19/93
110-1136815-3	07/17/89	12/28/92
110-1137008-4	07/17/89	02/19/93
110-1137010-0	07/28/89	02/19/93
110-1231614-4	12/06/88	02/17/89
110-1231630-0	12/13/88	02/17/89
110-1231666-4	12/30/88	02/17/89
110-1231694-6	01/16/89	03/24/89
110-1231708-4	01/30/89	03/24/89
110-1231767-0	03/12/89	07/14/89
110-1232086-4	07/27/89	12/01/89
110-1287256-7	09/20/88	09/08/89
110-1287285-6	09/22/88	09/15/89
110-1287442-3	09/29/88	06/29/90
110-1287491-0	09/27/88	06/29/90
110-1287631-1	09/29/88	06/29/90
110-1287693-1	10/06/88	06/29/90
110-1288491-9	11/10/88	06/29/90
110-1288492-7	11/10/88	06/29/90
110-1288937-1	12/08/88	06/29/90
110-1710118-6	01/27/89	01/13/89
110-1137082-9	09/03/89	2/19/93
110-1138058-8	10/11/89	2/19/93
110-1138059-6	09/28/89	2/19/93
110-1138691-6	11/02/89	2/19/93
110-1138698-1	11/02/89	2/19/93
110-1139217-9	12/09/89	2/19/93
110-1139218-7	12/09/89	12/21/89
110-1139219-5	12/02/89	2/19/93
110-1139481-1	01/05/90	2/19/93
110-1140423-0	02/17/90	2/19/93
110-1140641-7	03/08/90	2/19/93

Entry number	Date of entry	Date of liquidation
110-1141086-4	04/01/90	2/19/93
110-1142313-1	06/06/90	2/19/93
110-1142728-0	06/30/90	2/19/93
110-1232095-5	08/06/89	12/01/89
110-1232136-7	09/02/89	12/29/89
110-1293737-8	08/29/89	8/21/92
110-1293738-6	08/31/89	8/21/92
110-1293859-0	09/07/89	8/21/92
110-1293861-6	09/06/89	8/21/92
110-1294009-1	09/14/89	8/21/92
110-1294111-5	09/19/89	8/21/92
110-1294328-5	10/05/89	8/21/92
110-1294685-8	10/24/89	8/21/92
110-1294686-6	10/24/89	8/21/92
110-1294798-9	10/31/89	8/21/92
110-1295026-4	11/09/89	8/21/92
110-1295087-6	11/14/89	3/16/90
110-1295088-4	11/16/89	8/21/92
110-1295089-2	11/16/89	8/21/92
110-1295245-0	11/21/89	8/21/92
110-1295493-6	12/05/89	8/21/92
110-1295497-7	12/05/89	8/21/92
110-1295898-6	12/28/89	8/21/92
110-1295903-4	12/28/89	8/21/92
110-1296025-5	01/04/90	8/21/92
110-1296161-8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A-427-801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016-0112010-6	May 26, 1989
(4601)016-0112028-8	June 28, 1989
(4601)016-0112126-0	December 5, 1989
(4601)016-0112132-8	December 18, 1989
(4601)016-0112164-1	February 5, 1990
(4601)016-0112229-2	April 12, 1990
(4601)016-0112211-0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A-427-801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016-0112223-5	April 4, 1990
(4601)710-0225218-8	August 24, 1990
(4601)710-0225239-4	September 5, 1990
(4601)710-0226079-3	May 21, 1991
(1704)J50-0016544-7	January 31, 1991
(4601)016-0112237-5	April 19, 1990
(4601)710-0226033-0	May 7, 1991
(4601)710-0226078-5	May 15, 1991
(4601)710-0225181-8	August 24, 1990
(4601)710-0225381-4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112-9640193-6	05/23/97
01/30/97	112-9640390-8	05/16/97
02/01/97	112-9640130-8	05/16/97
02/21/97	112-9642191-8	06/06/97
02/18/97	112-9642236-1	06/06/97
02/24/97	112-9642831-9	06/06/97
02/28/97	112-9643311-1	06/13/97
03/07/97	112-9644155-1	06/20/97
03/14/97	112-9645020-6	06/27/97
03/18/97	112-9645367-1	07/07/97
03/20/97	112-9646067-6	07/11/97
03/20/97	112-9646027-0	07/11/97
03/24/97	112-9646463-7	07/11/97
03/26/97	112-9646461-1	07/11/97
03/24/97	112-9646390-2	07/11/97
03/31/97	112-9647021-2	07/18/97
04/04/97	112-9647329-9	07/18/97
04/07/97	112-9647935-3	02/20/98
04/11/97	112-9300307-3	02/20/98
04/11/97	112-9300157-2	02/20/98
04/24/97	112-9301788-3	03/06/98
04/25/97	112-9302061-4	03/06/98
04/28/97	112-9302268-5	03/13/98
04/25/97	112-9302328-7	03/13/98
04/25/97	112-9302453-3	03/13/98
04/25/97	112-9302438-4	03/13/98
04/25/97	112-9302388-1	03/13/98
05/30/97	112-9306611-2	10/31/97
05/02/97	112-9302488-9	03/13/98
05/09/97	112-9303720-4	03/20/98
05/06/97	112-9303761-8	03/20/98
05/14/97	112-9304827-6	03/27/98
05/16/97	112-9304932-4	03/27/98
01/02/97	112-9636637-8	04/18/97
01/10/97	112-9637688-0	04/25/97
01/06/97	112-9637316-8	04/18/97
01/31/97	112-9640064-9	05/16/97
01/28/97	112-9639734-0	05/09/97
01/25/97	112-9639410-7	05/09/97
01/24/97	112-9639109-5	05/09/97
04/04/97	112-9647321-6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145-4	November 26, 1996
0359144-7	November 26, 1996
0358011-9	October 30, 1996
0358010-1	October 30, 1996
0357091-2	October 8, 1996
0356909-6	October 1, 1996
0356480-8	September 27, 1996
0356482-4	September 24, 1996
0354733-2	August 7, 1996
0355663-0	August 27, 1996
0355278-7	August 20, 1996
0353571-7	July 3, 1996
0354382-8	July 23, 1996

Entry Number	Entry Date
0354204–4	July 18, 1996
0353162–5	June 25, 1996
0351633–7	May 14, 1996
0351558–6	May 7, 1996
0351267–4	April 27, 1996
0350615–5	April 12, 1996
0349995–5	March 25, 1996
0349485–7	March 11, 1996
0349243–0	February 27, 1996
0348597–6	February 17, 1996
0347203–6	January 2, 1996
0347759–7	January 17, 1996
0346113–8	December 12, 1995
0346119–5	November 29, 1995
0345065–1	October 31, 1995
0345066–9	October 31, 1995
0343859–9	October 3, 1995
0343860–7	October 3, 1995
0342557–0	August 30, 1995
0342558–8	August 30, 1995
0341557–1	July 31, 1995
0341558–9	July 31, 1995
0340382–5	July 6, 1995
0340838–6	June 28, 1995
0339139–2	June 7, 1995
0339144–2	May 31, 1995
0337866–2	April 26, 1995
0337667–4	April 26, 1995
0347103–8	April 12, 1995
0336953–9	March 29, 1995
0336954–7	March 29, 1995
0335799–7	March 1, 1995
0335800–3	March 1, 1995
0335445–7	February 14, 1995
0335020–8	February 9, 1995
0335019–0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599–1501057–9	10/26/89
614–2717371–3	10/28/89
614–2717788–8	11/16/89
614–2717875–3	11/17/89
614–2723776–5	10/31/90
614–2725016–4	01/14/91
614–2725155–0	01/28/91
614–2725267–3	02/04/91
614–2725531–2	02/26/91
614–2725662–5	03/06/91
614–2725767–2	03/20/91
614–2725944–7	03/27/91
614–2726273–0	04/23/91
614–2726465–2	05/06/91
614–2726863–8	06/05/91
614–2727011–3	06/13/91
614–2727277–0	07/03/91
614–2727724–1	07/30/91
112–4021152–1	11/13/91
112–4021203–2	11/13/91
112–4021204–0	11/13/91
614–0081685–8	12/19/91
614–0081763–3	12/30/91
614–0082193–2	01/23/92
614–0082201–3	01/23/92
614–0082553–7	02/12/92
614–0082572–7	02/18/92
614–0082785–5	02/25/92
614–0082831–7	03/02/92
614–0083084–2	03/10/92
614–0083228–5	03/18/92
614–0083267–3	03/19/92
614–0083270–7	03/19/92
614–0083284–8	03/19/92
614–0083370–5	03/24/92
614–0083371–3	03/24/92
614–0083372–1	03/24/92
614–0083395–2	03/24/92
614–0083422–4	03/26/92
614–0083426–5	03/26/92
614–0083444–8	03/26/92
614–0083468–7	03/26/92
614–0083517–1	03/30/92
614–0083518–9	03/30/92
614–0083519–7	03/30/92
614–0083574–2	04/02/92
614–0083626–0	04/07/92
614–0083641–9	04/08/92
614–0083655–9	04/08/92
614–0083782–1	04/13/92
614–0083812–6	04/14/92
614–0083862–1	04/20/92
614–0083880–3	04/20/92
614–0083940–5	04/22/92
614–0083967–8	04/22/92
614–0084008–0	04/28/92
614–0084052–8	04/28/92
614–0084076–7	04/29/92
614–0084128–6	04/30/92
614–0084127–8	05/04/92
614–0084163–3	05/05/92
614–0084181–5	05/06/92
614–0084182–3	05/06/92
614–0084498–3	05/19/92
614–0084620–2	05/26/92
614–0084724–2	06/02/92
614–0084725–9	06/02/92
614–0084981–8	06/14/92
614–0084982–6	06/14/92
614–0084983–4	06/14/92
614–0086456–9	08/11/92
614–0086707–5	08/21/92
614–0086807–3	08/28/92
614–0086808–1	08/28/92
614–0088148–0	11/05/92
614–0088687–7	11/24/92
614–0091241–8	03/30/93
614–0091756–5	04/22/93
614–0091803–5	04/26/93
614–0096840–2	12/06/93
614–0095883–3	10/22/93
614–0095940–1	10/21/93
614–0096051–6	10/22/93
614–0096058–1	10/22/93
614–0096063–1	10/25/93
614–0096069–8	10/25/93
614–0100624–4	04/28/94
614–0100701–0	05/02/94
614–0099508–2	06/07/94
614–0002824–9	02/09/95
788–1003306–4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521–0010813–4	11/28/90
521–0011263–1	3/15/91
551–2047066–5	3/18/92
551–2047231–5	3/19/92
551–2047441–0	3/20/92
551–2053210–0	4/28/92
819–0565392–9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614–2716855–6	10–11–89
614–2717619–6	11–11–89
614–2717846–4	11–25–89
614–2722580–2	09–01–90
614–2723739–3	11–03–90
614–2722163–7	08–04–90
614–2723558–7	10–25–90
614–2723104–0	09–29–90
614–2720674–5	05–10–90

Entry Number	Entry Date
614-2721638-9	07-07-90
614-2718704-4	01-06-90
614-2718411-6	12-16-89
614-2719146-7	02-03-90
614-2719562-5	03-03-90
614-2726258-1	04-26-91
614-2726290-4	05-03-91
614-2725646-8	03-21-91
614-2725926-4	04-06-91
614-2725443-0	02-23-91
614-0081157-8	12-02-91
614-0081303-8	12-03-91
614-2725276-4	02-09-91
614-2728765-3	10-05-91
614-2729005-3	10-19-91
614-2728060-9	08-24-91
614-2727885-0	08-10-91
614-2726744-0	06-01-91
614-2726987-5	06-15-91
614-2725094-1	01-26-91
614-2724766-4	01-07-91
614-2724768-1	12-30-90
614-0084694-7	05-30-92
614-0085303-4	06-30-92
614-0081812-8	01-07-92
614-0082595-8	02-23-92
614-0083467-9	03-31-92
614-0083466-1	03-31-92
614-0083680-7	04-18-92
614-0084025-4	05-02-92
614-0092533-7	05-14-93
614-0093248-1	06-25-93
614-0095915-3	10-26-93
614-0095752-0	10-13-93
614-0095753-8	10-13-93
614-0095275-2	09-24-93
614-0095445-1	10-07-93
614-0095421-2	10-08-93
614-0095814-8	10-22-93
614-0095813-0	10-22-93
614-0095811-4	10-22-93
614-0095914-6	10-26-93
614-0102424-7	06-23-94
614-0096922-8	12-07-93
614-0001090-8	10-20-94
614-0006610-8	06-23-95
614-0004345-3	03-29-95
614-0005582-0	04-28-95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) Requests.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) Affected Entries.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812-0507705-0	07/27/89
812-0507847-0	08/03/89
812-0507848-8	08/03/89
812-0509191-1	10/18/89
812-0509247-1	10/25/89
812-0509584-7	11/08/89
812-0510077-9	12/08/89
812-0510659-4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) Entry.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469-0015023-9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74-10343996.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) Drawback Claim.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74-1034399 6	07/03/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74-1034035 6	07/03/96
April 1993	R74-1034070 3	07/03/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74-1034098 4	07/03/96
June 1993	R74-1034126 3	07/03/96
July 1993	R74-1034154 5	07/03/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74-1034427 5	07/03/96
May 1994	R74-1034462 2	07/03/96
July 1994	C04-0032112 8	07/03/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74-1034189 1	07/03/96
September 1993	R74-1034217 0	07/03/96
December 1993	R74-1034308 7	07/03/96
January 1994	R74-1034336 8	07/03/96
February 1994	R74-1034371 5	07/03/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015-0	May 30, 1997
WJU1111030-9	August 6, 1997
WJU1111006-9	April 16, 1997
WJU1111005-2	February 26, 1997

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031-7.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any *other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).*

(b) Drawback Claim.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	**Filing Date**
WJU1111031-7 (excluding Invoice #24051)	October 16, 1997

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221-0590991-9
221-0890500-5 through 221-0890675-5
221-0890677-1 through 221-0891427-0
221-0891430-4 through 221-0891537-6
221-0891539-2 through 221-0891554-1
221-0891556-6 through 221-0891557-4
221-0891559-0
221-0891561-6 through 221-0891565-7
221-0891567-3 through 221-0891578-0
221-0891582-0
221-0891584-8 through 221-0891587-1
221-0891589-7
221-0891592-1 through 221-0891597-0
221-0891604-4 through 221-0891605-1
221-0891607-7 through 221-0891609-3

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) Affected Entries.—The entries referred to in subsection (a) are as follows:

Entry number	**Port of Entry**	**Date of Entry**
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES

(a) Addition of Crude Oil, Vinyl Chloride, Terephthalic Acid, Trimellitic Anydride, Isophthalic Acid, Acrylonitrile, Lubricating Oil Additives, and Prepared Additives for Mineral Oils for Substitution.—

(1) In general.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting "2709.00," after "2708,"; and

(B) by striking "2902, and 2909.19.14" and inserting "and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) Designation of Certain Finished Petroleum Derivatives as Commercially Interchangeable.—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: "If an article is referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.".

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) Affected Entries.—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	**Date of entry**	**Liquidation Date**
Av1-0893629-3	08-11-93	01-14-94
Av1-0893735-8	09-09-93	01-14-94
Av1-0893766-3	09-20-93	01-14-94
Av1-0893809-1	10-13-93	01-14-94
Av1-0893810-9	10-11-93	01-14-94
Av1-0893811-7	10-06-93	01-14-94
Av1-0893846-3	10-19-93	03-18-94
Av1-0893872-9	10-25-93	01-14-94
Av1-0893873-7	10-25-93	01-14-94
Av1-0893904-0	11-02-93	03-18-94
Av1-0893913-1	11-08-93	01-14-94
Av1-0893936-2	11-15-93	01-14-94
Av1-0893949-5	11-18-93	01-14-94
Av1-0893963-6	11-22-93	01-14-94
Av1-0893981-8	11-30-93	03-18-94
Av1-0894012-1	12-06-93	03-18-94
Av1-0894013-9	12-06-93	03-18-94
Av1-0894057-6	12-20-93	03-18-94
Av1-0894058-4	12-20-93	03-18-94
Av1-0894095-6	12-29-93	04-01-94
Av1-0894100-4	01-05-94	04-01-94
Av1-0894108-7	01-04-94	04-22-94
Av1-0894159-0	01-31-94	05-20-94
Av1-0894222-6	02-14-94	04-08-94
Av1-0894245-7	02-19-94	04-08-94
Av1-0894274-7	02-25-94	04-08-94
Av1-0894298-6	03-07-94	04-22-94
Av1-0894299-4	03-08-94	04-22-94
Av1-0894335-6	03-14-94	05-06-94
Av1-0894348-9	03-17-94	05-06-94
Av1-0894355-4	03-30-94	05-06-94
Av1-0894382-8	03-24-94	06-17-94
Av1-0894420-6	04-06-94	06-17-94
Av1-0894429-7	04-11-94	06-24-94
Av1-0894356-2	04-04-94	08-12-94
Av1-0894516-1	05-23-94	07-29-94
Av1-0894517-9	05-23-94	07-29-94
Av1-0894531-0	06-01-94	07-29-94
Av1-0894570-8	05-27-94	09-30-94
Av1-0894580-7	05-31-94	07-29-94
Av1-0894606-0	06-07-94	07-29-94
Av1-0894607-8	06-15-94	07-29-94
Av1-0894608-6	06-06-94	07-29-94
Av1-0894661-5	06-21-94	08-19-94
Av1-0894682-1	06-24-94	08-12-94
Av1-0894685-4	07-05-94	08-12-94
Av1-0894697-9	07-06-94	08-12-94
Av1-0894698-7	07-12-94	08-12-94
Av1-0894820-7	07-27-94	09-16-94
Av1-0894910-6	08-18-94	09-30-94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

(b) Payments of Amounts Owed.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) Affected Entries.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	**Entry Number**	**Date of Entry**	**Date of Liquidation**
Baltimore, MD	004-7872032-9	1/11/99	11/19/99
Los Angeles, CA	004-7849971-8	11/19/98	10/1/99
Los Angeles, CA	004-7852693-2	11/25/98	10/8/99
Los Angeles, CA	004-7852699-9	11/25/98	10/8/99
Los Angeles, CA	004-7852722-9	11/25/98	10/8/99
Los Angeles, CA	004-7861673-3	12/8/98	10/22/99
Los Angeles, CA	004-7861692-3	12/8/98	10/22/99
Los Angeles, CA	004-7861704-6	12/8/98	10/22/99
Los Angeles, CA	004-7867000-3	12/17/98	11/5/99
Los Angeles, CA	004-7867004-5	12/17/98	11/5/99
Los Angeles, CA	004-7875266-0	1/3/99	11/19/99
Los Angeles, CA	004-7870717-7	1/6/99	11/5/99
Los Angeles, CA	004-7870733-4	1/6/99	11/5/99
Los Angeles, CA	004-7877886-3	1/7/99	11/19/99
Los Angeles, CA	004-7875246-2	1/13/99	11/12/99
San Francisco, CA	004-7850789-0	11/20/98	10/8/99
San Francisco, CA	004-7864752-2	12/14/98	10/29/99
San Francisco, CA	004-7869967-1	12/22/98	11/5/99
San Francisco, CA	004-7872055-0	1/11/99	11/12/99
Seattle, WA	004-7847960-3	11/17/98	10/1/99
Seattle, WA	004-7850796-5	11/20/98	10/8/99
Seattle, WA	004-7856642-5	12/2/98	10/15/99
Seattle, WA	004-7861684-0	12/8/98	10/22/99
Seattle, WA	004-7861909-1	12/9/98	10/22/99
Seattle, WA	004-7866974-0	12/17/98	10/29/99
Seattle, WA	004-7870790-4	1/6/99	11/12/99
Seattle, WA	004-7877856-6	1/8/99	11/19/99

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Seattle, WA	004-7875238-9	1/13/99	11/12/99
Tacoma, WA	004-7861076-9	12/8/98	10/22/99
Tacoma, WA	004-7869848-3	12/31/98	11/19/99
Tacoma, WA	004-7955061-8	5/7/99	7/2/99
Chicago, IL	004-7843214-9	11/10/98	11/25/98
Newark, NJ	004-7854863-9	11/30/98	10/15/99
Newark, NJ	004-7872138-4	1/11/99	11/19/99
New York City/ JFK	004-7866439-4	12/16/98	10/29/99
Miami, FL	004-7859052-4	12/4/98	10/15/99
Miami, FL	004-7872013-9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
110-0790274-3	April 2, 1996
110-0790467-3	April 3, 1996
110-0790424-4	April 8, 1996
110-0790537-3	April 11, 1996
110-0790637-1	April 11, 1996
110-0790754-4	April 17, 1996
110-0790655-3	April 23, 1996
110-0790690-0	April 24, 1996
110-0790938-3	April 29, 1996
110-0791044-9	May 3, 1996
110-0790873-2	May 3, 1996
110-0791060-5	May 8, 1996
110-0791198-3	May 15, 1996
110-0791255-1	May 17, 1996
110-0791403-7	May 31, 1996
110-0791555-4	June 5, 1996
110-0791506-7	June 5, 1996
110-0791665-1	June 11, 1996
110-0791621-4	June 12, 1996
110-0791766-7	June 20, 1996
110-0791863-2	June 24, 1996
110-0791832-7	June 26, 1996
110-0792094-3	July 6, 1996
110-0792098-4	July 10, 1996
110-0792216-2	July 15, 1996
110-0792287-3	July 20, 1996
110-0792366-5	August 1, 1996
110-0792570-2	August 7, 1996
110-0792644-5	August 14, 1996
110-0792790-6	August 22, 1996
110-0792926-6	August 27, 1996
110-0792935-7	August 29, 1996
110-0793053-8	September 5, 1996
110-0793054-6	September 5, 1996
110-0793023-1	September 10, 1996
110-0793092-6	September 13, 1996
110-0793246-8	September 16, 1996
110-0793440-7	October 1, 1996
110-0793345-8	October 1, 1996
110-0793499-3	October 3, 1996
110-0793495-1	October 3, 1996
110-0793596-6	October 10, 1996
110-0793542-0	October 14, 1996
110-0793656-8	October 18, 1996
110-0793725-1	October 23, 1996
110-0793775-6	October 28, 1996
110-0793962-0	October 30, 1996
110-0794019-8	November 10, 1996
110-0794066-9	November 11, 1996
110-0793839-0	November 11, 1996
110-0794200-4	November 14, 1996
110-0794242-6	November 15, 1996
110-0794358-0	November 26, 1996
110-0794408-3	November 26, 1996
110-0794335-8	November 27, 1996
110-0794459-6	December 2, 1996
110-0794442-2	December 4, 1996
110-0794610-4	December 9, 1996
110-0794592-4	December 11, 1996
110-0794704-5	December 13, 1996
110-0794667-4	December 19, 1996
110-0794893-6	December 30, 1996
110-0794928-0	December 30, 1996
110-0794965-2	January 4, 1997
110-0795166-6	January 10, 1997
110-0795237-5	January 14, 1997
110-0795256-5	January 15, 1997
110-0795478-5	February 2, 1997
110-0795526-1	February 3, 1997
110-0795484-3	February 6, 1997
110-0795611-1	February 7, 1997
110-0795563-4	February 13, 1997
110-0795757-2	February 17, 1997
110-0795735-8	February 19, 1997
110-0795820-8	February 19, 1997
110-0795968-5	February 27, 1997
110-0795959-4	February 27, 1997
110-0796083-2	March 4, 1997
110-0796289-5	March 17, 1997
110-0796115-2	March 18, 1997
110-0796272-1	March 19, 1997
110-0796375-2	March 20, 1997
110-0796390-1	March 26, 1997
110-0796480-0	March 27, 1997
110-0790469-9	April 3, 1996
110-0791663-6	June 12, 1996
110-0792017-4	July 1, 1996
110-0792106-5	July 10, 1996
110-0792890-4	August 22, 1996
110-0793215-3	September 20, 1996
110-0793340-9	September 23, 1996
110-0793405-0	September 30, 1996
110-0795102-1	January 1, 1997
110-0795349-8	January 23, 1997
110-0795672-3	February 11, 1997

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the "Product Development and Testing Act of 2000".

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as "prototypes", used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading	".

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

"6. The following provisions apply to heading 9817.85.01:

"(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

"(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

"(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be "development, testing, product evaluation, or quality control.".

"(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

"(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

"(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).".

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Not later than 10 months after the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the "Dog and Cat Protection Act of 2000".

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

"(2) INTERSTATE COMMERCE.—The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

"(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

"(4) DESIGNATED AUTHORITY.—The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

"(5) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

"(6) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

"(7) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—It shall be unlawful for any person to—

"(A) import into, or export from, the United States any dog or cat fur product; or

"(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

"(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

"(c) PENALTIES AND ENFORCEMENT.—

"(1) CIVIL PENALTIES.—

"(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

"(i) $10,000 for each separate knowing and intentional violation;

"(ii) $5,000 for each separate grossly negligent violation; or

"(iii) $3,000 for each separate negligent violation.

"(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

"(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

"(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

"(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

"(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

"(4) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and

opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

"(5) REWARD.—The designated authority shall pay a reward of not less than $500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

"(6) AFFIRMATIVE DEFENSE.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

"(A) in determining the nature of the products alleged to have resulted in such violation; and

"(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

"(7) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

"(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

"(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

"(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

"(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.".

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting "(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)" after "shall not include such articles".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking "For the period beginning on" and all that follows through "the Secretary may prescribe" and inserting "The Secretary may prescribe".

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking "bonded merchandise, or".

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking "bonded merchandise or".

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking "bonded merchandise or".

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

"(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.".

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

"(c) INTERNATIONAL TRAVEL MERCHANDISE.—

"(1) DEFINITIONS.—For purposes of this section—

"(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

"(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

"(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

"(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

"(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

"(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

"(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

"(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

"(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

"(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.".

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking "10 percent" each place it appears and inserting "5 percent";

(B) effective January 1, 2001, by striking "5 percent" each place it appears and inserting "4 percent"; and

(C) effective January 1, 2002, by striking "4 percent" each place it appears and inserting "3 percent".

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking "5 percent" each place it appears and inserting "3 percent";

(B) effective January 1, 2001, by striking "3 percent" each place it appears and inserting "2 percent"; and

(C) effective January 1, 2002, by striking "2 percent" each place it appears and inserting "1.5 percent".

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow			Free	Free".

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

"6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service."

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

"(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or".

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as "commercially interchangeable" within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

"(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

"(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

"(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) FINDINGS.—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world's supply of gum arabic in raw form and has a virtual monopoly on the world's supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) DEFINITION.—In this section, the term "gum arabic in raw form" means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after "Deputy United States Trade Representatives (3)." the following:

"Chief Agricultural Negotiator.".

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Imported Cigarette Compliance Act of 2000".

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) EXPORT-LABELED TOBACCO PRODUCTS.—

"(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

"(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

"(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

"(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

"(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

"(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) Export Label.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

"(c) Cross References.—

"(1) For exception to this section for personal use, see section 5761(c).

"(2) For civil penalties related to violations of this section, see section 5761(c).

"(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

"(4) For forfeiture provisions related to violations of this section, see section 5761(c).".

(b) Clarification of Reimportation Rules.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking "a manufacturer of" and inserting "the original manufacturer of such", and

(2) by inserting "authorized by such manufacturer to receive such articles" after "proprietor of an export warehouse".

(c) Requirement To Destroy Forfeited Tobacco Products.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking "the jurisdiction of the United States" and all that follows through the end period and inserting "the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.".

(d) Effective Date.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) Study.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) In General.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) In General.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

"TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Secretary.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

"(2) Primary Packaging.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

"SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

"(a) General Rule.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

"(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(A) the primary packaging of all those cigarettes; and

"(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

"(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

"(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

"(b) Exemptions.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

"(1) Personal-use Cigarettes.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

"(2) Cigarettes Imported Into the United States for Analysis.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

"(3) Cigarettes Intended for Noncommercial Use, Reexport, or Repackaging.—Cigarettes—

"(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

"(c) Customs Certifications Required for Cigarette Imports.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

"(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

"(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(i) the primary packaging of all those cigarettes; and

"(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

"(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

"(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

"(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

"SEC. 803. ENFORCEMENT.

"(a) Civil Penalty.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

"(b) Forfeitures.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without *meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.".*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I applaud the passage of H.R. 4868. This bill includes a critically important provision that I first introduced on June 9, 1999, that bans the importation of products made with dog or cat fur. An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. We want this trade in dog and cats pelts to stop at our borders, and hopefully save millions of animals from this cruel practice. I have worked very hard to see this bill come to fruition, and I urge the President to sign it into law.

We are also helping companies across the United States to reduce their costs on vital inputs used in manufacturing a wide variety of products. Among these are provisions that help reduce the costs of potentially life-saving medicines used to treat HIV and AIDS.

I am particularly proud that this bill will have an immediate and positive impact on my home state of Delaware. There are provisions in this bill that reduce duties on imports used by Delaware companies to manufacture final products.

There are also restrictions on cigarette imports included in this legislation that will help ensure that cigarettes entering our market will fully comply with all health and labeling requirements. It will also ensure that Delaware receives its full share of payments under the tobacco settlement agreement, which will likely mean millions of additional dollars to my State and others.

THE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following Energy bills which are at the desk: H.R. 5083, H.R. 4957, H.R. 5331, H.R. 4404.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO EXTEND THE AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT TO CERTAIN PARK LANDS

The bill (H.R. 5083) to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes, was considered, ordered to a third reading, read the third time, and passed.

TO AMEND THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

The bill (H.R. 4957) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE FREDERICK DOUGLASS GARDENS, INC., TO ESTABLISH MEMORIAL IN HONOR OF FREDERICK DOUGLASS

The bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF MEDICAL EXPENSES BY U.S. PARK POLICE

The bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE ATTORNEY GENERAL TO PROVIDE GRANTS TO FIND MISSING ADULTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2780, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults.

There being no objection, the Senate proceeded to consider the bill.

Mr. EDWARDS. Mr. President, I rise today to thank my colleagues for supporting Kristen's Act. Representative SUE MYRICK introduced this essential crime prevention legislation on the House side, and I introduced the Senate companion. With the Senate's action today, this measure will be set to become law. I am grateful to Representative MYRICK for her tireless efforts towards ensuring that Kristen's Act becomes law. The legislation will help public agencies and nonprofit organizations provide desperately needed assistance to law enforcement and families in locating involuntarily missing adults.

I would also like to thank Senators LEAHY and HATCH. They deserve special praise for their constant support of victim advocacy initiatives and their fight to put a stop to crime in our Nation.

Kristen's Law was inspired by the story of a young woman from North Carolina, Kristen Modafferi. On June 23, 1997, just three weeks after her 18th birthday, Kristen disappeared. Despite tireless efforts by law enforcement to locate Kristen, she has not been seen since. And tragically, the National Center for Missing and Exploited Children was unable to assist with the search, all because Kristen had passed the age of 18.

Unfortunately, Kristen's story is not unique. Numerous other cases involving the disappearance of young adults are reported to authorities every year. During 1999, in North Carolina, the Mecklenburg County Sheriff's Office received reports of 132 missing persons ages 18 through 21. That's the number for just one age group, in just one county, in just one state in the country. When we look at nationwide statistics for missing adults, what we find is staggering. For example, as of February 1999, the FBI reported that there were more than 38,000 active missing person entries for adults over the age of eighteen. This is frighteningly large number.

That is why I believe that Kristen's Act is a necessary protective measure. It will not only provide some comfort to the millions of parents who send their children to college every year and worry about their safety, but it will help ensure that when an adult of any age is determined missing due to foul play, a national effort will be mobilized to help.

When a person involuntarily disappears, time is of the essence. Search efforts must begin quickly, and they must reach across jurisdictions. Abducted individuals are often taken across state lines. In order to effectively coordinate a search, the groups conducting the search must have an easy way to share information with each other, no matter how far away from one another they may be. Kristen's Act will help facilitate communication between search parties through the establishment of a national database to track involuntarily missing adults.

The greater the number of agencies helping in the search, the more likely it is that the person will be found. But there is no central organization that exists to aid law enforcement in their efforts to locate missing adults. Unfortunately, Kristen's tragic story illustrates the need for such an organization. Kristen's Act will help enable this to happen by providing funds to help establish a national clearinghouse for missing adults.

Mr. President, I believe that it is important to mention that it is true that some individuals may disappear because they want to. Some of these individuals may live in abusive households. Others may want to start a new life. And because they are considered legal adults, they have the choice to remain missing. In these cases, it may not make sense of law enforcement, the Center, or anyone else to launch a search.

That is why I believe the Attorney General should ensure that under Kristen's Act, grants will be given out only to organizations that have demonstrated they have in place clear, effective methods of distinguishing between disappearances that are voluntary and those that may involve foul play. And that is why Kristen's Act specifies that if a national database is set up, it will be used to track only those missing adults who have first been determined by law enforcement to be endangered due to age, diminished mental capacity or suspicious circumstances.

There are many individuals who really do need help. In those instances, Kristen's Act sends a message to families that they deserve whatever assistance is necessary to locate endangered and involuntarily missing loved ones. The bill will help ensure that all involuntarily missing adults—regardless of age—will receive not only the benefit of search efforts by law enforcement, but also by experienced, specialized organizations.

Mr. President, I believe we must do everything we can to prevent situations like the one that Kristen Modafferi and her family have suffered through. The bill we passed today goes a long way toward achieving this goal. Again, I commend my colleagues for recognizing its importance.

Mr. BROWNBACK. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2780) was read the third time and passed.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill S. 768.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 768) entitled "An Act to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Extraterritorial Jurisdiction Act of 2000".

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

"CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

"Sec.
"3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
"3262. Arrest and commitment.
"3263. Delivery to authorities of foreign countries.
"3264. Limitation on removal.
"3265. Initial proceedings.
"3266. Regulations.
"3267. Definitions.

"§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

"(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

"(1) while employed by or accompanying the Armed Forces outside the United States; or

"(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

"(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

"(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

"(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

"(1) such member ceases to be subject to such chapter; or

"(2) an indictment or information charges that the member committed the offense with one or more other defendants, at least one of whom is not subject to such chapter.

"§ 3262. Arrest and commitment

"(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

"(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

"§ 3263. Delivery to authorities of foreign countries

"(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

"(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

"§ 3264. Limitation on removal

"(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

"(1) to the United States; or

"(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

"(b) The limitation in subsection (a) does not apply if—

"(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

"(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

"(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

"(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

"(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

“§3265. Initial proceedings

“(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

“(A) shall be conducted by a Federal magistrate judge; and

“(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

“(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

“(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

“(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

“(1) shall be conducted by a Federal magistrate judge; and

“(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

“(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

“(2) For purposes of this subsection, the term ‘qualified military counsel’ means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

“(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

“§3266. Regulations

“(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

“(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

“(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

“(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

“§3267. Definitions

“As used in this chapter:

“(1) The term ‘employed by the Armed Forces outside the United States’ means—

“(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

“(B) present or residing outside the United States in connection with such employment; and

“(C) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying the Armed Forces outside the United States’ means—

“(A) a dependent of—

“(i) a member of the Armed Forces;

“(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

“(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘Armed Forces’ has the meaning given the term ‘armed forces’ in section 101(a)(4) of title 10.

“(4) The terms ‘Judge Advocate General’ and ‘judge advocate’ have the meanings given such terms in section 801 of title 10.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

“212. Military extraterritorial jurisdiction .... 3261”.

Amend the title so as to read “An Act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.”.

Mr. SESSIONS. Mr. President, I commend my colleague from Vermont, Senator LEAHY, for his support in getting this bill passed. Our Armed Forces and their families are in desperate need of this legislation and it has been a long time coming. This legislation closes a legal loophole which prevented effective prosecution of certain crime committed by civilians accompanying the Armed Forces overseas. When civilian dependents, contractors, and Federal employees go overseas with the military, the Uniform Code of Military Justice and the Federal criminal code generally do not apply to them. Therefore, if one of these civilians commits a criminal act—even a serious one such as rape or child molestation—then he or she could be beyond the reach of Federal law if the foreign authorities refuse or neglect to prosecute. Surprisingly, host countries often choose to not prosecute American civilians, especially where the crime was committed against another American or against property owned by an American or the U.S. Government. That is why this legislation is needed.

Since this legislation initially passed the Senate on July 1, 1999, the House of Representatives, under the leadership of Representative McCOLLUM of Florida, took the bill and further refined it based upon concerns that arose after Senate Consideration. In addition, Mr. McCOLLUM submitted House Report 106–778 to accompany the House version of the bill—H.R. 3380. This report does an outstanding job of outlining the background and need for this legislation. The report also includes a section-by-section analysis and discussion of the legislation. We have agreed to incorporate the text of H.R. 3380 into this final bill. I have reviewed House Report 106–778, and I agree with it. I believe that report reflects the intentions of the Senate. At this time, I yield to my distinguished colleague from Vermont.

Mr. LEAHY. Thank you, Senator SESSIONS. Mr. President, I too, want to congratulate and commend my distinguished colleague from Alabama for his leadership and perseverance in getting this legislation passed. I fully support S. 768, which I believe was significantly improved with this most recent substitute amendment. The due process considerations regarding appearances before U.S. Magistrates before removing civilians from overseas were added after earlier Senate consideration and, I believe, improve the bill. This important legislation will close a gap in Federal law that has existed for many years. With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional gap that allows some civilians to literally get away with murder. The House Report 106–778, which Senator SESSIONS just referred to a moment ago, outlines many of the problems resulting from this loophole. I agree with Senator SESSIONS with respect to the report. I am glad this legislation will pass this Congress because the gap that has allowed individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. That is why I have been a strong proponent and cosponsor of this legislation. I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that the Senate is voting on final passage of S. 768, the Military and Extraterritorial Jurisdiction Act. I have worked on this issue for some time now and believe that the Congress should promptly move forward with this important legislation.

Specifically, in the last Congress, I originally introduced most of the provisions in this bill as part of the comprehensive crime bill, S. 2484, the Safe

Schools, Safe Streets and Secure Borders Act of 1998. On the first day of this Congress, I again included these provisions in S. 9, the Safe Schools, Safe Streets and Secure Borders Act of 1999. Last year, I was pleased to join Senators SESSIONS and DEWINE in supporting the Sessions-Leahy-DeWine substitute amendment to S. 768, which was reported favorably by the Senate Judiciary Committee and then passed unanimously by the Senate on July 1, 1999, over a year ago. The bill then sat in a House subcommittee for almost one year until the House of Representatives finally took action in late July, 2000 to consider and pass an amended version of S. 768.

S. 768 closes a gap in federal law that has existed for many years and permitted individuals who accompanied military personnel overseas to "get away with murder." Foreign nations often have no interest in vindicating crimes against American servicemen stationed overseas, particularly when committed by Americans, The lack of Federal jurisdiction over such crimes has allowed the perpetrators to go unpunished. This bill establishes authority for, and sets up procedures to implement the exercise of, Federal jurisdiction over felony crimes committed by certain people overseas.

I had some concerns with certain aspects of S. 768, as originally introduced, and worked to address those concerns and improve the bill in the Sessions-Leahy-DeWine substitute amendment. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors whenever they accompanied our Armed Forces overseas. I was concerned that this extension of court-martial jurisdiction ran afoul of the Supreme Court's decisions in *Reid* v. *Covert*, 354 U.S. 1 (1957), *Kinsella* v. *Singleton*, 361 U.S. 234 (1960) and *Toth* v. Quarles, 350 U.S. 11 (1955). Those rulings made clear that court-martial *jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.*

We made progress in the Sessions—Leahy-DeWine substitute amendment passed by the Senate to limit the proposed extension of court-martial jurisdiction to DOD employees and contractors, and ensure its application only in times when the armed forces are engaged in "contingency operation" involving a war or national emergency declared by the Congress or the President. While his correction would, in my view, have comported with the Supreme Court rulings on this issue and cured any constitutional infirmity with the original language, I appreciate the action of the House to remove altogether this section of the bill, which had originally given me concern.

In addition, the original bill contained a provision that would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the U.S. from overseas as "justifiable." I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise due process and other constitutional concerns.

The Sessions-Leahy-DeWine substitute cured that potential problem by eliminating the "justifiable" delay provision in the original bill. Thus, the general standard from Federal Rule of Criminal Procedure 5 about avoiding unnecessary delays in bringing an arrested person before a magistrate would apply to the removal of a civilian from overseas to answer charges in the United States.

The House has made further improvements to the removal and detention procedures in the bill, and I support them. In particular, the House has clarified the procedures necessary to protect the rights of the accused in both removal and detention hearings, and to facilitate and expedite the conduct of initial appearances by the accused before federal magistrate judges.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. I urged that DOD make this determination in consultation with the Department of State, and the Sessions-Leahy-DeWine substitute amendment adopted such a consultation requirement. I am pleased that the House maintained this part of the substitute amendment in House-passed version of the legislation and requires consultation with the Department of State.

The inaction of the Congress on closing the jurisdictional gap that has existed over the criminal actions of civilian on military installations overseas has been the source of terrible injustice. For example, most recently the Second Circuit Court of Appeals was compelled to reverse a conviction and dismiss an indictment of sexual abuse of a minor committed by a civilian at a military base in Germany. The Court took the "unusual step of directing the Clerk of the court to forward a copy this opinion" to the relevant Committees of the Congress. We have gotten our wake-up call and should waste no more time to send this legislation to the President.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE 44, U.S. CODE, TO ENSURE PRESERVATION OF THE RECORDS OF THE FREEDMEN'S BUREAU

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5157, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5157) to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 5157) was read the third time and passed.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3045, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, on June 9, 1999, our departed friend and colleague, the former senior Senator from Georgia, introduced the National Forensic Sciences Improvement Act of 1999. This important legislative initiative called for an infusion of Federal funds to improve the quality of State and local forensic science services. I am pleased that Senator SESSIONS has revived the bill, and that we are passing it today as the Paul Coverdell National Forensic Sciences Improvement Act of 2000, S. 3045.

The use of quality forensic science services is widely accepted as a key to effective crime-fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 75 cases in the United States and Canada, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 9 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, forensic science services like DNA testing are critical to the effective administration of justice in 21st century America.

Forensic science workloads have increased significantly over the past five years, both in number and complexity. Since Congress established the Combined DNA Index System in the mid-1990s, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitation on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, Vermont. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better. This is our chance to provide them with the facilities and equipment they deserve.

Passage of the Paul Coverdell National Forensic Sciences Improvement Act will give States like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. It allocates $738 million over the next six years for grants to qualified forensic science laboratories and medical examiner's offices for laboratory accreditation, automated equipment, supplies, training, facility improvements, and staff enhancements.

I have worked with Senator SESSIONS to revise the bill's allocation formula to make it fair for all States. We have agreed to add a minimum allocation of .06 percent of the total appropriation for each fiscal year for smaller states and have increased the maximum percentage of federal funds available for facility costs from 40 percent to 80 percent for these smaller states. This is only fair for smaller States with limited tax bases and other finite resources, such as my home State of Vermont.

The bill we pass today also authorizes $30 million for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and other related purposes. I support this provision, although I regret that it does not go further. Senator SCHUMER and I have proposed increasing this authorization by $25 million, which is the amount needed to eliminate the backlog of untested crime scene evidence from unsolved crimes. This backlog is as serious a problem as the convicted offender sample backlog, and we should take the opportunity to address it now.

I am also deeply disappointed that S. 3045 fails to address the urgent need to increase access to DNA testing for prisoners who were convicted before this truth-seeking technology became widely available. Prosecutors and law enforcement officers across the country use DNA testing to prove guilt, and rightly so. By the same token, however, it should be used to do what is equally scientifically reliable to do—prove innocence.

I was greatly heartened earlier this month when the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. He was the 88th wrong guy discovered on death row since the reinstatement of capital punishment. His case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

States like Virginia continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the right to present DNA test results in court. They are still destroying the DNA evidence that could set innocent people free. These sorts of practices must stop. We should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence offers.

By passing S. 3045, we substantially increase funding to improve the quality and availability of DNA analysis for law enforcement purposes. That is an appropriate use of Federal funds. But we at least ought to require that this truth-seeking technology be made available to both sides.

I proposed a modest Sense of Congress amendment to S. 3045, which the Senate is passing today. It describes how DNA testing can and has resulted in the post-conviction exoneration of scores of innocent men and women, including some under sentence of death, and expresses the sense of Congress that we should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases. Because post-conviction DNA testing has shown that innocent people are sentenced to death in this country with alarming frequency, and because the most common constitutional error in capital cases is egregiously incompetent defense lawyering, my amendment also calls on Congress to work with the States to improve the quality of legal representation in capital cases through the establishment of counsel standards.

I introduced legislation in this Congress that would have accomplished both of these things. The Innocence Protection Act of 2000 contains meaningful reforms that I believe could save innocent lives. As the 106th Congress winds down, we have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

Tragically, real reform of our nation's capital punishment system foundered on the shoals of election-year politics. But with the Sense of Congress provision that we pass today, at least we have agreed on a blueprint for effective reform legislation in the 107th Congress.

Finally, I want to discuss another amendment that I proposed, together with Senator SESSIONS, and that the Senate passes today. It concerns the Civil Asset Forfeiture Reform Act of 2000, which the Senate passed on March 27, 2000.

The Civil Asset Forfeiture Reform Act was an important step forward, and I want to thank Mr. HYDE, Mr. CONYERS and Senators SESSIONS, SCHUMER, BIDEN, and all others who worked with us in good faith to enact these long overdue reforms. At the same time, there was some unfinished business in connection with this legislation that my amendment completes.

The bill that the Senate passed by unanimous consent on March 27th was supposed to be a substitute amendment to H.R. 1658. I had been led to believe that the substitute was word-for-word that which I had painstakingly worked out over the preceding weeks for approval by the Senate Committee on the Judiciary the previous Thursday, March 23, 2000. Imagine my surprise to see reprinted in the RECORD the next day a substitute amendment at variance with the version to which I had agreed to and at variance with the language that had been circulated to and approved by the Committee.

Specifically, the agreed upon version of the bill would amend section 983(a)(2)(C) of title 18, United States Code, to describe what a claimant in a civil asset forfeiture case must state to assert a claim. The amendment to which I agreed and which the Judiciary Committee "ordered reported" requires that a "claim shall—(i) identify the specific property being claimed; (ii) state the claimant's interest in such property; and (iii) be made under oath, subject to penalty of perjury."

By contrast, the version of the amendment submitted to the Senate for passage contained the following additional clause in subparagraph (ii): "state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous". I did not approve the language inserted in the version considered by the Senate and this language was not approved by the Judiciary Committee.

The inserted language is superfluous at best, since even without it, a claimant must provide evidence of his interest in the property early in the proceeding or face summary dismissal for lack of standing. Moreover, a claim already must be made under oath and penalty of perjury.

At worst, the inserted language is an invitation for mischief in an area where the record has already amply demonstrated overreaching by law enforcement agencies. At the claim stage, most claimants do not have counsel. Many are uneducated and unsophisticated. They may not know what "customary documentary evidence" means, and even if they do, they may not know how to get it. It is not so simple for such individuals to obtain a bank statement or a title document, much less to obtain such documents within the 30 days afforded by the Act. They may be deterred from filing a claim simply because they cannot produce documentary evidence—even if no documentary evidence exists.

Take for example an all cash seizure. What constitutes "customary documentary evidence" of an interest in cash? An ATM receipt? A bank record? What about money that is received from legitimate sources other than financial institutions. A waiter would be hard pressed to produce documentary evidence of his interest in tip money.

Beyond this, the inserted language gives seizing agencies too much discretion to reject claims because the documentary evidence is incomplete or otherwise unsatisfactory, and prior experience tells us that agencies may exercise their discretion to deny claims arbitrarily.

The requirement that claims be certified as non-frivolous is also problematic. If an uncounseled claimant certifies in good faith that his claim is not frivolous, and a court ultimately determines otherwise, would the claimant be put at risk of a perjury prosecution? Even the threat of such risks puts additional burdens on claimants and may dissuade claimants from filing claims.

In sum, the inserted language has the potential to deter valid claims as well as frivolous claims, and it is unnecessary: Frivolous claims will be dismissed anyway, when the claimant is unable to meet his burden of establishing standing.

For these reasons, I had objected to insertion of this language and approved a substitute amendment that did not contain this problematic insert. Moreover, the version of that substitute amendment "ordered reported" by the Judiciary Committee and in the Committee's official files simply does not contain that problematic insert.

We rely every day on each other and on the professionalism of our staffs. Having raised my concern about the change as soon as it was discovered, I am pleased that Chairman HATCH and Senator SESSIONS have worked with me to pass a correction to the law that strikes the language that was added without agreement.

I hope that the House will move quickly to pass the Paul Coverdell National Forensic Sciences Improvement Act, as amended, before it winds up its work for the year.

AMENDMENT NO. 4345

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. SESSIONS, proposes an amendment numbered 4345.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Coverdell National Forensic Sciences Improvement Act of 2000".

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking "and" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

"(A) forensic science laboratory or forensic science laboratory system, that—

"(i) employs 1 or more full-time scientists—

"(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

"(II) who provide testimony with respect to such physical evidence to the criminal justice system;

"(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

"(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

"(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.".

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

"SEC. 2801. GRANT AUTHORIZATION.

"The Attorney General shall award grants to States in accordance with this part.

"SEC. 2802. APPLICATIONS.

"To request a grant under this part, a State shall submit to the Attorney General—

"(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

"(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

"(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

"SEC. 2803. ALLOCATION.

"(a) In General.—

"(1) Population allocation.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

"(2) Discretionary allocation.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

"(3) Minimum requirement.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

"(4) Proportional reduction.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

"(b) State Defined.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

"(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

"(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

"SEC. 2804. USE OF GRANTS.

"(a) In General.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

"(b) Permitted Categories of Funding.—Subject to subsections (c) and (d), a grant awarded under this part—

"(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

"(2) may not be used for any general law enforcement or nonforensic investigatory function.

"(c) Facilities Costs.—

"(1) States receiving minimum grant amount.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(2) Other states.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

"(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

"(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(d) Administrative Costs.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

"SEC. 2805. ADMINISTRATIVE PROVISIONS.

"(a) Regulations.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

"(b) Expenditure Records.—

"(1) Records.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

"(2) Access.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

"SEC. 2806. REPORTS.

"(a) Reports to Attorney General.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

"(1) a summary and assessment of the program carried out with the grant;

"(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

"(3) such other information as the Attorney General may require.

"(b) Reports to Congress.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

"(1) the aggregate amount of grants awarded under this part for that fiscal year; and

"(2) a summary of the information provided under subsection (a).".

(2) Authorization of appropriations.—

(A) In general.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

"(A) $35,000,000 for fiscal year 2001;

"(B) $85,400,000 for fiscal year 2002;

"(C) $134,733,000 for fiscal year 2003;

"(D) $128,067,000 for fiscal year 2004;

"(E) $56,733,000 for fiscal year 2005; and

"(F) $42,067,000 for fiscal year 2006.".

(B) Backlog elimination.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) Table of contents.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) Repeal of 20 percent floor for CITA crime lab grants.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding "and" at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) In General.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking "(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) Findings.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: "A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.".

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4345) was agreed to.

The bill (S. 3045), as amended, was read the third time and passed.

RECOGNIZING THAT THE BIRMINGHAM PLEDGE HAS MADE A SIGNIFICANT CONTRIBUTION IN FOSTERING RACIAL HARMONY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 102, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4347

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. SESSIONS, proposes an amendment numbered 4347.

The amendment reads as follows:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.";

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Mr. SESSIONS. Mr. President, I rise today to offer an amendment in the nature of a substitute to H.J. Res. 102, recognizing the "Birmingham Pledge" and its author, Birmingham attorney James E. Rotch, for the contributions it and he have made to healing wounds of racial prejudice that still, unfortunately, divide segments of our society. The Birmingham Pledge is a powerful declaration that has had a profound impact on those who have heard or seen it. It uses words of conviction and purpose that promote racial harmony by helping people communicate about racial issues in a positive way and by encouraging people to make a commitment to racial harmony. By affixing our signatures to the message conveyed by these words, we are, in effect, saying to the world that we stand for freedom and equality for all, regardless of race or color. Further, we are saying that we will not tolerate discrimination leveled at anyone simply because of their race or color. The words of the Pledge are as follows:

> I believe that every person has worth as an individual. I believe that every person is entitled to dignity and respect, regardless of race or color. I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others. Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions. I will discourage racial prejudice by others at every opportunity. I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.

These words do not reflect any new science or ground-breaking theory, instead they reflect the time-honored principles, not always followed, that have made this country the greatest example of individual liberty and freedom the world has ever known.

The words of the Birmingham Pledge are reflective of those used by Thomas Jefferson in penning the Declaration of Independence so may years ago. Jefferson wrote that "all Men are created equal, [and] that they are endowed by their Creator with certain unalienable Rights." That language is clear. Thousands of citizens in Birmingham and Alabama and throughout this country and the world have recommitted themselves to these principles, and by offering this Pledge to the rest of the country, we ask everyone else to be rededicated to them, too. By signing this pledge, people make an outward showing of that commitment. Again, that is why I, on behalf of my constituents, offer this Joint Resolution. In addition to calling us to our uniquely American heritage, the words of the Birmingham Pledge also recognize Birmingham's unfortunate history as a site of significant civil rights confrontation. The Pledge conveys, as does the city's political and economic reality, that Birmingham has moved forward from that difficult time in its history to a more complete embrace of the principles embodied in this Pledge. Indeed, the city has experienced an astonishing measure of social, political, and economic progress in recent years.

More than 70,000 people around the world have seen the merit of the Birmingham Pledge and signed it because they thought it was the right thing to do. Those signing it include the President, Members of Congress, Governors, state legislators, mayors, county commissioners, city council members, clergymen, students, and the list goes on. The point is, a broad cross-section of our society has embraced the high principles conveyed in the Birmingham Pledge because they see it as a powerful tool to facilitate dialogue on racial issues and additionally as a way for people to take personal steps to achieve racial harmony and tolerance in the communities in which they live. This Resolution simply recognizes the good work that the Birmingham Pledge has already accomplished, and the potential it has for further progress in this important area of our national and international life. In order to increase awareness of the Birmingham Pledge and to further its message, this resolution calls for the establishment of a National Birmingham Pledge Week. Setting aside such a period of time to further the message of the Birmingham Pledge and to celebrate the marked progress we have made in the area of racial harmony would be a fitting way to recognize the influence the Pledge is having on race relations in communities all across America and around the world.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment to the joint resolution be agreed to, and the joint resolution, as amended, be read the third time and passed, the amendment to the preamble and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4347) was agreed to.

The joint resolution (H.J. Res. 102), as amended, was read the third time and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

CORRECTING ENROLLMENT OF THE BILL S. 1474

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 156, submitted by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill S. 1474.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 156) was agreed to, as follows:

S. CON. RES. 156

> *Resolved by the Senate (the House of Representatives concurring)*, That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:
>
> In section 7(a), insert "not" after "shall".

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 1880, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4349

Mr. BROWNBACK. Mr. President, Senator FRIST has a substitute amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

> The Senator from Kansas (Mr. BROWNBACK) for Mr. FRIST, for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr. HATCH, Mr. CLELAND, and Mr. SESSIONS, proposes an amendment numbered 4349.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. Mr. President. Every day, through personal experience or the news, we are reminded of the tremendous scientific advances that have been made in medicine; but unfortunately, millions of Americans still experience serious disparities in health outcomes as a result of ethnicity, race, gender, or a lack of access to health care services.

Recent studies have demonstrated that minority populations, in addition to having lower rates of health care access, exhibit poorer health outcomes and may have higher rates of HIV/AIDS, diabetes, infant mortality, death from cancer and heart disease, and other health problems. For example, when compared to whites, the mortality rate for prostate cancer is nearly twice that for black men; and while African Americans make up only 13 percent of our nations's population, they represented 49 percent of AIDS deaths in 1998. Further, compared to whites, the prevalence of diabetes in Hispanic individuals is nearly double. In my home state of Tennessee, African Americans have an infant mortality rate nearly three times that of white Tennesseans, and Tennessee's African Americans suffer from heart disease at one and a half times that rate of whites and are twice as likely to suffer a stroke.

The Jackson Sun recently published an investigative report, "What's Killing Us?: The Color of Death 10 Years Later," which analyzes health data specific to West Tennessee. The report highlighted that, "[African Americans] in West Tennessee die at a much higher rate—370 percent higher for hypertension for example—than whites with the same diseases," and made it clear that we have failed to close the gap between death rates for black and white citizens over the last ten years. West Tennessee is a snapshot of what is happening around the country, and the lessons apply broadly. The report provides key lessons to improve health that are applicable to all Americans including the need for targeted research, improved education and public awareness, increased prevention measures, and better access to care.

However, health disparities are not limited to minority communities. Medically underserved populations located in rural Appalachia, which include significant portions of my home state of Tennessee, exhibit health disparities consistent with minority populations. In rural Appalachia, where only one doctor exists for every 1,025 patients, white males between 35 and 64 are 19 percent more likely to die of heart disease than their counterparts elsewhere in the country, and white Appalachian women are 21 percent more likely to die of heart disease. Moreover, barriers to care are undermining thee health of many communities, including rural areas where poverty and the lack of a health care infrastructure often inhibit the ability to prevent or treat health care conditions.

In order to address the issue of health disparities, in June of this year the National Institutes of Health (NIH) announced that it began the administrative process to elevate the current NIH Office of Research on Minority Health to a center. In July, I held a Public Health Subcommittee hearing, "Health Disparities: Bridging the Gap," to focus on how to address minority health disparities and what measures we should take to improve minority health.

During this hearing, the Subcommittee examined health care disparities among minorities, rural and underserved populations, and women. Witnesses ranging from the Administration to experts representing the minority and underserved communities testified that a Center on Minority Health and Health Disparities is needed to focus national attention on this unrelenting problem. My friend and fellow Tennessean, Dr. John Maupin, President of Meharry Medical College of Nashville, said it best when he testified that "ethnic minority and medically underserved populations continue to suffer disproportionately from virtually every disease and we can no longer sit idly by without addressing this national crisis."

Today, I am pleased to introduce the Minority Health and Health Disparities Research and Education Act of 2000, with Senators KENNEDY and JEFFORDS. The Minority Health and Health Disparities Research and Education Act will expand research and education for the biomedical, behavioral, economic, institutional, and environmental factors contributing to health disparities in minority and medically underserved populations.

This legislation establishes a National Center on Minority Health and Health Disparities at NIH; a grant program through the new Center to further biomedical and behavioral research, education, and training; an endowment program to facilitate minority and other health disparities research at centers of excellence; and an extramural loan repayment program to train members of minority or other health disparities populations as biomedical research professionals.

This bill also directs the Agency for Healthcare Research and Quality (AHRQ) to conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access, as well as the causes and barriers to reducing health disparities. Additionally, AHRQ is able to identify, test, and evaluate strategies for reducing or eliminating health disparities; develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services; and increase the number of researchers who are members of health disparity populations, or the health services research capacity of institutions that train such researchers.

Furthermore, this Act provides resources under the Health Resources and Services Administration for research and demonstration projects for the training and education of health professionals in reducing disparities in health care outcomes. A national campaign to inform the public and a plan for the dissemination of information and findings under all Titles of the Act is also established under the bill.

Health disparities may be the result of many factors, including limited access to prevention and treatment services, poverty and socioeconomic factors, exposure to environmental toxins, and even cultural factors. Turning our back on these disparities would be a national failure. Every Tennessean and every American deserves the best quality of health regardless of their race, ethnicity, sex, or where they live. With the concerted efforts of those supporting this bill, I'm certain that we can take the necessary steps to reverse our nation's health disparities.

I am pleased that the Minority Health and Health Disparities Research and Education Act is supported by Meharry Medical College in Nashville, Tennessee; East Tennessee State University (ETSU) in Johnson City, Tennessee; Morehouse School of Medicine in Atlanta, Georgia; and the Association of Minority Health Professions Schools. Dr. Ronald Franks of ETSU wrote of his support for this legislation because it identifies "health populations as a priority in the nation's health agenda and the recognition of the health disparities in the Appalachian region."

Mr. President, I would like to express my gratitude to Dr. John Maupin of Meharry Medical College, and Dr. Ronald Franks and Dr. Bruce Behringer of East Tennessee State University for their dedication to helping the minority and medically underserved populations in Tennessee and for their counsel and assistance on this legislation. I would also like to thank my colleagues for their work and dedication to this issue, and I look forward to the enactment of the bill this year.

Mr. KENNEDY. Mr. President, I strongly support passage of the Minority Health and Health Disparities Research and Education Act of 2000. I commend Senator FRIST for his leadership on the issue of health disparities in our minority and underserved communities. I also commend the many Senators on both sides of the aisle who worked hard to ensure that the principles of equal justice and opportunity apply to health care. Health care should be a basic right. With our current economic prosperity and the extraordinary recent advances in medicine, we should be able to guarantee that right to all Americans.

The extraordinary advances in health care in recent decades have not been shared by all our citizens. Minority communities suffer disproportionately from higher rates of death from cancer, stroke, and heart disease, as well as from higher rates of HIV/AIDS, diabetes, and other severe health problems. Africa American men who contract prostate cancer are more than twice as likely to die from it as white men. Vietnamese American women are five times more likely than white women to contract cervical cancer. Hispanic women are twice as likely to contract cervical cancer. Native Hawaiian men are 13 percent more likely to contract lung cancer. Alaskan Native women are 72 percent more likely to contract colon cancer and rectal cancer. In addition, African Americans and Hispanic Americans are more likely to be diagnosed with cancer after the disease has reached an advanced stage. For African Americans, the result is a 35 percent higher death rate.

The reality of poverty clearly affects the nation's health. Nearly 20 million white Americans live below the poverty line and many live in rural areas such as Appalachia, where 46 percent of counties are designated as health professions shortage areas and high rates of poverty contribute to health disparity outcomes. The lack of a health care facilities or benefits often means poor health care and often a poor prognosis for what might have been a preventable or curable condition. In the Appalachia regions of Kentucky, Tennessee, and West Virginia, the rates of the five top causes of death in the U.S. all exceeded the national, average in 1997. Lack of availability and access to health care for poor and underserved regions often goes hand in hand with higher morbidity and mortality rates. Higher rates of heart disease in white males between the ages of 35 and 64 and cervical cancer in white females are also found in Appalachia. We must find better answers to identify and overcome the barriers to care that lead to dire outcomes in underserved communities.

While we have continued to make progress in the reduction of child poverty, child mortality, teenage pregnancy, and juvenile violence, we continue to see wide disparities by race and income, with communities of color and those in poverty lagging behind others. Infant mortality rate has declined nationally from 10.9 infant deaths for every 1,000 live births in 1983 to 7.2 in 1998. But among African Americans, the rate is 13.7—more than twice the rate of any other group. In addition, far too many people across this nation lack the health insurance that is necessary for access to basic health care. Over one-third of Hispanic Americans are uninsured, the highest rate among all ethnic groups and two and a half time the rate of 14% for whites. Nearly one-fourth of African Americans, and about one-fifth of Asian Americans are also uninsured.

In Massachusetts, significant progress has been made in improving the overall health status and access to health care. We are one of a handful of states in the country to devote the tobacco settlement money entirely to health care. Yet our significant commitment to health care is not translating into equal access or improved health status for all of our citizens. Health status differs by racial/ethnic group and by income group and the differences are reflected in the alarming discrepancy in mortality rates. The infant mortality rate for African-Americans is 11.7—over twice as high as the overall statewide rate of 5.3.

The same pattern exists for the HIV/AIDS-related mortality rate, which is more than six times greater for African-Americans and more than four times greater for Hispanics. African American women are more likely to lose their lives to breast cancer, and nearly six times a many Asian-American women and nearly two times as many Hispanic women have never taken a Pap test, which is essential in detection cervical cancer. Clearly, too many citizens are not benefitting from the advances made in science, medicine, and the economy.

The Minority Health and Health Disparities Research and Education Act addresses the biomedical, behavioral, economic, institutional, and environmental factors that have caused health disparities in communities of color and in undeserved communities around our nation. It provides needed resources for research, data collection, medical education, and public awareness, in order to understand the root causes of diseases and poor health outcomes and to develop strategies to meet the health needs of these vulnerable communities. Each of these aspects has an important role to play in the reduction and eventual elimination of the unacceptable disparities that now exist.

Title I of the bill establishes a Center for Research on Minority Health and Health Disparities at the National Institutes of Health. It also provides resources to educational institutions to train minority individuals as biomedical research professionals.

Title II focuses on identifying, evaluating, and disseminating information on the factors that contribute to health disparities.

Title III addresses the critical need for trained and culturally competent health care professionals by providing resources to develop effective educational support.

Title IV enhances the collection of data on race and ethnicity to determine what steps the federal government should take to ensure that all necessary information is collected.

Title V provides funding for a public awareness and information campaign to inform minority communities of the health conditions that are affecting them disproportionately and of the programs and services available to them.

Passage of the Minority Health and Health Disparities Research and Education Act demonstrates our strong commitment a healthier future for all our citizens. America has the resources to accomplish this goal and I urge the Senate to achieve it.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4349) was agreed to.

The bill (S. 1880), as amended, was passed.

THE AMERICAN MUSEUM OF SCIENCE AND ENERGY

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the consideration of H.R. 4940, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4940) to designate the museum operated by the Secretary of Energy at Oak Ridge, Tennessee, as the American Museum of Science and Energy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4348

Mr. BROWNBACK. Mr. President, Senators MURKOWSKI, FRIST, and BINGAMAN have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MURKOWSKI, for himself, Mr. FRIST, and Mr. BINGAMAN, proposes an amendment numbered 4348.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

"SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

"(a) IN GENERAL.—The Museum—

"(1) is designated as the 'American Museum of Science and Energy'; and

"(2) shall be the official museum of science and energy of the United States.

"(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

"(c) PROPERTY OF THE UNITED STATES.—

"(1) IN GENERAL.—The name 'American Museum of Science and Energy' is declared the property of the United States.

"(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

"(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

"SEC. 2. AUTHORITY.

"To carry out the activities of the Museum, the Secretary may—

"(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

"(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

"(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

"(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

"(A) relevant to the contents of the Museum; and

"(B) informative, educational, and tasteful;

"(3) collect reasonable fees where feasible and appropriate;

"(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

"(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

"(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

"SEC. 3. MUSEUM VOLUNTEERS.

"(a) Authority To Use Volunteers.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

"(b) Status of Volunteers.—

"(1) In general.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

"(2) Exceptions.—

"(A) Federal tort claims act.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

"(B) Compensation for work injuries.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

"(c) Compensation.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

"SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) Museum.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

"(2) Secretary.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary."

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4348) was agreed to.

The bill (H.R. 4940), as amended, was passed.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BROWNBACK. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the respective committees and, further, the Senate proceed to their consideration, en bloc, along with the following nominations on the calendar. They are as follows:

From the Governmental Affairs Committee, Don Harrel and Thomas Fink;

From the Foreign Relations Committee, Marc Nathanson, Norman Pattiz, Tom Korologos, and Robert Ledbetter;

On the calendar, Nos. 547, 548, 549, 642, 643, 700, 701, 702, and 703.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.

Thomas A. Fink, of Alaska, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

BROADCASTING BOARD OF GOVERNORS

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Marc B. Nathanson, of California, to be Chairman of the Broadcasting Board of Governors.

Norman J. Pattiz, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Tom C. Korologos, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Robert M. Ledbetter, Jr. of Mississippi, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

UNITED STATES POSTAL SERVICE

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

OFFICE OF PERSONNEL MANAGEMENT

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

FEDERAL LABOR RELATIONS AUTHORITY

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

BROADCASTING BOARD OF GOVERNORS

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

PEACE CORPS

Mark L. Schneider, of California, to be Director of the Peace Corps.

THE JUDICIARY

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Risher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

POSTAL RATE COMMISSION

George, A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, OCTOBER 27, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Friday, October 27. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information all Senators, the Senate will resume consideration of the tax legislation tomorrow at 9:30 a.m. Debate is expected to take place throughout the morning with a vote expected in the early afternoon. The Senate is also expected to have a vote on the motion to proceed to the conference report to accompany the D.C. appropriations bill, which contains the Commerce-State-Justice language. After a short period for debate, a vote on adoption of the conference report will occur. Therefore, including a vote on a continuing resolution, Senators can expect four votes during tomorrow's afternoon session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:53 p.m., recessed until Friday, October 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 26, 2000:

SECURITIES AND EXCHANGE COMMISSION

ISAAC C. HUNT, JR., OF OHIO, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2005. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

GERALD S. SEGAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE SHIRLEY W. RYAN, TERM EXPIRED.

THE JUDICIARY

S. ELIZABETH GIBSON, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE SAMUEL JAMES IRVIN, III, DECEASED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G.F. LEE, 0590

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENT W. ABERNATHY, 4175
CARLO J. ACCARDI, 4077
FREDERICK AIKENS, 0667
WILLIAM L. ALDRED, JR., 3367
BOYD L. ALEXANDER, 1763
ANTHONY ALFORD, 9908
CHARLES M. ALLEN, JR., 8784
JAMES M. ALLEN, 6900

PATRICK D. ALLEN, 3405
RONALD C. ALLEN, 5067
JOHN R. ALVARADO, 6491
NICHOLAS C. AMODEO, 4938
ROMA J. AMUNDSON, 8996
MARCIA L. ANDREWS, 0824
PERRY E. ANTHONY, 9663
JAMES F. ARGABRIGHT, 5145
JAMES W. ATCHISON, 8583
MICHAEL E. AVAKIAN, 6742
PETER M. AYLWARD, 8297
JOHN T. BAKER, 3417
ROBERT K. BALSTER, 8953
PAUL BARABANI, 0031
LOGAN B. BARBEE, 8991
CHRISTOPHER R. BARBOUR, 8678
HUGH G. BARCLAY IV, 6659
KENNETH P. BARDEN, JR., 4915
JOHN I. BARNES III, 8491
WAYNE C. BARR, JR., 8953
PERRY E. BARTH, 5698
TIMOTHY L. BARTHOLOMEW, 0562
DAVID E. BASSERT, JR., 3452
GARY W. BAUMANN, 8508
RICHARD A. BAYLOR, 3612
RICHARD L. BAYSINGER, 5990
WILLIAM G. BEARD, 8900
DONALD L. BELANGER, 1484
THOMAS A. BELOTE, 2849
ROY C. BENNETT, 6068
RICHARD J. BERESFORD, 0025
LAWRENCE E. BERGESON, 1575
MARCELO R. BERGQUIST, 0899
GEORGE M. BESHENICH, 2836
VICTORIA A. BETTERTON, 4038
VICTOR A. BETZOLD, 5516
LETTIE J. BIEN, 5601
DONALD J. BILLONI, 6179
EDWARD J. BINSEEL, 8958
ERNEST BIO, 0784
CHARLES D. BLAKENEY, 8206
ROBERT C. BLIX, 7377
JOSEPH G. BLUME, JR., 5603
KEITH J. BOBENMOYER, 4533
ROBERT C. BOLTON, 8102
PHILLIP BOOKERT, 0302
CANFIELD D. BOONE, 3071
THOMAS P. BOYLE, JR., 5445
JAMES F. BOYNTON, JR., 6913
PAMELA J. BRADY, 1725
ALLEN E. BREWER, 9815
GORDON M. BREWER, 8161
PHILIP S. BREWSTER III, 4443
WILLIAM E. BRITTIN, 1156
DEBRA A. BROADWATER, 1446
CURTIS R. BROOKS, 8169
TILDEN L. BROOKS, JR., 3269
MICHAEL P. BROWN, 6828
STEVEN L. BROWN, 3531
LOUIS J. BRUNE III, 2124
WILLIAM J. BRUNKHORST, 8996
RALPH T. BRUNSON, 1101
RICHARD L. BUCK, 1522
TERRY L. BULLER, 8303
ROBERT W. BURNS, 1639
CHARLES N. BUSICK, 1374
THOMAS D. BUTLER, JR., 3016
GLEN CADLE, JR., 6971
JOHNNIE L. CAHOON, JR., 9547
SAMUEL E. CANIPE, 9179
THOMAS W. CAPLES, 9139
HUBERT D. CAPPS, 9508
PHILIP R. CARLIN, 2376
BRUCE W. CARLSON, 5483
ANTHONY J. CARLUCCI, 9444
MELVIN J. CARR, 2390
JOHN D. CARROLL, 5199
ROOSEVELT CARTER, JR., 6653
MARK A. CENTRA, 9677
WALTER B. CHAHANOVICH, 5937
ROBERT J. CHANDLER, JR., 7621
ROBERT L. CHILCOAT, 3108
MARK J. CHRISTIAN, 8252
DONALD L. CHU, 6866
MICHAEL L. CHURCH, 8158
ALAN D. CHUTE, 5345
EUGENE CLARK, 0812
RICHARD L. CLARK, 5929
ROBERT G. CLARK, 6354
WILLIAM J. CLEGG III, 4058
LESTER L. CLEMENT, 1583
WILLIAM G. COBB, 9420
GERALD W. COCHRANE, 2148
WILLIAM B. COLLINS, 6130
PETER M. COLLOTON, 2143
MARTIN D. COMPTON, 6500
MICHELE G. COMPTON, 5758
CHARLES R. CONN, 8585
JAMES A. CORMAN, 9366
STEPHEN G. CORRIGAN, 8829
JAMES W. CORRIVEAU, 8627
ROBERT O. CORTEZ, 1529
BILLY J. COSSON, 9244
HARRY E. COULTER, JR., 2728
BRARRY A. COX, 1480
WARREN G. CRECY, 8979
JOSEPH A. CUELLAR, 4656
WILLIAM N. CULBERTSON, 1057
WALTER R. CYRUS, 8947
JEAN L. DABREAU, 5962
JOHN A. DAROCHA, 9718
DAVID M. DAVISON, 7296
MICHAEL E. DEBOLD, 5059
ROBERT F. DELCAMPO, 3312
WILLIAM DENEKE, 8630
LYNNE E. DERIE, 1859
JOSEPH R. DEWITT, 7218
RONALD F. DIANA, 0757
JOSEPH B. DIBARTOLOMEO, 9810
RICHARD R. DILLON, 1619
THADDEUS A. DMUCHOWSKI, 7794
JAMES M. DOBBINS, 6854
HARRY C. DOBSON, 4007
MICHAEL F. DOSSETT, 4211
WILLIAM C. DOWD, 5969
JAMES D. DOYLE, 5900
JOSEPH H. DOYLE, 1642
DONALD A. DRISCOLL, 1515
DEBRA A. DUBOIS, 7309
ROGER B. DUFF, 8632
DONALD C. DURANT, 1243
KENT J. DURING, 2945
LOUIS R. DURNYA, 4138
JOHN B. DWYER, 5980
RONALD J. DYKSTRA, 7625
MARK M. EARLEY, 6309
STEVEN D. ECKER, 1777
MARI K. EDER, 2706
GREGORY B. EDWARDS, 8242
KENNETH D. EDWARDS, 4553
THOMAS R. EICHENBERG, 6780
DAVID J. ELICERIO, 3002
DALE G. ELLIS, 3448
KATHLEEN K. ELLIS, 0103
ALLAN L. ENRIGHT, 3362
WILLIAM L. ENYART, JR., 0507
THOMAS P. ERSFELD, 5789
BEVERLY J. ERTMAN, 2158
GEORGE C. ESCHER, 6306
CARL W. EVANS, 2961
WILLIAM C. FALKNER, 6556
JOHN M. FARENISH, 9438
JACKIE D. FARR, 6334
GERALD T. FAVERO, 7478
PETER S. FEDORKOWICZ, 5520
DONALD P. FIORINO, 8011
ROLAND A. FLORES, 1623
PATSY M. FLOYD, 3434
DOUGLAS J. FONTENOT, 8693
GERALD W. FONTENOT, 1914
ROBERT G. FORD, 4546
HENRY J. FORESMAN, JR., 0590
BRIAN A. FORZANI, 9363
FOSTER F. FOUNTAIN, 9137
WALTER E. FOUNTAIN, 8380
PETER D. FOX, 2306
STEPHEN R. FRANK, 2000
DALE L. FRINK, 9564
DONALD W. FULLER, 3199
PAMELA A. FUNK, 0850
JAMES L. GABRIELLI, 2582
BERTRAND R. GAGNE, 0746
RONALD S. GALLIMORE, 0262
ALBERT J. GARDNER, 7370
GLENN H. GARDNER, 3511
JAMES P. GARDNER, 3936
RICHARD A. GARZA, 3491
JERRY T. GASKIN, 5399
REGINALD B. GEARY, 9931
RICHARD P. GEBHART, 0167
DAVID L. GERSTENLAUER, 9566
DANIEL G. GIAQUINTO, 9826
GERALD G. GIBBONS, JR., 3678
WILLIAM J. GLASSER, 1794
WILLIAM J. GOTHARD, 7477
MARTIN L. GRABER, 3495
ROBERT D. GRAMS, 6283
ANTHONY J. GRATSON, 3907
THOMAS R. GREATHOUSE, 6191
ELLEN P. GREENE, 4102
TERRY L. GREENWELL, 3338
DAVID J. GROVUM, 2940
MICHAEL A. GRUETT, 4157
RAUL A. GRUMBERG, 9467
WILLIAM C. HAASS, 6978
WILLIAM B. HAGOOD, 1249
JEANETTE G. HALL, 8454
RICK D. HALL, 1532
ROBERT E. HAMMEL, 0225
EMANUEL HAMPTON, 2029
ROBERT C. HARGREAVES, 5576
BLAKE L. HARMON, 0984
LINDA C. HARREL, 1659
DONALD J. HARRINGTON, 3456
EARNEST L. HARRINGTON, JR., 8684
STEPHEN J. HATCH, 3082
MARK C. HATFIELD, 0158
FLOYD D. HAUGHT, 5805
REED T. HAUSER, 4730
LAWRENCE M. HAYDEN, 6067
ROBERT W. HAYES, JR., 8336
WILLIAM J. HAYES, 1203
HARRY W. HELFRICH IV, 3527
KARL D. HELLER, 2353
HOWARD W. HELSER, 6944
CARY R. HENDERSON, 6980
KATHY L. HENNES, 2503
JEFFREY W. HETHERINGTON, 9875
JAMES D. HOGAN, 8654
GAROLD D. HOLCOMBE, 0114
FRANK E. HOLLAND III, 2530
THOMAS M. HOLLENHORST, 6891
NOREEN J. HOLTHAUS, 5892
GREGORY R. HOOSE, 0764
THOMAS F. HOPKINS, 2011
DEBORAH Y. HOWELL, 6138
MELVIN A. HOWRY, 2781
STEPHAN K. HUCAL, 1136
JOHN C. HUDSON, 1283
PAUL F. HULSLANDER, 4233
STEPHEN J. HUMMEL, 1683
BERNIE R. HUNSTAD, 7236
CHARLES H. HUNT, JR., 0209
LIMUEL HUNTER, JR., 9357
PAUL J. HUTTER, 9861
JAMES G. IVEY, 1080
ROBERT C. JACKLE, 7919
MARK H. JACKSON, 9706
RAYMOND JARDINE, JR., 4294
STEPHANIE A. JEFFORDS, 2967
DANIEL J. JENSEN, 9329
MARK A. JENSEN, 4675
CRAIG D. JOHNSON, 4878
DAVID H. JOHNSON, 8339
ERIC P. JOHNSON, 7047
FREDERICK J. JOHNSON, 7701
JEFFREY W. JOHNSON, 6029
ROBERT W. JOHNSON, 8233
SCOTT W. JOHNSON, 1707
GARY L. JONES, 7353
KAFFIA JONES, 3808
TED S. KANAMINE, 6830
JAMES M. KANE, 4857
JANIS L. KARPINSKI, 0063
GUSTAV G. KAUFMANN, 2089
WILLIAM J. KAUTT III, 6346
DEMPSEY D. KEE, 7616
GARY E. KELLY, 3617
LARRY T. KIMMICH, 1334
GARY G. KLEIST, 5198
PETER KOLE, JR., 2507
GERY W. KOSEL, 2635
RANDOLPH J. KRANEPUHL, 1382
DONALD L. KREBS, 1296
JOHN R. KREYE, 6288
KIRK M. KRIST, 8703
NORMA J. KRUEGER, 5028
RANDALL W. LAMBRECHT, 0129
MARK E. LANDERS, 7963
WILLIAM H. LANDON, 2822
LENWOOD A. LANDRUM, 6758
ROBERT E. LANDSTROM, 0443
DOUGLAS J. LANGE, 5873
DAVID E. LECKRONE, 2761
JERRY G. LEDOUX, 9568
SCOTT D. LEGWOLD, 0857
JEFFREY L. LEIBY, 4399
RICHARD L. LEMMERMAN, 5195
PETER S. LENNON, 5799
RICHARD A. LENNON, 7793
JAMES W. LENOIR, 9966
GREGORY W. LEONG, 0581
ROBERT S. LEPIANKA, 0842
LESTER H. LETTERMAN, 6946
GLENN R. LEVAR, 1545
ALBAN LIANG, 7046
PATRICIA LINDGRENGRICHNIK, 7501
ELIZABETH J. LIPPMANN, 0935
DENNIS A. LITTLE, 7572
DAVID A. LIVELY, 6879
ROGER A. LIVINGSTON, 5405
JOHN I. LODEN, 0836
CORY L. LOFTUS, 4773
HENRY S. LONG, JR., 0352
TOM C. LOOMIS, 9901
FELIPE J. LOPEZ, 5648
JERRY G. LOVE, 5429
ROBERT L. LOWERY, JR., 7274
DAVID M. LOWRY, 1007
JOHN D. LYBRAND, JR., 0433
NEIL D. MACKENZIE II, 9422
CHRISTINE T. MALLOS, 0578
HENRY M. MARTIN, JR., 8008
SHIRLEY M. MARTIN, 9945
HECTOR M. MARTIR, 6870
MATTHEW G. MASNIK, 0470
LARRY J. MASSEY, 2313
ROBERT A. MAST, JR., 1833
JOHN R. MATHEWS, 7284
TERRELL W. MATHEWS, 4562
JEFF W. MATHIS III, 4869
MICHAEL D. MATZ, 8456
GEORGE P. MAUGHAN, 6514
WILLIAM R. MAY, 4506
ELLSWORTH E. MAYFIELD, 8427
JOSE S. MAYORGA, JR., 9411
MICHAEL E. MC CALISTER, 5840
DENNIS P. MC CANN, 2109
MATTHEW A. MC COY, 1827
WEYMAN W. MC CRANIE, JR., 8899
JERRY T. MC DANIEL, 1464
COLONEL Z. MC FADDEN, 3179
GARY R. MC FADDEN, 2448
MICHAEL W. MC HENRY, 0437
BYRON W. MC KINNON, 1088
GARY A. MC KOWN, 9967
LESA M. MC MANIGELL, 8914
KURT M. MC MILLEN, 4365
KENNETH B. MC NEEL, 4450
DAVID A. MC PHERSON, 7293
ADOLPH MC QUEEN, 8120
KENNETH D. MC RAE, 1506
ARSENY J. MELNICK, 2608
GLENN L. MELTON, 1349
EDWIN MENDEZ, 2657
JOHN M. MENTER, 6673

MICHAEL E. MERGENS, 3127
THOMAS E. MERTENS, 3382
GERALD L. MEYER, 3040
EVAN G. MILLER, 0613
GREGORY R. MILLER, 6214
RUFUS C. MITCHELL, 5544
BLAISE S. MO, 8002
RANDY M. MOATE, 0991
DOUGLAS MOLLENKOPF, 6129
CHARLES E. MOORE, 6503
JOHN D. MOORS, JR., 3879
WILLIAM J. MORRISSEY, 7425
RONALD O. MORROW, 6575
CRAIG H. MORTON, 9177
BRUCE E. MUNSON, 0085
PATRICK A. MURPHY, 0096
ROBERT E. MURPHY, 3940
STEPHEN T. NAKANO, 1141
JOSE A. NANEZ, JR., 9405
DAVID B. NELSON, JR., 0127
HOMER I. NEWTON, 8941
CHARLES D. NICHOLS, JR., 3377
TERRY R. NOACK, 1233
MICHELE H. NOEL, 8059
RALPH E. NOOKS, JR., 7941
MARY R. NORRIS, 2758
PAUL T. NOTTINGHAM III, 5414
JOHN M. NOWAK, 7848
CASSEL J. NUTTER, JR., 3615
WAYNE A. OAKS, 2100
PATRICK J. ODONNELL, 5297
CLIFFORD A. OLIVER, 4635
KEITH D. OLIVER, 0750
RICHARD E. OLSON, 2820
ISAAC G. OSBORNE, JR., 0288
SHERRY L. OWNBY, 2659
THOMAS L. PAGE, 7069
THOMAS PALGUTA, 4792
RONALD J. PARK, 5083
WILLIAM H. PATTERSON III, 9970
ROBERT W. PATTY, 3842
TOMMY W. PAULK, 2671
VERNON D. PAYETTE, 2832
TIMOTHY W. PAYNE, 6427
STEVEN M. PEACE, 3528
WILLIAM B. PEARRE, 1126
JUAN F. PEDRAZACOLON, 0730
DAVID C. PERKINS, 0048
DARRYL M. PERRILLOUX, 0087
THOMAS M. PERRIN, 0996
FRANCIS P. PETRELL, 1383
LAWRENCE PEZZA, JR., 7074
GREGORY W. PHELPS, 0582
JAMES F. PHILLIPS, 3885
DONALD W. PIPES, 4077
STANLEY C. PLUMMER, 9367
GEORGE W. POGGE, 6529
BOBBY B. POLK, 3454
LOUIS T. PONTILLO, 0014
BARBARA J. POOLE, 1457
JERRY D. PORTER, 6081
CARL J. POSEY, 4278
WAYNE A. PRATT, 8179
EDWARD H. PREISENDANZ, 6056
RICHARD J. PREVOST, 5915
JOHN M. PRICKETT, 5197
KENNETH H. PRITCHARD, 2525
DAVID E. PURTEE, 2102
LARRY E. RAAF, 9744
CURT M. READ, 0598
DEBORAH R. READ, 4121
NORMAN L. REDDING, JR., 9145
LARRY D. REESE, 8121
TIMOTHY J. REGAN, 9595
ROBERT C. REGO, 8607
PRICE L. REINERT, 0564
TIMOTHY R. RENSEMA, 0120
DANIEL M. REYNA, 3023
BARRY L. REYNOLDS, 6401
CHARLES W. RHOADS, 6116
KENNETH W. RIGBY, 0830
WILLIAM D. ROBERTS, 0829
JOSEPH L. ROGERS, 0001
LARRY E. ROGERS, 5416
KEITH C. ROGERSON, 6608
CARROLL ROHRICH, 3097
MICHAEL E. ROPER, 2507
ALAN E. RUEGEMER, 3007
JON R. RUIZ, 0869
JAMES P. RUPPER, 4184
MILLARD C. RUSHING, 2821
JOSEPH T. SAFFER, 1370
RANDALL M. SAFIER, 3276
CHARLES D. SAFLEY, 5588
LLOYD F. SAMMONS, 2901
RAFAEL SANCHEZ, 8559
GREGORY J. SANDERS, 6138
RICHARD L. SANDERS, 8363
JOHN C. SANFORD, 0501
GUS L. SANKEY, 4841
ANGEL L. SARRAGA, 1315
JAMES M. SCHAEFER, 9578
WESLEY H. SCHERMANN, JR., 6069
AUSTIN SCHMIDT, 5387
RONALD M. SCHROCK, 9167
JAMES A. SCHUSTER, 6156
BARBARA A. SCHWARTZ, 9690
BRION L. SCHWEBKE, 2854
DENNIS E. SCOTT, 9624
LOUIS J. SCOTTI, 5800
HENRY P. SCULLY, 7575
DENNIS S. SEARS, 9867
THOMAS J. SELLARS, 7334
KAREN J. SHADDICK, 3020
ANTHONY S. SHANNON, 9180
LEN D. SHARTZER, 2944
FREDERICK A. SHAW III, 5230
DANIEL E. SHEAROUSE, 6648
DONALD H. SHEETS, 4227
GARY E. SHEFFER, 5478
JAMES E. SHEPHERD, 0209
RICHARD J. SHERLOCK, JR., 9856
SAMUEL M. SHILLER, 2731
STANLEY P. SHOPE, 9023
KING E. SIDWELL, 5791
KEITH D. SIMMONS, 2075
CHARLES R. SINGLETON, 0391
JOHN J. SKOLL, 9768
BRENDA G. SMITH, 1862
CHERYL A. SMITH, 3977
LARRY E. SMITH, 4616
MICHAEL D. SMITH, 2295
RONALD B. SMITH, 5112
SIMS H. SMITH, 3986
MICHAEL R. SNIPES, 3139
SHELDON R. SNOW, 4543
WILLIAM S. SOBOTA, JR., 9282
GLENN A. SONNEE, 7840
NORMAN R. SPERO, 2467
PHILIP W. SPIES, JR., 4433
REX A. SPITLER, 9825
EDDY M. SPURGIN, 8186
ROBERT P. STALL, 9143
MARCY A. STANTON, 4144
DAVID E. STARK, 5530
CHARLES M. STEELMAN, 6496
THOMAS S. STEFANKO, 6318
JEANETTE L. STERNER, 6243
STANLEY M. STRICKLEN, 0565
GEORGE M. STRIPLING, 1358
JAMES M. STRYKER, 5980
JAMES C. STUBBS, 1026
THOMAS R. SUTTER, 7473
ANDREW A. SWANSON, 0134
STANLEY P. SYMAN, 6445
DENIS H. TAGA, 5778
FRANCIS B. TAVENNER, JR., 3257
BENNY M. TERRELL, 3044
BURTHEL THOMAS, 5513
KEVIN D. THOMAS, 8557
NANCY A. THOMAS, 4632
RANDAL E. THOMAS, 9772
GEORGE C. THOMPSON, 5012
KARL C. THOMPSON, 2623
DOUGLAS R. THOMSON, 3156
PHILLIP J. THORPE, 4583
RONALD L. THORSETT, 0316
TERRY E. THRALL, 8955
EMELIO K. TIO, 3593
JAMES B. TODD, 0411
RICHARD K. TREACY, 4674
WILLIAM D. TROUT, 8924
CARL E. TURNER, 0232
MICHAEL J. ULEKOWSKI, 5501
THOMAS J. UMBERG, 2562
ROBERT L. VALENCIA, 3325
RICHARD C. VINSON, 5858
RAYMOND D. WADLEY, 4022
SCOTT D. WAGNER, 3810
DONALD P. WALKER, 2260
WILLIAM A. WALSH, 4922
ANDREW C. WARD, 2633
ROBERT S. WARREN, 1755
MARVIN R. WARZECHA, 1718
ROBERT E. WATSON, 2342
CRAIG A. WEBBER, 7841
BILLY H. WELCH, 1465
CHRIS H. WELLS, 9012
CAMILLA K. WHITE, 3498
JAMES R. WHITE, 8292
NORMAN J. WHITE, 5412
MICHAEL J. WHITEHEAD, 4032
THOMAS M. WHITESIDE, JR., 6763
FRANCIS B. WILLIAMS III, 2531
JOE D. WILLINGHAM, 9413
RODNEY E. WILLIS, 2534
SUZANNE H. WILSON, 6561
JEFFRY K. WOLFE, 7171
KENNETH W. WOODARD, 2957
CLAUDELL WOODS, 2585
HARLEY K. WOOSTER, JR., 9738
GLENN R. WORTHINGTON, 2053
JOHN M. WUTHENOW, 6233
WILLIAM C. YOUMANS, 3548
DAVID K. YOUNG, 5514
ROBERT E. YOUNG, 1761

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 2000:

UNITED STATES POSTAL SERVICE

ALAN CRAIG KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2008.

OFFICE OF PERSONNEL MANAGEMENT

AMY L. COMSTOCK, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS.

FEDERAL LABOR RELATIONS AUTHORITY

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 1, 2004.

PEACE CORPS

MARK L. SCHNEIDER, OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS.

POSTAL RATE COMMISSION

GEORGE A. OMAS, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2006.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

BROADCASTING BOARD OF GOVERNORS

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001.

MARC B. NATHANSON, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001.

ROBERT M. LEDBETTER, JR. OF MISSISSIPPI, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DON HARRELL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2002.

THOMAS A. FINK, OF ALASKA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2003.

UNITED STATES INFORMATION AGENCY

NORMAN J. PATTIZ, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001.

BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003.

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003.

THE JUDICIARY

JOHN RAMSEY JOHNSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

GERALD FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 26, 2000, withdrawing from further Senate consideration the following nomination:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MARC LINCOLN MARKS, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006 (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JUNE 8, 2000.

HOUSE OF REPRESENTATIVES—*Thursday, October 26, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 26, 2000.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of faith, be with us at this time with Your presence and Your power. When we are stirred up by the anxiety and cynicism of this age or by the pressures of compromise, when we feel paralyzed by the tensions outside ourselves or confounded by the gaping holes of darkness within, You have told us "Be sober and watchful," sharp, and on alert.

Your holy scriptures have said to us: "Your enemy the devil, like a roaring lion, is seeking someone to devour. Resist him, strong in faith, knowing that your fellow believers throughout the world undergo the same thing you suffer."

Help us, Lord, to be in touch with our common frailty. We know that You care for all of us in this Nation and around the globe, so we cast all our cares upon You, O Lord, for we are Your people, bound to You by covenant, promise and sacrament.

In You we find our way, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island (Mr. WEYGAND) come forward and lead the House in the Pledge of Allegiance.

Mr. WEYGAND led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York (Mr. McNULTY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 8, nays 349, not voting 75, as follows:

[Roll No. 553]

YEAS—8

Farr
Ford
Martinez
McDermott
Salmon
Shuster
Spence
Velázquez

NAYS—349

Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—75

Abercrombie
Ackerman
Archer
Baca
Baldacci
Barton
Becerra
Bilbray
Blagojevich
Brady (PA)
Burton
Campbell
Chenoweth-Hage
Clay
Collins
Coyne
Crane
Crowley
Cummings
Danner
Delahunt
Dixon
Doyle
Ehrlich
Emerson
Engel
Forbes
Fossella
Fowler
Franks (NJ)
Gilchrest
Goodling
Graham
Greenwood
Hall (OH)
Hoekstra
Jefferson
Jones (OH)
Kasich
Kind (WI)
Klink
Largent
Lazio
McCollum
McIntosh
Meehan
Meeks (NY)
Metcalf
Mink
Morella
Nadler
Neal
Owens
Packard
Peterson (PA)
Pickering
Porter
Sanders
Sanford
Shadegg
Shays
Slaughter
Spratt
Stabenow
Stupak
Talent
Thompson (MS)
Toomey
Udall (CO)
Wamp
Waxman
Weiner
Weldon (PA)
Wexler
Wise

☐ 1025

Messrs. WELLER, KANJORSKI, HOUGHTON, HERGER, THOMAS, KNOLLENBERG, CANNON, BAIRD, REYNOLDS, MOAKLEY, DEAL of Georgia, McINNIS, BONILLA and McINTYRE changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BECERRA. Mr. Speaker, this morning I was unavoidably detained, and therefore unable to cast my vote on rollcall No. 553, on the Motion to Adjourn. Had I been present for the vote, I would have voted "no" on rollcall vote 553.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendments bill and a concurrent resolution of the House of the following titles:

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H. Con. Res. 396. Concurrent resolution celebrating the birth of James Madison and his contribution to the Nation.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1651) "An Act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes."

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 783. An act to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 2508. An act to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United Sates international broadcasting employees.

S. Con. Res. 153. Concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2440) "An Act to amend title 49, United States Code, to improve airport security."

The message also announced that pursuant to Public Law 106-173, the Chair, on behalf of the Majority Leader, announces the following appointments to the Abraham Lincoln Bicentennial Commission:

The Senator from Kentucky (Mr. BUNNING); and

Dr. Gabor S. Boritt, of Pennsylvania.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair will entertain 15 one-minutes on each side.

LET OUR SCHOOLS DECIDE, NOT WASHINGTON

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week we will be considering the Labor, Health and Human Services Appropriations bill, and inevitably the debate will arise on funding for education.

Yet, this Republican Congress has made the real commitment to educating the children of America. We have increased America's investment in education by 50 percent since taking control of Congress.

This year alone education funding has increased by $2 billion. That is 10 percent more than last year. But the dollar figures do not tell the whole story. Our commitment to education lies in the fact that we are committed to supporting our parents, teachers, and local school officials, the people who know our children and what they need.

Mr. Speaker, Federal dollars should go straight to the classroom where they can be used for teachers, books, pencils, or computers, whatever needs are best for the education of our students.

I urge all of my colleagues to support our efforts, and I yield back the "Washington knows best" policy promoted by the Clinton-Gore administration.

WE MUST ACT TO BRING OUR CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, Nadia Dabbagh was kidnapped in 1993 by her Syrian national father. She was 2 years old. Her mother has not seen her since. A Federal warrant was issued for the arrest of her abductor. Syria even issued a warrant for his arrest.

Her mother, Maureen, went to the Islamic court in Syria in an effort to have her custody rights recognized in Syria. Amazingly, this American Christian woman also won, almost unheard of in Syria.

In the last Congress, Senator CHARLES ROBB sponsored a Senate resolution calling for the return of Nadia. It passed the Senate and has been ignored.

With all of this effort, Nadia is still not home. Maureen has had no contact with her, no photos, nothing. She knows that Nadia is in Saudi Arabia. Even though she is not a Saudi, nor is her father, and even though her mother has custody orders and warrants from both the United States and Syria, she is no closer to bringing her daughter home.

Nadia is now 10 years old. Her father has arranged a marriage to her cousin living in Syria. So even in adulthood she will not have the ability to come home if she so chooses. Nadia must be returned in order to protect her welfare and guarantee her American freedoms throughout her life. It is time now for us to act to bring our children home.

☐ 1030

RECOGNIZING IMPORTANCE OF ORGAN PROCUREMENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it has often been said that life is short, and the nearly 60,000 patients who are currently on a waiting list to get organs know just how precious time is. Sadly enough, only 20,000 people this year will receive an organ transplant, and just today, nine people will lose their lives because a match was not found.

Today, I congratulate constituents who recognize the importance of organ procurement: folks like Donnie Coker, president of the Transplant Foundation of Miami; Elleay Compton, executive director; Jeffrey Barash, Miami-Dade County president; and transplant surgeons at the University of Miami, such as Joshua Miller, Andreas Sazis, Si Fan, and Patricia Carroll.

On November 4, this committee will host Miami's fifth annual "That's Life Gala" where funds will be raised for services, for research, and for education on the need for organ procurement. There is no greater gift than the gift of life.

Like my noble constituents, we must encourage this giving and leave a lasting legacy by working to increase donors across our district and throughout our land. I thank the University of Miami for their great gift of life.

CALLING ON MEMBERS TO INCLUDE PROVISIONS OF IMMIGRATION FAIRNESS ACT IN FINAL COMMERCE-JUSTICE BILL

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I am here this morning to call on my colleagues to include the provisions of the Immigration Fairness Act in the final Commerce-Justice bill. In my district as in all of yours, we have families that have been awaiting reconciliation with their loved ones for years. Families need to be together.

It is also unreasonable for someone to be made to leave the country to apply for a change of status here. It creates undue hardship, and it just makes no sense. We witness even in our small community the different ways that immigrants in the Caribbean are treated by Federal agencies. Illegal entries from the other side of the globe get preferential treatment compared to, for example, Haitian immigrants from our own region.

Lastly, we have asked for years for a shopping visa so our Caribbean neighbors could visit the U.S. Virgin Islands for short periods. The visa waiver program has been made permanent, and the Caribbean is still waiting.

The provisions of the bill would finally bring fairness to the process, support families and finally see our neighbors from the Caribbean, Liberia and Central America treated fairly. It must be a part of the conference report.

BREAST CANCER AWARENESS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I rise today not as the chairman of the House Permanent Select Committee on Intelligence but as a representative of thousands of men and women concerned about the tragedy of breast cancer. I also rise as someone who has seen family members and friends deal with this terrible disease. Congress passed a good bill a few weeks ago, one that will ensure that the poorest Americans will receive needed help in the prevention and treatment of breast cancer. Next stop, the Rose Garden to commend everyone who worked to make this a reality, Republican and Democrat alike. But now we learn there will be no Rose Garden signing ceremony, and the advocates and volunteers who fought for this bill will not get their deserved celebration and recognition in the sun.

Why? Because the President has decided that it would be "awkward" to host and recognize at the White House the bill's sponsor, the gentleman from New York (Mr. LAZIO), who happens to be running against his wife for the Senate seat in New York.

I took the President at his word in February when he said that breast cancer is an issue that, quote, "transcends political boundaries." It does. Like so many times before with the Clinton-Gore administration, I believed them. That was a mistake.

MORE BORDER PROTECTION NEEDED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the news says that Mexican narcoterrorists have put contracts on American agents and border patrol. Unbelievable. The news says the Fuentes Gang will pay millions of dollars to kill our agents. Why not? Think about the billions of dollars they are making in heroin and cocaine sales in America.

And what are we doing about it? The drug czar wants more halfway houses, more counselors, more cops. Beam me up. We got more narcotics in America, and it is coming in faster than Viagra into Niagara. It is time to use the military wisely at our border.

I yield back the bull's-eyes on the backs of American drug agents.

RUSSIAN ARMS SALES TO IRAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there is no greater sponsor of terrorism in the world than the Islamic Republic of Iran. Iran has taken Americans for hostages, given weapons to suicide bombers, and taken the lead in the movement to wipe Israel off the face of the earth. There is no government more radical, more extremist, or more dangerous to our national interests.

So why did Vice President AL GORE cut a deal with the Russians to allow weapons sales to Iran? AL GORE himself when he was Senator introduced the Iran-Iraq Arms Nonproliferation Act in 1992. And now he winks and nods to Viktor Chernomyrdin, letting him know it is okay to violate American national interests.

Mr. Speaker, the recent bombing of the U.S.S. *Cole* demonstrated again how serious a threat terrorism is to America and her allies. It is a violation of law to tell Russians it is okay to sell arms to Iran. Worse, it places American lives at risk. And now they are trying to hide it from Congress. We expect better judgment from a man who wants to be our President.

REPUBLICAN MEDICARE CORRECTIONS BILL IS WRONG APPROACH

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, at midnight last night the House leadership came up with a Medicare corrections bill that reminds me of someone who can mess up a one-car funeral. At the end of September, the Committee on Commerce considered and passed a bipartisan bill that would restore funds for both Medicare and Medicaid programs. The bipartisan Committee on Commerce bill froze DSH payments so our hospitals could benefit. It established a minimum payment floor for community health centers. It delayed across-the-board cuts for home health care reimbursements and allowed States to provide CHIP coverage for legal immigrant children and pregnant women. It would have provided some more funding for HMOs.

Our bill was a balanced bill. But what do we have now with this midnight concoction? We have a bill that is skewed to the HMOs. To give 47 percent of the money in this bill to HMOs that only serve 15 percent of our seniors does not help another senior, and it does not help them get any more HMO coverage either. It is frustrating.

I have a county that the HMOs have bailed out except one. You know what we want? If they are going to get more money, they need to agree to cover seniors more than for one year and leave them stranded like they have in Harris County and Houston, Texas. We do not need to give a penny to them until they will agree to cover our seniors.

TRIBUTE TO HONORABLE CHARLES CANADY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as the 106th Congress draws to an end, this body will be saying good-bye to several outstanding public servants. Among these distinguished legislators is Congressman CHARLES CANADY.

Since 1993, CHARLES has represented the 12th Congressional District, which neighbors my district to the south. This has provided me the opportunity to work with him on issues that are vital to central Florida as well as to the Nation.

As Members know, the gentleman from Florida (Mr. CANADY) pledged to his constituents that, if elected, he would step down after four terms. During this 8-year tenure, the gentleman from Florida (Mr. CANADY) has accumulated an impressive record of accomplishments. This is not just my opinion. The National Journal states, "In a short time, CANADY has become one of the most productive and effective Members of the House."

That is how he will be remembered. He will be missed by the Florida delegation and others throughout this Chamber. We wish him the best of luck in his future endeavors.

CONGRESSMAN VENTO'S OUTSTANDING ENVIRONMENTAL LEGACY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the House of Representatives, and particularly the Nation's environmental community, joined the family and constituents of Bruce Vento in mourning the loss of this dedicated and talented legislator earlier this month.

In his 24 years in Congress, Bruce served with great distinction and achievement on the House Committee on Resources. No other Member of this House could match his achievement on behalf of our parks and public lands and no one spoke with greater eloquence or worked with greater accomplishment to preserve these resources for future generations of Americans.

Because of his great contributions and the painfulness of his untimely death, it is especially discouraging to me to read the scorecard of the League of Conservation Voters for the 106th Congress. Although numerous Members have joined me in complaining about the League of Conservation Voters' practice of counting legitimately missed votes as "no" votes, LCV continues this unfair method of scoring. As a result, LCV rated Bruce Vento at just 53 percent for this Congress and just 7 percent for this year. Although LCV notes Bruce's death, they failed to note that his absences were due to his terminal illness and treatments.

LCV's obstinate refusal to modify its rating system is very disappointing to friends in the environmental community. The ratings system is absurdly rigid and self-centered when dedicated environmentalists are marked down for illnesses or personal tragedies. LCV says it is looking for another way for the scoring system, but it will come too late to honor the memory and the achievements of Bruce Vento.

COMMITMENT TO EDUCATION

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, Republicans have made a solid commitment to education. But the Clinton-Gore administration and the Democrats in Congress want the Federal Government to decide what local schools can and cannot do. This is really what separates the two parties on education policy. The focus of education should not be about quantity and process. It should focus on quality and results. This is what will help our children and grandchildren secure America's future.

Our children and grandchildren will benefit greatly from the work we have done and the decisions we have made. Paying off the debt means $1,348 in savings for every man, woman and child. That is money that can be spent for education or even retirement savings. It also means $5,200 in savings for every American family, which is enough money for annual tuition at a public university.

Mr. Speaker, this Congress has ended the old spend-now-and-pay-later attitude that created deficits as far as the eye could see. I believe it is morally wrong to pass on our debt to our children and grandchildren. They should not have to inherit prior profligate spending. By committing to dedicate at least 90 percent of future surplus to reducing the national debt, we will secure America's future for our children and our grandchildren.

SUPPLEMENTAL REPORT IN THE MATTER OF REFUSALS TO COMPLY WITH SUBPOENAS ISSUED BY COMMITTEE ON RESOURCES

Mr. YOUNG of Alaska, from the Committee on Resources, submitted a privileged supplemental report (Rept. No. 106–801, Part II) in the matter of the Refusals to Comply with Subpoenas Issued by the Committee on Resources, which was referred to the House Calendar and ordered to be printed.

CONCERNING VIOLENCE IN MIDDLE EAST

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, on October 25, yesterday, the House of Representatives passed H.Con.Res. 426, a resolution concerning violence in the Middle East.

Like those who supported the resolution, I am profoundly saddened by the loss of life precipitated by the recent outbreak of violence in Gaza and the West Bank. My support for the State of Israel and Israeli people as my voting record has demonstrated during my brief tenure here in the Congress has been unwavering. However, I could not support the resolution in the form it was presented yesterday because in my view it unfairly and broadly assigned blame for the violence in the Middle East.

A lasting Middle East peace can only be achieved if all parties demonstrate courage in the negotiation process. Central to this is the immediate renunciation of all violence and an expression of willingness by both sides to return to the negotiating table. Chairman Arafat's words and actions demonstrate his unwillingness to participate. I strongly support President Clinton's efforts to bring both sides to the negotiating table to begin again the slow and often difficult work that is necessary to ensure a lasting and just peace.

☐ 1045

ACCOMPLISHMENTS OF LAST 7 YEARS

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I have been in this House approximately 7 years now, and as we approach the end of this session, it is time for a retrospective.

When I arrived in this House, we had a deficit of $300 billion. And, in addition to that, we spent every cent, every single penny of the money that came in for Social Security, and it was spent on behalf of general government projects rather than on behalf of the people who contributed it.

Today we have a surplus of over $100 billion, plus we are not taking one cent of the Social Security money that is coming in. What a difference in 7 years! If you want to know what that difference means for the average taxpayer, it is more than $2,200 for each and every taxpayer in this country.

What a change! What an accomplishment! I am very proud to have been part of the House during this transition, from a time of immense deficit spending, stealing Social Security money, and now not touching the Social Security money and saving the money, having a surplus.

REAL HEALTH CARE REFORM NEEDED FOR AMERICAN PEOPLE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, for the last several years, since the passage of the Balanced Budget Act, all health care providers who provide medical services under Medicare have been suffering, and we have been making efforts to try to address that problem.

Unfortunately, the bill that is being brought to the floor today will give 47 percent of the benefits of the bill to HMOs who provide only 15 to 16 percent of the health care coverage for Medicare recipients. In the process, it shortchanges the other health care providers, such as hospitals, home health agencies, nursing homes, hospices and, more importantly, beneficiaries under Medicare.

Additionally, this bill would break faith with the commitments that we made during the census that we would keep all information from the census private. We made a commitment. We went out and told people that their information would be private. Now the same people who said that the information would not be revealed are here offering a bill to reveal the information. What a reversal of roles here.

We should oppose this bill, sustain the President's veto, and get a real bill for the American people.

LOCAL CONTROL OF EDUCATION NEEDED

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Republicans know that children are our top priority. We are working to get dollars directly to the classroom. We want to encourage greater accountability for schools to raise test scores and graduation rates. We want to maximize our education funding by rooting out waste, fraud, and abuse.

Parents should have the right to save money for educational opportunities for their children, and they should be able to choose the school that best works for them. Even Democrats realize that there is growing frustration with the current state of education in America, and perhaps it is time for major reform.

Mr. Speaker, the Federal Government must continue to free States to use funds for proven State education programs.

President Clinton and Vice President GORE want more Washington control. They think Washington knows best. We know that parents, teachers, and local school boards know better. There is no one-size-fits-all program for America's children. Some schools need more teachers, others need better teacher training, new computers or new buildings. Even the hardest working, best intentioned bureaucrat in Washington, D.C. cannot know what our needs are at home.

TIME TO UNMASK REPUBLICAN CONGRESSIONAL LEADERSHIP

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the Republican campaign strategy has been to hide the Republican congressional leadership. Maybe that is one reason we are still here in D.C. But the need to end this session has forced the Republican leadership into the open, showing true Republican colors.

Take the health field as an example. It appears that, in the bills today, no patients' bill of rights, no prescription drugs, no help for legal immigrant kids and pregnant women, shortchanging hospitals in need to give a bundle to their HMO contributors.

President Clinton will veto these bills. I hope the President will take his fight against a do-harm Republican Congress to the countryside and use this Halloween period to unmask who the Republican opposition really is and is about.

PUT EDUCATION DOLLARS IN LOCAL HANDS

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, the Republican Congress differs with Democrats on the policy aspect of who should control our children's education, Washington, or parents and teachers. The education debate is not about money; it is about Federal versus local control of our schools and our children's future.

Two schools in South Dakota almost did not get their critical funds because of the bloated bureaucracy in Washington. Instead, $2 million in funding was diverted from the Federal Department of Education to bank accounts in Maryland and used to purchase two luxury SUVs, a house and property in upper Maryland. I know the students, parents, teachers and administrators that make up the school districts of Wagner and Bennett County schools would not squander $2 million.

Mr. Speaker, the writing is on the chalkboard. We need to put the dollars in local hands, not keep it here in greedy hands where it can be stolen, wasted or abused, and not used how it was intended. We do not need more Federal control of education dollars, we need more local control.

UNITED STATES STEEL INDUSTRY BLEEDING TO DEATH

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as we meet today, the United States steel industry continues to bleed to death. Let me give you but one example. LTV stock has plummeted 75 percent since January, and its year-end losses are likely to approach $2 per share.

On October 5, they essentially gave away two tin mills, one in Gary, Indiana, the other in Aliquippa, Pennsylvania. Most importantly, today they are going to announce that one out of every ten people who yesterday were working in East Chicago, Indiana, are not going to continue to work there. There will be 30 people today, one out of every ten employees, who will not have a job at day's end.

That is why, under the leadership of the gentleman from New York (Mr. QUINN) and the gentleman from West Virginia (Mr. MOLLOHAN), 236 of us have asked the President to initiate a 201 trade action on those countries and those companies that are dumping steel and violating our law.

It is time that the administration initiate that 201 trade action, and it is also time that the administration should immediately take action against non-WTO member nations who import steel in order to stem the tide of illegally imported steel from some of the worst violators of our trade laws.

TRIBUTE TO SAM WALKER

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, this week, there is a man named Sam Walker who passed a way in Picayune, Mississippi, GENE TAYLOR'S district.

This man had moved from Nebraska down into the deep South and found his bride in New Orleans. He served in the United States Navy; and, as he didn't always remind his family, he had a destroyer shot out from under him during World War II. He settled down in Mississippi, and was called back into service as a reservist during the missile crisis in Cuba.

This man had served his community in many ways, but he was truly the salt of the Earth. He was a man who worked with his hands, a member of the Plumber's Union, and somebody who had served his country as a civilian and active duty military.

It is sad for me to ask that this body forgive that I will not be here tomorrow or Saturday, because I feel it is my obligation to be there for his wake and funeral.

Sam Walker was a great American, a great father, and a great father-in-law. I think we should all remember the Sam Walkers all over this country that have served, that have been there.

Sadly, the time has come for us to say good-bye and let him pass.

DO NOT BREAK CONFIDENTIALITY OF CENSUS

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, there are some in this Congress who want to take time out and break the confidentiality of the census. This is really a terrible thing to do. We promised the people of this country when we were taking the surveys in the census that we would not break their confidentiality. We gave them a solid promise that we would not. Now there is an attempt to do it.

I think everyone in this Congress should fight back this attempt to reveal confidential information. Remember, we have a trust with the American people and that is to tell them the truth. When we went out to get these surveys, we told them the truth. I, for one, would never turn back on what I told the people, that the things that they were revealing to the census operators and to the census takers would be held in strict confidentiality.

Wake up, Congress. Speak the truth, so that the people of this country will respect us more than they do now. We need this respect, and the only way we can do it is to speak the truth.

Mr. Speaker, it is time for every Member of this Congress to say "no" to revealing confidential information, and "yes" to truthfulness and honesty in government.

RESPONDING TO NEEDS IN EDUCATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am here this morning just to address education. I hear the rhetoric about one size fits all and what have you. Let me just say that we are here because we are trying to get the body to address the educational needs.

Yes, one size does fit all when we are talking about more teachers, where there is such a shortage. One size does fit all when we are talking about smaller classes so students can get more attention, about after-school programs, and then the bonds that they need. How do we know? Because the people have told us so.

Mr. Speaker, we represent the real people who stand for these goals. We are listening to the people. We are responding to their stated needs.

This is not just one size fits all, this is addressing needs that most of them have, because we have got to do this for the children of this Nation. We have got to preserve our future, and the only way to do it is to address these needs with the surplus that we have, instead of giving it all in tax breaks to the rich.

QUESTIONING GEORGE W. BUSH'S TRUTHFULNESS

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I heard George W. Bush the other day say that he led the effort on a bipartisan basis in Texas to pass a strong patients' bill of rights. I wonder why he did not tell the truth.

The truth is that the Texas legislature, on a bipartisan basis, passed a strong patients' bill of rights. George Bush vetoed that bill. Two years later when the legislature was again in session they passed it again, this time with more than two-thirds of the votes in each House, so he knew his veto would be overridden. Now, he did not sign the bill, he let it go into law without his signature, expressing, by refusing to sign the bill, his lack of support for it. Now he comes before the American people and tells us untruthfully that he supported it.

Vice President GORE, his truthfulness is questioned because he exaggerates. I wonder why George Bush's truthfulness is not questioned when on a very important public policy matter, he lies outright.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Member is admonished to avoid personal references to candidates for the Presidency.

KEEP CENSUS INFORMATION CONFIDENTIAL

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, in the closing days of this session, indeed, closing hours, the Republican majority has attached language to the BBA agreement that would allow CBO to have access to confidential census material. This is just plain wrong. This is greater than a census issue, this is a confidentiality issue, a privacy issue.

Secretary Minetta has written the President and called for a veto of any legislation that has language that violates the privacy of the census. He recalls that his own family was interned during World War II based on confidential census material.

We cannot violate the confidentiality of the Census Department. During the census surveys, this poster was up across America, assuring the American people that their information was private. They should have added "No Republican Congress."

Say "no" to any vehicle that violates the confidentiality of the Census Department and the privacy information of the American people.

WE HAVE NOT DONE OUR WORK

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LEWIS of Georgia. Mr. Speaker, we have not done our work. The Republican-controlled Congress has not finished its work.

Where is the Patients' Bill of Rights?

Where is the prescription drug benefit?

Where is the minimum wage legislation?

Where are the 100,000 new teachers?

Where is the new school construction?

Where is the juvenile justice bill?

The majority party has not done its work. We have not been fair to the American people. They deserve better. They need our help and Congress has done nothing. We are nearing the end of another do-nothing Congress that has not done anything for the American people.

We should be ashamed to leave this place, ashamed to end this Congress until we finish the people's agenda.

ASKING HOUSE TO REJECT COMMERCE, STATE, JUSTICE BILL

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, Amy Boyer, a 21-year-old young woman was killed by a stalker, a stalker who paid $45 in order to purchase her Social Security number so that she could be tracked down and killed.

Her murderer actually on his Web site in graphic detail outlined how the Social Security number was the key to finding out where she was. The House was passing on a bipartisan bill, a protection against the misuse of Social Security numbers; instead, in the Commerce State Justice bill, we are going to recede to the Senate language, which The Washington Post yesterday called a trojan horse, which the Boyer family says they do not want as protections.

They do not want their name identified with the bill, even though it is named after their daughter. I ask the House to reject the Commerce, State, Justice bill that would include a Social Security bill that would allow just about complete trafficking in Social Security numbers without any real protections for ordinary Americans.

THANKS TO FLOOR STAFF

(Mr. LaHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaHOOD. Mr. Speaker, let me see if I can end the 1 minutes on a positive note and ask all Members who are watching and sitting in the Chamber as we conclude the session to say thanks to all the people who really make this House work; the clerks who are sitting behind me, the Sergeant at Arms people who are around us all day really helping us, the people from the Parliamentarian's office, the people who work in the cloakrooms, the people who take down every word that we say.

These are the people who really make us look good and really are the people who continue day in and day out to keep the House of Representatives running so smoothly. We take it for granted, but they work hard. They work long hours. They are here long, long, long after we are gone out to dinner and have gone home.

They are here while some people still want to speak on the House floor. They do such great work and really keep the House of Representatives going, and we owe them a big debt of gratitude as we conclude our session. I hope that every Member will say thank you as they pass through the doors, as they pass their statement to the Clerks, as they see the Parliamentarians. These are the people, the people in the cloakroom who are here; they are all the people who really make us look good and continue to make the House of Representatives the great institution that it is.

I want to say thank you to all of you, and I hope every Member will do the same sometime before you leave here.

THE JOURNAL

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 67, answered "present" 1, not voting 64, as follows:

[Roll No. 554]

YEAS—300

Abercrombie
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Gutierrez
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Weldon (FL)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—67

Aderholt
Allen
Andrews
Becerra
Bilbray
Borski
Capuano
Clay
Clyburn
Costello
Crane
DeFazio
English
Fattah
Filner
Ford
Green (TX)
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hilleary
Hilliard
Hinchey
Holt
Hooley
Hulshof
Jackson-Lee (TX)
Jones (OH)
Kingston
Kucinich
LaFalce
Latham
Lee
Levin
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moran (KS)
Oberstar
Obey
Olver
Pallone
Pascrell
Peterson (MN)
Pickett
Ramstad
Sabo
Schaffer
Shows
Stark
Stenholm
Strickland
Sweeney
Taylor (MS)
Thompson (CA)
Udall (NM)
Velázquez
Visclosky
Waters
Weller
Wicker
Wu
Wynn

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—64

Ackerman
Archer
Armey
Baca
Baldacci
Blagojevich
Bonior
Brady (PA)
Burton
Campbell
Chenoweth-Hage
Collins
Crowley
Cummings
Danner
Davis (VA)
Delahunt
Doyle
Emerson
Engel
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Graham
Greenwood
Hoekstra
Johnson (CT)
Kaptur
Kasich
Kind (WI)
Klink
Largent
Lazio
Manzullo
Martinez
McCollum
McCrery
McIntosh
Metcalf
Morella
Neal
Owens
Packard
Peterson (PA)
Porter
Portman
Rogan
Ryun (KS)
Shays
Slaughter
Spratt
Stabenow
Stupak
Talent
Thompson (MS)
Udall (CO)
Wamp
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wise

☐ 1127

Mr. OLVER changed his vote from "yea" to "nay."

Mrs. NAPOLITANO and Mr. CAMP changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes Nos. 553 and 554 I was unavoidably detained. Had I been here I would have voted "nay" on rollcall vote 553 and "yea" on rollcall vote 554.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 652 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 652

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

□ 1130

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 652 is a typical rule providing for consideration of H.R. 2614, the conference report for the Certified Development Company Program Improvements Act of 2000.

The rule waives all points of order against the conference report and its consideration and provides the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Small Business and one motion to recommit, with or without instructions, as is the right of the minority Members of the House.

I want to discuss briefly the conference report this rule makes in order. It includes important small business tax relief, community renewal and retirement security provisions, as well as long-term care and health care initiatives that benefit all Americans. In addition, this bipartisan measure includes H.R. 5538, legislation introduced by the gentleman from Ohio (Mr. TRAFICANT) to raise the minimum raise. This bipartisan language is patterned after the Traficant-Martinez amendment passed by the House earlier this year.

First, I am pleased that H.R. 2614 contains important tax relief provisions to help ease the burden on small businesses. It will also allow small businesses to expense additional qualifying properties costs, speed up the phase-in for deduction of meal expenses, and extend income-averaging benefits for farmers to include commercial fishermen. The conference report will also extend the Work Opportunity Tax Credit to assist businesses in hiring disadvantaged workers and repeal the installment method accounting requirement, an issue on which many of us have heard from our constituents.

H.R. 2614 also contains much needed provisions to increase retirement security for working people. It raises IRA limits to $5,000 and increases the contribution limits for 401(k)-type plans to $15,000. This bill also increases the portability of retirement plan assets and simplifies the pension system to encourage small businesses to offer pension plans.

This conference report also creates 40 Renewal Communities with targeted pro-growth tax benefits, regulatory relief, savings accounts, brownfields cleanup, and homeownership opportunities. It also includes a zero capital gains tax rate for business assets in these communities. These and other provisions will help ensure that all communities have an opportunity to share in our current prosperity.

I am pleased that conferees also included long-term care health care incentives to help make care more affordable and accessible. A substantial deduction for expenses related to long-term care and deductibility for the purchase of long-term care insurance policies will help ease the burden on seniors and their families.

H.R. 2614 also provides immediate 100 percent deductibility for health insurance for the self-employed and health care deductibility for people who purchase health care outside of their employer.

Finally, I am pleased that the conferees included the foreign sales corporation tax revision in this conference report. This provision will maintain current tax treatment for foreign sales corporation beneficiaries in a manner that the U.S. believes to be WTO compliant. I commend the conferees for the inclusion of this revision so important to our U.S. trade and our ability to compete in world markets.

This rule was favorably reported by the Committee on Rules. I urge my colleagues to support the rule today on the floor so that we may proceed with the general debate and consideration of this important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my friend, for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, this rule really makes a mockery of the legislative process. I strongly urge my colleagues to oppose it, not only for the substance of the bill, but also for the process by which it is being brought to the floor.

Just to give my colleagues a little bit of the background, just before midnight last night, the Committee on Rules was informed that we would not meet until 8 o'clock this morning and that the House would stay in recess until we completed the consideration of these rules.

Once we met at 8 o'clock and filed the rules, the House adjourned immediately, and it immediately reconvened. This convoluted process has been in order to stretch one calendar day, the 26th of October, into two legislative days. The reason for that, Mr. Speaker, is because my Republican colleagues are then able to bring up a number of rules to the floor the very same day that they were reported out of the Committee on Rules. This way Members, particularly Democratic Members, have virtually no idea what is in these bills, especially, Mr. Speaker, since we were excluded from all the negotiations.

Mr. Speaker, this bill contains major unrelated provisions that look like everything but the kitchen sink. The tragic part, Mr. Speaker, it still does not do enough for high school construction or high school modernization.

Democrats want $25 billion in interest-free school construction financing over the next 10 years with prevailing wage protections. But, instead, this bill contains a school arbitrage provision which will only help schools that can delay school construction for 2 years.

Mr. Speaker, this is essentially a tax incentive to keep children in trailers and in dilapidated school buildings rather than building new schools. It contains only half of the Johnson-Rangel interest-free construction funding, and it leaves out the prevailing wage protections.

The first provision in the bill is a small business bill that is not particularly objectionable. The second is an excellent idea to raise the Federal minimum wage from $5.15 an hour to $6.15 an hour over 2 years.

Mr. Speaker, of the 10 million people who work for minimum wages in this country, most of them are women and minorities. They take care of our young children. They take care of our elderly parents. They cook our meals. They pump our gas. They clean our offices. They really deserve a raise.

But since this long overdue raise is being included in an otherwise bad bill, it very well might not get signed into law, and that might be just the way that my Republican colleagues want it.

The third provision is a package of tax cuts designed primarily to benefit the very rich, which will endanger our Social Security and Medicare by spending the budget surplus.

In order to enact the third provision of the bill, it also includes a fourth provision which would exempt, listen closely, this would exempt this enormous tax cut for the rich from the pay-go sequester that would automatically force cuts in Medicare, student loans and farm programs.

Essentially, Mr. Speaker, my Republican colleagues are turning off the effects of the current law to pass their tax cuts for the rich, even though these tax cuts will have a disastrous effect on the economy. As far as the pay-go scorecard goes, thanks to this bill, these tax cuts are free and so is every other entitlement increase and tax cut that we do in this Congress.

Mr. Speaker, the fifth provision is known as the balanced budget amendment fix. When my Republican colleagues passed the so-called balanced budget, they caused very dangerous cuts in Medicare. Hospitals, many of them in my district, found themselves faced with bankruptcy. Everyone, including my Republican colleagues, knew they had made a mistake and they needed to fix it.

So in response, this bill will replace some of the money that they so carelessly cut, but it is tilted dramatically in favor of HMOs and does not do anywhere near enough for the hospitals. Only about 15 percent of the Medicare enrollees are in HMOs, but the HMOs get 40 percent of the money in this bill. That, too, Mr. Speaker, may be a deal breaker.

Finally, Mr. Speaker, the sixth provision overturns Oregon's assisted suicide law.

In short, Mr. Speaker, this is a very important bill with very far-reaching consequences that has not even had the benefit of proper legislative consideration. Like so many other bills this session, it will help rich people instead of helping the working American families.

I urge my colleagues to oppose the previous question so that we can offer a Democrat alternative.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just rising out of confusion as to whether the gentleman from Massachusetts (Mr. MOAKLEY) states that raising IRA limits to $5,000 is a tax cut for the rich. Does increasing contribution limits for 401(k) plans for regular workers, is that a tax cut for the rich? How about increasing the portability of retirement plans so people can move from one job to another? Is that just for the rich?

If we simplify the pension system to encourage small businesses to offer their employees pension plans, is that another tax cut for the rich? We have got some small business tax relief in here to allow them to expense certain kinds of costs. Is this tax cuts for the rich? Or has the gentleman from Massachusetts (Mr. MOAKLEY) just pulled out on old speech and rerun it one more time?

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a pretty sad day in the House of Representatives. Yes, as the gentleman from Georgia (Mr. LINDER) just stood up a moment ago and mentioned, there are a couple of provisions in this bill that actually before today have seen the light of day, have gone through the legislative process, have been voted on by this House, such as the pension reform provisions, which I supported. But one cannot mix those up with a number of other things that have never ever gone through committee, never been voted on, never been published.

Sometime between midnight and 7 a.m., behind closed doors, a few Republican leaders cobbled together a year-end tax bill designed to get a veto from the President so they can say, "Look what we would have done if only Bush, Jr., was in the White House. Look what we will do next year. We will give the HMOs all the money, lock, stock and barrel. We will sell out the patients. No Patients' Bill of Rights. No quality controls. No cost controls. But billions more for the HMO plans, a blank check." That is in this bill.

There are other outrageous provisions, but I have got to focus on one that is extraordinarily outrageous. Twice, two times, two times the people of Oregon have gone to the ballot box, once by initiative and once by referral from a Republican legislature, to uphold the principle of assisted suicide, death with compassion for people with terminal illness.

Now, if the right wingers around here are offended by that, every other day of the week, they are for States' rights. But guess what? When a State does something they do not like, they are not for States' rights anymore.

They passed the bill in the House to overturn this, but we got more than a third of the votes. We could uphold the veto by the President. They could not even get the bill up in the Senate. They could not get it through the regular legislative process.

And sometime between midnight and 7 a.m., at the behest of a few very powerful right-wing Members of the majority, this legislation overturning the will of the people of the State of Oregon was inserted into this miscellaneous tax bill. This is an outrageous abuse of legislative power.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I rise in strong support, not only of this rule, but of this legislation. This afternoon, we are going to vote on a pretty modest package of tax relief as well as a very generous contribution of additional funding for reimbursements for Medicare. That is what this legislation contains.

So the most important provisions are provisions such as those which help working people, working families where we allow people to set aside more for retirement, more for their savings, by increasing what one contributes to their IRA from $2,000 to $5,000, if one has a 401(k), increasing it from its current level from $10,000 to $15,000, tax savings to help one save for the future.

I also note that we have special provisions which will benefit working moms. I think of my sister Pat, who does not want everybody to know, but she is over 50. She has taken a few years out of the workforce. Now she is back in the workforce, a little extra income. She can make up her missed contributions to her IRA and 401(k) she was not able to make when she was at home with the kids. That is a good provision to help working moms and working people.

I also want to point out this legislation helps the entrepreneurs, the self-employed. A lot of people have talked about it. This legislation does it. We give 100 percent deductibility for the self-employed for their health insurances. Corporations have gotten it for years. The self-employed only get 60 percent. It is time we give them 100 percent.

□ 1145

I also want to point out another large group of working folks that benefit. We repeal the section 415 limits that have penalized 10 million building trade union members, building tradesmen and people who have their pensions limited unfairly because of section 415. I think of Larry Kohr from La Salle County, Illinois, a retired laborer who currently gets about $16,000 a year. He will receive almost $30,000, what he should be receiving for his pension, thanks to this legislation. That is good for working folks.

As we work to revitalize our blighted communities, I am proud to say that we expand the low-income housing tax credit, a key initiative that Ronald Reagan signed into law that enlists the private sector to, of course, create affordable housing for working poor and low-income families. As a result of this, we will probably see another 30,000 units of affordable housing provided every year as a result of the increase from the low-income housing tax credit.

Something else that is important in the Chicago area. We have about 2,000 brownfields. These are old industrial sites. Every community has one, but we have about 2,000 in the Chicago region. Of course, because of the financial costs of the environmental cleanup, private investors are hesitant to buy that old industrial park on the side of town, so that old industrial park just sits there and blights the community. We expand the current brownfields tax incentive, which means that every community in America, whether a middle-class community, a suburban community, a rural community, or the big cities, if they have a brownfield, a private investor can fully deduct, 100 percent, the environmental cleanup costs. That will help the communities, and it is good for the environment.

Lastly, I want to point out something that is pretty important. For a lot of us, our biggest employers in town are our local hospitals, our nursing homes, our home health care. We care about health care in this House, and we want to ensure that we have quality affordable health care. Because of the way the Health Care Financing Administration has interpreted the Balanced Budget Act, they have squeezed our local hospitals, they have squeezed our local nursing homes, they have squeezed and hurt home health care. They have pushed providers out of Medicare+Choice. Because of the pressure of the Health Care Financing Administration, this Congress last year set aside an additional $16 billion to increase reimbursements for local hospitals and nursing homes as well as home health care to help our seniors and to help families.

That is good news, but I want to point out we need to do more, and I really want to salute the leadership in this House for realizing that we need to do more in Medicare. We provide $28 billion of additional reimbursements to help ensure that we provide quality health care to our local hospitals, our local nursing homes, our local home health care, and ensure that seniors have a choice in Medicare by ensuring that we have providers that get fair reimbursement for participating in Medicare+Choice.

This is good legislation. We are hearing the usual rhetoric on the other side, the partisan rhetoric. We are 12 days from election. We expect that. But this is good legislation that helps a lot of people all throughout America. It helps people save for retirement, it revitalizes communities, and ensures we have quality health care in our local communities. The bottom line is it is a good bill, and it is legislation that comes at a modest cost that will help a lot of people. I urge bipartisan support.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, this rule paves the way for the cruelest hoax that the Republicans have yet perpetrated on seniors, children, and the health care system in our country.

Forty-seven percent of this bill over 10 years goes to managed care plans without asking the managed care plans to do a thing except raise their own profits and put the money in their pockets. Ninety-four percent of the tax cuts go to people who are already insured. What does that do? That just gives the employers an incentive to cut back on insurance benefits, as they are doing every day. Sure, it helps the rich employers while it penalizes the poor employees.

Long-term care tax deductibility. Fifty percent of the seniors are living on incomes of less than $15,000 a year. What does that do for the seniors when we have ignored long-term care benefits that we should have.

Children's benefits have been dropped out of this bill. Lou Gherig benefits. Eighty-two Republicans co-sponsored a bill, along with 200 Democrats, to give improved benefits to people with Lou Gherig's disease. It was dropped out. Cruel.

Forty-seven percent going to managed care plans, where we do not have any control, where we need the Patients' Bill of Rights. What could we do with that money? We could expand the hospital aid for an additional year. We could expand hospice care for an additional year. We could withhold the 15 percent cut on home health care for an additional year. Why are we not doing that instead of giving this to the Republican friends in the managed care companies who will see nothing but their prices go up on Wall Street while they continue to deny care and deny drug benefits and fold up their tents and leave smaller communities?

Nothing in this bill will change that. It will reward the managed care plans for basically harming the beneficiaries and our seniors. That is not the way to go about this.

This is a bill constructed to help the small percentage of the rich. It is a bill purposely crafted to deny children's health benefits. Children cost $400 or $500 a year to insure. A child without health insurance is a child without health care. The Republicans take great joy in telling us we are going to deny children health benefits. That is not the kind of people we want to have running this country.

We should protest this bill to show that the Republicans have no mercy for children, no mercy for the seniors. They care nothing except for the very richest. They will deny health care if it helps the employers at the cost of the employees. Call this bill what it is. It is an arrogant play of pandering to the rich, of pandering to the wealthy at the expense of the poor and the people without health insurance.

They should be ashamed of themselves for this bill. The President will veto it, as well he should. I urge a "no" vote and a "no" on the rule.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), and just comment that I will put the gentleman from California down as undecided.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and congratulate him on the hard work that he has put into this measure.

Let me say that as I listened to my fellow Californian talk about this measure, it sounded as if he was disturbed over the fact that we are not moving in the direction of establishing a national health care plan. That really seems to be the goal that a number of people have, moving towards single payer.

What this bill does specifically is it provides incentives for people to plan and create more choices when it comes to the area of health care. It provides a substantial deduction for expenses related to long-term care; it provides deductibility for the purchase of long-term care insurance policies; it provides an immediate 100 percent deductibility for health insurance for the self-employed; and it provides health care deductibility for those who purchase health care outside of their employer.

The idea here is to provide a wider range of choices rather than getting the government more and more involved in the issue of health care.

Let me talk about a couple of other very important provisions in this measure, Mr. Speaker. Sitting over here is my good friend, the gentleman from Ohio (Mr. TRAFICANT). He has worked long and hard, as the gentleman from Georgia said in his opening statement, to put together a bipartisan package which I am happy to say was introduced with our now Republican colleague, another fellow colleague, the gentleman from Californian (Mr. MARTINEZ), to deal with the issue of the minimum wage.

It is clear I have not been a supporter of the Federal Government imposing a minimum wage, but I do want to say that the gentleman from Ohio (Mr. TRAFICANT) deserves a great deal of credit for the bipartisan effort that he has put into this, and I want to congratulate him for that.

I also want to say that as we look at these measures that have been mischaracterized by our friends on the other side of the aisle, I think we have to really sort of open up and look at what exactly we have here. There is nothing in here that is designed to benefit the rich. Quite frankly, I am one who is proud of doing what we can to create more incentives for those who have been successful. I make no bones about that. I am a proponent of encouraging even more people to join the investor class.

The fact is, if we look at the provisions which allow for the increase to $5,000 for contributions to individual retirement accounts, up to $15,000 for 401(k)'s, those are designed to try to help middle-income Americans who are working and want to have an opportunity to plan and save for their retirement. That is something that has enjoyed, again, very much bipartisan support here.

As I listened to my friend from Oregon a few minutes ago talking about these issues which had not passed the House, staff has just informed me as we go through this litany of items here, everything has passed through the House, most of it with strong bipartisan support.

I will tell my colleagues that when we look at the extraordinarily important measure in here, I do not know how the President could possibly consider vetoing legislation that includes this very important community renewal and the provisions that are there which are designed to go in to areas that have been devastated economically and zero out capital gains. The capital gains incentive, by zeroing it out, would encourage investment and say to those who are less fortunate that there is going to be an opportunity for them to in fact get on to that first rung of the economic ladder and pull themselves up.

That is exactly what has been put together here, again in a bipartisan way. The President has been supportive of that measure, and that is one of the bulwarks of this bill.

So here we are in the waning hours of the 106th Congress. We are hoping to complete our work today. The President can help us do that by signing this very balanced piece of legislation, which is encouraging economic growth, and is designed to help people plan and save for both retirement and their health care, it targets the inner city blighted areas so that we can encourage investment there to improve the quality of life for those who are less fortunate in this country, and it provides very important relief for the signal business sector of our economy.

It is a balanced measure. It deserves our support, as does this rule, and I urge my colleagues in a bipartisan way to vote for this measure and then to encourage the President to do the right thing and sign this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

This bill contains a provision that would overturn Oregon's Assisted Suicide Law. Now, I appreciate the fact that we were given a whole day to debate this bill, and it was an up-and-down vote. We got enough votes if the President decided to veto it that we could uphold that veto.

On the Senate side we were told that it would not be attached to another bill; that it would be a fair fight; that, again, it would be an up-and-down vote. And here we stand today at the end of the session with a piece of legislation that contains a lot of provisions I like in it. But I will tell my colleagues something that is more important to me. More important to me than anything else is our system of democracy. More important to me than anything else is the people's right to vote and that their voices are heard and that their vote counts for something.

In our State, not once but twice, people said we want physician-assisted suicide. Somehow or another my colleagues here seem to know better. They seem to say that they do not care about the people's vote; that it does not count; they do not care that the people's voices are not heard; they know better; they are going to overturn the people's law.

Well, let me tell my colleagues two things: one, they are overturning the will of the people of my State; and, number two, they are breaking promises. This promise was made that it would be an up-and-down vote on the Senate side; that it would not be attached to this bill. Yet here we find that happening today.

I urge my colleagues to vote "no" on this rule.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, there is no one in the House I respect more nor love more than the gentleman from Massachusetts (Mr. MOAKLEY), so I hope he will not be offended by what I have to say. I think it is time to tell it like it is.

Democrats were in power for 48 years. They did not reform welfare, they did nothing about prescription drugs, they did not reform the IRS. They would not even hold hearings on a Traficant bill that made a big difference, and I am proud of that.

Look back at the minimum wage, I think the Republicans raised the minimum wage the last two times. I support the rule, I support the conference report, and I want to thank the Republican leadership for giving me the courtesy to sit down on the minimum wage issue, so important to America and to my district.

The gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, did not want a minimum wage increase.

□ 1200

There are parts of this bill I do not find all that great. But the President is absolutely an expert at reconciling differences. And no one better than the Speaker and the gentleman from Florida (Mr. YOUNG) and the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) and their staff, the gentleman from Georgia (Mr. LINDER), they have gone to them. And his statement is for the betterment of America. Let us find common ground. Mr. President, let us find the time to find common ground.

There is pension reform in this bill. The earned income tax provisions are good. Let us get off the class warfare on the tax cuts. My colleagues, what good is the minimum wage of $1 an hour over 2 years if the boss cannot afford it and lays off the very people we are trying to help the most? Give the boss a break.

The Republicans are right. How much more of this Democrat versus Republicans, liberals versus conservatives? It may be good for politics or for winning the majority, but it is bad for America because it ends up being rich versus poor, men versus women, old versus young, black versus white, "the haves" versus "the have-nots." If there is no company, there is no job.

Let us get off it. This is nothing but political machinations to who is going to run this place. The American people want this conference report. They may not like all of it, but they know we have the leadership in the gentleman from Florida (Mr. YOUNG) to sit down with the President and work it out, for the Speaker to sit down and to make those compromises that are necessary.

I would just like to close by saying this: It is time to close the Congress. It is time to pass this conference report. And for those Democrats who are going to come out here for partisan reasons and vote against this bill, they may encourage the President to veto it, but, in my opinion, they are not vetoing a bad bill, they are vetoing a bill that is good for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) very much for yielding me the time.

I am very delighted to follow my colleague because I know his sincerity. I do not think any of us want to divide black or white or brown, we do not want to divide Americans. But I believe what we want to do is to say to America we accept the challenge to do better.

I want this rule defeated so that we can go back to the drawing board and do better. And the reason why I say that is because I have lived the experience of hospitals being closed in Texas.

Some 10 to 15 years ago, the Attorney General of the State of Texas appointed me to an advisory committee to explain and to advise how we could restore rural health centers and rural hospitals. In Texas they were closing even then. I would imagine that Americans would tell me about hospitals that closed 20 years ago, 5 years ago, 10 years ago, or yesterday. What a tragedy for communities that have to travel miles away from their neighbors to get health care.

And so, this rule should be defeated, Mr. Speaker, because $11 billion goes to insurance companies. I am crying out for my rural and urban hospitals, public hospitals where they take their children, where they take their old mother or father, their aunts or their neighbor. Why am I giving $11 billion to insurance companies and doors of my hospitals still closing? I want my hospital CEOs in my district who know that I have been on the front line on this issue to understand why I want this rule defeated.

Mr. Speaker, we can do better for Americans. Do not give this money to the HMOs. They are not guaranteeing any guaranteed prescription drug benefit. In fact, one of the HMOs said, it is really hard to enhance our drug benefit for seniors. They do not want to work on this problem. We need this money going directly to the providers.

And what is happening to the home health care centers? They are getting zero, no money. And if any of my colleagues have dealt with them, they know that many of their relatives prefer going to those home health care centers that give them personalized treatment.

We can do better for America united. Do not divide us. Send this rule back and defeat this bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to stress that my opposition to the rule and this bill is not based on any ideology or any politics, Democrat or Republican. The problem here is that this bill is not going to help the average American. And that is what we are all concerned about, and we are all united to try to help the average guy.

I heard the chairman of the Committee on Rules say that he supports this bill because it is going to help the investor class or get more people in the investor class. Well, let me tell my colleagues, if I am a person that does not have health insurance and I am not getting it through my employer, I am the little guy, I am not going to be able to take advantage of whatever tax deduction is in here to buy health insurance and to get myself an insurance policy. It is not going to happen.

The bottom line is that we know that the reason why most people do not have health insurance today who are employed is because the employers do not provide the insurance.

There is a disincentive with this above-the-line health insurance deduction for the employer to continue or to expand health insurance for their employees. So we are going to have more people join the ranks of the uninsured. This notion that somehow they are going to be able to take this deduction and buy health insurance is a lot of garbage. It is not going to happen.

Secondly, let me talk about the hospitals that are suffering. I had a hospital in my district that closed and others that have the potential to close because they are not getting enough money from Medicare from the Federal Government.

Do not tell me that we are going to give this money to the HMOs, something like 40 percent of the funds, and we are not going to help our hospitals, our home health care agencies, our nursing homes. Many of them are bankrupt and closing. If we are going to do anything to help with the reimbursement rate, it should be to those providers, the hospitals, so they do not close.

What about the HMOs? The HMOs that are benefiting from this bill are having no strings attached to the extra money that they are getting. They do not have to stay in the Medicare program. And many of them have moved out of it. Something like 700,000 seniors who were in HMOs have been dropped by HMOs in the last couple years. So no strings attached. They get the money. They do not have to stay in the Medicare program.

Nor do they have to do anything about their benefits. They do not have to guarantee they are going to provide prescription drugs. They do not have to do anything to increase the benefits.

The HMOs are getting a sweetheart deal, and they are doing nothing for the American people in return. Vote against this rule. Vote against this bill. It does not help the average guy. Forget the ideology. It does not help the average American.

Mr. MOAKLEY. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this bill and this rule are useful in one sense, and that is that it really shows what the majority is all about. Truly, it makes a mockery of all the talk about bipartisanship. There was not, in the last 24 hours, I think, 1 minute of discussion between the majority leadership and the minority leadership. There was no effort to dialogue with the administration. Instead, I guess the majority thought they would put together a stew of the bad and the good and try to get this through.

There has been a lot of talk about compassion in this campaign. This makes a mockery out of the talk on the majority side about compassion. They delete provisions regarding pregnant women and children. They delete the provision for people with Lou Gehrig's disease, just among a couple of important aspects of this.

And then, look, hospitals in my district, many of them are in trouble. And so what they do is hand a bundle, 40 percent, to HMOs and they shortchange the hospitals that really need it.

Whose side are they on?

So they want a Presidential veto. I would have thought they would have learned by now. They are going to get one. The President will get on the bully pulpit, as he can do so well, and tell America what this bill is all about. And I hope he takes that pulpit all around this country. Because this puts in place what Republicans are really all about.

Halloween, it unmasks their efforts on compassion. It takes the mask off all of this talk about bipartisanship. This is a totally partisan effort on their part, and I think it will not pay them dividends on November 7 and it will hurt the American people.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I was not going to speak on this. But listening to some of this heated rhetoric, I really feel compelled to respond.

I cannot really understand why these people are so opposed to this bill. In fact, we heard our colleague from New Jersey just a few moments ago say that this would not work.

I have to ask, what are we afraid of? What is wrong with allowing 100 percent deductibility for health insurance for the self-employed? I mean, as far as I am concerned, this Congress should have done that a long time ago.

Look at the other provisions in this bill. Now, I must tell my colleagues that I am not a big fan of some of these omnibus bills and putting a lot of things that may not be related into the same bills. But the truth of the matter is, as I look through the provisions of this bill, virtually every one of them is going to benefit somebody.

Now, we do not have many HMOs in my district. I would like to have HMOs. I would like to give people more choices. Now, we can argue whether too much went to this particular group and too much went to the other. There is no such thing as a perfect balance. But I think, on balance, this is a very good bill. This does a lot of things for an awful lot of people. I think the hospitals, the nursing homes, the people back in my district are going to be very happy with this bill.

Now, how we got into this mess we can all debate about. But this is the right thing to do. And I have to ask my colleagues, what are they afraid of? What is it in this bill that somehow is going to make matters worse for people who need health care, for people who need to go to nursing homes, for people who want to deduct their health insurance premiums, for those people who want to make larger contributions to their IRAs.

I mean, with the long list of good things that is in this bill, I am somewhat surprised at the incredibly heated rhetoric that we are hearing on this rule.

So I stand in strong support of this rule and in support of the underlying bill.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader of the House.

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to a Republican tax package that reflects this Congress at its worst. This package reveals the larger flaws of the Republican tax philosophy that have been on exhibit over these past years, really a 6-year attempt to give tax cuts to people and institutions that do not need them and not giving tax relief to people and institutions that need tax relief.

First, there is nothing in this bill that guarantees a single new school will be built. The only thing we have had from Republicans is a consistent effort to fuzz the issue of who is for school construction and who is against it.

Two days ago, Republican leaders rejected the bipartisan Johnson-Rangel bill supported by 228 Members, Democrats and Republicans, to help districts with school construction; and they came up with a different plan that was a day late and a dollar short.

The largest part of that plan creates incentives that we think actually delay school construction, and half the benefit does not even go to school districts but to bondholders, private investors, not children, not principals, not teachers, but bondholders.

□ 1215

This is a typical ploy, part of an effort to fool people into thinking that they support education. This has become an exercise in illusion.

They put forward school construction provisions that bear resemblance to Democratic and bipartisan bills in name only. They trudge to the Capitol and hold press conferences a few hours ago and talk about middle-class fairness when nothing could be farther from the truth. We call on the leadership to bring up the bipartisan school construction measure to help modernize our schools in the Labor-HHS-Education bill. The Johnson-Rangel bill reduces the burden on local taxpayers struggling to finance new school construction in their communities. We further urge the leadership to set aside their opposition and drop the tax cuts that really do not perform a useful function. They should provide enough funding for teachers, emergency school repairs, after-school programs, teacher training and put all of these measures in the Labor-HHS-Education bill so that the President can sign a bill that improves our schools this year in all of these ways.

This package is just as flawed on the health care side. After blocking an effective Patients' Bill of Rights, an effective prescription drug benefit under Medicare, now Republicans come forward with a package that does not help the vast majority of Americans or square with the needs of working families. The BBA piece does not do enough for people and hospitals and gives too much for HMOs. Their deductions will not substantially reduce the number of Americans without health insurance, they weaken employer-based health coverage, and they do virtually nothing for families who provide their own long-term care.

We support restoring cuts to Medicare. We want tax relief. In fact, the President and Democrats have put forward a sensible bill that helps fix the problems for providers and beneficiaries in Medicare and Medicaid and gives relief to families and hospitals that truly need it. But Republicans choose to go behind closed doors and not tell us what is in their tax package until a few hours before it comes on the floor. They choose the path of conflict, not consensus. Dictation, not dialogue.

Well, the President is going to veto this bill; and we are going to be right back here where we started passing more CRs because we were unable to do the work of working with one another to get the job done. The package we reject today reflects the larger problems with misplaced priorities, misplaced tax cuts, and raids on Social Security.

Just today, a nonpartisan group of financial experts predicted that Governor Bush could not cut taxes and divert Social Security payroll taxes without blowing a huge hole in the budget. The Nation's best economists and actuaries found that by 2015, Governor Bush's plan would return us to the days of big deficits. His plan would undermine Social Security, and we would be headed right back to where we were in a sea of red ink in the 1980s. This makes clear that the Bush plan would weaken Social Security and ruin fiscal discipline.

So we are not getting our work done. We are not hiring a single new teacher. We are not improving a single new school building. We have not spent a dime on quality teaching and after-school programs. We need to make the passion and purpose of this Congress in its closing days our children, our public schools, our teachers, our parents, our children, making sure that every child in this society is a productive, law-abiding citizen. We are now going to have to pass a new CR every day because we are behind in our work. Let us get to work together to find a consensus to get these things done and get them done in the next 2 days.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I am confused. I was sent down here to discuss the rule on a tax bill, and we have just debated the Bush-Gore presidential race. I am glad he got the time to do it because it shows that those folks in charge for 8 years did not get any of the things done that he wanted done.

POINT OF ORDER

Mr. RANGEL. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman will state his point of order.

Mr. RANGEL. Mr. Speaker, I would ask the Parliamentarian whether it is within the rules of this House for a person to discuss the presidential campaign in the course of our legislative debate.

The SPEAKER pro tempore. All Members should conform their remarks to the pending legislation.

Mr. LINDER. I do believe that is a point I was making after the gentleman from Missouri (Mr. GEPHARDT) spoke that he did nothing but speak about the presidential race.

Mr. Speaker, I am happy to yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of the rule, and I regret to say that I think it is a sad day on this House floor when the minority leader confuses issues so completely as to mislead the American public. For him to say there is not one penny in this bill for teacher training or after-school care, is misleading. Those things are in the appropriations bill. That is, in the health and human services appropriations bill, and we will discuss that tomorrow; and I am proud that in that bill there is more money for public education than the President asked for. It is a good bill. But we will talk about that tomorrow.

This is a tax bill. Of course it does not appropriate dollars for those purposes. I am very proud that in this bill we move from $400 million for school construction to almost $16 billion to help our towns and cities construct and modernize their schools. Is it my bill and the gentleman from New York's bill, which I thought was the best bill? No, it is not exactly. But it does apportion the money the way we did in our bill, and it does put lots more money out there. And yes, the money goes directly to the cities.

So to pretend that there is no help for our towns and cities is misleading. It may not be the $25 billion I wanted or exactly the bill I thought was a better distribution mechanism and I certainly do think the bill that the gentleman from New York and I worked out was the best. Nonetheless, this bill does increase school construction funding dramatically, more than any other year and more than any year when the Democrats were in total control of this House and the Senate. This is a great leap forward for our towns and cities.

Let us look at Medicare. The Medicare section is far more money, by about a third, than the President proposed only a few weeks ago. The hospitals are going to benefit. The home health care agencies are going to benefit. The nursing homes are going to benefit. And frankly they are desperate for that help. I would certainly hope that the President does not veto this when it not only provides more money for Medicare providers than he proposed, but also a bill of rights for Medicare recipients that participate in Medicare+Choice plans. We have been trying to do this for ages. The average appeal time for a Medicare recipient appealing a denial of care under Medicare is 500-plus days if it is in one part of Medicare and almost 300 days in the other part. Yes, I am sorry we did not do a Patients' Bill of Rights for people under 65. But let us do Medicare Patients bill of Rights and add-backs so the providers will flourish and be able to provide care not only to our seniors but our community hospitals will survive to provide care to everyone.

Let us also remember that this is a great step forward in providing patient rights for seniors under Medicare+Choice. So maybe it is not everything the President wants. He was not very clear about that. His only objection was in the managed care plus choice plans where he said we were doing too much. We are only doing 3 percent. That is less than we are doing for hospitals, less than we are doing for other providers, and those managed care choice plans are providing more for my low-income severely ill seniors than Medicare is. That is why they like them.

I am hearing more about the anguish and fear of my seniors who are losing their managed care choice plans than I am about their desire for prescription drugs. They want prescription drugs, but they are panicked because they are losing their managed care choice plans. And they are not even eligible for MediGap coverage. They either cannot afford it, or they are excluded for preexisting conditions. So while the President says 3 percent is too much, it is less than we are giving anybody else, and these plans, until we modernize Medicare and make it a better program for all, these plans must be kept alive because they are providing crucial care for very poor and ill elderly.

And you know who is going under next? It just amazes me. The next group of plans to pull out are the group that serves New York City and the suburbs. It is the densely populated areas where any plans are surviving at all. They are the next to go out. Mark my words, because we are only doing 3 percent, our seniors in those areas are going to suffer.

I want to say one other thing about the tax provisions. As I walk through the factories in my district, the small factories where the factory owner is not able to provide 100 percent of the premiums for health care, the employees at the machines, the workers, are carrying 50 percent of their premiums. They will be able to deduct this cost under this bill. The high earners already get full medical care, and the company takes the deduction for their premium. This is about the little guy who either has to pay his own premium or 50 percent of his premium.

This is a good bill. It goes to the heart of working men's needs and working women's needs for health care, for opportunities for pension savings, for jobs in our most debilitated urban areas and for Medicare for our seniors. Maybe it is not everything the President wants, but there is not anything in here that most Members have not already voted for. Do not let the politics of the presidential race be the enemy of progress for working people in America.

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOAKLEY. Mr. Speaker, is it proper for a Member to say that a Member is misleading the public by a statement he makes here on the floor?

The SPEAKER pro tempore. The rules of decorum in debate prohibit any descent to personalities.

Mr. MOAKLEY. So it is not in order for a Member to say that a Member intentionally misled someone by his statements?

The SPEAKER pro tempore. If it is an accusation of deceit, the gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, if a speaker on the floor makes a statement that is incorrect and someone corrects the statement, such as there is no money in here for school construction and in fact there is $15 billion, is that a statement of derision against the speaker or a correction of facts?

The SPEAKER pro tempore. The rules of the House would distinguish between deceit and mistake.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I am glad that the gentlewoman from Connecticut is on the floor with all of her candor. I would ask the gentlewoman from Connecticut to pay particular attention to what I am saying so that she might take down my words if they appear to mislead. Because I know that the President of these United States has written to the Republican leadership to say basically, Can we talk? Can we talk taxes? Can we talk about a $250 billion tax cut over 10 years?

I know that. I also know that the Republican leadership, rather than take these tax issues to the United States Congress, rather than take them to the House of Representatives, rather than take them to the committee which the gentlewoman from Connecticut and I are privileged to serve, sought not to take it to the Committee on Ways and Means. I would think the best way to deal with this is to leave the floor because the deception that is going on here today is that most people thought that when we adjourned yesterday, we adjourned yesterday.

I want my words taken down to say that it is a fraud on the American people to say that we adjourned yesterday 8 o'clock this morning in order to trick the American people into believing that yesterday is today. If you want to take my words down, we will go to the Parliamentarian and ask does that make any sense.

Does it make any sense to have a tax bill not come out of the tax committee? How dare them think that is what is best. The gentlewoman from Connecticut said that she and I had come to a state of mind in terms of a bill that has 230 cosponsors as to how we can modernize and how we can construct new schools.

□ 1230

Would Republican leadership talk with Democrats about how we could work out something, like the gentlewoman from Connecticut (Mrs. JOHNSON) and I have worked out? Would they call the White House and ask whether or not they can work out something?

For whatever reason, the Republicans are looking for a train wreck. They are asking for a veto, because each and every thing that the President has asked for they gave it to him, but put in a poison pill with each and every one of those things.

Sure, we want to improve the Medicaid and Medicare bill and give it back. Why is it you leave out hospitals and put in HMOs? There are things we can do, not as Democrats, not as Republicans, but as Members of Congress.

All of a sudden we are supposed to go home now and say we do not need the Congress. A handful of Republicans can ignore the President; a handful of Republicans. They do not go to the Republican committee members, they do not go to their Democrat counterparts, they do not go to the President of the United States. They just figure that they are going to get out of here and just are going to bring anything to the floor.

Well, it is not going to work that way. If we want to get out of here with some semblance of mutual respect, if we want to give credibility to the House of Representatives, we have to respect our committee system, and no one is going to tell us what to do and what to vote for and what to pass, and the President reserves the right to veto.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to make note that the letter the President sent us after we had passed this original bill in the spring of this year, the letter he sent us that asked could we sit down and talk about taxes, arrived yesterday.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the citizens of America entrust us with running their Nation. We are going to be asked in less than 3 hours to vote on a 960-page document that was just delivered to the House. No one knows what is in it. There could be a tax on handguns; there could be a tax on cigarettes; they could bring back prohibition. Neither the Speaker of the House nor the gentleman from Georgia (Mr. LINDER) have any idea what is in this bill. But if the House votes for it and the Senate votes for it, it becomes the law of the land, until it is repealed. That could take 1 year, that could take 100 years.

This Nation squanders $1 billion on interest on the debt. I hear my Republican colleagues say we finally turned a profit. We have an $8 billion surplus for the first time in 30 years. I would tell you that surplus compared to the debt is like a person who, for 30 years, has been charging things to his Visa card and finally breaks even at the end of 1 year and has $1,000 left, and says, "Honey, let's go blow it," ignoring the fact that he is $686,000 in debt on his credit cards. That is the comparison of this year's surplus to the accumulated debt of $5.7 trillion.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

Would that the rule that we are debating here today simply had given us a tax bill that somebody may be able to comprehend. As my colleague from Mississippi pointed out, there is nobody in this Chamber that knows exactly what they are voting on.

I look forward to the debate later today on the merits of the proposals that we have heard argued briefly before us. But this rule snuck in provisions that are extraneous to taxation.

I give you just one example: It does not just overturn Oregon's death with dignity law, the only such provision in the United States, but it would criminalize the critical doctor-patient relationship dealing with the management of pain.

This is something that is objected to by a number of medical societies around the country. Any thinking professional who considers the potential of criminalizing this sensitive relationship understands on this basis alone it calls for the rejection of the rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote on the previous question. Only by defeating the previous question will the House be allowed to vote on the Democratic alternative.

Our plan would include an increase in the minimum wage. Our plan would include targeted tax credits. It would provide $25 billion in real school construction and modernization financing with the prevailing wage protections. Our plan would improve Medicare, Medicaid, children's health benefits, and would include many, many other items.

Mr. Speaker, I include for the RECORD the text of my amendment.

PREVIOUS QUESTION AMENDMENT CONFERENCE REPORT ON THE SMALL BUSINESS INVESTMENT ACT

At the end of the resolution insert the following:

"Sec. 2. Upon adoption of this resolution, the House shall be considered to have adopted a concurrent resolution introduced by Representative Gephardt on October 26, 2000, directing the Clerk of the House of Representatives to make corrections in the enrollment of the conference report on H.R. 2614 to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes. The concurrent resolution deemed to have been adopted by the House shall consist of the Democratic alternative to the conference report including an increase in the minimum wage, targeted tax relief—including $25 billion in real school construction and modernization financing with prevailing wage protections—and Medicare, Medicaid and SCHIP benefit improvements and protections, and other matter.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD a list of 40 or 50 health care organizations, from the Federation of American Hospitals, American Cancer Society, et cetera, who are in support of this bill and the provisions in it.

FEDERATION OF AMERICAN HOSPITALS,
Washington, DC, October 19, 2000.

Hon. DENNIS HASTERT,
Speaker of the U.S. House of Representatives, Washington, DC.
Hon. TRENT LOTT,
Majority Leader of the U.S. Senate, Washington, DC.

DEAR LEADER(S): On behalf of the nation's 1,700 privately-owned and managed hospitals, the Federation of American Hospitals is pleased to offer its strong support of the Medicare, Medicaid & S-CHIP Beneficiary Improvement & Protection Act of 2000. In the wake of the unintentionally negative impact of the Balanced Budget Act of 1997 (BBA), hospitals and health providers across the country have struggled financially, straining their ability to provide quality patient services. This legislation is a major step toward addressing some of the excesses in the BBA, and restoring stability to our health care delivery system.

By providing hospitals with a full inflation update for fiscal year 2001, Congress will allow us to be better prepared to meet the costs of delivering care to the millions of patients that we annually serve. By addressing excessive reductions in Medicaid, in Medicare Disproportionate Share payments, and in payments for indigent care, the bill targets its assistance at the precise payment policies that have so negatively impacted hospitals in recent years. Would hospitals like more relief, for a longer duration, including the restoration of our full inflation update for 2002? Certainly, but we appreciate the significant assistance of this bill. Above all, we want to ensure that the relief that is included in this package becomes low before Congress adjourns.

In addition to the broader provisions that impact all hospitals, the bill also includes significant provisions to assist rural hospitals, hundreds of whom are Federation members. Among numerous important rural provisions, the changes to the Medicare DSH program thresholds that will allow far more rural hospitals to participate, may be the most important. Many struggling hospitals in rural communities, serving predominantly low-income populations, will receive vital new assistance that will allow them to maintain services to poor Medicare patients.

Finally, this summer, after many years of development, hospitals moved to outpatient prospective payment (PPS). Despite improvements under the new outpatient PPS, beneficiary copayments remain high for some services due to historical design flaws in the program. This bill will significantly reduce many of those copayments, lowering costs to seniors.

These are just a few of the many positive provisions that have been included in this legislation to help patients and their health care providers. As a result, the Federation strongly supports the Medicare, Medicaid & S-CHIP Beneficiary Improvement & Protection Act of 2000. We will work with Congress and the President to encourage its swift enactment.

We look forward to working with Congress and the Administration to further educate our leaders on the difficulties facing our health providers. Both the President and Congress have shown a significant appreciation for the reimbursement problems facing our hospitals, and we hope that we can continue this dialogue. Only with a sustained bipartisan dialogue can our hospitals, and our biggest insurer—the government—continue to provide the world's finest health care in an increasingly complex fiscal environment.

Sincerely,

THOMAS A. SCULLY,
President & CEO.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, October 18, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, United States Capitol Building, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, United States Capitol Building, Washington, DC.

DEAR MAJORITY LEADER LOTT AND SPEAKER HASTERT: On behalf of the National Association of Community Health Centers (NACHC), thank you for your efforts to protect health care access for more than 11.5 million medically underserved Americans by including the Medicaid prospective payment system for Federally qualified health centers in the final version of BBA relief legislation.

As you know, the BBA eliminated a fundamental underpinning of America's health center safety net by phasing-out and eventually terminating the Medicaid cost-based reimbursement system for Federally qualified health centers. Health centers believe that your efforts to include a new prospective payment system for health centers in your BBA relief legislation is essential to their continued survival and will ensure that they remain a viable part of America's health care safety net.

Thank you again for your commitment to protecting health centers through your BBA relief legislation. Enactment of this prospective payment system is essential to protect the struggling health care safety net and will ensure the place of health centers in providing access to care for millions of uninsured Americans. We stand ready to work with you to make meaningful BBA relief for health centers a reality.

Please feel free to contact me if there is anything that I can do for you.

Sincerely,

THOMAS J. VAN COVERDEN,
President and CEO.

AMERICAN MEDICAL REHABILITATION
PROVIDERS ASSOCIATION,
Washington, DC, October 19, 2000.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: The American Medical Rehabilitation Providers Association (AMRPA) thanks you for your leadership in securing passage of the "Medicare Medicaid and SCHIP Beneficiary Protection Improvement Act of 2000." This legislation will provide crucial and immediate relief to Medicare providers adversely affected by cuts imposed by the Balanced Budget Act of 1997 (BBA 97). We strongly support its immediate passage.

In particular, we would like to thank you for ensuring inclusion of two provisions addressing concerns of the rehabilitation hospital industry. Section 305 of the Act will eliminate, for FY 2002, a two percent cut on overall rehabilitation spending imposed by BBA 97. This provision will help shore up the financial strength of the industry as we begin the transition to a prospective payment system (PPS). Section 305 of the Act also gives rehabilitation facilities which are ready to proceed immediately to full PPS reimbursement the opportunity to do so, rather than requiring them to gradually transition over a two-year period as in BBA 97. Fully funding this provision helps to ensure the ability of rehabilitation providers to provide high quality, cost-effective care during the PPS transition.

As indicated in MedPac's June 1999 report citing the decrease in rehabilitation hospital margins to 1.8%, rehabilitation hospitals nationwide have been hurt substantially by funding cuts under the Balanced Budget Act of 1997. If additional funding becomes available for short-term relief for providers, we respectfully request that you consider making the 2% restoration effective July 1, 2001 and extending the psych hospital provision in Section 306 to include rehabilitation hospitals and units.

Please know that your leadership is appreciated by the rehabilitation hospital industry, and by hundreds of thousands of rehabilitation patients served by rehabilitation hospitals nationwide. We hope we can count on Congressional intervention for future additional financial relief for rehabilitation hospitals. Thank you again.

Sincerely,

EDWARD A. ECKENHOFF,
Chairman.

HEALTH SOUTH,
Birmingham, AL, October 19, 2000.

Hon. JIM MCCRERY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCRERY: Please accept this as my sincere thanks and appreciation for all of your efforts with the "Medicare Refinement and Benefits Improvement Act of 2000." It is because of men such as yourself that give their attention to matters of concern to all people that we are able to make progress in much needed areas.

Rehabilitation hospitals across the nation will benefit from this legislation but greater still will be the benefit to the patients. Your help and continued support of this issue is again deeply appreciated.

Best regards,

RICHARD M. SCRUSHY,
Chairman of the Board & Chief Executive Officer.

NATIONAL ASSOCIATION OF LONG
TERM HOSPITALS,
Stoughton, MA, October 19, 2000.

Via Facsimile Only

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Senator, Hart Senate Office Building, Washington, DC.

Hon. MICHAEL BILIRAKIS,
Representative, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS, SENATOR ROTH AND REPRESENTATIVE BILIRAKIS: I am writing you in my capacity as President of the National Association of Long Term Hospitals ("NALTH") to express the strongest possible support for Medicare program and payment refinements which are presently pending before Congress. Long term hospitals are particularly dependent on Medicare program policy. Typically 60% to 70% of all patients admitted for inpatient services in long term hospitals are Medicare beneficiaries. These individuals constitute perhaps the most profoundly ill and disabled segment of Medicare beneficiaries since they all require an atypically long hospital stay and specialized programs of care.

Congressional proposals relating to long term hospitals implement long standing bipartisan recommendations of policy makers to achieve the development of a long term hospital prospective payment system and, in the interim, to equalize the payment system. These payment and policy changes are desperately needed in order to support the multitude of programs and dedicated personnel who serve this very vulnerable Medicare population.

I wish to underscore that the failure to implement these provisions, at this time in light of past reductions of payments to long term hospitals, would have an immediate and direct adverse affect on hospital employees and programs.

NALTH is appreciative of the thoughtful approach which Congress has taken on these issues and is mindful that it is important that the entire hospital industry achieve a baseline of economic health in order to support the continuum of care which is so important to Medicare beneficiaries.

We believe it is important that the President assume a leadership role with his colleagues in Congress and approve all Medicare refinements proposed by Congress.

I wish to thank members of Congress for all of their efforts to secure and improve the Medicare program with this very important legislation.

Sincerely,

GERALDINE BRUECKNER,
President.

ACUTE LONG TERM HOSPITAL
ASSOCIATION,
Alexandria, VA, October 19, 2000.

Hon. JIM MCCRERY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCRERY: On behalf of the nearly 100 hospital-members of the Acute Long Term Hospital Association (ALTHA), I would like to express our sincerest gratitude for your leadership and commitment toward ensuring final passage of the Medicare Refinement and Benefits Improvement Act of 2000. We are particularly grateful for your strong efforts to secure inclusion of the following provisions: Sec. 210, which increases potential reimbursements and requires HCFA to develop a workable PPS system by October 1, 2002, and ensures that long term care hospitals, and only long term care hospitals (as defined by law) will be eligible for reimbursement under the new system; Sec. 404, which imposes a 2 grandfather clause on HCFA's pending provider-based status rule, and substitutes HCFA's "75/75 zip code" scheme with a more reasonable 35-mile zone provision; and Sec. 202, which increases reimbursement for bad debt.

Please do all you can to ensure these provisions remain and the bill is passed into law in this session of Congress. Once again, we greatly appreciate your leadership and strong efforts on behalf of our patients and our hospitals.

Sincerely,

S. BRADLEY TRAVERSE,
Executive Director.

NATIONAL ASSOCIATION OF
CHILDREN'S HOSPITALS,
Alexandria, VA, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Subcommittee on Health, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Children's Hospitals (N.A.C.H.), I am writing to thank you for your recognition of the different financial circumstances of children's hospitals and your efforts to address their concerns with the Medicare outpatient prospective payment system (OPPS).

In particular, we appreciate the inclusion of a change in the application of the Medicare OPPS to children's hospitals in both the Ways and Means Health Subcommittee's "Medicare Benefit and Improvement Act" and the consolidated legislation you are developing to amend those health related provisions of the "Balanced Budget Act of 1997," which threaten to jeopardize the financial stability of different health care providers. Your proposal will treat children's hospitals the same as cancer hospitals for purposes of Medicare OPPS implementation, which will ensure that children's hospitals are effectively held financially harmless.

This legislative action is important to take into account the disproportionately large adverse effect that the Medicare OPPS could have on children's hospitals' ability to serve those children who qualify for Medicare. It is even more important to demonstrate to other payers of health care, which seek to model their reimbursement systems on Medicare's, that without adjustment, the adoption of the OPPS system used by Medicare can put children's hospitals at financial risk and would be inappropriate.

Any change in outpatient reimbursement methodology, such as the new Medicare OPPS, which does not reflect children's unique health care needs, can significantly affect children's hospitals' fiscal health overall, because the volume of outpatient care they provide is substantial and the greatest growth in their patient care is in outpatient services. For example, on average in FY 1998, a typical large freestanding children's acute care hospital provided care for children in more than 220,000 outpatient visits, eight percent more than in FY 1997.

Thank you again for focusing on the unique outpatient needs of children's hospitals.

Sincerely,

PETERS D. WILLSON,
Vice President for Public Policy.

KENNEDY KRIEGER INSTITUTE,
Baltimore, MD, October 19, 2000.
Hon. WILLIAM ROTH,
Chairman, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: On behalf of Kennedy-Krieger, a unique children's hospital which addresses the needs of children with severe disabilities, we are expressing our enthusiastic support for the conference report on the Medicare and Medicaid refinements legislation.

Included in the bill is a provision which treats children's hospitals in the same manner as cancer hospitals with respect to the Medicare hospital outpatient prospective payment system (OPPS). This provision will be of great assistance to us as we work to serve out community by performing at the highest level while providing the greatest value possible for those children who obtain services through the Medicare program.

We respectfully request that this provision become law this year, and we are grateful for your efforts.

Sincerely,

GARY GOLDSTEIN, M.D.,
President.

RURAL HEALTH CLINICS,
Washington, DC, October 18, 2000.
Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.
Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: This letter is written in support of the agreement you have reached on Medicare and Medicaid refinements legislation. As you know, this bill makes a number of important changes that will greatly enhance the ability of Rural Health Clinics to continue to deliver high-quality, cost-effective health care in underserved rural communities. We are particularly pleased that you have included the language of the Safety Net Preservation Act of 1999.

We are urging you colleagues in the House and Senate to support your package of changes and we are also asking President Clinton to support this package as well. We believe it is extremely important that Congress and President Clinton act on your proposal as quickly as possible. As you know, Rural Health Clinics are particularly vulnerable to the adverse effects of low Medicaid payments and your proposal ensures that Medicaid payments for RHC services are predictable and adequate.

This legislation represents a major improvement in the Medicare and Medicaid programs for both providers and beneficiaries. Your hard work and dedication to improving access to care for underserved population is is greatly appreciated.

Sincerely,

BILL FINERFROCK,
Executive Director.

NATIONAL ASSOCIATION OF URBAN
CRITICAL ACCESS HOSPITALS,
Washington, DC, October 19, 2000.
Hon. THOMAS BLILEY, Jr.
Chairman, House Commerce Committee, Washington, DC.

DEAR CHAIRMAN BLILEY: On behalf of the National Association of Urban Critical Access Hospitals (NAUCAH), I would like to thank you for this opportunity to comment on your agreement on the Medicare and Medicaid Refinement legislation. We are appreciative of congressional efforts to restore funding for hospitals significantly impacted by the Balanced Budget Act of 1997 (BBA). NAUCAH supports several of the provisions contained in this restoration package aimed at providing additional relief from the devastating impact of the BAA for hospitals that treat a large number of low-income seniors.

NAUCAH is a nationwide coalition of private, non-profit, large urban hospitals that treat a significant number of Medicare and Medicaid patients. Approximately 275 hospitals in the U.S. today meet these criteria. Urban critical access hospitals are very much a part of the health care safety net in the U.S. today. In most communities in which they are located, they are the primary sources of care for the urban elderly and poor, if not the only source.

Because of our significant number of low-income seniors, the impact of the BBA Bad Debt reduction, the Medicare Disproportionate Share Payments reductions, and Medicaid Disproportionate Share Hospital limit reductions is particularly burdensome on NAUCAH hospitals. NAUCAH hospitals rely on these payments for their survival.

NAUCAH strongly supports the provision in your restoration package, which provides for the immediate restoration of Medicare bad debt reimbursement from 55 percent to 70 percent. NAUCAH hospitals, by definition, treat a large number of low-income seniors who are the poorest and often sickest of the elderly. Low-income seniors, at or near the poverty level, are the most likely Medicare beneficiaries to be unable to pay their copayments and deductibles. Consequently, NAUCAH hospitals have higher proportions of Medicare bad debt than other hospitals and reductions in these payments impact our hospitals to a greater degree than other hospitals. You have shown your understanding of the significant financial impact Medicare bad debt payments have on hospitals like ours by your willingness to increase the level of Medicare bad debt funding.

NAUCAH also supports the provision of your package, which freezes the BBA reductions in the Medicaid Disproportionate Share Hospital (Medicaid DSH) program for fiscal year 2001 and then correspondingly increases funding by the CPI. As you know, our hospitals provide a large amount of care to Medicaid recipients. Restoration of the Medicaid DSH limits will ensure that our state Medicaid agencies will not have to reduce our Medicaid revenues. However, our state Medicaid programs generally like to plan for longer terms than one year. It is difficult to predict how our state Medicaid agencies will react to short term changes in federal policy. This in turn makes it difficult for us to plan for the future, since we depend on these payments for a significant portion of our overall revenue. For this reason, while we are pleased with your provision for Medicaid DSH, we would have preferred a policy that would have lasted for a longer period to allow stability in our state Medicaid programs. Nonetheless, we cannot overstate our appreciation for a one-year freeze and we hope that we have convinced you that a long-term freeze of the Medicaid DSH reduction is important and will be seriously considered when this issue is discussed in the future.

In addition to Medicaid DSH, Medicare disproportionate share hospital payments (Medicare DSH) are an important part of the overall revenue of NAUCAH hospitals. Medicare DSH payments are made as part of the Medicare inpatient program and are intended to help ensure Medicare beneficiaries access to hospitals in their communities which might be impacted by the significant number of low-income patients they treat. NAUCAH supports your provision that freezes reductions to Medicare DSH and fully restores Medicare DSH in 2003.

We strongly believe that any revisions to the current Medicare DSH program that would increase the numbers of hospitals eligible for Medicare DSH payments or increase payments to some sets of hospitals, requires additional funding rather than reductions in payments to hospitals that presently receive Medicare DSH funds. NAUCAH hospitals are an integral part of the nation's safety net and cannot afford reductions in Medicare DSH payments if they are to continue to serve in this capacity. NAUCAH supports your language that provides additional Medicare DSH payments to rural and small urban hospitals without taking money away from large urban providers.

Once again, NAUCAH appreciates this opportunity for input. While we continue to ask that a provision to freeze the Medicaid DSH reductions for an additional year be added to the restoration package if an opportunity to do so becomes available this year, we are pleased that the concerns of the nation's private safety-net hospitals were seriously considered as this year's legislation was being crafted. The much-needed relief is sincerely appreciated. It is clear to us that you are concerned about the role that Medicare and Medicaid programs play in financing the safety-net for NAUCAH hospitals and that you considered our requests to be necessary and reasonable.

We look forward to working with you in the future on these issues so vital to the health care needs of America's low-income city residents.

Sincerely,

CHARLES L. DEBRUNNER,
Executive Director.

AMERICAN MEDICAL
GROUP ASSOCIATION,
October 19, 2000.
Senator TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR SENATER LOTT: As the 106th Congress enters its final session, the American Medical Group Association (AMGA) would like to take this opportunity to commend members of Congress for their hard work and diligence on a Medicare "givebacks" bill. The Beneficiary Improvement and Protection Act of 2000 (BIPA) is a positive step in restoring many of the unanticipated cuts suffered by Medicare providers as a result of the Balanced Budget Act of 1997 (BBA). AMGA has had an opportunity to view the bill in its entirety and would like to offer our full endorsement.

AMGA represents over 300 medical practice groups employing over 60,000 physicians in 41 states. Our members are the physician providers for over 30 million patients. AMGA members are among the largest and most prestigious medical groups in the country and include such renowned organizations as the Mayo Foundation, the Palo Alto Medical Foundation, the Lahey Clinic, the Henry Ford Health System, the Cleveland Clinic, and the Permanent Federation, Inc. AMGA's mission is to improve the health care environment by advancing accessible, high quality, cost-effective, patient-centered and physician-directed health care.

There are several aspects of the bill that we feel would greatly benefit our members. AMGA specifically supports the following provisions:

AMGA supports the elimination of the payment reductions for Indirect Medical Education (IME).

AMGA supports the clarification of physician certification.

AMGA supports a Medicare demonstration project for group practices.

AMGA supports provisions relating to the increased reimbursement for medicine services.

AMGA applauds the additional relief for rural hospitals. This is important to our members that provide access to basic health care services for Medicare and Medicaid beneficiaries.

AMGA believes that many of the managed care provisions will not only be beneficial to our members but will also afford better care to the patients we serve. AMGA specifically supports several provisions in the bill relating to managed care:

AMGA supports a $475 floor as well as the $525 urban floor for metropolitan statistical areas with populations of 250,000 people or more as current reimbursement amounts are inadequate.

AMGA supports the 10% phase-in of the risk adjuster, which will greatly benefit individuals with chronic conditions.

AMGA supports expansion of application of entry bonus payments in 2001 that will facilitate greater participation from all health care providers.

AMGA enthusiastically supports and applauds BIPA, and believes that it represents a significant step in the right direction of restoring equity to health care providers. Each of the provisions mentioned above will not only allow AMGA members to continue to participate in the Medicare program but also facilitate it. We encourage members of Congress to work together in a bipartisan manner to make sure this bill is passed and signed into law. We encourage Democrats and Republicans to come together to vote for this bill, as it will greatly enhance the availability of health care services to all Medicare beneficiaries. Lastly, we encourage the President to sign this bill and restore many of the unanticipated cuts.

Thank you for your consideration.

Sincerely,

Donald W. Fisher, Ph.D., CAE
President and Chief Executive Officer.

Mississippi Hospital Association,
Jackson, MS, October 23, 2000.

Hon. Trent Lott,
U.S. Senate, Washington, DC.

Dear Senator Lott: On behalf of the Mississippi Hospital Association I want to express our appreciation for the exemplary work that you have done in regard to the House/Senate GOP package for Balanced Budget Act relief. The $28 billion five-year package, which includes $10 billion in assistance to hospitals, is a vital step in providing them relief from the unintended consequences of the '97 BBA.

I understand the tough position with which you are faced in attempting to balance the needs of numerous constituencies, the House of Representatives and the White House.

Thank you for your support of the hospital industry and the patients and families we serve.

Sincerely,

Sam W. Cameron,
President and CEO.

October 19, 2000.

Hon. Fred Thompson,
U.S. Senate, Washington, DC.

Dear Senator Thompson: On behalf of more than 150 hospitals and health systems in Tennessee, I would like to thank you and your staff for your continued support of meaningful relief from the Balanced Budget Act of 1997 (BBA). We sincerely appreciate your diligent efforts to provide "give backs" to providers for some of the unintended Medicare cuts that are quickly approaching two times the amount that Congress originally intended.

We applaud your committee's work as the first to endorse the notion of a two-year full inpatient market basket update—an idea that THA strongly supports. In the remainder of the draft compromise language, I am confident that you have also created some real relief in many of the provisions as included by your committee. Specifically, we continue to strongly support your:

Increases in the inpatient, outpatient, SNF and home health market basket updates;

Increases for Medicare bad debt reimbursement;

Improvements in Medicare DSH both in terms of overall payments and qualifying thresholds between urban and rural providers;

Delay of the home health cuts another year—as well as other operational improvements;

Increases to teaching hospitals via improvements in IME and GME payments;

Other targeted fixes for rural, psychiatric, rehabilitation, and other providers.

While these provisions (along with the fixes from last year) are very helpful to providers, they still only partially address the problems with the BBA. Therefore, I urge you to eliminate the remaining two years of reductions in the hospital inpatient system and ask that no additional reductions be made in FY 2003 and beyond. Additionally, we ask that you fully restore Medicare bad debt payments and eliminate the 15% reduction in home care payments.

As you know, without these relief measures, the BBA will continue to have a devastating effect on the providers in your home state. Coupled with the increasing levels of uncompensated care from TennCare and charity care, these cuts cannot be sustained and will continue to erode the health care infrastructure in Tennessee.

Given the projections for the budget surplus in coming years, we are asking for nothing more than adequate reimbursements to providers to cover their costs of delivering care. As evidenced by your support thus far, you and the Senate Finance Committee fully understand the repercussions of a failure to provide anything short of significant, substantial BBA relief—and we thank you for that.

Again, senator, we truly appreciate your continued work on behalf of our providers and their patients and communities. I am hopeful that you and the Committee will continue to support these non-partisan efforts to restore provider payments and urge the Administration to do the same.

Sincerely,

Craig A. Becker, FACHE
President.

The University of Texas System,
Austin, TX, October 19, 2000.

Chairman Bill Roth,
Senate Finance Committee, U.S. Senate, Washington, DC.

Dear Chairman Roth: At your request we have reviewed the broad outlines of your legislation to provide much needed relief to health care providers, more specifically your provisions to help our Nation's teaching hospitals. We fully recognize the enormity of this task—seeking to provide assistance that is fair, balanced and appropriate among equally compelling claims from providers all across the health care system. Striking a balance among these competing needs while continuing to address the long-term solvency of the Medicare Trust Fund is the challenge. We appreciate your dedication to these goals and your willingness to consider that assistance to America's teaching hospitals is in the long-term interest of preserving our world preeminence in research and medical advancement.

In particular, we believe that provisions addressing Medicare's Direct (DGME) and indirect Graduate Medical Education (IME) programs, and those provisions addressing the Medicaid Disportionate Hospital Share (DSH) program, represent a good faith attempt on the part of Congress to correct the largely unforeseen inequities that arose from the Balanced Budget Act of 1997 (BBA). Each of our Nation's teaching hospitals and academic health centers confronts different financial constraints and pressures, the result of a constantly changing, evolving health system.

We congratulate you for your efforts and skill in writing a balanced legislative package that addresses many of our needs, and we commend your dedication to sound policies in support of academic medicine and the students and patients that we serve.

Sincerely,

Charles B. Mullins, M.D.
Executive Vice Chancellor for Health Affairs.

National Association
of Psychiatric Health Systems,
Washington, DC, October 19, 2000.

Hon. William Thomas,
Chairman, House Ways and Means Health Subcommittee, House of Representatives, Washington, DC.

Dear Chairman Thomas: On behalf of the National Association of Psychiatric Health Systems, I want to express our gratitude to you for including in the House-Senate Medicare relief package the provision that would provide a 1% bonus increase in TEFRA payments to psychiatric hospitals and units of general hospitals. We support passage of this bill in the House and oppose a presidential veto.

This financial relief is very much needed, as demonstrated in MedPAC's June 2000 Report to Congress. MedPAC data shows a post-1977 Balanced Budget Act (BBA) decline in Medicare margins (from 2.6% – 2.3%) for psychiatric facilities—findings that are consistent with an earlier financial impact analysis of the effects of the BBA on psychiatric facilities prepared for NAPHS by Health Economics Research, Inc. Compounding these

BBA payment reductions has been an 11-year decline in the value of employer-provided behavioral benefits, according to a 1999 study by the Hay Group.

For these reasons, we are grateful for your efforts needed financial relief to psychiatric hospitals and support House passage of the Medicare package with the 1% bonus increase for psychiatric facilities.

Sincerely,

MARK COVALL,
Executive Director.

HEALTH CARE LEADERSHIP COUNCIL,
Washington, DC, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Ways and Means Subcommittee on Health, Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN THOMAS: The Healthcare Leadership Council (HLC) urges that Congress pass and the President sign Medicare refinement and benefits improvement legislation. This legislation will provide significant and much needed relief for Medicare providers and plans while also enhancing benefits and allowing quicker access to medical innovations for beneficiaries.

The HLC is comprised of chief executives of America's leading health care organizations, representing a cross section of the entire industry. Our members represent community and teaching hospitals, pharmaceutical companies, Medicare+Choice plans, medical technology companies and other organizations providing products and services to Medicare beneficiaries. They know firsthand the serious effects Medicare payment reductions have on the delivery of services to Medicare beneficiaries. While this package will not restore all of the reductions enacted in 1997, it will provide substantial immediate relief to help stabilize the Medicare program.

It is imperative that this legislation be enacted to assure that Medicare beneficiaries receive the highest quality care and coverage and so we can lay a solid foundation for achieving comprehensive Medicare reform in the near future.

We look forward to working with you to achieve enactment of this important legislation.

Sincerely,

MARY R. GREALY,
President.

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, October 19, 2000.

Hon. WILLIAM THOMAS,
Chairman, Subcommittee on Health, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Many thanks for once again providing leadership to help blunt some of the unintended consequences of the Balanced Budget Act of 1997 (BBA). Your efforts, as always, are greatly appreciated.

Balancing concerns about fiscal responsibility with the interests of Medicare beneficiaries and the providers that serve them is a very difficult job. We are grateful that you have offered to delay the scheduled 15 percent cut for an additional year, to provide a full market-basket inflation update for fiscal year 2001, and to extend periodic interim payments for two months. These provisions will be of great help to home health agencies and the patients they serve. However, with all due respect, as the benefit most hard-hit by the BBA, home health providers and the patients they serve are in need of additional support in order to further stabilize the program and enhance access to needed care.

As you know, under the BBA, home health outlays dropped 54 percent in a two-year period and the total number of beneficiaries served dropped by nearly 1 million. The BBA has exacted $70 billion from the home health program, more than four times the $16 billion savings target set by the Congress. The number of home health agencies has dropped by about one-third, and the budgets of those agencies remaining have dropped by close to 40 percent.

We urge your further consideration of several proposals that are designed to help shore up the ailing home health program—specifically, requiring payment for non-routine medical supplies on a fee schedule rather than as part of the prospective payment base payments (this proposal would be budget-neutral); increasing allowable expenditures for high cost, outlier patients; and additional payments for care provided to rural patients. Senator William Roth has seen fit to include these provisions in a bipartisan legislative package he has proposed, and we would encourage you to work with your colleagues to address these areas as you finalize the BBA refinements package.

Your assistance in this regard will be greatly appreciated—not only by the home health agencies, doctors, nurses, and home health aides that provide these important services, but also by the millions of vulnerable Medicare beneficiaries that rely on us for their care and protection.

Many thanks for your thoughtful consideration of our requests.

Sincerely,

VAL J. HALAMANDARIS,
President.

AMERICAN ASSOCIATION FOR HOMECARE,
Alexandria, VA, October 19, 2000.

Hon. WILLIAM THOMAS,
Subcommittee on Health, Longworth House Office Building, Washington DC.

DEAR CHAIRMAN THOMAS: The American Association for Homecare representing over 3,000 home nursing and durable medical equipment providers supports enactment of the legislation crafted by the House and the Senate health policymakers.

Recognizing the current proposal refines the Balanced Budget Act of 1997 for the fiscal year 2001, the Association would like to thank you for your efforts to support homecare. The following provisions will help homecare providers within the next year by:

Restoring the durable medical equipment providers CPI for fiscal year 2001;

Delaying any reduction of payment by HCFA of the average wholesale pricing for drugs to ensure patient access to quality equipment and supplies with a study by the General Accounting Office;

Restoring the home health market basket update for fiscal year 2001;

Extending the home health periodic interim payments for two months;

Clarifying the definition of homebound to permit home health services to be furnished to patients in adult day care settings;

Delaying the 15% cut for home health services for one-year; and,

Requesting a study to review the consolidated billing requirements under PPS.

As you know, the homecare industry has undergone significant reductions that have resulted in the lack of patient access to needed medical services and supplies. The latest figures show a reduction of more than 50% from 1997 to 1999 with over one million eligible Medicare beneficiaries who are no longer receiving homecare services. The Association continues to strongly advocate for complete elimination of the additional 15% cut to home health services. This provision has both widespread, bi-partisan Congressional as well as consumer support, and we look forward to working with you on a Medicare proposal in the future that will help to address this issue.

The Association would appreciate your consideration of the following technical changes to the legislative proposal:

Require the Medicare Payment Advisory Commission (MedPAC) to study the necessity of the 15% cut for home health services rather than the General Accounting Office; and,

Expedite the requirement by the General Accounting Office to study the consolidated billing provisions under the home health PPS and impose a delay of the requirement until such study is completed. If this is not feasible, require HCFA to suspend medical review on both DME and home health providers until clear guidance by HCFA and its Medicare contractors has been issued to providers.

Thank you for your consideration on these two technical changes. Once again, the American Association for Homecare greatly appreciates your efforts to help homecare providers, and we look forward to working with you next year on these important issues.

Sincerely,

THOMAS A. CONNAUGHTON,
President and CEO.

AMERICAN FEDERATION
OF HOMECARE PROVIDERS, INC.,
Silver Spring, MD, October 19, 2000.

Congressman WILLIAM THOMAS,
Chairman, House Ways and Means Health Subcommittee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN THOMAS: The American Federation of HomeCare Providers appreciates your addressing several issues of critical importance to Medicare participating home health agencies in your Medicare refinement legislation. Our members are primarily freestanding providers, the majority of which have been severely affected by the Balanced Budget Act of 1997.

We are pleased that you have included a provision to postpone for another year, to October 1, 2002, the additional 15 percent reimbursement reduction, and that you have provided for an update of 2.2 percent of the HHRG rates for the second half of Fiscal Year 2001, adding back $1.3 billion in finding over a five-year period. Extension of PIP for two months will assist providers who might otherwise be financially destabilized by the unadjusted rates and payment disruptions in the initial phase of home health PPS. In addition, you have indicated your desire to address the issues of non-routine medical supplies, the definition of "homebound" and branch office policy, commissioning GAO studies in all three cases, and clarified the role of telemedicine in the home care setting. We are appreciative.

It is critical to the survival of home health providers, however, that the 15 percent reduction be permanently eliminated. Additionally, it is imperative that the issue of access to home care services for medically complex and high cost patients be addressed, perhaps as envisioned in Congressman John Peterson's legislation. While your bill addresses issues related to the new prospective payment system, we have outstanding concerns about patients who lost their access through the strictures of the Interim Payment System, which cut $79 billion from the benefit. And for the sake of the effective administration of the home care benefit, consolidated billing of non-routine medical supplies should be addressed forthwith, by simply eliminating the requirement and reimbursing on a fee schedule basis.

We urge you to continue to work with other Members of Congress and the Administration in the next few days to address these pressing concerns, which as they related to access for complex and high cost patients can be a matter of life and death. We want to work with you and your colleagues the rest of this session, and early in the next Congress, for restoration of beneficiary access lost under IPS, permanent elimination of the 15 percent cut, and a more rational medical supply policy under PPS.

Again, thank you for your attention to our concerns.

Sincerely yours,

ANN B. HOWARD,
Vice President for Policy.

THE ALLIANCE FOR QUALITY NURSING
HOME CARE,
October 19, 2000.

Hon. BILL ROTH,
Chairman, Senate Committee on Finance, Washington, DC.
Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.
Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR CHAIRMAN ROTH, CHAIRMAN ARCHER AND CHAIRMAN BLILEY: On behalf of the Alliance for Quality Nursing Home Care, I want to express our gratitude for your leadership in recognizing the crisis that exists today in the delivery of skilled nursing care to Medicare beneficiaries. The efforts Congress have undertaken this year to refine Medicare reimbursement levels will ensure that seniors continue to have access to quality nursing home care. The Alliance for Quality Nursing Home Care supports the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, and we urge Congress to overwhelmingly support its passage during the remaining days of the 106th Congress.

Your attention to increasing the nursing component for the prospective payment system will help nursing homes working to address some of the most critical issues facing our profession: Retaining, recruiting and training quality nursing home staff. In addition, we look forward to continuing to work with Congress and the Administration on addressing the fundamental payment shortcomings of the current market basket inflation index that understates the cost of caring for medically complex patients.

Sincerely,

MICHAEL WALKER.

AMERICAN ASSOCIATION OF HOMES
AND SERVICES FOR THE AGING,
Washington, DC, October 19, 2000.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Office of the Speaker, Washington, DC.

DEAR MR. SPEAKER: As members of the Interfaith Coalition representing faith based and other non-profit providers of long term care services, we are writing to express our concern on a provision contained within the Medicare "Giveback" legislation of great importance to seniors. The Balanced Budget Act Refinement bill approval by the Ways and Means Health Subcommittee included language to provide seniors in managed care health plans the option of returning to their nursing home or long-term care facilities to receive care after hospitalization. This portion of the bill, which was championed by Representatives Pryce and Hobson, will allow seniors control over their own health care needs.

When elderly nursing home or retirement community residents who belong to managed care plans are hospitalized, upon discharge they are often not allowed to return to their home facilities for further care if those facilities are not part of the managed care plan's network. We should not allow our elderly and frequently frail nursing home residents to be forced to uproot themselves and possibly endanger their health following a severe health crisis. The "Return to Home" provisions require Medicare+Choice plans to cover the care provided in the long-term care facility where the residents lived prior to hospitalization.

It is our understanding that this important provision will be included in the final version of the bill. These provisions will help improve the health and well-being of seniors by enabling them to return to the skilled nursing facility where they have strong personal and in many cases family ties. On behalf of our organizations which respectively represent over tens of thousands of members, encourage you to help all seniors by protecting the "Return to Home" provisions and passing Medicare legislation before the end of the 106th Congress.

We offer our appreciation for your efforts to this extremely important matter.

Sincerely,

American Association of Homes and Services for the Aging Volunteers of America.

VNAA,
VISITING NURSE ASSOCIATIONS OF
AMERICA,
October 20, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Health Subcommittee, House Ways and Means Committee, Washington, DC.

DEAR CHAIRMAN THOMAS: On behalf of the Visiting Nurse Associations of America (VNAA), I would like to thank you for developing legislation to further relieve the unintended adverse effects that the Balanced Budget Act of 1997 (BBA) has had on Visiting Nurse Agencies (VNAs) and other home health care providers.

VNAA supports the "Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000" because of its provisions to: Delay the 15% cut until fiscal year (FY) 2003; Provide an extension of Periodic Interim Payments (PIP) to PIP providers through November 30, 2000; and Increase the Medicare home health prospective payment base rate by 2.2% for the second six months of FY 2001.

VNAA believes a study of the costs of nonroutine medical supplies and the appropriateness of bundling such supplies into PPS rates is greatly needed. We are pleased that your legislation accomplishes this goal. VNAA encourages you to expedite this study because of our strong concerns about the cost of supplies used in the treatment of wounds, incontinence, and outpatient therapy.

We also are concerned about our operational ramifications involving health medical equipment (HME) suppliers and home health providers. Currently, there are not electronic measures to determine if patients at admission are receiving supplies from either a HME supplier or a home health provider. Patients who have chronic conditions and have been receiving medical supplies for years are often not clear about the origin of their supplies. Did they originate with the physician?, the hospital?, the HME supplier?, the nurse? Therefore, innocent provisions of such supplies by both the HME suppliers and the home health agency to the same patient could easily subject providers to medical review and allegations of fraud and abuse. VNAA urges you to suspend medical review of medical supplies until such electronic or other means is operational.

VNAA was very pleased to meet with you, to testify before your subcommittee, and to work with your staff, Linda Fishman and John McManus this year. As you know, repeal of the 15% cut is critical to VNA's survival. We greatly appreciate your assurance to us that cost-effective and ethical home health providers will never be subject to the 15% cut. We ask for your support to achieve full elimination of the 15% cut next year. Full repeal of this provision would ease the concerns of financial lenders, thereby improving cash flow for VNAs during difficult financial times. In addition, please require the Medicare Payment Advisory Commission (MedPAC), rather than the U.S. General Accounting Office (GAO), to conduct the study regarding the 15% cut. We do not believe that the GAO has conducted thorough and fair studies regarding Medicare home health issues.

Finally, we cannot thank you enough for your support of VNAA's recommendation to extend PIP to ease cash flow during the transition to PPS. This provision in your legislation will literally prevent the closure of several VNAs.

VNAA looks forward to continuing to work with you next year and in the future.

Sincerely,

CAROLYN S. MARKEY,
President and CEO.

NATIONAL HOSPICE AND PALLIATIVE
CARE ORGANIZATION,
October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Finance Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to express our support for passage of the Medicare, Medicaid and SCHIP Improvement Act of 2000 which further refines the Balanced Budget Act of 1997. Medicare reimbursement of hospice care has not kept pace with the increasing costs of care for terminally ill Medicare beneficiaries as they approach death. Therefore, we support the hospice provisions included in your legislation; specifically, restoration of the full market basket increase (MBI) in the current fiscal year (FY 2001), maintenance of the fiscal year 2002 update as provided in the Balanced Budget Refinement Act (MB minus 0.25%), and full MB in FY 2003.

We appreciate the interest by many senators to improve the Medicare hospice benefit. Indeed, it is our hope that by clarifying the physician certification language in the statute to clearly rely on a physician's clinical judgment regarding the expected course of illness, physicians will feel more confident in referring terminally ill Medicare beneficiaries to hospice care. We are pleased that you include this provision in your legislation.

The National Hospice and Palliative Care Organization (NHPCO) has worked diligently to provide cost data to justify the need for a rate increase. Earlier this year, Milliman and Robertson provided interim data based on a large sample of 10,000 Medicare hospice patients. The cost data demonstrate significant increases in the cost to hospice providers of prescription drugs (1500+%) and outpatient services (500%) that was not envisioned when the original Medicare rates were established nearly twenty years ago. Coupled with these increased costs is a dramatic decrease in the length of hospice service. Recently, the General Accounting Office found that 28% of Medicare beneficiaries stayed in hospice for one week or less. As a point of comparison, the length of service was 70 days at the time the hospice rate was established. Since hospice providers are paid on a per diem and subject to an overall payment cap, significantly shorter stays eliminate providers' ability to absorb the higher cost days, especially when a patient is first admitted to hospice and again in the period immediately preceding death. Hospice has experienced consistent updates below the market basket increase. Over the years, the statutory reductions have amounted to more than 9.25%. Therefore, restoration of the reductions prescribed in BBA will assist hospice providers in meeting the complex care needs of those Medicare beneficiaries who choose to die at home under the care of hospice providers.

Finally, we look forward to continuing to work with you to strengthen the Medicare hospice benefit. Hospice is an expanded and all inclusive benefit package, including outpatient prescription drugs, palliative chemotherapy and radiation, and bereavement support for family members. It can be viewed as a substitute benefit providing terminally ill Medicare beneficiaries with a choice other than the traditional fee-for-service program. It is our hope that we can work together in the future to assure that Medicare reimbursement adequately reflects the true cost of caring for terminally ill Medicare beneficiaries, maintains a high quality of care, and protects this important choice for those who wish to die with dignity in the setting of their choice, surrounded by family.

Sincerely,

KAREN A. DAVIE,
President.

NATIONAL PACE ASSOCIATION,
San Francisco, CA, October 19, 2000.
Hon. BILL THOMAS,
Chairman, Health Subcommittee, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN THOMAS: On behalf of the National PACE Association (NPA) and its members, I am writing to express the Association's appreciation for your continued support of the Programs of All-inclusive Care for the Elderly (PACE) through inclusion of provisions for PACE in The Medicare, Medicaid and SCHIP Benefits Improvement Act of 2000. The Act's provisions to expand the opportunities for flexibility in implementation of PACE programs and to ease the transition of existing demonstration sites to permanent provides status will have an immediate and ongoing positive impact on PACE programs and the frail elderly adults they serve.

Although we have not had an opportunity to study the legislative package in its entirety, your efforts on behalf of Medicare and Medicaid beneficiaries to strengthen those programs should be acknowledged and receive careful consideration from members of Congress and, if enacted, from the President as well as the bill makes its way through the final days of this legislative session.

Sincerely yours,

JUDITH BASKINS,
President.

ASSOCIATION OF OHIO PHILANTHROPIC HOMES, HOUSING AND SERVICES FOR THE AGING,
Columbus, OH, October 19, 2000.
Hon. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.

DEAR REPRESENTATIVE HASTERT: I am writing to express my support (and the support of 185 not-for-profit nursing homes and retirement communities serving over 22,000 frail Ohioans) on a provision contained within the Medicare "Giveback" legislation. This provision is of great importance to seniors everywhere including those states which have had similar laws (hence the need for federal legislation) declared "null and void" by the Health Care Financing Agency—states such as California, Florida, Illinois, and Maryland.

The Balanced Budget Act Refinement bill approved by the Ways and Means Health Subcommittee, included language to provide seniors in managed care health plans the option of returning to their nursing home or long-term care facility to receive care after hospitalization. This portion of the bill, previously introduced by Representatives Pryce and Hobson as the "Seniors Healing at Home Act," will allow seniors control over their own health care and healing.

When elderly consumers who belong to managed care plans are hospitalized and then discharged, they are often not allowed to return to where they had been living for further care if those facilities are not part of the managed care plan's network. The "Seniors Healing at Home" provision requires Medicare+Choice plans to cover the care provided in a senior's place of residence. It is my understanding that this important provision will be included in the final version of the bill.

The "giveback" legislation will help to bring stability to the Medicare program by ensuring proper payments to those who help to heal our nation's seniors. One of the most frequent reasons voiced by residents of our facilities for not joining a Medicare HMO is the fear that they will not be permitted to return to their community following hospitalization.

On behalf of my organization and its 330 not-for-profit members, I encourage you to help seniors by protecting the "Seniors Healing at Home" provision, and passing the legislation before the end of the 106th Congress.

Very Truly Yours,

CLARK R. LAW,
President/CEO.

October 19, 2000.
Hon. DENNIS HASTERT,
U.S. Congress, Washington, DC.

DEAR SPEAKER HASTERT: As faith-based organizations concerned about the health and welfare of elderly Americans, we strongly support your efforts to include Representatives David Hobson's (R–OH) and Deborah Pryce's (R–OH) Seniors Healing at Home Act (H.R. 5042) in the Balanced Budget Refinement Act under current consideration by Congress. We understand that this provision, an important step in ensuring that senior citizens are able to receive compatible skilled nursing care in their home communities, will be included in the final version of the BBRA.

The increasing prevalence of managed care among elderly individuals has had both positive and negative effects. Managed care can lead to increased coordination of care and decreased costs, but it can also limit access to facilities that are close to home or culturally appropriate. An increasing number of older individuals are choosing to live in senior housing or assisted living complexes on campus settings with facilities that offer varying levels of care including convalescent and skilled nursing care. These individuals choose to live in this type of setting so that they can spend the remainder of their lives close to family and friends, frequently in an environment that facilitates religious observance.

A recent trend of great concern is that many individuals in such communities are, upon discharge from a hospital, unable to return to the community where they had been living if that community's skilled nursing facility is not part of the Medicare+Choice plan's network of providers. The managed care plan may instead require that the consumer be discharged to a long term care facility in the plan's network, even though the facility may be distant from friends, family and spouse.

We believe that denying seniors the ability to return to their community of origin negatively impacts on quality of care. Access to close friends and loved ones may help prevent the isolation, depression and even trauma that can increase a frail individual's physical recovery time and the cost of care. The patient's medical care may suffer as well, since the staff of the facility where the individual had been living may be more familiar with the person's chronic care needs.

"Return to Home" legislation would ensure that seniors living in a facility on a campus that provides skilled nursing care will be able to return to that facility for convalescent care. On behalf of our organizations and our members, we urge and applaud your continued support for the Seniors Healing at Home Act, and encourage you to pass this legislation before the end of the 106th Congress.

Sincerely,

Adventist Health Systems, Donald L. Jernigan, Executive Vice President.

American Jewish Committee, Richard T. Foltin, Legislative Director and Counsel.

American Protestant Health Alliance, Sherry Hayes, President.

Association of Brethren Caregivers, Steve Mason, Executive Director.

Association of Jewish Aging Services, Jodi Lyons, President.

Baptist Senior Adult Ministries, Edythe J. Walters, Executive Director.

Catholic Health Association of the U.S., Julie Trocchio, Director of Long Term Care.

Church Women United, Tiffany L. Heath, Legislative Assistant.

Florida Council of Churches, Rev. Fred Morris, Executive Director.

Friends Committee on National Legislation, Florence Kimball, Legislative Education Secretary.

Jewish Council for Public Affairs, Reva Price, Washington Representative.

Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America, Rev. Russell O. Siler, Director, Washington Office.

Lutheran Services in America, Joanne Negstad, President/CEO.

National Council of Catholic Women, Annette Kane, Executive Director.

National Council of Jewish Women, Sammie Moshenberg, Director, Washington Office.

National Interfaith Coalition on Aging, Rev. Dr. Richard H. Gentzler, Jr., Chair.

Pennsylvania Council of Churches, Rev. K. Joy Kaufmann, Acting Executive Director and Director for Public Advocacy.

Union of American Hebrew Congregations, Mark J. Pelavin, Esq. Associate Director, Religious Action Center of Reform Judaism.

Union of Orthodox Jewish, Congregations of America, Nathan J. Diament, Director, Institute for Public Affairs.

Unitarian Universalist Association of Congregations, Rev. Meg Riley, Director, Washington Office for Faith in Action.

United Church of Christ, Office for Church in Society, Rev. Patrick Conover, Policy Advocate.

United Jewish Communities, Diana Aviv, Vice President for Public Policy.

The United Methodist Church, General Board of Discipleship, Rev. Dr. Richard H. Gentzler, Jr., Director, Office of Adult Ministries.

Volunteers of America, Ronald H. Field, Vice President of Public Policy.

Patient Access to
Transplantation Coalition,
Washington, DC, October 20, 2000.

Hon. William V. Roth, Jr.,
Senate Finance Committee, Senate Dirksen Office Building, U.S. Senate, Washington, DC.

Dear Chairman Roth: The Patient Access to Transplantation Coalition would like to express our support for Section 113 of the Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000. We are pleased that this provision of the final conference agreement will eliminate the current three-year limitation on coverage for immunosuppresive drugs under the Medicare program. We would especially like to thank you, Senator DeWine, and Chairmen Bliley, Thomas and Bilirakis for your tremendous leadership on this important transplant patient issue.

This provision is urgently needed to ensure that Medicaid beneficiaries who receive organ transplants can continue to have access to these lifesaving drugs. We are confident that the Medicare program will ultimately save money as a result of this provision, since it will reduce the number of organ failures which necessitate subsequent retransplantation. We also believe that, by reducing the number of organ rejections, this provision will result in the availability of an increased number of organs for the almost 70,000 patients who are currently waiting to receive the gift of life.

Once again, we appreciate and commend your efforts to expand Medicare coverage of immunosuppressive drugs this year. Your efforts will help ensure that transplant patients across the country continue to have access to lifesaving immunosuppressive therapies.

Sincerely yours,
Patient Access to Transplantation
Coalition.

October 19, 2000.

Pat coalition Institutional Members

Clarian Health Partners (Indianapolis, IN).

Emory University (Atlanta, GA).

Froedert Memorial Lutheran Hospital (Milwaukee, WI).

Henry Ford Health System (Detroit, MI).

Inova Health System (Fairfax, VA).

Jewish Hospital (Louisville, KY).

Louisiana State University (Shreveport, LA).

Medical University of South Carolina (Charleston, SC).

Memorial Hermann Healthcare System (Houston, TX).

Memorial Medical Center (New Orleans, LA).

Ochsner Medical Institutions (New Orleans, LA).

Ohio State University Medical Center (Columbus, OH).

Oklahoma Transplantation Institute (Oklahoma City, OK).

Oregon Health Sciences University (Portland, OR).

St. Louis University Hospital (St. Louis, MO).

St. Vincent Medical Center, CHW (Los Angeles, CA).

Scripps Clinic (La Jolla, CA).

Tampa General (Tampa, FL).

Tulane University (New Orleans, LA).

University of Alabama at Birmingham (Birmingham, AL).

University of Colorado Health Sciences Center (Boulder, CO).

University of Florida/Shands Hospital (Gainesville, FL).

University of Kansas (Lawrence, KS).

University of Kentucky (Lexington, KY).

University of Medicine and Dentistry of New Jersey (Newark, NJ).

University of Michigan (Ann Arbor, MI).

University of Washington (Seattle, WA).

University of Wisconsin-Madison (Madison, WI).

Vanderbilt University Medical Center (Nashville, TN).

Virginia Commonwealth University Medical College of Virginia (Richmond, VA).

Westchester Medical Center (Valhalla, NY).

Lifecare Management Services,
Dallas, TX, October 19, 2000.

Re: Provider Based Determinations

Hon. Dennis Hastert,
Speaker of the House, House of Representatives, Washington, DC.

Dear Rep. Hastert: I would like to thank you for your time and assistance in supporting legislation designed to treat long-term care hospitals equitably in terms of payment and program administration.

We are particularly grateful for your support for the provision that would provide a two year delay in the application of HCFA's new provider-based determination rule (See Section 404 enclosed).

We gratefully appreciate your leadership and know you will do everything you can to make certain the enclosed provision is adopted as part of this year's BBA Relief Package.

Sincerely,
David LaBlanc,
President.

American Cancer Society, National Government Relations Office,
October 19, 2000.

Hon. J. Dennis Hastert,
Speaker of the House of Representatives, U.S. Capitol Building, Washington, DC.

Dear Mr. Speaker: On behalf of the more than 18 million volunteers and supporters of the American Cancer Society, I am writing to thank you for supporting an extension of Medicare's current colonoscopy benefit to average risk beneficiaries in the Balanced Budget Refinement Act (BBRA) currently being negotiated. Securing this change has been one of the Society's top legislative priorities, as it will have a direct impact on reducing the incidence and mortality rates of colorectal cancer among the Medicare population.

As you know, this provision has broad bipartisan support and was included in all the bills considered by the House Ways and Means Health Subcommittee, the House Commerce Committee, and the Senate Finance Committee. President Clinton has also called for expansion of the current Medicare colon cancer screening benefit before the adjournment of this session of Congress. The bipartisan provision currently in the BBRA bill would bring Medicare coverage more in line with the American Cancer Society's current colorectal cancer screening guidelines. Colorectal cancer—the nation's second leading cause of cancer deaths in men and women—most often is diagnosed in individuals considered to be "average risk" for the disease with approximately 70–90 percent of colorectal cancers diagnosed in average or moderate risk individuals. As daunting as these statistics are, colorectal cancer is second only to lung cancer in our ability to prevent cancer from ever occurring. This disease is easily preventable through the early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

Recent studies published in the New England Journal of Medicine found that colonoscopy is the most effective screening tool currently available. We know that if we were able to get all individuals screened for colorectal cancer—according to our guidelines—that we *could reduce overall colorectal cancer mortality by 50 percent or more.*

Increasing the numbers of Medicare beneficiaries that have access to the full range of effective colorectal cancer screening tests could save money on the cost of treatment. Colonoscopy can examine the entire colon and it is the most effective test at catching cancers at early stages. Colonoscopy also permits the health care provider to identify and remove adenomatous polyps—a procedure that can prevent colorectal cancer from ever developing. Other screening tests are not only less effective at detecting polyps and cancer but if polyps or signs of cancer are identified (e.g. occult blood) the patient then requires a colonoscopy. By providing average-risk patients the option of a screening colonoscopy, a second follow-up procedure in many cases can be avoided which not only saves Medicare money, but also saves the patient from additional hassle and discomfort.

We know that cancer is most effective when the cancer is caught early. For example, when cancer is diagnosed in the earliest stages—before it has become symptomatic—patients have a 90 percent chance of survival. Yet, if a patient is not diagnosed until symptoms are exhibited, the chance of survival drops to 8 percent and care during the remaining 4–5 years of life can cost up to $100,000. The Medicare reimbursement rate for colonoscopies is currently $337. While that may seem high, the Society's guidelines specify that a colonoscopy need only be performed once every ten years in individuals who have had a previous normal exam.

The Society strongly recommends that public and private health plans provide coverage for the full range of effective colorectal and other cancer screening tests according to the Society's guidelines. The current Medicare benefit provides coverage for: An annual fecal occult blood test (FOBT) for all beneficiaries over 50. A flexible sigmoidoscopy every 4 years for average or moderate risk beneficiaries*. A colonoscopy every 2 years for high risk beneficiaries*.

*A double contrast barium enema may be used as an alternative if a physician determines that its screening value is equal to or better than a flex-sigmoidoscopy or a colonoscopy.

The language in the BBRA bill provides average risk beneficiaries with coverage for either a colonoscopy every 10 years or a flexible sigmoidoscopy every four years. We applaud your action in embracing this change as it will provide the greatest flexibility for patients and their physicians in determining which screening modality is best for the individual beneficiary, while considering other factors such as costs and possible complications. This correctly places the screening decision with patients and providers and ensures that lack of coverage will not be a reason for a beneficiary to go without a potentially life-saving test.

The American Cancer Society thanks you for your support of this important public health matter and is hopeful that this change in policy will be enacted before Congress adjourns. While the Society is not in a position to comment on the merits of the full BBRA bill—both because we have not had an opportunity to analyze the specifics of this large package and because we understand that the package contains provisions that are beyond the scope of current ACS policy and legislative priorities—we urge all parties to continue to work toward ensuring enactment of the expanded colorectal cancer screening benefit. Therefore, we strongly urge Members of Congress and the Administration not to allow end-of-session politics to jeopardize this critical opportunity to save lives.

We look forward to working with you and your colleagues to ensure that this provision becomes law. Should you have any questions or if you would like additional information, please contact Wendy Selig, Managing Director of Federal Government Relations (202/661-5704), or Ilisa Halpern, Director of Federal Government Relations (202/661-5717).

Sincerely,

DANIEL E. SMITH,
National Vice President, Federal and State Government Relations.

ALLIANCE TO SAVE CANCER CARE ACCESS,
AMERICANS UNITED IN SUPPORT OF CANCER CARE,
Washington, DC, October 19, 2000.

Hon. [LOTT/DASCHLE/HASTERT/GEPHARDT]

DEAR SIR: We would like to express our appreciation for your focus on problems impacting the Medicare program, as well as our strong support for legislative reform that rationalizes Medicare reimbursement and preserves patient access to care.

As you know, many throughout the cancer community have long contended that the Medicare program employs a flawed reimbursement structure, overpaying for many drugs while underpaying for many services. For example, the Medicare program does not adequately support the critical role played by oncology nurses, forcing caregivers to engage in a form of "cost shifting" in which they have to use drug overpayments to offset Medicare's deep underpayment for the treatment services provided to beneficiaries. At the same time, the Health Care Financing Administration has acted upon a proposal to restrict Medicare coverage of injectable therapies that are needed by and have been historically provided to seniors and disabled Americans suffering from cancer, multiple sclerosis, AIDS, and other diseases.

These problems are widely considered to be unacceptable for several reasons: They are they source of great uncertainty for seniors and people with disabilities, they place significant pressures on the professional caregivers who care for them, and they are made necessary by correctable flaws in the Medicare statute.

Fortunately, legislation developed by Congress addresses these problems in a responsible and commendable manner. Provisions included in the Medicare reform package direct the Secretary to revise the payment methodology for all drugs currently covered by Medicare and charges the General Accounting Office to undertake the meaningful analysis which will support this much-needed correction. Meanwhile, another provision in the legislative package clarifies coverage of drugs that are usually not self-administrable and strengthens access to this important form of care. This combined response puts Medicare on the road to real, balanced, and sustainable reform by ensuring that the program provide appropriate reimbursement for drugs and will eliminate underpayments for services related to the provision of those therapies.

For these reasons, we are pleased to extend our congratulations to you and your colleagues for the fine work you have done to address these vital issues. We are pleased to extend to you our support for these provisions and hope that they will not be subject to any changes. Rather, we respectfully urge Members to strengthen patient access to cancer care by supporting the measure in which these provisions are brought before the Congress. We also express our appreciation to the president for his leadership in cancer care issues and our hope that he sign these important reforms into law.

On behalf of the seniors and disabled Americans we are honored to serve and represent, we would like to thank you for your consideration and your support.

Sincerely,

AMERICAN COLLEGE OF RADIATION ONCOLOGY
ASSOCIATION OF COMMUNITY CANCER CENTERS
NATIONAL PATIENT ADVOCATE FOUNDATION
ONCOLOGY NURSING SOCIETY
UNITED SENIORS ASSOCIATION
US ONCOLOGY.

ICC,
INTERCULTURAL CANCER COUNCIL,
October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Washington, DC.

DEAR SENATOR ROTH: On behalf of the Intercultural Cancer Council ("ICC"), including our 55 members and hundreds of affiliated organizations and supports, I write in support of the minority cancer demonstration provisions included in the Balanced Budget Act Relief Legislation. The ICC is the largest nationwide cancer coalition addressing the tragic disparities in cancer incidence and mortality rates in our nation's ethnic minority and medically underserved populations. The ICC's members work daily in the areas of cancer prevention and control, research, treatment and survivorship.

The Intercultural Cancer Council commends your leadership for including Rep. John Lewis' amendment in the final "Medicare, Medicaid, SCHIP Beneficiary Protection and Improvement Act of 2000". This timely demonstration effort should facilitate development of needed models and evaluations of methods to improve the quality of items and services provided to targeted individuals in order to reduce disparities in early detection and treatment of cancer among Medicare beneficiaries. We urge Congress to direct the Health Care Financing Administration to proceed expeditiously to implement this provision and ensure that these demonstrations are launched in a timely manner.

As the ICC's mission includes identifying problems in access to cancer detection and treatment, developing collaborative solutions, and promoting new partnerships to implement those solutions, we endorse the direction of the proposed demonstration language. We believe special attention should be given in demonstration projects to mechanisms designed by and for the ethnic minority and medically underserved communities that suffer the grossly disproportionate burden of cancer in this country.

Again, we appreciate your recognition of the need to address disparities in access and cancer treatment for ethnic and racial minorities who are Medicare-eligible. Enactment of this provision represents a first step in moving forward to address a significant health disparity problem facing this nation and we are grateful for your leadership in this area.

Sincerely,

ARMIN D. WEINBERG.

THE SUSAN G. KOMEN BREAST CANCER FOUNDATION,
NATIONAL HEADQUARTERS,
Dallas, TX, October 6, 2000.

Hon. WILLIAM ROTH,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: On behalf of the Susan G. Komen Breast Cancer Foundation, I am writing to urge you to include funding for digital mammography in the Medicare initiative currently being shaped by Congress.

The Medicare, Medicaid and SCHIP Improvements Act of 2000 provides a valuable opportunity to recognize and promote a new technology that offers many exciting possibilities. The Komen Foundation urges its inclusion in the interest of advancing women's health. Digital mammography creates high definition pictures for detection and diagnosis of breast cancer in its earliest, most curable stages. Doctors can easily transmit images from remote areas to specialists worldwide for expert consultation. Digital mammography also requires fewer tests and yields faster results, which translates into lower exposure to radiation and greater convenience for Medicare beneficiaries.

The Komen Foundation recognizes the limitations of current mammography and has dedicated its own research funding towards the pursuit of new screening and diagnostic technologies, including digital mammography. Now that this cutting-edge technology has received FDA approval and shown promise in the early detection of breast cancer, it is important to distribute it widely and enable women all over the country to receive its benefits. In the closing days of Congress, Komen asks you to please help promote this new scientific advancement for women's health. The estimated cost is only $87 million over five years.

The mission of the Susan G. Komen Breast Cancer Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening, and treatment. To this end, the Komen Foundation dedicates millions of dollars annually towards scientific research, education and community outreach. But we cannot do it alone. The eradication of breast cancer as a life-threatening disease requires the support of dedicated Members of Congress like you. Your continued efforts in the battle against breast cancer are deeply appreciated.

Thank you very much.

Sincerely,

NANCY BRINKER,
Founding Chairman.

NATIONAL KIDNEY FOUNDATION,
OFFICE OF SCIENTIFIC AND PUBLIC POLICY,
October 19, 2000.

Hon. WILLIAM M. THOMAS,
Committee on Ways and Means, Washington, DC.

DEAR REPRESENTATIVE THOMAS: The National Kidney Foundation (NKF) supports the package of Medicare improvements under consideration in Congress, particularly the provisions described below. NKF is the country's oldest and largest voluntary health agency serving the needs of kidney patients with over 30,000 members from every part of the nation and from every walk of life, including consumers and their families, nurses, dietitians, social workers, physicians, dialysis technicians and concerned members of the lay public.

The National Kidney Foundation urges Members of Congress to vote for the package and exhorts the President to sign the legislation. We especially endorse the following provisions and thank you for including them in the bill.

Two provisions in the Beneficiary Improvement section would be of enormous benefit to kidney patients. They result from recommendations made by the Institute of Medicine of the National Academy of Sciences last December as part of studies mandated by Congress in the Balanced Budget Act of 1997. Section 113 removes the existing time limitation on Medicare coverage for immunosuppressive medications needed by transplant recipients. Without this enhanced benefit, tens of thousands of transplant recipients run an increased risk of rejecting their transplants. Rejection could result in a return to dialysis, which Medicare covers and which costs the government much more than the drugs which preserve the functioning of a transplant. Section 105 authorizes Medicare payments for nutritional counseling for pre-dialysis and post-transplant patients. This could benefit 80,000 Americans who are faced each year with the prospect of irreversible kidney failure and the changes in diet which are required to prepare these patients for that eventuality, as well as 12,000 kidney transplant candidates who receive the Gift of Life annually and thus need to adjust their dietary intake when they become transplant recipients. Nutritional counseling has been shown to reduce morbidity and mortality in these populations.

Section 422 under Part B Improvements provides for an update in the reimbursement rate paid for kidney dialysis treatments as recommended by the Medicare Payment Advisory Commission. NKF has pioneered in the development of practice guidelines which can assist health service professionals in their efforts to improve the quality of care provided to our nation's 250,000 dialysis patients. Dialysis clinics need this reimbursement update in order to be able to implement these recommendations.

Sincerely,

JOHN DAVIS,
CEO.

THE GLAUCOMA FOUNDATION,
October 19, 2000.

Hon. DENNIS HASTERT,
U.S. Congressman, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to urge your support of section 105 of the Ways and Means Committee Budget Refinement Package for Medicare. This provision provides for screening for glaucoma, the nation's leading cause of preventable blindness, for those at risk. The Glaucoma Foundation supports this forward-looking initiative, which will help preserve the precious gift of sight.

Sincerely,

JOHN W. CORWIN,
Executive Director.

JUVENILE DIABETES FOUNDATION INTERNATIONAL, THE DIABETES RESEARCH FOUNDATION.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER. I write on behalf of the Juvenile Diabetes Foundation International (JDF) regarding the Balanced Budget Act "Givebacks" bill that is currently under consideration.

The legislation contains three years of funding for critically important diabetes programs. The bill increases funding to $100 million for the special juvenile diabetes research program created in the Balanced Budget Act of 1997 and extends the program's funding through fiscal year 2003. The bill provides the same level of funding for the Native American diabetes program.

JDF strongly supports these provisions in the bill and we urge its approval. As you know, JDF has been pursuing at least five years of funding for these programs to provide a more stable stream of resources that can be most efficiently used by scientists. We encourage you to extend these programs through at least 2005 to make them even more effective in our battle against diabetes.

Mr. Speaker, on behalf of the JDF and everyone whose lives have been impacted by diabetes, we want to thank you for your leadership in promoting these important diabetes initiatives, and we look forward to continuing to work with you in our battle to cure this devastating disease.

Sincerely,

LEAH MULLIN,
Chairman, Government Relations.

NATIONAL MULTIPLE SCLEROSIS SOCIETY,
Washington, DC, October 19, 2000.

Hon. TRENT LOTT,
U.S. Senate,
Hon. DENNIS HASTERT,
House of Representatives, Washington, DC.

DEAR MAJORITY LEADER LOTT AND SPEAKER HASTERT: The National Multiple Sclerosis Society supports legislation to increase Medicare payments to health care providers. We strongly advocate that members of Congress vote for this legislation, and that the President sign it into law. Medicare reimbursements to health care providers must be increased so that beneficiaries with chronic conditions will have access to necessary health care services.

In addition to increasing access to Medicare health care services, we are also concerned about restoring Medicare coverage for self-injectible drugs and biologicals to beneficiaries who are unable to self-administer. There are three FDA approved self-injectible drugs that can alter the course of the disease, and slow the onset and progression of physical disabilities, Avonex, Betaseron and Copaxone. Each drug annually costs $10,000 to $12,000. The National MS Society recommends that patients diagnosed with relapsing-remitting MS begin taking one of these drugs immediately after diagnosis, and stay with the therapy.

Prior to 1997, Medicare carriers had the discretion to determine whether reimbursement was appropriate for self-injectible drugs, if they were administered incident to a physician's care. Since 1997, when Medicare terminated Medicare coverage for self-injectibles, we have worked to restore this coverage arguing that MS patients often experience temporary or permanent physical disabilities that make it very difficult, if not impossible, to self-administer these drugs.

Our understanding is that language in the Medicare bill begins to address this problem. However, the language does not go far enough. The self-injectible provision continues to rely on drug labeling rather than the beneficiary's ability to self-inject. This language leaves many MS beneficiaries without coverage when they are physically unable to self-inject necessary treatments that help to slow the progress of their disease. We believe that if a physician determines that the patient cannot self-inject, then Medicare should cover the drug.

The National Multiple Sclerosis Society, established in 1946, is dedicated to ending the devastating effects of multiple sclerosis. Multiple sclerosis is an often progressive, degenerative disease of the central nervous system that affects one-third of a million Americans. Symptoms may be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision.

Please let us know if we can provide any additional information on administration of self-injectible drugs and biologicals or be helpful in any other way.

Sincerely,

MIKE DUGAN,
President and CEO.

AMERICAN COLLEGE OF GASTROENTEROLOGY,
Arlington, VA, October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: The American College of Gastroenterology (ACG) wants to be among the first to applaud you and the other Members of the Senate and House of Representatives for your work in shaping fair and equitable Medicare-related provisions for the pending Balanced Budget Act legislation. Although in the short time afforded us to review the bill, we have not had the chance to evaluate all aspects and ramifications of all the provisions of the legislation, we are particularly supportive and appreciative that the current bill includes an important provision that will enhance the Medicare colorectal cancer screening benefit to offer for the first time beneficiaries who are at average risk of colorectal cancer the option of receiving a colonoscopy once every ten years, instead of a flexible sigmoidoscopy every four years. This is a very essential step forward in advancing patient options and public health.

As you know, we remain deeply concerned about the site-of-service problem for those procedures with less than 10% office volume, and particularly the lower and inadequate physician professional fee for those services that are performed in a Medicare-certified ambulatory surgery center, or the hospital outpatient department. We are also concerned that so few Medicare beneficiaries are availing themselves of the cancer screening benefit you have so wisely provided. With only 1% of Medicare beneficiaries actually using this preventive benefit, according to GAO, we continue to believe that this benefit will fall far short of its potential and that the proposed new study in Section 411 is more likely to delay and possibly confuse the problem. Just as we learned with pap smears and cervical cancer, we believe if will be necessary for Congress to intervene to reverse a HCFA-driven economic/reimbursement policy which serves to undercut the Medicare colorectal cancer benefit by financially penalizing physicians who perform colorectal cancer screenings.

We look forward to working with you at the earliest appropriate time to deal with the site-of-service issue and find ways to increase the use of these life-saving screenings.

Very truly yours,

ROWEN K. ZETTERMAN, M.D., FACS,
President.

FEDERAL AFFAIRS DIVISION,
AMERICAN ACADEMY OF
OPHTHALMOLOGY,
Washington, DC, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, House Ways and Means Subcommittee on Health, Longworth House Office Building,
Washington, DC.

DEAR CHAIRMAN THOMAS: The American Academy of Ophthalmology congratulates you on completion of a Medicare refinement and benefits improvement bill and we call on Congress to quickly pass the Medicare Refinement and Benefits Improvement Act of 2000.

Although we are disappointed that the committee did not include the much needed relief for specialists from Medicare practice expense cuts scheduled for 2001, we hope to work with you next year to get the Health Care Financing Administration (HCFA) to make the refinements necessary to protect beneficiaries' access to life saving and sight saving procedures that have been adversely impacted. The practice expense cuts come on top of a decade of cuts that speciality physicians like ophthalmologists have experienced in an effort to protect the solvency of the Medicare program. The committee's decision to include several new Medicare benefits and other program improvements for beneficiaries, however, is highly significant and must be commended.

Specifically, this bill reaches out to our nation's seniors to help preserve their sight and independence by providing a glaucoma detection eye examination once every two years to those beneficiaries at high risk of developing glaucoma such as African Americans and those with a family history.

It is time to address the devastating effects of glaucoma. The scientific verdict is in—treatment for glaucoma is effective and can preserve sight and quality of life. An estimated 120,000 Americans are legally blind due to glaucoma, and estimates show at least 2 to 3 million people have glaucoma although half are not aware of it. Glaucoma affects 2 to 3 percent of the nation's seniors and another 5 to 10 million individuals have elevated intraocular pressure—a risk factor for developing glaucoma. African Americans are six to eight times more likely to develop glaucoma than other populations. Other risk factors include family history and advanced age.

Early detection is the key to saving sight and this bill helps those who need it. The Academy is pleased to support the Medicare Refinement and Benefits Improvement Act of 2000.

Sincerely,

WILLIAM L. RICH III, MD,
Secretary for Federal Affairs.

PRESIDENT,
AMERICAN OPTOMETRIC ASSOCIATION,
St. Louis, MO, October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: The American Optometric Association applauds your efforts to include new and important benefits in the pending Medicare Refinement Package. The American Optometric Association (AOA) represents the interests of more than 30,000 Doctors of Optometry and their patients.

We are particularly pleased that the glaucoma eye examination benefit is a part of this package. This bi-partisan supported provision is an important step in preventing blindness due to undetected glaucoma. The National Eye Institute has estimated that almost three million Americans have glaucoma. Half of these people are not aware that they have the disease. Of those who have been diagnosed with glaucoma, about 120,000 are blind. Moreover, glaucoma is a leading cause of blindness in older adults. Although glaucoma can often be controlled if it is diagnosed early, in may Americans the disease goes untreated, leading to visual impairment or blindness. Because there are no early warning signs, this disease often develops undetected until permanent vision loss has occurred.

Again, the AOA appreciates inclusion of this important preventive service in the Medicare Refinement and Benefits Improvement Act. It is an important part of ongoing efforts to improve public health and prevent unnecessary vision loss.

Sincerely,

HOWARD J. BRAVERMAN, O.P.

THE AMERICAN DIETETIC
ASSOCIATION,
Chicago, IL, October 19, 2000.

Hon. BILL ROTH, *Chairman,*
Hon. DANIEL PATRICK MOYNIHAN,
Senate Finance Committee, Washington, DC.
Hon. BILL ARCHER, *Chairman,*
Hon. CHARLES RANGEL,
House Ways and Means Committee, Washington, DC.
Hon. TOM BLILEY, *Chairman,*
Hon. JOHN DINGELL,
House Commerce Committee, Washington, DC.
Hon. BILL THOMAS, *Chairman,*
Hon. PETE STARK,
Health Subcommittee, House Ways and Means Committee, Washington, DC.
Hon. MIKE BILIRAKIS, *Chairman,*
Hon. SHERROD BROWN,
Health Subcommittee, House Commerce Committee, Washington, DC.

DEAR CHAIRMAN AND RANKING MEMBERS: The American Dietetic Association is pleased to support the Medicare, Medicaid and SCHIP Benefits Improvement Act of 2000 which provides critical support to Medicare providers while enhancing benefits for our nation's senior citizens. In particular, we are pleased that the legislation includes coverage of medical nutrition therapy for patients with diabetes and kidney disease. We believe this is an important first step in providing this critical service to all Medicare beneficiaries and we urge enactment of this legislation.

Nutrition therapy has been shown to be effective in the management and treatment of many chronic conditions which affect Medicare beneficiaries, including dyslipidemia, hypertension, heart failure, diabetes and chronic renal insufficiency. Medicare beneficiaries undergoing cancer treatment may also benefit from nutrition therapy aimed at controlling side effects or improving food intake. In fact, a recent study, conducted by the National Academy of Sciences Institute of Medicare and requested by Congress in the Balanced Budget Act of 1997, concluded that medical nutrition therapy—upon physician referral—should be a covered benefit under the Medicare program.

The 70,000 members of the American Dietetic Association look forward to working with you to ensure that all Medicare beneficiaries have access to medical nutrition therapy and, as a result, see a significant improvement in their health and quality of life.

Sincerely,

JANE V. WHITE, PHD, RD, LDN,
President.

October 19, 2000.

Hon. WILLIAM V. ROTH, Jr.,
Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: The American Association of Blood Banks, America's Blood Center, and the American Red Cross would like to express our support for the Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000. We are pleased that Section 301 of the final conference agreement contains both the House and Senate provisions concerning blood and blood products. We would especially like to thank you, Senator Hatch and Chairman Thomas for your tremendous leadership on blood safety and reimbursement concerns.

The blood banking community believes the House provision pertaining to blood is needed to ensure that the Health Care Financing Administration accurately reflects the costs of blood and blood products in the next revision of inpatient reimbursement rates. The Senate provision is needed to ensure that the current system will be able to account for future blood safety costs in a timely manner. We are delighted that the final package contains both these provisions. We strongly support Congressional enactment of the legislation and urge the President to sign the bill into law.

Once again, we appreciate and commend your efforts to address reimbursement for blood and blood products in legislation this year. Your efforts will help ensure that patients across the country have access to state-of-the-art blood products and services and the safest possible blood supply.

Sincerely yours,

American Association of
Blood Banks,
America's Blood Centers,
American Red Cross.

ADVANCED MEDICAL
TECHNOLOGY ASSOCIATION,
Washington, DC, October 20, 2000.

Hon. BILL THOMAS,
Chairman, Ways and Means Subcommittee on Health, Washington, DC.

DEAR CHAIRMAN THOMAS: On behalf of the Advanced Medical Technology Association (AdvaMed), its more than 800 member companies, and the millions of Medicare patients whose lives are saved and improved by our innovative medical tests and treatments each year, I am writing to endorse the Medicare Refinements legislation now before Congress. This bill takes important, needed steps to strengthen the program and ensure seniors' access to quality health care. We hope that the President will sign it into law.

The Medicare Refinements package will protect seniors' access to important medical services and expand and establish new preventive health benefits like screening for cervical cancer, colorectal cancer, and glaucoma.

Building on important first steps taken in the Balanced Budget Refinement Act of 1999, the bill includes additional changes to improve seniors' health by ensuring access to the latest advances in medical technology. Key provisions in this area will:

Create new payment and coding mechanisms to improve access to new hospital inpatient technologies;

Establish special payment categories for innovative medical devices under the new hospital outpatient payment system;

Mandate special methods to pay for breakthrough diagnostic tests and require Medicare to set clear, open procedures for coding and payment decisions;

Require Medicare to issue annual reports to Congress on how long it takes to make coverage, coding, and payment decisions; and

Strengthen seniors' right to appeal a noncoverage decision for a new medical technology.

Once enacted, these provisions will ensure that all seniors, regardless of where they seek medical treatment, have access to the life-saving and life-enhancing technologies and procures they need.

It would be a disservice to the 39 million seniors and people with disabilities who will benefit from your Medicare bill if I did not bring to your attention now a separate Medicare patient access issue. We just learned from HCFA on October 18th that outpatient "pass-through" payments for new medical technologies and medicines will be cut by 50% on Jan. 1, 2001. The Agency is taking this action despite its prior commitment in an April 7 regulation not to consider any cuts until 2002.

These severe and unexpected payment reductions could significantly restrict patients' ability to receive innovative treatments in this setting, forcing them to receive more costly and time-consuming inpatient procedures. The late hour at which HCFA disclosed these cuts and the serious implications they hold for Medicare patient access to medical technology compel me to raise the issue at this time. We hope that you will encourage HCFA to administratively delay these reductions until 2002 when the agency has had time to gather more complete data.

We greatly appreciate the sustained efforts you are making to oversee the Medicare program and make sure it continues to deliver essential health care services to seniors in the 21st century. Your work will greatly benefit the millions of seniors and people with disabilities who are covered by this program in the years to come.

Thank you for your leadership in this area. We wholeheartedly support your efforts to ensure seniors get the health care services they need and look forward to continuing to work with you toward this goal.

Sincerely,

PAM BAILEY.

GE MEDICAL SYSTEMS,
GENERAL ELECTRIC COMPANY,
Milwaukee, WI, October 19, 2000.

Hon. J. DENNIS HASTERT,
Office of the Speaker of the House,
Washington, DC.

Hon. TRENT LOTT,
Office of the Senate Majority Leader,
Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: GE Medical Systems strongly supports the Medicare Balanced Budget Refinement Leadership Compromise Package that provides for differential reimbursement for new technology associated with screening mammography.

GE Medical Systems—a global leader in medical diagnostic equipment, services, and health care information management—is committed to ensuring that Medicare beneficiaries have access to breast cancer screening using the latest advances in medical technology. In partnership with the U.S. government, we have invested significant resources in the development of digital mammography technology that holds the promise for dramatically improving patient outcomes through early detection and diagnosis of breast cancer. The compromise package provides for adjustment of Medicare payment rates for screening mammography to reflect the costs associated with new technology advances like digital mammography.

We welcome the opportunity to work with the leadership to ensure that access to the benefits of digital mammography technology is a reality for Medicare beneficiaries. Thank you for your support of this important initiative.

Sincerely,

JEFF IMMELT.

To: The Honorable William J. Clinton, President.
Date: October 19, 2000.
Subject: Medicare Refinement Package.

As a representative of Tenet Healthcare Corporation, I want to inform you of our support for final passage of the Medicare Refinement Package being advocated by Congress. While we fully understand and agree with your position that hospitals should get a fairer share of the restoration funds, we fear any delay may impede final passage of any Medicare restoration. As you are well aware, hospitals would suffer severely from lower reimbursements that would result.

For the last two years, many others and I have spent significant time and effort in asking Congress to restore funding reduced by the draconian cuts imposed in 1997. We have demonstrated the short and long range negative effects on the overall quality and stability of our industry as a result of the cuts. We greatly fear that the health care industry may not be capable to meet the needs of the public, much less the increased demand of the baby boomer generation. We have been able to convince a large number of members to begin to restore funding both in 1999 and this year. While the restorations are not significant compared to the cuts, they are at least a move in the right direction.

This year we had at least hoped to receive more than one year of restoration, but settled in recent days for one year, appreciative of the Medicare and Medicaid DSH increases and the 70% bad debt allowances. We fear any last minute efforts may deter the final package. As we said before, this would be devastating. Therefore, while we appreciate your efforts to provide hospitals a more equitable share of the restoration, we ask you to assure passage of the bill this session.

Thank you for your interest.

Sincerely,

PHYLLIS LANDRIEU.

ASSOCIATION OF SURGICAL
TECHNOLOGISTS,
Englewood, CO, October 19, 2000.

Hon. DENNY HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

Hon. TRENT LOTT
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: This letter is written in support of the agreement you have reached on Medicare and Medicaid refinement legislation. As you know, this bill makes a number of important changes that will greatly enhance the ability of hospitals to continue to delivery high-quality, cost-effective health care.

We are urging your colleagues in the House and Senate to support your package of changes and we are also asking President Clinton to support this package as well. We believe it is extremely important that Congress and President Clinton act on your proposal as quickly as possible.

This legislation represents a major improvement in the Medicare and Medicaid programs for both providers and beneficiaries. Your hard work and dedication to improving Medicaid is greatly appreciated.

Sincerely,

WILLIAM TEUTSCH, CAE, CEO,
Executive Director.

October 19, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The National Orthotics Manufacturers Association (NOMA) strongly supports the Medicare Refinement legislation pending in Congress that includes important provisions for the orthotic and prosthetic community. We are hopeful that the President will join the health care community and support this legislation.

Specifically, we support those provisions that establish standards for billing of prosthetics and a limited number of custom-fabricated orthotics, which should help bring greater fiscal integrity to the Medicare program and ensure that beneficiaries receive the appropriate O&P items that their physicians have ordered. As well, we applaud the equity of allowing O&P to receive a full CPI update for the first time in three years, since the limited updates granted since 1998 have not kept pace with inflation.

For these reasons, we respectfully encourage your office to ensure that these important provisions remain part of any final Medicare bill that is sent to the President.

Sincerely,

THE NATIONAL ORTHOTIC
MANUFACTURERS ASSOCIATION (NOMA).

AMERICAN ORTHOTIC &
PROSTHETIC ASSOCIATION,
October 18, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The American Orthotic and Prosthetic Association (AOPA) strongly support the inclusion of certain provisions in the pending Medicare package that is of great interest to the O&P community.

Speficially, we support those provisions that establish standards for billing of prosthetics and custom orthotics, which will bring great fiscal integrity to the Medicare program. We believe the final payment language is a step in the right direction toward guaranteeing that Medicare beneficiaries receive the best care possible and the appropriate O&P items that their physicians have ordered, as well as implementing the recommendations of the HHS Office of Inspector General and addressing the fraud and abuse of the Medicare payment system.

Also, we applaud the equity of allowing O&P to receive a full CPT update for the first time in three years, since the limited updates granted since 1998 have not kept pace with inflation. Finally, we support all legislative efforts which work toward improving the negative impact on the frail disabled which has resulted from the Health Care Financing Administration's (HCFA) issuance of Ruling 96-1, and we look forward to the results of the study included in the bill.

For these reasons, we respectfully encourage your office to ensure that these important provisions remain part of any final Medicare bill that is sent to the President.

This is important legislation, and AOPA hopes the President will sign it.

Sincerely,

President, American Orthotic and Prosthetic Association.

UBS WARBURG,
New York, NY, October 19, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: We appreciate your time and leadership to date in structuring national Medicare benefit and spending refinements. As always, we appreciate your willingness to listen to our thoughts on Medicare. We cannot stress how important the current leadership's Medicare and Medicaid relief package proposal is to healthcare providers, and to investors. We are concerned about the potential for the Medicare relief package to be de-railed by politics. Such an unfortunate scenario would, in our view, damage any private sector (investor) faith in the Medicare system that has been restored since the original Balanced Budget Act of 1997, if such faith deteriorates again, we do not believe the private sector will continue to meaningfully fund the healthcare industry, the government would end up spending exponentially more to provide care, and quality of care could be jeopardized in the near-term.

Medicare spending has been almost frozen over the last three fiscal years, and that (along with intended and unintended cuts) has taken its toll on the provider system. According to MEDPAC, roughly 35% of all hospitals are losing money on Medicare and another 31% are surviving with less than a 2% profit margin. We estimate that 18% of all skilled nursing beds are operating under Chapter 11 protection, and that 10% of all home health and hospice agencies have closed or exited the business over the past 18 months. To put this in financial terms, roughly $60 to $80 billion of value (equity and debt) has been lost—most of this by investors and lenders.

In short, we believe the very care of the healthcare delivery system (a system that has historically relied on private sector investment to meet its capital needs) is at risk of losing this essential, primary funding source. It is critical that the pending Congressional package of broad Medicare and Medicaid benefit and spending refinements is enacted before Congress adjourns. No legislation is perfect, however, the current package is good and offers necessary progress toward resuscitating healthcare providers and establishing investor confidence in the sectors. We hope and anticipate that next year's Congress will continue the progress to date and address other structural Medicare issues. But for now, please focus your efforts on passing the existing package.

We appreciate your leadership in restoring confidence and solvency to healthcare delivery and your time in weighing our views and recommendations. As always, we welcome any opportunity to further discuss these issues with you and your staffs.

Sincerely,

HOWARD G. CAPEK,
Executive Director, U.S. Healthcare Services Research.
MATTHEW J. RIPPERGER,
Director, U.S. Healthcare Services Research.

Mr. Speaker, let me just say this is not the best tax relief bill in the world. I think the best tax relief bill in the world would reduce taxes on everyone. But we have seemed to have got even ourselves in the habit of saying we want to give tax relief only to the right people, which is an incredibly arrogant position for us to find ourselves in, that we would pick and choose the people in America who are the right people for tax relief.

For example, we have heard in campaigns this year that people who have photovoltaic cells in their roofs are the right people and they can get in line; people that drive hydroelectric cars are the right people, they can get in line; people with a child under 1 year of age can get in line for tax relief, provided that child is in a day care center approved by the government.

We ought not be picking and choosing winners and losers. As representatives of all the American people, we ought to set policy everybody can succeed in, create opportunities for everyone to do well, and we ought not ever again be able to say we are only giving tax relief to the right people.

I think this is a good start in helping small businesses, but it should go to everyone. We should have let people deduct insurance, medical insurance, whether they were a large corporation or small business, a long time ago. This is a step in the right direction to do that.

Mr. Speaker, I strongly urge my colleagues to support the previous question, support the rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to alert the House that there is a provision in this statute that I think is of seminal significance for the small business community.

Since 1933, there has been a prohibition in the banking industry on the capacity of banks to pay interest on demand deposits for business. In this bill is a repeal of that prohibition. For the first time small business in the United States will be allowed to receive interest on their checking accounts at depository institutions.

It is a phased-in circumstance over several years, with, at the beginning, a concept called sweep accounts involved, and then a complete prohibition comes into play.

But I would just simply alert the body that this provision is in this bill, and I would like to also express my deep appreciation of the leadership for allowing this very important banking bill to come under consideration at this particular time.

Mr. RUSH. Mr. Speaker, I rise to vote against the rule on H.R. 2614, the Certified Development Program Improvements Act. On September 26, 2000, the House Commerce Committee approved the Beneficiary Improvement Protection Act of 2000, H.R. 5291. This bill was the result of extensive bipartisan negotiations between committee Members. Both Republicans and Democrats sat down at the same table and worked through their differences to forge a bill which addressed the concerns of hospitals, HMOs, home health networks and other providers.

Despite the differences of opinion amongst the various Members, we worked through our disagreements and passed a bill that had broad bipartisan support. I want to commend my colleagues on both sides of the Commerce Committee for their tireless efforts on that bill.

However, instead of building on the bipartisan efforts of the Commerce Committee, the Republican majority chose to go its own way and start from scratch. One month after the Commerce Committee acted, Democrats have been waiting for the Republican majority to bring us into negotiations, to recognize our willingness to compromise and to extend us the same courtesy. Last Friday, we received a document that looked nothing like the bill forged by the bipartisan efforts of the Commerce Committee. Aggravating this situation, the Republican majority has made it clear that they are not interested in entering into true negotiations on their bill. Rather they have chosen to squander this opportunity by using the calendar to pressure Members into agreeing to a "quick fix." Each day the majority places one or two provisions back into the bill in an attempt to pressure enough Members who would rather obtain some relief, than nothing at all.

This approach is unacceptable. In Illinois, neither HMO's nor hospitals can wait another session for relief. This situation is not unique to Illinois, I know many of you are hearing daily from your seniors and health care providers who are pleading for relief. For the foregoing reasons, I must vote against this rule.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 195, not voting 29, as follows:

[Roll No. 555]

YEAS—209

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—29

Ackerman
Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Engel
Franks (NJ)
Hoekstra
Klink
LaTourette
Lazio
McCollum
McIntosh
Metcalf
Neal
Ney
Owens
Packard
Peterson (PA)
Shays
Spratt
Stupak
Talent
Thompson (MS)
Waxman
Weiner
Weldon (PA)

□ 1258

Mr. TIERNEY and Mr. KUCINICH changed their vote from "yea" to "nay."

Mr. McKEON changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 200, not voting 26, as follows:

[Roll No. 556]

AYES—207

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)

Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—26

Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Engel
Franks (NJ)
Hoekstra
Klink
LaTourette
Lazio
Lewis (CA)
McCollum
McIntosh
Metcalf
Neal
Owens
Packard
Peterson (PA)
Spratt
Stupak
Talent
Thompson (MS)
Waxman
Weldon (PA)

☐ 1309

Mr. HORN changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2335

Mr. INSLEE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2335.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 653 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 653

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 653 is a typical rule providing for consideration of H.R. 4942, the conference report for the District of Columbia Appropriations Act for fiscal year 2001. The rule waives all points of order against the conference report and its consideration, and provides that the conference report shall be considered as read.

The House rules provide 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Appropriations, and one motion to recommit, with or without instructions, as is the right of the minority members of the House.

I want to briefly discuss the conference report that this rule makes in order. The conference report appropriates $445 million for the District of Columbia, and it appropriates $37.5 billion for the Departments of Commerce, Justice and State, the Federal Judiciary, and 18 related agencies.

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For the District of Columbia, the bill provides $17 million for the college assistance, $5 million to help move children from foster care to adoptive families, $1 million for pediatric health clinics, and provides for the largest ever drug testing and treatment program. These appropriations go directly to improving the lives of the District's residents.

The bill provides a $384 million increase for the DEA, the FBI, and the U.S. Attorneys to ensure that our Federal law enforcers have the tools that they need in the 21st century. The bill provides an additional $548 million for the Immigration and Naturalization Service to ensure the safety of our borders and the efficiency of our immigration process.

For local and State law enforcement, the bill appropriates $4.7 billion, a total that includes dollars for law enforcement block grants and funding for Violence Against Women Act programs.

Equally important for the safety of our people, the bill provides the State Department with $6.9 billion. This total, more than the President requested, will ensure worldwide security improvements at our embassies to ensure the safety of U.S. personnel. The bill also provides full funding for our current year United Nations assessments.

I might add, it is the gentleman from Kentucky (Mr. ROGERS), chairman for the subcommittee, whose own interest in worldwide safety of our embassies has held sway in all of these debates and provided the funding for these embassies.

Mr. Speaker, I am sad to say that I have heard that the President intends to veto this bill, he intends to stop this money for local law enforcement, money for Federal law enforcement, money for the residents of the District of Columbia, money for the safety of our embassies, and money for the United Nations.

Mr. Speaker, do my colleagues know why he has threatened to veto this bill? Because it does not contain language to provide mass amnesty for those who have flouted U.S. law and come to this country illegally. Such language was not included in the House-passed bill. Such language was not included in any Senate version. Yet, the President today seems to be insisting that it is his way or the highway.

He seems to be saying today that he wants to provide amnesty to law breakers rather than provide funding to law enforcers. Rather than provide the funding to those who protect our borders, he wants to provide amnesty to those who have illegally crossed them.

See, Mr. Speaker, the President is insisting on a rider on the appropriations bill, precisely the same kind of legislative rider that caused him to veto, 5 years ago, a continuing resolution and shut the government down. But if it is his rider, it is a good rider. If it is our rider, it is a bad rider.

Mr. Speaker, I hope that I have misunderstood the President's intentions. For all we have heard from the White House about finishing appropriations bills in a timely fashion, I simply cannot believe that he would delay funding increases for the District of Columbia, the Justice Department, the State Department, the Commerce Department and more.

I oppose the amnesty that the President seeks. But even if I supported it, I would know that it does not now nor has it ever belonged in an appropriations bill.

Mr. Speaker, this rule was favorably reported by the Committee on Rules. I urge my colleagues to support the previous question and the rule so that we may proceed with the general debate and consideration of this important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact that this resolution is being considered this morning, or this afternoon now, is proof positive the Republican majority has no plans to adjourn the 106th Congress any time this week, this weekend, or perhaps even next week.

This rule provides for the consideration of an appropriations conference report which has little chance of being signed by the President of the United States and, if vetoed, most likely will not be able to muster the votes to override that veto.

Mr. Speaker, it is a mystery to me why my Republican colleagues persist in prolonging this session of Congress, but prolonging it they are, and quite unnecessarily.

Mr. Speaker, the Commerce, Justice, State conference language has been attached to the conference language on the District of Columbia. It is bad enough the D.C. appropriations bill has been saddled with the Commerce, Justice, State appropriations, but what is in the Commerce, Justice, State conference language is especially egregious.

Mr. Speaker, the Republican majority had an opportunity to bring fairness to immigrant families and individuals who have made the United States their home but who have been living here in legal limbo for many years. Earlier this morning, my Republican colleagues on the Committee on Rules said this language makes significant progress in reforming immigration law inequities; but, frankly Mr. Speaker, it is not fair, and it does not go far enough.

Democrats in the House and the Senate, as well as the President, handed our Republican counterparts a golden opportunity to fix a problem affecting thousands of Latino families, but the Republicans have fumbled the ball.

Mr. Speaker, the immigration language in this bill is a pieced together proposal which sounds good, but will do little to help families. It perpetuates the current patchwork of contradictory and discriminatory immigration policies enacted by the Republican Congress and leaves countless immigrants in legal limbo.

This conference report does nothing to resolve injustices that affect the vast majority of Latino immigrants now in this country. Mr. Speaker, this conference report ignores the need to stabilize the immigrant status of people who have lived, worked, and paid taxes in the United States for years. This proposal is inadequate and unjust and needs to be sent back to conference rather than to the White House.

Mr. Speaker, the President has called for these injustices to be rectified and Democrats in the House and the Senate have joined together in support of the Latino and Immigrant Fairness Act which would truly help to reunite immigrants who are already guaranteed permanent residency status with their families.

Democrats want to correct the inequity and legislation passed in 1997 which helped some Central American war refugees while excluding others and which specifically excluded immigrants from Haiti. The Latino and Immigrant Fairness Act corrects a mean-spirited law passed by the Republican Congress which vacated Federal lawsuits on behalf of those immigrants who were wrongfully denied legalization in the 1980s.

Mr. Speaker, the Republicans had a chance to fix these injustices by including the Latino and Immigrant Fairness Act in the Commerce, Justice, State appropriations bill, but they took a pass. The Republican leadership has chosen to include an immigration proposal in this conference report which, again, picks winners and losers among immigrants.

I am particularly concerned that the so-called Hatch proposal does not fix a specific problem in the 1996 immigration bill which has affected a number of legal permanent residents who find themselves subject to deportation because they pled guilty to offenses which are not deportable offenses prior to the 1996 law.

Yet, in spite of the fact that they have paid their debt for these infractions, they have become subject to deportation. The House passed legislation correcting this problem by voice vote, yet this sensible and significant reform of the 1996 law, which would keep many families together, has not been included in this Republican bill.

Mr. Speaker, this is a question of fairness and justice for Latino and other immigrant families around the country. The Republican majority has passed up an easy chance to right a wrong. The President will be exactly right to veto this conference agreement. I can only hope whenever we see the next version of this conference report, the Republican majority will include the language of the Latino and Immigrant Fairness Act which will keep families together and bring about real reform of the misguided legislation passed by earlier Republican Congresses.

Mr. Speaker, there are a number of other problems with this conference, and I will not take a lot of time to go into them. But there is another particularly troubling provision in the conference agreement which relates to the expansion of cable and satellite television service in rural areas.

It is my understanding that, as late as yesterday, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, along with the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. STENHOLM) have been negotiating an agreement on the language to ensure that loan guarantees for rural television were used to enhance new competition and services including satellites, wireless, and cable in rural areas, and not just to stabilize existing cable companies. Yet, when the Committee on Rules met this morning, a completely different version of the rural cable language was included in the bill.

The Democratic Members who have been working with their Republican counterparts had thought they were negotiating on a proposal which would bring competition to underserved areas around the country. What is in the bill seems to be quite different from what they had been led to believe would be included. I am sure they, along with other Members from rural areas, might have legitimate concerns about this provision.

Mr. Speaker, this conference report also contains provisions in the District of Columbia appropriations that, again, as a Republican majority has done in the past 6 years, infringe on the rights of the citizens who live here, to make decisions about how their own government is run.

The provisions in the conference agreement are significant improvements on the House-passed appropriation. It is my understanding that the gentlewoman from the District of Columbia (Ms. NORTON) supports this language. However, Mr. Speaker, the residents of the District are, again, being held hostage by virtue of the fact that a bill that is nothing more than veto bait has been attached to it.

It is high time the taxpayers and American citizens who live in this city be treated with more respect by the Republican majority and that a clean D.C. appropriations bill be sent to the President.

Mr. Speaker, I cannot support this conference report because the Republican majority has, again, failed to address the real needs of real people. It is well past time for this Congress to have finished its business. I can only hope that the President will veto this conference report quickly, that the Republican majority will substitute real immigration reform for the meaningless provisions now in this report, and that we can end this Congress knowing we have done something fair and just.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation.

Mr. WOLF. Mr. Speaker, there are two issues I would like to address. One, this legislation has language in it which I commend the gentleman from Ohio (Mr. HALL) and also Senator JUDD GREGG dealing with conflict diamonds which are resulting in men and women in Sierra Leone having their arms cut off.

When one is out buying diamonds this Christmas, if one gets a good price and one does not know where the diamonds are coming from, one is probably buying diamonds from Sierra Leone and supporting people having their arms and legs cut off.

The other issue, Mr. Speaker, in addition, this conference report contains a provision that deeply troubles me. I want Members of this body to be aware that section 629 of the conference report would legalize interstate pari-mutuel gambling over the Internet. Under the current interpretation of the Interstate Horse Racing Act in 1978, this type of gambling is illegal, although the Justice Department has not taken steps to enforce it. This provision would codify legality of placing wages over the telephone or other electronic media like the Internet.

We have been trying, the gentleman from Virginia (Mr. GOODLATTE) and others have been trying for months and months to pass two bipartisan pieces of legislation on gambling, the Internet Gambling Prohibition Act and the Student Athletic Protection Act which would close the Las Vegas loophole on the current ban of gambling on college and high school athletes.

Both had overwhelming support. Both had several hearings on them. Both were the result of hard work. Yet, at the end of Congress, both bills die, and we bring this up to expand, to expand gambling at a time when men and women are becoming addicted to this process.

So, Mr. Speaker, as Members vote, they have to understand both of these provisions are in this bill.

I compliment the gentleman from Ohio (Mr. HALL) and Senator JUDD GREGG.

Mr. Speaker, I include the following "News Stories From Around the Nation About the Negative Impact of Gambling" for the RECORD, as follows:

NEWS STORIES FROM AROUND THE NATION ABOUT THE NEGATIVE IMPACT OF GAMBLING

EXAMPLES OF THE CONSEQUENCES OF GAMBLING, THE PEOPLE IT AFFECTS, AND THE REPERCUSSIONS OF SPECIFIC TYPES OF GAMBLING

GAMBLING CAN LEAD TO DEATH

"A gambler losing big dollars in the high-roller area of the MotorCity Casino in Detroit pulled out a gun Wednesday, shot himself in the head and died, police said. Terrified gamblers fled from the blackjack table where off-duty Oak Park Policy Sgt. Solomon Bell had been consistently losing large bets, witnesses said. . . . Detroit police said Bell had been gambling earlier in the day at MGM Grand Detroit Casino and was hoping to make up for some losses there. They said he lost between $15,000 and $20,000 in the two casinos during the day." (Detroit Free Press, 1/27/00)

"A former employee at Trump Marina Hotel and Casino [Atlantic City] leaped to his death from the gambling hall's self-parking garage early Friday. . . . [Charles] LaVerde's death marks the fifth suicide plunge from a casino facility in less than a year." (Atlantic City Press, 5/27/00)

"A German tourist jumped to his death off a 10-story casino-parking garage Wednesday in the third such suicide in Atlantic City in eight days." On Aug. 17, a gambler who had lost $87,000 jumped to his death off a Trump Plaza roof. On Monday, a dealer at Caesar's Atlantic City Hotel Casino committed suicide by leaping off the casino's parking garage. "It wasn't clear if the most recent victim had been gambling. He left no suicide note." (Associated Press, 8/25/99)

"A Hancock County (Miss.) woman says she killed her mother and husband last year as part of a suicide pact made in despair over large gambling debts the trio had run up at Gulf Coast casinos. "Julie Winborn pleaded guilty in the death of her husband, Grady Winborn, 57, and her mother, Inez Bouis, 66. She was sentenced Thursday to two life sentences. She had testified that the three lost $50,000 at casinos and decided to end their lives because they could not repay bank and credit union loans." (Associated Press, 9/10/00)

"A Florida man who lost $50,000 while gambling [in Atlantic City] during the past two days died Tuesday after he jumped seven floors from a Trump Plaza Hotel and Casino roof onto Columbia Place, officials said." (Atlantic City Press, 8/18/99)

"[South Carolina 6th Circuit Solicitor John Justice said] that a man in Columbia was convicted of murder [August 30]. The fast-food restaurant employee had killed his manager at the end of the night shift. In the hours after the murder, the man had visited three video poker machines. 'When the police retrieved the $5, $10 and $20 bills from the machine, the young lady's blood was still on the money,' he said." (The Herald [Rock Hill, S.C.], 9/1/99)

[York County (S.C.) Sheriff Bruce Bryant] said many [gamblers] "have the same dream: finding the six magical numbers that unlock the treasure known as the Texas Lottery. . . . Billie Bob Harrell Jr. shared those common visions of the salvation of sudden fortune. And in June 1997, he found it. . . . He and wife Barbara Jean held the only winning ticket to a Lotto Texas jackpot of $31 million. . . . And on May 22, 1999, Harrell locked himself inside an upstairs bedroom in his fashionable Kingwood home . . . investigators say he stripped away his clothes, pressed a shotgun barrel against his chest, and fired. . . . "Shortly before his death, Harrell confided to a financial advisor, 'Winning the lottery is the worst thing that ever happened to me.'" (Dallas Observer, 2/10/00) brought on by video poker are not recorded in police reports. 'Arguing over video poker is the reason for many domestic abuse cases,' Bryant said. 'We've had murders in York County because of video poker.'" (The State [Columbia, S.C.], 7/23/99)

After a night of drinking at a Kenner (La.) casino Saturday night, a Ponchatoula man apparently shot himself to death in his car outside the gambling boat, police said." ([New Orleans] Times-Picayune, 11/8/99)

GAMBLING CAN LEAD TO CRIME

"An insidious new kind of crime is taking hold, radiating out across southern New England from the two Indian casinos in eastern Connecticut. It is embezzlement committed by desperate gamblers, usually compulsive gamblers, who work in positions of trust. . . .

"A sampling of criminal cases over the past two years shows that the amounts of money can be staggering and that an increasing number of the gamblers are women. In all these cases, the money was used to gamble at the Foxwoods Resort Casino or the Mohegan Sun casino, authorities said.

"In May 1998, Edward Hutner of Rocky Hill was sentenced to prison for embezzling $1 million from his employer, a CIGNA subsidiary, by creating fictitious pension plan participants and moving the money through brokerage firms. A few days later, Norwalk investor adviser Richard Scarso was sent to prison for stealing $1.4 million from 13 families.

"In the fall of the 1998, two Massachusetts men, Thomas Aldred and Neal J. Colley, were sentenced to prison and home confinement for the theft of nearly $2 million from the company where Aldred worked by creating fictitious shipments of supplies. Last year, April Corlies was accused of embezzling more than $300,000 from the Cross Sound Ferry Co. in New London by manipulating records of ticket sales. She is awaiting trial.

"Early this year, Lynne M. Frank, who handled bar receipts at The Bushnell, was charged with embezzling $91,000. A few weeks ago, James Coughlin of Waterford avoided prison in his home improvement scam by agreeing to partially repay victims, who lost more than $200,000. . . .

"This week state police are working on an investigation expected to lead to the arrest of Yvonne Bell, who was Ledyard's tax collector until she resigned in June after money was discovered missing. An audit completed recently put the figure at more than $300,000. Two years ago former Sprague Tax Collector Mary L. Thomas repaid $105,000 she had stolen from her town and was sentenced to probation." (Hartford Courant, 8/23/00)

"Of all the heroes who emerged from the 1984 Los Angeles Olympics, perhaps none was more inspirational then Henry Tillman. A big, tough hometown kid, he had plunged into serious trouble when he was rescued in a California Youth Authority lockup by a boxing coach who saw a young man of uncommon heart and untapped talent. In a little more than two years, he would stand proudly atop the Olympic platform at the Sports Arena, just blocks from his boyhood home, the gold medal for heavyweight boxing dangling from his neck.

"But two years after his mediocre pro career ended, he was back behind bars. And now he stands accused of murder in a case that could put him away for life. . . .

"[G]ambling got Tillman into trouble. He was arrested in January 1994 for passing a bad credit card at the Normandie. He pleaded no contest and got probation. In 1995, he pleaded guilty to using a fake credit card in an attempt to get $800 at the Hollywood Park Casino in Inglewood. . . .

"'I have suffered from a long history of gambling addiction, which I am very ashamed had taken over my life,' Tillman wrote in a letter to the court." (Los Angeles Times, 1/26/00)

"A 56-year-old (Southern California) compulsive gambler pleaded guilty Tuesday to several bank robberies and the attempted murder of a police officer . . . (Terry Drake Ball has been battling a severe gambling addiction since at least 1971, when he received the first of his four state and federal robbery convictions, [his attorney] said. His struggle was highlighted in the past year when he won $250,000 from a casino bet on horse races . . . and lost the entire amount within three weeks, [his attorney] said." (Los Angeles Daily News, 10/27/99)

"A former casino consultant fought back tears as he told a federal jury Thursday that he funneled hundreds of thousands of dollars in payoffs to former [Louisiana] Gov. Edwin Edwards and his son Stephen—before and after Edwards left office in 1996. Ricky Shetler's testimony was backed by Shetler's own ledgers and conversations secretly recorded by the FBI. "It was the most damaging to date in the six-week-old trial, and, perhaps, in the 40-year public life of the often scandal-plagued four-term governor who was acquitted of federal racketeering charges in 1986. Federal prosecutors say Edwin and Stephen Edwards and five other men took part in a years-long series of schemes to manipulate the licensing of riverboat casinos." (Associated Press, 2/24/00)

"The former president of the Decatur (Alabama) Board of Education will serve at least three years in prison for stealing more than $50,000 from the Austin High School Band Boosters. William Randall Holmes, 42, was sentenced after a hearing Thursday which included testimony that Holmes used a band boosters credit card at casinos in Mississippi." (Associated Press, 6/2/00)

"A Rhode Island woman known as the 'church lady' is free on bail after pleading innocent to stealing $3,000 from four severely mentally retarded adults at a Mansfield (Mass.) group home to play slot machines at Foxwoods Casino. . . . An organist at St. Theresa's Church in Nasonville, R.I., [Denise] Manderville worked as a caretaker for the four adults." (Boston Herald, 3/9/00)

"On Friday, the 24-year-old former bank manager [Lonnie Lewis, Jackson, Tenn.] pleaded guilty to embezzling about $1 million from the bank where he worked, then using the money to support a lavish lifestyle . . . Court records indicate Lewis's wife, Rita, 41, also used some of the money to gamble at casinos in Tunica. A federal lawsuit filed by the bank last year said Rita Lewis was spending about $6,500 a month at two Mississippi casinos." ([Memphis] Commercial Appeal, 2/26/00)

"Brian Dean Gray, a former Richmond (Va.) stockbroker, pleaded guilty yesterday in U.S. District Court to all three federal fraud charges against him for stealing more than $850,000 from clients and gambling much of it away. . . . He used more than $350,000 to gamble on horse racing, at New Jersey casinos and in card games." (Richmond Times Dispatch, 6/3/00)

"Stevan Datz, co-owner of the former United Surgical Center, in Warwick (R.I.), has been sentenced to five years' home confinement and five years' probation for embezzling money from his company. . . . "He took a total of $149,859 from the company, said Jim Martin, spokesman for the attorney general's office. . . . Special Assistant Atty. Gen. Danika Iacoi, who prosecuted the case, said Datz spent the money at Foxwoods casino, on travel and on other personal expenses." (Providence Journal-Bulletin, 10/29/99)

"Rodney Stout, 25, of Pine Bluff (Ark.) was sentenced Friday to 30 years in prison for abducting Stacey Polston of Jacksonville and her 18-month-old daughter at gunpoint and stealing Polston's van. . . . Stout was under financial pressure, he said. He had a 'gambling problem' that came to a head when he gambled away $5,000 he had set aside for moving expenses." (Arkansas Democrat-Gazette, 5/9/00)

"By the time former Placerville (Calif.) police officer Jerry Olson was arrested for bank robbery last month, he had hit 'rock bottom,' his father said. Battling drug addiction and crushed under gambling debt, the 39-year-old already had lost his job. FBI agents say he may have robbed 10 banks in Northern California and Nevada." (Associated Press, 3/8/00)

"A former Monrovia (Calif.) cop who stole $124,000 from that city's police officers association was sentenced today to 16 months in prison and ordered to repay the money, and to pay state taxes of $11,300. . . . The former La Verne resident embezzled the MPOA money from the association between December 1994 and December 1998 to pay off gambling debts." (City News Service, 6/23/00)

"Former University of Southern California baseball player Shon Malani was sentenced Wednesday to two years in federal prison for stealing nearly $500,000 from the federal credit union where he worked. U.S. District Judge Helen Gillmor rejected a request for leniency made by Malani's attorney, who said he stole the money to pay off gambling debts totaling hundreds of thousands of dollars." (Associated Press, 3/1/00)

"A departing Florida A&M University journalism professor and former Tallahassee Democrat columnist has been charged with stealing nearly $8,000 in checks from the school's student newspaper, where he was an adviser, police said. . . . "'I've had a problem with gambling, mainly playing the lottery, and I'm seeking counseling for it,' [said Keith Thomas]." (Associated Press, 7/27/00)

"An arraignment date for William O'Hara a former administrator of Bartron Clinic in Watertown (S.D.) charged with embezzling $670,000 from his employer to cover funds for a gambling addiction, is expected to be set this week." (Watertown [S.D.] Public Opinion, 6/13/00)

"A San Francisco financial planner pleaded guilty yesterday to laundering more than $6 million of his clients' money in a scheme to pay off gambling debts and other personal expenses, according to the U.S. attorney's office." (San Francisco Chronicle, 6/29/00)

"A 19-year veteran of the (Massachusetts) state authority that helps low- and middle-income families buy houses is believed to have funneled as much $130,000 from one of the agency's funds into his personal bank account to pay for gambling debts, officials said yesterday." (Boston Herald, 10/28/99)

GAMBLING CAN LEAD TO DEBT AND BANKRUPTCY

"One third of 120 compulsive gamblers participating in a pioneering treatment study have either filed for bankruptcy or are in the process of filing, a University of Connecticut researcher said Tuesday . . . . (Nancy) Petry said she recently gave a talk to a group of bankruptcy lawyers who estimated that as many as 20% of their clients had mentioned gambling as a reason for their problems." (Hartford Courant, 6/14/00)

"The Secret Service in investigating whether a prominent Louisville cancer doctor who went bankrupt after losing more than $8 million gambling last year committed fraud when he borrowed millions from local banks, the doctor's lawyer says. . . ."(Stanley) Lowenbraun, an oncologist, is the former president of the Kentucky Oncology Society. . . .[I]n 1998 alone he lost $8.2 million, bankruptcy records show. Most of that was lost playing craps at casinos in Atlantic City and Las Vegas, including $2 million at Ballly's casino, $2 million at Caesar's Atlantic city, $400,000 at the Hilton International Hotel and Casino, $1.7 million at the Rio Hotel & Casino and $1.42 million at the Trump Taj Mahal Casino, according to a list of debts Lowenbraun filed in bankruptcy court. The remainder was lost betting on the horses at Churchill Downs and the Sports Spectrum." (Louisville Courier-Journal, 11/8/99)

"Will Torres Jr. spends part of his day listening to sad stories. As the director of the Terrebonne Parish (La.) District Attorney's Office's Bad Check Enforcement Program, Torres has heard some doozies. "I've seen people lose their homes, their retirements wiped out, their marriages. People losing everything they have," Torres said. Gambling, specifically video poker, is starting to catch up with drugs and alcohol as a precursor to local crime. . . "Torres and the District Attorney's Office recently noticed an interesting trend while profiling bad-check writers: a large number of their suspects are video poker addicts. 'We're not talking about people who mistakenly write a check for groceries at Winn-Dixie for $25.33,' Torres said. 'We're talking about people who are writing checks for $25 or $30 eight times a day at locations with video poker machines or places in close proximity of video poker machines.' "So far this year, Torres' office has collected $320,000 for Terrebonne Parish merchants who were given 3,600 worthless checks. Torres said about 30% of those bad checks are connected to gambling. "'It's eating people up,' he said. 'It's real sad when people don't have a dollar. No money for food because of gambling addictions. I've seen it up close, and video poker plays a large role in the problem.'" (The Courier [Houma, La.], 8/28/99)

GAMBLING CAN LEAD TO ADDICTION

"As many as 500,000 Michigan adults could be 'lifetime compulsive gamblers,' and the number could swell with two new Detroit casinos in operation and a third to open soon, says a new state report. The survey, released Wednesday, also found that well over half of those with gambling problems began young. 'When we asked compulsive gamblers "When did you start having a problem?" we were startled to learn that 77% of them said they were already compulsive by the time they were 18,' said Jim McBryde, special assistant for drug policy in the Michigan Department of Community Health." (Detroit News, 1/13/00

"At Detroit's Gamblers Anonymous, a spokesman says the addition-counseling service has seen a 200% rise in demand in this year's first three months over the same period in 1999. The number of calls to the state's toll-free compulsive gambling help line has risen almost monthly, from 1,817 last October to 5,276 in May." (Associated Press, 7/26//00)

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"With the proliferation of gambling in recent years, social workers and other mental-health professionals have seen a disturbing increasé in compulsive gambling, said Salvatore Marzilli, president of the Rhode Island Council on Problem Gambling. . . .

"In 1990, Marzilli said, there was only one Gamblers Anonymous group meeting in Rhode Island each week. Today there are 10; each has at least 20 members." (Providence Journal, 4/28/00)

GAMBLING CAN LEAN TO PROSTITUTION

"Escort services (in Detroit) are flourishing. Agencies with names such as Queen of Hearts and Casino Babes whisper their $100-an-hour promotions from classified ad columns and from home pages on the Internet. Two months before casinos came to town, the Wayne County Sheriff's Department began monitoring local exotic escort service Web sites; at the time, there were seven. By the end of September, two months after MGM's grand opening, that number had grown to 42." (Detroit News, 2/7/00)

"A growing federal probe accuses eight-year East Palo Alto (Calif.) Councilman R.B. Jones of treating his elected office like his personal cash cow. . . .

"Court documents hint that Jones' passion for gambling has compounded his legal problems. In 1997, a self-described former mistress gave sworn testimony that she moonlighted as a prostitute at Navada brothels from 1983 through 1991 'when Mr. Jones needed money for his gambling.'" (San Francisco Chronicle, 7/31/00)

GAMBLING AFFECTS CHILDREN

"A 4-year-old girl remained in protective custody (in Fort Mill, S.C.) after her mother was charged with leaving her in a locked car while she played video poker." Tuesday in Ridgeland, a woman whose 10-day-old baby died in a sweltering car while she played vedo poker was given a suspended sentence and five years' probation." "York County (S.C.) Sheriff Bruce Bryant said such incidents reflect the addictive nature of video poker. 'You see the same thing with people addicted to cocaine and heroin. They lose all rational thought and will do anything to support her habit, sell the furniture right out of their house, leave their babies in locked cars during the middle of summer.' (The State [Columbia, SC], 7/23/99)

"Children have been left unattended at Indiana's riverboat casino more than three dozen times while their parents or other guardians were gambling during the past 14 months. A Courier-Journal review of Indiana Gaming Commission records found 37 instances involving an estimated 72 abandoned children since May 1999, when the state first began compiling reports of such episodes.

"In one case, an infant had to be revived with oxygen." (Louisville Courier-Journal, 7/8/00)

"A woman was arrested [in Shreveport, La.] on two felony counts of cruelty to a juvenile after she allegedly left two children in a car with the windows rolled up while she played video poker.. . . The girls in (Candice) Bradley's custody—ages 5 and 2—were in the woman's car, which was parked in the sun and its windows were shut, [a police spokesman] said. The National Weather Service reported the temperature at that time to be 89 degrees." (Associated Press, 7/26/00)

"A Rhode Island woman was arrested Saturday after police discovered that she left four children unattended for 14 hours at Foxwoods Resort & Casino." (The Day [New London, Conn.], 7/16/00)

"A Westville (Indiana) woman arrested last year for leaving her infant daughter in a car to gamble is being prosecuted again, accused of leaving her children home alone so she could play the odds. . . . [Friends] found the children, aged 15 months and 4 weeks, alone inside the residence." (South Bend [Ind.] Tribune, 7/21/00).

"A 31-year-old Virginia woman has been arrested on neglect charges for leaving six young children unattended in a sweltering vehicle while she and her mother played the slot machines at the Caesars riverboat casino." (Louisville Courier-Journal, 7/12/00).

GAMBLING AFFECTS FAMILIES

"There is an ugly undercurrent that's sweeping away thousands of Missourians-people whose addiction to gambling has led to debt, divorce and crime. This is a world of people like Vicky, 36, a St. Charles woman who regularly left her newborn son with baby sitters to go to the casinos and who considered suicide after losing $100,000. "And Kathy, a homemaker and mother of two from Brentwood, who would drop her kids at school and spend the entire day at a casino playing blackjack. She used a secret credit card that her husband didn't know about to rack up more than $30,000 in debt. . . ." (St. Louis Post-Dispatch, 2/6/00)

"The battle against domestic violence is gaining ground, and work by University of Nebraska Medical Center researcher Dr. Robert Muelleman is helping. . . . Muelleman worked on a . . . study at the UNMC hospital this summer. The study has not been published yet, so the results are not entirely concluded, he said, but some preliminary inferences can be drawn. 'It looks as if problem gambling in the partner is going to be as much a risk factor as problem alcohol, and that's really new information,' he said." (Daily Nebraskan, 1/13/00)

GAMBLING AFFECTS THE UNDERAGE

A study released Tuesday suggests young people age 18 to 20 apparently have little problem playing video poker or buying lottery tickets [in Louisiana]—even though they are legally too young to do so. . . . The study is based on a series of stings conducted by Louisiana State Police early last year with the help of underage informants. . . Under the direction of State Police, underage informants visited 501 lottery retailers in early 1999. They were successful buying lottery tickets 64% of the time. The underage informants also made 501 attempts to play video poker and were successful 59% of the time." ([Baton Rouge, La.] Advocate, 5/10/00)

GAMBLING AFFECTS SENIORS

"[A survey] conducted by a [Las Vegas] problem gambling center and UNLV professor Fred Preston, found that nearly 60% of Clark County residents older than 55 gamble, while 30% do so at least once a week. . . .

"Just under 3% of seniors had problems with gambling at some point in their lives, while another 2.4% had signs of pathological gambling in the past. . . . The UNLV researchers also found that 20% of those seniors who gambled said they knew at least one person with a gambling problem." (Las Vegas Sun, 7/31/00)

GAMBLING AFFECTS COLLEGE STUDENTS

"As allies of the National Collegiate Athletic Association push legislation that would ban wagering on college sports, a new study found that one out of every four male student-athletes may be engaging in illegal sports betting—and that one in 20 places bets directly through illegal bookies. And though prevalent among student-athletes, the study found that sports wagering activity is higher among ordinary students—39% among male nonstudent athletes. . . .

"The study surveyed 648 student-athletes and 1,035 students, both male and female, at three midwestern universities. . . . The study also found that 12% of male student-athletes—roughly the same portion as non-athletes—showed signs of problem gambling. About 5% of the overall athlete sample demonstrated signs of pathological gambling disorders." (Las Vegas Sun, 7/6/00)

CASINOS

"Tethered to his post by a curly plastic cord that stretched from his belt loop to a frequent-player card inserted in a Black Widow slot machine, James Lint pondered. What happens to the little guy when casinos come to town?

"'I see a lot of people leave with tears in their eyes,' said the Georgia businessman, taking a short break from the machine in Biloxi's Beau Rivage casino. 'They come here too much, and they spend too much money.'

"Lint, who flies his private plane to Biloxi three times a year to kick back at the casinos, doesn't count himself among the ranks of those who gamble away what they cannot afford. But some people do lose their grocery money to slot machines, and no one—not casino operators, not gung-ho promoters of the industry—denies it.

"It would be hard to: The Mississippi Coast has been at the center of several high-profile compulsive gambling incidents, including one involving two famous writers, brothers who squandered an inheritance worth more than $250,000 at blackjack and slots.

"It is a hard-edged reality that happens—at casinos, at racetracks, at church bingos, at state lottery outlets. The Mississippi Coast has seen a 26-fold increase in the number of Gamblers Anonymous meeting—to 13 a week—since the first casino opened in 1992." (Lexington [Ky.] Herald-Leader, 9/12/99)

"Detroit's casinos, the city and state are raking in more profits and tax money than even they expected, but legalized gambling is not yet making a ripple in the lives of most Metro Detroiters.

"How come all those promises and nothing has been developed?' asked George Reo, who lives on Auburn on Detroit's northwest side. 'A lot of improvements were supposed to happen and, in my mind, they should have happened by now. I don't see any improvement in city services. Taxes aren't lower.'

"As Detroit prepares to mark the first anniversary of casino gambling on July 29, not all the hopes and expectations that surrounded the heady, early days have come true:

About 7,500 new jobs have been created. But the 10 million people who'll gamble here this year aren't boosting most others businesses.

"There's been little economic spin-off for stores, bars, clubs, sports teams or cultural institutions.

The $50 million in casino taxes collected by the city in the just-completed fiscal year disappeared into its general fund. So far, that's not translated into additional police officers, recreation centers, widespread neighborhood improvements or lower taxes." (Detroit News, 7/23/00)

"Seven months before the (Illinois) General Assembly voted last year to approve a new casino for Rosemont, a small group of rich and influential figures in Illinois gambling met in a Northern Michigan Avenue high-rise to plot to divvy up the jackpot. Their agenda: appease a big potential opponent to the plan, Arlington International Racecourse owner Dick Duchossois.

"In the end, according to sworn testimony given by Duchossois and aides in a federal lawsuit, the racetrack owner and major political contributor was promised a 20% stake in the new Rosemont boat if he used his considerable influence in Springfield to help get it approved. "Depositions in that lawsuit, obtained by the Tribune, provide the first detailed glimpse into the intricate plotting, horse-trading and double-dealing that went on behind the scenes to win state approval for a new riverboat sure to make it owners reap tens of millions of dollars a year in profits." (Chicago Tribune, 4/2/00)

"Senate President John Hainkel, R-New Orleans, has accused the riverboat casino industry of trying to use the Louisiana Association of Retarded Citizens to pressure senators for a limited gambling tax increase." ([New Orleans]) Times-Picayune, 6/11/00)

"More than half the state's adult population has visited a casino, either in Michigan or elsewhere, a statewide poll shows . . . People at the top and bottom of the income scale are the biggest spenders at the casinos. Those making less than $15,000 a year spend $172 per visit, and those earning more than $100,000 per year spend $161 per visit. People in the $30,000-$45,000 income bracket spend the least, reporting an average of $87.40 per visit. "Pollster Ed Sarpolus noted that the age groups most likely to visit casinos are between 18 and 24, and between 50 and 54." (Detroit Free Press, 11/17/00)

"California Indian tribes that operate gambling casinos have spent something in excess of $100 million, and perhaps as much as $150 million, in the past decade on contributions to politicians, video ad campaigns for two ballot measures, lobbying fees and other forms of 'political action.' And in doing so, the tribes have arisen from virtual invisibility to become the single most powerful political force in the Capitol. . . . The goal of that years-long political effort was simple: A monopoly on full-scale casino gambling in California. And by any measure, it's been a stunning success. . . .

"Tribal casino operators already have announced plans for lavish new facilities throughout the state, some costing more than $100 million to construct. Nevada gambling corporations, which originally fought the Indians, are now joining them by forging management contracts with the tribes. . . . Bill Eadington, a University of Nevada, Reno, specialist in gambling economics, has concluded that by the end of the decade Indian casinos will be pulling in $5.1 billion to $10.3 billion a year in gambling revenues." (Sacramento Bee, 7/2/00)

STATE LOTTERIES

State officials are admitting a small core of heavy gamblers, many of them poor, are the mainstay of the California Lottery. The voter-approved lottery that benefits public education has maintained for 15 years that lottery players simply reflect the population of California. After an ANG Newspapers report in December and subsequent grilling by legislators, the Lottery began compiling figures that show a fifth of its players account for 90% of the multibillion-dollar sales. . . ."Of the 2 million heavy gamblers, more than half are from households earning less than $35,000 a year. People from households earning less than $25,000 annually make up 41% of the lottery's heavy gamblers while they are less than a third of California's adult population. The heavy, poor gamblers spend an average of more than $830 a year on the games." (Las Vegas Sun, 2/24/00)

"State lotteries hurt the poor and have lousier payouts than other types of legal wagering, the former head of a federal panel on gambling said Tuesday. Calling lotteries 'a regressive tax' on the poor with particular impact on minorities, Kay James said states don't regulate their gambling as well as government regulates gambling by business...She spoke Tuesday at a Minneapolis program sponsored by the Center of the American Experiment which wants Minnesota to ban most lottery ads, raise the age for buying tickets from 18 to 21 and prohibit new gambling." ([Minneapolis] Star Tribune, 10/27/00)

"Hoping to boost sagging sales, the Ohio Lottery has doubled the daily drawings of games played most heavily in black neighborhoods, some of them the poorest in Cleveland. . . .In areas of Cuyahoga County where more than half of the residents are black, sales per capita—$234—are three times higher than in areas where a majority of residents are white. Sales are heavier in lower-income neighborhoods of Cuyahoga County. Where the household income is below the county median of $35,381, per-capita betting is twice as high as areas above the medium." (Cleveland Plain Dealer, 10/10/00)

"A three-month investigation by the Pittsburgh Tribune-Review found Pennsylvania Lottery sales come disproportionately from the poor and working class. In Allegheny County, the most recent lottery records available show stores in neighborhoods with per captia incomes lower than $20,000 sold more than twice as many tickets per resident as those in neighborhoods where the average incomes exceeded $30,000. . . ."The lottery's 1997 study found 39 percent of 'heavy' players—those who bet at least once a week—report household incomes below $25,000 a year." (Pittsburgh Tribune-Review, 8/22/00)

"The state [of Florida] is preying on poor people by selling Lottery tickets at check-cashing stores that offer short-term, high-interest loans against a future paycheck. According to sales from the 1988–99 budget year, Florida Lottery tickets are sold by 161 check-cashing stores, payday loan stores and pawnshops, many located in low-income neighborhoods." (Miami Herald, 11/25/00)

INTERNET GAMBLING

"More than 850 Internet gambling sites worldwide had revenues in 1999 of $1.67 billion, up more than 80% from 1998, according to Christiansen Capital Advisors, who track the industry. Revenues are expected to top $3 billion by 2002." (Reuters, 5/31/00)

LOBBYING FOR GAMBLING

"Lobbyists [in West Virginia] have spent more than $1 million in the past five years to get the attention of state officials, and gambling interests are the biggest spenders. . . . Lobbyists for gambling interests have spent more than $220,000 since 1996, compared to about $3,333 spent by gambling opponents." (Las Vegas Sun, 6/5/00)

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Texas (Mr. FROST) for yielding me the time.

I want to also stand up, like the gentleman from Virginia (Mr. WOLF) has just done, my friend, and talk about conflict diamonds. There is a section in the bill that deals with the issue, section 406. It is an amendment that is supposed to eliminate the problem. I do not think that it will, although I support it. I regret that an alternative that I negotiated and all sides agreed would be preferable, but it was not included in the conference report.

Conflict diamonds or blood diamonds are diamonds that are sold in the United States. They are sold in great numbers. The problem with it is that these conflict diamonds come from countries like Sierra Leone, the Congo, Burkina Faso, Liberia, and Angola.

What they do is they arm the rebels. They make the civil war go. What has happened over the years is that they have killed people. They have maimed all kinds of children. We have actually had hearings here in the Congress. They go to disrupt society. Sierra Leone is still disrupted as a result of these conflict diamonds.

Today the industry is trying to play catchup, and they are acting like they are trying to play catchup. They have come up with a solution to this problem. For years, it has ignored the rebels' role in overthrowing the democratic government; but over the same period, the diamond industry has raked in phenomenal profits. Last year alone, the industry leader posted an 89 percent increase in profits.

Until now, Congress has demonstrated little leadership on this issue; and we really failed on this particular issue. There have been some shining exceptions: the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. ROYCE), the gentlewoman from Georgia (Ms. MCKINNEY), people that supported the CARAT Act, Holly Burkhalter, who is a human rights advocate with Physicians for Human Rights, and Amnesty International. They have been tremendous on this issue.

I want to thank Senator GREGG in the Senate. He has been great on this. He stood alone on this. However, his amendment, the reports are that the administration is saying it will not enforce this provision. That is deeply troubling to me because of the industry's attempt to renege on its compromise with the coalition because of assurances it has received from U.S. officials that they have no intention of enforcing Senator GREGG's amendment.

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And so if this is the case, we are back to square one.

The problem with it is that I think probably we need to take the gloves off. We need to go to the American consumers and tell them that they are contributing to killing; that they are contributing to the fact that people are being raped, children are having their arms cut off, and the reason why that is happening is because they are buying the diamonds. We need to inform the consumers in America that when they go into a store that they should ask the question, where do these diamonds come from; what is the history of these diamonds. And if that question cannot be answered, they should not buy the diamonds.

Americans buy 65 percent of all the diamonds in the world. We can make a difference in Africa; we can take the profit out of war. It is time we take the gloves off. We have the chance to really do something. Oftentimes, as we look at Africa, we do not have leverage. We can do something because we buy the diamonds in the world. We can stop these blood diamonds. We can make a difference.

The industry has had a chance. They have let the clock run out. The administration has had their chance; they have let the clock run out. The majority party had their chance, and they have let the clock run out. This is what makes us look bad, when we can do something that makes a difference for people and stop the killing.

Hopefully, we are not finished here. If this bill is vetoed, we might have a chance for another shot at doing something right.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule. The American people need to pay close attention, however, to the maneuverings that are going on in these last closing days of Congress. During this time, Members of Congress are, of course, anxious to go home and campaign, so the American people should pay close attention to what the Clinton-Gore administration is threatening those of us in Congress to do unless we do what they want.

In fact, there is a veto threat to this Congress over the D.C., Commerce-Justice-State conference report. And what is that veto threat that the Clinton-Gore administration is making to Congress? Unless we include a general amnesty for all illegal aliens, a general amnesty meaning millions of illegal aliens to be permitted to stay in this country, the President is threatening, the Clinton-Gore administration is threatening to veto this bill and keep Congress in session. Millions.

It has been described as family reunification. No, the Republicans are suggesting a compromise. Let us put people together who fell through the cracks 10 years ago and have some family reunification. What Clinton-Gore is demanding is a mass, a mass, amnesty for millions of illegal aliens, bypassing all of the legal restrictions making sure that all those people all over the world who are waiting in line to come here legally will be made fools of; making sure that millions of illegal aliens, people who are now illegally in this country and have violated our laws are eligible for education and health benefits because they are now legally in our country.

Is this what we want to do with our surplus? Is this what Clinton-Gore wants to do with the surplus? We cannot give it back in some sort of modest tax relief; but we can, instead, grant millions of people who have come here illegally the right to consume benefits and cost the government billions of dollars.

The last time we granted such an amnesty was in the mid-1980s. I come from California. I saw what that did to our country. We are talking about a huge increase in illegal immigration right after that amnesty. Because every time we give an amnesty to illegal immigration, it is like putting out a welcome mat: come on in from all over the world. Because if they can get here they know they will eventually be able to outwait these people and they will be able to get government benefits just like everybody else.

I know how painful this is for some people on the other side, Mr. Speaker, who just tried to describe this as family reunification. That is not the demand of the Clinton-Gore administration. Again, it is a betrayal of the American people, the people who are here legally, who have come here as immigrants legally through the process. Those people, they love this country enough to obey our laws. Should we then reward people who have just thumbed their nose at the legal system and come here illegally and put them on an equal par to those legal immigrants, those people who make our country and have such a beneficial effect on our country?

There is a lot of politics being played in this country right next to this election. There are some people who are calculating that Americans of Hispanic descent, especially Americans of Mexican descent, in some way like illegal immigration. That is an insult to those American citizens. This bill is an insult to them; and it is an insult, as I say, to the legal immigrants who have gone through the system and done what they were supposed to do and are making fine U.S. citizens.

But, no, what we have now is a threat from this administration, and I believe it is for political reasons, to make sure that millions of people who have come to this country are made legal in an amnesty program, and a general amnesty. Again, let me say that those of us on the Republican side are willing to compromise. We think it is a fine compromise to bring family reunification, and a much lower level of people would be involved in this, and it is a humane thing to do. But a general amnesty is a betrayal of our country and our people.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, if Members want to know why they ought to vote against this bill they have more choices than a New York delicatessen.

I do not understand what is happening here, because up until 2 days ago we were proceeding on a bipartisan track, and we were going to pass this bill by a good margin. Now that has fallen apart.

There are a number of problems with this proposition. First of all, the problem is the lack of fairness in terms of the way it deals with immigration issues. I will not get into that now, but later in the debate there will be people on this floor who will bring this issue to my colleagues in human terms so that they can understand the unfairness and the human pain that is being brought to individual human beings by what this Congress is trying to do.

Second, we have the problem of the threat to privacy of every American posed by abuse of the Internet; the ability, for instance, to use Social Security numbers to unlock all of the secrets of the lives of individual Americans.

There is a provision included in this bill which will make matters worse than they are today. It is called the Amy Boyer law. She is a young woman who was tracked down by a stalker and murdered, because he was able to get her Social Security number and then find out her place of work, and wound up being killed because of it. This provision in this bill is named for her, but her father is so outraged by the way this has been handled that he is asking that her name not be associated with it in any way.

Third, this bill appropriates enormous amounts of money for coastal areas to protect fragile environments. The money in this bill for that provision is 50 percent higher than the compromise amount agreed to in the interior appropriation bill just a month ago. But much of that money will not be used for protection of our coastal areas. It will, instead, be used for the degradation of those coastal areas.

After weeks of negotiations, the Senate flatly rejected a request on our part to add one sentence to this bill, which simply said that any funds used for construction in coastal areas be used for environmentally-sound projects. That was rejected. As a result, the prevailing position in this bill is that the majority of money will be used for environmentally-unsound projects. That alone is reason enough to veto this bill.

There was also an earlier effort to reach an agreement to provide about $40 million for the most serious remaining water pollution problem we have, nonpoint source pollution. Instead, this bill cuts that $40 million to $10 million and uses every dollar of that $30 million for pork projects in coastal States. I did not know that Kentucky was a coastal State, but it is going to get some money.

There are other problems associated with this bill. No money for tobacco litigation. That is going to cost the Treasury millions of dollars. There are five reasons why this bill ought to be rejected, and we will hear more as the debate progresses.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I regret that some would use fear, would use the darkest shadows that might exist within our society, would use false statements to try to describe something that is basic justice. I guess Governor Bush's compassion does not extend to his party here in the majority in Congress.

What we seek in this legislation, that is not here, is three simple common sense justifiable public policy immigration issues. They are: one, during the 1980s, the INS wrongfully denied, under U.S. law, thousands of persons who could have legalized their status to do so. And that is universally recognized. That injustice of the government should not be on the backs of those families but should be on the back of a government that unjustifiably, illegally denied them their opportunity to adjust their status. So we look to right that wrong.

We hear a lot about family values. Well, that is what 245(i), which was the law of the land, stripped away by the Republicans in their last immigration bill, seeks to accomplish. We simply seek to restore that which was the law of the land and say that U.S. citizens and permanent residents who have family members here in the United States and who, under existing immigration law, have the right to adjust their status, should not be ripped apart and sent back while they are waiting to legalize a status that they have every right to accomplish. We should preserve families, and that is a family value.

And lastly, during the Reagan-Bush era, we conducted wars in Central America in promotion of democracy. And we told those people that they would have a place here while those wars raged. Now we seek to turn our backs on them instead of giving them the same right that this Congress gave to Nicaraguans and Cubans. They deserve the same rights.

This is not about a blanket amnesty. This is about fairness and justice in helping taxpaying law-abiding individuals who have made their families here in the United States. And the Latino community is watching as to what this Congress does on these votes.

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Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, when we talk about real Latino and immigrant fairness, whom are we talking about? We are talking about legislation crucial to immigrants from all backgrounds, from all countries, to every American who understands that our country was built by people from around the world, that it once offered sanctuary to those fleeing the dangers around the world.

I am gratified that many of my colleagues have joined me in cosponsoring legislation to rectify this crisis, to protect people who have fled political violence in Central America and the Caribbean, to provide relief to immigrants who have resided in the U.S. since 1986 and some decades before, including many of those who were wrongly turned away admittedly by the INS and Immigration officials when they sought their permanent adjustment, and to reinstate a family-based visa program 245(i) program.

Instead, we are left with so-called "LIFE" bill, a bill that was hatched by Republicans in the last 24 hours. Let me tell my colleagues, this LIFE bill is rife with errors, most notably, the error of omission.

An immigration bill that does not address the issue of parity for all Central Americans is not worth the paper it is printed on. It is unworthy of serious discussion other than sharp criticism. It is a relic of Cold War politics.

Because immigrants and Latinos, among them millions of voters, will not be deceived by this ploy, will not be dissuaded from our goal nor divided from each other.

This current proposal is the legislative equivalent of offering a single cup of water to an entire band of people who have been exiled, left to wander for years through the desert; and then its sponsors have the audacity to expect those tired and thirsty people to be grateful for a few elusive drops of water of relief.

Mr. Speaker, do not send Members home until we allow immigrants to continue to call America their home. Do not allow this Congress to end until we have brought an end to the injustice and insecurity that has plagued the immigrant community.

I urge Members on both sides of the aisle, remember the principles at stake. Forget about politics. Forget about partisanship. Instead, focus on the principles of fairness, freedom, and families.

Ronald Reagan signed the amnesty bill of 1986. Let all those be in America that Ronald Reagan signed a bill for.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Southern California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I was in the House and listened to the discussion, and I guess the discussion of talking about a drop of water is maybe very appropriate.

Some Members here may not know this, but I am probably the only Member of Congress that has rescued illegal immigrants as they were drowning. I am probably also the only Member of Congress that, sadly, has had to recover their bodies when they were not rescued.

Now, I would just ask, as we talk about this in political terms, that we remember there is a human factor here. And the human factor is not just in the neighborhoods way up north. The human factor is also in our neighborhoods along the frontier.

Mr. Speaker, I would like to remind my colleagues that over 260 people die every year trying to come into this country illegally and that is more or equal to those who were killed in the Oklahoma explosion.

I wish this institution would be as outraged at the carnage along our frontiers as they are with the terrorism within our borders. But they admit it is not the fault of the Immigration Service that we have these problems. It is the fault of those fuzzy thinking people around this country who think that breaking the law and rewarding people for breaking the law somehow will come out to be a good thing.

The concept of breaking the basic tenants that, playing by the rules, people should be rewarded, breaking the law and breaking the rules, they should not be, that is a basic concept we try to especially teach our children.

But will this institution learn that?

I am just asking my colleagues to consider that every one of us that offers a job or offers a benefit or offers amnesty to somebody who is illegally in this country is doing the bait-and-switch on those people that are out of the country right now watching, that they are going to say, let us come to America illegally because the Congress of America will reward us for doing that; and then when they are drowning, when they are dying in the desert, when they are dropping off the cliffs in the Southwest, we will be responsible for it.

I am asking us to get back to common sense and fairness, playing by the rules here in Congress and in our immigration policy.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I intend to vote against this rule and against the conference report because of what it does not contain as well as what it does contain.

The conference agreement does not contain language that would embody the Latino and Immigrant Fairness Act. I heard the last gentleman that spoke just say they are breaking the law. There is a time for fairness, which indeed is above the law.

This bill does not contain language that would allow those persons who have lived in the United States since 1986 to have access, simply to have access, to legalize their status while they are indeed making a contribution to the society and paying taxes.

Most of these immigrants are doing essential work in our communities that no one else will do. We take advantage of them but give them no benefits. We indeed should be ashamed of ourselves. It may be they are breaking the law, but it is immoral what we are doing to them.

The bill does not contain language that will allow persons who wish to remain in America to pay a fee so they can stay here with their families. We say we are about family values, but we are breaking families up.

This bill does not contain language that would give equal treatment to all Central American immigrants, including Haitians, to live and to work here and to participate in the citizenry. And while the bill does not include language that would treat these immigrants fairly, guess what it does do? This bill does include language that will allow the Federal Government to invade the privacy of citizens and obtain information from census data that every citizen believes they gave in confidence to their Government. In fact, we said to them that no one would indeed know about that information.

The census, Mr. Speaker, is very important. But our word is even more important. We should indeed be ashamed of what is not in this bill as well as what is in this bill.

I urge defeat of both the rule and this bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I rise in opposition to this rule and to the underlying bill because of an important omission in the bill, Section 245(i) of the Immigration law. It sounds like a technicality, but it is not.

I would like to tell my colleagues about Vicky Lynn Gonzalez of Beaverton, Oregon. She married a man named Luis Gonzalez. Together they have a son, Alex, who is now 2 years old.

Vicky Lynn goes to college at night, works full time. But because section 245(i) was removed and is not in this bill, Luis is waiting in Mexico and Alex is growing up alone.

This is unfair. This is unjust. This is not friendly to families. I know because I had to grow up without my father because that was a sacrifice that we had to make to get to this country.

I do not want any other American child to have to grow up without their parent because of some omission that we can fix in this bill today.

I ask for a no vote from all Members who care about families, who care about children, who care about children growing up with care from both parents. Vote no on this bill.

Remember Vicky. Remember Luis. And remember Alex. I ask for a no vote on the rule and on the bill.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentleman who just spoke that that is not an omission. This is not a technical omission. That provision that he desires to be in the bill was not in the House bill and was not in any Senate version and has not had a hearing. It is the desire of this President and the rest of them to add a rider to an appropriations bill that would satisfy them. But it is not an omission.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this rule. The underlying bill has some good news in it, and that is there are more programs and more money for coastal impacted areas, for oceans and Great Lakes and wildlife. But that is only on the surface. The bad news is that those monies are sucked away for pork for earmarks, for projects that have fingerprints all over them for special interests in particular districts in this country.

So they are taking generic money that is supposed to be used for nonpoint-source pollution, which should affect every one of the 50 States, and putting more money into it and then sucking it away, so that there is only $10 million left for the entire country. And where does that money go? It goes to specific projects in specific States that are partisan and very biased.

Most of it, I have to say, is not from this House. It is from the other body. The other side is grabbing money that we in the House of Representatives ought to be applying to all the people of the United States so that they can have some special interests. That is wrong, and it is so wrong that people should vote no on this rule.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to respond to my friend the gentleman from Georgia (Mr. LINDER) about omissions, about some things that are not in the House or not in the Senate bills.

I would say to my friend, there are commissions and omissions, and we believe there is an omission. There is an opportunity to do the right thing. There is an opportunity to right a wrong. There is an opportunity to correct a mistake made by the Congress of the United States. To not do so when one has the opportunity to do it is, I suggest to my friend from Georgia, an omission and, in addition to that, a grievous omission.

This provision has been talked about for months now. It is called Latino fairness. But as the gentleman from Oregon so correctly observed, it is for fairness for everybody.

I want to tell my colleagues why I rise on this floor and feel so strongly about this provision. The gentleman from Virginia (Mr. WOLF) is on the floor. I am glad he is on the floor. He and I, during the 1980's, were members of the Commission on Security and Cooperation in Europe, the Helsinki Commission. And we are still members of that. And one of the things that we fought shoulder to shoulder to do in the 1980's was to ensure that families would be together, that families would be unified.

The issue there was whether or not the Soviet Union was going to allow individuals out of the Soviet Union to unite with their families. The issue here is whether the United States is going to force people out of the United States to become disunited from their families and whether or not we will provide for greater unification of families from throughout Central and South America in a fair way.

□ 1400

There ought to be a resounding "yes" to that question. There ought to be a resounding "no" as the gentleman from Oregon says to this rule so that we cannot commit the omission which has been so grievously perpetrated in this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise today to oppose the attempt to gut privacy provisions in the Commerce-Justice-State appropriations bill.

Earlier this year, the House passed strong privacy legislation that would protect against misuse of Social Security numbers. Now we are being asked to weaken a good piece of legislation.

Amy Boyer was the first known victim of an Internet stalker. Her killer purchased information, including her Social Security number, from an online information broker for $50. He then used her Social Security number to track down Ms. Boyer.

Ms. Boyer's family has said that they do not want this language included in this bill and have gone so far as to say that they want their daughter's name removed from the bill because it does not stop people from obtaining private information from information brokers.

Yesterday, the Washington Post called this language a Trojan horse. Mr. Speaker, this will not stop future stalkers from obtaining Social Security numbers. This language would roll back the progress made by this body. We must not ignore the privacy rights of the American people.

Mr. Speaker, I urge my colleagues to reject this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, if you take a look at the back of your Social Security card, you will see the statement: improper use of this card and/or number by the numberholder or by any other person is punishable by fine, imprisonment, or both.

Now, the premise of the Amy Boyer bill was supposed to be that we would ensure that we protected against a felon purchasing any one of our family's Social Security numbers and then using it in a way, as did the stalker of Amy Boyer, to kill her, or to do anything even less severe than that that just interfered with the privacy of the families of our country.

What has happened, however, is that the bill has now been amended by the Senate and sent back to us, although we never agreed with this, and here is what the back of the card is going to say from now on: improper use of this card and/or number by the numberholder or by any other person is not punishable by fine, by punishment, by imprisonment, or by anything. You can do whatever you want with America's Social Security numbers.

So something that was originally intended to protect people like Amy Boyer, a 21-year-old young woman, and everyone else in our country like her has now been transmogrified by the direct mail industry, by every other institution in America that wants to turn each one of our family members into a product marketed as though we have no privacy rights, no ability to protect our own information, and use the Social Security number, the government-provided Social Security number, as the clue to every single person's privacy in our country.

We should reject this Senate provision. On the House side, the gentleman from Florida (Mr. SHAW), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Wisconsin (Mr. KLECZKA), the gentleman from Texas (Mr. BARTON), we all agree on what should be the protection. There really is not a debate on the House side. But just because it is the last minute of the session, we should not accept something that turns privacy in our country on its head.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish I could give my appreciation to those who brought this bill to the floor of the House. But clearly this is a true example of compassionate conservatism, when so many of us are left out of the circle of inclusion in this legislation.

First, let me say what a poor example of procedural prowess to attach to the District of Columbia bill disparate legislation that has nothing to do with the fine people of Washington, D.C., attaching this bill dealing with Commerce and State and Justice. Then might I say that after all the begging, as the ranking member of the Subcommittee on Immigration and Claims, working with so many of the leaders of this Democratic Caucus, of the Hispanic Caucus, of Senator REID, and not having the Latino Fairness Act that deals with restoring the rights to those who deserve to be counted in this country, taxpayers, families to be reunited, individuals who are strong and who demand and should receive the right to access legalization, our friends and our neighbors.

And then this country, under this Republican leadership, refused to stand up and acknowledge that most Americans support hate crimes legislation. It is not divisive; it is inclusive. It is to say that all of us are under the same umbrella and that in fact we are against the attack on the Jewish day care center in California or the citizens going to church in Illinois who were shot by a hateful person who believed that we should divide and not overcome division.

I would ask that we send this bill back and do the right thing for our good friends of this Nation and restore their rights as immigrants to make them citizens.

Mr. Speaker, I am very disappointed in what the Republican leadership brought to floor in the form and guise of the Commerce, Justice, State Appropriations. As Ranking Member of the Subcommittee on Immigration and Claims, I am mostly concerned about the Latino Immigration Fairness Act. (LIFA) The phrase "compassionate conservatism", has very hollow meaning, if you just talk the talk and not walk the walk. This LIFA proposal is the modern day civil rights issue of our time, and just 12 days to election day, the Republicans are thumbing their noses at immigrants who have contributed to our society and are trying to play by the rules. I say no deal to this proposal, and I urged a "no" vote.

This involves amnesty for immigrants who have paid their dues and have been in this country since 1986, parity for Liberians, Guatemalans, Haitians, and Hondurans, and restoring Section 245(i), which allows immigrants to adjust their illegal status, pay a fee, and remain in this country with their spouses and children. These are reasonable proposals, and the Republican leadership has a blind eye for fairness—for justice—and for equity.

The Republican proposal to provide relief to only 400,000 immigrants who were unable to take advantage of the 1986 law for those entering the country before 1982 is unacceptable. It is unacceptable because it leaves and locks to many people out. This is a proposal that is thinly veiled as an open door, but it really is a feeble attempt to play up to the Hispanic vote during the political season.

The Republican legislation is a piecemeal correction of the flawed implementation of the 1986 legalization program. Basically, those individuals who sought the counsel of a specific lawyer and filed suit with him are protected, while countless others are left out. Of those people who are covered in the flawed proposal, less than 40 percent are expected to prevail. If the GOP acknowledges that the 1986 law was not implemented correctly, they should try to right the wrong entirely, not pick some winners and losers based on what law firm they signed up to represent them.

Also, it is important to understand that this "amnesty program" in fact is just a long overdue update in the registry provision of the Immigration and Nationality Act. The registry provision gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. The legislation would just update the cutoff date for registry which is now set at 1972.

Then there is Juan Gonzalez who has been working for a construction company in Houston, Texas for more than 13 years. Recently he lost his job because he was not able to present his employer a renewed Employment Authorization. Since then his family is living a nightmare. Juan and his wife Luisa are having problems and close to a divorce. They lost their home and rented a 2-bedroom apartment. Unfortunately, their children are paying the consequences.

We also need to remain every vigilant on NACARA parity. This would address an injustice in the provisions of the Nicaraguan Adjustment and Central American Relief Act of 1997 ("NACARA"). NACARA currently provides qualified Cubans and Nicaraguans an opportunity to become lawful permanent residents of the United States. The proposed legislation would extend the same benefits to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti. The Bill that the Republicans have brought to the floor has completely left NACARA parity out. I say no deal, and a "no" vote.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. In addition, returning migrants to these countries would place significant demands on their fragile economic and political systems.

Like Senator JACK REED, I have worked very hard to ensure that the 10,000 Liberian nationals who have been living in the United States since the mid-1980's and have significantly contributed to the American economy are not deported. This legislation should also include these Liberian nationals.

If the Latino Immigrant Fairness Act is not enacted, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

The inclusion of the Latino Immigrant Fairness provisions would evidence our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability among important neighbors.

The Republican proposal creates a "V" visa for people waiting in the family backlogs, but not all, including U.S. citizens. This counterproposal treats the family members of some legal permanent residents better than U.S. citizens. The GOP proposal leaves out U.S. citizens applying for their children over the age of 21. Ironically, the GOP fails to help even United States citizens seeking to reunite with their spouses and children if the spouse or the child fell out of status for six months or more. In contrast, the Latino Immigrant Fairness Act 245(i) proposal would cover all people in the pipeline to becoming legal equally. I say no deal and a "no" vote.

The Republicans are failing to correct their flawed legislation of 1997 and 1998. It was the Republicans who passed piecemeal programs in 1997 and 1998 for some refugees. These flaws failed to correct years of uneven treatment to legitimate refugees from Central America, Haiti, and does nothing for Liberian nationals. It is baffling why today the Republicans are now turning their backs on the LIFA proposal for long time refugees, that have been in the United States for years, worked hard and paid their taxes when a few short years ago they advanced these same proposals.

There is no compassion here, Mr. Speaker. Congress should stop trying to trade some deserving immigrant groups for others, and move to help all deserving immigrants willing to play by the rules, pay taxes, and work hard in the United States.

Mr. Speaker, I am also outraged that this House has brought forth the important Commerce-Justice-State Conference Report to be voted on; yet the Republican leadership has not felt the need or importance to include language to address the dreadful acts of hate crimes.

This move by the Republican leadership is a slap in the face to the many people here in the United States who have historically been subjected to hateful acts resulting in death, bodily harm, as well as mental and physical anguish, only due to a person's race, ethnicity, gender, age or sexual orientation.

How can we as elected representatives for the American people ignore our duty to ensure that all people are treated equally? How can we ignore our moral oath to protect people from hateful acts that arise because of a person's race, ethnicity, gender, age or sexual orientation? How can we allow hateful skeleton's of this country's past to be revived and allowed to infect our society today. Mr. Speaker, this chamber's silence on the need for hate crimes legislation would do just that, and the absence of hate crimes language in the CJS Conference Report sends the message that this country's stance on crimes of hate is not a top priority.

This issue is very dear to me and I am ashamed that after two years from the date of James Byrd Junior's vicious murder on a paved road in my home state of Texas, that a Bipartisan Hate Crimes Prevention Act has not become law.

Time and time again, I have come to the floor and asked the Republican leadership to support meaningful hate crimes legislation. I have introduced my own hate crimes legislation and have supported legislation and resolutions introduced by my colleagues in both the House and the Senate. Yet, I find myself coming before the American people once again to compel the Republican leadership to include hate crimes language in the CJS Conference Report in order to increase penalties on perpetrators of hate crimes before the 106th Congress comes to a close.

Mr. Speaker, the same tactics that have been used in the Texas State Legislature to run out the time in the legislative session to defeat the passage of hate crimes legislation have been used here in the United States Congress as well. When the James Byrd, Jr. Hate Crimes Act was introduced in my home state of Texas in January of 1999, it was hastily defeated in the state Senate. And when state Democrats attempted to negotiate with Republicans in the state Senate and the Governor's administration to get a bipartisan hate crimes bill passed, political games were played to extend the process until the end of the state legislative session.

As I have stated, this political ploy was not only used in my home state of Texas, but it has been used here in both chambers of the United States Congress as well. We have attempted to negotiate with members of the Republican party to get hate crimes legislation passed within the 106th Congress, however, political games and wizardry have been used to delay the process until the congressional session comes to an end.

I therefore, call on the Republican leadership, with the American People as my witnesses, to once again ask for the passage of hate crimes legislation to address senseless killings and crimes of hate and to make a statement that the United States will no longer tolerate these Acts.

Since James Byrd Junior's death our nation has experienced an alarming increase in hate violence directed at men, women, and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the West Side of Pittsburgh where he killed five people. His shooting victims included a Jewish woman, an Indian, "Vietnamese," Chinese and several black men.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed "the summer of hate" as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

It is long past the time for Congress to pass a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Therefore, I would urge my fellow members of the United States House, Congress and the American people to be counted among those who will stand for justice in this country for all Americans and nothing else.

We must address the problem of hate crimes before the 106th Congress convenes its legislation. I say no deal and no vote to this Conference Report until these issues are addressed.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support the previous question and the rule and let us get on with the debate on these important bills. It is getting late in the year. The appropriators have worked long and hard into the evening. We have an opportunity to close up one more of them this afternoon, and I urge us to do so.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 214, nays 194, not voting 24, as follows:

[Roll No. 557]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Meek (FL)
Metcalf
Owens
Packard
Pallone
Peterson (PA)
Spratt
Stabenow
Stupak
Thompson (MS)
Waxman
Weldon (PA)

□ 1426

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 192, not voting 28, as follows:

[Roll No. 558]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee

Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—28

Bishop
Blagojevich
Borski
Brady (PA)
Campbell
Chenoweth-Hage
Cooksey
Crowley
Danner
Evans
Franks (NJ)
Horn
Klink
Larson
Lazio
Leach
McCollum
McIntosh
Meek (FL)
Metcalf
Owens
Packard
Peterson (PA)
Spratt
Stupak
Thompson (MS)
Waxman
Weldon (PA)

☐ 1434

Mr. FRANK of Massachusetts changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 651 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

Resolved, That it shall be in order at any time on the legislative day of Thursday, October 26, 2000, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices;

(2) the resolution (H. Res. 650) expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California;

(3) the bill (H.R. 1550) to authorized appropriations for the United States Fire Administration for fiscal years 2000 and 20001, and for other purposes;

(4) the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis;

(5) the bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes;

(6) the bill (H.R. 5309) to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office Building";

(7) the bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office'"

(8) the bill (H.R. 4399) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building";

(9) the bill (H.R. 4400) to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building";

(10) the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; and

(11) the bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, earlier today the Committee on Rules met and passed this resolution, providing it shall be in order at any time on the legislative day of Thursday, October 26, for the Speaker to entertain motions to suspend the rules and pass or adopt the following 11 measures:

H.R. 2498, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising out of the emergency use of these devices;

the resolution H. Res. 650, expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California; the bill H.R. 1550, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes;

the bill S. 2943, to authorize additional assistance for international malaria control and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV and tuberculosis;

the bill S. 2712, to amend chapter 35 of title 21, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes;

the bill H.R. 5309, to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office Building";

the bill S. 3194, to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office";

the bill H.R. 4399, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building";

the bill H.R. 4400, to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building";

the bill H.R. 5528, to authorize construction of the Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes;

and finally, the bill H.R. 5314, to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable for caring for these dogs.

Mr. Speaker, as we are all aware, we are nearing the end of the congressional session and floor time is at a premium. This resolution allows us to consider several bills today under the expedited suspension procedure. Additionally, the majority of these bills are completely noncontroversial and none come as a surprise.

In addition, this resolution is within the spirit of House rules. Under clause 1 of rule XV of the rules of the House, the Speaker may only entertain motions to suspend the rules on Monday and Tuesdays and during the last 6 days of session.

☐ 1445

The House has not yet passed an adjournment resolution, but I think all of us hope and expect that we are in the last 6 days of this session. This resolution simply abides by the spirit of the standing Rules of the House. I strongly support this rule, and I urge my colleagues to do the same. With this resolution, we will consider the underlying 11 bills before we adjourn for the year.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time. As the gentleman has explained, this rule will permit the suspension of the rules for the consideration of 11 bills during today's session.

Mr. Speaker, this rule really should not be necessary. Under rule XV of the House Rules, suspensions may be brought up during the last 6 days of a congressional session. The problem is, we do not know if we are in the last 6 days of the session. If Congress were to adjourn at the end of the week, we could consider these and any other suspensions today. Since we have no idea when Congress will finally conclude its business and adjourn, the only way to take up the suspension bills today is to pass this rule.

What is particularly troubling about the rule is that this work should have been done weeks ago. There is no good reason why these bills could not have been handled already, especially when the House has had so little floor business in the last month. I cannot support the rule, and I will ask for a "no" vote.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 190, not voting 22, as follows:

[Roll No. 559]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—22

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
Metcalf
Owens
Packard
Peterson (PA)
Spratt
Stabenow
Stupak
Thompson (MS)
Waters
Waxman

□ 1535

Mr. DELAHUNT and Mr. HALL of Texas changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2615, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. TALENT. Mr. Speaker, pursuant to House Resolution 652, I call up the conference report on the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 652, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of legislatiave day of October 25, 2000, Part 2.)

The SPEAKER pro tempore. The gentleman from Missouri (Mr. TALENT) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a few weeks ago I had a call from the leadership staff asking if

I had a problem with using this legislation as a vehicle for passing a number of things that I understood we had substantial bipartisan support for in the House.

I said no. I thought if it would facilitate the passage of legislation that meant really good things for a whole lot of American people that we ought to try to do it. And we have a conference report and on the surface of it it has a lot of things that I think a lot of people in this House like.

It has a minimum wage increase. It has small business tax relief, which I can testify has very strong support in the House and is very necessary in the small business community. It has the repeal of provisions which have prevented installment sales of businesses. It has an increase in the meals deduction, an increase in the deductibility of health insurance premiums for the self-employed. It has the Portman-Cardin pension reforms. It has Medicare givebacks. And most important for my perspective, Mr. Speaker, it has the community renewal new markets bill, which we had a press conference with the White House several months ago and all of us agreed, Republicans, Democrats, the President, the leadership of the House said it was the most significant anti-poverty legislation to pass this body in a generation.

I thought when I had a chance to handle this bill, and I flew back today to do it, that it would be a time of joy and a time of shared celebration.

I understand that the President has serious objections and may well veto this bill, and my heart is sad at that because it just seems to me there is so much good in here for the American people that we all ought to support it. I would hope he would find a way to sign it; and if we have some problems, work that out in some other format or some other way because I am just concerned if we do not do it now, we will not have a chance to do these things for the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman says that if there are differences in the bill that he seriously hopes that we could work it out. That makes a lot of sense, and that is why probably he is not a part of the Republican leadership.

The reason we have a veto here is because somebody on the other side of this aisle decided that they did not want to work out anything.

How do they think we are going to get out of here unless they talk to somebody? They do not have to talk to me, but they can talk to the gentleman from Missouri (Mr. GEPHARDT). They can talk to someone in the White House. They do not even talk to themselves. And now they come here and force the President to say that he is going to veto it merely because they have not discussed anything.

There are some good things in this bill. There are things that can be worked out in this bill. I have worked with the gentlewoman from Connecticut (Mrs. JOHNSON) on the school construction thing. We did not always agree on everything, but we sat and we worked until we made certain that we got it out.

Now what is happening? With all due respect to the Committee on Small Business, we have a major tax initiative coming to the floor on a vehicle.

Well, I respect the integrity and the reputation of the Committee on Ways and Means. And whether we are Republican or Democrat, liberal or conservative, this is not the way to run a railroad.

It is wrong to bring out a tax bill in the middle of the night. It is wrong not to consult with the President. And it is wrong not to consult with our colleagues who are trying to work this out.

So if they need a veto to get their attention, if they need a veto in order to come and sit down and do this thing right, if they need a veto so we can wrap up our business and get home, well, my brothers and sisters have got it.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself 30 seconds to say to the gentleman, and he knows how much I respect him and how I have worked with him on these anti-poverty provisions, and I am certain that there are hurt feelings on both sides. I just would hope that we could somehow overcome this and get these important things done that real people and, in particular, vulnerable people depend on.

I am just convinced that, if a veto comes down, we are not going to have another chance; and we will have blown this up on what the people will see as an inside internecine kind of squabble.

Mr. TALENT. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is one of the more difficult moments that I have faced in my tenure over 30 years in the House of Representatives. As chairman of the Committee on Ways and Means, I believe I have a very special role; and that is to be steward of a tax code, to try to keep it as equitable as possible, to try to see that in spite of the difficulties of earning income tax that it is as simple as possible, and to attempt to see that it has not become a vehicle for spending.

There is much good in this bill. I know because I helped to write it. I do not need to repeat all of it to Members because they have examined all of the good that is in this bill.

Unfortunately, it is included with an increase in the minimum wage, which I have never voted for and which I believe is counterproductive to the very people that it seeks to help. I cannot break with my principles on that, and on that alone I would vote against this bill.

Now, in spite of all the very good provisions that are in this bill, bipartisan, voted overwhelmingly on the floor of the House, I am severely troubled by items that were added at the last minute under pressure from the White House and pressure from the Senate. They will be a springboard to turn future tax bills into spending vehicles uncontrolled by the budget; uncontrolled by the limitation that would be on appropriations bills; and, in all likelihood, not adequately debated for what they are.

One of those is the provision that would subsidize Amtrak by tax credits with the authorization of $10 billion in bonds and the interest being offset by a dollar-for-dollar tax credit, which would also permit the interest to be separated from the principal, coupled with the tax credit and traded on the stock market.

□ 1545

That is deja vu of what we went through in the 1980s which grew so pernicious that it brought on the 1986 tax reform bill to remove it from the code. But what we seem to learn from history is we never seem to learn from history, so here we go again.

Is it big relatively, this bill? No, it is relatively small. But it creates a precedent for the future that Congress needs to know about. I have fought tax credits. I have kept six or eight of them from going into this bill, because I do not want the tax code to be turned into a spending vehicle administered by the IRS. That is a great danger ultimately to the future of our tax code, and then in addition a similar provision to have the Federal Government subsidize the construction of local schools through once again having interest offset by tax credits. I believe that we must stop this. We must prevent it from occurring.

But the minimum wage clearly shuts out my capability to vote for what for the most part is superb tax policy, to help people get more health care, to help small businesses, to help pension, to help retirement security, all things that this Nation should try to get. And also I have worked so hard on a bipartisan basis with my friend, the gentleman from New York (Mr. RANGEL), and with the Treasury to find an answer to the FSC problem which if we do not solve it could unleash an unholy trade war where everyone would suffer. I do not know what will happen to this bill. But if we do not do but one thing, we must come back and pass the FSC provisions. The danger in failing to do so is too great.

I wish I could vote for this bill. If the tax provisions that we crafted and put together as the basis of this bill were submitted by themselves to this House, I would enthusiastically support them. Each Member must make his own decision. My special position as chairman of the Committee on Ways and Means does not permit me to vote for this bill in its current form.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the gentlewoman from New York will control the time on her side of the aisle.

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise in strong opposition to the conference agreement for H.R. 2614. Last August when the House passed H.R. 2614, we took the first step in strengthening a program that would provide countless businesses across this country the access to the capital they so desperately need to succeed.

Fourteen months later, instead of a bill that offers opportunity, we now have a bill full of misguided priorities. At a time when this Nation is experiencing an affordable health care crisis, this conference report meets this growing deficiency by increasing payments to already wealthy HMOs at the expense of our hospitals and rural communities.

This legislation will also shortchange our children by once again failing to address the need for school construction. In every community across this country, there are kids who are being taught reading, writing, science and math in trailers, makeshift classrooms, and in hallways within neglected school buildings. I am astounded that in today's world when it is hard enough to help our at-risk kids to keep pace, forcing them to learn in Third World conditions is simply disgraceful.

What distresses me the most, this Congress has passed despite, all their lofty promises, only half of what the President asked for in his budget request. It is unfortunate that this bill faces a veto from the President because, to be perfectly frank, there is much in here that will help our communities by funding valuable small business programs, including enacting the new markets community renewal programs.

I would like to thank the gentleman from Missouri (Mr. TALENT) for all he has done to bring valuable investment into our Nation's low-income communities. His leadership has helped provide small businesses and entrepreneurs a stronger foundation which will help them grow and prosper. But one issue is clear. The sum of legislation outweighs the good this bill could do for so many in this country.

This is not how we should be ending this Congress. We are leaving at a time when there is so much more that can and should be done. Unfortunately, the 106th Congress is ending with far too many promises made and far too few promises kept.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, in this body from time to time there comes a time when we bring ideas together and people together to get good things done. We have to work in the House, and they have to work in the Senate and you have got a White House on the other end of Pennsylvania Avenue that all have input. This piece of legislation is a piece of legislation that both bodies, and the White House, had some input in putting together.

We have talked about the minimum wage, and we have talked about it far too long; and we have not done anything about it. This is a minimum wage for American working people. It is over 2 years. It is something that I have heard required and requested on this side of the aisle for a long, long time. It is reality in this legislation. It is also reality in this legislation that small businesses, and in my district 75 percent of the jobs are provided by small businesses, we give them the ability to stay in business and provide those jobs in this legislation.

We talk about the waitress at the coffee shop who works maybe a job or a job and a half and tries to keep her kids in school and shoes on their feet and tries to keep a good life. She cannot afford and her job does not provide health care. But when she goes to buy that health care, she does not get the same tax deduction that an executive or somebody working in a big plant would get that benefit.

This bill gives American working people who have to go out and buy their health care week in and week out, year in and year out that same tax benefit that anybody else that gets it through a corporate entity would get.

My father died 2 years ago. We kept him in our home because he did not want to live in a nursing home. We gave him health care and took care of him. It did not make any difference to me whether it was a tax credit or not, but there are a lot of people that cannot afford to do that. But if you can keep a parent in your home because that is where they want to live, among their family, that families can get a tax deduction of $10,000, if you want to take care of your folks. And it is in this bill. It is good for all families in this country, whether you are middle class, whether you are at great risk or if you are upper class. That is what, if you choose to do it, you ought to have the ability to do it and you ought to have that tax deductibility for it.

This bill also has something that the President wanted, and the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS) over on this side of the aisle worked on, was the community renewal, new markets, so it would invest in people's homes, invest in communities, in inner cities and rural areas so that those people could have a better life, that they could have shopping where they live, they could have jobs where they live, that they could fix their homes up, that they can pull themselves up by their own bootstraps and there is help to do it. This bill has that in it.

I guess I could go on and on. This bill certainly is not perfect. We do not think some of the things that they do on the other side of the Rotunda is always perfect and I guess they may have the same attitude about us. But we have to work on a bicameral basis, and we have to accept what bodies put in this.

I am telling you, this is the right bill for this time. We need to move forward. We need to take care of families. We need to take care of senior citizens. We need to take care of people that want to buy their own health care, and we need to take care of our communities that are in the greatest need. Even though this is a great political time, and the politics are at crescendo levels, it is time for this body to quit the quibbling, to come together, and pass good legislation. I would ask Members to join us on both sides of the aisle to do it. Please support this bill.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, the power that the managed care industry wields over the leadership of this Congress is absolutely astounding. How else do you explain our inability, 4 years after legislation first took shape, to pass a Patients' Bill of Rights? How else do you explain this $30 billion Republican gift to the managed care industry as we short shrift hospitals and home health agencies and every other Medicare provider? How else do you explain Republicans giving almost half, 47 percent, of new Medicare money to an industry which has shortchanged millions of senior citizens?

If this Republican Congress is not selling out to the insurance industry, how do you explain this remarkably skewed Medicare funding bill? The Republican majority took bipartisan legislation and proceeded to strip out additional funding for public hospitals, to strip out funding for low-income seniors, to strip out provisions for rural health facilities. But they left in plenty of money for HMOs.

Mr. Speaker, HMOs serve between 15 and 16 percent of the Medicare population, but under this bill they will get close to 50 percent of available funding. Let me repeat that. HMOs serve one-sixth of Medicare beneficiaries. The Republican bill will give them 50 percent of the funding. To strike this remarkable imbalance, the Republican majority eliminated funding measures that would help public hospitals, that would help home health agencies, that would help other providers so they remain available to Medicare beneficiaries.

Where does the welfare of Medicare beneficiaries fit into this equation? The answer is it simply does not. Seniors in Lorain County, Ohio, where I live, were dropped unceremoniously from United Health's plan on December 31, 1998. Some of them joined QualChoice. They were then dropped unceremoniously December 31, 1999.

Mr. Speaker, I urge every Member of Congress to oppose this fatally flawed bill. It is unfair to Medicare beneficiaries.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this conference report underscores the importance of working together, Democrats and Republicans, to get things done. I listened to the distinguished Speaker. There are some good things in this bill where we worked together. The problem is that the Republican leadership has used the fatally flawed partisan process in order to bring this bill to the floor. When you only work with half the Members, half the Nation is left out on the bill that is before us.

The problem is, there is too much that is not in this bill or is wrong in this bill. It is inadequate on school construction. We could do a lot better on that. You spend too much money on health insurance breaks for those who already have health insurance and not enough on those who do not have health insurance. We can do better than that. You have left out the vaccine research credit which is so important to the health of our Nation. And you have left out the Lou Gehrig's disease, modernizing it so people who suffer from that disease can qualify for Medicare benefits.

□ 1600

We go on and on and on. If you would have brought the Democrats into the process, we could have a bill we all could be proud of and support. Unfortunately, we should follow the President's advice. He is going to veto it.

I urge my colleagues to vote against the conference report.

Mr. TALENT. Mr. Speaker, I yield myself 15 seconds to say that my understanding is that major provider associations, including the hospitals and the home health agencies, support this bill. It is not surprising, considering it adds $28 billion back into Medicare.

Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there are a lot of good things in this package, many of which were, in fact, put together with bipartisan work and support. I was in on a lot of the meetings on the Medicare provisions with Democrats talking about how to best put this together. I was in on some meetings with some Democrats on some tax provisions.

One of the largest sections of the tax bill that is included in this bill was put together by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), the last speaker, working together, bipartisan. So, please, do not try to make it look like this is something that is one-sided, put together only by Republicans. It is not.

Let me just say something about the Medicare+Choice. First of all, it is not half of the spending in this bill, it is about 25 percent of the spending in this bill. With the interactions it gets up close to one-third. But if you go back, Republican or Democrat, look at your mail, what do your seniors want? They want the Medicare HMOs to give them prescription drugs, to give them choices. It is no surprise we put money into that program to help them out.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, as we consider the Lott-Hastert grab bag bill today, I appreciated the fact that the Speaker came on to the floor, because he is the only person who could possibly have any idea what is in this.

Now, what we hear is people saying, well, there is this thing that one committee did, and there is that thing that one committee did, and there is this thing that another did, and everybody should vote for it, because one of those things might be in here. But there is nobody here who has the least idea what is in this.

They put five bills in yesterday, the conference report says the minimum wage bill, taxpayer relief bill, the Medicaid-Medicare and ship benefit improvement bill, the pain relief bill and the small business bill. They dropped them in yesterday, rolled them together, tied them with a knot and brought them out here and said, vote for them; we have got to go home.

Now, the public policy that is produced by this stuff is what happened in the BBA bill in 1997. The reason we are out here fixing the program of Medicare again is because you did that bill the same way.

This bill has the bill that is going to destroy our overseas trade if we do not get it right. But the chairman of the committee, the gentleman from Texas (Mr. ARCHER), who I do not always agree with, but I agree with him on the process, there should have been Committee on Ways and Means people in that conference committee looking at what got rolled into this 960 page pile of legislation.

Now, if you take any one of these issues, the fact you cannot find anything in all this money to do anything about prescription medications, but you can find some money to help the drug companies push the Justice Department away from fixing price problems that they have got and discovered in the law, is, in my view, silly and unfair to the American people.

I urge my colleagues to vote against it. The President will veto it. We will have a bill.

Mr. TALENT. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, the average woman spends 11 years out of the workforce to raise children, and it is often very tough for her to accumulate enough retirement savings to make a difference. We believe this is unfair.

I will tell you what is in this bill. This bill allows women over the age of 50 to contribute up to 50 percent more to their retirement plan in order to make up for those years out of the workforce. This will make it possible for a working mother to build a nurturing relationship with her child and achieve financial independence in retirement.

Part of financial security in retirement means having health care that is affordable and dependable. Unfortunately, the funding for Medicare+Choice has made it tough to offer coverage in certain regions of the country.

In my State, nearly 30,000 seniors were sent letters by their health plans alerting them to the fact that insufficient reimbursements for Medicare+Choice is forcing them out of the State. The President is not helping our seniors by attacking managed care plans. In Washington State, tens of thousands of seniors enjoy the benefits of their health care plans and are worried about losing this option. We help in this bill.

I urge my colleagues to boost retirement savings for women and protect health care choices for seniors.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 2614. This legislation is a wolf in sheep's clothing.

For example, by not including the Rangel-Johnson school construction tax credit provisions, this bill fails to leverage $24.8 billion in financing for school construction and renovation. Studies have shown that school construction costs over the next 10 years will total upwards of $125 billion. The Federal Government currently funds local transportation projects, local airport projects, as well as prisons and local economic development projects. Why, why is it suddenly unreasonable to assist our schools with this most important project, ensuring a safe learning environment for our children?

We can do better than this. I urge my colleagues to vote no on H.R. 2614.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I had hoped that I would have been able to vote on a number of the provisions in this bill in a clean way: Minimum wage, obviously needed; new market initiatives, obviously needed. As a matter of fact, there are many good features to this bill.

But, unfortunately, it is like a wagon that has been overloaded. When you try and put too much on it at one time, it gets stuck in the mud. I am afraid that this bill, unfortunately, is stuck in the mud. It has got a lot of good things in it, and, as we approach Halloween, it seems to me that we have got a lot of good items, but we have got too many tricks and not enough treats.

I hope we can come back with some clean bills that we could vote on that would be in the best interests of the American people, and I would urge my colleagues to vote no on this bill.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am particularly proud of and want to talk about several provisions that are in this bill. One would improve Medicare benefits to fight breast cancer and cervical cancer. My digital mammography provision gives women access to brand new breast cancer screening technology. The pap test provision makes tests more frequent so that cervical cancer can be found early and treated successfully.

Mr. Speaker, it is extremely important to focus on the education provisions of this bill. I know firsthand that we face a public school construction crisis. My congressional district runs through three of the fastest growing school districts in the country. In Palm Beach County, the student population has more than doubled just since 1985. Broward County, the fifth largest school district in the country, has 240,000 students and 210 schools. Miami-Dade County is the fourth largest school district, with over 350,000 students. It averages an increase of 10,000 new students each and every year.

I am particularly excited about the portion of this legislation that incorporates my legislation which I have sponsored, along with Florida Senator BOB GRAHAM, the Public School Construction Partnership. These provisions empower local districts to use innovative, cost-effective ways to finance new schools and repair aging ones.

Miami Beach Senior High is a prime example of a public school that should benefit from this legislation. Its aging facilities diminish the education opportunities for the 3,000 students and teachers who occupy the premises. Many of these are the same buildings that were there when I was in high school.

In order to encourage private sector participation and avoid debt capacity problems for localities, this legislation would permit tax exempt private activity bonds for investors willing to join public-private partnerships to construct new public schools or renovate existing ones. The partnerships would use the bonds to borrow funds for construction and ownership of the school facilities. The facilities would then be leased to the public school systems, who would operate the facilities with their own teachers and principals. At the end of the lease term, the facilities would be transferred back to the school system without additional cost.

A greater use of public-private partnerships would allow states and local communities to accelerate school construction projects at significant savings by giving private sector incentives to help meet new construction and renovation needs.

Rather federalizing public school construction, these less costly provisions will allow local school districts to decide what is best for their students.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this tax bill is a true Halloween witch's brew; a heavy dose of money for big, unaccountable HMOs that rely on the bean counters to interfere in the doctor-patient relationship, a tiny little pinch of relief for taxpayers, together with the flavoring of a little eye of old Newt's threatening government shutdown for good measure.

You can comb through all the pages of this bill, and one thing you will not find is one cent of marriage penalty tax relief. You can comb through these pages and you will not find one cent of estate tax relief for small family businesses and farms.

This last minute conglomeration is devoid of meaningful relief for ordinary American families. But this partisan measure showers benefits on the healthy and the wealthy. It gives billions to the same HMOs that have a stranglehold on this Congress and are blocking a patients' bill of rights. They throw in $100 million every year to benefit the tobacco industry in its export of death and disease.

Mr. Speaker, no marriage penalty relief; not a cent for marriage penalty, but $24 billion in tax benefits are included to fund the two-martini lunch.

Mr. Speaker, here is a bill that even the chairman of the Committee on Ways and Means, the Republican chair, is going to vote against. What better symbol of a Republican Congress that can best be called failure, flop, and fiasco.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I find it unfortunate that we are having the type of debate here on the floor today that we are, because the fact is that 96 percent of the words in the bill that we are considering have already been voted on in the House and been passed overwhelmingly in a bipartisan way, and for the gentleman from Texas to refer to the fact that there is no marriage penalty relief in here, nor any estate tax relief in here, is the height of hypocrisy, given the fact that the President of the United States decided to veto both of those bills.

But, Mr. Speaker, I rise today in support of this conference report, and especially the inclusion of the Retirement Savings and Pension Coverage Act, based extensively on a bipartisan package of reforms developed by my friend, the gentleman from Ohio (Mr. PORTMAN), and my colleague from the other side of the aisle, the gentleman from Maryland (Mr. CARDIN).

I think this is practical common sense legislation that will lead to a safer, more secure and more prosperous retirement for millions of American working men and women.

ERISA is the source of our Nation's pension laws, and it was passed 25 years ago when the American economy was dominated by large corporations and most Americans relied on pensions from those corporations for their retirement. Well, today we are a Nation of small employers and individual investors. Nearly one out of every two American families has invested in the stock market, more than three times the percentage 25 years ago.

□ 1615

This bill today helps workers maximize their retirement opportunities by expanding small business retirement plans, allowing workers to save and invest more, and cutting the red tape that has hamstrung employers who want to establish pension plans for their employees.

The basis for these pension reforms in this conference report is H.R. 1102. It was reported out of the Committee on Education and the Workforce on July 14, 1999, on a bipartisan voice vote; and we believe on a bipartisan basis this is a very good bill. I urge my colleagues to support it.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this debate is baffling. The Speaker has come here and said we need to be brought together, but he chooses a course that divides us. There is a lot of talk by Republicans, including Mr. Bush, about bipartisan, but this action is strictly partisan.

What went into this bill and what was left out was decided completely within Republican ranks and its inner sanctum. Tell me of your meetings with the President to decide on this package. Tell me of your meetings with the minority leadership in the House or the Senate. There were not any. Instead, we have decisions made inner sanctum and very much with special interests in mind.

Mr. Speaker, 187 pages of this Medicare and Medicaid bill never went through committee, was never voted on the House floor. So here we go again, forcing a presidential veto. There will be another chance to act on the BBA after the President forces us into the right course.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the bill and the way it has been brought to this floor. I want specifically to talk about protecting the privacy of American people.

Last night, under the cloak of darkness, the Republican leadership added to this bill an amendment that would have allowed confidential Census information to go to the CBO, the Congressional Budget Office.

Let me tell my colleagues that this past year in every State and community, this poster was up, assuring the American people of their privacy: No INS. No FBI. No CIA. No IRS. We should add no Republican majority.

The Secretary of Commerce, Secretary Mineta, has a very strong objection. Mr. Speaker, I will place his objection and veto threat in the RECORD.

Mr. Speaker, I recently just spoke to Mr. Crippen, the head of CBO, who tells me that after seeing the Secretary's objection, he has decided to proceed with attempting to get the provision he wants out. He says he will remove it.

Since Mr. Crippen is not a Member of Congress, I would hope that someone in the Republican leadership could assure me that what he is saying is correct and that my colleagues will not add this provision to any other vehicle going through Congress that is a violation of the privacy rights of the American people.

Mr. Speaker, I ask if there is any assurance from anyone in the Republican leadership.

THE SECRETARY OF COMMERCE,
Washington, DC, October 25, 2000.

DEAR MEMBER OF CONGRESS: As you may know, the Congressional Budget Office (CBO) is currently seeking legislative language which would amend Title 13, the Census Act, to allow CBO to acquire confidential information collected from the American people in several census surveys.

I am writing to express my strong opposition to any attempt to force the disclosure of personal census information currently protected by the confidentiality provisions of Title 13. If this proposal is adopted by the Congress, I will recommend a Presidential veto of the legislation.

The American people place a tremendous trust in the Census Bureau and the Department of Commerce when they provide us with the personal information collected by these surveys. They do so, in overwhelming numbers, because the Census Bureau and the Commerce Department have assured them that their privacy will be protected by the provisions of Title 13. The critical work of dozens of government agencies could not be accomplished without the public's voluntary cooperation with these surveys.

The change to census confidentiality contemplated by CBO has been developed behind closed doors, at the 11th hour of a legislative session, with no public hearings and no opportunity for public comment or congressional review.

The American people are already gravely concerned about the privacy of their personal information. The adoption of these changes with no public debate runs the very serious risk of undermining the public's confidence in the privacy act of census information. Should that happen, it should surprise none of us that the public's willingness to cooperate with census surveys will rapidly decline.

As the CBO Director obliquely points out in his October 24, 2000 letter to Congress on this issue, there have been times in our history when census information has not been protected as it should have been. My personal knowledge of this incident is somewhat less than oblique. Director Crippen's reference is to the Census Bureau's assistance, at the beginning of World War II, for the War Department's efforts to locate Japanese Americans in the western United States and confine us to internment camps. My family and I were among the 120,000 Japanese Americans forced from our homes and interned.

I fail to see why this history should make the Commerce Department, or the Congress, less concerned about the confidentiality of census information.

Over the course of the 58 years since that incident, the Census Bureau and the Department of Commerce have built a relationship of trust with the American people, many of whom are profoundly distrustful of government. We have promised them that their privacy would be protected, and that personal information about them would be subjected to the most stringent controls. I do not believe we should alter that commitment, in law or in practice, without a full and open discussion.

As a former Member of Congress, and a former Member of the House Budget Committee, I take CBO's work very seriously. I have the highest respect for the professionalism and integrity of the men and women who make up that agency.

However, I must restate the strongest opposition of the Department of Commerce to any effort to alter the privacy protections currently provided by statute for personal census information without a full opportunity for careful congressional review and public comment.

Sincerely yours,
NORMAN Y. MINETA.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Missouri (Mr. TALENT) for yielding me the time.

Mr. Speaker, I heard just a couple of minutes ago that the marriage tax relief and death tax relief was not in this bill, and I would say to that give me a physical break.

The President of the United States vetoed both of those pieces of legislation that would bring about fairness for small business owners and allowed them to keep their business and not give it to the government and also allow married couples to get some relief and not penalize them for being married.

But be that it as it may, H.R. 2614, Mr. Speaker, is a good piece of legislation. It has Medicare adjustments for rural hospitals, for home health agencies. There is the pension reform that allows people to save more money for themselves for retirement; that is good for working people, for housewives.

My wife stays at home. She is a housewife. She can save more money. Brownfields relief, the American Community Renewal Act, in which the gentleman from Missouri (Mr. TALENT), myself, the gentleman from Illinois (Mr. DAVIS) have worked very hard to target underserved communities, poor communities, rural communities for economic development, for homeownership, for opportunity in these underserved communities.

This has the black farmers piece of legislation. The USDA discriminated against black farmers, and these farmers got a settlement. There is an element of this legislation that says these farmers should not have to pay taxes on that settlement, because the USDA then would be benefiting from their injustice. I mean we can go on and on.

This is a good piece of legislation. I would encourage my colleagues not to turn our backs on the black farmers. Do not turn our back on these underserved communities. Do not turn our back on people that would love to save more money for themselves. Do not turn our back on these people.

Let us pass this legislation. I urge a strong yes vote for H.R. 2614.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this is a bad bill. It is going to be vetoed. It ought to be defeated. Today, we are voting on a conference report which provides significant relief only to a favored few health care providers from cuts enacted in the Balanced Budget Act of 1997.

The majority has turned its back on the bipartisan Committee on Commerce bill, choosing to strip out Democratic priorities and is rewarding its fat-cat industry friends instead.

This should come as no surprise, though, that the Republicans would choose to devote billions to the insurance companies and to the wealthy, leaving working Americans, disabled children, seniors and immigrants with little, if anything, at all.

The Republican leadership has spent all year fighting its Medicare prescription drug benefits, against the strong enforceable Patients' Bill of Rights, and against meaningful expansions of health care for working families.

Why should we expect any less at this hour? At every turn, the Republican leadership has blocked meaningful health care legislation; yet, now they are passing a bill that gives only massive tax cuts for the rich, without any financing for Medicare prescription drug coverage that seniors desperately need.

It gives billions of dollars for HMOs, more than one-third of the money, $30 billion over 10 years going to HMOs, with no guarantees that seniors will see increased access to plans or increased benefits.

It gives billions of dollars for tax deductions for health insurance that will erode existing employer coverage and will not reduce the number of uninsured.

The facts are clear. This is Republican pork, a rich reward to undeserving fat-cat friends at the expense of beneficiaries and vulnerable providers. No wonder this was done in the dead of night.

Democrats have fought, will continue to fight, for a balanced bill that fairly allocates money for beneficiaries, providers, and HMOs.

We believe in making sure that Medicare is always there for seniors and that in the absence of universal coverage, there is always a strong safety net that will provide high-quality health care to the uninsured and those of low income.

If this is not bad enough, not only has the Republican Congress failed to pass a real Patients' Bill of Rights, but they have also passed something else, what they are calling a Medicare Patients' Bill of Rights. It is as phony as a $3 bill and does not have any real protections that are needed.

I know the real Patients' Bill of Rights. I wrote it, along with my Republican colleagues, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE) and others. It passed this House by an overwhelming bipartisan majority.

This is no Patients' Bill of Rights nor Medicare. In fact, the gentleman from Georgia (Mr. NORWOOD) and I wrote a letter to the Speaker urging him to delete it. This is a Republican provision which puts our seniors at risk and at the mercy of health plans.

Mr. Speaker, I urge my colleagues to vote no on this shameful piece of legislation, so that we can have either an opportunity to sit down in a bipartisan basis and craft a balanced bill before or after the veto that the President is assuredly going to give and that will reflect the important bipartisan priorities for seniors, low-income families and children and will serve the interests of this country.

Mr. TALENT. Mr. Speaker, I yield myself 1 minute for three points.

Number one, there is no Census language in the bill, so Members should know the gentlewoman from New York (Mrs. MALONEY) was incorrect in her statement.

Second, as much as I respect the gentleman from Michigan (Mr. DINGELL), I am not going to allow the bill to be slandered in that way. This bill contains provisions which will ensure health care for small business people that we have been fighting for on a bipartisan basis for years. It contains provisions which will ensure pensions for small business people and their employers that we have been fighting for. It includes the best piece of antipoverty legislation this Congress has passed in a generation.

Mr. Speaker, I stood next to the President of the United States at the White House and we talked about the importance of this. It means jobs and homeownership and community policing for poor people.

I will tell my colleagues, I am leaving here, Mr. Speaker, so maybe it does not matter to me and it does not matter to other people. I do not care who is consulted. I do not care whether the protocols of the Committee on Ways and Means were respected.

This bill means real things to real vulnerable people, and we ought to pass it and the President ought to sign it.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise in opposition to this bill and to the reckless way the House is proceeding.

Mr. Speaker, this bill fails to give either high-growth or economically disadvantaged areas the help they need to stretch their school bond dollars and to undertake desperately needed school construction.

This bill provides needed increases in Medicare reimbursement, but it directs those reimbursements disproportionately to HMOs with no guarantees that they will pass along the savings or that they will stay in our communities. In the meantime, our hospitals are shortchanged, particularly teaching hospitals and hospitals serving large numbers of indigent patients. Funding for rural health care, home health care and hospice care also falls short.

The Republican leadership could not even find a way to shorten or eliminate the waiting period for Medicare eligibility for victims of Lou Gehrig's disease, despite the fact that 282 Members of this House have cosponsored a bill to do so.

Mr. Speaker, there are good things in this bill: a tax credit for adoptive parents, a minimum wage increase, an increase in IRA contribution limits, an accelerated deduction for small business health insuance costs. But to bury these beneficial initiatives in a measure that in so many respects falls short is reckless and irresponsible.

Mr. Speaker, with a week-and-a-half between today and the election, we have no time for reckless games. The responsible way to proceed on issues of this gravity—taxes, health care, school construction, small business—is for the Republican leaders of this Congress to negotiate in good faith with the minority and the president to reach a compromise that meets our country's needs. This should have been done weeks ago. Our best course now is to defeat this bill and to bring a new bill, adequate to the challenges before us, to the floor promptly.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, in 1997, Congress courageously acted to save Medicare from bankruptcy as a part of the Balanced Budget Act. However, the real-life effects of that law were far greater than expected or intended. The legislation before us today will restore $28 billion in essential health care funding for providers and the patients they serve.

It will also increase preventive health benefits for seniors, including screenings for glaucoma and colon cancer, medical nutrition therapy, and Pap smear screenings and pelvic exams. I was pleased to coauthor provisions of the original 1997 balanced budget law, which expanded Medicare coverage or preventive health services. By diagnosing conditions in a timely manner, we can improve the quality of life for beneficiaries and ultimately reduce the costs of treatment for many patients.

The President has threatened to veto this critical measure that does so much to help America's seniors. He has expressed concern regarding the amount of funding provided for Medicare+Choice plans. But most of us have heard from an overwhelming number of seniors in our districts who support the Medicare+Choice plans, and who want Congress to make sure that they are adequately funded.

This legislation does just that, and it spends approximately $6 billion for it, not $30 billion, not one-half of that, but 22 percent of the total of $28 billion.

Last month, Members of my Committee on Commerce worked on a bipartisan basis, passed unanimously, I would remind everyone, to assemble a package of relief for both providers and Medicare beneficiaries.

The measure before us incorporates many of those provisions to help beneficiaries, as well as hospitals, community health centers, skilled nursing facilities, academic health centers, home health providers, hospice providers, and Medicare+Choice plans to be sure to help save for seniors their option for a Medicare managed care plan.

I look forward, Mr. Speaker, to passing this important legislation today, and I urge the President to sign it into law.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, from a transportation perspective, there are good reasons to oppose this bill, but the most significant is repeal of the 4.3 cent fuel tax for the railroads. That action goes against the spirit of the agreement worked out between rail labor and rail management on a railroad retirement benefit.

The parties agreed to divide up equally between management and labor the benefits of a payroll tax reduction.

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Our committee, the Committee on Transportation and Infrastructure and the Committee on Ways and Means crafted a bill, H.R. 4844, that reflected this agreement. Under the bill, the payroll taxes paid by railroads would be reduced $4 billion over 10 years. Railroad retirees and survivors would get roughly the same amount in improved benefits. It was a win for all parties.

During Committee on Ways and Means consideration of the bill, there was an amendment added to repeal the 4.3 cent fuel tax. That would have upset the balance of benefits agreed to by management and labor and would have unraveled the unified rail coalition. The Committee on Transportation and Infrastructure, on a bipartisan basis said, we would not bring the bill to the floor with this provision in it. The offending provisions was stripped prior to floor consideration, and the bipartisan railroad retirement reform legislation passed the House overwhelmingly by a vote of 391 to 25.

Now, we have the fuel tax repeal in here. That is a windfall benefit to the railroads with no commensurate benefit to rail workers and retirees. That is not fair. That is not right. That unravels the agreement that we put together, that labor and management voluntarily put together. We should not pass this legislation with that provision in. On this issue alone, the bill deserves to go down.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I know this is a political year, and I know that not everybody got everything in this legislation that they wanted in this legislation, but is that a reason to vote against the legislation?

Look at this bill. It expands health care coverage for all Americans; provides very important help for long-term care; increases the Medicare reimbursement to our hospitals, to our nursing homes, to our home health agencies $28 billion over 5 years and $75 billion over 10 years. It helps our schools to construct more schools. It provides computers to the classrooms, encourages adoption. It helps create jobs in our poorest inner cities and rural areas. It gives small businesses needed tax relief so that they can provide health care insurance, so that they can create more jobs. This is a good bill.

Let me focus on one provision that I am particularly proud of that this Congress passed by a vote of 401 to 25, only a few short months ago, totally bipartisan. The gentleman from Maryland (Mr. CARDIN) and I worked on this for the last 3 years together. The gentleman from California (Mr. GALLEGLY) and others on our side of the aisle worked so hard on it. It provides retirement security for all Americans. Half of America's workforce, 70 million people, have no pension coverage at all today, and everybody agrees on the right, on the left, and the center that we need to increase savings in our economy so that we can be sure that the economic prosperity that we are now enjoying continues. This legislation addresses these issues head on.

It does 3 things. It lets everybody save more in an IRA, moving it from $2,000 a year to $5,000 a year. It lets people save more in their 401(k)s. Mr. Speaker, 42 million Americans that we represent now have 401(k)s. It lets everybody put more aside for their own retirement, in traditional pension plans.

Second, it allows rollover of pension plans from job to job. In our increasingly mobile society, that is very important to the workers we represent. Finally, it streamlines and modernizes our pension laws to reduce the costs, the burdens and the liabilities, particularly to small business, so that more and more Americans will be able to enjoy a secure retirement. This is good stuff.

Mr. President, I cannot believe you are thinking of vetoing this legislation. Do not stand in the way of retirement security.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I oppose this bill precisely for the reasons the gentleman who just spoke says we ought to support it.

There is no death tax relief in this bill, and after spending most of the year in here knowing that we could very well have a death tax relief for small businesses, it is not in this bill. There is no marriage tax penalty relief anywhere in this bill, and we spent considerable time talking about that.

This bill has the wrong priorities on Medicare relief. I represent a district that is very rural. My rural hospitals need considerably more help than what those who wrote the provisions in this bill are suggesting. The bill also undermines welfare reform by dropping the provision extending transitional Medicaid. We are increasing discretionary spending at a record rate, cutting taxes by $300 billion without dealing with the estate tax, marriage penalty, or enacting other legislation to eliminate the national debt; and it is the wrong thing to do today.

Mr. Speaker, we must recognize we have to set priorities. The priorities of the majority are not the priorities of this Member. I urge a "no" vote on this bill.

I oppose this conference report because it has the wrong priorities in using our limited resources.

My priorities are eliminating the national debt, providing relief from the estate tax and marriage penalty, beginning a National Energy Policy, and giving assistance to rural hospitals and other health care providers. This bill does not address these priorities.

If this bill is enacted on top of the legislation already passed this year, we will have used nearly $1 trillion on the project surplus over the next ten years this year.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate is has over the last three years under a Republican Congress for the next ten years, nearly two-thirds of the projected $2.2 on-budget surplus will be wiped out.

Under one scenario, there would be just $350 billion in surpluses available for other priorities after we take Medicare off-budget next year.

The cost of this tax bill, when combined with the telephone excise tax bill, will consume nearly $300 billion of the surplus over the next ten years, not counting interest costs.

Enacting a tax cut as presented will consume virtually all of the surplus available for tax cuts, leaving no room to address other priorities.

No room to deal with estate tax.

We have bipartisan support for meaningful estate tax relief which would exempt all estates less than $4 million from the estate tax and reduce rates by 20 percent immediately.

Nearly half of the Democratic Caucus has cosponsored an estate tax bill that would do that, but the Wall Street Journal reported that the Republican leadership has rejected that proposal because they would rather have a political issue for the campaign instead of accomplishing something on estate tax.

No room to deal with marriage penalty relief.

This bill excludes many important items that were included in earlier tax bills:

All of the tax incentives for domestic oil and gas producers that were included in the Senate bill were excluded for some reason. With all of the talk about the need for a national energy policy, I don't understand why the leadership would oppose efforts to help our domestic oil and gas industry.

An important provision for farmers which clarify that CRP payments are not subject to self-employment taxes were dropped from the bill.

The bipartisan legislation on Individual Development Accounts which I cosponsored with Representative JOE PITTS, which would help low-income families save money and move into the middle class, were dropped for some reason.

While I support the increases in IRA limits to help middle and upper income families save for retirement, I do not understand why the tax credits to help low income workers who most need assistance save for their retirement were dropped.

This bill has the wrong priorities on the Medicare relief package. This bill shortchanges the critical needs of rural hospitals, home health agencies and other health care providers.

The bill also undermines welfare reform by dropping the provision extending transitional Medicaid, which ensures families moving from welfare to work do not lose health insurance for their children.

We are increasing discretionary spending at a record rate and cutting taxes by $300 billion without dealing with the estate tax, marriage penalty or enacting a plan to eliminate our national debt.

Mr. TALENT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, we are here today with a Presidential veto threat, and I am here to address that provision in the Medicare and Medicaid area, because in the President's message, he said, as several of my Democratic colleagues have said, that the bill fails to attach accountability provisions to the health maintenance organizations.

I am sorry to tell my friends who made that statement that they are simply flat-out wrong. I hope they did not do it for political purposes. I hope they did it because they were either uninformed or misinformed.

On page 143 in the bill, on lines 17 and 18, the language contained therein is the language supplied to us by the administration in terms of their request for accountability. Now, it seems strange with all of the arguments that there has not been much discussion between the administration and those of us that are charged with the responsibility as the majority to work with the minority, which we did in the Committee on Ways and Means subcommittee, by unanimously passing out the provision. It says, any of the dollars in this bill sent to Medicare HMOs can only be used to reduce premiums, cost-sharing, enhance the benefits of the beneficiaries, or utilize the stabilization fund. Every dollar that is added must be converted to benefits for individuals.

The President also says that there are other health care providers that are shorted by the basis of the HMO provisions. Let us remember that this is supposed to be not always for providers, it is supposed to be for beneficiaries. It is supposed to be for people in trouble. Organizations surrounding that have all written us letters. More than four dozen associations have said, we like what you are doing, we support what you are doing, we hope Members vote for it, we hope the President does not veto it. Organizations such as the American Cancer Society, the American Dietetic Association, Juvenile Justice Foundation, the National Kidney Foundation, the National Multiple Sclerosis Society, these are the people that are urging us to vote for the bill. They want us to vote for the bill.

The President's veto threat says that other providers have been shorted because so much money has been given to the Medicare HMOs. Then why in the world is the Long Term Hospital Association endorsing this, urging members to vote for it? Why is the Federation of American Hospitals, the National Association of Childrens Hospitals, the National Association of Long Term Hospitals, the National Association of Psychiatric Health Hospitals, the National Association of Urban Critical Access Hospitals, and the one usually held up, the American Hospital Association, says in a letter dated today, and I quote, American Hospital Association says, "We are urging Members to vote in favor of this legislation and have recommended that the President not veto the legislation."

The other providers say, vote for the bill and pass it. The associations that are going to benefit, the American Red Cross and others, say vote for it and pass it.

Mr. Speaker, I am just curious as to who these unnamed folks are that somehow are being benefited in here. Believe me, this is good legislation. Follow these people. Vote for it, pass it, and the President should not veto it.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this legislation. Instead of helping those that faced the real cuts in 1997, what our Republican colleagues have done is they have gift wrapped an early Christmas present for the same HMOs that continue to reduce coverage for seniors and in many cases drop their coverage altogether.

Unlike hospitals, home health, hospice providers, Medicare HMOs did not have their funding cut in 1997, yet this past year, we invested $1.4 billion in Medicare+Choice and the Medicare HMOs returned the favor by dropping nearly 1 million seniors, 56,000 in my State of Connecticut alone. And guess what? There is no meaningful accountability in this piece of legislation. These folks can pull the rug out from under people after a year. That was not changed at all in this piece of legislation.

I say to my colleagues, they got $1.4 billion, talk about bang for the buck, and they let all of these people adrift. The Republican bill would now give the Medicare HMOs 41 percent of the money in this bill, $10 billion. It is wrong, it is unfair, it does not help those who need it the most.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I am rising to oppose this legislation. I want to recognize the extraordinary leadership of the ranking member of the Committee on Small Business (Ms. VELÁZQUEZ), and I urge my colleagues to oppose this legislation.

This bill is sadly deficient because it misses opportunities. It misses an opportunity to help our health care providers secure benefit improvements in Medicare and Medicaid that would increase the access of millions of Americans to the health care they need. Unfortunately, the Republican leadership has chosen to make HMOs not the beneficiaries the focus of this flawed legislation.

Another missed opportunity was a bill that passed in bipartisan fashion out of the Committee on Commerce which would have increased enrollment in the CHIP and Medicaid, reduce out-of-pocket Medicare expenses and increase access to health insurance for disabled children and legal immigrants. It is a stark example of failed leadership.

Another opportunity that is missed is the bipartisan legislation to provide incentives to private sector biotech and pharmaceutical companies to accelerate development of vaccines for AIDS, malaria, and TB.

Mr. Speaker, the biggest missed opportunity is in school construction. How can we ignore the needs of our children?

Mr. Speaker, I rise in opposition to this measure which fails to provide tax relief to the families and institutions that need it most and fails to adequately meet our nation's health care needs. At the heart of the many flaws that are contained in this bill is the refusal of the Republican leadership to negotiate these measures in a bipartisan manner.

We are nearly a month into the fiscal year, and the Republican leadership continues to push forward bills that we all know will be vetoed because of their refusal to reach across the aisle and compromise. The American people deserve better leadership and a real commitment to achieving the important goals of tax relief and improved access to quality health care.

We are blessed in this country with the finest health care providers in the world. However, we must not take our good fortune for granted. The Balanced Budget Act of 1997 initiated several important changes in reimbursement rates for Medicare and other federally funded health care programs. Unfortunately, many of these new reimbursement rules resulted in payment cuts to health care providers that were far greater than Congress intended. As a result, hospitals, nursing homes, patient care and academic health centers across the country are suffering.

The refinements passed last year were a start, but they only addressed a fraction of the losses that the hospitals skilled nursing facilities that treat our most vulnerable citizens are facing. A recent report by the Lewin Group estimates that without further relief nearly 60 percent of the nation's hospitals will not be able to cover the costs of treating Medicare patients by 2004, and in the last two years 170 skilled nursing facilities have filed bankruptcy in California alone.

Today, we have an important opportunity to help our health care providers and secure benefit improvements in Medicare and Medicaid that would increase the access of millions of Americans to the health care they need. Unfortunately, the Republican leadership has chosen to make HMOs, not beneficiaries, the focus of this flawed legislation.

Medicare+Choice is an important program, but it is irresponsible to allocate over a third of the resources in this bill to a program that serves less than a sixth of our citizens. And to do so without any accountability measures demonstrates once again that the Republican leadership is on the side of the insurance industry, not on the side of patients.

All year long we have been waiting for the Republican leadership to pass a real patient's bill of rights. When the House and Senate began the conference on this issue in October 1999 there was an important decision to be made, would this Congress vote to protect patients or HMOs? Democrats have been united and clear in our choice. We choose patients. But the Republican leadership has been just as clear in their determination to protect their friends in the insurance industry. Today, they have once again chosen HMOs over patients.

Benefit improvements in Medicare and Medicaid are long overdue, and ignoring an opportunity to increase enrollment in CHIP and Medicaid, reduce out-of-pocket Medicare expenses, and increase access to health insurance for disabled children and legal immigrants is a stark example of failed leadership.

I am also opposed to a provision that has been included in this bill which violates the privacy protections that the Census Bureau has promised the American people. This provision would provide personal information to the Congressional Budget Office that is given to the Census Bureau with the understanding that the data will be used solely for the Census. This year's high response rates to census surveys will surely decline if that promise is broken.

Among the many important items excluded from H.R. 2614 is bipartisan legislation to provide incentives to private sector biotech and pharmaceutical companies to accelerate development of vaccines for AIDS, malaria, TB and any other disease that kills one million or more people annually. The Vaccines for the New Millennium Act, which was developed in collaboration with industry and public health advocates, creates tax and purchase credits that will increase R&D and expand the market for new vaccines.

The combined deaths from AIDS, TB, and malaria total over 7 million each year. Preventive vaccines are our best hope to being these destructive worldwide epidemics under control. The National Institutes of Health is doing crucially important vaccine research. But private sector biotech and pharmaceutical companies have much of the expertise to develop and produce vaccines, and we must leverage their resources and encourage the market to work more effectively in order to develop these vaccines in the near future.

This legislation fails to achieve the tax relief that American families need and the improvements in access to quality health care that they deserve. This country deserves better. I urge my colleagues to vote no on H.R. 2614.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, this is an accumulation of five bills that were introduced yesterday. It is 960 pages in length. I can tell my colleagues what my gut tells me, and I am quoting from a colleague in the Mississippi legislature: There are enough snakes in this bill that it would take a herpetologist to sort them all out.

We are dealing with people's retirement, and one provision of this bill would allow the person who is rolling those retirement funds over to pocket the profits for 60 days. Grandma does not get them, he gets them, not the person who deserves them, the guy who convinces grandma that she needs to roll it over. That is just one provision.

There is another provision that on a casual reading of this bill that I showed to over a dozen Members of Congress and an equal number of members of the press would have us believe that we get a tax deduction for paying bribes.

Now, I say to my colleagues, if it is our job to make the tax laws simpler and more understandable, why on the last day of this session would we parade out a bill that is going to add 965 pages to the Tax Code that no one fully comprehends?

Mr. TALENT. Mr. Speaker, the gentleman is referring to the foreign sales provision of the bill, and that is the administration's provision.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

It greatly concerns me to have this bill so maligned, because the gentlewoman from New York (Mrs. LOWEY) and I worked so hard to have the increase for hospitals included in this bill, the inflation update. It pains me that Senator KENT CONRAD and I worked so hard to have rural health care in this bill. It is in this bill. It pains me to have Senator BOB GRAHAM from Florida, having worked so hard with me on preventive health benefits in this bill, to hear this being described as a partisan bill. It pains me, with the gentleman from Florida (Mr. WEXLER) and the gentleman from Florida (Mr. DEUTSCH), who, we worked together on HMOs that are leaving our country destabilized to bring them relief and reform.

Mr. Speaker, I realized this is not about people today, it is about power. When the President refused to have a public bill signing on a breast cancer treatment bill at the White House because he was afraid the gentleman from New York (Mr. LAZIO) would get credit for it, who is running against Mrs. Clinton, I realized it is about power, not people; I realized it is about politics, not people, and for the other side of the aisle to decry this bill as some last minute attempt, after we have worked 2 years on producing this document, shame on them for voting no. Shame on them.

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Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, both parties agree that the tax code should help school districts issue school bonds and build schools. But this bill provides only half of the tax credits for school bonds that we need. It has weasel words on Davis-Bacon, which means we will get substandard schools built at substandard wages.

Worse yet, it allegedly helps our school districts by dealing with the arbitrage provisions. It will not build a school on Elm Street. It will build skyscrapers on Wall Street.

It allows and encourages school boards to take the bond proceeds to Wall Street and arbitrage them in risky investments. Is that not how Orange County, California, went bankrupt just a few years ago?

We need provisions that provide tax credits so that school boards can issue school bonds and have the Federal Government, in effect, pay the interest on those bonds. What we do not need is a provision that allows school districts to take bond proceeds, encourages them to delay construction, and urges them to go play the market.

I know that the bond councils out there dream that they will become investment bankers, but that is not what school bonds are all about.

Mr. TALENT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I stand in strong support of this legislation which deserves bipartisan support. I have heard a lot of claims on both sides about support for expanding IRAs and retirement savings. It is in this bill.

I hear a lot of claims about support for increasing reimbursements for our local hospitals and nursing homes and home health care providers. Well, there is $28 billion worth in this bill.

I hear a lot of claims about support on both sides of the aisle in support of increasing the minimum wage. We do that in this legislation. In fact, 98 percent of this bill we voted in favor of already.

Let me point out, there are important provisions that help the little folks. There is 10 million building tradespeople, cement finishers, operating engineers, carpenters, laborers, who right now have their pensions limited because of the section 415. I have had many colleagues on the other side of the aisle come up and say, "Are we going to get it in the bill?" I hope they will vote for it, because this is their opportunity to help those 10 million building tradespeople get their full pension.

I also want to point out that we have tax incentives in here for brownfields, cleaning up environmental cleanup which allow every community in the America to benefit from that incentive.

Ms. VELÁZQUEZ. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York (Ms. VELÁZQUEZ) has 3¾ minutes remaining. The gentleman from Missouri (Mr. TALENT) has 2¼ minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire of the other side how many more speakers they have.

Mr. TALENT. Mr. Speaker, we have two more on this side; and I understand we are closing, so perhaps the gentlewoman from New York (Ms. VELÁZQUEZ) could go with a couple of speakers.

Ms. VELÁZQUEZ. Mr. Speaker, I have one more speaker, then I am ready to close.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I favor real middle-class tax cuts. I favor tax cuts which put small businesses on the same footing with large corporations. I favor pension reform. And I favor Medicare adjustments to keep small hospitals open.

But I am going to oppose this bill because of the cynical inclusion of a provision which specifically overturns Oregon's death-with-dignity law. This was voted on by the people of Oregon, not once, but twice.

What will happen if this bill passes is that things will not play out in grand chambers like this. Things will not play out in the hospitals that we are trying to keep open. There will be little rooms across this country, in Oregon, where the scenes will be played out in small rooms filled with pain.

If my colleagues want that pain to occur, then vote for this bill. If my colleagues want to prevent that pain from occurring, if they want real tax relief, then vote against this bill.

Mr. TALENT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this bill. I point out to my colleagues that almost every section of it they have voted for overwhelmingly: the retirement security provisions, the small business tax relief, the foreign sales section, the community and renewal provisions, and the health care provisions. They have voted for it because it is good tax law and it is good for working people.

Let us look at the Medicare section. Do my colleagues realize that the Medicare provisions came out of the Committee on Ways and Means Medicare subcommittee with unanimous support?

The Democrats voted for a 4 percent increase for managed care, plus the proposal of the gentlewoman from Florida (Mrs. THURMAN) that those coming back into the market get a bonus. That is what the professional folks on your side that are the closest to this issue voted for.

Otherwise, the Medicare section is just like the Committee on Ways and Means structured it, with some additional provisions from the Committee on Commerce that enriches, not only Medicaid, but gives States back that CHIP money for their children's insurance programs and does something we have all tried to do for a long time, and that is loosen the definition of "homebound" so more money will go to home care.

That is why all the groups support this, the hospitals, the nursing homes, the home care providers. My colleagues should support it, too.

This is about the strength of our Medicare system and the providers that serve them. It is about good tax policy across the board. My colleagues have voted for it overwhelmingly. Support it today.

Ms. VELAZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, the time is short so I wish to focus my remarks particularly with regard to the small business section of the bill and encourage my colleagues to vote against it, even though I wanted to commend the gentlewoman from New York (Ms. VELÁZQUEZ) for all the work she has done in this effort.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire if the gentleman from Missouri has any further speakers.

Mr. TALENT. Mr. Speaker, the majority leader is going to close on our behalf.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the remaining time to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, this bill is a giant, gargantuan, enormous hand-out to the HMOs. At a time when health care costs are bankrupting families all across America, closing hospital doors throughout this country, 47 percent, 47 percent of the dollars under this Republican bill, under the Medicare part of this bill, go to the HMOs.

The same HMOs that deny one seeing one's specialist will get $30 billion under this bill over 10 years. The same HMOs who abandoned the rural areas of this country get $30 billion under this bill. The same HMOs who left stranded a million seniors in this country over the last year will get $30 billion under this bill. The same HMOs that will not allow one to go to the nearest emergency room because of cost will get $30 billion under this bill.

But it is not enough that the Republicans would turn their backs on the hospitals and the nursing homes and the home health care agencies, they want to transfer $30 billion to the HMOs. It is not enough that they would do that; but on top of that, they started this Congress, we started this Congress with the hope that we would get the simplest of a Patients' Bill of Rights. Of course that has been abandoned.

So what we have here is no Patients' Bill of Rights for our seniors, for our mothers and our fathers and our children. What we are ending up with in the Congress is a huge, enormous $30 billion gift, Christmas present, call it what you want, for the HMOs at the expense of the other providers who are struggling to care for our families.

The President will veto this bill. The President should veto this bill. We will stay here, and we will fight as long as it takes for the hospitals, for the nursing homes, and for the caregivers of the American families, those people who American families depend on.

I urge my colleagues to vote no on this bill and send a very clear message that this Congress has been a failure when it comes to health care, especially with respect to providing for our families through the proper channels and not through the HMO giveaway.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from New York (Ms. VELÁZQUEZ) for her many kindnesses and her powerful advocacy of her views and the graciousness in the times we have served together on the Committee on Small Business. I want to thank the gentlewoman.

Mr. Speaker, I am happy to yield the remaining time to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I guess I am a little confused by all the protests I hear about this bill. It has been suggested that maybe we did not consult enough with the White House or perhaps other Members of the Congress other than the Republicans in the House. Let me assure my colleagues, we have talked about that.

This bill, Mr. Speaker, provides $245 billion in tax relief over the next 10 years, a figure that I personally agreed to with the Secretary of the Treasury on behalf of the President. That would be $11.5 billion impacting the first year, this fiscal year. I personally agreed to that figure with the Secretary of the Treasury as he acted on behalf of the President. That allows us to keep our 90 percent pledge to pay down 90 percent of the budget surplus in debt reduction.

Then as we proceeded in our discussions with the White House, we reminded them that we wanted to put together a bill that had proven standing by virtue of the votes taken in the House.

We started off with the bipartisan Portman-Cardin bill that had already been voted in this House by a vote of 401 to 25, virtually all of us on that bill. Very little change was made with that, and only those little minor changes that were agreed to by the White House and in consultation with the authors of the bill, a Republican and a Democrat, and other interested parties.

We went on, and we included minimum wage, the top priority of the Democrats, and attended that with a small business wage package that attended it when it left the House. That part of the package passed with a large bipartisan vote.

We added then a foreign sales corporation fix. It had passed the House by 314 votes, 114 of which were Democrats, wanted by the White House as a top priority.

Then we included community renewal. That passed the House by 394 votes and was the product of what was agreement between the President of the United States and the Speaker of the House as they toured the country, talking about what they wanted to do to help people in these communities that did not seem to keep pace with the prosperity of America and all these wonderful ways. It was directly negotiated by the White House with the Speaker of the House; 394 us voted for it.

Maybe it is not, then, these major component parts that bother the folks that now say they want to vote no. Maybe it is the fact that we give a long-term tax credit, tax deduction, asked for by the White House, given by us out of consideration for those loving children that take their parents into their households and take care of them in their old age. It does not seem a big thing to do. But I have to tell my colleagues rich kids do not need that, but we love it. We love it for those young men and women with their own families that care for mom and dad in their old age.

Maybe my colleagues all object to the health insurance tax deduction that would give the waitress in the corner restaurant down here the same consideration of tax code as she struggles to buy her health insurance as is given to a CEO that has his insurance provided to him by his employer. Maybe my colleagues do not think that is fair to give that waitress a tax deduction for what she pays for health insurance.

Perhaps my colleagues are upset about the adoption tax credit that would enable more families, particularly more low- and marginal-income families, to take more children into their families and love them. Perhaps my colleagues would rather see the children out in the cold. Maybe that does not bother them.

I saw the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the Committee on Agriculture, down here complaining. Maybe it was the farm savings accounts that give farmers encouragement and assistance as they save in the good years to help themselves through the bad years. Maybe that is what my colleagues object to. The White House liked that.

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Or perhaps it is the school construction provisions that first stops this immoral taxation of the meager earnings that a school district has on their bonds while construction is underway, and then goes on to in fact give further tax deductions and consideration to communities that want to issue bonds to build schools or renovate schools. The White House asked for that. Perhaps my Democrat colleagues in the House disagree with the White House and would rather not have that.

Or perhaps maybe my colleagues' objections are that while we do not give them that, we at the same time increase for so many of these school districts their production costs beyond the point where it does them any good to have this benefit under the tax law by virtue of some sop they want for their labor friends that finance their campaigns.

Maybe the things that bother my Democrat colleagues is the tax credit we gave to people who want to provide computers to students in schools and libraries. I do not know what it is that bothers my colleagues, but whatever it is that bothers them, they should not let what bothers them cause them to deny the fact that 90 percent of this passed through the House, mostly with their votes before.

Maybe the problem is we are going to pass this law just too close to the elections. Maybe that is what is bothering my Democrat colleagues.

Mr. Speaker, this is not a perfect tax bill. There rarely are perfect tax bills. But I can tell my colleagues this from my discussions with the White House. There are some things in this that we do not like, and there are some things that the President does not like. There are some things that are not in here that we would like to have seen in here, and there are some things that are not in here that the President would like to have seen in here. We are only mostly happy, and he should be only mostly happy.

The spirit of compromise means that nobody gets to be perfectly happy. And maybe that is what makes this a good bill, and we all ought to vote on it. Because working together, us with our point of view, my Democrat colleagues with their point of view, our desire to help real people in their real lives, whether it is adopting children, helping individuals save for their own old age, helping mom and dad in their old age, securing health insurance saving for a rainy day, or perhaps the farmer wants a day that does not rain so much, whatever it is in here, we are right here, my colleagues. We are right not only in our understanding with our heads of the tax code and its injustices that must be addressed but, more importantly, in our heart for saying to the American people that they created the surplus and they deserve some of it back.

Do we really have to keep it here so we can spend it all? I ask my colleagues to vote "yes." I ask the President to sign the bill. It would make him mostly happy, I think. And that is as much as anyone can expect in this life.

Mr. POMEROY. Mr. Speaker, I rise in opposition to this bill, which includes badly misplaced priorities in the areas of health care and education.

There is a crisis among rural health care providers. As a steering committee member of the Rural Health Care Coalition, I have fought long and hard to address and alleviate this crisis. Too many rural hospitals, nursing homes and home health agencies are being forced to cut back on their services or to shut their doors because Medicare reimbursement levels are inadequate to cover essential costs. Unfortunately, rather than provide sufficient funding for these essential providers, the bill before us directs a whopping 41 percent of the available funds to managed care companies—even though HMOs provide coverage for only about one in six seniors nationwide.

Because this bill provides a disproportionate share of funds to HMOs, all the other providers have been shortchanged. One of my priorities, and one of the priorities of our nation's hospitals, is to provide them with a full inflationary update over the next two fiscal years. As prescribed by the Balanced Budget Act of 1997, hospitals did not receive an inflationary update in fiscal year 1998 and thereafter have received reduced updates. Rural hospitals depend more upon Medicare reimbursements than do urban facilities and feel a greater impact from payment reforms and reduction. In fact, in my home state of North Dakota, hospital payments are still expected to decrease by $416 million, or 11 percent, from pre-BBA levels during fiscal years 1998–2004. This is unacceptable.

I am disappointed, therefore, that this measure provides hospitals with a full inflationary update for only one year, fiscal year 2001. At the end of that fiscal year, the promise that some my colleagues are making to these health care providers, a promise to help them keep their doors open, may be broken. I intend to uphold this promise; I have been in personal contact with the Administration, and they have assured me that they, too, are committed to our nation's hospitals and will continue to fight for a full, two-year inflationary update. The least we can do is to provide our hospitals with an annual Medicare payment update that reflects an unreduced adjustment for inflation, the same adjustment we provide in other federal programs that seniors rely upon, such as Social Security.

The development of home health services as part of the Medicare program has been of great benefit to our nation's seniors. With home care, our seniors receive quality, skilled care in their very own homes, postponing or eliminating the need for care in more costly, and often more isolated, settings. Unfortunately, home health agencies have also suffered financially under the unintended consequences of the Balanced Budget Act. This measure was supposed to cut $16 billion in home health care spending over five years; new estimates show that we have actually cut $69 billion, over four times what was anticipated.

Congress has a chance to do some good this year; we can eliminate the further 15 percent reduction in Medicare payments to home health agencies scheduled to go into effect in October 2001. This Congress, however, is voting on a measure that will only delay this cut for one more year, until October 2002. This, too, is unacceptable.

Providers are already doing all they can to keep their doors open under these financial constraints. This has not been easy. Across the nation, thousands of home health agencies have closed or stopped serving Medicare beneficiaries. In North Dakota, four of the state's 36 Medicare-certified agencies have been forced to do the same. As a result, the number of patients receiving Medicare home health services has dropped. In 1997, 3.6 beneficiaries received home care across the nation; in North Dakota, about 9,000 Medicare patients were served. Only one year later, the number of Medicare patients served by home care dropped an amazing 17 percent nationwide and 10 percent in North Dakota. We cannot continue to address the financial crisis facing our home health agencies on a year to year basis. We have to act now to end this trend by repealing the 15 percent cut in Medicare payments for once and for all.

I am also disappointed with the Republican school modernization provision in this legislation. I believe that we have a responsibility to provide our children with a quality education in a safe, modern environment. As a father I want to be sure that my children, Kathryn and Scotty, are learning in the best possible environment. As a Members of Congress, I want that for all American children. The proposal before us would not achieve that goal.

Mr. Speaker, studies have shown that American schools would need an additional $125 billion in construction and renovation funds to be able to provide our children with the best education. In North Dakota alone, the National Education Association estimates the need for an additional $545 million to adequately address school modernization issues. To provide schools with the resources they need, we must pass the bipartisan Johnson/Rangel bill, which would provide almost $25 billion in tax credits to pay the interest on school construction bonds. Unfortunately, the legislation we consider today would provide less that half of that amount. Mr. Speaker, I believe that the education of our children is worth more than that.

This legislation also includes a change to the tax-exempt bond arbitrage rules that largely fails to meet the stated objective of modernizing schools, especially in rural areas. Under the Republican proposal, school districts would have four years to spend school construction bond proceeds rather than the two years currently permitted. Accordingly to Republicans, this would enable school districts to invest bond proceeds for a longer period and recognize greater arbitrage profits. The truth is, many school districts will receive no benefits from the Republican proposal. Schools with urgent needs, forced to teach children in trailers and dilapidated buildings, would not benefit from this legislation. Their backlog of unmet needs means that they do not have the luxury of waiting four years before completing school construction.

The school modernization provision in the Republican tax bill is simply inadequate to address the urgent construction and renovation needs of our nation's schools, and I urge my colleagues to oppose this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to a veiled attempt by members from the other side to bring tax relief to the floor at the expense of some of the wealthiest and vulnerable Americans in our economy. It would do nothing but harm our seniors.

The bill is deficient in three major areas. The legislation fails to include the Rangel school construction tax credit provisions, which would help leverage $24 billion in financing for school construction and renovation. In addition to providing much-needed construction and renovation of schools, these provisions would include vital Davis-Bacon wage protections for construction workers. The bill should have included real education reform.

Second, the Republicans crafted a health insurance coverage without any input from colleagues from the other side. And it shows, Mr. Speaker. This is the wrong type of health reform. And it is wrong for the urban and rural hospitals in my district. We can do better for America. Republicans have spent the entire year fighting against a Medicare prescription drug benefit or a truly enforceable Patients' Bill of Rights. Even worse, Republicans have fought meaningful expansions of health insurance options for working families and have prevented assistance for families with long-term needs.

This bill includes huge tax breaks for the wealthy without any financing for a Medicare drug benefit, extending the life of the trust fund, and protecting Medicare surplus for its future needs. Furthermore, the legislation still allows individuals who do not participate in employer-sponsored health plans to take an above-the-line deduction for the cost if their health insurance premiums. This is an extremely inefficient and costly means of trying to expand health insurance coverage. Even worse, it could have the perverse effect of undermining existing employer-based coverage. Instead of this unprincipled proposal, Congress should immediately consider other more targeted mechanisms to expand health insurance coverage which would not jeopardize workers existing coverage.

We also know, Mr. Speaker, that this bill includes a massive payment for HMOs with no requirement that plans do not leave communities and strand seniors or cut back on benefits. The bill would give $30 billion in relief to health care providers under Medicare. Unfortunately, these additional reimbursements are too heavily weighted toward HMOs, with insufficient assistance being given to urban and rural hospitals. In addition, this legislation fails to include adequate guarantees that health care plans will maintain benefits for seniors.

It is clear that there is no meaningful guarantee of increased access plans or benefits. That is inexcusable. Republicans rely on a "trickle down" approach of giving large sums of money to HMOs and asking—not requiring—that they use the money for beneficiaries. Their bill includes no guarantee that plans will not drop out of communities or Medicare altogether when it is no longer in their interest to remain or that they will put new money towards maintaining benefits rather than shoring up their bottom lines.

This bill would hurt my district, the 18th Congressional District of Texas most dearly. HMOs have already been rolling out of communities leaving seniors bewildered and confused about their choices. When plans leave an area, seniors are left with tough choices that can be quite traumatic or disturbing, especially for low and middle-income seniors.

We want to pass a bill that makes a real difference for our Nation's seniors. And I am willing to stay here as long as we need to get the job done. Democrats support reasonable tax cuts, Medicare and Medicaid provider payment increases, and beneficiary investments. These are parts of the bill that I support, such as a downpayment on provider payment restorations, new preventative benefits in Medicare, increased managed care payments for counties that now have low reimbursement, and other provisions that provide for better care of our seniors.

It is time to come together a real bipartisan process to resolve health policies in this 106th Congress. The bill has other serious shortcomings that really have little to do with tax discussion. For example, the bill allocates too little to critical beneficiary, provider policies. Hospitals simply receive inadequate Medicaid disproportionate share hospital payments increases, which has placed many cities at a serious disadvantage. Hospitals, such as those located in my districts, are facing increasingly difficult times at providing adequate care to seniors.

There are other inexcusable "reforms" that have been inserted into the bill. Home health agencies receive no 2nd year delay of the 15 percent cut; nursing homes will not even benefit from the proposal to provide $1 billion in grants to states to improve quality by increasing staff ratios; hospices receive no 2nd year of update; and beneficiaries receive much less than HMOs.

Bipartisan proposals that have been excluded include are shameless. This bill contains no health coverage option for legal immigrants, passed on a bipartisan basis; no health coverage for children with disabilities who cannot access private insurance; no improved enrollment for uninsured children in schools and other sites; no extension of transitional health coverage for people leaving welfare for work; and no waiver of the Medicare waiting period for people with Lou Gehrig's disease.

Mr. Speaker, we must work together to correct this legislation and send something to the President that he can actually sign for that benefits the American people. I urge my colleagues to join me in rejecting this bill that is bad for our schools and for our seniors. We ought and can do much better, Mr. Speaker.

Ms. SCHAKOWSKY. Mr. Speaker, like many of my colleagues, I believe that we need to make changes in 1997 Balanced Budget Act to restore cuts made to Medicare and Medicaid. Unlike the authors of the provisions in H.R. 2614 that we are discussing today, I believe that increased payments deserve to go to those entities that actually provide health care to our nation's senior citizens and persons with disabilities.

There are some important provisions in this bill. I am extremely pleased with the provision to protect Illinois and other states that stand to lose needed Medicaid funds under a proposed change regarding intergovernmental transfer provisions. This is an important provision that will allow my state and others to continue to provide needed care to the uninsured and the underinsured. But overall, this bill ignores critical priorities, falls far short of what is needed, and actually undermines some protections that many of us have fought so hard to win over the past few years.

A major problem is the decision to reward Medicare HMOs instead of directing more resources to actual care providers. Only 16 percent of Medicare's 39 million beneficiaries are in Medicare+Choice, managed care plans. Yet, over the next five years, those plans would receive 40 percent of the newly-restored payments under H.R. 2614. Over a ten-year period, nearly half of the new payments would go to Medicare HMOs. Of course, the 84 percent of beneficiaries who are not in Medicare managed care won't get their fair share under this proposal. But there is no guarantee that Medicare+Choice enrollees will benefit, either.

There is no requirement under this bill that Medicare managed care plans pass any of those increased payments through to hospitals, doctors, nursing homes, home health agencies or hospice providers. There is no guarantee that, even with those new payments, Medicare+Choice plans will stay in the market. Last year, we increased Medicare+Choice payments and 934,000 beneficiaries still received letters in the mail saying that their plan was going to leave them high and dry. Yet, Medicare HMOs would get 40 percent of new payments, despite the lack of accountability and guaranteed coverage and despite reports by the General Accounting Office that in 1998 alone Medicare spent $5 billion more on those beneficiaries in Medicare+Choice plans than if those enrollees had been in traditional Medicare.

Instead of spending billions of dollars on Medicare HMOs that are here today and gone tomorrow, I would rather spend those dollars to provide direct payments to hospitals, particularly those that serve a disproportionate share of low-income and uninsured patients and provide critical teaching services. I would rather delay the 15 percent reduction in home health spending for another two years, provide nursing home quality grants and support efforts to move individuals to home and community-based care.

I am particularly concerned that this bill does not provide adequate funding for hospice and palliative care services. We are all concerned about the high price of prescription drugs, but this is a particular problem for hospice organizations that rely on prescription drugs to provide critical pain relief to terminally ill patients. When Medicare established payment rates for hospice services in the 1980s, medication costs represented about $1 of the daily rate. Today, those costs have increased by about 1500%, to $16 a day. Yet, payment rates have not kept pace and the result is that many hospice care entities are struggling to survive. In fact, as a Milliman and Robertson study conducted in response to a Congressional directive concluded, "the trend is clear that Medicare hospice per diem payments do not cover the costs of hospice care and result in significant financial losses to hospice programs throughout the country."

We could be acting today to provide health care for legal immigrant pregnant women and children, to adopt the Family Opportunity Act, to extend health coverage for people leaving welfare for work, to eliminate the Medicare waiting period for persons with ALS, and to expand the State Children's Health Insurance Program. H.R. 2614 ignores these very real priorities in favor of Medicare HMOs. This is the wrong priority, and I hope that my colleagues will reject this bill.

We have time to engage in real negotiations, to debate fairly and to respond to the needs of patients. We can and we must act before we go home this year to pass real, meaningful and pro-patient changes to the 1997 Balanced Budget Act.

Mr. UNDERWOOD. Mr. Speaker, I would like to express my opposition to the conference report for H.R. 2614, which includes several tax-related provisions dealing with community renewal, the repeal of Foreign Sales Corporation laws, health care and Medicare provisions, minimum wage, small business tax cuts, pension reform, and Individual Retirement Account expansion.

This legislation, which was drafted without the consultation or active participation of Congressional Democrats or the Administration, fails to provide adequate funding for school construction and modernization needs, health coverage for the uninsured, credits for long term care, pension coverage, and accountability provisions for excessive payment increases to health maintenance organizations (HMOs).

More importantly, this legislation fails to take into account the dire economies of the U.S. territories, including the Territory of Guam. For several months, I have appealed to the Administration and Congressional leaders for tax relief legislation for Guam because of the exclusion of the U.S. territories from the President's New Markets Initiative legislation and the adverse impact that legislation repealing the Foreign Sales Corporations (FSCs) program will have on Guam.

Guam's economy continues to suffer as a result of the Asian financial crisis since our island's tourism industry relies heavily on Japan and other Asian countries due to our close proximity to Asia. Moreover, Guam's unemployment rate is at an unprecedented 15.3 percent, more than three times the national average

I have requested that legislation I have sponsored, which is crucial to Guam's economy, be included in any final tax package, particularly if the legislation seeks to help distressed communities. The Guam Foreign Direct Investment Equity Act would provide Guam with the same rates as the fifty states under international tax treaties. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of United States, my legislation amends Guam's Organic Act, which has an entire tax section that mirrors the U.S. tax code. The legislation does not cost the federal government any money. It simply allows the Government of Guam to lower its withholding rate for foreign investors. My legislation passed the House previously as part of a Guam omnibus bill on July 25, 2000. The bill has Administration and bi-partisan Congressional support.

As background, under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law "mirrors" the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent.

My proposal provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term "United States" under these treaties, Guam is not included. Such an omission has adversely impacted Guam since 75 percent of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. That means while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rate as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through delinkage, their unique covenant agreements with the federal government, or through federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

At the end of the day, should the President and Congress agree on tax legislation or legislation on the President's New Market's Initiative, It would be a shame that Guam is not provided any economic relief as well. I believe that U.S. policymakers have an obligation to help all Americans, wherever they reside, including the U.S. territories.

Lastly, Mr. Speaker, I am also disappointed that the conference report for H.R. 2614 fails to include a legislative proposal that addresses the Medicaid needs of the U.S. territories. H.R. 5126, which was introduced by Congresswoman DONNA CHRISTENSEN and cosponsored by all of the territorial Delegates, including myself, to provide Medicaid relief to the territories by removing the Medicaid caps imposed on the territories and adjusting the Federal matching rate, is supported by the Congressional Asian Pacific American, Black, and Hispanic Caucuses.

As part of the 1997 Balanced Budget Act negotiations, the Administration proposed a phase out of the caps. While Congress appropriated the initial increase of 20 percent for FY 1997, no other increases were appropriated in the following years. As Congress and the Administration revisit the Balanced Budget Act plan in this give back proposal, we request that the issue of increasing the Medicaid caps for the territories be revisited.

The U.S. territories have the highest unemployment rates, the highest poverty levels and the lowest per capita incomes in our nation. The territories have not enjoyed the same level of economic growth as the rest of the Nation and their ability to meet the Medicaid needs of their residents is constrained by their economic circumstances. Faced with depressed economic conditions and rising health needs of growing indigent populations, the reliance on Medicaid assistance has grown beyond the federal caps and beyond the territorial governments abilities to match the funds. Lifting the cap or even following up on the FY 1997 commitment to raise the Medicaid caps for the territories by 20 percent each year until all achieve parity with the rest of the nation is vital to insuring that all American citizens and children who depend on Medicaid support are not limited by geography when it comes to meeting basic healthcare needs.

I urge my colleagues to remember the U.S. territories in any tax-related legislation, particularly as it affects distressed communities, and request that my colleagues oppose the conference report for H.R. 2614.

Mr. BLUMENAUER. Mr. Speaker the Balanced Budget Act of 1997 (BBA) substantially cut payments to health care providers in order to reduce total Medicare spending. I voted against the Balanced Budget Act because the cuts were too severe and have threatened health care delivery to the Medicare population. It is no surprise to me that the bill before us today, H.R. 2614, seeks to undo portions of the BBA. However, I am extremely disappointed with the unfair provision of this bill; it doesn't provide adequate help to the neediest parts of our health care system.

Hospitals absorbed the largest funding reductions under the BBA, Oregon hospitals alone are expecting a $33.6 million loss in fiscal year 2002. However, hospitals only receive a fraction of the "give back" provided by H.R. 2614. Over 41 percent of the spending in this bill goes to Medicare HMOs, affecting only the 16 percent of the Medicare population covered by managed care plans. I will not support a bill that does not provide sufficient relief to our hospitals, home health care agencies, nursing homes, and hospices.

Hospital payments aside, the increased funding to Medicare HMOs does not ensure improved healthcare for Medicare HMO customers, nor does it address the flawed Medicare managed care reimbursement rate structure that unfairly punishes cost effective states like Oregon. Managed care plans in my district have recently doubled the monthly co-payment from $35 to $69.50 with no corresponding increase in benefits. At the same time, seniors in states with higher than average reimbursement rates like California, New York, and Arizona have no out-of-pocket costs for health care and often receive dental and vision coverage and a prescription drug benefit. It is unfair to increase payments to Medicare HMOs without focusing relief on those customers that are forced to pay the highest rates and receive the fewest benefits.

A major concern is a provision that would criminalize decisions doctors make on pain management for the most seriously ill and overturn Oregon's Death with Dignity Act. Oregonians have twice voted to support the assisted suicide law. H.R. 2614 not only is an attack on the Democratic process, but also threatens to pain management. There is evidence that doctors are increasingly hesitant to prescribe pain medications to terminally ill patients for fear of being accused of unlawfully assisting a suicide. The on-going attempts by Congress to criminalize the doctor-patient relationship are a threat to pain management in all fifty states.

Mr. COYNE. Mr. Speaker, I rise in opposition to this misguided legislation. This bill contains a number of positive provisions, but it also contains a number of provisions that would hinder what I believe should be our long-term goals—ensuring that all of our citizens have access to affordable, high quality health care.

I support a number of provisions in this bill. I introduced legislation last year that would have made the current tax provision allowing the expensing of brownfield clean-up costs permanent, and I introduced legislation with Congressman JERRY WELLER that would have eliminated the existing language which limits the brownfields expensing provision to certain targeted areas. I am pleased that language expanding the definition of qualified sites and extending the expiration date of this provision through 2003 was included among the community revitalization provisions contained in this bill.

I am a cosponsor of the Rangel-Johnson legislation that would establish a tax credit for qualified school modernization bonds, so I am concerned that H.R. 2614 does not contain this bipartisan language to promote school construction, renovation and repair. Moreover, I am concerned that the bill does not provide adequate protection for the construction workers who would be employed on the school projects that this legislation would finance.

The Medicare and health-related provisions of this legislation also cause me great concern. I believe that the Members of the House are nearly unanimous in supporting additional funding for Medicare. I strongly support such an increase myself. I am concerned, however, that this $27 billion package contains too large an increase in funding for Medicare HMOs and not enough an increase in Medicare benefits for seniors and reimbursement for hospitals, home health care services, and other health care providers. Consequently, I must oppose H.R. 2614.

Finally, I have serious concerns about some of the health-related tax provisions contained in this bill. The bill would allow individuals who do not participate in employer-provided health plans to take above-the-line deductions for the cost of their insurance premiums. I have two concerns about this approach. At best, it is an expensive and inefficient way of ensuring that all Americans have access to affordable health insurance. It does little to help the uninsured. But of perhaps even greater concern is the possibility that this provision would undermine our existing system of employer-based health insurance.

For these reasons, I must oppose this legislation, and I will support the President should he veto this bill. It is my hope that Congress will be able to craft better legislation addressing Medicare and tax cuts before it adjourns for the year.

Ms. ROYBAL-ALLARD. Mr. Speaker, I oppose H.R. 2614. This bill includes both the balanced budget act giveback plan as well as the Republican's tax cut proposal. Both of these provisions were negotiated behind closed doors and without consulting either Democrats or the Administration.

While there are many problems with this legislation, I am extremely disappointed that it does not include the Commerce Committee-approved provision giving States the option to provide basic health care coverage to legal permanent resident children and pregnant women.

The 1996 Balanced Budget Act mandated that lawfully present children and pregnant women who arrived in the U.S. after 1996 must wait five years before they can apply for basic health care. As a result, this vulnerable population cannot obtain proper health treatment such as preventive and prenatal care.

Making health care available to this group, through Medicaid and the State children's health insurance program, is simply good public policy. It would provide critically-needed health services to 144,000 children and 33,000 pregnant women per year—children and mothers who have followed the rules, paid taxes, and are in this country legally.

We cannot let these children and mothers down by excluding this critical, bipartisan measure.

Unfortunately, the Republican-negotiated package does just that.

As Chair of the Congressional Hispanic Caucus and as a Member who represents a large Hispanic community, my top priority is to advocate for the fair treatment of all hard-working, tax-paying families, including legal immigrants. Denying health care coverage to legal immigrants is not fair treatment.

For this and other reasons, I cannot support this legislation.

I urge my colleagues to oppose H.R. 2614 and work to craft a true bipartisan package that includes the restoration of health care for legal immigrant children and pregnant women.

Ms. DEGETTE. Mr. Speaker, the bill before us is an example of a fatally flawed partisan process that strips out important provisions that are important to a list of bipartisan supporters.

First and foremost, almost 50 percent of funding in this bill before us goes to HMO's in the Medicare program—over $34 billion over the next 10 years. Let me repeat: . . . $34 billion to Medicare HMO's that serve just 16 percent of the Medicare beneficiaries.

And why? Under current law, according to the General Accounting Office, "Medicare's overly generous payment rates [to HMOs] well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program." Incredibly, in the name of moving to what some claim is a more efficient model of care, we could completely repeal Medicare+Choice and save taxpayers money, reduce premiums for Medicare beneficiaries, and extend the life of the Medicare trust fund.

There is a fundamental problem with the Medicare+Choice program, and it goes well beyond the argument that we need to address pull-outs of managed care plans. Instead, we need a fundamental re-consideration of how this program operates. Instead, this Republican bill is throwing yet another $34 billion into the program.

What are we getting for this $34 billion? There is no guarantee that plans will not drop out of communities or Medicare altogether. There is no guarantee that they will put new money toward maintaining benefits rather than shoring up their bottom lines. Where is the accountability for $34 billion?

Time and time again in the Congress, you have to question which party is truly about fiscal responsibility. This partisan Republican drafted bill certainly does not reflect such responsibility.

To pay HMOs all of this money with no accountability, what was dropped or lost?

Dramatically cut by 72 percent was the Medicaid disproportionate share hospital (DSH) program from the levels passed in a bipartisan mark-up in the House Commerce Committee. That bipartisan legislation, introduced by Chairman BLILEY and Ranking Member DINGELL, incorporated provisions from legislation introduced by Representatives WHITFIELD, BILBRAY, and myself. That legislation corrected a $10.4 billion cut to the Medicaid DSH program over five years. It prevents further cuts to the Medicaid DSH program in FY 2001 and well into the future.

In sharp contrast, the partisan Republican bill before us only protects the program in FY 2001 and FY 2002 and that dramatically cuts funding to states and our nation's safety net hospitals in FY 2003. The effect is a 72 percent cut from what was included in bipartisan Commerce Committee package.

In the State of California, hospitals will lose $143 million in federal Medicaid DSH funding in FY 2003. This legislation imposes a horrible cliff effect on hospitals and a fix that would require $4 billion over 5 years. Don't put off this issue on the 107th Congress. Address it today.

What other provisions were dropped or left out in order to give Medicare HMO's the bulk of the money?

Dropped were bipartisan proposals to provide health coverage options to legal immigrant children and pregnant women, which was included in my bill, the Improved Maternal and Children's Health Coverage Act.

Dropped was another provision from that bill to improve enrollment for uninsured children in schools and other sites.

Not included were provisions to extend coverage to pregnant women through CHIP—resulting in bizarre public policy that provides prenatal care just to teenagers that get pregnant prior to age 18 but cuts them off once them become adults. If you are concerned about infant mortality, mother-to-child HIV transmission and a number of other maternal and child health issues, this is something that we should pass this year.

Dropped was the Family Opportunity Act, which would have improved work incentives for parents of children with disabilities who cannot access private health insurance.

Dropped was a provision to extend the transitional health coverage for people leaving welfare for work.

Dropped was provision to extend Medicare coverage for people with Lou Gehrig's disease, whose life expectancy following diagnosis is often shorter than the waiting period.

Not included was a $3,000 tax credit for people with long-term care needs or their family caregivers.

Not included were provisions to provide Medicare and Medicaid smoking cessation counseling to help out nation's elderly and low-income populations stop smoking and extend their lives.

Not included was anything to address the need for a Medicare prescription drug benefit.

What's more, this bill omits common sense language that was included in the Commerce Committee's mark to improve Medicare coverage of diabetes outpatient self-management training authorized in the 1997 BBA. This simple technical fix would allow the Health Care Financing Administration to recognize state diabetes education programs already established by nearly a dozen states so that they may continue to provide that service for beneficiaries.

As it is written currently, the 1997 BBA provision forces HCFA to slash the number of diabetes education programs eligible for Medicare by setting unreasonable credentialing standards, which do not recognize the state programs. HCFA estimates that only 750 programs would meet the new standards next year. Hundreds of programs currently in operation would be forced to stop serving Medicare patients. This is not the expansion of service that was envisioned in 1997. The technical fix makes sense; it is a low-cost, bi-partisan provision, yet it has vanished as a casualty of partisan wrangling and Medicare beneficiaries with diabetes will be the victims.

In addition, there are a growing number of reports across this nation about how states have failed to spend their CHIP allotments due to poor outreach and enrollment and state bureaucratic barriers. In a number of GAO reports during the past three years, a number of these bureaucratic barriers have been identified and highlighted.

We now have three years of experience with this program and a number of reports that all point to the bureaucratic barriers that prevent children from gaining access to coverage, including unnecessarily lengthy and complex application forms and enrollment processes.

For these reasons, I firmly believe we should consider comprehensive legislation in this area this year to address the problems we all know to be true with the CHIP program. Rather than enact the $1.9 billion reduction in CHIP that the Senate Appropriations Committee originally proposed or to reallocate money among the states, we should fix the problems. While I understand that some may not want to address this issue out of concern that it highlights particularly terrible enrollment in Texas, it is the 10 million uninsured children in this country that are left suffering.

And finally, I would also like to highlight an additional concern with the impact that BBA may have on Medicare beneficiaries with regard to their access to vital ambulance services. The BBA required HCFA to place ambulance service providers on a Medicare fee schedule through a negotiated rulemaking process. The problem was the BBA required the process to be conducted in a budget neutral fashion, so HCFA was precluded from addressing the actual costs of such services in creating the new few schedule.

Unfortunately, a recent study by Project Hope, an esteemed health care think tank, indicates that ambulance services providers may face a profound shortfall in Medicare payments. It is essential that these providers are fairly reimbursed so that Medicare beneficiaries, and all Americans, are guaranteed that the 911 system is protected and there when needed.

Certainly, there are a number of provisions in this legislation that I strongly support, including:

Language from may bill, the Medicaid Safety Net Hospital Preservation Act, which prevents further pending Medicaid disproportionate share hospital (DSH) cuts to states and our nation's safety net hospitals.

Language to help our nation's community health centers receive adequate payments through the Medicaid program.

Language to address hospital Medicare bad debt payments, which comes from legislation I introduced with Representative GREENWOOD.

Language to fund diabetes research at levels of $70 million in fiscal years 2001 and 2002 and $100 million in fiscal year 2003.

Those provisions and others in the bill related to hospitals, nursing homes, home health agencies, others are fantastic and should be supported. However, they all come from language passed in the bipartisan Commerce Committee mark-up on September 27, 2000. Unfortunately, we can do much better. Our nation's elderly and low-income citizens deserve it.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 2614 which includes tax relief, restoration of Medicare funding, and an increase in the minimum wage.

This Member would like to emphasize the following reasons, among many others, for supporting this legislation.

First, this legislation addresses retirement savings by allowing workers to save more. In particular, it increases the current individual retirement account contribution limit from $2,000 to $5,000 phased in over three years. In addition, it increases the contribution limit on employer-sponsored 401(k) plans from $10,500 to $15,000.

Second, the conference report for H.R. 2614 would assist taxpayers with the costs of health care. In particular, it would do the following: provide a deduction for long-term care premiums if the taxpayer pays more than 50 percent of the premiums; and provide a 100 percent deduction for health insurance for self-employed individuals to become effective in 2001 (under current law, it reaches full deductibility in 2003).

Third, the conference report for H.R. 2614 will provide small business tax relief. In particular, this legislation increases the phased-in business meal expense deduction. Furthermore, it repeals current law which prohibits a business owner from spreading the capital gains tax payment over the life of the installment note. This Member has been contacted by numerous small business owners who support this repeal since they desire to sell their business over a period of years and yet still remain involved in the business.

Fourth, the conference report for H.R. 2614 provides essential tax assistance for affordable housing. In fact, it increases the highly successful Federal low income housing tax credit from $1.25 per capita to $1.75 per capita by 2002. This tax credit provides an essential incentive to developers to construct affordable housing. In addition, this legislation increases the private activity bond cap from the current $50 per capita to $75 per capita and it increases the small state bond cap limit from $150 million to $225 million by 2002. The private activity bond cap in Nebraska provides tax exempt financing for, among other things, single and multifamily housing.

Fifth, this measure maintains the current tax treatment of foreign sales corporation (FSC) beneficiaries in a manner that the United States believes to be World Trade Organization compliant. If this provision had not have been included by November 1, 2000, it would have been especially damaging to U.S. farmers and ranchers.

Sixth, this Member strongly supports the Medicare Balanced Budget Act provisions of this legislation. Communities within the state of Nebraska greatly rely upon its rural health system. The viability of the town often revolves around the hospital and access to health care. Increased funding for rural disproportionate share hospitals (DSH), the extension of the Medicare Dependent Hospital (MDH) program in rural areas, and increased access to telehealth medicine will help assure the continued viability of rural health facilities. Nebraska also has the greatest number of critical access hospitals (CAH) in the country and some specific provisions will also benefit these hospitals. These provisions include the reduction of out-of-pocket costs for beneficiaries receiving clinical lab tests and the expansion of access to ambulance services in CAH.

Lastly, this legislation increases the minimum wage from $5.15 to $6.15 over two years. A relatively small number of Nebraskans now work for less than $6.15 an hour as it is, but they are often teenagers or employees of very small businesses. This Member believes that an increase in the minimum wage can at least be partially justified by the *relatively* minor decline in purchasing power of the minimum-wage dollars since the rate was last increased in 1997. Of course, this Member would have preferred that the increase be spaced over three years, rather than two (and this Member unsuccessfully voted to do so on March 9, 2000), as this would have more closely matched the impact of inflation on the value of the minimum wage. Moreover, this Member believes the aforementioned tax relief measure will help at least a large number of small businesses off-set increased costs due to the increased minimum wage.

Therefore, for these reasons, and many others, this Member urges his colleagues to support the conference report for H.R. 2614.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to H.R. 2614, which includes the so-called Medicare givebacks legislation.

There are some good things in this bill. It includes an increase in the minimum wage over two years. It contains several incentives for Americans to save for their retirement. And it expands economic development assistance to underserved communities.

But for as much as I support these provisions, I cannot support this bill. As so many of us know, the reductions in Medicare payments mandated by the Balanced Budget Act in 1997 hit our hospitals very hard. and frankly, the BBA relief measure that Congress passed last year was just not enough.

Our hospitals nationwide are hemorrhaging from the impact of Medicare cuts. They need help to recover from these losses and cope with our rapidly changing health care system. Even with significant cuts in personnel, many hospitals are experiencing major deficits. And the plight of teaching and high-need hospitals is especially grim.

That's why I introduced H.R. 3580, the Hospital Preservation and Equity Act, which would provide hospitals an adequate adjustment for the cost of caring and would restore the inflationary update for hospitals for the last two years of the BBA. I am not the only one who thinks this is critical—321 of my colleagues have cosponsored this legislation. These cosponsors, our colleagues, come from every corner of this country, urban, rural, and suburban. They are Republicans and Democrats, but they agree—our hospitals need these inflationary payments in full, In fact, MedPac—the Congress's advisor on Medicare payment policy—has called for inflationary payment above the full level authorized now.

But despite the overwhelming support for H.R. 3580, the Medicare givebacks language in this bill does not provide the needed two years of relief. And this bill shortchanges our hospitals in other ways as well. Instead of keeping the Indirect Medical Education adjustment at 6.5 percent for at least two years, this bill enacts further cuts in 2001, 2002, and 2003.

Our hospitals are our lifeblood, and they need our help. Sadly, this bill fails to provide adequate relief to these ailing facilities. We can and we must do more. I urge my colleagues to do the right thing and provide meaningful relief to our hospitals.

Mr. NEAL of Massachusetts. Mr. Speaker, I regret that I have to speak out against this tax bill. That regret comes from the fact that it has been put together in a very clever manner. For me, it cloaks a number of very good provisions of secondary importance, with some more important items that are simply bad policy. I have generally found that when you are weighing all the items in a tax bill, you have to be particularly sensitive to bad policy because once a provision gets into the tax code, you can rarely get it out. On the other hand, the good items will resurface again in the next bill, either during the next few days or next year.

I like very much the 100 percent deduction for the self-employed, a large number of the pension provisions, the housing provisions especially the immediate increase in the low income housing tax credit and the private activity bond cap for first time buyers, and the insurance provisions, among many other provisions. Repeal of section 809 and section 815 are examples of the type of clean-up of the tax code that we need to do more of, and I congratulate the majority party for including these items.

Nevertheless, there is bad policy contained in a number of items of the bill that will have an adverse impact on average Americans. If a reasonable test of a provision is that it does something good, as opposed to simply doing something, then some key provision of this bill fail.

For example, the health deduction provides an incentive for healthy individuals to drop group health insurance. This drives up the cost of the group pool for everyone else, and thereby drives up the total cost of the system, while providing a minimum increase in coverage.

Relaxing the arbitrage rules on school construction bonds provides an incentive for local governments to delay the construction of new classrooms for two additional years—not a good provision when you are enacting a school modernization program.

And the many good, solid provisions of the pension bill are negated by a few provisions that provide an incentive to reduce pension coverage. If the retirement savings credit and the small business credits were included, at least there would be countervailing pressures to expand coverage for moderate income workers. But those incentives, while accepted by Senate Republicans, were rejected out of hand by House Republicans.

So now we have to decide which way to go, yes or no. It would not be too hard to have crafted this bill to get a yes, but unfortunately there is enough bad policy in this bill to require a "no" vote. Perhaps this will produce a situation where the leadership on the other side of the aisle rethinks its decisions, and brings out an acceptable bill. I hope this is the case.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Taxpayer Relief Act of 2000. I am supporting this legislation because I believe that we must address several issues, including providing more funding for Medicare and Medicaid reimbursements to health care providers, helping more Americans to save for their retirement, increasing federal funding to rebuild our nation's schools, and investing in community revitalization efforts. Although I am disappointed that this legislation excludes certain tax and health provisions, I believe on balance that we must move forward on this effort. At this late date in the 106th Congress, I am concerned that this imperfect legislation will be the only opportunity to provide these vital tax and health benefits.

I am particularly pleased that this legislation includes provisions to provide higher Medicare reimbursement for our nation's teaching hospitals. As the representative for the Texas Medical Center, the nation's largest medical center, providing this relief to teaching hospitals is critically important. Today, many of these teaching hospitals are facing financial difficulties because they are receiving lower reimbursements from managed care health plans, lower Medicare reimbursements due in part to the Balanced Budget Act of 1997, treating a larger number of uninsured patients, and insufficient support for their biomedical research which provides the cutting-edge treatments that patients need.

This bill provides necessary higher reimbursements to hospitals. This measure provides a full Market Basket Index (MBI) update for the Prospective Payment System (PPS) reimbursement paid to hospitals beginning on April 1, 2001. It also provides an update of MBI minus .55 percent for Fiscal Year 2002 and Fiscal Year 2003. Both of these provisions are improvements over current law. This bill also includes a provision to increase Indirect Medicare Education (IME) payments to teaching hospitals to an average of 6.5 percent for Fiscal Year 2001 and 6.375 percent in Fiscal year 2002 and 5.5 percent in Fiscal Year 2003 and subsequent years. These IME payments help teaching hospitals to pay for the indirect costs of training our nation's physicians. This bill also includes a provision to provide higher reimbursements for a hospital's resident amount to 85 percent of the national average. Under current law, all hospitals are eligible for at least 70 percent of the national average. This provision will help those hospitals, such as those as the Texas Medical Center, who have historically received lower per residency amount. This provision builds upon legislation which I have cosponsored (H.R. 1224) that would provide a full 100 percent per residency amount for all hospitals.

This comprehensive package also includes improvements in the Medicaid and the State Children's Health Insurance Program (SCHIP) program. Although I am disappointed that the conference report eliminates an earlier provision based upon legislation that I had sponsored (H.R. 1298) to expand the presumptive eligibility program, I am pleased that this Medicaid provision would permit the cost of presumptive eligibility programs to be deducted from the SCHIP appropriation instead of the Medicaid appropriation, without a subsequent offset. Under current law, there is a disincentive to conduct presumptive eligibility programs because states receive lower Medicaid funding if they use them. This provision will ensure that states receive higher SCHIP allocations to conduct their presumptive eligibility outreach programs. This legislation also includes higher Disproportionate Share Hospital (DSH) payments for those hospitals which treat a disproportionate share of uninsured and underserved patients. This provision would increase Medicaid DSH payments equal to their Fiscal Year 2000 DSH allotment plus a percentage change equal to the consumer price index for each year. This increase cannot exceed 12% of each state's total medical assistance payments. In Texas, where more than 25 percent of our citizens do not have health insurance, the DSH program is vitally important to these hospitals which treat these patients. During the debate on the Balanced Budget Act of 1997, I fought to increase Medicaid DSH payments. This legislation builds upon this effort to ensure that our safety net hospitals get the funding they need to continue to provide quality health care to all Americans.

This bill also includes provisions that ensure that the State of Texas can continue to utilize the State Children's Health Insurance Program (SCHIP) allotment for Fiscal Year 1998 and 1999. I am a strong supporter of the SCHIP program which was created as part of the Balanced Budget Act of 1997 because it will help many working families to provide health insurance for their children. There are currently 1.4 million uninsured children in Texas who may benefit from this SCHIP program. Under current law, the State of Texas will forfeit up to $446 million since the SCHIP program in Texas has only been available in recent months and therefore many children have not been signed up yet. This measure would correct this inequity by ensuring that Texas can reapply for these funds. Texas would be eligible to their allotment minus the amounts distributed to those 10 states which have spent their allotment multiplied by a ratio of the state's unspent funds as compared to the total amount of unspent funds. These redistributed funds will be available through Fiscal Year 2002.

This legislation also includes necessary improvements to the preventive benefits provided to Medicare beneficiaries. This measure provides coverage for biennial pap smears and pelvic exams for all Medicare beneficiaries, effective July 1, 2001. This means that all women on Medicare will get the recommended screenings they need to detect cancer and get early treatment if necessary. It would provide annual glaucoma screening for high-risk individuals and individuals with diabetes. This legislation also includes colorectal screenings for all Medicare beneficiaries, instead of screenings for only high-risk individuals. Colorectal cancer can be effectively treated as long as patients learn about their cancers at early stages. This bill would also provide higher payments for mammograms and would encourage the use of new digital technologies that can detect cancer at earlier stages. This measure provides medical nutrition therapy for beneficiaries with diabetes and renal disease. As a cosponsor of legislation to provide Medicare coverage for medical nutrition therapy, I am pleased that we will extend this coverage to those Medicare beneficiaries who will benefit from this nutritional therapy. With better nutrition, we can help these patients with chronic diseases to stay healthy and reduce health care costs.

This measure also provides other benefits for Medicare beneficiaries. It would reduce the copayments that Medicare beneficiaries are required to pay for outpatient procedures. Under current law, beneficiaries can pay up to 70 percent of hospital's charge of an outpatient procedure. This bill would cap the amount that Medicare beneficiaries are required to pay to the hospital inpatient deductible for this year. Currently, this hospital deductible is $776 per year. This bill also lowers the outpatient copayments to 60 percent of the hospital's charge for an outpatient procedure in January 2001 and dropping 5 percent lower each year to 40 percent in 2006. This legislation also includes a provision to eliminate the current 3-year time limitation for coverage of immunosuppressive drugs for those beneficiaries who receive an organ transplant. As a cosponsor of legislation to eliminate this time limit (H.R. 1115), I am pleased that Congress has acted to ensure that these lifesaving drugs are available to organ transplant patients. Without these immunosuppressive drugs, there is a danger that these Medicare patients will reject their donated organs.

This legislation also includes a provision based upon legislation I sponsored (H.R. 854) that would require the Commissioner of the Social Security Administration (SSA) to conduct outreach efforts to identify individuals who may be eligible for the Medicaid payment of their Medicare premiums, copayments, and deductibles. This provision requires the SSA Commissioner to provide a list annually to each state's Medicaid agency with the names and addresses of people who may be eligible for this program. It is estimated that there are up to four million low and moderate income Americans who are eligible for, but not enrolled, in the Qualified Medicare Beneficiary (QMB) and Select Low Income Medicare Beneficiary (SLIMB) programs. This outreach program would help to identify these individuals and encourage them to participate in this cost sharing assistance program. The Social Security Administration (SSA) is a logical choice for providing this information since they already have income related information which they collect from each social security recipient and can identify those low and moderate income individuals who might benefit from this help.

I am also pleased that this legislation includes necessary pension reforms that will help more Americans to save for the future. Mr. Speaker, as one who has consistently advocated for legislation to foster greater retirement security and, as one of the authors of H.R. 352, pension legislation that was subsumed into this measure, I support H.R. 2614. This measure not only enhances retirement security by increasing the annual contribution limits for individual Retirement Accounts (IRAs) and provides "catch-up" provisions for older workers, but also eases the administrative burdens that keep small employers from offering pension plans.

Despite the fact that unemployment is at an all-time low and incomes have risen to historical highs, we, as a nation, have an abysmally low savings rate of 3.8 percent of disposable personal income. Moreover, the percentage of private sector workers covered by a pension plan has decreased by 2% from 45% in 1970 to 43% in 1990, which leaves Social Security as the main source of income for 80 percent of retirees. With the approaching retirement of nearly 76 million Baby Boomers, clearly the three-legged stool of retirement security is in jeopardy.

In addition to an increase to the annual contribution limit for Individual Retirement Accounts (IRAs) to $5000 by 2003, indexed for inflation, H.R. 2614, much like the bill I offered with Mr. BLUNT of Missouri, encourages small businesses to provide retirement plans for their employees. Time and again, small employers tell me that the expensive and complicated procedures to establish a plan keep them from offering plans. Not surprisingly, only 21 percent of all individuals employed by small businesses with less than 100 employees participate in an employer-sponsored plan, compared to 64 percent of those who work for businesses with more than 100 employees.

H.R. 2614 would reduce plan costs and ease administrative burdens by streamlining a number of onerous pension regulations, lowering pension plan insurance premiums, simplifying top heavy rules, simplifying annual report requirements, and eliminating Internal Revenue Service (IRS) user fees for new plans. Moreover, H.R. 2614 recognizes American workers will hold several jobs during their working life by increasing portability for retirement savings and allowing workers to rollover investment in different pension plans.

H.R. 2614 also promotes retirement savings by low and middle income by providing for a temporary non-refundable tax credit equal to the $2,000 maximum annual contribution for individual earning $25,000 or less and couples earning $50,000 or less. It also provides for a three-year tax credit equal to 50% of the first $1,000 of expenses associated with the adoption of a qualified pension plan by a small business. Additionally, I would note that H.R. 2614 also establishes greater notice requirements for employers who convert their pension plan to a cash balance or similar hybrid plan, eliminating the potential for a participant's normal retirement benefit being "worn-away" by the conversion.

Mr. Speaker, I am also pleased that H.R. 2614 provides for the national minimum wage to rise by a dollar to $6.15 over two years. The purchasing power of the minimum wage today is 21% less than in 1979. Under current law, a single mother of two, employed full-time, 40 hours per week for 52 weeks, earns $10,712, $3,200 below the poverty line. Work should be a bridge out of poverty but, unfortunately, too many full-time workers still live below the poverty line. We cannot truly reform our welfare system until we ensure that work pays more than welfare.

Another aspect of H.R. 2614 that I support is the inclusion of provisions from legislation I voted in favor of in July 2000, the Community Renewal and New Markets Act of 2000, H.R. 4923. While the economic boom we currently enjoy has enriched the lives of many communities, there are still far too many that need reinvestment. In addition to creating nine new Empowerment Zones, H.R. 2614 provides for the designation of 40 "renewal communities" that would be eligible for an array of tax benefits including, immediate deductions of up to $35,000 for equipment purchased by small businesses, a 15% wage credit for each community resident a small business employs, expensing of certain environmental remediation costs associated with Brownfield cleanups, as well as Commercial Revitalization Deductions for taxpayers who rehabilitate or revitalize buildings located in a renewal community.

Under the New Markets Tax Credit provision in H.R. 2614, investors in eligible funds would receive a tax credit worth more than 30% of the amount invested and would take a 5% credit for the first three years of investment, and 6% for the next four years. The New Markets Tax Credit would be widely available on a competitive basis to eligible entities serving low- and moderate-income communities in census tracts with poverty rates of at least 20% or median family income which does not exceed 80% of the area income. H.R. 2614 also would establish a new class of venture capital funds that target a lower rate of return and provide more hands-on management assistance to their small business portfolio investments, New Markets Venture Capital Firms (NMVC). The Community Revitilazation provisions of H.R. 2614 are targeted and have the potential to make a very real difference in communities throughout this nation.

For all of these reasons, I am supporting this bill. Although I would have preferred to include more provisions and would have excluded other provisions, I believe that on the whole that this comprehensive package of provisions represents what can be achieved today. I believe that we need to be realistic that this compromise legislation is likely the only option available for this year and I urge my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, H.R. 2614 contains some very laudable tax cut measures which I strongly support. However, the bill also contains some very troubling provisions, provisions which have no place in what ought to be purely tax relief legislation. As a result, this bill represents an eleventh-hour political compromise which makes politicians feel good but does more harm than good for the American people.

Many Members, including myself, have worked hard to bring some measure of tax relief to American families this year. We worked to pass meaningful bills which would have eliminated the marriage penalty and eliminated the harmful estate tax. We worked to increase deductions for health care expenses. We worked to increase the tax-deductible amounts individuals can contribute to their IRA and pension plans. We worked for these tax cuts because we know that American families pay too much in taxes. Tax relief has been, and should be, our guiding principle.

Accordingly, I strongly endorse many of the provisions in this bill. I fully support the increased IRA and pension plan deduction amounts, which will benefit virtually all Americans. Tax-deductible and tax-deferred savings incentives represent the very best kind of tax reforms this Congress can make. Not only do Americans pay less in taxes with an increased deduction, they also have an increased incentive to accumulate retirement savings.

Another worthwhile portion of this bill addresses the needs of rural hospitals, which were unfairly singled out for excessive reductions in Medicare reimbursements by the Balanced Budget Act of 1997. While Congress deserves a share of the blame, most of the problems experienced by rural health care providers are the result of flawed implementation of the Act by the Health Care Financing Administration (HCFA). This administration has decimated rural health care in order to artificially prolong the life of the Medicare trust fund, while avoiding reforms that would give seniors more control over their health care decisions. The administration should not play political games with Medicare trust funds at the expense of rural hospitals. By doing so, it has violated the promise of quality health care made to senior taxpayers in rural areas.

Mr. Speaker, I also am pleased that this bill extends the Medical Savings Accounts (MSA) program created in 1996. MSAs and generous health care tax deductions are critical to preserving health care freedom. Federal policies removing consumer control over health care dollars inevitably have led to increased decision making by HMOs and federal bureaucrats.

We must restore individual control over health care dollars, and MSAs coupled with health care tax credits and deductions are an important step in the right direction. MSAs and health care tax deductions lower health care costs without sacrificing quality by motivating patients to negotiate for the highest quality care at a reasonable price.

Similarly, today's small business tax relief measures are commendable. We place a huge regulatory and tax burden on our nation's small employers, many of which find it difficult simply to comply with the tax laws. I support any efforts to reduce taxes and regulations on our small entrepreneurial employers.

Unfortunately, these positive tax relief provisions are outweighed by other measures in today's mixed bag legislation, measures which have been agreed to only because many Members want to claim they have passed a "tax relief" bill before they go home. The administration has thwarted many of our tax relief efforts through the veto process, and we apparently have decided to take whatever tax measures we can get, regardless of the price. So now we find ourselves in a position where we cobble together some less sweeping tax relief proposals which the administration will accept, and we put them in a larger bill which contains some very bad measures favored by the administration. Before we tout today's bill, however, we ought to be honest with our constituents about the real nature of this last-minute compromise.

The small business tax relief in this bill is more than outweighed by the provisions raising the federally-mandated minimum wage. While I certainly understand the motivation to help lower wage workers, the reality is that a minimum wage hike hurts lower income Americans the most. When an employer cannot afford to pay a higher wage, the employer has no choice but to hire less workers. As a result, young people with fewer skills and less experience find it harder to obtain an entry-level job. Raising the minimum wage actually reduces opportunities and living standards for the very people the administration claims will benefit from this legislation! It's time to stop fooling ourselves about the basic laws of economics, and realize that Congress cannot legislate a higher standard of living. Congress should not allow itself to believe that the package of small business tax cuts will fully compensate businesses and their employees for the damage inflicted by a minimum wage hike. Congress is not omnipotent; we cannot pretend to strike a perfect balance between tax cuts and wage mandates so that no American businesses or workers are harmed. It may make my colleagues feel good to raise the minimum wage, but the real life consequences of this bill will be felt by those who can least afford diminished job opportunities.

We also make a mistake when we rush to change our domestic tax laws to comply with the ruling of an international body. Nobody in Congress or the administration wants to talk about it, but this is the first time in the history of our nation that we have changed our laws because an international body told us to do so. We are not considering this legislation because American citizens or corporations lobbied for it. We are considering it solely because of the demands of the WTO appellate panel, which agreed with EU complaints about our corporate income tax laws. We created the Foreign Sales Corporation rules back in the 1980s, but now the EU has decided our law exempting a small portion of foreign source income from corporate taxes represents a "subsidy." We have plenty of federal subsidies in this country, but the FSC tax treatment assuredly is not one of them. FSCs do not receive a subsidy—no tax dollars are collected from taxpayers and given to FSCs. The FSC rules simply permit the parent corporation to pay less taxes on its foreign income. Most EU countries don't tax their corporations on foreign income at all! So the EU complaint that the FSC represents a subsidy is ridiculous.

This measure clearly demonstrates how our membership in the WTO undermines our national sovereignty. I have warned this body that the WTO does not promote true free trade, but rather enforces politically influenced "managed trade." I warned this body that our agreement to abide by WTO rulings would force us to change our domestic laws. I warned this body that our participation in the WTO was unconstitutional. Yet Members scoffed at this idea. Members of the Ways and Means committee said it was "unthinkable" that the U.S. Congress would change our nation's laws because of an order by the WTO. We were told that we had to join or else we would lose the international "trade wars." Today we see our sovereignty clearly undermined, and at the same time we stand on the brink of a retaliatory trade war by the EU. So the WTO has given us the worst of all worlds.

We should not change our tax laws at the behest of any body other than the U.S. Congress. If we want to help American businesses, we should simply stop taxing foreign source income. Today's FSC measure will not appease the EU; they already have indicated that the House version of this bill is unsatisfactory to them. Worst of all, this measure gives the President further unconstitutional executive order powers to make changes when demanded by the WTO in the future. Never mind that the legislative power is supposed to reside solely with Congress. We simply cede our legislative authority to the WTO when we pass this measure, and it's shameful that it likely will go unnoticed by the American people. We ought to tell them exactly what we are doing to national sovereignty when we pass this last-minute mixed bag of tax measures.

Mr. Speaker, I would like to commend the leadership for bringing this conference report to the floor. This conference report includes many important provisions to spur individual retirement savings.

Most importantly, the report includes language that increases the IRA contribution limit, a proposal I have worked on for several years. The popularity of this issue is evidenced by the more than 222 bipartisan members who cosponsored my IRA legislation.

For years, millions of Americans have relied on Individual Retirement Accounts to help save for a secure retirement. However, despite their past success, IRAs are in danger of becoming obsolete because inflation is destroying much of their value. Since 1981 the limit on IRAs has been frozen. Had it simply kept pace with inflation, Americans would now be able to contribute $5,068 instead of only $2,000.

If IRAs are to continue to be a real help for people as they plan for their retirement years, it is past time for the federal government to allow higher contributions.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in reluctant opposition to this bill. I am a staunch supporter of numerous provisions in this legislation, and have a solid voting record in support of many of these provisions in past measures. However, because language was tucked into this bill at the last minute that would overturn Oregon's assisted suicide law, I have no choice but to vote against it.

I gave people my word that I would not come back to Congress and vote to overturn what they have twice voted for. And as much as I strongly support the tax relief and health care language in this legislation, I cannot swallow the poison pill provision that would overturn Oregon's law. Where I come from, a person's word still means something and I intend to keep mine.

This legislation contains solid small business tax reductions, pension reform, and help for rural communities for health care improvements. I enthusiastically support these items and was fully prepared to vote for them. As a small business owner, and having served five years on a community hospital board, I understand the problems facing our communities and believe these provisions would be of great benefit to them. But to vote for them would mean I would also vote in a way that was against what I had promised. That's something I just cannot and will not do.

The provision to overturn Oregon's law only came to light shortly before the House began debating this bill. It was a complete and unwelcome surprise. And it has no business being tacked onto an otherwise sound piece of tax reform and Medicare enhancement legislation.

Mr. STARK. Mr. Speaker, I strongly oppose HR 2614, the bill being considered on the House floor today with the innocuous title of "the Certified Development Company Program Improvements." Those provisions are far surpassed by major controversial tax, Medicare and Medicaid proposals that have been added to it by the Republican leadership without any consultation with our side of the aisle or the Administration.

This bill is a stellar example of what goes wrong when the legislative process is discarded and replaced with closed-door negotiations among a few select members of the majority party. And, it clearly spotlights the wrongheaded priorities of the Republican party.

On both the health front and the tax front, the bill before us today is a disgrace. The provisions of this legislation squander real opportunities to provide assistance to the families in our country who need the most help and instead lavish funds on those who need it least. It also provides gifts to industries that have thwarted our efforts to pass a Patient's Bill of Rights, a Medicare prescription drug benefit, and would prefer not to see an increase in the minimum wage.

On the Medicare front, nearly 40% of the spending is directed to the HMO industry when only 16% of Medicare beneficiaries are even enrolled in Medicare HMOs. HMOs will get $11 billion in new funds over 5 years and more than $34 billion over 10 years. Yet, there are no real accountability provisions that require these HMOs to commit to serve beneficiaries for a longer period of time or to maintain a specific level of benefits in exchange for these significant new dollars. That is wrong.

On top of lacking real accountability, subsidies of this level to HMOs simply defy the facts. The non-partisan General Accounting Office has shown time and time again that Medicare HMOs are overpaid for the patients they enroll. The latest data shows that Medicare spent $5.2 billion in 1998 that would not have been spent if those beneficiaries had been enrolled in fee for service Medicare rather than the Medicare+Choice program. And this is for a program that was created in 1997 under the guise that it would save money and be the long-term solution to Medicare's solvency problems.

The Administration and many of us in Congress had urged that these HMO subsidies be lowered, but that request fell on deaf ears. That shouldn't surprise any of us since the HMO industry is financially backing the Republican health care agenda through a media campaign directed at issues and candidates. The efforts of this industry alone were the most significant factor that halted Congress from enacting a real, enforceable Patients' Bill of Rights this year.

However, even worse than the largess of the rewards to HMOs is the first that those dollars squeeze out needed funds to other segments of Medicare—particularly beneficiaries.

The most important improvement we could make for beneficiaries in Medicare would be the addition of a Medicare prescription drug benefit. The fact is this will be our *only* Medicare legislation this year. This bill was our last opportunity to deliver a Medicare prescription drug benefit for seniors this year. Instead, there is nothing in here that helps the millions of Medicare beneficiaries without drug coverage.

Earlier versions of this legislation reported by the Ways and Means Health Subcommittee and the Commerce Committee included numerous beneficiary provisions that would have made tangible improvements in Medicare benefits for real people. Provisions that Republicans have dropped during their closed door negotiation include:

Medicare coverage for victims of ALS, (Lou Gehrig's disease)—a bill sponsored by 282 members of the House,

Improvements in Medicaid coverage of legal immigrants,

Allowing low-income Medicare beneficiaries the dignity of being able to apply for financial assistance at Social Security Offices rather than welfare offices, and

Providing states with greater flexibility to more easily enroll children in the CHIP program.

In addition, there are numerous improvements for traditional Medicare providers that we have tried to get considered, but to no avail. Instead of funding HMOs, this legislation could have:

Given greater relief to our nation's hospitals, home health agencies, and other traditional Medicare providers,

Required nursing homes to implement programs to improve quality for our frail seniors who reside in these homes,

Done more to assist hospice programs serve the needs of terminally ill beneficiaries.

There are also egregious provisions included in this legislation for particular special interests. For example, the bill delays the Health Care Financing Administration's ability to pay more accurately for the few prescription drugs it now covers—a gift of at least $50 million to a drug industry that has been lying to the taxpayers about their true cost of sales. These are windfalls to the pharmaceutical industry pure and simple—and they come at the expense of patients.

Several of the tax provisions included in this end-of-the-year monster of a bill include provisions that claim to provide access to health care for uninsured people in this country. Don't be fooled by the rhetoric. These tax provisions are nothing more than thinly-veiled attempts to further tax policies that benefit upper income Americans and do nothing for those in middle and lower incomes.

The above the line tax deduction for people who purchase their own health insurance certainly sounds like it would expand coverage. But, because 93% of those without health insurance fall into the zero percent tax bracket or 15% tax bracket, this tax change does nothing to help them afford a health insurance policy. Those in the zero tax bracket get nothing from the change and those in the 15% bracket get only 15 cents on the dollar—not nearly enough to make a $6000 family health insurance policy suddenly affordable. In fact, 94% of this expensive program's cost goes to benefit people who already have health insurance. It barely expands "access" at all and it spends tens of billions of dollars *not* accomplishing its stated goal.

Our nation faces an upcoming crisis on long term care costs. The tax changes proposed in this legislation do nothing to alter that fact.

Long term care health insurance continues to be of questionable benefit at best. And, it is a product that only those with significant financial means can afford to purchase. So, like the tax deduction criticized above, this deduction will go mainly to people who could have afforded to purchase long-term care insurance with or without the tax benefit.

It is nice that the Republicans are finally recognizing the very real problems facing caregivers for chronically ill family members at home. Unfortunately, they have once again chosen to deal with a very real problem for millions of American families and couples—many of them lower income—by providing a tax deduction. Of course, tax deductions provide the least help to those who pay the least taxes—the very people who need financial assistance the most. By refusing to provide a tax credit for caregivers—as the Administration and Democrats have urged—the Republicans have greatly reduced the value of this policy change for everyone outside of the upper income tax brackets.

The many additional tax provisions in this bill are designed to help the CEO's who run the big companies—not the rank file Americans who work for the big companies.

The school construction tax package falls $15 billion short of the necessary funding to see that our deteriorating schools are modernized and well-equipped so that our children can learn in a safe environment. The average American public school is over forty years and old and falling apart. Seventy-five percent of U.S. public schools report that they need funding in order to bring the building into good overall condition. The GOP doesn't see school construction as a dire need since they would prefer to see the public school system dismantled. The school construction funding level in this bill is unacceptable.

In addition to ignoring the needs of our children, the Republican leadership has chosen to ignore the needs of the working men and women who will help to construct and modernize our schools. The Davis-Bacon Act has applied to contracts for public construction "to which the United States or the District of Columbia is a party" since 1931. The House Democrats insisted on providing prevailing wage protections in any school construction tax package that came to the House floor. In fact, we have already introduced a bipartisan school construction bill that includes the prevailing wage provisions, cosponsored by 228 House members—Democrats and Republicans. Once again, the GOP demonstrates that they care nothing about working Americans when they eliminated the prevailing wage protections for school construction.

I was one of 25 members of the House of Representatives to vote against the pension tax bill the first time it was voted on. Not only did the bill completely neglect to provide any tax incentives to help lower-paid workers save for their retirement, but it actually eliminated non-discrimination rules designed to protect the rank and file worker. In hopes that the Senate would correct these egregious provisions, many of my colleagues voted for the bill anyway. The Senate Committee on Finance adopted provisions that would further weaken the non-discrimination rules—rules that protect against disproportionate pension benefits for higher-income workers. We should be strengthening these rules to ensure that *all* working Americans save for their retirement and middle-income earners have the same pension advantages as their corporate bosses.

I commend my colleagues for including an increase in pension portability for workers who change jobs in the bill before us today. Workers don't remain at the same job over their careers and it is important that we not penalize workers for changing jobs. I also applaud my colleagues for seeing a need to provide relief on Section 415 benefit limits. Benefit formulas in collectively bargained plans are not related to compensation. The current limits placed on multi-employer pension plans unfairly reduce the pensions of low and middle-income workers. Unfortunately, there aren't enough provisions in this bill to help low and middle income workers to outweigh the far too many provisions that will harm these same workers.

Finally, I completely oppose the repeal, and replacement, of the Foreign Sales Corporation (FSC). The esoteric tax break is nothing more than corporate welfare for some of the nation's most profitable industries. The European Union has filed a complaint with the World Trade Organization (WTO) that the FSC is an export tax subsidy and therefore illegal under international trade laws. I completely agree. Yet instead of repealing the tax subsidy and complying with our international trade obligations, this bill seeks to remedy the FSC with a near exact replacement.

The Institute on Taxation and Economic Policy recently released a report that shows a rise in pretax corporate profits by a total of 23.5 percent from 1996 through 1998. At the same time, corporate income tax revenues only rose by a mere 7.7 percent. In addition to the myriad of corporate tax deductions this Congress insists on expanding, programs such as the FSC can help explain the disparity in corporate profits and corporate income tax rates.

The FSC helps subsidize some of the most profitable industries such as the pharmaceutical, tobacco and weapons export industries. Why should Congress help out the pharmaceutical industry if the industry insists on charging U.S. consumers more for prescription drugs than they charge in Europe? We shouldn't! The pharmaceutical industry sells prescription drugs in the U.S. at prices that are 190–400 percent higher than what they charge in Europe. The U.S. subsidizes the pharmaceutical industry by approximately $123 million per year through the FSC. This is unfair to the American taxpayer and must not be allowed to happen.

The top 20 percent of FSC beneficiaries obtained 87 percent of the FSC benefit in 1998. The two largest FSC beneficiaries, General Electric and Boeing, received almost $750 million and $686 million in FSC benefits over 8 years, respectively. RJ Reynolds' FSC benefit represents nearly six percent of its net income while Boeing's FSC benefit represents twelve percent of its earnings!

We must stop pandering to corporate interests and the wealthy. This bill does not have to be so weighted to the HMOs, drug companies, other big business, and those with upper incomes. We must help low and middle-income families obtain health care coverage and pay for prescription drugs. We can do this by enacting a responsible minimum wage bill, a targeted tax bill, and a balanced Medicare/Medicaid package. H.R. 2614 is a shameful piece of legislation that I encourage my colleagues to oppose.

It would take an hour for the Republicans to fix this bill. They know what provisions we don't want in the bill and they know which ones we want inserted. Those changes would redirect this bill to the people who need the help—Medicare beneficiaries, traditional Medicare providers who serve them, and the millions of people struggling to earn incomes that allow them to provide for their families. Vote against this bill today.

MR. CLAY. Mr. Speaker, I oppose this bill for many reasons. This bill fails to adequately address the critical need we have to renovate and modernize our public schools. It falls way short of the bipartisan Rangle/Johnson bill that would support nearly $25 billion in bonds over the next two years to help states and districts build and modernize up to 6,000 schools. It is shameful that in the era of budget surplus we cannot make a decent investment in our public school buildings. Over one-third of all schools need extensive repairs. The average school building is 42 years old. Beyond that, a record of 52.7 million children are enrolled in elementary and secondary schools, and the number will increase by almost a half of million a year. By 2003, this will mean we need to build another 2,400 schools just to keep pace with student enrollment.

This bill also drops critical Davis-Bacon wage protections contained in the bipartisan Rangle/Johnson bill. This means working families who help build the schools, and others who work in the community will be significantly shortchanged on wages and benefits. It also means that communities will be shortchanged by substandard construction of schools. This Congress should be about lifting hard-working families up in the era of prosperity, not driving wages and benefits into the ground.

I also want to note that, once again, the Majority has included a minimum wage increase in a tax bill filed with poison pills. This scheme allows the Majority to claim they're for a minimum wage increase, while knowing full well they've blocked it by combining it with a special interest tax bill that can't become law. Let's be clear what this means. Democrats in Congress are for a minimum wage increase and would take action to make it happen. Republicans in Congress want to say they're for the minimum wage increase, while actively blocking its passage.

I urge a no vote on this bill.

MR. GOODLING. Mr. Speaker, improving retirement security has been a top priority of our Committee and of this Congress. We must expand access to private pension plans and make innovations that will maximize every American's opportunity for a safe, secure retirement. We are committed to strengthening the retirement security of workers and their families by expanding private pension coverage and protecting their pensions and retirement savings.

I want to address the important pension reform provisions contained in the conference report before us. It includes 22 provisions from H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act, reported out of the Education and Workforce Committee on July 14, 1999 by a bipartisan voice vote.

These reforms will directly improve the retirement security of millions of American workers by expanding small business retirement plans, allowing workers to save more, making pensions more secure, and cutting the red tape that has hamstrung employers who want to establish pension plans for their employees. The ERISA reforms include: granting relief from excessive PBGC premiums for new small business plans; accelerating the vesting of workers' accounts; repealing and modifying a wide range of unnecessary and outdated rules and regulations; providing more frequent benefits statements to workers; requiring enhanced disclosure and other protections when future pension benefits are reduced (as in the case of conversion to a cash balance plan); and repealing the so-called "full funding limit" that arbitrarily limits defined benefit plan funding to a less than actuarially sound level.

I am very pleased at the bipartisan nature of these pension provisions. The legislation reported out of our committee has a broad spectrum of support, and subcommittee chairman JOHN BOEHNER has been a leader in this Congress on pension reform. He has maintained this bipartisanship during his fine stewardship of the bill through our committee.

Pensions provide a needed backstop to our Social Security system for lower and middle-income workers—meaning the difference between retirement subsistence and real retirement security for millions. Fully 77% of current pension participants are middle and lower income workers. By taking action to expand pension availability this year, we will help those workers who are most in need of secure retirement savings.

I urge Members support for these changes that will improve the retirement years of American workers.

Strengthening our private, employer-based pension system is a critical issue for all Americans—especially the 76 million Baby Boomers who are nearing retirement age. This legislation increases retirement security for millions of Americans by strengthening that "third leg" of retirement security—our pension system. Today we take an important bipartisan step towards ensuring that American workers enjoy their golden years comfortable and secure.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and includes extraneous material on H.R. 2614.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELAZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 174, answered "present" 1, not voting 21, as follows:

[Roll No. 560]

YEAS—237

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons

Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose

Oxley
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Archer

Baca
Baird
Baldacci
Baldwin
Barrett (WI)

Becerra
Berman
Berry
Blumenauer
Bonior

Borski
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Taylor (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Paul

NOT VOTING—21

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Johnson, Sam
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Packard
Payne
Peterson (PA)
Spratt
Thompson (MS)
Waxman

☐ 1722

Mr. KINGSTON and Mr. SHADEGG changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 116.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 116) making further continuing appropriations for fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 116 is as follows:

H.J. RES. 116

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "October 27, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-day continuing resolution that would take us until midnight tomorrow night as we attempt to conclude the appropriations business.

Later this afternoon we will take up the Commerce, Justice, District of Columbia appropriations conference report. That leaves only one outstanding to be completed, and we hope to do that just as quickly as we can get together with our representatives from the President's office to come to some agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no choice but to vote for this CR, as the gentleman from Florida (Mr. YOUNG) indicates. Before we do, I think we need to simply take note of the fact that these continuing resolutions are supposed to enable us to get our work done so that we can finish the budget for the coming year.

I had the impression that what we were supposed to be doing during this time was to be resolving our differences so that in fact the time that we were spending would be spent in ways which would get us all home so that we could get on the campaign trail and occasionally introduce ourselves to our constituents. That would be nice.

☐ 1700

The problem is that when we go through a day like we have gone through today, we simply wasted an entire day. If the idea is to go home as soon as possible, then today is a perfect example of how not to do that, because the State-Justice-Commerce appropriations bill which is about to come to the floor and the tax bill which has just left the floor are two examples of how we are farther apart from each other than we were when the day began.

All I would say is that there is no point in dragging this out. I would hope that the majority party would recognize that rather than sending bills up to the President to veto, it would be better to actually resolve the differences between us. The main issue that still remains between us is the issue of funding for education and the issue of funding especially for school modernization and school construction. I hope that the majority will recognize that we are not going to be going home until that issue is resolved in a reasonable way. .

Mr. Speaker, if the gentleman wants to yield back his time, I am prepared to yield back my time.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield, I would like to yield myself 1 minute and then yield back my time if the gentleman is prepared to yield back his time.

Mr. OBEY. Mr. Speaker, if the gentleman is going to take a second kick at the cat, I will, too. It is up to him.

Mr. YOUNG of Florida. I did not have much of a first kick at the cat because there was so much noise in here I could not even hear myself and I was hoping the gentleman would conclude his remarks during that same period and then nobody would know what we said and we could pass this CR and get out of here.

Mr. OBEY. All I can say to the House is that if they have listened to him and they have listened to me, or if they have missed what either he or I said, they have not missed much.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman is ready to yield back, I am ready to yield back.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just ask the Members to vote for this CR and let us get about the rest of the business for today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 392, noes 10, not voting 30, as follows:

[Roll No. 561]

AYES—392

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Baird
Barton
Capuano
Costello
DeFazio
Dingell
Kaptur
Miller, George
Stupak
Visclosky

NOT VOTING—30

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Fowler
Franks (NJ)
Hall (OH)
Hutchinson
Johnson, Sam
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Ney
Packard
Payne
Peterson (PA)
Schaffer
Spratt
Talent
Tauzin
Thompson (MS)
Waters
Waxman
Wise

□ 1750

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, pursuant to House Resolution 653, I call up the conference report on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 653, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of the legislative day of Wednesday, October 25, 2000, Volume II.)

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to yield 20 minutes to the gentleman from Kentucky (Mr. ROGERS), and ask that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 4942, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill constitutes the conference report on the annual appropriation to the District of Columbia. In addition to that conference report, which I believe has been resolved to the satisfaction of both sides of the aisle, in addition to that, the bill also includes the annual appropriations for the Commerce, Justice and State Departments. The debate on that, Mr. Speaker, will be presented by the gentleman from Kentucky (Mr. ROGERS) and persons through him, as he chairs that particular subcommittee.

But let me address myself first regarding the District of Columbia bill. I believe we have worked out something that is quite satisfactory to all persons concerned, persons in the District, persons on the other side of the aisle, persons on our side of the aisle, and I appreciate the effort that was put forth to bring people together on a bill that some people did not think we were going to be able to do. But we have.

The amount in the bill that is presented in the conference report to the House is higher than the House appropriation number when the bill left here, and lower than the Senate number. It is an appropriation of $445 million. The House had passed $414 million; the Senate passed $448 million.

I should note for the record that the bill is approximately 1.5 percent above what the appropriation was last year, but it would only be one-half of one percent, were it not for the inclusion of $6 million to help defray costs of the Presidential inauguration that will occur in January.

The bill resolves several issues that we had before. It provides full funding for the College Tuition Support Program for high school graduates from the District of Columbia. It has the full requested Federal contribution for the new and very important New York Avenue Metro Station, which is important not only in the sense of transportation, but also as a focal point of economic development and improvement of job possibilities here in the District of Columbia.

We have appropriated $3.5 million for brownfield remediation to clean up the Poplar Point area, so it can be back to usefulness once more. We continue to have funding for environmental cleanup of the Anacostia River.

We have special appropriations for making sure that character education, values education, are included within the D.C. public schools. We have a provision that we hope will help the District to get a handle on the annual funding problems of D.C. General Hospital. Among other things, it requires the Mayor and the Council and the PBC, the Public Benefits Corporation, to make the tough decisions, that they are willing to make, of significant downsizing of their personnel so that they can get that facility out of the major, major red ink under which it has been operating.

We also have the provisions in this bill to assist in strengthening the charter schools within the District of Columbia, these being public schools, but which are operated under a charter, rather than the normal school operation. I believe the enrollment of public school students in the District of Columbia that are attending charter schools, by choice of their parents, is now up to 13 percent, Mr. Speaker. We want to make sure that they have the proper access to the same resources that other public schools do.

We could talk about other provisions that are in the bill, Mr. Speaker; and, if necessary, we can delve into them, but I recognize the main debate on this legislation is not going to be over the D.C. appropriation, which has been worked out to the satisfaction of all significant parties involved, but is going to be on the Commerce, Justice, State appropriation.

Rather than recounting more about the D.C. bill, Mr. Speaker, I will reserve the balance of my time.

Mr. Speaker, I am pleased to present to the House today the conference agreement on H.R. 4942, the District of Columbia Appropriation Act for fiscal year 2001. The conferees met on October 11th and resolved the matters in disagreement between the House and Senate bills. The conference report includes the Commerce, Justice, State and Judiciary Appropriations Act for FY 2001 and has been filed in the House. I will discuss that part of the conference report that relates to the District of Columbia. The gentleman from Kentucky (Mr. ROGERS) will discuss the Commerce, Justice, State and Judiciary items in the report.

For the District of Columbia, the conference agreement we reached with the Senate totals $445 million in Federal funds which is $31 million above the House bill and $3 million below the Senate bill. The $445 million recommended is $8 million or about one and one-half percent above last year's appropriation. Were it not for the appropriation of $6 million for the Presidential inauguration, the increase would be one-half of one percent.

Regarding the major funding issues, the conference agreement includes the requested $17 million in Federal funds for the college tuition assistance program for District residents we started last year as well as the full $25 million in Federal funds for the new Metrorail station on New York Avenue. We are able to retain in conference $112 million for the largest-ever drug testing and treatment program to crack down on the link between drugs and crime, so that DC's streets and neighborhoods will be far safer. For children, we continue the availability of $5 million in Federal funds to provide incentives to move children from foster care to adoption in safe, loving and permanent homes. We also provides $500,000 in Federal funds for the Child Advocacy Center, which cares for the young victims of abuse and neglect, and we include $500,000 for the network of satellite pediatric health clincs for children and families in underserved neighborhoods and communities in the District. We also recommend $1 million to establish a day program and comprehensive case management services for mentally retarded and multiple handicapped adolescents and adults in the District as well as $250,000 for the DC Special Olympics which we all know is a very worthy program.

A major milestone has been achieved by the public charter schools in the District. The conference agreement includes $105 million for 10,000 students for the school year that started last month. Those numbers reflect a significant increase from the $28 million and 7,000 students in public charter schools during the previous school year. This growth in public charter schools is occurring while enrollment in the traditional public schools is declining. Parents, when given the opportunity, are choosing charter schools for their children. Four years ago there were three charter schools and 300 students; this year there are 33 charter schools and 10,000 students. This remarkable growth reflects the desire and recognition by parents that their children need and deserve a better education—and they are finding it in the public charter schools.

We have all read the news stories of the mismanagement by the Public Benefit Corporation that operates D.C. General Hospital. The conference agreement allows internal transfers up to $90 million to restructure the delivery of health services in the District pursuant to a restructuring plan approved by local officials that will reduce personnel by at least 500 full-time equivalent employees without replacement by contract personnel. These problems have been going on for at least 10 years with hollow promises of corrective action by District officials. Those who need health care in the District are being ill served by a bloated and inefficient bureaucracy that local officials have been reluctant to correct. Language in the conference report requires that corrective action to be taken.

Mr. Speaker, regarding the needle exchange program, we were able to reach agreement in conference on language in section 150 of the bill to prohibit any needle exchange program within 1,000 feet of a public or private elementary or secondary school, including public charter schools. the language also requires the Public Housing Police to submit monthly reports on illegal drug activity at or near any public housing site where a needle exchange program is conducted. The District is required to take appropriate action to relocate a needle exchange program if recommended by the housing police or by a significant number of residents of the site.

The conference agreement also includes language from the House bill that prohibits the use of both local and Federal funds for abortions except to save the life of the mother or in cases of rape or incest. Another provision prohibits the use of both local and Federal funds to implement the District's "domestic partners act". The conference agreement also includes language prohibiting the use of both local and Federal funds for any needle exchange program or to legalize or reduce penalties associated with the possession, use, or distribution of marijuana and other controlled substances. Language in section 151 provides $100,000 in Federal funds for the Metropolitan Police Department contingent on the District enacting into law a ban on the possession of tobacco products by minors. The funds are to be used by the police to enforce the ban.

Mr. Speaker, this is a good conference agreement that will provide significant benefits to the district's citizens while at the same time protecting the Federal interest in our Nation's Capital which we are charged to do by the Constitution.

I will include a table showing the amounts recommended in the conference agreement compared with last year's enacted amount, the budget request, and the House and Senate recommendations. I will also include the fiscal year 2001 Financial Plan which is the starting point for the independent auditor's comparison with actual year-end results as required by section 132 of this bill.

In closing, I want to thank all of our Members for their hard work and their contributions to this bill. The gentleman from Virginia, Mr. MORAN, is the ranking Member and I appreciate his assistance. I especially want to thank our full Committee chairman, the gentlemen from Florida, Mr. YOUNG, for his support and for his sage advice and counsel. The staff has done an outstanding job: John Albaugh, Chris Stanley and Micah Swafford of my staff; and from the Committee staff, Migo Miconi and Mary Porter. They really do a great job. Mary Porter has been doing this for 40 years—hard to imagine. I also want to thank the minority staff—Tom Forhan and Tim Aiken.

Mr. Speaker, this is a good conference report and I urge its adoption.

DISTRICT OF COLUMBIA, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	17,000	17,000	14,000	17,000	17,000	
Federal Payment to the Chief Financial Office of the District of Columbia			1,500		1,250	+1,250
Federal payment for Incentives for Adoption of Children	5,000	5,000				-5,000
Federal payment for Commercial Revitalization program				1,500	1,500	+1,500
Federal payment to DCPS				500	500	+500
Federal payment for Metropolitan Police Department	1,000				100	-900
Federal payment to the Citizen Complaint Review Board	500					-500
Contribution to Covenant House Washington	250			500	500	+250
Federal payment to the District of Columbia Corrections Trustee Operations	176,000	134,300	134,300	134,200	134,200	-41,800
Federal payment to the District of Columbia Courts	99,714	103,000	99,500	109,080	105,000	+5,286
Defender Services in District of Columbia Courts	33,336	38,387	34,387	38,387	34,387	+1,051
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	93,800	103,527	115,752	112,527	112,527	+18,727
Federal payment of Washington Interfaith Network			1,000		1,000	+1,000
Federal payment for Plan to Simplify Employee Compensation Systems			250		250	+250
Metrorail construction		25,000	7,100	25,000	25,000	+25,000
(By transfer)			(17,900)			
Federal payment for the National Museum of American Music		3,000	250			
Federal payment for Brownfield remediation		10,000		3,450	3,450	+3,450
Presidential Inauguration		6,211	5,961	6,211	5,961	+5,961
Children's National Medical Center	2,500				500	-2,000
Child Advocacy Center					500	+500
St. Coletta of Greater Washington Expansion Project					1,000	+1,000
District of Columbia Special Olympics					250	+250
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (Sec. 151)					100	+100
Federal payment to the General Services Administration (Lorton Correctional Complex)	6,700					-6,700
Federal payment to the Georgetown Waterfront Park Fund	1,000					-1,000
Total, Federal funds to the District of Columbia	436,800	445,425	414,000	448,355	444,975	+8,175
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
District of Columbia Financial Responsibility and Management Assistance Authority	(3,140)	(6,500)	(3,140)	(6,500)	(3,140)	
Governmental direction and support	(167,356)	(197,771)	(194,521)	(194,271)	(195,771)	(+28,415)
Economic development and regulation	(190,335)	(205,638)	(205,638)	(205,638)	(205,638)	(+15,303)
Public safety and justice	(778,770)	(762,346)	(762,346)	(762,346)	(762,546)	(-16,224)
Public education system	(867,411)	(998,418)	(995,418)	(998,918)	(998,918)	(+131,507)
Human support services	(1,526,361)	(1,542,204)	(1,532,204)	(1,532,704)	(1,535,654)	(+9,293)
Public works	(271,395)	(278,242)	(278,242)	(278,242)	(278,242)	(+6,847)
Receivership Programs	(342,077)	(394,528)	(389,528)	(389,528)	(389,528)	(+47,451)
Reserve	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	
Repayment of Loans and Interest	(328,417)	(243,238)	(243,238)	(243,238)	(243,238)	(-85,179)
Repayment of General Fund Recovery Debt	(38,286)	(39,300)	(39,300)	(39,300)	(39,300)	(+1,014)
Payment of Interest on Short-Term Borrowing	(9,000)	(1,140)	(1,140)	(1,140)	(1,140)	(-7,860)
Presidential Inauguration		(6,211)	(5,961)	(6,211)	(5,961)	(+5,961)
Certificates of Paticipation	(7,950)	(7,950)	(7,950)	(7,950)	(7,950)	
Wilson Building		(8,409)	(8,409)	(8,409)	(8,409)	(+8,409)
Optical and Dental Insurance Payments	(1,295)	(2,675)	(2,675)	(2,675)	(2,675)	(+1,380)
Management Supervisory Services		(13,200)	(13,200)	(13,200)	(13,200)	(+13,200)
Tobacco Settlement Trust Fund Transfer Payment		(61,406)	(61,406)	(61,406)	(61,406)	(+61,406)
Operational Improvements Savings (including Managed Competition)		(-10,000)	(-10,000)	(-10,000)	(-10,000)	(-10,000)
Management Reform Savings	(-7,000)	(-37,000)	(-37,000)	(-37,000)	(-37,000)	(-30,000)
Cafeteria Plan Savings		(-5,000)	(-5,000)	(-5,000)	(-5,000)	(-5,000)
Productivity Bank	(18,000)					(-18,000)
Productivity Savings	(-18,000)					(+18,000)
General Supply Schedule Savings	(-14,457)					(+14,457)
Workforce Investments	(8,500)					(-8,500)
Buyouts and Management Reforms	(18,000)					(-18,000)
Total, operating expenses, general fund	(4,686,836)	(4,887,176)	(4,842,316)	(4,849,676)	(4,850,716)	(+163,880)
Enterprise Funds						
Water and Sewer Authority and the Washington Aqueduct	(279,608)	(275,705)	(275,705)	(275,705)	(275,705)	(-3,903)
Lottery and Charitable Games Control Board	(234,400)	(223,200)	(223,200)	(223,200)	(223,200)	(-11,200)
Sports and Entertainment Commission	(10,846)	(10,968)	(10,968)	(10,968)	(10,968)	(+122)
Public Benefit Corporation	(89,008)	(78,235)	(78,235)	(78,235)	(78,235)	(-10,773)
D.C. Retirement Board	(9,892)	(11,414)	(11,414)	(11,414)	(11,414)	(+1,522)
Correctional Industries Fund	(1,810)	(1,808)	(1,808)	(1,808)	(1,808)	(-2)
Washington Convention Center	(50,226)	(52,726)	(52,726)	(52,726)	(52,726)	(+2,500)
Total, Enterprise Funds	(675,790)	(654,056)	(654,056)	(654,056)	(654,056)	(-21,734)
Total, operating expenses	(5,362,626)	(5,521,232)	(5,496,372)	(5,503,732)	(5,504,772)	(+142,146)

DISTRICT OF COLUMBIA, 2001—continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Capital Outlay						
General fund	(1,218,638)	(1,029,975)	(1,022,074)	(1,022,074)	(1,022,074)	(-196,564)
Water and Sewer Fund	(197,169)	(140,725)	(140,725)	(140,725)	(140,725)	(-56,444)
Total, Capital Outlay	(1,415,807)	(1,170,700)	(1,162,799)	(1,162,799)	(1,162,799)	(-253,008)
Total, District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,171)	(6,666,531)	(6,667,571)	(-110,862)
Total:						
Federal Funds to the District of Columbia	436,800	445,425	414,000	448,355	444,975	+8,175
District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,171)	(6,666,531)	(6,667,571)	(-110,862)

FISCAL YEAR 2001 FINANCIAL PLANS

[In thousands of dollars]

	Local funds	Grants and other revenue	Gross funds
Revenue			
Local sources, current authority:			
Property taxes	644,360	0	644,360
Sales taxes	651,230	0	651,230
Income taxes	1,291,179	0	1,291,179
Gross receipts and other taxes	331,659	0	331,659
Licenses, permits	37,095	0	37,095
Fines, forfeitures	67,716	0	67,716
Service charges	61,528	0	61,528
Miscellaneous	71,033	294,066	365,099
Subtotal, local revenues	3,155,800	294,066	3,449,866
Federal sources:			
Federal payment	30,111	0	30,111
Grants	0	1,305,867	1,305,867
Subtotal, Federal sources	30,111	1,305,867	1,335,978
Other financing sources:			
Lottery transfer	69,000	0	69,000
Total, general fund revenues	3,254,911	1,599,933	4,854,844
Expenditures			
Current operating:			
D.C. Financing Responsibility and Management Assistance Authority	0	3,140	3,140
Governmental Direction and Support	162,172	33,599	195,771
Economic Development and Regulation	53,562	152,076	205,638
Public Safety and Justice	591,565	170,981	762,546
Public Education System	824,867	174,051	998,918
Human Support Services	637,347	898,307	1,535,654
Public Works	265,078	13,164	278,242
Receivership Programs	234,913	154,615	389,528
Reserve	150,000	0	150,000
Repayment of Loans and Interest	243,238	0	243,238
Repayment of General Fund Recovery Debt	39,300	0	39,300
Payment of Interest on Short-Term Borrowing	1,140	0	1,140
Presidential Inauguration	5,961	0	5,961
Certificates of Participation	7,950	0	7,950
Wilson Building	8,409	0	8,409
Optical and Dental Insurance Payments	2,675	0	2,675
Management Supervisory Services	13,200	0	13,200
Tobacco Settlement Trust Fund Transfer Payment	61,406	0	61,406
Operational Improvement Savings (Including Managed Competition)	(10,000)	0	(10,000)
Management Reform Savings	(37,000)	0	(37,000)
Cafeteria Plan Savings	(5,000)	0	(5,000)
Total, general fund expenditures	3,250,783	1,599,933	4,850,716
Surplus/(Deficit)	4,128	0	4,128
Enterprise fund data			
Enterprise fund revenues:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D.C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise fund revenues	0	654,056	654,056
Enterprise fund expenditures:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D.C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise expenditures	0	654,056	654,056
Surplus/(Deficit)	0	0	0
Total, operating revenues	3,254,911	2,253,989	5,508,900
Total, operating expenditures	3,250,783	2,253,989	5,504,772
Revenues versus expendtures	4,128	0	4,128

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, the gentleman from Oklahoma is absolutely correct. We have worked out the D.C. bill. It is done, and I give credit to the gentleman from Oklahoma, to the members of the subcommittee on both sides of the aisle, and in the Senate as well. In fact, I am not even going to mention the topic of any of these issues that have perennially been so divisive on the floor of the House. We have a good bill, a good D.C. bill.

We had, though, a good news-bad news conversation to relate to the democratically elected delegate-representative from the District of Columbia today. The good news was that, finally, after the fiscal year had begun, the District of Columbia bill, the conference agreement, was unanimously agreed to; it was going to go to the President.

□ 1800

Great news. We have been waiting for this for over a year. The bad news is that the D.C. bill is being attached to the Commerce, Justice, State bill, which is going to be vetoed. That is very unfortunate. We feel that D.C. deserves to go on its own accord.

If it was to go to the White House today, it would be signed tonight; done deal; no controversy. But, instead, we are dumping a bill on it whose veto message we are already in possession of. The President of the United States has told us he is going to veto this bill.

Mr. Speaker, the President has told us that there are a number of reasons why he is going to veto the Commerce, Justice, State bill. He is going to veto it because it prevents the Justice Department from being able to pursue litigation against tobacco companies, tobacco companies whose product has resulted in the loss of billions of dollars to the Medicare and Medicaid program.

Secondly, the President says that it fails to include hate crimes legislation.

Thirdly, it does not address in a meaningful way privacy concerns with regard to Social Security numbers.

Fourthly, it contains a range of antienvironmental, anticompetitive damaging riders.

Lastly, perhaps, most importantly, I think most importantly, it fails to redress several injustices in our immigration system.

Mr. Speaker, there is a Latino and Immigrant Fairness Act, which has been before us for some time. There is a compelling justification for this legislation. These are people who have been working hard, paying taxes, contributing to our community and, particularly, to our economy for over 15 years. They have a deep abiding faith in our system.

The gentlewoman from California (Ms. ROYBAL-ALLARD) will explain why a labyrinthine legislative process has left them in limbo for too many years. It is unfair to their families. It is unfair to the communities that they are part of it. It needs to be redressed.

We need to take care of it, which should be part of this legislation. That is why we oppose it.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, this conference report contains the agreement between the House and Senate on the Commerce, Justice, State and Judiciary Appropriations bill.

The agreement we are bringing before the House is the result of a long and arduous process of negotiations with the other body and the administration. It is a sound compromise that represents the interests of both bodies, and we think the administration—and I hope the House will endorse it by its vote today.

Before explaining this agreement, Mr. Speaker, I want to thank all of the members of the subcommittee for their hard work, their contributions, their patience, as we have moved this bill through the House and then negotiated with the other body and the White House.

I also want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG), for his steadfast support and leadership and the gentleman from Wisconsin (Mr. OBEY), the ranking minority member of our full committee, for his cooperation and assistance on a number of issues that required long and repeated negotiations.

Mr. Speaker, I especially want to thank the gentleman from New York (Mr. SERRANO), my ranking member, who has done an excellent job and whose friendship I appreciate greatly.

Mr. Speaker, finally, I want to thank the tireless work of our staff on both sides of the aisle without whom this product would not be before us now. They put in enormously long hours. They were here all night, Mr. Speaker, and into this morning; and they have done an excellent job. On the majority side, Gail DelBalzo, Jennifer Miller, Mike Ringler, Christine Ryan, John Martens, Kevin Fromer, Greg Laux, and our committee staff director, Jim Dyer. On the minority side, Sally Chadbourne, Lucy Hand, Pat Schlueter, Nadine Berg, and Scott Lilly.

Mr. Speaker, this conference agreement provides a total of $37.5 billion for the agencies and programs in our jurisdiction. That is below the President's request for this year, and it is below last year's level.

At the same time, we have provided for the critical needs of law enforcement, diplomatic security, trade and export promotion, small business assistance and other very important programs.

For law enforcement, we were able to reverse a number of very significant reductions made by the other body in its version of the bill, restoring critical funding for the FBI, the DEA, the U.S. attorneys and the INS.

The agreement also provides new program increases for a number of high-priority law enforcement initiatives for the FBI and U.S. attorneys. The bill provides additional resources for the prosecution of violations of gun laws, cybercrime and terrorism.

Mr. Speaker, we provide new funding for DEA to address the war on drugs.

We beef up programs to address the threat of domestic terrorism, including a $69 million increase to train and equip State and local first responders so they are prepared for incidents, if, and when, they should occur.

At the INS, we provided increases totalling over $500 million for additional border patrol agents, increased the detention space to hold criminal aliens, and for interior enforcement personnel.

This includes over $1 billion for the processing of immigration benefit applications. That is a 16 percent increase over last year and $70 million for this purpose, more than the President, himself, requested.

This bill in an unprecedented way will help solve the backlog and applications for citizenship and other immigration benefits at the INS.

To help your State and local police and sheriffs fight the war on crime, we were able to maintain the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant, the Byrne Formula Grant Program and the Truth In Sentencing State Prison Grant programs.

Mr. Speaker, for the COPS program, the agreement provides $1.03 billion, a major increase from the $595 million in the House bill. Funds are included to continue established programs such as the COPS hiring program, law enforcement technologies, bulletproof vests, and methamphetamine lab cleanup.

Within the COPS program, we have also included money for new initiatives to prosecute cases involving violent crimes committed with guns and violations of gun statutes in cases involving drug trafficking and gang-related crime.

We establish offender reentry programs and provide funds to support police integrity training.

All in all, this agreement goes beyond the call of duty in making sure that Federal, State, and local law enforcement agencies have every penny needed to battle crime, drugs, illegal immigration and the wave of emerging threats to our domestic national security.

Mr. Speaker, for the Department of Commerce, we preserve the critical functions of the National Weather Service, provide increases for our national trade protection and promotion programs, and we fund the completion of the decennial census.

Within NOAA, the agreement continues important coastal ocean and fish habitat protection programs, including implementation of the Pacific Salmon Treaty and grants to the affected States. After long negotiations, we include a total of $618 million for a number of programs related to the CARA agreement on the Interior appropriations bill.

For our Federal courts system, we provide necessary funding to address its ever-increasing caseload. The agreement authorizes, consistent with past practices, cost-of-living adjustments for judges and provides a new increase in the hourly rate we pay court-appointed panel attorneys who represent indigent defendants.

For the State Department, we provided funding above the requested level to ensure the safety and security of our people overseas, including monies needed to replace our most vulnerable embassies.

Finally, we provide ample support for the work of a number of independent agencies: the FCC, Securities and Exchange Commission, FTC, Legal Services Corporation, SBA, and so on.

Mr. Speaker, we were faced with major differences between the House and Senate bills, and we spent an enormous amount of time in trying to craft a compromise that is fair, fiscally responsible and responsive to the needs of our Members and the people they represent back home.

We have come a long way. We have an agreement that can and should be adopted, in my judgment, by the two bodies and signed into law. Mr. Speaker, I urge support for the conference report.

The conference report contains a provision (Section 629) which clarifies that the Interstate Horseracing Act permits the continued merging of any wagering pools and wagering activities conducted between individuals and state-licensed and regulated off-track betting systems located in one or more states, whether such wagers are conducted in person, via telephone or other electronic media, provided such wagers are placed on a closed-loop subscriber-based service, which would include an effective customer and age verification process to ensure that all federal and state requirements and appropriate data security standards are met to prevent unauthorized use by a minor or non-subscriber. The amendment clarifies that the Interstate Horseracing Act permits wagers made by telephone or other electronic media to be accepted by an off-track betting system in another state provided that such types of wagers are lawful in each state involved and meet the requirements, if any, established by the legislature or appropriate regulatory body in the state where the person originating the wager resides.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	79,328	91,553	84,177	83,713	88,713	+9,385
Joint automated booking system	1,800	1,800	1,800	15,915	15,915	+14,115
Public key infrastructure		4,376				
Narrowband communications	10,625	188,000	95,445	205,000	205,000	+194,375
(By transfer)	(92,545)					(-92,545)
Counterterrorism fund	10,000	10,000	10,000	5,000	5,000	-5,000
Telecommunications carrier compliance fund	7,000	105,000	136,771		100,710	+93,710
Defense function	8,000		141,250		100,710	+92,710
Administrative review and appeals:						
Direct appropriation	98,136	164,549	159,570	112,814	161,062	+62,926
Crime trust fund	50,363					-50,363
Total, Administrative review and appeals	148,499	164,549	159,570	112,814	161,062	+12,563
Detention trustee		26,000	1,000		1,000	+1,000
Office of Inspector General	40,275	42,192	41,825	42,192	41,575	+1,300
Total, General administration	305,527	633,470	671,838	464,634	719,685	+414,158
Appropriations	(255,164)	(633,470)	(671,838)	(464,634)	(719,685)	(+464,521)
Crime trust fund	(50,363)					(-50,363)
United States Parole Commission						
Salaries and expenses	8,527	9,183	8,855	7,380	8,855	+328
Legal Activities						
General legal activities:						
Direct appropriation	357,016	553,235	523,228	494,310	535,771	+178,755
Crime trust fund	147,929					-147,929
Total, General legal activities	504,945	553,235	523,228	494,310	535,771	+30,826
Vaccine injury compensation trust fund (permanent)	4,028	4,028	4,028	4,028	4,028	
Antitrust Division	110,000	134,000	113,269	120,838	120,838	+10,838
Offsetting fee collections - carryover	-28,150	-29,034	-36,098	-25,000	-25,000	+3,150
Offsetting fee collections - current year	-81,850	-104,966	-77,171	-95,838	-95,838	-13,988
Direct appropriation						
United States Attorneys:						
Direct appropriation	1,161,957	1,292,833	1,247,416	1,159,014	1,250,382	+88,425
United States Trustee System Fund:						
Current year fee funding	106,775	127,202	126,242	127,212	125,997	+19,222
Fees and interest (legislative proposal)	6,000					-6,000
Total, United States trustee system fund	112,775	127,202	126,242	127,212	125,997	+13,222
Offsetting fee collections	-106,775	-121,202	-120,242	-121,212	-119,997	-13,222
Offsetting fee collections - legis. proposal	-6,000					+6,000
Interest on U.S. securities		-6,000	-6,000	-6,000	-6,000	-6,000
Total, US trustee offsetting fee collections	-112,775	-127,202	-126,242	-127,212	-125,997	-13,222
Foreign Claims Settlement Commission	1,175	1,214	1,000	1,214	1,107	-68
United States Marshals Service:						
Direct appropriation	333,745	586,469	560,438	550,472	572,695	+238,950
Crime trust fund	209,620					-209,620
Construction	6,000	6,378	6,000	25,100	18,128	+12,128
Justice prisoner and alien transportation system fund				97,855	13,500	+13,500
Total, United States Marshals Service	549,365	592,847	566,438	673,427	604,323	+54,958
Federal prisoner detention	525,000	597,402	597,402	539,022	597,402	+72,402
Fees and expenses of witnesses	95,000	156,145	95,000	156,145	125,573	+30,573
Community Relations Service	7,199	9,829	7,479	8,475	8,475	+1,276
Assets forfeiture fund	23,000	23,000		23,000	23,000	
Total, Legal activities	2,871,669	3,230,333	3,041,991	3,058,635	3,150,061	+278,392
Appropriations	(2,514,120)	(3,230,333)	(3,041,991)	(3,058,635)	(3,150,061)	(+635,941)
Crime trust fund	(357,549)					(-357,549)
Radiation Exposure Compensation						
Administrative expenses	2,000	2,000	2,000	2,000	2,000	
Payment to radiation exposure compensation trust fund	3,200	13,727	3,200	14,400	10,800	+7,600
Total, Radiation Exposure Compensation	5,200	15,727	5,200	16,400	12,800	+7,600

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement	316,792	328,898	328,898	316,792	325,898	+9,106
Federal Bureau of Investigation						
Salaries and expenses	2,044,542	2,977,089	3,070,282	2,676,931	2,797,950	+753,408
Counterintelligence and national security	292,473	326,779	159,223	400,650	437,650	+145,177
Direct appropriation	2,337,015	3,303,868	3,229,505	3,077,581	3,235,600	+898,585
Crime trust fund	752,853					-752,853
Subtotal, Salaries and expenses	3,089,868	3,303,868	3,229,505	3,077,581	3,235,600	+145,732
Construction	1,287	3,187	1,287	42,687	16,687	+15,400
Total, Federal Bureau of Investigation	3,091,155	3,307,055	3,230,792	3,120,268	3,252,287	+161,132
Appropriations	(2,338,302)	(3,307,055)	(3,230,792)	(3,120,268)	(3,252,287)	(+913,985)
Crime trust fund	(752,853)					(-752,853)
Drug Enforcement Administration						
Salaries and expenses	1,013,330	1,451,309	1,445,852	1,429,198	1,446,852	+433,522
Diversion control fund	-80,330	-83,543	-83,543	-83,543	-83,543	-3,213
Direct appropriation	933,000	1,367,766	1,362,309	1,345,655	1,363,309	+430,309
Crime trust fund	343,250					-343,250
Subtotal, Salaries and expenses	1,276,250	1,367,766	1,362,309	1,345,655	1,363,309	+87,059
Construction	5,500	5,500	5,500			-5,500
Total, Drug Enforcement Administration	1,281,750	1,373,266	1,367,809	1,345,655	1,363,309	+81,559
Appropriations	(938,500)	(1,373,266)	(1,367,809)	(1,345,655)	(1,363,309)	(+424,809)
Crime trust fund	(343,250)					(-343,250)
Immigration and Naturalization Service						
Salaries and expenses	1,642,440	3,159,138	3,121,213	2,895,397	3,125,876	+1,483,436
Enforcement and border affairs	(1,107,429)	(2,619,748)	(2,547,899)		(2,547,057)	(+1,439,628)
Citizenship and benefits, immigration support and program direction	(535,011)	(539,390)	(573,314)		(578,819)	(+43,808)
Crime trust fund	1,267,225					-1,267,225
Subtotal, Direct and crime trust fund	2,909,665	3,159,138	3,121,213	2,895,397	3,125,876	+216,211
Fee accounts:						
Immigration user fee	(446,151)	(529,103)	(478,879)	(494,384)	(494,384)	(+48,233)
Land border inspection fund	(1,548)	(1,641)	(1,641)	(1,670)	(1,670)	(+122)
Immigration examinations fund	(708,500)	(899,817)	(874,717)	(891,017)	(969,851)	(+261,351)
Breached bond fund	(110,423)	(110,134)	(80,600)	(130,634)	(80,600)	(-29,823)
Immigration enforcement fines	(1,850)	(1,850)	(1,850)	(5,593)	(1,850)	
H-1b Visa fees	(1,125)	(1,125)	(1,125)	(1,473)	(1,125)	
Subtotal, Fee accounts	(1,269,597)	(1,543,670)	(1,438,812)	(1,524,771)	(1,549,480)	(+279,883)
Construction	99,664	111,135	110,664	133,302	133,302	+33,638
Immigration services capital investment		34,800				
Total, Immigration and Naturalization Service	(4,278,926)	(4,848,743)	(4,670,689)	(4,553,470)	(4,808,658)	(+529,732)
Appropriations	(1,742,104)	(3,305,073)	(3,231,877)	(3,028,699)	(3,259,178)	(+1,517,074)
Crime trust fund	(1,267,225)					(-1,267,225)
(Fee accounts)	(1,269,597)	(1,543,670)	(1,438,812)	(1,524,771)	(1,549,480)	(+279,883)
Federal Prison System						
Salaries and expenses	3,179,110	3,545,769	3,500,596	3,573,729	3,507,889	+328,779
Prior year carryover	-90,000		-70,000		-31,000	+59,000
Direct appropriation	3,089,110	3,545,769	3,430,596	3,573,729	3,476,889	+387,779
Crime trust fund	22,524					-22,524
Subtotal, Salaries and expenses	3,111,634	3,545,769	3,430,596	3,573,729	3,476,889	+365,255
Buildings and facilities	556,791	835,660	835,660	724,389	835,660	+278,869
Advance appropriations, FY 2002 - 2003		1,326,000				
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,429	3,429	3,429	3,429	3,429	
Total, Federal Prison System	3,671,854	5,710,858	4,269,685	4,301,547	4,315,978	+644,124
Appropriations	(3,649,330)	(4,384,858)	(4,269,685)	(4,301,547)	(4,315,978)	(+666,648)
Advance appropriations		(1,326,000)				

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of Justice Programs						
Justice assistance	307,611	371,260	307,611	426,403	418,219	+110,608
(By transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	
State and local law enforcement assistance:						
Direct appropriations:						
Local law enforcement block grant	523,000		523,000	400,000	523,000	
Boys and Girls clubs (earmark)	(50,000)		(50,000)	(70,000)	(60,000)	(+10,000)
State prison grants	686,500	75,000	686,500	76,000	686,500	
State criminal alien assistance program	420,000	600,000	420,000	50,000	400,000	-20,000
Indian tribal courts program	5,000	15,000		5,000	8,000	+3,000
Drug interdiction		75,000				
Indian grants		21,000			5,000	+5,000
Byrne grants (formula)		400,000	500,000	400,000	500,000	+500,000
Byrne grants (discretionary)		59,500	52,000	52,000	69,050	+69,050
Juvenile crime block grant			250,000	100,000	250,000	+250,000
Drug courts		50,000	40,000	40,000	50,000	+50,000
Violence Against Women grants		296,000	283,750	284,854	288,679	+288,679
State prison drug treatment		65,000	63,000	63,000	63,000	+63,000
Other crime control programs		5,700	5,700	4,400	5,700	+5,700
Subtotal, Direct appropriations	1,634,500	1,662,200	2,823,950	1,475,254	2,848,929	+1,214,429
Crime trust fund:						
Byrne grants (formula)	500,000					-500,000
Byrne grants (discretionary)	52,000					-52,000
Juvenile crime block grant	250,000					-250,000
Drug courts	40,000					-40,000
Violence Against Women grants	283,750					-283,750
State prison drug treatment	63,000					-63,000
Other crime control programs	5,700					-5,700
Subtotal, Crime trust fund	1,194,450					-1,194,450
Total, State and local law enforcement	2,828,950	1,662,200	2,823,950	1,475,254	2,848,929	+19,979
Weed and seed program fund	33,500	42,000	33,500	40,000	34,000	+500
Community oriented policing services:						
Direct appropriations:						
Public safety and community policing grants	344,500	614,000	389,500	510,500	535,000	+190,500
Management administration	29,825	36,000	29,825	29,825	31,825	+2,000
Crime identification technology	130,000	350,000	130,000	130,000	130,000	
Safe schools initiative	(15,000)			(15,000)	(17,500)	(+2,500)
Upgrade criminal history records	(35,000)	(70,000)		(33,000)	(35,000)	
DNA identification/crime lab	(30,000)	(50,000)		(30,000)	(30,000)	
Methamphetamine	35,675		45,675	41,700	48,500	+12,825
Community prosecutors	10,000	200,000			100,000	+90,000
Crime prevention		135,000			47,000	+47,000
COPS technology				100,000	140,000	+140,000
Subtotal, Direct appropriations	550,000	1,335,000	595,000	812,025	1,032,325	+482,325
Crime trust fund:						
Hiring program	45,000					-45,000
Total, Community oriented policing services	595,000	1,335,000	595,000	812,025	1,032,325	+437,325
Juvenile justice programs	287,097	289,000	287,097	279,697	298,597	+11,500
Public safety officers benefits program:						
Death benefits	32,541	33,224	33,224	33,224	33,224	+683
Federal law enforcement dependents assistance		4,800				
Disability benefits					2,400	+2,400
Total, Public safety officers benefits program	32,541	38,024	33,224	33,224	35,624	+3,083
Total, Office of Justice Programs	4,084,699	3,737,484	4,080,382	3,066,603	4,667,694	+582,995
Appropriations	(2,845,249)	(3,737,484)	(4,080,382)	(3,066,603)	(4,667,694)	(+1,822,445)
Crime trust fund	(1,239,450)					(-1,239,450)
Total, title I, Department of Justice	18,646,502	21,651,347	20,237,327	18,726,613	21,075,745	+2,429,243
Appropriations	(14,613,288)	(20,325,347)	(20,237,327)	(18,726,613)	(21,075,745)	(+6,462,457)
Crime trust fund	(4,033,214)					(-4,033,214)
Advance appropriations		(1,326,000)				
(By transfer)	(99,545)	(7,000)	(7,000)	(7,000)	(7,000)	(-92,545)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	25,635	29,600	29,433	29,600	29,517	+3,882
International Trade Commission						
Salaries and expenses	44,495	49,100	48,995	49,100	48,100	+3,605
Total, Related agencies	70,130	78,700	78,428	78,700	77,617	+7,487
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	311,503	355,147	321,448	318,686	337,444	+25,941
Offsetting fee collections	-3,000	-3,000	-3,000	-3,000	-3,000	....
Direct appropriation	308,503	352,147	318,448	315,686	334,444	+25,941
Export Administration						
Operations and administration	52,161	66,416	51,963	56,787	57,604	+5,443
CWC enforcement	1,877	5,138	1,870	4,250	7,250	+5,373
Total, Export Administration	54,038	71,554	53,833	61,037	64,854	+10,816
Economic Development Administration						
Economic development assistance programs	361,879	407,750	361,879	218,000	411,879	+50,000
Salaries and expenses	26,500	29,188	26,499	31,542	28,000	+1,500
Total, Economic Development Administration	388,379	436,938	388,378	249,542	439,879	+51,500
Minority Business Development Agency						
Minority business development	27,314	28,156	27,314	27,000	27,314	....
Total, Trade and Infrastructure Development	848,364	967,495	864,401	731,965	944,108	+95,744
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	49,499	54,713	49,499	53,992	53,745	+4,246
Bureau of the Census						
Salaries and expenses	140,000	173,826	140,000	158,386	157,227	+17,227
Periodic censuses and programs	142,320	545,379	530,867	535,224	276,406	+134,086
Emergency appropriations	4,476,253	....	....	....	....	-4,476,253
Total, Bureau of the Census	4,758,573	719,205	670,867	693,610	433,633	-4,324,940
National Telecommunications and Information Administration						
Salaries and expenses	10,975	20,315	10,975	11,437	11,437	+462
Public telecommunications facilities, planning and construction	26,500	110,075	31,000	50,000	43,500	+17,000
Advance appropriations, FY 2002 - 2003	....	197,500	....	....	....	....
Information infrastructure grants	15,500	45,119	15,500	15,500	45,500	+30,000
Home internet access	....	50,000	....	....	....	....
Total, National Telecommunications and Information Administration	52,975	423,009	57,475	76,937	100,437	+47,462
Appropriations	(52,975)	(225,509)	(57,475)	(76,937)	(100,437)	(+47,462)
Advance appropriations	....	(197,500)	....	....	....	....
Patent and Trademark Office						
Current year fee funding	755,000	783,843	650,035	783,843	783,843	+28,843
(Prior year carryover)	(116,000)	(254,889)	(254,889)	(254,889)	(254,889)	(+138,889)
Total, Patent and Trademark Office	(871,000)	(1,038,732)	(904,924)	(1,038,732)	(1,038,732)	(+167,732)
Offsetting fee collections	-785,976	-783,843	-650,035	-783,843	-783,843	+2,133
Total, Economic and Information Infrastructure	4,830,071	1,196,927	777,841	824,539	587,815	-4,242,256
Appropriations	(353,818)	(999,427)	(777,841)	(824,539)	(587,815)	(+233,997)
Advance appropriations	....	(197,500)	....	....	....	....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	7,972	8,716	7,945	8,216	8,080	+108
National Institute of Standards and Technology						
Scientific and technical research and services	283,132	337,508	292,056	305,003	312,617	+29,485
Industrial technology services	247,436	339,604	104,836	262,737	250,837	+3,401
Construction of research facilities	108,414	35,879	26,000	28,879	34,879	-73,535
Working capital fund (by transfer)		(6,300)		(6,200)		
Total, National Institute of Standards and Technology	638,982	712,991	422,892	596,619	598,333	-40,649
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,688,189	1,882,189	1,608,125	1,958,046	1,869,170	+180,981
Offsetting collections (fisheries) (proposed)		-20,000				
Offsetting collections (navigations) (proposed)		-14,000				
Direct appropriation	1,688,189	1,848,189	1,608,125	1,958,046	1,869,170	+180,981
(By transfer from Promote and Develop Fund)	(68,000)	(68,000)	(68,000)	(72,828)	(68,000)	
(By transfer from Coastal zone management)		3,200		3,200	3,200	+3,200
Total, Operations, research and facilities	1,688,189	1,851,389	1,608,125	1,961,246	1,872,370	+184,181
Procurement, acquisition and construction	596,067	635,222	563,456	669,542	682,899	+86,832
Advance appropriations, FY 2002 - 2019		6,417,495				
Coastal and ocean activities					420,000	+420,000
Pacific coastal salmon recovery	58,000	160,000	58,000	58,000	74,000	+16,000
Fisheries assistance		10,000				
Coastal impact assistance		100,000				
Coastal zone management fund	4,000		4,000			-4,000
Mandatory offset	-4,000	-3,200	-4,000	-3,200	-3,200	+800
Fishermen's contingency fund	953	951	951	953	952	-1
Foreign fishing observer fund	189	191	189	191	191	+2
Fisheries finance program account	338	6,628	238	338	288	-50
Total, National Oceanic and Atmospheric Administration	2,343,736	9,178,676	2,230,959	2,687,070	3,047,500	+703,764
Appropriations	(2,343,736)	(2,761,181)	(2,230,959)	(2,687,070)	(3,047,500)	(+703,764)
Advance appropriations		(6,417,495)				
Total, Science and Technology	2,990,690	9,900,383	2,661,796	3,291,905	3,653,913	+663,223
Departmental Management						
Salaries and expenses	31,500	32,340	28,392	32,340	35,920	+4,420
Digital department		5,800		5,800		
Security		13,268		10,000		
Office of Inspector General	20,000	22,726	21,000	19,000	20,000	
Total, Departmental management	51,500	74,134	49,392	67,140	55,920	+4,420
National Oceanic and Atmospheric Administration						
Fisheries promotional fund (rescission)	-1,187					+1,187
Total, Department of Commerce	8,649,308	12,060,239	4,277,002	4,836,849	5,164,139	-3,485,169
Appropriations	(4,174,242)	(5,445,244)	(4,277,002)	(4,836,849)	(5,164,139)	(+989,897)
Emergency appropriations	(4,476,253)					(-4,476,253)
Rescissions	(-1,187)					(+1,187)
Advance appropriations		(6,614,995)				
Total, title II, Department of Commerce and related agencies	8,719,438	12,138,939	4,353,430	4,915,549	5,241,756	-3,477,682
Appropriations	(4,244,372)	(5,523,944)	(4,353,430)	(4,915,549)	(5,241,756)	(+997,384)
Emergency appropriations	(4,476,253)					(-4,476,253)
Rescissions	(-1,187)					(+1,187)
Advance appropriations		(6,614,995)				
(By transfer)	(68,000)	(74,300)	(68,000)	(79,028)	(68,000)	
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,698	1,698	1,698	1,698	1,698	
Other salaries and expenses	33,794	36,047	35,084	35,893	35,893	+2,099
Total, Salaries and expenses	35,492	37,745	36,782	37,591	37,591	+2,099

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Care of the building and grounds	8,002	7,530	7,530	7,530	7,530	-472
Total, Supreme Court of the United States	43,494	45,275	44,312	45,121	45,121	+1,627
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,945	2,021	2,021	2,021	2,021	+76
Other salaries and expenses	14,852	17,512	15,825	15,909	15,909	+1,057
Total, Salaries and expenses	16,797	19,533	17,846	17,930	17,930	+1,133
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,525	1,525	1,525	1,525	1,525	
Other salaries and expenses	10,432	10,981	10,774	10,931	10,931	+499
Total, Salaries and expenses	11,957	12,506	12,299	12,456	12,456	+499
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	240,375	248,000	248,000	248,000	248,000	+7,625
Other salaries and expenses	2,717,763	3,250,694	3,080,778	3,111,725	3,111,725	+393,962
Direct appropriation	2,958,138	3,498,694	3,328,778	3,359,725	3,359,725	+401,587
Crime trust fund	156,539					-156,539
Total, Salaries and expenses	3,114,677	3,498,694	3,328,778	3,359,725	3,359,725	+245,048
Vaccine Injury Compensation Trust Fund	2,515	2,602	2,600	2,602	2,602	+87
Defender services	358,848	440,351	420,338	416,368	435,000	+76,152
Crime trust fund	26,247					-26,247
Fees of jurors and commissioners	60,918	60,821	60,821	59,567	59,567	-1,351
Court security	193,028	215,353	198,265	199,575	199,575	+6,547
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,756,233	4,217,821	4,010,802	4,037,837	4,056,469	+300,236
Administrative Office of the United States Courts						
Salaries and expenses	55,000	61,215	58,340	50,000	58,340	+3,340
Federal Judicial Center						
Salaries and expenses	18,000	19,337	18,777	19,215	18,777	+777
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	39,700	35,700	35,700	35,700	35,700	-4,000
United States Sentencing Commission						
Salaries and expenses	8,500	10,600	9,615	9,931	9,931	+1,431
General Provisions						
Judges pay raise (sec. 309)	9,611			8,801	8,801	-810
Total, title III, the Judiciary	3,959,292	4,421,987	4,207,691	4,236,991	4,263,525	+304,233
Appropriations	(3,776,506)	(4,421,987)	(4,207,691)	(4,236,991)	(4,263,525)	(+487,019)
Crime trust fund	(182,786)					(-182,786)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	2,569,825	2,694,325	2,679,325	2,875,758	2,758,725	+188,900
Worldwide security upgrade	254,000	410,000	410,000	272,736	410,000	+156,000
Total, Diplomatic and consular programs	2,823,825	3,104,325	3,089,325	3,148,494	3,168,725	+344,900
Capital investment fund	80,000	97,000	79,670	104,000	97,000	+17,000
Office of Inspector General	27,495	29,502	28,490	29,395	28,490	+995
Educational and cultural exchange programs	205,000	225,000	213,771	225,000	231,587	+26,587
Representation allowances	5,850	5,973	5,826	6,773	6,499	+649
Protection of foreign missions and officials	8,100	10,490	8,067	10,490	15,467	+7,367
Embassy security, construction and maintenance	428,561	431,178	416,976	417,104	416,976	-11,585
Worldwide security upgrade	313,617	648,000	648,000	364,900	663,000	+349,383
Advance appropriations, FY 2002 - 2005		3,350,000				
Emergencies in the diplomatic and consular service	5,500	11,000	5,477	11,000	5,477	-23
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Commission on Holocaust Assets in U.S. (by transfer)	(1,162)	(1,162)			(1,400)	(+238)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Repatriation Loans Program Account:						
Direct loans subsidy	593	593	591	593	591	-2
Administrative expenses	607	607	604	607	604	-3
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	....
Total, Repatriation loans program account	1,200	1,200	1,195	1,200	1,195	-5
Payment to the American Institute in Taiwan	15,375	16,345	16,345	16,345	16,345	+970
Payment to the Foreign Service Retirement and Disability Fund	128,541	131,224	131,224	131,224	131,224	+2,683
Total, Administration of Foreign Affairs	4,043,064	8,061,237	4,644,366	4,465,925	4,781,985	+738,921
Appropriations	(4,043,064)	(4,711,237)	(4,644,366)	(4,465,925)	(4,781,985)	(+738,921)
Advance appropriations	....	(3,350,000)	....	....	....	....
International Organizations and Conferences						
Contributions to international organizations, current year assessment	885,203	946,060	880,505	879,144	870,833	-14,370
New NATO headquarters	....	....	....	64,800	....	....
Contributions for international peacekeeping activities, current year	500,000	738,666	498,100	500,000	846,000	+346,000
Arrearage payments	351,000	....	....	102,000	....	-351,000
Total, International Organizations and Conferences	1,736,203	1,684,726	1,378,605	1,545,944	1,716,833	-19,370
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	19,551	7,142	19,470	7,142	7,142	-12,409
Construction	5,939	26,747	6,415	26,747	22,950	+17,011
American sections, international commissions	5,733	8,891	5,710	6,741	6,741	+1,008
International fisheries commissions	15,549	19,392	15,485	19,392	19,392	+3,843
Total, International commissions	46,772	62,172	47,080	60,022	56,225	+9,453
Other						
Payment to the Asia Foundation	8,250	10,000	8,216	....	9,250	+1,000
Eisenhower Exchange Fellowship Program, trust fund	465	500	500	500	500	+35
Israeli Arab scholarship program	340	375	375	375	375	+35
East-West Center	12,500	12,500	....	13,500	13,500	+1,000
North/South Center	1,750	1,750	....	....	....	-1,750
National Endowment for Democracy	31,000	32,000	30,872	30,999	30,999	-1
Total, Department of State	5,880,344	9,865,260	6,110,014	6,117,265	6,609,667	+729,323
Appropriations	(5,880,344)	(6,515,260)	(6,110,014)	(6,117,265)	(6,609,667)	(+729,323)
Advance appropriations	....	(3,350,000)	....	....	....	....
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	388,421	405,056	419,777	388,421	398,971	+10,550
Broadcasting to Cuba	22,095	23,456	....	22,095	22,095	....
Broadcasting capital improvements	11,258	19,760	18,358	29,060	20,358	+9,100
Worldwide security upgrade	....	....	....	2,015	....	....
Total, Broadcasting Board of Governors	421,774	448,272	438,135	441,591	441,424	+19,650
Total, title IV, Department of State	6,302,118	10,313,532	6,548,149	6,558,856	7,051,091	+748,973
Appropriations	(6,302,118)	(6,963,532)	(6,548,149)	(6,558,856)	(7,051,091)	(+748,973)
Advance appropriations	....	(3,350,000)	....	....	....	....
(By transfer)	(6,162)	(6,162)	(5,000)	(5,000)	(6,400)	(+238)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Security Program	96,200	98,700	98,700	98,700	98,700	+2,500
Operations and training	72,073	80,240	84,799	80,240	86,910	+14,837
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	6,000	2,000	10,621	20,221	30,000	+24,000
Administrative expenses	3,809	4,179	3,795	4,179	3,987	+178
Total, Maritime guaranteed loan program account	9,809	6,179	14,416	24,400	33,987	+24,178
Total, Maritime Administration	178,082	185,119	197,915	203,340	219,597	+41,515
Census Monitoring Board						
Salaries and expenses	....	4,000	....	....	....	....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	490	390	390	490	490	
Commission on Civil Rights						
Salaries and expenses	8,900	11,000	8,866	8,900	8,900	
Commission on Electronic Commerce						
Salaries and expenses	1,400					-1,400
Commission on Ocean Policy						
Salaries and expenses				1,000	1,000	+1,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,182	1,370	1,182	1,370	1,370	+188
Congressional/Executive Commission on China						
Salaries and expenses					500	+500
Equal Employment Opportunity Commission						
Salaries and expenses	282,000	322,000	290,928	294,800	303,864	+21,864
Federal Communications Commission						
Salaries and expenses	210,000	237,188	207,909	237,188	230,000	+20,000
Offsetting fee collections - current year	-185,754	-200,146	-200,146	-200,146	-200,146	-14,392
Direct appropriation	24,246	37,042	7,763	37,042	29,854	+5,608
Federal Maritime Commission						
Salaries and expenses	14,150	16,222	14,097	16,222	15,500	+1,350
Federal Trade Commission						
Salaries and expenses	125,024	164,600	134,807	159,500	147,154	+22,130
Offsetting fee collections - carryover	-21,000	-7,000	-13,709	-1,900	-1,900	+19,100
Offsetting fee collections - current year	-104,024	-157,600	-121,098	-157,600	-145,254	-41,230
Direct appropriation						
Legal Services Corporation						
Payment to the Legal Services Corporation	305,000	340,000	275,000	300,000	330,000	+25,000
Marine Mammal Commission						
Salaries and expenses	1,270	1,400	1,700	1,700	1,700	+430
Securities and Exchange Commission						
Current year fees	173,800	282,800	252,624	194,652	127,800	-46,000
1998 fees	194,000					-194,000
1999 fees		140,000	140,000	295,000	295,000	+295,000
Direct appropriation	367,800	422,800	392,624	489,652	422,800	+55,000
Small Business Administration						
Salaries and expenses	292,800	163,000	304,094	143,475	368,635	+75,835
Non-credit business assistance programs		256,050		153,690		
Office of Inspector General	11,000	14,315	10,905	13,000	11,953	+953
Business Loans Program Account:						
Direct loans subsidy		5,370	2,500	2,600	2,250	+2,250
Guaranteed loans subsidy	137,800	190,460	137,800	162,800	163,160	+25,360
Administrative expenses	129,000	132,525	129,000	130,800	129,000	
Total, Business loans program account	266,800	328,355	269,300	296,200	294,410	+27,610
Disaster Loans Program Account:						
Direct loans subsidy	140,400	142,100	140,400	142,100	76,140	-64,260
Administrative expenses	136,000	154,000	136,000	139,000	108,354	-27,646
Total, Disaster loans program account	276,400	296,100	276,400	281,100	184,494	-91,906
Total, Small Business Administration	847,000	1,057,820	860,699	887,465	859,492	+12,492
State Justice Institute						
Salaries and expenses 1/	6,850	15,000	4,500	6,850	6,850	
(By transfer)				(8,000)		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
United States Commission on International Religious Freedom						
Salaries and expenses		3,000				
Total, title V, Related agencies	2,038,370	2,417,163	2,055,664	2,248,831	2,201,917	+163,547
TITLE VI - GENERAL PROVISIONS						
Section 604				23,000		
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)		-10,000		-76,698		
Legal Activities						
Assets forfeiture fund (rescission)				-96,383		
Federal Bureau of Investigation						
Information sharing initiative (rescission)				-40,000		
Drug Enforcement Administration						
Drug diversion fund (rescission)	-35,000			-8,000	-8,000	+27,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	-1,137					+1,137
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
International Organizations and Conferences						
Contributions for international peacekeeping activities, current year (rescission)				-212,744		
Broadcasting Board of Governors						
International broadcasting operations (rescission)	-15,516					+15,516
RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account: Guaranteed loans subsidy (rescission)			-7,644		-7,644	-7,644
Small Business Administration						
Business Loans Program Account: Guaranteed loans subsidy (rescission)	-13,100					+13,100
Total, title VII, Rescissions	-64,753	-10,000	-7,644	-433,825	-15,644	+49,109
TITLE VIII - SOUTHWEST BORDER INITIATIVE						
DEPARTMENT OF JUSTICE						
Legal Activities						
United States Marshals Service:						
Direct appropriation (contingent emergency appropriations)				5,268		
Construction (contingent emergency appropriations)				5,625		
Justice prisoner and alien transportation system fund (contingent emergency appropriations)				52,000		
Total, United States Marshals Service				62,893		
Drug Enforcement Administration						
Salaries and expenses (contingent emergency appropriations)				22,500		
Immigration and Naturalization Service						
Salaries and expenses (contingent emergency appropriations)				67,585		
Construction (contingent emergency appropriations)				254,008		
Total, Immigration and Naturalization Service				321,593		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
THE JUDICIARY						
Courts of Appeals, District Courts, and Other Judicial Services						
Other salaries and expenses (contingent emergency appropriations)				4,392		
Court security (contingent emergency appropriations)				2,562		
Total, The Judiciary				6,954		
Total, title VIII:						
New budget (obligational) authority				413,940		
TITLE IX						
Wildlife conservation and restoration planning					50,000	+50,000
Grand total:						
New budget (obligational) authority	39,600,967	50,932,968	37,394,617	36,689,955	39,868,390	+267,423
Appropriations	(30,974,654)	(39,651,973)	(37,402,261)	(36,709,840)	(39,884,034)	(+8,909,380)
Emergency appropriations	(4,476,253)			(413,940)		(-4,476,253)
Advance appropriations		(11,290,995)				
Rescissions	(-65,940)	(-10,000)	(-7,644)	(-433,825)	(-15,644)	(+50,296)
Crime trust fund	(4,216,000)					(-4,216,000)
(By transfer)	(173,707)	(87,462)	(80,000)	(99,028)	(81,400)	(-92,307)

1/ The President's budget proposed $6.85 million for State Justice Institute.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from New York (Mr. SERRANO), a good friend, colleague, and the ranking member on the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me first say that it is for me unfortunate that this is the last time the gentleman from Kentucky (Chairman ROGERS) will lead on this bill. Six years ago, the Republican Conference imposed term limits on its Chairs, which now removes the most experienced and knowledgeable member of our subcommittee from its Chair.

Mr. Speaker, I know the gentleman will provide invaluable advice and counsel to his successor, whatever party that may be, and the gentleman may be able to bring his considerable leadership skills to another subcommittee, I am hoping, because the gentleman has been a true friend, a colleague; and the gentleman knows I have the utmost respect for him.

Mr. Speaker, it has been a pleasure also to work with the gentleman's staff, our staff; and because time is limited, let me just say to all the staff that I value your advice, your counsel, the work you have done on this bill. I will personally make phone calls to your relatives to tell them why you have not been at home most weekends and most evenings.

I initially supported, Mr. Speaker, this bill, because I felt it was a bill that could get better. This bill is a mixture of good and bad news as we discuss it right now; and I am specifically speaking about the Commerce, Justice, State bill, which I am involved with.

The bill grew and the bill got much better in many areas, where most of us felt it was necessary to do so.

In the Civil Rights division, in the EEOC, in the COPS program, it grew up to a billion dollars; $100 million provided for community prosecutors, $75 million for prosecuting gun crimes, $17 million on the COPS and police integrity grants to support increasing local professionalism, something that we are all very much involved with.

The peacekeeping mission has been fully funded. Trying to bring this bill to where the House and the Senate could agree was not an easy task, but both parties, both sides of the aisle on the issue of numbers were willing to do so; and that is why jointly with the White House we were able to increase funding in so many areas.

The digital divide was addressed.

NOAA will receive substantially more than in the House bill. Now NOAA will receive funding provided for minority-serving institutions.

All of the work that we wanted to put forth on this bill, Mr. Speaker, has been met in the area of numbers. However, and this is a major however, we had a great opportunity to do something through the Latino and Immigrant Fairness Act, LIFA. It is language that would, in fact, take care of a disparity that we have in our immigration policy, something that we did before that we could have included other people. It is language that would be fair and humane in dealing with a major problem; and last, but not least, it is language that is so vital to this bill, because without it this bill becomes a veto strategy, rather than a getting-a-bill-signed-into-law strategy.

I would hope that as that veto comes back, and I will vote to sustain that veto, that we can continue to work with my support to make sure that this bill can, in fact, be what it has to be.

First, this is the last time Chairman ROGERS will lead on this bill. Six years ago, the Republican Conference imposed term limits on its Chairs, which now removes the most experienced and knowledgeable Member of our Subcommittee from its chair. I know HAL will provide invaluable advice and counsel to his successor, whatever his party, and he may be able to bring his considerable leadership skills to another Subcommittee. Still, this is an unnecessary change.

It has been a pleasure to work with Chairman ROGERS and the other Members of the Subcommittee, each of whom has contributed so much to developing this legislation.

I also want to congratulate and thank the staff for their dedication and professionalism, and for the many nights and weekends they put in on this conference agreement. The Committee staff, Democratic and Republican alike, and staff in Mr. ROGERS' and my offices have all contributed to this moment. We owe them—and their families, who haven't seen much of them lately—a great deal.

I supported initial House passage of H.R. 4690 because I believed we should keep the bill moving toward the improvements that would surely happen before it could ever become law. I rise now to state that the bill has been substantially improved.

I want to compliment our Chairman on bringing us to this conclusion. The differences between House and Senate were enormous because the priorities were so very different. Just getting to where the House considered Justice funding adequate or the Senate considered Commerce funding adequate took a great deal of work. And that was before the Administration weighed in with its priorities.

Programs I earlier pointed to as underfunded are now in substantially better shape.

Funding has been added for the Civil Rights Division, the EEOC, and the Legal Services Corporation, which will receive an appropriation of $330 million.

The COPS program has gone from a freeze at last year's level to just over $1 billion, and $100 million is provided for community prosecutors, $75 million for prosecuting gun crimes.

I am particularly pleased at the inclusion of $17 million under COPS for police integrity grants to support increasing local police professionalism. This is an area of great interest to me, and I am working with Chairman HYDE to establish a national commission to study police recruitment, hiring, training, oversight, and use of force policies and make recommendations to Congress.

The Administration's requests for trade enforcement have been fully funded and the Department's ability to collect the vital statistical data on which our economy depends has been strengthened. Funds are now provided to help bridge the "digital divide" between the information age's "haves" and "have nots".

And NOAA will receive substantially more than in the House bill for its critical work on weather, the health of our air and water, our coasts and oceans, and so much more. Moreover, funding has been provided for NOAA's Minority Serving Institutions initiative, to create a pool of minority scientists in the scientific disciplines NOAA needs.

The peacekeeping request is fully funded, and restrictions on payment of our U.N. dues are modified to reduce the harm they would have caused.

In addition, every effort was made to accommodate as many Member requests as possible out of the thousands received.

There remain problems, of course, including serious language issues that threaten this entire package with a veto.

Failure to include the provisions of the Latino and Immigrant Fairness Act (LIFA), despite the President's intention, repeated yesterday, to veto the bill if those issues are not resolved is simply a waste of time. All it will do is add a couple of days to the time we must remain in Washington trying to finish our work for the year.

I am also deeply distressed by the provision that interferes with the FCC's low-power FM initiative, which would be of such value to schools, churches, and community groups in areas such as the South Bronx. In addition, language added in the dark of night that is supposed to improve rural television service abandons a bipartisan agreement reached just this week and gives the advantage to existing cable monopolists.

The bill includes new appropriations of $420 million for coastal impact assistance and other ocean and coastal conservation programs, built on what the Interior bill contained. These additional funds are intended to increase resources for protection, conservation, and restoration of fragile coastal habitat areas, but the other body skewed the distribution away from strengthening national conservation programs and toward funding numerous parochial projects.

While restrictions on the Justice Department's ability to move funds around to pursue its tobacco litigation have been modified, none of the $23 million for the lawsuit is provided directly.

Finally, the "Amy Boyer" provisions, far from protecting our Social Security Numbers from display or sale on the Internet, make them far more widely available to commercial concerns.

In closing, Mr. Speaker, I am pleased at how far we have come in improving the base bill, and I am confident that the language issues will be worked out, although a negotiating strategy would be far preferable to a veto strategy. If the President does veto the bill, as expected, I will vote to sustain his veto. In any case, I look forward to the eventual enactment of the Commerce, Justice, State, and Judiciary Appropriations bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a distinguished member of the Subcommittee on Commerce, Justice, State and Judiciary.

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Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I just wanted to take a minute, first of all, to thank our chairman, the gentleman from Kentucky (Mr. ROGERS) who has had extraordinary wisdom and knowledge and leadership on this bill, and there is no one in the House that I have more admiration for, and I appreciate his very kind consideration and leadership on the committee. It is truly appreciated not only by myself, but by people in my district and in the State of Iowa.

Also, the gentleman from New York (Mr. SERRANO) is a very dear friend, and I have the greatest respect for the ranking member and I want to thank him for all his help. If the staff here looks a little sleepy, it is because they probably have not gotten any sleep the last couple of evenings.

Mr. Speaker, this is a very, very good bill with a lot of work in it. I am, in particular, very appreciative of the fact that we were able to increase funding for the methamphetamine training center in Sioux City, Iowa, to be able to expand that program that has been of vital assistance to local law enforcement throughout the four-State region. It is extremely important, and that great work is going to continue because of this bill. The local law enforcement block grant, which has helped so many of our small communities, which are fighting the battle, in particular in the upper Midwest with methamphetamines today, it is very, very important. The cleanup funds that are in this bill, as far as the labs out there, are extraordinarily important.

So I just wanted to thank the chairman and the ranking member, and all of the staff on both sides. I think this is a very, very good bill; and I hope everyone will pull together and pass the bill.

Mr. ISTOOK. Mr. Speaker, I reserve the balance my time.

Mr. MORAN of Virginia. Mr. Speaker, in the President's veto message, he said, regrettably, this bill does not include needed protections against the inappropriate sale and display of individual citizen's Social Security numbers.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY) to explain the President's objection in this regard to this bill.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me begin by complimenting the Republicans in the House on their work on protecting Social Security numbers so that they are not trafficked in American commerce. Unfortunately, I cannot say the same thing for the United States Senate; and they have attached a rider to the legislation which, unfortunately, makes it possible for us to move this kind of Social Security information into national commerce.

Now, the Committee on Ways and Means, led by the gentleman from Florida (Mr. SHAW), has been doing a fabulous job in ensuring that the Democrats and Republicans, liberals and conservatives in the House, where the liberal left meets the libertarian right, we are all going to do something to deal with the issue of Amy Boyer whose name was purchased for $45 by a stalker; created a Web site, this stalker; and then ultimately killed Amy Boyer using the Social Security which he purchased for $45.

Now, I say to my colleagues, what are we talking about in this amendment that has come over from the Senate? We are talking about taking this concern and riddling it with loopholes.

Now, every one of us gets a Social Security number when we are 16, when we are 17, in the United States, and this Social Security number increasingly has become our personal identifier. Now, what does it say on the back of the Social Security card? It says, "Improper use of this card and/or number by the number-holder or any other person is punishable by fine, imprisonment, or both." Or both.

Now, what does the bill before us do? It says it is going to help the problem about Amy Boyer. What does it do? It takes this protection which we have always had and it amends it. It amends it by doing this. It puts right here the word "not." That is, it is not punishable by fine or imprisonment, or both. It riddles it with exemptions. It says this: If you are a credit reporting agency, you are exempted from the restrictions of the bill. If you are a big bank, if you are a life insurance company or a Wall Street brokerage firm, you are exempt from the provisions. If you are a professional or commercial user, you can sell it to other businesses, but not to the general public. If you are a company engaged in any activity which the banking regulators have determined to be complementary to a financial activity, such as running a travel agency, you are exempt. You can sell the Social Security information. If you obtain someone's Social Security number from a public record, a driver's license, a court filing, a real estate document, you can sell it to anyone you want.

What is left, I ask my colleagues? What protections will Americans have if we allow this kind of codification of basically trafficking in Social Security numbers in our country?

Mr. Speaker, I regret that this bill is coming to the House floor today with a number of unrelated legislative "riders" attached to it. This is not the way Congress should conduct its business.

Chief among these unrelated provisions are two problematic measures which have not gone through the normal legislative process. These two measures are those addressing low power FM radio as well as a measure establishing a program of loan guarantees for local television distribution for rural areas.

The language addressing the rural loan guarantee program was developed solely by Republicans. I would have hoped that we could have developed a sound compromise—just as we did when the House originally passed this rural loan bill earlier this year. Unfortunately, the Republican majority has decided not to work with concerned Democrats to develop a more consensus bill.

This is especially unfortunate because as I just mentioned the original version of the bill that passed the House back in April at least had been developed with both Republicans and Democrats at the table. From a procedural standpoint therefore the loan guarantee bill's appearance as a rider on the appropriations bill today on the House floor highly objectionable. The House had a bipartisan agreement on this measure the last time it was considered and the House Republicans seem willing to disrupt the compromise that had already been established—a provision which had both industry and consumer support.

As for the substance of this new bill it departs from the original House bill and guts key provisions that were adopted in the Commerce Committee that instilled a preference for competition. This bill will not only run the risk of subsidizing large media companies who do not need taxpayer subsidies, it has now been changed so that incumbent cable companies who already provide local TV stations can get a taxpayer subsidy as well. This makes no sense as a public policy.

Why on earth should incumbent cable companies get a subsidy to do that which they should be doing anyway—or that they already have plans to do with private capital?

The legislative effort underway stems from the debate we had in the previous session of Congress on amendments to the Satellite Home Viewer Act which spurred the deployment of local-to-local service from direct to home satellite providers. Satellite-delivered local-to-local service promises to extend to millions of consumers much needed competition in the multichannel video marketplace.

When Congress was considering legislation last year, it was clear that the two existing DBS companies would not be providing local-to-local service beyond the top markets in the most populated areas of the country. The legislation before us today was prompted by a desire to extend the local-to-local service that urban America was going to receive to rural communities as well. The effort to do so is built upon America's experience in extending electricity and phone service to rural towns and hamlets.

I have long supported the universal service concept that ensures that the poor as well as rural Americans do not fall behind and that they can receive the basic essential services that more affluent, urban Americans do at affordable prices.

The problem with this new version of the bill however is that it would permit taxpayer backed loans to go to incumbent companies. If people can already get local TV stations from a cable operator, then the government doesn't need to get involved to extend service to that area in the same way that we extended electricity and phone service to areas that otherwise wouldn't get it. The cable guy is already there.

Consumers in that area, however, may understandably want an alternative to the cable operator, perhaps one they can use in conjunction with their satellite dish. If we are proposing to extend loan guarantees to provide *alternatives* to the local TV service rural consumers already receive from an incumbent, it makes zero sense in my view to permit the very same incumbents to be eligible for loans.

If the incumbent monopoly already provides local TV stations to a community, then rural consumers in that community are choosing not to subscribe to that service for some reason. That reason is most likely price. Why would Congress ask these rural citizens for their taxpayer dollars to subsidize the only choice in town they don't want anyway?

To do so would stand competitive telecommunications policy on its head—rather than addressing the lack of competition or lingering concern about affordable cable rates, we're proposing to allow the sole multichannel provider in a rural area a chance to solidify their position with help from the Federal government—and I might add without any obligation from the loan recipient to price the subsidized monopoly service to consumers affordably.

I wish this loan guarantee provision had been handled differently. I wish we would have named conferees and worked out our disagreements with the Senate. We had all summer long to do so. We could have done it on a bipartisan basis.

Instead, Democrats have not been fully included in the negotiations leading to this version of the bill and the provisions is a far worse measure than what passed the House previously.

Here's the problem with the language in the current version of the bill. The language in the bill says: "that no loan guarantee under this Act may be granted or used to provide funds for a project that extends, upgrades, or enhances the services provided over any cable system to an area that, as of the date of enactment of this Act, is covered by a cable franchise agreement that expressly obligates a cable system operator to serve such area."

The original House bill did not require franchising authorities to have provisions in franchise agreements that "expressly" regulated able buildout schedules to serve all of the geographic areas of a franchise. This may significantly undercut the applicability of the prohibition on subsidizing incumbent companies because many franchise agreements may not have explicit build-out requirements.

More importantly, the new version applies only to franchise agreements in effect as of the date of enactment of the Act.

In other words, when the franchise agreement expires next month, or six months from now, or a year from now, an incumbent cable operator is eligible for taxpayer-backed loans under any "new" franchise—because it's not the one in effect on the date of enactment. It's a loophole.

Tying the prohibition only to existing franchise agreements—which are of limited duration—essentially guts the prohibition for every expired or newly re-negotiated franchise agreement. Again, the House-passed version kept a preference for competition, had the acceptance of affected small cable operators in the industry, had the support of consumer groups, and established a broad consensus throughout the House. Today, the Senate-crafted language achieves none of those benefits. It's bad for competition, bad for consumers, and unfair to taxpayers.

The Commerce, Justice, State bill also includes a provision delaying low power FM radio. This was a very controversial measure when the House considered it and I don't believe it is appropriate to attach it as a rider to this appropriations measure.

We need to first keep in context that this new low power FM service comes in the aftermath of the rapid, and in my view, unhealthy consolidation of radio properties across this nation. Before the Telecommunications Act of 1996, the maximum number of radio stations that an individual could own in a local market was 2 FM and 2 AM stations, and nationally, a person could own up to 40 radio stations. Right now the top 4 radio groups own 512 stations, 443 stations, 248 stations, and 163 stations respectively, and assuming its pending merger gets approved, Clear Channel will own over 800 radio stations nationally. The low power FM bill is a modest effort to bring new voices into our media mix, in a community-oriented, non-commercial service.

The Federal Communications Commission is always at its best when it takes the public's airwave resources and works to make more efficient use of that spectrum for the public. The effort underway is to supplement what already exists, not supplant or interfere in any harmful way with existing services.

The stated reason for bringing this bill to the floor today is fear of harmful interference. We're not talking about interference on home stereo systems, nor about interference concerns for car radios, where there is consensus that there will be little to no harm . . . . but rather, potentially harmful interference—within a small area—perhaps for clock radios or portable walkman-style radios.

Usually when there are disputes about frequency interference we defer to the FCC. This is the job, after all, that the FCC has been doing, and doing well, for decades. The Commission is in the process of addressing many of the concerns raised about interference and has announced plans to receive applications for the service initially in 10 States. As low power FM is deployed we will know whether there is harmful interference because consumers will let us know.

Since the late 1960s, some 300 radio stations around the country have operated within the 3rd adjacent channel proposed for low power FM. These "close proximity" stations were grandfathered in 1997 by the FCC. We didn't have any hearings about it, we didn't hear a peep from a single broadcaster about interference issues, and I don't remember a single Member of Congress or a consumer raising concerns about interference issues from any of those stations—which, as opposed to the proposed service, are full power radio stations.

In short, I don't think we need legislation in this area at all, either to stop the program or to belabor FCC engineers to study over and over again a technology that is the oldest and most familiar service to them. This isn't rocket science or some new whiz-bang technologically-sophisticated service or a hitherto unutilized frequency allocation . . . . it's just radio.

If people have concerns, the FCC can continue to look into resolving them. If serious problems do in fact arise from the new service, there are already existing remedies at the Commission to address interference issues. I would prefer that the House put this legislation on the back burner, let the Commission do its job, and return to this legislative proposal at a later date, when and if it's necessary. I urge members to vote "no" on this bill.

There are some 300 stations around the country—high power radio stations—that were grandfathered in 1997 and have operated many of them since the late 1960s within the 2nd and 3rd adjacent channel limits.

Who complains about those stations? No one has ever come up to me to complain about harmful interference on WBCN Boston, WMJX Boston or any of the 15 stations in Massachusetts that operate within these limits on HIGH POWER stations. It's inconceivable that low power stations really pose a threat here.

Around the country there are other stations operating in these limits without provoking consumer reaction—such as: KCBS in Los Angeles; KLAX in Long Beach California; KBCD in Newport Beach California; KYCY in San Francisco. . . . Or any of the 50 high power radio stations in California, or The 24 stations in Illinois, or The 25 radio stations in North Carolina, or The 28 radio stations in Ohio, or The 24 in New York and 17 in New Jersey and so on that today operate within the so-called 3rd adjacent channel.

There aren't any complaints. If there's a concern about interference from low power stations—shouldn't the legislation also analyze the logically more apparent interference from these high power stations? The bill doesn't ask the Commission to look at those stations however. Why? Because they are incumbents. They already got theirs.

This legislation is unnecessary and again, if harmful interference does arise in a particular area, the Commission has a long history with radio and a long history of mitigating interference affects.

There are other problems in this bill.

I have spent considerable time talking about how this bill would strip the American people of their privacy protections. Well the appropriators didn't stop there. They decided to see what protections they could strip from our national parks as well.

Tucked way down in this bill is an exemption for Cuyahoga Valley National Park. The exemption would keep this national park from being afforded the highest possible clean air standards allowed under the Clean Air Act. Let me remind you, we just designated this area as a national park in the Interior Bill we passed a few weeks ago. So this Congress thinks the best way to protect our natural resources is to designate a national park one week and strip away its protections the next.

That's like buying a brand new car that has all the latest safety features: an airbag, motion detection systems, and the best seatbelts. Then just before you let your son drive it, you drain all the brake fluid. That's not the way to make your car safe. But that's how this Congress wants to protect your national parks.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON), one of the more studious Members of this body.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this. I want to express my appreciation to the gentleman from Massachusetts (Mr. MARKEY) for raising the issue of the Social Security numbers in that provision of this bill.

Let me tell the gentleman from Massachusetts that I agree with his concern that this is a poorly drafted provision that could do more harm than good, and this is a Senate provision that was added. But I think we have to put this in perspective. Even though I have strong reservations about that, there are such extraordinary good parts, important parts to this bill that it deserves supporting. I have had the assurance of the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, that this will be remedied when it comes back, or in the next Congress, and to me, that is good enough. We are going to come back, we are going to correct this problem, we are aware of this problem, but do not vote against the bill because of this one problem that the Senate added.

The reason is that because we have an increase in the DEA funding, the FBI funding, U.S. Attorneys for fighting violent crime and drugs. The methamphetamine provisions are critically important, the Violence Against Women Act provisions, the civil assistance provisions are critically important. We will remedy the privacy problem. Please support this bill.

Mr. ISTOOK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the indefatigable, irrefutable and indomitalbe Democratic leader of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, it is getting pretty deep in here.

Mr. Speaker, I have already spoken once on this bill earlier today, and I would simply make three points again for reinforcement purposes.

The first problem with this bill is that it does not treat human beings equally with respect to immigration. In my view, it continues a vicious discrimination between the way we treat groups from one country versus another country in this hemisphere. That alone is reason enough to defeat the bill.

The second reason is that this Congress, it can deny it all it wants, but this Congress has, in my view, for the past 15 years systematically chipped away at the right of privacy for each and every American. I remember when Barry Goldwater, Jr. was on the floor and with myself, we were pushing for legislation to preserve the integrity of the Social Security number so that it would not be used in the beginning steps as an identifier. The last time I looked, Barry Goldwater, Jr. was not a radical, left-wing socialist. We had an agreement between conservatives and progressives and liberals and moderates that that number should remain private and inviolate. This Congress this session has taken several actions that weaken that right; and this bill takes another action today, as the gentleman from Massachusetts has indicated, and for that reason alone, this bill ought to be defeated.

Thirdly, this bill started out to provide protection for our coastal lands, our precious coastal lands. Instead, because of its refusal to add one sentence to the bill, one critical sentence, it now guarantees that projects, construction projects in our precious coastal areas will be able to be built even if they do not meet environmental standards. So a bill which started out to protect our coastal areas is now becoming a bill that will degrade our coastal areas.

Lastly, we have taken the most important remaining water pollution problem before us, nonpoint source pollution, and instead of giving the States the help they need to work up plans to deal with that problem, this bill provides a piddly $10 million out of a multibillion dollars bill. That is not enough for any State to do the work that needs to be done in order to protect our precious natural resources.

Mr. Speaker, I urge, for those reasons, defeat of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), a hard-working member of our subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this bill. There are a number of very good features in it. It provides State and local law enforcement officials the necessary resources to bring down the level of crime.

Secondly, it funds the international trade functions of the government at the necessary levels to open foreign export markets to U.S. goods, and, at the same time, protecting domestic industry against unfair foreign trading practices.

Thirdly, it protects our interests at home and abroad by funding counterterrorism measures and embassy security measures at increased levels. I think, in view of the events in the last several weeks, that becomes even more important.

Fourthly, it funds the JASON project, which is the cutting edge in long-distance learning. It is a tremendous tool, and I think we will find that more and more of our schools will use the facilities of JASON.

I also want to thank the chairman for including report language for the Census Bureau that makes the expedited steel import monitoring program more effective. The early warning system allows domestic manufacturers to have information on steel imports on a more timely basis.

Lastly, I noticed a typographical error, alloy steel should say alloy tool steel.

Mr. Speaker, I rise in support of the conference report on the District of Columbia Appropriations for fiscal year 2001, which also includes the agreement for funding the Commerce, Justice, State Appropriations bill. As a member of the Commerce, Justice, State Appropriations Subcommittee, I would like to commend the Chairman for putting together a bill which:

(1) provides our state and local law enforcement officials the necessary resources to continue to bring down the level of crime in this nation, (2) funds the international trade functions of the government at the necessary levels to open foreign export markets to U.S. goods, but also to protect domestic industry against unfair foreign trading practices; and (3) protects our interests at home and abroad by funding counter-terrorism measures and embassy security measures at increased levels.

I thank the Chairman for continuing the important partnership between the JASON project and the National Oceanic and Atmospheric Administration (NOAA) that encourages middle school students to pursue their education in the sciences. The JASON project is a state-of-the-art education program that brings scientists into classrooms through advanced interactive telecommunications technology.

Last spring one of the sites of the electronic field trip for students was NOAA's Aquarius Underwater Laboratory off of the Florida Keys. Our students need an effective science education in order for the U.S. to keep its competitive edge in the global marketplace. I also want the thank the Chairman for including report language for the Census Bureau that makes the expedited steel import monitoring program more effective. This early warning system allows domestic manufacturers to have information on steel imports on a more timely basis. It is critical that this program provides the necessary trade statistics as we once again face near-record levels of steel imports this year. I noticed that there was a typographical error in the report language. The two new specialty steel categories are: alloy tool steel and silicon electrical steel. The word "tool" was inadvertently left out of the report.

I urge all of my colleagues to support this important legislation.

Mr. ISTOOK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. George Miller), the ranking member of the Committee on Resources, to discuss the anti-environmental riders in the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from Wisconsin raised the issue of the coastal zone and the inadequate funding in this legislation so that those States on our coast will have the ability to put in place the programs that they have now developed over many, many years, expending a lot of money to protect the coastal zone and to make sure that that coastal zone, which is of great importance to 50 percent of the population in this Nation and to the jobs that are related to marine coastal zone, the commercial and recreational fishing activities that take place there, and the economy that is driven by the economy of that area can properly be protected.

One of the major assaults on the coastal zone and on the economy and on the use of the coastal resources is nonpoint source pollution. This legislation just completely inadequately deals with that problem. Polluted runoff closes shellfish beds and increases harmful algae blooms and dead zones; it closes beaches and causes fish contamination advisories and much more that we now have to put up on a weekly and daily basis in the coastal zones on the East Coast and the Gulf Coast and on the West Coast of the United States. It is the single biggest problem dealing with water quality, whether it is in the Chesapeake Bay or whether it is in Puget Sound or San Francisco Bay or Santa Monica Bay. We now have dead zones that extend off of the Gulf of Mexico that are thousands and thousands of square miles that are creating dead zones in the area, killing off the fish, killing off any kind of economic activity that can take place there.

In my own State of California, officials in California closed beaches 3,273 times in the State of California. Certainly, last summer's economic disaster in Huntington Beach, California, which was a direct result of beach closure due to water contamination from polluted runoff, underscores the kinds of problems that we were hoping that this legislation would, in fact, deal with; the continued problems of runoff from logging areas from the interior parts of our States and other States throughout the coastal zone in California.

We were poised to reauthorize the Coastal Zone Management Act and the Federal statute that regulates these activities and provides for the States to develop the plans. The States, many of them, have been fully qualified, as is the State of California, to now go forward with these plans, and yet this legislation is so meager on its resources for those activities that we will be unable to do so.

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This is a huge, huge segment of the environment of the United States. In just the State of California, we have over 1,600 miles of shoreline and 645,000 acres of estuaries, harbors, and bays.

We have industries that are totally dependent upon this situation: the recreation, the tourism industry. We now have beaches that have been closed for 6 to 12 weeks and a number of beaches that have been closed permanently.

This legislation is inadequate. It ought to be rejected. We ought to turn this legislation down and go back and get the kinds of funds that are necessary to protect the coastal zones of the United States of America.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Barton).

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this bill. I want to commend the two subcommittee chairmen for reporting the bill under the budget caps. If it were a clean bill, I would support it. Unfortunately, there was a rider that has been attached from the other body dealing with privacy that is an almost total rollback of privacy protection for our Social Security numbers.

The Gregg amendment, as amended in the Senate, which was added to this legislation last Thursday night in the dead of night, with no public debate that I can find, creates four new exceptions for the use of Social Security numbers for commercial uses.

These four exceptions are so large that one can literally drive a truck through them. I do not think we need to be adding more ability to use our Social Security numbers under the guise of trying to protect the use of Social Security numbers.

For that reason, I am very, very much against this bill, and I ask Members to vote against the bill.

Mr. ISTOOK. Mr. Speaker, how much time is remaining for each party controlling?

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Oklahoma (Mr. Istook) has 6 minutes remaining. The gentleman from Kentucky (Mr. Rogers) has 9 minutes remaining. The gentleman from Virginia (Mr. Davis) has 14½ minutes remaining.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Shaw).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I will speak to one provision of the bill that I am very concerned about and I wish it had not been placed in the bill, which is a bill that I, even despite this provision, intend to vote for. However, I am very concerned about this particular provision, and that is the one that we have heard the gentleman from Texas (Mr. Barton) just speak about it.

The provision that was put in this bill gives some legitimacy for the use of Social Security numbers other than the intended use, and that is by the Internal Revenue Service and by the Social Security Administration.

Right now, there is a commerce in this country on selling Social Security numbers. One can go to the Net, and one can buy Social Security numbers. This is a personal thing.

We know of the terrible crime regarding Amy Boyer. She was killed in New Hampshire by a stalker. I know that the Senator who placed this in the bill had her in mind by putting the provisions in there, but the provisions just simply do not address that question and actually gives legitimacy where it is not deserved.

As I understand, the stalker there bought her Social Security number off of the Internet for $45 and then was able to locate them.

We have a bipartisan solution. The gentleman from Wisconsin (Mr. Kleczka) and I have filed this bill. It has been through the Committee on Ways and Means. That is H.R. 4857, the Social Security Number Privacy and Identity Theft Prevention Act of 2000. This bill restricts the sale and public display of Social Security numbers in both the public and the private sectors. It enhances the privacy rules that apply to Social Security numbers contained in credit reports so that they are less accessible to the public.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I am glad to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, let me assure the gentleman that we will work with him and others to improve the language in the bill. I assure the gentleman that his interest will be protected.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Kentucky for saying that because there is widespread jurisdiction of this particular bill. The gentleman from Massachusetts (Mr. Markey), who spoke earlier before the Committee on Commerce, he and the gentleman from Louisiana (Mr. Tauzin) have expressed great interest in this. In fact, I think the gentleman from Massachusetts (Mr. Markey) has been working on this thing for some time.

Banking also has a piece of it. So it is not as simple as just getting it through the Committee on Ways and Means. It does have this multiple jurisdiction.

It is my intention at the beginning of the next Congress to file this bill again. I will be again looking across the aisle to get cosponsors and get assistance on both sides of the aisle.

Mr. ROGERS. Mr. Speaker, if the gentleman will yield, he can count me as one of the original sponsors of the bill.

Mr. SHAW. The gentleman from Kentucky is on it, Mr. Speaker.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as she may consume to the very distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in opposition to this bill because it misses an opportunity to have fairness in our immigration policy.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD), the distinguished chairperson of the Hispanic Caucus in the Congress, who will explain specifically why we so strongly object to not including the Latino and Immigrant Fairness Act in the bill.

Ms. ROYBAL-ALLARD. Mr. Speaker, first of all, as a member of the Subcommittee on Commerce, Justice, State and Judiciary, I would like to associate myself with the comments that were made by other members of the committee and thank the chairman for his fairness and his friendship. That is one reason that I regretfully rise in strong opposition to H.R. 4942.

Well, there are numerous problems with this bill, and I think the previous speakers have highlighted many of them. I will address one specifically glaring failure.

H.R. 4942 does not include key provisions that would bring fairness and justice to thousands of immigrant families wronged by changes in our immigration laws in the 1990s, changes that have caused families to live in a state of limbo for far too long.

The Latino and Immigrant Fairness Act, or LIFA as it is known, is designed to help families stay together. The importance of including the provisions of LIFA in this bill, I believe, is highlighted best in the story of Sarah Marie Caro, a young woman from Southern California.

Sarah Marie Caro was born in Mexico and was adopted by her U.S.-citizen parents when she was 4 years old. She grew up as an American believing in the values of this country. She learned English, was an honor role student at her public high school and participated in the marching band. She is now 19 years old and is currently studying at a community college to become a teacher.

Last year, while preparing for a family vacation, she applied for a U.S. passport. That is when her world began to fall apart. Sarah Marie was notified that she was ineligible for a U.S. passport because she was an illegal immigrant. Her parents who are U.S. citizens mistakenly thought that Sarah would automatically become a citizen through her court adoption; and, therefore, they never applied to adjust her immigration status.

Sarah has the legal right to her green card as the child of U.S. citizens. But without the protections provided by LIFA, this 19-year-old tragically is left with only two options: one, to remain in the United States illegally and to be part of a permanent underground population; or, two, to leave her family and all she has known for most of her life and go to a strange country for as long as 10 years.

Sarah's plight, and the plight of many deserving immigrants in this country, must be addressed. We must honor our Nation's values of keeping families together, not tearing them apart.

To address the crisis facing families like Sarah Marie, and there are many, it is critical that this bill include the provisions of LIFA, such as 245(i), which was originally in the Senate version of the Commerce, Justice bill and dropped in conference.

Until then, I regretfully must ask my colleagues to vote no on H.R. 4942.

Mr. ROGERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this legislation. I thank the chairman of the subcommittee for being sure that legislation that I introduced, along with the gentleman from Virginia (Mr. BOUCHER), is included in this legislation.

This is legislation that millions of Americans have been waiting a long time to see, and that is legislation to make sure that satellite owners, millions of satellite dish owners, have the opportunity to have on their satellite dish their local news, weather, sports, emergency information, community affairs information, and end the frustration that they have had, that the satellite dish companies have had, and the local television stations have had of trying to find a way to accommodate people who want to be able to receive their major broadcast networks, NBC, CBS, ABC, Fox, in some instances public television.

They cannot get it right now because only in major metropolitan areas are the local television stations signals being put up on satellite. This legislation is going to enable every single television station in all 211 television markets in the country to have that local station put up on satellite so that folks can get not only their major network programming but also their local news, weather, sports, and other information.

This will encompass more than 170 television markets that are not going to be put up under the current legislative authority that they now have. The major markets like New York and Chicago and Los Angeles, here in Washington, D.C., they get it now; but for millions and millions of American families, they will not.

But I thank the gentleman. I urge my colleagues to support the legislation, which includes the launching of our Communities Access to Local Television Act of 2000.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), our very distinguished leader.

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to this combined District of Columbia and Commerce, Justice, State appropriations conference report, a conference report the Republicans decided to put together in a partisan way in the middle of the night last night.

The provisions on the District of Columbia are fine, and we could have supported them. But the other side insisted on putting forward a Commerce, Justice bill without the Latino and Immigrant Fairness Act and without the bipartisan hate crimes legislation that both Houses and Congress have supported.

This is a bill without fairness and without justice, and that is a shame. This could have been a good bill and could have gotten strong bipartisan support, a bill that could have lifted up millions of people in this country.

Instead, this legislation does not include the Latino and Immigrant Fairness Act, the only act that would fix several unfair provisions in our immigration laws. LIFA would have afforded Central American and other immigrants the same treatment Nicaraguans and Cubans previously received. It would have let people stay here with their families, while applying for an adjustment in their status. It would have updated our laws so immigrants who came here before 1986 could stay.

But Republicans inserted watered-down language that denies parity to Central American and other immigrants who have not had the same opportunities to become citizens given to Nicaraguans and Cubans.

□ 1845

It does not do enough to allow people to pay a fee and stay in the United States with their families while applying for an adjustment in their immigration status, and it does not let people apply for citizenship who arrived here before 1986.

This conference report could have made an important advance in civil rights. Instead, a small group of lawmakers decided once again to thwart the bipartisan will of this Congress and the will of a majority of the American people by refusing to include hate crimes legislation. Law enforcement officers would have had the enhanced tools they need to investigate and prosecute these awful crimes. We could have sent a strong message that crimes committed against people simply because of their race, gender, ability, or sexual orientation are evil and offensive. We could have strengthened the values we as a people hold dear: human respect, tolerance, and understanding.

Further, this conference report denies the Justice Department the funding it needs to pursue tobacco companies in court, and it provides inadequate language that does little to protect the privacy of Social Security numbers and prevent them from being bought and sold. Amy Boyer was stalked and killed by a man who purchased her Social Security number over the Internet, and there is no reason why we cannot stop another similar tragedy with tougher protections.

So this bill is an insult to the legislative process. The Republicans have made no effort to address issues that would have secured Democratic support and the President's approval. The President has said he will veto this conference report. I urge my colleagues to reject this legislation. Let us go back to work in a bipartisan way to resolve these important issues. That is what the American people expect us to do, and we should not let them down.

Mr. ROGERS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am not the chairman of the authorizing committee that writes the laws for immigration or naturalization. One would think that this bill, from the comments of the last speaker, is the committee that writes authorizing legislation. We are not that. We are the committee that appropriates the funds for the various agencies that we cover.

If we were the authorizing committee, we could entertain all sorts of authorizing legislation such as the gentleman has just mentioned. But we have an authorizing committee, and the chairman of that subcommittee will speak momentarily, the gentleman from Texas (Mr. SMITH). He does not like the fact that this bill, the appropriation bill, sometimes tries to authorize in his jurisdiction.

The minority leader has just made a great case that he needs to present to the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary where those issues belong. We are the appropriators. We are not the authorizers. Give us a break.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I wish to clarify that amendments to section 424 of the District of Columbia Home Rule Act are not intended to limit the authority granted to the District of Columbia's Water and Sewer Authority in the District of Columbia to maintain and otherwise independently manage the Water and Sewer Enterprise Fund, create separate District of Columbia Water and Sewer Authority benefits, payroll, financial, and budgetary systems, or to implement and manage a separate procurement system. Is that the chairman's understanding?

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. The gentleman from Virginia is correct, that is my understanding.

Mr. DAVIS of Virginia. I thank the chairman for his support and cooperation.

Mr. MORAN of Virginia. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY) to make a telling point.

Mr. OBEY. Mr. Speaker, the distinguished subcommittee chairman, after we have seen the majority try to attach literally dozens and dozens of authorization provisions, he now says, oh, we could not act on the immigration problem because it is an authorizing issue. This committee has been willing to authorize to shred privacy, but it is not willing to authorize in order to protect human dignity. I think that is a telling difference.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ), the sponsor of the three provisions of the Latino and Immigrant Fairness proposal.

Mr. GUTIERREZ. Mr. Speaker, on the other side of the aisle they continue to claim that the Democrats' Latino and Immigrant Fairness proposal is dangerous, radical, unprecedented. It is an amnesty, they say.

Well, where have they been? Clearly, they have forgotten American history, the history of a Nation built by and defended by immigrants. What is surprising is they do not even remember their own recent Republican record.

In 1997, this Republican-led Congress did the right thing and granted amnesty to tens of thousands of Nicaraguan and Cuban refugees authored by the gentleman from Texas (Mr. SMITH). That is the same relief we seek today for refugees who entered the U.S. from the same region for the same reasons at the same period of time. Why can we not give to Hondurans, Guatamalans, Salvadorans, and, yes, Haitians, the same protections we were able to give, led by this Republican-controlled Congress? They forget their history.

Where were they, those who claim today that this is unprecedented, when this House voted in 1997 to instruct the conferees to extend 245(i)? I am sure the chairman remembers when we won that vote. Why did he have that vote? Because the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. SMITH), both my friends, demanded a vote. And they lost the vote, big time. Why did they lose the vote? Because Republicans and Democrats joined together to say immigrant families should stay together. And then a closed-door back-room deal killed it after we won it right here on the House floor.

And where were they when President Ronald Reagan signed a broad 1986 legalization bill? Did they protest? Did they claim he was coddling criminal aliens? No, they honored Reagan and idolized him, even today naming a post office for him. Not only are Latino and immigrant fairness proposals consistent with American values, they are consistent with policies when they serve the GOP that they have wholeheartedly supported.

Let us do the right thing. My colleagues have done it before; let us do it again. Name the post office for Ronald Reagan and follow the law he signed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would prefer that Members remain within the time constraints on debate yielded to them.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection in the House.

Mr. OXLEY. Mr. Speaker, I want to thank the subcommittee Chairs and the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, for their work on this effort.

Mr. Speaker, this bill is perhaps the most notable for what is not in the bill than perhaps what is. One of the measures that is not in it contained a Senate provision that, under the guise of spending restrictions, would have changed governing law and abrogated U.S. commitments to open worldwide telecommunications markets, and it was wisely kept out of this bill.

As the chairman of the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, the absence of any legislative riders pertaining to our Nation's securities laws was also most appreciated. This is going to have to wait until the next legislative session, when I hope I can work together with the chairman, the gentleman from Kentucky, on this issue.

There are two significant matters pertaining to this bill that have actually been considered under regular order and passed by the Committee on Commerce and House in overwhelming margins. The first is the Local TV Act that the gentleman from Virginia (Mr. GOODLATTE) had talked about. This measure also includes a provision that I advocated, along with the majority leader, the gentleman from Texas (Mr. ARMEY), requiring an independent test of interference caused by terrestrial video services sharing the DBS band. It is very important to determine once and for all whether that interference causes problems with satellite television.

Finally, the bill includes the provisions of my measure, H.R. 3439, the Radio Broadcasting Preservation Act. For all those reasons and more, I strongly support this legislation.

Mr. ISTOOK. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise in support of the District of Columbia and Commerce, Justice, State conference report for some very parochial reasons. Specifically, I rise in support of the $1.25 billion Federal loan guarantee that this report provides for companies who wish to provide local satellite and cable services to our rural areas.

Earlier this year, my district received direct hits from a series of tornadoes. More than a dozen people were killed and hundreds were left homeless as a result of the tragedy. It has been reported that these tornadoes were perhaps the worst in Georgia history. The outcome of these tornadoes may not have been so devastating if my constituents could have accessed our local weather service.

The passage of last year's Satellite Home Viewer Act did eliminate a legal obstacle, but there are still some financial hurdles. As we know, the satellite companies claim that they are unable to provide local service to all 210 markets.

Mr. Speaker, the people in my district need to be able to access their local channels in order to be aware of any emergencies. Today's report will perhaps put an end to those financial hurdles that prevent that and open up the satellite market to the majority of Americans and make satellite and cable TV available for the local people in my area, particularly in areas like those that were hit by the tornado in Mitchell and Grady Counties earlier this year on February 14.

Mr. Speaker, I would like you to understand that my district is one of the many districts that cannot receive its local broadcasting. This issue is of vital importance to my district. After the storm, I have received numerous complaints from my constituents stating that they were unaware of the dangerous storm and unable to properly prepare for its arrival. If they were able to view their local stations, perhaps some lives might have been saved.

In fact, they only plan to provide local broadcast service to the top 30 to 60 markets. The two viewing areas, of Thomasville and Albany, located in my district are ranked 114 and 148 in the market, respectively. Given this, my district would not receive their local broadcasting via satellites.

Mr. Speaker, I urge immediate passage of this Conference Report.

Mr. MORAN of Virginia. Mr. Speaker, let us find out how much time each side has, and perhaps the Chair might share with me who has the right to close as well.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) has 6½ minutes remaining, the gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining, the gentleman from Kentucky (Mr. ROGERS) has 5½ minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has the right to close.

Mr. MORAN of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, on behalf of the gentleman from Michigan (Mr. LEVIN) and myself, I would like to enter into a colloquy with the chairman.

We understand the chairman placed $.5 million for the Congressional-Executive Commission on China. As the gentleman knows, it will not be operating for much of the year because we need to staff it up. I understand the gentleman has looked at it and considers this is not a benchmark for fiscal year 2002, but that perhaps the gentleman's staff is in agreement that it would take approximately $1.3 million for the upcoming fiscal year 2002.

Is my understanding correct on that matter?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman's understanding is correct.

Mr. BEREUTER. I thank the chairman.

Mr. ROGERS. Mr. Speaker, I yield 30 seconds to the gentleman from southwest Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in support of this conference agreement, primarily because it contains the Local Signal Act and is the only opportunity by which the residents of rural America and the small- and medium-sized cities around the Nation will have the opportunity to receive by their satellite dishes the new local-into-local television service.

I introduced the original version of this measure with my colleague, the gentleman from Virginia (Mr. GOODLATTE). It serves a very urgent local need for rural Americans, and because this conference agreement contains that provision, I strongly urge its adoption.

Mr. MORAN of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1900

Ms. JACKSON-LEE of Texas. Mr. Speaker, I sit on the Committee on the Judiciary. I would like to respond to the issue of the Latino Immigration Fairness Act and the authorizing committee.

We made every effort to respond to this issue in the authorizing committee, but we were denied by the Republican majority. I would like to support this legislation. It is an important piece of legislation. But I think it is important to reunite families, the same as we did for Eastern European families a few years ago.

This legislation now is the only vehicle to be able to answer the concerns of Haitians, Hondurans and Guatemalans and others who were left out. We need parity.

In addition, this is the only vehicle that we can support the Hate Crimes legislation that has been denied to many States in this country. I think James Byrd, Jr.'s, heinous murderous deceased condition obviously warrants us passing both the Hate Crimes legislation and, as well, this legislation with the Immigration Fairness Act included.

I ask for my colleagues to vote against this legislation.

Mr. Speaker, I rise to express my outrage that this House has brought forth the important Commerce-Justice-State Conference Report to be voted on; yet the Republican leadership has not felt the need or importance to include language to address the dreadful acts of hate crimes. This move by the Republican leadership is a slap in the face to the many people here in the United States who have historically been subjected to hateful acts resulting in death, bodily harm, as well as mental and physical anguish, only due to a person's race, ethnicity, gender, age or sexual orientation.

How can we as elected representatives for the American people ignore our duty to ensure that all people are treated equally? How can we ignore our moral oath to protect people from hateful acts that arise because of a person' race, ethnicity, gender, age or sexual orientation? How can we allow hateful skeleton's of this country's past to be revived and allowed to infect our society today. Mr. Speaker, this chambers' silence on the need for hate crimes legislation would do just that, and the absence of hate crimes language in the CJS Conference Report sends the message that this country's stance on crimes of hate is not a top priority.

This issue is very dear to me and I am ashamed that after two years from the date of James Bryd Junior's vicious murder on a paved road in my home State of Texas, that a Bipartisan Hate Crimes Prevention Act has not become law.

Time and time again, I have come to the floor and asked the Republican leadership to support meaningful hate crimes legislation. I have introduced my own hate crimes legislation and have supported legislation and resolutions introduced by my colleagues in both the House and the Senate. Yet, I find myself coming before the American people once again to compel the Republican leadership to include hate crimes language in the CJS Conference Report in order to increase penalties on perpetrators of hate crimes before the 106th Congress comes to a close.

Mr. Speaker, the same tactics that have been used in the Texas State legislature to run out the time in the legislative session to defeat the passage of hate crimes legislation have been used here in the United States Congress as well. When the James Byrd, Jr. Hate Crimes Act was introduced in my home State of Texas in January 1999, it was hastily defeated in the State Senate. And when state Democrats attempted to negotiate with Republicans in the State Senate and the Governor's administration to get a bipartisan hate crimes bill passed, political games were played to extend the process until the end of the state legislative session.

As I have stated, this political ploy was not only used in my home State of Texas, but it has been used here in both chambers of the United States Congress as well. We have attempted to negotiate with members of the Republican party to get hate crimes legislation passed within the 106th Congress, however, political games and wizardry have been used to delay the process until the congressional session comes to an end.

I therefore, call on the Republican leadership, with the American People as my witnesses, to once again ask for the passage of hate crimes legislation to address senseless killings and crimes of hate and to make a statement that the United States will no longer tolerate these Acts.

Since James Byrd Junior's death our nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds, and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the West Side of Pittsburgh where he killed five people. His shooting victims included a Jewish women, an Indian, "Vietnamese," Chinese and several black men.

The decade of the 1990s saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed "the summer of hate" as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

It is long past the time for Congress to pass a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Therefore, I would urge my fellow members of the United States Congress and the American people to be counted among those who will stand for justice in this country for, all Americans and nothing else. We must address the problem of hate crimes before the 106th Congress convenes its legislative business.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished minority ranking member.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, just one other point on this bill. I find it ironic that the only dollar item in this bill over which there is a dispute is the provision which prevents funding for the Government to proceed with a suit against the tobacco companies for past losses to the Federal Treasury due to the use of tobacco.

I find that ironic because that small amount of money that the President had asked for could have the potential of bringing billions of dollars into the Treasury to help us pay for the cost of veterans' medical care and to help us pay for the cost of Medicare in general. It just seems to me that is an incredibly short-sighted decision to make.

All I would say, in summary, is that the main reason to oppose this bill is that it should not have been brought to the floor in the first place in the shape it is in today. We are trying to resolve our differences and end this session. Instead, this bill exacerbates our differences and extends the session.

I do not see how that is constructive. I do not see how that gets our work done. This is a dead-end bill. It is going nowhere. If the Senate passes it, which I doubt, the President most certainly will veto it. All it means is that we have together with what the House has done on the tax bill wasted a full day that could have been used to reconcile differences rather than further emphasize them.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the D.C. bill is a good bill. It should be going to the White House tonight to get it signed.

I applaud the gentleman from Oklahoma (Mr. ISTOOK) for the compromise that has brought us to this point on the D.C. bill. I regret that the gentlewoman from the District of Columbia (Ms. NORTON) cannot be here to express the same sentiment.

The problem is it has been attached with the Commerce-State-Justice bill, of which many provisions are terrific. It could be a very good bill. But as the President has said in his veto message, there are some things that could and should have been changed.

One of them, as the gentleman from Wisconsin (Mr. OBEY) has said, would allow the Justice Department to pursue litigation to recover billions of dollars that have been lost to the Medicare-Medicaid program particularly through tobacco-related illness.

Another is hate crimes legislation. Another is the anti-environmental rider that the gentleman from California (Mr. GEORGE MILLER) has spoken to.

Another is a very troubling concern with regard to privacy protection of Social Security numbers. That language, I think, when it was revealed by the gentleman from Massachusetts (Mr. MARKEY), shocked many Members that that kind of language could be in this bill. But what we have spoken about primarily is the fact that the Latino Immigrant Fairness Act is not included in this bill. This is the last appropriate vehicle for this legislation to be included.

The problem is that there are hundreds of thousands of families who this country has discriminated against unfairly that need this legislation. I say discriminated against because all we had to do was to treat all Central and South American refugees in the same way we treated Cuban refugees and Nicaraguan refugees. It does not matter whether they are escaping from a right-wing dictatorship or a left-wing dictatorship. If they need refuge in this country, we ought to treat them all the same. But instead, the language in this bill would perpetuate the current patchwork of contradictory and discriminatory policies enacted by this Congress.

In fact, we have enacted a mean-spirited law that vacated Federal lawsuits on behalf of those wrongfully denied legalization in the 1980s.

What we are talking about are families who have been here for more than 15 years who have been working hard, who have been paying taxes, who have been contributing to their community. Very few are on any form of welfare. They, in fact, are contributing so much to our economy, doing the kind of labor that a whole lot of Americans would not want to do and certainly not the wages that they have been getting, that if they were deported, it would cripple our economy in many parts of this Nation.

I know in my own district, if we deported these people that have been contributing so much to our economy, it would cripple many sectors of our industries. The fact is they are building our buildings. They are helping to repair our streets. Many are cleaning homes. They are doing anything they have to do to work hard to be able to provide for their families. They are Americans.

And who are we to say? There is not a Native American here among the Congress. We are all immigrants. This is a Nation of immigrants. We are talking about people who have come to this country because they believe in the American dream. They have been working hard. They have been paying taxes. They have been contributing to our economy and our society. They are people of faith, faith in their God, faith in this country, and faith that we will not discriminate against them.

So this is our last opportunity. That is why we made such a big deal about including this legislation. It should have been included. Because it was not, we have to urge a no vote on this bill.

Mr. ROGERS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SMITH) chairman of Subcommittee on Immigration Claims of the Committee on the Judiciary.

Mr. ISTOOK. Mr. Speaker, I also yield the balance of my time to the gentleman from Texas (Mr. SMITH).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SMITH) is recognized for 5½ minutes.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank my two friends, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kentucky (Mr. ROGERS), for yielding me the time.

Mr. Speaker, the immigration provisions in this bill unite immigrant families and reward those who play by the rules. This policy is pro-family and pro-immigrant. The bill speeds up the admission of immigrant spouses and minor children of legal permanent residents so they can join their husbands and wives and mothers and fathers who are already in the United States. Their wait now can be up to 6 years, and we want to shorten that.

Another provision responds to one group seeking amnesty who deserves our help, those who met the conditions set out for amnesty under the Immigration Reform and Control Act of 1986 and who may have wrongly been denied legal status by the INS. This bill would allow those aliens to apply again.

Mr. Speaker, the White House wants to give amnesty to people who came to the United States illegally, who promised to return to their home countries, and failed to do so. We learned from the 1986 amnesty that amnesty does not end our illegal immigration problem. It actually precipitates even more illegal immigration, as individuals are encouraged in the belief that if they can just elude the Border Patrol and stand underground for a few years, they will eventually get amnesty themselves. It is no surprise illegal immigration doubled after the 1986 amnesty.

As for the White House proposal, let us do talk about fairness. Central Americans already have received what they demanded in 1997. After the 1996 law changed the requirements of suspension of deportation, Salvadorans and Guatemalans asked that they be able to pursue suspension of deportation using the pre-1996 standards. That is exactly what we gave them in 1997.

In addition, Honduras did not even have a civil war but has had a democratically elected government since 1982. Some Hondurans are currently in the United States with temporary protected status due to Hurricane Mitch in 1998. Their temporary status should not become permanent. Otherwise Congress might as well turn the temporary protective status into a permanent amnesty program.

I will say to my friend, the gentleman from Illinois (Mr. GUTIERREZ), who mentioned my name a few minutes ago, that, number one, I was not in Congress in 1986 or I would have opposed the 1986 amnesty. And second, that there is a big difference between those who suffered under a communist totalitarian regime the U.S. government opposed, such as in Cuba and Nicaragua and fled the country, and those who left the country whether it was a government we supported, such as in El Salvador and Guatemala.

The administration wants to include a provision that allows illegal aliens to legalize their status by paying a fine of $1,000. This is clearly an incentive for illegal immigration. Allowing illegal aliens to adjust status in the U.S. would reward them for violating the law and would serve as an open invitation for those waiting in line to enter the U.S. illegally.

Hispanics across America agree with us. A recent poll by the "San Jose Mercury News" found that three times as many Hispanic voters feel the Government is not doing enough about illegal immigration as think the Government is doing too much.

Mr. Speaker, the White House wants to reward law-breakers, which increases illegal immigration. They would give amnesty to as many as 2.5 million people, including dependents, who entered the United States illegally as recently as 1995.

Mr. Speaker, let us unite families, reward those who play by the rules, and give those who are wrongly denied legal status in 1996 an opportunity to reply. Supporting this bill does just that.

Mr. Speaker, I want to conclude by saying that I was reminded by the majority leader, the gentleman from Texas (Mr. ARMEY), a few minutes ago that if anyone is in doubt about whether to support this bill, they should give their case worker back home in their district office a call who works on immigration matters and they will tell the Member just how beneficial this bill is.

Ms. STABENOW. Mr. Speaker, I rise today to express my intention to vote for this agreement, despite a significant shortcoming. I will support it because this legislation contains important funding for embassy security, counterterrorism activities, gun law enforcement, additional border patrol agents, and the COPS Program. I am the author of legislation to reauthorize the COPS Program, and the conference report provides $1 billion for the program in Fiscal Year 2001, a $437 million increase over last year. Included in this funding is an additional $75 million for gun crimes prosecutions in high violence areas, as well as $140 million for a new COPS technology initiative.

However, I do have serious concerns about provisions in this package that could weaken protections regarding the sale of Social Security numbers over the Internet. I am the cosponsor of bipartisan legislation, H.R. 4857, the Privacy and Identity Protection Act of 2000, that addresses the fraudulent misuse of Social Security numbers. This type of corrective language is what should be a part of this package. President Clinton has threatened to veto this legislation because of this deficiency, and if he follows through on that action, we should take that opportunity to strike these provisions from the conference report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the Ranking Member of the Subcommittee on Immigration and Claims, I have recently become even more sensitized to the needs and operations of the Immigration and Naturalization Service. The Immigration and Naturalization Service is underfunded and in many areas there is mismanagement and chaos.

I have also had the opportunity to speak with Members of Congress about the INS and have listened to their concerns. The concerns that I hear over and over again from my constituents and from other Members of Congress is that something must be done about the backlog of casework within the INS districts offices.

I am gratified that $4.8 billion was allocated for Enforcement and Border Affairs for the INS, which is 13% more than FY 2000 funding which will allow for the hiring of additional border patrol agents.

As this body well knows, the 1996 Immigration Law authorized a total of five thousand additional Border Patrol agents, to be added at the rate of one thousand per fiscal year from 1997 to 2001. INS did not request any additional agents in its proposed budget for FY 2000. This is greatly due to the lucrative job market and the low unemployment rate. The average salary for a starting Border Patrol Agent is at a GS–5 level which is $22,000 per year.

Last year, Congressman REYES and I introduced H.R. 1881, the Border Patrol Retention and Recruitment Act. The Border Patrol is not able to recruit enough agents to meet this authorizing level. When the appropriators keep allocating each year an additional $100 million each year for the INS to hire 1000 additional agents, and the INS is unable to recruit these agents, then what the Congress is doing is leading the horse to the water but not helping him drink. In the CJS bill last year language was added that raised the staring salary level from GS–5 level to GS–7 level, to slightly over $30,000 and that was very good.

Lastly, the Congress needs to continue to fund the INS with the necessary monies for them to decrease their citizenship and adjudication backlogs. There is not sufficient money in this Conference bill to do so.

I am also very disappointed that the $20 million for the PowerUp program is not in the bill. The PowerUp empowers the Attorney General to make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to bridge the digital divide in our nation's communities.

The Boys and Girls Clubs of America have 2,300 clubs throughout all 50 states and building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and alternative to crime for at-risk youth.

Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of H.R. 4942, the D.C./Commerce, Justice, State Appropriations bill for FY 2001.

Mr. Speaker, this conference report takes great strides to assist our law enforcement officers in the battle against illegal drugs. This bill will provide millions of dollars in assistance to local law enforcement organizations across our nation as they fight to eliminate drugs from our communities. One of the drugs that has become an increasing threat to all of our communities is methamphetamine. This drug is a danger not only to those who use it, but also to those who reside near areas where it is produced. The production of methamphetamine produces highly toxic fumes that can be lethal if inhaled.

In my home state of Oklahoma, the Oklahoma State Bureau of Investigation has been combating this drug at every step. Meth lab eradication and cleanup is dangerous to our law enforcement officers and to the surrounding community, and expensive to enforce. Mr. Speaker this fine piece of legislation will provide the Oklahoma State Bureau of Investigation with the resources to win this battle against a truly devastating drug.

Mr. Speaker I urge my colleagues to support H.R. 4942, the D.C./Commerce, Justice, State Appropriations Conference Report.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this important bill. In particular, this legislation includes important language that will extend the benefits of a bill passed nearly a year ago to all Americans, instead of those in our most populated urban centers. That bill, the Satellite Home Viewer Act, was designed to address a problem experienced by thousands of Americans who are frustrated that they either could not receive their local network signal or had to receive a poor quality local network signal through a rooftop antenna rather than receive a network signal through their satellite provider. The bill addressed this by allowing direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area.

Consumers across the country expressed their support for this legislation and the availability of 'local-into-local' technology. I know my office received thousands of letters and calls from constituents concerned about this issue. This new law allows satellite providers to become more effective competitors to cable operators who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics and election information as well as other information that is vital to the integrity of communities across the country. Local TV via satellite is already available to satellite subscribers in America's 20 largest television markets. In these markets, DirecTV and Echostar, the existing satellite platform providers, have begun retransmission of affiliates of the ABC, CBS, NBC, and Fox broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional 20 or 30 television markets over the next few years.

Ultimately, the two existing satellite platform providers will provide local TV via satellite to households in most if not all of the 50 largest television markets in the United States. However, there are 211 television markets in the United States, and in excess of 100 million U.S. TV households.

Unfortunately, if matters are left solely to the initiative of the existing satellite platform providers, more than 50 percent of existing satellite subscribers, over 6 million households, will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations, over 1,000, will not be available via satellite; and more than 30 million U.S. TV households will remain beyond the reach of local TV via satellite. Put another way, local TV via satellite will not be available in 27 States.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason I have joined with my colleagues in the House to introduce legislation that will assure that all Americans, not just those in the most profitable urban markets, can receive their local TV signals in a way that provides local information in a competitive environment for consumers.

This legislation we are considering today represents a carefully negotiated compromise between versions passed by the House and the Senate earlier this year. I want to express my appreciation to members of both bodies and from both parties for their willingness to work together to reach this agreement. Like the original House bill, the substitute authorizes the administrator of the Rural Utilities Service, with the input of the National Telecommunications and Information Administration, to administer loan guarantees not exceeding $1.25 billion for providing local broadcast TV signals in unserved and underserved markets.

The loan guarantees will be approved by a board consisting of the Secretaries of Agriculture, Commerce, Treasury, and the Chairman of the Federal Reserve. This is a change from the House-passed bill, which did not include the Federal Reserve Chairman on the board. Like the House-passed bill, the loan guarantee may not exceed 80 percent of a loan, and the board may not approve a loan guarantee for a project that is primarily designed to serve one or more of the to 40 markets. The bill also retains House-passed restrictions on which lending institutions can qualify for loan guarantees. In addition, the bill retains a House-passed prohibition on the use of the loan guarantee for the acquisition of spectrum. Finally, like the House bill, the board is directed to give priority consideration first to unserved areas, then to underserved areas.

Unserved areas are defined as areas outside Grade B where there is no access to local signals from a for-profit multichannel video provider. Underserved areas are defined as those areas outside Grade A where there is no more than one for-profit multichannel video provider. The priority language has been modified slightly to clarify that the board must seek a balance in approving projects that serve both unserved and underserved areas.

The bill includes language from the Senate-passed version that encourages the delivery of Internet and weather service signals, but it has been clarified to ensure that the primary purpose of the bill is the delivery of local broadcast signals. The bill also deletes language in the House bill allowing the RUS Administrator (rather than the board) to approve and administer guarantees for loans of less than $20 million. The bill retains limitations on the use of the loan guarantees by cable provides in their franchise areas, but modifies the language to ensure that in areas where the incumbent cable provider is not required to provide service, the bill remains technology neutral. The bill also includes two technical changes to the credit risk premium and administrative fee language. Finally, the bill removes two unrelated provisions included in the House-passed bill related to translator services and copyright must-carry laws.

In addition, this compromise incorporates several suggestions made by the Administration and the Office of Management and Budget. These changes include: (1) the elimination of language allowing the loans to be split, which would allowed the unguaranteed portion to be sold in the market; (2) the elimination of language allowing the guaranteed loan to be less than fully collateralized; (3) several technical corrections related to the Federal Credit Reform Act; and (4) the inclusion of language requiring that the board adhere to the Administrative Procedures Act. All of these changes will strengthen the protection of taxpayer interests and prevent unwarranted increases in the cost of the program to the Federal government.

Mr. Speaker, legislation similar to this bill passed the House by a vote of 375–37 and passed the Senate by a vote 97–0 earlier this year. While we were unable to convene a formal conference, this agreement we are considering today is a bipartisan compromise that we can all be proud of. In particular, I want to thank Senator GRAMM and Senator BURNS for their help on reaching this agreement. Senator BURNS represents the State of Montana, a rural area that is vitally impacted by this legislation. Both he and Senator GRAMM are to be commended for their leadership in getting this legislation passed through the United States Senate. Senator LOTT, Senator STEVENS, Senator ASHCROFT, Senator GRAMS, Senator THOMAS, Senator HATCH, Senator LEAHY, Senator HOLLINGS, and Minority Leader DASCHLE are also to be commended for their hard work in negotiating this agreement.

The bill is crucial for Americans in rural and smaller markets who rely on their local television stations for news, politics, weather, sports, and emergency information. Local television is often the only lifeline folks have in cases of natural disasters such as hurricanes, tornadoes, blizzards, earthquakes, or flooding. The bill's language to encourage the delivery of local television signals to these constituents in America will not only benefit consumers, it will save lives.

Mr. Speaker, in closing, I want to thank several individuals in the House, most importantly my colleague from my adjoining district in Virginia, Mr. BOUCHER, whose leadership has been absolutely vital. He too has a district like mine that badly needs this legislation, but he too recognizes the importance of this to all of America. Mrs. EMERSON, Mr. BEREUTER, Mr. THUNE, and Mr. SHIMKUS have also been strong supporters of this bill.

I also want to thank the gentleman from Louisiana, Mr. TAUZIN, the chairman of the telecommunications subcommittee, who has also worked tirelessly to see that this legislation becomes law this year. I also want to commend the gentleman from North Carolina, Mr. COBLE, and the gentleman from Illinois, Mr. HYDE, from the committee on the Judiciary. I especially want to thank the Majority Leader, Mr. ARMEY, for his dedicated work in forging this compromise. Finally, from the Committee on Agriculture, the gentleman from Texas, Mr. COMBEST, the gentlelady from North Carolina, Mrs. CLAYTON, and the gentleman from Texas, Mr. STENHOLM, have all provided valuable support for this legislation. I thank them all.

Mr. BLUMENAUER. Mr. Speaker, I oppose the combined D.C./Commerce-Justice-State Appropriations Conference Report.

Attaching the DC appropriations to the larger Commerce—Justice—State bill once again does a great disservice to the people of the District. The DC portion of the conference report is a great improvement over the version passed earlier by the House. It includes provisions that increase funding for two projects that I have strongly supported: $25 million for the New York Avenue Metro Station, and $3 million for environmental clean-up of Popular Point along the Anacostia River. Both projects are top priorities for residents and the City to help spur new economics development activity for the District. Combining it with the larger Commerce-Justice-State bill, which contains provisions wholly unacceptable to the President, means that once again the District is being held hostage to Congressional tactics. It is unnecessary and it is wrong!

This bill fails to include critical provisions that would bring fairness and justice to our nation's immigration laws. Last month, I joined 154 other House Democrats in sending a letter to President Clinton promising to sustain a veto of this bill should the Republican majority fail the Hispanic community yet again. While Republicans speak of compassion, their actions tear families apart and support inequalities in our laws. The Latino and Immigrant Fairness act (LIFA) provisions are critically-needed pieces of legislation that would bring fairness to families and individuals who call America home, and who have made significant social, economic, and political contributions to our nation.

I am cosponsoring legislation calling for all three of LIFA's provision: to allow those who qualify for permanent residency to complete the final stages of their application in the U.S. rather than returning to their country of origin; to provide Central American and Caribbean immigrants who have been here since 1995 the right to apply for permanent residency (as is the case for Cubans and Nicaraguans); and to update the "registry date" which would allow immigrants here since 1986 to apply for permanent residency. Unfortunately, the Republican leadership will not permit a vote on our legislation and attaching it to appropriations legislation is the only way this Congress can provide justice to these families.

I am also disappointed about the failure of this conference report to include the hate crimes enhancement law as the Administration had requested. Along with more than 190 Members of the House from both parties, I cosponsored the legislation to extend current federal hate crimes law to cover violence motivated by prejudice against the victim's sexual orientation, gender or liability. It will not become law this year because Republican leaders have shown once again that they are opposed to passing the legislation in any form. We have a long way to go on to ensure the safety on all citizens. I will continue to support efforts to fight hate crimes and discrimination.

This legislation also does a disservice to the environment. Section 636 of the bill would prevent the Cuyahoga Valley National Park from gaining stronger clean air protections. Provisions in the bill also allow Coastal Impact Assistant funds to be used for environmentally damaging projects and activities, making a mockery of ongoing efforts to restore our endangered coastal areas.

Mrs. EMERSON. Mr. Speaker, I rise in support of Section 1012 of the Launching Our Communities Access to Local Television Act of 2000, Title X of the Commerce, Justice, and State, the Judiciary and related agencies appropriations conference report. Section 1012 provides for independent testing of terrestrial technologies in the 12 GHz band. My support for this section is conditioned on the understanding that this provision will not add any delay to any current FCC proceeding.

The Satellite Home Viewer's Improvement Act ("SHVIA"), which we passed a year ago, required the FCC to act on applications to provide local television service in unserved and underserved areas. We gave the FCC one year to make its determinations regarding these applications, which at that time had already been pending before the FCC for nearly one year. I am highly aware of the need for local television and broadband services that can be provided by new terrestrial wireless technologies. The deadline for FCC action under SHVIA is fast approaching and I expect the FCC to act on the applications by November 29, 2000 as required. The residents of my rural district have waited too long for service that matches that which is available in our nation's more populated areas.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to the Commerce, Justice, State and District of Columbia Appropriations conference report.

In particular, this bill blatantly fails to address our nation's outstanding immigration issues.

During the Reagan years, we supported wars in many Latin American countries.

Thousands fled this violence.

While many people have found sanctuary in the United States, America has not lived up to its commitment to provide resident status to these refugees. We made promises that we have not fulfilled.

In fact, there are over 100,000 immigration cases that remain unresolved from the Reagan-Bush era.

These cases are nearly 20 years old and have left many immigrants in legal limbo.

They have been denied expedited status because they did not come from the "right" countries.

It is past time to correct the unfair and unequal treatment among Central American, Latin American, Carribean and African refugees.

Individuals and families who now have deeply imbedded roots in the United States must be given residency status.

We are not, as some have charged, giving blanket amnesty to hundreds of thousands of illegal immigrants.

Those people have played by the rules and they deserve fairness and justice.

Immigrants are hardworking and have helped our country propser. They exemplify "family values".

In my district and throughout America, the immigrant community has made significant contributions from which we all benefit.

We must not shut our doors on them.

I urge my colleagues to join me in opposing this conference report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very disappointed in what the Republican leadership brought to floor in the form and guise of the Commerce, Justice, State Appropriations. As Ranking Member of the Subcommittee on Immigration and Claims, I am mostly concerned about the Latino Immigration Fairness Act. (LIFA) The phrase "compassionate conservatism", has very hollow meaning, if you just talk the talk and not walk the walk. This LIFA proposal is the modern day civil rights issue of our time, and just 12 days to election day, the Republicans are thumbing their noses at immigrants who have contributed to our society and are trying to play by the rules. I say not deal to this proposal, and I urge a no vote.

This involves amnesty for immigrants who have paid their dues and have been in this country since 1986, parity for Liberians, Guatemanlans, Haitains, and Hondurans, and restoring Section 245(i), which allows immigrants to adjust their illegal status, pay a fee, and remain in this country with their spouses and children. These are reasonable proposals, and the Republican leadership has a blind eye for fairness, for justice, and equity.

The Republican proposal to provide relief to only 400,000 immigrants who were unable to take advantage of the 1986 law for those entering the country before 1982 is unacceptable. It is unacceptable because it leaves and locks too many people out. This is a proposal that is thinly veiled as an open door, but it really is a feeble attempt to play up to the Hispanic vote during the political season.

The Republican legislation is a piecemeal correction of the flawed implementation of the 1986 legalization program. Basically, those individuals who sought the counsel of a specific lawyer and filed suit with him are protected, while countless others are left out. Of those people who are covered in the flawed proposal, less than 40% are expected to prevail. If the GOP acknowledges that the 1986 law was not implemented correctly, they should try to right the wrong entirely, not pick some winners and losers based on what law firm they signed up to represent them.

Also, it is important to understand that this "amnesty program" in fact is just a long overdue update in the registry provision of the Immigration and Nationality Act. The registry provision gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. The legislation would just update the cutoff date for registry which is now set at 1972.

Then there is Juan Gonzalez who has been working for a construction company in Houston, Texas for more than 13 years. Recently he lost his job because he was not able to present his employer a renewed Employment Authorization. Since then his family is living a nightmare. Juan and his wife Luisa are having problems and close to a divorce. They lost their home and rented a 2-bedroom apartment. Unfortunately, their children are paying the consequences.

We also need to remain ever vigilant on NACARA parity. This would address an injustice in the provisions of the Nicaraguan Adjustment and Central American Relief Act of 1997 ("NACARA"). NACARA currently provides qualified Cubans and Nicaraguans an opportunity to become lawful permanent residents of the United States. The proposed legislation would extend the same benefits to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti. The bill that the Republicans have brought to the floor has completely left NACARA parity out. I say no deal, and a no vote.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. In addition, returning migrants to these countries would place significant demands on their fragile economic and political systems.

Like Senator JACK REED, I have worked very hard to ensure that the 10,000 Liberian nationals who have been living in the United States since the mid-1980's and have significantly contributed to the American economy are not deported. This legislation should also include these Liberian nations.

If the Latino Immigrant Fairness Act is not enacted, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, and return to countries where they no longer have ties.

The inclusion of the Latino Immigrant Fairness provisions would evidence our commitment to fair and even-handed treatment of nations from these countries and to the strengthening of democracy and economic stability among important neighbors.

The Republican proposal creates a "V" visa for people waiting in the family backlogs, but not all, including US citizens. This counterproposal treats the family members of some legal permanent residents better than US citizens. The GOP proposal leaves out US citizens applying for their children over the age of 21. Ironically, the GOP fails to help even United States citizens seeking to reunite with their spouses and children if the spouse of the child fell out of status for six months or more. In contrast, the Latino Immigrant Fairness Act 245(i) proposal would cover all people in the pipeline to becoming legal equally. I say no deal and a no vote.

The Republicans are failing to correct their flawed legislation of 1997 and 1998. It was the Republicans who passed piecemeal programs in 1997 and 1998 for some refugees. These flaws failed to correct years of uneven treatment to legitimate refugees from Central America, Haiti, and does nothing for Liberian nationals. It is baffling why today the Republicans are now turning their backs on the LIFA proposal for long time refugees, that have been in the U.S. for years, worked hard and paid their taxes when a few short years ago they advanced these same proposals.

In conclusion, there is not compassion here, Mr. Speaker. Congress should stop trying to trade some deserving immigrant groups for others, and move to help all deserving immigrants willing to play by the rules, pay taxes, and work hard in the United States.

I say no deal and a not vote. Send this bill to 1600 Pennsylvania Avenue, and the President will send it right back.

Mrs. CHRISTENSEN. Mr.Speaker, I rise to join my Democratic colleagues to express my outrage at the ommission of immigration fairness from the Commerce—Justice Appropriation Bill.

I am a Caribbean American and I am calling on my colleagues to vote against this bill because it fails to right the wrongs that are being perpetrated against Haitians and other people from our region, Central Americans, Liberians and others.

I also think that it is shameful that once again the people of the District of Columbia, the nation's capital and our home away from home, have their budget bogged down with this bill that includes a poison pill that ought to kill it here, but which certainly will be vetoed at the White House. Why can't we do the right thing on this?

People of color across the country and around the world cannot seem to get fairness under this Republican Congress. District residents, Caribbean people, Central Americans, Liberians and others deserve fairness just like you and I.

Do the right thing. Vote no on this until we get justice in the Commerce, Justice and Appropriations bill.

Mr. DAVIS of Virginia. Mr. Speaker, my compliments to Chairman ISTOOK for the time and energy he and his staff have once again devoted to reviewing the D.C. budget and bringing this bill to the floor.

Just a few years ago, the D.C. government faced a financial crisis of epic proportions. The situation was dire: the District could not deliver basic services, and there was very real concern that it would run out of cash to pay its debt service and meet its payroll. Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year the Control Board will go into a dormant state, as anticipated in legislation we passed in 1995. The city has balanced its budget for a fourth straight year and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services. With the guidance of this Congress, D.C.'s elected officials implemented tax cuts and backed the procurement and regulatory reforms that have spawned the renaissance at the Nation's Capital. As an editorial in The Washington Times said just a few weeks ago, the face of D.C. is, indeed, changing.

This budget goes a long way toward continuing the tremendous strides made in the Nation's Capitol over the past six years. It funds a wide number of programs that will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city—from enhanced resources for foster care, drug treatment and public education to money to clean up the Anacostia River. This legislation provides full and vital federal funding to construct a Metrorail station on New York Avenue. There are funds for a number of programs to bolster opportunities for the city's youth population, including $500,000 for character education and $250,000 for youth mentoring programs.

And there's much more: $1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another $250,000 for new initiatives to battle homelessness. $6 million to cover the city's costs associated with the 2001 Presidential Inauguration. $250,000 for Mayor Williams to simplify personnel practices, money that will allow the city to build on the many improvements already underway in the area of management reform.

I am very pleased that the conference report fully funds the D.C. College Access Program—a program created by legislation I authored that levels the playing field for D.C. students by allowing them to attend state colleges and universities at in-state rates. This funding ensures that the program will continue to grow, so no students are denied the opportunity offered to those who attend high school in each of the 50 states.

And finally, I am overjoyed that there is language in this conference report that transfers two school sites in Lorton to Fairfax County, at no charge, to address the critical need for new schools there. The legislation includes important language that facilitates the land transfer.

I commend Chairman ISTOOK for this forward-looking spending plan, a budget that ensures the District's 'rebirth' will continue. I am proud to have played a part in this city's turnaround these past six years, and I want to thank the fellow members of my subcommittee, both Republicans and Democrats, for the work they have done to get the District back on its feet. I wish Mayor Williams and the City Council the best of luck in the future. This city is on the right track, and it's in good hands.

Mr. CONYERS. Mr. Speaker, when it comes to providing the most minimal help to people of color and immigrants, the Republicans have shown themselves to be colder than ice.

Twice the House and Senate have passed hate crime prevention legislation to ensure that crimes committed based on race and bigotry are fully investigated and prosecuted. But when it comes to basic fairness for people of color or different sexual orientation, Republicans are not compassionate conservatives and they are not inclusive.

Similarly, thousands of immigrants from El Salvador, Honduras, Guatemala, Haiti and Liberia fled their war ravaged countries in the 1980s and early 1990s. In 1997, the Republicans decided to give amnesty to Cubans and Nicaraguan refugees who had the right political influence at the time. Despite any objective basis for distinguishing their situation, the Republicans refused to help refugees from Central America and Haiti. It is time we provide legal parity for these refugees who are hard working, tax paying, important members of our communities.

The Latino and Immigrant Fairness Act is a straight forward bill to keep families together, stabilize those who have been here for over a decade and make our immigration polices simple and fair. Yet, it is not in this bill.

The GOP wants to give people of color and immigrants crumbs from the table. This bill exposes the Republicans' true colors.

I have news for you—the President will not let the congress leave without a Latino and Immigrant Fairness Act. He will veto this bill, and Mr. President, the Democrats have the votes to sustain it.

I urge my colleagues to vote against this bill.

Ms. NORTON. Mr. Speaker, the House today not only adds insult to the injury that the District's budget has to go to someone else to be passed. The House today penalizes the District in the bond market and adds costs of incalculable dollars in delay and duplication.

From the start of the fiscal year, this bill is now four weeks overdue. More than two weeks ago, we finished a very difficult process. The Mayor and the City Council members had been asking me, "Is it over? How soon?" And I replied, "soon." ERNEST ISTOOK and I then negotiated our way through the last stages of the process and shook hands on an agreement. Both of us felt a sense of accomplishment. Then there was only silence. I want to thank Chairman ERNEST ISTOOK for his service, for always working hard and for working with me. I want to thank Ranking Member JIM MORAN for his hard work on this bill. Both deserve better than this. District residents certainly deserve better.

I understand that the D.C. conference report was held for a purpose, to carry another bill. Today we see that the conference report was held for no good purpose, because the bill it will carry will be vetoed. I am told that the Senate has problems with the Commerce, Justice, State bill on tobacco and gun control. Other controversial provisions include a census privacy violation and an objectionable immigration provision.

However, this body needs to understand what damage the delay in passing the D.C. appropriation does to the District. New money for public schools, including new textbooks and teacher pay raises—cannot begin. New money for in-home care for seniors and the disabled—cannot begin. Funding increases for Foster Care and Child and Family Services, which will reduce caseloads by hiring more social workers—cannot begin. In addition, 175 new police officers in this high-crime city cannot be hired; 88 new firefighters cannot be hired; five new charter schools, what the Congress most wanted, cannot be funded; and $4.5 million for school recreation centers, to get our kids off the streets during the high crime hours between 3 and 6, is on hold.

This is what this House is doing to the District of Columbia today.

Mr. CROWLEY. Mr. Speaker, today I rise opposed to the Commerce-Justice-State conference report. I am opposed to this conference report because it fails to include the Latino and Immigrant Fairness Act, also known as LIFA. I am greatly disappointed that the Republican leadership has failed to support Latino issues as they once claimed they would.

In 1996, the immigration reform law unfairly separated families and created additional obstacles for hardworking immigrants whose dream was to become productive American citizens. These provisions imposed under the Republican leadership of this House, forced many immigrants into a state of limbo.

Prospective immigrants already in the United States, in the process of obtaining their green cards were and still are forced to leave the country and separate from their families, many for as long as ten years before being allowed to return to the United States. These individuals have been wrongly denied the legal status they rightfully deserved since the 1980's.

The goal of immigration law in this country should be to keep families together and allow productive citizens who work hard and play by the rules to keep their current jobs, keep living in their current neighborhoods and keep paying their paying their taxes by allowing them as opportunity to become United States citizens.

The lives of real people are at stake. Throughout this election cycle, the Republican Party has made claims that they are obviously not truly committed to. The Latino and Immigrant Fairness Act is an important piece of legislation because it effects the lives of our neighbors, our friends, and in essence the people that help this great nation function each day.

Today, I join over 150 of my colleagues in opposition of the exclusion of the Latino and Immigrant Fairness Act and who are also committed to supporting the President's proposed veto of the C–J–S conference report. We can no longer continue to ignore these unjust and biased immigration laws.

Mr. HALL of Ohio. Mr. Speaker, I rise today to address the issue of conflict diamonds. Section 406 of this bill seeks to eliminate the problem. Though I support this provision, I regret that an alternative that I negotiated and all sides agreed would be preferable was not included in the conference report.

As our colleagues know, many Members of this House are gravely concerned about the role diamonds—a symbol of love and commitment to many Americans—are playing in some of the wars in Africa. Just this week, the Catholic church reported rebel attacks on diamond fields in Angola that left scores of innocent civilians dead or injured.

In Sierra Leone, Angola, the Demorcratic Republic of Congo, and until recently in Liberia, rebels are waging war not for ethnic or religious or political reasons—but solely for greed. Rag-tag gangs transformed themselves into well-equipped armies by seizing diamond-rich land, driving people living there out of their homes or killing them, and then selling the gems they stole to an industry that couldn't be bothered to do anything about a trade they knew was devastating. In all, more than two million people have dies in these diamond wars.

Today, the industry is playing catch-up and has come up with a solution to this problem. For years it has ignored rebels' role in overthrowing a democratic government; in committing rape, murder, and mutilation on an unprecedented scale; and in violating United Nations embargoes on both diamonds from one of these countries, and arms to all of them. Over the same period, the diamond industry has raked in phenomenal profits: last year alone, the industry leader posted in 89 percent increase in profits. Meanwhile, it has contributed only minimally and to just a few of the African countries whose resources provide these profits. With economies ruined by war and few investments in peace, these countries' young citizens have few alternatives to careers that begin as child soldiers.

Last year, Congressman FRANK WOLF and I visited Sierra Leone. We met hundreds of victims of that diamond war in Freetown's amputee camp, people who lost a hand, or a leg, or both arms, or an ear to rebel's machete. We heard of the sick "games" rebels played:

Determining whether to leave a victim with "short sleeves" or "long sleeves," depending on what slip of paper he or she drew from a bag.

Betting on the sex of a fetus, and then cutting open the pregnant mother to see who won.

We met a young teenager made pregnant by rape and left to care for a rebel's child with two stumps where her arms once hung. We spoke with a man whose right hand was cut off because he was a student, and another who lost both hands because he was a driver. We saw an adorable toddler whose arm was chopped off when she was just two-and-half, and dozens of school-aged children who suffered a similar fate.

We heard again and again that this butchery was rebels' way of punishing innocent civilians for voting in Sierra Leone's first election—a psychopathic retort to the winner's slogan, "given us a hand." We left the country sick at heart and determined to do anything we could to help.

Sierra Leone is a country founded in hope by escaped slaves. It is blessed with good soil, wonderful people and abundant natural resources. But it is cursed by diamonds and consistently rated the poorest and most miserable in the world. I cannot imagine how the amputees will survive in a subsistence economy. I can't even begin to imagine the horrific moments that brought them there.

But what haunts me most is the fact that we—American consumers—are paying for these atrocities. Today, rebels will earn $37 million from this blood trade, and two-thirds of that will come from Americans. Tomorrow, they'll earn another $37 million. And the next day, and the one after that.

Now, I know the young men and women shopping for engagement rings, the couples celebrating wedding anniversaries, and other Americans have no idea of this blood trade. They don't know they are keeping these butchers supplied with weapons, with drugs for their child soldiers, with everything they need to keep fighting. They don't know that diamonds symbolize misery to many Africans.

I know something else: when American consumers—American taxpayers—figure this out, there is going to be Hell to pay. Mr. Speaker, you and I and ever member of this House knows how kind-hearted our fellow Americans are. They would never knowingly underwrite this kind of violence: just look at consumers' attitudes toward fur once they learned how much blood was on that industry's hands.

We also know that most Americans don't begrudge foreign aid—if it's going to help solve real problems. In the past decade, our country has sent $2 billion in aid to the four countries plagued by conflict diamonds. But over the same period, rebels have smuggled $10 billion worth of conflict diamonds out of these countries, and used them to create the need for ever more humanitarian assistance. That adds up to nothing but more suffering for the people caught in the middle of these wars over diamonds.

Until now, Congress has demonstrated shockingly little leadership on this issue, and we have failed as a steward of taxpayers' funds. There have been some shinning exceptions to this: Mr. WOLF, Chairman ED ROYCE of the Africa Subcommittee, and Representative CYNTHIA MCKINNEY have done superb work in highlighting these problems. I also appreciate the support of other Members who have co-sponsored my CARAT Act, which forced the industry to address this problem. Any I particularly want to thank Holly Burkhalter, a human-rights advocate with Physicians for Human Rights whose dedication to peace and justice has been constant for decades, and who has been creative and tireless in her efforts to end this blood trade.

In the Senate, JUDD GREGG has been a lone voice against U.S. complicity in the atrocities associated with conflict diamonds. He was able to include a provision in this bill that marks the first Congressional action on this matter. It is not an ideal solution, but I am pleased to support its embargo of diamonds from some of these blood-soaked countries and hope to continue to work with him to enact a strong alternative.

I had hoped that a substitute agreed to by American jewelers and a human-rights coalition of more than 70 respected organizations (led by Physicians for Human Rights, Amnesty International, and World Vision) would win final passage. Unfortunately, our joint efforts only won the Administration's acceptance of that provision late last night, too late to be included in the bill before us today. It still is not too late for Congress to approve this provision. My understanding is that this bill will be vetoed by the President. Should the bill be returned to Congress, I urge may colleagues to include the provision in the revised bill.

I submit for the RECORD an editorial that recently appeared in the Washington Post that explains the status of this compromise. Our colleagues all know of this Administration's many initiatives to reach out to Africa—and its many failures. Early in 1999, the United States was a leader in efforts to end the trade in conflict diamonds. I am grateful that, late last night, the Administration agreed to accept this compromise, but I am sorely disappointed that it ran out the clock. My hope now is that the threatened veto of this bill will let us change this provision before this becomes law.

If that doesn't happen and the Gregg provision becomes law, there is still hope for U.S. pressure to end the trade in blood diamonds. However, reports that the Administration is saying it will not enforce this provisions are deeply troubling, as is the industry's attempt to renege on its compromise with the coalition because of assurances it has received from U.S. officials that they have no intention of enforcing it.

I will not accept the argument that this cannot be enforced; the Constitution demands otherwise, and two U.N. resolutions require specific steps against two of the countries named in this provision. It would be tragic if this provision were to close U.S. borders to diamond imports, as the Administration initially suggested it would. If that happens, I will be ready to help remedy this situation legislatively when the 107th Congress convenes. But the possibility that this could happen ought to have encouraged the Administration to agree to the alternative compromise while there was still time for Congress to act.

The tradegy of this outcome would not be any loss to American consumers or jewelers—because the standard practice is to keep a year's supply of diamonds on hand. Nor would it be anything but a blessing to the people of conflict-diamond countries. No, the real hardship would fall on stable democracies like South Africa whose economy depends on the legitimate trade in diamonds.

The diamond industry and—until just hours ago this Administration—have been far too cavalier about responding to this problem before consumers begin to boycott diamonds. Diamonds do tremendous good where governments and the industry work together; an effective boycott would devastate the economy of Bostwana—once the poorest nation in Africa, and now one of its success stories—and do similar harm to few other poor countries.

A consumer action is very likely, and I am looking forward to participating in a responsible one that stops short of boycotting all diamonds. On Fifth Avenue in New York recently, outside of a swank store with some of Sierra Leon's amputees and others who share our concerns. I urged consumers to go to the jewelry stores in their neighborhood and ask three simple questions:

Where was this diamond mined?

Am I contributing to the bloodshed in Africa?

What are you doing to stop this blood trade?

Untill these questions start sounding familiar to American jewelers and until the diamond industry, the U.S. Government, and the United Nations feel pressure from consumers to do the right thing—whole nations will continue to be a battleground.

I urge my colleagues to join in efforts to end this blood trade. I urge you to raise these questions with the jewelers in your district. And I urge all Americans to stand up to the war criminals in Africa and the corporations that fuel their war machine, and to demand accountability and justice.

[From the Washington Post, Oct. 19, 2000]

A CHANCE TO CONTROL KILLERS

This time last year, the State Department convened an international conference on the role played by diamonds in Africa's grisly civil wars. In Angola, Congo and Sierra Leone, the rebel bands that killed and maimed civilians are driven or sustained by diamond revenues: They fight less for political reasons than to gain access to the gems that will make their commanders rich. One year since that conference, the movement to control "conflict diamonds" has progressed remarkably rapidly. And yet in the final days of Congress, the administration may miss a chance to press its advantage fully.

The chance presents itself in an amendment sponsored by Rep. Troy Hall (D-Ohio), which would give the diamond industry one year to implement a scheme to track gems from their country of origin to the handful of centers that cut and finish them. After they are minded, the diamonds would be wrapped in tamper-proof, numbered package and logged into a database; each time a package crossed a border, that would be logged tool. The idea is that the cutting centers could then refuse to take diamonds from countries where they are known to be mined by murderous rebels. Jewelers could buy from responsible cutting centers with a clear conscience; and the whole industry would avoid a consumer boycott like the one that undermined the fur business.

This scheme would not foolproof. Some conflict diamonds might be smuggled into nearby countries and packaged there. But the monitoring regime would at least limit that problem, because it would be accompanied by rules capping each country's exports at the estimated level of its mining capacity. Recently Liberia has been exporting many times more diamonds that it produces, because its government is close to the limb-chopping rebels who control Sierra Leone's diamond fields. A certification scheme would stop such overt financing of, and profiting from, butchery.

Almost nobody opposes monitoring. The diamond industry itself designed the scheme in conjunction with nongovernmental critics; most diamond-producing governments favor it as well. Rep. Hall wants to build on that consensus by allowing one year to implement the monitoring scheme, then imposing sanctions on countries that fail to comply. The World Diamond Council, which speaks for the industry, has endorsed the idea of a deadline. But the administration is wary, pleading that congressional deadlines trample on its prerogatives, and that a hard deadline is unwise. The danger is that, without a deadline, the momentum of reform may dissipate. The administration should embrace this change to control the killing gems.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 198, not voting 29, as follows:

[Roll No 562]

YEAS—206

Abercrombie
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—198

Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Shadegg
Sherman
Skelton
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Weldon (FL)
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn

NOT VOTING—29

Ackerman
Bilbray
Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Fowler
Franks (NJ)
Johnson, Sam
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Packard
Payne
Peterson (PA)
Shuster
Spratt
Stump
Talent
Tauzin
Thompson (MS)
Waxman
Wise

□ 1937

Messrs. DELAHUNT, COLLINS, and SHADEGG changed their vote from "yea" to "nay."

Messrs. BUYER, COX, and KASICH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 782. An Act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

H.J. Res. 116. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-305)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 26, 2000.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow, Friday, October 27, 2000.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV and tuberculosis, as amended.

The Clerk read as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SECTION 101. SHORT TITLE.

This title may be cited as the "International Malaria Control Act of 2000".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) "Airport malaria", the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SECTION 201. SHORT TITLE.

This title may be cited as the "United States-Macau Policy Act of 2000".

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF THE CONGRESS.

(a) FINDINGS AND DECLARATIONS.—The Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and the Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, the Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204 REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in

Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) Separate Part of Country Reports.—Whenever a report is transmitted to the Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) Macau.—The term "Macau" means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

(2) Joint declaration.—The term "Joint Declaration" means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SECTION 301. SHORT TITLE.

This title may be cited as the "Rails to Resources Act of 2000".

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) Membership.—

(1) Total membership.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) General qualifications.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) United States Membership.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) Canadian Membership.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) Chairman.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) Compensation and Expenses of United States Members.—

(1) Compensation.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) Travel expenses.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) Compensation.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) Office.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) Meetings.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) Procurement of Services.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) Study.—

(1) In general.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) Specific issues.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) Route.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to

determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means an agreement described in section 303.

(2) COMMISSION.—The term "Commission" means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the "Pacific Charter Commission Act of 2000".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the "Commission").

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) CONGRESSIONAL HEARINGS ON ANNUAL REPORT.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this title.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 409. TERMINATION.

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $2,500,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 411. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 501. SHORT TITLE.

This title may be cited as the "Paul D. Coverdell World Wise Schools Act of 2000".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, "to promote a better understanding of the people served among people of the United States".

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, "It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.".

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 503. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "World Wise Schools Program" is redesignated as the "Paul D. Coverdell World Wise Schools Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2943, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2943, a bill that authorizes the appropriation of $50 million for each of fiscal years 2000 and 2002 to combat malaria in the developing world.

The International Malaria Control of 2000 would establish a program to combat the spread of malaria in the developing world and to encourage other governments and nongovernmental organizations to join our Nation in that effort.

This initiative to save millions of poor people would be administered by the Agency for International Development in conjunction with other appropriate Federal agencies and nongovernmental organizations, both in our Nation and overseas.

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I commend Senator HATCH, the Senate sponsor of this legislation, for his efforts to stem the spread of malaria and to eradicate this disease that kills over 1 million people annually. As in the case of other deadly infectious diseases, our Nation must and can do more, and I am proud to be able tc join in that effort.

This bill also contains a title, H.R. 825, sponsored by the gentleman from Nebraska (Mr. BEREUTER), our distinguished chairman of the Subcommittee on Asia and Pacific Affairs of the Committee on International Relations, which provides for the continued application of U.S. laws and treaties to Macau in the same manner as prior to December 20, 1999, when Macau was a Portuguese dependency. This title would also apply U.S. export controls and practices with regard to Macau in the same manner as the People's Republic of China. It would also require periodic reports from the Secretary of State on developments relating to Macau.

The title contains no authorization of appropriation, but it is an important policy statement on the relationship of our Nation with regard to Macau.

Title III of the bill contains the "Rails to Resources Act of 2000," S. 2253, a bill introduced by Senator Murkowski, which authorizes to be appropriated $6 million for the establishment of the Rails to Resources Fund and urges the President to enter into an agreement with the Government of Canada to establish a joint commission of 20 members to study the technological and economic feasibility of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system. In recognition of the merit of that initiative, the Transportation Appropriations Conference Report provided $2 million for that purpose.

Mr. Speaker, title IV of the bill authorizes to be appropriated $2.5 million for each of the fiscal years 2001 and 2002 for the establishment of a Pacific Charter Commission to carry out and monitor projects in the Pacific region of Asia with regard to human rights, the rule of law, and for security issues and to advise the Congress of the United States on significant foreign policy issues of interest to our Nation. The Pacific Charter Commission will provide independent policy analysis with regard to the manner in which the foreign policy of our Nation is carried out and will be of great service to the Congress and the American people.

Finally, Mr. Speaker, title V of the bill would redesignate the Peace Corps World Wise Schools Program, and the Paul D. Coverdell World Wise Schools Program. Title V incorporates H.R. 5357, a bill introduced by the gentleman from Georgia (Mr. LEWIS), and it is a fitting tribute to our late colleague, the distinguished senior citizen from Georgia, Paul D. Coverdell, who also served as Peace Corps Director with great distinction.

Accordingly, Mr. Speaker, I urge my colleagues to vote for the adoption of S. 2943.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of S. 2943, the International Malaria Control Act of 2000.

Mr. Speaker, we are considering a number of bills here today, or this evening, really, as part of a package. Mr. Speaker, S. 2943 addresses some important issues facing the United States; and I want to commend the gentleman from New York (Mr. GILMAN), the chairman of the committee, for ensuring that the actual text of the bill that is included in this package accommodated certain concerns on this side of the aisle.

For example, the underlying bill being considered today is an effort to control the spread of malaria abroad. Malaria has recently been making a resurgence around the world with more and more people being affected by this scourge and more and more people dying from it. According to the World Health Organization, more than one million persons, one million, one million persons die from malaria each year, and more than 90 percent of all malaria cases are in sub-Saharan Africa.

According to the Director General of the World Health Organization, malaria is taking a big bite out of Africa's economic growth. If we can control malaria, we will see an acceleration of Africa's development; and family incomes, of course, will rise.

We have even seen treatment-resistance strains of malaria emerging in our own country here in the United States. Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent. That is staggering.

As we know from our experience with the West Nile virus, if we do not act quickly to break the back of a disease abroad, the inevitable result is outbreaks of the disease here in the United States.

So I commend the chairman for working with us to focus this bill on malaria specifically.

The bill also addresses the United States relationship with the former Portuguese colony of Macau. While Macau reverted to Chinese control last year, the United States must help the people of Macau to retain their basic freedoms to further develop economically and to deal with international crime and narcotics problems. This legislation ensures that the United States will continue to treat Macau under U.S. law the same way it was treated prior to its reversion to Chinese control and signal to the Chinese that we will closely watch how Macau and its people are being treated.

This approach is really identical to the approach that we took with Hong Kong prior to its reversion to Chinese control and is long overdue in Macau's case. This is simply good government and ensures that Hong Kong and Macau are treated in a similar manner.

The bill also contains text identical to H.R. 5357, a bill sponsored by the gentleman from Georgia (Mr. LEWIS), which actually does the renaming of the Peace Corps World Wise program after the late great Senator COVERDELL. This legislation also includes an authority to enter into an agreement with Canada to establish a commission to study the advisability and the feasibility of establishing a rail link between Alaska and the North American Rail Net. It also includes legislation that the House passed earlier this year establishing a commission to study United States policy in the Asia Pacific region.

Mr. Speaker, we have worked to ensure that these bills address our concerns. We have no objection to them being included in the package. I want to once again thank our chairman for working with us.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from California (Ms. LEE) for her supporting comments with regard to this measure.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the legislation, particularly title II of S. 2943, which encompasses the Macau Policy Act. We have heard the chairman and the gentlewoman from California refer to it already.

The Subcommittee on Asia and the Pacific first considered similar legislation introduced by this Member at the beginning of the 106th Congress in anticipation of Macau's reversion to the People's Republic of China.

Mr. Speaker, this legislation, among other things, recognizes that Macau is not Hong Kong, especially when it comes to export control policy. Therefore, the Macau Policy Act ensures that the export control laws of the United States shall apply to Macau in the same manner and to the same extent that such laws apply to the People's Republic of China. This provision ensures that Macau will not be used by entities in China to circumvent export control laws.

Mr. Speaker, the Macau title of this legislation also clarifies and strengthens U.S. relations with the special administrative region of Macau. It is tailored to address Macau's unique status and individual challenges. It certainly supports both short-term and long-term American national interests. Therefore, as chairman of the Subcommittee on Asia and the Pacific, this Member supports the passage of the legislation; and I urge my colleagues to support the Macau Policy Act, which is title II of this legislation.

Macau was the last of the Portuguese overseas territories. It has an area of 16 square kilometers (about one-tenth the size of the District of Columbia) and a population of less than 500,000 Macanese, 95 percent of whom are of Chinese ethnic background. On April 13, 1987, Portugal and China issued a "Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the question of Macau"—an international agreement similar to the 1984 United Kingdom—PRC Joint Declaration on the Question of Hong Kong. The Joint Declaration specified that Macau revert to Chinese sovereignty on December 20, 1999—which it did.

The United States has no diplomatic or consular presence in Macau. U.S. interests in Macau are monitored by the U.S. Consulate General in Hong Kong. Unlike Hong Kong, Macau is only a minor U.S. trading partner. The U.S. provides no economic or military assistance to Macau, and has no military personnel or installations there. Macau's principal industries are clothing, textiles, plastic products, furniture, and gambling and tourism.

On March 31, 1993, China's National People's Congress adopted a "Basic Law of the Macau Special Administrative Region of the (PRC)," which is similar to the 1990 Basic Law of the Hong Kong Special Administrative Region. In effect, the Basic Law constitutes Macau's post-reversion constitution. And, as with Hong Kong, the governing concept is "one country—two systems."

At present, Macau is treated the same as China, despite its "one country-two systems" status because its status has not been addressed through specific legislation like the U.S.-Hong Kong Policy Act of 1994 addressed Hong Kong-American relations. In other words, U.S. laws that apply to China, including post-Tiananmen sanctions, apply automatically to the Special Administrative Region of Macau. As a result, at this time, before the passage of this legislation, Macau's legal status for purposes of U.S. domestic law is ambiguous and problematic.

The legislation before the House today would permit the U.S. to honor Macau's post reversion rights under the concept of "one country-two systems." For example, it will allow the US to treat Macau as a separate member of the WTO, apart from China, as well as for other commercial purposes. By enacting the Macau Policy Act, we are, in effect, trying to support the "one country-two systems" policy in Macau that has worked so well in Hong Kong.

Ms. LEE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), who is a very strong leader and advocate on the Subcommittee on Health and the Environment of our Committee on Commerce, and also our ranking member.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from California for her leadership and I thank the chairman for his leadership and I thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership on this issue.

In a Congress that has done so little on health care, has fallen so far short in passing prescription drug legislation, so far short on enacting a patients' bill of rights, which clearly overwhelming numbers of the public support, this Congress has done a good job in fighting international infectious diseases. The Committee on Appropriations has passed and sent to the President $60 million for tuberculosis control internationally, five times what this Congress spent only 3 years ago to combat a disease that is absolutely curable. This Congress also has played a major role in malaria control around the world.

Gro Brundtland, who was quoted earlier by the gentlewoman from California (Ms. LEE). Gro Brundtland, the General Director of the World Health Organization, has said about tuberculosis, and she could also say it about malaria, that tuberculosis is a political problem, not a medical problem. We in this world know how to combat tuberculosis; we in this world know how to combat malaria. We can do better than we have done with the political will. This effort by the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) has actually made that major step in doing that.

I would also like to take the opportunity to congratulate the folks at Walter Reed. In part of the Defense budget, when we passed money for the Defense budget, some of that money, not nearly enough, only a few million dollars, goes to Walter Reed to do malaria research. Most of the best malaria research in history in this country has come out of Walter Reed, not out of private drug companies, not out of investor-owned corporations which do not have a real economic interest in combating malaria, but from tax dollars. That is what has brought us as far as we have come in malaria control, and that can take us even further. That is why it is so important to fund Walter Reed and do better with malaria control that way.

To get an understanding, Mr. Speaker, to get a good understanding of what we can do, and Gro Brundtland said, these infectious diseases are political problems, not medical problems. To get an understanding of what we can do, look at what the government of India did in 1999. In one day, in the Republic of India, the government and public health organizations around the world, including the Centers for Disease Control, woefully underfunded in this country, but involved internationally in so many good things; NGOs, the Centers for Disease Control, public health authorities and the government of India worked together and in one day in December of 1999, vaccinated, immunized 134 million Indian children in one day. If we can do that, we can come up with a malarial vaccine through the Walter Reed research within the Department of Defense in Bethesda, Maryland, then we can come up with much better action in combating tuberculosis, combating malaria around the world, which stunts economic growth, which kills children, which breaks up families. These are diseases that are caused by poverty, they are bred in poverty, and these are diseases that cause additional poverty. We have an obligation for humanitarian reasons and for pragmatic reasons to do something about it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for his eloquent remarks in support of this measure.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 2943, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. LEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 2000

PROMOTION OF ADOPTION OF MILITARY WORKING DOGS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§2582. Military working dogs: transfer and adoption at end of useful working life

"(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

"(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

"(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

"(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

"(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

"(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2582. Military working dogs: transfer and adoption at end of useful working life.".

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5314.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5314 is a noncontroversial bill that helps facilitate the adoption of military working dogs at the end of their careers. This bill passed the House of Representatives on October 10, 2000, by a voice vote.

When the bill went to the Senate, Senator ROBB offered three amendments which are technical in nature and merely tighten the language in the bill which prevents Federal liability. These technical amendments were done at the request of the Department of Defense, and I concur with them.

Concurring with these amendments today will move this bill to the White House for signature. I urge my colleagues to support the Senate amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5314 as passed by the Senate. The bill before the House today promotes the adoption of military working dogs at the end of their useful working life as the gentleman from Maryland (Mr. BARTLETT) indicated or if the dog is otherwise excess to the needs of the Department.

Currently, the Department of Defense does not have a policy to allow these elderly dogs to be retired and transferred to an individual or a private entity that could provide appropriate care for the aging dogs.

H.R. 5314 would address this unfortunate situation and allow elderly military working dogs to be adopted by law enforcement agencies, former handlers, and other persons capable of humanely caring for these honorable military animals. The bill also includes a provision that limits the Federal Government's liability in cases where a former military working dog is transferred.

H.R. 5314 provides military working dogs the same rights as dogs that serve in our community police forces.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. BARTLETT) for his leadership in this issue. When first examined, Mr. Speaker, it seems to be something which might not necessarily be superfluous but something which, on the surface, is something that people do not even have any idea that the situation was occurring.

I think people just assume quite naturally that, after a useful working life, that animals would be taken care of in a fashion other than having their lives ended. The gentleman from Maryland (Mr. BARTLETT) took the lead on this, and I want to thank him for it.

I think people all across the country, and I can tell my colleagues, Mr. Speaker, for sure, once folks in my district found out that I was working with the gentleman from Maryland (Mr. BARTLETT) on this, let me know in no uncertain terms that they wanted this bill to pass. If for no other reason, Mr. Speaker, if I could address the gentleman from Maryland (Mr. BARTLETT) directly, I want to tell him he is a new hero to my wife; and he most certainly can count on my support as a result for his concern for these loyal working military animals.

So with that, Mr. Speaker, I urge most vehemently my colleagues to support this measure and congratulate the gentleman from Maryland (Mr. BARTLETT), not only for his leadership on the issue, but for exhibiting yet once again his concern for all elements of military issues coming before our committee. It is an honor to serve with him.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his support, and I want to thank his wife for reinforcing that support. It is really a pleasure to work with the gentleman from Hawaii (Mr. ABERCROMBIE). He has been nothing but helpful.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5314.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CARDIAC ARREST SURVIVAL ACT OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules, concur in the Senate amendment to the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health Improvement Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Sec. 101. Short title.
Sec. 102. Amendments to the Public Health Service Act.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Increasing the involvement of the National Institutes of Health in clinical research.
Sec. 204. General clinical research centers.
Sec. 205. Loan repayment program regarding clinical researchers.
Sec. 206. Definition.
Sec. 207. Oversight by General Accounting Office.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Biomedical and behavioral research facilities.
Sec. 304. Construction program for National Primate Research Centers.
Sec. 305. Shared instrumentation grant program.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Recommendations and guidelines of Secretary of Health and Human Services regarding automated external defibrillators for Federal buildings.
Sec. 404. Good samaritan protections regarding emergency use of automated external defibrillators.

Subtitle B—Rural Access to Emergency Devices

Sec. 411. Short title.
Sec. 412. Findings.
Sec. 413. Grants.

TITLE V—LUPUS RESEARCH AND CARE

Sec. 501. Short title.
Sec. 502. Findings.

Subtitle A—Research on Lupus

Sec. 511. Expansion and intensification of activities.

Subtitle B—Delivery of Services Regarding Lupus

Sec. 521. Establishment of program of grants.
Sec. 522. Certain requirements.
Sec. 523. Technical assistance.
Sec. 524. Definitions.
Sec. 525. Authorization of appropriations.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Sec. 601. Short title.
Sec. 602. Amendments to the Public Health Service Act.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Sec. 701. Organ procurement organization certification.
Sec. 702. Designation of Give Thanks, Give Life Day.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

Sec. 801. Alzheimer's clinical research and training awards.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

Sec. 901. Sexually transmitted disease clinical research and training awards.

TITLE X—MISCELLANEOUS PROVISION

Sec. 1001. Technical correction to the Children's Health Act of 2000.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Health Threats and Emergencies Act".

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

"SEC. 319. PUBLIC HEALTH EMERGENCIES.

"(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

"(1) a disease or disorder presents a public health emergency; or

"(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

"(b) PUBLIC HEALTH EMERGENCY FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the 'Public Health Emergency Fund' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

"(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

"(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

"(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

"(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

"(a) CAPACITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

"(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, state and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

"(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

"(B) identify disease-causing pathogens rapidly and accurately;

"(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

"(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

"(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

"(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of 2 or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of 2 or more States or political subdivisions of States, in addition to awarding such grants.

"(b) PROCEDURE.—

"(1) IN GENERAL.—A State, or a consortium of 2 or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

"(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

"(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of 2 or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of 2 or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of 2 or more States or political subdivisions of States.

"(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

"SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

"(b) ELIGIBLE ENTITIES.—A State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States, that has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

"(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

"(1) train public health personnel;

"(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

"(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

"(4) enhance laboratory capacity and facilities.

"(d) REPORT.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

"(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the twenty-first century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated $180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

"SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

"(a) TASK FORCE.—

“(1) IN GENERAL.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

“(2) MEMBERS OF TASK FORCE.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

“(3) AGENDA.—

“(A) IN GENERAL.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

“(i) public health factors contributing to increasing antimicrobial resistance;

“(ii) public health needs to detect and monitor antimicrobial resistance;

“(iii) detection, prevention, and control strategies for resistant pathogens;

“(iv) the need for improved information and data collection;

“(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

“(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

“(B) DETECTION AND CONTROL.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

“(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

“(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

“(4) MEETINGS.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

“(b) RESEARCH AND DEVELOPMENT OF NEW ANTIMICROBIAL DRUGS AND DIAGNOSTICS.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

“(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

“(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

“(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

“(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

“(5) other relevant research areas.

“(c) EDUCATION OF MEDICAL AND PUBLIC HEALTH PERSONNEL.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

“(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

“(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

“(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

“(d) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

“(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

“(3) USE OF FUNDS.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

“(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

“(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

“(C) develop and implement policies to control the spread of antimicrobial resistance.

“(e) GRANTS FOR DEMONSTRATION PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

“(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

“(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK.

“(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

“(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

“(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

“(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

“(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

“(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

“(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

“(2) FUNCTIONS.—Such working group shall—

“(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel to detect, diagnose, and respond to a bioterrorist attack; and

“(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

“(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

“(ii) hospitals, primary care facilities, and public health agencies.

“(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

“(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

“(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

“(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

“(B) addressing rapid and accurate identification of potential bioweapons;

“(C) coordinating medical care for individuals exposed to bioweapons; and

“(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

"(4) Coordination.—The Secretary, in awarding grants under this subsection, shall—

"(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

"(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

"(5) Activities.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

"(d) Federal Assistance.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

"(e) Education.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

"(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

"(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

"(f) Future Resource Development.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(1) the epidemiology and pathogenesis of potential bioweapons;

"(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

"(3) the development of medical diagnostics to detect potential bioweapons; and

"(4) other relevant research areas.

"(g) General Accounting Office Report.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

"(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

"(2) the coordination of the activities described in paragraph (1);

"(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

"(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

"(h) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

"(a) In General.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

"(b) Eligible Entities.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

"(c) Specific Criteria.—In making grants under subsection (a), the Secretary shall take into account the following factors:

"(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

"(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

"(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

"(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

"(5) Such other factors as the Secretary determines to be appropriate.

"(d) Duration of Award.—The period during which payments are made under a grant under subsection (a) may not exceed five years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(e) Supplement Not Supplant.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

"(f) General Accounting Office Report.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.".

TITLE II—CLINICAL RESEARCH ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Clinical Research Enhancement Act of 1999".

SEC. 202. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

"(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

"(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

"(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

"(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

"(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

"(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.".

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

"(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

"(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

"(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

"(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking "For purposes" and inserting "(a) HEALTH SERVICE RESEARCH.—For purposes"; and

(2) by adding at the end the following:

"(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for *which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.*

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Research Laboratories Act''.

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

''SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

''(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

''(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

''(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

''(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

''(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

''(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

''(2) DUTIES.—

''(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

''(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

''(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

''(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

''(i) summarize and analyze expenditures made under this section;

''(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

''(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

''(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

''(5) CERTAIN AUTHORITIES.—

''(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

''(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(iv) the age and condition of existing research facilities.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking "1994" and all that follows through "$5,000,000" and inserting "2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary".

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Cardiac Arrest Survival Act of 2000".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

"RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

"SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

"(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

"(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

"(2) Proper maintenance and testing of the devices.

"(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

"(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

"(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

"(1) consult with appropriate public and private entities;

"(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

"(3) consult with and counsel other Federal agencies where such devices are to be used.

"(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

"(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.".

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

"LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

"SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

"(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

"(2) to properly maintain and test the device; or

"(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

"(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

"(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

"(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

"(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

"(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

"(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

"(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—The following applies with respect to this section:

"(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

"(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

"(C) This section does not waive any protection from liability for Federal officers or employees under—

"(i) section 224; or

"(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

"(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

"(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

"(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

"(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

"(e) DEFINITIONS.—

"(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

"(2) OTHER DEFINITIONS.—For purposes of this section:

"(A) The term 'automated external defibrillator device' means a defibrillator device that—

"(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

"(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

"(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

"(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

"(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.".

Subtitle B—Rural Access to Emergency Devices

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Rural Access to Emergency Devices Act" or the "Rural AED Act".

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated external defibrillators in communities across the United States.

SEC. 413. GRANTS.

(a) In General.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) Community Partnerships.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) Report.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the "Lupus Research and Care Amendments of 2000".

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

"LUPUS

"Sec. 441A. (a) In General.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) Coordination With Other Institutes.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) Programs for Lupus.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

"(2) Basic research concerning the etiology and causes of the disease.

"(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

"(4) The development of improved diagnostic techniques.

"(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(6) Information and education programs for health care professionals and the public.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.".

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) In General.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) Recipients of Grants.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) Certain Activities.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) Integration With Other Programs.—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 522. CERTAIN REQUIREMENTS.

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 523. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

SEC. 524. DEFINITIONS.

For purposes of this subtitle:

(1) OFFICIAL POVERTY LINE.—The term "official poverty line" means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the "Prostate Cancer Research and Prevention Act".

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

"(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

"(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

"(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

"(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

"(5) To improve surveillance for prostate cancer.

"(6) To address the needs of underserved and minority populations regarding prostate cancer.

"(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

"(A) to screen men for prostate cancer as a preventive health measure;

"(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

"(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

"(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities."; and

(2) in subsection (l)(1), by striking "1998" and inserting "2004".

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking "and 1996" and inserting "through 2004".

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) SHORT TITLE.—This section may be cited as the "Organ Procurement Organization Certification Act of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) FINDINGS.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ

damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) Designation.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

(1) by redesignating section 445I as section 445J; and

(2) by inserting after section 445H the following:

"SEC. 445I. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

"(a) In General.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease.

"(b) Support of Promising Clinicians.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer's disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

"(c) Excellence in Certain Fields.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.".

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

"SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

"(a) In General.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

"(b) Support of Promising Clinicians.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

"(c) Excellence in Certain Fields.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.".

TITLE X—MISCELLANEOUS PROVISION

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN'S HEALTH ACT OF 2000.

(a) In General.—Section 2701 of the Children's Health Act of 2000 is amended by striking "part 45 of title 46" and inserting "part 46 of title 45".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of enactment of the Children's Health Act of 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2498, and I urge my colleagues to join me in voting to approve this very critical legislation.

The bill before us today is comprised of a number of bipartisan, noncontroversial public health measures. It includes key provisions to respond to emerging health threats, save victims of cardiac arrest, promote clinical research, improve our research infrastructure, and fight prostate cancer and lupus.

I would like to highlight a few of these provisions. First, H.R. 2498 includes the provisions of the 21st Century Research Laboratories Act, legislation which I introduced earlier this year. There is no doubt that America is the worldwide leader in medical research, both at the National Institutes of Health and at our research facilities throughout the Nation. However, while Congress has worked successfully to increase funding for medical research, monies for building construction and renovation have lagged.

Mr. Speaker, my legislation responds to this problem by authorizing the director of the National Center for Research Resources at the NIH to make grants or enter into contracts to expand or renovate existing research facilities and construct new research facilities. It also authorizes grants for the purchase of state-of-the-art laboratory instrumentation.

In addition, H.R. 2498 includes the provisions of the Lupus Research Act, which was originally introduced by the gentlewoman from Florida (Mrs. MEEK). She has been a tireless advocate for this proposal, and it was overwhelmingly approved by the House earlier this month.

Today, over 1.4 million Americans have lupus, a devastating disease that causes the immune system to attack the body's own cells and organs. Ninety percent of the victims of lupus are women, and the disease is more common among women of color. By the time some lupus patients are diagnosed, especially in poor or rural communities, irreversible damage to vital organs has already occurred.

The bill before us expands Federal lupus research activities through the NIH, and it authorizes the Secretary of Health and Human Services to make project grants for the delivery of essential services. These projects will help identify innovative ways to respond to this terrible disease.

H.R. 2498, Mr. Speaker, also includes the provisions of the Cardiac Arrest Survival Act, which was authored by the gentleman from Florida (Mr. STEARNS). I want to truly commend him for his leadership in advancing this initiative, which passed the House in May with strong support.

Each year, a quarter million Americans die due to cardiac arrest. Many of these victims could be saved if portable medical devices called automated external defibrillators, or AEDs, were used. AEDs can analyze heart rhythms for abnormalities, and if warranted, deliver a life-saving shock to the heart. An estimated 20,000 to 100,000 lives could be saved annually by greater access to AEDs.

H.R. 2498 directs the Secretary of Health and Human Services to issue regulations to provide for the placement of AEDs in Federal buildings. The bill also establishes protections from civil liability arising from the emergency use of these devices.

Mr. Speaker, the proposals incorporated in this legislative package will literally save lives, and I am grateful to the many Members of both sides of the aisle who worked so hard to advance this cause.

In that regard, I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), ranking member, and in particular the gentleman from Ohio (Mr. BROWN), a ranking member of the Subcommittee on Health and Environment.

I also want to recognize and thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from North Carolina (Mr. BURR) for their contributions to this legislation.

The bill before us is a critical public health measure worthy of bipartisan support. I urge every Member to support H.R. 2498.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, in 1906, Upton Sinclair wrote a book called "The Jungle," documenting problems in the unsafe working conditions and unsafe food production in the Chicago slaughterhouses.

In the year 1906, when Upton Sinclair's book was published, which resulted later in the creation soon after of the Food and Drug Administration, which has guaranteed food safety in this country for 9 decades, in that year in 1906, a boy born that year had a life expectancy of 46 years. A girl born in 1906 had a life expectancy of 48 years.

Nine-plus decades later, life expectancy in this country has been lengthened 30 years. Boys and girls born in this country have 30 years more life expectancy than they did just a century ago.

That is not mostly from high-tech medicine. It is mostly from public health, everything from pure food to safe drinking water, from immunizations to antibiotics, from seat belts to a knowledge that alcohol and tobacco cause health problems, to issue after issue after issue of pure food laws and environmental laws and public health laws and worker safety laws and all the things that we in this body and in State legislatures across the country and in public health agencies across the country have done to together to enhance public health.

That is why it is a pleasure, from my perspective, a pleasure to support this bill, to be a cosponsor of this bill, and support the gentleman from Florida (Mr. BILIRAKIS) in his efforts to promote public health, which does make such a difference in the lives of every American.

This legislation includes the 21st Century Research Laboratories Act, a bill that I joined the gentleman from Florida (Mr. BILIRAKIS) in sponsoring. I also want to commend Senator HARKIN for his leadership on this bill.

The U.S. invests generously in medical research through the National Institutes of Health, reflecting the public's strong interest in reducing the burden of disease here and abroad. But to secure the most benefit of that investment, it makes sense to couple dollars for research grants with funding to bolster the Nation's research infrastructure. The two go hand in hand.

Our bill would put that principle into practice by enabling NIH to devote additional resources to state-of-the-art research laboratories and instrumentations.

Like laboratory research, clinical research is invaluable. It is a bridge between the laboratory and new methods of diagnosis, treatment, and prevention. Despite the benefits of clinical research, the current level of training and support for health professionals in clinical research is too often inadequate to the task.

I am pleased to be an original cosponsor of the bill that is now incorporated into this bill from the gentleman from Pennsylvania (Mr. GREENWOOD) that supports and expands NIH involvement in clinical research and increases resources available for the clinical research community.

This package of bills also contains legislation put forward by Senators FRIST and KENNEDY and my colleagues on the Committee on Commerce and the Subcommittee on Health and Environment, the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), on public health threats and emergencies.

Our Nation faces grave new threats in the 21st century that imperil the extraordinary progress we have made on public health in the 20th century.

New or resurgent infectious diseases, West Nile virus, lyme disease and others are on the upswing. Microbes that cause infectious diseases are evolving to become resistant, resisting antibiotics so that formerly treatable infections, such as TB, as I mentioned in an earlier talk tonight, may become incurable.

We are also vulnerable to terrorist attacks using biological weapons that could spread deadly diseases, such as small pox or anthrax.

This title authorizes steps that are widely agreed to be essential to prepare for emerging threats to public health.

I am particularly pleased the bill authorizes perhaps its most important feature, funding to revitalize Centers for Disease Control facilities. The gentleman from Florida (Mr. BILIRAKIS) and I saw the absolute amazingly poor conditions under which employees of the CDC, some of the greatest scientists and public health experts in the country, the conditions under which they labor in Atlanta. We can do so much better than that.

The provisions on combatting antimicrobial resistance are a good step towards addressing one of the most serious threats to public health that we face. They lay the groundwork for addressing the misuse and overuse of antibiotics, both in human medicine and in the agriculture sector.

I would add that this Congress went on record a couple of months ago in support of an amendment I had to direct the FDA's veterinary medicine office to get more serious about antibiotic resistance in farm animals. Fifty percent of the antibiotics used in this country are used for nonmedicinal purposes in farm animals, something that we probably cannot afford to do as a Nation much longer.

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I am also pleased this package includes important public health initiatives that would help the Nation combat diseases that take a tremendous toll on patients and their families, including lupus, prostate cancer, and Alzheimer's, as well as measures promoting access to defibrillators, an issue the gentleman from Wisconsin (Mr. KIND) has worked hard on, in Federal buildings and rural communities to aid victims of sudden heart attacks.

Prostate cancer is the most commonly diagnosed form of cancer, other than skin cancer, and second only to lung cancer as a cause of cancer-related death among men. This bill recognizes the immense toll that prostate cancer has taken on our country. I commend my colleague, the gentlewoman from Florida (Mrs. MEEK), for her endless dedication to raising awareness about lupus. Her tireless work has made a difference in this bill's efforts to treat lupus.

The American Heart Association estimates that more than 50,000 American deaths a year could be prevented if defibrillators were available to designated responders. Nothing can be more frightening than watching someone suffer a heart attack. With proper use of a defibrillator and proper training, communities can respond quickly and effectively to a victim and improve that victim's chances of survival immensely.

Like so many of these illnesses we have discussed today, Alzheimer's is a complicated disease afflicted by more questions than answers. Alzheimer's is characteristically more difficult for the family to bear; a person's slow deterioration in health begins with common forgetfulness and progresses slowly until the family is faced with no choice but to move their loved one to another facility. I commend my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Massachusetts (Mr. MARKEY), for their leadership on this measure.

Overall, Mr. Speaker, I again thank the gentleman from Florida (Mr. BILIRAKIS) because this bipartisan legislation covers a lot of important ground. It bolsters public health, something this body has not done nearly enough of in the past, an infrastructure that has been neglected for too many years, the public health infrastructure; it invests in the fight against lupus, Alzheimer's and other traumatic health care conditions; it brings attention to the life-saving potential of portable defibrillators and the invaluable gift of organ donation.

This bill reflects the breadth and complexity of health and health care in the U.S., and it sets in motion practical steps to improve both. In my mind, this may be the most important health issue this Congress has passed. It does so much for so many in this country.

I wish this body would get as serious about dealing with the prescription drug issue and dealing with the Patients' Bill of Rights as it has this issue, but I particularly extend my thanks to the gentleman from Florida (Mr. BILIRAKIS), to the gentleman from Virginia (Mr. BLILEY), to the gentleman from Michigan (Mr. DINGELL), and all who have played a major role in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. STEARNS), a gentleman about whom people many not now know this, but people in the future will be indebted to him for his persistence and his perseverance in offering and sticking with this defibrillator legislation.

Mr. STEARNS. Mr. Speaker, I thank the chairman of the Subcommittee on Health and Environment of the Committee on Commerce for yielding me this time.

I think this is a very, very rewarding evening, to have had the Senate pass the original 2498, which was the Cardiac Arrest Survival Act of 2000, which now has been amended to include different sections of what we have tonight and is now called the Public Health Improvement Act of 2000.

My portion of the bill, which is section 4, is something I am very proud of because, Mr. Speaker, between 200,000 to 300,000 Americans are lost every year to sudden cardiac arrest in the United States. Many of these victims could be simply saved if they had access to immediate medical response, including defibrillation. Just today, Mr. Speaker, the New England Journal of Medicine released the results of two recent studies in which nearly half of the victims of cardiac arrest were saved with the help of an automatic external defibrillator. That represents 10 times the usual survival rate of 5 percent for people who suffer cardiac arrest in a nonhospital setting.

For the last several years, I have been working closely with the American Heart Association, the American Red Cross, and local emergency medical systems to develop bipartisan support to encourage the widespread use of automatic external defibrillator devices to help save lives. These devices, AEDs, are small portable medical devices. They are regulated by the Food and Drug Administration and can measure a victim's heart rate, determine whether the victim is suffering from ventricular fibrillation and, if electric shock is necessary, can instruct the lay user how to use it and when to use it to shock the victim, and even tell them when to use CPR. So these devices are safe, effective and do not allow a shock to be administered until after the device has measured the victim's heart and determined whether a shock is really required.

Do my colleagues know that for every minute of delay in returning the heart to its normal pattern of beating it decreases the chance of that person's survival by 10 percent? And let me tell my colleagues tonight, because we all feel, probably, that we are in good health, that Robert Adams felt he was in good health. He was 42 years old and was an attorney working in Manhattan. On the weekends he was an NCAA referee. Obviously, he was in great condition. He had recently passed several extensive physical exams with flying colors; yet he suffered sudden cardiac arrest on July 3rd, a weekend, in Grand Central Station in New York City.

Fortunately, by the grace of God, the station had just received delivery of an AED the day before. A couple of nearby construction workers saw Mr. Adams fall to the ground. They grabbed the AED, which was still in its package. They prayed and hoped that the batteries were installed and charged. And, sure enough, they were. They shocked Mr. Adams back to life.

Now, Mr. Speaker, unfortunately, AEDs are not being widely employed because of the perception among would-be purchasers and users of these devices that if they do use them they are going to be sued. Our legislation removes this barrier to adopting AED programs with a Good Samaritan clause. If a Good Samaritan or building owner or renter acts in good faith to purchase or use an AED to help save someone's life, this bill will protect them from unfair lawsuits. We may not want to force people to provide medical care to someone having a heart attack; but if they are willing to do so, if they are volunteers, we should not put them at risk of being sued for unlimited damages if something went wrong.

So this legislation also directs the Secretary of Health and Human Services to develop guidelines for the placement of defibrillators in Federal buildings. It is a moment in our history when we have to have these accessible throughout all the Federal and State and local buildings. It is inexcusable that we do not have these life-saving devices widely available today. We need to be a role model for the private sector by demonstrating our commitment to protecting the lives of our Federal employees.

H.R. 2498 does not impose any new regulations or obligations on the private sector, and it does not preempt State law where the State has provided immunity for the person being sued. My colleagues, let us help save 250,000 American lives who are lost annually to sudden cardiac arrest. It could be any one of us on any day in the 365 days. The Senate passed this bill, as I mentioned, earlier today; and I urge my colleagues to support and pass this bill.

Lastly, Mr. Speaker, it has been a long journey for all of us to get this bill passed through Congress. I want to thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), for his support and encouragement all during this process and for the work he and his staff do; and also the gentleman from Virginia (Mr. BLILEY) for his help in moving this legislation to where we are tonight.

I also want to thank those who have worked so hard on the bill, including my staff, Veronica Crowe; as well as the folks on the Committee on Commerce, Marc Wheat, Robert Gordon, and Brent Delmonte; and Pete Goodloe, who was legislative counsel; and, of course, Mr. Speaker, the American Heart Association and the American Red Cross.

This is a red letter day, and I think all Americans will benefit. I urge the passage of this valuable legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND), who has helped to lead the charge in support of the defibrillator part of this legislation.

Mr. KIND. Mr. Speaker, I thank my friend from Ohio for yielding me this time, and I too want to rise in support of H.R. 2498, and I want to commend the chairman, the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), the chairman and ranking member on the subcommittee, and the bipartisan support that this legislation received and the work product that went into it from the Committee on Commerce.

Obviously, this was a work in progress with a lot of input from a lot of areas, and it is nice to be on the floor here tonight with a true bipartisan form of health care legislation. I think many Americans will reap dividends throughout our country in future years.

I am happy to support the bill not only because placing automatic external defibrillators, AEDs for short, in Federal buildings will help save lives for those who live in urban areas, as the gentleman from Florida (Mr. STEARNS) has just pointed out, and I also commend him for the work and the leadership he has provided in recognizing the importance to have access to AEDs for more Americans, but also because this bill includes the language of H.R. 4953, the Rural Access to Emergency Devices Act, which I along with the gentleman from Georgia (Mr. DEAL) introduced earlier this year.

In my home State of Wisconsin, nearly 200,000 people are afflicted with heart disease. It is the number one killer throughout the State, the number one killer in every county throughout the State, taking the lives of nearly 20,000 Wisconsonites every year. New technology, such as AEDs, can improve survival rates, but only if the devices are accessible and available.

Unfortunately, in rural areas, the availability of AEDs is limited. Hospitals are often located far from the scene of an emergency, and fewer than half of all ambulances in the United States actually carry AEDs. By giving grants to emergency responders and community partnerships to purchase AEDs and to train people on how to administer CPR, citizens in rural areas especially will benefit and will have a better chance of surviving cardiac arrest.

In western Wisconsin, we have seen the benefits of AED access already. Thanks to Scott Wuerch, an American Heart Association volunteer, all Eau Claire County sheriffs are now trained to use and are equipped with AEDs, and it is my hope that with passage of this bill that citizens in rural America will have a better chance of surviving cardiac arrest.

The gentleman from Florida (Mr. STEARNS) already indicated the article that appeared in the New England Journal of Medicine, the two studies showing the benefits in the use of AEDs. Most of the major newspaper publications this week have been printing stories in regard to the effectiveness of AEDs and the need to increase access for it. In fact, this week I hope a lot of my colleagues were able to capture the article in USA Today on Wednesday titled "The Prescription to Save Lives." It provides a condensed, but very good, account of the important role that AEDs are now performing throughout America and increased access to it, but also the work that needs to be done.

The gentleman from Florida already indicated that during cardiac arrest every minute of failed treatment results in a 10 percent less chance of survival. Ten minutes usually results in fatality. But what this article also pointed out was how simple the training of AEDs can be. In fact, after a few short minutes, even children can be trained to use it. Most of these devices now have computerized voices that actually walk the people through on how to effectively use AEDs. In fact, recent studies show that 50 percent of even untrained people can successfully use AEDs in emergency situations.

So I think the evidence, the studies that have come out now, also the support that we are seeing here tonight on the floor, is indication enough of just how important this legislation is and being able to provide access to automatic external defibrillators for more people in the country, but especially in rural areas, Mr. Speaker.

So again I commend the leadership on the committee. I commend the gentleman from Georgia (Mr. DEAL) for introducing the rural access bill earlier this year, and I would encourage all my colleagues to support this good bipartisan piece of health care legislation before us.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to add my gratitude to the many staff members on the Committee on Commerce, particularly for their hard work on this legislation; as well as people on our personal staffs, Anne Esposito of my personal staff and others who have helped out.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2498, the Public Health Improvement Act. This is an excellent package of public health measures, and I am pleased to see this Congress act on this legislation before it adjourns. H.R. 2498 contains several broadly supported, non-controversial provisions that amend the Public Health Service Act.

Title I, "Emerging Threats to Public Health," is of particular interest to my colleague from Michigan, Mr. STUPAK. This provision strengthens America's capacity to detect and respond to serious public health threats and emergencies through several initiatives. On a local level, public health departments and agencies will be provided the resources to update their laboratory and electronic communication equipment, readying them to combat an infectious disease outbreak. They will also be able to engage in planning rapid response strategies and train personnel. On a national level, the often antiquated facilities at the Centers for Disease Control and Prevention—our nation's first line of defense against biological threats—will be revitalized to meet the demands of the 21st century. This legislation also authorizes activities to combat antimicrobial resistance and protect the nation from bioterrorist attacks, both of which are issues of long-standing interest to my colleague Mr. BROWN of Ohio. The World Health Organization, and more recently the CIA's National Intelligence Council have named resistant infections and bioterrorism as major threats to global security. This provision will put the public health infrastructure of the United States in the best defensive position, should such an outbreak occur.

Title II, "Clinical Research Enhancement," directs NIH to expand the nation's clinical research capacity in response to a documented need for such activities. Clinical research translates basic science discoveries into medical interventions that can be used for patient care. This provision strengthens America's clinical research infrastructure by expanding facilities and faculty of the NIH-supported General Clinical Research Centers. It also sets forth three career investigator grant award programs, and provides a loan repayment option for young investigators wishing to dedicate their careers to clinical research. This provision endorses no specific clinical research agendas or priorities; rather, it facilitates a breadth of activities that can be carried out by a variety of scientists and health professionals, including qualified social science researchers and nurses. A separate provision in H.R. 2498 authorizes specific clinical research and training award programs in Alzheimer's disease. We are grateful to our colleague, Mr. MARKEY, for his work on this matter.

While a number of provisions in this bill respond to the research and treatment needs of our nation, advances in these areas are often hampered by the facilities in which the activities occur. Title III, known as the "Twenty-First Century Research Laboratories Act," authorizes funds for construction and modernization of our nation's biomedical and behavioral research laboratories and facilities, including the purchase of new laboratory equipment.

Title IV of this bill, the "Cardiac Arrest Survival Act" passed the House on May 23rd. This provision directs the Secretary to develop guidelines for the placement of automated external defibrillators in Federal buildings. It also promotes public and health professional education in cardiopulmonary resuscitation and the use of defibrillators in order to save the lives. I commend my colleague from California, Ms. CAPPS, for managing this bill when the House passed it earlier this year. I also commend my colleague from Wisconsin, Mr. KIND, for shepherding through a related provision providing access to defibrillators and emergency devises to residents of rural areas.

Title V is based on the H.R. 762, the "Lupus Research and Care Amendments," introduced by my colleague from Florida, Mrs. MEEK. Lupus is a debilitating and sometimes fatal autoimmune disease that disproportionately afflicts women, particularly women of color. This title addresses research on this disease and it authorizes appropriations to expand and intensify activities that focus on earlier diagnosis, better treatment, and an eventual cure. Significantly, a companion section of the provision addresses on-going primary care and treatment needs of poor and uninsured individuals with this expensive-to-treat and debilitating disease. It authorizes the Secretary to award care grants to local governments, community hospitals, health centers, and other non-profit health facilities for the provision of out-patient care and a breadth of support services to affected individuals and the family members who are involved in their care. This bill previously passed the House by a vote of 385–2.

Title VI, addresses the growing problem of prostate cancer in Americans males by revising and extending the CDC's prostrate cancer screening preventing health program, and reauthorizing the National Institutes of Health prostate cancer research programs. I am pleased to see this provision also addresses the needs of underserved and minority populations with prostate cancer.

H.R. 2498 concludes with an organ donation provision that includes asking all Americans to recognize this Thanksgiving day as "Give Thanks, Give Life Day." As families sit down together this Thanksgiving day, they are encouraged to spend a moment thinking about the thousands of Americans in need of organ transplants, and discuss openly their own decisions to donate organs or tissue in a forum where relatives can be made aware of their wishes.

There are many more things I had hoped to do for the health of the American people during the 106th Congress. These include: enactment of a real Patients' Bill of Rights; restoration of federal jurisdiction to control tobacco use by America's children; access to prescription drugs for senior citizens; long-term care for the elderly; access for America's children with rare and/or serious health problems to pediatric specialists, medications and clinical trials; adequate protection for human research subjects; protection of predictive genetic information from discrimination by health insurers and employers; and enhanced protection of confidential medical records. For those of my colleagues who will be returning next year, I look forward to working with you on these issues.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 2498, The Cardiac Arrest Survivors Act which includes language based on a bill I introduced in March together with my colleague from New Jersey and Co-Chairman of the Bipartisan Task Force on Alzheimer's Disease, CHRIS SMITH. Our bill, "The Alzheimer's Clinical Research and Training Awards Act of 2000" creates a new clinical research program at NIH to improve the diagnosis and treatment of Alzheimer's Disease.

Mr. Speaker, I want to say a special word of thanks to Commerce Committee Chairman TOM BLILEY for accepting the Alzheimer's provision as part of this legislation. This important public health bill is a feather in his health care cap as he prepares to retire from this body, and I thank him. I would also like to thank the Ranking Member of the Commerce Committee JOHN DINGELL, and Senators KENNEDY and FRIST in the other body, for constructing a strong bipartisan public health bill.

Alzheimer's Disease is on track to become the epidemic of the 21st Century. Today 4 million Americans are afflicted and by 2050 it is estimated that this number will increase to 14 million.

That's right Mr. Speaker, 14 million Americans will face the devastation of losing their independence, their personality, and their memory—the very threads of life that gives one his or her identity.

Funding for basic research to find a cure for Alzheimer's Disease is important and I'm pleased that this year's funding levels will increase to over $550 million. But there's no way to know when a cure will present itself—it could be in two years or ten years or twenty years. In the meantime people are suffering.

A recent study conducted at the Oregon Health Sciences University indicated that 65% of patients with probable dementia are going undiagnosed. This study highlights the crucial need to improve recognition and assessment of dementia patients.

The language included in H.R. 2498 addresses this need. The Alzhiemer's Clinical Research and Training Awards program is designed to compliment the 30 Alzheimer's Research Centers across our nation which currently focus on basic research and are administered through the National Institutes on Aging at NIH. During my own personal experience with my mother's Alzheimer's disease, top Alzheimer's researchers and clinicians underscored the crucial need for providing a bridge between Alzheimer's laboratory research and new methods of diagnosis, treatment and prevention. This program provides awards to junior and mid-level physicians to focus their careers on Alzheimer's and to train as physician scientist specialists to improve and apply cutting edge research to Alzheimer's patients.

Researching a cure for tomorrow is critical, but we also need to do better in treating those suffering with Alzheimer's Disease today.

The Alzheimer's Clinical Research and Training Awards program takes a first step in doing the very best we can in providing cutting edge diagnosis, treatment and prevention for those who are and will be effected by the epidemic of the 21st century.

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Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF HOUSE WITH RESPECT TO RELEASE OF FINDINGS AND RECOMMENDATIONS BY FEDERAL ENERGY REGULATORY COMMISSION REGARDING ELECTRICITY CRISIS IN CALIFORNIA

Mr. COX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 650) expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California.

The Clerk read as follows:

H. RES. 650

Whereas the Federal Energy Regulatory Commission has completed its investigation of the California energy crisis: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that, before November 1, 2000, the Federal Energy Regulatory Commission should make public its findings and recommendations regarding the electricity crisis in California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COX) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.Res. 650.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of House Resolution 650, introduced by my colleague, the gentleman from San Diego (Mr. BILBRAY).

The resolution expresses that it is the sense of the Congress that the Federal Energy Regulatory Commission should release its findings and recommendations regarding the electricity situation in California as soon as possible.

San Diego Gas and Electric is the first utility in California to pay off its stranded costs. Customers served by San Diego Gas and Electric were the first in the Nation to experience the effects of unregulated electricity pricing without unregulated competition for new supplies of electricity.

So while there is no new generating capacity in California and no free-wheeling competition in the wholesale market for electricity, consumers are facing unlimited prices.

As a result, beginning this summer, customers of San Diego Gas and Electric in San Diego and Orange Counties will have seen their electricity bills double and triple. And that has continued over the last several months. The small businesses have closed, and consumers are suffering.

On July 26, the Federal Energy Regulatory Commission opened an inquiry into this situation. They have written their findings and their recommendations, and yet they have not been released to the Congress or to the public.

Considering the seriousness of the situation in California, there should be no further delay in releasing this report.

This resolution, introduced by my colleague, the gentleman from California (Mr. BILBRAY), will help assure that his constituents in San Diego and all other San Diego Gas and Electric customers and Orange County and all other California electricity consumers in the near future do not have to continue to wait even longer before finally getting answers they need simply because the Federal bureaucracy is dragging its feet.

The Committee on Commerce has spent nearly 6 years holding hearings on the best way to modernize our laws governing the electric utilities so that electricity will be more affordable and reliable. In that process, we have talked to consumers, regulators, and power generators. We have learned from our California situation that interstate electricity markets pose complicated issues of Federal and State jurisdiction.

The Federal Energy Regulatory Commission's report, if we can see it, will speak to the important question of interstate transmission of electricity. The situation in California highlights the importance of getting it right for consumers.

In conclusion, I commend the gentleman from California (Mr. BILBRAY), my colleague, on his resolution; and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the electricity price spikes in California have gained national attention and have moved to the center of the debate on the question of electricity industry restructuring.

Consumers in some California communities have faced unprecedented electricity prices and are rightly asking what the Federal Government might do to help bring down the price of this vital commodity.

This evening we consider a resolution which expresses the sense of the House that the Federal Energy Regulatory Commission should make public its findings and recommendations regarding California's electricity price problems by November 1, 2000. It is, to say the least, a modest measure.

I will take the occasion of these comments, Mr. Speaker, to note for a moment the very fine work which has been done during the course of the last 2 years by the chairman of the Subcommittee on Energy and Power, the gentleman from Texas (Mr. Barton).

Under his able guidance, the Subcommittee on Energy and Power reported a number of measures which, taken together, would have achieved substantial progress toward the creation of a national energy policy.

Unfortunately, on the most significant of these topics, nuclear waste disposal and electricity industry restructuring, the legislative process stalled following the reporting of the legislation from the subcommittee of the gentleman from Texas (Mr. BARTON). And that happened despite the sound efforts of the gentleman to move the process forward.

As a result of this legislative inaction, we find ourselves no closer to having a national energy policy today than we were finding ourselves when this Congress convened approximately 2 years ago. And I think that is sad. And so, today we find ourselves debating relatively modest policy initiatives, such as the measure that is now before us, which is a nonbinding resolution that merely expresses an opinion.

While the measure might have some marginally beneficial effects, I would suggest that it is no substitute for leadership on energy policy.

MR. COX. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 10 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank the gentleman from California (Mr. COX) for bringing this resolution to us tonight. I thank his colleague and my friend, the gentleman from San Diego, California (Mr. BILBRAY). Our hearts and prayers are with him, as he has suffered a terrible loss in his family and cannot be here tonight.

I thank my colleagues for bringing this to us. Because San Diego is the poster child for the future of California what is going on in San Diego, what happened after the deregulation to a monopoly market, will happen to the rest of California in another year or so and perhaps the rest of the Nation if we do not take heed of San Diego's crisis.

The measure before us tonight is not the proper response to the crisis that we have in San Diego. It is a very weak response. If the gentleman from California (Mr. BILBRAY) was not my friend, I would say it was a meaningless response to the level of crisis that we face.

The gentleman from California (Mr. BILBRAY) introduced this resolution yesterday. Magically, it comes to the floor today. The Republican leadership, the gentleman from California (Mr. COX), and the gentleman from California (Mr. BILBRAY) could have brought meaningful legislation to this floor tonight to really help us in San Diego.

I introduced, for example, H.R. 5131 on September 7. I will explain that bill in a minute. But it can solve the crisis we have in San Diego. I asked the Speaker of the House to schedule this before we recessed.

San Diego is panicking. San Diego faces enormous debts. We have had no response from the leadership of this House to really deal with the crisis that we face in San Diego.

The gentleman from California (Mr. COX) gave a good summary of the situation, the doubling and tripling of prices in San Diego over a 3-month period. The average small business in my district, my colleagues, in our districts in San Diego went from let us say $800 a month in May and June to $1,500 a month and then to $2,500 a month. No business can survive with these kinds of increases.

A person on a fixed income had his bill or her bill go from $35 a month to $70 a month to $120 a month. No person who is on a fixed income can survive this. And literally life-and-death decisions had to be made given that situation.

This was not an issue, Mr. Speaker, of supply and demand in California. We do not have enough supply for the future developments. But this crisis was brought about by manipulation of the market by wholesalers and marketers of electricity. They caused a crisis which did not have to exist.

When the FERC report that is referred to in this resolution is made public on November 1, it will show that there was incredibly close to criminal manipulation of the market, withholding of capacity by the major generators, laundering electricity through Northwestern States to get a higher price in California, artificially creating a sense of dearth of supply through manipulation of the transmission capacities and on and on. And the FERC report will outline that.

This was a criminal gaming of the rules that were set up in California. This was not an issue of supply and demand. And as my colleague, the gentleman from California (Mr. BILBRAY), knows within those 3 or 4 months of this crisis, after deregulation occurred in San Diego and Orange counties advertise, close to $600 billion was sucked out of our economy by these marketers and generators, $6 billion. I hope I said that with a "B." Over $600 million from the consumers of San Diego alone.

Now, the State legislature acted on this to the limit of their ability to act. They froze retail prices. As the gentleman from California (Mr. COX) knows, they froze retail prices at 6½ cents a kilowatt hour. And that took the gun away from the head of San Diego consumers because their prices and my bill that I got was frozen at this figure.

But, Mr. Speaker, that debt is mounting up for the consumers of California and San Diego. That retail price freeze was merely a deferral of the cost. The debt that individual businesses and consumers have is adding up in the so-called balancing account. Our Northern utilities in San Diego, not only San Diego Gas and Electric, which now has a mounting debt, but PG&E

and Edison have debts mounting up again to almost $6 billion between them.

This is an economic crisis, an economic recession hanging in the balance if we do not act here in this body and at the national level.

A crisis was created by deregulation to a monopoly situation, $6 billion being sucked from our economy. And how do we respond? How does this body respond? The Republican majority gives what kind of resolution? That we will get a report 5 days earlier than FERC said it was going to come out.

They issued a finding in the last couple of days. That said they will issue the report November 1. I would like to see that earlier. I would like to see it today. I will vote for the resolution, but that does nothing for San Diego consumers. That does nothing for the California economy.

What we need and what H.R. 5131 does is a roll-back of wholesale prices to their prederegulation levels in the Western market and refunds to the consumers in California. That I will tell my colleague, the gentleman from California (Mr. BILBRAY), is the only solution to San Diego and California's problem.

□ 2045

We must go after the folks who took our money away, and that is the wholesale generators and marketers. They, illegally in my opinion, in the opinion of the gentleman from California (Mr. HUNTER) raised their prices to an unjust level, five, six, seven times what was the previous price. They charged what the market could bear. And now their earnings report have just come out, Mr. Speaker, the earnings report of the major generators in this country who provide the western market, and they have reported 200, 300 percent or more profit increase over the year before. That is unconscionable. They have taken away our businesses, they have taken away our future, they threaten our whole economy. And yet the majority motion on the floor is give us a report a few days earlier.

What this Congress should do, I say to the gentleman from California (Mr. BILBRAY), is to put H.R. 5131 on the floor tomorrow. You have the power to do it. You showed you can take a resolution and put it on the floor within a day. Let us go after those who have caused this enormous panic and frightening situation in San Diego. Let us instruct FERC to roll back the wholesale prices in the western market and refund that overcharge to consumers.

That is what this House ought to do. That is what our Federal regulatory commission ought to do. San Diegans and Californians are holding our breath to see what the Federal Government will do. We have another day, 2 days, 3 days, we do not know yet, in this session of Congress. I ask the majority, I ask the gentleman from California (Mr. BILBRAY), I ask the gentleman from California (Mr. COX) to bring us a real motion, a real resolution to solve this problem. Let us really help San Diego and not embark on this weak and meaningless response.

I thank my colleagues. I really do thank the gentleman from California (Mr. COX) for spotlighting San Diego's situation. If the rest of California and the rest of the country deregulates through this monopoly situation under the rules that we had, the rest of the country is going to face the same panic and economic crisis that is brewing in California.

The majority party can help San Diego now. Let us do it tomorrow.

Mr. COX. Mr. Speaker, I yield myself 3 minutes.

I want to thank the previous speakers for their bipartisan cooperation in the passage of this resolution; and I would add that there is a big difference between this resolution which, as has been pointed out, is a sense of the Congress resolution urging simply that the Federal Energy Regulatory Commission release a report that has been shelf-ready since October 19, bearing directly on the kinds of legislation that are under discussion here, and substantive legislation to remake the electric utility industry in the largest State of the union or in the rest of the country.

My colleague referenced H.R. 5131, his legislation, and he was good to point out that he has introduced this legislation for the first time just last month in the closing days of the second session of the 106th Congress. Even though this legislation, which is sweeping in its effects, was introduced by such a distinguished Member as the gentleman from San Diego, I think he recognizes it would not be regular order for it to be simply whisked into law in a matter of weeks without even being able to know the results of the significant study that has been underway since July at the Federal Energy Regulatory Commission.

And so I would return to the point and the purpose of this resolution, which is to put before the Congress and to put before the general public for the requisite 3-week period of comment the already completed study and recommendations of the Federal Energy Regulatory Commission bearing on what we have all agreed is an extraordinarily difficult and complicated problem with very, very egregious consequences for consumers in Southern California.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from California.

Mr. FILNER. I thank the gentleman for yielding.

As the gentleman from California (Mr. COX) said, this is simply a resolution, a sense of the Congress. It does absolutely nothing for the citizens of San Diego.

Mr. COX. Reclaiming my time on that point. This resolution does nothing more, nothing less than it purports to do, which is to put before the Congress a report which we ought by rights to have seen on October 19, and I think that on that we should all agree.

Mr. FILNER. As the gentleman pointed out, I introduced H.R. 5131 a month and a half ago. That was plenty of time, given the crisis that San Diego has, for this Congress to go through hearings, to go through anything they want.

We have had bills put on this floor in the last couple of days that nobody has ever seen before, incredibly complicated tax business and appropriations bills that nobody had ever seen. The resolution of the gentleman from California (Mr. BILBRAY) did not have the light of day until yesterday and here it is on the floor today. So you can act when you want to. We have had a month and a half to act.

I will tell the gentleman that the crisis in San Diego mounts every day. People are going out of business as they face the mounting debt.

The SPEAKER pro tempore (Mr. THUNE). The time of the gentleman from California (Mr. FILNER) has expired.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, as the gentleman knows, the major utilities in our State which are major economic forces have appealed to the Public Utilities Commission of California, have appealed to the Federal Energy Regulatory Commission to give them some relief because their debts are mounting and their bond ratings have gone down. If any one of those utilities goes under, the gentleman knows the domino effect on California.

I cannot overstate the crisis for my city, my State or my Nation. Yet we are not doing anything in the waning days of this session. We should have the hearings. The gentleman from Texas (Mr. BARTON) and his Subcommittee on Energy and Power of the Committee on Commerce did come to San Diego, and we are very grateful for that. They had findings at that hearing. They heard San Diegans testify all day. They heard the Federal Energy Regulatory Commission. They had enough to go on to have hearings on my bill or any other bill that anybody thought would solve the problem.

By the way, I am joined in my bill by the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. BILBRAY). Also the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) have expressed support. We do have time to act when you want to. The majority should put our bills on the floor now.

Mr. COX. Mr. Speaker, I yield myself 1 minute and simply agree with the essential points that have been made on both sides here this evening. That is, first, that the crisis for consumers and small businesses alike in Southern California, in particular in San Diego and Orange Counties is very real.

Second, that we should take swift action and prudent action to address it both in the State legislature in Sacramento and here in Washington, D.C. And, third, that to inform those decisions, we are entitled to see the report and the study and the recommendations of the Federal Energy Regulatory Commission on this very topic.

I would finally observe that as my colleague from San Diego points out, the legislation to which he refers, H.R. 5131, not the only bill on this topic but an important one, is sponsored jointly by Democrats and Republicans, highly respected Members of this body, and it is therefore in the interest of both Republicans and Democrats that we move rapidly on such legislation.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me just say to my colleague on the other side from California, there is really no purpose to this resolution whatsoever. I think he has been trying to justify it, and I know he is trying by suggesting that somehow this puts the report or the recommendation into the RECORD, but the resolution does not even accomplish that. There is a FERC order from October 26 that says that the commission will place in the public record the report. So not only is this just a sense of Congress which accomplishes nothing, but the report would be put in the RECORD, anyway, it would be made a public record that anybody would have access to. There is nothing here.

Mr. Speaker, I would urge opposition to this resolution. It is bad policy, it is bad process. I want to back up what the gentleman from California (Mr. FILNER) said. The bill was introduced last night, it has not seen the light of day let alone any proper committee process. Essentially the bill does nothing. It is purely political. The FERC is expected to come out with its findings and recommendations regarding California's energy price spikes on November 1. This bill just asks the FERC to release its findings 1 day sooner. It is already a matter of public record once it comes out. And California already has legislation in place to freeze energy rates.

Now, I say this is an exercise in futility not only because it is, and I want to bare the reality of it here tonight and support what the gentleman from California (Mr. FILNER) said but also to stress that in the meantime, the House Republican leadership is not bringing other measures to the floor that would truly address California and the Nation's rising energy costs.

In fact, the tax package that we debated today eliminates important energy conservation and alternative energy measures that would save energy and money for our businesses and consumers and would protect our environment. For example, the tax package does not include $400 million for electricity produced from renewable sources. The package also does not include tax credits for alternative fuel or hybrid vehicles.

We all know that oil and gas prices have been higher than in previous years. If the average fuel economy of the 131 million cars driven in 1998 were to have been increased by just one mile per gallon, we would have conserved 3.2 billion gallons of gasoline that year. Furthermore, if we now were to increase the fuel efficiency of vehicles by just three miles per gallon, we would save one million barrels of oil per day. I say this because I would like to preclude the need for even suggesting the drilling in ANWR, the Arctic National Wildlife Refuge which Governor Bush and the Republican leadership in Congress also are advocating. Unfortunately, we do not see any measures being brought to the floor by the Republican leadership that would encourage greater fuel efficiency in vehicles.

The point is this bill is futile. It is bad policy. It accomplishes nothing. We should be doing a lot more important things.

Mr. COX. Mr. Speaker, I yield myself 1½ minutes.

I would simply correct for the record one statement that my distinguished colleague has just made, and, that is, that the purpose of this resolution is to advance by 1 day the release of the Federal Energy Regulatory Commission report. It is, to the contrary, to release the report immediately, whereas it has been completed since October 19. Let me read from the concurring opinion of one of the FERC commissioners on October 19 when that report was released:

"Rather than wait for November to release the findings of our staff's investigation, I urge the chairman to release the completed report now. Our open government requires it. Fairness does as well. The people of California should have as much time as possible to digest our staff's findings and consider the options presented."

The commissioner continues:

"Justice Brandeis often remarked, 'Sunlight is the best disinfectant.' Let the sun shine on our staff's report. It could only help heal the raw emotions rampant in the State of California. I hope that the commission will proceed in the right path from now on."

The bureaucracy here, to put it relatively impolitely in this case, is dragging its feet. This is a report on a very significant topic, the result of a significant and long study. It should not be gathering dust on the shelf. There is a 3-week comment period once it is released that will have to expire before the recommendations can be made final. The California legislature is going into session at the beginning of December.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I just want to point out one more factor in all this before I conclude and, that is, the Federal Energy Regulatory Commission has claimed both in public and in private conversations they do not have the authority to roll back wholesale prices retroactively.

My legislation, cosponsored by the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. HUNTER), gives them that authority to roll back prices retroactively. That is the only thing that can save San Diego and the rest of California from its mounting debt which has now reached $6 billion as I pointed out. We must go after those who have gouged us with these prices.

In conclusion, Mr. Speaker, I just want to say that although the gentleman from California (Mr. COX) and the gentleman from California (Mr. BILBRAY) are saying that the bureaucracy is dragging its feet, actually FERC has acted with incredible speed in this investigation. It is the Congress that is dragging its feet. What San Diego wants to see from this Congress before it adjourns is some meaningful action to stop the mounting debt that threatens big and small business alike and threatens the very income of all of our residents.

□ 2100

San Diego is watching this Congress. What San Diego sees, because the majority party will not schedule any meaningful legislation to be voted on, is Congress dragging its feet. That is the issue, Mr. Speaker, that we must address. California is waiting. San Diego is waiting. This Congress should act before we adjourn.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important resolution, because it will lay before the Congress, lay before the public, lay before legislators in California, vitally important information, the results of a study by the Federal Energy Regulatory Commission on the energy crisis in Southern California caused by the deregulation legislation enacted in the legislature in Sacramento.

Without question, this is a situation that we must not allow to continue; but without question, we also must know where we are headed with reform in Sacramento.

When the Democratic legislature adopted the deregulation that has led to this crisis, they did so with the best of intentions, and they did so with bipartisan cooperation.

It has not turned out as people would have wished. The best of intentions or acting in haste, therefore, as we have seen from experience is not what is required; what is required is immediate remedial action based upon the facts; and right now, the best facts lie with the FERC.

We ought to in this Congress, while we are still in session, have that information. This resolution, which I expect will be unanimously adopted by Republicans and Democrats, is, in fact, what the FERC needs to hear, because it is true, as Justice Brandeis has said, that sunshine is the best disinfectant. Let us get that information out. Let us get that report released.

Let us enact this Bilbray resolution so that we may then swiftly move to the more fundamental legislation that has occupied so much of our debate here this evening.

Mr. Speaker, I submit the following for the RECORD:

STATEMENT OF CONGRESSMAN BRIAN BILBRAY FOR H. RES. 650

I would like to take this opportunity to thank Chairman Bliley and leadership for working with me to bring this resolution to the floor. H. Res. 650 is a simple, straightforward resolution that expresses the sense of Congress that the Federal Energy Regulatory Commission release it's completed report on the California electricity crisis before November 1, 2000.

FERC has been investigating the electricity market place in California as a result of unexpected rate of volatility this summer, San Diego and Orange Counties were the first in the nation to experience the effects of an unregulated electricity markets.

After speaking with the Commission and writing a letter, a copy of which is included for the record, requesting that the completed report be released as soon as possible, I introduced H. Res. 650 to ensure that the report be made public sooner rather than later, so that all interested parties can examine, analyze and make response to the report as quickly as possible. The initial report is complete. Why not let the public have access to it now?

The consumers in southern California have had a difficult time this summer, and the crisis is not over. The entire state of California will be facing these hardships unless consumers, industry, utilities, generators, legislators, the Governor, and regulators—both FERC and the California Public Utility Commission,—come together to fix the flaws in the California electricity market. Until the FERC report is released, all of these interested parties are in limbo.

Help San Diego. Help California. Vote for H. Res. 650.

Thank you.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2000.
Chairman JAMES J. HOECKER,
Federal Energy Regulatory Commission,
Washington, DC.

DEAR CHAIRMAN HOECKER: I am writing regarding the "Order Announcing Expedited Procedures for Addressing California Market Issues" issued October 19, 2000—the result of the staff fact-finding investigation you commissioned on July 26, 2000, of the conditions of the electric bulk power markets in various regions of the country, particularly California.

I commend you for initiating this process, the results of which will surely be critical in developing a strategy for moving beyond the crisis we are now enduring in California. It is my understanding, that the results of this investigation are complete; however, they are not currently scheduled for public release until November 9, 2000.

Given the time-sensitive nature of the electricity crisis in California, with small businesses closing and consumers suffering, I would strongly urge you to make the results of your investigation public immediately, so that this information can be put to use as soon as possible in developing sound remedies for the adverse situation to which California electricity consumers have been subjected. Additionally, with the State legislature set to reconvene in December, it would seem to make sense to provide California's legislators with this information as soon as possible, in order to enable them to "hit the ground running" on this critical matter once they gather again in Sacramento in December. It is my intention to do everything within my power to make this information available to the decisionmakers who will need it to help bring some relief to the long-suffering electricity consumers in San Diego and elsewhere throughout California.

I greatly appreciate and thank you in advance for your attention to this request, and your anticipated affirmative response. Please don't hesitate to contact me directly with any questions or to further discuss this important matter.

Sincerely,

BRIAN BILBRAY,
Member of Congress.

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Sincerely,

BRIAN BILBRAY,
Member of Congress.

Ms. ESHOO. Mr. Speaker, I rise in support of H. Res. 650, which encourages the Federal Energy Regulatory Commission to make public its findings and recommendations regarding the electricity crisis in California.

While I have no substantive objection to H. Res. 650, I'm disappointed that the Majority party failed to bring forward comprehensive electricity legislation this Congress which would help prevent another crisis next year.

According to industry figures, power transactions across the national grid have jumped from 200,000 transactions in 1997 to over 1.5 million projected for this year. Reliability of energy, therefore, is likely to get worse without comprehensive action.

We must have open and non-discriminatory access to transmission lines. We must ensure the reliability of the electricity market. And we must take action to stem the threat to stable prices caused by market manipulation

If the leadership of this Congress had been willing to take a first step, we could have considered H.R. 4941, the National Electric Reliability Act, which I'm proud to cosponsor. The bill would create an independent organization to ensure the reliability of the interstate transmission grids. This legislation has already passed the Senate with overwhelming bipartisan support.

Yet this House failed to consider any of these measures. Now it's likely that price spikes, power market abuses, and reliability problems will continue, especially in my state and in places like San Diego where there have been such problems. What a dismal outcome.

Mr. Speaker, I support this resolution. For those who come from states who haven't yet felt the impact of higher energy prices, the failure of this House to take meaningful steps to ensure reliable electricity, prevent price spikes, and protect against market power abuses in the electricity market will come home to your state and your constituents as well.

Mark my words. We'll be back here next Congress in a crisis mode because of the House leadership's failure to take on the hard challenges this issue confronts us with.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

Mr. COX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from California (Mr. COX) that the House suspend the rules and agree to the resolution, H. Res. 650.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOUCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MAKING IN ORDER ON FRIDAY, OCTOBER 27, 2000, CALL OF PRIVATE CALENDAR

Mr. SENSENBRENNER. I ask unanimous consent that on Friday, October 27, 2000, it be in order to consider the call of the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) providing for the consideration of the bill H.R. 1550 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 655

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1550 together with the Senate amendment thereto, and to have concurred in the Senate amendment with amendments as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 2000".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.".

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

SEC. 103. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 104. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire

Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and nonprofit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 103.

SEC. 105. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.".

SEC. 106. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 105, is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.".

SEC. 107. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 108. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by the amendments made by section 102, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 109. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 made with funds authorized by this title (or any amendments made by this title), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 110. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 ACT.—

(1) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking "(a) The" in section 24 (15 U.S.C. 2220) and inserting "The"; and

(D) by striking subsection (b) of section 24.

(2) REFERENCES TO SECRETARY.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 4 (15 U.S.C. 2203)—

(i) by inserting "and" after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking "Secretary" and inserting "Director"—

(i) in section 5(b) (15 U.S.C. 2204(b));

(ii) each place it appears in section 7 (15 U.S.C. 2206);

(iii) the first place it appears in section 11(c) (15 U.S.C. 2210(c));

(iv) in section 15(b)(2), (c), and (f) (15 U.S.C. 2214(b)(2), (c), and (f));

(v) the second place it appears in section 15(e)(1)(A) (15 U.S.C. 2214(e)(1)(A));

(vi) in section 16 (15 U.S.C. 2215);

(vii) the second place it appears in section 19(a) (42 U.S.C. 290a(a));

(viii) both places it appears in section 20 (15 U.S.C. 2217); and

(ix) in section 21(c) (15 U.S.C. 2218(c)); and

(C) in section 15, by striking "Secretary's" each place it appears and inserting "Director's".

(b) DEPARTMENT OF COMMERCE.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting "and" after "Census;" in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 111. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 112. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103-195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 113. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) PURPOSES.—Section 151302 of title 36, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) primarily—

"(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

"(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);";

(2) by inserting "and Federal" in paragraph (2) after "non-Federal";

(3) in paragraph (3)—

(A) by striking "State and local" and inserting "Federal, State, and local"; and

(B) by striking "and" after the semicolon;

(4) by striking "firefighters." in paragraph (4) and inserting "firefighters;"; and

(5) by adding at the end the following:

"(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

"(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.".

(b) Board of Directors.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) Status and Compensation.—

"(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

"(2) Members of the board shall serve without compensation."; and

(2) by redesignating subsection (h) as subsection (g).

(c) Officers and Employees.—Section 151304 of title 36, United States Code, is amended—

(1) by striking "not more than 2" in subsection (a); and

(2) by striking "are not" in subsection (b)(1) and inserting "shall not be considered".

(d) Support by the Administrator.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking "The Administrator" and inserting "During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator"; and

(2) by striking "shall" in subparagraph (B) and inserting "may".

TITLE II—EARTHQUAKE HAZARDS REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Earthquake Hazards Reduction Authorization Act of 2000".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) Federal Emergency Management Agency.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(7)) is amended—

(1) by striking "and" after "1998,"; and

(2) by striking "1999." and inserting "1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.".

(b) United States Geological Survey.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 210 of the Earthquake Hazards Reduction Authorization Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee.";

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999;"; and

(4) by inserting after paragraph (2) the following:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,".

(c) Real-time Seismic Hazard Warning System.—Section 2(a)(7) of the Act entitled "An Act To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes" (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking "1999." and inserting "1999; $2,600,000 for fiscal year 2001; $2,710,000 for fiscal year 2002; and $2,825,000 for fiscal year 2003.".

(d) National Science Foundation.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by inserting after "1999." the following: "There are authorized to be appropriated to the National Science Foundation $19,000,000 for engineering research and $11,900,000 for geosciences research for fiscal year 2001; $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002; and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.".

(e) National Institute of Standards and Technology.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.".

SEC. 203. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 204. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) Establishment.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) Management Plan.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) Authorization of Appropriations.—

"(1) Expansion and modernization.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2002;

"(B) $33,700,000 for fiscal year 2003;

"(C) $35,100,000 for fiscal year 2004;

"(D) $35,000,000 for fiscal year 2005; and

"(E) $33,500,000 for fiscal year 2006.

"(2) Operation.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2002; and

"(B) $10,300,000 for fiscal year 2003.".

SEC. 205. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is further amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) Establishment.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) Authorization of Appropriations.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the George E. Brown, Jr. Network for Earthquake Engineering Simulation—

"(1) $28,200,000 for fiscal year 2001;

"(2) $24,400,000 for fiscal year 2002;

"(3) $4,500,000 for fiscal year 2003; and

"(4) $17,000,000 for fiscal year 2004.".

SEC. 206. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively; and

(2) by adding at the end the following new subsection:

"(c) Budget Coordination.—

"(1) Guidance.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 207. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 208. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 209. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

SEC. 210. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 655.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution amends H.R. 1550, and in doing so makes technical corrections to H.R. 1550 and S. 1639, both of which were passed by the Senate on October 18. I had hoped that the House could have sent these bills to the President, but, regrettably, errors in the Senate-passed versions mean that they will have to be sent back to the Senate.

In the interests of time, this resolution incorporates these two bills into titles I and II respectively of H.R. 1550.

Mr. Speaker, I thank the leadership for making the time available to consider this resolution, and I hope our colleagues in the Senate will move expeditiously to pass H.R. 1550, as amended by this resolution, and send it to the President for his signature before the Congress adjourns.

Mr. Speaker, titles I and II represent compromises worked out between the Senate and the House and are very similar to the comparable bills that passed the House by overwhelming majorities during the first session of this Congress.

Mr. Speaker, title I reauthorizes training, research, data collection, and analysis and public education programs at the United States Fire Administration. H.R. 1550 represents the big step in getting this agency back on track, especially in research. The bill authorizes a total of $142.6 million over fiscal years 2001 through 2003. The bill also requires USFA to certify that funds obligated in fiscal year 2002 are consistent with the strategic plan required in title I.

In addition to the increased authorizations for research funding, the bill also requires the agency to establish research priorities and to develop a plan for implementing a research agenda.

Mr. Speaker, title II of the bill, which authorizes the National Earthquake Hazards Reduction Program, makes technical changes to S. 1639.

Earthquakes are a national problem. According to the U.S. Geological Survey, 39 States are subject to serious earthquake risk, and 75 million people in the United States live in urban areas with moderate to high earthquake risk.

Four agencies participated in NEHRP, the Federal Emergency Management Administration, the USGS, the National Science Foundation, and the National Institute of Standards and Technology. For fiscal year 2001, title II authorizes $104.1 million for the base activities in these agencies.

In addition, title II authorizes two new projects, each of which grew out of congressional direction. The Advanced National Seismic Research and Monitoring System will update the Nation's aging seismic monitoring network. The bill authorizes $185 million over 5 years for USGS for equipment and operation.

Mr. Speaker, the George E. Brown, Jr. Network for Earthquake Engineering Simulation, named after the distinguished late ranking minority Member and chairman of the Committee on Science and originator of NEHRP, will link more than 30 earthquake engineering research facilities and upgrade and expand major earthquake testing facilities. Title II provides NSF with a 4-year authorization totalling $74.1 million for this program.

Mr. Speaker, finally, the bill authorizes funding for studying the New Madrid fault.

Through its emphasis on monitoring, research and mitigation, H.R. 1550 will help the Nation prepare for the inevitable and save lives and property. I would like to thank the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research; the gentlewoman from Texas, (Ms. EDDIE BERNICE JOHNSON), the ranking minority member of the subcommittee; the gentleman from Texas (Mr. HALL), the ranking minority member of the Committee on Science, for all of their work in helping craft a fine bill.

Mr. Speaker, this resolution to amend H.R. 1550 represents a sensible, long-term investment that will pay for itself many times over in saved lives and reduced property losses. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.S. Fire Administration and the National Earthquake Hazards Reduction Program I think deserve everything that the gentleman from Wisconsin (Mr. SENSENBRENNER) has recommended. I think they deserve the support of this House, because their missions are very important to the safety of every American anywhere.

I want to thank the gentleman from Michigan (Mr. SMITH), the chairman of the Committee on Basic Research, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking Democratic member of the subcommittee, for their good work in developing H.R. 1550.

Also I want to acknowledge the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, for moving the legislation forward and for so ably setting it forth before us tonight.

Mr. Speaker, actually, title I of H.R. 1550 will give the Fire Administration the resources it needs to carry out its important mission and will also ensure that the agency conducts a strategic planning necessary to ensure that the resources provided are spent effectively.

In addition, title II of the bill reauthorizes the funding of Federal research and geosciences, social sciences and engineering that has contributed to saving countless lives, personal property and critical infrastructures. This continued support will allow for even greater strides in innovative areas that the Federal Emergency Management Agency, or FEMA, the United States Geological Survey, the National Science Foundation, and the National Institutes of Science and Technology are currently exploring.

The U.S. Fire Administration is a small agency with a very large role. The funding provided by this bill will be used to improve the skills of the firefighters and emergency response personnel. The funds will help to increase the public awareness of fire safety. Finally, Mr. Speaker, the funds will support research required to improve the equipment available for suppressing fires and protecting firefighters.

The funding authorizations provided cover fiscal year 2001 through the year 2003. The fiscal year 2001 authorization is right at the President's request. The increases in authorization levels for the other two outyears will provide resources needed to accommodate new responsibilities at the Fire Administration for counterterrorism, training, and to reinvigorate the agency's research activities.

Mr. Speaker, title II of H.R. 1550 reauthorizes the Earthquake Hazards Reduction Act of 1977. In addition to authorizing increased funding for the base earthquake program, and I am proud to announce this, the bill authorizes, one, the George E. Brown, Jr. Network for Earthquake Engineering Simulation; and, two, the Advanced Seismic Research and Monitoring System; and, three, a study on elements of the earthquake program that address the needs of at-risk populations.

Mr. Speaker, the George E. Brown, Jr. Network for Earthquake Engineering Simulation is an effort by the National Science Foundation to modernize the earthquake engineering research facilities.

Mr. Speaker, it is an effort that I think my good friend, the late George Brown, would have applauded; and I am overjoyed that this bill honors the 30-plus years of advocacy of the late George E. Brown, Jr. on earthquake mitigation and preparedness in this fashion.

It is truly fitting that Representative Brown, one of the original drafters of the 1977 earthquake bill and a man whose name remains synonymous with earthquake preparedness and mitigation during his time in this Congress, is equated with the improvement in the earthquake infrastructure.

Mr. Speaker, I fully support H.R. 1550 and commend the measure to the House for its very favorable consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time.

Mr. Speaker, as the gentleman from Wisconsin (Mr. SENSENBRENNER) noted in his remarks, this bill represents the combination of two good bills that will go a long ways towards reducing the risk of damage to property and injury to Americans due to fire or earthquakes.

As chairman of the Subcommittee on Basic Research, it was my privilege to introduce the two bills that have become the two titles of this legislation today.

H. Res. 655 really, as I see it, is legislative substitute of a conference committee. So it moves the process a long a little faster. It incorporates the agreed-to changes by the Senate and by the House.

Mr. Speaker, title I is the Fire Administration Authorization Act of 2000. Since its creation in 1974, the Fire Administration has had a notable, positive impact on communities across the country. Between 1986 and 1995, for example, fire deaths decreased 30 percent, and the adjusted dollar loss associated with fire decreased 13 percent.

Mr. Speaker, much of this decrease can be traced to the research sponsored by the USFA. Now, I think we need a renewed effort to reduce damage and loss by fire and support our first responders.

We passed exceptional help in the Defense authorization bill this year and plan to appropriate $100 million for a new grant program for fire departments. All of this legislation demonstrates our commitment to the 1.2 million men and women of the fire service, 80 percent of whom serve as volunteers.

This bill authorizes a total of $142.6 million for the Fire Administration for the next 3 years, including nearly $10 million for research, but it does more than authorize increased funding.

It also requires the Fire Administration to develop a strategic plan, and ties obligations for Fiscal Year 2001 to that plan. I believe that while it is important for the Federal Emergency Management Agency to incorporate the Fire Administration into its Federal-disaster planning, it is also important for the Fire Administration to establish strategic priorities of its own that, when taken in the aggregate, can have a huge impact in reduced life and property loss from fire.

In addition to the substantial increase authorized for research, this legislation also directs the Fire Administration to establish a research agenda. Coupled with the increased money, this research agenda will compel the Fire Administration to set priorities and give research a more central role in its activities.

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Title II of this legislation is the Earthquakes Hazard Reduction Authorization Act of 2000. The National Earthquake Hazard Reduction Program called NEHRP has enjoyed strong bipartisan support. Again, the primary purpose of NEHRP is simple: to save lives and property. But while the goal may be stated simply, really getting a grip on the problems earthquakes pose is a more difficult challenge.

Since its inception in 1977, NEHRP has done a credible job of contributing to our store of knowledge about the causes and effects of earthquakes, and it has reduced our vulnerability to them through engineering research and new building designs. The Program's monitoring component also holds the promise of providing real-time warning to citizens and a wealth of data to researchers. Indeed, improving earthquake warnings by just a few seconds can mean the difference between life and death. This bill reauthorizes the base NEHRP programs at $104 million for FY 2001, $108 million for FY 2002, and $113 million for FY 2003.

Mr. Speaker, let me conclude by saying 39 States are exposed to a significant earthquake risk, and about 75 million people live in urban areas with moderate to high earthquake risk. The programs authorized in this bill will enable us to have better warnings and be better prepared for the inevitable earthquakes in our future.

Mr. Speaker, in closing, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER); and I would like to thank the gentleman from Texas (Mr. HALL), the full committee ranking member; and certainly the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the subcommittee; and all of my colleagues on the Subcommittee on Basic Research for their efforts in bringing this bill forward.

I would also like to recognize the efforts of our late ranking member. As was commented on by both the gentleman from Texas (Mr. HALL) and the gentleman from Wisconsin (Mr. SENSENBRENNER), Representative George E. Brown, Jr. was the originator of the NEHRP program, and he believed strongly in the need for earthquake research and preparedness. I am pleased that this bill will authorize the Network for Earthquake Engineering Simulation in his name. I urge my colleagues to once again support this important legislation.

Mr. HALL of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking democratic member of the Subcommittee on Basic Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the U.S. Fire Administration and the National Earthquake Hazards Reduction Program have long enjoyed the bipartisan support of the Congress because of their vital mission, to improve safety for all citizens.

I would like to acknowledge the collegial approach taken by the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research, in developing H.R. 1550. It has been a pleasure working with him on the bill. I also want to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking democratic member, the gentleman from Texas (Mr. HALL), for their efforts to bring it before the House for its consideration tonight.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety and improvement in the effectiveness of fire services and the wider use of home fire safety devices. Nevertheless, the United States still has one of the highest fire death rates among advanced nations.

In 1997, 4,000 Americans died and nearly 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property loss estimated at well over $8 billion, with a total direct and indirect cost reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the fire administration. I am pleased that it endorses the President's fiscal year 2000 proposal and brings the budget level to $50 million by fiscal year 2003.

Although this is a 12 percent increase over 3 years, it still pales compared to the scale of activity originally contemplated for the agency. Nevertheless, H.R. 1550 is a good start. We are improving the level of resources the fire administration needs to carry out its important mission. It will enable the agency to increase support for its critical responsibility for firefighter training through the National Fire Academy. The budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs. Regarding public education, the fire administration must enlarge and improve its efforts to reduce losses, and I will put my complete remarks in the record.

Mr. Speaker, I would also like to specifically express my support for title II of H.R. 1550 which authorizes the national earthquake hazard reduction program. Through the efforts of the scientists and engineers funded by NEHRP programs, we now have maps that inform engineers, architects and builders of seismic hazards. We have model building codes, and we have a greater understanding of the science of earthquake hazards and the response of buildings to the seismic movement.

Advances such as early warning of seismic events, more structurally sound buildings, regional analysis of seismic risk, mobile research centers and widespread use of Internet and other telecommunications capability are going to make a marked reduction in the earthquakes.

As my former colleague, the gentleman from California, Mr. Brown, would say, there are still challenges we must face and assessments that must be made periodically to make sure that we are doing everything we can to ensure the safety and security of the American people. There are still earthquake-prone communities that have not adopted appropriate building codes; monitoring in earthquake-prone areas is still done with less than state-of-the-art equipment, and disparities in earthquake losses due to age, socioeconomic status, and physical limitations still exist. Fortunately, I feel that the bill before us today will help us meet these needs.

In addition to authorizing increased funding for the base program, the bill authorizes the Advanced Seismic Research and Monitoring System to upgrade and expand our seismic monitoring, and the Network for Earthquake Engineering Simulation to modernize earthquake engineering research facilities. The full title of the network for the earthquake engineering simulation is actually the George E. Brown, Jr. Network and Earthquake Engineering Simulation, in recognition of one of this legislative body's most active and vigilant champions of initiative preparedness; the late Representative George E. Brown, Jr.

Mr. Brown began the crusade for earthquake preparedness and mitigation in the 1960s at a time in which many people labeled him as an alarmist, but as we all know, Mr. Brown was always a step ahead in his view of the world around us. Through his works and through him serving as one of the original drafters of the Earthquake Hazards Reduction Act of 1977, Mr. Brown has improved the lives of countless Americans that reside in seismically active or potentially active regions of the country. Therefore, it is only fitting that this recognition be given to a man who served as one of the greatest contributors to the current earthquake hazards reduction infrastructure.

In closing, Mr. Speaker, let me say that H.R. 1550 is a good bill that comes to the floor at this time, and it is with bipartisan support, and I am pleased to recommend that all of the Members support this measure.

Mr. Speaker, the U.S. Fire Administration and The National Earthquake Hazards Reduction Program have long enjoyed the bipartisan support of the Congress because of their vital mission to improve the safety of all our citizens.

I would like to acknowledge the collegial approach taken by Mr. SMITH, the chairman of the Basic Research Subcommittee, in developing H.R. 1550. It has been a pleasure working with him on the bill. I also want to thank the chairman of the committee, Mr. SENSENBRENNER, and the Ranking Democratic Member, Mr. HALL, for their efforts in bringing it before the House for its consideration today.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety, improvement in the effectiveness of fire services, and the wider use of home fire safety devices.

Nevertheless, the United States still has one of the highest fire death rates among advanced nations. In 1997, 4,000 Americans died and nearly 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property losses estimated at well over $8 billion, with total direct and indirect costs reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the Fire Administration. I am pleased that it endorses the President's fiscal year 2001 proposal and brings the budget level to $50 million by fiscal year 2003. Although this is a 12 percent increase over three years, it still pales compared to the scale of activity originally contemplated for the agency.

Nevertheless, H.R. 1550 is a good start for providing the level of resources the Fire Administration needs to carry out its important mission. It will enable the agency to increase support for its critical responsibility for firefighter training through the National Fire Academy. Moreover, the budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs.

Regarding public education, the Fire Administration must enlarge and improve its efforts to reduce losses for the population groups most at risk from fire death and injury. We know that the elderly, the very young, and the poor are the most vulnerable. I included language in the report accompanying the original House-passed version of the bill tasking the Fire Administration to carefully assess whether research and additional data collection activities could improve understanding of the factors that lead to increased fire risk. Effective, targeted fire prevention campaigns can be developed only from a sound knowledge base.

In addition to resources, the bill provides for the agency to develop a management plan and establish the program priorities that will help to ensure the increased resources are used to maximum effect. An important component of the plan is the requirement for consultation with the National Institute of Standards and Technology and the fire service organizations to establish a prioritized set of research goals.

Mr. Speaker, I would also like to specifically express my support of Title II of HR 1550, which reauthorizes the National Earthquake Hazards Reduction Program (NEHRP). Through the efforts of the scientists and engineers funded by NEHRP programs, we now have maps that inform engineers, architects, and builders of seismic hazards; we have model building codes; and we have a greater understanding of the science of earthquake hazards and the response of buildings to seismic movement.

Advances such as early warning of seismic events, more structurally sound buildings, regional analysis of seismic risk, mobile research centers, and widespread use of the Internet and other telecommunications capabilities are going to make marked reductions in the impacts of earthquakes.

However, as my former colleague Mr. Brown of California would say, there are still challenges we must face and assessments that must be made periodically to make sure that we are doing everything we can to ensure the safety and security of the American people.

There are still earthquake-prone communities that have not adopted appropriate building codes; monitoring in earthquake-prone areas is still done with less than state-of-the-art equipment, and disparities in earthquake losses due to age, socioeconomic status, and physical limitations still exist.

Fortunately, I feel that the bill before us today will help us meet these needs.

In addition to authorizing increased funding for the base program, the bill authorizes (1) the "Advanced Seismic Research and Monitoring System" to upgrade and expand our seismic monitoring, and (2) the "Network for Earthquake Engineering Simulation" to modernize earthquake engineering research facilities.

The full title of the Network for Earthquake Engineering Simulation is actually the George E. Brown, Jr. Network for Earthquake Engineering Simulation in recognition of one of this legislative body's most active and vigilant champions of earthquake preparedness; the late Representative George E. Brown, Jr.

Mr. Brown began the crusade for earthquake preparedness and mitigation in the 1960's, at a time in which many people labeled him an alarmist. But as we all know Mr. Brown was always a step ahead in his view of the world around us. Through his works—including serving as one of the original drafters of the Earthquake Hazards Reduction Act of 1977—Mr. Brown has improved the lives of countless Americans that reside in seismically active, or potentially active, regions of the country.

Therefore, it is only fitting that this recognition be given to a man who served as one of the greatest contributors to the current "earthquake hazard reduction" infrastructure.

In closing, Mr. Speaker, let me say that H.R. 1550 is a good bill that comes to the Floor with bipartisan support and that authorizes programs that advance public safety. I am pleased to recommend the measure to my colleagues for their approval.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

OMNIBUS INDIAN ADVANCEMENT ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Indian Advancement Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

Sec. 101. Findings.
Sec. 102. Conveyance and operation of irrigation works
Sec. 103. Relationship to other laws.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Housing assistance.
Sec. 204. Loan guarantees for Native Hawaiian housing.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

Sec. 301. Approval not required to validate land transactions.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

Sec. 401. Findings.
Sec. 402. Definitions.

Subtitle A—Reconciliation Center

Sec. 411. Reconciliation center.
Sec. 412. Sioux Nation Tribal Supreme Court.
Sec. 413. Legal jurisdiction not affected.

Subtitle B—GAO Study

Sec. 421. GAO study.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

Sec. 501. Expenditure of funds by tribe authorized.

TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

Sec. 601. Short title.
Sec. 602. Congressional findings and purpose.
Sec. 603. Definitions.
Sec. 604. Ratification of settlement agreement.
Sec. 605. Settlement funds.
Sec. 606. Trust land acquisition and status.
Sec. 607. Permanent flowage easements.
Sec. 608. Satisfaction of claims, waivers, and releases.
Sec. 609. Miscellaneous provisions.
Sec. 610. Authorization of appropriations.
Sec. 611. Effective date.

TITLE VII—SHAWNEE TRIBE STATUS

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Federal recognition, trust relationship, and program eligibility.
Sec. 705. Establishment of a tribal roll.
Sec. 706. Organization of the tribe; tribal constitution.
Sec. 707. Tribal land.
Sec. 708. Jurisdiction.
Sec. 709. Individual Indian land.
Sec. 710. Treaties not affected.

TITLE VIII—TECHNICAL CORRECTIONS

Sec. 801. Short title.

Subtitle A—Miscellaneous Technical Provisions

Sec. 811. Technical correction to an Act affecting the status of Mississippi Choctaw lands and adding such lands to the Choctaw Reservation.
Sec. 812. Technical corrections concerning the Five Civilized Tribes of Oklahoma.
Sec. 813. Waiver of repayment of expert assistance loans to the Red Lake Band of Chippewa Indians and the Minnesota Chippewa Tribes.
Sec. 814. Technical amendment to the Indian Child Protection and Family Violence Protection Act.
Sec. 815. Technical amendment to extend the authorization period under the Indian Health Care Improvement Act.
Sec. 816. Technical amendment to extend the authorization period under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
Sec. 817. Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
Sec. 818. Technical amendment regarding the treatment of certain income for purposes of Federal assistance.
Sec. 819. Land to be taken into trust.

Subtitle B—Santa Fe Indian School

Sec. 821. Short title.

Sec. 822. Definitions.
Sec. 823. Transfer of certain lands for use as the Santa Fe Indian School.
Sec. 824. Land use.

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

Sec. 901. Short title.
Sec. 902. Lands held in trust for various tribes of California Indians.
Sec. 903. Miscellaneous provisions.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

Sec. 1001. Lands Title Report Commission.
Sec. 1002. Loan guarantees.
Sec. 1003. Native American housing assistance.

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

Sec. 1101. Short title.
Sec. 1102. Findings, purposes.
Sec. 1103. Amendments to the Indian Employment, Training and Related Services Demonstration Act of 1992.
Sec. 1104. Report on expanding the opportunities for program integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

Sec. 1201. Short title.
Sec. 1202. Congressional findings and declaration of purposes.
Sec. 1203. Lease of restricted lands for the Navajo Nation.

TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION

Sec. 1301. Short title.
Sec. 1302. Establishment of American Indian Education Foundation.

TITLE XIV—GRATON RANCHERIA RESTORATION

Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Definitions.
Sec. 1404. Restoration of Federal recognition, rights, and privileges.
Sec. 1405. Transfer of land to be held in trust.
Sec. 1406. Membership rolls.
Sec. 1407. Interim government.
Sec. 1408. Tribal constitution.

TITLE XV—CEMETERY SITES AND HISTORICAL PLACES

Sec. 1501. Findings; definitions.
Sec. 1502. Withdrawal of lands.
Sec. 1503. Application for conveyance of withdrawn lands.
Sec. 1504. Amendments.
Sec. 1505. Procedure for evaluating applications.
Sec. 1506. Applicability.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the "Community") has operated the irrigation works within the Community's reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community's laws and regulations are in compliance with section 102(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC. 102. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary of the Interior, as soon as is practicable after the date of the enactment of this Act, and in accordance with the provisions of this title and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this title and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this title.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100-512), the Community shall operate the irrigation works consistent with this title and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

(1) PROCESS.—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) DUE PROCESS.—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.—If the provisions of the Community's laws and regulations implementing subsection (b) only are to be modified subsequent to the date of the enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall only become effective upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of the enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of the enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this title shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 103. RELATIONSHIP TO OTHER LAWS.

Nothing in this title shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Hawaiian Homelands Homeownership Act of 2000".

SEC. 202. FINDINGS.

Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 203 of this Act, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the Act of June 27, 1934 (commonly referred to as the "National Housing Act" (42 Stat. 1246 et seq., chapter 847; 12 U.S.C. 1701 et seq.));

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 203. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

"(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person; or

"(ii) for a near-elderly family, a near-elderly person.

"(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

"(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

"(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

"(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

"(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

"(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

"(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

"(B) the median income for the State of Hawaii.

"(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

"(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

"(b) PLAN REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

"(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

"(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

"(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

"(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

"(d) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

"(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

"(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

"(B) expenses incurred in preparing a housing plan under section 803.

"(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

"SEC. 803. HOUSING PLAN.

"(a) PLAN SUBMISSION.—The Secretary shall—

"(1) require the Director to submit a housing plan under this section for each fiscal year; and

"(2) provide for the review of each plan submitted under paragraph (1).

"(b) 5-YEAR PLAN.—Each housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

"(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

"(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

"(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

"(c) 1-YEAR PLAN.—A housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

"(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

"(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

"(I) the geographical needs of those families; and

"(II) needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all families to be served by the Department.

"(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

"(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

"(ii) the uses to which the resources described in clause (i) will be committed, including—

"(I) eligible and required affordable housing activities; and

"(II) administrative expenses.

"(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

"(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

"(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

"(I) rental assistance;

"(II) the production of new units;

"(III) the acquisition of existing units; or

"(IV) the rehabilitation of units;

"(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

"(I) the involvement of private, public, and nonprofit organizations and institutions;

"(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

"(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

"(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

"(v) a description of—

"(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vi) a description of—

"(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vii) a description of—

“(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

“(aa) transitional housing;

“(bb) homeless housing;

“(cc) college housing; and

“(dd) supportive services housing; and

“(II) the requirements and assistance available under such programs;

“(viii)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for that demolition or disposition; and

“(III) any other information required by the Secretary with respect to that demolition or disposition;

“(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

“(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

“(I) promote the safety of residents of the affordable housing;

“(II) facilitate the undertaking of crime prevention measures;

“(III) allow resident input and involvement, including the establishment of resident organizations; and

“(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

“(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

“(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

“(i) a certification that the Department of Hawaiian Home Lands will comply with—

“(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with title VIII of the Act popularly known as the ‘Civil Rights Act of 1968’ (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

“(II) other applicable Federal statutes;

“(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

“(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

“(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the ‘Civil Rights Act of 1968’ (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

“(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

“(B) to an eligible family on the basis that the family is a Native Hawaiian family.

“(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

“(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“SEC. 804. REVIEW OF PLANS.

“(a) REVIEW AND NOTICE.—

“(1) REVIEW.—

“(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

“(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

“(2) NOTICE.—

“(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

“(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

“(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

“(ii) the Director shall be considered to have been notified of compliance.

“(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

“(1) the reasons for noncompliance; and

“(2) any modifications necessary for the plan to meet the requirements of section 803.

“(c) REVIEW.—

“(1) IN GENERAL.—After the Director submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

“(A) set forth the information required by section 803 to be contained in the housing plan;

“(B) are consistent with information and data available to the Secretary; and

“(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

“(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

“(d) UPDATES TO PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

“(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

“(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2000.

“SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

“(a) PROGRAM INCOME.—

“(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

“(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

“(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

“(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

“(A) whether the Department retains program income under paragraph (1); or

“(B) the amount of any such program income retained.

“(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

“(b) LABOR STANDARDS.—

“(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

“(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

“(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the ‘Davis-Bacon Act’ (46 Stat. 1494, chapter 411;

40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

"(2) Exceptions.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

"SEC. 806. ENVIRONMENTAL REVIEW.

"(a) In General.—

"(1) Release of funds.—

"(A) In general.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

"(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

"(ii) to the public undiminished protection of the environment.

"(B) Alternative environmental protection procedure.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

"(2) Regulations.—

"(A) In general.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) Contents.—The regulations issued under this paragraph shall—

"(i) provide for the monitoring of the environmental reviews performed under this section;

"(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

"(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

"(3) Effect on assumed responsibility.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

"(b) Procedure.—

"(1) In general.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

"(2) Effect of approval.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

"(c) Certification.—A certification under the procedures under this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the Director;

"(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the Director—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

"(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director.

"SEC. 807. REGULATIONS.

"The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2000.

"SEC. 808. EFFECTIVE DATE.

"Except as otherwise expressly provided in this title, this title shall take effect on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 2000.

"SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

"(a) National Objectives and Eligible Families.—

"(1) Primary objective.—The national objectives of this title are—

"(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

"(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

"(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

"(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

"(E) to—

"(i) promote the development of private capital markets; and

"(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

"(2) Eligible families.—

"(A) In general.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

"(B) Exception to low-income requirement.—

"(i) In general.—The Director may provide assistance for homeownership activities under—

"(I) section 810(b);

"(II) model activities under section 810(f); or

"(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

"(ii) Limitations.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

"(C) Other families.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

"(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

"(ii) the need for housing for the family cannot be reasonably met without the assistance.

"(D) Preference.—

"(i) In general.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

"(ii) Application.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

"(E) Use of nonprofit organizations.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

"(a) In General.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

"(1) develop or to support affordable housing for rental or homeownership; or

"(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

"(b) Activities.—The activities described in this subsection are the following:

"(1) Development.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

"(A) real property acquisition;

"(B) site improvement;

"(C) the development of utilities and utility services;

"(D) conversion;

"(E) demolition;

"(F) financing;

"(G) administration and planning; and

"(H) other related activities.

"(2) Housing services.—The provision of housing-related services for affordable housing, including—

"(A) housing counseling in connection with rental or homeownership assistance;

"(B) the establishment and support of resident organizations and resident management corporations;

"(C) energy auditing;

"(D) activities related to the provisions of self-sufficiency and other services; and

"(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

"(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

"(A) the preparation of work specifications;

"(B) loan processing;

"(C) inspections;

"(D) tenant selection;

"(E) management of tenant-based rental assistance; and

"(F) management of affordable housing projects.

"(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

"(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

"(A) designed to carry out the purposes of this title; and

"(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

"SEC. 811. PROGRAM REQUIREMENTS.

"(a) RENTS.—

"(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

"(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

"(b) MAINTENANCE AND EFFICIENT OPERATION.—

"(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

"(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

"(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

"(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

"(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

"SEC. 812. TYPES OF INVESTMENTS.

"(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

"(1) the discretion to use grant amounts for affordable housing activities through the use of—

"(A) equity investments;

"(B) interest-bearing loans or advances;

"(C) noninterest-bearing loans or advances;

"(D) interest subsidies;

"(E) the leveraging of private investments; or

"(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

"(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

"(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

"SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

"(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

"(1) each dwelling unit in the housing—

"(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

"(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

"(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

"(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

"(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

"(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

"(I) avoid termination of low-income affordability, in the case of foreclosure; or

"(II) transfer ownership in lieu of foreclosure; and

"(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

"(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

"SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

"(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

"(1) do not contain unreasonable terms and conditions;

"(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

"(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

"(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

"(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

"(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

"(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

"(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

"(C) is criminal activity (including drug-related criminal activity) on or off the premises.

"(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

"(1) are consistent with the purpose of providing housing for low-income families;

"(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

"(3) provide for—

"(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

"(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

"SEC. 815. REPAYMENT.

"If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

"(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

"(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

"For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

"(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the Hawaiian Homelands Homeownership Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

“(b) Factors for Determination of Need.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

“(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

“(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

“(3) any other objectively measurable conditions that the Secretary and the Director may specify.

“(c) Other Factors for Consideration.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

“(1) geographic distribution within Hawaiian Home Lands; and

“(2) technical capacity.

“(d) Effective Date.—This section shall take effect on the date of enactment of the Hawaiian Homelands Homeownership Act of 2000.

“SEC. 818. REMEDIES FOR NONCOMPLIANCE.

“(a) Actions by Secretary Affecting Grant Amounts.—

“(1) In general.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

“(A) terminate payments under this title to the Department;

“(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

“(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

“(2) Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

“(b) Noncompliance Because of a Technical Incapacity.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

“(1) is not a pattern or practice of activities constituting willful noncompliance; and

“(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

“(c) Referral for Civil Action.—

“(1) Authority.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

“(2) Civil action.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

“(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

“(B) for mandatory or injunctive relief.

“(d) Review.—

“(1) In general.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

“(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

“(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

“(2) Procedure.—

“(A) In general.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

“(B) Objections.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

“(3) Disposition.—

“(A) Court proceedings.—

“(i) Jurisdiction of court.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

“(ii) Findings of fact.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

“(iii) Addition.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

“(B) Secretary.—

“(i) In general.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

“(I) may—

“(aa) modify the findings of fact of the Secretary; or

“(bb) make new findings; and

“(II) shall file—

“(aa) such modified or new findings; and

“(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

“(ii) Findings.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

“(I) supported by substantial evidence on the record; and

“(II) considered as a whole.

“(4) Finality.—

“(A) In general.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

“(i) the jurisdiction of the court shall be exclusive; and

“(ii) the judgment of the court shall be final.

“(B) Review by supreme court.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

“SEC. 819. MONITORING OF COMPLIANCE.

“(a) Enforceable Agreements.—

“(1) In general.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

“(2) Measures.—The measures referred to in paragraph (1) shall provide for—

“(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

“(B) remedies for breach of the provisions referred to in paragraph (1).

“(b) Periodic Monitoring.—

“(1) In general.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

“(2) Review.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

“(3) Results.—The results of each review under paragraph (1) shall be—

“(A) included in a performance report of the Director submitted to the Secretary under section 820; and

“(B) made available to the public.

“(c) Performance Measures.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

“SEC. 820. PERFORMANCE REPORTS.

“(a) Requirement.—For each fiscal year, the Director shall—

“(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

“(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

“(b) Content.—Each report submitted under this section for a fiscal year shall—

“(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

“(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

“(3) indicate the programmatic accomplishments of the Department; and

“(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

“(c) Submissions.—The Secretary shall—

“(1) establish a date for submission of each report under this section;

“(2) review each such report; and

“(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

“(d) Public Availability.—

“(1) Comments by beneficiaries.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

"(2) Summary of comments.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

"SEC. 821. REVIEW AND AUDIT BY SECRETARY.

"(a) Annual Review.—

"(1) In general.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

"(A) the Director has—

"(i) carried out eligible activities under this title in a timely manner;

"(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

"(iii) a continuing capacity to carry out the eligible activities in a timely manner;

"(B) the Director has complied with the housing plan submitted by the Director under section 803; and

"(C) the performance reports of the Department under section 821 are accurate.

"(2) Onsite visits.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

"(b) Report by Secretary.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

"(c) Effect of Reviews.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

"SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

"To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

"(a) In General.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

"(1) a description of the progress made in accomplishing the objectives of this title;

"(2) a summary of the use of funds available under this title during the preceding fiscal year; and

"(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

"(b) Related Reports.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 204. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z-13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

"(a) Definitions.—In this section:

"(1) Department of Hawaiian home lands.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) Eligible entity.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

"(3) Family.—The term 'family' means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

"(4) Guarantee fund.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

"(5) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(6) Native hawaiian.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"(7) Office of hawaiian affairs.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

"(b) Authority.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (c).

"(c) Eligible Loans.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

"(1) Eligible borrowers.—The loan is made only to a borrower who is—

"(A) a Native Hawaiian family;

"(B) the Department of Hawaiian Home Lands;

"(C) the Office of Hawaiian Affairs; or

"(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

"(2) Eligible housing.—

"(A) In general.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

"(B) Housing plan.—A housing plan described in this subparagraph is a housing plan that—

"(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

"(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

"(3) Security.—The loan may be secured by any collateral authorized under applicable Federal or State law.

"(4) Lenders.—

"(A) In general.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

"(B) Approval.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

"(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

"(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

"(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

"(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

"(5) Terms.—The loan shall—

"(A) be made for a term not exceeding 30 years;

"(B) bear interest (exclusive of the guarantee fee under subsection (e) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

"(C) involve a principal obligation not exceeding—

"(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

"(ii) the amount approved by the Secretary under this section; and

"(D) involve a payment on account of the property—

"(i) in cash or its equivalent; or

"(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

"(d) CERTIFICATE OF GUARANTEE.—

"(1) APPROVAL PROCESS.—

"(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

"(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

"(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

"(3) EFFECT.—

"(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

"(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

"(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

"(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

"(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

"(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

"(e) GUARANTEE FEE.—

"(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

"(2) PAYMENT.—The fee under this subsection shall—

"(A) be paid by the lender at time of issuance of the guarantee; and

"(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

"(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

"(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

"(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

"(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

"(1) IN GENERAL.—

"(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (d)—

"(i) has failed—

"(I) to maintain adequate accounting records;

"(II) to service adequately loans guaranteed under this section; or

"(III) to exercise proper credit or underwriting judgment; or

"(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

"(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (d) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

"(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

"(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

"(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

"(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

"(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

"(i) to maintain adequate accounting records;

"(ii) to adequately service loans guaranteed under this section; or

"(iii) to exercise proper credit or underwriting judgment.

"(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

"(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

"(i) PAYMENT UNDER GUARANTEE.—

"(1) LENDER OPTIONS.—

"(A) IN GENERAL.—

"(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

"(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

"(I) FORECLOSURE.—

"(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

"(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

"(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(II) NO FORECLOSURE.—

"(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

"(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

"(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

"(2) LIMITATIONS ON LIQUIDATION.—

"(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

"(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

"(j) NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Native Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

"(2) CREDITS.—The Guarantee Fund shall be credited with—

"(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

"(B) any amounts appropriated pursuant to paragraph (7);

"(C) any guarantee fees collected under subsection (d); and

"(D) any interest or earnings on amounts invested under paragraph (4).

"(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

"(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

"(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

"(C) acquiring such security property at foreclosure sales or otherwise;

"(D) paying administrative expenses in connection with this section; and

"(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

"(4) Investment.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

"(5) Limitation on commitments to guarantee loans and mortgages.—

"(A) Requirement of appropriations.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

"(B) Limitations on costs of guarantees.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

"(C) Limitation on outstanding aggregate principal amount.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2000, 2001, 2002, 2003, and 2004 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

"(6) Liabilities.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

"(7) Authorization of appropriations.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

"(k) Requirements for Standard Housing.—

"(1) In general.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

"(2) Standards.—The standards referred to in paragraph (1) shall—

"(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

"(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

"(i) be decent, safe, sanitary, and modest in size and design;

"(ii) conform with applicable general construction standards for the region in which the housing is located;

"(iii) contain a plumbing system that—

"(I) uses a properly installed system of piping;

"(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

"(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

"(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

"(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

"(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f-4), unless the Secretary determines that the requirements are not applicable.

"(l) Applicability of Civil Rights Statutes.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the 'Civil Rights Act of 1968' (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.".

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

SEC. 301. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) In General.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) Trust Land Not Affected.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

SEC. 401. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships in Indian communities and between Indian and non-Indian communities and individuals; and

(6) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 402. DEFINITIONS.

In this title:

(1) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Sioux nation.—The term "Sioux Nation" means the Cheyenne River Sioux Tribe, the Crow Creek Sioux Tribe, the Flandreau Santee Sioux Tribe, the Lower Brule Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, the Standing Rock Sioux Tribe, and the Yankton Sioux Tribe.

Subtitle A—Reconciliation Center

SEC. 411. RECONCILIATION CENTER.

(a) Establishment.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as "Wakpa Sica Reconciliation Place".

(b) Location.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as the "Reconciliation Place Addition" that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the sole purpose of establishing and operating Wakpa Sica Reconciliation Place as described in subsection (c).

(c) Purposes.—The purposes of Wakpa Sica Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house a Native American economic development center.

(5) To house a facility to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Wakpa Sica Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Wakpa Sica Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.

SEC. 412. SIOUX NATION TRIBAL SUPREME COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and for mediation training, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

SEC. 413. LEGAL JURISDICTION NOT AFFECTED.

Nothing in this title shall be construed to expand, diminish, or otherwise amend the civil or criminal legal jurisdiction of the Federal Government or any tribal or State government.

Subtitle B—GAO Study

SEC. 421. GAO STUDY.

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to—

(1) Federal programs designed to assist Indian tribes and tribal members with economic development, job creation, entrepreneurship, and business development;

(2) the extent of use of the programs;

(3) how effectively such programs accomplish their mission; and

(4) ways in which the Federal Government could best provide economic development, job creation, entrepreneurship, and business development for Indian tribes and tribal members.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a) not later than 1 year after the date of enactment of this Act.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

SEC. 501. EXPENDITURE OF FUNDS BY TRIBE AUTHORIZED.

Section 3 of the Zuni Land Conservation Act of 1990 (Public Law 101-486) is amended—

(1) in subsection (b)(1), by striking "The Secretary of the Interior" and inserting "The Zuni Indian Tribe"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ", subject to paragraph (2),";

(B) by striking paragraph (2);

(C) in paragraph (3), by striking "Secretary of the Interior" and inserting "Zuni Indian Tribe"; and

(D) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Torres-Martinez Desert Cahuilla Indians Claims Settlement Act".

SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled "United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District", Case No. 82-1790 K (M) (hereafter in this section referred to as the "U.S. Suit") on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay $212,908.41 in past and future damages and the Imperial Irrigation District to pay $2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91-1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this title is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 603. DEFINITIONS.

For the purposes of this title:

(1) TRIBE.—The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) ALLOTTEES.—The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) SALTON SEA.—The term "Salton Sea" means the inland body of water located in Riverside and Imperial Counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to the Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996, as modified by the first, second, third, and fourth modifications thereto.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) PERMANENT FLOWAGE EASEMENT.—The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills, and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 604. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 605. SETTLEMENT FUNDS.

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) In general.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the "Torres-Martinez Settlement Trust Funds Account", the "Torres-Martinez Allottees Settlement Account I", and the "Torres-Martinez Allottees Settlement Account II", respectively.

(2) Availability.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) Contributions to the Settlement Trust Funds.—

(1) In general.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) Cash payments by Coachella Valley Water District.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of $337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) Cash payments by Imperial Irrigation District.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of $3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) Cash payments by the United States.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of $10,200,000, of which sum—

(A) $4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) $6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) Additional payments.—In the event that any of the sums described in paragraph (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) Severally liable for payments.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) Administration of Settlement Trust Funds.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 606. TRUST LAND ACQUISITION AND STATUS.

(a) Acquisition and Placement of Lands Into Trust.—

(1) In general.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this title. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this title shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this title.

(2) Primary acquisition area.—

(A) In general.—The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) Effect of objection.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) Secondary acquisition area.—

(A) In general.—Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Effect of objection.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within; or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) Contiguous lands.—The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal statutes or regulations where such lands are both—

(A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this title; and

(B) situated outside the Secondary Acquisition Area.

(b) Restrictions on Gaming.—The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1) as more particularly provided in the Settlement Agreement.

(c) Water Rights.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 607. PERMANENT FLOWAGE EASEMENTS.

(a) Conveyance of Easement to Coachella Valley Water District.—

(1) Tribal interest.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United States interest.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) Conveyance of Easement to Imperial Irrigation District.—

(1) Tribal interest.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United states.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 608. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) Satisfaction of Claims.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this title shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 602 of this title and further defined in the Settlement Agreement.

(b) APPROVAL OF WAIVERS AND RELEASES.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this title.

SEC. 609. MISCELLANEOUS PROVISIONS.

(a) ELIGIBILITY FOR BENEFITS.—Nothing in this title or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.—No payment pursuant to this title shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) PRESERVATION OF EXISTING RIGHTS.—Except as provided in this title or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) AMENDMENT OF SETTLEMENT AGREEMENT.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) the date of the enactment of this Act, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 611. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this title and executes the releases and waivers required by the Settlement Agreement and this title.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this title.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this title.

TITLE VII—SHAWNEE TRIBE STATUS

SEC. 701. SHORT TITLE.

This title may be cited as the "Shawnee Tribe Status Act of 2000".

SEC. 702. FINDINGS.

Congress finds the following:

(1) The Cherokee Shawnees, also known as the Loyal Shawnees, are recognized as the descendants of the Shawnee Tribe which was incorporated into the Cherokee Nation of Indians of Oklahoma pursuant to an agreement entered into by and between the Shawnee Tribe and the Cherokee Nation on June 7, 1869, and approved by the President on June 9, 1869, in accordance with Article XV of the July 19, 1866, Treaty between the United States and the Cherokee Nation (14 Stat. 799).

(2) The Shawnee Tribe from and after its incorporation and its merger with the Cherokee Nation has continued to maintain the Shawnee Tribe's separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96-09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

(5) On July 23, 1996, the Shawnee Tribal Business Committee concurred in such resolution.

(6) On March 13, 2000, a second resolution was adopted by the Tribal Council of the Cherokee Nation (Resolution 15-00) supporting the submission of this legislation to Congress for enactment.

SEC. 703. DEFINITIONS.

In this title:

(1) CHEROKEE NATION.—The term "Cherokee Nation" means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBE.—The term "Tribe" means the Shawnee Tribe, known also as the "Loyal Shawnee" or "Cherokee Shawnee", which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.

(4) TRUST LAND.—The term "trust land" means land, the title to which is held by the United States in trust for the benefit of an Indian tribe or individual.

(5) RESTRICTED LAND.—The term "restricted land" means any land, the title to which is held in the name of an Indian or Indian tribe subject to restrictions by the United States against alienation.

SEC. 704. FEDERAL RECOGNITION, TRUST RELATIONSHIP, AND PROGRAM ELIGIBILITY.

(a) FEDERAL RECOGNITION.—The Federal recognition of the Tribe and the trust relationship between the United States and the Tribe are hereby reaffirmed. Except as otherwise provided in this title, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act"), and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this title shall apply to the Tribe, and to its members and lands. The Tribe is hereby recognized as an independent tribal entity, separate from the Cherokee Nation or any other Indian tribe.

(b) PROGRAM ELIGIBILITY.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Tribe and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(2) CONTINUATION OF BENEFITS.—Except as provided in paragraph (3), the members of the Tribe who are residing on land recognized by the Secretary to be within the Cherokee Nation and eligible for Federal program services or benefits through the Cherokee Nation shall receive such services or benefits through the Cherokee Nation.

(3) ADMINISTRATION BY TRIBE.—The Tribe shall be eligible to apply for and administer the special programs and services provided by the United States to Indians because of their status as Indians, including such programs and services within land recognized by the Secretary to be within the Cherokee Nation, in accordance with applicable laws and regulations to the same extent that the Cherokee Nation is eligible to apply for and administer programs and services, but only—

(A) if the Cherokee Nation consents to the operation by the Tribe of federally funded programs and services;

(B) if the benefits of such programs or services are to be provided to members of the Tribe in areas recognized by the Secretary to be under the jurisdiction of the Tribe and outside of land recognized by the Secretary to be within the Cherokee Nation, so long as those members are not receiving such programs or services from another Indian tribe; or

(C) if under applicable provisions of Federal law, the Cherokee Nation is not eligible to apply for and administer such programs or services.

(4) DUPLICATION OF SERVICES NOT ALLOWED.—The Tribe shall not be eligible to apply for or administer any Federal programs or services on behalf of Indians recipients if such recipients are receiving or are eligible to receive the same federally funded programs or services from the Cherokee Nation.

(5) COOPERATIVE AGREEMENTS.—Nothing in this section shall restrict the Tribe and the Cherokee Nation from entering into cooperative agreements to provide such programs or services and such funding agreements shall be honored by Federal agencies, unless otherwise prohibited by law.

SEC. 705. ESTABLISHMENT OF A TRIBAL ROLL.

(a) APPROVAL OF BASE ROLL.—Not later than 180 days after the date of enactment of this Act, the Tribe shall submit to the Secretary for approval its base membership roll, which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and are eligible for membership under subsection (b).

(b) BASE ROLL ELIGIBILITY.—An individual is eligible for enrollment on the base membership roll of the Tribe if that individual—

(1) is on, or eligible to be on, the membership roll of Cherokee Shawnees maintained by the Tribe prior to the date of enactment of this Act which is separate from the membership roll of the Cherokee Nation; or

(2) is a lineal descendant of any person—

(A) who was issued a restricted fee patent to land pursuant to Article 2 of the Treaty of May 10, 1854, between the United States and the Tribe (10 Stat. 1053); or

(B) whose name was included on the 1871 Register of names of those members of the Tribe who moved to, and located in, the Cherokee Nation in Indian Territory pursuant to the Agreement entered into by and between the Tribe and the Cherokee Nation on June 7, 1869.

(c) FUTURE MEMBERSHIP.—Future membership in the Tribe shall be as determined under the eligibility requirements set out in subsection (b)(2) or under such future membership ordinance as the Tribe may adopt.

SEC. 706. ORGANIZATION OF THE TRIBE; TRIBAL CONSTITUTION.

(a) Existing Constitution and Governing Body.—The existing constitution and bylaws of the Cherokee Shawnee and the officers and members of the Shawnee Tribal Business Committee, as constituted on the date of enactment of this Act, are hereby recognized respectively as the governing documents and governing body of the Tribe.

(b) Constitution.—Notwithstanding subsection (a), the Tribe shall have a right to reorganize its tribal government pursuant to section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

SEC. 707. TRIBAL LAND.

(a) Land Acquisition.—

(1) In general.—The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) and section 1 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501).

(2) Certain land in Oklahoma.—Notwithstanding any other provision of law but subject to subsection (b), if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) Restriction.—No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

SEC. 708. JURISDICTION.

(a) In General.—The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only to the extent that the Tribe's jurisdiction has been agreed to by that host tribe.

(b) Rule of Construction.—Nothing in this title shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized on the day before the date of enactment of this Act over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

SEC. 709. INDIVIDUAL INDIAN LAND.

Nothing in this title shall be construed to affect the restrictions against alienation of any individual Indian's land and those restrictions shall continue in force and effect.

SEC. 710. TREATIES NOT AFFECTED.

No provision of this title shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this title is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the "Native American Laws Technical Corrections Act of 2000".

Subtitle A—Miscellaneous Technical Provisions

SEC. 811. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.

Section 1(a)(2) of Public Law 106–228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking "September 28, 1999" and inserting "February 7, 2000".

SEC. 812. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.

(a) Indian Self-Determination Act.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 450l(c)) is amended—

(1) by striking "and section 16" and inserting ", section 16"; and

(2) by striking "shall not" and inserting "and the Act of July 3, 1952 (25 U.S.C. 82a), shall not".

(b) Indian Self-Determination and Education Assistance Act.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking "and section" and inserting "section"; and

(2) by striking "shall not" and inserting "and the Act of July 3, 1952 (25 U.S.C. 82a), shall not".

(c) Repeals.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

SEC. 813. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.

(a) Red Lake Band of Chippewa Indians.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88–168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) Minnesota Chippewa Tribe.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88–168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

(1) by striking "any offense" and inserting "any felonious offense, or any of 2 of more misdemeanor offenses,"; and

(2) by striking "or crimes against persons" and inserting "crimes against persons; or offenses committed against children".

SEC. 815. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

SEC. 816. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

SEC. 817. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) Authority.—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: ", by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.".

(b) Administrative Provisions.—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: "and to the activities of the Foundation under section 6(7)".

(c) Authorization of Appropriations.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

"(c) Training of Professionals in Health Care and Public Policy.—There is authorized to be appropriated to carry out section 6(7) $12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.".

SEC. 818. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.

Section 7 of the Act of October 19, 1973 (25 U.S.C. 1407) is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by adding "or" at the end; and

(3) by inserting after paragraph (3), the following:

"(4) are paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians pursuant to the agreements of such Band to voluntarily restrict tribal rights to hunt and fish in territory cede under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor's trust,".

SEC. 819. LAND TO BE TAKEN INTO TRUST.

Notwithstanding any other provision of law, the Secretary of the Interior shall accept for the benefit of the Lytton Rancheria of California the land described in that certain grant deed dated and recorded on October 16, 2000, in the official records of the

County of Contra Costa, California, Deed Instrument Number 2000-229754. The Secretary shall declare that such land is held in trust by the United States for the benefit of the Rancheria and that such land is part of the reservation of such Rancheria under sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 467). Such land shall be deemed to have been held in trust and part of the reservation of the Rancheria prior to October 17, 1988.

Subtitle B—Santa Fe Indian School

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Santa Fe Indian School Act".

SEC. 822. DEFINITIONS.

In this subtitle:

(1) 19 PUEBLOS.—The term "19 Pueblos" means the Indian pueblos of Acoma, Cochiti Isleta, Jemen, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, San Juan, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni.

(2) SANTA FE INDIAN SCHOOL, INC.—The term "Santa Fe Indian School, Inc." means a corporation chartered under laws of the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 823. TRANSFER OF CERTAIN LANDS FOR USE AS THE SANTA FE INDIAN SCHOOL.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land, including improvements and appurtenances thereto, described in subsection (b) are declared to be held in trust for the benefit of the 19 Pueblos of New Mexico.

(b) LAND.—

(1) IN GENERAL.—The land described in this subsection is the tract of land, located in the city and county of Santa Fe, New Mexico, upon which the Santa Fe Indian School is located and more particularly described as all that certain real property, excluding the tracts described in paragraph (2), as shown in the United Sates General Land Office Plat of the United States Indian School Tract dated March 19, 1937, and recorded at Book 363, Page 024, Office of the Clerk, Santa Fe County, New Mexico, containing a total acreage of 131.43 acres, more or less.

(2) EXCLUSIONS.—The excluded tracts described in this paragraph are all portions of any tracts heretofore conveyed by the deeds recorded in the Office of the Clerk, Santa Fe County, New Mexico, at—

(A) Book 114, Page 106, containing 0.518 acres, more or less;

(B) Book 122, Page 45, containing 0.238 acres, more or less;

(C) Book 123, Page 228, containing 14.95, more or less; and

(D) Book 130, Page 84, containing 0.227 acres, more or less;

leaving, as the net acreage to be included in the land described in paragraph (1) and taken into trust pursuant to subsection (a), a tract containing 115.5 acres, more or less.

(c) LIMITATIONS AND CONDITIONS.—The land taken into trust pursuant to subsection (a) shall remain subject to—

(1) any existing encumbrances, rights of way, restrictions, or easements of record;

(2) the right of the Indian Health Service to continue use and occupancy of 10.23 acres of such land which are currently occupied by the Santa Fe Indian Hospital and its parking facilities as more fully described as Parcel "A" in legal description No. Pd-K-51-06-01 and recorded as Document No. 059-3-778, Bureau of Indian Affairs Land Title & Records Office, Albuquerque, New Mexico; and

(3) the right of the United States to use, without cost, additional portions of land transferred pursuant to this section, which are contiguous to the land described in paragraph (2), for purposes of the Indian Health Service.

SEC. 824. LAND USE.

(a) LIMITATION FOR EDUCATIONAL AND CULTURAL PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School, including use for related non-profit or technical programs, as operated by Santa Fe Indian School, Inc. on the date of enactment of this Act.

(b) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land taken into trust under section 823(a) is not being used as required under subsection (a), the Secretary shall provide appropriate notice to the 19 Pueblos of such noncompliance and require the 19 Pueblos to comply with the requirements of this subtitle.

(2) CONTINUED FAILURE TO COMPLY.—If the Secretary, after providing notice under paragraph (1) and after the expiration of a reasonable period of time, determines that the noncompliance that was the subject of the notice has not been corrected, the land shall revert to the United States.

(c) APPLICABILITY OF LAWS.—Except as otherwise provided in this subtitle, the land taken into trust under section 823(a) shall be subject to the laws of the United States relating to Indian lands.

(d) GAMING.—Gaming, as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), shall be prohibited on the land taken into trust under subsection (a).

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

SEC. 901. SHORT TITLE.

This title may be cited as the "California Indian Land Transfer Act".

SEC. 902. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in a paragraph of subsection (b) in connection with the respective tribe, band, or group of Indians named in such paragraph are hereby declared to be held in trust by the United States for the benefit of such tribe, band, or group. Real property taken into trust pursuant to this subsection shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 3,525.8 acres, and the respective tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands to be held in trust for the Pit River Tribe are comprised of approximately 561.69 acres described as follows:

Mount Diablo Base and Meridian

Township 42 North, Range 13 East

Section 3:
S½ NW¼, NW¼ NW¼, 120 acres.

Township 43 North, Range 13 East

Section 1:
N½ NE¼, 80 acres,
Section 22:
SE¼ SE¼, 40 acres,
Section 25:
SE¼ NW¼, 40 acres,
Section 26:
SW¼ SE¼, 40 acres,
Section 27:
SE¼ NW¼, 40 acres,
Section 28:
NE¼ SW¼, 40 acres,
Section 32:
SE¼ SE¼, 40 acres,
Section 34:
SE¼ NW¼, 40 acres,

Township 44 North, Range 14 East,

Section 31:
S½ SW¼, 80 acres.

(2) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Independence Community of Paiute Indians are comprised of approximately 200.06 acres described as follows:

Mount Diablo Base and Meridian

Township 13 South, Range 34 East

Section 1:
W½ of Lot 5 in the NE±¼, Lot 3, E½ of Lot 4, and E½ of Lot 5 in the NW¼.

(3) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands to be held in trust for the Barona Group of Capitan Grande Band of Mission Indians are comprised of approximately 5.03 acres described as follows:

San Bernardino Base and Meridian

Township 14 South, Range 2 East

Section 7, Lot 15.

(4) CUYAPAIPE BAND OF MISSION INDIANS.—Lands to be held in trust for the Cuyapaipe Band of Mission Indians are comprised of approximately 1,360 acres described as follows:

San Bernardino Base and Meridian

Township 15 South, Range 6 East

Section 21:
All of this section.
Section 31:
NE¼, N½SE¼, SE¼SE¼.
Section 32:
W½SW¼, NE¼SW¼, NW¼SE¼.
Section 33:
SE¼, SW¼SW¼, E½SW¼.

(5) MANZANITA BAND OF MISSION INDIANS.—Lands to be held in trust for the Manzanita Band of Mission Indians are comprised of approximately 1,000.78 acres described as follows:

San Bernardino Base and Meridian

Township 16 South, Range 6 East

Section 21:
Lots 1, 2, 3, and 4, S½.
Section 25:
Lots 2 and 5.
Section 28:
Lots, 1, 2, 3, and 4, N½SE¼.

(6) MORONGO BAND OF MISSION INDIANS.—Lands to be held in trust for the Morongo Band of Mission Indians are comprised of approximately 40 acres described as follows:

San Bernardino Base and Meridian

Township 3 South, Range 2 East

Section 20:
NW¼ of NE¼.

(7) PALA BAND OF MISSION INDIANS.—Lands to be held in trust for the Pala Band of Mission Indians are comprised of approximately 59.20 acres described as follows:

San Bernardino Base and Meridian

Township 9 South, Range 2 West

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

(8) FORT BIDWELL COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Bidwell Community of Paiute Indians are comprised of approximately 299.04 acres described as follows:

Mount Diablo Base and Meridian

Township 46 North, Range 16 East

Section 8:

SW¼SW¼.
Section 19:
Lots 5, 6, 7.
S½NE¼, SE¼NW¼, NE¼SE¼.
Section 20:
Lot 1.

SEC. 903. MISCELLANEOUS PROVISIONS.

(a) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 902 shall be available for use or obligation, in such manner and for such purposes as the Secretary may approve, by the tribe, band, or group of Indians for whose benefit such land is taken into trust.

(b) NOTICE OF CANCELLATION OF GRAZING PREFERENCES.—Grazing preferences on lands described in section 902 shall terminate 2 years after the date of the enactment of this Act.

(c) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—

(1) IN GENERAL.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly.

(2) APPLICABILITY OF LAWS OF THE UNITED STATES.—The lands referred to in paragraph (1) shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of enactment of this Act.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

SEC. 1001. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the "Commission") to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than 8 of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000. Such sums shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 1002. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year."; and

(2) in paragraph (7), by striking "each of fiscal years 1997, 1998, 1999, 2000, and 2001" and inserting "each fiscal year".

SEC. 1003. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows through the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.".

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).".

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

"(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

"(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

"(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

"(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

"(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

"(4) may be corrected through the sole action of the recipient.".

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

"(A) the officer—

"(i) is employed on a full-time basis by the Federal Government or a State, county, or lawfully recognized tribal government; and

"(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

"(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.".

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(b) ADDITIONAL REVIEWS AND AUDITS.—

"(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

"(c) REVIEW OF REPORTS.—

"(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking "Except as provided" and inserting the following:

"(1) IN GENERAL.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking "Davis-Bacon Act (40 U.S.C. 276a–276a–5)" and inserting "Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

SEC. 1101. SHORT TITLE.

This title may be cited as the "Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000".

SEC. 1102. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization; and

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior; or

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 1103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

"(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.".

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking "job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training" and inserting the following: "assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities".

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking "Federal department" and inserting "Federal agency";

(2) by striking "Federal departmental" and inserting "Federal agency";

(3) by striking "department" each place it appears and inserting "agency"; and

(4) in the third sentence, by inserting "statutory requirement,", after "to waive any".

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", including any request for a waiver that is made as part of the plan submitted by the tribal government"; and

(2) in the second sentence, by inserting before the period at the end the following: ", including reconsidering the disapproval of any waiver requested by the Indian tribe".

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The plan submitted"; and

(2) by adding at the end the following:

"(b) JOB CREATION OPPORTUNITIES.—

"(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

"(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

"(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

"(B) 10 percent.

"(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.".

SEC. 1104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power . . to regulate Commerce . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal

leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior of the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(c) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) NAVAJO NATION.—The term "Navajo Nation" means the Navajo Nation government that is in existence on the date of enactment of this Act.

(3) TRIBAL REGULATIONS.—The term "tribal regulations" means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted lands' means Navajo Indian allotted land that is owned by 1 or more individuals located within the Navajo Nation;

"(4) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act;

"(5) the term 'Secretary' means the Secretary of the Interior; and

"(6) the term 'tribal regulations' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the term of the lease does not exceed 75 years (including options to renew), and the lease is executed under tribal regulations that are approved by the Secretary under this subsection.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land located within the Navajo Nation.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations required under paragraph (1). The Secretary shall not have approval authority over individual leases of Navajo trust lands, except for the exploration, development, or extraction of any mineral resources. The Secretary shall perform the duties of the Secretary under this subsection in the best interest of the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations required under paragraph (1), the United states shall not be liable for losses sustained by any party to such lease, including the Navajo Nation, except that—

"(A) the Secretary shall continue to have a trust obligation to ensure that the rights of the Navajo Nation are protected in the event of a violation of the terms of any lease by any other party to such lease, including the right to cancel the lease if requested by the Navajo Nation; and

"(B) nothing in this subsection shall be construed to absolve the United States from any responsibility to the Navajo Nation, including responsibilities that derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and the Navajo Nation, except as otherwise specifically provided in this subsection.".

TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION

SEC. 1301. SHORT TITLE.

This title may be cited as the "American Indian Education Foundation Act of 2000".

SEC. 1302. ESTABLISHMENT OF AMERICAN INDIAN EDUCATION FOUNDATION.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE V—AMERICAN INDIAN EDUCATION FOUNDATION

"SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.

"(a) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this title, the American Indian Education Foundation.

"(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation shall be a charitable and nonprofit federally chartered corporation and shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) PURPOSES.—The purposes of the Foundation shall be—

"(1) to encourage, accept, and administer private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs (or its successor office);

"(2) to undertake and conduct such other activities as will further the educational opportunities of American Indians who attend a Bureau funded school; and

"(3) to participate with, and otherwise assist, Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the educational opportunities of American Indians attending Bureau funded schools.

"(f) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation. The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(2) SELECTION.—The number of members of the Board, the manner of their selection (including the filling of vacancies), and their terms of office shall be as provided in the constitution and bylaws of the Foundation. However, the Board shall have at least 11 members, 2 of whom shall be the Secretary and the Assistant Secretary of the Interior for Indian Affairs, who shall serve as ex officio nonvoting members, and the initial voting members of the Board shall be appointed by the Secretary not later than 6 months after the date that the Foundation is established and shall have staggered terms (as determined by the Secretary).

"(3) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in American Indian education and shall, to the extent practicable, represent diverse points of view relating to the education of American Indians.

"(4) COMPENSATION.—Members of the Board shall not receive compensation for their services as members, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Foundation.

"(g) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be a secretary, elected from among the members of the Board, and any other officers provided for in the constitution and bylaws of the Foundation.

"(2) SECRETARY OF FOUNDATION.—The secretary shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers shall be as provided in the constitution and bylaws of the Foundation.

"(h) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of its property and the regulation of its affairs, which may be amended;

"(2) may adopt and alter a corporate seal;

"(3) may make contracts, subject to the limitations of this Act;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(i) PRINCIPAL OFFICE.—The principal office of the Foundation shall be in the District of Columbia. However, the activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(j) Service of Process.—The Foundation shall comply with the law on service of process of each State in which it is incorporated and of each State in which the Foundation carries on activities.

"(k) Liability of Officers and Agents.—The Foundation shall be liable for the acts of its officers and agents acting within the scope of their authority. Members of the Board are personally liable only for gross negligence in the performance of their duties.

"(l) Restrictions.—

"(1) Limitation on spending.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation may not exceed 10 percent of the sum of—

"(A) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) Appointment and hiring.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(3) Status.—Members of the Board, and the officers, employees, and agents of the Foundation are not, by reason of their association with the Foundation, officers, employees, or agents of the United States.

"(m) Transfer of Donated Funds.—The Secretary may transfer to the Foundation funds held by the Department of the Interior under the Act of February 14, 1931 (25 U.S.C. 451), if the transfer or use of such funds is not prohibited by any term under which the funds were donated.

"(n) Audits.—The Foundation shall comply with the audit requirements set forth in section 10101 of title 36, United States Code, as if it were a corporation in part B of subtitle II of that title.

"SEC. 502. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) Provision of Support by Secretary.—Subject to subsection (b), during the 5-year period beginning on the date that the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds to reimburse the travel expenses of the members of the Board under section 501; and

"(3) shall require and accept reimbursements from the Foundation for any—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) Reimbursementt.—Reimbursements accepted under subsection (a)(3) shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing services described in subsection (a)(1) and the travel expenses described in subsection (a)(2).

"(c) Continuation of Certain Services.—Notwithstanding any other provision of this section, the Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a), on a space available, reimbursable cost basis.

"SEC. 503. DEFINITIONS.

"For the purposes of this title—

"(1) the term 'Bureau funded school' has the meaning given that term in title XI of the Education Amendments of 1978;

"(2) the term 'Foundation' means the Foundation established by the Secretary pursuant to section 501; and

"(3) the term 'Secretary' means the Secretary of the Interior.".

TITLE XIV—GRATON RANCHERIA RESTORATION

SEC. 1401. SHORT TITLE.

This title may be cited as the "Graton Rancheria Restoration Act".

SEC. 1402. FINDINGS.

The Congress finds that in their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

SEC. 1403. DEFINITIONS.

For purposes of this title:

(1) The term "Tribe" means the Indians of the Graton Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Tribal Council" means the governing body of the Tribe specified in section 1407.

(4) The term "member" means an individual who meets the membership criteria under section 1406(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

(7) The term "service area" means the counties of Marin and Sonoma, in the State of California.

SEC. 1404. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) Federal Recognition.—Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this title, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) Restoration of Rights and Privileges.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.

(c) Federal Services and Benefits.—

(1) In general.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of the enactment of this Act for all Federal services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) Relation to other laws.—The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) Hunting, Fishing, Trapping, Gathering, and Water Rights.—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) Certain Rights Not Altered.—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 1405. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) Lands To Be Taken in Trust.—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) Former Trust Lands of the Graton Rancheria.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) Lands To Be Part of Reservation.—Any real property taken into trust for the benefit of the Tribe pursuant to this title shall be part of the Tribe's reservation.

(d) Lands To Be Nontaxable.—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.

SEC. 1406. MEMBERSHIP ROLLS.

(a) Compilation of Tribal Membership Roll.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) Criteria for Membership.—

(1) Until a tribal constitution is adopted under section 1408, an individual shall be placed on the Graton membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959, under Public Law 85–671;

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

(C) such individual is identified as an Indian from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, in documents prepared by or at the direction of the Bureau of Indian Affairs, or in any other public or California mission records; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution under section 1408, such tribal constitution shall govern membership in the Tribe.

(c) Conclusive Proof of Graton Indian Ancestry.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

SEC. 1407. INTERIM GOVERNMENT.

Until the Tribe ratifies a final constitution consistent with section 1408, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on the date of the enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 1406(b) and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

SEC. 1408. TRIBAL CONSTITUTION.

(a) Election; Time; Procedure.—After the compilation of the tribal membership roll under section 1406(a), upon the written request of the Interim Tribal Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.

(b) Election of Tribal Officials; Procedures.—Not later than 120 days after the Tribe ratifies a final constitution under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

TITLE XV—CEMETERY SITES AND HISTORICAL PLACES

SEC. 1501. FINDINGS; DEFINITIONS.

(a) Findings.—The Congress finds the following:

(1) Pursuant to section 14(h)(1) of ANCSA, the Secretary has the authority to withdraw and convey to the appropriate regional corporation fee title to existing cemetery sites and historical places.

(2) Pursuant to section 14(h)(7) of ANCSA, lands located within a National Forest may be conveyed for the purposes set forth in section 14(h)(1) of ANCSA.

(3) Chugach Alaska Corporation, the Alaska Native Regional Corporation for the Chugach Region, applied to the Secretary for the conveyance of cemetery sites and historical places pursuant to section 14(h)(1) of ANCSA in accordance with the regulations promulgated by the Secretary.

(4) Among the applications filed were applications for historical places at Miners Lake (AA-41487), Coghill Point (AA-41488), College Fjord (AA-41489), Point Pakenham (AA-41490), College Point (AA-41491), Egg Island (AA-41492), and Wingham Island (AA-41494), which applications were substantively processed for 13 years and then rejected as having been untimely filed.

(5) The fulfillment of the intent, purpose, and promise of ANCSA requires that applications substantively processed for 13 years should be accepted as timely, subject only to a determination that such lands and applications meet the eligibility criteria for historical places or cemetery sites, as appropriate, set forth in the Secretary's regulations.

(b) Definitions.—For the purposes of this title, the following definitions apply:

(1) ANCSA.—The term "ANCSA" means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(2) Federal Government.—The term "Federal Government" means any Federal agency of the United States.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 1502. WITHDRAWAL OF LANDS.

Notwithstanding any other provision of law, the Secretary shall withdraw from all forms of appropriation all public lands described in the applications identified in section 1501(a)(4) of this title.

SEC. 1503. APPLICATION FOR CONVEYANCE OF WITHDRAWN LANDS.

With respect to lands withdrawn pursuant to section 1502 of this title, the applications identified in section 1501(a)(4) of this title are deemed to have been timely filed. In processing these applications on the merits, the Secretary shall incorporate and use any work done on these applications during the processing of these applications since 1980.

SEC. 1504. AMENDMENTS.

Chugach Alaska Corporation may amend any application under section 1503 of this title in accordance with the rules and regulations generally applicable to amending applications under section 14(h)(1) of ANCSA.

SEC. 1505. PROCEDURE FOR EVALUATING APPLICATIONS.

All applications under section 1503 of this title shall be evaluated in accordance with the criteria and procedures set forth in the regulations promulgated by the Secretary as of the date of the enactment of this title. To the extent that such criteria and procedures conflict with any provision of this title, the provisions of this title shall control.

SEC. 1506. APPLICABILITY.

(a) Effect on ANCSA Provisions.—Notwithstanding any other provision of law or of this title, any conveyance of land to Chugach Alaska Corporation pursuant to this title shall be charged to and deducted from the entitlement of Chugach Alaska Corporation under section 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)), and no conveyance made pursuant to this title shall affect the distribution of lands to or the entitlement to land of any Regional Corporation other than Chugach Alaska Corporation under section 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)).

(b) No Enlargement of Entitlement.—Nothing herein shall be deemed to enlarge Chugach Alaska Corporation's entitlement to subsurface estate under otherwise applicable law.

The SPEAKER pro tempore (Mr. McHugh). Pursuant to the rule, the gentleman from Pennsylvania (Mr. Sherwood) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Sherwood).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5528, the Omnibus Indian Advancement Act. In addition to legislation to provide a suitable facility to house the Sioux Nation Tribal Supreme Court, this omnibus bill contains some very important bills, including H.R. 2820, the Salt River Pima-Maricopa Indian Community Irrigation Works Bill; H.R. 4725, the Zuni Land Conservation Act Amendments; S. 3031, the Senate's Indian technical corrections bill; S. 614, the Indian Employment Training Act; S. 2665, the Navajo Nation Trust Land Leasing Act; H.R. 3080, the American Indian Education Foundation Act; S. 3019, the Shawnee Tribe Status Act of 2000; and S. 400, the Native American Homeownership Act.

Many of these bills have already been passed by either this House or the other body. It is my understanding that the minority has cleared this bill and this package has even been cleared with the other body. I urge my colleagues to support this very important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has explained the legislation quite accurately. As he has pointed out, most of these pieces of legislation have passed out of the House or the Senate. We have worked out a compromise with the majority as well as with the Senate, and I urge my colleagues to support this package.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. Thune).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time.

The bill I introduced, H.R. 5528, the Wakpa Sica Reconciliation Place Act, would provide an authorization of $18,258,441 for construction of the Wakpa Sica Reconciliation Place near Fort Pierre, South Dakota. The building would house the Sioux Nation Tribal Supreme Court and Historical Archive and Display Center pertaining to the Sioux Nation, mediation and alternative dispute resolution facilities, and a Sioux Nation Economic Development Center.

Mr. Speaker, at the suggestion of Tim Giago, publisher of Lakota Times, Governor George Mickelson, the late governor, in 1989 launched what he called the Year of Reconciliation. Governor Mickelson, through the Year of Reconciliation, called upon the State's American Indians and non-Indians to look past differences and to focus on issues where there could be agreement. The dialogue the Year of Reconciliation then led to an extension from a year to a century of reconciliation in 1991.

The century of reconciliation was more than good feelings and nice words. Governor Mickelson was committed to producing tangible results, including an Indian rural health care initiative and programs fostering business development on the reservations.

Still, one major issue that impacts economic development significantly has yet to be resolved. That is the issue of civil and criminal legal jurisdiction. This has long been a thorny issue between the tribes and State and Federal governments. The Sioux Nation Tribal Supreme Court, based out of the Wakpa Sica Reconciliation Place, would provide a venue for tribal and nontribal interests to appeal the decisions of individual tribal courts. Today, there are too many uncertainties associated with investments on reservations. These uncertainties have led businesses and investors to look past Indian country when it comes to establishing a business or making investments.

The Sioux Nation Tribal Supreme Court would act as a Court of Appeals for legal decisions resulting from actions occurring within the jurisdiction of one of the 11 tribes of the Sioux Nation. The bill would not alter criminal or civil jurisdictions in any way. The center that would house the Supreme Court would also contain legal resources, such as a library and law clerks. Information, knowledge and expertise then would be available to the tribes in drafting of ordinances and making legal decisions, ultimately bringing uniformity and consistency to the legal systems for each of the tribes.

Mr. Speaker, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, and the House majority leadership for their cooperation in bringing this bill to the floor as we approach adjournment. I would also like to thank the tribal and local interests, including Bill Fischer, Lower Brule Sioux Tribe chairman, Michael Jandreau, and Clarence Skye for their tireless efforts and so many others in South Dakota who have helped to make this bill a reality.

Again, I ask my colleagues to vote in support of the bill.

Mr. Speaker, today I rise and ask for the House to support the bill before us, H.R. 5528.

The bill I introduced, H.R. 5528, the Wakpa Sica Reconciliation Place Act, would provide an authorization of $18,258,441 for construction of the Wakpa Sica Reconciliation Place near Fort Pierre, South Dakota. The building would house the Sioux Nation Tribal Supreme Court, an historical archive and display center pertaining to the Sioux Nation, mediation and alternative dispute resolution facilities, and a Sioux Nation economic development center.

The concept for the center is the product of a number of dedicated citizens, both American Indians and non-Indians, in South Dakota. The members of the Wakpa Sica Historical Society have worked for over a decade to develop this center with each of the 11 tribes of the Sioux Nation, local governments, chambers of commerce, state organizations, South Dakota Governor William Janklow, and the South Dakota congressional delegation.

The history of the Sioux Nation, which includes the Dakota, Lakota, and Nakota Sioux, and the State of South Dakota is one that is probably best described as a work in progress. As my colleagues may know, the interactions between the various tribes and non-Indians have at too many points been marred by mistrust, misunderstanding, and mistakes. The tribes and the people of the state have attempted to bridge the cultural differences over the years. Perhaps the most memorable and most successful was an effort spearheaded by the late Governor George S. Mickelson in 1989.

At the suggestion of Tim Giago, publisher of the Lakota Times, Governor Mickelson launched what he called the Year of Reconciliation. Governor Mickelson through the Year of Reconciliation called upon the state's American Indians and non-Indians to look past differences and to focus on issues where there could be agreement. The dialogue the Year of Reconciliation then led to an extension from a year to a Century of Reconciliation in 1991.

The Century of Reconciliation was more than good feelings and nice words. Governor Mickelson was committed to producing tangible results, including an Indian rural health care initiative and programs fostering business development on the reservations.

Still one major issue that impacts economic development significantly has yet to be resolved. That is the issue of civil and criminal legal jurisdiction. This has long been a thorny issue between the tribes and the state and federal governments.

The Sioux Nation Tribal Supreme Court based out of the Wakpa Sica Reconciliation Place would provide a venue for tribal and non-tribal interests to appeal decisions of individual tribal courts.

For purposes of this Act, the Sioux Nation would be defined as the Cheyenne River Sioux Tribe, the Crow Creek Sioux Tribe, the Flandreau Santee Sioux Tribe, the Lower Brule Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, the Standing Rock Sioux Tribe, and the Yankton Sioux Tribe.

Today, there are too many uncertainties associated with investments on reservations. These uncertainties have led businesses and investors to look past Indian Country when it comes to establishing a business or making investments.

The Sioux Nation Tribal Supreme Court would act as a court of appeals for legal decisions resulting from actions occurring within the jurisdiction of one of the 11 tribes of the Sioux Nation. The bill would not alter criminal or civil jurisdictions in any way. The center that would house the Supreme Court would also contain legal resources, such as a library and law clerks. Information, knowledge, and expertise then would be available to the tribes in drafting of ordinances and making legal decisions, ultimately bringing uniformity and consistency to the legal systems for each of the tribes.

The bill also would provide a repository for archival information for tribal descendents and artifacts as well as an interpretative center of relations between American Indians and non-Indians. The site chosen is one of significance. It borders the original site of a trading fort, Fort Pierre, that was a center for commerce and trade between Indians and non-Indians. It also would be located at a setting near some of the Sioux Tribe's first encounters with the Lewis and Clark Corps of Discovery.

Another important component of the bill concerns Title II. Title II of the bill would authorize a General Accounting Office (GAO) review of existing tribal economic development, job creation, entrepreneurship, and business development programs. Title II has been modified from a previous version I had drafted for consideration. A draft version of the bill would have provided for a Native American Economic Development Council made up of representatives of each of the 11 tribes as well as appointees of the Secretary of Interior and the Governor of South Dakota. Although the Gentleman from Alaska, Chairman YOUNG, agrees with the need for economic stimulation on our reservations, he made clear his belief that the creation of a new program at this time requires additional review of the Committee on Resources.

While I feel as though the program as drafted would fulfill its mission and goals, I am willing to continue working with him toward this goal through this session and next Congress. I am certain the GAO study will provide important information about existing programs. With that information in hand, we can work toward an economic development program that is not duplicative of current efforts and directs funding at the greatest needs and for the greatest good.

There is no question that there are tremendous needs when it comes to improving economic opportunities in Indian Country and in Rural America. The counties in South Dakota where reservations are located experience some of the highest poverty rates and unemployment rates in the nation. Yet, assistance already is being provided to the tribes and to assist American Indians with job and business ownership opportunities.

Our challenge now is to scrutinize the obstacles to achieving economic prosperity, identify ways to overcome those obstacles, and build opportunities. I will continue working with the tribes of the Sioux Nation and my colleagues in Congress to see this happen.

I also should point to changes that were made in order to accommodate concerns regarding the trust status. The bill outlines in Sec. 101 that the Secretary of Interior take the land into trust on behalf of the Sioux Nation. Language has been included that the Reconciliation Place land have trust status only for the purposes outlined under subsection c of the bill. It would be my understanding of the language that trust status would not apply for purposes not designated by the Act or if the facility ceases to function for the purposes under the Act.

The last component of this legislation allows for a mediation center to be established in the Wakpa Sica Reconciliation Place. The Department of Justice Office of Tribal Justice has testified before Congress regarding the need for mediation training and services in South

Dakota. Mediation and conflict resolution training could help fulfill the desire of Governor Mickelson to ensure that we have done more than create government programs and, as he said, for future generations of South Dakotans to "see that you and I, Indian and non-Indian, are concerned about one another."

Mr. Speaker, I think our colleagues in the House can see the bill before us has the potential to address some very real needs in the areas of tribal justice, economic development, cultural preservation, and community relations. I truly feel these combined efforts continue our commitment to the Century of Reconciliation. We are promoting more than government programs; we are encouraging personal dialogue, which is essential to understanding and respect.

I would like to thank Chairman YOUNG and Ranking Member MILLER and the House Majority Leadership for their cooperation in bringing this bill to the floor as we approach adjournment. I also would like to thank the tribal and local interests, including Bill Fischer, Lower Brule Sioux Tribe Chairman Michael Jandreau, and Clarence Skye for their tireless efforts, and so many others in South Dakota who have helped to make this a reality.

Again, I ask my colleagues to vote in support of the bill.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 5528, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2130

REPORTS CONSOLIDATION ACT OF 2000

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

The Clerk read as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reports Consolidation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize and encourage the consolidation of financial and performance management reports;

(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

(3) to improve the quality of agency financial and performance management information; and

(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

SEC. 3. CONSOLIDATED REPORTS.

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"§ 3516. Reports consolidation

"(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

"(2) The following reports may be consolidated into the report referred to in paragraph (1):

"(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

"(B) The following agency-specific reports:

"(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

"(ii) The annual report of the Attorney General under section 522 of title 28.

"(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

"(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

"(ii) consults in advance of inclusion of that report with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

"(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

"(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

"(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

"(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.".

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3515 the following:

"3516. Reports consolidation.".

SEC. 4. AMENDMENTS RELATING TO AUDITED FINANCIAL STATEMENTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a), by inserting "Congress and the" before "Director"; and

(2) by striking subsections (e) through (h).

(b) ELIMINATION OF REPORT.—Section 3521(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "subsections (a) and (f)" and inserting "subsection (a)"; and

(B) by striking "(1)"; and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS RELATING TO PROGRAM PERFORMANCE REPORTS.

(a) REPORT DUE DATE.—

(1) IN GENERAL.—Section 1116(a) of title 31, United States Code, is amended by striking "No later than March 31, 2000, and no later than March 31 of each year thereafter," and inserting "Not later than 150 days after the end of an agency's fiscal year,".

(2) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding subsection (a) of section 1116 of title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(b) INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.—Section 1116(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

"(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).”.

The SPEAKER pro tempore (Mr. THUNE). Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2712.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2712 would authorize executive branch departments and agencies to consolidate statutorily mandated financial and performance management reports into one single annual report.

The consolidated reports would present in one document an integrated picture of an agency's performance. As such, they will be more useful to Congress, to the executive branch, and to the public.

The Office of Management and Budget, which is part of the President's establishment, had temporary authority to consolidate reports on a pilot basis, but that authority expired in April of this year. S. 2712 restores the reports consolidation authority and makes it permanent.

The bill also includes provisions that would make the annual reports more useful. The bill would require that the reports include, one, an assessment by the agency head of the reliability of the agency's performance data; and, two, an assessment by the agency Inspector General of the agency's progress in addressing its most serious management challenges.

The bill would also move up the deadline for submission of performance reports required under the Government Performance and Results Act, and change that from March 31 to March 1. This earlier deadline would provide more timely information for the budget cycle. Reports on department and agency performance are vital if a President is to have a credible budget.

Another important part of this legislation is it requires agencies to submit their annual audited financial statements to Congress in addition to the President. An important gauge of success is whether or not agencies are able to produce financial statements which can be audited. The timely receipt of their information is critical to successful congressional oversight.

As my colleagues know, Mr. Speaker, the Subcommittee on Government Management, Information and Technology, which I chair, is dedicated to the implementation of sound financial management throughout the Federal Government. The information contained in agency financial statements is used by the subcommittee to measure the effectiveness of financial management at the 24 largest Federal departments and agencies.

On March 31 of this year, the subcommittee released its third annual financial management report card. The report card is a gauge for Congress to see where attention is needed to prod agencies toward getting their financial affairs in order. Similar to the grades issued in 1999, the subcommittee's report card of the most recent agencies were primarily D's and F's.

This year, the subcommittee graded the Federal Government as a whole based on the government's consolidated audit report prepared by the General Accounting Office. Overall, the government earned a D-plus, the government being the executive branch.

Mr. Speaker, this Congress has attempted to instill the principles of performance-based management throughout the Federal Government. The report authorized by this bill would give Congress and the American people a single source of information about the management of each Federal agency. This information is critically important if Congress is to hold agencies accountable for the resources it spends to do the people's business.

S. 2712 was introduced by Senators FRED THOMPSON and JOSEPH LIEBERMAN. It was reported by the Senate Governmental Affairs Committee and passed the Senate by unanimous consent.

Mr. Speaker, I urge the adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2712, the Reports Consolidation Act of 2000. This is a good government piece of legislation that would allow all of our Federal agencies to consolidate into a single annual report a whole variety of different financial and performance reports that they are required by law to submit. This will go a long way toward reducing administrative burdens within the agencies and avoid unnecessary duplication.

It is a provision that will allow the public and the Congress and the agencies themselves to see in one document a variety of various reports that need to be in one place in order to adequately review them and to make them more useful to this Congress in pursuing our goal of trying to improve the efficiency and the effectiveness of the Federal agencies.

The administration has made good progress in trying to improve management practices and performance. Our committee carefully reviewed the activities of every agency.

I commend the gentleman from California (Chairman Horn) for his work and his leadership in trying to be sure that the oversight function of the Subcommittee on Government Management, Information and Technology was carried out to the fullest degree possible.

In short, this legislation is another example of a good, bipartisan piece of legislation that I think has been the hallmark of our subcommittee during this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER), ranking member, for all the help and work that he has given on all of these issues in terms of effectiveness and efficiency and on a bipartisan basis. As he said, this is simply good government. So we are getting there, slowly, but surely.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 2712.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RONALD W. REAGAN POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5309) to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the “Ronald W. Reagan Post Office Building.”

The Clerk read as follows:

H.R. 5309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD W. REAGAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, shall be known and designated as the "Ronald W. Reagan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ronald W. Reagan Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have had the honor of speaking on dozens of these initiatives over the past year, and each one has been an honor, and each designee, I think, brings a special quality and a special attribute before us that we can all admire.

This first bill, the Ronald Reagan Post Office, obviously seeks to honor an individual that presents a challenge in that regard. It would be impossible, certainly, for me to fully describe, even adequately describe, the contributions, the remarkable life that this man brought and even to this day offers to each and every one of us as an example of the American way, from his time overcoming what I think most people would fairly describe as a challenging family background, to become the first graduate of college in his family, through his remarkable contributions to sports fans across this country and his days as a sports broadcaster, to his very illustrative and, I think, very entertaining time in the movie industry, and thereafter, of course, in his remarkable contributions in the public sector as the Governor and as the President of the United States.

I think I would simply say that, even at this moment in his lifetime, Ronald Reagan is a story that we can all learn from and we can all build upon.

As our President, he came into office at a time of some disillusionment, a time when I think many Americans were questioning, not just themselves, but the role of this great country. He gave us hope and he gave us confidence in ourselves and in this Nation once more.

The power of his words, the power of his leadership were felt virtually every day in which he resided in the White House. It would be impossible as well to describe in detail the achievements that he put forward, the crushing of Communism, the tearing down of the Berlin Wall, and so much more.

I think for my part in this, Mr. Speaker, I would simply say that, in 1994, after several years of riding and traveling in silence, at that time, former President Reagan, who was known as a great communicator, wrote a handwritten letter informing this Nation that he had the early stages of Alzheimer's disease.

Perhaps the essence of President Reagan's life is captured in his own words. I would simply read them to my colleagues: "In this land of dreams fulfilled, where greater dreams may be imagined, nothing is impossible. No victory is beyond our reach. No glory will ever be too great. The world's hopes rest with America's future. Our work will pale before the greatness of American champions in the 21st century."

Those lines written by the Great Communicator himself, I think, encapsulizes so very well the dream that he helped us to rediscover.

I want to thank the gentleman from Florida (Mr. WELDON), who worked with the entire Florida delegation in bringing their cosponsorship to this naming.

I would add as a final word a conversation that I had with the gentleman from Florida (Mr. WELDON) just prior to coming to the floor about why he chose and decided to pursue a naming of a postal facility in the State of Florida.

He said to me, "There are going to be a lot of children in the years ahead that will look on that building and ask the question, who is Ronald Reagan? And I want them to know who this great American was."

I cannot think of a better reason or a better tribute to honor this great man. Our congratulations, of course, go to him and our support and best wishes to his family, particularly his lovely wife, Nancy.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5309, which names a post office after "Ronald W. Reagan", was introduced on September 26, 2000, by Representative DAVE WELDON (R–FL).

Ronald Wilson Reagan was the 40th President of the United States. He served as President from January, 1981 to January, 1989. At 73, he was the oldest man ever elected president. He was well known as "Dutch", "The Gipper", and the "The Great Communicator."

An actor by profession, President Reagan served as Governor of California from 1966 to 1974. During his presidency, his economic policies came to be known as "Reaganomics".

In November of 1994, former President Reagan announced that he was afflicted with Alzheimer's.

Although a number of facilities have been named after the former president—schools, streets, highways, and even the Washington Airport, a crowning achievement was when President Clinton dedicated the Ronald Reagan Building here in Washington, DC, in 1998. That building houses an international trade center, international cultural activities, the Agency for International Development, and many others.

Mr. Speaker, I urge the swift passage of this bill.

Ms. BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON). As I mentioned earlier, the gentleman from Florida (Mr. WELDON) was owed the thanks, I think, of this entire body for taking the initiative in bringing this bill to the floor here tonight. I commend him for that.

□ 2145

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. McHUGH) for yielding me this time.

Mr. Speaker, today we have the opportunity to honor a man who made us proud again to be Americans. H.R. 5309 designates the Post Office at 230 Minton Road in West Melbourne as the Ronald W. Reagan Post Office Building. This post office is in Florida's 15th Congressional District, and I am pleased that every Member of the Florida delegation has signed on as a cosponsor of this bill.

Former President Ronald Reagan is a true American hero and naming the U.S. post office after him is a fitting way to honor him.

Ronald Reagan was born on February 6, 1911, in Tampico, Illinois. He was a man with many ambitions, growing up a Midwestern boy in hard economic times. He worked his way through Eureka College. He started his career as a radio announcer and, in 1937, went to Hollywood, where he appeared in more than 50 movies.

He became president of the Screen Actors Guild and was involved in fighting Communist influences in Hollywood. In 1966, he was elected the Governor of the State of California by a margin of more than 1 million votes and was reelected again in 1970.

In 1980, Ronald Reagan was elected to serve as the 40th President of the United States. Ronald Reagan set our Nation on a path to prosperity. He was a strong moral leader and made Americans proud. The economic policies he pursued in the 1980s set a firm foundation for the economic prosperity that we are experiencing today.

President Ronald Reagan reinvigorated the American people through smaller government, putting a lid on inflation, and strengthening our national defenses. President Reagan's persistence in achieving peace through strength carried our Nation to its longest recorded period of peacetime prosperity. President Reagan negotiated a treaty with the Soviet leader, Mikhail Gorbachev, to eliminate medium-range nuclear missiles. Mr. Reagan went to Berlin and challenged Mr. Gorbachev to "Tear down this wall." His 8 years of persistence paid off, and the Iron Curtain fell shortly after he left office.

President Reagan certainly followed through with his 1980 campaign pledge to "Restore the great, confident roar of American progress and growth and optimism."

I am happy that we are considering this legislation today, and I encourage all my colleagues to support this effort to name this post office in my congressional district after Ronald Reagan.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to say once again that I thank the gentleman from Florida and the gentlewoman from Florida (Ms. BROWN), a member of the Florida delegation, for their efforts in this regard. I urge all of our colleagues to join us in final passage of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 5309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ROBERT S. WALKER POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office".

The Clerk read as follows:

S. 3194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the "Robert S. Walker Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert S. Walker Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 3194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

As we just heard the Clerk read, Mr. Speaker, this bill does designate the facility of the United States Postal Service at 431 George Street, Millersville, Pennsylvania, as the Robert S. Walker Post Office, and we owe our thanks to the gentleman from Pennsylvania (Mr. PITTS), who introduced an identical bill, H.R. 5418, into the House on October 6. That bill is indeed cosponsored by all the Members of the House delegation from the great State of Pennsylvania.

Many of us certainly know Bob Walker well and know him personally and served with him. Bob represented the people of Millersville and the people of the 16th District of Pennsylvania for 20 years before he did decide to retire from the House.

Simply put, Bob became a member of the Republican leadership during his years here in Washington, and he was known, for a very good reason, as a master strategist, tactician, and an expert on the parliamentary process. He was the floor manager, the chairman of the Republican leadership, and chief deputy minority whip simply because of these great strengths.

For more than a decade, Bob was a major player in all those decisions made by the House Republican leadership. After the party gained the majority in the House, Bob became the chairman of the House Committee on Science, and the vice chairman of the Committee on the Budget.

The National Aeronautics and Space Administration, NASA, awarded him its highest honor, the Distinguished Service Medal, in 1966, for his leadership in advancing the Nation's space program, particularly commercial space endeavors. And I think it is very important to note that he was the first sitting House Member in the history of this country to receive that award.

Though Bob retired from the House, he does to this day remain a strategist and continues his interest and participation in the area of public policy, particularly in science and space and technology. To this day he serves on the boards of trustees of the Aerospace Corporation, the United States Capitol Historical Society, and the United States Space Foundation, among many, many other activities.

It is always an honor to have the opportunity to participate in one of these namings; but, Mr. Speaker, I would add that in this case the opportunity to participate in extending to a former colleague, and to many of us still a friend and someone in whom we hold the highest respect and admiration, it is a particular honor.

Again, I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his efforts, and I urge our colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3194.

Mr. Speaker, S. 3194, which names a post office in Millersville, Pennsylvania, after "Robert S. Walker", was introduced by Senator RICK SANTORUM on October 12, 2000. This measure is identical to H.R. 5418, which was introduced by Representative PITTS (R–PA) on October 6, 2000.

Robert Walker was born in Bradford, Pennsylvania, in 1942 and educated in public schools in Millersville, Pennsylvania. He attended William and Mary, Millersville University, and the University of Delaware. Mr. Walker taught school for three years, then went on to serve in the Pennsylvania National Guard. He was elected as a Republican to the 95th Congress and served until 1997.

In addition to serving as the Chairman of the Committee on Science, Congressman Walker will be forever known and remembered as a master of parliamentary procedure. Currently, he serves as a Professor at Millersville University and a political consultant.

I urge the swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS), the sponsor of the House version of this bill, and who, as I mentioned, we are indebted to for his work in honoring one of our former colleagues, Bob Walker.

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today in strong support of S. 3194. Bob Walker is a great American. During 20 years in Congress, his commitment to his community back home and to America showed through everything he did. Like the county he came from, he is a strong conservative who believes in the values and principles this Nation was founded on. After decades in the minority, he helped lead the Republican Party to the majority in Congress, allowing us for the first time in decades to balance the budget and begin paying down public debt.

Bob grew up in a small university town in Pennsylvania called Millersville. His home is just a few miles up the road in East Petersburg. His father was a history professor at Millersville University, and he grew up exposed not only to the life of the mind but also to the simple bedrock values mainstream America believes in. When he came to Congress, that is exactly how he legislated.

He believed America was capable of great things. As chairman of the Committee on Science, he was a passionate advocate of space exploration. As a member of the Republican conference, he believed regaining the majority was possible.

As an American, he believed in the power of the American people to be great problem solvers and innovators. As our Congressman, my neighbors and I always trusted Bob to do the right thing, and I still trust Bob for wise advice and counsel whenever I need it.

It is because Bob inspired so many of us that I think naming the Millersville post office for him is exactly the right thing to do. Bob's family has been connected with Millersville for decades. His father, as I said, was a professor at Millersville University. Bob's archives are there at Millersville University as well.

Lancaster County owes a lot to Bob Walker for 20 years of service. America, I think, owes no less to him for his adherence to principle, even when the right thing to do was not always the popular thing.

Naming this post office for Bob is a fitting thank you to a truly great American, and I urge my colleagues to vote for this bill to say thanks to Bob Walker for being such a fine example to us all.

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), another member of the Pennsylvania delegation who I know worked with the gentleman from Pennsylvania (Mr. PITTS) in bringing this bill forward, and who, I know as well not only served with Bob Walker but is someone who considers him to this day a friend.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise this evening to support this legislation naming the Millersville post office for my good friend, Bob Walker, who hails from the congressional district neighboring mine.

Bob and I served together in the Pennsylvania delegation for many years. I have always known him to be one of the most dedicated public servants with whom I have served. There is certainly not a Member on our side of the aisle that does not credit Bob for his instrumental role in helping us gain the majority in 1994.

When we were in the minority, and Bob served as chief deputy minority whip, he was very well respected and recognized as one of the Republicans' chief strategists, tacticians, and experts on the parliamentary process. Bob was always on the floor of the House making sure that parliamentary procedure was being followed every step of the way and ensuring that no one tried to pull a fast one. Whenever there was any controversy on the minority, if the minority wanted to be heard, Bob was the man to see. He was truly a master.

Many do not know that Bob served as a congressional staffer for many years before he was elected to the Congress. I believe that is where he mastered the procedures and rules of the House, and I suppose that is one of the reasons why his staff was so loyal and so fond of him over the years. He never expected his staff to do anything that he did not do as a staffer. He always showed them the utmost respect and challenged them every step of the way.

Bob has long been dedicated to the field of education. He graduated from Millersville College with a Bachelor's degree in education and went on to teach high school science. He knew the importance of science education, and when he became chairman of the House Committee on Science, he dedicated himself to the advancement of the space program, knowing of the important educational benefits that that program offered.

I had the pleasure of working closely with Bob not only on science and technology issues but on just about every issue of importance to our constituents in Pennsylvania: Superfund, keeping our military bases open, attracting businesses and jobs to south central Pennsylvania, taking care of the Amish community, which primarily resides in the Lancaster area. All of those issues were first and foremost on the mind of Bob Walker. It was always service first.

Mr. Speaker, it is my sincere pleasure to join my colleagues from Pennsylvania in honoring Congressman Robert Walker by naming this post office for him. He is truly deserving of this honor after all his dedicated years of public service to our Nation and the people of the Commonwealth of Pennsylvania.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume to give a final urging to all our colleagues to join us in supporting this very worthy piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 2200

The SPEAKER pro tempore (Mr. COBURN). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the Senate bill, S. 3194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ARTHUR "PAPPY" KENNEDY POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4399) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building," as amended.

The Clerk read as follows:

H.R. 4399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARTHUR "PAPPY" KENNEDY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, shall be known and designated as the "Arthur 'Pappy' Kennedy Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Arthur "Pappy" Kennedy Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as has been noted, was indeed introduced by our colleague, the gentlewoman from Florida (Ms. BROWN). And, as is our custom, all the Members of the House delegation from the State of Florida support this legislation. I want to thank the gentlewoman from Florida (Ms. BROWN) for her work and for her efforts in bringing this naming bill to the floor here this evening.

I would note for the record, Mr. Speaker, the legislation is amended to correct the name of the facility from "post office building" to "post office," as determined after review by the United States Postal Service.

I am certain that the sponsor who is pleased to be here with us tonight will recount in some detail the life and the achievements of Arthur "Pappy" Kennedy. But I do want to say that this individual I think measures up extraordinarily well to the caliber of previous nominees, folks who labor in their communities who go about their lives in a way to try to make a difference and try to improve the lives of those around them.

Certainly Mr. Kennedy has a long and very illustrative and illustrious record in that regard, working for the poor and the underprivileged, associating himself with so many organizations like the NAACP, Meals on Wheels, the United Negro College Fund, and on and on.

I would say that, although he died earlier this year, I am sure the people of Orlando will remember him fondly and remember him as well as a hard-working, popular public servant. I think it is a very, very fitting tribute to a very, very distinguished individual.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the chairman for his help in moving this bill to the floor and for his assistance with the amendment.

Mr. Speaker, I am delighted to introduce H.R. 4399, designating the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office."

Arthur Pappy Kennedy was Orlando's first African American city commissioner. He was elected to the Orlando City Council in 1972 and reelected in 1976 and served until 1980. He was a native son born in River Junction, Florida, in 1913. His family moved to Orlando, where he attended Johnson Academy and Jones High School. Upon graduation, he attended Bethune-Cookman College.

There was no stronger advocate of higher education. He was always involved in the community. He was the organizer of the Orlando Negro Chamber of Commerce, president of the Jones High Parent-Teacher Association, and instrumental in the organization of the Orange County Parent-Teacher Council.

He worked with many organizations, including Meals on Wheels, the United Negro College Fund, and the NAACP. He has a distinguished record of serving in the community.

Mr. Speaker, I am honored to recognize one of our native sons with this post office designation, and I urge support of this measure, as amended.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with a final word of thanks to the gentlewoman from California (Ms. BROWN), I would urge all of our colleagues to join us in supporting this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4399, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EDDIE MAE STEWARD POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4400) to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building," as amended.

The Clerk read as follows:

H.R. 4400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDDIE MAE STEWARD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, shall be known and designated as the "Eddie Mae Steward Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Eddie Mae Steward Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we heard just previously, the gentlewoman from Florida (Ms. BROWN) has once again brought to us a postal designation that I think is certainly meritorious and deserves the support of every Member of this House of Representatives. And I thank her and commend her for that work and also for bringing with her the Members of the House delegation in its entirety from the State of Florida for support of this legislation.

Again, to fill in the record, Mr. Speaker, the bill is indeed amended, a technical amendment only to designate the facility as the "Eddie Mae Steward Post Office" rather than "post office building" for the simple fact that the facility is leased by the United States Postal Service and is not owned.

Here, too, Mr. Speaker, we are fortunate that the gentlewoman from Florida (Ms. BROWN) is with us. And I am certain she will want to make more complete remarks with respect to this individual's contributions. But we have an example again of someone who leads their lives in ways to which I think all Americans can look for inspiration and for lessons and courage how to overcome.

Simply put, Ms. Steward was a leader of the civil rights movement. Her really single-handed efforts led to the court-ordered desegregation of the schools in Duval County, Florida. She thereafter dedicated her life to the achievement of civil rights for all Americans.

She served as the Florida State president of the NAACP. She served as the Secretary of the Duval County Democratic Executive Committee and, as I mentioned previously, simply led her life in a way that is indeed an inspiration.

So, again, I thank the gentlewoman from Florida (Ms. BROWN) for her efforts and express my appreciation for bringing to us such a distinguished individual.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, once again I want to thank the chairman for his help in moving this bill forward with the amendment and his kind words about Mrs. Eddie Mae Steward.

Eddie Mae Steward was my friend, a community leader, and single-handedly launched the effort that led to the court-ordered desegregation in Duval County's public schools. She was the first female president of the Jacksonville branch of the NAACP and served as the State NAACP president from 1973 to 1974.

She also served as the secretary of the Duval County Democratic Executive Committee. Mrs. Steward was a graduate of Edward Waters College in Jacksonville, and she was truly a dedicated civil rights activist.

It has been said that the face of the civil rights movement in Jacksonville belongs to Eddie Mae Steward. She single-handedly took on the fight for decent school accommodations for children attending Boylan Haven, which was a three-story building declared by the Florida Times-Union as "unfit by any standards as a place to send children to school." Three weeks later, the school board backed down and the students were sent to another school.

Much like those before her who struggled against the injustice of the status quo, she was referred to as a "troublemaker." However, it was fundamental fairness, strong principles, and the strength of her convictions that led her to become a courageous leader.

Eddie Mae Steward was born in Callahan, but resided in Duval County, Florida for more than 55 years. She was a graduate of Douglas Anderson High School and Edward Waters College. She passed away on March 5th of this year, succumbing to heart disease. She was 61. She is survived by her six children: Venetia Steward, Ervin Steward and Jerry Mims, Carla Purdyl, Alta and Angela, four grandchildren and two great-grandchildren. I am honored to recognize Eddie Mae Steward with this Post Office designation and I urge strong support for this measure, as amended.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a word of thanks to the gentlewoman from Florida (Ms. BROWN) for her good work on this issue and for bringing us such a distinguished individual.

Mr. Speaker, I urge all of our colleagues to join us in the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SAVANNAH COUNTRY DAY SCHOOL VICTORIOUS IN VOLLEYBALL CHAMPIONSHIP

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Mr. Speaker, last year I was in Macon, Georgia, for the Girls' State Championship Basketball Game, and it was a great thrill when I saw that the Savannah Country Day girls were victorious.

Last night, unfortunately, I was unable to attend, but many of the same young women were victorious in winning Savannah Country Day's first volleyball championship, which I believe is also the first volleyball championship for Savannah, Georgia.

They do a great job. They work hard and I have, Mr. Speaker, the roster of the young women who played on that team. And I will submit that for the RECORD, as well as the name of the coaches.

Mr. Speaker, I also want to take particular pleasure in bragging about my very own goddaughter, Sarah Sipple, who is one of the team's leaders and one of the great athletes of that school, who was very much in the thick of the action yesterday. I regret I could not have been there in person, but I watched these young women grow up, many since they were 2 years old and 3 years old.

I can tell my colleagues, there are great things going on in Savannah, Georgia, with woman athletics; but even more than that, I am proud to say it is going on nationally.

Athletics is something that teaches us all to be better people, better team players, better citizens in the long run and to take care of ourselves. It makes us more competitive as a Nation, so I am proud to see that Savannah Country Day School is doing its part, and I am especially proud of the coach and all of these young women.

[From the Savannah Morning News, Oct. 26, 2000]

Country Day defeats Landmark Christian for Savannah's first title

(By Jeff Sentell)

There was too much at stake—the program's first state volleyball championship, Savannah's first title in the sport and the second crown for five well-deserving leaders.

There were too many people counting on them—fans who wanted to experience another title at the school, future players who wanted inspiration and a community that wanted to experience history.

There was their need to fulfill a season-long goal—one that stood so close, yet appeared to be slipping away.

As Savannah Country Day began Game 4 in Wednesday night's state Class AA/A title match, those thoughts raced through the players' minds. Each came to the same decision before completing a 15–7, 15–10, 12–15, 15–13 win over visiting Landmark Christian.

"Losing was not an option," junior Melissa McNaughton said, "We wanted it more than anything, so we refused to lose."

Late in the third game, a long-awaited title for the program and the city, along with state-wide respect appeared a foregone conclusion. The Lady Hornets (29–11) led Landmark 12–8 and owned the serve. They already had impressive victories in the first two games against a team they split two hard-fought matches with this season.

Minutes later, the Lady War Eagles (42–9) unleashed seven consecutive points to win the game and stave off elimination. Momentum shifted as well, and the Lady War Eagles knew it. They strutted onto the court for Game 4 with big smiles and were ready to force a decisive fifth game.

"But we focused on the task at hand," SCD junior Mary Jane Martin said. "We knew what we had to do. We pulled it together, and we pulled it out."

Landmark built leads of 9–5, 11–9 and 13–12 in the fourth game. But an unyielding desire and determination sparked a final surge.

Anne Carson's consecutive kills off Lexa Clark's assists finished the job and set off a wild celebration.

"Oh my gosh—I can't describe what this feels like," Carson said. "I'll never forget this. I'll cherish this for the rest of my life."

"I've never had anything like that happen," Sipple said after escaping a barrage of fans that converged on the team at midcourt. "It's amazing."

SCD's fans provided a spark for the team from the outset. It only took 21 minutes for the Lady Hornets to dispatch Landmark in the first game.

SCD led 9–3 before the Lady War Eagles became comfortable in the match. More important, the trio of Carson (nine kills), Sipple (17 kills) and Clark (44 assists) found their rhythm, and SCD's supporting cast lent a helping hand.

"Anne and Sarah really hit the ball well, but everybody did well," Clark said. "We knew we could get it done as long as we came together."

SCD only trailed twice in the first two games, at 3–2 in Game 1 and 1–0 in Game 2, But Landmark rebounded behind the play of Julie Van't Wout (14 kills, four blocks).

The 6-foot junior's aggressiveness at the net offensively and defensively caused problems for the Lady Hornets, especially in Game 3. So SCD chose to maneuver around her.

"She's an absolutely great player," Carson said. "So we had to be smart. We had to start tipping the ball and going around the blocks." The Lady Hornets also relied on past experiences. They lost a game apiece to Landmark and Athens Academy during last Saturday's Elite Eight tournament. Each time, they rallied to victory.

"That gave us a lot of confidence," Sipple said. "We have been playing so well lately. So we knew we could do it."

McNaughton added, "We didn't give up, because we refused to give up. We wanted to be a part of something special, and this is special."

Elizabeth Eichholz, Betsy Miller, Sarah Sipple—Captain, Julia Train—Captain, Anne Carson, Melissa McNaughton, Mary Jane Martin—Captain, Alison Morris, Lexa Clark, Wendy Mayer, and Sall Sumer.

Jade Aaron, Caroline Baker, Alex Brennan, Katie Coy, Marquin McMath, Lyn Reeve, Ashley Jones, Jennifer Ross, Katherine Royal, and Lizzy Sprague.

Coaching staff: Ben Ladd—head coach, Carol Schretter, and Phillip Schretter.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 2215

SCHOOL CONSTRUCTION VERSUS TAX BREAKS

The SPEAKER pro tempore (Mr. COBURN). Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to continue to call on this Congress to pass a real school construction legislation without delay, before our adjournment for the year. We have missed opportunities after opportunities to stop our partisan wrangling and pass a meaningful bill and reach the priorities that we need to reach with this legislation.

Mr. Speaker, as a Congressman from North Carolina's Second Congressional District, I represent an area of the country that has undergone some tremendous growth over the last several years. In communities throughout my district and across this country, our schools are bursting at the seams. Our local communities are struggling to provide resources to build new schools and to repair old ones and get children out of trailers and just fix up old, rundown buildings.

For nearly 4 years now, I have worked with my colleagues in the House on both sides of the political aisle to provide leadership on this important issue and pass a common sense bill that will help our local schools deal with this critical problem. We have come together to support H.R. 4094, the Rangel-Johnson-Etheridge bill that is sponsored by the Republican Congresswoman from Connecticut and my friend from New York. This important bill will provide $25 billion in school construction bonds for our local communities to build schools for our children. It really provides national leadership on this issue that is critical to the American people.

Mr. Speaker, a clear majority of the Members of this House have supported H.R. 4094. 228 Members, Democrats and Republicans alike, have signed on as cosponsors. The House will pass this bill if we can only get a chance to vote on it. The President has stated that he will sign this important legislation the minute it reaches his desk. We have an opportunity to provide real leadership and pass this measure to help provide educational opportunities for our children.

But unfortunately, Mr. Speaker, the Republican leadership of this House has chosen the path of confrontation and gridlock over the opportunity for consensus and progress. Rather than working together to produce a common sense solution to the need for school construction, the Republican leadership brought to the floor today a bill that was a sham of a school construction measure. Instead of fully funding the cost-effective Rangel-Johnson bill, the Republican leadership's bill would shift funds to much less effective arbitrage relief and private activity bonds. The arbitrage proposal would provide schools with only $24 per $1,000 in bonds compared with $624 per $1,000 in bonds in the Rangel-Johnson bill. In addition, because schools would have to delay construction for at least 2 years to receive any benefits, areas with the most urgent need would not be able to build the buildings that they need. The private activity bonds benefit only those schools available to find a for-profit company willing to pay up-front construction costs. Neither arbitrage nor private activity bonds target assistance to the schools that so badly need it today.

Mr. Speaker, the Members of this House have an obligation, a solemn responsibility in my opinion to work together to craft common sense solutions to the problems facing America's schools. But, rather, we do not work hard to meet the responsibility that is before us. The Republican leadership has chosen to pass a sham proposal, a bill that is truly going to be vetoed. They knew it was going to be vetoed when it passed today. The Republican tax bill contains many provisions that I supported, but the sad fact is the Republican leadership chose to include many good provisions in a fundamentally flawed bill.

In addition, the leadership today pushed through an appropriations bill that provides $687 million in grants to States to build prisons. Mr. Speaker, I supported that provision because we probably need to build some, but to me it is the wrong priority to pass prisons before we build schools.

In conclusion, Mr. Speaker, I remain an optimist. We still have time to pass a real school construction bill before this Congress adjourns and I urge the Republican leadership to do so.

TRIBUTE TO THE HONORABLE JOHN KASICH ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. NUSSLE) is recognized for half the time until midnight as the designee of the majority leader.

Mr. NUSSLE. Mr. Speaker, we are hopefully coming to the end of our legislative session for the year and for the 106th Congress. That will be a happy time for a lot of people because it means we get to go home to our families, to our districts for the election, but there are some people who are not going to be returning, and the subject of my special order involves one of my colleagues and very good friends who will no longer be a Member of this body after this session closes. He shares a distinction with a number of Members who came to the United States Congress to work on deficit issues, on budget issues. He came from the great State of Ohio with a mission, and that was even if he was the only one standing in the well to balance the budget all by himself, he was going to get that job done. That man's name was JOHN KASICH.

Tonight, the subject of this special order is to pay tribute to JOHN KASICH, the representative from Ohio, as well as the distinguished Budget chairman for the last 6 years.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order involving Chairman JOHN KASICH.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, there are a number of Members who would have liked to have been here tonight to express their gratitude, maybe even a few remembrances, a couple of stories, but there just is not time and, of course, with this late hour it probably seems even less appropriate. It is something that ought to be done in, quote-unquote, prime time for someone as important as JOHN KASICH, but let me just give a couple of quick points and then I will conclude.

Number one, there are going to be a lot of people including the very distinguished Speaker pro tem who is sitting here today who will also share the distinction of no longer being here after this session. We bid him at the end of this session farewell. He has been a true champion on many of the issues that JOHN KASICH has been fighting for. But there will be a lot of Members, Mr. Speaker, a lot of politicians, a lot of candidates in the future that say I balanced the budget, or I was there to help get it done, but there will be one person who will probably, above all other people, and my guess is that that will be shared in a bipartisan way from both sides of the aisle, who stood just a little bit taller than the rest of the politicians and Representatives and Senators and Presidents, and that is JOHN KASICH.

He wrote his first budget in 1989. Now, you have got to remember back to what this was like. Here he is a junior Member of Congress coming in and having the audacity to say, I can write my own budget. This is something that was reserved for the President of the United States, for the majority party only, maybe for the Budget Committee but certainly not a junior member to come in and say, "I can do it better than you can." And almost like the movie "Dave" that maybe some Members have seen, he went through line item by line item and outlined exactly what that budget ought to look like.

Well, I was not here in 1989. Maybe I would have helped support him. My guess is the Speaker pro tem would have as well. He only got about 30 votes for his first budget. But from that seed grew a very mighty vision for the future. He took that seed and not only became a leader, took over the Budget Committee and then with the rest of us in 1995, 1996 and 1997 worked as hard as he could to bring that vision to a reality. My daughter Sarah and my son Mark are the recipients of his leadership in a number of different ways but probably most importantly because as we have balanced the budget, we have been able to now reduce by putting 90 percent of that surplus toward the national debt, we are going to be able to let them know that by the end of this year we have reduced the national debt by $354 billion.

Can we do better? You bet we can. We are going to continue that work if we have the honor and the ability in the majority to go on next year, and there is more work we need to do, even though JOHN KASICH will not be here. But he has laid a foundation that is second to none. The Members of the Budget Committee as well as the Members of the Ohio delegation led by Ralph Regula, the dean of the delegation, wish to express our gratitude on behalf of all of us in Congress for the great leadership that JOHN KASICH has provided. He will go on with his two twin daughters and his wife Karen to bigger and better things, we have no doubt. As the old adage around here goes that only Members seem know, that as soon as you are a former Member, you are forgotten. That may be true for some, but my guess is that JOHN KASICH'S legacy will ring true in this House of Representatives for many years to come. I count him as one of my friends. I count him as a mentor. He will be sorely missed. We respect his tenure.

Mr. REGULA. Mr. Speaker, I rise today to add my accolades for my Ohio colleague, JOHN KASICH. JOHN has been a member of the Ohio delegation of this body for the past 18 years. As dean of the Ohio delegation, I have worked with JOHN on numerous issues of importance to the State of Ohio. He always brought his determination to help people with his unfailing enthusiasm to the task at hand.

Throughout this time he has played an important role in leading this nation toward sound budgeting and fiscal responsibility. When JOHN assumed the chairmanship of the Budget Committee, he was determined to reduce the size, scope and intrusiveness of government in people's lives. To do this required skillful use of the reconciliation feature of the Budget Act.

As JOHN'S fellow Budget Committee members have attested, he brought a single-mindedness of purpose of the job. His was not a reactive approach, but proactive one, annually proposing his own budget alternatives to those of the White House. While he presided over the Committee, our budgets have gone from perennial deficits to annual surpluses.

His steadfast leadership of the House Budget Committee has educated many of our constituents across the country on the budget process and its effects on us all. We owe a great debt of appreciation to JOHN for his dedication to this effort and for the positive outcome which has resulted. The impacts a balanced federal budget have on our economy and our ability to prosper individually and as a nation are truly the result of this dedication.

And JOHN has accomplished this with his own special flair. Who else could negotiate budget numbers with the White House one day and start a book signing tour the next, run for President, and hang out with rock stars.

Now JOHN embarks on a new phase of his life. I am certain that it will be as rewarding as his congressional career has been. As a husband and father of twins, JOHN will have many important projects of both a personal and professional nature.

JOHN, as you leave this institution for other endeavors, we wish much success and happiness to you, your wife Karen, and your beautiful twin daughters, Reece and Emma.

TRIBUTE TO THE HONORABLE BOB WEYGAND ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, tonight I would like to talk just a few minutes about BOB WEYGAND, a good friend of mine here in the House and a great Representative for the Second District of Rhode Island. I know that many of my colleagues share my sadness that he will be leaving the House of Representatives. As my colleagues know, he is running for the United States Senate.

The gentleman from Rhode Island (Mr. WEYGAND) is no stranger to public service. He began his public service in 1978 when he became a member of the East Providence Planning Board and became its chairman in 1979. In 1984 he was elected to the Rhode Island House of Representatives, representing at that time District 84. He was also named the Legislator of the Year in 1988. BOB stayed in the General Assembly until 1993, serving on a number of committees, including the House Corporations Committee on which he was the chairman.

It was during his time as a State representative that BOB helped to write Rhode Island's land use laws which have been recognized nationally as state of the art with respect to land planning and the most progressive and forward thinking types of laws in this country.

BOB was elected lieutenant governor of Rhode Island in 1992 and he was the chairman of the Long Term Coordination Council and he authored legislation to protect the elderly and to improve access for long-term health care.

The gentleman from Rhode Island was elected to the U.S. House, to this House, in 1996. He came in on January 7, 1997, the same day that I came to this House Chamber. We soon became good friends. As a Member of the Congress, BOB was chosen as our freshman president his first year here. The gentleman from Rhode Island serves on the House Committee on the Budget and the Committee on Banking and Financial Services.

He is a landscape architect by trade. That is why he has worked so hard as one of the cochairman of the Livable Communities Caucus that we have here in the House. He has brought to Congress a new way to look at our communities and our physical environment, and I have had the opportunity to work with him over and over again in the caucus where we look at the land use planning of many of our cities.

Those who know BOB well know he is a man of honesty and integrity, and I am proud to call him my friend.

□ 2230

These qualities are probably best exemplified in his role in uncovering an extensive corruption operation in the city of Pawtucket in 1991. You see *Bob* was a landscape architect, and he had won a contract for that city to redo a general open space, a park, if you will, and one of the things that happened is when he went in to see the mayor to work on this project, the mayor had a little scheme of how he might divide up the funds.

Now, most of us having won a project like that might turn away and say to the mayor, thank you very much, I do not really need this after all, let me just forget I have ever met you, but not BOB. BOB actually picked up the phone that night and called the Federal Bureau of Investigation.

BOB subsequently worked with them in conducting an elaborate undercover operation. Mr. Speaker, he wore a wire for many months putting his family, his wife, Fran, and their three children at great danger, but he felt it was important that he get the information. And because of what he did, putting away corrupt public officials in Rhode Island, BOB won the FBI's Award for Exceptional Public Service, the first time that that was awarded to a private citizen. It is a prestigious honor. He also was recognized with the Rhode Island Distinguished Service Star.

I know that as he leaves the House to pursue the opportunity to represent all Rhode Islanders, that his friends and colleagues thank him for the work that he has done here and wish him well in the future.

Mr. Speaker, Rhode Island will be very, very happy to have a great Senator when they elect BOB WEYGAND on November 7.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise to pay tribute to the career of one of Rhode Island's dedicated public officials, Representative BOB WEYGAND. BOB is being honored tonight with this special order as he gets ready to leave the House of Representatives after two terms of public service.

BOB is a life-time Rhode Island resident and proud graduate of the University of Rhode Island. Since his appointment to the East Providence Planning Board in 1978 he has served R.I. in varying capacities, including as a member of the Rhode Island House of Representatives and as R.I.'s Lieutenant Governor.

BOB'S career accomplishments include the areas of small business, and senior citizens, in particular. He proudly served our State as a presidential delegate to the White House Conference on Small Business and at the White House Conference on Aging. He has served the people of the Second District of Rhode Island well over the past four years. BOB currently sits on the Banking and Financial Services Committee and the Budget Committee. He has fought in the Congress for proposals to bring down the cost of prescription drugs for seniors. He has sponsored a bill to protect our Nation's seniors from criminal scams. BOB has also been a staunch advocate for FDA regulation of tobacco products and for programs to prevent children from smoking.

Again, it is my pleasure to pay tribute to Congressman WEYGAND this evening. I wish BOB, his wife Fran and their three children the very best in the future.

GENERAL LEAVE

The SPEAKER pro tempore (Mr. COBURN). Without objection, all Members may revise and extend their remarks on the subject of the special order of the gentlewoman from California (Ms. SANCHEZ).

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CROWLEY (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. BILBRAY (at the request of Mr. ARMEY) for today after 6:30 p.m. and the balance of the week on account of attending a funeral.

Mrs. CHENOWETH-HAGE (at the request of Mr. ARMEY) for October 18 through October 26 on account of preparing for hearings on the Environmental Protection Agency.

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 6:00 p.m. and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BROWN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. PHELPS, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. CHAMBLISS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 27.

Mr. BUYER, for 5 minutes, October 27.

Mr. YOUNG of Alaska, for 5 minutes, October 27.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SANCHEZ, for 5 minutes, today.

SENATE BILLS AND A CONCURRENT RESOLUTION

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 783. An act to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, to the Committee on the Judiciary; in addition to the Committee on Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners; to the Committee on the Judiciary.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison; to the Committee on Government Reform.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees; to the Committee on the Judiciary.

S. Con. Res. 153. Concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes; the Committee on International Relations.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following title:

On October 25, 2000:

H.J. Res. 115. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 26, 2000:

H.R. 468. To establish the Saint Helena Island National Scenic Area.

H.R. 1725. To provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2442. To provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

H.R. 3646. For the relief of certain Persian Gulf evacuees.

H.R. 3657. To provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. To provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the Programs of the United States Olympic Committee.

H.R. 4315. To designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building".

H.R. 4450. To designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building".

H.R. 4451. To designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the Frederick L. Dewberry, Jr. Post Office Building".

H.R. 4625. To designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building".

H.R. 4786. To designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building".

H.R. 4831. To redesignate the facility of the United States Postal Service located at 2339

North Carolina Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office".

H.R. 4811. Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4853. To redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station".

H.R. 5229. To designate the facility of the United States Postal Service located at 219 South Church Street in Odium, Georgia, as the "Ruth Harris Coleman Post Office Building".

H.R. 5273. To clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

ADJOURNMENT

Ms. SANCHEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Friday, October 27, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10728. A letter from the Administrator and Executive Vice President, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—2000 Marketing Quotas and Price Support Levels for Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured (Types 35–36), Virginia Sun-Cured (Type 37), and Cigar-Filler and Binder (Types 42–44 and 53–55) tobaccos (RIN: 0560–AF86) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10729. A letter from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, Agricultural Marketing Service, transmitting the Department's final rule—Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board [No. LS–00–04] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10730. A letter from the Executive Vice President, Commodity Credit Corporation, Department of Agriculture, Farm Service Agency, Tobacco and Peanuts Division, transmitting the Department's final rule—Amendments to Regulations Governing the Peanut Poundage Quota and Price Support Programs (RIN: 0560–AF61) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10731. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations [Docket No. 99–038–5] received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10732. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—(N - (4 - fluorophenyl) - N - (1-methylethyl)—2-[[5-(trifluoromethyl)-1, 3,4-thiadiazol-2-yl]oxy]acetamide; Extension of Tolerance for Emergency Exemptions [OPP-301073; FRL–6751–1] (RIN: 2070–AB78) received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10733. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Extension of Tolerance for Emergency Exemptions [OPP–301072; FRL–6750–5] (RIN: 2070–AB78) received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10734. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Material Inspection and Receiving Report—received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10735. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; New Source Review Revision [MA037–01–7211a; A–1–FRL–6891–9] received Octber 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10736. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program [CT–25–7223a; A–1–FRL–6891–6] received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10737. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District [CA 241–0244a; FRL–6893–1] received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10738. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, transmitting the Commission's final rule—Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites (RIN: 3150–AF98) received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10739. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's U.S. Arms Control, Nonproliferation and Disarmament Studies Completed in 1999, pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

10740. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting a report in accordance with the requirements of the Federal Managers' Fiscal Integrity Act of 1982, and the Inspector General Act of 1988; to the Committee on Government Reform.

10741. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Miscellaneous Changes in Certain Federal Wage System Wage Areas (RIN: 3206–AJ21) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10742. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Duplication and Electronic Generation of Forms (RIN: 1115–AF66) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10743. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals—received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10744. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Reasonable Charges for Medical Care or Services (RIN: 2900–AK39) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on resources. Supplemental report to House Report 106–801: Contempt of Congress Report on the Refusals to Comply with Subpoenas Issued by the Committee on Resources (Rept. 106–801, Pt. 2). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform. Non-binding Legal Effect of Agency Guidance Documents (Rept. 106–1009). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3033. A bill to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida, and for other purposes; with an amendment (Rept. 106–1010). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1142. A bill to ensure that landowners receive treatment equal to that provided to the Federal Government when property must be used (Rept. 106–1011). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4340. A bill to simplify Federal oil and gas revenue distributions, and for other purposes (Rept. 106–1012). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3160. A bill to reauthorize and amend the Endangered Species Act of 1973 (Rept. 106–1013). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 27, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 27, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 27, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 27, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 27, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 27, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 27, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE:

H.R. 5562. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 5563. A bill to authorize funding for programs that reduce recidivism and promote successful offender reintegration into the community; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Ohio (for himself, Mr. Wolf, and Ms. McKinney):

H.R. 5564. A bill to prohibit the importation of diamonds unless the countries exporting the diamonds to the United States have in place certain controls to verify the source of the diamonds, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 5565. A bill to amend the Magnunson-Stevens Fishery Conservation and Management Act to improve implementation of the western Alaska community development quota program, and for other purposes; to the Committee on Resources.

By Mr. BARRETT of Wisconsin:

H.R. 5566. A bill to amend section 8 of the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to waive the requirement that a family receiving project-based rental assistance be notified one year in advance of termination of the contract for such assistance in cases in which such termination facilitates purchase of the home by the tenant; to the Committee on Banking and Financial Services.

By Mr. CONYERS:

H.R. 5567. An act to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. Armey, Mr. Cooksey, and Mr. Toomey):

H.R. 5568. A bill to encourage employer selection of freedom-of-choice health coverage; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 5569. A bill to amend the Internal Revenue Code of 1986 to tax the net capital gain of closely held corporations in the same manner as individuals; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. Tauzin, Mr. Oxley, Mr. Blunt, Mr. Deal of Georgia, Mr. Ehrlich, Mr. Fossella, Mr. Largent, Mr. Pickering, Mr. Stearns, and Mrs. Wilson):

H.R. 5570. A bill to establish the Commission to Study the Structure and Reauthorization of the Federal Communications Commission; to the Committee on Commerce.

By Mr. HOLT:

H.R. 5571. A bill to prohibit the making, importation, exportation, distribution, sale, offer for sale, installation, or use of an information collection device without proper labeling or notice and consent; to the Committee on Commerce.

By Ms. KAPTUR (for herself and Mrs. Cubin):

H.R. 5572. A bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program; to the Committee on Commerce.

By Mr. KIND:

H.R. 5573. A bill to establish or expand prekindergarten early learning programs; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. Sandlin, Mr. Turner, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Gonzalez, Mr. Rodriguez, Mr. Pascrell, Mr. Cramer, Mr. Hilliard, Ms. Eshoo, Mr. Brady of Pennsylvania, Mr. Olver, Mr. Forbes, Mr. Rothman, Mrs. Napolitano, Mr. Sherman, Mr. Serrano, Mr. McCollum, Mr. Inslee, Ms. Woolsey, and Mr. King):

H.R. 5574. A bill to authorize the Secretary of Health and Human Services to establish an adoption awareness program; to establish the Adoption Awareness Commission; and to promote adoptions through increased public awareness and increased tax incentives; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5575. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5576. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5577. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5578. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 5579. A bill to amend the Public Health Service Act to revise certain standards that are required for petitions under the National Vaccine Injury Compensation Program; to the Committee on Commerce.

By Mr. GARY MILLER of California (for himself, Mr. Schaffer, Mr. Toomey, Mr. Coburn, Mr. Barr of Georgia, Mr. Largent, and Mr. Burton of Indiana):

H.R. 5580. A bill to amend the Congressional Budget Act of 1974 to provide that, in the House of Representatives, appropriations to reduce the public debt are covered by budget allocations and to amend the Rules of the House of Representatives to allow en bloc offsetting amendments to appropriation bills to reduce spending and to reduce the public debt; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. Evans):

H.R. 5581. A bill to carry out an international fellowship program between the United States and Vietnam to enable Vietnamese nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries; to the Committee on International Relations.

By Mr. OBERSTAR (for himself, Mr. Sabo, Mr. Peterson of Minnesota, Mr. Ramstad, Mr. Minge, Mr. Luther, and Mr. Gutknecht):

H.R. 5582. A bill to designate a portion of the Boundary Waters Canoe Area in Minnesota as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness"; to the Committee on Resources.

By Mr. TIERNEY (for himself and Mr. George Miller of California):

H.R. 5583. A bill to amend the Higher Education Act of 1965 to establish an alternative path to teaching in needy school districts; to the Committee on Education and the Workforce.

By Mr. TOWNS:

H.R. 5584. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON (for himself and Mr. Oberstar):

H.R. 5585. A bill to ensure the energy self-sufficiency of the United States by 2010, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Science, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H. Res. 655. A resolution providing for the consideration of the bill H.R. 1550 and the

Senate amendment thereto; considered and agreed to.

By Mr. TOWNS:

H. Res. 656. A resolution expressing the sense of the House of Representatives that the Government of India should take immediate steps to end the human rights abuses by government forces in India, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 531: Mrs. Johnson of Connecticut.

H.R. 920: Mr. George Miller of California.

H.R. 1196: Mr. Blumenauer.

H.R. 1275: Mr. Bentsen and Ms. Waters.

H.R. 1303: Mr. LaTourette and Mr. Boehlert.

H.R. 1317: Mr. Lampson.

H.R. 1388: Mr. Frelinghuysen.

H.R. 1623: Mr. McIntyre.

H.R. 1746: Mr. LaTourette.

H.R. 2166: Mr. Brown of Ohio and Mrs. Tauscher.

H.R. 2382: Ms. Stabenow.

H.R. 2624: Ms. Eddie Bernice Johnson of Texas.

H.R. 2735: Mr. Lampson.

H.R. 2741: Mr. Farr of California.

H.R. 3214: Mrs. Morella.

H.R. 3433: Mr. LaFalce, Ms. Baldwin, Mr. Saxton, and Mr. Frelinghuysen.

H.R. 3463: Mr. Moakley.

H.R. 3580: Mr. Brady of Texas.

H.R. 3705: Mr. Clement and Mr. Matsui.

H.R. 3872: Mr. Maloney of Connecticut.

H.R. 4046: Mr. Lantos and Mr. Conyers.

H.R. 4094: Mr. English and Mr. Nethercutt.

H.R. 4167: Mr. Dixon.

H.R. 4213: Mr. Goodlatte.

H.R. 4272: Mr. Hinchey.

H.R. 4273: Mr. Hinchey.

H.R. 4346: Mr. Weygand.

H.R. 4390: Mr. Rush, Mr. Olver, and Ms. Kilpatrick.

H.R. 4410: Mr. Filner.

H.R. 4527: Mr. Reyes.

H.R. 4536: Mr. Coyne.

H.R. 4547: Mr. Stump.

H.R. 4600: Mr. Goodlatte.

H.R. 4707: Mr. Davis of Illinois and Mr. Meehan.

H.R. 4728: Mr. Simpson.

H.R. 4845: Mr. Barr of Georgia and Mr. Goodlatte.

H.R. 4915: Mr. Delahunt.

H.R. 4964: Mr. Payne.

H.R. 4992: Mr. Baca.

H.R. 5027: Mr. Manzullo and Mr. Largent.

H.R. 5095: Mrs. Mink of Hawaii and Mr. Serrano.

H.R. 5096: Mr. Payne and Ms. Carson.

H.R. 5151: Mr. Upton and Mr. Gilchrest.

H.R. 5185: Mr. Lantos, Mr. Rush, Mr. Nadler, Mr. Oberstar, Mr. Sabo, Mr. Edwards, Ms. Kaptur, Mr. Gejdenson, Mr. Pastor, Ms. Baldwin, Mr. Kleczka, Mr. Conyers, Mr. Thompson of California, Ms. Sanchez, and Mr. Condit.

H.R. 5259: Mr. Deal of Georgia.

H.R. 5265: Mr. Traficant.

H.R. 5277: Mrs. Mink of Hawaii, Mr. Gordon, and Mr. Etheridge.

H.R. 5311: Mr. Doyle and Mr. Moakley.

H.R. 5339: Ms. DeLauro.

H.R. 5349: Mr. Ballenger, Mr. Barr of Georgia, and Mr. Phelps.

H.R. 5385: Mr. Buyer and Mr. Lucas of Kentucky.

H.R. 5397: Mr. McHugh, Mr. Boucher, Mr. Clement, Mr. Deutsch, Ms. Eshoo, Ms. Hooley of Oregon, Mr. Mollohan, Mr. Roemer, Mr. Tanner, Mr. Watt of North Carolina, Mr. Weiner, Mr. Barrett of Wisconsin, Mr. Cardin, Mr. Clyburn, Mr. Doggett, Mr. Hilliard, Mr. Holt, Mr. Hoyer, Ms. Eddie Bernice Johnson of Texas, Mr. Luther, Mr. Nadler, Mr. Rothman, Mr. Dooley of California, Mr. Lucas of Kentucky, Mr. Barcia, Mr. Crowley, Mr. Hill of Indiana, Mrs. Mink of Hawaii, Mr. Edwards, Mr. Olver, Mr. Udall of New Mexico, Mr. Sabo, Mr. Skelton, Ms. Velázquez, Mr. Horn, Mr. Fattah, Ms. Kilpatrick, Mr. Lampson, Mr. Minge, Mr. Hoeffel, Mr. Kanjorski, Mr. Sawyer, Mr. Maloney of Connecticut, Mr. Waxman, Mr. Cummings, Mr. Conyers, and Mrs. Morella.

H.R. 5475: Mr. Dingell.

H.R. 5485: Mr. Oxley.

H.R. 5502: Mr. Evans.

H.R. 5530: Mr. Castle, Mr. Canady of Florida, Mr. Bryant, Mr. Gallegly, Ms. Ros-Lehtinen, Mr. Wicker, and Mr. Ehrlich.

H.R. 5552: Mr. Gekas, Mr. Peterson of Pennsylvania, Mr. Hoeffel, Mr. Udall of Colorado, and Ms. Carson.

H.J. Res. 107: Mrs. Lowey, Mr. Berman, and Mr. Owens.

H. Con. Res. 431: Mr. Waxman, Ms. Hooley of Oregon, and Mr. Gilchrest.

H. Res. 602: Mr. Hunter, Mr. Stark, and Mr. Green of Texas.

H. Res. 635: Mr. Kasich.

H. Res. 650: Mr. Filner, Mr. Cunningham, Mr. Lewis of California, Mrs. Bono, Mr. Martinez, Mr. Horn, Mr. Radanovich, and Mr. Thompson of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2335: Mr. Inslee.

EXTENSIONS OF REMARKS

HONORING BOB BEVERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize a remarkable citizen of Grand Junction, Colorado, Bob Beverly. Bob has for over three decades worked tirelessly, promoting the sport of skiing on the western slope of Colorado. Recently Bob was inducted into the Colorado Ski Museum Hall of Fame and I would like to honor his contributions to the State of Colorado.

Bob is a native of the Colorado ski country growing up in Steamboat, Colorado. After moving to Grand Junction in the 1950's he actively worked to help promote skiing in western Colorado. He was an instrumental player in founding the Grand Mesa and Mesa Creek ski areas, two areas that are unfortunately no longer in existence. Despite the difficulties with these two resorts he continued to promote skiing in the capacity of constructing volunteer ski patrols, in order to ensure the safety of Colorado's skiing community.

Bob's greatest contribution to the Grand Valley came when he founded the highly popular and successful Powderhorn ski area. He not only worked tirelessly to raise money to fund this enormous undertaking, but also helped to clear the area's first ski runs.

Bob's contributions to the Grand Valley and the Colorado ski community are immeasurable and he is well deserving of this distinguished honor. On behalf of the State of Colorado and the U.S. Congress I congratulate Bob on his induction into the Colorado Ski Hall of Fame and wish him the very best in his future endeavors.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. BENTSEN. Mr. Speaker, as a co-sponsor of this resolution, I rise in strong support of its passage today. This important measure, introduced by my colleagues International Relations Committee Chairman BENJAMIN GILMAN and Ranking Member SAM GEJDENSON, expresses the United States' solidarity with the State of Israel and condemns the recent acts of Palestinian violence in the Middle East.

H. Con. Res. 426 calls upon the Palestinian leadership to honor its obligations under the Oslo Accords, to resolve its concerns peacefully at the negotiating table, and to cease inciting its people to violence. This resolution also calls for the Palestinian Authority to vigorously employ its security forces to restore order and to safeguard holy places of all faiths. Without Chairman Arafat's adherence to these basic obligations under Oslo, efforts to salvage the peace process and improve the lives of both Israelis and Palestinians will surely fail.

This resolution was offered in response to weeks of tension in the Middle East and sends a clear message condemning Palestinian violence. This resolution will not only signal to Chairman Arafat that America abhors his calculated use of violence, it will also signal to nations across the Middle East and around the world that the American people stand by Israel—our democratic ally and closest partner in Middle East peace. At a time when Hezbollah leaders are broadcasting appeals for the murder of Israelis, and when the rogue states of Iraq and Iran are renewing calls for Israel's destruction, the United States must transmit a clear, unmistakable message of support for Israel.

This legislation compliments another measure—H.R. 5522—which I recently offered with my colleagues ANTHONY WEINER, MATT SALMON, and PETER DEUTSCH, to cut funding for the Palestinian Authority pending a peaceful resolution to the conflict in the Middle East and full renunciation of violence. H.R. 5522 would immediately cut approximately $33 million in non-humanitarian U.S. aid directed to the Palestinian Authority projected to be included in the Fiscal Year 2001 budget. The bill contains a provision allowing the President to waive the proposed sanctions upon certifying that the Palestinian Authority has renounced violence as a means of political expression, and that the violence has actually subsided. I believe this bill, in conjunction with the resolution we are considering today, appropriately signifies the breadth and scope of U.S. resolve.

The acts of violence committed by the Palestinian Authority has again plunged the Middle East into a deep crisis. The progress realized through years of difficult negotiations in the Middle East offered hope to all Israeli's who desire a final peace with true security, while offering Palestinians the hope of greater sovereignty. This progress was achieved because both sides negotiated in good faith, and developed trust and understanding. The Israeli government demonstrated its commitment to peace at Camp David, when it offered unprecedented compromises to end the conflict. At this time of great peril, the U.S. must state its strong commitment and support for the State of Israel.

I urge my colleagues to support Israel and vote for this passage of this resolution.

IN MEMORY OF GARY McPHERSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. TANCREDO. Mr. Speaker, I rise today to honor the memory of Colorado State Representative Gary McPherson—a husband and father of three, a public servant, a self-made individual, and a leading citizen of Arapahoe County and the great State of Colorado, who recently passed away.

On October 12th of this year, Colorado suffered a tragic loss with the passing of my friend, Gary McPherson. Gary represented State House District 40 for the last six years and was considered a rising star in Colorado's political realm. At 37 years of age, he was a respected lawyer as well as a distinguished lawmaker. He always had a smile on his face and was willing to share advise on anything from legislation to how well the Nebraska Cornhuskers were going to do next season. His legislative accomplishments run the gambit from protecting property rights and seeking tougher criminal sentencing to returning TABOR tax surpluses to Colorado taxpayers, reducing the State income tax rates, and bringing a special civility and decorum to the State House floor.

Gary was the quintessential citizen legislator, he began his public service as a precinct leader in southeast Aurora and hosted local caucuses for the surrounding precincts. During this time, gained the respect of the community and was appointed, in 1995, to fill the vacancy in his local House District. Gary established himself as a leader in the State Legislature, becoming the chairman of the 13 member House Finance Committee as well as serving on the Appropriations and Judiciary committees.

His honesty and forthright approach to every endeavor was highly valued and respected by his colleagues. His dedication to the Colorado Civil Air Patrol, where he participated, has led his family to ask that contributions be directed to them in his memory.

Let the permanent RECORD of the Congress of the United States reflect that Gary McPherson was a gentleman of proud Scottish heritage, a father to three lovely daughters: Christina, Elizabeth, and Ashley, and loving husband of Shelley, and that he will be missed by one and all.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DR. DEAN TUTTLE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SCHAFFER. Mr. Speaker, Today I rise to recognize before the House the accomplishments of Dr. Dean Tuttle of Greeley, Colorado. At a ceremony in Madison Square Garden this evening, Dr. Tuttle will be presented the American Foundation for the Blind's 2000 Migel Professional Award. The award is the AFB's highest honor. The Migel Medal was established in 1937 by the late M.C. Migel, the American Foundation for the Blind's first chairman, to honor volunteers and professionals whose dedication and achievements have significantly improved the lives of people who are blind or visually impaired. Each year, only two people of such high character are presented the Migel Medal.

Dr. Tuttle is a retired Special Education professor at the University of Northern Colorado. He has written extensively on visual impairment. For the past nine years, he has consulted the Hadley School for the blind on its curriculum planning and evaluation. He holds masters degrees from San Francisco State College and Columbia University Teachers College in Special Education. Dr. Tuttle earned his Ph.D. from the University of California, Berkeley, and San Francisco State University in Educational Psychology. Dr. Tuttle's writings and lectures consistently inspire young teachers entering the fields of education and rehabilitation for the blind to do all they can to make life better for the visually impaired.

The American Foundation for the Blind is a national nonprofit organization whose mission is to eliminate the inequities faced by the ten million Americans who are blind or visually impaired. This is an organization to which Helen Keller devoted forty years of her life, and it is no surprise that this wonderful organization is now honoring one of our country's most dedicated educators. Dr. Dean Tuttle selflessly devotes his time to benefit the blind and visually impaired, and it is with great pride that I stand here today to speak to his vast achievement and success.

HONORING DOVE CREEK COMMUNITY HEALTH CLINIC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize a remarkable group of individuals responsible for expanding the Community Health Clinic in Dove Creek, Colorado. These talented individuals have, through determination and dedication, brought the citizens of Dolores County and surrounding communities a medical center that can accommodate the areas medical needs.

This unique medical facility is a federally qualified rural health clinic that serves the citizens of southern Colorado, living in Dolores County, parts of Montezuma and San Miguel Counties, as well as San Juan County in Utah. In the past year these individuals have been monumental in acquiring the much-needed funds that allowed the clinic to expand its size in order to better serve its patients.

The new addition to the clinic will now allow it to house the Dolores County Health Nurse's office, Emergency Medical Services and the Coroner's office.

The addition that is now being added will expand the clinic in immeasurable ways including added expansions of pharmaceutical, laboratory, radiology and emergency facilities. Without such incredible compassion and commitment to their community these individuals may not have made this clinic into the impressive medical facility it is today.

Mr. Speaker, at this time I would like to honor Dianne Smith, Executive Director; Betty Sernadeni, Health Board President; Martin Neubert, Physician's Assistant and Dan Fernandez, a Colorado State University Extension Agent. They have benefited their community in immeasurable ways and have ensured that the citizens of southern Colorado are able to receive the best medical treatment around and for that I commend their efforts and thank them for their commitment to the citizens of our great state of Colorado.

TRIBUTE TO FBI SPECIAL AGENT DENNIS CONWAY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to Federal Bureau of Investigation Special Agent Dennis Conway, who has served with distinction in the Bureau's Kansas City Division since 1989.

Special Agent Conway will retire on December 31, 2000, concluding a career during which he was responsible for the successful investigation, arrest, and prosecution of over 200 criminals.

From 1972–1976, Special Agent Conway was assigned to the FBI's Oklahoma City Division, where he investigated violent crimes. Then, from 1976–1983, he was Bank Robbery Coordinator in the Bureau's Minneapolis Division. From 1983–1989, Special Agent Conway was assigned to the FBI's Detroit Division, where he was case agent on an undercover illegal drug investigation which resulted in the conviction of a high profile drug distributor, who was convicted after a six week trial.

From 1989 to the present, Special Agent Conway has been assigned to the Bureau's Kansas City Division. During that time, he served as case agent on undercover drug operation "Plazop," which focused on sources of illegal drug supplies from Colombia, the Philippines, the Dominican Republic, Los Angeles and San Diego. This investigation resulted in 32 criminal convictions which significantly reduced the quantity of illegal drugs on the streets of Kansas City, Kansas, and Missouri. For the past six years, Special Agent Conway has investigated illegal drug crimes and crimes of violence within the U.S. Penitentiary in Leavenworth, Kansas, where his efforts have resulted in over 60 indictments.

Mr. Speaker, I am pleased to have this opportunity to pay public tribute to my constituent, FBI Special Agent Dennis Conway, as he completes a distinguished career of service to the Kansas City community and our nation as a whole. The public at large and the law enforcement community are better for his efforts, and we wish him well as he concludes his career with the FBI.

IN RECOGNITION OF THE RETIREMENT OF ROBERT J. CLARKSON

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RILEY. Mr. Speaker, today I pay tribute to Robert J. Clarkson. On November 3, 2000, Mr. Clarkson will retire from the United States Postal Service after 61 years of federal service. In the entire 224-year history of the Postal Service, Mr. Clarkson is only the 25th person to serve over 50 years and the only one from the State of Alabama.

Robert Clarkson began his postal career at age 14 as a special delivery messenger with the post office in Anniston, Alabama. That was in 1940. To put this in perspective, at that time, a regular stamp cost 3 cents and a special delivery stamp cost 10 cents. Mr. Clarkson was paid 9 cents for every special delivery letter he delivered. He was a city carrier from 1942 to 1955 at which time he transferred to the Piedmont, Alabama Post Office as a Rural Letter Carrier. He has been a rural career since that time, for 32 years out of the Piedmont Post Office and then 13 years out of the Anniston Post Office.

During his career as a Rural Letter Carrier, Mr. Clarkson, was Committeeman of the Third District for the Alabama Rural Letter Carriers Association as well as a local Steward for many years. He was given a Special Achievement Award by the Postal Service in recognition of his job performance.

Within the span of his employment, Robert Clarkson served 2 years in the United States Navy. When he was discharged, he returned home and completed high school and then college by going to night school.

Mr. Speaker, I want to salute Robert Clarkson for his remarkable career with the Postal Service and to thank him for his service to the residents of Calhoun County, Alabama. His tradition with the Postal Service is being carried on by his son, Michael, a Rural Carrier in Oxford, Alabama.

THE VACCINE INJURY COMPENSATION PROGRAM IMPROVEMENT ACT OF 2000

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. MICA. Mr. Speaker, today I am introducing the "Vaccine Injury Compensation Program Improvement Act of 2000," legislation designed to revise and improve the standards applied to petitions for compensating injuries associated with vaccines administered to children when the claims are deemed not to be covered by the "Vaccine Table." The Table is used in the program to create presumptions favoring compensation coverage under very limited circumstances and pursuant to specific criteria.

Mr. Speaker, I have chaired oversight hearings of the House Subcommittee on Criminal Justice, Drug Policy and Human Resources devoted to problems and issues in the National Vaccine Injury Compensation Program. Our full committee, the House Committee on Government Reform, also has been actively engaged in oversight of this important program. As a product of our hearings and extensive oversight activities, members of the subcommittee and full committee in a bipartisan manner and without objection, passed on October 5, 2000, the report entitled; "The Vaccine Injury Compensation Program: Addressing the Needs and Improving Practices."

Among the recommendations of this report is the need to devise an alternative standard for determining compensation for petitioners who claim vaccine-related injuries, but whose petitions are not covered by the Vaccine Table. As the report correctly explains, Congress recognized deficiencies in scientific studies on the topic of vaccine-related injuries, and intended to provide a fair and reasonable opportunity for petitioners to demonstrate vaccine-relatedness. If a significant relationship or association could be proven, compensation coverage was intended. Regretfully, the current wording of the statute has been interpreted and applied in a manner that requires a traditional tort "causation" legal analysis. If the traditional legal approach had been intended, Congress would simply have allowed these cases to be resolved through traditional tort liability litigation. That was not the desire of Congress when the program was established; it is not the desire of Congress today. Accordingly, a revision to the petition standards is needed to ensure that reasonable and fair determinations of vaccine association and relatedness are provided. That is precisely what this legislation does. It does not address various other reforms—some favored by the involved federal agencies and some not, some needed and some not—that are intended to improve the program further. The focus of this bill is simply to revise and clarify the standard used in adjudicating certain petitions. This reform will foreclose the practice of effectively denying petitions when scientific studies do not squarely address the specific circumstances presented, and will provide a reasonable, fair and appropriately flexible standard for examining evidence and determining vaccine injury compensation coverage.

The revised language of this legislation provides an approach and standard for coverage that is similar to that used in determining medical treatment benefits to veterans who claim illnesses presumed to be related to exposures to Agent Orange.

HONORING JUDGE JACK PIERCE

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SANDLIN. Mr. Speaker, today I honor a man who is a devoted American, a great Texan and a great friend. I stand here today to recognize The Honorable Jack Pierce for his outstanding service as District Judge in Nacogdoches, Texas. His approaching retirement on December 31, 2000, will mark the end of an exceptional career.

Judge Pierce presided over the 145th Judicial District Court as District Judge for 37 years and 4 months, serving as the longest seated judge in the history of Texas. Appointed by Governor John Connally on August 31, 1963, Judge Pierce will always be known for his exemplary public service.

My friend Jack has roots deep in Nacogdoches. He graduated from Nacogdoches High School and received his bachelor's degree from Stephen F. Austin State University. After graduating from law school at Baylor University in 1958, he returned to Nacogdoches to start a family with Willene Bird, his wife of 32 years. He and his wife raised two daughters while his career began to soar.

Remarkably, this distinguished jurist won nine consecutive elections as District Judge. During his progressive tenure, Judge Pierce made great contributions to the court system in Nacogdoches. He was the first local judge to name a woman to the Nacogdoches Grand Jury Commission. He created the "Ninety Day Guarantee" for court trials in the county, and he established the law library at the Nacogdoches County Courthouse. His record speaks volumes about his convictions and his commitment to always do the right thing.

Although well known for his professional success, many people know Jack Pierce for his contributions outside the courtroom. An active member of Fredonia Hill Baptist Church, Judge Pierce served on the pastoral selection committees and was chosen as Outstanding Father in 1991. He was chairman of the Attoyac District Boy Scouts of East Texas, and received the Silver Beaver Award for adult leadership. Presently, he advances community improvement through memberships in the Kiwanis Club and the Nacogdoches Booster Club.

At the end of this year, Judget Pierce will hang up his hat, but I know this will not be the last we see of this great man. He knows the value of investing in the community, and the city of Nacogdoches is a better place for it. I am grateful for his dedication to the community through the years—his service has not gone unnoticed. Mr. Speaker, it is an honor for me to stand before you today to pay my respects to one of America's greats, Judge Jack Pierce.

TRIBUTE TO KATHY REED ON HER RETIREMENT

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. NUSSLE. Mr. Speaker, today I rise to bring special attention to someone who has been a great asset to my District and me for the past nine years. After nine years of service and dedication to the people of Iowa's Second District, my District Representative for Clayton, Dubuque and Jackson counties has announced her retirement for the end of this year. Kathy Reed has been a loyal and dedicated employee, and someone I am proud to have worked with over the years.

Kathy has been no ordinary District Representative. Everyone who comes into contact with Kathy takes an immediate liking to her. Her extraordinary sense of humor has helped her through some difficult times on the job. Once, on a hot July day Kathy and I were scheduled to tour an agriculture processing plant. Afterward we were scheduled for several meetings with my constituents. Needless to say, the hot weather mixed with the aroma of the plant did not make for a good combination. Kathy's remarkable sense of humor allowed her to get through the experience and the potential embarrassment when we left the plant to attend our next meeting. You might say we left the plant, but the plant did not leave us!

Kathy is one of those rare people who when people see her walk through the door they immediately have a smile on their face. Rarely is she greeted with just a handshake or a simple hello. More often than not the people in the community greet her with a hug. She has a true gift for connecting with people.

Not only will the people of the Second District miss Kathy, but her co-workers and I will especially feel her absence. Some on my staff have had the privilege of working with Kathy for the entire past nine years, and some have worked with her for a much shorter period. Regardless of the amount of time spent working with Kathy, everyone on my staff is able to agree on one thing. Kathy always brings out the positives in any situation and is able to find a silver lining in even the most negative circumstances. For the past several years Kathy has undertaken a project to help her co-workers and me remember the positive aspects of our job. Each month Kathy compiles all the "thank you" notes, e-mails and messages that come to all of my offices. She then forwards them to all her co-workers and me. This is a good example of this facet of her personality. It can be easy to let the negative comments and situation influence us, but every month the "thank-you's" have reminded us of the positive impact our work can sometimes have on the people of the Second District.

Kathy Reed will indeed be missed by not only the people of the Second District, but especially by her co-workers and me. I wish Kathy nothing but the best as she enters this exciting phase of her life. She and her husband Chuck plan to travel the country and spend plenty quality time with their children and grandson. I am truly sad that she will no longer be a part of my organization, but I am proud that she was with me for nine years, and I am honored to call her my friend.

IN RECOGNITION OF NANCY JOHNSON, ALABAMA OLYMPIAN

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RILEY. Mr. Speaker, Today I pay tribute to Nancy Johnson of Phenix City, Alabama, who earned the first medal for the United States at the 2000 Olympic Games. She took the gold in the 10-meter air rifle event. Nancy won by defeating Korean Cho-Hyun Kang by two-tenths of a point, matching the Olympic finals world record with her combined score.

Nancy Johnson came to the 2000 Olympics as the 1999 U.S. Air Rifle National Champion, but she was a member of the 1996 Air Rifle Olympic Team competing in Atlanta. In her spare time, she is a runner and a mountain biker. Most remarkable is the fact that in 1991, after suffering nerve damage, she was told that she would never shoot again. With hard work and dedication, she proved the doctors wrong.

During the 2 weeks of the Sydney Olympics, we were treated to some remarkable athletic achievements. The determination of these athletes to achieve their goals was an inspiration to us. I salute Nancy Johnson on her gold medal victory.

HONORING JOSEPH P. NACCHIO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. TANCREDO. Mr. Speaker, it gives me great pleasure to rise today to recognize Joe Nacchio, chairman and chief executive officer of Qwest Communications International Inc. of Denver, CO, and join the National Italian American Foundation as it honors him for the Special Achievement Award in Communications which will be presented on October 28, 2000, in Washington, DC.

As the Representative of Colorado's Sixth Congressional District, and a fellow Italian-American, I am extremely pleased to recognize Joe Nacchio as he receives this award.

Joe Nacchio was born in Brooklyn to a blue collar Italian immigrant family. His late grandparents and great-grandparents all arrived in America via Ellis Island. It is an honor for me to recognize the determination and commitment he has exhibited in his personal and professional life. He has been blessed, fortunate and has epitomized the entrepreneurial spirit, especially at Qwest, in order to achieve this award and great success in the high technology world. His parents, Frank and Carmela Nacchio, will join Joe in Washington, DC, as he is recognized for his exemplary contributions to corporate success and growth. I know that Joe has been a great source of pride for them and his wife, Anne, and his sons, David and Michael.

The people of Colorado have every right to be proud of him, especially now that Qwest Communications is the largest private employer in the State. I salute Joe Nacchio, for his leadership and drive, which has and will continue to benefit the business environment as well as his deep commitment to his family, values, and principles as an Italian-American.

TRIBUTE TO JUDGE MARY MURGUIA

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to a Kansas native and former resident of the Third Congressional District of Kansas, Mary Murguia, who on October 3rd was confirmed, by voice vote, by the U.S. Senate as a Federal District Court Judge for the District of Arizona.

Mary Murguia is the first Latina to be appointed to the federal bench in Arizona. The daughter of Alfred and Amalia Murguia, she and her six brothers and sisters grew up in the Argentine neighborhood of Kansas City, Kansas, where her parents still reside. She received bachelor's degrees in Spanish and journalism from the University of Kansas in 1982 and a law degree from KU in 1985.

Mary began her law career as an assistant district attorney for the Wyandotte County district attorney's office in Kansas City, Kansas; in 1990 she was appointed as an assistant U.S. Attorney in Arizona, where she served until 1998. Since that time, she worked in the Department of Justice in Washington, D.C., as the director of the Executive Office for U.S. Attorneys, where she served as liaison between the Attorney General, the offices and agencies of the Justice Department, and the 94 U.S. Attorneys' offices.

Mary's brother, Carlos Murguia, was confirmed by the U.S. Senate last year as the first Latino Federal District Court Judge for the District of Kansas; her twin sister, Janet Murguia, served as Deputy Assistant to the President and Deputy Director for Legislative Affairs for President Clinton and is now Deputy Campaign Manager for Constituency Outreach for the Gore-Lieberman 2000 campaign.

Mr. Speaker, I am pleased to have this opportunity today to pay tribute to newly appointed Federal District Court Judge Mary Murguia and I wish her a lengthy and personally rewarding career in public service on the federal bench.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. BENTSEN. Mr. Speaker, I rise in support of this legislation, which includes a critical provision to provide debt relief to 30 of the world's poorest countries, fulfilling a pledge by the United States to help alleviate the often crippling debts that have hindered economic development in the Third World.

The plan includes the full $435 million sought by President Clinton for debt relief for highly indebted poor countries (HIPC) as well as language allowing the International Monetary Fund to revalue its gold reserves for additional debt forgiveness. I applaud the work of the Administration, which spearheaded the international effort to relieve debt from the world's poorest countries. This program requires such nations to reallocate funds from debt payments into human capital development and prohibits the participation of nations with excessive military spending, involvement in drugs, terrorist activity or human rights violations. It is important to note that the United States is not the largest creditor, either bilaterally or multilaterally, but without U.S. leadership and participation this effort could not succeed. Most of the debt targeted for relief are longstanding bilateral loans by the World Bank and other international financial institutions.

I want to congratulate Mr. CALLAHAN, the Chairman of the Foreign Operations Subcommittee, who included compromise language that requires a 2-year moratorium on construction project loans from international banks to countries that will benefit from the debt relief effort. While we support responsible direct debt relief for poor countries, I strongly agree that we take steps to ensure the money isn't used just to pay off bad loans rather than directly assisting poor people.

In fact, the moratorium provisions are substantively similar to an amendment I offered last November during the House Banking Committee's consideration of H.R. 1095, legislation which took an important step in relieving some of the debt loads carried by the world's poorest nations. The amendment I offered would have imposed strict conditions against further lending for a period of five years for any country that obtains debt relief. While I strongly support debt relief, I believe it should be structured to ensure that participating countries cannot return to high levels of debt acquisition without a reasonable "cooling-off" period; similar to the conditions required by law in the U.S. for individuals who declare bankruptcy. While my amendment was not approved by the Committee, I am pleased that similar provisions were included in this Conference Report.

As a member of the House Banking Committee, I am especially pleased that the Leadership chose to make this commitment to debt relief. I believe much credit should go to my colleague and Chairman of the Banking Committee, JIM LEACH. Last year, under his leadership, the Banking Committee approved took critical steps toward realizing our debt relief goals through passage of H.R. 1095. While some of the most important provisions of H.R. 1095 were realized last year, the debt relief provisions included in this conference report help us to fully abide by our pledge to engage in meaningful debt relief for the world's poorest countries.

I am also pleased with the $2.82 billion in aid to Israel contained in this bill. U.S. aid to Israel is always essential, but it is especially important today with the ongoing crisis in the Middle East. As the region is engulfed in violence, it is precisely at such moments that the clear demonstration of U.S. support for Israel and her security, as manifested in this foreign aid bill, is vitally important. U.S. aid to Israel, both economic and military, helps Israel meet its most pressing security needs. As other nations in the Middle East expand and modernize their arsenals, U.S. aid provides Israel with the means to obtain the advanced American weaponry it needs to defend itself. By keeping Israel's strong and prepared, U.S. aid actively deters aggressors form attacking Israel without an American military presence, which Israel has never sought. It is only through an affirmative vote for this Conference Report that Israel will receive this critical U.S. support.

Mr. Speaker, at less than 1 percent of the federal budget, foreign aid helps the U.S. confront threats to our national security and promotes peace and democracy while supporting humanitarian objectives. I urge my colleagues to support the debt relief provisions in this bill, U.S. aid to Israel and passage of the Fiscal Year 2001 Foreign Operations Appropriation Conference Report.

PATRICK ROY: THE GREATEST

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to honor the greatest goal tender in the history of the National Hockey League (NHL). Patrick Roy, a perennial Hall of Famer representing the Colorado Avalanche, earned the distinction of the winningest goalie in NHL history on Tuesday, October 17th by winning his 448th game. This is an incredible personal achievement in the sporting world, and a proud day for the people of Colorado.

In his professional career, Patrick Roy has hoisted three Stanley Cup Trophies, three Vezina Trophies given to the league's best goalie, and the Conn Smythe Trophy, which is given to the Most Valuable Player of the post season. He holds the record for the most seasons winning twenty games or more, and he has more post season wins and shutouts than anyone in the history of the National Hockey League. As a young player for the Montreal Canadiens, Patrick Roy dazzles the hockey world with his quick reflexes and athletic ability when he won his first Stanley Cup and Conn Smythe Trophy as a rookie in 1986. In Colorado, a more mature Patrick Roy intimidates opposing teams with his confidence and poise as the greatest clutch goal tender of all time.

Patrick Roy is a fierce competitor whose passion and dedication define the sport of hockey. These very attributes were on display Tuesday night as he denied twenty seven shots on goal en route to leading the Colorado Avalanche to a dramatic overtime victory against the Washington Capitols. As a proud resident of Colorado, Patrick Roy donates his time off the ice by actively participating in many Avalanche charity functions. He is a loving father who ritually writes the names of his three young children on his stick before every game to give him inspiration and strength. He is an incredible athlete. It is with tremendous pride that I stand here today to recognize one of Colorado's best athletes. Patrick Roy is a legend in the history of sport, and an inspiration to sports enthusiasts and fans.

MEDICAID INTENSIVE COMMUNITY MENTAL HEALTH TREATMENT ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. KAPTUR. Mr. Speaker, today I along with my colleague, Representative BARBARA CUBIN, introduced important legislation to improve the standard of care for the mentally ill under the Medicaid program, the Medicaid Intensive Community Mental Health Treatment Act of 2000. This legislation provides each state with the option of covering intensive community mental health treatment under the Medicaid program. These community health programs are intensive treatments for adults and children with a diagnosed and persistent mental illness if they meet certain criteria under Medicaid. This bill amends title XIX of the Social Security Act to provide states with the option of covering intensive community treatment under the Medicaid program.

With this bill, the states can use 24-hour, 7-day-a-week intensive case management programs, psychiatric rehabilitation, discharge planning, and other evidence-based approaches such as assertive community treatment. These programs have been proven more effective and less expensive than inpatient care. The severely mentally ill are not receiving the help they need under the current programs covered under Medicaid.

This bill helps states reduce the costs of inpatient care under Medicaid. Trials have demonstrated that the use of these services substantially reduces the need for inpatient mental illnesses. This bill focuses the treatments used to benefit the severely mentally ill and thereby reduces the amount spent on inpatient care.

Current federal financing for community-based metal health care is spread across six or more optional Medicaid service categories. There exists a patchwork of state and country programs characterized by a lack of coordination, inflexible funding streams, and missing service components. This bill brings together a number of proven treatments for the severally mentally ill. States are given a choice, not a mandate, to adopt these improved services.

The people in our country who suffer from severe and persistent mental illnesses are not receiving the care they deserve. Without this specialized and intensive treatment it is extremely difficult for them to improve their lives. Many of the severely mentally ill are habitual inhabitants of the prison system or are homeless. If they have access to the specialized intensive care provided by these programs, cyclical regression to their illnesses may be avoided. This bill puts the choice squarely on the states: they can and should exercise the option to provide the quality of care individuals with severe mental illnesses deserve.

This bill does not cover everyone seeking psychiatric therapy. It covers only those with severe and persistent mental illnesses who meet one of the following criteria: a history of hospitalization or of repeated arrests for minor offenses; A history of poor outcomes from lesser treatments; who cannot meet their own basic needs; or have a history of coexisting substance abuse for at least 12 months.

The Medicaid Intensive Community Health Treatment Act of 2000 gives states a clear choice to improve the lives of their severely mentally ill residents.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes No. 551 and No. 552. Had I been present, I would have voted "no" on rollcall vote No. 551 and "yea" on rollcall vote No. 552.

HONORING DON DIMENSTEIN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding member of the New Haven, Connecticut community and my dear friend—Don Diminstein. I am proud to join Mayor John DeStefano, members of the Atwater Senior center, and the City of New Haven as they gather to salute Don for his many years of outstanding leadership and service.

After nearly five decades of public service, Don continues to serve the City of New Haven with unparalleled dedication and commitment. A life-long resident of New Haven, Don has been a leading figure in our community for many years. His extensive record of commitment to the community includes public service in a variety of capacities. Don will leave a legacy in the incredible example he has set for us by his professionalism and sense of civic duty. I am consistently amazed at the energy and tenacity Don continues to demonstrate on behalf of New Haven residents.

For nearly four decades, Don has served in the City of New Haven in the field of Human Services. First, as a member of the Board of Alderman, then as an original staff member of the New Haven's first anti-poverty agency, Community Progress, Inc., and most recently as an employee with the City's Elderly Services Department which he now heads. Don's career has taken him across the lines of every demographic group, from our children to our grandparents. Don has truly had a significant impact on the entire New Haven community. As one of the first members of Community Progress, Don played a major role in the development and implementation of employment and training programs. Since their inception, these programs have given thousands of men and women the skills they need to join the workforce and provide for their families. During his tenure with the Elderly Services Department, Don has worked diligently to make sure the needs of our seniors are met. He is known throughout the Greater New Haven area as a strong voice on behalf of seniors and always willing to go to great lengths to ensure their interests are represented.

Determined and inspired to make a difference in our community, Don's commitment to the families and elderly of New Haven extends beyond his professional career. "Man's rent on Earth is his service to others"—a classic quote that has become Don's lifelong motto. He has touched the lives of many with his volunteer efforts, including with such organizations as the Westville Youth Association, the New Haven Area Mental Health Association, the Bikur Cholim Sheveth Achim Synagogue, and the League of Women Voters. These are only a few of many community organizations he has helped. I have often said that our communities would not be the same without the efforts of volunteers and this is especially true in Don's case. He has had such a profound impact on the City of New Haven that there is no doubt it would not be the same without the compassion and generosity he has demonstrated.

I am proud to stand today and join Don's wife, Patricia, family, friends, and colleagues to extend my sincere thanks and appreciation for his outstanding service and invaluable contributions to our community. The residents of New Haven are better off because of all of Don's good work. Thank you, Don, for all you've done.

ELECTRONIC PRIVACY PROTECTION ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. HOLT. Mr. Speaker, as a member of the House Internet and Privacy Caucuses I rise to call my colleagues attention to a bill I introduced today to protect consumers from software more commonly known as "spyware."

Mr. Speaker, I would like to submit a July 14th article in the Washington Post that outlined this problem. In this article entitled "Your PC Is Watching," the Post writer points out that companies like Mattel who make interactive computer toys like the Reader Rabbit and Arthur's Reading Games are using spyware to track the habits and usage of children. She also points out that companies like Intuit Inc. who make the popular home accounting program Quicken employ spyware.

Spyware is a computer program, usually embedded in another program, that can take information from a person's computer without their knowledge or consent. That's right. Information can be removed from a computer without the consent of the user. What this software does is take information stored on a person's computer and transmits it to the operator of the spyware while a person is online.

This information is typically sent to the manufacturer of the software, a marketing company or an advertising agency to aid in the development of new products or advertising campaigns. Spyware often collects the cookies that a person accumulates while browsing the net.

Let me make this clear, Mr. Speaker. This legislation does not affect the issuance of cookies by Internet companies. Cookies, do not by themselves act as spyware. A cookie is an identifier for a particular Web site that allows among other things a host to recognize a user. Protections for people who want to guard against cookies are built into the major Web browsing programs.

What my legislation does is protect the American people from intrusion. None of us let strangers into the house without first checking who is at the door. Surely, we do not want intruders coming into our computers without first giving our consent and, for example, misusing cookies. With the increasing use of home computers for personal business like taxes and financial planning people are storing more and more sensitive personal data on their PCs.

What this legislation does is require the Federal Trade Commission to issue regulations within 120 days of the bill's passage to do a few common-sense things. The regulations will require that any piece of software that contains spyware be clearly marked with a label. Also, it would make it unlawful to knowingly install spyware on a computer or use spyware without obtaining consent from the primary user of the computer.

Mr. Speaker, there is one other important thing that this legislation will do. It will double the penalty for any person or company to use or install spyware on a computer that is known to be under the control of a minor.

Mr. Speaker the practice of strangers tracking the activities of our children is deplorable. I understand that most companies argue that they do not use these programs for sinister reasons. I also understand the argument that this software allows them to tailor products and services to the needs of the consumer.

Mr. Speaker I also understand that it is not a far stretch from this to the unintended uses of this software to cyber-stalk children, steal financial or medical information or even steal a person's identity.

It is time we stopped talking and studying the problem of privacy protection and start acting to protect our constituents. I urge my colleagues to join me in this effort.

[From the Washington Post, Fri., July 14, 2000]

(BY ARIANA EUNJUNG CHA)

Keith Little, a computer technician who makes house calls on the apple farms of central Washington state, says more and more of his clients are asking him to take steps to protect their online privacy. So he scans their computers for any mischievous programs and installs security software.

What surprises people is how often Little finds programs designed to funnel bits of their personal information from their computers and into giant corporate databases. He says more than half of the 20 or so computers he inspects each week are running stealthy programs he calls "spyware."

The electronic eavesdroppers usually come attached to the software people install on their personal computers. Whenever a user connects to the Internet, these programs take advantage of the opening to pass on information that has been stored on the PC's hard drive. The data—it could be details of Web surfing habits or identifying personal information—are then typically sent to the manufacturer of the software or a marketer to be used in developing new products or advertising campaigns.

At a time when concerns about online privacy have spread from Interent bulletin boards to Capitol Hill, this tracking software has become a flash point for the debates about how to balance consumer rights with the business models of the digital age.

Little has found the programs in children's software such as Mattel Interactive's Reader Rabbit and Arthur's Reading Games, Intuit Inc.'s financial planner Quicken, and dozens of other packages. The electronic hitchhiker also is part of a program associated with the Netscape browser that millions of people use to travel the Internet.

One Web site has identified more than 4000 of these data-gathering and tracking programs. Most are free "shareware" that people download off the Web, but an increasing number are mainstream programs, even those people pay for.

"When people find out, they are livid," said Little, 42. "They say, 'Get it out of there'. Then they become very afraid to use their computers, afraid of what personal stuff it's sending out. The problem is that they were not informed."

The companies that use the programs say they were created not for nefarious reasons but to help tailor information consumers want. The programs work by collecting data from a hard drive or from the electronic "cookies" many users pick up when they visit Web sites. A marketing company might then use the information about what Web sites you frequent to decide whether you would be interested in an ad for a sporting-goods retailer or one for opera tickets. A software manufacturer often wants to know who has purchased its products so it can alert users to problems or update them about new goodies.

Most companies say they do not seek out information that would identify a person by name. Further, they say the information is not disseminated publicly, but only used for internal corporate purposes.

Privacy advocates, though, equate the programs to taps on phone lines. Rep. Edward J. Markey (D–Mass.) recently introduced a bill that would require companies to give "conspicuous notice" of any information they are collecting and to allow users to decline to participate. A New Jersey photographer last week filed a lawsuit against Netscape Communications, an America Online Inc. subsidiary, accusing the company of using its SmartDownload program to "eavesdrop."

Concern has grown in the past few months as more Americans, unsettled by high-profile accounts of spreading computer viruses and other hacker attacks, have installed security software—or "firewalls"—in their personnel computers. The security programs typically alert users with warning messages whenever an unauthorized program is attempting to send information out into the Internet. Many users quickly discover how vulnerable they are.

Last winter, a Seattle company called RealNetworks Inc. came under fire after customers discovered its music player was collecting information about users' listening habits in order to personalize its services. The company has since stopped the practice and apologized. Intuit, meanwhile, has acknowledged using the tracking programs to target ads. And a few weeks ago, after parent complaints, Mattel Inc. officials apologized for adding a data-gathering program to more than 100 titles of its Learning Co. unit's educational programs for children.

Simson Garfinkel remembers that he was 40,000 feet in the air on a plane from London to Boston in May when he noticed that his laptop kept trying to connect to the Internet. The culprit: an educational program he had installed for his 3-year-old daughter. It was trying to send out the producer's code number and other such information to the company so it could better respond to consumer needs, according to Mattel spokeswoman Susan Salminen.

"I wouldn't call it spyware exactly. It was more like marketing ware. But even that conveys a lot of personal information to the folks at Mattel and it was upsetting," said Garfinkel, a computer network architect from Cambridge, Mass.

Mattel's Salminen said the program's intentions are benevolent but the company already had decided to eliminate it late last year from all new software because of "public concern around the privacy issue."

Earlier this month, a Netscape user named Christoper Specht filed a class-action suit in U.S. District Court in Manhattan seeking damages of a minimum of $10,000 per person for violating consumers' privacy by tracking which files they download from the Internet.

A spokeswoman for Dulles-based AOL said the company is aware of SmartDownload's ability to gather customer data but it had "never used it to access or retain information about users or files."

"The lawsuit is without merit," said Ann Brackbill, a senior vice president. As every corner of the Internet becomes increasingly commercialized, many online companies are experimenting with new models for making money in the uncharted new economy.

One way is to give away products or sell them for below cost and make money through advertising. The tracking programs allow these companies to tout their ability to target specific audiences to potential advertisers. At the same time, many software companies are trying to develop a continuing relationship with their customers, becoming in effect service-oriented companies. The tracking programs allow them to keep in touch.

For the most part, companies that track consumers say the information they collect is minimal, and it's gathered anonymously so that the data cannot be linked to real names. But security professionals like Travis Haymore of Lanham's Digital Systems International Group, point out that some of the data streams leaving personal computers are so heavily cloaked, or encrypted, that it's practically impossible for anyone to verity or refute such claims. And the programs are more invasive than the electronic cookies that businesses use to track people on the Web because they potentially can scan documents and images on people's hard drives as well as track online habits.

"Your tax records, what medical sites you've been looking at, your online banking—if someone has spyware on your machine, they would have access to that data and it would be next to impossible to tell if it was leaving," said Haymore, a former federal government computer security investigator.

Irate computer users also have filled online bulletin boards with complaints about tracking programs that are impossible to remove (even when the original host program is deleted), that crash their computers or clog up their telephone or cable lines, slowing down their Internet connections.

Two technology marketing companies, Silicon Valley's Radiate.com and Sterling's Conducent Technologies Inc., which have developed "ad hots," software for the most popular ads targeting customers, have been at the heart of the online privacy debate. These ventures partner with software companies and share a cut of the advertising revenue.

Conducent's director of Marketing, Robert Regular, says participation in its ad-driven programs is "voluntary" and offers consumers many advantages, including discounted or free software. People who purchase CD-ROMs made by eGames, for instance, can can get six free programs if they choose to look at ads and give up some personal information. "We will show ads and will make use of the user's Internet connection and if they agree to that, great. If not, they don't have to use the software," he said.

Regular says the company always has required it partners to disclose in their privacy policies that the programs were "ad-supported" but only this month started making them flash separate screens during in the installation process alerting users of the tracking.

Like other people in the industry, Regular disputes the "spyware" characterization.

"We don't spy on anyone." We don't know any personally identifiable information. We know they are an anonymous user. We don't look at anything that they do," he said. "Because we run in the background, people think we're doing something deceptive and don't understand that its in order to refresh ads."

As stories of tracking software and other privacy concerns have circulated throughout the online world in recent months, companies and independent programmers have scrambled to develop protection tools with names such as ZoneAlarm and OptOut. More than 1.1 million people already have downloaded OptOut, freeware that was devloped by Steve Gibson, asecurity consultant in California and a privacy advocate. And personal firewall software has been rushing off store shelves since last fall, with 40,000 to 50,000 copies being sold each month, according to research firm PC Data Inc.

But even unsophisticated programmers can easily get around the best available electronic firewalls, security experts say.

Symantec's Steve Cullen, the senior vice president for consumer business, said people using Norton Internet Security 2000, the most popular firewall program, for instance, can specify that their names, credit-card numbers and other sensitive information be blocked from leaving the computer. But if that information is electronically masked by one of many easy techniques, it can still get through.

"If it's really spyware, certainly encoding or encrypting is something that these guys could do and that makes it much trickier to catch it," he said.

Still Cullen says that scenario is rare. He said about 80 percent of the time companies don't bother hiding the data and leave it as plain text, a format that is simple to filter.

Christopher Kelley, an analyst with Forrester Research, believes that the "sneakiness" with which some corporations are acting has exacerbated privacy concerns and damaged the industry's credibility—something that they may come to regret as an increasing number of angry citizens create technological tools that could topple the companies' entire business plans. Added Montreal computer consultant Gilles Lalonde: "Right now it's now a free-for-all. Anything goes. This is the kind of environment that permits these kinds of intrusive behaviors, allows them to flourish. If we don't start to define some ethical rules, before long people will lose their trust in all online companies and this great technological revolution just stops."

PERSONAL EXPLANATION

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. EDWARDS. Mr. Speaker, yesterday I made an error on rollcall vote No. 549 by voting "nay" on H. Con. Res. 426, a resolution concerning violence in the Middle East. I support H. Con. Res. 426 and intended to vote "yea" in favor of this resolution.

TRIBUTE TO REV. JOHNNIE JAMES JAKES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. DAVIS of Illinois. Mr. Speaker, some people are fortunate to live long lives, others are able to be seriously productive; but then there are those who are blessed to lead both long and productive lives. Such has been the case of Rev. Johnnie James Jakes who was born in 1902 and lived until just one day before what would have been his 98th birthday.

Rev. Jakes was born in Money, Mississippi on October 29, 1902, he later moved to Helena, Arkansas where he met and married Ms. Geneva Johnson, to this union, one son was born. He later met and married Ms. Callie Mae Strigler and to this union eleven children were born, she preceded him in death in 1985.

Rev. Jakes answered his call to the ministry on December 3, 1931, and pastored three churches and was highly regarded by his peers as a man of vision, fairness and cordiality.

After Rev. Jakes' health began to fail he moved to Chicago, Illinois where he was cared for by his 2nd eldest daughter, Ms. Elizabeth James and other members of the family.

He united with the Old St. Paul Missionary Baptist Church which was founded by his son the Rev. Paul Jakes Sr. and is now pastored by his grandson, the Rev. Paul Jakes Jr.

A long and productive life, may his soul rest in peace.

HONORING THE CIVILIAN CONSERVATION CORPS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. UDALL of New Mexico. Mr. Speaker, today I pay tribute to the Civilian Conservation Corps for all of its contributions to our wonderful country. The participants in this New Deal program made an unparalleled contribution to our Nation and left a legacy of parks, forests, and recreational areas many of which still exist today.

The CCC, which was founded in April 1933, coupled the need to put unemployed young men to work and the need to conserve the Nation's natural resources. During the program's 9-year life, the Federal Government employed over 3 million men on an extensive variety of conservation projects across the United States. At the program's peak in 1937, there were over 502,000 corpsmen working in 2,500 camps in all 48 States, Hawaii, Alaska, and Puerto Rico.

Corpsmen enlisted for 6-month periods, lived in camps or companies of 200 men, and were paid $30 per month—$25 of which was sent directly to their families. The average participant was 19 years old, had only an eighth grade education, and was so underfed when he arrived that he gained 11 pounds during his first 3 months in the program. If the program's sole purpose was to help young men support their families, the CCC would have accomplished a great deal and would have been a tremendous success.

But, Mr. Speaker, the CCC had another goal—that of conservation and restoration of America's natural resources. Between 1933 and 1942, enrollees hand-planted over 2 billion trees, built nearly 3,500 fire lookout towers and spent roughly 6 million man-days extinguishing fires. In addition to these remarkable feats in forestry, corpsmen also completed projects in erosion control, pond dam construction, soil conservation, and disaster relief assistance.

Sadly, this is the largest group of forgotten people in the United States. Over 4 million CCC people have never been recognized or given credit for what they have done and are still doing for our country. I recently received a letter from Charles L. Singletary, who is the President of Chapter 141 of the National Association of Civilian Conservation Corps Alumni in my home State of New Mexico. In his letter he stated, "The prodigious achievements of the 'CCC boys' are on the verge of being forgotten by this cynical generation. Lamentably, the United States has never adequately recognized these achievements nor the men of the CCC." I urge my colleagues to join me in saluting and paying tribute to this extraordinary group of young men. In short, the CCCs changed the face of our Nation.

I am proud of the many accomplishments the CCC made during its 9-year existence, and it is no accident that this public works program was perhaps the most widely accepted and popular of the New Deal programs, even among those who generally opposed the Roosevelt Administration. The hard work, dedication, and many successes of the CCC participants provide us a shining example of the American spirit, and they showed us that we as a united Nation can work together, face any peril, and succeed.

TRIBUTE TO MAJOR GENERAL CHARLES W. THOMAS

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. McCRERY. Mr. Speaker, I am pleased to take this opportunity to pay tribute to a fellow Louisianan, Major General Charles W. Thomas, who is retiring after more than 32 years of service to the Nation in the United States Army.

General Thomas served the past two years as the Chief of Staff, U.S. Army Training Doctrine Command (TRADOC), responsible for managing the day-to-day operations of this major Army element and its 15 installations, 27 Army schools, and 67 thousand military and civilian personnel located throughout the United States. TRADOC's mission is to prepare the U.S. Army for war and is the architect of the future Army. In the fast paced world of change we have witnessed at a national and international level over the past three decades, General Thomas has been instrumental in steering the U.S. Army on a path to meet current and future threats to our national security. Equally important, he has contributed significantly to the readiness of the Army by ensuring the men and women in uniform were well trained and well equipped for their missions during peace and war. His leadership and mentoring played a major role in the development of an Army in which the citizens of our great nation can be justifiably proud.

Serving under such daunting responsibilities has been a pattern in General Thomas' military career, a career which began in October 1968 and saw him serve in the Military Intelligence Corps at such diverse locations as Turkey, Thailand, Germany, and in Saudi Arabia during Operation DESERT STORM. These tours of duty and a variety of other command and staff assignments have taken this alumnus of Northwestern State University in Louisiana with undergraduate and graduate degrees in Zoology across the seas and around the United States with duty in Georgia, Arizona, Hawaii, and Virginia, among other states. But his home has always been Natchitoches, Louisiana, where his parents, Dr. and Mrs. Charles and Sadie Thomas, still reside today.

Mr. Speaker, I am proud to recognize this respected Army leader. I wish General Thomas and his wife Sharon all the best, and am certain that Members of the House will join me in tribute to this outstanding American.

A VISION OF HINDU INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. DOOLITTLE. Mr. Speaker, I noticed two recent articles that underline the religious tyranny in India. One was in the New York Times and the other was in the Washington Times. Together, they show that for minorities, the promise of Indian secularism and religious freedom is a mirage.

The RSS, a militant Hindu nationalist organization, wants to ban foreign churches from India. It wants to reconvert everybody who converted from Hinduism to any other religion, such as Christianity or Islam. The RSS published a booklet encouraging people to file false criminal cases against Christians and members of other minority religions. They are moving ahead with plans to build a Hindu temple on the site of a very revered mosque. Is this how they practice secularism and religious tolerance in India?

The ruling BJP is under the umbrella of the RSS. In fact, Prime Minister Vajpayee just about a month ago told an audience that he will "always" be a part of the RSS. Shiv Sena, a militant coalition partner of the BJP, is also part of the RSS.

Since Christmas 1998, Christians have been subjected to church burnings, attacks on Christian schools and prayer halls, nuns being raped, priests being murdered, the burning murder of a missionary and his two little sons, and so many other atrocities that I have lost trace of them. Two independent investigations show that 35 Sikhs were massacred in Chithi Singhpora while the President was visiting in March. Now these disturbing articles have come to light. How far will this pattern of religious hostility go on before we do something to stop it?

We should declare India a violator of religious rights. In light of that, we should cut U.S. aid to India. Why should the American taxpayer be forced to pay taxes to support a government that engages in such policies? We should also put ourselves on record in support of self-determination for Khalistan, Kashmir, Nagalim, and the other minority nations living under Indian rule. It is our responsibility to do what we can to support freedom.

Mr. Speaker, I submit the following New York Times article into the RECORD for the information of my colleagues and the American people.

A CAMP MEETING CELEBRATES THE VISION OF A HINDU INDIA

By Celia W. Dugger

AGRA, India, Oct. 15—Dust rose in dervishes across the dun-colored parade ground here, swirling around the legs of almost 60,000 uniformed men and boys from more than 7,000 villages. Those foot soldiers in the quest for a Hindu nation stood in ruler-straight lines that stretched as far as the eye could see.

They had come to a three-day camp to celebrate the 75th anniversary of the Rashtriya Swayamservak Sangh, or the National Volunteers Association. It is a powerful disciplined and, some believe, dangerously divisive organization that has given rise to a raft of affiliated groups, including the Bharatiya Janata party that now leads India's coalition government.

After an hour of toe touches, deep knee bends and push-ups, the volunteers sat cross-legged in the dirt and lay down their long bamboo staffs to listen raptly to their leader, K.S. Sudarashan. He inspired them with a vision of India as an ancient and tolerant Hindu nation, but warned that the country was threatened from within by Christian churches that he described as foreign dominated and funded.

Although Christians have lived in India for 2,000 years and make up only 2 percent of its one billion people, he raised the specter of Christian conversions diminishing the dominance of Hindus and leading to secessionist movements. He criticized Christian and Muslim Indians who have refused, in his eyes, to embrace their Hindu heritage. He called on Christians to sever links with "foreign" churches and set up a Church of India. And he condemned Roman Catholic missionaries who believe that only their path leads to salvation.

"How can we allow such people to work here?" he asked from his podium high above the ground. A larger-than-life likeness of the Hindu god Krishna loomed behind him.

Fifty-three years after India gained its independence from British rule, Mr. Sudarshan's movement is still agitating for a redefinition of the nation's founding secular values. They were enunciated in the 1950 Constitution, which guarantees "the right freely to profess, practice and propagate religion." And they were ardently defended by India's first prime minister, Jawaharlal Nehru, who believed that religious minorities could retain their identities and still be loyal Indians.

In contrast, the Hindu nationalist ideology defines India as a Hindu nation whose people share a common geography, culture and ancestry. In this view, Muslims and Christians were converted from Hinduism and need to be reintegrated into the Hindu mainstream—a theme first sounded in the 1920's and articulated by Mr. Sudarshan today.

After the closing ceremony, thousands of volunteers, all dressed in paramilitary-style khaki shorts, white shirts and black caps, rushed from their rigid grid on the field toward the dignitaries sitting on red velvet couches in the blazing sun. A group of them surrounded Home Minister Lal Krishna Advani, who started in the R.S.S., moved to the Bharatiya Janata party, and is now believed to be in line to inherit the mantle of leadership from Prime Minister Atal Behari Vajpayee, who joined the R.S.S. back in the 1940's.

As orders blared from a tower of loudspeakers, Mr. Advani joined the rows of men in making the movement's salute (hand held stiffly across the chest, palm down) on the count of one, lowering his head on two and dropping his arm on three.

His presence here was another tantalizing clue in one of the country's favorite parlor games: Are the R.S.S. and the B.J.P.—the political party that is part of the Sangh Parivar, or R.S.S. family—hand in glove or at each other's throats?

The answer seems to be a little of both. There is a natural tension between them. Mr. Sudarshan's movement, which is striving to build a Hindu nation from the grass roots up, is purist in its ideology. The ruling party, which is striving for political power, has set aside many of its Hindu nationalist planks to win the support of regional parties with secular outlooks. It is no longer pushing for the construction of a Hindu temple on the site of a demolished 16th-century mosque in Ayodhya, for example.

But the movement and the governing party also need each other. The party relies on the movement's vast network of committed volunteers at election time. And the movement enjoys a measure of political influence because of its close ties to the party.

"The relationship is a bit like that between the Christian Coalition and the Republican Party," said Ashutosh Varshney, a political scientist at Notre Dame and an expert on India.

More than half a million boys and men attend the daily meetings of the R.S.S. in 45,000 local branches all over India. The group's appeal is part Boy Scouts, part crusaders. Many become volunteers for the daily physical exercise, sports and camaraderie, but were later fired by the association's idea of nationhood.

The camp here in Agra was an organization feat, subdivided into many smaller neighborhoods where sanitation, roads, electricity and cooking facilities had all been installed by the association.

At 4:30 this morning, a bugle woke the swayamsevaks, or volunteers, while a full moon still dangled over the grounds. By 6 a.m., as dawn broke and a pinkish-orange orb of sun rose, they had lined up for exercise drills. Afterward, they sang a song calling on the volunteers to awaken to threats from India's enemies and traitors. The high-pitched voices of young boys cut through the low hum of the men's singing.

Many of those here were new recruits. Rajkumar Gupta, 13, could explain little of the group's ideology. He studies in a school run by an affiliate of the association. He and the 160 students in the school had come with their teachers "because the school told us to."

Abhinay Kumar Sharma, 15, was attending his second camp and he had learned some of the association's thinking. "The Sangh is here to fight social evils, for example, conversions to Christianity," he said. "This is a Hindu nation and conversions are divisive and this will lead to the division of the country."

Lal Singh, a 65-year-old farmer, echoed the same theme, saying: "Conversion is wrong. This is against our culture. And in these other religions, this sense of humanity and service to man is not there, while it is in our religion."

Yashpal Singh Nayak, 26, a traveling perfume salesman, worried that extended families are breaking down into nuclear families and that women are leaving their faces unveiled in front of elders and males. "If it continues like this," he said, "it will be a serious threat to Indian culture."

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. PASCRELL. Mr. Speaker, today, the House of Representatives voted overwhelmingly for H. Con. Res. 426, a resolution Concerning the Violence in the Middle East. I voted in favor of its passage, however, I wish to register my continued concerns about the state of affairs in the Middle East.

We must be clear: there is bloodshed in both Palestinian and Israeli neighborhoods; mothers of both Palestinians and Israelis mourn over their dead and dying; there is distrust and cultural pride in both Palestinian and Israeli hearts. This situation is not exclusive to one side: it is a mutual tragedy.

I am proud that the United States has played the role of an honest broker during these recent weeks. Moreover, I support the efforts made by our Nation and our President to broker peace between these warring parties in the Middle East. I believe that the United States needs to continue dedicating our resources towards the effort of lasting and sincere peace. I voted in favor of passage of the Foreign Operations Appropriations bill, which provides funding and resources for both Palestinians and Israelis.

However, I am profoundly disappointed in what seems to be the inability of PLO Chairman Yassar Arafat to effectively communicate order and calm within his ranks. I see, more often than not, Palestinian rebels throwing rocks and stones in mob rule fashion. It is incumbent upon Chairman Arafat to restore order and, until that occurs, the United States will find it difficult to maintain its honest broker status.

I want to reiterate my unflagging commitment to the peace process in the Middle East. Now is not the time for the United States to pick a side. Rather, it is time for us to be prepared to play an integral and historic role in helping restore peace in that region. Without the help of both Palestinians and Israelis, this accomplishment will be impossible.

THE GAMING INDUSTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. NEY. Mr. Speaker, a few months ago I felt it necessary to speak out against alleged abuses in the gaming industry. I did so not to express disapproval of the gaming industry as a whole but to express my frustration with those in the gaming industry who may unfairly take advantage of their patrons. My earlier statement was related to the previous actions of SunCruz Casino at the time and based on the findings of Florida Attorney General Robert Butterworth and several news reports.

I was concerned that some individuals who participate in gambling for entertainment and recreation can unwittingly fall prey to unethical practices by a few rouge casino owners. I said then and will repeat now that I am not anti-gaming, and I would not call myself pro-gaming either. I do, however, strongly believe in the concept that those who choose to gamble should be able to do so in the establishments of respected gaming interest who treat their customers and their communities fairly.

Given the Attorney General's findings and the record of SunCruz under the previous owner, I did not believe that the casino was operating a fair and responsible establishment.

Since my previous statement, I have come to learn that SunCruz Casino now finds itself under new ownership and, more importantly, that its new owner has a renowned reputation for honesty and integrity. the new owner, Mr. Adam Kidan, is most well known for his successful enterprise, Dial-a-Mattress, but he is also well known as a solid individual and a respected member of his community.

While Mr. Kidan certainly has his hands full in his efforts to clean up SunCruz's reputation, his track record as a businessman and as a citizen lead me to believe that he will easily transform SunCruz from a questionable enterprise to an upstanding establishment that the gaming community can be proud of.

Mr. Speaker, the purpose of my statement is not to criticize or promote the gaming industry or to favor one casino owner over another, but rather stand by the consumers who patronize casinos as a form of entertainment. I believe that every individual who visits a gaming vessel in Florida, should know that they are gaming in an establishment that represents the community well, and gives every individual a fair shot. I hope that all casinos owners and operators share in this philosophy. I look forward to the positive changes Mr. Kidan is more than capable of brining to the gaming industry and I hope that others will follow his lead when he brings positive changes to SunCruz.

AFRICA DEMOCRACY FORUM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. PAYNE. Mr. Speaker, at the founding conference of the Africa Democracy Forum in Abuja, Nigeria, earlier this month, Carl Gershman, President of the US National Endowment for Democracy, delivered a thoughtful speech about the challenges and opportunities facing this important region. The conference brought together democratic activists to further cooperation in the promotion of human rights, good governance, and peace in the continent.

I submit Mr. Gershman's speech for the RECORD, and I urge my colleagues to give serious attention to his remarks.

AFRICA'S ROLE IN THE WORLD MOVEMENT FOR DEMOCRACY

REMARKS DELIVERED BY CARL GERSHMAN, PRESIDENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY, AT THE FOUNDING CONFERENCE OF THE AFRICA DEMOCRACY FORUM IN ABUJA, NIGERIA, OCTOBER 3-4, 2000

It's a great honor for me to join you in inaugurating the Africa Democracy Forum (ADF), an Africa-wide network of democratic activists that will both strengthen cooperation among democrats on the African continent and link their efforts to the World Movement for Democracy (WMD), the worldwide democracy network that was established in New Delhi, India, early last year. While this is my first visit to Nigeria, I feel like I've been here many times before since so many people in this room are friends with whom the National Endowment for Democracy (NED) has worked for more than a decade. I'm speaking of Ayo Obe, the President of the Civil Liberties Organization (CLO), our co-host, who chaired the final session of the inaugural assembly of the WMD, and without whom it would not have been possible to adopt by acclamation the Founding Declaration from which she just read. I'm speaking also of Olisa Agbakoba, the founder of our other co-host, the Human Rights Law Service (HURILAWS), who has been in the forefront of the struggle for human rights and the rule of law in Nigeria; of Clement Nwankwo, who was with us in Washington in May 1999 to receive the NED's Democracy Award on behalf of all the organizations comprising the Transition Monitoring Group; of Abdul Ohroh, Innocent Chukwuma, and of course Beko Ransome Kuti who has never hesitated to stand against injustice whatever the personal risk.

The NED has been honored to support the democracy movement in Nigeria during the most difficult period of military dictatorship. Dave Peterson, our senior program officer for Africa who spear-headed that support, could not be with us at this conference, but his partner Learned Dees is here, and I don't think I have to explain to anyone the importance of Learned's contribution to democracy in Nigeria and in Africa generally. I also want to recognize Ann Macro of the Human Rights Unit of the British Foreign and Commonwealth Office, which has made a grant supporting African participation in this conference and in the WMD's next assembly that will take place November 12–15 in Sao Paulo, Brazil. We've worked closely with the Westminster Foundation for Democracy, our partner democracy foundation in the United Kingdom, and we look forward to further cooperation with our British friends in supporting other important democratic initiatives in Africa.

It would be hard to exaggerate the tremendous changes that have taken place in Africa since the mid-1980s when the NED came into being. At the time, all but a small handful of African countries were dictatorships, democracy movements were repressed, and democracy NGOs were invisible or nonexistent. The progress since then has been significant, if uneven. As Abdul Ohroh has pointed out in the background paper drafted for this conference, today 8 African countries are rated as free according to the Freedom House annual survey, while 24 are rated party free, and 21 are not free. Abdul's paper also notes that there are in Africa today 20 electoral democracies, the term used by political scientists to describe countries which hold reasonably fair elections, but where full democratic participation and guarantees are constrained by a variety of factors, among them official corruption, centralized executive power and weak parliaments, weak media, excessive military influence in politics, and a judiciary that is not fully independent.

With that caveat, it is important to note that there have been historic democratic gains not only here in Nigeria but in other African countries such as South Africa, Mozambique, Niger, Namibia, Ghana, Malawi, Mali, and Benin. At the same time, in countries such as Kenya, Gabon, Liberia, and Cameroon, electoral forms have been used to conceal continued authoritarian rule; the results of a real election were overturned in Congo-Brazzaville; and civil war and state collapse have overwhelmed the Congo, Rwanda, Burundi, Sierra Leone, and Angola.

Clearly democracy faces enormous challenges in Africa, and the difficulties that lie ahead are compounded by the extent and depth of poverty and by the alarming spread of the devastating AIDS virus. Nonetheless, there is a common element in all the gains that have been made, which offers hope and inspiration for the future. This element is the decisive contribution made in every situation, even those where violence has temporarily gained the upper hand, by democratic political activists and the non-governmental forces of civil society.

Certainly this has been the case in Nigeria, where so many organizations represented here led the resistance to the military dictatorship and where the coalition of human rights organizations, a combative independent press, women's groups, trade unions, students, and others all raised the Nigerians' understanding of and support for democracy. The pressures they mounted against the Abacha regime, organizing domestic protests and rallying international sympathy for their cause, undoubtedly induced the interim government of Abdusalami Abubakar to move ahead with democratic elections after Abacha's demise. The more than 60 organizations that joined together in the Transition Monitoring Group strengthened the credibility of the election process while exposing its flaws, thus helping to make possible the transition from military to civilian rule—a contribution, as I've already noted, that we recognized last year with a ceremony in the U.S. Capitol. Significantly, these groups have not ceased their labors since then but remain hard at work fighting corruption and organized crime, and leading efforts to reform the police, strengthen local government and independent media, improve the environment, educate for democracy, reconcile communities in conflict, and redress the problems in such areas as the Niger Delta.

Elsewhere, the contribution of African democrats has also been impressive:

In South Africa, where civil society groups led the opposition to apartheid, built the culture of negotiation that led to the 1994 negotiations, and have since reinforced the remarkable transformation of that society. While the challenges of AIDS, crime, and poverty remain in South Africa, civil society has found an effective new role in addressing these problems in a democratic society;

In Zimbabwe, where a coalition of groups formed the National Constitutional Assembly that first proposed democratic reform of the constitution and then led a campaign against a government attempt to hijack the initiative in a constitutional referendum. The defeat of the government proposal marked a reversal in its monopoly of power, and culminated in the elections in June that restored multi-party democracy to Zimbabwe.

In the Democratic Republic of the Congo, where despite the increasing repression by the government of Laurent Kabila and the reign of terror imposed in the territory controlled by the rebels who oppose him, human rights and democracy activists have preserved hope for the future. They were a driving force behind the Lusaka Accords and the call for a national dialogue that would include civil society. They have maintained a steady flow of information on the horrendous human rights abuses committed by all sides in the conflict, ensuring that the plight of the people of the Congo is not forgotten by the international community. They have decreased the appeal of politicians who resort to ethnic hatred, protected the independent press, and increased popular awareness of human rights. Their work has been heroic.

In Sierra Leone, where civic groups led by the trade unions staged a general strike lasting nearly a year that helped bring down the military junta that had overthrown the democratically-elected civilian government of Tejan Kabbah. These groups struggled for a just peace accord, but when the rebels reneged on the agreement, they marched on the headquarters of the rebel leader Foday Sankoh, declaring that "enough is enough!" Many demonstrators were killed by Sankoh's bodyguards, but he fled and was later captured and will now be tried for war crimes. Meanwhile, NGOs are monitoring and promoting human rights, reintegrating former combatants, and campaigning for peace and democracy.

In Angola, where a brave journalist who was invited to this conference, Rafael Marques, has gone to jail for calling Eduardo Dos Santos a dictator, and by so doing has galvanized an incipient democratic movement, led by the church, to demand an end to war, government corruption, and human rights abuses.

In the Sudan, where a coalition of women's and human rights organizations have mounted peaceful protests in Khartoum State, forcing the government to repeal a law that would have prohibited women from engaging in any form of public employment, such as working in banks, restaurants, government offices, or gasoline stations, potentially throwing thousands of women out of work. In Southern Sudan, civil society groups, led by the Council of Churches, are pressing ahead with a peace campaign which has dramatically reduced the fighting among rival factions that has killed hundreds of thousands of Sudanese in the last decade.

And in Chad, where human rights activists, supported by their counterparts in Senegal and the Congo, have managed to get the former dictator, Hissene Habre, convicted of crimes against humanity, following the precedent of legal action taken against the former Chilean dictator Augusto Pinochet. Although Senegal's new president, Abdoulaye Wade, managed to have the decision reversed, human rights activists are confident they can restore the conviction.

These are just a few of many examples that can be cited of how the democracy movement in Africa is effectively contributing to the cause of human rights, good governance, and peace. The problems Africa confronts are profound but not inevitable. They can be reversed if there is real accountability and transparency—in other words, real democracy. In a word, democracy is not possible without democrats. Their contribution—your contribution—is the precondition for building democracy on the continent.

Having noted the central role played by the African democracy movement, it is also important to recognize the influence of international factors on the development of democracy in Africa. For example, as the international movement of human rights gathered momentum in the 1980s, the Organization of African Unity adopted the African Chapter on Human and People's Rights. While the Charter did not specifically address the issue of democracy, or at least did so only tangentially, it provided new space for democracy activists to function within the framework of human rights, which the governments officially recognized.

A second international factor was the "third-wave" of democratization, a process which began with the revolution in Portugal in 1974 (which itself had been precipitated by the unsuccessful colonial war in Angola) and later spread to Latin America, Asia, Central Europe, and eventually Africa. The downfall of dictatorships in these regions, and especially the collapse of communism in Central Europe and the former Soviet Union, had a powerful effect in Africa. In the first place, many African dictatorships saw the writing on the wall and immediately set in motion processes leading to the establishment of multi-party electoral competition. Even where this competition was controlled by the old regime, it offered new space for democracy activists to develop programs of civic education and to appeal to the international community for support. Moreover, the passing of the Cold War and the added effect of ending a bi-polar international system that allowed tyrants in Africa to play the major powers off against one another, appealing for support—even from a democracy such as the United States—by presenting themselves as strategic allies. The end of the Cold War brought this cynical process to a close and put new pressure on African governments to democratize as a condition for winning international support and assistance.

The end of apartheid in South Africa was yet another factor that added to the pressures for democratization in Africa. The struggle against white minority rule in South Africa so dominated the politics of the African continent that it completely overshadowed the question of black authoritarian rule in other countries. With the end of apartheid, which itself represented an historic gain for African democracy, the focus shifted to the nature of the political regimes in black Africa. No longer could African dictators escape scrutiny by proclaiming their opposition to apartheid. In the post-apartheid era they would, like rules in other regions, be judged according to the universal standard of democracy.

In keeping with the emphasis on democracy in this new era, many countries in Europe and North America have established programs to bolster the efforts in Africa to build democratic institutions. Some of these programs were undertaken by governments as part of their development assistance budgets. But an important new dimension of such assistance has been in the creation of independent democracy-promotion foundations such as the National Endowment for Democracy and the Westminster Foundation for Democracy. The financial and technical assistance provided to democratic activists by these programs, along with the involvement of many Western NGOs in the growing field of democracy promotion, constitutes a new and innovative force for advancing democracy in Africa.

Not all the new international factors have aided democracy in a clear and unambiguous fashion. The economic, technological, and communications revolution that has been given the name "globalization" has not been welcomed by many people in Africa and in other regions as well. Some see it as a menacing force that can marginalize less advanced economies. there is also concern that the dynamic of global integration that is a central aspect of this new period threatens local cultures, religions, and identities. But there are also those who understand that globalization in an unavoidable challenge. For them, the issue is one of creative adaptation--of learning to utilize the new technologies to discover new ways to empower local groups with knowledge and to connect them with allies in their own countries and beyond.

The Africa Democracy Forum is one such response to the challenge of globalization, and the World Movement for Democracy is another. The hope is that by establishing such cooperative networks local democracy groups will be empowered in new and important ways. They will be able to share experiences, to identify "best practices" that help governments (especially local governments) serve the people more effectively, and to develop indices, such as the Democracy Perception Index that will be discussed at this conference, that can help measure and evaluate government performance. In addition, such networks empower groups by giving them a voice that will command far more attention in the new arenas of global politics than if each tried to speak alone. Not least, they can develop allies in other democratizing countries and in the advanced democracies who can defend their interests in distant and often inaccessible international bodies. Linkages, voice, a seat at the table, solidarity, and mutual aid—these are the keys to the empowerment of civil society and local NGOs in the era of globalization.

As the Africa Democracy Forum develops and begins to play a role within the World Movement for Democracy (the ADF, I should note, will convene an Africa regional meeting at the next assembly of the WMD, which will take place in Sao Paulo, Brazil, from November 12-15), the question of the inter-relationship between regional and international factors deserves careful consideration. Local democracy groups should give thought not only to strengthening their voice internationally, but also to utilizing their international relationships to exercise leverage on African governments to implement meaningful political and economic reforms.

For example, 19 sub-Saharan African countries participated in the "Community of Democracies" ministerial conference that was held last June in Warsaw, Poland. (These countries were Benin, Botswana, Burkina Faso, Cape Verde, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Sao Tome and Principe, Senegal, Seychelles, South Africa, and Tanzania.) Each of these countries approved the Warsaw Declaration, which included such fundamental democratic principles as the right to free elections; equal protection of the law; freedom of expression, religion, assembly, and association; free communications media; freedom from arbitrary arrest or detention; minority rights; equal access to education; judicial independence; government accountability and transparency; civilian control over the military; and the obligation of governments to refrain from extra-constitutional actions. While most of the African governments that approved this declaration are making genuine efforts to honor these principles, there may be some whose performance has been problematic, such as Burkina Faso and Kenya. In these cases, local NGOs might want to consider the establishment of "Warsaw Watch" committees (modeled on the highly effective Helsinki Watch committees established in Eastern Europe and the Soviet Union following the adoption in 1975 of the Helsinki Declaration) that would monitor their government's performance and appeal for international support from the Warsaw signatory countries if their government should violate the principles it endorsed in Warsaw. WMD participants from those signatory countries, especially in North America and Europe, could be contacted by the local NGOs to enlist their governments to pressure the country in question to honor the democratic commitments it made at the Warsaw meeting.

Then there is the whole question of the international financial institutions and the debts owed by poor countries in the context of globalization. At the present time, debt relief has not been tied to democratic reform. Nor can one count on the groups that have protested globalization to make this link since they seem more interested decrying inequality as a way of indicting the affluent countries than in encouraging the poor nations to reform by developing measures to root out corruption, nepotism, ethnic domination, and repression of the media and to achieve good governance, the rule of law, and real protection for human rights. The demand for such reforms will have to come from within the poor nations from the groups that are fighting for democratic reform, transparency, and accountability.

The idea of conditioning debt relief on the implementation of measures to achieve lasting democratic reforms has been advanced by our good friend Larry Diamond, who has noted that the amounts owed by African governments are in many cases "equaled or exceeded by what its political leaders have embezzled from the state." Simply to forgive the debts, he has written, "would reinforce the irresponsibility that has brought the continent to this juncture." With this in mind, he has called for a new international bargain—"debt for democracy and development for good governance." According to Larry's proposal, debt repayments would be incrementally suspended as countries establish laws and structures to monitor public assets and the conduct of public officials, to audit public accounts, to protect the independence of the judiciary from political interference or ethnic favoritism, to ensure public access to government information, to promote freedom of the press, and to take other measures that foster transparency, accountability, and overall good governance. He also urges that debt relief be complemented by assistance to train public officials and civil society leaders.

I would add one additional measure to supplement Larry's excellent proposal: The international community should work with democratic African governments and NGOs to locate and recover looted funds and to prosecute those individuals, many of whom are living in luxurious exile, who have committed these crimes, ad well as the financial institutions and individuals in the affluent countries that have been complicit in carrying them out.

The agenda for reform needs to be shaped and monitored by African democrats. That's what you are attempting to do by creating a Democracy Perception Index. But you will need support in implementing your agenda and in getting African governments to adopt the reforms you will propose. Here, I believe, the World Movement for Democracy offers a new and unique resource—that of international political and moral solidarity. It is one that I hope you will not hesitate to use. I hope we will respond effectively to your needs and that together we will work toward a genuine renaissance of democracy in Africa.

C-CORPORATIONS TAX FAIRNESS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. ENGLISH. Mr. Speaker, today I am introducing legislation which will bring a measure of fairness to our corporate tax system. Currently, closely-held C-corporations pay a 35% tax on capital gains, while all other closely-held corporations and individuals pay only a 20% tax. This kind of tax treatment is unfair to the owners of closely-held C-corporations.

Unfortunately, current tax law prevents closely-held C-corporations from competing on a level-playing field with other forms of enterprise with respect to capital gains. Widely-held C-corporations are not subject to the same provisions that limit closely-held C-corporations. In addition, closely-held C-corporations are subject to a much higher-tax rate than individuals or pass-through entities.

Closely-held C-corporations have become a sort of hybrid form of business which, from a federal income tax perspective, operates in the worst of worlds. First, they are subject to all the Internal Revenue Service provisions that apply to widely-held C-corporations. Second, they are subject to two important limitation provisions that normally apply only to individuals or pass-through entities: the passive loss rules and the at-risk rules. Third, they are subject to the personal holding company and accumulated earnings tax provisions, which generally do not apply either to individuals or widely-held C-corporations. for the owners of closely-held C-corporations, things are even worse. Not only are capital gains initially deprived of a favorable tax rate at the corporate level, but when these capital gains are distributed, they are taxed as ordinary income in the hands of the owners.

The penalty provisions described above were intended to prevent especially wealthy individuals from using C-corporations to avoid tax liabilities. However, multiple changes over recent years in the tax treatment of C-corporations have all but eliminated any possibility of using a C-corporation in such a manner. S-corporations, on the other hand, have experienced a liberalization of regulation and now present a better ownership vehicle, from a tax point of view, than any closely-held C-corporation.

Current tax law prevents closely-held C-corporations from competing fairly for capital gains investments. These companies cannot compete against widely-held C-corporations because the latter generally are not subject to the limitation provision with which the closely-held C-corporation must grapple. In addition, they cannot compete fairly with individuals or pass-through entities because they pay a much higher capital gains tax rate. This kind of discrimination in tax treatment is unfair to the owners of these businesses and is unhealthy for the economy as a whole.

My proposal would reduce the tax rate applicable to the capital gains of closely-held C-corporations from the current 35% to 20%. However, in order to benefit from the lower capital gains rate, these corporations must subject their ordinary income to the individual 39.6% tax rate. If the net effect of these two rates is a reduction in tax liability, the corporation will pay the lower amount. If not, the corporations would pay the current 35% tax rate on capital gains and ordinary income. As a result, all closely-held corporations would pay the same rate and thus compete fairly.

This proposal is obviously not the entire solution, but it would make a dent in dealing with the inequity of this particular situation.

HONORING JOHN REDNOUR BEING NAMED OUTSTANDING CITIZEN OF THE YEAR

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a good friend and public servant, Mayor John Rednour, of DuQuoin, on being selected the Outstanding Citizen of the Year for lifetime achievement and service to the community.

John Rednour's legacy with the City of DuQuoin is rooted in his deep commitment to the community and his policy of service above self. He has presided over the best of times in his community and also through times of adversity.

John Rednour came from the small community of Cutler on the west side of Perry County Illinois. Coming from a hard working family, John realized early on the importance of community service. His involvement in several successful business ventures has led him to become the President of the DuQuoin State Bank and also to serve as the Mayor of DuQuoin.

As DuQuoin's Mayor, John Rednour has presided over many development projects to help create jobs and improve the economy in DuQuoin and Perry County. He can count a new City Hall, Library and police department complex as part of his many achievements. Mayor Rednour prevailed upon me to secure federal funds to help build a new 3.2 million dollar overpass and over 6 million dollars in sewer and water improvements. He led the effort to develop the DuQuoin Industrial Park. And created a program to protect property values. Mayor Rednour has also had every highway in and out of DuQuoin resurfaced.

In terms of municipal services, John returned full-time staffing to both the police and fire departments and next year the City takes delivery on a new $450,000 aerial fire truck. To Mayor Rednour, fire protection is important, for the first time fire protection is available to all parts of the City. He also restored funding to emergency preparedness programs in the community.

His longstanding relationships in both Springfield and Washington have provided DuQuoin with everything from Amtrak rail service to access to state and federal funds totaling over 22 million in recent years.

Mayor Rednour's philosophy is simple and subscribes to the thinking that "build it and they will come and believe in it and the money will be there."

Mr. Speaker, I ask my colleagues to join me in honoring John Rednour and to recognize his commitment for public service to the community of DuQuoin, Illinois.

A THANK YOU

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SANFORD. Mr. Speaker, in the closing few days of the 106th Congress I rise today to say thank you to family and a few friends.

I am now in what I presume will be my last week in the U.S. House of Representatives. It has been a learning-filled experience, a time of growth, but most of all—an honor. It is at this threshold of upcoming change in my life that I think it important to pause for a moment, look back, and thank a few people for their work in getting me here.

When there was no reason to have faith, a long list of friends still believed I was supposed to end up here in Washington for this chapter of my life. I thank them for believing and for a whole lot of hard work. Walter and Deena McRackan, Jim Kuyk, Allen and Wendy Gibson, Charlie Duell, Tony Page, Gordon Bynum, John and Chris Molnar, Hoyt Long, Marilee Kinney, Paige Herrin, Tom Davis, Ron Norton and Lynn McBride are just a few of the many names that deserve credit on this front.

Family, immediate and extended fit the same bill on work and faith in this endeavor. Billy and Christie gave many weeks of their lives. Sarah moved to town and was instrumental in motivating volunteers. Mom was there for constant moral support. Jenny was campaign manager extrordinare. From our life together over the last ten years and from the campaign experience together, she is the first person I would trust with any task my life depended on completing. She not only has an extraordinary capacity to get things done, but is as well my favorite person with whom to kick around ideas. Jenny, thank you for all the hours, days and weeks you have given to being the world's greatest helpmate.

The person who I'd most like to pay tribute to is someone not here—my dad. He died November eighteen years ago, but to this day I can remember the sound of his voice and the look in his eyes. Dad, you taught me many things. A few of them, never giving up, confidence and faith to follow dreams, and the need to try to make the world a better place—had a whole lot to do with my coming to Congress and my six years here.

NEVER GIVE UP

Dad you lived this by example. Your fight to the death with Lou Gerig's disease was all about never giving up. With Billy and John, I remember watching you fall to your face on new-ground at Coosaw while you tried to walk toward a bulldozer you desperately wanted to try and operate. You would let us lift you up, only to then allow us to watch you fall again as you took choppy little steps forward. You fell many times, but wouldn't give up as you battled your way across the field. These were inspirational moments in seeing the human will, but not happy times. In a much happier season of life years earlier, I remember being in the lead in a high school cross-country race and having you and Coach Key pull up alongside me in a car. You were all keyed up and after the race we rode home together and you gave me "the talk" about determination and never giving up. Overwhelmingly you gave me praise on these visits. Throughout my running years in school you always stressed the theme of determination. Your words I appreciated your actions I will always try to emulate.

CONFIDENCE AND FAITH TO FOLLOW DREAMS

You were instrumental in instilling a sense of confidence with each of your children. I remember you always used to say to us that we were the best in the class. We would protest, "No, we're not", and we were right, but you were continuous in repeating this mantra. Thank you for doing so because over time you brainwashed us into believing in ourselves. You did it with the things you said, and the things you expected of each of us. As a little guy I remember driving tractors doing all kinds of things—cutting fire-lanes, bailing hay, cutting grass. We were not ready for all that you expected of us, I remember running a 4010 John Deere into a tree because I was focused on the roots jamming the disk the tractor was pulling rather than what was in-front of me, but you kept believing in each of us. You made us believe that we were ready for any and all challenges before us, and from the vantage-point I now hold I am thankful that you were so benevolent in your trust in each of us. Sometimes consciously, more often unconsciously, each of us had tried to live up to your expectations. This sense of self-confidence was your greatest gift and set in motion a virtuous cycle that to this day does me good. In this chapter of life it is what caused me to still believe things would work out after a hundred people told me there was no chance of winning the race for Congress.

MAKE THE WORLD A BETTER PLACE

In our family, all of us as children would complain about some new task you would dream up for us at Coosaw. Part of your response was a description of how we are here on earth to leave it a little bit better than we found it. You even went a step further and said that to whom much is given much is expected—so we were expected to make it a much better place. I don't believe I have yet made it a better place, but thanks to you each of your children is trying.

The bottom line is thank you to mom and dad, Jenny and the boys, family and friends for all your work leading up to and in the last six years. It's been something that would have made, among other folks, my dad proud. That makes me proud and thanks for that.

TRIBUTE TO THE LATE LESLIE KISH

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. RIVERS. Mr. Speaker, today I pay tribute to the memory of Leslie Kish.

Leslie Kish, professor emeritus of sociology at the University of Michigan and research scientist emeritus of the university's Institute for Social Research, died quietly on October 7, 2000. His death came after a long period of hospitalization, which he faced with characteristic energy and courage. Thus ended a long and productive life, marked by tremendous vitality, commitment to humanitarian values, and a bottom-less curiosity about the world in all its aspects. A few months before his death, Leslie's family, colleagues, former students and many friends had gathered to celebrated his 90th birthday and the creation of a university fund, in his honor, for the training of foreign students in population sampling.

Kish was born in 1910 in Poprad, the part of the Austro-Hungarian Empire, now in Slovakia. In 1925 the family, parents and four children, migrated to the United States and settled in New York, but in less than a year Leslie's father died, suddenly and unexpectedly. The family decision to remain in the United States meant that the two eldest would have to find work and that their high school and college educations would have to be entirely through night school.

In 1937 Leslie had less than one year of undergraduate college work to complete. Deeply concerned with the threat of a fascist sweep through Europe, however, he interrupted his studies and went to Spain as a volunteer in the International Brigade, to fight for the Spanish Loyalists. He returned to the United States in 1939 and graduated from the night City College of New York with a degree in mathematics (Phi Beta Kappa). He then moved to Washington, where he was first employed at the Bureau of the Census and then as a statistician at the Department of Agriculture. There he joined the group of social scientists who were creating a survey research facility within that department. Again, his career was interrupted by war; from 1942 to 1945 he served in the U.S. Army Air Corps as a meteorologist. He rejoined his colleagues in the Department of Agriculture in 1945, and in 1947 moved with several of them to the University of Michigan, where together they founded the Institute for Social Research. During his early years at Michigan, Kish combined full-time statistical work with the completion of an M.A. in mathematical statistics (1948) and a Ph.D. in sociology (1952).

Throughout his long career at the university, Kish concentrated on the theory and practice of scientific sampling of populations. His 1965 book, Survey Sampling, a classic still in wide use, is referred to by students and faculty as "the bible." In 1948 he initiated a summer program for training foreign statisticians in population sampling, which has generated a large international body of loyal alumni in more than 100 countries.

Kish's scholarly writing and innovative research in sampling continued undiminished after his formal retirement from the university in 1981. He was in great demand as an expert consultant throughout the world and in response traveled extensively and enthusiastically. Among the many honors and awards that came to him during his long career were designation as the Russel lecturer, the University of Michigan's highest mark of recognition for a faculty member; election to the presidency of the American Statistical Association, election as a fellow of the American Academy of Arts and Sciences, the American Association for the Advancement of Science, and the Royal Statistical Society of England. To these were added, in his retirement years, election as an Honorary Fellow of the International Statistical Institute and as an Honorary Member of the Hungarian Academy of Sciences.

He also received an honorary doctorate from the University of Bologna on the occasion profits 900th anniversary.

Dr. Kish is survived by Rhea, his loving wife of 53 years; his daughters, Carla and Andrea Kish; his son-in-Law, Jon Stephens; his granddaughter, Nora Leslie Kish Stephens; and his sister, Magda Bondy. At his request, his body was donated to the University's medical school and there will be no funeral service.

SENATE—*Friday, October 27, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate judge of our lives, in this moment of quiet reflection, we hold up our motives for Your review. We want to be totally honest with You and with ourselves about what really motivates our decisions, words, and actions. Sometimes we want You to approve of our motives that we have not reviewed in light of Your righteousness, justice, and love. There are times when we are driven by self-serving motives that contradict our better nature. Most serious of all, we confess that sometimes our motives are dominated by secondary loyalties: Party prejudice blurs our vision; combative competition prompts manipulative methods; negative attitudes foster strained relationships. Together we ask You to purify our motives and refine them until they are in congruity with Your will and Your vision for this Senate in these pressured pre-election days. When we put You first in our lives, You bring us together with a miracle of unity we could not achieve by human methods alone. We thank You in advance for performing this miracle. Dear God, You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will resume debate on the tax legislation. Debate will take place throughout the morning with a vote expected in the early afternoon. The Senate is also expected to have a vote on the motion to proceed to the conference report to accompany the D.C. appropriations bill, which contains the Commerce-Justice-State appropriations language. A short time agreement on the conference report is anticipated with a vote on adoption to occur today.

A vote on the continuing resolution will also be necessary prior to today's adjournment. Therefore, Senators can expect up to four votes during this afternoon's session of the Senate.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say through the Chair to my friend from Oklahoma, it would seem, based upon the complexity of the tax bill and the difficult problems that we have with the Commerce-State-Justice bill, that this debate is not going to take place in a couple of hours. I think it is going to take a long time. I have to give some assurance to the people on our side of the aisle that I would say it is going to be a long day. I very seriously doubt there will be votes early this day.

I suggest to my friends on the minority side, and I think it should have some resonance on the majority side, it is very likely we will be doing things here tomorrow. Remember, we have, among other things, a 24-hour CR and we have some of the most important measures we have had to deal with this entire Congress; that is, this $250 billion tax bill, plus Commerce-State-Justice, which is about $40 billion. A vast majority of the issues have not been debated on the Senate floor. These are "first impression" for most of us. So I think we are going to have to talk about them to some degree.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are beginning debate this morning on what is ostensibly the conference report of the Small Business Committee of which I have the pleasure to serve as the ranking member. Obviously, nobody has any illusions that what the debate on the floor of the Senate today is about is small business issues. This is the so-called tax bill that has been attached to the Small Business conference report. But let me say a word, if I may, about the process by which how this package was made a part of the Small Business Reauthorization Act of 2000.

Despite being named a conferee, and despite the inclusion of provisions that are important to small business, and despite the fact that this conference report contains the work of the Small Business Committee and which I devoted a considerable amount of time effort and energy to negotiating, I will be voting against the overall conference report before us today.

Mr. KERREY. Mr. President, I wonder if the Senator from Massachusetts will yield for a question at the beginning?

Mr. KERRY. I am happy to yield.

Mr. KERREY. There are an awful lot of people wondering where is the chairman of the Finance Committee, the ranking member of the Finance Committee. We are going to be taking up a tax bill and a Medicare/Medicaid bill. Why don't we see Chairman ROTH and ranking member MOYNIHAN down here managing this bill? Why is it a Small Business Committee that has the responsibility for a piece of legislation dealing with targeted tax credits and Medicare relief?

Mr. KERRY. My good friend from Nebraska asked a very important question. Let me, in defense of the Senator from New York, say that Senator MOYNIHAN will be here soon. By agreement, he is going to be comanaging this report because of the tax provisions in this bill.

Mr. KERREY. This is a Small Business piece of legislation. This bill references small business. This is not a Finance Committee bill. The answer is, it is not a Finance Committee bill.

Didn't the majority do the legislative equivalent of stealth molasses here? Didn't they take another piece of legislation, hollow it out, and stuff in it targeted tax cuts that their Presidential candidate has been opposing for the last 90 days, criticizing the Vice President, saying Washington, DC, should not decide, we should not be deciding in Washington, DC, who gets a tax cut? That is what I have been hearing over and over.

I ask my friend from Massachusetts, first of all, is it correct that they stuffed a tax bill and they have stuffed a health care bill inside of some other bill that they hollowed out, that has not gone through the normal process, and that the tax provision itself seems to violate what their Presidential candidate wants to do? Basically, it seems

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to me what our friends on the other side of the aisle are saying is Vice President GORE is right; Governor Bush is wrong.

Mr. KERRY. Let me say to my colleague from Nebraska, he is absolutely correct. That is exactly what has happened. That is exactly the state of affairs. In point of fact, let me say as a matter of courtesy, in terms of the process of the Senate, as ranking member of the Small Business Committee, I was never called, never asked, never even presented this conference report for signature, never even told as a matter of courtesy what would go into this package and happen to the hard work of the Small Business Committee. It was simply done in the dead of night and presented to us, fait accompli, to the Congress.

I think all of us have the right to ask, as Senators, what kind of courtesy is this we are being afforded as a matter of just collegial relations within the Senate. I think this process shows a fundamental disrespect for this institution, for the constitutional process and members of the Senate.

But, let me say to my colleague from Nebraska, here is what has been stuffed in this bill, to use the term by which he has appropriately described it. This is a small business bill. But, without any hearings, without any appropriate bipartisan decision, this bill is brought to the floor of the Senate today with H.R. 5538, as it was introduced, the Minimum Wage Act; H.R. 5542, as it was introduced, the Taxpayer Relief Act, which goes to the issue of the tax cuts; H.R. 5543, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, entirely outside the purview of the Small Business Committee; it comes with H.R. 5544, the Pain Relief Promotion Act, an entirely controversial and, as we will discuss through the course of this day, potentially very dangerous and damaging measure with respect to the delivery of quality medical care in this country; and, H.R. 5545, the Small Business Reauthorization Act, which was already mentioned.

The Senator from Nebraska is absolutely correct about the impact, the substance, and the process here.

Mr. DORGAN. Will the Senator yield for a brief question?

Mr. KERRY. I will be delighted to yield to my colleague.

Mr. DORGAN. Mr. President, it is interesting to hear the discussion of the process. Apparently there was no conference; there were no conferees. This was a small business authorization bill that was laying dormant, which they used as a large carcass to stuff a whole range of bills in the middle of and throw it then on the floor of the Senate.

I am curious; if the Senator from Massachusetts had been accorded the opportunity, as would normally have been the case, of being a conferee and being a part of deliberations, I assume first we would not have most of these provisions in a small business bill, but if we had, for example, would a conferee coming from Massachusetts been concerned about the massive quantity of money that would go to HMOs in response to this balanced budget fix? Would there not have been an aggressive debate saying you cannot do that in the dead of night, take bags of money and give it to HMOs that are not deserving, when, in fact, small hospitals, inner-city hospitals, and others who are desperately in need of these resources do not get it? Would there not have been aggressive debate on that, and probably the disinfectant of sunlight would have given us the opportunity to dump many of these provisions?

Mr. KERRY. I say to my colleague from the State of North Dakota, he is again absolutely correct, in that the only portion of this bill discussed amongst the conferees was the Small Business Reauthorization Act. I was never consulted as to what additional measures were included. And, in many respects, it is even worse than he has described. As I said, there was a conference on which we worked hard with respect to small business legislation itself, but that conference is not even properly reflected in the small business bill that has been brought here because this is a changed small business bill. It is not completely the Reauthorization package that we had conferenced. It has been changed without the courtesy of involving those of us on this side of the aisle, obviously without the debate that would have had the impact the Senator from North Dakota cites.

I have here the letter from the President of the United States in which he promises this report will be vetoed. I know the leadership on the other side of the aisle has read this and notwithstanding that the President has promised that this will be vetoed and notwithstanding the fact that the President is making it very clear to the American people and to our colleagues why it will be vetoed, they, nevertheless, have seen fit to simply bring this to the floor and, so to speak, stuff it through the Senate. Why? To create a political issue or perhaps simply to be stubborn and try to set up the President for some possible political gain.

This is precisely what George Bush himself has been talking about: partisanship, bickering, the very kind of thing that supposedly he says he could control here and on which he has been campaigning. He was asked to make one phone call to stop this and he will not even make that phone call. Here we are debating, and people are wondering why we are here. Why debate this measure just so it can be vetoed. Why not bring up the Patients' Bill of Rights, or provide a prescription drug benefit for seniors under Medicare instead of wasting time?

I will share what President Clinton said before this catchall package came to the floor, before we had to be put into this position of voting against it. I am reading from the President's letter of October 26. I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
October 26, 2000.

DEAR MR. SPEAKER: (DEAR MR. LEADER:) Thank you for your letter yesterday responding to my proposed consensus tax package. As I said yesterday, I believe we all have a responsibility to make every possible effort to come together on a bipartisan agreement on tax relief and Medicare/Medicaid that will maintain fiscal discipline and serve the interests of all the American people. That is why I put forward a good faith offer yesterday that sought to reflect our differing priorities in a balanced manner. I was disappointed, however, that, without any consultation with me or Congressional Democrats, you chose to put forward a partisan legislative package that ignores our key concerns on school construction, health care, and pensions policy. If this current tax and Medicare/Medicaid package is presented to me, I will have no choice but to veto it.

While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporations regime, your legislation has substantial flaws in several key areas.

As I stated yesterday, I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a $125 billion dollar financing gap in meeting the school construction and modernization needs of our children.

The bipartisan Rangel-Johnson proposal to finance $25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark. We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care. Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate-income families that need help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.

> Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a $3,000 tax credit. Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my proposal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities, and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.
>
> I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.
>
> Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations (HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustifiable spending increase for HMOs at the same time as you exclude bipartisan policies such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.
>
> A far better path than the current one is for Congressional Republicans, Democrats, and my Administration to come together in a bipartisan process to find common ground on both tax relief and Medicare/Medicaid refinements.
>
> Sincerely,
>
> WILLIAM J. CLINTON.

Mr. KERRY. Mr. President, the President said:

> While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporation regime, your legislation—

He is writing to the House and Senate Republican leaders—

> your legislation has substantial flaws in key areas. As I stated yesterday—

This is the President of the United States saying this—

> I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a $125 billion financing gap in meeting the school construction and modernization needs of our children. The bipartisan Rangel-Johnson proposal to finance $25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark.

So yesterday, and in prior discussions for weeks, the President made it very clear this falls short; this will not be sufficient; he will veto it. Nevertheless, we are here.

The President goes on to say:

> We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

Health care is perhaps one of the most important components of this bill. The Senator from Nebraska raised this same point—we are talking about the health care system of the country. It has been an enormously divisive and complicated issue within the Finance Committee. Suddenly, in the dead of night, it is just snatched out, a proposal is sent to the floor as part of the Small Business Reauthorization Act of 2000 and people are surprised that the President may decide he is going to veto it and that those of us on this side of the aisle might have objections to that piece of legislation coming to the floor in this manner.

Nobody should be surprised about our concerns under these unusual circumstances.

This is what the President says:

> On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care.

In other words, the President sought to find the common ground. The President sought compromise. The President sought to try to address the needs of both Republicans and Democrats on health and long-term care.

He writes:

> Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead, you put forward a series of tax cuts that, particularly, when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy.

The reason they would be counterproductive to health care policy is because the Republican proposal gives tax cuts to people who already have health care, who already have a high level of income, who are already covered by employers, and what you do by doing that is provide an incentive for employers to turn to them and say: We do not need to cover you anymore; you can go out and get your own health care because you are getting a tax cut—while it leaves millions of Americans who are uninsured without any insurance options whatsoever. That is so patently counterproductive, as well as patently unfair, that it begs our coming to the floor of the Senate to stand with the President and suggest this ought to be vetoed.

Mr. KERREY. Will the Senator from Massachusetts yield for another question?

Mr. KERRY. I will be delighted to yield to my colleague.

Mr. KERREY. One of the Presidential debates was in Massachusetts. I know the distinguished Senator attended it. I suspect he watched the other Presidential debates. One of the most important dividing lines between the two candidates is that the Governor from Texas has been saying Washington, DC should not decide who gets a tax cut and who does not. The Vice President has been saying—not only for fiscal reasons but also for reasons of fairness—that is precisely what we should do. We should decide who is going to get a tax cut and target those tax cuts rather than having across-the-board tax cuts predominantly for the wealthiest Americans.

It seems to me what the Republican leadership in the House and the Senate are saying that the Vice President is right; we should target taxes and tax cuts. I wonder if the Senator from Massachusetts sees it that way.

Mr. KERRY. I say to my colleague from Nebraska, he is again perceptive in seeing the extraordinary contradiction in the actions taken by the majority party, the Republicans in Congress, compared to what their own nominee for President is suggesting is the appropriate way to proceed. Indeed, the very criticism leveled by George Bush against AL GORE that he is, in fact, trying to target appropriately—appropriately, I underline "appropriately"—is really critical because what the Republicans are doing here is targeting, which is precisely what their candidate has criticized, but they are targeting inappropriately. They are targeting, once again, to reward those already most rewarded. They are targeting to reward those who already have health care. They are targeting in a way that ignores the concern of the President and most of us here, which is: How do you provide coverage to those people who are without coverage or having the greatest difficulty in providing for their health care with HMOs that are cutting them out.

Mr. KERREY. Will the Senator yield for a further question?

Mr. KERRY. I would be glad to yield.

Mr. KERREY. Essentially, the argument is over. Our colleagues on the other side of the aisle are agreeing with us; their Presidential candidate is wrong; we should target tax cuts.

Then you move on to the next question, which is, Who is going to get the tax cut? What standards do we apply to make that decision? Would the Senator from Massachusetts agree that it seems one of the missing questions that was not asked was—it doesn't seem to me it was asked. None of our colleagues from the other side of the aisle are here. I look forward to asking them. I don't know who was in the room when this was written. But whoever was in the room from the other side of the aisle, there were no Democrats there. Does it appear to the Senator that anybody in that room asked the question: Is this fair, given the needs of this country? Is this package fair? Did they seem to apply a standard or a test of fairness as they made their decision?

Mr. KERRY. Let me answer the Senator from Nebraska by saying, in the 16 years I have been in the Senate—in the debates we had in 1986 on tax simplification—in almost every single tax proposal we have worked on in those years, I have never heard the word "fairness" come from that side of the aisle. I have never heard them suggest that the plan they are offering America is based on a fundamental notion of what is fair for all Americans.

Mr. KERREY. I wonder if the Senator——

Mr. KERRY. I will say this to my colleague. If you look at the distribution here to the HMOs, and if you look at what happens to community hospitals, to home health care delivery, to the nursing homes, to those people who are part of a community and stay in a community, and who are not there for profit, versus what they have done to provide the lion's share of funding to those who work for profit but at the same time have cut off 400,000 senior citizens from getting health care, it is an extraordinary imbalance on its face.

Mr. KERREY. Will the Senator yield for one additional question?

Mr. KERRY. I will yield.

Mr. KERREY. And then I will wait to speak further after the Senator finishes his opening remarks.

In this morning's New York Times, there is an article describing the Texas Governor's speech in Pennsylvania yesterday. He does know how to turn a phrase. It is very good language. But I wonder if the Senator from Massachusetts sees a conflict in what the Governor of Texas is saying that he wants to do and what is in this bill.

Let me read what he said:

> In my administration, we will ask not only what is legal but also what is right, not just what the lawyers allow but what the public deserves.

He went on and said:

> In my administration, we will make it clear there is the controlling legal authority of conscience.

Does my friend from Massachusetts think this process and this proposal meets the test that the Governor of Texas set yesterday in Pennsylvania?

Mr. KERRY. Mr. President, let me say to my colleague, the question he raises should not be treated by my colleagues as simply political posturing or somehow a statement that suggests that there is simply a point to be scored here.

In the years I have been here, I have never seen the distinguished Senator from West Virginia, Mr. BYRD—who I think most people in the Senate would agree is really the custodian of the institution—he is the Senator who has written the most, thought the most, and perhaps stood the strongest for the rights and prerogatives of Senators, and the rights and prerogatives of this institution.

What the Senator from Nebraska is raising in his question really goes to the core of the conscience, if you will, of the Senate, of what is right, of what is the controlling legal authority for the Senate.

Is it appropriate to have a process that excludes and distorts and diminishes the institution in the way this process has?

The distinguished minority leader is on the floor of the Senate. I saw him as angry yesterday and as visibly upset as I think any of us in our caucus have ever seen him because of his sense of this violation of process, of the ways in which the rights of individual Senators are being denied.

Now, people may not like a particular vote around here, and people may not want to vote because they don't like the fact they have to stand by that vote, but the fact is, this legislation that comes to the floor of the Senate today is a violation of our rights, of the sort of conscience, if you will, that the Senator is talking about, about doing what is right.

I will go on, if I may, to underscore——

Mrs. BOXER. Before the Senator moves on any further, I ask him if he will yield for a question?

Mr. KERRY. I am delighted to yield to the Senator.

(Mr. BROWNBACK assumed the chair.)

Mrs. BOXER. I thank my friend from Massachusetts for coming down here and putting into words what so many of us are feeling—just this sense of unfairness, not only about the process, which he described so well, taking what is supposed to be a Small Business bill, hollowing it out and stuffing it full of other issues, leaving out the people who are supposed to be involved, but also the substance of what is actually in this bill.

I want to probe him on one question. Is the Senator aware that tens of billions of dollars in this bill are going to the HMOs, and there is not one string attached that the HMOs have to serve the senior citizens who they kicked out of Medicare?

We are giving bags of money to one of the most unpopular businesses in America today because they do not treat people fairly, without one requirement that they take these seniors home again and give them health care again.

I say to the Senator, you have seen it in your State and I have seen it in my State, where seniors were told: Join this HMO through Medicare. You won't have any copayments. You will be fine, only to wake up in the morning and be kicked out.

Could my colleague talk about the fairness or unfairness of that?

Mr. KERRY. May I say to my friend from California, she is one of the champions in the Senate for that kind of fairness and for her sensitivity to the notion of what happens to our seniors. Obviously in California it is vital to have that kind of sensitivity.

Let me underscore what she just said, because not only do the tens of billions of dollars go to the HMOs in a disproportionate share—one-third in the first 5 years, 50 percent in the second 5 years—the Senator from South Dakota, the distinguished minority leader, led an effort in the Senate to try to secure $80 billion as the appropriate balanced budget fix here, with a recognition that we would do away with the 15-percent cut which has been mandated inappropriately by almost everybody's agreement.

What we are winding up with is $30 billion, which has now been divided by the majority party completely inappropriately to one of the greatest sources of the problem in the delivery of health care in the country.

What is absolutely extraordinary in this situation is that, as the Senator from California mentions, there is only one sort of minor requirement here about what kind of behavior the HMOs might be held to.

All of us in the Senate have been fighting for months to try to get a Patients' Bill of Rights and establish a real set of principles and standards by which people in the United States will know what they are going to get from HMOs, what they can expect from HMOs, and how they will be treated by HMOs. But here we are with a great big grab bag giveaway to the HMOs, without any of those standards being embraced here.

If you want to talk about the conscience, and doing what is right, which is what the Senator from Nebraska talked about, here is an incredible example of the way in which they have sort of flagrantly chosen how to satisfy their constituencies, their sense of who ought to get something, and have left out completely the rights we have been fighting for that would have accrued—the basic rights, a woman's right to know she can keep her own OB/GYN she has had for a number of years, a person's right to go to an emergency room of their choice, a right to a second opinion. Think about that, to get a second opinion and not to have some HMO bureaucrat in a State that isn't even associated with your particular health care problem not make the decision but have your doctor make a decision. We can't even come to the floor of the Senate and do that here. We have to give away money to the folks who already have health care rather than taking care of the people who are uninsured which could be done cheaper.

In fact, what the President says in his letter is really interesting. I will share this completely with my colleagues as we put it into the RECORD.

The President said, before this came to the floor, before we were put in the predicament of having to vote against something that has a lot of good in it, many of us like components of what is in this bill. Many of us worked hard to get components of this bill. We are going to be forced to vote against it because of the fundamental unfairness. The President of the United States makes that very clear in his letter. I will continue to read what the President says to both leaders:

> Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate income families that need the help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.
>
> Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a $3,000 tax credit.

That sounds pretty bipartisan to me. The President said: I offered to embrace your proposed deduction if you would embrace my effort to give families who have long-term care problems a $3,000 tax credit.

What happens? Rebuffed.

The President says:

> Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my proposal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.

Let me say a word about that, if I may, because I wrote that legislation. We have been struggling in the Congress to get this considered. I wrote it with Senator BILL FRIST. This is an effort to try to guarantee that the great AIDS crisis will be properly addressed. Millions of people are dying in Africa, countless hundreds of thousands are affected here in our own country by this ravaging disease. Unfortunately, the pharmaceutical companies have no incentive because people in those countries cannot afford to buy the drugs. It is much more profitable to produce Viagra or any number of other drugs that are advertised now—Claritin, whatever. There are a whole set of drugs that have quick return and that make money. But poor countries cannot afford to buy these drugs.

We have already passed into legislation funding of some $500 million for AIDS vaccine distribution across the world. The problem is that there is no vaccine today, and there won't be a vaccine unless the companies have an incentive and a capacity to be able to develop it. It is not only AIDS, incidentally, it is also for tuberculosis, for malaria. There are infectious diseases for which we could have further research in terms of vaccine development.

What we want to do is provide the companies with a tax credit and the capacity to do that. It has broad bipartisan support. It is only $1.5 billion over 10 years. But that is not even in here. That is ignored in here. The President of the United States is suggesting it ought to be in here. They are perfectly prepared to take a huge percentage of the $30 billion and give it to the HMOs, but they are not prepared to provide the $1.5 billion in an effort to provide incentives foe AIDS vaccine research.

The President also says:

> I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.
>
> Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations (HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustified spending increase for HMOs at the same time as you exclude bipartisan policies such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.

I read the newspapers today, and I saw a fairly typical sort of Washington response from someone on the other side of the aisle suggesting that the President's veto of this bill was somehow going to provide them with an upper hand in the last weeks of this election cycle. This is not about the last week of the election. This is about fundamental policy, which the President has described in this letter, which goes directly to the question of how this country is going to provide for health care for our citizens. There are 44 million or so Americans who have no health care whatsoever. What about them?

Mr. DASCHLE. Will the Senator from Massachusetts yield for a moment?

Mr. KERRY. I am happy to yield to the distinguished leader.

Mr. DASCHLE. I thank him and commend him for his powerful statement and the eloquence with which he has described our current circumstance.

I appreciate especially his interest in reading into the RECORD many of the concerns the President expressed in his letter to all of us yesterday. I also appreciate his contribution to the caucus as we have attempted to work through how we ought to respond to this very unusual set of circumstances. He is our ranking member on the Committee on Small Business. He indicated to me yesterday that there was no consultation prior to the time this conference report was brought to the Senate. I ask the Senator from Massachusetts if he could elaborate first on what consultation, what degree of communication there was in coming to the floor and in talking about this bill. To what extent was his signature sought prior to the time we came to the floor?

Mr. KERRY. Mr. President, I will gladly respond to the distinguished leader's question. I went into this a little bit before he came. Let me repeat: The distinguished Senator from Missouri and I worked hard on the small business components of this. But there was no consultation whatsoever, no phone call, no request for signature, no meeting, no discussion even about this bill being used, at least with this Senator, as the vehicle for these components being put in it. We were not in the room. We didn't know where the room was. We weren't even asked whether or not this was something we might or might not object to or what the impact might be on the bipartisan efforts that had taken place to have a complete small business reauthorization bill.

Moreover, the bill that comes to the floor today is not even the same small business reauthorization that we worked on. It has been changed, again, we had no consultation and no part.

Mr. DASCHLE. I ask the Senator from Massachusetts this: Obviously, there are many times when we are called upon to vote. But I have never heard of a time when the ranking member of a conference was denied even access to the text of whatever it was he was conferencing on.

Let me ask the Senator from Massachusetts, has he now seen a copy of the conference report?

Mr. KERRY. I have it right here, Mr. President. I tell the leader I do now have a copy of it.

Mr. DASCHLE. Is it the Senator's understanding that the entire conference report is what we have in our hands—two pages?

Mr. KERRY. It is two pages with two signature pages, and the joint explanatory statement of the committee—about five pages. I will show it to my colleague. I had no input on this explanatory statement and it is hard to explain, but it is just a small paragraph to describe the hundreds of pages mention on by reference in this report.

Mr. DASCHLE. Mr. President, I am really amazed and somewhat amused. As you look at this so-called conference report, one could almost read it in less than a couple of minutes. I won't do that. But I find it interesting, and I ask the Senator from Massachusetts if he could share his observations with regard to the way this conference report was written. This is no conference report. This is nothing more than a list of references to other bills proclaiming it to be a conference report. This says:

> The provisions of the bills of the 106th Congress are hereby enacted into law: H.R. 5538, H.R. 5542, H.R. 5543, H.R. 5544, H.R. 5545.

So ends the conference report. That is the most remarkable thing. I just can't imagine that anybody would be willing to put their signature to a conference report which does nothing more than reference other bills. This is the conference report—or a representation of the conference report. This is what it should look like. What I hold in my hands is how thick the conference report should be. Yet as thick as this is, they could not even get it right. We actually terminate the minimum wage in this conference report. I wonder whether the Senator from Massachusetts is aware of that and could respond to how that could have happened.

Mr. KERRY. Mr. President, let me say to the distinguished leader, I only learned that this morning having had limited time to review it. Well, it either happened purposefully or by accident. Either way, that is not the intent of the Congress with respect to the minimum wage. I understand that it is a 6-month termination of the minimum wage, which I hope is by accident. But if it is, it represents the craziness and the sloppiness of the way in which this has come to the floor.

Mr. DASCHLE. Well, as I say, I note in amusement, the Senator spent some time talking about the President's veto letter, and I am amused in part because the Speaker has already addressed the veto letter and was asked yesterday if Republicans would be willing to rework the tax cut bill after a veto. He responded—I hope colleagues will listen—that any new legislation would have to go through committee, and anything else would amount to half—I will call it "half-baked" legislation. He has another term, but I don't think I want to dignify it this morning.

Anything other than a committee process is half-baked, according to the Speaker. Maybe that is how we leave out minimum wage reauthorization. Maybe that is how we leave out Democratic proposals, as the Senator from Nebraska had offered in the committee, along with others, to make this more fair. Maybe that is how it happens. Maybe you don't produce a bill this thick because you don't care about fairness; you don't care about getting it right.

I ask the Senator from Massachusetts whether he would care to observe whether he has had, in his experience as ranking member, a time when he has ever seen legislation coming to the floor in this form, leaving out provisions that literally nullify a law that has been standing now for almost 70 years?

Mr. KERRY. Mr. President, I voiced my concern about this to the leader yesterday and a number of times previously—that this is not the way to legislate. I think most of us understand that. I think it really calls to question the sort of good-faith, bipartisan efforts our friends often talk about. There is a simple matter of courtesy with which this institution and any institution essentially needs to run. I don't like to say this, but I have to say that it just sort of runs roughshod over anybody's notions of decency that there isn't even a phone call, there isn't even a discussion. Is there a way to work this out? Can we sit down? Can we have a meeting? What is possible here? None of those questions were asked—just an assumption that this is the way we are going to do it and we are going to proceed forward. I just think it is destructive and unfortunate.

Mr. DASCHLE. I ask the Senator from Massachusetts whether he shares my observation that it comes down to a question, as he said, of fairness. We are talking about whether or not this process is fair, whether or not, with all of the talk of bipartisanship in the Presidential campaign, there is any element of fairness or bipartisanship in the way this process has unfolded; whether or not there is fairness in a school construction proposal that leaves out over 90 percent of the school construction opportunity and need we have in this country; whether or not it is fair to provide more benefits to the top 5 percent of all taxpayers than the bottom 80 percent as represented in this bill; whether or not it is fair to give a third of all the benefits we are providing in BBA back to the HMOs as ransom payments to stay in States that they have already proclaimed they will not do. I ask the Senator from Massachusetts whether he doesn't agree that really the essence of this argument, the essence of this debate is a question of fairness.

Mr. KERRY. Mr. President, I believe the eloquent questions asked by the Senator from South Dakota make their own answers. I think any American dispassionately making a judgment about this process and looking at this legislation and measuring its impact would come to the conclusion that the fundamental sense of fairness, that the distinguished leader is talking about, is absent.

I am sure the distinguished majority leader, who is standing here, will have his response, and I understand that. He is going to suggest, wait a minute, fairness is fairness. But here is a letter from the President of the United States. The President of the United States says if we do this, he is going to veto this. He has proven previously he is prepared to veto bills when he says he will.

It seems to me that if we are not looking for a political issue, if we really want to legislate, we would sit down with the President of the United States and say, OK, Mr. President, we are prepared to offer this; let's have an agreement. But the President says that even his offer—I want to reemphasize this—even his offer was refused. The President says on long-term care:

> I offered to embrace your proposed deduction for long-term care in exchange for inclusion of my proposal to give families who are burdened today by long-term care needs a \$3,000 tax credit.

Let me ask my colleagues this: Long-term care, I have become particularly familiar with that over the course of the last year and a half. My father passed away last July and he had considerable care, as my mother does today. It is expensive. We are fortunate that we can pay for it. But it taught me firsthand what happens to those families who can't and how extraordinarily expensive and difficult it is. We have driven families out of hospital care and we have driven them out of nursing home care. We have increasingly, through the creation of the drugs we have in this country, made it easier for people to be treated at home and be kept out of the hospital. But here we are denying people the capacity to have a \$3,000 tax credit for long-term care. Why? So you can give more money back to the HMOs. Where is the fundamental sense of fairness? The President of the United States offered to the majority party the chance to say let's compromise. And what happens? We get legislation coming to the floor that seeks to just stuff it to the President of the United States and stuff it to the rest of us here and stuff it to the American people.

Mrs. BOXER. Will my friend yield for a question, Mr. President?

Mr. KERRY. I will be happy to yield for a question.

Mrs. BOXER. I am sitting here listening carefully to the Senator from Massachusetts, to my Democratic leader, and others. I realize why the Senator started out with the word "fairness" and why this bill is so unfair. I wish to just ask one question. I wonder if my friend has seen the Washington Post analysis of this particular tax bill entitled "Businesses Poised To Benefit From Bills."

I wanted to point out an irony and see if my friend doesn't agree, the irony of calling this a small business bill; in other words, they have hollowed out the small business bill. But let's look at what they have done. And I will be very brief, but I think it is important. It says, "From the National Association of Broadcasters and defense contractors to the racetrack industry, to tobacco companies, business interests are poised to reap large benefits from the small print of Republican-backed bills that were moving through Congress yesterday."

Looking at several of the bills, it goes on to say—and again I will be brief—"But those benefits pale"—those benefits pale—"in comparison with the ones lavished on medical care providers," the HMOs. Those pale. So they gave to the tobacco industry; they gave to the defense contractors; they gave to the broadcasters. We know how they are all suffering. And those benefits pale in comparison with what they gave to the HMOs. So when the Vice President is out there talking about fairness and talking about fighting for people, this proves his point. When Democrats are locked out of the room—and we know they were—who walks away with the sacks of money but the HMOs that have been hurting our people.

So I think my friend has really laid out the case. And by the way, the Post points out there are many other special interests hanging around these corridors. They are unhappy they were left out of the mix, and they are listed here—the lobbyists in their pinstripe suits standing around here waiting to get in, waiting to get some of the benefits.

So I just wonder at the irony of the situation. I notice my friend is not wearing a pinstripe suit himself today. But the bottom line here is giveaways to those who have, asking nothing in return, giveaways to those who are hurting the senior citizens, kicking them out of the HMOs because they say Medicare doesn't pay enough. They get billions of dollars back. Nothing is really asked of them to walk away with those sacks of money. And all they are doing with the so-called small business bill is giving breaks to big business. I say to my friend, he is right to be upset on this point.

Mr. KERRY. Well, I may say to the Senator from California—and I know the majority leader is going to point this out to us—we have a rule here, rule XXVIII, and I am confident he is going to talk about that and he is going to say, well, the Senate created a situation whereby this rule was replaced by a precedent allowing an unfortunate process whereby a piece of legislation like this "can happen." That goes to what the Senator from Nebraska was talking about—the legal authority versus the sense of conscience and the question of what is right and what is wrong.

It also goes to the question of how one gets things done. I will readily acknowledge that there is a "precedent" that allows last minute things to happen in the context of a conference. But the precedent and the rectitude with which it might be legitimately used does nothing to wipe away the question of the sort of moral or political legitimacy within the context of this institution or our own politics. When the President of the United States sends a letter and says: Don't do this; I will veto it because it is fundamentally unfair, but nevertheless people go ahead and proceed to do it anyway, that really calls into question motive, purpose, outcome, and why we are here today in this situation.

So I am going to readily acknowledge, sure, you can use some technicality of legitimacy to say it, but it is not legitimate in the larger context of what we are trying to get done. It is not legitimate when measured against the judgment of most Americans about what is fair and right.

It is clear that we have a health care delivery system problem. We have millions of Americans who have no insurance whatsoever. The President offered a way, a far less expensive way than that which has been exploited by the majority party, to provide care to those citizens. In his letter—and I want to emphasize this—the President says very clearly, "Our family care proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person. Your proposal"—this is the proposal of the majority side—"would provide additional coverage to one-seventh the people at six times the cost." One-seventh of the people at six times the cost.

That is what this fight is about. It is about uninsured people versus people who are insured. It is about unintended consequences, or maybe vague results. If you give a health care tax credit to people who already have coverage, you are giving an incentive to corporations that provide that coverage to turn to them and say we don't need to provide you with coverage anymore; you now have a handsome health care tax credit from the Federal Government; go buy your own. And you wind up reducing the number of those who are covered, not in fact encouraging further coverage. So there is a complete reversal of policy in a sense here, and I think it goes to the core of what this particular legislation is about.

Now, I said earlier—and I want to complete the part of my statement about what is going in this bill and why I think we could find a common ground. It seems to me there is a common ground that could be found. First of all, the small business provisions are good. We worked at them, hard. I might also emphasize that the hard work is one of the reasons that they are good—and I congratulate the Senator from Missouri, Mr. BOND, and his staff for this—we worked together in order to try to accommodate people. We accommodated the Senator from Minnesota, Mr. WELLSTONE, on one component, which was a very important part of expanding the reach of programs into low-income communities, and that was how we came to a consensus agreement of bipartisanship within our committee.

But, again, without my knowledge, without one Senate Democrat being there, that entire provision was thrown and traded away in the middle of the night, in a room that I still do not know where it was, with those people who met without even inviting us. The consensus that had been built for the small business bill was traded away in exchange for other items that are in this legislation. I say to my colleagues, respectfully, that is not the way to build consensus. That is not the way to encourage the capacity to have agreement in the final results here.

There are important provisions in this bill. Provisions which I worked to include and worked with other members to get included. There is a reauthorization of the National Women's Business Council at $1 million a year. That is important. We should be doing that together. It enhances the procurement opportunities for women-owned businesses. We built an important consensus on that. We should be doing that together. It reauthorizes the very small business concerns program. We worked hard for that. We should be doing that. It reauthorizes the Socially and Economically Disadvantaged Business Program, it extends the SBA's cosponsorship authority, and it has important provisions to increase veteran owned businesses. There were important changes to the Microloan Program, which I included, specifically provisions that increased the maximum loan amount from $25,000 to $35,000, and increasing the average loan size to $15,000. These are important provisions that we worked on together. Its not a perfect document, but it has the support of nearly all members, because we all had a stake in it and were a part of the process.

There are good things in this bill. I regret the fact that I am put in the unfortunate position of having this sort of nonlegislative process crowd in on the legislative process and take away our ability to promptly pass important legislation for small businesses in this country. I regret that the Wellstone provision that would have created a 3-year $9 million pilot project to build the capacity of community development venture capital firms through research and training and management assistance was stripped out without our knowledge or consent. Again, without sort of our consent or participation whatsoever.

But let me focus finally, if I may, on underscoring a couple of aspects about the bipartisanship here. I introduced legislation earlier this year, with my distinguished colleague from Maine, Senator COLLINS, to try to address the lack of adequate funding for one specific service on which seniors depend, and that is home health care. We both shared a belief—shared by almost all of our colleagues in the Senate—that the crisis in home health care is becoming so glaring that we ought to be able to build a bipartisan consensus here to do something about it. And we laid out a sense of how the Senate could do that.

Unfortunately, in this legislation, we see a reluctance to try to properly address that home health care component, coupled with the nursing home care component—again, in favor of the HMOs themselves which have cut some 400,000 seniors from coverage in the course of the year.

We laid out the picture for the Senate: Funding for home health care has plummeted since enactment of the BBA of 1997. The original cuts in home health care payments included in the BBA totaled $16 billion, but estimates now show that the industry will sustain a cut in Medicare reimbursement of more than 4 times that—$69 billion. According to CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. The draconian cuts in home health care services mirror the cuts in funding for hospitals and nursing homes. These cuts have created a crisis in our country.

And many of us worked across the aisles to do something about it. But we didn't have a seat at the table when the BBRA was put together.

And I ask you, has the Majority responded adequately to this crisis? Have they provided, in the BBRA, sufficient funds to strengthen our local hospitals, nursing homes and home health agencies. No, they have not.

What, then, in spite of the obvious needs for remedies, what do the Republicans, do with the $30 billion in funding that they provide in the BBRA? Who benefits from this restoration of funding? Would you believe that the primary recipients of the increased Medicare funds are HMOs? That's right, the same HMOs who have dropped, this year alone, 400,000 seniors from their health plans because they could not turn a profit caring for the aged. The same HMOs that fight tooth-and-nail against adopting a Patient Bill of Rights which would ensure Americans have basic rights to quality health care.

The $30 billion in Medicare this add-back package is too heavily targeted at HMOs. Over the first 5 years, one-third of all of the relief in this bill goes to HMOs; over the second 5 years one-half of the relief goes to HMOs.

It is unconscionable to bolster Medicare funds for HMOs at the expense of our community hospitals, nursing homes, and home health agencies—providers that do not pick-up and leave a community just because they are not making a profit. HMOs' treatment of seniors has been deplorable—having dropped 400,000 from their plans this year—and should not be rewarded.

Yet that's all this bill does—and my hope is that after this bill is vetoed, when Congress returns, that we'll be able to do in home health care relief what we should have been doing all along—providing a meaningful lifeline to these home health care agencies which make such difference in the lives of our seniors.

Vaccines for the New Millennium Act—Omitted from Final Tax Package.

I want to also talk about an issue that I have worked on for 2 years, in one of the best bipartisan efforts I have been a part of in my 16 years here.

Democrats and Republicans have negotiated together for the past 2 years to create a strong bipartisan bill to provide assistance with the development and purchase of vaccines for AIDS, tuberculosis, and malaria.

I sat down with BILL FRIST, with the distinguished Chairman of the Foreign Relations Committee, JESSE HELMS, and with numerous colleagues on the Democratic side who wanted to address a global crisis having an extraordinary impact particularly on sub-Saharan Africa.

The Administration was strongly supportive of our efforts—as were our colleagues in the House.

And yet the Vaccines for the New Millennium Act was dropped from this conference report.

Let me just share with you what our legislation would have done—legislation dropped in favor of poison pill measures opposed by many members on both sides of the aisle:

We aimed to provide a 30 percent tax credit on R&D into vaccines against malaria, TB, AIDS and any other disease which kills more than one million people per year. This provision expanded and targeted the existing R&E tax credit.

It would also provide a tax credit on the sales of vaccines against malaria, TB and AIDS. Vaccine manufacturers would receive a 100 percent credit on the value of their sale of vaccine to qualified international health organizations, like UNICEF, for distribution to developing countries.

Let me emphasize again why we believed it was so critical to act now. There is great need for further vaccine research. Every year, malaria, TB and AIDS kill more than 7 million people. Preventive vaccines are our best hope to bring these destructive worldwide epidemics under control. The NIH is conducting vital research at the basic science level, but private sector pharmaceutical companies have the lion's share of expertise in bringing vaccines to the market place. But the market fails in the case of vaccines against diseases which strike primarily the developing world. This measure would have addressed this market failure by reducing the high cost of R&D as well as by creating a market for the vaccines once they are developed. The American Public Health Association, the Global Health Council, AIDS Action, the Elizabeth Glaser Pediatric AIDS Foundation, the AIDS Vaccine Advocacy Coalition, the Alliance for Microbicide Development and the President's Advisory on HIV/AIDS all support the measure.

And yet it is nowhere to be found in a tax package that found room for all sorts of complicated tax cuts for those who need them the least in our society—while ignoring the needs of an entire continent teetering on the brink of being entirely wiped out.

Our politics can be better than this. We can address the real needs of a country in Medicare, in the health care crisis of our nation, in the global pandemic of AIDS, tuberculosis, and malaria—or we can play politics.

This bill is headed for a veto. And it deserves it.

The American people deserve better than this.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first, for the interest of all Senators, I know they are wondering when a vote or votes will occur. It is anticipated that there will be at least a couple, maybe three or four votes, within the next 2 or 3 hours. We are not certain exactly what time that will occur, but I will try to get it started shortly so we can get to the votes that are needed.

For instance, once again we are going to need to set up a process so we can get a vote on the very important bankruptcy legislation. As a result of trying to get on the tax bill yesterday, I had to set aside an action that had been taken earlier on the bankruptcy reform, and it is my intention still to try to file cloture on that to try to get that very important legislation addressed before the Senate completes its work.

Also, we would need to vote on the continuing resolution that would take us over into tomorrow.

Also, we would possibly need to move to proceed to the D.C. appropriations conference report and the Commerce-State-Justice conference report. Within a few minutes we will try to get those started.

Mr. President, as to what has been said last night and this morning, it has been interesting. You know, the American people understand this is a political season and that tempers get a little short, people get a little desperate in their actions, and I think that begins at the White House with the President. I have tried to communicate with the President, but it is not always easy. He was in New York City the night before last. He was playing golf yesterday afternoon. He did return the call I made to him yesterday afternoon, even though I placed the call the day before to talk about some of this. But he has written this letter threatening a veto.

So much of this is complaints about procedure, complaints about "inside baseball," complaints about what may not be in the bill. Let me say to the American people some very important things they need to hear. Let's not get into all the brush of the way we do business around here. Let's talk about the result.

First of all, some people may be surprised to learn—some people may not even like it—but 80 percent to 90 percent of this bill has been requested by the President of the United States. He wants these things, and they have been negotiated with the administration. There have been negotiations between the House and Senate. Once again, that is procedure. But let me assure the American people there are a lot of things in here that he wanted that I don't particularly like. Let me also say there are some things that were taken out at his specific request.

When you get down and analyze his complaints, it is because he doesn't think we did quite enough to suit him on this school bond construction tax credit. There are a lot of people over here who do not think that what we have done should be in this bill. But there was an effort made to accommodate a lot of different thinking. But he is not opposed to what is in here necessarily; he just wants more.

On the Medicare adjustments, lots of people have had input on that. The House of Representatives had an overwhelmingly bipartisan vote on that subject. I don't know exactly what it was, but probably 300 or more for the Medicare adjustments. The Finance Committee reported it out, I believe it was 19-0. I will clarify for the record these exact votes. So there has been an awful lot of bipartisanship.

But let's not get all wrapped up in that. Let's look at what is in the bill. Let's look at what is in the bill that is overwhelmingly good, that everybody is for, and we are reduced to complaining about how it got here.

Once again, It's the old saying we are going to defeat the good—no, we are going to defeat the excellent because we do not like the procedure or because it is not perfect or everything that the President wants. We are a coequal branch. He should not expect, and he will not get, 100 percent of what he wants. No President will—none. But we worked with him. When you get 80 or 90 percent of what you want, then most people say that is pretty good. He sits over there or in California or New York and says: Give me everything.

Let me talk to the American people about what is good about this bill. Let's not get into the politics and the procedure and all that is happening. Let us just go down the list and let's talk a little bit about what is included.

Who among us is opposed to the IRA and pension reform provisions in this bill? Who thinks we should not raise IRA contributions up to $5,000 per year?

Who thinks we should not increase contribution limits for 401(k)s, 403(b)s and 457 plans from $10,000 to $15,000? And, by the way, with a lot of bipartisan requests, another $5,000 I believe is available for people over 50 for these 401(k) and other plans. There are some 50 modifications in this bill with regard to IRAs and pensions. We want to encourage people to save, don't we? Who is opposed to this?

By the way, unfortunately, it has limits. This is really targeted at middle-income and low-income people to encourage savings. The chairman of the Finance Committee has become the hero of the IRA proposals, the Roth IRA. Here again, we take one more small step to give people a little opportunity to save for their needs, for their children, without the Government saying: Oh, we will tell you how you may do that and we will limit it. So I think there are pretty good provisions in there.

There is small business tax relief for the one group left in America that may save us, the small business men and women, those young entrepreneurs, men and women and minorities who take a chance, people who start the little restaurant, as the Senator from Nebraska did. He went out there; he found out about the restaurant business—it is tough. You have to get people hired. You have insurance costs. You have crime. You have management problems. You have food spoilage. It is endless. Bless their hearts.

So we do a little something for small business men and women. I do not apologize for that. My only complaint is we do not do enough. The ridiculousness of the request from the administration that we take out a provision that would have eliminated the .02 percent Federal unemployment tax surtax—it doesn't take out the FUTA tax, just the so-called surtax that was temporary, just stuck it on the small business men and women to boost this fund which I understand now has $22 billion in it.

So we had a proposal to take off that little .02. That is something that will actually help the small business man and woman who is working on the margins, barely making it, a little extra they can keep that is not needed in this $22 billion trust fund.

Then the tip credit. The President threatened to veto this bill over the tip credit issue. He is wrong. The Senator from Nebraska knows that was a mistake. These are people who never had another job, couldn't get another job. This is a little help for the people who are working on tips. My Lord, we are taxing tips. If you work hard and you get a bonus, you pay extra. If you work hard, you do a really good job, and you get a little extra tip, you pay a little extra. The whole concept is ridiculous. But in an effort to accommodate that, in a conversation I had with the President himself, we took out the FUTA and the tip credit. I apologize to small business men and women. I apologize to the workers out there busing those tables. That was unfortunate, but it was taken out at the specific request of the President of the United States.

I wanted those taxes taken out, but he would not let us do it. So in this spirit of cooperation—there is so much rain and so many dark clouds here about how we do not have more cooperation. Next year, thank goodness, we are going to have a different President. Hopefully, we will have a better atmosphere around here. Maybe we can work together. I believe George W. Bush means that, believes it, and will reach out and try to bring us together. This is a classic case of where we tried to accommodate the President of the United States, and he writes this letter threatening his veto. He may veto it, but the American people are going to know who did what needed to be done and who vetoed it.

We do have this package of small business tax relief that has been negotiated by Chairman ROTH, Chairman ARCHER, a lot of input from Democrats in the House and Senate, and the administration. It also includes above-the-line deductions for health insurance for employees in small businesses. This is bad?

What about that restaurant owner who provides insurance for his supervisory personnel, but he or she cannot provide it for all of their workers because it would just eat up all the margin of profit he has? Here you can allow the employees to deduct the cost of their health insurance. This is a good idea. This would help entry-level workers, minority workers, people who are carrying the load in this country get a little break on health insurance. But, oh, no, "We don't really like that idea because it is above-the-line deductions"—once again, explain that to the man and woman down there working in the trenches—"We ought to have a credit or something." This is good, and it would help people in that low-income area. By the way, we have been hearing all year long that we have to have a minimum wage increase. A minimum wage increase is in here: $1 over 2 years, raising it to $6.15. It is in there. Is the President against that?

Then also there is a provision in here called community renewal. This would allow rural areas, poor areas to have a chance for economic development, to have a chance to recruit a little business. The Mississippi Delta pops into my mind: poor people struggling to get a little infrastructure, improve their education, get a few jobs in the area.

Enterprise zones: There are 40 of those, 40 of the new community renewals. This is a deal, by the way, asked for by the President and the Speaker. I had reservations about a lot of the provisions, but we worked through that. This was negotiated with the administration interminably for weeks and months. It is in here. Some people on my side think this is not a good idea, but I supported it.

The President made a deal with the Speaker; that is, President Clinton, in case you do not quite understand, and Speaker Denny Hastert made a deal they wanted to do it and, by the way, supported by J.C. Watts passionately. This is a way we can help rural and poor communities. Let's do this; let's do this. I have been in meetings when there was an effort to kill this until J.C. Watts spoke up and everybody went silent. It is in here. Are you against that?

I have tried on this floor for weeks to move the foreign sales credit fix for WTO compliance. It came out of the Finance Committee unanimously. I have asked unanimous consent to move it. For some strange reason, it has been objected to by the Democrats in the Senate. When you are in the leadership, you have to do some of these things, and Senator REID had to object on behalf of somebody; he would not object. It has been objected to.

What are we going to do here? On November 1, we will have a problem with our European allies. I do not think they are doing very good, frankly, complying with WTO, and they are not reacting to sanctions. I am not going to cry alligator tears over the Europeans and WTO, but that provision is in this bill. Is the President going to veto that? Those are four broad categories and a lot of subcompartments about which I have talked.

The Senator from Louisiana, Ms. LANDRIEU, has been very supportive of this concept of encouraging adoption. We should encourage more adoption for people who are not only wealthy but people in the lower and middle-income area. This bill doubles the tax credit for adoption to $10,000, I believe is the number. Is that not good? No, no, that is good.

Mrs. BOXER. Will the Senator yield for a question on that?

Mr. LOTT. On that?

Mrs. BOXER. Just on that provision.

Mr. LOTT. I did not ask anybody to yield on your side. You all talked for about an hour. I will be glad to respond later because I know you care about that and you want to make sure it is available to others.

Mrs. BOXER. Yes.

Mr. LOTT. I wanted to work on that. I told the President the other day: Mr. President, if there is something in here you don't particularly like, we can change that maybe in the next bill. Mr. President, if there is something more you want, let's add it in the next bill. This is not the be all to end all. This is not the end of the world. This is a giant step for mankind though. And he is going to veto it because he does not get every last dot and tittle that he wants? I do not think that is defensible.

Let me go on down the list. For years, I have been an advocate under pressure from the Senator from Iowa, Mr. GRASSLEY, for farm savings accounts. The chairman of the Ways and Means Committee does not like this sort of thing. He says it will never end. We have savings accounts for education, for medical expenses, now for farms. My attitude is, why not? I never met an incentive to encourage people to save for their own needs I did not like, and to encourage farmers to save a little for the bad times because, more than anybody else, they know the good times when the crops are abundant, weather is good, prices are fine; they do fine. And then rain, sleet, snow, drought, locusts—they have to deal with all of it. Allow them to save a little for the bad times. Is that a bad idea? No, that is a good idea.

Deduction for computer donations to schools and libraries: Businesses and industries, big and small, are willing to give their 2- and 3-year-old computers to schools and libraries to help with programs such as Power Up. Let's power up these kids. Let's use these used computers to teach them to read and to become computer literate. The Senator from Michigan, Mr. ABRAHAM, has been relentless in pushing for that. The amazing thing to me is, why would anybody not be for that? This is good. That is in this bill.

Deduction for long-term health insurance and long-term health expenses: This is an interesting category. We have been worried legitimately about the people who are worried about the long-term needs they have with their health. We want to do something about it. We do it in this bill, but when I talked to the President: Gee, I really prefer a credit as opposed to a deduction, but if you make the deduction high enough, maybe it will be OK.

When I talked to him yesterday, he said: Yes, you did go up higher. We are going to nitpick a gnat to death. Should we have long-term health insurance deductions or not? We have an opportunity here. The President is going to veto it, flitter it away. I do not understand that.

I have taken a lot of unkind commentary from my colleagues on this side of the aisle about the Amtrak bonds credit. The Senator from Massachusetts knows I have tried to be helpful to Amtrak. I believe in America, if we are going to be a modern nation and lead the world, we need a national rail passenger system. I think we need it, I think we can have it, and I think it can be self-supportive. Maybe not. I think it can.

I supported Amtrak reform. I stood on this floor—the Senator remembers—and helped make that happen with some opposition. There were people ready to pull the plug and say: Goodbye, adios, Amtrak. I do not think that is wise.

I made a commitment, and I will keep it some day: If we have done everything we can to get Amtrak in the position of providing the service, making ends meet and paying for themselves, if we can get that done, great. If we cannot, at some point, we have to say Americans do not support a national rail passenger system and we pull the plug.

I do not like tax credits, particularly. I prefer deductions. You can argue this is not good, and I have heard that argument from the Senator from Texas and others.

Again, Senator ROTH from Delaware has made this one of his highest priorities and so has, by the way—once again, proving the bipartisanship of this legislation—the Senator from New York, Mr. MOYNIHAN, the ranking member on the Finance Committee. People come to me and say: How in the world could you let that in there?

First of all, I am not a dictator. And secondly, how can anybody, any leadership person, tell the chairman of the Finance Committee and the ranking member of the Finance Committee that they cannot have in this bill one of their highest priorities, the Amtrak issue? So it is in here. Is that bad? No. I think it is pretty good.

We repealed the diesel barge tax. We have modes of transportation other than Amtrak that are kind of having a hard time—rail and barge. We have here a 4.3-cent tax we dumped on them. We ought to take it off. We ought to take it off of the automobile gasoline also.

We expanded the qualified zone academy bonds for school construction. The President says he wants this. I think we are starting down a track that is not going to be very healthy where we eventually build all schools in America with Federal funds. That is where we are headed. That is where a lot of people want us to be. I do not think that is good. I think that ought to be done at the local level.

I am willing to give them an incentive through bonds, where they have to pay the principal, and they get some consideration on the interest. I am willing to do that. But what some people want, once again, is they want everything in school, in education, run from Washington. That is what really is at stake.

Once we start building schools, local schools, from Federal funds, let me tell you, Mississippi will have the nicest, newest schools in all of America—all of America—because we have more poor people and greater needs probably than anybody. But I do not think we should just totally take over education.

I still trust parents, teachers, administrators, and students at the local level. I do not trust bureaucrats in Washington at the Department of Education or the IRS or anywhere else. So that is some of the good stuff in this bill.

Let me also point out—and I did not even get very much into the Medicare add-backs. Everything says we need them. What about hospitals? What about rural hospitals? What about home health care? What about hospice? What about managed care? What about the nursing homes? They need some help. This bill provides that.

There has been a lot of bipartisan input on that. If I had my druthers, I would mix it a little differently. I would put in more for hospitals and rural hospitals, a little less for probably some other categories, but it is not just about Mississippi hospitals; it is about Massachusetts hospitals; it is about managed care facilities in New Mexico; it is about nursing homes in Kentucky. You have to try to find a blend. You also have to try to keep it from exploding totally out of control because it could be $50 billion, $60 billion, $70 billion. I think this bill is between $28 and $30 billion. It is enough to do what is needed. And it has the endorsement of many organizations. I have a list.

Mr. President, I ask unanimous consent that this list be printed in the RECORD, along with a letter to Congressman THOMAS, signed by the executive vice president of the American Hospital Association, Rick Pollack.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals.
National Association of Community Health Centers.
American Medical Rehabilitation Providers Association.
HealthSouth.
National Association of Long Term Hospitals.
Acute Long Term Hospital Association.
National Association of Children's Hospitals.
Kennedy Krieger Institute.
National Association of Rural Health Clinics.
National Association of Urban Critical Access Hospitals.
American Medical Group Associates.
Mississippi Hospital Association.
Tennessee Hospital Association.
The University of Texas System.
National Association of Psychiatric Health Systems.
Healthcare Leadership Council.
National Association for Home Care.
American Association for Homecare.
American Federation of HomeCare Providers.
Alliance for Quality Nursing Home Care.
American Association of Homes and Services for the Aging.
Visiting Nurses Associations of America.
National Hospice and Palliative Care Organization.
National PACE Association.
Association of Ohio Philanthropic Homes, Housing and Services for the Aging.
John Hopkins Home Care Group.
Patient Access to Transplantation Coalition.
LifeCare Management Services.
American Cancer Society.
Alliance to Save Cancer Care Access.
Intercultural Cancer Center.
The Susan G. Komen Breast Cancer Foundation.
National Kidney Foundation.
The Glaucoma Foundation
Juvenile Diabetes Foundation.
National Multiple Sclerosis Society.
American College of Gastroenterology.
American Academy of Ophthalmology.
American Optometric Association.
American Dietetic Association.
American Association of Blood Banks/America's Blood Centers/American Red Cross.
Association of Surgical Technologists.
AdvaMed.
GE Medical Systems.
Landrieu Public Relations.
National Orthotics Manufacturers Association.
American Orthotic and Prosthetics Association.
UBS Warburg.

ADVANCING HEALTH IN AMERICA,
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, House Ways and Means Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the "Beneficiary Improvement and Protection Act of 2000" (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY2002, and establish an 85% national floor for Direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the execrated reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next Congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,
Executive Vice President.

Mr. LOTT. The list includes the Federation of American Hospitals, the National Association of Community Health Centers, the National Association of Long Term Hospitals, the National Association of Children's Hospitals, the National Association of Rural Health Clinics, the Mississippi Hospital Association—very important—the National Association for Home Care, the Alliance for Quality Nursing Home Care, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the National Kidney Foundation, the Juvenile Diabetes Foundation, the National Multiple Sclerosis Society, the American Association of Blood Banks, and so on down the line.

Mr. KERRY. Will the Senator yield for a question on that?

Is the Senator saying that every one of those groups were presented with and have read the conference report and are supporting the conference report?

Mr. LOTT. I understand those associations are familiar with how this Medicare add-back provision would affect them, and they are supporting this conference report.

Mr. KERRY. Just for clarification.

Mr. LOTT. I have a letter from the American Hospital Association—I believe that is correct; yes, here it is—

> On behalf of 5,000 members of the American Hospital Association, I am writing to express our views regarding the "Beneficiary Improvement and Protection Act of 2000." We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997. Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

That is dated October 26, 2000, signed by Rick Pollack, executive vice president of the American Hospital Association.

So you do not like the mix. You think maybe there is too much going to managed care. But when you help hospitals and rural hospitals, there is a passthrough provision that adds to the managed care provision.

You do have people in the Senate and from all over the country who believe the Medicare+Choice is a very important provision. They worked very hard in advancing their provisions—Democrats and Republicans.

So while it is not perfect—if we took that same $30 billion and gave it to a Senator from Wyoming, and then a Senator from Pennsylvania, they would come up with a different mix—after a lot of work, this is close to being fair to everybody. And again, it is not the end of the road. There will be another opportunity to work on it further.

I know the Senator from Idaho had wanted me to yield, perhaps on the adoption credit, or any comments he would like to make.

Mr. CRAIG. Yes. I do appreciate the majority leader speaking to that.

I saw the Senator from California wishing to make a comment on it. I cochair the Adoption Caucus with Senator LANDRIEU. We worked together this year to change the character of the adoption tax credit.

We did not get all we wanted—and I know the Senator has been out on the floor speaking of concern about it—but we got a great deal. We went from a $5,000 to a $10,000 tax credit for a normal adoption. But most importantly, we focused our efforts this year on children of special needs, I say to our majority leader. And there we went from a $6,000 to a $12,000 tax credit, and we phased it in more rapidly than we did the normal adoption.

But what is important here is the character of the adoptions. For children with special needs, oftentimes their costs up to adoption are less than normal children because the Government fronts a lot of that cost. To parents adopting children of special needs, it comes after the adoption. We tried to characterize this provision a little differently. And we will do that in the coming year.

No, we did not get all we wanted. But for any Senator to say it is not good to double the adoption credit on children with special needs, and to phase it in faster than we are doing for the children of normal adoptions, somehow is really not understanding what we are accomplishing.

This Senate, in the last 5 years, has taken a quantum leap to allow Americans to form families through adoption and to render tax credits. We did not even recognize it a few years ago. People forming families the normal way could write off the expenses of their pregnancy and the birthing of children, but people spending $10,000, $15,000, $20,000 to adopt a child were on their own. We have said no to that.

Truly, for these children of special need, who are oftentimes almost unwanted, we have now said to loving and caring people, we are going to give you a $12,000 tax credit, and we are going to accelerate it.

Come on, folks. We ought to be cheering about this for the formation of families through adoption. This is a major step in a loving and caring direction.

No, MARY LANDRIEU and LARRY CRAIG did not get everything they wanted, but there is not a Senator on this floor who got everything they wanted this year. But let me tell you, I am voting for this bill on that alone because it shows that this Senate cares about children and about families who want to form through adoption.

Mrs. BOXER. Will the Senator yield for a question?

Mr. CRAIG. I cannot yield. This is the time of the majority leader.

But I think it is important, Mr. Leader, to clarify that. Let's be proud of what we have done. It is a major and positive step for caring and loving families who want children through adoption.

Mr. LOTT. Mr. President, I know a lot of Senators would like to speak. I also know we need to again have some votes here in a reasonable period of time. So I will try to get an agreement on how we can get some further comments and then move to a vote. I know the Senator from California had wanted me to yield on that particular point.

Mrs. BOXER. Senator LANDRIEU and Senator CRAIG have worked so closely together. I am not an expert on that. I just saw Senator LANDRIEU deeply disturbed and upset in her view that rather than helping the people who adopt the most difficult situations, in other words, children who are disabled, children in foster care, we are going in the other direction.

I only want to say, in good will, that it looks as if the President will veto this bill for the many reasons we talked about. I am not going to, believe me, go into that. But when he does that, maybe we can go back and fix this problem so we can really celebrate passage.

I am only reflecting Senator LANDRIEU's distress that she feels that the toughest cases here are not being helped. That is all I wanted to say.

Mr. LOTT. Mr. President, I appreciate the Senator's comments on that. It is something we should work on. We have made progress. It is a shame we won't have it for the next 3 or 4 months. If the President insists on vetoing this bill, then I guess we will come back next year and have a chance to rework this whole area. I presume the tax bill next year, no matter who is elected President, will look different than this one. Maybe it would be better from my perspective, fairer overall, but provisions such as that could be worked on next year. I just hate that there are going to be adoptions that won't occur if the President vetoes this bill, that would occur if they had this additional credit.

Mr. President, I ask unanimous consent that following my remarks, the following Senators be recognized for times allotted, and that I be recognized immediately following those Senators: Senator GRAMM of Texas for up to 15 minutes and Senator WYDEN of Oregon for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, Mr. President.

Mr. WYDEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, all I am trying to do is to make sure that Senators who have been waiting to speak will have an opportunity, but also we have a vote that we need to begin pretty soon. I would rather not do that until Senators have had an opportunity.

I yield to the Senator from Oregon.

Mr. WYDEN. I thank the distinguished majority leader. I am happy to allow Senator GRAMM to speak before me. I would have to have unanimous consent that at the conclusion of Senator GRAMM's remarks, I be recognized next to speak, and that I be allowed to address several issues before there are any votes that go forward. I am concerned about a number of issues. As the majority leader knows, I have dedicated my service here to bipartisanship. I happen to agree with the distinguished majority leader that no one ever gets everything they want in a package. Senator KERRY showed that Democrats are willing to bend over backward to be bipartisan in areas such as small business. But on a number of issues that concern this Senator, there has not been that level of bipartisanship. I am compelled to object and will need to speak at some length this morning on the several issues that are important to me.

Mr. LOTT. If the Senator will withhold a second, I think the way I had asked for that consent is that he would be recognized immediately following Senator GRAMM. I was trying to ascertain how much time he might need.

Mr. WYDEN. If the majority leader will yield further, I am going to need the time that I intend to consume because one of the issues I am going to talk about is one of the most sensitive bioethical decisions of our time. It was stuffed into this legislation a little before midnight, when a handful of conferees were meeting, and has never been considered on the floor of the Senate.

Mr. LOTT. Mr. President, I appreciate the Senator's explanation. I yield to the Senator from Massachusetts for a question.

Mr. KERRY. Mr. President, with respect to the request, we would be happy to try to cooperate in terms of order and allowing people to speak. I am constrained on behalf of the minority leader not to agree at this point to some kind of limitation on time for our colleagues. If we could perhaps agree to this: I did want a couple of moments as manager to respond to the majority leader's comments. I will not take a long time at all. I know the Senator from Texas has been here and wants to speak. I think it would be fair to perhaps establish an order. If the Senator from Texas wants to live with the time, fine; I know the Senator from Oregon is not prepared to at this moment in time. We can at least establish an order.

Mr. LOTT. I wonder if we could do this: Maybe if the Senator from Massachusetts would like a couple minutes to respond, I think that is fair because he has some comments to respond to what I had to offer. Then we could go ahead and have a vote on an issue on which we need to proceed. Then when that is over or during that vote, we can work on an order to make sure everybody has a chance to be heard, the time that they need to speak, and we can continue on, having had one vote disposed of.

Mr. KERRY. Mr. President, again, on behalf of the minority leader, I would be constrained to object.

Mr. WYDEN. Mr. President, I object.

HIGH SPEED RAIL INVESTMENT

• Mr. HELMS. I commend the able Senator from Delaware (Mr. ROTH) for including the High Speed Rail Investment Act in this tax package. I'm glad he agress that we need to develop a national intercity passenger rail system.

Mr. ROTH. I thank the Senator from North Carolina (Mr. HELMS) for his support for these provisions. Intercity passenger rail service is a key element of our Nation's multi-model transportation system.

Mr. HELMS. As the Senator from Delaware knows, the Southeast High Speed Rail Corridor, designated in title 23 U.S.C., Section 104(d)(2), is a vital part of the national transportation system. Within the corridor the Charlotte-Greensboro-Raleigh segment plays a crucial and essential role in linking the Northeast Corridor with other corridors.

New modern world class stations in Raleigh and Charlotte as well as rail infrastructure investments linked to the Greensboro station will enhance the safety and efficiency of the system. It is my understanding that station investments are directly eligible projects under the proposed legislation.

Mr. ROTH. You are correct. Station projects such as those you described on the Charlotte-Greensboro-Raleigh line are important examples of critical investments envisioned in this legislation.

Mr. HELMS. I thank the Chairman and commend him for his leadership.•

Mr. LOTT. Mr. President, I now withdraw the motion to proceed to S. 2557.

The PRESIDING OFFICER (Mr. L. CHAFEE). The motion is withdrawn.

BANKRUPTCY REFORM ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report to accompany H.R. 2415 regarding the Bankruptcy Reform Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Illinois (Mr. DURBIN) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—87

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feingold
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Kohl

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—11

Ashcroft
Biden
Burns
Durbin
Feinstein
Grams
Helms
Lieberman
McCain
Rockefeller
Santorum

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. LOTT. Mr. President, I ask the minority, and I am sure Senator KERRY is prepared to respond to this, if they are in a position to set a vote on the pending bankruptcy conference report after an hour or two of debate. I yield the floor for a response to that question from the Senator from Massachusetts on behalf of the leadership.

Mr. KERRY. Mr. President, on behalf of the leader, at this time I have to object.

Mr. LOTT. I certainly expected that. I know there are Senators who do object to that. This is very important legislation which needs to be enacted into the law. I appreciate the procedural cooperation we have had.

The bill has been debated for weeks, and many amendments have been offered on both sides. Minimum wage was offered, as a matter of fact, to this bill while it was pending on the Senate floor, but minimum wage now is going to be put in the tax relief package we have been discussing.

The bankruptcy bill ultimately passed by a vote of 83–14, so I will file cloture on this bill probably Sunday or

Monday so we can get to a cloture vote and complete its action.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now move to proceed to S. 2557.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the continuing resolution, H. J. Res. 117, that no motions or amendments be in order, and the time between now and 3:15 p.m. be equally divided between the two leaders. I also ask unanimous consent that the vote occur on adoption of H.J. Res. 117 at 3:15 p.m. and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Therefore, the next vote will occur at 3:15 this afternoon.

Mr. President, for the information of Senators who are interested in the schedule, it is expected that the vote at 3:15 p.m. will be the last vote of the day. However, at this time, in view of the need for continuing resolutions, unless some different agreement can be worked out, we will be expected to have votes on Saturday and on Sunday with continuing resolutions.

Of course, there is serious work underway right now on the matters of disagreement. I note Saturday is the sabbath for a number of our colleagues and for observant Jews, and Sunday is my sabbath. I prefer we get a CR that will take us to Monday while we continue to work, but we have not been able to enter into that agreement yet. If necessary, we will be here and voting on CRs on Saturday and on Sunday. It is my expectation that vote will come late in the afternoon or early evening on Saturday.

Also, again, Senator STEVENS from the Appropriations Committee and the appropriators are meeting right now on the final details of the Labor-HHS bill. There is also some discussion about how we can move some of the problem issues out of the CSJ bill that has been reported out of conference and passed by the House. Corrections or changes, if agreed to, could be entered into the Labor-HHS bill.

I do want you to know the appropriators are busily working in their magical way, and I am sure at sometime a cone of honey will be produced, or maybe that is the wrong terminology to use, but they are getting closer to agreements. I hope it is something that can be signed, or I hope it is something I can vote for, too. Both of those are undetermined at this point. I know Senator KERRY wants to make further comments about an earlier issue. We now have 3 hours and 15 minutes to talk about the CR or other issues Senators wish.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. LOTT. I will yield since I invoked the name of the distinguished chairman of the Appropriations Committee.

Mr. STEVENS. My name came up as a magician. I am Aladdin. I rub the lamp.

Mr. LOTT. Very good. That is right, and I hope you will start rubbing it very fast.

Mr. STEVENS. I am supposed to bring you out of the lamp.

Mr. LOTT. All right.

Mr. STEVENS. Mr. President, I have to inform the Senate that if we finish the Health and Human Services bill today—we are in good-faith negotiations, and we expect to be quite late today—that bill could not be finished in terms of its reading out and printing and being available to both sides until Monday afternoon at the earliest.

I hope we can get some consideration from the administration and from everyone to understand that. We would have two sessions—one on Saturday and one on Sunday. Some people work on their sabbath and some people do not. We have a staff who will be working, in spite of that, around the clock to read the legislation. There are some 40 pieces of legislation, in addition to the bill itself, that will be in the Health and Human Services bill; at least that will be our recommendation.

I urge that somehow or another I be allowed to offer an amendment to this continuing resolution and make it Tuesday night. I have told the White House and OMB that there is no way, even if we finish tonight, that we can take it up tomorrow or take it up Sunday. We will not be able to take it up until Monday night. The White House should know that, OMB should know that, and I hope the minority agrees with us.

We cannot vote on this bill, the major wrapup piece of legislation, until, at the earliest in the Senate, Tuesday. The House may be able to vote on it Monday night. To argue over a CR that takes us to tomorrow and to argue over one that takes us to Sunday and one that takes us to Monday, when there is nothing we can do about finishing up this Congress, is just demonstrating our inability to deal with reality.

I hope the leader will allow me some time today to offer a motion to amend that CR and make it Tuesday. I have discussed it with the House, and they are in session. They can adopt it and send it to the President. Somehow or another, this idea we can only go day to day and we can produce something tomorrow that we have not finished today, when we have just one bill left which itself cannot be finished until Monday night, I think is foolhardy. I am prepared to challenge the President and all of his people to come to reality.

The discussions are being held with his people. If we do not finish them tonight, we will finish them tomorrow. If we do not finish them until tomorrow, it will be Tuesday morning before it is read out.

Maybe people do not understand what we do. Each side has a copy of the final provisions. Each reads it through, and we call in the people from the committees involved to be sure the provisions are correct. Then we get together and our staffs read it together, and each makes certain the other has not made any changes in it. And that will not be finished. It will take at least 20 hours of reading to do that. It will not be finished until Monday night.

Mr. LOTT. Mr. President, I say to the Senator from Alaska, we do not quite know what the appropriators do. I am not sure we really want to. We wish you the best because at least all of our schedules are in your hands, if not our lives. But I think what the Senator is saying is eminently reasonable. I urge you to get Senator BYRD to discuss that with the leadership on the other side, and if you talk with Senator REID, we will communicate with the administration and hopefully maybe by 3:15 p.m. we can take that reasonable action. I certainly would support it. But we have to get an agreement.

I yield the floor.

Mr. KERRY. Mr. President, if I may respond, I am confident the leader on our side wants to be as reasonable as possible. The issue on our side has been, as we said earlier, the level of progress, No. 1, and No. 2, the question of inclusivity.

What the chairman just said suggests there is a lot more inclusivity, and I presume reasonable minds will prevail at an appropriate time. A judgment has to be made by the administration and the minority leader with the level of progress. I am confident that will happen.

If I may continue, Mr. President, for a moment. Would it be appropriate at this point in time—Senator WYDEN has been waiting for a long time; I know the Senator from Texas has been waiting. I want to make a few comments yielding myself time off our time for a brief moment—I will be brief—at which point, may we have a unanimous consent agreement?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Oregon.

Mr. WYDEN. I would ask——

Mr. KERRY. I will yield only for the purpose of asking a question.

Mr. WYDEN. I thank the Senator.

I ask unanimous consent that I be recognized, Mr. President, to speak for up to 30 minutes on the continuing resolution when Senator KERRY has completed his comments.

Mr. KERRY. Mr. President, would the Senator agree that the Senator from Texas was, in fact, going to precede him?

Mr. DOMENICI. Reserving the right to object, might I ask a question?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I am willing to yield for a question, but I am trying to proceed here, if we can.

Mr. WYDEN. Would the Senator from Massachusetts yield for me to clarify this?

Mr. KERRY. I yield for the purpose of clarification only.

Mr. WYDEN. I appreciate the Senator yielding.

I was prepared to allow Senator GRAMM to speak because the two of us were on the floor at the same time, to speak for 15 minutes, on the proviso that I could go next. I would then talk for up to 30 minutes.

Mr. KERRY. I would modify the unanimous consent request.

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Knowing the subject matter that my colleague from Oregon wishes to speak to, I would like to be recognized for 15 minutes, following the Senator from Oregon, to respond.

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have the right to object. There is a unanimous consent request pending.

Mr. KERRY. Absolutely.

Mr. DOMENICI. I would like to have 20 minutes reserved for me when you are finished—whoever is in the chain, whatever that is.

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am happy, until 3:15, to work out time agreements so people are not standing around. But the way it now appears, it is going to be a little unbalanced. We should rotate time wise, not necessarily who is speaking but how much time. We want to work Senator CONRAD into this mix.

Mr. KERRY. Mr. President, could I suggest the following? And I think it will meet everybody's needs. At the conclusion of my brief remarks, the Senator from Oregon be recognized, following him, Senator NICKLES to be recognized, with the time to be selected by the managers for how much time they allocate, and subsequent to that, someone on our side, to be named, to be recognized, and then the Senator from Texas.

Mr. DOMENICI. What about the Senator——

Mr. KERRY. Afterwards it would come back to this side, and then the Senator from New Mexico.

Mr. BOND. Reserving the right to object, apparently there is a lot of discussion that needs to go on. We need to work out the time. Could we ask——

Mr. KERRY. You control it.

Mr. BOND. I know, but could we ask the initial remarks of the Senator from Oregon and the Senator from Texas to be 15 minutes each, so then we can work out a schedule? We know that we will then be able to develop the schedule so that all of the important things that people on both sides of the aisle need to say before 3:15 can be said.

Mr. KERRY. Mr. President, the Senator from Oregon has requested 30 minutes. I am prepared to yield him 30 minutes from our time. I think we should each control our time.

The PRESIDING OFFICER. The Senator has that right.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. OK, if our understanding is that the Senator from Oregon receives up to 30 minutes, if you would allocate me up to 30 minutes in response, and hopefully neither one of us will take that much time, and then you can continue the division of time. Certainly it would be appropriate.

Mr. KERRY. Mr. President, I ask unanimous consent for that request.

The PRESIDING OFFICER. Without——

Mr. DOMENICI. No. Mr. President, I reserve the right to object.

Where are we now with reference to whether the Senator from New Mexico gets to speak?

Mr. KERRY. Mr. President, the Senator from New Mexico follows on the Republican side after the Senator from Texas.

Mr. REID. However, I say to Senator DOMENICI, it would be the Democratic side's turn prior to you.

Mr. DOMENICI. I understand. The only thing I am concerned about, if you are going an hour equally divided—3:15 is the vote; isn't it?

Mr. KERRY. Mr. President. I think this is not as complicated as we are making it. If I could try to simplify it, the unanimous consent request requires us to alternate to each side. We will go, immediately following my comments, to the Senator from Oregon, and then back to the majority side, Senator NICKLES, and then back to our side to a person to be yet named, and then back to the Republican side to the Senator from New Mexico, and then back to our side, which follows Senator GRAMM. And that is the order with the time to be determined by the managers on each side.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, I wonder if the manager of the bill, as part of this, would use his efforts with reference to how much time each one gets so that at least those we have agreed to would be able to speak before 3:15. You can do that, I believe.

Mr. BOND. Mr. President, reserving the right to object, I believe the agreement is that between now and 3:15 the time is equally divided. So that would roughly be 3 hours and 10 minutes. So that is an hour and 45 minutes for each side. With that understanding, each side has 1 hour 45 minutes.

Mr. KERRY. Mr. President, I ask unanimous consent that the time consumed to this point not count as equally divided.

The PRESIDING OFFICER. Is the Senator putting off the 3:15 vote?

Mr. KERRY. No. But I was recognized and therefore I do not want this entire colloquy to come from my time. I am asking that the time commence for division.

The PRESIDING OFFICER. It has to come from somebody's time.

Mr. KERRY. It comes equally divided from both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. President, I will be very brief. I simply want to respond very quickly to the comments made by the distinguished majority leader who appropriately cited many items within the legislation that we all ought to support. Indeed, that is precisely what I said in the course of my comments. We do support a great deal of what is in the legislation.

But what the majority leader never did, in the course of his comments, was address any of the issues we raised with respect to the health care system, the fundamental fairness, and the issues of contention raised by the President of the United States.

He dismissed that rather quickly and cavalierly, suggesting that the President got a lot of what he wanted. Let me be very precise. Of 119 individual tax provisions in this bill, 35 of them are from the President's budget; that is 30 percent of the provisions, not the 80 percent that the majority leader talked about. Mr. President, and of the $240+ billion in tax cuts in this package, only $48 billion, or 20 percent of the total, is from the President's proposals.

No one should be misled by the comments of the majority leader to believe that this is somehow a fair division, and that the President, in offering to veto, is not vetoing it on substantive, clear, and distinct differences of policy.

Secondly, the majority leader suggested that much was included in this, and this is sort of mostly a bill that is somehow beneficial. What he neglected to address was the issue that we raised about how this bill came together and what is in it as a total.

As a total, it represents, in a sense, a consensus of what the majority wanted to put in. But it was arrived at without discussion with the minority, and so there are whole bills in here that raise very significant issues.

One of them is the issue to which the Senator from Oregon is going to talk. I just want to take about 2 minutes to say something about it.

There is, in this tax bill, a whole piece of legislation called the Pain Relief Promotion Act. My colleagues ought to listen to that title very carefully: Pain Relief Promotion Act. That title is an extraordinary, almost cynical, play on words. It completely distorts the notion of what happens in this legislation.

First of all, this Pain Relief Promotion Act completely preempts State law with respect to the definition of a legitimate medical purpose with respect to State medical regulations. The implications of that with respect to this are to require the Drug Enforcement Agency's agents to determine whether a physician's prescription of a controlled substance for pain relief medication was intended to relieve pain or to assist in suicide. I hope my colleagues focus on that.

The Pain Relief Promotion Act is asking DEA agents to make a judgment of intent about what a doctor intended to do in prescribing a prescription drug to a patient who is terminally ill in a hospital.

Are we seriously going to go down that road and DEA agents to have the potential to provide a 20-year prison sentence for a doctor for making a judgment about pain medication to an ill patient in a hospital? I find that extraordinary. Yet the majority leader tried to suggest on the floor that this is just some innocuous conglomeration of legislation that has no major impact on the lives of Americans, except 80 percent of it is good and what the President wanted. That is a fight worth fighting on the floor of the Senate today.

I am not going to go into all the details. I just went through a long hospitalization issue with a parent. I know what that pain medication meant for cancer. I know how difficult it was in the hospital to get the proper pain medication, to have people comfortable with what was being dealt. If we suddenly layer that kind of legal structure over the delivery of medical care in America, we are taking an extraordinary step that at least ought to be properly debated on the floor of the Senate in the context of hearings, the process, and so forth.

A recent New England Journal of Medicine article said the following:

> If the Pain Relief Promotion Act becomes law, it will almost certainly discourage doctors from providing adequate doses of medicine to relieve the symptoms of dying patients.

That does not belong in a tax bill, conglomerated in a room without the consent of Democrats. That is why we are here. That is why we are fighting about this legislation.

My final comment is, with respect to the tax components of this, major components of fairness were stripped out of this bill. The majority leader talked about how important it is to provide savings for Americans. Yes, it is important. There is not one of us on this side of the aisle who won't vote to encourage Americans to save money. There is not one of us who does not support a 401(k) program. But when we are making a choice about how much money we can allocate to people based on the overall amounts of money available and that choice was made by the Republicans alone to encourage 401(k)s to the exclusion of middle- and low-income Americans to be able to save, that is a fight worth fighting. That is a question of fundamental fairness.

The 401(k)s are terrific for lawyers and doctors and high-income people, but the kind of Americans we were trying to reach—at the $30,000, $25,000, $20,000 income level—have a lot harder time gaining benefit from a 401(k). What the President had in his proposals was a credit that would have gone directly to those hard-working Americans. That was stripped out. That is why we are here now raising these issues regarding this legislation. It is a question of fundamental fairness.

I regret that in all of his comments this morning, the majority leader did not address the fundamental issue of fairness that we are raising and over which the President has threatened a veto.

My absolute last comment: The President made clear that he would veto this. So the majority leader comes to the floor and says, well, we will come back, and we will work this out down the road.

Why? Why work it out down the road? Why not work it out now? Why not work it out in the last month before we came to the floor knowing it would be vetoed? If we can work out these other issues, if we weren't seeking a political advantage, we could certainly work that out.

People may not like the fact that the President of the United States is who he is and is of the party that he is, but he has the veto. We have been through this since 1995, when the Government of the United States was shut down for the first time in American history over this very same challenge. And here we are again, in the year 2000, with the same sort of sense of frustration over the fact that he has the veto pen that brings us to this point of confrontation. The fact is, he does have that pen. He has the constitutional right. He made it clear he would do it. And the reasons he has chosen to do it are substantive and important to the American people. That is what this debate is about.

I thank my colleague for his courtesy. I yield such time, up to the 30 minutes, as he might consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I thank the Senator from Massachusetts, both for his focus on bipartisanship with respect to the overall package and for his very thoughtful comments about the assisted suicide issue. I think he has summed it up very well.

I feel bad that I had to object to consideration of the tax legislation this morning. I will take just a minute or two to describe why and then go on to talk about the overall issue as it relates to pain relief and what is in the tax bill.

I know it is an inconvenience to a number of Senators to have me talk about this subject at length. This is an important time in the year for colleagues. I regret the inconvenience. But I believe what is in the tax bill is going to cause so much pain and suffering to families all across the country, that the interests of those families who are going to suffer if this tax bill as written becomes law have to come first.

First and foremost, I want the Senate to understand that before we are done, I am going to speak at length about exactly what the consequences will be for families all across this country, who needlessly are going to suffer great pain that could be averted, if the bill becomes law as written.

In addition, while the majority leadership in the Congress is attempting to throw Oregon's vote on assisted suicide into the trash can, Oregonians are holding on to ballots such as this one. They are wondering if this ballot, this sacred vote, really counts.

Mr. REID. Will the Senator from Oregon yield for a question?

Mr. WYDEN. In one moment.

I am obligated to speak for those Oregonians, each and every one of them, over a million Oregon voters, because I want them to understand that I am going to do everything in my power to make sure the ballot I have in my hand and the ballots they are holding right now actually count. The fact is, the senior Senator from Oklahoma has put into the tax bill legislation that would silence over a million Oregon voices. I am going to be here to make sure those voices are heard.

I yield to the Senator from Nevada. I thank him for his thoughtful comments last night on this issue.

Mr. REID. Mr. President, I have a question. This question comes from the people of the State of Nevada. It is my understanding that if this provision of this tax bill passes, a vote that was taken in the State of Oregon, open to everyone in the State of Oregon, would be basically repealed by the Congress of the United States; is that true?

Mr. WYDEN. The Senator is correct. In effect, it would be impossible to carry out the will of Oregon voters on a matter that has historically been left to the States.

What is so striking—and I appreciate the Senator's question—is that we constantly have colleagues come to the floor and talk about the importance of States rights and the beauty of the 10th amendment. Then when they don't happen to agree with what a State is doing, I guess the 10th amendment isn't so important anymore.

I appreciate the Senator's question.

Mr. REID. One more question I will ask the Senator from Oregon: Then the people of Nevada, no matter how they feel about the substance of the legislation that passed in the State of Oregon, should be warned by me and others that if this piece of legislation passes, if we pass a ballot proposition or a law in the State of Nevada, it would be subject to repeal by the Congress. We in Nevada believe in States rights. We are part of the great western heritage.

Is it true that if this particular legislation passes, the people of the State of Nevada should be aware of the fact that we could repeal something that they pass in the legislature or by ballot proposition?

Mr. WYDEN. The Senator is absolutely right. People in Nevada should understand that what this legislation does is take away from all States what has historically been their prerogative, which is to determine appropriate medical practice. There is a great body of case law and a variety of legal precedents that establish that right, and folks in Nevada should understand that. I think it is also on point to note that people in Maine are voting right now on this issue. I think it is open to some question as to what will be the effect of that Maine ballot measure right now if the tax legislation were to pass as written and, in effect, throw Oregon folk to the trash can, and it might do the same thing for people in Maine. I thank my colleague for his questions.

Mr. President, if the Senate was here today to vote on a stand-alone bill which would lead to unspeakable, avoidable suffering for hundreds of thousands of terminally ill citizens, there is no question in my mind that the Senate would not pass it. So what we have to ask is why has the Senate leadership stuck into this tax bill, legislation that the American Cancer Society and over 50 nationally recognized health organizations believe will cause unnecessary suffering for thousands of terminally ill citizens in each State in our country.

What is particularly ironic is that this legislation has not moved forward with any of the traditional procedures of the Senate. It has never been reported out by a committee of jurisdiction. It has never been subject to amendment by the full Senate. There has never been a chance to debate it on the floor of the Senate. The fact is that this legislation, which is one of the central bioethical questions in our society, was stuffed into the tax bill close to midnight the other night, without overcoming even one of the traditional procedures the Senate follows.

Now, Senator KERRY noted the name of this bill. It is the so-called "Pain Relief Promotion Act." The fact of the matter is, this legislation is really the "Pain Promotion Act" because it is going to have a chilling effect on health care providers all across this country who simply want to practice good pain management.

I know my friend from Colorado, who is in the Chair today, also represents a rural State. Let me tell you about the kind of concern I have if the Nickles bill, as written, becomes law. Let us say you have a physician in Colorado or in Iowa or another rural State who is opposed to assisted suicide—and I am opposed to assisted suicide; I have joined colleagues here in voting to ban Federal funding of assisted suicide. But let's say a physician in Colorado, who is opposed to assisted suicide, wants to treat pain aggressively with a suffering patient. If they do, their intent, their mental calculus can later be dissected by law enforcement officials who, if they believe that anti-assisted suicide physician really had a different intent, can prosecute that physician. And the medical providers involved would be subject to a mandatory minimum sentence of 20 years, a fine that is upwards of a million dollars and they would lose their DEA registration.

The fact is that the undertreatment of pain today is a documented public health crisis. There was just another survey published very recently demonstrating that physicians and health care providers are reluctant to treat pain aggressively because they are very fearful of having their decisions second-guessed by law enforcement. There are a number of us—the American Cancer Society is one—who are opposed to assisted suicide. Yet the American Cancer Society has said that because of the chilling ramifications of pain management, it believes the Nickles legislation included in the tax bill is going to hurt cancer patients nationwide.

The American Academy of Family Physicians is another major medical group opposed to assisted suicide and they oppose the Nickles legislation; so is the American Nurses Association, the Oncology Nursing Society, the Indiana State Hospice and Palliative Care Association, and the Texas Medical Association. In sum, there are more than 50 respected health organizations that are opposed to physician-assisted suicide and also oppose the Nickles legislation included in this tax bill.

If we do care about humane medical treatment—and I know that every Senator cares about the suffering of those who are vulnerable—I believe when you actually read what is in this tax bill and what Senator NICKLES has been able to include, if you wish to join us in alleviating suffering and protecting the poor, elderly, and vulnerable, you have to oppose the Nickles legislation because it hurts the very people that our colleagues care about.

I want to raise a troublesome flag now with respect to this bill. To my knowledge, not a single nursing organization in America supports the bill purporting to relieve pain for the dying—not one. But seven nursing organizations, including the American Nurses Association, National Association of Hospice and Palliative Nurses, Pediatric Oncology Nurses, and the American Society of Pain Management Nurses, oppose the alleged pain relief bill included in this tax legislation.

Now, you know when a loved one is in a hospital, the physician may have ultimate responsibility for the care, but the nurses are the ones on the front lines coping with pain. Seven major nursing organizations, representing those on the front lines, have come out against the Nickles bill. So the question is, how could all of this happen? I think the Senate may want to reflect on the procedures involved because I think other Senators may find the same sort of absurd process applied in matters that are important to their States.

When Senator NICKLES introduced the Pain Relief Promotion Act last year, the bill was referred to the Committee on Health, Education, Labor, and Pensions. That is because, for obvious reasons, the bill has enormous ramifications for pain and health care. The bill received a hearing in 1999. It wasn't acted on by the committee. Members on both sides of the aisle expressed concerns about the legislation's impact on end-of-life and pain care. Unfortunately, a House bill identical to that legislation was passed by the House and was suddenly referred to the Senate Judiciary Committee, which didn't have jurisdiction on this critical health issue. The Parliamentarian did something that I believe showed great courage, and I commend him for it. He simply told the news media that a mistake had been made, that the Nickles legislation had been referred to the wrong committee.

I thought it was a very courageous, gutsy thing for the Parliamentarian to do. It was the kind of unfortunate accident that can happen.

The Judiciary Committee, as one might guess, had a chairman who was sympathetic to the Nickles legislation who pushed and pushed to mark it up before the American Cancer Society made it clear that the Nickles legislation would hurt cancer patients. They got the bill out of the Judiciary Committee on a 10–8 vote.

Now you know that the bill is very controversial. That is why it is coming to the floor of the Senate in the form it is. They could not get the Senate to approve this legislation if the traditional procedure of the Senate were followed.

In fact, since the Nickles legislation had been introduced with a handful of Democrats who were supportive, several have now indicated their opposition largely for the reasons I have cited—that the Nickles legislation would have a chilling effect on pain management.

The reason this bill has been stuffed into the tax legislation is that it cannot go forward on its own. There is too much controversy attached to it, too much uncertainty about its ramifications on pain care for the dying for the leadership to bring it to the floor in the normal way.

The fact is that the Senator from Oklahoma doesn't have the votes. At one point, the supporters had 80 votes. It got out of the Judiciary Committee 10–8.

I said last summer, let's follow the traditional rules of the Senate. After we had agreed to that, the distinguished Senator from New York, who is very opposed to assisted suicide, saw how much damage this legislation would do for the suffering and said he couldn't support the bill.

Senator NICKLES saw that support was quickly moving away from him and that he didn't have the votes to pass his legislation following the traditional procedure of the Senate. To compensate for the lack of votes and the inability to follow traditional procedures in the Senate, the senior Senator from Oklahoma has chosen the least democratic method at his disposal to circumvent an honest debate and avoid even a couple of modest amendments.

What is striking is the senior Senator from Oklahoma has on various occasions apparently said we shouldn't have extraneous matters brought in that had not been considered separately in a conference report. But he is allowing exactly this to be done with his bill.

The senior Senator from Oklahoma is betting that by stuffing his legislation into this conference report, everybody is going to be so resigned to the outcome and so anxious to bring down the gavel and get home that this body is just going to ignore its obligation to the scores and scores of families and suffering patients who are going to be hurt by this legislation.

The senior Senator from Oklahoma may be right. I suppose that is the way it often works in the Senate. However, I am going to be asking my colleagues—and will talk more about this subject when we get back on the tax legislation—to step up to the suffering with so much on the line. I want them to know what is at stake.

If this legislation is approved, the friends of every Senator, loved ones, and constituents are going to find it impossible to obtain aggressive pain care in their communities. Patients unable to obtain pain care are a fact of life right now, but at least we have some solace in knowing that thousands of brave health professionals are willing to risk their reputations and their careers to prescribe controlled substances to relieve suffering.

If the tax legislation goes forward without removing the Nickles bill, the undertreatment of pain, which is already a documented public health crisis, is going to get worse. Our loved ones—yours, mine—and individuals in every community across this country are going to suffer the consequences with this flawed legislation.

I hope that before we have a final vote on this issue, each and every one of our colleagues will read the statement of the American Cancer Society on this legislation. They are an organization that opposes assisted suicide, as I do. Yet here is what they say about the Nickles legislation. This is the direct statement of the American Cancer Society about the Nickles legislation. The American Cancer Society states, and I quote:

> Under the act, all physicians, and particularly physicians who care for those with terminal illnesses, will be made especially vulnerable to having their pain and symptom management treatment decisions questioned by law enforcement officials not qualified to judge medical decision-making. This can result in unnecessary investigation and further disincentive to aggressively treat pain.

That is the American Cancer Society describing how the Nickles legislation will have a chilling effect on pain care.

I would like to offer a bit of a historical perspective. The nonprescription abuse of opioids and cocaine around the turn of the century and the growing sentiment that doctors at that time were one component of the growing drug problem in America helped contribute to the stigma associated with the use of opioids for pain.

According to a seminar on oncology and in an article by Dr. David Wiseman, "Doctors, Opioids, and the Law: The Effect of Controlled Substances Regulation on Cancer Pain Management," when regulations were enacted in 1914 to keep from treating drug addicts with opioids, the stigma attached to those drugs continued to grow, and physicians across the country became more reticent to prescribe those drugs because of their fear of criminal or licensing sanctions against their practice.

The undertreatment of pain is due to a variety of complex causes. There certainly are a number of studies that show that the threat of legal sanctions is one of the main roadblocks to humane pain control. And that is before the Nickles legislation in the Senate would direct to Drug Enforcement Administration to have law enforcement agents second-guessing the judgment of doctors.

One 1994 California survey showed that 69 percent of physicians cited the potential for disciplinary action as a reason for prescribing opioids conservatively. One-third of the doctors went on to acknowledge that their own patients may be suffering from untreated pain.

What we saw last week in Oregon was a brand new study that showed again that physicians are fearful about aggressively treating pain for fear of legal prosecution. It confirmed the 1994 California survey.

For that reason, I am happy to yield to my friend and colleague.

Mrs. BOXER. Mr. President, I thank my friend for bringing these issues to the floor of the Senate. I think this issue of pain abatement is a key issue.

I go even further than that in this debate because the issue of physician-assisted suicide, which I do not support, is really not what I am afraid of in Senator NICKLES' approach. But I just want to say to my friend, thank you for bringing this issue forward. I watched a loved one, who was as close to me as anyone could be, cry out in pain hour after hour, saying: I don't want to live.

I wanted this person to live more than I can say. But I went to that physician of this loving relative and I said: Please, please, do everything in your power to anesthetize this pain, to sop this pain. This physician looked at me and he said: I will do everything that I can.

I am so fearful that someone else, if this bill becomes law, will look at me and say: BARBARA, I know how much you love this individual, but I can't do more than I am doing because I'm afraid I'm going to be hauled off to prison.

I don't want any family looking in the eyes of a physician, begging to put a loved one out of this type of misery and pain, being told that their hands are tied; they would love to help and they can't.

That is why what the Senator from Oregon is doing is so important and why I am so saddened that this bill, in the dead of night, that could lead to people writhing in pain, not being able to get the help they need, was done in such a fashion where we really can't even give it the attention it deserves.

As my final point, would my friend tell me again, for the record, so that everyone watching this debate can know, which organizations are opposing this Nickles provision for the reason that the Senator has stated—that it will lead to people suffering needlessly, and doctors being afraid to help them because they will be hauled off to jail.

Mr. WYDEN. I appreciate my colleague's questions. There are more than 50 major health organizations. The American Cancer Society has stated why they feel this legislation would have a chilling effect on pain management.

I want my colleague to know, because time is short, that Senator NICKLES, in offering this bill, says doctors don't have anything to worry about with respect to prosecution under the bill—that his legislation says doctors can prescribe drugs which will hasten death if their intent is to treat the pain. So he is talking about "intent."

Our colleagues are right to be so concerned about who is going to determine the intent of the physician, who is just trying to help somebody suffering and gives a suffering person critical relief and dignity as they face difficult hours at the end-of-life. The person who is going to decide "intent" is not another doctor, not a nurse, not a health professional, not anybody with medical training, but law enforcement officials. A law enforcement official is going to determine that medical provider's' intent. Somebody with no medical training is going to, in effect, have the authority to put medical providers on trial; a trial that could cause a provider to lose their license, serve 20 years in prison, and face upwards of a $1 million fine.

It doesn't have to be this way. There are many who oppose assisted suicide, who want to work in a bipartisan way to promote better pain management and reduce the demand for assisted suicide.

Mrs. BOXER. I thank my friend.

Mr. WYDEN. The Senator from Oklahoma is not allowing Members to do that.

The Senator from California has made the key point. At the end of the day, I want it understood when the people of Oregon cast a ballot like the one I have in my hand on a matter that has historically been left to the people of my State and to every State, I will do everything I can on the floor of the Senate to protect that vote.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the time be equally divided between both sides.

Mr. BOND. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. WYDEN. Mr. President, I will keep talking if the Senator from Missouri objects. I am sure some of our colleagues have other concerns.

I will continue on this question of dissecting medical providers' intent, as the Nickles legislation does, a dissecting exercise that will be done by law enforcement professionals rather than medical providers.

Here is what the American Cancer Society had to say about determining "intent" under the Nickles legislation. The American Cancer Society says: Unfortunately, intent cannot be easily determined, particularly in the area of medicine, where effective dosage levels for patients may deviate significantly from the norm. The question of deciding intent should remain in the hands of those properly trained to make such decisions—the medical community and State medical boards.

What the American Cancer Society is saying, as with these other 50 organizations, they are especially troubled that the Nickles legislation is second-guessing the pain management practices of physicians and providers all across the country. It is especially troublesome because law enforcement officials, rather than health care professionals, are going to be the ones to assess the intent of a medical provider. A medical providers' intentions under any calculus, as the American Cancer Society has noted, cannot be easily determined. To allow law enforcement officials to have this enormous discretion, after the fact, to challenge our medical providers, in my view, is going to significantly compound the undertreatment of pain in America.

Mr. NICKLES. Mr. President, I was told that the time of the Senator expired and I was coming to claim my time to respond.

The PRESIDING OFFICER. The time of the Senator has expired under the previous order, and the Senator from Oklahoma is to be recognized.

Mr. NICKLES. I will be happy to let my colleague conclude his thought.

Mr. WYDEN. Mr. President, I hoped we could have worked it out. My time has expired. As the Senator from Oklahoma knows, I have wanted a real debate on this legislation for some time, so I am happy to have the Senator hold forth.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, one, I wish to respond to my colleague and my friend from Oregon. He is my friend. We happen to have a disagreement on this issue. We have a difference of opinion, a rather pronounced difference of opinion. I heard several things in his statement that I want to correct. I almost don't know where to start.

First, let me touch on a couple of things on procedure. This is so wrong procedurally and should not be in this bill.

Again, he is my good friend, but he has known all along I would try to get this bill on the floor. Yes, it was put in the tax bill. I tried to put it in the appropriations bill. We ended up putting it in a tax bill. Is that the best way to legislate? No.

I might tell my colleagues and my friend from Oregon I tried about half a dozen different ways to pull the bill up, to have it be an amendable state, to offer my colleague from Oregon or others a chance to have relevant amendments, and those offers were always rejected. So now we have the bill before the Senate.

I might also mention, if one is complaining about this procedure, then we shouldn't have any problem with the Commerce-State-Justice because the administration is trying to put an amnesty provision that doesn't belong on the Commerce-State-Justice bill. It did not pass either the House or the Senate, and is totally extraneous to the conference.

Senator BYRD had one dealing with trade that was on an appropriations bill. It should not have been. It was inserted.

At least this bill did pass the House by over 100 votes. It did pass the Judiciary Committee. It has had hearings. It has been marked up. It has had 42 cosponsors—maybe my friend and colleague from Oregon has been able to convince one or two to get off. Senator LIEBERMAN is still a principal cosponsor, to my knowledge. He testified in favor of this legislation, as have I. So this legislation is not new. It is not a surprise.

My colleague from Oregon has sent several letters to all colleagues saying what is wrong with the legislation. I have sent several letters to all of our colleagues saying he was incorrect. So everyone knows about this bill and everyone knows at some point we are going to have a debate on it. I hope it will be passed.

Let me touch on a couple of issues that were brought up. My colleague from Oregon said if this bill is passed it is going to tell a million people in Oregon who voted for this on a ballot initiative, a referendum, that their vote does not mean anything. I disagree with that. This bill does not overturn Oregon's law. I want to be very clear about this. This bill does not say anything about making Oregon's law null and void. What this bill does is it deals with pain and pain management. The bill does say: Oregon, you cannot overturn Federal law. It doesn't say quite that. Federal law, the controlling law, is the Controlled Substances Act. That is a Federal law. It passed in 1970. It controls very strong drugs, I tell my friend from New York. These are deadly drugs. They are strong drugs. They are under Federal control. They are not under State control; they are under Federal control. It is a Federal Controlled Substances Act. The State of

Oregon cannot pass a law that changes a Federal statute.

I make the analogy, Oklahoma might say let's legalize heroin. Oklahomans might pass that in a referendum, but it doesn't make heroin legal. It is still against the Federal law to use heroin. These are federally controlled drugs. They are deadly if they are used in very large quantities, but they are also very helpful. They can help alleviate pain. Unfortunately, we have a real problem in pain. I heard my colleague from California mention she knew a friend who was in enormous pain. We all have friends or families or have known people who are suffering and suffering greatly. I want to alleviate their pain. That is one reason why this bill was created.

There were two reasons. We want to alleviate pain. That is why all the pain management groups endorse this bill. I will go through a list. My colleague from Oregon listed a few groups that endorsed his. We have 10 times as many people, groups, physicians, you name it—hospice care, palliative care, the American Medical Association, that endorse this bill; pain management societies—you name it. I will have all that printed in the RECORD. These groups, the hospice groups and others, their members worked their entire lives because they want to alleviate pain. This bill will alleviate pain.

This bill does two things. It says we can use these drugs. My amending the Controlled Substances Act says we can use these very strong drugs to alleviate pain. We put a safe harbor in to protect physicians, making sure when they use these drugs to alleviate pain, if it causes someone's death there will be no problem. The bill also says these drugs cannot be used for the purpose of assisted suicide.

Guess what. That has been the law of the land for 30 years. These drugs were never allowed to be used for assisted suicide. The Drug Enforcement Administration—I will put a letter from Mr. Constantine who says he reviewed it—the Controlled Substances Act says these drugs can be used for legitimate medical purposes. In our bill, we state that includes pain management, the alleviation of pain. We put that in specifically so everyone will know: Use these drugs to alleviate pain. It is now in the law. Mr. Constantine also said it is not construed to be used for assisted suicide.

You say: Why do you need this bill?

You need this bill for two reason. One, we want to make sure everybody knows these drugs can be used to alleviate pain.

What about the Oregon law? My colleague from Oregon said this is going to outlaw the Oregon law and nullify a million voters who voted for it. This is going to gut the bill.

Granted, they have had dozens of suicides that have been committed using federally controlled drugs. Guess what. The law was always interpreted before that these drugs cannot be used for assisted suicide. They cannot be used to cause someone's death. They can be used to alleviate someone's pain, and we clarify that in our legislation. We go further. We put in funds to educate people on pain management.

My colleague from Oregon and I happen to agree with this. There is a real problem in pain management. There are a lot of people who are not doing enough in pain management, for whatever reason. Maybe they have not been educated. Maybe they are afraid of liability. Maybe they are afraid of doing too much and that might enhance someone's death. We said you can be very aggressive in pain management. What you cannot do is take federally controlled drugs and use them to kill somebody. These drugs are controlled by the Federal Government. They can be used to alleviate pain. They cannot be used to kill somebody.

About the Oregon law, Oregon passes a law and says they are going to say one can have assisted suicide. Fine. You cannot use Federal controlled drugs. These are federally controlled drugs. Oregon cannot amend the Controlled Substances Act. They think they can. Now with the Attorney General's letter, maybe they think they can. It is really awkward. In 49 States, you cannot use federally controlled substances for assisted suicide, but in Oregon you can.

So how did Oregon amend the Federal law, the Federal statute? Maybe Oklahoma is going to amend the Federal law. They might not like the .08 we just passed.

I heard my colleague say: What about States rights? I am a very strong supporter of States rights but States cannot change Federal law. I am all for giving States the right to opt out. If we want to say the Controlled Substances Act applies unless the States want to opt out, let's pass it. We have not done that. If we want to have a different law to allow States to opt out, maybe it should be used against the Federal law against heroin or cocaine, and we want to have the State opt out on that? I don't think so. Oregon is saying let's have the State opt out on the Controlled Substances Act so we can use these substances for assisted suicide. Oregon cannot change the Federal law.

So it is not us, it is not the Federal Government now trying to overturn the Oregon law. Oregon, by referendum, thought they could overturn the Federal law. They cannot do it. They cannot do it.

Let's do what we can to alleviate pain. Let's take these very strong drugs—morphine and others that if used in excess can be deadly—let's make sure they are used to alleviate pain. Let's do it aggressively and educate people all across the country in pain management. So we do that as well.

Let me also knock down a couple of the arguments that my colleagues used. He said if we do this, it is going to have a chilling impact.

Far from it. I will tell my colleagues, the AMA and some other groups, the hospice groups, said that a couple of years ago. We stated very clearly in the Controlled Substances Act that these drugs can be used to alleviate pain. They said: We are afraid it will have a chilling impact so we put in language to guarantee, to give physicians safe harbors, to do all kinds of things in the legislation to encourage using the drugs for pain management but not assisted suicide. So the chilling effect argument is not accurate.

In fact, if you look at the several States that have passed laws against assisted suicide but for pain management—and there are several, and I have charts of several: Kansas, Rhode Island, several States—in every one of those States, when they passed legislation banning assisted suicide but encouraging pain management, the use of morphine has gone up dramatically. So instead of having a chilling impact on pain management, it encouraged pain management, it encouraged the use of these drugs, these very strong drugs to alleviate pain. That is the history in every single State. It is interesting to note since Oregon passed their law on allowing or legalizing assisted suicide, it is just the opposite. The use of pain management drugs has actually gone down.

I look at Indiana, the use of morphine has gone up substantially. They have banned assisted suicide. Iowa, the same thing, a dramatic increase in pain control drugs when they banned assisted suicide. Kansas, again, more than double. Louisiana doubled the use of these very strong drugs to alleviate pain. In Rhode Island, it more than doubled. South Dakota had a big increase. Again, almost all of these have doubled. Tennessee—it has more than tripled the use of pain control drugs.

When the States banned the use of assisted suicide, they used the strong drugs to alleviate pain. This is what we want to do. We want to alleviate pain. We want to be effective. We want to get the very strong drugs that a lot of physicians have been reluctant to utilize and we want to get them into physicians' hands. We want to let them know they have the power, the authority, the education to use these drugs to alleviate pain. Even if they increase the use and it causes someone's death, there is no penalty, and I have to touch on the penalty sanctions. My colleague was so wrong.

We want them to alleviate pain. My colleague says: If they do not comply, we will have a new group of Federal officers running around, and this is going to have a chilling impact. He is exactly wrong. The Drug Enforcement Administration is in control of these drugs right now. There are 990,000 registrants who use these federally controlled drugs nationwide.

My colleague from Oregon implied that if we pass this bill, we are going to have a new set of Federal police; they are going to be arresting people and they will do years in jails and pay thousands of dollars in fines. We have given zero, none, no additional law enforcement authority.

Guess how many drug enforcements there were in fiscal year 1999? There are 990,000 registrants, and they investigated 921 cases, almost all of which were referred by the States. They revoked their registration, which is DEA's enforcement. They revoked the registrations of 29.

In 1998—again, there are almost 1 million people who are licensed to dispense these federally controlled drugs—they revoked the registrations of 17; in the year 1997, 18. So DEA already has this authority. They have it nationwide. They have always had it. We do not take it away. We do not enhance their authority.

This is a bogus red herring. Somebody is trying to scare the people: We are going to increase the Government power. Hogwash, we are increasing the power of the physicians. We are giving them a safe harbor, giving them greater standing. Before somebody can take action, they have to prove intent before there would be any claim against that physician. We give the physicians greater power and greater reliability that they will not be going to court, that they will not be in trouble with law enforcement if they are aggressively using these drugs for pain management.

Under this bill, they can use these drugs aggressively in pain management. They just cannot use them for Dr. Kevorkian assisted suicide, plain and simple. In Oregon, in at least 43 cases, they have used federally controlled drugs to kill someone. We are saying these are federally controlled drugs and you can use them to alleviate pain, but you cannot use them to kill someone.

I want to touch on a couple of other issues. I mentioned safe harbor. I have a letter from the American Medical Association, which says:

> This bill would explicitly include this as a safe harbor, creating a legal environment in which physicians may administer appropriate pain care for patients without fear of prosecution.

This is the AMA.

They continue:

> The Pain Relief Promotion Act does not create a new Federal authority to regulate physicians. The bill contains specific rules of construction preserving the roles of States and the Federal Government in regulating the practice of medicine.

I could go on and on.

Mr. President, I ask unanimous consent to print in the RECORD a volume of information because this is an important issue. I have editorials, a couple of which came from Oregon, one of which is dated July 1, 1999. This is the Oregonian. It says: "Kill the pain, not the patients." That is what we try to do with our bill. We try to kill the pain and not the patients.

Also, I have an Oregonian editorial which says: "A state's rights, a state's wrongs." This is dated October 19, 1999.

And a more recent editorial from the Oregonian, September 10, 2000, says:

> Approve pain relief promotion bill. The Senate should put a quick end to Wyden's filibuster and pass a bill that favors pain killing over patient killing.

I have a volume of things. I mentioned these three editorials which are very well written, and also I have a legal analysis of the bill; I have a list of organizations supporting the Pain Relief Promotion Act. This list is very long. It starts with Aging With Dignity, the American Academy of Pain Management, the American College of Osteopathic Family Physicians, American Medical Association, American Society of Anesthesiologists, American Society of Interventional Pain Physicians, Americans for Integrity in Palliative Care, Americans United for Life, California Disability Alliance, Catholic Health Association, Catholic Medical Association. I could go on and on. There are medical associations—the Florida Medical Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PAIN RELIEF PROMOTION ACT AND THE SUBSTITUTE AMENDMENT—SUPPORTING ORGANIZATIONS

Aging With Dignity.
American Academy of Pain Management.
American College of Osteopathic Family Physicians.
American Medical Association.
American Society of Anesthesiologists.
American Society of Interventional Pain Physicians.
Americans for Integrity in Palliative Care.
Americans United for Life.
California Disability Alliance.
Catholic Health Association.
Catholic Hospice (Florida).
Catholic Medical Association.
Christian Legal Society.
Christian Medical & Dental Society.
Coalition of Concerned Medical Professionals.
Carondelet Health System.
Eagle Forum.
Family Research Council.
Florida Hospices and Palliative Care, Inc.
Florida Medical Association.
Focus on the Family Physicians Resource Council.
Friends of Seasonal and Service Workers (Oregon).
Hope Service and Palliative Care (Florida).
Hospice Association of America.
Iowa Medical Society.
Louisiana State Medical Society.
Lutheran Church—Missouri Synod.
Medical Association of the State of Alabama.
Medical Society of Delaware.
Medical Society of New Jersey.
Medical Society of the State of New York.
Michigan State Medical Society.
National Association of Pro-life Nurses.
National Conference of Catholic Bishops.
National Hospice Organization.
National Legal Center for the Medically Dependent and Disabled.
National Right to Life.
Nebraska Coalition for Compassionate Care.
Nebraska Medical Association.
Not Dead Yet.
Ohio State Medical Association.
Oklahoma State Medical Association.
OSF Healthcare System.
Pain Care Coalition—American Academy of Pain Medicine, American Headache Society; American Pain Society.
Pennsylvania Medical Society.
Physicians for Compassionate Care.
Puerto Rico, Office of the Governor.
Supportive Care of the Dying: A Coalition for Compassionate Care.
South Carolina Medical Association.
South Dakota Medical Association.
Union of Orthodox Jewish Congregations of America.
Utah Medical Association.
Virginia Association For Hospices.
VistaCare Hospice.
Vitas Healthcare Corporation (CA, FL, IL, OH, PA, TX, WI).
Wisconsin Council on Developmental Disabilities.
State Medical Society of Wisconsin.

[From the Oregonian, July 1, 1999]

KILL THE PAIN, NOT THE PATIENTS

It's no secret to any reader of this space that we oppose Oregon's venture into physician-assisted suicide.

But last year, when the American Medical Association and the National Hospice Organization came out against a bill in Congress giving medical review boards the power to deny or yank the federal drug-prescribing license to physicians who prescribed these drugs to assist in suicides, we took their concerns seriously.

The groups argued that the proposed law could reverse recent advances in end-of-life care. Doctors might become afraid to prescribe drugs to manage pain and depression—things that, when uncontrolled, can lead the terminally ill to consider killing themselves in the first place. We thought then that the problem could be worked out and that it was possible to keep doctors from using federally controlled substances to kill their patients without also preventing them from relieving their terminally-ill patients' agonies.

This Congress's Pain Relief Promotion Act proves it, and the proposed legislation comes not a moment too soon. A new report by the Center for Ethics in Health Care at Oregon Health Sciences University shows that end-of-life care in Oregon—which fancies itself a leader in this area—is far from all it should be. Too many Oregonians spend the last days of their life in pain.

There's no real need for that—and the Pain Relief Promotion Act of 1999 would go a long way toward addressing these systemic and professional failures here and elsewhere. The proposal would authorize federal health-care agencies to promote an increased understanding of palliative care and to support training programs for health professionals in the best pain management practices. It would also require the Agency for Health Care Policy and Research to develop and share scientific information on proper palliative care.

Further, the Pain Relief Promotion Act would clarify the Controlled Substances Act in two essential ways.

One, it makes clear that alleviating pain and discomfort is an authorized and legitimate medical purpose for the use of controlled substances.

Two, the bill states that nothing in the Controlled Substances Act authorizes the use of these drugs for assisted suicide or euthanasia and that state laws allowing assisted suicide or euthanasia are irrelevant in determining whether a practitioner has violated the Controlled Substances Act.

Technically, of course, the bill does not overturn Oregon's so-called Death with Dignity Act. But it would thwart it, for all practical purposes, because it makes it illegal for Oregon doctors to engage in assisted suicide using their federal drug-prescribing license. Suicide's advocates may think of some other method, but none seems obvious.

Is this a federal intrusion on a state's right to allow physician-assisted suicide or euthanasia?

To hear some recent converts to state's rights talk, you might think so. But you could just as easily argue that Oregon's assisted suicide law intrudes on the federal domain. The feds have long had jurisdiction over controlled substances, even as states kept the power to regulate the way physicians prescribe them. At best, it's a gray area.

You'll recall that the Department of Justice declined to assert a federal interest in all of this when it plausibly could have, shortly after Oregon voters approved assisted suicide. It's probably better—and high time—that Congress asserts that interest explicitly.

This act would establish a uniform national standard preventing the use of federally controlled drugs for assisted suicide. That, in itself, should advance the national debate on this subject in a more seemly way than, say, the recent efforts of Dr. Jack Kervorkian.

Beyond that, it's high time that the Congress made clear that improved pain relief is a key objective of our nation's health-care institutions and our Controlled Substances Act. The Pain Relief Promotion Act will do all this. No wonder the American Medical Association and the National Hospice Organization are now on board.

[From the Oregonian, Oct. 19, 1999]

A STATE'S RIGHTS, A STATE'S WRONGS

NOT EVEN OREGON HAS A RIGHT TO INTRUDE ON FEDERAL GOVERNMENT'S TRADITIONAL REGULATORY ARENA

Nobody can say Oregon didn't have a full debate on assisted suicide before reaffirming in November 1997 what voters first passed a year earlier. Both sides expended much blood and treasure in the fight and it's natural to think the matter should end there. Oregon voters passed assisted suicide; Oregon should have assisted suicide.

Normally, we'd agree.

But Oregon's "Death with Dignity Act" barges into an area of long-standing federal jurisdiction—the Controlled Substances Act—and Measure 16 proponents' new infatuation with "states' rights" betrays a misunderstanding of the concept.

We mention this as Congress prepares to debate the Pain Relief Promotion Act of 1999. The bill would authorize federal health-care agencies to promote an improved palliative care, and not even our new states' rights enthusiasts are grousing about that proposed federal initiative. The Pain Relief Promotion Act also makes clear that alleviating pain and discomfort is an authorized and legitimate medical purpose for the use of controlled substances under the Controlled Substances Act. Nobody minds this either, which is understandable, since it would ensure that federal drug laws don't get in the way of proper palliative care.

But the fur starts flying when the bill states that nothing in the Controlled Substances Act authorizes the use of these drugs for assisted suicide or euthanasia and that state laws allowing assisted suicide or euthanasia are irrelevant in determining if a physician has violated this federal law. Although the act wouldn't technically nullify Oregon's suicide law, doctors here would have to help patients die without the aid of federally controlled substances.

Initially, U.S. Drug Enforcement Administration Administrator Thomas Constantine ruled that using controlled drugs such as barbiturates to terminate patients violated the Controlled Substance Act, because assisted suicide was not a "legitimate medical practice." We couldn't agree more that helping patients kill themselves is not a "legitimate medical practice." But in a later decision, Constantine's boss, Attorney General Janet Reno, took a different view.

She stated there was no evidence that Congress, in the Controlled Substance Act, wanted to override the states' right to determine what was a "legitimate medical practice." Nor is there evidence, Reno continued, that Congress intended to hand the DEA power to decide the assisted suicide question.

A fair historical point. Congress probably couldn't imagine in 1969 that a state would countenance assisted-suicide using controlled substances—but what about now? Reno said the DEA shouldn't decide if physician-assisted suicide is a "legitimate medical practice," and that's a fair point, too. These issues, Reno stated, are fundamental questions of morality and public policy." But does Congress have a right to answer such questions in the context of the Controlled Substances Act?

Absolutely.

These are drugs the federal government already controls. The federal government wouldn't allow a state's doctors to dispense heroin simply because a state legalized it. The federal government didn't allow doctors to dispense marijuana even to terminally-ill patients—just because a few states' voters deemed this a nifty idea. Congress didn't even have to weigh in on medical marijuana; the administration made that decision on its own, because of its worries about drug addiction.

Clearly, Congress has every right to update or clarify U.S. law on the use of federally controlled substances for assisted suicide. If Congress can concern itself with drug addiction, surely it can—and should—concern itself with the quality of health care across the country.

It can—and should—concern itself with the effects of assisted suicide on that health care.

And it can—and should—approve the Pain Relief Promotion Act of 1999.

[From the Sunday Oregonian, Sept. 10, 2000]

APPROVE PAIN RELIEF PROMOTION BILL

SENATE SHOULD PUT A QUICK END TO WYDEN'S FILIBUSTER AND PASS BILL THAT FAVORS PAIN-KILLING OVER PATIENT-KILLING

Life-and-death issues aren't always open to consensus solutions, but a reasonable consensus on end-of-life care seems to have emerged.

It's embodied in the Pain Relief Promotion Act that the U.S. Senate should vote on soon—if it has the wisdom to shut off a threatened filibuster led by Oregon's Ron Wyden.

How broad is this consensus? Well, the American Medical Association, the American Academy of Pain Management, the Hospice Association of America, and other medical groups all back the Pain Relief Promotion Act.

It passed the House, 271–156, last fall and has 42 co-sponsors in the Senate. Democrat Joe Lieberman, Al Gore's running mate, is the chief Senate sponsors along with Oklahoma Republican Don Nickles.

The Connecticut Democrat has company on the campaign trail, too, Republican presidential nominee George W. Bush backs the bill. So does the Green Party's Ralph Nader, who worries that HMOs and corporate medical interests will see assisted suicide as a cheap alternative to expensive medical care.

It's easy to see why left and right, Republicans and Democrats, support the bill. It calls on federal health agencies to disseminate information on palliative care to health-care providers and the public.

It authorizes $5 million a year for grants to teach medical people the latest pain-management techniques. In addition, it makes explicit a "safe harbor" provision in the federal Controlled Substances Act. Doctors could use controlled substances to ease pain even when this may unintentionally hasten death. The bill provides for continuing education on this "safe harbor" for Drug Enforcement Administration and other law-enforcement officials.

Foes claim that the Nickles-Lieberman bill would have a "chilling effect" on doctors' ability or inclination to relieve patients' suffering. Please. Every section of the bill advances the cause of pain relief. States that have passed similar laws—Iowa and Rhode Island, for example—have seen per-capita use of federally controlled morphine for pain relief go up dramatically.

The only thing Nickles-Lieberman will have a chilling effect on is doctors who want to use federally controlled drugs in their patients' suicides. The bill clarifies the Controlled Substances Act so this 31-year-old federal law cannot be read to countenance the use of federally controlled drugs in assisted suicides and euthanasia. It makes plain that assisted suicide and euthanasia are not "legitimate medical purposes" under the Controlled Substances Act. (By contrast, alleviating pain and suffering are, states the bill, "legitimate medical purposes" for a controlled substance—"even if the use of such a substance may increase the risk of death.")

As such, the Pain Relief Promotion Act would have a chilling effect on Oregon's assisted suicide law. It wouldn't exactly nullify it, but doctors here couldn't prescribe federally controlled drugs for physician-assisted suicides.

This explains Wyden's opposition to the bill, through things get tricky here. He says he actually opposes the assisted suicide law. He just thinks Oregonians have a right to pass this law, good or bad. That's the senator's right, but the Senate shouldn't play along with the effort to dress up this exercise in constituent service as some great stand for states' rights or better pain relief.

As we've seen, Nickles-Lieberman's entire thrust is geared to improving pain relief and palliative care under the Controlled Substances Act. As is also clear, Wyden has picked a strange place to make his stand for states' rights. Nickles and Lieberman are, after all, clarifying the federal Controlled Substances Act of 1970. In truth, it's Oregon that has barged into an accepted area of federal regulation, 30 years after the fact, with its assisted-suicide experiment.

Debate on the Nickles-Lieberman should lead to an informed decision not put off such a decision and protect one state's warped views of its powers. The Senate should vote a quick end to any Wyden filibuster on its way to passing the Pain Relief Promotion Act.

[From the Washington Post, Nov. 10, 1999]

HEALTH, NOT SUICIDE

With regard to Oregon Gov. John Kitzhaber's op-ed column of Nov. 2, "Congress's Medical Meddlers," let's get the facts straight.

Federally controlled substances are exactly that—federally controlled. Under present law, they can be used only for a legitimate medical purpose to promote health and safety. This has been true since 1970, when Congress passed the Controlled Substances Act, giving primary jurisdiction over these narcotics and dangerous drugs to the Drug Enforcement Administration. A lethal overdose, otherwise known as assisted suicide, has never been considered a legitimate medical purpose and certainly does not promote public health and safety.

Oregon voters passed a state law to allow physician-assisted suicide, and they had the right to do so. But they do not have the right to change federal law. If Oregon were to legalize the use of heroin for medicinal purposes, that wouldn't change the federal law forbidding its use.

Last year, Attorney General Janet Reno issued a letter carving out an exception for Oregon to use federally controlled substances for assisted suicide, a decision in conflict with an earlier determination by her own DEA and with the Controlled Substances Act. The Pain Relief Promotion Act makes clear, for the first time, that aggressive treatment of pain is a legitimate medical purpose, and it provides new legal protections for physicians to use these medications to alleviate pain and discomfort. It also restates that the use of these federally controlled drugs to cause, or assist in causing, death is not a legitimate medical purpose.

DON NICKLES
U.S. Senator.

C. EVERETT KOOP, M.D.,
Washington, DC, June 17, 1999.

STATEMENT OF C. EVERETT KOOP, M.D. ON THE PAIN RELIEF PROMOTION ACT OF 1999

I am pleased to lend my strong support to the Pain Relief Promotion Act of 1999.

Clearly, controlled substances such as narcotics have very legitimate and important uses in modern medicine, not least in alleviating the suffering of dying patients. Just as clearly, government has a legitimate interest in ensuring that these substances are never intentionally used to take a human life. Physicians entrusted by the federal government with the privilege of using these potentially dangerous drugs in their practice should be the first to understand the need for laws ensuring their proper use. Their own ethical code instructs them always to use medications only to care, never to kill.

We should recall what the late Margaret Mead once said about efforts to legalize euthanasia: In such a society, patients will not know whether their physician is visiting them in his role of healer or killer. Acceptance of assisted suicide as a "solution" to the problems of dying patients would undermine the trust that all patients must be able to place in their physicians. It would also undermine efforts to improve compassionate care for dying patients, as the "quick fix" of assisted suicide replaces the more difficult but vitally important tasks of controlling pain and other symptoms and keeping company with the dying. We cannot let this happen.

This Act strikes the right balance, by promoting the much-needed role of federally regulated drugs for pain relief while reaffirming that they should not be abused to assist patients' suicides. A better understanding of the difference between trying to kill pain and trying to kill patients will be of great help to law enforcement authorities, to physicians, and especially to patients themselves.

I especially applaud the sponsors for including in this legislation a new grant program to promote improved knowledge and practice in the field of palliative care. When medical professionals truly learn how to ease their patients' suffering and address their real problems during the dying process, assisted suicide and euthanasia become irrelevant issues. All our patients deserve skilled care of this kind, especially when they are weakest and most vulnerable.. I hope Congress will approve this bill without delay.

AMERICAN MEDICAL ASSOCIATION,
Washington, DC, September 7, 2000.

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION IN SUPPORT OF THE PAIN RELIEF PROMOTION ACT (PRPA)

The American Medical Association (AMA) supports H.R. 2260, the "Pain Relief Promotion Act" (PRPA), as reported from the Senate Judiciary Committee, offered by Chairman Orrin Hatch. The new bill represents significant improvements in addressing the continuing concerns of the physician community regarding the proper roles of the state and federal governments in regulating the practice of medicine.

The AMA is squarely opposed to physician-assisted suicide and believes it is antithetical to the role of physician as healer. The AMA strongly advocated against the Oregon public initiative that has legalized physician-assisted suicide in that State. In crafting an appropriate legislative response, physicians have been deeply concerned that legislation must recognize that aggressive treatment of pain carries with it the potential for increased risk of death, the so-called "double effect." The threat of criminal investigation and prosecution for fully legitimate medical decisions is unacceptable to the AMA.

As reported from the Senate Judiciary Committee, the legislation would recognize the "double effect" as a potential consequence of the legitimate and necessary use of controlled substances in pain management, and explicitly include this as a "safe harbor" provision for physicians in the Controlled Substance Act. This is a vital element in creating a legal environment in which physicians may administer appropriate pain care for patients without fear of prosecution.

The provisions of the Chairman's Substitute to H.R. 2260, reported by the Senate Judiciary Committee on April 27, 2000, represents substantial success in achieving the AMA's policy goals. The AMA is pleased to endorse H.R. 2260, which now contains significant improvements explained below.

PRESERVES STATE'S ROLE IN REGULATING PHYSICIAN PRACTICE

The PRPA preserves deference to state licensing boards and professional disciplinary authority as currently exists under the Controlled Substances Act (CSA). This bill would also maintain the current balance of authority between state and federal government, in which the DEA and state medical licensing boards have overlapping authority when it comes to physicians prescribing controlled substances.

THE PRPA DOES NOT CREATE NEW FEDERAL AUTHORITY TO REGULATE PHYSICIANS

The bill contains specific rules of construction preserving the roles of the states and federal government in regulating the practice of medicine. Furthermore the Attorney General is explicitly prohibited from creating new federal standards for pain management or palliative care; existing and developing standards in the private sector and research community will continue to be the gold standard.

PROHIBITS FEDERAL GUIDELINES OR STANDARDS OF CARE

The PRPA does not give the DEA new powers to regulate physicians or to evaluate whether a prescribing decision is "legitimate." The DEA is already authorized to evaluate whether a physician's prescribing decision is for a "legitimate medical purpose." This amendment also negates the possibility that law enforcement might create its own standards on pain care and clarifies that the training and education programs would not interfere with the traditional role of the state in regulating the practice of medicine.

THE PRPA WILL CONTINUE TO FOSTER PROFESSIONALLY DEVELOPED STANDARDS

This bill will improve pain management and palliative care for patients by encouraging and supporting the vital research necessary for advancing the science and art of pain management and palliative care. While it authorizes grants and educational activity, the Agency for Health Research and Quality is also prohibited from creating its own standards for pain management or palliative care.

EXPANDS SCOPE OF BILL TO COVER PAIN MANAGEMENT, AS WELL AS PALLIATIVE CARE

H.R. 2260 expands the scope of the bill to include all pain management, rather than an exclusive focus on end-of-life pain.

Again, the AMA supports the language contained in the bill reported from the Judiciary Committee which includes essential clarifications of the original bill, specifically expressing the sponsors' intention to honor the existing authority of the states to regulate legitimate medical practice, while exercising the concurrent federal authority to regulate the prescribing and administration of controlled substances. The language of H.R. 2260 has been carefully crafted to reflect this proper balance. We urge the full Senate to pass the "Pain Relief Promotion Act," as soon as possible.

Mr. NICKLES. Mr. President, my colleague was reading a few letters. Incidentally, he kept talking about the American Cancer Association. I do not think they ever wrote a letter saying they were opposed to the bill. He made it sound like they did. I do not know if they did. He has one that is maybe questionable on the bill.

We have dozens which spent a lot of time supporting us. The National Hospice Association, the group that takes in individuals in their later years, particularly in the years where they are close to death, supports this bill. So the allegations that this might have a chilling impact is hogwash. To make an allegation that this might be offensive to States rights is absolute hogwash. That is not correct.

We are not overturning Oregon's law. Oregon cannot overturn Federal statute. Do we want to repeal the Federal Controlled Substances Act? The Federal Government has been controlling these strong drugs before that act. There was another act that passed years before, but the Federal Controlled Substances Act is what I am amending and clarifying that legitimate medical purposes includes pain management.

What is wrong with that? It also says assisted suicide is not a legitimate medical purpose. Think of that. We have had a Federal statute on the books since 1970 to control very strong drugs because we know they are deadly, we know they are hazardous. So the Federal Government passed a law regulating these drugs.

The State of Oregon said: Let's legalize assisted suicide, and we will pretend that is a legitimate medical purpose. The Drug Enforcement Administration said: No, it is not. The Attorney General wrote a letter that it is in 49 States, but it is not in Oregon because we did not prohibit assisted suicide.

The Controlled Substances Act says these drugs can be used for legitimate medical purposes. It did not say anything about assisted suicide. So the Attorney General comes up with this weird analysis: Maybe it's not prohibited. The Drug Enforcement Administration before her said: No, assisted suicide is not a legitimate medical purpose. The Drug Enforcement Administration is right, and they have been the ones enforcing this law for the last 30 years.

Oregon should live under the law just like every other State in the Nation. In 49 States, you cannot use these drugs right now—you cannot use them in Arkansas or in any other State in the Nation because they are Federal controlled substances and they can only be used for legitimate medical purposes. You cannot use the drugs in assisted suicide except in Oregon because the Attorney General says maybe it is OK.

The law says you can use them to alleviate pain but not assisted suicide. We put that in the bill. I mention that to my friend from Nevada and my friend from Oregon. It is awfully important that people understand the substance of this legislation, and this legislation would not have a chilling impact. We would not have all these organizations from the American Medical Association to the American Hospice Association supporting this bill.

I urge my colleagues to review the letters Senator WYDEN and I have provided to further complement their knowledge on this issue. I urge them to review the materials we are printing in the RECORD, and I urge them to support this bill.

I am proud of the fact that 40-some colleagues, maybe 38 now—maybe a couple names were removed—support this bill; Democrats and Republicans support this bill, including Senator LIEBERMAN, who testified with me on a couple of occasions on this bill. I look forward to its adoption and enactment this year.

Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could say to my Democratic colleagues, we have a number of people who have indicated a desire to speak on this issue prior to 3:15. And we appreciate the effort made by the Senator from Oregon. We have Senator LINCOLN, to whom we are going to yield 5 minutes; Senator BAYH, to whom we are going to yield 5 minutes; Senator TORRICELLI, 10 minutes; and Senator DORGAN, 10 minutes; Senator BAUCUS, 10 minutes; Senator CONRAD, 12 minutes.

Each minute they are not here means their portion of the share of time will be lessened because we are next in line to speak, and there is no one on the Republican side to speak. The time I have allocated here will use up basically all of our time. There will, of course, be time after the 3:15 vote where people can come and speak on any issue they desire. But I have announced to the Senate those who have requested time. Unless there is some other arrangement made, those who desire to speak prior to 3:15 will not be able to do so until after 3:15.

Mr. President, I suggest the absence of a quorum and request that time be allocated between both sides evenly.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I hope my colleagues will come to the floor and express themselves about this legislation. I know a number of our colleagues have indicated an interest in being heard.

I note that it is my hope we can still get votes on both the tax bill as well as the Commerce-State-Justice bill today. We need to move this process along. We are now less than 2 weeks away from the election. There is a lot of work that remains prior to the time we leave. It seems to me we ought to be maximizing each day. That is why the President has insisted on 24-hour continuing resolutions.

I have just had a conversation with the majority leader and noted my interest in our effort to try to resolve these matters today so we can move on to other outstanding issues. We talked earlier about the importance of trying to bring some resolution to both bills.

The Commerce-State-Justice bill could be resolved, certainly, by Monday. If we can vote on it, and move it along, I think that behooves us and certainly accords us more of an opportunity to ensure that we can resolve these matters at a time that would allow us to bring closure to this whole session of Congress.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. One, I thank my colleague from South Dakota, the minority leader, for his statement. I think that would be a great idea. We need to pass these conference reports, and send them to the President. Somebody said, there is a veto threat on one or two of them, and on Commerce-State-Justice. I think there is some work going on right now, and some things could happen that would make it possible for that bill to be signed.

I do not know if the President has threatened to veto the tax bill. Regardless, we need to get these completed. It would be great if we could get them completed today or on Monday or Tuesday, but if we could do it today, I think it would be in the interest of all of our colleagues. Certainly, I know Senator STEVENS doesn't think it would be humanly possible to get the Labor-HHS bill out before Tuesday, but if we could clear everything else but for the Labor-HHS bill, that would simplify all of our work. I think it would be a real positive thing for our colleagues. So I would be happy to work with my friend and colleague to try to make that happen.

Senator STEVENS suggested, knowing that Labor-HHS could not be completed until Tuesday for a vote, extending the time for the continuing resolution until Tuesday so we do not require everyone to be here. A lot of us will be here Saturday and Sunday and Monday. But to be, one, respectful of religious holidays on Saturday and Sunday, and to accommodate people's schedules, is there support on both sides to amending the continuing resolution—and saving taxpayers some money so we do not have to go through performance sessions—to amend the CR to make it go through Tuesday?

Mr. DASCHLE. I will respond, if I could reclaim my time, and say that I know the President has expressed concern on several occasions about the tendency for those of us who serve in the Congress to leave and then not to come back until close to the end of whatever CR timeframe we have been allotted. I think that is the President's concern, that if we were to go to Monday or Tuesday, most likely we probably would not revisit these questions until Monday or Tuesday. But we can certainly discuss the matter at greater length and attempt to see what opportunities for real progress we are going to be making.

We are now 28 days into the new fiscal year, and we still have a lot of work, especially on appropriations bills, that remains to be done. So it would be my hope that we could maximize every day.

And he is right; it is very rare that we have met on Saturdays—or Sundays, for that matter. It would not be our intention to make a regular practice of it, but these are extraordinary circumstances, without a doubt. I think each day should be used, with the maximum opportunity that each day affords us, to try to resolve these issues and get our work done. I don't like staying. I had plans this weekend myself. I was going to go home to South Dakota. It does not appear that is going to be possible. But I would say, certainly, if we are here we ought to be maximizing the use of our time. I think that is what the President intends. Certainly, we ought to attempt to do as well with each day that remains.

I would also say that we ought to go into this with an attitude that we are going to complete our work successfully. There is no reason why we cannot finish C-J-S. There isn't any reason we cannot finish Labor-HHS. There isn't any reason we can't come to an agreement on the remaining outstanding issues.

There is very little disagreement about the need to address each of these issues. We know we have to address education in the appropriations bill. We know we have to address the Balanced Budget Reform Act and the extraordinary problems that our health facilities are facing. We know we have to face and address the issues having to do with Commerce-State-Justice and especially immigration.

So there are a lot of issues that demand we stay and resolve them. I think we ought to use the weekend to keep negotiating, to try to find a way to resolve these matters, before we get well into next week. Basically, I think the bottom line for many of us is, if we can make these bills more fair, if we can address fairness with regard to immigration, if we can address fairness with regard to the BBA bill and the tax bill, if we can address fairness with regard to education and school construction—if we can do all that in a fair and meaningful way, we can resolve these matters and be done by the middle of next week.

There is no reason why we should not. It seems to me we waste opportunities by allowing Senators to leave town and expect somehow they will come back. But I am certainly more than willing to talk about it and see if we can make the most of what days remain.

Mr. REID. Will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I say to my friend, no one in the Congress has worked harder than you have. So I know you, as much as anyone, would like to have this session end. But I do say, in response to my friend from Oklahoma about working the weekend—now, I am not an expert in religion; we have a Chaplain and others to take care of our professional aspects of religion—but I do know that even in biblical times, when the ox was in the mire on the Sabbath, you had to help get that animal out of the mud. I think that is what we are in now.

It may be necessary that we work on Sunday; We have so many things left to do. I agree with the minority leader. These breaks don't have us doing the work that we need to do. We need our attention focused on completing Commerce-State-Justice, doing this tax bill, and doing whatever needs to be done on bankruptcy, if, in fact, anything is going to be done. There are a number of items we have to do. The minute we say we are not going to do anything until Tuesday, Washington is vacated and nothing is done.

Mr. NICKLES. Will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment both my colleagues and say that everybody who has an ox in the mire, who is working on the appropriations bills, on BBA adjustments, or on the tax bill, ought to stay here until we have those bills totally complete—that includes Saturday, Sunday, and Monday—and have our colleagues come in and vote on Monday or on Tuesday. I just don't think it behooves us to have the entire Senate in on Saturday and Sunday. I will be here. I might be watching the football game on Saturday. But for those people who are directly involved in the negotiations, they need to be here, period. We need to get these wrapped up.

I also heard my friend from South Dakota address several issues that remain and if we give him everything he wants, we can go home. That is not going to happen. But we might as well find out that is not going to happen on Friday or Monday or Tuesday as have it continue. I look forward to working with both my friends from Nevada and South Dakota on the remaining bills. We have about four bills left—five, if you count bankruptcy and split the appropriations. We need to finish them one way or the other. We need to vote on them and dispose of them. I will work with my colleagues.

I would appreciate serious consideration to assist our colleagues to extend the CR. You mentioned the President stated he always wanted a 1-day CR. All that is going to do is cost the taxpayers money to have the entire Senate come back in and vote on Saturday and Sunday. We need to have the negotiators stay here Saturday and Sunday and complete the work.

Mr. DASCHLE. Mr. President, if I could just respond, I will probably have to agree to disagree. I suppose you could argue that we have spent a lot more money over the last 27 days than most of us realized in keeping the Senate in session as long as we have. We have been in, in large measure, because we haven't been able to complete our work. One could argue if we would have used the days we had available to us more effectively, we wouldn't be here today.

As to the President's insistence on trying to find compromise, I guess this isn't a matter of whether the President gets all he wants. This is a President who has said on numerous occasions we are making progress in coming together. Let us keep at it. Let us try to find a way to resolve these issues. I am not asking for everything I want, but I don't expect the Republican leadership to get everything they want.

The essence of good compromise is give on both sides. We haven't seen that. That is the essence of the concern we have on this side, the lack of fairness, not only with regard to any real void in bipartisanship in putting the tax and BBA bill together, but the consequences of having done so without constructive engagement, consequences that led somebody inadvertently, I assume, to leave out the minimum wage entirely, to nullify the minimum wage for 6 months. That is what happens if this bill passes. It is going to be nullified for 6 months. I know that that was not intended, but that is what happens.

To reference bills as are referenced in this two-page conference report with no real ability to read it thoughtfully, to carefully look through it, ought to give everybody pause.

I know one of the points raised by our colleague from Alaska regarding the appropriations bill is that he needs up to 20 hours to read, whenever it is agreed to, the Labor-HHS bill, the last appropriations bill to be addressed. That Labor and Education bill, if it is read by the Senator from Alaska, will at least assure that one Senator in this body has had a chance to read it from front to back.

Nobody had that opportunity with this bill. There was no 20-hour read of this bill, in part because there was no bill. This is a reference to five bills. There was no careful consideration of what went into this legislation. Nobody knows. We are shooting entirely in the dark. We have no appreciation of what is in this bill. What we do know is that some things were inadvertently left out. What we do know is that when it comes to school construction, we fall $10 billion short of what ought to be a minimum in the commitment we make to school construction this year.

This country has a deficit in infrastructure of $127 billion, a $127 billion backlog in school construction alone. What we have said is, let's require the States and the school districts to come up with at least $100 billion of that responsibility, but why not do for schools what we do for courthouses and airports and highways. Let us help school districts. Let us help States provide the funding mechanism that will allow them to refurbish and rebuild and construct new schools.

That is part of the debate. That is part of this fairness question that is at the heart of the debate regarding the tax bill. Is it fair? That is the question. Is it fair to provide three times more in business lunch deductions than it is school construction? That is what this bill does. Three times more goes to business lunch deductions than we are prepared to commit to school construction. I don't think that is fair.

We can argue a lot about whether it is fair to give more to the top 5 percent of all taxpayers than we do the bottom 80. One can argue that is a legitimate thing to do in public policy. But is it fair? I don't think anybody could argue it is fair to give the top 5 percent more in tax benefits in this bill than the bottom 80, but we are doing that. Again, it is a question of fairness.

The question is, too, Is it fair to have two pots of money—one for hospitals, one for clinics, one for hospice, one for all the medical and health facilities all over this country—and say: We have a limited amount of money to spend, and we are going to split that amount into two pots. We are going to give a third of all the money to HMOs at the expense of all these health facilities.

The HMOs are leaving States by the dozens. We are going to pay ransom to those HMOs to try to keep them in the States when they have already publicly announced they are leaving. The question is, Is it fair to say, no, hospital administrator, no, clinic administrator, no, hospice director, you can't have the money we are going to give to HMOs, even though you may go bankrupt, even though you may close your doors?

That is not fair. And it is a question of fairness. It is a question of priorities. It is a question of how we do business around here and the fairness of excluding half the Senate as these decisions are being made.

It is really a question of good management as well, when you leave out the minimum wage law, when you nullify that law for 6 months inadvertently. I think the speaker had it right. I won't use the phrase he used. He said "half," I will say "baked." He said, when you don't use the committee process, you have a half-baked process. Well, he was right because it is half baked. This work product doesn't deserve support. Because it doesn't deserve support, it will be vetoed. And when it is vetoed, I hope we can come back and do it right.

I hope we can say that in the name of fairness we are going to provide more help to health facilities, in the name of fairness we are going to provide better balance in the Tax Code, in the name of fairness we are going to do better on school construction, in the name of fairness we are going to allow everybody in the room as we make these very critical decisions. Fairness dictates at least that. That is the essence of this argument. That is why it is important. It is what we should do. It also goes to the whole question of other things we should do. We talked about it earlier today.

There is so much in unfinished business that we could have addressed—unfinished business relating to the Patients' Bill of Rights, prescription drugs, gun safety. None of those issues was addressed. That leads, of course, to the question of how long, if we don't address these and all the issues relating to fiscal responsibility, can we assure that this prosperity continues?

There are two very fundamental differences in philosophy and approach enunciated in large measure by our two Presidential candidates. Governor Bush has articulated a particular position that, as it bears scrutiny, begs the question: How soon will we be right back to where we were 10 or 15 years ago?

The American Society of Actuaries answered that question yesterday. They said—not a Democrat or anybody here in the Congress, but they said—having scrutinized the Bush proposal, we would be back into deficits similar to what we experienced in the 1980s by the year 2015 and that we would end the fiscal progress we have made for the last 3 years. It would be gone. If you pass the Bush tax plan, pass the Bush Social Security plan, you are right back smack in the middle of deficits as we were before. That is one approach. Again, as I say, that is not our analysis; that is not our report. That report is by the American Society of Actuaries.

Mr. President, I see that other colleagues are on the floor. I want to respect their right to be heard as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I will yield 20 minutes to the Senator from New Mexico, Mr. DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 20 minutes.

Mr. DOMENICI. Mr. President, this bill, H. R. 2614 contains three important titles: A Medicare and health package to improve the infrastructure of our health care delivery system; a tax relief package and the small business bill.

The tax package is $295 billion over ten years. It includes:

$35 billion in small business tax relief;

$88 billion in health and long term care tax relief;

$46 billion in Pension and IRA tax relief;

$7 billion in school construction tax provisions and

$25 billion in Community Revitalization provisions.

The package also includes a repeal of the telephone tax which will save consumers $55 billion over ten years.

I am very pleased that this bill includes an IRA Pension Security package. At a time of unprecedented prosperity, it is a startling to realize that most Americans have only saved about 40 percent of what they will need for retirement.

Another frightening fact: Americans, in the aggregate, borrow more than they save.

The pathetic truth about our tax code: Our federal income tax code is down right hostile to savings and investment. Therapeutically, the bill before us today is a step toward eliminating some of that hostility.

Fact: The baby boom generation is aging. Americans are living longer, and yet, there has been no growth in pension coverage for the past 2 decades.

Half of the American work force today—70 million Americans—do not have a 401 (k) or any kind of pension plan. The problem is much worse for people who are small business persons. Only 19 percent of small businesses with 25 or fewer employees have any kind of pension.

To address this dire situation Chairman ROTH and the joint leadership have developed a package of IRA and pension simplification provisions that are excellent tax and pension policy.

The bill includes $46 billion in tax benefits for IRAs to make more people eligible and so that they can save more in their IRAs.

The bill increases the IRA contribution limit from $2,000 to $5,000. Contribution levels were set 20 years ago and they need to be updated.

This bill will increase the current law IRA contribution limitations to $5,000 over three years in $1,000 increments;

Increases the income limits for contributions to Roth IRAs for joint filers to twice the limit for single filers.

It increases the income limits for those eligible to make a rollover from a traditional IRA to a ROTH IRA to $200,000.

This bill strengthens our pension system. And its expands opportunities for Americans to get pension coverage especially women. As we know, women live longer than men but only 32 percent of women have pensions as compared to 55 percent of men. This bill includes pension catch-up provisions for workers over the age of 50. This is accomplished through an accelerated contribution mechanism. Older workers, especially women who return to the work force would have the opportunity to build up their retirement nest egg more quickly. Under this bill women who have left the work force, perhaps to be stay at home mothers, and then reenter the workforce later in life, can increase their pension contributions to make up for the time when they were not in the workforce.

This legislation modernizes our pension laws to meet the work patterns of today's more mobile workers. Defined contribution plan are made portable so workers can move their retirement nest egg from one type of pension plan to another as they move from job to job.

This bill allows workers to become vested in their pension plans more quickly. The vesting period is the amount of time a worker must stay at a job in order to take his employee and employer contributions with him when he changes jobs. Instead of the current law vesting period of 5 years, this bill would shorten the period to 3 years. This means that if a worker changes jobs after three years he can take his entire pension benefit contributions with him and roll it into the pension plan at his new job.

Small business tax relief is also provided in this bill and it is coupled with an increase in the minimum wage. This package is similar to an amendment I offered to the bankruptcy bill last year. It is a sound and balanced package.

Nationwide, 1.6 million workers are paid the minimum wage. In my own state of New Mexico, roughly 5 percent of all workers (or 40,000 citizens) are paid at or below the minimum wage. I think we should give these workers a raise. However, it is important that we do so in a way that generates the least amount of hardship on small business. That is why I'm pleased that this bill will increase the minimum wage by $1.00 per hour over the next two years, bringing it to $6.15 by 2002 and includes a package of small business tax cuts that will help small businesses create more and better paying jobs.

I would submit that a key reason for modestly raising the minimum wage is to ensure the continued success of the historic welfare reform legislation passed by Congress in 1996. I would note that nationally since the March of 1994 record high welfare caseload of almost 5.1 million families the 1996 welfare reform legislation has reduced the number of families receiving assistance by 48 percent to about 2.7 million.

However, as we ask more and more people to get off welfare rolls and onto employment rolls, we must have a minimum wage that reflects the reality of the marketplace. My point is simple, if these individuals are to continue as productive members of the workforce, we must ensure the minimum wage at least keeps pace with inflation. For instance, in the New Mexico the average hourly earnings of an individual working in retail has increased by one penny over the past year.

I would also like to take a minute and briefly discuss the impact of a minimum wage increase on New Mexico. From 1990 to 1996 the median household income actually fell almost $5,000 to about $25,000. Let me repeat that, the median household income in New Mexico has actually fallen and not surprisingly the percentage of New Mexican's living below the poverty level has increased fro 20.9 percent to 25.5 percent.

Sadly, New Mexico ranks near bottom nationally in terms of personal income per capita and median household income and conversely near the top in terms of people living below the poverty level. I do not believe for one minute the minimum wage increase will solve all the ills facing New Mexico, but I do believe it is a good first start.

Let me briefly describe the small business provisions included in the bill.

Above the line deduction for health insurance expenses for families without employer-provided coverage: Under current law corporations are allowed to write off 100 percent of their health insurance costs, but workers without an employer-subsidized plan get no deduction unless they itemize and have total medical costs exceeding 7.5 percent of their adjusted gross income.

Most middle class American's don't itemize, and of those who do, few can meet the 7.5 percent AGI test to get any tax relief for health insurance costs. This bill provides an above-the-line deduction (available whether you itemized or not) for health insurance costs for individuals whose employers do not pay for more than 50 percent of the costs of coverage.

Under the bill, workers may deduct 25 percent of costs in 2001-2003; 35 percent in 2004 ; 65 percent in 2005 and 100 percent thereafter.

One hundred percent Self-Employed Health Insurance Deduction will help 11 million people who are self employed.

If a person is doing business as a corporation, health insurance is 100 percent deductible. This means that the corporation can provide health care insurance with pre-tax dollars and that makes it much less expensive to provide benefit to employees.

This is the way it has been for a long, long time. However, in 1995, if someone were self-employed he or she would not be allowed to deduct health insurance costs because the law lapsed. For several years now, Congress has been trying to increase the deduction for the self employed.

Under the tax law currently in effect 60 percent of their health insurance costs is deductible for the self-employed. There is no tax policy justification for treating corporations one way and the self-employed another.

The majority of all businesses in this country are self-employed.

These are often firms with very little cash, a good idea and talent struggling to make a success. Once they do succeed, they are the ones that create nearly two out of every three net new jobs. These small firms have sustained this job creating record for more than twenty years. Clearly, the tax code should not treat them so shabbily.

The need for the deduction is indisputable. Unincorporated business owners experience the worst of all possible worlds in the health insurance marketplace. Usually they can only buy an insufficient health insurance policy for a very high price and they are denied the same incentives and tax treatment enjoyed by, incorporated, bigger businesses. If this legislation becomes law, the self-employed will be able to take 100 percent deduction for their health insurance costs on their 2001 taxes. I am pleased that Congress is taking this step to address the health insurance deductibility gap and to make it permanent.

Total deductibility has been a top priority of the various state small business throughout the country. In addition to tax policy fairness and job creation, restoring the deduction for the self-employed is important because the self-employed are one of the largest groups of uninsured citizens in America.

In New Mexico, there are 75,000 self-employed individuals about one-third of them take advantage of the deduction. This number does not include farmers and ranchers who are an other group that will benefit from the tax law change we are making today.

The self-employed do not have high level incomes. Over 75 percent of the self-employed have incomes of less than $25,000 and an additional 13 percent have incomes between $25,000 and $50,000. Twenty-three percent of self-employed do not have health insurance.

We have as good an economy as we're ever going to have . . . but the number of uninsured has increased," said Chip Kahn, president of the Health Insurance Association of America. "The problem has gotten worse in good times, which means people are very nervous about what would happen in an economic downturn."

This conference report increases the amount that can be expensed from $20,000 to $35,000. Under currrent law, the amount that may be deducted is $20,000 to 2000; $24,000 in 2001 and 2002; and $25,000 in 2003 and thereafter. This change means an additional $15,000 tax savings for small businesses investing in new equipment next year. Small business people will be able create more jobs because they will be able to expense up to $35,000 of investment in any one year. This will lower the cost of capital, and help with cash flow. I expect that the most likely expenditure to be expensed is computer systems. Computers are contributing significantly to the productivity of the American work force.

The work opportunity credit, WOTC, provides a tax credit for wages paid to employees hired from one or more of eight targeted groups, i.e. individuals receiving federal assistance. The credit is designed to encourage the hiring of hard-to-place workers. The work opportunity tax credit replaced the targeted jobs tax credit which I helped author in the 1970's. The bill extends the WOTC through June 30, 2004.

The bill also includes a provision that allows banks to pay interest on business checking accounts. It's about time.

Business meals are one of the few ordinary and necessary business expenses that are not 100 percent deductible. In 1993, the Democrats lowered the business and meal deduction from 80 percent deductible to 50 percent deductible. This bill would reverse that trend. Restoring the deduction to 70 percent will help waiters, waitresses, busboys, bartenders, bell hops, reservation clerks.

When the Democrats went after the deduction they said they were targeting the three-martini lunch. But experience has shown us that there have been many unintended consequences—consequences that we predicted. They meant to stop the three martini lunch, but it was the business traveler who eats his own meals, whether eaten in a hotel, coffee shop, or restaurant, or grabbed from a food cart that got the ax. Most of the people purchasing business meals are self-employed and in total, 70 percent of those who purchase business meals have incomes below $50,000 and 39 percent had incomes below $35,000.

The last major section of this tax package that I would like to talk about is the community renewal provisions. The bill would designate 40 renewal communities, 12 of which are in rural areas. They would receive the a 15 percent wage credit on the first $10,000 of wages paid per worker, an additional $35,000 of expensing; deduction for revitalization expenditures capped at $12 million per community and a zero percent capital gains rate on qualifying assets held for more than five years.

The bill increases the low income housing tax credit and increases the volume cap for private activity bonds that are very useful in attracting business.

Mr. President, I am extremely pleased this package also contains a helping hand for our seniors. Today we are providing renewed assurances to our seniors that Congress is committed to not only the continued health of the Medicare program but, to improving the program.

The "Medicare, Medicaid and SCHIP Benefits Improvements and Protection Act of 2000" is a victory for our seniors and I commend my colleagues and especially Leader LOTT and Chairman ROTH for all of their work on this measure. The package before us addresses the critical needs of the Medicare+Choice program, skilled nursing facilities, home health care, hospitals, rural health care providers, and the Medicaid program.

I am especially pleased the package contains the "Medicare Geographic Fair Payment Act of 2000" that will create a far more equitable reimbursement system for the Medicare+Choice program. The provision will place states on more equal footing and begin to end the blatant discrimination against states, like New Mexico that deliver health care in an efficient manner. It means New Mexico seniors will continue to have the option of sticking with their Medicare-HMO plans that often offer more options, like prescription drugs, than the basic Medicare program.

Specifically, the package will increase the Medicare+Choice minimum payment floor to $525 a month per beneficiary in 2001 for all Metropolitan Statistical Areas, MSA's, with populations exceeding 250,000. In New Mexico, the stakes are particularly high because without this provision 15,000 seniors will lose their Medicare+Choice coverage on January 1, 2001.

Under the provision health care providers in the Albuquerque MSA are currently reimbursed at $430 per beneficiary and they will now see an increase of $95 to create partial equity with other areas of the country. The result will be at least an additional $34 million for New Mexico in FY2001, and at least $170 million over the next five years. Also, the package will increase the payment floor for Rural Areas from the current $415 to $475 in 2001.

However, the victory for seniors in New Mexico and across the country may be very short lived because the President believes the legislation spends too much money on the Medicare+Choice program. I am utterly shocked and dismayed over the President's threat to veto this package. I would simply ask the President not to treat this hard-won compromise agreement as a political football. Too many lives will be affected on whether this increased funding is made available to ensure continued access to Medicare-HMO benefits, nursing home care or health insurance for children.

The Clinton-Gore Administration is actually threatening to veto a bill that would increase spending on Medicare and help millions of seniors across this country. I find it very hard to believe that the President would want to veto a bill which: increases payment for hospitals, including teaching hospitals and rural hospitals; increases payments for home health agencies; and increases payments for hospices and other health care providers.

I would submit that spending money to end discriminatory practices should never result in veto threats. There is simply no rationale for a discrepancy of an $814 reimbursement for Staten Island and $430 for Albuquerque. It is especially unfair given the fact that seniors pay the same Medicare premium no matter where they live.

I am also sure Benny Maestas of Santa Fe would disagree with the President's belief the package spends too much on the Medicare+Choice package. I say this because the Santa Fe New Mexican newspaper ran a story about one of these seniors—Benny Maestas. Unfortunately, Benny will lose his prescription drug coverage next year and be forced to pay several hundred dollars a month for his medications, instead of the $50 per month he currently pays for his prescription coverage through Medicare+Choice.

And it is not only seniors in New Mexico that will benefit, but seniors from all over the country. Let me name just a few of the places that will get sizeable increases in their payment rates: Portland, Oregon; Seattle, Washington; Fresno, California; Albany, New York; York, Pennsylvania; Grand Rapids, Michigan; Fayetteville, Arkansas; Buffalo, New York, and many more.

I would simply ask the Clinton-Gore Administration, which of these cities do they not want to help?

I also want to state how pleased I am that we are once again addressing the need of Skilled Nursing Facilities, SNFs. Our action today will assure our senior citizens maintain continued access to quality nursing home care through the Medicare program. I believe the provisions supporting SNFs are particularly important because nationally, almost eleven percent of nursing facilities in the United States are in bankruptcy and in New Mexico the number is nothing short of alarming, nearly fifty percent of the nursing facilities are in bankruptcy.

I believe these provisions are especially important for rural states like New Mexico, because many of our communities are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line and for them, the reductions in Medicare reimbursements have been especially devastating.

Additionally, not only does the package stabilize the Medicare program but, our seniors will be provided with new and improved benefits. In addition to lowering out-of-pocket outpatient hospital costs, the plan also offers new coverage for biannual pap smear screenings and pelvic exams, medical nutrition therapy for patients with diabetes and renal disease, and screenings for colon cancer and glaucoma.

I am also pleased the package addresses a critical funding problem with the State Children's Health Insurance Program, SCHIP, faced by forty states, including New Mexico. The Medicare-Medicaid package will allow New Mexico and other states to retain a majority of their unspent FY 1998 and 1999 SCHIP allotments until 2002 and use a percentage of those funds to continue outreach and enrollment activities.

New Mexico's situation arose because the Heath Care Financing Administration strictly implemented the SCHIP program and refused repeated requests by the state to implement additional benefits. As a result, New Mexico has only been able to use about $3 million of its SCHIP allocation. However, the provision in this package will allow the state to keep about 60 percent of the $58 million it stood to lose this year under the SCHIP program.

Mr. President, I was here for part of the discussion by the majority leader and minority leader with reference to this bill. I think he made a few allusions to what soon-to-be-President Bush would do. First, I want to say about this tax bill, for those who think we don't know what is in this bill, let me suggest that almost all of it has passed either body, either the Senate or the House—every provision.

All of the small business provisions, which are wonderful for many people who work for small businesses, passed the Senate. How do I know that? It was my amendment. It was a minimum wage amendment that had on it all the small business tax measures, one of which is earth-shaking but so simple that I don't know how anybody could be against it. Those who vote against this bill are saying to those people who are employees and do not get their health insurance paid by their employer, if they have the wherewithal to buy their own insurance, they can deduct the cost of that insurance. Now most people listening would say they thought that was the law all along; why would you deny that?

Businesses deduct the costs of health insurance, but individuals who buy their own, who are employees and are not covered—which, I believe, is millions of Americans—will begin deducting the cost of their health insurance, just as businesses do, on their own individual returns. Right now, they are precluded, unless they take it as the big deduction, and then 7 percent of the money they earn has to be for health expenses.

Let me suggest that the minimum wage is raised in two pieces. It goes up one full dollar. That is what the President wanted. It is in this bill. To suggest that we would vote against this bill because there is an error in the bill regarding the effectiveness of the minimum wage is a phony argument. That will be fixed probably before we leave. That will probably be fixed in one of the appropriations bills. I could go on.

Let me ask one question: What does the tax law of this land need more than anything else? It needs provisions that tell Americans: You can save more money for your retirement than you do today. This is probably the most significant package ever passed to enhance the savings of American people because the IRAs go up, and many other things they will be using and are using will be enhanced dramatically.

The Democrats were up here arguing about retirement reform, in terms of having the ability to accumulate more savings for retirement time. They talk about it. This bill does it. It does it in a very good way. Frankly, there are some things in this bill I would not favor. It is a very large bill. This Senator remembers when we voted on a tax bill that was brought to the Senate in a big cardboard box. That is not a good way to do it. It happened to be a pretty good bill. But it was brought over here by the Clerk of the House in a big cardboard box; it was so big. It passed the Senate overwhelmingly because pieces and parts of it had passed both Houses and, more or less, everybody knew what was in it and thought it was a good bill.

One last observation. For those on the other side who are talking about how late we are, I want to remind those who pay attention to us that in the last 25 years, most of which have been controlled by that side of the aisle, we have completed our appropriations bills on time only three times. That means every single Congress, in 22 out of 25 years, was unable to get its work done by the October 1 deadline. I don't know why. I seek to change that. I seek to make appropriations 2 years and budgets 2 years. That might mean this won't happen in the future. But even that is hard to get passed.

So to those who think it is management and it is our Republican leader, let me say I think he has done an outstanding job. There has never been a more political time in the closure of a Congress in my 28 years here. The White House is playing politics to the hilt, the Democrats are playing politics to the hilt, and then they blame Republicans for not getting it done.

I believe the agenda to finish is an agenda that the Republican leader has in mind, and if we just get a little cooperation out of the President, we will get our job done. If he sits down there like a dictator instead of understanding that under the Constitution of the United States we have a very powerful right, and that is the purse strings and the bills under the purse strings of America—he comes at the end of the session and he wants all kinds of things, such as a major new immigration law. I might support it, but it obviously needs hearings and it ought to be worked on.

Now we are being told if you don't do that, you can't get the appropriations bill to keep the Justice Department open and the FBI salaries. Maybe we ought to test the President on that one. Maybe he ought to be permitted to veto the bill that pays the FBI, and other law enforcement, and the judges because he doesn't get one thing—just one item—on the bill he wants. That item may be one he is looking at out there and saying, let me be political and see if I can help Vice President GORE in his campaign.

I want to also suggest that the President of the United States is going to be vetoing this bill when it goes down to him, in spite of the fact that there are some real Medicare changes that help seniors across this land. I believe we have made the case that HMO Plus is a good program in States such as New Mexico, Oregon, Washington, Minnesota, and literally scores of cities across America. Why? Because the senior citizen is getting more than he gets when he goes to the Federal Government for Medicare. In many cases, they are getting prescription drugs, which we are arguing about giving them, too. They already get it under HMOs in some parts of America.

I want to talk about New Mexico.

New Mexico is one of those States that has been discriminated against in the Medicare+Choice reimbursement. We were receiving such a small amount that the HMOs are saying they cannot exist. And they have already told thousands of senior citizens in New Mexico that by January 1 they cancel out. That is because we have never had an adequate reimbursement. Why? Because when we passed the law, it gave the States essentially what is was costing them. In New Mexico, Minnesota, Oregon, Washington, and scores of other places the cost of health care was very cheap. So they gave us a very low rate of reimbursement while other parts of America got very large ones.

To put it into perspective, in New Mexico the HMOs were getting reimbursed at $430 per senior, while in parts of New York they were getting $814.

We are asking that this discrimination stop, and the thousands of people in New Mexico who have HMOs that perhaps give them prescription drugs ask that you sign this bill so they can continue to have that kind of care and that kind of protection.

If it is vetoed, Mr. President, come January 1, in my State, everyone who is going to be denied their current coverage, which they think is very good coverage, can look to this White House and this President for saying: I will not sign that bill—even though it has many provisions the President likes. But he says the HMOs cost too much. He says the HMOs are big businesses.

Let me tell you, in my State, the three that deliver coverage are known as Presbyterian hospitals—two are the St. Joseph's Hospital Plan and the Lovelace Plan. None of them are profit making, as I understand it. Two are charitable, and one is a foundation of sorts.

So, Mr. President, veto the bill. Say to the seniors in New Mexico who are currently covered that we don't know what is going to happen to them on January 1.

There are many other provisions in this bill, contrary to what the minority leader said, on the Medicaid side that are very good for hospitals and very good for rural hospitals. I am not an expert on it. But this bill provides $31 billion in the first 5 years for Medicare reimbursement adjustments.

My friend is sitting here. Is it 31 over 10 or over 5?

Mr. GRAMM. It is over 5.

Mr. DOMENICI. How can the President of the United States say he is going to veto the bill because of the Medicare provisions?

Actually, everyone knows that nursing homes need additional reimbursement. That is in this bill.

I could go on with each one of them.

I believe what is happening is that politics is walking up from Pennsylvania Avenue into the Chambers of the House and Senate, and politics from the White House is saying: You give me everything I want or you do not get the bills completed. And then the White House can say: You didn't do your work. You didn't get your work done.

Let me say we will get our work done.

Mr. President, you just consider the compromise with us on some of these. This is a good bill for the American people. I might like to do it differently. In fact, if this bill is vetoed next year, we will do it a lot differently. But for now, Mr. President, you cannot get everything you want in this kind of bill.

This one is not our President in the Senate. This is the President at the other end of Pennsylvania Avenue. That President, not our President here. You can't get everything you want, and when you don't get it, blame the Republicans for "not completing their work."

I want to repeat one more time that the Republicans have tried to lead this Senate and get its work done. For those on the other side of the aisle who complain about not getting our work done, if you look back at the record, it has been the Democrats on that side of the aisle who have been insisting on their agenda all year long. They get a vote on guns; they want another one on an appropriations bill, or the next bill that comes through. They even held up the education bill because of guns.

That is the record.

The education bill that everyone touted was held up by the other side of the aisle who wanted their agenda of amendments on that bill.

I think our leader did the right thing. He wouldn't let them, after they had their vote once.

So what happened? We don't get the bill. Who is to blame?

It appears to me that what we ought to do right now is sit down together and get this work done. And Democrats ought to tell the President of the United States, instead of concurring with him every time and saying they are with him and to go ahead and veto the bill, they ought to say to him: Mr. President, we have done a very good job in the closing moments to try to get our work done, and you ought to help us, President Bill Clinton, get our work done instead of threatening us.

In fact, I am wondering about this business over the weekend with 1-day extensions of the appropriations process that has not been completed—1 day at a time. It is as if the President doesn't care anything about our leadership and what we think we ought to do. We have to come back every day to vote on a continuing resolution.

I have been here a long time—28 years. I have never seen a President do that. As a matter of fact, I have never seen a President use continuing resolutions to get their way as this President has. They just didn't do it in the past.

It was kind of a sacred thing to sign appropriations bills and get them done.

This President is on the way out. He is very desirous of electing Vice President GORE. And we all understand that. But everybody knows that the Justice Department of the United States ought to get its money, the FBI ought to get paid, and all of those entities that are part of our criminal justice ought to get paid. They ought not be held up for one provision that is really extraneous to that bill because this is an appropriations bill. There is an authorizing bill the President wants on immigration. So the whole bill will die.

If they want to talk about who is to blame, then I submit to Pennsylvania Avenue that it ought to be a two-way street. It ought not get down to the end where it is a one-way street or one or two or three provisions that the President insists upon. We are close to completing the people's business, one or two or three provisions that the President of the United States insists upon that we have offered compromises on, and he says that or nothing.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the minority, I yield 5 minutes to the Senator from North Dakota. The Senator from New Mexico used 20 minutes. We will just use 15 minutes now.

Mr. BOND. Mr. President, if you are asking, we are happy to yield 5 minutes. But the minority leader consumed a great amount of time. We had people waiting. We would prefer to continue to go back and forth, if the Senator does not mind.

Mr. REID. I think the time the minority leader used is almost identical to what the chairman of the Budget Committee used.

Mr. BOND. Mr. President, what is the time remaining on both sides?

The PRESIDING OFFICER. The majority has 54 minutes. The minority has 33 minutes.

Mr. REID. I hate to admit this, but you are right. We will do that. How long is the next speaker going to take?

Mr. GRAMM. Mr. President, I would be very happy to listen to Senator DORGAN. I will learn something.

Mr. REID. I don't think that is possible. But would you think you would mind listening to Senator TORRICELLI also for a total of 10 minutes?

Mr. GRAMM. Why don't we do Senator DORGAN, and I will speak. I think I have 20 minutes reserved.

Mr. BOND. Seriously, Mr. President, we are very tight on time and would like to be able to continue to go back and forth. Many of our Members are waiting.

Mr. REID. It will balance out the time. I understand. As I said, I hated to acknowledge that, but you were right.

Mr. BOND. That is a rare occasion. That should be noted with bugles.

Mr. REID. The minority yields 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mrs. LINCOLN. Thank you, Mr. President. I thank my colleagues for yielding.

In listening to the chairman of the Budget Committee, he has been willing to work with me and I truly appreciate that. I thank him for his graciousness in working with me. But in his comments, I would like to say, for me and for others, that this is really more of a missed opportunity. So much has been talked about in the Presidential debates about bipartisanship.

I think all that many are asking for in this process is an opportunity to do exactly what the people of Arkansas elected me to do. That is to come into this debate with the ideas and the issues and concerns of the people of Arkansas. It is a missed opportunity for Members to be able to express how we feel about these issues in this bill.

The people of Arkansas sent me to this Senate to represent them and their issues. When the President comes from the White House to debate on these issues, I am not in that room nor are any of my Democratic colleagues. We have missed the opportunity to very passionately represent the people who have sent us to this body to speak up on their very behalf.

There are some good pieces in this bill. I am not here to say the other side doesn't know anything or that they haven't done anything right. All I am here to say is that the people who elected me to come to this body have been shortchanged because I have not been allowed a part of that process.

Mind you, I know I am on the bottom of the totem pole. I am not one of the higher muckety-mucks. The fact is, so many of the issues we hear are good for certain States; perhaps they are not good for our State. When we talk about Medicare+Choice in a State such as Arkansas that is predominantly rural, where Medicare Choice has pulled out in some instances and left seniors without coverage, we are going to give one-third of the funds in this bill directly to HMOs without any assurances from those groups that they will even stay in the Medicare program. Nor are there assurances that the HMOs will return to counties where they have already pulled out or will maintain the benefits they promised to seniors. We cannot in good conscience give this large sum to HMOs without providing accountability. If the other side believes that is the way to go, provide me the assurances that those HMOs are going to be willing to come back into those areas where they have already pulled out.

Meanwhile, in most of the other provisions that are so necessary to other providers in our States, the bill receives only 1-year fixes for the funding shortfalls.

This is a missed opportunity. No, it is not perfect. But it could be so much better for so many people across this Nation. It is our duty to stay here until we make it the best it can possibly be.

I support many of the provisions in the tax bill brought to the floor. However, there are problems with the bill, and being able to provide something that is the best that we can possibly provide for all individuals out there is our responsibility. I am willing to stay here, Mr. President, as long as it takes, to do what is right for the American people.

We deserve to discuss the merits of the school construction provisions in this bill. I want to do more for school construction in our country. Our schools, especially in the South, are crumbling around our students. The school construction provisions in this bill don't go far enough. If Democrats were allowed in that debate on this issue, perhaps we could bring these provisions closer to what we really need to do.

What we really do need is something similar to what Senator CHUCK ROBB has proposed in his school construction bill. But the fact is we haven't been at the table. We feel as passionately about representing the people in our States as our Republican counterparts do. All we have simply been asking is to be at the table.

And I also heard the majority leader say that he was willing to work on Senator LANDRIEU's adoption language. Well, was she invited to the table? Did he ask her what would be acceptable to her? There is no one more dedicated to this issue than Senator LANDRIEU, and she should be involved in this discussion. When exactly will she be consulted? When they call her name during the roll call vote?

I have been particularly frustrated that the Medicare BBA relief provisions in this bill ignore the real bipartisan solutions that have been worked out between me and many of my colleagues throughout the year. I joined my Republican colleagues in a press conference the other day on a crucial bill, the Hospital Preservation Act of 2000, a bill in the Senate that has the support of 59 bipartisan cosponsors but it is left out of this package. This bill would restore full inflationary updates in Medicare hospital payments and is supported by hospitals across the country.

Another bipartisan bill is also left out of this package. The Home Health Payment Fairness Act of 2000, which has the support of 54 bipartisan cosponsors, would eliminate the 15 percent reduction in payment rates for home health services. This provision is very important to home health agencies in Arkansas and across the nation.

But the bill we are considering here merely delays this devastating cut for one year. This is not a long-term solution. Why spend time on short-term fixes when we could correct this problem right now? We delayed this cut last year for one year, and here we are again, in the same boat. Let's fix this now. It makes no sense to keep postponing these real solutions year after year and leave our health care providers without the ability to plan their budgets for the long-term.

The bottom line is, this is a missed opportunity. The bottom line is that we have been spending well over our surpluses while we haven't provided for the essentials, predominantly the downpayment on our debt.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there are two issues I wish to talk about and they are related to the two bills that are before the Senate. Let me begin with the Commerce-Justice-State appropriations bill.

As my colleagues are aware, we currently have a situation—Senator DOMENICI has been here longer than I have—that I don't ever remember. A President is threatening to veto a bill based on an issue other than what is in the bill. Obviously, there have been many vetoes as part of our constitutional process. But normally when we are dealing with an appropriations bill, it has to do with funding or not funding various priorities.

What we have before the Senate is an extraordinary circumstance where the President of the United States is literally threatening to veto this bill, saying if we don't add a totally extraneous matter that has nothing whatever to do with funding the law enforcement effort in America, then he is going to veto the bill appropriating funds for the criminal justice system and law enforcement in America.

What is even a greater paradox, in my opinion—I have to say, in my period of public life I have never seen anything like it—the President is saying, if we don't grant amnesty to people who violated the law, he will veto a bill that funds DEA, the FBI, the Justice Department, the prison system. He is literally threatening if we don't pass a law forgiving people who violated the law by coming into this country illegally, if we don't grant them amnesty and therefore forgiveness for having violated the law, his threat to us is that he is going to risk shutting down the FBI, the DEA, the criminal justice system, the courts, and the prisons.

That is an extraordinary threat. It is a threat that, I am happy to say, is opposed on a bipartisan basis by at least one Democrat who happens to be the ranking Democrat on the Appropriations Committee. It is opposed very strongly by many Republicans.

I want to say on this bill to our President, I want him to sign the bill funding our drug enforcement effort, the FBI, the prison system, our criminal justice system, our courts. I want to urge the President to do that, but I want to make it clear to him there is at least one Member of the Senate who is never going to grant amnesty for illegal aliens to pay a political bribe to the President. That is what this issue is about. This is about electioneering, where the President is putting politics in front of people. He is willing to play politics with law enforcement and the criminal justice system, to try to pressure us to grant amnesty for law breakers.

I despair of trying to reason with the President in the waning hours of his administration, but I say again to the extent that any one Member can influence this decision, we will not grant amnesty to illegal aliens in this Congress or, hopefully, ever again. We did that once. Everybody said it was a one-time deal. We were never going to do it again. The problem with doing it was we reward people who violated the law. We reward people who came into the country illegally. Granting amnesty to people who broke the law penalizes the millions of people who are waiting to come to America legally. What we have proposed, and what is in the bill before us, is a provision which I believe is strongly supported by the vast majority of Americans. That provision basically says if you came to America legally, if you played by the rules, if you have been self-supporting while you are here, we will expedite the process to allow you to bring your spouse and your dependent children. We are for family unification.

The President, by vetoing this bill, will be denying family unification.

We also say, where there is a legal dispute, a legitimate dispute as to whether people have gotten justice through the courts based on recent court rulings, we give them their day in court because we believe in due process.

I do not need to say any more about this issue other than to simply say I hope the President will sign this bill. I know he probably believes he is going to force us to grant amnesty to illegal aliens in return for funding the DEA and the FBI, but I want to tell him I am not going to support it, I am going to oppose it vigorously. There are many Members of the Senate, I believe, who share my views. The President may win it, but he is not going to win it without one big terrific fight. In the end, I think nobody benefits from that kind of politics as usual.

I want to now say something about the tax bill that is before us. I would have to say it is pretty extraordinary that the President picked out and attacked as a rich person's provision the one provision in this bill that I would have thought was absolutely unassailable. In fact, our President can say things with a straight face that Shakespeare's Richard III would blush in saying.

That is a strong statement, but let me give an example. As I am sure everybody in this chamber knows, the general pattern in America is, if you have a good job, if you are making good wages, part of your employment package is health insurance. I have the standard Blue Cross/Blue Shield policy. People who work for the Government are blessed with good health insurance. People who make high wages in America get their health insurance through their job.

One of the good things in this tax bill is that we think it is wrong that, if the Federal Government helps buy me health insurance, it is tax deductible; if General Motors buys health insurance for its employees, it is tax deductible; but if somebody makes a low wage and their company does not provide health insurance, they have to buy their health insurance with after-tax dollars, they get no deduction.

In what I think is excellent public policy in this bill, we make health insurance tax deductible for everybody: For the self-employed, for the small business person, and for the person who is working at $7 an hour and who is not provided health insurance where they work.

You would think that would be pretty unassailable, but it is not unassailable by Bill Clinton, because this morning on the radio, Bill Clinton, through his spokesman, was saying that we are giving health benefits to rich people by providing deductibility for health insurance. I ask my colleagues, do you know any rich people who do not get health insurance through their jobs? Do you know any rich people who do not get health insurance by being members of corporate boards?

The point is, this is a bill, at least in this provision, that is targeted precisely at moderate-income people who get cheated in the system because their employer cannot afford to buy them health insurance and they have to buy it with after-tax dollars. That would seem to me to be an unassailable position. But to Bill Clinton, it is helping rich people and he is not for it.

The plain truth is, any tax cut in Bill Clinton's mind helps rich people, so he is not for it.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Would you explain "after-tax dollars"? Since you are talking about millions of Americans who might buy their own insurance and get nothing today by way of tax relief, how will that work?

Mr. GRAMM. Let me tell you how it works. Let me take two individuals. Let's say one works for General Motors and one works at the Exxon station in College Station. The one who works for General Motors gets health insurance as part of his employment contract. General Motors provides health insurance and it is a nontaxable benefit to the employee. So, in essence, the employee who works for General Motors gets health insurance and the company can deduct from its taxable income the cost of buying the insurance.

Joe Brown, who works at the Exxon station changing tires, may work for a small, independent filling station operator who cannot afford to buy health insurance for the employees at the station. So for Joe Brown to get health insurance, he has to earn income, he has to take what is left after the Government takes its share and then, with after-tax dollars, he has to buy health insurance for him and his family and he gets no deduction for the cost of his insurance.

What does it mean? It means if you are a high-income worker and you work for a company that provides health insurance, the company gets a tax break but if you are a low-income wage earner who has to buy his health insurance himself, you don't get the tax break. We think that is wrong. What this bill does, in its best provision, is it treats everybody the same and says Joe Brown can buy health insurance with pretax dollars, just as General Motors can. It is expensive because we have a lot of Americans, moderate-income people, who are now buying health insurance with after-tax dollars. We think it is a question of fairness. So we fix it in the bill.

What does President Clinton say? "This is a provision that is helping rich people." I just simply pose the question: Do you know any rich person who does not get health insurance through his or her job? I do not know any. I have never met a poor person—excuse me—a rich person like that; I have met plenty of poor people who do not get health insurance through their jobs—but I have never met any high-income person who did not have health insurance through his or her job.

How the President can stand up with a straight face and say this provision is for rich people, I do not understand. I also do not understand why the Washington Post and other people in the media write it in the paper, as if it were believable, that somehow people who buy their own health insurance because they do not get it through their job—principally low-income or moderate-income people—are suddenly rich merely because we are trying to treat them like everybody else.

Let me make one final comment about the tax bill before I run out of time. Our dear colleague from Nebraska, Senator KERREY—Democrat, for anyone who was not here listening—remarked that this did not look like a Republican tax bill. In fact, he wondered what we were doing with a tax bill that looks like a grab bag of 300 different parts. Let me say, to be bipartisan today, he is absolutely right. But why do we have a tax bill that looks like a 300-part grab bag with one little provision here and one little provision there? It doesn't sound very Republican. Repeal the marriage penalty, repeal the death tax, cut rates across the board is what we want to do.

We have the bill we have because we have the President we have. This was the only bill we had any chance of getting him to sign. He's vetoed the others.

The President is threatening, and apparently being supported by Members of his party in Congress, that he is going to veto this bill. Let me say to my colleagues, and say to the President, have at it.

The bad news is that Bill Clinton is going to veto this bill. The good news is he is not going to be President next year. The good news is we are going to have a President, I believe, who will sign a repeal of the marriage penalty, a repeal of the death tax, and cut rates across-the-board. And that is what we are really for.

So, Mr. President—and I am talking to the President downtown—we wrote this bill because we thought this was what we had to do to get you to sign it. But if you do not want to sign it, veto it. I will vote to sustain your veto. I am going to be here next year. And next year we will write a much better bill than this bill. This is like the threat—the President reminds me of the guy who is holding a gun to his head and saying: Do what I say, or I will shoot.

"If you do not legalize criminal activity, I am going to shut down the FBI," he says. If we don't take this tax cut bill and write it his way, adding more and more of his provisions and fewer things that we are for, he says he is going to veto it.

I say: Look, free country. Bill Clinton is President. We tried to write a bill we thought would help America that he might sign, but this is not our bill. This is not our agenda. This does not represent our philosophy. If the President wants to sign it, great. If he wants to veto it, veto it. But remember this. There is not going to be another tax bill. If the President wants to veto this tax bill, this is going to be the last tax bill this year because we are going to be back here next year, we will have a new President next year, and we will produce a better product.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Mr. President, before Senator GRAMM leaves the floor, I thank him for this aspect of the bill that helps every senior in New Mexico and across this Nation, 1.6 million, who have HMO Choice Plus. In this bill, we have provided new reimbursement, increased reimbursement to those areas of the United States that were not getting enough money to stay in business. Can the Senator comment on whether he thinks that is good policy based upon choice and other things?

Mr. GRAMM. I will comment on it in two ways. First, it amazes me that HMOs are the President's favorite whipping boy today. In 1993, you remember he wanted to put every American in a giant Government-run HMO. The President is not complaining about how much we reimburse HMOs in New York when they are reimbursed twice as much as what they are reimbursed in New Mexico. I wonder why he is not doing that. He says there is something wrong with us trying to help competitive medicine stay in business in rural areas and in States such as New Mexico and in the nonurban areas of States such as Texas.

Again, if you listen to the President, it sounds as if he is unhappy that HMOs are getting all this money, but he is not unhappy that the HMOs in New York are being reimbursed at two times the rate of the same HMOs providing the same services in New Mexico. I think what he is saying would have credibility if he were talking about the ones that have high reimbursements.

If we were raising reimbursement in New York, he might have a legitimate criticism, but what he is basically saying is we did not spend the money the way he wanted it spent.

Our President still does not understand that we have a system of government where we do not serve under the President. We serve with the President. We are a coequal branch of Government, and that means give and take and compromise. It does not mean he can dictate to us. It does not mean that the President is King and he can tell us what to do.

This threat that he is going to shut down the FBI and the DEA and the court system if we do not grant amnesty to lawbreakers I think, quite frankly, is an outrageous threat, and I am ready to call his hand on it. It needs to be stopped. I do not think we should encourage any President, Democrat or Republican, to think they can just simply say if you do not take totally extraneous legislation—it does not even have to do with spending money—and put it in this bill, I am going to veto the bill if you do not do that.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. Mr. President, I have been involved in some discussions concerning one of the appropriations bills that remains to be acted on. I was listening to the debate here. I find that we are discussing, are we, the amnesty provision?

Mr. GRAMM. Yes.

Mr. BYRD. I would like to have a few minutes to talk on that.

Mr. GRAMM. I ask unanimous consent that the Senator have as long as he would like.

Mr. CRAIG. Reserving the right to object.

Mr. BOND. Reserving the right to object.

Mr. GRAMM. I give him the remainder of my time, if I can.

Mr. CRAIG. Reserving the right to object, I certainly will not object as long as we conform to the 3:15 p.m. vote time. Rearranging the time that remains between now and then is certainly the prerogative of the manager. I just want to secure that time for the vote under the original UC.

Mr. REID. As I understand the request of my friend from West Virginia, he is going to use the remaining time of the Senator from Texas, which is how much?

The PRESIDING OFFICER. One minute 10 seconds.

Mr. REID. I don't think that will do the trick for Senator BYRD.

Mr. GRAMM. Why don't you give him 5 minutes and then he will have 6?

Mr. REID. I have already explained to the ranking member of the Appropriations Committee, our former leader, that I have allocated all of our time. We do not have time left. I have explained it to him. He is not just asking now. It is not as if we are denying something to which he is not entitled. He certainly is. He is going to speak on a provision most of us over here like.

Mr. GRAMM. Do not run my time. Let me give the time I do have to Senator BYRD.

Mr. BYRD. Mr. President, if the Senator only has that much time, I do not want to take his time.

Mr. GRAMM. I would like him to take that time.

Mr. BYRD. No, that will not be enough. Let me say, it is nobody's fault but mine. I could not help being in the appropriations meeting. I have been over to the House side twice, and both times the House Members were not ready, not ready to sit down and discuss it. We are talking about the Labor-HHS appropriations bill. I am not complaining, not blaming anybody.

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who yields time?

Mr. REID. I yield 5 minutes to the Senator from New Jersey, Mr. TORRICELLI.

Mr. BYRD. Will the Senator yield to me without his losing any of his time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. I will be happy to yield.

Mr. BOND. Mr. President, we have all the time committed on our side. I have some time. I can give Senator BYRD 1 minute of my time, but we have people who are waiting to speak on our side as well.

Mr. BYRD. Mr. President, I need 15 minutes. I do not know why we have to be out at 3:15.

Mr. REID. I say to my friend from West Virginia, based upon the compromise we originally had to vote at 3:30, a number of people have airplanes to catch. One of them, for example, has to introduce the former Prime Minister of Great Britain. They have planes to catch.

Mr. BYRD. OK. As I say, I blame nobody. I am not complaining, except I think this is cramping us a little bit. I am going to vote against this amnesty provision. I would like to speak a little on it. Maybe I will not be able to. At some point today, I will be able to speak, I am sure of that.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I hope my friend from West Virginia knows that had I had the time, I would have been happy to yield to him. I did not have it.

I rise in opposition to the conference report and, unlike some of my colleagues, I am not citing broad policy reasons or enormous constituencies, but for a fight I have waged for almost 3 years, and that is for 17,000 Americans who are going to die, are certain to die, will be dead within a matter of 2 years. They are ALS patients. They have Lou Gehrig's disease, and they are the victims of an unintended consequence.

Under Medicare rules, there is a 24-month waiting period from the time of diagnosis. Uniquely, with Lou Gehrig's disease, diagnosis is difficult. Sometimes there is only a simple muscle pain for up to a year, and then at the time of diagnosis, life expectancy is only 2 to 3 years. So people facing the certainty of death and medical bills of $200,000 a year are unable to get a dollar, a dime, a penny of Medicare assistance while they are losing their lives.

This was no one's intention. It is a mistake. It is an error, and it should be changed.

Earlier in the year, this Senate unanimously adopted my legislation to exempt ALS patients from Medicare's regulations.

Twenty-eight Senators have cosponsored the bill.

Yet in this conference report, despite strong support from the White House and this Senate on a bipartisan basis, the conference report eliminates the provision and asks for a study—a study.

The Congressional Research Office has already done a study. I will tell you the study. When I introduced this bill, I stood with ALS patients outside the Capitol. Almost every one of them is now dead. They lost their lives waiting for Medicare, and they never got it.

I will tell you the results of the study. There are now 17,000 people in the country who need this same 24-month exemption. If we return here next year to argue this again, half of them will be dead, and they never will have received any Medicare assistance.

My request is very simple. And I ask the support of the Republican leadership, as I have received the support of my leadership and of the White House: Give us a 24-month exemption so that these desperate people can get this assistance and their families, in addition to losing someone they love—a parent, a husband, a spouse—also do not have to deal with this enormous financial responsibility.

It is a small and unique class of citizens. There is virtually no other disease in the Nation with quite the same circumstances—for which there is no cure, little treatment, and a certainty of death within the 24-month period.

There are desperate people across this country who thought when the Senate acted earlier in the year, they would at least have this relief. I believe they had reason to believe, given the bipartisan support, and White House support, when the conference report was written, this would happen. Tragically, the conference report does not contain this relief. I cannot imagine anything more cruel to these families.

This has to happen. This simply must be done. I ask, again, that if this conference report does not become law, and it is changed again, that these victims of ALS have this numerically and financially insignificant but personally overwhelmingly important relief from the Medicare rules.

Mr. President, I thank the distinguished minority whip for the time and I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Missouri.

Mr. BOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Missouri for his courtesy, and also the Senator from Idaho for his courtesy.

I want to speak today, just quickly, in response to the press conference which the President held in the Rose Garden approximately an hour and a half ago. The tenor of the press conference was that the Commerce-State-Justice bill will be vetoed because the White House had not been allowed to participate in the negotiations on how the bill was put together.

I chair the Subcommittee on Commerce-State-Justice appropriations. I have to say that I believe the President's statement is an inaccuracy of the most egregious level. The fact is, the White House, myself, Congressman ROGERS, along with Senator HOLLINGS and Congressman SERRANO, representing the ranking membership on the committee, negotiated with the White House for many hours relative to the Commerce-State-Justice bill.

The bill that was produced was agreed to in almost all aspects except on issues of extraneous language that had never been in either bill, that language was authorizing language dealing with immigration—the NACARA language, as it has come to be known. This was language that had nothing to do with the appropriations bill. It was authorizing on an appropriations bill. It has not been acted on in either committee. It was, therefore, not relevant, appropriate, and would not be germane to the bill under our rules. However, the White House wanted action on that language.

As to the appropriations bill, his representation that the appropriations bill was in some way done in a back room without White House participation is totally fallacious. The fact is, the White House was there at the table, negotiating. And because of the White House's insistence on certain changes, this bill was changed. The White House asked for an additional $700 million. We agreed to it. We agreed to fully fund peacekeeping. We agreed to fully fund the COPS Program. We agreed to a number of funding increases which the White House demanded, as a matter of good faith, to move along this piece of legislation which is so critical to the operation of our Government.

Specifically, this bill, as has been mentioned before on this floor, represents the funding for almost all law enforcement activities at the Federal level. The FBI, the Drug Enforcement Administration, the Border Patrol, the Federal marshals, the U.S. attorneys, the U.S. court system—all of these agencies require funding. All of these agencies need the funding in this bill to operate effectively in our law enforcement community.

This bill also funds the State Department, the other Commerce Department agencies, and agencies such as the SBA, the FTC, the FCC, and the SEC, fairly significant agencies in our Government which need to operate.

For the President to claim that he has not been a participant in developing this bill is absolutely inaccurate. It is an inaccuracy of the worst sort because it is totally inconsistent with the facts as they occurred.

They participated. We changed the bill to meet their desires, except in one area, the area of NACARA, which, by the way, has nothing to do with an appropriations bill. This type of legislation should be taken up on some other bill, and by the Judiciary Committee where the jurisdiction actually lies.

This bill, I am sure, will be vetoed because the President has promised to do so. The Administration will throw up a lot of other issues, but those issues were essentially settled—questions such as Amy Boyer's law. We accepted the two major items they wanted; on issues such as tobacco. We essentially said: We will no longer try to take congressional control over how money is distributed to the Justice Department. You have $350 million to do with whatever you want, within the Justice Department, and in the area of litigation. You certainly do not need another $7 or $12 million earmarked to tobacco litigation. They have plenty of money for tobacco.

Those issues are red herrings and would not be in play at all except for this extraneous issue of NACARA. The President has once again used his bully pulpit to mislead the American public on this specific issue, which is the question of whether or not the White House played a role in developing the Commerce-State-Justice appropriations bill. The White House not only played a role, they had a significant impact.

I appreciate the courtesy of the Senator from Missouri.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Nevada.

It is always interesting to me to watch how a legislative session ends. None has ended, in my judgment, with less elegance and grace than this one. It is now 26 days past October 1st. That is the date on which we were to have passed appropriations bills and sent them to the President.

On the desk in front of all of us is the Calendar of Business, which says that it is Friday, October 27. The legislative day is September 22.

I just want to remind everyone why it says that, what we have on the floor of the Senate, and why some people are chafing about where we find ourselves.

What does September 22 mean? That is the day that a motion was filed, a motion to proceed on an energy bill that the leadership never intended to proceed to—a motion to proceed on an energy bill.

Since that day, we have never adjourned. We have always recessed. Why? Because that motion was designed to prevent any other activity on the floor of the Senate, to prevent any single Member from offering a motion, for example, or an amendment to deal with a Patients' Bill of Rights. Yes, we have had a vote on that before, but there has been a change in the Senate, as we know, and if we took that vote now, we would win that vote. So how do you prevent that from happening? You prevent anybody from offering an amendment and having a vote—or on the education issues that we have talked about. So that is what is going on here.

This Senate has been blocked since September 22, so that the people on the Democratic side of the aisle could not offer an amendment. And we have not even adjourned. We are in the legislative day of September 22. So 26, 27 days now have passed since October 1st, and we find ourselves not having passed the appropriations bills. People stand on the floor with great surprise, wondering, what on Earth is all the fuss here? I cannot understand why things are not working very well, why things are coming apart on us.

I will tell you why things are coming apart. Because this Congress didn't get its work done. It was blocking the floor, afraid of amendments, and then we reached the time when appropriations bills were supposed to have been done. They are not done. Then the tax bill is cobbled together and stuck in this vessel called a small business authorization bill. It is cobbled together behind locked doors with no Democratic participation and brought to the floor of the Senate. And people say: Gee, this is reasonable. Why would anyone object to that?

Does anybody remember watching the old western movies, the old spaghetti westerns where someone inevitably would ride into a box canyon and then wonder: What on earth has happened to me? I am in a box canyon. I am attacked from every side.

What happened is, you rode into a box canyon. That is exactly what this Congress has done. It hasn't done its work. What it has done, it hasn't done well. And now it can't understand for all the world why anyone would object to cobbling together a tax bill on a small business authorization conference and shipping it through here and not receiving objections from us or from the White House.

Let's add up the numbers. Together these proposals for tax cuts represent the single priority of this Congress. It is around $1.4 trillion. I may err on either side a bit, but it is somewhere around $1.4 trillion. We have an appetite by those who have no end of desire to cut taxes, most of which will inure to the upper income folks, who say: Our fiscal policy is to move us right back into that same old risk of toppling this economy into the deficit ditch once again.

Our first priority ought not be large tax cuts for upper income folks and $1.4 trillion in tax cuts before we even have the surpluses which, incidentally, I don't think we will have for 10 years. We are not going to have 10 years of surplus. That suggests we no longer have a business cycle of contraction and expansion. But the first priority from the majority party is to say: Let's have big tax cuts, and let's put them in law permanently right now.

Our priority is to say: That doesn't make any sense. Let's do a couple of things. Let's pay down the Federal debt. If during tough times you run it up—and we did—then during good times, you ought to be able to pay down the Federal debt.

There is no money around to pay down the Federal debt when you have the majority party saying they demand $1.4 trillion in tax cuts.

Second, it seems to me reasonable that in addition to paying down the Federal debt, you want to make some investments that will bear some rewards for this country in the years ahead: invest in children, education, invest in health care. That is not the priority; we don't want to do that.

Third, yes, some tax cuts, but tax cuts that go to working families as well.

My friend from Texas a few moments ago said he would be happy to listen to me. I know better than that.

The PRESIDING OFFICER. The Senator's 5 minutes is up.

Mr. DORGAN. I will talk about tax cuts later. The point is, if we are going to have tax cuts, they ought to be targeted to middle-income families.

We should not be surprised to find ourselves in this position on October 27, 27 days after we should have completed our work.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 10 minutes to the Senator from Idaho, Mr. CRAIG.

Mr. CRAIG. Mr. President, I thank Senator BOND for yielding.

I have been listening to the Senator from North Dakota. I have to remind him by quoting his own leader. Here is what his leader said in USA Today on September 8: We will stall the spending bills until we get our way.

I suggest to the Senator from North Dakota that he ought to listen to his leader because his leader said it and that is exactly what is going on at this moment.

Let me also say to the Senator from North Dakota, after all these spending bills and after this tax cut we are debating, we will pay down the national debt by $700 billion. That is one whale of an accomplishment. No, it doesn't go to bigger Government. No, it doesn't go to create a new program. It goes to pay down the debt.

So between what his own leader has said and the facts of what we are doing, let me remind the Senator from North Dakota, stalling your way through this session has complicated matters. The box canyon that he referred to is a box canyon that his own leader created.

From USA Today: Senate Minority Leader DASCHLE, Democrat of South Dakota, has a simple strategy for winning the final negotiations over spending bills: stall, until the Republicans have caved in because they can't wait any longer to recess.

That is the reality of where we are. They have stalled their way into a big problem. Now we will work the weekend, if we have to. We have to resolve these issues for the sake of the American people.

For just a few moments, let me talk about the tax bill that is before us. I so vividly remember the first Clinton-Gore campaign in 1992, running for election and saying: We will give America a middle-class tax cut. It was the mantra of their campaign.

Remember, they said in that banner during the campaign: It is the economy, stupid; we have to make this economy work. And we are going to make it work by giving a middle-class tax cut.

Well, let's remember what happened once they were elected. They pushed through the largest tax increase in the history of this country. The new bigger bite on the middle class included a fuel tax, a new tax on Social Security benefits, a hefty variety of small business taxes. And when the new administration nearly pulled off the greatest scheme of all, and that was to nationalize one-sixth of our Nation's economy—that was that great, new health care bureaucracy that became affectionately known across the country as "Hillary Care" that was to give every American the opportunity to live inside the greatest HMO of all, a federalized Government health care program—when Americans heard the detail of that, thanks to a few Senators and a few Congressmen on this side of the aisle who stood up hour after hour and went through page after page of what Bill and Hillary Clinton were talking about, Americans rejected that resoundingly.

We know what happened. America said things had to change. And they did change in 1995; A Republican Congress was elected. Slowly but surely, we have tried to roll back those massive tax increases. What we have in front of us today is an installment in that effort. At a time of unprecedented surpluses, at a time when we are paying down $700 billion on the debt and that side of the aisle does not want to give a dime back to the American taxpayer, shame on them. But then again, their Presidential candidate says: I need it all because I want to spend it all for all kinds of new Federal programs. That is the reality of what they are dealing with.

Mr. BOND. Mr. President, may I interrupt to propound a unanimous consent request?

Mr. CRAIG. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

ORDER OF PROCEDURE

Mr. BOND. Mr. President, I ask unanimous consent that the vote scheduled for 3:15 p.m. be changed to now occur at 3 p.m. and the time be reduced equally for both sides of the aisle.

I further ask unanimous consent that immediately following passage of the joint resolution, the Senate proceed to the conference report to accompany the D.C. appropriations bill, including the Commerce-Justice-State appropriations bill, the conference report be considered as having been read, and the Senate proceed to immediately vote on adoption of that conference report without any intervening action, motion, or debate.

I further ask unanimous consent that statements throughout the day relative to the appropriations conference report be placed in the record immediately prior to the adoption vote.

I further ask unanimous consent that the votes at 3 p.m. be reversed so that the first vote occur on adoption of the D.C. conference report, to be followed by passage of H.J. Res. 117.

Mr. REID. Reserving the right to object, Mr. President, I would say to my friend, principally, Senator BAYH and Senator CONRAD, that means there will be no time for them to speak today. What remaining time we have, which is about 7 minutes, would be for the Senator from Montana. I am sure his people will also have to cut back on their time because we have equal allocation of time until 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, therefore, for the information of all colleagues, the next votes will occur now at 3 p.m. There will be two back-to-back votes at that time. The time has been reduced on both sides.

I appreciate being able to interrupt the Senator from Idaho.

What is the time remaining under this reduced amount?

The PRESIDING OFFICER. The Democrats will have 6 minutes, and Republicans will have 13 minutes.

Mr. REID. Mr. President, if I could, before we finish this procedural matter, the minority would be willing to have a voice vote on the tax bill.

I ask unanimous consent that during this process we have a voice vote on the tax bill.

Mr. BOND. I object.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. It is not appropriate to seek a voice vote at this time by unanimous consent.

Mr. CRAIG. Mr. President, let me reclaim my time briefly.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, because we have collapsed this time—and I think appropriately so—and several colleagues need to be elsewhere later today, let me close my comments.

Now some of our bills have been vetoed. We have yet to return to the American people all the tax increases they suffered as the result of the 1993 hike. But the last five-plus years also have produced a solid record of tax relief and IRS reform, thanks to Republican principles and bipartisan partnerships. Perhaps most important, that record highlights the Democrat and Republican contrasting views of people priorities.

Decades of liberal government meant more and more Americans were overtaxed on the one hand, and more and more dependent on "government programs" on the other. But a determined Republican Congress has been turning the tide, slowly but surely—even in the face of frequent vetoes and partisan obstruction—because it has believed in its mission of returning power to the people.

People are empowered when they can keep most of the fruits of their own labor, and use those resources to provide for families and their future the way they feel is best. People are empowered when the tax laws are a help, not a hindrance, to them choosing and being able to afford a good education, medical care that meets their specific needs, the right balance between work and family, and secure retirement planning. People are empowered when the government—especially the tax collector—respects the dignity and rights of the individual taxpayer.

The Republican-majority Congress has been making strong, steady, incremental progress in areas like these. While several major bills have been vetoed, several have become law. Among them: In 1996, Congress enacted the Health Insurance Portability and Accountability Act. This law increased health insurance deductions for the self-employed, created new Medical Savings Accounts so folks can set aside money for future needs, made it easier for workers to transfer from one job to another without losing benefits, allowed penalty-free IRA withdrawals for medical expenses, and reduced the cost of long-term health care.

The Taxpayer Relief Act of 1997 included, among other things, the $500 per-child tax credit, credits and deductions for higher education, expanded IRA limits and the new Roth IRA and the first significant steps in death Tax relief for family-owned farms and small business.

The IRS Restructuring and Reform Act of 1998 finally began shifting the burden of proof from the taxpayer to the IRS, required the IRS to pay court costs more often, provided protection for innocent spouses from IRS collection efforts, and created a new, taxpayer-oriented oversight board. The Senior Citizens Freedom to Work Act of 2000 repealed the "earnings limit" on the amount of outside income seniors of retirement age can earn without having their Social Security benefits cut.

That's a good record but—we can and should do more. The tax collector should not be the uninvited guest at every wedding and the rude intruder at every funeral. But the Clinton-Gore Administration vetoed bills to repeal the Death Tax and the Marriage Penalty. I promise you, however, those issues will not go away. And now, in the waning hours of the 106th Congress, we are hard at work on wrapping up one more bill to provide tax relief to make health insurance affordable to millions of uninsured Americans, help more with retirement planning, help family farmers and small businesses, and encourage investment in economically depressed areas. In a matter of days it will be up to the President to decide the fate of that bill, with his signature pen or his veto pen. I hope, this time, he chooses power to the people over power to the tax collector.

I will conclude by saying this: This very meager tax package in front of us, which has been objected to so strenuously by the other side, is a small step in trying to put money back into the pockets of taxpayers during a time of unprecedented surplus. It is also an opportunity to facilitate; that is, to allow small businesspeople and others who want to provide health care and to provide farmers and ranchers and other people in agriculture the flexibility to do all kinds of positive things.

But most importantly, the reason the gnashing of teeth and the wringing of hands has been heard so loudly on the other side of the aisle is they don't want to give any tax cut. They don't want to provide any of that opportunity. They want to spend it all and they want to spend it all in a way that will grow Government and grow it in a way that will reduce our freedoms and, most importantly, deny the American taxpayer what should justifiably be theirs. Once you have balanced the budget and you have a surplus, you ought to give just a little bit of it back—that is, the surplus—to those from which it came.

With that, I yield the floor for other allocations of time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, let me begin by noting a point made by the Senator from Texas. I urge all colleagues to change their plans to be here for the vote at 3 p.m. I believe there are colleagues on both sides of the aisle with planes to catch. The sooner we can complete the vote at 3 o'clock, the sooner we will be able to go on to the second vote, and there are many colleagues on both sides who hear the engines warming up and smell the jet fuel.

Mr. President, before I talk about this bill in particular, we have had a lot of politics on the floor and that is where I think it is appropriate for us to have our political discussions. I think, as chairman of the Small Business Committee, we have been able to work on a bipartisan basis on small business issues. But something is very disturbing to me, and I want to call that to the attention of my colleagues and to a much broader constituency. It is something that appears to be an attempt by this administration to politicize the Small Business Administration just days before the national election this November.

I call on the SBA Administrator to stop this effort. Yesterday, an anonymous employee of the Small Business Administration faxed to my office a draft of the "SBA Day Plan." It was faxed to the Small Business Committee staff.

According to the plan, in the week before the election, the SBA will use personnel from its district offices to conduct a nationwide blitz of making small business loans, releasing media statements on the Clinton-Gore administration accomplishments, and coordinating advertising with 5,000 lending partners across the country. The whistleblower who contacted us had one short message: "This must be stopped." I agree. This must be stopped.

According to this SBA document, SBA allegedly plans a major public relations campaign in the first days of November, right before the election. SBA central office will make mention of the hundreds of events going on all over the country. SBA regional and district offices will publicize their local SBA Day events throughout their regions.

What wonderful timing. Does anybody want to guess what those days will feature? Do you think they will mention the name of the Vice President?

Well, more disturbingly, SBA district offices will enlist and co-opt volunteers from the Small Business Development Centers, Women Business Centers, SCORE Chapters, and U.S. Export Assistance Centers, to place at least one person in lender offices in branches throughout the country in the week before the election. I say co-opt because these SBDC, SCORE, USEAC, and WBC centers receive a substantial amount of funding from SBA. It appears that the SBA may be using their private sector partners' dependence on SBA funding as leverage, pushing them to carry out this SBA campaign plan.

SBA partners are expected to encourage local lenders to make joint media announcements with SBA. SBA private sector partners are also expected to coordinate advertising regarding the SBA Plan Day at their local offices.

> In particular, SBA district offices [are to] make every effort to target lender offices in key communities (i.e., Hispanic, African American, Asian, Native American, Export, Women).

The most abusive part of this plan would be SBA's efforts to "close or get commitments for as many new SBA-guaranteed loans as possible during the week of October 30 through November 3, 2000." A followup news release, of course, will publicize the success of this effort.

Is this a great country or what? When I read this plan, I was shocked at what I saw. This thinly veiled attempt by the administration to promote itself in the days before the election is an abomination. Too many of us worked too long to allow the political manipulation and abuse of SBA resources, SBA personnel, and SBA partners with the goal of influencing the election.

As chairman of the Small Business Committee, I, along with the committee, have worked tirelessly on a bipartisan basis to promote small business development and success. This entire Senate has worked on fostering small business growth as a top priority on a bipartisan basis.

Focusing the resources of the SBA and its programs and loans towards historically disadvantaged and underutilized communities has also been a chief goal. This Senate passed the HUBZone Program overwhelmingly. It is now part of the SBA's programs to bring opportunity to areas of high unemployment and poverty. We cannot and should not allow SBA, in the waning days of this administration, to be politically hijacked for an election. Staging the events in the days before the election would spread a political taint throughout the SBA. This campaign plan will undermine the credibility of every SBA employee and partner. I don't want to see that political destruction.

If SBA is serious about raising public awareness of SBA programs and services—and I think that is a good thing to do—then it will do one simple thing: Delay the SBA Day Plan for 1 month. They can begin it in December instead of November. That would avoid any hint of impropriety. If however, SBA continues with the SBA Day Plan in the days before the election, we have no choice but to conclude that a complete political takeover of SBA had occurred with a goal of advancing the administration's candidates in the November election.

I don't know if this SBA pre-election campaign has been coordinated with the national political campaign or local political campaigns across the country. Frankly, we don't need to know, if this issue can be taken off the table right now. I urge SBA to remove any doubts and postpone this action. I have written to Administrator Aida Alvarez urging her to protect SBA from the taint of political interference.

I ask unanimous consent that the letter and the attached SBA Day Plan be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Mr. President, I say to all of the outside organizations and individuals who may be contacted by the SBA, I hope they understand they are free to choose to participate or to not participate in any such activities if they are requested to do so. We intend to be around to continue oversight responsibilities next year, and we will ensure that there is no reprisal against any SBA employee or non-SBA employee who chooses not to participate in a political endeavor.

Mr. President, I yield the floor and reserve the remainder of my time.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, October 27, 2000.

AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: The purpose of this letter is to express my alarm over the potential politicalization of the Small Business Administration (SBA) in the days leading up to the national elections on November 7, 2000. Employees at SBA have brought to my attention SBA plans for a major public relations campaign across the country in the first day of November.

The Administration's use of SBA personnel, offices, programs and private-sector partners to influence public perception of the Administration only days before the election raises the specter of a pernicious manipulation of the federal government for political means. Most alarming is the directive from SBA headquarters to make as many government guaranteed loans as possible during the week before election day. Putting taxpayer money at risk for pre-election campaigning is totally unacceptable.

The "SBA Day Plan" received by my office details SBA plans to:

Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 2, 2000;

Release media announcements by all SBA offices on the success of these efforts;

Encourage [local lenders] to make joint media announcements with SBA;

Coordinate advertising [with local lenders] regarding SBA Day at their local offices/branches;

Place at least one person [from SBA District Offices, Small Business Development Centers, Women Business Centers, Service Corps of Retired Executives Chapters of U.S. Export Assistance Centers] in lender offices/branches throughout the country during the week of October 30–November 3, 2000; and

Make every effort to target lender offices/branches in key communities (i.e. Hispanic, African-American, Asian, Native American, Export, Women).

The work of the Small Business Administration is vital to fostering small business across the country. I share your commitment to bringing these benefits to historically underutilized areas, which is why I sponsored and Congress overwhelmingly passed the HUBZone program.

Therefore, I am sure you will agree that SBA should reschedule its SBA Day Plan from the beginning of November to the beginning of December. This would avoid any taint of political manipulation. If you have any questions regarding this issue, please contact Paul Cooksey at 224–5175. Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND,
Chairman.

SBA Day Plan

GOAL

1. Raise public awareness of SBA programs and services and the impact these have on local communities.

2. Tout SBA accomplishments and announce SBA loan numbers for fiscal year 2000.

3. Kick off the new fiscal SBA year (2001) positively and collaboratively.

4. Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 3, 2000.

Concept

Week of October 30–November 3, 2000

SBA District Offices, with the collaboration of SCORE Chapters, district SBDCs, USEACs, and WBCs, will place at least one person in lender offices and branches throughout the country during the week of October 30–November 3, 2000. In particular, SBA district offices will make every effort to target lender offices/branches in key communities (i.e. Hispanic, African-American, Asian, Native American, Export, Women).

Local lenders will be encouraged to make joint media announcements with SBA and coordinate advertising regarding SBA Day at their local offices/branches.

Tuesday, October 31, 2000

Media Announcement by all SBA offices of year-end accomplishments/loan numbers. A follow-up news release will be made the following week regarding the success of SBA Day.

SBA central office will announce national accomplishments and year end numbers for FY2000 and will make mention of the hundreds of events going on all over the country kicking off SBA's new fiscal year.

SBA regional and district offices will incorporate regional and local accomplishments and year-end numbers for FY2000 into the central office national announcement and will publicize their local SBA Day events taking place at lender locations throughout their region/district.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Very simply put, we have a tax bill before us which includes some provisions that are unbalanced. That is unfair. There has not been anything that would approximate consultation between the majority and minority, including the White House. It is going to pass with a majority vote. It is going to be vetoed by the President, as it should.

Frankly, I know the majority party will vote for this bill very quickly when we get back together, and we will pass a balanced bill in consultation with both parties and with the White House. After all, that is by and large what the American people want. They want us to work together. They want us to pass legislation that is balanced.

Unfortunately, the bill before us is not balanced. It is very lopsided and very much toward upper income levels. Also, it does not include provisions to help lower middle income Americans, which I will outline a little bit later.

In addition, the bill before us is one that was crafted by the majority leadership, despite what has been said on the floor here, without consultation that in any way is adequate with either the White House or with the Democratic Party. That is unfortunate. I say that also because the Senate Finance Committee not too long ago passed out of the committee, on a unanimous vote, a balanced bill that addresses the tax provisions in this bill.

What do I mean?

First of all, the bill that passed the Finance Committee on a bipartisan basis, with a unanimous vote, had one-third of the tax cuts directed to lower and moderate-income taxpayers to help them also save for good times. It is true the bill also raised contribution limits for people in moderate and upper income levels, as it should.

My point is not that those should not be raised. My point is there are no provisions in the current bill which also give the incentives to moderate- and low-income people.

In addition, it is important for us to reflect for a moment about the importance of retirement income. Sixteen percent of today's retirees depend exclusively and entirely on Social Security for their entire income. Two-thirds of American seniors depend upon Social Security as their primary source of retirement income. That is basically because Social Security benefits only replace about 40 percent of the income earned during retirement.

Who are those retirees who depend primarily on Social Security? They are people who spend their entire working lives making minimum wage and who earn just enough to make ends meet but not enough to save for retirement.

Only one-third of American families with incomes under $25,000 are saving for retirement either through a pension plan or through an IRA. That compares with 85 percent of American families with incomes over $50,000. Eighty-five percent of American families with incomes of $50,000 or over are saving either through a pension plan or IRA.

That is why the bill that passed the Finance Committee—again, unanimously—attempted to address that disparity by including a tax credit for families with less than $50,000 in income to help them also save for retirement. The credit was really one of two items in the bill that helped provide that balance. It also made the bill more progressive.

The unanimously passed, bipartisan Finance Committee bill had a couple other incentives to help small businesses establish pensions for their workers. These were very important provisions to help balance the bill and raise limits for upper income Americans and also help provide incentives for lower and moderate-income Americans.

You won't find these provisions in the bill before us today. You won't find the provisions that passed the Finance Committee unanimously, on a bipartisan basis, to help middle and lower income Americans as well as upper income Americans. That pattern is repeated.

Measures that the Finance Committee, again, on a bipartisan basis, passed to help balance the legislation before us are not included in this, I might say, closed-door bill that we have before us today. For example, the section on health care spends $88 billion, with $56 billion of that going to basically HMOs that subsidize people who already have health insurance.

I ask: Where are the provisions designed to help the uninsured in America? They are not there. There is no provision, for example, to expand the Children's Health Insurance Program as part of the compromise. You won't find other efforts to help encourage people who are uninsured to get insurance.

As I mentioned and as many other speakers have mentioned, this bill was slapped together in the last couple of days. There are parts of it that almost no one saw before yesterday morning. We have no idea what special interest provisions are in here, and we do not know what mistakes are in it. There are probably going to be a few—again, because it was not written in the sunshine.

I am even told there is a section here that may have accidentally repealed the minimum wage altogether for 6 months. I don't know. It is possible.

Again, good law is not made behind closed doors by a small number of people. It is made by all of us here in the full light of sunshine.

I ask my colleagues to vote against this bill. But, more importantly, when the President vetoes it, let's get together and do something that is balanced for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are about ready to conclude the debate on this portion of the omnibus small business.

Let me point out before we go to the votes on District of Columbia/Commerce-State-Justice and adopt the resolution numbered 245, there has been a lot of talk about all of these things not having passed. Ninety percent of the bill has been voted out of the House by a large margin, and parts have come out of the Finance Committee.

I can tell you from the Small Business Committee that we took a bipartisan, broadly supported bill, and we were not able to get all of the things that we in the Senate wanted included. Frankly, one of the key elements I wanted was rejected. I know a provision advocated by the Senator from Minnesota was rejected. But I can assure you that it was over my strong objections, and only at the last was it rejected.

This measure does many things to continue the small business programs and to assure small businesses can provide jobs in areas where there are great needs when there is poverty and unemployment. There are provisions that are recommended by the Women's Business Conference. There are provisions to bring jobs into needy low-income communities. These bills together have many of the things that the President also requested.

I regret to say that the President and some of our colleagues on the other side of the aisle are pouting because they didn't get it all. I can tell you something. I didn't get all that I wanted in this bill either. I took some things I didn't want, that were wanted by the House and that were wanted by other Members.

But this bill provides significant savings incentives and income-limited savings incentives on IRAs that could do more to help savings.

Medicare give-backs will enable providers to continue to serve needy people.

Those who ran against the HMOs are trying to make HMOs available in States such as New Mexico and rural areas that do not have the tremendous bonanza of the reimbursements that they do in New York State.

There are many good provisions in this bill. An overwhelming number of them have been supported and requested by the President and, at one time or another, supported by the people on the other side of the aisle. Unfortunately, they say: We are just not getting enough. Sixteen billion dollars in school construction, two-thirds of what the President wanted, is not enough. Our friends have never seen a tax cut that they liked nor a tax surplus they didn't want to spend.

This strikes the happy medium. I hope ultimately we will adopt this measure and have it signed by the President.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER (Ms. COLLINS). The clerk will report the conference report.

The assistant legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate on the bill H.R. 4942, "Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes", having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 25, 2000.)

FBI'S JEWELRY AND GEM PROGRAM

Mr. CAMPBELL. Madam President, I commend my friend and colleague from Hew Hampshire, Senator GREGG, for his effective leadership on this important Commerce, Justice, State appropriations conference report. The Senate version of the fiscal year 2001 Commerce, Justice, State appropriations bill included a recommendation of up to $2.2 million for the FBI's Jewelry and Gem Program within funds available for Organized Criminal Enterprises, OCE, to address crimes against jewelry vendors who have proven easy targets for thieves, including organized South American gangs. The House report on the bill encourages the FBI to continue to allocate sufficient resources to disrupting these criminal enterprises. This program is designed to protect small businesses and the lives of employees in this field from violent crime. The conference agreement adopts the House position, but it is my understanding that the FBI decided to commit significant funds to combating these crimes in fiscal year 2000. Therefore, the conference agreement should be understood to recommend the FBI make available sufficient funds for the Jewelry and Gem Program. May I ask my distinguished colleague from New Hampshire, the chairman of our subcommittee and our Senate conferees, if my understanding is correct?

Mr. GREGG. Madam President, my distinguished colleague from Colorado is correct. The conference agreement should be read to recommend that the FBI expend sufficient funds for OCE on combating the crimes addressed by the Jewelry and Gem Program.

FAST PROGRAM

• Mr. BURNS. Madam President, the conference report for the Commerce, Justice, State and the Judiciary appropriations bill provides that $5 million is appropriated for the Small Business Innovation Research (SBIR) Rural Outreach Program at the Small Business Administration, SBA. Given how this legislation evolved, I believe that clarification is needed as to how the Conferees intend that the SBA spend such money.

Next year, there will be two programs at the SBA that focus on small high-technology business outreach: The Federal and State Technology Partnership (FAST) program and the SBIR Rural Outreach Program. While the FAST program and the Rural Outreach Program share the similar goal of facilitating the development of small high-technology businesses, they are separate programs and the FAST program is much broader in scope than the Rural Outreach Program. The FAST program is a competitive matching-grant program that provides states with wide latitude to develop strategies to assist in the growth of their small business high-technology sectors. In contrast, the Rural Outreach Program is targeted at only those states that receive the fewest SBIR awards and is limited to funding activities to encourage small firms in those states to participate in the SBIR program. My state of Montana has benefitted greatly from the Rural Outreach Program and it is very important that this program be funded.

The FAST program, which has been included in SBIR legislation that has been separately passed by both the Senate and the House and which I anticipate will be enacted prior to Congress adjourning, was initially appropriated $5 million in the bill reported out of the Senate Appropriations Committee. In the conference report, it appears that the funds appropriated for both the FAST program and the Rural Outreach Program were inadvertently combined under the general heading of funding for the Rural Outreach Program. This is apparent because $5 million is targeted in the conference report for the Rural Outreach Program, while the authorization for that program is only $2 million. I am concerned that without clarification about how the SBA is required to spend such funds, that the SBA will use excess amounts for programs other than the FAST program and the Rural Outreach Program. Accordingly, am I correct in my interpretation that funding for the FAST Program was combined with funding for the Rural Outreach Program in the conference report and that the Conferees intend that the $5 million be used to support both programs?

Mr. GREGG. Yes, the interpretation is correct. Both of these programs provide support for high-technology businesses and, therefore, both have been funded under the general topic of SBIR Rural Outreach. Thank you for bringing to our attention that clarification.

Mr. BURNS. I know that there is substantial support for both of these programs. Can you tell me how the conferees intend that the SBA spend the $5 million on the Rural Outreach Program and the FAST program?

Mr. GREGG. My understanding is that the intent of the conferees is that $1.5 million of the total amount be spent on the Rural Outreach Program and $3.5 million be spent on the FAST program.

Mr. BURNS. I thank the Senator for the clarification.●

GROCERY SLOTTING FEES

Mr. CRAIG. Madam President, the conference report that includes fiscal year 2001 Commerce-Justice-State appropriations picks up some Senate report language providing up to $900,000 for completion of a Federal Trade Commission investigation into slotting allowances and fair competition in the retail grocery business.

I understand that the Senator from Missouri [Mr. BOND] originally requested that language. I would like to engage the Senator from Missouri and the chairman of the subcommittee [Mr. GREGG] in a colloquy simply to clarify the scope and intent of that provision.

Because this language is brief, I wanted to make sure it would not be misread to suggest that we are providing these funds for use in any company-specific investigation.

It is my understanding that committee's intent is for the FTC to use these funds solely to undertake a general study, collecting comprehensive data on the current competitive environment related to such practices, assessing their impact, and reporting back to Congress on appropriate policy considerations.

I am concerned that our current understanding of the practice of slotting fees, as well as the payment of other discounts, fees, and promotional allowances, is still limited. A thorough understanding of industry practices and their effects should inform policymaking.

Mr. BOND. The Senator is correct. The Small Business Committee, which I chair, has invested considerable time and effort working on this issue. While we have made much progress, many of the facts surrounding this practice remain shrouded, and little hard data has been produced to gauge slotting's impact, especially on small businesses and small farmers. For example, at a recent hearing, the General Accounting Office reported it has been unable to collect data needed to prepare a thorough analysis of the practice. The FTC, however, would have the legal authority under Section 6 of the Federal Trade Commission Act to collect the data necessary to continue with a full and complete analysis of these practices and their impacts.

This funding was requested for the purpose of the FTC preparing a comprehensive report to Congress, pursuant to Section 6 of the Federal Trade Commission Act, that outlines the appropriate policy considerations arising from this issue. The report should concentrate on industry-wide practices of retailers that engage in the sale of grocery items with respect to slotting allowances and other similar practices including, without limitation: Their impact on competition and retail prices; their impact on all forms of grocery retailing, including smaller grocery retailers; their impact on manufacturers and suppliers; and their relationship to consolidation in the retail grocery industry.

Mr. GREGG. The Senators are correct. The intent of the committee in originally providing for this funding in the Senate-reported appropriations is as the Senators have described it. The conference report maintains the Senate position. I would also state it is our expectation that the FTC provide this report to Congress no later than sixteen months from the date of enactment of this legislation.

Mr. CRAIG. I thank the Senator for clarifying the committee's intent.

I want to add my personally strong feeling that it would be inappropriate for the FTC to launch individualized investigations and enforcement actions on the basis of notions about industry practices that are not-fully-informed, before it can sort out what appropriate law and policy should be. Unfocused, premature, or ad hoc actions could be counterproductive, possibly disrupting markets and chilling some positive industry practices that actually benefit consumers. It is important now for the FTC to focus on resolving uncertainties and acquiring a better understanding the facts, law, market practices, and impacts related to these issues.

MEDICAL CORRECTIONS OPTIONS PROGRAM

Mr. MACK. Madam President, last year the Commerce, Justice, State and Judiciary Appropriations Subcommittee included funding for the Southern Florida Medical Corrections Options Program, which began operations this spring. Working with the Broward County Mental Health Court and the Broward County Sheriff's office it has had tremendous success in treating mentally ill misdemeanants and preventing recidivism. My colleague from Hawaii shares my interest in the program because Hawaii faces many of the same challenges as Florida in treating mentally ill misdemeanants.

Mr. INOUYE. Madam President, my colleague from Florida is correct. Together, we are seeking to expand the South Florida Medical Corrections Options Program to initiate a Hawaii program that will enhance our knowledge in this field. We are also seeking to provide much needed data for the eventual expansion of the national mental health court program.

Mr. MACK. The Fiscal Year 2001 Commerce, State, Justice and the Judiciary Appropriations Committee Report includes a number of programs that the committee has encouraged the Bureau of Justice Assistance (BJA) to examine and fund, if possible, under the Edward Byrne Memorial Discretionary Grants Program. I am hopeful that the BJA will consider funding for the joint Hawaii/Florida demonstration project to develop a national model for future mental health courts.

Mr. INOUYE. I thank my colleague for his support in expanding this important project into the State of Hawaii, and would appreciate the agreement of the Chairman to support this project for funding consideration.

Mr. GREGG. I thank my colleagues from Florida and Hawaii and would like to clarify that the BJA should consider funding under the Edward Byrne Memorial Discretionary Grants Program for this joint Hawaii/Florida demonstration project.

Mr. MACK. I thank the Chairman for his comments.

LAND ACQUISITION

Mr. LAUTENBERG. Madam President, I would like to inquire of the ranking member of the Subcommittee on Commerce, Justice, State and Related Agencies, Senator HOLLINGS, about a particular provision of the conference report.

The conference report to the Commerce, Justice, State Appropriations bill for fiscal year 2001 specified that $1 million is available for land acquisition in Raritan, New Jersey under the National Estuarine Research Reserve system.

Mr. HOLLINGS. The Senator is correct.

Mr. LAUTENBERG. As I understand it, the intent of this language is to allow for the purchase of specific parcels of wetland habitat in the Raritan Bay region of New Jersey. The Raritan Bay area in Monmouth County, New Jersey, is the area of focus of this provision, not Raritan Borough in Somerset County, New Jersey nor Raritan Township which is located in

Hunterdon County. In addition, the intent of this provision is for the National Oceanic and Atmospheric Administration's National Estuarine Research System to work cooperatively with the State of New Jersey to coordinate the acquisition and management of these lands.

Mr. HOLLINGS. The Senator is again, correct on both points. As the Senator from New Jersey has stated, the intent of this provision is to allow NOAA to work with the State of New Jersey to acquire lands along the Raritan Bay for inclusion in the National Estuarine Research Reserve System.

Mr. LAUTENBERG. I thank the ranking member for clarifying the meaning of this provision.

CARA

Mr. MURKOWSKI. Madam President, I have a question about a last minute change in language of the appropriations measure establishing a Coastal Impact Assistance program as section 31 of the Outer Continental Shelf Lands Act. The Coastal Impact Assistance program, with relatively few changes, is identical to language referred to and reported by the Committee on Energy and Natural Resources as part of H.R. 701, the Conservation and Reinvestment Act of 2000, commonly referred to as CARA. The last minute change I am concerned about places the Secretary of Commerce in charge of the Coastal Impact Assistance program rather than the Secretary of the Interior. Both the House of Representatives, when it passed CARA, and the Committee on Energy and Natural Resources, when it reported CARA to the Senate, placed responsibility for Coastal Impact Assistance with the Secretary of the Interior. The Secretary of the Interior has the overall responsibility under the Outer Continental Shelf Lands Act for the leasing program that creates the impact on our coastal communities that Coastal Impact assistance seeks to address and is also the source of revenues to fund not only such assistance but also various conservation programs that were included under CARA. I do not understand why the change was made, but I want to make certain that the change has no effect on the jurisdiction of the Committee on Energy and Natural Resources over the Outer Continental Shelf Lands Act and especially exclusive jurisdiction over the Coastal Impact Assistance program established under section 31 of that act.

Mr. LOTT. I can assure the Senator that the change has absolutely no effect on the jurisdiction of the Committee on Energy and Natural Resources over that program. As the Senator knows, at one time there were discussions about adding the entire CARA package to the Interior appropriation bill. The allocation of funding required us to add this portion, which includes Coastal Impact Assistance, to the Commerce appropriation. The change made in what Secretary disburses the funds does not alter in any manner the nature of the program, the purposes of the program, or the exclusive jurisdiction of the Committee on Energy and Natural Resources over the program.

Mr. DASCHLE. I fully agree with the response from the majority leader. Whether the Secretary of the Interior or the Secretary of Commerce or the Secretary of the Treasury makes the disbursements has absolutely no effect on the exclusive jurisdiction of the Committee on Energy and Natural Resources over this program. The Committee on Energy and Natural Resources has jurisdiction over the Outer Continental Shelf Lands Act and was the committee that originally reported the Coastal Impact Assistance program as part of the CARA legislation. The fact that we have funded the first year through the Department of Commerce has absolutely no effect on the exclusive jurisdiction of the Committee on Energy and Natural Resources over the Coastal Impact Assistance program, including oversight and any future changes.

Mr. STEVENS. Let me add as chairman of the Committee on Appropriations that we were not in any manner attempting to alter the jurisdiction of the authorizing committees over any programs. As a result of the agreement made on the Interior appropriations bill, we were forced to fund the Coastal Impact Assistance program on the Commerce appropriations measure. To do that, we needed to include authorizing language. We took the language that had been reported by the Committee on Energy and Natural Resources with only minor alterations. There was a last minute change to insert a definition of "Secretary" for the purposes of the new section 31 of the Outer Continental Shelf Lands Act to be the Secretary of Commerce. All that change does, is alter who will disburse the funding to the coastal States. I can assure all my colleagues that there was no intent to alter the jurisdiction of the Committee on Energy and Natural Resources over the Outer Continental Shelf Lands Act or its exclusive jurisdiction over the Coastal Impact Assistance program that is established as a new section 31 of that act.

Mr. BYRD. I also agree with these comments. The Committee on Energy and Natural Resources has jurisdiction over "Extraction of minerals from oceans and Outer Continental Shelf lands" under Rule XXV(g)(1)6. of the Standing Rules of the Senate. Pursuant to that authority, it has jurisdiction over the Outer Continental Shelf Lands Act. The Committee on Commerce, Science, and Transportation continues to have jurisdiction under Rule XXV(f)(1) over "Transportation and commerce aspects of Outer Continental Shelf lands". The Coastal Impact Assistance program, which will now be section 31 of the Outer Continental Shelf Lands Act, is an important and necessary component of our leasing program on the Outer Continental Shelf and is certainly within the jurisdiction of the Committee on Energy and Natural Resources. How we choose to route the funding for this program is incidental and has nothing to do with the jurisdiction of the Committee on Energy and Natural Resources. As the minority leader noted, it is immaterial whether the Secretary of the Interior or the Secretary of Commerce or some other officer is responsible, the program remains exclusively within the jurisdiction of the Committee on Energy and Natural Resources.

• Mr. McCAIN. Madam President, I want to thank the managers of this bill for their hard work in putting forth annual legislation which provides federal funding for numerous vital programs.

This bill provides funding for fighting crime, enhancing drug enforcement, and responding to threats of terrorism. It further funds the operation of the District of Columbia, addresses some of the shortcomings of the immigration process, funds the operation of the judicial system, facilitates commerce throughout the United States, and fulfills the needs of the State Department and various other agencies.

Unfortunately, for the second time in a month, I must express my dismay over the process whereby the Latino and Immigrant Fairness Act (LIFA) has been considered by this Congress. Like many Americans who believe policies that reflect compassion and family values should apply to immigrants and U.S. citizens alike, I welcome inclusion of the Legal Immigration Family Equity (LIFE) Act in this bill. But I had hoped that this legislation would supplement, rather than substitute for, the Fairness bill, which is far broader. I am disappointed that members of my party refused to include LIFA in this bill. As a consequence, hundreds of thousands of hard-working, tax-paying members of our society will be denied the amnesty, parity, and family-unification protections of LIFA. I will continue to work for passage of the Latino and Immigrant Fairness Act and trust that, next year, we can pass it on the Senate floor.

Regretfully, I must oppose this measure.

There are hundreds of millions of dollars in pork-barrel spending and the legislative riders that are riddled throughout this bill. The multitude of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

For example, under funding for the Department of Justice, some examples of earmarks include: $130,000 to Jackson City, Mississippi, for public safety and automated technologies related to law enforcement; $2 million for the Alaska Native Justice Center; $15 million for an education and development initiative to promote criminal justice excellence at Eastern Kentucky University in conjunction with the University of Kentucky; and $4 million for the West Virginia University Forensic Identification program.

Under funding for the Department of Commerce, some of the earmarks include: $500,000 for the International Pacific Research Center at the University of Hawaii; $855,000 for weather radio transmitters in Kentucky; $2.5 million for the Center for Spatial Data Research at Jackson State University; $500,000 for the South Carolina Geodetic Survey; and $500,000 for the California Ozone Study.

And the list of questionable spending goes on with even more funding for the 2002 Winter Olympic Games in Salt Lake City, Utah. For example: $3 million for the Utah Olympic Public Safety Command to implement the public safety master plan for the Olympics; $5 million for the Utah Communication Agency Network for enhancements and upgrades of security and communication infrastructure to assist with law enforcement needs of the Olympics; and $590,000 for the NOAA Cooperative Institute for Regional Prediction at the University of Utah to implement data collection and automated weather station installation in preparation for the Olympics.

There are many more projects on the list that I have compiled, which will be available on my Senate Website.

I also want to address the legislative riders in this bill. In particular, I want to express my disappointment that legislation restricting low-power FM services has been added behind closed doors to this appropriations conference report. The addition of this rider illustrates, once again, how the special interests of a few are allowed to dominate the voices of the many in the back-door dealings of the appropriations process.

Low-power FM radio service provides community-based organizations, churches and other non-profit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness within our communities. Low-power FM is supported by the U.S. conference of Mayors, the National League of Cities, the Consumers' Union and many religious organizations, including the U.S. Catholic Conference and the United Church of Christ. These institutions support low-power FM because they see what low-power FM's opponents also know to be true—that these stations will make more programming available to the public, and provide outlets for news and perspectives not currently featured on local radio stations.

But, the special interests opposed to low-power FM—most notably the National Association of Broadcasters and National Public Radio—have mounted a vigorous behind-the-scenes campaign against this service. Their stated objection to this service is potential interference, of course, not potential competition. They claim that a 10 or 100 watt low power station that can only broadcast a few miles will "bleed into" and overpower the signal of nearby 100,000 watt full-power radio stations that broadcast about 70 miles. Interestingly, the FCC, the expert government agency that evaluates such radio interference claims, does not share this claimed concern. To the contrary, after developing an extensive record and evaluating these alleged technical concerns, the FCC proceeded with licensing and established procedures to address any interference issues that actually arose.

Moreover, competitors' speculations about potential interference from low-power stations were given a fair hearing not only in the FCC, but also in this Congress. Earlier this year, Senator KERRY and I introduced the Low Power FM Radio Act of 2000, which would have struck a fair balance between allowing low-power radio stations to go forward while at the same time protecting existing full-power stations from actual interference. Under our bill, low-power stations causing interference would be required to stop causing interference—or be shut down—but non-interfering low power FM stations would be allowed to operate without further delay. The opponents of low-power FM did not support this bill because they want low-power FM to be dead rather than functional.

Congress should not permit the appropriations process to circumvent the normal legislative process. Every time we do this, the American people lose more faith in us. And in this context, they will become even more cynical when they learn that special interests like the NAB were able to use the appropriations process to highjack and overturn the sound technical decisions by the government radio experts that would have authorized new outlets for religious and political speech—and new outlets for their local churches and community groups.

Low-power FM is an opportunity for minorities, churches and others to have a new voice in radio broadcasting. In the Commerce Committee, we constantly lament the fact that minorities, community-based organizations, and religious organizations do not have adequate opportunities to communicate their views. Over the years, I have often heard many members of both the Committee and this Senate lament the enormous consolidation that has occurred in the telecommunications sector as a whole and the radio industry specifically. Here, we had a chance to get out of the way, and allow non-interfering low-power radio stations to go forward to combat these concerns. Instead, we let special interests hide their competitive fears behind the smokescreen of hypothetical interference to severely wound—if not kill—this service in the dead of night.

This report also contains legislation establishing a rural loan guarantee program intended to help bring broadcast signals to the most remote areas in this country. While I support this legislation, and I commend my friend, Senator BURNS, for his leadership in this area, there is one aspect of this legislation that still causes me concern.

This legislation would let incumbent cable monopolies qualify for U.S. taxpayer subsidized loans in the name of "technology neutrality." Unfortunately, this approach will fail to achieve any real "technology neutrality" while simultaneously expanding a limited loan guaranty program into an unnecessary corporate welfare program.

In a perfect world, a loan guaranty program would be equally available to every competing industry segment because this would ensure that no industry segment would benefit from a government-sanctioned advantage in the marketplace.

Unfortunately, telecommunications law has already departed so significantly from principles of "technology neutrality" that "neutrality" in the narrow field of taxpayer-subsidized loan guaranties will only increase the cost of the program for the benefit of previously favored technologies. Indeed, my experience has shown that in telecommunications technological neutrality has been sacrificed by a misplaced focus on protecting competitors at the expense of competition and the American consumer. For example, the broadcast industry has been given 70 billion dollars of free spectrum, yet the wireless industry must compete for spectrum at auction. And certain industry sectors, such as cable, have been given government-franchised monopolies. In the telecommunications world, some are already more equal than others.

It is against this reality that any claims of "technological neutrality" must be evaluated. In the real world, cable companies not only have a government-sanctioned advantage—they have a government-franchised monopoly. Monopolists, almost by definition, need no more government protection against competition. Perhaps it is just a coincidence, and not due to a lack of competition, but cable companies have been able to raise their rates approximately three times the rate of inflation (for about a 30 percent total increase) since the 1996 Telecommunications Act. This scenario hardly requires the helping hand of the U.S. taxpayer.

"Technology neutrality" is a fine phrase, but not if it means that the American taxpayers must further subsidize industries that have already received undue and unnecessary market advantages sanctioned by the government.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests and our inclusion of legislative riders which thwart the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.●

Mr. GORTON. Madam President, one of my priorities in this bill was to make sure that Washington seniors continue to have access to their Medicare+Choice program and to expand choices for other seniors who have been dropped from the program due to low payment rates in Washington state. We need to make sure Medicare+Choice is a stable option in the Medicare program for our seniors.

I am concerned, however that the new requirements on the submission of adjusted community rate ACR proposals for 2001 may interfere with my goal of ensuring the stability of this program for seniors in my state. Under this bill, plans that have ensured seniors have consistent access to the Medicare+Choice program cannot use the increased funds to stabilize the benefits they already provide or to ensure adequate payments to providers such as doctors and hospitals—even if they are losing money on providing those benefits right now.

In Washington State we have plans that are operating at a deficit every year but they continue to stick with this program and offer health care to our seniors. They need this money simply to stabilize and maintain current benefits. Without these funds, there will be no basic programs for seniors at all. Plans cannot offer enhanced benefits or lower premiums if there is no program in existence, in Washington state, that is what we are facing—the possibility of no Medicare+Choice programs at all.

I don't disagree with the intent of the provision to ensure that seniors benefit from this new funding in the form of reduced premiums or increased benefits. My point is that there are more ways to help out seniors and one way is to ensure that their plan will not only be there this year, but the next year and into the future. One way to do that is to simply add a provision to the current language that allows plans to stabilize or enhance patients access to providers such as doctors and hospitals.

You can spend millions of dollars on the fixtures of a new house, on antique furniture, on expensive paintings, and the like but if there is no foundation the house will fall to the ground and no one will benefit. Our first priority should be to ensure that the Medicare+Choice program is stabilized that at a minimum seniors continue to have the choice we promised them.

● Mr. BURNS. Madam President, I support the passage of the Commerce-Justice-State conference report, which includes a bill of critical importance to rural America, the "Local TV Act." The Local TV Act will create a $1.25 billion loan guarantee program that will bring local TV signals to Montana and other rural states, over satellites or other technologies, in a fiscally responsible way.

I want to thank the distinguished Chairman of the Senate Banking Committee and the Majority Leaders in both the Senate and the House for helping to reach completion on this issue. I should add that Senator LEAHY, Senator HOLLINGS, Senator THOMAS and Senator GRAMS have worked tirelessly on this matter. I would also like to thank my colleagues in the House for their efforts. Representative GOODLATTE was involved in every stage of the complex negotiations that took place on this bill, as were House Commerce Committee Chairman BLILEY, House Telecommunications Subcommittee Chairman TAUZIN, House Agriculture Committee Chairman COMBEST and Representative BOUCHER. I thank them all for helping to reach such a positive result, which was only possible through an extraordinary, bipartisan effort.

Providing access to local television signals is crucial to rural states. With over-the-air broadcast signals and cable delivery limited by the geography of my own state of Montana, satellite television has been a staple of our so-called "video marketplace" for many years. In fact, Montana has the highest penetration level of satellite television in the country at over 35 percent.

I initially proposed legislation in this area because I was concerned that without it, only the largest television markets in America would receive local-into-local service authorized by the Satellite Home Viewer Improvement Act. These are the profitable cities like New York and Los Angeles with millions of television households. Currently, only the 20 largest television markets are being offered local TV signals via satellite. The two largest direct broadcaster satellite providers have announced plans to offer service to an additional 20 or 30 large markets over the next few years.

What about the other TV markets? There are 16 states—including my own—that do not have a single city among the top seventy markets. Because of the "Local TV Act," they will now no longer be left out of the information age just because they are smaller.

The ability to receive local television signals is more than just having access to local sports or entertainment programming. It is a critical and immediate way to receive important local news, weather and community information. Access to local signals is particularly critical in Montana, where we experienced severe flooding last fall and sudden blizzards are always a possibility.

The "Local TV Act" reflects the belief that the loan guarantee program should not favor one technology over another and it should not pose a burden to the taxpayer. The "Local TV Act" is a win for consumers and for taxpayers. Earlier this year, the bill passed the Senate 97–0, a similar version passed the House by an overwhelming margin and I again thank my colleagues on both sides of the aisle for reaching agreement on this critical matter.●

Mr. HOLLINGS. Madam President, I would like to take a moment and join my subcommittee chairman and colleague, Senator GREGG, in commenting on the fiscal year 2001 Commerce, Justice, and State, the Judiciary and related agencies appropriations portion of the conference report before the Senate today. Once, again, I would like to commend Chairman GREGG for his outstanding efforts and bipartisan approach in bring an appropriations bill to the floor that is good and balanced.

Putting together the conference report is always a tremendous challenge, and this year has proven to be no different. We face the challenge of adequately funding a host of varying missions, This bill funds efforts to fight crime and drugs on our streets. This bill funds initiatives that enhance business opportunities for small and large companies at home and abroad. This bill funds agencies like the FTC and the SEC that protect consumers from fraud. This bill provides funding for scientific research needed for better fisheries management. This bill provides free and accurate weather forecasting to farmers who rely on it day by day for tending their crops and to families who live in areas where timely and accurate forecasts can save their lives from violent tornadoes, torrential rains, floods, and hurricanes. While the missions funded through this bill may vary, one point remains constant: The funding provided in this bill seeks to improve the daily lives and safety of all American at home and abroad.

In total, the conference report provides $38.0 billion in budget authority which is about $1.7 billion less in total budget authority than the fiscal year 2000 levels. The bill is $12.9 billion less than the President's request level;

however, his request level, as in past years, included advanced appropriations, which the CJS Subcommittee traditionally does not provide.

Senator GREGG has mentioned many of the funding specifics in this bill, so I will not repeat the details; however, I would like to point out to our colleagues some of the highlights of this bill:

JUSTICE AND LAW ENFORCEMENT

The conference report provides $21.1 billion for the Department of Justice, including $3.3 billion for the FBI, $1.3 billion for the DEA, $4.8 billion for INS, $4.3 billion for BOP, and $4.6 billion for the Office of Justice Programs. This conference report funds both block grant programs—such as Byrne, local law enforcement, and juvenile justice—and the COPS Program—such as the universal hiring and technology components. Our colleagues in the Senate only need to review the FBI's preliminary annual uniform crime report released this past May to appreciate how well all these programs are working. According to the FBI's report, in 1999, serious crime dropped for an eighth consecutive year, down seven-percent from the year before. This is the longest running crime decline on record. The successful reduction in crime in no small way must be attributed to the bipartisan efforts to fund DOJ's crime fighting initiatives during the past ten years.

In an effort to continue the decline in serious crime, we continue to fund many of the programs that are working. Not only are we funding cops on the beat, we also continue the safe schools initiative which Senator GREGG and I started two years ago. This bill provides $227.5 million for this initiative. Madam President, we cannot allow violence or the threat of violence to turn our schools into a hostile setting that prevents our students from obtaining the education they deserve. The bill before the Senate provides increased funding from last year's levels, through the Office of Justice programs, to continue the hiring of school resource officers, and the implementation of community-based planning and prevention activities. This initiative is working but there is much more that has to be done, and this increased funding will continue our efforts to return our schools to a safe place for children to learn.

I am pleased to see in this year's conference report $1.3 billion funding for the DEA, which is a $69.45 million increase from last year's level. This funding is aimed at combating the latest battle in the war on drugs—methamphetamines. Included in the DEA fundings is $25.9 million for personnel and operations to combat the production and use of methamphetamines. Also included in the bill is $28.5 million for State and local law enforcement to combat methamphetamine production and $2.5 million for equipment. Another $20.0 million will be transferred from the COPS Hot Spots Program to reimburse the agency for the costs associated with assisting State and local law enforcement in meth lab cleanup.

The conference report also includes $288.7 million for the violence against women program, which includes $31.6 million for civil legal assistance, $25 million for rural domestic violence programs, $11.5 million for court appointed special advocates, and $11.0 million for college campus programs.

There is one issue within the Department of Justice for which I am disappointed we did not provide funding—the Justice Department's Lawsuit against the Tobacco industry. I appreciate Senator GREGG's effort to reach a middle ground between those members who want to prevent DOJ from bringing a lawsuit, and those who want to provide DOJ with adequate resources to do their job. It is the U.S. court's responsibility to weigh the evidence and decide whether the tobacco companies have broken the law, not Congress's responsibility. In fact, just recently, the U.S. District Court of the District of Columbia rules that DOJ does have standing to bring a suit against the tobacco companies under the RICO (racketeering, influence, and corrupt organizations) Act. It is Congress's responsibility to provide the Justice Department with the tools and adequate resources it needs to do its job. This conference report does not do that.

DEPARTMENT OF COMMERCE

The conference report provides $4.7 billion for the Commerce Department, an increase of $460 million above last year's funding level. We provide $337.4 million for ITA, and while we could not fully fund all of the President's request for this important administration, we did provide funding for the trade compliance initiatives. I also appreciate Senator GREGG's support for language requiring the USTR to assist the Import Administration with office space in Geneva given the importance of the Import Administration's responsibilities relating to antidumping and countervailing duties.

While we did not fully fund the administration's new internet access initiatives for NTIA, we did provide more than $100 million in funding for the NTIA to continue its core missions—funding for digital conversion, and funding for infrastructure grants.

Regarding technology, the bill includes $312.6 million for NIST scientific and technical research and services. Under NIST, the Advanced Technology Program (ATP) is funded at a program level of $190.7 million, and the Manufacturing Extension Partnership (MEP) Program is funded at $105.1 million.

The conference report also provides $3.1 billion for NOAA, more than $700 million above last year's level, and $850 million above the House level for FY 2001. I appreciate Chairman GREGG's support and efforts to insure that we maintain a focus on our oceans and coast. I have made it clear this year that I am disappointed in the administration's request for NOAA. Most of the funding increases requested this year were for community assistance type programs—making NOAA a mini-EDA—and not the science and research missions that have been NOAA's trademark during the past three decades. The budget request was particularly disappointing given the one hundred plus lawsuits currently pending against NOAA due to a lack of scientific data.

Madam President, at present, we generate more than 30% of our gross domestic product from coastal areas, and nearly one out of every six jobs is marine-related. By the end of this decade, about 60% of Americans will live along our coasts. We cannot ignore the stress and strain of this growth on our coastal environment, and we must continue to strive for better management of our marine resources. Of course, these efforts are nothing new. Three decades ago, our nation roared into space, investing tens of billions of dollars in that effort. During that golden era of science, some of us also recognized the importance of exploring the seas and protecting the coasts on our own planet. In 1966, Congress enacted the Marine Resources and Engineering Development Act in order to define national objectives and programs with respect to the oceans. One of the central elements of the 1966 act was establishment of a Presidential commission, called the Stratton Commission, to develop a plan for national action in the oceans and atmosphere. The Stratton Commission laid the foundation for U.S. ocean and coastal policy and programs and has guided their development for three decades. Their report led to the creation of NOAA and laid the groundwork for science and research and for management regimes that are the cornerstone of our efforts to properly manage our fisheries, and protect our coasts today. This conference report fully funds all of NOAA's base science and research missions.

FY 2001 funding for NOAA also includes additional funds for coastal conservation reflecting this year's coastal funding proposals in Congress ("CARA") and the administration's budget ("lands legacy"). The $420 million in increased funding includes $135 million for specific conservation projects and $135 million to strengthen NOAA's efforts to conserve and protect our coral reefs, national marine sanctuaries and reserves, as well as fisheries and coastal habitats. This $135 million infusion of funding in the coming year will greatly benefit NOAA's important coastal stewardship programs throughout the Nation. The increased coastal funding also includes

$150 million to assist those States whose coastal areas are adversely affected by offshore oil development.

DEPARTMENT OF STATE

The conference report includes a total of $7.1 billion for the Department of State and related agencies, an increase of $1.3 billion above last year's funding level of $5.8 billion. Within the State Department account, $1.1 billion has been provided for worldwide security upgrades of State Department facilities. Additionally, the bill provides $846 million to continue our Nation's international peacekeeping activities.

SUMMARY

In closing let me say again that except for a one or two major policy issues this is a decent bill. Many—but not all—of the administration's priorities were addressed to some extent. Likewise many—but not all—of the priorities of our colleagues were addressed to some extent. It is with regret that I cannot support this bill at this time. I cannot support an effort that starts down the slippery slope of the U.S. Congress telling the Department of Justice who they can and cannot sue. It is my hope that this issue will be corrected should this conference report pass the Senate and be vetoed by the President.

I would like to take a moment before closing to acknowledge and thank Senator GREGG's staff—Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, Clayton Heil, and Katherine Hennesey—and my staff—Lila Helms and Sonia King—for their hard work and diligence in bringing together a bill that does everything I have just mentioned and more. They have worked nonstop in a straightforward and bipartisan manner, to deliver the bill that is before the Senate today. This bill could not have come together without their efforts and I thank them for all of their hard work.

Mr. GREGG. Madam President, I want to speak about the appropriations agreement for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 2001. This bill is part of the D.C. Appropriations bill and I thank the Senator from Texas for her help on this matter and everyone else on the subcommittee.

I cannot tell you how hard we have tried to work with OMB and the White House on this bill. I find it hard to believe that they want to veto the bill based on what is in here. The main issue they have difficulty with is on immigration and it was never requested by the President and is not an appropriations matter.

This bill does include $38.0 billion for these agencies. I believe the funding levels in this bill will allow the departments and agencies funded by it to fulfill their mandates.

The first title in this bill is the Department of Justice. We provide $21 billion, an increase over last year's level. Within Justice, there are a number of issues that stand out.

This bill provides comprehensive counter drug funding. It is our goal to provide the resources to protect our communities from the violence associated with illegal drugs. One of the most prevalent concerns in this area is the production of methamphetamine. The Drug Enforcement Agency (DEA) has reported an increase in clandestine lab seizures nationwide. In 1997, 3,327 labs were seized by Federal, State, and local law enforcement. By 1999, that number had escalated to 7,060.

Although the number of clandestine methamphetamine labs has almost doubled since 1997, the President included no funding to combat methamphetamine production, trafficking, and use in his FY 2001 budget request. We remedy that mistake here.

Our recommendation includes a total of $76.9 million for methamphetamine initiatives. We provide $25.9 million for investigations and day to day operations on methamphetamine cases, including maintaining a database of labs around the country.

Since the bi-products from methamphetamine production are hazardous, explosions or fires often result and specially equipped teams are sent in to clean-up the lab sites. We provide $20 million to the DEA through the COPS Methamphetamine Drug Hot Spots Program for clean-up activities. We have also made available for State and local law enforcement agencies $28.5 million for their methamphetamine enforcement and cleanup efforts.

Of course, methamphetamines are not the only problem. We provide $28.8 million to DEA for its heroin-related efforts. Because drug traffickers are highly adaptive, we must have the ability to respond where "hot spots" arise. The bill provides $24.2 million for Regional Drug Enforcement Teams and $53.9 million for Mobile Enforcement Teams.

To aid those communities that have suffered because of the presence of drug dealers, we provide $34.0 million in direct funding for the Weed and Seed program. This program distributes grant funding to qualified neighborhoods so that they can weed out criminals in their communities while seeding new prevention and intervention services to help revitalize the neighborhood.

The drug problem in the United States is so pervasive that over 480 drug courts have evolved to handle these particular cases. This bill includes $50.0 million through the Office of Justice Programs for drug courts; additional funding can be obtained through the Local Law Enforcement Block Grants or the Juvenile Accountability Block Grants.

Moving on to another important program in this bill, we continue the Safe Schools Initiative. This initiative was one the Ranking Member and I sponsored in 1999 just after the Columbine massacre. For fiscal year 2001, we provide a total of $227.5 million for State school programs with $180.0 million for school resource officers and $15.0 million for school technology. This program gives school administrators resources to enhance safety measures. It grants them the flexibility to implement decisions on how best to maintain a safe learning environment without impacting funding for educational programs.

The final agreement contains funding for after-school youth programs. A leader in this category is the Boys and Girls Clubs of America. For this reason, $60.0 million is available for their programs.

Additionally, Juvenile Mentoring Programs, JUMP, receive $16.0 million. These programs, including Big Brothers/Big Sisters, foster healthy relationships between at risk youth and responsible adults.

The next item is of particular interest to me. The Missing Children program is one that continues to show positive results, and is funded at a level of $23.0 million. Within this amount, $6.5 million is provided for investigative cyber units for State and local law enforcement agencies and $11.4 million for the National Center for Missing and Exploited Children.

One of the Center's most valuable resources is the Cyber TipLine, which allows individuals to report information about missing children on-line. Information reported to the Center is compiled and made accessible to law enforcement officers all over the continent. The Center dedicates significant resources to preventing and responding to incidents of cyber stalking. Overall, this bill includes more than $830.0 million for juvenile programs through the Office of Justice programs, the juvenile justice budget, and the COPS program.

Our dedication to communities and families is also captured in our support of the Violence Against Women Act programs, which address domestic violence and its effects. For fiscal year 2001, we fund the program at $288.7 million. This includes funding for legal assistance, rural domestic violence initiatives, and court-appointed-special advocates.

At my request, this bill also recommends $11.0 million for grants to address violence on college campuses. Grantees use these funds to expand defense classes; to make capital improvements, such as installing emergency phones and improving lighting on campuses; and to train campus administrators and students on how to deal with violence and its after effects.

On a related topic, the conference agreement directs the Center for Sex Offender Management to develop a system through which local law enforcement can notify communities when a sex offender has been released and is living nearby.

Law enforcement is Justice's primary mission, and there are several key components. The U.S. Marshals are responsible for protecting our Federal judges and courthouses, for serving legal papers in Federal cases, and for recapturing fugitives. The $604.3 million recommended for the Marshals provides funds for new initiatives to apprehend the most dangerous fugitives; outfit and man new courthouses; and reduce the backlog of security upgrades at old courthouses.

The recommendation provides $4.6 billion for the Immigration & Naturalization Service, INS; $1.5 billion of this is derived from fees. The amount provided improves our posture on the border, expands efforts to apprehend illegal aliens in the interior, increases resources for naturalization backlog reduction, and begins to tackle the nationwide backlog on INS construction, maintenance, and repair.

An appropriation of $3.2 billion is dedicated to the FBI. This includes $67.5 million for the National Instant Criminal Background Check System, NICS, used by gun dealers to prevent the sale of weapons to individuals who are prohibited from owning a gun. We have reiterated the Senate recommendation that no fees be charged to conduct these checks.

The FBI Crime Lab is famous for its forensic capabilities, and many States rely on its scientific expertise. The bill provides $137.3 million for forensic services within the Bureau.

DNA testing is just one example of an important emerging forensic science. The FBI reported a 15 percent increase in the number of cases aided this year by having DNA profiles available in a national database. Our recommendation includes $1.4 million for the National Offender Database, which stores the DNA profiles of convicted criminals.

The Internet has created numerous social and economic benefits in the United States and around the world. Unfortunately, it is also an efficient medium by which crimes can be committed.

The conference agreement includes an increase to $3.9 million for the FBI's Computer Analysis and Response Teams and $30.5 million for its digital storm program. In addition, we continue funding levels for the Field Computer Crime Intrusion Squads, which are highly trained computer experts available on demand to field offices. Finally, $5.5 million is recommended for the Special Technologies Applications Unit of the National Infrastructure Protection Center, a clearinghouse for Federal cases dealing with cyber crime.

We aggressively fund State and local law enforcement assistance, providing $2.8 billion.

COPS is funded at $1.03 billion. A large portion of this amount is for hiring initiatives. This high level of funding also allows law enforcement agencies to upgrade technology. For programs funded under the Crime Identification Technology Act, $130.0 million is available. There is an additional $140.0 million for non-CITA technology needs.

In order to get this bill passed without a veto, we have also provided $25.0 million for community prosecutors and $75.0 million for gun prosecutions. The agreement limited these funds to prosecutions of individuals who committed crimes with firearms.

Separate from COPS funding we provide funding for the programs that Congress traditionally supports. There is $523.0 million available for the Local Law Enforcement Block Grants, $569.0 million for the Edward Byrne Grants, and $686.5 million for State Prison Grants.

The last item I want to talk about in the Justice section of this bill is my proposal on how to prevent misuse of Social Security numbers.

We have incorporated language that will protect people from the improper use of Social Security numbers. We must protect individuals when access to an individual's most personal information is wrongly obtained.

A recent example of the gross misuse of a Social Security number happened in Nashua, New Hampshire, just one year ago. Amy Boyer was murdered by a stalker who was able to purchase her Social Security number on the Internet. The social security number gave him access to information so that he was able to track her down and kill her.

We have named the incorporated provision after Amy because its goal is to ensure that no more stalkers can easily use Social Security numbers for their nefarious acts. Amy Boyer's Law prohibits the display or sale to the public of any person's Social Security number without that individual's consent. It imposes civil and criminal penalties on those who violate this law.

This legislation, while banning improper or fraudulent uses of social security numbers, does preserve the legitimate uses of Social Security numbers by such groups as the National Center for Missing and Exploited Children, the Big Brothers/Big Sisters of America, and the Association for Children for the Enforcement of Support, ACES, as well as banks, insurance companies, and others who use these numbers to prevent fraud. I am confident that this legislation is crafted in such a way as to balance the many concerns surrounding the use of Social Security numbers. I believe that passing Amy Boyer's Law is one of the most important things that Congress can accomplish this year.

The next title in the bill is the Department of Commerce and its related agencies. Title II is funded at a level of $4.7 billion.

One of the primary functions of Commerce is to generate a comprehensive international trade policy for our country. Many agencies play a part in this effort. For the agency that has the lead on negotiating trade agreements, we provide $29.5 million for the United States Trade Representative, USTR.

To one of its supporting agencies, the International Trade Commission, we provide $48.1 million. Their statutory mandate also includes enforcing dumping and counterveiling duty actions in accordance with the World Trade Organization and General Agreement on Tariffs and Trade.

The International Trade Administration is responsible for promoting exports and provides information on Federal Government export assistance to individuals and businesses. We provide $337.4 million. This level includes additional funding to increase trade enforcement and compliance activities, in concert with USTR. Of particular importance are the funds included in this bill for compliance activities with respect to China, Japan, and the European Union. The bill also continues funding for the core programs within the agency.

The bill includes $64.9 million for the Bureau of Export Administration which is an increase of roughly $10.8 million over the fiscal year 2000 appropriation. The Committee increases funding for export cooperation for the implementation of the Chemical Weapons Convention.

Also, increased funds are provided to assist in export enforcement in the area of counterterrorism and computer export verification to ensure that high technology exports are being used for peaceful purposes and not for proliferation of weapons of mass destruction.

We are providing significantly less money this year for the census because most of the activities supporting the decennial census have been concluded. The Committee provides $433.6 million to conclude Census 2000 and maintain normal operations for fiscal year 2001.

The conference agreement provides funding to permit the initiation of an effort to include a measurement of electronic business in the fiscal year 2002 economic census. The Committee's funding level should also permit the Bureau to continue issuing key reports on manufacturing, general economic, and foreign trade statistics which are so important to the U.S. business community.

Moving on to the scientific side of the Commerce Department, this bill includes $100.4 million for the National Telecommunications and Information Administration. From within this funding, $43.5 million is for the public telecommunications grant program and $45.5 million is for information infrastructure grants.

The President believes solving the digital divide is a government obligation. He requested $50.0 million to provide new Home Internet Access grants. Neither the House nor Senate bills included funding for this program. However, the President made this a priority and raised it in discussions with us, so we have directed $30.0 million into the Information Infrastructure Grants as a compromise position.

However, I note that in an earlier age, public libraries were created to give those without the resources to maintain a personal book collection access to information. The Schools and Libraries program was created in 1996 to provide access to the Internet for every American visiting a library and to school children.

Just as Enoch Pratt and Andrew Carnegie endowed public libraries throughout the country, the high tech industry has the ability and the wealth to create an endowment for addressing the so-called digital divide. Every person in America who has a phone contributes to the Universal Service fund, which provides funds for the Schools and Libraries program. I do not believe that asking Americans to contribute additional funds to bring Internet access to homes is the way to solve the so-called digital divide.

One of the agencies whose goals is to stimulate economic competition and innovation is the National Institute for Standards and Technology, NIST. This agency provides industry with assistance to leverage their efforts in technological advances and infrastructure enhancements that benefit all of us by keeping U.S. companies on the cutting edge.

NIST's funding level is $598.3 million for fiscal year 2001. Of this amount, $312.6 million is for scientific and technical research and services programs; $155.0 million and carryover funding are available for the Advanced Technology Program (ATP), and $105.1 million for the Manufacturing Extension Program (MEP).

Also, $10 million is provided to develop new measurements, test methods, and guidelines to better protect the information technology elements of the Nation's critical infrastructure, of which our cyber infrastructure is a key component. NIST's research results are made publicly available so that all may benefit from its findings and suggestions.

Another agency within the Department with scientific expertise is the National Oceanic and Atmospheric Administration. The bill before you includes $2.6 billion for NOAA, and the five major line offices within NOAA are funded as follows: the National Ocean Service at a level of $290.0 million; the National Marine Fisheries Service (NMFS) at $517.0 million; the Office of Oceanic and Atmospheric Research at $323.0 million; the National Weather Service at $630.0 million; and, the National Environmental Satellite, Data and Information Service at a level of $125.0 million.

Within the National Ocean Service, $28.25 million for the National Estuarine Research Reserve program. We continue the efforts to reduce the backlog of NOAA mapping and charting as well as to map shorelines. The bill supports the Coastal Zone Management grants at a level of $52.0 million and the Great Lakes Environmental Research Lab at the Senate level of $7.0 million.

Under the National Marine Fisheries Service, we assist the collecting of scientific data on healthy fisheries as well as those that are threatened. Protection for threatened and endangered species continues. For NMFS Information, Collection, and Analysis programs, the bill provides $120 million.

The funding levels included in the bill for the Office of Oceanic and Atmospheric Research support several important programs of interest to the Senate. The Sea Grant College program continues at a level of $62.25 million and $15.8 million for the National Undersea Research Program.

Climate and Air Quality research is funded at $68.5 million. A new climate initiative was requested for fiscal year 2001, and while the conference could not support the total request of $24.0 million, there is a recommendation of $9.25 million for initiating the ocean observations component of the proposal.

The National Weather Service touches all of our lives, and provides the warnings to protect life and property. The Committee funds Weather Service Operations and Research and systems acquisitions at $630.8 million.

NOAA's National Environmental Satellite, Data and Information Service operates the satellites which provide data used by the Weather Service to track hurricanes and to provide guidance for forecasts and warnings. Funding of $125.0 million is provided for this office within NOAA in fiscal year 2001. In addition, funding is provided elsewhere in the bill for the acquisition of both geostationary and polar-orbiting satellites.

The next title in our bill covers the Judiciary. For the third branch of government we provide an increase to $4.25 billion. We provide conditional funding for the cost of living adjustment for the justices and judges. However, the Senate Committee language ending the ban on honoraria for judges was not incorporated into this final agreement.

Now, for the last department in this bill, we provide $6.6 billion to the State Department. This is an increase over the fiscal year 2000 level for the department.

After the Dar Es Salaam and Nairobi bombings, we poured funding into State Department security, but we emphasized the need for a cohesive plan that had the capability of being effective. The past performance of the Department and resulting plans have not allayed the misgivings we have about their handling of the billions of dollars we appropriate to them.

We are disturbed by the security breaches. The State Department was not just lax with security overseas, but that it has been less than stellar at its headquarters here in Washington. From losing 16 laptop computers and letting press agents roam unattended through its corridors, the State Department's security plans remain of grave concern. We are providing the funding but are not seeing improvements.

This bill gives the State Department substantial resources to address its requirements. The funding levels include $410 million for worldwide security under Diplomatic and Consular Programs. We also provide $663.0 million in security-related construction under the Embassy Security, Construction, and Maintenance account.

The agreement includes a sizeable increase over last year's levels for Cultural and Educational Exchange Programs, providing $231.6 million—an amount above the President's original request and the Senate and House levels. The funding is used to bring individuals together, professionally and culturally, to share experiences to foster peace and understanding among multiple countries and the United States. My colleagues may be familiar with the Fulbright, International Visitors, and English Teaching Fellows programs that are included in this account.

Lastly in State, we provide $299 million to cover our country's regular dues to the United Nations and $846 million for U.N. peacekeeping.

We remain concerned that the United Nations continues to levy peacekeeping payments against us based on a percentage system setup during the 1970s connected to estimates on what member countries could afford to pay for such ventures at that time. The United States contests millions of dollars in payments to the United Nations because their billing procedure is outdated and does not reflect the fiscal capacities of the current member states.

For decades, the United States has been levied to pay roughly one-third of peacekeeping efforts even though it is an obligation of all 188 United Nations members. We will continue to encourage other members who have rebuilt and financially recovered from the ravages of the Twentieth Century's wars. They must step up and take over a more proportionate share of the financial burden of current peacekeeping endeavors.

This bill contains a handful of related agencies that act independently of the departments within this bill, and comprise $2.2 billion of the total of this bill.

The first of these agencies is the Maritime Administration which is responsible for administering several programs for the maritime industry relating to U.S. foreign and domestic commerce and our national defense. The bill includes a total of $219.6 million for its efforts. Within this level, the Maritime Security Program receives $98.7 million. The Maritime Guaranteed Loan Program (Title XI) is funded at $34.0 million. In addition, $10.0 million in carryover balances from prior fiscal years are available for this purpose.

The final bill before you includes an increase over last year's funding level for the Federal Communications Commission to $230.0 million.

The Small Business Administration (SBA) is one of the larger independent agencies in this bill. We provide $837.0 million for the SBA. Within this amount, $88 million is appropriated for the Small Business Development Centers; $15.0 million for PRIME; $3.8 million for SCORE; and, $4.0 million for the Veteran's Outreach program.

For SBA's business loan program account, the bill provides a total of $294 million in fiscal year 2001. This funding level provides a program level of $10.4 billion for 7(a) loans.

For the SBA disaster loan program, a total of $186.5 million is included to cover loans and the administration of the program.

The last two agencies I want to mention are the Federal Trade Commission, FTC, and the Securities and Exchange Commission, SEC. We have given both these agencies increases this year, funding the FTC at a level of $147.2 million and the SEC at a level of $422.8 million. The Internet has caused a fundamental change to both these agencies as they try to put in place mechanisms to prevent fraud in the electronic market place.

The FTC has brought 100 cases against 300 companies and individuals for Internet fraud. As Internet access expands and more Internet businesses come on-line, the need for these agencies to have a strong presence in the market increases. There is a need to protect consumers, and particularly elderly consumers who are prone to attacks, from ever varying fraudulent schemes. In 1999, consumers were estimated to have spent $20.2 billion on line, and the expectation is that this number will grow almost exponentially over the next 4 years.

We are providing additional funding for investigators and prosecutors within both the SEC and FTC to grow with the impending surge of activity. We provide funding to expand Consumer Sentinel so that international law enforcement officers will have access to it.

The strong presence we promote throughout this bill in the cyber-world is not one derived from statutory and regulatory restrictions, but achieved instead through the presence of enforcers of existing laws that will aggressively seek out those who abuse the Internet. I have made a point of mentioning throughout this summation the key Internet initiatives within the agencies and departments because it is such a critical issue for all of us.

Its importance will continue to grow. We have bolstered Federal agencies' efforts to stay on top of Internet advancements and maintain functionality in the technological world.

This bill effectively uses our resources to provide adequate funding for the agencies under our jurisdiction. It addresses the most pressing needs that were brought to our attention by the Administration and by my colleagues. Chairman ROGERS, the Ranking Members, and I have worked together with the members of the Committee to craft a bipartisan bill to recommend to both our houses. I do want to thank my colleague from South Carolina for his efforts in creating this bill. He remains a leader on many of the issues we address. I urge my colleagues to adopt this funding agreement.

Madam President, I would also like to acknowledge today the dedication of one of the staffers who drafted portions of this effort who has retired from Federal service.

Paddy Link served on the Committee for 4 years dealing with the Federal Communications Commission, FCC, the Commerce Department, the Small Business Administration, and many other agencies. She was an expert in FCC and NOAA. Her astute evaluation and handling of technical concepts made her a valued part of the Committee. She has in-depth knowledge of the people and issues in the areas she worked on which gave her much appreciated insight on the issues the Committee had to tackle.

She provided decades of Federal service, starting as staff in the House of Representatives, moving to the Department of Commerce as a congressional liaison officer and then to be the director of the office of legislative affairs for the National Oceanographic and Atmospheric Administration. Most recently before her time with Appropriations, Paddy was the staff director of the Senate Commerce Committee under former Chairman Larry Pressler and had a critical role in writing and passing the Telecommunications Act of 1996.

We miss her political acumen as well as her sense of humor. We wish her the best of luck in the future.

Mr. HOLLINGS. Mr. President, the Broadwave affiliates of Northpoint Technology proposes to share the spectrum currently being used by the Direct Broadcast Satellite (DBS) services in the 12.2–12.7 GHz frequency bands. Through the use of its technology in the 12.2–12.7 GHz band, Northpoint has the potential to provide much needed competition to cable by offering low cost multichannel video services and high-speed Internet access.

A provision, however, addressing sharing issues in the 12.2–12.7 GHz band has been added to the "Launching Our Communities' Access to Local Television Act of 2000" (also referred to as the Rural Loan Guarantee bill). Section 12 of this Act imposes three general requirements. First, it requires that a terrestrial wireless applicant proposing to use the 12.2–12.7 GHz band have its technology subjected to an independent demonstration or have its technical showings subjected to an independent analysis to determine whether the technology will cause harmful interference to DBS operators. Second, the Federal Communications Commission is required to select an independent engineering firm recommended by the IEEE or other similar body to analyze the technologies proposed in the pending wireless terrestrial applications. Third, the demonstration or analysis must be concluded within 60 days of enactment of the Rural Loan Guarantee bill and the comment cycle cannot exceed an additional 30 days. Lastly, I want to note that enactment of this provision by Congress does not release the FCC from its obligations under section 2002 of SHIVA.

In my home state of South Carolina, there are Broadwave affiliates awaiting regulatory approval so that they can begin to provide service. Therefore, I expect that the testing required under the Rural Loan Guarantee legislation will constitute the final interference analysis needed to evaluate sharing requirements between terrestrial applicants with pending applications and existing DBS service providers. Moving this proceeding forward is important, because if Northpoint is able to obtain the necessary regulatory authorizations, it will not only be able to provide competition to cable, but through its affiliate structure, it also will afford small businesses an opportunity to participate in a vibrant segment of the communications marketplace.

Mr. INOUYE. Mr. President, in 1992, Congress enacted legislation regulating the cable industry because of the lack of competition and the resulting high rates. In 1996, Congress anticipating that competition would replace regulation in restraining prices, passed legislation terminating the FCC's right to regulate the price of basic cable in March 1999. Unfortunately, competition has not emerged as fully as I would have liked. According to the FCC's latest report only 157 communities out of 33,000 communities across America have "effective competition." In fact, in many communities in Hawaii, consumers have no cable service at all.

Northpoint Technology and its Broadwave affiliates want to provide low cost multi-channel video and data services in every television market in the United States. Therefore, it is critical that Congress and the FCC take the actions necessary to resolve sharing and other technical and policy issues quickly with respect to the applications of the Broadwave affiliates. Furthermore, these applications are subject to a Congressional mandate (Section 2002 of S. 1948, the Satellite Home Viewer Improvement Act) that requires the FCC by November 29, 2000 to grant or deny applications such as those of the Broadwave affiliates, that can provide television service in rural areas. The technical sharing analysis required by the "Launching Our Communities' Access to Local Television Act of 2000" does not obviate the legislative obligation imposed by S. 1948. Therefore, the FCC should do whatever is necessary to meet its November 29, 2000 obligations.

Mr. KERRY. Mr. President, I am pleased that the controversy surrounding Section 12 of this bill, Section 1012 of Commerce, Justice, State and the Judiciary Appropriations conference report, has been resolved. Although I believe the new provision is unnecessary, I hope that requiring a technical demonstration to resolve harmful interference questions in the 12.2 GHz band will put this issue to rest. However, let me be clear that I support Section 12 with the understanding that it does not supercede or otherwise impact relevant provisions in the Satellite Home Viewers Improvement Act (Public Law 106–113, 113 Stat 1501)) which require the FCC to complete by November 29, 2000, the processing of applications and other authorizations for local facilities that can provide local television and broadband services to rural and underserved areas.

Northpoint Technology and its 69 Broadwave affiliates applied on January 8, 1999, to provide lower cost multichannel video and data services in every television market in the United States. Northpoint's technology is particularly innovative and accomplishes something that is unique in telecommunications history. Using Northpoint's patented system, the Broadwave affiliates will be able to reuse the 12.2–12.7 band without the need to relocate existing users DirecTV and Echostar.

Northpoint Technology through its Broadwave affiliates will offer consumers in Boston and several other markets the benefits of true competition in the marketplace for multichannel video programming and data services. In the Telecommunications Act of 1996, Congress established March 1999 as the sunset on the FCC's authority to regulate the price of basic cable service. Congress took this action with the anticipation that competition would replace regulation in restraining prices and improving quality in the video programming marketplace. The rapid introduction of Broadwave service to communities across America will go a long way toward achieving the goals of the 1996 Act and ensuring that consumers enjoy the fruits of competition including greater choice, lower prices and quality service.

Mr. KOHL. Madam President, I rise today in support of the Hart-Scott-Rodino Act reform included in the Commerce-Justice-State Appropriations Bill. Our provision updates the law, which hadn't been adjusted for inflation since it was enacted in 1976, and makes several improvements to the merger review process undertaken by the Antitrust Division of the Department of Justice and the Federal Trade Commission. It is a bipartisan measure, authored by Senators HATCH, LEAHY, DEWINE and myself and Representatives HYDE and CONYERS, and it deserves our support.

The Hart-Scott-Rodino Act is crucial to the enforcement of competition policy in today's economy—it ensures that the antitrust agencies have sufficient time to review mergers and acquisitions prior to their completion. The statute requires that, prior to consummating a merger or acquisition of a certain minimum size, the companies involved must formally notify the antitrust agencies and must provide certain information regarding the proposed transaction. For those transactions covered by the Act, the parties to a merger or acquisition may not close their transaction until the expiration of a waiting period after making their Hart-Scott-Rodino Act filing. It also authorizes the government to subpoena additional information from merging parties so that the government has sufficient information to complete its merger analysis.

While this statute has a very laudable purpose, especially with the tremendous numbers of mergers and acquisitions taking place in recent years, some of its provisions are in need of revision. Most importantly, while inflation has caused the value of a dollar to drop by more than a half in the past 25 years, the monetary test that subjects a transaction to the provisions of the statute has not been revised since the law's enactment in 1976. As a result, many transactions that are of a relatively small size and pose little antitrust concerns are nevertheless swept into the ambit of the Hart-Scott-Rodino review process. This legislation updates this statute to better fit into today's economy by raising the minimum size of transaction covered by the Hart-Scott-Rodino Act from $15 million to $50 million. This will both lessen the agencies' burden of reviewing small transactions unlikely to seriously affect competition and enable the agencies to allocate their resources to properly focus on those transactions most worthy of scrutiny.

Further, exempting smaller transactions from the Hart-Scott-Rodino process will significantly lessen regulatory burdens and expenses imposed on small businesses. The parties to these smaller transactions will no longer need to pay the $45,000 filing fee—or face the often even more onerous legal fees and other expenses typically incurred in preparing a Hart-Scott-Rodino filing—for mergers and acquisitions that usually don't pose any competitive concerns.

In exempting this class of transactions from Hart-Scott-Rodino review, however, it is important that we not cause the antitrust agencies to lose the funding they need to carry out their increasingly demanding mission of enforcing the nation's antitrust laws. This bill will reduce the number of Hart-Scott-Rodino filings and therefore reduce the revenues generated by these filings if the filing fees were kept at their present level. Of course, in a perfect world, we wouldn't finance the Antitrust Division and the FTC on the backs of these filing fees. But because they are a fact of life, the antitrust agencies should not be penalized by these reforms by suffering such a reduction in revenues. As a result, in order to assure that this reform is revenue neutral, we have worked with the Appropriations Committee to ensure that this bill raises the filing fees for the largest transactions. Consequently, filing fees are to be increased for transactions valued at over $100,000,000, which makes sense because these transactions require more scrutiny.

This legislation makes other changes designed to enhance the efficiency of the pre-merger review process. The waiting period has been extended from twenty to thirty days after the parties' compliance with the government's request for additional information, a more realistic waiting period in this era of increasingly complex mergers generating enormous amounts of relevant information and documents. And, as in the Federal Rules of Civil Procedure, when a deadline for governmental action occurs on a weekend or holiday, the deadline is extended to the next business day. This simple provision will eliminate gamesmanship by parties who currently may time their compliance so that the waiting period ends on a weekend or holiday, effectively shortening the waiting period to the previous business day.

Finally, in recent years many have expressed concerns regarding the difficulties and expense imposed on business in complying with allegedly overly burdensome or duplicative government requests for additional information. So our legislation also contains carefully crafted provisions to ensure that business is not faced with unduly burdensome or overbroad requests for information, while assuring that the antitrust agencies' ability to obtain the information necessary to carry out a merger investigation is not hampered. Specifically, our legislation mandates that the FTC and Antitrust Division designate a senior official who does not have direct authority for the review of any enforcement recommendation to be designated to hear appeals to the appropriateness of the government's information requests the so called "Second Requests". The bill also sets forth the specific standards that this senior official is to utilize when considering such an appeal and mandates that these appeals be heard in an expedited manner.

In sum, I believe this legislation to be a reasonable and well balanced reform of our government's vital merger review procedures. It will make long overdue adjustments in the filing thresholds—ensuring review of those mergers in most need of governmental scrutiny while reducing the burden and expense on government and private parties by exempting smaller transactions from often expensive and time consuming pre-merger filings. It will also significantly reform the merger review process to ensure that the government has sufficient time to analyze increasing complex merger transactions, while also adding protections so that private parties do not face unduly burdensome or duplicative information requests. I urge swift passage of this measure.

Mrs. HUTCHISON. Madam President, today we are considering the Conference report for the District of Columbia. This conference report also includes the Commerce, Justice, State appropriations act.

We crafted a good bill in conference.

We have fully funded the D.C. tuition program—which allows D.C. high school students greater educational choices beyond the border of this City.

We have fully funded the new metro station in the New York Avenue corridor, which I know is important to the economic development of the City.

We have $3 million in funding for the Poplar Point environmental clean up.

We have increased funding for the Courts. The salaries of Court employees are 19 percent below the level of federal court employees—thus—it is becoming increasingly difficult to keep a quality workforce.

Our bill also increases the budget for offender services so that we continue the program of drug testing and treatment for offenders who are on probation or awaiting trial.

Much as been said in the past about "riders" to the District budget. This year, we have eliminated over 30 of last year's riders.

The bill will authorize the District's planned tobacco securitization program—the proceeds of which will be used to reduce debt or build reserves.

With respect to the District's reserves, we have restructured the reserve funds of the District so they can function more efficiently. This is probably the most important reform in this bill.

The District is supposed to hold a $150 million reserve now—and a budget surplus of 4 percent of revenues.

But we found last year that the District wanted to dip into the emergency reserve funds for things that are considered ordinary expenses. We also found that the reserves were really hollow—entirely dependent on how much cash flow the District had on any given day.

I didn't think this was good enough for this City. The bond markets want and need reassurance that the District's financial turnaround is sound.

We have restructured the District's reserves so that they will have both an emergency reserve and a contingency reserve. This is modeled on the practices of other cities. And, most importantly, when established, these reserves will be in cash and will be held in separate accounts, earning interest.

The contingency reserve, which will be 3 percent of their budget, is for unanticipated expenses, like court orders, new federal mandates or extremely bad weather. It will be more flexible.

The emergency reserve, which will be 4 percent of their budget, is for extraordinary needs, like natural disasters. It will be the backing for the financial soundness we seek.

In consultation with the CFO and the Mayor, we allow the District a seven year glide path to establish these reserves, but both have assured me the tobacco securitization program will be used to fund this emergency requirement now. There could be no better use than this and debt reduction.

The District has had a dramatic financial recovery. I consider this the last leg of the financial plan. This will serve as a true "rainy day" fund—one that is ready and able to be tapped in those circumstances.

To conclude, although the President has indicated he has reservations about the CJS bill—he has indicated that the D.C. portion of the conference report is a bill he would sign.

Madam President, let me now turn to the Commerce, Justice, State provisions.

I want to thank the Chairman and the Ranking Member for their work on this bill. They have worked very hard to put more federal resources on our border, though we still have a long way to go.

These are not resources just for Texas. The drugs that come into the United States along the Southwest border will find their way into every city in the United States. The Southwest border is ground zero in the war against drugs.

Making our border more secure—makes every American city more secure from the scourge of drugs.

The Conference report provides for the hiring of over 400 new border agents. I would have preferred a higher number—but the Administration has dragged its feet on higher agents in the past—so we know this is a realistic goal for next year.

It provides $15 million in equipment upgrades for the border patrol.

It provides greater funding for DEA, with emphasis on helping drug threats at the State and local level.

The Conference report also addresses the "upstream" effect of more law enforcement on the border.

What has happened is this: as we have increased our law enforcement presence on the border—a strain has been felt on our judiciary system.

This bill provides for 13 new U.S. Attorneys along the Southwest border—where they are desperately needed. The five U.S. courts along the border are the busiest courts in the Nation—handling 26 percent of all the criminal cases in the United States. These new positions are desperately needed.

The bill also provides for two new Federal judges one in the Southern and one in the Western judicial district in Texas. I sponsored the bill to create 13 new judgeships along the border. I would have preferred the full number of judgeships, but I am pleased the Committee has accommodated the need for new judges in my State.

The bill does not provide badly needed salary increases for border patrol agents, which the Senate has passed and fought to produce. I will continue to press to bring our Border Patrol in line with all other border government salary schedules.

It is regrettable that the President has threatened to veto this bill, particularly over the immigration provision. I believe we have struck a balanced approach on this issue in this bill.

President Clinton's plan would grant broad amnesty to immigrants that arrived between 1982 and 1986. Our Border Patrol Officers have said "a new amnesty would encourage innumerable others to break our laws in the future." I couldn't agree more.

Our proposal would provide greater due process to those who believe they were wrongly denied amnesty. We also shorten the waiting period for spouses and children to join their relatives in the United States. These relatives will likely be able to immigrate legally soon, but we allow them to come to the U.S. while their petitions are awaiting action. This is a reasonable proposal the President should accept.

Madam President, I will yield the floor and urge my colleagues to support the bill.

Mrs. HUTCHISON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS), and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—49

Abraham
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Byrd
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—42

Akaka
Allard
Bayh
Biden
Bingaman
Boxer
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Edwards
Feingold
Graham
Grassley
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Torricelli
Wellstone
Wyden

NOT VOTING—9

Ashcroft
Burns
Durbin
Feinstein
Grams
Helms
Lieberman
McCain
Roth

The conference report was agreed to.

Mr. CRAIG. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.J. Res. 117) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Ms. LANDRIEU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. ROTH), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Illinois (Mr. DURBIN) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—86

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Leahy
Nickles
Stevens

NOT VOTING—11

Ashcroft
Burns
Durbin
Feinstein
Grams
Helms
Hutchison
Lieberman
McCain
Roth
Sessions

The bill (H.J. Res. 117) was passed.

Mr. LOTT. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR SATURDAY, OCTOBER 28, AND SUNDAY, OCTOBER 29, 2000

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Saturday, and immediately following the routine convening requests, the Senate proceed to the continuing resolution and a vote occur without any intervening action, motion, or debate on passage of the House joint resolution.

I further ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 5 p.m. on Sunday, and immediately following the routine convening requests, the Senate proceed to the House joint resolution regarding continuing of Government funding, and time between then and the vote be equally divided, and following the use of the time, a vote occur, without any intervening action, motion, or debate on passage of the House joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Therefore, unless an additional consent can be granted—and I will continue to work on that, along with Senator DASCHLE and Senator REID and others—the next two votes will be at approximately 9:30 a.m. on Saturday and approximately 7 p.m. on Sunday. The reason for those times is we understand now that the House will be voting on those continuing resolutions around 9 o'clock or so on Saturday and around 6 o'clock or so on Sunday.

I still hope that when we vote tomorrow, we could prevail upon those who insist on a vote on Sunday night to consider doing a continuing resolution that would take us over until Monday night for the next continuing resolution.

In the meantime, the members of the Appropriations Committee are going to be meeting further this afternoon on the Labor, HHS, and Education appropriations conference report. I am sure other issues will be discussed and other discussions will occur with regard to the tax bill. Also, the Commerce-State-Justice conference report just passed. It is our intent to take up the Tax Relief Act early next week. We haven't locked in a time yet because there is no necessity for it at this moment. I know as many Senators as possible will want to be here and know when the vote is coming. I presume that would probably be sometime during the day Tuesday—probably late afternoon—but we will talk about that. Members will have as much advance notice on that as possible.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for morning business, with Members permitted to speak therein for 10 minutes each, with the exception of the Senator from Utah, Mr. HATCH, for up to 30 minutes and Senator KERREY of Nebraska for up to 30 minutes.

Mr. DASCHLE. Reserving the right to object—and I have no intention of objecting—the distinguished deputy Democratic leader noted that he had a number of requests to speak on Sunday. I wonder if the majority leader would mind if we move the time from 5 to 4 to accommodate speakers who wish to come in.

Mr. LOTT. We could perhaps go later Sunday night. I think we can accommodate that. Give me a chance to see if there is any problem because I already told people it is going to be 5. I will get back to the Senator. We will try to accommodate that. I guess some Senators would want to speak late Sunday afternoon. I can't imagine who it would be, but perhaps some would. Give me a few minutes.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I modify the earlier request and ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 4 p.m. on Sunday, and immediately following the routine convening requests, the Senate proceed to the House joint resolution regarding continuing of Government funding and the time between then and 7 p.m. be equally divided, and following the use of any time, a vote occur, without any intervening action, motion, or debate, on passage of the House joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SECRETARY OF DEFENSE WILLIAM S. COHEN

Mr. THURMOND. Mr. President, in a few short hours the 106th Congress will be a part of the history of this great Nation. As we resolutely work toward the goal of adjournment, I want to take a few moments to pay tribute to Secretary of Defense William S. Cohen, our former colleague and the nation's 20th Secretary of Defense.

Secretary Cohen, better known as "Bill" to all of us, has since January 24, 1997, been at the helm of the Department of Defense and the leader of the greatest military force in the history of our great Nation. His tenure as Secretary of Defense will be marked by great advances in the quality of life for our military personnel and their families, the refocusing of the Department of Defense to the new threats of weapons of mass destruction and cyber-terrorism, and, more importantly, assuring this Nation's position as the world's only super power.

Bill Cohen is a Renaissance Man of the same mold as the founders of this Nation. A forward thinker who has been an influential voice on defense and security issues since he was first elected to the House of Representatives from Maine's Second Congressional District in 1973. During his eighteen years as a United States Senator representing the State of Maine, Bill Cohen played a leading role in defense matters while a member of the Senate Armed Services Committee. Not only was he a key sponsor of the Goldwater-Nichols Defense Reorganization Act of 1986, but also the GI Bill of 1984, the Intelligence Oversight Reform Act of 1991, the Competition in Contracting Act of 1984 and the Federal Acquisition Reform Act of 1996.

His long and distinguished service to the Nation and the State of Maine, both as a legislator and Secretary of Defense, will serve as a lasting tribute to William S. Cohen. I congratulate him on his long and distinguished career and thank him for the courtesies and friendship he extended to me during his service in the Senate and as Secretary of Defense.

RETIREMENT OF OFFICER OLIVER "ANDY" ANDERS FROM THE UNITED STATES CAPITOL POLICE FORCE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a praiseworthy individual who has dedicated his life to serving the people of this Nation as an officer on the United States Capitol Police Force, Officer Oliver "Andy" Anders. Andy will be retiring from the Capitol Police on November 3, 2000, after 26 years of faithful service. His presence will be missed throughout the halls of Congress.

Over the last three decades I have had the opportunity to get to know Andy. For many years, he greeted me at the doors of the Senate chamber where he stood sentry. I always appreciated having the opportunity to chat with this friendly native of Greer, South Carolina, and I admired the professionalism he demonstrated throughout his tenure.

Too often we fail to properly thank the courageous men and women who, like Officer Anders, serve on the Capitol Police Force. These fine individuals make countless sacrifices to protect and serve both the daily visitors and the workers at the Capitol. They are on guard 24 hours a day, 7 days a week, 365 days a year, providing a vital service so that we can walk these hollowed halls without fear. These officers have continuously displayed integrity and honor, and I commend them for their dedicated service. We are truly in their debt.

At this time, I ask that my colleagues join me in wishing Officer Anders health, happiness, and success in all of his future endeavors. He has served his Nation well, and we are grateful for his assistance.

VICTIMS OF GUN VIOLENCE

Mr. KENNEDY. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 27, 1999:

Ioniaferrio Bolton, 26, Dallas, TX;
Donal Bryant, 31, Dallas, TX;
Merritt J. Copenhefer, 41, Madison, WI;
Aurelio Enciso-Murillo, 40, Oakland, CA;
Angel Garcia, 21, Philadelphia, PA;
Anthony McCullough, 25, Philadelphia, PA;
Audley McIntosh, 49, Dallas, TX;
Donald McNeil, 16, Philadelphia, PA;
Jerome Oakley, 18, Baltimore, MD;
Joseph Transon, 19, Baltimore, MD;
Tyree Turner, 19, Philadelphia, PA;
Paul Vo, 30, Houston, TX; and
Unidentified Male, 52, Charlotte, NC.

One of the victims of gun violence I mentioned, 16-year-old Donald McNeil of Philadelphia, was shot and killed one year ago today by another teenager in what police said was an argument over a girl.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

FAREWELL TO RETIRING SENATORS

Mr. HATCH. Mr. President, the Bible says in Ecclesiastes, "To everything there is a season, a time for every purpose under heaven." And, now, as the 106th Congress is coming to a close, the hour has come to pay tribute to five distinguished colleagues—Senators with whom I have had the honor and pleasure of working. These gentlemen of the Senate have decided that it is now time to embark on a new chapter in their lives.

Each in his own way has left behind a part of their vision for America and has influenced the course of our country.

The Senate Finance Committee is seeing a great exodus as four of the five Senators retiring served this Committee. I will certainly miss their participation on this committee and the leadership on key issues.

DANIEL PATRICK MOYNIHAN and I were elected to the Senate from our respective states in the same year—1976. So we two freshman learned the ways of this august body at the same time. And, I have to say to my colleagues who have more recently been elected to this body, that was no minor education. We began our Senate service with giants like James O. Eastland, Barry Goldwater, Hubert Humphrey, and Howard Baker.

The difference was that PAT MOYNIHAN had already had a distinguished career in public service having served as urban affairs advisor to President Nixon and as Ambassador to India and the United Nations. I have always had great admiration for his strong character, great intellect and exceptional diplomacy—particularly on those occasions when it was between warring political parties, not countries.

Senator MOYNIHAN is famous for spotting emerging issues long before anyone else. He has been warning for years that Social Security needs reform. He has urged reform of the alternative minimum tax, and worked tirelessly in the effort to reform a broken welfare system.

On the candor scale, Senator ROBERT KERREY would rank near the top. That is a commodity sadly lacking in many circles—and not just in government, but in business and academia as well. BOB KERREY has been as courageous about sharing his opinions as he was when serving in the Vietnam war, during which he was awarded a Purple Heart, Bronze Star, and our nation's highest honor, the Congressional of Medal of Honor.

He left the governorship of Nebraska with a 70 percent approval rating, which tells us something about his record of employing common sense and exercising integrity in governance. Nebraskans are no nonsense, hard-working people. They would not have tolerated any less.

BOB KERREY has put those same virtues to work in the Senate, particularly in our bipartisan efforts to reform Social Security and Medicare as well as the IRS.

I am going to miss my colleague from the West, Senator RICHARD BRYAN. Though we have not agreed on every issue—who does?—we have a common appreciation for the impact of federal policy on the western states.

I was also most appreciative and grateful for his honest, straightforward, and thorough leadership of the Senate Ethics Committee—no doubt one of the more thankless jobs in the Senate. But, every senator, regardless of political party, could be assured that, if wrongs had been committed, they would certainly be found out. If allegations were false, the verdict would be made clear to all.

Senator FRANK LAUTENBERG, like me, is living proof that the American dream can come true. His hard work, determination, and ingenuity brought him from humble beginnings to build with two partners the Automatic Data Processing (ADP) Company, which became the world's largest computing services company.

I was pleased to work with Senator LAUTENBERG on legislation to prohibit smoking on public transportation. He has been a tireless worker in the war to prevent teenage smoking.

To my Democratic colleagues, Senators LAUTENBERG, MOYNIHAN, BRYAN and KERREY: We have battled through many issues, each of us committed to doing what we believed was best for America and for our respective states. There has never been a dull moment. It has been a privilege to work with you.

Last but not least, I have to bid farewell to my fellow Republican and Finance Committee member, Senator CONNIE MACK. His friendship, leadership, and dedication to furthering the causes of fiscal responsibility, governmental accountability, and medical research will be greatly missed.

Senator MACK has successfully fought for Florida's concerns and kept his campaign promise of "less taxing, less spending, less government and more freedom," which resulted in 70 percent of the vote in 1994, more than any other Republican Senatorial candidate in the Nation.

The Roman politician Cicero states, "It is the character of a brave and resolute man not to be ruffled by adversity and not to desert his post."

I believe Senator MACK has been this exemplary leader; and, instead of faltering like most men, Senator MACK had the ability to rise above not one, but three, personal battles with cancer—his wife's, his daughter's and his own. Senator MACK lost his mother, father and younger brother to cancer. This history makes the Mack's the poster family for early detection, a role they have indefatigably played.

Drawing from this experience, Senator MACK has fought to double the funding for National Institute of Health (NIH) in order to step up the search for a cure for cancer as well as other diseases that plague our families and society today. This is a goal I will continue to support not as a legacy for CONNIE MACK, but inspired by him and his family.

It has been a pleasure and an honor to serve with these men, and I want to take this opportunity to bid farewell and best wishes to our colleagues as they begin what I hope will be a very rewarding retirement.

INFORMATION SYSTEMS SECURITY

Mr. HOLLINGS. Mr. President, the General Accounting Office recently concluded that formal software management policies at eight of the sixteen U.S. Federal agencies they investigated were found to be inadequate and that controls over access to software codes were weak. I am convinced that the information systems used by the Department of Defense are critical components of the warfighting capability of the United States. Off-the-shelf and customized software is critical to the functioning of these systems. I rise today to express my concern that the security and integrity of critical government systems could be at great risk if their operational software has been procured or developed outside the United States or without proper oversight and control. I have read, with growing concern, a number of news articles that suggest that foreign software acquisitions can have potentially catastrophic consequences on both classified and unclassified national information management systems used by Federal agencies for sensitive applications.

I would like to cite just few examples to illustrate my point. An article in the February 16, 2000, Washington Post discussed the State Department's purchase of an unclassified, but sensitive, business operations system with software code developed by former citizens of the Soviet Union. According to the article, State withdrew the system from their embassies worldwide because they were concerned that hidden code might have been added during development and fielding. The final paragraph of the article states: "The lesson of State's fiasco is simple—but so important it should be hard-wired: As people and organizations grow more dependent on computers, they become more vulnerable. It's easy to forget that every line of code can be a potential spy or saboteur."

On March 2, 2000, the New York Times reported that Japanese software suppliers associated with the terrorist sect responsible for the Tokyo subway nerve gas attack had sold software programs to several Japanese government agencies, to include their Defense Ministry. According to the article, the agencies and companies that ordered the software were unaware that the sect was involved because the principal suppliers had sub-contracted the work to others. As recently as June 19, 2000, the Defense News reported that two German defense industry employees were convicted of selling missile secrets to Russia. A software provider could have easily employed these "spies." Unfortunately, this is not a new phenomenon. On October 24, 1999, as we prepared for the Y2K transition, the Los Angeles Times ran an article citing concerns by security experts that the use of foreign contractors for Y2K solutions could have placed critical systems at risk. The article reports that, in the words of one government security expert, "The use of untested foreign sources for Y2K remediation has created a unique opportunity for foreign countries or companies to access and disrupt sensitive national security and proprietary information systems." The GAO further maintained that background screening policies for personnel involved in Y2K remediation were lacking or inadequate despite at least 85 Federal contracts being completed using foreign nationals.

The Department of Defense routinely purchases software developed by foreign companies. The Department is often unaware of that fact. For many of its unclassified, but critically important, business operating systems, government agencies contract with a systems integrator. The integrator then selects the software system to be installed as part of the operating system. The Agencies are often not aware that the software was developed in a foreign country, by foreign developers, and perhaps, even in a foreign language. I believe that, at a minimum, the provision of software produced by a U.S. company (or at least software controlled by a U.S. company) should be a consideration in the acquisition process. Encouraging the Defense Department (and other Government agencies) to at least consider the origin and ownership of source codes will not eliminate vulnerability, but it is a step in the right direction. Additionally, it reinforces software development as a key component of our defense industrial base. For that reason, I urge the Administration to put in place protocols in the selection process that consider the origin of all source codes used in the development of information systems acquired or developed. This should include those acquisitions arranged via sub-contracts by prime contractors or system integrators.

SUPPORT FOR CHINA COMMISSION INCREASED FUNDING

Mr. BAUCUS. Mr. President, I rise today to speak to the Commerce, State and Justice Appropriations Conference report's recommendation which provides $500,000 for the congressional-executive commission on China. This noteworthy commission was established in Title III of the China/PNTR bill, which the Senate passed with a strong majority and the President signed into law just two weeks ago.

It is my understanding that the Commission would normally require a funding level of at least $1.3 million. However, this year the conferees allocated a lesser amount based on the fact that the Commission will operate for less than a full year in FY2001.

Without a doubt, we should fully support the Commission at its requested level of $1.3 million in FY2002 and subsequent years once members have been appointed, staff hired and the operation is fully functional for an entire fiscal year. While the initial request of $500,000 is sufficient for the start-up operation of the Commission, it falls far short of the amount required by its enabling legislation and our congressional intent.

Passage of PNTR for China is one of the most significant pieces of legislation this Congress has passed in this decade. The Commission will play an essential role in the oversight of its implementation and China's adherence to its international obligations.

Again, Mr. President, I support funding accorded by the CJS Appropriations bill for FY2001 and will further support increased funding of at least $1.3 million in the next and following fiscal years.

SENATOR DANIEL PATRICK MOYNIHAN

Mrs. BOXER. Mr. President, the Senate will soon bid a fond farewell to one of its most distinguished members, the senior Senator from New York. I rise today to bid him adieu.

As we all know, DANIEL PATRICK MOYNIHAN is the Senate's Renaissance Man, a man of dazzling intelligence and accomplishments in many arenas of public life. A scholar, an author, a teacher, a statesman, a Senator: he is—to paraphrase President Kennedy's comment on Thomas Jefferson—perhaps the most extraordinary collection of talent, of human knowledge, that has ever graced the United States Senate. This body and every one of its members have been touched by his grace, and we shall all be ever the richer for the days he spent with us.

I have enjoyed the additional pleasure of serving with Senator MOYNIHAN on the Environment and Public Works Committee. In past years, as Chairman of the Committee, he raised public awareness on the issue of acid rain. In doing so, he broadened our horizons by greatly expanding our understanding of the far-reaching effects that human actions can have on the environment and the effects that environmental degradation can have on human beings.

Mr. President, I know that Senator MOYNIHAN has much more to offer his country, and I hope that he will long continue to give the Senate the benefit of his peerless intellect, insight, and experience.

SENATOR RICHARD H. BRYAN

Mrs. BOXER. Mr. President, I rise today to pay tribute to my good friend, California's good neighbor, and our distinguished colleague, Senator RICHARD H. BRYAN of Nevada.

With his impending retirement from the Senate, Senator BRYAN will culminate 36 years of public service at the local, state, and national levels. He has served the people of Nevada as a district attorney, public defender, state legislator, state attorney general, governor, and United States Senator. Throughout his career, he has been known for his intelligence, integrity, and good sense.

During his two terms in the Senate, DICK BRYAN has addressed a variety of national issues without forgetting the people of his state. He has been a leading champion of American consumers, fashioning laws to require air bags in automobiles, protect Internet privacy, reduce telemarketing fraud, and reduce errors in personal credit reports. He has fought for American taxpayers by working to reduce wasteful spending, eliminate special-interest subsidies, and balance the Federal budget.

Senator BRYAN has been a vigilant and tireless protector of Nevada's environment, working to save Lake Tahoe and prevent the construction of a nuclear waste storage facility at the Nevada Test Site. Earlier this month, he won another victory for his home State's environment with the passage of the Black Rock Desert—High Rock Canyon Emigrant Trails National Conservation Area Act, which will provide added protection to nearly 800,000 acres of federal land in northwestern Nevada.

Senator BRYAN is a gentleman, a man known for his ability to work with people of all parties and persuasions. In bidding him farewell, I hope that the Senate will carry on his spirit of comity, courtesy, and bipartisanship.

SENATOR FRANK LAUTENBERG

Mrs. BOXER. Mr. President, I rise today to bid farewell to the senior Senator from New Jersey: my dear friend and distinguished colleague, Senator FRANK LAUTENBERG.

This is a bittersweet occasion for me—sad because FRANK will be leaving us soon, but sweet because he leaves us with so many fond memories and such a great example of what it means to serve the American people through this great institution.

FRANK LAUTENBERG has been one of my closest friends in the Senate. He has also been my colleague, confidante, mentor, and role model. Intensely patriotic and ethical, he takes his role as legislator very seriously without taking himself too seriously. A man of deep and wide-ranging intellect, he is quick to grasp the essentials of any issue before the Senate yet slow to criticize others, even those with whom he disagrees. A tolerant and benevolent man, he is ever ready to compromise in the name of harmony yet firm in his core beliefs and steadfast in acting on them.

Frank Lautenberg is a living embodiment of the American Dream. The son of poor immigrants, he served in World War II, graduated from Columbia University on the G.I. Bill, went into business with friends and developed one of the world's leading computer services companies. He chose public service not as a career move but as a way of giving something back to the people of his state and nation.

During his three terms in the Senate, Frank Lautenberg has worked to defend and improve the health, safety, and security of every American family. He wrote the laws to raise the national drinking age, ban smoking on airplanes, toughen the standards on drunk driving, and prevent anyone convicted of domestic violence from owning a gun. He helped write the Superfund, Clean Air, and Safe Drinking Water Acts. And he co-authored the Balanced Budget Agreement of 1997, which put America on the path to sustaining Social Security and Medicare.

Frank Lautenberg served the public good before he came to the Senate, and he will do so long after he leaves us. He founded the Lautenberg Center for General and Tumor Immunology three decades ago, and he continues to support its work as one of the world's leading cancer research institutions. A noted philanthropist, he continues to support charitable work in education, the environment, the arts, and the Jewish community.

Mr. President, Frank Lautenberg is someone I could point out to my grandson and say, "There is a man." He is a great human being, a great American, and a great Senator. His departure will be a great loss to the Senate, but his presence has been a great gift to us all. I thank him for all that he has done for me, for this body, and for the people of the United States.

SENATOR ROBERT KERREY

Mrs. BOXER. Mr. President, I rise today to bid farewell to Senator Robert Kerrey, a distinguished friend and colleague who will be leaving the Senate at the close of this Congress.

Bob Kerrey is a true American hero, a man of great physical and political courage. We all know about his heroism on the battlefield, though he rarely mentions it and does nothing to solicit the admiration showered upon him. A man of peace and goodwill, he speaks with unparalleled authority on the need to maintain a strong national defense while working for reconciliation with America's former adversaries.

Bob Kerrey's political courage is evidenced by his independence, candor, and willingness to tackle the toughest issues. He took on entitlement reform when few others dared look it in the face. He took the first brave steps toward a bipartisan reform of Medicare in order to guarantee the program's long-term stability. And he has continued to press for universal health care coverage for all Americans.

In an era when even the finest legislators hesitate to speak before consulting the polls, Bob Kerrey says what he means and means what he says. He never hesitates to follow his personal moral compass, even when this means working with the other political party or criticizing his own.

Mr. President, as Senator Kerrey leaves the halls of Congress for the groves of academe, I know that he will bring the same courage and rigor to his new career that he has displayed here in the Senate. I join my colleagues from both sides of the aisle in sending him off with our best wishes and profound gratitude.

OBJECTION TO PROCEEDING TO CERTAIN BILLS

Mr. WYDEN. Mr. President, I rise today to state my objection to any unanimous consent request for the Senate to proceed to or adopt H.R. 4345 and S. 1508, Alaska Native Claims Technical Amendments of 2000, H.R. 4721, acquisition of certain property in Washington County, Utah, S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, and H.R. 2932, Golden Spike/Crossroads of the West, Utah, unless or until S. 2691 (to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon) is discharged, unamended, from the House of Representatives Resources Committee and passed, unamended, by the House of Representatives. I do so consistent with the commitment I have made to explain publicly any so-called "holds" that I may place on legislation.

S. 2691 is a bi-partisan bill, authored by myself and Senator Smith of Oregon, and supported by all the members of Oregon's Congressional delegation. It passed the Senate Energy and Natural Resources Committee, as well as the entire Senate, unanimously. This legislation protects the current and future drinking water source for the City of Portland, home to one in four Oregonians.

Despite its broad support, and my personal appeal to the Resources Committee, that Committee has failed to act on it. Oregonians expect their elected representatives will act responsibly to protect Portland's drinking water source. As a result, I cannot agree to H.R. 4345 and S. 1508, H.R. 4721, S. 2749 and H.R. 2932 until S. 2691 clears the House of Representatives unamended.

ADDITIONAL STATEMENTS

TRIBUTE TO ANN TRUEBLOOD KRIESEL

• Mr. LEAHY. Mr. President, recently the Burlington Free Press had an article about Ann Kriesel of Burlington, VT and praised her as the volunteer of the week.

The Leahy family has known Ann Trueblood Kriesel almost from the time she came to Burlington. She is an extraordinary person, loved and respected by all who know her. She and her husband, Peter, are dear friends of Marcelle's and mine, and she has made her mark on our community in a way that would bring great pride and credit to anyone.

As an exemplary teacher, as a mother and grandmother, her intelligence, quiet wit and grace has helped Vermonters of all ages.

It is with pride that I ask the article about her be included in the Congressional Record, so that all Senators might know this exemplary woman and how much she and Peter mean to all of us.

The article follows:

[From the Burlington Free Press, Oct. 18, 2000]

Former Teacher Enjoys New Role as a Volunteer

(By Beth Gillespie)

Anne Kriesel is one of those special people who go out of their way to enrich other people's lives.

The volunteer at The Converse Home in Burlington browses through local libraries for short stories, essays and articles that the home's residents would enjoy and reads the selections once a week. She also calls out for bingo games and facilitates group crossword puzzles.

A hostess during their social hours, Kriesel visits with people and serves refreshments, and during outings she helps those who use walkers get on and off the bus, carries articles for them and keeps track of everyone.

Kriesel introduces herself to new residents and helps them feel comfortable. She worked one-on-one with one woman until her death, visiting with her and playing canasta, Kings in the Corner, rummy and other games.

"Anne is generous, genuine and dependable," says Patti Meyer, activity/volunteer director for Converse. "Her bright personality and positive 'can-do' attitude are priceless—she enthusiastically embraces her responsibilities and gladly does whatever she can to help out. Anne has become part of our family as she helps to make Converse a true home. The time she shares with us is very precious and we thank her from the bottom of our hearts."

Kriesel also substitutes for Meals on Wheels and is involved with the Joint Urban Ministries Program through her church, College Street Congressional. She greets clients who come to the Urban Ministries Program for counseling, helps them fill out forms and visits with them until they can see a counselor.

A retired teacher, Kriesel spent 22 of her 27 years in education at Colchester Middle School, and now works part-time for the University of Vermont Department of Education as a supervisor of student teachers. She lives in Burlington with her husband, Peter, and the couple has two adult sons and one granddaughter. She enjoys walking, gardening, cooking, reading and writing.

"I loved my 27 years of full-time public school teaching," Kriesel says. "It's fun for me now to branch out, try some new things and work with people at the opposite end of the age spectrum. I find that they have such rich lives and wonderful stories to tell."•

TRIBUTE TO THE HONORABLE JOHN EDWARD PORTER

• Mr. SPECTER. Mr. President, I want to take this opportunity to pay tribute to Congressman JOHN EDWARD PORTER who, after two decades of service in the House of Representatives, will retire at the end of this session.

Since 1994, when JOHN PORTER became Chairman of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, and I took over as Chairman of the Senate Labor, HHS and Education Subcommittee, we have spent untold hours working together on what is arguably one of the most important pieces of legislation to be voted on by Congress each year.

During his tenure, JOHN PORTER has earned a reputation as a champion of education, family planning, and disease prevention and control programs. But he is perhaps most recognized as a passionate and tireless advocate for the National Institutes of Health. Anyone who has spent time with him undoubtedly knows that he considers medical research to be one of our Nation's highest priorities. He makes no secret of his commitment, calling medical research "our greatest hope for effectively treating, curing and eventually preventing disease and thereby saving our country billions of dollars in annual health care costs."

I share JOHN's passion for the NIH. I have said many times that it is the crown jewel of the Federal government. Over the past six years, he and I, working alongside my distinguished colleague TOM HARKIN, have increased funding for biomedical research by $9.4 billion. In 1998, we made a commitment to double federal funding for the NIH over five years. And with this year's increase of $2.7 billion, we are on track to reach that goal by 2003. Even though JOHN will no longer be in the Congress, I know that he will continue to help us fulfill that promise.

JOHN's commitment to medical research has earned him high praise from numerous scientific, medical and research organizations. Among the many honors bestowed on him, the American Medical Association recently honored him with the Nathan Davis Award as "Outstanding U.S. Representative." The American Federation of Clinical Research honored him with its "Distinguished Friend of Medical Research," Public Service Award.

JOHN's interests reach beyond medical research. He is the co-founder of the Congressional Coalition on Population and Development, an organization that advocates and defends international and domestic voluntary family planning programs. He is also a dedicated supporter of the arts and humanities, and since 1999 has served on the Board of Directors of the Kennedy Center for the Performing Arts.

JOHN has an impressive education background: He attended the Massachusetts Institute of Technology and received his undergraduate degree from Northwestern University. Following service in the U.S. Army, he received his law degree from the University of Michigan. He served three terms in the Illinois House of Representatives before being elected to the U.S. House of Representatives. In addition to his public service, JOHN was an attorney private practice in Evanston, Illinois.

Today, I want to pay a special tribute to JOHN by recommending that the neuroscience building on the campus of the National Institutes of Health be named the JOHN Edward Porter National Neuroscience Center. This building will be a fitting tribute to a man who has devoted so much towards finding ways to prevent disease and improve the quality of life of all Americans.

To JOHN PORTER, I say, you have carried out your responsibilities with skill born of rich experience and insight born of deep compassion. I want to offer to you my gratitude for the character, courage and dedication with which you have served the people of the tenth district of Illinois and the country. I wish you the best as you begin the next chapter of your life.•

JUBILEE RED MASS HOMILY OF THE MOST REVEREND PAUL S. LOVERDE

• Mr. MOYNIHAN. Mr. President, on Sunday, October 1st, the Most Reverend Paul S. Loverde, Bishop of Arlington, delivered the Red Mass Homily at the Cathedral of St. Matthew here in Washington. It was the 48th annual Red Mass at St. Matthew's, all of which have been sponsored by the John Carroll Society.

The Red Mass—a Solemn Mass of the Holy Spirt—originated hundreds of years ago to mark the beginning of judicial year of the Sacred Roman Rota, which is the supreme ecclesiastical and secular court of the Holy See. The name of the Mass is drawn from the red vestments traditionally worn by the celebrants, and also by the scarlet robes of the royal judges who attended. The color red represents tongues of fire, symbolizing the presence of the Holy Spirit.

The tradition of the Red Mass spread from Rome to Paris—where it is now the only Mass held at La Sainte Chapelle, London—celebrated annually at Westminster Cathedral since the Middle Ages, and beyond. The tradition was inaugurated in the United States in 1928 at Old Saint Andrew's Church in New York City. Here in Washington, the Red Mass is held on the Sunday before the first Monday in October to coincide with the new term of the United States Supreme Court. Justices of the Court, other judges, law professors, lawyers, diplomats, government officials, and people of all faith attend the Mass to invoke God's blessing and guidance in the administration of justice.

As Bishop Loverde pointed out in his homily, this year's Mass is special since it occurs in a Jubilee Year and at the dawn of the third Christian Millennium.

The Jubilee tradition stems from the Book of Leviticus, in which God instructs Moses to "hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family." (25:10) God further admonishes Moses, "Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the Lord your God." (25:17)

Fifty years ago, we were engaged in a twilight struggle with Communist totalitarianism. Today, the Soviet Union exists no longer, and we are at peace and prosperous—due in large part, no doubt, because we are a nation of laws. We think of our nation as young, but we are old: there are two nations on earth, the United States and Great Britain, that both existed in 1800 and have not had their form of government changed by forces since then. There are eight—I repeat, eight—nations which both existed in 1914 and have not had their form of government changed by violence since then. Do we recognize how extraordinarily blessed we re? We abide by the rule of law, and so persist and prosper.

Bishop Loverde lovingly reminds us that in this "Year of Favor," the work of justice is peace—*opus iustitiae pax*. He quotes from Joseph Allegretti, who wrote, "those who enter law with the intent to bring justice to a broken world, to vindicate the rights of the weak and vulnerable, to heal broken relationships, to ensure equality to all persons . . . these persons have responded to a true calling." Allegretti remarked that law "is a vehicle of service to God and to neighbor, not simply a gateway to financial and social success." I might add that law is not only "a vehicle of service to God." It is a gift from God which we must cherish.

It is fitting that the John Carroll Society sponsors the Red Mass each year. John Carroll helped the colonies win their independence. After the Revolution, he was appointed superior of all U.S. Catholics. In 1789, he founded Georgetown University. he and his brother, Daniel, who was a member of the Constitutional Convention, insisted that the new Constitution prohibit any religious test for public office, and were influential forces for the freedom of religion clause contained in the First Amendment. In 1790, Carroll was consecrated the first Catholic bishop in the United States, and served from his cathedral in Baltimore. Ten years later, four additional dioceses were created and Carroll became Archibishop. He established St. Mary's College and Seminary, and he encouraged Elizabeth Ann Seton to found the order of The Sisters of Charity.

Mr. President, it is customary each year to have the Red Mass Homily placed in the CONGRESSIONAL RECORD. I commend Bishop Loverde's homily and his moving call to all who are servants of justice and peace to be advocates for a "new humanism" that affirms the fundamental dignity, worth, and inalienable rights of each of us. I feel privileged to ask that the Bishop's homily for this year's Red Mass be printed in the RECORD.

The material follows:

JUBILEE RED MASS HOMILY

THE MOST REVEREND PAUL S. LOVERDE—BISHOP OF ARLINGTON, VIRGINIA, CATHEDRAL OF ST. MATTHEW, WASHINGTON, DC.

Your Eminence, Distinguished Guests, Sisters and Brothers all in the Lord:

This 48th annual celebration of the Red Mass here at St. Matthews Cathedral is truly unique this year. It is the Jubilee Red Mass celebrated at the dawn of the Third Christian Millennium. This Jubilee tradition began in the Old Testament and continues in the history of the Church. Every Jubilee year is understood to be a Year of the Lord's favor to His people.

The words of today's first reading from the Book of the Prophet Isaiah powerfully proclaim the core meaning of the Jubilee Year and the responsibility entrusted to each of us every day, but with greater emphasis now during this special Year. "The Spirit of the Lord is upon me, because the Lord has anointed me; He has sent me to bring glad tidings to the lowly, to heal the brokenhearted, to proclaim liberty to the captives and release to prisoners, to announce a year of favor from the Lord and a day of vindication by our God . . ." (Is. 61:1–2). These words of Isaiah remind us, in this "Year of Favor," of the spirit of humanism that must guide our every action.

Moreover, this is a year of "increased sensitivity to all that the Spirit is saying to the Church and to the Churches, as well as to individuals through the charisms meant to serve the whole community" (Tertio Millenio Adveniente, 23). Are we not gathered in prayer during this Votive Mass of the Holy Spirit to give tangible expression to our desire to be more sensitive to what the Holy Spirit is saying? Is not our participation in this Red Mass a concrete expression of our desire to be docile and open to the action of the Holy Spirit in our minds and hearts this year in a renewed way? Are we not seeking in prayer—a prayer that is sincere and humble and hope-filled—to hear "what the Spirit is suggesting to the different communities, from the smallest ones, such as the family, to the largest ones, such as nations and international organizations, taking into account cultures, societies, and sound traditions" (Tertio Millennio Adveniente, No. 23)?

Addressing the Italian National Association of Magistrates this past March, Pope John Paul II pointed out that the Jubilee challenges the people of our time to fulfill responsibly the tasks entrusted to them. His words also speak eloquently to you: "By your freely accepted vocation, you have put yourselves at the service of justice and so also at the service of peace. The ancient Romans liked to say: 'opus iustitiae pax' (The work of justice is peace). There can be no peace among human beings without justice. This opus iustitiae, on which peace is based, is carried out within a precise ethical-juridical) framework and is an ongoing worksite. Indeed, wherever fundamental human rights, the inalienable rights that no legislation can violate, are codified in laws, it is always possible to give them a more complete juridical formulation and, above all, a more effective application in the concrete context social life" (Pope John Paul II, Address to the National Association of Magistrates, 3/31/00). This does not happen easily. To this end, the Pope states further: "A legal culture, a State governed by law, a democracy worthy of the name, are therefore characterized not only by the effective structuring of their legal systems, but especially by their relationship to the demands of the common good and of the universal moral principles inscribed by God in the human heart" (Pope John Paul II, Address to the National Association of Magistrates, 3/31/00).

What then is the Spirit of truth saying to us specifically at this Jubilee Red Mass? What is the Spirit of truth saying to those of you who serve the cause of justice and peace as judges, lawyers, members of the Legislative and Executive branches of government, diplomats, professors and students of the law? The Jubilee Year challenges you to give fundamental rights, "a more complete juridical formulation and above all, a more effective application in the concrete context of social life" (Pope John Paul II, Address to the National Association of Magistrates, 3/31/00). This takes on many forms, many formulations, but all are directed to the same end—the protection of the human person and society. Moreover, I speak of the perennial challenge in our day to work for a "new humanism." This "new humanism" finds its basis in the dignity of the human person and his/her inalienable rights. "The dignity of the person is the most precious possession of an individual. As a result, the value of one person transcends all the material world . . . The dignity of the person constitutes the foundation of the equality of all people among themselves . . . The dignity of the person is the indestructible property of every human being. The force of this affirmation is based on the uniqueness and irrepeatability of every person" (cf Cristifideles Laici, no. 37). You and I are repeatedly called to be advocates for this "new humanism."

From the Christian viewpoint, the challenge is to rediscover the central reality of Christ who "fully reveals man to himself and brings to light his most high calling" (Gaudium et Spes, 22). Quite specifically, "Christian humanism implies first of all an openness to the Transcendent. It is here that we find the truth and the grandeur of the human person, the only creature in the visible world capable of self-awareness and recognizing that he is surrounded by that supreme Mystery which both reason and faith call God" (Pope John Paul II, Address to University Professors, no. 4, 9/9/00). Pope John Paul II applies this insight further saying: "The humanism which we desire advocates a vision of society centered on the human person and his inalienable rights, on the values of justice and peace, on a correct relationship between individuals, society and the State, on the logic of solidarity and subsidiarity. It is a humanism capable of giving a soul to economic progress itself, so that it may be directed to 'the promotion of each individual and of the whole person'" (Pope John Paul II, Address to University Professors, no. 6, 9/9/00).

In being advocates for this "new humanism" within the complexity of our culture and society, a powerful Advocate is being sent to stand by you. That Advocate is the Holy Spirit. It is the particular role of God the Holy Spirit to reveal God's Word and Will, and to help us in understanding and responding to His divine plan for us. Indeed, Jesus makes this very promise in today's gospel. "If you love me and obey the commands I give you, I will ask the Father and He will give you another Advocate—to be with you always; the Spirit of truth . . . You can recognize Him because he remains with you and will be within you" (Jn. 14:15–17).

Catholic theology, reflecting on scripture, enumerates seven particular gifts of the Holy Spirit: Knowledge, Counsel, Understanding, Wisdom, Piety, Fortitude, and Fear of the Lord. These gifts of the Spirit are permanent dispositions which make us docile and open to the promptings of the Holy Spirit. These are gifts for which we pray in a special way during this Mass of the Holy Spirit, this Jubilee Red Mass.

Knowledge is the gift which helps us to know God and what He expects of us through His self revelation in creation and in the person of Jesus Christ.

Counsel is the gift from the Holy Spirit in which one receives the very counsel of God—divine advice. It is insight from the Holy Spirit which leads to a correct assimilation of the knowledge we have discovered.

Understanding assists us in perceiving the hidden meanings of reality. As St. Thomas Aquinas observes: "There are many kinds of things that are hidden within, which human knowledge has to penetrate, so to speak. Under the appearances of a thing lies hidden its essence, under words lies hidden their meaning, and under effects lie hidden their causes—and vice versa." (cf. Summa Theologica II/II, Q.8, art. 1).

Wisdom enables one to know the purposes and plan of God. It gives us the ability to see life and its meaning, as well as persons, events and things, from the divine point of view, and to recognize the inner value of persons, events and things.

Piety leads one to a devotion to God. "As a gift of the Holy Spirit, piety moves us to worship God Who is the Father of all, and also to do good to others out of reverence for God" (Our Sunday Visitor Catholic Encyclopedia, p. 784).

Fortitude provides the internal strength and courage to be firm in difficulty and constant in doing good.

Lastly, there is the gift of the Fear of the Lord. This is not a servile fear, but a filial fear, the desire not to offend because of love, not fear. This gift ensures our awe and reverence before God and helps us to acknowledge our radical dependence upon Him.

As we advocate the "new humanism," which centers on the human person and protects and ensures his or her inalienable rights within the context of justice and peace, these seven inter-connected gifts provide much encouragement, insight and support. They are given to help you, to help you in your essential and truly important work for our world, this country and our city. They are gifts of God to each of us, gifts for which we constantly pray.

A renewed understanding of your vocation as advocates for justice emerges and is reflected so simply, yet so powerfully, in the words of one distinguished professor: "Those who enter law with the intent to bring justice to a broken world, to vindicate the rights of the weak and vulnerable, to heal broken relationships, to ensure equality to all persons * * * these persons have responded to a true calling. Law for them is a vehicle of service to God and to neighbor, not simply a gateway to financial and social success" (Joseph Allegretti: The Lawyer's Calling: Christian Faith and Legal Practice, p. 31).

I applaud those among you who share your legal talents with those in need, especially those who participate in the Archdiocesan Pro Bono Legal Network. For you, the practice of law truly becomes "a service to God and to your neighbor." Yet the need for pro bono assistance keeps increasing and demands an even greater and more generous response in our day.

Those among us involved with the forging ahead of a "new humanism" must respond genuinely and faithfully. Ours is a Nation founded upon the ideal of the "inalienable rights of every person." Our Nation leads the world in technological advancement, economic growth and military strength. Yet, there still exists a sad inequality among us in our society. I mention the following three examples in response to the challenge of the "new humanism." First, 40 million Americans live without health care benefits, of whom 10 million are American children (U.S. News, Matthew Miller 8/18/97). Secondly, a large number of senior citizens find it difficult to afford much needed prescription drugs. Thirdly, the choice for quality education is not always available for many in our Nation. Each cries out for our collective response.

In addition, we live in a culture where distrust and lying are only too evident. We must learn to speak the truth in love, to proclaim the sanctity of all human life, both of the innocent and of the guilty, from conception through every stage until natural death. the splendor of the truth must shine through the "new humanism" you advocate.

So much of your time is spent with timesheets, agenda books, email, faxes and meetings. Your inner spirits surely thirst for something more; indeed, for time to be with the Transcendent One—the Holy One—the source of these seven gifts, especially wisdom and fortitude. In those treasured moments, your minds will be enlightened and your inner spirits renewed, so that your advocacy for justice and peace will be all the more authentic and real.

Yes, the Jubilee challenges you who are servants of justice and peace to be advocates for a "new humanism," which will permeate your legal decisions, your legislative processes and your diplomatic service. May the Holy Spirit—the Advocate—be at your side, as together we move forward in joy and in hope! Amen.●

IN RECOGNITION OF MS. YALILE RAMIREZ

● Mr. ABRAHAM. Mr. President, at the Hispanic College Funds Annual Scholarship Awards Banquet earlier this month, Ms. Yalile Ramirez, recipient of the Hispanic College Fund Award for 2000–2001, gave a speech regarding the upliftment of the Hispanic-American community which I found to be extremely insightful. I rise today not only to insert her remarks into the CONGRESSIONAL RECORD, but also to salute an extraordinary young woman with a bright future ahead of her.

Ms. Ramirez was born and raised in Chicago, Illinois. She is currently a senior at Michigan State University, where she is pursuing a double Bachelor's degree in International Relations and Finance. In May of this year, she graduated from the University's James Madison College of International Relations, so she is now focusing her efforts on her financial studies.

In addition to receiving the Hispanic College Fund Award, Ms. Ramirez has received the Bill Gates Millennium Scholar Award. She made the Dean's List in 1998, 1999 and 2000, and in 1997 was presented with the National Dean's List Award.

Ms. Ramirez is a member of the Women in Business Student Association, the Phi Beta Delta National Honor Society, the American Advertising Federation: Research Team Leader, and the Phi Sigma Pi Co-Ed National Honors Fraternity. She is also a Mentor Program Coordinator, and spends her remaining free time with aerobics, running and volunteering.

I applaud Ms. Ramirez on her many achievements both on and off the campus of Michigan State University. She is not only a dedicated student but also a dedicated member of society, concerned with a great deal more than her own success. As is clearly illustrated in her remarks, she cares deeply about the upliftment of America's Latino population, and believes that this upliftment can best occur through economic empowerment—attaining positions of leadership within the business community. In the not too distant future, I look forward to seeing Ms. Yalile Ramirez become one of these leaders. With that having been said, I ask to print her remarks of October 5, 2000, in the RECORD.

The remarks follow:

REMARKS BY MS. YALILE REMIREZ AT THE HISPANIC COLLEGE FUND, INC., ANNUAL SCHOLARSHIP AWARDS BANQUET

OCTOBER 5, 2000

Good evening ladies and gentlemen, my name is Yalile Ramirez. I am a senior, pursuing a double Bachelor's degree in International Relations and Finance at Michigan State University. First, I would like to thank Sprint for making my scholarship possible. I would also like to thank the Hispanic College Fund for granting me the honor of speaking to you on this special night. When I started to think about what I could share with you this evening, I asked myself "What am I an authority on?" So, I decided to talk about the one thing I have mastered, being me.

In some aspects, my involvement in the Latino community has differed from what some of my fellow peers and faculty members believe it should be. When I first attended MSU, I was not fully aware of all the issues confronting the Latino community in the U.S. And I did not have any Latino role models to whom I could turn to for guidance, with the exception of my parents. However, I was aware of the inequities embedded within our society. I knew we were a different color, I knew we spoke a different language and I knew many in America did not welcome this diversity. At the college level, my experiences with fellow Latino students and faculty members has heightened my interest and sensitivity to Latino issues. I strongly support our community and participate in a select number of activities. However, the career path I have chosen also differs from those that many have elected to pursue; such as education, criminal justice, political science and pre-law.

While many of them are demanding justice through political rights and representation, I seek economic empowerment. Economic empowerment is derived from our continual plight for justice, political power and independence. We can look back to our history dating back to the American Revolution. Was it all for greater religious freedom or greater economic freedom?

My family has struggled economically and socially in pursuit of the American dream for our family and for generations yet to come. As first generation American Latina, I recognize the importance of economic empowerment in our community. While possessing a flagrant entrepreneurial spirit and great patriotism to the American form of capitalism; resources, capital, and networks are salient to real empowerment. But, where do we go to obtain these resources? To whom do we turn to with confidence, respect and trust? Well, ladies and gentlemen, we are among those resources right here, right now. With a vigorous economy and a fast growing Latino population, our Latino community is coming of age. How will we succeed? Latino business leadership is paramount to attaining prosperity in our communities and in sustaining future success. By seizing this opportunity and creating a network of Latino businesses and business leaders, we can actualize a network of resources and capital for future entrepreneurs. Latino business leadership has a profound impact in our Latino community by creating opportunities to produce and access resources. For me, then, real economic empowerment and leadership will assist in our overall pursuit of our economic well-being and prosperity. We have to expand the opportunities to enter the business sector. Once we enter and thrive in that arena, it is imperative to sustain and share our economic power with a new generation of leaders. Economic empowerment. To put it another way, I choose a quote from the Chairman of the Hispanic College Fund, Mr. Dario Marquez.

"What we want is a seat at the table of dialogue and debate in government, academia, and in industry—not a seat that has been assigned—but as many seats as our abilities and talents will afford."

Finally, I have been honored to have been selected as a scholarship recipient of the HCF. I would like to also congratulate the other recipients gathered on this stage tonight and all the others enrolled in colleges and universities across the country. On our behalf and on behalf of our families and communities, we thank all the companies, businesses, individuals, and events that donated the funds that helped us afford a college education. And, I am especially grateful to Sprint for making my scholarship possible. This scholarship is not only monetary assistance but also an investment in a woman with great potential for realizing future success. I have struggled with economic and social issues and I firmly believe that education is the key that will unlock our full potential as Latinos and ultimately contribute to the economic prosperity of America. Let us continue to pursue a better future for our and future generations.●

IN RECOGNITION OF DAVID M. LANEY

● Mrs. HUTCHISON. Mr. President, I rise today to recognize Mr. David M. Laney, who soon will complete his term as a member of the Texas Transportation Commission. Governor George W. Bush appointed Mr. Laney to the commission in April 1995, designating him chairman and Commissioner of Transportation. In April 2000, he stepped down as Commissioner of Transportation, serving the remainder of his term as a member of the commission.

During his term on the commission, Mr. Laney has been the champion of the state's efforts to increase the state's share of federal transportation dollars returning to Texas. As chairman, he was a partner to the Texas Congressional delegation's efforts to develop fairer highway funding formulas, promoting the efforts of a coalition of "donor" states to work with Congress toward achieving at least a 90.5 percent return on payments into the Highway Trust Fund. As a result of our efforts, Texas received an increase of more than $700 million annually in federal highway funds and David Laney deserves a great deal of the credit.

In addition, he promoted increased federal funding for the nation's general aviation and reliever airports, which Congress provided in the Aviation Investment Reform Act for the 21st Century (AIR 21). Finally, Mr. Laney has been a strong advocate for the state's small urban and rural transit systems, working with Congress to provide much needed discretionary funding to address the vehicle replacement needs of these vital transportation systems, the most extensive in the nation. With these additional funds for Texas transportation programs, the commission will be better able to meet the tremendous transportation demands of the growing regional and international trade traffic in Texas.

With a look to the future, as Commissioner of Transportation Mr. Laney led the Texas Department of Transportation in its efforts to obtain the flexible financing tools it needs to help address transportation needs in Texas. He was successful in working with the Texas Legislature to create the Texas Turnpike Authority Division of the department, which provides toll-funding options for the state's major transportation projects. With his strong support and encouragement, the division has applied for and expects to receive an $800 million loan under the federal Transportation Infrastructure Finance and Innovation Act for a major Central Texas turnpike project. Under Mr. Laney's leadership, the commission has used the Texas State Infrastructure Bank, authorized under the National Highway System Designation Act of 1995, to provide needed assistance to localities to help move forward important transportation projects.

Mr. Laney also initiated a major Texas border strategy to address the demands of international trade traffic.

Throughout his tenure on the commission, Mr. Laney has provided strong and confident leadership to the Texas Department of Transportation, promoting the development of a first-class Texas transportation system. His legacy is a transportation agency with a menu of solid financial and operational tools providing a safe, effective, and environmentally-sensitive transportation system for the people of Texas and the nation. His dedication to transportation and his strong leadership on the commission will be missed.

Mr. President, I know my fellow Texans join me in this expression of appreciation to David Laney for his exemplary leadership on the Texas Transportation Commission.●

RETIREMENT OF THE HONORABLE CLAYTON E. PREISEL

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Clayton E. Preisel, who is retiring on December 31, 2000, after an extraordinary career spanning over 50 years. During this time, he has served in the Marine Corps, been a teacher and school administrator, and, for the past 18 years, presided over the Lapeer County Probate Court. Whatever the forum, Judge Preisel has been a leader and an inspiration to those around him.

Judge Preisel was born on January 29, 1927. He graduated from Imlay City High School in 1945, and departed for the Marines in July of that same year. He served until August of 1946, and then returned to the State of Michigan to attend Michigan State University. He graduated from MSU in 1951 with a degree in Agriculture.

After graduation, Judge Preisel moved to Carson City, Michigan, and began teaching. After four years, he returned home to Imlay City, where he continued his teaching career. He taught in Imlay City until 1969, and spent the final two years of his tenure there as both a teacher and a school administrator. During this time, Judge Preisel also doubled as a student, obtaining a Master's of Science degree in 1956, and, in 1968, receiving a Jurist Doctorate degree from the Detroit College of Law.

Upon receiving his law degree, Judge Preisel entered into private practice, where he stayed until 1982, when he was elected to serve as Lapeer County Probate Judge. He has held this position for the past 18 years, and during his time on the bench has become respected not only for his knowledge of the law but also for his sensical approach to its application. Individuals leave Judge Preisel's courtroom with the knowledge that they have been treated fairly, which in my mind is the most worthy thing that can be said of a Judge.

Judge Preisel has always found time to partake in community service. He was a member of the Imlay School Board from 1969–1983. He has also been involved in 4–H, the Lions Club, the Community Foundation, United Way, Kids In New Directions (KIND), Big Brothers-Big Sisters, and the Lapeer County Bar Association.

Judge Preisel's retirement will allow him to spend more time with his family. He and his wife, Beulah Joann Anderson, who celebrated their 50th Anniversary on September 9th, 2000, have four children (Kathleen, Janet, Karen and James), and five grandchildren (Heather, Jason, Alysha, Katelyn and Steven).

I applaud Judge Preisel for his extraordinary service to Lapeer County and the State of Michigan. His leadership in all phases of his career has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate and thank the Honorable Clayton E. Preisel on a wonderful and successful career, and wish him the best of luck in retirement.

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Mifakhov.

S. 276. An act for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano.

S. 785. An act for the relief of Frances Schochenmaier.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1651. An act to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country.

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments:

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, with amendments to the Senate amendment.

The message further announced that the House has passed the following bills, without amendment:

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4399. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building."

H.R. 4400. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building."

H.R. 5309. An act to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office Building."

ENROLLED BILL SIGNED

At 4:43 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11325. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two items; to the Committee on Environment and Public Works.

EC–11326. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Israel; to the Committee on Foreign Relations.

EC–11327. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (16); Amdt. No. 425 [10–23/10–26]" (RIN 2120–AA63) (2000–0007) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11328. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (71), amdt. no. 2015 [10–20/10–26]" (RIN 2120–AA63) (2000–0008) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11329. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (55); Amdt. No. 2014 [10–20/10–26]" (RIN 2120–AA63) (2000–0009) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11330. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket no. 2000–NM–312 [10–16/10–26]" (RIN 2120–AA64) (2000–0502) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11331. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empressa Brasileira de Aeronautica SA Model EMB–120, 120ER, 120RT Series Airplanes; docket no. 2000–NM–122 [9–26/10–26]" (RIN 2120–AA64) (2000–0503) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11332. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2, and N Helicopters; docket no. 2000–SW–25 [10–16/10–26]" (RIN 2120–AA64) (2000–0504) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11333. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes, docket no. 2000–CE–29 [10–6/10–26]" (RIN 2120–AA64) (2000–0505) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11334. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeugbau GmbH Model DG–800B Sailplanes; docket no. 99–CE–90 [10–13/10–26]" (RIN 2120–AA64) (2000–0506) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11335. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: LET Aeronautical Works Model L–13 "Blanik" Sailplanes; docket no. 99–CE–91 [10–13/10–26]" (RIN 2120–AA64) (2000–0507) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11336. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Hk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes; docket no. 2000–CE–12 [10–13/10–26]" (RIN 2120–AA64) (2000–0508) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11337. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models

A–36 and B36TC Airplanes; docket no. 2000–CE–15 [10–13/10–26]" (RIN 2120–AA64) (2000–0509) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11338. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerotechnic s.r.o. Model L13 SEH VIVAT Sailplanes; docket no. 2000–CE–01 [10–17/10–26]" (RIN 2120–AA64) (2000–0510) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11339. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB–120 Series Airplanes; docket no. 99–NM–356 [10–6/10–26]" (RIN 2120–AA64) (2000–0511) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11340. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes Powered by P&W Engines; docket no. 99–NM–308 [10–6/10–26]" (RIN 2120–AA64) (2000–0512) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11341. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 and A300–600 Series Airplanes; docket no. 98–NM–207 [10–11/10–26]" (RIN 2120–AA64) (2000–0513) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11342. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes; docket no. 98–NM–135 [10–6/10–26]" (RIN 2120–AA64) (2000–0514) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11343. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; docket no. 99–NM–69 [9–20/10–26]" (RIN 2120–AA64) (2000–0515) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11344. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 329–300 Series Airplanes; docket no. 99–NM–364 [10–25/10–26]" (RIN 2120–AA64) (2000–0516) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11345. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0100 Series Airplanes; docket no. 200–NM–17 [10–25/10–26]" (RIN 2120–AA64) (2000–0517) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11346. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 and 767 Airplanes Powered by GE Model CF6–80C2 Series Engines; Docket no. 99–NM–228 [10–18/10–26]" (RIN 2120–AA64) (2000–0518) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11347. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332C, L and L1 Helicopters; docket no. 99–SW–35 [10–18/10–26]" (RIN 2120–AA64) (2000–0519) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11348. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes; docket no. 99–NM–248 [10–18/10–26]" (RIN 2120–AA64) (2000–0520) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11349. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters; docket no. 2000–SW–24 [10–18/10–26]" (RIN 2120–AA64) (2000–0521) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11350. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65); amdt. 2016 [10–20/10–26]" (RIN 2120–AA65) (2000–0053) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11351. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbia, MO; docket no. 00–ACE–21 [10–16/10–26]" (RIN 2120–AA66) (2000–0247) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11352. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Oelwein, IA; docket no. 00–ACE–12 [9–18/10–26]" (RIN 2120–AA66) (2000–0248) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11353. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fairfield, IA; docket no. 00–ACE–13 [10–5/10–26]" (RIN 2120–AA66) (2000–0249) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11354. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Subdivision of Restricted Areas R–6412A and B, and Establishment of R–6412C and D, Comp Williams, Utah docket no. 00–ANM–10 [10–5/10–26]" (RIN 2120–AA66) (2000–0250) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11355. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Piayune, MS; docket no. 00–ASO–28 [10–6/10–26]" (RIN 2120–AA66) (2000–0251) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11356. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Harbo Springs, MI; docket no. 00–AGL–14 [10–6/10–26]" (RIN 2120–AA66) (2000–0252) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11357. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dexter, MO; docket no. 00–ACE–31 [9–29/10–26]" (RIN 2120–AA66) (2000–0253) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11358. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Moberly, MO; docket no. 00–ACE–30 [9–29/10–26]" (RIN 2120–AA66) (2000–0254) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11359. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Atwood, KS; docket no. 00–ACE–19 [9–25/10–26]" (RIN 2120–AA66) (2000–0255) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11360. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Simmons Army Airfield, NC; Docket no. 00–ASO–39 [9–25/10–26]" (RIN 2120–AA66) (2000–0256) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11361. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Ambler, AK; docket no. 00–AAL–4 [9–25/10–26]" (RIN 2120–AA66) (2000–0257) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11362. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Oakley, KS; docket no. 00–ACE–20 [9–25/10–26]" (RIN 2120–AA66) (2000–0258) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11363. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E4 Airspace; Melbourne, FL; docket no. 00–ASO–34 [9–22/10–26]” (RIN 2120–AA66) (2000–0259) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11364. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Fairfield, IA; docket no. 00–ACE–13 [9–19/10–26]” (RIN 2120–AA66) (2000–0260) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11365. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Elkhart, KS; docket no. 00–ACE–22 [10–16/10–26]” (RIN 2120–AA66) (2000–0261) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11366. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Pittsburg, KS; docket no. 00–ACE–28 [10–24/10–26]” (RIN 2120–AA66) (2000–0262) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11367. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D & E Airspace and Amendment to Class E Airspace; Garden City, KS; docket no. 00–ACE–25 [10–25/10–26]” (RIN 2120–AA66) (2000–0263) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11368. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled “National Health Service Corps Amendments of 2000”; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes (Rept. No. 106–510).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself and Mr. BYRD):

S. 3253. A bill to authorize Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity; to the Committee on Finance.

By Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. DURBIN (for himself, Mr. MOYNIHAN, and Mr. SCHUMER)):

S. 3255. A bill to amend the Balanced Budget Act of 1997 to apply the medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Finance.

By Mrs. LINCOLN:

S. 3256. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3257. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY , Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. FEINGOLD, Mr. AKAKA, Mr. SARBANES, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BAUCUS):

S. 3258. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 3259. A bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. SMITH of Oregon):

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 383. A resolution extending the authorities relating to the Senate National Security Working Group; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities, to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT

Mr. BIDEN. Mr. President, as everyone in this room knows all too well, I have devoted much of my career to fighting crime. And if there is one thing that I have learned over the course of the past 30 years in public service, it's this: an ounce of prevention is worth a pound of cure. I have watched as the Boys and Girls Clubs and other non-profits have worked to make certain that kids have a safe place to go after school. I have been supportive of countless crime prevention initiatives to protect our children, our parents and those unable to protect themselves. And guess what, these programs have worked to prevent crime. But even those programs whose single purpose is to do good, have seen some bad times. And that is why today, I am introducing the National Child Protection Act.

Today, more than 87 million kids are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more adults are also served by public and private voluntary organizations. Places like the Boys and Girls Clubs rely on volunteers to make these safe havens for kids a place where they can learn. But, while these non-profit organizations are doing God's work, there are some volunteers who have a different agenda—and there are abuses that occur.

The National Mentoring Partnership reports that incidents of child sexual abuse in child care settings, foster homes and schools ranges from 1 to 7 percent. This is basic stuff—these organizations can not function effectively without a safe infrastructure in place.

Currently most child-service organizations do background checks on volunteers, but they may have to wait weeks or months for the result of a state or national criminal background check. Conducting these checks is also costly and therefore many organizations conduct only a limited check of their volunteers. And some organizations don't have access to national fingerprint databases which means that while a volunteer may pass a namecheck in one state, he may have been convicted of atrocities in another. Our children, our parents and the disadvantaged are at risk and they need help.

That is why my bill authorizes $180 million over five years for the FBI to establish a national center to conduct national criminal history fingerprint checks. Their checks will be provided to volunteer organizations at no cost and to all other organizations that serve children at minimal cost. This national center would screen 10 million volunteers each year and will make these volunteer-oriented organizations a safer place for all. My bill also authorizes $5 million to provide states with funds to hire personnel and improve fingerprint technology so that they can update information in national databases.

This should be an easy one for all of us. Most of us already understand the positive impact that these non-profits are having. Now, we have a duty to make these places safe for those most at-risk.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Child Protection Improvement Act”.

SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

“TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

“SEC. 601. SHORT TITLE.

“This title may be cited as the ‘National Child Protection Improvement Act’.

“SEC. 602. FINDINGS.

“Congress finds the following:

“(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

“(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

“(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

“(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

“(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

“(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

“(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints or other means of positive identification are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.

“(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

“(9) The current system of retrieving national criminal background information on volunteers through an authorized agency of the State is cumbersome and often requires months before vital results are returned.

“(10) In order to protect children, volunteer agencies must currently depend on a convoluted, disconnected, and sometimes duplicative series of checks that leave children at risk.

“(11) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

“SEC. 603. DEFINITIONS.

“In this Act—

“(1) the term ‘qualified entity’ means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

“(2) the term ‘volunteer provider’ means a person who volunteers or seeks to volunteer with a qualified entity;

“(3) the term ‘provider’ means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

“(4) the term ‘national criminal background check system’ means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

“(5) the term ‘child’ means a person who is under the age of 18;

“(6) the term ‘individuals with disabilities’ has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

“(7) the term ‘State’ has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

“(8) the term ‘care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

“SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

“(a) In General.—The Attorney General, by agreement with a national nonprofit organization or by designating an agency within the Department of Justice, shall—

“(1) establish a national center for volunteer and provider screening designed—

“(A) to serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

“(B) to promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

“(i) at no cost to a qualified entity for checks on volunteer providers; and

“(ii) at minimal cost to qualified entities for checks on non-volunteer providers;

with cost for screening non-volunteer providers will be determined by the National Task Force;

“(C) to provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

“(D) to serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

“(2) establish a National Volunteer Screening Task Force (referred to in this title as the ‘Task Force’) to be chaired by the Attorney General which shall—

“(A) include—

“(i) 2 members each of—

“(I) the Federal Bureau of Investigation;

“(II) the Department of Justice;

“(III) the Department of Health and Human Services;

“(IV) representatives of State Law Enforcement organizations;

“(V) national organizations representing private nonprofit qualified entities using volunteers to serve the elderly; and

“(VI) national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities; and

“(ii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children;

to be appointed by the Attorney General; and

“(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—To carry out the provisions of this title, there are authorized to be appropriated $80,000,000 for fiscal year 2001 and $25,000,000 for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

“(b) Availability.—Sums appropriated under this section shall remain available until expended.”.

SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended to read as follows:

“SEC. 3. NATIONAL BACKGROUND CHECKS.

“(a) In General.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

“(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider’s fingerprints or other identifying information, and shall obtain a statement completed and signed by the provider that—

"(A) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

"(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

"(C) notifies the provider or volunteer that the National Center for Volunteer Screening may perform a criminal history background check and that the provider's signature to the statement constitutes an acknowledgement that such a check may be conducted;

"(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

"(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

"(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

"(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to initiate procedures to—

"(A) obtain a copy of their criminal history record report; and

"(B) challenge the accuracy and completeness of the criminal history record information in the report.

"(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local recordkeeping systems to obtain complete information.

"(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

"(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

"(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

"(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

"(c) LIMITATIONS OF LIABILITY.—

"(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a criminal background check.

"(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

"(d) FEES.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This subsection shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.".

SEC. 4. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.

(a) ESTABLISHMENT.—A model program shall be established in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State $50,000 to either—

(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), $50,000 shall be provided to each State and the District of Columbia to hire personnel to—

(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of $5,100,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.

Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

EAST TIMOR TRANSITION TO INDEPENDENCE ACT OF 2000

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED and JEFFORDS, I am introducing legislation to help facilitate East Timor's transition to independence. Congressman GEJDENSON has introduced similar legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor's infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation's Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor's leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national product is $340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive. The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes $25 million in bilateral assistance, $2 million for a Peace Corps presence and $1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, the Trade and Development Agency and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks, and I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Timor Transition to Independence Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent then retaliated against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering hundreds.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began providing overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is $340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require $300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(3)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(4) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration; and

(C) the possible establishment of an international tribunal for East Timor; and

(5) support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia Pacific Economic Co-operation (APEC) group.

SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation and economic development in East Timor, including support for microenterprise programs and technical education, as well as environmental protection and education programs;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2001, 2002, and 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 5. MULTILATERAL ASSISTANCE.

The President shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out such subsection.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of the fiscal years 2001, 2002, and 2003.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relating to generalized system of preferences).

(b) TECHNICAL ASSISTANCE.—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

SEC. 9. BILATERAL INVESTMENT TREATY.

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations

Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

(a) AUTHORITY.—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003 to carry out subsection (a).

SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.

(a) DEVELOPMENT OF DETAILED PLAN.—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) SUBSEQUENT REPORTS.—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) FORM OF REPORT.—Each report submitted under this subsection may be submitted in classified or unclassified form.

SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) AUTHORIZATION.—Beginning on and after the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) STUDY AND REPORT.—

(1) STUDY.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) REPORT.—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

SEC. 13. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

SEC. 14. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) INFORMATION.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development and the Asian Development Bank, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities; and

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States.

Mr. MOYNIHAN:

S. 3259. A bill amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

HISTORIC PERFORMING ARTS FACILITY REHABILITATION ACT

Mr. MOYNIHAN. Mr. President, I rise today to offer a bill that will benefit the cultural cornerstones of many of our communities—our nation's historic performing arts facilities. From the non-profit community theater housed in an historic opera house to the non-profit metropolitan performing arts complex of historic significance, this nation's historic performing arts facilities play a lasting and important role in the cultural fabric and cultural evolution of this nation.

There are over 200 non-profit performing arts organizations with historic facilities nationally, including the Traverse City Opera House in Traverse City, Michigan; the Paramount Theater in Anderson, Indiana; the Polk Theater in Lakeland, Florida; the Strand Theater in Shreveport, Louisiana; the Trinity Repertory Company in Providence, Rhode Island; and the Victoria Theater in Dayton, Ohio. As the cultural cornerstones of their communities and regions, these facilities also play an important economic role as the anchors of economic development within their communities. These theaters attract tourism, stabilize neighborhoods, and generate increased economic activity of surrounding businesses.

Since the 1950s, this nation has also seen the emergence of nearly forty larger multi-purpose, multi-use performing arts complexes in urban areas as part of a larger urban renewal movement, such as the Los Angeles Music Center, the Wang Center for the Performing Arts in Boston, the Cincinnati Music Hall and Aronoff Center for the Arts in Ohio, the Regional Performing Arts Center in Philadelphia, the Lincoln Center for the Performing Arts in New York City, and the Kennedy Center for the Performing Arts in Washington, D.C. Each of these performing arts organizations has revitalized and spurred development in its community, and many of these larger facilities are centered around historic facilities or are historic places themselves.

This bill, the Historic Performing Arts Facility Rehabilitation Act, provides parity between non-profit and for-profit historic performing arts organizations that rehabilitate these national treasures. For many years, for-profit entities, including for-profit theaters, that rehabilitate their nationally registered historic structures have qualified for a rehabilitation tax credit. This bill would simply permit non-profit performing arts organizations, with facilities similarly listed on the National Register of Historic Places, to benefit from the same program.

The bill permits non-profit performing arts organizations to receive the existing credit, equal to twenty percent of qualified rehabilitation expenditures, in the form of a credit certificate. The certificate would be transferable to a lending institution that provides all or part of the financing related to the qualified rehabilitation expenditure in exchange for a reduction in interest or principal.

This bill has the support of the performing arts community and the support of historic preservation organizations. I hope many of my colleagues will support this important legislation.

By Mr. HARKIN (for himself and Mr. SMITH of Oregon):

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION SECURITY ACT

Mr. HARKIN. Mr. President, I am proud to reintroduce the Conservation Security Act today together with Senator GORDON SMITH of Oregon. This important bipartisan legislation represents the first meaningful step toward comprehensive conservation on all of America's working farms and ranches. Although the reintroduction of this bill comes late in the session, it represents the beginning of the new approach for conservation in the next farm bill.

Mr. SMITH of Oregon. Mr. President, I come to the floor of the Senate today to speak to the important issue of conservation in agriculture. I am pleased to join with my friend from Iowa, the distinguished ranking member of the Agriculture Committee, Senator HARKIN, on the introduction of the Conservation Security Act. The introduction of this legislation represents the culmination of a great deal of work on the part of Senator HARKIN and his staff to explore new ways to address the needs of American farmers in the area of conservation. With the debate over a new farm bill on the horizon for the next Congress, I think it is important that we begin this dialogue now to consider how federal programs for farmers can be made more flexible and, frankly, more relevant, to farmers throughout the country.

As some of my colleagues know, I come from rural Eastern Oregon. In my part of the State, which is noted for its wheat farms, it is often said that every day is Earth Day for farmers. And every year, as more and more farmland is lost to development, people from both urban and rural America are starting to realize how much a friend to the environment our farmers are. Farmers have long recognized their direct dependence upon the land and the blessings of nature for their livelihoods, and, as a result, are some of the best stewards of the land in this country. I think you will find, Mr. President, that when it come to environmental stewardship measures, farmers are almost always willing to step up to the plate to do their part, provided that they can still make a living. Too often, I believe they are simply told through regulation what they can or cannot do with their land. Not enough attention is paid to the real impact of such regulation on the farmer's bottom line or on the relative competitiveness of U.S. Agriculture to foreign competition. What good does it do for the environment to drive farmers out of business only to trade farmland for strip malls? We all know there is a place for common sense environmental regulation, but I don't believe we have done nearly enough on the incentive side of the coin.

The Conservation Security Act is a bold step toward filling the gap in our current federal farm conservation regime. Simply put, this legislation offers compensation to farmers for voluntary conservation activities performed on land that is in agricultural production. Several aspects of this approach are significant improvements over the conservation tools available to farmers today.

First, this legislation recognizes that there are a number of things that are beneficial to the environment that farmers can do short of simply idling their land. Adopting an integrated pest management plan that reduces pesticide use, or using soil-conserving rotational crops are just two examples of environmentally sensitive measures farmers can take while their land is still under production. Most of our spending for conservation programs at the federal level is geared toward paying farmers to set aside environmentally sensitive land altogether, such as under the Conservation Reserve Program. While such programs serve an important need, they don't address the range of conservation activities that farmers can, and often do, on their land in production. The Conservation Security Act fills this need in conservation programming and offers farmers the flexibility of choosing from amongst three tiers of conservation measures.

A second significant feature of this legislation is its applicability to all farmers, not just program commodity producers. I come from a state that produces everything from blueberries to potatoes to hazelnuts and nearly everything in between. These specialty crop producers need to have conservation options too. I am pleased to note the Conservation Security Act is open to all farmers in the nation. It is critical that the next farm bill more effectively addresses the needs of specialty crop producers in this area.

Finally, I have to note the potential for this legislation to help address the current farm crisis that is affecting so many of our family farmers. Those of us from agricultural states know too well the difficulties our farmers have faced in recent years, with the cost of production often exceeding the price paid for their commodities. While I believe a number of unusual circumstances have contributed to this problem—such as the Asian economic crisis—I also recognize that we must develop a more effective income support mechanism that the ad-hoc emergency farm spending packages we have relied upon in recent years. An investment in conservation, such as outlined in the Conservation Security Act, could contribute to that end.

In summary, Mr. President, I believe the Conservation Security Act has great potential to address crying needs of farmers all across the nation, while encouraging enhanced environmental stewardship. These are goals I think we should all agree on when it comes to farm policy. Over the upcoming recess, Senator HARKIN and I will seek more input from the agriculture community as well as other interested colleagues on this important legislation. The Conservation Security Act offers a serious attempt to address the conservation needs of farmers as well as the troubling overall decline of the family farm in this country. I urge my colleagues to give in their consideration over this recess and look forward to reintroducing this legislation at the beginning of the next Congress as the debate over the next farm bill begins in earnest.

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. Roth, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 187, a bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes.

S. 821

At the request of Mr. Lautenberg, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 2938

At the request of Mr. Brownback, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3045

At the request of Mr. Leahy, his name was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3067

At the request of Mr. Kennedy, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

* * *

SENATE RESOLUTION 383—EXTENDING THE AUTHORITIES RELATING TO THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. LOTT (for himself and Mr. Daschle) submitted the following resolution; which was considered and agreed to:

S. Res. 383

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 75 of the One Hundred Sixth Congress, agreed to March 25, 1999, is further amended by adding at the end the following new section:

"Sec. 4. The provisions of this resolution shall remain in effect until December 31, 2002.".

* * *

AMENDMENTS SUBMITTED

LAKE TAHOE BASIN MANAGEMENT UNIT LEGISLATION

MURKOWSKI (AND BINGAMAN) AMENDMENTS NOS. 4350–4351

Mr. HATCH (for Mr. Murkowski (for himself and Mr. Bingaman)) proposed two amendments to the bill (S. 2751) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; as follows:

Amendment No. 4350

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Washoe Indian Tribe Land Conveyance Act of 2000".

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) Findings.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) Purposes.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) Conveyance.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) Easement.—

(1) In general.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) Access by individuals with disabilities.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) Use of Land.—

(1) In general.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) Reversion.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

Amendment No. 4351

Strike all after the enacting clause and insert the following:

TITLE I—ADDITION OF CAT ISLAND TO GULF ISLANDS NATIONAL SEASHORE

SECTION 101. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) In General.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking "That, in" and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

"(a) Establishment.—In"; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking "The seashore shall comprise" and inserting the following:

"(b) Composition.—

"(1) In general.—The seashore shall comprise the areas described in paragraphs (2) and (3).

"(2) Areas included in boundary plan numbered NS-GI-7100J.—The areas described in this paragraph are"; and

(C) by adding at the end the following:

"(3) Cat island.—Upon its acquisition by the Secretary, area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

"(4) Availability of map.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

(b) Acquisition Authority.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land,"; and

(2) by adding at the end the following:

"(e) Acquisition Authority.—

"(1) In general.—The Secretary may acquire, from a willing seller only—

"(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

"(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

"(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

"(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

"(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

"(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.".

(c) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).".

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91-660 (16 U.S.C. 459h-4) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into agreements—

"(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

"(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

"(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.".

TITLE II—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SECTION 201. SHORT TITLE.

This title may be cited as the "Pecos National Historical Park Land Exchange Act of 2000".

SEC. 202. DEFINITIONS.

As used in this title—

(1) the term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term "landowner" means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term "map" means a map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 203. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the exchange of lands and interests pursuant to this title shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this title shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after National Environmental Policy Act requirements have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 204. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 203 of this title, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 203, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 1999

MURKOWSKI AMENDMENT NO. 4352

Mr. HATCH (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term "State" means the Texas Water Development Board and any other authorized entity of the State of Texas.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Reclamation.

(4) COUNTIES.—The term "counties" means the counties in the state of Texas in the Rio Grande Regional Water Planning Area known as Region "M" as designated by the Texas Water Development Board and the counties of Hudspeth and El Paso, Texas.

SEC. 3. FINDINGS.

The Congress finds the following:

(a) Drought conditions over the last decade have made citizens of the Lower Rio Grande Valley region of Texas aware of the significant impacts a dwindling water supply can have on a region.

(b) As a result of the impacts, that region has devised an integral water resource plan to meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

(c) Implementation of an integrated water resource plan to meet the critical water needs of the Lower Rio Grande Valley is in the national interest.

(d) The Congress should authorize and provide Federal technical and financial assistance to construct improved irrigation canal delivery systems to help meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

SEC. 4. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) The Secretary is authorized to undertake a program to improve the supply of water for the counties as provided in this Act.

(b) In cooperation with the State, water users in the counties, and other non-Federal entities, the Secretary shall conduct feasibility studies for the purpose of conserving and transporting raw water, including the following:

(1) Irrigation canals;
(2) Pipelines;
(3) Flow control structures;
(4) Meters; and
(5) All associated appurtenances.

(c) If the Secretary determines that the following projects satisfy the eligibility criteria in subsection (d)(1)-(3), the Secretary, in cooperation with the State, water users in the counties, and other non-Federal entities, is authorized to conduct engineering work, infrastructure construction and improvements for the purpose of conserving and transporting raw water through the following projects:

(1) in the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project;

(2) in the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.;

(3) in the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998, and

(4) in the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(d) PROJECT ELIGIBILITY.—Within six months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop criteria for determining eligible projects under this Act. ,Such criteria shall include, but need not be limited to the following requirements:

(1) the project plan includes an engineer's estimate of the amount of water to be conserved;

(2) the design for the project includes a cost of project to water saved ratio; and

(3) there is a cost sharing agreement in place between all relevant parties delineating the proportionate share of costs to be paid on an annual basis.

Within one year of the date a project is submitted to the Secretary for approval, the Secretary shall determine whether the project meets the criteria established pursuant to this section.

SEC. 5. COST SHARING.

The non-Federal share of the costs of any activity carried out under, or with assistance provided under, this Act shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State and the remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as may be necessary; but not to exceed $7,500,000 for the purposes of section 4(c).

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION ACT

COCHRAN AMENDMENT NO. 4353

Mr. HATCH (for Mr. COCHRAN) proposed an amendment to the bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801-808) is amended by adding at the end the following:

"TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

"SEC. 202. FINDINGS.

"Congress makes the following findings:

"(1) Arts literacy is a fundamental purpose of schooling for all students.

"(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

"(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

"(4) Arts education improves teaching and learning.

"(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

"(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

"(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

"(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

"(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

"SEC. 203. DEFINITIONS.

"In this title:

"(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

"(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

"(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

"(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 204. ESTABLISHMENT OF BOARD.

"There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

“SEC. 205. BOARD DUTIES.

“(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the ‘Congressional Recognition for Excellence in Arts Education Awards Program’. The purpose of the program shall be to—

“(1) celebrate the positive impact and public benefits of the arts;

“(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

“(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

“(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

“(5) recognize school administrators and faculty who provide quality arts education to students;

“(6) acknowledge schools that provide professional development opportunities for their teachers;

“(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

“(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

“(9) expand student access to arts education in schools in every community.

“(b) DUTIES.—

“(1) SCHOOL AWARDS.—The Board shall—

“(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

“(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

“(ii) shall be reflective of the dignity of Congress;

“(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

“(i) that the school—

“(I) provides comprehensive, sequential arts learning; and

“(II) integrates the arts throughout the curriculum in subjects other than the arts; and

“(ii) 3 of the following:

“(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

“(II) that the school principal supports the policy of arts education for all students;

“(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

“(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

“(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

“(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

“(i) 3 letters of support for the school from community members, which may include a letter from—

“(I) the school's Parent Teacher Association (PTA);

“(II) community leaders, such as elected or appointed officials; and

“(III) arts organizations or institutions in the community that partner with the school; and

“(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

“(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

“(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

“(F) raise funds for the operation of the program;

“(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

“(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

“(2) STUDENT AWARDS.—

“(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

“(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

“(ii) establish criteria for the making of the awards.

“(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

“(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

“(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

“(e) REPORT.—

“(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

“(2) CONTENTS.—The annual report shall contain the following:

“(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

“(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

“(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

“(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

“(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

“(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

“(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

“SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

“(a) COMPOSITION.—

“(1) IN GENERAL.—The Board shall consist of 9 members as follows:

“(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

“(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

“(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

“(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

“(E) The Director of the Board, who shall serve as a nonvoting member.

“(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

“(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

“(B) in the case of any other such members of the Advisory Board, by the Board.

“(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

“(4) INTEREST.—

“(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

“(B) DIVERSITY.—The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

“(i) Music.

“(ii) Theater.

“(iii) Visual Arts.

“(iv) Dance.

“(b) TERMS.—

“(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

“(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

"(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

"(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

"(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

"(c) VACANCY.—

"(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

"(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

"(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

"(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

"(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

"(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

"(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

"(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(h) COMMITTEES.—

"(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board or the Advisory Board.

"(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

"(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

"SEC. 207. ADMINISTRATION.

"(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

"(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

"(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

"(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

"(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

"(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

"SEC. 208. LIMITATIONS.

"(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 211.

"(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

"(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

"(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

"(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

"(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

"(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

"(f) PROHIBITIONS.—The Board shall have no power—

"(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

"(2) to issue any share of stock or to declare or pay any dividends; or

"(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

"SEC. 209. AUDITS.

"The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

"SEC. 210. TERMINATION.

"The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

"SEC. 211. TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There shall be established in the Treasury of the United States a trust fund which shall be known as the "Congressional Recognition for Excellence in Arts Education Awards Trust Fund". The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

"(b) INVESTMENT.—

"(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

"(2) AUTHORIZED INVESTMENTS.—Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

"(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

"(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.".

(b) CONFORMING AMENDMENTS.—The Congressional Award Act (2 U.S.C. 801-808) is amended—

(1) by inserting after section 1 the following:

"TITLE I—CONGRESSIONAL AWARD PROGRAM",

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking "Act" and inserting "title", and

(B) by striking "section 3" and inserting "section 102",

(4) in section 102(e) (as so redesignated)—

(A) by striking "section 5(g)(1)" and inserting "section 104(g)(1)", and

(B) by striking "section 7(g)(1)" and inserting "section 106(g)(1)", and

(5) in section 103(i), by striking "section 7" and inserting "section 106".

The PRESIDING OFFICER. The Senator from Idaho is recognized.

EMBELLISHMENTS BY VICE PRESIDENT AL GORE

Mr. CRAIG. Mr. President, I thought for the next few moments I would speak basically in response to my colleague from Nevada, who is here on the floor. He has taken the floor in the last two evenings to quote rather liberally and at length statements made by Republican Presidential candidate George W. Bush, and of course those statements stand in the RECORD as he has presented them. He quoted them verbatim, saying he believed it was necessary to demonstrate the policy positions of this Presidential candidate.

I thought it would be appropriate to lay into the RECORD this evening similar quotes from AL GORE, the Presidential candidate for the Democrat Party, who on many occasions has made a variety of embellishments about certain facts. For the next few moments, I want to take this opportunity to read some of his quotes, which I think is appropriate as a comparative between the two Presidential candidates.

I will start with a CNN quote on "Late Edition with Wolf Blitzer," March 9, 1999. Vice President AL GORE, at that time, said:

> During my service in the United States Congress, I took the initiative in creating the Internet.

In the New York Times, December 1, 1999, he said:

> I found a little place in upstate New York called Love Canal. I had the first hearing on that issue and Toone, Tennessee.

I assume he meant in Tone, Tennessee.

> But that was the one that started it all.

I think that was the one where we knew the Vice President took credit for discovering Love Canal and acting on it.

During a flight on Air Force One, GORE was chatting with reporters. This is what he said:

> He . . . spent two hours swapping opinions about movies and telling stories about old chums like Eric Segal, who, Gore said, used Al and Tipper as models for the uptight preppy and his free-spirited girlfriend in "Love story."

That is a quote out of Time magazine, December 15, 1997.

This is from the first Presidential debate on October 3, 2000:

> I accompanied James Lee Witt down to Texas when the fires broke out.

Of course, he recanted that the next day, saying he really didn't do that. He was down there on the ground, but not with Mr. Witt, Director of FEMA.

Then during the first Presidential debate on October 3, he said:

> They can't squeeze another desk in for her, so she has to stand during class.

Of course, immediately that school rejected that, saying that was simply not true. The first day of classes, her desk was not available, but the second day it was.

On the NBC "Today Show," January 24, 1997, he said:

> I did not know it was a fundraiser.

Of course, we know what he is talking about because then in an FBI deposition transcript on May 23, 1997, he said:

> I didn't realize it was in a Buddhist temple.

Those are actual quotes from a man who wants to be President of the United States.

He went on to say this in the Washington Post on September 24, 2000, talking about the Strategic Oil Reserve which was established in 1975, 2 years before AL GORE was elected to Congress:

> I've been a part of the discussion on the Strategic Oil Reserve since the days when it was first established.

In reference to the Comprehensive Test Ban Treaty, he said:

> I've worked on this for 20 years because, unless we get this one right, nothing else matters.

That was on the Al Gore 2000 web site, October 14, 1999. Of course, during his career here in the Senate, Mr. GORE openly opposed the Comprehensive Test Ban Treaty.

In reference to the death penalty, Mr. President, candidate GORE has said this:

> I have always supported it because I think society has a right to make careful judgments about when that ultimate penalty ought to be applied.

That was from the Associated Press, November 19, 1999. Senator AL GORE voted against the death penalty for drug kingpins on June 28, 1990, and against the death penalty for terrorists on February 20, 1991.

Remember, he said, "I support it," and then he twice voted against it.

In reference to the earned-income tax credit, he said:

> I was the author of that proposal. I wrote that, so I say, welcome aboard. This is something for which I have been a principal proponent for a long time.

That was in Time Magazine, November 1, 1999.

Carthage Courier, February 21, 1980. AL GORE cast the tie-breaking vote in the Senate on August 6, 1993, to raise taxes on Social Security benefits.

He said:

> Social Security Benefits will remain untaxed . . . I sincerely believe that any plan to tax Social Security benefits would place an unforgivable burden on our senior citizens who are currently trying to enjoy their retirement years in the face of ever-increasing prices. . . . It is totally inconceivable. . . . It is unfair.

Yet, of course, he was the one who cast the tie-breaking vote August 6, 1993.

In reference to investing Social Security funds in the stock market, he said:

> We didn't really propose it. We talked about the idea.

See Clinton-Gore fiscal years 2000 and 2001 budget proposals. They not only talked about it; they proposed it in their budget, Mr. President.

Here is another interesting quote:

> Does he (George W. Bush) have the experience to be President? You know he has never put together a budget. The Governor of Texas is by far the weakest chief executive position in America and does not have the responsibility of forming or presenting a budget.

Now, if you look at Texas law, section 401.041, it reads:

> The Governor of Texas is the chief Budget Officer of the State.

Also, section 401.406 reads:

> The Governor shall deliver a copy of the Governor's budget to each member of the legislature not later than the sixth day of each regular legislative session.

In reference to the McCain-Feingold campaign finance legislation, he said, "Unlike Senator Bradley, I was a cosponsor of it."

That was in the New York Times, November 24, 1999.

Cosponsor? I didn't know that Vice Presidents could become cosponsors of legislation. But be that as it may, that is what he said.

Here is another quote; The American Prospect, June 5, 2000.

> One-hundred and sixty-three bills for free or reduced-cost TV have been introduced in Congress since 1960.

Here is what the Vice President said about it:

> Some of you may know that I don't come new to this issue; I introduced the very first free TV legislation in the Senate, exactly nine years ago this past Saturday, October 18, 1998.

Interestingly enough, the first bills were introduced in 1960.

Again, another mistake by our Vice President from the Columbia Journal Review, January 1993:

> In an interview published last Sunday by the Des Moines Register, Gore was quoted as saying he "got a bunch of people indicted and sent to jail" while working as a reporter for the Tennessean in the 1970s.

Two people were indicted for alleged corruption during the same period AL GORE covered the Nashville Metro Council. Neither of the two were imprisoned.

> I carried an M-16 . . . I pulled my turn on the perimeter at night and walked through the elephant grass, and I was fired upon.

Los Angeles Times, October 15, 1999.

According to witnesses, AL GORE was a reporter who never saw combat and was kept out of harm's way.

A speech to the New England Business Council, November 30, 1999:

"I was a home builder after I came back from Vietnam. . . I know a good bit about how to make money that way"—meaning home building—"to build this country is a great thing."

Tanglewood Homebuilders was a Gore family corporation. The contractor said AL GORE visited the construction site once or twice.

> I live on a farm today. I have my heart in my own farm.

ABC News, December 23, 1999.

Of course, we know that Mr. GORE was raised here in the city of Washington.

The PRESIDING OFFICER (Mr. BENNETT). The Senator's time has expired.

Mr. CRAIG. Recognizing my time has expired, I will continue this dialog probably on Monday night. I have now quoted 20 of about 40 of these kinds of situations in which the Vice President has found himself. I will make them a part of the RECORD to compare them to what the Senator from Nevada has stated, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nebraska.

DIFFERENT APPROACHES

Mr. KERREY. Mr. President, in yesterday's New York Times, there was a story about a young man in Poughkeepsie, NY, who used a global positioning satellite device—a little, handheld device that tells you exactly where you are—to do something that apparently is sweeping the country; that is, to cachet something and then put a GPS label on it. Then somebody else goes out and tries to find it. It is the latest fad in the never-ending pursuit of ways to use sophisticated technologies to accomplish useless things.

With great respect to the Senator from Idaho, what we have here is one more attempt to come down here and use sophisticated descriptions of the Vice President to accomplish useless things.

The other day, the Senator from Nevada came down and read I don't know how many pages of statements of the Governor of Texas; things that he said were incorrect. "Nigeria is a continent"—things like that—and, "I am the only candidate who knows how to put food on my family."

It is funny.

The truth is, the Vice President, in the House of Representatives, did play an instrumental role in providing the funding for the National Science Foundation, DARPA, and other sorts of things. One of the founders of Netscape the other day said Netscape wouldn't have been created—he is the guy that wrote the software at Champaign-Urbana, IL, called Mosaic that lead to the creation of the Internet.

He said: I wouldn't have gotten my start, and we wouldn't have been doing our work were it not for AL GORE's work over in the House.

All of these things we can argue.

I have been asked repeatedly: Do you think the Governor of Texas is competent enough to be President? Does he lack intelligence?

I was asked the other day on a radio show. I don't say that the Governor of Texas lacks intelligence; I do not suggest that he is incompetent; But I think it is important to examine the proposals that are on the table. The Governor of Texas says we ought to cut income taxes by $1.6 trillion. He says let the American people decide how the money is going to be spent.

That is a reasonable thing to do. I don't object to letting the American people decide how they are going to spend their own money.

Over the last 10 years, we have made great strides, starting with a piece of legislation that the father of the Governor of Texas supported in 1990. George Herbert Walker Bush, when he was campaigning in 1980 for the Republican nomination, described Ronald Reagan's proposals as "voodoo economics." He went along with him as Vice President for 8 years, and for 2 years as President.

In 1990, he said we have had enough. He signed legislation and imposed caps that we are obliterating this year.

We are ignoring the caps this year. I think we are going to be $300 billion over on appropriations; the tax bill, another $250 billion against Medicare; health provisions, another $250 billion. We are about $900 billion over the caps.

But the Governor of Texas is determined to do another $1.6 trillion on top of that—$1.1 trillion of payroll tax; "voodoo economics," and will put at risk not just this surplus that we have but the jobs that have been created as a consequence of what his father started in 1990.

That is what this campaign is about. It should not be in pursuit of what I consider to be sort of useless arguments where you find that the Vice President said something that isn't 100 percent true. So he finds something that the Governor of Texas says isn't 100 percent true. That really makes unusual candidates for office. It is a fairly common thing for us to do in the campaign.

But, in my view, an awful lot is at stake here—an awful lot more than just trying to figure out who says the silliest things and the most preposterous things.

The economic strategy of these two individuals is dramatically different. Their approach to problem solving is also dramatically different, and their attitudes toward many issues are dramatically different. We ought to allow the American people to distinguish one from the other.

I for one am getting sort of weary from all of these attempts to demonstrate that one person lies and the other person is so stupid that they can't figure out one thing from another.

It is far more important, it seems to me, for the American people to assess where it is these two individuals want to take this country, and then try to, as well, give them the opportunity to separate themselves. And they are clearly dramatically different in their approach not only to the issues but in their approach to the economy and in their approach to where they want to take the United States of America.

I yield the floor and look forward to the comments of the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to the distinguished Senator from Idaho and the distinguished Senator from Nebraska, and I would like to say that there is a real difference between the two candidates for President. I think we in America can say that the candidates running for President and Vice President are decent people. Their wives are good people. I know them all very well. The differences between them, however, are really stark.

I believe if you compare the Bush and GORE economic programs you will find that the programs of George Bush have much more justification than the other side

We all know that these comments about reducing the national debt are just a front. We haven't seen that happen since 1994 when the first Republican Congress in decades took over.

The year 1994 was the first time in decades that we controlled both Houses of Congress and since then we have balanced the budget three times. We have paid down the debt $361 billion. By the end of next year it will be $½ trillion. That would not have happened had it not been for the first Republican Congress.

I remember as a Member of this body in 1994 when the President submitted the budget for $200 billion in deficits well into this century. President Clinton said at the time that nothing could be done, there was no way we could have anything but those deficits for at least 10 years.

Of course, we have shown that good fiscal discipline can literally balance the budget. I have to say what we are in right now is a mess. I think it will take George Bush and Dick Cheney to straighten it out. One of the things I like about George Bush so much is that he picked Dick Cheney, who, without question, is head and shoulders over most people who have served in Washington. Cheney is bright. He is extremely intelligent. He is extremely knowledgeable and has a lot of experience. He is honest to a fault, and he is straightforward. He is just the type of a person we need in government today.

When you have a $4.6 trillion projected surplus, it is pretty clear to me that taxpayers are being asked to pay too much in taxes. Frankly, Bush's approach is to set aside $2.3 trillion for Social Security; he has $1.3 trillion to give back to the taxpayers and use the other $1 trillion to pay down the national debt.

In order to have a $4.6 trillion surplus, we better pursue a wise economic approach. This economic approach has reduced the marginal tax rates from 70 percent down to 28 percent in 1986, and reduced capital gains from 28 percent to 20 percent 3 years ago. We had to think seriously about balancing the budget during our battles for the balanced budget amendment. But the first

Republican Congress in decades managed to balance the budget. And we also had a wonderful head of the Federal Reserve in Alan Greenspan, a Republican, who basically has done miraculous work. There is no question that Secretary Robert Rubin did a good job and helped to stabilize world markets.

In all honesty, if we want to keep this economy going, we have to realize that marginal tax rates have jumped from 28 percent in 1986 up to over 40 percent today. Of course, they are still 30 points below where they were when Ronald Reagan took office with double-digit inflation and double-digit interest rates.

I hope the American people realize we have to have a change in Washington or we are going to go back to the old ways of deficits, high interest, and high taxes.

I might also add that I get tired of this 1 percent business. Let's face it, the top 1 percent of those who pay income taxes pay almost 35 percent of the income taxes in this country. The upper 50 percent, which comprises people with incomes over $27,000 a year, pay 96 percent of all taxes. The bottom 50 percent pay around 4 percent of all taxes. Naturally, Bush wants everybody who pays taxes to receive some benefits from having done so. Those who earn less than $35,000 a year are going to have a 100-percent reduction in most cases. Since the average wage in Utah is $37,000, it is easy to see we are going to have a lot of people in Utah benefiting from the Bush tax cuts. If you make $50,000 or less, you have a 50 percent or a 55 percent reduction in your tax burden. At $75,000, you have 25 percent.

I felt it necessary to make these comments because the differences between the two candidates are stark. I think both candidates are good people. Vice President GORE and his wife Tipper are good people. There is no question that Governor Bush is a very good person, and his wife, Laura, is a wonderful person.

The difference is philosophy. It is time for us to get the country going in the right direction. That is my view.

Mr. President, I make a few comments to discuss a matter of great importance to immigrants and to all Americans.

President Clinton has repeatedly threatened to veto the Commerce, Justice, State appropriations if it does not include his proposals for immigration amnesty for undocumented aliens, or in most cases, illegal aliens. He calls it the Latino Immigration Fairness Act.

The CJS conference report does far better than the Latino fairness bill that the President is advocating. This CJS Report includes provisions that will restore fairness to immigrants from all countries, including hundreds of thousands of Latinos. The CJS bill contains a proposal carefully crafted by myself and others and we call it the Legal Immigration Family Equity Act, the LIFE Act. Our proposal has at its foundation a simple goal—to take a much needed step toward bringing fairness to our Nation's immigration policy by reuniting families and helping those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries involved.

By contrast, the Clinton-Gore proposal would grant a blanket amnesty to millions of undocumented aliens—many or most of whom have broken our immigration laws. It also picks out specific groups of immigrants—namely, Central Americans—for special treatment. Unlike the Clinton-Gore proposal, our plan does not provide relief to those who have violated our laws at the expense of those who have played by the rules. Instead, it restores due process to a class of immigrants wrongly denied the ability to apply for residency nearly 15 years ago and expeditiously reunifies husbands, wives, and children of resident aliens. In other words, legal aliens.

It is important to bear in mind that at the same time the administration wants to grant amnesty to millions of people, it cannot even tell us how many people are waiting in line to come here legally. The administration's best guess on the number of immigrants waiting in line—a figure which is nearly four years old—is that over 3.5 million people are waiting to immigrate to the United States. Over 1 million of these applicants are spouses and children of permanent residents, that we take care of in our bill. The others we will look at, but not in the context of this bill. No; instead, the administration proposes to move to the front of our immigration lines those who have violated our immigration laws.

That doesn't seem right to me. We have to focus our efforts on helping reduce this backlog in addressing any legitimate due process issues. Our proposal does these things to accomplish these goals. The first part of our LIFE Act creates a new form of visitor visa for spouses and children of permanent residents. Our plan puts our Nation's resources behind reuniting families, instead of processing amnesty applications. Eligible applicants would be allowed to reunite with their families residing in the United States, and work legally while awaiting a decision on the merits of their petitions.

Our proposal would allow approximately 600,000 over the next 3 years to come to the United States legally, ahead of schedule, to be reunited with their immediate families.

Second, the LIFE Act further strengthens family and marriage by permitting spouses of U.S. citizens married outside the United States to obtain visas allowing spouses to enter the United States to await immigrant visa processing. Before the Clinton-Gore White House proposes that we give residency to those who have broken our minimum immigration laws, shouldn't we first be in the position of letting the wives of our citizens into this country, those who are legal?

Third, the LIFE Act restores due process to immigrants who are wrongly denied adjustment of status because of an INS administrative error.

My proposal allows the late amnesty class of 1982 to pursue their legalization claims under the original terms of the 1986 Act. We restore fairness to this group of individuals that has spent over 10 years in litigation.

This portion of the LIFE Act would assist approximately 400,000 immigrants in the class of 1982 who have played by the rules and now deserve the chance to legalize their status in accordance with law. Our proposal is strongly supported by those who lived through this litigation and fought against the Clinton administration's INS for fairness—not the political interest groups that would prefer to divide our country over this issue. Members of the class of 1982 prefer our solution to the administration's. One member of the class recently pleaded:

> We urge President Clinton to now call upon his INS to lay down its arms, to stop its decade-old battle to block our legalization, to comply with the numerous court orders we have won.

In short, our LIFE Act will help close to one million people who have been treated unfairly by our nation's immigration laws.

But Republicans have not stopped there. We recognize that there is a serious need to reform the Immigration and Naturalization Service in both its mission and its structure. We have complaints all the time about it. It is time to reform it. The INS should offer better service and a culture of respect for our newest Americans. Many Republicans and Democrats have worked hard toward promoting these broad goals.

Although we have yet to receive any written or formal response from the administration concerning the LIFE Act, we have presented the White House with language that says we should hold hearings and consider legislation that addresses the backlogs in applications for lawful permanent residency, furthers keeping families together, and addresses whether there are worker shortages in different sectors of our economy. Further, we have proposed that the Attorney General prepare a report to Congress no later than March 1, 2001, addressing facts relating to the administration's proposal.

Why do we need a report? Well, before the Congress is asked to proceed to grant separate treatment to different nationalities, or consider a blanket amnesty, I think it might make some sense to know how many people would be covered by the proposal. We have repeatedly asked for such information from the administration—they have yet to provide it. Let's be clear: the Clinton-Gore administration cannot even tell us how many people will be covered by their proposal. Why can't they tell us? Either they do not know the answer or they do know the answer but don't want the American people to know it. They would rather play politics with this issue.

I have no objection to seriously considering immigration reforms during the next Congress. I am chairman of the Republican Senatorial Hispanic Task Force. I have worked very hard for Latinos throughout our country—frankly, throughout the world, and will continue to do so. But such major reforms should not be pursued in an election year rush to create wedge issues that divide, rather than unite Americans. Real INS reform requires that we proceed in a responsible way, after we know the facts.

Unfortunately, the President appears not to care about the facts. If he did care, he would not threaten to veto this important bill since a veto jeopardizes funding for some of our most crucial government programs.

This chart shows just some of the many programs funded by the CJS appropriations bill—programs which the President threatens to cut off funding for with his veto. The CJS appropriations bill allocates $4.8 billion for the INS. If those funds are cut off by that veto we are going to be in a bigger mess on immigration then ever before, as bad as some think INS is. It contains an additional $15.7 million for Border Patrol equipment upgrades. How will President Clinton explain to Americans that he wants to shut down the INS and Border Patrol in order to force Congress to grant amnesty to millions of illegal aliens? What kind of a message does this send to the men and women of the Border Patrol who risk their lives doing their job each and every day? I would note that the Border Patrol officers oppose his amnesty proposal—or should I say the proposal of those on the other side.

This appropriations bill also contains $3.3 billion for the FBI, and $221 million for training, equipment, and research and development programs to combat domestic terrorism. How will President Clinton explain to the families of those killed in the U.S.S. *Cole* bombing that FBI agents may have to be brought home because he has cut off funding for the FBI in order to grant amnesty to millions of undocumented aliens who violated our immigration laws?

This appropriations bill contains $4.3 billion for the federal prison system and $1.3 billion for the Drug Enforcement Administration. How will President Clinton explain to the American people that funding for Federal prisons and drug enforcement and drug interdiction will be put at risk because he wants to grant amnesty to millions of people who have violated our immigration laws?

We do not even know how many millions because they will not give us the figures. I suspect the reason they will not give us the figures is because it amounts to more than 4 million people.

Let me just put another thing up here. At the end of this Congress, we got into an awful bind that threatened to stop us from reauthorizing the Violence Against Women Act—for which we allocate $288 million. This is the Biden-Hatch bill. We passed it 6 years ago, as I recall. It has worked very well to help Women In Jeopardy Programs, legal aid for battered women and children, and a whole raft of other things to help cope with the problems of violence against women. This all goes down the drain if the President vetoes this bill. It is a matter of great concern. Like I say, this bill allocates $288 million for the Violence Against Women Act Program, legislation that I strongly supported and helped to break free at the end of this Congress.

Does President Clinton want to cut off funding for assistance to battered women and their children in order to grant amnesty to millions of illegal aliens? It does not sound logical to me. I know we are weeks away from an election. I also appreciate the desire of the Clinton-Gore White House to play wedge politics. But I feel it is incumbent upon me to note this White House, indeed, some White House officials involved in this immigration effort, have a pretty poor record when it comes to letting political motivations cloud their judgment on matters, important matters of public interest and public safety. Let's not forget how the Clinton-Gore White House granted clemency to convicted FALN terrorists in order to, in their words, "have a positive impact among strategic Puerto Rican communities in the U.S. (read voters)."

The White House consciously targeted Puerto Rican voters and, it seemed to me, under the worst of circumstances and in the worst way.

Actions have consequences. If President Clinton vetoes this bill, he is putting the public safety and well-being at risk, both at home and abroad. He is doing this all in an effort to play wedge politics. The President's veto threats ring especially hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated that he wants, "to keep families together, and to make our immigration policies more equitable."

This is exactly what my LIFE Act does. In order to get that done, I have had to bring together people with all kinds of varying viewpoints, from those who do not want any immigration changes at all to those others who do not care about immigration.

I believe in the Statue of Liberty. I believe this is a country that ought to be open for legal immigrants.

I believe we ought to do everything in our power to solve these problems. I am willing to hold hearings right to see if we have not covered some of the problems that need to be covered. More than 1 million people are going to be covered by the LIFE Act. We have been able to bring together both Houses of Congress, as far as Republicans are concerned, and I think a lot of good Democrats when they look at this will be very impressed that we have been able to get this much done. I cannot go beyond that because there are people who just will not go any further.

I am willing to commit to holding hearings right after the first of the year to determine what else needs to be done. I am not prepared today, without all the facts, without hearings, without knowing where we are going, to grant amnesty to millions of illegal aliens and put them on the list ahead of those who need their spouses and families to be brought together.

When we fought these matters on the floor, there was a lot of anguish and whining by some on the other side that we were not taking care of families and children. I said we would try to do that and we have done it.

This bill does more than the President's bill, and it does it legally in the right way, giving preference to the people who have played by the rules rather than those who have not.

Most Americans descend from someone who came to this great country in the hope of pursuing a better life, in the hope of fulfilling the American Dream. I believe the American Dream is still alive and that we in Congress should try to serve as its custodians. For this reason, I believe it is not right to penalize families and to disadvantage those who have played by the rules. Indeed, I believe most current and future Americans—most Hispanics, most Asians, most Africans, and most Arabs—do not want to see people who play by the rules disadvantaged in an election year rush to help those who have not. And if you put the question to those the administration seeks to help, I think they would agree as well.

A veto of CJS appropriations and the LIFE Act would elevate political posturing above immigrant families and would place interest group politics over protecting the health and well-being of all Americans.

We have brought a lot of people together on this bill. I call upon the President to look at that. It is quite an achievement under circumstances that have been difficult for people such as myself.

It surprises me that the administration has suddenly called for urgent immigration reform for fairness' sake. It was 4 short years ago that the President eagerly signed the Illegal Immigration Reform Act of 1996. The President's current proposal stands the 1996 law on its head. Here is what the President said then about the 1996 Act in his signing statement:

> This bill also includes landmark immigration legislation that reinforces the efforts we have made over the last 3 years to combat illegal immigration. It strengthens the rule of law by cracking down on illegal immigration at the border, in the workplace, and in the criminal justice system—without punishing those living in the United States legally, or allowing children to be kept out of schools and sent into the streets.

I think the President ought to live by those words, instead of undermining existing law through Latino fairness. Getting our LIFE bill together has taken a lot of effort on my part and on the part of others under difficult circumstances. We have been able to bring together people who almost always have difficulty with immigration laws.

Our proposal has something that will solve the 1982 problem of due process rights. Those people have not been treated fairly by the INS. The INS keeps appealing their cases even though they win them every time. We will solve that problem for them.

It solves the problem of reuniting minor children with their parents in this country. It does it in the best of ways, and it does it expeditiously. It solves the problem of bringing spouses together with their husbands and wives who are legal, and it will help close to 1 million people. That, to me, having worked on immigration matters over the last 24 years, is a pretty darn good accomplishment if we can get it done.

I do not want to have this process break down because politics are being played. I know there will never be an agreement to allow up to 4 million people who are illegal aliens into this country in preference over these three categories of people I have talked about, these 1 million people who deserve to be treated better.

I hope the President will listen to what I have said. I have not had a chance to personally chat with him, but I have talked with his Chief of Staff who is a good friend and decent man and who I think, having served on the Senate Judiciary Committee for all those years on the Democratic side, understands how difficult these matters are to put together.

I believe it is time to resovle these problems. I have done my best to do it. This is as far as we can go now, but we make a promise to look into every issue that is raised in hearings as soon as we get back, assuming we are still in the majority. Even if we are not, I will cooperate in seeing those hearings are held in an orderly and intelligent way.

I reserve the remainder of my time.

Mr. REID. Will the Senator withhold for a moment?

Mr. KERREY. Yes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from West Virginia, Mr. BYRD, be recognized for 20 minutes following the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. KERREY. Mr. President, my good friend from Utah just described two things that I see much differently than he does. The conflict we are having right now over Commerce-State-Justice is occurring as a consequence of the House and the Senate not finishing their appropriations work. They are supposed to be done by the first of October. We are supposed to have all 13 bills passed. Our work is supposed to be done and all the bills sent to the President for signature. We were not able to get the work done. We are not able to look much further than what has happened to fiscal discipline around here to discover why we have been unable to get our appropriations bills done, why there have been delays on the appropriations bills. The answer is we are spending a lot more than the budget caps allow.

According to Bill Hoagland, who in the New York Times lays it out as accurately as anybody—I consider him to be an extremely reliable analyzer of the numbers—the appropriations bills we are going to pass will be $310 billion over the caps as estimated by CBO over the next 10 years, and that presumes that only inflation will be allowed over the next 10 years in growth in appropriations which we did not do this year. We are way beyond inflation this year. It is probably not $310 billion. It is probably much more than that. That is the problem.

It is very much a case where we had a glass slipper that was too small for our great big foot, and we could not get all the things we wanted to spend into that shoe. The Republican majority, facing that problem, had to decide what it was going to do. It has delayed, delayed, delayed, and as a consequence, we are now in a situation where, if we attach anything to it that is objectionable to the President, it is going to provoke a veto.

You know what you have to do to get the President to sign it. He will tell you what to do to sign it. If you are 27 days late, do not be surprised if you have lost leverage. Of course you have lost leverage; you are 27 days beyond the battle line, what the law tells us we are supposed to be doing with our appropriations bills.

There are two things I want to talk about as we head toward the end of this session that I find to be very troubling. The first is what we are doing with the surplus itself. Again, the second thing the Senator from Utah said earlier is we balanced the budget in 1997 and that it came about as a result of the election of a Republican House and Senate in 1995.

I voted for a Republican budget in 1995. I voted for a Republican budget in 1997 in order to balance it. But we began down this trail in 1990. That is when the budget caps were enacted. That is when we established sequestration to put in automatic across-the-board cuts if we were unable to get our budget inside the caps. There was a purpose. Balancing the budget was not an end in itself; it was a means to an end.

What was the end? The end was growth in the economy. We believed that if you balanced the budget—in other words, if you spent less than you taxed—that that would produce growth in the economy. That was the argument, not just in 1990, but way long before that.

I recall, when I was Governor, signing a letter in support of what the Republican Senate was doing in 1985 to try to balance the budget. It included a freezing of the COLA, which some say contributed to the loss of the Republican Senate in the 1986 election. I do not know if that is true or not. It was tough medicine. It would have balanced the budget. It is not easy to balance the budget.

I remember voting in 1990, 1993, and 1997—and the criticism is always the same: I want to balance the budget. I believe deficit reduction is important. I just don't want to pay any more or take any less. The only objection is, you cut my program and increased my taxes. Other than that, I liked what you did.

We had tough medicine in 1990, tough medicine in 1993, and tough medicine in 1997. All during those years, we had a means to say to our citizens: Look, I have to say no; I have a spending cap up until this year. If you came to this floor, and there was a motion to waive the Budget Act, it was tough to get 60 votes. Not anymore. Today, it is relatively easy to get 60 votes. I am not even sure we are going to have a vote to break the budget caps on appropriations.

Listen to what Mr. Hoagland says: This year we started off with a $2.4 trillion general fund surplus. The appropriations is going to reduce that surplus by $310 billion. An additional $295 billion in surplus goes for two tax cuts: the $240 billion package we are battling over right now and a separate $55 billion reduction in taxes on long distance telephone calls.

I listened to the argument. This is a Spanish-American War tax. For gosh sakes, the income tax is a World War I tax. Let's get rid of that, too, if that is the basis of why eliminating a tax makes good sense.

But we are going to eliminate a $55 billion tax. We are going to increase payments to Medicare. That is $74 billion more in the surplus, another $44 billion going to increased pension benefits to military retirees. Tax cuts and spending increases come to $723 billion over 10 years. The surplus is actually reduced by an additional $187 billion because of interest costs, bringing the total to $910 billion.

Since the 1990 Budget Act, signed by President Bush—all through the 1990s—we had to come to the floor, and if you wanted to offer something that spent more money, you had to have an offset. It was called the pay-go system.

We discovered that tucked in this little $247 billion tax bill that we are arguing about is a provision that waives the pay-go provisions. I mean, we are abandoning everything that got us to where we are today.

Again, I emphasize to people who want to know, what is this all about? Twenty-one million dollars have been created. The recovery, in my view, started prior to 1993. It started in 1991 and 1992. The deficit started coming down in 1992, and in no small part because of what we did in 1990. The full story did not begin in 1997. It did not start in 1993. It started in 1990. And now we are just throwing it all out the window, saying: It does not matter anymore; we have a great big surplus. That is why the American people are distrustful. That is why they are saying to us: Take that surplus and pay down the debt. That is why they are not supporting big tax cuts.

I voted for the Republican tax cut the first time it came up. Then I went home and the people of Nebraska said to me: We don't want it. We don't want it. Pay down the debt.

This fiscal discipline has been good for us. It has created jobs. It has promoted economic growth. There has been a positive result.

So I say, especially with the Governor of Texas saying he is committed to a $1.6 trillion income tax cut and a $1.1 trillion payroll tax cut, that on top of what we have already done, in my view, that is unquestionably going to put us right back in the soup. That is the failed policy of the past.

The failed policy of the past is when we said it doesn't matter if our budget is balanced. The failed policy of the past is when we were taking 22 percent of our income and spending it with 18-percent taxes coming in. Now it is the opposite. Spending levels are at 18 percent—the lowest level they have been since the middle of the 1970s, before this year, before what we have been doing in the past week or so—heading to 16 percent. It has not been at that level since Dwight Eisenhower was President.

I have to say that given what Congress is doing, and what we are seeing at the Presidential debate level, my hope is the American people will wise up and say: We got to where we are with tough choices. We are about ready to throw it all down the drain.

My belief is that fiscal discipline has not just been good for us here domestically, it has given us the strength to do an awful lot of things throughout the world as well. That is our greatest source of strength, our capacity to keep our economy growing.

You do not have to look any further than the former Soviet Union and Russia. They have a GDP that is $30 billion less than we have for defense. I am not saying our defense ought to be lower. I support taking it higher. I do not compare our defense against Russia, but their GDP is so low they cannot take care of submarines such as the Kursk.

I took a trip to Africa. Of the 11 nations we visited, they spend less than $10 per person on health care and $10 per person on education. The reason is their income is insufficient. They do not have the growth and are not producing things that the world wants to buy, and the United States of America does.

So I do not want to go back to the failed policies of the past. I do not want to go back to "voodoo economics." I do not want to go back to those days when we said to the American people that it does not matter whether or not our budget is balanced.

We paid too big a price to get to where we are today. The American people not only are more prosperous and more enthusiastic about their economy and their future, but they have an awful lot more confidence in democracy as a result of our finally being able to do something about what was public enemy No. 1, all the way through the 1980s, and all the way through the 1990s.

I am sure former President Bush remembers what happened in 1992. He had a guy by the name of Ross Perot who made the deficit a battle cry and enabled him to have an impact upon that Presidential election, and probably enabled then-Governor Clinton to win that election, with 43 percent of the vote.

So you do not have to go back very far to see why it is that we have to reestablish fiscal discipline. We are going in the wrong direction. To get rid of the pay-go provisions is reason enough to vote against this tax bill for anybody who went all the way through the 1990s in this Congress. And that is the reason we are struggling with Commerce-State-Justice.

The dirty little secret is that our spending appetite exceeds the budget caps that got us to where we are today. As I said, this sounds like all process arguments. But there was a big payoff in eliminating that deficit, paying down the public debt, and relieving the pressure upon the private sector of borrowing, as we have done.

It did not just enable the economy to grow, it lowered the cost of borrowing money for a house, lowered the cost of borrowing money for an automobile, and lowered the cost of borrowing money for a business. In my view, at least as one former businessperson, it promoted an awful lot of economic growth. It has a huge impact on our capacity to create the kind of jobs that the American people want.

There is a second troubling thing that I have heard said over and over during this tax debate and the debate on the Medicare balanced budget givebacks as well. Those are both provisions we have, recognizing in 1997 we took almost $300 billion out of Medicare for providers instead of the $100 billion that we thought. So we are trying to adjust that a bit and make things a little easier for—in my State, especially the rural providers—the providers, but also home health care people and long-term care providers, and so forth, that are in that package.

I have heard it said over and over that, gee, this was largely bipartisan. Many of the provisions in this bill are provisions that were supported by Democrats. That is absolutely true. There are many provisions that are in this bill that were supported by Democrats. That is not the issue. The problem is, I heard one of my colleagues say earlier—he was describing negotiations with China—an agreement is just a temporary interruption in the negotiations.

We had an agreement on pensions. We had an agreement on pension reforms. Democrats came on board saying: We recognize that in order to do pension reform, you are going to have to provide changes in the law that are likely to benefit upper income people.

The distinguished Senator from Utah earlier talked about the 1 percent. He is absolutely right.

Almost 40 percent of the swing in the deficit from 1992 to today, 43 percent, an estimate made by Bill Hoagland of the New York Times—43 percent of that came because income tax rates were higher, and we had a big run-up in the stock market, a big cashing out of stock options, and a big cashing out of pensions as well. So upper income people are paying more taxes, especially Americans who have more than $1 million of taxable income. They are paying a lot of taxes.

So Democrats—I for one—acknowledge that if you are going to do a pension reform bill, it is likely to benefit upper income people. We are not going to demagogue that. It is likely to be that that is the case. But we asked for a couple little provisions to help that low- and moderate-income worker. They were tax credits.

The chairman of the Ways and Means Committee, Mr. ARCHER, doesn't like tax credits. So he stripped the two provisions out that we had in there for small businesses to help them defray the cost of start-up pensions. He stripped the provision out that had a matching in there for this low- and moderate-income worker who is working for small businesses that have fewer than 100 employees. He stripped that out because he doesn't like tax credits. We had a deal. So when the Republican leadership got together, they yielded to Mr. ARCHER and stripped out provisions of the pension bill we wanted that made it more fair.

I said last night, God created Democrats so we can ask the question: Is it fair? Sometimes we don't ask: Can we pay for it? That is something we have to train ourselves to do, and I thought we had through the 1990s with the budget caps. I talked about that earlier. But we asked the question: Is it fair? If we are going to spend money and try to increase the amount of pension coverage we have in the United States of America, shouldn't we try to do it for low- and moderate-income working people in the workforce with employers who have fewer than 100 employees? Shouldn't we do that? We answered yes. And Republicans in the Finance Committee agreed with us. That is what we got.

Mr. ARCHER said he doesn't like tax credits. So when the Republican leadership all got together—without a hearing—they stripped it out. Guess what. With it stripped out, Mr. ARCHER still votes against it.

So they took something out of the pension bill they now want us to pass, that we had insisted on in order to get Mr. ARCHER's support, and he still votes against the darn thing.

That is why we are pushing back. That is why we urge President Clinton to veto this thing. We would like to get most of the things that are in this tax bill. We believe Vice President GORE is correct when he says we ought to make careful decisions and selections about whose taxes are going to get cut. That is what we ought to attempt to do. We ought to target those tax cuts.

But you have to target the tax cuts, especially when you are dealing with pensions and health care, as much of this does, you ought to target it so as to increase the number of people who have pensions.

All of us here in Congress aren't going to have any difficulty contributing to get another $5,000. We have plenty of disposable income to come up with the money to be able to increase our contributions. The problem is for that minimum-wage, or slightly over, individual in a small business who is struggling to get it done.

The same on health insurance: If you are trying to increase the number of people who have health insurance, you have to do more than what is in this tax package. My friend from Texas, Senator GRAMM, was talking about the value of the tax deduction. The value of the tax deduction is much greater the higher your income. I get a 40-percent subsidy as a consequence of the level of my income. But if my income is $16,000 a year, I don't get any deduction. If I am paying at the 15-percent rate, I get a 15-percent deduction. That is how it works.

The Joint Tax Committee estimates that 26 million people will get benefits as a consequence of the health care provisions, but only 1.6 million of those people are people who currently don't have health insurance.

Republicans in Congress, I think correctly, are saying that what Governor Bush said in the third debate, "That is the difference between my opponent and I;" he wants Washington to decide and select who gets a tax cut. Republicans apparently are saying that the Governor is wrong, because we are going to select who gets the tax cuts.

If you are going to have a tax cut right now, it seems to me one of the things we ought to try to do is to say: This remarkable recovery we are having right now has been fabulous, but there are some people who have been left behind. Let's try to help them acquire pensions in their part of the American dream. Let's try to help them acquire health insurance in their part of the American dream. We don't do that.

As I said, I heard my Republican friends assert several times that Democrats were on board and support many of the provisions. That is true. But we added provisions that were stricken out. We added provisions that would have made the proposal much more fair. I believe you cannot apply a fairness test every single time you are doing things. There are times when life isn't fair. But when you are giving tax cuts to American working families, it seems to me a test of fairness is appropriate. When you are trying to increase the number of people who have pensions in the workforce, when you are trying to increase the number of people who have health insurance, a test of fairness is appropriate for Members of Congress to try to apply to the piece of legislation we are considering.

Those are the two objections I have to what is going on right now. The first is, I think we have lost our way when it comes to fiscal discipline, the discipline that enabled us to say to a citizen, when a citizen comes and says, Senator, it only costs $100 million over 10, would you offer an amendment, and I would always say in the 1990s, well, I have to have a "pay for." I have to find an offset.

Not anymore. If the pay-go provisions of the Budget Act are repealed, as is proposed in this tax bill, no longer will that be necessary. It used to be I would say: Look, this is going to be tough because it is beyond what we authorized in the Budget Act and to get 60 votes to waive the Budget Act is going to be hard.

Not any longer does it appear to be difficult to waive the Budget Act. That discipline that enabled us to get where we are today is at risk in the closing days of the 106th Congress.

I hope that in this election the American people will say loud and clear we recognize the value of that fiscal discipline. We benefited from economic growth. We benefited from lower mortgage payments. We benefited from greater opportunity as a consequence of Congress getting its act together, all the way through the 1980s and 1990, 1993, and in 1997.

Secondly, I have great objection, as I look at especially the tax cut proposal, but also the BBA give-back proposal, that we simply haven't applied a test of fairness. That is why it was a mistake for Republicans to have a meeting with only Republicans. If you want something to be bipartisan, you have to let Democrats in the room. Likewise, Democrats can't hold a meeting and expect it to be bipartisan if we are the only ones in the room, and then go out and say: Gee, I don't understand why Senator HATCH won't sign on board. It is something he supported years ago. I don't understand why he won't support this. It is similar to something he was talking about. The answer is, he wasn't in the room. He didn't have an opportunity to voice his concern. He didn't have an opportunity to say what he liked or didn't like.

What the Republicans did is they brought something that stripped out things we had agreed to, and they did not apply a test of fairness. As a consequence, I am pleased, especially connected to the loss of fiscal discipline, that in the closing days of the 106th the President has indicated he is going to veto these two pieces of legislation. I think the American people will be the beneficiaries of it.

My hope is, on both of them, that it will result in bipartisan negotiation and producing something the President can sign. It can be done. We don't have to run out of here over the weekend. We know exactly what to do. It would take us about 30 minutes to put together a tax bill and a BBA give-back bill that would get 80 votes on this floor. We wouldn't have to sit and say, I wonder if the President is going to sign it. We would know he would sign it. If we have 80 votes, he is going to sign it. The last time I checked, that is still enough to override a veto. But we didn't do that.

As a result, we are left here on October 27, 27 days beyond the time we were supposed to be done and home, we are left here, still a long way to go before we have an agreement, a long way to go before we will be able to say we have closed up shop and we have finished the people's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, my colleague made some pretty good points on fairness, except we asked "is it fair," too. Is it fair to allow 3.5 million legal immigrants to be held in line so that we can take care of approximately 4 million illegal immigrants? That is the point I was making earlier in the day. Frankly, it is a matter I find of great importance.

THE CALENDAR

PRIVATE RELIEF

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following bills which are at the desk: H.R. 848, H.R. 3184, H.R. 3414, and H.R. 5266.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF SEPANDAN FARNIA AND FARBOD FARNIA

The bill (H.R. 848) for the relief of Sepandan Farnia and Farbod Farnia was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF ZOHREH FARHANG GHAHFAROKHI

The bill (H.R. 3184) for the relief of Zohreh Farhang Ghahfarokhi was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF LUIS A. LEON-MOLINA, LIGIA PADRON, JUAN LEON PADRON, RENDY LEON PADRON, MANUEL LEON PADRON, AND LUIS LEON PADRON

The bill (H.R. 3414) for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron, was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF SAEED REZAI

The bill (H.R. 5266) for the relief of Saeed Rezai, was considered, ordered to a third reading, read the third time, and passed.

FOR THE PRIVATE RELIEF OF RUTH HAIRSTON

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 660, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 660) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 660) was read the third time and passed.

EXPRESSING APPRECIATION FOR U.S. SERVICE MEMBERS ABOARD HMT "ROHNA"

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration H. Con. Res. 408 which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 408) expressing appreciation for the United States service members who were aboard the British transport HMT *Rohna* when it sank, the families of these service members, and the rescuers of the HMT *Rohna*'s passengers and crew.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 408) was agreed to.

The preamble was agreed to.

NATIONAL MOMENT OF REMEMBRANCE ACT

Mr. HATCH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3181 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3181) to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3181) was read the third time and passed, as follows:

S. 3181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Moment of Remembrance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is essential to remember and renew the legacy of Memorial Day, which was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice in service to the United States and their families;

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

(5) in House Concurrent Resolution 302, agreed to May 25, 2000, Congress called on the people of the United States, in a symbolic act of unity, to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace;

(6) in Presidential Proclamation No. 7315 of May 26, 2000 (65 Fed. Reg. 34907), the President proclaimed Memorial Day, May 29, 2000, as a day of prayer for permanent peace, and designated 3:00 p.m. local time on that day as the time to join in prayer and to observe the National Moment of Remembrance; and

(7) a National Moment of Remembrance and other commemorative events are needed to reclaim Memorial Day as the sacred and noble event that that day is intended to be.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term "Alliance" means the Remembrance Alliance established by section 9(a).

(2) COMMISSION.—The term "Commission" means the White House Commission on the National Moment of Remembrance established by section 5(a).

(3) EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.—The term "Executive Director and White House Liaison" means the Executive Director and White House Liaison appointed under section 10(a)(1).

(4) MEMORIAL DAY.—The term "Memorial Day" means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.

(5) TRIBAL GOVERNMENT.—The term "tribal government" means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the "National Moment of Remembrance".

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "White House Commission on the National Moment of Remembrance".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of the following:

(A) 4 members appointed by the President, including at least 1 representative of tribal governments.

(B) The Secretary of Defense (or a designee).

(C) The Secretary of Veterans Affairs (or a designee).

(D) The Secretary of the Smithsonian Institution (or a designee).

(E) The Director of the Office of Personnel Management (or a designee).

(F) The Administrator of General Services (or a designee).

(G) The Secretary of Transportation (or a designee).

(H) The Secretary of Education (or a designee).

(I) The Secretary of the Interior (or a designee).

(J) The Executive Director of the President's Commission on White House Fellows (or a designee).

(K) The Secretary of the Army (or a designee).

(L) The Secretary of the Navy (or a designee).

(M) The Secretary of the Air Force (or a designee).

(N) The Commandant of the Marine Corps (or a designee).

(O) The Commandant of the Coast Guard (or a designee).

(P) The Executive Director and White House Liaison (or a designee).

(Q) The Chief of Staff of the Army.

(R) The Chief of Naval Operations.

(S) The Chief of Staff of the Air Force.

(T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.

(2) NONVOTING MEMBERS.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.

(3) DATE OF APPOINTMENTS.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed to the Commission for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.

SEC. 6. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;

(2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—

(A) national humanitarian and patriotic organizations;

(B) elementary, secondary, and higher education institutions;

(C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;

(D) Federal departments and agencies; and

(E) museums, including cultural and historical museums; and

(3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.

(b) REPORTS.—

(1) IN GENERAL.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

(2) CONTENTS.—A report under paragraph (1) may include—

(A) recommendations regarding appropriate activities to commemorate Memorial Day and the National Moment of Remembrance, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and

(vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;

(D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and

(E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) PUBLIC PARTICIPATION.—The Commission shall provide for reasonable public participation in matters before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may solicit, accept, use, and dispose of, without further Act of appropriation, gifts, bequests, devises, and donations of services or property.

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(f) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, to carry out this Act, the Chairperson or Vice Chairperson of the Commission or the Executive Director and White House Liaison may, on behalf of the Commission—

(A) procure supplies, services, and property; and

(B) enter into contracts, leases, and other legal agreements.

(2) RESTRICTIONS.—

(A) WHO MAY ACT ON BEHALF OF COMMISSION.—Except as provided in paragraph (1), nothing in this Act authorizes a member of the Commission to procure any item or enter into any agreement described in that paragraph.

(B) DURATION OF LEGAL AGREEMENTS.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

(g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) IN GENERAL.—The Commission may devise any logo, emblem, seal, or other designating mark that the Commission determines—

(A) to be required to carry out the duties of the Commission; or

(B) to be appropriate for use in connection with the commemoration of Memorial Day or the National Moment of Remembrance.

(2) LICENSING.—

(A) IN GENERAL.—The Commission—

(i) shall have the sole and exclusive right to use the name "White House Commission on the National Moment of Remembrance" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

(ii) shall have the sole and exclusive right to allow or refuse the use by any other entity of the name "White House Commission on the National Monument of Remembrance" on any logo, emblem, seal, or descriptive or designating mark.

(B) Transfer on termination.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) Effect on other rights.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) Use of funds.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal employees.—A member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) Federal employees.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) Travel Expenses.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) Staff.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the Executive Director and White House Liaison and other personnel shall not exceed the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(d) Detail of Federal Government Employees.—

(1) In general.—In addition to the details under paragraph (2), on request of the Chairperson, the Vice Chairperson, or the Executive Director and White House Liaison, an employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) Detail of specific employees.—

(A) Military details.—

(i) Army; air force.—The Secretary of the Army and the Secretary of the Air Force shall each detail a commissioned officer above the grade of captain to assist the Commission in carrying out this Act.

(ii) Navy.—The Secretary of the Navy shall detail a commissioned officer of the Navy above the grade of lieutenant and a commissioned officer of the Marine Corps above the grade of captain to assist the Commission in carrying out this Act.

(B) Veterans affairs; education.—The Secretary of Veterans Affairs and the Secretary of Education shall each detail an officer or employee compensated above the level of GS–12 in accordance with subchapter III of chapter 53 of title 5, United States Code to assist the Commission in carrying out this Act.

(3) Civil service status.—The detail of any officer or employee under this subsection shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) Cooperative Agreements.—

(1) In general.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency, State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

(B) contributing to public awareness of and interest in Memorial Day and the National Moment of Remembrance.

(2) Administrative support services.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services and any property, equipment, or office space that the Commission determines to be necessary to carry out this Act.

(g) Support From Nonprofit Sector.—The Commission may accept program support from nonprofit organizations.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) Establishment.—There is established the Remembrance Alliance.

(b) Composition.—

(1) Members.—The Alliance shall be composed of individuals, appointed by the Commission, that are representatives or members of—

(A) the print, broadcast, or other media industry;

(B) the national sports community;

(C) the recreation industry;

(D) the entertainment industry;

(E) the retail industry;

(F) the food industry;

(G) the health care industry;

(H) the transportation industry;

(I) the education community;

(J) national veterans organizations; and

(K) families that have lost loved ones in combat.

(2) Honorary members.—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) Vacancies.—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

(4) Meetings.—The Alliance shall conduct meetings in accordance with procedures approved by the Commission.

(c) Term.—The Commission may fix the term of appointment for members of the Alliance.

(d) Duties.—The Alliance shall assist the Commission in carrying out this Act by—

(1) planning, organizing, and implementing an annual White House Conference on the National Moment of Remembrance and other similar events;

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

(4) evaluating the effectiveness of efforts by the Commission and the Alliance in carrying out this Act; and

(5) carrying out such other duties as are assigned by the Commission.

(e) Alliance Personnel Matters.—

(1) Compensation of members.—A member of the Alliance shall serve without compensation for the services of the member to the Alliance.

(2) Travel expenses.—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) Termination.—The Alliance shall terminate on the date of termination of the Commission.

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

(a) Appointment.—

(1) In general.—The Director of the Committee Management Secretariat Staff of the General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) Inapplicability of certain civil service laws.—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) Duties.—The Executive Director and White House Liaison shall—

(1) serve as a liaison between the Commission and the President;

(2) serve as chief of staff of the Commission; and

(3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) Compensation.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) In General.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the

Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

(b) ACCESS.—The Commission shall ensure that the Comptroller General, in conducting an audit under this section, has—

(1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, to remain available until expended—

(1) $500,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

The Commission shall terminate on the earlier of—

(1) a date specified by the President that is at least 2 years after the date of enactment of this Act; or

(2) the date that is 10 years after the date of enactment of this Act.

POSTHUMOUS PROMOTION OF WILLIAM CLARK

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3621, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3621) to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3621) was read the third time and passed.

SENSE OF CONGRESS THAT A DAY OF PEACE AND SHARING SHOULD BE ESTABLISHED EACH YEAR

Mr. HATCH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, and that the Senate proceed to the immediate consideration of S. Con. Res. 138.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 138) expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 138) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 138

Whereas human progress in the 21st century will depend upon global understanding and cooperation in finding positive solutions to hunger and violence;

Whereas the turn of the millennium offers unparalleled opportunity for humanity to examine its past, set goals for the future, and establish new patterns of behavior;

Whereas the people of the United States and the world observed the day designated by the United Nations General Assembly as "One Day in Peace, January 1, 2000" (General Assembly Resolution 54/29);

Whereas the example set on that day ought to be recognized globally and repeated each year;

Whereas the people of the United States seek to establish better relations with one another and with the people of all countries; and

Whereas celebration by the breaking of bread together traditionally has been the means by which individuals, societies, and nations join together in peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) each year should begin with a day of peace and sharing during which—

(A) people around the world should gather with family, friends, neighbors, their faith community, or people of another culture to pledge nonviolence in the new year and to share in a celebratory new year meal; and

(B) Americans who are able should match or multiply the cost of their new year meal with a timely gift to the hungry at home or abroad in a tangible demonstration of a desire for increased friendship and sharing among people around the world; and

(2) the President should issue a proclamation each year calling on the people of the United States and interested organizations to observe such a day with appropriate programs and activities.

EXTENDING AUTHORITIES RELATING TO THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 383 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 383) extending the authorities relating to the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am pleased to sponsor this resolution to extend the authorities of the Senate National Security Working Group through December 31, 2002.

The Senate National Security Working Group is a bipartisan Group, established almost two years ago by myself and the Democratic Leader, that seeks to shed further light on important national security topics of interest to the Senate and the American people. Such topics include, but are not limited to: ballistic missile defenses, arms control, export controls, and weapons of mass destruction.

During the 106th Congress, the Working Group held numerous important briefings on topics of concern to the members of the Group and the Senate. Senior Executive branch officials from the Departments of Defense and State and other U.S. Government agencies appeared before the Group to describe the status of and rationale for on-going diplomatic discussions and formal and informal negotiations on various issues and to answer questions from Republican and Democratic Senators about those discussions and negotiations.

I am certain the Administration would agree with my assessment that the give-and-take in those meetings served a useful purpose.

In addition, I am pleased to report that members of the Group and staff were able to travel overseas, as part of their official responsibilities, to witness first-hand on-going diplomatic discussions and negotiations involving the United States, Russia, and other nations, and to visit certain foreign capitols for intensive discussions with foreign diplomatic and military leaders on topics of mutual concern. I strongly encourage the members of the Group to continue and expand this practice during the 107th Congress.

I am also pleased to announce that Senator THAD COCHRAN from my home state of Mississippi has agreed to serve during the 107th Congress as the Republican Administrative Co-Chairman of the Group. I appreciate his willingness to once again serve in this capacity. I look forward to participating in the Group's activities beginning early next year.

Mr. DASCHLE. Mr. President, I rise to support the reauthorization of the Senate's National Security Working Group—NSWG. The NSWG was created last year as the successor to the Arms Control Observer Group, a group that had served the Senate well for over a decade.

Like its predecessor, the purpose of the NSWG is to be the Senate's nonpartisan eyes and ears on defense and national security issues. Unlike nearly every other group in the Senate and the Congress, the National Security Working Group is composed of an equal number of Democrats and Republicans. This makeup was intended to ensure the NSWG worked by consensus. No single Senator or political party could dominate the group's agenda or actions. Establishing a group with equal numbers of Democrats and Republicans was also intended to signify that the Senate believes the issues that come before this group are too important to be discussed in a partisan setting.

These were the objectives the Senate had in mind when it unanimously approved the legislation authorizing the formation of this important group. They remain the objectives today. Although the group worked together relatively well in the year since it was established, a number of us believe it could work a little bit better if we formally spelled out some simple rules of the road to govern the group's routine activities. Therefore, at the same time we re-authorize the NSWG, I would also like to insert for the record a series of administrative procedures that clearly spell out how the group should conduct its business. As put forward in these procedures, the group's administrative co-chairmen must recommend travel in writing to the Majority and Minority leaders and both leaders must approve the travel request in writing. They encourage member participation and indicate that staff travel should be the exception not the rule.

It is my understanding that these procedures have been agreed by both leaders and the majority and minority co-chairmen of the NSWG. I believe their adoption will help meet the objectives we all hold for this unique and important group.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE PROCEDURES FOR THE SENATE NATIONAL SECURITY WORKING GROUP

These administrative procedures govern the functioning of the Senate National Security Working Group (NSWG or Working Group) based on the authorizing legislation (S. Res. 75, as amended) agreed to March 25, 1999. They outline the agenda-setting process, travel procedures, routine functioning of the Working Group, and the procedures to ensure that complete records are kept in accordance with the proper use of government funds.

1. The staff should meet regularly (once a month during session), with recorded minutes. A central record of all Working Group papers should be maintained (with an access log) by the Office of Senate Security, with access to the records open to all Working Group Members and designated staff with appropriate clearances.

2. The Group's regular staff meetings should, if appropriate, include a briefing from the Administration on matters of concern to the Working Group.

3. These regular staff meetings should provide the forum for establishing a consensus recommendation to Members of agenda items for the Working Group and prospective briefings and/or trips to be arranged for the Working Group. Official notice of briefing to Members should be given no later than seven days prior to the briefing. Official notice will be issued by the Majority Administrative Co-Chairman and the Minority Administrative Co-Chairman.

4. Any Member may propose foreign travel, but both Administrative Co-Chairmen must recommend travel in writing. Their letter should indicate the dates, locations, and a detailed purpose of the trip, and the trip must correspond to the mission of the Working Group. Pursuant to S. Res. 75 Sec. 2(d), written authorization of both the Majority and Minority Leaders is required. Members and Staff from both sides must be invited on all trips in sufficient time to be able to plan for attendance. Travel should be arranged and conducted as a bipartisan delegation in order to minimize administrative and Host confusion.

5. It is the intent of the Working Group that Members participate personally in the role of observer at negotiating sessions (noting that neither Members nor staff are direct participants in any negotiating sessions). Therefore, in keeping with past practice and precedent, staff-only trips are expected to be the exception, not the rule. If staff-only foreign travel is determined to be necessary because no Working Group Member is able to participate, the Member requesting the travel must provide detailed justification to the Working Group for such a request and the request should go through the foreign travel approval process outlined above.

(a) When the Working Group opts to send staff only, staff shall be limited to no more than three for the Majority and three for the Minority. Nothing in the foregoing is to be construed as limiting the number of designated Working Group staff that can travel on a Member-led official delegation. Also in keeping with past precedent, staff missions may be briefed by either the head of the negotiation delegation or by his designee.

(b) In the event either Leader is unable to participate in a NSWG authorized trip, that Leader may designate a Senator who is not a Working Group member to travel in his or her place.

6. Each trip must be followed by an unclassified Memorandum to the Members, and, if necessary, a classified annex thereto, that outlines the itinerary, briefers, and topics covered in briefings. The memorandum also must be provided for the official file in the Office of Senate Security.

7. Reimbursements to eligible Members for staff expenses require the signature of both Administrative Co-Chairmen and require notification of designated staff by letter to the Senate Financial Clerk and to both Administrative Co-Chairmen. Vouchers for designated Majority staff shall be administered by the Majority Administrative Co-Chairman or his designee; vouchers for designated Minority staff shall be administered by the Minority Administrative Co-Chairman or his designee. Records shall be maintained by each Administrative Co-Chairman.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 383) was agreed to, as follows:

S. RES. 383

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 75 of the One Hundred Sixth Congress, agreed to March 25, 1999, is further amended by adding at the end the following new section:

"SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2002.".

ESTABLISHING THE LAS CIENEGAS NATIONAL CONSERVATION AREA IN ARIZONA

DESIGNATING CERTAIN NATIONAL FOREST SYSTEM LANDS AS WILDERNESS AREAS IN THE STATE OF VIRGINIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the following bills: H.R. 2941, H.R. 4646.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona.

A bill (H.R. 4646) to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. HATCH. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The bills (H.R. 2941 and H.R. 4646) were read the third time and passed, en bloc.

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND IN NEVADA

DIRECTING THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY REGARDING AN UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA IN CONNECTICUT AND MASSACHUSETTS

Mr. HATCH. Mr. President, I ask unanimous consent the Energy Committee be discharged from the following bills and the Senate proceed, en bloc, to their consideration:

S. 2751 from the Energy Committee and H.R. 4312.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2751) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit.

A bill (H.R. 4312) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

AMENDMENT NO. 4350 TO S. 2751

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. MURKOWSKI, proposes an amendment numbered 4350.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Washoe Indian Tribe Land Conveyance Act of 2000".

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment, No. 4350, to S. 2751 be agreed to, the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The amendment (No. 4350) was agreed to.

The bills (H.R. 4312 and S. 2751, as amended) were read the third time and passed, en bloc.

The bill (S. 2751), as amended, reads as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Washoe Indian Tribe Land Conveyance Act of 2000".

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

GULF ISLANDS NATIONAL SEASHORE BOUNDARIES

ENVIRONMENTAL RESTORATION AROUND LAKE TAHOE BASIN

Mr. HATCH. Mr. President, I ask unanimous consent the Energy Committee be discharged from the following bill, and the Senate proceed en bloc to its consideration and the consideration of the following bill at the desk: S. 2638 from the Energy Committee and H.R. 3388.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2638) to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

A bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe Basin.

There being no objection, the Senate proceeded to consider the bills, en bloc.

MINERAL RIGHTS

Mr. COCHRAN. Mr. President, I thank Chairman MURKOWSKI, Senator CRAIG THOMAS, and the members of the Energy and Natural Resources Committee for reporting out and helping Senator Lott and me secure passage of Senate Bill 2638, the Cat Island authorization legislation. When Senator Lott and I introduced the legislation earlier this year, we sought to preserve the beautiful, natural treasure of Cat Island, Mississippi, and complete the vision of the Gulf Islands National Seashore begun nearly 30 years ago. The passage of this legislation begins this process by authorizing the National Park Service to acquire the island and save it for future generations.

Mr. LOTT. Mr. President, in our legislation, we also sought, at the request of our Mississippi State officials, to clarify the State of Mississippi's ownership in the mineral rights underlying the Gulf Islands National Seashore. Mississippi conveyed much of the surface property to create the Seashore in 1972. Until recently, the National Park Service has conceded ownership of these subsurface rights to Mississippi, as is reflected in the State's authorizing legislation in 1971 and the subsequent deed signed by the Governor and other Mississippi State officials. A copy of such deed is entered into the record with this statement. The only limitation on these rights was to be the way in which any future development of them occurred, so that the surface of the Seashore property would not be used for extraction of the minerals.

Mr. COCHRAN. Mr. President, our State officials, and we today, acknowledge that the Gulf Islands National Seashore should be preserved and protected as a place of relatively undeveloped natural beauty, and that does involve limitations on minerals development but not a reinterpretation by the Park Service of the ownership of these mineral rights. These rights are important to Mississippi and may offer our State in the future much needed income to address education, health care and other priorities for our citizens.

Mr. LOTT. Mr. President, the bill as introduced included language which would have allowed the State of Mississippi to maintain the State's rights in or to any oil, gas, or other minerals through this acquisition. After further review of this legislation and the deed and related documents, our inclusion of the mineral rights provision was unnecessary, as the language was merely redundant with respect to the deed of 1972. It is our understanding that the deed clearly reserves the State of Mississippi's mineral rights with respect to the Gulf Islands National Seashore, and that no additional legislative language on mineral rights is required in the Cat Island legislation, because the State has made no conveyance with respect to Cat Island. Does the Chairman of the Energy and Natural Resources Committee agree?

Mr. MURKOWSKI. Yes, Mr. President, I agree. This legislation does not overturn the State of Mississippi's reservation of its mineral rights. The deed asserts ownership, and this legislation does nothing to discredit such deed.

I thank Senator COCHRAN and Senator LOTT for their sponsorship of this legislation that will preserve Cat Island and add the last piece of the Mississippi Sound Barrier Islands to the Gulf Islands National Seashore. It is an important addition and one that will be treasured for years to come.

AMENDMENT NO. 4351 TO S. 2638

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4351.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, I ask unanimous consent that amendment No. 4351 to S. 2638 be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4351) was agreed to.

The bill (S. 2638), as amended, was read the third time and passed.

The bill (H.R. 3388) was read the third time and passed.

SIX-HUNDRED MILE RESOURCE STUDY OF GEORGE WASHINGTON ROUTE

ALEXANDER HAMILTON HOME LOCATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to consider the following bills en bloc: H.R. 4794 and H.R. 5478.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4794) to require the Secretary of the Interior to complete a resource study of the 600-mile route used by George Washington during the American Revolutionary War.

A bill (H.R. 5478) to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. HATCH. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 4794 and H.R. 5478) were read the third time and passed.

USE OF SOLANO PROJECT FACILITIES FOR NON-PROJECT WATER

LOWER RIO GRANDE VALLEY WATER SUPPLIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Energy Committee be discharged from the following bill and the Senate proceed to its consideration and the consideration of the following bill on the calendar: S. 1761 from the Energy Committee; Calendar No. 855, H.R. 1235.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance water supplies of the Lower Rio Grande Valley.

A bill (H.R. 1235) to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

AMENDMENT NO. 4352 TO S. 1761

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) for Mr. MURKOWSKI proposes an amendment numbered 4352.

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) State.—The term "State" means the Texas Water Development Board and any other authorized entity of the State of Texas.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner.

(3) Commissioner.—The term "Commissioner" means the Commissioner of the Bureau of Reclamation.

(4) Counties.—The term "counties" means the counties in the state of Texas in the Rio Grande Regional Water Planning Area known as Region "M" as designated by the Texas Water Development Board and the counties of Hudspeth and El Paso, Texas.

SEC. 3. FINDINGS.

The Congress finds the following:

(a) Drought conditions over the last decade have made citizens of the Lower Rio Grande Valley region of Texas aware of the significant impacts a dwindling water supply can have on a region.

(b) As a result of the impacts, that region has devised an integral water resource plan to meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

(c) Implementation of an integrated water resource plan to meet the critical water needs of the Lower Rio Grande Valley is in the national interest.

(d) The Congress should authorize and provide Federal technical and financial assistance to construct improved irrigation canal delivery systems to help meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

SEC. 4. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) The Secretary is authorized to undertake a program to improve the supply of water for the counties as provided in this Act.

(b) In cooperation with the State, water users in the counties, and other non-Federal entities, the Secretary shall conduct feasibility studies for the purpose of conserving and transporting raw water, including the following:

(1) Irrigation canals;

(2) Pipelines;

(3) Flow control structures;

(4) Meters; and

(5) All associated appurtenances.

(c) If the Secretary determines that the following projects satisfy the eligibility criteria in subsection (d)(1)-(3), the Secretary, in cooperation with the State, water users in the counties, and other non-Federal entities, is authorized to conduct engineering work, infrastructure construction and improvements for the purpose of conserving and transporting raw water through the following projects:

(1) in the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project;

(2) in the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.;

(3) in the Cameron County, Texas irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998, and

(4) in the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(d) Project Eligibility.—Within six months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop criteria for determining eligible projects under this Act. Such criteria shall include, but need not be limited to the following requirements:

(1) the project plan includes an engineer's estimate of the amount of water to be conserved;

(2) the design for the project includes a cost of project to water saved ratio; and

(3) there is a cost sharing agreement in place between all relevant parties delineating the proportionate share of costs to be paid on an annual basis.

Within one year of the date a project is submitted to the Secretary for approval, the Secretary shall determine whether the project meets the criteria established pursuant to this section.

SEC. 5. COST SHARING.

The non-Federal share of the costs of any activity carried out under, or with assistance provided under, this Act shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State and the remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as may be necessary; but not to exceed $7,500,000 for the purposes of section 4(c).

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment numbered 4352 to S. 1761 be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the Record, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4352) was agreed to.

The bill (S. 1761), as amended, was read the third time and passed.

The bill (H.R. 1235) was passed.

BEND PINE NURSERY LAND CONVEYANCE ACT

FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Chair lay before the Senate messages from the House with respect to S. 1936 and H.R. 1444.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Presiding Officer (Mr. Bennett) laid before the Senate the following messages from the House of Representatives:

Resolved, That the bill from the Senate (S. 1936) entitled "An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Pine Nursery Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(2) State.—The term "State" means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) In General.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled "Bend Pine Nursery Administrative Site, May 13, 1999".

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled "Shelter Cove Resort, November 3, 1997".

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled "Deschutes National Forest Isolated Parcels, January 1, 2000".

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled "Alsea Administrative Site, May 14, 1999".

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled "Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964".

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled "Dale Compound, February 1999".

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled "Crescent Butte Communication Site, January 1, 2000".

(b) Consideration.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) Applicable Law.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) Cash Equalization.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) Solicitations of Offers.—

(1) In general.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) Rejection of offers.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) Right of first refusal.—The Bend Metro Park and Recreation District in

Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1444) entitled "An Act to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California", with the following House amendments to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Restoration and Irrigation Mitigation Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term "Pacific Ocean drainage area" means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term "Program" means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;

(ii) fish passage devices; and

(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read "An Act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.".

Mr. HATCH. I ask consent that the Senate agree to the amendments of the House for each bill, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION ACT

Mr. HATCH. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 2789, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4353

Mr. HATCH. Senator COCHRAN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. COCHRAN, proposes an amendment numbered 4353.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4353) was agreed to.

The bill (S. 2789), as amended, was read the third time and passed.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2915.

There being no objection, the Presiding Officer (Mr. BENNETT) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2915) entitled "An Act to make improvements in the operation and administration of the Federal courts, and for other purposes", do pass with the following amendments:

Strike section 103, and redesignate the remaining sections and table of contents accordingly.

Page 9, line 22, strike ❚subsection; or❚ and insert: *subsection, or*

Page 10, line 6, strike ❚subsection:❚ and insert: *subsection,*

Page 10, line 9, strike ❚judge; or❚ and insert: *judge, or*

Page 25, beginning on line 21, strike ❚"(b) For purposes of constructing❚ and all that follows through ❚date of retirement.❚ on page 26, line 6, and insert:

"(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(i) is retired under subsection (b) of section 178 of this title, and

"(ii) at the time of becoming such a retired judge—

"(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

"(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

"(B) Except as provided in subparagraph (C)—

"(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

"(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

"(I) beginning on the date on which eligibility would otherwise cease, and

"(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

"(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

"(i) subparagraph (B)(i) shall be applied by substituting 'the expiration of the term of office of the judge' for the matter following 'before'; and

"(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

"(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

"(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

"(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1) on the last day of such period; and

"(B) the provisions of paragraph (1) shall cease to apply.

"(3) For purposes of this subsection, the term 'open enrollment period' refers to a period described in section 8905(g)(1) of title 5.

Page 26, line 23, strike ❚6301(2)(xiii)❚ and insert: *6301(2)(B)(xiii)*

Page 29, beginning on line 8, strike ❚(1) in subparagraph (A),❚ and all that follows through ❚first".❚ on line 24, and insert:

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first,"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II)—

(I) by striking "October 1, 2003, or"; and

(II) by striking ", whichever occurs first"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

Mr. HATCH. I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, OCTOBER 28, 2000

Mr. HATCH. I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Saturday, October 29. I further ask consent that on Saturday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the continuing resolution, as under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will vote on the continuing resolution at 9:30 a.m. tomorrow. Further, the Senate will convene on Sunday at 4 p.m., for those Senators who want to make statements, and we will vote on another continuing resolution at 7 p.m.

As a reminder, votes on continuing resolutions will be necessary each day prior to adjournment. The appropriations negotiations are ongoing, and it is hoped that the Senate can adjourn by early next week.

ORDER FOR ADJOURNMENT

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the remarks of Senator BYRD, Senator REID of Nevada, Senator REED of Rhode Island, and Senator GRAHAM of Florida.

Mr. KERREY. Mr. President, reserving the right to object, do I still have time on my 30 minutes?

The PRESIDING OFFICER. The Senator from Nebraska still has 3 minutes 7 seconds.

Mr. HATCH. I modify my unanimous consent request to reflect that time.

Mr. KERREY. That will be enough.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

THE BUDGET

Mr. KERREY. Mr. President, continuing what I was talking about earlier, I would like to point out I am not sure all my colleagues understand. But in this tax bill that we are going to take up tomorrow and next week, it has one key provision. Again, this was done with House and Senate leadership getting together and trying to figure out what was put in. It is tucked away at the very end. It is a provision not listed in any summary list by the bill's backers.

The provision calls for the abandonment of the pay-as-you-go budget discipline which, since its initial adoption in 1990, has required all tax cuts and spending increases be offset with other tax increases or entitlement spending cuts. This provision would order the Office of Management and Budget to set the PAYGO scorecard to zero instead of reflecting the actual cost of the tax bill in order to avoid a huge sequester the OMB would order, since the cost of the tax bill, if it became law, would come from the projected budget surplus rather than the required offsets.

I understand why it is being done. I understand we cannot do it any other way. But that is why we should not do it. All the way through the 1990s when we had this PAYGO provision in there, we were able to maintain our fiscal discipline in spite of great pressure to do the contrary. Whether it was tax cuts or spending increases that were being proposed, we could maintain that discipline because every time we brought an amendment down here to the floor that spent more money or cut somebody's taxes, we had to have an offset. That is the PAYGO provision. And we are going to throw it out the window, it seems to me, and we are going to abandon a principle that has enabled us not just to balance our budget but to help produce the growth in our economy by keeping the pressure off private sector borrowing that we were competing with all the way through the 1980s.

We are now paying down debt. I note Government treasuries are becoming of more and more value as they become less and less available, and because people are sensing the economy is growing a bit flat. But there is no pressure. It kept pressure off the Federal Reserve which kept interest rates low, grew our economy, and produced many of the jobs for which we all take credit. So this is a substantial change in the way we have conducted business previously.

The second point I want to make, in spite of what the Governor of Texas has been saying about not targeting tax provisions, that is what this bill does. It targets tax provisions. Indeed, of the 119 targeted tax provisions—I note this amends the 1986 Tax Simplification Act. I think it is the twentieth or thirtieth time we have done that since 1986 and the principal sponsor of it, I note with great amusement, is Congressman ARMEY, who is also the No. 1 advocate for tax simplification and the flat tax. But of the 119 targeted tax provisions in this tax bill, only one of the provisions is included in the Bush tax proposal.

This is us saying, I think appropriately, that we are going to try to target the taxes. The last thing I would say, I reiterate—I am sure our colleagues have seen and know the numbers in your own State about the number of people who do not have health insurance for all kinds of reasons.

Mr. President, 94 percent of the tax benefits in the health insurance category go to subsidize people who already have insurance. Only 6 percent attempts to do what I think America has done at its finest, and that is to try to push the circle of opportunity out further and further.

There is no doubt today there is a correlation between lack of health insurance and poor health status. It is most unfortunate that, if we are going to do targeted tax cuts, we do not do those targeted tax cuts in a way that increases our confidence, that as a consequence of what we are doing we will decrease the number of people in our States who currently are out there without any health insurance whatsoever.

I yield the floor.

Mr. BENNETT. Mr. President, would the Senator from West Virginia allow me to have 3 minutes to comment on the remarks of the Senator from Nebraska?

Mr. BYRD. Yes, I will be glad to.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

A TRIBUTE TO SENATOR KERREY

Mr. BENNETT. Mr. President, I have been remiss in not taking the floor to pay tribute to the Senator from Nebraska for his service here. The presentation we have had, although I disagree in some detail with some of the aspects of it, demonstrates how much we will miss him. The Senator from Nebraska has been a key figure in the group that has been known variably around here as the Centrist Coalition, or Chafee-Breaux, or the group that tries to get together across partisan lines and work things out.

As I sat in the chair and listened to the Senator from Nebraska, I realized if he and I could sit down in a room, between the two of us—and not have the White House there, and not have the leadership there of either House—we could arrive at a conclusion that I think he would be satisfied with, I would be satisfied with, and I think would be good for the country.

I think that comes from the fact that he has a business background and I have a business background. In business, you are not as interested in ideology as you are in getting the thing solved.

So I atone for my past failure and say publicly that this body will miss the Senator from Nebraska. This particular Senator considers him not only a good friend but a wise legislator, and I think the country has been well served as a result of his willingness to give these two terms to the Senate. I wish him well in whatever endeavor he undertakes in the future.

I say to the Senator from Nebraska, if he should decide to seek the Presidency once again, I would cheer for the Democratic Party to choose him as their nominee. I may not vote for him, but I would feel more reassured if he were the alternative on the other side.

Mr. KERREY. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from West Virginia.

THE COMMERCE-JUSTICE-STATE BILL

Mr. BYRD. Mr. President, earlier today I voted for the conference report on the Commerce-Justice-State bill, which was included with the D.C. appropriations bill. Both those bills were in the same conference report. I voted in favor of those measures. But the CJS measure was, in actuality, a seriously flawed piece of legislation with a number of problems attendant to it.

The first problem that I had with it was that it was a conference report, and thus it was not subject to amendment. The underlying appropriations bills went straight from the Senate Appropriations Committee to the conference committee, totally bypassing the Senate floor. The full Senate was afforded no opportunity to debate or amend these two appropriations bills. These are not the first appropriations bills to be herded through Congress in this fashion this year, but that fact does not make the practice any less objectionable. It is a simple case of cutting corners in the name of political expediency, a practice in which the United States Senate should not engage.

Second, the Commerce, Justice, State bill includes a controversial immigration rider, the Legal Immigration Family Equity Act, a scaled down spinoff of the Latino and Immigrant Fairness Act. The Senate dealt with this issue last month during consideration of the H-1B visa bill, when it refused to consider the Latino and Immigrant Fairness Act. I opposed suspending the rules to allow that measure to be offered as an amendment to the H-1B visa bill because I believe that such legislation sends the wrong message to those who might consider entering this country illegally. I believed then, as I believe today, that granting amnesty to aliens who are in this country illegally simply encourages others to enter the country illegally.

Although the Legal Immigration Family Equity Act would grant amnesty to a smaller group of illegal aliens, it creates the same problems as the Latino and Immigrant Fairness Act by rewarding illegal aliens for breaking U.S. law. It should make no difference whether we grant amnesty to one million illegal aliens or only a handful of that number. The principle is the same. Amnesty for illegal immigration sends the wrong message, period. Worse, these bills are an affront to those immigrants who have played by the rules, often waiting many years before being allowed to settle here legally.

I am opposed to the sending of these mixed signals by Congress. It is counterproductive for the United States to vigorously protect its long and porous borders from illegal aliens—at great expense to the taxpayers, I might add—while at the same time granting amnesty to selected groups of those aliens who manage to cross the border undetected or otherwise enter the country under false pretenses. The Senate should not endorse an immigration policy that rewards aliens who violate the law.

I realize that my views are at odds with a number of my colleagues, and I respect their position. I respect their viewpoints, and I would be very happy to debate the merits of new immigration legislation with them at the proper time and on the proper vehicle. This was not the proper time, and this conference report was not the proper vehicle. Neither the Latino and Immigrant Fairness Act nor the Legal Immigration Family Equity Act has been considered by the Senate Judiciary Committee, which has jurisdiction over immigration issues. No hearings have been held. No report has been issued by the Committee so that other senators can better understand the implication of these bills. No full scale debate has been aired.

The Commerce-Justice-State conference report could not be amended. It was a take-it-or-leave-it-package. Controversial immigration legislation that the Senate refused to consider once this year as an amendment to an immigration bill should not be resurrected under any guise as a legislative rider on an unamendable appropriations conference report.

Finally, I am concerned with executive branch meddling on this conference report. The President has said he will veto the conference report because the immigration rider does not go far enough. He wants the broader Latino and Immigrant Fairness legislation on this appropriations bill. This is the same President who has been complaining bitterly about legislative riders on other appropriations bills. This is the same President who vetoed the Energy and Water appropriations conference report because it contained an environmental rider to which he objected. This is the same President who berated Congress for including legislative riders along with supplemental funding provisions attached to the Military Construction appropriations bill. This is a President who has made it clear time and again that he objects to legislative riders on appropriations bill, and yet he has vowed to veto this conference report because the legislative rider it contains does not go far enough to suit him.

Mr. President, the Senate has a responsibility to complete its work—not avoid its work or compromise its work, but complete its work. This conference report is an example of how not to complete the Senate's business. The Commerce-Justice-State bill funds many vitally important programs, and that is why I voted for it. It is a bill that can and should stand on its own merits. It should not be hamstrung by legislative riders or election year politics.

Mr. President, the problems that I have cited with this conference report are not a reflection on the Senate Appropriations Committee. Chairman TED STEVENS has done yeoman's work this year to shield the appropriations process from both the Democratic and Republican political agendas.

I can compliment equally all of the members of the Appropriations Committee in this respect—the Republicans who chaired the subcommittees and the Democrats who were the ranking members. They all worked together, as they always do. There is no partisanship when it comes to the Appropriations Committee. Republicans and Democrats work together and politics is off the table. That was the case when I was chairman of that committee, and that has been the case since when former Senator Hatfield was chairman and now Senator TED STEVENS of Alaska. Senator STEVENS and I resisted mightily the sledgehammer approach that was used to bring this and other appropriations conference reports to the floor. Senator GREGG and Senator HOLLINGS, the chairman and ranking member of the Commerce-Justice-State Subcommittee, labored diligently to complete work on their bill and bring it to the floor under its own steam. No, the problem with this conference report is not the fault of the Committee but is the result of a breakdown in the legislative system that has seeped—seeped—through the appropriations process this year. The appropriations bills are the victims of this breakdown, not the cause of it.

It does not have to be this way, and it should not be this way. The Senate is fully capable of doing its work in an orderly and disciplined manner, capable of drafting, debating, and passing 13 individual appropriations bills, and of completing a separate legislative agenda.

Sadly, that is not to be the case this year. Congress is limping slowly toward a long overdue adjournment, leaving behind a trail of unfinished business and the wreckage of the appropriations process. Mr. President, I hope this sorry spectacle will never be repeated. I hope that the clean slate of a new Congress will bring a fresh perspective to next year's appropriations process. I hope and I pray that next year will be different.

Mr. President, I thank the distinguished minority whip, Mr. REID, for his never-failing attendance to the business of the Senate.

The Bible says: "Seest now a man diligent in his business? He will stand before kings." Senator REID is always diligent in his business. I appreciate his arranging for me to have this time. He is thoroughly dependable and always courteous and considerate to me and to all other Senators. I commend him for it. The people of his State have every right to be proud of him as their senior Senator. And we on our side of the aisle have every right to be proud of him as the minority whip.

Mr. REID. If I could say to my friend, before he leaves the floor, I just came from the studio where I did a little TV thing because we are now not going to be able to be in Nevada next week. Senator BRYAN and I joined together to name a hospital for the most decorated soldier from Nevada who served in World War II, a man by the name of Jack Streeter, who is alive.

It is amazing, as I went through this American hero's record—seven Silver Stars, two Bronze Stars, five Purple Hearts—now, I know that the Senator from West Virginia, his medals have not been on the field of battle in Germany like my friend Jack Streeter, but I was thinking, as the Senator was talking to me—I am the minority whip. Of course, this is one of the lesser positions the Senator from West Virginia has held.

The Senator from West Virginia has been whip, majority leader, minority leader more than once, and in addition to that, the honor that most people would feel they had fulfilled their career with, of being chairman of the Appropriations Committee.

So I say to my friend publicly, as I have said privately, what an honor it is to be able to serve with one of the legends, in his own time, of the Senate: ROBERT BYRD. There are not many Senators that you think of as being so closely connected with the Senate as ROBERT BYRD. We have the Calhouns and we have a few people whose names come to our mind, but ROBERT BYRD is someone, when the history books are written, will always be mentioned as one of the all-time leaders of the congressional process. What a great honor it is to be able to serve with the Senator from West Virginia.

Mr. BYRD. Mr. President, Mark Twain said he could live for 2 weeks on a good compliment. The compliment that the distinguished Senator from Nevada, Mr. REID, has just paid me can help me to survive for quite a long time. I shall not forget it. His words are a bit embellished, but I am deeply appreciative of what he has said.

I appreciate it very much. I thank him again for his good work every day on the floor of the Senate. Having been whip, I know when we have a good one. And Senator REID is here, looking after the Senate's business, and always very attendant upon our every need. I am ready to vote for him again any time. He does not have to look me up and find out if I am still for him.

Mr. President, I thank the Senator.

Mr. REID. Just one last comment while we are throwing compliments around this late Friday afternoon.

I can remember when I went and spoke to Senator BYRD, and he indicated he would support me 2 years ago for this job. And I wrote him a letter. I can very clearly remember writing it. It took a little time in thinking of what I wanted to say. In that letter I said that as far as I was concerned he was the Babe Ruth of the Senate. I don't know if you remember that letter, but that is what I said.

Mr. BYRD. Yes, I remember that letter.

Mr. REID. With Babe Ruth, you always think of the best baseball player. And when you think of ROBERT BYRD, you think of the best player in the Senate. Thank you.

Mr. BYRD. Yes. I believe it was September, in 1927, when Babe Ruth beat his own former record of 59 home runs. In 1927, he swatted 60 home runs.

Mr. REID. Senator BYRD, I can remember, as if it were yesterday, you asked me one weekend—

Mr. BYRD. I believe that was September 30, 1927. And I believe it was on the 22nd of September 1927 that Jack Dempsey and Gene Tunney fought a fight in which—we who lived in the coalfields hoped Jack Dempsey would win back his title, but he did not win it back. That was the occasion of the "long count."

It was in May of that year that Lindbergh flew across the ocean in the *Spirit of St. Louis*. Sometimes he was 10 feet above the water; sometimes he was 10,000 feet above the water. And his plane had a load, which I remember, of about 500 pounds. He carried five sandwiches, and ate one-half of a sandwich.

I remember reading in the New York Times about that historic flight. He said he flew over, I believe, what was Newfoundland, at the great speed of 100 miles per hour—at a great speed, 1927.

Mr. REID. Senator BYRD, I do not want to put you on the spot here, but I can remember returning from one of my trips in Nevada, and we had a conversation. You asked me what I had done, and I said, I hadn't read a particular book in 25 years. And I picked up the book "Robinson Crusoe" to read about Robinson Crusoe. You said to me: I know how long he was on that island. I just read the book, and you told me. And I had to go home and check to see if you were right, and you were right, to the day.

Mr. BYRD. I believe that was 28 years, 2 months, and 19 days.

Mr. REID. Yes. I have not forgotten that.

Mr. BYRD. I believe that is right.

Mr. REID. I went home and checked, and I will do it again. I am confident you are right.

Mr. BYRD. All right. I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

THE LATINO IMMIGRANT AND FAIRNESS ACT

Mr. REID. Mr. President, my good friend from West Virginia talked about his opposition to the provision in the bill dealing with Latino immigrant fairness. He and I have had a number of conversations about that. I, of course, respect his views as were just laid out here, his feelings on that piece of legislation.

Briefly, I would just say about this legislation that the Republicans have chosen to ignore what we felt is something that is very important. We have tried to have hearings. We have tried to do legislation on this. Simply, we were ignored.

We, of course, have met with our counterparts in the House. And they feel strongly about this. They have been ignored, just as we have over here. We have received the support of the administration to help us in crafting legislation that would protect what we believe is a basic tenet of American justice.

They have decided to ignore our bill and those who support it, and have decided to include their own immigration bill. The President has had no choice but to do this drastic maneuvering measure. We have tried, time and time again, to bring this bill to the floor, and it is always met by the other side's intransigence.

We have a simple goal: One of fairness. We want one set of rules for all refugees and immigrants. And we offer a clear plan to correct serious flaws in our immigration code. Meanwhile, the majority is trying to cloud the issues, distort our bill, and create an intricate maze that helps very few.

The current system is unworkable and unfair. Out plan aims to correct flaws in the current unworkable and biased immigration rules. For instance:

There is one set of rules for Cubans and Nicaraguan refugees who fled leftwing dictatorships; and another, far stricter set of rules for refugees from Central America, the Caribbean, and Liberia who fled other dictatorships;

Because Congress failed to renew Section 245(i), families who have a right to be together here in the U.S. are being torn apart, sometimes for up to 10 years; They are forced to leave their families and can't come back for 10 years. They haven't done anything illegal.

Because of past Congressional action and bureaucratic bungling, some people who were eligible for a legalization program enacted in 1986 are now U.S. citizens; while others are facing deportation.

Democrats want a simple set of fair rules that make sense and clean up the immigration code.

We want to establish legal parity between Central American, Liberian and Caribbean refugees so that all refugees who fled political turmoil in the 1990s are treated the same.

We want to renew 245(i). This provision, which has allowed all family members of U.S. citizens and legal permanent residents to adjust their status while in the U.S., has been allowed to expired. Our proposal would renew it and allow all immigrants who have a legal right to become permanent residents to apply for their green cards in the U.S. and remain here with their families while they wait for a decision.

The registry date would allow all persons who came to the U.S. before 1986 to be eligible to adjust their status. This provision has been regularly updated since enactment in 1929 but has not been updated since 1972.

Republicans now agree that Congress should help some immigrants, but their proposal provides no relief on parity, little on 245(i), and even less on the registry date.

When you read the fine print, their immigration proposals don't fix what is broken in our immigration code.

Instead, the majority wants to continue to pick and choose between immigrants and which countries they should come from—rewarding some, denying others, with no just cause.

We want a simple, fair, family unification policy. That's what we're proposing. That's what we'll fight for. That's what Congress must do before we adjourn.

The main reason I came to the floor today is to respond to my friend from Idaho who came to the floor to talk about some of the things the Vice President said that were exaggerations, according to him. I would like to comment on some of the statements he made. This is a difficult game. The game is that these men go around giving a lot of statements, Bush and GORE. And they should be held to the same standard. What is that standard? Listen to everything they say.

Now, we know from an October 23 Washington Post in a column written by Michael Kinsley entitled "The Emperor's New Brain" that:

> George W. Bush's handling of the stupidity issue has been nothing short of brilliant. A

> Martian watching the last presidential debate might have concluded that this man would be well-advised not to put quite so much emphasis on mental testing.

This has been raised by the Senator from Idaho, and I am happy to respond. The same article says:

> But if George W. Bush isn't a moron, he is a man of impressive intellectual dishonesty and/or confusion. His utterances frequently make no sense on their own terms. His policy recommendations are often internally inconsistent and mutually contradictory.

He further states:

> When he repeatedly attacks his opponents for "partisanship," does he get the joke? When he blames the absence of a federal patients' rights law on "a lot of bickering in Washington, D.C.," has he noticed that the bickering consists of his own party which controls Congress, blocking the legislation? When he summarizes, "It's kind of like a political issue as opposed to a people issue," does he mean to suggest anything in particular? Perhaps that politicians, when acting politically, ignore the wishes of the people?
>
> In the debate, he declared, "I don't want to use food as a diplomatic weapon from this point forward. We shouldn't be using food. It hurts the farmers. It's not the right thing to do." When, just a few days later, he criticized legislation weakening the trade embargo on Cuba—which covers food along with everything else—had he rethought his philosophy on the issue? Or was there nothing to rethink.

The article ends by saying:

> In short, does George W. Bush mean what he says, or does he understand it? The answer can't be both. And is both too much to ask for?

My friend from Idaho talked about some things that AL GORE had said over the years. We will talk about those in a minute. He said he was here because of some of the statements I made. I didn't make any statements. I came here without any editorial comment other than saying I was quoting direct, verbatim statements made by Gov. George Bush.

I am not going to go through the 20-odd pages of "Bushisms" or whatever you want to call them. I am going to talk about a few that obviously got the attention of my friend from Idaho.

Florence, SC, January 11, 2,000:

> Rarely is the question asked: Is our children learning?

New York Times, October 23:

> The important question is, How many hands have I shaked?

Concord, NH, January 29:

> Will the highways on the Internet become more few?

Nashua, NH:

> I know how hard it is for you to put food on your family.

New York Daily News, February 19:

> I understand small business growth. I was one.

LaCrosse, WI, October 18, a few days ago:

> Families is where our nation finds hope, where wings take dream.

Same day, WI:

> Drug therapies are replacing a lot of medicines as we used to know it.

Saginaw, MI, September 29, a few weeks ago:

> I know the human being and fish can coexist peacefully.

Redwood, CA, September 27:

> I will have a foreign-handed foreign policy.

On the Oprah show:

> I am a person who recognizes the fallacy of humans.

As I said, I have talked about some of the things he has said. I haven't in any way changed a single word, a single paragraph, a single spelling. I just quoted directly. This is a man who is running for President of the United States. I think it is something we need to consider, especially in light of the fact that on Wednesday, the Rand commission came out with a study. The Rand commission is bipartisan. They are widely respected. They are independent. Basically what they said is that all the claims that Governor Bush has made about education in Texas, how it has improved, simply are false, not true. Then we have the next day, on Thursday, the Actuary Commission came out and said that if you took into consideration all of the things that Governor Bush wanted to do with Social Security and taxes, it would, in effect, bankrupt the country.

I think we have to recognize that Governor Bush is talking about some real big whoppers, if the Senator from Idaho wants to talk about whoppers.

In fact, the Wall Street Journal, which is deemed by some to be the newspaper of the Republican Party, had in a news story, dated October 12 of the year 2000, a headline saying "The Biggest Whopper: The Bush Tax Cut."

Among other things, the article says:

> Writing before last night's debate, the winner for the biggest exaggeration is easy: George W. Bush and his tax cut.
>
> The GOP nominee claims his tax measure principally will help the working poor and middle-class Americans. The rich, he says, will get a smaller percentage than they currently do, and the tax plan comfortably fits with projected budget surpluses and his Social Security plans.
>
> None of that is true.
>
> Instead of making the case that a huge tax cut is necessary to reward the productive elements of society who will make the investments that ultimately benefit everyone, Mr. Bush misrepresents the size and shape of his proposal. He suggests that after setting aside half of the 10-year surplus for Social Security, he will divide the rest between tax cuts and initiatives in areas like education, health care and defense. In truth, he proposes over $1.3 trillion in tax cuts and less than $500 billion for those other initiatives, not including $196 billion of unspecified reductions in discretionary spending.

The biggest whopper:

> The Bush claim that his tax cut not only doesn't reward the rich but actually makes them pay more is really phony.

The article goes on to say:

> The Republican nominee has been unsparing in his criticism of the Clinton-Gore administration's defense spending, claiming more needs to be done on pay, readiness and missile defense. Yet over the decade, the Gore budget envisions spending $55 million more than Mr. Bush proposes. Why? The Texan can't afford it, given his tax cuts.
>
> The press has tripped all over itself to praise Mr. Bush for suggesting a "solution" to long-term Social Security with partial privatization. Yet unlike the serious Social Security proposals—such as Senators Pat Moynihan and Bob Kerrey—Mr. Bush insists he can do this without any cuts in Social Security benefits.

Of course, Mr. President, that is indicated in the study by the actuaries as absolutely impossible; it can't be done. And "In His Own Words" in the New York Thursday, October 26, 2000, there were remarks out of Sanford, Florida, where George W. Bush said:

> They're trying to say, you know, old George W. is going to take away your check. But I'm going to set aside $2.4 trillion of Social Security surplus.

On October 17, in the debate, here is what he said:

> . . . And one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollar—a trillion dollars out of that $2.4 trillion surplus.

Well, he heads to Florida and then increases it by $1.4 trillion. With all due respect, I am not sure that the good Governor understands. According to people who have studied the issue, he doesn't. You can't do both. You can't cut Social Security and think that those moneys that are set aside to pay benefits can also be taken out to put into privatization. It won't work.

My friend from Idaho said today that one of the things that AL GORE is considered to be untruthful about is his statement that he was involved in the authorship of the book that was made into a great movie by Erich Segal called Love Story. He is saying it is simply untrue that AL GORE had anything to do with that. But understand that the author of the book, who I think should have some foundation to speak about the book he wrote, says that his protagonist, Oliver Barret IV—the man in Love Story—was partly based on Mr. GORE. Now, that is a fact. Erich Segal, the author, said that his protagonist in the book Love Story, Oliver Barret IV, was based on ALBERT GORE. So what my friend from Idaho said, and what others have said, cannot contradict what the author of the book has said.

Talking about exaggerations and misstatements, look at the Seattle Post-Intelligencer on October 4 of this year. Byline, Paul Krugman. He says:

> I really, truly wasn't planning to write any more columns about George W. Bush's arithmetic. But his performance on "Moneyline" last Wednesday was just mind-blowing. I had to download a transcript to convince myself that I had really heard him correctly.
>
> It was as if Bush aides had prepared him with a memo saying: "You've said some things on the stump that weren't true. Your mission, in the few minutes you have, is to

> repeat all those things. Don't speak in generalities—give specific false numbers. That'll show them."
>
> First, Bush talked about the budget—"There's about $4.6 trillion of surplus projected," he declared, which is true, even if the projections are dubious. He went on to say: "I want some of the money, nearly a trillion, to go to projects like prescription drugs for seniors. Money to strengthen the military to keep the peace. I've got some views about education around the world. I want to—you know, I've got some money in there for the environment."

Figure that one out, if you can.

Mr. President, further in the New York Times of October 11, a man by the name of Paul Krugman writes a column, and the heading is: "A Retirement Fable; No Fuzzy Numbers Needed."

Among other things, he says:

> Mr. Bush has made an important political discovery. Really big misstatements, it turns out, cannot be effectively challenged, because voters can't believe that a man who seems so likable would do that sort of thing. In last week's debate Mr. Bush again declared that he plans to spend a quarter of the surplus on popular new programs, even though his own budget shows he plans to spend less than half that much. . . .And he insists that he has a plan to save Social Security, when his actual proposal, as it stands, would bankrupt the system.

Michael Kinsley, in the Washington Post, on the 24th, a couple days ago, says, among other things, referring to Bush:

> His utterances frequently make no sense in their own terms. His policy recommendations are often internally inconsistent and mutually contradictory. Because it's harder to explain and prove, intellectual dishonesty doesn't get the attention that petty fibbing does, even though intellectual dishonesty indicts both a candidate's character and his policy positions. All politicians. . .get away with more of it than they should. But George W. gets away with an extraordinary amount of it.

He continues to say.

> . . . he'll get the trillion dollars needed for his partial privatization "out of the surplus." Does he not understand that the current surplus is committed to future benefits, which will have to be cut to make the numbers work? Or does he understand and not care?

Kinsley further says:

> When he repeatedly attacks his opponent for "partisanship," does he get the joke? When he blames the absence of a federal patients' rights law on "a lot of bickering in Washington, DC," has he noticed that the bickering consists of his own party, which controls Congress, blocking the legislation?

Also, if we are talking about people who misstate things, let's really put a magnifying glass on some of the things that the Governor has said. In last week's debate, GORE described his own education plan, but Bush said that the "three" men convicted in the murder of James Byrd, a black man dragged to his death from his pickup truck, will receive the death penalty. That is not quite true. One faces life imprisonment. Bush took credit for expanding a child's health insurance program in Texas. He took credit in the debate for working with the Democrats to get a Patients' Bill of Rights. He vetoed that. And then he says we have a provision to allow lawsuits. He didn't sign that.

Mr. President, we hear a lot about how the Vice President has been involved in the Russian situation. And he has. He has done a good deal to work out differences between the two nations—the former Soviet Union and now Russia. The Vice President has had extensive experience working on that. One of the people he worked with was Prime Minister Chernomyrdin, who he didn't pick, the Russian government picked him. In this debate—we all heard it—and I will get the citations from the Washington Post, byline by Howard Kurtz and others. He said:

> Money from the International Monetary Funded wound up in the pocket of former Russian Prime Minister Viktor Chernomyrdin. Chernomyrdin has been linked to corruption.

Experts say there is no proof he received any IMF money.

Further, Bush said that our European friends would put troops on the ground in the Balkans, where the bulk of the peacekeeping forces are in Bosnia and Kosovo. Bush also cited Haiti as example of a country from which the U.S. should withdraw its troops, when in fact all but 100 troops have left.

Mr. President, the Senator from Idaho said he will be back Monday afternoon. I am happy to visit with him on the statements that the Governor of the State of Texas has made. I didn't make them, he made them. I simply came to the Senate floor to discuss with the American people what he has said:

> I am a person who recognizes the fallacy of humans.
>
> Drug therapies are replacing a lot of medicines as we used to know it.
>
> I know the human being and fish can coexist peacefully.
>
> I will have a foreign-handed foreign policy.
>
> Families is where our nation finds hope, where wings take dream.
>
> I understand small business growth. . . . I was one.
>
> Will the highways on the Internet become more few?
>
> I know how hard it is for you to put food on your family.
>
> Rarely is the question asked: Is our children learning?
>
> The important question is, how many hands have I shaked?

These are statements made by the Governor of the State of Texas.

Anytime anyone wants to come and talk to me about the statements made by the Governor of the State of Texas, I am happy to do it. I didn't make them up. I am quoting them directly.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, thank you very much.

MEDICARE BALANCED BUDGET REFINEMENT PROPOSAL

Mr. REED. Mr. President, I want to first commend my colleague, friend, Senator REID from Nevada, for not only his statement but his leadership in this body to try to move the process along. Unfortunately, we have reached an impasse.

We have sent to the President an appropriations bill for the Commerce-State-Justice Departments which will be vetoed because of glaring deficiencies in that bill.

We are holding in abeyance for the moment a conference report which not only deals with Medicare readjustments because of the Balanced Budget Act of 1997, but also contains provisions dealing with assisted suicide—a hodgepodge of issues, all of which will, once again, elicit a Presidential veto.

Let me just speak for a moment about this pending bill, although in some respects it defies description. It is more of an accumulation of different ideas thrown together to get out of town. But part of it deals with Medicare and balanced budget refinement proposals.

All of us in this body for the last several years have been pointing out some of the consequences—many of then unintended—of the Balanced Budget Act of 1997 with respect to Medicare reimbursement in an effort to make sure that our health care system continues to be vibrant and continues to be sustainable. And we are resolved to try to address these issues and in a bipartisan way.

But we have found ourselves with a very partisan approach—an approach that has not included any of my Democratic colleagues on the Finance Committee, and has included no real participation by the Democrats in this body at all with respect to issues that are of concern to all of us which should be dealt with on a bipartisan basis.

As a result, we are faced with legislation that comes to us which is terribly distorted and terribly slanted, and which will not deal with the real crisis we face. In fact, many health care providers, such as hospitals, home health care agencies, hospice agencies, nursing homes, and others are literally being shortchanged in the process where a significant and inordinate amount of money is going to HMOs that operate Medicare managed care plans.

These are the same HMOs that abruptly, in many cases, withdrew from the market because they could not make their margins—that walked out on seniors. And, in effect, we are rewarding them for abandoning seniors and walking away from them by giving them a huge amount of money with the presumption, of course, that this money will be passed on to the providers who care for our elderly and disabled. That is not the case at all.

With respect to the not-for-profit HMOs, their first instincts will be to build up their reserves and continue to negotiate very tough reimbursements with hospitals and nursing homes. In some cases, they are the only game in town. They can go to a hospital or a nursing home or a home health agency, and say: These are the terms—take it or leave it. But their goal will not be simply passing on the generosity of the Federal Government to providers—the people actually giving the care. It will be to enhance their own financial positions by continuing to put aside money for the proverbial rainy day.

When it comes to the for-profit HMOs, their incentive is not only to enhance their financial position because that is what enhances their stock price in the market, but also to provide dividends to their shareholders. After all, they are profit-making enterprises.

I think it is entirely fallacious to believe that by simply giving money to HMOs for seniors, with no accountability and no requirements, they will in return provide coverage. Simply giving them the money is the wrong way to ensure that our seniors and disabled receive adequate health care.

That is precisely the path that has been chosen in this partisan Republican legislation that we will see in the days ahead.

We would like to see Medicare managed care plans succeed. We would like to see that happen. But we can't simply wish by giving them money that they will change the practices they have pursued over the last several years.

When they looked at the situation, when they thought they were not getting the kind of return and the kind of profits they should in these programs, they simply walked away.

Yet we are not requiring them even with this great infusion of money to commit to stay the course for our seniors. It is the wrong approach.

The right approach—the approach that was advocated very forcefully by my colleagues on the Finance Committee on the Democratic side—is to provide additional reimbursements and additional support for the actual providers—the hospitals, the hospice agencies, and home health agencies—all of the agencies that are struggling just to stay afloat and to stay viable.

In particular, we have seen over the course of the last several years with respect to home health agencies that many have gone out of business because of severe cuts in the reimbursements. We originally estimated that $16.1 billion would be saved over five years. It turns out that we have already saved $19. 7 billion in just two years and are on track to save four times what we originally projected. It is about time to put the money back in to these important activities.

Yet, that is not what this bill would do. As I mentioned before, this conference report contains several last minute additions coming from the outfield, including the misnamed Pain Relief Promotion Act, which is an attempt to undercut the legislation and the will of the people of Oregon with respect to the very sensitive issue of assisted suicide.

I strongly disapprove of assisted suicide. I am pleased that my State of Rhode Island has, in fact, adopted legislation that outlaws this practice but still makes the prescription of drugs by physicians for the purposes of alleviating pain a medical matter and not a law enforcement matter.

The fallacy of the approach embodied in the Pain Relief Promotion Act is to take the Drug Enforcement Agency and make it the arbiter of good medical practice. I can't think of a more inappropriate combination of institutions and functions than that. But that has been thrown into the mix in this conference report.

We have been endeavoring over many months to come up with bipartisan solutions to these issues of Medicare reimbursement and of the restoration of funds that were cut in 1997 under the Balanced Budget Act. But it has come to naught so far.

I hope that in the next few days in anticipation of a Presidential veto there will be a second or third or fourth look at these issues and we can try to deal with them in a thoughtful and constructive way.

One particular issue is the fact that we face a further 15-percent reduction in home health care reimbursement rates, which is currently scheduled to take effect in October of 2001.

We already know that these agencies cannot sustain such a further reduction. But the only thing that this bill does is temporarily delay it for another year.

I have joined with many of my colleagues, including Senator COLLINS of Maine, to suggest the elimination of this 15-percent cut because agencies have to know not only that they have a 1-year reprieve, but they can plan with some confidence for the years ahead, and that they won't face such a further draconian cut in their reimbursement.

It is the only way they can attract the kind of financial lending support they need to cover expenses. It is the businesslike thing to do.

That is another irony. For a party that styles themselves as conscious of the business community and knowledgeable of the ways of business, the massive distribution of funds to HMOs defy the logic of both the not-for-profit and for-profit HMO because they will not pass them on. They will either disgorge them to their shareholders as profits or they will put them aside so that their ratings and their financing will be that much more secure when they are raided by outside groups.

So this legislation is not only unhelpful for the people who need the help, the providers and ultimately the seniors, but it is, I think, contradictory to the obvious business practices that will be undertaken by the HMOs and others who receive these great funds.

I suggest, again, we go back to the table, that we look hard at all these proposed solutions to the problems engendered by the 1997 Balanced Budget Act in regard to Medicare, and that we strive for a bipartisan approach that will get the money to the providers who give the care to the seniors. If we do that, we are going to make great progress. If we don't do that, we will be back here again next week dealing with another proposal after a Presidential veto.

Now that is just one aspect of what has been transpiring in this body, one aspect of the impasse we face.

Today we sent to the President legislation providing appropriations for Commerce, Justice, and State Departments. What we did not send forth was legislation that would include the Latino Fairness Act, that would include, also, fairness for other groups.

One group in particular of which I have been very supportive is the Liberian community in the United States. I have heard my colleagues on the other side say the reason we are not doing this is because we will not engage in country-specific relief in our immigration laws. That is nonsense. We have had country-specific relief. We have had it throughout the history of this country. One just has to look at the Cuban community in this country to see very specific and very helpful country-specific relief in terms of the rules of immigration, rules of establishing permanent residence.

Also, people suggested we don't want to legitimize people who come here illegally and stay here illegally without the color of law. In the case of the Liberian community, these individuals have been recognized and allowed to stay here under temporary protective status issued first by President Bush and continued subsequently. Now, however, they face deportation because their TPS status has lapsed. They are now under a status called deferred enforced departure—still legal status, allowing them not only to stay here but also to work. So this is a group of people who are legally recognized to be here, and they have the same rights, I believe, or should have the same rights, as everyone else.

This whole issue with respect to Liberians, with respect to Latinos—really, hundreds of thousands who have come here; many have been here for decades or more—who are part of our economy, just as all of those high-tech workers whom we labored so diligently to accommodate under the H–1B visa program. In fact, in places such as Nevada, the home of my colleague, Senator REID, the business communities are asking us to pass the Latino fairness bill because it is their workers who are affected by not being recognized or allowed to establish permanent residence.

I think we can do much more and should do much more. This discussion leads invariably to a litany of lost opportunities and partisan action which undercuts the very brave language of Governor Bush who talks about bipartisanship. Certainly we haven't seen any bipartisanship here. We haven't seen a great deal of leadership here on issues that are important to all of us and are particularly important to the American people.

If we finish next week simply by adopting the remaining appropriations bills, we will have neglected to deal with the real issues that the American people have demanded of us for months and months and months. There will be no prescription drug benefit for seniors. Yet I hazard a guess that each and every one of us has gone back to our States and talked with fervor and passion about how critical it is these seniors have access to a Medicare prescription drug benefit. Yet that is not likely to happen. Another lost opportunity, another missed chance at the issue, another disappointment to the legitimate hopes of the American people that we would work together and accomplish something for them.

We have not enacted a meaningful Patients' Bill of Rights. Yet for months and months and months we have been talking about it. We have seen our colleagues in the other body pass a bipartisan Patients' Bill of Rights. Yet in this body it has languished, and its days are now numbered. So we will not have, for the American people, something they want: Simply to be able to get from their managed care organization the benefits they thought they were entitled to and that their employer typically thought he or she had paid for. But we are not doing that because in this body we didn't pass a real Patients' Bill of Rights. We passed a sham. My collages hoped that sham would be enough of a diversion so the American people will forget what we failed to accomplish.

Education reform. Governor Bush is talking about education and touting his record of education. The Rand study has showed some evidence that is not really a record of success but it is a record of less than success. We haven't even gotten around to doing the routine business of the Congress. This is the first time in decades we have failed to pass the Elementary and Secondary Education Reauthorization Act. It is the first time we didn't do it in a bipartisan way, listening to the voices of all of our colleagues, trying to accommodate them, all to try to come up with a product that would represent further progress in reforming education.

Reforming education or providing incentives for States to do the bulk of that work because that is their responsibility more than ours—we haven't done that. As a result, we haven't made progress on improving teacher training, we haven't made progress for modernizing libraries, we haven't made progress with parental involvement, we haven't reduced class size or repaired crumbling schools or done all we can to keep our schools safe from violence.

Frankly, one of the reasons we did not have the will to bring this legislation to the floor was a paranoia on the side of the Republicans that we would actually vote on sensible gun controls that would help improve the safety not only of our schools but of our streets and our communities all across this country. And as a result, we sacrificed on the altar of fidelity to the NRA a chance to pass elementary and secondary education legislation in this Congress.

We haven't passed a hate crimes bill that would say stoutly, vigorously and courageously that we just don't talk about tolerance in the United States, we actually have laws to require the same.

We would actually have a Federal statute that would assist communities when they find themselves convulsed by the kind of vicious hate crimes that we saw in Wyoming with Matthew Shepard, that we saw in Texas with Mr. Byrd, so that there would be a Federal response, not just an alternative way to prosecute, but resources to prosecute, with help and assistance. By doing this, we would send a very strong signal that this is not an issue of East or West or North or South, but this is at the core of our American values. This is a country that was built on the idea that men and women from very different backgrounds, very different cultures, very different traditions, could come together and form a perfect union. We have failed in that.

We could go on, too, talking about some of the commonsense gun safety and juvenile justice legislation that has languished and will shortly expire. We have not closed the gun show loophole. That was the loophole that was used by the killers at Columbine High School to obtain some of the weapons they used on that attack. How soon we have forgotten.

We have not passed legislation to require child safety locks on weapons. Yet we know that could save the lives of some children, and even one child's life saved because he or she would not get access to a firearm in the home is something for which we would be very proud. We have not done it, despite Senator LAUTENBERG's great efforts and the efforts of many of my colleagues.

Although we have engaged in debates about policy, we are looking ahead at the consequences of this election where several things will be extraordinarily important—obviously. First, this election will help cast the composition of our Supreme Court. That is not just a jurisprudential matter, that is not just something that should be of interest to law review editors and students at law schools. It will shape whether or not this Federal Government can still play a vital, active role in the lives of its citizens, because the trend of the Court, the trend of the Republican appointees of the Court, has been to circumscribe, dramatically, the power of the Federal Government to act in lieu of the States.

When people talk about the Federal role in education, that role might diminish dramatically, regardless of what we do in this body, if we have Justices who believe there is no real congressional/Federal role in education. That is a part of the consequences of this election.

Governor Bush has proposed a tax policy that is hard to understand, except for the fact that it seems to leave very little for the other issues with which we must deal: making sure we transform our Armed Forces, making sure we can protect the solvency of the Social Security trust fund, making sure we can keep our Medicare obligations to seniors, making sure we can continue to invest in this country, in its infrastructure—both its physical infrastructure and its human and social infrastructure—through education and training.

We are at a point now where, at the end of this Congress, we are facing the turn point, the turning back from the kind of fiscal discipline that has produced the record prosperity over the last several years, to a situation where we fall back again into deficits, into the high interest rates, into the economic stagnation of the late 1980s and early 1990s. We could miss this opportunity to invest in our people, to strengthen our country, its physical strength and its economic vitality and its military prowess, and also its spirit as a nation of neighbors helping others to make their lives better and to make their communities better.

We have reached this impasse. I hope we can break through this impasse. I hope we can, through deliberations over the next few days, reach a Medicare refinement proposal that will truly help providers and not just HMOs. I hope we can see a Commerce-State-Justice bill that will come back with Latino fairness legislation, that will recognize that these are good people, struggling to be Americans through work and family and all of the attributes that we see as part of America—not a legal status but a condition of the heart and a habit of the heart.

I hope we can do that. But that will take bipartisan effort. It will take all our efforts. I hope over the next several days we do something we have not done over the last many months—work together for the benefit of the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LAST CONGRESS OF THE TWENTIETH CENTURY

H.R. 2614

Mr. GRAHAM. Mr. President, I come on this early Friday evening with a sense of extreme disappointment, extreme disappointment that we are concluding the last Congress of the 20th century with so little commitment to provide a vision and a sense of assistance and help to Americans as they prepare for the 21st century. I would describe it as the "lack of vision thing." We cannot seem to envisage the surplus as a once-in-a-century chance to tackle the most important issues for our day, issues that will affect our children and grandchildren, issues such as Social Security and Medicare, the two great programs in which the U.S. Government has a contract with its people, and how to deal with the national debt, which grew so explosively over the last 30 years, and that we now have an opportunity to substantially reduce.

Instead, we see the surplus as a giant windfall that allows us to dole out favors to favored constituencies, as if Halloween has already arrived. The result of this "tunnel vision thing," is a bill that will absorb $320 billion of the non-Social Security surplus faster than the kids next Tuesday will be able to empty their Halloween bags.

As troubling as the specifics of this legislation is the process by which it found its way to the Senate floor. This legislation, which would propose substantial tax reductions and additional provider funding under the Medicare program, is a major assault against our ability to use the budget surplus in a rational way.

As we all remember from Abraham Lincoln's immortal Gettysburg address, ours is a Government "of the people, by the people and for the people."

For such a government of, by, and for the people to function, it must be conducted in full view of the people.

As several of my colleagues have already discussed earlier today, this program of tax cuts and paybacks to additional reimbursement to Medicare providers was created by a self-appointed, elite group of Members in the proverbial smoke-filled room of old-style machine politics. The irony is that the very Republicans who snuck into the closet, locked the door behind them, and emerged with this poor excuse for a fiscal plan are the same leaders who are now encouraging George W. Bush to be elected President of the United States on a promise to be a uniter, not a divider, and a builder of coalitions and bipartisan consensus.

If this is what the blueprint is for bipartisanship and consensus building, I shudder to imagine the legislation that will ooze out from this closed door should Governor Bush win the Presidency and follow the counsel of those who have brought us to this sad end on this fall evening.

Governor Bush would do well to consider that the Republican Congress lacks the vision thing. It is always more difficult to see the big picture when you are in the dark. The legislation before us is a prime example of what happens when you try to see the big picture in the dark.

I will not claim that this bill is without some positive qualities, some redeeming features. Many of those features I have strongly advocated and, in a number of instances, have been a prime sponsor. But the bill has serious deficiencies. I choose this evening to focus only on two of those deficiencies: First, the high level of additional funding being given under the Medicare program to managed care providers at the expense of the beneficiaries; and, second, the failure to provide adequate incentives for small employers to offer pensions to their employees.

Both of these deficiencies have a common theme, and that is that we are not just proposing measures as a means of adding back or increasing the payments to Medicare providers. We are not providing tax incentives just to reward certain people with additional pension or retirement benefits. We are trying to achieve objectives.

In the case of Medicare, we are trying to achieve the objectives of changing the orientation of this program from one which focuses on illness, one which focuses on treating people after they have become sick enough to go into a hospital or have suffered a major accident, to one which focuses on wellness, keeping people healthy as long as possible, and which recognizes that a fundamental part of any wellness strategy is providing access to prescription drugs which are the means by which conditions are appropriately managed or reversed so that wellness can be achieved or maintained.

We also have as a vision to provide a balanced retirement security for older Americans, a retirement security that is based on three pillars: Social Security, employer-based pensions, and private savings. It is to achieve this goal of a balanced, secure retirement program that we should be directing our attention in terms of how we fashion tax incentives and other measures that use public incentives and funds in order to achieve that objective.

I am disappointed that this tax legislation, this Medicare reimbursement legislation that we have before us, fails on both of those accounts, and I will elaborate on the nature of that failure.

First, by making health maintenance organizations the only Medicare-based means by which a prescription drug benefit can be achieved, we are, in effect, herding seniors who need prescription drug coverage into private health maintenance organizations. This bill, by any account, gives disproportionately too much money to the health maintenance organizations, organizations that do not need it and do too little to seniors and health care providers who do. We give too much money to the HMOs, too little to the beneficiaries, and too little to other health care providers.

While I appreciate the modest improvements for beneficiaries included in this bill, the fact remains that health maintenance organizations will receive substantially more than one-third of the overall package over the first 5 years and even more over 10 years. I am alarmed by the attempt at offering substantial increases in payments to HMOs because experts tell us that these payments are already too high. The General Accounting Office says that under current law—under current law, not the increases we are considering here—and I quote from the General Accounting Office report:

> Medicare's overly generous payments rates to health maintenance organizations well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.

The General Accounting Office concluded that Medicare health maintenance organizations "have never been a bargain for taxpayers."

Increasing HMO payments will not keep them from leaving the markets where they are most needed. According to the testimony from Gail Wilensky, chair of the Medicare Payment Advisory Commission and a former Administrator of the Federal Health Care Financing Administration, HCFA:

> Plan withdrawals have been disproportionately lower in counties where payment growth has been most constrained.

The withdrawal of HMOs from counties has actually been lower where the payment growth to HMOs has been most constrained.

It comes down to priorities: Should we spend billions more on HMOs or should we try to help frail and low-income beneficiaries, people with disabilities, and children?

The managed care industry and its advocates in Congress have thwarted every effort to reform the Medicare+Choice Program so that it does what it is designed to do: provide services while saving the Government money.

There is a complex formula by which Medicare+Choice plans are reimbursed. In a simplified form, it works this way. It is an arithmetic formula:

A calculation is done in each county in the country as to how much fee-for-service medicine is costing per Medicare beneficiary. Ninety-five percent of that number then becomes the method by which the HMO+Choice plans are reimbursed.

If you happen to have a county that has a high fee-for-service medicine, for instance, because it has tertiary medical care or particularly because it has a teaching hospital, which tend to result in driving up the overall fee-for-service costs within that county because they are providing exceptional and generally exceptionally expensive services, then you have a high reimbursement level to HMOs. That is why you tend to find lots of HMOs wanting to do business in those high-cost, fee-for-service counties.

Conversely, if you happen to be in a county that has no hospitals or only primary care hospitals and relatively low fee-for-service costs, then you have low HMO reimbursements, which frankly is a formula that makes no sense.

For many years, there has been an effort to find a new way to reimburse HMOs that is more market oriented as opposed to relying on the accident of whether you happen to be in a high fee-for-service county or a low fee-for-service county.

Several times in recent years Congress has initiated a program to do a demonstration project using some of the competitive bidding processes which are prevalent in the way in which private corporations and State and local governments determine how to reimburse their HMOs. They put their HMO contracts out for competitive bid and see what HMOs will offer in order to secure the business of a large corporation or a State or local government. I believe strongly that we should at least experiment with this approach to reimbursing HMOs through Medicare.

In 1997, as an example, two demonstration projects were included in the Balanced Budget Act. These were to provide information on the competitive bidding process for Medicare+Choice contracts. What happened? As soon as two cities—in this case Kansas City and Phoenix—were selected to be the sites for the demonstration projects, the HMOs and their allies in those communities led an assault against the demonstration project, and in an end-of-the-session, largely clandestine attack, those demonstration projects were terminated even before they had started. In so doing, the HMOs have been able to assure that they will not have to compete for Medicare's business based on merit and the marketplace. In fact, they would not have to compete at all.

This year, the HMOs have again launched a multimillion-dollar lobbying effort to pressure Congress to increase their payment rates based on this discredited 95-percent formula. The HMOs are claiming their current reimbursement rates are too low. Yet these are the same HMOs that committed congressional homicide when they killed the proposal that would have allowed a more market-oriented system, which could have resulted in higher reimbursement rates or lower reimbursement rates; at least they would have been the reimbursement rates that were set by market competition, not by an arbitrary discredited formula.

This action, of claiming that you need to have higher reimbursement rates after you have just killed the method by which we were going to determine what would be the means of setting those appropriate rates, is the equivalent of the child who shoots his mother and father and then claims to deserve the mercy of the court because he is an orphan.

The HMO industry has shot every effort to establish a rational means of reimbursement.

Then they come here late at night, late in the session, saying that they need to have a third or more—a third or more—of all the money that is going to be used to provide reimbursement to Medicare providers because their rates are too low. They are providing services to approximately one out of six Medicare beneficiaries. Yet they want to have a third or more of all of the money that goes for additional reimbursement.

I was pleased to learn that within this bill one positive thing that was being considered was additional preventative benefits for Medicare beneficiaries. This is a cause I have long advocated as part of the fundamental conversion of Medicare from a sickness system to a wellness system.

I strongly believe that Medicare must be reformed from a system which is based on treating illness to one that is based on maintaining wellness.

I have introduced many bills to this effect, some of which are now the law of the land. The benefits that I have included have been based on recommendations made by experts in the field. We have used the medical expertise to determine which preventive modalities have been proven to be efficacious and cost-effective. Therefore, I was disappointed to find that this bill fails to provide Medicare coverage for those areas of prevention which have been identified by the U.S. Preventive Services Task Force as being the most efficacious and cost-effective.

What were these areas of prevention? Hypertension screening and smoking cessation counseling. These were the highest priorities identified by the U.S. Preventative Services Task Force. But these apparently did not meet the "political correctness" standards of those who were writing this final bill.

The bill also provides one of the other priorities: Access to nutrition therapy for people with renal disease and diabetes. But it leaves out the largest group of individuals for whom the Institute of Medicine recommends nutrition therapy—people with cardiovascular disease.

This is the publication of the Institute of Medicine on "The Role of Nutrition in Maintaining Health in the Nation's Elderly," which urges that access to nutrition therapy be made available to people with cardiovascular disease. Again, apparently they did not meet the standard of "political correctness" to be included in the prevention modalities that will be funded in this bill.

I believe strongly that additions to the Medicare program must be based on scientific evidence and medical science, not on the power of a particular lobbying group or on the bias of a single Member.

It appears that instead of taking a rational, scientific approach to prevention, the Members use a "disease of the month" philosophy, leaving those who need help the most without relevant new Medicare preventative services.

When I asked why the authors of this bill ignored the expert recommendations, such as providing seniors with cardiovascular disease with nutritional therapy, I was told it was excluded because it was too expensive; we could not afford to provide nutrition therapy to seniors with cardiovascular disease.

It does not take a Sherlock Holmes, or even a Dr. Watson, for that matter, to understand what is happening here. This bill provides $1.5 billion over 5 years for all of the prevention programs and a whopping $11.1 billion for the HMOs. But it is just too expensive to provide adequate, rational, prioritized prevention services for our elderly.

Clearly, the money is there. But the real goal of those who wrote this plan is to herd seniors into private HMOs as a means of avoiding the addition of a meaningful Medicare prescription drug benefit for our Nation's seniors.

Whether you believe in the broad Government subsidization of the managed care industry or in providing benefits to seniors and children, we should all agree that taxpayers' money should be spent responsibly.

Congress has the responsibility to make certain that the payment increases we offer are based on actual data rather than anecdotal evidence or speculation.

How then can we justify that over the next 10 years the managed care industry is set to walk away with almost the same amount of funding increases as hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries combined.

Over the next 10 years, under this plan, health maintenance organizations will receive, in additional funding, the amount that hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries will receive combined.

The most disturbing problem with this bill is that it does nothing to address our efforts to pass a Medicare prescription drug bill in the year 2000. The Republican leadership would like for you to believe that their bill will solve the problem of providing a prescription drug benefit for seniors.

According to a story in the October 26 Washington Post:

> Unlike the rest of Medicare, this plan provides some prescription drug benefits; and by pumping more money into it, the GOP can defuse Democratic charges that the Republican Congress has failed to act on prescription drug benefits for seniors.

What we have here is the attempt to use this exorbitant amount of money, more money than is going into hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries combined, pumping all that money into HMOs in order to create the facade that we are providing a prescription medication benefit and therefore don't have to provide a prescription medication benefit to the rest of the Medicare beneficiaries, the five out of six Medicare beneficiaries who get their health care through the traditional fee-for-service program as opposed to an HMO.

The Republican leadership and George W. Bush criticize our prescription drug plan by claiming that we are forcing seniors into a Government-run HMO. By that so-called HMO, they mean Medicare, traditional Medicare, Medicare on which nearly 85 percent of the beneficiaries rely today.

In reality, the Republican plan to strengthen Medicare is to force seniors into private HMOs in order to get their prescription drugs.

Here is what seniors can count on in this plan of forcing seniors into private HMOs as the means of securing their prescription drugs.

First, the plan will cover less than one in six Medicare beneficiaries. Very few seniors have elected or in many cases even have the opportunity to participate in Medicare+Choice. Only 16 percent of the 39 million Medicare beneficiaries have joined a Medicare HMO plan.

Second, Medicare beneficiaries can look forward to plans that are here today and gone tomorrow. Nearly 1 million seniors will be abandoned by their HMOs in this year of 2000 alone. More than 87,000 of those are in my State of Florida. Seniors in 33 counties of the 67 counties in Florida either never had a Medicare+Choice plan or had one only briefly before it packed up and left town.

Third, seniors will have no guarantee of their prescription drug benefits. What is unlimited coverage today may be a capped benefit tomorrow.

Listen to these numbers. This is what the prescription drug benefit is for some of the most significant HMOs in the country operating in communities with very large Medicare beneficiary populations.

In Hernando County, FL, north of Tampa, there are two Medicare+Choice plans, Wellcare and United. Both offer a prescription drug benefit, the type of benefit we are hoping to expand by pumping more money through this Medicare additional reimbursement into HMOs. Both of those plans cap their benefits for prescription drugs, in the one case at $748 a year and in the other at $500 a year. There are many Medicare beneficiaries who spend more than that in 1 month. Yet that is the annual cap on prescription drugs for those two HMOs which claim they are providing effective prescription drug coverage for their beneficiaries.

Another example is the HIP Health Plan of Florida which offers seniors in Miami-Dade and Broward Counties a drug plan that covers up to $700 annually for brand name drugs. Seniors in the same plan in Palm Beach County, which is immediately north of Broward County, have an annual limit of $250 for brand name drugs.

What kind of prescription drug benefit is that? For many seniors, such as a constituent to whom I have referred frequently, Elaine Kett of Vero Beach, these annual capped amounts represent less than 30 days' worth of their prescription drug needs.

The HMOs' tendency toward denying choice and rationing of health care will not benefit our Nation's seniors and people with disabilities. Talk about denying people choice; talk about rationing of health care: This is it.

Fourth, seniors can expect no guaranteed choice of a doctor. HMOs have networks of doctors that are constantly changing. If Mrs. Smith's doctor is not in her HMO network, Mrs. Smith can't see the doctor. She can't see the doctor who knows her the best. She can't see the doctor she trusts to treat her and prescribe the medications she needs.

Even if Mrs. Smith's doctor writes a prescription drug, her HMO may have a restrictive formulary and substitute her doctor's wisdom for theirs by filling her prescription drug with something else. Even if Mrs. Smith's doctor writes her a prescription drug, her HMO may have a restrictive formulary which will deny her the medicine that her doctor believed was medically necessary.

To continue looking at the facts, let's look at the materials that Humana, one of the largest Medicare+Choice providers, HMOs, in the country, provides to seniors as it explains their prescription drug benefit.

Here is what Humana says:

> For medications with dispensing limits and age limits, additional information may be required for approval. These requests can only be made by your physician to be considered. Please have your physician contact the Humana clinical hotline at the number below.

So it is not the patient relying on the best medical advice of the doctor and then taking that medical advice in the form of a drug prescription to a pharmacist in whom they have confidence to be filled. It is the patient relying on the goodwill of the HMO to allow the best judgment of the doctor to be fulfilled.

Reading further in the Humana preferred drug list publication:

> All of the above is not a complete list and is subject to change.

So what you think may be your relationship with your doctor and your pharmacist today may be different tomorrow, if your HMO decides it wants to make it different tomorrow.

If Mrs. Smith's doctor prescribes a medication that is not on Humana's formulary, she can only get it filled with prior authorization from Humana. That means upon learning that her medication is not on Humana's formulary, probably when she is standing at the pharmacist's counter trying to get her drug prescription filled, Mrs. Smith will have to call her doctor and ask her doctor to call a 1–800 number on her behalf.

Once the doctor gets through, Mrs. Smith's doctor will have to consult with an HMO bureaucrat and provide additional information regarding Mrs. Smith's health so the bureaucrat can determine whether Mrs. Smith is eligible to receive the medication her own doctor prescribed. After all of this, the request to have Humana cover the drug may still be denied. To add to the difficulty of having a drug prescription filled, Humana states in its materials that the list of covered drugs is subject to change. A drug that is covered for Mrs. Smith today may be excluded on her next visit to the pharmacy.

Fifth, there are few, often no, options to participate in Medicare+Choice in rural areas. Because of this perverse formula that relates the fee-for-service costs within that county to the amount of reimbursement that HMOs will receive, while seniors in urban centers may have access to Medicare+Choice plans, many of our seniors do not have that option. In over 20 counties in Florida and in the entire States of North Dakota, Utah, and West Virginia, there are no managed care programs for Medicare beneficiaries.

I wonder, do those who would advocate that this managed care approach provides meaningful prescription drug coverage for our Medicare beneficiaries think the people in North Dakota, Utah, and West Virginia do not need prescription medications?

All of these factors beg the question: If seniors don't have access to or don't like Medicare managed care now, because of their own experience, why would they like it better just because we are about to decide to throw an enormous amount of money at it, without any rational justification, without any sense of the priorities among Medicare health care providers? Why, just because we are about to act in an irrational way, would it suddenly make these plans better in the eyes of the ultimate beneficiary?

As I have said in a series of floor statements, the attack on a Medicare prescription drug benefit is, in reality, an attack on the Medicare program itself. Let me repeat that. This attack on using fee-for-service Medicare as the fundamental means by which prescription drug benefits will be delivered is but a veiled attack, an assault on the basic principles of Medicare itself; universality, comprehensive service, affordability, those are principles that are under assault under the veil of denying prescription medication benefits through traditional Medicare.

The Washington Post article of October 27 entitled "Ad Blitz Erodes Democrats' Edge on Prescription Drugs" describes how Republicans have used ads to achieve "some success in muddying the waters on prescription drugs."

Mr. President, I ask unanimous consent that this article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. In the legislation we are considering today, we have found yet another smoking gun to validate our suspicions that the Republican Party—and, I am afraid, its Presidential candidate—are seeking to do as Newt Gingrich was candid enough to say publicly: Let Medicare "wither on the vine."

I believe the cynical way in which this bill purports to provide a prescription medication benefit by pumping enormous amounts of money away from beneficiaries in more effective prevention programs, and away from institutions such as hospitals and home care centers which have demonstrated a legitimate basis to receive additional compensation, and toward the institutions which have fought against every reform and which, by the General Accounting Office report, has not made a justifiable case for additional reimbursement. We are doing this in order to create the facade that by forcing seniors into private HMOs, that would be the means by which they would receive prescription drugs. That in itself is enough of a reason to vote against this proposal.

Let me comment on a second reason. Just as the first, prescription drugs, is an area on which the Presiding Officer and I have worked to try to develop a bipartisan, rational means by which prescription drugs can be made available to Medicare beneficiaries, the next area is another on which I, along with many colleagues on both sides of the aisle, have worked, and that is to reform our pension laws. In my judgment, the primary objective of reforming our pension laws should be to increase the number of Americans with access to employer-based pensions.

At first glance, the retirement savings section of this bill looks very similar to S. 741, the Pension Coverage and Portability Act, which I introduced with my colleague from Iowa, Senator GRASSLEY, which has the support of 17 of our colleagues in the Senate. In fact, there are some very attractive and useful provisions that will make existing pensions work better. To these, I give my wholehearted support. For example, the bill makes it easier for employees to take their pensions with them as they move from job to job. This is an important improvement to existing law and will help workers accumulate assets for retirement.

On further review, however, it becomes clear that in many ways this bill is a wolf in sheep's clothing. The principal goal of the Pension Coverage Portability Act is expanding retirement plan coverage to those Americans who currently do not have an employer-sponsored plan available to them. The measure focuses particularly on encouraging small employers to offer pension coverage.

Let me use some examples and statistics from my State of Florida, which I think are not unrelated to the national scene. Florida has benefited greatly from the strong economic growth in America in the last 8 years. Almost 2 million new jobs have been created in our State during that time. Of those almost 2 million jobs, more than 70 percent are in firms that employ fewer than 25 people. The vast growth in employment in my State of Florida—and, I suggest, in America—has been through small entrepreneurial firms. It is these small employers who have the greatest difficulty offering pension coverage to their employees. A recent report from the General Accounting Office highlights this fact.

According to the GAO report, slightly more than half—53 percent—of all employed Americans lack employer-based pension coverage. The good news is that that is 5 percentage points more than it was a decade ago. So more Americans than 10 years ago are now getting a pension through their place of employment.

The more troubling finding in the GAO report is that workers' chances of having access to a pension plan are strongly influenced by the size of the firm that employs them. While 53 percent of Americans, in general, lack an employer-based pension, if you happen to work for a firm that employs fewer than 25 people, 82 percent lack an employer-based pension. It is in precisely on those small firms that the Pension Coverage and Portability Act targeted its attention. Unfortunately, the bill before us today falls woefully short in encouraging those small firms to provide coverage to their workers.

The Pension Coverage and Portability Act contained two important provisions to assist small businesses in offering retirement plans to their employees. One of those was an income tax credit to help small businesses defray the administrative costs associated with establishing a retirement plan. Second is an income tax credit for small employers who make employer contributions into pension plans for the benefit of their employees. So there were two critical provisions in the Pension Coverage and Portability Act, both targeted at encouraging, facilitating, and making more likely that small employers would provide pensions for their employees an income tax credit to help defray the initial establishment of the plan costs; and, second, an income tax credit for the employers who made contributions on behalf of their employees into their employees' pension plan. Both of these important provisions were excluded from the tax bill before us today.

In addition, to the pension bill that was unanimously reported by the Senate Finance Committee included both of those provisions, and another important element of retirement security encouraged personal savings. This was achieved through a separate tax credit to help low- and moderate-income families save for their retirement.

The bill was unanimously reported. Every Republican and every Democrat on the Senate Finance Committee supported the provisions that would have encouraged small businesses to set up pension plans for the employer to contribute to employee pension plans, and it also creates an incentive for increased savings for low- and moderate-income families.

The bill crafted by the Republican leadership contains none of these important proposals.

Finally, the bill even has the potential to actually create incentives for small businesses to drop their existing pension coverage. Approximately 18 percent of small businesses with less than 25 employees might actually be encouraged by this bill to drop that pension coverage. How can this possibly be?

Frequently, the employers in a small business set up pension coverage not only to benefit their employees and attempt to encourage a greater sense of commitment to employment with a small firm, but they also do it out of self-interest. As long as an employer is willing to cover his employees, he generally can set aside more funds for his own retirement through an employer-based plan than is possible to be done through an IRA, individual retirement account.

This bill includes a substantial increase in the maximum contribution allowable to an individual retirement account. That amount today is $2,000 a year and will be increased to $5,000 a year by the year 2003. By securing a separate IRA for the employer's spouse, effectively $10,000 can be tax sheltered for retirement.

By making IRAs more attractive to small employers, those small employers might decide that it is in their self-interest to discontinue the employer-based plans which they now sponsor and rely on their own and their spouse's IRA as the means of providing for their retirement security.

Thus, the unintended consequence of increasing IRA limits without providing incentives to encourage small businesses to provide pension coverage and then for the employers to contribute to their employees' plan may be to erode the retirement plan coverage for employees in small businesses. The percentage of those workers in small firms without coverage—82 percent already—could grow even higher.

As disappointed as I am in this legislation as a whole, I am not in the least bit surprised. This legislation is the work of lobbyists—not statesmen.

Instead of a strategic vision of what will be required in order to convert Medicare into a wellness program and what will be required to assure that the large and growing number of Americans who work for small businesses will have the benefit of a pension and retirement fund—instead of those strategic visions—this is the work of special interest tunnel vision. Instead of balancing the interests of all Americans, this bill goes full tilt towards the luckiest few.

I suggest when legislation is drafted in the dark this is what we can expect. Behind those closed doors, the drafters seem to forget basic math. That basic math is that every dollar we spend—such as pumping excessive funds into HMOs—is $1 that we take directly out of the surplus.

Every dollar spent on tax cuts is one that will not be spent on saving Social Security by paying down the national debt, and will not be spent on modernizing Medicare to make it a wellness program.

I have used words such as "squandering," "flittering," and "wasting" before this body more often in the last 2 weeks than I would have liked.

I have watched any chance that this body had to create a comprehensive strategic spending plan for our future die a small and painful death.

I am left with the hope that President Clinton will indeed veto this bill as promised, and that a few billion dollars can be spent paying down the national debt before the next Congress gets its hands on the purse strings again.

I am not surprised that we are at this point. But I must admit I am a bit puzzled.

Is it really possible that some of my colleagues don't realize that a slice here and a snack there will eventually leave nothing but crumbs? Can it be that they truly believe we can have our surplus and eat it too? Or are they feasting on the surplus behind closed doors fully aware that they are telling the system, starve for reform, that we will be fine, and go ahead, eat cake?

Thank you Mr. President.

EXHIBIT 1

[From the Washington Post]

AD BLITZ ERODES DEMOCRATS' EDGE ON PRESCRIPTION DRUGS

(By Juliet Eilperin and Thomas B. Edsall)

Buoyed by a massive advertising blitz from business groups, Republicans have managed to erode some of the Democrats' political advantage on the issue of prescription drugs for seniors, according to polling data and independent analysts.

Republicans have had some success neutralizing an issue the Democrats had hoped to ride to victory in both the presidential race and many congressional contests across the country, the analysts said. In fact, in a few key races, Republicans have successfully used the issue to skewer the Democrats as big government spenders.

Fueling the Republicans have been tens of millions of dollars in ads from the pharmaceutical industry, the U.S. Chamber of Commerce and other business groups lauding the GOP's private-sector-oriented approach to providing drug coverage for seniors. Republican ads for Texas Gov. George W. Bush and other candidates have also portrayed Democratic proposals to add a drug benefit to the Medicare program as a potential bureaucratic nightmare.

Democrats "just assumed we would roll over and say, 'You know, we are against seniors and for the big drug companies, so come on over and take the House and Senate back with it,'" said GOP pollster Glen Bolger. "But Republicans decided not to do what the Democrats wanted."

Just three months ago, Bush had no plan to provide prescription drug coverage for seniors and was badly trailing Vice President Gore on the issue. A Washington Post/Henry J. Kaiser Family Foundation/Harvard University poll in July showed Gore with a strong advantage over Bush, 49 percent to 38 percent, when voters were asked which candidate would do a better job "helping people 65 and over to pay for prescription medicines."

Three months later, after an onslaught of Republican National Committee advertising on the drug issue, the Gore advantage had disappeared: When voters were asked whom they trusted to handle "Medicare and prescription drug coverage," they were evenly split, 45 percent saying Gore and 43 percent Bush.

Democratic operatives acknowledge that Republicans have had some success muddying the waters on prescription drugs. In mid-September, the party's own internal surveys showed that Gore's advantage on the issue has slipped to single digits, one top pollster said.

But a fall advertising campaign has helped put the issue back into the Democratic column, this pollster said, and Gore and his party now hold a 15-point advantage on the question of who would better address the prescription drug problem.

Robert Blendon, a health policy specialist involved in the Post/Kaiser/Harvard poll, said surveys suggest the public, in fact, prefers Gore's proposal to add a prescription drug benefit to Medicare over Bush's plan to encourage insurance companies to provide the coverage.

But he added that most voters "don't exactly understand the nuances between the two policies," making it difficult for Gore to gain an advantage.

On the congressional level, Republicans have tried to defuse the issue by approving a measure allowing the reimportation of cheaper prescription drugs and, in the case of the House, passing their own drug coverage bill along the lines of what Bush is proposing.

And when Republican candidates have had the money to spend, they have been able to tarnish their opponents: Sen. Spencer Abraham (Mich.) saw his numbers surge this summer after he ran a series of unanswered attacks against the drug proposal of Rep. Deborah Ann Stabenow (D-Mich); and both Sen. Conrad Burns (Mont.) and Senate hopeful John Ensign of Nevada improved their standing in the polls after launching similar ads.

But according to Michigan-based pollster Ed Sarpolus, older voters who became confused on the drug issue are now beginning to gravitate back to Gore and Stabenow.

"It's human nature. If you're confused, you vote for what you know," said Sarpolus, who added that voters tend to trust Democrats more on health care.

Individual House Republicans, bolstered by their party committees and business groups, have also aggressively defended their records on drug coverage in recent months. Rep. Heather A. Wilson (R-N.M.) saw her poll numbers rise significantly among seniors once she began running ads on the GOP plan. Ohio Republican Pat Tiberi—who is hoping to succeed his former boss, Rep. John R. Kasich—also expanded his lead in the polls after the National Republican Congressional Committee funded ads attacking his opponent's position on prescription drugs.

Former representative Scotty Baesler (D-Ky.), who is hoping to defeat freshman Rep. Ernie Fletcher (R-Ky.), said the Republicans "muddied the waters very well" on the question of prescription drugs, prompting him to air ads on gun control instead because "it's a definite separation between myself and Fletcher."

Rep. E. Clay Shaw Jr. (R-Fla.) has even turned the issue into a liability for his opponent Elaine Bloom, blanketing his district with ads highlighting how she served on the board of directors of a company that makes generic drugs and that received payments from a competitor in exchange for keeping a heart medicine off the market.

The party committees are not the only groups touting the GOP's drug plan in recent weeks. The U.S. Chamber of Commerce has run several commercials decrying the Democrats' proposal as a potential bureaucratic nightmare while Citizens for Better Medicare—a group funded by the pharmaceutical industry—has spent $50 million on an ad campaign supporting the position taken by House and Senate Republicans.

Democratic Congressional Campaign Committee Chairman Patrick J. Kennedy (R.I.) said, "The $50 million in independent expenditures from the major pharmaceutical companies has validated the Republicans' belief that money can buy anything including their inaction on a real prescription drug benefit for Medicare."

Republican pollster Bill McInturff said that in the battleground states where GOP advertising on prescription drugs has been concentrated, "these are roughly parallel numbers" concerning which party and which candidate has the advantage. "This is clearly a case where advertising has affected people's opinions," he said.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business. I apologize for the lateness of the hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

NO DEFINED ENERGY POLICY

Mr. MURKOWSKI. Mr. President, it is late. We have had pretty candid discussions on various issues before us. It is a political season. There is a lot of finger pointing, whether we talk about Social Security, Medicare, or the benefits of care associated with drug plans. I think we all share a common commitment to try to have meaningful legislation come out of the process. We simply have different points of view.

You heard the Senator from Florida comment extensively on the Republican plan to strengthen Medicare. I am not here to comment on the Republican plan on Medicare, although I think it is quite defensible. But I am here to talk about the Democratic plan for an energy policy.

You will notice, unlike the Senator from Florida, that I don't have a chart to show you what the Democratic energy plan is for the simple reason that there isn't any. This administration has absolutely no energy plan as evidenced by the dilemma that we face in this country as we watch our imports from the Mideast climb to approximately 58 percent. Fifty-eight percent of the oil that we consume in this country is imported.

We have seen a dramatic increase in the price of gasoline. Gasoline is in the area of $1.75 cents to $1.80, depending on the grade.

We have seen heating oil in the country raised to approximately $1.56. Here in Washington alone, it has increased 56 cents a gallon in less than 10 months.

We have seen natural gas on which 50 percent of the homes in this country are dependent increase from $2.16 for 1,000 cubic feet to deliveries in November at $5.40 per 1,000 cubic feet.

We have a situation with our refining industry in which we haven't built a new refinery in this country in decades. We have shut down 30-some refineries. We find ourselves at loggerheads because of our inability to refine, if you will, enough of the blends to address the Northeast heating oil shortage.

It is fair to say that we don't have a defined energy policy. We have an energy policy that seems to be driven by environmental groups that do not accept the responsibility for realism.

Realism dictates that we are not going to move out of here tomorrow or the next day on hot air. We are going to move out on kerosene. Kerosene comes from oil. Kerosene is what you put in the jet airplane. I don't attempt to be oversimplistic, but what we continue to need in this country is a balance of all the energy resources.

The Middle East last week gave us another reminder as to our crisis. That is the fear that we are going to be held hostage to foreign oil imports. I have been coming to this floor for many days now warning of how our dependence on foreign oil threatens the national security of this Nation. I certainly don't take any pride at this late hour in coming here and saying I told you so. We know the Middle East is a tinderbox. Some of our most impassioned enemies are already lighting fires there.

What little energy policy this administration has in the sense of increasing reliance on foreign oil has come in conflict, in my opinion, with our foreign policy. How can we pretend to play the role of an ally to Israel or even an honest broker when we are now beholden to Israel's sworn enemy, Saddam Hussein, of Iraq?

Now we are looking to Saddam Hussein to keep our citizens from freezing this winter. We are importing about 750,000 barrels of oil a day from Saddam Hussein. Many people forget we fought a war over there in 1991 and 1992. We lost 147 American lives.

Today, the real wild card is in Iraq and the Middle East. I mentioned my previous concern over Saddam Hussein and the leverage he brings, but some analysts estimate that oil will increase to $40 to $45 a barrel if Iraq halts oil sales or reduces oil sales. The significance of that is the position that Saddam Hussein and Iraq currently hold.

Iraq, we know, has threatened to stop oil exports if the U.N. doesn't convert Iraqi dollars held by the U.N. to Euro dollars for trading. We know Iraqi exports have dropped a little bit, by about 500,000 barrels a day just last week. It is not clear whether this is the start of an ominous trend. Even if supply disruptions do not occur, world oil markets are stretched so thin that even the possibility of a disruption could raise prices even more. And it did so last week.

Currently, I think oil closed today around $34 a barrel. We have seen a high on two occasions of $37 within the last month or so. But the reality is that Saddam Hussein controls about almost 2.8 million barrels a day of daily exports, and that is more than the available excess capacity worldwide.

What I am saying is that the difference between the world's ability to produce oil and the world's consumption is a little over a million barrels—there is a little over a million-barrel capacity—but Saddam Hussein controls 2.8 million. My point is if Saddam Hussein reduces his sales, then we are in an even tighter position and as a consequence we can expect the price to go up. And Saddam Hussein is aware of this.

There is no question about his actions of late. He has become more aggressive in recent months. It is rather interesting to note, after every speech, he concludes it with "Death to Israel." If there is ever a threat to Israel's security, it comes from Iraq. He has a $14,000 bounty on each American plane shot down. Thank God there haven't been any. But we have flown over 200,000 individual flights over Iraq, enforcing the no-fly zone, an area of blockade since the 1990s.

Last month, Saddam Hussein accused Kuwait of stealing Iraqi oil. Here we go again. He did this shortly before invading Kuwait in 1990.

Last week, nearly 15,000 Iraqi Republican Guard troops moved westward in a show of force, obviously toward Israel. Just yesterday, Saddam Hussein said: Jihad, holy war, is the only way to liberate Palestine.

How quickly we forget. Let me remind everyone, before President Clinton and Vice President GORE took office, we carried out Desert Storm and 147 Americans were killed, 467 were wounded, and 23 were taken prisoner. We continue to enforce the no-fly zone. The cost to the taxpayers is about $50 million per month. It is still going on. Yet the administration seems to want to rely more on Iraqi oil.

We have had in this country a 17-percent decline in domestic production, yet the demand has increased 14 percent. In August of last year, we consumed more oil in this country than ever before. What is the rationale?

We are traveling more. The economy is growing. We are an electronic society. We need more energy. Where does it come from? It doesn't come from thin air. Now 58 percent of our oil comes from overseas. Some people perhaps remember 1973 when we had the Arab oil embargo. We had lines around the block. People were indignant. They were mad. They were outraged. We couldn't get gasoline at the gas station. At that time, we were 36-percent dependent on imported oil and we created the Strategic Petroleum Reserve.

Here we are today with Iraq, the fastest growing source of U.S. foreign oil, 750,000 barrels a day, nearly 50 percent of all Iraqi exports. I don't want to be oversimplistic, but we buy Saddam Hussein's oil, put it in our airplanes, and go over and bomb him. Is that a sensible, responsible foreign policy?

In a few words, that is what is happening. You can interpret it however you desire. This administration's inattention to maintaining the U.N. conditions against Iraq has left the sanctions in a shambles. We aren't doing any weapons inspections in Iraq; increased Iraqi flights across Saudi airspace in the no-fly zone continue; his development of missile, missile delivery systems, and biological warfare capabilities continues. Russia and France have openly challenged our sanctions. Turkey sends flights to Baghdad despite the U.N. ban.

It is simply not working. Our friends in Jordan are demanding the end to inspections of Iraqi imports through Jordanian ports. Saddam Hussein is about to get a free pass to import anything he wishes despite the U.N. sanctions. Does anyone doubt he will be able to import what he needs to continue his weapons of mass destruction? We are going to have to deal with this one of these days.

Let me say again what little energy policy we seem to have is a reliance on imported oil, and it has certainly come into conflict with our foreign policy, with potentially disastrous consequences for American consumers and our national security.

I am pleased to say that George W. Bush, and our Vice President nominee, Mr. Cheney, have spoken about how to decrease our dependence on imported oil by developing some of the reserves that we have here at home, open up the overthrust belt—Wyoming, Colorado, Utah—areas where we have great potential, areas where the administration has closed up to 64 percent of the public land, exempting that area from development, and my State of Alaska, where the administration refuses to allow an opening of the area which might have the largest reserves known to exist in North America, that small sliver of ANWR.

There are a lot of misunderstandings about the area of Alaska known as ANWR. It is 19 million acres, the size of the State of South Carolina. Congress, wisely, has taken out of that 19 million acres, 8.5 million acres and put it in permanent wilderness. They have taken another 9 million acres and put it into a refuge, leaving 1.5 million acres for a decision to be made whether to open it. The geologists tell us there might be as much as 16 billion barrels of oil there. That would equal what we import from Saudi Arabia for a 30-year period. It is a very significant amount.

Some people say that is a 200-day supply. That is totally unrealistic because that assumes there would be no other oil produced anywhere in the world. Obviously the Russians, the Venezuelans, and the others would produce.

So as we look at potential energy sources here at home, I think we have to look to the advanced technology that we have been able to develop in this country and the record of opening up areas in the Arctic such as Prudhoe Bay, where we find a contribution of nearly 20 percent of the total crude oil produced in this country. That has come about over a period of 23 years. The significance of that speaks for itself.

You might not like oil fields, but Prudhoe Bay is the best in the world. We could have the same potential by opening up that small sliver of the Arctic known as the 1002 area.

The interesting thing is that industry tells us, out of 1.5 million acres, we would probably utilize as little as 2,000 acres—not much bigger than a medium-sized farm—to open up the area.

I was rather interested in looking at the Christian Science Monitor the other day. They did a poll across America on what the attitude would be of opening ANWR. The poll was 58 to 34 in favor. That is a rather startling result, and I think it surprised some of the folks at the newspaper as well.

The point is, charity does begin at home. There are those on the other side who simply blame big oil. I remind them, where was big oil when they were handing out oil a year ago at $10 a barrel? Big oil in this country—Exxon, British Petroleum, Chevron, Texaco—does not set the price of oil. Do you know why? Because we are so dependent on imports. Saudi Arabia, OPEC, Mexico, Venezuela—they are the suppliers. They are supplying us with 58 percent. They set the price. We are addicted; we pay it; and that is the consequence of becoming so dependent when, indeed, we have the technology in this country to open up some of these frontiers safely.

We have, in the Trans-Alaska Pipeline, an unused capacity of a million barrels a day. As a consequence, the development of that portion of ANWR could be done very easily, and it could be done very quickly. If we had the conviction of our commitments to simply make a statement that that is our intention, there is no question in the mind of this Senator we would see oil drop $10 a barrel. We saw the President's action the other day when he pulled 30 million barrels out of the Strategic Petroleum Reserve. The price dropped from $37 a barrel to somewhere in the area of $32 a barrel.

Let me conclude with a little evaluation of the Strategic Petroleum Reserve and the actions, or should I say the "mis-actions" of the administration handling them.

As we know, when the Vice President made a recommendation to the President that we sell 30 million barrels from the Strategic Petroleum Reserve, the price was nearly $37 a barrel, prices which last month prompted the administration, of course, to release this oil from SPR. Now word comes from the Department of Energy that initially only 7 million barrels of that original 30 million barrels would have to go up for rebid. It is kind of interesting because they waived the normal bid requirements. They didn't require normal financial responsibility. They said they would do that later. Three of the bidders could not meet the demands, and as a consequence they had to bid it again. But they recognized their mistake the next time because they did require the bidders meet financial capability for performance.

In any event, according to the Department of Energy's own analysis, 20 million of the 30 million barrels will simply displace foreign oil imports. The reason for that is our refineries are running at 96-percent capacity. They cannot, basically, take any more oil. They can only get so much out through this process because we have not built new refineries in 10 years. We have simply increased some of our larger refineries. We have also lost about 37 refineries in the last decade. It is not a very attractive business to be in.

In any event, the Department of Energy has decided that out of the 30 million barrels, there are probably going to be only 10 million barrels that are going to be refined into finished product. Currently, U.S. refinery yields are about 8 percent heating oil and 92 percent other products, whether it be gasoline, diesel, kerosene, and so forth. So if we do the math, while the Department of Energy suggests 3 million to 5 million barrels of heating oil will result from the SPR release, we find that the testimony from those representing the Department of Energy uses the terminology "distillates."

What are distillates? They would lead you to believe this was heating oil and would benefit the Northeast, but it is not. We found out that current refinery yields of 10 million barrels of SPR oil will yield only 800,000 barrels of heating oil. That is less than a 1-day supply.

When you look at the intent of the administration's effort to open up the SPR, it was to increase the heating oil supply availability in the Northeast, a portion of the country that does not have the availability of natural gas. Their objective was not achieved. They have less than a 1-day supply out of this sale. How ironic.

What they did is they did manipulate the price because the price did drop, but the supply did not increase. If the administration's intent was to get more heating oil to the market, that certainly was not the way to do it. They could have explored thoroughly the offer by the Venezuelan state oil company to produce heating oil for direct delivery to the United States or they could have made a greater effort to convince companies to voluntarily reduce exports, refine product until stocks were at a more comfortable level.

Again, I refer you to the objective. The objective was not met. Manipulation of the price was. But I do not think this was the real reason for the SPR release. As I have indicated, the real reason was to manipulate the price. They had some success. Prices did dip down to $31 a barrel. But we have seen that erased, with prices back up to $34 a barrel.

Heating oil stocks in the Northeast have actually declined. They have declined 600,000 barrels since the administration came up with the idea of releasing the SPR crude oil, which has to be refined and, incidentally, is not going to be made available until November.

One of the more interesting things they left out of the sale was no prohibition against exporting the SPR oil, so many of the profiteers in oil simply bid the oil in with the idea of exporting it. There was no ban on exports and there was no ban on heating oil. The market in Europe is higher than the U.S. Some traders will simply refine that crude oil, turn it into heating oil, and export it to Europe because they had no prohibition in their bid.

The administration's logic was flawed when it announced this, and it seems to have only gotten worse. The bottom line is, rather than increase domestic production of oil and gas to ensure our energy security, again the administration falls back to its reliance on foreign oil imports, posing significant threat to our national security, undermining our foreign policy in the Mideast, and the administration's strategy is also to try to manipulate prices when necessary by releasing oil from SPR.

We need a real energy policy, such as that proposed by one of the candidates for President, Governor Bush; one that ensures a clean, affordable, secure energy supply for American consumers, one that increases domestic production of oil and gas. Why should we be exploring in the rain forests of Colombia where there are no environmental considerations? Instead, we should be using our technology to develop the frontier areas in the overthrust belt in my State of Alaska. We need to expand the use of alternative fuels and renewable energy, which is part of the Bush-Cheney plan, and we need improved energy efficiency for all kinds of energy uses. I am pleased to say that is a position Governor Bush supports as well.

The emphasis of this administration has been on natural gas. The only problem is there has been a tremendous increase in the price of natural gas. Natural gas was $2.16, as I said, 10 months ago. It is $5.40 per delivery per thousand cubic feet. The emphasis, particularly from our utility industry, is that they have nowhere to turn for a source of energy other than natural gas. There has not been a new coal-fired plant built in this country since the mid-1990s. We have no new hydrodams. In fact, the administration is supporting taking out hydrodams in the West. There has been a collapse of our nuclear program. We cannot address the nuclear waste issue. We have not built a new reactor in 15 to 20 years and none are on the horizon.

As a consequence, we need to go back to our energy policy and bring a balance. Bring in nuclear. Obviously, it contributes to the quality of our air. Look at hydro, which we can safely develop. Look at clean coal. We have the technology to do it. We can recognize that 50 percent of the homes dependent on natural gas are going to be subject to some substantial price increases if we do not develop more energy at home. As a consequence, what we need here is a balanced energy policy. The administration's energy policy is that there simply is not any.

NORTH KOREA

Mr. MURKOWSKI. Mr. President, with the President contemplating a visit to North Korea, I think it is fair to question the logic of that kind of a decision at this time. This historic meeting, if it does take place between the two leaders, could have significant implications for North and South Korea. I will explain a little bit more.

The leader of North Korea has hinted at plans to cease missile testing. He has indicated a proposed halt to the proliferation of weapons of mass destruction and North Korea's hermit-like isolation. I have had the opportunity to visit North Korea. I was one of the first Members of this body about 5 years ago to fly in an Air Force plane to North Korea, the first Air Force plane to fly there since 1943. It was an extraordinary lesson in a country that is probably as backward as any nation on Earth.

In any event, it is fair to say our Secretary of State, in completing a series of historic meetings with the North Korean leaders in Pyongyang, has set the stage pretty much for a Presidential visit.

The concern I have associated with the development of a rapport between North and South Korea, I wonder just what the benefit of a U.S. intervention could be at this time. Still, while improving relations certainly is a cause for optimism, I do not think it is really time to celebrate.

North Korea has a horrendous record. For over 50 years, it has been a living embodiment, if you will, of George Orwell's nightmarish visions. The original Big Brother, Kim Il-Song, has been replaced by his son. A legacy of terror and aggression pervades in that country. Recent efforts to recast North Korea's leader Kim Chong-il as a likable fellow strikes me as little out of character. Here is a man whose regime has for years been at the top of America's terrorist watch list. There is no question he assassinated South Korean officials in Burma several years ago. They fired missiles across Japanese territory not long ago and actively sought to develop nuclear capability. It has been a regime whose policy has resulted in mass starvation of its people, that diverts food and resources of the neediest to feed and house the few who live in splendor, and develop, obviously, their weapons capability.

This is a man who utters an offhand remark suggesting that North Korea could be convinced to halt its missile program, and the administration seems to hail him as showing "a willingness to undertake reform." I guess I am not quite ready to buy that yet. I think that is a naive approach. I am a little more skeptical.

At every turn, North Korea's concessions have turned out to be false promises made strictly to blackmail U.S. and South Korea into giving direct economic assistance to the bankrupt North.

I wonder why we are so eager to believe that North Korea's apparent concessions now are anything other than a pretext.

Like my colleagues, I certainly applaud South Korea's President Kim Dae-jung's sunshine diplomacy efforts to reduce North-South tensions. His efforts have been admirable. I think the Koreans should be taking the lead themselves in rebuilding the trust between the two nations. Only through that direct effort by the two sides, free of outside interference, can tensions truly be resolved.

As a consequence, I worry that the administration's bull-in-the-China-shop-like interjection of itself into the dialog threatens to dictate, perhaps overwhelm, the delicate process of trust building.

Already we have seen North Korea delay fulfillment of its commitments to South Korea because it "was too busy" preparing for Secretary Albright's visit. This suggests to me that the North might shift attention to relations with the U.S. and away from South Korea and have the effect of undermining attempts at a true accord between North and South.

I understand President Clinton is anxious for a foreign policy accomplishment in light of the difficulties in the Mideast. He certainly worked toward resolution. It is unfortunate that has not happened. In any event, the question of peaceful and secure relations with North Korea would be a valuable legacy, but I question the direct involvement in the process and whether or not that shifting away from the South Korean dialog with the North to the intervention of the U.S. may be harmful at this time.

Not only would efforts to reach a speedy agreement with North Korea be premature, in my opinion, it would seem to reward the North for 50 years of aggression as thanks for 6 months of sunshine.

Both the prospects for peace and the President's legacy would be best served if he were to stay, I believe, on the sidelines and allow the U.S.-North Korean relations to proceed as they have been, with caution and balance. I urge the President to put diplomacy ahead of legacy and not spend the final days of his administration interposing the U.S. between the two Koreas.

CARA LEGISLATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to print in the RECORD page 19 of the specific legislation authorizing the CARA legislation, which establishes a program affecting the Outer Continental Shelf revenue stream.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"(8) The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

* * * * *

11(a) The term "Secretary" means Secretary of Commerce.

Mr. MURKOWSKI. Mr. President, the purpose of my reference is that I happen to be chairman of the Energy and Natural Resources Committee which historically has had jurisdiction over Outer Continental Shelf activities. I was one of the major drafters of this legislation, along with Representative DON YOUNG in the House of Representatives.

In moving this legislation through yesterday morning, we found a significant change had been made in the legislation and that the jurisdiction had been moved from the Energy Committee to Commerce and taken from Interior and transferred over to the Secretary of Commerce.

I know this cannot be seen, but there are handwritten notations at the end that simply say: "11(a) the term 'Secretary' means Secretary of Commerce."

There are extraordinary things done in late times around here. This was done at 3 or 4 o'clock in the morning the day before yesterday, and no one can identify who did it. But the bill was filed, the order has been made, and there is absolutely nothing we can do other than question the authenticity of someone who would simply change the legislation, not initial it, have no identification. I have checked with the Appropriations Committee. I have checked with the Members of the House involved. Nobody owns up to changing the designation of the CARA bill from the Energy Committee in the Department of Interior over to the Commerce Committee and the Secretary of Commerce.

The bill has been filed. As a consequence, the question is, What can we do about it? The President may veto the legislation. We may have another opportunity.

On the other hand, we did have a colloquy by Senator LOTT, Senator DASCHLE, Senator BYRD, Senator STEVENS, and myself. I think it addresses the reality that the best thing we can do is get out of here. I know the Presiding Officer would agree. But as we look at what we are coming back to tomorrow, a single vote on a continuing resolution for 1 day—and another one on Sunday—it seems to be an effort in futility.

But in any event, Mr. President, I thank you for being patient, and particularly the staff, as well, who probably had hoped this Senator would not show up when he walked in the door.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 9:30 a.m., tomorrow, Saturday, October 28, 2000.

Thereupon, the Senate, at 7:54 p.m., recessed until Saturday, October 28, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Friday, October 27, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of all grace, be with us now and until the end.

You know each of the Members of this House. You have given each different gifts; that together they may achieve Your purpose and bring about liberty and justice for all.

You have called them forth from different places and assembled them in this Chamber to serve this great Nation and shape its future.

Give them vision rooted in faith, attentive listening to the needs of the times, and discerning hearts to make right judgments.

God of all grace, be with us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. SENSENBRENNER) come forward and lead the House in the Pledge of Allegiance.

Mr. SENSENBRENNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4940. An act to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy", and for other purposes.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4868) "An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes."

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

S. Con. Res. 156. Concurrent resolution to make a correction in the enrollment of the bill S. 1474.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 768) "An Act to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States."

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the order of the House of Thursday, October 26, 2000, this is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

WEI JINGSHENG

The Clerk called the Senate bill (S. 11) for the relief of Wei Jingsheng.

There being no objection, the Clerk read the Senate bill as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) SHORT TITLE.—This Act may be cited as the "Wei Jingsheng Freedom of Conscience Act".

(b) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINA KHALINA

The Clerk called the Senate bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov.

There being no objection, the Clerk read the Senate bill as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marina Khalina and her son, Albert Miftakhov, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marina Khalina and her son, Albert Miftakhov, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALEXANDRE MALOFIENKO

The Clerk called the Senate bill (S. 199) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SERGIO LOZANO

The Clerk called the Senate bill (S. 276) for the relief of Sergio Lozano.

There being no objection, the Clerk read the Senate bill as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCIS SCHOCHENMAIER

The Clerk called the Senate bill (S. 785) for the relief of Francis Schochenmaier and Mary Hudson.

There being no objection, the Clerk read the Senate bill as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF FRANCES SCHOCHENMAIER.

The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Frances Schochenmaier of Bonesteel, South Dakota, the sum of $60,567.58 in compensation for the erroneous underpayment to Herman Schochenmaier, husband of Frances Schochenmaier, during the period from September 1945 to March 1995, of compensation and other benefits relating to a service-connected disability incurred by Herman Schochenmaier during military service in World War II.

SEC. 2. RELIEF OF MARY HUDSON.

Notwithstanding section 5121(a) of title 38, United States Code, or any other provision of law, the Secretary of Veterans Affairs shall not recover from the estate of Wallace Hudson, formerly of Russellville, Alabama, or from Mary Hudson, the surviving spouse of Wallace Hudson, the sum of $97,253 paid to Wallace Hudson for compensation and other benefits relating to a service-connected disability incurred by Wallace Hudson during active military service in World War II, which payment was mailed by the Secretary to Wallace Hudson in January 2000 but was delivered after Wallace Hudson's death.

SEC. 3. LIMITATION ON FEES.

(a) IN GENERAL.—Not more than a total of 10 percent of the payment required by section 1 or retained under section 2 may be paid to or received by agents or attorneys for services rendered in connection with obtaining or retaining such payment, as the case may be, any contract to the contrary notwithstanding.

(b) VIOLATION.—Any person who violates subsection (a) shall be fined not more than $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINA VAHEDI NOTASH

The Clerk called the Senate bill (S. 869) for the relief of Mina Vahedi Notash.

There being no objection, the Clerk read the Senate bill as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MINA VAHEDI NOTASH.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Mina Vahedi Notash shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Mina Vahedi Notash enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Mina Vahedi Notash, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZABETH EKA BASSEY

The Clerk called the Senate bill (S. 1078) for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

There being no objection, the Clerk read the Senate bill as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACQUELINE SALINAS

The Clerk called the Senate bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

There being no objection, the Clerk read the Senate bill as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF VISAS.

Upon the granting of permanent residence to Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUY TAYLOR

The Clerk called the Senate bill (S. 2000) for the relief of Guy Taylor.

There being no objection, the Clerk read the Senate bill as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TONY LARA

The Clerk called the Senate bill (S. 2002) for the relief of Tony Lara.

There being no objection, the Clerk read the Senate bill as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tony Lara, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MALIA MILLER

The Clerk called the Senate bill (S. 2019) for the relief of Malia Miller.

There being no objection, the Clerk read the Senate bill as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MALIA MILLER.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Malia Miller shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Malia Miller enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Malia Miller, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE GUADALUPE TELLEZ PINALES

The Clerk called the Senate bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales.

There being no objection, the Clerk read the Senate bill as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Guadalupe Tellez Pinales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the private bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 117, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 117) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 117 is as follows:

H.J. RES. 117

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "October 28, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out that this is another one of those 1-day continuing resolutions.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, "Groundhog Day." That is what it feels like to me. Last night, almost the last bit of business we did, we passed a 1-day resolution continuing the government. This morning, because there is obviously not much to do on the floor, we have an early motion to again continue the government for another day. This is "Groundhog Day."

How many times have we gone through this now? Is this the seventh time? I frankly have forgotten.

Mr. YOUNG of Florida. If the gentleman will yield, I believe this is the third 1-day CR, the seventh overall.

Mr. OBEY. The fifth one. All right. I want to make it clear that I think that the gentleman from Florida has done everything he possibly could to exercise his responsibilities in a responsible manner. And I think that his counterpart in the other body, the gentleman from Alaska, has also done everything he could to live up to his responsibilities. The problem is that they have been under orders from their leadership since day one of this session to peddle a national fiction. And that fiction has been that this Congress was going to spend about $40 billion less than it actually intended to spend. And now having spent 10 months passing bills out of this Chamber that the other side knew were fictions, last week we finally came to fess-up time and last week this House voted to raise the allowable spending levels by about $40 billion. We have been trying to negotiate our remaining differences. We thought 2 days ago that we were very close to closing our differences on the Commerce-Justice bill.

□ 0915

But then, for some reason, the leadership decided to throw away a day yesterday. So, despite the fact they were told the President would veto the bill that the House intended to send to him, they decided to ram it at him again one last time.

The issues that divide us on that bill are five:

First of all, a bill which is supposed to protect our precious coastal land areas from environmental degradation, instead has been turned into a bill which would allow you, literally, to build oil refineries on the sea coast, on the beaches, in the sensitive coastal areas in any State in the Union except Alaska. I am sorry, it would allow it in Alaska too. What it would not allow in Alaska is to have any Federal money spent to deal with the sensitive issue of coastal zone protection. So that is one anti-public interest problem with that bill.

The second is that it also contained language which pretended to do something to assure Americans' privacy on the Internet, but in fact opened up holes big enough to drive 65 foot trucks through. There were 20 of our friends on that side of the aisle who voted with us yesterday against that bill, and some of them indicated that that was the reason, and I salute them for it.

Then the third issue dividing us on that bill is the question of whether or not we are going to treat immigrants who have been in this country for years equally if they come from countries like El Salvador, as opposed to whether they come from Nicaragua.

One Member stood on the floor yesterday and defended the different way we treat those souls by saying in effect, well, it is different if they fled Central America coming from Nicaragua because they were a communist dictatorship, it is different than if they fled Central America to run away from a right-wing dictatorship that we had in El Salvador at the time.

I remember that right-wing dictatorship. I remember when there were officials going on television and fingering our own ambassador for assassination. The stories have now come out about how General Vides Casanova and others lied through their teeth to every Congressional delegation that went down there, and lied through their teeth to the press, to their own society, and had full knowledge of the assassinations of Salvadorean citizens that were occurring at the hand of that government and that military.

There are some advantages to having been around here for a fair amount of time, because you remember those things, and you take certain lessons from them, and the lesson that I take from that is that if we are to show mercy to people who are in flight from despotic governments, that mercy ought to be even-handed, because you are just as dead if you are killed or assassinated by a right-wing militia as you are if you are assassinated by a left-wing militia. We have seen too much of both in that region. We have got one left that we want to get rid of, and we all know who it is. I do not mean in terms of getting rid of the human being; I mean getting rid of him in occupying the power that he now holds.

Then we have another problem with that bill. That problem is that our Federal Treasury has expended billions of dollars over the past generation paying the costs that have been incurred by American taxpayers because of what tobacco products have done to American veterans and to Americans who are now senior citizens. That has cost Medicare and Medicaid billions of dollars, and yet there is language in the State-Justice bill which says that not one dime of funding in that bill can be used to pursue in court redress against an industry that lied to the public and lied to the Congress about the effect of their product.

I am one of those people who used cigarettes. I used to smoke three packs a day, at the same time that I worked with asbestos. I did not know, but the company did, that asbestos caused cancer, and I did not know that there was a synergistic effect between asbestos and tobacco, which meant that you have probably a four or five times greater chance of getting mesothelioma or lung cancer, one of the two, one of which our former colleague, Mr. Vento, just died from, there was that much greater chance of dying if you used cigarettes and were exposed to asbestos.

Johns Manville knew since 1939 what the problem was on asbestos, and the tobacco companies have known for a long time what the tobacco problem is, and yet the only dollar difference that we had in that bill yesterday between the majority and the minority was whether or not we ought to be able to appropriate a tiny amount of money to pay for the lawsuit that could have the possibility of bringing billions of dollars into the Federal Treasury to help us defray those costs. So the one thing that could have helped increase our surplus, out of all of the things we were doing yesterday, that was knocked out of the bill.

Then you get to our differences on Labor-HHS and Education. There we have an argument about what the spending levels ought to be for education. This Congress has spent billions of dollars above what the President has asked in a variety of areas. Some of that I think is defensible, and some is not. But we are now being told, sorry, we are not going to put one dime above what we have already put in the education bill to meet your additional requirements for education. That is what we are being told. So we continue to have an argument about what level of funding we ought to have for special education, for teacher training, for smaller class size initiatives, for school modernization, for Pell and a number of other issues.

Then we have the issue that the President is trying to get attended to by this Congress on the issue of school construction as opposed to modernization. There we have a $125 billion backlog. The President is trying to attack 20 percent of that backlog, and so far he is meeting resistance.

Then we have the issue of whether or not workers are going to be protected from the dangers associated with repetitive motion injury in the workplace, the single most expensive problem in American industry today, the lost time and the costs associated with repetitive motion industries.

This is despite the fact that this committee, the Committee on Appropriations, passed out to the House last year and the House adopted legislation which promised that we would not again delay the efforts of OSHA to promulgate the regulation to protect those American workers. Despite that promise in writing, this House welched on that promise. It is trying to bar going ahead with that provision.

Then we have several other issues that still divide us. On that score, the House sent the President a tax bill yesterday which was doomed from the start. It was a blind alley piece of legislation, because the President said he is going to veto it, because far too many of the benefits, again, go to the cream, the folks at the top layers, and all too few of those dollars go to low income people, and the minimum wage hike is being held ransom to many of those rewards.

There are a lot of items in that tax bill I do not have any objection to, but there are some that are outrageous. And that bill is a Trojan horse. It is a Trojan horse.

So, we are stuck here, passing these one day resolutions, because this House still refuses to come to a compromise mode and work out differences with the White House. So we have no choice but to pass this resolution. But I thought it was important before we relinquished the floor on this issue to summarize what the main issues are, and the main issue on the appropriations side as I see it is still education, education, education.

Here I think we have something interesting going on in the country. We have a stealth campaign being run by the other side. This is a Congress under the leadership of our friends on the other side, this is a Congress which over the last 5 years has tried to cut presidential budgets for education by $13.5 billion. Lest you say, oh, we are just talking about increases, they also tried to cut the education budget below previous years' spending levels by over $5.5 billion. On four different occasions they tried to make those cuts in existing spending levels for education.

Now, because the polls show that education is an important issue, all of a sudden they have got a presidential candidate out there who is sort of a Trojan horse, who puts a benign face on the party, in hopes that people will look at that genial smile, rather than looking at the record of his fellow party members in this institution over the past 5 years.

I think the fight we are having on education now dramatizes, once again, what you folks on the other side of the aisle would really do if you had full power to govern. I think the last 6 years, in terms of you are trying to abolish the Department of Education, in terms of you are trying to cut back on education funding, in terms of you are trying to squeeze every opportunity you could out of the session to pass anti-environmental riders on appropriation bills, it is clear to me that that is what your road map is, long-term.

So we are not fighting here about a day or two or three; we are continuing to try to fight for the priorities that we think are important to meet the needs of the American people. We are going to have more than 1 million additional kids in schools over the next decade. We are not doing enough about it. That is what we are trying to correct. And as soon as the majority recognizes that the President is serious on this issue, we may finally have a resolution of those issues.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for the points that he raised, both about the legislation yesterday and the Commerce-State-Justice bill, which I join him in urging the President to veto.

As one who represents a coastal state whose district is on the edge of San Francisco Bay, it is a tragedy that that legislation did not provide the funding necessary so that we can implement our Coastal Zone Management Plan to deal with non-point source pollution, the runoff that comes from our cities, our farmlands, from the logging areas upstream, that are devastating water quality in our rivers, in our bays, and along our coast.

Last year, California had beach closures over 3,000 times, some as long 6 to 12 weeks, and a few that were in fact permanent. The impact of that on our economy and tourism is the same kind of impact where they have had that kind of situation along the East Coast, where beaches have had to be closed because of water quality.

The single biggest polluter at this point is non-pointed source pollution, the runoff, whether it is the Chesapeake Bay or Santa Monica Bay or the Gulf of Mexico, where that runoff is collected in the Mississippi River, sent down to the Gulf of Mexico and has created a dead zone in the Gulf of Mexico that is thousands of square miles, where simply life cannot live in those sections of the Gulf of Mexico.

□ 0930

I would hope that the President would veto that.

The gentleman also mentioned immigrants. I find it rather interesting on the front page of the Business section of the Washington Post, it says "Sweet Harvest for Virginia's Vintners", for the wine industry in Virginia, a Sweet Harvest.

When we open up the paper on the inside and we see who is harvesting those grapes, it is Gerardo Chavez. Gerardo Chavez is harvesting those grapes. Yet the other side decided that they were not going to provide for the fair treatment of immigrants; they were going to distinguish between those people who came here from Cuba and Nicaragua and El Salvador.

The gentleman quite correctly points out, we now see that they were fleeing governments in El Salvador that not only were involved with fingering, and we were involved with fingering El Salvadorans citizens who then disappeared, were tortured and killed, but now, of course, we see the direct relationship between their involvement and the killing of the religious women from America.

Those families have had to live with that tragedy now for over a decade as we have tried to get to the bottom of that case. And it turns out now, of course, high Salvadoran officials and the security police and armed forces knew about that and covered it up all of those years. That is the government that these people were fleeing.

Many of those people who fled those governments now are working very hard in the American economy and, yet, we are going to deny them the rights to try to provide for legal and permanent residency and give them the right to prove their situation, rather than send them off back to the country and let them try to prove that from overseas. That treatment of immigrants is inexcusable.

We could not run the economy of this country for a day if the immigrants decided to sit down. We could not run the economy of California for 5 minutes if the immigrants did not show up for work, whether it is our tourism economy, whether it is our agricultural economy, whether it is our manufacturing economy, that is the simple fact of the matter. We ought to start dealing with these people in a fair and equitable fashion.

The gentleman also mentioned the continued attack. Many times people ask, what are we arguing over? What is it? We are just bickering. We are just arguing back and forth. This is about whether or not people who go to the workplace will be protected from damages to their nerves and to their muscles and to the skeletal system from the repetitive motion in the workplace.

We are all familiar with this. Members of Congress are familiar with this. Flight attendants now wear braces on their wrists and on their arms and on their hands because of repetitive motion. The checkers in the supermarket wear braces on their hands and their elbows because of repetitive motion.

If we go to Home Depot, we will see people wearing back braces to try to prevent repetitive motion. We will see people wearing braces on their hands, machine operators, lathe operators, people who go to work everyday and work very hard, and, yet, the Republicans are absolutely committed to not letting those regulations go in place, that not only will save those companies millions and millions of dollars in worker's compensation claims, but it will extend these individuals work lives so they can provide for their families so they will not have to take a job that pays them less, or they will not have to leave the workforce and live on disability.

Yet, in spite of what the gentleman from Wisconsin (Mr. OBEY) pointed out, in spite of the written promises, they are reneging on that, and they are fighting the President on that matter.

We are staying here for very real reasons that impact American's families, whether it is the kind of schools that their children go to and the failure to provide some help for those districts that want to construct schools but may not have the resources to do it, to provide them some interest breaks on those bonds so they can construct those schools.

Because the evidence is very clear, you can take a child from almost any economic or socioeconomic setting, from any background, and you put them with the first-class qualified teacher, with a first-class curriculum and in a first class school, and they learn like just about anyone else. We ought to, in fact, make sure that we can carry that out.

These fights are real, but they are about the future of the American family. It is about whether or not Medicare is going to be there for them, or whether or not we are simply going to reimburse the HMOs and the insurance companies that overpromised and failed to deliver to the senior citizens or those that just simply closed up shop and left hundreds of thousands of senior citizens in different regions of the country without a health care plan.

Let us remember what the original plan was. The original plan by the Republicans was if we joined an HMO, a Medicare HMO, we could not come back to the regular system. We almost shut the government down over that debate, but we prevailed and President Clinton prevailed to make sure that senior citizens that went to an HMO if it did not serve their needs could come back to the Medicare system.

If that law that they wanted then, that we fought and extended to Congress over, was in place, those people would be with no health care, no Medicare, because they would have chosen to go into a system that turned out to be a fly-by-night operation.

I just have one question to the gentleman from Wisconsin (Mr. OBEY). Continuing resolutions, this one for 24 hours or for 48 hours, we had one a few days ago for 4 days, the last continuing resolution was for 4 days and everybody went home. I thought continuing resolutions were supposed to be the President gave us some additional time to get the work done.

People are saying now that we are going to pass these continuing resolutions and people are going to go home again. I just do not understand how we go forward with these kinds of continuing resolutions that basically enable everyone to go home. I would hope that we would take that into consideration as Members vote on this CR.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to say to the gentleman from California (Mr. GEORGE MILLER), who just left the well, that we are doing 1-day CRs because the President of the United States has told us that he would not sign anything other than a 1-day CR; so that is their decision.

We understand the power of the Presidency, and so we are prepared to accommodate that.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I do not think our side was even going to talk on this. The partisan bickering, the rancoring that goes on here, I think that the American public can see what we are facing from our colleagues on the other side. They want to stay, all right. They want to stay not over policy, but for politics.

Do you know what I am most resentful about? That the other side and the last few speakers that talked about said that Democrats are the only ones that really care about education. The Democrats say they are the only ones that really care about school construction or Medicare or Medicaid or prescription drugs.

I worked most of my life here on this House floor. I fight, every ounce of my survival, to make sure that those issues are taken care of, not only for our children, but for our seniors as well.

The gentleman from Illinois (Mr. HASTERT), the Speaker of the House, is a teacher and a coach. In his heart and in his mind and in his soul, he cares deeply about education.

I was a teacher and a coach both in high school and in college. It is one of the main focuses that I have. And for the other side to say that, we are so mean and rotten because of our policies. Well, let me tell you what the politics of this are. We will stay and fight for education. We will stay and fight for prescription drugs and for our seniors and health care.

I will not allow the other side to mislead, for example, on school construction. We could have school construction today. Our schools are crumbling. For 30 years, they had control of the education process. What is the outcome? We have some very good teachers and very good schools, which I am very fortunate in my district to have, in North San Diego County.

I have been to teacher awards, but across this Nation, we are last in math and science. That is a crime.

Mr. Speaker, we have to hire outside people with Ph.D.s to come in to our country to take over high-level and high-tech jobs because we do not have enough Ph.D.s; that is a crime.

But my colleagues on the other side would rather cater to the unions than to come out with education dollars.

Let me give you an idea. Why do you think they want school construction out of Federal dollars? Their campaigns are loaded with union boss money. I was in 18 districts over the last 3 months, the minimum amount that the unions had put against any one of those candidates was a million dollars. They do not want to give up that lifeblood.

School construction out of Federal dollars falls under Davis-Bacon, the union or the prevailing wage, that costs about between 15 percent to 35 percent more for those States that have it. Let us waive Davis-Bacon just for school construction. Let us let the schools keep that money and build more schools or teacher training or teacher pay or class-size reduction.

But do you think my colleagues would do that? Absolutely not. We had it on the D.C. bill. Do you care about children? Do you care about schools, or do you care about your union bosses?

Well, I think it is very evident, because they will not. They know that many Republicans have union districts. When we bring it to a vote, we lose it because of the unions.

"The power," they talk about campaign finance reform; what a joke. What a joke.

I ran out of time the other day on education. But just like Goals 2000, they wanted the power for education to reside here in Washington, D.C. Goals 2000 is a good example.

There are 14 wills in the previous bill. A will for a lawyer means you will do this. One of those wills, you have to establish boards to see if you fall in the guidelines of Goals 2000. They say it is only voluntary, but only if you want the money.

Well, you establish a board to see if you are within the guidelines, then they send it to the regular Board of Education. The board sends it to the principal. The principal sends it to the superintendent. Then you have to send all of that paperwork, hours of labor, to Sacramento, CA.

Now, think about all the schools in California. Sending all of that paperwork to Sacramento. Think of the bureaucracy you have to have in Sacramento just to go through the paperwork. Then where do they send it? They send it back here to the Department of Education.

Now, think about all the schools in the United States sending all of that paperwork back here to the Department of Education. Think of the bureaucracy that they have to have back here. Then there is paperwork flow back and forth.

And so what happens? We get less money for education because of the bureaucrats in Washington, DC, because of the rules and the regulations. Federal education only covers about 7 percent of the funding, but it controls much of the funding from the State and local districts, and that is what my colleagues want.

They want government control of education, government control of private property. You want government control of health care. You want government to control everything. Not mean-spirited, that is what you believe. We believe in people, and we are willing to stay here and fight for people of this country and have the rights of choice decisions for theirselves.

Yes, we will stay back and fight, Mr. Speaker. We will fight for the people, not the union bosses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that remarks in debate should be addressed to the Chair and not to others in the second person or by name.

Members are further reminded that they are to refrain from the use of profanity in debate.

Mr. OBEY. Mr. Speaker, I yield myself 1¼ minutes.

Mr. Speaker, there is nothing partisan about citing the record. The public needs to know if there are any real differences between us, and I think I cited those differences without rancor and with accuracy and without questioning motives.

Mr. Speaker, let me simply say that I do find three things strange.

Our friends on the majority side brag about the fact that they raised education 50 percent during the time they have controlled the Congress, that is only because we defeated them in their efforts to cut education by huge amounts. We eventually forced them to add $15 billion back to education spending.

On prescription drugs, they say they are for prescription drugs. But the record demonstrates they have been trying for a year to block a comprehensive benefit under Medicare and would target their package only to those at the near poverty level.

As far as the patients' bill of rights is concerned, their Presidential candidate claimed that he had been in support of the patients' bill of rights when, in fact, as Governor of Texas, he vetoed it, and then the second time around, when his tail feathers were being singed by public opinion, he let it become law without his signature.

Mr. Speaker, I think the record is clear on the divisions that are keeping us here.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the distinguished Minority Leader.

□ 0945

Mr. GEPHARDT. Mr. Speaker, I rise in support of this continuing resolution, our seventh in 5 weeks. But I deeply regret that we have reached this point. We should never have found ourselves in the mess that we are in, and we must stay here and work each day until we complete the business required by the law and for the American people.

Let us do the rare thing and come together in a bipartisan fashion to accomplish some meaningful things for the American people. Let us stop closed-door partisan meetings. No more sending up bills at 7 a.m. with only a few hours for review.

No more tax breaks for special interests and lopsided bills that we know the President will not sign.

There is a list of missed opportunities in this Congress. Republicans killed the bipartisan hate crimes law supported by large majorities of both houses. They support the pharmaceutical companies by refusing to let us even vote on a bill that puts prescription drug benefits in the reliable world of Medicare. Partisan tax packages are put together without consultation or negotiation with the President or Democrats in Congress.

Just yesterday, Republicans brought up a tax package that gave a lot to the HMOs and not enough to patients, people, hospitals, nursing homes, and home health care agencies.

Minimum wage increases are put in bills that give maximum benefit to special interest. And this week, Republicans tried to give more tax help to wealthy bondholders through school construction bonds that do not give public schools the incentives or the help they need to modernize their schools.

So we have amassed a record of partisanship with virtually no accomplishments. We still have time in the few remaining days of this session to work until the last hour of the last day. We can pass the Latino and Immigrant Fairness Act. We can pass the bipartisan hate crimes bill. We can pass a school construction credit that will really help local districts relieve the burden on local property taxpayers who may be willing to vote for bonds under those circumstances so that we can get smaller classroom sizes.

We can pass an enforceable, effective Patients' Bill of Rights. We can pass a prescription medicine program under Medicare that will allow everyone in a voluntary and universal way to be able to access that very important benefit.

We could pass campaign reform that gets rid of the flood of soft, non-Federal money in the campaigns. We could get meaningful gun safety legislation that would take the danger out of our classrooms and our other public institutions.

We still have an opportunity in these last days to get all of those things done, or at least some of them done. And so I plead with my friends on the other side of the aisle, and my side of the aisle, let us work together in the remaining hours of this session. Let us produce legislation that will be signed by the President and that will help all the people of this country.

Time is not yet up. We can do this. But to do it, it takes a spirit of bipartisanship and communication and working together to get these things done.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to compliment the minority leader again today, as I did the last time that he made this same speech calling for bipartisanship and all working together. I am all for that. I think we ought to do that. But it is interesting. Almost immediately after he made the speech last week, all we heard from his side of the aisle was more partisan attacks, not even related to the issues that we were dealing with.

Of all of the things that we have heard talked about today, I do not think more than one or two of them had to do with appropriations. We are here today to deal with an appropriations matter, not all of these other issues, these authorizing issues, these legislating issues. I find it difficult to keep track of what bill is before the House when we hear all of the rhetoric that in my opinion is purely campaign rhetoric.

I think that those campaign speeches that we just heard this morning, I think that is about the 69th time that I have heard those same speeches in the last 60 days, and I think we should give them all a number. We could save the time of the House so that we could get about our business if we just took each one of their arguments and gave it a number. When they stand up, say "Argument Number 2, Argument Number 10," we could save a lot of time, because we have memorized their speeches. Those speeches that should have been reserved for the campaign trail, because that is where they belong, not in this House where the people's business has to come first.

We are also criticized for working at night. We work a lot of nights. We work all day long. And we work at night too. And not only the Republican side; the Democrats do too. Despite some of the accusations about secret meetings, in all of the negotiations the Republican Majority and the Democratic minority have been involved together and most of them have included representatives of the President from the White House.

We have tried to be as totally fair as we possibly could be. We did not learn that was the right thing to do from the time that we were the minority, because we were never given those kind of opportunities. We were never allowed to participate in the decisionmaking, and so we vowed that the minority party would have the opportunity that we did not have as a minority when we gained the majority. And I think we have been pretty true to that. I do not think that there is any room for any criticism that we have excluded the minority from any of these conversations.

Now, it is suggested that we ought to do everything that the President wants. Well, we are trying to accommodate the President, because he is the President and he has as much power at this stage of the appropriations process as two-thirds of this House and two-thirds of the Senate. Because if he decides to veto a bill, it takes two-thirds of the House and two-thirds of the Senate to override that veto. So he becomes very powerful in this process and that is why we have worked very diligently with the President's representatives to try to accommodate him to the best of our ability.

Mr. Speaker, I will give an example on education. We have proposed in our legislation to provide considerably over a billion dollars more money for education than the President requested in his budget. The big holdup has been, we believe, that the local school officials, the elected school boards, in our counties and our districts should have the opportunity to decide if they need new school buildings? Do they need more teachers? Do they need more special education? Do they need books? Do they need supplies? They should make those decisions, not somebody sitting here in Washington.

The minority side would like people to believe that Republicans really do not support education. That is just as phony as it can be. We are strong supporters of education. Let me give an example. Most of my colleagues in the House are very much aware that for all of the years that I have been here, I have spent most of my time dealing with national defense issues, national security and intelligence. And that is a fact. I have spent a lot of time on that because that is important to our Nation. If we do not have a secure Nation, we do not have much else.

But after making all the speeches about national defense, let me suggest this. If we are going to sustain our position in the world due to high technology and state-of-the-art weapons and systems, and if we are going to sustain the ability of our young men and women to function with these systems and to operate them, we have got to have the best educational system possible. And I know that our strong national defense, our strong intelligence capabilities, our strong state-of-the-art technology, and the creation of new technology, do not happen if we do not have a strong and effective educational system.

Republicans believe that. That is why we are so committed to having a very strong educational system.

One of the issues that the minority leader mentioned just a few minutes ago was about the tax bill. That is not what is before us this morning. But he mentioned some of the groups that might have been affected by that tax bill. But one of our colleagues on our side, the gentleman from California (Mr. THOMAS) just the other day read off a list of the people and the groups who supported the tax bill, and the groups that he mentioned were all supporters of the tax bill. They did not oppose it. They supported it.

It is interesting when the government has a huge surplus of money, there are those who believe that surplus belongs to the government. Wrong. Wrong. That surplus belongs to the taxpayers of this great Nation. And just because it is there does not mean that the government should spend it. So the tax bill I think is supported dramatically by the American people.

Now, if we have a large surplus, how did it come about? We came into this Congress as a majority party a few years back determined to balance the budget. We met all kind of resistance. We were told that we cannot do it, and we did not get much support from the other side to balance the budget. But we balanced it, and today they will stand and take credit for it.

We turned the tables on those who were downsizing our national defense, and we began to rebuild. We began to replace spare parts that were needed. We began to create a much better quality of life for people in our military. We gave them the largest pay raise last year, another pay raise this year that the Congress initiated, but the administration is taking credit for it. We balanced the budget. We have a surplus.

Mr. Speaker, since I became chairman of the Committee on Appropriations, we have not spent one dime out of the Social Security Trust Fund, and yet there are those candidates running around the country today saying, "Oh, be careful of those Republicans. They are going to destroy your Social Security." Not true, Mr. Speaker. That is a phony argument and a phony accusation. We are the ones who stopped the raid on the Social Security fund.

We have a record to be proud of in our appropriations bills. We are proud of that record too because this House of Representatives under our leadership passed all of our appropriations bills a long time ago. The holdup and the delay has not come from the House. The additional spending, the additional projects have not come from the House.

But, Mr. Speaker, one of the biggest problems is all of the extraneous material, the 69 campaign speeches we have heard in the last 2 months. Those campaign speeches have talked about policy issues that some people would like to decide on in an appropriation bill. Well, there is a regular order in this House of Representatives on how we deal with those issues. We have numerous authorizing committees that have the jurisdiction and the responsibility to deal with those big issues. It has long been a practice that appropriation bills are appropriation bills and we do not legislate on appropriation bills, unless there is an exceptionally valid reason to do so.

But now they want us to take all of the philosophical issues that are out there and lump them on to an appropriation bill without hearings, without the opportunity for the House to deal with those issues directly. They want to lump them on to an appropriation bill. And why is that? Because appropriation bills have to pass. If appropriation bills do not pass, then the government does not function.

Mr. Speaker, we have approached our responsibilities in what I think is a very responsible way. I would prefer not to be here today with this one-day continuing resolution. We tried to meet yesterday with representatives from the President's office. They were not available to us yesterday so that we could work on the last bill. There is only one bill left out there. We hope to meet all day today with the administration and with the minority party on that one bill. And if we have to, we will go into the night. And if it takes going into the night, we are going to do it. And then we will be accused, of course, of doing something in the dark of night. But if we are going to work 16 or 18 hours a day, a lot of that time is dark time.

We are going to work to get the people's job done. We are not here to make political campaign speeches in this House. We are here to do our job in a responsible fashion. We are here to put the people's business above politics. When we leave here, we will go home and that is where we will do our politics.

Mr. Speaker, I ask for a "yes" vote on the CR, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 13, not voting 53, as follows:

[Roll No. 563]

YEAS—366

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Baird
Capuano
Costello
DeFazio
Dingell
Ford
Frank (MA)
Hilliard
Kaptur
Miller, George
Pastor
Stupak
Visclosky

NOT VOTING—53

Barr
Barton
Bilbray
Campbell
Chenoweth-Hage
Clay
Cox
Cramer
Crowley
Danner
Dickey
Dixon
Dunn
Fattah
Fowler
Franks (NJ)
Ganske
Gilchrest
Hefley
Hinchey
Hutchinson
Isakson
Jefferson
Johnson, Sam
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McCrery
McInnis
McIntosh
McIntyre
Metcalf
Mollohan
Olver
Peterson (PA)
Regula
Sanders
Serrano
Shays
Spratt
Stark
Talent
Tauzin
Thompson (MS)
Watkins
Watts (OK)
Waxman
Weiner
Wise

□ 1018

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TAUZIN. Mr. Speaker, on rollcall No. 563, I was inadvertently detained. Had I been present, I would have voted "yea."

PRIVILEGES OF THE HOUSE—IN THE MATTER OF REFUSALS TO COMPLY WITH SUBPOENAS ISSUED BY COMMITTEE ON RESOURCES

Mr. YOUNG of Alaska. Mr. Speaker, I rise to a question of the privileges of the House and, by direction of the Committee on Resources, I call up a privileged report (Rept. No. 106-801).

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

CONTEMPT OF CONGRESS

REPORT ON THE REFUSALS TO COMPLY WITH SUBPEONAS ISSUED BY THE COMMITTEE ON RESOURCES

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

LETTER OF TRANSMITTAL

July 27, 2000

Honorable Dennis J. Hastert
Speaker of the House of Representatives
Washington, D.C.

Dear Mr. Speaker:

Since May 1999, the Committee on Resources has been conducting an oversight review of payments made by a private corporation to two federal employees with duties affecting public lands. That oversight project focuses on three areas: the payments and the source of the funds used to make the payments; the possibility that those payments affected policies and actions concerning public lands; and statutes, rules and practices of the Department of the Interior and Department of Energy which were circumvented or inadequate to disclose the payments.

During the course of our work, many witnesses refused voluntary interviews and requests for records. In June 1999, the Committee authorized me to issue subpoenas in this oversight project. I thereupon issued subpoenas requiring the production of records from various parties. In spite of the plain requirements of one subpoena, certain documents were heavily redacted. In February 2000, that same party and two others announced publicly that they intended to refuse production under subpoenas issued on February 17, 2000. Further subpoenas were also met with defiance.

On May 4, 2000, the Subcommittee on Energy and Mineral Resources began a series of hearings in this matter. Because many important witnesses had refused requests for interviews, I issued subpoenas requiring appearances at four hearings. During the course of those hearings, four witnesses refused to answer questions ruled by the Subcommittee to be pertinent and ordered to be answered.

This Report includes facts describing the refusals by Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to both refuse compliance with subpoenas for records and refuse answers to pertinent questions while testifying under subpoena; the refusal of Mr. Robert A. Berman to answer pertinent questions while testifying under subpoena; and the refusal of the Project on Oversight to produce subpoenaed records.

The Committee on Resources reports these facts to the House with a recommended resolution authorizing you to report the facts of these refusals to the United States Attorney for the District of Columbia. If the House accepts the Committee's recommendation and adopts our report, upon certification by you, the United States Attorney would ask a grand jury to consider Contempt of Congress charges against these parties.

The standards of proof applicable to these offenses is a matter for another branch of government. This Committee and the House of Representatives fulfill the legislative branch's obligation by making a report of the facts.

During consideration of the report, the Committee considered and rejected a motion to abandon the historical view of the House and the established practice of the Committee on Resources regarding claims of common law privileges such as the attorney-client privilege.

The Committee on Resources believes that the important work of this oversight project and the broader oversight responsibilities of the Congress require action to sanction these parties for refusing compliance with duly authorized subpoenas. Oversight of possible abuses of public trust often require the use of subpoena power. If subpoenas may be openly defied, the power of Congress to conduct oversight is eroded.

The Committee on Resources voted to approve the attached report and resolution and recommends favorable action by the House of Representatives.

DON YOUNG
Chairman

CONTEMPT OF CONGRESS

Mr. Young of Alaska, Chairman of the Committee on Resources,
with Mrs. Cubin, Chairman of the Subcommittee on Energy and Mineral Resources
submits the following to the Committee on Resources

REPORT

Introduction

Chairman DON YOUNG together with Representative BARBARA CUBIN, Chairman of the Subcommittee on Energy and Mineral Resources, submits to the Committee the following Report including the following Resolution recommending to the House of Representatives that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight, a corporation organized in the District of Columbia, be cited for Contempt of Congress:

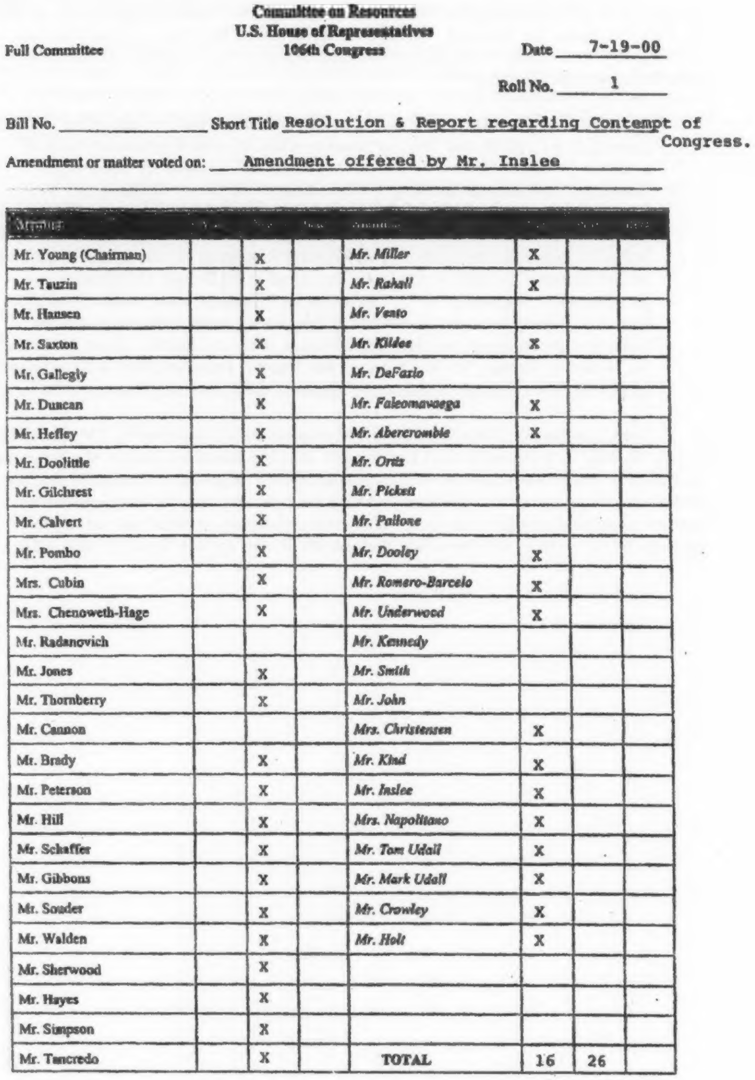
> *Resolved*, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. §§192 and 194), the Speaker of the House of Representatives shall certify to the United States Attorney for the District of Columbia the report of the Committee on Resources detailing (1.) the refusal of Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to produce papers subpoenaed by the Committee on Resources and the refusal of each to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources; (2.) the refusal of the Project on Government Oversight, a corporation organized in the District of Columbia, to produce papers subpoenaed by the Committee on Resources; and (3.) the refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources, to the end that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight be proceeded against in the manner and form provided by law.

The Committee on Resources directed the preparation of this Report by a Motion adopted on July 12, 2000 by a vote of 26 to 11 (Exhibit FF), after Mr. Banta, Mr. Rutter, Ms. Brian, and the Project on Government Oversight defied rulings by the Committee on Resources ordering production of the papers over objections, and after the Subcommittee on Energy and Mineral Resources sustained rulings by the chair which overruled objections raised and ordered that questions be answered by Mr. Banta, Mr. Berman, Mr. Rutter, and Ms. Brian. (Exhibit GG)

Committee Consideration

On July 19, 2000, the Full Resources Committee met in open session with a quorum present to consider a resolution and report of contempt against Henry M. Banta; Keith Rutter; Danielle Brian Stockton; and the Project on Government Oversight, a corporation organized in the District of Columbia, for failure to comply with subpoenas for records; and against Henry M. Banta, Keith Rutter, Danielle Brian Stockton and Robert Berman for refusing to answer pertinent questions while testifying under subpoena.

Congressman Jay Inslee (D-WA) offered an amendment to the report; the amendment was defeated by a roll call vote of 16 to 26, as follows:



Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 7-19-00

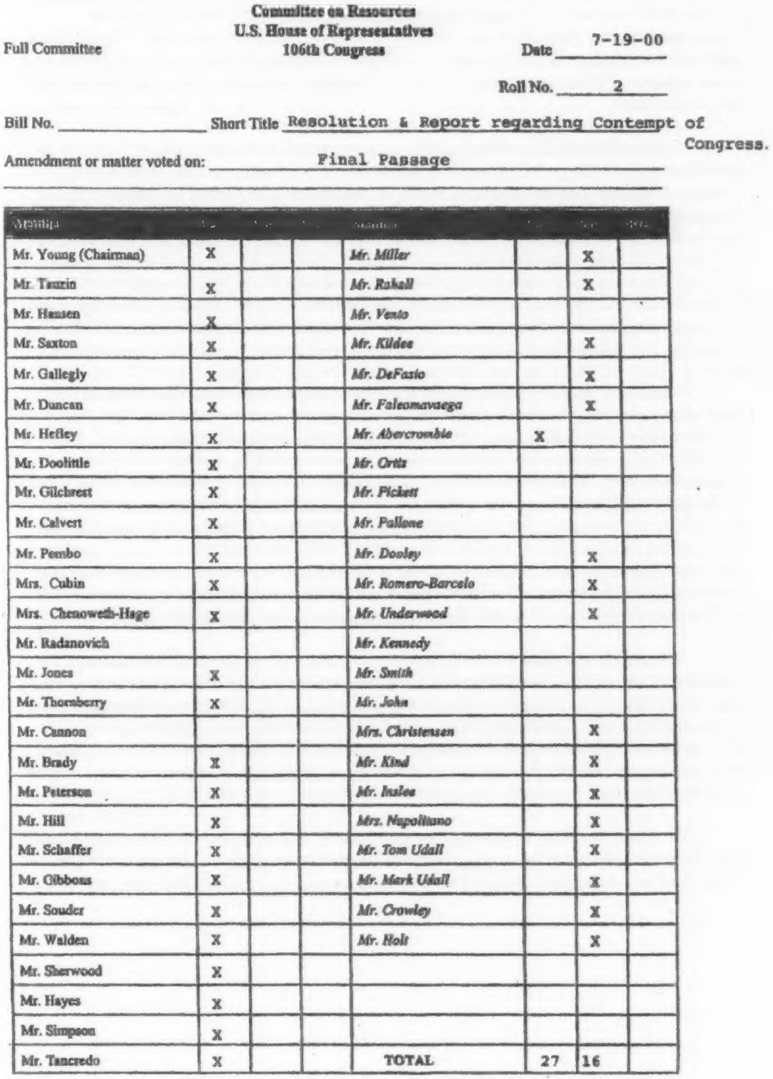
Roll No. 1

Bill No. ______ Short Title Resolution & Report regarding Contempt of Congress.

Amendment or matter voted on: Amendment offered by Mr. Inslee

Member	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Mr. Young (Chairman)		X		*Mr. Miller*	X		
Mr. Tauzin		X		*Mr. Rahall*	X		
Mr. Hansen		X		*Mr. Vento*			
Mr. Saxton		X		*Mr. Kildee*	X		
Mr. Gallegly		X		*Mr. DeFazio*			
Mr. Duncan		X		*Mr. Faleomavaega*	X		
Mr. Hefley		X		*Mr. Abercrombie*	X		
Mr. Doolittle		X		*Mr. Ortiz*			
Mr. Gilchrest		X		*Mr. Pickett*			
Mr. Calvert		X		*Mr. Pallone*			
Mr. Pombo		X		*Mr. Dooley*	X		
Mrs. Cubin		X		*Mr. Romero-Barcelo*	X		
Mrs. Chenoweth-Hage		X		*Mr. Underwood*	X		
Mr. Radanovich				*Mr. Kennedy*			
Mr. Jones		X		*Mr. Smith*			
Mr. Thornberry		X		*Mr. John*			
Mr. Cannon				*Mrs. Christensen*	X		
Mr. Brady		X		*Mr. Kind*	X		
Mr. Peterson		X		*Mr. Inslee*	X		
Mr. Hill		X		*Mrs. Napolitano*	X		
Mr. Schaffer		X		*Mr. Tom Udall*	X		
Mr. Gibbons		X		*Mr. Mark Udall*	X		
Mr. Souder		X		*Mr. Crowley*	X		
Mr. Walden		X		*Mr. Holt*	X		
Mr. Sherwood		X					
Mr. Hayes		X					
Mr. Simpson		X					
Mr. Tancredo		X		TOTAL	16	26	

No further amendments were offered, and the Committee on Resources approved the resolution and report by a roll call vote of 27-16, as follows:



Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 7-19-00

Roll No. 2

Bill No. ______ Short Title Resolution & Report regarding Contempt of Congress.

Amendment or matter voted on: Final Passage

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Mr. Young (Chairman)	X			*Mr. Miller*		X	
Mr. Tauzin	X			*Mr. Rahall*		X	
Mr. Hansen	X			*Mr. Vento*			
Mr. Saxton	X			*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*		X	
Mr. Duncan	X			*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*	X		
Mr. Doolittle	X			*Mr. Ortiz*			
Mr. Gilchrest	X			*Mr. Pickett*			
Mr. Calvert	X			*Mr. Pallone*			
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich				*Mr. Kennedy*			
Mr. Jones	X			*Mr. Smith*			
Mr. Thornberry	X			*Mr. John*			
Mr. Cannon				*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson	X			*Mr. Inslee*		X	
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer	X			*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder	X			*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes	X						
Mr. Simpson	X						
Mr. Tancredo	X			TOTAL	27	16	

I. Background

In April 1999, an oil industry publication reported that two federal employees had been paid by the Project on Government Oversight (POGO). (Exhibit A) POGO is a private corporation which is pursuing changes in oil valuation policies and regulations. The payments, totaling $383,600 to each official, were derived from the private corporation's participation in a False Claims Act lawsuit alleging fraudulent underpayment of royalties due on oil from federal and Indian leases.

In May 1999, the Committee on Resources opened an oversight review to: examine the payments; the possibility that the payments tainted or cast a shadow over recent major oil valuation policy actions; and to review agency rules and procedures which may have been circumvented or inadequate to stop the payments. On June 9, 1999, the Committee authorized the Chairman to issue subpoenas in this matter. (Exhibit B)

The Committee's oversight review began by making official written requests for documents and information from the Department of the Interior, the Department of Energy, and POGO. Later in 1999, subpoenas duces tecum were issued to POGO, Mr. Berman, and Mr. Speir.

Analysis of records and information gathered through subpoenas, official requests, and other means cast considerable doubt on the explanations provided by the parties. Records of POGO Board of Directors meetings and of POGO's dealings with Mr. Berman and Mr. Speir suggested that the three parties intended a binding agreement to equally share POGO's oil litigation proceeds. This agreement was concluded orally in early December 1996, memorialized on January 8, 1998, and restated in writing on October 8, 1998. None of these written or oral forms of the agreement suggest that the payments were intended as public service awards. An excerpt from minutes taken of the October 27, 1998, POGO Board of Directors meeting along with testimony received by the Subcommittee on Energy and Mineral Resources indicates that consultation with attorneys and accountants led to a decision to record the payments as awards but does not suggest that the Board intended or understood the payments as such.

Information was gathered and further research and analysis was conducted through the balance of 1999. By March of 2000, the Committee concluded that a more robust inquiry was required to attempt to determine the purpose and nature of the POGO/Berman/Speir agreement; to examine its possible effects on federal oil valuation and royalty policy deliberations and actions; and to review the agency ethics and financial disclosure rules and policies which may have been circumvented in concealing the agreement or which were inadequate to uncover such an agreement.

On March 21, 2000, Chairman Young charged the Subcommittee on Energy and Mineral Resources with advancing the oversight inquiry. In the letter making that charge, Chairman Young also stated a revised subject of the oversight inquiry. (Exhibit C) That statement of subject remains unchanged. It was provided to the parties soon after it was transmitted to the Subcommittee and on numerous subsequent occasions.

II. Authority and Legislative Purpose

The authority of the Committee on Resources to conduct this oversight review has been provided to the parties cited for Contempt of Congress in correspondence and in statements at the opening of hearings.

The Committee on Resources is a duly established committee of the House of Representatives, pursuant to the Rules of the House of Representatives, 106th Congress. The jurisdiction granted to the Committee by House Rule X includes "petroleum conservation on public lands. . . ." and "[p]ublic lands generally", which plainly includes policies and programs for collecting royalties owed on crude oil from federal and Native American leases and related matters. House Rule X 2(a) and (b) confer general oversight responsibility on the Committee on Resources. Clause 2(a)(1)(A) of Rule X charges the Committee on Resources with conducting oversight examinations of "the application, administration, [and] execution . . . of federal laws ". Clause 2(a)(1)(B) of Rule X extends the oversight mandate to "conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation." Clause 2(b)(1)(B) of Rule X additionally empowers the Committee to examine the "operation of Federal agencies" which administer matters under the Committee's jurisdiction. (Exhibit D)

Under these mandates contained in the Rules of the House of Representatives, 106th Congress, the Committee on Resources has clear authority to conduct an oversight review of payments made to federal oil valuation and royalty policy advisors; the possible effect of those payments on federal oil valuation and royalty policy deliberations and actions; and laws and regulations and federal policies which bear on those payments.

Rule 6 of the Rules for the Committee on Resources, 106th Congress, establishes the Subcommittee on Energy and Mineral Resources and delegates to it jurisdiction and responsibility for "Petroleum conservation on the public lands . . . ." and related matters. (Exhibit E)

Since the First Congress, the legislative branch has conducted inquiries into suspected corruption and mismanagement by federal officials. Supreme Court decisions confirm the power of Congress to engage in oversight and investigation and to reach all sources of information enabling it to carry out its legislative function. Congress, through duly established committees such as the Committee on Resources, has considerable power to require from executive agencies, private persons and organizations production of information needed to discharge legislative branch functions.

The Supreme Court has also firmly established that the oversight and investigative power of Congress is integral to legislative branch functions and is implicit in the Constitution's general vesting of legislative power in Congress. Eastland v. United States Servicemen's Fund (421 U.S. 491, 504 n. 15 (quoting Barenblatt v. United States, 360 U.S. 109, 111 (1950)) reiterates that Congress' "scope of power of its power of inquiry . . . is as penetrating and far reaching as the potential power to enact and appropriate under the Constitution." Watkins v. United States reaffirmed that statement and made it clear that Congress' oversight and investigation power is "at its peak when the subject is alleged waste, fraud, abuse, or maladministration within a government department." (354 U.S. 178, 187 (1957))

The authority of the Committee on Resources to issue subpoenas is equally clear. House Rule XI 2(m) authorizes the Committee to issue subpoenas and to delegate that power to the Chairman under its own rules. (Exhibit F) Committee Rule 4(e) governs issuance of subpoenas. (Exhibit G) Under that authority, on June 9, 1999, the Committee delegated subpoena power to the Chairman for purposes of this oversight review. The Chairman has exercised that authority by issuing subpoenas duces tecum and subpoenas to appear before the Subcommittee on Energy and Mineral Resources. The Chairman has also exercised that authority to consider and rule on objections, to alter the terms of subpoenas to accommodate objections, and to order production of withheld records.

During the course of hearings, the Chairman of the Subcommittee on Energy and Mineral Resources has exercised the authority of a chairman to consider and rule on objections and to order that questions be answered by witnesses appearing under subpoena.

III. Refusals to Comply With Subpoenas

A. Henry M. Banta

See Exhibit H for information and subpoenas.

February 17, 2000 Subpoena Duces Tecum

Mr. Banta has refused to comply with this subpoena by:

(1.) Redacting records: Mr. Banta produced a photocopy of a document on 8 ½" X 11" POGO letterhead which was redacted so severely as to have no independent meaning.(Exhibit I) In the upper left hand corner, the date "February 5, 1998" is typed. Approximately 7.125" from the top of the page, along the left hand margin and indented, the words "III. Oil Case Discussion" is typed. All other portions of the first page of the document and the entire second page is stamped "Redacted Based Upon Lack of Pertinency" Mr. Banta provided no information or arguments to permit the Committee to review and rule upon his objection to producing the redacted portions. Chairman Young ruled by a letter dated June 26, 2000, that Mr. Banta was required to produce unredacted versions of responsive records. (Exhibit S) The Committee sustained that determination and ordered production of such records on July 12, 2000, by a vote of 26 to 11. (Exhibit FF)

The Committee has obtained a document under subpoena to POGO which appears to be the same as the severely redacted document produced by Mr. Banta. (Exhibit J) The POGO version of the document is redacted differently and establishes that Mr. Banta concealed a portion of this document which is pertinent to the subject under examination by the Committee.

Mr. Banta produced a redacted version of minutes taken of the October 27, 1998, POGO Board of Directors meeting. (Exhibit AA) A version of these minutes obtained by subpoena from POGO establishes that Mr. Banta's redaction concealed a portion of this record which is pertinent to the subject under examination by the Committee. (Exhibit BB) Chairman Young ruled by a letter dated June 26, 2000, that Mr. Banta was required to produce unredacted versions of responsive records. (Exhibit S) The Committee sustained that determination and ordered production of such records on July 12, 2000, by a vote of 26 to 11. (Exhibit FF)

(2.) Refusing to Comply with Orders to Produce: Mr. Banta, as required by this subpoena, provided a log of responsive records withheld under a claim of privilege. The Chairman reviewed each claim and ruled on each. Mr. Banta was ordered to produce many of the withheld records but was invited to provide additional information to support claims of attorney-client or attorney work product privileges asserted by Mr. Banta. That offer was not accepted. On June 26, 2000, Chairman Young ordered Mr. Banta to produce twelve specified records which do not qualify for protection under the judicial branch privileges for attorney-client communications or attorney work product.(Exhibit S) These rulings and orders were sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted above. (Exhibit FF)

On July 12, 2000, by a vote of 26 to 11(Exhibit FF), the Committee also sustained the Chairman's rulings that neither 29 U.S.C. §1733 or 30 U.S.C. §1733 are applicable to withholding records sought to be protected under those claims and must be produced. Mr. Banta is withholding four specified records under these claims.(Exhibit CC)

Mr. Banta is also refusing to produce eight records under claims that they are not pertinent to the statement of the subject under examination contained in Chairman Young's March 21, 2000, letter to Representative Cubin. Chairman Young considered each claim and overruled each. (Exhibits K and S) On July 12, 2000, by a vote of 26 to 11, the Committee sustained these rulings and ordered that the records be produced. (Exhibit FF)

April 10, 2000 Subpoena Duces Tecum

Mr. Banta has refused to comply with this subpoena by:

(1.) Failure to Comply: Mr. Banta did not produce a required log of responsive records withheld under a claim of privilege.

(2.) Refusal to Produce: Mr. Banta possesses but did not produce an unredacted agenda for the February 17, 1998, POGO Board Meeting and unredacted minutes of the October 27, 1998, POGO Board meeting.

Subpoena to Appear on May 18, 2000

This subpoena was issued by Chairman Young on May 9, 2000. It required Mr. Banta to appear and testify before the Subcommittee on Energy and Mineral Resources on May 18, 2000. (Exhibit H)

Prior to appearing at that hearing and a hearing on May 4, 2000, Mr. Banta was provided with a statement of the subject under examination, with a copy of the Committee rules and relevant portions of House rules, and was advised that he would be placed under oath and may be accompanied by counsel to advise on constitutional rights and privileges.

During testimony on May 4, 2000, and May 18, 2000, Mr. Banta answered without objection or volunteered information about the link between POGO's oil royalty litigation effort and the agreement to pay Mr. Berman and Mr. Speir; his knowledge of specific aspects of and actions taken during POGO's oil royalty litigation effort; and his professional assessment of POGO's chances of success in its case or as a co-relator in Johnson v. Shell. But when asked specifically about his knowledge of Johnson v. Shell while that case was under seal, he refused to answer. The Chair ruled the question to be pertinent and within jurisdiction of the Subcommittee and Committee. The question was asked again and an answer was again refused. On June 29, 2000, the Subcommittee, by a vote of 9 to 0, sustained the Chairman's ruling and order that the question be answered. (Exhibit GG)

The relevant excerpt from the hearing transcript is attached as Exhibit L.

B. Mr. Robert A. Berman

See Exhibit M for information and subpoenas.

Subpoena to Appear on July 11, 2000

On April 17, 2000, Chairman Young issued a subpoena requiring Mr. Berman to appear before the Subcommittee on Energy and Mineral Resources on May 18, 2000. That subpoena is not at issue in this report. On June 29, 2000, Chairman Young issued a subpoena requiring Mr. Berman to appear again before the Subcommittee, on July 11, 2000. (Exhibit M)

At the May 18, 2000, hearing, Mr. Berman objected to conducting the hearing outside of Executive Session, citing a House rule applicable to conducting closed-door business meetings and mark-ups. In a letter received on the morning of the hearing, Mr. Berman's attorney, Steven C. Tabackman, made the same incorrectly grounded objection.(Exhibit N) These missteps notwithstanding, the Chairman made a corrected motion to discuss closing the hearing to the public, on behalf of Mr. Berman. The motion was defeated on a voice vote. When questioned, Mr. Berman refused to answer unless one of two demands was met: Members who Mr. Berman believed had defamed him waived their constitutional immunity for official acts and remarks so that Mr. Berman might sue them for defamation; or those allegedly offending Members apologize to Mr. Berman and state publicly that they had no basis for making statements found objectionable by Mr. Berman.

Mr. Berman was warned against refusing to answer questions on this basis and was dismissed by the Chairman.

At the July 11, 2000, hearing, proceedings were conducted in Executive Session and under House Rule XI.2(k) procedures applicable to Investigative Hearings on a motion approved by a vote of 9 to 0. (Exhibit GG)

Refusal to Answer

When questioned in Executive Session during the July 11, 2000, hearing under the extraordinary witness protections provided by Rule XI.2(k), Mr. Berman again refused to answer questions unless Members acquiesced to his demands and limited questioning to matters deemed to be pertinent by Mr. Berman. After answers were refused to several questions, the Chairman ruled each question to be pertinent to the stated subject under review and ordered Mr. Berman to answer each question not answered. Mr. Berman did not comply. Thereupon, by a vote of 6 to 3, the Subcommittee sustained the Chairman's rulings and orders and directed that Mr. Berman's refusal to answer while testifying under subpoenas be reported to the Committee on Resources. (Exhibit GG) Mr. Berman was thereupon provide with a final opportunity to answer. He declined. The Chairman then provided an extraordinary opportunity for Mr. Berman and Mr. Tabackman to explain their grievances to the Subcommittee. Even after being allowed to deliver these highly unusual statements, Mr. Berman refused to answer questions posed by Members.

Under questioning by a Minority Member, Mr. Berman made it clear that he would refuse to answer any questions unless his grievances and demands were addressed satisfactorily. (Exhibit Z)

Relevant portions of the July 11 hearing transcript are included as Exhibit O.

C. Mr. Keith Rutter

See Exhibit P for information and subpoenas.

April 10, 2000 Subpoena Duces Tecum

Mr. Rutter has refused to comply with this subpoena by:

(1.) Withholding Records: At the time the subpoena was issued and served, Mr. Rutter was required to provide the IRS Form 990 filed by POGO for tax years 1996, 1997, and 1998. The 1998 form had been produced in answer to the June 18, 1999, subpoena to POGO. It was included in this subpoena to ensure that the Committee had any changes or modifications made since the original filing. Later production by POGO confirmed that the copy provided to the Committee has been superceded by a corrected form filed on July 10, 2000. Under the continuing obligation imposed by this subpoena, Mr. Rutter is now required to produce the corrected form for tax year 1998, the forms for tax years 1996, 1997, and 1999. None of these has been produced. By letter dated June 26, 2000, (Exhibit S) Chairman Young rejected Mr. Rutter's objection, made in a letter dated April 21, 2000, from Stanley M. Brand, that this subpoena requirement is not pertinent to the stated subject under review and is outside the authority of the Committee. (Exhibit Q) On July 12, 2000, the Committee sustained the Chairman's ruling in this regard and his order that the records be produced, by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

It must be noted that although Mr. Rutter asserts that the IRS Form 990 filed by POGO for tax years 1996 through 1999 need not be produced to the Committee, POGO itself has provided two versions of the 1998 Form 990 under a subpoena which did not separately specify tax records of oil litigation income, expenses, and disbursements.

This subpoena also required Mr. Rutter to produce the publicly-available records relating to POGO's IRS Form 1023, an application for tax exempt status. This record would help determine whether the POGO Board of Directors intended to reward Mr. Berman and Mr. Speir under an existing or newly established program of public service monetary awards. Mr. Rutter's objection (Exhibit Q) to producing this record was considered by the Chairman and rejected. (Exhibit S) That ruling and the Chairman's order to produce the record was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted earlier. (Exhibit FF)

This subpoena also required Mr. Rutter to produce the articles of incorporation for POGO and the corporate by-laws in effect for the years 1996 through 1999. These records are needed to help determine whether the agreement to pay Mr. Berman and Mr. Speir the initial payments served a valid corporate purpose or may have been intended as part of an improper scheme. Mr. Rutter objected to this production requirement as not pertinent to the subject under review. (Exhibit Q) That objection was considered by the Chairman and rejected by a letter dated June 26, 2000. (Exhibit S) That ruling and order to produce these records was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted earlier. (Exhibit FF)

This subpoena also required Mr. Rutter to produce records relating to civil litigation deposition testimony given by Ms. Brian which concerned Mr. Rutter's job responsibilities. By letter dated April 21, 2000, Mr. Rutter objected that this item constituted a written interrogatory outside the authority of the Committee.(Exhibit Q) On June 26, 2000, Chairman Young overruled this objection, explaining that the subpoena only required production of existing records concerning or relating to the facts contained in Ms. Brian's deposition, and ordered the records produced. (Exhibit S) On July 12, 2000, the Committee sustained this ruling and order by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

(2.) Failure to Produce: Mr. Rutter failed to provide a required log of responsive records withheld by him under a claim of privilege.

D. Ms. Danielle Brian Stockton
See Exhibit T for information and subpoenas.

June 18, 1999 Subpoena Duces Tecum

Ms. Brian has refused to comply with this subpoena by:

(1.) Redacting Records: Pursuant to this subpoena, the Committee received two excerpts from two POGO Board of Directors meetings conducted some 20 months apart. (Exhibit R) Complete minutes should have been produced for those meetings and for all meetings at which subjects concerning oil royalty litigation and payments to Mr. Berman and Speir were discussed. By letter dated June 26, 2000, Chairman Young ordered that unredacted copies of responsive records be produced to the Committee. (Exhibit S) That determination was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as discussed above. (Exhibit FF)

(2.) Withholding Records: Sworn civil litigation testimony by Ms. Brian indicates that the Board may have touched on these matters at as many as twenty sessions from 1994 until the present. Excerpts from Board meeting minutes provided to the Committee, outside of any subpoena, establish that Ms. Brian failed to produce complete minutes and agendas for Board meetings held on January 5, 1995; December 9, 1996; February 17, 1998; October 27, 1998; April 26, 1999; and September 9, 1999. (Exhibits X, EE, R and J)

February 17, 2000 Subpoena Duces Tecum

Ms. Brian has refused to comply with this subpoena by:

(1.) Failure to Comply: Ms. Brian failed to produce a required log of responsive records withheld under a claim of privilege. Chairman Young ordered production of a log of responsive withheld records by letter dated June 26, 2000.(Exhibit S) On July 12, 2000, the Committee sustained this order by a vote of 26 to 11, as noted above. (Exhibit FF)

Subpoena to Appear on May 18, 2000

On April 17, 2000, Chairman Young issued a subpoena requiring Ms. Brian to appear before the Subcommittee on Energy and Mineral Resources on May 18, 2000. (See Exhibit T)

Prior to appearing at that hearing, Ms. Brian was provided with a statement of the subject under examination, with a copy of the Committee rules and relevant portions of House rules, and was advised that she would be placed under oath and may be accompanied by counsel to advise on constitutional rights and privileges.

Failure to Comply

Ms. Brian has refused to comply with this subpoena by:

Refusing to Answer: At the outset of her testimony on May 18, 2000, Ms. Brian acknowledged without protest that the hearings and oversight review were examining POGO's oil royalty litigation effort and consequent payments to Mr. Berman and Mr. Speir. Ms. Brian also volunteered her view of the effect the POGO/Berman/Speir agreement had on Johnson v. Shell. But, when asked if she attempted to discuss Johnson v. Shell with Mr. Johnson while the case was under seal or if she had knowledge of the case while it was under seal, Ms. Brian refused to answer. Both questions were ruled by the Chair to be pertinent and within the jurisdiction of the Subcommittee and Committee. Both questions were repeated. Each time, Ms. Brian refused to answer. On June 29, 2000, the Subcommittee, by a vote of 9 to 0, sustained the Chairman's ruling and order that the question be answered. (Exhibit GG)

The relevant excerpts from the hearing transcript are attached as Exhibits U and V.

E. Project on Government Oversight

See Exhibit W for information and subpoena.

February 17, 2000 Subpoena Duces Tecum

The Project on Government Oversight has refused to comply with this subpoena by:

(1.) Refusing to Produce Records: By letter from Stanley M. Brand, Esq., on behalf of POGO, to Chairman Young dated February 28, 2000, POGO objected to providing records reflecting the names and office addresses of POGO Directors during the period of January 1, 1994, through the present. (Exhibit DD) POGO argued that the identity of the individuals legally responsible for overseeing POGO's oil royalty campaign, for authorizing the agreement to pay Mr. Berman and Mr. Speir, and for authorizing the initial payments of $383,600 each made on November 2, 1998, are not pertinent to the stated subject under review. By letters dated April 6, 2000, and June 26, 2000, Chairman Young overruled this claim and ordered production of these records. (Exhibits K and S) By a vote of 26 to 11 on July 12, 2000, the Committee sustained this ruling and order that these records be produced, as noted previously. (Exhibit FF)

Records provided to the Committee by the Department of Treasury establishes that POGO possesses records showing the names and addresses of Board members. Common sense presumes that notices of Board meetings and other correspondence with and among the governing body is not addressed from memory.

This subpoena required POGO to produce records concerning payments to Mr. Berman or Mr. Speir discussed since January 1, 1999. POGO offered no argument to justify failing to comply with this requirement. By letters dated April 6, 2000, and June 26, 2000, Chairman Young ordered production of such records. (Exhibits K and S) By a vote of 26 to 11 on July 12, 2000, the Committee sustained this order, as noted earlier. (Exhibit FF)

The Committee has obtained a record from Stanley M. Brand, Esq. which establishes that POGO possesses but did not produce a record described by this item of the subpoena. (Exhibit X) In response to an inquiry from Chairman Young, Mr. Brand informed the Committee that the record in question was not intended to satisfy any subpoena and was not offered by POGO. (Exhibit Y)

(2.)Refusing to Comply: POGO has not provided a log of responsive records withheld from production under this subpoena under a claim of privilege. Chairman Young ordered production of a log of responsive withheld records by letter dated June 26, 2000. (Exhibit S) On July 12, 2000, the Committee sustained this order by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

IV. Rules Requirements

Committee Oversight Findings and Recommendations

Pursuant to clause 3(c) of Rule XIII of the Rules of the House of Representatives, and as outlined in this report, the Committee held several oversight, investigative and business meetings and made the findings that are reflected in this report.

Committee on Government Reform Oversight Findings

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform.

New Budget Authority, Entitlement Authority, and Tax Expenditures; Committee Cost Estimate; Congressional Budget Office Estimate; and Federal Mandates Statement

The Committee finds that clauses 3(c)(2) and (3) of Rule XIII, clause 3(d) of Rule XIII, sections 308(a) and 402 of the Congressional Budget Act of 1974, and section 423 of the Unfunded Mandates Reform Act are inapplicable to this report. Therefore, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this report or the costs incurred to carry out the report.

Advisory Committee Statement

The Committee finds that section 5(b) of the Federal Advisory Committee Act is inapplicable to this report.

Applicability to Legislative Branch

The Committee finds that the report does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

Changes in Existing Law

This report makes no changes in any existing federal statute.

Preemption of State, Local or Tribal law

This report does not preempt any state, local or tribal law.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the report be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, by direction of the Committee on Resources, I offer a privileged resolution (H. Res. 657) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. §§192 and 194), the Speaker of the House of Representatives shall certify to the United States Attorney for the District of Columbia the report of the Committee on Resources detailing (1) the refusal of Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to produce papers subpoenaed by the Committee on Resources and the refusal of each to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources; (2) the refusal of the Project on Government Oversight, a corporation organized in the District of Columbia, to produce papers subpoenaed by the Committee on Resources; and (3) the refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources, to the end that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight be proceeded against in the manner and form provided by law.

The SPEAKER pro tempore. The resolution constitutes a question of privilege under rule IX. The gentleman from Alaska (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Alaska. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California (Mr. GEORGE MILLER).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Strike all after the resolving clause and insert the following:

SECTION 1. CERTIFICATION OF REPORT REQUIRED.

Pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. 192 and 194), the Speaker of the House of Representatives shall certify the report of the Committee on Resources (House Report No. 106-801) detailing the refusals described in section 2 to the United States Attorney for the District of Columbia, to the end that each individual referred to in section 2 be proceeded against in the manner and form provided by law.

SEC. 2. REFUSALS DESCRIBED.

The refusals referred to in section 1 are the following:

(1) The refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

(2) The refusal by Mr. Henry M. Banta to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

(3) The refusal by Ms. Danielle Brian Stockton to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, in the event that the amendment is agreed to, I ask that the question on adoption of the resolution be divided within section 2 so that refusal of each of the three named individuals will be voted on separately.

The SPEAKER pro tempore. The Chair would advise the gentleman that if the amendment to the resolution is adopted, the question on adoption of the resolution, as amended, under the precedents, is grammatically and substantively divisible among the three paragraphs of section 2. There would then be an opportunity for a separate vote on the certification of each individual. The question will be so divided at the appropriate time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I filed a supplemental report yesterday. It changes only a technical error on the cover page of Report 106-801 filed by me on July 27, 2000.

Digressing from my statement. My colleagues in this body, this is a very serious time, and I hope that Members will take the time to listen to both sides of this argument and make a decision by voting favorably on this resolution.

The resolution now before the House reports the refusal of three subpoenaed witnesses to answer questions at hearings of the Subcommittee on Energy and Mineral Resources of the Committee on Resources, chaired by the gentlewoman from Wyoming (Mrs. CUBIN). The questions were critical to the committee's oversight.

Every Member of this House, Democrat, Republican and Independent, should support this resolution. If not, we undercut the future capability of this Congress and future Congresses to get information we will need to do our job required by Article One of the Constitution.

The resolution is about whether the authority of a subpoena from a House committee means anything or whether it can be ignored. If Members think a subpoena means something, then they will vote for this substitute resolution. If they think committees, in their oversight roles, not the witnesses, should define the questions at a hearing, then they will vote in favor of reporting the facts relating to the refusal of Ms. Brian, Mr. Berman, and Mr. Banta to answer questions posed by the gentlewoman from Wyoming (Mrs. CUBIN) and her subcommittee.

On institutional grounds alone, every Member, Democrat, Independent, Republican, should support this contempt resolution. Every Member should also support the report on the merits as well.

Mr. Speaker, this all started 18 months ago, when the gentlewoman from Wyoming (Mrs. CUBIN) and I read alarming press reports. These reports detailed government employees within the departments we oversee being paid and using proceeds from a whistleblower lawsuit called Johnson and Shell.

That successful whistleblower suit is now basically settled. It returned over $400 million to the U.S. Treasury. But serious questions about the payments to Federal employees from the whistleblower share of the Johnson and Shell settlements forced us to launch an oversight review in the process. We issued document requests and, as we learned more about the payments, we scheduled hearings.

In those hearings, the gentlewoman from Wyoming exposed details of a secret plan hatched years earlier by a group called POGO, the Project on Government Oversight. The plan was to pay two government oil royalty experts huge, and I mean huge, sums of money from the Johnson and Shell settlement.

POGO used the Federal employees to learn information about the court-sealed Johnson and Shell lawsuit. I repeat, the court-sealed Johnson and Shell lawsuit. And then POGO filed its own suit making the same allegation on top of the Johnson and Shell lawsuit.

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Settlement proceeds from POGO's share were then funneled to the government insiders.

The gentlewoman from Wyoming (Mrs. CUBIN) and her subcommittee discovered how POGO had already split nearly a million dollars from Federal employees. She discovered their written agreements. She discovered their plans to take $7 million in total from the whistleblowers' lawful reward. She discovered their plan split the bounty with the Federal Government employees. She discovered how the Department of Justice told POGO not to make the payments. May I stress that again. She discovered how the Department of Justice told POGO not to make those payments.

The Committee experienced major, major stonewalling from those cited in this resolution while inquiring about the scheme. The culprits say that they, not Congress, determine what the American people will know about the largest payoffs ever accepted by Federal employees. That stonewalling probably constitutes a Federal misdemeanor known as contempt of Congress. A vote by the House is required to begin enforcement and condemn the payoffs, which is why we consider the report and resolution today.

That oversight review included examining whether the two federal insiders, Robert A. Berman of Interior or Robert A. Speir of Energy, sold Government secrets or exercised influence to favor those who paid them.

The Committee on Resources, under its rules, authorized me to issue subpoenas on this manner. After it became clear that the key players would not provide good-faith cooperation to the subcommittee of the gentlewoman from Wyoming (Mrs. CUBIN), I issued subpoenas for important documents. Later, the participants refused requests for voluntary interviews. So I issued subpoenas for witnesses to appear before the Subcommittee on Energy and Mineral Resources chaired by the gentlewoman from Wyoming (Mrs. CUBIN).

Those subpoenas did not mean much to the key players in this scandal. They were denied. The gentlewoman from Wyoming (Mrs. CUBIN) and the subcommittee were very fair. Her subcommittee's oversight, as far as it could go, was an excellent example, I believe, of responsible Government.

Under the statute, if the House adopts this report, the Speaker is authorized to present the facts to the United States Attorney for the District of Columbia.

Consistent with the constitutional separation of powers, we do not weigh the evidence of refusal to comply with subpoenas against the reasonable doubt standard of proof.

Our obligation is to report the facts as we know them. To fail to make this report will surrender authority over oversight to witnesses rather than reserving it to the House as placed by the Constitution.

To put it simply, these parties have left no choice for the Congress. They refuse to comply.

May I remind Members on both sides of the aisle, if they do not adopt this resolution, if they do not adopt this report, if they do not adopt what I am asking today, future Congresses will be thumbed at and told to forget their role as oversight.

These people offered and accepted the largest payoffs ever made by Federal bureaucrats. But they claim the arrogant, self-serving privilege to tell the United States that they may not ask certain questions about their agreement, what they knew, and how they knew it.

They say to us, we will not tell you how we used Government insiders to learn information. We will not tell you how we used Government employees to leach settlements from the true whistleblowers in the Johnson suit. They say, we will not tell you about our secret agreements to make payments to Federal oil policy insiders who helped them.

To protect our mandate as Members of the House, our mandate to gather information and facts needed by the people to legislate and oversee Federal agencies, as I have said before, we, as a Congress, must adopt this resolution. We must stand up for the people's right to know what happened in this payoff.

The substitute resolution I have offered will authorize the Speaker to certify to the U.S. Attorney only the refusal of Henry M. Banta, Robert A. Berman, and Danielle Brian Stockton to answer questions while appearing under subpoena before the Committee. This is done in light of new evidence suggesting that POGO and Banta paid Berman for influencing regulations. And that documentation is in the report. This is a very serious felony.

There is no longer an interest in grouping Mr. Rutter and the other officers or directors of the corporation known as POGO with serious felons. Nor does the Committee on Resources wish to needlessly compound the charges by having Banta and Stockton face two misdemeanor counts each along with the serious charges which now seem certain.

My colleagues will hear that this is all about big oil, it is about a so-called whistleblower. This is nothing to do with the whistleblower. In fact, the whistleblower testified before our committee that the suit was filed on top of his so they could gather the money to be paid to these Federal employees.

It is probably one the most corrupt actions by Federal employees under a sealed document where they issued information that was confidential to, in fact, receive reimbursement.

This is about this Congress and the next Congress and the Congresses in the future. If we do not adopt this resolution, then we have said to ourselves that this Congress no longer counts in seeking the truth.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this matter this morning is a serious matter because potentially for three citizens of the United States criminal liability may attach. But as serious as this matter is for those three individuals, this matter is not about what the chairman of my committee just said it is about.

This is about three or four individuals that blew the whistle on a plan by 15 oil companies to deny the American taxpayers of the revenues that they were entitled to through the royalty program for oil taken off of the public lands that are owned by the people of the United States.

Since that whistle has been blown and that program was discovered and the intentions were made known, this committee served not a single subpoena on those oil companies, this committee sent not a single letter to those oil companies asking them how they could defraud the Government of the United States.

Instead, this committee rounded up four individuals and started badgering them in a hearing that had no definition, no parameters, and changed direction numerous times.

But the core finding is clear and convincing. Fifteen oil companies settled for almost half a billion dollars, settled. How much more of American taxpayer has been denied we will not know because of that settlement. This is about what happens to an American citizen when the full force and effect of the Federal Government and the Congress of the United States comes down on their head because this was not a situation where these citizens have been charged with anything, indicted of anything, tried for anything, or convicted of anything. There is a notion in the majority's head that these people somehow are involved in criminal activity. So far, the only showing of any of that will be if the suggestion is that some criminal liability attaches for failing to answer the question.

But, mind you, the Supreme Court of the United States is very, very cognizant of the force and the effect of the United States Government when it comes down on a private citizen; and it says that, when it asks a citizen a question in a hearing like this, it must do something that is very important, it must show that citizen, because that citizen must make a snap decision because liability attaches as to whether or not they are going to ask that question over and over, the Supreme Court has told this Congress of the United States that it must show them that that question is pertinent to the investigation.

Now, the questions that they asked these individuals were questions where they were wandering around in side-bar litigation that had nothing to do with the writing of the regulations. And these witnesses, while they provided thousands and thousands of documents, while they have answered hundreds and hundreds of hours of questions in depositions and elsewhere, where the committee, in fact, had the evidence that they were seeking in the depositions in the other case, they have now decided that they are going to make victims of these four people.

The victims here are the taxpayers of the United States who were defrauded of half a billion dollars or more by 15 oil companies.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 8 minutes to the good gentlewoman from Wyoming (Mrs. CUBIN), the chairman of the subcommittee that conducted most of the hearings.

Mrs. CUBIN. Mr. Speaker, I rise today because I have a solemn duty to inform the House of the investigation which I, as the chairman of the Subcommittee on Energy and Minerals, was assigned to lead.

I am very saddened by the remarks of the previous speaker because he knows very well that is not what this case is about.

I rise today to uphold this body's constitutional right to conduct lawful and thorough investigative oversight hearings on issues that are important to the American people. This is not something that we choose to do. This is something that we swear we will do when we raise our hand and take the oath that we will support the Constitution and the laws of this body.

This issue actually stems from the filing of a False Claims Act lawsuit in a Federal courthouse in Texas by two whistleblowers who uncovered royalty underpayments by major oil companies to States, local governments, and to the Federal Government.

The fact is these two whistleblowers are named Benjamin Johnson and John Martinek. These are the good guys. These are the private citizens who exposed the major oil companies' underpayment of royalties. They are responsible for getting an additional $400 million for Federal, State, and local governments, in other words for American citizens.

Johnson and Martinek should be commended for their efforts in stopping this illegal practice. There is no question in anyone's mind that the oil companies should pay every single penny that they owe in royalties. That is in everyone's best interest. It is the law and it must be done.

But the problem in this case is that the whistleblowers case was sealed in the Eastern District of Texas, and what that means is no details of the suit could be released outside the courthouse but the very existence of the suit could not be established either. The existence had to be kept secret.

However, somebody leaked the details of that secret lawsuit to the Project on Government Oversight (POGO). That insider information allowed POGO to file a nearly identical lawsuit in the same court in Eastern Texas.

Now, could that be a coincidence? No, when we consider there are 91 Federal courts in the United States.

The Committee on Resources investigation focused on two Federal employees, Robert Speir and Robert Berman. Mr. Spear is with the Department of Energy. Mr. Berman is currently an employee with the Department of Interior. They are suspected of leaking the details of that lawsuit to POGO.

Again, the whistleblowers are the ones who filed the original suit. Well, POGO had been lobbying looking for a lawsuit to file, and they also had been lobbying for changing oil valuation rules. These two employees' rewards for doing what they did, for releasing the information and for assisting in changing oil valuation rules, were rewarded $383,000 each already. They had a signed agreement that they would be awarded that amount of money and, if the agreement had been adhered to, they would have received another $4 million between them.

Just a few days ago, the Committee obtained from the Department of Justice the smoking gun, which establishes that at the very time POGO and the two Federal employees were conducting this arrangement, that Robert Berman, the Interior employee, was actively engaged in drafting a new regulation dealing with the collection of oil royalties.

These regulations were being sought by POGO. The regulations indirectly benefit POGO chairman and directly benefit his clients, who are in the business of collecting oil royalties.

The key players in the investigation were issued subpoenas, as was stated by the chairman of the Committee on Resources, but they refused to answer questions. The Subcommittee on Energy and Mineral Resources asked Danielle Brian Stockton, the executive director of POGO; Henry Banta, the chairman of the POGO board; and Bob Berman questions.

Let me tell my colleagues the question that they were asked, direct questions about how POGO and the Federal employees learned about this sealed lawsuit in the Eastern District of Texas.

This is a quote from the Record.

Mr. Banta: "I believe that issue is not pertinent to the inquiry of this Committee."

□ 1045

Ms. Brian: "I will not answer that question because of my pertinence."

Mr. Berman stated another answer to another question: "I will not answer this subcommittee's questions."

In other words, these people were saying they would determine what were pertinent questions for them to be asked in our investigation. They were saying they would decide what questions could be asked and be made pertinent.

Ask yourself, how well would the American people have been served if the tobacco company executives refused to answer the questions that they were asked?

Ask yourself, will Firestone and Ford Motor Company executives have to answer questions put to them by committees when the committees are trying to protect the safety and the very lives of American people?

The Constitution and the rules of the House of Representatives are clear on this point. The House must conduct oversight hearings, and the House and only the House is the judge of what answers they need to questions in a thorough oversight review.

I have to remind you, we are not here today to vote on the guilt or the innocence of the three people who are cited in this resolution. That is up to the Department of Justice, which at this very time is conducting an investigation into all of the activities having to do with the payments and the proceeds of the lawsuit. Our job is to vote on the resolution to adopt this report, saying that the Speaker is authorized to present the facts of this report to the United States Attorney for the District of Columbia. The United States Attorney will then place the matter before a grand jury. The grand jury, not the House, will decide whether any or all of these parties will be found with contempt. The people cited in this report have defied this body's constitutional right to ask the why and the how about the largest payoffs ever accepted by Federal employees. The American people have a right to know. That is the nature of today's resolution.

I hope that everyone will vote in support of the authority of the Congress of the House of Representatives.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the esteemed chairman said earlier this is a question about whether Congress no longer counts in seeking the truth. The question is bigger than that. The question is does Congress count in seeking the whole truth? This is a scandal of huge proportions. A smaller scandal during the Harding administration, Teapot Dome, rocked Washington and the country, brought down powerful figures.

The American people were defrauded of $438 million, at least, by Big Oil. And who is our committee pursuing? A few individuals and a nonprofit. The chairman talked about the huge payments these folks got. Guess what? There may have been some improprieties. It is being investigated. But their huge payments are less than one-tenth of 1 percent of the money of the fraud that was committed by the largest oil companies in the world against the American people, the American public and the Americans' resources. I would be willing to pay one-tenth of 1 percent to uncover these sorts of corruption and underpayment. These are the same companies, of course, that today are ripping off the American consumers. Their earnings have doubled. Number one, of course in doubling of earnings is

Exxon Mobil, $58.8 billion. Not bad. They were number three here in defrauding the American public.

Now, how much time has the committee spent subpoenaing the very well-paid CEOs and highly paid executives of these companies? None. Zero. None. Not one second has been spent by the majority in investigating what Big Oil did to defraud the American public and whether that fraud is still going on today, because these huge profits are coming from somewhere. We know they are coming from the American taxpayers' pockets. Is it also coming from our precious natural resources? Are they still underpaying? We do not know. Because the committee has no time for that. But it can relentlessly pursue a couple of low-ranking government officials who uncovered this fraud.

This is a fraud on the American people. This whole process is a fraud on the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a member of the committee that really sat in on this program.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of this request of the body.

Mr. Speaker, because of the activities of some other committees in this Congress, the investigation power, the oversight responsibilities of the Congress and its committees has come into some disrepute. There is no question about that. And anytime you do oversight and investigation, you are bound to have the kinds of emotional responses such as we just heard, because there are very real issues involved, fraud, deception, misrepresentation, et cetera.

I am sorry to say that the character and the tenor of some of the investigation activities has resulted in, I will not say contempt for but certainly suspicion of any activities by any congressional committee with respect to its investigation and oversight responsibilities. This goes all the way back to the time of the un-American activities and un-American activities committees, all their notorious investigations which had as their object I think by general conclusion of history at least the humiliation of other people and the pursuit of partisan purposes which had very little to do with the ostensible investigatory objectives which were announced when these investigations and inquiries began.

But, Mr. Speaker, I have concluded that this particular investigation and the manner in which it has been conducted, regardless of whether it should have been broader or should have been deeper, gone into other things, those are legitimate questions that could be raised and the chairman can answer it or not answer it as he will. But with respect to the activities that are cited in this resolution, I think we have to uphold not only the right but the obligation of the committee to pursue it. There is enough information here to convince me that a serious breach of public trust may have occurred. The grand jury must be given the tools it needs follow this investigation wherever it leads, and this report is one of those tools. Congress has an oversight responsibility, no matter which party is in the majority. If I refuse to support this report, this resolution, I believe I am undermining the authority of future Congresses, including ones with Democratic majorities, to exercise their oversight responsibilities.

I cannot answer for other people's motives. If you want to insist that the Republicans are doing something for partisan reasons or the Democrats are responding for partisan reasons, you can do it. I cannot be responsible for those kinds of things. I can only answer for my own. I have seven pages of bills that I have been associated with, including committee responsibility in the area of minerals and oil and royalties where I think I can stand on my record.

So I want to refer then to what I think are the compelling reasons here. The power of future Congresses to exercise oversight of Federal agencies and to uncover waste, fraud and abuse by using its constitutional authority to compel testimony and evidence will be severely harmed if the report is not adopted. This Congress must pursue this matter and seek sanctions for the refusal to answer questions about it. And, finally, the U.S. Attorney may not act unless the House passes this resolution. That action cannot be deferred because the underlying subpoenas expire with the 106th Congress, so a Federal grand jury impaneled in the District of Columbia needs to receive it. Voting for the report does not constitute a verdict or an indictment. The report if passed will allow the grand jury to do its work.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise to oppose this resolution in the strongest possible terms. This highly-partisan, misguided resolution has absolutely no business being on the floor of the House today in the final hours of this session.

As many of my colleagues know, I have been involved for years working on issues related to Federal oil royalties and I have worked tirelessly in a bipartisan way along with the gentleman from California (Mr. HORN) of the Committee on Government Reform. What we looked into, put simply, is that we discovered that the oil industry is required, of course, to pay royalties to the Federal Government based on the value of the oil taken out of the Federal land that is owned by the people of this country. But what we found is that they were paying prices to the government that was much lower than the price that they were paying themselves. They were keeping two sets of books, one for themselves and one for the people of America. And guess who was making the record profits? The oil companies.

The gentleman from California (Mr. HORN) and I issued several reports; and as a result of our hearings and investigations by GAO that documented the underpayment, there has been a change in the way that the oil companies now pay the Federal Government. They now pay market price. That is what is fair. When you look at these settlements, POGO has been part of lawsuits that have resulted in $438 million coming back into the Federal Treasury. That is a lot of teachers, that is a lot of roads, that is a lot of police officers. They did good work in uncovering fraud and abuse. $438 million. And because of the change in the formula now, OMB projects there will be 66 additional million dollars coming into the Federal Treasury because the oil companies will be paying market price.

Yet instead of looking at the systemic underpayment, and they uncovered seven different ways that they underpaid the government, yet this committee did not have one hearing on the systemic underpayment by the oil companies. And here they are. Why do we not have some hearings on this? As my colleague pointed out, there is an article today in the Washington Post and it reports that the highest energy prices since the 1990 Persian Gulf crisis have produced a financial bonanza for the Nation's three largest oil companies which yesterday reported quarterly profits totaling a record $7 billion, double last year's earnings.

Mr. Speaker, I include for the RECORD other editorials that have appeared around this country.

[From the Casper Star-Tribune, July 28, 2000]

CUBIN GOES ASTRAY WITH ATTACK ON WHISTLEBLOWERS

Wyoming's lone representative in Congress, Barbara Cubin, seems to have lost her way. Cubin has been using her House Energy subcommittee to launch an attack on the nonprofit watchdog group, Project on Government Oversight (POGO). POGO investigates whistleblower allegations that certain mineral industries are cheating the American public by not paying royalty payments when taking mineral resources found on federal land—as required by law.

Recently, a number of oil companies settled a lawsuit filed by POGO that alleged that they systematically underpaid royalties on oil produced. POGO gave a portion of that settlement as public service awards to two federal employees who helped POGO make its case against the oil companies.

Under Cubin's direction, her subcommittee is investigating those service awards, instead of those companies accused of cheating the American taxpayers by underpaying on federal royalties.

We take no position on whether POGO broke the law by offering the awards or whether the federal employees did by accepting them. However, fairness demands that if two employees working to uncover royalty fraud should be victims of a politically motivated investigation, then surely the subcommittee's attention should be directed at the oil companies that have settled lawsuits alleging that they cheated the public out of vast amounts of money over the years.

One doesn't fix the system by attacking those who are trying to ferret out fraud. Cubin should turn her attention to the problem of royalty underpayment, which would be a more legitimate exercise of the power of her subcommittee.

The direction Cubin has taken with her subcommittee makes one wonder whether her loyalties lie with the American taxpayer or with the extractive industries that contribute so much to her campaign fund.

[From the Anchorage Daily News, May 16, 2000]

YOUNG FORGETS WHISTLE-BLOWERS' VALUE, RISK

(By Stan Stephens, Walter Parker and Billie Garde)

Recently, a subcommittee of Chairman Don Young's House Resources Committee began to hold hearings on the activities of a watchdog group, the Project On Government Oversight. Those activities included a lawsuit filed by POGO that alleged that oil companies were shortchanging the government on royalty payments for oil leases on federal land. POGO filed the lawsuit under the False Claims Act, which allows a group or individual to sue a private company they believe is defrauding the government. The act also grants them a percentage of any fine levied as a result.

Young took umbrage with the fact that POGO, upon being awarded a $1.1 million settlement in the case, paid two whistle-blowers $380,000 each for their decadelong work in bringing these abuses to light.

Never mind that the oil industry settled the case for more than $300 million, all but admitting that it indeed had been stealing from the federal government for years. That apparently didn't phase Young in the slightest. By the way, it should be mentioned that the two whistle-blowers are federal employees, one of whom works for the Interior Department—certainly not Young's favorite agency.

It is unfortunate that Young has paid attention solely to the issue of the payments made to the whistle-blowers. Ignored in this entire affair is the fact that two whistle-blowers saved the American people hundreds of millions of dollars. Now they are being retaliated against in the most draconian manner by Young.

Unfortunately, this conforms to the pattern that so many whistle-blowers have seen before. Instead of having their allegations investigated, they find themselves the target of investigations and in most cases outright harassment and intimidation.

Last February, Young issued subpoenas to POGO asking for, among other things, copies of the executive director's home telephone records. It is remarkably odd that Alaska's congressman, who prides himself on his patriotism and strict adherence to the Bill of Rights, would so invade the privacy of a U.S. citizen.

Would that the Interior Department issue a subpoena asking for Don Young's home telephone records! The resulting outcry from the "congressman for all Alaska" would resound from Washington, D.C., to Fort Yukon and back again. Twice.

The recent actions of the House Resources Committee bring to mind an incident in the early 1990s that many Alaskans are sure to remember. After the Exxon Valdez spill, Alyeska Pipeline Service Co. enlisted its security firm, the Wackenhut Corp., to investigate a number of environmental activists hoping to ferret out a whistle-blower. Wackenhut proceeded to place taps on telephone lines, sift through trash bins and even set up a phony environmental law firm hoping to gain the trust of key individuals.

When these actions were exposed, a congressional inquiry was held with committee hearings that included Young. Congress rigorously denounced the actions of both Wackenhut and Alyeska.

Young agreed, though some people would say with little enthusiasm, that whistle-blowers who risk their careers and in some cases their personal safety should not suffer retaliation, harassment or intimidation but should instead have their allegations properly investigated. One must wonder if Young has forgotten those events of only a few years ago now that his actions so closely resemble the very whistle-blower retaliation he admonished.

Further inquiry into the POGO matter reveals that indeed Young's allegations are baseless. He condemns the payments to the whistle-blowers yet ignores that POGO sought professional legal and accounting advice on how to report the payments to the IRS. He also ignores the fact that POGO informed the Justice Department of its intention to make the payments before it did so.

Whistle-blowers are a unique and integral part of exposing fraud, deceit and malfeasance in industry and government. Very often, they are risking ostracism from their colleagues, unjust firings or transfers, and other forms of reprisal.

They deserve our support in their efforts to make workplaces safer, the environment cleaner and both industry and government less riddled with graft and corruption. It seems that our congressman needs once again to be reminded of that.

[From the New York Times, Oct. 27, 2000]

HOUSE MULLS RARE CONTEMPT CITATION

WASHINGTON (AP).—Despite the rush toward adjournment, the House is pressing ahead on criminal contempt charges against a small, private watchdog group called POGO—the first such proceeding in nearly two decades.

Capitol Hill supporters of the group, the Project on Government Oversight, maintain the contempt citation was retribution by some lawmakers for POGO's campaign against major oil companies that have been accused of shortchanging the government of millions of dollars in royalty payments.

The contempt case has been pursued most vigorously by two oil-state lawmakers—Republican Reps. Don Young of Alaska and Billy Tauzin of Louisiana.

They denied any retribution and said POGO's executive director and a board member were being charged with contempt of Congress because they refused to answer several questions at a hearing earlier this year on the group's involvement in the oil royalty cases.

If found in contempt, the two officials—Danielle Brian and Henry Banta—could face up to a year in prison and a stiff fine, although the decision would be subject to appeal in the courts.

Some Democrats accused Young of pursuing the case as a favor to the oil companies stung by POGO's successful pursuit of the royalty underpayments.

Rep. George Miller, D-Calif., said Thursday that while Young has aggressively pursued POGO, the House Resources Committee has held no hearings on the oil royalty abuses themselves.

Instead, Miller, the committee's senior Democrat, said Republicans were seeking to "punish a small nonprofit organization for exposing illegal actions."

"It's revenge on this government watchdog that had the nerve to stand up and make Big Oil pay," said Rep. Carolyn Maloney, D-N.Y., who has been among the most vocal critics of the federal royalty payment system.

Republican House leaders decided Thursday to bring the contempt resolution up for a floor vote Friday on what could well be the last day of the 106th Congress.

The last criminal contempt resolution to be brought to the House floor occurred in 1983. Its target was Rita Lavelle, then head of the Superfund program at the Environmental Protection Agency, who had refused to appear before a House committee.

In 1997, POGO joined a Texas lawsuit against nearly a dozen major oil companies accused of underpaying the government on royalties. The case has produced nearly $500 million in settlements. POGO did not benefit from most of those settlements, but was awarded $1.2 million from one of the earlier cases.

When the group decided to share $700,000 of the money with two government workers who had been trying to correct the royalty abuses it caught the attention of Republican lawmakers. The House Resources Committee that Young chairs began an investigation into whether there was an improper payoff.

No evidence of such has surfaced, although the Justice Department continues to investigate.

In an interview, Brian said she and Banta had answered questions about the settlement but that the committee sought details about the litigation still under way in Texas against the oil companies.

"They started asking questions that had nothing to do with our decision to turn money over to the whistleblowers," she said Thursday.

[From the New York Times, May 24, 2000]

SEE DON JUMP, JUMP, DON, JUMP

Any public servant should be glad to see a vast taxpayer rip-off exposed and set right.

Not representative Don Young, chairman of the House Committee on Resources. He's harassing independent watchdogs at the Project on Government oversight.

POGO's offense? Pursuing investigations and lawsuits that helped the Treasury recovery some $300 million . . . from Young's generous political patron, the oil industry.

Mobil, Chevron, Texaco and other settled out of court, all but admitting that they cheated U.S. citizens out of money owed for oil pumped from public lands. Exxon, Unocal, Shell and other face a trial in September on the same charge.

Federal law allowed POGO and other watchdogs to share a fraction of the recovered money as a reward. POGO divided its share with two whistleblowers who risked their government jobs to expose the rip-off.

This generosity gave Don Young a pretext, and last year he launched an investigation of POGO, with recent hearings in Washington.

The only thing revealed so far—Young's willingness to abuse his power. His subpoenas are over-reaching. Committee members and staff have badgered and berated witnesses, who are barred from making opening statements on their own behalf.

"This is not a committee in search of the truth, this is a committee meant to punish," says POGO Director Danielle Brian.

"This committee has been used time and again on behalf of special interests who find themselves on the wrong side of the law," says Representative George Miller. He calls the hearings "a witch hunt," noting Young has never held hearings on the oil companies' malfeasance.

See how money in politics works? It can lead "public" servants to jump to the aid of their cash constituents, the public interest be damned.

See Don jump, Jump, Don, Jump.

[From the Washington Post, Mar. 15, 2000]

U.S. ANNOUNCES A NEW ROYALTY SYSTEM FOR OIL FROM FEDERAL LAND

(By Dan Morgan)

After a four-year battle with the oil industry and its supporters in Congress, the Clinton administration announced yesterday a new system for collecting an additional $67.3 million a year in royalties on crude oil pumped from federal land and leased offshore tracts.

The new pricing system, which will take effect June 1, was a victory for state governments, public interest groups and members of Congress who have long contended that the royalties were leased on an artificially low valuation for the oil.

In the future, prices will be pegged closer to the spot, or fair market prices, instead of to an arbitrary value at the wellhead.

Oil industry officials were sharply critical and said they were keeping open the option of asking the courts to review the new federal rule, pending a closer study of the complex provisions unveiled by the Interior Department's Minerals Management Service.

"We're disappointed. The agency missed an opportunity to take a complex system and make it less complicated and fairer," said Ken Leonard, a senior manager at the American Petroleum Institute. He predicted that disputes over pricing would continue, with more litigation and costs to taxpayers.

But Rep. Carolyn B. Maloney (D-N.Y.), who had pressed for the change, hailed yesterday's announcement as one that would "bring to an end the decades-old scam that has permitted big oil companies to rip off the American taxpayer."

Exxon Corp., Chevron Corp. and Shell Oil Co. are among the companies affected by the new pricing mechanism.

Companies have paid about $300 million to settle claims of past royalty underpayments. But industry allies, led by Sen. Kay Bailey Hutchison (R-Tex.), stalled a new pricing mechanism until last fall, when Republicans and the administration finally reached a deal.

Under the new system, nine states will receive about $2.4 million in new revenue annually out of the larger royalty payments to the federal government. The amounts involved are small compared with the $1.2 billion that the federal government was paid in 1998 for oil produced on public land and offshore tracts.

A government watchdog group, the Project on Government Oversight, has been pressing for a revamping of the royalty system since 1993 and took credit yesterday for focusing public attention on the issue.

But its activism has itself draw fire from Republicans in Congress. On Feb. 17, the House Resources Committee issued a subpoena for the organization's phone records, as part of an investigation of its payments by whistle-blowers who revealed royalty underpayments for oil pumped from federal land.

Last week, the American Civil Liberties Union told the House panel in a letter that the subpoena threatens freedom of speech and could chill efforts by citizens groups to root out waste, fraud and abuse.

I would like to read one part of the editorial in the Anchorage Daily News:

"Ignored in this entire affair is the fact that the two whistleblowers saved the American people hundreds of millions of dollars. Now they are being retaliated against in the most Draconian manner."

We should stand up for whistleblowers, not abuse them. Rather than protecting the public, the Republicans on this committee once again are protecting the powerful. Rather than working toward a national energy policy, the Republicans on this committee are working for the giant oil companies. Why are they not having some hearings on how they worked to abuse the American people by underpaying what is due them? POGO did not rip off the taxpayers. The oil companies ripped off the taxpayers, and they admitted it by paying over $400 million in underpayments. Would they be paying it if they were innocent?

Mr. Speaker, I feel this is terribly misguided. Why are we not looking at energy policy? Why are we not investigating the underpayments of oil to this country? Why are we abusing whistleblowers who have come forward to help us learn how we can better make government work for the people of this country and close abusive loopholes like the one that existed for years where the big oil companies kept two sets of books, one for themselves, one for the American public and the American public lost billions and billions of dollars?

Mr. Speaker, I rise today to oppose this resolution in the strongest possible terms. This highly partisan, misguided resolution has absolutely no business being on the floor of the House today in the final hours of this session.

As many of my colleagues know, I have been involved in issues relating to Federal oil royalties for a number of years, and I have worked tirelessly in a bipartisan fashion on these issues.

Put simply, in return for taking oil from federal lands, the oil industry is required to pay royalties to the Federal government based on the value of the oil they take.

In 1996, after learning that numerous major oil companies were paying royalties based on prices that were far lower than the market value of the oil they were buying and selling, Mr. HORN and I held a hearing before the Government Management, Information and Technology Subcommittee to look into this issue.

At one of those hearings, whistleblowers and oil industry experts Robert Berman and Robert Speir testified despite considerable resistance from their departments. Project on Government Oversight Executive Director Danielle Brian also submitted written testimony about Federal royalty underpayments.

These hearings and subsequent investigations by the GAO led us to conclude that numerous major oil companies were paying royalties based on prices that were far lower than the market value of the oil they were buying and selling.

Our hearings showed that many of these companies were underpaying royalties, costing the American taxpayer nearly $100 million a year. Many companies were sued by the Federal government for deliberate underpayment of royalties.

Most have elected to settle and, to date, over $300 million has been collected. States and private royalty owners have collected almost $3 billion more including $17.5 million for the state of Texas and $350 million for California.

I know that these settlements are not technically admissions of guilt, but they are the closest thing to them that you'll ever get out of companies like Mobil, BP Amoco, and Chevron.

Finally, the Interior Department's new oil-valuation rule, which was announced earlier this year, will save the taxpayers at least $67 million each year. Approximately $2.4 million of this revenue will be shared with states.

This revenue will put additional teachers in the classroom and preserve our natural resources.

I want every Member in this body to understand this history in order to understand the context of this ill-conceived resolution.

Now, we have finally succeeded in changing the regulations to ensure that the Federal government is fairly compensated for oil taken from Federal lands. We have finally made this change that will return $66 million a year to the Treasury.

Now, this Congress wants to turn around and persecute and harass the Project on Government Oversight (POGO) a small, nonprofit, government watchdog organization, dedicated to exposing fraud and corruption. Why? Because POGO went after major oil companies and exposed their fraud against the taxpayer—a fraud that was costing us hundreds of millions of dollars in unpaid oil royalties.

And now the oil companies are getting their revenge. They are out to punish POGO and its director, Danielle Brian, for the organization's successful efforts on behalf of the American people.

Mr. Speaker, this is completely unfair and makes absolutely no sense.

Some of my colleagues may remember the last time Congress attempted to hold someone in contempt—it was in 1983, the case of Rita Lavelle, the Director of the Superfund Program under EPA. Ms. Lavelle, a high ranking government official, flat out refused to even appear before the committee investigating her actions.

What we are doing here today in the last moments of the Congress, is attacking a small, nonprofit organization who dared to stand up to the big oil companies. Why didn't they answer some of the committee's questions? Because they had absolutely nothing to do with the committee's supposed investigation.

What really disappoints me about this entire process is that the Resources Committee and the majority have refused to focus on the issues that really matter—they have refused to investigate royalty underpayments, and they have refused to look at legitimate ways to alleviate high energy prices.

So here we are on the floor in the final hours of the 106th Congress, and instead of talking about prescription drugs or smaller class sizes, we are engaging in a partisan witch hunt against a small government watchdog because they stood up to the big oil companies.

Here we are just days before one of the most important elections of our generation.

You would think the majority would be rushing to prove to their constituents that they care about prescription drugs, a patient's bill of rights, small class sizes—but no. Tonight we are engaged in a pathetic act of revenge—revenge on behalf of the oil industry.

So I would say this to my friends on the other side of the aisle, if you represent a marginal district, and you want to go on record in support of big oil, vote for this resolution.

If you want to go on record opposed to an organization whose sole purpose is to eliminate waste, fraud, and abuse, vote for this resolution.

If you want to follow the lead of Governor Bush and Secretary Cheney and do whatever the oil companies want, vote for this resolution.

But if you care about fairness, if you care about good government, oppose this resolution, stand up to big oil, and let's get on with a debate on issues that matter to the American people.

Mr. Speaker, furthermore, I would like to say, at a time of record high oil and gas prices, as well as record profit-taking by Big Oil, Republicans in this House have chosen, as their only course of action, to punish a nonprofit organization for exposing illegal actions by giant oil companies who ripped off the American taxpayer for hundreds of millions of dollars.

Rather than protecting the public, the Republicans, once again, are protecting the powerful.

Rather than working toward a rational energy policy, the Republicans are working for the giant oil companies.

POGO did not rip off the taxpayer. The oil companies ripped off the taxpayer. That has been proven in case after case where the companies themselves have settled this issue to the tune of $438 million.

This case involves systematic, multibillion dollar underpayments of oil and gas royalties owed to the taxpayers who own these resources. Under prosecution by the Department of Justice, all of these oil companies have settled their outstanding debts by agreeing to pay $438 million.

But the Resources Committee has failed to investigate those systematic underpayments or the system that permitted them; instead, the committee has run to the defense of the oil industry by investigating those who exposed the underpayments while the real perpetrators, their strong political supporters, get away free.

Yesterday, the Washington Post reported that "The highest energy prices since the 1990 Persian Gulf crisis have produced a financial bonanza for the nation's three largest oil companies, which yesterday reported quarterly profits totaling a record $7 billion, double last year's earnings."

The majority asserts that this Contempt Resolution is necessary to protect the right of the House to define the target and scope of oversight.

However, this Resolution would not be necessary IF the Majority had adequately and properly defined the target and scope of oversight.

This has not been the case in this investigation. Witnesses were not allowed to make opening statements. The necessary quorum was not present at the time the committee charged the cited individuals with contempt. They prevented Members from asking questions of witnesses. They prevented witnesses from making opening statements or defending themselves.

All but one of the Democrats present at the committee meeting voted against the Resolution because "the Republican Majority's unilateral conduct of the investigation . . . has been biased, procedurally flawed and abusive of the rights of witnesses and Members." We also noted that the Majority's case was incredibly weak and "will not survive balanced judicial review."

We do not dispute the right of the committee to investigate the POGO payments.

We do not dispute the essential facts surrounding the POGO payments.

In November 1998, POGO got about $1.2 million, or 2 percent, from the settlement and it paid Mr. Berman and Mr. Speir $383,600 apiece out of its share.

The Majority suspects but has not proved foul play in POGO's decision to make those payments.

POGO characterizes the payments as "awards" for the two men's "decade-long public-spirited work to expose and stop the oil companies' underpayment of royalties for the production of crude oil on federal and Indian lands."

Since December 1998, the matter has been under investigation by the Inspector General of the Department of the Interior and the Public Integrity Section of the Department of Justice—as it should be.

The appearance of impropriety created by the payments warrants investigation, but by the proper authorities and we supported the Majority's motion adopted by the Committee on Resources to release to them relevant committee records.

It is for the appropriate law enforcement agencies and, ultimately, the courts, to decide if any laws were broken.

This is particularly the case where, as here, the targets of the Resources Committee's investigation are not senior policy officials, but private citizens or low-ranking civil servants, and where, as here, the committee has shown a strong bias against the targets of its probe.

This contempt resolution is a weak case to present to the House, which last sought to invoke statutory contempt powers in 1983. And even if adopted by the House over our objections, any attempts at prosecution based on this Resolution will not survive balanced judicial review.

That is because the Majority's wrath, primarily directed at POGO, a nonprofit government "watchdog" group—has skewed their objectivity.

The Majority has conducted this investigation in a manner that serves the interests of lawyers for oil and gas companies involved in pending royalty underpayment litigation as well as those who are currently challenging in federal court royalty valuation regulations recently issued by the Department of the Interior to curb royalty payment abuses.

The Majority is confusing the DOJ criminal investigation (i.e., whether there were illegalities in POGO's arrangement to share the proceeds of the False Claims Act settlement with the two employees) with the Contempt of Congress issues. The issue that should be before the House in the contempt resolution is whether the committee's investigation was properly conducted under the Rules and the questions at issue asked with adequate foundation to be deemed "pertinent" under the contempt statute, as strictly construed by the judiciary, all the elements must be proven beyond a reasonable doubt, as is the case with any criminal statute. We argue in the dissenting views that they abused the rules and rights of witnesses and failed to establish, as required by the Supreme Court, that the questions were "pertinent" at the time they were asked.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not about the whistleblowers. These were people that divulged information; they were not the whistleblowers, and this constant smoke screen actually disturbs me, because nobody read the report.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), who also sat on the committee that had these oversight hearings.

Mr. BRADY of Texas. Mr. Speaker, I rise to explain the section of the report dealing with one of our government employees, Mr. Robert Berman, and how he failed to comply with the subpoena for testimony before the Subcommittee on Energy and Mineral Resources on July 11 of this year.

Let me tell you though why we are not here today. We are not here, even though, as I see it, evidence shows that a special interest group paid two of our government officials, who illegally and unethically used their insider information gained from their position of public trust to line their pockets and that of a special interest group. That is corruption, and it is wrong. But that is not for Congress to decide; that is for the courts to decide.

We are here for something even more important than that. It is to ensure that when Congress seeks the truth for the American public, when we ask a fair question on a serious matter, that we receive an honest, timely answer. It is the authority Congress needed to get to the truth behind Watergate. It is the authority Congress has needed to question industries who deny that they sell their products to young minors. It is the authority we require to expose the IRS when they break their own rules to harass taxpayers. It is the authority we require to hold companies accountable when they sell unsafe products; when the government reaches agreements to sell nuclear weapons to rogue nations. It is the authority of Congress to seek the truth, and while we may not like doing it, it is our obligation.

Let me tell you, in each of those cases, you heard the same compliant: it is a witch hunt; we are being manipulated; this is Big Oil; this is Big Something; we are the good guys. But the fact of the matter is, with these two government insiders and this special interest group, they are not the good guys. We are simply seeking the truth.

First, for the record, let me tell you, Mr. Berman is an employee of the U.S. Department of Interior who received a large amount of money in return for access and information. He was responsible for analyzing developing oil royalty policy for the Interior Department.

All the available evidence, even POGO, the special interest group's own statements, suggest Mr. Berman was paid as a government insider because he agreed with these groups and had the access and information to provide them. That is against the law. He knows it was wrong. He knows that Congress has every right to ask him about that.

Think about this: if someone comes to you at your job and says, "Look, do not tell your boss this, but you are working on a key project for us. We would like to make you part of a lawsuit so that when we receive dollars in settlement from this, we can pay you for that information. Now, do not tell your boss, do not remove yourself from that project, because this is how the agreement works." You would know something was wrong.

Mr. Speaker, I would like to continue, because it gets worse than this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, the Subcommittee on Government Management of the then Committee on Reform and Oversight dealt with the Minerals Management Service for a number of months. Let me read you our conclusion. It is titled "Crude Oil Undervaluation, the Ineffective Response of the Minerals Management Service." This was approved by the full committee.

"The Minerals Management Service needs to review its operations to ensure that the amounts which are owed to the Federal Government are collected in a timely fashion. For years, oil companies were able to use complex transactions to disguise premia the whole formulas on the crude oil from the Federal regulators. Now that the Federal Government has determined that there are hundreds of millions of dollars of additional payments owed, Minerals Management must aggressively pursue this problem to protect Federal financial interests. The Minerals Management Service has failed to do so. There is still time to accomplish this task. Until that happens, the crude oil undervaluation issue is a serious hole in the Federal budget deficit that amounts to perhaps $2 billion nationwide for crude oil leasing. This is a problem that is preventable and requires the attention of senior management in the administration."

This is, frankly, one of the most fouled-up bureaucracies I have seen in 6 years of oversight within the executive branch.

Now, I can see how some of my colleagues on other committees might be bothered by anybody that is trying to lie before you. But the question is, should Congress do it, or should the United States Attorney do it?

Personally, I think some of this has to do with POGO. Now, I wish we had a few more POGOs around here that were watchdogs on the bureaucracy, and perhaps the money that they gave is what bothers a lot of my colleagues.

But the fact is, if that is the way we get information, fine. The POGO operations, I do not know how they run their business, and I really do not care. What I do care about is that we get whistleblowers to tell us the truth.

Mr. Speaker, I am going to vote against this contempt citation. I think it is wrong; it should not be in this House. It should be with the United States Attorney, and it should go before a Federal grand jury, if that is a problem. If the lawyer gave one of the witnesses advice and it is bad advice, such as saying take the fifth, or whatever it is, that is another issue.

I do not think we should be cutting off whistleblowers.

There is a lot of fraud, misuse, in the amount of billions of dollars in the executive branch.

We should encourage whistleblowers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, the gentleman from California misstates. These were not whistleblowers; these were Federal employees divulging confidential information. The whistleblower himself says that they did the wrong thing. That is not a whistleblower.

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, this matter involves two things: the first is the facts, so let us get the facts straight. We are talking about a whistleblower lawsuit on royalty valuations that amounted to about a $400 million claim.

It was not brought by POGO. This whistleblower lawsuit was brought by a whistleblower by the name of Johnson. Johnson filed suit against Shell. Johnson was entitled, under the whistleblower statute, to 17 to 20 percent of the winnings if this whistleblower suit won.

Now, we have these things in Louisiana a lot. The oil companies fight with our State over oil royalty and gas royalty valuations all the time. Some are legitimate disputes; some are not so legitimate.

Johnson brought a suit claiming illegitimate royalty valuations, and Johnson the whistleblower suddenly finds out that POGO gets in its lawsuit and wants a share of the take. POGO in fact weasels its way into that lawsuit and gets about a $7 million share of the take.

How did POGO get in the lawsuit? POGO got in the lawsuit, we are told, our investigators tell us, because two Federal employees apparently knew about this sealed lawsuit, called their friends at POGO, got them into the lawsuit, and cut a deal to get one-third of the take.

Two Federal employees cut a deal, apparently, with POGO, to each take one-third of $7 million, to get POGO a share of Mr. Johnson's whistleblower lawsuit. That is what the allegations are.

Now, the second thing we are talking about is whether this Congress, as the watchdog of America over Federal agencies and Federal employees who might do criminal and wrong things, has a right to get straight answers from witnesses we call.

Now, when the two witnesses from POGO and when the Federal official involved here come before our committee and refuse to answer the questions that we ask them about this elicit deal, they do not take the fifth amendment, which they could have done. They simply say, "Hum, Congress, we are not going to talk to you, and you can't do anything about it." They are telling the American people that the eyes and ears of their Congress, elected by the American public to watchdog Federal agencies, have no power, have no authority. They take that power away from us when they can snub us and say they will not answer legitimate questions in a Federal inquiry.

I want to congratulate the gentleman from Hawaii (Mr. ABERCROMBIE). He said it right. Whether the Democrats control this House, or whether the Republicans control this House, this is the people's House. We are not just here voting for Americans; we are their eyes and ears too over the Federal bureaucracies.

It is our job to make sure Federal employees deal with Americans honestly, and when two Federal employees cut a deal to get one-third of a whistleblower lawsuit and refuse to come and answer questions about it before a committee of this Congress, every Member, Democrat and Republican, ought to rise up and say, the American public, this House, will not be shunned this way. We will not be, in the vernacular of the young, "dissed" in this fashion.

The product of this investigation is critical. The product of this investigation is to uncover criminal wrongdoing, and we ought to proceed with this vote today.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this House has many things to be proud of, but this is not one of the investigations that we have to be proud of.

My colleagues on the other side have invoked the tobacco investigations on several occasions. I do not need to remind my colleagues who was the majority party at that point in time. I think if these are the priorities of this Congress, the people who are watching in America need to know why we need to change Congress.

Let me talk on a little bit of a personal note. I happen to know one of the people who this indictment, this contempt citation, is about, Hank Banta. Hank Banta was my first boss when I worked in Washington in 1981, 19 years ago. I know him well; I consider him a friend. He was a counsel for the Senate Committee on the Judiciary. That was where I worked as an intern and extern for 2 years.

He knows the rules of this House well, and I would tell my colleagues, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Louisiana (Mr. TAUZIN), one of the reasons that he did not answer is because our rules provide that if they are not pertinent questions to an investigation, the witness has legal right not to answer those questions, not to answer those questions, and he enjoyed that right.

I would just question the criminal nature of this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that is not true.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it has been said that this institution is to be a watchdog. In fact, this resolution asks the people's House to become an attack dog, an attack dog for the oil and gas industry.

This is the people's House, and it is a sad day when we turn on the people who expose the fraud to the American people and seek to punish them.

The Watergate investigation has been inveighed as a proud moment of Congress. If this party had been running the Watergate investigation, you would not have subpoenaed Halderman and Ehrlichman and gone after them. You would have investigated Frank Wills, the guy who discovered the burglary.

You are barking up the wrong tree, and it is a sad day. I am proud of the House of Representatives, and I want to warn Members against this resolution for two reasons: number one, if this passes, and if this goes to the criminal justice system, this House will be embarrassed.

I am going to tell you why: unlike many of the speakers today, I was in these hearings, and I saw, time after time after time, the majority party ignore the rules of the House of Representatives. When the judicial system sees this, they will call foul; and our House will be embarrassed by this travesty. If you want to know why these people did not answer some of these questions, it is because they violated the rules of the House.

I want to bring up another issue. As a person who believes privacy is important in this Chamber, I believe in this country we should not have certain conversations forced to be made public by the U.S. Government. The U.S. Government should not force your discussions with your priest to be public, the U.S. Government should not force your conversations with your doctor to be public, and the U.S. Government should not force your conversations with your attorney to be public.

The majority party seeks to violate those privileges, and we brought this to their attention. These folks did not want to answer questions about their conversations with their attorney. Those who believe that the priest's penitent privilege and the attorney-client privileges are sacred rights of Americans, will vote against this resolution. If you believe in privacy and standing up and crying "foul," vote against this resolution.

☐ 1115

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker. This issue is about big payoffs, not big oil. In fact, it is about the biggest payoffs ever made and accepted by Federal bureaucrats, indeed, over $750,000 already. This resolution is about our ability as Members of Congress to ask questions of and to get answers from those who made the big payoffs, and those who accepted them.

It is that simple. Members should know that there was a written agreement to funnel $4 million to two Federal employees. Make no mistake, those who oppose this resolution are sanctioning the ability of people to hide the facts about what goes on in big government agencies from the people and from congressional committees.

This resolution is about holding those who made and accepted these big payoffs to the same standard we would hold any corporation if it made huge payments to Federal workers.

So do not fall for the smoke screen. Big payments to Federal Government workers are wrong. Support the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me the time.

As a relative newcomer to this Chamber, I have been following this to understand how the House works, how we can pick out one item for the first time in 17 years to proceed forward with a recommendation for criminal activity.

The U.S. Attorney is already following up on potential misconduct; so that is not the issue here. The issue is, the dealing with the House of Representatives.

Seventeen years ago, Rita Lavelle stonewalled Congress completely, would not answer the phone, would not come forward, would not produce documents.

These are people who did come forward, produced thousands of pages of documents. This has already been deleted by the amendment of the gentleman from Alaska (Mr. YOUNG).

We are looking at something here that looks to me like a pretty broad sweep that is calculated not to get at the problem of misuse of oil royalties. It is not whether or not these people are going to have their behavior investigated. It is, it seems to me, rather a chilling effort in terms of people who come forward and for the first time in 17 years. I think this is indeed a stretch.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me the time.

As ranking member of the Subcommittee on Energy and Mineral Resources, I sat through hours and hours of an exercise which we are led to believe involves an illegal and inappropriate activity, a whistleblowing exercise based on insider knowledge.

We are led to believe that these individuals involved were uncooperative and demonstrated a contempt of Congress so egregious that it requires this very special resolution, this very heavy-handed sanction.

What I saw instead was a conscience and deliberate attempt to characterize these whistleblowers as criminals. What I saw was the securing of thousands of pages of information and extensive testimony, which provided the committee with all of the information they needed to conclude that while some questionable activity may have occurred, which should be and is being investigated by the Department of Justice, but that there was also some serious underpayments by the oil companies, but the committee did not pursue the question of the underpayments.

We were not satisfied with this information, the entire picture about the underpayments and the whistleblowers, but instead we focused and continued to pursue this line of questioning and inquiry.

I sat through hours and hours of an exercise which we are led to believe involves an illegal and inappropriate activity—a whistleblowing exercise based on inside knowledge.

We are led to believe that the three individuals involved were uncooperative and demonstrated a contempt of Congress so egregious that it requires this very special resolution—this heavy handed sanction.

What I saw was a conscious and deliberate attempt to characterize the 3 whistleblowers as criminals. What I saw was the securing of thousands of pages of information and extensive testimony which provided the Committee with all of the information they needed to conclude that some questionable activity may have occured—which should be and is being investigated by DOJ and that there were underpayments by the oil companies. But we didn't pursue the question of the underpayments. But we weren't satisfied with this information, the entire picture about the underpayments and the whistleblowers—No—we wanted to continue to pursue this line of questioning and inquiry—focusing on the whistleblowers which has the net effect of shifting the attention from the serious policy issue of underpayment of the oil companies and to the activities of the whistleblowers. It is inevitable that we must ask the question is the intent of the investigation to mitigate the attention to the underpayments; was the intent of the mitigate to derail attention—from the real problems of the underpayments? I have to conclude that this was the case.

The prerogatives of Congress are not at stake, and today we should be focusing on the oil companies and the fact that they endeavored to deny revenues to the American public.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, when there is a tobacco scandal, who do we bring in before Congress? The tobacco company executives.

When Ford and Firestone are implicated in the death of 138 Americans and hundreds of others, who do we bring in to testify? The CEO of Ford, the CEO of Firestone.

When the oil companies, however, are found ripping off the American taxpayer to the tune of $438 million, with potentially billions of additional dollars still unaccounted for, who does the Committee on Resources bring in? They bring in the oil company executives? No. The whistleblower. Let us investigate the whistleblowers.

Mr. Speaker, if the public is looking at this and they are wondering what Congress is doing in the final 2 weeks, they just have to look on the Republican side. The President deploys the Strategic Petroleum Reserve. The Republicans hold hearings, both the Senate and House energy committees last week. What is the scandal that they are investigating?

The price of oil was nearing $40 a barrel when the President deployed it. It is now down to $32 a barrel. The scandal? The price of oil has dropped. The consumers have benefitted. Gasoline prices are down. Home heating oil prices are down. Let us have hearings on the House and Senate side.

Now, on the final day of Congress, again, the oil industry and the cross hairs of the American public wondering what Congress is doing about it. Are we bringing in the executives to ask beyond that $438 billion in oil, how about natural gas? How about the other oil companies?

Are there billions of other dollars that we could be using for prescription drugs, that we can be using to ensure that we rebuild schools in this country that the oil companies are not paying in taxes? No, we do not have that hearing. The Republican majority would have us believe that POGO, the Project on Government Oversight, is the problem, POGO. What Walter Kelly, the old cartoonist who used to draw the Pogo strip, he once remarked, "We have met the enemy, and it is us."

The enemy is the Republican Congress. They refuse to have hearings on the issues of what the role is of the oil industry and driving up oil prices and denying the American people the taxes, the royalties, which they rightly deserve in order to ensure that our government programs help the poorest people in our society. Vote no on this resolution.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the resolution. Congress has become background music in a doctor's office. Witnesses come before Congress and lie every day, and Congress does nothing about it depending upon the partisanship of the issue.

If you are a chairman and you determine there is something and you subpoena a witness, that witness should be there; and if they are not, the Congress should put its foot down. In America, the people govern; and, quite frankly, we do not any more.

Congress does not govern anything. You have turned it over to the White House, and the White House does not govern. They have turned it over to the bureaucrats.

When our committee subpoenas somebody, they should be there; and if they are not, they should be held in contempt. I support the gentleman from Alaska (Chairman YOUNG). He is doing what is best for America. Let us take this government back to the people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have immense power in this body. We have the power to do things that other people only dream about. We can do some wonderful things. We can fight for a cure of cancer. We can feed hungry children. We can defend this country by making the resources available to do all of those things. But every now and then in the history of this Congress, we also have the ability to run off the tracks and to bring down the power of this institution on an individual or an organization or a couple of individuals and put them in such jeopardy and deny them such rights that it is a nightmare to the average citizen of what they would do in that situation. That is why there are rules.

There are rules to protect the American citizen against its government. In court, in grand jury proceedings, in the Congress of the United States, when you ask a question to a witness, the witness, according to the Supreme Court and to our Constitution, they have a right to know why you are asking that question and is that question pertinent to this investigation.

Let me tell my colleagues, in the circus we were running in this committee at that time, the members did not know what was going on in that investigation. The members did not know why the questions were being asked. The members did not know why information was being subpoenaed, but the fact of the matter was these three witnesses came before our committee. They answered numerous questions. They submitted to depositions. They provided thousands of pages of testimony, and today none of them have been charged with anything, other than in the allegations of speeches by Members of Congress besmirching their reputations.

Mr. Speaker, I happen to think, as I said at the outset of these hearings, I think there some real bad judgment has been made and maybe some wrongdoings that have been had, but that is not what these Members are in liability for. These Members are in liability now because we shifted from that hearing in the middle to questioning about whether or not something was wrong in a lawsuit in Texas, and we were going to adjudicate whether it was. We do not adjudicate.

We do not adjudicate. So they refused to testify, because the committee already had the information, but it was once suggested that maybe they could be caught for perjury. So they did not testify. They said you have the information from another source, some of which was sealed or not sealed.

This committee never laid out for them the pertinency of those questions to that investigation at that time. As the Supreme Court has recognized, when you put a person in that kind of jeopardy, the average American, the average American who is sitting there in front of a big committee of Congress, they have rights. They need protection, because the government is not always right; that is why we changed the law with respect to the Internal Revenue Service, because they made decisions about people's guilt, about people's liabilities, hounded them and badgered them and intimidated them with the power of the Government. They threatened people with jail.

Mr. Speaker, that is where these three people sit today. After being badgered and hounded, being called common thieves by members of the committee, in spite of no evidence that that was the case, whether or not they were involved in the regulations, the best evidence we have today is the sworn testimony of the people from the Department of Interior that had no impact, little involvement in those regulations.

The best evidence we have today of their involvement in the court case in Texas was the evidence that the oil companies took from this hearing and ran over to that court case. The judge said get out of here. Today, they are put before this Congress with the full force and effect.

But who is not here? As many of my colleagues pointed out, the oil companies are not here. After admitting and settling to underpaying plight terms, it is like we do not admit any liability, admit or deny, you know, how you do when you settle a lawsuit. We cannot tell you whether we are guilty or not. We are just going to put this $450 million out there out on the table because we want this to go away.

What these oil companies did to the taxpayers of the United States, they lied to them. They cheated to them. They wrongfully withheld payments that were entitled to each and every taxpayer of this country. Now they settled for half a billion dollars, $438 million. It is estimated, as the gentleman from California (Mr. HORN) said in his Subcommittee on Government Management, Information and Technology, that it could be as high as $2 billion to the Federal taxpayer.

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Many of these same oil companies settled with the State of California. When they took the money from the State of California, they took it from the schoolchildren, because the money was destined for the schoolchildren of California. They settled there for, I think, almost $2 billion in underpayments, maybe more. I do not have the exact figure, but it runs to the billions.

So those companies who cheated and lied did not receive a single question from this committee. Did not receive a letter. Did not receive a subpoena. Did not receive a letter of inquiry. Were not asked to testify about cheating the Federal Government. But the organization, the people who blew the whistle and said the government is not doing its job, and they came under a Civil War statute was to protect the government from being ripped off by the merchants during the Civil War by supplying us phony goods or overcharging us. They came under that Civil War statute and they said, "Hey, you guys are not doing your job, they are cheating you."

Yes, they were. And they were entitled to recovery. They may have shared that recovery in a wrongful fashion, but to date nobody has been charged with doing that, and the Justice Department has had this for a year and a half, almost 2 years.

Why the imbalance? Why are we going after these people and attributing criminal liability? This is not about our subpoena power. These people answered the subpoenas. They came to the committee. They turned over the documents. But when they were asked these questions, knowing their rights under the Supreme Court decisions that have thrown out contempt citations from this, said time and again this citizen has not been protected from the powers of this Congress; they said that question is not pertinent. I do not believe it is pertinent. And as the Supreme Court says, the citizen has to sit in the chair and is compelled to make a choice immediately.

So on advice of their counsel, they quickly said, "I do not believe that question is pertinent," and we have a right to go forward with this process if we believe it was.

I have to say to my colleagues, nobody laid the foundation for these citizens so they could determine what we were talking about in this hearing, because this hearing was from hell to breakfast on subject matter. It was all over the room. We changed the direction of this hearing numerous times. And I do not think that we ought to attach criminal liability to these citizens that did such an incredible service for the taxpayers and the citizens of this country. We certainly should not do it in the name of oversight, because if we do it in the name of this oversight, we are doing it in the name of one-sided oversight.

Mr. Speaker, if we are going to call POGO, if we are going to call these three citizens, we should have called the oil companies. I am sure we will call the trial attorneys and the tire companies in the Firestone investigation. I am sure we will call the victims and the tobacco companies. But here we only called one.

Do not do this to the citizens of the United States. They may end up being tried or charged by the Justice Department under the active investigation, but do not use and misuse the powers of this institution against these three citizens who did the right thing and were badgered and hounded and called names, not allowed to testify, not allowed to give opening statements, and then placed in that kind of jeopardy. It simply is not fair.

Contempt of Congress Resolution and Report Dissenting Views

We strongly oppose the Resolution and Report to cite four individuals and the Projects on Government Oversight (POGO) for Contempt of Congress, a federal statutory crime punishable by up to one year in jail. From the outset, the Republican Majority's unilateral conduct of the investigation into this matter has been biased, procedurally flawed and abusive of the rights of witnesses and Members. It is a weak case to present to the House, which last sought to invoke statutory contempt powers in 1983. And even if adopted by the House over our objections, any attempt at prosecution based on this Resolution will not survive balanced judicial review.

The Majority's wrath is primarily directed at POGO a nonprofit government "watchdog" group that—among many efforts to curb waste, fraud and abuse—has been active since 1993 in pursuing oil and gas companies that have underpaid by hundreds of millions of dollars royalties owed to the U.S. Treasury for operating on public lands. In November 1998, after receiving $1.2 million of a $45 million settlement by Mobil Oil in False Claims Act litigation for royalty underpayments, POGO shared two-thirds ($383,600 each) with two individuals: a Department of the Interior employee, Robert Berman, and a former Department of Energy employee, Robert Speir.

POGO and the Department of Justice dispute whether an Assistant U.S. Attorney involved in the Mobil litigation approved POGO's payments to Berman and Speir. In December 1998, the Civil Division of the Department of Justice referred the POGO matter to the Public Integrity Section of the Criminal Division for a review, in cooperation with the Inspector General for the Department of the Interior, which is ongoing. These are the proper authorities and the appropriate forum for fairly investigating whether any misconduct or illegalities occurred in making or receiving the payments and we supported the motion adopted by the Committee on Resources to release to them relevant committee records. By contrast, all but one of the Democrats present voted against the Majority's Contempt of Congress Resolution, which was adopted by a 27 to 16 vote on July 19, 2000.

We oppose this Resolution because in the course of this lengthy investigation, the Majority has stepped beyond the bounds of legitimate inquiry. In an abusive manner, the Majority has used the powers of subpoena and the sanction of contempt to pursue subjects tangential to the Committee on Resources' jurisdiction. The Majority has conducted this investigation in a manner that serves the interests of lawyers for oil and gas companies involved in pending royalty underpayment litigation as well as those who are currently challenging in federal court royalty valuation regulations recently issued by the Department of the Interior to curb royalty payment abuses.

It is noteworthy that the Majority has spent well over a year investigating those who helped expose royalty cheating and whose efforts contributed to the recovery to date by the Untied States of $300 million from litigation settlements. But they have done nothing to investigate whether companies extracting oil and gas from federal lands are systematically underpaying royalties, a subject clearly within the jurisdiction of the Committee on Resources and with significant fiscal implications to taxpayers.

The Majority unilaterally drafted the lengthy Resolution and Report and first made it available to Democratic Members of the Committee less than 24 hours prior to the Committee on Resources' markup on July 19th. This rush to judgment on Contempt of Congress, a federal crime, is typical of the strictly partisan investigation, which has been prejudiced from the beginning with assumptions of guilt and illegalities. Indicating all with a broad brush, the Resolution deems each individual cited as equally guilty no matter how trivial the alleged transgression. Moreover, by citing the "Project on Government Oversight," with contempt, the Resolution cavalierly casts a cloud of criminal jeopardy on the officers and the entire board of directors, even though one such individual testified that he had been recused from any involvement in the royalty underpayment matters and another did not join the board until 1999.

At the July 19th Committee markup of this Resolution, the Majority failed to provide Members with the language of the contempt statutes. They cited no judicial standards or precedents of the House for applying those criminal statutes in a contempt proceeding. They did not adequately explain or refute the legal rationale that the subpoenaed parties, based on advice from counsel, had asserted when they declined to answer specific questions or provide specific documents precisely as sought by the Majority. And they neglected to explain to Medicare that witnesses had appeared at hearings and produced thousands of pages of documents in compliance with multiple subpoenas (Attachment (A).

LEGAL STANDARDS FOR CONTEMPT OF CONGRESS: ALL ELEMENTS OF THE OFFENSE SHOULD BE PROVEN BEYOND A REASONABLE DOUBT

The refusal to answer a question or provide a document demanded by a committee does not per se constitute contempt of Congress under the statutes. William Holmes Brown, who served as House Parliamentarian for twenty years, provides guidance for Members regarding contempt powers and procedure in House Practice: A Guide to the Rules, Precedents and Procedures of the House (1996): "The statute which penalizes the refusal to answer in response to a congressional subpoena provides that the question must be 'pertinent to the question under inquiry.' 2 U.S.C. 192. That is, the answered requested must 91) relate to a legislative purpose which Congress may constitutionally entertain, and (2) fall within the grant of authority actually made by Congress to the Committee. Desher, Ch 15 Sec. 6. In a prosecution for contempt of Congress, it must be established that the committee or subcommittee was duly authorized and that its investigation was within the scope of delegated authority. U.S. v. Seeger, C.A.N.Y. 303 F.2d 478 (1962). A clear chain of authority from the House to its committee is an essential element of the offense. Gojack v. U.S., 384 U.S. 702 (1996)." House Practice at pages 427–428.

Brown further observes that the requirement that a committee question be pertinent is an essential factor in prosecuting the witness for contempt, that the committee has the burden of establishing that a question is "pertinent," and that the committee's determination is ultimately subject to a strict standard of judicial review: "In contempt proceedings brought under the statute, constitutional claims and other objections to House investigatory procedures may be raised as a defense. U.S. v. House of Representatives, 556 F Supp. 150 (1983). The courts must accord the defendant every right 'guaranteed to defendants in all other criminal cases.' Watkins v. United States, 354 US 178 (1957). *All elements of the offense, including willfulness, must be proven beyond a reasonable doubt*. Flaxer v. United States, 358 US 147 (1958)." House Practice at page 428. [Emphasis added]

Accordingly, because a contempt charge must meet strict judicial review standards, it is our recommendation that Members of the House consider themselves as if jurors in a criminal trial and apply the "beyond a reasonable doubt" standard in evaluating the conduct of those charged with contempt under 2 U.S.C. 192. The definition of "beyond a reasonable doubt" is as follows: "*The doubt that prevents one from being firmly convinced of a defendant's guilt, or the belief that there is a real possibility that a defendant is not guilty.* 'Beyond a reasonable doubt' is the standard used by a jury to determine whether a criminal defendant is guilty. In deciding whether guilt has been proved beyond a reasonable doubt, the jury *must begin with the presumption that the defendant is innocent.*" Black's Law Dictionary (Seventh Edition, 1999) at page 1272. [Emphasis added]

The majority has failed to meet its burdens of proving the statutory elements necessary for contempt prosecution

In construing the contempt statute, the Supreme Court has closely scrutinized a committee's stated purpose of the investigation to determine whether a demand is pertinent to the question under inquiry. If the committee's own descriptions are inconsistent with its actions or have changed over time, such confusion "might well have inspired doubts as to the legal validity of the committee's purposes." Gojack v. United States, 384 U.S. 702, 709 (1966).

On June 9, 1999, the Committee on Resources on a party line vote approved a Resolution to authorize Chairman Don Young to issue subpoenas in connection with: "(1) policies and practices of the Department of the Interior and Department of Energy regarding payment of employees and former employees from sources outside of these Departments that may be related to the employee's past or present work within the Department, and (2) payments from the Project on Government Oversight, POGO, to Mr. Robert Berman, an employee of the Department of the Interior, and Mr. Robert Speir, a former employee of the Department of Energy . . .".

During the debate on the June 9, 1999 resolution, Energy Subcommittee Chairman Barbara Cubin responded to Delegate Carlos Romero-Barcelo's concerns about the Committee acting to intervene in a pending Department of Justice criminal investigation by explaining that the focus would be on oil royalty valuation legislation and regulation: "It isn't the intent of the committee to intervene in this procedure at all, but we do need to know what is going on and what has gone on because we have things in front of us as oil valuation is concerned that are directly the purview of this committee. We have legislation in front of us that tries to determine a valuation method for oil. Right now, the administration and the Minerals Management Service has some regulation or proposed regulation that should not go into effect about the valuation of oil because we don't know whether this action and this payment of money has anything to do with those new regulations. We just need to know whether the two people involved had any influence on the MMS."

Notwithstanding this rationale for the investigation, at the time the Committee approved the contempt Resolution on July 19, 2000 the Majority had sought no testimony related to oil valuation regulations, policies, or legislation. No witness had been called to establish a foundation for the relevant "policies and practices" of the Departments of Interior and Energy. By stark contrast, Democratic Members were admonished by the Majority at the May 4, 2000, Subcommittee hearing that the purpose of the investigation did not include inquires on oil royalty valuation policies or fraudulent oil company practices.

Simply stated, the Majority has not articulated a purpose for obtaining the information sought by the contempt Resolution that is within the scope of the Resources Committee's authority as delegated by the House. The Supreme Court has held that a clear line of authority for the committee and the "connective reasoning" to the questions is necessary to prove pertinency in statutory contempt. Gojack v. United States, 384 U.S. 702 (1966) Instead, the Majority has constantly shifted their explanations of what they are investigating and why. For example, on March 6, 2000, Chairman Young wrote to POGO's attorney to explain that broad subpoenas were necessary to "to begin weighing the merits of those conflicting statements" made in civil litigation.

The purpose and scope of the Majority's inquiries are still not clear to Democratic Members. An investigation of oil royalty matters in furtherance of a legislative purpose could properly be crafted within the Committee on Resources' jurisdiction, but the Majority has failed to do so. The Majority established no "connective reasoning" or foundation based on the committee's jurisdiction for the pertinence of the questions asked and the documents demanded of the witnesses at the time they were asked and demanded. Additional hearings or ex post facto rationale cannot reestablish a foundation for pertinency that did not exist at time that a witness was at peril of being charged with contempt.

The Supreme Court has held the conduct of Congress to strict scrutiny when applying the contempt statutes: "It is obvious that a person compelled to make this choice [of whether to answer] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the due process clause requires in the expression of any element of a criminal offense. the 'vice of vagueness' must be avoided here as in all other crimes." Watkins v. United States, 354 U.S. 178 (1957).

In summary, the Majority has not met the substantial burden of proving the elements of statutory contempt beyond a reasonable doubt. The House cannot responsibly send to the U.S. Attorney—who already has plenty of work to do combating serious crimes—a contempt Resolution that is so flawed that prosecution will be futile.

The majority's investigation is procedurally flawed and failed to comply with committee and House rules

In applying the contempt statute, the courts have required that a committee strictly follow its own rules and those of the House. *Yellin v. United States*, 374 U.S. 109 (1962). The conduct of the investigation related to this Contempt of Congress Resolution is so egregious that any attempt at prosecution will not survive judicial review. Among the procedural deficiencies are the following:

(1) Failure to follow House Rule XI, Clause 2(k) applicable to investigative hearing procedures. On June 9, 1999, by a party line vote, the Committee on Resources authorized Chairman Young to issue subpoenas related to an "oversight review" of the "policies and practices of the Department of Interior and Energy" and "payments from the Project on Government Oversight" to Robert Berman, an employee of the Department of the Interior, and Robert Speir, a former employee of the Department of Energy. It was not until June 27, 2000, however, that Chairman Young authorized Subcommittee Chairman Cubin to "begin an investigation to complement the oversight inquiry underway." This is a meaningless effort to draw a distinction between "investigation" and "oversight" when no such distinction exists for purposes of House Rule XI, Clause 2. Accordingly, over the protests of Democratic Members, the Majority failed to follow House Rules applicable to the rights of witnesses in Subcommittee on Energy and Mineral Resources hearings held May 4 and May 18, 2000. These flaws range from the failure to provide witnesses with the Committee on Resources and House Rules prior to their testimony, to the failure to go into executive session.

(2) Failure to allow Members to question witnesses under House Rule XI, Clause 2(j). On multiple occasions, the Subcommittee Chair prevented Democratic Members from exercising their rights to question witnesses, either under the five-minute rule or time allocated to the Minority under clause 2(j)(B).

(3) Failure to have a proper quorum under Committee on Resources Rule 3(d). The Committee rules require a quorum of members, yet no such quorum was present during the hearings at the times of votes on sustaining the Subcommittee Chairman's rulings on whether questions were "pertinent."

(4) Failure to allow witnesses to make an opening statement under Committee on Resources Rule 4(b). This rule states, "Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period." In contravention of this rule and longstanding committee practice, the Chair refused to grant hearing witnesses the opportunity to make opening statements. Democrats objected that this was prejudicial to subpoenaed witnesses in what amounted to adversarial proceedings but were overruled by the Subcommittee Chair.

(5) Failure to hold a hearing on the contempt of Congress issues. It is fundamentally unfair not to allow the parties charged with contempt an opportunity to fully and fairly detail their legal arguments for declining to answer questions or supply specific documents in contention. The Chair repeatedly refused the efforts of Democratic Members to recognize legal counsel to address the Subcommittee on these issues. The failure to provide due process in a hearing to those accused of violating a criminal statute further weakens the Majority's case.

The majority's investigation improperly attempts to use the power of Congress to provide discovery for oil and gas companies in royalty litigation against the United States

We strongly protest the Majority's transparent attempt to use the powers of the Committee on Resources—and of the House—to assist favored parties in pending litigation with hundreds of millions of dollars of royalty payments at stake. The Majority's difficulties in describing a legitimate purpose for their investigation are compounded because they appear to be seeking information which would damage interests of the United States both in royalty underpayment litigation and in industry challenges to recently revised oil and gas royalty regulations. Their interest in the pending litigation matters has been made clear, for example, by a March 6, 2000, letter from Don Young to POGO's attorney which states in part: "On November 29, 1999, an adversary of your clients' interests in the proceedings of Johnson v. Shell litigation provided sworn testimony in a federal court hearing which appears to directly contradict sworn statements made by your client, Danielle Brian. To begin weighing the merits of those conflicting statements, Committee counsel telephoned you and explained that I intended to subpoena records of telephone calls between POGO or Danielle Brian and that witness."

Given the Majority's keen interest in this pending civil lawsuit, it is not accidental that lawyers for the companies involved in those proceedings have been closely monitoring the Committee on Resources' investigation. Because the Chair has ruled that the investigation is not restricted by attorney-client or other privileges, the Majority has freely sought to obtain documents and probe on matters which would otherwise be off-limits in court.

On July 10, 2000, the law firm of Fulbright and Jaworski filed a motion in the U.S. District Court for the Eastern District of Texas in "Opposition of Defendant Shell Oil Company to Project on Government Oversight and Henry M. Banta's Motion for Protective Order" (Attachment B). In that motion, Shell Oil's lawyers argued that new evidence developed by the Subcommittee on Energy and Mineral Resources required that the court reexamine the relevance of the payments to Berman and Speir, asserting that "subsequent testimony by Mr. Banta and Ms. Brian in recent Congressional oversight hearings demonstrate that POGO did not accurately advise the court in its pleadings . . .". As evidence, the Shell lawyers cite various statements and documents used at the Subcommittee on Energy & Mineral Resources' hearings on May 4 and May 18, 2000.

POGO had previously argued to the court that this subject matter was irrelevant to the issues of royalty underpayments: "it is the law of case that the Berman/Speir matter is unrelated to the merits of the case." On July 14, 2000, the federal judge agreed and ruled the Shell's lawyers were not allowed to ask any questions of Henry M. Banta regarding POGO's sharing of settlement proceeds with Robert Berman and Robert Speir. (Attachment C)

In effect, the federal judge's July 14, 2000, ruling affirms his prior decision that how POGO distributed its portion of the Mobile settlement is irrelevant to the central question in the pending Johnson v. Shell litigation: did Shell underpay royalties owed to federal government for oil and gas obtained from public lands?

The oil and gas industry's attempt to distract attention away from this core issue has failed thus far in the courts and it should meet a similar fate in the Congress. Seeking to obtain and disclose information to assist participants in litigation is not a legitimate purpose of a committee investigation. Having provided no adequate jurisdictional foundation for the relevance of the Majority's questions and document demands at issue in this Resolution, there is accordingly no basis for the House to hold in contempt the individuals cited or POGO.

Analysis of each citation for contempt in the resolution

A. Mr. Henry M. Banta

February 17, 2000, Subpoena Duces Tecum

(1) *Redacting Records:* Mr. Banta is cited for providing a record of the February 5, 1998, POGO Board Meeting minutes "redacted so severely as to have no meaning." In response to the Chairman's June 26, 2000, letter, Mr. Banta's attorney supplied a less redacted copy of the same record. Thus, the charge is without merit.

Moreover, Mr. Banta, as a private attorney and in his role as Chairman and Member of the Board of Directors of POGO, was not the individual responsible for maintaining POGO's Board Meeting minutes. POGO's attorney supplied the Board Meeting minutes, including subsequent revisions to accommodate the requirements of the subpoenas issued to POGO. Thus, Mr. Banta should not be held in contempt for not producing such documents.

(2) *Refusing to Comply with Orders to Produce:* The Resolution cites Mr. Banta with contempt of Congress for not providing certain documents. Mr. Banta, on advice of counsel, has not produced such records that relate to his work as counsel to the State of California, citing 30 U.S.C. 1733 which restricts the disclosure by states of confidential business information provided by the Department of the Interior in the administration of oil royalty programs. Mr. Banta, in the course of his representation of the State of California's Auditor, is required to keep certain information confidential. It is not within Mr. Banta's authority to release or produce these records for the Committee on Resources. Mr. Banta should not be held in contempt for not producing that which he is not authorized to release.

April 10, 2000, Subpoena Duces Tecum

(1) *Failure to Comply:* The Resolution charges Mr. Banta with contempt for not producing a log of responsive records withheld under a claim of privilege. However, Mr. Banta, through his attorneys, did produce a record of responsive records withheld under a claim of privilege and identified the privilege. A log is not specifically required under the subpoena. The subpoena required Mr. Banta to "specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld." Consequently, when Mr. Banta's attorneys provided additional correspondence in response to the Chairman's rejection of the previously supplied log, and explained the constitutional privilege under which a document was being withheld; they complied with the terms of the subpoena. Mr. Banta should not be held in contempt for not producing a log that (a) he was not specifically required to produce and that (b) he provided in material fact in correspondence.

(2) *Refusal to Produce:* The Resolution cites Mr. Banta with contempt because he "possesses but did not produce an unredacted agenda for the February 17, 1998, POGO Board Meeting and unredacted minutes of the October 27, 1998 POGO Board Meeting and unredacted minutes of the October 27, 1998 POGO Board Meeting." To the contrary, Mr. Banta does not possess these documents, nor was he responsible for maintaining such documents. POGO, through its attorney, has supplied redacted versions of these documents, including revisions, in response to the subpoenas issued to the corporate entity. The House should not find Mr. Banta in contempt on these facts.

Subpoena to Appear on May 18, 2000

Refusal to Answer: On this count, the Resolution cites Mr. Banta with contempt of Congress because during the May 18 hearing, when asked if he knew about the Johnson v. Shell lawsuit while it was under seal, Mr. Banta, on advice of counsel, refused to answer the question on the grounds that it was not pertinent to the investigation. The Majority failed to provide a proper foundation or "connective reasoning" for the question to be pertinent to the jurisdiction of the Committee on Resources. Moreover, as discussed above, seeking to obtain and disclose information to assist parties in pending litigation is not a legitimate purpose for a congressional investigation. Moreover, at the time the Chair ruled the question "pertinent" and polled the Members on the question, the Subcommittee did not have a quorum for conducting business as required under the Committee on Resources' rules.

B. Mr. Robert A. Berman

Subpoenas to Appear on May 18 and July 11, 2000

Refusal to Answer: On May 18, 2000, when Mr. Berman appeared under subpoena before the Subcommittee, he objected to testifying at a public hearing on the grounds that Members of the Majority had defamed him during the hearing held May 4, 2000. For example, Rep. Kevin Brady of Texas had called him a "common thief" during the prior hearing. On advice of counsel, he declined to answer questions unless Members waived their immunities from lawsuits. Mr. Berman also demanded that the Subcommittee convene in executive session as required under House Rule XI, Clause 2(k). Despite objections by democratic Members, the Chair refused to apply the House Rules on investigative hearing procedures.

After confirming that they had in fact failed to follow the House Rules governing investigative hearings, the Majority attempted to cure the error by subpoenaing Mr. Berman to reappear at a second hearing on July 11, 2000. Mr. Berman, on the advice of counsel, refused to answer certain questions in executive session. Only after voting on a factually incorrect motion to report Mr. Berman's responses to the Committee did the Majority allow Mr. Berman to make a statement to the Subcommittee on Energy and Mineral Resources. The Majority's failure to follow the Committee and House Rules that protect the rights of witnesses, their failure to establish a clear purpose within the Committee on Resources' jurisdiction for the investigation, and their failure to provide a proper foundation or connective reasoning for their questions, collectively add up to a failure to prove the elements of criminal contempt beyond a reasonable doubt. Under these circumstances, Mr. Berman's conduct does not justify a citation for contempt by the House.

C. Mr. Keith Rutter

April 10, 2000 Subpoena Duces Tecum

(1) *Withholding Records:* The Resolution cites Mr. Rutter with contempt for withholding certain tax documents. Under the subpoena, Mr. Rutter, the POGO employee in charge of general administrative matters, was directed to produce copies of POGO's annual IRS Form 990 and Form 1023 (relating to tax-exempt status). The subpoena also demanded production of POGO's original application for tax-exempt status and subsequent correspondence with the Internal Revenue Service. In June 1999, POGO provided the requested documents for tax year 1998, which included revenue from the oil royalty litigation, as well as reporting the public service awards to Berman and Speir. On July 11, 2000, POGO, through its attorneys, provided the Committee with an amended tax return for 1998. In a letter dated April 21, 2000, POGO's attorney notified the Committee that they would not produce the additional tax documents on the grounds that the Chair's demand for the other tax documents unrelated to the payments to Berman and Speir were not pertinent to the stated purpose of the Committee's investigation and, additionally, further inquiry into POGO's tax status was outside the Committee's jurisdiction. Ironically, POGO's tax returns, including those subpoenaed by the Majority, are publicly available. The House should not find Mr. Rutter in contempt for not producing material which is not pertinent and which the Majority could have accessed through widely available means.

(2) *Failure to Produce:* The Resolution cites Mr. Rutter with contempt for failure to produce a log of the responsive records withheld by him under a claim of privilege. A log is not specifically required under the subpoena. The subpoena required Mr. Rutter to "specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld." As is evidenced by the Majority's own exhibit, this requirement has been met. Therefore, the House should not find Mr. Rutter in contempt on these grounds.

D. Ms. Danielle Brian Stockton

June 18, 1999 Subpoena Duces Tecum

(1) *Redacting Records:* The Resolution cites Ms. Brian with contempt for withholding minutes of two POGO Board Meetings. Ms. Brian has asserted that she does not hold or possess these or any other documents not previously supplied to the Committee under her subpoena. She was not responsible for maintaining these documents. In addition, POGO, through its attorney, has supplied redacted versions of these documents, including revisions, in response to the subpoena issued to the corporate entity. The House should not find Ms. Brian in contempt for not producing records that which she does not possess.

(2) *Withholding Records:* Under this citation, the Resolution charges Ms. Brian with contempt for not producing agendas and minutes from POGO Board Meetings that occurred on January 5, 1995; December 9, 1996; April 26, 1999; and September 9, 1999. POGO produced these records, through its attorney as required by the subpoena issued to POGO. Ms. Brian has asserted that she does not possess these documents and was not responsible for maintaining the documents. As Ms. Brian does not have such records within her possession, she could not produce them. Instead, the documents were provided to the Committee by POGO's attorney in response to the subpoena of POGO. The House should not hold Ms. Brian in contempt for not producing documents that she does not have in her possession and which have been provided to the Committee under the proper subpoena.

February 17, 2000 Subpoena Duces Tecum

(1) *Failure to Comply:* The Resolution cites Danielle Brian with contempt for not producing unredacted telephone records from her office and personal residence for a period covering eighteen months. Ms. Brian offered to provide a redacted version of the phone records under this subpoena. However, the Majority insisted that they be allowed to review all phone records—personal and professional—from the 18-month period and then decide which ones to copy for their files. POGO is an organization that works extensively with whistleblowers from a wide array of areas, including defense contractor and health care fraud and they have asserted a First Amendment privilege against allowing unfettered access to these. Since Ms. Brian was willing to provide redacted versions of these records, and the Majority refused to negotiate a reasonable alternative, the House should not find Ms. Brian in contempt on this charge.

Subpoena to Appear on May 18, 2000

Failure to Reply: The Resolution charges Ms. Brian with contempt for her refusal to answer a question relating to the extent, if any, of her knowledge of Johnson v. Shell litigation while it was under seal. As discussed above, Ms. Brian should not be held in contempt for declining to answer a question related to the Johnson v. Shell litigation. The Majority has failed to provide either the connective reasoning or build a foundation to justify this question as pertinent to the investigation. Gojack v. United States, 384 U.S. 702 (1966). As stated above, it is not a legitimate purpose for a congressional investigation to seek to obtain and disclose information to assist parities in pending. Moreover, at the time the Subcommittee Chair ruled the question "pertinent" during the hearing and polled the Members on the question, there was no quorum present as required under the Committee on Resources' rules. Accordingly, the House should not cite Ms. Brian for contempt in this instance.

E. Project on Government Oversight

February 17, 2000 Subpoena Duces Tecum

(1) *Refusal to Produce Records:* The Resolution cites POGO, a nonprofit corporate entity, with contempt for not producing records showing the names and office addresses of POGO Directors responsible for POGO's oil royalty effort from its inception in 1993 through the present. In correspondence dated February 28, 2000, POGO's attorneys stated that POGO had not withheld records with current Board Members' names and addresses. They gave these records to the Committee in 1999 when POGO provided its 1998 nonprofit 501(c) corporate tax forms, which included that information. On pertinency grounds, POGO has declined to provide the names and addresses of those Board Members (if any) that were on the Board in 1994 and have left since that time. They have provided the name and address of one Board Member who joined in 1999.

Secondly, the Resolution cites POGO for contempt for not producing records concerning payments to Messrs. Berman and Speir discussed by POGO since January 1, 1999. To the contrary, POGO, through its attorneys, has provided the documents to the Committee. Accordingly, the House should not find POGO in contempt on these grounds. Moreover, even if the House was to find POGO in contempt, it is unclear who the U.S. Attorney would be compelled to prosecute as the Majority has not specified which of the officers of board of directors would be the responsible parties. At least one of the board members, Chuck Hamel, testified that he had been recused from all matters dealing with the royalty underpayment litigation.

(2) *Refusing to Comply:* The Resolution cites POGO for refusing to provide a log of responsive records withheld from production under this subpoena. POGO, through its attorneys, has asserted that they have produced all responsive records. In those instances where they have declined to provide a document, they have, as required under the subpoena,

provided a written explanation. A log is not specifically required under the subpoena. The subpoena required POGO to "specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld." This requirement has been met. Therefore, the House should not find POGO in contempt. Again, even if the House were to find this nonprofit corporate entity in contempt, it is unclear who the U.S. Attorney would be compelled to prosecute, as the Resolution does not specify which of the officers or board of directors are to be prosecuted.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. Brady).

Mr. BRADY of Texas. Mr. Speaker, we asked. To the attorney for the special interest group we asked, "Did you have knowledge of this lawsuit that was under seal, that was held confidential by the Court?" All he had to do was answer, "No, of course not. I am a private citizen. Why would I know of a sealed document?"

Of the two government employees, we wanted to ask, "What service did you provide to receive three-quarters of a million dollars?" Because one does not get something for nothing in this world.

We could never get these basic pertinent questions answered. That is the truth we were seeking.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot today, and I would just like to clarify some of the things that were said. The rules of this House, the Supreme Court say the committee can judge what is pertinent, not the witness. That is the rules and that is the Supreme Court. We told all three of these parties that was the case, and they still declined to answer.

Let us make it perfectly clear that POGO is not the whistleblower. Neither are the gentlemen or ladies that are involved in these contempt citations the whistleblowers. The whistleblower, Johnson, was filed on top of for money. POGO now is under criminal investigation as I stand here and speak.

Mr. Speaker, I know that this is such a serious debate, that we have to have more debate. So I ask unanimous consent, pursuant to clause 2 of rule XVI, to withdraw the resolution.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 2 of rule XVI, and the precedent of the House of April 8, 1964, the gentleman does not require unanimous consent. The gentleman may by right withdraw the resolution at this point.

The resolution was withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 36 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1210

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 12 o'clock and 10 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8, rule XX, the Chair will now put the question de novo on each motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2943,
H.R. 2498,
H. Res. 650,
H. Res. 655,
S. 2712,
H.R. 5309,
S. 3194,
H.R. 4399, and
H.R. 4400.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2943, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TIERNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote, followed by a series of 5-minute votes, if ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 2, not voting 45, as follows:

[Roll No. 564]

YEAS—385

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)

Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—45

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Packard
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Walsh
Watts (OK)
Waxman
Wise

□ 1230

Mr. HILLIARD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to authorize additional assistance for international malaria control, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CARDIAC ARREST SURVIVAL ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2498.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. ALLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 2, not voting 46, as follows:

[Roll No. 565]

AYES—384

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Paul
Sanford

NOT VOTING—46

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Miller, George
Mollohan
Packard
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Walsh
Watts (OK)
Waxman
Wise

☐ 1240

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE WITH RESPECT TO RELEASE OF FINDINGS AND RECOMMENDATIONS BY FEDERAL ENERGY REGULATORY COMMISSION REGARDING ELECTRICITY CRISIS IN CALIFORNIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 650.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COX) that the House suspend the rules and agree to the resolution, H. Res. 650.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 655.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 5, not voting 43, as follows:

[Roll No. 566]

AYES—384

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—5

Johnson, Sam
Paul
Shadegg
Stump
Taylor (MS)

NOT VOTING—43

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Watts (OK)
Waxman
Wise

☐ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of H.R. 1550 was amended so as to read: "An Act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes."

A motion to reconsider was laid on the table.

REPORTS CONSOLIDATION ACT OF 2000

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2712.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 2712.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. SHERMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 0, not voting 47, as follows:

[Roll No. 567]

AYES—385

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—47

Abercrombie
Barr
Bilbray
Brady (PA)
Brady (TX)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
DeLay
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Roukema
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

□ 1259

So (two-thirds having voted in favor thereof) the results were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. ROUKEMA. Mr. Speaker, on rollcall No. 567, I was unavoidably delayed. Had I been present, I would have voted "aye."

RONALD W. REAGAN POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5309.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 5309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. KLECZKA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 376, noes 8, not voting 48, as follows:

[Roll No. 568]

AYES—376

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKinney
McNulty

Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad

Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow

Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Filner
Lee
Lofgren

McDermott
Meeks (NY)
Nadler

Oberstar
Sabo

NOT VOTING—48

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Frank (NJ)

Ganske
Graham
Gutierrez
Hefley
Hunter
Isakson
Kaptur
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh

McKeon
Metcalf
Minge
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

☐ 1307

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT S. WALKER POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 3194.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the Senate bill, S. 3194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 379, noes 7, not voting 46, as follows:

[Roll No. 569]

AYES—379

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins

Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss

Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson

Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley

Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky

Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—7

DeFazio
Lofgren
McDermott

Olver
Radanovich
Sanford

Wu

NOT VOTING—46

Abercrombie
Barr
Bilbray
Bonior
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
DeLay
Dickey
Dunn

Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon

Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

☐ 1316

So (two-thirds having voted in favor thereof) the rules were suspended the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on October 27, 2000 the House voted on H.J. Res. 117, "Further Continuing Appropriations for FY 2001", S. 2943, the "International Malaria Control Act", H.R. 2498, the "Cardiac Arrest Survival Act", H. Res. 655, "Providing for the consideration of H.R. 1550 and the Senate Amendment", S. 2712, the "Reports Consolidation Act of 2000", H.R. 5309, "Designating Ronald Reagan Post Office," said S. 3194, "Designating Bob Walker Post Office." Had I been present, I would have voted "aye" on H.J. Res. 117, (rollcall vote No. 563), "aye" on S. 2943, (rollcall vote No. 564), "aye" on H.R. 2498, (rollcall vote No. 565), "aye" on H.R. 5309, (rollcall vote No. 568), and "aye" on S. 3194, (rollcall vote No. 569).

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidably detained and I was not able to vote on rollcall votes Nos. 564 to 569. Had I been present, I would have voted as follows: rollcall No. 564, "yes"; rollcall No. 564, "yes"; rollcall No. 564, "yes"; rollcall No. 565, "yes"; rollcall No. 566, "yes"; rollcall No. 567, "yes"; rollcall No. 568, "yes"; rollcall No. 569, "yes".

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I ask for this time for the purpose of advising Members of the schedule. Members should be advised that we have had our last vote for the day. The House will reconvene tomorrow morning at 9 a.m. for the purpose of passing a 1-day CR. It is our expectation that we will be able to move the Members through that process and complete our day's business very soon after we convene at 9 a.m. That should then be the last vote of the day tomorrow morning.

On Sunday, we should reconvene the House at 6 o'clock p.m. for the purpose of passing a 1-day CR. We would expect to complete that work.

In the event that it is necessary to do so on Monday morning, we would reconvene the House at 10 a.m. for the purpose of passing a 1-day CR. Should it continue to be necessary to do so, we would reconvene the House at 6 o'clock p.m. on Tuesday for the purpose of passing a 1-day CR.

Members should be advised, of course, throughout all of this time frame the appropriators will continue to work on the last remaining appropriations bill, the Labor, Health and Human Services bill. Our appropriators will work on that over the weekend and, if necessary, will continue their work into the week.

On Monday, the House, of course, awaits the successful completion of that work and negotiation between the House the other body and the White House. And at whatever time that work is completed, with proper notice, we will advise our Members and reconvene the House to complete the work on that final bill of the year.

Mr. Speaker, I yield to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, the gentleman stood up, of course, without much notice and so not everyone was on the floor and was able to hear. Could the gentleman repeat the schedule day by day just so everyone is clear? And then I do have a question or two.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I do appreciate the gentleman asking; and I know there are a great many people, particularly on the gentleman's side of the aisle, who are concerned about being home for their campaign activities back home. If we would have a brave heart, we could get through all of this.

To reiterate, we believe this to be the last vote of the day. We will reconvene in the morning at 9 a.m. to vote a 1-day CR. We would expect that to be a completion of our day's work. We would then reconvene Sunday at 6 p.m. for the purpose of a 1-day CR. Again, we would expect that to be the completion of our work. On Monday, we would reconvene at 10 a.m. for a 1-day CR. And then, if necessary, do the same at 6 o'clock p.m. on Tuesday.

I again would remind all the Members that the appropriators are working bicamerally in negotiations with the White House on the attempt to complete the last remaining bill of the year, the Labor, Health and Human Services spending bill. That work will continue throughout the weekend; and with appropriate notice of time, when that work is completed and we are prepared to bring that bill to the floor, Members will be notified. Of course, the availability of that work for the completion of the year's work by the body would be preemptive of any announcement that I make between now and Tuesday evening.

Mr. FROST. Mr. Speaker, if the gentleman would continue to yield, may I ask the gentleman, if I understood him correctly, he was saying that it was his opinion that there would only be one vote tomorrow when the House convenes at 9 a.m. Is the gentleman aware that there are possibilities of additional procedural votes that could occur tomorrow?

Mr. ARMEY. Mr. Speaker, again reclaiming my time, I thank the gentleman. I know of no work that is scheduled for the House. And I would again advise our Members that in terms of work that is scheduled, this is the schedule we have to advise. I understand the Members from the other body have noticed a couple of matters and we will, of course, pay dutiful attention to them on the floor.

Mr. FROST. If I could continue, and then I believe the gentleman from Michigan (Mr. BONIOR), the Democratic whip, has a question. Is the gentleman from Texas aware that it is possible to bring up motions to instruct conferees tomorrow? That those would be in order?

Mr. ARMEY. Certainly, I am aware of that; but we have not received any official notices of that possibility. We do recognize that should that appropriate notice be given and that event present itself, that we will deal with that within the context of the rules of the House.

Mr. FROST. I believe that the Democratic whip has some information on that specific subject.

Mr. ARMEY. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. I want to inform the distinguished majority leader that we have, in fact, filed at this point two motions to instruct tomorrow, one on LIHEAP and the other on an educational issue. And so we do expect that there will be business tomorrow, and business on Sunday as well, on issues that we think are very important to get done before we adjourn this Congress.

Mr. ARMEY. I thank the gentleman for that notification.

Mr. FROST. Mr. Speaker, if the gentleman would continue to yield, could I ask an additional question to my distinguished colleague from Texas?

Mr. ARMEY. If the gentleman from Texas seeks time for an additional question, I am happy to yield.

Mr. FROST. Mr. Speaker, does the majority have any plans to schedule any veto overrides for consideration of the House? Does the majority have any plans to schedule any veto override votes within the next few days?

Mr. ARMEY. Mr. Speaker, again reclaiming my time, I appreciate the inquiry. I do not believe that there are any vetoes that are there; and there are no, therefore, override votes that would be pending.

Mr. FROST. Should any vetoes occur within the next few days, would the majority schedule a veto override vote?

Mr. ARMEY. I do not anticipate that event. If that event presents itself, we will deal with it at that time.

Mr. OBEY. Mr. Speaker, would the gentleman yield?

Mr. ARMEY. Mr. Speaker, I believe the gentleman from Florida (Mr. YOUNG) was on his feet, and I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding. I suspect maybe the gentleman might explain to our colleagues why it is that we have to do a 1-day CR today, and another 1-day CR Saturday, and another 1-day CR Sunday, and another 1-day CR Monday. And I am happy to hear the response from the other side, because as the majority leader has said, the appropriators will be meeting through the weekend, as we have been for nearly a month, on this last remaining bill with the White House, and we are going around in circles. If they cannot have it their way, they do not want it any way.

But I have a friendly question for both sides. Since the majority leader and the House and I confirm we will be working through the weekend, is it okay, based on some of the debate that we have heard so far in the last couple of weeks, is it okay if we work in the dark of night? Because it is going to take more than the daylight hours to get this done. And if it does, my Democrat colleagues should not criticize us next week for having made decisions in the dark of night.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I would like to thank the gentleman from Florida for his genteel observations. Let me just say, Mr. Speaker, the President has agreed to 1-day CRs until we complete this work.

Mr. Speaker, I would like to ask our body to just take a moment and appreciate the appropriators for their continuous work in negotiation. They are, in fact, continuing to work.

Mr. Speaker, I would appreciate continuing with this so that I could yield to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Speaker, I thank the distinguished gentleman from Texas, the majority leader, for yielding me this time. I would just note that I welcome the comments of the gentleman from Florida, although I would say they are at some variance with the fact that we were just told at about 11:30 by one of the key conferees that he did not intend to meet either Saturday or Sunday. I am hoping that that comment was made in a momentary expression of frustration.

But, nonetheless, I would like for purposes of clarification to follow up on a question asked by, I think, the gentleman from Texas. We are trying in the conference, we are trying to determine what is going to happen with the Commerce, Justice, State and Judiciary bill and what is going to happen with the tax bill, because that impacts the final negotiations on the Labor-HHS bill.

□ 1330

I would like to ask the distinguished majority leader if he could explain to us his understanding of whether and when the Senate is intending to send either of those bills to the White House. Because there are interesting implications for the Labor-HHS bill if the tax bill, for instance, does not go to the White House.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. Obey), and there are many aspects to his observations.

On the question of the difficulty we have in scheduling the continuing negotiations, I know it was frustrating for a lot of our members on the Committee on Appropriations in both bodies who were here working last night to see that both the President and his chief of staff, his principle negotiator, were there at the World Series.

Incidentally, Mr. Speaker, congratulations to the Yankees for their victory last night. Certainly that made it difficult to work last night.

I understand that the President is traveling to California. Whether or not his chief of staff and chief negotiator goes with him to California or not, I do not know. But we will continue to encourage everybody to be at the table.

In the meantime, the Senate, the other body, Mr. Speaker, continues to have its frustrations within the context of their rules. The minority is, as my colleagues know, are quite empowered to prevent things from happening in both of the bills that the gentleman referred to, are being held up in the other body by the minority in their effort to do whatever it is they are doing. They are frustrated in their inability to get those two bills to the floor for a vote. We will obviously encourage them to proceed as much as possible.

Mr. OBEY. Mr. Speaker, if the gentleman will yield further, recognizing that we have no idea of what will happen to those other bills, I would say we need to have some clarification of that before we know what matters have to be included in the Labor-HHS bill, especially with respect to school construction.

The other thing I would simply say in response to the comments of the gentleman from Texas (Mr. Armey) about Mr. Lew. Mr. Lew has been in this city. He has been in this building, prepared to negotiate virtually every day since Labor Day. He has been working 12, 14, 16 hours a day.

My colleagues can laugh. My colleagues on the other side can laugh if they want, but he has been here a lot more than any of them have.

Mr. ARMEY. Mr. Speaker, let me just respond to the gentleman from Wisconsin (Mr. Obey). Again, let me remind him, insofar as it is possible, Mr. Speaker, I do control the time. I want to acknowledge the point just made by the gentleman from Wisconsin. We are all working hard. We do want to appreciate one another. In that regard, even I myself was just so pleased that I managed to get back to my office at least to watch the last inning of last night's game. So I know how important that is to Mr. Lew.

I just want to say we do want to encourage everybody. My purpose here is that, understand this is important work we are talking about. The differences between ourselves on education are important business that is before the American people. They are going to take time because our differences are so heartfelt. I will not take the time to outline those right now.

What I am saying is let us take a moment to appreciate one another. We are committed to this hard work. We are as committed to our purposes as the White House and the minority are to theirs. This will take some time. So I am sure we will all enjoy each other as we continue to encourage the appropriators.

Mr. OBEY. Mr. Speaker, if the gentleman will yield.

Mr. ARMEY. Mr. Speaker, I really think for the purpose to which I asked for this time, I have really completed what I need to do. I am happy to yield back my time.

REQUEST TO ADDRESS THE HOUSE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to proceed.

Mr. Speaker, I withdraw the request.

ARTHUR "PAPPY" KENNEDY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. LaTourette). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4399, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHugh) that the House suspend the rules and pass the bill, H.R. 4399, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

> "A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the 'Arthur "Pappy" Kennedy Post Office'.".

A motion to reconsider was laid on the table.

EDDIE MAE STEWARD POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4400, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHugh) that the House suspend the rules and pass the bill, H.R. 4400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the 'Eddie Mae Steward Post Office'.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. DELAURO. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Low-Income Home Energy Assistance Program in Fiscal Year 2001 and Fiscal Year 2002.

The SPEAKER pro tempore. The notice will appear at this point in the RECORD.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mrs. LOWEY. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. The notice will appear at this point in the RECORD.

TRIBUTE TO THE HONORABLE JOHN PORTER

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I would like to bring to the attention of the House a matter that relates to the gentleman from Illinois (Mr. PORTER) if I could ask the House's attention for just a moment.

Mr. Speaker, despite the exchange that just took place, I wanted to take a moment to simply observe to the House that the gentleman from Illinois (Mr. PORTER) will soon be leaving. I do not know when we will have another chance to say this. I understand that he will have difficulty being here tomorrow because of a death in the family.

But I wanted to take this opportunity to say that I have served with him for many years on the Committee on Appropriations. All of us has served many years with him in this House. Regardless of the differences on issues that we have, he has graced this House with his presence. He has been an honorable adversary as well as a valuable ally on many occasions. I think he has personified the way that we would like to see all Members of the House conduct himself or herself.

On behalf of this gentleman, I simply want to say to the gentleman from Illinois (Mr. PORTER) that we will miss him. We know that whatever he does after he leaves this puzzle factory will be rewarding and constructive.

The gentleman has had a long history of concern, especially for issues of medical research and human rights and many others. I for one simply want to wish him all the luck in the world and to say, despite the many disagreements we are about to have over the next 2 or 3 days, that it has been a privilege to serve with him. I think I speak for every Member of the House in saying that.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely, I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I wanted to thank the gentleman from Wisconsin (Mr. OBEY) for the comments that he just made about the gentleman from Illinois (Mr. PORTER), our friend and colleague. I want to associate myself with those remarks.

The gentleman from Illinois (Mr. PORTER) has been an outstanding Member of this House and has made a big difference in a lot of areas. He has a wealth of knowledge on the issues that he has responsibility for. He is a very distinguished gentleman. His word has always been his bond.

I would say that there are many people who will have the advantage of life saving techniques and medical discoveries because of the work that the gentleman from Illinois (Mr. PORTER) has done to expedite and move along medical research in many, many areas.

I want the gentleman to know that I will miss him, that he and I do not have as many differences as he and the gentleman from Wisconsin (Mr. OBEY) have, but it is a real pleasure to be working with him. I will certainly miss the gentleman from Illinois when he leaves here.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, I will be delighted to yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, let me just take a minute to say that I have now served in this body for 21 years and 20 years on the Committee on Appropriations. I have loved every single minute of it. There is nothing that can compare with service in this institution.

I have had a highly educated, highly informed, caring constituency to represent. It has been a joy to represent them here in Washington.

To be able to become involved in issues that I think are important for the future of our country and to attempt to reflect them in our values as a government has meant everything to me.

It has been a source of tremendous pleasure to work with people that I respect. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) are people that I respect tremendously, highly. People who fight for the things they believe in but do so in a way that brings credit to this institution.

Yes, we disagree and we fight, but it has been a true pleasure to work with the gentleman from Florida (Mr. YOUNG) as my chairman, to work with him prior to his becoming chairman. He is a man that I have always looked up to and been able to rely on. And to work on the opposite side of the gentleman from Wisconsin (Mr. OBEY), both on the Subcommittee on Labor, Health and Human Services and Education and on the Subcommittee on Foreign Operations, Export Financing and Related Programs. We have fought, I think, very cleanly. I certainly have a huge respect, admiration and friendship for the gentleman from Wisconsin as well.

Mr. Speaker, I leave this body with a great deal of sadness because, while I may not miss the kind of days we are having right now, I will miss very much the men and women that I have been so privileged to work with over all these years. It is a great privilege and an honor to be a Member of this body.

I feel that I have done my very best to try to represent the things that I believe in very deeply. It has been a joy to work with the people in this Chamber all these years. I thank my colleagues very much.

□ 1345

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on Tuesday, October 24, I was not present in Washington and, therefore, unable to vote on that day. My wife Kasey and I became the proud parents of a baby girl, 7 pound, 2 ounce, 21-inch baby girl. This is our second child.

Had I been here, I would like the RECORD to reflect that I would have voted no on rollcall vote 541, yes on rollcall vote 542, and yes on rollcall vote 543.

Also, Mr. Speaker, if I may, on Thursday, October 26 of this year, yesterday, I again was not able to be in Washington and, therefore, unable to vote because I was picking up my wife Kasey and our newborn baby and taking them both back home from the hospital.

Had I been present, I would like the RECORD to reflect that I would have voted no on rollcall vote 553, yes on rollcall vote 554, no on rollcall vote 555, no on rollcall vote 556, no on rollcall vote 557, no on rollcall vote 558, no on rollcall vote 559, no on rollcall vote 560, yes on rollcall vote 561, and no on rollcall vote 562.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman, I want to congratulate Kasey, I want to congratulate the new arrival, Kenzie; is that correct?

Mr. CROWLEY. Kenzie, yes.

Mr. HOYER. Seven pounds, two ounces, I understand, of beautiful baby girl. As the father of three young women myself, I know the joy of having a daughter. And, of course, I know the gentleman's son well, and he is going to be blessed with his sister.

I want to say that I am sure there is not a person in this Chamber or an American anywhere who does not think the gentleman made the right judgment. Congratulations to you.

Mr. CROWLEY. Mr. Speaker, reclaiming my time, I want to just say that she will be eligible for dating when she is 40 years of age. So I thank all my colleagues very, very much.

Mr. HOYER. If the gentleman will continue to yield, Mr. Speaker, I would advise him that that is a good theory, but it does not work out in practice.

CONGRATULATIONS TO BUFFY WICKS

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today to commend a valued member of my staff here in Washington, Ms. Buffy Wicks, on her completion of the Marine Corps Marathon in Washington, D.C. just last Sunday, a marathon which raised millions of dollars for AIDS research.

Although almost 18,000 people took part in this marathon, my wife and I were watching very carefully Buffy's accomplishment. She committed to raising at least $1,600, and did not surprise me one bit that she exceeded that goal. She is an intelligent and principled young lady who is an asset to my office and our community. Her dedication to raising money for AIDS follows her commitment to the causes of peace as a graduate student in Peace Research at the University of Oslo, to the American Civil Liberties Union, and to progressive congressional candidates.

I join each and every member of my own staff in saying congratulations on a job well done. Buffy, we are proud of you.

CONGRATULATIONS TO NEW YORK YANKEES AND NEW YORK METS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, as a Bronx boy born and bred, and as someone who represents Bronx, New York, I want to congratulate the New York Yankees, the World Champions of 2000, for their wonderful season and, therefore, their victory in the World Series yesterday.

When I was growing up, I lived within walking distance from Yankee Stadium. I remember the old teams with Mickey Mantle and Roger Maris, and these Yankees certainly winning the World Series three years in a row shows they are truly champions.

I also want to congratulate the New York Mets for a wonderful, wonderful season and for being the winners of the National League. The subway series, and I went to as many World Series games as I could go to, really has made all of us as New Yorkers proud. In fact, my cap, which says "Subway Series" and has the number 4 train and the number 7 train on it, is something, again, that makes New York very, very, very proud. Not since the 1950s, when I was just a little boy, have we had a subway series in New York, and I have never seen such electricity coming from the city.

So we are all really winners; the New York Mets, the New York Yankees, two great phenomenal teams. I am proud to be a New Yorker, and I say again congratulations to the World Champion New York Yankees and to the National League Champions, the New York Mets.

FOND FAREWELL

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I appreciate the privilege of having the floor to address my colleagues, and I stand here out of respect and great admiration and affection for Members of Congress on both sides of the aisle.

Six years ago, when I came first upon the floor of this hallowed institution, I was eyewitness to a moment rare in the history of our Republic. After 40 years of one-party rule, the opposing party came to power. In 50 congressional elections over as many years the House of Representatives had changed hands only eight times and, yes, as a result of each time, the fabric of our democracy was indeed strengthened, strengthened not by mere change of political party alone but by the collective act of ordinary citizens who cared enough to let their will be exercised at the ballot box.

It was a change of power made ever more amazing when cast against a world where such occurrences even in this most sophisticated of ages are too often marked by bloody violence. No blood was shed, thankfully, for ours is a freedom made whole by the sacrifices of generations of Americans who at a tender age put their Nation ahead of themselves.

Our fellow citizens cherish this vibrant and living democracy that manifests itself each day in the august halls of this Congress. It is they who witness a collection in this body of individuals who give hope to the powerless, promise to the forgotten, and justice to the ignored.

With recorded history dating back some 5,000 years, two centuries of the House of Representatives seems somewhat like a relatively new experience and a somewhat new endeavor. However, relatively few have been honored to come to this place to give their vote and their voice for their communities. Since first convened in 1789, fewer than 10,000 people have had the privilege of representing their fellow Americans. It is in that context alone that I stand here humbled and privileged to have been a Member of this august house.

While the focus too often is on the partisan battles that many Americans mistakenly believe consume all our time and energy, the good news is this: that it is truly a deliberative body. As Speaker O'Neill said, when he first took the gavel, "The House is greater than any of us. Its greatness is the product of 435 human beings contending with extraordinary problems." He was right then and he would be right today.

As an institution, we have much for which to be proud. Members of the House really do spend most of their time, I believe, engaged in a quest for solutions to some of the most vexing questions of our day: health care for the uninsured, drugs on our streets, children left behind because of failing schools or the absence of a strong guiding hand, families overwhelmed as they balance their home life and their jobs in search of adequate safe, affordable day care for their children, these and other domestic challenges; to goals more global, matters that ensure our national security and which promote freedom and democracy throughout the world.

Each of us approaches these needs from different vantage points and with distinct opinions. In this the greatest experiment in governing the world has ever known, we do in fact endeavor in this democracy to work together, to find common ground in benefit of all Americans.

Looking over my past three terms, I take comfort in the accomplishments that came together because we all worked together; an end to deficit spending, the advent of surpluses and a balanced Federal budget, welfare reform, a new Telecommunications Act, updating the depression era statutes that govern the financial services sector, the Kennedy-Kassebaum initiative that made health insurance portable, and an expanded opportunity to make sure that every child is covered with health care.

The economy of our Nation has turned around from looming deficits in the hundreds of billions of dollars to today's surpluses of similar amounts. Our economic engine is roaring, our fiscal health better than ever, and our future is so very full of promise. It is humbling to be a part of guiding bipartisan policies that delivered our Nation its healthiest economy ever.

For me, it has always been about championing the interest of the folks at home, like so many of my colleagues. I cherish our Main Street businesses or, as my father used to say, those down-street merchants; whether it is the mom and pop grocery store, or the travel agency around the block, these small businesses are revitalizing our communities, creating jobs, and ensuring long-term prosperity for us all. The $26 million made possible by Congress is revitalizing the older downtown areas of my own home county of Suffolk in New York.

I am proud to have given voice to the needs of our children. My priorities have included families desperate to locate safe, affordable day care, better schools with fewer students in the class and after-school programs like the ones promoted by the Police Athletic League, and the nurturing of those who give so much to those who have lost one or both of their parents, drugs or neglect. I am reminded of the good work, for example, of the people at Little Flower Children's Services located in Brooklyn and Wading River, New York. This is a special place that will always remain close to my heart.

I am appreciative, most of all, of the bipartisan support we get for a healthier, cleaner environment, the Army Corps dollars that have fixed up Long Island's coastline, protected our fishing industry and made sure that for the first time we have ongoing efforts in the Federal Government to preserve open spaces and areas that are feeling the pressures of development like those on Long Island. The expanded Wertheim National Wildlife Refuge and, of course, the Otis Pike Preserve at Calverton, named after my former predecessor and long-time colleague of most of us, 18 years in the House, Otis Pike, is testament that this Congress has worked hard in a bipartisan way to preserve open spaces, and for that I am most grateful.

I take with me a sense of satisfaction for having taken up the cause of senior citizens and our veterans, and I look for great things to come from future Congresses in that regard because we all do try to stay very close to that very important World War II generation, and I have worked hard during my term to develop close relationships with those folks as well.

Successes achieved over the last several years are not mine alone. Clearly, as we all know, one of our best assets here on Capitol Hill is the dedicated, hard working staff, a loyal staff, that assists both myself and other Members of Congress. And I think particularly of those folks who serve on the Committee on Appropriations and are doing yeomen's work as I speak right now; those on the Committee on Banking and Financial Services, the Committee on Small Business and, of course, my special friends over at the Helsinki Commission.

My colleagues, we all know our greatest asset is clearly the talented people that make this place successful; the staff, the committee staff, the personal staffs, the doorkeepers, the Capitol Police, the wonderful people who work late into the night to clean our offices, those people who are maintaining these historic buildings, and I would like to also recognize people who are very important to all of us on both sides of the aisle, I call them the nurturers, the people in our cloakrooms, particularly Helen and Pat in the Republican cloakroom, and Rhonda and Ella in the Democratic cloakroom. They take care of us each and every day and make our jobs a lot easier.

To the people who have worked in my own office, especially over the last year and a half, I thank them for the sacrifices that they have made and the dedication that they have brought to the people of the First District of New York. These individuals have made us all proud and these successes clearly are their successes. It would take a little more time than I have now to mention all of the wonderful staff who have been devoted to me and who have really sacrificed so much, but they know who they are, and I thank them from the bottom of my heart for the sacrifices they have made.

And a special note, of course, to my Chief of Staff David Williams, who left a secure job to come over and help me, and he did yeomen's work, for which I am forever grateful.

☐ 1400

I want to take a moment, if I might, to appreciate my colleagues indulging me just a minute further here. I want to thank those many wonderful colleagues on both sides of the aisle, for it has been a special privilege for me to serve in this House and to represent the area where I was born and raised and grew up.

To have known such talented Members of Congress and to have their friendship and their guiding hand and most of all their kindness, I am forever grateful. I must mention, of course, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, who has been a good and decent man and who has a very, very tough job.

I also note, with fondness, my good friend the gentleman from Missouri (Mr. GEPHARDT) for his counsel, for his friendship and most of all for his belief in me. I am forever grateful. And to the gentleman from Wisconsin (Mr. OBEY) whose fairness and seasoned leadership has always inspired me.

I am particularly appreciative of the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), my friend, and the former chairman, Bob Livingston. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Michigan (Mr. DINGELL) have served as special friends to me. And I could get myself in trouble by going on and on and on. But I do want to make special recognition of my friend, the gentleman from the New York delegation (Mr. RANGEL), the dean of our delegation, who has been just a tremendous leader. And we have great things yet to come from him, as well as my good friend the gentleman from the Bronx, New York (Mr. ENGEL), the gentleman from Nassau County, New York (Mr. KING), the gentleman from New York (Mr. ACKERMAN), the gentlewoman from New York (Mrs. MCCARTHY), and all my friends in the delegation who have really made my service here that much more enjoyable. We come to this place from every corner of America. We seek to influence and we, in turn, are influenced.

Among the many, two who have come to this chamber and who have left a living example that endures as impressions for me are the gentleman from Missouri, the late Mr. Emerson, and the gentleman from Minnesota, the late Mr. Vento. From opposite parties, they worked to reach across the aisle to build friendships, dialogue, to find common ground with an adversary relationship. And as the gentlewoman from Missouri (Mrs. EMERSON) reminds us about her late husband, and this applies equally to so to the gentleman from Minnesota, Mr. Vento, they put people before politics and ideas before ideology.

Mr. Vento and Mr. Emerson have left us now. But their humanitarianism, their decency, their gentle and giving ways leave a lasting legacy on which to build greater civility in this House.

Though it is unlikely that I will be here in the 107th Congress, I leave this place holding each and every one of you, Democrat, Republican, and Independent, in the highest esteem, understanding we come at this awesome responsibility with respect for this most sacred institution and the best interest of this Nation at heart.

I thank you my friends, my colleagues. It has been a great run. May God bless each and every one of you, and may God bless our Nation.

Mr. ENGEL. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

Mr. ENGEL. Madam Speaker, I thank my friend from New York for yielding to me. I would not forgive myself if at this time I did not say what was in my heart.

I have had the honor and privilege of serving in this body now for six terms, for 12 years. And I look forward to coming back to the new Congress. I have had many colleagues and have enormous respect for so many people, but I want the gentleman from New York (Mr. FORBES) to know that there is no one for whom I have more respect than he. And I know this personally because the gentleman and I are good friends and we have spent a lot of time together.

Many, many times in life we are called to do certain things and we never quite know how we are going to react to them when we are called upon. Many people act of principle and some people do not, frankly, because they fear what the consequences might be.

I want to tell the gentleman that I have seen him to be a man of principle and to not worry about what consequences might be but to do what he thinks right in his heart. I have seen the gentleman make decisions, some agonizing decisions and some that lesser people might not have made.

So I just want to tell the gentleman that I personally am enormously proud of him. I know the people of the First District of New York have been served tremendously well by him in Congress. And people in the First District ought to know that, in my opinion, there is no one finer, there is no one who works harder, there is no one who has been more effective than the gentleman from New York (Mr. FORBES), representing that district, representing all the people of New York, and representing the people of the United States.

I have again enormous respect for all of my colleagues, but I think that all of us in life walk a very difficult task and there are times that we have decisions to make.

Let me just say to my friend, you have always in my estimation made the right decision, not the right decision for you personally perhaps, but the right decision for the country, the right decision for your constituent, and just doing what is right.

So it has been a privilege to be your colleague. It is an even bigger privilege to be your friend. And we will continue to be friends. I want to tell you that my career in Congress has certainly been enriched by working with you and in walking the walk with you. I wish Godspeed to you and Barbara and your children and children to be and all good things and I know life is going to treat you well, because you have certainly treated life well and treated the people whom you have touched very well.

So Godspeed, my friend. I know you may not be here next year, but we have not heard the end of you yet. I love you, and I wish you the best.

Mr. NADLER. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman is recognized. But it might be noted that the Chair has been very lenient with the time.

Mr. NADLER. Madam Speaker, let me just say that I have a tremendous admiration for the gentleman from New York (Mr. FORBES).

I think one thing in particular deserves comment. We have on fairly rare occasions in this House seen people across the aisle walk from one side of the aisle to the other. People have done it for all sorts of motives. And I am not going to comment on the motives of anybody, except to say that I am not sure if the history of this body ever records someone going from the majority to the minority party and from the situation of a safe reelection to guarantee a difficult reelection and a situation in which one can ascribe no conceivable political motive other than conviction of principle. And for that, I think that whatever one thinks of either of the parties, one must admire greatly the very deliberate undertaking of political risk for no reason other than matters of principle.

We see too little of that in any legislative body and in public life generally. I certainly want to say that the gentleman has my great admiration for his actions and for his motives in those actions and also for his service in this House, which for the last 6 years has been very honorable.

I have had my eye on the gentleman since we first debated some TV show in the House gallery 5 or 6 years ago, and it has been a pleasure to serve and I look forward to working with you in other walks for many years to come.

Mr. RANGEL. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

Mr. RANGEL. Madam Speaker, as the dean of the New York State Delegation, let me say to the gentleman from New York (Mr. FORBES) you are a class act no matter what party label that you have had, working with you in the delegation, always the first thing that you had as a priority was what was good for our State. And so, coming over to the Democratic side, we did not have to find out who you were. You were a quality Member there.

And so, from what I hear, there is a life outside of the Congress and I am confident that God would bless you with good fortune for you and Barbara. And you can count on our friendship in the delegation and I might say on both sides of that aisle to guide and support you in whatever you decide.

Godspeed.

Mrs. LOWEY. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentlewoman from New York.

The SPEAKER pro tempore. The gentlewoman is recognized. Again, this is with great latitude from the Chair.

Mrs. LOWEY. Madam Speaker, I wanted to join my colleagues in saluting the gentleman from New York (Mr. FORBES).

I have known Michael since he has been here, and I can tell my colleagues that this is a man with great courage.

I can think of several issues. But I can remember several years ago, it was 1996 I believe, when I introduced the school modernization bill. And now Republicans and Democrats, everyone, is talking about school modernization. But the gentleman was one of the four people at that point that were willing to sign to be part of the effort. You were a leader on school modernization because you understand how very important that issue was for his constituency.

There are a lot of people who talk about it, who talk about a whole lot of issues, but the gentleman was the kind of person that would stand up for what he believes is right. And I think that was a perfect example. And whether it is school modernization or the Long Island Sound or health care, you were always there to get support for, to speak out for, to make sure that you were doing the best you could to fight for your constituents.

Long Island Sound is an issue that I know you care passionately about, and you can be proud of the fact that you took a very important role in working hard to make the progress that has taken place in Long Island Sound. Now we have a lot more work to do certainly in dealing with the lobsters and the lobster men. You were right there on the front line.

It has been such a pleasure for me to know you, to work with you. And I know that you will continue to make your mark no matter where you choose to make it and you and your wife Barbara and your family will continue to thrive and to grow and to make a difference.

Frankly, that is why we are here in this Congress. That is why we are here in this great country of ours. We all try in some small way to make life better, to make our community better and our Nation better. And I know, just as the gentleman is willing to stand up for what he believes, to take the positions that you did in this Congress, you will continue to stand up for your beliefs, your concerns, your passion and make a difference in this life.

You are a person with character. You are a person who really, truly is committed to making this a better world. I am delighted to salute you and to thank you for all you have done, and I look forward to continuing to work with you and keeping in touch with you.

Mr. POMEROY. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from North Dakota.

Mr. POMEROY. Madam Speaker, first of all, I want to express my appreciate for the Speaker's latitude in allowing us to reflect briefly upon the service of the gentleman from New York (Mr. FORBES) here.

As your term comes to a close, let me just indicate that I, for one, certainly am going to continue to think about the example of strength and counsel that you have shown during your time here.

I think that the fundamental thing our constituents expect of us as we stand and ask for their vote and then take their trust and come to Congress to represent their interests is that we act out of the courage of our convictions and we stand by our beliefs. And in the course of now four terms, I cannot recall an example where I have seen someone exercise the courage of their convictions in the way you have. Obviously putting yourself at tremendous political risk and irrespective of the consequences, you did it because in your heart you felt it was what you had to do.

Our constituents can expect no finer performance of our responsibilities than how you have exhibited, and your example is going to be reflected upon by so many of us for a long time to come.

Mr. FORBES. Madam Speaker, I appreciate the comments of my colleagues.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE HONORABLE EDWARD A. PEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to honor one of what I believe to be one of Indiana's greatest, and that is Representative ED PEASE. ED PEASE is not just a public official, he is an outstanding public servant.

I have known ED PEASE for many years. As a matter of fact, I have known him longer than I have any other member of the Indiana Congressional delegation. We had the pleasure of serving with him in the Indiana State Senate between 1980 and 1990 and in the House of Representatives here in Congress since 1996.

Although we hardly ever vote alike, and certainly do not look alike, and do not happen to belong to the same political party, some people may refer to us as the odd couple, because we do think a lot about a lot of things in terms of values and principles. I wanted to stand here today and give ED PEASE, wherever he is, a standing ovation for outstanding public service.

Members on both sides of the aisle were saddened to learn of Mr. PEASE's retirement that he announced in April of this year. He has always been a thoughtful lawmaker. His neighbor-to-neighbor politics have served Indiana's Seventh District extremely well. He has been a sincere leader in the House, and will be missed by both sides.

This sincerity was illustrated when confronted by the press about his retirement, Congressman PEASE replied, "I ask only that you remember that you elected me to exercise my best judgment, and I do so no less in this decision."

Many, however, still feel that Mr. PEASE's tenure in the House was too short, and it is not hard to understand why. Mr. PEASE was often called upon to lead this House as Speaker of the House pro tempore, and his parliamentary skills and strong reputation for fairness have proved invaluable in times of heated debate.

ED PEASE worked tirelessly on matters affecting his fellow Hoosiers, including Indiana's return of Federal fuel tax dollars. One of his proudest moments came when he secured a 92 percent return on the fuel tax dollars for the State of Indiana.

I will miss Congressman PEASE immensely, and know that this body is the poorer as a result of his departure. I realize that there have been happenstances that have occurred to him during his membership here which undoubtedly will deter his interest in continuing his membership in this august body, but I am often reminded of a little phrase that we had to master when we were building our typing skills in school, and that was about all good men coming to the aid of the party. Certainly ED PEASE has come not only to the aid of his party, but he has come to the aid of the State of Indiana, and certainly the United States Congress.

I would close in reminding my distinguished colleague, wherever he is at this moment, that there was a very wise poet that wrote many years ago, for every drop of rain that falls, a flower grows; and that somewhere in the darkest night, a candle glows.

Despite the adverse incidents of Mr. PEASE's experience here in Washington, D.C., as a Member of the House of Representatives, that rain that has fallen certainly will provide a flower to grow for many years to come, and he will certainly be a light, not only for the citizens of the State of Indiana, but for this country as well.

I know that whatever Congressman PEASE chooses to do next, he will continue his service to the country with the same attributes that he displayed in the House of Representatives.

GENERAL LEAVE

Ms. CARSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

SCHOOL CONSTRUCTION VERSUS TAX BREAKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Madam Speaker, I rise today to continue my call for this Congress to pass real school construction legislation without further delay. We have missed opportunity after missed opportunity, and it is time to stop playing partisan games and pass a meaningful bill to address this urgent priority.

Madam Speaker, as a Congressman from the Second Congressional District of North Carolina, I represent an area of the country that has undergone tremendous growth in recent years. In communities throughout my county and my district, our schools are bursting at the seams. The same can be said for this country. Our local communities are struggling to provide resources to build new schools and to get our children out of trailers and to fix up rundown school buildings.

Throughout my district, students in overflowing schools are being packed in trailers that are years old and long past their use. As an example, in Franklin County, 55 trailers; in Granville County, 16; Harnett County, 41;

Johnston County, 98; Lee County, 40; Nash-Rocky Mount, 162; Sampson County/Clinton City schools, 76; Wilson, 34; and Wake County, a whooping 530.

That would not be such an astounding number, except for the fact our State has passed a $1.8 billion bond issue and each county has borrowed money and worked as hard as they could. The problem is, we are the fourth fastest growing state for students in the country. Congress must act now to help get these children out of trailers.

For nearly 4 years now I have worked with my colleagues in this House on both sides of the political aisle to provide leadership on this issue and pass a common sense bill that will help our local folks deal with this critical problem.

We have come together in support of H.R. 4094, the bipartisan Rangel-Johnson bill that has a number of sponsors. This important bill will provide $25 billion in school construction bonds for our local schools to build new schools for our children and renovate others.

Madam Speaker, the clear majority of this House is in support of this piece of legislation. 228 Members, Republicans and Democrats alike have signed on as cosponsors. The House will pass this bill, if we can only get a chance to vote on it. The President has stated that he will sign this important bill into law the minute it reaches his desk.

We have an opportunity to provide real leadership and pass this measure that will help further educational progress for all the children in this country. But, unfortunately, the Republican leadership of this House has chosen to choose a path of confrontation and gridlock over the opportunity for consensus and progress. Rather than working together to produce a common sense solution to the need for school construction, the Republican leadership brought to this floor yesterday a bill that contained a sham school construction measure.

Madam Speaker, the Members of this House have an obligation, a solemn responsibility, to work together to craft common sense solutions to the problems facing America's people. But, rather than meet this responsibility, Republican leadership has chosen to pass a sham proposal and a bill they know would be vetoed.

The Republican tax bill contains many provisions that I support, but the sad fact is they chose to include many good provisions in a fundamentally flawed bill.

In addition, the leadership yesterday pushed through an appropriations bill that provided $687 million in grants to states to build prisons. Now, I support the need for prisons in certain areas, but prisons should not be a higher priority than our schools for our children. What does it say about our values that we can pass millions of dollars in prison aid, yet leave our children in overcrowded schools, trapped in rundown facilities and stuck in trailers? Prisons ought not to be nicer than our schools.

In conclusion, remain an optimist. We still have time to pass a school construction bill before we adjourn this Congress, and I urge the Republican leadership to allow us to do so.

TRIBUTE TO THE HONORABLE EDWARD A. PEASE AND THE HONORABLE DAVID M. McINTOSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, we are going to be losing two of our Congressmen from Indiana, and they are both very fine Congressmen. One of them is ED PEASE, whom all of us have seen in the Chair many, many times over the past couple of years. He has done a great job as the Speaker pro tempore on many occasions.

ED was first elected to the Congress just 4 years ago, and we hate to see him leave so quickly after being here such a short time. I had the pleasure of serving with him in the Indiana State Senate back in the early eighties, and everybody there thought he was an extraordinary Senator, as well as my colleagues here in the House feel today that he is an extraordinary Congressman.

ED was born in Terre Haute, Indiana. He was an outstanding student. He graduated from Indiana University in 1973 with a Bachelor of Arts degree with distinction. He graduated from Indiana Law School, magna cum laude in 1977. Of course, he went on to be involved in civic activities as well as politics.

He served, as I said, in the Indiana State Senate from 1980 through 1992, and he was chairman of the Senate Committee on the Judiciary and chairman of the Indiana Commission on Trial Courts and chairman of the Indiana Code Revision Commission.

In the private sector, he served as a City Attorney for the city of Brazil, and as General Counsel for the Indiana State University. He has also been in a partner in the law firm of Thomas, Thomas & Pease. In 1993, ED became the Vice President for University Advancement at Indiana State University, and he was very highly regarded. He is one of those people over there they would like to have considered down the road, and maybe immediately, as president of Indiana State University.

ED PEASE is one of the finest men I have known. He has been a great Congressman, a great leader in this body. We will miss you a lot, ED. I hope you have a great deal of success in the future, and you come back and visit your colleagues in the Congress often.

I would also like to say our candidate for Governor in Indiana right now is Congressman MCINTOSH. DAVID MCINTOSH has been here since 1994. He has been an outstanding Congressman. He served as one of my subcommittee chairmen on the Committee on Government Reform. He has done an exemplary job as well there. He is another person we are going to miss a great deal.

DAVID, before he became a Congressman, worked with the vice president at the White House in the Executive Office Building down there on the Council on Competitiveness. He was the Executive Director there. He did an outstanding job for the Vice President Quayle, and we felt when he came to Congress were going to have him with us for a long time and he would be a real asset to us. He has been, but, unfortunately, he decided he wanted to become the chief executive of Indiana. We all wish him well in the campaign, and we will know in another week or so whether or not he has been successful.

In any event, we certainly wish him the best in the future, whether or not he becomes the Governor of Indiana, and we also hope, DAVID, you will come back and visit us often, because you have been an outstanding Congressman and a very good friend.

□ 1430

SPECIAL TRIBUTE TO THE HONORABLE WILLIAM CLAY

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Madam Speaker, I have a very privileged opportunity today, and it is one in which I feel that is at an especially honorable time.

Madam Speaker, I rise to pay a special tribute to the gentleman from Missouri, our friend, our colleague, Congressman BILL CLAY. There are not many people around like BILL CLAY. He is a unique person. He is a scholar, a mentor, a founder, and an inspirational leader, a fighter, and a fierce person for equity and civil rights for all.

BILL CLAY is announcing his retirement in this body after the close of the 106th Congress. BILL CLAY is honored, Madam Speaker, to take his place among the great leaders of this Nation who have successfully and courageously walked the halls of power in Congress.

BILL CLAY has been an unwavering advocate for civil rights. We are going to miss him, Madam Speaker. He has walked in such a way that we are standing on his shoulders, those of us who are here today, even when it was not popular to do so.

Representative CLAY, like many other black-elected officials, realized that the road to equality for black America was through continuous struggle and through fighting a racially-charged system that was obsessed with keeping black Americans from even the most basic of human and civil rights.

I tell this Congress and I tell the world, this is a brave man. As a young man in the military, Representative CLAY and his wife jumped into the all-white military swimming pool, scattering all the whites in screaming horror. He has been jumping in and out of dangerous and unfriendly waters ever since.

He is unafraid, Madam Speaker. As a founding Member of the Congressional Black Caucus, Representative CLAY has served as a leader and mentor to the junior Members of Congress. To each one of us, we follow his lead. We watch his button. We ask for his counsel.

His statesmanship and fearlessness, however, did not begin in Congress. Madam Speaker, a St. Louis native, Representative CLAY graduated from St. Louis University in 1953 and was drafted into the Army. He was married with 3 children and the assistant manager of an insurance company when he jumped into politics with a successful race for the Alderman Ward 26 in St. Louis in 1959. That same year, he was arrested, along with two companions, for seeking service at a whites-only counter at a local Howard Johnson's restaurant.

The foundation of Representative CLAY's popularity was cemented in 1963, when still as a young St. Louis Alderman, he helped lead a landmark antidiscrimination protest at Jefferson Bank. He was jailed for 112 long days for violating a court order and rose, like a phoenix out of the ashes, to claim his place as a fearless civil rights leader . . .

Representative CLAY ran for Congress in 1968, the same year that Dr. Martin Luther King, Jr. was assassinated. He was Missouri's first African American to win election to the United States House of Representatives, and since he has emerged as the region's most prominent and powerful black-elected official.

Representative CLAY was sworn into this body on January 2, 1969, and since then has enjoyed many legislative wins and accomplishments.

Among his many achievements are the Family Medical Leave Act, the first piece of legislation signed into law by President Clinton, and increases in the minimum wage. Representative CLAY has helped to steer through legislation on higher education, vocational education and disabilities legislation.

In the field of education and labor, Representative CLAY's legacy is solid. He leaves behind a stack of legislative accomplishments ranging from increased funding for historically black colleges and universities to bolstering health and safety protection for workers.

In the House of Representatives, Representative CLAY has served as a historian of the Congressional Black Caucus, and in doing so has, himself, created a long and outstanding history.

He can very easily be called the historian of the Congressional Black Caucus because he has kept the history of this Congress. He is a prolific writer and academician. He faced many trials and tribulations.

When the history of this body is written and the heroes are identified, the name of BILL CLAY will be at the top.

PAYING TRIBUTE TO RETIRING CONGRESSMEN FROM INDIANA, THE HONORABLE EDWARD PEASE AND THE HONORABLE DAVID McINTOSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Madam Speaker, I rise today to talk about the retirement of two Members of Congress in the State of Indiana.

ED PEASE is leaving Congress after only having served 2 terms, and I feel very awkward saying a retirement after 2 terms. There is a real loss here, I believe, to Congress with ED leaving and going back to Indiana. It is a loss to the country and, perhaps, a gain to Indiana and his family.

ED PEASE is an individual that always had a very dignified demeanor as he would serve as Speaker pro tempore here in the House.

He is an individual that is always very conscientious. He was kind and considerate and loyal. As a matter of fact, he is the type of person you want as a friend. His work was always based on being thoughtful and methodical in his approach. He was that way, not only in the manner of his life, but in legislating here in Congress.

I think of two things when I think of ED PEASE and what he did here in Congress; his service on the Committee on Transportation. ED was fiercely loyal and always attended every subcommittee hearing and full committee hearing. He was instrumental with regards to 21 States that always had been considered donor States since the inception of the interstate system, and the inequity in the gas tax and its redistribution formula across the States. ED felt that that was wrong, and he worked very hard.

They brought equity back to the funding formula to Indiana which had also always been a donor State since the 1950s. In the last Transportation bill, we received over a billion dollars more than previous bills, and I think ED PEASE's work needs to be complimented for what he did for the country.

With regard to DAVID McINTOSH, DAVID is, I think, known as the analytical thinker, always working the angle to properly deploy what he perceives as the well-crafted strategy.

He is true to his principles and, at times, makes legislating difficult, because he seeks to hold the line, but that is what legislating is all about, not finding the easy course, but forcing two sides to actually sit down and work through their differences.

The country's loss, like ED PEASE, will be Indiana's gain. DAVID McINTOSH is running for Governor of Indiana, and he hopes to lead Indiana into the 21st Century.

To ED PEASE and DAVID McINTOSH, we thank you for your service to country, to the State, and to your community. You are precious assets, and you will be missed. God speed to you and your families.

CARIBBEAN AMNESTY AND RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Madam Speaker, several weeks ago, I had the opportunity to address this body and talk about my bill, the Caribbean Amnesty and Relief Act, and I would like to speak about it again.

I am very proud to introduce the Caribbean Amnesty and Relief Act, which is legislation to reduce the devastating impact on the Caribbean community caused by the 1996 Immigration Reform bill.

The people of the Caribbean Basin have always been loyal friends of the United States. At the height of the Cold War, the United States looked to the Caribbean nations to fight the infiltration of Cuban-style Communism.

As a result, the Caribbean countries suffered political upheaval, and the people of the Caribbean fled to the United States to escape human rights abuses and economic hardship.

People of the Caribbean have now established roots in the United States, many in my congressional district. Many have married here and many have children that were born in the United States.

The economic structure of the Caribbean is such that it cannot absorb the great number of undocumented people now present in the United States.

Our country, in my opinion, should grant the Caribbean population already in the United States amnesty since they have been here so long and continue to benefit the United States economy.

The Jamaicans, for example, present in the United States, send back to their families 800 million in U.S. dollars per year. The Jamaican economy would be severely strained if that money were to disappear.

In 1997, Congress recognized that the Illegal Immigration Reform and Responsibility Act would result in grave injustices to certain communities, and so we passed the Nicaraguan and Central American Relief Act but left out Caribbeans. I believe that that was very unfair.

We need to pass legislation which will help the Caribbean community; thus, I am proud to take the lead on the Caribbean Amnesty and Relief Act.

I would like to again tell my colleagues what this would do. This bill would allow for an adjustment for permanent residents for Caribbean nationals who have lived and worked in the United States prior to September 30, 1996 and have applied for an adjustment of status before April 1, 2002.

This means that Caribbeans who have been in the U.S. prior to September 30, 1996 without proper documentation can receive green cards.

The bill provides for spouses and children of those who have become permanent residents under section (a) to also become permanent residents of the U.S. if they apply before April 1, 2002.

The bill establishes a Visa Fairness Commission, which will study economic and racial profiling by American consulates abroad and customs and immigration inspectors at U.S. points of entry.

The purpose of this section is to determine whether there is discrimination against Caribbeans and others when applying for a visa or upon entering the United States.

In addition, this section would allow for the Secretary of State to waive the visa fee for those who are too poor to pay.

Again, it is imperative that we try to unite families. It is unconscionable that we would have families here in the United States and others in the Caribbean nations who want to be reunited but through loopholes cannot be.

We are also concerned about the arbitrariness of people who are granted green cards and some people who are not able to get green cards. We think that much of this is done in an arbitrary manner.

Madam Speaker, this is important legislation, and I urge the House to give it favorable consideration as soon as possible. We are, after all, dealing with people's lives. I look upon immigration as a good thing for this country. Immigrants built this country. The reason why this country has done so well through the years is because the best and the brightest from all over the world have come to these shores, as my four grandparents did many, many years ago, and have helped to build this country.

What kind of a person emigrates to these shores? It is not a lazy person. It is someone who is willing to put aside all of the customs and cultures, leaving family behind and coming to this country is certainly an industrious, hardworking person who just wants to be given a chance.

That is what the United States has meant to millions and millions and millions of people through the years, for people to just have a chance. It is a win-win situation, because, in terms of helping the families, we are also helping this country.

Again, if we do not do it as this term winds down to an end, I will be reintroducing this in the next Congress, and I hope we can move so that this travesty of families being broken apart can be ended and that we can finally give relief to people who need it, helping them, helping their families and helping this country as well.

Madam Speaker, I urge this House to give my legislation favorable consideration as soon as possible.

PERMISSION FOR MEMBER TO DELETE CERTAIN REMARKS FROM THE CONGRESSIONAL RECORD

Mrs. MEEK of Florida. Madam Speaker, I ask unanimous consent to delete a portion of the remarks of my special order speech given earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

DEVELOPMENT OF ANWR IS IN THE NATIONAL INTEREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Madam Speaker, I come to the floor today to set the record straight on some very interesting, but very misleading, allegations regarding the development of the coastal plain for our oil, your oil, in the State of Alaska.

Let me make it perfectly clear that nobody cares about the environment more than Alaskans. We have balanced our environment with what the Nation needs.

To give you an example of what we have been able to do with winter drilling, directional drilling, ice roads and pads, this is an oil field, what an oil well looks like in Alaska in the wintertime.

This is the alpine field itself. I want everybody to look at what is on the floor. It is snow. It is ice. It is probably 40 below zero, very, very hard to live there. But after we are all done, this well will produce probably 300 million barrels of oil for you, all of it going to the United States. This is what it looks like when we finish drilling.

□ 1445

That is the footprint. That is the footprint. It is not much larger than the desk that the Speakers speak from behind here. That is what is left. Anybody saying there is going to be a huge footprint is not looking, not thinking, not being there.

And this is for us. This is Federal oil. And why should we not develop it? When I think of the footprint, I think of Boston or L.A. or Miami, those are really impacts upon the environment. But an even bigger impact upon our environment is our 58 percent dependence upon Saddam Hussein, Saudi Arabia, Kuwait, Venezuela, Colombia and Yemen. Think about that for a moment. That is a footprint. And by the year 2005, it will be 61 percent, unless we change our ways.

Last year, we imported very nearly a million barrels a day alone from Iraq. A million barrels a day from Iraq. U.S. purchases from Saddam Hussein are $39 million each day we send him to build arms, to kill people, to potentially have nuclear war.

Do we want that kind of footprint? In fact, I would like to show a real footprint. Not this one less than the size of this desk, but this one. Do my colleagues recognize this footprint? I would like to refresh our memories. This footprint was Kuwait. Does that look like it is good environment? Is that protecting the atmosphere with all the oil burning? That is the footprint, not what I had in my own footprint.

Let us compare these two right here. I think it is pretty good, that is the footprint of those who are against developing our coastal plain. This footprint, green grass, wildlife, a little tiny thing not much bigger than that desk, or this one right here. That is the real footprint.

Then we have another one. I keep hearing 95 percent of it is open for development. If I could have the next one, 95 percent is open for development. This is what we are talking about. We keep hearing from people on that side of the aisle from Massachusetts, who have never been there by the way, have no concept, wants to have a reserve of oil to heat the homes for the senior people and wants to buy it from the OPEC countries and pay $34 a barrel, or use it out of the reserve which was set aside for strategic purposes only for military. I was here, he was not. And to have someone to say that this is the way to solve our problem by spending our reserve and then to say that 95 percent of Alaska is open for oil development and coastal plain.

This is closed from all the way here, all the way over to here, it is open here, closed, open and closed. Looking at that, 14 percent is open.

The ironic part about it, people say 95 percent. And I said something time and time again, just because this carpet is blue does not make it the sky. This is carpet. And just because an area might be open, most of it is closed, does not mean there is oil there. And how can this Congress keep saying because of special interest groups, we must not develop the small little coastal plain area less than a million acres? About the size of the Dulles Airport, by the way.

Madam Speaker, I desire to set the record straight on some very interesting, but very misleading allegations regarding the development of the coastal plain of my home State of Alaska. Let me say up front that nobody loves Alaska more than Alaskans and nobody cares more about protecting Alaska than the people who reside in our great state. What Alaskans have found in the more than 20 years of oil and gas development is balance. A way to balance our Nation's need for fossil fuels and our desire to conserve our precious natural resources. Alaskans accomplish this balance with technological advances such as directional drilling where development can tap oil and gas reserves from miles away. Technology has also reduced the size and impacts of these developments. Our soil and gas facilities on the North Slope have gotten smaller and smaller while becoming cleaner and cleaner. The surface disturbance of these areas is temporary and minimal. Advances such as ice roads and pads leave no impact upon the environment. But don't just take my word for it, let me show you a recent development site utilizing this new technology.

This photo demonstrates the winter oil and gas operations that will deliver oil and gas resources to supply our Nation's demands. Now, let me show you the footprint this development leaves when summer arrives and the ice and snow have melted away. This is how Alaskans develop oil and gas resources in our State, with minimal impact, surface occupancy while maximizing protective measures for the environment. With this successful track record, I hope my colleagues can understand why it is so deeply troubling for me to hear comments from some of my urban colleagues who try to lecture Alaska and Alaskans about environmental impact. When I think of man's impact on the environment, my mind races to big cities, like Boston, with huge expanses of development and air quality issues. Not oil and gas production that services our national demand in an environmentally benign manner.

Some of these same Members also advocate the creation of a Northeast heating oil reserve. While I may concede that there are some superficial merits to this notion, it will do nothing to solve the real problems our country faces regarding a domestic energy policy. While the band aid of a heating oil reserve sounds appealing, it is both unworkable and will rely on foreign imports to maintain the reserve's capacity. To address the heating oil issue, this administration decided to drain the Strategic Petroleum Reserve in an effort to impact heating oil prices. This ill-conceived, political knee-jerk was opposed by both Alan Greenspan and Secretary of the Treasury Summers. In a September memo, they wrote the President that draining the reserve would be a "major and substantial policy mistake." Unfortunately, their forecast was proven true at the expense of taxpayers. We don't need temporary Band-aids to fix our energy problems—we need lasting solutions to the problem of dangerously excessive dependence upon imports. Fifty-eight percent of our Nation's supply is delivered from foreign sources. That is especially shocking when you consider that the United States was only 35 percent reliant during the 1973 oil embargo. And even more worrisome is that more and more oil is being supplied from countries like Iraq. Ten years ago, we went to war in the Persian Gulf to stifle Saddam Hussein. Within the last year, this administration has allowed Iraq to export nearly 1 million barrels per day to the United States. Why? Because this administration's energy policy consists of one principle: When the price of crude gets too high, we ask foreign sources to increase production to drive down price.

Madam Speaker, what kind of energy policy relies on our enemies to supply our Nation's needs? At the same time, this flawed policy provides millions of dollars to be used in a manner which places our global security in jeopardy. At today's prices, the United States reliance on Iraq's production hands Saddam Hussein more than $33 million per day. That adds up to nearly $1 billion per month. Thanks to this administration, Saddam Hussein receives funding that can be used to build weapons of mass destruction and carry forward his anti-U.S. agenda. Not only do these actions put our foreign policy and the national security at risk, they also are fiscally irresponsible and environmentally damaging. Imports of crude oil account for nearly $100 billion per year of our trade deficits—one-third of the entire trade deficit.

Also, let's not forget what environmental protection looks like in these countries. This is a picture of environmental protection in the less stable foreign nations the United States is dependent upon. The fact is, that a development in Alaska, the size of Dulles Airport, can help address the supply needs of the United States as part of a comprehensive national energy policy with a balance to protect the environment. Like all new Federal actions, it will take the passage of a law to begin the development of the coastal plain. However, the coastal plain was set aside for future development in § 1002 of the 1980 Alaska National Interest Lands Conservation Act. The first line of this section clearly states the intent, "The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources." And President Carter made this intent very clear at the signing ceremony when he said in the opening moments of that ceremony, "This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources. A hundred percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling."

The intent to develop the portion of the refuge with the greatest potential for oil and mineral development is clear. President Carter made this point at the signing ceremony when he spoke of the offshore areas being completely open to development and the 1002 area being set aside for onshore development. Revisionists feel that the area set aside to provide "vital oil and gas resources" is now the biological heart of the refuge. These environmental extremists clearly have never visited the coastal plain of ANWR to witness how Alaskans have struck a balance between environmental protection and supplying this nation with the vital energy resources. Alaskans conserve the area our oil and gas developments occupy. We have only utilized 14 percent of our arctic coastline for oil and gas development—not the 95 percent some Members have erroneously stated. And we have reduced the temporary footprint these developments create. First generation developments utilized 65 acres. With 30 years of arctic experience, the same development would use less than nine acres. for some fields, directional drilling allows development without any surface occupancy.

Many of the concerns revolve around the caribou that calve upon the coastal plain. As a Member who served in the Congress during the consideration and building of the Trans Alaska Pipeline, I have heard the allegation that oil and gas development will hurt the caribou that thrive within our State. This argument was made during the building of the 800 mile Trans Alaska Pipeline 20 years ago. It has now been dusted off and used in the debate against developing ANWR. Mr. Speaker, I think the truth about development's impact upon caribou can be easily found by looking at the impact over the past 20 years of the Trans Alaska Pipeline.

When the pipeline was being built the caribou population of the Central Arctic Caribou Herd was at 3,000. Since development, populations have been as high as 23,400. The reason caribou have thrived on the North Slope is because our arctic development has relied on technological advances which actually help create a favorable environment for the wildlife. With directional drilling and ice roads and pads, the oil and gas industry can utilize technology to protect wildlife and the environment.

Madam Speaker, developing the coastal plain of my home State of Alaska to responsible drilling is the right thing to do. This small development will supply this country with vital energy resources while doing no harm to the environment. Utilizing such a small area, as Congress intended, to service our Nation's energy needs is an important part of a comprehensive energy policy and something that can be done with balance to conserve the environment. It is something that the Native Alaskan population that call the coastal plain home want. It is something that a majority of Alaskans want. And oil and gas production from Alaska's coastal plain is something this nation needs.

USING THE TAX CODE TO BUILD SCHOOLS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, we have had a number of great fiscal debates on this floor. Yesterday we confronted the issue of how to use the Tax Code to help build schools in America. The Democrats had one approach, the Republicans had another. And the bill which was passed yesterday, unfortunately, was a blend of the two.

The Democrat approach makes an awful lot of sense. It builds on the tradition we have in this country that when school districts issue school bonds, the Federal Government gives them lower interest rates because the interest on those bonds is tax excluded, tax exempt, and accordingly those who buy bonds from school districts agree to lend that money with a low rate of interest.

Building on that, the Democrats have suggested that school districts, in effect, get zero-interest bonds, the chance to issue bonds where the holders of those bonds get no interest at all paid for by the school district, but rather they receive a tax credit from the Federal Government. So instead of subsidizing the interest cost, the Federal Government through the Tax Code would pay the interest costs.

The effect for school districts is to reduce their borrowing costs by one-third. That is to say, instead of repayment costs that might cost a school district $100,000 a year, they would be making repayment costs of $66,000 a year. That will allow school bonds to be sold throughout this country and allow us to build and revitalize schools, and that is important for our education.

What the bill we dealt with yesterday does is instead of providing $25 billion of these special tax credit, no-interest, lowest possible cost bonds to the school districts, providing $25 billion over a period of 2 years, it provides only $15 billion of those bonds over a 3-year period. Roughly half of what we Democrats suggested.

Now, in one way it is a little more than half. We wanted 25, they gave us 15. But if we really look at it, it is a little less than half. We wanted $12.5 billion a year; they are providing $5 billion a year. And what is also bad is that they have weaseled the Davis-Bacon language so that not only do school districts get less than half of the help they need, but we are going to get substandard schools built at substandard wages in inadequate quantity.

The Republicans, though, did provide another method of helping school districts. It was a new idea and an exciting idea. A terrible idea. An idea which will cost the Federal Government over $2 billion, but is worse than nothing to the school districts. What they are going to do is relax the arbitrage rules. What that means is they are going to turn to school districts around this country and say, "We know you are going to issue tax exempt bonds, but when you do so, do not use the money to build schools right away. We are going to let you play with the money for 4 years."

So this is a special incentive from the Federal Government to help the school districts. We are going to give them a free ticket to Las Vegas with the bond proceeds. Take the bond proceeds and go gamble them, and that is what Congress wants school districts to do.

Madam Speaker, did we forget what happened to Orange County, California, which went bankrupt just a few years ago? The idea will not help build a school on Elm Street, but it will help build skyscrapers on Wall Street.

The idea that we would encourage school districts to take 4 years, when they did not build schools and instead played with the money, does nothing for education. It will cost the government over $2 billion.

But I understand where the impetus for this provision comes from, because for many years I practiced tax law. I would emerge from the tax law library after 12 dreary hours of reading fine print regulations and I would say at least my job is exciting compared to those tax lawyers who are subspecialists in tax law for tax exempt bonds. That is the most boring job I can imagine, and I was a tax nerd for many years. I know boring.

The Bond Council want the excitement of the investment bankers. We should not do it. We should build schools now.

COMPREHENSIVE SCHOOL CONSTRUCTION LEGISLATION NEEDED BEFORE THE END OF 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, today I would much rather be on my way back home to the central coast of California in order to spend time with my constituents. Instead, I rise to express my deep concern over an issue that greatly affects them as well as millions of other Americans: Schools in this country and in my communities which are overcrowded and in great disrepair.

In these last few hours in the 106th Congress, I am disappointed that we have not yet passed comprehensive school modernization legislation. But we are still in session and there is still time.

I strongly believe that education is a local issue. But overcrowding is a national crisis which demands a strong national response, not just a token. I have come to stand here on this floor several times on this topic. Recently, I held a letter signed by over 300 students from Peabody Elementary School in Santa Barbara expressing their desire for real, meaningful school construction legislation.

Now, this is a school in Santa Barbara built for 200 students which now houses over 600. These students know how disadvantaged they are when portable classrooms take up precious outdoor space which should be used in the development of their bodies and minds through physical activity. Time and time again, I have visited schools throughout my district which suffer from similar circumstances.

Madam Speaker, there is not a school in the Santa Maria Bonita district whose enrollment is not hugely impacted. One school comes to mind, Oakley, which was built for 480 students and now houses over 800. The high school district in Santa Maria is hoping to pass a bond measure because of the extreme overcrowding.

In San Luis Obispo, Cambria GRAMMar School was built to handle 200 students. They now have eight portables in its playground space with 345 students. Students who are kindergartners, the youngest of all, have been moved to a nearby middle school and they are housed in a small portable with a small fenced-in playground.

I spent 20 years as a school nurse in the Santa Barbara School District, and I have seen firsthand the damage that deteriorating classrooms have. The students cannot thrive academically if they are learning in overcrowded and crumbling buildings. This is the most crucial time in their lives for learning and we have an opportunity to do something about this.

Madam Speaker, I supported the America's Better Classrooms Act, a strong bipartisan measure, 225 cosponsors. It would have provided approximately $25 billion in interest-free funds to State and local governments so that school construction and modernization projects could occur. Such funding would help schools like Peabody, Oakley and Cambria Grammar Schools to make improvements in classrooms, playgrounds and would help reduce class sizes.

I believe here in Congress we must set our standards high to ensure that all children have the right start. All children deserve to have safe, clean, modern school environments to be part of each day.

So, Madam Speaker, this 106th Congress is coming to an end, but our students have a lifetime of learning ahead. They need our help now. I believe we can still act and must act to pass comprehensive school construction legislation in this session of Congress.

□ 1500

INDIANA LOSING TWO GREAT REPRESENTATIVES

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the

House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Madam Speaker, Indiana is losing two great Representatives when this session ends: the gentleman from Indiana (Mr. PEASE) and the gentleman from Indiana (Mr. MCINTOSH).

I think I can speak for all Members when I say that this is not only a loss for Indiana, it is a loss for this body. Both of them are intelligent, hard working Members of Congress. Both of them have remained true to their principles, and both are dedicated to upholding the honor of this House and to the American people.

I had the pleasure of serving with the gentleman from Indiana (Mr. PEASE) on the Committee on Transportation and Infrastructure. He has the distinction, and I know of no other Member that can make this claim, of attending every single meeting of that committee. But when one looks at where the gentleman from Indiana (Mr. PEASE) came from and what he accomplished before he came to Congress, that is not surprising.

When one compares the gentleman from Indiana (Mr. PEASE) and the gentleman from Indiana (Mr. MCINTOSH), there are a lot of comparisons. Both of them are down-to-earth people. They are common guys. They are nonpresumptuous. They are easy to meet, courteous.

It may come as some surprise to the Members of this body that both of them, in their educational backgrounds, they excel. They do not try to impress one with their IQ or their intelligence.

The gentleman from Indiana (Mr. PEASE) graduated with distinction from Indiana University and his J.D. degree, Cum Laude, from Indiana University.

Now, I know the gentleman from Indiana (Mr. MCINTOSH) better. I knew Ruthie. My wife Linda and I knew their daughter Ellie, who was born in 1997. But it was not until sometime later that I discovered that he came from a small farming town, Kendallville, in Indiana, and that he worked in a foundry to save money for his college education. That university was Yale University. He is a Yale University graduate.

He worked in the White House under Ronald Reagan. He was asked by this House to chair the Subcommittee on Regulatory Reform and Paperwork Reduction. Now, on that subcommittee, I think one of his greatest accomplishments was spearheading efforts to strengthen laws that protect the environment and health and safety.

At the same time, he did away with a lot of silly, unnecessary, down right stupid regulations. One required every paving crew to work in a heavy shirt and long pants on Indiana roads, even if it were over 100 degrees. He was able to work to eliminate laws like that.

Whether it is the gentleman from Indiana (Mr. PEASE), former Eagle Scout, going back to work in Indiana or the gentleman from Indiana (Mr. MCINTOSH), hopefully the next Governor of Indiana, they are going to be missed in this body.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

TRIBUTE TO THE HONORABLE BILL ARCHER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. SHAW) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAW. Mr. Speaker, today I would like to rise in really celebration of a career of probably one of the most respected Members of this great body, and I am speaking of the gentleman from Texas (Mr. ARCHER).

The gentleman from Texas (Mr. ARCHER) came to this House back in 1970 after having served a short term in the Texas House of Representatives. But I think he really came into his own in 1994 when he became the Chairman of the Committee on Ways and Means after serving for several years as the Ranking Republican Member.

If there is one person in this body that I really try to as much as I possibly can to pattern myself after, my conduct and how I vote and how I view things, it would be the gentleman from Texas (Mr. ARCHER). He has such a high moral standard that he sticks to himself.

His ability to listen to the Members and his ability of inclusion on the Committee on Ways and Means, it is sort of a rare thing that one sees that there is a coming together, because we see tax policy different, the two political parties.

But under his leadership, he was a key player in getting the 1997 balanced budget with tax relief signed into law. That tax cut was the first tax cut in 16 years. That shows his ability to work with the administration.

I know that, on many occasions, he has gone down and has met with President Clinton on a number of things, some of which bear fruit and others that have not.

I would like to just tick off a few of the accomplishments that the Committee on Ways and Means has done under his leadership. He shifted the burden of proof off the taxpayer and onto the Internal Revenue Service. That does not sound like much. But under our form of law, the taxpayer had the burden of proof, which just does not seem to be fair under our sense of justice.

Under the leadership of the gentleman from Texas (Mr. ARCHER), we changed that. We gave taxpayers 74 new rights and protections in their dealings with the Internal Revenue Service. We created an independent oversight agency to oversee the Internal Revenue Service.

We gave new protections for innocent spouses. This is where, particularly in a case of a divorce, where the Internal Revenue Service would go back after, usually, the wife who just signed the return that her husband put in front of her; and they would go after her for things that were in the tax return that were stated wrong, fraudulently or in error. Now they have new rights, which is something that was very important.

It prevents the IRS from seizing homes without a court order. It seems peculiar that the IRS could have done this without court orders, but now they have to have a court order; and that is the right thing to do.

These things, among the others, were the first overhaul of the Internal Revenue Service since 1952.

Human resources, he steered the welfare and health care reforms into law. I had the great privilege of working with the gentleman from Texas (Mr. ARCHER) on welfare reform. We have done unbelievable things. We have cut the roles in half in this country, and in doing so, not just by shoving people off the roles, but giving them pride in themselves to raise their own self-esteem and expectations that we have of them and they have of themselves.

So many of these people have now become the role models for their kids, and that is terribly important. Eight million former beneficiaries are now working and have gained their independence. What a wonderful thing that is.

Child poverty now is at an all-time low. Out-of-wedlock birth rate plateaued and now is declining for the first time in an entire generation and longer.

Prisoners are no longer receiving welfare checks. That is something that is hard to believe, that welfare checks were being paid to prisoners, but that is what was happening. We put a stop to that. Taxpayers have saved $30 billion.

His goal was to preserve Social Security. The Archer-Shaw bill was a perfect example of trying to work with inclusion. All the hearings that we had, listening to our Democrat colleagues, we incorporated into the bill their concerns through the hearing process.

I would think that the gentleman from Texas (Mr. ARCHER), probably one of his great disappointments is that we did not get the bipartisan support and the support from the White House that we felt we were promised. But I am confident in the next Congress that we will save Social Security. That plan that we will adopt may not have the name of the gentleman from Texas (Mr. ARCHER) on it, but it certainly will have his spirit and the result of the good works.

Beginning in the year 2012, we are looking at a $120 trillion deficit in Social Security. One tries to think how many zeros are in 120 trillion. Just think of it this way, it is 36 times the amount of the national debt. We talk so much in this Chamber about getting rid of the national debt, and we have a projection out there by the Social Security Administration of an amount equal to 36 times, 36 times the national debt. That will be just over 60 years beginning in the year 2015. The gentleman from Texas (Mr. ARCHER) tried to change that. Mainly because of his good works, we will be able to reverse that in the next Congress.

He sponsored the bill and led the fight for the PNTR for China. As a conservative, he was the right man to lead that. I think that it is certainly a great accomplishment for which we can be proud.

When he took over the Committee on Ways and Means as chair, he actually looked at our staff and reduced the staff by one-third. This is something that I think is really totally innate, the extent of that reduction in this Congress.

The example of the gentleman from Texas (Mr. ARCHER) is everywhere. I think, in what he was able to accomplish, particularly during his time as chairman of the Committee on Ways and Means. He certainly will be missed, but his good works will be enjoyed by the American people for generations to come.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Florida (Mr. SHAW) bringing this special order honoring the gentleman from Texas (Mr. ARCHER). The gentleman from Florida has already gone over his legacy, and what a legacy it is.

I happen to have the district that is next to the district of the gentleman from Texas (Mr. ARCHER), and I have known the gentleman from Texas (Mr. ARCHER) for many, many years. In fact, he does not particularly like for me to tell people how long I have known him, but back when I was going to the University of Houston, my senior year in 1970, the gentleman from Texas (Mr. ARCHER) was running for Congress for the first time. At that time, it was the first campaign that I had ever worked in. I never met him. I did not meet him for another 20 years. But I saw a man that I wanted to work for, a man of great integrity, a wonderful conservative, a man of principle, a man that stood for principle.

The gentleman from Texas (Mr. ARCHER) was running as a Republican. Back in Texas in the late 1960s and early 1970s, they did not elect Republicans, they shot them. To run as a Republican was pretty near a death sentence if one really wanted to get elected. But the gentleman from Texas (Mr. ARCHER) stood up. He ran as a Republican. His district saw his great worth, and they elected him.

He has served with such distinction. Even when he served in the minority for so long, the majority would come to him for advice on tax policy and the tax code. Then when he took over as Chairman of the committee, most Members, particularly those that are not as senior do not remember, but the Committee on Ways and Means carried, I think, about 70 percent of the Contract with America.

They drove that legislation and did an outstanding job in telling the American people that we were going to do it. We showed them that we were going to do the Contract with America, and we did it under the Committee on Ways and Means and, most importantly, the leadership of the gentleman from Texas (Mr. ARCHER.)

It was hard to do because we were fought every step of the way in everything we were going to try to do. Most people do not see it this way, but it is true. The shutdown of the government was caused by the President of the United States because he was opposed to balancing the budget. Yet, the gentleman from Texas (Mr. ARCHER) stood there, and stood there with great, great strength in order to carry that out, and finally signed in 1997 the Balanced Budget Act.

Along with the gentleman from Florida (Mr. SHAW), the most important thing that I have ever done in my career and many of our careers was welfare reform. We found a system that had failed. It had failed because of its liberal approach. It had failed the people on the welfare system. It had destroyed families by being dependent on the government.

Yet, with the President fighting us every step of the way, we passed that legislation, and now we are reaping the benefits. Families are coming back together. Fathers are moving back in with the mothers of their children. Children are looking up to their parents as role models because they are receiving a paycheck. All of this is due to the will and the stamina and the distinction of the gentleman from Texas (Mr. ARCHER).

Let me just say on a personal note, the gentleman from Texas (Mr. ARCHER) is one of the finest men I have ever had the privilege of knowing. Because he is strong in his faith in God, his wife Sharon, whom he dearly loves, at his side, a very extensive family, he has been a role model that they have modeled themselves after. His children are role models in themselves to their own children. His legacy is truly his family.

Being the role model that he is, a man that shows integrity works, shows that being principled works, shows that if one loves one's family and holds them together, it truly works.

□ 1515

And so I am more than pleased to be here in honor of BILL ARCHER.

Mr. SHAW. Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida, one, for taking this time to honor our colleague and our leader on the Committee on Ways and Means, the chairman, the gentleman from Texas (Mr. ARCHER).

I came to the House in 1978 and moved to the Committee on Ways and Means in 1983. My predecessor from my district in Bakersfield was a Congressman by the name of Bill Ketchum, who was a member of the Committee on Ways and Means during his tenure in Congress. I already knew BILL ARCHER by reputation through Bill Ketchum before I came to Congress.

BILL ARCHER has provided an extremely important institutional link to an earlier period of this body when there was a different tone, a different civility and, more importantly, a different approach to work product. The thing that I will remember most about BILL ARCHER is that oftentimes we know a person as an individual and a person as a Member, and the way in which they conduct their business as a Member and the way in which they deal with various other personal aspects as a person are often different. I do not know of anyone else who follows a course in which his professional action is paralleled by his personal action.

Any time I have been in a closed room with the gentleman from Texas, and we have had to reconcile a difference, the reconciliation takes the course of what is the right policy; what is the appropriate action, not what is in it for me, this is necessary for my constituents. It served him well as a compass, but it has not always provided a smooth road. Because oftentimes he stood in the way of someone wanting to get something from a personal or a district point of view, and sometimes that individual's discretion was clouded by the desire to obtain a particular end and what that gentleman was going to do to comity, to the Tax Code, and to policy by doing it. This institution has been well served by BILL ARCHER many, many times behind closed doors when his resolute determination to do what is right has prevailed.

Sometimes when one winds up being in the majority, and obviously I served with BILL ARCHER in the minority for almost 16 years, and I think we get to know a person more when they are not able to do something, and the way in which they conduct themselves when they cannot do it, than when they are in a position of authority and they are able to do it. The civil manner in which BILL ARCHER presented his arguments, the determination, the preparation, is once again a model that all of us can remember and would be a model for all of us to adhere to.

When he became chairman, and Republicans became the majority, he carried that over to the conduct on the full committee. Those of us who are returning, and we have a very high level of confidence that we will be returning to a Republican majority House and majority control of the Committee on Ways and Means, though BILL ARCHER will not be with us physically, he will always be with us in spirit because there will come a time behind closed doors when we have a difficult choice to make, and the response should be, and will be, well, what would BILL ARCHER do. I hope that will be our guiding philosophy even when BILL ARCHER will no longer be in the room.

We wish him well, Mr. Speaker. We look forward to the enjoyment and the time he will have to spend with Sharon and the family, but that time will be taken away from his colleagues and the leadership he has provided us. He will be sorely missed by those of us who served with him as individuals; he will be much more sorely missed by this institution in terms of the way he conducted his public responsibilities.

I thank the gentleman from Florida once again for taking this opportunity for us to remember the real meaning of BILL ARCHER. Do as BILL ARCHER would do.

Mr. SHAW. I thank the gentleman for those very fine remarks.

In just a moment I will be yielding back the time, the balance of which I understand will be claimed by the gentleman from New York (Mr. HOUGHTON) to conclude this special order, but I would like to just point out a couple of extra things about BILL ARCHER which are tremendously important.

When I first went on the Committee on Ways and Means, the first thing they would do when they started marking up a tax bill was to close the doors. I can tell my colleagues that those sessions went a lot quicker and there were not as many speeches made, but he opened that process, which I think was a very good thing to do.

Also, I would like to, just from a personal standpoint, mention what great friends that he and Sharon have been to Emily and to me. In Congress we do make some friends that last a lifetime, and our relationship with the Archer's has been a very, very special one, and one that both Emily and I certainly treasure. After hours, many, many times we have gotten together for dinner or have gone various places. I know that they have shown a keen interest in conservation on the continent of Africa. One such trip, which was not a taxpayers' expense trip, I must say, was deep back in this Congo, where it took better than a day to get back where we were going. Then we would walk for miles and miles and miles through the forest. I can tell my colleagues that I believe that 70-year-old man can walk further than I can. He absolutely is in great shape. I can attribute that, I think, to the time that he spends on a tractor doing other various other things at his farm out in Virginia, which I know he and his wife dearly, dearly love. Her love for animals is something that is, I think, really, really quite incredible.

But I look forward to seeing more of BILL ARCHER. I have an idea that his days in government are not entirely behind him. He has so much yet to offer, and I look forward to working with him in the years ahead in other capacities.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COOKSEY). The balance of the pending hour is reallocated to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, there are several of us that have remarks about BILL ARCHER, and I will begin.

I hope BILL and Sharon ARCHER are watching this program, because I do not believe anybody has said so many nice words to him to his face. We always say things behind people's backs, and it is easier to say things in public many times than it is in private. I think we all have felt these things, but it is many times embarrassing to say them on a one-to-one basis.

So, BILL, if you are listening, I do not want you to inhale all this stuff, but we really do believe it and want to express our appreciation and what you mean to us.

It is always hard to say good-bye to somebody, particularly somebody for whom you have such respect. I am not a tax lawyer. I am far from it. And one of the great courses I have ever taken, when I came to this place, was from BILL ARCHER in terms of tax law. I do not consider myself a great tax expert now, but whatever I have learned, I have learned from BILL ARCHER in a very solid and sort of relaxed way trying to explain the intricacies.

One of the things which I, as a sort of historian, have been interested in is his background, talking about institutional memory. Here is a fellow who was here when Wilbur Mills was here. Here was a fellow who was here when Russell Long was here. Those great titans of finance in our government gave him, obviously, a bedrock and an understanding of what the whole place was about in the thrust of the Committee on Ways and Means. I think all of us here who are on the Committee on Ways and Means are very humble about this. It is an extraordinarily important committee. One hundred percent of the revenues and 60 percent of the cost of the government goes through this committee.

When one is involved in these sessions with BILL, one understands not only the functional parts but also the historic parts. He has always led that way, so tremendously.

The gentleman from Florida (Mr. SHAW) was talking about welfare reform and was rather casual about it, I thought. Frankly, I think one of the most extraordinary pieces of legislation, I will say one of the top five pieces of legislation that I have seen since I have been here, is the welfare reform. That was BILL ARCHER and the gentleman from Florida (Mr. SHAW). The gentleman from Florida is very sort of modest about this whole thing.

I think another thing is their concept, which never went anyplace, and it is too bad because it is a great concept, and it may someday, is the concept of the Social Security System. They had a plan to fix it, and there would be an element of pain but not as much if we did nothing at all. He was always on the forefront of things like that.

One of the great things I think about BILL ARCHER is that he was never arrogant. Here was a man who had been in the minority for a long time and all of a sudden he was thrust in the position of chairman of the Committee on Ways and Means. Under those circumstances, after having been dying for years of not being able to be heard then suddenly being in the chairmanship, the way he conducted meetings, the way he was polite, the way he was respectful of people's opinions, both the people on the committee and also those people who were testifying, is really an example in statesmanship.

There is something about this man that I think is important, particularly in the stressful days that we are going through. He never carried too heavy a pack. In other words, he always could sort of sense the humor and the perspective and the importance of this place and, as a result, was a great example to all of us. I can remember taking a trip, all of us have taken trips with BILL ARCHER, and on those congressional delegation trips many times we see a person in full flower, particularly when he was with his beloved wife, Sharon. Wonderful human beings. The type of people that, although I do not live in Texas, I would like to say, gee, I am so proud to have that person represent me. That was the type of person he was.

Mr. Speaker, I yield now to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York, the chairman of the Subcommittee on Oversight of the Committee on Ways and Means.

Mr. Speaker, as we come together on this floor, not to engage in the great debates and the differences that ofttimes define us, but to speak with a united voice in honor of our chairman, the gentleman from Texas (Mr. ARCHER), who has decided, after three decades of meritorious service, to leave our midst for private life, although I have a feeling that he may be summoned to other duties in future days.

Mention was made earlier of BILL's lovely bride Sharon and the menagerie of animals they keep in the Archer household. I would note with some pride, Mr. Speaker, that the Archer family cat is from the Sixth Congressional District of Arizona, having been picked up there by one of the Archer children during their time at Northern Arizona University. So I feel a kinship with the critters in the Archer household.

And from time to time being described as one of the more animalistic members of the Committee on Ways and Means when tempers flare, when the debate is joined, I must say, Mr. Speaker, I look with great respect on the unique ability of BILL ARCHER to disagree without being disagreeable. That is a remarkable gift. Because time and again when we come to this well or when we meet in full committee, there are honest disagreements and policy differences passionately held.

□ 1530

The true mark of service and leadership for our chairman, Mr. Speaker, is his remarkable ability to deal in an affable, evenhanded fashion with every Member of the Committee, with every issue that may be contentious in nature, with every disagreement in such an agreeable fashion. It is a gift that escapes many of us, truth be told.

So the gentleman from Texas (Mr. ARCHER) the man leaves a legacy of kindness and civility, of unpretentiousness in a city where egos can clash, where, Mr. Speaker, if truth be told, most everyone who runs for public office and the euphemism of the new century has a healthy dose of self-esteem. The gentleman from Texas (Mr. ARCHER) stands as a modest man of incredible abilities.

The public policy side of the ledger demonstrates this and has been enumerated by speakers who have preceded me, including my good friend from New York.

Welfare reform can be looked upon as a bipartisan accomplishment driven by the chairman of the Committee on Ways and Mean, the first meaningful tax relief in almost a decade and a half under the chairmanship of the gentleman from Texas (Mr. ARCHER) and at times, even as recently as yesterday, when a sense of principle motivates him, there is no debate. The gentleman from Texas (Mr. ARCHER) disagreed with many of us yesterday and cast a vote based on his firm and unwavering ideals.

Our other friend the gentleman from California (Mr. THOMAS) mentioned times "behind closed doors." And while those phrases are used as figures of speech, "in the dark of night," "behind closed doors," the fact is that we must sit down from time to time away from the roar of the grease paint, the smell of the crowd, and try to deal with policy.

And I do not believe I am violating any confidences. I believe, Mr. Speaker, were the chairman here today he would freely admit to all, as he did to us privately, his test for how to do this job in the people's House, a test that may have in fact been magnified given the role he played as chairman of arguably the most powerful legislative committee in the greatest Constitution republic this world has seen.

He said quite simply it is this, I made a promise to myself that, with every vote I would take, I would be able to sleep at night and I would remain true to my convictions.

So said the gentleman from Texas (Chairman ARCHER). His actions have never wavered from that simple test. And as recently as yesterday, at a time of contentiousness again, he held firm. We may not agree on every issue, but we can all agree, Mr. Speaker, that the actions of our chairman are indeed special.

Many others join us to share their reminiscences. I would simply say this again to reiterate. I am not at all certain that our chairman is headed for retirement. I think he is so valuable in so many different ways that there are those who may follow us into Government service who may cast a keen eye toward his talents. But for now in this role, as we prepare to conclude the 106th Congress, we do not say farewell, we simply say, Mr. Chairman, we will try to follow your example and we expect to see you again in other endeavors of public service. Because your wisdom, your unpretentiousness, your good common sense, and your grace under pressure are things that we cannot leave simply to retirement.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, it has been said that character can be best defined by doing the right thing when no one is looking. I love that phrase. Because around here in Washington, D.C., particularly in Congress, there are a lot of people looking out there and it is easy to play to the camera and it is easy to play for the politics and everything else and there is often very few moments in time when we get to be on our own or dealing maybe one on one with a colleague.

I have had that opportunity with our chairman. And I have to report to my colleagues that he is a man of very high character. I have never seen him do what I could refer to as the wrong thing, infuriating as that might be at times. I tried to coax him into violating maybe some of his own principles, maybe some of his views, political or personal views, on a couple of different items. And he beat me every single time. But he was always fair about it, even though he was tough. He was always forthright, and he always gave me a heads-up. And I respect him for that.

I just come here today to say that, while there are a lot of people who are leaving this particular Congress, he is one who ranks up there as one of the ones that I will miss the most.

Around here in Washington and Congress, many people come and go it seems. The beauty of our system is that, almost like sticking your finger in a pool of water, as soon as it removes, it fills in. There will be a new chairman. There will be another representative from his district in Texas. But the ripples on the water that the gentleman from Texas (Mr. ARCHER) has left for freedom in this country will ripple on for a very long time. And for that I am grateful. I know his family is grateful. All of America should be grateful.

I bid him adieu.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to join my colleagues in paying tribute to a man whose retirement announcement was one of the things that I most dreaded in this Congress.

When I came to Congress and came to the Committee on Ways and Means in 1994, the gentleman from Texas (Mr. ARCHER) was a beacon. We had just taken control. Revolution was in the air. And we were facing an enormous task of moving, as the gentleman from Texas (Mr. DELAY) noted, 70 percent of the Contract with America through our committee and doing it right. We could not have done it without leadership of the character and quality of the gentleman from Texas (Mr. ARCHER).

He has been noted by other speakers for his extraordinary civility in an institution where that is an increasingly rare element.

I would like to say that the gentleman from Texas (Mr. ARCHER) has always struck me for his stoicism, his strong principle, and the fact that when it comes to principle, he has been absolutely unyielding. And yet, at the same time, Mr. Speaker, he has always been a superb legislative tactician. He has been courageous and articulate every time he has risen on the floor of this House.

This chamber has become kind of hushed, because the gentleman from Texas (Mr. ARCHER) always has something extraordinary to say and the expertise to back it up. He is one of those Members who brings to this body true intellectual rigor. He has a profound understanding of the Tax Code, and that has really been the hallmark of his term as chairman of the Committee on Ways and Means.

It is notable that he opposed the 1986 Tax Code when it passed, and with good reason, and every criticism that he made of that Code has been proven true. He has consistently advocated its replacement, and perhaps this body will some day have the courage to take up his challenge and pull the current Code out by the roots.

Yet, he has been involved in other issues, as well. I became aware that he was a leading advocate of raising the earnings limit for persons with disabilities and carried that issue in a number of Congresses. He has consistently defended the prerogatives of the House Committee on Ways and Means, the oldest committee in this body, and one that has always risen above the partisan zephyrs that have troubled other committees.

He has preserved the traditions of the Committee on Ways and Means very much in the tradition of the giants who have chaired that committee in this body, like John Randolph of Roanoke, William McKinley, and in our memory, Wilbur Mills. We will miss the gentleman from Texas (Mr. ARCHER). His shoes will be impossible to fill.

But like Nathaniel Macon in the 19th century, he has decided that he is at a stage in his life when he would like to move on and do something else. We respect that. We wish him and Sharon well. We will miss him sorely in future Congresses. He has been for me an inspiration and has been a source, I think, of great institutional memory and stability.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from New York for yielding.

Mr. Speaker, one of my most vivid memories as a new Member of Congress was my first meeting with the gentleman from Texas (Mr. ARCHER) after I had only been in Washington a couple of days. I went to see the gentleman because he was a member of what was then called the Committee on Committees, which now is called the Steering Committee, which makes committee assignments.

I was interested in serving on two committees, the Committee on the Judiciary and the Committee on Science. My first choice was the Committee on the Judiciary because it had subcommittees dealing with crime and another one that oversaw immigration policy. At the time, it was not thought possible to serve on both committees at the same time, even though that was my hope.

Well, a few days later, while the Committee on Committees was meeting, the gentleman from Texas (Mr. ARCHER) called me and told me that he thought that if I changed the order of my preference from Judiciary first and Science second to Science first and Judiciary second, we could "throw a long pass" and perhaps connect so that I would be on both.

I decided to leave it up to the Texas quarterback (Mr. ARCHER) and so put my committee assignments, and there is nothing more important to a new Member, in his hands. A couple of hours later he called back and said that I had been appointed to both. It was obviously thanks to his strong arm and steady aim.

It is obvious to any Member of Congress who has ever worked with the gentleman from Texas (Mr. ARCHER) that his strong arm and steady aim has been a characteristic he has always displayed. Whether it is giving Americans tax relief or ensuring the long-term solvency of Social Security or revamping the Internal Revenue Service, the gentleman from Texas (Mr. ARCHER) has as often as not completed that long pass.

One other characteristic needs to be mentioned, and that is that he not only has a strong record and steady hand, but he also plays fair and throws straight with his colleague. He tells us the truth. We know we can rely on what he tells us and what he really thinks about any issue or any piece of legislation. His consistent record of doing what is best for the American people, being straightforward in his dealings with others, and doing what he thinks is right are attributes that anyone in public life should aspire to.

Mr. Speaker, the good thinking and good judgment of the gentleman from Texas (Mr. ARCHER) will be missed, but he will always remain an example of an ideal congressman to us all.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN) the distinguished chairman of the Committee on International Relations, my friend and associate.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for conducting this special order.

Mr. Speaker, I am pleased to join with my colleagues in paying tribute to a legislator who has been one of the more remarkable and outstanding Members of this body, a gentleman whose impending departure is going to be a genuine loss to the Congress and to our Nation.

The gentleman from Texas (Mr. ARCHER) first came to the House 2 years before I entered the House, initially being elected from his hometown of Houston, Texas, in 1970.

From his earliest days as a Member of the House of Representatives, the gentleman from Texas (Mr. ARCHER) dedicated himself to the need to reform our outdated tax codes and made it his highest priority as the chairman of our House Committee on Ways and Means.

In fact, many Americans would have been unaware of the injustice of the marriage penalty or the death tax were it not for the research and diligence that the gentleman put into spotlighting these inequities.

The gentleman from Texas (Mr. ARCHER) first sought election to the House when his incumbent Congressman, a young man by the name of George Bush, decided to vacate his seat to seek election to the Senate.

He is so beloved by his constituency, which he represents so meritoriously, that he has never been reelected to his congressional seat by less than a three-to-one margin. His 30 years of service to this body and to his constituents guaranteed that his shoes are going to be difficult to fill and he is certainly going to be long-missed. However, his years of service underscore that a long, healthy, and relaxing retirement is warranted and fully earned.

□ 1545

To BILL ARCHER and to his lovely wife, Sharon, to their five children and two stepchildren, we extend our best wishes for a happy retirement together, with hopes they will often return to visit us.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN), another distinguished member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for having this special order.

You know, it is hard to imagine this place without BILL ARCHER. He will be very much missed; by me, by Members of this Congress from both sides of the aisle, by the Committee on Ways and Means, arguably the most powerful committee in Congress, that he has shepherded with such skill, and by this institution, by the House, as a body.

Let us be frank here. Not all of us will leave such a void. Not all of us will have such a remarkable legacy.

What is it about BILL ARCHER? He is a very special person. I have learned a lot from him. He is a principled, fierce advocate of limited government, and yet no one I know has deeper respect for public service.

I remember once being at an event where BILL ARCHER was asked to speak. Without notes he stood up and recited from memory Teddy Roosevelt's great statement, in which he said, "The credit belongs to the man who is actually in the arena," and BILL ARCHER feels that in his heart. He has respect for all of us as Members of Congress, in part because of that respect for public service.

He is firm, he is tough, he is also exceedingly polite. Who in this chamber has not been greeted at one point by BILL ARCHER with a smile, extending his hand saying, how are you? Even as Chairman, BILL ARCHER has been very careful not to demand loyalty from members of the Committee on Ways and Means. He rarely asks anybody for anything, and yet I know nobody who is more loyal than BILL ARCHER.

Leader DICK ARMEY reminded me recently of a song that BILL ARCHER is fond of. One day here on the floor things were tough on an issue, I was having a difficult time as a relatively junior Member of Congress, and BILL ARCHER took me aside and told me about a song he used to are cite to his kids to instill in them a sense of loyalty and brotherly love. It is a song about two combatants in the Civil War, one on the side of the North, one on the side of the South. One goes down on the Gray side of the line. The one on the Blue side of the line says something like, did you think I would leave you dying, when there is room on my horse for two?

He sung that song to his boys so that they would have brotherly love, but it goes to what BILL ARCHER believes, which is there is nothing more important than personal loyalty.

BILL ARCHER will be succeeded in Congress and in that district in Houston where he gets something like 80 percent of the vote, and he will be succeeded at the Committee on Ways and Means as Chairman, but nobody will replace BILL ARCHER. We are going to miss him, the Committee on Ways and Means will miss him, and this institution will miss him.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY), distinguished Majority Leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding. Let me thank the gentleman from New York for taking this time.

Every now and then I think in our lives we ought to take time. We ought to just pause and reflect about the good people we are privileged to know, the good people with whom we are privileged to work.

In my life, in all the years, either in academics or here, never has there been more such a fine person I have been privileged to know and with whom to work than BILL ARCHER. He has been, for all of us, a source of encouragement, of optimism. On some occasions when we needed it, what should I say, Dutch uncle-ish criticism, critique and so forth. But BILL ARCHER is an interesting fellow in the way that he could give you the kind of critique you may need at a moment, and, at the same time, make you feel encouraged by it.

We are all going to miss BILL. I would like to share two observations in particular. We talk about how we related to him, what he meant to us as a colleague, fellow Members of Congress.

I would like to reflect for a moment on what he has meant to so many of the young people that have come through here. My observation has been all too many times, people come to Washington a young idealist and leave an old cynic. BILL ARCHER has beaten the odds on that one. He came here a young idealist, and he is leaving here as a not so young idealist.

But I think it was because of the relationship he was able to have with young people. I have seen that in my own Chief of Staff David Hobbs, who many of us see now as a competent and able person here, who had his beginning here on BILL ARCHER's staff. A Texas boy, graduate of the University of Texas, graduate of the Lyndon Baines Johnson School at the University of Texas, who admired BILL ARCHER and came here and was privileged to come here and got his early training here.

David was the first hire I made when I came here in 1985. For all these years I always said to David, I know you really love BILL ARCHER more than me. He never denied it. A couple of months ago, BILL ARCHER pointed out to me, "You know, your Chief of Staff really loves me more than he does you." I said, "BILL, I don't blame him. I love you more than I do me."

So he had a big influence. I know there are probably thousands of stories of that kind of influence on young people who managed to come here and find their youthful idealism appreciated.

So, Mr. HOUGHTON, if I could end with this observation, it is an observation I made last Thursday with the Texas delegation at lunch. We had a great privilege to be in the majority. For many of us we felt it was something of a miracle in 1994 when we won the majority. We have had an opportunity to do things that many of us never thought possible.

But when I look on the reflection of it, there is nothing that I have experienced in the majority in the United States House of Representatives that has warmed my heart more nor given me greater reason for optimism about this great land than seeing my friend BILL ARCHER be Chairman of the Committee on Ways and Means. I believe it was the only job he ever wanted in this Congress, and, believe me, BILL, few people will ever be able to say with greater accuracy and conviction, I got to do the only job I ever wanted in Congress, and I did it to the best of my ability, and have people say, in a chorus of response, and no one, Mr. Chairman, could have done it better.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT), the assistant majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me and for taking the time today to honor the tremendous service of Chairman ARCHER.

I very well remember the first meeting I had with him as a freshman. It is easy for me to remember that, because it was not that long ago. But he quickly responded to my request to come over and talk to him about a piece of the Tax Code that affected colleges and universities.

I spent 4 years as a university president. I felt very comfortable about that part of the Tax Code. I went over and I found out, of course, in significant detail that the Chairman knew more about that very, very small part of the Tax Code than I did. But we had a great discussion. At the end of our great discussion, he had not changed his mind.

He felt strongly that he saw this Tax Code and the way it affected Americans headed in a consistent direction; that was the direction toward greater simplicity, a direction toward greater fairness, a direction where he thought that American families would benefit more universally from the Tax Code, and trying to eliminate those parts of the code that only benefitted a few, instead of benefiting many. He has been consistent, he has been strong. He has devoted himself to an IRS that works better, to a Tax Code that is hopefully fairer and more easily understood.

I know as he leaves here, he leaves here understanding there is still a lot of work to be done in that regard, and there will be work for Congresses to come to be done. But he has advanced the cause of a fairer, simpler Tax Code.

He has been consistent in his approach to every Member. His door has been open, from the lowest freshman on the totem pole to every other member in this conference. He would take time to explain to you his point of view, even though on your point of view, by others, it could have easily been argued quickly, well, you have only been here for a short period of time, or you do not understand the last generation and how this debate has gone on. But in fact Chairman ARCHER was always willing to take time to explain that debate, explain how we got to where we were, and his vision for where we yet could go.

I am hopeful that his service to America is nowhere near over. His legacy in this Congress will last for a long time, Mr. Speaker, but I think he has so much more to offer. I hope to see him willing to do that, and to continue to make the kind of significant contributions that he has made for a generation now in this Congress.

He has stuck with his commitment that this would be the time when he should leave the Congress, a mark that he set half a dozen years ago; that he has decided to, absolutely, as he has done in every other instance, keep his commitments.

This is the committed time in his mind to leave the Congress. I hope it is not a committed time in his mind to not be available to further service to Americans, because he has a lot of service, a lot of wisdom, a lot of history, a lot of heritage yet to share.

I thank the gentleman for yielding to me, and for taking the time today to recognize the great work and commitment of Chairman BILL ARCHER from Texas.

Mr. HOUGHTON. Mr. Speaker, I just have a few brief words at the end. I think our side is done. I think we have expressed our feelings. But I would just like to say one more thing.

WILLIAM ARCHER's example, not what he has done, because what he has done is very significant, his example is one of the finest I have ever seen, and he represents the greatest, I think, the greatest characteristic that this country has to offer.

Mr. REGULA. Mr. Speaker, the legacy of BILL ARCHER is a gift of responsible government to the American people in a great diversity of actions.

Many times I have heard the cry for a national industrial policy. In truth, the tax code is the nation's industrial policy. BILL's "steady as you go" leadership has made our code far better than it would have been without his strong role of participation.

I did smile when PHIL ENGLISH mentioned President McKinley, who represented my home county of Stark as a congressman, as one of BILL's distinguished predecessors as chairman of Ways and Means. McKinley was a dedicated protectionist, however, in his last speech in Buffalo, he repudiated this policy. I think BILL would have liked the reformed McKinley rather than the congressional McKinley.

The people of this nation are in your debt for dedicated service for them.

My best to you BILL and Sharon for good health and many fruitful years of happiness.

Mr. CRANE. Mr. Speaker, it is quite possible I have known BILL ARCHER longer than anyone in this Chamber. We met for the first time 30 years ago at a Lincoln Day festival. BILL was serving in the Texas State legislature at the time. I was told by mutual acquaintances that BILL was a strong conservative of unwavering principles, and that he would soon be elected to Congress. They were right on both counts.

In fact, the only time I have known of BILL wavering occurred about three years before we first met. BILL found it necessary to correct a mistake he had grown up with. He switched from the Democratic to Republican parties.

I have had the great honor and pleasure to sit next to BILL for 25 years now on the Ways and Means Committee. We have fought many fights together. We saw the power of the Committee exercised first-hand under Wilbur Mills. We experienced the curious mix of Chicago-style politics applied to national policy under Danny Rostenkowski. We celebrated the 1981 tax cut together, the effects of which are still being felt in today's prosperity. And we suffered through the lost opportunities of the 1986 Tax Reform Act and the disastrous 1990 and 1993 tax increases.

BILL ARCHER has been a forceful and effective Chairman of the Ways and Means Committee through some of its most difficult years. These are partisan times, and, sadly, this partisanship has infected the work of the Committee all too often. Through it all, BILL has kept to his principles, and kept his sense of humor.

BILL ARCHER knows as well as anyone in the United States what is wrong with our tax system. And he sees all-too-well the unfortunate trends of recent years, such as the increasing use of tax credits and the use of the tax system as an alternative to spending. He has fought valiantly to resist these trends while building a fire for fundamental tax reform.

Unfortunately, BILL's legacy will not be the enactment of fundamental tax reform. But it will be the laying of the groundwork for the reforms to come. And they will come. Each of us must stand on the shoulders of those who preceded us. The Ways and Means Committee, and tax policy generally, will be standing on firm and principled ground years from now thanks to BILL's leadership.

To quote Winston Churchill speaking of Lord Halifax:

> The fortunes of mankind in its tremendous journeys are principally decided for good or ill—but mainly for good, for the path is upward—by its greatest men and its greatest episodes.

BILL ARCHER has participated in, and in some cases presided over, some of the Ways and Means Committee's greatest episodes. By virtue of his unbending adherence to principle and fairness in the most tempestuous of times, he is also, in my opinion, one of its greatest men.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order to follow.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 60 minutes as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, when this body ends this session, and I remain hopeful that it will, this august body is going to lose one of its most productive and innovative Members, WILLIAM L. CLAY, Sr.

BILL CLAY became a Member of this body in 1969, over 30 years ago. He came here as a young man, by his own admission, filled with a bit of anger. BILL CLAY had grown up in a system that gave very little respect to his skills, to his dreams, to his aspirations, and he had fought as a young man in order to make sure that opportunities would be open for people such as him. So, when he got here, he was filled with all kinds of anxieties.

To get a good feel for who and what BILL CLAY is, one should read his book, Just Permanent Interests. I have on occasion read various parts of that book. In fact, I have a choice of the three or four copies that people have made gifts to me of, and I keep one of them in each one of my places of abode, one here in Washington and one at home in the district. And every now and then as we encounter various things here on this floor and in our political interactions, I go to a part of that book in order to get a sense of some of the history that BILL CLAY has been a part of and some of the emotions that he experienced when he first arrived here.

□ 1600

Mr. Speaker, I have been able to learn a lot from his experiences. And so when I arrived here, I sat with him, and we exchanged some of our great love of history. I am going to miss that when he leaves after next month.

Mr. Speaker, a lot of us will miss his wit and his wisdom. He is full of both; but for the wit, sometimes we would not have a good appreciation for the wisdom. So I want to say to BILL CLAY and others who are joining me today how much we appreciate him, not just as a Member of the Congress, but his personal friendship and interaction.

I suspect that I have had dinner with him more often than he would like. And, of course, I do not know, but I think he has enjoyed every one of them, because I have yet to be successful in getting him to pick up a tab for any of those dinners.

BILL CLAY has been a great guy. He has been a mentor to so many of us, and I consider it really a high part of my being here to be able to say to my children and grandchildren that I served here in this body for 8 years with him, and that we became fast friends, and that because of that friendship and because of that service together, I am a better person today than I was when I got here. I thank him for it.

I want to say to you, BILL, thank you for all that you have meant to me personally. Thank you for what you meant to my family. Thank you for what you have meant to those of us who have had the honor of serving with you.

Mr. Speaker, for the purposes of controlling the remainder of the time for this special order, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) will control the time for the minority.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. CLYBURN) for yielding.

Mr. Speaker, there are many Members who are gathering here this afternoon to pay tribute to Congressman CLAY.

Mr. Speaker, first, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, next year this Congress will be without the wit, the wisdom, insight, genius of one who has become a fixture and a fact of life. That loss is irreplaceable. In the next Congress, we will be without my friend, our colleague, Congressman WILLIAM "BILL" CLAY.

Throughout his career, BILL has been a trailblazer, a pathfinder, a pacesetter, an innovator, a leader.

Whether leading the fight to raise wages to a fair level, pushing through historical funding for college grants for disadvantaged students, taking on the fight to reduce class sizes, finding a way for federal employees to enjoy greater participation in the political process, initiating efforts to require employers to afford time for families, or reforming pension laws, BILL has stood firmly with workers, children, students, families and senior citizens.

He has been both the first and the last line of defense for the voiceless and voteless. More than a legislator, however, BILL is a noted author, a walking history book, a student, a teacher of science, a policymaker. But more than anything else, Mr. Speaker, he cares.

He is passionate when he speaks, because he is compassionate in his heart. This son of the Midwest has lived his life in sacrifice that millions could live their lives in pride.

He has manifested what his home State of Missouri symbolizes, "don't tell me, show me."

A dedicated husband, a loving father, he has helped to build this institution, the Congress of the United States.

His deeds have made a difference in many lives. Mr. Speaker, over time, many will come and many more will go, but few, very few, will leave the imprint that BILL CLAY leaves, having given three decades of his life in service to others.

At times, he has been a single voice, a lone agent for change. He has dared to be a Daniel. Most of the time, however, he is, indeed, a coalition builder. He is comfortable in either role. But wherever he has gone, whatever he has done, whomever he has confronted, he has left a legacy. He has given a gift. He is giving of himself. He has made an impact.

He leaves us now, not to quit, but to fight another fight, to write another book, to write another chapter, to run another race of life.

WILLIAM "BILL" CLAY, we will miss you. I have been rewarded, fortunate, favored, grace, privileged, inspired, invigorated, sometimes frustrated, but forever richly empowered to have served with you, and most of all, to call you my friend.

I will dearly miss you. Congress indeed will miss you. The United States is honored to have had you to serve us so graciously.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to join with my colleagues in paying tribute to Congressman BILL CLAY.

Congressman BILL CLAY is more than a friend. As a matter of fact, we are kind of relatives. We are relatives by marriage. My nephew is his cousin. I feel very close to Congressman CLAY, not only because we share family members, but because Congressman CLAY represents the kind of elected official that I have always wanted to be.

Congressman CLAY has had a brilliant career. He started out as a young man with a mission, a young man who decided to run for office, because he wanted to create change, not someone who wanted to run for office because they thought it was an upward mobility opportunity or it was a way to get a title, but it was a young man who had a mission and put his life on the line for his mission.

I think I really did begin to understand who he is when I learned about the work that he did in my hometown and his hometown, St. Louis, Missouri, when he challenged the establishment. As a young man, as a young turk, he said that he could not be comfortable with the fact that African Americans, Negros would not, could not be hired in St. Louis by any of the major corporations.

He organized, he worked with other young turks and they confronted the establishment. He went to jail for what he believed in, because he decided to take on one of the most powerful banks in St. Louis who resisted the efforts of these young people who said why are you not hiring qualified Negros to fill these positions.

He went to jail for what he believed in. He literally did the kind of studying and assessment of the situation in St. Louis and helped to develop a document called the Anatomy of an Economic Murder. It is a report by CLAY that detailed the pitifully small number of blacks working for the city's big employers.

They were successful after a lot of hard work, a lot of organizing, a lot of getting people to confront what was happening. He was elected to the Congress of the United States in January of 1969. And, of course, this place has never been the same, because he came here with a mission, and he came here at a time when there were other young blacks elected to Congress who were determined they were going to bring about some change.

He came in with Shirley Chisholm and Lou Stokes. He and Lou Stokes became the best of friends. It is something wonderful about watching men who really do become friends, who respect each other, whose families become so very close that they take their vacations together. Young men who love each other, young men whose families began to live a life of commitment, with the wives and the children getting to know each other. I really have respect for those kinds of relationships.

What has he done here in Congress? He has been one of the strongest legislators that ever came to this place, not only has he gotten his bill signed into law. He has sponsored successfully over 295 pieces of legislation.

There are people who come here who never sponsor a piece of legislation. There are people who come here who do not even get an amendment to a bill. There are people who come here and go home and talk about all that they have done, really describing other people's work. So to get 295 pieces of legislation signed into law is a tremendous accomplishment. He served with distinction.

I talked about his brilliant career. But let me just outline for you or mention to you some of the things that he has done.

As a matter of fact, he has had the opportunity not only to serve on the committees where he was able to do some of this tremendous work, he is one of the few persons who has chaired at least two of the committees that I am going to talk a little bit about.

For 23 years, the Congressman served on the Postal Office and Civil Service Committee, chairing it from 1990 through 1994. Let me tell you, if you speak to any postal workers in America, they know who BILL CLAY is, because he fought some tremendous battles for them. He stood up for postal workers. He made sure that the work that he did would help to make working conditions better for them, would help to deal with creating possibilities for upward mobility for them. So the postal system in America is better off because BILL CLAY served.

From 1989 to 1994, he served as chairman of the House Administration Subcommittee on Libraries and Memorials.

He was among 3 Members of the House assigned to recount ballots in the 1984 congressional election in Indiana's 8th District.

Again, he sponsored over 295 bills, but let me just tell you about some of the most important of them. In 1996, Congressman CLAY was instrumental in forcing a minimum wage increase through Congress, despite the adamant opposition of some of our friends from the other side of the aisle. But he has been a tremendous force dealing with historically black colleges and universities, Federal student grant and loan programs, class size reduction, the Carl D. Perkins Vocational and Technical Education Act, Individuals with Disabilities Education Act.

He has done all of these things. And he can take credit for the Hatch Act Reform Law that was passed. In addition to that, he can take a lot of credit for the Family Medical Leave Act that was adopted by the Congress of the United States of America.

□ 1615

There are very few who will be able to match this brilliant career. I think he has left a mark on this House, not only because of his tremendous legislation, but because he is a friendly person who gets along with people. He makes us laugh even when we are mad at him. I have tried to stay mad with Congressman CLAY, but I cannot because he will walk up to me and tell me the funniest joke and get me laughing in ways that I never thought I would do.

He is a brilliant writer and author who is, I think, perhaps one of the best historians this House has ever known. If we want to know what happened in a particular year that he served here, just walk up to him and ask him about an issue, about legislation, about something that took place on this floor. He can recount chapter and verse and in detail what took place.

He is a prolific reader and a prolific writer. He is one of the original founders of the Congressional Black Caucus. I am able to serve in this House and work with a Congressional Black Caucus because of the work of BILL CLAY. He is a pioneer. He opened doors. He helped a lot of other people to dream that they could come here and do what he has done.

He is an icon in the city of my birth. I am proud of him. His family is proud of him. The City of St. Louis is proud of him. We all know that because BILL CLAY pioneered the efforts of African Americans to serve in this body, that a lot of changes have taken place and the cause of African Americans, and others who were denied, who were marginalized, have been advanced because he served here. I am going to miss him.

They do not make BILL CLAYs anymore. There are people who come here who know nothing about the history and the struggles of our people. There are people who come to serve here not intending to make anybody angry, not intending to give up any perks, not intending to cause any trouble or make any waves. BILL CLAY made some waves. He caused some troubles, but he was one of the finest debaters that ever graced this floor.

A combination of everything that he has done, his debate, his work, his talent, all of that has helped him to become one of the most respected Members of Congress that ever served. I will miss him and I hope that I will be able to call him and ask for his assistance and get his wisdom for things that I will attempt to do

Mr. Speaker, I say, "Thank you, BILL CLAY, for the service that you have given."

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for those comments.

Next, I would like to yield to our distinguished leader from Congressman CLAY's home State, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman for yielding to me for the purpose of talking about Congressman BILL CLAY on the occasion of his retirement from the Congress.

Let me first say that I have known BILL CLAY for over 25 years. We both served on the St. Louis Board of Aldermen many years ago. We both come, obviously, from the same city and really in a way grew up together in the City of St. Louis and have had many of the same experiences in our time in politics.

I clearly remember when I first got elected to Congress, BILL CLAY invited me to lunch and we sat and talked about what it was like and what it meant to be in the Congress. He has been a mentor to me and has helped me in everything that I have done in public life.

He is one of the finest human beings that I have ever met. He is a leader in every sense of the word on a whole range of issues that go from civil rights, which he has been deeply and intimately involved in through his entire career, through education, through health care, through labor and human rights and every other issue that is of importance to the people in his district.

Perhaps most importantly he has always stayed deeply connected to the people who elected him. Never was there a time when he did not go home regularly, meet with his constituents, solve problems in the community, help people with community issues, and try to be an advocate for all of the people that he represented.

He was also one who believed in politics. He is a politician in the truest sense of the word. And I admire that, I think, most in him, because he realized that to make change in our world, we have to be involved in political life.

For most of his career in the Congress and in the Board of Aldermen, he was also a committeeman in the City of St. Louis political operation. He believes in political action. He also believed in civil disobedience when political action could not get the job done. I remember one of the first times I learned about him, he was engaged in, I think, a sit-in at a prominent bank in St. Louis in order to get proper civil rights with regard to that institution and other institutions like it in St. Louis.

But never did his civil disobedience keep him from being involved in the political process. If he could get it done in the political process, he got it done in the political process. And to this day, he obviously has been involved in politics in the truest sense of the word.

He has raised a wonderful family and his children, to his everlasting credit, are also involved in politics. And, in fact, we know his son is now running for the seat that BILL is leaving and retiring from, and I believe and hope that he will be elected. But, again, he is in public service like his father was in public service, his daughter has been involved in politics. The whole family is focused on political life and how we can improve our country, how we can improve our community.

BILL CLAY never stops fighting for what he believes in. He is the dean of our delegation. We will miss him in every sense. He is tenacious. He never gives up a cause. He has a wonderful sense of humor. He always makes fun of himself and makes fun of the funny things in politics that we all laugh about.

In 32 years of service, no one fought harder for labor rights, for human rights, for education, and as I said, for his constituents. He was first elected in 1968. In his groundbreaking book, Just Permanent Interests: Black Americans in Congress 1870 to 1991, he wrote that the congressional election that year ". . . reflected the changing fortune of blacks in American politics." With his classmates, Shirley Chisholm and Louis Stokes, he came ". . . to Washington determined to seize the moment, to fight for justice, to raise issues that had been too long ignored and too little debated." And he did all of it.

Mr. Speaker, he was and remains a passionate and forceful voice for the people in his district, for equal treatment of all Americans, regardless of race, regardless of ethnicity.

In representing the hopes and aspirations of the people of his district, he built an institution within this institution that has stood for equal representation and opportunity. He was a founding member of the Congressional Black Caucus, which we are all so proud of today. He created one of the leading voices for African Americans in the Nation and an influential force in the House of Representatives.

I might add that if the majority changes in this institution in a few days, for the first time in the history of this institution, the chair of the Committee on Ways and Means will be an African American, the chair of the Committee on the Judiciary will be an African American. And I dare say if he had decided to stay, the chair of the Committee on Education and the Workforce would have been an African American. But none of that could have happened if BILL CLAY had not helped form the Congressional Black Caucus and helped people of minority status run for the Congress and become Members of the Congress. And we would not have as many African Americans and Hispanic Americans and Asian Americans in the Congress if he had not fought those fights many, many years ago.

He has also been on the side of working men and women. He was a leader on the minimum wage, protecting worker rights, getting safety in the workplace. He authored most of the legislation for working people over the last 32 years. He was a labor supporter who gave no ground to those who attacked the right to organize, who attacked worker protections and the right to earn a decent living. Working families in this country, labor union members have never had a better friend and they will never have a better friend in this Congress than BILL CLAY.

He was deeply committed to making sure that every child in this society should be able to realize their full potential. He was the leading supporter of historically black colleges, the beacons of advancement and achievement for African American young people. He helped craft the Family and Medical Leave law that has helped so many families today. He challenged every Member of this institution to live up to the ideas of equality and justice and enshrine those ideas into our laws.

We are going to miss BILL CLAY. I asked him before I came down here whether he had decided what he was going to do next year and he said, "Well, I have not even thought about it." I am sure he has not. But I am convinced that his service for the people of this country does not end with his leaving the Congress. He will continue to fight in other capacities for the people of this country.

This is a great leader. This is a heroic leader that we will miss in this institution. But I am only assured that knowing him, he will not stop the fight. He will be out on the field every day that he is on this earth fighting for children, fighting for civil rights, fighting for human rights, fighting for this democracy.

Finally, let me say that America is a better, more just, more civilly equal society today because of the work and the commitment and the passion and the leadership of BILL CLAY. We cannot say more about any of us who have ever served in this institution.

Mr. Speaker, I say to the gentleman, "Thank you, BILL. God bless, you. God bless your family."

Mrs. CHRISTENSEN. Mr. Speaker, I next yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I stand with my friends and colleagues of the Congressional Black Caucus and there are three words that I think kind of epitomizes BILL CLAY. Those are: Determination, dedication, and distinguished.

He is a man of such distinction. I am so pleased that he, along with a few members of the Congressional Black Caucus, formed such a caucus. Otherwise, we would not be here together in unanimity trying to work on behalf of the constituents we serve in our districts.

This man of honor is the most effective and hard-working colleague in the House. He is from Missouri and he is from that "show me" State, so we have had to show him our interest and our determination and our true grit on educating the children of this country.

He has served tirelessly and been a strong advocate for America's children. This is why we have to show him, and continue to have to show him, where our hearts are in terms of educating our children. We have heard from other speakers before that he has been in the forefront fighting for workers' rights and was the key sponsor of the Family and Medical Leave Act, which was the first bill signed into law by President Clinton.

For nearly two decades, Congressman CLAY fought hard and tirelessly for the Hatch Act which is one of his labors of love and one of the really sterling pieces of legislation that was passed out on this floor and signed October, 1993, by President Clinton.

□ 1630

The gentleman from Missouri (Mr. CLAY) knew that he left his paw print and his mark on us, and so he then thought that he would get his son to come and follow in his footsteps, a young man of distinction. I hope that we do have the pleasure of continuing with a Clay Member.

He serves on many boards. One is the W.E.B. DuBois Foundation and the Jamestown Slave Museum. He also serves on boards for furthering education to our children, such as Benedict and Tougaloo colleges.

He is the founder of the William L. Clay Scholarship Fund, a nonprofit organization that will continue to give scholarships to young African-American students and other students who are aspiring to higher education.

Yes, the gentleman from Missouri (Mr. CLAY) will be missed in this body.

He is the recipient of numerous achievements, degrees, and awards. He is the author of many books, as we have been told, but one that really gives us a perspective of the history of the Congressional Black Caucus and black Members of Congress.

The gentleman from Missouri (Mr. CLAY) will be sorely missed. I know I have not known him for 20-some years, but I tell my colleagues, the way he has whipped us around here to make sure that we will take care of the education for the children of this country, it seems like I have known him for 22 years. Godspeed to him, a great man.

Mr. Speaker, I rise tonight to honor one of our most effective, hard working colleagues in the House. Congressman WILLIAM CLAY is the distinguished senior member of the Missouri congressional delegation. He is the Minority Ranking member of the House Education and the Workforce Committee where he has served as a tireless advocate for America's children.

As a native of St. Louis, WILLIAM L. CLAY was elected to the House of Representatives in 1968. And since that moment, Congressman CLAY has developed and promoted a legislative agenda focused on "workers' rights." He was a key sponsor of the Family and Medical Leave Act, H.R. 1, which was the first bill signed into law by President Clinton. For nearly two decades, Congressman CLAY worked on the Hatch Act reform which was one of his labors of love and was signed into law October 1993, by President Clinton.

Congressman CLAY serves on many boards, one of which is the board of the W.E.B. DuBois Foundation and the Jamestown Slave Museum. He has served on the boards of Benedict and Tougaloo colleges. He is the founder of the William L. Clay Scholarship Fund, a nonprofit, tax-exempt scholarship program which presently enrolls fifty-six students in twenty-one different schools.

Mr. CLAY holds a Bachelor of Science degree in history and political science from St. Louis University and is the recipient of numerous honorary degrees for his achievements as a legislator. The Congressman is author of two books: To Kill or Not to Kill, published in 1990, which deals with the savagery of capital punishment, and Just Permanent Interests, published in September 1992, which chronicles the history of Black Members of Congress.

Congressman CLAY will be solely missed by myself, his Congressional Black Caucus colleagues and all of us here in Congress. But we know he will continue to provide leadership, dedication and compassion for America's workers and for education and our children for years to come.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a genuine American hero, a tireless fighter for inclusion in one of the Nation's most influential and prolific legislators in the history, my friend, the gentleman from Missouri (Mr. CLAY),

The gentleman from Missouri (Mr. CLAY) was a hero for justice before he came to Congress, and the gentleman's record in Congress is nothing short of amazing. Virtually every piece of legislation he touches has a direct and decisive impact on all Americans.

For his entire career, the gentleman from Missouri (Mr. CLAY) has been one of the Nation's preeminent fighters for families and for students. His impact has been universally felt, whether through his critical support for the Family and Medical Leave Act, or his work as Ranking Member of the Committee on Education and the Workforce.

For decades, the gentleman from Missouri (Mr. CLAY) has fought to give every American an opportunity to succeed. As the gentleman from Missouri (Mr. CLAY) retires after a groundbreaking career, the Congressional Black Caucus salutes one of its founders and most extraordinary workers.

Through the work of this congressman and his wife Carol, the Congressional Black Caucus and the Congressional Black Caucus Foundation have become two of the most important organizations in America. Thanks in part to the gentleman from Missouri (Mr. CLAY), the impact of African-Americans in Congress has been enhanced exponentially. Thanks to Mrs. Clay and her work with the Congressional Black Caucus Foundation, the number of African Americans serving at all levels of government has been positively impacted forever.

The gentleman from Missouri (Mr. CLAY) practices what he preaches. The scholarship fund that bears his name has awarded more than $1.5 million in scholarships to minority students. Right now, 58 students are in college as a direct result of his efforts.

He is an author and a scholar. His three published books have held America's feet to the fire and forced this country to examine the treatment of minority issues in the highest levels of power.

A bold innovator, the gentleman from Missouri (Mr. CLAY) has consistently used his stature to help the less fortunate, to make America stronger, and to raise the standard of living for everyone in the Nation.

Mr. Speaker, I am proud to call the gentleman from Missouri (Mr. CLAY) my friend. He has been there to support me and countless other Members of Congress during both good times and during some of the most challenging moments.

During this election season, when every candidate espouses his or her ability to lead, our youth should look to the gentleman from Missouri (Mr. CLAY) as a model of integrity, teamwork, and leadership. The Congress loses a true treasure with his retirement. But America can be thankful that we felt his influence on our lives during his remarkable life of service.

We know that we are not where we want to be, we know that we are not where we need to be, but we do know we are a long ways from where we were when the gentleman from Missouri (Mr. CLAY) came.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I, too, am here today to honor and pay tribute to the gentleman from Missouri (Mr. CLAY), the Committee on Education and the Workforce ranking member, as he prepares to retire from Congress.

In the two terms I have served with him on the Committee on Education and the Workforce, he has proven himself to be a national leader on civil rights and human rights, a leader who truly cares about the people of his District and this country.

He has been a fighter for access to education for kids and access for postsecondary education for all Americans, especially women and minorities.

To serve in this Chamber for over 30 years displays supreme, supreme dedication. Yes, he is known by many as a great historian about Congress, but I will always remember him in the way in which he led his side of the aisle in the Committee on Education and the Workforce where I learned to respect this gentleman.

For 32 years, the gentleman from Missouri (Mr. CLAY) has been a powerful force on matters involving labor and civil service employees. This was best evidenced when he led the fight for the Family and Medical Leave Act, the first bill signed by President Bill Clinton. Working families have benefited greatly because of his excellent work in the U.S. Congress.

The gentleman from Missouri (Mr. CLAY) was also remembered and will always be remembered as a successful national leader in our fight to defeat a very unfair version of the Elementary and Secondary Education Act proposed by the House Republicans this 106th session. I will always remember how he pointed out the weaknesses in the work that they were doing and the amendments that they were able to pass because they had the majority.

I will always remember how the gentleman from Missouri pointed out the need for improving ESEA so that it would reach those children from families of low income who, in many cases, are not being served properly, who have to attend classrooms with leaky roofs and bad lighting and all of the things that we would never want our children to have to go to school in.

I will always remember the way in which the gentleman from Missouri pointed out the weaknesses of this ESEA program, not only for the minority children for whom he has always fought so hard, but for all American children.

I say that many of the things that we have heard this morning and this afternoon, as the gentleman from Missouri (Mr. CLAY) prepares to retire, is very true. But, especially, I learned that he had been one of the handful of Congressmen who founded the Black Caucus. I know that he saw that handful of Congressmen grow into a very powerful, large group of over 40 United States Representatives, better known as the Black Caucus.

When I came to this Congress, the gentleman from Missouri (Mr. CLAY) taught me the importance of building coalitions if I wanted to pass legislation in this United States Congress. It did not take me long to see a kaleidoscope of possibilities of what could be done when we joined the Black Caucus with a Hispanic Caucus and the Women's Caucus and the Native American Caucus and all those who have come together to be able to make the changes that are making life so much better in our United States, improving the quality of life of all Americans.

The gentleman from Missouri (Mr. CLAY) is a man who has made a difference for the people of St. Louis and all of America, not just the community that elected him. They elected him, and he earned the right to come to Congress because he was a vigorous and exciting campaigner, a tough campaigner. That is what we have seen him here as a Congressman, a man with a great deal of compassion, a great deal of commitment, and a man of integrity.

We owe the gentleman from Missouri (Mr. CLAY) our gratitude for accepting the challenge as he did and for fighting the good fight. God bless the gentleman from Missouri (Mr. CLAY) and God bless his family.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from the Virgin Islands for yielding to me for a few minutes of remarks about the gentleman from Missouri (Mr. CLAY), our good friend.

What a career: Labor leader, civil rights leader, author, Member of Congress, founder of the Congressional Black Caucus.

However, no bio of the gentleman from Missouri (Mr. CLAY) is likely to contain one of his best qualities and one that will be especially missed in this body, and that is his wit, one of the sterling and best wits ever to hit the floor of the House. I know about what happens when it hits the floor.

One day, when people were coming to vote on the D.C. Appropriation, the gentleman from Missouri (Mr. CLAY) greeted people as they were going out, most of the Democrats having voted automatically for D.C., and said "You just voted for D.C. statehood." Even among the Democrats, there were some people who lost the blood in their face.

That is the gentleman from Missouri (Mr. CLAY) for us. A man who somehow knew how to be serious and knew how to make fun. I tell my colleagues, in a body like this, we need that kind of Member.

The gentleman from Missouri (Mr. CLAY) is a Member who has always had the ability to laugh at himself, make us laugh at ourselves, and, yes, make himself laugh at himself.

My greatest regret that he is going is that he is going before his virtual inevitable chairmanship of the House Committee on Education and the Workforce, a chairmanship that would have been mighty well earned. I guess one has to understand the special quality of the gentleman from Missouri (Mr. CLAY) to understand how a man can walk away when that may be so very close. Indeed, I believe it is so very close.

If one had had the kind of career that the gentleman from Missouri (Mr. CLAY) has had, one does not have to hang around waiting for more. To be sure, there is a lot the gentleman from Missouri could have done as chair, given what he has already done.

But the fact is that his roster of accomplishments would make anything he did as chair of a full committee icing on the cake: his work on notice for plant closings, if we can remember when those plants were closing precipitously all around the country; of course his work that has been cited in the Family Medical and Leave Act; the way he has blocked repeal of measures for affirmative action; his work on Hatch Act reform, his work on IRS reform. This is all very serious legislation.

What is important to remember about the gentleman from Missouri, for me at least, is that the man brought his career into the House. In the streets, he was a civil rights demonstrator and activist and a labor man. In this House, he became a labor Democrat and a civil rights Democrat. Few Members have been able to make that seamless a transition so that their entire life reflects what they have stood for. He did not have to change up when he came into the House. He simply brought his great principles, his great causes, and found a way to achieve what he had worked for outside on the inside.

The gentleman from Missouri was one of the first critical mass of African Americans to serve in this House.

□ 1645

They got to have a small number, but large enough to form their first caucus and then to become a model for many others groups who then formed their own caucuses to press in a cohesive and unified way for their constituents.

BILL fought his way into Congress by fighting on the front lines of the labor movement struggle and the civil rights struggle. I must say there are probably few Members who can look back at their career and say they spent their first term as an alderman, the first 4 months of a 9-month term, actually in jail for his constituents. Talk about fibrous transitions. If that does not show it, I do not know what does. But it is one of those actions that cemented BILL CLAY in the hearts and minds of his constituents, and no one could have gotten him out of here unless he walked away from here if they had wanted to.

BILL brought that willingness to fight here, because that is part of who the man is, and it is quite amazing to see that a man with that kind of street smarts and street activity would have a side of him that most Members do not know. It is reflected in one of perhaps the longest of his writings, "Just Permanent Interests," his book about black Americans in Congress from 1970 to 1991. It is an extraordinary compendium and reference and eye opener. That is BILL CLAY the scholar. That is this multifaceted man.

Well, I can only say to my good friend that we are told that a younger, more handsome CLAY is about to grace this floor. We will be mindful, however, that Representative WILLIAM L. CLAY was an original.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank my colleague and the gentlewoman from the Virgin Islands for yielding to me.

I have sat and listened and been thrilled and delighted and smiled hearing all of the accolades that have been bestowed upon BILL CLAY as he prepares to retire, and I agree with everything that I have heard. It occurred to me as I listened, though, that I knew BILL CLAY perhaps better than I did any Member of Congress, other than those from Chicago, in terms of being way back, and that is because St. Louis is so close to Chicago. We used to call it the big city, and felt we were one of the suburban communities of St. Louis.

But BILL CLAY has always represented a large urban area, which is not always the easiest to represent. There are large numbers of low-income people, people who are searching and seeking. In many instances in the Midwest and the north there are people who migrated from southern areas of the country, and so I know it well.

The thing that has impressed me the most about the gentleman from Missouri is that the same comments that we hear from his colleagues in the House we also hear from the people on the streets in St. Louis. I have never met a person in St. Louis who did not feel that they knew BILL CLAY. And it was not that they knew him through what they had read in the newspapers, or they knew him from what they had seen on TV, they simply felt close to the man. So the fact that he could give people a feeling of empowerment, that he could cause the ordinary person in a community, in a neighborhood, in the inner city to feel empowered is the true mark of a genius, a man who can transcend, a man who can communicate effectively, who can talk to the people on the corner, walk in the pool room, walk into the neighborhood tavern, walk in the alley where the people are working on their automobiles and having a beer in the summertime and be at home.

We used to work BILL to death, I guess, in the 1970s. There were not as many African American Members of Congress. I was involved with community action groups and organizations, and every time we needed a speaker, we would be looking, and we would just work BILL CLAY and Shirley Chisholm to death. We would work them. They would be running from one place to another. But BILL never said no unless he just had to. If he could make it, he would.

So, BILL, as you leave, I know you leave with the satisfaction that you have done a good job. You leave with the understanding that you have epitomized the words of Kipling when he said, "You have learned to walk and talk with kings and queens, and you never lost the common touch. All people have mattered with you, but none too much. And, yes, you have given the unforgiven moment, with 60 seconds worth of distance run. Yours has been not only these chambers but yours has been the earth and all that is in it. And, yes, your father would say you have been a man, my son."

Good luck and best wishes.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

It is with great humility and admiration that I stand before this body today for perhaps the most profound few minutes that I can imagine to pay tribute to a man who is a hero to many, many others and a hero to myself; a man who has paved the way for so many African American Members of Congress through his many, many years of distinguished service.

I like to say that my familiarity, my contact with BILL CLAY goes back many decades. Indeed, forever etched in my mind is a photograph of him as a young man, tall, handsome, a large Afro, being sworn in as a Member of the city council in St. Louis, Missouri, many, many years ago. For those of us who were young at that time and who also wore Afros, it was quite an honor, quite a motivation, quite an inspirational moment to see someone who looked like us, who came from the same type of background and neighborhood as we did, to finally be accepted into a government office, into the city council in St. Louis. Indeed, it was an inspiration, an inspiration that still motivates me even today.

It is probably one of the most pleasurable things that one can ever experience, having looked at a hero, at a role model, at someone that one idolizes, and then to have God's blessing of serving with him as a colleague in the Congress. But between that swearing in and my coming to Washington as a Member of this body, BILL CLAY touched my life on many different occasions.

I can remember a time, a period in American life when in my own home City of Chicago, in my home State of Illinois, when as a young man I was an activist, and there was a lot of turmoil and controversy, a lot of violence that occurred. A close, close friend of mine, Fred Hampton, a member of the Black Panther Party in Illinois, was murdered on December 4, 1969. And as a member of that organization, I do recall the kind of terror that was in my heart, the fear that existed among all of us as we were being hunted down by police agencies and the FBI all across this Nation. We did not know where to turn or who to turn to. But on the horizon BILL CLAY and other Members of the Congressional Black Caucus did come into Chicago and conducted a hearing in Chicago that kind of settled the turmoil, brought clarity to the situation. The impact of the Congressional Black Caucus in Chicago will never, never be fully told, but I can say this, that without the intervention of BILL CLAY and other Members of the Black Caucus, then I certainly would not be standing here today.

Let me just say that since I have been a Member of this body and have experienced not only his friendship and his professionalism, one thing that keeps me thinking and admiring BILL CLAY the most is that he really cares for this institution, he cares for everything about it. BILL CLAY understands this institution, the potential of this institution, and he works very, very hard to realize that potential for his constituents and for all Americans.

BILL CLAY understands the importance of the Congressional Black Caucus. Indeed, he was a founding member of the Congressional Black Caucus. BILL CLAY understands all the other allied institutions and agencies that affect this caucus. BILL CLAY is probably the single most profound individual, most consistent individual to look at the affairs of the Democratic National Club.

Mr. Speaker, that is another thing. BILL CLAY called me one morning a few years ago and asked me would I serve on the Congressional Black Caucus Foundation. This man cares about this institution and all the allied institutions and all the supportive institutions and all the institutions that impact on America's people, and I say to my colleagues that we will miss this giant of a man. We will miss this Member of Congress, this trailblazer, who in his own humbleness has touched many, many of us for many, many years.

I will say to BILL that my wife Carolyn asked me to pass on to him and his wife Carol that she is going to miss the letters that he sends to the spouses, our spouses, Members of the Black Caucus spouses, as he critique the actions and attitudes and the history and the legacy of the Congressional Black Caucus. The gentleman has been a friend, a person whose humor has really made this place a different place than what it could have been.

□ 1700

He has been a beacon for us all. His history, his presentation, his involvement in this Congress certainly is unparalleled; and I thank him so very, very much. And to him and his wife, Carol, I say Godspeed and thank you for all the service that he provided. We are all going to miss him.

Mr. Speaker, it is with great humility and admiration that I stand before this body today to pay tribute to Congressman BILL CLAY, a man who has paved the way for so many African American members of Congress through this many years of distinguished service.

In a day and age when so many Americans are disillusioned with politics and politicians, BILL's historic tenure in this house represents the virtue and honor of a career in public service. Even before entering Congress, BILL tirelessly fought for equality for African Americans by organizing protests against racial inequality. As a member of Congress, BILL has been staunch advocate for those most in need of a voice in Washington.

As the ranking member of the Education and Labor Committee and the former Chairman of the Post Office and Civil Service Committee, BILL used his influential position to advocate for a stronger educational system and ensure greater worker protections.

As the founding member of the Congressional Black Caucus, BILL established a forum in which minority issues can be addressed. BILL was the glue that kept the caucus together. BILL has also fought tirelessly for working families through such efforts like the Family and Medical Leave Act.

BILL is also a wonderful writer and communicator. His book, "To Kill Or Not To Kill," made us all think long and hard about the death penalty. Also, his book "Just Permanent Interests" is a testament about African Americans in Congress.

Let there be no question that the departure of BILL will leave a void in this body. We will miss his thunderous oratories, his tireless work ethic and his uncompromising morals. And yes, we will even miss his witty criticism of the Congressional Black Caucus' annual meetings. However, he will always live in this house because his legendary accomplishments and statesmanship are an example to us all.

BILL thank you for your leadership and friendship. It has been a personal privilege to work with a man I have admired so much throughout my life. I wish you and your wife Carol well.

Mr. CONYERS. Mr. Speaker, I rise today to honor my dear friend and colleague, WILLIAM CLAY. BILL and I have known each other for over thirty years, I have campaigned on his behalf, we have worked on legislation together and we have developed a deep abiding friendship. Indeed, Mr. Speaker, it is an honor to stand here today and pay tribute to both a true gentleman and a fine public servant. While in Congress, BILL CLAY worked to enact the Family and Medical Leave Act, ERISA, to increase the minimum wage, strengthen worker protections of union members, and to ensure fair treatment and pensions for women.

Congressman CLAY is the third most senior member of the House of Representatives, the dean of the Missouri Congressional delegation and ranking member of the Committee on Education and Workforce and former Chairman of the Postal Operation and Civil Service Committee. He has also served as the Historian for the Congressional Black Caucus.

In his role as the Ranking Member on the Committee on Education and Workforce, in addition to the aforementioned accomplishments, he enacted numerous education provisions; including those strengthening Head Start, elementary and secondary education programs, and college financial aid programs. Just last year, he helped engineer a student loan forgiveness provision for new teachers going into inner city schools and a provision which reduced the interest students pay on educational loans. Additionally, he has always been a strong voice and champion for working families.

Mr. Speaker, this moment is bittersweet. It is with great pride and with sadness that I bid farewell to my dear colleague. The price is due to the great work and fellowship that I have shared with BILL and the sadness is because I will dearly miss our one on one interactions, his counsel and his presence. BILL has always stood for justice, fairness, and equality for all citizens. His sense of commitment and morality has always been that every person is entitled to live in a decent home, in a safe neighborhood, receive a quality education, be paid commensurate with one's experience, and receive the best medicare regardless of social status. He has served these principles in an exceptional way—he will be sorely missed by the nation and by me.

Mr. DIXON. Mr. Speaker, the past few years have witnessed the departure of some of this institution and the Nation's most distinguished and effective legislators. This year certainly is no exception. With the departure of our dear colleague, dean of the Missouri delegation, third ranking Member of the House, and distinguished gentleman from the 1st Congressional

District of Missouri, the Honorable WILLIAM L. CLAY, the House is losing one of its most extraordinary members.

Educational trailblazer, legislator, author, political firebrand, and passionate civil rights activists and advocate for the rights of working men and women throughout this country, BILL CLAY has concentrated his congressional career on improving working conditions for men and women, ensuring that every child, regardless of their socioeconomic background, has equal entitlement to a quality educational foundation, assuring Americans a quality health care network, and providing seniors with a safe and secure retirement system.

As the ranking and senior Democratic member of the Education and the Workforce Committee, BILL has influenced and had a major impact on most of the major Federal education and labor initiatives to have occurred over more than a quarter of a century. Appointed to the then-Education and Labor Committee in 1969, he has been one of the committee's staunchest proponents of higher education funding, and for maintaining a decent, realistic, and respectable living wage for employees. He has been a stalwart supporter of this Nation's 39 historically Black colleges and universities (HBCUs), many of which have produced some of the Nation's most distinguished and successful African American public servants, business entrepreneurs, educators, and government officials.

During his illustrious congressional career, BILL has sponsored or co-sponsored nearly 300 bills which were enacted into law. Among them, legislation to increase funding for higher education and the minimum wage; reform of the Hatch Act; and providing economic assistance and job training for dislocated workers. Also, legislation which reauthorized the Pell Grants Program for disadvantaged students; the Carl D. Perkins Vocational and Technical Education Act; the Individuals With Disabilities Education Act; and the Higher Education Act. As my colleagues know, these citations scratch just the surface of the thousands of history-making bills with which "the distinguished gentleman from Missouri," has been chiefly responsible for or affiliated with during his remarkable 32 years in Congress.

Early in his career, BILL worked to develop the Employee Retirement Income Security Act (ERISA), a law which protects private pension and welfare benefits. He played a strategic role in legislation that led to the enactment of Cobra, which provides qualified beneficiaries, such as surviving and/or divorced spouses, and terminated and reduced-time employees, to continue health insurance coverage in employer provided group health plans for a transitional period until such time as they are able to obtain other coverage. One of the bills with which this bill is perhaps best identified, is the Family and Medical Leave Act, landmark legislation which provides employees with up to 12 weeks of unpaid leave annually to care for a new born infant or sick and infirm family members. The Family and Medical Leave Act was the first bill signed into law by President Clinton shortly after his 1992 inauguration and it has been a Godsend to millions of workers and families faced with family emergencies.

Prior to its dismantling, BILL chaired the Post Office and Civil Service Committee from 1990–1994. He also chaired the Franking Commission, and from 1989 to 1994 served on the House Administration Committee, chairing the committee's Subcommittee on Libraries and Memorials. In 1990, he became one of the first Members of the House appointed to the Office of Fair Employment Practices Committee.

BILL has spent nearly 50 of his 69 years fighting for the civil rights and equal opportunities for all minorities.

As a founder and senior member of the Congressional Black Caucus, BILL's advocacy for civil and voting rights opened the doors that made it possible for more junior members of the caucus to run successfully for election to the Congress. As a longtime board member of the Congressional Black Caucus Foundation, Inc., he has been one of the most steadfast proponents of the organization's excellent educational programs.

BILL's passion for education also led to his founding of the William L. Clay Scholarship and Research Fund in St. Louis. Because of his efforts, more than 100 St. Louis area students have been able to attend colleges and universities throughout the United States.

A serious and astute student of the history of this Nation, BILL is the published author of two books, "To Kill Or Not To Kill," which examines America's capital punishment system and its disproportionate impact on African Americans; and "Just Permanent Interests: Black Americans in Congress 1870–1992." BILL currently is working to complete his third publication, "Racism in the White House."

Mr. Speaker, students and employees throughout America can thank BILL CLAY for many of the educational opportunities and substantially improved workers benefits they enjoy today. He has been their biggest and most ardent supporter, spending the better part of his adult life, and certainly his entire congressional career, committed to improving the social condition for them and for all Americans. It has been an honor and a distinct pleasure to serve with him in the Congress. As he prepares to say farewell to this esteemed institution where he has had such a tremendous impact on the social fabric of this country, may he do so proudly, grounded in the knowledge that he leaves behind a legacy that is secure for the ages.

Good luck and Godspeed BILL. May you and Carol enjoy a long, healthy, and prosperous retirement.

Mr. BISHOP. Mr. Speaker, it is truly an honor to have an opportunity to serve with our friend and colleague BILL CLAY, whose contributions during 32 years of service in this body have earned him widespread recognition as one of America's great voices for justice and opportunity during the last half of the 20th century.

To me, and I'm sure to everyone who follows in his footsteps, he has been a personal mentor—one who has inspired us and guided us with his extraordinary skills; dedication and integrity; intellect and eloquence; and his thoughtful and gentlemanly demeanor that somehow makes his tenacious fighting spirit all the more effective.

Many Americans believe that those of us who serve in public life may tend to overstate things from time to time. But that would be difficult to do in reference to BILL CLAY's record of accomplishment.

There is just so much that he has done that benefits people in his home state of Missouri and throughout the country.

He fought for Hatch Act reforms for two decades, and eventually succeeded. In fact, he played a major role in shaping and passing a number of major initiatives that have helped ensure safety and fairness in the workplace.

His imprint can be found on virtually every federal educational program that exists today, from Head Start to college aid.

He was among those who engineered a student loan forgiveness program that eases the student payments on educational loans and provides an incentive to attract qualified new teachers into schools where they are needed the most. And this year, he is a leader in the effort to reauthorize the Class Size Reduction Act, which is adding 100,000 teachers in school systems throughout the country.

He is a thinker and writer who has authored several important books; a philanthropist who founded a scholarship fund that has helped scores of young people to fulfill their potential; a public servant whose efforts have brought enduring changes; and a committed citizen who has more than lived up to his belief that everyone should have a decent home in a safe neighborhood; receive a quality education; have an opportunity to work at a job commensurate with his or her skills and abilities, and receive quality health care regardless of income or social status.

I know I will personally miss BILL CLAY's friendship and leadership in this body.

More importantly, he will be missed by the country at-large.

But anyone who knows him knows that he is not the kind of person who will just vanish from sight.

Whether retired or on active duty, you can bet that BILL CLAY will be a caring, involved citizen, continuing to do everything in his power to make life better for others and, in so doing, to provide inspiration and guidance for us all.

And, for that, we can all be thankful.

Mr. TOWNS. Mr. Speaker, I rise today to honor my good friend and retiring colleague, BILL CLAY.

For nearly three decades, you have served African Americans across the nation very capably, Members of Congress included. When you founded the Congressional Black Caucus several decades ago, the environment on Capitol Hill and in America was very different. It was a time of struggle, and in spite of the many victories we had won during the Civil Rights Struggle, you knew we still had a long way to go. Congressman CLAY, the victories you won in those exciting, turbulent days mean so much for African Americans today.

Many of my colleagues gathered here today will remember that in Post-Civil War America, Congress passed the Fourteenth and Fifteenth Amendments to the United States Constitution. While 22 African-Americans were elected to Congress in the following years, the promise of these amendments was destroyed by Jim Crow laws. After decades of struggle, the sacrifices of nonviolent civil rights protesters, such as yourself, spurred Congress to approve the Voting Rights Act in 1965. The passage of the Voting Rights Act was perhaps the most important victory won by BILL CLAY and the Civil Rights Movement. Today, with what I hope will be the imminent Democratic takeover of the House of Representatives, our nation stands on the eve of a historic moment as the prize of the Civil Rights Movement—the Voting Rights Act—bears fruit.

The fruit comes in the form of African American legislators like myself, gaining seniority, the foundation of power in Congress. In fact, the upcoming Congressional Election represents a significant opportunity where, for the first time in United States history, Congressional Communities would be chaired by 3 African Americans: Congressmen CHARLIE RANGEL, JULIAN DIXON and JOHN CONYERS would Chair the Ways and Means Committee, the Select Committee on Intelligence, and Judiciary Committees, respectively. Further, as many as 10 African Americans, including myself, would chair important Subcommittees if the Democrats win the majority. BILL, this is your legacy, and I salute you for it.

I am also pleased to announce that your work will be continued in the 107th Congress. For example, earlier today, like you, I have long been interested in promoting sound public policies that will ensure that students living in economically disadvantaged areas have the same educational opportunities as children in affluent areas.

That's why I introduced legislation to create Educational Empowerment Zones. This legislation is premised on the idea that giving teachers meaningful incentives to live in the communities where they teach will improve the educational opportunities for children in low-income areas. My legislation will provide for the establishment of federally designated areas where federal aid and private funding can be targeted to increase teacher salaries, provide for loan forgiveness, and enhance teacher-training opportunities. The specific choice of the Educational Empowerment Zones will be based on factors such as the number of low-income families, the dropout rate, the rate of teen pregnancy and class size.

BILL, in addition to promoting initiatives like my Educational Empowerment Zones, I am looking forward to guarding your legacy by working with the Congressional Black Caucus to take the lead on efforts to close the Digital Divide. As we travel through our Districts and look in the faces of our children, we see the tremendous potential within these kids. It is our duty to ensure that this potential is not wasted because they do not have access to technology.

As we all know, our rapidly growing electronic economy will drive our growth and prosperity throughout the new century. Yet, business leaders and policy makers must work together to ensure that everyone in our society is positioned to reap the benefits of, and participate fully in, the new digital age. In my opinion, the effort to close the digital divide represents the first major civil and economics rights struggle in the new millennium.

We've seen the statistics, and we know people on the downside of the digital divide—the 'have nots'—are already at a competitive disadvantage in pursuing educational and professional opportunities in an increasingly online society.

Mr. Speaker, I hope that we will be able to work together on this and similar initiatives aimed at closing the Digital Divide.

In closing, let me say again, BILL, that I salute you for your accomplishments in Congress and the legacy you will leave us. I hope that we will be able to guard that legacy and keep opening doors of opportunity for all children in America.

Mr. SCOTT. Mr. Speaker, I wish to pay tribute to a good friend and colleague, Congressman WILLIAM "BILL" CLAY. I have had the pleasure of serving with BILL on the Education and Workforce Committee since my election in 1992.

Throughout his service, BILL CLAY has been a fighter—a fighter for the hard working Americans who have made our country a global economic leader, a fighter for the disadvantaged, a fighter for public education but most of all a fighter for social justice.

Looking back over his career as Chairman of the Committee on Post Office and Civil Service to the Committee on House Administration, to his current membership as Ranking Member on the Committee on Education and the Workforce, we find his imprimatur on numerous initiatives. He stewarded the landmark Family and Medical Leave Act into law, the Hatch Act reform bill which allows federal employees to participate in the political process, legislation prohibiting age-based discrimination in employee benefits, legislation providing federal loan guarantees for construction projects at Historically Black Colleges and Universities.

BILL CLAY's penchant for being a fighter has served his constituents, this Congress and especially the Democrats on the Education and Workforce Committee well. For those of us who served with him on the Education Committee, his leadership was crucial at a time when we were in the Minority. Under BILL CLAY's leadership we turned back radical efforts to eliminate the U.S. Department of Education, defeated school voucher proposals, and championed meaningful education reforms and programs, like Class Size Reduction and School Modernization, that help the many, not just the few.

As an original founder of the Congressional Black Caucus, BILL CLAY started us on the path to where we are today, a highly respected body that is on the front lines championing the causes of the African American community in the legislative process.

I have no doubts that BILL will continue the good fight after he leaves Congress. I look forward to his continued leadership.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in paying tribute to BILL CLAY.

I have known BILL CLAY best as my ranking member on the Education Committee for the past six years.

During that time, I have seen firsthand BILL's tireless efforts for working families in this country.

Whether he is fighting to increase the minimum wage, to protect workers from overtime abuses, or improve workplace safety, BILL CLAY cares about American workers.

And he cares about their children. He is a leader in our efforts to make sure that every American children has a safe, sound school to go to, with small classes and well-trained teachers.

In Labor and Education Committee hearings, and here on the House floor, BILL CLAY speaks up for those Americans who cannot always speak up for themselves.

American working families have always been able to count on BILL CLAY to do the right thing. They will miss him in Congress, just as those of us who serve with him will, too.

The SPEAKER pro tempore (Mr. SIMPSON.) The time of the gentlewoman from the Virgin Islands has expired.

Mr. FORD. Mr. Speaker, I ask unanimous consent for an additional 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. SMITH of Michigan. Mr. Speaker, I would object to anything more than 5 minutes. A couple of us have been waiting quite a while. I certainly respect the opportunity for the gentleman from Missouri (Mr. CLAY) to respond, so I would not object to 5 minutes. But I would object for more than that.

Mr. FORD. Mr. Speaker, I ask unanimous consent for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. FORD) is recognized for 5 minutes.

There was no objection.

Mr. FORD. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentlewoman will yield, it is my honor to be able to rise to the occasion to salute a very important gentleman. It certainly is difficult, however, to speak about him in 1 minute.

Many of us know him as the Honorable WILLIAM L. CLAY of St. Louis, Missouri, also known as the "show me congressman." But I know him as teacher, as Mr. Historically Black Colleges and Universities, as Mr. Working Americans and Families.

All that we have heard of the gentleman from Missouri (Mr. CLAY) is that he is certainly not shy in engaging in advocacy for the voiceless. But I might take my colleagues back to a special time in our history so they can see how his political journey was formulated.

And 1968 was the first year of his election, the year of Martin Luther King's assassination and the assassination of Bobby Kennedy. How could the gentleman from Missouri (Mr. CLAY) be any less than a warrior and a fighter for providing better education for our children and reauthorization of the Elementary and Secondary School Act, exploring and explaining the Hatch Act, making sure that if factories are closed the workers have protections and rights?

Oh, Mr. Speaker, I wish I had more time. I wish this body would refrain from its rules and regulations and allow us to pay tribute to a man who deserves this great tribute.

The gentleman from Missouri (Mr. CLAY) is my friend. He is our historian. I will miss his eloquent words, his chastising, but, most of all, your fight and your heart. How could a man who saw the death of Martin Luther King and Bobby Kennedy be any less?

We look forward to his son. We thank him for his daughter, his wife, and all of his family. We thank him for St. Louis, Missouri, for sending us their native son, the "show me congressman."

I believe he is the kind of congressman that will never sing the refrain "we shall overcome" but the gentleman from Missouri (Mr. CLAY) will sing the song "we have overcome."

For those of this body who did not have the honor nor the pleasure of working with the Dean of the Missouri Delegation, the first thing I would like to share with you was his deep commitment to working on the behalf of working men and women of America. When it came down to a vote on a labor bill, BILL CLAY would insist that he be shown how it would help working people in his district and across this nation.

Congressman CLAY is a native of Saint Louis, Missouri and was first elected to the United States House of Representatives in 1968. Because of his commitment to labor he selected Committees whose primary business deals with labor issues. Because of his skill in the area of labor he has reached the position of senior member of the Education and the Workforce Committee. The committee was known as the Education and Labor Committee when the House was controlled by Democrats, but in 1994 when the Republicans took control of the House the committee was renamed the Education Employment Opportunities Committee, also called the EEOC to the consternation of the Republicans.

Congressman CLAY was also a champion of education and played a key role in the reauthorization of the elementary and Secondary Education Act, including efforts to reduce early grade class sizes by hiring 100,000 teachers nationwide. He has also been leading the way for our nation's schools to be first in getting the resources necessary for school construction, renovation and modernization. His work in education has also included winning concessions from the Republicans to increase the amount of Pell Grant funding and the reduction of student loan interest rates. In addition, he has been a moving force behind securing increased support for Historically Black Colleges through Title III of the Higher Education Act. Congressman CLAY has been a leader on the issue of education, which reflects the dynamic and diverse institutions of higher learning that are found in this great nation. Congressman CLAY authored the Historically Black Colleges and Universities Capital Financing Act, which provides $375 million in federal loan guarantees for construction and renovation projects at Historically Black Colleges and Universities.

He was the draftsman and the builder of an impressive pro-workers rights legislative agenda that is not equaled by any other senior members of the Congressional Black Caucus. He was one of the first man in Congress to really put families first with his sponsorship of the Family and Medical Leave Improvements Act to extend coverage of the current law.

Congressman CLAY has also taken on the tough job of reforming the Hatch Act, which existed to separate public service from partisan politics, but not separate federal workers for their right to free speech and freedom of assembly. For this reason, he has worked to ensure that Federal and postal workers had the same rights to participate in politics that are allowed to other citizens.

Congressman CLAY has also brought sanity to our nation's pension plans at a time when many were in doubt of meeting their promise to America's older workers. He led the effort to reform our nation's pension laws, including legislation to protect employees from raids on their pension plans. He championed legislation to prevent age-based discrimination in employee benefits, and sponsored legislation to provide continued health insurance coverage through employer pension plans under COBRA for those separated from their employment.

On the behalf of the thousands of plant workers in and around the City of Houston, I would like to thank Congressman CLAY for seeing that it was the law of our country that plant closings must give 60 days advanced notice or 60 days of pay to employees for failure to notify them of a closure.

Congressman CLAY was the founder of the William L. Clay Scholarship Research Fund, a non-profit, tax-exempt scholarship program, which has enabled over 100 Saint Louis area students to attend colleges.

I would like to join my colleagues in saluting Congressman BILL CLAY for a job well done. He has stayed the course and made a positive difference in the lives of average working Americans and their families. Congressman CLAY, I along with the thousands of others who are inspired by your efforts in government would like to thank you for selecting public service as your life's vocation.

Ms. LEE. Mr. Speaker, if the gentleman will yield, let me just say that it is with a deep sense of admiration and gratitude actually that I join my colleagues in honor and recognizing a true warrior and a giant of a man, the gentleman from Missouri (Mr. CLAY).

I have had the privilege of knowing the gentleman from Missouri (Mr. CLAY) since 1975, actually, when I joined the staff of another great leader, the Honorable Ron Dellums. Then, as now, serving with the gentleman from Missouri (Mr. CLAY) in this great House, I continue to marvel at his intellect and his insight and his total commitment to social political and economic justice.

Yet, his sense of humor, his compassion, and his big heart never ceases to amaze me. He is a true trail blazer. And I will actually miss his thoughtful reflections and analysis that really always kept us on track.

The gentleman from Missouri (Mr. CLAY) understood the power of coalition building and the clout of a unified Black Caucus way back when. We today are benefitting from his insight, his clarity and his understanding. He is truly a Member who has not only talked the talk, but he has walked the walk and he has shown us what a true statesman can and should be.

So I just want to thank the gentleman from Missouri (Mr. CLAY) for everything that he has done, for all that he has taught us, and just say that I will miss looking up there and seeing those votes oftentimes with that one or two red votes next to him being in the real minority in terms of doing the right thing in terms of standing for principle and honesty and integrity.

I wish him a wonderful next chapter of his life.

Mr. FORD. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, it has been my privilege to manage this hour of tribute to the gentleman from the First District of Missouri (Mr. CLAY), a steadfast champion of education, labor, and the founding member the Congressional Black Caucus.

We have heard but a few of the accomplishments and contributions of the gentleman in this short hour, and I associate myself with all of the prior remarks. Truly he has left a rich legacy in labor. And in education he has been to minority education what his long-term friend and colleague Congressman Stokes has been to the cause of minority health.

The gentleman from Missouri (Mr. CLAY) will leave a great void, but we will fill it with his rich legacy. I am pleased to join my colleagues in saying thank you on behalf of this body and our Nation. I would say thank you also to his dear wife, Carol, and his family for sharing him with us.

Godspeed and God bless as he leaves this body. But I am sure he is not leaving a life of service and many, many more contributions to his country.

We thank him very much for his service.

The SPEAKER pro tempore. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 1 additional minute.)

Mr. FORD. Mr. Speaker, so much has been said about the gentleman from Missouri (Mr. CLAY). Not enough can be said. I have happened to have the chance to know him or he has known me all of my life. My dad was his colleague in Congress for more than 22 years.

Lacey and Michelle, and I know we cannot campaign from this body, but he is a Democratic nominee for Congress there in the First District, and I certainly wish him the very best of luck. He comes from such great genes.

I want to tell just one story. I was in college at the University of Pennsylvania, Mr. Speaker, and a group of us started a monthly newspaper there. We sought donations for the start of this newspaper because we wanted to maintain its independence from the university, not in hostility to the university but wanting to have an independent voice on campus.

I sent out solicitation letters to all of my dad's friends and all of his colleagues. And he has some wonderful colleagues, the Rangels, the Grays, and the Waters, and there are so many others, the Stokes that he served with, the best friend of the gentleman from Missouri (Mr. CLAY).

I will never forget going to the mailbox and here I was 19 years old in college, Mr. Speaker, and receiving this envelope from the office of (Mr. CLAY), $500 donation, for this newspaper. The newspaper started and was run by young people at the school, and it is still in existence today in the spirit in which he provided all those scholarships for children throughout his district and throughout the State of Missouri.

I am also one youngster whose life he touched and impacted. I would not be in the Congress today but for work he did here in the United States in opening doors and creating opportunities and chronicling the history of not only African-Americans here in the Congress but great Americans here in the Congress.

On behalf of the gentleman from Illinois (Mr. JACKSON) and the gentleman from Rhode Island (Mr. KENNEDY) and all the young members of Congress, I want to say thank you for his leadership and thank you for his service. Aunt Carol has been a gem and a treasure to all of us here in the Congress, certainly those of us who have grown up around her.

I look forward to serving with Lacy and Michelle and Angela and Clay and Michael. I love your grandchildren and I love the family. I just want to say thank you for all that he has done, all that he will continue to do, and all that he has meant to this great body.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say that, for those who are watching on television and are not familiar with the rules of the House, we had 1 hour for this special order and it is now extending into the next hour that the gentleman has reserved and he has a plane to catch. So I certainly appreciate him allowing me just to say how overwhelmed I am by the expressions of support and of appreciation of kindness and the friendship that have been expressed on this House floor today.

Let me say that I come from a family of seven children. My mother and father always taught each of us that modesty should never prevail over truth. So, in that vein and with that understanding, I accept all of the accolades that have been bestowed on me this afternoon because they are true. That is part of the whit that they talk about, Mr. Speaker.

Let me seriously, though, thank the gentleman from South Carolina (Chairman CLYBURN) and the members of the Congressional Black Caucus for sponsoring this tribute in honor of my years of service in the Congress.

I also want to thank my other colleagues for their expressions of commendation for my work in this great body.

In my 32 years in Congress, I can only remember a few tributes such as this one. The last one that stands out for me was the one for my good friend, Lewis Stokes, at the end of the last Congress.

Let me also offer a special word of thanks and appreciation to my friend and our minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the other members of the Missouri delegation for their support throughout the years we have served together.

I also want to thank the members on the Committee on Education and Workforce who have inserted statements into the RECORD on behalf of my contribution to this Congress.

Finally, I want to express my heartfelt appreciation to my wife and children for their patience, for their understanding, and for their acceptance and participation at every level and every phase of my journey.

Once again, I thank the gentleman for yielding to me and I thank the gentlewoman from the Virgin Islands for handling this special order.

Mr. Speaker, I am overwhelmed by the expressions of support and appreciation, kindness and friendship, so I accept accolades because they are true. I want to thank Chairman CLYBURN and the members of the Congressional Black Caucus for sponsoring this tribute in honor of my years of service in the Congress. I also want to thank all other colleagues for their expressions of praise and commendation for my work in this great body. In my 32 years in Congress, I can only remember a few tributes such as this one. the last one that stands out was the one for my good friend, Louis Stokes at the end of the last Congress.

Let me also offer a special word of thanks and appreciation to my friend and our Minority Leader DICK GEPHARDT and the other members of the Missouri delegation for their support throughout the years we have served together.

Those of us in the profession of politics know that like other careers, we cannot be successful without support from many quarters. Recognizing that, I want to express my deepest appreciation to a great staff, to the thousands of friends and constituents for their continuous support, and to the voters of the 1st Congressional District of Missouri who 16 times went to the voting booth and elected me to this great office.

Finally, I want to express my heartfelt appreciation to my wife and children for their patience, understanding—and for their acceptance and participation at every level and in every phase of my journey.

During my tenure, there have been many highlights. Some stand out brighter than others. Perhaps one of the greatest was having the privilege of being one of the founders of the Congressional Black Caucus. Thirty-two years ago, Shirley Chisholm, Lou Stokes, and I came to Washington the same day. It was historic. Three blacks elected at one time. We joined six others and became the largest number of African Americans to serve in Congress at one time. The three of us were determined to seize the moment, to fight for justice, to raise issues too long ignored and too little debated. We were described by the media as militant, aggressive new leaders determined to make changes in the way black members of Congress had been viewed in the past. And we wasted no time seeking to establish a forum for articulating our concerns. That medium was the founding of the Congressional Black Caucus. It has served its purpose well.

I am also proud of the role I have played in helping to create new programs to address the problems of millions of Americans. During my life in this institution, I have been privileged to personally participate in the drafting and passage of many landmark pieces of legislation—coal mine safety, ERISA, Black Lung Benefits Act, the first appropriations for sickle cell disease research, the direct student loan program, the civil service program, OSHA, and the Americans with Disabilities Act.

I am even more proud of legislation that bears my name as primary sponsor or that I managed successfully on the floor of this House: reduction of pension vesting from 10 years to 5 years, Hatch Act reform, 60 days plant closing notification, the minimum wage increase of 1996, COBRA legislation that will continue employee health plans after job separation, financial assistance to enhance and preserve historically black colleges, the several reauthorizations of the Higher Education Act, enhanced support for Hispanic serving institutions, IDEA, class size reduction and family and medical leave.

Thanks to many of you in this Chamber, I have been able to fashion and to pass the kind of legislation that has improved the standard of living and the quality of life for millions of our citizens.

Serving in the United States Congress is one of the greatest honors that is possible to bestow upon an American citizen. In the 224 year history of this country, less than 10,000 American have enjoyed the distinction of serving in the House of Representatives.

To those who will have the honor and privilege of being elected to serve in the next Congress for the first time, I would like to offer one small but important bit of advice—always remember the awesome consequences, nationally and internationally, of your decisions. We live in the greatest, most prosperous country in the history of the world. The 260 million people we represent enjoy collectively the highest standard of living on the face of the Earth. But, many of our citizens have not been able to enjoy the benefits of that great standard of living—many have been left out, left behind. Too many of our citizens suffer disproportionately the slings and arrows of misfortune through no fault of their own—sickness, disease, poverty—poor and inadequate education rob them of their opportunity to fully participate in the American dream. Always remember when legislating that their destiny is inextricably tied to your destiny. Your struggle and their struggle are tied irrevocably one to the other.

Once again, thanks for the opportunity to serve and to help make this the greatest nation on Earth. It has been a great challenge and a rewarding career.

Mr. SMITH of Michigan. Mr. Speaker, the full body certainly thanks the gentleman from Missouri (Mr. CLAY) for his service and wishes him good luck and Godspeed.

Mr. Speaker, I am going to give, if you will, a short lecture on what I consider one of the most important topics of the day, and that is Social Security.

I put the first poster up here, "no new taxes." Because if we do nothing, then it almost mandates that we are going to yet again increase taxes Social Security taxes on American workers to pay for the benefits that we have promised.

I entered Congress in 1993. And actually, while I was still chairman of the Senate Finance Committee in the State of Michigan, I wrote my first Social Security bill and I introduced it when I came down here. I have introduced a Social Security bill every session since.

So my last three Social Security bills have been scored by the Social Security Administration to keep Social Security solvent for the next 75 years without any tax increases and without any cuts in benefits for seniors or near-term retirees.

I was named chairman of the Bipartisan Social Security Task Force from the Committee on the Budget. And so, we got some of the most expertise people not only in this country but throughout the world in trying to decide how we are going to fix a system that is going broke.

□ 1715

So, the first consideration is the fact that American workers now pay more in the Social Security tax than they do in the income tax. Seventy-eight percent of American workers pay more in the Social Security tax than they do the income tax.

Okay, a brief history. When Franklin Delano Roosevelt in 1935 created the Social Security program, that was over six decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, researching the archives on the debate in 1934 and 1935, the Senate on two occasions voted that individual privately-owned investments should be an alternative to a government-run program. But in the final conference committee the decision was that it would be a government program, a pay-as-you-go program, where current workers paid in their Social Security tax to support current beneficiaries.

Because at the time when the program was started the length of your life span was 62½ years, and still you had to be 65 to receive benefits, that meant most people did not live long enough to receive benefits. They paid in all their life, but then did not get anything out, and this pay-as-you-go program worked very well then. What has happened since is Social Security has fewer workers and is running out of money.

So first this evening I am going to cover a little bit of the problem, how Social Security works, and then some of the proposed solutions.

It is a system stretched to its limits. Seventy-eight million baby-boomers begin retiring in 2008. What happens at that point in time is the baby-boomers are now at the top of their income level, and we charge Social Security tax based on the first $76,000 of income, so they are paying in the maximum tax. When they get out, because there is a direct correlation between what you paid in and your income and what you are going to get in retirement benefits, they go from the big payer-inners, if you will, to the big taker-outers in Social Security benefits.

Social Security spending exceeds tax revenues in 2015. That means somehow government is going to have to come up with some more money at that point in time.

Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. What government has been doing, what this Congress, this chamber, the people on this side of the aisle and that side of the aisle have been doing for the last 40 years, up until the last 3 years, is taking any extra money coming in from Social Security, the Social Security surplus, and spending it on other government programs, so it was gone.

So if we pay all that money back, and we will, somehow we have to come up with the money, then it is going to last until 2037, but we run out of money in 2015. So the big question, the problem that needs to be solved, is where does the money come from?

I think a lot of people have said, well, you know, it is just another guy with a green eyeshade on, economist, making some prediction. But insolvency is an absolute. It is certain. We know how many people there are and when they are going to retire. We know that people will live longer in retirement, and we know how much they will pay in and how much they are going to take out.

Payroll taxes will not cover benefits starting in the 2015 when we have less money coming in than is needed to pay benefits, and the shortfalls will add up to $120 trillion between 2015 and 2075. $120 trillion. Nobody knows exactly how much money that is. Probably very few of us in this chamber, and I am a senior member of the Committee on the Budget. Comparing it a little bit, our budget this year is going to be $1.9 trillion. But we are going to be $120 trillion short in terms of what we need over and above Social Security taxes, that are at record high levels already, to come up with the money to pay the benefits that have been promised.

Somehow we have got to change the program so that we start moving from a pay-as-you-go program to a program that can start earning revenues and use the magic of compounding interest to help make sure that we are not only going to cover the promised benefits, but increase those benefits.

In the bipartisan Social Security task force, we agreed, Republicans and Democrats, on 18 findings. One of the witnesses before our hearings suggested that, within the next 25 years, medical technology would allow an individual to select, to choose, whether or not they wanted to live to be 100 years old.

So back to the three-legged stool. Social Security is going to have even a tougher time if people are going to live that long. But if individuals, especially young people today, want to have the kind of retirement that is going to accommodate them to the kind of standards that they had while they were working, then there is going to have to be two more legs to that stool, and they are going to have to develop the kind of pension plans, develop the kind of savings plans, and, thirdly, make sure that Social Security stays solvent.

The demographics are part of what has led us to this situation. So if you do a chain letter, I like the cartoon I saw in one of the papers where the young worker was talking to Uncle Sam, you know, with his hat on and his stars and stripe suit, and Uncle Sam says, well, it is simple. You just put your name at the bottom of this list, you send your money to the person at the top of the list, add your name to the bottom of the list, and when your name comes up, other people will be sending you money in your retirement.

That is sort of what it is. It is a Ponzi game. It is a pay-as-you-go system that cannot survive if you start losing the names off that chain letter of the people at the bottom, if they do not keep paying the people at the top.

Back in 1940, for example, there were 38 workers working, paying in their tax, to collectively add up to the benefits that were paid to each retiree. Today we are down to three workers paying in their Social Security tax to accommodate the Social Security benefits for every one retiree, and the estimate is, by 2025, there will be two workers paying in their Social Security tax for every one retiree. So they are going to have work long and hard enough, if we keep this current system, without developing some kind of a better return on investment, if we do not start modifying it from a pay-as-you-go program to a program that individuals have some ownership of those particular accounts and they can accrue compounded interest so we will end up better off than what we are under the current program.

This just represents the problem with the red, and if this were green it might be a little better. But when we had the last change in Social Security under the Greenspan Commission in 1983, the decision then was to lower benefits and increase taxes. By the way, that is the same thing we did in 1978 when we ran into financial problems, we lowered benefits and increased taxes.

So with the increased taxes, right now there is a little more money coming in, Mr. Speaker, than is needed to pay out benefits. That stops in 2015 and we run into the red. So the future deficits in tomorrow's dollars, tomorrow's inflated dollars, are $120 trillion.

If you talk about the words "unfunded liability," and those are the words that Alan Greenspan of the Federal Reserve uses, he says the unfunded liability is $9 trillion, which means we would have to have $9 trillion today and put it in an investment account earning 6.7 percent interest to accommodate through the future years the $120 trillion we are going to be short. Again, the annual budget is $1.9 trillion.

The debt, by the way, does anybody know what the debt of this country is? The total debt this country is $5.6 trillion. So what we have done, and the Constitution says the Congress has to pass a law saying that we are going to be allowed to increase the debt of this country, we have kept increasing debt, which, put in other terms seems to me, I am a farmer from Michigan, and what I always learned growing up on the farm is you try to pay off some of that mortgage so your kid might have a little easier time.

What we are doing in this country and what we have been doing in this country is leaving a larger mortgage, a larger debt to our kids. Somehow, being so egotistical we think our problems today, that we deserve to have the extra money to solve what we consider our problems today, and then we will leave that mortgage, that debt, that obligation of increased taxes to our kids and our grandkids. That is why I put up the first chart that says, let us start as part of any Social Security proposal that we do not increase taxes.

The economic growth will not fix Social Security. We are enjoying economic growth, surpluses coming in to the Federal Government, arguing about what we are going to do with those surpluses. Let me just mention three years ago I introduced a bill that said we cannot use any of the Social Security surplus for any other programs, because, if we did, under the law I introduced we would start cutting all other spending to make sure that we did not use any of the Social Security surplus.

Last year we put this into a law, we passed a bill through this chamber, maybe a little bit gimmicky, but we called it a Social Security lockbox. What that did was said in effect we are not going to spend any of the Social Security surplus for any other government programs, and the only way that surplus can be used is to help save Social Security or use it to pay down that part of the debt held by the public.

That worked. That caught on. The administration decided they had to go along with it, because it is so logical and the American people supported it.

This year, let me tell you what we have done this year to try to slow down the growth in spending. About four weeks ago the Republican Conference made a decision that we were going to take 90 percent of the surplus coming in for this fiscal year we are now appropriating money for, we are going to take 90 percent of the surplus and dedicate that to debt reduction, dedicate that money to pay down the debt held by the public, and only use 10 percent of the surplus to argue with the President, the White House or anybody else how that money might be used. So, again, a pretty good start in the right direction of starting to reduce the mortgage that otherwise we would leave to our kids and our grandkids.

On the economy, Social Security benefits are indexed to wage growth. That means the higher the wages now, the higher the benefits for everybody later on. If you have higher wages, because there is a direct relationship between what you pay in in taxes and that is based on what you are earning, your benefits are going to be higher. In other words, when the economy grows, workers pay more in taxes, but also they earn more in benefits when they retire.

Growth makes the numbers look better now, but leaves a larger hole to fill later. The administration has used these short-term advantages as an excuse to do nothing, because it looks good.

Four years ago, Social Security was going to run out of money in 2011, but, because of the economic growth, because of higher wages, more people got jobs, extra money is coming in in Social Security taxes now that is going to be offset later by larger payouts, but that puts the date of reckoning up to 2015 now. So over the last 3 years that date when there is less money coming in than is needed to pay benefits has now moved up 4 years to 2015.

A lot of people, as I have given maybe around 250 talks around Michigan, the Seventh District of Michigan, around different states of the United States, a lot of people feel that somehow there is an account with their name on it for Social Security, that they have sort of got a locked-in legal right to have some Social Security benefits.

I would remind the American people, Mr. Speaker, that the Supreme Court in two decisions now has said that there is no entitlement to Social Security, regardless of how many Social Security taxes you have paid in. They say that the Social Security tax is simply another tax. The decision for any benefits is simply an entitlement law, that can be changed at any time by Congress, with the signature of the President.

□ 1730

So no locked-in trust funds with your name on it.

These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense.

Again, before I read the rest of this, the source of this is President Clinton's Office of Management and Budget. The trust fund, what is owed to the Social Security trust fund, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

Think for a moment with me. What would we do if there was no trust funds, but we made this commitment for Social Security benefits? Then we would come up with the money by increasing taxes or by cutting benefits so that we did not have to pay out so much, or a combination or borrowing more money from the public funds. That is what we would do if there was no Social Security trust fund.

There is a Social Security trust fund that has IOUs, the government's IOUs that owes Social Security approximately $900 billion, but to come up with that $900 billion, the same three things have to happen: You either reduce benefits, increase taxes or increase public borrowing.

In effect, if we are going to keep our commitment on Social Security, the paperwork, the ledger that says how much government owes Social Security is only as good as the way we come up with the money to pay it back, to make sure that we continue those Social Security benefits. We have to do it.

The key is getting a better investment on some of those Social Security funds coming in. Here again, because after 2015 all of the funds, we are going to have to call on for extra money coming in to pay benefits after 2015.

It is so important that we come up with a decision now of how to use some of this surplus in the transition to move from a fixed benefit program to at least part of the money coming in to a personally-owned savings investment account that can gain more interest income than is now accommodated by Social Security. I will come up with those figures in a minute.

But the average retiree today receives back 1.9 percent, a real return of 1.9 percent of the money they and their employer pay into Social Security. You can do better than that with a CD. The average investments over the last 100 years have averaged almost a real return of 7 percent.

Mr. Speaker, one of the proposals has been that let us borrow some of the money from the Social Security trust fund between now and 2015 and use those extra dollars, write an IOU to the Social Security trust fund, but use those extra dollars to pay down that part of the debt that is held by the public and not to give you the whole load of hay on this. But roughly of the $5.6 trillion dollar debt, there is $3.4 trillion that is so-called Wall Street debt, the Treasury paper, the Treasury bonds, what Treasury does in its auction every week.

There is $3.4 trillion there, about a trillion is owed to the Social Security trust fund, and then there is approximately another $1.3 trillion that is owed to the other 120 trust funds that we borrow money from, that the government borrows money from, and eventually we need to stop that, too.

So far we have made a decision not to borrow, not to use any more of those Social Security trust fund money for other government expenditures or to use any of the extra money coming in from Medicare for any other government expenditures.

Now, back to Vice President GORE's proposal. He says his proposal will keep Social Security solvent until 2057. What is needed over and above taxes between now and 2057 is $46.6 trillion. Paying off this $3.4 trillion dollar debt is not going to accommodate that kind of a shortfall.

We are paying about $260 billion a year interest on this $3.4 trillion debt, $260 billion a year. If we were to say, look, from now on we are going to take that $260 billion a year and we are going to credit it to Social Security, that would be represented by this blue line across the bottom.

After we hit the peak around 2015, then the $260 billion a year would lessen the obligation for Social Security, the width of that blue line, what is left is $35 trillion short of what is needed to pay those benefits. Talk about fuzzy math. This is fuzzy math.

It is adding up, in effect, another giant IOU to the trust fund but does nothing to help figure out how we are going to come up with the extra money to pay this shortfall.

This is one of this country's most important programs. I think we need to be very honest with the American people. And I would hope that any time you hear a debate or have a chance to ask questions to any Member running for Congress or the United States Senate or the candidates for President, you would say, look, what is your plan to keep Social Security solvent for the next 75 years as scored by the Social Security Administration?

It is so easy for us politicians to say, well, we are going to put Social Security first. That will not do it. I mean, these are tough decisions. There is a lot of money to come up with. Making the transition from needing all the money to pay benefits to something that you can start investing for the future is the huge challenge.

I mentioned $9 trillion. Social Security has a total unfunded liability of a little over $9 trillion. The Social Security trust fund contains nothing but IOUs. So when the Vice President says we are going to add the amount of this savings from interest savings on paying down the debt held by the public, its, in effect, adding another IOU to the ledger, but it does not accommodate how we are going to come up with the money to pay for it. That is the challenge. That is the problem.

How do we come up with those dollars? To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent if we do nothing to change the plan, if we do not start getting a better return on some of those tax dollars coming in.

In the Social Security task force, one of the witnesses said that within the next 30 years with the decreased number of people working in relation to retirees, to cover Medicare, Medicaid and Social Security, the payroll tax would have to go up to 47 percent. Unconscionable.

We cannot allow that to happen. What would happen to our kids who if they are asked to pay that kind of payroll tax in addition to the income tax to accommodate the rest of the operation of government?

I mentioned the Social Security lockbox. It's saving Social Security trust fund dollars for Social Security, and it keeps Washington's big spenders away from that money.

The same as our 90–10 percent proposal, where 90 percent is going to pay down the debt of all of the surplus now, the diminishing returns of your Social Security investment.

I mentioned the 1.9 percent average return. For most workers, the average is 1.9 percent, but for some workers, it is a negative return. For example, minorities do not get back their money. If, you take a young black male, their average life span is 62 and a quarter years, and so that means they can pay in to Social Security all their life, but they do not get anything back and get anything out of it.

So some parts of our population are severely disadvantaged by this current system. I mean, if you are in a hard, physical work job, your lifespan normally is a little less. So Social Security gyps you a little more. The average again is 1.9 percent, the average market return over the last 50 years has been 7 percent.

Let me describe it in a little different way, because we have continually increased taxes and you are putting more into Social Security. If you have to retire in 1940, you work 2 months to get everything back you and your employer put in, and it kept going up and up, until 1980, you had to live 4 years after retirement to get it all back. If you retired in 1995, you had to live 16 years after retirement to get everything back, that went to 23 years in 2005.

Anybody that retires after 2015 is going to have to live 26 years after retirement if we do not make some changes in this program.

This is a picture I keep on my wall in my office and I ask myself how do I make the decisions on voting on any bill, because most every bill we vote on is a transfer of wealth, we take from somebody and we give it to somebody else.

Our lack of willingness to move ahead on Social Security, I criticize the White House certainly for not giving us the leadership or not coming up with a proposal that can be scored to keep Social Security solvent. I think we have missed a great opportunity over the last 8 years.

I am hoping that the next President, whoever he might be, will be willing to make some of the tough politician decisions to move ahead on Social Security.

Anyway, these are Bonnie's and my grandkids and they are getting ready for Halloween. I share these pictures with every grandparent hoping grandparents will be just as aggressive as you are faced with the temptation of somebody suggesting I am going to give you more benefits, the Vice President does that, he increases Social Security benefits, or if you are faced with how far we should go on prescription drug coverage under Medicare, where other taxpayers pay for those prescription drugs.

We have to start looking at what are the consequences on our kids and our grandkids. What is going to happen to them 20 years and 30 years from now?

Selena and James are in Pittsburgh right now. Henry is on my farm in

Addison with his dad, Brad, and his mom Diane. George is a tiger. Claire and Nicholas and Francis and Emily. Anyway, thank you for letting me share my grandkids.

Keep your own kids and grandkids in mind as Congress and politicians make all of these glorious promises that are going to leave a larger burden on our kids and our grandkids and our future.

The other consequence is how far might we increase taxes as sort of the easy way to go for this gang down in Washington.

So I'll review what has happened to tax. In 1940, the tax rate was 1 percent for the employee and 1 percent for the employer. The base was on the first $3,000, so the maximum tax was $60, employer and employee $60. By 1960, it went up to 6 percent on a base of $4,800, maximum tax for both employee and employer are $288 a year, not a piece, just $144 a piece.

In 1980, 10.16 percent, it was upped again to cover benefits on the first $25,000. So the base was raised, the rate was raised. It went to a maximum of $2,631. Today it is 12.4 percent, Social Security tax on the first $76,200, that is indexed to inflation, for a maximum tax of $9,448 a year.

As you saw, if we let this go, because of the reduced number of workers paying in their taxes in relation to the number of retirees, then the taxes could be phenomenal. Let us not allow that to happen.

Let us look at a pie chart, 78 percent of families now pay more in the payroll taxes than income taxes; too much, especially as we make this transition out for those families that have been on welfare to work and to hit them with this kind of consequence. Tax needs to be reviewed if we are going to encourage those people to start moving up that economic ladder.

The 6 principles of saving Social Security, these are my principles. They are Governor Bush's principles. They are Senator ROD GRAMS' principles. I borrowed a lot of these charts from Senator ROD GRAMS from Minnesota. Number 1, protect current and future beneficiaries; 2, allow freedom of choice; 3, preserve the safety net. Preserve the safety net, nobody has a proposal or plan that does anything to the insurance portion, to the roughly over a little over 2 percent of your Social Security tax, that is the disability insurance. That is what we are paying in to cover the insurance in case something might happen to us. So nobody has considered doing anything with that; that stays totally as a Federal program.

In fact, all of our proposals are optional. If somebody wants to stay in the current system, they would have that option. The way it is set up with some suggesting that for every $4 you make in investments, you would lose $1 less for every $4 you make in earnings. In your investments, you would lose $3 of Social Security benefits.

□ 1745

It comes close to us being able to do that, and I will get into what kind of returns we might look at with a combination of index bonds and index stocks.

We make Americans better off, not worse off. We create a fully funded system and no tax increase. And no cuts in benefits for retirees or near-term retirees.

The personal retirement accounts, they do not come out of Social Security. It has bothered me a little bit when some of the Gore campaign people have said that Governor Bush is taking a trillion dollars out of Social Security and he is jeopardizing Social Security recipients as he starts making this transition into privately owned retirement accounts. They are part of that account, and like I said, some have said for every $7 dollars made, a recipient would lose $6 of benefit. What I say in my bill that I have introduced is that assuming a 3.7 percent return on a personal retirement account investment as a reduction in Social Security benefits, and anything over a 3.7 percent return would increase the ultimate retirement benefits.

A worker will own his or her own retirement account. I think it is important simply because what I have seen this body do in the past in terms of reducing benefits.

And four, limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

I forgot I had that chart, actually, but this represents what is going to happen in the next 10 years, sort of representing Governor Bush's plan to take $1 trillion out of Social Security over the next 10 years. The total revenues coming into Social Security are $7.8 trillion, total benefit costs are $5.4 trillion. It leaves a surplus of $2.4 trillion. The governor has said let us take $1 trillion of this and start those private accounts. They cannot be used for anything except retirement. They are going to be limited to safe investments, and so in fact there are some insurance companies now that will guarantee a return, a positive return on those investments.

Just covering a couple of the personal retirement accounts that would offer more retirement security than Social Security. If John Doe makes an average of $36,000 a year, he can expect monthly payments of $1,280 from Social Security. If he were investing 6 percent of that earnings, he would get $6,514 from his personal retirement account.

Galveston County, Texas. When we started Social Security in 1935, it was the option of State and counties whether or not they wanted to opt out of the Social Security system and have their own pension retirement programs. Galveston County, Texas, was one of those counties that exercised that option. The death benefits in Galveston County are now $75,000. If one dies as a worker in Social Security, it would be a death burial benefit of $253. On disability benefits under Social Security, $1,280 a month. The Galveston plan for disability benefits, $2,749 a month. Social Security benefits after retirement, same as disability, on Social Security, $1,280. The monthly payment from the Galveston plan is $4,790 a month.

This is another representation of San Diego that also wanted to have their own plan. A 30-year-old employee earns a salary of $30,000 for 35 years and contributing 6 percent to his PRA, personal retirement account, would receive $3,000 a month in retirement. Under the current system, he would contribute twice as much but receive only $1,077 under Social Security. So under the current Social Security system, he would contribute twice as much but receive almost two-thirds less.

The U.S. trails other countries. I represented the United States at an international conference in London a few years ago and I was amazed how much other countries are moving into getting real returns on those investments. In the 18 years since Chile offered the PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent a year. Australia, Britain and Switzerland offer workers PRAs.

In Britain, here is a socialist country that is much further ahead than we are. Two out of three British workers enrolled in the second tier Social Security system choose to enroll in PRAs. British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of personal retirement accounts in Britain now exceeds nearly $1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries.

Based on a family income of $58,475, that is a figure that came out nice for the length of this bar chart, if we are to invest either 2 percent of our payroll or 6 percent or 10 percent for 20 years, we would get $55,000, $165,000 or $274,000 back after 20 years. After 30 years, if we were to invest 10 percent, which would leave the disability part in effect, then it goes up to $800,000. And if we were to go the full height and invest 10 percent over 40 years, then we would have at the end of 40 years, because of the magic of compound interest that our money grows every year and the interest on that extra money that is compounding all the time, would amount to $1,389,000. At 10 percent interest, of course, that would be $138,000 a year. At 5 percent interest, half of that, it would be $70,000 a year.

So the question is with the fluctuation in the stock markets, is that a risk? Considering the fluctuations, what if somebody were forced to invest last year or the first of this year and take out money now? For short-term investments, there are ups and downs. For long-term investments, there has never been an average downer as low as the 1.9 percent that Social Security pays.

This represents the last hundred years, and so this is a real rate of return over and above inflation on stocks from 1901 to 1999. And we see they get as high as about 12 percent, averaging 12 percent, and as low as about 3.6 percent. But the average is 6.7 percent.

So, the key to this kind of investment is leaving that investment in for longer periods of time. I think the key in my bill I gave the option of index stock, index bonds, index global funds. These figures represent an index. But as we see, nothing is low as the 1.9 percent return that is now accommodated by Social Security.

I think my time is coming to a close, but I wanted to briefly go over the provisions of my Social Security bill. We have no tax increases, no transition costs. It balances the Social Security system for 75 years, as scored by the Social Security Administration. Newly hired State and local government employees would join, but it allows the private investment account withdrawals at age 60. What I do, instead of any kind of increase in retirement age, I build in an incentive. So if workers are 65 years old and eligible for retirement and decide to put it off, for every year they put it off, they would get an 8 percent increase in their benefits. That is actuarially sound.

So if we keep working and keep paying in our Social Security tax, the benefits for every year we put off retirement, and we are living longer, healthier lives, we would get an 8 percent increase in those benefits. So it is our decision with an incentive of whether to have our retirement age increased, and being able for some people to retire even earlier when it is actuarially sound.

Retirement age is automatically indexed to life expectancy. It increases retirement age 2 additional years. That is simply complying with current law. In 1983, they said the retirement age to get maximum benefits between 2002 and 2017, over that time period, would gradually increase from 65 to 67. So that is in current law. That is a law that they passed back in 1983.

Benefit changes. The private investment accounts using the trust fund surpluses, it gradually reduces the increase in benefits for high income retirees. Couples receive a minimum of 133 percent of the higher of each of the couple's benefits. Right now, it is 100 percent. It allows additional voluntary PRAs. And for anybody that would like to look at the Social Security background charts or the legislation I have introduced, go to one of the search engines and type in "NICK SMITH" and "Social Security." But officially it is www.house.gov/nicksmith/welcome.html.

Mr. Speaker, I thank you for this time. I give the challenge to my colleagues to move ahead on Social Security. And most of all I give the challenge to Mr. GORE and Mr. Bush to make the effort and take whatever action is necessary to get a bipartisan agreement in this House and in the Senate to move ahead to make sure that we save Social Security and that we do it without increasing taxes and that we do it without reducing benefits for current or near-term retirees.

HEALTH CARE: THE UNFINISHED AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to take to the well again and talk about health care issues, because I do believe that when we talk about health care issues, that this is really the unfinished agenda that this Republican Congress has not addressed.

Of course, there is still time. We are still here. We are here over the weekend, are probably going to be here a good part of next week. There was an effort yesterday when the tax bill was brought up by the Republican leadership, to suggest that somehow some of the health care issues were being addressed in some minor way.

Mr. Speaker, what I wanted to begin tonight was talk about how that bill really does not accomplish anything significant to help the average American with the health care problems that they face and with the hospitals and the nursing homes and the home health agencies that are trying to provide quality health care.

Then after that, I would like to get into the three major issues that most of my constituents and most Americans talk to Members of Congress about, and that is trying to reform HMOs, trying to provide a prescription drug benefit for seniors, and trying to deal with the 42 million Americans who now have no health insurance.

Let me start with this tax bill that was voted on and that the Republican leadership brought up, because they suggested, I think inaccurately, that what they were trying to accomplish was to deal with some of the problems that occurred with the Balanced Budget Act which was passed a few years ago which cut back significantly on the money that was going to hospitals, to home health care agencies, to nursing homes, and to HMOs, and that the reimbursement rate from the Federal Government, from Medicare, Medicaid, and some of the other Federal programs that provide funding to these facilities or to these programs that provide health care services, needed to be readdressed. That there was too little of a reimbursement rate under Medicare and Medicaid and that more money needed to go back to these programs or facilities if they were going to provide a quality health care.

The problem, though, was that in making these adjustments in this tax bill, the Republican leadership essentially gave most of the money to HMOs in a fashion that I find totally objectionable, because the HMOs were not only getting huge amounts of money back from the Federal Government, but were really not caused to do anything for the average American in order to receive those funds.

I said today in a press conference that we had outside on the lawn of the Capitol with some of my Democratic colleagues that the reason this was happening, the reason why the tax bill was so favorable to the HMOs, is because basically the Republican leadership has bought into the HMOs and the special interests that are associated with the HMOs and supports them because of the special interest funding that is made available.

□ 1800

What we see the HMOs doing is that the HMOs are leading the battle against the Medicare prescription drug benefit and leading the battle against HMO reform.

The Democrats and some Republicans have tried to pass a bill called the Patients' Bill of Rights. We know it as the Norwood-Dingell bill. It is bipartisan, but it is opposed by the Republican leadership. The Norwood-Dingell bill would make significant reforms to address the abuses of the HMOs. But the HMOs are fighting that tooth and nail as well as the prescription drug benefit.

So I think that basically what happened here is the Republican leadership sides with the HMOs because they are basically against the Medicare prescription drug benefit and against the Patients' Bill of Rights.

We also see that the HMOs are spending a lot of money funding negative ads against those individuals, Democrats and against some Republicans who support the Patients' Bill of Rights, who support HMO reform, who support having a prescription drug benefit under Medicare. So this is the sort of unholy alliance here that manifested itself yesterday with this tax bill to give more money back to the HMOs.

Now, let me talk a little bit about this bill because I just want to show how unfair it was and how little it would accomplish in terms of addressing the health care needs that Americans face today.

First of all, and just to give my colleagues some figures about the amount of money that was going to the HMOs, the Republican plan, this tax bill, increases payments to Medicare HMOs by over $10 billion over 5 years and over $30 billion over 10 years, despite the fact that only 16 percent of Medicare beneficiaries are enrolled in HMOs right now.

We know that what the HMOs have been doing is they have been dropping senior citizens left and right. As of July 1, I think there are over 700,000 seniors across the country that have been dropped by HMOs to provide their Medicare benefits over the last few years. So a lot of these HMOs got into the Medicare program, and then they dropped the seniors.

Yet, over one-third of the allocation in this tax bill, over one-third of the allocation for health care, that goes back to health care providers, goes to HMOs. Only 16 percent of Medicare beneficiaries are enrolled in HMOs. My colleagues get some idea there of the inequity here.

Now, in addition to that, we know that a lot of these HMOs have dropped out of Medicare, so one might say to oneself, well, if they are making an argument they need more money to stay in Medicare, then why, when we give them this windfall, these billions of dollars, this 30 percent of this overall budget, then why do we not require that they come back into Medicare and provide certain benefits?

Well, that makes sense. But that is not what the Republican leadership did. There was no guarantee that these HMO plans will not drop out of communities or Medicare altogether when it is no longer in their interest to remain, as many of them have. There is no guarantee that they will put new money towards maintaining benefits rather than shoring up their bottom line.

So we could have said, okay, we will give HMOs all this money in the tax bill, but they have to sign a contract saying they are going to stay in Medicare for 2 years or 3 years or even 1 year.

We could have said, okay, we will give them this money, but they have to make sure that they provide at least a level of benefits and prescription drugs for these 16 percent of seniors that are on Medicare that they are providing now.

But we do not have that in the bill, nothing like that. Just give them the money, and that is fine. They can continue to drop out of the program if they want to. It is blatantly unfair. It is just basically pandering to special interests.

Now, let me go beyond that to the next issue. Why is it that so much of this money is going to HMOs again when so few seniors are in HMOs that are in Medicare? We know that we have greater needs in a lot of other areas.

The hospitals do not get that much. Hospitals, many have closed. I had one in my district in South Amboy that closed within the last year or so. Nursing homes. Many nursing homes are bankrupt. I visited with some. I went to a nursing home last week, one of the days, and talked to some of the residents. I found out from the operators that there are, I do not know what the percentage is, but a significant percentage of the nursing homes in the State of New Jersey are now bankrupt, and some of them are closing. Home health care agencies, very little money under this tax bill. These are the providers.

Remember, the HMO is an insurance company. They are getting this money now from this windfall from this Republican tax bill, and they are going to go out and they are going to pay the hospitals or they are going to pay the nursing homes or they are going to pay the providers of health care services. They are not providing the services.

But, yet, we shortchange the providers. We do not give the money to the hospitals, some of which are closing. We do not give the money to the nursing homes, some of which are closing. We do not give the money to the home health care providers who are directly providing services.

It makes no sense. It makes no sense at all unless one looks at it from the point of view that the HMOs are special interests that are doing the Republican leadership a favor and that are railing against HMO reform and a Medicare prescription drug benefit.

Now, let me go to the last thing, then I am going to get off the issue of this tax bill, but I do think it is important; and that is that the Republican leadership said, well, one of the things we are going to do in this tax bill is we are going to try to address the problems of the uninsured by giving what we call an above-line deduction for health insurance, a tax deduction.

Okay. Well, we know that there are 42 million or so Americans now that do not have health insurance. Now, these are working people because, if one is really poor and one is not working, one is eligible for Medicaid, and the Federal Government pays for one's health insurance.

But if one is in a low-income bracket but one is working, or even middle-income bracket, it depends, and one is working, a lot of times one's employer will not provide one with health insurance because maybe it is costing him too much, or whatever the reason, and one has to go and try to buy one's health insurance on the private market, or maybe the employer has some kind of a plan, but it is very expensive. Whatever the reasons, these 42 million people are pretty much working people that do not have health insurance on the job or cannot afford to buy it in the private market.

So what the Democrats have been saying, what Vice President GORE and President Clinton have been saying, let us gradually try to address some of the groups that make up this uninsured. We know the largest group is the children. We know the second largest group is near elderly people, between 55 and 65, that are not eligible for Medicare yet. These are some of the groups.

What the Democrats have been doing, and we actually did get the support of the Republicans eventually, we had to drag them along on this, but we eventually did get the support of the Republicans to pass a kids health initiative a couple years ago that gradually has been getting to the point where we think about half of the children that are uninsured will have some sort of insurance with money paid for by the Federal Government.

Well, what Vice President GORE has been saying is that he wants to increase the income eligibility so that, right now, if one is, say, 200 percent of poverty and one is eligible for this kids care program, we will raise it to 250 percent of poverty or 300 percent of poverty and try to get more of these lower middle class people who are working and their kids into this CHIP or kids care program.

Well, we found, of course, that the Republican leadership does not want to do that. That would have been the logical thing to do in this tax bill would be to expand eligibility for the kid care program.

Or another thing that we could have done, and this is another thing that Vice President GORE has proposed and the Democrats here in the House, is to enroll the parents of those kids in the health insurance program, because we know that those parents, if they cannot get health insurance for the kids other than through the Federal Government, they are not able to get it for themselves.

In this tax bill, we could have put a provision there for the near elderly. What the Democrats have been saying is they would like to see the people between 55 and 65 be able to buy into Medicare. At their own expense, they would buy into Medicare.

But, no, the Republican leadership does not want to do any of those things. This is what they said. They said, we are going to give you an above-line tax deduction.

I am not going to get into all the details of that, but basically that has two problems. First of all, very few of the people who are now without health insurance, who are sort of lower middle class category, very few of them will be able to take advantage of this deduction and go out and buy health insurance, first of all, because most of them do not have incomes where that deduction is significant enough to be able to use it to buy a health insurance policy which in the private market may be $3,000 to $4,000 a year.

Secondly, what we find with this above-line deduction is that it creates a disincentive for employers to provide health insurance. As a consequence, a lot more employers may decide not to provide health insurance and, instead, actually increase the ranks of the uninsured.

The only people that really are able to take advantage of this are people that already have health insurance that are making a decent income and can take advantage of the deduction.

But if one is trying to increase the number of insured people and take the uninsured off the rolls, this accomplishes virtually nothing. It just helps people who are in a higher income bracket and who already have health insurance.

Again, it sounds so critical. The Republican leadership brought up this bill yesterday, or the day before when they brought it out here; and they said, we are going to try to do all these things. We want to address some of the health care concerns of the American public with this bill.

But whether it is the question of the uninsured, it is ineffective. Whether it is the question of addressing the prescription drug prices, it is ineffective, because it does not provide any guarantees one is going to get prescription drugs under any kind of HMO plan. Certainly it does not even address the effort to reform the HMOs with the Patients' Bill of Rights that the Democrats have been talking about.

So I just want to say, once again, we see the Republican leadership aligned with the special interests, the drug companies, the HMOs, the health insurance companies, not doing anything that is going to help the average American.

Now, I wanted to talk a little bit, because I think it is important, I mentioned before earlier that there are three major health care issues that are not being addressed by this Congress. We only have a few more days. Every one of these issues could have been addressed and could have come to the floor. The Democrats have been pushing for them, for these issues, and for legislation to address these concerns to come to the floor. It appears in the dying days of this Congress that these issues are simply not going to be addressed. They should be. It is not fair. It does not address the concerns of the average American.

Now, the first one I want to talk about is the Patients' Bill of Rights, HMO reform. We know from our own constituents, I can certainly say for my constituents, that one of the biggest problems people face is, if they are in an HMO, oftentimes they are denied access to the care that they need, that their physician says that they need.

Now, that may be the individual who goes to the hospital and finds that the doctor says to them that they need to stay a couple extra days in the hospital after recuperating from a particular operation. Or it may be the individual who has the need for a particular operation, and the HMO says they are not going to pay for it, they are not going to cover it.

There are so many situations. There are situations where people, their HMO plans say that they cannot go to the local hospital, they have to go to a hospital 50 miles away. They may be in a situation where they want to go to the local emergency room, and they have to go to the one 50 miles away; otherwise, it is not covered.

These are the kinds of abuses that we see, not every day, but on a fairly regular basis. A lot of people come to my office and complain about these things.

Now, what the Democrats said is, well, we want to address these abuses. Generally, the plan that the Democrats put forth, with some Republicans, the Patients' Bill of Rights, the Norwood-Dingell bill, has two major ways of correcting the abuses in sort of an overall sense.

One is that it provides that, if a decision has to be made about what kind of care one is going to get, that that decision, rather than being made by the insurance company, is made by the physician and the patient. The definition, if you will, of what is medically necessary, the hospital stay, the particular operation, of what is medically necessary is made by the physician and the patient, and not by the insurance company.

The second thing it does in a broad sense is the Patients' Bill of Rights says that, if one is denied care because the insurance company says one cannot have that operation, for example, then one has to have an ability to redress that grievance.

The Patients' Bill of Rights does it in essentially two ways. One, it says that one can go to a board outside the jurisdiction or outside of the umbrella of the HMO, an independent review board that will look at the case and decide whether the HMO made the wrong decision in denying one that care. Absent that or sort of an appeal from the review board is that one can go to court and one can bring suit. These are really very simple things.

Basically what happened here is that the Democratic leadership, the Vice President, the President got together, and we were able to get some Republicans on the other side, initiated by Republicans that were physicians, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE) and some others, to join us and put together the Patients' Bill of Rights, the Norwood-Dingell bill.

The Republican leadership opposed it. The Republican leadership did not want to bring it to the floor. We went out and got a discharge petition, which is a way of coming up to the well here and getting almost a majority of the Members to sign a petition saying we want it brought to the floor.

The Republican leadership eventually brought it to the floor. It passed with almost every Democrat and maybe a third of the Republicans. It went over to the Senate where it was killed by the Senators who will not even let it come out of conference between the two Houses.

But, again, this is an important piece of legislation, just as important as a prescription drug benefit under Medicare, just as important as trying to address the problems of the uninsured; and we find that the Republican leadership in this House of Representatives simply will not let any of these good measures move forward.

□ 1815

They have stopped them, and they are still stopping them in the waning hours of this Congress.

I see I have been joined this evening by two of my colleagues who have been out front on all of these issues over the last 2 years, and even beyond that, and I am very pleased to see them here.

I will first yield to my colleague from Texas (Mr. TURNER), who has done so many things, but I think probably the best example I saw was the period of time in his district where he spoke to the different senior groups and had them bring in their prescription drugs and tell him about the problems that they faced with prescription drugs, and actually brought the pill bottles down here, and suggested the rest of us do the same, and we very dramatically showed, along with the gentleman from Texas, about what kind of problems the average senior faces in Texas and in all of our districts.

So I yield to the gentleman from Texas at this point.

Mr. TURNER. It is good to join my colleague here on the floor tonight to talk about the important issues that are still pending before this Congress that have not been acted upon.

Here we are, very near the end of this session of Congress, and still we have been unable to see the patient's bill of rights put into law, which is so very essential to all Americans to ensure that they are able to make their medical decisions with the consultation of their doctors and not have that interfered with by the insurance company clerks that work for the HMOs. I think it is way pastime for Congress to act on this very, very critical issue.

I had the opportunity when I was in the Texas legislature in 1995 to carry the first patient's bill of rights. It passed overwhelmingly in the legislature, had only 4 no votes, as I recall, out of 31 members of the State Senate. It passed by voice vote in the House.

We recognized early on, as many States did, that we needed patient protection to be sure that doctors and not insurance companies are making medical decisions affecting our lives and our health. Unfortunately, in 1995, our governor, Governor Bush, vetoed that bill. We were at the end of the session and had no opportunity to override, which we certainly would have done had time not run out on the session. But we did see the legislature in 1997 come back and pass similar legislation. And part of that the governor signed, and another part, relating to accountability, he let become law without putting his signature on the bill.

In any event, we found ourselves in a position, after many States adopted patient protection legislation, of seeing lawsuits arise, filed by the big insurance companies and the HMOs, alleging they should not have to be bound by these State protections that many legislatures adopted, simply because, they said, they were multi-State plans and covered by Federal law, which preempted all State regulations. So that is why in this Congress many of us have united together to try to provide protection for all patients, whether they are covered under a State plan or whether they are covered under a multi-State plan that does not have any regulation or patient protection unless we in the Congress pass a Federal law to protect patients.

Thus far, as the gentleman has pointed out so clearly, even though we have passed a good strong, bipartisan bill in this House, the Senate watered it down, and that bill is stuck in conference committee because the majority, who passed that bill in this House, were not appointed to that conference committee. That bill has never been moved forward. I think that is a great disservice to the people of this country, and I am hopeful that we can see action soon on a good strong patient's bill of rights.

I also believe it is a failure of this Congress not to deal with the problem of prescription drug coverage for our seniors under Medicare. I was looking at a Texas paper the other day, the Dallas Morning News, that had a long article talking about the problems that our senior citizens have faced with affording prescription drugs. This article is entitled "A Dose of Reality." It tells the stories of three seniors. Their stories are like the many that I have heard in my district over the past 2 and 3 years, since we have been working to try to get some action out of this Congress on this issue.

Those stories, over and over again, tell about seniors who are taking six, eight, twelve prescriptions a month and are having to make the difficult choice of do they fill their prescription or do they buy their food or pay for their utilities or pay the rent. And in a country as prosperous as we are and as compassionate as we would like to say we are, one would think that we could provide a prescription drug benefit under Medicare to allow all of our seniors to be able to afford their prescription medicines.

I am hopeful that this Congress will act on this issue before we adjourn, because I think it is a sign of a true failure of this Congress if we fail to provide our seniors some help on prescription drugs. The gentleman from New Jersey and the gentleman from Maine (Mr. ALLEN), who is here with us tonight, have all worked diligently on this problem. There is no reason in a country like ours to think that our citizens have to pay prescription drug prices that are twice as high as anyone else in the world pays.

I think, frankly, when it comes right down to it, the inaction of this Congress can be traced straight to the influence of the big drug manufacturers over some in leadership in this Congress. Because the truth of the matter is, the drug companies have spent millions of dollars trying to defeat our efforts to put a prescription drug benefit under Medicare. And it is easy to understand, because they know that if we ever have a prescription drug benefit under Medicare, the government is not going to pay the same high prices that a senior is having to pay today when they walk in a local retail pharmacy. They will not pay those kind of prices. The big drug companies have it their way now and they do not want to give it up.

I was very proud when the Vice President made as a part of his agenda a prescription drug benefit under Medicare to provide affordable prescription drug coverage for seniors. The truth is we cannot wait another 4 or 5 years to provide that kind of coverage. And this idea that Governor Bush has espoused of giving a little money to the States to just take care of the low-income seniors, that is only half a loaf. The truth is, whether or not an individual is low-income or not does not determine whether or not they are having a hard time paying for their prescription medicines. It is how sick an individual is as well as how big their pocketbook is.

I guaranty my colleagues there are many middle-income seniors in this country today that have high prescription drug costs, and they cannot afford them. Even though they may be classified as middle income seniors, they simply cannot afford those six and eight and twelve prescriptions they are having to fill every month. Those people also need help.

And if we all believe in Medicare, and everybody around here seems to say they believe in it, then there is certainly nothing wrong with bringing it up to the 21st century to be sure that it covers prescription drug costs. I think, frankly, when President Lyndon Johnson, from my State of Texas, signed Medicare into law in 1965, it would have had a prescription drug benefit if prescription drugs had been as large a portion of our health care costs as they are today.

So these are the items that this Congress has failed to deal with, and I am proud to be among those on this floor tonight who have worked hard to try to bring this kind of prescription drug coverage and this kind of legislation to protect patients enrolled in managed care, because the American people want it. And I do not think they understand the influence of the insurance industry and the drug industry that is keeping us from being able to get a majority of this Congress to support this legislation.

So we are here tonight to sound the call for action once again, and I am proud to join with the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Texas. I think that when he talks about the substance of all this, and obviously that is crucial and that is why we are here tonight, but more than anybody else the gentleman has brought home to us, with the things he has done in his district, about how this is really something that affects the average person, and that our constituents are suffering, that our seniors are having problems getting prescription drugs because of the price and because of the price discrimination.

We are not just talking about something that is pie in the sky. This is something that is real for the average citizen.

I will now yield to my other colleague, the gentleman from Maine (Mr. ALLEN), and just point out that he, probably more than anybody else, has brought out this whole issue of price discrimination, not only between different Americans but even by comparison to prices abroad. So I yield to the gentleman.

Mr. ALLEN. I thank the gentleman for yielding to me and for his leadership on this issue, along with the gentleman from Texas (Mr. TURNER). We have been going at this now for over 2 years.

It is interesting to watch in the public and in the debate in this chamber how the issue has taken form. It now has gotten so fuzed up, so complicated that we cannot blame people for having a tough time figuring what is going on, when under the surface it is actually very simple.

Seniors pay the highest prescription drug prices in the world, and the adversaries, the people who are trying to keep them paying the highest prices in the world, is the pharmaceutical industry. The gentleman was talking a moment ago about the special interests. Because of the law that this Congress passed dealing with so-called section 527 organizations, we now have information that we did not have before. This group called Citizens for Better Medicare is a group that has been out there running ads now for about a year and a half now around the country. It is a wonderful name, is it not, Citizens for Better Medicare? The trouble is they are not citizens, it is the pharmaceutical industry, and they are not for better Medicare because they do not want Medicare to provide a prescription drug benefit. They want insurance companies and HMOs to provide that benefit.

But we just have a report filed with the FED from Citizens for Better Medicare which shows that between July 1 of this year and September 30 of this year they spent $8.5 million running TV ads around the country. And if my colleagues look at what those TV ads are trying to do, they are trying to make black white and white black. What they are really doing is saying that the people who have been fighting for a Medicare prescription drug benefit are terrible and are not for seniors, and the people who have been fighting against a Medicare prescription drug benefit for seniors are heroes.

If we look at the legislation that we have been working on, the bill that I introduced, that the gentleman from Texas (Mr. TURNER) has worked on, that the gentleman from New Jersey (Mr. PALLONE) has been an advocate for for a long time, it is very simple, Prescription Drug Fairness for Seniors Act, that bill does not have any significant cost to the Federal Government. No new bureaucracy. Yet we have 152 cosponsors and not one Republican. Not one Republican will stand up and support giving a discount to Medicare beneficiaries so they can get the advantage of the best price to the Federal Government. Not one Republican is willing to stand up and support that approach.

When we turn to the Medicare prescription drug benefit, which is where the government would help to pay for part of, not all but 50 percent of the initial cost of prescription drug prices for seniors, my recollection is that we do not have one single Republican on that bill; am I right?

Mr. PALLONE. That is true, we do not.

Mr. ALLEN. Yet if we listen to the debates, George W. Bush said during the debates that he wanted to do a Medicare prescription drug benefit. Three months ago there was no plan from the Republican nominee George W. Bush. He did not have a plan for prescription drugs. Now he has one.

He adopted it based on what the Republicans in this chamber did. And what was that? That was a plan that the pharmaceutical industry loves, and only the pharmaceutical industry could love, because it was a plan that provided government subsidies to insurance companies so that they could provide private sector health insurance to cover prescription drugs.

Little detail. Small problem. The health insurance industry has said loudly and clearly and repeatedly, we will not provide stand-alone prescription drug coverage for seniors. So who is the prescription for? The answer: It is for Republican candidates.

□ 1830

Get them past November 7 and then we will deal with it. But by then it will be too late to deal with seniors to give them what they really need. They keep coming back. The way to do this is real simple. Follow the money. Follow the money. And the special interest money from the pharmaceutical industry through Citizens for Better Medicare, through the U.S. Chamber of Commerce, through other business groups is not reliable.

Basically, we have been fighting for seniors to get them lower prices and coverage for prescription drugs for 2 years with no help from Republicans on the other side of the aisle. And now the effort is, of course, by the pharmaceutical industry, they can spend enough money on confusing television ads maybe. Maybe they can confuse the American people enough as to who is really on their side to get them through November 7.

Mr. PALLONE. Mr. Speaker, I want to develop what my colleague said a little bit if I can maybe go back and forth a little here because I think it is so true and so important.

First of all, with regard to this special interest money, I wanted to say and I have said many other times on the floor that I was a victim of this 2 years ago in 1998 when I was running for election. At the time, of course, I was an advocate for HMO reform and I was an advocate for the health care agenda that we have talked about here tonight. And as a consequence, a group was formed and at that point they did not have any disclosures, which the gentleman is pointing out now about how they have to disclose and he has those documents from the FEC was not true before.

Basically, a group was formed to do an independent expenditure against me that was primarily financed by the health insurance industry, by the HMOs and by the pharmaceuticals. And they spent about $5 million in these independent ads, about $3 million on New York TV, which is the most expensive market in the country.

And of course, even though they were financing it, they did not talk about the health care issues. I do not even remember what they talked about. I think it was that I was raising taxes or something unrelated, if you will, to the health care issues. I had to bring out the fact that this money was coming from the health care industry, from the pharmaceutical industry, and why they were doing it because I was supporting HMO reform and supporting a prescription drug benefit and supporting the things that we talked about this evening.

No disclosure. Corporate money, what we call soft money, not the individual kind of contributions. If people want to contribute to us, they have to make an individual contribution, they have to disclose it. The maximum is a thousand dollars. This was all corporate. This was hundreds of thousands of dollars adding up to $5 million.

This goes on all the time. I mean, I still think that even with the disclosure that the gentleman is talking about there is still a lot ways to get around this under current law.

Mr. ALLEN. Mr. Speaker, let us turn just for a moment to another special interest, the HMO industry.

This is a report done by the General Accounting Office that came out in August of this year, August 2000. The title is "Medicare+Choice." That is the managed care plan. That refers to managed care plans that operate within the Medicare system. This was an approach to get HMOs into Medicare that the Republicans pushed very hard in 1997. It was incorporated into the Balanced Budget Act. I think a lot of us hoped that it might work, that it might drive down costs.

But what this GAO study says, the title is "Payments Exceed Cost of Fee-for-Service Benefits Adding Billions to Spending."

This report concludes that although HMOs were allowed to come into Medicare on the theory that it would help reduce costs and expand benefits, it turns out that what has happened is the costs are higher for Medicare+Choice, for managed care and Medicare, than they are for the traditional fee-for-service benefit, the way Medicare has operated. So at this point you have to say what is the purpose of having HMOs operate under Medicare.

Now, look at what we did just yesterday. Just yesterday, the Republican majority brought to the floor of this House a tax relief bill which had attached to it a whole array of different things, but one of the things was what we have been calling in Medicare a BBA give-back, a Balanced Budget Act give-back.

Why was that brought to the floor? A lot of us had supported an earlier bipartisan version. Because when we go back to our districts, we hear from our hospitals, we hear from our home health care agencies, we hear from our long-term care agencies that what happened in 1997 was too severe, the cuts have been too great, there has got to be some restoration or we are going to find hospice programs, hospitals, nursing homes, and home health care agencies simply going out of business.

So the bill that comes to the floor yesterday is a bill that gives $11 billion back not to hospitals and the other providers but to the HMOs over the first 5 years and $34 billion to the HMOs over 10 years.

Now, what good does this do? Absolutely none. It does no good, because the money just goes to the HMOs. There is no accountability. There is no requirement that an HMO stay in a particular State, that it serve people it is serving now, that it serve people that it is not serving now. It is simply funneling money to an HMO industry, which just coincidentally gave $4.8 million to the to the Republican party and its candidates in 1999 through June of this year.

Now, we have to be suspicious. When we have our providers, the hospitals and others saying we have to have some restoration of these funds, when we have a bipartisan group working on a plan and it is moving along well, and then at the last minute that bipartisan plan is yanked and we get something that puts 40 to 47 percent of the benefit of that give-back straight to the HMO industry, we have really got to wonder.

The truth is this is again another case of whose side are they on. They can be on the side of seniors and can they help their providers, but they cannot do that and also be funneling money to the HMOs.

Mr. TURNER. Mr. Speaker, I just want to tell the gentleman that I think the medical providers and the hospitals across this country have figured out what was wrong with that bill that the Republican majority passed on the floor of this House the other day.

I have got a letter here in my hand that came in just a couple of days ago. This is from a hospital administrator in my district, George Miller. George is a real fine administrator of Christus Jasper Memorial Hospital down in Jasper, Texas, in my district. Here is what he writes me.

He says, "We are extremely concerned because, in the present language in the bill," referring to the one that was passed yesterday, "it provides one-third to one-half of the Balanced Budget Act relief," that is the money, one-half to one-third of the money, "over 10 years would go to HMOs, leaving less for providers and beneficiaries in East Texas, such as Christus Jasper Memorial Hospital."

Further, he writes, "The bill does not prohibit HMOs from dropping benefits or leaving the community, as they have done here in Texas and left many of our patients without HMO coverage. We need your help."

This is from my hospital administrator in my district in Jasper.

I want to tell my colleagues, I have had town meetings in my district during the August break and I went around to talk about the problem of prescription drug coverage for seniors, and what I was confronted with was seniors who were angry because they had just received their letter of cancellation from their HMO, seniors that had signed up for Medicare Choice HMO plans solely because the HMOs said, we will put on a little prescription drug coverage for you if will you go with us and get off traditional Medicare.

As long as we cannot get this Congress to approve a prescription drug benefit under Medicare, those HMOs have a real strong leverage to appeal to those seniors. That is another reason we are having a hard time putting a prescription drug benefit under Medicare is because not only do the drug companies oppose it because they are afraid they cannot charge the same high prices to the Government as they are doing to our seniors, but the insurance industry knows that they are sunk if we put a prescription drug benefit under Medicare because they have been selling seniors HMO Medicare+Choice plans with the benefit of some prescription drug coverage and if they lose that advantage, our seniors are going back to regular Medicare.

And why are we promoting seniors going into HMO Medicare+Choice plan, whether, as the gentleman from Maine (Mr. ALLEN) pointed outside, the General Accounting Office, the bipartisan agency that advises this Congress, tells us that Congress is already spending more money allowing seniors to be enrolled in HMOs than they would if we just let them be in regular Medicare.

So we have got an issue before this Congress right now, and I am confident the President is going to veto that bill when it ever reaches his desk. Because the truth of the matter is I have got hospitals in my district that are about to close because we have not provided enough money to them under the Medicare reimbursement plan.

I just do not think it is right to be lining the pockets of the insurance companies by increasing dramatically almost half of the money going into Medicare is going to these HMOs to allow them to increase the bottom line profit for them while I have got hospitals in rural East Texas that are going to close because we are not putting the money into the Medicare program that will reimburse them for their services.

Instead, this Congress wants to give it to the big insurance companies. That is just not right. And I am proud the President has already spoken out saying he is not going to stand for it. And I think sooner or later the American people are going to figure out who is on their side in this Congress. And I guarantee you, it is not the insurance companies and the big drug companies and those who are dancing to their tune.

Mr. PALLONE. Mr. Speaker, I just want to follow up on what the gentleman from Maine said.

First of all, I have to say to my colleague from Texas that he is always so good at bringing these issues down to the average person and how it affects his hospitals and how it affects his seniors. I want to keep saying over and over again, that is why we are here talking about this because it directly affects our constituents.

But I wanted to go back to the GAO report that the gentleman from Maine (Mr. ALLEN) mentioned. Because I mean, he just brought that out so well. I mean, the problem here with this tax bill that the President is going to veto, we are giving all this money to the HMOs and they are already costing the Federal Government more than the traditional Medicare fee-for-service. And I can think of at least three reasons why.

First of all, what do they do with that money? They are taking it and they are paying for political ads against the people that do not support their interests. They are using the money to pay for the administrative costs of their CEOs' bill salaries, vacations, who knows what.

The other thing that I was thinking about, too, is advertising. In my district I have been to some of these meetings where they do all of this huge advertising in the papers. I remember once there was a local diner and they had all the seniors come to the diner and they were giving them lobster dinners if they came to the diner to sign up for the HMO. So that is where all that money is going for all these other costs.

The amazing thing is that the hospitals and the nursing homes and the home health care agencies that are not getting the money from this tax bill, or getting much less, they are more direct providers. I mean, that money is going almost directly to them. Medicare fee-for-service has very little overhead. So they are just paying the money to them to take care of the people's health needs as opposed to all this other nonsense that the HMOs are doing.

Mr. ALLEN. Mr. Speaker, the gentleman talks about the overhead. It is very simple. Medicare is equitable. It covers everyone all over the country who qualifies for it. Medicare does not pick up and leave the State if it is not making money. This is a program that has continuity and predictability and stability. And get what? Its administrative costs are around three percent.

When they go to the private sector to these HMOs and these insurance companies, they have got administrative costs that they do not have at all with Medicare. First of all, they pay their executives millions and millions of dollars. And there is no one in Medicare, no one at HCFA or anywhere else here who is being paid millions of dollars. And second, they have got to earn a profit. And third, they have got all sorts of marketing costs that Medicare would not have.

So compared to the two to three percent administrative cost for Medicare, they have got 20 percent, 30 percent depending on the insurance company, they have got very big administrative costs.

□ 1845

I want to bring this back to my home state. In Maine, as of July 1, there was a notice. We had only 1,700 people in Maine that were signed up for managed care. That is 1,700 people in Medicare signed up for managed care. And they all got a notice shortly after July 1 from the carrier saying that come December 31, the carrier was pulling out of the state. Two of those people were my parents. That was how they got their prescription drug coverage. Now they have got to go out and buy some other kind of supplemental insurance, but it will not be any managed care plan.

So the benefits of HMOs and Medicare are now gone. There are none. There are going to be none in the State of Maine, and they will have to go find some Medigap policy. But the trouble with those policies is, A, they are expensive, and B, they have very limited coverage. They do not have anything like the kind of catastrophic coverage that is part of the Democratic plan, what AL GORE proposed, as a way to deal with prescription drugs.

So I look at this so-called tax relief bill, this Balanced Budget Act giveback that we passed yesterday, and I know that that $34 billion over the next 10 years is not going to the State of Maine, it is not going to east Texas, it is not going to hospitals, it is not going to home health care agencies, it is not going to nursing homes; it is just going straight into the pockets of the HMOs.

That is fundamentally wrong, fundamentally wrong. Here we are, trying to make sure that seniors, for whom health care is a real worry, the people I talk to, are very worried that their money is going to run out. They are very worried they are just not going to be able to take the prescription drugs that the doctors tell them they have to take. With all the anxiety, what this Republican Congress is doing is catering to the special interests, the pharmaceutical industry and the HMOs. It is wrong and it needs to change.

Mr. TURNER. If the gentleman will yield, it is really amazing when you really get down and look at the hard, cold facts of the bill that was passed in this House yesterday, that gave almost half of the additional funding for Medicare goes to the HMOs and the insurance companies, because, the truth is, there are only about 15 percent of America's seniors that even have or live in an area where they have the opportunity to select a Medicare+Choice HMO plan.

In my 19 county Congressional district, today there are only two counties where there is even an HMO Medicare+Choice plan offered by the insurance companies. Now, why in the world, if only 15 percent of the senior population of this country even have the opportunity to buy one of those HMO plans and take advantage of the little add-ons they are able to offer, prescription drug coverage, eyeglass coverage, why would we give almost half of the additional money that we choose to appropriate this year to those HMO plans which are only available to 15 percent of the seniors?

It is just not right, particularly when you have got hospitals all across this country that are about to close their doors because the Medicare reimbursements are so low.

Now, it does not take a smart person to see the fallacy in what is going on around here, and I think it is pretty apparent that the insurance industry and their lobbyists are carrying the day, not the American people.

In Texas, in Texas we have 270,000 seniors who were forced to skip a necessary prescription in 1998 because they could not afford it. We had 800,000 seniors in Texas who were forced to pay for their own prescription drug costs because they had no insurance coverage of any kind.

You would think that, surely, we can do better. And I believe we must do better. Prescription drug coverage for seniors under Medicare, patient protection legislation to be sure everyone enrolled in managed care gets to make their medical decisions with their doctor, not having some insurance clerk interfere, and to think that we cannot figure out how to accomplish these things in this Congress is really more than many of us here can understand.

So I am just hoping and praying that we will get the kind of legislation that the American people want and need. I was here yesterday, sat right up here in the gallery with a young family, husband and wife and a young daughter from Newton County in my district. The young daughter has leukemia.

I sat there and listened to the father talk about their experience with managed care. He even told me about his experience of his wife, who needed surgery a few months back and had to fight her managed care company to get the surgery approved, and, after they finally got it approved and she had it, they had to fight with the same HMO to get the bill paid.

There are people all across this country that can tell similar stories about dealing with their HMOs, and I think this Congress must act. I am proud to be here tonight with my colleagues to continue the battle that ultimately we will win, because we are on the right side of this issue for the American people.

Yes, I think, as the vice president said, it is really a choice of are we for the people, or are you for the powerful, and I think we had better come down on the side of the American people.

Mr. PALLONE. I appreciate the gentleman's comments. I know we do not have a lot of time left and I want to yield to the gentleman from Maine, but I wanted to say the issues of abuses by the HMO affect everyone, by insurance companies.

I had a situation myself, and I have not mentioned it for a while because we now have the law that we passed in the previous Congress that says that for the drive-through deliveries, you have to allow at least 24 hours, I think is it is now 2 days for normal delivery, and maybe 4 days for a C-section, when a you have a baby. They had changed the rules in between my daughter being born and my son being born, when they were both born by C-section.

We were actually at Columbia Hospital for Women here in D.C. between the two births. The law had changed, or at least the insurance company changed it, and when my son was born, after the second day, they said my wife had to come home and he had to come home from the hospital. It was only because there was a law in D.C., and I do not think it exists in a lot of states, that says before the child goes home he has to be examined by a pediatrician for certain things, and they found he was jaundiced. So they let the two of them stay, my wife and son stay, an extra day in the hospital. Then we passed the law to prohibit the drive-through deliveries. But these abuses impact everyone. It is across the board.

I yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding. In conclusion, I thought I would try to simplify this about the prescription drug benefit. The Democrats are saying, all of us are saying, that what we want is a Medicare prescription drug benefit. That is, seniors would get their prescription drug benefit as part of the Medicare package.

This is exactly what every Member of this House has through his or her own insurance, because everyone in this House has some plan through the Federal employees insurance, and it is a plan that you sign up for and other Federal employees get, and if they have prescription drug coverage, which I suspect almost everyone here does, they have it as part of the plan. If they have a Blue Cross plan, they have a Blue Cross prescription benefit; if they have an Aetna plan, they have an Aetna prescription benefit.

All we are saying on the Democratic side of the aisle is, let us have a Medicare prescription drug benefit. And what the Republicans are saying is no, no, no, no, no, that would be wrong, because, after all, Medicare is a Federal health care plan. We would not want Medicare to provide a prescription drug benefit. That would be somehow wrong, because it is a government plan. That is nonsense. It is not right. It is absolutely not right.

The benefit, the prescription drug coverage should come through Medicare. It is the health care plan for our seniors and our disabled people, and there is no excuse to try to create some

Rube Goldberg system involving private insurance companies and HMOs as an alternative. But that is what the folks on the other side of the aisle have been trying to put over on the American people.

Mr. PALLONE. I listened to that third debate between the two presidential candidates, and I was very upset to hear Governor Bush say he was providing a Medicare prescription plan. I believe he used the term Medicare.

Mr. ALLEN. He did.

Mr. PALLONE. Yet the Republican plan and his plan is a voucher. It is not under Medicare. It a voucher that you get if you are below a certain income, not for most people, but if you are below a certain income, to go out and try to find an HMO or somebody to cover your prescription drugs. So, to even suggest that somehow this is a Medicare plan is not accurate. It is not under Medicare.

I think that is a major distinction between the Democrats and the Republicans on this issue, that we want to use traditional Medicare for the prescription drug benefit, and the Republican leadership does not. That is a key difference here, no question about it.

Mr. TURNER. If the gentleman will yield, you know, I think you are right on target. When you combine that fact with the fact that these Medicare+Choice plans are not even available, and you hear the proposal that Governor Bush makes to give the seniors a voucher so they just get 25 percent of the premium for their insurance covered by the government, what we are moving toward, and I think it is wrong, it is a system where no longer do you have the same coverage no matter where you live in this country.

Medicare, as I have always understood it, said that no matter where you live in this country, whether you live in the city or in the country, in rural America, urban America, you have the same coverage and the same benefit. And when you refuse to provide a prescription drug benefit under Medicare, and you only allow the HMOs to offer plans that can add on a prescription drug benefit, what you have done is changed in a very dramatic way what Medicare should mean to every senior, no matter where they live in this country.

Mr. PALLONE. I want to thank my colleagues for joining me tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

(The following Members (at the request of Mr. SHAW) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, October 30 and 31 and November 1, 2, and 3.

Mr. RILEY, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. HOSTETTLER, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, October 30.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On October 26, 2000:

H.J. Res. 116. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Saturday, October 28, 2000, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C.W. Bill Young	7/20	7/24	England		1,074.00		(3)				1,074.00
Hon. Kay Granger	7/20	7/24	England		1,074.00		(3)				1,074.00
Hon. Robert E. "Bud" Cramer	7/20	7/24	England		1,074.00		(3)				1,074.00
Douglas Gregory	7/20	7/24	England		1,074.00		(3)				1,074.00
Kevin Roper	7/21	7/25	England		1,445.00		(3)				1,445.00
Commercial airfare [4]							2,423.00				2,423.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jim Dyer	7/21	7/25	England		1,432.00		(3)				1,432.00
Commercial airfare[4]							2,423.00				2,423.00
Elizabeth Dawson	7/21	7/25	England		1,790.00						1,790.00
Commercial airfare							5,901.80				5,901.80
Frank Cushing	7/21	7/25	England		1,790.00						1,790.00
Commercial airfare							5,848.80				5,848.80
John T. Blazey II	7/20	7/24	England		1,074.00		(3)				1,074.00
Richard E. Efford	7/20	7/24	England		1,074.00		(3)				1,074.00
John T. Blazey II	8/13	8/16	South Africa		650.00						650.00
Commercial airfare							5,679.00				5,679.00
Stephanie Gupta	8/13	8/16	South Africa		650.00						650.00
Commercial airfare							5,678.61				5,678.61
James W. Dyer	8/16	8/18	Greece		346.00						346.00
	8/18	8/20	Cyprus		402.00						402.00
	8/20	8/21	Italy		328.00						328.00
	8/21	8/23	Malta		424.00						424.00
Commercial airfare							5,570.53				5,570.53
John G. Shank	8/16	8/18	Greece		346.00						346.00
	8/18	8/20	Cyprus		402.00						402.00
	8/20	8/21	Italy		328.00						328.00
	8/21	8/23	Malta		424.00						424.00
Commercial airfare							5,570.53				5,570.53
Scott Lilly	8/15	8/23	Russia		2,453.00						2,453.00
Commercial airfare							4,651.00				4,651.00
Hon. James T. Walsh	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00						1,398.00
	8/31	9/1	Ireland		281.00						281.00
Hon. Alan B. Mollohan	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00						1,398.00
	8/31	9/1	Ireland		281.00						281.00
Hon. Carrie P. Meek	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Hon. Robert E. "Bud" Cramer	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Timothy L. Peterson	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Dena Baron	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Mark W. Murray	8/27	8/31	South Africa		600.00						600.00
	8/31	9/1	Mozambique		200.00						200.00
	9/1	9/3	South Africa		400.00						400.00
Commercial airfare							6,604.00				6,604.00
Hon. Harold Rogers	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		815.00		(3)				815.00
Hon. Tom Latham	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		815.00		(3)				815.00
Gail DelBalzo	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		622.00		(3)				622.00
John T. Blazey II	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		622.00		(3)				622.00
Christine M. Ryan	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		620.00						620.00
Commercial airfare[4]							740.42				740.42
Sally Chadbourne	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		622.00						622.00
Commercial airfare						3,420.00					3,420.00
Elizabeth Dawson	8/23	8/27	Italy		900.00						900.00
	8/23	8/27	Belgium		900.00						900.00
Commercial airfare							5,345.42				5,345.42
Hon. Jim Kolbe	9/21	9/22	Mexico		146.25		(3)				146.25
Hon. Ed Pastor	9/21	9/22	Mexico		217.25		(3)				217.25
Committee total					57,559.50		59,856.91				117,416.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Part of the transportation was by commercial airfare with the remainder by military air transportation.

C.W. BILL YOUNG, Chairman, Oct. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
G.C. Baird	9/9	9/15	Germany		772.75		5,364.00		138.15		6,274.90

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
S.A. Cekala	9/16	9/23	Germany		896.25		5,363.63		44.15		6,304.03
D.D. DeLong	9/9	9/13	Germany		549.25		4,136.05		140.07		4,825.37
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/21	Italy		690.00						690.00
	9/21	9/23	Spain		383.25						383.25
D.B. Grimes	9/9	9/23	Germany		1,789.25		4,574.05		32.50		6,395.80
R.A. Hautala	9/16	9/23	Germany		819.25		4,574.05		54.96		5,448.26
D.M. Keppler	9/16	9/20	Germany		536.75		1,798.60		113.94		2,449.29
R.H. Pearre, Jr	9/9	9/13	Germany		549.25		5,678.00		97.62		6,324.87
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/20	Italy		570.00						570.00
J.N. Phillips	9/16	9/23	Germany		819.25		5,363.40		56.44		6,239.09
R.A. Ramsby	9/9	9/23	Germany		1,789.25		4,574.05		18.60		6,381.90
R.F. Stockman	9/16	9/23	Germany		819.25		4,574.05		74.88		5,468.18
C.W. Thompson	9/9	9/13	Germany		549.25		4,136.05		67.13		4,752.43
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/21	Italy		690.00						690.00
	9/21	9/23	Spain		334.00						334.00
R.W. Vandergrift, Jr	9/16	9/20	Germany		617.25		4,572.77		164.84		5,354.86
Committee total					14,051.75		54,708.70		1,003.28		69,763.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman, Oct. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Chairman, Oct. 18, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10745. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Termination of Designation of the State of North Dakota with Respect to the Inspection of Meat and Meat Food Products [Docket No. 00-038F] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10746. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton (RIN: 0560-AF13) received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10747. A letter from the Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule—Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set Aside (RIN: 0570-AA31) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10748. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Grants and Milan, New Mexico) [Docket No. 99-75; RM-9446] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10749. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearsall, Texas) [Docket No. 00-26 RM-9822] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10750. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Urbana, Illinois) [Docket No. 00-76 RM-9809] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10751. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (THOMASville, Georgia) [Docket No. 00-98 RM-9811] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10752. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—New Dosimetry Technology (RIN: 3150-AG21) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10753. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Israel [Transmittal No. DTC 124-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10754. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the report from Independent Counsel, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30209; Amdt. No. 425] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30206; Amdt. No. 2014] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30207;

Amdt. No. 2015] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10758. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2000–NM–312–AD; Amendment 39–11928; AD 2000–20–03 R1] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10759. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, EMB–120ER, and EMB–120RT Series Airplanes [Docket No. 2000–NM–122–AD; Amendment 39–11908; AD 2000–19–07] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10760. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters [Docket No. 2000–SW–25–AD; Amendment 39–11931; AD 2000–20–19] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10761. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2000–CE–29–AD; Amendment 39–11918; AD 2000–20–07 (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10762. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG–800B Sailplanes [Docket No. 99–CE–90–AD; Amendment 39–11921; AD 2000–20–10] (RIN 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10763. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; LET Aeronautical Works Model L–13 "Blanik" Sailplanes [Docket No. 99–CE–91–AD; Amendment 39–11922; AD 2000–20–11] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10764. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 2000–CE–12–AD; Amendment 39–11924; AD 2000–20–13] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10765. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models A36 and B36TC Airplanes [Docket No. 2000–CE–15–AD; Amendment 39–11925; AD 2000–20–14] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10766. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Aerotechnik s.r.o. Model L 13 SEH VIVAT Sailplanes [Docket No. 2000–CE 01–AD; Amendment 39–11923; AD 2000–20–12] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10767. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 99–NM–356–AD; Amendment 39–11916; AD 2000–20–05] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4144. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes, with an amendment; referred to the Committee on The Budget for a period ending not later than October 28, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 106–1014, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 5586. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Singapore, and to provide for expedited congressional consideration of such an agreement; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 5587. A bill to amend the United States Enrichment Corporation Privatization Act to prevent the untimely sale of uranium hexaflouride; to the Committee on Commerce.

By Mr. ARCHER:

H.R. 5588. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Reform.

By Mr. COX (for himself, Mr. RADANOVICH, Mrs. BONO, Mr. BILBRAY, Mr. ROHRABACHER, Mr. GARY MILLER of California, and Mr. HUTCHINSON):

H.R. 5589. A bill to facilitate the cleanup of environmental degradation caused in the manufacture of methamphetamine and to combat illegal drug use by imposing new monetary fines on the manufacture and trafficking of methamphetamines; to the Committee on Commerce.

By Mr. FOSSELLA:

H.R. 5590. A bill to amend certain provisions of title 5, United States Code, relating to disability annuities for law enforcement officers, firefighters, and members of the Capitol Police; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 5591. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish the authority of officers and employees of the Department of Health and Human Services to issue detention orders regarding food in any case in which there is a reasonable belief that the food is in violation of such Act, and for other purposes; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.R. 5592. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself and Mr. CONDIT):

H.R. 5593. A bill to establish a Bipartisan Commission on Social Security Reform; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 5594. A bill to amend the Endangered Species Act of 1973 to exempt the Woodrow Wilson Bridge project from certain provisions of that Act and allow the bridge and activities elsewhere to proceed in compliance with that Act, and for other purposes; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. REYES, and Mrs. NAPOLITANO):

H.R. 5595. A bill to provide for programs regarding the health of Hispanic individuals, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 5596. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 5597. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for internships and fellowships related to information technology; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H. Res. 657. A resolution directing the Speaker to certify the report of the Committee on Resources to the United States Attorney for the District of Columbia; considered and withdrawn.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. ROHRABACHER, Mr. ROYCE, Mr. ABERCROMBIE, and Mr. WEXLER):

H. Res. 658. A resolution expressing the sense of the House of Representatives with respect to Dato Seri Anwar Ibrahim; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. Wynn, Mr. Towns, Mr. Rohrabacher, Mr. Wexler, Mr. Green of Texas, Mr. Sessions, Mr. Smith of New Jersey, Mr. Cunningham, Mr. Lampson, Mr. Andrews, Mr. Davis of Florida, Ms. Eshoo, Mr. Chabot, Mr. Deutsch, Mr. Brown of Ohio, Mr. Jefferson, Ms. Pelosi, Mr. Souder, Mr. Diaz-Balart, Mr. Hinchey, Mr. Berman, Mr. Ackerman, and Mr. Wu):

H. Res. 659. A resolution expressing the sense of the House of Representatives that the future of Taiwan should be resolved peacefully through a democratic mechanism and with the express consent of the people of Taiwan; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. Payne, Mr. Gejdenson, Ms. Waters, Ms. Millender-McDonald, and Ms. Jackson-Lee of Texas):

H. Res. 660. A resolution to commend President Clinton for supporting the efforts of former South African President Nelson Mandela to bring peace to Burundi; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REYNOLDS:

H.R. 5598. A bill for the relief of Barbara Makuch; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 5599. A bill for the relief of Eugene Makuch; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 920: Mr. Delahunt.

H.R. 1048: Mr. George Miller of California.

H.R. 1217: Mr. Luther, Mr. Bartlett of Maryland, and Mr. Gekas.

H.R. 1239: Mr. Thompson of Mississippi, Mr. Scott, Mr. Visclosky, and Mr. Frelinghuysen.

H.R. 1310: Mr. English, Mr. Duncan, and Mr. Towns.

H.R. 2457: Mr. Rothman and Ms. Ros-Lehtinen.

H.R. 2584: Mr. Porter.

H.R. 3610: Mr. Allen.

H.R. 4076: Mr. Goodlatte.

H.R. 4213: Mr. Simpson.

H.R. 4277: Mr. Shimkus.

H.R. 4571: Mrs. Capps, Mrs. Maloney of New York, Mrs. Kelly, Mr. Payne, and Mr. Etheridge.

H.R. 4825: Mr. McIntyre.

H.R. 4857: Ms. Roybal-Allard.

H.R. 4949: Mr. Rodriguez.

H.R. 5027: Mr. Foley and Mr. Collins.

H.R. 5345: Ms. Schakowsky.

H.R. 5447: Mr. LaTourette, Mr. Gillmor, and Mr. Rogan.

H.R. 5479: Mr. Kucinich.

H.R. 5522: Mr. Frost.

H.R. 5537: Ms. Norton and Mr. Delay.

H.R. 5540: Mr. Dingell.

H.J. Res. 48: Mr. Berry.

H.J. Res. 107: Mr. George Miller of California.

H. Con. Res. 337: Mr. Canady of Florida, Mr. Walsh, and Mr. Gary Miller of California.

EXTENSIONS OF REMARKS

REPORT ON THE KOREAN INTERN EXCHANGE PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues this report written by Jacqueline Hui, an intern who participated in our U.S. Congress Korean National Assembly Student Intern Exchange Program which I instituted seventeen years ago.

Jacqueline is a student at Brown University, majoring in Political Science and Economics. She was an intern in my Washington office this past summer and in my district office in 1999. She did an outstanding job. I am very proud of her, and I am happy that she was able to participate in our Korean Exchange Program. Her report underscores the importance of such exchange programs, and the valuable experiences which our students receive:

SUMMARY OF THE U.S. CONGRESS—REPUBLIC OF KOREA NATIONAL ASSEMBLY

By Jacqueline Hui

One of the most important goals of our exchange program is to foster greater understanding between Korea and the United States. Although I can not speak on behalf of the Korean students. I believe that all of us American students have gained a greater understanding of Korean politics and culture through the exchange.

The time spent abroad in Korea was very well-organized and very intense. If there is any way one could experience almost every aspect of Korea in two weeks, I did. Everyday the schedule was packed from eight o'clock in the morning until ten o'clock in the evening. When I finally returned home, I would be completely exhausted and fall asleep until it was time to wake up again for another grueling day.

On the first day, I learned about the Korean language at the Seoul National University and viewed a traditional music performance. At the performance, I realized that the Korean culture was uniquely different from Asian cultures, my being Chinese.

On the other days, we went to the National Folk Museum, the Changdok Palace, visited the National Assembly, visited Samsung Electronics, did some pottery, went to a traditional Korean Spa, went to the De-Militarized Zone (Panmujom), participated in a Taekwondo workshop, spent a day interning in the National Assembly, and did a homestay to experience Korean life.

The single day interning in the National Assembly was insufficient to really see Korean politics. The most intense experience was definitely visiting the De-Militarized Zone. The particular area clearly depicts the tensions between North and South. Furthermore, the U.S. presence in the area also demonstrates and creates tension between the Koreans and Americans. Overall, I attended many meetings that explained different sides of issues concerning Koreans and in the end, I had a much clearer view of Korea.

Near the end of the stay, we went to Kyongju, which was the capital of the Shilla dynasty. The place is full of history and culture. There was also the Turtle Tomb—an underwater tomb that was built by and for a king, used to protect Korea from being attacked by Japan. I also saw Buddhist temples and Confucian schools—both of which have greatly influenced the ideology and culture of Korea.

At the end of the trip, we went to Cheju Island, a resort island south of Korea. The island was beautiful. We took a boat ride to see the surrounding islands and visited the one waterfall on the island. The previous two weeks in Korea had been hectic. The time spent in Cheju was relaxing and allowed us to reflect on our stay.

When we went back to San Francisco, we had a chance to meet up with the Korean students and shared our experiences with each other. Perhaps it might have been more interesting if we had met back in Korea instead.

Overall, the Koreans showed great hospitality in all respects. Everywhere we went we were treated very well. We Americans tend to bask in our superiority over other nations. Interestingly enough, I found Korea to be highly technologically advanced. Americans should remember that other nations do have the capacity to surpass us, at least in certain respects.

I am grateful for this opportunity to experience the Korean culture first hand. The program was very successful—in my eyes—in fostering understanding between two cultures. I hope that future exchange students will continue to have the opportunity to live and learn Korean culture as I did.

THE OFFENDER REENTRY AND COMMUNITY SAFETY ACT OF 2000 OCTOBER 26, 2000

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. HYDE. Mr. Speaker, today in communities all around this country, prisoners are being released back into their communities without job skills, substance abuse or mental health services, or assistance in obtaining housing and employment. In fact, the Department of Justice reports that historically, two thirds of released prisoners are rearrested for new crimes within three years.

During this year alone, a record number of over 585,000 inmates will be released from jail or prison and return to local communities. A safety threat is posed by this volume of returns and has been worsened by a declining ability by states and communities to supervise the returning offenders. This is partly due to policy shifts toward more determinate sentencing, which allow for the offenders to serve longer sentences than in the past, yet without supervisory conditions upon release. Thirteen states have abolished parole systems, thereby providing very little, if any, supervision of released inmates.

Mr. Speaker, today I have introduced "The Offender Reentry and Community Safety Act of 2000." This legislation will help ensure that released offenders enter into a lawful, productive life when they return to their communities. Under this legislation, programs will be created to assist certain offenders who have served their prison sentences, but who pose the greatest risk to the community. This is because they lack the skills necessary to successfully reintegrate into society, such as finding housing and employment, in addition to managing substance abuse, medical and mental health problems.

These programs will use technology and traditional methods of structured supervision and services, along with a system of immediate sanctions for violations of an offender's plan. It is my belief that these programs will give the necessary tools to the returning offenders so that they can help themselves lead lawful and productive lives.

I want to thank the Attorney General and the Department of Justice for the assistance and hard work in this area. I know this is a priority of the Attorney General, and I look forward to working with her to help process this legislation next Congress. I am also submitting for the RECORD a section-by-section analysis that the Department of Justice has prepared on this legislation.

SECTION-BY-SECTION ANALYSIS

Introduction

This legislative proposal is divided into two titles: title I would create demonstration reentry programs for federal offenders, and title II would establish reentry programs for sate and local prisoners. The programs are designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society. Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that reentry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

The Reentry Problem. American crime policies over the past two decades have resulted in record numbers of offenders being incarcerated. Some 1.25 million offenders are now living in prisons, and another 600,000 offenders are incarcerated in local jails. Although many offenders are serving longer sentences than they would have a decade ago, once they complete their terms, they return to the community. A record number of approximately 585,400 inmates will return to communities this year. Historically, two-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of returns has been exacerbated by reductions in the abilities of states and communities to supervise returning offenders. Parole systems have been abolished in thirteen states. Moreover, policy shifts toward more determinate sentencing have reduced the authority to impose supervisory conditions upon existing offenders. Consequently, an estimated 100,000 inmates will receive no supervision in the community. State systems have also reduced the numbers of transitional support programs aimed at facilitating the return to productive community life styles. Recent studies indicate that many returning prisoners receive no help in finding employment upon release. Most offenders have low literacy and other basic educational skills that can impede successful reentry.

At least 55 percent of offenders are fathers of minor children, and therefore face a number of issues related to child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems add to concerns over community safety. Approximately 70 percent of state prisoners and 57 percent of federal prisoners have a history of drug abuse. Research by NIJ indicates that between 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months when untreated. An estimated 187,000 state and federal prison inmates have self-reported mental health problems. Mentally ill inmates are more likely than other offenders to have committed a violent offense and be violent recidivists. Few states connect mental health treatment in prisons with treatment in the return community. Finally, offenders with contagious diseases such as HIV/AIDS and tuberculosis are released with no viable plan to continue their medical treatment so they present a significant danger to public health.

Current policies to reduce public safety risks are cost prohibitive and often ineffective. Efforts to enforce offender accountability for release conditions have led to record returns to prison for revocations. These practices have added significantly to state correctional costs. Revocations comprised 17 percent of prison admissions in 1980; they have risen to 36 percent in 1998.

Juvenile offenders represent a serious part of the reentry issue throughout the country. Juveniles were involved in 17 percent of all violent crimes and 35 percent of all property crime arrests in 1997. In 1997, 369 juveniles were in custody for every 100,000 in the population. Between 1987 and 1996, the volume of adjudicated cases resulting in court-ordered residential placements rose 51 percent. The steady increase of youth exiting residential placement has resulted in an increased strain on the juvenile justice aftercare system due to increased case loads for parole officers and the inability to provide the appropriate level of required supervision. Without structured aftercare supervision and services, youth are likely to relapse and recidivate and return to confinement in either juvenile or adult correctional facilities.

TITLE I. FEDERAL REENTRY DEMONSTRATIONS PROJECTS

Innovative strategies and emerging technologies present new opportunities to improve the federal and District of Columbia reentry systems. This legislation creates five demonstration projects—four in the federal system and one in the District of Columbia—that utilize these strategies and technologies. The projects share many core components, including a more seamless reentry system, reentry officials who are more directly involved with the offender and who can swiftly impose intermediate sanctions if the offender does not follow the designated reentry plan, and the combination of enhanced service delivery and enhanced monitoring. The different projects are targeted at different prisoner populations and each has some unique features. The promise of the legislation is to establish the demonstration projects and then to rigorously evaluate them to determine which measures and strategies most successfully reintegrate prisoners into the community as well as which measures and strategies can be promoted nationally to address the growing national problem of released prisoners.

Section 101. Federal Reentry Center Demonstration—Section 101 establishes the Federal Reentry Center Demonstration Project, which is targeted at high-need and medium-to-high-risk federal offenders, and revolves around Reentry Centers. These Centers will be enhanced community corrections facilities, or "halfway houses," where for most federal prisoners, reintegration into the community begins. Reentry Centers will be dynamic facilities where ongoing reentry planning and evaluation will be conducted by a team of corrections and supervision authorities, where services are intensively provided, and where immediate and certain sanctions are imposed when a prisoner deviates from his or her reentry plan.

Some of the core components of the demonstration project include (1) Reentry Review Teams—consisting of representatives of the Federal Bureau of Prisons and the U.S. Probation System and staff of the relevant halfway house—that will rigorously manage a more seamless reentry of offenders into the community; (2) a system of graduated levels of supervision within the Reentry Center to promote community safety by providing sanctions for minor violations of an offenders' reentry plan and incentives for completing stages of the program; (3) the use of local, community-based citizen volunteers to advise and mentor offenders; and (4) as indicated and appropriate, regular drug testing, substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational programs, life skills instruction, conflict resolution skills training, assistance obtaining suitable housing, and other programming to promote effective reintegration into the community.

The Reentry Center project will last three years and will take place in an appropriate number of federal judicial districts selected by the Attorney General in consultation with the Judicial Conference of the United States. The Attorney General will also have the authority to include in the demonstration project offenders who participate in the Enhanced In-Prison Vocational Assessment and Training Demonstration project established by section 105 of this Act.

Section 102. Federal High-Risk Offender Reentry Demonstration—Section 102 establishes the Federal High-Risk Offender Demonstration project. The project is targeted at high-need/high-risk federal offenders—those who have already violated the terms of their initial release—and utilizes a variety of elements, including emerging technologies, to both monitor these offenders and insure delivery of appropriate services and programs that promote effective reentry into the community. These technologies are rapidly developing and will, as they develop further, provide increasingly effective ways to manage offeners' reentry.

The core elements of the project include (1) the use of halfway house and home confinement that together with the technology will form a system of graduated levels of supervision; (2) as indicated and appropriate, monitoring technologies; regular drug testing, substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and education programs, life skill instruction, conflict resolution skill training, assistance obtaining suitable housing, and other programming to promote effective reintegration into the community.

The project will last three years and will take place in an appropriate number of federal judicial districts selected by the Judicial Conference of the United States in consultation with the Attorney General.

Section 103. District of Columbia Intensive Supervision, Tracking, and Reentry Training Demonstration—Section 103 establishes the District of Columbia Intensive Supervision, Tracking and Reentry Training (DC iSTART) Demonstration project. The DC iSTART project is targeted at high-risk District of Columbia offenders—those who might not otherwise be released through a halfway house—and utilizes halfway houses, home confinement and intensive supervision. The project builds on the work of the Court Services and Offender Supervision Agency, which under the National Capital Revitalization and Self-Government Improvement Act, has begun a complete reengineering of the supervision and reentry systems in the District of Columbia.

The core elements of the DC iSTART project include: (1) Reentry Review teams; (2) the use of halfway houses and home confinement for high need/high-risk parolees to form a system of graduated levels of supervision for those who otherwise would be released directly into the community; and (3) as indicated and appropriate, regular drug testing, substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational programs, life skills instruction, conflict resolution skills training, assistance obtaining suitable housing, and other programming to promote effective reintegration into the community. The project will last three years.

Section 104. Federal Intensive Supervision, Tracking, and Reentry Training Demonstration—Section 104 establishes the Federal Intensive Supervision, Tracking and Reentry Training (FED iSTART) Demonstration project. The FED iSTART project is targeted at high-risk federal offenders—those who might not otherwise be released through a halfway house—and utilizes intensive supervision by federal probation officers with significantly reduced caseloads. The core elements of the FED iSTART project are (1) supervision by probation officers with significantly reduced caseloads, (2) fully funded monitoring and reentry services, to be provided as indicated and appropriate, including regular drug testing, substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational programs, life skill instruction, conflict resolution skill training, assistance obtaining suitable housing, and other programming to promote effective reintegration into the community. The project will last three years.

Section 105. Federal Enhanced In-Prison Vocational Assessment and Training Demonstration—Section 105 establishes the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project.

The project will provide in-prison assessment of prisoners' vocational needs and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare federal prisoners for release and reentry into the community. The project will last three years.

Section 106. Research and Reports To Congress—As indicated above, the promise of this legislation is not simply to develop the demonstration projects, but also to insure that the projects are rigorously evaluated to determine which measures and strategies most successfully reintegrate federal prisoners into the community and which should be promoted nationally to address the growing national problem of released prisoners. Section 106 directs the Attorney General, the Director of the Administrative Office of the United States Courts, and the Executive Director of the institute for criminal research authorized by the National Capital Revitalization and Self-Government Improvement Act to evaluate the various demonstration projects authorized by this Act on post-release outcomes and recidivism for a three-year period after release from custody. This section also directs that not later than two years after the enactment of this Act, reports be made to Congress on the progress of the demonstration projects.

Section 107. Authorization of Appropriations—Section 107 authorizes appropriations, to remain available until expended, to the Federal Bureau of Prisons, the Federal Judiciary, and the Court Services and Offender Supervision Agency of the District of Columbia for fiscal years 2001 through 2005.

TITLE II. STATE REENTRY GRANT PROGRAMS

Section 201. This section amends the Omnibus Crime Control and Safe Streets Act of 1968 by adding four new sections (2601, 2602, 2603, and 2604) that make grants available to state and local governments to create special programs to help state prisoners successfully reenter their communities.

Section 2601. Adult Offender State and Local Reentry Partnerships. Section 2601 establishes the Adult Offender State and Local Reentry Partnership Grant Program for the purpose of encouraging states, territories, and Indian tribes to partner with units of local government and other non-profit organizations to establish adult offender reentry demonstration projects. The grants shall be for amounts up to $1,000,000, and may be expended for the following purposes: implementing graduated sanctions and incentives, monitoring released prisoners, and providing, as appropriate, drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

Section 2601 requires applicants to submit an application that describes a long-term strategy and detailed implementation plan, identifies the agencies that will be coordinated by the project, certifies that there has been appropriate consultation with all affected agencies, and describes the outcome measures that will be used to evaluate the program. The grant recipient must contribute a percentage of matching funds to the project and submit an annual report to the Attorney General describing the activities carried out under the grant. Section 2601 authorizes $40,000,000 for this program in fiscal year 2001, and such sums as are necessary in fiscal years 2002 through 2005.

Section 2602. State and Local Reentry Courts. Section 2602 creates the State and Local Reentry Court Grant Program for the purpose of encouraging state agencies, municipalities, public agencies, nonprofit organizations and tribes to make agreements with courts to establish "reentry courts." The grants shall be for amounts up to $500,000, and may be expended to monitor returning offenders, establish graduated sanctions and incentives, test and treat returning offenders for drug and alcohol abuse, and provide reentering offenders with mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

Section 2602 requires applicants to submit an application that describes a long-term strategy and detailed implementation plan, identifies the agencies that will be coordinated by the project, certifies that there has been appropriate consultation with all affected agencies, and describes the outcome measures that will be used to evaluate the program. The grant recipient must contribute a percentage of matching funds to the project and submit an annual report to the Attorney General describing the activities carried out under the grant. Section 2602 authorizes $10,000,000 for this program in fiscal year 2001, and such sums as are necessary in fiscal years 2002 through 2005.

Section 2603. Juvenile Offender State and Local Reentry Programs. Section 2603 establishes the Juvenile Offender State and Local Reentry Grant Program for the purpose of encouraging states to partner with units of local government and other non-profit organizations to establish juvenile offender reentry projects. The grants shall be for amounts up to $250,000, and may be expended for the following purposes: implementing graduated sanctions and incentives, monitoring released prisoners, and providing them with drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

Section 2603 requires applicants to submit an application that describes a long-term strategy and detailed implementation plan, identifies the agencies that will be coordinated by the project, certifies that there has been appropriate consultation with all affected agencies, and describes the outcome measures that will be used to evaluate the program. The grant recipient must contribute a percentage of matching funds to the project and submit an annual report to the Attorney General describing the activities carried out under the grant. Section 2603 authorizes $5,000,000 for this program in fiscal year 2001, and such sums as are necessary in fiscal years 2002 through 2005.

Section 2604. State Reentry Program Research, Development, and Evaluation. Section 2604 establishes the State Reentry Research, Development, and Evaluation Grant Program to conduct research on issues pertinent to reentry programs, develop and test new reentry approaches, evaluate the projects authorized in sections 2601, 2602, and 2603 of this title, and disseminate this information to the field. Section 2604 authorizes $5,000,000 for this program in fiscal year 2001, and such sums as are necessary in fiscal years 2002 through 2005.

TRIBUTE TO LUCILLE BEAVERS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RUSH. Mr. Speaker, today I pay tribute to one of Chicago's unsung heroes, the late Lucille Beavers. Her untimely death on October 9, 2000 will truly leave a deep void in our community.

Lucille, the daughter of William and Roberta Nunnally, was born on August 14, 1919. She spent her early years in Atlanta, Georgia and later moved to Chicago, IL where she attended Chicago Public Schools.

Lucille met, and after a three-year courtship, married Alderman William Beavers on June 5, 1984. Lucille was devoted to her family and exceptionally proud of her son, Riccardo Williams, who launched a very successful entrepreneurial enterprise.

Lucille Beavers took an active part in her church and community. As a faithful member of the Cosmopolitan Community Church, Mrs. Beavers actively joined the August Club where she faithfully served her fellow man.

Lucille Beavers was a loving wife, devoted mother, sister, aunt and friend who will be deeply missed. My fellow colleagues, please join me in honoring the memory of Mrs. Lucille Beavers, a true beacon of the Chicago community.

"If anyone serves me let him follow me; and where I am, there shall my servant also be; if anyone serves me, the father will honor him". John 12:26.

TRIBUTE TO GEORGIA LEE O'QUINN BROWN

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. ETHERIDGE. Mr. Speaker, today I celebrate and honor the public service of Georgia Lee O'Quinn Brown of Harnett County, North Carolina. Mrs. Brown has served as the County Clerk of Harnett County Superior Court for over thirty years and is now retiring.

Georgia Lee O'Quinn was born on July 27, 1938 to the late Flora Lee Holloway O'Quinn and Nelson Carl O'Quinn. She graduated from Boone Trail High School in 1956. Later that year, she married the late Wesley Hal Brown, with whom she has three children and six grandchildren.

Mrs. Brown began her faithful service to North Carolina in 1956 when she was hired as a clerk in the Office of Harnett County Clerk of Superior Court. Nearly half a century later, she is retiring. Mrs. Brown has held many offices in the Association of Clerks of Superior Court of North Carolina, including the office of president in 1992–93. She received appointments to serve as a member of a committee that revised the Juvenile Justice Procedures Manual and the Clerks Procedure Manual and has served on various state committees relating to the office of Clerk of Superior Court. With her wealth of experience and knowledge, Mrs. Brown was an obvious choice for appointment to the Judicial Advisory Commission for Court Operations. In 1998, Chief Justice Burley Mitchell appointed Mrs. Brown to this Commission where she served until November of 1999.

Mrs. Brown's leadership may also be seen through her unfaltering commitment to service throughout the community. She has been a member of the Harnett County Democratic Women, the National College of Probate Judges, the Board of Directors of North Carolina Baptist Foundation, and more. Her many contributions to her community did not go unnoticed by those around her and in 1981, she was named Woman of the Year by the Lillington Business and Professional Women's Club. In 1987 she was recognized as Democrat of the Year by the Young Democrats of Harnett County.

Mrs. Brown has served as a role model and an inspiration for all those around her. She is an active member for the Antioch Baptist Church serving as an adult Sunday School teacher president of Women on Missions. She has exemplified the principles of service and generosity through her numerous contributions and strong commitment to the community. Georgia Lee O'Quinn Brown embodies the North Carolina values my constituents hold dear, and I want to take this opportunity to share with my colleagues in the U.S. House of Representatives the outstanding contributions of this fine American.

TRIBUTE TO 16TH LOGISTICS GROUP, HURLBURT FIELD, FLORIDA

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SCARBOROUGH. Mr. Speaker, today I am proud to recognize the United States Air Force's 16th Logistics Group for receiving the Year 2000 Department of Defense Maintenance Award.

Each year, the Secretary of Defense recognizes outstanding achievements in military equipment and weapon system maintenance by intermediate and organizational level maintenance organizations of the Military Services.

The purpose of this awards program is to improve material readiness, improve efficiency and reduce waste by encouraging innovative management and use of resources, provide recognition of below depot-level maintenance programs, aid development of competitive programs, and enhance maintenance awareness throughout the Department of Defense.

In recognition of the contribution maintenance makes to keeping our forces ready and to sustaining them in conflict, the Secretary of Defense has chosen to honor the 16th Logistics Group for their exceptional unit maintenance accomplishment.

The 16th Logistics Group is the Air Force's largest logistics group and performs maintenance on several different airframes. The group's men and women outperformed their competition by achieving an impressive 80 percent mission-capable rate, among other accomplishments. The 16th generated the two most important combat missions of the Balkan conflict and continued to focus on reducing total ownership costs through innovative and practical programs. Mobilizing over 120 times in 12 months for an unprecedented 75 contingencies and exercises worldwide, the group led first-in, last-out operations in the Balkans, capping more than 6 years of continuous presence in that theater.

This award recognizes the professionalism and commitment to service by the men and women of the 16th Logistics Group. My congratulations go to the Air Force's 16th Logistics Group for these significant contributions.

CONGRATULATIONS TO THE COUNCIL OF KHALISTAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. DOOLITTLE. Mr. Speaker, earlier this month, the Council of Khalistan held its international convention in Fort Lauderdale, Florida. The Council of Khalistan leads the peaceful struggle to liberate the Sikh homeland, Punjab, Khalistan. I would like to congratulate the Council on a very successful convention.

Delegates came from all around the United States, Canada, and even as far away as Great Britain. They engaged in extensive discussion of plans to liberate Khalistan, and they passed resolutions for independence, human rights, and self-determination. The convention opened on October 7, which is the anniversary of Khalistan's declaration of independence from India.

Dr. Gurmit Singh Aulakh, who is the President of the Council of Khalistan, has been a tireless advocate for his people and has made himself a well-known presence in the halls of Congress by his persistence over the last thirteen years or so. He also fights for human rights of Christians, Muslims, and anyone else who is being oppressed by India. His tireless efforts have helped to keep this issue alive, and I salute him for this work. His struggle merits our support.

Mr. Speaker, I submit the Council of Khalistan's press release on its convention for the RECORD.

[Council of Khalistan, Press Release, Oct. 10, 2000]

COUNCIL INTERNATIONAL CONVENTION VERY SUCCESSFUL—DELEGATES VERY ENTHUSIASTIC AND UPBEAT

FREE KHALISTAN ESSENTIAL FOR SURVIVAL OF SIKH NATION

WASHINGTON, D.C., October 10, 2000—The annual convention of the Council of Khalistan, held this weekend in Fort Lauderdale, Florida, was very successful. Delegates came from all over the United States, Canada, and the United Kingdom. The delegates were very enthusiastic and their spirit was very upbeat (*charhdi kala*). They expressed appreciation for the work of the Council of Khalistan, the government *pro tempore* of Khalistan, the Sikh homeland that was declared independent on October 7, 1987.

Very candid discussion was held concerning the Sikh Nation and its struggle for independence. The delegates agreed that the liberation of Khalistan is essential for the survival of the Sikh Nation. The delegates agreed to contribute one (1) percent of their annual incomes to the Washington office and to ask others to do the same.

Delegates passed resolutions calling for the liberation of the Sikh homeland, Khalistan, through a *Shantmai Morcha* (peaceful agitation), for self-determination, demanding the release of political prisoners in Punjab, calling for the formation of a Khalsa Raj Party in Punjab, condemning the Sikh Youth of America for inviting Simranjit Singh Mann to their convention, and many others. The delegates decided that next year's convention will be held on Columbus Day weekend, 2001, in Atlanta, Georgia.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, expressed satisfaction at the success of the convention. "I would like to thank everyone who helped to make this convention so successful," he said, "especially the Fort Lauderdale Gurdwara and Sardar Manmohan Singh Randhawa, who took all the reservations and helped to organize the convention. The success of this convention and the fact that people came from great distances to be there send a strong message to the Indian government that Sikhs demand an independent, sovereign Khalistan," he said.

Other resolutions that were passed at the conventions included resolutions demanding that human-rights groups be allowed to operate in Punjab, where they have not been allowed since 1978, nominating Dr. Aulakh for the Nobel Peace Prize, naming Dr. Aulakh Khalistan Man of the Year 2000, calling on all Gurdwaras to support the freedom struggle, demanding leaders with vision, appreciating the Council of Khalistan, to raise money for the Council's office, and urging Sikhs and youth to get involved in the political process. A committee was formed to find new leadership if anything should happen to Dr. Aulakh and also support and advise the Council of Khalistan in its effort to expedite the liberation of Khalistan.

"It is appropriate that the convention opened on the anniversary of Khalistan's declaration of independence," Dr. Aulakh said. He noted that Sikhs ruled Punjab until 1849 when the British forcibly annexed it into British India. No Sikh representative has ever signed the Indian constitution.

Thousands of Sikhs languish in prisons without charge or trial, according to Amnesty International. Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been killed since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988. In March, during President Clinton's visit to India, the Indian government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility. The Indian Supreme Court described the situation in Punjab as "worse than a genocide."

"India is on the verge of disintegration," said Dr. Aulakh. "Kashmir is going to be free. Khalistan will also be free during this decade, by the grace of Guru. Guru gave sovereignty to the Sikh Nation," he said. "This convention was a step forward in that effort."

TRIBUTE TO DAVID FOSTER ON HIS RECEIVING THE ALBERT SCHWEITZER LEADERSHIP AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to David Foster on the occasion of his receipt of the Albert Schweitzer Leadership Award. This prestigious award is given annually by the Hugh O'Brian Youth Leadership Foundation (HOBY) to individuals who have distinguished themselves through public service and who have contributed significantly to the education and motivation of youth. The award is named after the famous doctor, himself a great humanitarian, who made a lasting impression on Hugh O'Brian during a visit to Schweitzer's African clinic. It was there that Dr. Schweitzer expounded to Mr. O'Brian his philosophy of the importance of motivating our youth. Simply stated, Dr. Schweitzer believed that, "the most important thing in education is to teach young people to think for themselves."

Almost immediately after returning from his visit with Dr. Schweitzer, Hugh O'Brian initiated the HOBY program to put that philosophy into practice. In the beginning HOBY ran leadership seminars for high school sophomores in Los Angeles, and eventually expanded to three-day seminars across the country. Each year over 20,000 students participate in HOBY programs that are designed to implement Dr. Schweitzer's philosophy, teaching young people to think for themselves. Over the years many great humanitarians have received the Albert Schweitzer Leadership award, and now another distinguished name can be added to that list, the musical genius and extraordinary humanitarian David Foster.

Mr. Speaker, David Foster rose to prominence in the music scene in 1973, when his band Skylark scored a top ten hit with their song "Wildflower," and he has been actively involved in the music industry since that time. Mr. Foster quickly became a highly sought after session musician, performing with the likes of John Lennon, George Harrison, Diana Ross, Rod Stewart, and Barbra Streisand, among others. He turned his attention to songwriting and production, where he achieved extraordinary success. David Foster has been nominated for 42 Grammy Awards, winning an astounding 14 times. Over the years his work has encompassed just about every style of music including Rock, Rhythm and Blues, Pop, Soul, Country, Jazz and Classical.

Of course, Mr. Speaker, David Foster is not being honored with the Albert Schweitzer Leadership Award for his musical talents, but because he has used these immense talents to help others. He was instrumental in assembling popular Canadian recording artists Bryan Adams, Joni Mitchell, Neil Young, and Gordon Lightfoot to record "Tears Are Not Enough," a song he co-wrote to bring attention to the plight of famine victims in Africa in the 1980's and to raise funds for their relief. He also was involved in the writing and the production of the entertainment industry's salute to the United States troops serving in the Persian Gulf, "Voices that Care." To date, Voices that Care has donated over one million dollars to the Red Cross and the U.S.O.

In addition to his involvement in these worthy endeavors, he established the David Foster Foundation, which assists families of children in need of organ transplants. According to the most recent figures, the David Foster Foundation has raised several million dollars and assisted hundreds of children and their families as they go through the horrific ordeal of an organ transplant. David also has directly involved himself with other charitable organizations such as the Race to Erase MS, the Andrew Agassi Foundation, Malibu High School Scholarship Program, and Cedars-Sinai Research for Women's Cancer, among others.

Mr. Speaker, David Foster is the personification of charitable generosity. His tireless efforts on behalf of humanitarian causes is a trait all of us can admire. I invite my colleagues to join me in honoring him on the occasion of his receiving the Albert Schweitzer Leadership Award.

THE RETIREMENT OF ROY LIND

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. DELAHUNT. Mr. Speaker, in this era of visual images and electronic cacophony, a great many people yearn for a voice of wisdom. A voice of calm and common sense. For a great many years, residents of Quincy, MA, have been blessed with such a voice—that of Roy Lind of radio station WJDA. When Roy retires soon, after decades of leadership in our community, he will leave a legacy of civic commitment that spans several generations. As I think back, it seems as though Roy was always at the kitchen table, sharing a cup of coffee as we pondered the great, and not so great, questions of the day. His voice provoked, illuminated and motivated us. Day in and day out, for 39 wonderfully full years, his has been a voice of passion and compassion, of humility and humor.

While Roy is rooted firmly in the challenges facing the South Shore, his work has been anything but parochial. A Quincy native, he started at WJDA in 1959 after a tour of duty in Korea. Along the way, he's covered space launches, interviewed Presidents, and announced the America's Cup. He does his homework, then weaves the local with the national in ways that helps others better understand the world around us. That's why Roy has been recognized by his professional peers for excellence in radio documentary. Roy asks a good question, and gets a direct answer. For those of us accustomed to how his voice has educated his audience, it's heartening to sense the growing national thirst for straight talk these days in other public arenas. Roy has taught us that it is possible to dissect a public issue without dissembling his guest; to get to the heart of a problem without going for someone's jugular; and to cut through double-talk without coarsening the tone of public debate. And in the Quincy tradition, he has also taken the time to give back to his community in countless other ways, as honors from the Quincy Jewish War Veterans and the Scituate Rotary can attest.

As his distinguished career soon comes to a pause, many of Roy's loyal listeners will continue to hear his voice: a comforting baritone, a voice of reason and mutual respect and love of life—in short, the voice of the South Shore.

S. 1453, THE SUDAN PEACH ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, as a sponsor of the House companion bill, H.R. 2906, I submit the following statement in writing in strong support of S. 1453, The Sudan Peace Act.

I regret that I was unable to be here to speak on the floor in support of this essential legislation. As some know, my father's health is precarious at this time, and I needed to be at his side yesterday, supporting him and the other members of my family. I appreciate the consideration of the House to accept this statement into the RECORD.

This bill addresses a devastating situation in the largest country on the continent of Africa. The Sudan has been at war for decades, and two million lives have been lost in the last ten years alone due to war-related causes and famine, while millions more have been displaced from their homes to become refugees within their own country and surrounding nations.

The National Islamic Front government of Sudan is steadfast in its efforts to oppress and even eliminate the predominantly Christian and animist southern Sudanese people. Slavery of children and adults is rampant, and forced conversion of the Islamic faith is reported to be commonplace, as is the arrest of individuals for their religious beliefs.

While the United Nations established Operation Lifeline Sudan in 1989 to address the humanitarian crisis in the South, the Islamic government has consistently interfered with delivery of food and medicine into southern Sudan, including the Nuba Mountains and the Upper and Blue Nile regions. In fact, one of the fundamental problems with the current Operation Lifeline Sudan relief effort is that the U.N. has given the government of Sudan veto power over relief efforts. In addition, government troops have bombed international relief sites, schools, and other civilian areas in the south in an attempt to disrupt distribution of desperately needed humanitarian supplies. There is a severe drought in the Horn of Africa, and the World Food Program has estimated that nearly 2 million Sudanese will require food aid this year, but international relief efforts are being prohibited, disrupted and even bombed by the Sudanese government in an attempt to bring the non-Muslim populace of Sudan to heel.

S. 1453, as amended by the House, addresses the most egregious aspects of this conflict. The Sudan Peace Act condemns violations of human rights on both sides of the conflict and the ongoing slave trade in the Sudan. In addition, this legislation calls for reforming relief efforts, like Operation Lifeline Sudan that are being manipulated by the Sudanese government as a "weapon of war" against its people, in order to ensure delivery of humanitarian aid to the civilian population. In addition, it is already evident that the government of Sudan is using investment in their oil industry to fund their continued attacks, or jihad, on the non-Muslim civilian population. The Sudan Peace Act would also prohibit Sudan, or entities doing business in Sudan, from raising funds in U.S. capital markets. I want to commend the President for taking a moral stand in this conflict back in 1997, and urge my colleagues to build on the Administration's efforts by passing S. 1453 today to codify the economic sanctions put in place by Presidential Directive in November of 1997.

Mr. Speaker, I ask my colleagues to stand against state-sanctioned enslavement and religious persecution by passing the House amendments to S. 1453. We must ensure that every effort is made to get humanitarian aid to a starving populace. The IGAD peace process must be encouraged, and the fundamental human rights of the men, women and children of Sudan must be protected. I urge my colleagues on both sides of the Hill to support the House-amended S. 1453, The Sudan Peace Act, and send this bill to the President for signature before recessing this session.

SENATE—*Saturday, October 28, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we thank You for a different kind of continuing resolution. You resolve to continue to be with us, to bless us with Your grace and Your goodness. You have promised Your continued providential care for us as a beloved Nation. You have guided us through the years. We resolve to trust You to help us now when we need to overcome our differences and unite to lead the Nation. So our real continuing resolution is to call on You, seek Your solutions, end the power struggle, and complete the business of this Congress. So I sense that Republicans and Democrats would express their yeas and nays to a continuing resolution to praise You for being sovereign of our beloved Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The acting Senate majority leader.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will vote on a continuing resolution that funds Government through tomorrow. I understand that the House will be voting on that resolution at approximately 10 or 10:30. However, it was our hope that we would have the Senate vote on the joint resolution immediately this morning. We will be unable to reach an agreement to allow that to occur earlier. Therefore, the Senate will vote as soon as the continuing resolution is received from the House.

The Senate will also convene on Sunday at 4 p.m. to consider another continuing resolution with a vote scheduled to occur at 7 p.m. A vote will also occur on Monday to continue Government funding and the vote will occur at a time to be determined. Senators will be notified as Monday votes are scheduled.

I thank my colleagues for their consideration as we work these different issues out.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, the House is right now voting on approval of the Journal. They should vote on the CR momentarily. We should have that shortly. I know a number of people have asked when we will complete that.

On Sunday, they are supposed to vote on their CR at 6 o'clock that night. I hope that is the case. Senator STEVENS and a number of the members of the Appropriations Committee are meeting. They met yesterday, hoping to wind up negotiations on Labor-HHS, which will be the last train moving out of the station. With the compromise that is in the air, I hope we can wrap up the tax package and the Labor-HHS bill maybe as early as Monday and Tuesday at the latest. I hope that is the case.

The PRESIDING OFFICER. The acting majority leader.

Mr. CRAIG. Mr. President, we had put the continuing resolution on the desk hoping we could get agreement with the other side to move immediately to accommodate Senators' schedules. That is not going to happen. As I have said, we will wait for the House to vote.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business until 10 a.m. and the time be divided in the usual form.

Mr. REID. Reserving the right to object, if the CR gets here sooner than that, would the Senator agree that we should begin the vote before 10, because there are people who have come to me indicating they have schedules to meet. I am sure he has the same on his side.

Mr. CRAIG. I see no objection to that. I think we are here purely dependent on the House's ability to act as quickly as they can. When it arrives at the desk, my guess is there is going to be a large number on our side who would wish the same consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE HONORABLE DANIEL PATRICK MOYNIHAN

Mr. BENNETT. Mr. President, the session is winding down. We are at a point where we are doing pro forma things.

I have neglected to do something I think is important to do and that I have wanted to do. I will take the time available to us at the moment to fulfill my obligation.

I wish to pay appropriate tribute to the senior Senator from New York, Mr. MOYNIHAN, on the occasion of his retirement. I have already done this within the committee on which we jointly sit, but I think at a more formal setting it is also appropriate.

I first met PAT MOYNIHAN when I was serving in the Nixon administration. He was then a member of the White House staff. I was serving in the Department of Transportation. He was the President's primary enforcer, if you will, of improvements and efficiencies in the executive branch, particularly in domestic departments. We at the Department of Transportation were a little bit in awe, if not in terror, of the thought of PAT MOYNIHAN showing up and checking on us to make sure we were doing things right.

I remember one meeting in the White House where we were outlining what we wanted to do, that which I considered to be fairly bold, and listening to MOYNIHAN saying: Well, in a Republican administration, this is probably about the best you could expect. He wanted us to be considerably bolder than we were. He wanted to go into directions of new initiatives that would have been very good for the country.

In addition to this, he was one of the architects of Nixon's program of family maintenance which, had it been enacted over the objections of the Democrats, probably would have solved many of our welfare problems.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. MOYNIHAN was well respected then. President Nixon later used him as Ambassador to the United Nations and Ambassador to India. When he was running for a seat in the Senate, even though he was a Democrat, I, for one, was rooting for him to win.

I have just finished reading a book called "The Trust," which is the history of New York City. I was interested to find that the editorial board of the New York Times almost unanimously decided that in that primary they were going to endorse Bella Abzug for the Senate seat in New York. Fortunately, the publisher of the New York Times, Punch Sulzberger, came to his senses long enough to dictate a New York Times endorsement of PAT MOYNIHAN, and this body was spared the experience of having Mrs. Abzug as the Senator from New York.

Senator MOYNIHAN and I have disagreed about a number of issues since we have been here. We have debated on many issues and clashed many times, but we have served together in many areas. He was a member of the Senate Y2K committee, a committed, active member who scheduled hearings in his home State of New York. We went there often. I was always impressed and uplifted by the amount of bipartisan support he gave to that effort. He was always well informed and completely without guile or without bitterness.

He now goes on to a career he loves, which is teaching. I have read some of his books and wish I could be one of his students.

This country will hang on to PAT MOYNIHAN as a major resource and a national treasure for the remainder of his life. But we in the Senate have been well served by having him here as our colleague.

One last thing I will say about PAT MOYNIHAN, which is little known but which demonstrates the man, there is a story going around in Washington that says when John F. Kennedy went down Pennsylvania Avenue in his inaugural parade, he saw how shabby the avenue was, and with that vision often attributed to the Kennedy clan, he said we must do something to clean up Pennsylvania Avenue, and the restoration of Pennsylvania Avenue then occurred. Well, in fact, from the scholarly writings of PAT MOYNIHAN, we find that it was not John F. Kennedy at all; it was Arthur Goldberg, who was in that parade and saw that shabbiness of Pennsylvania Avenue, who pointed it out to President Kennedy and, to his credit, the President said, "Yes, let's do something about it." But he probably gave it no more thought than that.

The assignment of seeing that something was done to the Nation's most monumental avenue ultimately fell to a young staffer named PAT MOYNIHAN. It was he who drove the effort to see to it that Pennsylvania Avenue was cleaned up from the pawnshops and the other shabby architectural edifices that were there to the monumental avenue that it is today. Interestingly enough, it was while he was chairman of the Senate Environment and Public Works Committee, leaning on the public works side of that environment, where he led the effort within the Congress to see to it that the necessary money was appropriated to build the monumental buildings of which we are all so proud.

So we have a lasting architectural legacy to the public career of PAT MOYNIHAN right here in the District of Columbia. I, for one, shall miss him. But I look forward to staying in touch with him as he tells me that he is going to stay in the Washington area and teach. I hope that at some point, when my career in the Senate ends, he is still teaching and I can take one of his classes. It has been a great privilege to serve in the Senate with the senior Senator from New York.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THE WORK OF CONGRESS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending status of the work of the Congress. Yesterday, Senator STEVENS took the floor and outlined the work of the Appropriations Committee, making it plain that nothing could be done on the last bill on appropriations for Labor, Health, Human Services, and Education, until Tuesday because there had to be a reading of the bill and the other procedural matters which had to be attended to, even if the conferees came to agreement on Friday.

Senator STEVENS suggested that there was no point in having the Senate and the House in session on Saturday and Sunday and Monday. Notwithstanding that, and notwithstanding Senator STEVENS' contacts with the President and the President's men, we are here. We are here for absolutely no reason. I chair the subcommittee which has jurisdiction over that appropriations bill and we have been in negotiations with the White House for weeks. We have not been able to come to an agreement because of the intransigence of the White House. They may say it is the intransigence of the Congress. We have a way of saying the other party is intransigent. But there is no doubt that they are at least 50 percent responsible for the fact that we have not been able to come to terms on this bill.

On this bill, the subcommittee that I chair met the President's figure of $106 billion. It was hard to do. My colleagues in this body and the Republicans in the House didn't like that figure; they thought it was too much money. But the chairman of the House committee and I prevailed to meet the President's figure so we can come to terms and have an accommodation and get the bill passed. We put $600 million in that bill—more for education than the President did. And the President asked for $2.7 billion for school construction and teachers. It was the view of many colleagues that that was not a Federal responsibility, but we gave this figure. We put an addendum on that if the local school boards decided they wanted it for something else, they could use it for something else, so that there would be local control, which is the essence of education in America, contrasted with the Washington, DC, bureaucratic straitjacket.

Notwithstanding that, the White House, his negotiators, wanted every semicolon their own way. So that bill is still languishing in negotiations. But it is certainly not the fault of the Congress.

We are here today and we will be here tomorrow. The Members —535 of us— had thought we would have concluded our business a long time ago. I can tell the American people—if anybody watches C-SPAN II—that the fault is not that of the Congress that we are still here. The President has decided that we will be in session on 1-day continuing resolutions, as his way of trying to make a political point. He is not making a governmental point, he is making a political point. He is making a political point to try to blame the Congress as a "do-nothing" Congress, when that is not the fact. He is trying to blame the Congress for a situation the White House is really responsible for—at least 50 percent responsible.

We have come to a situation where the quality and parity between the Congress and the executive branch has long since evaporated. When the Government was closed down at the end of 1995, that was an enormous shift of power, so that now the Congress is really over a barrel to yield to whatever the President has to say.

Being aware of that, we structured this final bill on Labor, Health, Human Services, and Education to finish it so that it could be presented to the President in September. The Senate acted on it on June 30, which established a record, going back to 1976 for the earlier set of action on this bill. Then we finished the conference report on July 27. It should have been presented to the President in September, and that projection was made so that we would be able to present it to the President and, if he vetoed it, have a national debate; and we thought we would be in a position to make our priorities stand up because the Constitution does give the Congress the responsibility and authority to establish the priorities.

Mr. President, the essential point that I am coming to is that if we were not over a barrel in our relations with the President, we would submit to the President a continuing resolution for 3 or 4 days. But we are not doing that because it would be unseemly. We are not doing that because we don't want to engage in what might be viewed by the American people as a childish food fight.

If we sent him a continuing resolution for 4 days, which would be reasonable under the circumstances, since we can't get anything done until Tuesday, and there was a stalemate and there was a closing of the Federal Government, the American people would say a plague on both of your houses. But the reality is that the Congress is being intimidated by the President and we are, in fact, being humiliated by what the President is doing. There needs to be some semblance of good will and comity between the Congress and the President. It doesn't exist and hasn't existed.

This Senator has gone out of his way to try to work with the White House and try to find accommodations. But when you have this intimidation and what is really humiliation, it lingers. It has to be a factor considered, as we have so many delicate relationships with the executive branch of the Government. Frankly, I would like to see us submit a continuing resolution for 4 days and lay down the gauntlet to the President, if he wants to keep us around here doing nothing. But the parity between the branches has been lost and we are here wasting the time of 535 Members of Congress.

We are wasting the time of the Congressmen, and we are also putting the people of America to a disadvantage because we have responsibilities to our constituents that will not be attended to today, or tomorrow, or Monday, or thereafter. I think it is high time that the Congress stood up and confronted the President because of this situation, which is simply intolerable.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I certainly understand the frustration of the Senator from Pennsylvania. He does a good job of chairing that subcommittee. But his facts are wrong.

Here it is 9 days until the election, and we are still in session. We are here because the leadership of the majority has simply refused to move this Congress along like it is supposed to. Since the first of September, we have passed only three or four appropriations bills. We struggled through the month of September, and nothing happened.

Mr. SPECTER. Will the Senator from Nevada yield?

Mr. REID. I yield for a question.

Mr. SPECTER. What facts are wrong?

Mr. REID. I was just laying those facts out.

Mr. SPECTER. Does the Senator from Nevada deny the fact that the President and the White House, or at least the people in question, are responsible for the failure to come to agreement on the one outstanding appropriations bill?

Mr. REID. We have 13 appropriations bills. This debate cannot relate around one appropriations bill. The Senator from Pennsylvania worked hard on the Labor-HHS appropriations bill. A number of us have worked on it. But the Republicans have left this bill to the last bill so they can attach everything to it that has not been done and that should have been done previously.

Mr. SPECTER. Will the Senator yield for a question?

Mr. REID. No. I will not.

I say to the Chair and to those Members listening that the President doesn't need to take any blame for what is taking place here in Congress. We have a constitutional framework that gives him separate but equal power with the Congress. He is exerting that now. Thank goodness he is able to exert that because what has gone on here, according to pundits and according to what I believe having been here for almost 20 years, is a travesty.

Here we are trying to work our way through Congress 8 days before an election. This should have been completed a long time ago. We have not been able to have debates on issues in this Congress. Why? Because the majority has taken the position they don't want to have to take any difficult votes. As a result of that, we don't take any votes. We don't have debates.

It is interesting to note that we haven't done anything on a Patients' Bill of Rights. We have done nothing on prescription drugs. On education, for the past 2 years in this Congress, we only have spent parts of 6 days dealing with education. The American people say it is the most important issue facing the American people. Members of Congress say it is the most important issue. It seems to me that we could spend more than 6 partial days talking about education.

We need help with school construction. In Las Vegas, we have the sixth largest school district in America. We have to build one new school every month to keep up with growth.

In the small State of Nevada, last year we spent $112 million just on interest on the money we borrowed to build schools. We need help with school construction and modernization. Schools all over America need help. The average age of schools in America is over 40 years. We also need to reduce class size. Unfortunately, we haven't had a meaningful debate that has allowed us to discuss how important and successful class size reduction is for our schools.

A year and a half ago, following the Columbine massacre, we passed what we felt was minimal gun safety legislation. Nothing has happened since then to move that forward. We have not had a conference. The result is that we still have pawnshop loopholes where just anyone can go in and buy guns. They can be felons. The same happens not only in pawnshops but at gun shows. We need that legislation cleared for further action. We have been unable to do that.

I say to my friend from Pennsylvania that, again, I appreciate his frustration. I appreciate his hard work.

But the fact is that constitutionally the President has a role, and he is fulfilling that role. I repeat that I am glad he is fulfilling that role.

We have so many things that we need to do in this Congress that we have simply been unable to do.

As a result of our friend, Paul Coverdell, having unexpectedly passed away, the composition of the Senate changed. As such, we felt there should be another vote on the Patients' Bill of Rights. We were denied that.

There are so many things that have been taking place here that has prevented the Senate from operating as the Senate.

My friend from Pennsylvania is frustrated as a result of his dealings with the subcommittee.

I am frustrated as a Member of the Senate that we are not able to talk about issues that I think are important. We have been prevented from being able to talk about those issues.

In America today there are 3,000 children dropping out of school every day. Shouldn't we be allowed to talk about that? The answer has been no. We haven't been able to have a meaningful debate about the serious problem of children dropping out of school.

The fact is the President is concerned about this $250 billion tax bill. The minority has been shut out of all negotiations. The ranking member of the Finance Committee has not been involved in anything, let alone any other members of the Finance Committee.

We have conferences that are uniquely held with only one party.

There is a lot of frustration to go around.

I want to reassert and reemphasize that the President is doing the right thing. I believe he is doing the right thing, which is supported totally by the minority. He is doing the right thing by having us work every day.

What good does it do? We should have been having 24-hour continuing resolutions 2 weeks ago. If so, we would have already completed our work 2 weeks ago. So, we are doing 24-hour continuing resolutions right now. If, in fact, we had a 4-day continuing resolution, people would fly out of here and back to their parades and campaigning and leave the work that needs to be done here in Congress undone.

I am supportive of what the President is doing. It is good for Congress. It is good for the American people.

Does the Senator from Pennsylvania have any questions of the Senator from Nevada?

Mr. SPECTER. No. I can have some time of my own.

Mr. President, may I inquire of the majority leader if I may have 5 minutes at this time?

The PRESIDING OFFICER. The majority leader.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I think the way to adjust this is we had hoped we could go ahead and get a vote notwithstanding the receipt of the papers from the House. But that is not going to be possible. I think the way to be fair to everybody is to ask unanimous consent that the period for morning business be extended until 10:30 under the same provisions as earlier agreed to. The Senator would then be able to get time in his own right.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, will Senators be allowed a few minutes to speak on an unrelated matter?

Mr. LOTT. Mr. President, we would alternate back and forth, and other Senators certainly would be able to speak.

The time limit under the earlier agreement was the time would be equally divided between now and 10:30.

Ms. LANDRIEU. Would that allow enough time? I am not sure how many want to speak.

Mr. LOTT. The only one I know of who seems to be anxious to speak on that side is the Senator from Louisiana.

I ask unanimous consent that after Senator SPECTER speaks that the Senator from Louisiana be recognized.

Mr. REID. Reserving the right to object, how long is the Senator from Pennsylvania going to speak?

Mr. LOTT. Not more than 15 minutes. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

SENATE BUSINESS

Mr. SPECTER. Mr. President, if I may have the attention of the Senator from Nevada, I listened very carefully to what the Senator from Nevada said and was looking for something which the Senator from Nevada said that factually disputed my representation of what has happened here. I did not hear anything disputed about what I have said.

The facts are, No. 1, that there is one bill outstanding to finish the work of the Senate; that is the appropriations bill on Labor, Health and Human Services, and Education.

All of the other complaints which the Senator from Nevada made—the litany that has been repeated day after day after day about what is wrong with the Republican Senate—is all prologue.

We are standing here today on a Saturday session—we are going to have a Sunday session and we are going to have a Monday session—and nothing is going to be done because the President wants to gain political advantage.

Mr. REID. Will my friend yield for a question?

Mr. SPECTER. No.

He wants to gain political advantage by trying to make a representation that it is a do-nothing Congress.

I will tell you what he is in effect doing. He is creating a do-nothing Congress on Saturday, Sunday, and Monday because we can't do anything in Washington.

But there is a lot we could do in our States where we have a lot of meetings and a lot of constituent business and a lot of legislative business.

But it is going to be a do-nothing Congress today, tomorrow, and Monday because right now the appropriations bill on Labor, Health and Human Services, and Education has to be read, has to be printed, and has to be completed. So we are not doing anything.

When the Senator from Nevada says that we ought to be working every day, I replied to the Senator from Nevada that he works every day. I have seen him work. He works every day. I would say to the Senator from Nevada and the other 98 Senators that I, too, work every day. So do the other 98 Senators.

But we don't work at the direction of the President. We don't work for the President. We work for the American people. I work for 12 million Pennsylvanians. I don't work for the President.

The Constitution has separation of powers. When the Founding Fathers organized the Constitution, they put Congress in article I. They didn't get around to the executive branch until article II. But today the system is inverted.

Since the Government was closed down in 1995 and our business has gone over into October and sometimes into November, there is no way for the Congress to do anything—at least we think so—but to yield to the President. That is why, as I have said earlier, we structured this bill on Labor, Health and Human Services, and Education so it could be finished and be presented to the President in September.

The mistake we made, quite candidly, was that we were negotiating with the President. We have undertaken in recent years nonconstitutional proceedings. The Constitution says that Congress will present a bill to the President after the Congress decides what the legislation should be, and then the President either signs it or vetoes it. But that has been turned around.

Now we have members of the President's executive branch sitting in our legislative conferences. We ought not have that. We ought to present our bill and let the President sign it or veto it. This Senator tried mightily to get that bill presented to the President in September. Then if the President wanted to veto it, so be it, that is his constitutional prerogative. But he doesn't have a constitutional prerogative to sit in on the legislative process and the Congress accede to it. We ought to change that.

I think if the American people had seen this bill, they would have preferred the congressional priorities to the President's priorities. The Congress gave the President 90 percent of what he wanted—more than 90 percent. We have a bill which is $40.2 billion for education. The President's staff objected to $3.3 million, less than 10 percent of $40.2 billion. But we had some other priorities we wanted. We wanted special education. We also wanted money for the National Institutes of Health, where they have made enormous strides in conquering Parkinson's disease, Alzheimer's disease, breast cancer, ovarian cancer, heart ailments, and a whole range of medical problems.

We had different priorities. I think if we had presented those priorities to the American people, the American people would have sided with the Congress. So September went by the board. There were negotiations in September. And I make the representation that it was the intransigence of the White House which resulted in those negotiations not moving forward. I make that representation because our priorities were as good as theirs or better.

But having given the President 90 percent, he should have been willing to accommodate to the 10-percent change in our priorities without demanding to control every semicolon in the bill. I think we met him more than halfway when we gave him $2.7 billion for school construction and for teachers, but we said this ought to be local control if the local district needed something more.

I was interested to hear what the Senator from Nevada had to say about the Las Vegas school system, its expanded school system and its need for schools. I can understand the need in Las Vegas for schools. However, I have a hard time understanding why Las Vegas schools ought to be paid for from Washington by the American taxpayers.

If there is one area in the country which has a tax base to support their local needs, it is Las Vegas. Las Vegas is the gambling capital of the world, and I say that with respect. I have been there. I haven't gambled, but I have been there. They have an enormous tax base. If we are putting up $1.4 billion for school construction in the big bond issue for American cities such as Las Vegas where they can afford it themselves, I have grave questions as to whether we ought to be doing that. But we did it.

We presented it for the President. The President's men wouldn't come to a compromise. So what has happened is all the bills are finished except one bill. That bill can't be acted upon until Tuesday at the earliest. And the President is keeping us here to make a political point.

My preference would be, as Senator STEVENS said yesterday on the floor, he was considering amending the continuing resolution to provide for a 4-day continuing resolution which would carry us to Tuesday just to send to the President; then let the President sign it or veto it.

The difficulty with that is that the Government of the United States, the executive and legislative branches, are not exactly held in high esteem by the American people. And my instinct is that if we got into that sort of a situation, a game of chicken, a game which resembles a childish food fight, the people of America would say a plague on both of your Houses. It reminds me just a little bit of the confrontation that Piazza had with the Yankee pitcher. Piazza decided not to confront the Yankee pitcher after he threw a bat at Piazza. I think Piazza did the right thing, although people criticized him for not confronting the Yankee pitcher.

We are in a situation where the President is keeping us here so he can make a political point to try to have a democratically controlled Senate and a democratically controlled House and win the Presidency. We are not here doing the business of the people. We would be doing the business of the people if we attended our regular schedules and were free to do constructive work instead of sit around here on Saturday, Sunday, and Monday.

I do believe, Mr. President—speaking to the President of the Senate, Senator BENNETT, who is presiding—we have been intimidated. The President is doing this as a form of punishment, a form of humiliation. We have a lot of very delicate relationships with the executive branch. It has to linger in the background among some minds as to just what the executive branch is doing, whether they are operating in good faith.

I say bluntly, keeping the Congress in session without any purpose is the worst of bad faith. We will do our job notwithstanding the executive branch and the President's men and women exercising the worst of bad faith, but we won't forget about it.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Nevada.

WORK OF THE SENATE

Mr. REID. Mr. President, first of all, the President, I repeat, is doing the right thing. The right thing is having Congress do its work. This is all a game.

Now if we could complete our work by Tuesday, it seems to me if people hung around here and did their work now—they said they have to start reading the bill—let them read it now. I also say if people want to expedite matters and challenge the President's authority, I am standing right where I am today and yesterday. I said we will agree on a voice vote to the tax bill and send it to the White House this afternoon. Nope, objections from the other side. They wouldn't let us do that. They wouldn't let us do that. They are here stalling for reasons that some of us are having a little trouble determining, but they are stalling. They have continued to stall. That is why we wouldn't get any appropriations bills passed until very recently.

My friend from Pennsylvania said there is no factual variance. I was going to run through some of those, but the analogy is something like this. He says we gave the President 90 percent of what he wanted. Whether that is right or not, the point is, it is like a football game. You go to the 10-yard line and you almost make a touchdown; does that mean you should get the score? The answer is no. The score should not be given to the majority because they have not done their work. They haven't even gotten to the 10-yard line.

I say Members should be here working. The President is saying we should work. We don't need to go home. Some of us have a long way to go to go home. We should be here doing our work. I think the American people understand that the President is equal to the Congress.

I don't know why the framers of this Constitution had article I the legislative branch, article II the executive branch, article III the judicial branch. They could have been reversed. It doesn't matter. They are separate but equal.

I am so thankful that the President recognizes his ability to take a look at what is going on here and say, "I don't like it." That is what he said. He doesn't like it and 46 of us over here, we don't like it either.

Because of that, we are in the position we are now in. No one is being humiliated. The word was used twice by the Senator from Pennsylvania. But, no one is being humiliated. The Constitution has been in effect for over 200 years. The President has an absolute right to do what he has done. If, in fact, the majority does not think the President will veto these bills, send them down and we will find out.

The problem is really that the bills are unfair. We have had very little input. We will let the American people decide who is right, whether President Clinton is right in doing what he is doing or the Republicans are right, doing what they are doing. I think the American people will resoundingly proclaim that what has gone on over here has been not only procedurally unfair, it has been substantively unfair.

I also say, using Nevada as a State that doesn't need help—no one is asking that local control of schools be taken away. This is something the majority always uses. Only about 7 percent of what any school district in America gets comes from Washington. There is not a person on the Democratic side who says they want to take control away from local schools. We are saying that schools need some help in helping pay the interest on the bonds. The illustration I used was that the State of Nevada spends $112 million in interest without paying a single penny on the principal. We are a small State, 2 million people. His State is 12 million people. We believe the people of America realize the school problems we have, the education problems in America are national in scope and Congress has to take a look at some of the national problems. Schools are crumbling, classes are too large, too many kids are dropping out of school. The solution the majority has is to take control away from public schools and put all the money in private schools; do what you can to damage and destroy public schools. We are not willing to do that. We believe that because the vast majority, in fact almost 95 percent, of kids go to public schools, we should do what we can to improve public schools.

Again, I think the Senator from Pennsylvania does an excellent job as chairman of that subcommittee. I understand his frustration. A lot of the control has been taken away from the subcommittee chairs and ranking members in these last days of Congress. The majority leadership is calling a lot of the shots. That is what we read about. The Democrats can only read about it because we are not in many of these negotiations. But the Senator's frustration does not take away from the fact that the President of the United States has done the right thing in saying Congress should be working this weekend, every day, until Congress completes it work.

The PRESIDING OFFICER. The Senator from Louisiana.

TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS

Ms. LANDRIEU. Mr. President, I would like to begin by commending the Senator from Nevada for his remarks, and to say that I agree with him and urge the President to veto the upcoming tax package. As written, the tax bill allocates tax breaks and tax benefits to many different interests and entities throughout America. While there are some good provisions in this bill, it could be more fair, more just and could give greater tax relief to those who need it the most. As it stands know, the package fails to demonstrate our commitment to many of the principles that we claim to stand for here on this floor.

That is why I have come to this floor a number of times over the last couple of days, to just raise awareness about one small, but I think very important, part of the tax bill. I am happy to note that yesterday our majority leader, the Senator from Mississippi, Mr. LOTT, and one of the leaders on this issue, our colleague from Idaho, Senator CRAIG, came to the floor and recognized that there had been, perhaps, a mistake made or a phrase not included, that if left out, could have some dire consequences for some of the children in this Nation—quite a large group, I might add, about 100,000 of them and potentially several hundred thousand more—who are really the most vulnerable among us.

These are children who no longer have parents. They are the orphans of living, if you will. They are the children who are in foster care. These are the children who have already been abandoned once by an adult who was supposed to be taking care of them.

I say to the Members on this floor—I see my good friend, Senator GRASSLEY, who has been an outspoken advocate on this issue—that we have the opportunity because when this bill is presented to the President, he has said he will veto it because it is not distributing these benefits as equally across the board as they should be. I am hoping we can come to a bipartisan agreement, with Republicans and Democrats and the President himself, to fix what is missing in this tax credit.

Let me explain a little bit about that. In 1996, there was for the first time a credit put in our Tax Code to advance adoption. I am the proud mother of two adopted children. They have brought my husband and me the greatest joy. In fact, when he was 5 years old my husband was adopted from an orphanage in Ireland. We talk publicly about the great joy of adoption. We want people to know it is a wonderful way to build a family.

There are Members in this Senate, Republicans and Democrats, who have adopted children and who speak regularly about the choice of building families through adoption. The benefits to a birth mother, the benefits to the adoptive family, and most certainly the benefits to children, young and old. Some people think you don't need a family when you are 18, you just sort of age out of the system and with a good education and diploma in your hand you can go on.

I am 45. I am looking forward to going home to Thanksgiving dinner with my mother and father. My husband is 50. He is looking forward to going home for Christmas with his family. You are never too old to need a mother and father, and that is what this is about, changing attitudes in America to say every child deserves a family.

We have a provision in this bill that is a good provision in that it proposes to increase and extend this very important adoption tax credit. It is now $5,000. In this bill, it would be doubled from $5,000 to $10,000 for adoptions because, as we all know, the expense associated with adoption can be high. There are legal expenses. There are expenses associated with home study, agency fees. In fact, those expenses can range anywhere from a low of $2,000 to a high of $30,000, depending on what agencies you use or whether you are going through a domestic or an international adoption.

So far all is good because we have a tax credit in place and we are about ready to double it. It could not be at a better time because the number of adoptions are up in America. Last year we had 130,000 adoptions, 130,000 families. That is a lot of people affected, if you think about happy grandmothers and grandfathers and aunts and uncles and siblings. It is quite a number of happy Americans whose lives were made better through adoption.

But there is a problem. I have tried to keep raising this issue until it is fixed. In the current bill, although the special needs adoption is being doubled to $12,000, this Treasury report which was issued this month and other letters and reports that have been written over the last several years, have indicated that the credit is not working for the special needs children. Because of the language in the law, not—let me underline "not" because of a wrong interpretation by IRS—but because of our inability to write the proper phrase in the law—either our inability or our unwillingness—the tax credit is related to adoption-related expenses. We need to remove that phrase so the act of adoption itself of special needs children can get the credit.

I wish to show you pictures of a couple of the children who are going to be left out if we do not make this fix. There are 100,000 children in foster care. Jennifer is one of them. Because Jennifer has been in foster care for some time, her adoption will not be handled by a private agency. Her adoption, if a family would come forward to adopt her—and as you can see she is a beautiful and lovely child—if someone would come forward to adopt Jennifer, they would probably go through a public agency.

There would be minimum home study expenses. The agency might actually pay for those.

There would really be no "qualified adoption expenses" because the public agency, wanting to have Jennifer adopted, would minimize the expenses to the adopting family. So this adoption could potentially go through with less than $1,000 of direct expenses to the family. Therefore, if a family adopted Jennifer, the expenses they had would not qualify for a $5,000 tax credit or for a $10,000 tax credit because they do not fit into the bill's definition. Yet adopting a child such as Jennifer can bring much added expense to a family, particularly a working family, a middle-class family, perhaps having children already of their own but thinking God would like them to make room in their homes for another child.

It is a tremendous financial responsibility, as all of us with children know, to raise a child. Much less, a child with special needs. A family who adopts a child with special needs does have additional expenses, they just are not covered under the very narrow definition of the code. Unless we change the law, they will not be able to get the tax credit. That is not what we intended.

They say Jennifer is very sweet and has a great sense of humor. She likes to play outside, ride bikes, and swim. She is a very active child. She has some emotional disorders. Anyone would have emotional disorders if they were abandoned as a baby, abused, and grossly neglected. These children need healing, and we need to do everything we can to support that.

This is Joshua and Jonathan. They are 5-year-old twins. As a sibling group, the hope is that they will be placed together. Therefore, a family who adopts them must have room in their hearts and homes for two children. Joshua is described as well-mannered, sneaky, and babyish. He enjoys school and its challenges. He has a nice smile and likes to cuddle. Jonathan is described as eager and easygoing. He likes to be helpful around the house. He likes talking about his feelings and explaining himself. Both are in excellent physical and mental condition. These are children we hope a family will identify and bring into their home and love.

There are many examples. If we do not fix the tax credit, the families who adopt Jennifer, Joshua, and Jonathan will not get the full benefit of the tax credit.

Some people have been critical about my passion with regard to this issue. They say: Senator, you shouldn't speak about it; at least the adoption credit is working for children from China, Honduras, and Guatemala. You know the desperate situation in those countries. Since this is the only form of financial assistance for families who want to adopt these kids, if it expires, they will be left with nothing.

Yes, I want this tax credit to work when families choose to adopt internationally, when families choose to adopt a domestic healthy infant, and when they choose to adopt perhaps an older child, a sibling group, and give these kids who have already been let down once a chance to come into a family. I am here today because I want the tax credit to be available for all families regardless of what type of adoption they pursue. Mr. President, as I am sure you are aware, their are many different types of adoptions, each with different costs, different processes, and different children. All I ask, is that we have a tax code that recognizes and appreciates those differences.

I believe there is consensus. There is an easy and relatively inexpensive way to fix this problem once and for all. That is why I am taking this time now to bring it to the attention of those who have the power to fix it at this late date, and hopefully we can.

Some say we should wait until next year to fix it. If we can fix it now, why take another year out of the lives of some of these children? Why not help parents now?

I will make one final point. The Senator from Iowa may be interested to know this. Yesterday, as I was on the floor speaking about this issue, the New York Times ran a full-length story about the problems with our foster care system. For the first time in our Nation's history, two girls in the foster care system and their attorneys successfully sued the Department of Social Services of Florida and received a judgment of $4.4 million.

The case was brought by an attorney who believed that the children had been shortchanged. These two beautiful little girls had been abandoned by their mother. They were left in a Miami park or public place when they were 2 or 3 years old. Instead of determining whether these children could ever be reunited with their mother, father, or some relative to make them safe, the Department of Social Services put them in foster care. Those little girls spent the next 14 years of their lives going from home to home, with 30 different placements. They were sexually molested and physically abused.

The court rightfully said the State of Florida now owes these two little girls 4.4 million dollars. There is a happy ending. They have subsequently been adopted by a wonderful family.

I am here to say we had better fix this tax credit because if this case goes forward—and I think it will—the taxpayers of the United States are going to pick up a far greater expense than perhaps providing a few thousand dollars to families willing to adopt these children.

Even if it is not the money, it is the justice and morality of this Nation, which is the strongest nation in the world. We do not have our strength represented by how high our stock market goes up. Our strength is represented by our willingness and ability to help kids and families, and if we cannot do this, then I do not know what we are doing here.

I yield back the remainder of my time. I thank Senator LOTT, Senator CRAIG, and Senator GRASSLEY for their great leadership in this area. I look forward to working with them on this project.

Mr. President, I ask unanimous consent to print the New York Times article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 27 2000]

FOSTER-CHILD ADVOCATES GAIN ALLIES IN INJURY LAWYERS

STATES FACE THE DUAL THREAT OF CLASS ACTIONS AND HUGE INDIVIDUAL DAMAGE AWARDS

(By Nina Bernstein)

The girls were 2 and 4 when their mother abandoned them near a city park in Miami in 1986. Under federal law, the Florida Department of Children and Family Services was supposed to place them for adoption or return them home within 18 months.

Instead, over the next 14 years the sisters were shuttled through more than 30 foster homes and institutions, beaten, raped and repeatedly separated from each other while a stream of caseworkers overlooked such obvious evidence of abuse as the diagnosis of syphilis in the older girl when she was 9.

The sisters' ordeal could have been just another horror story in a national litany of foster care abuses. But last year a Florida Circuit Court jury awarded them $4.4 million in damages from the state.

The case laid the groundwork for a new strategy in which advocacy groups for children and personal injury lawyers, some fresh from winning billions of dollars in legal settlements with the tobacco companies, are using the threat of multimillion dollar damage awards to try to change the deeply troubled foster care system.

In the past, individual damage suits for injured foster children were typically settled behind the scenes for small amounts. And efforts to win systemic changes through court orders have often been frustrated by failures of enforcement.

But court rulings that make government agencies easier to sue and sizable jury awards in foster care cases like the one in Florida have encouraged advocates for foster children and personal injury lawyers to join forces over the past few months in two-track litigation. Their lawsuits ask the courts to change the system, while separately seeking damages on behalf of children already harmed.

"This is for change, and to get the attention of the powers that be—any money will go to the kids," said Robert Montgomery, the lead counsel in the tobacco settlements in Florida and one of a dozen top trial lawyers who began working without pay on the foster care suits this summer.

The sisters' case was filed by Karen Gievers, who has a lead role in both the lawsuits for damages and the class action seeking changes in the Florida system.

Across the country, a similar pincer approach is typified by Tim Farris, a Bellingham, Wash., trial lawyer who has brought damage suits in state courts for 13 children shuttled from foster home to foster home in a total of 208 placements. The California-based National Center for Youth Law, a nonprofit children's advocacy group, recently joined his effort to leverage those cases into a multi-million-dollar overhaul of the state's child welfare system.

"In my own small-town way I said, 'Look, you can move these children as often as you wish, but if you do, you're going to have to pay for the damages you do to them." Mr. Farris said, "and it's going to be cheaper to treat them right."

Few suggest this kind of litigation is a shortcut either to riches or to an overhaul of the state programs that are trying to care for 600,000 children outside their homes. State agencies typically can only be sued for compensation, not punitive damages, and they can make it daunting in time and money to unearth confidential records needed to prove a case and collect. The $4.4 million Florida verdict is on hold pending an appeal.

But at a time when child-friendly policies figure prominently in election campaigns, the political potency of such cases may outweigh the legal drawbacks, said John Coffee, a professor of law at Columbia University. "Plaintiffs' lawyers have learned that the class action can be very, very useful when the state agency has some vulnerability," he said.

The vulnerability of government agencies has grown considerably in some states. Jeff Freimund, as assistant attorney general for Washington, said courts there had rejected legislative caps on negligence awards, and government payouts in civil cases in general have quadrupled in six years, to $38 million in the last three months alone.

"The courts have opened the door to litigation on child welfare activities," Mr. Freimund said. "They're very difficult cases to defend in front of juries because juries often have the benefit of 20–20 hindsight."

Some officials, including Kathleen A. Kearney, the secretary of the Florida Department of Children and Families,.say such litigation unfairly detracts from continuing efforts to improve child welfare, diverting resources that legislatures, not courts, should control. But others, frustrated at the persistence of problems documented and denounced for 20 years, welcome the new strategy.

"Money talks, and money makes policy," said Jean Soliz, who headed Washington's Department of Social and Health Services for three years, until 1995. She recalled that state legislators made all the right speeches during her tenure, but put $30 million into a new sport stadium rather than provide court advocates or mental health care for Washington's 11,000 foster children. Today, fewer than half have an advocate in court proceedings, and more than a third have been moved through three or more foster homes, studies show.

"The torts give you leverage to make them take it seriously; the torts don't fix anything," said Ms. Soliz, who now directs the spending of a tobacco tax earmarked for children in Nevada County, Calif. She emphasizes the importance of enlisting national advocacy groups that can draw on lessons from court consent decrees they have won in suits against child welfare systems in at least 20 states.

Bill Grimm, a lawyer with the National Center for Youth Law, said groups like his had become more open to alliances with personal injury lawyers because conventional strategies had run into obstacles. While Congress has enacted tougher foster care requirements—foster care time limits, for example, are now set at a year rather than 18 months—federal judges in some states have recently made it harder for children to seek enforcement of those laws in federal court. Their rulings hold that Congressional requirements intended to protect foster children do not constitute rights.

We are at a bit of a crossroads," Mr. Grimm said.

Even in states already operating under sweeping settlements, damage suits are playing a more prominent role. In New York City, where an ambitious child welfare consent decree imposed a moratorium on new class-action lawsuits, the Administration for Children's Services has paid hundreds of thousands of dollars in settlements to fathers who were not notified that their children were in foster care. And city lawyers are negotiating to settle a multi-million-dollar lawsuit over a toddler who was beaten to death by foster parents with a known history of abuse.

But there are perils to trying to turn such cases into a broader crusade in the absence of national allies or deep pockets, said Lawrence Berlin, an Arizona lawyer who has won settlements averaging $250,000 for a dozen children sexually abused in foster care. His motion to turn the cases of some children into a more powerful class action was denied in federal court after six years of litigation that consumed his practice, he said. The state rejected his offer to settle for systemic changes.

"I'm not saying children haven't been abused," said Tom Prose, an assistant Arizona attorney general in charge of liability cases, who emphasized that the current administration had made child protection a top priority. "The issue is, is it pervasive and are we ignoring it? And my answer to you is, in Arizona, it's neither."

In Florida, where the number of children in foster care has nearly doubled since 1998, to 15,000, the class-action suit contends that foster children are now in greater danger of emotional and physical injury from the state than from the families from which they were taken.

"We had a toddler in a foster home so overcrowded the kid spent the weekend strapped into a car seat," said Marcia Robinson Lowry, the director of Children Rights, a national advocacy organization based in New York, which recently joined the Florida class action.

Among the companion damage suits in Florida are some that highlight the harm flowing from one bad foster home, that of a couple in Hillsborough County. After the couple were arrested in May on 40 felony charges of child abuse and neglect, it emerged that the state had entrusted them with 28 foster children over four years, even as caseworkers recorded their abusive practices.

"My brother has severe problems because of what happened in that home," said Ashley Rhodes-Courter, now 14, who entered foster care at 3 because of her mother's drug problems, and endured 14 placements. She was 7 and her brother 4 during their year in the couple's home.

"He was abused," she said. "He had hot sauce put on his tongue; he was dunked in a bathtub until he was nearly drowned. It was very frightening to watch someone you love being mistreated and you being able to do nothing about it."

For Ashley, a resilient and academically gifted child, there was a happy ending. A family with the love, money and persistence to extract her from the system adopted her in 1998. But her brother, who entered foster care at birth, lives in a treatment center, still waiting for a family capable of coping with the damage he suffered. He is one of 22 plaintiffs in the class action.

Separately, he and Ashley are plaintiffs in damage suits brought or planned against the state on behalf of all the Hillsborough County couple's former foster children, including the 23 that the state has refused to identify, and 8 the couple adopted with state subsidies who are now back in the foster care system.

Proponents of double-edged litigation say that even if institutional change remains elusive, at least financial help can be won for a few of the children the system has wronged—children like the two Florida sisters, now 17 and 18, who are both literate and both mothers.

"You all hurt me all my life," the older sister told officials in a deposition last year, declaring her determination to keep her own baby daughter out of foster care. "I hate every last one of you."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, parliamentary inquiry. If the bill has not come from the House by the time the Senator from Iowa completes his statement, I ask unanimous consent that the Senator from New York be recognized for 10 minutes. He has been waiting for most of the morning.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority has 5 minutes remaining.

Mr. GRASSLEY. Mr. President, I believe morning business is going to expire at 10:30. Do I need to ask unanimous consent to extend morning business?

The PRESIDING OFFICER. The situation is that the majority has an additional 5 minutes for morning business, after which the Senator from New York will be recognized for 10 minutes.

ADOPTION TAX CREDIT

Mr. GRASSLEY. Mr. President, I come to the floor today to discuss a critical issue: adoption of children with special needs. I appreciate the work of my Senate colleagues who cochair the Congressional Coalition on Adoption, Senators CRAIG and LANDRIEU. I thank them for their dedication in furthering adoption. Both have demonstrated their commitment to adoption through word and deed. I respect their efforts and look forward to working with them in the coming years to increase adoptions and to improve the lives of vulnerable children.

The adoption tax credit which passed in 1996 was a step in the right direction. It provided a 5-year credit for adoptions of nonspecial needs children. It provided a permanent credit for adoptions of children with special needs. I commend Senator CRAIG for his efforts to extend the provision relating to nonspecial needs adoptions. As Senator CRAIG mentioned on the floor earlier today, while extending the credit is another step in the right direction, we must not rest on our laurels. There is more to be done especially as it relates to adoption of special needs children. The cost of adoption varies widely. Private or international adoptions can cost as much as $30,000 per child. In contrast, adoptions from foster care are often subsidized by the government.

Parents who choose to adopt a child from foster care or through a public agency incur little, if any, expenses related directly to the adoption process. However, they incur a great deal of "incidental" expense related to adoption. The adoption tax credit is available only for "adoption related expenses" which include necessary adoption fees, court costs, and attorneys' fees. This limitation works directly to the disadvantage of families adopting children with special needs, because the credit does not recognize the overwhelming indirect expenses associated with adopting such a child. These expenses might include fitting the home with a ramp for a wheelchair bound child, to cite one example.

When Congress passed the tax credit in 1996, it also directed the U.S. Department of the Treasury to issue a report on the effect of the credit. According to the Treasury report released this month, for tax year 1998, 77,000 adoptions were eligible for a tax credit—31,000 for special needs and 46,000 for non-special needs adoptions. However, of the 31,000 eligible special needs adoptions, only 4,700 received benefits from the tax credit. Compare that with 45,700 of the eligible 46,000 adoptions of non-special needs children that received benefits from the tax credit.

Let me put it another way. The Treasury Department reports 15 percent of eligible special needs adoptions received tax benefits compared with 99 percent of eligible non-special needs adoptions which received tax benefits for 1998. For those wondering why so few special needs adoptions benefited from the tax credit in 1998, here is one reason. Average expenses—allowed by current law—were reported for tax year 1998 as $3,540 per special needs adoption and $5,890 per nonspecial needs adoption. When you look at these expenses, it is clear that increasing the amount of the tax credit for special needs adoptions will have little to no impact on families seeking to adopt special needs children.

I view this as one of the flaws in current law that must be fixed. Let me be clear: I support the extension of the tax credit for non-special needs adoption. I also support taking a hard look at how the current tax credit impacts special needs adoptions. I urge my colleagues to consider the impact of the tax credit on families adapting special needs children. Again, I commend Senators CRAIG and LANDRIEU for their efforts on behalf of vulnerable children.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to associate myself with the remarks of my friends from Iowa and Louisiana on this matter. The Finance Committee is very much concerned with and for this legislation. It will become law.

SENATOR ROBERT F. WAGNER

Mr. MOYNIHAN. Mr. President, I rise for the pleasant purpose of noting the decision by the Committee on Rules to add two names to that very special group that is portrayed in our reception room—six of the most distinguished Senators in our history. We have now added two—or shortly will have done so—Senator Arthur Vandenberg of Michigan and Senator Robert F. Wagner of New York.

The story of Robert F. Wagner is a quintessential and essential one, describing the life of a poor immigrant child born on the east side of New York, who, by steady succession made his way to this Chamber. In the process, he changed the United States, recognizing, at long last, that we had become an urban Nation with needs, in legislative terms, that such a transformation requires.

The census of 1920 determined, for the first time, that the majority of Americans lived in urban areas—rather loosely defined, but still—and intensely so on the island of Manhattan. It may seem difficult to believe, but in 1910, the population of Manhattan was twice what it is today, and the conditions were difficult indeed.

Yet there was a degree of social order, a very powerful and progressive political organization, Tammany Hall, which dates from the Revolutionary War days. Aaron Burr was the head of Tammany at one point. And in the person of Charles Francis Murphy, it became unexpectedly, but unmistakably, the single most powerful source of progressive ideas for social legislation in our history—ideas that became law that changed lives.

Perhaps the critical event was the Triangle Shirtwaist Fire of 1911. In downtown Manhattan, there were women in a sweatshop, as we would call it. A fire broke out. The doors were locked. They were left to leap from eighth-story windows. And the city never got over it. Frances Perkins, having tea in Gramercy Park, five blocks away, never got over it. But it was Robert Wagner and Al Smith who did something about it.

They had gone to Albany under the auspices of their district leaders, big Tom Foley in the case of Al Smith, from the lower east side, and McCardle from the upper east side.

Smith became speaker of the assembly; Wagner, President pro tempore of the Senate.

They chaired together a commission on the Triangle Shirtwaist fire. They came out with legislation calling for safety and sanitary conditions, restricting child labor, limiting the hours of working women and protecting the activities of trade unions—events which never before appeared on the legislative calendar of any State legislature, much less the Congress. And they passed.

Smith went on to become Governor of New York and created, with his company, a legislative agenda which Franklin D. Roosevelt, who succeeded Smith as Governor, would take to Washington. We call it the New Deal.

Wagner had already arrived in Washington and was well positioned to take up his work, beginning with the National Industrial Recovery Act in 1933, and, in 1935, the defining Wagner Act, which is technically the National Labor Relations Act. It created the National Labor Relations Board and gave labor unions a right to exist and to be heard and not to be harassed.

He went on under President Truman. He allied himself with Robert Taft, and the first major housing legislation passed this body. Then health care was proposed by Wagner, with Truman's support. A half century has gone by, and we are still dealing with that issue. But it is well that we recognize the person—a person, not the only one—who singularly brought this matter to the nation's agenda.

I, as a New Yorker, am pleased, as all New Yorkers will be. I hope Senators will recognize that a just and honorable choice has been made. I am a member of the Rules Committee so it would not be appropriate to congratulate the Rules Committee, but I certainly thank the chairman and the ranking member, Senators McCONNELL and DODD.

I see my friend from New Mexico is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't know the parliamentary situation. I need 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR MOYNIHAN

Mr. DOMENICI. Senator MOYNIHAN, I was listening to your speech on the television set before I arrived on the floor. First, I thank you for what you said this morning. It is something we ought to hear, something that ought to be placed permanently in our RECORD. And that is what happened.

I personally want to say to you, over the years in my work as Budget Committee chairman and other legislation, I have found you to be a real friend. I think that is more important than talking about what you did here in terms of this Senator. I can remember, believe it or not, when we produced a most difficult budget, and it looked like a pretty good budget. I was wondering whether it would pass. I had the votes counted. All of a sudden, I won by one more vote than I thought. As he walked out, he put his hand on my shoulder and said: You did a great job. I voted for you.

Now, we have talked a lot about other things, including you have asked me regularly about my wonderful family and my beautiful wife Nancy. I thank you for that concern.

I guess in the remaining time I want to say to you, there are many ways to be a great Senator. Sometimes you become a great Senator because you get a lot of big headlines. Sometimes you become a great Senator when you promote yourself, which is permitted around here, and there is nothing wrong with it. But I can say, I think you are a great Senator. I don't think you did either of those. I think you just worked. And when people had to hear something that was vitally important, that had some history to it, I don't think we have had anyone around here in my 28 years—maybe there are Senators who have been here longer who might have experienced it, but I don't think I have ever had a Senator who had so much impact because he knows a lot and he remembers history and he always calls matters to our attention when we ought to have them there. You have served on an important committee. Your knowledge of the world and trade and what it means to us in the world has been a tremendous asset for the Senate. I thank you for that.

I am certain that many are not going to have time to commend the distinguished Senator from New York because we are in some kind of a strange, 1-day-at-a-time funding resolution. We are just adding to the appropriations by 1 day at a time, which I have never heard of before. I have never had it happen to me in 28 years. I don't think it has happened. Nonetheless, we are here, and that is going to make it difficult for Senators to find the time that they want to commend you in this RECORD. But I am sure many Senators are thinking today that they would love to get down here and say thanks to you.

I thank Senator MOYNIHAN very much. I yield the floor.

Mr. MOYNIHAN. May I simply thank my revered friend. We have been together, even across the aisle, for a near quarter century. There is no one whose regard I greater value and whose remarks I could not be more moved by.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed 2 minutes to respond to the Senator from New Mexico and the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The Senator from Indiana, Mr. BAYH, and I were here as you were getting ready to speak. We talked, shared some of our thoughts about you.

The Senator from Indiana and I agreed on everything, but the one thing that sticks out in my mind is we agreed that you have been a visionary. You have been able to look out and find out what is going to happen and try to alert us. Frankly, we haven't followed a lot of the vision that you have had as quickly as we should.

I always loved going to school from the time I was a little boy until the time I finished my professional schooling. But the one thing that always worried me was taking tests. So for me personally to be able to serve my entire time in the Senate on the same committee as you, during the short period of time when you were chairman of the Environment and Public Works Committee, before you moved to chairman of the Finance Committee, that it has been like going to school.

In fact, in the back of the Chamber today, I recited to the Senator some of the things he taught me about transportation and some of the things that need to be done. The good part of being educated by Senator DANIEL PATRICK MOYNIHAN is that I haven't had to take any tests. As a result of that, I feel I am a much better Senator and certainly a much better person for having had the good fortune to serve in the Senate and on the Environment and Public Works Committee with someone who the history books will write was one of the great Senators to serve in the history of our Republic.

Mr. MOYNIHAN. I do so very much thank my friend. This is a very special moment for me.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, I want to make a couple of comments expanding on some I made the other day on the economy and what is happening. The reason I want to do that is there is a lot of discussion these days about what is happening in this country. Some say, well, what has been done in 8 years?

That is a legitimate question. There is this old saying that bad news travels halfway around the world before good news gets its shoes on. Let's talk about good news for a moment. Maybe we can get that fully addressed about this economy and what is happening in this country.

I want to talk about what has happened in the past 8 years. In 1992, we had a $290 billion Federal deficit that was growing by leaps and bounds. On this chart, these are the red ink numbers from 1985 forward. As you can see, there are massive quantities of deficits year by year. In 1992, it was $290 billion alone. At this point, Congress developed a new economic program. President Clinton proposed to change the direction with a new program, and Congress adopted it by one vote in the House and one vote in the Senate. You can see what has happened to deficits since then. The deficits have been reduced and finally eliminated. We have turned it around and we now have budget surpluses. That is good news.

Mr. President, 22 million jobs have been created in the economy that has been growing during the past 8 years. That is an extraordinary number of jobs compared to what had been created in the previous 12 years.

This chart reflects what happened to the inflation rate. It has gone down, down, and stayed down, which is wonderful news for our country. We have the lowest poverty rate in two decades. What has happened in recent years? You can see what happened here from 1993 on down. On this chart, the Federal spending related to the gross domestic product is down to the lowest level since 1966—related to the GDP of this country. So we have a lot of good news.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. Yes, I am happy to yield.

Mr. REID. Looking at where the chart is peaked up, who was President during that time?

Mr. DORGAN. The highest levels of spending relative to GDP occurred during the Reagan and Bush administrations. That had a lot to do with the size of the economy. As the economy has grown rather substantially, especially in the recent 8 years, what has happened is that Federal spending as a percentage of GDP actually decreased.

I think it is important to talk about what has happened in recent years because people raise the question of the tax burden for middle-income taxpayers. As the chart shows, $39,000 is the average income. Federal income taxes, as a percentage, have actually decreased; the Federal income tax burden has decreased.

There are a couple of other things I want to mention about our economy. In the last 8 years, the $290 billion deficit has gone, and now we have the biggest surplus in history. Eight years ago, economic growth averaged 2.8 percent for the previous decade. All of the leading economists in this country at that point said they expected we would have in the entire 1990s anemic, slow economic growth.

In fact, they were all wrong. We have had economic growth averaging 3.9 percent annually since 1993. Job growth: 22 million new jobs since January 1993.

The unemployment rate from 1981 to 1992 averaged 7.1 percent annually. Now it is at 4.1 percent—the lowest level in 30 years.

Home ownership fell from 1981 to 1992, but the growth was the highest in history in the last 9 years.

The Dow Jones was 3,300 in 1993, and it is now over 10,000.

The point is this: A lot of good things have happened in this country. Some say: Well, it is the rooster taking credit for the Sun coming up.

I don't know who is to share the credit here. It seems to me the country was headed in the wrong direction, and then President Clinton came to office and said: Let's change direction and plans. The planning proposed was not very popular. It passed by only one vote in the House and one vote in the Senate, and it gave the American people confidence that Congress would make some tough decisions. It increased some taxes—not many but some.

It cut some spending, and we had a new plan—a new direction. The country moved in the new direction.

The American people had confidence that things were going to change. Our economy rests on a mattress of confidence. If people are confident about the future, they do things that manifest that confidence. They buy a house and they buy a car. They do the things that represent their confidence in the future. If they are not confident, they decide not to do those things, and the economy then contracts.

The point is that we have an economic plan in this country that has worked very well. The results are self-evident.

The question is: What is the plan for the future?

That is why we have this Congress. We have debates in Congress about what to do about the future.

Some say: Well, we expect 10 years of budget surpluses for the next 10 years. I don't know of a group of economists in this country that has been right for 5 years, let alone 10 years.

We would be very wise in this country, in my judgment, to take the conservative course on the question of what we do in fiscal policy. Economists don't know what is going to happen in the next year or in 3, 5, or 10 years from now.

We ought to establish as a priority paying down the Federal debt first. If during tough times you run the Federal debt up, it seems to me that during good times you ought to pay down the Federal debt.

I inquire whether that is a continuing resolution. If it is, I will suspend.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER (Mr. ALLARD). The continuing resolution just arrived. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res 118) making further continuing appropriations for the Fiscal Year 2001, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

Mr. LOTT. Mr. President, I ask for the yeas and nays on passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from Delaware (Mr. ROTH), the Senator from Alabama (Mr. SESSIONS), the Senator from Wyoming (Mr. THOMAS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), and the Senator from Washington (Mr. GORTON) are necessarily absent.

I further announce that if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "aye."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. BRYAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 2, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—67

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Brownback
Bunning
Byrd
Chafee, L.
Cleland
Collins
Conrad
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Levin
Lincoln
Lott
Mack
Mikulski
Miller
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—2

Leahy
Stevens

NOT VOTING—31

Ashcroft
Bond
Boxer
Breaux
Bryan
Burns
Campbell
Cochran
Crapo
Durbin
Feinstein
Gorton
Grams
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lautenberg
Lieberman
Lugar
McCain
McConnell
Nickles
Roth
Sessions
Thomas
Torricelli
Wellstone

The joint resolution (H.J. Res. 118) was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIGHTING FOR FUNDAMENTAL FAIRNESS

Mr. REID. Mr. President, I rise today to attempt to put some transparence on what is going on around here.

This summer, the Republicans very successfully convinced the American people that their party was for estate tax relief and marriage penalty relief and that the Democrats were not. Well, my friends, that is simply not the case. The Democrats are for eliminating the estate tax for small businesses and family farms valued at $8 million and for all other estates worth $4 million. And, Mr. President, it is the Democratic plan for marriage penalty relief that completely eliminates the marriage penalty found in 65 provisions in the tax code.

So, isn't it a bit frightening that the Republicans have so successfully twisted the debate so as to mislead the American people into thinking that they are actually the party supportive of tax cuts. Reality is, however, that they are the party of political rhetoric and political maneuvering. If the Republicans really wanted to give the American people estate tax relief and marriage penalty relief, they could have—they had many, many opportunities for sending the President real relief. Instead of giving the American people empty rhetoric—we could be sitting here today with elimination of the estate tax and marriage penalty tax relief for virtually all Americans.

Now, why do I bring all this up. Because it is happening over and over again. The Republicans are misleading the American people on a host of critical pieces of legislation, including: patients bill of rights, prescription drug coverage, minimum wage increase, tax cuts, health insurance coverage and education.

Instead of actually providing the American people with real relief—this year—the Republicans prefer the politics.

I have heard from constituents who ask me—"If both Republicans and Democrats want patients bill of rights, then why can't the Republicans and Democrats just work together to get something done?" That is an excellent question. Why?

Why is it that we cannot just reach agreement? Is it that we are missing some magical force here in Washington to bring bipartisanship to all? Unfortunately, the answer is that the Republicans want the rhetoric—and the Democrats want real reform. So, until the Republicans stop pandering and posturing and start sincerely and openly working together, there can be no agreements. You see, the Republicans have a more difficult time even working with each other—there is nothing partisan or bipartisan about that. Yet they have misled the American people to think that the Democrats—not the Republicans—are the ones holding up the works and refusing to work in a bipartisan manner. Mr. President, that is truly overstepping the bounds of the reality of what is going on up here.

Our efforts to fight for fundamental fairness in health, education and tax cuts, are being twisted into political pandering and posturing by the Republicans. But all we are doing is fighting for the fundamental fairness that the American people have fought for by working hard every day of their lives.

Let me illustrate this by highlighting the differences between the policies of the Republicans and the Democrats with respect to the bill that we have before us.

The Democrats are fighting to ensure that we do as much as possible to meet America's need for safe and modern schools.

Democrats solution—enact the bipartisan Rangel-Johnson proposal to finance $25 billion in bonds to construct and modernize 6,000 schools.

Republican's bill—is thoroughly inadequate—it provides no guaranteed funding for urgent school repairs, provides only $16 billion in bonds, and does not include the important Davis-Bacon provision to ensure that the construction workers who build and repair our nation's schools receive a fair wage for their work.

Result of their plan—the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

The Democrats are fighting to ensure that we promote bipartisanship in health care by coupling both the Republican and Democrat priorities on health care and long-term care.

Democrats solution—our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person.

Republican's bill—provides additional coverage to one-seventh of the people at $18,000 per person—that is one-seventh of the people at 6 times the cost. Their approach is inequitable, inefficient, and counterproductive to health care policy.

Result of their plan—completely ignores a proposal to cover millions of uninsured, working Americans and jeopardizes the insurance coverage of those individuals currently receiving employer-based coverage. In fact, on the Republican health deduction, the Joint Tax Committee estimates that while over 26 million individuals would receive benefits under the proposal, only 1.6 million individuals would be newly insured as a result. In contrast, the Democrats in Congress and the Clinton-Gore Administration plan would expand coverage to 5 million uninsured Americans.

The Democrats are fighting to ensure that we help the families who care for our nation's elderly.

Democrats solution—accept the Republicans deduction for long-term care insurance in exchange for inclusion of a proposal to provide a $3,000 tax credit for long-term care costs.

Republican's bill—provide a health care deduction for long-term care costs.

Result of their plan—they provide half of the benefits of the long-term care credit that the Democrats provide.

The Democrats are fighting to ensure that all Americans are insured.

Democrats solution—bipartisan policies for health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, needed payment increases to hospitals, academic health centers, home health agencies and other vulnerable providers.

Republican's bill—provides over one-third of the cost of their medicare bill to the HMOs.

Result of their plan—there is no accountability to prevent excessive payment increases to HMOs and failure to address the urgent health needs of seniors, people with disabilities, and children.

The Democrats are fighting to ensure that we encourage medical research and expand vaccine distribution to proactively approach medicine.

Democrats solution—a bipartisan tax credit for vaccine research and purchases for malaria, tuberculosis, HIV/AIDS and any infectious disease that causes over 1 million deaths annually.

Republican's bill—nothing.

Result of their plan—this is a failure to address a problem of serious ramifications. These diseases cause almost half of all deaths worldwide of people under age 45, killing over 8 million children each year and orphaning millions more.

The Democrats are fighting to ensure that low and middle income individuals save and invest for their future.

Democrats solution—provide savings incentives to low and middle income individuals through retirement savings accounts.

Republican's bill—they specifically dropped this provision from the bipartisan Senate Finance Committee bill.

Result of their plan—a failure to address the lack of pension coverage for 70 million people. I want to just add one point here. Every year, through tax incentives, private pensions cost the fisc $76 billion. Yet 75 percent of American households in the 15 percent tax bracket—that means income of about $30,000—receive little or no tax incentive on their IRA or pension contribution.

The Democrats are fighting to ensure that we meet our current obligations before we promise new programs for distressed communities.

Democrats solution—fully fund the currently existing empowerment zones to spur economic development in distressed communities.

Republican's bill—create new renewal communities without meeting our promise to the existing empowerment zone communities.

Result of their plan—irresponsible pandering to wealthy business owners who will benefit from their new renewal communities at the expense of low and middle income entrepreneurs.

The Democrats are fighting to ensure that we don't turn our backs on those areas most in need.

Democrats solution—provide an economic activity credit to encourage business investment in jobs for the residents of Puerto Rico.

Republican's bill—they specifically rejected this provision.

Result of their plan— this equates to turning their backs on the hard working people of Puerto Rico. Even while at an historical low of about 10.1 percent, the unemployment rate in Puerto Rico continues to remain well above that of any state; the per capita income in Puerto Rico, which was $9,908 in FY 1999, is less than half that of any state; and well over 50 percent of the labor force in Puerto Rico are within $1.00 of the current minimum wage.

The Democrats are fighting to ensure that we encourage adoption of special needs children from foster care programs.

Democrats solution—change a few words in the current tax code to ensure that families who adopt children from foster care can benefit from the same tax credit which is available to parents who adopt international children.

Republican's bill—specifically ignored a more inclusive approach.

Result of their plan—the Republicans turned their backs on those children with the greatest needs.

Let's look at some of those who do benefit under the Republican plan for example—the Texas State Universities. Now, stay with me on this. The Republicans—well I should say only about 4 or 5 Republicans, in their closed door, secret meetings included a couple of interesting rifle shots in their tax bill. The one, interestingly enough, would provide a specific exception just for the Texas state universities, that would make their interest on bonds nontaxable. The American people are giving the Texas state universities a $4 million gift —while our public elementary and high school students are learning in trailers.

The bottom line is that the Republicans want to help big business and the HMOs. The Democrats reject this approach. The Democrats are fighting for fundamental fairness for the American people—our children, our elderly, and all individuals of every race, color, and creed.

Mr. HATCH. Mr. President I rise again today to urge President Clinton not to veto the Commerce, Justice, State appropriations bill that the Senate passed yesterday.

President Clinton has threatened a veto because we did not include his so-called Latino fairness act. But have included something much better—the Legal Immigration Family Equity Act, the LIFE Act. This act reunites families and restores due process to those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries. A veto of CJS would be a blow against immigrant fairness.

But a veto would do far more than that. A veto would cut off funding for some of our most important programs.

CJS appropriations allocates: $4.8 billion for the INS and an additional $15.7 million for Border Patrol equipment upgrades, $3.3 billion for the FBI, and $221 million for training, equipment, and research and development programs to combat domestic terrorism, $4.3 billion for the federal prison system; $1.3 billion for the Drug Enforcement Administration; and $288 million for the Violence Against Women Act program—legislation that I have strongly supported and that provides assistance to battered women and children.

Actions have consequences. If President Clinton vetoes this bill, he's putting the public's safety and well-being at risk both at home and abroad, and he's doing this all in an effort to play wedge politics. the President's veto threats ring especially hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated that he wants "to keep families together and to make our immigration policies more equitable." Well, this is exactly what the LIFE Act does.

So, please, I ask Mr. Clinton, sign CJS appropriations so we can keep all of these programs funded for the American people.

UPCOMING ELECTION AND THE FEDERAL COURTS

Mr. LEAHY. Mr. President, it is not often that the President of the United States, the editorial board of the Washington Times, People for the American Way and Gary Bauer all agree. They all do about the importance of the upcoming election to the rights of Americans in the decades ahead because of its impact on the third branch of the Federal Government, our federal judiciary.

This first national election of this new century will give the American people a choice—a clear choice for President and for Congress. Also at stake is the third branch of our Federal Government, the judiciary. It is this branch of government, headed by the Supreme Court, that is the guardian of our rights under the Constitution.

The next President is likely to nominate not only the next Justice on the United States Supreme Court, but possibly as many as four of the nine members of the Supreme Court over the course of his term. The next Senate will be called upon to vote to confirm or reject the President's nominations to the Supreme Court and the federal courts throughout the country.

These are the judges who can give meaning to the Bill of Rights in cases they decide every day or who can take away our rights and the authority of our elected representatives and impose their own narrow view of our Constitution. The rights of free speech, to practice any religion or no religion as we choose, the right to be treated equally by the government, the right to privacy and a woman's right to choose are fundamental rights that require constant vigilance and protection. This new century will pose challenges to our fundamental rights. Will we have a President and a Senate who will combine to provide judges to protect those rights, or ideologues who will erode them?

Nothing is more sharply at stake this November than the future of our constitutional rights.

Five-to-four—five-to-four is how closely the Supreme Court is now dividing on fundamental issues. One or two votes on the Supreme Court can, for the next half century, tip the balance away from the right to choose, away from rights of privacy, away from equal rights and toward government establishment of religion and government orthodoxy over free expression. One or two votes could make it much harder to protect the environment or pass meaningful campaign finance reform.

This last year by a five-to-four majority the Supreme Court held that a rape victim can bring no claim in federal court and that Congress was wrong to provide that remedy in the Violence Against Women Act. By five-to-four majorities the Supreme Court held that state employees have no rights to be paid for overtime work and have no protection from age discrimination, in spite of the laws passed by Congress. What will this mean for other laws prohibiting discrimination in the workplace, regulating wages and hours and health and providing safety standards for working Americans? And by a mere five-to-four vote, the Supreme Court decided that a Nebraska law imposed an undue burden on a woman's right to choose when it sought to prohibit medical procedures by vague language and without regard to the health of the woman.

I am confident that AL GORE and JOE LIEBERMAN will nominate women and men who understand the proper role of judges as protectors of our rights and the proper limits on judicial power. On Tuesday evening the President of the United States spoke about the importance of the election to the Supreme Court, to the federal courts generally, to our rights and to the distribution of power in our country. The President noted that "the American people will make a decision in this election which will shape the Supreme Court and the other federal courts, and the range of liberty and privacy, and the range of acceptable national action for years to come" and that "whether we have a new form of ultra-conservative judicial activism that rejects the government's authority to protect the rights of our citizens and interests of our citizens" is at stake in the November election. As the President explained:

> Now we're just a vote or two away from reversing Roe v. Wade in the United States Supreme Court, and I think it's inevitable that the next President will have two appointments to the Supreme Court, could be more. Beyond that, as I intimated in my opening remarks, there has already been a majority in this Court for restricting the ability of Congress, even a bipartisan majority in Congress, to get the states to help implement public interest legislation that protects people.

There is much at state in the next election and in the appointment of our Supreme Court Justices and other federal judges. In June, the People for the American Way Foundation published an extensive report called "Courting Disaster: How a Scalia-Thomas Supreme Court Would Endanger Our Rights and Freedoms" that considered the future makeup of the Supreme Court and its likely effects on our fundamental rights. In his message accompanying that report, Ralph Neas observed:

> The United States Supreme Court is just one or two new Justices away from curtailing or abolishing fundamental rights that millions of Americans take for granted.

The Washington Times lead editorial on Thursday noted pointedly:

> Before the Supreme Court could overturn Roe vs. Wade, it would take the appointment of two pro-life justices to replace two pro-choice jurists—and their successful confirmation in what would undoubtedly be among the most explosive battles in U.S. Senate history.

Mr. Bauer made much the same point in a recent appearance on NBC's Today Show, in which he said: "I think if Governor Bush gets to put a couple of justices on the court, we will be more likely to protect our unborn children under the Constitution."

The Republican party platform talks of ideological litmus tests for judges and the end of a woman's right to choose. The Republican candidate for President says that his models for judicial nominees are the most conservative current Justices, Antonin Scalia and Clarence Thomas. If they formed the majority in the years ahead, our rights would be greatly diminished, protections approved by Congress would be routinely invalidated and our Constitution would be harshly reinterpreted.

While the other party's platform is filled with calls for rewriting the Constitution, we Democrats seek to preserve the Constitution and protect our fundamental rights as the guaranties of our freedoms. While the Republican Senate has delayed and dissembled over judicial nominations during the last six years—to the point that the Chief Justice of the United States chastised them for refusing to vote up or down—Vice President GORE, Senator DASCHLE and I have pressed for action on outstanding judicial nominees, including historic levels of women and minorities.

While Republican Senators all voted lockstep against the confirmation of the first African-American Justice on the Missouri Supreme Court to become a federal judge, Democrats voted for Ronnie White of Missouri, for Richard Paez and Marsha Berzon of California, for Sonia Sotomayor of New York, for Julio Fuentes of New Jersey, and for Barbara Lynn and Hilda Tagle of Texas.

While the Republican leadership of the Congress sought to intimidate federal judges, Vice President GORE and Democrats have been working for fair up or down votes on the nominations of qualified women and minorities such as Enrique Moreno of Texas, Judge James Wynn of North Carolina, Roger Gregory of Virginia, Judge Helene White and Kathleen McCree Lewis of Michigan, Judge Legrome Davis of Philadelphia, Dolly Gee of California, and Rhonda Fields of the District of Columbia.

While the Republican candidate for President made a fine statement in which he called for votes on judicial nominations within 60 days, he has not prevailed upon the Senate Republican majority to treat nominees fairly now. Instead of 60 days, we see Judge Helene White's nomination to the Sixth Circuit pending more than 1400 days; Elena Kagan, U.S. Court of Appeals for the District of Columbia, pending 500 days; Judge James Wynn, U.S. Court of Appeals for the Fourth Circuit, pending more than 440 days; Kathleen McCree Lewis, U.S. Court of Appeals for the Sixth Circuit, pending more than 400 days; Enrique Moreno, U.S. Court of Appeals for the Fifth Circuit, pending more than 400 days; Bonnie Campbell, U.S. Court of Appeals for the Eighth Circuit, pending more than 240 days; Roger Gregory, U.S. Court of Appeals for the Fourth Circuit, pending more than 115 days; Lynette Norton, U.S. District Court for the Western District of Pennsylvania, pending more than 1300 days; Judge Legrome Davis, U.S. District Court for the Eastern District of Pennsylvania, pending more than 800 days; Patricia Coan, U.S. District Court for the District of Colorado, pending more than 500 days; Dolly Gee, U.S. District Court for the Central District of California, pending more than 500 days; Rhonda Fields, U.S. District Court for the District of Columbia, pending more than 350 days; Linda Riegle, U.S. District Court for the District of Nevada, pending more than 180 days; Ricardo Morado, U.S. District Court for the Southern District of Texas, pending more than 165 days. The Senate is adjourning leaving 33 judicial nominees whose nominations have been pending without Senate action for more than 60 days.

And while the Republican majority in the Senate refused for over three years to vote up or down on the confirmation of Bill Lann Lee to head the Civil Rights Division, this outstanding American continued to do his job on behalf of all Americans. With Vice President Gore's support, this Senate slight has finally been made right by the recess appointment of the first Asian-Pacific American to lead the Civil Rights Division.

The election next month presents a clear choice. The choice the American people make will determine what kind of judges sit on the Supreme Court and on federal courts all across the country. Those elected by the American people in November will select the judicial guardians of our liberties and the enforcers of our constitutional protections next year and in the decades to come. The future for our children and grandchildren hangs in the balance. I am proud that to support AL GORE and JOE LIEBERMAN. They will nominate judges who understand the Constitution and the Bill of Rights.

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Sullivan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ORDERS FOR SUNDAY, OCTOBER 29, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4 p.m. on Sunday, October 29. I further ask unanimous consent that on Sunday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for morning business until 6:45 p.m., with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 30, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business on Sunday, it stand in recess until 5 p.m. on Monday, October 30; that following the routine convening requests, there be 2 hours for debate on the continuing resolution to be equally divided in the usual form.

I further ask unanimous consent that a vote occur on the passage of the continuing resolution, if the resolution contains funding for 1 day, if received from the House, at 7 p.m. on Monday, and that paragraph 4 of rule XII be waived. Finally, I ask unanimous consent that the vote scheduled to occur at 7 p.m. on Sunday now begin at 6:45 p.m., assuming the papers have been received from the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will convene at 4 p.m. on Sunday with up to 2 hours 45 minutes equally divided for morning business. Under the previous order, there will be a vote occurring on the continuing resolution at 6:45 p.m., assuming the papers have been received from the House, and earlier, if possible, or a little later, if it is necessary. But I believe around 6:45 we will be able to vote.

On Monday, the Senate will convene at 5 p.m. with 2 hours for debate on the continuing resolution. A vote on the continuing resolution will occur at approximately 7 p.m. on Monday, again assuming the papers have been received from the House.

RECESS UNTIL 4 P.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:34 a.m., recessed until Sunday, October 29, 2000, at 4 p.m.

HOUSE OF REPRESENTATIVES—*Saturday, October 28, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and Eternal God, tonight each one of us will take timepieces in hand and upon common agreement change time itself.

Help us to realize, Lord, that this simple and silent gesture, performed in the depths of darkness, is symbolic for the whole world.

We cannot stop the passage of time or slow down its relentless beat, but we can come together and measure differently, reading each passing hour with new consensus.

Forced by obvious limitations, we find a way to help one another through the darkest days.

Because of limited light, we adjust ourselves and allow each other another day for greater progress.

In each moment, let us seek first Your presence, acknowledge our own limitations, and seize the opportunity to serve Your people.

For You are the ever present One, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 60, answered "present" 1, not voting 115, as follows:

[Roll No. 570]

YEAS—256

Abercrombie
Aderholt
Archer
Armey
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cubin
Cummings
Cunningham
Davis (FL)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Ehlers
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McKinney
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Pelosi
Petri
Phelps
Pitts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Young (FL)

NAYS—60

Allen
Bachus
Baird
Baldacci
Baldwin
Berry
Borski
Brady (PA)
Capuano
Carson
Costello
Cramer
DeFazio
English
Etheridge
Filner
Gejdenson
Gutknecht
Hall (OH)
Hill (MT)
Holt
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kucinich
Latham
LoBiondo
McDermott
McGovern
McNulty
Meeks (NY)
Moran (KS)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Peterson (MN)
Ramstad
Rogan
Rothman
Sabo
Sanchez
Schaffer
Slaughter
Stenholm
Strickland
Stupak
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—115

Ackerman
Andrews
Baca
Barcia
Barr
Barrett (WI)
Barton
Becerra
Bentsen
Bilbray
Bishop
Blagojevich
Bonior
Boucher
Brown (FL)
Brown (OH)
Burton
Buyer
Campbell
Clay
Clyburn
Cox
Crane
Crowley
Danner
Davis (IL)
Davis (VA)
Delahunt
Diaz-Balart
Dickey
Dixon
Doolittle
Duncan
Dunn
Edwards
Ehrlich
Engel
Fattah
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Greenwood
Hastings (FL)
Hefley
Herger
Hilliard
Hinchey
Hulshof
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
King (NY)
Klink
Kolbe
LaFalce
Lantos
Largent
Lazio
Lipinski
Manzullo
Markey
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Metcalf
Mink
Morella
Neal
Nethercutt
Owens
Payne
Peterson (PA)
Pickering
Pickett
Pombo
Porter
Pryce (OH)
Radanovich
Reynolds
Rogers
Ros-Lehtinen
Rush
Sandlin
Sessions
Shaw
Shays
Shuster
Spratt
Stabenow
Stark
Talent
Taylor (MS)
Taylor (NC)
Thompson (MS)
Visclosky
Vitter
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand
Wise
Wynn
Young (AK)

□ 0925

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5478. An act to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1444) "An Act to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California."

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2638. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

S. 2751. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. Con. Res. 138. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1936) "An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2915) "An Act to make improvements in the operation and administration of the Federal courts, and for other purposes."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. DOGGETT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer, to demand an immediate vote on prescription drug relief for seniors, to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement to prohibit, through the Secretary of Health and Human Services, any market exclusivity for a prescription drug manufactured by a pharmaceutical manufacturer if the manufacturer does not make available to individuals eligible for benefits under such title XVIII all prescription drugs manufactured by the manufacturer at the best available price (as defined in section 1927(c)(1)(C) of such Act) or at the lowest negotiated price paid to such manufacturer for such prescription drugs by any Federal agency or department.

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The form of the motion is as follows:

Mr. PALLONE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement on Medicare+Choice organizations to offer Medicare+Choice plans under part C of such title XVIII for a minimum contract period of three years, and to maintain the benefits specified under the contract for the three years.

□ 0930

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 118, making further continuing appropriations for the fiscal year 2001, and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 118) and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 118 is as follows:

H.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275 is further amended by striking the date specified in section 106(c) and inserting "October 29, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very briefly, this is another of those 1-day CRs, continuing resolutions, that are necessary because the President of the United States has refused to sign anything other than a 1-day continuing resolution. It does not make any other changes to the current CR; it just continues the appropriations process until midnight tomorrow night. I assume there will be some lengthy debate, as there was yesterday, on the last one-day CR, but we will get to a vote as soon as we can.

I would like to just briefly report that at the conclusion of business yesterday, we did resume negotiations with the other body and with White House representatives, and we made some progress. We will make more progress today, and we will make more progress on Sunday. If we could offer instructions to the conferees in the other body and instructions to the White House, the same as our colleagues want to offer instructions to the House conferees today and tomorrow, things might move along a lot more expeditiously. However, we only have the authority here to make nonbinding instructions to ourselves.

Mr. Speaker, there is more than the House involved in this process. I would just point out once again, as I have so many times before, the House did all of its appropriations business very early, and what is delaying the completion of the appropriations process today is not really appropriation issues. By far, the most part of the controversial issues that are out there have nothing to do with appropriations. They are philosophical in nature, they are political, and they are authorization issues as opposed to appropriation issues.

But, since appropriations bills are the bills that have to pass, they become very, very fertile vehicles for those who would like to add extraneous items to the appropriations bills.

Mr. Speaker, I guarantee my colleagues, we will get to the end of this process; we will conclude this business, and we will have Members home at least in time to vote on Election Day.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to take 30 minutes. Let me simply say that the gentleman from Florida is right. We have to approve this resolution again to keep the government open.

I am concerned about two developments. Number one, early yesterday it appeared, in fact we were told, that the conference needed to be wrapped up by the end of the day yesterday so that we could have a bill on the floor immediately when we came back to the House on Monday or Tuesday. It will take about 2 days to go through all of the technicalities to do what is called a readout so that everybody's staff is sure of what every item is in that bill, so that at least somebody understands what each item is. So we were told that we should have all the work done Friday.

Then, after the meeting reconvened, we were given another schedule, which indicated, for instance, that we would not even be able to resolve the issue with respect to school construction until after the fate of the tax bill is resolved on Tuesday or so. That means that there is a high potential that we will be stuck here not just Tuesday, but Wednesday or Thursday, because if we are not going to be making those decisions until Tuesday, and if we have to go through the usual readout requirement, we could have a real problem.

In addition, as the gentleman from Florida says, I do not know exactly how many extraneous items there are on the bill at this point, but if we were to add all of them, many of which I would support if they were on individual pieces of legislation, but if we were to add all of them to this bill, this bill would wind up being longer than the Bible, the Talmud, the Koran, and add to it every comic book ever printed in the history of the United States. I think we would have results that were just about as silly as those comic books.

So there are going to be a lot of people who are disappointed, because we are being asked by authorization committee members on bill after bill after bill after bill to include this or that provision and some of them are very meritorious, and some of them would fit the needs of my district, some of them would fit the needs of some of others' districts, but we are going to have a very tough time producing a bill that is not the laughing stock of the Western world if we are not very disciplined in terms of what we wind up adding.

So I think we will see both the gentleman from Florida (Mr. YOUNG) and myself, and probably the two conferees from the Senate, rejecting dozens of provisions which we ourselves personally favor, simply trying to keep this bill to a manageable size. I would ask for the forbearance of each individual Member who has a hot idea about what ought to be included in the last minute.

No question, there are some that are emergencies, and we will have to try to act on them. But this is not going to be an easy weekend, and I would say that my only point of disagreement with the gentleman who spoke, and it is not a disagreement with the way he has tried to perform. The very first bills that he brought to the committee this year were bipartisan in nature.

The first three bills that came up in committee could have had this year and last year bipartisan support, but somewhere along the line we all became prisoners of a set of assumptions in the budget resolution that was passed by the House at the direction of the leadership, a set of assumptions which were highly unrealistic and did not at all reflect what, in fact, this Congress intended to spend on these items in the end. That, to me, is the real problem.

I just want to say as an institutionalist in this House, I know a lot of us, every time we come to the end of the session, start shooting at the Committee on Appropriations and saying, if only the appropriators could get this done, we would not be in this mess. I honestly believe, if we left it to the appropriators to decide the appropriations issues without extraneous pressures, we could have a deal on all of this stuff in about 3 hours. I really believe that. The problem is that lots of other things are intervening.

I would also note that the real problem we have is that when we start with a budget resolution which is not real, that means that we cannot produce real appropriation bills until the budget resolution does get real, and it has taken about 8 months to do that.

I will give one example. Lest I be accused of partisanship, I will give one example of how that occurred in the deep dark distant past, in 1981. In 1981, when the budget resolution was before us in the first Reagan year, the last item holding up the conference on that budget resolution was whether or not the agriculture number was real. To meet the targets in the Republican budget resolution, it was decided that we had to cut, I believe it was, $400 million out of agriculture. In order to get the votes to pass that, the grain State representatives were told that that money was going to come out of dairy, and the dairy State representatives were told that the money was going to come out of grain. So we had two false assumptions that were used to pass a number that was unreal.

That has occurred many times over on the budget resolution that this committee was forced to operate under this year, and that is why the first 10 months were essentially wasted. So now, our committee is being asked to perform an impossible act and correct 10 months of disingenuousness in about 2 weeks, and that is just almost impossible to do, especially when we are not being given free reign to make the choices that you know would solve the problem.

So I hope that we will have a cooperative spirit in the conference, but we are going to have to have some choices made that allow the conferees to actually make some choices, because yesterday, on three successive major items, when we tried to resolve them, we were told, "Well, we do not have any authority to deal with that; that is going to be made by somebody else." If that is the case, it is going to take a lot longer than anybody wants, because the people who we expect to put the deal together, we are told, are not being given enough reign to actually make those choices.

That is the institutional problem that I see; and until it is dealt with, I am afraid that we may wind up getting stuck in the ditch, even though on the Committee on Appropriations, both sides would like to make a deal and get the blazes out of here and go home.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, we said earlier that we realized that President Clinton is signing concurrent resolutions for only 1 day at a time. If he were to sign a 3-day resolution yesterday, for example, we could all be in our districts, the appropriators on both sides of the aisle could be doing their respective work, and we could have come back here Monday or Tuesday.

I would like to put a question to the distinguished chairman of the Committee on Appropriations, if he would yield. I am told that one of the reasons the President has insisted on 1-day concurrent resolutions is his disagreement with the Republican majority regarding blanket amnesty being extended to hundreds of thousands of illegal aliens. Is this one of his reasons?

□ 0945

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I have my own ideas as to why the President wants us here day after day, one day at a time, but I do not know for sure what his reason is.

However, on your question of amnesty, I would remind the gentleman, that during the development of the Commerce, Justice appropriations conference report, in the closing hours, the President did request a broad-based general amnesty for illegal aliens.

The House responded and the conference committee responded with a compromise that would provide amnesty for family reunification. Some of the families had already been granted citizenship, and this would allow them to unify their families. We did that in the Commerce, Justice bill.

We have been advised that the President is going to veto the Commerce, Justice appropriations bill, and one of the main reasons is because we did not give him the general broad-based amnesty that he requested.

Now, whether or not that becomes a major issue on the development of the Labor, HHS conference report, I am not really sure at this point. I think it is going to depend on what action he takes relative to the Commerce, Justice bill; and if he vetoes that, then we will have to determine how best to deal with that.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

With respect to the last question, Mr. Speaker, on the, Commerce, Justice, State bill, as I think most people understand, there are five major issues that are dividing the President and the Congress in my view. One of the most important is the privacy issue, the illegitimate use of Social Security numbers to allow anyone who uses the Internet to invade the privacy of each and every American if they are shrewd enough on how to go about it. That is a very serious issue.

With respect to the immigration issue, it is important to understand that all the President is asking is that we provide the same rules for people who came from countries like Salvador as we provided at the request on two occasions of members of the majority party, for refugees from Nicaragua and several other Latin American countries. All of these people are here already.

There is not one additional person who would come into the United States. You have already made the decision to provide an easier way for people to stay in this country for those people, and we are simply asking that that same principle be applied to others. You are just as dead if you have been killed by the Salvadoran death squads, as you are if you were killed by the Sandanistas. And I think the President is on perfectly good ground.

We also have major environmental problems associated with that bill as I think everyone knows.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Speaker, make no mistake about it, we are at gridlock. We are 3 weeks plus the date that we are supposed to adjourn this Congress, and we still have not really sat down to negotiate the differences between the White House and the Congress. And the Members on my side of the aisle, the Democratic side of the aisle, have been left out of most of the negotiations.

Mr. Speaker, the Baltimore Sun papers got it right, and let me quote if I might, Mr. Speaker, Republicans gridlock again in Congress. GOP leaders cannot strong-arm Clinton to get their way on tax cuts and budgets. Whatever happened to the fine art of compromise? It seems to have vanished within the lexicon of Republicans on Capitol Hill. The result is more gridlock in Washington as Republicans try to force their political agenda down President Clinton's throat. This tactic has repeatedly backfired on the GOP.

The editorial goes on to say Republicans seem determined to send Mr. Clinton a take-it-or-leave-it tax cut plan that tilts benefits in favor of the well-to-do at a cost of $240 billion over 10 years. It would, for instance, give 58 billion in tax breaks to those able to buy long-term health care insurance, but it would not do what the President seeks to provide, care for 4 million uninsured parents at a fraction of the costs. Similarly, the Republican bill heavily favors HMOs, which have the political muscle over hospitals and nursing homes and restoring money cut by Congress in 1997. That is not fair, especially because nursing homes were devastated by the prior budget cuts.

There is room for compromise, but the GOP hard-liners will not budge. They want a partisan agenda enacted. Other Republicans think they can influence voters if they force the President to veto their tax cut bill. That is a poor way to run government. And I agree.

We should be sitting down and working together to try to resolve these differences. We should have done that 3 weeks ago, 4 weeks ago.

Now we are surprised that it is getting political when we are a little over a week before a national election? The reason why we are here day in and day out is because we need to break this gridlock by honest negotiations between all parties. And I urge my colleagues to do that.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I listened carefully to the statement of the gentleman from Maryland (Mr. CARDIN), and I do not think he was talking about the appropriations bills, because for the appropriations bills, I think the minority would concede that we have worked together very well with them.

We have not kept them out of any meetings or any consideration of appropriations bills and appropriations issues. And the gentleman's original statement that we had not yet begun to negotiate, I would ask him to talk with his distinguished leader, the gentleman from Wisconsin (Mr. OBEY), because I cannot tell the gentleman from Maryland (Mr. CARDIN) how many hours and how many days we have spent negotiating with the gentleman from Wisconsin (Mr. OBEY) at the same table along with our subcommittee leadership and including the White House.

We have been honestly negotiating; and as I pointed out, the appropriations issues have basically all been negotiated. They have all been settled. It is the extraneous legislative-type, philosophical-type issues that are holding us up, not appropriations issues.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I would say that, Mr. Speaker, I have no complaints with the way the gentleman from Florida (Mr. YOUNG) has dealt with the appropriations Democrats. I think he has been perfectly fair. That does not mean that appropriations bills have been produced with Democratic input, as the gentleman knows, with respect to Justice-State. In the end, the decision was made by the majority leadership to simply put together a package on their own without further consultation with us.

It contained a number of provisions which the majority knew were nonstarters with us; and if we had been in the room when those decisions were made, I think we could have avoided the veto that is now going to occur.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, very frankly, the majority party has put a kinder, gentler face on what it has done over the last 8 months. That kinder, gentler, principled face is the face of the gentleman from Florida (Mr. YOUNG), the chairman of our Committee, the Committee on Appropriations; and like the gentleman from Wisconsin (Mr. OBEY), I have no quarrel with the gentleman from Florida (Mr. YOUNG).

The gentleman from Wisconsin (Mr. OBEY) said the Democrats were not included in the appropriations process, in the Committee on Appropriations, in the Commerce, Justice, State.

I will say, on my committee, that the gentleman from Arizona (Mr. KOLBE) and I dealt together openly. The shame of it was that the Republicans on the Committee on Appropriations were not always included in the appropriations negotiation. That is one of the problems, one of the significant problems.

Mr. Speaker, 9 days ago, the majority whip, the gentleman from Texas (Mr. DELAY) came on this House floor and made some interesting and, I believe, incredible statements. He said this Congress, the 106th Congress, is one of the most productive Congresses in recent history. The gentleman from Texas (Mr. DELay) said that flipping through a document that apparently listed bills that were approved by this Congress and signed into law by President Clinton. I did not see that document, none of us did.

Mr. Speaker, there is one thing that I can tell my colleagues with certainty, there was no meaningful patients' bill of rights in it. There was no Medicare prescription drug benefit in it. There was no targeted tax relief in it. There was no real campaign finance reform in it; and there was no school modernization, class-size reduction, and teacher quality initiative in that document. No, not one of those pressing critical issues which show on my colleagues polls and our polls as being the Americans focus.

As a matter of fact, my colleague, the gentlewoman from Maryland (Mrs. MORELLA), has an ad running today on TV that I saw this morning that she is for patients' bill of rights, for school construction, for campaign finance reform; the only thing that ad lacked was a tag line of vote Democratic.

The bills that the majority in this Congress has refused to pass could go on and on.

Then, the gentleman from Texas (Mr. DELAY) charged, and again I quote, "We remain here today because some people simply will not support the principles of fiscal discipline." Hooey. I am pretty sure he was not talking about the Members on this side of the aisle, but now we know the truth.

Those are precisely the people who should have been listening. If nothing else, this do-nothing 106th Congress has finally debunked the myth of the free-spending Democrat and unmasked the fiscally irresponsible Republicans and who they are.

This majority has wasted the last 2 years trying to enact a tax scheme that would drain the entire projected budget surplus over the next decade and threatened to eat into that portion of the surplus set aside for Social Security and Medicare.

Mr. Speaker, now, they are loading up spending bills at funding level over and above what the President requested in his budget.

As the gentleman from South Carolina (Mr. SPRATT), my good friend, pointed out earlier this week, the nine appropriations conference reports to date provide outlays that exceed the President's 2001 budget by $11.4 billion. None of them could pass. None of them could get to the President without the majority party's support.

Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT) also noted that the 106th Congress is on track to increase spending on nondefense appropriations, and we ought to listen to this. We ought to listen to this figure, and I see the gentleman from Western Maryland, (Mr. BARRETT), my colleague, that the majority is going to pass, yes, the President can veto and my colleagues can say, gee, whiz, we could not get our way. I understand that.

Mr. Speaker, I am talking about what my colleagues are going to pass and send to him.

The gentleman from South Carolina (Mr. SPRATT) noted that the 106th Congress is on track to increase spending on nondefense appropriations at the fastest growth rate, 5.2 percent, since the Congressional Budget Act of 1974 was enacted. The House is going to pass, not the President is going to sign and propose, the House is going to pass the largest increase in domestic discretionary spending since 1974.

Since enactment of the Budget Act, nondefense appropriations have grown an average of 2.1 percent when Republicans controlled the House, and only 1.2 percent, half of that, per year when Democrats controlled the House. That does not comport with the facts that my colleagues would like to portray. Those are the facts, and my colleagues can check with your CBO on whether I am inaccurate.

So tell me, who needs a lecture on fiscal discipline? I do not think there is a soul in this House who does not understand why our budget process is broken down this year and why this eighth continuing resolution is necessary.

The Republican majority insisted, not the appropriators, not the chairman of the Committee on Appropriations or the 13 cardinals, insisted on passing a phony budget resolution last spring that turned our appropriations process into a sham.

As The Washington Post stated, and I quote, "The Republicans continue to insist on a make-believe fiscal policy. The familiar fable is that they can cut taxes, finance the boomers' old age and increase defense and selected other spending while maintaining fiscal discipline."

Mr. Speaker, it cannot be done. It has not been done, and it is a shame.

□ 1000

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the very distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, why do we have a loggerhead? Republican fault? Democrat fault? There is a very strong difference of opinion on who should control people's lives, either people or Washington, D.C.

The gentleman that just spoke in the well just talked about no Patients' Bill of Rights. Many of us feel that it is wrong, absolutely wrong to have unlimited lawsuits which would drive up health care costs and would force HMOs out of business. Many Americans like HMOs. Some do not. They have legitimate concerns on that side of the aisle and on our side of the aisle.

But then the liberal trial lawyers would go down and sue the small businesses that hire those HMOs or care providers in good faith, and it would hurt small business. That is why National Federation of Independent Business, Chamber of Commerce, Small Business Associations were opposed to it. There is a legitimate concern on our side of the aisle that it hurts the economy and hurts business. So, no, we did not support it.

School construction. We feel within the Labor-HHS bill, I serve on that subcommittee, that if we want to give school construction dollars, my colleagues want amnesty to 4 million illegals in the Commerce, State, Justice, we have got 43 million uninsured Americans. We agree that that is terrible. But, automatically, we are going to have 47 million uninsured Americans on health care. They petition their families, and now we are going to have over 50 million uninsured Americans. Think what that is going to do to the cost of health care. Think of what it is going to do to our overburdened schools.

So, yes, we have a difference of opinion. In the school construction, we feel that, if we give Federal dollars down to the schools for construction, then it ought to be bid between the unions and private enterprise so that we can get the best quality and the best amount of construction for our schools.

But my colleagues on the other side want only the union wage, the prevailing wage, which costs about 35 percent in some States down to 15 percent in some States. We are saying, let it be bid, let the schools keep the extra money for class size reduction, teacher pay, those kinds of issues. But my colleagues on the other side, the President is saying, no, I want it for the unions.

I see the gentleman from Michigan (Mr. BONIOR), the Minority Whip on the floor. The gentleman from Michigan (Mr. BONIOR) has gotten over $2 million from the unions. The gentleman from Missouri (Mr. GEPHARDT), $1.7 million from the unions. The gentleman from Texas (Mr. FROST), $1.4 million. The gentleman from Maryland (Mr. HOYER), $1.3 million from the unions. They want to continue giving the money to the unions that goes to Democrats campaigns.

We are saying we want the money, not to go to the union bosses, but to go to the schools. There is a difference of opinion. I choose the schools over union bosses and campaigns.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is the second time that the gentleman from California (Mr. CUNNINGHAM) has, in my view, questioned the motivation for Members' votes on the House floor. The use of innuendo may be clever, but it is not constructive. The gentleman from California (Mr. CUNNINGHAM) is a good man, and he ought to be able to do better than that.

Mr. Speaker, did the gentleman from California tell those gentlemen the he just named that he was going to use those names before he used them on the House floor, knowing they were in a Democratic caucus so they could not respond to him? Does he regard that as the gentlemanly thing to do?

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Michigan (Mr. BONIOR) was on the floor. I looked at him face to face.

Mr. OBEY. Mr. Speaker, how many men did the gentleman from California name?

Mr. CUNNINGHAM. Four.

Mr. OBEY. Does the gentleman from California see all four of them on the House floor?

Mr. CUNNINGHAM. They were, Mr. Speaker, two of them were.

Mr. OBEY. No, they were not. Two of them were in the caucus. One of them happens to be the caucus chairman.

Mr. CUNNINGHAM. That is for the record, Mr. Speaker. That is right off the Web page.

Mr. OBEY. Mr. Speaker, I would simply say, with all due respect, regardless of what the rules allow, I think it is simply not fair to raise individual Member's names on the floor and, through innuendo, question what their positions are without informing them ahead of time. I find it most unfortunate. In the case of the gentleman, I find it also to be habitual.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman from Wisconsin was offended, I apologize. But the gentleman from Michigan (Mr. BONIOR) was on the floor.

Mr. OBEY. Mr. Speaker, the gentleman from California named the gentleman from Texas (Mr. FROST). He named a number of other people. It seems to me that, if a Member is going to be attacked personally, that at least they are entitled to know that so that the TV audience does not get the impression that no response was given. The reason no response was given is because several of the gentlemen who were attacked were not even on the floor when the attack was made. I do not think that that suits the rules of the House.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I was one of the people that the gentleman from California (Mr. CUNNINGHAM) mentioned. He is right. I am proud of the fact that working men and women of America who are organized support me. They do so because they believe I support them. The gentleman is absolutely correct.

He moved in committee to strike provisions. We could build a lot of things a lot cheaper. But do my colleagues know, two Republicans, a gentleman named Davis and a gentleman named Bacon, two Republicans from New York said that they did not want cheap labor, scab labor, people who were brought in to work for wages that could not support themselves and their family? Two Republicans said that is not right. If we are going to spend public money, we ought to pay the people who build them fairly.

Now, we just passed a resolution, I will tell the gentleman from California (Mr. CUNNINGHAM), some weeks ago about slave labor building this Capitol. It was much cheaper to do it that way, I will tell the gentleman from California, much cheaper; but it was wrong.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me this time.

Mr. Speaker, I have just got to say I am very encouraged about coming back to the 107th Congress, because it appears a new era of civility is dawning, because it seems to me, in the past 4 years, Members' names were thrown around all the time on this floor without advanced calling. In fact, the gentleman from Maryland (Mr. HOYER), who was just offended, I believe, used the name of the gentlewoman from Maryland (Mrs. MORELLA). I will be talking to the gentlewoman from Maryland (Mrs. MORELLA) this morning to see if she got a postcard before that happened.

I understand why the Democrats are frustrated and upset. They got news last night that their Presidential candidate is down 13 percent. I would be upset, too. But they come to the floor, and they say that we have not done anything, and we have not passed anything this year.

In fact, one gentleman from Maryland came to the floor and actually said that we were in town because the tax bill did not pass. They know that is not the truth. It is not the tax bill that is keeping us in town. While he can quote a newspaper whose editor obviously does not know how Congress works, I am a bit disappointed he does not know any better. I expect the President to sign that bill after the election is over, but we will see. But that is not what is keeping us here.

I do want to compliment the gentleman from Wisconsin (Mr. OBEY), the ranking member. I think he set a very positive tone this morning. I thank him. But others coming to the floor saying we have done nothing this year is disappointing.

We heard the gentleman from Maryland say we passed no prescription drug benefit. That is not true. We did. In fact, while we were working on the bill, the Democrats exited that door right there because they could not have their way. The same thing goes with the Patients' Bill of Rights.

I disagree with the gentleman from California (Mr. CUNNINGHAM). I think HMOs should be sued. But do my colleagues know what, we sit down, we talk about it, we negotiate it, we do not try to make it an election year issue. But what do they do? They run away and say we have done nothing on the issue.

The same thing with education. We actually want to fund education just as much as Democrats. The difference is we want teachers, parents and educators and hometowns to make the decision how that money is spent instead of Washington lawyers, politicians and bureaucrats.

There is a difference, and we can talk these differences out. But one cannot have one's way all the time. I learned that. I have been here for 6 years, and the gentleman from Florida (Chairman YOUNG) will tell you, I had a rough 2 or 3 years, because I thought it had to be my way or the highway. Well, I hope I have grown a little bit and understand the need to compromise.

Unfortunately, too many of our Democratic friends here today say we must have it our way or else the Republicans have done absolutely nothing over the past 2 years. That is not the case. One cannot have 100 percent of the pie.

Like George W. Bush says, and the reason why he is 13 points ahead, we need to change the way Washington works. We need to come together, make this institution work, and unite, not divide, not have Presidents flying to fund raisers across the country, not having Senators flying home whenever they feel like it, but people sitting down at the table.

Mr. Speaker, will the gentleman from Florida (Mr. YOUNG) yield me 30 additional seconds?

Mr. YOUNG of Florida. Mr. Speaker, since I would acknowledge that the gentleman from Florida (Mr. SCARBOROUGH) has in fact grown considerably during his time here, I yield him another minute.

Mr. SCARBOROUGH. Mr. Speaker, I have grown. I thank the gentleman from Florida very much.

But now is the time for everybody to follow my example of growing, come together, let us sit down, talk this out. Again, I commend the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, today. I thought that his comments were very positive, that the appropriators are willing to sit down, talk this out, do the people's business and go home and not use all this for election year issues.

So I thank the gentleman from Florida (Chairman YOUNG) for the additional 30 seconds and for recognizing my amazing growth over the past 4 years.

Mr. YOUNG of Florida. Mr. Speaker, will the Chair advise us as to the time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. YOUNG) has 18 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Maryland (Mr. GILCHRIST).

Mr. GILCHRIST. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, there is not much else I can add to what the other gentleman from Florida (Mr. SCARBOROUGH) has just said in a very eloquent way.

But there has been a lot of discussion here this morning that the Republicans are responsible for gridlock, phony numbers, and partisan politics. All I will say to that is this Chamber does allow each Member to be a responsible advocate for what they believe. What that means is there is, fundamentally, opportunity for a difference of opinion. So gridlock is each of us having the freedom, as Members of Congress, as do all Americans, to express their heartfelt opinions.

It has also been said this morning that the Republicans are spending $11 billion over what the President requested. That is true, because we are spending more money for health care and more money for education. That is where the dollars should go, and that is where the dollars are directed.

Now, the third point I want to make is that some of us on our aisle have a difference of opinion from those on the other side of the aisle dealing with health care, more specifically dealing with Medicare.

The President wants the Federal Government to be entirely in charge of the Medicare program; that is, Medicare part A, Medicare part B, and probably a prescription drug program or any other +Choice programs for our senior citizens; for the Federal Government, through HCFA, to pay all those expenses.

Those on our side of the aisle want a mix of Federal Government participation and the private sector. We want that mix, because when the baby boomers retire, we know that the Federal Government cannot sustain that program unless they increase the payroll taxes by about 500 percent. It is just not going to happen.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, there has been a lot of talk about politics today, so I figured I would weigh in on an issue that is of extreme importance to women and one that I am very critical of the President over. I want to express my absolute outrage over President Clinton's decision to play politics with women's health.

☐ 1015

Early this month, the Breast and Cervical Cancer Treatment Act cleared the Congress and was sent to the President for his signature. This measure is critical because it covers the cost of treating low-income women who are screened through Federal programs and found to have breast or cervical cancer. Thousands upon thousands of low-income women in America are affected by this very, very important measure and President Clinton knows it. That is why he signed it into law yesterday.

Unlike so many other bills, however, he signed this one into law with no White House ceremony, no fanfare, not even a press release, apparently, even though he of all people knows that such ceremonies are the best way of getting the media attention to focus on this issue. This month is National Breast Cancer Awareness Month. It was a perfect opportunity for him to hold a ceremony to draw attention to a new option that will literally save thousands of lives. But he chose not to highlight it. And why? Because his wife is running for the Senate seat for New York against one of the main authors of the bill, the gentleman from New York (Mr. LAZIO).

Apparently, the President did not want New York women to know that the gentleman from New York (Mr. LAZIO) has been instrumental in ensuring passage of something that may mean so much to so many of them. And, Mr. Speaker, I think the decision to play down the importance of this bill because of petty politics is one of the most awful things I have heard of.

Two weeks ago, the President invited Republicans and Democrats onto the White House lawn to celebrate the signing of the Chinese trade bill. I guess he invited all of us there for bipartisan cover in case something goes wrong with the Chinese trade pact. But not for women, not for women with breast cancer, not for women who need treatment will we have a ceremony of such lavish proportion.

In a few minutes we will hear about the importance of home heating oil in New York. And when we had that bill and, unfortunately, one of our Members missed a vote, he was roundly and routinely criticized by his opponent in the New York Senate race for not having voted on that very important issue. So I would ask the next speaker, when we move into the next bill, to possibly explain to me why the President did not place an issue important to women at the same level of importance as he did the Chinese trade bill; why he did not choose to let women around America, who are of low-income stature, know that they now have a new option; and why he did not seem to think it was so important to let every woman in America know about this vital bill?

Several of my friends have been stricken with breast cancer at very early ages in recent days, and I have been traumatized to watch them suffer through chemotherapy and lose their hair, while their families had to take care of their children, and it saddens me to think that while we are here in the waning hours of the 106th Congress that our President could not find it in his heart because of petty politics to have a bill signing that would bring to the attention of millions of Americans that, in fact, this Congress has acted on cervical and breast cancer.

So I plead, beg, and urge my colleague from Connecticut, who will occupy the next 45 minutes after we close debate, to join me in a chorus of urgency to tell the President of the United States, please, before the election day, sign the bill in a public ceremony, let Americans know the importance of this issue. After all, if I am not mistaken, it was his own mother that was stricken by breast cancer.

Too many women are dying in America, and we are sitting here on a Saturday hearing the story about how the Republicans have failed to pass landmark legislation. I voted for a patient's bill of rights. I voted for hate crimes legislation. I voted for a number of things that I think are bipartisan in nature and important to this country. But if we are going to hurl adjectives of blame at the other side of the aisle, we better stand up and be ready to take it; and we better let our President know that women deserve to be treated better than this.

The Chinese got a signing ceremony on the White House lawn with every major corporate fat cat in America. And we talk about campaign finance reform, look at the guest list that came to that even. Were women included in that event? Yes. But when it comes to women's health, I guess we should just let it go quietly; let us not make a commotion about it; let us protect the candidacy or future possibilities of a woman running for the Senate in New York.

Mr. Speaker, I urge this Chamber to stop arguing, and I urge the President to sign these bills and let us move on.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I quickly would like to say to my colleague who just spoke that I too share the gentleman's pain about what is happening to women with breast cancer or cervical cancer, being a cancer survivor. But I have a bill in this body, the Breast Cancer Patient Protection Act. This is a bipartisan bill, with 220 cosponsors, providing women with 48 hours of coverage in the hospital for a mastectomy, 24 hours for a lumpectomy, or a shorter time if doctor and patient decide that that should be the case.

The House leadership, the Republican leadership of this body, would not bring this bill to the floor. Let us not talk about caring about women in this institution.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I hope the public is paying close attention to this debate. I am sorry for using the name of the gentleman from Wisconsin (Mr. OBEY), but the gentleman is here, and so I thought I would confront him with this personally because the issue of illegal immigration means a lot to me and a lot to those people in California.

In fact, all over the United States people are upset with the fact that we have had this massive illegal flow of illegal immigrants into our country. What the President is suggesting is not as the gentleman suggested earlier. The point is that the gentleman is incorrect, or at least he has left an incorrect impression when he stated that the President's blanket amnesty demand on this body had something to do just with El Salvadorans and making things right.

No. The fact is that what the President is asking for is a blanket amnesty, an amnesty for millions of people who have been here illegally since 1986. That is what the President is holding us hostage for. All this other rhetoric about health care or about whatever issue we are here on, the surplus or education funds, just keep in mind that the President is demanding that we have millions of illegal aliens granted amnesty so they will be eligible for government benefits.

What does that mean? It means draining money that should be going perhaps to pay down the deficit or perhaps to bolster Social Security, perhaps to help the education of our own people, to provide health care for our own people. Instead, the President wants a blanket amnesty for millions of people, which will drain scarce resources from using it to help our own people, to using it to help people who have come here illegally. In so doing, we put out a welcome mat, a shining light above the door saying, come on in, anybody who can get here, we are going to give amnesty and all will be able to get all of the resources and money that should be going to help our own citizens; whether that would be women who need health care or anybody else who needs health care; or our young people who need education. Perhaps we could even give a little bit of that money, and I know this does not sit very well on the other side of the aisle, a modest tax relief for our American people.

Instead, the President wants to grant a blanket amnesty for millions of illegal immigrants. This is a sin against our own people, and that is why he is keeping us here. That is the demand.

Let us remember this: the President of the United States vetoed welfare reform twice. Even though AL GORE is taking credit for welfare reform and the President takes credit for welfare reform, he vetoed it twice. What was the issue on which he vetoed it? I know what it was. It was whether or not noncitizens were going to be eligible for welfare. That is why the President vetoed that. Now he takes credit for all the welfare reform that we have had and the wonderful success that it has been.

Who is loyal to whom? Why are we here? The American people need to listen very closely.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. One simple question. The people the President is concerned about have been in this country for 15 years. If the gentleman does not want these people who came from the countries they come from to get the same treatment that prior immigrants got, then the gentleman ought to stand on the floor and repeal the changes in the law that the gentleman's party helped push through in order to allow people from Nicaragua and other countries to get the same treatment the President is now asking for these people.

Does the gentleman really want to come here and repeal the law for those folks? If he does not, then he is not for equal justice.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), who would like to respond.

Mr. ROHRABACHER. Mr. Speaker, this is a blanket amnesty being proposed by the President for people who came here after the conflict in Central America was totally over.

The fact is that we are talking about a blanket amnesty. We are not talking about something to make it fair for certain people in Latin America. No, we are talking about people who have come here from all over the world, thumbing their noses at the United States, and the President wants to give them all the benefits; education, health, all the money we should be using for our own people would go to providing those people the benefits.

It even dilutes our vote by having a blanket amnesty. Those millions of people who come here illegally will end up voting citizens, diluting even the substance of each American's vote. That is what the issue is.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds. The gentleman's comments are so far from the point that they do not even merit response.

Mr. YOUNG of Florida. Mr. Speaker, will the Chair advise how much time is remaining on each side?

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Florida (Mr. Young) has 7 minutes remaining and the gentleman from Wisconsin (Mr. Obey) has 6 minutes 20 seconds remaining.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Well, Mr. Speaker, so much for trying to keep this debate low key this morning. I think both the gentleman from Florida (Mr. Young) and I tried to do that; but I do not think we succeeded very well. No harm in trying.

All I would say in response to what I have heard is that I plead fully guilty in resisting the idea that American prosperity can only be expanded by further suppressing worker wages. In my view, when we try to disallow Davis-Bacon rules, that is what we do.

Now, my colleagues may call that big labor bosses, but I call that hard-working construction workers in towns like Wausau and Stevens Point and Superior and Park Falls and Wisconsin Rapids who work physically a whole lot harder than anybody in this Chamber that I am looking at right now, whose bodies wear out a whole lot faster than the bodies of anybody I am looking at right now in this Chamber. Lots of folks wearing suits, very comfortable on comfortable salaries, lecturing unions about how they ought to keep their wages down for their members because they are too inflationary. What a joke. What a joke.

I also make no apology whatsoever about wanting to be able to hold HMOs accountable in a court of law if they take actions or require doctors to take actions that injure patients. The rules, as they stand now, say that if a doctor in an HMO follows the rules of that HMO, he can get sued, he can get hung out to dry. But the guy who sets the rules, the board that sets the rules in the HMO, they cannot be sued under many, many of those same circumstances. Why should the guy following the rules get stuck with the lawsuit while the guy who makes the rules gets off scot-free if somebody's health is damaged or if their life is ended?

□ 1030

There are a lot of good HMOs in this country, but everybody ought to be held accountable in a court of law when it is required for the sake of elemental justice. That does not have a whole lot to do with the continuing resolution because most of the remarks I have heard on those subjects did not have anything to do with the continuing resolution. But I did want to make clear those two points.

I am unapologetic when it comes to supporting higher wages for workers, higher COLAs for seniors and health coverage for workers with repetitive motion injury. I think that government needs to be a big enough umpire to get between Mike Piazza and Roger Clemens in the economy. And the problem is that in the economy, workers usually are not as big and as powerful as the institutions they are up against. We are supposed to be here to help make certain that government is an umpire with enough powers to at least provide an even playing field for those workers. If you want to oppose the Labor-H bill and hold up the Labor-H bill because of our concern on issues like that, be my guest. That again says more about you than it does about us.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. Bonior), the distinguished minority whip.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Michigan is recognized for 2 minutes.

Mr. BONIOR. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Speaker, people are all over the country, if they are up on a Saturday morning and not doing their chores, are watching us here, some of them, anyway, on C–SPAN and asking themselves, well, why are you meeting on a Saturday morning? I would like to offer a brief explanation.

We are here because instead of addressing the issues and the real needs of American families, reducing school class size, making prescription drugs available and affordable through Medicare, passing a strong Patients' Bill of Rights, the Republican majority instead made a conscious decision not to do these things. They have not done the work of functioning and making the government work by passing the appropriate money bills. We are almost a month past the deadline for having done that. Instead of behaving as legislators, they have opted to become unlegislators. As the Washington Post put it, instead of being a Congress, this has been an un-Congress, a body that "for 2 years has mainly pretended to deal with issues it has systematically avoided."

That is why today we are faced with the need to pass the eighth stopgap measure just to keep the government from shutting down. This is not to say the Republican majority has not had any priorities. Just ask their friends at the HMOs. The Republican leadership is trying to give them a $30 billion subsidy. Never mind that the HMOs have abandoned literally millions of Americans. Never mind that hospitals and nursing homes and hospices are getting shortchanged in the process.

Then again what do you expect? The HMOs did give almost $5 million to the Republicans in just the first half of this year alone in campaign contributions.

Let me remind my colleagues something else from an editorial that appeared today in the morning's Baltimore Sun, and I quote:

"Whatever happened to the fine art of compromise? It seems to have vanished from the lexicon of Republicans on Capitol Hill. The result is more gridlock in Washington, as Republicans try to force their political agenda down President Clinton's throat." The Baltimore Sun.

The editorial continues: "There's room for compromise, but GOP hardliners won't budge."

It has been said that, in a democracy, people get the kind of government they deserve.

Mr. Speaker, we deserve much better.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

I listened carefully to my friend's statement that was just made on the floor as to why we are here, and he mentioned a number of continuing resolutions. Well, the reason we are here today, Saturday, and the reason that we have an excessive number of continuing resolutions is simply because the President of the United States would only permit us to do one continuing resolution for one day at a time. Had he been a little more reasonable, we could have done a continuing resolution until Monday night or Tuesday night and then the appropriators who are involved in the negotiations with the White House could have had the weekend undisturbed to do those negotiations rather than spending all of our time here on the floor Saturday and probably tomorrow, Sunday. That is why we are here today.

Are there differences? Of course there are differences. That is why we have the two different parties involved. There are major philosophical differences between the two parties. If there were not differences, we would probably only have one party, or no party. But compromise, when we have a very evenly divided House, a very evenly divided Senate both controlled by one party and the White House, the President of another party, is essential.

The gentleman from Wisconsin (Mr. Obey) and I have spent a lot of time together. In fact, I think our families are keeping score and have decided that he and I are spending more time with each other than we are at home with our families. But that is okay. That is what we were hired to do. I want to thank the gentleman from Wisconsin for the willingness that he shows to compromise as we approach these difficult issues.

One of the big problems here is, though, that, as I have said before, there are three parties involved. There is the House of Representatives, there is the Senate, and there is the President of the United States. Now, sometime we run into these negotiations with the President, and we find that compromise is compromise only if it is his way. Compromise means everybody gives a little, everybody gets a little and you try to come to a conclusion. In some cases the President has done this, but in other cases he has been stonewalling, and compromise is either his way or no way. In my opinion, that is not true compromise. That is not true negotiation. But, nevertheless, after we finish our work here on the floor today, the gentleman from Wisconsin and I are going to continue working with our counterparts in an attempt to reach the compromise on this one remaining appropriations bill where the appropriations issues have basically been decided. It is items that have nothing to do with appropriations that are holding up the compromise on that particular bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 7, not voting 86, as follows:

[Roll No. 571]

YEAS—339

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—7

Baird
Capuano
DeFazio
Dingell
Ford
Miller, George
Stupak

NOT VOTING—86

Ackerman
Andrews
Baca
Barr
Barton
Becerra
Bentsen
Bilbray
Bishop
Blagojevich
Boucher
Brown (FL)
Brown (OH)
Calvert
Campbell
Clay
Clyburn
Cox
Crane
Crowley
Danner
Davis (IL)
Delahunt
Diaz-Balart
Dickey
Duncan
Dunn
Fossella
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gillmor
Gordon
Hastings (FL)
Hefley
Hilliard
Hulshof
Kanjorski
Kaptur
Kasich
Kennedy
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Morella
Neal
Owens
Peterson (PA)
Pickering
Pickett
Porter
Radanovich
Ros-Lehtinen
Rush
Sessions
Shaw
Shays
Shuster
Spratt
Stark
Talent
Taylor (MS)
Taylor (NC)
Thompson (MS)
Visclosky
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand
Wise
Wynn

□ 1057

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. DELAURO. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion.

The Clerk read as follows:

Ms. DELAURO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Low Income Home Energy Assistance Program in FY 2001 and FY 2002.

The SPEAKER pro tempore. Under the rule, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Florida (Mr. YOUNG) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

□ 1100

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we had a very cold winter this past winter, and not only people in my community, but people all across this country, seniors and working families, saw their budgets stretched to the limit, making choices between food and heat and rent and heat and other kinds of cruel choices that they should not have to make.

Last winter, the Low-Income Home Energy Assistance Program, LIHEAP, provided critical assistance to low-income families facing skyrocketing home heating oil prices. Eligible families were able to receive assistance and to defray high heating costs. LIHEAP has proven to be one of the most important safety nets that this government offers to low-income families. However, this program is chronically underfunded. Since 1995, there has been approximately a 35 percent drop in the number of households that receive LIHEAP assistance, due to a reduction in funding levels.

Mr. Speaker, winter is just around the corner. These same groups are confronted again with high energy prices. Home heating oil prices are projected to rise an estimated 50 percent, and natural gas is expected to increase 40 percent. Winter bills are likely to increase $290 more than last winter, which was the warmest on record.

When the average recipient is the poorest of the poor, those averaging a household income of less than $10,000 per year, these costs are unconscionable. Households are forced to pay high energy costs, will be forced to reduce those budgets again, for food, for medicine and other household necessities. Current funding levels will not sustain the large rise in energy costs. As a result, additional LIHEAP funds are needed to allow the program to purchase the same amount of home energy as was purchased last year.

As elected officials, we do not have the ability to manipulate weather projections to prevent a harsh winter, though we kind of think we can do whatever we would like to do. We are in a position, however, where we can use the offices that we have to increase funding for a proven program that will provide one of the most basic needs. The President did the right thing a month ago by releasing $400 million in emergency LIHEAP funds. I urge my colleagues to do the same: fund LIHEAP at an adequate level to make sure that those vulnerable groups have the means to keep themselves warm this winter and next; funded at the level of $550 million and also, that we forward-fund for $1.6 billion for the year 2002.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to advise the gentlewoman that we do intend to support this motion to instruct, but before we get to that point and actually formally accept it, I wanted to point out that we have already agreed to fund the LIHEAP program above the President's request, not only for this year, but for next year as well. The LIHEAP program was fully funded in the preliminary conference agreement at the President's requested level of $1.1 billion for fiscal year 2001, plus an additional $300 million for any emergency that might develop. With recent negotiations, we added another $300 million to this program, bringing the total funding for fiscal year 2001 to $1.7 billion. We have agreed to advance-fund another $1.4 billion for fiscal year 2002, so that States will be able to adequately plan for next year. The President requested only $1.1 billion for next year, so we again are above the President's request.

We have also provided an additional $600 million in the fiscal year 2000 supplemental bill this past spring, the same amount requested by the President for emergency spending in this program for this year because of the recent increases in fuel prices. So we have really gone above and beyond the President's request; but we understand the importance of this program, and we do not want any to suffer through the winter without adequate heat, and we are not going to allow that to happen.

I might also say that there are some States where an extremely hot summer also causes severe problems, and deaths occur because of excessive heat, and we are not going to allow that to happen. We are also going to provide cooling assistance for those people who are exposed to that type of temperature fluctuation.

So the gentlewoman and I, I think, are together on this; and I think both sides of the aisle are together on this, so we are more than happy to accept her motion to instruct.

Ms. DeLAURO. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman; and I might just add that that while, in fact, the President did put in $1.1 billion, there are a number of us who also spoke not only with the majority party here, but also with the President about increasing those dollars, because of the fact that, particularly those of us who in the Northeast and some other places where we have extremely cold winters, that, in fact, what we needed to do was to see those numbers increased.

The other reason why we have moved in this direction is because, in fact, over the years, this program has been dreadfully undercut in terms of costs, and there has also been the reluctance to forward-fund to the following year, which is critically important in order for us to move forward.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her for bringing forth this very, very important resolution.

It is no secret that in this country we are facing a major energy crisis. It is no secret that the price of home heating oil, propane, kerosene, natural gas has been increasing very, very substantially. It is also no secret that we are the richest country in the history of the world, and that it would be an absolute outrage if any senior citizen, if any low-income American went cold this winter or had to take funds from their food budget in order to pay the heating bill. This is America, and elderly people should not go cold or should not go hungry.

Last month, I authored two letters signed by over 100 Members of Congress, including 20 Republicans, and the first letter urged the President to immediately release $400 million in emergency LIHEAP funding to deal with the energy crisis we are currently facing, and I am grateful that the President did that. The second letter urged Congress to increase funding for LIHEAP by 50 percent, from $1.1 billion to $1.65 billion for both fiscal year 2001 and fiscal year 2002, and that is what we are discussing here right now.

The issue is one of priorities. There are people in the Congress who have voted for huge tax breaks for the richest 2 percent of the population. If people are prepared to vote for tax breaks for millionaires, we should be absolutely certain that no one in America goes cold this winter. Let us substantially increase funding for LIHEAP and ease the minds of elderly and lower-income Americans that this winter will not be a brutal one.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), who is chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I, of course, rise in support of the Low-Income Energy Assistance Program, LIHEAP, that provides badly needed Federal energy assistance to the poor through funds to the States, permits States to help low-income individuals pay home heating or cooling bills, and pay for the low-cost weatherization of their homes.

LIHEAP is a critical lifeline for low-income families, individuals with disabilities, and senior citizens. We have worked to ensure that the lifeline is strong enough to help those who are unable to afford the costs of heating their homes through the severe winter months and the costs of cooling their homes through the sweltering summer months.

In fiscal year 1999, 3.4 million households received help with their heating bills, and 748,000 households received winter crisis aid. In addition, cooling aid was provided to an estimated 480,000 households, summer crisis aid to 194,000 households, and weatherization assistance to 87,000 households.

It is important to keep in mind that the House already voted to appropriate

$1.4 billion for 2001; and as the chairman said, the appropriators have gone well above what the President has requested. We have done our duty.

Now, it is irresponsible, however, for this administration, for 8 years, to fail to develop a coherent energy policy that would have addressed these skyrocketing costs associated with continued reliance on foreign oil. Would it not have been more appropriate for our Democrat colleagues to join with us in calling on this administration to get its collective head out of the sand on our long-term energy needs? As good as LIHEAP is in providing assistance, it is needed because fuel costs are not kept in check. Our fuel costs have not been kept in check because this administration will not come to terms with the long-term energy problems we continue to face.

So, today we have before us a short-term fix for a very long-term problem.

Ms. DELAURO. Mr. Speaker, I yield myself 1 minute and 15 seconds for a question for the chairman.

Mr. Speaker, in the gentleman's remarks, did he say included in the appropriations bill, which I understand we have not come to a vote on that bill yet, but that there was the $1.65 billion in forward-funding for the year 2002?

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, what I said was, and let me double-check that, we have agreed to advance-fund $1.4 billion.

Ms. DELAURO. So that it is not the $1.65 billion that would bring it up to the same level we are talking about?

Mr. YOUNG of Florida. No, if the gentlewoman will again yield, it is $1.4 billion. The President requested only $1.1 billion, so we went $300 million over the President's request.

Ms. DELAURO. Mr. Speaker, we are asking for 2001, and as I understand it, the gentleman said it was $1.7 billion for the year 2001. That must have been something that just happened, because it was not at that level earlier. But I am talking about the year 2002 in forward-funding, it is $1.4 billion.

Mr. YOUNG of Florida. Mr. Speaker, if the gentlewoman will yield, that is correct; and this is the amount that the administration agreed to and the minority agreed to.

Ms. DELAURO. Mr. Speaker, the gentleman said $1.4 billion?

Mr. YOUNG of Florida. Yes, Mr. Speaker.

Ms. DELAURO. Well, we are asking for $1.6 billion.

Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding.

Mr. Speaker, I rise today to join the gentlewoman in calling on the Congress to appropriate $1.65 billion this year and next year for the Low Income Home Energy Assistance Program.

Mr. Speaker, as many of my colleagues here today can tell us, there is a winter fuel crisis looming on the horizon; and we need to act, and we need to act immediately. With energy prices rising at record levels all over the Nation, we need to ensure that our most vulnerable citizens are able to get the heating oil that they need. The LIHEAP program helps seniors, helps working low-income families heat their homes in the winter and cool their homes in the summer.

Mr. Speaker, without this assistance, many Americans would be forced to choose between heating and eating. Mr. Speaker, no one should ever have to make that choice. Because of OPEC's production cuts, our oil stocks are 30 million barrels below what they were last year, and even last year's supply was much too little.

□ 1115

It is no surprise that as a result of that low stock that the prices are as high as they are.

Before senior citizens have to choose between buying groceries and paying their utility bills and before families discover that they cannot keep their children warm enough, my Republican colleagues need to act. For these people, heating their homes is not a luxury, Mr. Speaker. It is really a matter of life and death.

It is a tremendous program. It is a very important program, but it is woefully underfunded. For the past 3 years, we have funded LIHEAP at the same flat level; and, Mr. Speaker, as anyone in Massachusetts can tell my colleagues, that level has not kept pace with either inflation or fuel costs.

As a result, for the last 3 years, fewer and fewer eligible families have received assistance. If nothing changes, about 10 percent of the people who need help will get help. It is time this Congress acted to make sure people receive the LIHEAP help that they so desperately need, and I urge congressional appropriators to recognize how important LIHEAP is by including $1.65 million in this fiscal year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania, (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding the time to me.

Mr. Speaker, I rise as a long-time strong supporter of the LIHEAP program to support this motion. LIHEAP, indeed, has been underfunded for many, many years, and it is an important priority for this year to put more funding into LIHEAP.

Let me reiterate the point that the gentleman from Florida (Mr. YOUNG) has already made, under the President's budget, he had proposed only to fund LIHEAP to the tune of $1.1 billion, plus $300 million for emergency funding. The position that had been worked out on our side of the aisle with some collaboration was that instead, we would put in $1.4 billion for the LIHEAP program, plus $300 million for emergency funding.

Mr. Speaker, I think there is a strong case to be made for increasing beyond the $1.4 billion. But let us understand what is really at work here. As the gentleman from Pennsylvania (Mr. GOODLING) noted, one of the real problems here is that we have a failed energy policy in this country.

We are anticipating this winter that energy costs are going to go through the roof; and that is going to have a huge impact on low-income households, seniors and others are going to be forced to choose between heating and eating, as the gentleman from Massachusetts (Mr. MOAKLEY) noted. That is because not only have we underfunded LIHEAP, but also because we have not placed regulatory policies that are antiproduction.

We need to tackle this problem from a number of different directions. Yes, let us increase LIHEAP funding; but that in, itself, is no excuse for not having an energy policy in this country.

Ms. DELAURO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to say that one of the things that often does not come out in these debates is when people just make flat-out statements about energy policy in this country. The fact of the matter is, in 1995, the Republican majority in this body cut the weatherization programs by about 50 percent. They continually underfund any kind of research and development into energy alternatives, biomass, wind, solar, et cetera; and then come out and talk about an energy policy.

These are very, very big pieces of an energy policy, and which they have continuously, continuously undercut the President's request and other Members' request for these things.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Ms. DELAURO) for this resolution and for yielding me the time; and her leadership on these issues are greatly important as we address them on a national stage.

The first thing I would like to address is the issue about funding. The $1.6 billion that is being discussed in this resolution and the $1.4 billion that was forward funding leaves a gap of $200 million, whether it was in the President's budget or it was in the negotiations or the discussions.

The reality is people are paying $77 more per month higher than normal bills and, on average, are going to pay $464 for the season because more people are asking for the assistance in Maine. 50,000 Maine households, 50,000 Maine families were given the help they needed to make ends meet. So the explosion in the numbers utilized, the cap agencies that have been trying to take the applications have a waiting list as long as you can see; and we are here not funding adequately to the level that we are funding this year.

Mr. Speaker, recognizing that, on average, families are going to be paying $602 more for a heating season. In reference to an energy policy, I think it is highly ironic because every year the administration tries to raise the fuel efficiency standard in automobiles, there has always been a congressional earmark to prevent it from happening.

When we tried to establish a Northeast Heating Oil Reserve, the leadership on the other side did not support it, dragged their heels, and did not even give the President the authority to release from the Strategic Petroleum Reserve. And I would argue, as a Northeasterner and many Northeasterners pay attention to fuel oil prices, it was almost reaching $40 a barrel when the President announced he was going to release from the Strategic Petroleum Reserve, and the prices are now $31 or $32 a barrel.

So the actions that the President and the administration have been able to take through executive action have had an impact. The amount of money that has gone for emergency assistance has been helpful. It is now Congress' part, yet again, to do its responsibility in adequately funding LIHEAP to make sure that not only forward funding but forward funding to the levels that are necessary, and anybody that does not think the prices are going to increase is just fooling themselves.

As a friend of mine used to say, they go up by telegraph but they come down by pony express; and if we do not recognize that we have to adequately fund it this year, then we are just fooling ourselves and putting it off for next year. I think together we should recognize that heating one's home, whether in Maine or anywhere else, is not a luxury.

At every level, local, State and Federal, public servants should take the steps that are necessary to ensure that not a single resident, not a single resident is left out in the cold, and we should complete our work here today on the House floor.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I take this additional time to say one of the reasons that it has taken us so much time to conclude these negotiations is they cannot take yes for an answer. We agreed to this motion to commit. I said we are at $1.4 billion, which was the request of the minority and the President; and we agreed to the $1.4 billion.

Now my colleagues are moving the goal post again. Now my colleagues are going to go to $1.6 billion. We are going to agree to the $1.6 billion. But then are my colleagues going to come back and go to $1.8 billion and $1.9 billon?

Why do we not do this all at one time and save the time for negotiation?

On gas prices, the great political move of releasing from our Strategic Petroleum Reserves was simply that, political, because, first of all, it was about worth a day and a half of our consumption in the United States.

But let me tell my colleagues what happened. The oil was sold to a company who bought the oil and then turned around with a nice big profit and sold it again before it got to the refinery and the consumer.

Now, how did that affect those of us who put gasoline in our vehicles? It did not affect me. And I do not think it affected anybody in this Chamber, because when I buy gas and the people in my neighborhood buy gas, the price of gasoline did not go down one penny since the release of the oil reserve, maybe others in other parts of the country have better news than that.

But I can tell my colleagues that my constituents did not save even a penny a gallon on the release, the political release, of that strategic fuel oil reserve.

Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. GOSS), my distinguished colleague, the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I want to thank the gentleman from Florida (Mr. YOUNG), my friend and colleague, the distinguished chairman of the Committee on Appropriations for affording me this time.

Mr. Speaker, I want to congratulate him; and I want to congratulate the gentlewoman from Connecticut (Ms. DELAURO) for working in a bipartisan way to deal with what has actually provided some relief for some people who have need.

I think this is Congress doing its thing. I think we are, in fact, rescuing the administration from some bad policy consequences that have taken place. I think it is good that the American people can look and see that here we are on a Saturday focusing on these kinds of problems and responding to them in a very, very positive way especially, I would also say, in a bipartisan way.

I think that one of the things that has been addressed slightly here, and I have heard a little so far in the debate on this about the underlying problem, heating oil is not something we have just discovered and the need for it and the need for it on an affordable basis.

We have debated for a long time how we go about providing affordable heating oil. Incidentally, coming from Florida, we are interested in low-cost energy as well because we have a lot of senior citizen who need to have some climate control. When it gets very hot in the summer, we have the reverse problem. And we actually do need to provide air conditioning for some of those folks, sadly enough we have death in this country during hot spells as we all know, and providing appropriate air conditioning is an equal cost.

I come from New England, so I understand the LIHEAP problem. But I live in Florida and proudly represent the southwest coast of Florida, the lower part of it; and I understand the other problem as well. We have to provide an answer for the whole problem. That gets us to the energy policy.

I honestly believe that we do not have a comprehensive consistent energy policy that works. I am afraid that if we had an energy policy, it would have been confounded by what is now a clearly failed foreign policy in the Middle East, I am sorry to say. I am sure we are all sorry to say that.

I know that the Secretary of Energy, Secretary Richardson, who is a fine man, a former colleague of ours, has gotten up and announced that the administration was indeed caught asleep at the switch on their energy policy. I think I am using his words, maybe it was caught napping or asleep or something. But anyway, he basically said they had been inattentive. They had not done their job, and he is right.

I noticed that there was some talk about the release of the surplus and the impact on the marketplace. I think from the cards and letters and talking to the people I talk to and representing the people I represent, nobody noticed that we had any relief at the gas pump.

I think my colleague, the gentleman from Florida (Mr. YOUNG) is right, if there was any relief, we sure did not see it. I do not know who else did.

Apparently, it did not help the people with the LIHEAP heating cost problem in New England much either. Actually, the amount of energy involved was a day and a half use, a day and a half of consumption. So that was a gesture, that was not a solution.

Mr. Speaker, I think that it is worth noting that just yesterday, Saddam Hussein manipulated the oil market price again; and that has a bigger consequence than anything that the executive branch has done so far to solve the oil crisis and the LIHEAP concerns that we are talking about here this morning.

Now, most Americans when they go out in the morning, they want to turn the key in their car; and they want their car to start. I know that the candidate of choice from our friends across the aisle is suggesting that somehow when we turn our car key that our car is going to come running into life and start and take us to work on some kind of new magic technology that has not been invented yet, so that we are not going to need oil and gas and internal combustion engines.

Well, that is fine, but I have to go to work today and tomorrow and the next day; and that magic technology is not here. Until it is here, thank you, we need to find affordable oil.

Mr. Speaker, we have talked about what happened in places like Chicago, how the regulations of the EPA confounded the price of gasoline, how the infrastructure failure and the refineries failed to be able to provide for the marketplace demand. All of these kinds of things have come together and we are not talking about that. We are talking about, there is a problem, Government handout.

I think the gentleman from Florida (Mr. YOUNG) was on a correct path, when he suggested that if $1.4 billion is not enough, then $1.6 billion, $1.8 billion. Where does this end? This ends in providing socialized, free oil for everybody in America. Great idea.

They tried it in Russia, the most corrupt systematic problem of the Soviet command marketplace was probably the gas pump and it still is. So that is not the solution.

We need an energy policy; and I hope our friends across the aisle will help us encourage the next administration, whichever side it is on, of developing a good energy policy. I would point out I think those who are aware of the oil and gas industry might be able to do better with an energy policy, and I would suggest that America might be well served by having some people who know about energy making decisions about energy.

Mr. Speaker, the other point that is sort of curious to me is that I have heard some talk about people being in the pocket of oil and gas. Oil and gas is what we need. That is what we are out there trying to find right now.

□ 1130

If there is anybody that doubts it, do not go to the gas station when one runs out of gas. Wait for the next solution to one's car. Then see how far down the road one gets.

So I am very happy that this has come forward. I think we need to find a realistic underlying solution to energy policy. In the meantime, it is entirely appropriate that Congress, in a bipartisan way with Republican leadership, is providing relief. I congratulate the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Florida (Mr. YOUNG).

Ms. DELAURO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think this all sounds well and good, and it is very nice and a very nice speech. But let us take a look at the facts. Since the 1980s, there has been unprecedented attack on energy conservation programs by the United States Republican Party.

Reagan-Bush repeatedly proposed to zero out energy efficiency and renewable energy programs. Quite frankly, it is their legacy, shortsighted energy policy that has put the gas pump prices as high as they are today. My colleagues refused to invest in energy independence. This year alone, Republicans cut renewable energy research $106 million below the President's request in the Energy and Water bill; it was $211 million in the President's request for energy research in the Interior bill.

I mentioned before 50 percent cut in the important weatherization assistance programs. Not too long ago, 35 Republicans last year, including the major leaders of their party, wanted to cut and abolish the Strategic Petroleum Reserve.

I might add that this was one of the first Republican proposals on energy policy when they took the majority was to kill the Low Income Home Energy Assistance Programs, the same families that are trying to pay for their heating bills and their cooling bills which they talk about today. They also wanted to count LIHEAP payments as income for the purposes of determining assistance on their food stamps.

They have not been for an energy policy. They have not been for the LIHEAP program. So the speeches sound nice, but the facts are there.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I want to commend the gentlewoman from Connecticut (Ms. DELAURO) for this motion. I want to urge my colleagues to support it.

But I want to say a few words about energy policy. I keep constantly hearing from the other side of the aisle, and I say this more in sorrow than in anger, that this country needs an energy policy. The simple fact of the matter is we have an energy policy. That energy policy is the energy policy that was crafted by Mr. Reagan, by Mr. Bush, and by a group of Republican Presidents, with the support of their Republican colleagues in this Chamber and in the other Chamber.

The simple fact of the matter is, it is a free market policy. It is one which says, let the market go to whatever levels that it will go to, to rise or to fall, without government interference. That is the energy policy of the United States.

To implement that energy policy, which I think is probably, in good part, unwise, my Republican colleagues have sought at different times to cut money for SPR, to sell off SPR. It has shown itself in budget and appropriation actions led by my Republican colleagues.

They have also opposed energy conservation measures, the use of alternative fuels and programs which would enable this country to move, not in absolute terms totally towards independence, but at least in good part.

It should be noted that it is not long back that my Republican colleagues were criticizing SPR as taking oil out of one hole in the ground and putting it in another hole in the ground.

More recently, they have come out and have criticized SPR and have tried to cut back on it. They have tried to sell it off. They reduced the amount of money which we have put into this thing. They have generally been critical of that program.

Having said this, the policy is there. It is a policy that was crafted by Reagan, by Bush, and by their Republican colleagues up here. It is a policy which does not consider the good needs and the important concerns of this country, to have a ready supply of emergency oil available through SPR. It is also a policy which does not consider the need to have conservation measures in place functioning and working.

My Republican colleagues over there have consistently sought to prevent this country from having fuel efficiency standards for appliances, for refrigerators, for water heaters, for air conditioners. The curious thing about that opposition is that it was done in opposition to the policies that were stressed by that industry, which recognizes, not only their social responsibility to have a good energy use in the appliances which they create, but also that the country needs that kind of thing because it is necessary for the conservation of energy and for the readiness of the United States in times of crisis.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I want to join others in giving credit to the gentleman from Florida (Mr. YOUNG) and the gentlewoman from Connecticut for really, in effect, working together to see that the purpose of this resolution has been achieved. I think that everybody is clear that this particular item will come out of the conference. So our effort here today to instruct the conferees will have incredible success, Mr. Speaker, since we know that this has already been done.

But we have to be here today for some purpose as we wait for the President to come back from California, maybe in Florida next, but we are waiting for him to come back from California now. We are waiting for White House negotiators to reengage. We have to be here, so we may as well be here to talk about some issue.

I have the highest, highest regard for the gentleman from Michigan (Mr. DINGELL). It has been an honor to be able to serve with him on the Committee on Commerce, to see his great understanding of the rules and traditions of the House, and to try to, just by watching him, learn from some of that understanding of what we do and how we do it.

I am sure he is also aware that we have not had a Republican President for the last 8 years. So how the energy policy of the country is still reflective of that is a surprise to me.

But I was also surprised when the Department of Energy could not secure our nuclear codes. I was surprised when they could not maintain our most important and critical security information. So maybe I am just here to be surprised.

I think taxpayers, voters, people who are at the gas pump understand that a Department of Energy that cannot watch those two briefcases is likely not to have its eye very closely on the price at the gasoline pump. That is what has happened there.

While we are here, though, talking about issues that are already accomplished in terms of the additional money for LIHEAP, it is going to happen, I would like to take just a minute to talk about something that has not been done yet; and that is to encourage the President when he does return from California, and he does get the tax bill we passed this week, to sign that tax bill.

That tax bill is likely to be, I would almost bet will be the last opportunity we have in this Congress to vote on tax relief, in all likelihood the last opportunity we have to vote on Medicare adjustments. How this President could let that tax bill go unsigned and even, in fact, veto the bill would be something hard for the American people to understand.

The message we got on Tuesday, interestingly, did not use the word veto. In fact, it carefully did not use the word veto. When the bill was ready to be voted on on Wednesday, we get another letter that says, like all tax relief, it is just somehow not quite good enough. They were for all for these tax cuts in theory, but they are never for a single one of these tax cuts in practice.

I hope the President carefully rethinks that, looks at the pension modernization and things that relate to both pensions held by union members, the 415 issue, small businesses that really are hampered today in offering pension protection to their associates and employees. This bill opens the door for small business to be able to compete with big business in offering pensions.

It expands the IRA amounts in a way that begins to catch IRA contributions up with what has happened since IRAs were first enacted. In terms of Medicare, there is tremendous help for seniors in Medicare, more help for rural hospitals, more help for rural nursing homes, long-term care. Tax credits are given in this bill and should be extended to the American people. The Medicare provisions lower out-of-pocket costs. They put more doctors in emergency rooms, more ambulances in rural areas.

I hope the President reconsiders his veto threat, looks at this bill again, and gives the kind of relief and kind of Medicare assistance this bill gives.

Mr. YOUNG of Florida. Mr. Speaker, might I inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. YOUNG) has 11 minutes remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 14 minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield myself 10 seconds. The gentleman from Missouri (Mr. BLUNT) who was speaking, it might be interesting to note that just last year voted to abolish Strategic Petroleum Reserve. Someone who was concerned about our national security ought to be concerned about the Strategic Petroleum Reserve.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) for bringing this to our attention.

Mr. Speaker, I know that the original intent of their instruction was to talk about LIHEAP. We have gone far afield and I am going to join the field. But I must say that it was a bipartisan coalition of us who pushed very hard to get the President of the United States to open up SPR and give up some of the reserve because those of us who live in the Northeast had gone through a very bad winter last year and this year looked bad. We had seen people have to go into shelters because they could not afford to heat their houses and pay for food. We do not want to see that happening again.

There was almost a panic starting to set in. Whatever one may think about the release, it worked, obviously he did not release enough to see us through the winter. We did not want him to. It did have the effect of making the OPEC countries reduce the price of oil. It has been beneficial, and I again thank him for doing that.

Now, with talking about the alternative fuels and lack of energy policy, I agree we surely do not have one.

I remember the golden age of exploration, under Jimmy Carter's administration, when we talked about hydropower, geothermal power, wave power, wind power, photo power, photovoltaic cells, and the grand daddy of them all, fusion. We were really intent in the United States to making sure that we would not forever be dependent on foreign oil.

But that came to a screeching halt in 1980 with Reagan, and we went back to the old way of allowing oil companies to do what they would with us and, as a previous speakers said, let market forces have their will with us.

I appreciate the bipartisan support that we have from the Northeast. I understand that in Florida they have some problems with weather. But they do not know what it is like when people are freezing.

My city of Rochester last year had more snow than any city in the Northeast of comparable size. If we want to have an energy policy in this country, we have got to get back to putting a little money in for some research and development, or we will have this debate forever.

But there is no doubt and history shows that the Reagan administration killed renewable energy resources and money for research.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, this debate on Saturday is not about people freezing to death or support for or against LIHEAP. Republicans are for providing energy assistance to low-income, disabled, the poor, elderly. There is no debate about that question here today.

We are here on Saturday because the other side is in desperate straits. They are trying to bail out their failing Presidential campaign, their congressional failing campaigns across the country, because the American people have finally said that we have had enough. We have had enough of the partisanship from the other side of using this arena and putting politics before people.

This is not about low energy assistance. It is a great program. It is a program that has grown from $50 million during the energy crisis, I believe, of the 1970s to a $1 billion program. It is a little bit of difference about helping people, making certain that the program works.

Even the President of the United States, I remember, presented us with budgets that proposed some trimming, some economy in this program. But we are for providing assistance to the poor and the disabled.

But, Mr. Speaker, we are here on a Saturday because they want to put politics before people. We have HMOs closing around this country. I had a gentleman write to me and said, "You all are debating whether I can sue an HMO. I have been dropped by my third HMO which went under."

Nursing homes are closing around this country, and the poor and elderly are being deprived of care because they want to put politics before people.

☐ 1145

It is sad, but I heard George W. Bush say the other day it is sort of a fitting end to the close of an era of contentiousness, an era of disgrace; that they, the American people, I think, want to put behind them. It is sad that we are here now, and they are using this as a last stage putting people behind politics. It is not about LIHEAP, it is not about people freezing to death, it is about changing the direction of this country.

They had their chance. I heard the gentleman from Ohio (Mr. TRAFICANT), a Democrat, say they had 48 years, not mentioning the last 8 years, and they blew it. This is not about LIHEAP. It is about changing the direction of this country. It is about other issues at the last minute, like putting provisions in at the last minute to provide amnesty to millions of illegal aliens.

I was offended today when I heard someone say that we did not know on the Republican side about immigration. My grandparents were immigrants and they came in legally to this country, not illegally, and they worked in the factories of this country and they toiled. But if we throw in this provision to allow millions, we have cast aside our laws. What good are our laws? We might just as well tear up our laws and throw them away.

What does it mean to be an American if the President can cast aside the very basis for immigration. What made this country great is people coming here legally under the laws. So this is not about LIHEAP, this is not about low-energy assistance, it is about other greater issues.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1761. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume to comment that it is interesting to note it was the Republicans first proposal, when they took charge here, to kill low-income energy assistance, the LIHEAP program.

Yes, it is about LIHEAP today and people being warm in this country, particularly in those areas of the country where it is cold, like the Northeast.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentlewoman from Connecticut for this motion. I rise in strong support of this motion.

I ask my colleagues, on behalf of millions of needy families, that we maintain the current funding for the Low-Income Home Energy Assistance Program, better known as LIHEAP. It is of critical importance to the families in my district and across the Nation.

Although current funding for the program is low, this conference report lowers it even further. I do not believe that any of my colleagues wants to be held responsible for a family or an elderly person living in the cold because they cannot afford heating this winter, especially in this prosperous country. The Republican majority has cut this program every year. While they are warm in their own homes they slash this program with cold hearts.

The purpose of LIHEAP is to help pay the winter heating bills of our most needy low-income and elderly individuals. Two-thirds make less than $8,000 a year. They are the poorest of the poor. Last year, this program helped 4.4 million households. Mr. Speaker, we are not just talking about comfort here, we are talking about the health and sometimes even the lives of some of our citizens. The Boston City Hospital reports that the number of clinically underweight children increases dramatically following the coldest months, and we all know the tragic stories each year about some elderly person dying in an unheated home.

LIHEAP is most crucial during the peak winter heating season when high energy bills eat up to 30 percent of a family's budget. And this winter, heating oil prices are expected to rise 20 to 40 percent, consuming even more of the average budget. Without LIHEAP, many low-income families and elderly people will have to choose between heating their homes and paying for food, medicine, and rent. I rise in strong support of this motion.

Ms. DELAURO. Mr. Speaker, may I inquire about the time that remains?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. YOUNG) has 7 minutes remaining and the gentlewoman from Connecticut (Ms. DELAURO) has 9½ minutes remaining and the right to close.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to remind my friend, the gentleman from Florida who was here at the podium a few moments ago, that this issue is about energy policy and it is about people being cold and it is about people surviving this winter. That may not be true if one lives in Florida, but it is true for those living in New York or New Hampshire or Pennsylvania or Ohio or Wisconsin or Michigan. This is a critical issue for people in all those States. So it is important that we raise the level of LIHEAP funding.

I also want to express my appreciation to the chairman of the Committee on Appropriations, because, earlier this month, I asked for a request of $8 million to fund the continued operation of the President's initiated Northeast Home Heating Oil Reserve, which is now funded. But I also want to say a couple of things about energy policy in this country and who is directing it at this moment, because that policy is being directed by the oil companies.

The three largest oil firms are currently reporting quarterly profits that double last year's earnings. Leading the way was Exxon-Mobil, which 3 months ago posted the largest quarterly profits ever for a U.S. corporation. It beat that record just a couple of days ago with the announcement that it had earned $4.3 billion in the third quarter. Chevron-Texaco, which announced last week that it will merge, and Conoco all reported that their profits have doubled just recently.

Exxon-Mobil's vice president is quoted as saying, "We've got a lot of cash around here. It's coming in pretty fast. Flying through the door." So while Americans are struggling trying to pay their home heating bills and the gasoline bills to get back and forth to work, the energy companies are racking up records profits.

The oil companies are not using their profits to invest in new oil and gas exploration, which would ultimately lead to lower prices, decreased dependence on foreign oil, and greater stability in the market. Instead, what they are doing is using the profits to repurchase their stocks so that they can raise the stock price.

We ought to have the Committee on Commerce convene immediate hearings on the outrageous profits of the oil companies. That is a responsibility that we place on the other side of the aisle. Immediate hearings to determine what is going on.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of the motion to instruct conferees to provide full funding for the Low-Income Home Energy Assistance Program.

Before I make a few points, I just want to agree with my colleague, the gentleman from New York (Mr. HINCHEY), and I would encourage the FTC to continue the investigation of the oil companies that are making record, record profits.

Secondly, with regard to points that were made by my good friends on the other side of the aisle, I think it is important that we emphasize that SPR is just being bid this month. It is going into circulation in November, and we do expect to see decreases in oil prices. But again I encourage the FTC to continue that investigation and to complete it as expeditiously as possible.

My colleagues, I want to thank my good friend, the gentlewoman from Connecticut (Ms. DELAURO) for having this motion to instruct, because we know that LIHEAP is an absolutely essential program for the poor and elderly. When energy prices go up, low-income families and people on fixed incomes are hurt the most. This winter, energy prices are expected to be higher than ever. Stocks of home heating oil are at the lowest point in years, and the natural gas supply is also expected to tighten significantly this winter. This supply shortage will put prices up to twice that of last year.

For millions of families, this massive increase in energy prices will force them to choose between heat and food. We cannot stand by and watch people have to make this choice. My colleagues, if we have to be here on a Saturday to ensure that the numbers are adequate to serve these seniors, the elderly, the poor, then I am pleased to be here, because this is a critical, critical issue. In New York alone, 1.8 million families are eligible for LIHEAP assistance.

Ms. DELAURO. Mr. Speaker, may I inquire of the amount of time?

The SPEAKER pro tempore. The gentlewoman from Connecticut has 5½ minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, some really astonishing things have been said from the other side of the aisle. For example, that nothing has happened in the last 8 years; that we cannot accomplish things.

Fortunately, we are all, as Americans, better off today than we were 8 years ago; but on our side of the aisle we are concerned about people who have been left behind. This was in bills to all people living in Chicago that says, "Winter is coming and natural gas bills could increase 50 percent or more." And on the back it says, "If you need help with your heating bill, the Low-Income Home Energy Assistance Program, LIHEAP, can help." And it says to "call LIHEAP if you can't pay your bills." In Chicago, unlike programs in Florida, there are a lot of people like that.

We need to make sure that there are sufficient funds in that program. That is what this motion to instruct is about, and that is why I support it.

Just one final note. The reason that our gasoline prices were too high had nothing to do with the EPA. All of our hearings determined that. And now they are lower because the FTC began an investigation into the oil companies and their colleagues in this House.

Ms. DELAURO. Mr. Speaker I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

My predecessor, as a member from the First District of Massachusetts, Silvio Conte, a member of the other party, was one of the great figures of the 20th century in this House of Representatives and one of the great champions on behalf of the Low-Income Home Energy Assistance Program. I am very glad, on his behalf, to hear that the distinguished chairman of the Committee on Appropriations has agreed with the idea of $1.6 million; maybe whatever else the gentlewoman from Connecticut might be asking for on this program.

I urge the majority to get the Labor, Health and Education bill, which we passed originally in this House back in July, back to the floor so that we can finish our work. It is 4 weeks into the new fiscal year. This is the longest session in the history of the country in an election year, and the work is not done. We have not finished the appropriation bills for the year.

I would like to speak to the gentleman from Florida (Mr. GOSS) on his comments about energy policy and remind him that on energy policy the majority in this Congress has obstructed both the short-term and the long-term effort to lower our dependence on foreign oil. In the short term, they thwarted every effort to require additional efficiency in the use of vehicles when half of all our oil is used for transportation and for vehicles in transportation.

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Ms. DELAURO. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. I thank my good friend from Connecticut for yielding me this time.

Mr. Speaker, this should be a nonpartisan issue. This should be nonpartisan in that funding for low-income people helps not only New England but the Midwest and California and Florida. It helps not only with heating oil, it helps in the Midwest with natural gas. And it helps in a host of ways for nonpartisan concerns about the disabled, the poor and our seniors who have trouble paying these bills.

In my State of Indiana, we are already working on helping these people who are vulnerable pay what we know will be a gas bill, which cost $100 last winter, that will be $140 this winter. So getting full funding or more funding in this program will allow us in the State of Indiana to now purchase natural gas or heating oil at October prices rather than higher prices in November, December, January, and February. This makes good common sense for compassion for the poor, for the disabled, for senior citizens; and it makes good sense for our taxpayers in buying things now rather than knowing what the price we are going to pay for them later on.

I support the motion. I hope that we can work in a nonpartisan way before an election to help some of the most vulnerable people in society.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

This is an appropriate time for me to make this closing statement because I just listened to my friend saying that this should be a nonpartisan issue. Amen. In fact, I think about an hour ago, I suggested to the gentlewoman when she offered her motion, we accept it. We agree. We have already put in here more money than the President asked for or that her side asked for. So we agree. It ought to be a nonpartisan issue. If they would let it be a nonpartisan issue, it would be.

What I cannot figure out is why in the world can you not take yes for an answer? We have agreed to this motion.

In the little time that I have, we have heard a lot of complaint from that side of the aisle about how long it takes to get this work done. Here is a perfect example of why it takes so long. They cannot take yes for an answer. Then if you give them a yes, and they do accept it, the next time you sit down together, they move the target. They move the goal post. At one point on the advance funding, we were at one level. The administration and the minority asked for a level. We went to that level. They went another level. We went to that level. Now they have another level. I do not know where they are going to end. Maybe she will tell me in her closing remarks exactly what their top number is going to be. We have accepted her motion to instruct the conferees.

There were a lot of complaints about oil company profits, and I think they make too much profit as well, and a lot of talking about price increases to the homeowner and to the motorist. Well, who sets the oil policy of this country? It is the President of the United States and the Vice President. What is the policy? It must not be a very good policy, if there is one, if prices continue to go up and up and up. Maybe because their Secretary of Energy said, and I am quoting him, we were asleep at the switch. An administration should not be asleep at the switch when it is dealing with something that has so much effect on each individual American's economy.

There is something else, though, really got me stirred up, and I do not like to be stirred up, I would rather be calm, but one of the speakers on that side of the aisle said that the Republicans cut LIHEAP. Well, Mr. Speaker, that is just not true. Republicans did not cut LIHEAP, and I am going to give you the example and I am going to give you an exact number. In fiscal year 1996, there was a substantial amount of unobligated balances for that year and so we did rescind those, but they had not been spent. In 1997, the request was $1 billion. We as a Republican Congress appropriated $1 billion. In 1998, the request was $1 billion. The Republican Congress appropriated $1 billion. In 1999, the request was $1 billion, a very flat number coming from the administration. They never asked for these increases. But in 1999 again they asked for $1 billion. We upped it to $1.1 billion. In fiscal year 2000, they asked for $1.1 billion and, yes, we went $1.1 billion.

Now, tell me how the claim, the accusation, the political rhetoric that we cut LIHEAP has any truth or validity. It is just not true. And the American people who are the consumers ought to know this. This campaign rhetoric is okay on the campaign trail because candidates do sometimes get carried away with their facts and their figures. But in this House when we are doing the people's business, facts should be accurate. Facts should be facts. The people's business should come ahead of politics.

There again, I want to suggest, we are fighting over something that we have agreed to. Why the accusations? Why the arguments? I have pointed out how we have gone above and beyond for this year and we are supporting this motion to instruct and we stayed with the administration's request in all of the years of the Republican Congress except one where we increased it. What is the argument? Is this a political argument? If it is a political argument, it belongs out on the campaign trail. It does not belong here in the people's House where we are here to do the people's business and put their business ahead of politics.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. THOMAS. My understanding is that if in fact we have agreed to accept it, and there is a plea for nonpartisanship on the other side, that the nonpartisan vote would be a voice vote. But that if somebody calls for a recorded vote, that clearly could be indicated to be a partisan vote.

Mr. YOUNG of Florida. Mr. Speaker, we support the motion to instruct. I would ask the Members to vote for it.

Ms. DELAURO. Mr. Speaker, I yield myself the balance of my time.

It is wonderful to watch a deathbed conversion, because with regard to LIHEAP, the very fact of the matter is that over and over and over again the majority party has in fact opposed LIHEAP. Not only that, they have tried to abolish the Energy Department in 1995, they proposed to abolish LIHEAP and, furthermore, what they tried to do with LIHEAP is to really, in a very Scrooge-like plan, force millions of very low-income families to make the choice between food and heat.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Wisconsin.

Mr. OBEY. The very first rescission action the Republican Congress took when they took control is to try to cut LIHEAP, and the gentlewoman from Connecticut and I blocked it in the Committee on Appropriations. We beat you on that vote.

Ms. DELAURO. This is about LIHEAP today. It is about a continued activity of the majority to do in a program, to not properly fund it, not only in the year that we are, in forward-funding the money in the future. We are asking to fund this at its maximum, at $1.65 billion, because the folks who need this assistance all across this country have been sorely shortchanged by the majority.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Ms. DELAURO's motion to instruct conferees on H.R. 4577 with regard to the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is one of the most important funding programs that I have the privilege to vote on, as it provides our low income constituents with one of life's basic necessities—energy. As the winter months approach, and the temperatures drop, there must not be one reported death caused by our constituent's inability to pay for their heat. This program is especially important at a time when the American people are being forced to pay outrageous costs for energy. All to often, we hear that a constituent had to choose between eating and heating their home—that is unacceptable!

Mr. Speaker, LIHEAP was created as a result of the energy crisis of the late 1970's and early 1980's. Today, the exorbitant cost of energy is beyond the reach of too many of our hard working constituents. This program has proven its effectiveness in assisting low income families to stay warm during the winter, thereby reducing the risk of exposure to hypothermia, and in the warmer climates, by reducing the numbers of those who would succumb to "heat stroke" and heart failure, but for this program.

Mr. Speaker, the numbers, while estimated, reveal that almost 40% of the LIHEAP households have elderly members; more than 30% of the households have disabled members; 27% of these households include children who are under the age of six years old, and a further 27% are comprised of the working poor who have no access to other sources of government assistance.

In addition to assisting those who are forced to pay a high proportion of their household income on the high costs of energy, LIHEAP accomplishes something else, it allows our constituents to remain in their own homes, and to do so with dignity. It is heartening when I hear stories from my hard working constituents who tell me that before the assistance provided by LIHEAP, they were sleeping with jackets, gloves and hats and in sleeping bags, in order to keep warm.

Mr. Speaker, appropriately funding the LIHEAP program is the least we can do to protect our hard working constituents from the extreme temperatures of the summer and the winter; our constituents deserve no less.

Accordingly, I urge adoption of the proposal.

Mrs. MALONEY of New York. I support the DeLauro motion to instruct and in support of the highest possible funding for the Low-Income Home Energy Assistance Program (LIHEAP) program.

This vital program helps low-income households pay for home energy costs—including home heating costs in the winter and home cooling costs in the summer.

Every year, we see seniors die from the lack of air conditioning during a heat wave, or from the severe cold weather we've seen so much of recently. This could usually be prevented, if only these seniors could have afforded the cool air or heating assistance they needed.

Approximately 4.4 million of the most vulnerable households in this country depend on the LIHEAP program each year. And in the year 2000, 1.8 million families are eligible for LIHEAP assistance in New York State alone. And a significant portion of those receiving LIHEAP assistance are the elderly.

The LIHEAP program truly saves lives—by helping the frail elderly stay warm in the winter and cool in the summer. The LIHEAP program will be especially important this winter—which is predicted to be more harsh than last winter.

The GOP-controlled Congress has failed to put forward its own energy policy over the last six years—and has continuously vóted down the energy proposals of President Clinton.

Now, there is growing concern over energy supply and costs. Indeed, the American Petroleum Institute is reporting home heating oil inventories 20% lower than last winter. Experts are predicting that a 30% increase in home heating costs this winter is now unavoidable.

It was just 5 short years ago that this Republican Congress took over and voted to zero out funding for LIHEAP in the House-passed Labor-HHS bill. Thankfully, after a vigorous protest by Democrats and a presidential veto, money was restored. But this was a dangerous lesson for all of us. We simply cannot trust the Republican Congress to stand up for low income seniors.

I urge a "yes" vote on the DeLauro motion.

Mr. UDALL of Colorado. Mr. Speaker, I support the motion to instruct.

Right now, as the autumn leaves are falling, is an excellent time to emphasize the importance of LIHEAP specifically. But we also need to focus on this country's overall energy situation.

We have all heard the statistics:

Domestic crude oil stocks are at a 24-year low, which is translating into significant price increases in propane, kerosene and other forms of heating fuels.

Natural gas prices have increased by 40-50% over the past year, and with low storage levels, increased used of natural gas for electric generation, and higher industrial use, we can only expect higher prices to come.

Meanwhile, gasoline prices remain high—a reality that constitutes to highlight our dependence on foreign oil. Today we are importing significantly more oil than we did during the energy crisis in the 1970s.

So putting enough money into funding for the Low-Income Home Energy Assistance Program—or LIHEAP—is critical for low-income families this winter.

In September, I urged the President to release $4 million in emergency LIHEAP funding for Colorado. Shortly after that, he did release emergency funds—something for which all Coloradans should be appreciative.

But that action by the President needs to be followed by Congressional action. We need to increase the overall LIHEAP funding for fiscal 2001. Remember, two-thirds of LIHEAP households have incomes of less than $8,000 per year and even with the assistance, the average LIHEAP family spends over 18 percent of its income on home energy costs, compared with 6.7 percent for all households.

So, in a time of higher fuel prices we need to act to make sure our low-income senior citizens and children need not be forced to be cold or to choose between heating and eating.

But beyond that, there is a broader question to consider—how can we avoid these energy crises in the future?

What should not be focused just on the short-term issue of oil prices. We also need to be addressing the core problem: our continued excessive dependence on petroleum.

We need to be actively and strongly promoting alternative energy and increasing our energy efficiency. We need to do it for the environment—and also because it promotes our national security and strengthens our economy.

By promoting these alternatives, we're making one of our most valuable investments in America's future. These investments can stimulate the private sector, and jobs, reduce our reliance on imported oil, and improve our air and water quality.

So I urge adoption of this motion, for increased support for LIHEAP, and I urge all of us to work together to strengthen our national commitment to clean energy.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 305, nays 18, not voting 109, as follows:

[Roll No. 572]

YEAS—305

Abercrombie
Aderholt
Allen
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kelly
Kildee
Kilpatrick
Kingston
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Sherwood
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—18

Archer
Cannon
Coble
Deal
Doolittle
Hostettler
Johnson, Sam
Largent
Linder
Miller (FL)
Paul
Rohrabacher
Royce
Salmon
Sanford
Simpson
Smith (MI)
Toomey

NOT VOTING—109

Ackerman
Andrews
Baca
Barr
Barton
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Davis (IL)
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Diaz-Balart
Dickey
Duncan
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Ehlers
Fossella
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Frank (MA)
Franks (NJ)
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Green (TX)
Hastings (FL)
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Radanovich
Ros-Lehtinen
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Taylor (MS)
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Thompson (MS)
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Watts (OK)
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☐ 1228

Mr. GILCHREST and Mrs. JONES of Ohio changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mrs. LOWEY. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion.

The Clerk read as follows:

Mrs. LOWEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

□ 1230

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is truly unfortunate that we even have to debate the importance of these issues. Members from the other side of the aisle say that education is their number one priority. Then why has it been necessary for Members from this side of the aisle to fight to preserve our investment in class size reduction and finally begin our investment in local school construction?

It has been 4 years since I conducted a survey of New York City schools and found that one in every four schools held classes in hallways, gymnasiums, bathrooms and janitors' closets. Two-thirds of these schools had substandard building features, such as roofs, walls and floors. I repeat, this was 4 years ago; and despite the outpouring of support from both sides of the aisle, Congress has not provided even one cent to alleviate overcrowding, and improve the physical condition of our schools. In fact, 2 days ago, when we considered the tax bill, we had the opportunity to include the bipartisan Rangel-Johnson school modernization bond proposal, and we did not.

We in our local communities have an obligation to all children. We make the decisions locally and pay the taxes locally, but we as a Nation have an important role as well: to use Federal resources to encourage excellent programs, to jump start local investment, and to support national priorities.

That is why I firmly believe that Congress must join with the President to support school modernization and smaller class sizes. We know that smaller class sizes means better learning for students and less disciplinary problems for teachers. By continuing our efforts to hire more teachers in the critical early grades, we can offer 2.9 million more children the benefits of more personal instruction and will see the results in their academic performance.

We need to fix the shameful state of too many American schools. School enrollment is skyrocketing. We will need at least 2,400 new public schools by the year 2003 to accommodate rising enrollments and to relieve overcrowding. Our modernization needs are no less pressing. High-speed modems and the wiring to support them is no longer a luxury; yet we still have Pokemon-generation kids in classrooms straight out of Charles Dickens with their asbestos-filled ceilings and coal stoves. It would be laughable, I say to my colleagues, if it was not so disgraceful.

In fact, the National Education Association estimates that the unmet school modernization needs in American schools total over $300 billion; and that is on top of what school districts and States are already spending. This problem is just too big for local and State officials to handle alone.

Simply stated, we need dedicated programs to help local schools reduce class size and modernize their buildings. These are national problems that demand a national response. The Federal Government has a responsibility, I say to my colleagues, to ensure that public education is more than a promise, and our students cannot learn when they are stacked on top of each other and the walls are literally crumbling around them.

Mr. Speaker, I urge my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning, I would say that we are not going to support this motion to instruct as we did the last one. Even considering the fact that we supported the last one, there was more political rhetoric that came from the other side than in most campaign meetings. So I suspect that is going to be the same this time because we are not going to support this motion to instruct.

Mr. Speaker, there are major differences between the political parties. One of the big major differences is that one party believes that all of the power should be centralized in Washington, that whoever works in the bureaucracy here is smarter than anybody else in the country. That is not our party, Mr. Speaker. Not yours and not mine. That is their party.

We believe that States and local communities and the people in those States and local communities have a right to make decisions for themselves. That is one of the major differences between the two parties.

Now, when the Constitution was first written, and we have all applauded the Framers of the Constitution so many times, they originally created a Constitution that created a very powerful central government. They gave all of the power of the government to the Federal Government. But then they realized they had made a mistake and they created what? The first 10 amendments to the Constitution, the Bill of Rights. The Bill of Rights that protected the people's rights as individuals, that protected the rights of the States as individual States of a union, and what we are trying to do is to maintain what the Framers intended with the Bill of Rights, and that is to protect the rights of the people in our communities to make decisions for themselves, except in those cases where the Federal Government is the only agency that is able to deal with things such as national defense, such as Social Security, such as Medicare, things of this nature.

Education has become a large issue; and believe me, we support education. In fact, in this legislation that we are debating here and negotiating, my colleagues will find that we have provided more money in that bill than the President of the United States asked for.

The major difference between us, and other speakers will go into this in more detail, but the major difference is who decides how the money is spent. Their side thinks that Washington should decide it all for people in my community, people in his community, people in others' communities; and we disagree with that. We believe that the needs are different in different parts of the country. We understand that there are some school districts where they need more schools and construction is important. We also understand that there are some places in the country where they need more teachers, or they need more special education, or they need more technology, some computers, some laboratories. We understand that the needs are different. They are not all alike in every community in this Nation. Our approach is to give those communities the opportunity to make the decisions on what they will do with the money that we will provide through the block grant.

Mr. Speaker, for years and years in this country of ours, people opposed Federal aid to education, and the reason that I heard from my constituents and many of my colleagues heard from their constituents, is that they were not opposed to the Federal Government being interested in education, but they did not want the Federal strings that came from Washington. They did not want the strings that came with Federal aid. They preferred to go it on their own, which they do 95 percent of the time anyway, with local and State funds.

However, now we are talking about more involvement on the part of the Federal Government from the standpoint of centralized education from their side than from the standpoint of a block grant as far as we are concerned. We think we are on the right side, and that is the position that we have taken; and that is the position we are going to stand by, and that is the position we are going to support today by opposing this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself 60 seconds to respond to the gentleman from Florida, my good friend, the chairman of the committee, to make it very clear that our position is that this Congress builds highways, bridges, and responds to emergencies.

When I began with this issue in 1996, we had a $112 billion emergency. It is now a $300 billion emergency. We believe that we can assist local governments by lowering their property taxes and responding to these emergencies, and then support the Rangel-Johnson bipartisan bill that will also help local governments, because they make the decisions, we help with the financing.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), my good colleague and my friend on the committee.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership in championing this issue over the years, the issue of school construction.

Anyone who is a parent or anyone who has been a child, so that includes all of us, is familiar with the expression, the children are listening. Indeed, the children do listen. They hear us telling them that education is key to their personal fulfillment and their success in life, that they must apply themselves in school so that they can succeed; and yet we send these same children a different message when we send them to schools that are dilapidated, that are not even capable of being wired for the future and are very, very unconducive to study.

What do children think if we say this is a value, it is very important that you get a good education and by the way, we are placing a very low value on it when it comes to the place in which we want you to study. We spend money, the taxpayers' money here on research that we all herald as important, and that research tells us that children do better in smaller classes and indeed, that they do better in smaller schools, Mr. Speaker.

The distinguished gentlewoman from New York (Mrs. LOWEY) has documented the need very clearly, a growing need, more than doubled since 1996 for these improvements, these modernizations, or these replacements of these schools. How can the Republican majority ignore the scientific basis, which we fund and support and praise, about children needing smaller classes and doing much better in those circumstances, by not insisting that the funds that we put aside for school construction and modernization, for smaller classes, not be used for that purpose?

So I commend the gentlewoman for her motion, and I urge my colleagues to support it, because, Mr. Speaker, the children are listening. Let us not send them a confused message.

Mr. Speaker, I rise to support Representative LOWEY'S Motion to Instruct the Labor-HHS Appropriations Conferees to support the Democratic initiative on school construction. Unfortunately, the Republican leadership has continually refused to support vital funding to help local communities reduce class size at public schools.

America's schools are teaching more students than ever before and generally, our schools work for most students. However, we can improve our public schools by focusing our efforts on underperforming schools and low-income areas with ongoing problems. We can overcome this significant problem—the infrastructure and facilities at our schools require modernization and investment.

WHAT IS THE NEED?

Today, school enrollments are higher than ever, with a record 53.2 million children enrolled in our schools. By 2008, another million students will be in America's schools.

By 2003, to meet rising student enrollments, America will need another 2,400 new schools.

The average American public school is 42 years old. After 40 years, school buildings begin to deteriorate rapidly and repair costs soon exceed the costs to construct new schools.

According to the GAO report "School Facilities: The Condition of America's Schools", one-third of all schools need extensive repairs or replacement.

WHAT WOULD IT COST TO ADDRESS THESE CONDITIONS?

According to a 1996 GAO report, it would cost $112 billion to repair our schools. According to a 2000 National Education Association report, it would cost $322 billion to repair our schools.

WOULD IT HELP?

Smaller class sizes are important because studies demonstrate that reduced class size leads to more individual attention and increased accountability.

We know that this investment in school construction would benefit our schools, our teachers, and most importantly our children. I have heard personal stories about: teachers teaching in converted bathrooms; students eating lunch in shifts starting at 9:45 due to overcrowding; leaky roofs and exposed lead paint leading to health and safety hazards.

These conditions are intolerable, Mr. Speaker. I rise to support the Motion to Instruct and urge my colleagues to vote "yes" on the Motion.

Mr. YOUNG of Florida. Mr. Speaker, we will attempt to stay within our time limits that we were assigned.

I yield 8 minutes to the gentleman from Pennsylvania (Mr. GOODLING), who is not only an educator in his own right, but is chairman of the committee responsible for authorizing educational issues.

Mr. GOODLING. Mr. Speaker, this is a very curious motion to instruct. In fact, it is the most curious motion to instruct I have seen in 26 years.

Why? Well, first of all, it was originally drafted and submitted to this body on September 19. That is right, September 19, 5 weeks ago. At that time we had not begun the negotiations with the White House or our friends in the minority party on what the final appropriations agreement would include or not include. At this point, to instruct the House and Senate conferees in the Labor-HHS-Education appropriation bills on issues that have already been thoroughly discussed and tentatively agreed to, and in other instances totally agreed to, just does not make sense.

Mr. Speaker, this motion is irrelevant given the status of our negotiations; and as such, I oppose the gentlewoman's motion, as should anyone who is working in good faith to successfully conclude work on the bill.

I want to thank Members of both parties and the White House representatives for working tirelessly the last 9 days, including last Saturday and Sunday, day and night, to fashion an agreement in which Members from both parties can take pride. It is my hope that when our work is complete, we will continue funding to assist schools in their efforts to reduce class size with qualified teachers.

As I tried to point out to the President when he came up with this idea, which was political more than anything else, 100,000 teachers for 15,000 school districts and 1 million classrooms; and I said, if we do not have quality people to put in there, it will not matter. I do not care how we reduce the teacher-student ratio. And guess what? The first 30 percent that were hired, the first 30 percent that were hired under this new program were not qualified.

□ 1245

Where did they go? They went to the same school districts that already had 30, 40, and 50 percent of unqualified teachers already where they needed the very best teachers.

Again, I tried to point out unless we put the horse before the cart, that is what is going to happen.

Last year we negotiated it, and I think it came out well, because what we said last year was that 25 percent of the money could be used to improve the quality of the teachers they presently have. Now, does not that make sense? Why would I hire someone who is not qualified, rather than train someone who is already in the system who shows great potential?

We said 25 percent of the money can be used for that purpose, but we said if we have 10 percent or more of unqualified teachers, and at the time we were negotiating I was using a city not too far from Pennsylvania, where they had 50 percent unqualified teachers, we said you can use 100 percent of your money to improve the teachers that you presently have. That was agreed upon. That makes sense.

I am pleased to say that we have been able to reach that same agreement this particular year, and all schools with a high priority of teachers that are not qualified will have the flexibility to use that 100 percent to improve the existing teachers.

Now, it has taken the administration to realize the fallacy of reducing class size by ignoring teacher quality all of this time. I am so pleased, as I told the negotiators as soon as we started, I am so glad that here for the last year and a half down Pennsylvania Avenue the word is quality, quality, quality, quality, because people on the committee, of which I chair, the Committee on Education and the Workforce are tired of hearing that word, too, I am sure.

That is the most important part about class-size reduction, having a quality teacher, the most important element as to whether a child succeeds or not is that classroom teacher next to the parent.

We have made some progress on the issue of school construction. As I said, we have met for 9 straight days and nights. I made it clear to the administration that State and local flexibility must be a component of Federal funding for classroom modernization and renovation. It is important to see a significant portion of the funding available for other pressing needs.

Again, who knows better? We or the local district? I believe it is the local district. Again, I go back and point out that had we stepped up to the plate with the 40 percent that we said would come with special ed, 40 percent of the per pupil cost throughout this country that we would send, Los Angeles alone would have received more than $90 million extra every year.

Multiple that by 25, that sounds like a good bit of maintenance money to me to prevent schools from crumbling. New York City would have gotten $160 million extra every year. But we never meet those needs, we just say we will go on and create something new, some other mandate, and forget about what it was we promised to these very people.

What happened? They had to use their money. They had to use State money, and they had to use local money to meet our mandate. So they could not do the kinds of things they needed to do in school maintenance. The primary responsibility for construction, certainly, remains at the local level.

Mr. Speaker, I point out again that this motion to instruct conferees at this particular time is irrelevant and it certainly is not constructive when we had the kind of negotiations that are going on at the present time that I hope will be completed in the very near future.

Let the conferees do their job. They are making real headway.

Let me point out one other thing. I think it is very important. Education technology, they have already indicated they will provide $2 million more than the President asked for.

Education for the disadvantaged they have said, you will get $50 million more than the President asked for.

Impact aid, you will get $258 million more than the President asked for.

Special ed, you will get $1 billion more than the President asked for.

Education for homeless children, you will get $2.3 million more than the President asked for.

Rehabilitation services, you will get $20 million more than the President asked for.

Vocational and adult education, you will get $5 million more than the President asked for.

Student financial aid, you will get $300 million more than the President asked for.

Historically black colleges, you will get $60 million more than the President asked for.

The Hispanic-serving institutions, you get $6 million more than the President asked for.

TRIO, so important in higher ed, you will get $35 million more than the President asked for.

Higher Ed, you will get $20 million more than the President asked for.

Department of Education, $600 million.

In a bipartisan fashion, I believe they have done a good job, and I believe they are continuing to do that. I certainly do not believe my colleagues should interfere at this particular time and try to instruct conferees, who in a bipartisan fashion with the help of the White House are doing a pretty fine job in bringing this to a final positive goal that both sides will be very pleased with.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communication devices are prohibited on the Floor of the House. Members are to disable wireless telephones before entering the Chamber.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to the distinguished gentleman from Pennsylvania (Mr. GOODLING), my friend, who has served so well in education, that I would hope that the leadership would fund the teacher quality initiative, because I know of our mutual interest in training our teachers.

I would like to acknowledge to the group that the President's reduction in class-size initiative has reduced the average size of a class by five, which has made a real difference in teaching young people.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), my good friend.

Ms. WOOLSEY. Mr. Speaker, what kind of message do we send our children when their community and when this Nation boasts new, elegant shopping malls and new expensive sports stadiums while our kids are forced to learn in overcrowded, crumbling schools?

I support the Lowey motion to instruct because we cannot expect our children to get a first-rate education in second-rate and third-rate school buildings.

Mr. Speaker, a recent GAO study found that 60 percent of our Nation's schools need at least one major repair or they need replacement. It is time to show our children that their school is equally as important as a new mall or a new stadium. It is time to show our children that they are important.

We must vote for the Lowey motion. It is a vote that makes our children, 25 percent of our population but 100 percent of our future, our highest priority.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), a distinguished leader in education, a member of the Committee on Education and the Workforce.

Mrs. McCARTHY of New York. Mr. Speaker, I would first like to thank the gentlewoman from New York (Mrs. LOWEY), my colleague, for bringing this issue.

I live on Long Island, and everybody thinks everyone on Long Island is rich. Let me tell my colleagues all of my schools are over 50 years old. A lot of my schools have boilers that are over 100 years old. What does that have to do with it?

We are sending a message to our children that we do not care about them to modernize our schools. I bring it as a health care issue. I have high rates of asthma among my young children because of the conditions of our schools. We here in Congress have to make a full commitment all the way around.

We have to make sure our schools are the best schools for our children to be in. I have been in schools where they are teaching our children with disabilities out in the hallway.

I can tell my colleagues personally, if you have learning disabilities, you have to have a quiet setting, not somewhere where you are hearing everything out in the background. People with hearing problems are being taught in hallways and closets. The bathrooms, I am telling my colleagues, it is horrible.

This is what we are supposed to be doing. This is the money that we should be giving to our children. Mr. Speaker, I wish everyone will vote for this motion. We have to take education seriously.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ), my colleague who is a distinguished leader on education.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in support of the Lowey motion to instruct. School construction is an issue with broad bipartisan support.

This week, we had the opportunity to pass the President's school construction bill. It would reduce class sizes in early grades, hire 20,000 new teachers, raise student achievement and make urgent safety and help repairs in 5,000 schools in low-income areas. Instead, Republicans did their own version, a watered-down version, that postponed any school construction for up to 4 years and did little for our needed schools.

I want to remind my colleagues, it is one thing to play games with sham legislation here in Congress. It is another thing to send a child to school in the boiler room or a broom closet or the hallway of a broken-down school, like we in New York and too many any other communities Nationwide. Too often, those affected are at-risk children living in minority neighborhoods.

This is not the way to treat our most precious resource, the young people who will follow in our footsteps in this great institution.

Mr. Speaker, I support and I urge my colleagues to support this motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me the time.

Mr. Speaker, I appreciate the gentleman's work and I associate myself with the remarks of the gentleman from Pennsylvania (Mr. GOODLING), our education chairman.

I have the greatest respect for the gentlewoman from California (Ms. PELOSI) and for the gentlewoman from New York (Mrs. LOWEY), and I want to take two comments they made and try and bring this to fact and reality.

First of all, the gentlewoman from California (Ms. PELOSI) said that the children of America are listening. Well, I doubt if many of them are right now, but I hope they all are and I hope their parents are as well because Mrs. LOWEY made one statement of fact that is absolutely correct and then bundled around it the delusions that many are trying to portray on this floor as a lack of commitment on one side or the other to education when, in fact, I would submit to my colleagues that both sides are committed to it.

The gentlewoman's fact that was correct was that there is an unfunded need in America of $303 billion for classroom construction; that is absolutely the exact number published in the report she cited. What she did not tell my colleagues is that the President's proposal to solve that is $1.3 million in the appropriations act, which is three-tenths of 1 percent and would take 35 years of annual appropriations just to meet today's need, if there was no other need in the future.

The fact of the matter is, our difference is let us do something that is meaningful and within our scope. Let us not try and lead an illusion that we are going to fix every stairwell or replace every school. The negotiators right now have said, let us agree on school construction, let us agree on it to do those Federally mandated things, such as IDEA, asbestos removal, health safety and welfare of our children. That is what they are negotiating right there.

We are not talking about building and replacing every school in America. We are talking about an illusion in this motion that we would do that when we cannot.

The reason I say illusion is because the distinguished lady from New York (Mrs. LOWEY) said this would give property tax relief to her constituents. Property taxes are what schools are built upon in the local level. If we ever pass the false hope that we can build the schools America needs, the demand of which is greater than our surplus today, then there would never be a local bond issue passed, and American education would be a travesty.

Second, on school size and classroom size. Last year, the Republicans and the Democrats agreed on classroom size reduction. It is in the budget now. It just simply says that we must also have trained teachers in the classroom, not just teachers in the classroom.

On this Wednesday, Secretary Riley and our committee and many Members on the floor on the other side heard it. When asked the question, are there 100,000 trained and certified unemployed teachers to be hired; well, no, there are not. There are many that need training to be brought up to date, which is why last year's agreement was to be able to use the funds to hire new teachers or to train teachers that exist at the local level who are not certified.

□ 1300

We are on the cusp, the negotiators are right now. We are on the cusp right now. We agreed basically on classroom size reduction that was done last year and redone this year. We are now about to agree on what is meaningful in construction but also doable in construction.

If the children are listening and the parents are listening, Democrats and Republicans are this close to making a real solution and a meaningful contribution to education.

But this motion portends that we can do what they know we cannot, that we would make a false promise to the American people; and that would be wrong for us to do in a motion, just as well as it would be wrong for us lead people to believe we could do it in a budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that remarks in the House are to be directed to the Chair, and not to other persons outside the Chamber.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly respond to the gentleman from Georgia (Mr. ISAKSON). We are talking about an emergency $1.3 billion to respond to the emergency that is out there because this Congress has not acted in spite of the crumbling schools. Then we would like to pass the bipartisan Rangel-Johnson bill that would provide tax relief for the local government, which is a tax bill that would provide for the tax on the bonds that will be issued by the local government.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I want to respond to the remarks made initially by the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and to the gentleman from Georgia (Mr. ISAKSON). Both spoke very rationally. They spoke to the point. I wish we could have more of that kind of debate.

But there is a difference, I tell the gentleman from Georgia, and it is a significant difference. It is a substantive difference. The gentleman from Florida (Mr. YOUNG), when he made his presentation, said that the difference between us is that we want Washington to decide and they want the LEAs to decide, the local education agencies to decide. Because it is their proposition, effectively, that the money that they have included in is not targeted for school construction, indeed, not targeted, per se, for teachers, but is a revenue-sharing program. That is essentially the flexibility. I am sorry that you grimace.

But the fact of the matter is the rhetoric on their side has continually been that the locals can decide. Some people may need classrooms. Some may need additional teachers. But some may need computers. Some may need recreational facilities. They will have the flexibility.

Now, I suggest to the gentleman from Georgia (Mr. ISAKSON) that he is correct that this amendment will not solve the classroom shortage in America. No amendment could do that. No bill in one year could do that.

What this amendment, however, seeks to say, I tell the gentleman, is that we at the Federal level have identified two very significant critical problems. One, we do not have sufficient classrooms in America to house the swelling number of students in America. Two, we do not have sufficient teachers, quality teachers to teach those children.

There are other problems in America. But as we do on so many of the educational programs that my colleagues referenced and the gentleman from Pennsylvania (Mr. GOODLING) in particular referenced, we say there is a problem here. We are going to put some dollars. LEA, if one wants to solve the problem here, are the dollars to do it.

That is the difference between us. We do not want to turn this $1.5 billion into simply a grab bag. It is for emergencies that exist in school construction and safety.

The gentlewoman from New York (Mrs. LOWEY) is exactly correct. The gentleman ignored the tax component of this, which spends $5 billion or $6 billion to leverage five times that or 500 percent times that, five times that to $25 billion in bonds that can be issued by local governments.

Now, who decides to hire the teachers? The local government. Who decides whether to build the schools? The local government. The Federal Government does not make that selection, nor does it demand that the local governments do that.

To that extent, I suggest to my colleagues that, when they represent that we want government at the Federal level to decide, that is a misrepresentation and not useful for this debate. The issue really is whether or not we have a targeted sum or we have a general sum. The general sum clearly, I tell the gentleman from Georgia (Mr. ISAKSON), will not solve the school construction problem or the teacher problem.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for helping me make the case that I set out to make a few minutes ago, partially helping make that case I would say.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), who is a member of the Committee on Appropriations.

Mr. WICKER. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me this time. I thank the gentleman from Florida (Chairman YOUNG) for his support for quality public education in the United States of America.

As I was sitting here, Mr. Speaker, listening to the debate and hearing the gentleman from Pennsylvania (Chairman GOODLING) of the Committee on Education and the Workforce speaking, it occurred to me that he has worked an entire lifetime for education in the United States of America. This may be one of the last speeches that the gentleman from Pennsylvania (Chairman GOODLING) will be able to make on the floor of the House with regard to education.

I salute him for an entire career devoted to quality public education, flexibility at the local level, and the absence of Federal mandates. That is really the difference in philosophy that we are talking about here on the floor of this House on this Saturday afternoon.

I have two children in public schools in Mississippi. I support public education. I have a record of supporting public education, not only in this Congress, but also when I was a State legislator. We all support quality public education, and there is not a Member within the sound of my voice this afternoon in the House of Representatives or in the other body that does not support better school facilities and better school construction. We would all like to have better school buildings all across the United States of America.

The question is, how can we as a Nation get the job done. This points out the difference in philosophy. Regardless of what the gentleman from Maryland (Mr. HOYER), the previous speaker, said, there is a strong difference in the way we would approach this bill.

Now, my friends on the Democratic side see a need somewhere in the United States of America, and they immediately see a Washington, DC Federal solution to the problem. We on the other hand, particularly when it comes to education, when we see an education problem, we try to find out how best to solve that problem at the local level and how to provide the flexibility and authority to local governments to solve those problems.

Now, as the gentleman from Georgia (Mr. ISAKSON) pointed out, and as the gentlewoman from New York (Mrs. LOWEY) pointed out, there are over $300 billion in school construction needs right now. Those needs, undoubtedly, will go up. She terms them an emergency. The President's proposal would fund only a very, very small percentage of those problems.

But what if we start out this year at $1.5 billion, Mr. Speaker? What will that program look like with all the Federal bureaucracy and all of the regulations that it will entail, what will it look like in 5 years? I say we can expect a Federal program of about $15 billion in 5 years. A few years later, we might have a program of $150 billion. That is the way it always works.

I implore my colleagues to vote against this motion today. If there is any notion left of local control over school construction decisions, we will oppose this motion. Let us provide more flexibility for education at the local level.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE), someone who really knows about this issue because he was the former superintendent of schools in North Carolina.

Mr. ETHERIDGE. Mr. Speaker, it is interesting, as I listen to the debate today, this is the same debate that I heard over 4 years ago when I decided to run for this body, because I was so disgusted as a State superintendent at a Republican leadership that was going to abolish the Department of Education, reduce school lunches, and the list is long. That would have directly impacted in the most negative of ways the children of this country.

Now we are saying we do no't really need to put in school construction. We will do this; we will do that. Let me explain to my colleagues very quickly, if I may, because the Republican leadership's tactic, in my opinion, may have changed. But their cynical game is the same. Back then, the revolutionaries wanted to do all the things I have talked about.

Today they continue to play politics by blocking what I think is a bipartisan piece of legislation to build schools. Bottom line, $25 billion will build schools. Local units will determine where it is. All we do is pay the interest.

Let me tell my colleagues what one of the House leadership Members said yesterday. We are winning the education debate. That is not my words. They are published in today's RECORD.

Mr. Speaker, let me say this loud and clear. Our children are too important to fall victim to partisan politics. Bottom line, the quality of education that we provide our children today will literally determine the future of the kind of Nation that we are going to have in the 21st century. This is not a game.

Despite the cynical politics the Republican leadership is talking about, this is about our children. The stakes are high. I say let us pass it. I support this.

Mr. Speaker, I rise in strong support of the Lowey motion. It is long past time for this Congress to do the right thing on school construction. Four years ago, I sought this office because I was sick and tired of watching Republican politicians in Washington playing politics with our children's future. The Republican leadership's tactics may have changed, but their cynical game is still the same. Back then, the Republican revolutionaries were trying to cut school lunches, slash student loans and shut down the entire Education Department. Today, they continue to play politics by blocking our bipartisan school construction bill because their goal is partisan politics. The House Republican Leader yesterday said, "we are winning the education debate."

Mr. Speaker, let me say this loud and clear: our children are too important to fall victim to partisan politics. The quality of the education we provide our children today will literally determine the kind of nation we will become in the 21st century. This is not a game, despite the cynical politics of the Republican leaders. This is about what kind of future our children are going to have in this country. The stakes could not be higher. Right now, we have a crisis in this country. Throughout America children are stuffed into overcrowded classrooms, trapped in run-down schools and stuck in makeshift trailers. We in this Congress have an opportunity and a responsibility about this crisis by passing meaningful school construction legislation for our children. I call on the Republican leadership to call off their partisan tactics and pass the bipartisan school construction bill—now.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, first of all, I want to say we are not talking about construction, we are talking about maintenance and renovation. It would really be a joke if we were talking about construction at $1.3 billion.

I also want to compliment North Carolina in the last 4 years. In the last 4 years, North Carolina has made dramatic steps forward in their public education system. In the last 4 years, they did not come to Washington and ask them to do it for them or tell them how to do it either.

But I would hope that we start thinking more in terms of quality and not quantity. I would hope we would start thinking in terms of results and not process.

My colleagues talk about flexibility and the whole idea of pupil-teacher ratio. Let me give my colleagues one example how something that looked good went awry. In the very next school district to my school district, they got two teachers federally financed. Their ability to finance their own system is much greater than the one that I live in, which I pay $4,000 school tax. So I do not mind paying my income tax to help the city of York. But it does not make sense that I am buying two teachers when I am already paying in my own district far more school tax then they are paying in the district where they are more affluent.

Mr. YOUNG of Florida. Mr. Speaker, I suggest that the gentlewoman from New York (Mrs. LOWEY) use her time. I think she has considerably more time left than I do.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), our gracious chairman.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the Johnson-Rangel bill. It is a bipartisan bill that provides a tax credit to deal with the school districts we have been discussing this morning and the school construction problem. It is a bill that preserves local control to school districts to decide how to spend the money.

Now, we all say we are for aid with school construction, with money which is the subject of the motion to instruct, and the tax credit. But we need to get serious about this because the devil is now in the details.

What I want to highlight to my colleagues is the fear I have that, in the final appropriations bill, there either will be nothing on school construction for tax credits, or there will be the language that we voted on the other day, which I find extremely unacceptable because it does two things that I think insult the intelligence of anyone that supports school construction aid.

The first thing is the arbitrage issue, which says to a school district that, if they borrow money to build schools and they hold that money for 3 or 4 years, they get a benefit in a tax credit. No school district is going to borrow money to build schools and let it sit there 3 or 4 years.

The second is, we have created a brand-new program called Private Activity Bonds for School Districts. In my district, building schools is a public responsibility, not a private activity. We need to do it the right way through the Johnson-Rangel bill.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her leadership on this issue.

Mr. Speaker, I rise today to support the motion of the gentlewoman from New York (Mrs. LOWEY) to instruct conferees on dedicated funding for class size reduction and school renovation.

The school classroom size reduction program is helping the schools in my home State of New Mexico. Of the $9.6 million that was awarded to New Mexico school districts, 87 percent was used to hire an additional 230 teachers, 9 percent for professional development, 2 percent for administration, and 2 percent for recruiting and training of teachers.

These are dollars that are targeted and managed at the local level. This is not about Washington versus local control. This program supports local school districts to hire teachers. The locals do the hiring.

□ 1315

The locals do the hiring. We are for the locals and for local control and local control management of our schools.

Mr. Speaker, I rise today to support the motion of the gentlelady from New York to instruct conferees on dedicated funding for Class Size Reduction and School Renovation.

The Classroom Size Reduction Program is helping the schools in my home state of New Mexico.

The amount awarded to my state for the 1999-2000 school year was $9.6 million.

Depending on the amount of funds received by the school district, funds could be used to recruit, hire, and train certified teachers and be used for professional development.

Of the $9.6 million that was awarded to New Mexico school districts, 87 percent was used to hire an additional 230 teachers, 9 percent for professional development, 2 percent for administration, and 2 percent for recruiting and training of teachers. These are dollars targeted and managed at the local level.

As you can see Mr. Speaker the Class Size Reduction program has had a huge amount of success in my state and district—as I'm sure it has in my fellow colleagues' states and districts.

In the area of School Construction in my State: 69% of schools report at least one inadequate building feature (e.g., roof, plumbing, electrical, etc.) 75% of schools report at least one unsatisfactory environmental factor (e.g., air quality, heating, lighting, etc.)

Enrollment in New Mexico increased 12.3% over the last decade. And current estimates indicate that my state faces a $1.8 billion cost for school modernization, including $1.4 billion for infrastructure and $340 million for technology needs.

By supporting the President's request for $1.3 billion for grants and loans for emergency renovations—Schools in New Mexico and across the country would be able to compete for funds allocated to the state to assist them in their school construction needs.

Mr. Speaker, when we talk about education we need not think of the politics which divides this chamber and polarizes our work. When we talk about education we need to think about our teachers who teach in over crowded classrooms.

We need to think about our students who are being taught in crumbling classrooms and schools.

We need to think about these current problems--And we need to act now, and act today by supporting the President's education agenda and supporting our nation's teachers and students. Our students and their families, and our country cannot afford anything less.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), a member of the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, in Greenfield, Massachusetts, a town of 20,000 people, the middle school was closed because walls were literally crumbling, threatening the safety of students. Now the middle school students are crammed into the town's overcrowded high school which has leaking roofs.

Mr. Speaker, 2 days ago, the majority passed a bill that assigned $2.5 billion over 5 years for school construction bonds to build and repair schools. In the very same bill they assigned $18 billion, seven times as much, in business tax cuts over the same 5 years. Those business tax cuts included increasing the business tax deduction for meals from 50 to 70 percent and repealing several taxes on producers and marketers of alcoholic beverages. Remember, the three-martini lunches? That is a very clear picture of wrong priorities.

This is October 28. We are 4 weeks into the fiscal year, CR number eight, and our work is not done. This is the longest session in the history of the Nation.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), a leader on the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from New York, for yielding me this time. I also want to commend the Chairman of the Committee on Education and the Workforce, who I have served with for the last several years, the gentleman from Pennsylvania (Mr. GOODLING).

I rise in support of a partnership between the Federal level and our local communities to help on reducing class size, to help with discipline in the classroom, to help with parental involvement, to help with quality teachers.

Something that I have worked with the gentleman from Florida (Mr. DAVIS) on and with several Democrats and Republicans is to try to move and transition to teaching people with math and science and technological experience from mid-career positions into the classroom. That transition to teaching, to provide those people with expertise from Main Street into the classrooms, will help us in our local communities decide what to do about the challenges of educating all of our children. It is local accountability, it is local flexibility, but it is putting emphasis on quality teaching. I hope that this Congress will act in a bipartisan way on that.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for this initiative; and, frankly, I think the Baltimore Sun is right, this is a Republican gridlock. Because any parent in America who can say to me that they have not seen crumbling school buildings or overcrowded school buildings are probably not looking at the Nation's schools in the last 10 to 15 years.

What we are suggesting, Mr. Speaker, is that we have a crisis, similar to the Marshall Plan after World War II. We need to confront schools on a national level to rebuild them. What we are trying to say is that this budget and appropriation bills that have been put forward by the Republicans do not address the crisis and the emergency.

This is not a game. This is a serious effort to ensure that we leave here with local communities having tax credits and incentives to put the money directly on rebuilding the schools. It is plain and simple. That is why we are here on Saturday. That is why we will be here on Sunday. And that is why we will be here throughout the time, because we need to do the right thing.

I want to see children in safe, secure, well-heated and proper schools. Mr. Speaker, let us do the right thing together.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I have heard all my colleagues on the other side of the aisle, particularly the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, tout some of the successes of the committee. I serve on that committee and am glad to serve under his leadership, but I might add that some of the successes that we tout we have not seen them signed into law. I think the chairman would admit that he has had difficulty with some of these even on his side.

I heard the gentleman from Georgia (Mr. ISAKSON) talk about how close we are and how sad it is that we cannot close that gap. He mentions that we are perhaps promoting something false on this side. There is nothing false about kids learning in closets, there is nothing false about children learning in bathrooms, there is nothing false about children learning in trailers connected to their schools.

If we can find $.25 trillion a year to help build roads and highways and bridges; if we can find Federal dollars to build prisons, then we ought to be able to find some dollars to build schools for children. The only quota that my friends on the other side of the aisle support, and I have many friends on that side of the aisle and do not mean to cast aspersions, is the quota to raise the number of foreign workers we allow into our nation to hold down jobs which we cannot produce enough people in our country to do that.

Let us pass this motion and do right by our children. I look forward to working with both chairmen to get this done.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume, to advise my dear friend from New York that I will be yielding to the gentleman from Arizona (Mr. HAYWORTH) in just a minute, and then I will reserve the balance of my time so I can have a closing statement prior to the time the gentlewoman makes her statement.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume to thank the chairman and to advise him that I believe I have two more brief speeches.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), but I just wanted the gentlewoman to know in advance what my plan was.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I have listened with great interest and with, sadly, some misgivings to the tone of this debate. Let me start with a point of agreement. My friend from North Carolina and my neighbor from New Mexico said this is not a game. They are exactly right. How sad it is, then, that such partisan invective is brought into this debate.

As the father of two children in the Cave Creek Unified School District in Arizona, I have a firsthand knowledge of the challenges teachers face in the classroom, of the special challenges of growth in that school district, of the bond issue that will be on the ballot in a few short days. I heard the litany of challenges outlined on this side. I would not take issue with the reality of the need that is there. But I am compelled to point out the fact to my colleagues, Mr. Speaker, that just 2 days ago we empowered local districts with over $16 billion to deal with a variety of projects.

My friend from Pennsylvania, under his leadership, we have moved for the full Federal component of funding for children with special needs, a promise made nearly a quarter century ago that was left unfulfilled.

There reaches a point, my colleagues, when we must put people before politics. Join with us in the broad goals of empowering local districts, parents in the homes, teachers in the classroom, leaders in the communities, and give them the latitude they need.

Sadly, I must ask my colleagues to reject this motion to instruct and deal with the reality and come together in an agreement that is good for every child in this country.

Mrs. LOWEY. Mr. Speaker, may I ask the time remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York has 9½ minutes remaining.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, just 2 weeks ago, in the City of Cleveland, at a high school called East High School, the roof fell in. I called the Department of Education and said, "Is there emergency money at the Federal level to assist my public school in a situation like this?" Sadly, it was reported that there was none.

In Ohio, the Supreme Court has determined that the way in which schools are funded throughout Ohio is unconstitutional. It is done by way of property tax. So that means that in one city in Ohio $2,000 is spent on education per capita, but in another city in Ohio $15,000 is spent on each child per capita.

I ask my colleagues to vote for this motion to instruct because our schools need funding and assistance.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to rise in support of this very important motion to instruct. Over the last year, I have taken the opportunity to visit every school in my district, and I have seen students trying to learn in hallways, in bathrooms, in closets, and cafeterias. It is time to do something to help our local school districts.

This is not about the Federal Government stepping in and telling local school districts what to do, it is about working in partnership with our school districts all over the country, whether they be in rural or urban or suburban or fast-growing districts.

I urge this body to support the motion to instruct. There is nothing more important we can do for our future and for our children.

I rise today in support of the School Construction Motion to Instruct Conferees, because I believe the last days of this Congress present us with a clear choice. We can help communities hire 100,000 new teachers, reduce class size, and modernize schools or we can pass block grants that don't ensure that a single new teacher will be hired or a single classroom built.

My district, the Second Congressional District of Colorado, is a microcosm of the American West. It is urban, suburban and rural, high growth and unspoiled mountain communities. For all of my districts diversity of terrain and community size, it is a district of crumbling schools.

Since coming to Congress last year, I have traveled to every high school in my district. I can tell you there are far too many kids crammed in classrooms of 30 or more and far too many students trying to work in modular or temporary spaces like trailers. One High School I visited (one of the newer schools) is already surpassing its growth projections. High Schools built in the 1970s and designed for graduating classes of 200–300 students, now face numbers that are two and three times that.

I am not happy to be here on a Saturday morning, nearly a month into the fiscal year, to encourage the Majority to make good on their stated goal of improving education. I would rather be at home with my family, among my constituents, but I am here because a firm commitment to school modernization and construction is needed nationwide. With this vote we can send a message to the Majority that it is time to target funds to build much needed new schools and to rebuild our crumbling schools.

While time is running short, I believe there is still time to do right by our nation's children.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman from New York, my good friend, for yielding me this time. We represent similar areas in New York, Bronx County, Westchester County; and we know there are problems with schools in those counties.

We need to hire 100,000 new teachers. We want to get our schools' classes down in size so there are no more than 18 students per class. We will need to build new schools, hire 100,000 teachers and fix and repair crumbling school buildings.

I am the father of three children. I am a former teacher; my wife is a former teacher, I was a guidance counselor. There is nothing more important to the future of this Nation than to get our class sizes down. Any parent knows that the less children there are in a classroom the more the children can learn and get personalized attention.

So I support this instruction for conferees. I think we should move in a bipartisan fashion to fund our schools, and I urge my colleagues on both sides of the aisle to support this.

Again, we need 100,000 teachers, we need to build new schools, and fix and repair crumbling school buildings.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. CUNNINGHAM. One point I would like to make to the gentlewoman that said there was no money for her schools is that the Department of Education's books have been unauditable. In one year, one year, they have over $100 million of student loans they cannot even account for. All of the agencies need to be digitalized so that they can at least track the funds.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentlewoman from New York for bringing up this issue because this is a good debate. We need to be discussing this issue.

I heard some things on that side that I agreed with. In fact, I heard one of my colleagues on the other side say that this should be a partnership. Mr. Speaker, I agree, this should be a partnership. That is where both partners have equal enjoyment of the authority and the jurisdiction. But under the motion to instruct, I just have the feeling and I am really convinced that this would be a one-sided partnership with the Federal Government being by far the most senior partner.

Now, that really disturbs me, and the gentleman from California (Mr. CUNNINGHAM) just made the case that the Department of Education could not account for $100 million worth of student loans last year and could not audit their accounts. Now, I do not think I want that educational department running the school districts in Pinellas County, Florida, where I have the privilege of representing the teachers and the students and the parents. But we will soon vote on this issue, and we are going to decide whether or not we want the Federal Government and Federal aid with all kinds of strings on it to our local systems.

But I want to make this as a closing argument. We believe strongly in education, and the money that we have already agreed to provide is in excess of what the President requested.

□ 1330

Let me say that again, Mr. Speaker. The money that we are agreeing to provide as we speak today is in excess of what the President of the United States asked for. As we negotiate the final agreement on this appropriations bill, I am convinced that that number will be even higher. So we are not arguing about the dollars. What we are arguing about is who controls the dollars. Our position is that the dollars should be controlled by the people in the school districts, where they know what their needs are far better than the Department of Education or some other bureaucracy here in Washington, DC.

And then I want to say this, Mr. Speaker. I have spent a lot of my time in the Congress, my assignment being national defense, national security, intelligence, and I am proud of the fact that we have a tremendous military capability. We have the best kids serving in our uniforms. They are all not kids but the vast majority of them are. I have visited with almost every one of the sailors aboard the U.S.S. *Cole* who were injured. I visited with them as they came home, I visited with them in the hospital, I even visited with some of them in their ambulances. They are kids. But they provide a strong national defense.

We do not have the largest Army by a long shot. There are five or six other countries with a much larger army than we have. In Desert Storm we had 18 divisions. Today we only have 10. That is a tremendous downsizing which I do not agree with. But we have a technological advantage. We have created superior technology, superior weapons systems, and we have smart young people who are able to handle these defense systems. That is important, because without a strong national security, most of these other things we argue about would not even be arguable. In fact, without a strong national security, this Congress probably would not even be here; we would not exist. Some dictator would be running this country.

The point is, Mr. Speaker, that without a good, strong, effective educational system, we could not develop the technology that we have developed, that is super, that is better than any other in the world. There are still others out there that have nuclear weapons and have all kinds of threats they could pose to the United States. But we have the great technology, and we have the young men and women who are able to handle, to manage, to administer that technology. If we do not maintain and continue to improve our educational systems, the ability to defend this country deteriorates as we allow our educational systems to deteriorate.

We believe in a strong education. We are determined to provide for a strong and effective education. But we understand that when we are dealing with K-12 and local educational communities and local schools and local teachers, that the decisions on whether they need new schools or whether they need more new teachers or whether they need special education, whether they need more books, whether they need computers, those needs should be determined in the school district, by the people who know what their needs are, not by the Department of Education in Washington, D.C. who cannot even account for $100 million worth of student loans this last year.

I hope we reject this motion to instruct the conferees. Let the conferees continue on the track that we are on now, which is providing more money for education but guaranteeing that local people, local teachers, local taxpayers, local parents will have control over how that money is spent.

Mr. Speaker, I oppose this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I cannot let go unanswered the comments of the gentleman from California (Mr. CUNNINGHAM) and the chairman about the Department of Education, who, when they had some difficulty in one of their audits, responded more quickly than any other agency I can remember in righting that ship.

It is amazing for people that do not want to get partisan, they neglect to note the fact that the Department of Defense financial statements for 1998 were less timely than ever and a record $1.7 trillion of unsupported adjustments were identified by auditors. The same was true roughly in the following year. They do not ask for the Department of Defense to be closed down, but both the Texas platform of the Republican Party and this party on the other side of the aisle is in favor of closing the Department of Education. They should be ashamed of raising an issue like that.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

My good friend and colleagues on the other side of the aisle have been doing a lot of talking during this campaign about education. We hear about how important education is. Yet they want to close down the Department of Education. I want to make it very clear. I have visited schools all over this country. I have seen young people who have to work in the shiny corporations because they do not have computers at their desk. There are wires hanging out of windows. Vandals will cut them at night. There are youngsters who have to run from one side of the building to the other side of the building because it is raining. The schools are crumbling.

In 1996, the problem was $112 billion. Now it is $300 billion. If we can build roads, bridges, highways, prisons, then while we are assisting our local governments, we can provide the emergency aid to rebuild our schools. Our children deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 150, nays 159, not voting 123, as follows:

[Roll No. 573]

YEAS—150

Abercrombie
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Berkley
Berman
Berry
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Gilman
Gonzalez
Hall (OH)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Stabenow
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Waxman
Weiner
Woolsey
Wu

NAYS—159

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Combest
Cook
Cooksey
Cubin
Cunningham
Deal
DeLay
DeMint
Doolittle
Dreier
Ehrlich
Emerson
English
Everett
Ewing
Foley
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson, Sam
Kelly
Knollenberg
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pitts
Pombo
Pryce (OH)
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Shadegg
Sherwood
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—123

Ackerman
Andrews
Baca
Barr
Barton
Becerra
Bentsen
Bilbray
Bishop
Blagojevich
Boucher
Brown (FL)
Brown (OH)
Bryant
Calvert
Campbell
Clay
Clyburn
Coburn
Collins
Cox
Crane
Crowley
Danner
Davis (IL)
Davis (VA)
Delahunt
Diaz-Balart
Dickey
Dooley
Duncan
Dunn
Edwards
Ehlers
Fletcher
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gillmor
Goodlatte
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hefley
Hilliard
Houghton
Hulshof
Hyde
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennedy
Kind (WI)
King (NY)
Kingston
Klink
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
LaTourette
Lazio
Lipinski
Maloney (CT)
Martinez
McCarthy (MO)
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Morella
Murtha
Neal
Owens
Pascrell
Peterson (PA)
Phelps
Pickering
Pickett
Porter
Portman
Radanovich
Ros-Lehtinen
Roukema
Rush
Sabo
Sawyer
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Sisisky
Spratt
Stark
Stupak
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Visclosky
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Wise
Wynn

□ 1356

Messrs. DEMINT, GILCHREST and GEKAS changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was not present during rollcall vote No. 572. Had I been present I would have voted "yea."

Additionally, I was not present during rollcall vote No. 573. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote Nos. 570, 571, 572 and 573, I was unavoidably detained. Had I been present, I would have voted "yea."

ADJOURNMENT TO SUNDAY, OCTOBER 29, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHAT WE DO IN WASHINGTON DOES MATTER AND MATTERS A LOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, there is a great fiscal debate going on in this country and I felt I would use these 5 minutes to address some of the key points in that debate.

The governor from Texas has come up with a novel and dangerous argument, and that is that fiscal responsibility does not matter; that what goes on in Washington has had nothing to do with the prosperity that we currently enjoy.

Now I can understand why someone running against Washington would want to say that what we have done here over the last 8 years has nothing to do with the prosperity enjoyed in this country and the prosperity we hope to enjoy in the future, but that argument, however politically appealing, is a dangerous one, because once one argues that what goes on in Washington has nothing to do with the economy of the country then one grants a license to Democrats and Republicans to be fiscally irresponsible.

The fact is that what we do in Washington does matter, and matters a lot.

☐ 1400

True, the lion's share of the credit belongs to hard-working men and women around this country who, through industry and innovation, have built this economy. But our people were hard-working in the late 1980s and the early 1990s, and yet we suffered with high unemployment in an unsuccessful economy, because we had huge deficits. It is the fiscal responsibility that the President has brought to our Federal Government that has added the one additional element which, with the hard work of the American people, has led to our prosperity.

The second fallacy that we have heard from the Governor of Texas is his statement over and over again that his plan will provide tax relief to all Americans who pay taxes. The facts are otherwise.

Mr. Speaker, some 15 million Americans pay Federal FICA tax that is pulled out of their wages every time, every paycheck; and yet they will receive no, no tax relief under Governor Bush's proposal. Those 15 million Americans who pay FICA taxes to the Federal Government, but do not owe income tax because they are earning the minimum wage, because they are not earning very much, because they are trying to support a family on incomes of $15,000 and $20,000 a year, these low-income taxpayers get nothing from the Governor of Texas. Yet, he does provide 43 percent of his tax benefit to the wealthiest 1 percent of Americans.

This leads me to the third fallacy, and that is his statement that he will provide only $223 billion, only $223 billion to the richest 1 percent of Americans. The problem here is fuzzy fiscal figures, because that $223 billion leaves out the effect of the repeal of the estate tax. The Governor will often talk about how he wants to eliminate the estate tax, but will leave out from his budget the fiscal effect of that repeal. The estate tax will be bringing in $50 billion a year, $500 billion over 10 years, and so the governor's tax reduction for those in the wealthiest 1 percent is not $223 billion over 10 years, but over $700 billion over 10 years.

That is why it is true when we point out that the governor would provide more tax relief to the wealthiest 1 percent of Americans than everything he proposes to spend to improve our health care system, strengthen Medicare, strengthen our military, and improve education combined.

Mr. Speaker, the choice is clear. On one hand, we can have fiscal responsibility, economic expansion, reduction and eventual elimination of the national debt, and moderate tax cuts for working families, all combined with important investments in education, Medicare, military preparedness, and our health care system. On the other hand, we could choose to provide $700 billion of tax relief over the next 10 years to the wealthiest 1 percent of Americans.

Mr. Speaker, I believe the choice before America could never be more stark.

SHALLOW RHETORIC UNDERMINES CONGRESSIONAL ACTION

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today because I did not get over in time to speak on the motion to instruct conferees, but I think it is time for a reality check with the other side.

We heard a lot of rhetoric, unfortunately, about the education debate on our plan versus the President's plan and how Republicans do not care about the condition of our schools. Well, Mr. Speaker, I am proud of the fact that I am one of the few who actually is a classroom teacher in this body. In fact, I spent 7 years teaching in the inner city schools in and around Philadelphia. In fact, I helped to run a chapter 1 program for 3 of those years.

I want to remind my friends on the other side that for the 7 years that I taught, I taught in a portable classroom; two trailers bolted together without adequate heat, without adequate air-conditioning, 32 children in a self-contained environment, in a portable classroom. Guess who was in charge of the government when I taught? It was a Democrat President, a Democrat House and a Democrat Senate. Where was the concern for those of us who were teaching in portable classrooms in inner cities back then when my colleagues controlled the whole ballgame? Where were their efforts to deal with school modernization? Where were their efforts to increase funds for school construction? I was there on the front line teaching in that portable classroom with 32 kids that were challenged in an environment that was very difficult.

Now, I will remind my colleagues on the other side of one further fact. The first 2 years that President Clinton was in office, the Democrats controlled the House and they controlled the Senate. They could have passed any bill they wanted, and we could not stop it. They had all of the votes. We could not have stopped any issue that they wanted to address for the American people.

I find it a little questionable that in the first 2 years of Clinton's administration, when the Democrats controlled the entire ball game, there was no bill for school construction. There was no rhetoric down here on the floor about the need to deal with kids. There was no concern about the people teaching in portable classrooms like I did for 7 years. There was no concern about falling ceilings. What are they telling us? All that occurred within the last 5 years?

The fact is, this is nothing more than political rhetoric. The first 2 years that the Democrats controlled the House and the Senate and the White House when they could have done anything they wanted, they did not even propose a bill to deal with school construction. This Congress has. With a bipartisan piece of legislation that we are going to pass, and hopefully this President will sign, we will do what a responsible Congress could have done 7 years ago, and that is deal with the issue of the need for modernization of our schools.

So I bring up this reality check, Mr. Speaker, because unlike most of my friends who are attorneys who never taught in the classroom, I taught in the classroom for 7 years. I know what it is like to teach in a portable classroom with 2 trailers bolted together, with kids who cannot go outside because when you open the door, the cold is right there. My point is I think a lot of what we heard today is nothing more than shallow rhetoric.

DEMOCRATS DEMONSTRATE SERIOUS COMMITMENT TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I did not intend to address this issue earlier today, but I came over and after the gentleman from Pennsylvania (Mr. WELDON) spoke just a minute ago, I felt it incumbent to do so. I too was a classroom teacher. I taught for 9 years. I say to the gentleman from Pennsylvania, 2 more than he did, and I have lived in those classrooms and even had the experiences of the roof falling in, only this was not a roof, it was only a blind that fell and cut my face. We had to evacuate students from classrooms in my building because the walls leaked so badly that the kids could not sit in there because there was so much water.

Granted, that was a couple of decades back. I thought we had pretty much addressed all of that stuff.

Interestingly enough, my daughter today teaches sixth grade math, in Beaumont, Texas, the same school district in which I taught. She has children who do not have chairs in her classroom. They will fix it. They are in portable buildings right now. They are making the repairs in the regular school building.

The problem is that so many school districts do not have the ability to take care of these problems today, and it is incumbent upon this United States House of Representatives to try to help create the type of innovative financing to help school districts take care of themselves at home. In our State, there is a limit on how much one can raise in property taxes from a property taxpayer.

I was a county school tax assessor collector also for a while following the time that I taught, and I know that they have difficulty raising those dollars. I know what it is like to be a taxpayer, a property taxpayer at home and not be able to pay or afford to pay all of the taxes that we have to try to accomplish the many things that we have to do within our schools to keep our children learning and give them the opportunity to be good productive citizens and not end up either victimizing somebody or being victims themselves or going to jail.

Mr. Speaker, we have not made the right commitment, and that is what this debate is all about. Obviously, we all want to see our schools better. When are we going to make it the priority and do it? Our colleagues on the Republican side clearly have not done that.

Our own State of Texas has a plan in the Republican platform for its State to abolish the U.S. Department of Education. That to me does not speak to a commitment to make education better in this country.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. LAMPSON. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, I too listened to the other speaker and I too am I classroom teacher. I taught for 9 years, middle school math, in a very poor, rural area.

Mr. LAMPSON. Mr. Speaker, that is what my daughter teaches.

Mrs. THURMAN. Mr. Speaker, I too worked in one of those places that nobody wants to talk about, those portables. But I say to the gentleman, I am tired of hearing on this floor about how we controlled the House and we controlled the Senate for those first 2 years with the presidency. We were paying down a debt. There was no money. There could be no discussion about these issues. And on top of that, we had our States, because at that time I was in the State Senate in the 1980s, and this country was going through a recession. There was no money in the States to deal with these problems. So these things just went up and up and up.

Now, they want to come and say well, you did not do anything about it. Well, this is the first time we have had any surpluses to even be able to talk about it, and now what we are trying to talk about is $25 billion to do school construction, and the rest of the K through 3 program where we have been putting teachers.

I am also tired of hearing about how we are taking this away from the local level, it is their issue, they ought to be able to control it. Ask them to go look in their State legislatures. How many of them have adopted the goal to make K through 3 education top priority in reducing class size? How many States in this country are doing after-school programs? How many of these? In fact, just 2 years ago, when this whole school construction came up, our State legislature was having to call a special session to deal with the issue of school construction.

Yes, we are talking about it now because we have an opportunity to talk about it.

Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. LAMPSON. Mr. Speaker, I am glad to have the gentlewoman's comments.

It is clear, there is a difference in commitment to this issue. The Democrats indeed want to attempt to make a real difference, and I hope that instead of asking, as the gentlewoman well stated, instead of asking the question, where were you while we were in control, well, why has there not been some commitment, some effort to truly explain what the Republican commitment is while they have been in control of this House of Representatives in the last several years. I think we are doing so, and we are doing so in a responsible manner; and I hope that with our continued push that we will achieve that.

IMPROVING HEALTH CARE FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, I thank my Democratic colleagues who have joined me on the floor today for this Special Order hour. We are here this afternoon on a beautiful fall day, here in this House Chamber, trying to urge this Congress not to adjourn for the year until we finish the job of meeting the health care needs of America's families.

Democrats in the House have worked for the entire 2-year session of this Congress to give America's families a strong Patients' Bill of Rights to ensure that you and your family make your health care along with your doctor, rather than having some insurance clerk who has never had a day of medical training, decide the treatment that you need. We have worked to make sure that when you are ill and when you are fighting for your life, that you do not have to also fight your insurance company to get the help that you need.

Democrats in this Congress have been united also in the fight to give a prescription drug benefit to our senior citizens. We have worked for an optional part D under Medicare to guarantee that our seniors will never again have to make the choice between buying groceries and paying the rent or filling their prescriptions. And the Democrats in this Congress are united in our efforts to protect Americans' access to quality health care. We are fighting as we speak during the ongoing negotiations in the closing days of this Congress to answer the pleas from our hospitals, from our home health care providers, from our nursing homes and our other health care providers that we must strengthen Medicare, because many of us know that we have Medicare-dependent hospitals that will close their doors if Congress fails to get this job done.

□ 1415

Home health agencies have already closed by the thousands and our teaching hospitals are no longer able to pursue teachers, research, and indigent care due to lack of funding.

The American people have a right to know where this Republican-controlled Congress has failed to lead and failed to solve these pressing problems that confront every American family.

They have a right to know who is on their side, and they have a right to know who is fighting for them. The answer is all too clear. The Republican-controlled Congress has become the special-interest-controlled Congress. The powerful special interests are in the driver's seat, and the public interests are in the backseat.

On these three critical issues, patient protection, prescription drugs and protecting Medicare, the Republicans have danced to the tune of the big insurance companies and the big prescription drug manufacturers.

On patient protection, the powerful insurance industry has fought in every State legislature and in this Congress to defeat meaningful patient rights. I carried the first patient protection legislation in the country when I was a State senator in Texas. The State Senate there and the State House voted almost unanimously in favor of a bipartisan patient protection bill. That bill was vetoed by Governor Bush, and he vetoed it after the legislature had adjourned when we had no opportunity to override.

Fortunately, the legislature came back in the next session 2 years later and passed almost the identical package in four parts, and Governor Bush signed three, but let the fourth, regarding accountability of HMOs, become law without his signature.

Fortunately, we have patient protection in many of our States, but we know that we must also pass a Federal bill to be sure that all patients under all plans are covered with these protections.

Early in this session of Congress, this House passed a strong patients' bill of rights with near unanimous support from Democrats and the courageous support of Republican Members, like the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), only to see the bill watered down in the Senate and now languish in a conference committee with no action.

I ask the American people, who is on your side? Who is fighting for you? On prescription drugs, Democrats have united in support of a voluntary universal prescription drug benefit under Medicare, but our Republican friends have joined with the pharmaceutical industry to defeat our plan.

The pharmaceutical industry created a front group called Citizens for Better Medicare, if you can imagine, and spent millions of dollars in advertising across this country to say to the American people that private insurance can take care of the problem of prescription drugs for our seniors.

We know that Medicare is the system that our seniors trust, and we know that the big pharmaceutical manufacturers do not want a prescription drug benefit under Medicare because they know if Medicare is in the business of helping our seniors get prescription drugs, Medicare is not going to pay the same high prices that our seniors are having to pay every day when they walk in their local retail pharmacies.

Our Republican friends even introduced and passed a bill on the floor of this House authorizing insurance companies to offer prescription drug-only plans to seniors when even the president of Blue Cross and Blue Shield testified to this Congress that the plan was neither workable nor affordable for our senior citizens.

Well, that plan backed by the Republican leadership and by the big pharmaceutical companies never has become the law fortunately; but still we have been unable to pass a prescription drug benefit under Medicare.

Democrats want to update Medicare to make it consistent with the times, because we know that prescription drugs are now a big part of all of our health care costs.

It is time to end the pharmaceutical manufacturers' practice of charging America's seniors the highest prices paid anywhere in the world for prescription drugs. I ask the American people, who is on your side? Who is fighting for you?

Finally, when we look at what is happening today, this week, in this Congress, when we are fighting to increase funding for Medicare to save our hospitals and our health care providers, the Republicans put forth a bill and passed it on the floor of this House, which the President has pledged, fortunately, to veto, that dedicates 40 percent of the increase in funding directly to the insurance company HMOs with no guarantee that any of that money will ever get to our hospitals, our health care providers, or our senior citizens on Medicare.

Why with only 15 percent of America's seniors living in an area where they even have access to a Medicare HMO plan would the Republican leadership give 40 percent of the increase in funding to the insurance industry? I ask the American people, who is on your side? Who is fighting for you?

We, Democrats, have gathered on the floor today to talk about these issues, and it is a pleasure for me to yield to the gentlewoman from Florida (Mrs. THURMAN), one of the best and hardest working Members of this Congress. The gentlewoman has worked on prescription drugs for seniors as long as any of us, and I am proud to yield time to her to discuss these important issues.

Mrs. THURMAN. Mr. Speaker, I appreciate those words from the gentleman from Texas (Mr. TURNER), but I would dare say that the gentleman and other Members of this Congress feel passionately about this health care issue as the gentleman so eloquently described in your opening remarks.

I think the gentleman is right, we are on their side.

I just want to go over some things, because the gentleman mentioned about a piece of legislation that potentially is going to be vetoed, if it ever gets to the President, I understand we may not get it there, but the fact of the matter is, two things I would say to the gentleman. I just received a letter October 20 from a gentleman, and he has also sent me some additional information on what is happening with his Medicare choice program, but it is very interesting. In the middle of his letter he says the medication providers made it tough to live up to these standards and something must be done to save the senior citizen, as well as the poor and middle-class citizens who cannot afford these high prices of medication.

Mr. Speaker, he went on to say, when I was in the Marine Corps in World War II, we were taught how to survive. But what is happening to us now with this health care system and prescriptions does not afford or teach us the liberty of surviving.

What I think caused him to send this letter to me was the letter that he just received from his Medicare choice program. Now, remembering the gentleman just said what was just passed was about $8 billion or more that will go to these Medicare choice programs, even one of them getting about a 3 percent increase, before this bill was even voted on, before they even knew what potentially would be the outcome, this is what they wrote to him, the name of the plan is changing in 2001 as shown in the table below. So-and-so's premium will no longer be offered in 2001. You will be automatically enrolled in this particular plan instead. I am not going to mention names. If after reviewing the benefit changes, you decide that this plan is not acceptable, you may wish to receive information about a valued plan available in your area.

This is how it goes. They have a chart. I would have blown up this chart, because I think it is very interesting. It is these kinds of phone calls and letters I am getting.

Benefit, monthly plan premium, 2000, $19; 2001, $179, from $19 to $179. Outpatient, physician specialist services, $10 office visit copayment; $15 office visit copayment, 2001. Outpatient hospital, $20 in 2000; $35 in 2001. Inpatient, no copayment; $1,000, 2001, $200 per day, limit 3 copayments per year. Inpatient hospital care, nonnetwork facility, no copayment; 2001, $500 copayment per admission. Mental health, no copayment; 2001, $200 per day, limit 3 copayment per year. Prescription drug, $1,000 on outpatient prescription drug benefit, maximum benefit $1,000, annual maximum for brand name drugs, the amount applied towards the benefit maximum was calculated as follows, the usual and customary price of the medication or the average wholesale price, whatever is less, plus the dispensing fee, minus your copayment. That is what happens in 2000. 2001, $50 monthly maximum for brand name drugs, the amount applied to the benefit maximum is the amount that this company pays for the drugs.

Now, they are going to get a 3 percent, only covering about 15 percent by the way of the entire population, which is 40 percent of this entire package, and they are already sending out these notices saying that they are going to go from $19 to $179 and every other expense they have is also out of pocket expense going up. That is what I received.

Now, have we addressed this? We tried to address this. It was not going to make any difference. This is what they already said. By the way, on the back page, it says if you want to know you can opt out of this. I mean, these people are not going to have any place to go.

At a rare moment of this year in a political debate that I have actually made on a Sunday afternoon, I was handed, not by the same person, but by another person a monthly statement of what their medicines would cost. This is what really struck me. At the end of it, it said previous balance, $649.59, charges this month $2,322.56.

We have stood on this floor, the gentleman from Arkansas (Mr. BERRY), the gentleman from Connecticut (Mr. LARSON), the gentleman from Texas (Mr. LAMPSON), the gentleman from Washington (Mr. BAIRD) have stood here and talked about at least one thing that we could have done that would have cost the Federal Government nothing. We are missing the gentleman from Maine (Mr. ALLEN), our friend.

I say to the gentleman from Texas (Mr. TURNER), we have offered it in the committee. We said put it under the Federal supply system. Use the Federal Government's buying power by buying the medicines at a reduced price. Use us just like we do in the VA system, just imagine this one alone would have been cut by almost $1,200, just that one. Not even a benefit that we are fighting about right now. Just cut this in half. Let us be the buyer of this.

We buy bulk paper. We buy the hammers. We buy the highways. We buy the bridges. We do all of those things. We use our buying power for those purposes. Why can we not use that for these folks? Why are we saddling not only with the prescription drug costs that are outrageous and expensive and certainly not going for research, and I am sure somebody could jump up and talk about that, as we all could, but the fact of the matter is it is lining somebody's pocket. And on top of that, we have the increased costs.

My colleagues know what my solution is. I think we ought to get rid of Medicare choice. I think we ought to get rid of MSAs. I think we ought to get rid of all of that. I think we ought to look at a Medicare program that gives the safety net for every senior and not discriminate because they live in an area where they can get a Medicare choice or not.

We ought to be making sure that these things are covered under Medicare, become a Medicare benefit, and that would solve an awful lot of problems for a lot of people and would give us a health care system that is stabilized and not so off and on again and pulling people in and out of these programs, but something they can count on, which is what they always thought they were going to have when they had Medicare.

Mr. TURNER. I thank the gentlewoman from Florida (Mrs. THURMAN), and I appreciate her hard work on these issues. Her work in committee as well as on the floor has meant much to all of us.

Mr. Speaker, I yield now to the gentleman from Connecticut (Mr. LARSON), one of the most effective younger Members of this Congress, another Member who has worked with us very closely on these very critical issues.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), and I appreciate his great leadership on this very important issue before Congress.

I think it is instructive to those that are listening today on a Saturday afternoon that we are here continuing to press this vitally important issue. We are here for the people that Tom Brokaw appropriately recognized as the greatest generation ever, those people who persevered through the great Depression, who won the Second World War, who came home and rebuilt this great country of ours, provided for interstate commerce and made sure that we had school systems that were second to none so that we have risen today to be the preeminent military, economic, cultural and social force in the world.

□ 1430

All they are asking for is to live out their final days in dignity. I can say it no better than the woman who was on 60 Minutes who said, "I feel like I am a refugee from my own health care system, a refugee from my own health care system because I have to travel to Canada to get the prescription drugs that my doctor has recommended I take because I cannot afford them here in my own country."

That is why we need the legislation that the gentleman from Texas (Mr. TURNER) has sponsored, that the gentlewoman from Florida (Mrs. THURMAN) spoke about. That is why it is so important, as it should have been in 1965, that we follow the President's lead and the Vice President's lead in making sure that we make prescription drugs part of Medicare.

As the gentlewoman from Florida (Mrs. THURMAN) has pointed out as well, also following along the lines of the Allen bill which so many of us have supported here as well, that makes nothing short of common sense, that will not cost one new dollar in terms of adding onto bureaucracy, no new tax dollars, but just using the Federal Government as a resource, and pulling those Medicare recipients along with those Federal employees that already receive a discount, thus driving down the cost of prescription drugs for our elderly.

Everywhere I go across my district I can think of no more poignant issue where people have been calling upon Congress to put down their partisan differences. Instead, we get a charade. We get a charade of proposals claiming to have been for or have passed something akin to prescription drug relief.

The Republican proposal I have aptly named the Marie Antoinette plan. My colleagues all recall when those in Paris were starving and the then Queen said, "They are without bread. Let them eat cake."

The seniors of this country have come to the capital, have plead with us to give them prescription drug relief, and our Republican counterparts are saying, "They are in need of prescription drugs. Let them buy insurance."

That is not the way to make sure that we protect and provide for the greatest generation ever, those individuals that have sacrificed so much for this Nation of ours. Let us get behind the American plan, not Democrat, not Republican, but the plan that allows people to live out their final days in dignity and provides them the access to prescription drugs, as the gentleman from Texas (Mr. TURNER) pointed out, that will not have them faced with the decision of choosing between the food they put on their table, the monies they need to heat their home, or the drugs that their doctors have recommended that they take to survive. I commend the gentleman from Texas (Mr. TURNER) for putting forward this very important issue at this critical time.

We have got a governor out there who is cawing how he can bring people together. I have a suggestion, call the gentleman from Texas (Mr. DELAY), call the gentleman from Texas (Mr. ARMEY), two of his fellow Texans, tell them to pull this Congress together in the waning days and pass on to those seniors. This is not a bipartisan issue, this is an issue of survival, this is a moral obligation on the part of this Congress to make sure that those seniors, those citizens that have given so much need these drugs to survivor. Let us get together and make it happen. I commend the gentleman from Texas (Mr. TURNER) for his leadership.

Mr. TURNER. Mr. Speaker, I know we all agree with the gentleman from Connecticut (Mr. LARSON) completely. I appreciate his conviction on the issue.

Another Member who has worked tirelessly on this effort to bring fairness in prescription drug prices and a prescription drug benefit under Medicare to our seniors is the gentleman from Washington (Mr. BAIRD).

Mr. Speaker, it is my pleasure to yield to the gentleman from Washington (Mr. BAIRD) on this subject.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) for his leadership on this, and my colleagues who are here to speak to this.

Mr. Speaker, I did not come to the health care issue as a new Member of Congress because it polled well. I came to Congress as a member of the health care profession because we have a health care crisis.

For 23 years before serving in this body, I worked with patients. I was a clinical psychologist. I worked with cancer patients, with head injury patients, with folks with severe mental illness. I can tell my colleagues that, when we talk about 44 million uninsured Americans, 11 million uninsured children, those are not just numbers, those translate into real human lives.

I have worked with patients who put off needed health care. By the time they came to us, their disease had progressed so far, there was nothing more we could do. I have been by their bedside as they died. This is not a political issue. It is not something for rhetorical flourish. It is a day-to-day matter of life and death for American people.

This Congress has named post offices. This Congress has passed resolutions on this and that. But this Congress has yet to pass a real Patients' Bill of Rights, a Patients' Bill of Rights that lets one choose one's health care provider, puts medical decisions in the hands of medical professionals, and holds insurance companies accountable when they deny one care.

This Congress has not passed that bill. Part of the reason we have not passed that bill is we have also not passed campaign finance reform. We have had a chance, but it has been held up again, two critical bills that could have passed.

The reason we cannot pass the Patients' Bill of Rights is the special interests who do not want to see that pass, who make money off other people suffering, have so heavily invested in certain campaigns that we will not even bring it to a serious discussion in the conference committee.

This Congress has not addressed pharmaceutical costs. The gentleman from Connecticut (Mr. LARSON) talked about the Republican plan as the Marie Antoinette plan, very apt prescription. I call it the placebo plan. Placebos, as my colleagues know, are medications or pseudo-medications designed to make one feel better if one believes they work, but they have no real effect. They are sugar pills.

Congress should not be passing sugar pills. The American people deserve better than placebos. The only bill we have managed to bring up is a placebo bill that resulted from polling that said the following: you have got to do something because the American people think there is a need for pharmaceutical benefits. But it does not matter what you do, so long as you say you care.

Saying you care and showing you care are different things. This body is in session still. We have set a record, I understand, one of the longest sessions of Congress in an election year. But in that time we have taken, that extended time, we have passed no Patients' Bill of Rights, no real pharmaceutical benefits. We have not done anything substantive to reduce the numbers of uninsured children and uninsured seniors in this country.

Our rural hospitals, Mr. Speaker, are suffering. There is a little bitty hospital named Morton General in a little mountain town, a timber town that has been pretty hard hit over the years. The winter weather is hitting Washington State right now up in the Cascades.

That town is an hour away from any trauma center. If a woman has a complicated pregnancy, or a logger sustains a serious ailment, that is the only hospital within an hour they can get to. With that winter weather, one is not going to be able to get a life flight up there.

This week we passed a bill before this Congress that will not do what we need to do to protect our rural hospitals. It will not do what we need to do to protect our urban and suburban hospitals. It will not do what we need to do to protect our home health agencies. We passed it for the same reason we passed the placebo prescription medication bill, for political purposes, not for health care purposes. That, Mr. Speaker, is wrong.

We are in the richest country in the history of the world, the richest country in the history of the world; and 44 million Americans, 11 million children have no health insurance. Senior citizens choose every week whether or not to take their medication or pay their rent. Doctors are leaving our suburban and rural hospitals because they cannot afford to pay back their student loans. It is a disgrace.

Mr. Speaker, almost every weekend for the past 2 years, I have flown home to be with my constituents. I have had 103 town meetings. At every one of those, someone has brought me their prescription medication bill and said, please help us with this.

I would like to be home in my district right now, not so much because there is an election, but because I would like to be home and listen to my constituents.

But if we are here, for goodness sakes let us do something that matters. Let us do something that matters. We are not going to do that. We are going to pass CR after CR after CR. We are not going to do it. It is a shame. The 106th Congress is going to go down as the longest Congress to have done the least in American history.

I applaud the leadership of the gentleman from Texas (Mr. TURNER). I applaud my Democratic colleagues who have tried to do something really substantive for the American people.

I would appeal to this body, in the few days left, let us take a chance and work together and solve at least some of these problems, a Patients' Bill of Rights, a pharmaceutical benefit, real help for our rural hospitals, not a giveback to HMOs, but real help for our hospitals.

Mr. TURNER. Mr. Speaker, the gentleman from Washington (Mr. BAIRD) certainly brought the issues right down to home by the examples that he gave. I think many times people feel like we are down here debating some high-minded set of issues. But the truth is these issues make a difference to America's families. They make a difference to our hospitals and our districts. They make a difference to those health care providers that are out there trying to take care of the needs of the people we represent.

Mr. Speaker, it is my honor to yield to the gentleman from Texas (Mr.

LAMPSON), one of my Texas colleagues who has also worked very hard on these issues, who comes from a background where he has firsthand familiarity with the home health care industry, an individual who has fought hard on behalf of the people of his district and of Texas.

Mr. LAMPSON. Mr. Speaker, certainly not near as hard as what the gentleman from Texas (Mr. TURNER) has. The leadership that he has taken and put forth, both in the Texas legislature as a member of the Texas Senate, and then up here following through has been most appreciated. Without the effort that the gentleman has made, many of our colleagues would not have had the benefit of the knowledge, nor the encouragement to have played much of the role that we have. So we commend the gentleman from Texas (Mr. TURNER), and we thank him very much for that.

Mr. Speaker, I was involved in the home health care business. I went to graduate school in hospital administration following college. Then after, I taught school for a number of years. I have basically done three things. I was a schoolteacher. I was involved in local politics. Then I, when I was very much involved with the area agency on aging for southeast Texas, became involved with home health care.

I was a delegate to the White House Conference on Aging in 1995. One of our colleagues spoke a few minutes ago of our elderly seeking the opportunity to live out their years in dignity. Well, at that White House Conference on Aging in 1995, there were basically three goals that were set. They were to save social security, save Medicare, and save the Older Americans Act.

It was felt that, through the 5,000 people or so that participated in that conference, through the many, many, many meetings that took place over 6 or 8 days that we were there, that the primary goal was to give people the opportunity to live in dignity and to be independent in their last years of their lives.

That is what I want to talk about today. I guess it is the state of this Nation's health care that concerns me so greatly, all of us so greatly.

We saw recently, after we passed H.R. 2614, that the Republican leadership combined five bills into a conference report, even though much of what was in those conference reports had not been even considered by the Senate.

Some of the key components, like the Medicare provisions and even the, going back to education for a second, the school construction tax subsidized bonds, none of those were considered by either the House or the Senate.

It is the Democrats who have taken the lead in proposing a balanced package of Medicare and Medicaid restorations. This package ignores the efforts of the President and congressional Democrats to get Republicans to the table to craft such bills.

Instead, Republicans unilaterally put forward this partisan package. It truly bothers me. I am bothered by the Medicare, the Medicaid and the State CHIP provisions in this bill. This portion of the bill has never been acted on by either the House or the Senate.

There are increases of some $31 billion over 5 years for Medicare, Medicaid and State CHIP providers. Of this, 41 percent goes to HMOs with no real guarantee that they will pass the funds on to beneficiaries in the form of enhanced benefits. In fact, there is not even a guarantee that they will have to stay in the communities that they now serve.

So much of the money in this bill is spent on HMOs that there is not enough for hospitals or nursing homes or home health care agencies or hospices or even community mental health centers. Only about 7 percent of the net increase in Medicare spending in the bill will directly benefit Medicare beneficiaries.

□ 1445

While I have my colleague's ear, and while I have the opportunity to visit for a few minutes up here, I would like to make a comment about prescription drugs. It was about a month ago, I think, that the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, sent a letter to the President outlining a number of health care issues that could be resolved before Congress adjourns. And the President wrote back, and his response said, "I am extremely disappointed by your determination that it is impossible to pass a voluntary Medicare prescription drug benefit this year. I simply disagree. There is indeed time to act, and I urge you to use the final weeks of this Congress to get this important work done. It is the only way we can ensure rapid, substantial, and much-needed relief from the prescription drug costs for all seniors and people with disabilities, including low-income beneficiaries." That is what the President said.

Similarly, I signed on to a letter to Speaker HASTERT expressing my concern to learn that he had sent a letter to the President declaring his unwillingness to adopt a real Medicare prescription drug benefit before Congress adjourns this year. I disagreed that it is too late to pass real prescription drug legislation. I urged the Republican leadership to schedule for consideration legislation to improve meaningful drug coverage for all seniors. And has that been done yet? Is it on the schedule? No.

The Republicans' low-income-only prescription drug plan is an empty promise to seniors because it is not a Medicare plan. It would exclude 25 million Medicare beneficiaries from coverage. It includes no real protections or guaranteed benefits. It would provide no help to a majority of even those who would be eligible. It would take years before its coverage provisions would be implemented. And even State officials, who would be responsible for implementing the program, said that they cannot do it. Well, this proposal is really no help at all to seniors who desperately need prescription drug coverage.

We have a responsibility to the American people to act on important issues facing this Nation. It is time to listen to the thousands upon thousands of seniors who have deluged our offices, certainly mine, with heart-wrenching letters of outrageously expensive prescription bills; to hear the stories like that from my own constituent, a widower, of a lady who taught school and died because her insurance company would not pay for the treatment that she needed to save her life from breast cancer.

It is this call for leadership that this Congress has so far refused to answer, and it is time to put the people's interests ahead of the special interests and pass a universal voluntary Medicare prescription drug benefit.

One of the things that stuck out in my mind, and it has been a few years now, obviously; but back in that last Presidential campaign, Bob Dole made a comment at some point that in 1965 he voted against Medicare. I think that that was indicative to me of the difference in commitment to honoring the goals that were set by those seniors in the 1995 White House Conference on Aging. The gentleman asked the question properly a few minutes ago: Who is it that is going to be on the side of America and make these things reality for our Nation as we have enjoyed them over the last several decades; those things that have expanded our life-span; that has given us a quality of life to be able to enjoy the last years? It is going to be the Democrats and the Democratic proposals.

I guess the final thing that I can say is that the work that we have done has been done in a manner and a way that families in southeast Texas make decisions, with common sense and fairness. That is what I think we represent, and what our efforts are trying to be. And I thank again and commend the gentleman for his efforts that he has made and the work of all my colleagues in trying to make this become a reality for the United States of America.

Mr. TURNER. I thank the gentleman from Texas (Mr. LAMPSON).

Well, Mr. Speaker, we have heard from a clinical psychologist; we have heard from the gentleman from Texas (Mr. LAMPSON), who has experience in home health care; in a minute I am allowing that we will hear from the gentleman from Arkansas (Mr. BERRY), who has a background in pharmacy. But now I want to yield to the gentlewoman from California (Mrs. CAPPS), an outstanding Member who brings to this body her experience as a registered nurse.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Texas and appreciate my fellow Members of Congress for the time that we can have to discuss this important topic. We are in the final hours of this 106th Congress. We have passed some spending bills, but there remains still a few more.

When I think of my communities in the district that I represent and the concerns of the people that I represent, and I am so honored to represent them, I know that they look to me and to all of us in the area of health care as the most significant contribution that we can make to their lives here within the Federal Government, whether it is addressing the crisis of the number of uninsured Americans, people who face every day in terror that they will have health care needs that they have no resources to meet, or whether it is the people that I can call up in my mind, those seniors who live in my district who have to choose each day whether to fill their prescriptions, lifesaving prescriptions, or to put food on their table. These are people living on fixed incomes. They are not poverty stricken, but middle-class seniors.

These are issues that we really need to be addressing here. We need to put an affordable voluntary prescription drug opportunity for all seniors within Medicare. We need to address the issues of the uninsured.

I also want to use the minutes that the gentleman has given me to talk about another issue that people in my district have said we should do something about. They want us to do something about those HMOs that are making health care decisions in the place of their doctors.

We have had, we have still, a great opportunity to enact a bipartisan bill that passed here in the House, the Norwood-Dingell patient's bill of rights, 68 Republicans and an overwhelming number of Democrats. A good bill, yet it languishes. This is something we can still do in these last few hours of this session of Congress. It contains critical provisions which, I believe, are key to quality patient care and which come directly from the experiences of people in my district and around this country with their managed care providers and with their insurance companies.

They tell me in my district that they want to be able, as a patient, to choose their own doctors, their own hospital, to see specialists when it is appropriate. They do not appreciate having these decisions being made by insurance clerks and having the doctors told what they cannot and can do. The bill we enacted right in this House would protect medical privacy, guarantee emergency room care, and ensure that health plans cannot interfere when patients enrolled in clinical trials. Most importantly, this bill we passed holds HMOs accountable when they make medical decisions that harm patients.

And this is a sticking point, and this is why there is such tremendous opposition to it right now. But we hold physicians accountable for malpractice. And when insurance companies practice medicine in a way that is not in the interests of the patients, they should be held accountable as well.

I am from California, where HMOs got started; and I have seen for myself in my own experience and those of the people with whom I worked so many years as a school nurse that HMOs have done some wonderful things, such as spreading the availability of preventive care. But over the past decade or so in my district, the power has swung too far into the corner of HMOs and insurance companies making health care decisions and into the area of pursuing profits over patient care. Patients are being cut out of the decision making process of their own health care. Doctors, nurses, other health care professionals are overruled by bean counters and profit takers. The bottom line is what is being intruded into health care, and our health care system is eroded today by mistrust and by anger.

This legislation that we passed here, the model that we could still enact into law, is supported by virtually every major health care organization in this country. As I mentioned, this House passed it by nearly a two-to-one margin last year. The American people support it overwhelmingly. We have no excuse that we cannot afford to do something about this. We have examples of the gentleman's own State where a patient's bill of rights has been in place and where it has worked effectively. It has not cost people more than a dollar or two more in their premiums.

The fear about everything going to the courts has not, in fact, turned that way. A very small number of lawsuits have actually resulted. When we have the example of Texas' patient's bill of rights being put into place, there is absolutely no reason why we should not be addressing this in this session of Congress before we adjourn. Our constituents at home are asking us to do this, and I am urging the leadership in this House and in the Senate and in that conference committee to deal with this before we adjourn.

Mr. TURNER. Mr. Speaker, we appreciate so much the experience the gentlewoman brings to this body with her background in nursing. It gives us a unique perspective.

I want to yield now to the gentleman from Arkansas (Mr. BERRY). He was one of the original cosponsors of the Prescription Drug Fairness Act. He comes to this body with a background of training in pharmacy, and I think he brings not only the expertise of pharmacy to bear on these issues but I have found him to bring the common sense of rural Arkansas to bear on these issues, and for that I have been very appreciative. So I am honored to yield to the gentleman.

Mr. BERRY. I thank the distinguished gentleman from Texas (Mr. TURNER), my great friend; and I want to commend him for his leadership on health care matters in this Congress and in the time that he has been here. It is nice to be here with my Democratic colleagues today that have all worked so hard to try to improve the health care system in this country.

One of the previous speakers on the Republican side earlier today said it is time for a reality check. I could not agree more. Let us check the reality of the situation we are dealing with today. We are at the end of the session. We are here on a Saturday afternoon and would be proud to be here if we were just taking up the legitimate business of the American people. We have no patient's bill of rights. We have no prescription drug coverage for our senior citizens. That is the reality. We have not made provisions for more reimbursements for our hospitals to keep them in business. They are going broke every day. That is the reality. We have made no provisions to keep our home health care providers in business. That is the reality. Nor to keep our ambulance services in business. That is the reality. We have not made provisions for school bonds, smaller classrooms, after-school classes, teacher training, or any of the education programs that our children so desperately need. That is reality.

Let us talk about what we have done. We passed a patient's bill of rights in a bipartisan way in this House, and the leadership in the House and the Senate killed it in the Senate and in conference in a disgusting way. They should be ashamed of themselves.

They raised, and the Democrats voted against it, I voted against it, but the Republicans raised their own budget. They raised their own spending caps just a few days ago so that they could give an $11.5 billion Christmas present to the HMOs, not to correct these problems I just talked about, not to help our seniors with a prescription drug benefit, not to provide a patient's bill of rights, not to help our hospitals or our health care providers, but to give a Christmas present, granted it would be early, but it would be a nice Christmas present to the insurance companies that have poured money, in an unprecedented way, into their campaigns. That is reality.

□ 1500

Governor Bush stands before the American people and proclaims his great concern for our senior citizens not having prescription medicines. He claims that he almost single-handedly passed a Patients' Bill of Rights in

Texas, which we all know is not right. And he also proclaims that he has this great ability to work in a bipartisan way.

I would suggest to you today, the Democrats are here. We are on the floor of the United States House of Representatives, and we are ready to go. We are ready to pass a Patients' Bill of Rights. We are ready to pass a prescription drug benefit for our seniors. We are ready to pass increased Medicare reimbursements to keep our hospitals and nursing homes and all of our other health care providers in business, not to enrich them, just keep them in business so that our seniors and our citizens in this country have decent health care in the greatest Nation that has ever been.

And he claims to have this great bipartisan ability. He will not even need bipartisan ability. We are ready to go. The Democrats are here. We are ready to do business. He has got to work on the Republicans. I would suggest, maybe he should call the Speaker Hastert. Maybe he should call the majority leader in the Senate and tell them, "I am for this." That is what he says. He says, I want to help America's seniors. I want to be sure every American that buys health insurance has the opportunity to make their own health care decisions along with their health care professionals. That is what he says. Maybe he should give the majority leader in the House a call. Maybe he should call the whip on the Republican side and say, "I'm ready to go. Let's just go ahead and do this this fall. It will be great for the campaign. We can say we don't even have to get elected. We have already gotten it done." But the reality is they only talk about it.

This is the greatest attempt to deceive a Nation that has ever been. The pharmaceutical manufacturers in this country have poured tens of millions of dollars into this campaign in an attempt to deceive the American people. Any time the American people see this tag line, Citizens for Better Medicare, look out. What they mean is citizens for more profit for the pharmaceutical industry, and we are supporting this candidate because we think they will support us when the time comes, and we think they will protect our outrageous profits at the expense of the wonderful senior citizens in this country. And it has already been mentioned, they are the greatest generation.

It is unbelievable that we are here today and have been fighting this battle for over 2 years. Yet even though we are here on Saturday afternoon, the Democrats virtually alone in their effort to move these issues forward, and it still has not happened. The President is ready to do these; he knows it is the right thing to do. The Republicans claim they are. It is absolutely amazing that we have not been able to get this done. That is the reality check. I thank the gentleman from Texas once again for his leadership in this matter.

Mr. TURNER. I thank the gentleman from Arkansas (Mr. BERRY). He has a unique way of bringing it right down to home in good common sense terms. As I asked in my opening remarks for this Special Order hour of the American people, who is on your side, who is fighting for you, I think it is clear that you and the other Democrats in this Congress are working hard to provide the prescription drug benefit, the Patients' Bill of Rights, and funding for the Medicare program that the American people want.

It is almost amazing as I heard you express it when you talked about the issue, when you try to identify who is against these things, who would want this Congress to fail to pass a Patients' Bill of Rights, who would want this Congress to fail to pass a prescription drug benefit for seniors. There are only two groups, the insurance industry and the big pharmaceutical manufacturers. Everybody else would say, "Let's move on and get the job done." As you said, we are here and we are ready to go to work and get it done before this Congress ends.

The gentleman from Arkansas (Mr. BERRY) brought experience as a pharmacist. The gentleman from Washington (Mr. BAIRD) brought his experience as a clinical psychologist. The gentlewoman from California (Mrs. CAPPS) brought her experience as a nurse. The gentleman from Texas (Mr. LAMPSON) brought his experience to the table from home health care. It is now an honor and a privilege to yield time to the gentleman from Arkansas (Mr. SNYDER), a medical doctor.

Mr. SNYDER. Mr. Speaker, I thank you for spending part of your Saturday afternoon with us today.

I had lunch today at a Chinese restaurant. I got the little fortune cookie. I was walking, eating my cookie on the way over here. It said, "Laughter is the best medicine." My experience as a family doctor is the best medicine often causes hysterical laughter because when people get the bills and see what they are paying for these drugs, it is a shocker for them.

My experience as a family physician, and it is a sad experience, is that the patient comes into the doctor, you write out the prescription that you think is the right thing to do and you think this can help that person and they come back a week or two later. I bet the gentlewoman from California has had this experience, the gentleman from Washington has had this experience.

"How are you doing?"

"About the same."

Well, I wonder what happened. You talk and talk and talk. You finally find out, I went to the pharmacist to get that medicine and they filled it for me, they gave me the bill and I could not afford it, and I decided not to take the medicine. That is the experience in Arkansas, as over a third of our seniors have no drug benefit at all. Also, those are the same group of people. I think it is over 60 percent of our seniors, their only source of income is Social Security. So this problem of not having a prescription drug benefit is a real one.

I was very optimistic when we began this Congress almost 2 years ago that we would do something in Medicare to modernize it. That is all we are asking for. We have a Medicare program. People talk about those bureaucrats in Washington. This is Medicare. They talk about the one-size-fits-all. This is Medicare. It is the Medicare program that my mother relies on, our parents all rely on; but it needs to be updated, and it needs to be updated with a drug program. Here we are on a Saturday afternoon, hoping that somehow in the next week before we finally adjourn that something will occur in this area; but I suspect most of us are not very optimistic that will happen.

The Patients' Bill of Rights. Let me relate another anecdote from my experience as a physician. I think that to me the worst thing I had to do that illustrates why I am a supporter of the Patients' Bill of Rights was I have had several occasions as a family doctor in recent years where if a patient came to see me and they were depressed, they had some mental health problem and I may or may not give them a prescription or do whatever I can do as a family doctor, but I thought they needed counseling and they had an insurance program. I would have to take them in, this is the way their plan worked. I would take them into a room and say, "Here's the telephone. Here is an 800 phone number; dial this number. You're going to get a complete stranger at the end of that line who will tell you, number one, do you get any counseling, number two, what kind of person will give you that counseling and, number three, how often and for how long a period you will get that counseling."

Well, that is that person. That is the patient's insurance company. They have made that decision, with their employer perhaps, to choose that insurance company. But my opinion as a health care provider, as a family doctor, if that clerk at the end of that phone is going to make health care decisions, then they should be just as liable as I am if something goes wrong. I see my fellow health care professionals over here also nodding their heads. That is what the most controversial part of the Patients' Bill of Rights is about, that if a health insurance program is going to practice medicine, they should be responsible legally like the rest of us that practice medicine for real. I do not know why that seems to be so controversial, but it is.

A third issue I want to touch on is this issue we have had come up just recently in the last few days with the vote on what was called this tax bill and the Medicare give-back provisions. That deals with the problem that our hospitals are struggling with around the country. A lot of us, I had promised my folks back home, yes, before we are out of here we are going to have some additional money for rural hospitals and health care providers. Lo and behold, I said, it is not going to be a problem because it is bipartisan; there is great support for it.

What happened? Instead of getting the kind of bill we all thought we were going to get, we are getting a bill that gives far too much money to managed care organizations, to HMOs, and not enough to hospitals. It is really difficult to understand at this late hour why on something like that we are here today, why that cannot be worked out so that we can give our health care providers back home some relief.

The last point I would like to make is on campaign finance reform. I think that sadly a lot of us have concluded, we would like these issues to be decided on what is the best policy. Unfortunately, a lot of these issues are being decided by who gives the most money to which party to help their particular position. The gentleman from Arkansas (Mr. BERRY) is trained as a pharmacist. He actually made most of his money now as a farmer, but he understands these drug issues so well, made mention of Citizens for Better Medicare and the reason that he and I talk about it is that they are now spending a ton of money in the Little Rock media market trying to influence this congressional race we have in South Arkansas.

It is not the race that he and I are involved in in our two districts, but it is in the same media market. The Arkansas Democrat-Gazette had a report come out about a week ago. Citizens for Better Medicare, which is financed by drug company money, these are pharmaceutical companies, has now spent close to $800,000, if not more by this week, to impact that one race. They are opposing the proposals that we all support to include a drug benefit in Medicare.

I do not deny anyone their right to run an ad. I do not deny anyone the right to support whatever candidate they want, but when they call themselves Citizens for Better Medicare, people need to understand and the folks in south Arkansas and in my district also need to understand that Citizens for Better Medicare is drug company money trying to block a drug benefit for Medicare, and that is wrong.

I thank the gentleman from Texas for his work today and I thank the Speaker again for being here.

Mr. TURNER. I appreciate the comments of the gentleman from Arkansas (Mr. SNYDER). I know all of us have been confronted with that front group called Citizens for Better Medicare, which there is no citizens there. It is just the big drug companies pouring money into these issues, trying to influence the outcome of elections, and it is wrong and I hope the American people understand who is on their side and who is fighting for them.

We have only a minute or two left. I want to yield to the gentleman from Washington because he wanted to share some of his thoughts about the unfairness of pouring the lion's share of the money into the HMOs for the Medicare+Choice side instead of giving it to our rural hospitals and other health care providers.

Mr. BAIRD. I will be fairly briefly. Most Americans do not realize it, but there is a tremendous inequity in Medicare compensation in our country today and it works like this: all Americans pay the exact same amount of money into Medicare as a percentage of their salary. But not all Americans receive the same benefit. Depending on where you live in this country, you may receive pharmaceutical benefits, eyeglasses, hearing aids in one part of the country under Medicare, but in another part of the country you may receive none of those benefits and pay a supplemental premium and have to pay copays. This inequity, more than anything else I believe is what we should be correcting in these so-called BBA fixes that we have been trying to pass in the last week, but this bill that came before us this week did not adequately address it. It was painful for many of us who know the desperate straits of our hospitals, who know the desperate straits of our rural health care communities and who also would like to see a minimum wage increase passed to have to vote against that bill because it did not do enough to restore fundamental fairness and equity to the Medicare compensation system. Neither did it do enough to protect our home health agencies, nor did it protect and promise that the money that went to the HMOs would actually get to our hospitals.

I applaud the leadership of the gentleman from Texas (Mr. TURNER) in raising these issues and thank him for his efforts and leadership on this.

Mr. TURNER. I thank the gentleman from Washington (Mr. BAIRD). I appreciate his participation along with the gentlewoman from Florida (Mrs. THURMAN), the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. LAMPSON), the gentlewoman from California (Mrs. CAPPS), and the gentleman from Arkansas (Mr. SNYDER) as we have tried to lay out before the American people the issues to let them have the choice and the decision as to deciding who is on your side on these critical issues. We are going to continue to work to get the job done for the American people.

THE REPUBLICAN CANDIDATE FOR PRESIDENT

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the opportunity to spend a few minutes this afternoon discussing the situation we face ourselves today in terms of dealing with the homestretch of the year 2000 election. There is, I understand why we have seen in many expressions of public attitude, a sense of confusion. We have heard the Republican candidate for President, Governor Bush, talk about his concern about the gridlock and partisan bickering here in Washington, D.C., trying to make it some aspect of his campaign, that somehow this would be an advantage of his candidacy, somehow either not knowing, caring or not being honest with the fact that it is his party that is not dealing with allowing partisan solutions to come forward.

As is known to every Member of this Chamber, there was a bipartisan solution to the issue of a Patients' Bill of Rights that was passed with overwhelming Democratic support and a number of Republican supporters as well, a significant majority of this Chamber. But unfortunately the Republican leadership refused to allow a fair and honest discussion of this proposal to move forward and decided to appoint members of the conference committee who actually disagreed with the overwhelming sentiment, the overwhelming bipartisan sentiment of this Chamber.

□ 1515

In the area of efforts to reduce gun violence, we had an historic opportunity last year when finally there was a little glimmer in the United States Senate where there were some provisions that were passed that would have been small steps towards reducing gun violence, a huge concern for people around the country.

One of those, the gun show loophole, for instance, had bipartisan Senate support, would have had an opportunity for passage here, but this legislation has been bottled up in a conference committee by the Republican leadership that will not meet with the Republican Senate leadership and bring legislation to the floor of this Chamber. That juvenile justice conference committee has not met since last summer; not the summer of the year 2000 but since August of 1999, losing an opportunity to have a bipartisan solution towards reducing the epidemic of gun violence.

Perhaps nowhere is the stark differences between the candidates more clear than dealing with the area of the environment, and I wanted to take the opportunity today to have an opportunity to discuss these issues.

I notice that I am joined by my colleague, the gentleman from Oregon (Mr. DEFAZIO), a senior member of the Committee on Transportation and Infrastructure, a senior member of the Committee on Resources, someone who has been involved with the issues of the environment since he and I served together as local officials in Oregon more than a decade ago. I am pleased to yield to him at this time for some comments about the environment, the year 2000 election, and the issues that are facing us.

Mr. DEFAZIO. Mr. Speaker, I thank my colleague, the gentleman from Oregon (Mr. BLUMENAUER), for yielding.

Mr. Speaker, I think that the area of the environment is perhaps where we find the most stark contrast both between the parties here in the House and between the Presidential candidates. For a minute I would like to turn to energy policy because this is very much on the minds of my constituents.

In the West, where there are long distances between towns and many of my constituents live in rural areas, there are no mass transit alternatives and the high price of gasoline is a real problem for my rural communities. Here back, here in the East, where we are stuck today, people are very concerned about projected heating oil shortages, huge run-ups in prices of heating oil and, of course, the energy industry not being particularly competitive. The natural gas folks have taken the opportunity to quickly jack up the price of natural gas to follow that of oil. So even if adequate supplies are available for people in the East to heat their homes during this coming cold winter, the prices are going to be considerably higher than last year.

So I believe it is worth examining, particularly, the two candidates for President on the issue of the future of energy policy and how we got here. How did we get into this pickle? Did we not learn back with the gas crunch, back in the 1970s, when people had to stand in line and they had what, the red and the green flags? And people got in fights in lines for gas stations, and you would have to get up two hours before you went to work to go sit in line to buy gasoline for your car. It seemed initially that the U.S. learned a lesson.

In the Carter administration, we began a very aggressive policy of development of alternative fuels, conservation, renewable resources; but it all came to a screeching halt with the election of Ronald Reagan. And unfortunately, although the Clinton administration has tried to restore funding in those areas, we have to remember that for the last 6 years, 6 years, Governor Bush likes to talk about well, why has the Vice President not delivered on this or that or that? Why has he not done more on conservation renewable resources, because he has been confronted with a Republican majority who is in thrall to the oil companies. That is why. They do not want conservation renewables. They do not want alternative energy development, and it is really clear. If we just look at this year's budget, we would see that as of this date, the Republicans have cut renewable energy resource $106 million below the President's request in the energy and water bill, and passed a $211 million cut in the President's request for energy research in the Interior bill.

What is their solution? Well, we are not quite sure. I mean, Governor Bush and a number of prominent Republicans have talked about drilling in the Alaska National Wildlife Refuge.

Now let us set aside the issues of that spectacular and distant place and the potential for environmental degradation. Just look at the practicality of what they propose. It is laughable. The pipeline today, which is coming from Prudhoe Bay, and I have been to this area, is full. It is full. And it is pumping oil as quickly as it can to the coast, where it is being loaded as quickly as they can on tankers. Now, that should be of some help to us, particularly in the West. But guess what? The Republicans passed legislation at the request of two oil companies in 1996 to export all of Alaska's oil.

They have a short memory. We made a promise to the American people. The American people paid for that pipeline, and they were promised none of that oil will go overseas. Guess what? Every single drop is going to Japan and China, where they are paying a lower wholesale price than the same oil companies are charging their refineries on the West Coast for oil which they obtained elsewhere, but profits are up 300 percent. So their solution is we should drill in the Alaska National Wildlife Refuge. I guess so we can export oil more quickly to Japan and China.

I am not quite certain how that helps, but that is the one thing that Governor Bush has been able to say about this.

It is clear he cannot say much more, nor can the Republicans over there if we look at the campaign and expenditure reports: Massive contributions from the oil industry. I mean, it is pennies to the oil industry. Their profits are up 300 percent; seven billion dollars in the last quarter, an absolute record. They do not want anybody to rain on their parade, and raining on their parade means we do serious things in this country for energy independence, for conservation, renewable resources, fuel economy standards, mass transit. And time and time and time again our colleagues on that side of the aisle try and kill mass transit. They are' engaged right now in trying to kill off Amtrak, becoming the only major industrial nation on Earth without a passenger railroad.

They have sat back and delayed better fuel economy standards. Do you really believe Detroit cannot make more economical automobiles? I really think they could; but if they are not forced to do it, well, why should they? And our colleagues on that side of the aisle have been very willingly working with the oil companies and a few of the automobile companies to set back those standards. They do not want to save oil. They do not want to save gas. In fact, former Representative Cheney, the Vice Presidential candidate, felt that his job as the CEO of the Haliburton Company, an oil exploration company, was to drive up the price of oil and he was engaged, as CEO of that company, in colluding with the OPEC countries and advising them to restrict production to drive up the price.

Of course, it helped his stock options when he left the company. He said very proudly in the debate with Senator LIEBERMAN that he had not made his dollars in the public sector; he made them in the private sector. Well, guess what? He was playing golf 5 years ago as a lobbyist, a former Member of Congress, with the CEO of Haliburton who took a real liking to him. They had a great time, a good round. He said, I think you ought to take my job, Dick. I am retiring. And he did. So he went from a guy with a lot less than a million bucks to a guy with many millions by working for this oil company.

So we have to wonder, who is going to dictate oil policy in the coming administration?

Mr. BLUMENAUER. Mr. Speaker, I too was struck by that comment about having made his money in the private sector, not sullying himself with government. But is it not true that the company for which he went to work and some of the performance bonuses that he has earned have been a result of massive government contracts, for example, with the military?

Mr. DEFAZIO. Well, if the gentleman would yield back, in fact, yes, Haliburton had very large government contracts; and I am certain being a former Defense Secretary may have helped a little bit there, but there is also now some question being raised about whether or not in carrying out those contracts that there was some impropriety. And, in fact, there are investigations ongoing on whether or not the taxpayers were defrauded.

So not only was the gentleman given a job which took him from being worth not very much to being a multimillionaire in a very short period of time, in conducting that job, his company was doing business with the Defense Department, where he formerly was head of the Defense Department, and is now under investigation for impropriety. And, thirdly, of course, one way they did raise their profits was by laying off lots of American workers. So this is really a record to brag about.

All that leads back to the point that I was trying to make earlier, which is the Governor of Texas came up through the oil industry, has received massive campaign contributions from the oil industry. His Vice President worked in an oil services industry and has become a multimillionaire by dint of a very short stint there and some very generous stock options and other pensions and things. And their public articulations are ridiculous on the issue of energy independence or getting down the cost of fuel in this country, conservation or renewables.

They are proposing things that are absurd. Drill ANWR to ship more oil, which they support, to Japan and China, I guess. Yeah, they need oil and gas in Japan and China. I grant you that. So I really have got to wonder what the future would look like for Americans if we find that Exxon, Mobile, BP, Amoco and whatever the name of the one giant oil company is these days is sitting right there in the White House. I do not think that that is going to be a very pleasant future for American consumers and people certainly need to think about that.

Not only is there an environmental threat from not dealing with energy efficiency and conservation and renewable resources, which is very large and goes to the issues of global warming which they do not believe in, but there is also an immediate threat to the American public and to the American consumers from the outrageous and extortionate prices that they are being charged by the oil cartels under the excuse of restrictions with the OPEC countries which Vice Presidential nominee Cheney advised the OPEC countries to do. But perhaps since he gave them that advice when he was an oil executive, if he becomes Vice President he will give them different advice and tell them to raise production and lower prices. We can only hope that he will be more generous and enlightened if he achieves office.

I would be happy to yield back to the gentleman.

Mr. BLUMENAUER. I appreciate the gentleman referencing the issues that we are facing regarding energy and global warming. These are part and parcel of the critical elements that we are facing here in the year 2000 election. I do not think it has been given quite the currency that one would have liked. But just again today on the editorial page of The New York Times, there was a reference to a new report that is coming forward, the third report from the group that was set up after the Kyoto Accords to try and monitor this, with over 50 recognized experts now finding not only is the consensus of scientific opinion stronger than ever that we have, in fact, contributed to the impacts of global warming that, in fact, it is accelerating but that it may be actually worse than we thought over the course of the next 100 years; that the increase in temperature may be over 10 degrees Fahrenheit over the course of the next century. And in that context we are faced with a Republican ticket that does not have a program or a proposal dealing with global warming.

In fact, George Bush, Sr., derided Vice President GORE for his interest, his concern and his leadership about this issue. You may recall him being dismissed as the ozone man in the 1992 elections.

Mr. DEFAZIO. If the gentleman would yield on that a second, we might note that this spring the depletion of the ozone layer over Antarctica is the worst in recorded history and extends well up above parts of New Zealand and Australia, and last summer for the first time we had significant ozone problems over the North Pole. So it is extraordinary that anybody would have derided someone for raising that very serious issue, both of global warming and ozone depletion, which is so detrimental to the future of our planet.

Mr. BLUMENAUER. I would just take just one brief pause here, reclaiming my time, because I think it does touch on another central issue of the year 2000 election, and that is the incredible claim that is being made by some that there is basically no difference between Vice President GORE and Governor Bush in terms of which of these gentlemen would be elected to be President.

□ 1530

In fact, I found it interesting that there are some who are claiming, first among them Ralph Nader, a gentleman who for years I have watched, and I have admired some of his work; just right out of college, one of my first opportunities for public service was at a local university where I had a chance to play a small role in helping facilitate the Student Interest Research Group in Oregon. I admired Mr. Nader and some of the Raiders. But somehow, to hear Mr. Nader suggest that people should vote for him because there is no difference between the two candidates strikes me as outrageous. I think there will be an opportunity in the course of our conversation here to point out some of those differences.

I note with interest that the Republican Party is now starting to use some of the words of Ralph Nader. They are putting on in effect ads for Nader, because they are hopeful that they can use this to undermine the support for the Vice President. I guess it is something that one has come to expect from the Republican campaign; and sadly, I am hearing from Mr. Nader that they cannot quite distinguish the difference. They are unaware of the difference between, or they are not willing to admit the difference between the two gentlemen on issues of reproductive freedom, which has inspired the National Organization for Reproductive Rights, NARAL, to have to take out ads pointing out the threat that would be posed to women's right to choose her reproductive health options. Governor Bush does not support a woman's right to choose, versus the President in the form of AL GORE who does, and the impact that this would have on the decisions for people that would be appointed to the Supreme Court.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will yield, sometimes we have to find a little humor in dire circumstances. I did see a cartoon which is very illustrative of the difference between Governor Bush and Vice President GORE on appointments on the Supreme Court. It was a cartoon which showed a Supreme Court made up entirely of Justice Scalia and Justice Thomas. Of course, Governor Bush has said, and remember, his father thought that Mr. Thomas was the most qualified person for the job, and now, of course, his son has said that he thinks that Thomas, being loyal to his dad, I guess, and Scalia are the shining lights on the Supreme Court and he wants to replicate them on the Supreme Court. His appointments would be more Scalias and Thomases.

Well, we can throw out a woman's right to choice with the first appointment of a Scalia or Thomas clone. With the second appointment of a Scalia or Thomas clone, we can throw out the Civil Rights Act and a whole lot of other very important Federal laws that are based on Supreme Court decisions that would be revisited by a very radical right-wing court, and that is inevitable under his stewardship as President.

Mr. BLUMENAUER. Mr. Speaker, just reclaiming my time briefly, it is interesting that people are talking about the fluid political situation that this Presidential election, it seems that each poll shows jockeying around the country and there are people looking at whether or not they are ahead in the electoral college or not, but clearly it is a fluid situation and I think most commentators believe in the next 10 days it could go either way. Certainly we have watched the struggle for control of the House of Representatives. Most pundits feel the House is very much in play. Some even think that it is possible that the Senate may change hands, but certainly there is a momentum toward the Democratic side over there.

One thing that we have not talked about is how much in play the third branch of government is, the Supreme Court, and I appreciate the gentleman's reference to the close nature of many sensitive decisions. The Washington Post recently had an analysis of the recently concluded term of the Supreme Court, where they analyzed 19 key decisions, and eight of the 19 decisions were 5–4 decisions that could turn on the appointment of, as the gentleman says, one or two justices.

We have recently completed the longest period in 177 years without an appointment to the Supreme Court; 177 years have passed since we had this period of over 6 years before an appointment. We have three over the age of 70 who are on the Supreme Court; we have some who are cancer survivors. There is, in all likelihood, significant changes that are going to take place, and whether it is dealing with the environment, a woman's right to choose, civil rights, as the gentleman mentioned, or the balance between the Federal and State governments, there are huge issues that hang in the balance, and perhaps at no time in our Nation's history for the last 40 or 50 years has the Supreme Court been so in potential of having a dramatic shift.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, a lot of the public does not focus on this on a daily basis, and neither do I. I mean, the Supreme Court is that building over there somewhere. But that is the bulwark we have against bad legislation, bad laws in this country. It is the bulwark we have for our Bill of Rights, our precious individual liberties. Just recently, snuck through the Congress in the intelligence bill is an Official Secrets Act for the United States of America.

Mr. BLUMENAUER. I beg your pardon?

Mr. DEFAZIO. An Official Secrets Act. It was made part of the intelligence bill which, of course, we cannot read before we vote on it, and it was put in it before anyone knew it was there. They do have a special room where you can go and read it if you want, but you cannot talk about it, so I do not go and read it. But they put in a clause which would establish an Official Secrets Act in the United States of America. Not even just for national defense purposes, but for anything that any government bureaucrat who is anywhere in the government who has a stamp that says, classified, they can stamp anything on their desk "classified," and anybody who discloses it or second- or third-hand prints it in the newspaper or talks about it, even a Member of Congress, would be subject to criminal penalties.

Now, would we ever know about the problems created at the Department of Defense in acquisition or the problems in other parts of the government if all of the States could just be simply classified? So we are going to be turning to the next Supreme Court unless we can get this bill vetoed by the President and sent back down here to strip out the new Official Secrets Act. We will be turning to the next Supreme Court to see whether or not our precious liberties maintain any sort of modicum of control over the government. I mean that is extraordinary. Just think about it. It is not just the woman's right to choice. It is civil liberties, it is States' rights, and in this case, it is free speech. And these things are all important.

Mr. Speaker, our current obscene system of campaign finance came from a bad Supreme Court decision. The American people are pretty sick of what is going on with the just unbelievable millions and billions of dollars this year, more than $1 billion, being spent on the campaigns for elected office, and that is a result of a well thought-out reform adopted after the Watergate scandal being thrown out in a bad Supreme Court decision. They affect our everyday lives. It is important. And to have Governor Bush say he wants to have Scalia, Thomas, Scalia, Thomas, Scalia, Thomas as the Supreme Court, and we look at their decisions. It is going to be a very grim day if we care about any of those things.

Mr. BLUMENAUER. Mr. Speaker, briefly reclaiming my time, I appreciate the gentleman's concern, and I think we ought to note at this point that it actually goes, of course, far beyond the Supreme Court. The Supreme Court is the ultimate law of the land. It does symbolically capture our attention; it is something we can focus on. But, of course, as the gentleman well knows, we rely heavily, in terms of our work in the Federal Government, in enforcement of rights from environment to choice to consumer protection; it is a rare decision that gets to the Supreme Court.

Day in, day out, these are decisions that are made in the Federal district courts and circuit courts where there has been a log jam that has been created, and again, because the Republicans in the Senate have refused to move forward in a bipartisan way for an appointment to lower-court positions. Oftentimes, these are incredibly well-qualified people, where there is bipartisan support back home. But there is a backlog now, and the floodgates are going to be loose for the next administration, and there will be hundreds of judicial appointments that will seize and control the character of the judiciary for a generation to come.

I would note that we have been joined by our colleague from the State of Oregon (Ms. HOOLEY), and I am happy to yield to her if she wishes to continue the colloquy.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding.

As we look at this election and look at what it means to people, I think sometimes as we talk about in this Congress, we have actually stopped a lot of environmental riders. Well, what are riders? What does that mean? What does really affect people in their everyday lives? All I have to do is look back at the time when in 1994, 6 short years ago, when Gingrich and gang took over and some of the policies that they tried to put into effect. I mean whether it was doing away with our clean drinking water amendments or our clean air provisions and laws, and what does that mean to real people.

Well, first of all, when we do not have clean air and we have any kind of a lung problem or one has asthma, I mean, this is devastating to someone if they do not have clean air to breath. Look at the Bush record and look at what has happened in Texas, and they have some of the worst air pollution in the world. Well, if I have any kind of a respiratory problem, I do not want to live there. I want to make sure our State and our Nation has clean air to breathe. If we look at people's everyday health and how it relates to water, would it not be a shame if one went to the faucet, took a glass, filled it full of water and said well, I really cannot drink that. I have to buy bottled water and the cost of that.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time briefly, I appreciate the gentlewoman's references to the issue of clean air, because this is something research is showing is not just a transitory problem. We have just had published a report in Southern California, which is now no longer the smog capital of the United States.

Ms. HOOLEY of Oregon. It used to be.

Mr. BLUMENAUER. That honor, that distinction has been claimed by Houston during the course of Governor Bush's term of office, that losing this lung function over the course of a few years becomes permanent. They have been able to identify that the smog in Southern California reduces the growth of lung capacity 10 percent and makes people more likely for a lifetime to be hospitalized, for example, for asthma attacks. When we look at the record of Governor Bush in Texas, the smog problems in Texas cities have actually increased in the 6 years that he has been governor.

Mr. Speaker, Texas ranks first in the Nation in toxic air emissions from industrial facilities, discharging over 100 million pounds of cancer-causing pollutants and other contaminants in the air annually. Of the 50 largest industrial companies in Texas, 28 violate the Clean Air Act. Currently, the areas of Houston, Galveston, Dallas, Fort Worth, El Paso, Beaumont, Port Arthur are in violation of Federal clean air standards for ozone pollution. As I mentioned, for the second year in a row, Houston is the smog capital of the United States, surpassing Los Angeles.

Ms. HOOLEY of Oregon. Mr. Speaker, when the gentleman talks about that, again, we have to say well, so what, it is the smoggiest place; but how does it affect people? Well, asthma is now the number one reason that children miss school, the number one reason for absenteeism in our schools today. That is directly related to what the gentleman was just talking about; it is our air and whether or not it is clean air or dirty air.

Mr. BLUMENAUER. Mr. Speaker, it strikes me that if Governor Bush was concerned about that environmental threat, we would have seen some manifestation of it, some energy, some passion.

□ 1545

Mr. BLUMENAUER. As Governor-elect, Bush opposed new vehicle emissions testing programs that had been designed and contracted by the State to implement the 1990 Clean Air Act. He called it onerous and inconvenient. As Governor in 1995, he worked out a deal with his legislature to overturn the centralized inspections, because it was too inconvenient. Instead, the decentralized system, similar to the old system except it costs more, the tests were less accurate, and it was easier to evade.

Now we are in a situation. Dallas, for instance, is in noncompliance. His response in the case of Dallas was to argue with EPA to change how they were testing the methodology, not clean it up.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would continue to yield, that is the interesting way to deal with air pollution, of course, would be to the change the standards. I think we can actually expect in a Bush Presidency, if there should continue to be a Republican Congress, that that would happen.

I remember the bad old days before we had a Federal Clean Air Act, and as a concerned graduate student at the University of Oregon, went to a meeting with people concerned about pollution from a local company. And this was before we had a Federal law and the representative of this rather large company that is now known and advertises widely for being environmentally responsible was to say, that is the smell of jobs, and if you do not like it, we will move to Idaho, because they do not care.

Mr. Speaker, that is what happens if you dismantle strong Federal standards, which is exactly what we know would happen under a Bush-Cheney Presidency, if they had a compliant Congress.

Let me just turn for a second for clean water. We take it for granted. Water is going to become one of the most precious commodities in this century. Wars will be fought over water according to the CIA. In fact, we are close to that in some parts of the world. We are running out of potable water. We take a lot for granted.

At the height of the Republican revolution here, I sat on the Committee on Transportation and Infrastructure, we had a markup that went on for 5 days. We were working on a piece of legislation to reauthorize the expired Clean Water Act. We went through amendment after amendment, trying to fix the problems with the law and lock step, 100 percent of the Republicans voted against us, the Democrats in the minority, and that bill went through the House.

And if Bill Clinton, if we had not had a President downtown saying if that bill gets near my desk, I will veto it, shred it and destroy it, that probably would have become the law of the land, and it would have taken us back actually to the days when any industry anywhere could dump.

This bill actually embodied a new principle, and this is free market economics. Anybody who wants to can dump whatever they want in the water, and the bill said the public would be obligated if they wanted to use the water for something other than a sewer to clean it back up. It would have taken us back to the 1950s and early 1960s when we had rivers here in the eastern United States that actually caught fire. A lot of people are too young to remember that today. That actually happened, the Cuyahoga River and other rivers, they caught fire, they were so polluted, they were so dead.

The Willamette River in our own State was an open cesspool, and it is only because of Federal laws that many of these rivers have begun, begun to restore their health.

We are not yet done with that journey, and it is going to come to a screeching halt if not turning back the clock with a Bush Presidency.

Mr. BLUMENAUER. If I may just reclaim my time briefly, I want to just follow up on one of the gentleman's points, because today many people take for granted the protections of the Clean Water Act. They take for granted some of the progress that came, as the gentleman mentioned, at the expense of a lot of time, money, energy and struggle.

One of the members of the ticket, Secretary Cheney, who has a record that he compiled as a Member of this Chamber, and when we look back at what his work is there, it gives us some sense, perhaps, of his values and what it brings to the Republican ticket.

Mr. DeFAZIO. A voting record is a very good way to understand someone's future conduct.

Mr. BLUMENAUER. If we look at the voting record of then-Representative Cheney, he voted seven times against authorizing clean water programs, often as one of a small minority who voted against authorization.

In 1986, he was one of only 21 Members who voted against the override of President Reagan of the appropriations to carry out the Clean Water Act, one of only 26 Members to vote against overriding the veto of the Clean Water Act, a lifetime record, according to the League of Conservation Voters of 13 percent, one of the worst of that generation.

Ms. HOOLEY of Oregon. If the gentleman will continue to yield, I am going to go back to clean air for just a minute. I know we have been talking about clean water. I want to go back to clean air for just a minute.

The gentleman was talking about the voting record of Governor Bush or the State he presides over, and the gentleman talked about when the pollution went up in Dallas, not wanting to do emission tests because it was inconvenient and it was costly.

I had the privilege, I guess, of going to school in Southern California for a couple of years, and the first 2 months I was at school, September and October, I was sick the entire time. I did not know what was wrong with me.

Finally, I went to a doctor, then I went to another doctor, because I had no idea why I felt so lousy. And then one day, I woke up, and there were mountains behind the college. I said, where did they come from? A miracle has happened. There are mountains back here. We finally discovered it was the air pollution that had made me sick for 2 months.

Mr. Speaker, in our State, where we do have mandatory vehicle emissions, I go have those. And, yes, it is a little bit inconvenient. It costs me some money, but having had that experience of what happens when you have dirty air, I now gladly go and get my car tested to make sure that I am driving a car that does not pollute.

I just think that is what happens to people every single stinking day that you have that kind of air pollution. People become sick, and it may be inconvenient to go and get your car tested, but let me tell my colleagues, it is a lot more inconvenient to be sick, it is a lot more inconvenient to be in the hospital, and when you look at the number of students that miss school every single year because of their asthma problems, I will tell my colleagues it is well worth it. I cannot imagine having a President who would not care about our clean air.

Mr. BLUMENAUER. The comments the gentlewoman from Oregon (Ms. HOOLEY) is making in terms of her personal commitment to the environment, actually, we know from survey research that the American public is willing to pay a little bit for clean air. They are willing to pay a little bit for clean water.

They know that investing in the long run in the environment is something that is important for their future and their children's future. That is why as we look at the two candidates and compare their performances, compare their platforms and their ideals, looking at the performance in the State of Texas is so unnerving for me. Texas ranks near the bottom of all the States in the union in the investments that they make to try and clean up the environment.

One would think that a large State with such huge environmental problems would be maybe working a little harder. But the State of Texas ranks 44th out of all the States in per capita spending on environmental programs.

Mr. Speaker, they are the third worst in the country for toxic water pollution. When we look at areas, for instance, like open space and public lands, the Bush-Cheney ticket has responded that maybe they would like to undo some of the monument designations that we have seen this administration step forward, but looking at what they have done in the State of Texas. Texas ranks 49th out of the States in the amount of money it spends on its State parks.

Governor Bush appointed a commission to look at those problems. I will say that this is an area that has had bipartisan support around the country. Republicans and Democrats in our State support public space, open space, parks.

Ms. HOOLEY of Oregon. They have done it with their dollars, by the way.

Mr. BLUMENAUER. They have stepped up, they approved local initiatives. The gentleman from Oregon (Mr. DEFAZIO) is on the Committee on Resources that has been working with the interesting leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) to craft CARA, which is currently dead in the Senate, because the Republican leadership will not allow it to be voted on, that passed here overwhelmingly with bipartisan support; but in Texas, the governor appointed a commission to look at it and then would not support that commission's efforts to solve the problems.

They wanted to remove a cap on the sporting goods tax to increase their revenues. He did not support the proposal. The measure died.

He created this task force and ignored the request for additional funding. A year ago on the campaign trail, Governor Bush did not even know how to respond to a question about the CARA legislation. He did not know whether he supported it or not. He certainly has not added his voice to try and break the partisan gridlock on the part of the Republicans in the Senate right now so he could get CARA through this Chamber.

Mr. DEFAZIO. If the gentleman would yield on that, there may be two reasons for Governor Bush opposing this wonderful new program that would not have cost the American taxpayers a penny to better take care of our public lands, to enhance open space, acquire park lands from willing sellers with great private property protections in the bill.

I think perhaps it goes back to where we started our discussion, because this thread runs through everything. Dirty air down in Texas is principally due to pollution by the oil industry.

The money for the CARA bill is money that comes from lease charges offshore oil and gas drilling. These are public lands. These are public resources. We exact a modest royalty when the oil companies do not defraud the taxpayers, for the extraction of that oil and gas. And the law has said for more than 20 years that that money is supposed to flow to the acquisition of open space, conservation, and park lands. And it has not.

Finally, in a bipartisan basis, this Congress came together and said enough is enough. We are going to take that money that is being paid by those oil and gas companies, and we are going to use it for the purpose for which it is intended. We are not going to steal it, and spend it on some other part of the Federal Government or the Pentagon or anything else.

Perhaps Governor Bush's concerns come back to the oil industry again, since he made his fortune drilling rather unsuccessfully for oil, but that is not a prerequisite to making money in that industry. Or Vice Presidential nominee Cheney, who headed up an oil services company that consulted with the OPEC countries and got them to successfully constrain production to drive up the prices, also did well in the industry.

If I could just reference one thing from yesterday that many people might have missed on the floor, we had a debate over something called POGO, not the comic strip; but POGO is the scandal, where a number of oil companies defrauded the Federal Government. That is, the taxpayers of the United States, from paying their lawful fees for the extraction of oil and gas from Federal lands, from lands that were owned by all the people of the United States.

They essentially plea bargained to a one half of a $1 billion settlement. We do not know really how much they stole; but they plea bargained to that. But this Republican Congress has spent all of its time trying to investigate the people who blew the whistle, not the oil company executives who defrauded the American people of hundreds of millions of dollars. But let us find and get and harass those whistleblowers in the Federal Government who exposed this.

□ 1600

Do we think that those whistleblowers would be able to keep their jobs in a Bush-Cheney oil company administration? I do not believe so.

So to say there is no difference between the candidates for President is absurd, and particularly on all these strains that can come back to the tentacles of the oil industry which has had the largest profits and the largest increase in profits in its history in this last quarter, gouging the Americans every day at the pump, and is responsible for many of the problems we have talked about. Now we are going to put their folks in the White House. I hope not.

Ms. HOOLEY of Oregon. Mr. Speaker, if the gentleman will yield, going back to talk about CARA for a minute and, again, a program that really provides open space, provides public lands, makes sure that we take care of our coastline and our coastal resources, and, again, it does not cost the taxpayers money because it comes from the drilling offshore. I believe that program, not only was supported in a huge way here, in a bipartisan way, but supported by most of the Governors in the states.

Now, I do not know, and maybe one of the gentlemen know, whether Bush supported that as Governor of Texas. I am asking my colleagues that because he keeps talking about, "well, I want to work in a bipartisan way, and I can get the job done." I cannot tell my colleagues how many times I have heard "I can get the job done. I can go work in a bipartisan way. I will get results."

I wish he would pick up the phone and make a call to the Senate President and the Speaker of the House if he cares about that issue or any other issue that we have been dealing with here. I mean, we can go into real Patients' Bill of Rights. He says he supports that, even though he did not.

Mr. DEFAZIO. Mr. Speaker, he vetoed it.

Ms. HOOLEY of Oregon. He vetoed it, right.

Mr. DEFAZIO. It came along without his signature.

Ms. HOOLEY of Oregon. But he says he supports it. But I am just saying he keeps talking about how he can get this done in a bipartisan way. I wished he would pick up the phone and call some of these people.

Mr. BLUMENAUER. Mr. Speaker, I appreciate that sentiment.

Ms. HOOLEY of Oregon. Mr. Speaker, do my colleagues know if he supported CARA?

Mr. BLUMENAUER. Mr. Speaker, my understanding is that he is now supportive.

Ms. HOOLEY of Oregon. Oh, he did not know about it. That is right, he did not know about it. When all the other governors supported it, he did not know about it.

Mr. BLUMENAUER. Yes. In response to a direct question, he was unable to indicate whether or not he supported it. He just did not know how to answer that question, according to the San Antonio Express News of June 15, 1999.

But having attempted to do something in Texas, falling short of the mark, not supporting them, it would seem this would be a classic opportunity if he now supports it, if it is "free money from the Federal Government", and if he opposes "partisan bickering", maybe he can intervene and say something to the Republican leadership so all it has to do is be voted on. Because we all know, if it were brought to a vote on the floor of the Senate, it would pass overwhelmingly because it is supported by the American public. It just makes too much sense.

Ms. HOOLEY of Oregon. Mr. Speaker, if the gentleman will yield, do we need to give him the phone numbers of those people?

Mr. BLUMENAUER. Mr. Speaker, it is a concern. But it seems to me that we take a step back and we look at the approach that has been offered up.

We have talked a little bit about air quality problems in the State of Texas, which are substantial, and they are getting worse as it relates to other parts of the country. Governor Bush has touted his voluntary program to deal with over 700 factories that are not meeting the air quality standards. Many of these have been grandfathered in.

The approach that was touted by Governor Bush under legislation in Texas over a year ago, Senate bill, S. 767, was basically voluntary compliance. Well, in the face of this voluntary compliance, the Texas Air Crisis Campaign has gone back and looked at what has actually happened in the State of Texas.

Of these over 700 factories, only a small number have stepped forward and done anything. The total amount of harmful air pollution from these few dozen plants that are doing anything at all has reduced harmful air pollution by less than one-third of 1 percent. It is an approach that I think is something that most people would not be very excited about applied on the Federal level.

But if we are going to have appointees that are drawn from the ranks of the people that are supposed to be regulated, if we are going to have a judiciary that is populated with people who are hostile to the notion of government regulation, we may be forced to rely on this approach. I think the report is such that it would be a sad one in terms of actually producing results.

Mr. DeFAZIO. Mr. Speaker, if the gentleman will yield, I could not find this earlier in my notes. I know we have covered a lot of ground here, but there is so much to talk about that the conventional press is not talking about.

He mentioned the ties of Vice Presidential nominee, former Representative, former Secretary of Defense, former Halliburton Company executive, Mr. Cheney. Mr. Cheney, again, was chief executive for a short 4 or 5 years of this oil services company. During that time, and he says, again, if we recall, nothing to do with the public the fact that they gifted him with $30 million for his tenure there, 5 years.

Well, their government contracts during that time period doubled to $2.3 billion. Their two largest customers were, surprise, the United States Department of Defense. Former Secretary Cheney of the revolving door managed to get them contracts with the agency which he headed until just a year or two before that. They also had a contract from the British Defense Ministry.

Then they raked in another $1.5 billion in government loans from the Export-Import Bank and the Overseas Private Investment Corporation, up from $100 million before Mr. Cheney took over.

Mr. BLUMENAUER. But it had nothing to do with the government, Mr. Speaker.

Mr. DeFAZIO. Mr. Speaker, this is the private sector making money off the government. But that is his proud record. I think that causes some grave concern. I mean, not only as chief executive was he involved in colluding with the oil ministers of the OPEC countries and urging them to drive up the price of oil, and he succeeded in that effort, but, then after he finished raising the price of our oil and gas by colluding with OPEC, he then turned to the Federal taxpayers to greatly enrich his company, and then to provide him with a huge payoff as he left.

But, remember, he did take some tough steps while he was there. He did lay off several thousand American workers. So he certainly deserved that $30 million golden parachute when he left. We can certainly understand that.

Ms. HOOLEY of Oregon. Mr. Speaker, it is probably a very small amount of money compared to all the money he brought in off of government.

Mr. BLUMENAUER. Mr. Speaker, we are reaching the last 4, 5 minutes of our discussion here today. I did want to accord the gentlewoman from Oregon (Ms. HOOLEY) some time if she had some concluding thoughts about the impact of the 2000 election, the environment and the choices that we are faced.

Ms. HOOLEY of Oregon. Mr. Speaker, I think this is, and people have said it before, this is probably one of the most important elections we will ever have. It is interesting. I turned on the news last night when I got home, and I watched them talking to many people who were undecided. One of the things they said over and over again was, well, there is not much difference between the two of them. Well, we like one. We know he does not know much, but we do not like his personality much. So those were the kinds of information that they were talking to the press about. Or I do not know whether I am going to vote.

I guess I want people to keep a couple of things in mind as this election comes up. First of all, one of the things that makes this country so great is that people participate. So voting is absolutely critical. It is really all about democracy. If we want to keep this democracy going, then people really need to participate, and they need to do that by voting.

Then I think they have to really think through what a President does. I mean, a President deals with the Congress. They deal with policy that affects everyday people's lives, day in and day out, whether it is if they can go and afford their prescription drugs, whether there is a safety net for them with Social Security so that, when they retire, if they do not have much money, like my mom did. I mean, she had $72 a month in her retirement plan. She could not have survived without Social Security.

It is the roads we built. It is making sure that we keep our Nation free. It is how they deal with foreign policy. It is who appoints the Supreme Court. It is who sets the policy, and are they looking out for just a few people, or are they looking out for all of us.

I want them to think very, very carefully about this election. I want them to vote. But this decision is in their hands about who is it that they want for President, to think through the kind of person they want as President and the skills that person has to help each person in this country.

Mr. DeFAZIO. Mr. Speaker, just on the theme of voting, I hear many of the same things that the gentlewoman from Oregon (Ms. HOOLEY) heard on television last night from some of my own constituents. The government is not relevant to me. What you are doing is not relevant to me.

Well, a lot of times it is not. They are right. The fact that we investigate whistleblowers and not oil price company fixing or stealing money from the American taxpayers, it is right, the government is not relevant to their concerns. It is not relevant, because they did not vote. If one does not vote, the government is going to be run by the special interests who are funding many of the campaigns. People must vote. They have to go out and vote.

Mr. BLUMENAUER. Mr. Speaker, I think that is an appropriate tenor on which to close our discussion, because there are opportunities from coast to coast for people to make a difference in this election, because it is so close.

It seems to me that it is important. It is one of the things I could not disagree with Mr. Nader more strongly. There is a huge difference between the record of the most environmentally sensitive Vice President since Teddy Roosevelt, an administration that has done an excellent job with the environment, not everything, maybe, that some of us would want, but as my colleagues have pointed out, having to actually hold back the tide from an antienvironmental Congress led by Republicans who were not sympathetic.

It seems to me that this is an opportunity for Americans to look very clearly at what they want in terms of an administration that is going to govern, not just for 4 years, but is going to determine a judiciary for a generation.

I would hope that people would, in fact, focus on the difference between performance and make a difference, not pretend to send a message, but to really take that vote in a way that will make a difference in terms of the President, in terms of the Congress, in terms of providing the type of political representation they want.

It seems to me that, when we have the most competitive Presidential race in 40 years, the most competitive Congressional race in half a century, and a situation, as I mentioned, we have not seen with the Supreme Court in 177 years, and all of them converge at the same time in this election, it is critical for people to cast that vote carefully because it is going to make a huge difference for them, their children, and for generations to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and October 29 on account of business in the district.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 11:00 a.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCNULTY) to revise and extend his remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. HILL of Montana, for 5 minutes, today and October 29.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1761. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Resources.

S. Con. Res. 138. concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, October 29, 2000, at 6 p.m.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 29, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 29, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 29, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 29, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 29, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 29, 2000.

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than October 29, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYES:

H. Con. Res. 438. Concurrent resolution expressing the sense of Congress regarding the importance of locating a national immigration museum in El Paso, Texas; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Mr. RUSH, Mr. KILDEE, Mr. OWENS, Mr. ANDREWS, Ms. RIVERS, Mr. REYES, Mr. PAYNE, Mr. ROMERO-BARCELO, Mr. DICKS, Mr. BLUMENAUER, Ms. SANCHEZ, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. BONIOR, Mr. DINGELL, Mr. GREENWOOD, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, and Mr. HINCHEY):

H. Res. 661. A resolution supporting youth civic literacy in the United States; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1275: Mrs. JONES of Ohio, and Mr. REGULA.

H.R. 1512: Mr. INSLEE.

H.R. 3842: Mr. TAUZIN, Mr. LUCAS of Oklahoma, and Mr. LARSON.

H.R. 5185: Mr. PAYNE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE ENERGY INDEPENDENCE ACT OF 2000

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. LARSON. Mr. Speaker, I rise today to introduce my bill, the Energy Independence Act, designed to ensure the energy self-sufficiency of the United States by the year 2010 through targeted investments in an emerging green energy technology called fuel cells.

We have before us, for the first time in human history, the technology to provide clean, reliable energy for every person, home, business, and vehicle in America. With this technology, we have the opportunity to end once and for all America's reliance on foreign energy sources while at the same time creating quality jobs for the next century in a new and expanding technological field.

The technology I refer to is called a fuel cell. This technology has been with us since it was first used to power the Gemini and Apollo spacecraft, and is still powering NASA's fleet of space shuttles. It has finally matured to a point where stationary power plants are providing reliable commercial power today and is prepared to demonstrate its advantages to the general public in clean, quiet, and efficient residential, bus, and car applications.

Current stationary fuel cell demonstrations within the Department of Defense have showed an energy cost savings of over $3 million, and another unit in service at South County Hospital in Rhode Island is saving an estimated $60,000 to $90,000 in energy costs per year. Perhaps the most important attribute of stationary fuel cell power generators in the new, high tech economy is that they nearly eliminate brownouts and other power outages that disrupt the sophisticated and critical systems operating many businesses today. For example, at the First National Bank of Omaha in Nebraska, where milliseconds without power can mean millions of dollars in lost revenues, the stationary fuel cell installed as the major component of an integrated assured power system is helping to provide power at 99.9999 percent reliability, which is equal to a power interruption of one minute every six years.

The environmental benefits of this new technology are also astounding. For example, the PC25 stationary power plant, which is the only commercially available until today, has been installed at 29 Department of Defense facilities throughout the United States since 1995. These fuel cells are estimated to have eliminated 399 tons of SO_x, 159 tons of NO_x, and over 20,000 tons of CO_2. Compared to a typical combustion-based generator, each individual fuel cell unit eliminates more than 40,000 pounds of air pollutants, including NO_x and SO_x, as well as two million pounds of CO_2 emissions per year. Finally, fuel cells have the capability to cleanly process methane emissions from landfills and anaerobic digester gases from wastewater treatment facilities into energy, thereby preventing these harmful emissions from degrading the environment.

This technology presents us with an extraordinary opportunity, at a critical time in this country's development. As you are aware, the United States imported an average of nearly 11 million barrels of oil per day last year from foreign countries to meet our domestic energy needs, totaling nearly 4 billion barrels during all of 1999. Even at last year's comparatively modest average price of $15 per barrel, that adds up to more than $60 billion spent on foreign oil. With the average price of crude oil at about $24 per barrel for just the first 5 months of 2000, Americans have already spent more than $48 billion on imported oil, roughly 80 percent of what Americans paid during all of 1999. We must break this cycle of dependency, and strengthen our economy by turning this level of spending back to domestic sources.

The current oil crisis has served to remind us, after nearly two decades of complacency, how fragile the relationship is between our energy sources, the vitality of our economy, and the livelihood of every man, woman, and child in this country. The price of a barrel of crude oil reaches into every corner of our society, from affecting the cost of transporting food from our farms and ranches to the dinner table, to affecting the cost of each one of us traveling to and from work, to affecting our very survival at home during cold winter and hot summer months.

We stand now on a fundamental crossroad in this country. We have the ability to provide for the economic and national security of the nation by integrating this new technology into our economy. The elimination of noxious chemical emissions into our environment and the freedom of not being bound to existing energy producing monopolies represent a potential impact on our society in the next century as profound as any of the achievements of the 20th century, from the elimination of small pox and polio, to the development of the Internet, to human's first flights in space through which this technology was born. However, bold action is needed, with courage and vision to lead the way.

Over the next five years, my legislation would invest approximately 1/60 of the nation's total yearly expenditures on foreign oil to develop and demonstrate fuel cell technology that can power our homes, businesses, and vehicles. My bill calls for a $1 billion 5-year investment that should eliminate our reliance on foreign energy sources by 2010 and improve world environmental conditions by reducing overall consumption of fossil fuels and the harmful chemical emissions they produce. Specifically, the Energy Independence Act:

Directs the Secretary of Energy to transmit to Congress within one year a strategic plan to ensure the United States is energy self sufficient by the year 2010. Authorizes up to $20 million for completion of this plan.

Authorizes a total of $140 million over 3 years to establish a federal pilot program to purchase up to 100 commercially available 200 kW fuel cell power plants or up to 20 mW of power generated from commercially available fuel cell power plants for use at federally owned or operated facilities.

Gives site selection priority to sites that (1) are classified as non-attainment areas under Title I of the Clean Air Act; (2) have computer or electronic operations that are sensitive to power supply disruptions; (3) need a reliable uninterrupted power supply; (4) are in a remote location or have other factors requiring off-grid power generation; or (5) need to maintain critical manufacturing or other activities that support national security efforts.

Authorizes a total of $140 million over 3 years to establish a program for the demonstration of fuel cell proton exchange membrane (PEM) technology in commercial, residential, and transportation applications.

Authorizes a total of $150 over 3 years to establish a comprehensive Proton Exchange Membrane (PEM) Fuel Cell Bus Demonstration Program to address hydrogen production, storage, and use in transit bus applications.

Promotes the application of technology developments and improved manufacturing production and processes for proton exchange membrane (PEM) fuel cell technology.

Directs the various agencies of the federal government that maintain fleets of federal vehicles to develop plans to transition the fleets to incorporate fuel cell technology by 2010.

Directs that any life-cycle cost benefit analysis undertaken by a Federal agency with respect to investments in products, services, construction, and other projects shall include an analysis of environmental and power reliability factors.

Authorizes $110 million per year for five years to establish a grant program for state and local governments (requiring a 10 percent non-federal funding match) to make investments for the use of fuel cell technology in meeting their energy requirements, including the fueling as a source of power for motor vehicles.

Just as steam power generated the first real industrial revolution in the 19th century, and power from fossil fuels generated the tremendous technological growth seen in the 20th century, fuel cells are ready to power the country and the world in the 21st century and beyond. This legislation is an important step in this process, and the government must play a role in this transition for several reasons. First and foremost, it will provide for the security of the country in both economic and military terms by eliminating our reliance on foreign energy sources. Second, we have a long-term responsibility to our seniors and to other people living on fixed incomes to see that they will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

one day have an opportunity to live within their means without being forced to choose between putting food on their tables, gas in their cars, or buying oil to heat their homes. Third, there is the opportunity within the government's infrastructure to most easily begin a widespread integration of this technology. Fourth, the spread and use of this technology has the opportunity to create a contribution in economic growth and in job creation every bit as significant as the development of the high tech industry during the last decade. Finally, as government regulations increasingly call for stricter clean air and other pollution limits, fuel cells can provide an effective way for states and communities to meet these new environmental challenges.

Specifically, the federal government can take a leadership role in transitioning and commercializing this technology by using the powerful leverage of large volume government purchases of fuel cells to power government facilities, including federal housing facilities, as well as its fleets of vehicles. Further, given the significant amount of federal assistance to states and local communities for public transportation, the federal government can play an important role in helping communities meet their transportation needs and meet clean air requirements at the same time. State and local governments and organizations can take the lead on this as well, by integrating this new technology in community planning efforts and municipal transportation programs, and I have included a significant grant program to help local governments interested in participating in this endeavor.

We have the opportunity to provide leadership, solutions, and opportunities at this critical juncture in our nation's history that can profoundly improve the security and independence of every American, providing a safer, more secure, more productive, and cleaner environment for generations to come. We must not allow this opportunity to be lost.

IN HONOR OF DR. PAUL GREENGARD, 2000 NOBEL PRIZE WINNER IN MEDICINE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I enthusiastically honor today Dr. Paul Greengard, the 2000 Nobel Prize winner in medicine, who resides and teaches in my district. Dr. Greengard received the Nobel Prize for his discovery of how dopamine—a human neurotransmitter that controls one's movements, emotional responses, and ability to experience pleasure and pain—affects the central nervous system. His advancements in the field of neuroscience have greatly increased our understanding of the relationships between neurobiological chemicals and some of the world's most widespread neurological disorders, such as Parkinson's Disease, Alzheimer's Disease, and Schizophrenia. Such an achievement is one I hold in tremendous regard and I truly hope my colleagues recognize the importance of Dr. Greengard's groundbreaking discovery.

Neurological diseases touch most every human being in some way. As the founder and Co-Chair of the Congressional Working Group on Parkinson's Disease, I am especially spirited by Dr. Greengard's research. I sincerely hope that medical and academic professionals, buoyed by Dr. Greengard's achievements, continue their pursuit of uncovering the causes of the most pressing neurological disorders.

Dr. Greengard is a genuinely fascinating individual. He currently serves as the head of the Laboratory of Molecular and Cellular Neuroscience at The Rockefeller University in new York City and is the director of the Zachary and Elizabeth M. Fisher Center for Research on Alzheimer's Disease, also at Rockefeller. The Fisher Center, where I serve as a member of the Board of Trustees alongside Fisher CEO Michael Stern, is an extraordinarily valuable research center where Dr. Greengard has made pioneering discoveries in neuroscience which provide a more conceptual understanding of how the nervous system functions at the molecular level. His research into the abnormalities associated with Dopamine serves as a window through which scientists can examine the effects that Dopamine has on psychiatric disorders of human beings, such as substance abuse and Attention Deficit Disorder.

Dr. Greengard has dedicated his life to scientific exploration. Since 1953, when he received his Ph.D. in biophysics from Johns Hopkins University, Dr. Greengard has worked as a scientific professional in every sense of the word. From his days as a scholar at Cambridge University in London, and years as a professor of pharmacology at Yale University, Dr. Greengard has possessed a passion for knowledge into the scientific basis of human existence. His life is nothing short of an admirable testament to the joy of scholarship and the rewards of knowledge.

Mr. Speaker, I am immeasurably proud to have such an esteemed American living and working within my district. Dr. Greengard's Nobel Prize is a well-deserved honor and a tremendous reward for his dedication and tireless pursuit of scientific truth.

MYRTLE HILL CEMETERY AND THE TOMB OF THE KNOWN SOLDIER, ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BARR of Georgia. Mr. Speaker, one of the most beautiful cemeteries in the nation sits atop Myrtle Hill in Rome, Georgia, where the Etowah and Oostanaula rivers come together. The cemetery was opened in 1857 and is a National Register site. It is the resting place for more than 20,000 people who have shaped Georgia's history. The hill was purchased from Shorter College founder Alfred Shorter. The historic significance of the cemetery, combined with its beauty, makes it one of the most unique in the world.

In one corner of the cemetery is a monument to General John Sevier, a Revolutionary War hero. During the Civil War almost 400 men were buried in the cemetery. Their graves, at the base of the hill near the entrance, are a silent tribute to the men, both Union and Confederate, who made the ultimate sacrifice. In 1901, the Xavier Chapter of the Daughters of American Revolution erected a monument in honor of General Sevier, and the marker is located in the southwest corner of the cemetery. A Confederate monument atop Myrtle Hill was erected by the Women of Rome as a memorial to the soldiers from Floyd County who lost their lives in defense of the Confederate States of America. A monument erected by the United Daughters of the Confederacy to the memory of General Nathan Forest for his bravery and valor in protecting the city from a siege by the Yankees also stands in the cemetery. There are 377 confederate soldiers, both from the north and south, who lost their lives while here or who were originally from Rome.

Ellen Axon Wilson, first wife of President Woodrow Wilson, and who was a native of Rome is buried at Myrtle Hill. She is the only First Lady to be buried in the State of Georgia.

After the First World War, Charles Graves, an infantryman from Rome, in the American Expeditionary Force, was killed near the French-German border. On October 15, 1918, he was given military honors and buried in France. I March 1922, his remains were returned to U.S. soil. The American people thought something should be done to prevent wars, and the notion of honoring an Unknown Soldier and a Known Soldier, was developed. An Unknown Soldier was selected in France, and his body was enshrined in Arlington National Cemetery in Washington in 1932.

It was decided that one of the bodies from the final troopship would be selected as the Known Soldier. A sailor was blindfolded, asked to run his hand down a long roster of names and when his finger stopped on one name, that one would become America's Known Soldier of the World War. The moving finger stopped on the name of Charles W. Graves of Rome, Georgia. However, his mother preferred to have his remains brought home to Rome, rather than be interred at Arlington. Charles Graves' coffin was taken from the troopship with special care, covered with the American flag, and carefully placed on a special carriage drawn by six white horses. An honor guard, made up of U.S. Army generals, accompanied his coffin down the streets of New York City. Admirals of the Navy, Generals of the Marines, Governors from various U.S. States, five U.S. Senators, four Representatives of Congress, the Secretary of War, and the Mayor of New York, all watched as thousands of soldiers, veterans, dignitaries, and Gold Star mothers descended upon the city. When the coffin finally stopped, President Warren G. Harding spoke about Charles Graves and all the others who had paid the ultimate price for freedom.

When the ceremonies were complete, the body of Charles Graves was loaded onto a southbound train and a day later it pulled into Rome. He was buried in a small cemetery outside of Rome. After his mother's death, the body was moved to Myrtle Hill Cemetery; where it has been to this day. Thirty-four magnolia trees were planted around the grave to represent the 34 Floyd County residents who died during World War I.

Every year since, the patriotic spirit of the citizens of Rome and Floyd County is displayed when families, loved ones, friends, and military veterans, make their ways to Myrtle Hill Cemetery on November 11th to honor America's fallen war heroes. This tradition has been passed from one generation to the next, and parents, grandparents, aunts, and uncles are proud to bring young family members to Myrtle Hill, and to tell them the stories of the Known Soldier, Charles W. Graves, and those of others who fought for the freedom, and peace, we should cherish each and every day.

VILNIUS INTERNATIONAL FORUM ON HOLOCAUST-ERA LOOTED CULTURAL ASSETS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues to the four-day Vilnius International Forum on Holocaust-Era Looted Cultural Assets, which was held in Vilnius, Lithuania, earlier this month. Representatives of 37 countries, the Council of Europe, and 17 non-governmental organizations participated in this important conference. The United States was very ably represented by our Deputy Secretary of Treasury, Stuart E. Eizenstat, who is our Government's representative on Holocaust restitution issues.

Mr. Speaker, I want to thank the Government of Lithuania for hosting this important conference. I also want to pay particular tribute to my dear friend Emanuelis Zingeris, a former member of the Lithuanian Seimas (Parliament), who conceived and organized this outstanding Vilnius Forum, and served as the Chairman of the Forum Organizing Committee. Zingeris' parents were among the few members of Lithuania's once-flourishing Jewish community who survived the Holocaust. An estimated 95 percent of Lithuania's Jewish community were killed by Nazi murderers during World War II.

Mr. Speaker, the Vilnius Forum was the result of a resolution on "looted Jewish Cultural Property," which was prepared by Emanuelis Zingeris and adopted last year by the Parliamentary Assembly of the Council of Europe. It called for the organization of a European conference to follow up on the Washington Conference on Holocaust Era Assets and give special attention to the return of cultural property and relevant legislative reform.

In an outstanding address opening the gathering, Mr. Zingeris expressed the importance of the conference internationally and for Lithuania in particular: "As long as a society fails to perceive the need to seek justice, it may not be called a civic society. The moves taken here in Lithuania like the Vilnius International Forum, are a significant contribution to the development of our civic society. These processes, including the Forum, are our ticket back to Europe."

The purposes of the Vilnius Forum, which it admirably met, were to review progress on the implementation of the statement of principles that was adopted at the Washington Conference, to provide a forum for the discussion of the process of compiling an inventory of cultural assets looted during the Holocaust and their restitution to their rightful owners, and to establish legislative and other guidelines for the implementation of a process for the return of such Holocaust-Era assets. In particular, the Forum focused discussion on the legal, historical, archival, and museum-related problems related to the search, identification, and restitution of plundered cultural property. The declaration issued at the conclusion of the Forum called upon governments to work together to achieve these objectives.

Mr. Speaker, I am delighted that important progress was made at the Vilnius Forum. The Lithuanian Seimas (Parliament), on the eve of the opening of the conference, voted to turn over 370 Torah scrolls to Jewish groups in a gesture consistent with the objectives of the Forum. These scrolls, which have been kept in the Lithuanian state library, will be turned over to Jewish organizations and Jewish synagogues within Lithuania.

A second important result of the conference, Mr. Speaker, was the breakthrough agreement reached by the governments of the United States and Russia on opening Russian archives to assist in the recovery of art and cultural treasures looted by the Nazis during the World War II. The agreement includes the establishment of a U.S.-based foundation which will help identify plundered cultural assets by creating a register of such cultural items. Christie's Auction House in the United States secured an initial $500,000 contribution from my dear friends Ronald Lauder, the President of the Conference of Presidents of Major Jewish Organizations, and Edgar Bronfman, President of the World Jewish Congress, to establish this register.

Mr. Speaker, access to Russian archives has long been a crucial concern of Jewish communities and others concerned about the restitution of art and other property stolen from Holocaust victims by the Nazis. This new agreement is an important step forward with the effort to catalogue seized property in Russian museums, and it follows the adoption of legislation by the Russian Duma last May establishing the legal right of Nazi victims to claim assets removed to the Soviet Union at the end of World War II.

Mr. Speaker, I invite my colleagues to join me in expressing gratitude and appreciation to the Government of Lithuania for hosting the highly successful Vilnius Forum, to Stuart Eizenstat for his outstanding efforts in representing the position of the United States at this conference, and particularly to Emanuelis Zingeris for his enthusiastic leadership in bringing this important event together.

ALASKA LANDS EXCHANGE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I wish to provide this clarification of legislative intent to Section 761 of H.R. 1000, the FAA Reauthorization bill, P.L. 106–181, enacted earlier this year.

Section 761 provides a process for land exchanges to facilitate a railroad track realignment and straightening project through Elmendorf AFB and Fort Richardson, Alaska. Track is to be relocated further away from the runway landing clear zone, ammunition storage areas, and other military facilities. It will also provide safety and operational benefits for the combined passenger and freight rail line. The small land parcel segments that need to be exchanged on a nearly acre-for-acre basis will be between the state-owned Alaska Railroad on the one part, and the Secretary of the Interior, the Secretaries of the Army, Air Force, or such other federal agencies as may be necessary, on the other part.

Of course, it is the intent of Section 761 that matters needed to facilitate these land exchanges between the federal agencies and the state railroad, as well as the overall purposes of this project, are necessarily implied therein. For example, it will obviously be necessary on a temporary basis during surveying, preliminary engineering, and construction, for one or more of these entities to be present simultaneously on each others' parcels of land, regardless of the exact dates legal title may be transferred. The railroad may, by necessary implication, locate and construct its new track facility without the need for a separate fee or use permit being processed under the usual federal land management statutes. Section 761 already authorizes the applicable Secretary to impose additional terms on the railroad as appropriate to protect the U.S. interests.

Further, while Section 761 did not directly amend The Alaska Railroad Transfer Act of 1982, under which the federally-owned railroad was sold to the state, once again, it is logically and necessarily implied that the reversionary provisions of the 1982 Act will not apply to land segments given up by the railroad to facilitate this project. Instead, the reversionary provisions will transfer and apply to the new land acquired by the railroad from the federal entities in the exchange.

Finally, Section 761 had no intent to imply any derogation of the permanent withdrawal and agreement under Section 1425 of ANILCA, P.L. 86–487, as to any of the lands being exchanged. It is the intent of Section 761 that the lands received by each grantee, either the railroad or the federal entities, shall have in its hands the same status with respect to Section 1425 of ANILCA and the agreement as did the lands granted in exchange by each such grantee. Further, it is intended that any land or interest reconveyed by the railroad to a federal agency will be automatically considered a part of the surrounding public land withdrawal without need for further administrative action respecting those lands.

ICCVAM AUTHORIZATION ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of H.R. 4281, the ICCVAM (Interagency Coordinating Committee for the Validation of Alternative Methods) Authorization Act. This commonsense piece of legislation has received overwhelming support from all interested parties, including endorsements from 72 bipartisan cosponsors, the animal rights community, a coalition of chemical and product manufacturers, and the administration.

ICCVAM was established by the director of the National Institute of Environmental Health Sciences in 1994 and is still in operation today. Thus, the bill does not create a new Federal bureaucracy. Rather, it improves upon an existing interagency committee and streamlines the regulatory process without eliminating discretion by any Federal agency. H.R. 4281 simply gives ICCVAM statutory authority to continue establishing guidelines and recommendations that promote the regulatory acceptance of scientifically valid, new, revised or alternative test methods, thereby eliminating duplicative, time-consuming and costly test method validation at several other government agencies. In addition, because ICCVAM already exists, passage of H.R. 4281 will not require any additional budget expenditures.

In conclusion, I would like to say that H.R. 4281 provides a win-win situation for all groups and individuals involved with toxicology testing. For chemical and product manufacturers, who are required to test their products for safety before bringing them to the market, the bill offers them a centralized body to ensure that new test methods are scientifically valid and acceptable for regulatory use before they spend large sums of money on conducting the tests for government approval. For animal protection organizations, this legislation promotes an improved forum in which alternatives to animal testing can be scientifically validated for regulatory use. From a broader standpoint, the tests approved by ICCVAM will provide Federal agencies with adequate data to protect human and environmental health and safety, a development which benefits all Americans.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in supporting H.R. 4281. Let us ensure that ICCVAM continues its important work on behalf of the Federal Government, animal rights activists, and regulated industries across the United States.

SALUTE TO THE KANSAS CITY WIZARDS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to offer my congratulations to the Kansas City Wizards and owner Lamar Hunt for their 1–0 win over the Chicago Fire in Major League Soccer's 2000 championship game on Sunday, October 15. The Wizards are a testament to the perseverance of hard work and determination in athletics. Their drive and resolve produced the best season in the Kansas City Wizard's six year history.

Goalkeeper Tony Meola and veteran players Uche Okafor, Mo Johnston, and Preki capped their stellar season with Major League Soccer's ultimate glory, giving loyal Kansas City fans their first Major League Soccer title. The Wizards' fluid teamwork and appreciation for the game were best exemplified by the unselfish style of play that spearheaded their drive towards the trophy. By foregoing individual statistics, the players came together under one common goal and achieved it in championship fashion.

In addition to their Major League Soccer championship trophy, seven proud Wizards players were selected to join the U.S. National team for an October 25 exhibition match against Mexico Rookie defender Nick Garcia joined fellow defender Brandon Prideaux, midfielders Kerry Zavagnin, Matt McKeon, Chris Henderson and Chris Klein, and goalkeeper Tony Meola in Los Angeles to lead the United States to a 2–0 win over the Mexican national team. Congratulations to the Wizard Members and to the entire U.S. national team for an inspiring victory.

The MLS trophy has special meaning for Wizards' owner Lamar Hunt, who has long been a champion of soccer in the United States. Major League Soccer is now the fastest growing American sport, and its popularity in Kansas City is a credit to Mr. Hunt and his commitment to its success. Mr. Hunt's great admiration for his players was noted after the game when he stated proudly that, "These are pages of a memory book that these players will never forget."

The Wizards weekly youth programs have given thousands of children in the Kansas City area the opportunity to meet and interact with the athletes they admire. Young athletes receive fundamental training by a member of the Wizards. These programs provide positive reinforcement for youth on and off the field. Since the inception of these programs in 1995, Kansas City youth soccer has doubled in player participation among our youth.

Mr. Speaker, please join me in saluting the Kansas City Wizards for the winning example they've provided to the young athletes of Kansas City, and for their inspired Major League Soccer championship season and U.S. National Team success. The Wizards embody the principles of teamwork essential for success. I ask the House to join me in Congratulating the Kansas City Wizards, Major League Soccer's 2000 champions and their owner, Mr. Lamar Hunt.

CONGRATULATIONS, GLORIA JEAN OLIVER A WOMAN OF INFLUENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives the accomplishments of a person who has truly made a difference in her community, Ms. Gloria Jean Oliver. Retired as a captain from the East Orange Police Department, Ms. Oliver has been selected as one of the recipients of the presitigous YWCA "Women of Influence" awards. She will be honored at a special luncheon in New Jersey on November 4, 2000.

Born in Glenridge and educated in the East Orange school system, Ms. Oliver attended Upsala College and received a bachelor of arts degree in Social Science.

In 1969, she distinguished herself by becoming the first female to be hired by the East Orange Police Department after placing first on the New Jersey Civil Service exam. After breaking this barrier, she spent her first decade as a detective in the Juvenile Aide Bureau while also taking on an assignment in the rape squad. She continued to be a pioneer in her field, becoming a founding member of the Afro-American police organization with the formation of the East Orange Kinsmen, Inc. She was the first recording secretary of the organization, which was dedicated to serving the local community.

After a promotion to sergeant in 1979, Ms. Oliver supervised the robbery squad. In 1986, while assigned to the Patrol Division, Gloria was promoted to lieutenant and was in charge of the "Safe Neighborhoods Division." She commanded the 4 p.m. until midnight tour of the Patrol Division, was the Record's Bureau supervisor and was in charge of the Communications Division. In 1998, she was promoted to acting captain, where she served ten months as the commander in charge of the 4 p.m. until midnight tour before her retirement in September of 1999.

Among the hobbies she enjoys are reading, traveling and writing poetry. A true family person, she is devoted to her eighty-eight year old father and takes great pride in her two nieces, Shelly and Krystal, and her great nieces and nephews. Ms. Oliver is now enjoying a well-deserved retirement where she continues to be active as a member of the Board of Directors of the North End Nursery.

Mr. Speaker, I know my colleagues join me in commending Ms. Oliver for her outstanding professional achievements and her service to the community. Let us extend our congratulations as she receives the Women of influence Award and our very best wishes for continued health and happiness.

IN HONOR OF THE VASCULAR ANOMALIES PROGRAM AT NEW YORK UNIVERSITY MEDICAL CENTER ON VASCULAR ANOMALIES FAMILY DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I honor the Vascular Anomalies Program at New York University Medical Center which will celebrate Vascular Anomalies Family Day on October 29, 2000. The Vascular

Anomalies Program at NYU is an exceptional medical program that serves a notable role assisting my constituents with their medical needs.

The Vascular Anomalies Program began at NYU in the 1980s as a subsidiary of the Institute for Reconstructive Plastic Surgery at NYU Medical Center in order to better assist patients with vascular anomalies such as hemangiomas, lymphatic malformations, venous vascular malformations, and arteriovenous malformations. The medical team assembled to serve in the Vascular Anomalies Program consists of physicians specializing in plastic surgery dermatology, radiology, hematology, psychology, ophthalmology, otolaryngology, and gynecology.

With the skills and guidance of these medical professionals, the NYU Vascular Anomalies program addresses the numerous medical and psychological issues confronting its patients. The needs of its patients sometimes require the program to coordinate the participation of numerous physicians in order to implement a successful plan of care.

The physicians in the Vascular Anomalies Program meet twice every month with patients to discuss their concerns. the program which is funded by the National Foundation for Facial Reconstruction, recently met with federal elected officials involved in health care issues to discuss facial deformities in children.

This week, the Vascular Anomalies Program will celebrate Vascular Anomalies Family Day to salute the network for parents who support each other through the challenges of raising a child with a facial deformity. I congratulate the NYU Vascular Anomalies Program on this special day and applaud the valuable work of this exceptional program.

Mr. Speaker, I am extremely pleased to know that the NYU Vascular Anomalies Program offers such as instrumental service to my constituents. The work of this program is greatly beneficial to the residents of my district and I wish the NYU Vascular Anomalies Program all the best in the continuation of its vital services.

HIGH SCHOOL DIPLOMAS FOR WORLD WAR II VETERANS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. LARSON. Mr. Speaker, I wish to commend the World War II Veterans who will be receiving their High School Diplomas at the West Hartford Board of Education on the evening of November 8, 2000, more than 55 years after they originally were supposed to have graduated.

These men all left high school early in order to serve their country in the midst of World War II. They are graduating under the terms and conditions of a recently enacted Connecticut law that allows people who left high school to join the military to be given their official diplomas. As such they have now become certified high school graduates.

These Veterans represent what Tom Brokaw has called "America's Greatest Generation". Raised in the Great Depression, some the children of immigrants, they endured hardship at home but rallied to the causes of patriotism and helped the United States defeat the threat posed by the Axis nations. Upon coming home from the war, they led productive and useful lives. They became skilled workers and businessmen who worked hard in raising their children and providing support to their communities, churches and synagogues. They served their country both in time of war, as well as peace, and we are all better off because of their sacrifices.

Several of them will be joined by their wives, children and grandchildren and other family members and friends for this happy event. While more applications for diplomas are still being processed, the following people have already been certified as High School Graduates under the Connecticut program: Albert Lefkin, Herbert Anderson, Donald J. DesRoches, Robert Douglas Soule, Kenneth William Bassett, Anthony N. Cardillo, Otto D. Vincenzi, Joseph J. Viscounti, Edward H. Friedman, and John Robert Clutz.

Others will be honored posthumously and I know that their families will also take delight and comfort over the recognition of their achievements. They are: Agostino Guzzo and William A. Zambrello.

In closing Mr. Speaker, I would like to extend the appreciation of the American people to the fine men who contributed so greatly to the preservation of our freedoms. They deserve our praise and honor. Many of them have participated in the high school and college graduations of their children and grandchildren over the years. However, their own accomplishments are unique and I hope that these self-effacing men will allow themselves and their loved ones to rejoice in the celebration of their own lives. I would like to urge my colleagues in the House to join me in saluting and thanking the World War II Veterans and official high school graduates. The nation and community has learned and benefited much from you.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I was unable to be here yesterday due to my father's precarious health situation, and missed Recorded Votes #541 (Providing for the consideration of H.R. 4656, Lake Tahoe Basin School Site Land Conveyance Act), #542 (Motion to suspend the rules and pass H. Con. Res. 414: Relating to the Reestablishment of Representative Government in Afghanistan), and #543 (Motion to suspend the rules and pass H.R. 4271: The National Science Education Act) on October 24, 2000, and Recorded Vote #545 (On ordering the Previous Question on H. Res. 647: providing for consideration of H.R. 4811, the Foreign Operations Appropriations Conference Report, FY2001) on October 25, 2000.

Had I been present, I would have voted "aye" on all of the above motions.

DR. SPENCER FOREMAN AND ANGELA HOUSE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. ENGEL. Mr. Speaker, Angela House is a small transitional residence providing homeless women and their young children with support and training in a supporting, home-like setting. A primary goal is to break the cycle of homelessness and to achieve self-sufficiency for these families.

This year Angela House is celebrating its first Award Dinner to raise money to buy permanent quarters for this fine organization. Dr. Spencer Foreman, the President of Montefiore Hospital, is being honored for his work in getting Angela House a building for use as a residence until Angela House can get its own building.

Dr. Foreman has been a health systems executive for nearly 30 years and I can personally attest to the good work he is doing in the Bronx as President of Montefiore Medical Center. Currently he is in the midst of building an up to the minute pediatric hospital to treat the children of the Bronx and nearby Westchester County.

He is a member and past Chairman of the Board of Governors of the Greater New York Hospital Association and the Board of Directors of the League of Voluntary Hospitals.

Under Dr. Foreman Montefiore generously donated a three-story building for use by Angela House in the work it is doing for young women in need. Angela House is one of the many organizations making a concerted effort to solve the problem of homelessness in New York City. It also makes a crucial difference in the future of the children it serves by strengthening the family unit.

Dr. Foreman and Angela House are well matched. Both are doing good work for the Bronx in helping people who are in need. They both contribute so much to making the Bronx a better place to live, work, and raise a family.

COLONEL THOMAS R. FRIERS TO RETIRE FROM THE UNITED STATES AIR FORCE ON 31 DECEMBER 2000.

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. WELDON of Florida. Mr. Speaker, Colonel Friers' twenty-eight years of service to our nation culminate with his assignment as Commander of the Department of Defense Manned Space Flight Support Office. Prior to entering the service, he received a Bachelor of Science degree in Mechanical Engineering from Clarkson University, New York. He later received a Master of Science degree in Management from Central Missouri State University.

During the course of his Air Force Career, Colonel Friers rose to the level of command pilot accumulating more than 4000 hours of flying time in five fixed and rotary-winged aircraft. Colonel Friers served in a multitude of locations around the world from Vietnam to the Persian Gulf. He served at many levels: DOD Staff, Air Force Headquarters, and Major Command. Colonel Friers was awarded command a remarkable five times. He commanded a detachment, a squadron, a group, a DOD staff agency, and the Air Force's elite Combat Rescue School. He also served as flight examiner, aide to commander, director of command protocol, and chief of rescue division at the major command level.

The decorations from his 28 years of service include the Defense Superior Service Medal, the Legion of Merit, the Meritorious Service Medal with six oak leaf clusters, the Aerial Achievement Medal, and the Joint Service Commendation Medal.

Colonel Friers commanded troops during our nations' triumph in the Persian Gulf. He also commanded during the Khobar Tower bombing, when his 1st Rescue Group lost 19 brave airman.

During good times and bad, Colonel Firers has led with courage and distinction. Like our great national symbol, the eagles of a colonel are well suited to represent the character of this greater leader.

RIESTERER'S BAKERY 70TH ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to recognize Riesterer's Bake Shoppe & Café on their 70th Anniversary for their commitment and contributions to the Long Island community.

The Riesterer family embodies the spirit of small business with their dedication to service and values. Their 70th Anniversary is a landmark achievement for this family-owned and operated establishment that has become an integral part of life in West Hempstead.

A celebration of the anniversary is planned for Friday, October 27, 2000. The Riesterer family will display a giant seven-foot, seven-tier picturesque Birthday cake commemorating each decade with a tier full of pictures of the Riesterer's legacy.

I would especially like to recognize Karl Riesterer, Sr., the father of the family, who has recently been installed to the position of President of the Bakers Association of America. Comprised of over three thousand members, the Bakers Association of America is the largest baking organization in the country. I salute Karl's dedication that has allowed him to reach the top of his profession.

The Riesterer family is a pillar of the Long Island small business community and the community as a whole. Mr. Speaker, it is an honor to recognize Riesterer's Bake Shoppe & Café on their 70th Anniversary.

RECOGNIZING CHESTER BROWN ON THE OPENING OF THE WEST WARD CULTURAL CENTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. TOWNS. Mr. Speaker, I rise today to recognize Chester Brown for the realization of his dream with the opening of the new location for the West Ward Cultural Center, Inc. in Newark, New Jersey. This Sunday, October 29, 2000, will mark the relocation of a community organization that was the realization of a great dream by a truly remarkable man. The West Ward Cultural Center has served the community for over 20 years, providing food, clothing and social services to everyone from babies to senior citizens.

Mr. Chester Brown, the founder and president of West Ward Cultural Center, was educated at Marywood College in Pennsylvania. A community leader and advocate for positive change, Mr. Brown has worked diligently over the past 20 years helping to make a difference in the lives of others. West War Cultural Center's new home stands as a tribute to his dedicated efforts.

Chester Brown is also a devoted family man. His wife, Mrs. Loucinda Brown, and their talented daughters, Christina and Crystal, share his community spirit. As such, Christina and Crystal inspired the concept for the "Children of Vision," whose aim is to encourage young people to aspire to academic excellence. Christina and Crystal are student instructors in Journalism, Computer Science and Cultural Arts at West War Cultural Center and participate as mentors for the young.

Chester Brown is the son of the late Mr. Willie Brown and his wife, Mrs. Mable Brown. Blessed with a unique family of 16 sons and daughters, Mr. and Mrs. Brown successfully raised their family by working as a team. They also took pleasure in helping others, which earned them the respect and admiration of many. It also set a precedent for their children, especially Chester, to follow. Mr. and Mrs. Brown would be proud of the admirable accomplishments of their son, Chester. Mr. Speaker, Mr. Chester Brown is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join me in recognizing this truly remarkable man.

OUR NATIONAL ENERGY SUPPLY—RUNNING ON EMPTY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. KNOLLENBERG. Mr. Speaker, our Federal Government's approach to energy reminds me of the teenager that has a number of intense priorities—none of which involve filling the family car up with gas. As recent sharp increases in prices for gasoline, heating oil, natural gas, and electricity, and regional fuel shortages indicate, the United States is running on empty and no one wants to pull over and fill up the tank. In fact, running out of gas appears to be an affirmative policy of the regulatory and land-use agencies of this administration.

During the past decade, the Federal Government has actively discouraged exploration, production, transportation and use of conventional energy sources. The sudden increase in energy costs and reliability problems are symptomatic of a fundamentally flawed federal energy policy with serious adverse economic consequences that are only beginning to bubble to the surface. Although the Congress protected the public from their ill-conceived Clinton/Gore Btu-tax early in their administration, Clinton and Gore appear to have achieved their anti-people goals through restrictions on energy production and use through the back door. By using the regulatory powers of the Federal agencies, the Clinton/Gore administration has increased the price of energy to all Americans. How quickly some have forgotten the lessons of the recent past such as the Arab Oil Embargo of the 1970's.

My district in Michigan has many small and large businesses that support the automobile-manufacturing sector. I am very aware of how energy costs affect not just the economy, but the very prosperity so many working Americans have been enjoying.

Our prosperity, and particularly the driving force of our prosperity, the manufacturing sector, which generated almost 30 percent of growth of the gross domestic product and was pivotal in creating 22 million new jobs in the 1990's, is still dependent on adequate and reliable energy supplies at internationally competitive prices. And the current situation is not good. The loss of 133,000 net manufacturing jobs in a broad range of industries in August, and another 66,000 lost jobs in September, is primarily due to higher energy costs. Because firms cannot raise prices in this competitive environment, they must respond to higher energy costs by reducing costs elsewhere. Despite the high value that is placed on American workers, sometimes they become the victims of bad federal energy policy.

To maintain affordable energy supplies, all sources of energy need to be on the table. Unfortunately, the Clinton/Gore administration has been encouraging only the politically correct arrows in our energy supply quiver: conservation, non-hydro renewables and, as "transition" fuel, natural gas. This is an detrimental and dangerous energy strategy. Instead, in addition to continuing efforts to encourage energy efficient choices and develop alternative energy sources, increasing the supply of all conventional energy sources remains critical for sustained economic growth.

Currently, the most glaring policy disconnect is between the projections of natural gas demand over the next decade compared with supply realities. Some of the most promising energy efficiency technologies—combined cycle gas turbines and this generation of fuel cells—require natural gas. Several organizations, including the Department of Energy's Energy Information Administration (EIA) and the National Petroleum Council, predict there will be approximately a 30 percent increase in the use of natural gas over the next 10 to 15 years. Yet U.S. natural gas production has remained stagnant for the past 6 years. Canada already has increased its exports to the U.S. by more than

More importantly half of American households depend on natural gas for heating. The American Gas Association estimates that their bills this winter will increase at least 40 percent over last year, and that is if we have an average winter. In addition, our economic prosperity itself is also in jeopardy. The tens of millions of working Americans who depend on natural gas for space heating, process energy, and product feedstocks, are finding the spot prices for natural gas increasing 2 to 3 times over what it was in January of this year. For many energy intensive businesses, such a those that support America's automobile manufacturing sector, this is a very serious matter. And this pain, this crisis, is largely the result of the Clinton/Gore policies of the past eight years. The Clinton/Gore administration has systematically denied access to natural gas resources and discouraged adding natural gas infrastructure to bring natural gas to market.

The irony is that everyone knows where there is plenty of natural gas, but federal policies do not allow it to be developed. The Outer Continental Shelf and the multiple-use public lands on the Eastern Slope of the Rocky Mountains contain trillions of cubic feet of natural gas reserves that cannot be produced due to moratoria or numerous Clinton/Gore policies and regulatory actions that impede or prevent their development and production.

And natural gas is just one energy source that suffers from federal policies. Coal and oil resources are similarly being locked up by federal land use restrictions on multiple-use lands. Only one new base-load coal plant and two expansion units have been built since the late 1980's, and none since 1996. No new major oil refinery has been built in 25 years.

We haven't started construction on a nuclear plant in a decade, and no major hydroelectric dam has been built in memory. Moreover, federal policies have actively discouraged continued operation of even existing energy facilities. For example, the relicensing schedule for hydroelectric dams is an inexcusable eight years.

It seems that, for the current administration, atrophy and diminishment are the only energy policies they'll consider, as indicated by their support of the flawed Kyoto Protocol, which would use international pressure to coerce Americans into massive cuts in fossil fuel use. Unconstitutionally, this treaty has never ever been submitted to the U.S. Senate for consent, and the Clinton/Gore administration has indicated no intention of ever submitting the resolution to the Senate. To negotiate a treaty against the advice of the U.S. Senate and to have no intention of ever submitting the treaty to the Senate for consent is blatantly and flagrantly unconstitutional.

Via the Kyoto Protocol, the Clinton/Gore administration would commit the United States to what amounts to a 31 percent reduction in fossil energy use over levels otherwise projected by 2010. I oppose the attempts by the federal agencies to implement the protocol without Senate ratification and without implementing legislation. I thank my colleagues who have continued to support reasonable limitations on the Federal agencies that have forgotten how fundamentally important an adequate supply of energy is to our economic and social well-being.

I would like to introduce into the RECORD a resolution by the Board of Directors of the National Association of Manufacturers expressing their concern for current energy supply policies. This resolution, which the NAM Board adopted earlier this month, notes that in order to sustain economic growth, this country must have adequate supplies of energy at internationally competitive prices. I agree with their analysis that all energy options must be on the table for us to maintain and grow our economy, and that energy supply considerations must be part of the overall federal regulatory policy. I commend the attention of my colleagues to the NAM resolution.

Mr. Speaker, I submit the NAM resolution be inserted in the RECORD at this point.

RESOLUTION OF CONCERN OVER ENERGY SUPPLY POLICIES

An adequate and secure energy supply at globally competitive prices is necessary for the nation's economic growth. The NAM—and its more than 14,000 member companies and associations, including 10,000 small and mid-sized manufacturers—supports the development of markets and policies that provide adequate, reliable and competitively priced energy resources with minimal government intervention. The NAM understands the critical importance of an economically viable mix of energy sources, consistent with prudent environmental policies. The NAM is concerned that current federal policies are at odds with the fundamental need to maintain adequate future energy supplies for the economy and the welfare of the American people.

Overall, U.S. manufacturers continue to strive for improved efficiency in the competitive world marketplace, including increasing energy efficiency. The remarkable productivity gains of this past decade however, have tended to raise energy use. Simultaneously increasing productivity and energy efficiency in the face of foreign competitive pressures has required developing and installing innovative equipment and processes in all aspects of the manufacturing sector.

Despite manufacturers' ongoing investments to increase energy efficiency, and federal and private efforts to develop economically viable alternative sources, increasing the supply of traditional energy sources remains critical in order to sustain economic growth. For example, the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) and the Outer Continental Shelf should be opened for environmentally responsible oil and gas production. With respect to electricity, federal legislation should be enacted that would strengthen reliability and efficiency of supply, and facilitate wholesale and retail competition as soon as possible.

Energy warning signs are not just flashing because of this past summer's regional electricity disruptions. Also this year, the United States has been experiencing tight supplies of natural gas and transportation fuels, and the Department of Energy has even announced plans to dip into the Strategic Petroleum Reserve out of concern for heating oil prices this winter. The drastic step of withdrawing oil from the SPR is a wake-up call that current federal policies are jeopardizing economic growth and prosperity.

The current Administration has created an unbalanced national energy policy by focusing only on energy efficiency, natural gas and non-traditional energy sources, while limiting the development and use of other energy sources. There are limits to how much energy-efficiency measures and alternative energy sources—some of which remain of speculative economic viability—can contribute to meeting the energy requirements of our growing nation. Of particular concern is the policy disconnect between projections of increases in natural gas consumption to meet new energy demands, contrasted with current federal policies that discourage the production and delivery of new natural gas supplies. If federal policies will not allow more natural gas to be produced and delivered, then natural gas will not be able to fulfill its potential to sustain economic growth.

By undermining the development of domestic oil, gas, nuclear, coal and hydroelectric power, this Administration has created "supply-side" disincentives that add up to what is essentially a policy of planned energy dependence by the United States on foreign sources. Historically, the federal government has caused enormous economic waste when it tries to pick "winners" and "losers" in the energy marketplace. It has also caused waste when its energy policies are not coordinated with other policy objectives or considered in the context of economic growth.

Current federal policies that discourage energy supplies and distort energy consumption jeopardize economic growth. To meet the challenges of a growing population and increasing prosperity, while ensuring national security and environmental protection, America must fully utilize all of its energy options. The next Administration and Congress must make the availability of adequate supplies of reliable and competitively priced energy a national priority.

As adopted by the NAM Board of Directors—October 4, 2000.

HONORING MARILYN CULPEPPER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to recognize Marilyn Culpepper for her dedication to the health and well being of Monroe County, Alabama, citizens.

Marilyn Culpepper was appointed to the Monroe County Hospital Board in July 1996 and elected its chairman by unanimous vote of the board a few months later. She served as chairman from 1997 to 2000. Mrs. Culpepper has since moved to Mobile, and I wish her well as she takes on new challenges.

A native of Grove Hill, Alabama, Mrs. Culpepper is a 1980 graduate of the University of West Alabama (formerly Livingston University) and was the recipient of that school's Alumni of the Year Award in 1996.

Over the years, she has had several successful careers and civic achievements. In 1986, at age 17, she was elected to the Sumter County Board of Education. She was elected a second time in 1988 and served with distinction until moving to Monroe County in 1991.

In Monroe County, Marilyn Culpepper served first as associate editor, then managing editor of the Award-winning weekly newspaper, The Monroe Journal. She also distinguished herself through community service in several capacities. To name a few, she was president and/or board member of the Monroeville Area Chamber of Commerce, the Monroe County Public Education Foundation, the Monroeville Kiwanis Club (where she was the first woman elected as "Kiwanian of the Year"). She also served as a volunteer for the Monroe County Heritage Museums, and for the Alabama Writers Symposium during their inaugural year. In addition, she served in Israel as the representative of the Monroe County Commission and the Monroeville Area Chamber of Commerce during performances of "To Kill a Mockingbird." Manifesting her talent, Mrs. Culpepper is a two-time recipient of the Alabama Medical Association's Douglas L. Cannon Recognition for Excellence in Medical Journalism.

As editor of the Monroe Journal and, later, economic developer for Monroe County from 1997–2000 and as chairman of the Monroe County Hospital Board, Mrs. Culpepper was an advocate for accessible health care for all citizens regardless of age, social or economic status. She was a driving force behind expansion of hospital services and creation of a rural health clinic in Monroe County.

Under Mrs. Culpepper's leadership, the hospital in Monroeville embarked on a major expansion and construction project, the creation of a cancer-treatment center and the development of a diabetes support program. She also oversaw the creation of Monroe Health Foundation and has been a contributor to the foundation.

Today, Mrs. Culpepper serves as executive director of the Historic Mobile Preservation Society. Her commitment to community development—preservation, education, and innovation in enriching the lives of all citizens continues. She is committed to developing a regional network of cultural, civic and humanitarian efforts to benefit all residents of south Alabama and continues to be a friend to Monroe County and Monroe County Hospital in this endeavor.

HONORING MONTE BLUM AND HIS HEROIC SERVICE TO OUR COUNTRY

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. EVANS. Mr. Speaker, today I honor a great man, a real American hero. My statement today is a formal "Thank You" to Mr. Monte Blum, a proud veteran from World War II. It is a thank you he has never expected or asked for from his country.

The middle son of Russian immigrants, 19-year old Monte Blum enlisted in the Army and volunteered for the hazardous duty of disarming underwater mines as a deep sea diver in the 106th Engineering Corps. Clearing the way for ally shipping lanes off the coast of France in 1944, Cpl. Blum's attempt to disarm an enemy mine was disastrous when the explosive detonated.

With little chance for survival, Cpl. Blum was transported to a military hospital in Wales. His oldest brother Herman Blum, who received medals for heroism in the Battle of the Bulge, traveled from his post in Germany to take his younger brother back to America to live out his last days.

Herman was determined not to let his brother Monte die overseas. After months of prayer, a miracle occurred—Monte Blum survived. He was subsequently awarded both the Purple Heart and the Bronze Star.

Monte Blum will be turning 75 on February 26. He has been married to Helene Englander for 49 years and raised a son, Murray and a daughter, Robin. His children say that affection for their father gave them strength as Mr. Blum was in and out of the hospital during their youth. After dozens upon dozens of operations, medical technology finally was able to stem the constant discomfort they saw him endure while they were growing up. Helene was a constant rock and loving companion in tough years that would have sent most weaker wives packing.

In spite of his disability, Monte Blum was a hard working and successful business man all his life. No one but his immediate family ever knew that he had health problems. He held his head high, and provided a happy home or a well-loved family. He not only sent his two children to college but was instrumental for the education of 2 neighborhood kids. When there wasn't a synagogue in Baltimore where he bought his family a home, he pitched in and built one.

He taught his children about sacrifice and his undying love of our country. He emphasized the values of family, Judaism and kindness. His wife and children watched him laugh when he should have cried and never, never ever to this day, did he once complain.

His family has endured many tragedies. His older brother Lt. Senior Grade, Murray Blum, at 22, was killed in action as he dove overboard from a Merchant Marine vessel to rescue a drowning Swedish sailor, the only man to have perished on the ship, the SS Leonardis Polk. Murray Blum is buried in Cambridge, England at the beautifully tendered U.S. Military Cemetery. His brother Simon who worked stateside in the service because of a disability, died of a heart attack, after the war.

Retired Major Herman Blum, who received a Bronze Star, died September 23, 2000 at age 82 and received a full military send-off befitting a retired Army Major and now rests with his parents and brothers.

At this point in is life, Monte Blum is a frail health, but still walks with dignity and the step of a man half his age. He is surrounded by those who adore him. Monte Blum and his youngest brother Calvin, who was in the 67th Flight Corps, remain the best of friends.

He is a living monument and the embodiment, the heart and soul of the greatest generation. With Veterans Day approaching, we would do well to recount the service and sacrifice of veterans like Monte Blum.

ON BEHALF OF PEIRCE COLLEGE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. FATTAH. Mr. Speaker, I rise today on behalf of Peirce College, a matchless institution of higher education located in my district of Philadelphia, Pennsylvania.

Peirce College has taken great strides to bridge the digital divide and become an institution dedicated to providing graduates for the information age. In fact, Peirce recently took two significant steps towards this goal. First, with the opening of its state-of-the art alumni Hall and second, through the recent approval of its online degree programs.

Despite its purely urban location, Peirce College is reaching out to provide competitive workforce and technology programs to individuals living in the more rural parts of Pennsylvania. Peirce College is well positioned to do this. In Fiscal Year 1999–2000 Peirce's off-site programs enrolled 408 students from rural and suburban areas across Pennsylvania. Through distance learning technologies, Peirce College intends to connect all of its students and programs including those in the rural areas of Pennsylvania.

Pennsylvania has one of the largest rural population of any state in the county. To this extent, the Peirce distance learning programs can offer a significant opportunity for students, many of whom are adult learner, to gain training an education programs that are technology oriented and needed in today's job market.

I support Peirce College in its effort to secure a federal partnership to expand its on line and distance learning programs. To that end, I have worked with Congresswoman MARCY KAPTUR, ranking member for the House Appropriations subcommittee on Agriculture, Rural Development, FDA and Relocated Agencies. In this year's Fiscal Year 2001 House passed Agriculture Appropriation bill, report language was included to direct the Department of Agriculture to give consideration to the distance learning at Peirce College under the distance learning and telemedicine grant program.

The Distance Learning and Telemedicine Program, as authorized by the Food Agriculture, Conservation and Trade Act of 1990 and amended by the Federal Agriculture Improvement and Reform Act of 1996, aims to provide access to telecommunications services to improve rural educational opportunities. This program provided facilities and equipment to link rural education with more urban centers in order to increase educational opportunities for rural students. As such, I believe this program is well aligned with the goals and actions of Peirce College.

I strongly support Peirce college's proposal for a distant learning grant and look forward to working with the Department of Agriculture and the Committee to insure that Peirce College proposal receives full and fair consideration.

IN RECOGNITION OF THE SOUTHERN ILLINOIS COAL MINERS MEMORIAL

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. PHELPS. Mr. Speaker, today I rise to recognize the Southern Illinois Coal Miners and the Memorial that has been dedicated in their honor. The memorial consists of a wall with the names of coal miners who currently work or have worked in the southern Illinois mines.

I would like to share with you this poem by Raymond D. Null of Herrin, IL. This work gives us an idea of the different kinds of struggles coal miners face.

"ILLINOIS BLACK GOLD"

In the early years, our MINERS lived in the "patch," in their little company houses, along the train tracks
With their lunch bucket in hand, off to work they would go, most walking to work, through the summers and snows
Many fathers and sons, have worked side by side, in areas not tall, and sometimes not wide
They carved out their living, in walls of pure coal, as they worked hard and labored, to mine this "Black Gold"
A ride down the deep shaft, a long walk through the mine, to this deep darkened land, where the sun never shines
Where it's deep as a dungeon, and nearly as cold, and the MINERS were proud, to mine this "Black Gold"
Deep in the ground, everyday these men toiled, as they spotted and blasted, through the layers of soil
They were our MINERS, and they brought us our coal, with their shovels and picks they mined this "Black Gold"
These pioneers of labor, with the coal black face, are the legends of mining, that time won't erase
They worked dangerously hard, in their race against time, in this deep dark hole, that they call the mine
In the early years, lives were taken at times, and the news spread quickly, to other towns and their mines
There would be sounds of sorrow, and sounds of pain, like the quill from the whistle, of a slow passing train
There are memorials that salute, those who answered their call, and prayers are said daily, for those who gave all
And for all of the MINERS, who mined this "Black Gold," Let us give thanks, and may God bless their soul.

It is with this, Mr. Speaker, that I commend the coal miners of Southern Illinois. Due to their hard work and dedication in the mining industry, it is clear that they are an asset to Southern Illinois and all of the United States of America.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. PORTMAN. Mr. Speaker, because I was unavoidably detained, I was absent for rollcall vote No. 554. Had I been present, I would have voted "yea."

IN HONOR OF JUDITH WEST

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Judy West, an outstanding New Yorker, on the occasion of her retirement from Local 802 of the American Federation of Musicians.

Judy West has had a long and successful career serving as Director of Public Relations and Legislative Affairs for Local 802 since 1983. Her contributions to the Labor movement in particular, and to society as a whole, have been exemplary and set the standard to which we should all rise.

As an outspoken advocate for all working people, Judy has fought to ensure that Labor's agenda is always at the top of every elected official's list. From her work on exposing the abuses of farm labor in New York State to highlighting the particular concerns of musicians and other performing artists, her persistence and determination on behalf of these causes have become her trademarks.

In addition to her myriad endeavors on behalf of labor, Judy has also devoted her energies to the struggle for civil rights, affordable housing and decent health care for all. She has been so committed because she believes that as a citizen it is her duty to create a more just society for all. Through her unstinting devotion of time and generous use of talents, Judy West has become recognized as one of the most effective advocates of our time.

Mr. Speaker, Judy West may be officially retiring from her job, but I know that she will continue making outstanding contributions in the service of society. Her leadership will be missed, however, she and her family will have the opportunity to spend more time together. I join with all working people in thanking Judy for her tireless advocacy, personal commitment to our community and for her friendship.

IN HONOR OF NICK A. ANDRIOTIS, PAST PRESIDENT OF THE SAINT DEMETRIOS CATHEDRAL PARISH COUNCIL AND CO-CHAIRMAN OF THE ST. DEMETRIOS SCHOOL BOARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Mr. Nick A. Andriotis, the former president of the Parish Council at the Saint Demetrios Cathedral and Co-Chairman of the St. Demetrios School Board in Astoria, Queens, New York. Mr. Andriotis will receive this years Odyssey Award from the Cathedral in recognition of his long and distinguished service to the church. The award will be presented at the church's 73rd Anniversary celebration this month.

Mr. Andriotis has been a tireless activist for the entire Greek-American community of Astoria through his work with the Hellenic Cultural Center and the St. Demetrios School System. He has served as a strong advocate for the preservation of the Greek Orthodox faith, as well as for Greek culture, traditions, and the Greek language. He is the founder of the St. Demetrios High School, which is the direct product of his vision, determination, and enthusiasm. In fact, the new high school building became a reality due to Mr. Andriotis's valiant efforts.

Mr. Speaker, I am immensely proud to have such a community-oriented leader and visionary working to improve the lives of the many Greek and Greek-American residents of New York. This year's Odyssey Award will honor a worthy man and a diligent and faithful member of the Greek-American community. I congratulate Mr. Andriotis on his award and his many years of community service and I am confident that the selfless dedication he has demonstrated toward his friends and neighbors will continue through the work of the Saint Demetrios Cathedral.

MOVIE MAKERS RESPOND WEAKLY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BEREUTER. Mr. Speaker, this Member encourages his colleagues to read the following editorial, from the October 9, 2000, edition of the Norfolk Daily News. This editorial highlights the insufficient answers from the film industry about targeting younger audiences with inappropriate film content.

[From the Daily News, October 9, 2000]

MOVIE MAKERS RESPOND WEAKLY

CONGRESSIONAL CONCERN PRODUCES LESS THAN SATISFACTORY ANSWERS BY INDUSTRY

The movie industry's responses to congressional concern about targeting younger audiences with inappropriate film fare is unsatisfactory. The practice of using young test audiences is reprehensible.

While Jack Valenti, the veteran political operative who speaks for the Motion Picture Association of America, promised the industry would change the objectionable practice, it is not enough. Ratings ought to change and entertainment ought to be lifted from the gutter.

Mr. Valenti did say that "inappropriate" targeting of children for R-rated movies would stop. That practice has found some filmmakers attempting to appeal to youngsters whose age would disqualify them from viewing.

The Internet figures in this problem as well. For the industry's teen Web sites can be utilized, and there were no promises that marketing of R-rated films would be entirely barred from them.

The president of Sony, parent company of Columbia Pictures, termed the marketing of a violent PG–13 film to a younger audience "a judgment lapse." It would more properly be called a stupid error demanding far more prompt attention than it received. That company is far from alone, however.

Sen. Kay Bailey Hutchison, R–Texas, expressed the sentiment of many Americans when she responded to the recent testimony from film executives: If the industry doesn't take steps to keep violent films away from young children, she said, "you're going to see some kind of legislation." There are others who feel just as strongly about the portrayals of casual sex and use of obscene language as they do about gratuitous violence.

The legislative powers seem limited, however, even though the Supreme Court has indicated "community standards" can be allowed to prevail in the contests between pornography and free expression, especially where young people are concerned.

In this situation, with movie complexes overbuilt and family movie nights rare, a rational reaction would find the industry doing all it could to tell interesting stories with at least a little less violence and graphic sex. It was possible in the earlier days of television and films.

The industry ought to find a way to reverse the trend toward coarseness and crudity. It could start by raising its standards, revising its inaccurate and unreliable ratings, and leaving more to the viewers' imaginations.

THE FIREARMS RESEARCH AND DEVELOPMENT SAFETY ACT OF 2000

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BARR of Georgia. Mr. Speaker, today I rise to discuss legislation I introduced just before the August recess, H.R. 5012, the Firearms Research and Development Safety Act of 2000. This legislation would enhance the research and development tax credits permitted to firearms businesses to accelerate and explore further what has been termed as Smart Gun Technology, or as some prefer to call it, "Firearm Personalization Technology." In fact, at a later date, I intend to amend the legislation in committee to reflect that terminology.

My proposal increases the research and development tax credit, determined under the applicable rules of the Internal Revenue Code of 1986 (which is usually 20%), to 30% for smart gun technology research and development. It also quantifies this benefit is only available to federal firearms licensees, and it is not available for use on monies received in the form of a grant. Additionally, the base used to determine allowable expenses for the credit is at 100% of a firm's, corporation's, or individual's expenditures for the years 2001, 2002, and 2003, instead of the incremental increase as under current procedure.

These enhancements are intended to do exactly what ought to be done in terms of encouraging innovation and development in safety technology for firearms. That is, the marketplace ought to determine these innovations, and ultimately their acceptance by consumers, law enforcement, and, indeed, even the military in some cases.

The role of the government ought not be to mandate the use of this technology, but rather to encourage and foster its development. Regrettably, much has been said about "Smart Gun," or "Firearm Personalization," technology, and the panacea some claim it to be in preventing unauthorized access to firearms by felons, violent individuals, or other persons who should not have access to a firearm. The truth is, there are many different approaches to safe gun storage, any of which may be valid depending on the particular circumstances faced by the owner or authorized user.

Mandating the integration of an internal locking system in a firearm is simply not going to prevent determined individuals from gaining access to a gun and misusing it. As in other approaches to safe gun use, training and education are paramount, so each individual owner can develop a strategy for the safe storage and use of their firearm. "Firearm Personalization Technology" assists in doing just this, and if the marketplace responds favorably to these innovations, gun technology will change.

My bill simply allows the gun industry an enhanced opportunity to accelerate work in this field, and to explore whether or not consumers will respond favorably to safe, reliable and practical innovations in gun technology.

Naturally this type of innovation research is not inexpensive. As Members are aware, the industry has been under enormous economic stress, due largely to the anti-gun policies of the current Administration and to frivolous law suits being filed against the industry by anti-gun interests. Precious resources the industry could be devoting to technological innovation have been used to defend its lawful and responsible businesses. Perhaps this credit will help the industry get back into the business of developing better products, instead of having to devote its resources to defending the lawful manufacture, sale, and use of its products.

In order to encourage this technology, my legislation has an additional provision which exempts that part of the firearm which is enhanced or added and devoted solely to the addition of Firearm Personalization Technology, from the federal excise tax on firearms. For example, if a firearm normally costs $500, and $500 worth of electronic components are added to the firearm for Firearm Personalization Technology, the $500 enhancement would be exempt from the federal excise tax. A $50 savings on a $1,000 gun may not seem much at first glance, but as many in the industry will tell you, guns are very price-sensitive commodities, for which consumers make a decision to buy or not to buy, based on surprisingly small price differences.

In closing, let me say, Mr. Speaker, while there are certainly obvious sharp divisions in this Chamber on private firearms ownership in our country, I believe my colleagues on both sides of the aisle should be able to support improvements in gun technology which are voluntarily pursued by the manufacturing community, with little rather than more government involvement. Allowing market forces to determine innovation in the field, is the natural and correct way progress ought to occur.

DATABASE PROTECTION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. HOBSON. Mr. Speaker, I rise today to voice my support for an important issue that will require the full attention of Congress in the coming year—database protection. While I am disappointed that consensus could not be reached this year on legislation to protect the right of individuals and organizations to protect their databases from the outright theft of their products, I am hopeful that the 107th Congress will act expeditiously on this issue when it convenes in January. A database anti-piracy law is an imperative for an information society that is growing ever more dependent on the Internet and on the information available in electronic databases.

Companies that compile the complex information for these databases put a tremendous amount of work into developing an accurate, understandable resource bank for private or public use. This is a lengthy, expensive, and ongoing process that deserves to be protected. Individuals, companies, and organizations that work hard to compile information for the benefit of their consumers should be protected under our laws. It is not acceptable to allow a "data pirate" to steal the product of someone else's hard work and profit from it, while causing the original compiler market harm. Our nation's intellectual property laws have long recognized the importance of rewarding work with legal protection, and this is one area where the law needs to be improved to keep up with advances in technology unforeseen by earlier generations of lawmakers.

In the district I represent, the consequences of inaction are very real. I have a background in small business and real estate, so I know that importance of this legislation. From the local realtor to the database company that employs thousands in my state, not acting to provide legal recourse to the victims of data piracy, significantly affects jobs and commerce in Central Ohio.

I am concerned that without legislation to protect their databases, there is no incentive to devote time, capital, and resources to the creation and maintenance of dependable and accurate databases. People from all walks of life utilize these databases everyday for information on medicine to information on real estate. Society will be severely affected if these information systems cease to exist. Without legislation to protect them, the lack of incentives for creating and maintaining databases of accurate information will eventually lead to the non-production of these important data compilations.

In the next Congress, we can develop legislation that will protect database producers and still allow consumers the same access to the free flow of information for legitimate purposes. Developing sound legislation on database anti-piracy will be a top priority for me in the 107th Congress. I look forward to working with Mr. COBLE, Chairman of the Judiciary Courts and Intellectual Property Subcommittee, the Commerce Committee, and the House Leadership on this important issue.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. BACHUS. Mr. Speaker, I rise today to commend Chairman LEACH and Mr. LAZIO, and my colleagues on the House Banking Committee for their tireless work on moving legislation that brings some much-needed reforms to the overall housing industry. S. 1452 will enhance home ownership throughout the country.

Furthermore, I am pleased to see that many provisions of H.R. 1776, the Housing and Economic Opportunity Act, have been included in the S. 1452. As my colleagues may remember, H.R. 1776 passed our chamber earlier in the year by an overwhelming and bipartisan vote of 417 to 8. However, there is one particular omission that concerns me. Unfortunately, this omission may ultimately have an impact on the number of families who will realize the American Dream of homeownership.

The provision that has been omitted from S. 1452 is Section 102 of H.R. 1776. Section 102 requires that the Federal government perform a housing impact analysis before it issues new regulations. The impact analysis would determine if a significant negative impact on affordable housing would result from those new regulations. "Significant" would be defined as increasing consumers' cost of housing by more than $100,000,000 per year.

Further, Mr. Speaker, H.R. 1776 stipulates that the private sector would have an opportunity to submit an alternative to the proposed regulation if it would have less of a negative impact on the cost of homeownership. As with the other provisions in Title I of H.R. 1776, the goal of the housing impact analysis is to alert federal agencies and the general public of the impact of regulation on housing affordability.

Ultimately, the objective would be to help bring down the cost of a home by minimizing regulations that pose a barrier to homeownership. The housing impact analysis addresses this issue by requiring the Federal government to perform an "internal check" of sorts in a quest to see if the regulation might be constructed in a better way that would not lock some individuals out of homeownership.

I see this internal check as a positive action, Mr. Speaker, and I am concerned that this worthy provision, a provision 417 of my colleagues supported, was left out of the legislation that comes before us today. I hope that this concept does not die with the closing of the 106th Congress, but is reviewed again next year, with the commencement of the 107th.

RECENT VIOLENCE IN THE MIDDLE EAST

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SESSIONS. Mr. Speaker, I would like to bring to the attention of Congress a recent letter from United States military leaders regarding the recent violence in the Middle East. The letter follows:

We, the undersigned, believe that during the current upheavals in Israel, the Israel Defense Forces have exercised remarkable restraint in the face of lethal violence orchestrated by the leadership of a Palestinian Authority that deliberately pushes civilians and young people to the front lines.

We are appalled by the Palestinian political and military leadership that teaches children the mechanics of war while filling their heads with hate. We are appalled by Palestinian "military commanders" who place armed adults amid civilian rioters, including children, and then callously use the inevitable casualties as grist for their propaganda mill. The behavior of those Palestinians, who use civilians as soldiers in a war, is a perversion of military ethics.

What makes the US-Israel security relationship one of mutual benefit is the combination of military capabilities and shared political values—freedom, democracy, personal liberty and the rule of law. Yitzhak Rabin said at the beginning of this peace effort with the Palestinians that one can only make peace with one's enemies. But the enemy must have decided to put down his weapons—rocks as well as rifles—and make peace in good faith. The Palestinian-initiated violence in Israel now strongly tells us that the necessary good faith is sorely lacking on the Palestinian side.

America's responsibility as a friend to Israel, the only country in the Middle East that shares our democratic and humanitarian values, should never yield to America's role as facilitator in this process. Friends don't leave friends on the battlefield.

Lt. Gen. Marcus Anderson, USAF (ret.), Inspector General, US Air Force.

Lt. Gen. Robert Baer, USA (ret.), Deputy Commander, Army Materiel Command.

Maj. Gen. Max Baratz, USAR (ret.), Commander, US Army Reserve.

Lt. Gen. Jared Bates, USA (ret.), Inspector General, US Army.

R. Adm. Charles Beers, USN (ret.), Commander, Submarine Group Ten.

Lt. Gen. Arthur C. Blades, USMC (ret.), Deputy for Plans, Policies, and Ops.

Lt. Gen. Anthony Burshnick, USAF (ret.), Commander, Military Airlift Command.

Adm. James Busey, USN (ret.), CINC, US Navy Europe.

Lt. Gen. Paul Cerjan, USA (ret.), Deputy Allied Commander, Europe.

Adm. Hank Chiles, USN (ret.), Commander in Chief, US Strategic Command.

Gen. J.B. Davis, USAF (ret.), CoS, Supreme HQ Allied Powers Europe.

Adm. Bruce DeMars, USN (ret.), Director, Naval Nuclear Propulsion.

Maj. Gen. Lee Downer, USAF (ret.), Director of Operations, Air Combat Command.

Adm. Leon Edney, USN (ret.), Commander, US Atlantic Fleet.

Gen. John Foss, USA (ret.), Commanding General, Training and Doctrine Command.

Maj. Gen. Donald Gardner, USMC (ret.), Commander, III Marine Expeditionary Force.

Maj. Gen. William Garrison, USA (ret.), Commander, Joint Special Operations Command.

Lt. Gen. Jay Garner, USA (ret.), Assistant Vice Chief of Staff.

Maj. Gen. David Grange, USA (ret.), Dir., Army Operations, Readiness & Mobilization.

Lt. Gen. Tom Griffin, USA (ret.), Chief of Staff, Allied Forces Southern Europe.

Gen. Alfred Hansen, USAF (ret.), Commander, USAF Logistics Command.

Adm. Jerome Johnson, USN (ret.), Vice Chief of Naval Operations.

V. Adm. Dennis Jones, USN (ret.), Deputy CINC, US Strategic Command.

V. Adm. Bernard Kauderer, USN (ret.), Commander, Submarine Forces, Atlantic Fleet.

R. Adm. Herbert C. Kaler, USN (ret.), Dir., Joint Theater Air and Missile Defense Org.

V. Adm. Anthony Less, USN (ret.), Commander, Naval Air Forces, US Atlantic Fleet.

Maj. Gen. Jarvis Lynch, USMC (ret.), Commander, Eastern Marine Recruiting Depot.

Lt. Gen. Charles May, USAF (ret.), Assistance Vice Chief of Staff, USAF.

Maj. Gen. James McCombs, USAF (ret.), Deputy CINC, US Special Operations Command.

R. Adm. William F. Merlin, USCG (ret.), Commander, Eighth Coast Guard District.

Maj. Gen. William C. Moore, USA (ret.), Director, Operations, Readiness & Mobilization.

Maj. Gen. Robert Patterson, USAF (ret.), Commanding General, 23rd Air Force.

V. Adm. James Perkins, USN (ret.), Deputy CINC, US Southern Command.

Lt. Gen. Everett Pratt, USAF (ret.), Vice Commander, US Air Forces Europe.

Maj. Gen. Milnor Roberts, USA (ret.), Deputy Chief, US Army Reserve.

R. Adm. Norman Saunders, USCG (ret.), Commander, Seventh Coast Guard District.

Maj. Gen. Sidney Shachnow, USA (ret.), Commander, JFK Special Warfare School.

R. Adm. Sumner Shapiro, USN (ret.), Director, Naval Intelligence.

Adm. Leighton Smith, USN (ret.), Commander, US Forces, Southern Europe.

Maj. Gen. Larry Taylor, USMCR (ret.), Commander, 4th Marine Aircraft Wing.

Adm. Carlisle A.H. Trost, USN (ret.), Chief of Naval Operations.

V. Adm. Jerry Tuttle, USN (ret.), Director, Space and Electronic Warfare.

Brig. Gen. Thomas E. White, USA (ret.), Exec. to the Chairman of the JCS.

R. Adm. Guy Zeller, USN (ret.), Dir., Surface Warfare, OPNAV.

OLDER AMERICANS ACT AMENDMENTS OF 2000

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CROWLEY. Mr. Speaker, I rise in support of H.R. 782, to reauthorize the Older Americans Act.

I would like to begin by recognizing Chairman GOODLING and Ranking Member CLAY for all of their hard work in producing this legislation. Mr. CLAY will be missed in this chamber next year.

I also would like to extend my deep appreciation to Subcommittee Chairman MCKEON and Ranking Democrat TIERNEY for their dedication to our older Americans.

Although I believe that this legislation is flawed and still has several problems, it is an important bill and Congress can no longer allow the important programs served under the OAA to continue without authorization.

Unfortunately, this bill contains new formulas for funding which, in the coming years, could shift vitally needed resources away from Northeastern urban areas such as my home of New York City.

Like with the funding formulas used by the VA, the Government tries to allocate resources based on new population data, neglecting the needs of those who need the most care.

But while this bill has several problems—problems I hope will be worked out in a bipartisan way by the Congress next year, this bill also contains a number of important new programs as well.

This legislation establishes a $125 million caregiver program. This creation will help thousands of New York families be able to provide for their loved ones in their later years. I salute this new program.

Additionally, the Committee included a hold harmless provision for nutrition programs such as the Meals and Wheels program, which benefits so many of my older constituents, particularly in such places like Mitchell-Linden in my District.

This legislation also toughens up the language on a top concern of mine—elder abuse. Although I did not have the opportunity to amend this legislation with provisions from my bill, the Elderly Protection Act (H.R. 1984), to provide for Federal background checks of employed caregivers or assistance to train new caregivers to identify signs of domestic abuse, I am pleased at the new language.

This bill increases the severity of committing crimes such as fraud and exploitation of the elderly—an all too common occurrence in our country.

In my district, Father Coleman Costello of Walk the Walk is establishing a new and innovative center to provide for the abused elderly and provide treatment for their abusers. While this bill could have gone further to address this hidden crime, it does make positive steps.

I ask welcome the language regarding the senior jobs program in Title V of the OAA. Our senior need jobs, but we must ensure that these jobs are in their communities and serving their needs as well as the needs of the elderly in their neighborhoods.

All in all, with the problems notwithstanding, I will vote to support this legislation as it will provide some new funding streams to New York City as well as reauthorize a number of key programs under the Older Americans Act.

Stating that, it is my hope that Congress can revisit some of the questionable provisions of this bill in the 107th Congress so that all older Americans can fully benefit from the Older Americans Act.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

SPEECH OF

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. KUYKENDALL. Mr. Chairman, I rise today in strong support of S. 835, the Estuaries and Clean Waters Act of 2000. This landmark legislation will enhance our ability to protect the nation's valuable shoreline habitats, extend the cooperative partnership to preserve the Chesapeake Bay and Long Island Sound, and expand the effort to improve water quality in our nation's lakes.

Estuaries are some of the most valuable natural resources of the nation, but they are also vulnerable and many are collapsing. This important measure promotes the restoration of one million acres of estuary habitat throughout the country by directing $275 million in funding and other incentives to local estuary protection projects.

Estuaries are the bays, gulfs, sounds, and inlets where fresh water from rivers and streams meets and mixes with salt water from the ocean. These areas represent some of the most environmentally and economically productive habitats in the world.

According to the U.S. Department of Commerce, 75 percent of fish and shellfish caught in the United States by commercial fishing operations depend on estuaries for survival. Moreover, these habitats—river deltas, sea grass meadows, forest wetlands, shellfish beds, marshes, and beaches—support a large number of endangered or threatened species of plants and wildlife.

These areas are fragile and vulnerable to human and environmental pressures. Growing populations along the coastlines have threatened the natural balance of these habitats. Dredging, draining, the construction of dams, sewage spills, and other forms of pollution have led to the degradation and destruction of many estuary habitats.

This measure exemplifies environmental policy based on partnership and cooperation, and not on governmental mandates and regulations. S. 835 encourages states, local governments, and community organizations to work together to identify estuary habitat restoration projects.

Estuaries are national treasures, and they deserve a national effort to protect and restore them. Responding to the growing threats to our bays, sounds, and other coastal waters presents a difficult challenge: federal resources are limited, the need is great, and the pressure on these areas is intensifying. The Estuaries and Clean Water Act takes the necessary steps to protect and restore these natural habitats.

The time to act is now. We are not doing enough to protect these valuable resources. Many estuaries are on the brink of extinction because of manmade pressures. We need to preserve these vitally important habitats. They are an integral part of this country's environmental balance. I urge my colleagues to support this important measure.

TRIBUTE TO SID YATES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. COSTELLO. Mr. Speaker, it is with great sadness that I rise today to join my colleagues in paying special tribute to my good friend and colleague from Illinois, Mr. Sid Yates. Mr. Yates was a good friend. He was there to welcome me here on my first day in Congress and I was glad to have served with him for over a decade.

Mr. Yates and I worked on many bipartisan issues to improve our nation and home state of Illinois. I was always appreciative of his friendship and admired his work both within the Illinois delegation and on the House Appropriations Committee.

Mr. Yates began his distinguished career as an attorney in Chicago. He was first elected to this House in 1948. As a member of this body, Mr. Yates was a quiet but strong voice.

Mr. Speaker, Sid Yates served this institution, his constituents and community well and he will be greatly missed. I extend my condolences to his wife and family.

MEMORIAL TRIBUTE TO THE HONORABLE SIDNEY R. YATES

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SKEEN. Mr. Speaker, it is with great regret and sadness that America has lost a dedicated public servant, the Honorable Sidney Yates.

I served with Sid on the House Appropriations Subcommittee on Interior when he chaired the Committee and when he was the ranking member. Even though we had our philosophical differences, Sid was a fair chairman and an effective member of the committee. He supported priorities for my district in New Mexico even though he may not have been completely in agreement. But he knew it was important to my constituents so he went along with my request.

Over the years, Sid and I developed a friendship that was characterized by mutual respect, humor and a common goal of public service. We understood each other's priorities and respected one another for the principles we stood for and our commitment to serve our country in the legislative branch of the federal government.

His passion for the arts, his firm resolve to preserve our natural resources and his devotion to Native Americans personify Sid's legacy.

When Sid retired from the House of Representatives nearly two ago, members of this House gave Sid the appropriate acknowledgment for the many years of service to our country. I'm pleased that Sid was present to witness the appreciation for his service.

We will miss Sid. His family remains in our thoughts and in our prayers.

PROVIDING RESOURCES AND EDUCATION FOR KIDS ACT (PRE-K)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. KIND. Mr. Speaker, today, kindergarten teachers estimate that one in three children enters the classroom unprepared to meet the challenges of school. Prekindergarten programs are key to helping these young people be ready to learn when they attend their first day of school. Many children, however, do not have access to pre-k programs. While several states, including Wisconsin, are expanding their prekindergarten programs, only one state in the country, Georgia, currently has a universal pre-k program.

To help states meet the challenge of providing quality prekindergarten programs, I introduced the Providing Resources and Education for Kids Act (Pre-K Act) on October 25, 2000. This legislation would provide grants to state education agencies to help establish or strengthen prekindergarten early learning programs that provide full day, full calendar year early learning services for children age five and under. To encourage states to participate and ensure their long-term investment, the bill creates a sliding scale over five years for the federal-state match.

Good quality early education helps children develop, enter school ready to succeed and improve their skills. In fact, studies of several state prekindergarten initiatives offer convincing evidence of the benefits of early education for children at risk of school failure such as higher mathematics and reading achievement, increased creativity, better school attendance, improved health and greater parental involvement. Further, prekindergarten programs have proven cost-effective over time. The Rand Corporation and a team of researchers at the University of Wisconsin estimate that the most effective prekindergarten programs create savings to the government of $13,000 to $19,000 per child. This savings is realized in higher school achievement, less retention in a grade, a reduced need for special education, and less crime.

I hope that Congress would consider this important issue before we adjourn for the year. If, however, we are unable to debate the Pre-K Act, I will work to make it a top priority when the 107th Congress considers the reauthorization of the Elementary and Secondary Education Act.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SOUDER. Mr. Speaker, I rise today to discuss issues concerning the Republic of Macedonia. The largest population of Macedonian-Americans resides in my district. During the Kosovo Crisis, and throughout the wars in the Former Yugoslavia in the 1990's, Macedonia has shown remarkable strength and resilience which has allowed this democratic country to emerge as a point of stability in the Balkans as well as a strong ally of the United States. I believe we need to adhere to our financial commitments and reemphasize our support for Macedonia.

As many of you know, President Boris Trajkovski is engaged in a long-term economic development program following the aftermath of the Kosovo crisis. Also, I understand that the continued border instability is undermining the Republic of Macedonia's overall economic climate and risks future economic development.

Mr. Speaker, I would like to compliment the managers of the Foreign Operations Appropriations bill for including language that strongly supports President Trajkovski's government's efforts to bring stability and economic prosperity to all Macedonians and to the Balkan region.

As a strong supporter of Macedonia, I support the manager's intent to encourage the Department of State to provide adequate resources to fund critical project components of President Trajkovski's Economic Stabilization and Development Plan.

RECOGNIZING DOLORES LARKIN, THE HOT DOG LADY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, recently the Contra Costa Times newspaper wrote an article about a person who has become a fixture in central Contra Costa County. Dolores Larkin has had an amazing career serving hot dogs at Caspers Famous Hot Dogs in Pleasant Hill, California. For more than 45 years Dolores has done more than serve hot dogs. For all these years she has had to listen to people in our community who have had problems or are down on their luck. It is not unusual to go into Caspers and see Dolores counseling someone about their kids or talking to her own kids. Whenever you walk into Caspers, she always has a smile for you. That is why so many people go out of their way to get a dog at Caspers.

Mr. Speaker, I should know; I have eaten as many Caspers hot dogs as any person in the county. I started eating hot dogs at Caspers in Richmond. There was a rumor when we were young that the record number of dogs eaten in one sitting was 19. On a challenge I tried to break it and got to 14. Even today the debate goes on as to where the best hot dog was served. Was it Chris's in Oakland, Doggie Diner in Oakland and Richmond or Kaspers with a "K"?

Mr. Speaker, time turned out to be the test; most of the others are gone now—they just could not compete with the great people at Caspers, especially Dolores who has been a great friend to so many in the community. It is wonderful to see her get this recognition. I submit the following article from the Contra Costa Times:

Hot Dog Lady's a Fixture at Pleasant Hill eatery

(By Katie Oyan)

PLEASANT HILL—Dolores Larkin rarely goes unnoticed.

People point and stare at her in the grocery store, at the doctor's office—even once when she was vacationing in Hawaii.

"Kids will say, 'Look mom, it's the hot dog lady!'" she said, "It used to embarrass me, but it doesn't anymore. I like it."

In November, the 68-year-old great-grandmother will celebrate her 45th anniversary as an employee at Casper's Famous Hot Dogs, a popular hang-out and fast-food joint on the corner of Vivian Drive and Contra Costa Boulevard.

The Concord resident doesn't sling dogs for the money. In fact, the only bad thing one of her managers, Ron Dorian, could say about Larkin is that she sometimes forgets to cash her paychecks.

Instead, the "hot dog lady" said she has stuck around for the company.

"I like my customers—that's why I'm here," said Larkin, wearing her long, dark hair in a pony-tail and bubble-gum pink earrings to match her Casper's apron.

Over the years, Larkin has made Casper's her second home. Of her five children, 10 grandchildren and six great-grandchildren, seven of them have worked with her at the restaurant, and some still do. To family, she's known as "Grandma hot dog."

Before coming to Pleasant Hill, Larkin spent five years at the Casper's on First Avenue in Oakland. In 1960, her boss sent her to the Pleasant Hill Casper's to train employees before the restaurant's grand opening. She has been there ever since.

And so have many of her customers.

Bob Wescott, a retired military pilot and researcher, has been a regular for so long, Larkin gave him his own key. Five days a week, he opens the store and starts the coffee, getting a cup ready for Larkin when she comes in.

"Another gentleman and his wife did it for years, but they got too old and said they couldn't do it anymore. I guess I just happened to be there," Wescott said.

A couple of retired Pleasant Hill police officers also lend Larkin a little volunteer labor. They come in each morning and restock the restaurant's paper cups and lids. If there are any light bulbs that need replacing, they do that, too.

"Everyone thinks the world of Dolores," Wescott said. "That's why we do it. She's just an awful nice person, that's all."

One of the first fast food chains in the Bay Area, Casper's migrated to the East Bay from Chicago in 1934. In addition to the one in Pleasant Hill, there are 10 Casper's restaurants—in Albany, Richmond, San Pablo, Walnut Creek, Dublin, Concord, two in Oakland and two in Hayward.

Among the other stores in the chain, the Pleasant Hill Casper's is known as "the country club" for its friendly, comfortable environment, Larkin said. Devoid of a playland or flashy banners, a couple of counters and a handful of wooden tables give the restaurant its old fashioned appeal. "Floy," the philodendron in the front window, is named after a coworker who died about five years ago. "We raised our kids together," Larkin said.

The Pleasant Hill Casper's is also the most successful in the chain, selling about 200,000 dogs a year.

People go out of their way to stop there for a $2 or $3 meal. Larkin said the most popular item is the Casper's dog, a natural-casing frankfurter that comes on a steamed bun with mustard, relish, tomatoes and onions. Employees also serve 10-inch spicy polish, smoked Cajun and turkey frankfurters.

Red Skelton is the most famous person Larkin can remember serving.

He came in two or three times, she said. Congressman George Miller stops in once in a while, too.

In her spare time, Larkin makes cakes for her friends' birthdays and weddings. Her other hobby is "kids."

"My last girl was born on my day off, she said. "I worked all nine months."

About 10 years ago, a mathematician who dropped in for a hot dog figured out that if someone were to line up end-to-end all the hot dogs that Larkin has served, they'd stretch from here to San Diego.

By now, they'd probably stretch halfway back again.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. HORN. Mr. Speaker, I commend the House leadership for bringing this important legislation before us. The Estuary Habitat and Chesapeake Bay Restoration Act of 2000 clarifies Congress' commitment to restoring one million acres of estuaries over the next decade and promoting a partnership between federal, state, and local governments, and the private sector.

The conference report we consider today includes one area that is particularly important to Southern California and the residents of the district I am honored to represent. This area is the Los Cerritos Wetlands. Los Angeles County has lost more than 93 percent of its coastal wetlands. The Los Cerritos Wetlands are one of only three sizable areas of coastal wetlands remaining that could be restored to provide better habitat for fish and wildlife. Furthermore, these wetlands are among a limited number nationwide existing in an urban environment. It will offer numerous benefits to school children, university researchers, and simply improving the quality of life in a major city such as Long Beach.

Thus far, state and community agencies have worked closely together in the spirit of cooperation and coordination called for in the Estuary Restoration Act. The Wetlands Recovery Project—a partnership of federal, state, and local government, non-governmental organizations, and the private sector—has made acquisition of these wetlands its top priority. The restoration of the Los Cerritos Wetlands will provide an important addition to improving the environment in our region.

Again, I thanked the House leadership, my good friend Representative Wayne Gilchrest, Chairman Bud Shuster, and the other members and staff who—through this legislation—have made an important contribution to the Nation and to Southern California.

DAIRY MARKET ENHANCEMENT ACT OF 2000

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SMITH of Michigan. This is a bill to restore stability to America's dairy markets. I introduced the Dairy Market Enhancement Act of 2000, H.R. 5372 earlier this year. The bill establishes a fair and accurate reporting system for manufactured dairy products, requires independent verification for price reporting, and implements measures to ensure compliance with reporting and verification requirements. Senator Russ Feingold (D–WI) introduced the companion bill in the Senate. This bill S. 2773 now goes to the White House where the President is expected to sign it into law.

Recent reporting errors have highlighted the need to make reporting of dairy products mandatory, verifiable, and enforceable. While I recognize that this legislation will not solve the problem of low milk prices, it will go a long way toward assuring an accurate Federal order price and stabilizing month-to-month fluctuations for farmers.

The bill requires that the U.S. Department of Agriculture use the current survey format as a starting point for mandatory reporting. In order to ensure accuracy, the bill allows the Secretary of Agriculture to require that reporting companies make their records available for department audit. Any willful and intentional violation of requirements to make accurate and timely reports is punishable by a civil fine of up to $20,000 under the terms of the bill. It also requires that USDA guard the confidentiality of information from each reporting company.

Because the determination of the federal order price is based on the price of components such as butter, cheese, and dry milk, it is important to have processors report price and inventories. This bill makes such reporting mandatory to assure that farmers are paid a price that reflects the current demand for milk and milk products. This is good legislation and I'm glad my colleagues in Congress join us in recognizing its merits.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. VISCLOSKY. Mr. Speaker, I support S. 2413, the Bulletproof Vest Partnership Grant Act of 2000. I would like to recognize over 260 of my colleagues who joined me as a cosponsor of H.R. 4033, an identical House version of this bipartisan legislation designed to save the lives of police officers, which my colleague from New Jersey, Frank LoBiondo, and I sponsored and which was approved overwhelmingly by the House earlier this year. Mr. LoBiondo has once again proven that he is an indispensable leader on this vital issue. His commitment to police officers in his district and nationwide is absolutely unquestionable. Furthermore, he has repeatedly championed the cause of corrections officers, who are often the forgotten arm of the law enforcement community. In this age of expanding and increasingly violent prison populations, Mr. LoBiondo has taken the lead in pushing for the development and use of stabproof vests to protect those who keep violent criminals behind bars. I am pleased to say that, largely due to his efforts, S. 2413 includes provisions which will make stabproof vests available under the Bulletproof Vest Partnership Grant program. Mr. LoBiondo's staff, especially his Legislative Assistant, Bryan Cunningham, have been incredibly helpful in this process. Their work has been a worthy reflection of Mr. LoBiondo's long-standing commitment to the protection of our nation's law enforcement officers. I would also like to extend my thanks to Senator Campbell and Senator Leahy, the Senate sponsors of this legislation. It has been my pleasure to work with them to see this bill passed before the conclusion of the 106th Congress.

I would like to express my deep appreciation to Crime Subcommittee Chairman Bill McCollum, whose dedication to this program has proven invaluable in securing a speedy floor vote on this reauthorization. I also owe a debt of gratitude to Carl Thorsen, a member of the Judiciary Committee staff. Formerly an assistant to Mr. LoBiondo, Carl worked with us on the original authorization of this program and has been a valuable ally in our efforts to pass bulletproof vest legislation in the 106th Congress. The Crime Subcommittee's Ranking Democrat, Bobby Scott, has also lent his powerful voice to this important cause. I commend his efforts in pushing this legislation forward, and thank him on behalf of the police and corrections officers who will benefit from its enactment. Bobby Vassar, on Mr. Scott's staff, also deserves praise for his dedication and support, which helped make an often long and difficult process fast and painless. All of these gentlemen recognize the importance of this legislation to law enforcement officers, who put their lives on the line every day for our safety.

As an appropriator, I would be remiss if I did not mention the considerable assistance we have received from the Chairman and Ranking Member of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary. Chairman Harold Rogers and Ranking Democrat Jose Serrano have been instrumental in ensuring that this program is consistently funded at its authorized level.

Finally, I would like to thank the members of the law enforcement community who have worked with me and my staff to ensure that we crafted the best possible legislation to meet their needs. I am proud that the Fraternal Order of Police, National Sheriffs' Association, International Union of Police Associations, AIL–IO, National Troopers' Coalition, Police Executive Research Forum, and the Law Enforcement Alliance of America have placed their collective memberships of over 500,000 law enforcement professionals and community leaders squarely behind this legislation. In particular, I would like to express my gratitude to Tim Richardson of the Fraternal Order of Police and Dean Kueter of the National Sherriffs' Association, who's input was vital in shaping the important changes found in the legislation before us today.

The seed for the Bulletproof Vest Partnership Grant program was planted over six years ago, when I was told by local police officers that many gang members and drug dealers in Northwest Indiana had the protection of bulletproof vests, while many of the police officers who patrol the streets in my district did not. I was absolutely stunned by this. I believe that when police officers are issued guns and badges, they should be issued a bulletproof vest as well. If we are going to ask these men and women to risk their lives to keep our streets safe, we have a responsibility to ensure they have the equipment needed to do their job. Unfortunately, we often fall short of this obligation.

Each year, hundreds of police officers in this nation are killed in the line of duty. Studies show that, between 1980 and 1996, there were 1,182 felonious deaths of police officers due to firearms. Of those deaths, 924 of the officers were not wearing bulletproof vests. Wounds to the torso area killed 42 percent of those officers; wounds that could have been prevented had those officers been equipped with bulletproof vests. The Federal Bureau of Investigation has estimated that risk of fatality from a firearm for officers not wearing body armor is 14 times higher than for officers wearing body armor. In fact, modern bulletproof material has saved the lives of more than 2,500 police officers from gunfire since its introduction in the mid-1970's. However, bulletproof vests are not limited to stopping bullets. Police officers will attest to vests' roles in saving their lives from impact during car accidents, adding an extra layer of protection while subduing a violent suspect, and giving them the confidence they need to carry out dangerous assignments.

Despite these statistics, tens of thousands of law enforcement officers do not even have access to a vest. This problem is accentuated by our nation's commitment to beefing up our police forces. In May 1999, the Department of Justice announced that we had reached our goal of putting an additional 100,000 officers on the streets almost a year ahead of schedule. But what good is hiring new officers if we cannot give them the tools they need to do their jobs?

I was even more troubled to learn that many law enforcement agencies, especially in small towns or rural communities, simply found the costs of vests prohibitively expensive. During a visit to a local chapter of the Fraternal Order of Police in Dyer, Indiana, officers explained that a good vest can cost over $500, while heavier body armor can cost almost $1,000. As a result, many agencies are simply unable to budget for vests, a fact which sometimes forces officers to purchase vests at their own expense. Despite the risk, many officers are unable to balance the cost of the vest with the cost of feeding their families, making car payments, or sending their children to school.

Statistics show that officers in small police departments are much less likely to have vests than their counterparts in larger departments with greater resources. Yet, just because they do not have access to vests, if does not mean they are immune from the violent crime that plagues many of our communities. In this age of cross-country drug and illegal firearms trafficking, rural methamphetamine labs, and rapidly expanding suburban areas, even rural and small town police officers increasingly find themselves faced with dangerous, well-armed criminals. Without vests, these officers are at the mercy of these criminals.

Even in larger departments, officers may have vests purchased years earlier which are now either worn out or obsolete. The National Law Enforcement and Corrections Technology Center at the National Institutes of Justice has recommended that bulletproof vests be tested every 5 years for bullet resistance degradation. Even as we begin to provide vests for the estimated 25 percent of law enforcement and corrections officers without access to bulletproof and stabproof body armor, other officers are wearing vests that are losing their protective qualities due to constant wear and tear.

In order to alleviate this problem, in 1997, I, along with Mr. LOBIONDO, introduced H.R. 2829, the Bulletproof Vest Partnership Grant Act. With over 300 co-sponsors, the measure passed by an overwhelming margin. Ultimately, a similar measure introduced by Senators BEN NIGHTHORSE CAMPBELL and PATRICK LEAHY was enacted on June 16, 1998. The 1998 law created a program which authorized $25 million per year to pay up to 50 percent of the costs of bulletproof vests for local and state law enforcement agencies. In order to ensure that smaller jurisdictions received a fair share of the funds, the money was to be distributed evenly, with half going to jurisdictions with under 100,000 residents and half going to larger jurisdictions.

In each of the first two years of this program, the Bulletproof Vest Partnership Grant program has provided over 3,000 law enforcement agencies with funding to purchase over 90,000 bulletproof vests and body armor. The program is operated through the Office of Justice Programs' first Internet-based funding application process. The web site was developed within six months of the appropriation, and offers a one-stop application process. The site allows law enforcement agencies to log in, purchase vests from a choice of dozens of manufacturers and hundreds of styles, and automatically apply for the grant upon purchase. This effort garnered the prestigious 1999 Intergovernmental Open Systems Solutions Gold Award from the Federation of Government Information Processing Councils for the program.

Unfortunately, in the most recent year of the program, funding was insufficient to provide any law enforcement agency with the full matching grant requested under the program. In fact, the average grant award represented only 30 percent of the cost of the vests, a 20 percent shortfall on the federal side. These agencies came to us in good faith and committed to providing vests to their officers if the federal government matched their funds. For many smaller agencies, this shortfall is devastating, and could end up taking away funding from other important departmental programs. Therefore, we must, in turn, honor our commitment to provide these agencies with the full 50 percent of the costs of these vests. In order to do so, S. 2413 doubles the yearly authorization of the program to $50 million from Fiscal Year (FY) 2002 through FY 2004. This figure, based on demand from the first two years of the program, should be sufficient to fully fund all grant requests at the 50 percent matching level we promised in 1998.

The original authorization of this program also included a provision to allow the purchase of stabproof vests for corrections officers and sheriff's deputies who regularly face violent criminals in close quarters in our nation's jails. The primary threat to these officers comes from homemade knives. The ingenuity displayed in smuggling in and creating sharp weapons in prison is phenomenal. This combination of violent felons and deadly weapons often leads to explosive conflicts into which deputies and corrections officers must insert themselves to restore order. In order to do this, they must be confident that they have the best protection possible from the criminals they must subdue.

Unfortunately, the Department of Justice decided that requests for funding for stabproof vests under the Bulletproof Vest Partnership Grant program were not valid until a national standard for such vests is developed by the National Institutes of Justice (NIJ). After over two years of development, NIJ continues to delay the implementation of such a standard. In order to address this issue, we supported amendments to the measures, offered by Chairman MCCOLLUM during subcommittee consideration of H.R. 4033 in the House and by Senator LEAHY during floor consideration of S. 2413 in the Senate, which will allow states to develop their own stabproof vest standards, independent of NIJ or the Department of Justice. These standards will then be used as a basis for agencies within each state to purchase stabproof vests through the Bulletproof Vest Partnership Grant program and until NIJ makes good on their promise to complete a national standard.

Finally, the Bulletproof Vest Partnership Grant Act of 2000 would take extra precautions to ensure that those small agencies, which are often in most need of additional funding for bulletproof vests, would receive the entire grant for which they apply. As I noted earlier, many smaller agencies find themselves unable to purchase vests for their officers due to limited funding. The program, to date, has not fulfilled their expectations, because it has fallen short of giving many of these agencies a full grant. Therefore, S. 2413 includes a provision which ensures that smaller jurisdictions, with under 100,000 residents, will receive all of the funding they request before money is allotted to larger jurisdictions. This is more of a safeguard than a limitation. Under statistics from the first two years of the program, less than $15 million would be needed to fully fund these small jurisdictions. Under a $50 million authorization, this would leave well over half of the funding to larger jurisdictions. However, with an expected increase in demand due to the new treatment of stabproof vests, it is vital that we ensure smaller communities that their police officers will be cared for. We must protect the Crown Point, Indiana, officer who unknowingly pulls over an armed drug dealer on U.S. Highway 231 as much as the New York City officer involved in an orchestrated drug raid.

Our legislation is intended to reauthorize a highly successful program which provides a partnership between the federal government and state and local law enforcement agencies in order to make sure that every police and corrections officer who needs a bulletproof vest gets one. It is clear to us that every officer on the street should have a vest, and that the need to supply officers with vests is important enough to warrant direct federal assistance. Furthermore, the overwhelming positive response we have received from law enforcement agencies and officers to this program highlights the continued need for the program.

Mr. Speaker, at the heart of this effort is our desire to save the lives of police officers. When we make this commitment, we offer protection not just to the officers, but to every community in America. We prevent the suffering of families of fallen officers. We prevent the loss of leaders in our communities. Perhaps most importantly, we give those who protect us the ability to do their job better, more confidently, and with a knowledge that their entire nation is behind them every day, in even the most dangerous situations.

Mr. Speaker, I urge my colleagues to stand up in support of our police and corrections officers, and vote for S. 2413.

RETIREMENT OF HON. TILLIE FOWLER

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SHAW. Mr. Speaker, for the past eight years, I have had the privilege of serving in the U.S. House of Representatives with the distinguished gentlelady from Jacksonville, Florida, Tillie Fowler. It has been my and my wife, Emilie's great pleasure to get to know Tillie and her husband Buck. They have become close friends of ours as we worked together to serve our constituents in Florida.

The residents of Florida's 4th Congressional District have been fortunate to be represented by a hard-working, dedicated Member of Congress. Tillie has served as the Vice-Chairman of the Republican Conference, making her the highest-ranking woman in the Congress and the only Floridian who is part of the leadership. While she has been involved in the leadership, she has not neglected the needs of her constituents.

Her service on the Armed Services and Transportation Committees has been exemplary. She worked very hard to ensure that Florida received its fair share of highway funding.

Tillie Fowler is a class-act and we need more individuals like her here. We will truly miss her. But we know that she will not stop serving the residents of Florida no matter what she does next.

RETIREMENT OF HON. TILLIE FOWLER

SPEECH OF

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. FOWLER. Mr. Speaker, I rise today to make my last address as an honored Member of this distinguished body. There is no doubt in my mind what I will miss the most about this job. It will not be the late nights—and it will not be the ever-changing schedule. I will miss my friends—and I have made so many.

This institution is filled with so many extraordinary people, who, in my time here, have done some extraordinary things.

I make it a point in every speech I give back home to talk about the people I serve with here in this great body. I want people to know that the portrayal they see of politicians in the press and on TV is far from accurate. While scandals and controversy may sell newspapers, they are certainly not the norm around here.

I never give a speech without talking about the dedication, the devotion and the selflessness with which nearly every Member of congress serves this institution and his or her country.

I may not always agree with someone's politics or ideology, but I would never question the sincerity or the purpose with which they pursue their agendas. People serve here for the right reasons—I truly believe that.

Serving with all of you has been such an honor. And as I look back over the last eight years, I look with pride at what we were able to do in such a short time.

Together, we reformed Congress. We have made this institution more open, more accountable and more responsive to the people. When I first set foot on this House floor in 1993, Congress' approval rating was a dismal 17 percent. That number is much higher today.

Together, with the hard work of the American people, we turned around an economy saddled by high interest rates and high unemployment.

Together, we balanced the federal budget for the first time since I was a staffer on Capitol Hill back in the 1960's.

Together we ended welfare as we knew it, and created a new system that rewards work and responsibility.

If I have one wish as I leave this institution, it is that some progress can be made toward reducing the partisanship that has plagued us.

I have tried very hard over my eight years to focus on the task at hand and leave the partisanship on the Capitol steps. When you look back at some of our best accomplishments, you find that they were mostly gained with support from both sides of the aisle. That should be a lesson to future Congresses.

I was proud to serve on the planning committee for the two bi-partisan retreats, and I hope that those retreats will continue and their mission expand.

I was also proud to serve on Speaker Hastert's leadership team these past two years. When he was unexpectedly tapped for the speakership, I said then he was the right man for the right time. Working with him the last two years, I witnessed first hand how true that statement was.

Always the calm in the eye of the storm, the speaker's steady hand and sharp focus have resulted in an impressive list of accomplishments, despite our razor thin majority. Some in the body may not always share his priorities or his political philosophies, but I have never heard a cross word spoken about Speaker HASTERT as a person. In this era of personal attack and partisanship, that is a real testament to the Speaker, and it has been my privilege to serve on his team.

To my constituents, I want to say that representing you has been the greatest honor of my life. I have tried to be both an effective representative and an honest steward of the incredible trust you have placed in me.

I want to thank all my colleagues who have taken to the House floor the last few days to say such nice things about me. I am humbled by their words and touched by their sentiments. While I will retire from this institution, I am not retiring from life. If there is one thing I learned from my parents, it is that public service and service to your community is a lifetime obligation. There will be new opportunities and new challenges, and I look forward to those. But serving in this body, with all of you, will forever be one of the most cherished times of my life. God bless you, God bless this institution, and God bless America.

INTRODUCTION OF H. CON. RES. 433 REGARDING BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to cosponsor House Concurrent Resolution 433, a resolution introduced on Monday by my colleague on the International Relations Committee, Mr. Gejdensen, concerning the recent parliamentary elections in Belarus.

The Organization on Security and Cooperation in Europe (OSCE) and other European institutions, as well as the State Department, all concluded that these elections were not free, fair and transparent and that they failed to meet the international norms for democratic elections. Unfortunately, the Lukashenka regime did not meet the four conditions that the OSCE set back last spring—namely, a democratic election law, an end to human rights abuses, access by the opposition to the state media, and genuine powers be granted to the parliament. Instead, in the run-up to the elections, we witnessed the denial of registration to many opposition candidates; detentions and fines of individuals advocating a boycott of the elections; confiscation of 100,000 copies of an independent newspaper among other examples of harassment of the opposition; rampant governmental interference in the election process and extensive irregularities on election day itself. These elections represent a continuing pattern of violations of human rights and the erosion of democracy which has haunted Belarus throughout the last six years of Alexander Lukashenka's rule.

The Helsinki Commission, which I chair, has monitored and chronicles developments in Belarus, holding hearings which have included Belarusian democratic opposition leaders and leaders of the 13th Supreme Soviet, the legitimate parliament which Lukashenka disbanded in 1996. In July, I led the US delegation to the OSCE Parliamentary Assembly meeting in Bucharest where the deteriorating situation in Belarus was high on our agenda. Importantly, this resolution includes language reaffirming Congress' recognition of the 13th Supreme Soviet as the sole democratically elected and constitutionally legitimate legislative body in Belarus, which is also important, especially as the OSCE Parliamentary Assembly continues to recognize that to seat the 13th Supreme Soviet as well. In the last few years, I have made numerous direct and indirect intercessions, including through various OSCE institutions, to draw attention to the deplorable situation in Belarus and to encourage the establishment of democracy in Belarus and I assure you that the Helsinki Commission will continue its efforts.

Mr. Speaker, I am pleased to be an original cosponsor of this resolution, and am eager for the House to go on record in support of the restoration of democracy in Belarus. I am especially pleased that the resolution urges the Lukashenka regime to provide a full accounting of the disappearances of several prominent opposition members and urges the release of those imprisoned in Belarus for their political views. I look forward to working with my colleagues to keep the spotlight on Belarus and to encourage the Belarusian government to comply with its freely undertaken OSCE and other international commitments.

ROFEH INTERNATIONAL HONORS MR. ARNOLD ZALTAS AND DR. TATSUO HIROSE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, it has been my distinct honor over the years to take note of the extraordinary valuable work done by Rofeh International, in conjunction with the New England Chassidic Center led by Grand Rabbi Levi Horowitz. Grand Rabbi Horowitz, the Bostoner Rebbe as he is known, is a very distinguished scholar in the field of medical ethics, in addition to his eminence as a scholar of Judaism. Rofeh facilitates making the superb medical treatment that is available in Boston to people from all over the world, and if it were not for Rofeh, a large number of people who have benefitted from this medical treatment would not have been able to do so.

As part of their effort, Rofeh and the New England Chassidic Center have an annual dinner, at which they honor people who have been particularly distinguished in their service to this wonderful cause. This year Rofeh will honor two men. Arnold Zaltas and Tatsuo Hirose.

Dr. Hirose was born in Japan, and graduated from Kanazawa University School of Medicine there in 1961. His initial visit to the United States was 1965 when he was awarded with the Fulbright Fellowship, which allowed him to study clinical electrophysiology in vision at the Department of Ophthalmology, Cornell Medical School in New York. This happened when he was in the third year in the Postdoctoral School in Medicine in Kanazawa University. After spending three years in Cornell, he went back to Kanazawa and finished Postdoctoral School in Ophthalmology at Kanazawa University where he was awarded Doctor of Medical Science in 1969. He came to the Schepens Retina Associates, Retina Foundation (now called Schepens Eye Research Institute) and Massachusetts Eye and Ear Infirmary for training and studying the surgery of the retina in the spring of 1969. He became a member of Schepens Retina Associates in 1973 at the same time he continued conducting research in studying functions of the retina at the Schepens Eye Institute, Harvard Medical School. He has been specializing in difficult complex retinal detachments, such as surgical failures in adults and children. He is particularly interested in infant and children's retinal detachment particularly in premature born babies. He published more than 140 papers in scientific medical journals, edited two books, including the most recent one: Schepens Retinal detachment and allied diseases. He contributed 23 book chapters. He received a Research to Prevent Blindness award, honor award of American Academy of Opthalmology, Senior Honor Award of American Academy of Ophthalmology, The Paul Kayser International Award of Merit in Retina Research. He has been selected in the Best Doctors in America 1996–1997, and Boston's Best Doctors in Boston Magazine, 1999. At present, he is a Clinical professor in ophthalmology, Harvard Medical School, senior Clinical Scientist as Schepens Eye Research Institutes, and Surgeon at the Massachusetts Eye and Ear Infirmary.

Arnold I. Zaltas is a partner in the Natick firm of Zaltas, Medoff & Raider, where he concentrates in estate planning, real estate and banking law.

He is a Trustee and General Counsel to the Middlesex Savings Bank, and serves as a Director of the Natick Visiting Nurse Association. He has served as Trustee of the Leonard Morse Hospital. Mr. Zaltas is a graduate of the Boston University School of Law, is past President of the Boston University Law School Alumni Association, and a recipient of the School of Law's Silver Shingle Award in recognition of outstanding service to the School. He is a Trustee of Temple Israel of Natick, where he was the recipient of the Maurice Geshelin Humanitarian Award.

Arnold is a long-time resident of Natick, where he resides with his wife, Brenda. They have three children: A. David Zaltas, an attorney, Mandi M. Kunen, an ophthalmologist, Marjorie Rubin, an attorney, and three grandchildren.

Arnold Zaltas and Tatsuo Hirose deserve hearty congratulations for the excellent work they do. Being recognized by Project Rofeh is a great honor, and I am pleased to take this opportunity to salute the work of this important organization of these two men.

A COWBOY'S LAST RIDE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. McKEON. Mr. Speaker, family and friends recently said their final goodbyes to 101-year-old Paul T. Veluzat, one of the last of the American cowboys. He leaves behind a great legacy.

Paul's travels as a cowboy and a shrewd businessman began on Dec. 6, 1898, when he was born in Summershade, KY. At age 17 he went to work in a shipyard, then made his way to Texas where he joined the Texas Rangers. Paul was one of the first people to board the German submarine that sank the Lusitania, an event that precipitated the United States' entry into World War I.

Paul's love of horses led him back and forth to Mexico, where he rode with the revolutionary, Francisco "Pancho" Villa. He eventually came to California where he worked as a bodyguard to industrialist J. Paul Getty and evangelist Aimee Semple MacPherson. He became a devout Christian—something his family and friends said was one of the most important aspects of his life. He purchased real estate throughout the Los Angeles area, including a ranch he called the "Diamond B" in Saugus where he ran cattle, and raised racehorses.

Paul's passion for horses was as strong as his passion for filmmaking. The Veluzat family owns Melody Ranch, home to over 750 "B" western movies as well as other notable films and television shows such as the beloved Gunsmoke. "Last Man Standing" starring Bruce Willis was recently filmed there.

Paul was very successful. He and his first wife, Opal, were simple and down to earth, they were astute in business and had unquestionable integrity. Paul's word was his bond. Ninety percent of his business was conducted by a handshake or over the phone. Paul's true success was measured by his deep spirituality and the love and respect he gained from his family and his many friends. He will be remembered as a generous man who was liked by all.

Paul Veluzat is survived by Rosa, his wife of 14 years, his sons, Rene, Andre and Renaud, four grandchildren, Shantel Hudson, Daniel, Paul and Marcel Veluzat, three great-grandchildren and many, many friends.

STATEMENT OF HIS ROYAL HIGHNESS PRINCE SAYAVONG

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. ROHRABACHER. Mr. Speaker, I would like to commend to my colleagues the following letter and testimony sent by His Royal Highness Prince Sayavong to Philip Smith, of the Center for Public Policy Analysis, for the U.S. Congressional Forum on Laos that was held on September 7, 2000. My foreign policy advisor, Mr. Al Santoli, was one of the keynote speakers at this event after returning from a research mission to Southeast Asia.

As a Member of the House International Relations Committee, I appreciate the important role of the Royal Family in Laos—past, present, and future. Laos is currently ruled by a one-party Communist regime. After 25 years of communism, its people want and need change. The Lao and Hmong people are rightfully demanding freedom, democracy, human rights and economic prosperity.

Mr. Speaker, I wish to submit for the RECORD the important statement of His Royal Highness.

Paris 4 September 2000

Hon. PHILIP SMITH,
Center for Public Policy Analysis, U.S. Congress—Capitol Hill, Washington, DC.

Subject: U.S. Congressional Forum on Laos—7 September 2000.

I should be most grateful if you could kindly distribute the attached paper—though unsolicited—to Distinguished Members of the Forum who are to examine the "challenges and opportunities surrounding the 25th Anniversary of the Lao People's Democratic Republic". The views expressed herein are those of the Lao people as a whole whom I am privileged to represent during the last 4 years from our operating Bureau in Paris (40bis Rue Championnet 74018 Paris—France).

Thank you most sincerely for your kind assistance and understanding.

H.R.H. PRINCE SAYAVONG,
Brig. General, The Lao National Army—Surviving son of King Sri Savangvong (1885-1959) and Half-brother of King Sri Savang Vatthana (1907–1980).

[U.S. Congressional Forum on Laos, U.S. Congress—Capitol Hill, Washington, DC 20510 Sept. 7, 2000]

THE LAO PEOPLE'S DEMOCRATIC REPUBLIC (LPDR): AN APPRAISAL AFTER 25 YEARS OF COMMUNIST RULE.

(By Brig General Tiao Sayavong)

The year 1975 should go down in Laos' history, indeed in Indochina's as the most tragic date in our common memory—where our beloved country suddenly sustained a horrible cataclysm of gigantic magnitude, plunging that part of the world in total darkness. That was the year where millions of peoples—young and old—had to leave behind their most cherished treasures in order to escape forced-labour camps and death, and to seek freedom in foreign lands.

For us free Laotians we consider December 2nd of each year as the time of mourning—of national mourning—of national mourning since it brings back to memory the death of our age-old traditions and way of life, of our fertile soils and rivers and mountains which we inherited from our forefathers. The Kingdom of Laos was one of the most ancient nations in Asia—the cradle of post-angkorian civilization. Of course, we will never forget that we were the victims of world politics, and we know too that we were the sacrificial lambs of the American foreign policy at that time. That the Pathet-Lao were able to overwhelm us so massive support-politically, militarily and logistically from the Soviet stooges who at the very moment run the show from Hanoi which incidentally will become the future capital of the Socialist Republic of Indochina by the year 2020!

DISASTROUS BALANCE SHEET

After 25 years behind the bamboo curtain what do we see today? Politically we see that the following inhumane abuses are daily occurrence: violation of basic human rights; non-respect of fundamental freedoms; brutal suppression of democratic dissent; emprisonment without due process of the law; arbitrary arrest upon simple denunciation and torture. Economically the LPDR ranked among the ten poorest countries in the world today according to the United Nations. Per capita income is less than $300; foreign debt amounts to well over $3 billion or more; local currency (the Kip) is almost worthless; inflation averaged 300 percent annually thus pushing the rate of the Kip up to almost 10.000 to a dollar. Without substantial external assistance the government will not be able to function normally. The inevitable consequence is that ordinary citizens find their daily existence totally unbearable—fueling pervasive resentment against the dictatorship of the proletariat. it is obvious to everyone that the LPDR is actually on the brink of explosion at any moment! Socially peaceful Lao traditional society is turned upside down—forcing thousands of young men and girls to flee across the borders in order to escape misery and seek good fortune in neighboring Thailand. Meanwhile millions of foreigners, mostly from North Vietnam—keep pouring into the country to fill the void—thus bringing destruction and irreparable damage to our thick forests and wildlife and driving local inhabitants to abandon their lands with apparent impunity. Recently Hanoi promised to triple the Lao population—actually estimated at 5 million—by the year 2010!

PATH TO SALVATION

Since the Lao people are being prevented from changing their government for the better through democratic means external intervention—essentially from Western powers, the United States and Japan therefore become critical in order to bring about needed radical reforms in our country.

Even before S. Res. 240 and H. Res. 169 were officially adopted by the US Congress we have had numerous opportunities of submitting to The Honorables Senator R. Grams, Senator C. Thomas, US Representative B. Vento and Chairman J. Helms for consideration of a number of concrete proposals aimed at restoring social justice, liberty and democracy in our homeland. They still remain valid to these days, viz:

1. We humbly request that S. Res. 240 and H. Res. 169 be transmitted to the Executive Branch as soon as feasible together with ample budgetary appropriations necessary for their implementation:

2. We humbly request that the US government set up a Special Lao Task Force (SLTF) to be charged with the responsibility of translating the sense of the US Congress into practical reality without further delays; the SLTF should be required to work closely with all truly anti-communist groupings (such as the Lao Liberation Front led by Major-General Vang Pao and the Party of Vientiane Government—PGVT—under the chairmanship of Phagna Houmphan Saignasith) put in place by Lao refugees in the United States, Europe and elsewhere—excluding those openly or discreetly in favor of power-sharing with the communist Pathet-Lao;

3. We humbly request the US government to take the lead in choosing the future Lao political leaders from among the Lao anti-communist elite to all ethnic groups residing abroad: these selected intellectuals should form the backbone of the Kingdom's political, economic and administrative framework;

4. We humbly request the US government to solicit the concurrence, support and commitment of the countries signatory of the Geneva Accords of 1962 on Laos neutrality and of those which were party to the Paris Agreements of 1973;

5. We humbly request that the US government resolve in collaboration with ASEAN and the United Nations—to exert maximum diplomatic and military pressure upon the marxist authorities in Vientiane in order to compel them to relinquish power and be replaced by a new power structure freely elected by the Lao people; and

6. We humbly request that the US government, with the concurrence and support of its allied, announce a massive assistance programme designed to help the newly-elected government of the Kingdom of Laos to reconstruct the country anew on the basis of respect for basic human rights and fundamental freedoms.

In the end it will prove to be necessary to convene an International Conference similar to the Geneva Conference of 1962 to tackle various abuses and problems confronting Laos today—in particular the non-respect of the neutrality, sovereignty and independence of our country by its immediate neighbours.

In view of the fact that a great number of political groupings set up by Lao refugees abroad are heavily infiltrated by communist elements and opportunist trouble-makers it will be difficult—if not impossible altogether for them alone to create a single anti-communist entity without American proding. The success of the US pro-democracy crusade in Laos will undoubtedly trigger throughout the Asia region a genuine tidal wave carrying a powerful signal as well as an unmistakable warning to dictators and tyrants in other lands hence that the international community will no longer tolerate undemocratic practices and uncivilized and inhumane behavior by members of the United Nations.

The Lao people both inside the country and overseas hope and pray with us that the American people will understand and support their government's resolute action humanely intended to assist the Kingdom of Laos in regaining peace, independence and liberty essential ingredients for economic advancement and well-being in the years to come.

PARIS 1 SEPTEMBER 2000

THE HOME AMENDMENT, H.J. RES. 39

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. RANGEL. Mr. Speaker, I rise before you today to bring to your attention an amendment which I introduced the first session of the 106th Congress. H.J. Res. 39, The Home Amendment "would provide for a Constitutional amendment requiring that all citizens of the United States shall have a right to a home, which shall not be denied or abridged by the United States or any State."

Despite the economic growth that has brought unprecedented prosperity to the nation, we are still faced with shortages of housing and affordable rents, particularly in larger cities such as New York. Indeed, many people have not been included in the economic windfall of the 1990's.

I first introduced this amendment during the 104th Congress, and again in the 105th at the request of Reverend Dr. M. Moran Weston, who was actually the inspiration behind the development of this legislation.

Weston, who for many years served as pastor of St. Philip's Church in my 15th Congressional District of New York, is the Founder and long time President of the National Association for Affordable Housing. One of our community's greatest religious leaders, his genuine concern for people who lacked the most basic need, a descent place to live, inspired him to do more.

This renowned Harlem pastor responded as an example to others, by playing a leading role in renovating a block on Harlem's 135th Street. As a member of the original board of directors of Carver Federal Savings & Loan in my congressional district, he was the sponsor of a federal government guaranteed renovation project, a 198-unit development, which he viewed as an early step in the creation of a "New Harlem." It was his inspiration and way of desire for a better life for all people, that led to my introduction of this amendment.

Though Reverend Weston no longer resides in my congressional district, his many contributions to our community over the years, have not gone unnoticed or have been forgotten by this Congressman or the people of New York.

Only last year that Dr. Weston was named with a Distinguished Lectureship in Urban and Public Policy established in his name by Columbia University's School of International and Public Affairs. The first two speakers in the lecture series were Chairman of Fannie Mae Franklin Raines and Secretary of the Department of Housing and Urban Development Andrew Cuomo.

It is my hope that on behalf of Reverend Dr. M. Moran Weston, and millions of people who would benefit from H.J. Res. 39, that we support this amendment, and look forward to its enactment.

TRIBUTE TO SPECIALIST FOUR DON LESLIE MICHAEL OF LEXINGTON, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to one of Alabama's true heroes, Specialist Four Don Leslie Michael. Michael's life was one of service to his country and brave sacrifice. I honor him today on the occasion of his induction into the Alabama Military Hall of Honor.

Michael's family recently attended the induction ceremony at the Hall of Honor located in Marion, Alabama. Michael, 1 of 13 members asked to join this elite Hall, was born in Florence and soon moved to Lexington where he grew up with his parents, Mr. and Mrs. Roy O. Michael, now deceased. The Alabama Military Hall of Honor is described as "a permanent and visible tribute to Alabamians who have distinguished themselves in the Armed Services of their country. It serves as a constant testimony to present and future generations that patriotism and heroism are not forgotten, but ever serve as challenges for those who are yet to come."

Michael's distinction with the Alabama Military Hall of Honor brings additional honor to his memory. In May of 1969, President Nixon handed the Congressional Medal of Honor awarded to Michael to his family at a White House ceremony. While in the Army 173rd Airborne Brigade, Michael sacrificed his life in service of this nation. During a conflict in Vietnam on April 8, 1967, Michael put himself on the line to throw six grenades. He was successful in destroying the enemy positions, yet he was mortally wounded in the effort. Michael's award citation reads "His inspiring display of determination and courage saved the lives of many of his comrades and successfully eliminated a destructive enemy force. Specialist four Michael's actions were in keeping with the highest traditions of the military service and reflect the utmost credit upon himself and the U.S. Army."

Michael, the only Congressional Medal of Honor winner in northwest Alabama, has gone unrecognized long enough. I am pleased that his induction into the Alabama Military Hall of Honor will ensure that the example of his life and his unceasing dedication to the United States and its democracy can be an inspiration for our state for years to come. On behalf of the United States Congress and the people of North Alabama. I want to express my outstanding respect and admiration for Specialist Four Michael. I know that his family is deeply proud of his legacy and I share my joy with them that his life and memory are being properly recognized.

IN HONOR OF DR. ORLANDO EDREIRA, FOR DEDICATING HIS LIFE TO LANGUAGE AND TEACHING

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Orlando Edreira for his life-long commitment to education.

Dr. Orlando Edreira has been a symbol of learning since his days as a student in Cuba during the 1950s and 1960s. It was then that he decided to make the study of language and the education of others his life's work. His decision was based on a true understanding of the value of language and the freedom it provides.

Dr. Edreira began his career as an educator in 1966, when he became an instructor in the Department of Spanish at Columbia University. In 1968, he joined the faculty of Kean College of New Jersey as an assistant professor in the Department of Foreign Languages, where he has been an integral part of the faculty ever since, and where he became as associate professor in 1972 and a full professor in 1977.

As a member of the faculty at Kean College, Dr. Edreira served as the Coordinator of the Bilingual Education Program from 1971–1972, and the Chairperson of the Department of Foreign Languages from 1974 to 1986. He has served as the Director of the Spanish Speaking program since 1972.

In addition, Dr. Edreira has made important contributions to program development, faculty development, and student development at Kean College. He is a member of the Committee on Academic Concerns of Hispanic Students; a member of the Language Laboratory Committee; and a member of the Committee on Academic Support for Hispanics. He also initiated and coordinated faculty training programs for faculty of the Spanish Speaking Program, and developed and directed In-Service Training Programs for Bilingual Teachers in the State of New Jersey.

I ask that my colleagues join me in honoring Dr Orlando Edreira for his lifetime commitment to education and for the support and guidance he has provided Hispanic students.

STATEMENT OF THE HONORABLE DAVID L. HOBSON

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. HOBSON. Mr. Speaker, I rise to recognize the Republic of China on Taiwan which celebrates its 89th anniversary as a nation this month. I join my colleagues to commend Taiwan's successful efforts towards developing a democratic nation as well as electing a new leader. Chen Shui-bian in a free and fair election.

Taiwan also is excelling in areas of economic growth and currently is ranked twenty-fifth in the world in per capita income and nineteenth in the world in terms of Gross National Product.

Taiwan's many accomplishments serve as a measure of its leaders' dedication to strengthening principles of freedom, democracy, and economic prosperity, values all Taiwanese citizens may enjoy.

Additionally, I would like to recognize Ambassador C.J. Chen of the Republic of China on Taiwan for diligently representing his nation in the United States. I look forward to a continued and prosperous relationship between the United States and Taiwan.

HONORING KEITH WOODS

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. THOMPSON of California. Mr. Speaker, my colleague, Ms. WOOLSEY, and I rise today to recognize our good friend, Keith Woods, who is resigning as President and CEO of the Santa Rosa, California Chamber of Commerce after 13 years of dedicated service to his community.

During Mr. Woods' tenure, Santa Rosa, the 34th largest city in the state, developed the seventh largest chamber in the state. The Chamber boasts 1,600 members, 18 staff people, 48 committees and task forces, 650 active committee volunteers and a budget of $1.4 million.

Some of Mr. Woods' innovative projects include Good Morning Santa Rosa breakfast meetings, the Business-Education Roundtable, Tomorrow's Leaders Today, Good Evening Santa Rosa, job fairs, training seminars and the Forum on the Future series that focused on issues affecting businesses, families and lifestyle in Sonoma County.

Through Mr. Woods efforts, the Chamber also provided staffing for the Sonoma County Technology and Manufacturers Group and managed the Downtown Market and the Santa Rosa Convention and Visitors Bureau.

Mr. Woods has spent 32 years in Chamber work with the San Francisco, San Antonio and San Jose Chambers and as an instructor for the U.S. Chamber at seven universities throughout the country.

In 1998, he traveled to Moscow to conduct training for 40 Russian Chamber executives.

He was recently elected Chairman of the Western Association of Chamber Executives for 2001 and last year was voted the "Top Business and Community Leader" in Santa Rosa and Sonoma County.

Although Mr. Woods is retiring from the Chamber, he is not leaving the business community or Sonoma County. His next assignment is as Chief Executive for the North Bay Builders Association.

Mr. Speaker, because of Keith Woods' many contributions to the Santa Rosa Chamber of Commerce and to Sonoma County, it is fitting and proper to honor him today for his many accomplishments and contributions.

VETERANS DAY HONOREES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. VISCLOSKY. Mr. Speaker, Saturday, November 11, 2000, marks the observance of Veterans Day, honoring all veterans who have pledged allegiance to their country and all of its endeavors. This day is sets aside to recognize the boldness and bravery of those who have fought to uphold the standards of democracy.

Just prior to Veterans Day on Thursday, November 9, a special ceremony titled, "Salute 2000: An American Patriotic Celebration" will be held at the Radisson Star Plaza Theatre in Merrillville, Indiana, to celebrate patriotism and pride and to honor five local veterans for their dedicated military service. Those veterans that will be honored include: Joseph M. Dzieglowicz, John Gamez, David Hinshaw, Harry Kaczorowski and James J. Thiel.

Joseph M. Dzieglowicz, a United States Army veteran of World War II, served our country from October 12, 1942 to December 28, 1945 as a combat engineer with the 339th Engineer Construction Battalion. He stayed with the 339th Battalion for his entire 30 months of duty in the southwest Pacific theatre of operations. John Gamez is another fine example of one of our American heroes. As a member of the Armed Forces, John Gamez earned numerous medals during his tour of duty in Korea including the Silver Star Medal, two Purple Heart Medals, the Korean Service Medal with three Bronze Service Stars, the Republic of Korea United Citation, the United Nations Service Medal and the Combat Infantry Badge. Additionally, David C. Hinshaw of Hammond, Indiana, is a veteran of the United States Army. He left the active Army in 1973 and joined the Indiana National Guard. While in the National Guard, Captain Hinshaw rose to Lieutenant Colonel and later Commander 2nd of the 151st Infantry in South Bend, Indiana. Hinshaw was a member of the Army Reserves until his retirement in 1998. As a member of the United States Army, Harry Kaczorowski served his country until he was discharged in December of 1944. During the Battle of Kasserine Pass, Kaczorowski was taken as a prisoner of war by General Rommel's Afrika Korps and was later liberated by the Soviets in 1945. A graduate of Dyer High School, James J. Thiel enrolled in the Army Air Corps at age 19 and served his country until 1945. Thiel earned the Presidential Unit Citation with Cluster, Aerial Gunner's Wings, ETO Ribbon with four Battle Stars, Air Medal with Six Clusters, Good Conduct Medal and a WW–2 Victory Medal for his 50 aerial combat missions over northern Italy, Austria, Bulgaria, Yugoslavia, Germany, southern France and the Balkens.

The great sacrifice made by these five men and those who served our country has resulted in the freedom and prosperity of our country and in countries around the world. The responsibility rests within each of us to build upon the valiant efforts that these men and women who fought for this country have displayed, so that the United States and the world will be a more democratic and prosperous place. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts.

In addition to the five veterans who are to be honored at this patriotic celebration, I would also like to commend all of those who served this country for their bravery, courage, and undying commitment to patriotism and democracy. May God bless them all.

We will forever be indebted to our veterans and their families for the sacrifices they made so that we can enjoy our freedom. Mr. Speaker, I ask that you and my colleagues join me in saluting these five men and the other veterans who have fought for our great country.

TRIBUTE TO LT. GEN. ROBERT E. HAILS (RET.)

HON. SAXBY CHAMBLISS

OF GEOGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to honor a great American, retired Lieutenant General Robert E. Hails, who has recently been selected for induction into the State of Alabama Engineering Hall of Fame.

Lt. Gen. Hails graduated from Auburn University and received his wings and commission in 1944 at Moody Field in Valdosta, Georgia. During World War II, he completed 26 missions flying the B–24 Liberator bomber in the Pacific theater. After the war, Lt. Gen. Hails was instrumental in helping develop critical technology such as the first Heads Up Display (HUD), the use of an inertial gyroscope platform (IGP) for automatic navigation and guidance of aircraft and bomb launch, and the first use of a digital computer to control and integrate HUD and IGP systems. The Heads Up Display which Lt. Gen. Hails helped develop is essential to many of the newest and most important military aircraft in our force today, including the F–22, F–117, the F–14, and F–15.

These innovations greatly assisted American pilots in performing their missions to defend and protect American interests around the world and even now serve commercial aviation by providing increased safety during takeoffs and landings in poor weather conditions.

As the Director of Maintenance Engineering, Air Force Logistics Command, in 1968, Lt. Gen. Hails was responsible for engineering and developing of the pilotless reconnaissance aircraft used for missions over hostile territory during the Vietnam War. As Commander of the Warner Robins Air Logistics Center, he provided engineering and logistical support to a range of crucial weapons system upon which our military consistently relied, including Air Force helicopters, C–130, C–141, F–15, and U–2 aircraft. His role as Vice Commander of Tactical Air Command and Deputy Chief of Staff of the Air Force have left a lasting legacy on our military which has most certainly contributed in developing the superior Air Force that continues to bravely and courageously serve our nation today.

Lt. Gen. Hails deserves our greatest recognition. I have had the honor and pleasure of knowing and working with Lt. Gen. Hails. His important contributions to American engineering and aviation are well known, and I offer my sincerest congratulations to him on his induction into the State of Alabama Engineering Hall of Fame. His character, patriotism, and values are an inspiration to each of us and I am proud to pay tribute to this great American who has given so much for his country.

HONORING MS. LAURA BERG

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. NAPOLITANO. Mr. Speaker, I rise today to congratulate the notable accomplishments of a young woman from the thirty-fourth district of California. It is both fitting and proper that we recognize achievements of young adults when they serve as outstanding role models for today's youth and bring credit to themselves and to this Nation. Such an outstanding young woman is Laura Berg.

At Santa Fe High, Ms. Berg was Co-Captain of the softball team. In college, she led Fresno State to a tie for third at the 1997 World Series and the 1998 NCAA Championships. And when the U.S. won gold at the 1998 World

Championships, she led the team in runs scored.

Laura has brought honor and credit to the community and country as part of the U.S. team that won the gold medal in softball at both the Atlanta and the recently concluded Sydney Olympic games. Laura Berg's leadership and persistence not only helped the U.S. softball team rebound from losing three games in a row, she powered the game-winning run against Japan that gave the United States the gold medal in Softball at the 2000 Sydney Olympic games.

In returning to her roots at Lakeland Elementary School, Ms. Berg challenged students to never give up on their dreams and stressed the value of education.

Mr. Speaker, I call on my colleagues to rise in support of Ms. Berg, not only for her accomplishments on the field but also to recognize her as an outstanding role model for the youth of this country.

HONORING THE 50TH ANNIVERSARY OF THE FAIRFAX COUNTY PARK AUTHORITY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it is an honor for me to stand before the House today to honor the Fairfax County Park Authority's 50th anniversary on December 8, 2000. Fifty years ago, private citizens were the catalyst for the creation of the Fairfax County Park Authority. Looking to the future, they worked with the county's elected officials to establish the means to protect open space, historic sites, places for family recreation, and resource areas where wildlife could continue to thrive.

The wisdom of those farsighted activists is evident today. Islands of woodlands and playing fields, strips of stream valleys and trails, historic fragments of Old Fairfax, Virginia and centers for active recreation and leisure pursuits form a patchwork of parks across the county, accessible to everyone and offering something for every interest. Fairfax County has a park system recognized as among the best in the nation.

The Park Authority has over 386 parks on more than 19,326 acres. Park facilities include a horticulture center, a working farm, an activities and equestrian center, eight indoor RE-Centers, five nature and visitor centers, eight golf courses, on/off-leash dog park, three lakes, two campgrounds, an ice skating rink, a Water Park and a working mill. Recreational opportunities in the parks abound, with millions of people per year enjoying picnicking, hiking, fishing, tennis and golf. There are also carousels, miniature golf courses, amphitheaters and marinas.

Together, people of Fairfax and their Park Authority have kept trust with the ideals of those who founded the Park Authority. With the support of the people and volunteers, the agency has maintained its commitment to preservation, protection and play. With their support the agency has survived shifting attitudes towards land use, the ups and downs of budget, changes in government and shifts in demographics.

The Fairfax County Park Authority was created in 1950 to plan, acquire, develop, operate and maintain a park and recreation facility system that would contribute to the quality of life and environment for the citizens, visitors and tourists to Fairfax County. Over the past five decades, this system has evolved into a diversified mosaic of open space and recreation facilities, ranging from small neighborhood parks to an extensive network of county-wide parks which afford a variety of recreational opportunities for county residents. The park system also serves as the primary public mechanism for the preservation of environmentally sensitive land, water resources and areas of historic significance.

The Park Authority protects, manages and preserves thousands of natural and cultural resources located within its 19,326 acres. The cultural resources, bits and pieces of our history which allow us to understand our present and plan our future, include structures, roads, landscapes, folklore, artifacts, historic and prehistoric archaeological sites. These resources are preserved for our enjoyment and the education of our children.

Mr. Speaker, in closing, this December, the Park Authority will mark a half century of touching people's lives. Today, the children and the grandchildren of our original park patrons come to our parks for recreation, relaxation and respite. Together, people and parks will build on the past to shape the future. Like the couple at the golden wedding party, I toast a powerful union and an enduring relationship.

TRIBUTE TO FORMER DISTRICT DIRECTOR AND FRIEND JOHN J. McGUIRE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. WALSH. Mr. Speaker, on Monday, October 16, 2000, John J. McGuire, my former District Director in Syracuse, New York, and close, personal friend, died after a long battle with brain cancer. John served as an integral part of my staff since my election to Congress in 1988. Prior to that time, he served as a compliance officer for 11 years with the Wage and Hour Division of the United States Department of Labor in Syracuse.

John McGuire, a former Marine, was a highly decorated disabled American veteran. He is a past recipient of the Veterans Service Award from the United States Department of Veterans Affairs, four Special Achievement Awards and the Federal Distinguished Career Award. After serving as a sergeant in the Marine Corps during the Vietnam War, John taught English both here in the United States and in the Balkans.

With John's death early last week, his wife and children lost a terrific husband and father, and I lost a neighbor, a close advisor and loyal friend. The Central New York community lost a tireless worker and community advocate, and the entire nation lost a dedicated public servant and true American patriot.

I submit the attached column by Mr. Sean Kirst printed in the October 18th issue of the Syracuse Post-Standard, which so eloquently details John McGuire's motivation and career, be included in the CONGRESSIONAL RECORD to commemorate his distinguished life.

He certainly will be missed, but can never be forgotten.

VETERAN, AIDE, FAMILY MAN DIDN'T DIE FOR NOTHING

John McGuire was a neighbor. He lived on the dead-end block of Robineau Road in Syracuse. Years ago, he bought a big metal pole and set it into a deep hole. He got a backboard and a rim, and he hung them above the street.

His children, all the time, were out there playing basketball. Other kids often joined them in shooting hoops. Sometimes they were kids McGuire never saw before.

It became clear, over the years, that he was a true believer.

McGuire, 55 died Monday morning. His death was the second jolt in recent weeks on our small block, where Nick Rossi, a teacher, also died of cancer. In a sense, that is the cost of any strong neighborhood. With every loss, the fabric changes—much like a family.

Years ago, Representative JIM WALSH also lived on that same block. WALSH and McGuire, as neighbors, turned into good friends. When WALSH was elected to Congress, he asked McGuire to join his staff. McGuire was called "district director," but an awful lot of people knew him as WALSH's guy for vets.

WALSH will tell you he got lucky. He couldn't have made a better choice. There are countless stories of McGuire going to the wall to help someone receive benefits, or McGuire helping old veterans get the medals they deserved.

McGuire was an ex-Marine, a combat veteran of Vietnam. Sometimes he'd be sitting outside on his porch, watching a crowd of kids playing basketball, and he'd talk a little about the war. He spoke in a soft voice, with an accent forged in Brooklyn, and he'd recall the time they split dozens of Marines into two groups. They put both groups on different planes, to fly to the same place.

One plane got hit. Everybody died. John McGuire was on the other plane.

He came home angry, he said, lacking faith in anything. He wondered at the senseless luck that sent him back alive, when good friends in Vietnam seemed to die for nothing. Over the next few years, he forged a hard logic. He dedicated himself to justifying those who died, and the best way to do it was by helping veterans. If that circle went unbroken, then their sacrifice made sense.

That is what he did, for the rest of his life. He married a strong women, Joyce Kusak, and they had four terrific children. McGuire lived for two things—his family and his cause. Kusak-McGuire tells a story of standing exhausted at the door, a newborn baby in her arms, while her husband left in the middle of the night to take down a veteran threatening suicide.

The McGuires settled on the dead-end block of Robineau. Years later, my family moved in down the street. One night, McGuire sat on the porch and watched a crowd of kids shooting baskets. Some of them he knew. Some of them he'd never seen. As he watched, he explained why he lived in the city.

He expressed a great respect, almost a reverence, for elderly veterans. He spoke of how he admired his parents and their contemporaries, the way they dealt with the Great

Depression, World War II, all the fears of the Cold War. But he also said that generation could not solve every problem, and one of the problems handed down was the polarization over race.

"We'll never solve anything," McGuire said, "unless we take it on." His wife felt the same way. They stayed in Syracuse.

A couple of years ago, McGuire returned to his hotel room at a business meeting. He kept trying to push his room key into the lock, upside down. His close friend, Harry Schultz, knew something was wrong. He got McGuire to a nurse, who examined him and then rushed him to a hospital. Brain tumor. They did surgery, but the tumor eventually came back.

McGuire, in the past few months, often took long walks. I saw him walking on a June morning with his son Aiden just after I returned from a conference in Washington. I think McGuire also had his toddler grandson with him, but maybe that is how I want to remember it.

I had visited the Wall, the Vietnam Memorial, for the first time. By coincidence, I had been there on Father's Day. As always happens on that day, there was a gathering for grown children of the soldiers whose names are on the wall. They brought sponges and buckets of water. They scrubbed their fathers' names to a shine.

I told McGuire the story. He started weeping, shoulders heaving, in the middle of the road. He said sonething—his voice cracking—about men who died for nothing.

That burden's gone. He's with them now. He spent his life shining the wall.

INTRODUCTION OF THE U.S.-SINGAPORE FREE TRADE AGREEMENT ACT OF 2000

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I introduce the U.S.-Singapore Free Trade Agreement Act of 2000. It is a critical and timely piece of legislation.

Positioned strategically amid vital shipping lanes, Singapore is one of the United States' closest, most strategically important friends in Southeast Asia. Singapore is the tenth largest export market for the United States. Literally thousands of Americans depend on exports to Singapore for their jobs. The U.S. is also the number one foreign investor in Singapore—with a total of $25 billion in 1999. There are more than 1,300 U.S. businesses with offices in Singapore and more than 13,000 U.S. citizens living in the multi-ethnic island nation.

Singapore has established itself as the business hub for Southeast Asia and it is quickly becoming a hub for much of the rest of Asia.

Not just in business, but also on vital national security issues, Singapore offers us a perspective on the region informed by kinship with its neighbors and its own history of development. It is a reliable source of stability in a region of the world undergoing generally positive, but sometimes wrenching political, economic, and societal change. The U.S. Western Pacific Logistics Command is based in Singapore, and Singapore and the U.S. conduct both joint air and joint naval exercises. Most recently, Singapore has undertaken to build a deep-water pier and naval base, entirely at their own expense, and offered its services to U.S. aircraft carriers.

Singapore's trading regime in goods and services is the freest in Asia. The environment for foreign investment is inviting and the government is a helpful hand for Americans looking to make investments. Having said that, however, there are sectors where American companies are eager to compete. I am hopeful that a U.S.-Singapore trade agreement can both recognize the very free trade and investments relationship that exists and at the same time provide even greater opportunities for American business.

A free trade agreement with Singapore is important for the international free trade agenda as well. The United States must continue to work to bring down barriers to trade throughout the world. Free traders in Congress have had some key victories this year with the Africa Free Trade Bill, the Caribbean Basin Initiative and PNTR for China. We all celebrated those victories, as well we should. However, an anti-trade element still exists in Congress that seeks to turn the political tide against free trade. It will take constant vigilance to build and sustain an active free trade constituency. It is my hope that progress on a Singapore agreement will lead to bi-lateral and multilateral agreements with other Pacific Rim countries that share our interest in opening markets.

A U.S.-Singapore Free Trade Agreement serves several key U.S. national interest. It supports U.S. jobs. It supports U.S. worldwide investment. It solidifies a vital trans-Pacific U.S. relationship. It will serve as a model for free trade agreements throughout the Pacific-Rim, and encourage the opening of consultations to this end.

I urge my colleagues to join me in cosponsoring the U.S. Singapore Free Trade Act of 2000 and I urge its passage into law.

SPECIAL ORDER ON THE HONORABLE JOHN KASICH

SPEECH OF

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. LATOURETTE. Mr. Speaker, I rise today to pay tribute to my good fried, JOHN KASICH.

Mr. Speaker, when I was first elected to Congress in 1995, I joined an amazing group of men an women who made up the Ohio delegation. We had JOHN BOEHNER and DEBORAH PRYCE in Leadership; RALPH REGULA and DAVE HOBSON on Appropriations; MIKE OXLEY in Commerce; ROB PORTMAN on Ways and Means; the venerable Lou Stokes as Dean of our delegation; the very capable TONY HALL, PAUL GILLMOR, MARCY KAPTUR, SHERROD BROWN, JIM TRAFICANT and TOM SAWYER and, or course, JOHN KASICH as Budget Committee chairman.

I think all of us—no matter what our party affiliation—have come to truly respect JOHN KASICH for his Herculean effort to pass genuine welfare reform, and to reach a balanced budget agreement for the first time in a generation. I remember when I first came here I was a bit taken back by JOHN's intensity. He had such genuine enthusiasm for Congress, and it was a bit out of the ordinary. JOHN kinda reminds me of that Will Farrell character on "Saturday Night Live"—the Spartan cheerleader—just bouncing off the walls with team spirit.

There is something inherently appealing about JOHN KASICH's tenacity and enthusiasm, his Midwestern sensibility, and his irrepressible zest for life. People trust him, respect him, and they know they're getting the real thing. It's been said that all you really need to know about JOHN KASICH is that even his ex-wife's mother votes for him. We should all be so popular.

JOHN leaves an important legacy in the House: He proved that you can work in a bipartisan fashion, maintain friendships on both sides of the aisle, retain the respect of your peers, and still achieve very big things. The House needs more folks like JOHN KASICH who care so passionately, and refuse to give up.

JOHN KASICH stood his ground and truly changed the way Washington operates. I came here at a time when we spent recklessly and never gave much thought to the future, and now we've ushered in a new era of making government live within its means. Our children are going to inherit a federal government that is more fiscally responsible and more responsive, and no small thanks is due to JOHN KASICH.

I'm proud to have served with him, and for the opportunity to have had the last six years to witness him up close. I will miss his loud ties, his manic energy, how he often seemed less than serious but was always taken seriously, and how—despite being a Republican—he always got to hang around with cool people, like Bono (Bah-no) from U2.

I also will miss hearing JOHN speak on the House floor. He always commanded attention. In fact, I've always thought that when JOHN KASICH took to the floor to speak about anything, he was sort of like road kill—you just couldn't look away. Folks are drawn to his plain but spirited manner and his refreshing candor.

Mr. Speaker, most state delegations could never fill the oratory void left after the departure of a JOHN KASICH. Of course Ohio is a little different from most states. We've been blessed with an abundance of fine orators who command the public's attention. I just hope that in the 107th Congress my good friend, JIM TRAFICANT, will step up to the plate and shed that terrible shyness he has around the C-SPAN cameras.

JOHN KASICH, I thank you for your service to our country, to our fine state of Ohio, and for your years of friendship and guidance. Ohio is losing a great legislator, but I know our state and country have not heard the last of you.

INTRODUCTION OF THE HISPANIC HEALTH ACT OF 2000

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. RODRIGUEZ. Mr. Speaker, today I am pleased to introduce the Hispanic Health Act of 2000, legislation to address disparities in access to health care, research, program funding, cultural competence, and representation of Latino health care professionals. This legislation aims to reduce these disparities in three specific disease areas that particularly impact the Hispanic community: diabetes, HIV/AIDS, and mental health in the Hispanic community.

As Chair of the Congressional Hispanic Caucus Task Force on Health, I am committed to fighting the health disparities that Hispanics face in this country. Last year, I and the members of the Congressional Hispanic Caucus released a Report on Hispanic Health in the United States. The report was a direct result of testimony received from community leaders, health providers, and policy makers in a series of forums during the first ever Hispanic Health Awareness Week in September, 1999. The report summarizes the findings from the experts and outlines their recommendations to improve health care delivery to Hispanics.

Racial and ethic minorities continue to experience serious disparities in health. The report's findings demonstrate the seriousness of the situation and the need for immediate action.

Type 2 diabetes accounts for 90 to 95 percent of diabetes cases, and it is the most common form seen in the Latino community. Among Hispanics, type 2 diabetes is twice as high compared to non-Hispanic whites. Six percent of Hispanics in the United States and Puerto Rico have been diagnosed and it is estimated that another six percent have undiagnosed diabetes. One out of every four Mexican Americans and Puerto Ricans ages 45 and older have diabetes. One out of three elderly Hispanics have diabetes. Hispanics account for 20% of new AIDS cases, but only 11% of the population. In 1997, AIDS was the third leading cause of death among Hispanics between the ages of 25 and 44, and 10th for Hispanics of all ages. Mexican American women are more likely to report severe depression than their non-Hispanic white, or African American female peers.

Substance abuse increased among Hispanic youth at the same time that it declined for non-Hispanic white and African American youth. Those at greatest risk appear to be Hispanic girls. Hispanic girls now lead girls nationwide in rates of suicide attempt, alcohol and drug abuse, and self-reported gun possession.

The Hispanic Health Act of 2000 reflects the recommendations outlined in the Congressional Hispanic Caucus Report on Hispanic Health in the United States. One of the most important issues that this legislation addresses in data collection and research funding. If we do not address disparities in research, we are not going to develop cures that address the health disparities that exist in Hispanic and other minority communities. With a clearer understanding of what we face, we can then deliver culturally competent health services that meet the needs of these communities.

This legislation requests an annual report from the Secretary of Health and Human Services on the progress of Latino initiatives throughout the agency regarding diabetes, HIV infection, AIDS, substance abuse and mental health. This information will prove invaluable in monitoring the responsiveness of HHS to the health needs of the Hispanic community and will give us the tools to direct resources were effectively in the future.

The legislation authorizes two diabetes programs to reduce the devastating impact of this disease on Hispanic-Americans. To increase prevention activities, the bill authorizes $100 million for the National diabetes Education Program of the Center for Disease Control. These activities include identifying and targeting geographic areas that experience a high incidence of diabetes and diabetes related deaths particularly in the Hispanic community with educational and screening programs.

In addition, this bill authorizes $1 billion to the National Institute on Diabetes and Digestive and Kidney Diseases to implement the recommendations of its Diabetes Research Working Group. This working group's plan was developed and delivered to Congress pursuant to the Fiscal Year 2000 Appropriations Act of the Department of Health and Human Services.

On HIV and AIDS, the legislation requests a plan from the Centers for Disease Control to address the under-representation of Hispanics in Community Planning Programs. The legislation also calls for the establishment of AIDS education and training centers at eligible Hispanic Serving Institutions funded by the Health Resources and Services Administration. An emphasis shall be placed on providing culturally and linguistically appropriate training of health providers to deliver bilingual HIV treatment and education. In too many cases, the lack of appropriate information creates a barrier to prevention and treatment, costing countless lives and suffering.

In an effort to reverse the trends in Latina suicides, the legislation establishes a female adolescent suicide prevention program. The Secretary of Health and Human Services, in

The Hispanic Health Act of 2000 also provides for bilingual health professional training with respect to minority health conditions. The bill authorizes $1 million for the development of culturally competent educational materials and technical assistance in carrying out programs that use such materials. In addition, it provides an additional $5 million for a Center for Linguistic and Cultural Competence in Health Care through the Office of Minority Health.

A cultural competence demonstration project in the legislation would provide grants to two hospitals that have a history in the Medicare program. The hospitals shall receive a $5 million grant for five years to enable them to implement standards for culturally competent services to address the needs of any population that is 5% or more of the total population they serve. An additional $1 million is provided for the purpose of program evaluation. The bill allows for hospitals to use disproportionate share hospital funding to pay for translators for a population that is limited English proficient and makes up 10% or more of the population they serve.

Increasing the numbers of Hispanics who join the health professions is a necessary component of any plan to reverse the historical disparities faced by the community. The Hispanic-Serving Health Professions Schools provision authorizes the Secretary of Health and Human Services to give grants to Hispanic-serving health professions schools for the purpose of carrying out programs to recruit Hispanic individuals to enroll in and graduate from the schools. More Hispanic health professionals will assist greatly in providing culturally competent and linguistically appropriate care.

Finally, the Hispanic Health Act requires the Secretary to include data on race and ethnicity in health data collected under programs carried out by the Secretary. Outcome measures will be developed to evaluate, by race and ethnicity, the performance of health care programs and projects that provide care to individuals under the Medicare and Medicaid programs.

The Hispanic Health Act of 2000 fills an important gap in research, program implementation and evaluation, training, and facilitating cultural competence in health care institutions. I ask my colleagues to join us in taking the historic steps needed to reverse the trends that have left too many behind.

BRING THEM HOME ALIVE ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of the "Bring Them Home Alive Act of 2000." This bill creates an extraordinary opportunity for nationals of Vietnam, Cambodia, Laos, China, and the independent states of the former Soviet Union to do a wonderful thing and be richly rewarded for it. If a national from any of these countries personally delivers a living American Vietnam War POW/MIA into the custody of the U.S. Government, he or she will be granted United States refugee status.

I am deeply moved when I think of the grief that is being endured by so many Americans, the Americans who are living with the uncertainty of having family members who were missing in action or prisoners in Vietnam and have not been heard of since the end of the war. Certainly this bill will not help all of them. In fact it may only help a few of them. But I feel very strongly that the bill is worthwhile even if it only brings one soldier home to his family after all of these years.

I urge you to vote for the "Bring Them Home Alive Act of 2000."

TRIBUTE TO SHAFEIK MOHAMMED

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Shafeik Mohammed, an outstanding individual who has devoted his life to his family and to serving the community. Mr. Mohammed retired from Phipps Community Development Corporation on September 1 and moved to California to be with his children.

Originally from Trinidad, Mr. Mohammed and his wife first came to this country in 1971 to seek medical help for their daughter who had been seriously injured in a car accident. The early years were rough: four young children, a foreign country, and few marketable skills. The whole family enrolled in school, worked, studied, and saved. His wife became a registered nurse and Shafeik, while working full time, made the Dean's List at Medger Evers College. Their daughter recovered, went to law school, and is now Assistant District Attorney in Los Angeles.

Mr. Mohammed has worked in impoverished communities in both Brooklyn and the Bronx helping residents learn skills, gain employment, and develop careers. For more than thirty years he has worked with a passion and commitment that has inspired thousands of individuals and been instrumental in lifting whole families our of poverty.

In 1996, after fifteen months of retirement, he came to work for Phipps Community Development Corporation in my congressional district and has been the guiding light behind our educational and employment services ever since. Phipps CDC is the human services affiliate of Phipps Houses, New York City's oldest and largest not-for-profit developer of affordable housing.

Mr. Speaker, I ask my colleagues to join me in wishing a happy retirement to Mr. Shafeik Mohammed.

HONORING MEREDITH J. KHACHIGIAN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Ms. SANCHEZ. Mr. Speaker, today I pay tribute to one of California's most remarkable women, Meredith J. Khachigian.

Ms. Khachigian has chaired the Board of Regents of the University of California (UC) for three terms. In this position she manages the leading public research university in the nation. With 97,000 employees and 167,000 students, the UC system includes nine university sites, a graduate health science campus in San Francisco, three law schools, five medical schools and five hospitals. The Regents oversee the University's $43 billion annual budget and also manage the UC Retirement System, the largest in the United States, and a General Endowment Pool of $5.3 billion.

Ms. Khachigian is a consultant in community and public affairs and is the former Executive Director of Vital Link-Orange, a program that matches high school students' educational backgrounds with the needs of future employers. She is currently serving as a member of the Governor's School-To-Work Advisory Council for the State of California. Additionally, she represents the University on business matters through her involvement with the Orange County Business Council's workforce preparation initiative.

She has served as President of Human Options, a shelter for battered women, and is the co-chair of the program's 20th anniversary celebration, which in 2001 will commemorate two decades of dedicated service in the field of domestic violence.

Ms. Khachigian has combined a career in public service with her dedication to the needs of others and is well-known in the United States for her achievements. She is recognized for her expertise and is regularly asked to speak on prestigious news programs. She has served as an advocate for the University in Washington, DC, meeting with legislators on issues important to the hospitals and medical schools as well as the people of California.

I ask my colleagues to please join with me in recognizing an extraordinary woman. Meredith J. Khachigian.

TRIBUTE TO LISE THIBAULT, NEWEST MEMBER OF THE WORLD COMMITTEE ON DISABILITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. LANTOS. Mr. Speaker, I want to call to the attention of my colleagues the selection of Ms. Lise Thibault as a member of the World Committee on Disability. Ms. Thibault brings to her new position some thirty years of leadership in the disability movement in her native country, Canada.

When Lise Thibault was a teenager, she suffered a tobogganing accident that left her with a permanent disability; however, having to use a wheelchair has never slowed her down. She went on to become a wife, the mother of two, the grandmother of five, and a prominent public figure.

Mr. Speaker, Ms. Thibault taught adult education and worked for the Canadian Broadcasting Company as a host and a researcher for programs about family and community issues. She was appointed to the Quebec Ministry of Education in 1977, became director-general of the Quebec Office for Persons with Disabilities, and Vice President of the Quebec Occupational Health and Safety Board (1987–1993). Throughout her life, she has been an active leader in the disabled community, serving as president and director general of the Quebec Bureau for the Handicapped and board member of the ,Canadian Red Cross.

In 1994, Lise Thibault was given the YWCA's "Woman of Merit" award for her involvement in the community. That same year, she was named "Personality of the Year" by Chatelaine Magazine. On January 30, 1997, she was sworn in as Quebec's 27th Lieutenant Governor by Her Majesty Queen Elizabeth II. Ms. Thibault is the first woman and the first person with a disability to hold this office.

Mr. Speaker, I invite my colleagues to join me in welcoming this extraordinary warm-hearted woman who has dedicated herself to the well-being of others, Ms. Lise Thibault, as a member of the World Committee on Disability.

IN HONOR OF JOHN "JJ" JOHNSON, RECIPIENT OF THE NEW JERSEY AFL–CIO LABOR AWARD 2000

HON. ROBERT MENENDEZ

OF NORTH JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor John "JJ" Johnson, recipient of the New Jersey AFL–CIO Labor Award for the year 2000. The AFL–CIO Labor Award is given to extremely dedicated individuals, who have made enduring contributions to the labor movement.

John Johnson became active in the labor movement in 1960, when he organized the Peter Pan factory in East Newark, New Jersey. In 1975, Mr. Johnson co-founded Local 617 of the Service Employees International Union (SEIU), which elected him executive vice president, a position he held for 23 years.

Today, Local 617 represents approximately 3,500 employees, making it the largest public employees local of the Service Employees International Union in the State of New Jersey. Mr. Johnson's hard work and dedication have been a major factor in the growth and success of Local 617.

In 1996, Mr. Johnson was elected to the Executive Board of the Services Employees International Union, AFL–CIO, CLC, becoming the Union's first African American official to serve in that capacity. The Service Employees Union is the third largest union in the AFL–CIO, with a membership of 1.3 million.

In addition, Mr. Johnson serves as a board member of the Public Sector Division and the Political Committee of SEIU; was elected president of the SEIU New Jersey State Council; was appointed to the board of the New Jersey State AFL–CIO, CLC; and was elected president of Local 617.

Today, I ask my colleagues to join me in honoring John "JJ" Johnson for his enduring contributions to the labor movement.

TRIBUTE TO THE HONORABLE JOHN KASICH ON HIS RETIREMENT FROM CONGRESS

SPEECH OF

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to my fellow Ohioan and good friend, JOHN KASICH. I used to serve with my colleague from Ohio on the Budget Committee, and I know how difficult it is to put together a budget that moves the country forward in a positive direction and remains responsible to the American taxpayer.

I want to take a minute to go back a few years and look at where we have been, and how far we have come under the leadership of the Chairman of the Budget Committee. After 30 years of Congress recklessly spending more than we take in, American voters demanded a change. In 1995, the Republican majority came to Congress to restore discipline to the budget process.

But before he became Chairman in 1995, the Congressman from Ohio was writing his own balanced budget every year. Back then some of the people who had been in Washington for a while, called it tilting at windmills. But what really was going on was he was building a groundwork for the budget discipline the American people would demand, and Republicans would bring to Congress after we became the majority.

In 1991, Mr. KASICH's balanced budget received 114 votes, and the other 303 votes were for a budget that continued to raid Social Security and pile up debt for our children and grandchildren.

In 1993, he was able to win another 21 votes and his balanced budget received 135 votes, and the other 295 votes were for a budget that continued to raid Social Security and pile up debt for our children and grandchildren.

In 1994, he added 30 more votes, and his balanced budget received 165 votes, and the other 243 were for a budget that continued to raid Social Security and pile up debt for our children and grandchildren.

In 1995, the gentleman from Ohio as Budget Chairman passed a Republican budget by a vote of 238–193.

And in 1997, this Congress and the Administration came together in a bipartisan to write the Balanced Budget Act—which once and for all, ended the raid on Social Security, which ended once and for all, the reckless practice of spending more than we take in, and which finally balanced the budget, and put our country's books in order.

I want to thank the Budget Chairman, on behalf of myself and my colleagues and the constituents in my district and across the country for his service to his country. We are going to miss your expertise, your tenacity, your endless optimism, and your vision of a better America now that you have completed your final budget in the House.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with members of the Ohio delegation and members of the Budget Committee to honor the efforts and the many outstanding achievements of Representative JOHN KASICH. His many contributions as a member of the House of Representatives and leadership as a valued Committee Chairman will be remembered.

HONORING ROBERTO GARCIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Roberto Garcia, recipient of the Napa County Hispanic Network Lifetime Achievement Award, for his outstanding contributions to the youth of Napa County. He has devoted his life to promoting mutual understanding and respect in our community and is an excellent role model for us all.

Roberto Garcia has placed a high priority on providing much needed positive role models for Latino youth, as well as promoting the importance of learning English and pursuing higher education. Undoubtedly, he is a dedicated educator and community leader. Over the course of his highly successful career, he has worked as a Migrant Education Secondary School Advisor, an "English as a Second Language Instructor" at Napa Valley College and an Outreach Specialist for the Citizenship Project of the Napa County Council for Economic Opportunity. He cares deeply for the problems that face our nation's youth and has worked tirelessly to find long-lasting solutions in the community. To that end, he has helped mediate gang conflicts, including the organization of the largest gang forum in the Napa County.

Our community and our nation have benefited greatly from Roberto Garcia's time, effort, and dedication. He was a cofounder and past president of the Napa County Hispanic Network. Within this organization he founded the Napa County Hispanic Network Scholarship program. He has also served on the Board of Directors of the Mexican Cultural Center for the Bay Area, was a past docent of the Napa Valley Museum Hispanic Trunk Presentations and an active member of the Napa County Chicano/Latino Democratic Caucus.

Roberto Garcia's past achievements in his quest to educate the community have been numerous. He has organized many cultural events including the annual "Christmas in Mexico Festival," Spanish Zarzuela Concerts and art exhibits of Yucatan Mexico. He was instrumental in bringing the Mexican Consul to the Napa Valley several times each year to issue documentation and address concerns of the local Mexican population. In addition, he was honored in 1998 by the Napa County Democratic Caucus as the Democrat of the Year.

Roberto Garcia is a devoted father and has been blessed with two daughters, Christina and Lourdes Xochitl, and one granddaughter, Susan Parks.

Mr. Speaker, it is appropriate at this time that we recognize Roberto Garcia for his dedication and commitment to so many important and worthwhile causes. He has devoted his life to addressing the concerns of the community and specifically the problems facing Latino youth. He has helped foster awareness and understanding, working to bridge gaps between our diverse community. For these reasons, it is necessary that we honor this leader and my good friend for his continuing distinguished service to the people of the Napa Valley and for receiving the NAPA County Hispanic Network Lifetime Achievement Award.

TRIBUTE TO MACON CHAMBER OF COMMERCE PRESIDENT PAUL R. NAGLE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to a great American and Georgian, Paul R. Nagle, who recently retired as president of the Macon, Georgia Chamber of Commerce.

Mr. Nagle has been an inspiration to all of us. Appointed as president in 1991, Mr. Nagle has been a leader and public servant that has always given 100 percent to the citizens of Macon.

Mr. Nagle was born in Hominy, Oklahoma, but serving his country and his professional career have taken him around the country. He graduated from the University of South Carolina in Columbia, South Carolina with a Bachelor of Science degree in Business Administration and a major in Marketing. Additionally, he has given his time and energy to many wonderful causes including Robins Air Force Base 21st Century Partnership, the Macon, Georgia 2000 Partnership and the NewTown Macon Board.

Mr. Speaker, I have had the distinct pleasure of working very closely with Mr. Nagle on many projects, including the very important Fall Line Freeway project. I am confident that his superior accomplishments and lasting legacy will continue to be felt in Macon and throughout Middle Georgia.

I will miss working with Mr. Nagle, at the Macon Chamber, but will continue to wish him the best in his new endeavors.

HONORING MR. JOE BARRERA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. NAPOLITANO. Mr. Speaker, I am proud to rise today and honor Mr. Joe Barrera, an extraordinary American citizen who served our Nation with honor and bravery during World War II. On November 11, 2000, this Veterans Day, I will proudly present the Purple Heart Medal to Mr. Barrera for his acts of bravery during the War.

Mr. Joe Barrera was born on January 7, 1925 in Los Angeles. He graduated from Polytechnic High School in 1943 and soon after married Rosalie Barrera, his wife of 56 years. On August 9, 1943, he was inducted into the U.S. Army and began his military service.

After four months in basic training, Joe spent 14 months as a TEC 3 Surgical Technician and 14 months as a TEC 3 Medical Aidman receiving a Medical Combat Badge. On December 6, 1944, Mr. Barrera was sent to France for his first experience overseas and served with the Medical Detachment in the

276th Infantry Regiment in the European Theater of Operations for 16 months. During combat, he worked the front lines administering medical treatment to the wounded and performing emergency surgeries. Mr. Berrera carried out his many duties with exemplary courage.

On March 20, 1945, Mr. Barrera was injured and received 2nd degree burns to his eyes from a mine explosion. On April 15, 1946, Joe returned to the United States receiving his Honorable Discharge on May 8, 1946.

Upon return to civilian life, Mr. Barrera owned and operated the Metro Barbershop in Los Angeles near Cal State L.A. from 1948 to 1989, and he and his wife raised four wonderful children. His two daughters, Kathy and Carol, are both happily married and have successful lives. His son John is a Foreman in the Los Angeles County Fire Department. His other son, Joseph, who passed away in 1992, had been employed by Northrop Grumman constructing Stealth Bombers.

After 41 years of running his own business, Joe retired to enjoy a well-deserved leisure life. Today, he continues to be a happy and modest man surrounded by a wonderful family and many friends.

I would like to urge all my House colleagues to join me today in recognition of Mr. Joe Barrera's remarkable service and contribution to our Nation and to offer our personal congratulations as he receives his Purple Heart Medal this Veterans' Day.

FOR THE RELIEF OF PERSIAN GULF EVACUEES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of a bill that unanimously passed the Subcommittee on Immigration and Claims and our Full committee. This private relief bill on behalf of 54 families and individuals seeking permanent resident status in the United States has much merit.

These families, known as Persian Gulf evacuees, have lived and worked in this country being evacuated out of Kuwait, at the behest of the United States government, just prior to U.S. Military Intervention in the Iraqi invasion of that country.

Many of these individuals, by order of then President Bush, were evacuated to keep them out of harms way when the United States intervened militarily in Kuwait, and hid them in their homes against Iraqi retaliation. Once here, the majority of the 2,000 evacuees adjusted their own status, often through asylum procedures. These 54 families remained in limbo, facing deportation and loss of work permits in the United States.

The Persian Gulf evacuees, are well educated, English speaking, mostly professional individuals perfectly capable of working and supporting themselves here in the United States without becoming wards of any State in which they have settled.

This action is good for this Congress and for America, and I support its passage.

PUERTO RICO STATUS PLAN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. SERRANO. Mr. Speaker, H.R. 4475, the FY 2001 Department of Transportation appropriations bill, includes provisions which I support that will promote informed self-determination for Puerto Rico. It is historic that Congress has authorized the President to cooperate with the Elections Commission of the Commonwealth of Puerto Rico to develop a legally valid and politically realistic program to support political status resolution for Puerto Rico. However, it was necessary to ensure that Congress can review the program plan before funding can be expended. Given the powers vested in Congress to determine the ultimate status of Puerto Rico based on a legitimate process of self-determination, the process of Congressional review contemplated by this legislation is entirely fitting and critical to a successful status resolution program.

MR. LUIS P. VILLARREAL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Luis P. Villarreal, who received the 2000 Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring for his work in developing science education and research programs to assist minority students at the high school and university level. Mr. Villarreal is a professor of molecular biology and biochemistry at the University of California, Irvin (UCI). He was selected as one of ten individual recipients to receive this prestigious award.

Mr. Villarreal began his academic career when he enrolled in a community college to become a medical technologist. Encouraged to continue his education, he went on to complete a four year degree in chemistry and then entered graduate school. As a researcher in biology, Mr. Villarreal is currently doing research on the connection between cervical cancer and viruses. He also manages a million-dollar annual budget for the minority science program at UCI.

One of his greatest accomplishments is to help struggling students achieve success in college, and to encourage them to become scientists. One of his students remarked that he is relaxed, but brilliant and very funny. Through his mentoring program, Mr. Villarreal has guided many under-represented students into the sciences. These students participate in a rigorous academic and research training program that is mentored by faculty members. The program includes paid internships, tutoring, academic advising, faculty seminars and participation at national conferences.

I ask my colleagues to please join with me as we honor Mr. Luis P. Villarreal for his outstanding academic and educational achievements.

HONORING MR. GARTH GARDNER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. NAPOLITANO. Mr. Speaker, I am proud to rise today and honor Mr. Garth Gardner, an extraordinary American Citizen who served our Nation with honor and bravery during World War II. On November 11, 2000, this Veterans Day, I will proudly present the Purple Heart Medal to Mr. Gardner for his acts of bravery during WWII.

Mr. Garth Gardner was born on September 25, 1922 in Carbon County, Utah. He graduated from Carbon County High School in 1940 and attended Carbon County Jr. College for two years. At the age of 19, Mr. Gardner enlisted as a cadet in the U.S. Army Air Force. On March 27, 1945, Mr. Gardner departed to New Guinea, where he flew 29 missions against the enemy in a B–24 liberator with a crew of 10 servicemen.

Following his return to the United States, Mr. Gardner was married to Mary Ponti on December 30, 1945. In 1948, Garth graduated from USC, with a Bachelor of Science degree in Business Administration. Following his graduation, Garth bought a house in Pico Rivera where he and his wife raised their three sons. Mr. Gardner worked for the County of Los Angeles Flood Control District for 25 years and upon retiring from the County in 1976, became a California Probate Referee—a position he has held for the last 26 years.

In March 2001, he will retire from the Pico Rivera City Council after 29 years of service. He has served 8 terms, including his final term, as Mayor. One of his major accomplishments is completing the flood control project, which began in 1991 and will be completed in 2001. This important project begins at the Pacific Ocean and extends 26 miles to the Whittier Narrows Dam and costs $250 million.

Mr. Gardner will always remain active in his community and continue a life of service. I would like to urge all my House colleagues to join me today in recognition of Mr. Garth Gardner's remarkable service and contribution to our Nation and to offer our personal congratulations as he receives his Purple Heart Medal this Veterans' Day.

IN RECOGNITION OF DR. DOMINICK CONDO AND DR. SALVATORE LAPILUSA, "2000 MEN OF THE YEAR"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Dr. Dominick Condo and Dr. Salvatore LaPilusa, who are being honored by the Sicilian Citizens Club as "2000 Men of the Year" at the 73rd annual dinner-dance celebration.

On Saturday, October 28th, two of New Jersey's most talented and dedicated physicians will be honored for their contributions to medicine, to the health of the residents of the City of Bayonne, and to philanthropic causes.

Dr. Dominick Condo, whose parents, Domenico and Rosa Condo immigrated from Calabria, Italy, was born in Jersey City, New Jersey on August 13, 1954. Dr. Condo was raised in Bayonne, New Jersey, where he practices medicine today. In 1975, he received his B.A. from St. Peters College; studied medicine at the Universidad Autonoma de Guadalajara, Mexico, graduating in 1980; and performed his medical internship and residency at St. Michael's Medical Center in Newark, New Jersey.

Dr. Condo is an attending physician of internal medicine at Bayonne Hospital in New Jersey. He is a member of the American Medical Association, the American College of Physicians, and the American College of Geriatrics. Dr. Condo was named the Hudson County Physician of the Year in 1994, and was recently named one of the 100 Best Doctors in the New York Metropolitan area in New York Magazine (7/99).

Dr. Salvatore LaPilusa, the son of Sicilian immigrants, was born in Bayonne, New Jersey. He received his B.A. from the University of Notre Dame and his medical degree from Loyola Medical School in Chicago. Dr. LaPilusa received his orthopedic training at New Jersey Medical Center and Iowa University. After serving in the Korean War, he returned to America to start his own practice, and was certified with the American Board of Orthopedics.

Dr. LaPilusa was married to Lorrine McNally, a nurse at the Jersey City Medical Center, with whom he had a son, Richard. When his wife lost her battle with cancer, Dr. LaPilusa founded the Lorrine McNally Pavilion, in order for cancer patients to remain close to home for treatment. In addition, he started a scholarship fund at the University of Notre Dame, which currently provides support for 15 students. Dr. LaPilusa also volunteers his time and skills in developing countries, such as Vietnam, Indonesia, Bangladesh, and Bhutan.

I ask my colleagues to join me in recognizing Dr. Dominick Condo, and Dr. Salvatore LaPilusa, the Sicilian Citizens Club's "2000 Men of the Year." They are truly exceptional physicians and dedicated community leaders.

HONORING ROSAURA SEGURA-LOPEZ

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Rosaura Segura-Lopez, the recipient of the Napa County Hispanic Network Lifetime Achievement Award. Ms. Segura-Lopez is an outstanding member of the community and has worked tirelessly to improve the conditions of low-income housing and public education for migrant farmworkers.

Recognizing a great need, Rosaura Segura-Lopez established the Immigration Services Office in St. Helena with a credit card in March, 1989. Since then, she has served as a board member of the St. Helena Public School Foundation from 1990 to 1993 and has worked on the County of Napa Grand Jury for the Fiscal Year 1991–1992. Also, since 1994, she has been a member of the Boys & Girls Club Board of Directors. In addition, Ms. Segura-Lopez acts as Vice-President and Sponsor for "Club Los Haro" which raises funds for her birthplace, Los Haro in Zacatecas, Mexico.

As a child, Rosaura vividly remembers how tired her father, a farmworker, was when he arrived home in the evenings. This prompted her to become involved with the Migrant Farmworker Committee and she has served as its Chairperson since 1994. She has been selected to serve on the Napa County Housing Committee, which has the task of gathering data and making recommendations regarding the update of the County's Housing Element and has been named Vice-Chair of the newly formed Napa County Farmworker Housing Oversight Committee.

In April 1999, Rosaura Segura-Lopez was honored with an award from the California Human Development in recognition of Community Business for Excellent Service Provided to the Community.

Mr. Speaker, it is appropriate at this time that we recognize Ms. Rosaura Segura-Lopez for her dedication and commitment to worthwhile causes, as she is an inspiration to everyone. For these reasons, it is necessary that we honor this woman for her continuing distinguished service to the people of Saint Helena and all of Napa County, California.

CELEBRATION OF THE 50TH WEDDING ANNIVERSARY OF LOUIS AND BERTHA WILLIAMS OF AIKEN, SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CLYBURN. Mr. Speaker, Louis and Bertha Williams were married in Aiken County, South Carolina on October 27, 1950. There marriage symbolizes commitment, tenacity, and a spiritual bond between them that fosters a deep and comfortable friendship and partnership. Mr. Louis Williams retired from the Granitville Company in Granitville, South Carolina after 35 years of dedicated service as a shift supervisor/Mrs. Bertha Williams retired from the Aiken County Public School System after 37 years of dedicated service as a math teacher and high school basketball coach. Faith in God and family means everything to the Williams'. Mr. & Mrs. Louis Williams have two adult daughters, Carolyn and Barbara who reside in Maryland.

HONORING JOE GARCIA III

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with great pleasure that I rise today to congratulate a very good friend, Joe Garcia Sr., who celebrated his 75th birthday on October 21, 2000.

The Mexican revolution left Mexico devastated with little food and medication. Joe's father was deathly sick and a relative in El Paso, Texas wrote them to let Joe's parents know that they had the medication that would help Joe's father. Joe Garcia's parents packed up their belongings and came to Texas at the end of the Mexican Revolution. On October 21, 1925, Joe Garcia was born in El Paso, Texas.

At the age of nineteen, Joe joined the army and proudly served the United States of America during World War II as a paratrooper in the 503rd. After the war, Joe became a publisher and started one of the first bilingual magazines covering Latinos in politics, sports, education, and entertainment. Joe was not only on a mission to report and inform the public of the impact and influence of Latinos in this country, he was also instrumental in helping shape the political landscape. He was very active working with numerous campaigns ranging from Roybal to Rockefeller, and he helped to elect the Honorable Leo Sanchez, the first Mexican-American Municipal court judge in California.

Not satisfied with his numerous accomplishments, he turned his attention to starting El Rey, a Mexican food company in the late 70's producing one of the first pre-packaged chorizo (Mexican sausage). Ever the entrepreneur, Joe and his wife Virginia started Reynaldo's Mexican Food Company in 1993.

Today, Renaldo's Mexican Food Company is a leader in Mexican food manufacturing. His products reach eleven states with warehouses in Los Angeles, San Diego, Texas, Arizona, Chicago, and Las Vegas. The company continues to set new standards for the manufacturing and processing of Mexican food and enjoys continued growth.

Mr. Speaker, I would like all my colleagues to join me in saluting Joe Garcia Sr. who at the age of 75 shows no signs of slowing down. Mr. Garcia, Sr. is truly a testament to the American Dream. Through his hard work, entrepreneurial spirit, enthusiasm and community service he continues to serve as a role model for Latinos and all Americans.

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. WAXMAN. Mr. Speaker, submit the following letter into the CONGRESSIONAL RECORD, "Response to Comments by Rep. Curt Weldon Regarding the Government Reform Committee, Minority Staff, report, Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 27, 2000.

Hon. CURT WELDON,
Rayburn House Office Building, Washington, DC.

DEAR REP. WELDON: On September 28, I spoke on the House floor regarding a series of unsubstantiated allegations by members of Congress that have unfairly smeared the reputations of numerous individuals. I also entered into the CONGRESSIONAL RECORD facts relevant to many of these sensational allegations.

As you know, one of the allegations I discussed was your claim in a 1998 floor statement that the President could have committed "treason," one of the most serious crimes an American can commit. You responded in a floor statement of October 2, 2000. You claim that I made "totally false" statements relating to your "treason" remarks.

On September 28, I described your "treason" statement as follows:

In May 1998, the gentleman from Pennsylvania (Mr. Weldon) made remarks on the House floor regarding allegations that the political contributions of the chief executive officer of Loral Corporation, Bernard Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. The gentleman from Pennsylvania (Mr. Weldon) described this issue as a, "Scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years." And said further, "This scandal involves potential treason."

You have not disputed this characterization of your remarks. You also did not dispute my statement that when a member of Congress makes such a sensational allegation, it can have tremendous impact. In your case, your "treason" remarks were not only part of the CONGRESSIONAL RECORD, but were publicized in national media reports.

You have, however, taken issue with two sets of facts that I put into the record on September 28 after describing your "treason" remarks. First, I said:

The Department of Justice examined the allegations relating to whether campaign contribution influenced export control decisions and found them to be unfounded. In August 1998, Lee Radek, chief of the department's public integrity section, wrote that "there is not a scintilla of evidence or information that the President was corruptly influenced by Bernard Schwartz." Charles La Bella, then head of the department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."

You said on October 2 that my statement was wrong, pointing to a passage in a July 16, 1998, memo by Mr. La Bella that discussed two documents potentially relevant to the Loral/Schwartz allegations. My statement, however, quoted two subsequent Department of Justice memos—an August 12, 1998, memo by Mr. La Bella and an August 5, 1998, memo by Mr. Radek.

Further, Mr. La Bella himself said that his July 16 memo took the view that the Loral/Schwartz matter "likely did not merit any investigation." Discussing his July 16 memo (the "Interim Report") and Mr. Radek's August 5 memo (the "Review"), Mr. La Bella stated on August 12, 1998:

The Review shares the view expressed in the Interim Report that this was a matter which likely did not merit any investigation.

In May 2000, Los Angeles Times investigative reporters examined the Justice Department's investigation of the Loral/Schwartz matter. In a May 23, 2000 article entitled Internal Justice Memo Excuses Loral, They wrote:

During a May 2 hearing, [Senator] Specter commented that LaBalla has pushed, in his

But the impression was wrong.

The LaBella report and related documents, which were obtained earlier this year by The Times, tell quite a different story. In fact, by the time LaBella delivered his report to Atty. Gen. Janet Reno in the summer of 1998, the task force had effectively excused Schwartz and Loral from the campaign finance investigation. . . .

"Poor Bernie [Schwartz] got a bad deal," one former task force investigator said in an interview. "There was never a whiff of a scent of a case against him."

As you can see, therefore, I was entirely accurate in my summary of the Justice Department's investigation. It is your description of the evidence—not mine—that distorts the facts.

You also took issue with the second set of facts I put in the record relating to your "treason" remarks. In my September 28 statement, I said:

The House select committee investigated allegations relating to United States technology transfer to China and whether campaign contributions influenced export control decisions. In May 1999, the committee findings were made public. The committee's bipartisan findings also did not substantiate the suggestion of the gentleman from Pennsylvania of treason by the President.

In your October 2 remarks, you asserted, "Now, in fact, our Cox committee did not even look at this issue." This statement is remarkable, particularly since you were a member of the Cox Committee yourself.

As support for your claim, you cited language in the Cox Committee report which notes that the Committee did not end up looking at attempts by the People's Republic of China (PRC) to influence technology transfers through campaign contributions. Your "treason" remarks, however, centered on allegations relating to contributions by Bernard Schwartz, not the PRC. And, indeed, the Committee did examine these allegations.

As the Committee report notes, Mr. Schwartz was one of the individuals interviewed or deposed by the Committee. The Committee also interviewed or deposed Loral Vice President Thomas B. Ross. As noted in a May 24, 1998, New York Times article regarding the Loral/Schwartz allegations, Mr. Ross was the author of a February 13, 1998, letter to national security advisor Sandy Berger that urged a swift decision on the waiver issue. In fact, you drew attention to this very letter by Mr. Ross in your October 2 remarks.

Your assertion that the Cox Committee "did not even look at this issue" is therefore simply wrong.

The fact is, the Cox Committee report expressly mentions the Loral/Schwartz allegations, but does not confirm your conclusions in any way. This lack of findings in the report underscores the fact that your "treason" remarks remain unsubstantiated even though several investigative bodies have examined the Loral/Schwartz matter.

When a member of Congress makes a wild allegation, the burden should be on that member to support it. It is tremendously unfair—and contrary to our system of justice—to presume that the burden is on the target of the allegation or others to disprove unsubstantiated allegations. In this instance, the facts show that you made an inflammatory statement about the President in 1998 using the word "treason" and your statement remains unsubstantiated.

I hope this helps clarify the record.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

LIBERTY COMMON SCHOOL, A COLORADO CHARTER AND CORE KNOWLEDGE SCHOOL, LAUDED IN REPORT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. SCHAFFER. Mr. Speaker, there is great change occurring in education today. Parents in the United States are frustrated with the results of their childrens' education, which largely is the result of government-owned schools' departure from teaching basic knowledge. The impressive results of Core Knowledge and charter schools are undeniable, and like all good ideas with conclusive results—people take notice.

Mr. Speaker, I submit excerpt from the Lexington Institute's September 2000, report by Robert Holland entitled, "Public Charter Schools and the Core Knowledge Movement." This report details the success of Core Knowledge schools. I am proud to say the report also references the success of Liberty Common School, located in Fort Collins, Colorado, in which my children are enrolled. Liberty Common is a Core Knowledge charter school which not only exceeds the State of Colorado's standards, but Liberty Common also leads its school district as well. Mr. Speaker, I submit the Lexington Institute's report for the record:

PUBLIC CHARTER SCHOOLS AND THE CORE KNOWLEDGE MOVEMENT

A battle raged throughout the 20th Century over the best way to teach children—by teacher-directed, content-rich approaches or through a "progressive" method by which children direct their own learning.

It rages still, with progressivism continuing to exert a strong hold, despite mounting evidence that teacher-directed instruction using a core curriculum works best for most children.

Core Knowledge schools have risen to meet the need and demand for schools that teach children facts in a sequential manner, so that they gain the vocabulary and knowledge base for further learning. Implementation of a Core Knowledge Sequence started in 1991 with one school in Florida; this fall, there will be 1,100 Core Knowledge schools operating in 46 states. The parallel charter school movement offers opportunities for parents and teachers to start Core Knowledge schools.

A basic purpose of Core Knowledge and its founder, Dr. E.D. Hirsch Jr., is to advance equity in education by ensuring a full education for all, including children from low-income and minority homes.

PUBLIC CHARTER SCHOOLS AND THE CORE KNOWLEDGE MOVEMENT

In the past 30 years ample research has made possible a definite conclusion: Tightly focused teacher-directed instruction is more effective for most children than is child-directed instruction in which the teacher acts purely as a coach, mentor, or facilitator. For instance, a 1999 American Institutes of Research look at two dozen models of "whole school" designs reaffirmed the superiority of largely teacher-directed approaches like Direct Instruction, Success For All, and Core Knowledge.

Yet despite repeated proof that this is so, large segments of the education world stubbornly ignore this reality. They remain wedded to the so-called progressive doctrine. In her important new book, Left Back: A Century of Failed School Reforms, education historian Diane Ravitch documents how the progressive movement, championed most notably by philosopher John Dewey, has exerted a powerful hold on American education from the early days of the 20th Century to the present. Ms. Ravitch argues powerfully that American schools must return to their basic mission of teaching knowledge.

There can be little doubt that most parents prefer the traditional, structured approach over progressive ways. Public Agenda, a nonpartisan research organization, repeatedly asked parents during the 1990s what they expected form their children's schools. Invariably parents of all races and backgrounds wanted schools that taught the academic basics, with attention to children being able to speak and write standard English. Parents also wanted schools where children were expected to obey rules, such as being "neat, on time, and polite." But Public Agenda found quite different goals among professors in the teacher-training schools, where strains of progressivism still exert a powerful grip. True to the old-time gospel of John Dewey, most professional educators thought advancing "social justice" more important than teaching children knowledge. Unlike parents, these teachers of teachers wanted schooling that is less structured and more "learner-centered."

The Rise of Core Knowledge

In 1990, Dr. Hirsch and his allies convened a national conference at which 24 working groups finalized a draft Core Knowledge Sequence for use in elementary schools. The sequence was based on research into the content and structure of the highest-performing elementary schools around the world, as well as consultation with teachers, parents, scientists, curriculum specialists, and others.

In 1991, the Core Knowledge Sequence debuted in a year of implementation at Three Oaks Elementary in Ft. Meyers, Florida under the leadership of the principal, Dr. Constance Jones (who in 1999 became president of the Core Knowledge Foundation in Charlottesville, Virginia). The Core Knowledge schools were born. The interest in and spread of these schools devoted to content-rich direct teaching has been phenomenal. This fall, there will be more than 1,100 full-fledged Core Knowledge schools in 46 states. (Hundreds of additional schools use portions of the Core Knowledge program.)

Particularly in the very early stages, adoption of Core Knowledge depended on principals and teachers who had to make the case to an often-skeptical school administration for importing a curriculum that rubs against the grain of education progressisivism. James Traub wrote about Jim Coady, a principal in liberal Cambridge, Massachusetts, who had to battle the administration's hostile curriculum supervisors to bring Core Knowledge to Morse Elementary School, which

With the emergence of the national charter school movement in 1992, Core Knowledge became a viable option for parents, teachers, and others seeking to secure charters to start their own schools. In Colorado, a state evaluation of the performance of 51 charter schools that have been in operation for at least two years found Core Knowledge distinguishing itself both in quantity and quality. Twenty-two of the public charter schools (or 42 percent) used the Core Knowledge curriculum. Among charter schools using a "whole-school" model Core Knowledge was clearly dominant—22 versus three for the next-most-used model. More important, Core Knowledge was delivering results. The evaluators concluded that 14 of the Core Knowledge schools "exceeded expectations set for their performance," and the remaining eight "generally met" expectations.

Furthermore, Core Knowledge schools were a significant part of the reason Colorado charter schools scored, on average, 10 to 16 percentage points higher on basic subjects than public schools with comparable demographics. There is considerable research indicating that Core Knowledge is bolstering academic success. But first let's look at what the program is all about.

The Core Knowledge Sequence

"Shared" is an important word in the Core Knowledge lexicon. In his 1996 book, The Schools We Need And Why We Don't Have Them, Dr. Hirsch emphasized the importance of shared knowledge. Citizens in a democracy need to share an extensive body of information in order to communicate and function fully in society. The same hold in the classroom: If students draw a blank at mention of the names "Lee" and "Grant" not to mention "Bull Run" and "Appomattox," how can they be expected to engage in critical thinking about the Civil War?

Education progressives claim that knowledge is changing so rapidly that what children learn today will be outdated tomorrow; that schools therefore can at best only teach them "accessing skills," such as how to surf the Internet. But such a rationale does a grave disservice to children, because there is a body of bedrock knowledge—pivotal events in world history, the development of constitutional government, principles of writing and mathematics. And there are masterworks of art, music, and literature—with which they should be familiar in order to be fulfilled individuals.

The Core Knowledge idea, as summarized on its Website (www.coreknowledge.org), is "that for the sake of academic excellence, greater fairness, and higher literacy, elementary and middle schools need a solid, specific, shared core curriculum in order to help children establish strong foundations of knowledge, grade by grade." The Core Knowledge approach is not to throw tidbits of information helter-skelter at children. Rather the program specifies important knowledge in language arts, history and geography, mathematics, science, and the fine arts, and lays out a sequence for children to master what they need to know grade by grade.

Evidence of Core Knowledge Success

As cited earlier, the 1998-99 Colorado Charter Schools Evaluation Study showed that Core Knowledge schools were contributing in a big way to the success of charter schools in that state. Core Knowledge schools accounted for almost half the charter schools that were studied. And the charter schools outperformed their home districts and schools with comparable socioeconomic profiles.

From other states and researchers evidence of the positive effects of Core Knowledge has begun tumbling in. One of the most impressive studies was done by Gracy Taylor and George Kimball of the Oklahoma City Public Schools. Their study paired 300 Core Knowledge students with 300 students in other schools who had the same characteristics as the CK students on seven critical variables: grade level, pre-score, sex, race/ethnicity, eligibility for free lunch, Title I services, and special education. The control students were randomly selected via computer according to those variables.

The researchers studied the effects of implementing one year of Core Knowledge in grade 3, 4, and 5. The well-validated Iowa Test of Basic Skills was the measuring stick. Given the almost identical backgrounds of the two groups of students, one might have expected one-year differences to be less than pronounced. However, the study found that Core Knowledge students made significantly greater gains in reading comprehension, vocabulary, science, math concepts, and social studies. Moreover, the greatest gains, which came in reading, vocabulary, and social studies, were judged to be "highly significant." The effect of raising vocabulary—the best predictor of academic success—was particularly noteworthy, because it shows hope for closing the socioeconomic gap in student achievement.

The researchers remarked that "according to the literature and personal conversations with Dr. Hirsch prior to the analyses, the impact on student achievement related to Core Knowledge instruction should be most pronounced in vocabulary and comprehension. The implementation of the Core Knowledge scope and sequence is intended to provide and develop a broad base of background knowledge that children utilize in their reading. According to Dr. Hirsch's cultural literacy theory, the more background knowledge a child has, the greater facility in reading the child will have. The initial results of this study do appear to support that notion."

In other words, the evidence so far is that the Core Knowledge approach accomplishes what it sets out to do. And if its adherents are right that knowledge builds on knowledge, the results should only grow more striking over the years.

Liberty School

Liberty Common School opened as a Core Knowledge school in Fort Collins, a pleasant community in the Rocky Mountain foothills of northern Colorado, three years ago. Today it enrolls more than 540 students in grades K-9, with a waiting list of close to 1,000. "It is our goal," says headmaster Kathryn Knox, "to equalize the playing field for all students through a common and rich foundation of content and skills, high expectations and good citizenship."

Liberty's Board of Directors is composed of seven elected parents. The board establishes and oversees the school's educational and operational policies. It meets twice a month in sessions open to the public.

Liberty Common is serious about meeting its academic goals. One of them was that the school would exceed state standards as well as the district's, which it did. In all of the reading and writing tests for grades 4 and 7, Liberty Common School ranked No. 1 in the local school district.

THE PAST YEAR IN INDO-AMERICAN RELATIONS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. McDERMOTT. Mr. Speaker, as we draw to the close of this legislative year, I wanted to highlight what has been perhaps the best year in U.S.-India relations. This first year of the new century has been a year of record setting in a wide range of categories, all highlighting the steadily improving relationship between two of the world's great democracies.

On September 14, 2000, Prime Minister Atal Behari Vajpayee became the first, and only, foreign Head of Government to be invited to address a Joint Meeting of Congress in the 106th Congress. The fact that this unique invitation was extended to Prime Minister Vajpayee is evidence that the Congress recognizes that Indo-American ties will continue to emerge as one of our most urgent foreign policy priorities in the 21st century.

I'm proud that both Houses of Congress came together in a bipartisan manner to adopt Resolutions welcoming Prime Minister Vajpayee, and stating in strong terms the commitment on the part of the Legislative Branch to work for closer U.S.-India relations. I'm particularly encouraged that the House Resolution contained a provision urging that the U.S. Government "consider removing existing unilateral legislative and administrative measures imposed against India, which prevent the normalization of United States-India bilateral economic and trade relations."

The year 2000 witnessed the first State Visit by an American President to India in more than 20 years. This year actually marked the second time that India's Prime Minister and the United States President exchanged summit visits in the same year: President Jimmy Carter traveled to India in January of 1978, and Prime Minister Morarji Desai came to the U.S. in June of that year. With all the changes that have taken place in both nations during the past 22 years, the exchange of top-level visits between the U.S. and India was particularly momentous this year.

President Clinton's highly successful and productive visit to India in March helped to cement Indo-American relations as no other single act could have. Additionally, the joint statement that was signed by the two leaders also produced many substantive firsts. It establishes a framework for long-term, institutional cooperation in many areas, including a Joint Working Group on Counter-Terrorism, an Indo-American Financial and Economic Forum, a bilateral Commercial Dialogue, and an Indo-American Working Group on Trade. Agreements were signed on energy and environmental and scientific cooperation. Recognizing the unique similarities of both Indian and American security concerns for Asia, both countries pledged a new partnership on regional and global security issues. The Joint Indo-American Statement, which was issued during the Prime Minister's visit to Washington in September, reaffirmed all of these unprecedented agreements.

These unprecedented agreements were reaffirmed, and expanded by the Joint Indo-U.S. Statement issued on September 15, during the Prime Minister's visit to Washington. Indeed, during the five short months between summits, significant progress was made. We have seen regular foreign policy consultations at the ministerial and senior policy levels. Our two countries have played a major leadership role in the launch of the Community of Democracies. In the economic arena, three ministerial-level economic dialogues and the High-Level Coordinating Group are working to improve the bilateral trade environment, facilitate greater commercial cooperation, promote investment, and contribute to strengthening the global financial and trading systems.

In their September summit meeting, President Clinton and Prime Minister Vajpayee welcomed the progress of the Joint Working Group on Counter-Terrorism, and agreed that it would also examine linkages between terrorism and narcotics trafficking and other related issues. They noted the opening of a Legal Attaché office in New Delhi designed to facilitate cooperation in counter-terrorism and law enforcement. The two leaders expressed satisfaction that the joint consultative group on clean energy and environment met in July and agreed to revitalize and expand energy cooperation, while discussing the full range of issues relating to environment and climate change. They welcomed the establishment of the Science and Technology forum in July and agreed that the forum should reinvigorate the traditionally strong scientific cooperation between the two countries. In that connection, they noted the contribution of the two science and technology related roundtable meetings held in March and September.

The two leaders also welcomed the recent initiatives in the health sector, including the joint statements of June 2000, as examples of deepening collaboration in improving health care and combating AIDS and other major diseases of our time. They pledged their strong commitment to addressing the global challenge of the prevention and control of HIV/AIDS through the close involvement and cooperation between the governments and civil society in the two countries. They expressed support for the collaborative program for research in various areas, including HIV/AIDS vaccine development, through the Joint Working Groups of scientists envisaged by the Joint Statement of June 2000. They agreed to encourage the formation of a business council to combat HIV/AIDS with the active involvement and participation of business and industry to raise awareness in the industrial workplace.

While relations between India and the United States have generally been cordial over the past half-century, the agreements signed this year in New Delhi and Washington represents a new chapter in bilateral cooperation.

During Prime Minister Vajpayee's visit to Washington, the Official Dinner hosted by President Clinton was the largest banquet at the White House during the eight years of the Clinton Presidency, with more than 700 guests in attendance. This number reflects the growing size and success of the Indian-American community, a community which finds itself at or near first place in terms of levels of education, income and professional attainment among ethnic groups in our country. The guest list also demonstrates the growing interest and support among Americans from all backgrounds of closer ties with India.

A final marker of the strong relationship that has been formed was seen with the dedication of a statue of Mahatma Gandhi across from the Indian Embassy on Washington's Embassy Row. The ceremony to dedicate the statue was led by President Clinton and Prime Minister Vajpayee. For Americans, Gandhi's influence on the civil rights movement has a special place in our collective memory.

It is one of my most profound hopes that the relationship between the United States and India continues to deepen and expand as we move into the years to come. I have full confidence that our policies towards Asia will recognize the importance of India to our National economic and security well being.

HONORING CLIFF HARTLE ON OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Mr. Cliff Hartle, President/CEO of the Gasser Foundation. Mr. Hartle is retiring this year, at the age of 85, after serving the community in this organization since its creation in 1989.

Cliff Hartle is a remarkable, dedicated and vital community member of Napa County. He graduated from Napa High School in 1933. He worked diligently for Berglund Tractor, starting part-time in high school and then working his way up the ranks until he retired as vice-president after 36 years of loyalty and dedication.

When Vernice and Peter Gassar began the Gassar Foundation for the betterment of life for the residents of Napa County, they looked to Cliff Hartle to help shape this organization. They know him as a kind, generous, intelligent and hard-working businessman. He has exceeded expectation and has been instrumental in the foundation's success. His co-workers and associates have a deep respect and love for him.

Under Cliff Hartle's leadership and guidance, The Gassar Foundation has given $9 million to 275 recipients and 150 schools. The two main beneficiaries have been Justin Siena High School and the Queen of the Valley Hospital Foundation. However, almost all of Napa County's non-profit organizations have been supported by the generosity of the Gassar Foundation with Cliff Hartle working diligently on its behalf.

Specifically, the Gassar Foundation has been instrumental in building an Emergency Room, a new maternity wing and a media center for students. It has helped in the acquisition and preservation of Napa-Solano County Wetlands for Ducks Unlimited. The Foundation has contributed greatly to the Boys & Girls Clubs of Napa, St. Helena and American Canyon, the Napa County Homeless Shelter, the Napa Valley Symphony, the American Center for Wine, Food and the Arts, Little League and countless other non-profit agencies that help the homeless, disabled, and underprivileged. Cliff Hartle and the Gassar Foundation have touched the lives of thousands in our community.

Cliff Hartle has received numerous awards and recognition from non-profit agencies, including last year's Queen of the Valley Hospital's President's Crystal Clock Award.

Cliff Hartle is a dedicated family man. He and his wife, Louetta, married for 64 years, are blessed with one daughter, Patty and two grandchildren, Sean and Sara.

Mr. Speaker, it is a great honor to represent Mr. Cliff Hartle as his Congressman. His distinguished service to the community has been immense and his dedication and leadership is inspirational to all. For these reasons, it is appropriate at this time that we recognize Cliff Hartle for his meritorious service to the people of Napa and Solano County, California.

JANE BRYANT QUINN DENOUNCES MASSIVE TAX CUTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. LAFALCE. Mr. Speaker, in this Congress and on the campaign trail, Republicans are amply demonstrating that they are the party of fiscal irresponsibility. The Republican congressional leadership and the Republican presidential candidate have cynically plied the slogan "its your money" to justify massive and wreckless tax cuts, most of which would go only to the wealthiest Americans. I submit for the record a recent column by the respected financial columnist Jane Bryant Quinn, which explains why it is so important to maintain budget surpluses and resist the political appeal of massive tax cuts.

DON'T BE TOO QUICK TO DEMAND A FEDERAL TAX CUT

(Jane Bryant Quinn)

So you want a big tax cut because the government surplus is ours and we should get it back?

That's nice. But remember that the government's public debt belongs to us, too.

The debt grew over many decades, for spending we liked and spending we didn't like (lefties and righties, fill in the good and evil spending of your choice). Mostly, it grew during recessions and wars.

Today, there's a consensus that the total debt should be reduced. But how can we do that and get a big tax cut, too?

I have a modest proposal. It's inspired by those who argue for privatizing more of the government's functions. I propose that we privatize the debt.

We should all get big tax cuts. But each cut should be packaged with a proportionate piece of the public debt. That's the true libertarian way.

Do I hear you say that you don't want your piece of the debt on your personal balance sheet? You're for collective responsibility after all?

In that case, I have something else to say. It's in our collective interest that the government run surpluses today, rather than opt for big tax cuts or big new spending programs. These surpluses are our principal source of new investment capital for business modernization and growth.

To raise money to invest for the future, businesses have to draw on national savings. But on average, individual Americans aren't saving a dime. We're spending everything we earn (in some months, more than we earn).

So where are the new savings coming from, for business use? From the surplus. Few people

Here's how that happens, as explained by Nobel Prize-winning economist Robert Solow, in the Oct. 5 issue of the New York Review of Books:

In years when the government spends more than it collects in taxes, it borrows the extra money it needs from the investing public (U.S. and foreign individuals and institutions).

It borrows by selling us Treasury bills and bonds. When we buy them, money shifts from the private sector to the government sector, to finance public purchasing and programs.

Lately, the government has been collecting more in taxes than it needs to cover spending. The surplus reduces the need for debt. Some of those Treasury bills and bonds are being retired or redeemed.

When that happens, the institutions that own them have to replace them with something else. Often, they switch to corporate bonds (and perhaps some equities). So the money moves out of the government's hands, back into the private sector.

Running surpluses hurts an economy in recessionary times. But in prosperous times, it's a pro-growth, pro-investment choice.

Follow along with me here because this principle becomes central to financing Social Security and Medicare when the baby boomers retire.

Reducing the federal debt today—injecting more savings into the private economy—helps businesses buy more up-to-date equipment and take advantage of technological advances.

That makes workers more productive and raises their real incomes. As a result, they'll be able to cover more of the cost of supporting the older generation.

What's more, by working down the debt, the nation will have more room to borrow the money back, in the years when the boomers are straining the federal budget the most.

So we're choosing between using up this money now (in big tax cuts, higher spending and higher personal consumption) or investing it for the future. To me, that's a no-brainer. Invest, by paying down the debt.

NECHES RIVER SALTWATER BARRIER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. LAMPSON. Mr. Speaker, I would like to call to your attention the groundbreaking of a very important project based in Southeast Texas, the Neches River Saltwater Barrier. This barrier is critically important in protecting over 150 billion gallons of water per year from saltwater contamination.

Saltwater threatens the freshwater intakes of lower Neches cities, industries and farms by moving upstream from the Gulf of Mexico through the deepwater channel to Beaumont. If downstream flows are insufficient, saltwater moves upriver and the lower Neches Valley Authority (LNVA) must take measures to protect the intakes.

As part of the Greater Houston area, the lower Neches River and Neches-Trinity Coastal Basins are characterized by moderately dense populations; a heavy petroleum and petrochemical industry; a hub of highway, rail and deep-water transportation facilities; and a major rice-producing agricultural industry. The well-being and prosperity of all of these interests are dependent on an abundant supply of freshwater.

Mr. Speaker, the Neches River Permanent Saltwater Barrier Project has become a reality. The Project, authorized by Congress in the Water Resources Development Act of 1976, provides benefits for salinity control, water supply, navigation, fish and wildlife enhancement, and recreation. The Lower Neches Valley Authority has worked hand in hand with the U.S. Army Corps of Engineers, Galveston District, bringing the project to fruition, and I commend them both.

The waters of the Neces River are used extensively for municipal, industrial and irrigation purposes and other water supply needs. These uses require an adequate supply of high quality water. During periods of low river flow, the saltwater travels up the river and if allowed to enter water intake structures, can cause damage to crops or contaminate water meant for consumption by humans or livestock. Traditionally, during these periods of low river flow, water has been released upstream from Sam Rayburn to "flush" the saltwater entering LNVA and City of Beaumont freshwater intakes.

The new barrier will permanently replace the temporary structures and be operated such that the gates will be open 99% of the time and closed only on those occasions when the saltwater wedge makes its way up the Neches River to the project vicinity.

At this time, I'd like to commend LNVA and the Corps. The Lower Neches Valley Authority has been an unusually committed, responsible, and cooperative local sponsor. They have worked tirelessly with the Corps of Engineers and Congress over the last several years towards completion of the saltwater barrier project and are deserving of much praise.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. TURNER. Mr. Speaker, on October 18 and October 19, 2000, I was not able to vote on roll call votes No. 531–540. Had I been present, on roll call No. 531, I would have voted "yea." On roll No. 532, I would have voted "yea." On roll No. 533, I would have voted "yea." On roll No. 534, I would have voted "yea." On roll No. 535, I would have voted "yea." On roll No. 536, I would have voted "yea." On roll No. 537, I would have voted "no." On roll No. 538, I would have voted "no." On roll No. 539, I would have voted "no." On roll No. 540, I would have voted "yea."

MEMORIAL TRIBUTE TO ILLINOIS REPRESENTATIVE SIDNEY RICHARD YATES

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. MINGE. Mr. Speaker, serving a region as ethnically diverse as Illinois' Ninth Congressional District is no easy task, but it is one Representative Sidney Yates attacked with vigor, insight and dedication for close to 50 years. As an advocate for both the National Endowment for the Arts and the environment, I am particularly appreciative of Representative Yates for his work in those areas.

His part in the creation of national parks and protection of waterways were testaments to his leadership as Chairman of the Interior Subcommittee. Closer to home, Sidney worked continually to preserve the beauty of Chicago's lakeshore. He also worked, relentlessly, to preserve the NEA budget, an allocation which seems constantly under assault. I am grateful to him for his work and leadership to protect funding for the arts. His tireless efforts will not soon be forgotten.

Sidney Yates was an esteemed political leader, respected by both Democrats and Republicans. At the time of his retirement, colleagues from both parties stood up to acknowledge his mastery of government and public service. Representative Yates will remain favorable in the memories of those who knew him, and especially with those of us in Congress who wish to serve with the same depth and commitment he exemplified throughout his tenure.

TRIBUTE TO DR. MALCOLM M. ELLISON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to the late Dr. Malcolm M. Ellison of New London, Connecticut. Dr. Ellisson was a legend among surgeons who touched the lives of thousands of people from patients to nurses to doctors throughout his life.

Dr. Ellison served as the chief of surgery at Lawrence & Memorial Hospital in New London. His career spanned 45 years at the hospital. A patient's ability to pay was never an issue for Dr. Ellison. He believed that his patients "came first, last and always," regardless of their financial status.

Dr. Ellison graduated from Hamilton College and the University of Rochester. He then went on to do his internship and residency at Yale New Haven Hospital.

People who knew Dr. Ellison have praised him for his skill, compassion, and commitment to excellence. Doctors at Lawrence & Memorial Hospital referred to him as Mr. Wonderful. Everyone who visited the hospital believed that the entire community was privileged to have Dr. Ellison.

In addition, Dr. Ellison worked tirelessly for the betterment of the hospital, serving as a corporator, manager and trustee. He also served as a member of the hospital's development and long term planning committees.

Mr. Speaker, I join with the entire New London community in mourning the passing of a tremendous human being, Dr. Malcolm M. Ellison.

TRIBUTE TO THE LATE SIDNEY RICHARD YATES

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. STEARNS. Mr. Speaker, the honorable Sidney Richard Yates was a dedicated public servant with whom I was privileged to serve in the United States House of Representatives for 10 years.

When I came to Congress in 1989 he had already served his beloved Ninth Congressional District of Illinois for 38 years. He knew the House inside and out and had been a subcommittee chairman for many years. He bore the "distinguished gentleman from Illinois" title with dignity and grace and knew the art of compromise.

My most outstanding memory of working with Mr. Yates was when he and I debated funding for the National Endowment for the Arts on the floor of the House. Of course, we were looking at the issue from two different perspectives but there's no question that I was dealing with an experienced debater and legislator. I enjoyed the opportunity.

HONORING BOB AND JANET HENKE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. NAPOLITANO. Mr. Speaker, I am honored today to recognize two of my constituents Bob and Janet Henke of Whittier recipients of "Whittier 2000 Good Scout of the Year Awards" for over eighty years of combined service to our community.

Bob Henke was born in Peking to parents who had dedicated their lives as medical missionaries. The family stayed in China until the Communist Revolution. Upon returning to the United States, Bob found a similar people-oriented calling as an educator.

Bob met his future wife Janet at Oberlin College in Ohio, the first co-educational college in the country and married her in 1952. Moving to Whittier in 1955, Bob worked as a teacher for the Montebello Unified School District from 1955 until 1991 and with his wife raised five children. In 1980 he was named Montebello High School's favorite teacher.

Janet Henke, also an educator, has always found time for her community. She served sixteen years on the Whittier City School Board retiring in 1989. Three years later in 1992 she successfully ran for a vacant seat on the Whittier City Council. Janet served on the City Council until this year, including a term as Mayor of the City of Whittier from 1996 to 1997.

Bob and Janet Henke are now both retired and enjoying the rewards of a lifetime of hard work and service. They now spend much of their time with their seven grandchildren and are in the process of writing their memoirs. Janet says "I have written 120 pages and I'm not even ten years old yet."

Mr. Speaker, I would like my colleagues to join me and the Whittier Boy Scouts in honoring Bob and Janet Henke for their numerous accomplishments and civic pride. They are true public servants and the best of America.

HONORING THE HONORABLE SID YATES

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CARDIN. Mr. Speaker, It was with great sadness that we learned of the passing of our friend and colleague Sid Yates on October 5, 2000. I remember when I first met Sid when I was first elected to Congress in 1987. Sid was very helpful in my transition as a new member. He had a deep respect for the traditions of the House of Representatives and impressed upon all of us what a privilege it was to serve in the "People's House."

There was no greater fighter for the causes that he believed in than Sid Yates. He was the strongest supporter of the arts; he was always there in support of Israel; and he was a constant defender of our constitutional rights. Sid Yates was my mentor. I have the privilege to serve in an office of public trust. Each day I am confronted by many challenges. I know that I am better prepared to meet these challenges because of Sid.

Congress and the nation lost a patriot and a good person on the passing of Sid Yates. He will be missed by us all.

ON THE CANCER AWARENESS WORKING GROUP'S HEARING ON CHILDHOOD CANCER

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to report on an important event that took place on Capitol Hill last month. September was Childhood Cancer Month and during this time the Cancer Awareness Working Group held a hearing on the subject. On September 15, 2000, Mr. HOBSON, Ms. CAPPS and I gathered to listen to medical experts, afflicted children, parents, survivors and advocates from all over the country, share with the working group their stories, their knowledge, and their ideas on how best to fight this terrible disease.

It was truly a privilege to have so many wonderful individuals here in Washington to speak on this most important of subjects. An estimated 12,400 children and young people will be diagnosed with cancer this year and 2,300 children will die from the disease. It is the number one cause of death by disease in children under 15, and for the children and families who experience the tragedy of affliction there can be no greater harm. Leukemia, chemotherapy, lymphoma, neuroblastoma—these are terms a small child should not have to pronounce. Yet the incidence of cancer among children has been rising steadily for the past 20 years and the resources devoted to research and treatment of pediatric cancers remain relatively small. For these reasons, the efforts provided by these individuals to increase the awareness of this devastating disease, are not only appreciated, but also truly needed.

Mr. Speaker, with this in mind, I would like to present to you the names of the individuals who gathered for this special event to provide testimony on their experiences with all aspects of childhood cancer. Unfortunately, I am unable to include in these remarks the full text of each individual's testimony. Instead, I have provided summarizations and excerpts from them. I would encourage all Members to review the full transcript from this important hearing that is available on my website at www.house.gov/pryce. In addition, a text copy of the transcript can be found in the collection at the Library of Congress.

Dr. Susan Weiner, Founder of the Children's Cause, Inc., Parent, Silver Spring, Maryland. Dr. Weiner spoke about her organization, the loss of her son to pediatric brain cancer, scientific advances in the field, the need for mandatory coverage of cancer trails, and the importance of childhood research for cancer drugs.

Dr. Michael LaQuaglia, M.D., Physician, Memorial Sloan Kettering Cancer Center, New York, New York. Dr. LaQuaglia spoke about the long battle ahead in the fight against childhood cancer, the devastating course a family goes through from diagnosis through treatment, the need for increased funding for research and coverage for childhood catastrophic illness.

G. Denman Hammond, M.D., Professor of Pediatrics, University of Southern California, Los Angeles, California. Dr. Hammond spoke about the history of pediatric treatments, the formation of the support groups such as the National Childhood Cancer Foundation and Children's Oncology Group (C.O.G.), and the need for increased awareness.

Nai-Kong Cheung, M.D., Ph.D., Physician and Researcher, Memorial Sloan Kettering Cancer Center, New York, New York. Dr. Cheung spoke about his first hand experience treating childhood cancer patients, the devastating effects the disease has on families and the process they go through, the cost barriers to treatments and the limited support available to help, the need for a bill of rights for individuals with serious illness, the need for increased funding for research and orphan drugs, and the need for more accurate data collection.

Mark A. Mozer, M.D., Pediatrician and Parent, Blue Springs, Missouri. Dr. Mozer spoke about his personal experience with his son Jacob's neuroblastoma, the need for more targeted funding for childhood cancer research, and the adversarial relationship between insurance companies and victims of pediatric cancer.

Robert Barton, Parent, Tehana, Texas. Mr. Barton spoke about his personal experience with his son Brady's osteosarcoma, and the need for increased funding for childhood cancer research.

Joan Bondareff, Parent, Alexandria, Virginia. Ms. Bondareff spoke about her personal experience with her daughter Lori's neuroblastoma, the need for increased awareness and funding for pediatric cancer, and she urged congressional support for H. Con. Res. 115, H. Res. 576, H.R. 2621 and S. 1091.

Beverly Circone, Founder and Director of Kids 'N Kamp, Columbus Ohio. Ms. Circone spoke eloquently about her experience running a summer camp for children with cancer and the need for private and public fundraising to support families.

Janet Hall, Parent, Dayton, Ohio. Mrs. Hall spoke about her personal experience with her son's cancer and the need for increased research in this area. Mrs. Hall is the spouse of Congressman Tony Hall.

Craig Lustig, Survivor, Washington, D.C. Mr. Lustig spoke of his personal experience as a pediatric brain tumor survivor, and the need to reduce barriers to clinical trials and for continued funding for research.

Andrea Martini, Parent, Everett, Washington. Ms. Martini spoke about her personal experience with her daughter Alexandria's AML, the significant costs involved in treatment, and the need for mandatory coverage of cancer trials.

Pat Tallungan, Parent and Administrator of an On-Line Support Group, Bloomingdale, Illinois. Ms. Tallungan spoke about her personal experience with her son Nick's neuroblastoma, her involvement with various childhood cancer foundations and organizations, and the need for expanded availability of cancer trials, better pain management, and increased funding for research.

Beth Westbrook, Parent and Fundraiser for Childhood Cancer, Children's Hospital, Pittsburgh, Pennsylvania Ms. Westbrook spoke about her personal experience with her

Gina Peca, Parent, Balston Lake, New York. Ms. Peca spoke about her personal experience with her daughter Katie's neuroblastoma, the limited number of treatment options and facilities for afflicted children, and the need for mandatory coverage of cancer trials.

Robyn Raphael, Parent and Founder of Keaton Raphael Memorial Fund, California. Ms. Raphael spoke about her personal experience with her son Keaton's neuroblastoma.

Tom Dunbar, Parent, Louisville, Kentucky. Mr. Dunbar spoke of his personal experience with his son's neuroblastoma, the need for increased federal funding for research, and the many difficulties surrounding clinical trials. He also addressed the shut down of a promising clinical trial at St. Jude's Children's Research Hospital that he felt was caused by overzealous and irresponsible reporting on the part of the Washington Post.

Duane Parker, Uncle, Louisville, Kentucky. Mr. Parker spoke about his personal experience with his nephew Evan's neuroblastoma and the need for increased funding.

Diane Moore, Parent and Founder of Houston's Hope Fund, Fairfax, Virginia. Ms. Moore presented a slide show containing pictures of children lost to pediatric cancer.

Cathy O'Connell, Parent, East Hampton, Massachusetts. Ms. O'Connell spoke of her personal experience with her daughter Asley's neuroblastoma, the financial devastation that often faces families with sick children, and the need for increased funding for research.

Judy Gelber, Parent, Miami Beach, Florida. Ms. Gelber spoke of her personal experience with her son Zach's lymphoma, her family's program for kids with cancer—Camp Fiesta, and the need for increased government oversight of the FDA and funding for research.

Nina Petrarca, Parent, Registered Pediatric Nurse, and Founder of Nonprofit Organization Samantha's Way, Exeter, Rhode Island. Ms. Petrarca spoke about her personal experience with her daughter Samantha's cancer known as mixed scleroma, the need for increased access to information in order to make informed decisions about treatment, the need for support groups within treatment centers and increased federal funding for research, and her organization Samantha's Way.

Meg Crossett, Parent, Centreville, Virgina. Ms. Crosett spoke of her personal experience with her daughter Rachel's neuroblastoma and the need for targeted funding for pediatric cancer research.

Jacob Shoval, Parent, Germantown, Maryland. Mr. Shovel spoke about his personal experience with his son Benjamin's neuroblastoma, the need for increased funding for research, and the significant barriers to receiving even covered care from insurance companies.

Nick Schiaffo, Parent, Richmond, Virginia. Mr. Schiaffo spoke of her personal experience with his son Danny's medulloblastoma and the need for more research in this area.

Rosalie Baumann, Parent, Merrick, New York. Ms. Baumann spoke about her personal experience with her son Gregory's brain cancer and the need for increased research and awareness in this area.

James F. Sexton, Parent and Founder of Neuroblastoma Children's Cancer Society, Hoffman Estates, Illinois. Mr. Sexton spoke of his personal experience with his son Michael's neuroblastoma, the need for increased funding in this area, his organization the Neuroblastoma Children's Cancer Society, and the devastating financial impact the disease has on families.

Kelly Salvadore, Parent, Maryland. Ms. Salvadore spoke about her personal experience with her son Mark's neuroblastoma, the adversarial relationship between victims and insurance companies, and the need for increased funding for pediatric cancer research.

Susan Roe, Parent, Henderson, Nevada. Ms. Roe spoke of her personal experience with her son Christopher's leukemia, the adversarial relationship between victims and insurance companies, and the need for a Patient's Bill of Rights.

Charmaine Coulter, Parent, Philadelphia, Pennsylvania. Ms. Coulter spoke about her personal experience with her daughter Alise's osteosarcoma and the need for increased awareness and funding in this area.

Lise Yasui, Parent, Philadelphia, Pennsylvania. Ms. Yasui spoke about her personal experience with her son Lucas's neuroblastoma and the need for increased funding and awareness in this area.

Bobby McQuinn, Survivor. Mr. McQuinn spoke on his personal battle with leukemia and the foundation his family started to support victims of pediatric cancer.

Paul Steinberg. Mr. Steinberg spoke on the need for increased funding for pediatric cancer and the role of the federal government.

Rebecca Howard, Parent. Ms. Howard offered written testimony on her personal experience with her daughter Elizabeth's lyposacrcoma, the adversarial relationship between victims and insurance companies.

Lisa Tignor, Parent. Ms. Tignor offered written testimony on her personal experience with leukemia, the disease that afflicted both her sons, Brian and Kevin. Her testimony also addressed the need for increased awareness, data collection, and funding for research as well as increased access to cancer trials.

INTRODUCTION OF THE FEDERAL LAW ENFORCEMENT OFFICERS RETIREMENT RELIEF ACT

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. FOSSELLA. Mr. Speaker, today I am introducing on behalf of the more than 41,000 federal law enforcement officers a bill to more fairly calculate the formula used for disability retirement. Federal law enforcement retirement is based on a terribly complex formula which is less than equitable to the brave officers who become disabled when they put their lives on the line. My bill amends the federal disability retirement laws to properly reflect their retirement contributions and their public service.

Our federal law enforcement officers, federal fire fighters, capitol police and their families are now often treated inequitably after suffering what amounts to a career ending disability. My bill will correct this situation.

In too many cases, an officer injured in the line of duty may not have met the minimum years of government service required for disability benefits and survivor annuity. Their annuity and survivor benefits would then be computed at a lower rate than normal for law enforcement officers. it would be computed at the lower general civil service rate, despite the fact that the law enforcement officer paid a higher rate into his retirement. My bill provides retirement benefits and survivor annuities on an equitable and fair basis.

I hope that my colleagues will join me in cosponsoring this legislation so that we can help provide fair and equitable treatment to the men and women who so courageously serve our country.

IN HONOR OF THE MAKE A WISH FOUNDATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the Make-A-Wish Foundation of Northeast, Central and Southern Ohio, an organization which succeeds in bringing hope to children who face the adversity of fatal illnesses.

The Foundation is a charity which grants the very special wishes of children, between the ages of 2½ and 18, who have been diagnosed with life-threatening illnesses. Any child that has been diagnosed appropriately by their doctor qualifies for the Make-A-Wish Foundation. Following this, a team of Make-A-Wish volunteers visits the child and family to determine his or her wish. The organizations then works in conjunction with local contacts and businesses to transform the child's wish from fantasy into reality.

The Make-A-Wish Foundation offers children an opportunity to see their dreams come true. It recognizes the vital importance of hope to all human life. It seeks to extend a helping hand to all children in need. The Foundation granted the individual wishes of nearly 200 children in the fiscal year 1998. Each wish is limited only by the child's imagination. The organization helps all children irrespective of their families' financial need or status. It covers all expenses associated with a wish, including airfare and accommodation. It provides a ray of light for children in dark times.

I would also like to commend the tireless dedication of Rose Serraglio to the work of the Make-A-Wish Foundation. In her capacity as chairwoman and organizer of the Foundation's Halloween Benefit, she has demonstrated the highest order of caring for children whose world has been shattered by the traumatic effect of fatal illnesses.

My fellow colleagues, please rise with me in honoring the valuable contribution of the Make-A-Wish Foundation to the lives of children afflicted by the serious illnesses. It is an example to us all of the importance of helping the less fortunate members of our community.

INDEPENDENT FILMS AND TELEVISION PROGRAMMING

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. WELLER. Mr. Speaker, On behalf of Representatives Mark Foley, Robert Matsui, and Xavier Becerra, I would like to express our continued interest in an issue designed to increase the production of independent films and television programming in the United States.

As the Members know, the 1990's have seen an accelerating departure of U.S. financed films and television programs to Canada, Mexico and other foreign countries. The trend has become so pronounced that a new phrase has been coined to describe the impact—"runaway productions." Next year, we intend address this issue, look for reasonable and responsible legislative remedies and work with our trading partners to reverse the trend of filmings outside the U.S. solely for economic reasons. These efforts are supported by a diverse group of entertainment trade associations and guilds and would be targeted at productions costing between $500,000 and $10 million.

The impact of runaway productions has been profound. Runaway production means fewer employment opportunities for individuals directly employed in the U.S. film and television industry. Runaway productions also significantly reduce the business opportunities for the film and television service industries like hotels, restaurants and catering businesses, post production services providing editing and music scoring, equipment rental and transport companies, electrical contractors and many others who service or supply the entertainment industry.

Moreover, these job losses are not limited to Hollywood or Southern California. Many states have seen once thriving film and television industries depart, leaving behind unemployed technicians and craftspersons, business losses and reduced local tax receipts. States like Illinois, Texas and Florida have been particularly hard hit, but even the state of Minnesota, for example, has just experienced its worst year in the past eleven for film and television production. In addition, the individuals whose jobs are lost usually are highly skilled workers who cannot replace their income with work in another sector.

Where are the jobs going? A surprising number are going to Canada. According to Statistics Canada, for example, independent film and television and video production was up 16 percent in 1997–98, the most recent year for which Canadian statistics are available. In British Columbia, alone, film and television production has increased five-fold since the late 1980s to over $700 million annually. Moreover, full-time Canadian employment in the film and television industry increased by 63 percent from the 1992–93 to 1997–98. The rising trend in Canadian film and television production exacerbates the runaway production problem because Canadian film and television crews and actors obtain the training necessary to accommodate even more productions.

More U.S. film and television production in Canada and elsewhere in the world means less production in the U.S. The U.S. production share of Movies of the Week broadcast on U.S. television declined from 62 to 41 percent between 1994–95 and 1999–2000 representing a loss of $727 million in U.S. production expenditures. Estimates of overall job loss in the U.S. film and television industry run as high as 23,500 in 1998 alone. To select just one of many examples that demonstrate the impact of this disturbing trend on employment, aggregate wages for musicians performing on film scores in 1999 declined by more than 30 percent from the previous year.

Runaway production is due, in large part, to the concerted efforts of governments to attract U.S. film production. Canada has been particularly successful in this regard. For example, the combination of federal and provincial tax credits in the provinces of British Columbia and Ontario exceed 30 percent of wages paid in connection with a production. The sheer size of these credits has increasingly attracted productions to Canada that might otherwise have stayed in the U.S.

We look forward to working with our colleagues next year in an effort to keep independent U.S. film and television production here at home in the United States.

TRIBUTE TO THE HONORABLE SIDNEY R. YATES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. HOUGHTON. Mr. Speaker, I will never forget Sid Yates—ever. He loved the story of the Adams family. I could recite passages from the Adams Chronicles. He represented the finest this country has to offer.

Politics is not just serving. It's serving well and with high integrity. That was Sid Yates.

P.S.—He was lots of fun to be with!

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BLILEY. Mr. Speaker, I would like to touch on aspects of this bill that the Members of the Commerce Committee worked hard on this past year. Just last month, we marked up in full committee, HR 5291, the Medicare, Medicaid and State Children's Health Insurance Program Beneficiary and Improvement Protection Act of 2000.

I would like to mention several of the provisions in the Commerce package voice voted out of the Commerce Committee, that were included in the legislation we are voting on her today. I am hopeful that the President will support this package, which includes many bipartisan provisions.

We all know that one of the most pressing issues facing American senior citizens and persons with disabilities today is the need for coverage of prescription drugs under Medicare. While we continue to work to reach consensus on a Medicare prescription drug benefit, I want to thank Members from both sides of the aisle who supported a provision that would restore and preserve Medicare coverage for certain injectable drugs and biologicals that are crucial to seniors and persons with debilitating chronic illnesses. This legislation ensures that the sickest of our Medicare beneficiaries who suffer from life threatening illnesses such as cancer and multiple sclerosis, will receive life saving therapies by providing coverage for certain injectable medications.

In addition, we build on last year's step towards providing coverage of immunosuppressive drugs by eliminating the arbitrary 36 moths cap currently in place.

We build upon Medicare's colonoscopy benefit by allowing average risk beneficiaries the option of a colon cancer screening every ten years. This policy comports with American Cancer Society guidelines, and will ensure that average risk beneficiaries have another tool at their disposal to detect colon cancer.

We provide relief for Medicaid disproportionate share hospitals. These hospitals provide uncompensated care to the poorest in our Nation. We should recognize the value of those services. I want to thank Ed Whitfield and Brian Bilbray from the Commerce Committee for their tireless effort on this piece of the legislation.

This bill does not just help the seniors and disabled in our country, but also our most vital resource: our children. I want to talk about the changes we made to SCHIP. We created the program in the BBA 97. As a result of this provision, over two and half million children have health insurance today who might not otherwise have it.

Unfortunately, more than half the states have been unable to spend the 1998 dollars we thought they would. This concerns me.

One of the reasons states have not been able to spend their money is because we restricted the way in which money could be used for outreach. We said you get money for outreach, once you start enrolling children. Many states told us they could not enroll the children unless they had the money to do outreach first.

This legislation gives states money up front for outreach and allows them more time to spend their money. At the same time, those states that have spent all of their money will be given additional sums in recognition of their early and successful implementation of their SCHIP programs.

I also want to talk about Medicare+Choice. Yes, we do provide relief for health plans participating in the Medicare+Choice program. Seniors have asked us for choice in selecting their Medicare coverage. Seniors across he country should have choice, not just those in large metropolitan areas. Our Medicare+Choice provisions are targeted at rural areas to allow seniors in Albuquerque, New Mexico, the same choices as seniors in New York City enjoy.

I also want to highlight the adoption tax credit provisions in this bill. My wife and I are adoptive parents. At the beginning of the 106th Congress, I sponsored the Hope for Children Act (H.R. 531) in order to allow more families and children to experience the happiness my family has been blessed with over the years. The Hope for Children Act enjoyed the co-sponsorship of 280 of our colleagues. I am gratified my bill enjoyed broad, bipartisan appeal and am very proud that major provisions of the Hope for Children Act are in this bill.

The adoption tax credit provisions increase the non-special needs tax credit to $6,000 in 2001, $7,000 in 2002, $8,000 in 2003, $9,000 in 2004, and $10,000 in 2005. The tax credit for special needs is increased to $8,000 in 2001, $10,000 in 2002, and $12,000 in 2003 and years thereafter. Also, the income eligibility for the tax credit is doubled from present law. For all taxable years after December 31, 2000, this bill provides a full credit for all adjusted gross incomes under $150,000 and the credit is gradually phased out for incomes between $150,000–$190,000.

This legislation strengthens the American family by making adoption more affordable. Adoption is expensive and every penny spent helping these adopting families now will be returned tenfold in the future contributions of the children who ultimately benefit from the tax credit. These families are willing to put themselves on the line to give a child a chance for a real future.

Passage of this bill will unquestionably make a tremendous impact in the lives of adopting families, the least of which is to encourage those who are intimidated by the cost of adoption to move forward in opening their hearts and homes to a child in need of a loving home. We will make a meaningful difference in the lives of thousands of children upon passage of this bill.

TRIBUTE TO CONGRESSMAN RON PACKARD UPON HIS RETIREMENT

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to my friend and colleague from California, Ron Packard. After 18 years of service and dedication to his constituents and his country, Ron is retiring. While I join my colleagues in wishing him all the best as he dedicates himself to some well deserved time with his family, I also know that the House is losing a valued and trusted Member.

Ron Packard's career has been marked by fairness and bipartisanship. In his various roles on the Appropriations Committee, Ron has always gotten the job done. That's not always an easy task when it comes to funding the government, but Ron has done it with integrity, dignity, and purpose.

Ron's career has been marked with distinction since the beginning. Even the method of his election was notable. Ron is one of only four Members of Congress ever to have won their first election as a write-in candidate , but that's not surprising. He had experience as a businessman, a school board member, a city councilman, and mayor. He knew then what he knows now citizens' needs are best met on the state and local level by people who understand them rather than by Washington bureaucrats.

This is the legacy Ron Packard will leave behind. It is characterized by hard work, honesty, bipartisanship, leadership, patriotism, and strength. It will serve as an example for future legislators as they do the people's business. I join my colleagues in wishing Ron a fond farewell and a happy retirement.

IN HONOR OF MUNAWAR HUSSAIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Munawar Hussain, a neighbor, an entrepreneur and a friend, who serves as a fine example of what a little ambition and hardwork can bring. This remarkable man gives us all hope that the American dream is still alive and well.

Mr. Hussain's story begins in 1955 in Lalamusa, Pakistan where he was born and raised. After spending most of his young life in Pakistan, Hussain realized that he wanted more for himself. At the age of 26, Hussain made the decision to come to America. Bravely, with only one dollar in his pocket, he made the long trip to the U.S. alone, without the comfort of family and friends. All he carried with him were the hopes and dreams of capturing some of the opportunity and prosperity that he knew existed in the United States.

Hussain originally settled down in New York City, where he remained for 15 years. However, the expense of living in New York proved to be a heavy burden on Hussain. He worked as a mechanic, a taxi driver, and a limousine driver just to make ends meet. In 1996, Hussain and his brother, who had joined him in America in 1991, decided to move to Cleveland, Ohio. Together they agreed that a life in Cleveland held more promise for them than struggling to survive in the Big Apple. Shortly after arriving in Cleveland, Hussain made a choice that would permanently change his life for the better. With little money saved, Hussain used credit cards to purchase a 7-Eleven franchise. For four years, he worked diligently to save enough capital to buy the 7-Eleven store and bring it under his private ownership. Just last week, his goal became a reality, when the sale of the 7-Eleven became final. Hussain and his brother now independently own and operate the store, which Hussain has renamed "Zishan Food Store" after his son.

Today, Hussain still lives in Cleveland along with his wife of 15 years and their four children.

Mr. Speaker, I ask my fellow colleagues to join me today in honoring Mr. Munawar Hussain. This kind, hard-working man should be commended for his dedication and drive to succeed. He truly serves as an inspiration to us all.

OLDER AMERICANS ACT AMENDMENTS OF 2000

SPEECH OF

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. GOODLING. Mr. Speaker, I am pleased to rise today in support of the Older Americans Act Amendments of 2000. It has taken a lot of hard work and a long time to reach this point. In fact, the last time this bill was authorized was in 1992.

First, I would like to take a moment and thank several of my colleagues who have worked many, many hours to reach a bipartisan agreement and to bring this bill to the Floor.

Since February of last year, Ranking Member Clay, Subcommittee Chairman MCKEON, Congressman MARTINEZ and Congressman BILL BARRETT have been hard at work crafting a bipartisan proposal, which provides for the needs of older Americans and which makes several overdue changes in the Older Americans Act.

The fruits of their labor were rewarded earlier this month, when we reached a bipartisan "pre-conference agreement" with our colleagues in the other body.

It is this bipartisan House and Senate agreement that we will be voting on today.

The Older Americans Act Amendments of 2000 modernizes the Older Americans Act by streamlining services and ensuring flexibility at the local level. This program provides for better and faster delivery of services to seniors most in need.

Specifically, this legislation protects key programs like disease prevention, the state long-term ombudsman program, elder abuse prevention, "Meals on Wheels", and legal assistance, and consolidates others.

For example, two existing programs are consolidated into a new Family Caregiver program which assists families who care for frail loved ones. This program will help frail older Americans remain in their own homes. It provides information, counseling, supportive services, and respite care to family members faced with the often daunting challenge of caring for their older family members on a daily basis.

As for nutrition services, we have increased the transfer authority between the in-home meals program and the congregate program from 30 percent to 40 percent, with a waiver provision that would permit the transfer of an additional 10 percent. This provision will provide states and local providers the ability to move funds around to better serve the nutritional needs of participating seniors.

We have also added language to ensure that the meals served under this Act are appealing to senior participants and take into account their unique dietary needs. We have encouraged states to ensure meals do not spend an inordinate amount of time in transit before they have been served.

Another major change involves the additional funds provided to states by the Department of Agriculture to supplement payments under Title III of the Older Americans Act. At the present time, states often do not know the amount of funding they will receive from USDA until the end of the year. This legislation modifies the formula for distributing USDA funds so that payments are made using prior year's data. This will speed the delivery of funds to states and improve their ability to provide important nutritional assistance to seniors.

As many here know, Title III is the very heart of the Older Americans Act and provides grants to states and area agencies on aging for a variety of programs benefiting the elderly—everything from "Meals on Wheels", to disease prevention, to senior centers.

I am pleased to report that our bill ensures that no state will receive less than it received under the Title III funding formula in FY 2000. And, every state is guaranteed a certain percentage of any new money that is appropriated above the FY 2000 level. This means that states with large senior populations will begin to receive their fair share of future Title III funding.

This legislation also ensures that Older Americans Act funds are more equitably distributed between urban and rural areas. Not only must particular attention be paid to low-income minority individuals, it also must be paid to older individuals residing in rural areas.

Specifically, this bill requires that the state plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and how funds have been allocated to meet those needs.

Finally, our bill reforms the Senior Community Service Employment Program (Title V) by instituting much-needed performance standards. And, when I say these standards are needed, I mean they are needed.

This business of Washington-based organizations receiving Title V funds year in and year out without even a small amount of accountability is over once this bill is signed into law.

For far too long ten national organizations have been receiving 78 percent of Title V funding with no questions asked because appropriations language has consistently superseded the authority statute.

This means that only a mere 22 percent goes to state agencies. It also means that states have very little authority to direct national organizations to serve seniors in certain parts of their states. In fact, states are often left to fill in the gaps with very few resources.

Our legislation begins to address this problem by ensuring that states will receive the bulk of any new money that is appropriated above what is needed to match the national organizations' and state agencies' FY 2000 "level of effort."

Specifically, the first $35 million in funds above the FY 2000 "level of effort" will be allocated 75 percent to the state agencies and 25 percent to the national organizations. New funding above the first $35 million will be allocated 50% to state agencies and 50 percent to national organizations.

The bill also requires national organizations and states to work together to ensure the equitable distribution of employment positions within the state.

More importantly, and for the first time ever, we require all Title V grantees to meet strict performance standards. And before a grant applicant may be selected, the Secretary of Labor must conduct a records review to assess the applicant's qualifications for administering federal funds.

Specifically, the bill requires that the performance of all Title V grantees will be evaluated annually on a national basis and state basis. Performance of both types of grantees, national organizations and state agencies, will be judged regardless of whether the grantees operate the program directly, or through contracts or agreements with other agencies. And, grantees must agree to an evaluation of their performance as a condition of the grant.

When reviewing the applicant's overall responsibility to administer federal funds, the Secretary of Labor is also authorized to consider any information, including the organization's history in the management of other grants.

Our hope is that this will cut down on the number of troubling audit reports that have been piling up at the Department of Labor's Inspector General's Office. The quicker we can get the bad actors out of this program, the better off all the participants will be.

Let me just say that as a young-older American myself, if doesn't take much imagination to see a need for the programs of the Older Americans Act.

For millions of older Americans something as simple as a home delivered meal, a place to socialize, or a helping hand around the house, can make all the difference in the world to he enjoyment of life in one's later years. Our legislation represents one small step in making this a reality.

I urge my colleagues to support the millions of older Americans that have contributed so much to our country and its greatness. Vote "yes" for America's seniors by voting "yes" on the Older Americans Act Amendments of 2000.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. CRANE. Mr. Speaker, the tax bill before us today is a mix of modest, but important policy changes, some unfortunate new directions in tax policy, and what can best be termed "housekeeping" items.

There is, however, one especially important provision in this bill, which is the Extraterritorial Income Exclusion, or EIE, also known as the Foreign Sales Corporation replacement. This provision, necessitated by actions taken by the European Union before the World Trade Organization, is essential to preserving the ability to compete effectively of U.S. companies and U.S. workers.

If we are to succeed and thrive in international commerce, we must not impose punitive taxes on our own competitors. Absent the EIE, our tax code would do just that.

We must be clear about this, however. While we believe our new system will be found to be WTO compliant, there are no assurances. And we will not know for some months.

I want to assure both our friends of the European Union, and our companies that are looking to the Congress to resolve this satisfactorily, that if our new system is found wanting, then the next Congress and the next Administration will work quickly to find another.

If the EIE regime is found wanting, there may be no alternative but to adopt a fully territorial tax regime. That means, in short, a U.S. tax system that only collects tax on income earned in the U.S. I, for one, would welcome this, as should all U.S. companies and their workers, because this would cause a dramatic improvement in their ability to compete internationally. It would be ironic, indeed, if the net result of the Europeans' complaint is to leave U.S. companies stronger internationally than they were before.

For now, however, I hope the Congress passes this bill, with its FSC replacement. I hope the President signs it. And I hope the WTO finds the new system satisfactory, so we can provide some certainty to our companies as to the tax law. We can then consider at a later date whether, when, or how to enact a territorial system.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 25, 2000

Mr. LoBIONDO. Mr. Speaker, I am pleased to come before you today in support of S. 2413, the Bulletproof Vest Reauthorization Act of 2000. This very effective, bipartisan legislation, introduced by Senator CAMPBELL of Colorado, passed the Senate by unanimous consent and is identical to H.R. 4033, legislation which I sponsored.

As Members will recall, this chamber passed H.R. 4033, the House Bulletproof Vest Reauthorization bill, back in July of this year by an overwhelming majority vote of 413–3. At that time, I gave a more lengthy statement on the issue of bulletproof vests. Due to time constraints, I will abbreviate my remarks today.

As I have said before, I firmly believe that when a police officer is issued a badge and a gun, they should also be issued a bulletproof vest. When police officers put their lives on the line everyday protecting our neighborhoods—they deserve the highest level of protection and security, which only a bulletproof vest can provide.

I introduced the original Bulletproof Vest Authorization bill in the 105th Congress, which was signed into law by the President. This very successful and popular program authorized $25 million each year through Fiscal Year (FY) 2001 to assist law enforcement officers in purchasing body armor. The program proved to be more popular than initially expected, and we soon found out that $25 million each year was not adequate to fulfill the goal of providing every law enforcement officer with body armor.

The bill before us today makes three major improvements to the existing Bulletproof Vest Program. First, the authorization will be doubled from $25 to $50 million each year through Fiscal Year 2004. Extending the authorization is critical in enabling officers across the nation to participate in the Bulletproof Vest Program, which has been proven to save lives. Second, language was included in the bill which guarantees smaller jurisdictions a fair portion of federal funding. Finally, this legislation improves the stab-proof standard for corrections officers who depend on these vests to protect them while on the job.

The stab-proof issue is especially important to me and my District. A constituent of mine, Corrections Officer Fred Baker was stabbed to death while on duty at the Bayside State Prison. Officer Baker was not wearing a vest at the time. We can only speculate as to whether his life would have been spared had he been given an opportunity to wear a vest, but many of us believe that had he been given that opportunity, Officer Baker would be alive today and his wife and child would still have a husband and father to come home to. If Officer Baker had the chance to wear a vest, I am sure that he would not have hesitated to put that vest on.

The legislation before us today will help ensure law enforcement offices receive federal assistance in purchasing body armor. It is critical that Members again vote in favor of this legislation.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. RIVERS. Mr. Speaker, my vote today on H. Con. Res. 426 is not a vote "against" anything. It is a vote "for" peace. I am convinced that a peaceful settlement of the longstanding differences between Israel and the Palestinian people can only be achieved through continuing the current dialogue between the parties. I also believe that the United States can play an important—and irreplaceable—role as an honest broker of peace.

Israel has been a good friend and ally to the U.S. and I support continuation of that special relationship and our long-standing commitment to her freedom and security.

However, I am also steadfast in my support of the United States' commitment to be an honest broker of peace in the Middle East.

It is because of this position that I am so uncomfortable with the tone of this resolution. While it is understandable that the House may wish to express grave concerns about the violence currently taking place in the region, those concerns must be expressed in a way that does not cause either party to doubt the United States' neutrality in the negotiations nor its commitment to achieving outcomes acceptable to both parties. This resolution does not do so.

I am equally concerned about the House's persistent efforts to intrude into the peace process from a distance. Diplomacy is a delicate endeavor. For House Members to appear to take sides would seem to undermine—rather than further—our hopes for peace. A resolution such as this seems much too blunt an instrument to deliver the outcome we all profess to desire.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. QUINN. Mr. Speaker, in 1995, Congressman JAMES WALSH and Senator DANIEL PATRICK MOYNIHAN, directed the National Parks Service to study the merits of the Erie Canal System's federal designation. In 1998, the study concluded that the system did in fact have great historical significance and recommended the canal for National Heritage Corridor status. Legislation was thus drafted and presented on the House floor on October 3, 2000. I support H.R. 5375 because I too, feel that the Erie Canal represents a key component of not only New York State's history, but the history of the United States, as well.

The Erie Canal was originally built to provide a waterway that would link the Great Lakes with the eastern seaboard. Completed in 1825, the canal was the first of its kind and proved to be the working model used in future canal construction throughout the United States. This manmade waterway helped to transform the economy of the Northeast and Midwest states along the Great Lakes. The construction of the canalway helped to accelerate shipping and trade in these areas, which in turn helped to establish flourishing metropolitan areas such as New York City, Albany, Syracuse, Rochester, and Buffalo, not to mention the development and growth witnessed in Mid-western shipping centers, such as Cleveland, Detroit, and Chicago.

Recently the residents of Buffalo and Western New York have realized that our city can once again generate economic investment from its position as the western terminus of the Erie Canal. The Erie Canal as the centerpiece of the City's Inner Harbor development. A major focus of the Inner Harbor project is to once again center the region's transportation system at Buffalo's waterfront. I have worked to bring over $35 million in federal dollars to the Inner Harbor to fund transportation related infrastructure improvements. The designation of the Erie Canal is a National Heritage Corridor would further enhance the attraction of the Inner Harbor site both locally and nationally.

The significant National Heritage Corridor designation would allow Congress to provide federal resources and technical assistance for canalside communities from Buffalo to Albany to establish projects involving interpretive centers, historic preservation and economic development.

This is the perfect time to approve this legislation. The year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation, and recreational purposes, establishing the network which made New York the "Empire State" and the nation's premier commercial and financial center.

HONORING WILSON MICHAEL SCOTT UPON HIS RETIREMENT FROM THE HOUSE RECORDING STUDIO

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. BOUCHER. Mr. Speaker, at the end of October the House of Representatives will lose a loyal, long time employee to a much deserved retirement. Wilson Michael Scott, known as Mike, will be retiring after more than thirty years of working at the House Recording Studio. Mike's career with the House started in November of 1969 as a radio production technician. Mike was here when the House began televising its proceedings in March of 1979 and played an integral role in the launch of that project. Mike retires as the Technical Director of the House Recording Studio. His technical knowledge and expertise will be greatly missed by this institution.

Although Mike is one of the many staffers who work behind the scenes to ensure the smooth operations of the House, many may recognize him as the gentleman receiving extra portions of barbecued ribs and greens every Thursday in the Capitol Carry Out.

Mike has a colorful sense of humor which has helped keep his co-workers alert during late night sessions. Upon his departure, he will leave many fond and wonderful memories with those who had the honor to work with him during his career.

Mike will return to his farm in Marion, Virginia to spend more time with his wife, Carol, daughters, Barit and Tracey, and his 1952 Ford tractor.

We would like to take this opportunity to wish Mike Scott godspeed and much happiness for many years in his well-earned retirement.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. ROTHMAN. Mr. Speaker, today I rise in strong support of S. 1438. As a cosponsor of H.R. 2710, the National Law Enforcement Museum Act, the House companion bill to S. 1438, I am extremely pleased that House of Representatives is considering S. 1438, legislation which authorizes the National Law Enforcement Officers Memorial Fund to construct a National Law Enforcement Museum in the District of Columbia.

Fittingly, this Museum will be built directly across the street from the National Law Enforcement Officers Memorial. Dedicated in 1991, the three-acre park is highlighted by the names of more than 15,000 federal, state and local law enforcement officers who have courageously and selflessly sacrificed their lives in the line of duty. They paid the ultimate price to protect us and enforce the laws which bind our society together.

I am glad that we are taking a step closer today to preserving the history of all of America's law enforcement officers' heroic service and sacrifice for future generations.

HONORING SERGEANT FRANKLIN A. BIVIGHOUSE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize Sergeant Franklin A. Bivighouse, who is retiring after 25 years from the Telford Borough Police Department in Montgomery County, Pennsylvania.

Franklin Bivighouse began his law enforcement career in 1971 with the Franconia Township Police Department and continued his service with Lower Salford Township Police Department until 1975. He was hired by the Telford Borough Police Department on July 21, 1975 and served Telford into the 21st Century.

During his tenure with the Telford Borough Police Department, Sergeant Bivighouse received many accolades for his outstanding service. On December 24, 1976, he rescued a man who was trapped in a burning automobile and was honored by the Chapel of Four Chaplains as well as local civic groups. He also received the Silver Star for Bravery from the American Federation of Police.

Sergeant Bivighouse has been an active within the Montgomery County community as a member of the Fraternal Order of Police, Montgomery County Lodge #14 and the Pennsylvania DUI Association. He also served as the Telford Borough Police Department Director.

It is an honor and privilege to recognize Franklin Bivighouse as he retires from the Telford Borough Police Department, and I congratulate him on 25 years of extraordinary service to the people of Montgomery County, Pennsylvania.

FEDERAL REPUBLIC OF YUGOSLAVIA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. CONDIT. Mr. Speaker, the recent change in government in the Federal Republic of Yugoslavia has been cited by some as a testament to the policy of the United States and NATO in ending the rule of Slobodan Milosevic. While I applaud the change, we must not forget the serious charges made by our government against Milosevic. Led by our country, NATO leveled charges against Milosevic as a war criminal, guilty of genocide and other atrocities, to justify military action and economic sanctions.

Milosevic must be brought to trial before an international court. The allegations of genocide are so serious they must be fully investigated, and if found to be true, he must be brought to justice. When this body passed the FY 01 Foreign Operations Appropriations Act, we deliberately included language to make U.S. assistance to Serbia contingent on certification the Yugoslav government is cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents and the surrender and transfer of indictees or assistance in their apprehension.

Clearly, our intent is to see alleged war criminals prosecuted. Our willingness to provide assistance to the Republic of Serbia is based on that threshold, and should serve as a strong barometer for the new government of President Vojislav Kostunica. The true test of Kostunica's cooperation and reentry into the community of nations will be whether he fully cooperates.

I call upon the Congressional leadership and the Administration to urge that in our discussions with President Kostunica, we insist on the surrender of Milosevic for trial before an international body. Any action less than this will suggest our initial charges were without merit. If that is the case, those who made them should be asked to account for their statements.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. ENGEL. Mr. Speaker, I was in New York, and unable to be present for the following votes, had I been present I would have voted as follows:

October 24: rollcall No. 541, "no"; rollcall No. 542 "yes"; rollcall No. 543, "no".

October 25: rollcall No. 544, "yes"; rollcall No. 545, "no"; rollcall No. 546, "yes"; rollcall No. 547, "yes"; rollcall No. 548, "yes"; rollcall No. 549, "yes"; rollcall No. 550, "yes"; rollcall No. 551, "no"; rollcall No. 552, "yes".

October 26: rollcall No. 553, "no"; rollcall No. 554, "yes"; rollcall No. 555, "no"; rollcall No. 556, "no".

THE HERITAGE OF NORTHEASTERN PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the industrial and cultural coal-mining heritage of Northeastern Pennsylvania.

This Congress recently passed legislation to create the Lackawanna Valley National Heritage Area in Lackawanna, Luzerne, Susquehanna and Wayne counties in Pennsylvania, and the President signed it into law on October 6. Together with the Delaware and Lehigh National Heritage Corridor and the Schuylkill National Heritage Corridor, this designation honors the coal-mining heritage of the people of the region and their contribution to powering the industrial Revolution and helping the United States win two world wars.

For the benefit of other members of the House of Representatives who may not be familiar with this rich heritage and its legacy, I would now like to read into the RECORD a short statement composed by a friend of mine, Mr. Richard Morgan of Shamokin, Pennsylvania.

> Northeastern Pennsylvania has been well blessed with quality people. Thousands of immigrants came to our section of Pennsylvania from the world over.
>
> Our neighbors became blended together as one. We came to share our lives in a manner that was beyond the belief of outsiders, who had never experienced the unique joy we found in each other. The rich cultural fabric that resulted is second to none.
>
> The severe economic conditions that have been present for generations in the hard coal regions, have caused most of our sons and daughters to spread themselves, their talents, and their deeply ingrained coal cracker lifestyles far and wide across America.
>
> Other communities throughout America have benefited by our loss. Our young people were the greatest gifts we had to give our country, even greater than the Anthracite natural resource that was stripped from our region to provide fuel and energy for the Industrial Revolution.
>
> We who remain in the region, are proud of the achievements of those who have left us for greener fields, green fields that are no longer to be found in the old hometowns, and around the half-doubles they reluctantly left behind, but which they have never forgotten.
>
> The sound moral values that they learned from their immigrant families, will remain with them forever, wherever they may come to hang their hats.

Mr. Speaker, in the closing days of this Congress, I would like to call to the attention of my colleagues not only the positive parts of the anthracite coal's legacy to Northeastern Pennsylvania, but also another part of the legacy that can still be seen today: the need for a comprehensive reclamation of the mine-scarred land.

The federal Office of Surface Mining has estimated that the restoration of all the land and water in the anthracite region would cost more than $2 billion, but until this year, the anthracite region has received only about $10 million annually from the federal government to restore abandoned mine lands. At that level of funding, we will have a critical environmental problem in place for two centuries.

Let us not forget that this is fundamentally an issue of fairness. Pennsylvania anthracite coal fueled the Industrial Revolution that made America the superpower it is today. Unfortunately, the physical scars left by the Industrial Revolution of the 19th and 20th Centuries have decreased our competitiveness in the Information Age of the 21th Century. As Mr. Morgan eloquently points out, this has had the effect of forcing many of our young people to look elsewhere for opportunities.

In the same way that the federal government has made a commitment to restoring the Everglades in Florida, a similar comprehensive approach is needed to restore the anthracite region in Pennsylvania.

Restoring the anthracite region is also consistent with the growing consensus that it is better to clean up and reuse formerly polluted "brownfields" for industrial development than to wipe out more of America's disappearing "greenfields," the untouched open spaces that are so important to our quality of life.

For these reasons, joined by Congressmen SHERWOOD, HOLDEN and GEKAS, my three colleagues from Pennsylvania who represent the anthracite region, I have sponsored the Anthracite Region Redevelopment Act (H.R. 4314), to create a new bond program that would provide $1.2 billion in 30-year tax-credit bonds to finance a comprehensive environmental cleanup of the region.

Mr. Speaker, I am proud to hail from the hard-coal region of eastern Pennsylvania. As Mr. Morgan's statement illustrates well, in the richness of our cultural fabric, our work ethic and strong values, our love of country, in all these we are second to none.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, I was not present during rollcall vote #551. Had I been present I would have voted "No."

Additionally, I was not present during rollcall vote #552. Had I been present I would have voted "yes."

THE GOVERNMENT PROGRAM EVALUATION COMMISSION ACT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. ARCHER. Mr. Speaker, "We know from past experience how difficult it is to curb the momentum of expanding government activity and we know that this portends the continuation of levels of taxation higher than we all want to bear. We are trying to get this message across: we want to pause in this headlong rush toward even bigger government."—Wilbur Mills

The former statement made 32 years ago by my predecessor in the Ways and Means Committee, Chairman Wilbur Mills, continues to hold as much truth today as it ever did in 1969. Our federal surplus, and ensuing spending frenzy, have created an even greater urgency that we recognize the importance of a restrained and focused government.

Bloated federal agencies have increasingly taken more American taxpayer dollars and spent those dollars not wisely, but wastefully. Despite the good intentions of the Government Performance and Results Act of 1993, misuse of taxpayers' money climbs ahead at an alarming pace. The Results Act was intended to help Congress in its oversight obligations by requiring federal agencies to set goals and use performance measures for management and budgeting.

Now, even the budget process is careening out of control. The annual congressional budget resolution has all but been cast aside. Congress spends with abandon. Not only is the surplus at risk, the entire process is at risk. On the other side of the coin, waste, fraud, and abuse in the federal government has never been greater. Recently, the Subcommittee on Government Management, Information, and Technology found that $65 billion has been wasted by the federal agencies of the executive branch, not to mention $245 billion in overdue taxes owed to Washington. A recent IRS report showed an estimated $7.8 billion in Earned Income Tax Credit claims for 1997 were erroneously paid.

It is for that reason I am reintroducing a bill put forth by my able predecessor, Chairman Wilbur Mills, which seeks to establish the Government Program Evaluation Commission. Such a Commission would be created on a bipartisan basis and composed of members from the private sector. The Commission would study and evaluate existing federal programs and activities for the purpose of determining three objectives: (1) To evaluate the effectiveness of each program or activity, relative to its costs; (2) to determine whether the program or activity should continue and at what level; and (3) to assign a relative priority level for the purpose of allocating Federal funds.

The Results Act has not met expectations partly because its task of self-analysis has effectively kept its potential low. The Government Program Evaluation Commission is unique in that it would create a truly independent commission on the outside looking in. I am introducing this bill at this late stage to highlight my concern in hopes that Congress will readdress this urgent problem in the future. A government with the most brilliant laws cannot be successful if it mismanages those laws. Chairman Mills' vision of a limited but highly effective government is a legacy I would like to impress upon my fellow Members as this Congress wraps up its business.

SUPPORT FOR THE NEW SERBIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. HOYER. Mr. Speaker, as a member and former Chairman of the Helsinki Commission, I have followed Yugoslavia's violent demise this past decade very closely, by traveling there, by meeting officials from there here in Washington, by participating in dozens of Commission hearings on various aspects of the conflict.

Throughout this period, it has been obvious that, whatever ethnic animosities might have existed beforehand, the horrific aggression against innocent populations and, yes, genocide, was instigated by Slobodan Milosevic, deliberately, in order to maintain and enhance his power in Serbia. As his nationalist agenda was belatedly but forcefully rejected by the international community under U.S. leadership, Milosevic increasingly resorted to repression at home, against the people of Serbia. There has been opposition to Milosevic for a long time, but only this month did the people, the political opposition and independent forces join together and say "enough is enough." I congratulate those brave Serbs who stood up to a regime that has lied to them, cheated them and denied them their rights for over a decade.

The changes taking place in Serbia are, however, good not only for Serbs but for all people in the region. Other problems exist, but, with Milosevic out of the way, the stage is set for long-term stability an economic recovery in southeastern Europe. It is now possible to make the progress we all want so that our troops, doing critical work there, can come home with mission accomplished. Whatever we felt about the deployment in the first place, we should all be able to agree on that.

For this reason, I support the decision of the President to provide quick support to the new Yugoslav President, Vojislav Kostunica, and his colleagues. The Conference Report on Foreign Operations Appropriations for fiscal year 2001 similarly reflects the general consensus that assistance needs to be provided to Yugoslavia quickly in order to solidify the gains being made by the Democratic Opposition of Serbia. The country is in a state of transition, and there is no question about the need to send a positive message.

Such a message, however, does not preclude a cautionary message. I believe there is a need to place some conditionality on assistance. Cooperation with the Tribunal in The Hague prosecuting war crimes, ending the support for nationalists in neighboring Bosnia and promoting the rule of law and tolerance

I agree that we should be flexible, and the conference report reflects a good compromise on the application of conditions. That said, I would like to make the following points. First, the large amount now allocated for Serbia should not come at the expense of ongoing funding for Croatia, Macedonia, Albania, Bosnia, Bulgaria and others in the region who have worked with the international community all along, undertook major burdens themselves and need this assistance. Second, the five month window which exists before the conditions are applied should not lead to throwing all of this money at Belgrade rapidly beforehand, because the conditions may not be met. I could see this happening next February, in the event that insufficient progress has been achieved by that time. Let's hope that progress will take place allowing for certification in accordance with this bill. Third, progress in the rule of law must include addressing the hundreds of ethnic Albanians currently in Serbian prisons and encouraging president Kostunica to continue to look for ways to resolve this issue.

In conclusion, I believe a case can be made that the reformists coming into power at this time may not be able to surrender Slobodan Milosevic to the International Criminal Tribunal in The Hague. Sooner or later, however, they will need to do so. To do otherwise would not only be an injustice to the literally millions of victims in the former Yugoslavia. It would send the absolutely wrong message to Croatia, Bosnia and Montenegro all of whom are cooperating with the Tribunal. It would delay the time by which the people of Serbia will have to reckon with the hideous atrocities committed in their name this past decade, a reckoning which will be absolutely necessary for Serbia to make significant progress in building a society in which the rule of law is respected and tolerance of others is embedded.

It is important when discussing these issues to recall that there are also indictees beyond Milosevic living in Serbia. Let us recall exactly what these people are alleged to have done. Three individuals living now in Serbia were directly responsible for pulling over 200 people out of a hospital in Vukovar, Croatia, after the city had been surrendered and guarantees of safety were made, beating them severely and then executing them en masse in a field in late 1991. Another individual, the well known Ratko Mladic, was at the scene when as many as 7,000 Bosnians were similarly executed after being taken from the so-called "safe haven" of Srebrenica in 1995. Even if one could find some way to justify the conflicts surrounding these incidents—which I personally cannot do, but maybe some can—these acts were nevertheless heinous crimes, and we cannot put accountability for them at risk.

Mr. Speaker, I strongly urge my colleagues to read the indictments issued by the Tribunal, particularly the indictments of those responsible for the massacres in Vukovar and Srebrenica. They are available at <www.un.org/icty.indictment>. It is too easy to put the issue of the Tribunal to the side in light of foreign policy objectives, but, if you read what happened, I believe you will agree that justice must remain a pillar of our policy in the Balkans.

RETIREMENT OF HON. TILLIE FOWLER

SPEECH OF

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SISISKY. Mr. Speaker, I want to take just a moment to express my appreciation for Congresswoman TILLIE FOWLER.

She has served her country and her Florida constituents remarkably during her time in Congress.

As a member of the House Armed Services Committee, we have worked together on projects and programs of particular benefit to the Navy.

This is to be expected: Both of us represent Navy towns and naval personnel.

But TILLIE FOWLER's dedication to American servicemen and women in whatever branch of the military is exemplary.

She has labored long and hard to ensure that every branch of service received the equipment they needed, the training they required and quality of life for themselves and families.

I don't know what she will do in the future. I do know I hope she continues in some form of public service. And if it happens to be in a defense related area, I will look forward to the opportunity to continue helping build a better, more secure future for this great nation. Mrs. Sisisky and I wish TILLIE and her family our very, very best in the days ahead. We will miss her.

HONORING ANN FORKIN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. FORBES. Mr. Speaker, today I rise before you to congratulate Ann Forkin on her retirement after 22 years of service at the State University of New York at Stony Brook. Ann has been an invaluable asset to the Stony Brook community. In 1981, she was appointed as the first and to this point, the only Director of the Office of Conferences and Special Events.

In her 18 years as Director, she managed and orchestrated over 20 commencement ceremonies. On the day of the first commencement she planned, Mother Nature did not cooperate, and it rained. The following year, she devised plans for a ceremony in the sun, rain or drizzle. Ann made sure that no weather condition hindered this commencement ceremony or any ceremony thereafter.

Ann will be truly missed by the faculty, staff and students of SUNY Stony Brook.

IN MEMORY OF AL HADLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to Al Hadley, a person who was one of the most influential men in my life, and, I am positive, hundreds of other lives.

"Skipper" Al Hadley died this week at the age of 96 years young. As my Sea Scout, BSA, Scoutmaster, he bestowed upon me a lifelong love of the ocean and a respect for myself and all life. He taught me to challenge myself beyond my expectations and instilled in me the values of patriotism and public service.

Skipper was a lifelong friend and mentor who dedicated himself to our youth. He stayed involved in Sea Scouts long after his two sons were grown, and even after he retired. When I was a Scout, we restored a 36-foot World War II surplus Navy boat, which we sailed to Catalina Island on many a weekend. We pitted our seamanship skills against other Scouts from across California at the annual Rendezvous.

Each year, we left the sea for a survival hike in the desert, living off only what we found on the land. Not surprisingly, the Boy Scouts of America awarded Skipper Hadley numerous awards and recognitions over the years.

Many of those Scouts with whom I sailed with many years ago remain friends today. Skipper came to visit me at the Capitol after I was elected to Congress. His oldest son Pete, who recently retired as a colonel in the Army, remained in contact throughout the years.

Skipper Hadley will remain a role model for me until the day I die. Mr. Speaker, Skipper Hadley is survived by his wife, Cecelia; sons, Pete and David; five grandchildren; and one great-grandchild. I know my colleagues will join me in sending condolences to Skipper's family, and in thanking Skipper for upholding the ideals of a Scout leader; for molding generations of strong, motivated men and women; and for being a guiding light on the sea of life.

HONORING REVEREND CARLETON GILES FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Ms. DELAURO. Mr. Speaker, It is with great pleasure that I today join the congregation of the First Baptist Church in Milford, Connecticut as they pay tribute to an outstanding member of the Milford community and my dear friend—Reverend Carleton Giles. Throughout this past month, which the First Baptist Church has designated as "Pastor's Anniversary Month," the congregation and Milford residents have gathered on several occasions to honor Reverend Giles' tenth anniversary as their pastor.

For many years, Reverend Giles has been an outstanding leader in the Milford community. As a pastor, teacher and police officer, he was shown unparalled commitment and dedication to all members of the community. With his extensive record of service, Reverend Giles has led an impressive and unqiue career—one which has made a real difference in the lives of many.

The clergy has always played a vital role in our community and Reverend Giles is a sterling example. His commitment to the service of our community through religious leadership that has brought him to this day is admired by many and rivaled by few. His involvement, not only with the congregation of the First Baptist Church, but with the entire community, has produced a legacy that will last for years. For ten years, Reverend Giles has ministered to the spiritual needs of hundreds in the Milford community—strengthening our bonds of faith and helping to build stronger neighborhoods of which we can all be proud.

In addition to his duties at the First Baptist Church, Reverend Giles has served as a law enforcement officer for the City of Norwalk for the past twenty years. Responsible for the implementation of drug and gang prevention programs such as D.A.R.E. and G.R.E.A.T, Reverend Giles has had a profound impact on Norwalk's young people. Because of his good work, our children are learning the dangers of drugs, gangs, and youth violence. Reverend Giles' efforts have gone a long way in opening the doors of communication between students and local law enforcement officials, a crucial link in the fight to end youth violence.

Even with the incredible responsibilities Reverend Giles takes on in his professional career, he has still found time to serve on several community organizations, including the Interdenominational Ministers Alliance of Greater Bridgeport and Vicinity, Milford's Board of Police Commissioners, and New Haven's Annual Yom Hashoah Community Observance in remembrance of the Holocaust. I have had the privilege of having him serve on my Military Advisory Committee where he has taken the time to interview students from around the Third Congressional District who are interested in attending our nation's military academies.

I am proud to stand today and join Reverend Giles' wife, Stephany, family, friends, and the First Baptist Church of Milford in extending my sincere thanks and appreciation for his outstanding leadership and invaluable contributions to our community. My sincere congratulations, Reverend Giles, on your tenth anniversary and best wishes for continued success.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. BALDWIN. Mr. Speaker, I rise today in strong opposition of H.R. 2614. I am deeply disturbed that this legislation was assembled by the Republican leadership without consultation with either the President or the Democrats in Congress. It is a partisan package of tax breaks for a variety of special interests. It ignores the needs of middle-class families and does not appropriately deal with the struggles of rural and teaching hospitals under the Medicare program.

This legislation does not contain the bipartisan school construction tax credit bond provision that would provide $25 billion in interest-free school construction bonds to help our crumbling schools. Instead it provides far less help to school districts, while giving the greatest tax cuts to wealthy bondholders, not average taxpayers.

This bill also fails to address the marriage penalty and reform of the estate tax to protect small businesses and family farms. Both are tax cut priorities around which there is broad bipartisan agreement.

H.R. 2614 does not provide an adequate tax solution for people who lack health insurance. Instead, it offers a sham deduction that could lead to many families paying more for the health insurance that they already have. According to the Joint Tax Committee, the deduction for buying health insurance will only succeed in helping about 5 percent of the 43 million uninsured purchase health insurance. Furthermore, this provision could lead employers to either cut back their contribution to health insurance premiums or drop coverage completely for many employees. In short, this tax deduction is very costly at $10 billion per year, yet has very little positive impact.

While this bill would increase the minimum wage 50 cents in 2001 and another 50 cents in 2002, all other provisions to help workers by altering overtime and other protections of the Fair Labor Standards Act have been dropped. Instead, the bill contains numerous small business and special interest tax breaks—such as $25 billion for an increase in the business meals deduction, repeal of 4.3 cents of the diesel fuel excise tax for railroads at a cost of $1.58 billion and a $250 million tax break for timber companies.

Instead of providing relief for those health care providers who really suffered harm from the 1997 Balanced Budget cuts this legislation would pass along 41 percent of the increase in Medicare spending to HMOs. This money could otherwise be directed toward beneficiary and health care providers needs. There is not even a guarantee that HMOs will stay in the communities they now serve. Each dollar that goes to the HMO industry in this bill is a dollar that won't go to improve coverage for a Medicare beneficiary or go to help a rural hospital remain open.

I cannot support this inappropriate use of increased Medicare dollars. I support meaningful assistance to health care providers and targeted managed care payment increases to low-reimbursement counties, like many in Wisconsin, in exchange for their commitment to remain in the communities they serve for at least three years and not abandon seniors like so many have.

This Congress has failed to pass any meaningful health reform, such as the Patients' Bill of Rights or a Medicare prescription drug benefit, and instead has chosen to provide tax breaks for special interests and millions of dollars in Medicare spending to HMOs. I urge my colleagues to oppose this bill.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RODRIGUEZ. Mr. Speaker, I rise in opposition to H.R. 2614. While I believe that there are many good provisions in this bill, I must object to it because it does not restore Medicaid and the State Children's Health Insurance Program (SCHIP) benefits to legal immigrant women and children. In 1995, Congress imposed a 5-year ban on providing Medicaid and CHIP coverage to recently qualified immigrants. In 1996, Congress passed an immigration bill that split families; threw out due process; and took away discretion. But, worst of all, Congress took away compassion.

So, I'm not here just as a Member of Congress or as the Chairman of the Congressional Hispanic Caucus Health Task Force. I'm here as an American upset with the laws that discriminate against my fellow human beings. Today we stand before you to defend the women and children who fled tyranny and poverty only to be denied the health care afforded other Americans. We are talking about people that came here legally, play by the rules, and pay taxes. I firmly believe that we should include a provision that give states the option to provide SCHIP and Medicaid benefits to lawfully present immigrant low-income pregnant women and children. Children and pregnant women who are denied coverage through the SCHIP and Medicaid 5-year ban usually can't get other vital health care coverage. As a matter of decency, as a matter of economics, as a matter of public health, legal immigrant children and pregnant women deserve the same access to essential health care coverage offered to citizens. For pregnant women and their children, regular prenatal care and early intervention saves lives and dollars.

Children who have routine office visits and immunizations grow to be healthy adults with less medical complications. Children monitored by pediatricians are less likely to be victimized by chronic and communicable diseases. Preventive care minimizes emergency room visits, a costly and inefficient way of providing health care. Remember, diseases do not ask to see a passport. The 5-year ban on providing Medicaid and CHIP coverage has been the greatest barrier to health care for legal immigrants. It's time to make the system fair for everyone.

IMPORTANCE OF THE ONGOING U.S. CONGRESSIONAL FORUM ON LAOS WITH THE APPROACHING 25TH ANNIVERSARY OF THE COMMUNIST REGIME

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. GILMAN. Mr. Speaker, I am very concerned about the deteriorating political, economic and security situation in Laos which remains under the brutal control of one of the world's last remaining Stalinist regimes. More is needed to promote democracy, basic human liberties and human rights—and to stop the serious, ongoing intervention by Vietnam's military and security forces in the internal affairs of Laos. This is needed to serve the interests of the American people and the freedom-loving people of Laos, Vietnam and Thailand.

Mr. Speaker, I commend the Center for Public Policy Analysis and its Executive Director, Mr. Philip Smith, as well as Colonel Wangyee Vang of the Lao Veterans of America for their leadership in helping to convene the U.S. Congressional Forum on Laos. Many of my colleagues from both sides of the aisle have participated in this important forum series on Capitol Hill over the course of the 106th Congress. It has helped to develop enhanced awareness and understanding of the serious developments in Laos by policymakers. I am proud to have participated in a number of these events, along with my staff assistant, Paul Berkowitz. In December of 1999, at one of the Congressional Forum sessions, I was pleased to participate along with Major General Vang Pao and other distinguished guests, and presented a joint report about our Congressional Staff Delegation research mission to Southeast Asia in the summer of 1999. In our report, issued jointly by the International Relations Committee and the Senate Foreign Relations Committee, we discussed the serious ongoing plight of the Hmong and Lao people still suffering in Laos. Other speakers and participants at the forum series on Laos included distinguished Members and staff from many offices including: Representatives DANA ROHRABACHER, GEORGE RADANOVICH and WILLIAM DELAHUNT, of the House International Relations Committee, on which I serve as Chairman, as well as Chairman JESSE HELMS, Senators BOB SMITH, RUSSELL FEINGOLD, PAUL WELLSTONE, Representatives MARK GREEN, PATRICK KENNEDY, CALVIN DOOLEY and the late Bruce Vento, who passed away earlier this month. Congressman Vento's leadership on human rights and with the forum series on Laos will, indeed, be sadly missed by so many in this Chamber and in the Laotian community.

Mr. Speaker, the U.S. Congressional Forum series on Laos is making a significant impact in helping to provide vital information and to formulating policy toward Laos. It has helped generate numerous breaking stories in news services around the world, including the Washington Post, Washington Times, Agence France, Associated Press, the South China Morning Post and others. Radio Free Asia, Lao Service, as well as the Voice of America have also provided coverage. Historic legislation on Laos has also been enacted with the important information that has come from these Forums in Congress including H. Con. Res. 169, condemning, for the first time, the Communist regime in Laos for its human rights violations and other matters. I was proud to have worked with Representatives GEORGE RADANOVICH, MARK GREEN and former Congressman Bruce Vento to help pass this important legislation in the International Relations Committee.

Mr. Speaker, thus far, distinguished panelists and participants in the Congressional Forum on Laos have also included important Laotian and Hmong leaders as well as Lao experts from around the world, including: T. Kumar, Asia Director for Amnesty International; Markram Ouaiss, The National Democratic Institute's (NDI) Senior Program Officer for Asia; Dr. Jane Hamilton-Merritt, Noble Prize nominee and distinguished Lao and Hmong scholar; Dr. Chou Norinh, of the United League for Democracy in Laos, and distinguished professor at Assumption University, Bangkok, Thailand; Dr. Bounchaloune Phouthakanthy, of the University of Quebec, and Secretary General, United Lao Association of Canada; Dr. Khamphay Abbai of Australia; Dr. Bounthone Chanthavixay, with the World Wide Coordinating Committee on Laos, Hagen, Germany, and former Lao student protest leader in Eastern Europe; His Royal Highness Prince Sayavong, of the Lao Royal Family, in France; Major General Vang Pao, Hmong leader; Colonel Wangyee Vang, President of the Lao Veterans of America; Thongsavanh Phongsavanh, of the Lao Representatives Abroad Council; General Thonglit Chokhbenbun of France; Thongkhoune Phathana, President, The Laos Institute For Democracy; Ms. Sothida Bounthapanya Lao Progressive Party; The Lan Xang Foundation, of Atlanta, Georgia; Col. Ngeunsamilth Sasorith, France, President, of the Paris-based,

Mr. Speaker, it is impossible to thank all of the Members of Congress, staff and participants from around the United States and the world who have made the U.S. Congressional Forum on Laos such an important success in the 106th Congress. The winds of intense turmoil and change are now blowing in Laos. The United States, with the help of the U.S. Congress, needs to do more to support democracy and free and fair elections in Laos during the upcoming vote in 2002.

Mr. Speaker, toward this end, on December 1st, while the Communist Regime in Laos celebrates its dark anniversary of totalitarian dictatorship, it is important to note that a major installment of the Congressional Forum on Laos will be held in the U.S. House of Representatives with witnesses and participants from around the world, including the slated testimony of a group of student demonstrators who escaped from Vientiane, Laos recently and were just granted political asylum several days ago in America. A special ceremony will follow in Congress, during the evening, to mark the grim oppression of the Laotian people after 25 years of Communism. Laotian victims of communist oppression will share their testimony. I encourage my colleagues to continue to aggressively support these important activities and the efforts of Laotian people in their struggle to bring freedom, democracy and human rights to Laos.

HUMAN RIGHTS IN BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. PITTS. Mr. Speaker, ethnic and religious minorities around the world suffer because many governments fail to protect fundamental human freedoms such as freedom of conscience, freedom of speech, and freedom of assembly. Or, a government fails to concede to the will of the people and imposes its will upon the people. When a government fails to uphold international human rights standards, to respect the wishes of the people expressed through voting or other legitimate mechanisms, or to protect people's basic freedoms from violations, individuals and groups often are harassed, imprisoned, tortured, and even killed. Serious violence and human rights abuses have occurred in Burma through the actions of the State Peace and Development Council (SPDC). On September 26, 2000, I chaired the Congressional Human Rights Caucus Briefing on Human Rights Concerns in Burma. I would like to submit for the RECORD the testimony of Mr. David Eubank, Saw Htoo Htoo Lay, Pastor Edmund Htokut, Saw Ka Law Lah, Mr. Stephen Dun, and Major Larry J. Redmon.

TESTIMONY OF DAVID EUBANK BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, SEPTEMBER 26, 2000

Thank you for this opportunity to share with you about the situation in Burma, and for the opportunity to ask for action to restore democracy in Burma, protect minority rights, and provide immediate humanitarian assistance for the Internally Displaced People (IDP).

CURRENT SITUATION IN BURMA

The dictators of Burma, the State Peace and Development Council (SPDC), continue to oppress the people of Burma, reject the 1990 democratic elections, hold over 1,300 political prisoners (55 of whom are members-elect of parliament), and brutally violate the human rights of ethnic minority peoples as well as ethnic Burmans. This has resulted in over 1 million refugees that have fled Burma since 1990, and 2 million Internally Displaced People (1 million ethnic Burmans are displaced for government projects, 1 million are ethnic minority peoples displaced by the attacks of the Burma Army and SPDC forced relocation programs.) The ethnic minority IDPs in particular are in immediate need of help. They face starvation, disease and the constant threat of attack by the Burma Army. Those who have been able to escape the SPDC forced relocation sites, are scattered in jungle hiding places, living in fear. If discovered they are brutally attacked by the Burma Army. Their home villages have been plundered and burned and the Burma Army has scattered land mines in and around their villages to strike terror and discourage their return. (In last year alone there were over 1,500 new landmine victims.) The IDPs live in fear with very little hope. HIV infection is on the rise with over 440,000 infected and little State response.

Narcotics production and export has increased with profits from the heroin and amphetamine traffic being shared with the SPDC. In 1999, over 500 million amphetamine tablets were smuggled into Thailand. Most of these were produced in the 55 amphetamine laboratories across the border in eastern Burma. 1,750 tons of opium was also produced making Burma the worlds number two producer of opium and heroin. The SPDC has been closely involved with groups that produce and traffic narcotics, helping in 2000 alone, to move over 100,000 form one group to a area adjacent to the Thai border, thus creating a major increase of narcotic traffic into Thailand.

The U.S. Department of State 1999 Country Report on Human Rights, the 2000 Annual Report on Religious Freedom, as well as current Amnesty International and International Labor Organization reports all condemn the human rights record of Burma and appeal for change.

RATIONALE FOR ACTION

(1) The people of Burma are oppressed, tortured, and murdered by the dictator's army, and this is wrong.

(2) There was a free and fair election in 1990 and the results should be recognized and democracy restored.

(3) The dictatorship allows narcotics production and prospers from its sale.

(4) Burma is a client state of China and in return for weapons and other military hardware, allows China to establish SIGINT facilities and naval installations in Burma. This is not good for the people of Burma or for regional security.

(5) The people of Burma, in particular the Kachin, Karien, Shan and Karenni, helped the allies drive the Japanese Army out of Burma during WWII. They deserve our friendship and help.

ACTIONS RECOMMENDED

(1) Immediate humanitarian assistance to the 1 million ethnic minority Internally Displaced Persons of Burma (IDP), Assistance includes medicine, food, clothing, shelter, and education supplies.

(2) Immediate security for these IDPs. This requires support of the pro-democracy resistance force who make aid delivery and security possible, or international intervention to protect the IDPs or both, international military intervention to protect the IDPs, or both.

(3) Call for tripartite dialogue between the SPDC, the Ethnic Groups and the Burma Democracy groups.

(4) Implement increased political, economic, and if necessary, military (indirect by support of resistance forces, or direct by international intervention) pressure until the dictators restore democracy, human rights, and minority political rights.

(5) Bring those guilty of war crimes in Burma to justice.

TESTIMONY OF SAW HTOO HTOO LAY

Mr. Chairman, I am honored and grateful for this opportunity to present the current human rights situation in Burma to the congressional human rights caucus.

I. THE HUMAN RIGHTS SITUATION

Most of the recent attention on Burma's human rights situation has only looked at the SPDC military junta's persecution of the National League for Democracy. While this is bad, the human rights situation of ordinary villagers is much worse. In our Karen areas and also in Karenni and Shan areas of eastern Burma, the SPDC is doing everything it can to gain complete control by subjugating the entire civilian population. They use what they call the Four Cuts policy—to cut off supplies of food, funds, recruits and intelligence to resistance forces by destroying villages, farms and food supplies until the civilians are so destitute and starving that they could not possibly support any opposition group. As far as the junta is concerned, the suffering and death which this inflicts on millions of villagers is not a problem, because they would really like to see the end of the Karen, Karenni and Shan peoples.

Since 1996, the junta has systematically destroyed at least 1,500 villages in Shan State, displacing over 300,000 people; 200 villages in Karenni (Kayah) State, displacing at least 50,000 people; and at least 300 or 400 villages in our Karen areas stretching from Pegu Division and Karen State in the north to Tenasserim Division in the far south of Burma. Hundreds of thousands of our Karen people have been displaced by these operations since 1997, and they remain displaced today.

II. THE POLITICAL SITUATION

The political situation between the SPDC and the National League for Democracy (NLD) in Rangoon remains at a stalemate, with the junta refusing to reform or to participate in any meaningful dialogue with any democracy advocates and vowing to crush all opposition. The KNU and most other groups in the country are calling for tripartite dialogue involving the SPDC, the NLD, and the non-Burman ethnic leadership which represents the non-Burman half of the country's population. However, the SPDC has shown no willingness to engage in any such dialogue.

The junta claims falsely that it has already brought peace and unity to the country by signing military ceasefires with many of the ethnic-based armed opposition groups. Firstly, it is important to point out that none of the 'ceasefire deals' are peace treaties. They are simply temporary deals whereby the two military forces agree not to shoot at each other. No political issues have been addressed in any of these ceasefire deals, and most of the opposition groups who have signed them are not happy with the results. In most of the ceasefire areas, SPDC human rights abuses have continued.

The SPDC now claims that the Karen are the only group left fighting the junta, but this is also not true; in addition to the KNU, the Karenni National Progressive Party, the Shan State Army, the Chin National Front, and several other groups continue to fight actively against the military regime. At present, the junta is refusing to negotiate at all unless opposition groups agree to surrender unconditionally beforehand.

The KNU recognizes the suffering brought on the villagers by the current state of civil war and is determined to resolve this conflict by means of negotiation. However, we are not prepared to surrender unconditionally as demanded by the SPDC, because the result would only be endless suffering for the Karen people

TESTIMONY OF EDMOND HTOKUT

My name is Edmond Htokut. I am a pastor, I am working and living together with displaced person.

We know that only very few people in the USA know about Burma and what is happening in Burma now. As for us Karen people who have been suffering from all kinds of atrocities under the Burmese military regime which is being recognized as one of the most brutal and most oppressive regime in the world we received very little international attention, interest and awareness. Therefore I would like to take this opportunity to give you some information about our people, our life and situation.

The church in Burma Christians from every group face forced persecution, destroying houses, schools, bibles and churchs. It is not only Christians who are persecuted but Muslims and even Buddhists if they protest of the dictators actions. As a Christian pastor I will focus on the persecution my people face. It is important to remember our brothers and sisters of all faiths and ethnic groups who suffer under the SPDC.

Consequently many civilians were forced to leave their villages and resettle in places totally under military control. Due to the atrocities committed by the military group, the villagers dare not go back to rebuild their homes, schools and churches. But were forced to flee into neighboring country for survival and some are scattered in every corner and being separated from their churches. Those are the ones who do not live in the refugee camps. They are living in the jungle and do plantation. Some places are they lived two or three families and some are seven to ten families. They are living quietly in fear and anxiously.

They have not protection, no healthcare and no churches and no schools. They lost all their rights. When we tried to meet them we went to very difficult because land mines are around the area and the way we tried to go carefully to meet the people hiding in the jungle. When they meet us they are very afraid because they believe nobody. At the time I told them "I am not a soldier. I am not a political man. I am a servant of Christ and God send me for help you. What can I do for you." They told me "we need medicine, we need some clothes, some food, we need security. We want to go back home, go back to our own land". I answered them "I don't know but don't be anxious. Believe God. God can do every things. Now over 56 countries pray for you. I hope we can go back home soon."

We are attempting to bring love and relief assistance to all internally Displaced Persons regardless of religion, ethnicity or political bias. But there are still many needs to be met and most of all the need for help of international community to change the political situation in Burma. For this is the real cause or the real source of all the problems.

We need the help of the international community, please for our people, our country. Help us in ways and means as you can. Please pray that God will intervene and change the situation in Burma so we will have peace and return to our own land. In God we trust.

Thank you so much.

TESTIMONY OF SAW KA LAW LAH

REFUGEES

For Decades, wave after wave of Burmese refugees have fled war and oppression in their native land to seek uncertain exile in neighboring countries. The toll in human suffering is incalculable, and the continual mass migrations have created serious regional disruptions and tensions.

Around 300,000 Burmese are now refugees in Thailand, Bangladesh, and India. As many as one million Burmese people have become internally displaced because of the Burmese army attacks and forced relocations aimed at cutting local links to armed resistance groups or seizing their lands for state-run farming and logging.

After the bloody suppression of the 1988 pro-democracy movement, thousands of students and political activists evaded army round-ups and escaped to Thailand and India. Ethnic minority peoples, comprising about 40% of Burma's population, are special targets for abuse. Their indigenous lands along Burma's frontiers have for decades been consumed by rebellions that have flared and simmered in a quest for autonomy or independence.

Many villagers have been forced to move to new "satellite towns" that often lack services or communications and are sometimes located on disease-prone and infertile lands. Localized protests against such actions have been reported, but Burma's civilian population is basically defenseless against the regime's well-armed and fast-growing army.

Mr. Chairman:

1. My earnest request is to consider the above mentioned refugee problems and extend your protection for all the refugees along the Burma border and for all internally displaced people.

2. The Government of Burma may be considered guilty of a crime against humanity, punishable under international law.

EDUCATION

In Burma the law is what the generals say it is. It can and does change from day to day. There is no freedom of expression. Nearly all Burma's universities and colleges have been closed since student protests in Dec. 1996. There are two types of schools in Burma; one is for the children of the military members and is well funded. The other is for civilians and is poorly supported. Civilian schools have insufficient teachers and lack funds.

All curriculums, both civilian and military, must be approved by the military and student activities are very closely monitored by military intelligence. Ethnic people are not allowed to teach in their own language in schools. In some rural areas even primary schools are not allowed to open. The Burmese soldiers come regularly to burn down all villages, schools, and churches. They even told villagers not to open any schools if they want to live in peace. But most of the internally displaced people build schools whenever they have a chance.

In refugee camps there are schools from nursery school through high school. We do not have qualified teachers and lack teaching materials, but most of the students are very keen to learn. In Karenni and Karen camps there are nearly thirty thousand students and one thousand teachers.

To upgrade our education some further study programs are needed for students who have finished high school. They need to have an education so that they can help to fill the gaps and rebuild their country in the coming future.

What we need for IDP schools in Karen and Karenni areas:

1. Basic school supplies and text books.
2. Salaries for teachers.
3. Scholarship programs.
4. Travel passes.
5. Good communications programs.

TESTIMONY OF STEPHEN DUN

Mr. Chairman, Thank you for giving me a chance to again represent to you the situation in Burma.

My colleagues have vividly described the different problematic situations leaving no doubt that the military regime has, and continues to, systematically oppress all minorities in Burma, whether ethnic or religious using it's military force.

I am a Karen who was born in Rangoon and had to flee with my parents to the border because of this type of oppression. I grew up on the mountains bordering Thailand & Burma and witnessed and experienced the seasonal military attacks of the then called State Law and Order Restoration Council (SLORC), the ruling military junta. I have had close friends and relatives killed and as well as my home destroyed on three occasions.

The reason that this military regime is able to continue their hold on to power is because external interests focused on the region. A few of these instances are as follows. Jane's Intelligence review has been the main source for all of the following information.

CHINA

While Burma remains shunned by the West, the country's two giant neighbors, India and China, are jockeying for influence in Rangoon. Since the beginning of the year, India's army chief, General Ved Prakash Malik, has made two trips to Burma and his Burma counterpart, General Maung Aye, has visited both India and China.

These top-level exchanges have highlighted Burma's importance in the strategic competition between Beijing and New Delhi. China enjoys a considerable head start in the race to woo Rangoon's military leaders.

Since 1988, Burma has become China's closest ally in South-east Asia, a major recipient of Chinese military hardware and a potential springboard for projecting Chinese military power in the region.

During General Maung Aye's trip to Beijing in June to mark 50 years of diplomatic ties, has host, Chinese Vice-President Hu Jintao, noted that strengthening Sino-Burma relations was "an important part of China's diplomacy concerning its surrounding areas".

Burma emerged as a key Chinese ally on August 6, 1988, when the two countries signed an agreement establishing official trade across the common border—hitherto—isolated Burma's first such agreement with a neighbor. Significantly, the signing took place while Burma was in turmoil.

China was eager to find a trading outlet to the Indian Ocean for its landlocked inland provinces of Yunnan and Sichuan, via Burma. The Burma rail-heads of Myitkyina and Lashio in north-eastern Burma, as well as the Irrawaddy River, were potential conduits.

By 1990, trade between the two countries was flourishing and Burma had become China's principal political and military ally in South-east Asia. China poured arms into Burma to shore up the military government.

The isolation and condemnation experienced by both countries in the wake of the Rangoon massacre of 1988 and the violent suppression of the Tiananmen Square protests the following year helped to draw them closer together.

But China's calculations were also strategic. Close to the key shipping lands of the Indian Ocean and South-east Asia, Burma could help China to extend its military reach into a region of vital importance to Asian

By late 1991, Chinese experts were helping to upgrade Burma's infrastructure, including its badly-maintained roads and railways. Chinese military advisers also arrived that year, the first foreign military personnel to be stationed in Burma since the 1950s.

In August 1993, Indian coastguards caught three boats "fishing" close to the Andamans, where last year the Indian navy established a new Far Eastern Naval Command in a move viewed as an attempt to counter Chinese influence in Burma. The trawlers were flying Burma flags, but the crew of 55 was Chinese. There was no fishing equipment on board—only radio-communication and depth-sounding equipment. The Chinese embassy in New Delhi intervened and the crew was released.

Burma was becoming a de facto Chinese client state.

One of China's motives for arming Burma was to help safeguard the new trade routes through its potentially volatile neighbor.

Intelligence sources estimate the total value of Chinese arms deliveries in Burma in the 1990s at $1 billion to 2 billion, with most of them acquired at a discount or through barter deals or interest-free loans.

Chinese support for the upgrading of Burma's naval facilities included at least four electronic listening posts along the Bay of Bengal and in the Andaman Sea: Man-aung, Hainggyi, Zadetkyi island and the strategically-important Coco Islands just north of India's Andaman Islands.

Although China's presence in the Bay of Bengal is limited currently to instructors and technicians, the new radar equipment is Chinese-made and operated probably, at least in part, by Chinese technicians, enabling Beijing's intelligence agencies to monitor this sensitive maritime region. China and Burma have pledged to share intelligence of potential use to both countries.

ISRAEL, PAKISTAN AND SINGAPORE

Over the past 12 years Burma has been branded a pariah state by the West and made to endure a range of political, economic and military sanctions. The Burma armed forces (or Tatmadaw) have lost their access to the arms, training and military technology of most of their traditional suppliers.

Three countries were quick to come to the SLORC's assistance. The first was Singapore. Two shiploads of arms and ammunition were sent to Rangoon in October 1988 to fill an urgent order for mortars, small arms ammunition, recoilless rifle rounds and raw materials for Burma's arms factories. Israel too seemed prepared (through a Singaporean intermediary) to provide weapons to its old friend and ally (See JIR March 2000, pp 35–38). A shipment of captured Palestinian weapons and ammunition (mainly grenade launchers and recoilless guns) arrived in Burma in August 1989. Before the Israeli arms arrived, however, the SLORC received at least one shipment of arms and ammunition from Pakistan.

Pakistan seems also to have provided Burma with a wide range of military training. In the early 1990s there were reports that Pakistan had helped members of the Tatmadaw learn to operate and maintain those Chinese weapon systems and items of equipment also held in Pakistan's inventory. There were also reports that Pakistan Army instructors were based in Burma for a period to help train Burma special forces and airborne personnel.

While these reports remain unconfirmed, they are given greater credence as a number of Burma Army officers are currently in Pakistan undergoing artillery and armour training, and attending Pakistan's Staff Colleges. The BAF and Burma Navy also have officers undergoing training in Pakistan. It is possible that Pakistani military personnel have also been sent to Burma to help the Tatmadaw learn to operate and maintain its new K–8 jet trainers, and possibly even the 155mm artillery pieces that the SPDC acquired from Israel last year.

STATEMENT OF LARRY J. REDMON

Good afternoon Mr. Chairman, it is my distinct honor and pleasure to appear before this panel of the US Congress today. My name is Larry Redmon, I am also a Major in the U.S. Army Special Forces currently serving with the 1st Special Forces Group (Airborne) at Fort Lewis, Washington.

Insurgencies form for many reasons. One common reason is when a government fails to meet the social, political, economic, military or psychological needs of the people. Based upon my study and observations, I have concluded that some of the following help explain the insurgency in Burma: the government is unresponsive to the aspirations of the people; the government is tyrannical, repressive, and corrupt; the government has inefficient leadership; and the government is unwilling to tolerate responsible opposition. The widespread economic poverty; and failure of the inept, ultra-nationalistic leaders to develop a viable economy are also leading causes for these movements.

The Burmese military has largely disassociated itself from the people and is feared and looked upon as more of a weapon of tyranny. Psychologically, there is a lack of faith in the current government and widespread belief in injustice of the current system and its leaders. So these groups are in fact insurgent organizations that are fighting a war against the Government of Burma. However, it is my understanding that these insurgent organizations do not advocate an overthrow but rather a change to democracy with limited autonomy by the various groups. One hundred and eleven delegates from fourteen ethnic groups signed the Mae Raw Tha Agreement in Jan 1997. These delegates all agreed to a type of federation with shared power based upon the Swiss model. No one group wants sole power, they simply want a better way of life and change to democracy.

I am reminded that over 200 years ago a group of insurgents who sought change for in fairness for more participation in their own governmental affairs were also labeled rebels and insurgents, the American Colonists. The colonists fought a very bloody and brutal war because they too wanted change and a voice in government. The ethnic minority groups of Burma seek the same.

While some of these groups do traffic in drugs, some, such as the Karen, are not involved with drug production. Some groups rely on legitimate means such as logging or taxing goods that travel through their areas to develop income. The income generated is used to finance the war, but it is also used to pay for education, roads, schools and temples. In short, the money is used to build a better way of life for their people, a way of life that the Burmese Government has thus far been unable or unwilling to provide. Based on my discussion with a leader of the Shan State Army these groups believe they have no real choice, but to rely on income from the drug trade. The Shan leader I spoke with candidly stated that if he could get income by another means he would gladly switch. He realizes that drug production is not good for his cause and he also knows that it keeps his cause from being legitimized by the international community, but so far he has not received financial assistance from any source.

These groups are fighting a war of survival. Some of these groups are at the very point of extinction. Based upon my study and observation, the SPDC is winning this war through its mass terror and massive human rights abuses. The SPDC practices mass terror by employing SS-type death squads called the "Saa Tho Lo" or Guerrilla Retaliation Units. These units often appear in the villages during the night and spread mass terror by abducting those who are suspected of associating with the KNLA or KNU. Often those abducted are killed very brutally, often beheaded or otherwise mutilated. The Karen Human Rights organization has eyewitness proof that since these death-squads first appeared in Sept 1998 and up to May 1999, they have committed over 100 murders among the Karen people.

The Tatmadaw itself has systematically raped and tortured villagers for not being able to pay cash or provide their rice quotas. They use forced labor for porters and labor for their army. They demand quotas in labor from villages, often small boys and even old men. If these individuals refuse or are unable to keep up with the Army; are killed or left to rot, on the trail.

I learned that the SPDC will enter the homes of their own citizens and take young boys at night and force their induction into the Army. This January, I interviewed one such 15-year-old Burmese boy. He recently had defected to the Karen and was being helped in a Karen reeducation center. He told me that when he was 13, he had been taken during the night from his parents in Rangoon. He has not seen them since. During my interview, this boy never smiled or laughed, instead projecting only a solemn look of despair reflecting the loss of his childhood.

My observations and study confirm the findings of the Department of State that the SPDC engages in a variety of human rights abuses, such as forced relocation, religious and ethnic persecution, extra-judicial killings, heavy crop quotas, cash extortion, arrest and detention, rape and murder. The SPDC has attacked and burned villages of the ethnic minorities. The displaced persons are forced into the jungle or driven by force across the border into Thailand where they become refugees. Approximately one million refugees of various ethnic groups

His Majesty, the King of Thailand, and the Royal Thai Government have shown a tremendous amount of charity, love and generosity to these refugees, but given the current economic crisis and severity of the situation they can hardly do more. Once these ethnic groups are forced across the border by the SPDC, they are not left alone, the SPDC continues to terrorize these people by attacking them across the border, thereby violating Thailand's sovereignty. The Thai Army has lost many soldiers trying to protect these people. In 1998, the Thai Army had over twenty soldiers killed while trying to protect the Mae La refugee camp.

Human Rights abuses by the SPDC on the ethnic peoples are just a small part of a much larger problem. The SPDC has realized that they cannot gain international aid or support by their brutal tactics so they have turned to drug production to finance their army and country. The SPDC is producing heroin and methamphetamine, which is being sent to Southeast Asia and to the rest of the world. Thailand has been forced to direct many of the Army's already thin resources to fight this trafficking.

I believe that more humanitarian aid, assistance, and support to the Thai Government, a proven ally and friend to the United States, is urgently needed. We can try to influence and become more involved in the Association of Southeast Asian Nations (ASEAN). The United States and other members of ASEAN should pressure Burma for dialogue and raise these issues through all available international forums. We could possibly re-evaluate our recognition of the Government of Burma. We could also support the formation of an international investigative body, sanctioned by the UN and ASEAN, that would investigate and document human rights violations by the Burmese Regime and use it as evidence in an International Tribunal.

I finally believe it is in our best national interest for the United States to use all reasonable means to restore democracy to the people of Burma. As long as the brutal regime continues to hold power in Burma, the region will remain unstable thus causing tensions with the Kingdom of Thailand and the rest of Southeast Asia. In my view, we simply can't allow this to continue. Rather, we have a moral responsibility to the people of Burma, to the displaced ethnic minorities, and to the country of Thailand to take appropriate action now.

On January 6, 1941, President Franklin Roosevelt said, "Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and to keep them. Our strength is our unity to that purpose. To that high concept there can be no end save victory."

Recommended Actions, September 26, 2000, Burma Ethnic Delegation (Karen National Union, Karenni National Progressive Party

1. Provide immediate relief (medical, food, shelter, clothing) to the Internally Displaced Persons (IDP). Relief can be coordinated and sent through ethnic IDP relief organizations.

2. Provide security for the IDP's from the attacks of the SPDC army.

3. Continue the assistance to refugees in camps and provide assistance to all refugees not yet in camps or with no access to camps.

4. Increase assistance for education programs for IDP and refugees schools and provide for schooling and education abroad.

5. Implement a counter narcotics program in Burma that in return for cessation of narcotics production and trafficking will provide for the following;

a. Provide for a crop substitution and economic development program for the opium growing and amphetamine producing groups such as the Shan, Kokang and Wa. This should be done directly with these groups and not through the SPDC.

b. Provide relief and educational support for these groups.

c. Provide for training and supply of ethnic counter narcotics forces to enforce the counter narcotic program.

6. Establish a tri-partite dialogue between the SPDC, Burma democracy groups and ethnic groups. Through the Ethnic Nationalities Seminar of 1997 and the National Solidarity Seminar of 1998, the Burman and ethnic democracy groups have agreed on a framework for a democratic Burma. Their appeals for dialogue with the SPDC so far have been rejected.

7. Take the necessary economic, political and military actions to restore democracy and all human rights in Burma. This can be done indirectly by fully supporting the democratic resistance or directly by international intervention or both. The 10 ethnic democratic groups still resisting the SPDC (KNU, KNPP, NUPA, ALP, SSA, CNF, LDF, WNO, PHLO, PSLO), field between 14,000 and 15,000 groups. They are motivated and with support could easily increase in number, helping to provide security for the IDP's and helping to bring the SPDC to dialogue. Cease fire groups such as the KIO and the USWP have over 40,000 troops. And with support could be reunited with the pro democracy groups. With more support Burman pro democracy forces and ethnic forces could better unite.

8. Help establish a safe area for defectors from the Burma army and implement a program to receive these soldiers. There are thousands of Burma army soldiers who would leave their commands if there was a safe place for them.

9. Establish a war crimes tribunal for Burma to bring the perpetrators of war crimes and other human rights violations to justice. With the consent of Congress, this administration and the next, should setup a task force to monitor the crimes against humanity that the military regime in Burma is committing. What, Where When, to whom, by whom and under whose command atrocities were committed. Also posting the results of the findings on a .gov website will further establish credibility to the SPDC's part in the crime. This will be the building blocks for either prosecution by the international war crimes tribunal or a human rights commission so justice can be served.

10. That Congress request that the next Administration appoint an interagency task force to:

a. Assess the implications of China's actions in Burma.

b. Develop a plan for bringing about democracy in Burma.

c. Present the assessment and plan to the appropriate Congressional intelligence committee(s) before the end of 2001.

11. With the urging of Congress, the current and next Administration should actively discourage Pakistan, Israel, Singapore and China from providing military assistance to Burma.

12. Increase Sanctions against SPDC and continue to encourage other countries to do the same. Make all investment in Burma by US companies illegal. For example bring a close to UNOCAL's operations in Burma. Over 40% of foreign investment goes to the military a military whose only enemy is its own people.

13. Continue to recognize the dedication and courage of Burma democracy leaders such as Aung San Su Kyi.

SALUTING TEXAS ROSE FESTIVAL QUEEN AND DUCHESS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. HALL of Texas. Mr. Speaker, I am pleased to pay tribute to the queen of the 2000 Texas Rose Festival, Caroline Malone Key, and to Tiffany Love Mea, who served as duchess of the rose growers during the festival which was held October 19–22 in Tyler, TX—the "Rose Capital of the Nation."

Miss Key is the daughter of Mr. and Mrs. William O. Key of Tyler. Her family has been actively involved in the Rose Festival for many years and in service to the community, and Caroline has participated in the Rose Festival in various capacities in previous years. She is a freshman at Millsaps College in Jackson, MS. A native of Tyler, she attended All Saints Episcopal School, where she was active in student affairs. Her community services activities include St. Louis School, Habitat for Humanity, Bellwood Lake Clean-Up, Young Life, Tyler Rose Museum, Discovery Science Place and Tyler Day Nursery.

Miss Mea is the daughter of Pamela Jenkins of Tyler and Joseph C. Mea of Lindale. Her father is owner of Mea Nursery of Lindale, where Tiffany grew up learning about the industry and developing a special appreciation for roses. She attended All Saints Episcopal School in Tyler and is a 1999 graduate of San Marcos Baptist Academy. She is an honor student at St. Edward's University in Austin, where she is majoring in communications production, and is involved in Hunger Awareness and Habitat for Humanity. As duchess, Tiffany also will serve as an ambassador to Tyler, representing the area and its rose industry throughout the year.

Inspired by the Tyler Garden Club and begun in 1933, the Texas Rose Festival represents the spirit that brings Tyler together as a community. Tyler is home to the Nation's largest municipal rose garden and museum. Approximately one-fifth of all commercial rose bushes produced in the United States are grown in Smith County, while over one-half of the Nation's rose bushes are packaged and shipped from this area. Each year more than 100,000 people from around the world visit the Tyler Rose Garden and Museum. The Rose Garden blooms from late April until frost with over 30,000 rose bushes exhibiting approximately 450 varieties of roses. The Museum features memorabilia of past festivals, including hand-sewn, jeweled costumes dating as far back as 1935. James W. Arnold is the 2000 festival president.

The Texas Rose Festival attracts local citizens and visitors from throughout the country and is a showcase for Tyler's hospitality as well as its vibrant rose industry. The success of the Rose Festival is a reflection of the dedication, hard work and community spirit of hundreds of citizens and local businesses in Tyler. It is a source of tremendous civic pride for Tyler and East Texas, and it has evolved into a premiere event that is known throughout the Nation.

Mr. Speaker, I am very pleased to have participated in the Rose Festival for many years, and I would like to take this opportunity to commend all those whose efforts have made it possible and to congratulate Caroline Key, Rose Festival Queen for 2000, and Tiffany Mea, Duchess of the Rose Growers.

IN HONOR OF NANCY DODD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. FARR of California. Mr. Speaker, today I honor the life of a woman who was a pioneer and an activist in many ways. Nancy W. Dodd was a woman who devoted her life to helping individuals and families cope with alcoholism and abuse, and has touched more lives than we can count. On September 5, 2000, Nancy passed away in her home after a long illness.

Nancy was born in Dallas, TX, in 1935 and 1965, she moved to Salinas, CA. It was here that she founded, with her husband, the Sun Street Centers. At Sun Street Centers, which still thrives today, Nancy began a new approach to alcohol recovery where, within the context of a residential treatment facility, she worked with the families of those she cared for in order to overcome alcoholism. This treatment model continues to be used on a state and national level in helping the individuals and families that are affected by alcoholism. The Sun Street Centers have served more than 60,000 people in Monterey County, to date. Ms. Dodd was also active in Al-Anon for 36 years, and served as the Alcohol Program Administrator for San Benito County, California. It was in this role that she created the Community Recovery Center for that county, serving similar needs as her Sun Street Centers.

Recently, as a tribute to her impact on the Monterey County community, the Monterey County Board of Supervisors named a currently developing community center The Nancy Dodd Community Center. In the resolution for this act, they praised her as "* * * A leader in the alcohol family recovery field" and proclaimed the new center's name "* * * In recognition of her dedication and service to the community".

As an educator on the subject of treatment, Nancy lectured at colleges and universities throughout California, and was a frequent participant in the Episcopal Cursillo. As a member of the Good Shepard Episcopal Church she served as a junior warden, among other roles. She was a member and former president of the Democratic Women's Club of Monterey County, and a former board member and officer of the Women's Crisis Center and the Family Resource Center.

Nancy W. Dodd was a vibrant and energetic voice in the community. She will be sorely missed by her husband, Martin; her two sons, Martin Dodd III of Berkeley, CA, and Wesley Dodd of Clovis, CA.; two daughters, Elaine Dodd and Cheryl Merrill, of Salinas, CA; two sisters, Janice Seldomridge of Savannah, GA., and Penny Sieg of Jacksonville, FL; nine grandchildren; and many nieces and nephews.

TRIBUTE TO THE ALPENA KNIGHTS OF COLUMBUS ON THE OCCASION OF THE COUNCIL'S 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. STUPAK. Mr. Speaker, the Knights of Columbus, an organization that has been called "the strong right arm of the Catholic Church," was founded in 1882 in the basement of a church in New Haven, CT.

The importance of this unique fellowship of men, gathered together to do good works in their community, was quickly recognized, and men came together in other communities to form their own local groups. In 1900 a council of 30 members was formed in Alpena, MI, in my congressional district.

I recently had an opportunity to join the members of the Alpena Knights of Columbus Council 529 for their 100th anniversary. Now 500 members strong, this council personifies the strength and viability of the Knights of Columbus, which has grown to more than 1.6 million members worldwide.

I said, Mr. Speaker, that the Alpena council personifies other councils. This is most true in the good works the council does. It sponsors activities for both boys and girls, buying jerseys for teams in such sports as baseball, hockey and soccer teams. It supports Boysville, a camp in Clinton, MI, and it provides assistance to the families of its members, a hallmark of Knights of Columbus councils everywhere.

Where this council differs from others, Mr. Speaker, is in the nature of its single biggest fundraiser, its annual Wild Game Dinner, which is held the last Friday in January. The council puts its best northern Michigan culinary foot forward with a game feast of salmon and trout, of deer, moose and elk, of rabbit and muskrat. Approximately 500 diners are expected each year, and the council can expand its charitable fund by about $50,000 annually from this event alone.

I had the pleasure of addressing members of the Alpena council recently, and I spoke of our own efforts here in Congress to bring a sense of religious commitment to our public service through the Congressional Prayer Breakfast. We, too, are a body brought together to do good works on behalf of others. It remains my fervent hope that, despite the widely divergent views on every issue that are brought to the House floor, we will be kept humble, ever conscious of our commitment to service, and ever focused on working together, even when we disagree.

I pray the next 100 years of the Alpena Knights of Columbus will find their membership ranks filled, their good works expanded, and their example of fellowship and public service a bright beacon for individuals, the private sector and public servants like us.

WOLCOTT FIRE COMPANY NO. 3 CELEBRATES GOLDEN ANNIVERSARY

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, over the past fifty years there have been many significant events in the Town of Wolcott, a community in my Connecticut congressional district, but this October 27th will be a date that will be especially noted for what it means in the lives of so many past and present residents of the Town. On that day, Friday, October 27, 2000, Wolcott Volunteer Fire Department Company No. 3 celebrates its golden anniversary—50 years of dedicated service to the Town of Wolcott and surrounding communities.

Fifty years ago, the Town fire department foresaw Wolcott's potential for growth that has ultimately been realized. Despite very limited resources, dedicated volunteers moved ahead to create a third fire company within the department. Indeed, resources could not have been more limited, with the only equipment available being an old ambulance converted to an emergency truck, and $1.38 in the treasury, much of that raised from a penny collection. The members of the Company however, were extremely dedicated to their task. A year later the company acquired its first real fire truck, a well used 1919 American LaFrance, purchased from the neighboring city of Waterbury for $300.00. The fire station was a converted local garage.

As the years passed, and as the community grew, so did the role of Company No. 3. The members continued to pull together, some literally mortgaging their homes to raise funds for their efforts. A new station was built by members of the Company and other townspeople, with much of the labor and materials being donated. Other emergency vehicles were added to the company. Training and equipment maintenance took not only a lot of time, but also a lot of money. Fundraisers of every kind were held to help offset the costs of the equipment. After just ten years, the Company purchased its first new truck for $16,700, obtained through local fundraising efforts as well as a mortgage on the fire house.

In the ensuing years, other trucks and emergency vehicles were purchased, additions to the station were made, and the company endured numerous challenges that only served to make it a stronger and more cohesive organization. The outcome is an organization whose character is steeped in dedication, loyalty and commitment to serve the Wolcott community.

The members of the Company, past and present, have made sacrifices above and beyond the call of duty that have set an example for all firefighters to follow.

Mr. Speaker, Wolcott Volunteer Fire Department Company No. 3 deserves wide recognition, and I ask my colleagues in the House of Representatives to join with me in congratulating all past and present members of Company No. 3, and thanking them for a job well done!

TRIBUTE TO CHARLES A. GARNEY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I wish today to honor an exceptional leader and friend to our Kansas City community and our country. This year the Metropolitan Lutheran Ministries of Greater Kansas City will recognize Charles A. Garney as a Friends in Deed 2000. Charles Garney has an extensive history of civic pride and investment into our community. He has shown outstanding dedication as a business leader, philanthropist and advocate for the poor and disadvantaged of metropolitan Kansas City.

Charles Garney is the founder, Chairman of the Board, and Chief Executive Officer of

Garney Companies, Inc., a heavy utility construction company with its headquarters in Kansas City, Missouri. He is also the founder, Chairman of the Board, and Chief Executive Officer of Briarcliff Development Company, headquartered in Kansas City as well. Charles Garney and his companies have played an integral role in shaping the Kansas City skyline. He is responsible for preserving and promoting one of Kansas City's most notable neighborhoods in the historic Northeast area where he has made his home and been recognized as the Northlander of the Year by his neighbors.

Outside of his burgeoning businesses, Charles Garney has played an active role in Kansas City's civic, social, and philanthropic communities. Mr. Garney has consistently dedicated his time and efforts to countless organizations such as Metropolitan Lutheran Ministries, which improve the lives of others and make Kansas City a better place to live. He is the past President of the Kansas City Area Economic Development Council, past President of the Kansas City Crime Commission, and Director of the City of Fountains Foundation to name only a few. Mr. Garney is a member of several distinguished charitable and professional boards and committees as well. Charles Garney's commitment has been recognized as the Missourian of the Year, he has received the Citizen of the Year Award from Baker University, the Distinguished Citizen of the Kansas City Community Award by Park College, and he is listed in "Ingram's Magazine" as one of Kansas City's hundred most influential people from 1990 to 1997.

Throughout his professional and personal career Charles Garney has been a great friend to his neighbors in the Kansas City community. He has shared his success with the city which raised him, and his devotion as an example to us all. Charles exemplifies the core values that we all strive for: commitment to the community, to family and to making a difference in the lives of others. I am honored to acknowledge Charles A. Garney for his successful efforts and service to Kansas City. I know that he is joined in receiving this award by his wife Patty, his six daughters, and their extended family. Mr. Speaker, please join me in congratulating the Metropolitan Lutheran Ministries Friends In Deed 2000, Charles A. Garney.

NATIONAL LAW ENFORCEMENT MUSEUM

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. GONZALEZ. Mr. Speaker, on October 24, 2000, S. 1438, a bill to establish a National Law Enforcement Museum in the District of Columbia was passed in the House.

H.R. 2710 and its companion legislation, S. 1438, would establish a National Law Enforcement Museum next to the National Law Enforcement Officers Memorial in the District of Columbia. I believe that this museum will be a fitting tribute to those who serve and protect our communities and nation on a daily basis. Currently, there are about 74,000 federal, state and law enforcement officers who risk their lives to ensure that citizens are safe and protected. In fact, members of my own family have served and I feel especially proud to be a cosponsor and ardent supporter of this museum.

The museum will help to educate the public about the law enforcement profession and the great personal risks many officers encounter daily. An integral part of the success of law enforcement is public support; support that will grow as the public gains a better understanding of the law enforcement profession through information provided at the museum. The museum will have an accompanying research facility that will be instrumental in creating a safer and more stable environment for all, as research conducted there will be utilized by policy makers as well as officers themselves to improve both the effectiveness of legislation and law enforcement techniques.

RETIREMENT OF NEW MEXICO STATE HISTORIAN ROBERT J. TORREZ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. UDALL of New Mexico. Mr. Speaker, Mr. Robert J. Torrez, the New Mexico State Historian and one of New Mexico's most recognized, respected and honored historians, recently announced his retirement to be effective December 22, 2000. Mr. Torrez has served in his official position with New Mexico's state government since 1987.

During his years as State Historian, Mr. Torrez has made many noteworthy contributions to support greater awareness of the richness and depth of the more than four and a half centuries of New Mexico history—a written record of history in the United States that has few, if any, direct parallels. And a record that continues to grow as New Mexico continues to make its unique contributions to our country.

One of the areas in which Mr. Torrez has focused his scholarship is the history of New Mexico's judicial institutions and how those institutions responded to crime, punishment and other legal dilemmas under the Spanish, Mexican and American governments. He has written many articles on the subject and has pointed out the effectiveness of the Spanish and Mexican systems in dealing with crimes in the context of not only providing justice, but also community-wide resolution and acceptance of the application of justice through those systems in ways that also preserved the integrity of the individuals and families involved in progressive ways. He has long-running regular column that is published in the monthly public employee-oriented newspaper, Round the Roundhouse, that has pointed out many little-known aspect of New Mexico's history.

Mr. Torrez is a recognized expert on one of New Mexico's—and the Southwest's—most challenging issues. And it is an issue that is not only close to my heart but touches on the soul of every traditional Hispanic community in New Mexico: the question of New Mexico's land grants. Those grants made by Spanish and Mexican governments were ostensibly protected by the Treaty of Guadalupe Hidalgo that ended the United States' war with Mexico in 1848. Mr. Torrez has presented countless lectures and discussions concerning this matter and he served as a member of the Guadalupe Hidalgo Task Force created under the auspices of the New Mexico Attorney General's Office in order to assist the United States General Accounting Office conduct their ongoing study of New Mexico's grants.

Mr. Torrez has also contributed significantly tothe preservation of New Mexico's historical documents and cultural propoerties. As only one notable example, in 1988, he worked with the New Mexico Historical Records Advisory Board to obtain a grant from the National Historical Publications and Records Commission. He then ensured that the grant funds were applied to a much-needed project for locating and identifying historical records throughout New Mexico and then assessing their condition and making recommendations for maintaining and preserving them for posterity. The result was a report, New Mexico's Historical Records—An Assessment, that was published and circulated throughout the State in 1990.

Despite his widespread recognition and his scholarly position, Mr. Torrez has also deliberately chosen to remain accessible to the many citizens struggling to understand their family, cultural and state history. It is part of his commitment to promoting the understanding and dissemination of the history that he clearly so deeply loves. And as a consequence, he is not only widely recognized and warmly received wherever he travels in the state, but is also deeply appreciated as a living, breathing cultural treasure in our State. I, my wife, Jill, adn countless other New Mexicans join in extending our sincere thanks and congratulations to Mr. Robert Torrez for his years and dedication and commitment to the history of our Land of Enchantment. We know and are glad that he will be able to continue his work from the comfort of his well-deserved and more leisurely state of retired public servant. One who has exemplified the highest standards of public service. We wish him continued rewards in the years to come.

MAINE WOMEN'S FUND

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. ALLEN. Mr. Speaker, on Monday evening, October 2, the Maine Women's Fund held its annual "Evening to Honor Maine Women and Girls" and celebrated the Fund's tenth anniversary year.

At this year's dinner, the Maine Women's Fund honored four women for their extraordinary efforts to eliminate gender barriers.

Odelle Bowman, of Portland, uses theater to teach life and social skills and strengthen self-esteem for at-risk young girls through "A Company of Girls," sponsored by the East End Children's Workshop. Many of the girls are from low-income single parent families, many have survived a traumatic past, almost half are young women of color, and many are refugees. The productions are different and challenging. They range from Romeo and Juliet to a play deconstructing the Cinderella myth. Odelle produces all productions for "A Company of Girls," from lighting and costumes to directing and coaching.

Elise Brown, of Liberty, is a firefighter with the Portland Fire Department, as well as a Captain and training officer with the Liberty Volunteer Fire Department. Elise taught a carpentry course for Women Unlimited, where women learned carpentry, and also were encouraged to challenge traditional gender barriers in employment. She has been the positive role model many women long for as they explore areas outside the realm of presumed acceptability. Elise has built wooden boats, a post and beam barn and managed a vegetable farm. As assistant to the Director of the Miane Women's Development Institute, she designed and developed a database system, was responsible for the bookkeeping, correspondence and grant requests.

As Co-Director of Portland Adult Education, Larinda Meade of Portland has changed the lives of thousands of women, many among the state's poorest citizens. She has been a classroom teacher, an educational counselor, an administrator of a statewide literacy program, a Dean of Women, and since 1990, co-director of Maine's largest and most diverse public school education program. She has worked to establish a "first-of-its kind" Family Workshop on Munjoy Hill. Larinda has served on the board and as President of Women Unlimited, on the Advisory Council for the Maine Centers for Women, Work and Community and is a founding member of the Coalition for Women in Trades and Technology.

Dancer, dramatist, poet, athlete, artist, and feminist activist Caitlin Schick of Mount Desert Island has accomplished a great deal in her eighteen years. As a poet, her work often deals with subject of eating disorders, loving oneself, speaking up. As an artist, her paintings are striking. One painting is of a woman's face with phrases behind it such as "we can never be beautiful enough * * * we can never be enough * * * we can never be good enough." Caitlin wrote and starred in a skit for National AIDS Day, which dealt with sexual issues facing young people.

I salute the contributions of this year's honorees and appreciate the work of the Maine Women's Fund in advancing the cause of gender equality.

TRIBUTE TO DAN MOODY, JR.

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. ARCHER. Mr. Speaker, I pay tribute to Dan Moody, Junior of Austin, Texas who died on Friday, the 27th of October. His death was an enormous loss, not just to me as his close friend, but also to all of humanity.

Dan Moody was a man of the highest intellect and integrity of any person I've known in my life. He graduated from the University of Texas Law School with the highest grade point average of anyone in the history of the school in 1951. Yet he never had the characteristics of a bookworm, rather he was always a down to earth, fun loving, rounded human being. He was almost always right, yet never overbearing or arrogant in his position. He walked through life with respect for every human being.

He was the son of Texas' youngest Governor, Dan Moody, a man who had the courage to fight and defeat the Ku Klux Klan in a court of law. He clearly passed on his courage and integrity to his son, Dan Moody, Jr. To all of his friends, his loyalty was exceeded only by his care and compassion. His word was sanctified bond and he was always prepared to give of himself to others wherever there was a need. I extolled him in life as I do now in death. His country and I will miss him greatly and I'm sure that all of my colleagues join me in extending our sympathies to his marvelous wife, Ann, his daughter Martha, and his son Charles.

TRIBUTE TO OLA MAE FORD

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to Ola Mae Ford, a native of Macon who lives in Fort Hill in what is affectionately referred to as "the house by the side of the road." Her house has this designation because she cooks incredibly delicious food every day, and people travel from all parts of the state to sit at her table and share her hospitality. She has been cooking all of her life, but her training at Albany State University and Atlanta University helped sharpen those skills that she used for 36 years as a Home Economics Teacher at Ballard Hudson Senior High School.

Ms. Ford served as Advisor to the Future Teachers of America and was a member of the National Education and Professional Standards Commission. She has been actively involved with the American Red Cross, both locally and nationally, as well as the March of Dimes, the Central Georgia Health Agency, the Georgia State Health Planning Council, the American Legion's Auxiliary Girls' State Program, and the Southwest Optimist Club. She was appointed by two of Georgia's governors to serve on the Council of Maternal and Infant Health for twelve years.

Presently, she continues to enthusiastically work to improve the lives of the people of Georgia by staying involved with many boards, such as the Board of Directors for Meals on Wheels, Bibb County Home Makers, Friends of the Ocmulgee Monument, Advisory Council for Neighborhood Health Care and President of the Fort Hill Neighborhood Association.

Her life and work are centered around providing the generous gift of hospitality. I congratulate her on all of her life long efforts to build better communities and help others. I want to recognize the positive impact she has made on the lives of so many people. Her work and her contributions are important, and I want to salute her as an outstanding citizen of Georgia's Eighth District.

OMNIBUS INDIAN ADVANCEMENT ACT

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. WOOLSEY. Mr. Speaker, I strongly object to H.R. 5528, The Omnibus Indian Advancement Act, because this bill does not protect Marin and Sonoma Counties in California from casino development.

Section XIV of the bill, which discusses the restoration of the Coast Miwok tribe in the Sixth Congressional District of California, rightfully restores the Miwoks' tribal status but does not protect Marin and Sonoma Counties from gambling. That is not acceptable.

In June, H.R. 946, The Graton Rancheria Restoration Act, my bill to restore the Miwoks' status and protect the community from casino development unanimously passed the House.

Now, in the last days of the session in the dark of night this hastily written omnibus bill that undoes the work of this House and does not protect my constituents is brought to the floor. In their effort to finish up their work for the year, the authors of this bill have hung Marin and Sonoma Counties out to dry and undone my work.

An act of Congress took away the Miwoks' status nearly 40 years ago. Now the Miwoks' need an act of Congress to restore their status and to provide them the health and education benefits they deserve.

By working with the tribe, the community and the House Resources Committee, I passed H.R. 946 that carefully balanced the needs of the Miwoks and the needs of the community. Under the bill I wrote and this House passed, everyone would have come out a winner.

Now, without notice, the other body has undone this House's strongly supported efforts on behalf of the Coast Miwoks.

If this bill becomes law, there will be nothing stopping the Coast Miwoks from building a Vegas-style casino in the rolling hills of Marin and Sonoma counties—no matter how much the community objects.

Under current federal law, Indian gaming is prohibited except in states, like California, that allow gambling. In those states, governors are obligated under federal law to negotiate a compact with any recognized tribe that wants to start gaming.

As everyone knows, federal law has precedence over state law in all circumstances. Therefore, without a specific federal prohibition against Miwok gaming, like the one contained in my bill, H.R. 946, the Graton Rancheria Restoration Act, at any point the Miwok could set up gaming in the North Bay; all they would have to do is ask and the governor would be obligated to negotiate a gambling compact with them.

Mr. Speaker, my constituents strongly oppose gaming. As their representative, I strongly oppose this bill. The pressure to wrap up work for the session is no reason to ignore my communities' needs.

FEDERAL GOVERNMENT POLLUTION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to submit for the RECORD an article written by former Senator Robert W. Kasten, Jr. The Honorable Bob Kasten served in both the House of Representatives (1975–81) and the Senate (1981–93).

Mr. Kasten writes to remind us of the fact that the Federal Government is the largest polluter in the United States. He brings to our attention anecdotes from the states, which illustrate the states' difficulties enforcing local environmental laws on the federal government. He writes about the federal government's lack of accountability in cleaning up its own toxic waste sites and its attempts to push cleanup responsibility and costs to local levels of government and to private landowners.

According to a Boston Globe article last year, "federal agencies have contaminated more than 60,000 sites across the country and the cost of cleaning up the worst sites is officially expected to approach $300 billion, nearly five times the price of similar destruction caused by private companies." In contrast, private Superfund site clean up is estimated at a fraction of the federal government at $57 billion. The article goes on to say that the EPA Inspector General has found that, federal agencies are increasingly violating the law, with 27 percent of all government facilities out of compliance in 1996, the latest year figures available, compared to 10 percent in 1992.

Department of Energy and Department of Defense environmental clean up budgets are routinely last priorities in the appropriations processes. For example, this year I worked to cut construction funding in the Energy and Water Appropriations bill for the DOE's National Ignition Facility (NIF)—a bottomless money pit that the GAO has determined to be mired in waste and technological difficulties—and suggested that this funding be transferred to the DOE's waste management account, where I believe the money could be put to better use.

The final appropriations bill increased the Defense Environmental Restoration and Waste Management fund by $490 million dollars. In comparison, the NIF project, which is 100 percent over budget and 6 years behind schedule, was appropriated $130 million for FY 2001. The NIF boondoggle was granted nearly one-third of the total increase of the environmental clean up budget. Clearly the federal government has other agendas than the environment.

We need to look more closely at Federal Government's own environmental problems. The State and Federal Government can work together to modernize environmental laws, streamline the bureaucratic process, and focus less on punishment and more on figuring out the best way to reach high environmental standards and compliance.

AMERICA'S LARGEST POLLUTER—GUESS WHO

(By Sen. Robert W. Kasten, Jr.)

Here is a question that really ought to be put to both the presidential candidates, but especially Vice President Gore, in the final weeks of the campaign: Can you tell us who the largest polluter in the country is? And—important follow-up—if you are elected president, what would you plan to do about this defiler of our planet's future?

The answer, as market environmentalist Becky Norton Dunlop notes in her forthcoming book, Clearing the Air, will surprise many Americans. It isn't Exxon, duPont, or even, with respectful apologies to Ronald Reagan, trees—although trees are, as Reagan said, a major source of certain "pollutants."

Rather, as Dunlop notes, the largest polluter in the United States is: the United States government. Federal vehicles are not only numerous, but, in many cases, don't meet Federal clean air standards. Temporary bureaucrats who commute to major federal centers, especially in Washington, D.C., often do so in vehicles that aren't locally registered, and thus don't meet area pollution requirements.

There are even a large number of federally-protected toxic waste sites. And of course, the Federal government's sorry effort to blame land-owners who didn't pollute for the chemicals put on their property by others is a major reason why the vast majority of Superfund sites around the country haven't been cleaned up.

Dunlop knows about Federal pollution first-hand. As Secretary of Natural Resources for the state of Virginia from 1994 to 1998, she had to go to court against the Gore-Clinton Environmental Protection Agency to stop some Federal agencies from polluting, or protecting polluters being harbored because they were Federal contractors. For this, she won the ire of some extremists for whom environmentalism means not making the air, water, and soil cleaner, but expanding the federal government's ability to strong-arm states, cities, companies, and private citizens.

Even some environmentalists are starting to realize the irony, as Scott Harper of the Virginian-Pilot put it recently, that if you're looking for the biggest polluter of all, "it's government—the same authority that's supposed to protect the environment." The Boston Globe did a whole series on the issue of government pollution in 1999. This summer, USA Today did an expose on Federal agency pollution dating back to the 1940s, a series that has led to Senate hearings this fall. But you don't have to go back to the history books to find Federal polluting. It's going on right now, under the man supposed to be the environmental vice president, Al Gore.

Now, to be sure, one reason the Federal government is the largest polluter is its sheer size. The Federal government owns more vehicles, buys more products, employs more commuters, and does a lot of other things in much greater volume than any company. (That the Federal government is so vast is, in

But size isn't the only reason government pollutes so much. Far from it. A major contributing reason is that Federal authorities frequently attempt to shift the expense for cleaning up their pollution to other levels of government, or to private landowners—allowing federal agencies themselves to continue polluting while blaming others.

As Dunlop recounts, for instance, in the mid 1990s, the EPA, run by former Gore aide Carol Browner, tried to prevent the state of Virginia from making the Federal government clean up one of the worst toxic waste sites in the country, Avtex fibers. The plant had been kept open thanks to Colin Powell and the Bush administration because it was producing valuable products for the Federal government. That's understandable.

What was wrong was the effort by the Clinton Administration to avoid making the party responsible for the pollution, namely Uncle Sam, from paying for the cleanup. "Can you imagine," as Dunlop notes, "if the guilty party had been a major corporation?"

EPA ultimately paid a huge fine to Virginia in the Avtex case but only after a legal struggle. Today, Browner brazenly takes credit for having cleaned up the site.

The government as a polluter is a vital issue all by itself. But in an election where trust, character, and taking responsibility have become part of the debate, it may be especially important.

Wasn't it Al Gore who was led an exhaustive review of everything the Federal bureaucracy does, the ill-starred "re-inventing government" crusade? How does Gore square this effort and mission, and his vaunted attention to detail, with the fact that he apparently paid little attention to the polluting activities and policies of governmental itself?

Here we see the intersection of something Al Gore claims to revere, namely clean air and water, with the place where he and Bill Clinton have had the most direct control, the federal executive branch. And instead of a record to be proud of, the story of EPA in the 1990s is one of political vendettas, bad science, and "the buck stops over there."

I'm no Jim Lehrer or Larry King, but if I were, I know that I would point this out. It isn't a nit-picking question, and it isn't a personal attack—instead it goes to policy and the future. And it would sure be interesting what Al Gore has to say.

Mr. Kasten served Wisconsin in the House of Representatives (1975–81) and U.S. Senate (1981–93) and is an advisor to the Alexis de Tocqueville Institution.

HONORING RON HASKINS

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. McCRERY. Mr. Speaker, as the 106th Congress draws to a close, I would like to join my colleagues in paying tribute to Mr. Ron Haskins, the Staff Director of the Ways and Means Subcommittee on Human Resources. Much to my regret, Ron will be leaving the Subcommittee at the end of the year. I know he will be sorely missed by this Member, and by the many other Members and staff who have had the opportunity to work with him during his time on Capitol Hill.

Over the years, Ron has been a key asset on the Ways and Means Committee. As a member of the Human Resources Subcommittee, I have had the honor of working closely with Ron on some of the major social policy issues affecting our country. His in-depth understanding of the issues, combined with his keen ability to digest the diverse perspectives of Committee Members, have allowed him to help identify areas of compromise and agreement on difficult issues.

As the Subcommittee's new Staff Director in 1995, Ron immediately employed his strong grasp of the nation's welfare system by working with then-Chairman CLAY SHAW, and other Members of the Committee, to craft the 1996 Welfare Reform Act—the most significant change in social policy in this country in the last 60 years. Thanks to Ron's tireless efforts, millions of American families are breaking a cycle of dependency and are working and gaining independence in our nation's economy.

As Ron moves on to other opportunities in his life, I join my colleagues in thanking Ron for his service to the Committee and to the country, for his good counsel, and for his energetic presence. I wish him all the best in his future endeavors.

SUPPORT FOR LIBERTY DAY CELEBRATION IN KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. MOORE. Mr. Speaker, I rise in support of the celebration of Liberty Day in my home state of Kansas.

Liberty Day is a non-partisan statewide celebration of the Declaration of Independence and the U.S. Constitution. It is celebrated annually on March 16th, the birthday of James Madison, the "father of our Constitution." On this day, and throughout the year, elected and previously elected officials volunteer their time to speak to students about how our country was established, how our system of government operates, what it means to be an American, and what our rights and responsibilities are as citizens of this great country. This year, Liberty Day was observed in California, Colorado, Connecticut, Illinois, Nebraska, New Jersey, New Mexico, New York, Ohio and Wyoming. In Kansas, March 16, 2000, was proclaimed as Liberty Day by Governor Bill Graves, who urged all Kansans to join in the observance.

On October 10th of this year, I was pleased to join with my colleagues in voting in favor of H. Con. Res. 376, expressing the sense of Congress regarding support of the recognition of a Liberty Day. This resolution was approved by a voice vote of the House of Representatives.

Mr. Speaker, as a Member of the House of Representatives for the 106th Congress, it has been my honor to have the opportunity to distribute hundreds of copies of the Constitution to constituents who have visited my office, Kansans who have attended my regularly-scheduled community office hours in the Third District, and secondary school teachers, study group leaders, and ministers who have contacted me asking for copies of the Constitution for distribution. I welcome this opportunity to share with you my support for this worthy endeavor, which will bring the living words of our Constitution closer to the minds and hearts of Kansans who, as I do, revere its meaning in our lives today.

HONORING GIL CORONADO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. ORTIZ. Mr. Speaker, I honor the achievements of a fellow Texan who has been serving as a key appointee in the Clinton Administration for the past six years. Gil Coronado is one of San Antonio's favorite sons, and is currently serving as the ninth Director of the Selective Service System. He is also the first Hispanic Director in the Agency's 60-year history.

Since his nomination by President Clinton and Senate confirmation in October 1994, Director Coronado has been leading this small but vital Federal agency into the 21st Century with unprecedented modernization and innovation, through the institution of on-line registration and registration by telephone. Nearly three-quarters of a million men have registered on-line to date.

More than half of all registrations today are electronic and the ratio of electronic registrations vs. paper registrations increases monthly, making it faster and easier for America's young men to comply with the registration requirement. These improvements also make it less costly to administer, something for which this body has a great appreciation.

Gil Coronado's influence as Director extends beyond Texas and Washington, D.C. Through his tireless advocacy in encouraging state and local government support of the Federal registration program, the number of states enacting laws that directly support the Military Selective Service Act has risen from 18 to 28 since 1994. This year two states—Oklahoma and Delaware—became the first states to link Selective Service registration with application for state drivers' licenses.

Gil Coronado is dedicated to making sure that our nation's young men are reminded about their civic and legal obligation to register.

Gil Coronado is a tremendous role model. He was born in Corpus Christi and grew up in the barrios of San Antonio. Orphaned at the age of five, his youthful years sometimes found him on the wrong side of the law. He dropped out of high school and was a member of Hispanic gangs. But he soon followed a more productive path in life, leading to great personal achievement and dedicated public service.

He enlisted in the military when he was only 16 by being more patriotic than honest about his age, earned a GED diploma, a college degree, and devoted a total of 30 years to a distinguished Air Force career, retiring as a Colonel with over 35 awards and decorations including the Legion of Merit and Bronze Star. A long-time crusader for Hispanic issues, he advocated creating National Hispanic Heritage Month, designated by the Congress in 1988.

I ask my colleagues to join me in saluting the service and accomplishments of one of its most effective appointees, Selective Service System Director Gil Coronado. His selfless contributions to our great nation, from his years as a very young airman to the approaching conclusion of his current assignment as the longest serving SSS Director since General Lewis B. Hershey, are inspirational to us all. In every respect, Gil Coronado is a patriot, a good friend, and a great American.

A TRIBUTE HONORING MR. JOSEPH ACOSTA ON HIS 90TH BIRTHDAY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to a very special American citizen, Mr. Joseph Acosta of San Gabriel California who celebrates his 90th Birthday today. Mr. Acosta is the quintessential example of a devoted American family man, who has led an exemplary life of service to God, family and country, and who is deserving of our highest commendation and gratitude.

Joe Acosta is a simple man, a quiet man, a man of great character. Born on October 28, 1910 in Sonora, Mexico, he moved at the tender age of three, along with his beloved parents Joseph and Teresa Acosta, and his siblings to the United States, where the family settled in Tucson, Arizona.

Like many new immigrant families working the great agricultural fields of the southwest, Joe had to leave school early in life in order to help the family survive. He took upon his shoulders the hard and grueling work, without complaint, in order that he and his seven brothers and sisters could have a better opportunity to seek the American dream.

Perhaps his greatest achievement, but certainly most fortuitous happenstance was meeting, courting and marrying the lovely and charming Cecelia Palomares, scion of one of California's proud pioneer families. United in Holy Matrimony on September 26, 1936, Joe and Cecelia Acosta recently celebrated their 64th Wedding Anniversary, a milestone reached by few couples. Together they raised a fine family consisting of two sons, Robert and Vincent Acosta, and a daughter Patricia Acosta Williams. They enjoy six grandchildren and fourteen great-grandchildren, with two more on the way!

Attaining American citizenship in 1937, Joe Acosta was part of the "Greatest Generation" that contributed to the triumph of freedom over tyranny during World War II. While he did not serve in the military, he worked sixteen-hour days in the rubber industry to provide materiel for the war effort. Later, the great skills he exhibited in his work brought his company profits exceeding seventy thousand dollars per month that helped usher in a period of unprecedented prosperity for the United States and created the great middle class of Americans.

Through their courage, effort and devotion, Joe and Cecelia, Acosta achieved the American dream for their family. They are proud homeowners and citizens of San Gabriel, California, and devoted parishioners of San Gabriel Mission Catholic Church. Along with the multitudes of simple, quiet unsung heroes, who contributed so enormously to the collective greatness of American society, Joe Acosta has done his part. In the warm embrace of his loving family, he has earned the pleasures of a long retirement.

Mr. Speaker, I ask my colleagues to join with me in paying tribute to Joseph Acosta, faithful servant of God, honorable citizen of the United States, proud and devoted husband and father. From the hallowed halls of Congress we say to you Joe, "Well Done! God bless you and your family. And God bless America!"

COMMENDING THE BROOKLYN CENTER, MINNESOTA LIONS CLUB FOR 46 YEARS OF SUPPORTING COMMUNITY NEEDS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. RAMSTAD. Mr. Speaker, I proudly salute a remarkable organization in my district which has been working hard for nearly half a century to raise badly needed resources to fund countless community efforts and held people in need.

For 46 years, the Brooklyn Center, Minnesota, Lions Club has always been there to help with a wide variety of critical needs. There are no words to adequately convey my admiration and thanks for all that the Brooklyn Center Lions have accomplished through their inspiring public service.

Mr. Speaker, it is organizations like the Brooklyn Center Lions Club which keep our country strong. As a fellow Lion, I want to salute the Brooklyn Center Lions who quietly volunteer their time, energy and talent to meet pressing demands in their community. I also applaud the Brooklyn Center Rotary Club for honoring the Brooklyn Center Lions last week.

Mr. Speaker, the great city of Brooklyn Center is greater because of the many important contributions of the Brooklyn Center Lions over the last four decades. The Lions live by the motto "We Serve," and the Brooklyn Center Lions personify community service.

In 1999 alone, Mr. Speaker, the Brooklyn Center Lions donated $30,203 to the city to provide extra special help wherever and whenever needed. Over the years, the size and scope of the Lions' generosity paints a vivid picture of public service. Through the years, the Lions have donated $160,000 to the city, $125,000 to the schools and $110,000 to youth sports.

Since I was first elected to Congress, I have made expanded opportunities for people with disabilities one of my highest priorities. The Lions of Brooklyn Center share that passion and know that our nation is underutilizing a very talented and hard-working population by not offering more people with disabilities the opportunity to contribute. That's why the Brooklyn Center Lions built ramps for people in wheelchairs so they can lead more independent, fulfilling lives.

Mr. Speaker, the Lions Club in Brooklyn Center each and every year comes through with funds to get civic projects off the ground. The Lions Club lifts spirits by supporting the hometown Earle Brown Days, concerts, special festivals and the Park and Recreation Department's annual Halloween party.

The Brooklyn Center Lions have donated money for a training tower for the Brooklyn Center Fire Department, bikes for the Brooklyn Center Police Department's bike patrol, fitness equipment for police officers and the picnic shelter in Lions Park.

Mr. Speaker, the needs of children are always foremost in the minds of Brooklyn Center Lions Club members. Memories will last a lifetime for all the elementary school students who were able to travel to the Minnesota Landscape Arboretum because of the generosity of the Lions. The club gives to the Brooklyn Center Charitable Foundation to help children get coats, gloves and school supplies.

Clubs like the Lions of Brooklyn Center, Minnesota, are the lifeblood of our communities. That is literally the case with the Lions of Brooklyn Center when they support events like the American Cancer Society's "Relay for Life." The Brooklyn Center Lions for almost half a century have rung bells with the Salvation Army, gathered food for the hungry and helped clean up the city parks.

Mr. Speaker, the Brooklyn Center Lions truly represent the best in public service, and I am very proud to represent them in Congress. The Brooklyn Center Lions are a model for the nation and a great community resource.

Mr. Speaker, please join me in saluting the tremendous public service performed by the Brooklyn Center Lions for 46 years! Thank you, Lions, for all you have done and will continue to do in the years ahead.

CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mrs. EMERSON. Mr. Speaker, I rise in support of section 1012 of the Launching Our Communities Access to Local Television Act of 2000, title X of the Commerce, Justice, and State, the Judiciary and related agencies appropriations conference report. Section 1012 provides for independent testing of terrestrial technologies in the 12 GHz band. My support for this section is conditioned on the understanding that this provision will not add any delay to any current FCC proceeding.

The Satellite Home Viewer's Improvement Act ("SHVIA"), which we passed a year ago, required the FCC to act on applications to provide local television service in unserved and underserved areas. We gave the FCC one year to make its determinations regarding these applications, which at that time had already been pending before the FCC for nearly one year. I am highly aware of the need for local television and broadband services that can be provided by new terrestrial wireless technologies. The deadline for FCC action under SHVIA is fast approaching and I expect the FCC to act on the applications by November 29, 2000 as required. The residents of my rural district have waited too long for service that matches that which is available in our nation's more populated area.

VICTIMS OF TERRORISM CLAIMS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. GILMAN. Mr. Speaker, following enactment of the Justice for Victims of Terrorism Act, to provide payment by the U.S. Government to persons holding final judgments pursuant to the 1996 Anti-Terrorism Act against the governments of Iran and Cuba for complicity in terrorist acts, many questions have been raised about the impact of this legislation on other pending claims, especially those of the families of the victims of Pan Am Flight 103 against Libya.

In this regard, I wish to reaffirm the statement contained in the Conference Report to the Victims of Trafficking and Violence Act of 2000, which provides that "The Committee intends that this legislation will similarly help other pending and future Antiterrorism Act plaintiffs as and when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. The Committee shares the particular interest of the sponsors of this legislation in ensuring that the families of the victims of Pan Am Flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing."

The families of the victims of Pam Am Flight 103 were instrumental in their pursuit of justice in supporting enactment of the 1996 Anti-Terrorism Act. Because of this law, U.S. courts are now empowered to take jurisdiction over claims against foreign governments accused of state sponsored terrorism. We continuously have these families in our minds, as well as their loved ones who died in what President Clinton justly called a "direct attack on America".

It was the intention of the 106th Congress, in enacting The Justice for Victims of Terrorism Act that these same enforcement of judgment opportunities should apply equally to any final judgments that may be obtained by the families of the victims of Pan Am Flight 103 in pending or future litigation, if they so desire to pursue that civil course of action, along with our nation's own efforts to bring all those responsible to justice.

IN HONOR OF CARL REINER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the comedic legend, Carl Reiner, and in recognition of his remarkable achievement of being awarded the Mark Twain Prize for American Humor. A writer, performer, humorist, producer and director, his range of talent and contributions to American television are without bounds.

Reiner, now 78, has had a lengthy and multi-faceted career. In 1950 Reiner joined Sid Caesar's "Your Show of Shows," the precursor to sketch-comedies such as the "Carol

Burnette Show" and "Saturday Night Live." There he honed his comedic talents with other giants of laughter, like the legendary Mel Brooks, and began the writing for which he gained his unique reputation. After the show left the air in 1954, Reiner went to work writing TV pilots. Seven years later, CBS bought the "Dick Van Dyke Show," one of televisions first and best sitcoms. Reiner went on to win 11 Emmy awards for the show.

Throughout the sixties, Reiner wrote semi-autobiographical comic novels, as well as short stories; his current collection is titled, "How Paul Robeson Saved My Life." He has produced comic television shows and movies, and most recently, he created the hysterical comedy album, "The Two-Thousand-Year-Old Man," with Mel Brooks.

Despite Carl Reiner's unmistakable gift for comedy, he remains a man of family, and a "normal" one, at that. He is married to Estelle Reiner, and is a loving father of three. Carl Reiner's universal appeal can, at least in part, be attributed to his straight sense of humor, unmarred by the vulgar and raunchy comedy too often presented just to make a buck. Of course, Reiner has said, "If it's funnier than it is dirty, then let's have it."

Let us recognize and honor the man who has shaped so much of our shared American culture since the early fifties. A television and comic pioneer, Carl Reiner has become a legend in his own time. I congratulate his distinct genius and commend him on receiving the Mark Twain Prize for American Humor.

CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, today I will vote against the fiscal year 2001 Commerce, Justice, State appropriations bill because language has been included in the conference report which, instead of solving the problem of the sale of Social Security numbers over the Internet, actually shields those who sell Social Security numbers. As the original sponsor of H.R. 4311, The Identity Theft Prevention Act, I well know the opportunity that the sale of Social Security Numbers gives to identity theft criminals.

The move to outlaw the sale of Social Security Numbers gained momentum when a New Hampshire woman, Amy Boyer, was stalked and killed by a man who purchased her Social Security number over the Internet. But, instead of incorporating language into the conference report that would outlaw the purchase or sale of Social Security Numbers, the leadership has done just the opposite.

In the provision that I voted against today, for the first time ever in law, banks, hospitals, and credit bureaus are explicitly allowed to sell our Social Security numbers.

The bill does nothing to restrict the purchase of Social Security numbers or restrict the use of it by people who obtain it over the Internet. Members of Amy Boyer's family are angry at what has happened to their original proposal, and have asked that Amy's name not be associated with it.

The proposal is opposed by numerous consumer, civil liberties and privacy organizations, including Consumer Action, the Consumer Federation of America, the Consumers Union, the ACLU, Phyllis Schlafly's Eagle Forum, the Electronic Privacy Information Center, the Privacy Rights Clearinghouse, and the U.S. Public Interest Research Group.

For this reason, I was unable to support the 2001 Commerce, Justice, and State Appropriations bill.

CURRENT SHORTAGE OF INFLUENZA VACCINATIONS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. CONDIT. Mr. Speaker, I rise because of the current shortage of influenza vaccinations available to the general public for the upcoming flu season. I am very concerned about not only the availability of vaccinations, but about possible price manipulations regarding their availability.

Health care officials state that vaccinations are most effective, if received in early October, yet because of shortages many people must now wait until the end of November. I am extremely concerned for our nation's at-risk populations, in particular the elderly and chronically ill who rely on these immunizations. These individuals will be receiving their flu shots almost two months later than the recommended time frame. This is unacceptable.

While most states have a limited supply of vaccines for state and local health care agencies, some private health care providers—assuming they are capable of paying a premium price—seem to be experiencing no trouble receiving supplies. This has been raising questions among my constituents, many of whom rely on discounted flu shots offered by public health providers.

I have requested that Federal Trade Commission Chairman Robert Pitofsky investigate cases where companies may be selling to the highest bidder. One such example is the contrast between California and Maine. California contracted in February with a company called General Injectable Vaccines for $17.99 per vial—and has received only one-third of their shipment. Maine contracted in June and July with the same company at $39.00 per vial and received both shipments within two months.

In addition I have called on Health and Human Services Secretary Donna Shalala, to provide answers as to when this vaccine shortage was first realized by the government, why we were not better prepared, and what steps are being taken to ensure this shortage is never repeated.

We must do all we can to ensure on time delivery of vaccines for all in need, not just the privileged few. We cannot allow the availability and distribution problems we are experiencing this year to be repeated on an annual basis. Congress should take an active role in ensuring timely and affordable delivery of these vital vaccinations. The health and well being of our country depends on it.

TRIBUTE TO DON HARE, MICHIGAN DIRECTOR FOR RURAL DEVELOPMENT, ON THE OCCASION OF HIS RETIREMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. STUPAK. Mr. Speaker, today I pay tribune to both a public program and a state administrator of that program, a man who has put a warm, human face on a grant process that has been of vast importance to my northern Michigan congressional district.

Donald Hare, Michigan Director for Rural Development, an agency of the U.S. Department of Agriculture, was appointed to his post by President Clinton in 1993. Working out of Lansing, Don could well have focused his attention on Detroit and the other major metropolitan areas of the state. He understood from the outset, however, that the first word of the name of his agency, "rural," meant that his focus should be on the many, many small communities that dot both the upper and lower peninsulas of Michigan.

Don Hare will be retiring at year's end. After almost a decade of working so closely with this dedicated public servant, I wanted to take a few minutes to tell you and our House colleagues about his work on behalf of the people of Michigan.

Let me give you a picture of my district, Mr. Speaker. Sprawling over roughly 24,000 square miles, it has many cities, towns and villages that organized and built their community infrastructure more than 100 years ago. Many of these communities built and still use water systems utilizing wooden piping! After 100 years, they must be re-built. These communities need financial assistance to renew these basic services, which maintain a community's quality of life and enable it to flourish and grow.

Prior to his Rural Development appointment, Don had served 18 years as chief of staff to Congressman Bob Traxler. He brought to the Rural Development job a clear understanding of the role of government in assisting people in basic yet profound ways. There is little glamour in providing grants to build a new sewer system, yet there is little future for a community that is unable to meet current standards in providing this service. Don understood this and has been of the greatest service to Michigan residents in meeting such challenges.

Don has always gone the extra mile to assist my constituents. In a figurative sense, he has always made himself available to me, my staff and community leaders to answer questions and resolve problems on grant issues. In a very literal sense, however, Don has often traveled many hours to come up to my northern Michigan district to take part in closing ceremonies and to make clear to grant recipients that the agency he has represented was more than a faceless bureaucracy.

In fiscal year 1999, Rural Development provided $95 million to my district in grants and loans for housing, community facilities, guaranteed loans for businesses, and water and sewer projects. For an area devastated economically by the closing of K.I. Sawyer Air Force Base and the shutdown of a major copper mine with the loss of 1,200 good-paying jobs, these grants and loans have been essential to build industrial parks, maintain fire services, upgrade housing and help pull up by the bootstraps our small business. Don Hare has recognized that this federal funding allows the communities of northern Michigan to help themselves to rebuild, recover and grow.

Don has built a great staff. I look forward to a continued positive working relationship with them after Don retires, but I and my own staff will certainly miss him and his great understanding of our concerns and needs in northern Michigan. I wish Don and his wife Rita all the best in the coming years.

IN HONOR OF DONALD CHAPIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. FARR of California. Mr. Speaker, today I honor the life of Donald "Dudley" Chapin Sr., who passed away September 25, 2000. Mr. Chapin was a veteran, volunteer, and builder who will be fondly remembered by many on the Central Coast of California.

Born on June 5, 1925, in Salinas, California, Mr. Chapin co-founded Chapin & Clark with his partner Bob Clark in 1963. He later went on to co-found Don Chapin Inc., a general engineering contracting company, with his son Don Chapin Jr. in 1978. Don Chapin Inc. has performed work on thousands of jobs in the past two decades, including major work at the Salinas and Watsonville airports, and currently employs about 200 people.

Mr. Chapin served in the Army Air Corps, during World War II in the Pacific Theater. Deeply moved by his experiences in the Army, he was active in the Veterans of Foreign Wars, and served as commander of the American Legion in Watsonville. In addition to his service to veterans, he also volunteered for the Salsipuedes Fire Board and the Santa Cruz County Fair.

Donald Chapin was a man whose building projects will leave a lasting imprint on the layout of cities such as Salinas and Watsonville, and whose life will leave an equal imprint on those who knew him. He will be sorely missed by his wife of 49 years, Grace; is son, Don Jr. of Salinas; his daughters, Marilyn Valentine of Denver, Janet Snoddlery of Porterville, Carol Howard of Salinas and Sharon Holmes of Aromas; three brothers, Ben Chapin of Santa Clara, Rap Chapin of Santa Rosa and Richard Chapin of Payson, Arizona; three sisters, Marge Cerletti and Mary Pedrone of Santa Clara, and Betty Shaeffer of Paso Robles; 12 grandchildren and three great-grandchildren.

4TH ANNUAL WESTFIELD WORKS WONDERS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues in the House of Representatives an event in my state of Connecticut that benefits so many, many people.

On Sunday, November 19, 2000, from 6:30 p.m. to 10:30 p.m., the Westfields Shoppingtowns, a group of regional shopping malls, will hold its fourth annual Westfield Works Wonders. This event has raised nearly $825,000 in the last three years. The proceeds are donated to Connecticut's schools, hospitals and charities across the state. The goal for next month's event is to raise an additional $400,000, for a four year total of about $1.2 million.

This is a tremendous effort on the part of the member malls in Meriden, Enfield, Trumbull and Milford. The management of Westfields Shoppingtowns are to be commended for taking up this cause and providing the leadership necessary to achieve it. Of course, it is the more than 6,000 retail and food service employees at the malls and the estimated 138,000 shoppers who will attend the event that deserve at least as much of the credit. In addition, a force of thousands of volunteers from over 375 participating non-profit organizations have worked for months to sell the tickets for this special evening of giving.

For the small price of $5.00 per ticket, shoppers enjoy special discounts, in-store promotions, prize giveaways, entertainment, celebrity appearances, refreshments, free gift wrapping and other benefits. All ticket proceeds are then donated to the nonprofit organizations.

Mr. Speaker, in the hectic, day to day activities that occupy so many of us today, it is refreshing to know that so many of our fellow citizens are devoted to helping others in their communities. I ask that you and all Members of Congress join with me in congratulating everyone involved with Westfield Works Wonders, and express our hope for a most successful event.

IN MEMORY OF ELVIN RILEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 28, 2000

Mr. HALL of Texas. Mr. Speaker, it is a privilege today to pay tribute to the life of an outstanding citizen of the Fourth District of Texas, the late Elvin E. Riley Jr., of Winona, who died on September 21 at the age of 76.

Elvin was born in Houston and lived in Winona most of his life. He served as a corporal in the U.S. Army during World War II and received the Purple Heart and the Bronze Star. He was a salesman for American Hospital Supply for twenty years and was a member of First United Methodist Church in Winona.

Survivors include his wife of 55 years, Minnie "Mick" Riley of Winona; daughter, Kathleen Riley of Dallas; daughter and son-in-law, Jeanelle and Dave Maland of Tyler; three granddaughters; two grandsons; two stepgrandsons; and two great-granddaughters.

I knew Elvin as a dear friend, a supporter and a great patriot. He received the Purple Heart—an honor launched by George Washington to recognize those who gave above and beyond and wore the scar of battle. Elvin will be missed by his family and many friends in Winona. He was devoted to his family, his community and to his country, and as we adjourn today, let us do so in his memory.

SENATE—*Sunday, October 29, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 4 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our loving Lord, on this Sunday afternoon, we listen intently to Your assurance spoken through Jeremiah, "I have loved you with an everlasting love; therefore with loving kindness I have drawn you."—Jeremiah 31:3. We open this meeting of the Senate with these amazing words sounding in our souls. Can they be true? Your grace is indefatigable. It is magnetic. You draw us to Yourself and we receive strength and hope. We are secure in You and therefore can work with freedom and joy. We know Your Commandments are as irrevocable as Your love is irresistible. We have the strength to live Your absolutes for abundant life. And so we accept Elijah's challenge: "Choose this day whom You will serve," and Jesus' mandate: "Set your mind on God's kingdom above everything else!"—Matthew 6:33; NEV. In His powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LARRY CRAIG, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The majority leader.

PRAYERS OF THE CHAPLAIN

Mr. LOTT. Mr. President, on this Sunday we thank the Chaplain for his words and for his prayer on this special day—and every day. It means a great deal to us, and we take great comfort in it.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business until 6:45 p.m., with Senators speaking for up to 10 minutes each. A vote on a continuing resolution that funds the Government for another day will occur at approximately 6:45 p.m. if the papers have been received from the House. We will try, once again, to see if we can get a vote before that time. The House, I believe, goes in at 6, so we probably will not have the papers before 6:45. We will see if we can go ahead and arrange for a vote to occur before that time but hopefully no later than 6:45. Senators will be updated throughout the afternoon's session.

By previous order, the Senate will convene on Monday at 5 p.m. to consider another continuing resolution. That vote will occur at 7 p.m. and will be the first vote of the day. I might say that there have been meetings with the appropriate Members of Congress and the administration on Saturday. There have been ideas exchanged—are being exchanged even now—that are being developed. I think we are very close, even though it is never over until we get an agreement on the final four or five issues that are still in play.

I think it would be wise for the Senate, the House—the Congress—and the administration to complete their work as soon as possible so that we can leave to be with our constituents and attend to our duties back in our respective States. But it is more important that we look after the people's business first. We will continue, as we have been now, until an agreement can be worked out. We are prepared to exchange some suggestions today, and hopefully we will get some additional information later on this afternoon.

It is still my hope that perhaps by Tuesday we could have the final two or three votes that would be required. That would mean the Labor-HHS appropriations bill, in whatever final form it might be, would have to be filed not later than Monday night. So we would need to have time, of course, for that to be filed and printed and for Senators to have a chance to review it. I presume that would then mean that the vote, if it came on Tuesday, would be late on Tuesday. But I will confer with Senator REID—we were just talking about it—and with Senator DASCHLE to make sure we give Senators the maximum amount of notification when those substantive recorded votes might occur.

Again, I do not want to give the impression it is just about to be done, but that would be our fervent hope. We will give as much advance notice as possible for a final vote on the tax relief package, and also the Labor-HHS appropriations bill, and bankruptcy. I expect to file cloture on the bankruptcy bill today or tomorrow, depending on what might be happening with the schedule.

With that, Mr. President, I see Senator REID is here. Would the Senator like me to yield to him?

Mr. REID. For a brief statement.

Mr. LOTT. I am glad to yield.

Mr. REID. I hope the optimism I hear in the leader's voice is well founded. I hope so. I think we have all worked hard and should wrap this up. I say to the leader, however, I hope today we follow daylight savings time, even though that is not what we have shown in the Senate. As you can see, it is really 5 after 4, not 5 after 5, as the Senate clock shows us. So we will have to make sure we go by the real time and not by what is shown in the Senate Chamber.

Mr. LOTT. Absolutely.

Mr. REID. Is that reasonable?

Mr. LOTT. That certainly is reasonable.

CONGRATULATIONS TO THE UNIVERSITY OF MISSISSIPPI FOOTBALL TEAM

Mr. LOTT. Mr. President, I extend my hearty congratulations to the University of Mississippi football team. Their homecoming was yesterday. My daughter and wife and son-in-law, along with a large number of friends, were there; I, however, was not there; I was here. But our very worthy opponent was the Running Rebels of the University of Nevada, Las Vegas. It was a hard-fought victory in overtime. The University of Mississippi prevailed 43-40. So I know all present would be interested in having that information. I extend my congratulations to Senator REID on his outstanding team and his outstanding quarterback who almost gave me a very miserable Saturday night but, thank goodness, good fortune did prevail.

Mr. REID. Mr. Leader, of course we complained about the officiating.

Mr. LOTT. It sounds like something you would hear in Washington.

Mr. REID. It was a great game. Even though the University of Mississippi—"Ole Miss"—was favored by 10 points, it took overtime for them to win by 3 points. So it was a good game and a worthy opponent, and the officiating was very good.

Mr. LOTT. I yield the floor, Mr. President.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 6:45 p.m., equally divided between the two sides, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Idaho.

OUR ENERGY CRISIS

Mr. CRAIG. Mr. President, I thought this time was an opportunity of which I could take advantage to talk about something we all experienced this morning when we awakened here on the east coast. That was the chill of fall in the air.

I think most of us had failed to recognize that we were late into October because the weather has been so mild and so generally warm. But we are really at the threshold of winter, and as winter comes, so does cold weather. And as cold weather comes, the average American reaches to the thermostat on the wall of his or her home and begins to turn it up.

This fall, as that experience occurs, something else is going to happen in America that will be very dramatic, and that will be the turning up of the heating bill because, whether it is electricity or oil for space heating, the cost of those commodities in the average American's household budget has increased dramatically.

In fact, in the Northeast, where home heating oil for space heat is a major commodity, those costs will have better than doubled since last year and could go even higher this year as the amount of supplies for those needs continues to not increase at the rate of demand.

Why has this happened? Why are we at the threshold of an energy crisis in this country that we have not experienced in a long, long while?

In nearly every part of the energy consumer basket—be it electricity, or home heating oil, or automobile gasoline, or diesel for our truck transportation, or fuel for the great turbines of the jet engines that fly Americans across America—there is no surplus today.

That is a historic fact. This country was built on the abundance of energy. Our successes in our economy have always been the result of having the necessary energy to accomplish what we wanted. It was always one of the least-cost items in that accumulation of costs that made up the price to the consumer of a product on the market shelf. That is no longer the case.

For the next few moments, I would like to once again address, as have I and other Senators for the last year and a half, the energy crisis we are now into and why we are there.

Largely, it gained our attention about a year ago when we became aware that the members of the OPEC countries were going to move the price of oil from about $10 a barrel to $28–$30 a barrel. It had been selling for around $10 in the world spot market, and it was beginning to increase because they were beginning to decrease their production.

Admittedly, no one was making money at $10 a barrel. Whether it is oil of the Middle East or oil in Texas or Oklahoma or on the overthrust belt of the west in Colorado and Wyoming, oil is not profitable at $10 a barrel simply because of the cost of production and compliance, especially in this country, with environmental rules and regulations. Somewhere at $17 to $20 a barrel is where it begins to be profitable. So for a long time, for the last several years, we were operating on less-than-profitable oil for at least the producers.

For the consumer, it was a bonus. I remember just a year ago, across the Potomac in Northern Virginia, I bought regular gasoline for 90 cents a gallon. Today, one is going to pay at least $1.60 to $1.75, maybe even more than that, depending on your location and the location of the particular service station. That is a dramatic increase. That is a 110–120 percent increase. So that 90-cent gas, while there was a bit of a price war going on out in Northern Virginia at the time, was still based on $10-a-barrel oil.

We know that has changed. We saw it change. Now we see the Arab nations receiving anywhere from $28 to $30, $31, $32, $33 a barrel for their crude oil. That all translates into a much greater cost at the pump to the consumer, but it also translates into a variety of other things.

As we know, the petrochemical industry of this country is involved in almost all we do and sometimes a lot of what we wear because of the byproducts of the petrochemical industry, be it plastics or nylon or a combination of consumer goods. Slowly but surely, the increased cost of those byproducts is beginning to roll across the American economy.

The other evening I did a conference call in Idaho with a group of farmers. They happened to be sugar beet farmers and potato farmers. The price of potatoes is well below break even this year. It has been for 3 years. Many of those farmers will not make money again this year, and they are very frustrated. Some of them will lose their farms. It is also true in sugar beets, with the price of sugar at near an all-time low.

What they were most concerned about was their energy costs. As we all know, agriculture is a large consumer of energy. It is an intensive industry. Those large tractors and trucks used in the process of farming all consume large quantities of energy. The pesticides, insecticides, herbicides are all hydrocarbon or petrochemical based. All of their costs have started going up. Fertilizer costs will nearly double this year as a direct result of energy costs because when you are dealing with phosphates and phosphate fertilizers, huge volumes of energy are used to transform those from the rock to the fertilizer product that ultimately goes to the ground that the farmer uses.

All of those costs are going up, and all of them are based on one simple fact; that in this economy, the energy costs to the consumer have nearly doubled in just about a year. So the farmers, while their prices were at an all-time low, were talking to me about energy. What is this country going to do? What is this administration going to do. What is this Congress going to do about an energy policy that would ultimately begin to bring those prices down. They were dramatically concerned.

When the Congress gets back in January and February, we are going to hear a hue and cry coming out of the Northeast in relation to the cost of space heat and home heating oil, even though we have tried to deal with that in short-term measures. But those are some of the circumstances in which we are involved.

The consumer is still going to the pump, and they are still filling up their vehicles. In most instances, consumers are working. They all have good jobs at this time. We are at nearly full employment. Nobody has really stopped to factor in that over the course of a year, they are going to be paying more than $300, $400, sometimes $500 out of their household budget for their energy costs than they did a year ago. But it will be the single highest increase in relation to cost over a 12-month period of any one item the American consumer will buy this year. It will be their energy. Never in the history of this country has energy gone up that fast for that sustained period of time and affected all segments of the economy.

Those are some of the realities we are facing. Let me, for a few moments, explore why it has all happened. We now import about 56 percent of our supply of crude oil. That has gone up very dramatically over the last few years. In 1975, when we established the Strategic Petroleum Reserve, we were 36-percent dependent on foreign oil. The political rhetoric at that time—I was not here; the Presiding Officer was not here—was loud and boisterous: Never again will America be dependent on foreign sources of oil; we will establish a Strategic Petroleum Reserve in case of a national or an international crisis. Never will we have to be held hostage to the attitudes or the political concerns of a small group of Arab nations known as OPEC.

That was 1975 when we were 36-percent dependent. So we established SPR and we put hundreds of millions of barrels of oil in a salt dome down in Louisiana as a special reserve to be used in an international or national emergency where supply would be disrupted.

Today, we are 58-percent dependent on foreign oil, not 36-percent dependent.

I have run my 10 minutes and there are others here to speak. I ask unanimous consent to continue for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. We have not heard this administration in any way talk about the need to change things very much. Why is that the case? Why are we now at the threshold I have described?

The large reason is that for the last 8 years, during a time when this dependency on foreign oil has skyrocketed, we have had no energy policy coming from the Clinton-Gore administration. In fact, in almost every instance, they have, by rule and regulation or by process slowed down production in our fundamental sources of energy, be it domestic crude production, down 14 percent over the last decade; be it any exploration because of new environmental regulations; the inability to get out on the land and explore, even though our oil companies have the highest environmental standards to protect the land and to protect the environment around any new discoveries and developments.

Out in my State of Idaho and in the Pacific Northwest, this administration is talking about taking down four very large hydrodams. They believe that by doing so and turning the Snake and the Columbia Rivers back to a more natural flow, they could actually improve fisheries. Somebody says: It is only 5 percent of the supply.

Well, 5 percent of the supply of that region from those four dams generates enough electricity for the entire city of Seattle, WA—again, another attitude as to why we are not producing this and solving this problem but simply getting more deeply into this problem.

Well, there are a lot of other reasons, and my time is short. But as a result of all of those problems and no solution coming from the administration—well, they did have one solution. They sent Bill Richardson, the Secretary of Energy, to the Middle East, and he had in his briefcase a tin cup. He got it out and he held out his tin cup and he said to the Arab Emirate oil nations: Please fill up my cup; please turn your valves on. You see, we have no energy policy. You are our supplier. We are victim to your political and economic whims.

That has been the energy policy of the Clinton administration. That is the only real thing they have attempted to do, other than the politically charged action to open the SPR and bring about 30 million barrels of oil out of there to somehow change the price and the supply. Of course, we have held several hearings on that and, no, that hasn't happened. But this year, I, Senators and FRANK MURKOWSKI, TRENT LOTT, and many others introduced the National Energy Security Act of 2000, S. 2575. We brought it to the floor. It is a major, new effort to bring our dependency on foreign oil at or below 50 percent, to encourage and maximize utilization of alternative fuels and renewable energy and increased domestic supply of not only oil but gas production, because natural gas has better than doubled in price in less than a year.

Yet this administration sits happily by, as if nothing were occurring, knowing very clearly, but not wanting to talk very loudly in this political season, that their energy policy will drive costs to the consuming public to a higher rate than ever in the history of our country. Their only real good argument is that they did it all in the name of the environment.

In closing, let me talk about the environment we are about to experience. It is going to be a cold environment this winter. That is a normal environment then. When elderly people and poor people have to make choices this winter between food and medicine and heat, that is not a very good environment. We will do all we can here to supply them with alternative resources to hold down their heating bills, but there is one remaining fundamental fact about why they must make those choices in this environment. We have lived for 8 years without an energy policy coming from this administration, except one—the tin cup in the hand of Bill Richardson—and a policy that somehow the production of hydrocarbons in our country was environmentally damaging. I think most of us know that is no longer true today.

So I thought as I awoke this morning and felt the cool in the air and turned up the thermostat on the wall, while I may be able to afford my heating bill this winter, I know a good many people won't be able to afford theirs. That is a tragedy in this country that should not have to happen—a country that has always been so wise to allow the marketplace to provide one of the great abundances that we have always had that has set our Nation apart from all others, in our ability to produce and succeed, and that was an abundant supply of energy.

In 8 short years, that abundant supply has dwindled to a point where we really have no surpluses at all today. The average demand for growth in energy goes up 1.4 percent in our country on an annualized basis, and we have only increased production by 0.4 percent in the last 8 years—in all segments of energy. That tells you one thing very clearly. Somebody has failed along the way, and I must tell you, serving on the Energy Committee and studying and examining this issue very thoroughly over the last several years, I know who has failed. It is the Clinton-Gore administration. They failed to recognize the reality of the marketplace, the reality of the world production supply, and disallowing us from producing our way out of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

ALTERNATIVE ENERGY SOURCES

Mr. REID. Mr. President, I have the greatest respect for my friend from Idaho. We served together in the House, and we have worked together many years on public resources issues dealing with the West. I don't mean to be disagreeable, but on this issue we simply disagree. I am going to take a couple of minutes because I have told the Senators from Ohio and Iowa they can speak next.

The oil problem started in the Republican administration; it certainly wasn't the fault of the Republican administration. There was an embargo by the OPEC nations. Following that, there was an bipartisan effort to change things. There were incentives to develop oil shale, do alternative energy with wind and solar and geothermal. But with the oil glut that came about, all of that was taken away. Some of the research involving alternative energy was simply not renewed by Congress. That is too bad.

During the years of the Clinton-Gore administration, they have tried very hard every year that I have served on committees and subcommittees with jurisdiction to deal with energy matters. They have tried every year—especially in the appropriations process—to get more money for development of alternative energy sources. They have been stymied every time.

We should also understand that if we could reduce the consumption of fuel in America—for example, if we had more fuel-efficient cars and if we had automobiles that were 3 miles per gallon more efficient, we would save a million barrels of oil a day.

There are things we need to do here. We need to join in a bipartisan effort, not a finger-pointing effort, to develop energy policy in this country. None of us wants to be dependent on foreign oil. In fact, with the oil being so cheap, there was no incentive for us to do it. Congress failed, and it wasn't simply that we didn't meet what the administration wanted. Certainly, this legislation has been suggested by my friend from Idaho, has as its centerpiece oil development in ANWR, the pristine Arctic wilderness, which we are not going to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX LEGISLATION

Mr. GRASSLEY. Mr. President, last week, we started to debate a tax bill and it had to be brought down because there wasn't consent to move ahead on it. Before we adjourn and go home, hopefully, we will pass a tax bill. But there are a lot of provisions in that bill that are very good; common sense dictates them; and a lot of these are very bipartisan. So the President has threatened to veto the tax bill. I want to bring up some of these issues and ask the President why he would veto something as good as these provisions, where there is bipartisan consensus that we ought to pass them.

Obviously, this bill doesn't contain everything I would like to see in it as a Member of the Senate. As a member of the Finance Committee, we have a chance to be on the ground floor of the drafting of the legislation coming out of that committee. On the other hand, no one person, even a member of the committee, can get everything he wants in the bill. There are even some things in this bill that I don't like, but on balance it will do a lot of good for a lot of people. Therefore, I think it should be enacted.

To begin with, the bill contains a number of provisions I authored or coauthored with some colleagues and these are the bipartisan provisions that I am thinking about. For instance, on the issue of pensions, I worked very closely with Senator GRAHAM of Florida—several critical pension provisions. As we anticipate the upcoming retirement of the baby boomers, we are always astonished at how much it is going to cost during their retirement. Retirement is expensive, not only due to rising life expectancy but also because inflation and taxes must be factored into the cost of retirement.

We keep insisting that baby boomers—now 10 years away from their retirement—must do more to prepare for that retirement. How can they do that if we don't give them the tools they need? This bill has a lot to do with that because it would make small but significant steps to improve the ability of baby boomers and subsequent generations to prepare for retirement. This bill will increase retirement savings and the national savings rates by allowing workers to save more in their pension plan or in their individual retirement account.

How can the President find disagreement on that point—the necessity of having better pension systems, the necessity for updating the individual retirement accounts so more can be saved in those accounts and so more people can be encouraged to save in those accounts?

Our bill would restore section 415 limits for pension contributions closer to—not all the way, I am sorry to say—where they were before the 1993 tax increase bill was passed.

You remember that 1993 tax increase bill? As Senator MOYNIHAN said on the floor of the Senate, it was the largest tax increase in the history of the world after Bob Dole said it was the largest increase in the history of the country.

That was a pretty significant tax increase in 1993. You remember that it passed on the tie-breaking vote of Vice President GORE as he sat right there in the chair. He cast the tie-breaking vote to pass a tax bill that most all Republicans thought was bad for the country. Even some Democrats thought it was bad for the country. When Republicans were in the minority, it would have still died on a 49-to-49 vote—except for the tie-breaking vote of the Vice President.

This bill will restore some of the bad aspects that the 1993 tax bill had on pensions contributions with these 415 limits. This bill increases existing IRA contribution limits because under this bill Americans would be able to contribute $5,000 annually. That is an increase up from the current $2,000 maximum contribution. This IRA limit has not been increased in the 18 years since the last time it was effective.

For workers without a pension, a pretax individual retirement account is one of the best ways they can save for retirement. This limit is being increased for traditional IRAs and Roth IRAs.

Why would the President want to veto that for people who don't have anything other than individual retirement accounts with the present $2,000 limit? You can see what has happened to that $2,000 limit because of inflation. After 18 years, it is not anywhere near the incentive for savings that it was in 1982.

Increasing it to $5,000 would be a tremendous incentive for people who don't have pensions to save on their own for retirement, in addition to a baby boom generation that is not going to get out of Social Security as much as my generation will get out of Social Security when they retire.

Consequently, that helps make up for some of the shortcomings of the Social Security surplus for the baby boom generation.

Further, the bill encourages more people to save through an IRA by accelerating the scheduled increases in IRA income eligibility requirements. Individuals making up to $50,000 and couples making up to $80,000 could participate in an IRA. And the bill allows catch-up contributions for IRAs of an additional $1,500 for those age 50 or over.

That will give people an opportunity who have been hit by the inflation-lessening value of the $2,000 individual retirement account now that they are 50 and over to put aside an additional $1,500 to make up for some of the shortcomings of Congress not keeping the $2,000 limit adjusted for inflation.

Why would the President want to veto a bill that gives people who are saving an opportunity to make up for some of the shortcomings of Congress over the last 18 years, or even the negative impact of the 1993 tax bill on some of these pension provisions?

This bill also encourages small businesses to start and maintain pension plans.

One of the problems with the pension law is that there is tremendous discouragement for companies with under 100 employees to go to the expense of setting up a pension plan. For employers with over 100 employees and with the overhead that companies such as that have, it is not such a problem. You find larger corporations have pension plans—not small businesses.

The provisions encouraging expansion of coverage are vital and overdue improvements in pension law.

I will give you an example. The bill modifies the top-heavy rules which only apply to small businesses. The top-heavy rules have been rightly criticized because they place burdens on small business pension plans. Those same requirements are not applicable to big business. The top-heavy rules make sponsoring a pension plan expensive, complicated, and out of reach for many small employers. In fact, the ERISA Advisory Council in this administration even supported the outright repeal of these top-heavy rules.

This bill does not repeal the top-heavy rules, as much as we should, according to the Advisory Council's recommendation. It simply modifies the most onerous aspects of the rules to make having a plan more attractive for small firms.

The bill also reduces plan costs and PBGC premiums for small businesses and eases administrative burdens by streamlining onerous pension regulations. These changes help to make the experience of maintaining a plan less difficult for small companies. Further, the bill simplifies annual reporting requirements, eliminates IRS user fees for new plans. These provisions encourage small businesses to provide pension coverage. When small businesses start up new plans, American workers win!

The bill contains many provisions which will help rank and file workers specifically.

For example, this bill enables workers aged 50 and over to make so-called catch up contributions to their retirement plan.

That may sound like something that is new and we shouldn't do. But we allow State and local government workers to make these catchup contributions under current law if they are within 3 years of retirement.

I know of no reason why we should not make the benefit of catchup contributions available to all workers—not just for those of State and local governments. We would do so in this bill for workers in for-profit businesses and also not-for-profit businesses.

Unfortunately, this bill will not allow workers who make $80,000 or more to make these "catchup" contributions despite the fact there is not such an $80,000 limit on the current law for State and local employees.

This is a further inequitable situation—something we give State and local government employees but we don't give employees in the private sector. We make up some of that in this legislation but not 100 percent, I am sorry to say. I regret that the bill made this restriction necessary because of negotiations that were going on between the House and Senate.

The bill reduces the vesting period for receipt of the employer's matching contribution and defined contribution plans—such as a 401(k)—from 5 years to 3. Make no mistake about it; this is a huge help to many workers. This will particularly help women, maybe because of taking care of an elderly relation, or maybe to start a family or women who are in and out of the workforce or maybe even in some cases men who are in and out of the workforce, but they are more apt to be women.

This will give them an opportunity to enhance their match so they can make up for lost time because of not being in the workforce.

This bill makes another important change to law that will help low- and modest-income workers. The bill repeals the 25 percent of compensation limit on savings and defined contribution plans.

That is a savings barrier that frustrates those of modest income. Most workers in this Nation will be saving through section 401(k) plans or section 403(b) plans or section 457 deferred compensation plans. In a 401(k) plan, for example, the limit for saving is 25 percent of compensation or a maximum of $10,500. Our bill repeals the 25 percent of compensation for the benefit of low and modestly paid workers who could be very thrifty people but are prohibited from saving more. They may want to sacrifice during their work years to have a better quality of life in retirement, but the present limit of 25 percent will keep them from doing that. We ought to make it possible for people who want to look ahead to do more for enhancing their retirement and have more savings for that retirement to be able to do it. This legislation does that.

I don't know why the President wants to veto such good provisions for low- and modest-pay workers. In Iowa and much of the Midwest, people are not only thrifty but they are very frugal. Let them save their money if they want to; that money belongs to them, not to the government.

The bill also greatly enhances pension portability. Because of these provisions, workers will be able to take their pension money with them when they leave one job to go to another job. Their retirement plan contributions will not be stuck in the plan of their previous employer. When more of those matching contributions are vested as I just mentioned a minute ago, a larger account can be rolled over to an IRA and to the retirement savings plan of a subsequent employer, regardless of whether the employer is for profit, not for profit, or a government employer.

Under current law, you can't make those rollovers. The pension portability provisions of this bill are a great way to reduce pension plan leakage. The issue of leakage is real, and I hope we get to examine it in more detail next year and even improve it more than this present legislation does.

The business also improves pension funding so benefits will be more secure over the long term. Good pension funding is one of the very foundations of the ERISA law. Most plans are well funded but some are not funded properly at all. We need to be taking a closer look at the underfunded plans and shine the spotlight on them.

I want to look at the reasons why some plans have not been better funded, and I hope to look at the status of the underfunded plans in greater detail next year.

Finally, I take note for my colleagues and cosponsors that this bill does not include everything I would have liked, and I hope we will be able to do more for pensions according to what Senator GRAHAM of Florida and I suggested in our legislation, which had many cosponsors.

When all is said and done, there are a lot of good provisions in this bill, particularly those that deal with women who are in and out of the workplace so they can make up lost time on their pensions if they want to pay more into it. It does an awful lot for low- and medium-paid employees so that they can make up for the fact, if they want to save more for retirement, that the present 25-percent limit doesn't allow them to do that.

The bottom line is, why would any President want to veto such a good bill?

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, in keeping with the back and forth, would it be all right for me to speak for up to 15 minutes?

Mr. REID. Mr. President, I want to be as agreeable as possible, but the Senator from Idaho took 15 minutes instead of 10 minutes, and the Senator from Iowa took 15 minutes rather than 10 minutes, and I called my friend from Wisconsin, who rushed over here and dropped everything to speak.

Mr. FEINGOLD. Mr. President, I ask if I could have unanimous consent to speak for 30 minutes after the conclusion of the remarks of the Senator from Ohio.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from Ohio is recognized.

CHANGE OF VOTE

Mr. VOINOVICH. Mr. President, on rollcall vote No. 289, I inadvertently voted yea, when I intended to vote nay. I ask unanimous consent that on rollcall vote No. 289, I be permitted to change my vote from yea to nay, which in no way will change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTHING TO BRAG ABOUT

Mr. VOINOVICH. Mr. President, this is the day the Lord has made; let us rejoice and be glad. This is Sunday, when it is the Sabbath for millions of Americans. Many of my colleagues have explained why we are here today, but I hope this is the last Sunday that the Senate, the U.S. Congress, is in session unless it is for a crisis of national or international concern. I hope this is the last Sunday that we would be here for anything but that.

Next Tuesday, the citizens of this nation will go to the polls and elect the next president of the United States. One of the first challenges that the new president will face is the need to recapture what has been lost for a generation of Americans: trust in the Federal Government.

The American people used to believe in the competence of the Federal Government to provide services and meet this nation's needs in a variety of ways. Unfortunately, in too many instances, this is not happening. Today, the Federal Government is held out as a source of scorn and ridicule.

The fact of the matter is that the Federal Government has brought most of this on itself through a gross inattention to management.

In 1993, Vice President GORE launched his "Reinventing Government" initiative. Purported to make government "work better and cost less," it had every intention to turn the diminished reputation of the Federal Government around.

However, this initiative will be remembered not for its modest accomplishments, but for missed opportunities. It has rejected bold efforts to reform Federal programs and personnel issues, and actually contributed to the growing human capital crisis that will be a major headache of the next administration.

It will be one of the most formidable tasks of the next administration.

As we have all seen, the Vice President is trying to run away from the label of being for "Big Government." In recent remarks in Arkansas, and in the presidential debates, he pointed to Reinventing Government as proof that he favors small government.

He claims credit for shrinking the Federal Government by 300,000 positions. In the third Presidential debate held earlier this month, the Vice President boasted that, due to his efforts, the Federal Government is "now the smallest that it has been since . . . John Kennedy's administration."

The Vice President's record of reinventing government is second only to his record of inventing the Internet for genuine achievement and accuracy.

The truth is: more than 450,000 positions have been removed from the Federal Government since January 1993, not 300,000 as the Vice President claims. However, his offense lies not just in the fuzzy math but also in taking credit for reductions where he does not deserve it.

More than 290,000 of the personnel cuts that were made—64 percent of the total—came from the departments of Defense and Energy. These cuts were made at the end of the Cold War in the resulting Pentagon budget reductions, as well as through four rounds of military base closings.

My colleagues should be aware that this process began before the advent of the Clinton-Gore administration and existed independently of the Reinventing Government initiative.

Other significant personnel reductions were also independent of Reinventing Government, including 15,000 employees of the Federal Deposit Insurance Corporation who were downsized at the end of the savings and loan crisis, and 8,500 employees of the Panama Canal Commission—now just a force of seven after the canal's hand off to Panama.

In truth, most of the non-defense positions discussed by the Vice President have not been eliminated, but merely transferred to the private sector through Federal contracts and Federal mandates. Paul Light, of the highly-respected Brookings Institution, has documented a "shadow workforce" of almost 13 million contractors, grantees, and state and local government employees who serve as a de-facto extension of the Federal workforce—yet without the oversight and accountability. Evidence suggests that oversight of the contractor workforce is poor, yet contract managers were targeted for downsizing by Reinventing Government.

Far more noteworthy than the Vice President's characteristic exaggerations, however, is the sorry state of the civil service seven years after Reinventing Government was initiated.

As chairman of the Senate Subcommittee on Oversight of Government Management, I have led an ongoing review of overall government performance. I have found an appalling lack of forethought by the Clinton-Gore administration toward workforce planning as well as the training and development of Federal employees. The "A-Team," the people who get the job done, and who, for the last 7 years, have been ignored.

In testimony earlier this year before my subcommittee, nonpartisan experts testified that inattention to management has taken a heavy toll on the ability of the Federal workforce to do the job the American people deserve and expect.

Don Kettl, from the University of Wisconsin, testified:

> The problem is that we have increasingly created a gulf between the people who are in the government and the skills needed to run that government effectively.

Paul Light of the Brookings Institution put it more bluntly. He testified that the downsizing initiated by Reinventing Government:

> Has been haphazard, random, and there is no question that in some agencies we have hollowed out institutional memory and we are on the cusp of a significant human capital crisis.

The U.S. General Accounting Office may well designate human capital as a Federal "high risk" area when it releases its next series on government high risk problems in January 2001. The numbers are alarming, and most of the people are not aware of this, even Members of this body.

Right now, the average Federal employee is 46 years old. By 2004, 32 percent of Federal employees will be eligible for regular retirement, and 21 percent more will be eligible for early retirement.

Taken together, more than half the Federal workforce—900,000 employees—could potentially leave in just 4 years. Obviously, if that happens, neither Vice President GORE nor Governor Bush would have any problems meeting their campaign promises regarding this nation's Federal workforce.

Regrettably, the Clinton-Gore administration squandered 7 years before getting serious about this potential retirement wave. Indeed, Reinventing Government targeted human resources, contract oversight, financial management and other professionals for downsizing, leaving the Federal Government without the expertise it now needs to recruit talented, technology-savvy people to fill the coming vacancies.

When it comes to the achievements of Reinventing Government, Vice President GORE has nothing to brag about. In my opinion, this effort is a liability for the Vice President, not a feather in his cap. Reinventing Government has failed to improve Government management or confront the fundamental question of how the civil service should be deployed to serve our nation. Cutting costs by only cutting jobs fails to acknowledge the central concern Americans have with Government, and that is ineffective programs, Government waste, command and control policies, and in many instances just plain gridlock.

Agencies with less staff but the same workload only experience more of the bureaucratic meltdown which undermines the public trust and demoralizes the remaining Federal workforce.

Wouldn't it be better if we focused on putting the right individuals in the job the American people actually want the Federal Government to accomplish—missions such as strengthening our national defense, saving Social Security, and saving Medicare—and giving them the training they need to get the job done?

When I asked OMB how much money they spent on training, they said they didn't know. So my subcommittee did a survey of the Federal agencies and we asked them: How much do you spend on training? They didn't know. We did get letters back from a couple of agencies and they said: We know, but we won't tell you because if we do, you, Congress, will take the money away from us.

Mr. President, I am not advocating the Federal Government fill every vacancy, person for person. What we need to do is ensure that every Federal agency has assessed its current and future workforce needs and has planned accordingly. Agencies must have the flexibility to design the recruiting and training programs that will allow them to attract and retain quality personnel and ensure they are deployed in the most effective way. In other words, the Federal workforce should be treated as an investment, not an expense.

Earlier this year, when I had begun to examine the management of human capital in my subcommittee, I asked for the training budgets of all Federal agencies. As I mentioned, they did not know; they did not collect the information. That is incredible.

The coming human capital crisis creates an opportunity for the next administration to reshape the 21st century Federal workforce, to improve Federal performance and efficiency, and to invest in the people who make the Government run. My hope is that in 4 years the next President will boast, not just of reducing the size of Government, but also of a well planned reorganization of Federal jobs, and of having equipped our Federal workforce to support a more focused and more streamlined Federal mission so they can work harder and smarter and do more with less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

A FEDERAL MORATORIUM ON EXECUTIONS

Mr. FEINGOLD. Mr. President, the last time the Federal Government executed someone was in 1963. That year, the Federal Government executed Victor Feguer, who had kidnapped and killed a young doctor. At 5:30 in the morning of February 15, 1963, at Fort Madison, IA, a Federal hangman tied a noose around Feguer's neck and put him to death.

Feguer's execution was the first and last Federal execution of the 1960s. In fact, the Federal Government has carried out executions fairly infrequently during the entire twentieth century. Only 24 Federal executions took place between 1927 and 1963. One-third of those were for wartime espionage or sabotage.

But, Mr. President, all of that is about to change. In the next 2 months, two inmates on Federal death row could become the first to be executed by the Federal Government in nearly forty years. Their names are David Hammer and Juan Garza.

As many of my colleagues recall, Congress modernized the federal death penalty in 1988 and then significantly expanded it in 1994. Those votes are about to have very real consequences. Like it or not, the national debate over the death penalty is actually intensifying and will build further next month, the months after that, and in the year to come.

And we should have this debate. We should have this debate, because the Federal Government is heading in a different direction from the rest of the country. The States have learned some serious lessons about the administration of capital punishment, and the Federal Government, above all, should learn from them.

After the Supreme Court's 1976 decision reinstating the death penalty, most States swept the cobwebs off their electric chairs and resumed executions. And most of these states have not looked back since. Just last year, the United States set the record for the number of executions in one year in this modern death penalty period: 98 executions. And already this year, there have been 70 executions in the United States.

But recently, in States all across America, awareness has been growing that the death penalty system has serious flaws and that its administration has sometimes been far from fair. From Illinois to Texas to North Carolina to Pennsylvania, I believe that a consensus is building that there is a problem. Since the 1970s, 89 people—Mr. President, 89 people—who had been sent to death row were later proven innocent. Nine of these 89 were exonerated on the basis of modern DNA testing of biological evidence. Defendants have sometimes been represented by lawyers who slept during trial, were drunk during trial, or who were so incompetent that they were later suspended or disbarred. Prosecutorial and police misconduct sometimes have led to faulty convictions. The death penalty has been applied disproportionately to African Americans and the poor. The revelations of problems with the system mount. These are very real, serious problems that fail to live up to the fundamental principles of fairness and justice on which our criminal justice system is based.

Just last month, the Justice Department released data on Federal death penalty prosecutions. That Justice study showed racial and geographic disparities in the administration of the Federal death penalty. The study found that whether the Federal Government seeks the death penalty appears to relate to the color of the defendant's skin or the Federal district in which the defendant is prosecuted. Both the President and the Attorney General have acknowledged—they have acknowledged—that this data paints a disturbing picture of the Federal death penalty system. The Attorney General admits that she does not have answers to the questions raised by the DOJ report.

My colleagues may believe that the system is flawed, but some of them seem to fear that the people will object to efforts simply to address these inequities. The American people, however, are in fact ahead of the politicians on this, as they are on so many issues. A majority of the American people are troubled. They are troubled by these flaws in the death penalty system that they support a moratorium on executions. An NBC/Wall Street Journal poll taken this past July found that 63 percent of Americans supported a suspension of executions while questions of fairness are reviewed. And in a bipartisan poll released just this last month, 64 percent of Americans supported a suspension of executions while questions of fairness are reviewed.

Mr. President, as you have said and others have said, the Federal Government can often learn from the States. Let's apply that to the administration of the death penalty.

With so many nagging questions raised and still unanswered, how can the Federal Government go forward—how can the Federal Government go forward with its first execution in almost 40 years?

I believe it is unconscionable for the Federal Government to resume executions under these circumstances.

Earlier this year, I introduced two bills that would suspend executions while an independent, blue ribbon commission simply reviews the death penalty system. The National Death Penalty Moratorium Act would suspend executions at the state and federal levels. The Federal Death Penalty Moratorium Act would suspend executions at the Federal level. And I am pleased that Senators LEVIN, WELLSTONE, DURBIN and BOXER have joined me on one or both of these bills. The five of us may not—in fact, do not—agree on whether the death penalty is a proper punishment, but we are united in our belief that our nation should pause and thoroughly review the system that has sent many who were later proven innocent to death row.

Addressing flaws in the death penalty system is, Mr. President, unfortunately, yet another chapter of the unfinished business of this Congress. With two executions scheduled for after adjournment, I must urge President Clinton to suspend Federal executions and order a comprehensive review of the Federal death penalty system.

Next Congress, when we return, I intend to reintroduce my legislation. I shall keep pushing forward on this issue. We have made progress this year, but we still have a long way to go toward restoring the integrity of our criminal justice system. I look forward to working with my colleagues toward that goal in the year to come.

THE OMNIBUS TAX BILL

Mr. FEINGOLD. Mr. President, I rise now to oppose yet another monstrous product that this majority has loosed on the Senate, this one an omnibus tax bill. In a number of speeches this year, as early as this May, I have tried to raise objections to the procedures that the majority is employing in this session of the Senate. It is proverbial that "a bad tree cannot bear good fruit." If any more proof were needed that these procedures are bad, the fruit of this tax bill provides it.

Let me begin by recounting how bad the tree is that bore this bill. The procedures that the majority has employed to bring this bill to the floor are egregious. And when the majority employs the procedures that it has on this bill, it is not surprising that they yield such an unattractive outcome. What has happened? A small number of Senators and Congressmen, all from one party, have cooked up this bill behind closed doors. Of the bill's major provisions, none has enjoyed consideration on the Senate floor. The majority leadership has then shoveled the contents of this back-room agreement into a conference on a comparatively minor Small Business Administration loan measure. When the fruit of such a process has, as this bill has, experienced no discussion, no vetting, and no amendment, it cannot help but have some rotten parts to it.

And there is much that is rotten about this bill. It would spend, Mr. President, a significant amount of the surplus—about a quarter of a trillion dollars—before, before having taken any steps to save Social Security, or to reform Medicare, or to lock away on-budget surpluses to pay down the debt. Now, Mr. President, there are of course some provisions in this bill that I would support. But first and foremost, it is irresponsible to spend this much of the projected surpluses before having taken a single step to address our long-term fiscal responsibilities.

And so, Mr. President, I ask unanimous consent that an editorial on this point that appeared in the Washington Post entitled "Say Goodbye to the Surplus" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Thank you, Mr. President.

Beyond that, Mr. President, this bill is also blighted by its lack of fairness. As have so many of the other fruits of this majority, this tax bill would disproportionately favor the very wealthy. When we as Senators decide on tax policy, we must ask ourselves: With a limited amount of surplus available, whose taxes should we cut first? Should tax relief go first to the wealthiest among us? The majority answers "yes" every time. Instead of the Robin-Hood-in-reverse priorities of the majority, we should instead be seeking to direct tax relief first to those who need it most: the hard-working American middle-income family.

According to an analysis prepared by the Institute on Taxation and Economic Policy, 64 percent of the benefits of this tax bill would go to the top one-fifth of the income distribution. And less than a fifth of the benefits of this tax bill would go to the bottom 60 percent of the population—one-fifth of the benefit to three-fifths of the people.

Mr. President, I ask unanimous consent that an executive summary of a policy paper on this bill prepared by the Center on Budget and Policy Priorities entitled "Leadership's Tax Plan Reinforces Inequities in Health and Pension Coverage" be printed in the RECORD at the conclusion of my remarks. The entire text of this policy paper can be found at http://www.cbpp.org/10-26-00tax.htm

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 2.)

Mr. FEINGOLD. Thank you, Mr. President.

And now, let me take a few moments to address particular sections of the bill. And let me begin with the health care provisions of this bill, which, at $88 billion for the tax provisions alone, account for what is actually the largest component of this bill. We can all agree that health care should be a priority. But the health tax provisions of this bill are structured so that the vast majority of middle-income Americans will not be able to benefit from them.

This is so because the health tax provisions in this bill operate exclusively through the mechanism of tax deductions, instead of tax credits. Thus, Mr. President, it would provide no benefit for families of four making up to $32,000, and actually provide precious little benefit for families making up to $50,000. Those at the top of the income scale are not those who are having the most difficulty getting health insurance or paying for long-term care.

Indeed, the health care insurance deduction in this bill could actually reduce health care coverage. That is because the presence of the deduction might encourage private employers to drop health care coverage at the workplace.

Mr. President, I'd like to ask unanimous consent that an executive summary of a policy paper on this point prepared by the Center on Budget and Policy Priorities entitled "Health Insurance Deduction of Little Help to the Uninsured" be printed in the RECORD at the conclusion of my remarks. The full text of this policy paper can be found at http://www.cbpp.org/8-30-00tax2.htm

The PRESIDING OFFICER. Without objection, so ordered.

(See Exhibit 3.)

Mr. FEINGOLD. Thank you, Mr. President.

Among its health provisions, this bill also includes spending legislation to restore health care cuts made in the Balanced Budget Act of 1997. I strongly oppose the provisions in the Medicare provider payment restoration bill that disproportionately allocate scarce Medicare resources towards Medicare health maintenance organizations—HMOs—and away from beneficiary and health care provider needs.

The Medicare HMO program already treats our Wisconsin seniors unfairly. I cannot support increasing payments to a system that treats Wisconsin's seniors like second class citizens. Not only are these increased payments unjustifiable, they would raise payments without any accountability provisions that would ensure there is actually planned participation in States like Wisconsin.

Congress should not dedicate over one-third of its Medicare spending to Medicare HMOs, when only 15 percent of Medicare beneficiaries are enrolled in HMOs.

Instead of supporting HMOs, I strongly favor provisions that would support Wisconsin's seniors by preserving care through hospitals, home health care agencies, hospices, and other providers. The home health care provisions—I know firsthand from many conversations around the state—are especially inadequate, and do little to address the needs of rural beneficiaries and the most medically complex patients.

Let me turn now to the pension provisions, which, at $64 billion, make up the next largest part of the bill. The official estimates of the costs of these provisions are large, but they understate what will be the true costs of the bill. That is because the bill's so-called Roth IRA provisions, which allow taxpayers to pay some taxes now to avoid paying more taxes later, bring funds into the Treasury in the early years at the expense of the outyears. The bill's costs will thus likely expand when fully phased in, and will likely grow particularly in just those years when the baby boom generation is retiring and we most need the resources to actually keep Social Security and Medicare solvent.

The bill's pension provisions expand individual retirement accounts or IRAs. Among other things, it raises the amount that individuals may contribute to IRAs, raises the maximum income for those who may contribute to an IRA, raises the maximum income for those who may convert a traditional IRA into a Roth IRA, and allows individuals over age 50 to make larger catchup contributions. The bill makes similar changes in 401(k) plans, raising the amount that individuals may contribute to 401(k)s, allowing deferral of 401(k) tax treatment as with a Roth IRA, and allowing individuals over age 50 to make larger catchup 401(k) contributions.

Taken as a whole, these changes that I just listed would manifestly benefit the bestoff among us. A recent Treasury study found that just four percent of eligible taxpayers—largely the most affluent people eligible—make the maximum $2,000 contribution to IRAs under the existing law. By definition, these would be the only people within current income limits who would benefit from raising the contribution limit. And by definition, only those above current income limits would benefit from lifting the income limits. According to the Institute on Taxation and Economic Policy analysis, more than three-fourths of the benefits of the bill's pension and IRA provisions would go to the fifth of the population with the highest incomes.

The bill's proponents claim that the bill would also increase savings. But this claim is almost Orwellian. Lifting these limits would actually decrease saving, for three reasons.

First, by making it easier for wealthy business owners to do tax-favored saving as individuals, the bill would decrease their incentives to set up business-wide, business-wide 401(k) or pension plans to get those tax benefits. As a former Assistant Secretary of the Treasury testified:

> Currently, a small business owner who wants to save $5,000 or more for retirement on a tax-favored basis generally would choose to adopt an employer plan. However, if the IRA limit were raised to $5,000, the owner could save that amount—or jointly with the owner's spouse, $10,000—on a tax-preferred basis without adopting a plan for

employees. Therefore, higher IRA limits could reduce interest in employer retirement plans, particularly among owners of small businesses. If this happens, higher IRA limits would work at cross purposes with other proposals that attempt to increase coverage among employees of small businesses.

That is what the former Assistant Secretary for Tax Policy said. By depriving lower- and moderate-income employees of opportunities for tax-favored saving, the higher IRA limits would thus decrease saving by those employees.

Second, the savings contributed by high-income savers would tend to be money that they would have saved anyway. Rather than cause new saving among higher-income savers, the higher limits would merely substitute tax-favored saving for fully-taxed saving. Rather than increase saving among this group, the bill would thus just cut taxes for these higher-income savers.

And third, because the bill is not paid for and therefore spends surplus money, it reduces the surplus and thus reduces the amount by which the Government pays down the debt. When the Government pays down debt, it contributes to national savings. And thus by reducing the amount by which the Government pays down debt, the bill will worsen national savings.

When the Finance Committee considered a pension bill earlier this year, it did include a provision that might have helped increase saving, Mr. President. That section, championed by Democratic Members of the Finance Committee, would have actually provided a matching credit, a matching credit, for saving by low- and moderate-income savers making up to $50,000 for a couple. The provision was still deeply flawed, in my view, because it was not refundable, and therefore it was of no use to families of four making up to $32,000. But if Government action is to encourage increased private saving, it needs to be directed—as that credit was—to low- and moderate-income people, who are not saving now.

What has the majority done? The majority has stripped this bill of that proposal. The majority has deleted from the bill that section most likely to increase private saving.

As well, the bill includes many offensive individual pension provisions.

Current law imposes additional requirements on plans that primarily benefit an employer's key employees, what are called "top-heavy plans." These additional requirements provide more rapid vesting and minimum employer contributions for plan participants who are not key employees. The bill would relax these rules for top heavy plans in a number of ways. For example, fewer family members would be counted for the determination of whether a plan was top-heavy. This change in the bill would allow plans to provide greater benefits to owners and their families without providing minimum benefits and more-rapid vesting to rank-and-file workers.

The bill raises the limit on the amount of income that may be considered compensation for purposes of contributions to 401(k) accounts. This change would allow an employer who wanted to save a fixed amount each year to reduce the percentage contribution that all employees could make to their 401(k)s.

As I noted at the outset, the bill's Roth IRAs shift tax receipts from the distant future into the near future. They are thus fiscally very risky, as they drain tax revenues from the Government during the retirement years of the baby boom generation, while giving us a false sense of additional revenues now. And they also benefit the very wealthiest among us.

Thus, the pension provisions of this bill would particularly benefit the very wealthiest. And I would assert that it is not a coincidence—I am afraid it is not a coincidence—that some of the most powerful wealthy interests in our campaign finance system are today pushing for this so-called pension "reform." I would like to take a moment to direct my colleagues' attention to these big donors.

It is time again to "call the bankroll." As I have said, this legislation doesn't benefit average working Americans who are counting on their pension when they retire, so exactly whom does it benefit? I think "calling the bankroll" could answer this.

I would like to do a truly comprehensive "calling of the bankroll" here, but that would be almost impossible. There are just too many wealthy interests behind this tax bill: financial interests, insurance companies, and labor unions, just to name a few. We could be here all day, or all week, if I tried to cover all those contributions. So in the interest of time, I will just review the unlimited soft money contributions of some of the interests pushing for this bill.

The figures I am about to cite come from the Center for Responsive Politics. They include contributions through the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle.

Some of the biggest investment and finance firms are supporting passage of this bill.

For example, Merrill Lynch, its executives and subsidiaries, have given more than $915,000 in soft money, according to the Center for Responsive Politics.

That's just one company.

Mr. President, I have other examples I will cite regarding the "calling of the bankroll." American Express, its executives and subsidiaries have given more than $312,000 in soft money so far in this election cycle. And Fidelity Investments and its executives have given at least $258,000 in soft money to date.

The American Benefits Council, which is strongly supporting this bill, sent around a list of supporters of provisions of the legislation. That list includes still more big donors.

The American Council of Life Insurers and its executives have given more than $260,000 to the parties' soft money warchests during the period.

The U.S. Chamber of Commerce and affiliated chambers of commerce have given more than $110,000 in soft money during the period.

The list also included many of the nation's labor unions, which are also pushing for some of the provisions of this bill, including: American Federation of Teachers, which has given at least $820,000 so far during this election cycle; and the International Brotherhood of Electrical Workers, which has given more than $853,000 in soft money during the period.

Regrettably, many of these institutions will see a return on their campaign finance investment in the pension provisions of this bill. More regrettably still, the working family is not likely to see much of any benefit at all.

Mr. President, I am troubled, as well, that the school construction projects in this bill—being paid for, in part, with Federal tax credits for the bondholders—will not be subject to the Davis-Bacon Act. The Davis-Bacon Act ensures that construction workers on Federal construction sites get paid a fair wage for a days' work by requiring that those workers be paid the local prevailing wage.

The worker protections embodied in the Davis-Bacon Act are essential, and one specific set of Federal construction projects—and the workers who build them—should not be deprived of these protections. I am deeply concerned that some in this body are attempting to alter the protections under the Davis-Bacon Act without a substantive debate.

Yes, Mr. President, this bill does include a long-overdue increase in the minimum wage. I have long supported that increase. Congress should have passed it two years ago, and we should have passed it in a straightforward bill, clean of tax give-aways.

Sadly, it has become the habit of this majority to extract a series of tax subsidies in exchange for a minimum wage increase. And what is worse is that the cost of these subsidies is increasing. In 1996, the Congress had to pass $20 billion in tax cuts to get an increase in the minimum wage. Sadly, the cost of that minimum wage increase in terms of tax subsidies extracted has grown exponentially.

Another section of this bill would reinstate and expand the Foreign Sales Corporation—or FSC—export tax subsidy. We ought to be skeptical of subsidies, whether provided through the tax code, through appropriated programs, or through entitlements. In general, the best policy is to let free markets work. The FSC export tax subsidy does not do that.

While the FSC export tax subsidy may provide a very small benefit to certain firms that produce exports or that produce goods abroad, it also triggers increases in U.S. imports, so that its net effect on our balance of trade is probably negligible. As the Congressional Research Service explains, the FSC tax subsidy increases foreign purchases of U.S. exports, but to buy the U.S. products, foreigners require more dollars. That, in turn, increases demand for U.S. dollars, driving up the price of the dollar in foreign exchange markets and making U.S. exports more expensive. This partly offsets the effect of the FSC in increasing U.S. exports. This effect also makes imports to the United States cheaper, which causes U.S. imports to increase.

The bottom line, Mr. President, is that while some firms may enjoy increased export sales, other firms will lose business and jobs because of increased imports.

This special tax subsidy thus has benefits and costs. The firms that qualify for this export subsidy gain a benefit, of course, but so too do foreign consumers. CRS notes that the FSC tax subsidy produces a transfer of economic welfare from the United States to consumers abroad when part of the tax benefit is passed on to foreign consumers as reduced prices for U.S. goods. U.S. taxpayers are paying to keep these exports cheap for foreign consumers.

But there are other costs, as well. First, and perhaps most obviously, the billions of dollars we spend through the FSC export tax subsidy could otherwise be used to lower the tax burden on businesses and individuals, or to lower the level of our massive national debt. And as with other special tax breaks, the FSC export tax subsidy distorts the marketplace, and makes our economy less efficient.

There is also an additional and potentially huge cost that may be imposed on American firms and workers because of this FSC subsidy: what amounts to a possible multi-billion dollar tax imposed by the World Trade Organization on American products that are purchased in European Union countries that could mean lost business and jobs.

I am no fan of the World Trade Organization. I opposed the 1994 legislation that implemented the most recent General Agreement on Tariffs and Trade, or GATT, in large part because it created this undemocratic, unaccountable, often secretive international organization known as the World Trade Organization or WTO.

As my colleagues know, the reason we are considering changes to the FSC export tax subsidy is because of a WTO ruling that this tax break is an illegal subsidy. If we fail to change our tax laws to comply with this ruling, we can expect billions in punitive tariffs to be levied against American goods exported to the European Union.

While the FSC tax subsidy may be bad tax policy, it is our tax policy—a policy arrived at through the elected representatives of the people of this Nation. The ability of some international bureaucracy to effectively impose punitive taxes or tariffs on American goods should offend us all. Unfortunately, that is what we face because of the action Congress took in 1994 to ratify the GATT, and unless we eliminate the FSC export tax subsidy, American firms and American workers are at risk.

Regrettably, the proposed expansion of the FSC may not remove this threat. Mr. President, I have grave concerns that the WTO will see this expanded tax break as little more than a reconfiguration of the existing tax subsidy for exports. At a briefing for Senate staff on this issue, the Treasury Department conceded that not a single business currently able to use this export subsidy will lose its tax break. Indeed, the export tax subsidy has been expanded to provide an even larger subsidy for foreign military sales.

If the WTO rules that this change does not comply with its previous ruling, our businesses and workers will face billions in punitive tariffs on the goods they produce. That is what is at stake here. The proponents of this legislation are willing to risk billions in tariffs on American goods rather than eliminate this questionable tax expenditure.

It would be better economic policy and better fiscal policy simply to repeal the FSC altogether.

I am particularly troubled, Mr. President, by the provision of the FSC export tax subsidy section of this bill that would actually double the current tax benefit for arms sales.

That is right, Mr. President, this bill would double the tax benefit currently enjoyed by U.S. companies that sell weapons abroad.

Had the Senate been able to consider this bill under the Senate's regular procedures, I would have joined in an amendment by the Senator from Minnesota, Mr. WELLSTONE, that would have sought to correct this problem by reinstating the current tax benefit for arms sales.

United States arms manufacturers continue to lead the world in conventional arms sales to developing countries, both in terms of arms transfer agreements and in terms of arms delivered to the countries of the developing world. Conventional arms sales include such items as aircraft, tanks, complete weapons systems, spare parts, upgrades for previously purchased items, and munitions; as well as training and support services for the items purchased.

This August, the Congressional Research Service released its annual report, Conventional Arms Transfers to Developing Nations. This 79-page report details the worldwide arms transfer business conducted with developing nations from 1992 through 1999. During that eight-year period, the United States entered into arms-transfer agreements with developing nations worth in excess of $62.7 billion. Our nearest competitor, France, entered into agreements with developing nations worth just about half of that total, $31.6 billion.

During that same eight-year period, the United States delivered arms worth in excess of $84 billion to the countries of the developing world. The United Kingdom ranked a distant second with deliveries totaling $37.7 billion—less than half the value of the arms delivered by the United States.

And those numbers represent only the arms agreements and deliveries with the countries of the developing world. When we add in the arms agreements and deliveries to our worldwide customers, the numbers rise even higher. During the same period, the United States also ranked first in worldwide arms transfer agreements with an astonishing $104 billion dollars worth of agreements. Russia comes in a distant second with $31.2 billion in worldwide arms transfer agreements.

And during those eight years, the United States delivered a total of more than $124 billion worth of arms worldwide. Russia again came in second with $21.6 billion in deliveries.

In both instances—arms transfer agreements and arms actually delivered—the vast majority of United States arms transactions were conducted with the countries of the developing world.

As you can see from these numbers, Mr. President, the United States has no real competitors in the arms transfer business. And the United States will continue to lead the world in arms sales into the foreseeable future, because those who would buy arms want to buy them from American manufacturers. It is that simple. These companies are already making millions and millions of dollars from these sales each year. And they are already receiving substantial tax benefits. There is no need to double that benefit.

In fact, as I noted earlier with regard to the entire FSC export tax subsidy, I would argue that we should actually be talking about eliminating this benefit entirely. At the very least, we should maintain the current level—we should not double this subsidy.

This 100 percent increase in the tax benefit for arms sales is opposed by such groups as the Council for a Liveable World Education Fund, the General Board of Church and Society of the United Methodist Church, the Justice and Witness Ministries of the United Church of Christ, NETWORK, the Church of the Brethren, the Friends Committee on National Legislation, the National Council of Churches of Christ in the USA, the Mennonite Central Committee, and the Maryknoll Mission Association of the Faithful.

The world is already a very dangerous place. The Congress should not be increasing the subsidy for U.S. companies to sell weapons abroad.

Make no mistake about the importance of this piece of legislation to arms manufacturers and other business interests who would benefit from the various tax subsidies contained in this bill. As you know, wealthy interests don't just sit idly by on the sidelines waiting for us to act on this kind of legislation. They lobby to insert favorable provisions into a bill, and once they secure a special deal, they lobby to keep it in the bill. And when I say "lobbying," I mean more than a visit or a phone call to staff—I mean campaign contributions, Mr. President, millions upon millions of dollars worth.

As we discuss the legislation before us, we cannot ignore the presence of powerful monied interests. I have often likened campaign contributions to an 800-pound gorilla that's in this chamber every day—nobody talks about him, but he cannot be ignored. On this issue as well, I refuse to ignore the 800 pound gorilla who's throwing his weight around in our political process. Instead I choose to Call the Bankroll, to inform my colleagues and the public of the contributions made by wealthy interests seeking to influence what we do here on this floor.

On this provision of the bill, I feel it is once again very important to take a moment to review the campaign contributions of the defense industry. As I have said, this bill would double the tax benefit currently enjoyed by U.S. companies that sell weapons abroad. This bill means a huge bonanza for arms manufacturers. It is only appropriate to take a look at the bonanza of contributions they have provided to the political parties.

Many members of the Business Roundtable, an organization which has urged the passage of this legislation, are some of the biggest arms manufacturers in the U.S., and some of the biggest political donors. I'd like to review the contributions of some of these companies. These figures are for contributions through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle.

Lockheed Martin, its executives and subsidiaries have given more than $861,000 in soft money, and more than $881,000 in PAC money so far during this election cycle.

United Technologies and its subsidiaries have given more than $293,000 in soft money and more than $240,000 in PAC money during the period.

During that period, Raytheon has given more than $251,000 in soft money to the parties and more than $397,000 in PAC money to Federal candidates.

Textron has contributed more than $173,000 in soft money and more than $205,000 in PAC money.

And last but not least, Boeing has given more than $583,000 in soft money since the election cycle began, and more than $593,000 in PAC contributions.

Mr. President, these defense companies are getting a one hundred percent increase in an already unnecessary tax break, and frankly I wonder why. I wonder why we would double a tax break for the defense industry, when we haven't passed a Patient's Bill of Rights, when we haven't provided Medicare coverage for prescription drugs, and when we haven't passed so many other important measures that Americans really care about.

Sadly, it appears that there is a pretty simple way to figure out why we dole out corporate tax breaks while we neglect the priorities of the American people. All you have to do is follow the dollar.

Mr. President, this bill thus amply proves the adage that "a bad tree cannot bear good fruit." We should revise the procedures that allow such a monstrosity to be loaded into a conference report on an unrelated matter. And we should reject this bill, whose rotten provisions outnumber its sound ones.

Exhibit 1

[From The Washington Post, Oct. 26, 2000]

Say Goodbye to the Surplus

Congressional Republicans reached agreement yesterday on the contents of the tax cut bill they intend to send the president before adjourning. They suggest it's a relatively minor measure, but it's not. If it becomes law atop all the spending increases also agreed to in this session, Congress and the president will have used up, before the election, well over a third of the projected budget surplus—the $2.2 trillion over 10 years in other than Social Security funds—that the presidential candidates are so busily distending on the campaign trail. It's an astonishing display of lack of discipline and misplaced priorities.

The president sent a letter implying that he might sign the tax bill even while objecting to major parts. He ought instead to veto it if congressional Democrats won't block it first. As with the other Republican tax cuts he vetoed earlier in the year, this would cost too much—an estimated quarter-trillion dollars over the 10 years—and too much of the money would go to the part of the population least in need.

In the name of increasing access to health care, the legislation would grant a new tax deduction to people who buy their own insurance. The deduction would mainly benefit those in the top tax brackets who tend already to be insured. The president observed that, far from increasing access, it would have the perverse effect of inducing employers to drop insurance they now maintain for their employees. Among much else, the bill would also increase the amounts that can be contributed annually to tax-favored retirement accounts, a step that by definition benefits only those who can afford to save the maximum now.

The health insurance deduction was part of the Republicans' price for the $1-an-hour increase in the minimum wage that the bill also contains. The price is too high. Also in the bill will be so-called Medicare givebacks, increases in payments to providers that the president earlier objected were tilted in favor of managed care companies already overpaid. This is on balance a bad bill dusted with confectioner's sugar and offered up at year's end on a take-it-or-leave-it basis. The right response would be to vote it down.

Exhibit 2

Center on Budget
and Policy Priorities,
Washington, DC, October 26, 2000.

Leadership's Tax Plan Reinforces Inequities in Health and Pension Coverage

TAX CUTS PRIMARILY BENEFIT HIGH-INCOME HOUSEHOLD AND COULD REDUCE HEALTH AND PENSION COVERAGE FOR LOW- AND MODERATE-INCOME WORKERS

Congress will shortly consider a significant tax package developed by the House and Senate Republican leadership. Despite some beneficial provisions in the bill, such as the $1 increase in the minimum wage phases-in over the next two years, the bill's tax provisions will primarily benefit those-with high incomes. In developing the package, the leadership dropped bipartisan provisions—such as the retirement savings tax credit and the small business tax credit adopted by the Senate Finance Committee and the Medicaid access provisions adopted by the House Commerce Committee—that could have benefitted low- and middle-income workers. Rather, they retained provisions benefiting primarily those that already have health insurance and pension coverage. Even more worrisome is that some of these provisions could make it more difficult for low- and moderate-income workers to get health insurance and pension coverage through their jobs.

The Joint Committee on Taxation estimates the cost of the package to be $240 billion over 10 years. But when combined with anticipated discretionary appropriations, the repeal of the telephone excise tax, new health benefits for military retires, and Medicare give-backs as well as the resulting interest costs, this bill brings the 10-year cost recent of congressional actions to close to $1 trillion (see box at the end of the paper). This Congress will therefore use a substantial share of the available surplus without addressing key priorities, such as reducing the ranks of the uninsured or funding prescription drug benefits. The benefits of the leadership's plan remain focused on these who have benefitted the most from the economic boom, offering little to those who continue to struggle to get ahead.

Nearly two-thirds of the tax cuts in the bill go to the 20 percent of taxpayers with the highest incomes. The top five percent of taxpayers receive a greater share of the tax cuts than the bottom 80 percent. Thus the benefits of the bill are concentrated on those that already have high rates of health insurance and pension coverage. These estimates were calculated by the Institute for Taxation and Economic Policy.

The bill's health insurance deduction is expensive and poorly targeted. This deduction is most valuable to those in the highest tax brackets, yet those most in need of coverage have no tax liability or are in the lowest (15 percent) bracket. Taxpayers with incomes too low to pay income taxes would receive no assistance from this deduction. For most taxpayers in the 15 percent bracket, the 15-cents-on-the-dollar subsidy that the deduction provides is unlikely to be sufficient to make costly health insurance affordable.

According to the Joint Tax Committee, approximately 94 percent of the cost of the health insurance tax deduction would go to subsidize taxpayers that already have health insurance, with only 6 percent of the tax benefits going to further the goal of extending health insurance coverage to the uninsured.

The Council of Economic Advisers, among other researchers, found that tax deductions are a very inefficient way of extending coverage to the uninsured. A more cost-effective approach is the Administration's FamilyCare plan, which, at a lower cost, would provide coverage to more than twice the number of uninsured than the proposed tax deduction.

Because the health care tax deduction would provide a far deeper percentage subsidy for purchasing health insurance to higher-paid business owners and executives than to lower-wage earners, it could encourage some small business owners to drop group coverage (or not to institute it in the first place) and to rely on the deduction for their own coverage. As a result, some workers could be forced to buy more costly and less comprehensive insurance on the individual market, and the ranks of the uninsured and under-insured could rise.

The bill also includes tax deductions for long-term care insurance and long-term care expenses that would provide the largest benefit to higher-income taxpayers. Most low- and middle-income taxpayers would get no more than a 15 percent subsidy; this is too little to enable most of these families to afford costs related to long-term care.

Most of the bill's pension benefits would accrue to higher-income workers who already enjoy high rates of pension coverage. An analysis by the Institute for Taxation and Economic Policy of the bill's pension and IRA provisions found that 77 percent of the benefits would go to the 20 percent of Americans with the highest incomes. In sharp contrast, the bottom 60 percent of the population would receive less than five percent of these tax benefits.

Moreover, the bill would likely lead to reductions in pension coverage for some low- and middle-income workers and employees of small businesses. For instance, it would weaken "non-discrimination" and "top-heavy" rules that ensure company pension plans treat low-income workers fairly and are not skewed in favor of highly compensated workers. It also increases the IRA contribution limits to $5,000, which could make IRAs more attractive than company pension plans for owners of small businesses, possibly leading them to drop plans that benefit their workers.

EXHIBIT 3

CENTER ON BUDGET AND POLICY PRIORITIES,
Washington, DC, Revised October 18, 2000.

HEALTH INSURANCE DEDUCTION OF LITTLE HELP TO THE UNINSURED

(By Joel Friedman and Iris J. Lav)

House Speaker Dennis Hastert held a press conference last week in which he called for including in the minimum-wage package a new tax deduction for health insurance premiums. The deduction would be available to taxpayers that pay at least 50 percent of the cost of their health insurance.

This proposal, which would cost nearly $11 billion a year in fiscal year 2010, is a poorly targeted and expensive way to help the uninsured obtain coverage. Those most in need would receive little or no subsidy to help them buy insurance. Moreover, the proposal could have the effect of raising the cost of insurance for some workers.

According to an analysis by the Joint Committee on Taxation, approximately 94 percent of the cost of the Speaker's tax deduction would go to subsidize taxpayers that already have health insurance, with only 6 percent of the tax benefits going to further his stated goal of extending health insurance coverage to the uninsured.

The proposed tax deduction is most valuable to high-income taxpayers, who are in the higher tax brackets. Nine of every 10 people without health insurance, however, have no tax liability or are in the lowest (15 percent) tax bracket. Taxpayers with incomes too low to pay income taxes would receive no assistance in purchasing insurance from this deduction. For most taxpayers in the 15 percent bracket, the 15-cents-on-the-dollar subsidy that the deduction provides is unlikely to be sufficient to make insurance affordable.

Because the deduction provides a far-deeper percentage subsidy for the purchase of insurance to higher-income business owners and executives than to lower-income wage earners, it could encourage small business owners to drop, or fail to institute, group coverage and to rely instead on this deduction to help defray the cost of their own coverage. As a result, some workers could be forced to buy more costly and less comprehensive insurance on the individual market, and the ranks of the uninsured and underinsured could increase.

New research shows that a far more cost effective way to assist the uninsured, particularly uninsured children, would be to extend publicly-funded health insurance coverage to low-income parents. The Administrator's FamilyCare plan relies on this approach. At his press conference, however, the Speaker inappropriately compared his proposal to the Administration's small business health insurance tax credit. The Administration's tax credit is a very small scale proposal compared to the Hastert tax deduction. The Speaker's proposal costs $10.9 billion a year by 2010, while the Administration's small business tax credit would cost just $319 million over 10 years, according to JCT. The more-appropriate comparison would have been to the Administration's FamilyCare plan, which the Congressional Budget Office estimates would cost $8.7 billion in 2010.

Available estimates show that the FamilyCare approach would result in a substantially larger number of currently uninsured people obtaining insurance coverage than would the Speaker's proposed tax deduction. This is the case despite the somewhat lower annual cost of the FamilyCare plan, when both proposals are fully in effect.

A recent report by the Council of Economic Advisers concludes that tax deductions will do little to improve tax health insurance coverage and that approaches like FamilyCare are better at targeting the uninsured.

Mr. REID. Will the Senator from Wisconsin yield for a question?

Mr. President, I would want the question to be on my time, not on his, because he has been given 30 minutes.

May I ask the Senator a question?

Mr. FEINGOLD. I yield for a question.

Mr. REID. Prior to asking a question, I personally appreciate what the Senator from Wisconsin has done on campaign finance reform. Would he think it is a fair statement to say one of the gross failures of this Congress is that we have done nothing to get the money out of politics?

Mr. FEINGOLD. Mr. President, it is just a shame that we have managed to get to the year 2000 election without having any significant action on campaign finance reform. We did take the first tiny step in the right direction on a strong bipartisan vote by doing something about disclosure by these 527 groups that were sort of a scam in the making, but we did not address the need to ban soft money which the overwhelming majority of both Houses support and the President is ready to sign. It is a glaring failure of this Congress.

Everybody else in the country knows, including those who supported the campaign of the Senator from Arizona for President on the Republican side, that soft money is a real cancer on the system. But somehow, again, the Congress is behind the people. I can't help but note, in answer to the question, that we are going to make a very important decision in the next few days on who the next President of the United States should be. The candidate of the Democratic Party, AL GORE, has pledged to make the McCain-Feingold ban on soft money the first piece of domestic legislation he will introduce, and he has pledged to work for it and sign it when Congress passes it. The candidate for the Republicans, Governor Bush, apparently is prepared to veto it.

So the tragedy, in answer to the question, of this Congress not acting is that if somehow Mr. GORE is not elected, we may finally get the 60 votes we need to break the filibuster but we will have a President who is not ready to do something about the corrosive and corrupting influence of money in politics. Of course, the Senator knows from my work on this, that I consider this to be one of the two or three greatest problems in our society. We just have to do something about the corrupting effect of money on our political and legislative system.

Mr. REID. I have a final question. It is not a complicated issue, is it? The fact is, one of the things the Senator wants to do is keep corporate money out of politics; that is, have a corporation not be able to write large corporate checks or small corporate checks; keep corporate money out of politics, as was the law early last century. Isn't that right?

Mr. FEINGOLD. Mr. President, that is absolutely right. Let me make it clear, the ban on soft money that Senator MCCAIN, I, and a majority of this body support, bans corporate contributions, union contributions, and unlimited individual contributions. It is fair and balanced.

The Senator from Nevada is absolutely right. People who might be listening to this discussion might say: Well, these kinds of contributions have always been allowed anyway. That is not true. These kinds of unlimited contributions by corporations, unions, and individuals really didn't exist for purposes of these television ads until 5, 6 years ago. This is a new corrupting influence on our system, the likes of which has not been seen since the turn of the last century. I refer to the turn from the 19th to the 20th century. In answer to the question of the Senator from Nevada, that is what led to the 1907 Tillman Act which prohibited contributions by corporations in connection with federal elections, and then, when the unions came into their prominence in the middle part of the century, the Taft-Hartley Act said unions also must be prohibited from giving contributions.

All we are trying to do is put the genie back in the bottle. Unlimited contributions have always been considered inappropriate in our system of government, and shame on this Congress that we can't see the worst corrupting influence in 100 years and that we didn't, before the turn of the century, shut it down, because it must be shut down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. HATCH. I am happy to.

Mr. REID. I ask unanimous consent that following the remarks of the Senator from Utah, the Senator from Illinois be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANTING AMNESTY TO ILLEGAL ALIENS

Mr. HATCH. Mr. President, I rise to make some points that need to be made at the end of the session.

Here we are, running right up against election time, and we are being held hostage because the President of the United States wants to grant amnesty to up to 4 million illegal aliens, people who haven't played by the rules, haven't paid the price, who literally want to jump over those who have played by the rules and who belong here—this blanket amnesty all for the purpose of politics.

In fact, I heard one of the leading Democrats say: Boy, Telemundo and all of the Hispanic newspapers are really playing this up.

Well, that might be true in the Hispanic media, but I think Hispanic people in this country want fairness above everything else. I think they know what is going on here. They know darn well they are being played, and they are being played in a vicious way.

I once again urge President Clinton not to veto the Commerce-Justice-State appropriations bill the Senate passed on Friday.

President Clinton has threatened a veto because we did not include his so-called Latino Fairness Act. But we have included something much better than his Latino Fairness Act: the Legal Immigration Family Equity Act, the LIFE Act.

This act reunites families and restores due process to those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries, not just special countries. A veto of CJS would be a blow against immigrant fairness. But a veto would do far more than that.

A veto would cut off funding for some of our most important programs. The CJS appropriation allocates $4.8 billion for the Immigration and Naturalization Service and an additional $15.7 million for Border Patrol equipment upgrades. It provides $3.3 billion for the FBI and $221 million for training, equipment, and research and development programs to combat domestic terrorism. We are not playing around here. This is important stuff. I don't think it is right to be playing politics with the lives of immigrants at the end of the session just to obtain some cheap political advantage.

There is $4.3 billion allocated for the Federal prison system in CJS. That is money we need to run the prison system and to treat people with due process. Then we have $1.3 billion for the Drug Enforcement Administration. This is critical to our fight against illegal drugs in this country. There is $288 million for the Violence Against Women Act. That is legislation that I have strongly supported and that provides assistance to battered women and children through a variety of different programs.

Actions have consequences. If President Clinton vetoes this bill, he is putting the public safety and well-being at risk both at home and abroad, all in an effort to play wedge politics. The President's veto threats ring hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated he wants to "keep families together and to make our immigration policies more equitable."

This is exactly what our LIFE Act that we have in the appropriations bill does. Had the White House proposed this during President Clinton's first 7 years in office, he might have been able to develop a mandate to grant amnesty to millions of undocumented aliens, aliens who have broken our laws. But no such mandate exists.

The American people need to know that the INS, the FBI, and the Border Patrol are being brought to the brink of a shutdown because President Clinton wants Congress to grant amnesty for up to 4 million illegal aliens, people who haven't played by the rules.

When we fought the H-1B legislation on the floor, many on the other side pointed out the difficulties of legal immigrant families. They pointed out that children needed to be reunited with their parents, that spouses needed to be reunited with their husbands and wives. I said I would try to do something about that.

We realized there was a problem with the late amnesty class of 1982 who qualified for residency under the 1986 Act. We said we would try to do something about that, and the LIFE Act does. The American people are a fair people. The LIFE Act will take care of 1 million people who either don't have due process or who need to be reunited with their families. It takes care of them first rather than granting amnesty tc up to 4 million illegal people who haven't played by the rules, which is what the President wants to do. Fairness dictates that we not grant amnesty to millions of illegal aliens when there are 3.5 million people who have played by the rules waiting to come to the United States. The President should remember this inequitable proposal and reconsider what he wants to do here.

Let me say a couple of other things. I have even let the White House know that to determine if there are further inequities we will hold hearings right after we come back at the first of the year, and we will find out what needs to be done to restructure INS, if necessary, to make sure they treat people with more respect. We will consider these people who President Clinton would like to help. But most of them are here illegally and without further information, we think they should not be jumped above or in front of these people who aren't here legally or who have been waiting in line to be reunited with their families.

We brought both sides together in this LIFE Act and brought a variety of different people into this. But there are some people who don't want any immigration to our country. They may live in States that are overrun with illegal immigrants; at least some of them do. Others don't seem to care about any rules, and I suspect the President is in that category. But we have brought these people together in the LIFE Act to resolve the problems that were mentioned during the H-1B debate. By gosh, I think it is time for the President to sign this bill and get about doing the Nation's business. He should quit playing wedge politics with these issues that are highly inflammable and about which he can blame people in illegitimate and wrongful ways.

I have worked very hard, along with a number of others, to bring this about in a way that is equitable, fair, and takes care of those who first need to be taken care of, with promises to hold hearings to see if there are any others who need the help and fairness that we can grant. That is the best we can do this year. That is the best we can do at the end of this session. It is the best we can do in bringing people together.

I think we have done a good job getting it done, and I hope the President will go along with our proposal so we can continue funding the INS, the Border Patrol, the FBI, training and equipment research and development programs to combat domestic terrorism, the Federal prison system, and the Drug Enforcement Administration. We must enact the CJS Appropriations into law because it funds things that are absolutely critical to this country. Moreover, it makes it possible for 1 million people to get permanent residency, people who have been waiting in line, have paid the price, and played by the rules.

This is a front-page issue in the Hispanic media, but most Americans don't know what the President is trying to do because the mainstream media is not reporting this issue. The American people need to know what is going on here. I think it is a crass approach to play wedge politics at the end of this session, holding us hostage so we can't get home and campaign and do what we need to do. Right now, I would much rather be home in Utah than here in Washington. But as long as we have to be here, I am going to make these points to try to help all immigrants, including Hispanics to receive fair treatment by the INS and by our immigration policies.

I am a cochairman of the Republican Senatorial Hispanic Task Force. I started it a number of years ago to make sure Hispanics are treated fairly and that Hispanic issues are given the attention they deserve. We have done an awful lot in this area, and I think the LIFE Act is a very good piece of legislation that will take us far down the road. Additionally, we have made a promise to hold hearings next year to see if there are any other inequities that need to be remedied. We will be glad to do that.

We have 535 Members of Congress and a wide variety of viewpoints. I think we have brought them together in a way that will work and solve some of these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I wonder if the Senator from Utah would stay on the floor for a moment. It is my understanding that, as chairman of the Senate Committee, the Senator from Utah has jurisdiction over immigration issues. I am trying to recall. In the last 2 years, the only major immigration bill that I can recall was the H–1B visa bill that we considered. Is my memory accurate on that?

Mr. HATCH. I don't think it is. We have held a number of hearings. The Subcommittee on Immigration holds hearings, which is chaired by Senator ABRAHAM and the ranking member, Senator KENNEDY. We have been trying to do an agricultural bill, H–1B, H–1A. There are a whole raft of things we have been trying to do. We have also worked consistently on the committee with the INS, the administration, and the Justice Department to resolve problems. I work on them all the time.

Mr. DURBIN. Was there a bill brought to the floor from the Subcommittee on Immigration that dealt with the larger issues that the Senator is now addressing other than H–1B during the last 2 years?

Mr. HATCH. The visa waiver bill was brought to the floor. As I understands, we have had 8 years of this administration and they haven't brought anything to the floor either, nor have they asked us to do anything here.

Mr. DURBIN. Senator HARRY REID of Nevada, Senator KENNEDY, and I have each introduced bills relative to the three elements the administration is urging and they have been pending for months now.

Frankly, I understand the good faith of the Senator from Utah, but when we literally have hundreds of thousands of people across America whose fate is hanging in the balance here on a decision to be made by the Senate and we have not seen on the Senate floor—other than the H–1B visa bill—frankly, some bills of smaller consequence, I think perhaps the Senator from Utah can understand the anxiety and concern of these families.

I deal with these families all the time, and I am sure the Senator does, too. Two out of three of my constituent cases coming into the Chicago office deal with immigration. I hear these heartbreaking stories about families that are torn apart because of some of the laws we have passed, the failure of this Congress to respond to this. And I, frankly, have urged the President to take the position he has taken—don't go home and leave these poor families out there, frankly, languishing because we failed to address three basic things. We failed to say we are going to give those refugees who have come to this country and have faced the same kind of political persecution as refugees from Nicaragua and Cuba—we believe they should receive equal and fair treatment. I don't think that is a radical idea. Secondly, 245(i) says if you are going to get a chance to finally get your green card and become a naturalized citizen, go through the process, we think it is an unreasonable hardship to force you to go back to your country of origin and apply for a visa, which is an economic hardship and, in many cases, a danger that families should not go through.

I can't imagine why that is a radical idea. The idea of updating the registry in this country that we have used to affect immigrants has been updated regularly since 1929. We are not bringing a radical notion to the Senate. In fact, we are following the tradition of Democratic and Republican administrations, and we have not had a bill come to the floor.

We have hundreds of thousands of people whose lives hang in the balance. Frankly, I can understand the position of the President, and I agree with him. I am sorry we have not had hearings on this issue nor brought it to the floor; but to say that it is something we might look at next year is cold comfort to these people who, frankly, face the fear of being extradited or somehow removed from this country in a situation that could be a great hardship to their families.

I say to the Senator from Utah, there is another side to the story. I deal with it every day in my Chicago office and all across Illinois.

Mr. HATCH. If the Senator will allow me to respond, yes, there is another side of the story. I work on it all the time. A high percentage of people who come to my office have immigration problems. I work very hard to try to resolve them. But for 7½ years the administration has not raised this. We have had hearings on restructuring INS and straightening out some of the problems. But for 7½ years, the INS has fought against the 1982 people who we resolved in this bill called the LIFE Act that is in this bill.

The Clinton administration INS has fought the 1982 class' efforts to get due process every year since I have been here. It is one of the things that I wanted resolved, we have resolved it with the LIFE Act.

With regard to 245(i), I would like to do more, to be honest with you. But that is a minor problem compared to bringing in before them people who basically are illegal and who haven't played by the rules.

Mr. DURBIN. May I ask the Senator——

Mr. HATCH. If you would let me finish my thought.

Mr. DURBIN. I want to ask you a question specifically on that point.

Mr. HATCH. Here is the problem. This was never faced by the administration until the spring of last year.

Mr. DURBIN. I have to say to the Senator that I sent a letter along with Senator KENNEDY and Senator REID asking, I think almost a year ago, for this matter to be considered.

Mr. HATCH. You may have done that. The administration has fought us on these issues, and frankly——

Mr. DURBIN. The administration supports our position.

Mr. HATCH. They do now and they didn't then. They support it now for crass political purposes.

Let me say one other thing. The Senator has been on the Judiciary Committee. He knows these are hot-button issues, and hot-button issues are very difficult issues to handle. He knows I want to solve these problems. But he also knows that there is a wide disparity of belief in both bodies, and it is almost impossible to bring everybody together and solve every problem, just like that. We have done our best.

Mr. DURBIN. We have not had a vote on this floor on this, have we?

Mr. HATCH. We have on the LIFE Act. It is part of the bill.

Mr. DURBIN. In terms of what we have proposed—the three bills we have proposed—I don't believe we have had a vote on the floor on them.

Mr. HATCH. I don't think we have.

Mr. DURBIN. There are a number of people who have criticized Congress because we can't act in a bipartisan fashion. Frankly, we don't get a chance to act, if we can't bring a bill to the floor—and if we can't have amendments and if we can't have debates and votes.

Mr. HATCH. One reason why it is difficult to do so is because of the wide disparity of different beliefs, and if one House or the other won't let it come to the floor.

Mr. DURBIN. If the only matters that we can consider are matter of consensus, what in the world has this Chamber turned into? Why are we afraid of debate and amendments?

Mr. HATCH. That is not my point. In this climate, any single Senator can stop anything. In the House of Representatives, any block of Members can stop anything. These are hot-button issues, and I think it is pretty amazing what we have been able to get done.

Mr. DURBIN. Let me reclaim my time.

Mr. HATCH. Can I make one last comment with the indulgence of my friend?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. President Clinton properly signed the 1996 immigration bill. But now weeks before election day he seeks to turn the 1996 act on its head.

I, too, want to help constituents. But putting several million people who violated the immigration laws ahead of the line of the 3.5 million people who are legitimately waiting and have waited for years to come here legally, it seems to me, is wrong.

Mr. DURBIN. I was happy to yield to the Senator from Utah.

Mr. HATCH. Especially under these circumstances.

Mr. DURBIN. But I certainly want to add a few things.

Mr. HATCH. I yield the floor.

Mr. DURBIN. Mr. President, this image is being created under this immigration act that we are talking about people who managed to sneak into the United States illegally and who have lived their lives in violation of the law and are now trying to sneak into citizenship. There are people like that, I am sure, but they are an extremely small minority.

The vast majority of people we are concerned about are people such as Sarah. Sarah is a 19-year-old girl in southern California. She was born in Mexico and adopted at the age of 4. English is her primary language. She lives at home with her family. She is adored by her parents and her five older siblings. She is also an illegal immigrant. Why is she an illegal immigrant? It turns out that Sarah's parents made a crucial mistake at the time of adoption. They didn't apply for citizenship. The family wrongly assumed that she automatically became a citizen when they completed the formal adoption procedures in the California courtroom. No one told them they had to file separately for citizenship. It was only last year when they decided to take a trip to Mexico and asked for a passport that they realized Sarah is here illegally.

Is this someone who managed to sneak across the border and is living in violation of the law?

There are thousands of Sarahs who are, frankly, looking for relief in Congress and who can make a contribution to the United States.

But the fact that we have not brought a serious immigration bill—but for one H-1B visa bill—before Congress is the reason this President has put his foot down and said: Congress, don't go home until you address this problem.

There are people such as Sarah across America who deserve fair treatment. Frankly, they have been ignored.

I count the Senator from Utah as my friend. But I have to say that the Senate Judiciary Committee has not taken up this issue. They have ignored it. He identified the reason: It is controversial.

When you talk about immigrants, there are a lot of people who say I know how to exploit that issue. Let me tell you something. I know that is the case in my home State of Illinois. But I happen to be the son of an immigrant. I am very proud of the fact that I serve in this Senate as the son of immigrants. And many of us in this country look to our parents and grandparents as immigrants with great pride.

We should look at immigration fairly and honestly and in a legal way. You can't do it if you run away from a debate on immigration law the way we have in the Senate for the last two years.

President Clinton, hold your ground. For those across America who are waiting for us to do the fair and right and equitable thing for immigrants, hold your ground. Insist that this Senate, before it goes home, and this Congress, before it leaves to go back to campaign, are fair to those across America who are looking to be treated equitably and justly under our immigration system.

I am responding, of course, to what the Senator from Utah raised as an issue. It wasn't the reason I came to the floor, but I feel passionately about it.

Senator KENNEDY, Senator REID, and myself are the three major sponsors of the measure on which President Clinton is insisting. They can add, I am sure, during the course of this debate their strong feelings as well.

CHOOSING A PRESIDENT

Mr. DURBIN. Mr. President, in just a few days the American people get to make one of the most important decisions that we are ever called on to make, and that is to choose a leader for our country. It appears from all of the polls that the American people just can't decide. The polls go up and down every single week. You see one candidate ahead one week and another candidate ahead the next. Frankly, the verdict of public opinion will be rendered on November 7, and we will decide the leader for the next 4 years.

Many of us believe this is a decision of importance way beyond 4 years. We think the next President is going to chart a course for many years to come.

We have to make a very basic decision.

Frankly, if you believe that the Presidency is an easy responsibility, and if you believe that America will run forward in a positive way on automatic pilot, then I think, frankly, you might be inclined to vote for Governor Bush because he has spoken in very general terms about what he thinks about America. He has made specific proposals, which are fairly radical departures from what we have been, and he says everything is going to be fine; in fact, it will be better.

Many of us, though, can remember something that perhaps Governor Bush never experienced. He was not a Governor in Texas during the period of time when we dealt with the worst deficits in the history of the United States in Washington. Under Presidents Reagan and Bush, we dealt with deficits that were crippling to this American economy. I saw it in my home State of Illinois with high unemployment and high inflation. People weren't building homes and weren't starting businesses. It was a very bad time. We were in a recession. We paid a bitter price for it—families and businesses across America. Thank goodness, in 1993, we turned a corner and started moving forward. Some of the things that have happened since are absolutely historic.

If you take a look, since March 1991—which goes back to the Bush Presidency for a few months—we have had 115 months of straight economic expansion, the longest in the history of the United States.

Governor Bush may not remember what it was like back in the old days when we would get 12 months or so of economic expansion. But that is what America truly was like.

Look at what happened to the inflation rate during that same period of time.

In 1980, the inflation rate was over 12 percent. Then it went down at the end of the administration of Jimmy Carter. Of course, it went down and it stayed down. But we have kept the inflation rate at the lowest sustained level since 1965.

These things don't happen easily or automatically. Those who think Governor Bush can come to it with little or no experience and keep it going have to answer some questions. Will he be able to do as we have done in the last 8 years—create 22 million new jobs? His father created 2½ million jobs during his 4 years; President Reagan, 16 million during his 8 years. Twenty-two million is a record, and it is a record of which we are proud. It means people have a chance.

But we can see Presidents who came on board such as former President Bush who really didn't have good luck when it came to job creation and getting people back to work.

Take a look at Federal spending.

The Republicans criticize Democrats as big spenders. Look what has happened to Federal spending as a percentage of our gross domestic product. It has gone to one of the lowest levels since 1966. We have seen Federal spending heading down and we are being criticized for being big spenders. The fact is, we have not been. Just the opposite is true: For the people often left behind, the lowest poverty rate in 20 years; African Americans and Hispanic Americans with the highest employment rates in modern memory; improvement in education scores, an indication that everybody gets a chance to improve in this country.

The overall surplus we have seen generated is the largest in our history: $237 billion under the Clinton-Gore administration. Look at the red ink under Presidents Reagan and Bush in the early years of Clinton-Gore and how we turned the corner. There are those who think that will continue, but it isn't true. If we go the wrong way on critical decisions, we will pay the price.

The American Academy of Actuaries came out with their report last week. They took a look at Governor Bush's proposal for Social Security and they said we would return to Federal budget deficits around 2015 under George W. Bush's proposal. This group, which is nonpartisan, and is supposed to know basically more than most of us when it comes to accounting and actuary practice, concluded that Governor Bush's plan to cut taxes and divert Social Security payroll tax for individual accounts would make it all but impossible to eliminate the publicly held national debt.

There is the choice, America. A choice for the next 4 years is whether we will continue to make sure that we invest in America, keep the economy moving forward, use fiscal discipline and fiscal conservatism, if you will, to make sure we pay down the national debt. I don't believe, nor does Vice President GORE, for that matter, that we should risk the Social Security system by taking $1 trillion out of it, something that Governor Bush couldn't even explain in the last debate. How do you take $1 trillion out of Social Security and then go ahead and spend the $1 trillion, except at the expense of Social Security recipients? Are you going to cut the benefits? Are you going to increase their payroll taxes? Are you going to change the retirement age?

All of these things are options that none of us want to face. If you take an approach, and he suggested you may have no other alternative, you may find yourselves battling away at a stock market which looks a lot like the roller coaster at Coney Island in Senator MOYNIHAN's home State.

The PRESIDING OFFICER (Ms. COLLINS). The time of the Senator is expired.

The Senator from Nevada.

Mr. REID. I ask unanimous consent that the Senator from Massachusetts, Mr. KENNEDY, be recognized for 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

WORK OF THE SENATE

Mr. KENNEDY. Madam President, I thank the Senator from Nevada. I commend my friend and colleague, the Senator from Illinois, in raising these issues. I commend him because he has presented the facts to the Senate.

We never had an opportunity to vote on the 1996 Immigration Act. To represent that we did is not stating clearly the facts. That was wrapped into a conference report on an entirely different appropriation, which was a take-it-or-leave-it, after the legislation passed, I believe, 97–3, with strong bipartisan support, and it was after days of hearing in the Senate that the Republicans took that and added these provisions, some provisions which the Senator has mentioned.

This figure of 4 million is a traditional way of distorting and misrepresenting a position, and then disagreeing with it. That is poppycock. It is red herring. The Senator from Utah ought to know better than that because that is completely inaccurate.

I can understand the frustration that many feel about this issue, and I commend the President for attempting to try and deal with it.

When we had this Latino Fairness Act, two prominent Republicans, the Senator from Florida and the chairman of the immigration committee, made statements in favor of the position outlined by the Senator from Illinois. They were prepared. They understood that there may have been differences here, but they spoke to it.

The President is in a commendable position. I thank him for his leadership in this. I again thank the Senator from Illinois for bringing this matter to the attention of the Senate. I am very hopeful that we will stay the course on this until we get some action on this, another proposal that has a moratorium on the deportation of individuals, which has been passed through the House on the suspension calendar which addresses one of the regrettable aspects of the 1996 act. That has the bipartisan support of Chairman HYDE of the Judiciary Committee, and LAMAR SMITH from the immigration committee, which virtually passed unanimously in the House. I am hopeful we will pass that, as well.

Halloween is here. I am watching the clock that is over the Senate right now. It has not been corrected. I don't know whether the goblins are out here, as well, but Halloween is here. While the Nation observes this occasion only once a year, for this Republican Congress, every day is Halloween. This is the Halloween Congress: lavishing treats on the wealthy and cruel tricks on average families.

If he is elected, Governor Bush will borrow the idea and have a year-round Halloween White House in which powerful special interests hold sway and working families are left out and left behind. He said no to working families in Texas and he wants to say no to average Americans for 4 more years this time from 1600 Pennsylvania Avenue. He wants to say no to Social Security, no to Medicare, no to a fair prescription drug benefit for senior citizens, no to the Patients' Bill of Rights, no to improving the public schools, no to health care for uninsured children, no to fair tax cuts for average families, no to fighting hate crimes, no to fairness for lawful immigrants, no to gun safety laws.

There is no clearer example of how our Republican friends have kowtowed to powerful special interests than the tax bill before the Senate. Rather than meet the urgent priorities of the American people, Republicans have spent the past 2 weeks huddled behind closed doors to produce a quarter-trillion-dollar tax package tilted overwhelmingly toward the powerful and not toward the average families.

In fact, the top 5 percent of taxpayers will receive a greater share of the tax breaks under this Republican tax scheme than the bottom 80 percent of all taxpayers combined. There is little to distinguish this plan from the previous discredited proposals by the Republican leadership in Congress and by George W. Bush. In many ways the items in this package are even more cynical.

The Republicans know that millions of Americans are deeply concerned about the lack of health insurance for low- and middle-income families. So this bill lowers the cost of health insurance for wealthier people who are already insured. Madam President, 95 percent of the people who will benefit under this bill in terms of the health insurance benefits are individuals who are already insured, not any expansion for those who have no health insurance today.

Republicans know that millions of Americans are concerned about saving enough for retirement, so this bill fattens the pension opportunities available to the highest level corporate executives. Republicans know that millions of children and working families are having trouble feeding their families even in this time of prosperity. So this bill increases the tax breaks that corporations can claim for three-martini lunches, dinners, and other entertainment.

Republicans know that millions of families struggle to care for elderly or disabled family members at home, so their tax bill lowers the cost of luxury nursing facilities for wealthy families.

Millions of low-wage workers are depending on Congress to raise the minimum wage this year before we adjourn. But Republicans seem to care so little about the minimum wage that they have repealed it for 6 months of next year in their tax bill. It was, apparently, an inadvertent mistake, or perhaps a Freudian slip. But if they had worked with Democrats and shown us the provision, we could have prevented such an embarrassing mistake. An increase in the minimum wage may be an afterthought for the Republican leadership, but it means food on the table and clothes for the children for the 12 million workers who benefit. To eliminate the minimum wage, even for 6 months, would be a disaster for these families.

Here we are in the final hours of this Congress and still we have been denied the opportunity to even vote whether this body thinks we should vote for a 50-cent increase in the minimum wage today—which is now $5.15 an hour—and 50 cents next year, at the time we have the greatest economic expansion in the history of this country.

On the other hand, under Republican leadership the Congress raised its salary by $4,800 last year and again by $3,600 this year. Congress made sure nothing got in the way. Congressional pay was not eliminated for 6 months. Congress did not say Congressional salaries would be increased only if accompanied by $100 billion in tax breaks. Isn't that interesting? Our Republican leaders have told us yes, you can have raises, rather than the people who are going to be affected by an increase in the minimum wage if we have $73 billion in tax breaks. We did not have that kind of requirement when we increased our own benefits, but evidently for the hardest working families, many of those who have two or three jobs to try to make ends meet, that is the block that is put in front of them.

Madam President, 535 Senators and Representatives received a raise without a hitch. The 12 million Americans who would receive a raise in the minimum wage deserve the same. It is a children's issue, a families issue, a civil rights issue.

I hope this Republican Congress will act to pass the minimum wage before adjourning this year.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I will be happy to.

Mr. REID. Isn't it true, all over this country there are State and minimum wage laws that are much higher than $5.15 an hour? It is not as if Congress is breaking some new ground. The fact is, in several States they have a higher minimum wage than we are trying to advocate; is that not true?

Mr. KENNEDY. The Senator is correct. In a number of communities we have living wage regions, in many of the major cities of this country, which have been successful. But there are those, including Governor Bush, whose position is to say the States ought to be able to opt out on the minimum wage. When you realize the minimum wage in the State of Texas is $3.35 an hour, when we have seen the prosperity which is across this country, that raises serious questions about the real interest in any working families.

I want to take the time remaining to talk about two public policy areas, first on education and then on health care. If Governor Bush's record in Texas is any indication, average Americans, who work day after day to make ends meet, will be an afterthought in a Bush administration.

The Republican Congress says he has the answers to education. He calls his record in Texas an education miracle. But if you look at the record, it is more of an education mirage than an education miracle. Under Governor Bush, in 1998, according to the National Center for Education Statistics, Texas ranks 45th in the Nation in high school completion rates; 71 percent of high school dropouts in Texas are minorities; Hispanic students in Texas drop out at more than twice the rate of white students in the State. So if education is the biggest civil rights issue in America, as Governor Bush proclaimed at the Presidential debates, he flunked the test in Texas.

Last August, the College Boards reported that nationally, from 1997 to the year 2000, SAT scores have increased. But in Texas, they have decreased. In 1997, Texas was 21 points below the SAT national average. By 2000, the gap had grown by 26 points.

Then, last Thursday, Governor Bush heard more bad news. The Rand Corporation released an education bombshell that raises serious questions about the validity of gains in student achievements in Texas claimed by the Governor. The Rand bombshell was all the more embarrassing because in August Governor Bush said:

> Our State has done the best, not measured by us, but measured by the Rand Corporation who take an objective look at how States are doing when it comes to education.

Those are the Governor's words. Clearly, at that time Governor Bush trusted the conclusions made by the Rand Corporation because he was referring to a Rand report that looks at scores in Texas from 1990 to 1996. In fact, Senator HUTCHISON cited those findings on the floor of the Senate on Thursday.

But most of the years covered by the earlier Rand report were before Bush became Governor. The new Rand report released earlier this week analyzes the scores from 1994 to 1998, when George W. Bush was the Governor. The achievement gap in Texas is not closing, it is widening. What is the Governor's solution? Test, test, tests and more tests.

In August, Governor Bush said:

> Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth and standards are just slogans.

We all know tests are an important indication of student achievement, but the Rand study questions the validity of the Texas State test because Governor Bush's education program was teaching to the test instead of genuinely helping children to learn.

These are the results. We find out the objective standards, whether we take it from the Rand Corporation or the National Center for Education Statistics. When it was favorable to Texas, it was quoted ad infinitum by strong supporters of the Governor. But, those successes applied to the education policies that were developed prior to the time the Governor became Governor.

If we want a true solution to improving education, we should look at the success of States such as North Carolina, which is improving education the right way: Investing in schools, improving teacher quality, expanding afterschool programs—all in order to produce better results for students. The Bush plan mandates more tests for children, but it does nothing to ensure that schools actually improve and children actually learn.

We know immediate help for low-performing schools is essential. We know we can turn around failing schools when the Federal Government, States, parents, and local schools work together as partners to provide the needed investments.

In North Carolina, low-performing schools are given technical assistance from special State teams who provide targeted support to turn around low-performing schools. In the 1997-1998 school year, 15 North Carolina schools received intensive help from these State-assisted teams. In August 1998, the State reported most of these schools achieved exemplary growth and not one school remained in the low-performing category. Last year, 11 North Carolina schools received similar help; 9 met or exceeded their targets.

That is the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education. And, correspondingly, the test scores for the students in North Carolina have risen 10 points above the national average during this period.

The Democratic proposal to reauthorize the Elementary and Secondary Education Act incorporate the proven approaches that have demonstrated better results for children. But the Republican leadership has blocked any opportunity to debate education. The Elementary and Secondary Education Act, for the first time in 35 years, will not be acted on by Congress.

The Vice President, AL GORE, supports programs to improve public schools which have been proven effective. The best example we have is North Carolina. Those programs are tried and tested and demonstrated to be successful. That is what we believe ought to be done in the future for public education in this country. Yet those programs that have been tried and tested in the State of Texas are not improving education for children. Education is a prime issue for families, and we ought to look at the results. When you look at them carefully, you have to realize that what has been outlined as an educational miracle by the Governor just does not measure up—it's just an education mirage.

Instead of taking steps that will work, Governor Bush abandons the low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them. In the Vietnam war, it was said we had to destroy some villages in order to save them. That is what Governor Bush has in store for failing schools: a Vietnam war strategy that will destroy them instead of save them.

Parents want smaller class sizes where teachers can maintain order and give one-to-one attention students need to learn. Parents want a qualified teacher in every classroom in America. Parents want modern schools that are safe learning environments for their children. GAO found that $112 billion was necessary for our schools to meet health and safety standards and environmental standards, to make critical repairs, and to ensure they are wired for modern technologies. That is why we want strong support for our school modernization and construction program that the Republican leadership has consistently opposed.

Here we are 4 weeks into the next fiscal year. Republicans have said that education is their top priority, but instead, they have made education their last priority.

Parents and students alike want an increase in Pell grants to help young people afford the college education they need to compete in the new economy.

The vast majority of Americans want us to address these challenges, and AL GORE and the Democrats in Congress will do just that. We will continue to fight hard for education priorities that parents and local schools are demanding.

There is much good news about education across the nation. More students are taking the SATs so they can gain entrance into college. We see these numbers going up every year.

More and more students are taking advanced math and science classes in precalculus, calculus, and physics. We know there are schools in some parts of the country where the children cannot even read and write an essay. We ought to be doing something about it. The Republicans condemn those schools, but they have no plan to improve them.

Finally, the SAT math scores are the highest in 30 years. The SATs are taken by young people who want to go on to college. Those who are taking math now—many of the children who are taking the advanced courses are going to do better. That is what we want, isn't it? We want all these indicators to go in the right direction—better results for children.

As we come into these final weeks, parents ought to look at the Members of Congress, the Members of the Senate, and the Presidential candidates and where they stand on education. Democrats and AL GORE stand for an investment in children that will produce better results: smaller class sizes, a qualified teacher in every classroom in America in 4 years, a strong downpayment on meeting the nation's school modernization and construction needs, more afterschool programs to keep children safe and out of trouble and give them extra time for learning, too.

We should support these policies to improve public schools, and we should oppose policies by the Republican leadership and Governor Bush to abandond public schools. The nation's children deserve no less.

HEALTH CARE

Mr. KENNEDY. Madam President, few issues are of greater concern to American families than quality, affordable health care. Americans want an end to HMO abuses. They want good health insurance coverage. They want a prescription drug benefit for senior citizens under Medicare. They want to preserve and strengthen Medicare, so that Medicare will be there for both today's senior citizens and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election is clear on health care—and it is not just a choice between different programs. It is also a choice based on who can be trusted to do the right thing for the American people. AL GORE's record and his proposals are clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance for children to protecting Medicare for seniors. He has consistently stood for patients and against powerful special interests.

AL GORE has laid out a constructive program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights to end abuses by HMOs. He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare, without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George Bush doesn't just have a credibility gap. He has a credibility chasm.

He has consistently stood with the powerful against the people. He refuses to take on the drug companies—or the insurance companies—or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. On health care, his values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he supports a national Patients' Bill of Rights. He said he wanted all people covered. He said that he was in favor of a patient's right to sue, as provided under Texas law. He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights.

That's what he said, but it is not true. Governor Bush knows his record on health care can't stand the light of day. So on national TV, he patently deceived the American people about his record, hoping no one would notice, or else hoping people would give him a pass because he didn't know any better and simply spouted what his spin doctors had given him.

But the truth has a way of coming to the surface. Here is what he did on the Patients' Bill of Rights.

He vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature. That is not a record that recommends him for national office to any citizen concerned about a strong, effective Patients' Bill of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families, and he isn't honest about his record.

On Thursday, Senator HUTCHISON stated that the only reason Governor Bush vetoed the first bill and let the right to sue under the second bill become law without his signature was because there was disagreement on how high the caps on pain and suffering would be. I regret that my colleague has been misled. The fact is that there was no provision for lawsuits in the first Patients' Bill of Rights bill vetoed by the Governor. Let me reiterate—there was no provision for lawsuits at all in the first bill. Yet the Governor vetoed it.

In the second bill, there was also no issue about the caps on pain and suffering. Texas already had caps on pain and suffering under its general tort law, and everyone assumed that those caps would apply to lawsuits against HMOs. There was never any discussion of this issue. The fact is that Governor Bush, despite what he says today, simply does not believe that health plans should be held accountable. That is why he refused to sign the law allowing suits against HMOs. Once again, he has distorted his record in Texas—and both the record and the distortions call into serious question where he would stand as President.

Governor Bush is quick to challenge the integrity of others. But on this issue, his integrity is on the line as well. "Distort, dissemble, and deny" on an issue as important as this is not a qualification for the next President of the United States.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet, Governor Bush has not only done nothing to address this problem, he has actually fought against solutions. In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families.

When Congress passed the Child Health Insurance Program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George Bush's Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mr. KENNEDY. Madam President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent to be able to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

ORDER OF BUSINESS

Mr. SESSIONS. I also note, on behalf of the majority leader, that it appears that the House of Representatives will not send the continuing resolution over until 7:30 p.m. or later, so we will continue, I suppose, in morning business.

SETTING THE RECORD STRAIGHT

Mr. SESSIONS. Madam President, I would like to say a number of things. First of all, there is no reason for us to be here today on Sunday. It is not necessary. No good purpose is occurring. We had weeks of debate on the Patients' Bill of Rights. The Senator from Massachusetts is repeating those arguments. We had weeks of debate on education, of which I was a part.

Now we come back, at the very end, and we are going to have a rehash of all of that. The President is going to hold up this legislation needed to operate this Government. He asks that the Congress come back on a daily basis—even on Sunday—to debate it. Somehow he thinks maybe through this political mechanism he can change a dynamic that is taking place in the American public. They are beginning to make a decision that, in my view, the White House is not happy about, and they are desperate to try to change that dynamic, to change that trend, and to try to create a disturbance on the floor of this Congress about matters we have been talking about all year, that should not be coming up now.

There is no need for us to be here today. But we are here. I will be here every day that we need to be here. I will be here until Christmas. I will be here, Lord willing, after this President leaves office. And we will be talking about these issues.

It is important that we do the right thing, that we not just be stampeded and pushed around and be worried about elections so we are afraid to vote because the President is out here saying ugly things about us if we don't do what he says. It is our duty to do the right thing. We have been considering these issues for months. We have been debating them for months. That is all we are about here today, to do the right thing.

I hope the leaders on this side of the aisle do not do things just to get out of here. I am willing to stay, and other people I know are willing to stay, if need be, to debate and work toward a reasonable compromise, or to stand firm, if need be, on the issues that are important to America.

I know the Senator from Massachusetts discussed the patients' bill of rights that Governor Bush allowed to become law in Texas. That bill did have the right to sue in it. It was a big part of our debate in the HELP Committee—the Health, Education, Labor, and Pensions Committee—of which I am a member and of which the Senator from Massachusetts is a member.

As I recall, several months ago, the Democrats were all touting this Texas bill because it has the right to sue in it, beyond what I think ought to be made a part of a health care reform bill.

The Patients' Bill of Rights that came out of this Senate was debated. Amendments were offered on this floor. And they lost. The bill that came out of this Senate—and that is in debate in conference today—what does it do?

When we talk about the right to sue, we are not talking about a doctor who might cut off the wrong leg and that you can't sue that doctor. It simply is, if an insurance company says this procedure—for example, maybe it is a cosmetic procedure and is not covered in your insurance policy, so they cannot pay for it; and the patient says: Yes. I think you should pay for it. So they want to have suits for punitive damages that go for years.

So what was created in this legislation was a mechanism for every patient to have certain rights to get a prompt and full determination of what is just, and get their coverage if they are entitled to it.

The way it would work would be that a physician could call and talk to an insurance company physician, an expert. If they do not agree that this was covered, they then could appeal to an out-of-the-insurance company expert or arbitrator approved by HCFA, the Health Care Financing Administration—the Federal Government—President Clinton's HCFA. They could then appeal and get an objective ruling on whether or not this was covered. Then there are certain litigation rights that continue to exist, in any case.

But what I am hearing is, business companies that are providing insurance to their employees are saying: This costs us a lot of money. We are doing it for our employees. But if you are going to have us sued, Congress, we will just get out of the business of insuring our employees. We will just give our employees a certain amount of money and they can buy insurance or not buy insurance. It will not be our problem if they do not buy it. Tough luck. We have been doing this, but we are not going to be in the position that we are going to be sued.

That was a big deal in this very Congress. And the law in Texas is more generous on lawsuits than the one we approved in this Senate.

Senator KENNEDY wanted wide-open lawsuits. He supported that aggressively, but he lost. He did not win that issue. It is not the will of this Senate. We ought not to be worrying about this at this point in time, this late in the day, when we need to approve legislation to fund this Government.

The Senator from Massachusetts also came to the floor to talk about education. Yes, it is a top priority. We are increasing funding for education. I am on the education committee. We discussed that. In the last 2 years this Congress has spent more money on education than President Clinton asked for. We increased his request for education money. We spent more than he asked for.

But what was the debate? It went on an extended period of time right here. The debate was: Who is going to direct how it all gets spent? Were we going to trust the men and women who run our schools, the men and women who have been elected in each one of our communities to be on the school board? Are we going to trust them to spend more of this Federal money or are we going to continue to micromanage education dollars from Washington?

I have been in 20 schools this year. I have met with principals, teachers, and students in each of these schools. I always set a time to meet with the principals and teachers, and usually school board members drop in, and I ask them what their problems are.

I say: The Federal Government gives about 7 percent of the cost of education in America; 93 percent comes from State and local governments. I ask: Based on the regulations and paperwork, the interruption in your ability to discipline in the schools caused by Federal regulation, which would you prefer—the Federal Government take its 7 percent and leave, take away the paperwork and the rules and regulations, or get the 7 percent?

The answer: Take your money and go.

These are teachers who have given their lives to education. They are passionate about this. They don't want a Federal bureaucracy in Washington running their schools. What they would like is as much money as we can get to them. And we are increasing funding for State education well above the inflation rate, two or three times the inflation rate above what President Clinton has asked for. We tried to pass a new Elementary and Secondary Education Act, which is up for reauthorization this year. We had to stop considering it basically because of a filibuster from the other side. We voted. We had amendments. We went on for over 2 weeks debating the issue.

The other side was losing that debate. They were losing the votes. But if you don't have over 60 votes here, you can't shut off debate. The majority leader urged them to agree to a time limit. He said we can have many more amendments, and let's vote on them and bring this bill to conclusion. But they would not because, in fact, they had a filibuster going on. They did not want to change this old educational system that is run by bureaucracies 10 feet deep, people who have lost sight of what education is all about. All they want to do is make sure their accounting is right in every school system in America.

There are over 700 Federal education programs in this country. The other side keeps arguing that we can't get rid of them. No, we can't consolidate them. No, we can't trust the people in our communities we elect to run our schools. No, they are not to be trusted. We have to tell them what to do. One Senator on this floor said: They may spend the money on swimming pools. Who knows best how to educate children—professional educators, teachers who have given their lives to it, principals who are dedicated to it, or some Senator here who has thousands of issues that come before them, everything from Medicare, Social Security, the attack on the U.S.S. *Cole*, all those issues? We don't know education. Neither does AL GORE know education.

I will tell you who has been wrestling with education for six years, and that is the Governor of Texas. Governors are involved in education. When he talks about education, he talks about it with a deep and abiding passion because he understands it. He has been in schools all over Texas. He is hearing the same things I have heard in the 20 schools I have been in around Alabama this year: that the Federal Government is not an aid, is not helping us, it is hurting us.

We have Federal regulations that keep children in classrooms who are a threat to the teacher and the students, and they cannot be removed because of Federal rules. We have paperwork that is driving them crazy. They can't spend the money on what they need to spend it on. They have to spend it only on what this Government and its 700 education programs say to spend it on.

So we tried to fix that. We couldn't do it because of the President and the filibuster that went on here. If we elect the Governor of Texas, who has managed education, as Governors do, who ran on education, got elected on education, and was elected with a 69-percent vote for reelection on education, we are going to get some changes.

The bureaucrats in Washington, the special interest crowd in Washington, the group that tries to turn out votes in elections, those people are not going to be happy. But teachers, principals, parents, and school board members are going to be happy because it is time for a change. It is time to break this Washington stranglehold on education. We give less than 10 percent of the money for education, but we micromanage how it is all spent. It is not acceptable, and we must stop it.

EXTENSION OF MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that morning business be extended with Senators permitted to speak for up to 10 minutes each until 7:30 p.m.

Mr. REID. Reserving the right to object, will the time from now until 7:30 be equally divided? I think the Republicans may have extra minutes remaining from the earlier hour. Could the Chair tell us how much time the Republicans have used?

The PRESIDING OFFICER. On the Republican side, there is approximately 10 minutes remaining; on the Democratic side, there is 1 minute remaining.

Mr. REID. I ask that the Chair take that into consideration in dividing up the next approximately 55 minutes.

The PRESIDING OFFICER. Is there objection to the time being equally divided between the parties?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. The time that has been allocated, the 10 minutes to the majority and 1 minute to the minority, should go forward, after which it would be equally divided.

Mr. REID. That is what I said.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Madam President, to conclude on this education matter, this Congress has been responsible. It has increased funding for education well above the inflation rate. It has increased funding for education the last 2 years that I have been on the education committee, I know for a fact, above what the President asked for.

We believe that money ought to be sent down to the States. It ought to be sent to them, and they ought to be challenged to develop, as Texas did, a plan of excellence. That ought to be ultimately determined by good, sound testing that that State adopts so it can tell whether learning is occurring.

There are schools in this country, unfortunately, where learning is not occurring. They are dysfunctional schools. We do not need to keep putting money in those kinds of circumstances. Good quality testing can tell whether learning is occurring. We ought to allow the men and women whom you and I elect in our hometowns all over America to decide how to run that fundamentally.

Yes, we will want to have controls on it, certain rules and regulations, but fundamentally we need to have a different mindset. We need to have a mindset that says to the educators, the people who are in our classroom, that we trust you, we are trying to help you, not make your life more troublesome, not giving you more headaches and paperwork; we want to help you teach our children, to help create more magic moments in that classroom where learning occurs.

There are good schools in Alabama and all over America. I have been in those schools. I had the honor to acknowledge a few days ago Mr. Terry Beasley, the principal of the year for the State of Alabama. He taught my children in public schools in Alabama. He is a magnificent person with an unbelievable degree of dedication to learning. He has gone from one of the greatest teachers I have known to one of the best principals one would know.

There are people like that all over the system. We are not helping them. This governmental regulation and bureaucracy is making it worse and making their lives more difficult. We can improve that, but not the way we are going. We are going to need some changes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

STANDING UP FOR TEXAS

Mrs. HUTCHISON. Madam President, I see the distinguished senior Senator from Massachusetts has been at it again, trying to bring the Presidential campaign to the Senate floor and misrepresenting the record in Texas. Once again, as promised, I am here to stand up for the record of the Governor of Texas and to stand up for the State of Texas.

I ask my distinguished colleague, the Senator from Massachusetts, if he would consider in the future not misrepresenting Texas for two reasons:

One is, I don't think it is persuasive to anyone in America to continue to hear the downgrading of a State in our country, and I certainly don't think it affects the Presidential race. Secondly, I just don't think that it is necessary or proper to downgrade a great State such as Texas or any other State in America.

Of course, I am from Texas; of course, I love my State. But I think, objectively speaking, a lot of other people do because we have just surpassed New York to become the second largest State in America. People are not moving there because they think we have a terrible education system. They are not moving there because they think we don't treat our children well. They are not moving there because we don't have health insurance for our children. They are not moving there because we have a bad environment. They are moving there because it is a wonderful place in which to live, and it has gotten better since George W. Bush became Governor.

So let me just set the record straight. We have a patients' bill of rights in Texas. It is the model upon which other States are now basing the laws that they are beginning to pass or look at passing. We have a very good patients' bill of rights because it has an independent review mechanism. You have an internal review and you have an external review. It is an independent review so that the bottom line that we all want will occur, and that is that a patient will get the care the patient and the doctor believe is in the best interest of the patient. That is what a patients' bill of rights is. We also have caps on limits for lawsuits which are allowed after the exhaustion of the internal and external reviews. There are caps on pain and suffering and noneconomic damages. That makes sure that we don't have a plethora of lawsuits, and it would keep the patient and the doctor making the decisions for health care in the forefront of our interest. So it is a model law. It is a good law. Whatever misrepresentations have been made about it, the Governor allowed it to become law. It happened on his watch.

Secondly, we are very proud of the improvements we are making in our public education system. Most States are not satisfied with where they are in public education. Texas is working very hard to improve our public education system, and under the leadership of Governor George W. Bush we are winning. Test scores are going up and, most especially, the test scores are going up in the minority communities. That is one of the focuses that Governor Bush has made in my home State of Texas because we all looked at the high school dropout rate. We were all unsatisfied with that number. We said, what can we do, especially in our Hispanic community, where the high school dropout rate is the highest per capita? We said, we have to go back to the basics.

That is what Governor Bush did. He went back to the basics and he put the resources into it. That is about $8 million more than had been spent before. He said, we are going to go to the third grade level and that is going to be the firewall. We are going to test children in preschool; we are going to test them in the first grade and in the second grade. But if they can't read at grade level in the third grade, they will not be promoted to the fourth grade because we know that if children can't read at the early stages, they will never be able to reach their full potential in the public education system. That was the initiative of Governor Bush and, I might add, along with a great house speaker, Pete Leahy, a Democrat, and a Lieutenant Governor—at the time it was Bob Bullock, a Democrat; today, it is Rick Perry, a Republican. But we do work in a bipartisan way in the legislature. We always have in Texas. That is something that we have done since the days I served in the Texas legislature. We worked together, Democrats and Republicans. It is why I was so surprised when I came to the Senate and it didn't work that way here. We are not used to doing business that way.

With all due respect, I think Texas has it right because after the elections in Texas, we come together—the Governor and the legislature—to do what is best for the children and the people of Texas. Wouldn't it be refreshing if that were the case in Washington, DC? Wouldn't it be refreshing if the leadership that Governor Bush has shown, along with Pete Leahy and Bob Bullock, could be transferred to Washington, DC, with President Bush and TOM DASCHLE and RICHARD GEPHARDT? Wouldn't that be refreshing? That is what Governor Bush would like to do because we think it works. We know it works because the test scores show that it works.

Madam President, we are making a huge leap in the right direction for improving public education, and we are going to the heart of the matter. We are making sure our children in the third grade can read, and we are focusing on the basics. We are focusing on reading, writing, arithmetic, history.

All of us have seen these polls of young people in our country where the television person walks up to the young person and says: What is the only State in America that is totally surrounded by water?

The young person can't answer the question. We know Hawaii is the answer, but I think we should focus on the basics—geography and history. That is what we are trying to do in Texas, and that is the kind of leadership we need for this country.

So I hope that we will examine the record in Texas in a positive way—or even in a neutral way, for Heaven's sake—because if you are neutral, you would see that Texas is a great place in which to live; that we have a great quality of life. Do we have problems? Sure. Are we working on those problems? Yes. We are doing it under the leadership of our Governor, George W. Bush.

Let me say, too, that we are also making great strides on the environment. We have a particular problem, particularly in Houston, TX, where 50 percent of the chemical refining plants in the world are located—the petrochemical refining plants. Fifty percent of the petrochemicals in the world are located on the gulf coast between Houston and Victoria.

I see that my time is up. I will step back and allow others to speak, but I will not step back if the record of Texas is misrepresented. I am here to stand for the facts and the good record of our Governor and our great State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. KENNEDY. Parliamentary inquiry. Will the Senator yield?

Mr. SMITH of Oregon. Of course.

Mr. KENNEDY. I understand we will have some time. The House has not concluded with the continuing resolution. I understand it is agreeable with the leaders that the time remaining will be divided equally. Is the time remaining equally divided between the two sides?

The PRESIDING OFFICER. The previous order provided that the remaining time until 7:30 would be equally divided.

The Senator from Oregon.

GORE-CHERNOMYRDIN AGREEMENT

Mr. SMITH of Oregon. Madam President, I rise as one Senator in this body and as a member of the Foreign Relations Committee to express the hope that by noon tomorrow the State Department will provide for the Senate Foreign Relations Committee the document that it has rightfully requested so that it might know the truth with respect to the Gore-Chernomyrdin agreement.

Since I have been a Senator these last 4 years, I have had occasion to meet with the Vice President and Mr. Chernomyrdin when they came to Capitol Hill to trumpet what was represented to us as the great successes of their relationship and our outreach to Russia and to help Russia in its transition to democracy. In every way possible, we have hoped to conduct our business with Russia on better terms than we have in the past.

I think it is appropriate for this Republican to say that, without question, no one should question the motives of Vice President GORE with respect to what he has tried to accomplish in this relationship. However, there is reason to believe that some of what has gone on with the best of motives may, in fact—I emphasize "may"—have violated a law and a statute of this country, if not a constitutional requirement in article II of the Constitution that agreements be reviewed by appropriate congressional committees.

I am told that with respect to the Gore-Chernomyrdin relationship a House committee was informed. Congressman Hamilton said he received some information to that effect. DICK LUGAR, the Senator from Indiana, has said he knew in general terms what they were trying to achieve.

But then all of us were taken aback a couple of weeks ago by an article in the New York Times in which this agreement was specifically quoted. I do not know of any Congressman or Senator who has yet to say they have seen the particulars of this arrangement. That is the point of the Foreign Relations Committee's inquiry of the State Department.

Let me read briefly a sentence from that New York Times story that quotes what the Vice President pledges to do. He pledges to "avoid any penalties to Russia that might otherwise arise under domestic law."

There is nothing in the Gore-McCain law of 1992 that allows the executive branch to unilaterally waive the law. Their duty under that law is to impose sanctions, and then to waive them if that is the judgment of the executive but not to do it in a way that keeps Congress in the dark and violates specific terms of American law.

Why should we care? Many of our friends on the Democratic side said this is all just about politics. You shouldn't be raising that now.

I point out to them that the Vice President, the executive, and the State Department have had 5 years to take this out of politics and to simply disclose, as is rightfully our right to know, those documents and those particulars as to agreements.

Some of my colleagues have said these aren't agreements; that these are understandings. If it quacks like a duck and waddles like a duck, to me it is a duck.

In my opinion, when you see specific responsibilities and considerations on both sides and end dates, folks, that is an agreement, and the Congress has a right—and particularly the Senate—to see this document, and in confidence if necessary. But we have a right to documents that have been requested of the State Department.

I hope that it exonerates the Vice President. But let me tell you why I am concerned that it may not.

The Washington Times, a week ago, ran a story in which a letter was leaked from the State Department—not by the Republican Party but by the State Department somehow to a reporter of the Washington Times—a letter from the Secretary of State, Madeleine Albright, to the Russian Foreign Minister, Igor Ivanov. You have to read these words to, frankly, understand it and really believe it. I don't know how words can be any clearer that the administration is admitting to a violation of law.

This is what the Secretary wrote to the Russian Foreign Minister:

> We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire. The Annex is very specific in its terms, and we have followed it strictly. . . . Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event the continued Russian transfers after the December 31 termination date.

Madam President, the Secretary of State has said here that they have violated the law.

What the Senate Foreign Relations Committee and the majority in this party are asking for is to have the proof of the State Department's assurances to us that they haven't violated the law. That is all we are asking for. If they haven't, we will be glad to say that to the whole world. But what we have received so far is their assurances that they haven't violated the law.

Guess what. I want to believe them. But I am entitled as a Senator to see the document so I might know that they have not violated the law as the Secretary of State has said.

Should we know that? I think we should.

Does that mean the Gore-Chernomyrdin agreement isn't a good deal? I don't know that. It may be a great deal.

But it is not a deal where the means justify the ends to violate American law and treat the Senate with disrespect. It does not warrant that. We are a country of laws, and we need to obey them.

We are simply asking, as a signatory to this letter, that the administration comply with the law authored by the Vice President himself.

In addition to SAM BROWNBACK and myself, the signatories to this letter are the majority leader, TRENT LOTT, the majority leader whip, DON NICKLES, the chairman of the Foreign Relations Committee, JESSE HELMS, JOHN MCCAIN, FRED THOMPSON, the chairman of Governmental Affairs, RICHARD SHELBY, chairman of the Intelligence Committee, JOHN WARNER, chairman of the Armed Services Committee, and RICHARD LUGAR, who, by the way, wouldn't mind knowing the truth of what has been represented to him, too. He is curious about indeed what the facts are.

I regret that this is close to an election. I don't believe politics should be international. I think they should stop at the water's edge. But I think the responsibility lies with the administration to foster a bipartisan foreign policy. That is clearly not happening here.

We are entitled to know the truth. If the law has been complied with, this is over with. If it has not, then, frankly, that ought to be known by the American people as well.

Whether or not a Kilo-class submarine is a dangerous weapon, frankly, is a judgment the administration is entitled to make. But there may be other weapons on that, as the Secretary suggests, that were subject to sanctions.

We have a right to know whether or not we have been treated as mushroom farmers—keep them in the dark and shovel the manure on them.

That is not how it is supposed to work—not according to our Constitution, not according to our statutory law and various provisions.

We are entitled to know the truth. As one Senator, I plead with the State Department to show us the documents and this goes away. But you have to show us the documents. We are owed it. We deserve it. We are entitled to it. It ought to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I ask to be able to proceed for 8 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right. We are operating under a time agreement until 7:30.

AIDE MEMOIRE

Mr. BIDEN. Madam President, I have great respect for my friend from Oregon. I know he knows I think he is dead wrong on this issue. For two reasons I think he is dead wrong: On the facts and I think he is dead wrong on the approach he has taken.

The fact of the matter is, the administration at the time this aide memoire—a fancy phrase for saying this agreement—was signed by GORE and Chernomyrdin, a follow-on to a verbal agreement made by Clinton and by Yeltsin in 1994—that agreement was made known to the public; it was publicly stated, and that was actually offered. The House of Representatives was briefed at the time.

Here we are less than 10 days before an election and it has become a cause celebre. I don't have the time, and I am sure my friend from Oregon doesn't have the inclination, to listen to why this is a violation of the separation of powers doctrine. And this is not a binding obligation. There are distinctions between binding obligations and agreements. One requires disclosure; the other does not. The fact is, this was a good deal and it was disclosed and made available to be disclosed.

Let me cut to the chase. The fact of the matter is we did have a closed meeting with members of the State Department. I was present, my friend from Oregon was present, our colleague from Kansas was present, Senator BROWNBACK, and maybe someone else; I can't recall. I indicated at the time that although the White House and the State Department were not required to share these documents, in my view they were making a tactical political mistake not doing it.

I am here to tell my friend from Oregon what I told Senator LUGAR and what I told Senator HAGEL, and I understand it is being communicated to the majority leader. The State Department is going to make available to the leadership of the House and the Senate—which is the way we do these things—the so-called annexes. If there is any violation of law—which there is not, but if there is any—the only violation could flow from there being a weapons system that was transferred on the annex, that falls within the purview of the law, that covered certain weapons systems and destabilizing systems under the McCain-Gore legislation. So if there is nothing in that annex that was transferred, there can be no question there was no law broken here.

This will be the test to know whether this is politics or not. This will be the test. If the administration makes that available to the majority leader, minority leader, Speaker of the House, and the minority leader of the House, the leadership of the House, then, in fact, we will find out. They will bring the document up, and they can see it.

If they really want to know the answer, if they really believe a law was broken, then it is really clear; they can sit down and look at it and find out. But if the offer is made and it is refused—I will say and challenge anyone to give me a good reason why I am wrong—that is pure politics.

I really mean this; I have an inordinately high regard for my friend from Oregon. That probably hurts him back home, but I like him a lot. The fact of the matter is, we have worked closely together on a whole number of items. I have never misled him and he has never misled me. I got off the phone with Strobe Talbott. The Secretary of State is intending to call the majority leader, going to make the offer tomorrow to come up and show the documents.

It is interesting that the letter requesting documents says they basically want these annexes. I know we need more time to explain this to someone listening because this is kind of confusing. My friend from Oregon knows what I am talking about because he knows the area well. The annex lists all those weapons systems that would be sanctionable if transferred by the Russians to the Iranians, if that were to occur.

We will find out whether anything was transferred. By the way, unlike in any other administration, it has been pointed out that 10 times as many weapons were transferred to the Iranians when Bush was President than since Clinton has been President. But we will find out whether anything was violated.

I want to make it clear, the offer will be made. If the offer is rejected, I want everyone to know—and the press who may be listening—that a big neon light should go on, "Politics, politics, politics." If the offer is accepted, then, in fact—and my colleagues look at it, the majority leader of the Senate, the Speaker of the House of Representatives, if they look at it and they say this looks like a duck, to use my friend's phrase, that is a different story. That is debatable; that is something that warrants concern.

To reiterate:

The Senators' letter says that "the Vice President pledges to 'avoid any penalties to Russia that might otherwise arise under domestic law.' "

The letter omits the words immediately preceding that quote from the leaked understanding: "take appropriate steps" to avoid penalties. That meant that the United States would not circumvent U.S. law. Rather, if necessary, we would sanction Russia, but waive the penalties, pursuant to the law.

But in fact, there was no need to waive penalties at all, because Russia was not proposing any conventional arms transfers that would trigger sanctions under U.S. law—and the Vice President was assured of this by the Department of Defense before he signed the understanding.

One relevant law was the Iran-Iraq Arms Non-Proliferation Act of 1992, the so-called "McCain-Gore Act." That law requires sanctions against governments that transfer "destabilizing numbers and types" of "advanced conventional weapons" to Iran or Iraq. Thus, you must find both the sale of advanced conventional weapons to Iran, and that these are a number and type so as to tip the balance of power in the region.

We have been assured—by experienced, career officials—that the Annex listing planned Russian arms transfers to Iran contains nothing that would meet all those tests.

But we don't have to trust the Government on this. Anthony Cordesman, who was JOHN MCCAIN's national security assistant in 1992, working on the McCain-Gore bill, wrote recently: "Iran . . . has not . . . received destabilizing transfers of advanced conventional weapons."

The third Kilo-class submarine to be sent to Iran was specifically considered by the Pentagon, which decided that it would not be destabilizing.

In any case, submarines are not listed in the 1992 law's definition of advanced conventional weapons; and even

President Bush made no move to add them to the list, even though the law permits such additions.

The Senators' letter quotes Secretary Albright's letter to Russian Foreign Minister Ivanov, in which she says we "upheld our commitment not to impose sanctions" and that "without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws." As you said yesterday:

One reasonable interpretation is that Secretary Albright is saying, "if you hadn't obeyed the Aide Memoire, you would have gotten in trouble." And that's true. If Russia had signed new deals to sell "lethal military equipment" to Iran, or if it had sold lots of "advanced conventional weapons" to Iran, it would have forced us to invoke sanctions under our law. But they basically did obey the Aide Memoire, and stayed out of trouble in this regard.

Another reasonable interpretation is that the Secretary was overstating her case, using U.S. law as a club with which to beat the Russians. If so, more power to her.

A third reasonable interpretation is that Secretary Albright was thinking of those sanctions, based on other U.S. laws, that do not require any trigger other than a Presidential determination that the national security warrants them.

The Albright letter does not show any violation or circumvention of the 1992 Iran-Iraq law, and there is no evidence of any such action.

The Senators' letter rejects Vice President GORE's point that Russia's arms transfers were pursuant to previously-signed contracts, because the McCain-Gore law does not exempt such transfers.

That misses the point. There are other laws that would require sanctions for any transfer of "lethal military equipment" to Iran. Those laws exempt transfers under pre-1996 contracts.

The administration never claimed that it was cutting off all Russian arms transfers to Iran. But it did put a cap on those transfers, limiting them essentially to ones contracted for during the Bush administration.

The Senators' letter says that the Congress must review all the relevant documents, renews a demand for all the previously requested documents, and threatens a subpoena if these are not produced by noon Monday.

The fact is, however, that only the Annex to the Aide Memoire is cited as a really necessary document.

I think the executive branch ought to find a way to let appropriate senators review the Annex and the Secretary's letter to the Russian Foreign Minister, while maintaining the confidentiality of those documents.

Once that is done, I believe that there will be no good reason to seek further documents.

Tony Cordesman, the expert in Middle Eastern military affairs who was Senator MCCAIN's national security assistant, summed up this case admirably a couple of weeks ago:

> Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts.

I ask unanimous consent the pertinent letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 26, 2000.

Hon. MADELEINE ALBRIGHT,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: We were extremely disappointed that the Department of State continues to refuse to give the Committee access to critical documents relating to the Gore-Chernomyrdin agreement.

Madame Secretary, this is simply unacceptable. All of the evidence in the public domain leads us to the conclusion that Vice President Gore signed a secret deal with Russian Premier Viktor Chernomyrdin, in which he agreed to ignore U.S. non-proliferation laws governing weapons transfers to Iran.

The text of the agreement signed by Mr. Gore and Mr. Chernomyrdin (as published in the New York Times), the Vice President pledges to "avoid any penalties to Russia that might otherwise arise under domestic law."

And, in your letter to Russian Foreign Minister Igor Ivanov earlier this year (published in the Washington Times), you state: "We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event of continued Russian transfers after the December 31 termination date."

The administration's defense—repeated by the Vice President this morning on "Good Morning America"—that the Russian transfers to Iran he agreed to were under "pre-existing contracts" simply does not wash. The date the contracts were signed is irrelevant. The Gore-McCain law covers the transfer of weapons after 1992. There is no "contract sanctity" exception in the law—it does not matter whether the transfers took place under new or pre-existing contracts. What matters, under law, is when the transfer took place.

The Administration's other defense—that the weapons transferred are not covered by the Gore-McCain law—is belied by the Administration stubborn refusal to share with the Committee the Annex that lists the weapons.

In essence, you are saying to Congress and the American people: "Trust us." Considering the fact that almost everything we have learned about this secret deal has come from the news media and not the Administration, we respectfully decline.

Congress has a right and responsibility to review all the relevant documents, and to judge for itself whether the transfers the Vice President signed off on were covered by U.S. non-proliferation laws.

We expect the Administration to share all of the requested documents with the Committee no later than noon on Monday, October 20.

If the Administration continues to stonewall, and withhold these documents from Congress, then the Foreign relations Committee will have no choice but to issue a subpoena to obtain them.

Sincerely,

Gordon Smith, John McCain, Jesse Helms, Trent Lott, John Warner, Sam Brownback, Don Nickles, Fred Thompson, Richard Shelby, Richard G. Lugar.

U.S. SENATE,
Washington, DC, October 25, 2000

Hon. GEORGE P. SCHULTZ,
Thomas W. and Susan B. Ford Distinguished Fellow, Hoover Institution, Stanford University, Stanford, CA.

DEAR MR. SECRETARY: I read with interest your election-eve condemnation of an understanding that Vice President Gore and Russian Prime Minister Chernomyrdin reached some five years ago. I was surprised—and saddened—to see that you and other men who have served our nation with dignity and distinction would sign a letter that was promptly used in an effort to exploit a national security issue for partisan gain.

It is time to set the record straight. First, the June 1995 U.S.-Russia understanding prevented new Russian arms sales to Iran and thus enhanced the security of the United States and its allies. Second, the understanding did not circumvent, violate or undermine any U.S. law. Indeed, it appears to have led Russia to stay within the bounds of U.S. law regarding conventional arms transfers to Iran. Third, although the executive branch was under no legal obligation to submit the June 1995 understanding to the Congress as an international agreement, it did make public the broad outlines of the understanding and provide classified oral briefings at least to one committee.

One highly respected expert in this field is Mr. Anthony H. Cordesman, who was national security assistant to Senator John McCain when his employer and then-Senator Al Gore wrote the Iran-Iraq Arms Non-Proliferation Act of 1992. Mr. Cordesman now holds the Arleigh Burke Chair at the Center for Strategic and International Studies. Earlier this month, he wrote an analysis of Russia's conventional arms transfer to Iran. The opening of that study strikes me as especially worthy of your consideration: "Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts. Iran does represent a potential threat to US interests, but it has not had a major conventional arms build-up or received destabilizing transfers of advanced conventional weapons."

If you remain uncertain regarding any of the points I have made, I invite you to consult such sources as Mr. Cordesman's CSIS study, Iranian Arms Transfers: The Facts, the public testimony this morning of Deputy Assistant Secretaries of State John P. Barker and Joseph M. DeThomas before the Senate Committee on Foreign Relations, and even my own opening statement at this morning's hearing.

Sincerely,

JOSEPH R. BIDEN, JR.,
U.S. Senator.

Mr. BIDEN. Madam President, I don't know a lot about matters over which I don't have jurisdiction as a Senator. So I don't expect all Senators to know as much about sanctions as the Senator from Oregon and I because we spend probably 20 percent of our time working on that in the Foreign Relations Committee. My friend from Massachusetts forgot more about HCFA than I will ever know. It took me a while to know what HCFA was. They set the rates for everything, and it affects the American people a heck of a lot more than sanctions policy.

There are discretionary sanctions available to the President of the United States. I emphasize "discretionary." The comment made by the Secretary of State refers to those discretionary policies.

The PRESIDING OFFICER. The distinguished Senator has utilized the 8 minutes he requested.

The Senator from Massachusetts is recognized.

THE TEXAS RECORD

Mr. KENNEDY. Madam President, I want to address the concerns of my friend, the Senator from Texas, in her comments earlier. I want to make very clear I have no complaint against the State of Texas. It has an outstanding history and has produced some great leaders, including Sam Houston, Sam Rayburn, President Johnson. My complaint is not against Texas at all, it is against the clear misstatements of Governor Bush about his Texas record. The facts are there. I am not attacking the State of Texas. I am sure many citizens of Texas share my concerns about the United States.

It is proper and necessary to talk about these issues. They are important. They are important in the national Presidential debate because they aren't being addressed by this Congress. The Republican leadership has blocked responsible action on education. For the first time in 35 years, Congress has failed to reauthorize ESEA. We are now 4 weeks late in passing an education funding bill. Since the majority has stifled any debate on education in this Congress, it is appropriate and necessary to speak on the Senate floor about how education will be treated in the next Congress under the next administration. The American people deserve a Congress that will act on education, not ignore it.

When we think about what will happen to education next year, we must look at the Presidential candidates and how they will address education. It is essential to look at the record of Governor Bush, the Republican candidate for President. That is what I have done.

On the children's health issue, when the Congress passed the CHIP program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George W. Bush's Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush fought to keep eligibility as narrow as possible.

In fact, the Bush campaign's defense of this unacceptable record is almost as telling as the record itself. According to the New York Times, the Bush campaign acknowledged that Governor Bush fought to keep eligibility narrow, but that he did so because he was concerned about costs and the spillover effect on Medicaid. This so-called spillover effect is the increase in enrollment of children in Medicaid that occurs when the Children's Health Insurance Program is put into effect. Vigorous outreach efforts are made by state governments to identify children who qualify for the new program—but the same outreach identifies many other children who should have already been enrolled in Medicaid.

In other words, Governor Bush not only opposed expanding eligibility for the new CHIP program—he was also worried that the very poorest children—those already eligible for Medicaid—might actually receive the coverage to which the were clearly entitled. That is not just what I am saying. That is also the conclusion of the New York Times when it reviewed the facts. It's no wonder that Governor Bush's Texas Administration was cited by a federal judge for its failure to live up to a consent order to let families of poor children know about their eligibility for Medicaid and about the health services to which they were entitled.

An article in Time magazine says it all. It is titled, "Tax Cuts Before Tots. Candidate Bush is pushing his compassion, but poor kids in Texas have not seen much of it." And under a box entitled "Lost Opportunity? Bush and Poor Kids," the article makes four key points:

> [Bush] helped to secure tax cuts by underfunding Medicaid, causing a $400 million shortfall in the program. He delayed the state law to expand Medicaid coverage for 303,000 new kids. They went five years without health insurance. He fought efforts to require automatic coverage for families forced off welfare rolls.

Now, my Senate colleagues from Texas offered all sorts of explanations for Governor Bush's miserable record on health care for children. They said that the court case I referred to was begun before Governor Bush took office. That is true. But the consent decree settling the case was agreed to by Governor Bush's administration in February of 1996. And the latest action by the federal judge was based on the Bush's administration failure to live up to the consent decree that it had agreed to. The Bush administration did not keep its word. Children were not its priority.

Defenders of the Governor say that Texas could not implement the CHIP program promptly because its legislature only meets every two years. But other states have legislatures that meet only two years, and they were able to get their programs going more promptly. In fact, Texas was the next to last state in the entire country to approve a Chip plan—the next to last state.

Governor Bush's misstatements on his Texas record do not end with uninsured children. In the debates, Vice President GORE pressed Governor Bush on the Texas record on the uninsured. Governor Bush said that Texas was spending $4.7 billion a year for uninsured people. But it turns out that actually only one-quarter of that amount was being spent by the State of Texas. The vast majority of the spending was by hospitals and doctors for charity care, and by county governments, not by the state.

On the Texas record on the uninsured, Governor Bush claimed that the percentage of the uninsured in Texas had gone down, while the percentage of the uninsured in America had gone up. In 1998, the overall percentage of the uninsured dropped by identical amounts both nationally and in Texas—4.9 percent in Texas and 4.9 percent nationally. But, because of Governor Bush's inaction on children, the percentage of children in Texas who were uninsured dropped only half as much as the drop nationally—10 percent nationally and only 5.2 percent in Texas. When Governor Bush took office, Texas ranked second from the bottom of all 50 States in covering children and citizens of all ages. Today, after six years under his watch as Governor, Texas still ranks second from the bottom.

There is still time for the truth to be told. I am hopefully that every American will examine the records of the two candidates carefully. On health care, there should be no question at all as to which candidate stands with the powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, once again I would like to make the record clear. Since the distinguished senior Senator from Massachusetts focused on health care and children's health care, I would like to talk about the Texas record. I would like to talk about Governor Bush's leadership on health care for our children.

Under Governor Bush, the percentage of Texans without health insurance has gone down while the number of Americans without health insurance has gone up.

I also think it is worth mentioning that the Governor, along with the bipartisan legislature, took all of Texas' tobacco money, $17.4 billion in tobacco money, and allocated almost every single penny—in fact, every single penny that was not put aside for education programs to try to encourage young people not to smoke has gone for health care, health care for children, health care for indigents. The money, wisely, was put into trust, and every county in Texas reaps the benefit of that trust fund because the interest on the trust fund is spent in each county for indigent health care.

So I think Governor Bush and the Texas Legislature are to be commended for focusing on health coverage for the people of Texas and for the children of Texas. In fact, under the leadership of Governor Bush, Texas spent $1.8 billion in new funding for health care for the uninsured. He also increased funding for childhood immunizations by $330 million, resulting in an increase in the percentage of immunized children from 45 to 75 percent.

Mr. President, although I have to say, once again, I do not think it gets anyone anywhere to talk about the record in Texas, and misrepresent that record, I think it is very clear that Texas is one of the leading States in our Nation in taking care of children, in improving its public education system, and it has been a focus of Governor Bush and our Democratic speaker and our former Democratic Lieutenant Governor; We now have a Republican Lieutenant Governor. We have improved health care and education.

Mr. KENNEDY. May we have order, Mr. President? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senator from Massachusetts is absolutely correct. The Senate will be in order so the distinguished Senator from Texas can be heard.

The Senator from Texas.

Mrs. HUTCHISON. So I think Governor Bush's record is clear. I think the great speaker, Pete Leahy, working with the Governor, Bob Bullock, and Rick Perry, working with the Governor, have done very well in health care for the children and for the uninsured in Texas. Just as we are proud of the improvements in our public education system—and certainly we recognize every State has problems. I do not think it does much good to talk about the records of different States. But I do think if you look at the record of Governor Bush in Texas on these issues, you will be impressed that it was a priority and that we have been successful in improving public education, in covering our children under the SCHIP program, making more people eligible for these programs, and immunizing our children so they would be protected from the normal childhood diseases.

I stand by my Governor and by my State. Once again, I do hope we can stop the misrepresentation of the record.

Mr. SESSIONS. Mr. President, will the Senator yield for a question? Does the Senator from Texas yield for a question?

Mrs. HUTCHISON. I will be happy to yield to the distinguished Senator from Alabama.

Mr. SESSIONS. My question is, is the Governor given an important role in education under State laws of Texas? And does he play a big role in education?

Mrs. HUTCHISON. In Texas, actually——

The PRESIDING OFFICER. The time allocated to the distinguished Senator has expired.

Mrs. HUTCHISON. Let me just say, our Governor has made it a role for the Governor. He has been a leader. He had a program; he worked with the legislature to enact it; and it is successful.

I thank the Senator for the question.

BANKRUPTCY

Mr. KENNEDY. Mr. President, there are two additional important issues that I would like to discuss tonight. There are few clearer examples of this Republican Congress siding with powerful special interests against average people than the pending bankruptcy bill.

The bankruptcy conference report targets working men and women who comprise the vast number of Americans in bankruptcy. Two out of every three bankruptcy filers are workers who have lost their jobs because of layoffs or downsizing. One out of every five has huge debts because of health care expenses. Divorced or separated people are three times more likely than married couples to file for bankruptcy.

Working men and women in economic free fall often have no choice except bankruptcy. Yet, under pressure from the credit card industry, this Republican Congress is bent on denying all these innocent victims of financial hardship the safety net that the bankruptcy laws have provided for a century.

This legislation unfairly targets middle class and poor families, and it leaves flagrant abuses in place.

Time and time again, President Clinton has told the Republican leadership that the final bankruptcy bill must include two important additions—a homestead provision without loopholes for the wealthy, and a provision that requires accountability and responsibility from those who unlawfully—and often violently—bar access to legal health services for women. The current bill includes neither of these provisions.

The bill does include a half-hearted, loop-hole filled homestead provision. It will do virtually nothing to eliminate fraud. With a little planning—or in some cases, no planning at all—wealthy debtors will still be able to hide millions of dollars in assets from their creditors. For example, Allen Smith of Delaware—a state with no homestead exemption—and James Villa of Florida—a state with an unlimited homestead exemption—are treated differently by the bankruptcy system today. One man eventually lost his home. The other was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity—but that provision was stripped from the conference report. Surely, a bill designed to end bankruptcy fraud and abuse should include a loop-hole-free homestead provision. The President thinks so. As an October 12 letter from White House Chief of Staff John Podesta says:

> The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Yet there is no outcry from our Republican colleagues about the injustice, fraud, and abuse in these cases. In fact, Governor Bush led the fight in Texas to see that rich cheats trying to escape their creditors can hide their assets under Texas' unlimited homestead law.

In 1999, the Texas legislature adopted a measure to opt-out of any homestead restrictions passed by Congress. The legislature also expanded the urban homestead protection to 10 acres. It allowed the homestead to be rented out and still qualify as a homestead. It even said that a homestead could be a place of business. This provision gives the phrase "home, sweet home" new meaning.

The homestead loop-hole should be closed permanently. It should not be left open just for the wealthy. I wish this misguided bill's supporters would fight for that provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other average individuals and families who will have no safety net if this unjust bill passes.

The hypocrisy of this bill is obvious. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble—but we hear no such talk of responsibility when the wealthy and their lobbyists are the focus of attention.

The facts are clear. The bankruptcy bill before us is designed to increase the profits of the credit card industry at the expense of working families. If it becomes law, its effective will be devastating. It eminently deserves the veto it will receive if it ever reaches the White House.

IMMIGRATION

Mr. KENNEDY. Mr. President, another issue in which this Republican Congress is ignoring working families is immigration.

Action on the Latino and Immigrant Fairness Act is long overdue. The issues in this legislation are not new to Congress. The immigrant community—particularly the Latino community—has waited far too long for the fundamental fairness this legislation will provide.

The Latino and Immigrant Fairness Act keeps families together. It rewards immigrants who work hard and pay taxes, and it makes our immigration policies simpler and fairer.

Our proposal is based on the fundamental principle that immigrants in similar situations should be treated equally. The Latino and Immigrant Fairness Act includes parity for all Central Americans, and for Haitians and Liberians. In 1997, Congress enacted legislation granting permanent residence to Nicaraguans and Cubans who had fled their repressive governments. But Congress did not grant the same protection to other Central Americans and Haitians. The Latino and Immigrant Fairness Act will eliminate these disparities and create fair, uniform procedures for all of these immigrants.

The Latino and Immigrant Fairness Act will also change the registry cutoff date, so that long-time immigrants who have been residing in this country since before 1986 will qualify to remain in the United States permanently, and it will restore a provision to the immigration laws that was unfairly allowed to expire in 1997.

These proposals are pro-family, probusiness, fiscally prudent, and a matter of common sense. But that hasn't stopped the Republican leadership from opposing them and offering a blatantly inadequate substitute that pays lip service to fairness for Latinos and immigrants in our communities but denies them real help.

Under even the most generous interpretation, the Republican proposal ignores the vast majority of immigrants and families. It will perpetuate the current patchwork of contradictory and discriminatory provisions enacted by the Republican Congress in recent years.

Republicans propose two things. First, a new temporary "V" visa would be created that allows certain spouses and minor children of lawful permanent residents to enter or stay in the U.S. and be granted work authorization while waiting for their green card. To qualify for the visa, applicants must have had applications for entry pending for over three years.

On the surface, this may sound like a good idea. But it unfairly picks and chooses among family members, granting relief to some, but not to others. The GOP proposal perpetuates the piecemeal and discriminatory immigration policies we are seeking to end.

Second, the Republican plan would provide an opportunity for individuals to apply for green cards—but only if they were part of two particular class action lawsuits against the INS for improper handling of the 1986 amnesty program. This selective proposal is grossly inadequate. It provides relief only for individuals who sought counsel from a specific lawyer and joined a specific lawsuit, even though countless other individuals affected by the INS ruling are left out. Also, of those people who are actually covered by this plan, less than 40 percent are expected to prevail.

Republicans acknowledge that the 1986 law was implemented unfairly. It is wrong and inconsistent to deny a remedy to all who were affected. It is wrong to help only those who were able to hire the right attorney, and who filled out the right forms. All eligible individuals should receive relief.

Governor Bush praises his trillion dollar tax break for the wealthy, and criticizes Democrats for supporting targeted tax relief that helps some individuals, but not others. It's obvious that Republicans don't care about uniformity when the issue is immigration. It's unfair and unjust to pick and choose among immigrants who will receive this well-deserved and long-overdue relief.

We have welcomed these individuals to the United States. They are part of our communities. We have come to know them as neighbors, friends, and colleagues. We should support those who have come here in their search for freedom, equality, and a better life. These are the same dreams our ancestors came here to find in the past.

It is essential to pass the real Latino and Immigrant Fairness Act and treat immigrants fairly. Hard-working immigrant families deserve this long-overdue relief, and they deserve it now.

The PRESIDING OFFICER. The minority controls the remainder of the time.

Mr. REID. I yield that time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 9 minutes 17 seconds.

THEY HAD THEIR CHANCE

Mr. DORGAN. Mr. President, I am not going to talk about Texas. There has been plenty of discussion about that tonight. I am going to talk about this country. I saw this morning an interview in which Governor Bush said: "They had their chance," talking about Vice President GORE, of course. "They had their chance." I want to talk about what has happened in the last 8 years.

It is important to remember exactly what the Clinton-Gore administration inherited and where we are. They had their chance. Let's talk about President Clinton and Vice President GORE.

In 1993, when they took office, we had a $290 billion deficit that year, and it was rising. That deficit was exploding. Our economy was in trouble. Economists predicted slow anemic growth for an entire decade ahead. That is what the Clinton-Gore administration inherited.

Now, instead of the largest deficit in history, we have the largest surplus in history. Is that an accident? I don't think so. We had a vote in this Senate and they had a vote in the House on a new plan to take this country to a new direction, and it passed by one vote—one vote in the House and one vote in the Senate. Not one member of the majority party voted for that in either the House or the Senate. We moved this country to a new direction. Now instead of the largest deficits in history, we have the largest surpluses in history.

This is a chart which shows what these deficits and surpluses were when Governor Bush said: They had their chance. This is what we inherited from President George Bush in 1992 and 1993: red ink that was growing every year. This country was choking on deficits, and every year, when we changed direction and created a new economic plan to give people hope that we would make the tough decisions to turn this country around, we have seen lower and lower deficits and finally surpluses. That is not an accident.

They had their chance, Governor Bush said. They turned the biggest deficits into the biggest surpluses. How about economic growth? In the 12 years prior to the Clinton-Gore administration taking office, average economic growth was 2.8 percent. Since then, economic growth has been on average 3.9 percent.

Jobs: 1988 to 1992 was one of the worst 4-year periods in history for the creation of jobs. In fact, I have a chart that I think will be useful to show in terms of the creation of jobs: In the Bush administration, 1988 to 1992, 2.5 million new jobs in 4 years. In 8 years, the Clinton-Gore administration had an economy that rebounded, and we had 22 million new jobs created in this country. They had their chance.

How about the unemployment rate? In 1981-1982, Reagan-Bush averaged 7.1-percent unemployment. Currently, there is 4.1-percent unemployment, the lowest level in 30 years.

Home ownership: From 1982 to 1992, home ownership fell in this country. Now it is the highest in history.

Welfare rolls increased 22 percent from 1981 to 1992. Now they have decreased by 53 percent.

The Dow Jones was 3,300. Now it is over 10,000.

Mr. TORRICELLI. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. TORRICELLI. I think the Senator is making an important point, but I would like him to supplement it because I, too, have been startled in hearing Governor Bush explain they had their chance to enact a Patients' Bill of Rights. Indeed, it is my memory that on more occasions than I can remember the Clinton-Gore administration, with support of Democrats in this House, attempted to have a Patients' Bill of Rights.

I heard Governor Bush say on prescription drugs that we promised it and had not delivered it; we had our chance. Indeed, the Clinton-Gore administration supported prescription drugs and Democrats supported it in the Congress but failed.

Is my recollection of this correct, that we had our chance, we have attempted to do it but, ironically, the people who have stopped it are now the same people who constitute the Bush campaign?

Mr. DORGAN. The Senator is absolutely correct. They had their chance. What about the issue of the Patients' Bill of Rights? We were blocked by the majority party.

What about campaign finance reform? We have tried, tried, and tried and were blocked by the majority party.

What about a prescription drug benefit for the Medicare program? We have tried and tried and were blocked by the majority party.

How about the issue of education and providing some help to reconstruct and renovate and provide for better schools and better classrooms?

Mr. TORRICELLI. If the Senator will yield, can we focus on that one as well because I heard in debates Governor Bush said on education Clinton-Gore had their chance. Indeed, the President proposed 100,000 new teachers repeatedly and has been fighting for it every year—got it enacted at one point—including right up to tonight on school reconstruction, which has not been supported, to my knowledge, by Governor Bush, certainly not supported by his party in Congress. So indeed they had their chance on education, and the Clinton-Gore administration led on education as they led on health care.

Mr. DORGAN. The Senator is absolutely correct. We have had the longest economic expansion in American history. That did not happen by accident. Governor Bush says: Well, gosh, that's due to the American people. The American people worked hard in 1981, 1982, 1983, and 1984. The American people had as much ingenuity, as much tenacity to work hard then. But you need public policies in place that help them as well.

The public policies that the Clinton-Gore administration and the Democrats in Congress put in place in 1993 said we were going to stop these Federal deficits. We had a new fiscal policy. We turned this country around.

The American people understand that when they have hope for the future, they do things that reflect that hope. They buy cars; they buy homes; and they take vacations. They do the things that represent their hope for the future.

There was not much hope for a long while because every year the deficit was getting worse and no one wanted to do much about it, but the Clinton-Gore administration came in and said: We have a new plan and it will be a little tough. It was hard to vote for—in fact, so hard that not one member of the majority party voted for it.

I see on the floor my friend from Texas, Mr. GRAMM, whom we have quoted many times. He said: If you pass this plan, this country is going to go into a tailspin. Those are not his exact words, but it is exactly what he meant.

Of course, he was wrong. This country passed a new economic plan and gave the American people confidence about the future. Guess what happened. The largest deficits in history turned into the largest surpluses in history. We have had the longest economic expansion on record—welfare rolls are down, home ownership is up, inflation is down. Almost every basic index in this country is better.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. Yes, I will yield.

Mr. DURBIN. When the Senator from Texas—Governor Bush's home State—voted against the Clinton-Gore plan in 1993, he said: "This program is going to make the economy weaker, hundreds of thousands of people are going to lose their jobs as a result of this program."

Was the Senator from Texas correct as a result of the Clinton-Gore plan? Did hundreds of thousands of people lose their jobs?

Mr. DORGAN. Mr. President, the Senator from Illinois asked a question about job creation. This administration, during these 8 years, has seen 22 million new jobs created in this country. In the 4 years prior under President George Bush, 2.5 million new jobs were created. You will see this is one of the most robust periods of economic expansion in this country's history. Is it an accident? No. This administration had a new economic plan that said let's move away from growing and choking deficits and give the American people some confidence about the future. The result of it was that confidence manifested a growing economy that created new jobs and new opportunities. Every single feature of this economy has become better in the last 8 years, every single one. Unemployment, inflation, welfare, home ownership—in every single instance, things are better in this country.

This morning, when I heard the Governor say, "Well, you have had your chance," I would say, yes, this administration had its chance and it inherited a weak and troubled economy and turned it into a strong, vibrant, growing economy, and good for them.

It did not happen because they took the easy road. This was not the easy thing to do. In 1993, when they had the vote on the new plan, it passed by only one vote in the House and the Senate. We did not get even one vote on the majority side. We took our licks for voting for it, but history shows that what we created was the strongest economy in this world, and I think Vice President GORE and President Clinton and those who voted for that new plan in this Congress can take some pride in what the result of that plan has been.

Mr. LOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I understand the Senate has received the continuing resolution. I ask that the previous order now commence, and the clerk report the joint resolution.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from

Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Delaware (Mr. ROTH), the Senator from Wyoming (Mr. THOMAS) and the Senator from Tennessee (Mr. THOMPSON), are necessarily absent.

I further anounce that, if present and voting, the Senator from North Carolina (Mr. HELMS) and the Senator from Montana (Mr. BURNS) would each vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

The result was announced—yeas 67, nays 1, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—67

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Bryan
Bunning
Byrd
Chafee, L.
Cochran
Collins
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Levin
Lincoln
Lott
Mikulski
Miller
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—1

Stevens

NOT VOTING—32

Ashcroft
Bond
Boxer
Brownback
Burns
Campbell
Cleland
Conrad
Crapo
Enzi
Feinstein
Frist
Gorton
Grams
Helms
Hollings
Inhofe
Jeffords
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lugar
Mack
McCain
McConnell
Murkowski
Roth
Thomas
Thompson
Wellstone

The joint resolution (H.J. Res. 119) was passed.

Mr. DEWINE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EUROPEAN SECURITY AND DEFENSE POLICY

Mr. WARNER. Mr. President, on October 10, 2000, the Center for Strategic & International Studies (CSIS) hosted an important luncheon discussion on the European Union's evolving European Security and Defense Policy (ESDP). The guest speakers at that luncheon were Ambassador Christopher Meyer of Great Britain, Ambassador Juergen Chrobog of Germany, and Ambassador Francois Bujon de l'Estang of France. Senator LEVIN and I were privileged to sponsor this luncheon on Capitol Hill, in the Senate Armed Services Committee hearing room. Attendees at this luncheon included a prestigious group of former ambassadors and administration officials, representatives from industry, policy and research organizations, and senior congressional staff from both the House and Senate.

Since December 1999, when the European Union (EU) Heads of State announced at a summit meeting in Helsinki their "determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises," there has been a great deal of discussion and debate about the development of a common European defense identity. While I commend our European allies for their willingness to do more militarily, I have been concerned about the impact of an ESDP on the NATO Alliance.

My views on the development of the European Security and Defense Policy start with the basic premise that NATO has been the most successful military alliance in history. NATO won the cold war; it is now plying an instrumental role in keeping the peace in Europe. Whatever is done in the context of an ESDP, it must not weaken NATO.

There are a number of questions concerning the content of an ESDP—questions I, Senator LEVIN, and others raised at the October 10 luncheon. For example, Europeans are discussing increasing their military capabilities at a time of declining defense budgets, in a number of NATO partners. How is an added military capability possible with less money? Will ESDP developments—particularly the establishment of EU military structures—take valuable and scarce resources away from NATO military capabilities? How will the EU military force interact with NATO? Will NATO have the right of first refusal—or veto power—over an EU-led military operation?

These are important questions that should be answered. During the meeting on October 10, the Ambassadors provided valuable insight into the development of an ESDP. I commend their participation in today's forum. I ask unanimous consent that the opening statements of the three Ambassadors be printed in the RECORD.

I will continue to monitor these developments and keep the Senate informed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH BY AMBASSADOR CHRISTOPHER MEYER

EUROPEAN SECURITY AND DEFENSE POLICY (ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

In October 1998 Tony Blair launched an initiative on European defense in a speech at Pörtschach.

He had been dismayed by the inadequacy of European diplomatic and military performance in the Balkans. It undermined the credibility of the EU's common foreign and security policy. It corroded the Atlantic alliance by giving comfort to those in the U.S. who argue that the Europeans refuse to assume their share of the burden.

He saw that the Europeans lack military transportation over long distances; logistical support to sustain fighting forces for long periods away from home; and enough capabilities such as airborne surveillance, precision-guided munitions and command, control and communications. The Kosovo campaign in particular showed up these deficiencies.

Blair's aim was, and remains, three-fold: To strengthen the AEU's capacity to act internationally in a more effective manner; to deliver a step-change in Europe's ability to manage crises: and to strengthen the European Contribution to the Atlantic alliance, in particular through more robust European military capabilities.

In the British view this is overwhelmingly in the interests of the U.S., the alliance and of Europe.

Since Blair's speech, he and president Chirac have been the main drivers of this initiative. The British-French St. Malo declaration was the first land-mark. But, of course, over the last two years, the full memberships of the EU and NATO have become increasingly involved, notably Germany.

My colleagues will speak to you about the implications of this initiative for the U.S. and NATO; about the current state of play; and about next steps.

I want to make only two observations.

The first is that the initiative has made extraordinary progress in less than 2 years:

Last December, at Helsinki, the EU set itself a headline goal: to be able by 2003 to deploy 60,000 troops at 60 days' notice for operations lasting at least a year. By the end of this year we should have identified who will need to do what to make this goal reality; and we ought to have in place key element of EU/NATO arrangements, as well as necessary internal EU structures. My colleagues will say more about this.

My second observation is that behind the official statements of welcome for this initiative, there has been chronic suspicion and skepticism on this side of the Atlantic, especially on Capitol Hill. Why?

First, there is a long-standing schizophrenia at work. For decades you have been telling the Europeans to get their act together: one emergency phone number, please. But whenever we show signs of doing what you ask, you become suspicious and anxious that we are doing things behind your back. European defense initiative has been much afflicted by this schizophrenia. Damned if we do, damned if we don't.

Second, some of you don't actually believe we will ever put our money where our mouth is and increase European military effectiveness. But, Britain and, I'm sure, France and

Germany are determined to make a reality of this initiative. Britain has just increased its military budget accordingly. The capabilities commitment conference will be held precisely to pin member-states down to concrete commitments. The UK has already made clear that it will offer a pool of land forces adding up to about 20,000, of whom a maximum of 12,000 would be deployed in any one scenario. The pool would allow deployment of one a group of armored, mechanized or air assault brigades, with probably two additional brigades in support (e.g. Artillery, air defense, attack helicopters, HA and signals).

The UK defense budget is rising in real terms. Procurement plans announced this year include four C–17 strategic lift aircraft with more to follow; maverick precision guided munitions and new air-to-air missiles for the Eurofighter; two new aircraft carriers and six new type–45 destroyers; new command, control and intelligence systems.

Third, you sometimes exaggerate the share of the burden the U.S. have to assume. Its true you flew most of the sorties in the Kosovo campaign. That is something we Europeans have to rectify. But don't forget that today in Kosovo, 85% of the NATO-led force comes from Europe. So does most of the civil aid. That's how it should be.

Fourth, the question is asked why it is necessary to introduce the EU into the equation, when there is already a security body called NATO, of which 13 out of 15 members are European. Isn't, the skeptics ask, the European defense initiative really about replacing NATO as the basis for collective European defense and cutting transatlantic security ties? This is perhaps the most deep-seated of U.S. concerns.

The answer to this last question is an emphatic "no", as my colleagues will confirm. NATO will remain the bedrock of our defense and that of European allies. This initiative is not about replacing NATO or undermining its role in collective defence and other demanding crisis management missions. No-one in Europe is suggesting an EU role in collective defence. European allies have made perfectly clear, in actions as well as in declarations, our preference to act alongside the U.S. wherever possible, particularly in high intensity operations.

Instead, this initiative is about other cases, where the U.S. does not want to be involved, "putting out fires in our backyard", as French defence minister Alain Richard has put it. With the U.S. where you want to be present, otherwise on our own. "Separable, but not separate".

Bear in mind that we are not writing on a blank piece of paper. Rather than creating a new security body, we are replacing an existing body that has not proven effective enough—the western European union—by one with far greater political, financial and organizational muscle—the European union. We are trading up for a more useful instrument. But our aims have not changed: a more effective European defence, organically linked to NATO and its structures.

Submerging Western European Union (WEU) functions into the European Union (EU), we simplify not multiply European security structures. We end an artificial separation between hard defence in NATO and WEU, from foreign and security policy in the EU. EU policies should become less declaratory, more hard-headed. That will be good for us all.

Finally, let me underline one point that Tony Blair has made clear, repeatedly, right back to his first speech in October 1998: this initiative should be judged, and we ourselves will measure its success, by whether there is a real improvement in military capabilities. We are under no illusions about the difficulty. But it has been and remains the central aim of the initiative.

SPEECH BY AMBASSADOR JÜRGEN CHROBOG

EUROPEAN SECURITY AND DEFENSE POLICY (ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

Now that Sir Christopher has outlined how ESDP came into being and what it is all about, I would like to concentrate on the controbution ESDP will make to NATO and the transatlantic partnership. In doing so, I'll try to address some of the questions that have been raised in this country about ESDP. I'll certainly be happy to discuss them in more detail later on. Christopher Meyer's remarks have pointed out why EDSP is vital to further European integration. With ESDP, the European Union has committed itself to making essential progress towards a political union which is underpinned by credible political and military action. But ESDP is of equal importance to NATO, the U.S., and the transatlantic relationship—and not just because a strong Europe is very much in the interest of the United States.

To underpin this, I would like to make four brief points:

First: ESDP will enable Europeans to engage in crisis management, principally on the European continent. ESDP is an historic step towards strengthening the military capabilities of the Europe NATO partners. In this respect, it is a product of the lessons learned from Bosina and Kosovo. ESDP enhances the ability of the EU to make decisions in crisis management. With ESDP, Europe will be able to perform a broad spectrum of missions ranging from civilian conflict prevention to military crisis management. These include humanitarian assistance, evacuation measures during crisis situations in third countries, and military peacekeeping and peace-enforcing—all of which we refer to as the "Petersberg Task." I would like to mention here the efforts to enhance European capabilities predates the St. Malo agreement of 1998 by a few years. In June 1992, on German initiative, a WEU Ministerial meeting near Bonn first outlined the "Petersberg tasks" which later became the basis for ESDP objectives. Within the framework of ESDP, the EU will develop tools for civilian crisis management, including a task force of police officers ready to deploy on short notice. This will make the EU the only multilateral organization that can offer the full range of conflict management measures.

Second: By developing European capabilities in key military areas, ESDP will make a substantial contribution to transatlantic burden-sharing. These new capabilities include command and control, strategic intelligence, and strategic airlift—just to name the most important ones. These priorities will also play an important role in the reform of the German armed forces which has recently begun. This reform will triple the number of troops that Germany will be able to rapidly deploy from 50,000 to 150,000. This increase in the readiness forces will enable the Bundeswehr to participate in one major operation with up to 50,000 soldiers for a period of up to one year or two medium sized operations, each with up to 10,000 soldiers for several years, a significant improvement over current capabilities as demonstrated by the 7,500 men presently deployed in the Balkans. Germany will thus be in a better position to meets its responsibilities within NATO and the European framework. Germany's defense budget will increase by 3.2% in 2001. As you know, a German-French initiative is already underway on establishing a European air transport command—a way to combine financial resources to achieve the required capability quality and quantity. The modernization of European forces will be harmonized with NATO's Defense Capabilities Initiative and thus simultaneously contribute to both the European and NATO force goals. Senator Chuck Hagel of Nebraska said it very plainly in his recent article for "Defense News" (3.7.2000), and I quote "Greater European military capabilities will make the alliance stronger, lift some of the burden the United States now carries in having to act in every crisis, and make the U.S.-European relationship a more equal one." End of quote. I could not agree more. A strong Europe is good for the United States. For this very good reason, not only Senator Hagel but also a whole generation of American politicians before him have been calling for exactly the same steps which we are now taking with ESDP.

Third: Within NATO, ESDP will strengthen the transatlantic link. The European Union will use its crisis management capability to complement and reinforce NATO. There may be occasions when the U.S. is not inclined or, for other reasons, is unable to dispatch American troops to deal with a conflict in Europe which needs to be addressed. This is precisely the type of scenario in which ESDP can play a role. Let me be clear: The EU is not competing with NATO. The Europeans will take care of business "where NATO as a whole is not engaged" (European Council Helsinki, Dec. 1998). There will be no separate European army. There will be no unnecessary duplication of assets or capabilities between NATO and the European Union. In fact, the EU might require NATO assets to conduct EU-led military operations. ESDP reflects the EU's willingness to shoulder more of the burden of safeguarding peace and democracy. As the New Strategic Concept of the Alliance, which was endorsed at NATO's Washington summit in April 1999, states: "The increase in the responsibilities and capacities of the European allies with respect to security and defense enhances the security environment of the alliance."

And finally, my forth point. The EU will include other European countries in ESDP. Procedures are being put in place to allow the six European NATO members which are not EU member states and possibly other contributing states to fully participate in European-led operations. That includes the Eastern and Southeastern countries that are candidates for EU membership. ESDP thus reinforces and broadens the security umbrella of NATO.

To sum up: EU and NATO have very different backgrounds, histories and structures. They will not detract from each other, but grow closer in values, convictions, and actions. For the European Union, and Germany in particular, the transatlantic partnership and the U.S. political and military presence in Europe remain the key to peace and security on the European continent. And one thing is absolutely certain: NATO remains responsible for the collective defense of Europe. NATO will not lose any of its importance, and ESDP will strengthen the European Union and NATO.

SPEECH BY AMBASSADOR FRANCOIS BUJON DE L'ESTANG

EUROPEAN SECURITY AND DEFENSE POLICY (ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

I would like to thank Dr. Hamre and Simon Serfaty for this excellent initiative taken by the CSIS.

From St. Malo to today, some apprehension has been expressed on Capitol Hill regarding European security and defense policy. This apprehension has been largely due, I believe, to misconceptions and lack of understanding of our intentions and our objectives. Perhaps terminology has not helped either, with the European predilection for ominous acronyms

After the excellent presentations of my British and German colleagues, there is little left to add. However, there is only one thing worse than a European conspiracy: a French-inspired European conspiracy. According to a rather popular theory in Washington, ESDP is a dark and dangerous plot organized by France to finally break up the Atlantic Alliance with the unknowing complicity of its blind European partners. Therefore, people are undoubtedly paying close attention to the current French Presidency of the EU. Let me spend a few minutes to shed some light on our plans until December 31, and briefly go over the goals—and achievements—of our current presidency in order to dispel and doubt that might still be lingering in your minds.

1. To quote Lord Robertson, ESDP is about three things: capabilities, capabilities and capabilities. I wholeheardly subscribe to this assertion, for at least two reasons: first of all, France has always prided itself, on a national level, with a strong commitment to robust defense capabilities, and our present forces are there to show it—it is only natural that we attempt to pursue our European endeavor with the same priority. Second, because capabilities are the key to the success of ESDP, in terms of political credibility of course but also in terms of our military objectives.

Let me tell you what our projects are in terms of capabilities:

As you all know by now, at Helsinki, last December, the fifteen heads of State or Government set themselves two series of targets in terms of military capabilities.

On the one hand, the quantitative so called "head-line goals" (60,000 troops rapidly deployable, self-sufficient for a whole year with the necessary air and naval support);

On the other hand, qualitative targets regarding collective capabilities in areas such as command and control, intelligence and strategic transport. What we are doing today is to transform these political objectives into concrete goals, in a very detailed manner. In political objectives into concrete goals, in a very detailed manner. In other words, the dozen or so lines in the Helsinki conclusions on capabilities have, thanks to an alchemy performed by EU military planners with input from their NATO colleagues, turned into some 50 pages of specific requirements.

This allows us to match up what we need to what we currently have, and of course measure the gaps, which we will aim to close at the Capabilities Commitment Conference, to be held in Brussels next November 20 by Defense Ministers of the 15. This event will allow each member State to make pledges toward meeting these requirements. We also aim to decide, before the end of our Presidency, on a European review mechanism that will allow us to continue narrowing the gap until 2003, and more generally to review the nature and composition of European military forces.

Just to give you a flavor of this work, which suddenly makes all of these debates very real: the Defense Ministers of the 15 agreed, two weeks ago, that in order to fulfill the Helsinki objectives the EU needed: 80,000 troops in order to allow for a simultaneous contingency and still be able to project 60,000 as agreed (allowing for rotations, this means of course 200,000 to 230,000 troops); 300 to 350 fighter planes; some 80 combat ships . . . these are just some of the elements in this catalogue of forces that have been agreed. I could also mention strategic lift, UAVs, amphibious landing ships . . .

I would like to mention in passing that, as you can see, we are not just aiming at operations on the low end of the peace-keeping spectrum as I have sometimes heard. Does this mean that we would be able, in 2003, to carry out an operation such as "Allied Force" entirely by ourselves? Of course not—and it would be dangerous to create such expectations. But the imbalance between U.S. and European forces which we witnessed last year would be substantially reduced—and 2003 will be an important stepping stone on the path to such a capability, which we need to keep as a longer-term goal in order to be prepared for all non-article 5 contingencies.

3. I often hear people complaining about the fact that the EU is not working to improve its capabilities, but just creating new institutions. This is inaccurate on both counts: as I have just pointed out, we are actively working on reinforcing our capabilities. As for institutions, I would agree with Sir Christopher that we are re-organizing, not multiplying European institutions. As we have reiterated at the last European Councils, our goal is to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises". The capacity to take decisions and to conduct EU-led military operations requires the adequate political-military decision-making structures, procedures and expertise. During our Presidency, we are working hard in order to allow these new EU structures (the Political and Security Committee, the Military Committee and the Military Staff) to get up and running in their permanent configuration, taking over from their interim one. These bodies are analogous to those that existed in the past in the WEU, and which will be disbanded.

I might add that those new institutions that are being created are those which fulfill the objective of allowing consultation and cooperation with NATO and with non-EU countries, two goals that I know are very dear to many of those here today, as they are indeed to us. Under our Presidency, we have already held a joint meeting between the North Atlantic Council and the Interim Political and Security Committee (and there will be more to come), as well as several meetings of the newly set up joint working groups between the EU and NATO. These are needed to address, in a pragmatic and solution-oriented way, the issues that the two organizations need to work out together (access to NATO assets, information security, etc.) and to work out the elements of the long-term EU-NATO relationship. We have also set up an inclusive forum for the 15 European non-EU partners and, within this forum, for the 6 non-EU NATO allies. Several meetings have also already been held in the two months that have gone by since we took up our presidency. These countries will, of course, be closely associated to the November Capabilities Commitment Conference.

One final word: after having gone into such detail into our current projects, just to give you a taste of how complex this whole endeavor is and how seriously we are taking our task, I wouldn't want the trees to hide the forest.

The crucial element to bear in mind is that we are at a turning point in the history of the European Union, of the Atlantic Alliance and of transatlantic relations. There is much at stake, both for the future of the EU's foreign and security policy, and therefore for our ability as Europeans to play our role on the world stage, and for the transatlantic link as well. We have taken the full measure of what is at stake and are pleased to see that quarreling and suspicion have given largely given way, on this side of the Atlantic, to a better understanding of our common interests and our shared objective.

BRIAN BENCZKOWSKI

Mr. DOMENICI. Mr. President, at the end of this session of the 106th Congress Brian Benczkowski will be leaving my staff. Brian has worked on the Hill since his third year in law school. He stared as an intern while still in law school, served as the senior analyst for judiciary issues for the Senate Budget Committee, and worked closely with my general counsel to develop, and enact, over the President's veto, the Securities Litigation Reform Act of 1995.

Brian was my counsel for the second round of Whitewater hearings and was part of the team for the historic impeachment trial of President Clinton. Brian worked on Juvenile Justice legislation, and helped me take on the Mexican drug lords.

He learned the highway, airport and other infrastructure needs of New Mexico as well as any Highway and Transportation Secretary in any Governor's cabinet. He was knowledgeable on immigration issues and helped my caseworkers with the really tough, but worthy immigration problems that are a daily fact of life in a border state. Just to prove that Brian had a soft side, he was my staff person for Character Counts during the 106th Congress.

Brian was instrumental in drafting the claims process legislation for the victims of the Cerro Grande fire. From the date that the fire first started to the day that the President signed the bill, complete with the $640 million to pay the claims, was fifty days. It is a good legislative product, and it proved that the delegation and the Congress could be bipartisan and act expeditiously in an emergency.

Brian is a talented lawyer, a caring and hard working member of my staff.

For a young man raised in Virginia, taught the law in Missouri with parents now living in Connecticut, he has made many New Mexico friends, developed a taste for green chile and amassed an understanding of the border. At one point I remarked that his

Spanish was as good as any other staff member in my office.

So what is it that such a talented young man would choose to do when leaving Capitol Hill?

Banking legislative assistants and counsels with backgrounds in securities often end up at the Securities and Exchange Commission, the Commodities Futures Trading Commission or at one of the Wall Street firms. However, the typical career path wouldn't do for this untypically talented young lawyer. He is going to New York to work for the first, real sports stock market.

This new sports stock market will list the baseball and other trading cards of today's marquee athletes and major league sports rising stars. Just like any major stock exchange, the exchange is a market maker. Just like E-trade or Ameritrade people will have sports brokerage accounts.

Brian is a baseball fan, former baseball player and a font of knowledge when it comes to sports. As a former minor league baseball player myself, I know baseball and am a fan of most other sports. ESPN was a great invention that adds to most men's enjoyment of life, sports and the pursuit of happiness. Hopefully, this new sports stock exchange will add another dimension to the way we all follow sports.

Many of us share a passion for sports, but very few of us get to take that passion, and merge it with the law, get an impressive title like assistant general counsel, receive a pay check and stock options. However, Brian is going to do just that at thePit.com. I wish him and his new company every success.

MESSAGE FROM THE HOUSE

At 7:30 p.m., a message from the House of Representatives, delivered by Ms. Kellaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by Ms. Kellaher, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ORDERS FOR MONDAY, OCTOBER 30, 2000

Mr. DEWINE. Mr. President, on behalf of the distinguished majority leader of the Senate, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 5 p.m. on Monday, October 30, 2000. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 7 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator REID, or his designee, from 5 to 6 p.m.; Senator DOMENICI, or his designee, from 6 to 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 5 p.m., with up to 2 hours for morning business, with Senators REID and DOMENICI in control of the time.

Under the previous order, there will be a vote on a continuing resolution at 7 p.m. That will be the first vote of the day. However, other votes may be necessary during tomorrow evening's session. Good-faith negotiations are ongoing, and it is hoped that an agreement can be finalized this week.

RECESS UNTIL 5 P.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:58 p.m., recessed until Monday, October 30, 2000, at 5 p.m.

HOUSE OF REPRESENTATIVES—*Sunday, October 29, 2000*

The House met at 6 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the Sabbath, God of creation and our redemption, we praise You and we bless You as this weekend draws to a close.

In places of worship, Your people have gathered to reflect on Your word and offer You thanks for Your many blessings showered across this vast Nation.

Be with us now in the spirit of peace.

May the endeavors of this evening help bring the work of this Congress to its completion, so that, united in faith and with our families, we may enter into Your rest.

You are with us now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 42, not voting 104, as follows:

[Roll No. 574]

YEAS—286

Aderholt
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Jones (OH)
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Packard
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—42

Baird
Bilbray
Borski
Brady (PA)
Capuano
Clyburn
Coburn
Condit
Costello
DeFazio
English
Filner
Gejdenson
Gutknecht
Holt
Jackson-Lee (TX)
Kingston
Kucinich
Latham
Lee
LoBiondo
McDermott
McGovern
Miller, George
Moran (KS)
Neal
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Rothman
Sabo
Schaffer
Schakowsky
Stenholm
Taylor (MS)
Thompson (CA)
Udall (NM)
Weller
Wicker
Wu

NOT VOTING—104

Abercrombie
Ackerman
Allen
Archer
Barr
Becerra
Bereuter
Bishop
Boucher
Brown (FL)
Campbell
Chenoweth-Hage
Clay
Clayton
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dooley
Engel
Fattah
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Gillmor
Gilman
Goode
Goodlatte
Goodling
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hinchey
Hoyer
Hulshof
Hyde
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kennedy
Kilpatrick
Klink
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Moran (VA)
Owens
Oxley
Pallone
Pickett
Pryce (OH)
Quinn
Riley
Sanchez
Shaw
Shays
Shuster
Slaughter
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Talent
Tancredo
Thompson (MS)
Towns
Velázquez
Visclosky
Watkins
Watts (OK)
Weiner
Weygand
Wise
Wynn

□ 1823

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. THORNBERRY). Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material, on H.J. Res. 119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 119 is as follows:

H.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "October 30, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair will recognize the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of those one-day CRs. We find ourselves here in the House Chamber on Sunday night because the President of the United States refuses to sign a continuing resolution longer than 24 hours. This resolution is to provide for one more day of continuing government funding until tomorrow night.

I would report briefly that the negotiations are ongoing this afternoon, negotiations with both parties and both Houses of the Congress. We will be meeting with the representatives of the White House later tonight. We would make every effort possible to conclude those negotiations sometime before tomorrow morning and hopefully be able to write this final bill and to file it in the House sometime tomorrow night and possibly have it on the floor Tuesday. That is why we are here tonight, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

□ 1830

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I am told the Packers lost, my only consolation is I guess the Vikings did too.

Mr. Speaker, we are now faced with the need to pass the eighth continuing resolution, I believe, of the year. Well, let me back up and just make an observation.

The gentleman from Florida (Mr. YOUNG) said we are here tonight because the President refused to sign any continuing resolution longer than 1 day. Let me respectfully disagree with that statement. We are here because the House worked all year, diligently, and passed all 13 appropriation bills.

The problem is that those bills had no attachment to reality. Those bills were fashioned, as they were, in order to allow the majority to continue its pretense that the surpluses would be large enough that we could provide very large tax cuts and still balance the budget and pay down the debt and provide all of the funding that the Congress intended to provide for its discretionary programs. The Congress, in the month of October, at least the House itself, did not finish action on a single appropriation bill, and now we are faced with the necessity to do a year's worth of work in 1 month's time.

The reason the President indicated he would not sign continuing resolutions longer than 1 day is because virtually no progress was made for the first month after he had signed a series of longer continuing resolutions, and he felt that it was necessary to try to bring things to a head so that this body would in fact get its work done. Article I of the Constitution gives us the requirement to get our work done on basic things like the budget. The Congress has not done so. There are a number of bills that still have not yet gone to the President's desk.

So now we not only are dragging in terms of schedule, but because a whole range of other issues were not dealt with by this House and by the authorizing committees, we now have 313 separate authorization items which we are being asked to include in this bill by various persons within this institution. We are supposed to go through all of those items between 6:30 tonight and 10 o'clock tonight.

I am going to let somebody else say with a straight face that they will know what they are doing in dealing with all of those bills. I am one of the four that is supposed to deal with them, and I certainly do not know what all of them are.

The good Senator can tell me to stop speaking if he wants, but he is a guest in this House. Let me simply say that I am not going to stop speaking until I have finished my statement.

I would simply ask Members to recognize that this is not a responsible way to run a railroad. I hope it never happens again, and I would hope that tonight, as we enter that room, that we have a flexible response from the Republican leadership to the White House offer yesterday to end this impasse.

The White House has laid out a fairly straightforward proposition for ending the divisions, at least on the major bill that divides us, the Labor-Health-Education bill. I would hope that we would have flexibility on the part of both sides as we are in those negotiations.

Mr. Speaker, let me simply say I regret as much as anyone the fact that Members have to be kept here, but had we had a series of honest appropriation bills and sensible orders from the House leadership to begin with over the first 8 months of this year, all of this chaos would not be necessary.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to reiterate, we could have passed a continuing resolution on Friday that would have kept us going until Monday night, and Members could have been home Saturday and Sunday in their districts tending to their district business. But the President refused to sign one that would take us until Monday night, so we are here doing it on Sunday to get to Monday night. So that is the real reason.

Regarding the argument that my friend, the gentleman from Wisconsin (Mr. OBEY), makes about where we are in the process, the House Committee on Appropriations had concluded all of its appropriations bills in July, early July, and we had them all through on the floor. We had them all through on the floor, and 12 of the 13 were passed through this House. The 13th was prepared to be passed, but it was pulled off of the schedule in July, and we did not take it up again until we came back from the August recess.

The House has done its job. But what has happened here, as the gentleman from Wisconsin (Mr. OBEY) has mentioned, is how many requests we have had from Members of the House on both sides of the aisle, Members of the Senate on both sides of the aisle, from the President of the United States, some of them just coming over, many slipped in the doorway in the last couple of days. So we have had to deal with all of these issues.

That, plus the fact that we have spent hour after hour, day after day, on amendments to bills in the House that had nothing to do with an appropriations bill, that were not germane, that were subject to a point of order; but as a courtesy to the minority, we allowed them hours and hours and hours of extra time on those amendments that we knew were not even in order. In fact, in most cases, the sponsor of the amendment withdrew the amendment after the delaying tactics of using up that time.

Now, that is why we are here. Let us be honest about it. We are here because the President will sign only a one-day CR per day, and we are here because there have been certain delaying tactics that have kept this House behind its appointed schedule.

Now, we ought to get this CR through here quickly so the other body can pass it tonight and the President can have it and sign it in time for the government to continue tomorrow.

There is another reason. Every hour that we spend on this floor now takes the gentleman from Wisconsin (Mr. OBEY) and myself, who are negotiators for the House, away from the negotiating table. We have Senators waiting in another room, waiting for us to come back to try to continue those negotiations, to go over the list of requests made by our colleagues here in the House, to see if we can agree to them or if we cannot agree to them.

So these unnecessary delays are keeping us from concluding our business. That is one reason that the gentleman from Wisconsin (Mr. OBEY) and I, whether we like it or not, are going to be here until the late hours tonight, Sunday night, and probably into the early hours of Monday morning, if we are going to get this product completed and filed by tomorrow night.

Mr. Speaker, I wanted to advise the gentleman from Wisconsin (Mr. OBEY) that at this point I have no further requests for time and will reserve the balance of my time so that we can conclude this CR.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to prolong this, because the gentleman and I need to get back to the negotiations, but I do want to respond to one point he said. He has made much of the fact that the majority was so kind and gracious that they gave the minority an opportunity to debate amendments which were not in order.

Let me say that that itself is the problem, because the majority used the Committee on Rules to prevent us from offering amendments that would have made those appropriation bills real. They prevented us from offering those amendments because they knew if we brought them to the floor they would have enough Republican support, along with our support, to pass. So, instead of giving us the opportunity to get a vote on items that we thought were necessary, they said, no, we will not give you the right to vote on them. All we will do is give you an opportunity to talk on them for a little bit. So that was the second best option. It was the only option we were given.

So I think, in fact, the gentleman's remarks illustrate how arbitrary the majority was in assuring that the minority would never be able to produce amendments that would make these bills real. That is why we are stuck here tonight.

The other point I would simply make is that the majority has now passed appropriation bills which have taken these bills billions of dollars above the level of the amendments that we tried to offer that they said were not in order in the first place because they supposedly exceeded the budget resolution. The majority itself has now exceeded their own budget resolution by almost $40 billion. So the idea that somehow we had a real legislative process going on on those 13 bills is a joke.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to make the point that all of the appropriations bills that we brought to the House floor were under an open rule, an open rule, and the rules of the House prevailed.

I would just like to say to my friend, the gentleman from Wisconsin (Mr. OBEY), that when we did allow that extra time of debate on amendments that were not even in order, that is the courtesy we showed to the minority that when they were the majority party they never showed to us.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

MR. OBEY. Mr. Speaker, that is a distinction without meaning, because the fact is the gentleman says we were given amendments that we could offer under an open rule. But in fact that was a closed rule, because of the nature of the budget resolution, which was so artificially low in order to make room for your "let's-pretend-tax-cut," that the rules were then used to preclude us from offering amendments that otherwise would have been in order under an open rule, and you know that as well as I do.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, that is a good spin on that subject, but check the record. They were open rules.

Mr. Speaker, I just ask for a vote on the CR, so we can get about the rest of our business tonight.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on engrossment and third reading of the resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 7, not voting 83, as follows:

[Roll No. 575]

YEAS—342

Ackerman
Aderholt
Andrews
Armey
Baca
Bachus

Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Jones (OH)
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—7

Baird
Barton
Capuano
Costello
DeFazio
Dingell
Miller, George

NOT VOTING—83

Abercrombie
Allen
Archer
Barr
Becerra
Bereuter
Bishop
Boucher
Brown (FL)
Campbell
Clay
Clayton
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dooley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Gillmor
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hinchey
Houghton
Hulshof
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kennedy
Kilpatrick
Klink
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Lewis (GA)
Lipinski
Maloney (CT)
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Moran (VA)
Owens
Oxley
Pickett
Riley
Sanchez
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stupak
Talent
Tancredo
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Weiner
Weygand
Wise
Wynn

□ 1921

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 574. Had I been present I would have voted "yea."

Additionally, I was unavoidably detained during rollcall vote No. 575. Had I been present I would have voted "yea".

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall Nos. 574 and 575 I missed votes due to an airline delay. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, as a result of travel difficulties, on rollcall No. 574 and rollcall No. 575, I was unavoidably detained en route to the Capitol. Had I been present, I would have voted "aye."

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. PALLONE. Mr. Speaker, I rise to offer a motion to instruct.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the motion.

The Clerk read as follows:

Mr. PALLONE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement on Medicare+Choice organizations to offer Medicare+Choice plans under part C of such title XVIII for a minimum contract period of three years, and to maintain the benefits specified under the contract for the three years.

The SPEAKER pro tempore. Under the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from California (Mr. THOMAS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the motion I am offering is an amendment to inject some needed accountability into the Medicare+Choice program. It instructs the conferees to support language that would require HMOs participating in the Medicare+Choice program to stay in their given markets for 3 years. In addition, it instructs the conferees to support language that requires HMOs to provide all the benefits they promised to beneficiaries when they enrolled in Medicare HMOs.

Last week, the Republican leadership passed a Medicare refinement bill that is really nothing more than a special interest giveaway to the managed care industry. Over 40 percent of the money in this bill is given to the managed care industry, and it is given to the industry with virtually no strings attached.

Mr. Speaker, there is nothing in this bill that passed last Thursday that guarantees any stability for seniors or that the plans will stay in a given area. The only thing that is guaranteed is that the managed care industry will be granted a massive government windfall. I suppose it is a reward of sorts for the managed care industry from the Republican leadership for their effective campaign to prevent the patients' bill of rights from reaching the President's desk.

Unfortunately, the managed care industry's gain translates into a significant loss for Medicare beneficiaries and the entire spectrum of Medicare providers in the health community. Every Member in this Chamber has heard from providers in their districts, be it hospitals, home health care providers, nursing homes, hospices, community health centers and others, that are being crushed by the unintended financial burden of the balanced budget agreement. Despite last year's BBA refinement package, there are countless Medicare providers around the country whose ability to provide care to Medicare beneficiaries is precarious because of the lack of adequate reimbursement. In my district, I have already seen a hospital forced to close its doors.

Mr. Speaker, it would have been infinitely more appropriate to spread what money has been set aside in the budget for Medicare refinements more evenly throughout the program than to give a disproportionate sum to an industry that has a clear record of putting profits ahead of patients. Working with the White House, we will continue to fight for a more equitable distribution of funds so that the Medicare beneficiary, not the HMO executive, will come first.

It would have also been appropriate to require that the HMOs are held accountable for the care they are supposed to provide beneficiaries in exchange for the windfall the Republican leadership wants to give them. As we saw a few days ago, and as we have seen for the last several years, the Republican leadership is unwilling to break its special interest bond with the managed care industry. They remain steadfastly opposed to any measure that would require the managed care industry to act in a more responsible manner that Medicare beneficiaries and all patients have been demanding.

Mr. Speaker, let me also say that my motion is not an attempt to hamstring the managed care industry or weaken it in any way. I want to preserve it and make it stronger for all seniors who may want to enroll in HMOs for their care. In fact, I have introduced legislation myself that would restore funding to Medicare HMOs.

I am not, however, willing to simply give HMOs untold billions and then allow them to continue to pull the rug out from underneath seniors who are lured into HMOs with the promise of extra benefits. And this latter point about benefits is very important. Medicare beneficiaries are not just destabilized when their HMOs pull out of the market. They are oftentimes destabilized when their HMO stays and their HMO just rescinds the extra benefits that attracted the beneficiaries in the first place, the most popular example of that being prescription drug coverage.

Seniors should be afforded some peace of mind and be able to know that when they enroll in an HMO for prescription drug coverage or whatever extra benefits they enroll for, they are going to get those benefits. If the Republican leadership remains wedded to giving the managed care industry multibillion dollar special interest giveaways at the expense of all other Medicare providers, the least the Congress can do is require that seniors are going to get what they are promised.

If my colleagues on the other side are as committed as they purport they are to providing seniors with a Medicare prescription drug benefit, they should have no opposition to requiring managed care companies to agree to provide what they promised beneficiaries they will provide for at least a 3-year period. I do not think that is a lot to ask for and that is what this motion to instruct is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, yield myself such time as I may consume.

Mr. Speaker, I think first of all we should look at this motion to instruct. There are several levels of clearance that are required for a motion to instruct to be in order, and it has to deal with funding. Obviously, in this motion to instruct, it says that in resolving the differences between the two Houses on the funding level for program management of the Social Security Act. So it meets that test level.

But then it goes on to say that through the funding mechanism, they are supposed to choose a level that reflects a requirement on Medicare+Choice organizations to offer a minimum contract period of 3 years. There is no funding mechanism that would require or even allow a 3-year contract under Medicare. Medicare+Choice programs are funded for 1 year under the Health Care Financing Administration. The amount that a Medicare+Choice program receives is based upon a number of factors: where it is located, the cost of medical services in the area, and, most importantly, the makeup of the beneficiaries that have signed up for that Medicare+Choice program. That is, what is their age, what is their medical condition?

All of these factors are taken into consideration when the level of reimbursement to the Medicare+Choice plan is determined. The difference by the Medicare+Choice program of offering the statutory mandatory benefits is what the Health Care Financing Administration has determined to be its payment level. If there are dollar differences between those two areas, by law that plan must either offer additional benefits or that money has to be refunded back to the Health Care Financing Administration; but it can only be done on a 1-year basis under current law.

Beneficiaries can sign up for a Medicare+Choice program and leave the program. That is, the patient profile of a plan can change from year to year to year. So it is nonsensical to think that a level of funding can produce a 3-year contract. It is also nonsensical to think that it can produce a set benefit package for a 3-year period. One of the reasons some of these plans are pulling out of areas is because they can no longer offer the benefits they had offered under their shrinking profit structure dictated and determined by the Health Care Financing Administration.

□ 1930

So make no mistake, not only does this motion to instruct have no legal binding requirement, but it is nonsensical. It is germane. It does affect the funding level. But in no way does just affecting the funding level bring about any ability to create a 3-year contract or a guaranteed 3-year level of benefits. It is just nonsensical.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for taking the initiative on this issue, which is of a critical nature to our senior citizens throughout this country and specifically to our constituents who happen to live presently on Long Island in New York.

Mr. Speaker, I would just like to disagree with my learned colleague on the other side of the aisle who said that this is nonsensical. I think some of us read it in a different way that choosing a level that reflects a requirement, and the key word is a "requirement," on the Medicare+Choice organizations to offer plans that are no less than 3 years old. We think that that means that they can expend no funds other than to write a contract that would last 3 years. Anything else would be unacceptable under the language that we are offering.

Our senior citizens are in trouble in this country. They are not doing as well as so many other segments of society. There is so much uncertainty and insecurity in their lives that the instability that the current system offers them is totally unacceptable.

We approach things a little bit differently on Long Island, our congressional delegation that is, and we try to do things in more of a nonpartisan way when it affects our constituents. So we worked together, each and every one of us, Democrats and Republicans alike. And in the County of Suffolk, which is on the eastern end of Long Island, which I proudly share with our colleague, the gentleman from New York (Mr. LAZIO), we have a situation which is critical that is highlighted by this legislation.

Every single Medicare+Choice plan, with the exception of one, has announced that they are leaving Suffolk County because they are not being reimbursed quickly enough or adequately enough; and our senior citizens, those of the gentleman from New York (Mr. LAZIO) and mine, are absolutely traumatized. They do not know what is going to happen.

The one remaining plan has already announced they are going to have an additional $75 premium each month. Somebody has to come down here to the floor and stick up for those senior citizens who are living in abject fear, whether they be in the district of the gentleman from New York (Mr. LAZIO) or my district on Long Island.

And those are not the only places. All of these, these are single-space lists of counties throughout the country where this problem is imminent right now. But in our county, that of the gentleman from New York (Mr. LAZIO) and mine, the announcement has already been made that they are packing up and leaving. They have given their 6-month notice.

These people have nowhere to go. There is but one plan left. What happens to my colleague's seniors? What happens to my seniors with the remaining plan if they are only limited to one more year? Where will these people go? They will have no coverage. And if that is the case, shame on each and every one of us for not providing to our constituents the protection that they need.

The constituents of the gentleman from New York (Mr. LAZIO) need it. My constituents need it. And the constituents of so many Members whose districts appear on these lists need it, as well.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would tell the gentleman that we certainly share his concern, but the idea of trying to get plans to stay for 3 years when there would be total uncertainty in the second and third year of what the contract might be will increase the chances of destabilizing the program, not decrease it, the exact opposite effect that the gentleman seeks.

For example, in the Med Pac report, March 2000, one concern "that may contribute to the lack of new plans and plan types and which may be discouraging current participants is uncertain future revenue streams for plans."

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), a member of the subcommittee.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before I address the remarks of the last speaker on the minority side, let me just go over the numbers here so everybody has a clear understanding of what we are talking about.

There has been some misstatements made in several quarters about the amount of money in this Medicare package for HMOs or Medicare+Choice program. Here we see the numbers laid out by the CBO for each category in this package.

For hospitals there is $11 billion, 34.9 percent of the total package. Beneficiary assistance and preventive benefits, $6.7 billion, 21.3 percent of the total package. And then we get to Medicare+Choice, the Medicare HMOs. There is $6.3 billion in this package for Medicare HMOs, and that is 20 percent of the total package.

Now, I really believe that both sides on this issue are well-intentioned. I agree with the gentleman from New York (Mr. ACKERMAN). I think it is terrible that we have Medicare HMOs leaving certain parts of our country and, therefore, leaving those seniors with no coverage for things like prescription drugs, in some cases their deductibles, their copays, because those Medicare HMOs, those Medicare+Choice programs often provide those benefits.

I know in my district I had one Medicare HMO; and they left last year, the only one. I heard from hundreds of seniors in my district about that plan leaving. They wanted it back. They said that is the greatest thing we have ever had in Medicare, and we want it back. So I agree with the gentleman that we ought to try to encourage those plans to come to a locale and stay there.

But encourage is one thing; mandate is another. And in my opinion, I just have an honest disagreement with the gentleman as to how the market works. I think that if we mandate that a plan stays in a locale for 3 years, we will have fewer and fewer plans locating in those marginal locales where the reimbursement rate is at the margin for them to make a profit.

So it is an honest disagreement, but I think the gentleman who has offered the motion to instruct is just wrong about the effects of his motion if it were to become law.

And so for that reason, I would urge all Members on both sides of the aisle who are interested in having their seniors have access to these type Medicare plans to vote no on this motion to instruct.

Mr. PALLONE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what the gentleman from Louisiana (Mr. MCCRERY) is not mentioning is that there are buried or hidden indirect pass-throughs which are actually part of that chart. In other words, what happens is that money goes to the providers like the hospitals; and then it is passed through to the HMOs, about one-sixth of what goes to hospitals and other providers. So it is still $11 million, and it is still 40 percent of the total no matter how you cut it, and that is outrageous given that there are no strings attached.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me the time, and I will be glad to yield to my friend from New Jersey.

Mr. Speaker, the gentleman is right, there are interactions with the increased payments that we make to hospitals. Because, as the gentleman knows, in figuring the payment rate for the Medicare+Choice plans, it is the fee-for-service rate in that region that has an impact on the reimbursement rate for the Medicare+Choice program. That is true.

But certainly the gentleman would not suggest that we not raise the payments to the hospitals and the other providers that we are doing in this bill, would he?

Mr. PALLONE. Mr. Speaker, will the gentleman yield?

Mr. MCCRERY. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, the bottom line is that the HMOs are getting $11 million, 40 percent of the total, no matter how you cut it.

Mr. MCCRERY. Mr. Speaker, reclaiming my time, but the gentleman is not suggesting that we should not be raising the reimbursement rate to hospitals and other providers?

Mr. PALLONE. Mr. Speaker, if the gentleman will continue to yield, no.

Mr. MCCRERY. Mr. Speaker, then as a natural consequence, we are going to get higher reimbursement for the Medicare+Choice plans. That is an interaction that is unavoidable in this plan. I am glad that the gentleman is not suggesting that we do not give higher reimbursement rates to our hospitals and other providers.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just pointing out that the $11 million figure and the 40 percent that goes to HMOs still stands. The gentleman was trying to contradict that and he cannot.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey and the Chair of our Democratic Task Force on Health Care for having this motion to instruct.

In a way I agree with my colleague from Louisiana that this may not be the best way to get the attention of the HMOs that predominantly serve our seniors. But it is our only battle tonight. And hopefully there is another way we can get their attention instead of just throwing more money at it.

HMOs only cover about 15 percent of our senior citizens. And yet, the bill we voted on last week would provide at least 40 percent and over 10 years 47 percent to HMOs for those 15 percent. Actually, in Houston, we have a little over 15 percent of our seniors who are served by an HMO.

I have a similar problem that my colleague from New York has. In Houston, Texas, we are down to one HMO left and they are capped, because they do not have the network to be able to add more seniors to it. So, as of December 31, our seniors will not be able to have access to an HMO.

Now, I am not real thrilled about HMOs to begin with. But let me tell my colleagues what happened in Houston, Texas. We at one time had four or five HMOs. But one big insurance company, and I will not name them because they have done this around the country, they bought up the other HMOs. They bought up NYLCare 65, Prudential. And then they served notice a little less than 6 months or maybe a little more than 6 months later that they are not going to serve the market.

That is what HMOs are doing. That is our only way to do this is to make them stay in the market because they actually controlled over 65 percent of the market, and then they announced they are not going to serve it. That is not doing a service to my seniors in Houston any more than they are doing it to Long Island, and that is what is frustrating.

The Medicare BBA provider bill last week actually gave 40 percent and then 47 percent. A lot of us voted against this bill simply because of that. We need to provide more for hospitals and for providers and for doctors and for home health care, you name it. But if we are going to provide more for HMOs, and I do not mind it, I voted for it last year in 1999 and I will vote for it again, but let us put some restrictions on them. Maybe not 3 years, but let us do something instead of just giving them a blank check and then they still will not serve the seniors in my district.

Mr. THOMAS. Mr. Speaker I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the committee that shares jurisdiction, the Committee on Commerce.

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank my colleagues from the other side who have talked about a spirit of bipartisanship and something I certainly agree with. I am concerned that this bill is going to be vetoed by the President. In the spirit of bipartisanship, I would ask my colleagues on the other side and our Vice President, who is from Tennessee, not to allow this to happen, to go to the President and to ask him to sign this bill.

Because my State of Tennessee really needs this legislation. Our Medicare beneficiaries in Tennessee will receive $4.3 billion that will help reduce their Medicare copayments, the money they have to pay out of their pockets and other assistance, as well as they need the $1.4 billion that this bill provides for new preventive benefits under the Medicare program. And our Tennessee hospitals need this legislation also.

Altogether, this bill will benefit hospitals to the tune of nearly $14 billion through direct and indirect funding. If our hospitals in Tennessee are forced to close or cut services, the effect on our patients and on the more than 52,000 hospital employees could be devastating.

I also want this bill not vetoed because it contains $1.6 billion in critical funding for nursing homes and $1.8 billion for home health care and hospice service. The legislation also expands Medicare coverage for telemedicine services. This is important to the rural areas of the State of Tennessee that I represent.

Using today's cutting edge technology, telemedicine or telehealth has the potential to revolutionize the way we practice medicine in this country, and it has the potential to erase the disparities in medical care and quality of care between rural areas and urban areas.

And last, but not least, I would hope the Vice President would realize about his home State of Tennessee that, without this legislation, we will lose in Tennessee $27 million for our State's children's health insurance program, or the S-CHIP program.

Because Tennessee had already covered many of our S-CHIP eligible children under our State Medicare waiver program, Tennessee has had to work much harder to get children to enroll in S-CHIP. As a result, it has taken us longer to use all of the money allotted to the State for the S-CHIP program.

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I hope the Vice President realizes that this bill will allow Tennessee 2 more years to use most of its S-CHIP money so that more Tennessee children can be covered. Now I know that our Vice President, Mr. GORE, spent a lot of time on this campaign trail talking about health insurance for children in Texas but, Mr. Speaker, I hope the Vice President will consider the needs of Tennessee's children in his discussions with the President about whether or not to sign this bill.

I urge my colleagues to vote against this motion to instruct and I urge the President to sign H.R. 2614.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I am glad to hear the gentleman from Tennessee (Mr. BRYANT) express his concern about his rural hospitals and his health care providers in his district because I have the very same concern, and that is why I hope that he will join with us in urging this Congress to put a larger percentage of the increased funding for Medicare in increasing those reimbursement rates to those rural hospitals and to those rural health care providers instead of giving about 40 percent of it directly to the insurance companies that we do not even know if they will be passing that money along to those rural hospitals. That is why I oppose the Medicare funding plan that the Republican leadership has put before this body.

The truth of the matter is, Medicare+Choice HMO insurance plans are not working for our seniors and they are not working for the taxpayers. The bottom line is, in my district, as I went around in August talking to my seniors at town meetings, they stood in lines to tell me that their Medicare+Choice plans have been cancelled. In fact, 5,000 of them in my district received notices of cancellation just a month ago, and the truth of the matter is Medicare+Choice is being cancelled all across this country. That is why we need greater accountability, and that is what this motion is addressing.

Thirty percent of all Medicare beneficiaries in this country will have no Medicare+Choice option. Last year, 328,000 seniors got these notices of cancellation. This year almost a million seniors got notices of cancellation.

If one has looked at the recent General Accounting Office report on Medicare+Choice plans which was just issued, it will reaffirm the case that I am making tonight that our HMO plans are failing our seniors and our taxpayers.

Listen to this from the summary of the GAO report: Industry representatives contend that the Balanced Budget Act's payment rates are too severe and that low Medicare payment rates are largely responsible for the plan withdrawals. However, since the BBA was enacted, Medicare+Choice rates have risen faster than per capita fee-for-service regular Medicare spending. In addition, many plans have attracted beneficiaries who have lower than average expected health care costs while Medicare+Choice payments are largely based on the expected costs of beneficiaries with average health care needs. The result is that Medicare can pay more for a beneficiary who enrolls in a plan than if the beneficiary had remained in regular fee-for-service Medicare. As we, the GAO, recently reported, these additional payments amounted to $5.2 billion or 21 percent more in 1998 than the fee-for-service program would have spent to provide Medicare coverage benefits to plan enrollees.

The plans offered by the HMOs are costing the taxpayers more money than regular Medicare and increasingly those HMO plans are withdrawing from our seniors, and they need to have something better. That is why we fought for a prescription drug benefit under regular Medicare, which works for our seniors.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, briefly I urge my colleagues to vote against this perverse and misguided motion to instruct. I agree the trend of Medicare+Choice plans pulling out of areas across the country is enormously disturbing, but may I suggest to the folks on the other side that they have offered exactly the wrong solution. By forcing plans to commit to 3 years, we are ensuring that plans who are struggling to maintain their service will leave now, right now. Medicare+Choice funding, as the gentleman from California (Mr. THOMAS), noted, is too unpredictable under current HCFA policy.

This motion adds no accountability; just a poison pill. I find it ironic that the Democrats and the President have spent the past week tearing apart the Medicare bill that this House passed, calling the money spent on Medicare+Choice plans unjustified. If anyone thinks that the money dedicated to shoring up Medicare+Choice plans is unjustifiable, I invite them to come to Erie, Crawford, and Mercer County, Pennsylvania. I invite them to explain that to seniors who are facing copays that will double in January and decrease benefits.

If they are indeed serious about stabilizing Medicare+Choice, then I urge our friends on the other side of the aisle to drop this and urge the President to sign the House package and work with us to ensure that seniors relying on these plans continue to have access to quality health care. Do not simply adopt populist poses and deploy vacant partisan rhetoric while requiring Medicare+Choice plans to be at the mercy of HCFA for 3 years. This is no solution. They will simply leave and seniors will be left holding the bag.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member of our Subcommittee on Health.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from New Jersey (Mr. PALLONE), for his leadership on this issue.

Mr. Speaker, December 31, 1998, Medicare managed care plans dropped 400,000 Medicare beneficiaries. December 31, 1999, Medicare managed care plans dropped 327,000 beneficiaries. On December 30 of this year, Medicare managed care plans will again unceremoniously drop 900,000 more senior citizens. Seniors in my district were dropped by United Health Care in 1998. Some switched to QualChoice, which dropped them in 1999. Some switched to Aetna, which will dump them at the end of this year.

A Medicare HMO is not real insurance. It is a roll of the dice that calls itself insurance. Why is the plus choice program failing seniors? Ask the HMOs and they will say it is because the Federal Government is underpaying and overregulating them. Ask the Inspector General and ask the General Accounting Office, and they will say we are actually overpaying and underregulating Medicare HMOs. They choose to hoard the profits they make in some counties while dumping those in less profitable counties.

This does not make them bad. It makes them businesses. It does, however, throw a wrench in it-is-all-the-government's-fault campaign that they are waging. If we are going to pay the managed care industry more, we owe it to beneficiaries and to taxpayers to demand that HMOs act responsibly towards those senior citizens who have enrolled in their plans. That means once HMOs enter a county, they should agree to stay put and they should agree to offer predictable benefits for at least 3 years. That way senior citizens will finally know exactly how long they can depend on their managed care plan. Before we hand over $10 billion, almost half of the new Medicare dollars this Congress is appropriating, before we hand over $10 billion of taxpayers' money to HMOs, before we hand over one dollar, we should do at least that much for beneficiaries. Support the Pallone motion.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) should know, and perhaps he does not, that in the language of the Medicare provisions that were passed last week included was language requested by the Health Care Financing Administration and the Clinton administration, which we agreed with, which we think is appropriate. The language says any dollars contained in this bill as an increase to Medicare+Choice programs must, must go to the beneficiaries in lowered premiums or increased benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a member of the Committee on Commerce and someone extremely interested in this issue.

Mr. WHITFIELD. Mr. Speaker, I am delighted that we are having this discussion tonight about this important issue and, of course, as we move closer to an election it is politically wise, I believe, to attack HMOs. And we recognize that all HMOs, there are some deficiencies there but also I think we must recognize that HMOs play a valuable part of providing health care to people throughout America. As a matter of fact, HMOs for our senior citizens are the only entities offering prescription drugs today, offering eye glasses today and so there are many benefits from HMOs that seniors receive.

There has been some discussion this evening about placing mandates on HMOs, and obviously we do need some mandates, but excessive mandates are not the answer. We have learned that lesson all too well in the State of Kentucky. Our Governor, about 6 years ago, placed such heavy mandates on the insurance companies offering health insurance in Kentucky that every one of them left, with the exception of one, and the insurance premiums in Kentucky skyrocketed and the number of uninsured in Kentucky skyrocketed because of mandates.

Now we can solve the health care problems in America today, but we cannot blame it all on the HMOs. We cannot blame it all on HCFA. But we have to work together. It is a complex issue, and I think that we can solve it.

I am particularly disappointed, however, that so many on the other side of the aisle and the President is now threatening to veto this bill that provides additional money for Medicare, about $31 billion, $6.5 billion to strengthen the Medicare+Choice program; more than $500 million in increased funding for diabetes treatment, nearly $500 million to the Ricky Ray Fund to compensate hemophiliacs, more than $12 billion to strengthen hospitals, particularly rural hospitals. So I would urge the defeat of this motion to instruct.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the motion to instruct by the gentleman from New Jersey (Mr. PALLONE). I thank the gentleman very much for his leadership.

Mr. Speaker, it is interesting, as I have listened to this debate, I heard the distinguished gentleman from Pennsylvania (Mr. ENGLISH) make the comment that is absolutely true. They will simply leave, and that is why we are on the floor this evening because the HMOs around this country have simply left. They have left with no admonishing, no requirements, no responsibility, no concern and no compassion; whether it is conservative compassion or liberal compassion.

I have in my hands pages and pages of those who have left Harris County, and when I go to my senior citizen meetings all of them are looking at me with incredulity asking the question, why are the HMOs closing. And so I believe this is a very instructive and very important motion to instruct, because the good gentleman from California (Mr. THOMAS) mentioned a provision that was put in, the stabilization fund, he knows full well that there is no requirement for those dollars to go back to the beneficiaries. The HMO can sit on those dollars forever and forever and forever.

It is interesting, I heard the gentleman from New York (Mr. ACKERMAN) speak about his district. He mentioned the district of the gentleman from New York (Mr. LAZIO). My good friend, the gentleman from Tennessee (Mr. BRYANT), mentioned the HMOs closing in his district. They are closing in my district. What we are talking about here is responsibility, and to refer to the fact that it is only a 1-year contract that is incorrect, because the language in the regulation says at least 1 year. It does not say only 1 year. It says at least. That means it can go up to 2 years or 3 years.

In addition, Mr. Speaker, might I say that there is some conversation about this actuarial language in the bill; and I hope the President does veto it, in the tax bill. When we call the chief actuary and talk about them reviewing HMOs, he already has 30 people working overtime. He says he needs another 20 to be working to do what this tax bill wants him to do.

This is wrong directed and wrong headed. I want two things out of this tax bill. I want my hospitals to remain open, particularly my public hospitals; and I do not believe we should be giving $34 billion to HMOs where only 15 percent of the seniors are actually enrolled. Give them an obligation to stay in our communities, and I might consider their tax bill.

Secondarily, give us the money to keep our public hospitals and our private hospitals open. When I talk to my constituents, they knew they could not work with the amount of money we had in this tax bill. It does not help home health centers, nursing homes, hospitals. It does not help anyone but the insurance companies. I believe this bill should be vetoed so the senior citizens all over this Nation can have HMOs that will stay in their communities with the requirement to sign a contract for 3 years and the doors of our hospitals will stay open to help the people who are really in need, and that compassionate conservative or conservative compassion, whatever it is, is really a reality that works for the American people. That is what we should be doing here and doing it today.

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Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would tell the gentlewoman that a letter from the American Hospital Association said, "We are urging Members to vote in favor of this legislation and we recommend that the President not veto this legislation," along with 48 other organizations, many of them providers.

I am a bit perplexed by the gentlewoman's $34 billion number going to Medicare+Choice programs, since the Congressional Budget Office score of H.R. 5543 says the total spending over the 5-year period is $31.5 billion.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from California for yielding me time.

Mr. Speaker, listening to this debate tonight, and mindful of the reality of where we stand on the calendar, Mr. Speaker, here we are again with, sadly, my friends on the left apparently attempting to put politics before people. Perhaps it is not intentional, a misunderstanding, a misquoting of figures.

Believe it or not, despite the discord and debate, I do hear some common themes. I do hear friends on both sides of the aisle saying that health plans are crucial for seniors. Indeed, my friends on the left seem to be swearing by these HMO-Medicare+Choice programs, even as they swear at them. So if we agree that these programs are important, why do we not work now to save them?

That is what this House did last week, Mr. Speaker, with the legislation we passed, with the majority of funds going to hospitals. Of special concern to me are rural hospitals across the Sixth Congressional District of Arizona.

Indeed, Mr. Speaker, based on the fact that people knew we were working on this, the gentleman from the Fifth District of Arizona and I, working with our colleagues in the Senate, actually got a decision reversed on a health care provider preparing to leave Pima County.

Now, when we try to set arbitrary guidelines here, what we are doing is padlocking the insurance provisions. What we are doing is trying to stack the deck, and, in the process, kill the very thing we want to see happen.

Mr. Speaker, I would implore those on the left to put people before politics. We have a solution here and now that can work, that can keep insurance programs in place for seniors who have come to depend on those programs. That is why we must defeat this motion to instruct conferees and move forward with the legislation we passed.

Mr. PALLONE. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just say the American Hospital Association may be supporting it, but I have a letter indicating that the Texas Hospital Association is against it, as are the Greater New York Hospital Association, the California Healthcare Association, the Massachusetts Hospital Association, New Jersey is against it, and the Health Care Association of New York State.

So I do think we have some disagreement. This bill should be vetoed.

OCTOBER 19, 2000.

[Letters to the Editor]

The NEW YORK TIMES,
New York, NY.

To the Editor:

Re "Medicare Bill That Favors H.M.O.'s Faces a Veto" (Oct. 18): The Balanced Budget Act of 1997 (BBA) enacted unprecedented and damaging funding cutbacks to hospitals and other health care providers throughout the country. These federal cutbacks are doing serious—and possibly irreparable—damage to our country's health care providers. Now it appears that Congressional leaders are putting forward a BBA relief package that provides disproportionate funding to the HMOs at the expense of desperately needed relief for hospitals and other health care providers. We, who collectively represent more than 1,800 hospitals and other health care providers, applaud the Clinton Administration's call for meaningful bipartisan action to restore urgently needed funds to health care providers. We have consistently supported bipartisan legislation in the Congress, sponsored by a majority in both Houses, which reflects the urgency of desperately needed Medicare funding restorations. Bipartisan leadership and action is needed before Congress adjourns.

Sincerely,

GARY S. CARTER,
President, New Jersey Hospital Association.
C. DUANE DAUNER,
President, California Healthcare Association.
RONALD M. HOLANDER,
President, Massachusetts Hospital Association.
KENNETH E. RASKE,
President, Greater New York Hospital Association.
DANIEL SISTO,
President, Healthcare Association of New York State.
TERRY TOWNSEND,
President, Texas Hospital Association.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I just listened to the last speaker on the other side. Do you know what my seniors are telling me at home? They are telling me they want stability. They are tired of joining a plan, having to give up their traditional providers and their Medigap insurance just because the plan offers extra benefits, and then have the plan abandon the extra benefits the very next year or in fact just pull out in general. They are tired of this.

Mr. Speaker, I would say to the gentleman from California (Chairman THOMAS), the gentleman knows I came to the committee and I asked for a 2-year non-pullout time. I said, "Do you know what? My constituents, the ones that I sat in an open forum with, said to me, 'We do not want to lose this because we have problems. We are sick.

We need to have stability. We want you to go up there, Mrs. THURMAN, and we want you to fight for at least 2 years. Let us at least have 2 years, so that we can have some stability in our plan.'"

Well, do you know what? We offered that, and it was defeated. Tonight we are on the floor offering a 3-year. But, do you know what? I just found out something. How many of you have gotten letters in your district from your constituents who have gotten letters from their Medicare+Choice programs that have said, you know what? Your Congress needs to give us more money.

So do you know what we are doing? We are giving them more money, and all we are asking back is one simple thing: stay there for 2 years. Let us not keep pulling people in and out of that.

But let me tell you what is happening to them. Profits, third quarter profits in one company, was 26 percent. Third quarter profits. But listen to what happened. This is a letter from a constituent that has a plan. Their monthly plan premium is going from $19 to $179, $19 to $179. That does not include what they are going to get from whatever we pass to them. Outpatient, $10 visit copayment to $15. Outpatient hospital, $20 to $35. Under inpatient hospital care, they had no copayment in 2000. Now it is going to be $200 per day, a limit of three copayments per year. Inpatient hospital stay, no copayment last year, now $500 copayment per admission. Then prescription drugs, they even get a lesser prescription drug benefit.

Two years, three years, let us pass this motion.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN), a senior member of the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I think it is time we put this in perspective. Medicare+Choice programs are exactly that, they are Medicare plus, and they are choice programs. Nobody forces a senior to join them; nobody says you have to join it; nobody says you have to stay in it if you do not like it.

In fact, seniors join these Medicare+Choice programs because they like them, because they add new benefits, primarily prescription drug coverage, but sometimes even other nice benefits. Prescription drug benefit coverage obviously is something seniors want to have, and that is why this House passed a prescription drug benefit bill and sent it on to the Senate.

But for those seniors who join these programs, of course we all agree that we do not want these programs to shut down and move out. They have shut down in my district. They are threatening to move out in my district as well.

But the reason cited as the most important reason why they are moving out, according to the MedPac March 2000 report, is the uncertainty of future payments. So can we all agree that the problem of reimbursement is one of the principal causes of hospitals shutting down in the rural parts of America and Medicare+Choice programs moving out?

So we pass the bill, H.R. 5543, which includes new reimbursement formulas, new monies to hospitals, new monies for the Medicare+Choice programs; and as the gentleman from California (Mr. THOMAS) correctly pointed out, it included language that said the money that went to the Medicare+Choice programs must be used for lower premiums and/or more benefits. It has to be used for that. So we provided more money to keep them there, to keep them home, and to keep them investing in our communities, providing these Medicare+Choice programs for seniors. We want to encourage them to stay.

The problem with the motion to instruct is that it may have the perverse effect of destabilizing them even more. What it says is you have to stay for 3 years, whether or not the program is working, whether or not the reimbursements are adequate to cover the benefits that are provided under the program.

The reason why this motion to instruct is wrong, even though we all agree that these are good programs that seniors want to have, even though we all agree that we do not want to see them move out of our districts, even though we all agree they are programs that provide extra coverage for our moms, for our dads and for our grandparents who desperately need extra coverage, the reason why this motion to instruct is wrong is it has the effect of destabilizing the presence of Medicare+Choice programs in our communities.

Why would someone come into a marginally profitable area? Why would they come into an area where the reimbursements are not quite adequate to cover the benefits? Why would they come in if they were told, whether or not it works, you have to stay 3 years? They would not come in at all. The chances of them not coming in, not being present for my mom, not being present for our grandparents around America, to have these programs available to them, is much stronger if this motion to instruct passes.

On the contrary, we ought to encourage the signature on H.R. 5543. Let me remind my friends on the other side, you voted to give more money to Medicare+Choice programs. You voted under the Medicare prescription drug bill we passed, or the Stark substitute. You voted for $3 billion more to go to those programs. So you agree with us we ought to help them more, we ought to stabilize them, we ought encourage them to stay so seniors can have them.

But what we ought not do in this motion to instruct is further discourage them, further say there is a bigger risk in your coming to Thibodaux, Louisiana, where seniors would like you to be around. You see, there is a disconnect here. You cannot on the one hand attack these programs and refuse to help them out financially, and then on the other hand say that whether you make it or not, you have got to stick around for 3 years.

Mr. Speaker, this is a bad motion to instruct. We ought to defeat it.

Mr. PALLONE. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this debate is about holding HMOs accountable. It is about accountability. The Republican leadership does not wanted to hold HMOs accountable. They in fact would like to reward them for outrageous behavior.

Evidence: The Patients' Bill of Rights, HMOs are making medical decisions all of the time. Some of those decisions go wrong. We have tried to pass a Patients' Bill of Rights in this body. The Republican leadership has held that up. All we are asking is if they make a medical decision that goes wrong, that they are held accountable.

Let us take a look at this bill that we are talking about this evening. Medicare HMOs should stop breaking their promise to seniors. When a senior signs up with a Medicare+Choice plan, they should have the security of knowing they will not see their coverage reduced or dropped for at least 3 years. We should be able to protect our seniors from those Medicare HMOs that are pulling the rug out from under them.

These were the folks that were supposed to provide seniors with more choices, with prescription drug coverage that seniors cannot get through traditional Medicare, but they are giving seniors no choice at all.

Let me talk about my State of Connecticut. They have jettisoned 56,000 people. I went to Milford, Connecticut, to a senior center, to say to these people, do not get scared. You can go back to traditional Medicare. We came to allay your fears.

A woman raised her hand and she says, Rosa, do not tell me not to be scared. I am scared. You have insurance. I do not have insurance. What am I going to do?

That is what this is about, accountability, HMO accountability. Instead of protecting seniors, Republican Congress protects the Medicare HMOs. We should have passed a bill here last week that would have provided desperately needed funding to our Nation's hospitals, rural, urban, home health, hospice providers. They faced deep cuts in 1997. They need that kind of help from us.

Instead, the Republican Congress turned this bill into an $11 billion early Christmas present to the Medicare HMOs, 40 percent of the money in the bill, even though they only serve 15 percent of the seniors. They did it without any single guarantee that the Medicare HMOs will not stop reducing benefits or dropping seniors' coverage altogether.

Mr. Speaker, we should have learned something from the last time we increased the payment to Medicare HMOs. Last year we gave them an additional $1.4 billion. Let me tell you how they returned the favor; they dropped nearly 1 million seniors. That is why we are asking here for tonight for the HMOs to have some guarantee that they need to stay for 3 years.

One more item. My Republican colleagues would go one step further. They would put the prescription drug benefit into the hands of HMOs; imagine, people who decided to cut the rug out from 1 million people.

Mr. Speaker, this motion says if Congress is going to give $11 billion to Medicare HMOs, then Medicare HMOs should provide seniors with the coverage they promise. Keep faith with America's seniors and support the motion to instruct tonight.

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Mr. THOMAS. Mr. Speaker, it is now my very great pleasure to yield 3 minutes and 10 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would ask my colleague from Connecticut to read the bill and be honest with the seniors of Connecticut. Talk straight. The bill clearly sends every penny of new money to lower premiums or more benefits. Read the legislation.

The gentlewoman is right, our seniors are scared; and they have every right to be scared, because, my colleagues, when you push seniors out of Medicare+Choice, and you are going to with this kind of proposal, you are going to close up every plan within a month of passing this kind of legislation because the plans will have no choice. The seniors are scared because they are not going to be able to get into medigap plans. Most of them cannot afford them and those plans discriminate on the basis of preexisting conditions. Seniors will have no choice but Medicare, and they are in Medicare+Choice plans mostly because they are poor and need those copayments paid, and they are ill and they need a lot of care. So the seniors are afraid and this resolution will force many more plans to withdraw from the market realizing the greatest fears of our seniors.

My Democrat colleagues are going to close them up, because listen to what they want to do. They want the plans to commit to stay in 3 years and cover benefits, and every year we increase benefits, and they are going to make them cover them, but they do not say one word in their amendment about paying for those benefits. Not one word.

Do my Democrat colleagues do their homework? Have they called their plans in the last year and asked them why they are losing money? Have they gone in and looked at the data that the plans have given them? Did it occur to my colleagues that when this body has given bigger increases to hospitals, nursing homes and home health cares every single year for the last 3 years and a 2 percent increase at maximum to our Medicare+Choice plans that they might be having trouble paying for the benefits that we want them to pay for? Of course. That is the problem.

That is why the Committee on Ways and Means Democrats voted with the Committee on Ways and Means Republicans to give these plans a 4 percent increase this year; and, as a result of the amendment of the gentlewoman from Florida (Mrs. THURMAN), because as she passionately described the fear and problems for her seniors if these plans go under, we gave them a higher increase, if they would come back into the market. Yes, we did that on a bipartisan basis, because we examined the facts. We talked to the plans, we talked to HCFA, we evaluated the information. That is our job on this committee with primary responsibility over Medicare.

Then, the President comes out and he says he wants 1 percent. Do we think they are going to stay in the markets with 1 percent when they have only been able to stay in the markets with the highest AAPCC at this time? And those happen to be the most densely populated markets, so they have the highest number of participants and it helps them stay in?

I am outraged, outraged that my Democrat colleagues would let politics bring this House floor to this level of dishonesty when they know that no plan will be unable to commit to 3 years and cover the benefits when they do not even guarantee them payment.

This amendment says nothing. It says negotiate. Well, the President wants 1 percent. Remember? The President said we only needed to add $21 billion back to Medicare. The Republicans said no. We have to add $28 billion back, or our hospitals will go under, our nursing homes will go under, our home health agencies will go under.

Give our seniors a break. Give our seniors a break. Give our health care providers the money they need to stay alive to not only serve our seniors, but serve the rest of the community that depends on our community hospitals, our nursing homes and our home care agencies. And yes, give them that choice of Medicare+Choice plans.

Mr. PALLONE. Mr. Speaker, I yield myself 30 seconds.

I just wanted to read from this report of the GAO that came out in September and it says, "Although industry representatives have called for Medicare+Choice payment rate increases, it is unclear whether increases would affect plans' participation decisions. In 2000, 7 percent of the counties with a Medicare+Choice plan in 1999 received a payment rate increase of 10 percent or more. Nonetheless, nearly 40 percent of these counties experienced a plan withdraw."

The bottom line is, the Republicans are saying they want to give all of this extra money to the HMOs. The minimum they could do is provide a 3-year guarantee and keep the benefits the same way, because otherwise, it will not work.

Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, it is a hard act to follow from my colleague from Connecticut, but I rise in support of the motion to instruct. Rural areas like mine in western Massachusetts, and not so rural areas like the gentleman from New York (Mr. LAZIO) like Long Island, have been left high and dry by Medicare HMOs. They have largely abandoned rural markets to providing a prescription drug benefit for senior citizens, and those plans that do remain have raised premiums by as much as 300 percent in some cases.

Now, I support giving better reimbursements to health care providers that were harmed by the Balanced Budget Act. Hospitals, nursing homes, home health providers, and even HMOs need our help. But it makes no sense to me to give billions of dollars to HMOs, while allowing them to abandon senior citizens in rural America without coverage for prescription drugs. Such a handout to HMOs without holding them accountable is a reckless use of taxpayer dollars.

Mr. Speaker, if we are to give money back to the HMOs, we should have some guarantee that they will not take the money and run. We must add, we must require HMOs to offer a fair plan to all seniors for drug coverage that they desperately need.

Mr. THOMAS. Mr. Speaker, it is my pleasure now to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to speak to my friends on the other side of the aisle.

My dad is 82 years old. He has macular degeneration, and he has diabetes. That means he is legally blind, he cannot read his blood sugar level, and he is trying to live independently.

Now, I do not know what my Democrat colleagues think about when they play games with our seniors like my father, but it seems to me that there is a consistent pattern around here for the last 3 weeks to put politics over people over and over again.

Here is a bill that has been endorsed by the American Hospital Association, the American Cancer Society, the American Federation of Home Health Care Providers, the National Association of Childrens Hospitals, the National Association of Rural Health Care Clinics, which I know they do not care about that, because the gentleman from Rhode Island (Mr. KENNEDY), their leader says, and I quote, "We have written off rural America."

Now, I know they are proud about that and I know what this is about, but the fact is, I would like my colleagues to think about people out there who have diabetes, people out there who are in nursing homes, people out there who yes, are scared, because you know what? It is November and every 2 years there are certain members of the Democrat party who cannot get reelected, so they get scared and they know the only way they can keep getting elected is to scare senior citizens. It is not right. I have a 97-year-old great grandmother. She does not appreciate putting politics over people. We are tired of it.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I would say to the gentleman from Georgia (Mr. KINGSTON), first of all, that we believe in rural America and the reason the gentleman in New Jersey (Mr. PALLONE) is offering this motion is because we support rural America; and we want accountability. I rise in strong support of this motion.

Congress has a responsibility to protect seniors and stop protecting the HMO industry. This motion is designed to require accountability for Medicare HMOs. This issue is especially important to my home State of New Mexico. Earlier this year, between 15,000 and 17,000 New Mexico seniors were told that by year's end, they were being dropped from their Medicare+Choice coverage. Needless to say, a frantic plea for help rang out from seniors asking for a solution.

Mr. Speaker, I am opposed to the solution offered by the majority to shovel more and more money to HMOs; and I urge support of the Pallone motion.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), a member of the Committee on Commerce.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I have sat and listened to this tonight and what misses out of this debate is the human face behind the issue. It is that senior who sits at home, that has no coverage; that senior who has a Medicare system that this institution has refused to change year after year after year, that does not meet the needs of medicine today, the diagnostic tools that exist and the treatments that are available to those that can pay.

We ought to have a debate today about the changes in Medicare, but we are not. We are going to have a debate about how we hamstring choice for seniors, how we tie up the companies who can provide that choice so that, in fact, they will not, further taking seniors and limiting them to the existing system.

Now, the gentleman before me, the gentleman from New Mexico (Mr. UDALL) said that it is just about paying them more money. One of the reasons that they are dropping out of the system is that we underfunded this particular portion, and every Member bipartisanly has agreed to that. But the question is, is there accountability? Can they prove the value of their service? I believe that they can; I believe that this motion to instruct in fact hampers any additional plus choice options in the marketplace for seniors that either have been dropped or are currently underserved.

Mr. Speaker, I would encourage every Member to vote against this motion to instruct and to vote for additional choices for seniors with health care.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, facts are awfully hard to quarrel with. What are the facts? Last year, we gave the HMOs $2 billion and more. This bill gives them $34 billion and more. HMOs have pulled out. Last year they pulled out and left about a half a million Americans without coverage. They have pulled out on almost 1 million more this year. The motion to instruct says one thing, and that is, if you are going to take this money, stay for 3 years.

What is so hard for my colleagues on the Republican side to understand? This is simply about accountability. They are going to get a lot of Government money, and they ought to stay to take care of the senior citizens.

Now, perhaps that is hard for my Republican colleagues to understand; but it is not hard for the GAO or for the Inspector General of HHS who said that the HMOs are now being overpaid. They have got more money than they need, but they do not have enough to satisfy them.

Now, some of the statements that were made on this side of the aisle have really touched my heart, and I would be much impressed if they were true. They talked about these important unfortunate HMOs. Well, these poor HMOs are pulling out on America's senior citizens and leaving them without coverage. That is what they are doing. The motion to instruct says, you are going to take a lot of Federal money, some $34 billion or $36 billion last year and this year, so stay around for a while and provide services. What is so hard for my Republican colleagues to understand about that simple fact?

Now, if I were crafting this bill, I would do it to really help the senior citizens. I would see to it that we put in a decent program for prescription medicine so that they have it. HMOs could take this money, they do not have to do anything for it, except put it in the pockets of their executives or to see to it that it goes into the bottom line in dividends.

I would see to it that it goes to hospitals, to home nursing, and to nursing homes, so that we can really help those who need it. That is how we do the job.

□ 2030

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), a member of the Committee on Commerce, who can tell my colleagues the real impact of this bill.

Mrs. WILSON. Mr. Speaker, the gentleman from Michigan (Mr. DINGELL) who just spoke talked how he would write this bill if he had the opportunity to, but the underlying bill went through the Committee on Commerce, and he voted for it.

The reason he voted for it is it is a bipartisan bill, and it is a good piece of legislation. I want to talk about the Medicare+Choice provisions because I was the author with the gentleman from Minnesota (Mr. LUTHER), a Democrat, of the underlying bill. Senator WYDEN and Senator DOMENICI were the authors in the Senate.

The biggest threat to eliminating the discrimination against States like New Mexico is not a motion to instruct. It is that the President of the United States has said he intends to veto this bill which will save health care coverage for a million Americans, 15,000 of whom live in New Mexico. And do my colleagues know who runs the HMOs in New Mexico? The Catholic church, the Presbyterian church, both of them running nonprofit corporations and Loveless hospital that has been serving our community for almost 60 years.

Mr. Speaker, I encourage the President of the United States to sign this bill and restore health care for America's seniors.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we need to understand that the motion to instruct really ought to be, as the gentlewoman from New Mexico (Mrs. WILSON) said, to instruct the President to sign the bill. It is time to stop the politics. This is a bill that not only funds the providers, the hospitals, the home health care skilled nursing, but it creates a biannual test for Pap smears.

It screens glaucoma. It screens colonoscopy. It eliminates the time on

Medicare benefits for immunosuppressive drugs. It puts limits on prescription drug charges so seniors are not bilked by unscrupulous providers. Yes, and it tells the plans that if we provide them with money, that money must go to beneficiaries.

This motion to instruct is all politics, and the President's failure to sign the bill is all politics. Let us end the politics. Vote no on this motion to instruct and tell the President to sign the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this motion is to protect the seniors and make sure they do not get thrown out of their HMOs and they do not lose their benefits, including their prescription drug benefits. And what the Republicans want to do in opposing this motion is they want to give all this money to the special interest HMOs so they can use it for their executives, so that they can put more ads on to try to lure seniors in to a benefit plan that they are not going to really get, and so that they can use the money for special interests for lobbying and to lobby to come down here and avoid HMO reform and the Patients' Bill of Rights and a Medicare prescription drug program.

This bill that the Republicans have proposed is for the special interests. What the Democrats are saying with this motion is let us make sure that the seniors can stay in a program that they can get their benefits. We are worrying about the little person who is being thrown out of the HMO all over this country, including in my district.

Mr. Speaker, I had a woman that had to go to a dinner. She was lured to a dinner with advertising by the HMO to get into a program with a lobster dinner. They gave her a lobster dinner so she would sign up for the HMO, and then she is thrown out of the HMO and she has nowhere to go.

It is a disgrace. Vote for the motion to instruct.

Ms. VELAZQUEZ. Mr. Speaker, I rise in support of the Pallone Motion to Instruct. This motion addresses yet another failure of the managed care system. The Medicare Plus Choice plans are currently constructed so that an HMO in the system can drop out at any time, leaving its patients to find another choice provider, or to re-enter the standard Medicare system. Often, this happens on very short notice.

This motion seeks to ensure that our frailest citizens do not suddenly find themselves kicked out of the system they depend on for their health coverage. Since January of 1999, this has happened to over 700,000 senior citizens nationwide. The Health Care Financing Administration estimates that over the next year, 10 to 15 percent of the nation's Medicare Plus Choice beneficiaries will find themselves in the same situation.

Therefore, we must support this motion to ensure that all providers offer coverage to seniors for at least three years after they join the system.

More importantly, rather than trying to mend an already fraying safety net, we need to pass comprehensive legislation—in particular, a patient's bill of rights to protect all Americans. If we had done this in this Congress, HMOs would already have been put on notice that we will not allow them to place profits over the health of people.

Last October, 275 Members of this House, from both sides of the aisle, passed a strong HMO reform bill. The Republican leadership has allowed it to die in conference, again thwarting the will of the House.

Even worse, Republicans are ignoring the demand of the American people for health care reform. They are also showing that they are more concerned about big business than the health of the American people.

My colleagues, we have a chance today to say that we will no longer stand by while the health of our senior citizens is sacrificed on the altar of corporate greed. If you agree, then I urge you to vote in favor of this motion.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PALLONE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 183, not voting 79, as follows:

[Roll No. 576]

AYES—170

Ackerman
Aderholt
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (OH)
Capps
Capuano
Cardin
Carson
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Hall (OH)
Hall (TX)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Stabenow
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu

NOES—183

Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kelly
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—79

Abercrombie
Allen
Archer
Barr
Becerra
Bereuter
Bishop
Boucher
Brady (PA)
Brown (FL)
Campbell
Clay
Clayton
Conyers
Cooksey

Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dooley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gillmor
Gordon
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Hyde
Kanjorski
Kaptur
Kasich
Kennedy
Kilpatrick
Klink
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Lipinski
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Moran (VA)
Murtha
Owens
Oxley
Pascrell
Pickett
Riley
Sanchez
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stupak
Talent
Tancredo
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Weygand
Wise
Wynn

☐ 2055

Messrs. CANADY of Florida, ISTOOK and MINGE and Mrs. CHENOWETH-HAGE and Mrs. KELLY changed their vote from "aye" to "no."

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON MONDAY, OCTOBER 30, 2000

Mr. REYNOLDS. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for morning hour debate, and 10 a.m. for legislative business.

The motion was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate from Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 119. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

HOW MUCH IS ENOUGH?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, there is a simple question we confront tonight as we have moved in this common sense Congress to reach compromise and consensus in a bipartisan fashion. That is, after agreeing to many provisions on both sides of the aisle, with what some would call reasonable and others would call overly generous spending packages, Mr. Speaker, we are facing this question: How much is enough?

I would turn to the legislation we passed at midweek last week in this 106th Congress, reasonable plans that offered tax relief, but more importantly, ordered a Medicare refinement and restoration plan needed for our hospitals, needed for our home health care, needed for our nursing homes, and other provisions actually requested by the President of the United States who came to Arizona to embrace a new markets initiative, part and parcel of the bill we passed last week, and yet sadly so many people on the other side voted against it.

Mr. Speaker, how much is enough?

HOW MUCH MORE DOES THE PRESIDENT WANT?

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I think a lot of the American people are surprised that the Congress is still in session. I think a lot of people back in my district cannot believe that we have not resolved our differences. This chart is a little hard to read, but it follows on with what the gentleman from Arizona was talking about. What it shows in red is what the President requested in each of his budget requests per category.

On Education, Labor, HHS, the chart is about the same. Agriculture, right on down the line. In fact, in one of the areas in the Defense budget we are actually giving more than he requested. By the time we are done with this bill that we debated so hotly tonight, at least the motion to instruct, we are going to give the President significantly more than he originally requested, which leads to the real question that not only we in Congress but the American people, and frankly, members of the working press, ought to be asking the President of the United States: How much is enough?

☐ 2100

Now, we have been willing to meet with the President to negotiate in good faith. We have met him more than halfway. But we should not be in session today. How much is enough, Mr. President?

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, yesterday, October 28, 2000, I was unavoidably detained and missed two rollcall votes, Nos. 572 and 573. I would like the RECORD to reflect that I would have voted "yes" on rollcall No. 572 and "yes" on rollcall No. 573.

CONGRESS FIGHTING BATTLE OVER BUDGET

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, it is a pleasure to be here this evening. This is an historic event. We have never met this late in our legislative season since World War II. But perhaps this is not all bad. We are fighting a battle here, too; and that battle is to keep the budget down.

Over the past few years, when we approached this point, the President demanded more spending. In order to wrap up this session and get home for elections, we capitulated.

This year we are not going to do that. The President is trying to shanghai us by saying, we will only let you go for 24 hours. You have to be here every day, even though there is nothing to do, because they are not negotiating.

I think it is rather unique. But we are here. We are willing to work. We are eager to work. Unfortunately, the President has been out on the West Coast raising money. But as soon as he gets back and as soon as he is willing to negotiate with us, we are ready and willing to negotiate. But we are not going to give the ship away. We are going to restrain the budget and do the best we can to keep the budget balanced.

ISSUE IS NOT HOW MUCH MONEY

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, the issue is not how much money. The majority voted last week to increase the caps to $645 billion in spending. That is $13 billion more than the President requested. The Blue Dog Democrats suggested a compromise of $633 billion a long time ago. The majority refused to talk to us.

I hope we will stop talking about money. Money is no longer the issue. Because if we exceed $645 billion cap for 2001, there will be sequestration and we will bring all the spending back to $645 billion, which is what the majority has set for the caps, which is way too much spending.

So I hope we will stop this misdirected rhetoric tonight. Because that sign there "how much is enough?" has no relevance whatsoever to any of the issues that we are talking about because we all agree now that $645 billion is the cap.

PRESIDENT HAS DEMANDED BLANKET AMNESTY FOR ILLEGAL ALIENS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the gentleman may or may not be correct in terms of what the issue is. The President always is pushing us to spend a little more on health care, a little more on education. But the fact is what is the real issue that is keeping us here?

The real issue is the President has demanded a blanket amnesty for millions of illegal aliens in our society. So all this money that he is talking about, a little more for education, a little more for health care, will be totally negated even if we give in to the President because we will be then adding millions of more people into eligibility for these same government programs.

The President is keeping us here in order to pressure Congress to issue a blanket amnesty for millions of illegal aliens and then thus making them eligible for every government benefit that supposedly should be going to the American people.

This is a noble cause for us to stand our ground here in Congress to protect the American people, not to let the President bring in millions of illegal aliens in order to consume the scarce resources available for them in health care, Social Security, and education.

ISSUE IS WHAT ARE WE SPENDING MONEY ON?

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, I think it is apparent to all of us that the question is not how much is enough. We are already spending more than we ought to be. The majority voted to spend $645 billion when you raise the caps. The President did not ask us but for $637 billion.

The issue is what are we spending the money on? That is why we are here. That is what we are arguing about.

The truth of the matter is most of us on this side of the aisle want to spend more money on our rural hospitals and our health care providers and less money on the insurance company HMOs than the Republicans have put in the bill. And the truth of the matter, even Senator JOHN MCCAIN pointed out that there is $21 billion in this legislation that is just pure pork.

Every newspaper in the country has been editorializing on the fact that the majority has stuffed this bill with pork for partisan purposes to help folks that are in tough races.

So let us get the pork out, and let us save our rural hospitals that are about to close in my district. Let us increase the reimbursements to our health care providers. And let us not give the lion's share to the big insurance companies.

REIMBURSEMENTS TO HMO'S AND MANAGED CARE

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, I want to bring some clarity to the issue that we just debated and voted on, and that is this issue of reimbursements to HMOs and managed care.

I no longer have a managed care institution in Montana. The one that was there was forced to close down a year ago. I sat down with HCFA, the Clinton administration, and that HMO to try to keep it alive a year ago. And one of the things that I discovered is that when the Clinton administration forced the closure of that HMO, it knew that it was going to cost more to provide health care to those seniors under the fee-for-service Medicare than it would under the HMO. And this was a provider-based HMO.

I thought to myself, why in the world would they do that, would they force people into poor coverage, no prescription drug coverage, and higher deductibles when they knew it was going to cost more? Then it dawned on me. The Clinton administration wants to destroy managed care, Medicare+Choice.

What we have here is Democrats coming to this floor pretending that they want to keep those seniors who have that program covered, when the reality is they want to destroy that program because they do not want seniors to have a choice, but they want to blame Republicans for doing it. And it is wrong, and they are wrong for doing it. We did the right thing by voting that resolution down.

CONGRESS HAS MORE TIME THAN MONEY

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, we are still here this evening because we have more time than we have money. And when it comes right down do it, the question of the day is "how much is enough?" We have passed appropriations bills through this House. We have passed appropriation bills that met our budget. As we went into the conference negotiations with the Senate, the numbers got bid up.

The President now has gotten almost everything I think he had asked for originally as far as the dollars included in his original budget. But he is demanding more. And that is why we are still here, because we have more time than we have money and more time than the American people have in their tax dollars to continue shoveling into Washington, D.C.

We have an opportunity, Mr. Speaker, to pass a Medicare package, to pass a tax relief package. And all those things are going down to the President, and he is insisting on a veto. I think that is a wrong thing to do. It is the wrong thing to do for the people of this country, for the people of South Dakota, to the rural hospitals, the home health care agencies, the nursing homes, those who need this assistance. We do the right thing.

Let us pass this legislation, and let us get the President to sign it, and then we can go home.

PERSONAL EXPLANATION

Mr. KILDEE. Mr. Speaker, yesterday morning I was detained at a meeting on class size reduction and got here too late to cast my vote on rollcall No. 570, approval of the Journal. I ask unanimous consent that my statement be put in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPUBLICANS ARE PROTECTING SOCIAL SECURITY AND SURPLUS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the Republicans in the House have passed domestic discretionary spending that has kept within our budget. In fact, as a percent of gross domestic product, it is the lowest since 1974.

Now, some of our opponents on the other side of the aisle would like to say that we have passed these larger and larger budgets, but the truth is we have been in negotiation with the White House and we have tried to reach an agreement with him.

As other speakers have said earlier, we have matched him on most of the bills that have been passed. There are just a few outstanding that are still being negotiated. But the President wants to continue to add more and more money in and start more and more new programs.

We are protecting Social Security. We are protecting the surplus on Social Security. We are protecting the surplus for Medicare. We have even passed a bill that gives some tax relief and also strengthens Medicare by adding more than $12 billion and to strengthen hospitals, including more than $1 billion for rural hospitals. In Kansas, rural hospitals are in desperate need of this legislation and this bill. But the President is holding it hostage and is refusing to do it.

So, Mr. Speaker, I just hope that he will sign these bills into law and we can finish this session.

PRESIDENT THREATENS TO VETO FEDERAL EXCISE TAX ON TELEPHONES

(Mr. PORTMAN asked and was given permission to address the House for 1 minute.)

Mr. PORTMAN. Mr. Speaker, we are still here tonight for one very simple reason. We are here with another battling with the President of the United States. He would like us to spend more money, and he would like us not to cut taxes for the American people. It is unbelievable.

As we are working here tonight, the President is threatening to veto very reasonable, even targeted tax relief that helps people save more for retirement, helps people obtain health care, helps people be able to improve our schools and construct more schools around this country.

He has even threatened to veto tonight the repeal of the Federal excise tax on telephones. This is the 1898 temporary luxury tax put in place on telephones that lives on today. This tax hits particularly people that have fixed incomes very hard.

Think about it, everyone in America needs a telephone. It is very important to those of us who are worried about our economy and worried about what is going to keep our economy going that telecommunications not be taxed. Yet the President believes this tax, this 3 percent tax that is on every one of our phone bills that goes into general revenues that was put in place in 1898 as a temporary luxury tax ought to continue in existence.

We have a surplus all created by the American people. Let us hope this President begins to give a little meaningful, serious, reasonable tax relief.

LET CONGRESS STAND UP FOR PARENTS AND TEACHERS AT LOCAL LEVEL

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, we are in Washington today talking about some very important issues. Over the last 3 years, my subcommittee has had the opportunity to travel around the country and take a look at education to see what is working in America and what is not working in America.

It is exciting to go down to the State and local level and see what parents, teachers, and local administrators are doing to bring about excellence in education. We need to reinforce those efforts and let people at the local level continue to innovate and move forward.

We contrast that with what is going on here in Washington. We have a Department of Education that has failed its audit for the last 2 years, has numerous cases of waste, fraud, and abuse. And now the President wants to put additional programs under the jurisdiction of the Department of Education so that there are more Washington programs and bureaucrats telling our local parents and administrators what to do in education.

This is a discussion and a debate about who controls our local schools. Let us stand up for parents and teachers at the local level.

WHY CONGRESS IS IN SESSION ON SUNDAY NIGHT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we are here on a Sunday night. I want to tell my colleagues, I am kind of sad. I would rather be with my family. But I will tell you one thing, it is my duty to be here and fight for the things that I believe in.

One of the things that I am fighting for is little old Brantley County, Georgia. Because, see, the President has a scheme to federalize school construction. He wants to have school construction run out of Washington, D.C., for every county school board in the United States of America. We want local control.

I want to tell the folks back in Brantley County, Georgia, that you are going to continue to be in charge. We are here to fight for classroom size. I am with the President on that. We need to reduce the size of the classroom. But I am away from the President on Medicare reimbursement. He has threatened to veto a bill that has been endorsed by the American Hospital Association. I am here because the President has threatened to veto a bill that would take away 100 percent health care deductibility, which would make health care affordable for small businesses and farmers. That is worth fighting for. And I am here for the Social Security lockbox, which the President has yet to commit himself to.

That is why we are here on a Sunday night, and I am not going to leave until we get this thing done.

□ 2115

LET US SET THE RECORD STRAIGHT

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, we have heard discussion of the school construction provisions of the tax bill. Let me set the record straight. We Democrats want provisions where school boards are given a chance to issue bonds, where the Federal Government pays the interest costs and the bond money is used immediately to build schools. Unfortunately, this tax bill, while it provides some of those bonds, provides not enough and then provides over a $2 billion cost to the Federal Government to liberalize the arbitrage rules in which school boards will be told by the Federal Government to delay building schools, take the money, put it on Wall Street and try to make money by arbitrage provisions. That is how Orange County, California, went bankrupt. That is not a way to help our local schools. The way to help our local schools is to reject the tax bill that passed through this House and instead provide a full $25 billion worth of bonds where the Federal Government will pick up the interest cost. We need to build schools on Elm Street, not skyscrapers on Wall Street.

HOW MUCH IS ENOUGH?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, how much is enough? Three and a half weeks ago we were supposed to have been adjourned, but we are here because of the politics down at the White House, the politics of putting partisanship ahead of people.

Mr. Speaker, I wonder how many of our colleagues ever saw the movie "The Jerk." It is a rags to riches to rags story wherein the main character is evicted, and he is kind of hanging on to the last bits of furniture and items in his home as he is walking out the door, as he says, I don't need anything else. I have everything I need except for this lamp.

We are seeing that go on over at the White House today: We do not need anything else except for amnesty for illegal aliens. We do not need anything else, I got everything I need except needles for heroin addict. I do not need anything else except for more Government employees, and that is all I need, except for this, I need more Government construction. That is what we are seeing going on at the White House, The Jerk. It is a great movie. Everyone ought to see. How much is enough, Mr. Speaker?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THANKS FOR THE SUPPORT AND ENCOURAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL of Montana. Mr. Speaker, tonight is a difficult moment for me because this probably will be my last opportunity to address this House because when this session ends my service in this institution will end. I would just like to take a moment, if I could, and reflect upon these last few years. I think back to my father, who left school when he was 13 years old, the end of eighth grade. He had to do that in order to get a job, in order to support his brothers and his sisters and his mother. He served in World War II and after the end of the war, a friend offered to lend him $100 to get started in a tire repair shop. He jumped at the chance to take that loan and start that business because he saw that as his only opportunity to realize what we referred to, I guess, as the "American Dream."

What I remember about my parents is how hard they worked because they worked hard all of their lives. My father is no longer living. I can remember my mother even taking care of boarders in our house in order to help our family make ends meet. So if we measure success by how much money people accumulate or how many things they have, then we would not put my parents in the success category. They measured success another way. They believed in certain values. Those values were hard work and family and faith and individual responsibility, and they believed that in this country and in our society that if one works hard then anybody can have their chance to pursue their dream and their idea of success. They believed also that it was every generation's obligation to make sure that they passed that opportunity on to the next generation of Americans.

My sisters and I inherited more opportunities than my parents had. I got to go to college. I raised a family. I had a successful business. I have a terrific wife, three wonderful children, three delightful grandchildren. When I asked the people of Montana to elect me to represent them here, I told them that for me this was about our children and about our grandchildren.

The people in this country, the people of Montana, were frightened just a few years ago. They thought perhaps this idea, this American dream, was lost for generations to come, and the reason for that was their government. If we remember, we had deficits, $250 or $300 billion a year going forward as far as the eye could see. The national debt was approaching the size of our national economy.

Social Security and Medicare, two important programs, were in serious jeopardy. Medicare was scheduled to go to bankrupt.

It was not just a budget deficit that the people of Montana were expressing to me. They said there was another deficit, too, and that was the deficit in individual responsibility and personal responsibility that they saw in our society; a runaway welfare system; illegitimacy; broken families. The list goes on and on. We have made a lot of progress in the last few years on these important subjects. The fiscal house of the nation is in better shape than it has been in a long time. We cut over 50 Government programs to help get us there. The budget is balanced, and it looks like it will stay balanced long into the future. Medicare at least is solvent for another 20 years. Social Security, we have ended 40 years of raiding the surplus in the Social Security trust fund, and that money hopefully will be set aside for generations in the future as well.

We lowered taxes for our families so that those families can make more decisions over how their money gets spent, empowering them to make better decisions as well.

This country is a unique place and it is based upon an idea, an idea, I guess we refer to it as the American dream, but it is also important for us to realize it is based upon principles of freedom and the principles of liberty, because that is how we pursue our dreams. That is why we are a creative nation, why we are entrepreneurial, why we are competitive and why this is such a dynamic place to live, is because of these freedoms and this liberty.

I have endeavored throughout my service here to promote those values, the values of competition, of freedom and liberty, to empower people and give people the power to make their own choices.

There are some people that I want to thank tonight, my wife, Betio; my mom, who watches C–SPAN religiously and thinks that the gentleman from Arizona (Mr. HAYWORTH) is the best Congressman, and I am second best; my children, Todd, Corey, and Mike; my grandchildren, Kadrian, Parker, Levy, and one on the way who is not named yet; my loyal staff who has worked so hard.

I especially want to thank the Members that I have served with here. What makes this such a special place, and sometimes I think people watching or listening misunderstand, is that the people carry such passionate views and so much caring about their constituents and the things they believe in to this floor and debate them on behalf of their constituents. I want to thank you all for your advice and your counsel, your help and your support and your encouragement; and finally I want to thank the people of Montana who temporarily entrusted me with this job, caretaker over this office. I want to thank them for the honor and the privilege they have bestowed upon me to represent them in this special place.

GOVERNOR BUSH'S TAX PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, our economic prosperity is fragile and the political reasons, the political rhetoric out there in the country threatens to put that prosperity at risk. The Governor of Texas has mocked the importance of fiscal responsibility. It is in his political interest to tell the country that decisions made in Washington over the last 8 years have nothing to do with the economic prosperity that we have enjoyed over the last 8 years. Not only is he wrong but his statements lay the foundation for some very, very dangerous economic policies.

The Governor of Texas is correct that the lion's share of credit for our economic prosperity goes to American workers whose ingenuity, whose hard work, whose inventiveness are unparalleled; but for political gain, he denies that there is another essential element and that is fiscal responsibility here in Washington. When he denies that the Federal Government has anything to do with how our economy performs, he grants us here in Washington a license to be fiscally irresponsible, because if Government really has nothing to do with the prosperity over the last 8 years, then the Government is free to do whatever we want it to do without putting that prosperity at risk.

The facts are otherwise. During the mid-1980s, during the late 1980s, during the early 1990s, Americans were hard working. They showed ingenuity, did everything possible to give us prosperity and yet the country was not prosperous, and this is because we did not have fiscal responsibility here in Washington. Now for 8 years, the Clinton-Gore administration has insisted that we have fiscally responsible budgets; and prosperity has returned to this country. If we are told that those budgets have nothing to do with our prosperity, that lays the foundation for the kinds of huge $2.6 trillion tax cuts that this country cannot afford, with the result that Government borrowing will swallow up private savings, returning us to high interest rates and recession.

The second aspect of the Governor's remarks that are clearly false is when he says that under his plan every American who pays taxes will get tax relief. He forgets that 15 million Americans pay FICA tax and do not pay any income tax and for these people, the people who clean up for us in restaurants, the people who take care of our old people in senior citizens' homes and nursing homes, people struggling to get by an $15,000 and $18,000 a year, he gives not one penny of tax relief because he is providing over 43 percent of the tax relief to the richest 1 percent of Americans; nothing for the janitors, everything for the billionaires. He ought to at least be honest enough to tell the country that that is what his tax policy provides.

Finally, Mr. Speaker, when the Governor of Texas tells us that his plan will provide only $223 billion of tax relief to the richest 1 percent over the next 10 years, he ignores everything he is doing with the estate tax. He tells the country he is going to repeal the estate tax but never includes the fiscal effect of that repeal in his description of his overall tax and budget policies.

I can only refer to this as fuzzy fiscal figures and false fiscal facts. The fact is that the estate tax will be generating $50 billion a year. That is $500 billion over 10 years, which means under the Governor's proposal, the richest 1 percent of Americans will save over $700 billion a year under the Governor's proposal. He admits to only $223 billion. He ignores the other $500 billion.

That is why it is true when it is stated that the proposals of the Governor of Texas would provide more relief to the richest 1 percent of Americans than he proposes to spend to improve our health care system, strengthen Medicare, strengthen the military, and improve education combined.

Mr. Speaker, our choice is clear. On the one hand, we can have fiscal responsibility, economic expansion, reduction and eventual elimination of our national debt and moderate tax cuts for working families, all combined with investments in education, Medicare, military preparedness and health care, or we can provide $700 billion to the wealthiest 1 percent of Americans.

THE PROBLEM WITH THE POLITICS OF DIVISION INSTEAD OF THE POLITICS OF UNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, let me just say this, that under the plan proposed by Governor Bush, the janitor, the worker in the restaurant, would, in fact, get great sums of tax relief. But more importantly, rather than this class division, rather than the politics of envy, the Bush promise is to make that restaurant worker the restaurant owner. That is the biggest difference between the Bush vision and the Gore vision, which keeps the poor, poor. And that is the problem when we have the politics of division instead of the politics of unity. I think that is what this is all about.

Now, Mr. Speaker, we want to talk a little bit about what we are doing here on a Sunday night, and joining me are my colleagues from Arizona, Michigan, Minnesota and Colorado; and we are going to ask the question, we are here because how much is enough, Mr. President? Last year the Labor and Education bill, Health and Human Resources, had a sum of $96 billion.

□ 2130

This year, negotiating with the President, we are up to $106 billion. But it is not enough for the President and Mr. GORE. They want more money.

So I will ask my colleague from Arizona, how much is enough? How much does the President want to spend?

Mr. HAYWORTH. Well, if my friend from Georgia will yield, that remains the question, because, the fact is, we are not getting a clear and compelling signal from the White House or from our friends on the left.

You see, we worked together to achieve a consensus in many areas, especially on the bill we passed just last week, which offered not only tax relief, but Medicare refinement and improvement to strengthen Medicare payments to hospitals and home health care facilities and nursing homes, but also something the President embraced when he came to Phoenix, Arizona, the so-called "new markets initiative." Community empowerment. So we had a very broad bipartisan piece of legislation there, and yet we hear now that the President says he intends to veto the legislation.

So, sadly, the answer to the question that my friend from Georgia poses tonight has no quantifiable answer.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to first of all say that as I was stepping out of the Committee on Rules upstairs, I could hear without the electronic means my friend from Georgia talk about the fact that the Vice President is pursuing policies that will help to keep poor people poor, which I think is right on target. That is the one thing I heard, so I compliment the gentleman on offering the truth.

Mr. Speaker, I would like to thank the gentleman for yielding to me, and to congratulate my colleagues for the time that they are taking this evening to enlighten the American people on these very important issues.

Mr. KINGSTON. Mr. Speaker, I would ask the gentleman from Michigan (Mr. HOEKSTRA), does he know how much is enough? I want to refer to our chart again. How much is enough, Mr. President? How much do you want to spend?

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I think what we are finding, especially in the area of education, where I have spent a lot of time and our subcommittee has spent a lot of time, it is no longer an issue about money, but, for the President, how much is enough? How much more authority does he want to move from a local and State level to Washington?

We know that he would love to start getting Washington involved in school construction, get Washington involved in hiring teachers. So for the President, it is not an issue of money anymore. Republicans have said we will match him on money.

"Enough is enough" now for the President is only when we move the decision-making for how we spend those dollars from the local level to the Department of Education here in Washington. That is now where the President is saying, "I need more and I want more."

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I thank the gentleman from Michigan for that, because one of our major issues that is outstanding right now with the President is the fact that he wants school construction to be federally controlled; and we want to leave it locally controlled, where less dollars will be spent and local people will decide what needs to be built. It should not be in the hands of Washington bureaucrats.

I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, how much is enough? That is the question of the evening. Well, I would suggest to the gentleman from Georgia that is really a moving target. We do not know, because the President insists upon every bill that comes down there, this much more, this much more. I think whatever the number was yesterday, it just increased by about 20 percent today.

But if one looks at why we are still here, and the gentleman from Michigan is absolutely right, this really is about whether or not you want to consolidate more power in Washington or whether you want to distribute power back to the people who live in our States and our communities, our families. That is the issue of the day.

PREPARING THE BUDGET

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I did not intend to get into this tonight, but I know my friends on the other side of the aisle are not intentionally attempting to mislead the people tonight, because I know them too well. I have worked with them on too many issues, and I think it is awfully important. Anything I say that any of them wish to challenge me on, I will be glad to yield some time, because I do not want to do that which I accuse you of doing.

When we start talking about how much is enough, I believe when we passed the foreign operations appropriation bill, those of you who voted for that voted to increase the caps for spending for this coming year to $645 billion. Now, that is more than the President has requested to spend.

Therefore, when you start talking about the budget, the President originally this year called for $637 billion in spending. My friends on the other side said you wanted to hold it to $625 billion. The Blue Dogs suggested a good compromise in between at $633 billion.

Our $633 billion got 170 votes. In fact, we had 37 of you voting with us on that. Forty-one more of you and we would not be here tonight arguing about the numbers, because we would have held spending at $633 billion, not at $645 billion.

Now, for about 16 years I was in the majority, and many times I voted with you, and I got criticized quite a bit for being the big-spending Congress. Well, I was voting with you. This year I did not vote with you, because $645 billion was $12 billion more than I thought we ought to spend this year. You are the ones that increased it.

Now, you can put up your chart. I have got a chart over here that will show absolutely, unequivocally, no matter what you are saying on this, that you will spend more than the President has asked. We can point the blame all we want to.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I have a question, not so much for the gentleman, because I have a great deal of respect for the fact he is indeed a fiscal conservative. Many of us are very upset that we are spending as much as we are. But if what the gentleman is saying is true, then perhaps what we ought to do is just go back and take the President's original request and pass them and send them down to the White House. Is the gentleman telling us that he believes the President would sign those bills in those amounts?

That is a simple question, because, if that were true, that is what we ought to do, and we could all go home. But I know the gentleman from Texas (Mr. STENHOLM) knows this as well as I do, every day the bar gets moved. We are not even talking about what the President asked for. Most of the stuff that has been put in the bill right now is at the President's or White House's request.

We are upset we are going over the spending caps. We are now at over $1.9 trillion. We think that is enough. But every day the bar moves. When I have told some of our leaders, maybe we ought to go back to what the President asked for and give him exactly what he asked for, you know what they all say? He would veto it.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, my point was this: if we had agreed on a budget with $633 billion in spending, you would have had a very large number of Democrats standing up with you on that. It is too late for that tonight. It is too late for that.

What I am saying is, your leadership seems to not be able to learn one constitutional fact: if you are going to beat the President, any President, now or any time in the future, you have got to have 290 votes. In order to get veto override numbers, you have got to work with somebody on this side of the aisle, which you have absolutely refused to even consider walking across the aisle to ask any one of us. And the Blue Dogs have given you not once, not twice, not three times, four opportunities to say, we want to work on holding spending down.

Mr. COBURN. Mr. Speaker, if the gentleman would yield further, I would say to the gentleman from Texas (Mr. STENHOLM), I voted with you every time you put your budget up; and I want to tell you, your claim we would not be here I believe is in error, because this institution has a flaw in its design, and the design is it is easy to spend money and it is not easy not to spend it. If there is anything that needs changing in this Congress, it is the appropriations process, whereby staff members, not committee members, know what is in the bill, and backroom deals are done and the spending rises. That is the first thing.

The second thing is the House is gamed against the Senate, the Senate is gamed against the House, and then the President games them both, and the American people are getting a raw deal.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I welcome the opportunity to continue this discussion as we can with the time allocated. Let me yield more time to my friend from Oklahoma.

Mr. COBURN. Mr. Speaker, the fact is we passed a budget out of this House, and we passed the appropriation bills out of this House within $1 billion of that $601 billion. That is a fact. All 13 bills went out and went out on time.

Now, the question is, the question the American public ought to be asking is, what happened after it left the House? And I hope some day they will know how this process works and put people up here who will not allow it to continue.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank my colleague from Oklahoma. I thank my friend from Texas for his perspective. I think it is important to understand that there is far more that may unite us than divide us; and rather than pointing the finger of blame, I think it is important, after we await the verdict of the voters on the first Tuesday following the first Monday in November, if we should be fortunate enough to return to this institution, we certainly welcome our friend from Texas and other like-minded friends on that side of the aisle to join us in a governing coalition to work with the next President of the United States, who could very well be the Governor of my friend's home State, to work to unify and put people before politics and to deal with these real questions.

I do appreciate the fact that he offers a voice of fiscal conservatism. We may not see eye to eye always on tax relief or a variety of other issues; but by the by, I think there is a great deal of agreement, and I do look forward to that opportunity.

I yield to my friend from Georgia.

Mr. KINGSTON. Mr. Speaker, I also want to say to my friend from Texas, I do appreciate, number one, your yielding time for a real dialogue tonight; and, number two, your consistency on trying to hold down the budget numbers, because I think amongst those here tonight, we are all in agreement with you.

Of the other issues that are on the table, though, one of the ones that concerns me and everybody else here, the gentleman from Michigan (Mr. HOEKSTRA), who is a chairman on the Committee on Education and the Workforce, is the President's scheme to federalize school construction. As you know, he wants to put in a big union pay-off and have Davis-Bacon in there and that will drive school construction costs up 25 percent on an average. We in rural south Georgia just cannot afford that. That is one reason why I think that we are here tonight, to put schools above politics.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank my friend. I think this is important, because knowing my friend from Texas and his fiscal conservatism, it simply makes more sense to make the money work harder. You do not do that when you artificially inflate prices for the cost of construction, or, worse still, when you take the authority for school construction away from local school boards and transfer that authority here to Washington.

In fact, I yield to my friend from Michigan, who has great oversight of this in his role in the Committee on Education and the Workforce.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, one of the things that we found as we went and talked to local school districts, but also as we talked to the different State education boards, is that they typically get about 7 to 10 percent of their money from Washington, but they get 50 percent of their bureaucratic paperwork from Washington. So, for all of these 760 programs that come out of 39 different agencies that are targeted at our local classrooms, with each one of those there come costs, burden, and red tape and strings attached, telling local officials, this is what you need to do in your schools.

So what we wind up doing is focusing on process, rather than on what is good for our kids. The people who know our kids' names no longer have full control over what goes on in that classroom. It is time we put our kids before process, that we put learning before bureaucracy; and those are the kinds of issues that we are wrestling with with the president at this time.

Mr. HAYWORTH. Following the tradition of our friend from Texas, I gladly yield him some time to visit on these issues.

Mr. STENHOLM. I thank the gentleman for agreeing. Let me say I happen to agree with you on the Davis-Bacon provisions. I have agreed in the 22 years I have now been fortunate to serve here.

□ 2145

I think it is a terrible mistake to include, especially the new provisions that will allow local board decisions to have Davis-Bacon applied. It has nothing to do with prevailing wage. I have always agreed that Federal contracts ought to receive the prevailing wage. But I have spent a good part of my career attempting to first repeal and then reform the Davis-Bacon act, to no avail. But I happen to agree with my colleagues on that.

I do not agree on creating a new revenue-sharing program for schools. I think we ought to concentrate the money for school construction. So I disagree with my Republican colleagues on that, but here reasonable people ought to be able to work that out, have the legislative process be allowed to work.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for that. I think again it typifies much of what we have heard about, in the midst of this so-called political season where there are honest disagreements.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 121, 122, 123, and 124, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. DREIER (during the special order of Mr. KINGSTON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–1015) on the resolution (H. Res. 662) providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2485, SAINT CROIX ISLAND HERITAGE ACT

Mr. DREIER (during the special order of Mr. KINGSTON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–016) on the resolution (H. Res. 663) providing for consideration of the Senate bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and providing for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I want to come back to this question. I will be happy to yield time to any of my colleagues who are here on the floor, but I really do think this is the question: how much is enough? I say that because I was a member of the State legislature in Minnesota; and I must say, since I came to Washington 6 years ago, and we have always had a situation where the President was of the Democratic Party and the Congress, since I came, has been in control by the Republicans, and that has caused more friction perhaps than it really should. But I was in the State legislature when we had a Republican Governor and a democratically controlled legislature, and we were somehow able to get things done. I mean I do not understand why it is that we have to have this grid lock. I do think this is part of the question, and I also agree that there are other questions that need to be resolved. But it seems to me, and I agree with my colleague from Texas, reasonable people ought to be able to work this out.

We said originally in our budget resolution, we thought we could legitimately meet the needs of the Federal Government and all the people who depend upon it for about $1.86 trillion. My colleague has pointed out that we have already exceeded those spending caps. That bothers me. But we are all now saying, at least most of us are saying, that what we at least ought to do as we see more and more surpluses piling up, this year, at least, that 90 percent of that surplus ought to go to pay down debt. I think just about everybody agrees with that.

When we look at basic things, there is not that much to argue about. It comes down to some simple things, as we saw on the chart. The numbers we have in terms of education are almost identical to what the President asked for. This is not a debate about how much we are going to spend on children. It is a debate about who gets to do the spending. We simply believe more of those decisions ought to be made by people who know the children's names. I do not think that is an unreasonable thing.

Then we are having this debate about whether or not we ought to grant blanket immunity to illegal aliens. I do not think many people in this room right now think that is a very good idea. In fact, I think if we polled the people back in southeastern Minnesota, they would say that is a crazy idea. But now the President is threatening to veto the Commerce, State, Justice appropriation over that issue.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, just to reiterate what has been agreed to, and I think it is important for those of us who hail from Arizona, Texas, other border States, what we have agreed to is a family unification process, because we do not want to see families separated, but by the same token, when it comes to this notion of blanket amnesty, we have a problem when we are dealing with ignoring what is already illegal. And that is where the sticking point comes, and while we have had a reasonable approach, bipartisan, to deal with family unification, I would just make that key distinction as we are dealing with the amnesty question.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield, I want to go back again to the gentleman's "How much is enough?," and remind everyone again, that question has been decided.

The House spoke by majority will that $645 billion is enough; therefore, it is not a relevant argument. The immigration question is a relevant argument. Davis-Bacon applications to school is a relevant argument. There are other relevant arguments, but there is no argument now, at least on the majority side, and I will say not with me either, because once the House has spoken and it is October 29, we cannot go back and redo the budget. Mr. Speaker, $645 billion is the number, and that is more than the President requested.

My only point, had we had this kind of conversation early on and more had joined, as the gentleman from Oklahoma joined with us earlier, we would not be arguing about $645 billion would be enough, we would be arguing that $633, and perhaps we would still be arguing about the other questions, but reasonable people can work those out, and surely our leaders, negotiating as we speak, are finding a compromise on those issues that will be acceptable.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, my colleague from Texas says that we are agreed, but I do not know if the President is agreed, because he has never told us exactly how much he wants to spend in some of these areas that are still being negotiated.

Let me just come back to my point about the State legislature.

Mr. STENHOLM. Mr. Speaker, if the gentleman would yield again on that point, briefly, it makes no difference what the President says on additional spending, because on the budget Rules of the House, if we spend more than $645 billion, we will have to sequester next year in order to bring the spending back. That is the discipline that we used to have in this body, but we have thrown it out the window for the last 3 years.

Mr. GUTKNECHT. Mr. Speaker, I want to come back to close on my story about the State legislature and about how virtually every governor works with their State legislature. At the end of the session, the legislative leaders and the Governor sit down and they decide how much the pie is going to be, how much the State is going to spend. And once that decision is made and there is an agreement made, it takes a matter of about 48 hours for the various committees to work out how much goes to transportation, how much to education. That is what we need to do here at the Federal level; and hopefully, we can have better bipartisanship next year.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, how much is enough?

When we talk about education, it is about where the decisions are going to be made. There are those in Washington who would like to take primary responsibility for building our local schools, wiring our local schools, buying the technology for our schools, hiring our local teachers, developing our curriculum, testing our kids, feed them breakfast, feed them lunch and develop after-school programs. When they get done with taking that decision-making to Washington, they are very willing to step back and say, the rest is now under your control. But in fact, what they have done is they have moved the focal point from our local teachers and our local administrators from taking a look at the needs of our children to taking a look at the bureaucratic requirements coming out of Washington.

How much is enough? We have enough. Local schools get 7 percent of their money from Washington, 50 percent of their paperwork. That paperwork goes to an agency here in Washington that cannot even get a clean set of books, that every time we give them $1 for education spending at a local level, they consume 35 cents of it before it ever gets back to a local classroom.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to point out two things. One of the reasons I think we cannot get an answer to the question of how much is enough is because the President is no longer in town. We know that part of the strategy seems to be keep Washington tied up, keep Congress in Washington, and then I will hit the campaign trail. The President is on his way to Kentucky to campaign against the gentlewoman from Kentucky (Mrs. NORTHUP). Now, that must feel great if one is the President of the United States, but we are talking about children here. We are talking about real business here, and we are talking about, it is time to put people in front of politics.

The gentleman knows, since he has worked real hard on the dollars to the classroom bill by the gentleman from Pennsylvania (Mr. PITTS) that said our efforts on education would go to the teacher closest to the student in the classroom and not Washington bureaucrats. Right now, when we spend $1 on education, 50 cents never gets out of town. That is not acceptable.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding.

I would just say to the gentleman from Texas, as a past supporter of the Blue Dog budget as well, and someone who did not vote to raise the caps to the $645 billion level, that I think if the Blue Dog budget had been the one adopted by the House, it would have met probably the same fate that the budget today has met.

We did our work in the House. We passed bills at a $602 billion level; and the President, as is customarily the case at this point in the legislative process, is extorting us or using I think his leverage at the end game to try and get more money out of the Congress. So that is why this thing keeps getting bid up and bid up and bid up.

We have, in fact, in the past, done some good things here. We balanced the budget. This will be the 4th year in a row. We have stopped the raid on Social Security. We have been paying down systematically the Federal debt over the past 3 years. But all that good work could be for naught if we give the President everything that he wants and everything that he asks for, which, as the gentleman noted, also includes a number of things that we just fundamentally disagree with, like putting more power in the educational bureaucracy here in Washington instead of getting it back in the classroom.

So I appreciate the issues that have been raised by our colleagues on the other side here about the budget; but the reality is, we are still going to be in the same positions that we are in today when it comes to negotiating with the President who wants to spend more and who cannot answer the very simple, fundamental question, and that is, how much is enough?

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, it is an interesting question, and it is a sad commentary, I think, on the legislative process in Washington to just see what is taking place here. We have Democrats and Republicans essentially agreeing that we are spending too much money. Why is that?

At this point in the game, it would seem that if we agree we are spending too much money, it seems logical that maybe a few months ago, a few weeks ago, we might have been able to agree on spending less. But we do have to compromise not only with Republicans and Democrats, but we have to compromise with the White House as well, and we have compromised and compromised and compromised, trying to, in good faith, reach agreement with the White House, the President's liberal spending habits, and yet as a result of our efforts, there is a point in time when it is a legitimate question to ask, how much can we spend? How much is enough? That is the point we are at now. We have conceded on issue after issue after issue with the White House.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, we have to wonder, when is it going to end? That is the question that is on the minds of all of us here. We are here in Washington on a Sunday night, which is completely out of character, first and foremost, but 3½ weeks beyond the beginning of the new fiscal year. We have debated with the White House so long now that the fiscal year has already started, we are passing these 1-day continuing resolutions, and I am afraid, I would say to my colleagues, that what really seems to be driving the agenda down there at the White House is not a real sincere effort to try to come to some resolution on this budget, I think it is motivated by a political ambition to try to scare the American people to believe that we are not paying enough, that we are not spending enough. I hope that we can send the message down to the White House that we have spent enough, that we have already reached enough.

Before I yield to some of my colleagues, I want to reflect on the comment of a 16-year-old girl that I just met back here in the back of the Chamber. She is from Albert Lea, Minnesota in the gentleman from Minnesota's district, and her name is Sara Schleck, she is a page back here and working for the House. I said, you are here on a

Sunday night: what do you think about being here on a Sunday. She said to me, she said, Congressman, is not our Government big enough already?

Mr. Speaker, that is the question most Americans should be asking, and a 16-year-old girl certainly is perceptive enough to realize that we are here because there are people who just want to spend more and for Sara's sake and the sake of my five kids we are willing to stay here as long as it takes to come to the right agreements with the House to make sure we do not spend the country into oblivion. But my goodness, we have answered this question. We have spent more than enough already. The White House wants more, and I just hope that we can come to an agreement that still leaves Sara's future in tact and her debt certainly no greater than it is today.

I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I think we need to build on the progress that we have made. I think we would all agree that getting to a surplus for 3 years now and on our way to a 4th year of a surplus is great progress and great work. Having worked on the Committee on the Budget, if we had said that a few years ago, we would have said, by the year 2000, if we would have gotten that kind of track record, people would have said, no way. But we have done that. So we need to build on that record. We have stopped the raid on Social Security and Medicare, so let us focus on the good things that we have done here as well. Let us build on those things.

The same thing for education. Let us build on the positive progress that we have seen at the local level and then at the same time on a parallel track, let us fix the broken bureaucracy here in Washington.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I would say one of the good things we have done, we passed a Medicare package here last week; and it included some tax relief for people around this country too, a lot of things that I think many of us agree on, and I hope the administration agrees on as well. But the veto is threatened, and that is unfortunate, because we have a lot of rural hospitals and home health care agencies and nursing facilities that are really struggling out there. I think the President needs to explain to the American people and to all of those organizations who are supporting this legislation why he is going to veto it.

□ 2200

This is something that in rural areas like South Dakota is very, very important to the people of my State to make sure that we provide quality health care.

In a bipartisan way we have come up with a package that addresses a lot of those issues for rural hospitals, for skilled nursing facilities, for home health agencies and where we have addressed also some other things that I am very interested and allowing technology to better serve rural health care needs through telehealth. Those issues are included in this package.

The President is going to veto it. That is the wrongheaded thing to do, and that is putting politics in front of people, and that is unfortunate. It is the reason that we are here. But when the gentleman from Michigan (Mr. HOEKSTRA) talked about some of the good things that we have done here in the Congress, that certainly is an example of it.

I think that it is something most of us here this evening would argue are going to benefit, to a very big extent, the folks, the people in our respective congressional districts and States.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding, and I would say this one Member is glad the President is going to veto the tax Medicare bill, because it does not deal adequately with the health problems in my district, in my opinion.

In requesting additional spending, I am well aware that we have to find that money someplace else, because no matter how many times we say how much is enough, we have agreed $645 billion is enough. When I say I am glad the President will veto the bill, I hope we will work out a better package for rural hospitals, teaching hospitals, all of the things that need a little better shake in that.

I say that realizing we have to take the money from someplace else, and I think the HMOs are getting a little bit too much. I think we can perhaps trim some other places. A very respected Member of the other body has said in this spending $21 billion is very questionable.

I do not think that it is wrong for us to suggest a little more on hospitals at home would be a better use of some of that money.

A CONTINUATION OF HOW MUCH IS ENOUGH?

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I want to speak to an issue raised by the gentleman from South Dakota (Mr. THUNE), my friend, regarding the concern that I think we all have regarding our rural hospitals.

The main reason that I object to the bill that was passed on this floor that the President has said he will veto is just the issue the gentleman raised, and that is, it is inadequate in terms of its funding for our rural hospitals and dedicates too much of the money set aside to increase funding for Medicare to the insurance company HMOs.

Mr. Speaker, I have a letter here from a hospital administrator in my district, George Miller. He is the administrator of the Christus Jasper Memorial Hospital. He writes to me and he says we are extremely concerned because as the present language reads in the bill, the one we passed, one-third to one-half of BBA relief over 10 years would go to HMOs, leaving less for providers and beneficiaries in east Texas, such as the Christus Jasper Memorial Hospital. Further, the bill does not prohibit HMOs from dropping benefits or leaving the community as they have done here in Texas and left many of our patients without HMO coverage. We need your help, Administrator George Miller, Jasper, Texas.

That is the concern that I have about the bill that was passed, and that is why I support the President's threatened veto of the bill. The truth of the matter is, HMOs are abandoning our seniors. I only have four counties out of the 19 that I represent that even have an HMO plan offered to them after December 31 of this year.

I clearly, in representing my constituents, want to see more of that increase that we have provided in this bill applied to the rural hospitals, the health care providers, rather than giving 40 percent of that new money to those HMOs.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, me say, number one, that I appreciate the gentleman's sincerity on this issue. However, in terms of the President, I have not seen any alternatives. And as the gentleman knows, this bill was endorsed by the American Hospital Association, the American Cancer Society, the American Federation of Home Health Care Providers, the National Association of Children's Hospitals, the National Association of Rural Health Clinics, Juvenile Diabetes Foundation, the National Association of Community Health Clinics.

I hope that the President, rather than to veto it, putting politics in front of people, I hope he will say, okay, here is how we can constructively make changes and fine tune this thing. I think if it was up to the handful of us tonight, we could work out the differences real quick. And I, too, represent a rural area; and we can have genuine disagreements on it, but I do question some of the motives down on 1600 Pennsylvania Avenue.

Mr. TURNER. Mr. Speaker, it is always easy to question motives, and I really think that what we have to do is try to form our own views on these issues. I am sharing with my colleagues mine, and that is too much of the increase in Medicare money in this bill goes to the insurance company HMOs, and there are only four counties in my district that even offer an HMO Medicare choice plan.

I am not sure how long they are going to be there. I would invite my colleagues to take a look at the report just issued by the General Accounting Office, which tells us a whole lot about the status of these Medicare HMO choice plans. Basically, the message is pretty clear. HMOs are not working in Medicare for either our seniors or for the taxpayers, because what we have seen, last year we had several hundred thousand seniors receive notices of cancellation of their HMO+Choice plans. I believe it was 328,000. And here this year, we have had almost a million receive a notice of cancellation.

The bottom line is, our seniors know that these HMOs cannot be depended upon, and I think what we see in the GAO report is that not only are they dropping out and canceling our seniors, but on average, it is costing the taxpayer more for a senior to sign up for these Medicare HMOs than regular fee-for-service Medicare costs.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, let me just give my colleagues some facts. One of my friends that I went to high school with managed the health care for Wal-Mart. Wal-Mart discovered 7 years ago that HMOs are a terrible way to provide health care; it costs more. It costs them 19 percent more. They no longer have any HMOs.

The other thing, and I am sure that the gentleman is not aware of this, is that both sides of the aisle, when these bills were both in the Committee on Ways and Means and in the Committee on Commerce, had near unanimous votes on all of these issues, specifically the HMO funding, much to my chagrin.

A CONTINUATION OF HOW MUCH IS ENOUGH?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to respond to my colleagues in their discussion on rural health care.

Mr. Speaker, I am very proud to say that in this Medicare bill that the House voted on recently, we had put more money into rural health care than at any time in the existence of Medicare. For the first time, we dramatically increased the floor for rural health payments to a degree that the President never proposed, never anticipated, and, frankly, this house has never proposed in the past either.

My colleague from New Mexico (Mrs. WILSON) did propose in the Committee on Commerce to raise those thresholds to very high levels so the rural areas will be able to provide the quality health care that those people deserve, and that should be the standard of care throughout the Nation.

I am proud of what this bill did, and I am disappointed that my colleagues on the other side of the aisle are not recognizing that this is a unique bill in its generosity to rural areas. That is why the rural providers all support it.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I wanted to quote the American Hospitals Association on this, and the reason why I keep getting back to the American Hospitals Association on this bill is that these are the folks whose members have to pay the bills and have to make ends meet on Medicare.

One of the things I heard over and over again from our hospitals on behalf of our seniors and directly from seniors is we need Medicare relief, and this is what this bill does. The American Hospitals Association says we are urging Members to vote in favor of this legislation and have recommended that the President not veto this legislation. I am just so concerned that the President is putting politics over people. This is legislation that does seek a solution to solve a problem, and it is not perfect.

I do not think we can have a perfect piece of legislation in a legislative body consisting of 435 people and 100 Senators, but it is a step in the right direction.

Mr. Speaker, I thank the gentlewoman for yielding to me.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would point out under current laws these plans would get a 2 percent increase. All we are doing in this bill is a 3 percent increase. This is not big stuff as it goes down here. This is not worth vetoing.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank the gentlewoman for yielding to me, because I appreciate the responsiveness of the committee to a lot of the requests that we made with respect to rural areas, because this is a very difficult, very complex issue. It is a quality-of-life issue for people in rural America. We have long distances.

I appreciate very much the inclusion of the telehealth provisions in this, because allowing technology to help us better meet the health care needs in rural areas is really, I think, the wave of the future. One of the reasons we have had such difficulty with Medicare+Choice is for the reasons that the gentlewoman mentioned and, that is, that making sure that we more fully fund this blend, that we allow some sort of floor there that enables programs, Medicare+Choice programs, to better succeed in rural areas has been a real challenge.

I agree. I mean, everybody would probably write a more perfect version of it; but I do believe, as I look at this bill and the efforts that were made on behalf of the Committee on Ways and Means and the Committee on Commerce on trying to fashion something, it is responsive to it. It is sensitive to the needs of rural areas, and that is why I think, as the gentlewoman mentioned, a lot of these groups, including rural health care providers, have endorsed and supported this legislation.

Granted, not everyone is probably going to come on board. The gentleman from Texas (Mr. TURNER) obviously is not in support of this, but I think when we look at the organizations, the positions they have taken, the groups they represent, this is an effort, a very strong effort to try and address a lot of the shortcomings in providing health care to rural areas to our senior populations. I thank my colleagues for their work on that.

Again, I would be very disappointed if the President were to veto this, because I think it would be a real loss for rural areas in this country, who under this bill would benefit in some significant way.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I understood all the Democrats on the Committee on Commerce voted for this; am I correct?

Mrs. JOHNSON of Connecticut. The Committee on Commerce was a unanimous vote, but I believe it was a voice vote. On the Ways and Means subcommittee, which was the committee that has governed Medicare year after year after year after year, gets into all the complicated reimbursement issues. Improving managed care choice reimbursements by 4 percent was voted for unanimously by Republicans and Democrats.

In addition, we accepted an amendment by a Democrat member of the subcommittee to even improve the reimbursements above that to bring plans into the market, again, when they had not been there before; and again that would help the rural areas.

EXPLANATIONS FOR WHY THE HOUSE OF REPRESENTATIVES IS BEING KEPT IN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have heard many explanations of why we are being kept in. It is important again to reiterate the President is asking us to spend more money in several different areas. Whatever his initial request was, it is irrelevant.

The gentleman from Texas (Mr. STENHOLM) has come up and very eloquently explained to us his point of view on why that is no longer relevant. But the fact is, the President's demands at this time are what is relevant. What is relevant to us and what is keeping us is the President of the United States is threatening to veto pieces of legislation unless we include more money, more money in different areas like health care, education, and different things that he has in mind for his priorities.

However, amongst that list of demands, it is not just more money for these things, but amnesty, a general blanket amnesty for millions of illegal immigrants into our society.

I think the American people who are paying attention to what is going on in Congress right now, when we say that the President is putting politics before people, he is putting politics before the American people. For some reason, he must believe that granting blanket amnesty to millions of illegal immigrants, making them eligible for these education and health benefits that should be going to our own people, that that in some way is going to get him votes for somebody. Give me a break.

The American people should be outraged that their President is holding the Congress hostage, trying to force us in order to get home to campaign, for us to grant a blanket amnesty to millions of illegal aliens which then in the long run will drain money from education benefits, drain Federal dollars from health care benefits, will make our Social Security and Medicare systems less stable.

□ 2215

Why, because we put millions of new people into the system who have come here illegally from other countries. When they were in the other countries of course, they never paid into those systems. So granting an amnesty, blanket amnesty for millions of illegal immigrants is demonstrably against the well-being of our people; and Congress should stay here and fight to the last ounce of our strength to prevent this travesty from happening.

We have also compromised somewhat. We have said we will go along with the President and agree to a family reunion for those immigrants who are here legally now and have families and have been separated and overseas for a number of years waiting to get in and we will let them come into the country. There is a responsible number of people that we would then permit to come in for humanitarian reasons.

But to grant a blanket amnesty for millions, the last time we did this was 1986 and what happened after 1986? It was like a welcome sign had been lit over the United States, "come on in" to everybody in the world who would want to participate in our free society and receive government benefits, I might add.

What we had was a flood of illegal immigration that in my State of California has come close to destroying the viability of our health care system, of our education system. If we take a look at the education scores in California, much of it has to do with the fact that we have had a massive flood of illegal immigrants into our society and we have to pay for their education, even though they just arrived and never paid into our system. That is unfair to our people.

Mr. Speaker, we care about the people of the United States of America. Yes, we care for other people as well. And most immigrants, illegal and legal, are wonderful people. But this bill that the President is demanding insults those people who are legal immigrants, who have stood in line and proven to be our very best citizens because they have come here legally. They respect our laws and they love the United States of America. We cherish their citizenship. But we have made fools out of them if we grant amnesty to people who have just jumped the line and come into our country illegally, thumbing their noses at our laws.

We must resist the President's efforts to force this Congress to ignore the well-being of our own people and bring in millions upon millions of illegal immigrants and give them blanket amnesty. It is unfair. It is not right. We have agreed to a compromise here. We have agreed that we will have some family reunification and that is a responsible position, because it helps those people who are here legally and already in our country to unite with their loved ones. But a blanket amnesty is outrageous, and I ask the American people to pay close attention.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Department of Labor, Health and Human Services and Education.

The form of the motion is as follows:

Mr. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intentions to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for one half of the time remaining before midnight as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I rise tonight with the gentleman from Arizona (Mr. SHADEGG) to talk about health care in America. It is Sunday night. We are in Washington. The politics, rather than people, are front and center stage within the House and the White House and the Senate.

A lot has happened in the last 6 years since I have been in Congress, but nothing has happened to fix the real problems. I want to spend just a little bit of time creating a set of circumstances that the American public might hear tonight about where we find ourselves.

If Americans are in an HMO today or in an insurance plan that is a PPO, a Medicaid HMO or if they happen to be fortunate enough to have pure fee-for-service medicine, the one thing that they know is that over the last 10 or 15 years they have lost a tremendous amount of their freedom. They have no ability to choose the physician or the health care provider that is going to care for them. That very personal aspect of their life, they no longer have a choice.

If Americans are in Medicare, they cannot go outside of Medicare to a physician who would not take Medicare. They have no right to do that under the laws of Medicare. A doctor in this country today, if, in fact, they do not take Medicare and then treat a patient who is in Medicare, will be fined for treating that patient because they are not a contractor to Medicare, even though the patient might want to pay that money themselves.

The point I am making is that all of us, the vast majority of us, have lost a significant amount of freedom when it comes to making decisions about our own health care. That has been displaced by one or two or three other organizations. The first place it has been displaced is by the Federal Government. The second it has been displaced by the payer, it is actually a part of wages, that benefit, that health care, who is making that decision for the employee. They decide what group of doctors they can go to.

If Americans have Medicaid and are in a Medicaid HMO, they do not have the choice of going to the doctor that they want to. They will go to the doctors they are told to go to.

Mr. Speaker, we have lost a tremendous amount of freedom. We have heard a lot of discussion in the campaign rhetoric about a patients' bill of rights. I want to say that if we really had our freedom back, a patients' bill of rights would not be necessary. And the way to get our freedom back is to allow each of us to have that benefit, and we decide personally what we do about our own health care. That is a huge step in the opposite direction the country is going.

The second thing I want to talk about is what we have been hearing in the political rhetoric of the campaign about prescription drugs. Every politician in the country has an answer on prescription drugs, except the right answer. The problem with prescription drugs in this country is they are too expensive. And the reason they are too expensive is because there is no longer competition within the pharmaceutical industry. There is no longer a true competitive industry in the pharmaceutical industry.

How do I know that? Because we have seen the studies. We have seen the collusion. We have seen the fines, hundreds of millions of dollars of fines being charged to pharmaceutical companies. A letter was sent over a month ago to the Attorney General of the United States asking her to look aggressively at competition in the pharmaceutical industry. She has yet to answer that letter that was sent by myself early this summer.

The fact is we know in America, in our competitive society, that the best way to allocate resources, to keep prices the lowest they can be, is to make sure we have competition. What is the politician's answer? Let us create a Government program. Let us create more Government control, rather than less.

Mr. Speaker, what we need to do in the pharmaceutical industry is to enhance and enforce the laws that we have today; and we will see pharmaceutical prices go down. The American public is subsidizing prescription drugs for the rest of the world. It is time that stopped. A Government program will not stop that. A Government Medicare program for prescription drugs will not stop that. All that will do is lower somewhat the prices for seniors and raise them for everyone else.

So if we continue to fix the wrong problems in our country, what we are going to have is a worse health care system, not a better one. Some people would like to see that because they believe the Government ought to be in control of all of it. I do not happen to be one that feels that way.

This House passed a bill this past year called the patients' bill of rights. It is extremely flawed in its ability to help patients and to put doctors back in charge, with their patients, of the care. It is a step in the wrong direction. We should not be doing a patients' bill of rights. What we should be doing is a patients' bill of fairness so that we own our health care, we make decisions about our own health care, and we are responsible for our own health care.

Those benefits that now come to us through an employer should come to us directly, allowing us to choose. As a Medicare patient, allowing them to choose. As a Medicaid patient, allowing them to choose. The only people who really have freedom of their health care, and they do not have much health care because they do not have insurance, but nobody is telling them who they can and cannot go to.

Mr. Speaker, our country was founded on liberty. We have lost tremendous liberty when it comes to health care in our country. A Government fix is not the answer. The answer is to reinstitute what we know works: Rigorous competition to allocate scarce resources.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I will start here and then come down there and use some of those charts. I would like to pick up on some of the remarks that the gentleman has made. Most importantly, the key factor here is choice.

In the gentleman's remarks, he pointed out that most of us, at least most of us in the workforce, those who have a job, if we are lucky enough to have health care at this point in time, if we have health care coverage, we likely get that health care coverage through our employer. That is good, because it means we have health care coverage; and that is an advantage.

But there are some tragedies involved in that structure. First of all it means that thousands of Americans, tens of thousands of Americans, indeed 44 million Americans who are uninsured, they do not get the chance to get their insurance through their employer, so many of them do not have any insurance at all. That is not right, and we need to deal with the problem of the uninsured.

I think the right way to deal with it is to give them a refundable tax credit and let them go buy an insurance policy that is theirs, that is a portable insurance policy that belongs to them and lets them go buy the health care plan they want.

But the other problem with the other half of this structure is those people that get their insurance from their employer. The problem with that structure is we lose all choice. If we work for any employer in America large enough to buy health care insurance, we are offered either one choice or a fairly small list of choices, unless we work for a very, very large employer.

I like to talk about Joe Jordan's Mexican food restaurant, which is where my wife, Shirley, and I went on our second date. Joe Jordan and his family did not go into the Mexican food business because they thought they were good at buying health insurance. They went into the Mexican food business because they were good at making and cooking Mexican food. And yet under our structure today, Joe Jordan has to select the health insurance for his employees and they get no choice.

Mr. Speaker, we can change that. We could go back to a system where we gave individual people choice in health insurance and let them buy the health insurance that meets their needs. And the key to that would be if the plan they bought did not satisfy their needs, if they went out and bought an HMO because they thought it was the most cost-effective type of care they wanted and that HMO did not service their needs or do a good job by them or their family, they could fire that HMO and go hire another one.

The gentleman from Oklahoma said we would not need a patients' bill of rights if health care were a matter of choice, but it is not. We get it through our employers.

Earlier this year, I introduced legislation to give people choice, to let them buy a health care plan of their own, or to let their employer give them essentially the right to go buy with his funds their own health care plan. With that kind of choice, we would, as the gentleman said, we would not need a patients' bill of rights. Because if their HMO did not treat them right, they would fire that HMO and they would go buy an HMO that serviced them well and did a good job by them. Just like they do with their auto insurance company or homeowners insurance company or any of the decisions they make in there lives.

□ 2230

But we are at the point where we are debating on the floor of this House, we have all year and indeed last year as well, the issue of a so-called Patients' Bill of Rights. I think it is important to talk about the differences and the choices in that legislation and why the bill that passed this floor is so bad and indeed would do damage to health care in America. I would like to do that with the charts down there, so the gentleman and I will trade places.

This chart right here kind of shows the fundamental question that faces America on the issues of health care for the working people of America who get a health care plan from their employer. It is a simple, straightforward question, "Health care in America, who should make the decision?" You get three choices: HMOs, lawyers, or doctors and patients.

I think the answer to that question is very obvious. I think doctors, together with their patients, ought to make medical decisions in America. But it is important to understand how the system works today. The system works today to say doctors and patients do not get to make the choice. No. The system today provides that HMOs make medical decisions; indeed, HMO bureaucrats often make medical decisions.

But somebody out there watching might say, well, why are lawyers on this chart? That does not make any sense. I thought it was a battle between HMOs on the one hand and doctors and patients on the other hand. Well, that is what one thinks it should be, but that is not what it is.

Because some of the legislation that has gone through this House and the legislation that the President talks about, the legislation that is discussed by our Democrat colleagues, would not leave power in the hands of HMOs. Indeed, it would take power away from HMOs. But, sadly, it would not move that power over to patients and doctors. It would instead move that power to trial lawyers. And that will set health care back rather tragically.

Since the gentleman is a doctor, perhaps he would like to comment on that.

Mr. COBURN. Mr. Speaker, there is no question today that oftentimes, and even as I have been in Congress as I have continued to practice medicine, proper care has been denied patients in my practice by HMOs and insurance companies.

It is not just HMOs, it is insurance companies, as well, that are making those decisions. And it is not necessarily medical personnel within those companies, but clerks, trained individuals who know how to read a check-off chart that decide who gets care and who does not.

I want to go back to what I talked about first. The greatest freedom we have in this country is the right to choose, the right to choose what kind of practitioner we are going to go to, whether or not we are agreeable to and satisfied with the individual that we have chosen to do very, very personal things with us as we manage our health care and do preventive health care. And in fact too many in this country have lost that right.

I do not believe the answer to it is to create another government bill. Although that may be a short-term solution, it fixes the wrong problem. The problem is not allowing people the tax credits, the deductibility and the options of making those choices themselves and, most importantly, also having a small financial responsibility associated with that.

One of the things that we know in medicine today is there is tremendous over-utilization. And one of the reasons it is over-utilized is because there is no personal cost to utilize it. And when we see that, what we know is we do not allocate the resource properly. So as individuals become empowered and they also take on a small portion of that responsibility, their decisions about how they utilize that asset and that service will change. But, most importantly, bureaucrats should not be making the decision and certainly not lawyers.

Mr. SHADEGG. Mr. Speaker, I certainly agree with the gentleman. It seems to me, if we can someday get to a system of choice where people can pick their own health care and fire it when it does not serve them well, whether it is an HMO or an insurance company, we will have advanced health care in America greatly.

But the gentleman in his remarks made clear that he thought the legislation which had passed this House earlier and the legislation which is being talked about, indeed our Democrat colleagues held a press conference just the day before yesterday where they talked about the tragic death of a Patients' Bill of Rights and how that legislation was vitally important, and they are talking about it in all their press conferences; and the President is saying, well, this Congress failed the American people by not passing a Patients' Bill of Rights.

The gentleman pointed out in his remarks, and I agree with him completely, that the Patients' Bill of Rights, which our colleagues on the other side of the aisle would like us to pass, is indeed fatally flawed. And there was a good reason not to pass that legislation and it is a reason that has never been discussed on the floor of this House, and I think it deserves to be discussed; and I think the American people need to know about it, and I think our colleagues need to know about it.

I put up another chart here, and it raises the same question, who should decide how doctors care for patients? Right now, as this chart illustrates, the standard of care in America is currently set by HMOs and HMO bureaucrats when they tell doctors how to care for patients.

How does that happen? Well, your doctor decides to recommend a certain level of care or treatment for you. He applies to the HMO for that and the HMO says no, largely and often through a bureaucrat. The HMO says, we do not think that is the proper care. We think something else is the proper care. Well, that is a structure under which the HMO tells doctors how to care for patients.

But let us talk about the bill that passed the floor here, the so-called Norwood-Dingell bill. What does that bill do? Does that bill empower doctors to set the standard of care and to decide how patients should be cared for, or does it not? The sad truth is it does not do that.

The Norwood-Dingell bill would, instead of allowing doctors to decide the level of care, the standard of care, what treatment a patient should be given, it says that lawyers should make that decision. That is a tragic decision. And it does that by saying that anytime a lawyer wants to, that lawyer can simply go out and file a lawsuit. He or she does not have to wait until the case has been reviewed by an independent panel of doctors to decide if the care should have been given by the HMO or, perhaps, if the HMO made the right decision. Instead, we skip that process and let the lawyer go straight to court, which means that the standard of care in America will not be decided by doctors, it will not be decided by doctors consulting with their patients, it will not even be decided by doctors consulting with an HMO. It will be decided by doctors filing lawsuits and going straight to court.

We believe, I believe strongly, where we ought to be is that the standard of care should be decided as a result of a review of a request for care by an independent external panel of doctors.

I am sure the gentleman has personal experiences with HMOs denying care that he requested for his patients.

Mr. COBURN. I do. I think, in fairness of the debate, I want to make sure that people are aware that, when that bill passed the House, I did indeed cast a vote for it. And there was a very good reason that I cast a vote for it. I thought we ought to move the process along to try to solve some of the problems. And it is very apparent to me that what I would like to see and I believe the gentleman from Arizona (Mr. SHADEGG) would like to see in terms of deductibility and people truly having choices across this country is not going to happen this year.

So then the question becomes should we do something in the meantime until we can put power of choice back into the hands of every American who needs health care.

I can relate an experience that to me that I think just shows the problems associated with managed care in this country, and it is denial of care that is recommended by a doctor when in fact, and this is a real incident and I will not go into the details of the case or the individual's name out of medical confidentiality, but needless to say, I had a patient who needed a diagnosis that was turned down. As it ended up, I ignored them and went on and did it anyway. And it was a cancer and it was identified. And then they were all too happy to pay for the procedures that they had been denied prior to that.

So how do we solve that? If you do not have an aggressive doctor that is going to buck the HMO and you have no external appeals panel, then the only way to solve that is to go to court. Well, that is not a good way to solve it because what happens is patients do not get treated. That is why the standard of care ought to be the professionally accepted standard of care across this country. That can best be decided not by an HMO bureaucrat and not by a doctor working for an HMO or managed care plan, because they quite frankly have a bias and that is for their employer, as it should be, but by three independent doctors. And every denial that is felt qualified by a doctor ought to have that chance to be reviewed by their peers to see if in fact that is the standard of care.

There is a couple things that come out of that. Number one, where we know this is working, which is in Texas now, is that 45 percent of the time the doctors on the panel say the doctor is wrong. What happens then? It improves the quality of care because it raises the level of knowledge of the doctor that was asking for something.

The 55 percent of the time when the plan is reversed, the patient gets the care that they need and the plan learns. So any system that is designed ought to be designed so that it advances care and lowers cost, not increases them. Delay in diagnosis, delay in treatment is the number one cause of medical malpractice suits in this country today. And I would tell you that the managed care industry is tantamount to being a large portion of that because of the restrictions.

As my colleague has said, and I agree, we must have an exhaustion before we go to lawsuits before we are going to care for patients.

Mr. SHADEGG. We have put up a graph here that we developed to try to graphically illustrate this point. All of the legislation that has been here on the floor of the Congress and over in the Senate talks about a process, and the process is what should we do when a patient and his or her doctor make a request of the managed care organization or the HMO for care? How do we deal with that request? How does he process that request so that you get that request processed and get the right result?

I think the right result is the best possible care at the earliest possible moment. And it is true, doctors sometimes seek care that is not necessary. They seek care that the patient does not really need because they are being pressured by the patient. Indeed, someone argue some doctors seek care just to make the money from delivering that care. And I think we talked about that kind of abuse of the system. And managed care has done a good job of putting that in check.

I think another abuse that occurs is that doctors sometimes are not on top of the current standard of care. They do not know what is the best treatment for a particular condition because they have not read the literature and managed care again has stepped in and said, no, we are going to require you to do what is best.

But the real problem in this area is that the current structure where an HMO gets to decline a doctor who is asking for care and say, well, no, that care is not medically necessary and appropriate, the real demand for a Patients' Bill of Rights arises out of the potential for abuse, so that the managed care plan turns down the patient and his or her doctor requesting care on the basis that it is really not medically necessary and appropriate.

That vague term creates a loophole through which managed care companies can deny needed medical care for reasons that are not really medical but, rather, are financial, that is, to make the HMO's profit line or bottom line better.

How do we solve that? How do you correct that? Well, all of the legislation that has gone through here, the so-called Patients' Bill of Rights legislation, looking at this potential for abuse, an HMO declining care and saying it is not medically necessary and appropriate, when they are really not doing that for a good medical reason, they are doing that to save money, they are doing that to improve the HMO's bottom line.

All of this legislation has talked about is structure. There should be a doctor and their patient. They make an initial claim. Having made an initial claim and assuming it is turned down, they then go to internal review. The internal review is the HMO itself taking a look at that claim, hopefully this time through medical personnel, doctors, and saying, yes, the care is needed, go ahead and deliver it, or, no, it is not.

Now, everything is good up to that point. But the question is what happens if at that internal review by the HMO's own in-house doctors they say the care is not needed? Well, how do you determine if that was the right decision and the care really was not needed for medical reasons and some other care would be appropriate, or the care is not needed at all, or did they make that decision for the wrong reason? Did they decline the care just because they want to make a profit and they do not want to deliver the expensive care that is being asked for?

The legislation that I believe, and the gentleman just talked about this, the legislation that we feel is the important model here, and the flaw in the Norwood-Dingell bill occurs right here, what we believe has to happen at that point is that, when the HMO and its own doctors turn you down for the care and tell your doctor, no, you cannot have the care, we believe it is vitally important that the next step that you as a patient have a right to go to and you and your doctor have the right to go to is an external review panel, right here, an external review panel made up of three doctors who are completely independent of the plan and completely independent of you and your doctor. They are totally independent, and they have the ability and the expertise to review the claim.

They are essentially three independent medical arbiters who review your case, review what your treating physician said was needed, and review what the plan said and the plan's reasons for denying the care. Our goal is that that panel of three independent experts would say, you know what, this care is medically necessary and appropriate. Plan, you should deliver it. And it should be binding on the plan that they must deliver it at that point in time. That lets three independent doctors not controlled by the plan, not controlled by you and your doctor, get you the right decision at the earliest possible moment.

□ 2245

That is a timely decision. That is a fast decision by that external review panel. If, in fact, they say the care is needed, then the HMO is bound by the panel's decision; and if you have been injured, you recover monetary damages. But the flaw in this system, the flaw that is in the other idea, is they do not want to require cases to go through this external review and that is illustrated right here on this chart of the Dingell-Norwood bill. This is a schematic, just like the other one, of the Dingell-Norwood bill. There is an initial claim just like is the case under the legislation we have advanced. Then there is internal review, and that is the next step and the plan's doctors get to review your case. Remember those are the plan's doctors. They are the ones with the incentive to deny care. That is the place where the abuse can occur.

Here is the key difference and here is why that patients' bill of rights, that our colleagues on the other side of the aisle want, what the President wants, is a tragically flawed proposal that will not help patients and will not help doctors. Right here at internal review instead of requiring that case to go quickly to external review, to a panel of three doctors who would say you get the care or you do not get the care, and you can recover damages if you have been injured, they create a loophole and it is the lawyer's loophole, and that loophole is all you have to do is to decide to talk to a lawyer and that lawyer gets to say, you know what, I do not want an external review because that external review by three independent doctors might turn my client down and if in an external review my client is turned down, my lawsuit is gone; my monetary damages are gone; that will destroy everything I want. So what have they done? They have written into the Norwood-Dingell bill that a lawyer simply steps in right here, the lawyer simply alleges injury, hey, my client has been injured, I think he has been injured and I am ready to go to court.

And at that point, the external review by doctors, the three independent doctors who are going to review that case, the three independent doctors who were going to set the standard of care and tell the HMO how they should be treating patients, that external review of doctors is gone. Instead, you know where that case is? That case is not quickly decided by an independent panel of three doctors. That case is moved into our courts, and everybody knows that courts and lawsuits take forever. It will take who knows how long to drive this case through that court and who knows how frivolous the case will be, but the lawyer now has a chance to extort monetary damages to try to make the case settle even if it is meritless.

What happens to the poor patient? The poor patient waits, but the trial lawyer does well. That is the fatal flaw in the Norwood-Dingell legislation that has been put here on the floor, that the gentleman from Oklahoma (Mr. COBURN) talked about. You just have to ask yourself if you want to empower patients and doctors, then should you not give that ability to an external review panel? On the other hand, why should you let lawyers decide which cases go to external appeals or which cases go straight to court? That is the flaw that the gentleman from Oklahoma (Mr. COBURN) was talking about in the Norwood-Dingell bill. It is a bill that is designed to get patients into courtrooms, not to get them care.

I think care has been a key component of what you have talked about in this important debate, and it is what the gentleman says, I think that the Norwood-Dingell bill is flawed because it will not get people care. It will get them a lawsuit.

Mr. COBURN. Mr. Speaker, I thank the gentleman for his comments. I want to go back to really what we opened with, because so much partisanship has gone on and so much of the politics that the American people are seeing today throughout have to do with the patients' bill of rights. As I understand the medical system industry profession and patients today, and by the way I just remind my colleague, as he knows, that I have continued my practice, since I have been in medicine, delivered over 400 children since I have been here in this past 6 years and have continued to engage the managed care industry when I have been at home, we should not be having this debate. If Americans truly had the freedom that they once had, we would not be having a debate. We would not be about fixing the wrong problem.

Mr. SHADEGG. Does the gentleman mean we will not be debating this complicated flow chart that they want to create as a matter of Federal law that is going to try to arbitrarily decide from Washington how to process these claims and kind of have a win or lose battle between doctors and insurance companies on the one hand and trial lawyers on the other hand? We would give that power to patients and let them choose?

Mr. COBURN. Well, if we think about it today, that if you are in a fee-for-service plan that you are paying for yourself, you have all of those rights. If you have no insurance, you have all of those rights today. The people that do not have those rights are in the programs that have been designed by the Federal Government and have been designed by the large corporations to try to control the costs. And there is no incentive for the individual consumer, who is a part of those systems, to help control the costs. So if in fact we move to a point where we had some personal responsibility and accountability and our health care was in our hands instead of some third party, whether it be the Federal Government or our corporation that we work for, which is a great benefit but, in fact, in today's time that is one of the things that is part of our remuneration is our health care.

The other thing I would say is that most Federal employees have those rights, too. They get fee-for-service. We give Federal employees a wonderful choice of options, and they can go fee-for-service and they have every right there that they have. How is it that Federal employees, except military and retired military, how come people who are in fee-for-service that are paying for their own have those rights but the rest of us who are dependent on a program no longer have that freedom? That is a basic question that Americans ought to be asking themselves any time they hear any politician during this election cycle talking about a patients' bill of rights. They are talking about the wrong problem.

Mr. SHADEGG. They are talking about a bureaucratic Government program that tries to mandate something from Washington, D.C., and I could not agree more with the gentleman. As the gentleman knows, I have introduced legislation that would let people choose their own health care.

Indeed, the legislation we introduced would say to an employee, whether they worked for Joe Jordan's Mexican Food, the one I talked about, the Mexican food restaurant in Phoenix, Arizona, or whether they worked for a large employer, Caterpillar Tractor, General Motors, whoever it was, would let that individual employee exercise choice so that they could hire or fire their health insurance plan based on their own decision, not their employer's decision.

I think, in discussing this issue, it is important to note that the current Federal Tax Code allows employers to give employees health insurance, and they are not taxed on that benefit. That is the reason that most people get their health care from their employer. If their employer gives them an extra thousand dollars, they pay taxes on that thousand dollars and they give somewhere around a third of it to 50 percent of it to the Federal or the State or the local government in income taxes. On the other hand, if their employer simply hands them a health care benefit worth a thousand dollars, they get that full thousand dollars in value.

The plan we are talking about, giving people choice to go buy the plan they want, actually is allowed under the current Tax Code. Under the current Tax Code, your employer can say to you, I am going to give you the $1,000 dollars or the $500 or the $1,500 or the $2,000 that I spend on your health care and as long as you go spend that on health care and confirm that fact back to your employer, it is not income to you and it is still a deduction to your employer. So we can move to a choice system. We can give people freedom if American employers will simply do it.

Mr. COBURN. It is really interesting. The tax bill that the President is saying that he is going to veto also adds, for those people who work for an employer who does not provide it, above-the-line deduction for their health care benefit. So what we actually are doing with the tax bill that is going to the President is, if you work for an employer that does not provide health care, we are giving you the same benefit we are going to give that employer. You are going to be able to deduct that above the line of your adjusted gross income so that you do not pay taxes on that income, and it becomes a straight deduction. That is another way of giving you freedom.

Mr. SHADEGG. We have talked about the flaw in the Norwood-Dingell bill which would allow a trial lawyer to step in, circumvent external review, take the power to set the standard of care away from doctors and take that decision to a courtroom, and why we think that is a bad idea here. Maybe we ought to talk about some of the other trade-offs that are going on here.

It is absolutely true that there are about 13 individual patient protections in the legislation, and I support those patient protections. They include things like the right of a woman to have an OBGYN as her primary care physician; the right of patients like my wife, Shirley, and I to have a pediatrician as our child's primary care physician; the right of all of us to go to an emergency room even if it is not an emergency room signed up with our HMO and get care. And each of those are important rights, but only important rights as long as we are trapped in a system where we cannot fire our HMO and hire one we want.

The reality be known, we would not need, as the gentleman has said, a patients' bill of rights. We would not need this complicated flow chart. We would not need to bring trial lawyers into the whole discussion. We would not need to be talking about cutting out the ability of doctors to set the standard of care if, as a matter of right, we could go as individuals, as employees of a company, and say, you know what, I do not want the HMO you picked for me. I want to go buy a plan that I can hire, a plan that I can fire, a plan that has already in it, and I get to pick it and I get to sign up for it, the right of my wife to see an OBGYN of her own choice; the right of she and I to pick a pediatrician as a primary care physician for our children; our right to go to an emergency room of our choice. If we had that kind of freedom, then we clearly would not need not only the liability scheme in this flawed Dingell-Norwood legislation, we would not need the patient protections.

Sadly, that is not where we are. We are debating yet one more massive government scheme to try to regulate the marketplace.

Mr. COBURN. I want to thank the gentleman for sharing this time with me. I look at the American health care system today. Prior to being a physician, I managed a fairly large business and my first degree is in accounting. As I look at the health care system in our country today, it reminds me of a Soviet-style run health care system, and here are some facts that people should know. That HMOs actually cost more for care than fee-for-service; a recent study, 18 percent more. Also it is funny that that 18 percent, that is the amount of money that comes out of an HMO for paperwork and profit. So only 82 percent of the dollars that are paid in to managed care actually ever go for care. If we could somehow in America through competition and efficiency make that 5 percent or 6 percent, we would have 12 percent. Well, we are going to spend about $1.1 trillion this year on health care, and if we take 12 percent of that, what you can see is that we would have about $150 to $160 billion that would go to care.

Well, nobody would be lacking in this country. We would be able to care for everybody that is not insured, everybody that does not have care today, if, in fact, we had a system that was not bound up in paperwork. I have almost 33 employees in my medical practice with three great partners that have covered for me since I have been here. Of that group, somewhere between 8 and 11 every day are doing nothing but chasing paper associated with health care. It has nothing to do with getting somebody well. It has nothing to do with anything except for us getting paid or sending something to lawyers or sending something to insurance companies. That is eight people that could be working to make somebody well. To me, I think that the fact that 18 percent of the dollars in the insurance managed care and HMO industry today are going for paperwork and profits rather than for care leaves a whole lot lacking. There is no wonder that we are having difficulty keeping up with the rising costs.

The last point that I would make is that the fastest growing segment in the cost of health care this year is prescription drugs. Our economy will not work unless we have competitive markets. There is no doubt, if you just get on the U.S. Government FTC's web site, you will find where they have four large pharmaceutical companies through the last year that have accounted for more than a billion dollars worth of price fixing, a billion dollars in excess prices. Well, that is 1 percent of the cost of pharmaceuticals this year are associated with price fixing that we know of, that there has already been consent decrees against. How much more is there?

The second thing that we know is that they are going to spend somewhere between $4 and $6 billion this year advertising on television. Who pays for the $4 to $6 billion? We do. What happens with that?

You see something, oh, I need that. So I go to the doctor so, number one, we are increasing utilization. What I have found in my practice is it takes me twice as long to take care of a patient that comes in because they want a drug from a prescription that they saw on TV because now I have to figure out is that the right drug for their symptoms? And if it is not, I have to convince them it is not the right drug. So I spend my time working against the advertising to get the patient what they really need.

The third thing is the pharmaceutical companies spend $5 billion a year courting doctors, and it ought to stop. They spend $5 billion buying lunches in doctor's office. They spend $5 billion for golf outings for doctors. They spend $5 billion on dinners for doctors. It is time the American people said that is enough. We do not need to pay $5 billion for benefits for doctors, $6 billion for television advertising, and let us get rid of the $1 billion to $5 billion in collusion.

If you add that up, we would see a 15 percent reduction in pharmaceutical prices, not a 15 percent increase.

Mr. SHADEGG. I take it instead what we are proposing is yet another Government program to pay for prescription drugs and to subsidize the cost of those drugs.

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I wholeheartedly agree with the gentleman that the answer to the problem is choice. Let patients have choice. Unfortunately, as is often the case, that is not in the debate in Washington right now. The debate as we enter the last 10 days of this political campaign is a debate over the failure of the United States Congress to deliver patient rights legislation and to pass what has now, I guess, become famous, since it was referred to by the Vice President in one of the debates, as the Dingell-Norwood or Norwood-Dingell bill, and that is the debate here.

Often we debate issues, and we are way behind the marketplace. The American people are ahead of us. That has become a political issue. Why has the Congress not passed Norwood-Dingell? The answer that we hear is, well, you cannot get through the Senate; there is a terrible problem with it. It is a vitally important piece of legislation for the American people.

As we kind of close out this discussion tonight, I think it is important to be sure that people understand that it is not a lack of resolve to take care of patients and doctors. The gentleman and I wrote a bill over a year ago, a patients' rights bill, because of this debate that has occurred in America, because of the abuses caused by HMOs; but that bill empowered doctors and patients to make health care decisions.

That bill said, as this flowchart I just showed illustrated, that every single case, every single case, where an HMO turned down somebody's doctor and said, no, you are wrong, the patient does not need that care, 100 percent of those cases would go quickly through initial claim, internal review and straight to an external review panel of three doctors.

Those three doctors had to be practicing physicians, a provision the gentleman insisted on. We did not want physicians who had not practiced in 20 years telling physicians currently practicing what they should be doing. We wanted physicians practicing right then. They had to have expertise in the area.

Those three doctors would say, Plan, you are dead wrong. When you denied that care that the treating physician said was necessary and you said you would not pay for it, you were wrong.

That care should occur and occur now. Under our legislation, people would be able to not only get the care, but sue for the damages.

One of the things that made me angry in this debate is the current system in America says if an HMO governed by this Federal law called ERISA we are trying to amend, by their negligence, if they injure or kill someone, there is no recovery.

I have talked on the floor of this House about the tragic case of Florence Corcoran, whose baby was killed by a negligent decision by an HMO, and the Federal courts interpreting the current law said, we are terribly sorry, Mr. and Mrs. Corcoran, your baby was killed by the negligent decision of United Health Care; but under our law, you recover nothing.

The legislation we want to past will address this problem. If we cannot get to choice and freedom, we will say 100 percent of those cases go to a panel of three doctors. Mr. and Mrs. Corcoran would have gotten in front of three doctors, had a speedy decision. We would have set the standard of care, the baby would probably not have died, and the lawsuit would not be necessary.

The Dingell-Norwood bill, the bill that Vice President AL GORE said that America deeply needs, does not do that. It does not take the case to a panel of doctors; it takes the case straight into a courtroom, so that a trial lawyer can get rich.

I am not against trial lawyers. I believe in the tort system. I think when there has been an injury, they ought to recover. I wish the lawyer representing the Corcorans had won. They deserved to win. They deserved to recover.

That is not the answer that gets people care. The answer that gets them care gets them first to a review by an independent panel of doctors to say what care should be delivered. Then, if there has been a bad decision, there has been injury, then let it go to court. But do not destroy the system by letting it go straight to court and letting trial lawyers decide what the standard of care is.

Mr. COBURN. The other thing is, had Mrs. Corcoran had the freedom to choose and had she had her own health insurance as part of her benefit and her control, her baby would be alive today as well, probably.

I just want to summarize a couple of things. Number one, there are two real false claims out there in the political arena today. One is the only way to solve the prescription drug for seniors is to create a Federal program. I believe that is wrong. I believe in the long run all that does is hurt seniors, and it will hurt everyone else, because it fails to fix the real problem, lack of market, lack of competition, to allocate those resources.

The second thing is that we are required under the political arena that we have today to defend passing a Patients' Bill of Rights, and what has happened is we are about to pass a very bad law. It passed the House. It has not passed the Senate. What will happen if what comes is a tremendous increase in costs, tremendous loss of insurance, and exactly the opposite direction.

Now, I happen to be cynical enough to believe there are certain people that want that to happen, because they believe we ought to have a government-controlled health care system. Believe you me, when we get that, if you love the post office today, wait until you see totally government-run health care.

There is not one individual that I talked to that knows anything about health care, from the pharmacist to the physical therapist to the operating room nurse to other doctors to nurses or employees in my office. When I mention the word HCFA, Health Care Financing Administration, they go ballistic, because HCFA does not know what is going on, but they are running all the rules. For us to create another system in which we hand more to HCFA is asinine.

Mr. SHADEGG. Mr. Speaker, I simply want to reiterate what you said. The reality is that many people want this very complicated scheme. They want a Norwood-Dingell bill to pass, not because they think that will take care of patients. They understand turning this whole system over to the trial lawyers, taking it away from HMOs, but not giving it to doctors, but rather giving it to trial lawyers, they understand that that will drive costs dramatically through the roof.

But that is not against their goal, because their goal is to have the current HMO system, to have the current health care system fail, and then to force America to turn to a single payer, Hillary-Care, one-system-fits-all, the Federal Government runs the health care system-type program.

I believe that will be a tragic flaw for this Nation. If we go to a flawed system that lets trial lawyers circumvent independent doctors making the decision, if we do not give patients the right to choose their own doctor, the net result is that costs will go through the roof and we will get to a single-payer system.

I want to thank the gentleman for allowing me to participate in this Special Order. It is important that our colleagues saw the flaw in this current patients rights legislation. I hope they will join us in passing legislation that would give people choice. Let them hire and fire their health care plan, the way they hire and fire their auto insurance plan or their homeowner's insurance plan, or, for that matter, the way they decide where they live or what brand of shoes or coats to buy. Give people choice, and they will take care of themselves.

Mr. COBURN. I thank the gentleman from Arizona (Mr. SHADEGG). It a pleasure to work with the gentleman, as usual. I appreciate all of the work he has done in health care in this Congress.

I think the American people ought to ask themselves one question, do I get to choose my doctor, my health plan, and, if not, why not? When you hear all of the political rhetoric, it will all pencil down to choice, and what is happening today in America is we are losing freedom, we are losing liberty, when we cannot even have the basic right to choose our own doctor.

RUSSIA'S ROAD TO CORRUPTION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROYCE) is recognized for the remainder of the time.

Mr. ROYCE. Mr. Speaker, I rise to enter into the RECORD and share with my colleagues a report that was recently released by the gentleman from California (Chairman COX). It is entitled "Russia's Road to Corruption."

This is the Speaker's advisory group on Russia. In addition, I would like to share with Members that the New York Times reported this month that, without reporting to Members of the House or the Senate, Vice President GORE concluded a secret agreement in 1995 with then-Russian Prime Minister Viktor Chernomyrdin not to enforce U.S. laws requiring sanctions on any country that supplies advanced conventional weapons to Iran. Specifically, Vice President GORE, purportedly on behalf of the United States, secretly authorized Russia to continued the sale of advanced weaponry to Iran.

Now, this occurred while there was a U.S. law on the books, and let me quote from a comment made by the gentleman from California (Chairman COX) at the time. He said, "The 1992 act required the President to sanction any country that transfers goods or technology that contribute knowingly and materially to the efforts by Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons."

At the very moment Vice President GORE was making this secret deal with Chernomyrdin, bipartisan majorities in Congress were deeply critical of the Clinton Administration's failure to sanction Russian arms sales to Iran.

It is now clear why the administration took no action. Vice President GORE actually signed off on the Russian sales to Iran. The secret Gore-Chernomyrdin agreement reportedly allowed Russia to sell weapons to Iran for 4 more years, including an advanced submarine. This is the ultra-quiet Kilo Class Russian submarine.

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Also, to sell torpedoes and antiship mines, and hundreds of tanks and armed personnel carriers. This submarine, as but one example, is exactly the type identified by Congress when it passed the law as posing a risk to U.S. forces operating in the Middle East.

The secret deal cut by Vice President GORE directly contradicts the 1992 law he coauthored. As then Senator GORE said on April 8 of 1992, "We do feel that the sanctions package has got to lay out the choice for dealers in these technologies in very stark terms. It is abundantly clear that we need to raise the stakes high and we need to act without compunction if we catch violators." That is what was said then.

The report of the Speaker's advisory group noted a series of interlocking flaws in the Clinton-Gore policy towards Russia. Unjustified confidence in unreliable officials like Chernomyrdin was the first that they pointed out; refusal to acknowledge mistakes and revise policies accordingly, and excessive secrecy designed to screen controversial policies, to screen them from both the Congress and from the U.S. public. This secret agreement exemplifies every one of these flaws, stated the gentleman from California (Mr. COX). Tragically, as the Times report notes, the decision to flout U.S. law gained us nothing from the Russians.

The September 2000 advisory group reported concluded, in spite of evidence that both Russian government agencies and private entities were directly involved in proliferation to such States as Iran and Iraq, the Clinton administration continued to rely on personal assurances from its small cadre of contacts in the Russian government. Administration officials, including Vice President GORE and Deputy Secretary of State Talbot, accepted these assurances, despite clear evidence of continued proliferation rather than believe or admit that proliferation could continue despite the stated opposition of their partners.

To continue, I wanted to share with my colleagues a second issue, a second secret Gore-Chernomyrdin deal, that was described not by The New York Times this time, but this one by the Washington Times on October 17 of this year. In a classified "Dear AL" letter to the Vice President in late 1995, Chernomyrdin described Russian aid to Iran's nuclear program. The letter states that it is quote, "ot to be conveyed to third parties, including the U.S. Congress." Not to be conveyed to the U.S. Congress. It appears to memorialize a previous personal agreement between the two men that the U.S. would acquiesce in the nuclear technology transfer to Iran.

As with the first Gore-Chernomyrdin deal, this agreement too was kept from Congress. This letter from Chernomyrdin to GORE indicates that Vice President GORE acquiesced to the shipment of not only conventional weapons to Iran in violation of the Gore-McCain Act, but also nuclear technology to Iran. According to Vice President GORE, the purpose of this secret deal was to constrain Russian nuclear aid to Iran in the construction of two nuclear reactors. If that is so, Vice President GORE plainly did not succeed. In August of this year, the CIA reported that "Russia continues to provide Iran with nuclear technology that could be applied to Iran's weapons program."

Now, our House Committee on International Relations chairman, the gentleman from New York (Mr. GILMAN), asked the administration on October 18 if it had pointed out to Vice President GORE's Russian partner in this that it is not the American way for the President to keep secrets from Congress when it comes to such serious national security concerns as proliferation of nuclear technology. The gentleman from New York (Mr. GILMAN) has yet to receive an answer.

The law requires that "The text of any international agreement to which the United States is a party be transmitted to Congress as soon as practical, but in no event later than 60 days" after it is reached. The law does not contemplate that Congress will discover such agreements 5 years after the fact by reading about them through leaks to a newspaper, commented the gentleman from California (Mr. COX), the chairman of this committee. The Senate Foreign Relations Committee requested the first secret Gore-Chernomyrdin agreement on arms to Iran on Friday, October 13, the day The New York Times revealed it. Weeks later, the administration has yet to produce either it or the second Gore-Chernomyrdin letter dealing with nuclear transfers to Iran.

Lastly, I wanted to cite from Russia's Road to Corruption, the Speaker's Advisory Group on Russia chaired by the gentleman from California (Mr. COX) comments about the ongoing Russian assistance to Iran's ballistic missile program. To quote from the report, "Throughout the 1990s, despite repeated pledges by the Yeltsin government given during summits, Gore-Chernomyrdin Commission meetings, administerial level meetings, Russian private and government entities continue to provide critical technological assistance to Iran's ballistic missile program."

In testimony before the House Committee on International Relations in October of 1999, proliferation expert Kenneth Timmerman testified that top Clinton administration officials were aware of Russian aid to Iran's missile programs and did little to counter it.

In March 1997, a CIA intelligence report labeled "secret" reportedly disclosed the then Iranian President Rafsanjani was pleased with the growing ties between Iran and Russia and that he expected Iran to benefit from Russia's highly developed missile program. Iran's President stated that he considered obtaining Russian military technology one of Iran's primary foreign policy goals, yet the Clinton administration, anxious to present a positive image of Russian-American relations, continued to accept the commitments from Yeltsin and Chernomyrdin during this period at the Clinton-Yeltsin summit in Helsinki, at the June Clinton-Yeltsin summit in 1997, and at the Gore-Chernomyrdin meeting in 1997 that Russia would hold its missile technology assistance to Iran, and all of this, while in November 1998, the Russian Duma passed a resolution calling for increased military cooperation with Iran.

Nevertheless, the Clinton administration still refused to adjust U.S. policy to the torrent of information from the U.S. Intelligence community that corroborated the evidence from U.S. allies. American policy was based on the assurances from the administration's small circle of official Russian counterparts. Objective intelligence, objective reporting was discounted. While information from Russian sources, who clearly stood to be injured by the imposition of sanctions, was accepted.

The bipartisan Iran Missile Proliferation Sanctions Act of 1997, which passed the House and Senate with veto-proof majorities, closed many of the loopholes invoked by the Clinton administration to justify its refusal to use sanctions. The act required suspension of U.S. Government assistance to foreign entities that assist Iran's ballistic missile program, but President Clinton vetoed that bill on June 23 1998. One month after that veto, Iran tested its Shahab 3 missile, 10 years ahead of the U.S. Government's original estimate of when it would be capable of doing so.

Under threat of a congressional override of the veto of the Iran Missile Proliferation Act, the President finally issued an Executive Order. However, the Executive Order did nothing to address Russia's export control system, which even National Security Adviser Sandy Berger said was necessary when he announced the sanctions.

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In testimony before the Senate Intelligence Committee in February of 2000, Director of the Central Intelligence Agency George Tenet testified that Iran probably will soon possess a ballistic missile capable of reaching the United States. The impact of Russian assistance was clear. Only a year earlier, Tenet had testified that it would take many, many years for Iran to develop a missile capable of reaching the United States.

The Clinton administration's willful blindness to Russian proliferation has already done immense damage. The extensive Russian assistance has allowed Iran to improve significantly its ballistic missile capability. As a matter of fact with Russian assistance, Iran is now building a 2,600 mile-range Kosar missile based on a Soviet era SS5 missile engine.

This missile could ultimately form the basis for an Iranian Intercontinental ballistic missile. Russia has also ignored the Clinton administration's ineffectual objections to its plans to build nuclear reactors in Iran.

Both the Clinton administration and outside experts fear that Iran will use the civilian reactor program as a cover for a secret nuclear weapons program, but the Clinton administration has failed to move effectively to end this Russian assistance. Moreover, congressional attempts to influence Russian behavior by reducing U.S. bilateral aid to the Russian central government have been undercut by continued unconditional administration support for aid to Russia through the IMF and the World Bank and other multinational institutions.

Iran is seeking to acquire Russian assistance in building other weapons of mass destruction as well. In December of 1998, the New York Times reported that high-ranking Iranian officials were aggressively pursuing biological and chemical expertise in Russia.

In interviews conducted with numerous former biological weapons exerts in Russian, more than a dozen stated that they had been approached by Iranian nationals and offered as much as $5,000 a month for information relating to biological weapons. Two weapons experts claimed they had been asked specifically to assist Iran in building biological weapons.

The Russian scientists who had been approached noted that the Iranians showed particular interest in learning about or acquiring microbes that can be used militarily and genetic engineering techniques to create highly resistent germs.

Mr. Speaker, I yield time to the gentleman from Pennsylvania (Mr. WELDON), my colleague; and he has some points to make for the RECORD as well.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman and good friend for yielding. I thank the gentleman for following up on this Special Order. I was not aware we would be up so soon, but I appreciate your interests.

The gentleman and I have traveled to Russia together. As the gentleman knows, we have tried to find a way to build a relationship with Russia, one that differs significantly from what we have seen over the past 8 years.

Let me start off by following up with the comments the gentleman has just made, which I think the most important issues confronting this election and that is the status of our relationship with Russia and the problems that Russia currently presents to us from a threat's standpoint.

The best way to characterize where we are today is look at where we were in 1992. As President Bush was finishing up his last year in office, Boris Yeltsin was leading the overthrow of the Communist system and the dissolution of the Soviet Union.

I am sure my colleague remembers the vivid pictures on CNN of Boris Yeltsin standing on a tank outside of the Russian White House waving an American flag and a Russian flag with tens of thousands of Russians around him as he proclaimed the end of Communism, the end of the Soviet Union; and he announced that there would be a new strategic partnership, Russia and America working together.

After 7 years of Clinton-Gore, last fall what did we see on CNN? We saw this picture: we saw tens of thousands of young Russians outside the American embassy in Moscow throwing paint at our embassy, firing weapons at our embassy, and burning the American flag. In fact, it got so bad that for a while our State Department had to issue warnings to Americans that wanted to travel to Moscow because the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any Americans in their country.

How could this policy and how could this feeling between Russia and the people of Russia against America grow so rapidly? In fact, one of President Putin's first speeches this year, after he was sworn in in January, was to announce a new strategic partnership for Russia. That partnership was Russia and China against the West, against America.

It is because our policy for the past 7 years, 8 years under Clinton and GORE was based on a personal relationship between Bill Clinton and Boris Yeltsin and AL GORE and Viktor Chernomyrdin, and they felt as long as those two people were in power in Russia, nothing else mattered. Instead of doing institution building, building the institution of the parliament, the court system, the free market economy, if they just focused on those two people, those two personalities, then America would be okay. That worked in the beginning, when Yeltsin was strong and when he was honest.

As Yeltsin became an alcoholic and surrounded himself with thieves who were the oligarchs running the Russia banking system; as Chernomyrdin got involved in corruption and in the oil and gas industry, the Russian people became to lose confidence in their leaders, but there was Bill Clinton and AL GORE still supporting these two failed leaders.

We knew 5 years ago that the oligarchs were siphoning off billions of dollars of IMF money and because President Clinton and AL GORE did not want to embarrass their friends, they pretended they did not see it. They pretended it was not happening.

Just last year we saw the Bank of New York, several officials being indicted by the Justice Department for allegedly siphoning up to $5 billion of money that should have been going to the Russian people. So the Russian people saw this IMF money and World Bank money coming in, but they saw it not going to help them improve their communities, but rather they saw that money be shifted to Swiss bank accounts and U.S. real estate investments.

What did we see? We saw Russia sending technologies to our enemies. We saw Russia, as my colleague just pointed out, sending technology to Iran, Iraq, Syria, Libya, North Korea, all covered by arms control agreements, and this administration not wanting to call Russia on those, because again it was based on personal friendships.

One instance in particular that I can relate to was in January of 1996, I was in Moscow. It was a month after The Washington Post had run a front page story that highlighted the fact that we had evidence, America had evidence that Russia had sent guidance systems to Iraq to improve the accuracy of their missiles. Now, that is a violation of an arms control treaty called the Missile Technology Control Regime. So I asked the American ambassador to Russia, Tom Pickering, who is now number three at State, I said, Tom, what was the response of the Russians when you asked them about The Washington Post story? He said, Congressman WELDON, I have not asked them yet. I said, why would you ask them? It is a gross violation of a treaty. He said that has to come from the White House.

I came back to Washington, and I wrote to the President. I wrote him a letter. He wrote me back in April, and he said, Dear Congressman WELDON, you raise serious concerns; and, in fact, if Russia did send those items to Iraq, that is a flagrant violation and I assure you, we will take aggressive action. We will impose the required sanctions, but he said, Congressman WELDON, we have no evidence.

That is the story they used 37 times in violations of arms control agreements in 8 years. Well, I say to the gentleman from California (Mr. ROYCE) I brought the evidence tonight so the American people can see them. As I have shown around the country, this is a Soviet Union accelerometer and this is a Soviet gyroscope. These were taken off of Russia SSN19 missiles that used to be pointed at America's cities.

Under arms control negotiations, these devices are supposed to be destroyed. They are not supposed to be reused. We caught the Russians not once, not twice, but three times giving these devices to Saddam Hussein. What would Saddam use them for? He would use these devices to provide the guidance system to make those SCUD missiles more accurate, those same SCUD missiles that killed those 28 young Americans in Duran, Saudi Arabia, in 1991.

These devices would make those missiles have much more accuracy. Iraq cannot build these; neither can Iran. They are too sophisticated. The only way Iraq or Iran can get these devices, the only way Syria and Libya can get these devices is if Russia sells them to them or gives them to them, and that is why we have arms control regimes.

We caught Iraq getting these devices from Russia three times. We imposed no sanctions. Why would we not do that? People would say to me, well, Congressman WELDON, you mean to tell me the President would deliberately not hold Russia accountable? The answer is yes. Why? Because 1996 was the year Yeltsin was running for reelection. In fact, the secret cable is now public that Bill Clinton sent to Boris Yeltsin in 1996. It was the Dear Boris memo, and it was a cable that the American people can get in the back of a book called "Betrayal," written by Bill Gertz.

☐ 2330

That cable to Boris Yeltsin from Bill Clinton says, "Don't worry, Boris, we will not do anything to weaken your chance for reelection this year." So the policy, whether it was the theft of IMF money or whether it was the transfer of technology, was to keep Boris Yeltsin in power.

My colleague mentioned another incident involving transfer of technology to Iran and the Iran Missile Sanctions Act. My colleague did not mention one part of that equation I would like to go into some elaboration on.

Before the vote on that bill in the House, even though it was supported overwhelmingly by Democrats and Republicans. In fact it was a huge bipartisan base of support. The week before the bill came up for a vote, I got a call from Vice President AL GORE and his staff said to my staff, Vice President AL GORE wants Congressman WELDON to come down to the Old Executive Office Building to talk about the Iran Missile Sanctions bill.

So I went down to the White House. I was joined in the Old Executive Office Building by CARL LEVIN, by JOHN MCCAIN, by JOHN KYL, by Jane Harman, the gentleman from New York (Mr. GILMAN) and Lee Hamilton. There were about 12 of us who sat in the room as the Vice President of the United States, the current candidate for the President, sat with Leon Fuerth, his top security advisor, and for 1 hour the Vice President lobbied us not to pass the Iran Missile Sanctions bill. Because he said if we did, it would upset the relationship between Bill Clinton and Boris Yeltsin and he and Viktor Chernomyrdin.

When he finished, all of us in the room, Democrats and Republicans, Senators and House Members, said to the Vice President: Mr. Vice President, it is too late. You do not get it. The technology is flowing like water down a waterfall, and you are not stopping it.

Two days later, in spite of that personal lobbying by the Vice President of the United States, the bill came up on the floor of the House for a vote and 396 of us voted in favor of that bill, slapping the Vice President and the President across the face, because we knew they were being ineffective and we knew that instead of doing what was right, they were standing up for their friends, Boris Yeltsin and Viktor Chernomyrdin.

We broke for the Christmas recess and we came back in February. In February, the Senate was going to take up the same bill. In February, the bill came up. A week before the vote, the Vice President's office called my office again and said: The Vice President would like Congressman WELDON to come back down to the Old Executive Office Building. I went back down.

Again, there were 10 to 12 Members of the Senate and the House, Democrats and Republicans. The same group. This time the Vice President had two people with him, Leon Fuerth, and Jack Caravelli from the National Security Council. They met with us for 90 minutes to try to convince us not to let the Senate vote for the Iran Missile Sanctions bill.

When he finished, we again told the Vice President: Mr. Vice President, you do not know how serious this is. This technology is helping Iran and Iraq develop new capabilities. But there was the Vice President, currently running for the presidency, telling us do not worry, we are going to take care of all of this. We are getting Yeltsin and Chernomyrdin to go along with us.

The Senate voted 96 to 4 in favor of that bill. The Vice President also told us and ensured us that he would take care of everything. That he was the one negotiating with Chernomyrdin, as my colleague pointed out, and I think he mentioned this earlier about the memo that the CIA wrote to him. We have evidence that his partner, Viktor Chernomyrdin, was involved with oil and gas corruption and the CIA sent him a memo to warn him that his friend and partner in Russia was not a clean person.

The White House has now acknowledged, though they initially denied it, they have now acknowledged that people remember that memo. And there is a CIA analyst who has said he saw the memo with the words scribbled across the front. The Vice President wrote a word across the front that we are not supposed to use on the floor of the House, but it started with "bull" and we just cannot complete the rest of the word, because Vice President GORE did not want to hear from the CIA that they had information that his friend and partner was involved with corruption in Russia.

So the policy of this administration for 8 years was deny reality. Then we find out, as my colleague just pointed out, that Vice President GORE went beyond denying reality. He did his own diplomacy and actually negotiated with Chernomyrdin the allowance for Russia to transfer technology to Iran which was strictly prohibited by the law that was passed by this Congress. In fact, when he was in the Senate it was passed under the leadership of JOHN MCCAIN.

It is outrageous that a Vice President could secretly allow a country like Iran, when this Congress had gone on the record expressing our grave concern with what Iran was doing, that this Vice President could allow that technology to continue to flow to Iran. And we now find out that Russia did not pay attention to what the Vice President said. They went beyond the original understanding. In my opinion, this requires a serious investigation by the Congress.

Now, we are not going to be able to do this before the election. But the American people deserve to know what this Vice President did in a secret negotiation with the prime minister of Russia, a man who eventually left office in disgrace, that the CIA said was involved in corrupt activities. This country deserves to know what this Vice President did in arranging for some kind of a secret allowance for Iran to get technology from Russia, even though the law of the land in this country prohibited Russia from sending that technology to Iran.

How many other guidance systems went to Iran? How many other weapons besides the submarine and the arms that went to Iran? And what is the impact going to be on our security?

In fact, I would say to my colleague that I think this Congress ought to consider taking some type of action even before we leave this week to show our absolute outrage that any elected official, President or Vice President, would unilaterally take action that would eventually harm America.

Let me say before returning back to my colleague, I do not rise as a rabid conservative Republican, and I know my friend feels the same way I do, wanting to trash the administration. I have been to Russia 21 times. Every time I have gone, I have taken my colleagues on the other side with me. In fact, I have enjoyed a great relationship with the Democrats in our bipartisan Duma-Congress initiative. Each year, when the administration sought votes on the Cooperative Threat Reduction Program, the Nunn-Lugar program, I would get calls from the White House and from people in the administration asking me to lobby my Republican colleagues to support the initiative, which I did.

So I supported this administration in some of their policy issues toward Russia, and I am absolutely outraged, however, that this new revelation has come out that the White House has still not provided documentation to us, even after the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) has written to the White House requesting copies of the memo and the letters that were written from Viktor Chernomyrdin to AL GORE in which he says specifically: Do not tell any third parties about this agreement, including your Congress.

Mr. Speaker, Viktor Chernomyrdin has no right to be above our Constitution. He has no right to send a letter to Vice President AL GORE saying ignore the Constitution of America; we will have some secret arrangement where I will tell you that only certain types of things can be shipped to Iran. Even though Vice President GORE knew there was a law on the books that specifically prohibited the transfer of technology to Iran, even though Vice President GORE knew that our vote on Iran proliferation was 396 votes in the House and 96 votes in the Senate.

As my colleague, I think, agrees with me, the biggest scandal of the past 8 years is what this administration has done to our defense and foreign policy. The past 8 years will go down in history in my opinion as the worst period of time in undermining America's security. Not just because of what we did in these secret relationships in supporting people in Russia as opposed to institutions in Russia, but because of what we have done to force Russia into a new coalition where Russia and China have gone together in what they both characterize as a strategic partnership against America and the West.

Mr. Speaker, we are going to be trying to rebuild the confidence and the trust between these countries and us for the next 25 years. That is the legacy of this administration. It is a legacy that I think is absolutely embarrassing.

□ 2340

Now, my colleague I think was quoting from the Task Force, which I was a member of, where we looked in depth at these issues. And the American people need to look at these issues, as well. Because the rhetoric coming out of the Vice President's mouth, the rhetoric coming out of those who were supporting what they would say has been a strong foreign policy is just rhetoric.

In fact, if you look around the world today, the instability in the relationships that America has with Russia, with China, the situation in the Middle East, the problems with North Korea are all problems that are not going to go away and problems which we have to address up front.

I know my friend feels like I do, we want Russia to be our good friend, we want the Russian people to be our good friends, and we want the Russian people to know that we are on their side. We are embarrassed that our administration ignored the transfer of illegal money out of Russia to illegal bank accounts. We are embarrassed that some of the current problems of the Congress with Russia were caused because we did not hold Yeltsin accountable when there were institutions in Russia that were in violation of arms control agreements.

And as a result, when Yeltsin was about ready to leave office last year, all the polls in Moscow showed that only two percent of the Russian people supported Boris Yeltsin. But even though only two percent of the Russian people supported Boris Yeltsin, there was Bill Clinton and AL GORE still supporting Boris Yeltsin and Viktor Chernomyrdin and his successor. Because Viktor Chernomyrdin eventually left and a whole multitude of prime ministers came in behind him.

It was summed up best by a visiting Duma deputy who came over in the middle of the Kosovo conflict. We had a press conflict and he said, you will, America for 70 years the Soviet Communist party spent billions and billions of dollars to convince the Soviet people that Americans were evil, and they failed. But your President and your administration in just a few short years has been able to convince the Russian people that Americans are evil.

What a terrible statement for an elected official of the Russian Duma to make that for 70 years the Soviet Communists tried to convince Russians that we were evil and they failed, and yet our policies from 1993 up until the Kosovo fiasco just a few short years ago turned the Russian people against us.

We have to correct all of that, and we also have to hold this Vice President accountable for the actions he took unilaterally.

Mr. ROYCE. Mr. Speaker, I have one question that I would like to ask the gentleman and that concerns the law as it pertains to these international agreements.

Now, according to the law, as I understand it, when there is an agreement with a foreign power, that information is supposed to be given to Congress as soon as practical or no later than within 60 days.

My question is this: Since we are now in a position where some 5 years after the agreement we are finding out about such agreements in the New York Times, what recourse does Congress have under the law at this time in order to assert our constitutional rights to be informed about what the administration is doing negotiating without sharing that information with either the Senate or with the House and in particular negotiating when there are laws on the books?

Mr. WELDON of Pennsylvania. Mr. Speaker, the 1995 law that was passed, which was championed by JOHN MCCAIN, basically prohibited Russia from sending technology to Iran.

There is now evidence in a secret agreement that Vice President GORE worked out with Viktor Chernomyrdin, the same Viktor Chernomyrdin that the CIA told Vice President GORE was involved in corruption with Russia. That agreement never came to the Congress. No member of the Senate Intelligence Committee, the House Committee on Intelligence, no member of the leadership in either party was aware that Vice President GORE on his own made an arrangement with Viktor Chernomyrdin to allow Russia to transfer certain technology to Iran.

Now, the State Department and the White House are not denying this. What they are claiming is the technology was not covered by this law. That is hogwash. This technology was covered. But what Vice President, what the President for that matter, has the power to overrule the Congress?

I mean, this gets back to shades of what the Democrats raled about during the Vietnam era and during the era of the Central American fiasco. No President has the right, no Vice President has the right especially, to enter into a secret agreement with a foreign leader that does not involve the express advice and consent of the Congress. And yet that is what Vice President GORE did.

Mr. ROYCE. Mr. Speaker, it is my understanding that during the debate on the original 1995 law itself, the very example given in the debate was the super secret kilo class type of submarine that could be transferred from Russia to Iran because of our concerns of what that would do to our strategic interests in the Middle East.

How would it be possible for the administration now to claim that in fact it did not intend or their interpretation is that it is not covered by the statute when in fact the debate on the original law mentioned that kilo class submarine?

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is absolutely correct. And for other colleagues who are listening in their offices, the kilo class submarine is a submarine that can do tremendous harm to America, our Navy, and our allies.

Iran now has that because of what Vice President GORE did secretly in this agreement with Viktor

Chernomyrdin. And even Madeleine Albright now has acknowledged what he did. My colleague probably is aware that there is a classified letter that was written by Secretary of State Madeleine Albright in this year to Russian Foreign Minister Igor Ivanov. And that is what it says. This is quoting Madeleine Albright.

"Without the 1995 Gore-Chernomyrdin agreement, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

So now we have the Secretary of State this year affirming that what was done by Vice President GORE secretly in 1995, if that had not been done, those transfers would have caused sanctions to be placed on Russia.

I mean, this is amazing. Russia is trying to become a democracy and it appears as though we are going to a totalitarian state where the Vice President thinks he could do whatever he wants. He does not have that authority.

Mr. ROYCE. Mr. Speaker, there is one other issue that is of concern to me.

When we were in Moscow, we had an opportunity to speak to various officials in the Russian Government; and, upon our return, there was a story in the media about the fact that support among the Russian people for the United States was down to single digits for our policies and their feelings about the intentions of the United States was down to single digits.

When we contrast that with the attitudes after the fall of the Berlin Wall and after the disillusion of the former Soviet Union, at that particular time the support for U.S. policy and intentions was registered to be the majority of Russians. In one poll I recall it was 70 percent.

How does that go from 70 percent level of support down to a level of support that is around four or five percent? And at the same time, how do we go from a situation where we had a relationship with Russian parliamentarians to one where today a former KGB officer, now the President of Russia, states that his strategic alliance is going to be with China, not with the United States, but with China? How does that happen over the span of a few years?

Mr. WELDON of Pennsylvania. Mr. Speaker, I think it is just basically because the policy of this administration, two people, Bill Clinton and Boris Yeltsin, was as long as they got along with their counterparts in Russia, Boris Yeltsin and Viktor Chernomyrdin, to them nothing else mattered.

In fact the Duma felt totally left out of the process. The Duma members told me. In fact, one of my Duma deputy friends, a very respected member of the Duma, Vladimir Luhkin, used to be the Soviet ambassador here in the U.S. He was recently the chairman of the Committee on International Affairs, and he right now is the chairman of the pro-Western Yablako faction. I am going to tell you what he said to me. And I never said this publicly before.

I was in Moscow and arrived the day after President Clinton left Moscow right after the economic collapse.

□ 2350

Luhkin called me into his office. He said, CURT, I have a very serious concern that I have to raise with you. I said what is it, Vladimir? We have been friends. He said, the word around the Duma is that your President had discussions with Boris Yeltsin over what the U.S. response would be if Yeltsin disbanded the parliament altogether. He said, the fact that your President even engaged in those discussions is terribly alarming for us, because that would mean that your President does not even support our constitution, which is the basis of our democracy.

So here we have the members of the Duma seeing our administration go to Moscow and openly discuss with Yeltsin, and I assume Chernomydin, the possibility of them disbanding their parliament and simply having what basically they used to have in Russia, one or two people running the system. That is why the Russian people have no confidence.

If I were a citizen in Russia, I would not trust America, either, after I saw the world community sending billions of dollars into Moscow to help the Russian people build roads and schools and communities and to see the bulk of that money siphoned off to Swiss bank accounts. I would not trust America either.

Mr. ROYCE. One of the comments that interested me was former Foreign Minister Federov's comment, where he told American officials do not give us money through the IMF into the central bank without strings, because if you do that that money will end up, quote, in Swiss bank accounts. Why was it, why was it, that we continued, against the advice of their own foreign minister who was trying to make reforms, to continue to put money into the government there instead of as an alternative attempting through democracy building to put the funding into building up political parties in Russia, building up a Democratic culture in Russia, assisting those who were trying to reform the country, why did all of the support go directly through the heads of state that were controlling the system, including the privatization? The gentleman alluded to Viktor Chernomydin's role there and in the report the indication is from the Russia's Road to Corruption, the Speaker's Advisory Group on Russia, the indication is that one of the main beneficiaries out of the entire privatization scheme was Chernomydin who ended up holding a large percentage of the oil and gas interests in Russia through so-called privatization, how could the administration allow this to occur without instead removing the resources from the government and putting the resources towards the forces of reform?

Mr. WELDON of Pennsylvania. The gentleman knows full well that before Boris Yeltsin would leave office he made sure that his successor, who he hand picked, President Putin, would give him and his family amnesty. So that when Putin took over for Yeltsin, he immediately signed the first series of decrees, presidential decrees, that gave lifetime amnesty for Boris Yeltsin and his family because two of his daughters were involved in much of this corruption.

To answer the gentleman's question, the reason why that amnesty was given was because the Russian people know full well that Yeltsin was taking care of his friends. He was taking care of those around him. He was the one who hand picked the bankers, the oligarchs where he was shuffling the money through. So the people that got wealthy were those close friends of Boris who kept him in power. Now this administration should have had the integrity to say to Yeltsin, look, we want democracy and free markets to succeed. We are not here to take care of your friends. But because they were so enamored with this personal friendship and relationship, they ignored the reality of what was occurring. That is why the Russian people in the end said we have no respect for America because you do not care about Russia's people; you care about your friends. You care about Boris Yeltsin and his family. You care about Yeltsin's friends and cronies and you care about Chernomydin and his friends and his family.

What we said for the past 5 years in going over to Russia, to our government, is why do we not put the money out into the regions where the regional governors are making reforms? Let us reward them. Let us help them build new institutions, new communities. This administration wanted everything to go through Yeltsin and central Moscow because they wanted Yeltsin to be the strong man. They did not want the regions doing good things on their own because they would not be as loyal to Yeltsin. So we in fact helped cause the problem in Russia that focused everything in Moscow, through Yeltsin and Chernomydin and their friends, and now we find out that AL GORE even had secret dealings and agreements with Viktor Chernomydin that jeopardized the security of the U.S. and most specifically, and this is the key point, the first threatened nation to what Russia gave Iran is not the U.S.; it is Israel. The people of Israel now tonight can thank AL GORE for a secret deal that he evidently worked out with Chernomydin that allowed technical supplies and equipment, components and military hardware and submarines to go to Iran, which will directly threaten Israel's security.

Now AL GORE can talk a good game but the facts are, that is where the allowance was to send this technology, and the number one enemy of Iran is Israel. That is an absolute travesty. That is an absolute disgrace because, as the gentleman pointed out, Iran now has the Shahab 3 and Shahab 4 missile; they are now building a Shahab 5. Iran now has the ability to hit Israel directly and with this agreement that Chernomydin and AL GORE work out privately, Vice President AL GORE in my opinion helped Iran develop that technology that now directly threatens the safety of the people of Israel.

Mr. ROYCE. There was one last question I wanted to ask, and that had to do with the issue of privatization. I think for us as confusing as the comments of Foreign Minister Federov, who says he warned the administration not to give this money to the central bank without strings attached, not to turn it over to the government in power without a method of auditing it and making certain that it went for the purposes to which it was intended, even more confusing are what we are hearing now about the privatization schemes in Russia and how the beneficiaries of that did not turn out to be the Russian people but instead certain oligarchs, how can it be that this administration that was involved in giving assistance in helping through the IMF and the World Bank and helping with financial assistance, how could it be the case that we could end up with so much in assets turned over instead to a very small group, cadre of people?

Mr. WELDON of Pennsylvania. That is amazing. I do not know how. In fact, my colleague was with me when we met with Skuratov, who was the prosecutor general in Russia who is the equivalent of Janet Reno who told us he evidence of hundreds of insider people around Yeltsin who were involved in insider trading with GKO bonds, who made tons of money off of the economic problems of Russia. I do not know how this could occur. It is outrageous, but the fact is that we now have to live with this.

I am outraged at this most recent story that my colleague brought up tonight, and I would urge our colleagues to take some kind of aggressive bipartisan action to hold this Vice President accountable for what he did. We have to stand up for what is right, and in my opinion what the Vice President did is not just wrong, it is unconstitutional and this Congress has a responsibility to make a statement on that before we leave this year, and I would say that should happen sometime this week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SNYDER (at the request of Mr. GEPHARDT) for today and October 30 on account of a family medical emergency.

Mrs. FOWLER (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. ESHOO) to revise and extend his remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

Mr. HILL of Montana, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Monday, October 30, 2000, at 9 a.m., for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 662. Resolution providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–1015). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 663. Resolution providing for consideration of the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and providing for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. 106–1016). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 28, 2000]

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than October 30, 2000.

[Submitted October 29, 2000]

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 30, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 30, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 30, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 30, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 30, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 30, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce, for a period ending not later than October 30, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BALLENGER, and Mr. MICA):

H.R. 5600. A bill to establish an Office of Management in the Executive Office of the President, and to redesignate the Office of Management and Budget as the Office of the Federal Budget; to the Committee on Government Reform.

By Mr. YOUNG of Florida:

H.J. Res. 121. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 122. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 123. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 124. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4825: Mr. ALLEN.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO SEIU ON 25 YEARS OF SERVICE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PAYNE. Mr. Speaker, on Saturday, October 28th, I had the privilege of attending the 25th anniversary celebration of an organization which has led the way in offering improved opportunities and a better quality of life for working men and women, the Service Employees International Union. Honored at the event were President and Co-founder John "JJ" Johnson and all the Charter members of Local 617. The program featured union members, friends and supporters, including Newark Mayor Sharpe James; former President Curtis Grimsley; Patricia Ford, SEIU International Executive Vice President; Carol Graves, Essex County Registrar; and Thomas Giblin, Essex County Democratic Chairman.

Three decades ago, when public sector employees in my home city of Newark, New Jersey, and throughout the nation had not yet begun to organize, Service Employees International Union took the historic initiative of chartering Local 617. In February 1976, Local 617 began to negotiate with the Newark Board of Education for its first contract. When no satisfactory results were reached, the members voted to strike. With strong support from the Newark community, members remained on strike for 12 days. SEIU President Curtis Grimsley and Executive Vice President John Johnson met with Governor Brendan Byrne and requested his intervention to reach a settlement of the dispute. The strike ended with an understanding that both parties return to the table and bargain in good faith and agree to binding mediation.

Since 1976, Local 617 and Local 3 jointly negotiated contracts with the Newark Board of Education. After the contract was settled in 1976, President Curtis Grimsley and Executive Vice President John Johnson were subpoenaed to appear in court, and a fine was imposed on Local 617. Personal fines were imposed on President Grimsley and Executive Vice President Johnson and they were placed on two years probation because of the strike. In 1977, Local 617 organized the City of Newark Crossing Guards, who went on strike after there was no progress during negotiations. A contract was eventually reached after Mayor Kenneth Gibson met with the Union leadership. That same year, Local 617 established a Community Service Plaque Award for Community involvement to be presented to a student from each of the Newark High Schools.

The Local also successfully petitioned to represent the Bus Attendants of the Newark Board of Education. In 1978, there was a 3-day strike which led to approval of a benefit package for the membership consisting of prescription drugs coverage, dental care, vision care and temporary disability, benefits which members still enjoy today.

In 1990, Local 617 organized the Newark Pre-school Employees. That year, 250 workers went on strike with the support of the parents and the community. This strike, lasting 7 weeks, was the longest in the history of Local 617. Since that time, SEIU has been certified to represent additional units, which include Community Day Nursery, Christ Church Day Care Center, Mary E. Wheeler Willis Educational Center, Irvington Housing Authority, HOPES, Irvington Crossing Guards, City of Newark Department of Public Works, City of Newark 911 Communication Operators and the Jersey City Head Start Program. The Union also obtained an affiliation agreement with the International Union, which merged Local 305 of the Newark Housing Authority into Local 617. The Local has also affiliated with Joint Council 33, the Eastern Conference of Service Employees, the New Jersey AFL–CIO, Essex West Hudson Labor Council, the Industrial Union Council, the Council of Union Employees, and the A. Randolph Institute.

Mr. Speaker, I know my colleagues here in Congress join me in congratulating Local 617 of the SEIU, an organization which has grown from 25 members in 1969 to over 3000 today, as they continue to champion the rights of working men and women.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. EHLERS. Mr. Speaker, on rollcall No. 572, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING JIM MOUER OF SACRAMENTO, CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. MATSUI. Mr. Speaker, I pay tribute to a truly outstanding citizen of Sacramento, Jim Mouer. He will be retiring after over 45 years of service in the baking industry and 21 years of working for BCTGM Local 85. As his friends and family gather to celebrate on Saturday, October 28, I ask all of my colleagues to join with me in saluting his remarkable career.

Jim Mouer was born on September 27, 1935 at County Hospital on Stockton Boulevard in Sacramento. He graduated from Sacramento High School in June 1954. After attending Sacramento City College, Jim went on to work as a bakery apprentice at Hearts Bakery. His career continued as a baker with several employers, including his own bakery with his father. He eventually joined Continental Bakery (Wonder Bread) in 1960.

After 19 years with Wonder Bread, Jim went on to become Secretary/Treasurer of the Bakers Union, Local 85. Since then, he has guided the Union in contract negotiations and related matters.

In addition to his work with BCTGM Local 85, Jim Mouer was instrumental in the rebirth of the Coalition of Organized Labor, an organization dedicated to the sharing of ideas and uniting the labor community. In 1984, Jim and fellow labor leaders Chuck Brooks, Obie Brandon, and Tom Lawson recognized the need to organize various local unions with the intent of creating a better working relationship among the various labor groups. The Coalition was able to achieve numerous goals including promoting Union Solidarity, establishing coordinated boycott actions, and educating members.

In retirement, Jim will have the opportunity to spend more time with his strong, growing family. He and his wife Audrey have six children, ten grandchildren, and four great-grandchildren.

Mr. Speaker, as Jim Mouer's friends and family gather to celebrate his retirement, I am honored to pay tribute to a truly remarkable citizen of Sacramento. His contributions to our area have indeed been commendable. I ask all of my colleagues to join with me in wishing him and his family continued success in all their future endeavors.

IN MEMORY OF RONALD RONNY FINGER AS THE COMMUNITIES IN SCHOOL 2000 BACK TO SCHOOL GALA HONOREE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. BENTSEN. Mr. Speaker, today I honor the memory of an extraordinary man, Ronald Jack "Ronny" Finger of Houston, whom is being honored posthumously at the Communities in School Back To School Gala in Houston, Texas on November 4, 2000. His passing was a tremendous loss for his family, including his wife Linda and their three children, Scott, Jan, and Cristina, and his friends. But, we are all richer in spirit and community for the time he was with us.

A distinguished businessman and dedicated community advocate, Ronny Finger contributed in countless ways to building a better future for Houston, especially the city's Jewish community, the arts, and education.

Born in Houston to Hyman and Bessie Finger, he graduated in 1960 from the University

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Texas and served as a lieutenant in the Navy. Two years later, he joined his brothers Marvy and Jerry in the Finger Cos., a major developer of real estate and multifamily housing. During the 1970s he was the president of the Houston and Texas Apartment Associations and Vice President of the National Apartment Association.

Ronny became fervently involved with Communities in School (CIS) after visiting the CIS program at Austin High School in 1992. He was so impressed by the effectiveness of this program he joined the CIS Board of Directors in 1994, and he and his wife, Linda, underwrote the CIS program at Key Middle School from 1997 to 2000. The CIS Dropout Prevention Program provides children with needed school supplies, tutoring, family counseling or assistance, or a safe haven during the after-school hours. During the 1999–2000 school year, 74 Houston area schools participated in the CIS program and served nearly 29,000 at-risk children. These students had a 98 percent graduation rate, a 98 percent stay in school rate, and 80 percent saw a marked improvement in academics, behavior, and/or attendance.

Ronny Finger was also a dedicated and valuable member of the Museum of Natural Science Society, Houston Symphony Society, Anti-Defamation League, Houston Women's Area Center, and the Salvation Army. And, he was a dear friend to my family and me. Mr. Speaker, I honor the memory of Ronny Finger. He is missed, but his commitment to our youth and community live on as a tribute to his life.

REVEREND HOWARD'S HISTORIC ROLE AT BETHANY BAPTIST CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PAYNE. Mr. Speaker, today—Sunday October 29th—marks a very special occasion at the historic Bethany Baptist Church in Newark, New Jersey, with the conclusion of a three-day installation celebration for the new pastor, The Reverend Dr. M. William Howard, Jr. I was pleased to be among the many well-wishers who attended the solemn morning worship service to officially welcome Reverend Howard, under whose dynamic leadership Bethany Baptist will continue to flourish and to reach even greater heights.

Bethany Baptist, the oldest African American Baptist Church in Newark, was founded in 1871. Underscoring the church's strong emphasis on community involvement and cultural commitment, the building itself was designed to resemble an African hut. Ministries of the church include a senior citizen center, AIDS ministry, hospice program, computer literacy program, prison ministry, race track ministry for jockeys, a farmer's market, support for foster children, and missionaries in Africa, Asia, and the Caribbean.

Reverend Howard served as President of New York Theological Seminary, a graduate school of theology committed to increasing the capacity of church workers as they strive to make a positive difference in their congregations and their communities, from 1992 to 2000. In recognition of his work, the Arthur Vining Davis Foundations named NYTS the recipient of its Award for Excellence for the year 2000. Prior to assuming the presidency at NYTS, Rev. Howard was for 20 years a member of the national staff of America's oldest Protestant denomination—The Reformed Church in America. He also served as moderator of the World Council of Churches/Programme to Combat Racism, President of the National Council of Churches, and President of the American Committee on Africa. An activist for social justice at home and abroad, Reverend Howard was a leading participant in the movement against apartheid in South Africa for two decades. His strong moral stand prompted the former apartheid government to deny him a visa to visit South Africa. When Nelson Mandela made his first visit to the U.S., Reverend Howard chaired the committee which organized the interfaith worship service at the Riverside Church at which Mr. Mandela was welcomed to New York. In 1979, during the hostage crisis in Iran, Dr. Howard conducted Christmas worship for Americans being held captive at the U.S. embassy, and in 1984, he chaired the delegation which along with the Reverend Jesse Jackson succeeded in obtaining release of a U.S. Navy pilot being held prisoner in Syria after having been shot down during a bombing mission over Lebanon. His work has taken him to Cuba, the former Soviet Union, the People's Republic of China, Central America and the Middle East.

Reverened Howard, a native of Americus, Georgia, is a graduate of Morehouse College and Princeton Theological Seminary. He holds several honorary degrees, keys to cities and awards from many organizations. A member of Sigma Pi Phi Fraternity and the Council of Foreign Relations, he has served as Secretary of the Association of Theological Schools, a member of the New York City Board of the Enterprise Foundation, and a commissioner of the Schomburg Center for Research in Black Culture.

Mr. Speaker, I know my colleagues in Congress join me in congratulating Reverend Howard and his wife Barbara Jean, who are the parents of three children, as he officially assumes this new leadership role at the historic Bethany Baptist Church.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. EHLERS. Mr. Speaker, on rollcall No. 573, I was unavoidably detained. Had I been present, I would have voted "nay".

THE 50TH ANNIVERSARY OF THE BELARUSAN-AMERICAN ASSOCIATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PALLONE. Mr. Speaker, I would like to congratulate the Belarusan-American Foundation on the auspicious occasion of its 50th anniversary. I am very proud of the fact that Central New Jersey is home to a significant Belarusan-American community. I happen to be very close to one particular member of the Belarusan-American community in this area: my wife, Sarah.

While we are here to celebrate, we must also recognize that Belarus has not made the successful transition to democracy like Poland, Slovakia, and as recently as this month, Serbia. Over nearly a decade of independence, the promise of democracy, freedom of expression and association, and the flowering of a national identity have not come to pass for the Belarusan people. The fault for this sad state of affairs rests, as all of us know, with President Aleksandr Lukashenka. The President has illegally extended his term of office beyond the legally mandated expiration date. Throughout his tenure, President Lukashenka has monopolized the mass media, undermined the constitutional foundation for the separation of powers, used intimidation and strong-arm tactics against the political opposition, suppressed freedom of the press and expression, defamed the national culture, maligned the national language and eroded Belarus's rightful position as a sovereign nation.

Worse, just two days before the Parliamentary elections held on October 15, President Lukashenka issued a fresh denunciation of market reforms. And, I am disappointed and disturbed that the Parliamentary elections almost exclusively involved candidates who back Lukashenka. Clearly, not a single OSCE condition for free and fair elections was met. This past week, Representatives GEJDENSON and SMITH introduced a Resolution condemning the October 15 elections. I will try to ensure that this bill reaches the House floor in the remaining days of this Congress. And today, I again express my strong condemnation of these "sham" elections.

For at least four years, I and other Members of Congress have been working to address Lukashenka's abuses of power. In 1996, I introduced a Resolution expressing concern over the Lukashenka regime's violations of human and civil rights in direct violation of the Helsinki Accords and the constitution of Belarus, and expressing concern about the union between Russia and Belarus. That Resolution also recognized March 25 as the anniversary of the declaration of an independent Belarusan state. A year later, I worked with leaders of the International Relations Committee to include language in the State Department Authorization bill, which passed the House, calling for our President to press the Government of President Lukashenka on defending the sovereignty of Belarus and guaranteeing basic freedoms and human rights.

For years now, the Belarusan-American community has been trying to inform the

American people about the truth in Belarus, that President Lukashenka's actions do not have widespread support and his regime has lost any sense of legitimacy it once may have had. I want to thank the Belarusan-American community in New Jersey and throughout the nation for continuing to speak the truth about events in the land of their ancestors.

Earlier this year, I joined Congressman GEJDENSON and others in introducing yet another Resolution that condemns the continued egregious violations of human rights in the Republic of Belarus, and the lack of progress toward the establishment of democracy and the rule of law in Belarus to continue to put pressure on Lukashenka. The Resolution also calls on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calls on the Russian Federation to respect the sovereignty of Belarus.

Obviously, President Lukashenka has not been moved by these expressions of concern by the United States and the international community. But we must not give up. We must continue to go on record condemning the abuses that have taken place and that continue to take place in Belarus. We must urge our President and State Department to keep the pressure on President Lukashenka—and also on Russian President Vladimir Putin.

I congratulate you for this occasion and for all of your efforts. I look forward to continuing to work together to pursue real democracy, and truly free and fair elections that comply with OSCE principles and the Helsinki Accords.

SENATE—*Monday, October 30, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 5 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, the very time of the day of this opening of the Senate puts an exclamation point to our prayer for Your help in the negotiations between the Congress and the President. As nature abhors a vacuum, You deplore deadlocks that debilitate progress. We know that when we seek Your problem-solving power, there are no unresolvable differences. Nothing is impossible with You. And yet You have ordained that we must ask for Your intervention. Then mysteriously You work in the minds and hearts of all involved to discover solutions and compromises that will bring resolution to the conflicts of wills as well as differences about what is best for our Nation.

We humbly confess our need for You, Lord. Times like these put intensity and intentionality into our motto, "In God We Trust." We do trust in You, Lord. Give all involved in this present conflict the desire to set aside political advantages. You have promised that if we pray with complete trust, You will accomplish what seems to be humanly impossible. Thank You for hearing our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS, a Senator from the State of Alabama, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator SESSIONS is recognized.

SCHEDULE

Mr. SESSIONS. On behalf of the majority leader, I note that today the Senate will be in a period of morning business until 7 p.m., with Senators DOMENICI and REID in control of the time. A vote on a continuing resolution that funds the Government until tomorrow morning will occur at 7 p.m. Senators should be aware that votes on continuing resolutions are expected each day. Senators should also be aware that multiple votes could occur each day starting tomorrow. Negotiations are ongoing, and it is still hoped that agreements can be made to wrap up the 106th Congress prior to the elections.

I thank my colleagues for their attention.

Mr. REID. Mr. President, if I could ask a question of the acting majority leader.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair. I am wondering if the Senator from Alabama would check with the majority leader to give us some idea of when he is planning to come in tomorrow; he is planing multiple votes. Numerous people have been calling and asking about that today.

Mr. SESSIONS. What I understand is this, that the majority leader has made this proposal to the Democratic leader which has not been accepted as of yet; that he would ask unanimous consent we stand in recess when we complete our business today until 5 p.m. Tuesday, and that the time between 5 p.m. and 7 p.m. be a period for morning business with the time equally divided, and that at 7 p.m. the Senate proceed to consider the 1-day continuing resolution and a vote occur immediately on the resolution when it is received from the House without amendments, debate, or motions in order. That will be the proposal at this point, as I understand it. But I am sure the majority leader would be open to improvements.

Mr. REID. Well, I say to my friend, I guess the good news is that ultimately there will have to be an end to the 106th Congress because the calendar is going to run out eventually. I hope we will see fit to maybe wrap up the work we have.

As you know, there has been tremendous work on Labor-HHS during the past 24 hours. Early this morning we thought we had an agreement worked out. As you know, my counterpart in the House on the Republican side, I understand, threw what we refer to as a monkey wrench into the proposed workout of the Labor-HHS bill which now, it is my understanding, is in further negotiations.

Time is really working very fast against us. As you know, we have sent a number of bills to the President. He is going to have to make a decision on those bills, whether he is going to veto them or sign them.

I know the majority leader is aware of all the problems that this Congress faces, but I hope that we exert any influence any of us have to try to work out this Labor-HHS bill. I think if that were worked out, we could probably resolve the other issues, or at least I hope so. There are a few other issues such as assisted suicide and immigration that would still be outstanding, but hopefully we could resolve those if we got this big final spending bill done.

Mr. SESSIONS. I am sure the majority leader would work toward that end. I know it has been his goal since this Congress began to move the appropriations bills to not find us at this point. Frankly, I am sympathetic with the fact that he has tried to do that and has been frustrated time and again. I think some people wanted us to end up in this very position, and they got their wish. And as far as I am concerned, we can stay here until January 1 or December 31 to do our business. Wiser people will decide that.

Mr. REID. You don't mind if we take at least a day or two for Thanksgiving and Christmas, do you?

Mr. SESSIONS. I do prefer to take off Christmas. But we have a high duty to do our work and do it right.

I thank the Senator for his comments, and I note that he desires, and I do, that we reach an accord.

I yield the floor and note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding that we are in a period of morning business and that the time used by the Senator from Alabama and the Senator from Nevada will be deducted from the 2 hours that are evenly divided for morning business, that the Democrats have the first half and the Republicans have the second half. Is that accurate?

The PRESIDING OFFICER. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SOCIAL SECURITY SCHEME

Mr. REID. Mr. President, what I would like to do for a few minutes is talk about the Governor of Texas and his plan regarding Social Security. I will not go into a lot of detail other than to say that the actuarials that are cited show that his plan is impossible because he is promising the same trillion dollars to two different groups, and in effect, the plan, just in a few short years, would bankrupt the country and we would have staggering deficits again.

So that those within the sound of my voice do not think that these statements that I am making are coming from the Democratic Senatorial Campaign Committee or the Democratic National Committee, let me read a number of quotes.

First of all, from Ron Gebhardtsbauer, who is Senior Pension Fellow at the American Academy of Actuaries, who said:

> "I don't see any way they pay off the public debt." And given Bush's large package of tax cuts, "in 2015 the budget will go negative. There won't be a surplus anymore."

Paul Krugman, economist and columnist for the New York Times stated on October 29:

> George W. Bush's proposal, admittedly, does not count on the stupidity of markets. Instead, he trusts the people: voters are not supposed to notice that the same pool of money is promised to two different groups of people.

Secretary of Treasury Lawrence Summers, who, by the way, is not only Secretary of Treasury and a brilliant academician but is also a fiduciary with the Social Security trust fund and has an obligation in that regard also, here is what he says:

> Now, there is of course, a Social Security surplus of approximately $2 trillion over the next 10 years. That surplus is currently earmarked to pay the guaranteed benefits for the baby boom generation when it retires. If that surplus is diverted to new accounts, then the resources will not be there to pay the guaranteed benefits when the baby boom generation retires.

Robert Ball, former Commissioner of the Social Security Administration, said on October 27, just a few days ago:

> I've looked over Governor Bush's plan. He takes one trillion dollars out of Social Security for savings accounts. But Social Security is counting on that money to pay benefits. His plan simply doesn't add up and would undermine Social Security.

Henry J. Aaron and Alan Blinder, Century Foundation Study of Governor Bush's Social Security proposal, Washington Post, August 24:

> In a recent report, we showed that Social Security retirement benefits would have to be cut as much as 54 percent to restore balance under a Bush-style privatization plan.

In an editorial in the New York Times yesterday:

> The governor's scheme would siphon money out of Social Security at the very moment when both seniors and younger taxpayers want to see long-term fixes to ensure its solvency.

Mr. President, the fact is that Governor Bush's plan ruins Social Security and ruins our economy. That is not a very good duo, as far as I am concerned, when you take into consideration that Social Security is the most successful social program in the history of the world.

We need to make sure that we do what we can to strengthen the program. Governor Bush's program weakens the program.

MEANINGFUL LEGISLATIVE ACCOMPLISHMENTS

Mr. REID. Mr. President, I find myself in amazement when I hear the Republican's spin that the Democrats played partisan politics in this Congress.

The truth is, we have repeatedly asked for the Republican leadership to work with us so we could have meaningful legislative accomplishments for the people in Nevada and in other States represented in this body.

These legislative accomplishments should include meaningful prescription drug benefits that help people—not the HMOs; a meaningful Patients' Bill of Rights—benefits to ensure the American people receive the urgent medical care they need rather than an HMO litigation protection bill; meaningful funding for education; that is, funding for school construction, repair, and modernization rather than denying States any Federal assistance to maintain our Nation's schools.

We always hear that this takes away from local control. No one on this side of the aisle wants to take local control away from schools.

We have many programs that we have worked on that have been very helpful in school districts.

I have not heard a single person from the Clark County School District, the sixth largest school district in the country—basically Las Vegas—complain about too much Federal money, or too much Federal control. Quite the opposite. The calls I get are for more help, especially school construction and repair and modernization.

I think we need a meaningful tax cut; that is, a significant tax to ensure we can still pay down the debt rather than a tax cut of such magnitude that we forget our current obligations; targeted tax cuts, for example, that would allow a child to go to school not based upon how much money the parents have but how much ability they have. A tax credit to allow the parents to deduct up to $10,000 a year per child would be most helpful to the American people. That is what we call a targeted tax cut. Of course, we need a minimum wage increase.

Speaking of Governor Bush, the reason Governor Bush has not been an advocate for a minimum wage increase is the State of Texas has one that is almost $2 an hour less than the Federal minimum wage.

In some States, the wages are much higher. You have some jurisdictions that have a minimum wage as much as $11 an hour. But here we don't. We have a $5.15 minimum wage. We want to increase it 50 cents an hour. We are getting all kinds of static for trying to do that. We need to do that.

Campaign finance reform: Certainly with this campaign season, people understand how we have to do something to take money out of campaigns. We need to have campaigns more meaningful. It shouldn't be how much money you are able to raise. It should be what the merits of your claims are.

As we get closer to Halloween, the debt of the American people should scare them more than any ghost. Instead of giving them treats, this Republican Congress, in my opinion, played a dirty trick on the American people. They are scheming to drive a stake through the heart of the positive Democratic agenda—an agenda that could make a real difference in the lives of working people.

We do not have the legislative accomplishments that we need. Instead we have accomplishments that could have been.

I know that there are others here wishing to speak. We have a limited amount of time.

I see my friends from Illinois and Minnesota. I would be happy to yield my time to either of them.

How much time does the Senator from Illinois desire?

Mr. DURBIN. I would like to ask for 20 minutes.

Mr. REID. How much time do we have, Mr. President?

The PRESIDING OFFICER. Forty-five minutes.

Mr. REID. I give 20 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DURBIN. Thank you, Mr. President. I ask the Chair to advise me when I have consumed 10 minutes.

Thank you, Mr. President.

THE AMERICAN CHOICE

Mr. DURBIN. Mr. President, let me follow up on a statement made by the Senator from Nevada about the choice the American people are facing in just a very few days.

I think if you believe that governing America is easy business, then the choice is easy, too.

I happen to think that the set of circumstances the next President will face is pretty challenging.

I can recall only a few years ago on the floor of the Senate when we spent most of our time debating deficits and talking about constitutional amendments to end deficits. But now we are debating surpluses. What are we going to do with the extra money?

We believe on the Democratic side that the first obligation has to be to reduce the national debt so that our kids don't carry that burden, and strengthening Social Security and Medicare. We believe that after we have met those obligations, we should target tax cuts to help the middle-income and working families deal with problems that are meaningful, problems such as paying for college education for their kids.

We believe on the Democratic side we should be able to deduct up to $12,000 a year of tuition fees paid for your children in college. I have taken that across the State of Illinois, a pretty diverse State, and it is widely accepted. People believe that is an excellent change in the Tax Code.

We also want to give families—working families, single mothers, too, for that matter, who need to have good quality day care—an additional tax credit so they can afford to leave their kids in safe day care. We say to the mother who wants to make the sacrifice to stay home with the kids, you deserve a tax break too; you are making a sacrifice. Our Tax Code should recognize that. That is targeted tax cuts the Democrats support.

So many people have aging parent and grandparents. We want to increase the deductibility of expenses incurred in caring for their parents. Baby boomers have noted their parents need extra help as they live a longer life. They need extra assistance. We want to be there. The Tax Code should support families who do their best to help relatives, to help their parents.

We believe, bringing this together, we can keep America moving forward because we won't be embarking on a risky tax scheme, one that has been proposed by Governor Bush. The idea of $1.6 trillion in tax cuts, 40 percent of which go to the wealthiest people in America, is a bitter pill to swallow. Who are the top 1 percent wage earners in America? People who make over $25,000 a month, over $300,000 a year. Governor Bush says these poor struggling people making only $300,000 a year need a tax break, $2,000 a month worth of a tax break.

I am sorry, but, frankly, I prefer to target that tax break to the people who really need it. A fellow such as Bill Gates at Microsoft has been very successful, God bless him for his creativity, but this man's net worth is greater as an individual than the combined net worth of 106 million Americans. Does he need Governor Bush's tax break? I don't think so. I know a lot of families across Illinois want to have a tax break to send one of their kids to college so that kid might have a chance to have a successful career and business or whatever they choose.

That is the difference. That is the choice. I think a lot of people in this election want to overlook a little history. Let me share some of that history.

Mr. REID. Will the Senator yield?

I ask unanimous consent that the time I consume asking questions not be charged against the Senator from Illinois.

The PRESIDING OFFICER. It will be charged against the Democratic time.

Mr. REID. I say to my friend from Illinois, does the Senator agree the best tax cut the American people could get would be if they paid down the national debt? That would give Bill Gates a break and everybody in America a break; is that not true? .

Mr. DURBIN. The Senator from Nevada is right. If we pay down our debt, we stop borrowing to service the debt. As we stop borrowing, the demand for capital goes down. That is, the cost of capital goes down, which is the interest rate. As interest rates go down, every family in America can feel it on their mortgage payment, on their loan for school payment, or their auto payment. That is as good as, if not better than, a tax cut, if we reduce that burden on our kids and bring down the interest rates in the process.

Mr. REID. One more question I want to ask my friend from Illinois. I have a long-time friend; we went to high school together. We were inseparable friends. He was my chief of staff until he retired 2 years ago. His mother has been very ill. She passed away last night.

The point I want to make is this: My friend's sister, my friend Gloria, with whom I also went to high school, spent many months caring for her mother in her home. She gave up her job. It was a tremendous burden, but it was her mother. She did it; she is a caring person; she gave up her life to take care of her aged mother.

Do you know what tax break she got from that? Nothing.

As I understand what my friend is saying, the Senator thinks we should spend a little bit of this surplus to give my friend Gloria a tax break so that she and other people similarly situated who are willing to take care of their mother or other loved ones—and there is no better care that can be given—should be given some kind of tax incentive for doing this; is that what my friend is saying?

Mr. DURBIN. That is exactly right. If you really believe in family values, is there a stronger family value than a son or daughter willing to sacrifice for an aging and ailing parent? If we are going to support family values with the Tax Code, shouldn't we include in that Tax Code some assistance for your friend and her situation? They would give $2,000 in tax breaks to Bill Gates, and he wouldn't even notice it. I am telling you, your friend will, as will a lot of other baby boomers across American who are caring for their parents. That is the difference. That is the choice. It really is a graphic choice.

If you look at this chart, there has been a suggestion that having surpluses at the Federal level must be easy, so anybody can do it, yet history tells otherwise. It wasn't until halfway through the Clinton-Gore administration that we finally turned the corner, and now we are generating the largest surplus in history. We are paying down America's debt for the first time.

Look at all the red ink that occurred under Ronald Reagan and President George Bush and the early years of the Clinton administration. We finally turned this corner in the belief we could do a $1.6 trillion tax cut for the wealthiest people and take $1 trillion out of the Social Security surplus and use it for some privatization scheme. Frankly, I don't think that is responsible. If I owe anything to the people of Illinois and this country, it is to maintain the economic growth and prosperity we have seen.

Let me mention one other point. Basic economics says Alan Greenspan's greatest fear is inflation. Every time he thinks we are moving toward inflation, what does he do? He raises interest rates a notch and slows things down. I can also say you can create inflation with government spending or tax reductions. Injecting $1.6 trillion into our Nation's economy through tax cuts will energize the economy and create inflationary pressure, forcing the Federal Reserve to raise interest rates in response.

So George W. Bush gives a tax break on one hand and creates an economic circumstance that raises interest rates on the other. You get to take your new tax break and pay for a higher ARM, your adjustable rate mortgage on your home. There is no benefit to your family. There is a real benefit if you reduce the debt, the deficit of this country, and make sure our kids don't bear that burden.

Mr. REID. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. REID. I see the illustrative chart. It appears to me every year that President Clinton has been in power, in office, the deficit has gone down. Does the Senator from Illinois—and I was in Congress in 1993 when we took a very tough vote, the Clinton budget deficit reduction act was a tough veto. Not a single Republican voted for it in the House, not a single Republican over here. AL GORE came over and broke the tie.

Would the Senator agree with me, that is what put the country on the road to economic recovery where we created 22 million jobs—the lowest unemployment in 40 years—we have surpluses instead of deficits; we have a Federal Government today that is 300,000 people fewer than when GORE and Clinton took office? Does the Senator believe that is the reason this chart is illustrated the way it is?

Mr. DURBIN. I don't think there is any doubt. It was a tough vote, and we both know some of our colleagues lost their reelection campaigns because of it, because people demagogued and said it was the biggest tax increase.

It was on the wealthiest people in the country and also the biggest tax cut in history, and it was right thing to do. It was the right medicine. People on Wall Street and the business community know we finally have a President who will take a difficult but necessary path toward bringing us to a surplus economy. That is exactly what has happened.

To think this could happen under any President, I say, is wishful thinking, because I have served under three Presidents and I can say in the early days we didn't see any indication that the deficits were going to decrease. In fact, just the opposite is true. We can see in the President George Bush era the deficits were increasing each year. It wasn't until the Clinton-Gore administration started that the deficits were reduced, leading to a surplus.

Then take a look at the overall impact to which the Senator from Nevada alludes. We are in the longest economic expansion in the history of the United States of America, 115 months. We have seen the effort made, the longest sustained surplus coming out of our Federal deficit in our history. We have seen more money generated to pay down debt than at any time in our history. What does it mean?

As the Senator has noted, the unemployment rate of this country has been coming down steadily since 1992, the election of Bill Clinton and AL GORE. We can see the unemployment rate is the lowest peacetime level in 42 years. This does not happen automatically. It isn't just something we can expect to see automatically. We have to make the right choices. Some of them are difficult. Some are painful. Some are easily demagogued in 30-second ads. These choices have paid off for America.

Let me show the Senator from Nevada some charts to back up other things he said: 22 million new jobs have been created under the Clinton-Gore administration. Is this something that is easy to do? Obviously, President George Bush couldn't do it. In his 4 years, he managed to create some 2.5 million jobs; President Reagan, 16 million under his 8-year period. But 22 million were created across this country in Clinton-Gore.

There used to be a debate whether we value work. Since I was a little boy growing up in my family, work was important. You proved your mettle as a person by going to work. Now 22 million Americans have a chance to go to work and their chance to realize the America dream.

Look at the inflation rate. This is the lowest level since 1965. Inflation being low means a lot of people can understand that their take-home pay is still worth a lot if it keeps up with inflation.

In the bad old days, we had inflation rates in double digits. Now we are down to an inflation rate that is below 3 percent. People who are always left out in this equation are the poorest in America. We see now the lowest poverty rate in two decades was in 1999. It means basically we have not just helped those the best off in America, we have tried to help everybody. That means more job creation bringing more people off welfare, and our welfare rolls are the lowest they have been in modern memory. All these positive things have occurred. The question people have to face in the election on November 7 is basically the same election question Ronald Reagan posed many years ago: Are you better off today than you were 8 years ago? For the vast majority of Americans the answer is, overwhelmingly, yes. There is a fear, of course, unless we make the right decisions and elect the right leaders, we could jeopardize that situation.

Look at Federal spending. I noticed George W. Bush goes around saying AL GORE wants to spend more and more at the Federal level, but this chart shows spending is moving in the opposite direction. Since the election of Bill Clinton in 1992, we have seen a steady decline of Federal spending as a percentage of our gross domestic product. Our spending is more effective. We are trying to do things that are important for America, and it has been evidenced in our economy and economic growth.

Take a look a little more closely at the tax cut that would be happening here under the proposals we have seen from George W. Bush. We see basically the average tax cut for the lowest 20 percent of Americans ends up this year being worth about $18. If you happen to be in the top 1 percent, it is worth over $4,000. As you look at these, you understand this is a clear choice.

I want to go back to one point made by the Senator from Nevada. I think it is an important one. Last week it wasn't the Democratic Party, it wasn't the Republican Party, it was the American Academy of Actuaries that analyzed the George W. Bush proposal for Social Security. This is a group that is supposed to know their business when it comes to analyzing what policy changes would mean.

Here is what they said in their release of October 27: Bush's plan on Social Security would signal a return to Federal budget deficits around 2015.

How could that be good for America? How could it be good for us to go back to a deficit situation, adding to our national debt and drawing more money out of the economy to pay interest on it, raising interest rates, creating an inflationary spiral?

They went on to say:

> Texas Governor George W. Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

The PRESIDING OFFICER. The Senator asked to be advised when he had 10 minutes remaining. There are 10 minutes remaining

Mr. DURBIN. I thank the Chair.

The program is a pay-as-you-go system, meaning most of the payroll taxes collected now are disbursed to recipients. We say, If we draw money out of Social Security, and we know we need to have it, how do you replace it? He was asked repeatedly in the third debate: Governor Bush, how do you replace the $1 trillion you take out of Social Security? He cannot answer the question because the hard answer to that question is the only way to replace it is to take one of three options: Reduce Social Security benefits; raise the payroll tax on Social Security; or somehow extend the retirement age beyond 67.

I do not think any of those is a popular option. I hope we never have to face them, but if Governor Bush is going to propose massive changes in Social Security, then he has to face the music and explain it to the American people before the election.

I would like to address a separate issue, but one equally important in this debate over the next President of the United States.

U.S. OVERSEAS DEPLOYMENTS

Mr. DURBIN. Mr. President, the pace of U.S. deployments and the use of force overseas has been a hot issue in policy debates in Congress and on the campaign trail. Presidential candidate, Governor George W. Bush, says that he will put an end to the Clinton Administration's "vague, aimless and endless deployments;" that he would replace "uncertain missions with well-defined objectives."

So the question is: Has the President improperly committed our forces overseas in major missions and at an unprecedented rate compared to his predecessors? I don't think so. I want to take some time today to look at the deployments in question and at deployment statistics. I ask unanimous consent to have printed in the RECORD the lists of deployments, so Americans can judge for themselves if they think there were missions that the military should not have undertaken.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DURBIN. I want to look at why a deployment of between 10,000 and 30,000 soldiers to the Balkans, or deployments of several thousand military personnel at a time for disaster relief or humanitarian aid could disrupt a military that has a combined force of about 2.2 million active and reserve personnel.

The hardships suffered by our men and women in uniform are painfully real and should not be understated. I salute the sacrifices our soldiers, sailors, airmen, and marines are making everyday to defend our national security. Many of these hardships have arisen because the world has changed drastically and so has our military.

Our military has changed from a post-World War II forward-based force to much more of a projection force. When we talk about deployments going up, we are talking about times when we send our forces away from their home bases and their families. After World War II, we had a half million troops stationed in Europe, but with their families, if they had families. Those troops were not considered "deployed," because they were based there. So when people talk about a massive increase in deployments, they are generally not counting those who are stationed in overseas bases.

That is how having 10,500 soldiers in the Balkans today can be considered and counted as a major deployment, but stationing a half million troops in Europe from the end of World War II through the 1980s is not even counted as a deployment by classic definition.

Our military has also changed drastically. It used to be a force of mainly single, young men. Today, our forces are filled with married men and women, many of whom also have children. So deploying them on repeated missions overseas, along with frequent job changes, as well as being overworked at their home bases, creates serious hardships for family life.

I submit today that many of the problems encountered by our men and women in uniform are related to the ways our military is organized and managed, based on the assumptions developed following our experience in World War II. I recommend to my colleagues an excellent, thoughtful paper, entitled "It's The Personnel System," by John C. F. Tillson of the Institute for Defense Analysis. His paper explores the personnel and organizational assumptions that underlie the military, as well as the intersection of deployment tempo, personnel, or job-changing tempo, and operating tempo at home bases.

These are complex problems that require serious thought. I think it is very sad that these issues would be reduced to a conclusion that the United States must pull out of our leadership role in the world instead of addressing those problems head-on.

What are those unending missions that the Clinton Administration has gotten us into? Most of them were inherited from the Bush administration or Ronald Reagan's administration, or even earlier ones.

Of the 100,000 troops currently deployed long-term away from home, only 10,500 or a little over 10 percent are deployed by the Clinton Administration—to the Balkans. The rest of the major long-term deployments were inherited, including deployments in Japan, the Korean peninsula, the Persian Gulf, and Navy deployments in the Western Pacific and the Mediterranean, as well as the mission that went wrong in Somalia. The only other major mission that the Clinton Administration took on that it did not inherit was to Haiti; and contrary to what Governor Bush said during the second Presidential debate, that mission is over.

I have seen many figures bandied about claiming that the Clinton Administration has used force at a much greater pace than Presidents Bush and Reagan before him. Where do these claims come from?

For example, an op-ed in The Wall Street Journal on October 18th by Mackubin Thomas Owens from the Naval War College and the Lexington Institute, says that:

> Deployments have increased three-fold during the Clinton years.

He further stated:

> These deployments have included some combat missions, but have consisted primarily of open-ended peacekeeping and humanitarian operations—48 missions, to be precise, from 1992 to 1999.

Apparently, a 1999 Congressional Research Service report, Instances of Use of United States Armed Forces Abroad, 1798—1999, was used to substantiate these claims. Specifically, the CRS report shows that during the Reagan and Bush administrations there were 17 and 16 uses of force overseas respectively. This compares to 49 uses of force overseas during the first 7 years of the Clinton administration.

Unfortunately, reading the CRS report this way is a gross misrepresentation of the facts and an absurd misuse of the CRS report, which was intended only to be a compendium or rough survey of the range of uses of force. CRS and its fine analysts should not be blamed for the poor analysis of others who used the report as a source.

For instances of use of force in recent years, the CRS report is just a list of times when the President and Defense Secretary reported to Congress consistent with the 1973 War Powers Resolution, and the report notes that the instances of use of force listed vary greatly in size and significance. The degree to which each President reports to and consults with Congress on war powers matters varies greatly. The Clinton Administration has reported to Congress diligently. To simply add up each instance without reading and analyzing them inevitably leads to a gross misinterpretation of the facts and to conclusions that cannot survive serious scrutiny.

Let me provide that scrutiny using CRS' numbers.

Of the 49 instances of use of force cited in the CRS report, 14 were either evacuations of U.S. citizens from Third World countries or minor increases in security at U.S. embassies. This is hardly the troop deployment depicted by the critics of the Clinton administration. Moreover, 24 other uses of force were merely continuing operations or simply status reports about continuing operations, 5 of those separate entries for status reports on peacekeeping operations in the Balkans.

There are 7 separate citations regarding air attacks on Iraqi ground targets after the gulf war.

The analysis suggests the numbers have been misused. Frankly, it raises a question of whether or not the military has been used effectively over the past 8 years. I certainly think it has.

There were 4 entries regarding the deployment of troops in Haiti—3 of which were reporting on the number of troops coming home! But those "counted" as uses of force by the Clinton Administration. So did reductions in US forces from Bosnia.

The largest deployment under President Clinton—some 30,000 troops to Bosnia for peacekeeping missions—is dwarfed by the 600,000+ troops sent to the Persian Gulf during Desert Shield/Storm under President Bush, yet the deployment to Bosnia counts for 15 entries in the CRS report, and the entire Gulf War, only one. The invasion of Grenada with 8,800 US troops has but a single entry.

The entries for the Clinton years included many instances of rescuing American citizens or humanitarian aid. Yet there were very few such instances for the Reagan-Bush years. It seems unlikely that hardly any U.S. citizens needed rescuing during those years, so I suspect such entries are simply missing.

How do we make sense of these numbers?

If we sort out all the multiple entries for the same deployment, as well as the minor deployments for embassy security and evacuations, it becomes clear that the number of distinct uses of force by the Clinton Administration is not that different from the Bush or Reagan years.

Deconstructing the CRS instances of use of force to include only distinct uses of force, we find that: over 8 years, there were 16 distinct uses of force by President Reagan, the major one the invasion of Grenada; 13 uses of force over the 4 years of the Bush Administration, the major ones being Panama, the Persian Gulf, and Somalia; and 13 uses of force for 7 years of the Clinton Administration, the major ones being Haiti, Bosnia and Kosovo.

The misuse of the CRS report was an egregious distortion of the Clinton Administration's record. To set the record straight, I asked the Defense Department what its numbers show.

First, I should note that there is no uniform method for counting deployments at the Defense Department; some count training and exercises as deployments, and some count domestic missions, like fighting the fires in the West or helping with Hurricane Andrew clean-up.

In March 1999, Defense Secretary William S. Cohen sent a report to Congress entitled, "U.S. Military Involvement in Major Smaller-Scale Contingencies Since the Persian Gulf War." In that report, Secretary Cohen notes that:

> . . . since the end of the Persian Gulf War in February 1991, U.S. military forces have conducted or participated in approximately 50 named, overseas SSCs [small-scale contingencies] involving the deployment of 500 or more military personnel at any one time. This includes three crisis response/show of force operations, three limited strike operations, ten noncombatant evacuation operations, four no-fly zone enforcement operations, three maritime sanctions enforcement operations, six migrant operations, ten peace operations, ten humanitarian assistance operations, and one operation to provide emergency overseas assistance to other U.S. government agencies.

I asked the Defense Department for more detail, so DoD also sent me supporting data for the Secretary's report, showing 60 contingencies from 1980–1999—26 from 1980–1992, the Reagan-Bush years, and 34 during the Clinton Administration. Instead of 50 since February 1991 mentioned in the Secretary's report, it lists 44 contingencies since then.

The 34 contingencies during the Clinton Administration are those missions that have a "name," like "Avid Response" or "Sustain Hope." The sources of this information are the reports to Congress consistent with the War Powers Resolution, just like the CRS report. However, the data doesn't suffer from repetition, since it only uses named missions, so multiple reports were consolidated. These contingencies also include many instances of rescuing Americans or humanitarian aid missions.

However, almost all the data from 1980–1991 uses that same CRS report, Instances of Use of United States Armed Forces Abroad, 1798–1999, as its source, which may suffer from under-counting smaller deployments for that time period. I would like to ask the Defense Department today to look at its own internal data for the period on which it relied on the CRS report.

I also asked the Army to provide me with deployment data, which I would like to submit for the RECORD. The Army lists 38 deployments since 1989, including humanitarian assistance, noncombatant evacuations, and domestic disaster relief in Florida, Hawaii, California, Midwest floods, and Western fire-fighting.

Mr. President, I ask unanimous consent that a document entitled "Major Overseas Smaller-Scale Contingency Operations" and another entitled "Operational Deployments" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

MAJOR OVERSEAS SMALLER-SCALE CONTINGENCY OPERATIONS

[Involving the deployment of 500 or more U.S. Armed Forces personnel—March 1991–February 1999]

Location	Operation	Dates
CRISIS RESPONSE/SHOW OF FORCE		
Kuwait	Vigilant Warrior	Oct–Dec 94.
	Vigilant Sentinel	Aug–Dec 95.
Iraq	Desert Thunder	Oct 97–Nov 98.
LIMITED STRIKE		
Bosnia	Deliberate Force	Aug–Sep 95.
Iraq	Desert Strike	Sep 96.
	Desert Fox	Dec 98.
NONCOMBATANT EVACUATION OPERATIONS		
Liberia	JTF Liberia	Oct 92.
Rwanda	Distant Runner	Apr 94.
Liberia	Assured Response	Apr–Aug 96.
Central African Republic	Quick Response	May 96.
Zaire	Guardian Retrieval	May–Jun 97.
Albania	Silver Wake	Mar–Jul 97.
Sierre Leone	Noble Obelisk	May–Jun 97.
Cambodia/Thailand	Bevel Edge	Jul 97.
Indonesia	Bevel Incline	May 98.
NO-FLY ZONE ENFORCEMENT		
Iraq	Northern Watch	Aug 92–present.
Persian Gulf	Southern Watch	Aug 92–present.
Bosnia	Deny Flight	Apr 93–Dec 95.
	Deliberate Guard	Dec 96–Apr 98.
MARITIME SANCTIONS ENFORCEMENT		
Adriatic Sea	Maritime Monitor	Jun–Dec 92.
	Maritime Guard	Dec 92–Jun 93.
	Sharp Guard	June 93–Sep 96.
	Decisive Enhancement	Dec 95–Dec 96.
MIGRANT OPERATIONS		
Cuba (Guantanamo)	Safe Harbor	Nov 91–Jun 93.
Cuba (Haitian/Cuban)	Sea Signal	May 94–Feb 96.
Carbbean (Haitian)	Able Vigil	Aug–Sep 94.
Panama (Cuban)	Safe Haven	Sep–Feb 95.
Cuba (Cuban)	Safe Passage	Jan–Feb 95.
Guam (Kurds)	Pacific Haven	Sep 96–Apr 97.
PEACE OPERATIONS		
Sinai	Multinational Force & Observers.	Apr 82–present.
Macedonia	Able Security (UNPREDEP)	Jun 93–present.
Somalia	Continue Hope (UNOSOM II).	May 93–Mar 94.
	United Shield	Dec 94–Mar 95.
Haiti	Uphold Democracy (MNF/USSPTGP).	Sep 94–present.
	Restore Democracy (UNMIH).	Mar 95–Apr 96.
Bosnia	Joint Endeavor (IFOR)	Dec 95–Dec 96.
	Joint Guard[2] (SFOR)	Dec 96–Jun 98.
	Joint Forge[3] (SFOR/FOF).	Jun 98–present.
Kosovo	Eagle Eye	Oct 98–Mar 99.
HUMANITARIAN ASSISTANCE OPERATIONS (OVERSEAS)		
Iraq	Provide Comfort	Apr 91–Dec 96.
Bangladesh	Sea Angel	May–Jun 91.
Former Soviet Union	Provide Hope	Feb 92–Apr 92.
Bosnia	Provide Promise	Jul 92–Feb 96.
Somalia	Provide Relief	Aug 92–Dec 92.
	Restore Hope	Dec 92–May 93.
Zaire	Support Hope	Jul–Oct 94.
Rwanda/Zaire	Guardian Assistance	Nov–Dec 96.
Central America	Strong Support	Oct 98–Mar 99.
EMERGENCY OPERATIONS OVERSEAS IN SUPPORT OF OTHER U.S. GOVERNMENT AGENCIES		
Tanzania/Kenya	Resolute Response	Aug 98–present.

OPERATIONAL DEPLOYMENTS SINCE 1989 AND ONGOING

MULTINATIONAL FORCE AND OBSERVER (MFO)

Peacekeeping—Sinai. Established by Protocol 26 Mar 79 to Peace Treaty between Egypt and Israel. MFO assumed duties Apr 82. MFO is a peacekeeping operation under the auspices of the U.N. MFO operates checkpoints, reconnaissance patrols & observation posts to observe, report and periodically verify the implementation of the Peace Treaty. U.S. participation consists of an Infantry Battalion & the 1st Support Battalion. Soldiers on individual permanent change of station order man to Support Battalion, while battalion-sized task forces of approx. 530 personnel, rotate about every six months.

JOINT TASK FORCE (JTF) BRAVO

Regional Cooperative Security—Honduras. Conducts and supports joint, combined and interagency operations to enhance regional security and stability in the U.S. Southern Command Joint Operations Area. Established in Aug 84, at Soto Cano Air Base, Honduras, the task force coordinates the presence of U.S. forces in Belize, Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica.

JUST CAUSE

Limited Conventional Conflict—Panama. In December 1989, the National Assembly of Panama declared that a state of war existed with the U.S. On 20 December 1989, U.S. forces launched attacks. Objectives were to protect U.S. lives and key sites and facilities; capture and deliver Noriega; neutralize Panamanian Defense Forces (PDF) forces and command and control; support establishment of U.S.-recognized government in Panama; and restructure the PDF.

DESERT SHIELD/DESERT STORM

Regional Conventional Conflict—Persian Gulf. Restoration of Kuwait's sovereignty by military force from Saddam Hussein. The ensuing war and economic embargo decimated Iraq's military infrastructure, severed communication and supply lines, smashed weapons arsenals and destroyed morale.

DESERT FALCON

Force Protection—Saudi Arabia/Kuwait. Began 1991. Air and missile defense of Saudi Arabia and Kuwait. JFCOM and EUCOM provide Patriot Air Defense Task Forces (750 soldiers) on a rotational basis for contingency employment in the Central Command area of responsibility. Task forces rotate approximately every four to six months and every third rotation is a U.S. Army Europe responsibility.

SEA ANGEL

Humanitarian Assistance—Bangladesh. Supported international relief and rescue effort and deployment forces to Bangladesh in order to conduct humanitarian assistance and disaster relief.

PROVIDE COMFORT

Humanitarian Assistance—Northern Iraq. Establish a Combined Task Force, at the conclusion of the Gulf War, to enforce the no-fly zone in Northern Iraq and to support coalition humanitarian relief operations for the Kurds and other displaced Iraqi civilians.

JOINT TASK FORCE (JTF) LIBERIA

Noncombatant Evacuation Operations—Liberia. Protection and evacuation of American citizens and designated third country nationals in support of a State Department evacuation directive that reduced the number of at risk American citizens.

RESTORE/CONTINUED HOPE

Humanitarian Assistance—Somalia. Military transports supported the multinational UN relief effort in Somalia. Restore Hope—Dec. 92–May 93: Deployed large U.S. and multinational U.N. force to secure major airports, seaports, key installation and food distribution points, and to provide open and free passage of relief supplies, with security for convoys and relief organizations and those supplying humanitarian relief. Continue Hope—1993-1994: Provided support to

UN Operation In Somalia (UNOSOM II) to establish a secure environment for humanitarian relief operations by provided personnel, logistical, communications, intelligence support, a quick reaction force and other elements with 60 Army aircraft and approx. 1,000 aviation personnel.

SOUTHERN WATCH

Sanctions Enforcement—Saudi Arabia, Qatar and Kuwait. Multinational, joint operation with forces deployed throughout SWA. CENTCOM forward-deployed HQ, JTF–SWA, is located in Riyadh, Saudi Arabia. The mission is to enforce the No-Fly Zone in Southern Iraq. ARCENT maintains a forward presence in Kuwait, Saudi Arabia, and Qatar in support of OSW. ARCENT began its support of OSW in Apr. 91. During the Jan–Feb 98 crisis, CENTCOM activated another forward HQ, C/JTF–KU, to command and control the operational forces deployed to Kuwait and maintain a forward presence HQ in Kuwait.

PROVIDE PROMISE

Humanitarian Assistance—Balkans. Humanitarian relief operations in Bosnia-Herzegovina and Croatia, entailing airlift of food and medical supplies to Sarajevo, airdrop of relief supplies to Muslim-held enclaves in Bosnia and construction of medical facilities in Zagreb.

HURRICANE ANDREW

Domestic Disaster Relief—Florida and Louisiana. U.S. military provided disaster relief to victims of Hurricane Andrew, which ravaged portions of South Florida and Morgan City, LA.

TYPHOON INIKI

Domestic Disaster Relief—Hawaii. U.S. Army provided disaster relief to victims of Hurricane Iniki which battered the island of Kauai, Hawaii, with winds up to 165 miles per hour in September 1992.

JOINT TASK FORCE (JTF) LOS ANGELES (LA RIOTS)

Domestic Civil Support—California.

PROVIDE HOPE

Humanitarian Assistance—Former Soviet Union. Delivery of food and medical supplies to 11 republics of the former Soviet Union, using military airlift, as well as sealift, rail and road transportation. Personnel provided surplus Army medical equipment to hospitals and delivered, installed and instructed medical personnel on the use of the equipment.

DENY FLIGHT

Sanctions Enforcement—Bosnia. NATO enforcement of a No-Fly Zone over Bosnia-Herzegovina from April 1993 to December 1995. U.S. soldiers deployed to Brindisi, Italy to support Operation Deny Flight. During operation CPT Scott O'Grady was shot down and was rescued by the combined efforts of the Army, Navy, Air Force and Marines.

MIDWEST FLOODS

Domestic Disaster Relief—Midwestern States.

ABLE SENTRY

Peacekeeping—Macedonia. Part of the UN Preventive Deployment (UNPREDEP) force and responsible for surveillance and patrol operations for the FYROM border and force protection. The UN mandate for the UNPREDEP force expired without renewal on 28 Feb 99. In late Mar 99, TFAS transferred 3 of 4 outposts to the FYROM Army. Refugees from Kosovo were beginning to come across the border into Macedonia in large numbers. On 31 Mar 99, while engaged in routine activities inside the FYROM, a three man 1–4 CAV patrol came under fire and was abducted.

SHARP GUARD

Sanction Enforcement—Former Republic of Yugoslavia. Enforced compliance with the U.N. sanctions against the former Republic of Yugoslavia to help contain the conflict in the region and to create conditions for a Peace Agreement in Bosnia and Herzegovina. U.S. military operations were amended by law (Nunn-Mitchell Act) to exclude enforcement of the arms embargo against Bosnia. U.S. forces continued to provide air deconfliction and command and control to NATO.

WESTERN U.S. FIRES

Domestic Disaster Relief—Western United States.

VIGILANT WARRIOR

Show of Force—Kuwait. In October 1994, when Iraq began moving ground forces toward Kuwait, the President ordered an immediate response. Within days, the USCENTAF Commander and staff deployed to Riyadh, SA and assumed command of JTF–SWA. Operation involved "plus up" of air assets to more than 170 aircraft and 6,500 personnel. Objectives were to prohibit the further enhancement of Iraqi military capabilities in southern Iraq, to compel the redeployment of Iraqi forces north of the 32d parallel and to demonstrate U.S. coalition resolve in enforcing U.N. resolution. Iraq recalled its troops and crisis passed.

SUPPORT HOPE

Humanitarian Assistance—Rwanda/Zaire. Establishment of refugee camps and provision of humanitarian relief to Rwandan refugees in Eastern Zaire following the genocide in Rwanda.

SEA SIGNAL

Migrant Operations—Cuba. Establishment of Joint Task Force—160, a combined service task force that managed migrant caps for Haitians initially, and later Cubans as well, at Guantanamo Bay Naval Base. U.S. military personnel oversaw housing, feeding and medical care for over 20,000 Haitians and 30,000 Cubans. Majority of Haitians migrants were safely repatriated following the restoration of President Aristide (Operation Uphold Democracy). Cuban migrants at Guantanamo prior to the change in migration policy in May 1995 were eventually brought into the U.S.

UPHOLD DEMOCRACY

Peacekeeping Operations—Haiti. Movement of forces to Haiti to support the return of Haitian democracy. Most of the force was airborne when Haitian officials agreed to peaceful transition of government and permissive entry of American forces in Sep 94. U.S. transferred the peacekeeping responsibilities to U.N. functions in Mar 95.

U.S. SUPPORT GROUP HAITI

Humanitarian Assistance—Haiti. Southern Command conducted civil and military operations in Haiti by exercising command and control and providing administrative, medical, force protection and limited logistical support to deployed-for-training units conducting humanitarian and civic assistance projects. Forces were initially deployed under the authority of Operation Uphold Democracy to restore Haitian President Jean Bertrand Aristide to power. In Mar 95, Operation Uphold Democracy continued as USSPTGRP-Haiti. HQDA provided approx 60 soldiers on six month rotation and a 150 man infantry company for security operations. Mission ended Jan 00.

VIGILANT SENTINAL

Show of Force—Kuwait. In August 1995, Hussein tested U.S. resolve by moving a significant military force close to his country's border with Kuwait. Included protecting the physical security of U.S. allies in the Persian Gulf and on the Arabian Peninsula, deterring aggression, countering threats to the peace and stability of the Gulf region and maintaining U.S. access to key oil resources.

JOINT ENDEAVOR/JOINT GUARD/JOINT FORGE

Peacekeeping—Bosnia-Herzegovina. U.S. deployed forces to Bosnia-Herzegovina in Dec 95 to monitor and enforce the Dayton Peace Agreement (now the General Framework Agreement for Peace or GFAP). Operation renamed Joint Guard in FY97. Joint Forge (OJF) is NATO's follow-on operations to Operation Joint Guard. OJF is the operational plan to the Supreme Allied Command Europe for Stabilization of the Peace in Bosnia and Herzegovina. Under the general framework for peace, the Army's mission is to provide continued military presence to deter renewed hostilities, to continue to promote a self-sustaining, safe and secure environments and to stabilize and consolidate the peace in Bosnia. The Stabilization Force (SFOR) supports the Dayton peace Accords through reconnaissance and surveillance patrols, monitoring border crossing points per UN Security Council Resolution 1160, enhancing security for displaced persons and refugees and professionalizing the military. Task Force Eagle (TFE) Multinational Division, North (MND(N)) is the U.S. lead division of the SFOR.

ASSURED RESPONSE

Non-Combatant Evacuation Operations—Liberia. U.S. deployed forces on 7 Apr 96 to conduct evacuation of U.S. and foreign national citizens from Liberia. Joint Special Operations Task Force deployed additional security forces to the U.S. embassy in Monrovia and evacuated over 2,000 personnel including over 400 U.S. citizens.

TAIWAN MANEUVER

Show of Force—Taiwan.

DAKOTA FLOODS

Domestic Disaster Relief—Western United States.

DESERT THUNDER I AND II

Show of Force—SWA. Provided military presence and capability during negotiations between the UN and Iraq over weapons of mass destruction. In late 1997 and early 1998, Iraq demonstrated an unwillingness to cooperate with UN weapons inspectors. In Feb and Mar 98 troops were deployed to SWA in response to Saddam Hussein's defiance of UN inspectors. During this large scale contingency deployment of Allied Forces into the theater in the spring of 1998, the size of U.S. Army Forces Central Command (ARCENT), Third U.S. Army increased while at the same time relocated their HQ from the Eastern Province to its present location in Riyadh, Saudi Arabia.

STRONG SUPPORT/HURRICANE MITCH

Humanitarian Assistance—South America. On 5 Nov 98, Secretary of Defense ordered deployment of forces to support relief operations in Southern Command. Hurricane Mitch caused extensive flooding and mud slides. The countries most seriously affected were Honduras, Nicaragua, Guatemala and El Salvador, with over two million displaced people and significant infrastructure damage. Deployed forces provided aviation, logistics, emergency evacuation, engineer assessment, road repair, communications and medical care. Deployed forces reached a peak of

4,000+ in Dec 98. Operations continued until mid-April 1999. Ongoing work was continued under USAR & NG New Horizon exercises beginning in mid-Feb 99.

DESERT FOX

Sanctions Enforcement—Kuwait. Bombing campaign in Iraq. Operation DESERT FOX was launched in response to Iraq's repeated refusals to comply with UN Security Council resolutions. Two task forces from Exercise Intrinsic Action were operationalized.

ALLIED FORCE (JOINT TASK FORCE-NOBLE ANVIL/ TASK FORCE HAWK

Limited Conventional Conflict—Kosovo. Joint Task Force-Noble Anvil was the U.S. portion of NATO's Operation Allied Force (the air operations directed against the Federal Republic of Yugoslavia). Headquarters were in Naples, Italy, In Jun 99, JTF-NA became the U.S. share of Operation Joint Guardian, NATO's Kosovo peace implementation operation and exercised U.S. command of Task Force Hawk in Albania and Task Force Falcon in Kosovo. JTF-NA was disestablished on 20 Jul 99. In Apr 99, U.S. Army Europe deployed a task force of approximately 2,000 V Corps soldiers to Albania as part of Operation Allied Force. Task Force Hawk provided NATO with a deep strike capability out of Albania into Kosovo. Additional combat, combat support and combat service support units increased the task force to about 5,000. TF HAWK consisted of Apache helicopters, MLRS artillery, force protection assets and necessary support and command and control elements. With end of hostilities on 10 Jun 99, TF Hawk furnished forces to TF Falcon to support the U.S. portion of Operation Joint Guardian. Until end of Jun 99, TF Hawk also provided limited support of, and security for, Operation Shining Hope (the U.S. military effort to establish and sustain Kosovar refugee camps in Albania.

JOINT GUARDIAN (TASK FORCE FALCON)

Peacekeeping Operations—Kosovo. U.S. portion of NATO's Operation Joint Guardian, the Kosovo Peace Implementation Force (KFOR). Task Force Falcon is responsible for Operation Joint Guardian operations in the U.S. designated sector of southeastern Kosovo. On 9 Jun 99, 1st Inf Div (M) assumed responsibility for the U.S. portion of KFOR. TFF's Army elements entered Kosovo from the FYROM on 13 Jun 99 and established control over its assigned areas and established security checkpoints. TFF's major subordinate units include a BDE HQ, one mechanized task force, one armor task force, one light battalion (from the 82d ABD) and numerous combat support and combat service support units.

OPERATION STABILISE/U.S. SUPPORT GROUP EAST TIMOR

Peacekeeping—East Timor. U.N. resolution 1264, 15 Sep 99, authorized establishment of a multinational force under a unified command structure to restore peace and security in East Timor. Soldiers were located in Darwin, Australia and in Dili, East Timor and performed critical tasks in the medical, intelligence, communications and civil affairs arena. INTERFET (International Force East Timor) is the Australian-led multinational peacekeeping force. U.S. Support Group-East Timor (USGET) provides Continuous Presence Operations. U.S. Army Pacific directed to support effort with staff augmentees; a logistics support detachment; periodic engineer and medical civic-action projects.

FOCUS RELIEF

Peacekeeping—Nigeria/Sierra Leone. Part of the National Command Authority's decision to provide bilateral assistance to Nigeria, Ghana and Senegal to augment training and provide equipment for battalions scheduled to deploy for peacekeeping duties with the U.N. Assistance Mission in Sierra Leone.

WESTERN FIRES

Domestic Disaster Relief—Montana and Idaho. Active duty soldiers deployed to Montana and Idaho to assist with and support firefighting efforts.

Mr. DURBIN. As a point of comparison, the Institute for Defense Analysis (IDA), under contract from the Defense Department, completed a study in February 1998 entitled, Frequency and Number of Military Operations. Contained within the study are a number of databases detailing the deployment of U.S. forces overseas. One data set from an earlier IDA study covering U.S. military overseas deployments from 1983–1994 showed that President Reagan averaged 9 deployments per year, President Bush averaged 9.5 deployments per year, while Clinton averaged 5.5 deployments per year.

Another data set from Defense Forecasts, Inc. listed U.S. Air Force deployments from 1983–1996. It showed the following number of average annual Air Force deployments: 19 per year under President Reagan, 37 per year under President Bush, and 27 per year under President Clinton.

For all those critics of the pace of the use of military force under President Clinton, I would like to ask, which missions of those in the lists I have submitted for the RECORD should this country not have done? Governor Bush mentioned only one in the second Presidential debate—the mission to Haiti.

Of the missions listed in the table from the Defense Secretary's report, which should we have skipped? Should we have said no to the 9 missions evacuating noncombatants and Americans in trouble? Should the United States have said "sorry we can't help" to those in the 9 humanitarian assistance missions? Should the military have been prevented from helping stem the flow on illegal immigrants or not helped give safe haven to the Kurds, as in the 6 missions listed under "migrant operations"? How about enforcing the no-fly zone and the sanctions against Iraq, or perhaps the shows of force and limited strikes to keep Iraq in check?

Looking at the Army's list, perhaps critics would like to show where the Army was over-reaching? Was it when it helped the residents of my state of Illinois and of Iowa, Wisconsin and Minnesota during the massive flooding in 1993? Maybe we shouldn't have asked soldiers to help put out the fires all over the West last August? Maybe we shouldn't have helped the victims of Hurricane Mitch in Central America in 1998, or perhaps we should have turned down the humanitarian mission to the survivors of the Rwandan genocide in 1994? Some say we shouldn't have even tried to restore democracy in Haiti.

When I read these lists, it makes me proud of what our soldiers, sailors, airmen, and marines have done for our country and for the world, at great cost to themselves and their family lives.

Clearly there is a national consensus that we have been over-working our troops and we need to look deeply into what assumptions and management systems we need to change to fix these problems—rather than decide that we must pull back from the world and from the vital national security missions those men and women have been so ably undertaking.

But where on these lists are those "vague, aimless and endless deployments" that Governor Bush referred to? Which "uncertain missions" would he "replace with well-defined objectives"?

There's only one major long-term peacekeeping mission on those lists, and that's the U.S. mission to the Balkans—the only major deployment still in place that President Clinton did not inherit from Governor Bush's father.

Governor Bush has called for a U.S. withdrawal from the Balkans and for a "new division of labor" between the United States and its NATO allies—this at a time when the U.S. strategy is bearing fruit with the fall of the Serbian President, Slobodan Milosevic, and when United States forces make up less than 15 percent of the troops on the ground in the Balkans.

Bush's intent to reduce the United States' role in Europe and NATO has been greeted with alarm and dismay across Europe.

Following two world wars, history has shown us the importance of the U.S. role in keeping peace and promoting stability in Europe; of stopping racist, ultra-nationalist dictators. After the United States and Europe alike spent years wringing its hands about the ultranationalist policies that ripped Yugoslavia to shreds, the United States led to step in and stop the ethnic cleansing. Was that the wrong policy? Should we have just watched while Southeastern Europe went to pieces? It was painful and messy, and it took time, but I think we did the right thing. The new leaders in Croatia, and now, I hope, in Serbia, are ready for a new, democratic path.

Our experience with the Kosovo campaign showed just how important American leadership and American defense capability is to the NATO alliance. Europe has said it's ready to do more to beef up its defense and peacekeeping capabilities, but it's a long way from being able to undertake a Kosovo-like campaign without the United States. That reality became painfully clear to European leaders during the Kosovo campaign, and they have determined to do something about it.

Just a few years ago, I was proud to vote in the United States Senate to enlarge NATO to include Poland, Hungary, and the Czech Republic. This enlargement was to help integrate the states that had thrown off the yoke of the Warsaw Pact into Western European institutions. It helped to cement democracy and give those countries a stake in the defense of Europe. I want to see more East European countries join NATO, particularly the long-suffering Baltic countries of Lithuania, Latvia, and Estonia. I am afraid that will not happen if the United States pulls back from its commitment to NATO.

After the United States led Europe and NATO to stop the Yugoslavian wars, are we to pull back? After the United States led NATO to expand the fold of democratic, market-oriented states committed to Europe's defense, are we to leave?

I believe the answer to those questions is a resounding no.

It is time to address the hardships of those in the military as the management issues that they are and stop claiming that the United States can no longer handle vital national security missions like our involvement in the Balkans because of those hardships.

Let's stop hiding behind the many differing deployment statistics and debate policy. This Administration has kept our commitment to NATO and to Europe, while it has continued to contain Saddam Hussein, and protected our vital interests in protecting Japan, South Korea, and the Taiwan Strait. Those aren't "vague, aimless, or uncertain" missions. These missions are at the heart of our national security and our leadership role in the world today.

I close by pointing to one particular thing that has come up in the last 2 weeks in the Presidential campaign. For months, Governor Bush's senior foreign policy advisers have been complaining that the U.S. military is overextended and engaged in too many peacekeeping operations. It is this last deployment in the Balkans that has drawn Governor Bush's ire, even though the 10,000 troops represent, as I said earlier, less than 1 percent of the U.S. military.

Recently, Governor Bush's foreign policy adviser, Condoleeza Rice, called for withdrawal of U.S. forces from the Balkans as a "new division of labor" under which the United States would "handle a showdown in the Gulf, mount the kind of force needed to protect Saudi Arabia and deter a crisis in the Taiwan Strait," while Europe would be asked to do peacekeeping on its own.

I have always been in favor of burden sharing, and I believe the Europeans and every other group across the world who need our assistance should not only pay for that and defer the costs to American taxpayers but put the lives of their young men and women on the line.

I believe it is naive of Governor Bush to suggest that America's commitment to NATO is just a statistical commitment. America's commitment to NATO makes it work, and the suggestion that Governor Bush, if he had the chance, would diminish the American role in NATO, has raised concerns all across Europe because for over 60 years now, NATO has been a source of stability and pride and defense for our European allies.

The U.S. involvement is much more than just bringing men and women to the field. It is a symbol of the force and commitment of the United States. I am proud of the fact, as I stand here, that in modern times the United States has never engaged in these military conflicts hoping to gain territory or treasure. We are there for what we consider the right reasons: to protect democratic values, to provide opportunity for the growth of business opportunities, and free trade. That has basically been the bedrock of our policy in NATO for many years and will continue to be. I hope we can continue to make that commitment in years to come.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask for 3 additional minutes under the time allotted on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I close this segment by saying if we are going to maintain the superiority of the United States in the world, we must maintain a military force second to none, and that is a fact. For those who suggest we have somehow diminished our power, I suggest to them: Which military would you take in place of the United States? It is not just our technological advantage—that is amazing—what is amazing is the commitment of the men and women in this military to this country and to the defense of our values. I am proud of the fact that as a Member of Congress, in the House and the Senate, I have been able to support this buildup of military strength, which has meant we have conquered communism, we have allowed countries to see their freedom for the first time in decades, and we have built alliances, like NATO, into the envy of the world.

For those who suggest the American military is somehow understaffed, overmanned, underutilized, overutilized—whatever the criticism may be—I do not think that is a fact. I also think those who want to rewrite the history of the last 50 or 60 years and try to define a new role for NATO are causing undue concern among our allies in Europe. NATO is important. I know this because of my own experience dealing with the Baltics.

My mother was born in Lithuania. I followed the arrival of democracy in Lithuania, Estonia, and Latvia. I know they are concerned about their future and security. They are counting on NATO. They are praying for the day when they can become part of it.

When Governor Bush suggests we are somehow going to diminish America's role in NATO, it raises serious questions not only in the United States but around the world. It goes back to the point I made earlier: If being the President of the United States and Commander in Chief of our forces was an easy job then many people could fill it. If it is a tough job demanding experience and good solid judgment, then I think the American people should best look to someone involved in that. Vice President GORE has tried to stand not only for the strength of NATO in the past but in the future. I believe as leader, if he is elected on November 7, he will continue in that proud tradition.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

EDUCATION BUDGET

Mr. HARKIN. Mr. President, I have now served on the Senate Appropriations Committee and the Labor, Health and Human Services, and Education Subcommittee. I have been on that committee 15 years. Each year when we pass the budget for education and health, there are always tough negotiations, but we always manage to get through it and we get it to the President and move ahead.

This year we had some long and tough negotiations on our bill. The first part of the year, the majority leader of the Senate said education was going to be their priority. Yet here we are at the end of the year—actually at the beginning of the new fiscal year; we are a month into the new fiscal year—and we still do not have our education budget through yet. It is going to be the last bill through.

We have been working very hard over the last several weeks to bring this bill to its final conclusion. First of all, the chairman of our appropriations subcommittee, Senator SPECTER, worked very hard this year to get it through our committee and to get it through the Senate. Then we went to conference, and we have been locked in conference now for the better part of 3 months, most of it over the last month working out these differences, as we do on bills.

Last night, Sunday night, we met for what was supposed to be our final negotiating process on the education budget. We started meeting last night after our vote in the Senate, so that must have been around 8 or 9 p.m. We met until almost 2 a.m. There were tough negotiations. Senator STEVENS, as chairman of the Appropriations Committee, Congressman BILL YOUNG from Florida on the House side, Congressman PORTER, Congressman OBEY, the ranking Democrat on the House Appropriations Committee and on the subcommittee that deals with education, and I and, of course, the Director of OMB, Mr. Lew, was there also.

As I said, we had tough negotiations, but we had it down to about four or five issues, finally, and we hammered them out.

Finally, at about 1:30 a.m. this morning, we reached our agreement. As is usually true of any agreement or compromise, there are things in the compromise that I do not like. I am sure there were things in there Senator STEVENS does not like. There are items in there that Congressman PORTER, a Republican from the House, and Congressman OBEY do not like. Together we decided this was the best package we could do, and we all shook hands on it.

Today, thinking we had finally reached an agreement on this important education bill, I find out that Majority Whip DELAY has turned his thumbs down on it, and so did Majority Leader ARMEY turn his thumbs down on it. Evidently, Speaker HASTERT has said the same thing.

What are we doing here? Why do we even have committees? Why don't we just let Speaker HASTERT and Congressman DELAY and Congressman ARMEY deal with everything?

The reason we have the committees is because people such as Senator STEVENS know these issues. He has been working on these issues for years. And Congressman PORTER and Congressman YOUNG and Congressman OBEY and Senator SPECTER and myself, we know these issues. We know the ins and outs of these issues. We have been working on them a long time.

I am not on the Commerce-State-Justice Committee, so I could not negotiate on that because I do not know all the ins and outs of it, and neither does Congressman DELAY or Congressman ARMEY or Congressman HASTERT know that. Yet they turned thumbs down on this deal we struck last night.

Senator STEVENS worked long and hard to reach this agreement. I am sure he was not happy with everything that was in it, just as I was not. But Senator STEVENS dealt in good faith. We gave our word. We shook hands on it. So did Congressman BILL YOUNG. I have worked with Congressman YOUNG for 15 years—and Congressman PORTER and Congressman OBEY. We reached our agreements. We walked out of the room at 1:30 a.m. And today, Congressman DELAY and Congressman ARMEY say: No.

I do not know. I feel very badly for Senator STEVENS and the others who worked very hard on this, gave their word, shook hands. We had the agreement.

What is at stake here? Is this all just an inside ball game, that it shouldn't bother anybody outside the beltway? Here is what is at stake.

In education: Pell grants, some of the largest increases ever in Pell grants; Individuals with Disabilities Education Act, giving money out to the States to help pay for the education of kids with disabilities; class size reduction, hiring more schoolteachers to reduce class size; school modernization so we can get money out to our schools so they can repair and fix up their schools. The average age of our schools in America is 42 years. They need to be fixed up. We had money for that.

In health care, medical research: All the money for NIH for medical research; all the money for our community health centers that are doing so much to help our uninsured people in this country with health care; an important cancer-screening program for breast and cervical cancer for women.

Child care: One of the biggest increases that we have ever had for child care.

These issues are too important to be playing politics at this late moment. That is what is happening on the House side—pure politics.

Again, I hope this is just a temporary setback. Congressman ARMEY, Congressman DELAY, and Speaker HASTERT are talking about things that they do not understand. I am hopeful they will meet with Congressman YOUNG and Senator STEVENS, who understand that we had an agreement. Not everyone liked it, but it was a good agreement. It was one that we could live with, and one that I felt the President could sign.

So these issues are much too important for our Nation's future, for our kids' future, for the health of women—too important for these kinds of partisan games this late in the year.

I just want to take this time to urge our friends on the House side to not play games with this important education bill. We have to get this money out. We are already a month into our fiscal year. Our colleges, our school boards, our State departments of education need to know, need to have this money out there, so we can continue to hire teachers and reduce class size and modernize our schools.

We need to get the money out there for breast and cervical cancer screening for women all over America. What we do not need is the kind of interference that we have had by Congressman DELAY and Congressman ARMEY and Congressman HASTERT on the House side.

Now is the time to pull together, as we did last night. This was a true bipartisan effort. Republicans in the House, Democrats in the House, Republicans in the Senate, and Democrats in the Senate worked together and we got an agreement. That is the way this place should work. Senator STEVENS led it on the Senate side, Congressman YOUNG on the House side. We got our agreements. It is too bad we see this last minute kind of partisan bickering from the House leadership.

Again, I am hopeful this is a temporary setback. Let's get our education bill done. Let's get it to the President so he can sign it, so we can move ahead with the necessary task of educating our kids in this country. It is, indeed, a sad day today when we see what happened in education.

Mr. REID. Mr. President, before I yield to the Senator from Louisiana the remainder of the time, I just want to say to the Senator from Iowa, who is the subcommittee ranking Democrat, who has done such a remarkable job, I could sense from your voice in your presentation you were up most of the night working on this. It is not just last night that you worked on it; you have worked on this bill for months——

Mr. HARKIN. Months.

Mr. REID. And months and months. It is a great bill. It does so much for the American people. And there are no accolades here for you today, as there should be, because you have done such a remarkably good job of not only working that bill but making sure that the people in this Senate and the people around the country understand those people who have no voice.

This subcommittee, of which you are the ranking member, is a subcommittee that does not have a lot of lobbyists working for the underprivileged. There are a lot of people working against them. We depend on you. We, on this side of the aisle, depend on you. And you are very dependable. I personally appreciate, as we all do over here, the great work you have done.

Mr. HARKIN. I thank the Senator from Nevada for his very kind remarks. I would just say to him, also, that, quite frankly, we had great cooperation from Senator STEVENS on the Republican side in getting this bill through. He worked very hard on it, too. I just want to make that point because it is just a darn shame that in these last hours we have gotten thrown into this partisan thing on the House side by the House leadership.

I thank the Senator.

Mr. REID. Senator STEVENS works very hard on everything he does.

Mr. HARKIN. Yes.

Mr. REID. I yield the remainder of our time to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes.

Ms. LANDRIEU. I thank the Chair.

TAX CUTS

Ms. LANDRIEU. Mr. President, I associate myself with the remarks of the good Senator from Iowa and acknowledge his great work in the area of education. As he has pointed out—and the Senator from Illinois earlier this evening, and our leader from Nevada—we believe in bipartisanship. We believe in working together. But we do believe there are certain principles worth fighting for: The principle of fairness, the principle of equality, the principle that if we are going to help people, then let's try to help everyone, not just those in the upper-income levels.

In my State—I represent Louisiana—it is very important that we try to spread some of these tax benefits, health benefits, and education benefits to households that earn under $75,000. That is not to say that people above those income levels do not also need help. I am not saying that household incomes of $75,000 and greater or "wealthy" or "rich" or "well off" or those who "don't have difficulties" don't also need help.

But it is important, when we do tax cuts, to try to do it as much as we can for people at all income levels. That is why I am here today to note one provision in the underlying bill in relation to savings and pensions and 401(k)s and IRAs—a wonderful tool for people to save, if it could be designed properly and the rules drafted correctly.

I rise today, however, to note a hard-to-miss opportunity for this Congress to make real tax cuts for America's working families. It is hard to miss, but it looks as if we missed it because the tax bill before us does not target help to middle-class families or give them additional savings tools.

Let me take a few minutes to explain.

Throughout this year, many of us have advocated meaningful, responsible, and targeted tax cuts. I had hoped we would come up with a tax reduction bill which distributed benefits equally among all income groups, recognizing that some families have had more help through our Tax Code than others. But all families, whether they are at $10,000, $20,000, $40,000, $60,000, $75,000, or $100,000, should be helped fairly. This bill fails to do that. We have before us a bill that fails to even meet this simple test of common sense.

I had hoped this Congress would produce tax cuts designed to encourage family savings, not just additional consumption because while incomes have risen dramatically over the past several years, savings rates have actually declined. Savings should be made more attractive for all Americans, not just those who are already saving but those who need help or incentives to save. It not only helps them and their families but strengthens our whole economy.

While the net worth of a typical American family has increased recently, the net worth of families under $25,000 has declined. According to the most recent numbers from the Commerce Department, the national savings rate in August of 2000 dropped to a negative 4 percent, meaning people are spending more than they save. This is a dramatic drop from the mid-1970s, when Americans saved about 10 percent of their income, or even the 1980s, when it fluctuated between 5 and 7 percent. I think we should do something about that.

The bill before us, which expands IRAs and 401(k)s, doesn't hit the bull's-eye. It doesn't hit the target. It is helping families that are already saving to potentially save more—I argue it doesn't really accomplish that—and it doesn't help those families trying to get into the savings habit.

I introduced a bill earlier that is called SAVE, Savings Accounts are Valuable for Everyone, which is to help middle- and moderate-income families build assets for themselves through IDAs, while also expanding IRA contributions.

The Senator from Louisiana, Russell Long, former chairman of the Senate Finance Committee, once said: The problem with capitalism is there aren't enough capitalists. I agree with him.

If we created and expanded IDAs, individual development accounts, and IRAs, and 401(k)s in the right way, we could, in fact, create more capitalists, create more pools of capital, help people to build assets and strengthen the economy for everyone. We need to expand economic opportunities for more families, not just help those already on the right track.

According to another study, nearly one-third of all U.S. households hold traditional IRAs. The average income of these families is $62,500. Average assets are about $200,000. Just 10 percent hold Roth IRAs. That means 43 percent of households have chosen to use individual retirement accounts. But this is the point: Only 4 percent of those households save at the maximum rate. So by doubling an IRA from $2,000 to $5,000 or from $2,500 to $5,000, one has to question are we trying to help the top 4 percent who are saving at the maximum rate? Couldn't we spread that money out in a better way to encourage more people to save?

I know I only have a minute or two remaining. Let me address one other point.

I support a 401(k) savings plan. I think it is very effective. Many employers are moving to that in addition to or in lieu of their traditional pension plans. But why increase the limit of 401(k)s when the idea would be to try to use our money to entice more employers and more workers to use the 401(k) model?

This tax bill does nothing to help low- and moderate-income families save for the future.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator has expired.

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. This tax bill does nothing to help low- and moderate-income families save for their future. That is where IDAs would come in. If we took the opportunity to institute a new savings vehicle called IDAs, expanded IRAs in the right way, and gave additional benefits for 401(k)s, we could use our money more wisely, spread it out among many more families in America.

My message is, there is a better way to do it. I hope when this bill is vetoed by the President, there will be ample consideration to make these modifications. It would not cost more—as this chart shows, $58 billion to $44 billion. It would only require common sense, compassion, and the will to do so.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 6:05 until 7 p.m. shall be under the control of the Senator from New Mexico, Mr. DOMENICI, or his designee.

Mr. DOMENICI. Mr. President, normally, I don't have the luxury of using as much time as I would like on subjects. I am very pleased tonight to have a considerable amount of time, which I am going to share with my good friend from Texas.

I will start with a statement about one of my staff people and then proceed to a point where I think what Senator GRAMM has to say will fit rather nicely with what I am talking about.

FAREWELL TO BRIAN BENCZKOWSKI

Mr. DOMENICI. Mr. President, at the end of this session of the 106th Congress Brian Benczkowski will be leaving my staff. Brian has worked on the Hill since his third year in law school. He started as an intern while still in law school, served as the senior analyst for judiciary issues for the Senate Budget Committee, and worked closely with my general counsel to develop, and enact, over the President's veto, the Securities Litigation Reform Act of 1995.

Brian was my counsel for the second round of Whitewater hearings and was part of the team for the historic impeachment trial of President Clinton. Brian worked on Juvenile Justice legislation and helped me take on the Mexican drug lords.

He learned the highway, airport and other infrastructure needs of New Mexico as well as any Highway and Transportation Secretary in any Governor's cabinet. He was knowledgeable on immigration issues and helped my caseworkers with the really tough, but worthy immigration problems that are a daily fact of life in a border state. Just to prove that Brian had a soft side, he was my staff person for Character Counts during the 106th Congress.

Brian was instrumental in drafting the claims process legislation for the victims of the Cerro Grande fire. From the date that the fire first started to the day that the President signed the bill, complete with the $640 million to pay the claims, was fifty days. It is a good legislative product, and it proved that the delegation and the Congress could be bipartisan and act expeditiously in an emergency.

Brian is a talented lawyer, a caring and hard working member of my staff.

For a young man raised in Virginia, taught the law in Missouri with parents now living in Connecticut, he has made many New Mexico friends, developed a taste for green chile and amassed an understanding of the border. At one point I remarked that his Spanish was as good as any other staff member in my office.

So what is it that such a talented young man would choose to do when leaving Capitol Hill?

Banking legislative assistants and counsels with backgrounds in securities often end up at the Securities and Exchange Commission, the Commodities Futures Trading Commission or at one of the Wall Street firms. However, the typical career path wouldn't do for this untypically talented young lawyer. He is going to New York to work for the first, real sports stock market!

This new sports stock market will list the baseball and other trading cards of today's marquee athletes and major league sports rising stars. Just like any major stock exchange, the exchange is a market maker. Just like E-trade or Ameritrade people will have sports brokerage accounts.

Brian is a baseball fan, former baseball player and a font of knowledge when it comes to sports. As a former minor league baseball player myself, I know baseball and am a fan of most other sports. ESPN was a great invention that adds to most men's enjoyment of life, sports and the pursuit of happiness. Hopefully, this new sports stock exchange will add another dimension to the way we all follow sports.

Many of us share a passion for sports, but very few of us get to take that passion, and merge it with the law, get a impressive title like Assistant General Counsel, receive a pay check and stock options. However, Brian is going to do just that at thePit.com. I wish him and his new company every success.

ECONOMIC ISSUES

Mr. DOMENICI. Mr. President, I open by saying if I have heard it once in the last 2 months, I have heard it 40 times as the other side of the aisle tries to convince us and the American people that what really has made the American economy so strong, with its 22 million new jobs, is the fact that they voted on a tax increase bill in the year 1993 that amounted to $247 billion over 5 years, and it is called the Clinton-Gore plan, in quotation marks; sometimes referred to on the floor as "the plan."

Before we are through this evening, we hope we can convince our colleagues that that plan had very little to do with the state of economic well-being, jobs, and confidence of the American people today.

However, there are several subjects I want to touch on quickly, because the other side cannot come to the floor for 15, 20, or 30 minutes without talking about them. The first one is what the plan of the Governor of Texas on Social Security is going to do to our senior citizens. They proceed as if they know, and they don't know.

The distinguished Governor from Texas has given us an idea. The idea is to let every senior who is on Social Security keep their check and the program remain totally intact while we let younger Americans invest a little piece of their Social Security money in a preferred or protected account in the stock market.

They come down here and do some arithmetic gymnastics, which is hard for any one to understand. They support their statements by citing the Secretary of the Treasury, a genius I believe they called him. We all know Secretary Summers. We all know he is rather bright. We all know he was a very young Harvard Ph.D. faculty member. But for him to take to the streets telling Americans he knows what that Bush plan is going to do to senior citizens is absolutely deplorable. I have seen Secretaries of the Treasury come and go. We had a great one before this one. Never have I seen anybody attempt to do this.

I want to tell the American people the truth about the Vice President's plan on Social Security. I would almost say there is no plan because, in fact, the plan he is talking about is accepted by so few in the Congress, despite the fact that it has been around since 1999, in case anybody is interested.

You know, we voted on it a couple times in the Budget Committee. I think perhaps that there was one time when a Democrat voted for it—one member. I think we might have forced a vote on the floor that included that and nobody voted for it.

So what is the Vice President's plan? I will tell you plain and simple. He wants to put some new IOUs in the trust account for senior citizens, and the IOU says we, the American people, promise to pay to the trust fund the face value of these IOUs. He says let's put about $10 billion worth in there. Guess what happens. He puts them in there a few years from now and indicates that that helps make Social Security solvent.

So that the American people might understand an IOU in the parlance of your checkbook, it is a postdated check. Have you ever postdated a check? It used to be illegal. It may still be if you do it with the intent to cheat. But some people postdate a check and say, I won't have the money for 2 months, so will you take my check and it will be good then. That is what an IOU is—except the Congressional Budget Office says 50 years from now, when the IOUs all come due, the total amount that the taxpayers of America will owe to that fund will be $40 trillion—not billion but trillion, $40 trillion.

Who will owe it? Well, of course, the Vice President is not worried about that today; right? It is our children who are going to pay it, I say to the occupant of the chair. Some day down the line, we are going to have to raise taxes generally or raise the Social Security withholding tax so high that it probably will make the program inoperative and ineffective.

It is amazing that the Secretary of the Treasury and the people on that side of the aisle—my friends, the Democrats of the Senate—would talk about the plan of the Governor of Texas when their candidate has a plan before us that would eventually require that we raise taxes—and I left out an option—or dramatically cut programs. They would have to cut American programs to the tune of $40 trillion over this period, or raise new taxes.

Now you would think if you had a plan that was that embarrassing, you would not have the courage to get up and critique other programs that actually do try to reform Social Security. Democratic Senator PAT MOYNIHAN and Senator BOB KERREY of Nebraska have both stressed the need to reform Social Security, which is just what Governor Bush is trying to do.

Now my Democratic colleagues also have another line of argument. They say that what we really should do is pay down the debt. They then say, why are Republicans against that? Well, they know we aren't. We have already paid down $360 billion of debt over the last three years. The greatest threat to debt reduction is the Vice President of the United States' spending proposals. He has asked for 200 new programs and has a complicated tax code proposal. Let me address this latter point briefly. My Democratic colleagues have attacked Governor Bush's tax plan tonight, however, it is based on the very sound principle that everybody who pays income tax should get a break. That's not the case under the Gore plan, where 50 million American taxpayers get no break at all. Why? Because taxpaying Americans don't get a tax break. It is Americans who are selected by the Vice President's plan. If you meet their criterion—if you're the "right" kind of person—you get a tax break. But that doesn't mean everybody paying income taxes gets a tax break.

Now let's get back to the size of the Government that Vice President GORE would fund. Let me give you an example of the charades he plays in order to say he is not spending very much money. See, I have estimated the plan, and it spends a lot of money. I ask Senator GRAMM if he knows that the Vice President's Retirement Savings Plus (RSP) plan, the one that is going to help low income Americans save money, which he talks about so much—i.e. if someone saves $500, the government will match this contribution 3:1, thus giving this person an additional $1500 of taxpayer money for deposit to their savings account—do you know when that plan would be fully implemented under his proposal? Nine years from today, assuming he wins. So the centerpiece of his "tax" plan would not fully phase-in until after two full Presidential terms and 1 year. If you assume such an unrealistic phase-in, of course, it won't cost very much. But neither should anybody kid themselves that his budget isn't full of those timing gimmicks, in order to give the appearance that he does not spend the Social Security surplus.

There are all kinds of strange dates such as the RSP one. In fact, this major one he speaks about being such a good plan for low-income Americans to save money, I repeat, won't go fully phase-in until 9 years after he is elected, if he is elected. The Vice President has not provided enough information to tell when all of his 200 programs phase-in. But I can tell you that if you just look at the overall programs and add them up cumulatively in your mind, there has not been a bigger increase in American programs since Lyndon Baines Johnson invented the Great Society.

Now what actually happens under the plan of the Governor of Texas is very simple. Of the surplus, he says 50 percent will be saved for Social Security and debt reduction. If you want to go add that up, it looks as though he would pay off the debt entirely by the middle of the next decade. Frankly, if that could happen, what a marvelous thing it would be. If Democrats keep pushing for more spending, we might not do it that fast, although I can tell you the money is there barring that. 50 percent of the projected surpluses is for Social Security and debt reduction under the plan of the Governor of Texas, 25 percent is to be given back to the American people since it is their money to begin with, with every taxpayer getting a tax cut of some type, and 25 percent goes toward new priorities, new things such as increased defense or money we may need to add to the Medicare program to pay for prescription drugs. The ratio is 50, 25, 25.

The other side of the aisle likes to get up and brag about how they are paying down the debt. I submit to you that if you took the litany of Gore programs and what he wants to do in every area to increase things such as prescription drugs for everyone, as he suggests, in the manner he suggests, debt reduction will suffer. His new programs are very costly and we expect the cost estimates to rise the more that people look at them. Let's look at prescription drugs. When that program was first submitted to the Congress by President Clinton, we thought it would cost $120 billion. The last reference we have from the Congressional Budget Office says that plan would cost $430 billion.

So you see, there is no question that there is not going to be very much money left over if you put all those programs the Vice President has in mind into effect and give them to the American people in a reasonable period of time. If you want to delay them incessantly, obviously they won't cost much; but will the American people think they have been fooled if that is the case and he is to get elected? I believe they will wonder, what in the world were they talking about when they told us they were going to give us that?

I want to also say that when it comes to reducing the size of Government—I want to repeat one more time, our friends on the other side always cite the total number of reductions in employees that have occurred since Bill Clinton took office. What they don't tell you is that 96 percent—and I just put it in the RECORD 2 days ago, and it comes from the Office of Management and Budget, not Domenici's staff—OMB says 96 percent of all employee reductions, described as stripping down Government, came from civilians in the Department of Defense. In other words, we started drawing down that Department of Defense so quickly and rapidly, and continued it, so 96 percent of the employee reduction comes from the Department of Defense, and 4 percent comes from all the other civilian programs, which they would lead you to believe have been seriously restrained and many employees have been taken from their ranks. Not true.

I will shortly yield to my friend from Texas for about 20 minutes. However, before I do, I want to point something out. When my Democratic colleagues speak of the Clinton plan for the recovery of the United States, which caused America to have all these 22 million new jobs, new high technology, and breakthroughs in communications—and I say that facetiously—, they ignore the fact that the first plan the President sent to us was a $26 billion stimulus package for American economy, even though the economy had already begun posting strong growth before he took office. Does my friend from Texas recall that?

Standing right back over there was the Senator from the State of Colorado, who is now retired. He came to the floor and told us what was in that $26 billion that we were supposed to spend. He found all kinds of things that were promised to mayors during the election and to all kinds of groups in America by the Governor of Arkansas as he campaigned. I can't remember. Some of them were igloos, and all kinds of strange things—skating rinks for some communities.

The first thing we did was to say we aren't going to do that. The first phase of the recovery plan was a $26 billion stimulus which never occurred. That would have caused more money to be spent, not less.

To lead into what is being said on the other side of the aisle, and by our President and by our Vice President about this plan—the 1993 tax increase of $243 billion—, I would like to hearken back to Alan Greenspan, who coined a phrase. Perhaps my friend from Texas remembers it. He used two words, "irrational exuberance." Do you recall that, Senator GRAMM? Irrational exuberance?

I am going to borrow that phrase today—not to describe the speculative activities in the stock market, as Dr. Greenspan did, but rather to describe my colleagues who have been attributing the 1993 Clinton/Gore tax increase budget plan as the genesis of this long boom we have been experiencing.

I want to talk shortly about what really caused the boom. But I understand my friend from Texas would like to speak for 20 minutes. I yield that off my time, reserving the remainder for myself.

I want to say just before I yield that I have looked at some polls that somebody presented—maybe even some polls that were published.

I am thrilled with the American people because you know they don't believe the irrational exuberance of the other side. They do not believe it.

They come down here and keep on saying it, but the American people just do not believe it.

The primary reason for this boom has been the evenhandedness of the Federal Reserve Board in making sure we do not let inflation go rampant, and controlling interest rates where they could so that the American economy would always grow, and if it was coming down, to have a safe landing.

They put that No. 1.

In terms of who did it, Dr. Alan Greenspan and the Federal Reserve deserve much of the credit.

The American people, no matter how many times the plan is discussed about the 22 million jobs and all the other things, they do not believe it. And they shouldn't.

Who do they put in second position as responsible for this? I didn't think it was going to be the case because we don't do a very good job of talking about it. But they said the Republican Congress which puts some real controls on spending.

When we are finished tonight, we will show you that actually happened when we took over the U.S. Congress.

In third place, in terms of who did it, who brought it, they put the President's plan.

I yield to my friend from Texas.

Mr. GRAMM. Mr. President, first of all, I want to thank Senator DOMENICI. I want to try to add a few things to what he said, and then go on and say what I was going to say.

I want to begin with the Secretary of Treasury, Larry Summers. Let me say that we are both good friends as well as economists. We both used to teach economics.

Yet, I think a lot of people are unhappy in that the Secretary of Treasury injected himself into politics—something that the Secretary of Treasury, the Secretary of State, and the Secretary of Defense have not done in the past. I think that made people unhappy.

But let me say this with regard to AL GORE's plan, a plan which simply adds IOUs to the Social Security trust fund. I believe Larry Summers would have given an "F" to any freshman economics student in his class who thought that you could strengthen Social Security by simply printing paper—IOUs; I have a copy of one here—and putting them into a filing cabinet in West Virginia.

Let me give a high authority on this issue, the President of the United States.

Our Vice President said if we would simply print more of these IOUs—you notice, Senator DOMENICI, that they say "nontransferable"—if we printed more of these IOUs and put them in a metal filing cabinet in West Virginia, which is all the Social Security trust fund is, we could pay benefits with these IOUs.

But let me quote from the economic report of the President. This is President Clinton speaking. This is the Fiscal Year 2000 Budget of the President, and on page 337, here is what he says about these paper IOUs. He says:

> These [Social Security trust fund] balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. These funds are not set up to be pension funds, like the fund of private pension plans. They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the government's ability to pay benefits.

That is Bill Clinton.

So AL GORE's proposal to simply print more IOUs and put them in a file cabinet is deemed as phony—not by PETE DOMENICI, not by PHIL GRAMM, not by the Republican Congress, but by the President of the United States, Bill Clinton. The President's own budget says it very clearly. This is a bookkeeping entry. No benefits can be paid from these IOUs.

The Gore plan means, in essence, raising taxes.

Just one other point to amplify what Senator DOMENICI said. A picture is worth 1,000 words.

This is page D11 of the Washington Post of this past Tuesday. This is a want-ad page. You have used want-ads yourself. So have I when looking for a job.

These are jobs that range from pet groomers, to painters, to data entry, to day labor, to dispatchers, to retail sales jobs, and everything in between.

You might look at this want-ad page in Tuesday's Washington Post and ask yourself, how many people who took these jobs would get an AL GORE tax cut where they could keep part of what they earned and spend it on what they chose to spend it on?

Here are all the jobs from pet groomer, to custodian, and the list goes on and on.

You see all the jobs. They are the people who, if they took those jobs and were married, could get marriage penalty tax relief from Republicans.

I am tempted to go through and read the jobs. But I am not going to denigrate good jobs in America.

But the point is that all of the jobs listed on page D11 in Tuesday's Washington Post want-ad page for jobs, for every one of those jobs, if you took it, you would be to rich to get AL GORE's marriage penalty tax relief.

This is what would be left.

Mr. DOMENICI. The Senator is assuming that each one of those took the job, and they are getting paid and earning income pursuant to the job.

Mr. GRAMM. The question is, if married couples took these jobs, are they too rich for AL GORE's tax cut? All of them are, except that handful—about 89 percent of the jobs on that page are too rich.

Let me get to what I wanted to say.

Some people at home probably wonder why we are talking about the Presidential campaign on the floor of the Senate. I think it is a good question. We weren't doing it. Our colleagues have come out here every day and talked about the Presidential campaign, I guess, because they are losing it in America. They think they might win it on the floor of the Senate.

One of the wonderful stories that has been told is that Bill Clinton was elected President, and he courageously proposed the largest tax increase in American history.

They did everything from proposing to tax your utility bill, to taxing gasoline, to taxing 75 percent of Social Security benefits if you made over $25,000.

Courageously, the Vice President, sitting in that very chair, and Senator DOMENICI was here along with me, when it came down to a tie vote, the Vice President courageously broke the tie in voting to tax gasoline and tax Social Security benefits. And then as if the sky opened and God spoke, interest rates came down, the stock market went up, the economy prospered, and, therefore, our Vice President and the Democrats deserve credit.

Senator DOMENICI, myself, and every other Republican were too ignorant to understand that by taxing gasoline and taxing Social Security and having the largest tax increase in American history, we could produce prosperity.

Mr. DOMENICI. If the Senator will yield, I suggest to the Senator, and I wonder if the Senator concurs, six Democrats voted with Republicans. That is why it was 49–49.

Mr. GRAMM. That is right. They had a majority in both Houses of Congress when Bill Clinton became President, and when they voted they had a substantial majority here, I think 54 or 55 Democrats. Six of them voted with us against this largest tax increase in American history, but there was a tie and AL GORE broke the tie. It was then that the sky opened, interest rates came down, the stock market spiraled, and prosperity ensued.

There are only a couple of problems with that. One, it is totally unbelievable. It makes absolutely no sense. Finally, it is verifiably false.

This is the rest of the story. This is the budget that included this largest tax increase in American history. In this budget, "A Vision of Change for America," Bill Clinton tells us on page 22 that if we raise taxes with the largest tax increase in American history, and 6 years later, if we implement the largest tax increase in American history, 6 years later he states the deficit will be $241 billion. Nowhere in this budget is Bill Clinton promising to balance the Federal budget. His promise is, if you have the largest tax increse in American history—and then they forget or our Democrat colleagues want us to forget the rest of the story—if you spend $26 billion on a new stimulus package, they were going to stimulate the economy. Remember they had ice skating huts in Connecticut, they had Alpine slides, these water slides in Puerto Rico. This was their economic plan. We killed that.

The final part of their proposal that Senator DOMENICI will not have forgotten but our Democrat colleagues want to forget was having the Government take over and run the health care system. That was part of this vision, too. But we killed it deader than Elvis. It never came into reality.

Here is my point: we didn't adopt the Clinton plan. They raised taxes, they taxed Social Security benefits, they taxed gasoline. But we killed their $26 billion spending program, and we killed the Government takeover of health care.

Now, their first budget, with the largest tax increase in American history, promised $241 billion of deficits 6 years later. Then, in their midsession review in September of 1993, they discovered we hadn't done the stimulus package. So with their tax increase, we were headed for a $181 billion deficit in 6 years.

Then, in 1995, the President proposed another budget. But in 1995, President Clinton, who now has courageously raised taxes on Social Security and gasoline and most other things, is asked, well, Mr. President, when are you going to balance the budget? Remember that, Senator DOMENICI? This is what he said: In 9 years, 10 years, 8 years, 9 years, 7 years, 7 to 9 years, 7 years, 9 years, 10 years. In other words, 2 years after his tax increase went into effect, our colleagues were asking Bill Clinton when he wants to balance the budget. Two years after his tax hike, he was still saying we are 9, 10, 7 years away from ever balancing the Federal budget.

Now, what happened in 1994? Our colleagues joshed around yesterday saying when they proposed to have the Government take over the health care system, when they proposed this $26 billion of stimulus package, and when they adopted the largest tax increase in American history, I said this is going to cost people their jobs. So they josh around saying: Well, where did it cost jobs?

Let me state what happened: In 1994, 52 Democrats in the House of Representatives lost their jobs. The Speaker of the House lost his job; the first time in 132 years that it ever happened. Three powerful committee chairmen—Rostenkowski, Brooks, and Glickman—lost their jobs. Not one Republican incumbent in Congress was defeated.

Now, supposedly the sky had opened. Everything was wonderful with this tax increase. But guess what. When the new Republican Congress came to Washington, this is the first thing that landed on our desk, and this is Bill Clinton's budget. He is still President. He sends us a new budget. He says that by the end of 1999, if we will adopt his budget, the deficit will be $181 billion.

Now, his tax increase has been the law of the land now for 2 years. Yet he is still saying virtually $200 billion deficits as far as the eye can see.

Let me make a final point that I think takes the cake. In his midsession review, this is in September of 1995, we have a Republican Congress. Bill Clinton says: If you will forget what these Republicans are saying and adopt my budget, if you are willing to cut $927 billion of programs over the next 10 years, then we might have a surplus in 10 years.

We didn't adopt Bill Clinton's budget. His budget said we were going to have a $200 billion deficit from 1994 to the year 2000. Instead, we adopted our own budget. We reformed welfare. Bill Clinton now says the greatest achievement of his administration is welfare reform. He not only had nothing to do with it, he fought it every step of the way. He vetoed it once, then twice, and he has tried to repeal it every day since it has passed.

Republicans reformed welfare and it set into motion—and I have to say as Democrats accused us of not knowing what was going on that I never dreamed it would be as successful as it has been—a 40-percent decline in welfare rolls as people have begun to work and America has prospered.

What happened under the Republican Congress? We started it at a $200 billion deficit, but under the Republican Congress the deficit started to decline. By 1997, we balanced the budget and we have a surplus.

When Bill Clinton signed this heroic tax increase, and this is from his official documents, he gave a statement in signing the bill.

How many times do you think he mentioned balancing the budget when he signed that tax increase? None. How many times do you think he talked about saving and reforming Social Security and Medicare? None. Those things were the furthest thing from his mind.

If you listen to the mythology that we have been forced to listen to here, the mythology runs as follows. They raised taxes, and then interest rates declined and the stock market boomed—right?

The problem is that is wrong. If you look at their numbers, when Bill Clinton became President, 10-year Treasury interest rates were 5.87 percent. He raised taxes, and what do you think happened to interest rates? They went up to 7.9 percent. And if you look at the chart on interest, the big turning point in interest occurred in November of 1994. Why? Because help was on the way. Help was on the way. We elected a Republican Congress, interest rates went down, and that interest rate, which had risen to 7.9 percent on 10-year Treasury bonds is, today, 5.71 percent.

What about this booming stock market? By raising taxes on gasoline and Social Security and the largest tax increase in American history, their mythology is that Bill Clinton set off this boom in the stock market. There is only one problem: It ain't so. When you look at the Dow Jones Industrial Average between 1993 and 1994, over that 2-year period when Bill Clinton's tax increase went into effect, the Dow went up by 13 points, about 6.5 or 7 percent a year—around there. I don't have the exact day of the tax and the day Clinton became President—just looking at the numbers.

What do you think happened when we elected a Republican Congress? What happened was the Dow Jones Industrial Average rose from 4,493 to 10,836, today.

So the problem with their story which they are trying to tell the American people is that it is not believable, it does not make sense, and it is verifiably false. When they raised taxes, none of their budgets showed these tax increases ever balancing the Federal budget. When they raised taxes, there was no decline in interest rates. Interest rates went up, not down. When they raised taxes, the stock market was relatively flat. All of that changed when we elected a Republican Congress in 1994. All of that changed.

So basically the point I want to make—how much time have I left in the 20 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds.

Mr. GRAMM. The point I want to make is: Look, there is plenty of credit to go around for the good things that have happened in America. I am not trying to deny the President some of the credit. I do believe a lot of credit goes to the Federal Reserve Bank. But the idea that by imposing the largest tax increase in American history, by taxing gasoline, by taxing Social Security benefits, and that somehow this produced a balanced budget and set off this economic boom is laughable from a logical point of view. It is not borne out by the facts. The truth is, these good things that started happening largely started happening in November of 1994.

It was a good story. Maybe somebody believes it, but they should not. If they look at the facts, they will see that basically that story is not true.

The final point I want to make: We are now coming to the end of this session. In the waning hours of this Congress, the President is saying: If you don't spend more money, I am not going to let the Congress go home. If you do not further inflate an already inflated budget, I am going to veto these bills and not allow us to go home. He is saying to us: If you do not grant amnesty to people who violated the laws of America by coming to the country illegally, I am going to veto the Commerce-Justice-State bill and potentially shut down the FBI, the DEA, the criminal justice system, and the courts.

We are at the end of the Clinton administration, not at the beginning. President Clinton had his opportunity. He raised taxes. He tried to implement a $26 billion stimulus package. He tried to have the Government take over and run the health care business. He had his chance.

We ought to have this election and let people decide. Do they want to spend this surplus? If they do, they will know how to vote. If they do not——

The PRESIDING OFFICER. The time yielded the Senator from Texas has expired.

Mr. GRAMM. We ought to let them vote before we do.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. If the Senator will hold up the health care plan again, I say to Senator GRAMM, I want to make a statement about it. I made a mistake. If you look at the President's FY 1995 budget and health plan, it would have increased outlays by $1.4 trillion—I said billion. Billions are gone; they are not in our vocabulary. The $1.4 trillion is the additional outlays that the President's budget and health plan would have generated if we'd adopted his plan versus the outlays that the government actually recorded over the five years covered by his budget.

You heard Senator GRAMM describe one of the most significant indicators of prosperity—the 30-year Treasury bond yield. Here is the chart that describes precisely what he spoke of. Here is 1993. You see shortly after that, yields drop a little bit. But then look at what happens in the middle of 1993. It goes to its highest rate on this chart. Yields only begin to fall again after 1995 and the election of a Republican Congress. After that, yields come back down on a sustained basis.

I want to just insert a comment, since there is so much talk about us doing nothing here. This is sort of extraneous, but I think it is terribly relevant to our discussion. This is a late-this-evening quote from the President of the United States:

> Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.

He goes on and asks for more. But for all those who have been listening, again, to the "mythology," to borrow one of Senator GRAMM's words, that we have not had a very productive Congress, let me say the President of the United States spoke today and that is what he said.

Let me say to the American people, to all the investors who took risks, to all of the people who invested in new technology since 1993—we will just use that date—to all the millions of Americans who get up every day and work hard and raise their standard of living: You know that it was not "the plan" that caused America to achieve again and grow again. Let me suggest we have had one of the most remarkable productivity increases during the last five years of this recovery that we have had ever in American history. We had a period right after the Second World War that rivaled this in productivity.

Did the productivity of the investors, risk takers, American workers, the banks with new technology, the new computers—did all that happen because we had a plan to raise taxes $243 billion? Of course not. Of course not. Did that $243 billion tax increase reduce inflation and cause it to stay down? Of course not. Productivity did, and international trade did, and the Federal Reserve Board did. That is the kind of thing that made America's prosperity so significant in the past decade.

Did that tax increase reduce regulatory burden, which all American companies will tell you started falling under Ronald Reagan, and has continued up to the recent telecommunications deregulation? That was not a result of the "plan," that $243 billion tax increase. Deregulation was part of giving American business more freedom to achieve, expand, and to do things in the most efficient way rather than the most burdensome way.

Did it help business become more efficient in managing its inventories? Of course not. The 1993 budget plan had nothing to do with it. Just-in-time inventory management had a lot to do with it, making firms' profits go up and their efficiency increase.

We could go on. Did global trade, which essentially kept inflation under control and opened new horizons to American business—was that impacted by the $243 billion "plan" which we hear regularly? No. It is only "irrational exuberance" that would cause my Democratic colleagues to claim that the 1993 tax hike generated today's marvelous economy.

I am not sure that "irrational exuberance" is even an adequate word with which to describe the day-after-day trek to the floor of the Senate Democrats to remind us that all good things came from that day, that day when a difficult vote was taken to increase taxes dramatically. I think the American people understand that the 1993 budget plan had little to do with where we are and where we are going to end up. It is because we have a free economy and we have made it freer.

Frankly, let the people judge whether we are more apt to keep this economy going if we have a tax reform measure that gives everybody some of their money back to spend as they see fit. I believe they will say that that gives this economy a much better chance than 200 new programs that the Government is going to run which we do not have today, and we estimate—and I think this is a modest estimate—that we could not administer with less than 20,000 new employees.

Americans understand their prosperity does not come from the size of our National Government. Maybe it is inverse to the size of our National Government. I believe that might be a fairer estimate of America and the world. Maybe the smaller our National Government gets, the better we will compete and that is very important in the global economy.

I do say the President of the United States deserves credit on trade. Had some Democrats said that votes to further free trade were an important reason behind our strong growth, I would have agreed with them on that point. Trade has been an important positive in the chain of things that have happened to make economic life better in these United States.

I have time remaining. If there are any Senators on our side who want to speak——

Mr. SESSIONS. Will the distinguished Senator yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. SESSIONS. Looking at the chart, I joined this body in 1997, and at that time we had a very tough battle on this side to produce a modest tax reduction, the $500-per-child tax credit and reduce capital gains from 28 to 20 percent and even lower for lower income people. They told us that was going to run up the debt; we were going to have more debt. Looking at that chart, interest rates appear to have gone down and, in fact, our surpluses have occurred since then; is that correct?

Mr. DOMENICI. I say to my good friend from Alabama, that is absolutely true, and he probably heard me on the floor today. I mentioned enough subjects, but capital gains was also on my list because we've gotten some very unexpected returns to the Treasury from this source. Clearly, the 1997 capital gains reduction—which we accomplished and the President signed although it wasn't high on his list—has been one important factor behind this surplus that is now carrying us into this better period with a lot more flexibility on what we can do in the future.

Mr. SESSIONS. Actually reducing tax rates on capital gains increased income to the Government; is that fair to say?

Mr. DOMENICI. All indications are that it did. There are several things which have combined to get these tremendous new revenue increases. One of them clearly is capital gains. Another is that real incomes have increased for all Americans in all income quintiles. They are paying a lot more taxes, and when you have more Americans paying income taxes because they are working, obviously you collect more revenue and you make Social Security more solid. All of those are positive things that occur when the American economy is flourishing, when it is booming, when more and more people are working.

Capital gains is very instrumental in that regard. I think there are many in this body who think in the near future we ought to think seriously about reducing capital gains further. In my opinion, it is very helpful for the stock market, government fiscal position and the economy. Higher stock values—particularly in the Nasdaq have greatly contributed to investment in new technology, everything from computers to telecommunications, and everything in between. This is good for the economy, since it boosts productivity and keeps inflation down. The higher the productivity, even when you get less and less unemployment, you do not get inflation. Americans do not appreciate low inflation yet. Most all other things can be cured in the American economy if you keep inflation low.

Does the Senator have a further observation?

Mr. SESSIONS. I have remarks which I will give if the Senator is finished. I enjoyed so much hearing his analysis.

Mr. DOMENICI. I yield those 5 minutes to Senator SESSIONS. I yield the floor.

Mr. SESSIONS. Mr. President, to follow up on the marvelous remarks that have gone before, I remember the first hearings I attended of the Joint Economic Committee. I tell this story about who gets the credit for the economy. Alan Greenspan was the witness that day. I am not a trained economist. I have been interested in these issues, but I am not a trained economist.

We started the discussion, and the chairman made a joke about who deserved credit for the economy: Was it Mr. Greenspan or was it President Clinton? Members on both sides joked about that and laughed a little bit, and we went on with the hearing.

I had an article from USA Today, not a great economic journal, but it was an interesting article, and it interviewed businessmen from Germany, Japan and England, asking them why the U.S. economy was doing so much better than theirs. They had double-digit unemployment of 12 and 13 percent, higher inflation, and less growth than we were having. They asked them why. They all agreed. They said it was because the United States, even though our taxes are high, had less taxes, less regulation, and a greater commitment to the free market.

I asked Mr. Greenspan if he agreed with that. He looked up at me and said: "I absolutely agree with that." Less taxes, less regulation, and a greater commitment to the free market. "Absolutely," he said, that is the basis for the sound American economy.

I think our taxes are still too high, but they are less than Europe. Our regulations are less, and we are more committed to letting free market forces allocate our resources than having the Government do it as they do in the European countries. I believe that is the basis for being successful.

I thought later what I really should have said at that time was that Ronald Reagan deserves credit for this economy because that is what he fought for and that is the direction we moved.

We have had substantial increases in taxes that have burdened Americans substantially.

There is one thing that troubles me about this economy, and that is the rising cost of fuel in America. If there is one thing that threatens our economic growth, it is the increase in energy prices. I have been talking with businessmen in my State. They tell me their concerns. Their profits are down.

I traveled with a truck driver from Birmingham to Clinton to Montgomery. He told me he is paying $800 more a month for fuel. I talked to businesspeople about their fuel costs. Families that were paying $100 a month this time last year for gasoline for their clunkers and all that they have their families driving around in, are now paying $160 a month for that fuel. That is $60 a month taken out of their family's budget that they could be spending for things in the marketplace. They will not be spending it in the marketplace because it is going to pay for energy costs. That is a threat to us. We need to break that cycle.

It occurred not so much because of economic forces but because of political actions by the OPEC nations when they got together and withheld supplies and drove up energy prices and sat there and collected billions of dollars from America. The OPEC politicians beat our politicians. They outsmarted us. They took advantage of our lack of production of American industry. We got even more and more indebted to them for our energy, and they drove up the price. We had no choice but to pay it.

We are paying 20 cents more, 60 cents more per gallon of gasoline and most of that is going straight to those countries. If we tax gasoline in America 50 cents a gallon, which is not too far from what we do, at least that money goes to the State of Alabama or to the Federal Government and is spent in the United States. In effect, OPEC has taxed us. Every time you go to the gas pump and pay for that gasoline, much of it is going straight out of our country. It is a huge transfer of American wealth. It has the potential to not only damage the family budget but to damage our economy. I think we have to do something about it.

The long-term solution is to get serious and start increasing production. We have the capacity to increase production in the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 1 additional minute.

Mr. LOTT addressed the Chair.

Mr. SESSIONS. I yield to the majority leader.

Mr. LOTT. Go ahead.

Mr. President, I will withhold.

Mr. SESSIONS. I will simply say this. In this election—since we are talking about elections here on the other side—the American people have a choice: Will they elect a President who, with his deepest core beliefs, would be a no-growth, no-production kind of President or will we elect a President who understands America's critical need for energy and who will help create policies that are environmentally sound, that will allow us to remove ourselves from under this yoke of the OPEC cartel?

Mr. President, I yield the floor.

THE EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT

Mr. GRAMM. Mr. President, as the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, I wanted to take a moment to discuss H.R. 5239, the Export Administration Modification and Clarification Act. The Senate approved H.R. 5239 with a substitute amendment on October 11, and the House took up and passed the bill, as amended, earlier this afternoon.

Since 1994 our export control system has been maintained under a regulatory framework pursuant to the International Emergency Economic Powers Act based on the provisions of the Export Administration Act of 1979. The Bureau of Export Administration (BXA), which administers our export controls, recently has faced court challenges regarding the integrity of that framework. Specifically, the courts have questioned BXA's authority—known as 12(c) authority—to maintain the confidentiality of sensitive information submitted by industry pursuant to our export control rules.

While comprehensive review and updating of the Export Administration Act will be early on the agenda of the Senate Banking Committee next year, we are undertaking a simple extension of the 1979 Act at this time to set the stage for that review. It is important to note, however, that replacing the 1994 expiration date with a 2001 expiration date will make clear that BXA's authority to apply the 12(c) confidentiality provision of the 1979 act is to be considered as covering any information regarding license applications obtained during that time period, as if there had been no interruption of authority.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 30, 1999:
Hichem Belhouchet, 31, Houston, TX;
Joel Cobrales, 21, Chicago, IL;
Gustavo Delgado, 81, Miami-Dade County, FL;
Ollie T. Fisher, 34, Chicago, IL;
Jermaine Jones, 21, St. Louis, MO;
Woodrow Kelly, 51, Washington, DC;
Deshawn Powell, 28, Detroit, MI;
Paula Proper, 33, Rockford, IL;
Lewis Queen, Washington, DC;
Fidel Quiros, 41, Miami-Dade County, FL;
Derrick Redd, 19, Chicago, IL;
Quinten Reed, 18, Nashville, TN;
Antonio Sanchez, 24, Charlotte, NC;
Tanisha Simmons, 17, Detroit, MI;
David Walterson, 36, Miami-Dade County, FL; and
Unidentified Male, 26, Newark, NJ.

Following are the names of some of the people who were killed by gunfire one year ago Saturday and Sunday.

October 28, 1999:
Duane Brown, 17, Chicago, IL;
John Cardoza, 24, Denver, CO;
David Clemons, 35, Bridgeport, CT;
Melvin K. Owens, 28, Chicago, IL;
Victor Rijos, 25, Bridgeport, CT;
Tom Shields, 54, Detroit, MI;
Nelson J. Sullivan, 17, Chicago, IL;
Alicia Valladares, 30, Houston, TX;
Nyere Waller, 25, Oklahoma City, OK;
Cameron Wojaciechaski, 22, Detroit, MI;
Michael Yslas, 54, Oakland, CA; and
Unidentified Male, 15, Chicago, IL.

October 29, 1999:
Tobey Antone, 18, Louisville, KY;
Richard Brumfield, 42, Louisville, KY;
Kenyatta Evans, 28, Detroit, MI;
Troy Johnson, 38, Oakland, CA;
James Middleton, 40, Baltimore, MD;
Rasheed Mohammed, 22, Binghamton, NY;
Jesus Rodriquez, 24, Dallas, TX;
Rene Wright, 38, Fort Worth, TX.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HONORING OUR VETERANS ON VETERANS' DAY

Ms. COLLINS. Mr. President, on November 11th, people across the United States will celebrate Veterans' Day—a day in which we pause to remember and to honor the brave men and women who served their country in our armed forces.

November 11th also marks the anniversary of the armistice that ended World War I, a conflict that promised to be the "war to end all wars." Unfortunately, the peace that followed World War I was short-lived. The world soon was plunged into the cauldron of World War II, followed by the terror of the Cold War—played out on so many fronts, most tragically in Korea and Vietnam. Today we face continued threats to our liberty, with outlaw leaders of rogue states waging extremist campaigns against freedom and democracy, as well as the persistent danger of terrorist attacks—which we have seen all too recently with the USS Cole tragedy.

Indeed, the world is still a dangerous place, and World War I's promise of a lasting, worldwide peace has yet to be realized. The conflicts of the last century remind us that freedom constantly requires great sacrifices and often the lives of those who defend it. It is these patriots, the men and women of our armed forces, who answered the call of service and protected the freedoms we cherish. Although we can never fully repay the debt we owe these courageous Americans, we can and must continue to recognize the price they paid.

This year, Veterans' Day falls just four days after Election Day. I find this particularly fitting, as there is no greater symbol of American liberty than our ability to participate in free and fair elections. Above all else, we owe this freedom to our veterans. Time and again, our democracy has been preserved by these brave men and women.

This Veterans' Day marks another special occasion; the groundbreaking ceremony for the World War II Memorial, to be located on the National Mall in our nation's capital. This monument will stand in recognition of a generation of Americans who served their country so ably in resisting the forces of Nazism and oppression. This was a defining moment in our nation's history, and one to which almost every American feels some connection. My own father is a World War II veteran, and Purple Heart recipient.

Unlike my father, however, many Americans did not return home from this noble campaign. They were the duty-bound sons and daughters of our nation, who made the ultimate sacrifice for their country and for freedom. In the words of President LINCOLN, they "gave the last full measure of devotion," and we must uphold the memory of their heroism with respect, with reverence, and with our heartfelt admiration.

This is the purpose of Veterans' Day. Although mere words do not pay adequate tribute to the sacrifices our veterans have laid upon the altar of freedom, the knowledge of their noble deeds lives in the hearts and minds of those who are free—and shall not be forgotten.

HOUSE PASSAGE OF S. 3164

• Mr. LEAHY. Mr. President, I would like to commend Senator BAYH for his efforts on S. 3164, the Protecting Seniors from Fraud Act, which the House passed today. This bill, which I cosponsored along with Senators GRAMS and CLELAND, will greatly assist federal, state, and local efforts to crack down on crime committed against older Americans. Although I wish the Congress had also acted on additional proposals to protect elderly Americans, including S. 751, the Seniors Safety Act, I am glad that we were at least able to pass this legislation.

I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago. The Judiciary Committee refused to hold hearings on this bill, which provides a comprehensive approach to a variety of problems affecting seniors today.

Thankfully, the Republican majority was less hostile to S. 3164, which includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps.

The Protecting Seniors from Fraud Act includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that when Congress reconvenes in January, we will consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would "be of assistance in a number of ways." I have urged the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress has declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarket fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS, and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I urge consideration of the Seniors Safety Act. It would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.●

DEPARTMENT OF DEFENSE VACCINE ACQUISITION STRATEGY

Mr. HUTCHINSON. Mr. President, I rise today to notify my colleagues of my efforts to change the Department of Defense's vaccine acquisition strategy. You see, it is my belief that the BioPort/anthrax debacle provides lawmakers with an excellent case study, one which illustrates that the Department's present policy of relying on the private sector to provide vaccines critical to the protection of our men and women in uniform is fatally flawed and must be changed. There exists a growing consensus that the Department of Defense must shoulder the responsibility and begin to produce biological warfare vaccines for itself.

In the early 1990's, in the aftermath of the gulf war, recommendations were presented to senior Defense Department acquisition officials to fulfill the urgent demands of war-fighters to develop vaccines against biological agents. One of the principal recommendations was for the construction of a Government-owned, contractor-operated (GOCO) vaccine production facility. Detailed and thoughtful studies presented many merits to the GOCO approach. Without listing all of its merits, I will point out that the GOCO option would guarantee the country access to a vaccine supply immune from the foibles of a profit-driven pharmaceuticals industry.

For reasons that remain a mystery to this day, the Defense Department did not elect to pursue the safer, GOCO option. Rather, the Department chose to contract with a private-sector entity we now know as BioPort, for the vaccine against the biological agent anthrax.

Since embarking on this acquisition strategy, events have proceeded as many had feared they would; disastrously. Last summer, the Defense Department awarded the BioPort corporation extraordinary contract relief to a previous contract for the production and vulnerable storage of the anthrax vaccine. The terms of the contract relief reduced the number of doses of vaccine to be produced by one-half, charged the U.S. taxpayer almost three times as much as was originally negotiated, and provided BioPort with an interest-free loan of almost $20 million. BioPort officials have stated that even this may not constitute enough support. I question the fitness of whoever negotiated such a horrendous arrangement on behalf of the American taxpayer.

In July, because of BioPort's continuing troubles, the Department was forced to dramatically scale back the scope of Phase One of the immunization program because the rapid rate of vaccinations threatened to consume the last of the Department's stockpile of FDA approved vaccine. Now, only those personnel who are deployed to high-threat regions, such as the Persian Gulf and the Korean Peninsula, will receive vaccinations. As it appears increasingly apparent that neither additional lots of vaccine, nor the new production line in East Lansing, will receive FDA approval anytime soon even this dramatically reduced effort may completely exhaust the Department's supply of vaccine, leaving our troops vulnerable.

As the Department is preparing to transition into production of the first of more than a dozen new bio-war vaccines developed under the Joint Vaccine Acquisition Program, it was apparent to me that unless we wish to repeat the mistakes of the past, a new acquisition strategy is urgently needed.

My colleagues and I on the Senate Armed Service Committee are making efforts to prevent the Defense Department from continuing to pursue a flawed acquisition strategy. Through oversight hearings and legislative provisions within the national defense authorization bill, we are actively providing the Department with some much needed guidance.

On April 14, I chaired the second of three committee hearings on the topic of vaccine production. During that hearing, DOD personnel who had advocated the GOCO route in the early Nineties, and were overruled, were given the opportunity to testify. Their testimony is perhaps the most important the committee has received all year on this topic.

At a third committee hearing, conducted in July, the Department announced that it had published a solicitation for a second-source of the Anthrax vaccine. As the Department received only cursory inquiries from the pharmaceutical industry during the required thirty day period, this effort appears to have failed.

In response to the testimony received by the committee, I drafted section 221 of the Senate's fiscal year 2001 national defense authorization bill. Section 221 requires the Secretary of Defense to conduct a reevaluation of the present vaccine acquisition. The report will include an evaluation of the commercial sector to meet DOD's vaccine requirements and a design for a Government-owned, contractor-operated vaccine production facility.

Section 221 also notes that a significant body of work regarding this topic was assembled in the early 1990's including Project Badger, which recommended that a GOCO vaccine production facility be constructed at the Pine Bluff Arsenal in my home state of Arkansas.

I am pleased to report that the provision was retained in the conference report which the Congress voted to send to the President for his signature.

In addition to hearings and legislative provisions, I have begun a dialog with numerous personnel within the Office of the Secretary of Defense. I would be remiss if I did not mention the many productive conversations I have had with the Under Secretary of Defense, Rudy deLeon. Because Secretary deLeon is relatively new to his position and has little ownership over the flawed decisions of the past, he has been very willing to explore alternative acquisition strategies including the solution I favor: construction of a Government-owned, contractor-operated vaccine production facility. As evidence of his commitment to find a solution, vaccine production was the first topic discussed by the Defense Resources Board, which Secretary deLeon chairs, when it met to begin its preparation of the Defense budget submission for fiscal year 2001.

I have encouraged Secretary deLeon to include $25 million in the fiscal year 2002 Defense budget submission for R&D, in addition to $400 million in the next version of the Department's Fiscal Years Development Plan, to cover construction costs. To ensure that funding for this project does not come at the expense of other critically needed bio-defense programs, I will soon meet with the Director of OMB. I am hopeful that I can explore with Mr. Lew ways to increase the top-line of the Defense budget to cover the expense of this project.

For too long DOD has pursued a flawed acquisition strategy that is a disservice to both the American taxpayer and our men and women in uniform. The Department must be weaned from its dependence on the private sector for the provision of critical biological warfare vaccines.

FIREARM HOMICIDES

Mr. LEVIN. Mr. President, last week I submitted a list of some of the high profile shootings that took place over the past two years and the casualties that occurred as a result. That list was long, far too long. The number of shootings, in schools and public places, have claimed the lives of too many Americans, especially our young people.

I believe all of us want to know why children in the United States seem more vulnerable to gun violence than children in other industrialized nations? Some would argue that it is because American children are watching movies and television programs that are disturbingly violent. Some say that our children are lacking in religious influences. Certainly, these may be factors, and we should do everything we can to steer our kids in the right direction, but if we are going to protect children's lives, we must first and foremost limit our children's access to guns.

I have repeatedly made the point that Canadian children, who play the same video games and watch the same movies are much safer than their American counterparts. The reason—Canadian laws successfully limit minors' access to firearms while American laws do not.

How else can one explain that during the year 1999 in Detroit, Michigan there were 337 homicides committed with firearms (Source: Michigan State Police). For the same year, in Windsor, Ontario, a city less than half a mile away from Detroit, there was just a single firearm homicide (Source: Windsor Police Services). In one year, 337 firearm homicides in Detroit versus one in Windsor, even though the children in these cities often listen to the same radio stations and watch the exact same television programs. That is a shocking statistic, one that should jolt this Congress to action. Unfortunately, to my great disappointment, this Congress will adjourn without doing a single thing to protect our children from gun violence in Detroit or anywhere else in America.

EXPLANATION OF ABSENCE

Mr. ROCKEFELLER. Mr. President, I was absent from the Senate on the morning of Friday, October 27, 2000, during the vote on the motion to proceed to consideration of the conference report accompanying H.R. 2415, which contains the pending bankruptcy reform legislation. I was unable to return to the Senate in time for this unscheduled vote due to a commitment Friday morning in Charleston, West Virginia. Had I been in attendance in the Senate during that vote, I would have voted to proceed to the bankruptcy legislation.

My vote would not have changed the outcome of the vote on the motion to proceed.

ADDITIONAL STATEMENTS

THELMA RIVERS CELEBRATES 115TH BIRTHDAY

• Mr. HOLLINGS. Mr. President, it is with great pleasure that I recognize South Carolina's Thelma Frazier Rivers who will celebrate her 115th birthday on Nov. 3. Mrs. Rivers was born in Darlington County in 1885 and now lives in nearby Timmonsville in Florence County. She and her late husband, Horace, had 22 children and many of them, as well as plenty of grandchildren and great-grandchildren, will help her celebrate this remarkable occasion. Throughout her life, Mrs. Rivers has enjoyed working in her yard and serving at her church, Bethlehem Baptist, in Timmonsville. She was blessed with a beautiful singing voice which she has passed down to her children and grandchildren. She also has a flair for any kind of handiwork, including quilting, and she still enjoys sewing. "Everyone in Timmonsville knows Thelma," one of her daughters explained, and rightly so; Mrs. Thelma Rivers is truly a treasure. My wife, Peatsy, and I wish her continued health and happiness and the most joyful of birthdays.•

TRIBUTE TO KENNERLY ELEMENTARY SCHOOL

• Mr. ASHCROFT. Mr. President, I rise today to congratulate Kennerly Elementary School, in St. Louis, MO. Kennerly is one of nine schools to be named recently to the 2000 National Schools of Character in recognition of its exemplary work to encourage the social, ethical and academic development of its students through character education.

Sponsored by the Character Education Partnership, National Schools of Character is an annual awards program recognizing K–12 schools and districts demonstrating outstanding character education initiatives and yielding positive results in student behavior, school environment, and academic performance. Kennerly exemplifies its school motto "Friends Learning Together" by involving students, teachers, parents, and the community. Included in Kennerly's character education programs are a Character Plus Team, a Character Club, and a Character Cabinet.

As a strong supporter of character education, I am pleased to see that Kennerly's Character Education program has produced great results, both in academics, and in the social climate of the school. Academic performance has increased, and discipline problems have decreased. I have fought to increase the amount of funding available for character education because schools like Kennerly have demonstrated that character education programs increase the value of education for all our children and enhance our communities. It is truly a privilege for students to attend schools like Kennerly.

So, I extend my congratulations to Kennerly Elementary School in St. Louis, Missouri, for its outstanding character education programs.●

IN RECOGNITION OF PROJECT ACORN

● Mr. TORRICELLI. Mr. President, I rise today to salute the charitable efforts of Project Acorn, a non-profit organization that works to place and fund children in two-year preschool scholarship programs. What started out as Stuart and Jill Lasser's individual act of kindness has become an expanded effort throughout Morris County and now across New Jersey to help families who cannot afford quality preschool education. The couple's lofty objectives and hard work enabled the organization to flourish over the past five years through partnerships with benefactors, volunteers, and area preschools.

Education has been, and continues to be, the cornerstone of opportunity and advancement in American society. Preschool education provides the foundation and many of the basic tools that children need to succeed. Study after study has shown a direct correlation between high-quality early childhood education and success in life. All of these studies on the effects of preschool education have shown higher short-term and long-term gains such as higher I.Q. scores and a greater likelihood of graduating from high school and college.

Project Acorn has provided hundreds of families with the critical resources necessary to place their children in a variety of preschool programs. These scholarships defray the costs of preschool education and thereby "plant the seeds for a better community, one child at a time."

Project Acorn has helped many young individuals in Morris County. It serves as an excellent example of what can be accomplished by concerned citizens who have identified an urgent need within their community, and it is an honor to recognize their vision and compassion.●

U.S. CAPITOL POLICE OFFICER OLIVER ANDERS RETIRES

● Mr. COCHRAN. Mr. President, the Senate will be diminished considerably when one of my favorite U.S. Capitol Police Officers, Andy Anders, retires at the end of this month.

When I first met Andy, the day I was sworn in as a Senator, he was one of the so-called Fearless Five. Those were the officers who were stationed just outside the entrance to the Senate chamber near the elevators. That was his post for 19 years.

Even though he is called Andy, his real name is Oliver Anders. His hometown is Greer, South Carolina, and the first vote he ever cast was for Senator STROM THURMOND. As you can see, Andy is a man of very good judgment.

For the last five years Andy has been assigned to the fourth floor of the Capitol outside the Senate Security spaces. He is one of the most trusted and dependable members of the U.S. Capitol Police force.

He is also a well informed student of American history. When I learned he planned to visit my State during his vacation several years ago, I suggested some special sites for him to see in Vicksburg, Natchez and Jackson. My Administrative Assistant, at that time, Wiley Carter, who was also a great friend and admirer of Andy, went with him to the State Capitol and introduced him to the Speaker of the State House of Representatives and other officials and also arranged a tour of the Governor's Mansion. Of course, Andy enjoyed all of this special attention. But, he deserved it.

We don't do enough in my opinion for those who work hard and faithfully every day to make the Senate a safe and secure place to work. Since he began his career with the U.S. Capitol Police on November 4, 1974, Oliver Anders has been one of those you could always count on to be at his post, carrying out his important responsibilities, with a smile and kind greeting for all Senators, and their constituents.

We will miss him greatly, but we won't forget him or the excellent way he performed his duties. I wish him much happiness and satisfaction in the years ahead.●

35TH ANNIVERSARY OF VISTA

● Mr. ROCKEFELLER. Mr. President, I am very proud that VISTA is celebrating its thirty-fifth anniversary this year. VISTA is special for me because it was my work in VISTA that brought me to West Virginia and changed the course of my career.

Because of my work in Emmons, WV, as a VISTA worker, I decided to make West Virginia my home and public service in government my life. In Emmons, I worked for a community center, preventative health care, and fought to get a school bus so those teens would get a high school education. From the grassroots, I learned how government can improve the quality of life in a community. I pursued a career in government, beginning with a seat in the West Virginia House of Delegates. My work in Emmons was very meaningful, and it changed me. I have stayed in touch with the people of Emmons and joined them this summer to celebrate the community finally getting clean water.

I have also stayed in touch with VISTA and was delighted to participate in the VISTA anniversary events, as many former VISTA workers did.

Mr. President, I ask to print in the RECORD, the remarks of John E. Gherty, president and CEO of Land O' Lakes, Inc., and more importantly a former VISTA worker. His remarks outline the history of VISTA and capture its vision for the future.

The remarks follows:

OCTOBER 13, 2000

Good afternoon, and thank you for the opportunity to be with you to celebrate the 35th anniversary of VISTA—now a proud part of AmeriCorps.

I wanted to participate in this celebration for a couple of very important and very personal reasons.

First, because I truly believe in the principles behind VISTA and AmeriCorps. I take considerable pride in the program's 35 years of accomplishment—and in my own participation some 32 years ago. I'll tell you more about that in just a few minutes.

My second reason for being here is even more personal. It's because the youngest of my three daughters, ten-year-old Katherine, told me it was important for me to be here. Let me explain.

Originally, I thought I might be addressing this group on the weekend, and that I might bring Katherine with me. One evening about six weeks ago, I got home somewhat late and went up to her room to say goodnight. It seemed like the right time to ask her if she would like to take a trip to Washington, DC.

Like most ten-year-olds, she responded with a question of her own. "What for?"

I told her I was considering speaking to a group called AmeriCorps, which was the successor to VISTA.

Her response—and you parents will understand this, was another question of her own—"What's AmeriCorps or VISTA do?" I told her it was an organization formed to help people in need in the United States—and that it dealt with issues like poverty, hunger, health care and housing.

Her eyes lit up with understanding, and without hesitation, she said "Dad, you should go."

I tell you this story because I believe Katherine's almost instant understanding serves to reinforce the fundamental importance and value of what each of you has accomplished or is committed to accomplishing as VISTA alumni and AmeriCorps participants.

This afternoon's program brings together a unique mix of new AmeriCorps/VISTA participants and VISTA alumni.

As one of those alumni, I have a message for all of the new participants. What you accomplish during today's working sessions, and the work you put in during the coming year, will make a difference.

It will make a difference not just in the lives of those who benefit from the services you develop and provide—but in your lives as well.

That, in fact, is what this three-day celebration is all about . . . recognizing the ongoing difference VISTA has made in the lives of the millions of people who have been served by its programs, as well as in the lives of the 130,000 VISTA alumni who delivered those programs.

Let me take just a few minutes to reflect on my own VISTA experience.

I remember when President Kennedy announced the formation of the Peace Corps back in 1962. I was a student at the University of Wisconsin . . . an institution rightfully known for the quality of its education and the strength of its activism.

I recall being impressed with the concept of the Peace Corps, and being convinced it was something I wanted to do once I finished school. After graduating from business school and entering law school, I was even more convinced that public service was not only a personal opportunity, but—quite simply—just the right thing to do.

It was at about that time that VISTA—then referred to as "The Domestic Peace Corps"—was formed.

When I completed law school, I sought out public service opportunities and was offered the chance to serve with the Peace Corps in Ethiopia or Botswana. I felt very strongly, on a personal level, about the importance of giving a priority to addressing our needs here at home. So, I focused my energies on becoming part of VISTA.

I soon found myself—fresh out of law school at the University of Wisconsin and not really that far removed from my family's Western Wisconsin farm—on my way to Chicago to work out of the Henry Booth House, which was part of Hull House, in the Ickes public housing development on Chicago's South Side.

How much of a culture shock was that? For those of you who aren't familiar with the South Side of Chicago, Folk singer Jim Croce—in his song "Bad Bad LeRoy Brown"—referred to the area as "the baddest part of town."

On the surface, that was a pretty apt description. It was a tough, poverty-stricken, inner-city neighborhood, where Black Power was an influential and powerful force—and for good reason.

It was a pretty challenging environment for a fresh-out-of-school, Caucasian, farm-kid from Wisconsin. I can tell you truthfully that there was considerable community skepticism regarding my intentions and my motives.

As you can imagine, my VISTA involvement proved to be a truly eye-opening experience.

It was also tremendously rewarding, knowing that I was contributing to the future of what I came to think of as my South Side community—that I was helping to establish programs and services that would continue to benefit the neighborhood after I was gone.

It was also a significant learning experience. In fact, I am absolutely convinced that my personal VISTA "take-aways" matched, and probably even exceeded, what I gave to the program.

When I think about what I learned during my VISTA involvement, five things come to mind almost immediately:

The absolute importance of taking responsibility and creating opportunity;

The essential role of teamwork and team building;

The importance of building effective alliances;

The strength that can be found in diversity; and

The need to identify leaders and build leadership skills.

These were critical elements in my ability to fulfill my role with VISTA ... and over the years I have found them to be the critical building blocks for success, no matter what the endeavor or organization.

Let's look at these five concepts—starting with the importance of taking responsibility and creating opportunity.

My VISTA involvement taught me that, to truly succeed, you must take personal responsibility for getting the job done. I saw the importance of sizing up the issues and—in an environment where there were not a lot of rules or precedents to follow—taking the initiative in ways that made a difference.

My participation in VISTA also taught me that long-term success depends on the ability to create opportunity. The success of VISTA programming is not based on "handsouts," it's based on creating opportunities for people to better themselves.

I can guarantee—from personal experience on Chicago's South Side—that given the opportunity to succeed, and even the slightest bit of sincere encouragement, people will take advantage of it.

For example, when I arrived at the Ickes public housing development back in 1968, food prices and food quality were significant issues. Poverty and mobility limited residents' choices.

Working with community residents, we formed a volunteer-led food buying club focused on bringing higher-quality, fairly priced groceries into the neighborhood.

Very quickly we had a crew of volunteers in each building taking weekly grocery orders from fellow residents and additional volunteers turning their apartments into food distribution centers.

We were able to leverage our volunteer force and our increased buying power to make higher-quality groceries available at better prices. Just as important, perhaps, the residents had a new sense of self-esteem—of knowing they could take control—that they could have a say in community quality of life.

The program gave them the opportunity to succeed and they took advantage of it.

VISTA also gave me new insight into the importance of teamwork and team building. I learned that one of the first elements in being successful at anything is to recognize that you simply cannot do it all alone.

In VISTA, I quickly recognized the importance of going out into the community and identifying the team players—those with the skills, the commitment and the spirit to get the job done—and getting them on your team.

I also learned a great deal about the importance of building effective alliances—and that sometimes you find strong allies where you least expect them.

Going back to the issue of food quality and prices. There was a particular grocery chain which was taking advantage of its location and the limited resources of neighborhood residents. High prices and very poor quality meat and produce were the rule—not the exception.

In our wisdom—or perhaps our ignorance—our VISTA team decided to organize a picket line at the store to bring attention to its shortcomings. It was a tense situation, and we actually feared for our safety and that of the residents who were supporting us.

At that same time, a gang called The Blackstone Rangers—known for years as an intimidating "take no prisoners" organization—was making a real effort to change their image. The most outward signs of that effort were their donning of distinctive red berets and the changing of their name to the Peacestone Rangers.

Well, they decided to make our cause their cause—and with these allies on the picket line, the balance of power shifted in the community's favor.

My VISTA involvement also taught me the strength that can be found in diversity. I learned that by bringing together people of different cultures, different viewpoints and different skills in pursuit of common goals, you can being even greater force to bear on those goals.

I also learned that when you are getting your hands dirty in pursuant of a common goal, people very quickly forget whether you are white, black, young or old, from the farm or the city.

Once you roll up your sleeves and get down to the task at hand—diversity is not a problem, it is a powerful problem-solving tool.

Finally, VISTA taught me a lot about leadership. I'm not talking just about how to best exercise my own leadership role—but also about identifying existing and potential leaders and building leadership skills in the community.

I learned that to succeed, you must drive leadership skills throughout the organization—and you must give those new leaders responsibility and authority.

Believe me, I met lots of strong, effective leaders on Chicago's South Side. Some were single mothers with babies balanced on their hips, others were experienced organizers from the Reverend Jesse Jackson's Operation Breadbasket, and still others were elderly couples who had lived their entire lives in a neighborhood they refused to give up on. Yes, and some were even wearing the red berets of the Peacestone Rangers.

They were all different, but they all shared a vision, and an ability to motivate others in pursuit of that vision. They were true leaders—and our team of VISTA volunteers would have accomplished very little without them.

Were these important lessons?

I think all the VISTA participants from the past 35 years would agree that the lessons they learned in VISTA—the insight they gained and the skills they honed while serving the community—helped prepare them for success, no matter what course their lives took.

To this day—more than 30 years later—my own service with VISTA continues to have an impact on my life and my career.

I continue to believe with a passion that corporate social responsibility is absolutely non-negotiable. No matter what business you are in—the recognition of corporate social responsibility must be part of your core values and an essential element in your organizational vision.

And, I'm not just talking about corporate and foundation giving—or the encouragement of community service and volunteerism. I'm also talking about the way you treat employees, customers and owners; the ethics and values you bring to your business practices; the respect you show for the environment.

That's why, at the company I work for today—Land O'Lakes—we have included being our customers' first choice; our employees' first choice; responsible to our owners; and a leader in our communities as critical elements in our vision of being one of the best food and agricultural companies in the world.

Our extended vision statement states clearly that—We recognize our responsibilities to the communities in which we operate. And that we will be proactive in dedicating resources to build a better quality of life, operate in an ethical and environmentally sensitive manner and live by our values.

What about our internal community—our employees? Again, in our vision, we state clearly that "We believe in respecting diversity and in encouraging teamwork, involvement, development and empowerment of all employees.

What does all this sound like? It sounds very much like my personal takeaways from VISTA—taking responsibility; creating opportunity; building teams, teamwork and effective alliances; and developing leaders and leadership.

In just a few minutes, you are going to break into work groups and tackle the task of developing Pilot AmeriCorps VISTA projects for 2001 and beyond.

I urge you to be aggressive and ambitious in those deliberations. To recognize that, in a time of what many call unprecedented prosperity—there is still significant poverty in America. In fact, approximately 32 million Americans—one in nine—live on incomes below the poverty level.

I believe today's combination of prosperity and poverty makes each and every American's social responsibility even more demanding.

We must ask ourselves, in a nation as prosperous as ours:

Why do children still go to school hungry?

Why are so many still homeless?

Why are so many citizens isolated from health care by economics or geography?

Why is quality education or training still out of the reach of so many individuals desperately trying to better themselves?

In short, we must ask ourselves the tough questions—and then come up with the right answers—the programs it will take to address these issues—the programs that will close the gap between prosperity and poverty.

No one is going to do it for us. We must each take this responsibility, first as individuals and then as part of larger communities and organizations. But then again, that's why you are all here—because you are willing to take that responsibility, to act in ways that can truly make a difference.

I applaud that willingness and, seeing the spirit in this room, I am confident what you are doing will make a significant difference in communities across America.

Since we are meeting in our nation's Capitol, I'd like to close my remarks with a comment from a speech by former President Woodrow Wilson.

"You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement.

You are here to enrich the world, and you impoverish yourself if you forget this errand."

As VISTA celebrates 35 years of service, and embarks on year 36 as AmeriCorps VISTA, it is clear to me that the program and its people remain clearly focused on that task—on enabling the world to live more amply, developing a greater vision for all and generating a finer spirit of hope in communities across our nation.

Ultimately, the lives of each of you—and of the people you touch—will all be richer for it. I can guarantee it—and my daughter Katherine would agree.•

IN MEMORY OF DR. MICHAEL ASSEY

• Mr. HOLLINGS. Mr President, I rise today to remember one of South Carolina's finest doctors, Michael E. Assey, who passed away on October 28. A graduate of Georgetown University's School of Medicine, Michael joined the staff of the Medical University of South Carolina (MUSC) in 1979 and rose to the position of Professor of Medicine, Chief of Cardiology. In 1998, he was named to the "Best Doctors in America" list. He served as governor of the American College of Cardiology and as president of the S.C. affiliate of the American Heart Association. Michael also authored numerous medical articles and medical textbook chapters. While at MUSC, he received the prestigious Golden Apple Award for excellence in teaching. The President of MUSC, Raymond Greenberg, said, "his professional legacy lies in the generation of young doctors who, as Michael Assey's students, not only learned clinical skills, but compassion and commitment." With Michael's passing, the Medical University has lost a great doctor and great teacher and South Carolina has lost a great man. My wife, Peatsy and I send our thoughts and prayers to Michael's devoted wife, Valerie, and their two children.•

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 30, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2000, he had presented to the President of the United States the following enrolled bills:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11369. A communication from the Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report on audit and investigative activities for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11370. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 26, 2000; to the Committee on Governmental Affairs.

EC–11371. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report concerning the inventory of commercial activities; to the Committee on Governmental Affairs.

EC–11372. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning Requirements for Digital Television Receivers" (ET Docket No. 99-254, FCC 00-259) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11373. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radionavigation Service at 31.8-32.3 GHz (ET Docket No. 98-197)" (ET Docket No. 98-197, FCC 00-353) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11374. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D. 100300B) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11375. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Commercial Haddock Daily Trip Limit" received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11376. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures, Emergency Rule" (RIN0648-AO67; I.D.091100A) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11377. A communication from the Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program: General Grant Administration Terms and Conditions of the Coastal Ocean Program" (Docket No. 000817236-01) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11378. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to pilot records; to the Committee on Commerce, Science, and Transportation.

EC–11379. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Final Indirect Cost Rates" received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11380. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Exemption From Premarket Notification; Class II Devices; Triiodothyronine Test System" (Docket No. 00P-1280) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11381. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Labeling for Menstrual Tampon for the "Ultra" Absorbency" (Docket No. 98N-0970) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11382. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (Cohort Default Rate)" (RIN1845-AA17) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11383. A communication from the Acting Assistant General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Leveraging Educational Assistance Partnership Program" (RIN1845-AA18) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–631. A petition from a citizen of the State of Texas relative to the "Latino and Immigrant Fairness Act of 2000"; to the Committee on the Judiciary.

POM–632. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to "The Mighty Eighth Air Force Week"; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 119

Whereas, formed and dispatched to England in 1942, the Eighth Air Force became the largest military unit in World War II, with more than 350,000 personnel; and

Whereas, the Eighth Air Force, which has become known as "The Mighty Eighth," continues to this day as an operational combat unit, having been served by more than 1 million men and women in war and peace; and

Whereas, not a single Mighty Eighth Air Force mission was ever turned back due to enemy resistance; and

Whereas, more than 26,000 men and women who served with the Mighty Eighth Air Force were killed in action, and more than 28,000 prisoners of war and countless veterans are still missing; and

Whereas, during the week of October 8 through 14, 1943, the Mighty Eighth Air Force lost 148 heavy bombers to enemy resistance over the skies of Europe; and

Whereas, despite significant losses, this period is credited as a turning point for the continuation of daytime strategic bombing over Europe; and

Whereas, the Eighth Air Force Historical Society holds its annual reunion each October; and

Whereas, more than 20,000 Eighth Air Force Historical Society members seek to inform younger generations of the contributions and sacrifices of all veterans; and

Whereas, each year during the week of October 8 through 14, Mighty Eighth Air Force veterans and friends display items in memory of fellow veterans and those men and women who made the supreme sacrifice; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to proclaim and designate the week of October 8 through 14 this year and each year hereafter as "The Mighty Eighth Air Force Week"; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Untied States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–633. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to the Balanced Budget Act of 2000; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 204

Whereas, Medicare was enacted in 1965 as a social insurance program providing health care benefits to older Americans and individuals with disabilities; and

Whereas, the program serves 39 million beneficiaries nationwide; and

Whereas, there are currently 2,129,756 Medicare eligible citizens in the Commonwealth of Pennsylvania and 589,070 Medicare HMO enrollees; and

Whereas, the Balanced Budget Act of 1997 ensures the financial health of the Medicare program until 2008; and

Whereas, the Balanced Budget Act of 1997 created the Medicare Plus Choice program to expand managed care options for beneficiaries and protect health care access, affordability and quality; and

Whereas, the implementation of the Medicare Plus Choice program has been carried out as intended by Congress; and

Whereas, six of the 13 Medicare insurers in Pennsylvania have announced that they will terminate their Medicare contracts completely or reduce their counties served in 2001 because of inadequate Medicare payment rates and methodology as well as program overregulation; and

Whereas, approximately 58,000 beneficiaries in 29 counties will be impacted, resulting in a 10% decrease in the number of Medicare eligible HMO enrollees; and

Whereas, several Medicare insurers have announced plans to reduce benefit levels and increase premiums in 2001 in response to inadequate payment rates and methodology as well as program overregulation; and

Whereas, hospitals and health systems in Pennsylvania are facing a $3.6 billion cut in Medicare reimbursements, and more than four out of five hospitals are unable to cover operating expenses with patient revenues; and

Whereas, inadequate Medicare payments as a result of the Balanced Budget Act of 1997 are directly impacting beneficiaries' ability to retain health care coverage and choose their healthcare plan; and

Whereas, in light of an anticipated Federal budget surplus, Congress has an opportunity to ensure that the original goals of the Medicare Plus Choice program are achieved and that Medicare beneficiaries have access to affordable, quality health care in their communities; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to enact additional Balanced Budget Act relief in 2000 through adequate payments to Medicare insurers and Medicare providers.

POM–634. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the strengthening of the Medicare+Choice program; to the Committee on Finance.

HOUSE RESOLUTION NO. 609

Whereas, the Congress of the United States created the Medicare+Choice program under the Balanced Budget Act of 1997; and

Whereas, the intent of Congress in creating Medicare+Choice was to allow beneficiaries to have access to a wide array of private health plan choices in addition to traditional fee-for-service Medicare; and

Whereas, at the end of 1999, more than 560,000 Pennsylvanians were enrolled in a Medicare HMO; and

Whereas, in late July 2000, the Health Care Financing Administration (HCFA) released information on Medicare HMO contract renewals, service area reductions and terminations; and

Whereas, in Pennsylvania, these changes will affect approximately 90,000 beneficiaries Statewide; and

Whereas, almost 15,000 of these individuals must return to the Medicare fee-for-service program since there is no other Medicare HMO available in their county of residence; and

Whereas, given the losses Medicare HMOs have experienced over the past several years, the number of HMOs serving Medicare beneficiaries continues to decline; and

Whereas, the Medicare Payment Advisory Commission (MEDPAC) does not support raising the Medicare+Choice floor payment rate to slow the rate of health plan departures from the program; and

Whereas, Medicare+Choice plans are not receiving adequate resources to provide beneficiaries the benefits they need and deserve; and

Whereas, Medicare beneficiaries value the high quality, affordable health care coverage they receive through Medicare+Choice plans; therefore be it

Resolved, That the House of Representatives memorialize Congress to enact legislation which strengthens the Medicare+Choice program by reducing administrative requirements in the program, increasing payment rates to HMOs to a level which accurately reflects the costs of providing benefits to recipients in the program and providing for prescription drug coverage; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–635. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the Health Care Financing Administration; to the Committee on Finance.

HOUSE RESOLUTION NO. 617

Whereas, over a half million senior citizens across the Commonwealth of Pennsylvania have been severely affected by the problems of Medicare HMO withdrawals, increases in premiums and decreases in benefit packages effective January 1, 2001; and

Whereas, this year 65 managed care companies chose not to renew their Medicare+Choice contracts for 2001; and

Whereas, seniors on fixed incomes who rely on their Federal and State Governments to provide them with some measure of health care protection are now facing extreme uncertainty; and

Whereas, approximately 577,000 Pennsylvania seniors who are members of a Medicare HMO are facing substantial plan coverage changes effective January 1, 2001; and

Whereas, ninety thousand of these seniors in 38 counties across this Commonwealth are being dropped from their HMOs; and

Whereas, thousands of seniors living in a county from which their Medicare HMO is not withdrawing may be dropped from their plan because their county code for Social Security purposes or their zip code, or both the county code and zip code, is identified as being in the neighboring county from which the Medicare HMO is withdrawing; and

Whereas, many of these seniors may not have received information that they need to ensure that these county code or zip code or both code problems are corrected, and other seniors are consistently receiving misinformation from their Medicare HMO regarding the status of their coverage as of January 1, 2001; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Health Care Financing Administration and health insurers withdrawing their Medicare HMO coverage in any county within Pennsylvania to take immediate steps to ensure that subscribers who live in a county that is not impacted by the insurer's withdrawal are not mistakenly dropped from their plan; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Health and Human Services, the members of Congress from Pennsylvania, the Secretary of Aging of the Commonwealth, the Insurance Commissioner of the Commonwealth and each health insurer offering Medicare HMO coverage in Pennsylvania.

POM–636. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 215

Whereas, several committees of the Senate of the Commonwealth of Pennsylvania have conducted hearings throughout this Commonwealth attempting to ascertain the casual factors behind the rising costs of prescription drugs as well as the enormous impact on both private and government purchasers; and

Whereas, in recent years the cost of prescription medication has climbed at an astonishing rate, due in part to increased utilization spurred by advertising and promotional activities comparable to Hollywood's finest productions; and

Whereas, the FDA, under the purview and guidance of the Clinton Administration, eliminated necessary restrictions on drug advertising, thereby ending decades of consumer protection; and

Whereas, the FDA, with the consent of the Clinton Administration, allowed these dangerous and wasteful practices to commence, making the United States the only country in the world that allows direct-to-consumer advertising of prescription drugs; and

Whereas, Citizens for consumer Justice, a Statewide consumer group, indicates that these promotions and advertisements, not research and development, are the pharmaceutical industry's fastest growing expenditure; and

Whereas, such increased advertising has been shown to be effective in increasing market share since ten of the most heavily advertised drugs account for almost 25% of total drug expenditures; and

Whereas, the top 25 direct-to-consumer advertised drugs posted sales growth totaling 43.2% in 1999 alone, and such growth clearly exceeds the 13% growth posted by other nonmarketed drugs; and

Whereas, increased advertising can create a demand for the product rather than an actual medical need; and

Whereas, grave problems can arise when increased use is merely the result of increased marketing with no corresponding improvement in health; and

Whereas, it appears that increased marketing may prove to be a more profitable investment for manufacturers than further research and development; and

Whereas, in 1999 pharmaceutical companies spent 33 times as much in the direct-to-consumer advertising as they did in 1993, causing expenditures to rise from $55 million to more than $2 billion; and

Whereas, prescription drugs are now the fastest growing segment of health care spending, rising 18% from $79 billion in 1997 to $93.4 billion in 1998; and

Whereas, in 1999 spending rose 19% from the previous year, and comparable increases are expected to occur in future years; and

Whereas, an industry representative testified that the introduction of a generic product immediately lowers a drug's price by 30% to 80%; and

Whereas, the Federal Trade Commission has alleged that some pharmaceutical companies have paid generic drug manufacturers to forego or delay manufacturing of certain medications; and

Whereas, consumers in the United States pay more for the same medication than consumers in other countries as a result of these practices; and

Whereas, the runaway cost of prescription medications affects all Americans, not just Pennsylvanians or the elderly; and

Whereas, constant bombardment of drug advertisements has the potential to have a serious negative effect on children by giving them the distorted message that the consumption of drugs is a desirable behavior which resolves all of life's difficulties, which message is counterproductive at best and counteracts government and community-based efforts to prevent tobacco, alcohol and drug abuse by children; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania implore the Congress of the United States to review the actions of the FDA, whose marketing guidelines appear to promote and advance the best interests of the drug companies and their advertising outlets rather than the American consumer; and be it further

Resolved, That the Congress and the FDA move to prohibit direct consumer marketing or in the alternative to impose tighter restrictions; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the presiding officers of each house of Congress, each member of Congress from Pennsylvania and the Commissioner of the Food and Drug Administration.

POM–637. a joint resolution adopted by the General Assembly of the State of Rhode Island relative to the Reauthorization of the Individuals With Disabilities Education Act; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, The Congress of the United States twenty-five years ago enacted the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with a commitment of forty percent (40%) federal funding of the costs of local school districts and states in carrying out the mandates of the Individuals with Disabilities Education Act ("IDEA"); and

Whereas, The Congress of the United States recognized in 1994 the Congressional "commitment of forty percent (40%) federal funding" and further recognized that it was only federally funded at the rate of eight percent (8%) (20 U.S.C. 6062); and

Whereas, The federal appropriation of $5 billion for the federal fiscal year ending September 30, 2000 is projected to fund only 12.7% of the cost of carrying out the mandate of IDEA and due to increasing costs, will probably provide even less than 12.7% federal funding; and

Whereas, Local school districts in Rhode Island and throughout the United States are mandated to meet the spiraling costs of carrying out the provisions of IDEA; and

Whereas, The failure of the Congress of the United States to fully fund its original commitment of forty percent (40%) federal funding has placed a severe burden upon local school districts to meet the costs of the federal mandate, resulting in an insufferable burden upon local taxpayers and diversion of funds from other education programs, thus lessening the quality of education; and

Whereas, It is time now, twenty-five years after the enactment of IDEA, that the Congress of the United States appropriate the funds necessary to fully fund its original commitment to provide forty percent (40%) federal funding of the costs of carrying out the provisions of IDEA; now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence

Plantations hereby memorializes the Congress of the United States during the reauthorization of the Individuals with Disabilities Education Act to fulfill the original commitment of the Congress of the United States to provide for forty percent (40%) federal funding to local school districts to carry out the mandates of the Individuals with Disabilities Education Act; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to: (1) each member of the Rhode Island delegation in the Congress of the United States; (2) the President of the United States; (3) the President of the Senate in the Congress of the United States; (4) the Speaker of the House of Representatives in the Congress of the United States; (5) the Chairman of the Health, Education, Labor and Pensions Committees in the Senate in the Congress of the United States; and (6) the Chairmen of the Education and the Workforce Committees in the House of Representatives in the Congress of the United States.

POM–638. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to independence from imported petroleum within five years; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 531

Whereas, Earlier administrations resolved to free the United States from dependence upon foreign oil by increasing Corporate Average Fuel Economy (CAFE) standards, promoting energy conservation and efficiency and developing renewable energy sources; and

Whereas, As headlines of oil crises fade into obscurity, so too have government actions to decrease United States reliance on petroleum products; and

Whereas, Tightening in oil markets and the spikes in gasoline and home heating oil prices offer new opportunities to focus on United States dependence upon petroleum imports and the need to find substitute energy sources and technologies; and

Whereas, Our day-to-day, pervasive dependence on foreign oil is ignored at great peril to our economic security; and

Whereas, The national security implications of the United States dependence upon foreign oil influences and foreign policy decisions affecting Israel, other Mideastern countries, Russia and China and many of the world hot spots are constrained by the United States tie to oil; and

Whereas, The United States Government and the United States military must blaze new territory and search new frontiers of knowledge and technology for energy independence that will provide security into the distant future; and

Whereas, Parochial interests must be set aside to invest in true energy security and to consider renewable energy sources that are unconstrained by resource depletion, availability and waste disposal problems in the United States; and

Whereas, The commitment needed to lead to energy independence is the same as that of government to sponsor investment in highways and space exploration, setting the direction for private enterprise to follow; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to recognize that energy security is a national security issue and that oil is a powerful weapon and to develop an energy strategy that promotes alternatives to imported petroleum to meet the goal of independence from foreign petroleum within five years; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–639. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to slave labor/forced labor discussions in Bonn and Washington; to the Committee on Foreign Relations.

HOUSE RESOLUTION

Whereas, Poland was attacked by the German Army on September 1, 1939; and

Whereas, Poland was attacked by the Soviet Army on September 19, 1939 and which joined forces with the German Army in celebration at Brest-Litovsk on the River Bug; and

Whereas, Poland was the object of the secret protocols of the Molotov-Ribbentrop Pact as slated for the unprecedented state sponsored program of ethnic cleansing by the Nazi's and the Soviets; and

Whereas, The Soviets deported nearly two million Poles to the Gulags and Siberia; and

Whereas, The Germans forced nearly 2.4 million Polish citizens from their homes to the German Third Reich Complex of nearly 7000 camps; and

Whereas, Chancellor Shroeder has acknowledged the failings of past settlements to provide equal compensation for all Polish citizens unlike the Russians who refuse to acknowledge any responsibility; and

Whereas, There are citizens of the United States that survived the German and Soviet Programs of Ethnic Cleansing against the Polish Nation; and

Whereas, President Clinton has named Deputy Secretary of the Treasury Stuart Eizenstat as Chairman of the State Department Negotiating Team for resolving the issue of the German Accountability to the victims of the Nazi work programs; and

Whereas, No Polish Americans representation was allowed at the current negotiations as a spokesman on behalf of Polish American survivors; and

Whereas, By reason of not permitting Polish American representation, the State Department has full responsibility for the current state of negotiations; and

Resolved, That Polish Americans' desire that the German Government bring closure to the living survivors of the Nazi atrocities; and be it further

Resolved, That the German Government and the German Industrial Complex which profited immensely from the slave/forced labor program make certain that this final settlement shall establish both an industrial and a Bundestag approved Government fund; and be it further

Resolved, That the German Government and German industry shall ensure that the industrial fund and the approved Bundestag fund combined or separately shall be comprehensive and sufficient in value to equally compensate all surviving victims of the Agrarian, Industrial, Municipal and Service slave/forced labor programs; and be it further

Resolved, That the State Department and Deputy Secretary of the Treasury has a mandate from Polish American survivors to make this final agreement fair, equitable and all inclusive; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit a duly certified copy of this resolution to the President of the United States, the Presiding Officers of both branches of government, and to Stuart Eizenstat Undersecretary of the Treasury and Chairman of the State Department negotiating committee for Holocaust Victims.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3263. A bill to designate a portion of the federal budget surplus to create and fund the Children's Classroom Trust Fund to increase direct education funding and expand local control of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

HMO GUARANTY ACT OF 2000

Mr. REED. Mr. President, I rise today to introduce legislation that I hope will help states which have been stricken by managed care plan failures to overcome the devastating effects of such an event on the health insurance sector.

Over the past several years, we have seen an alarming upswing in the number of HMO failures across the nation. According to Weiss Rating, Inc., the nation's only provider of financial safety ratings for HMO's, the number of HMO failures grew 78 percent between 1998 and 1999. Furthermore, Weiss found another 10 HMO's were at high risk of failure due to mounting losses and capital deficits. The growing financial instability we are seeing in the managed care market has serious ramifications for state insurance regulators, not to mention hundreds of thousands of Americans who rely on these plans for their health care.

In light of this volatility in the health insurance market, I believe that the Federal Government can be a constructive and stabilizing force for states dealing with the aftermath of an HMO liquidation. The legislation I am introducing today would create a mechanism that would provide an added layer of protection for providers and subscribers when a participant in the health insurance market fails. Specifically, the bill establishes an HMO Guaranty Fund, which would be used to pay outstanding health care providers' claims for uncovered expenditures and to fulfill contractual obligations made prior to an HMO's bankruptcy. For those families left without health insurance, the fund would also subsidize temporary coverage for subscribers as they seek alternative sources of health insurance.

Many states have responded to a health plan insolvency and the unpaid bills they leave behind by creating a temporary fund designed to at least partially reimburse hospitals and providers for the expenses incurred during the course of providing care to patients. These guaranty funds are typically financed by levying a fairly sizable fee on the remaining health insurers in the state. While this may work in some cases, it is not necessarily appropriate in every circumstance. In other words, not every health care provider and subscriber has the opportunity to access this kind of guaranty fund.

For instance, when Harvard Pilgrim Health Plan of New England failed in my home state of Rhode Island, there was discussion of setting up just such a fund. However, the extremely small size of our insurance market and the few plans that remained in operation simply could not support a bailout of this magnitude. Fortunately, the Rhode Island Insurance regulator was able to reach an agreement with the Massachusetts parent organization of Harvard Pilgrim to pay outstanding provider and hospital claims. Unfortunately, other States might not be as lucky.

It is my view that the Federal Government may be better positioned than an individual State to spread the risk and the premiums required to subsidize the fund across health insurance plans operating around the country. Furthermore, it would also enable both ERISA and non-ERISA plans to be covered under a nationally-based standing fund.

I hope the legislation I am introducing today will mark the beginning of an ongoing discussion that will explore some of the issues surrounding the financial health of HMO's in this Nation. In closing, Mr. President, while it is unlikely that action will be taken on this legislation late in the session. I look forward to working with interested organizations as well as my colleagues to strengthen and enhance the legislation I submit today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HMO Guaranty Act of 2000".

SEC. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the Board of Directors appointed under section 3(d).

(2) CONTRACTUAL OBLIGATION.—The term "contractual obligation" means an obligation by a health maintenance organization, under an agreement, policy, certificate, or evidence of coverage involving a covered individual and the organization, to pay or reimburse the covered individual (or a health care provider who provided items or services to the individual) for services provided prior to the declaration of the insolvency of the health maintenance organization, that remains unpaid at the time of such insolvency. Such term does not include claims by former employees, including medical professional employees, for deferred compensation, severance, vacation, or other employment benefits.

(3) COVERED INDIVIDUAL.—The term "covered individual" means an enrollee or member of a health maintenance organization.

(4) GUARANTY FUND.—The term "Guaranty Fund" means the Federal HMO Guaranty Fund established under section 3.

(5) HEALTH CARE PROVIDER.—The term "health care provider" means a physician, hospital, or other person that is licensed or otherwise authorized by the State to provide health care services, and that provided health care services to an enrollee of a health maintenance organization.

(6) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" has the meaning given such term by section 2791(b)(3) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(3)).

(7) HEALTH MAINTENANCE ORGANIZATION CONTRACT.—The term "covered health maintenance organization contract" means a policy, certificate, or other evidence of health care coverage that is issued by a health maintenance organization.

(8) INSOLVENT ORGANIZATION.—The term "insolvent organization" means a health maintenance organization that is declared insolvent by court of competent jurisdiction and placed under the control of a State Commissioner of Insurance for the purpose of liquidation.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury.

(10) STATE.—The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, or any agency or instrumentality thereof.

(11) UNCOVERED EXPENDITURES.—The term "uncovered expenditures" means the expenditures for the provision of health care services that are the obligation of a health maintenance organization that have not been paid by such organization and for which no alternative payment arrangements have been made.

SEC. 3. ESTABLISHMENT OF HMO GUARANTY FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the HMO Guaranty Fund to be used as provided for in this Act.

(b) AMOUNTS IN FUND.—

(1) IN GENERAL.—There shall be deposited into the Guaranty Fund—

(A) amounts collected under section 5(a);

(B) penalties collected under section 5(b); and

(C) earnings on investments of monies in the Guaranty Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Guaranty Fund that are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) AVAILABILITY OF INCOME.—Any interest derived from obligations held by the Guaranty Fund and the proceeds from any sale or redemption of such obligations, are hereby appropriated to the Fund.

(c) USE OF GUARANTY FUND.—Subject to section 4, amounts in the Guaranty Fund shall be used to make payments to a State—

(1) to pay the outstanding health care provider claims for uncovered expenditures, and to fulfill contractual obligations to covered individuals, with respect to an insolvent health maintenance organization; and

(2) to provide for a temporary continuation of health care coverage for covered individuals.

(d) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Guaranty Fund shall be administered by a Board of Directors to be composed of 9 individuals of which—

(A) three directors shall be appointed by the National Association of Insurance Commissioners from among individuals who serve as insurance regulators of a State;

(B) three directors shall be appointed by a national association which represents the health maintenance organization industry of all States (as determined by the Secretary) from among representatives of health maintenance organizations; and

(C) three directors shall be—

(i) the Secretary of the Treasury, or the designee of the Secretary;

(ii) the Secretary of Health and Human Services, or the designee of the Secretary; and

(iii) the Secretary of Labor, or the designee of the Secretary.

(2) TERMS, VACANCIES.—The members of the Board shall establish the terms of service of the members of the Board appointed under subparagraphs (A) and (B) of paragraph (1). Any vacancy in the Board shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) Travel expenses.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board. Such expenses shall be paid from the Guaranty Fund.

(4) Voting.—Each member of the Board shall have 1 vote. The Board shall set policy and decide all matters by a simple majority of the votes cast.

(5) Chairperson.—The Board shall elect a chairperson from among its members.

(6) Meetings.—The Board shall first meet not later than 30 days after the date on which all members are appointed under paragraph (1). Subsequent meetings shall be at the call of the chairperson. The Board may hold public hearings after giving proper notice.

(7) Fiduciary duty.—With respect to the members of the Board that are not appointed under paragraph (1)(A), in carrying out the duties of the Board such members shall have a fiduciary duty to the Guaranty Fund that shall supersede any duty to an employer or other special interest that the member may otherwise represent.

(8) Limitations on liability.—A member of the Board shall not be liable, or in any way responsible, for the obligations of the Guaranty Fund.

(e) Duties.—The Board shall—

(1) administer the Guaranty Fund;

(2) adopt bylaws that permit the Board to enter into contracts to receive contributions and make distributions in accordance with this Act;

(3) establish the application criteria and materials necessary to enable a State to submit an application to the Guaranty Fund;

(4) review and make determination on applications received under section 4(b); and

(5) carry out other activities in accordance with this Act.

SEC. 4. EXPENDITURES FROM THE GUARANTY FUND.

(a) In General.—The Guaranty Fund shall be used to make payments to a State to enable such State to pay the claims of health care providers for health care services provided to covered individuals prior to the declaration of insolvency of a health maintenance organization and to provide for a temporary continuation of health care coverage for such individuals.

(b) Procedure.—

(1) In general.—Upon the declaration by a court of competent jurisdiction that a health maintenance organization is insolvent, the official responsible for regulating health insurance in the State in which the declaration is made may submit an application to the Guaranty Fund for payment under this Act.

(2) Contents of application.—An application submitted by a State under paragraph (1) shall include the following:

(A) Liquidation of assets and return of unused funds.—The application shall contain an accounting of amounts received (or expected to be received) as a result of the liquidation of the assets of the insolvent organization.

(B) Fund amount.—The application shall contain a request for a specific amount of funds that will be used for the uncovered expenditures and contractual obligations of an insolvent organization.

(C) Uncovered expenditures.—The application shall contain an estimate of the aggregate number of uncovered individuals and aggregate amount of uncovered expenditures with respect to the insolvent organization involved.

(D) Continuation coverage.—The application shall contain an estimate of the aggregate amount of funds needed to provide continuation coverage to uncovered individuals.

(c) Consideration by Board.—Not later than 30 days after the date on which the Guaranty Fund receives a completed application from a State under subsection (b), the Board shall make a determination with respect to payments to the States.

(d) Limitation.—The aggregate amount that may be paid to a State under this section with respect to a single uncovered individual shall not exceed $300,000.

(e) Use for Continuation Coverage.—

(1) In general.—A State may use amounts provided under this section to provide for the continuation of health care coverage for an uncovered individual through a health maintenance organization or other health care coverage that has been determined appropriate by the official responsible for regulating health insurance in the State in collaboration with the Board.

(2) Limitation.—The period of continuation coverage with respect to an uncovered individual under paragraph (1) shall terminate on the earlier of—

(A) the date that is 1 year after the date on which the health maintenance organization was declared insolvent; or

(B) or the date on which the contractual obligation of the health maintenance organization to the individual was to terminate.

(f) Repayment of Funds.—The State shall repay to the Guaranty Fund an amount equal to—

(1) any amounts not utilized by the State on the date on which the liquidation of the insolvent organization is completed; and

(2) any amounts recovered through liquidation that have not been accounted for in the application of the State under subsection (b)(2)(A).

SEC. 5. CONTRIBUTIONS TO THE GUARANTY FUND.

(a) Assessment on Health Maintenance Organizations.—

(1) In general.—Not later than January 1, 2001, and every 6 months thereafter, each health maintenance organization that is licensed by a State to provide health care coverage shall pay to the Guaranty Fund an amount to be determined in accordance with an assessment schedule to be established by the Secretary not later than 180 days after the date of enactment of this Act.

(2) Deferment.—The Board, after consultation with the official responsible for regulating health insurance in the State involved may exempt, abate, or defer, in whole or in part, the assessment of a health maintenance organization under paragraph (1) if the organization demonstrates that the payment of the assessment would endanger the ability of the organization to fulfill its contractual obligations or place the organization in an unsound financial condition.

(3) Prohibition.—A health maintenance organization shall not adjust the amount of premiums paid by enrollees to account for the assessment paid under paragraph (1).

(b) Failure to Pay.—A health maintenance organization that fails to pay an assessment under subsection (a)(1) within 30 days after the date on which such assessment was to be paid shall be subject to a civil penalty in an amount not to exceed $1,000 per day.

SEC. 6. STATE PREEMPTION.

(a) In General.—Nothing in this Act shall be construed to preempt or supersede any provision of State law that establishes, implements, or continues in effect any standard or requirement relating to health maintenance organizations.

(b) Definition.—In this section, the term "State law" means all laws, decisions, rules, regulations or other State actions that have the effect of law.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

THE PUBLIC BROADCASTING INTEGRITY ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Public Broadcasting Integrity Act of 2000, legislation that would make the Federal Communications Act's political broadcasting provisions inapplicable to noncommercial educational broadcasting stations.

I believe the current law is well-intentioned to serve the public interest by allowing federal candidates to communicate their views to the general public. However, these provisions are having some unfortunate side effects as federal candidates are exploiting loopholes in the Act to the detriment of public broadcasting. Many Vermonters and my colleagues have seen in recent news reports that public radio and television stations are being forced to give free, uncensored air time to any Federal candidate under provisions of the Federal Communications Act. As a strong supporter of public radio and television, I find this phenomenon disturbing.

I an concerned that this valuable public resource is being commandeered and exploited as a way to get free advertising. Unlike commercial stations, public radio and television are heavily dependent on listener contributions. Many of these listeners are reconsidering their future financial support of these stations if this loophole is not closed and programming is replaced by a flood of political advertising. It seems inevitable that the number of candidates using this avenue will increase dramatically in the next federal election unless we make this minor but important legislative correction.

Mr. President, we can not allow this to happen which is why I am introducing this bill today. I believe this narrowly tailored legislation will close this loophole and preserve the integrity of public broadcasting. I call on my colleagues to join me and support this legislation.

By Mr. LOTT (for Mr. Ashcroft):

S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

THE RECORDS ACCESS IMPROVEMENTS ACT OF 2000

Mr. ASHCROFT. Mr. President, issues surrounding possession and ownership of firearms have been some of the most divisive in this legislative session and political season. Americans hold a wide range of differing opinions regarding gun rights and responsibilities, and the proper balance of those rights against the need for public safety. But, despite the larger differences, most Americans agree that there are common sense actions that can be implemented to protect the rights of law-abiding citizens while preventing those with criminal records or histories of violent behavior from access to firearms.

I support the provision in federal law that prohibits certain people from owning or possessing firearms. Under current law, certain categories of persons are unable to purchase guns. These include felons, fugitives from justice, illegal aliens, the mentally incompetent, and persons convicted of crimes of domestic violence. These proscriptions protect law-abiding citizens from those who have demonstrated they cannot use firearms responsibly. This law protects law-abiding gun owners because the fewer people who criminally misuse guns, the less sentiment that there will be to impose more restrictions on lawful gun owners.

In 1994, the Congress passed the Brady Handgun Violence Prevention Act that instituted a system to check whether a prospective gun purchaser, prior to the transfer of a firearms, is ineligible to possess a gun because he or she falls into one of the nine prohibited categories. The permanent phase (phase II) of the Brady Act—that went into effect November 30, 1998—requires an instant background check be done on the buyer when a firearm is purchased from a licensed dealer. Either the State or the Federal Government conducts this check. This is to ensure that those prohibited by federal law from owning guns do not purchase them. It makes sense, and although the legislation was passed before I arrived in the Senate, I support the instant background check.

Since the implementation of the Brady Act in 1994, through the end of calendar year 1999, 22 million background checks have been conducted on potential firearms purchasers. Of that 22 million, more than 536,000 individuals were determined ineligible. And since phase II of the Brady Act went into effect in 1998—mandating Instant Background Checks in place of checks with a mandatory waiting period—more than 8.6 million requests for instant checks were received, with 2.4 percent of applicants being denied.

I would note that unfortunately, this Administration has chosen not to prosecute those felons for attempting to buy a gun, which is a federal crime. Federal prosecutions have fallen at the same time background checks have given law enforcement a reliable tool for tracking down and locking up criminals trying to buy guns. In 1993, the Clinton-Gore Administration prosecuted 633 people for trying to illegally purchase a gun. That fell to 279 in 1997 and rose to 405 in 1999. From 1994 to 1999, the Administration prosecuted an average of 404 defendants for violations of the gun purchasing law annually—a 36-percent drop from 1993. Obviously, we need to prosecute felons who are attempting to illegally buy guns.

But there is another hole in the current law. While the federal database of state criminal records is fairly comprehensive, the same cannot be said of mental incompetency records. Forty-one states, including the State of Missouri, do not permit records of the criminally insane to be searched prior to a firearm sale. This is a travesty. The result of this loophole is that individuals prohibited from purchasing firearms because of mental impairment are allowed to slip through the cracks—often with tragic results.

In April of this year, the New York Times did a series of four articles on what they termed as "rampage" killings—multiple-victim killings that were not primarily domestic or connected to a robbery or gang. The New York Times examined 102 killers in 100 rampage attacks in a computer-assisted study including the shooting in 1999 at Columbine High School in Littleton, Colorado, a day-trading firm in Atlanta, and a church in Fort Worth, Texas. The New York Times study found that at least half of the killers showed signs of serious mental health problems, and at least eight had been involuntarily committed. These articles highlight the difficulty of enforcing the provision of our gun control laws that prohibits people who have been involuntarily committed to mental institutions from buying a handgun.

For example, Gracie Verduzco, was a 35-year-old paranoid schizophrenic who believed she had a transmitter in her left ear that received messages from a satellite and had been involuntarily hospitalized in Arizona twice. In addition, she had been committed to a mental hospital by a judge in the District of Columbia after she had threatened President Clinton. Despite three involuntary commitments, she was able to buy a .38-caliber revolver at a pawnshop in Tucson, Arizona by lying on her gun application. She used it to kill one person and wound four others there on May 21, 1998.

According to the Justice Department, about 150,000 people a year are committed to mental institutions by court order in the United States. In total, there are now perhaps 2.7 million people who have been involuntarily committed at some point in their lives and are therefore barred by the federal law from buying a handgun. In response to some of the highly publicized cases, authorities in nine states have allowed law enforcement agencies some form of access to mental health records. And the number of ineligible individuals who attempt to purchase guns has been alarming. According to the Illinois State police, 3,699 people were turned down in Illinois from 1996 to 1998, when records showed they had been either voluntarily or involuntarily committed within the last 5 years, the legal test under Illinois law. An additional 5,585 people who were hospitalized from 1996 to 1998 were found to already possess gun permits, which as a result, were revoked.

The New York Times reported, "But at the national level, as in most states, there has been no comparable effort to create access to court commitment records for gun checks. That lack of action is in stark contrast to the long effort by gun control groups and the Clinton administration in winning enactment of the Brady law to create databases screening out convicted felons, who like the involuntarily committed, were barred by the 1968 law from handgun purchases."

If we are serious about reducing the criminal misuse of firearms, this has to change. Federal law already makes the purchase or possession of firearms illegal for people the courts deem mentally incompetent, but the law is difficult, if not impossible to enforce because mental-health information is not currently part of computerized, instant background checks. That's why today I introduce the Records Access Improvement Act, to encourage states to make certain mental health information available to the National Instant Criminal Background Check System (NICS).

At present, the instant check system is administered jointly by the states and by the Federal Bureau of Investigation. In 15 states, state agencies serve as points of contact (POCs), and conduct full background checks for both long guns and handguns. In 11 states, state agencies conduct partial background checks for handguns only. In POC states, Federal firearm licensees contact the state agency, rather than the FBI. In non-POC States, Federal firearm licensees contact the FBI directly through the NICS system. Over half of the applications for firearm transfers were checked directly by the FBI, while the remainder of applications were checked by State or local agencies.

In February 2000, the Bureau of Justice Statistics (BJS) reported that the identification of non-felons ineligible to purchase firearms is likely to remain problematic under NICS. The Bureau of Justice Statistics stated that new enabling statutes may be required to identify and access such information.

The legislation I am introducing today is such a statute. Specifically, this bill will encourage states to make the information available to the NICS system by tying the receipt of grants made under the Violent Crime Reduction Trust Fund to the provision of relevant data to the Federal Bureau of Investigation. This bill will ensure that the NICS system is as complete as possible, so that the Instant Background Check will be as reliable as possible. The Federal gun law—the Brady Act—makes it clear that certain persons are ineligible to purchase firearms. It is time that we take the steps necessary for enforcement of the law. This bill is a giant step toward reaching that goal.

ADDITIONAL COSPONSORS

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 3260

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. KERREY), the Senator from Vermont (Mr. LEAHY), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3260, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. RES. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as "Zinfandel Grape Appreciation Week."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The majority leader is recognnized.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now withdraw my motion to proceed to S. 2557, regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. The motion is withdrawn?

The PRESIDING OFFICER. Yes, it is.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2415, an act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bankruptcy conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:

Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

Mr. LOTT. Mr. President, this cloture vote will occur on Wednesday. I will consult with the minority leader as to the exact time. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. LOTT. Mr. President, are we ready to proceed?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on the continuing resolution relative to the Government funding, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from

Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "aye."

The result was announced—yeas 70, nays 1, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—70

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Breaux
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thompson
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NAYS—1

Stevens

NOT VOTING—29

Ashcroft
Biden
Bond
Boxer
Brownback
Burns
Craig
Crapo
Dorgan
Enzi
Feinstein
Gorton
Grams
Hagel
Helms
Inhofe
Jeffords
Kennedy
Kohl
Leahy
Lieberman
Mack
McCain
McConnell
Roth
Santorum
Specter
Thomas
Warner

The joint resolution (H.J. Res. 120) was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 31, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Tuesday, and that the time between 2 p.m. and 6 p.m. be for a period of morning business with the time between 2 p.m. and 4 p.m. under the control of Senators REID and WELLSTONE and from 4 p.m. to 6 p.m. under the control of the majority leader.

I ask unanimous consent that following the recess of the Senate on Tuesday, October 31, 2000, the Senate be authorized to receive a continuing resolution funding the Government for one day, and that upon receipt the continuing resolution be considered passed.

I further ask unanimous consent that if the Senate receives a continuing resolution containing anything other than a one day provision, the Senate be authorized to receive that continuing resolution, and that at 8:30 p.m. on Tuesday, October 31, 2000, the Senate reconvene and immediately proceed to the consideration of that continuing resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, let me announce to the Members exactly what this consent would provide.

The Senate will reconvene at 2 p.m. on Tuesday and basically spend the day conducting morning business.

Assuming the House passes a clean 1-day continuing resolution, that would be done without a vote and, therefore, there would be no votes during Tuesday's session of the Senate.

All Senators are reminded that a cloture vote on the bankruptcy bill will occur during the day on Wednesday. All Senators will be notified as to the exact time of that vote on Wednesday.

ORDER FOR RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 31.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 6 p.m., with Senators speaking for up to 10 minutes each as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 2 p.m. with up to 4 hours for morning business, with Senators REID and WELLSTONE and LOTT in control of the time.

Under the previous order, the continuing resolution will be passed by unanimous consent.

As a reminder, cloture was filed on the bankruptcy bill today. That cloture vote will occur during the day on Wednesday, as well as a vote on a continuing resolution. Senators will be notified as those votes are scheduled.

On behalf of the leader, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks for up to 5 minutes each for Senators WELLSTONE, SCHUMER, and SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY

Mr. WELLSTONE. Mr. President, I don't think I will even need to take 5 minutes tonight. There will be time tomorrow to discuss this conference report. Then, if there should be cloture, we will see. There is also up to 30 minutes for postcloture debate. There are a number of Senators who will have a lot to say about this bill.

I make one point tonight for colleagues because there will be plenty of opportunity to talk about it substantively later. This piece of legislation that comes before the Senate is what I call the invasion of the body snatchers. This was a State Department authorization bill that has been completely gutted. There is not one word about the State Department in this bill. The only thing that is left is the bill number. Instead of the bankruptcy bill, it was put into this conference report. This is hardly the way to legislate.

Mr. SCHUMER. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. SCHUMER. As I understand it, the conferees who were originally appointed to the foreign aid bill were not even informed of the conference. Not every conferee was informed of the new conference; am I correct in assuming that?

Mr. WELLSTONE. I say to the Senator from New York that is my understanding.

Mr. SCHUMER. I thought that was an important point that our own conferees were not told there was a conference to move this along.

Mr. WELLSTONE. This conference report is worse than the bill that passed the Senate. The Schumer provision was taken out. The Kohl provision was taken out. It is absolutely amazing to me that we would try to jam through a bill, which I believe is very harsh toward the most vulnerable citizens, which purports to deal with the abuse—the American Bankruptcy Institute states, at best, a 3-percent abuse—but, at the same time, enables people who have millions of dollars to buy luxurious homes in some States in the United States of America and shield all their assets from bankruptcy.

We do great for people who have millions of dollars to buy luxury homes and shield themselves from any liability, but we are going to pass a piece of legislation—and I will have the documentation tomorrow from bankruptcy professors, law professors, and judges across the country that have roundly condemned a piece of legislation that is one-sided—that doesn't call for the credit card companies to be accountable at all, is harsh in its impact on the most vulnerable citizens, is opposed by the civil rights community broadly defined, women's organizations, consumer organizations, labor organizations, and a good part of the religious community because of its one-sidedness. It is so harsh in its impacts on the most vulnerable citizens. I will lay this case out because it claims to deal with the problem of widespread abuse. The American Bankruptcy Institute tells us at best we are talking 3 percent. I have seen no high figures presented by anybody.

The bill now is worse than what Senators voted on on the floor of the Senate. Again, the process is absolutely outrageous. A State Department bill, on which hardly anybody was consulted, was completely gutted, and a bankruptcy report put in instead.

I hope my colleagues will defeat this piece of legislation. I come to the floor tonight to let Senators know there are a number of Senators ready to debate. We will have much to say tomorrow. If there should be cloture—we will see—we will have much to say after that cloture vote as well. The more people in this country know the substance of this piece of legislation and the outrageous way this is being done, I think the angrier people will become. It is important people in this country know what this piece of legislation is about and the harsh impact it will have on so many citizens—women, low-income people, moderate-income people, working income people.

On this conference report, Senators who decided to do this, dared not do anything about a family being able to take millions of dollars and shielding themselves from liability.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I augment what my friend from Minnesota said about the bill. Aside from the procedural problems, I have never seen anything like this in the 20 years I have been in this Congress. Aside from the other provisions, I want to talk about the amendment I have added to this bill. Let's not forget, Senators, 80 Members voted for that provision. I think 17 voted against the provision.

The bill that comes back is a different bill. The provision that I wrote into the bill which is so important deals with the use of bankruptcy as a way to violate the laws of this country.

Very simply, we passed a law a while ago called a face law. It gave women who sought to have abortions the ability to actually have what their lawful rights are. Blockaders started blockading the place. Then they actually used violence to stop the right to choose, a constitutionally given right.

The face law simply said the clinic could sue those who used violence or threat of violence against them—not people peacefully protesting; that is their American right. I defend that no matter how much I disagree with their position. All of a sudden, the right to choose was restored. It had not been available in 80 percent of the counties in this country because of the blockaders who believed, since they were getting their message from God, they superseded the rest of us. That, of course, is dangerous thinking. Any one could believe if we have a message from God we ought to impose it on someone else, and we all have different views of what God is telling us.

In any case, now they have found a new way to violate the law. That is to declare bankruptcy. Let me inform my colleagues of one case, the so-called Nuremberg files. The group put together on the Internet names and addresses of doctors, of their wives, of their children. When a doctor was killed, as Dr. Slepian, in my home State of New York, near Buffalo, NY, they put an "X" next to his name. If a doctor was injured, his named was shaded.

Those people were sued under the face law. Of course, the Oregon court in which they had the trial ruled they had violated the law. To not pay judgment, each of them went back to their own States and declared bankruptcy. Whether the bankruptcy issue is held or not, this little clinic does not have the ability to go back to 12 or 13 different States and pursue the same litigation all over again.

All our provision says is that you can't use bankruptcy for this. It was never intended for this, just as you couldn't use it as a shield if you were sued because of drunk driving. It is not pro-life or pro-choice.

My lead cosponsor is HARRY REID, my friend and colleague, who believes as strongly in the pro-life movement as I believe in the pro-choice movement. It is not partisan. Immediately, Senators SNOWE, JEFFORDS, and COLLINS joined us in cosponsoring the amendment. It passed in this body, supported by both pro-choice and pro-life Senators, 80–17.

This new little provision—it was taken out. To me, it is the most important provision in this bankruptcy bill. Yes, we need to change our bankruptcy laws for the better. I do not disagree with that. But to do it and do it in this way and not give the Senate its voice says to me: Let's go back to the drawing board and scrap it.

This is an issue that relates to the Constitution of the United States itself, the rule of law. This is an issue that says if the Constitution grants you a right, we are not going to let cowards use the bankruptcy law to hide behind, avoiding their just civil punishment. As the Senator from Minnesota said, you will hear from us on this. If the people who were managing this bill cared so much about passing it, they should have kept the so-called Schumer amendment in there. It would have been a lot easier to get things done. But that did not happen, they could not and would not.

Because the amendment I have added addresses head-on this fundamental use of the bankruptcy system, I will not rest until we do everything procedurally possible to make sure that a bankruptcy reform package without it fails.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am disheartened to hear the Senator from New York would take such a strong position on this bill since he had been an original promoter of it. It passed this body by 90 votes, at least twice, I think three different times—88 or 90 votes. It is good to see Senator GRASSLEY here, who was the prime sponsor of the legislation. To have it die over this one issue is really unbelievable, particularly since Senator GRASSLEY and others have offered several different ways we could meet the objections on the abortion clinic language, which I consider to be awfully insignificant in the line of the legislation except for the important philosophical and legal points. I think it will be a tragedy if we do not.

This bill passed this body by around 90 votes, over 90 votes one time—three different times. It has been debated in committee. If I am not mistaken, the vote was 18-2 in committee, the Judiciary Committee, on which Senator GRASSLEY and I served and brought that bill out. It is a bipartisan bill.

I, along with Senator REID, got involved with working with the White House not long ago on reaffirmations, the one issue they said was left to settle, and we settled that issue to the satisfaction of the White House.

Now what do we have? A move to kill, once again, good bipartisan legislation that has been overwhelmingly supported in this Senate. It is a shame and a disgrace. It is outrageous that somehow, some way, we passed this with veto-proof majorities and we are not able to get it up for a last vote or get it passed.

I feel strongly about that. Maybe now we can get it out of here and the President will see fit to sign it. The homestead language Senator WELLSTONE mentioned, I agree with him. I think we ought to make bigger changes in the provisions that say people can put all the money they want to in a homestead and not have it taken from them in bankruptcy. You could put $10 million in 160 acres and a mansion and you would not have to give it up to pay your just debts to your doctor, to the gas station down the street, to the friends from whom you borrowed money. That is not right.

We made, though, for the first time, over the vigorous objections of several key States that have those kinds of provisions in their State Constitutions—Texas, Florida, Kansas—they fought tenaciously for that, but we made historic progress in limiting the ability of a debtor to hide his assets in a multimillion-dollar mansion. That was a great step forward. To say we ought to keep current law, which has no controls whatsoever, and not pass this bill, that has the first historic steps to control debt abuse, is really cutting off your nose to spite your face. That is the kind of thing we are hearing.

Let me tell you what this bill fundamentally does. It says if you are of median income—that is, $44,000 for a family of four—if you are a family of four and you are making below that $44,000, you can be bankrupt and not pay any of your debts, just as the current law says. But if you are making above that and the judge concludes you can pay a part of your debts—10 percent or more—then he can order you to go into chapter 13 and pay back some of the debts that you can pay back.

What is wrong with that? We have had a doubling of filings in bankruptcy over the last 10 years. We have over a million bankruptcies filed per year. It is being done primarily because lawyers are advertising. Turn on your TV anytime at night and you will see they are there: "Solve your debt problems, call Old John, 1-800. We will take care of your debts."

Do you know, if you owe $60,000 and you really don't want to pay that $60,000 debt, and today you are making $80,000, you can go down to a bankruptcy lawyer, file chapter 7, and wipe out that debt and not pay one dime of it? You can do that. There is no control. It is being done all over America today and it is not right. What does that say to a good, hard-working family who sits down around the kitchen table, pray tell, and tries to figure out how they can pay their debts? This family does not buy a new car, does not go on a vacation, does everything right, they pay their debts, and clever John goes down to the bankruptcy lawyer and doesn't pay his debt. Something is wrong in America when we allow that kind of abuse to occur time and time again.

It is true—I do not believe it is 3 percent—the majority of people who file bankruptcy will not be affected by this bill. But those who are abusing it will be. If you are a doctor and you are making $150,000 a year and you owe $300,000 in student loans and other debts, and you can pay $50,000 of that, shouldn't you be required to pay it? We have examples of physicians declaring bankruptcy against all their debts when they could have easily paid a substantial number of them. Why shouldn't they pay what they can pay?

In America, we believe if you are hopelessly in debt and you cannot pay out, we give people—and we always have—the right to file bankruptcy. It is just that it has become so common, the process of advertising and filings. The numbers are going up. While the economy is hitting records we have never had before, filings in bankruptcy keep going up. What is going to happen when we have a serious problem in this country?

We have worked hard. I put in a provision that says before you file bankruptcy, you ought to talk to a credit counseling agency. Credit counseling agencies actually help people who are in debt. They help them set up budgets, they advise them whether or not they can pay off their debts. If not, they will go to a lawyer and file bankruptcy. But if they could pay it off, pay down the high interest notes first, negotiate with creditors, set up a payment plan, get the whole family in—if there is a drug problem, gain treatment; if there is a mental health problem, get treatment. Gamblers Anonymous can be used for people who have these problems. A lot of these things are driving bankruptcy.

None of that is occurring in bankruptcy court. Lawyers come in, they claim a $1,000 fee, or $2,000, or whatever, and their secretaries fill out the forms. They don't even meet the client until they get to court. The judge declares all their debts wiped out, and they walk out of court. That is not helping treat the root cause. But credit counseling does. It says: We respect you, American men and women. We want to help you get your financial house in order, and if you can avoid bankruptcy, we will show you how and help you do that. That is a good step in the right direction.

There are a lot of other things in this bankruptcy bill that improve the law. It has not been changed in over 25 years. We have new experience with the law. We have seen a host of abuses of the law, loopholes through which people are driving trucks. We closed those loopholes.

For the most part, it has been overwhelmingly received by everybody in this body. Over 90 Senators in this Senate have voted for it, Democrats and Republicans. The White House has approved all of these.

We have a problem with bankruptcy. We can do better. This bill is fair. It raises protections for women and children far above anything before.

Before, lawyers and other debts were paid before child support. In this bill, alimony and child support are raised to the highest level. The first money paid goes to pay child support. That is a big, positive change. By killing this bill, that will not happen. The old rules will be in effect and children and women will not get that preferential treatment.

We can do better. This is a good bill. I think the President will reconsider. He has been involved in this process for well over 3 years, as we have been wrestling with it, having hearings and debates on this floor and in the House. To say this is sneaking the bill in is really unbelievable. It has been a source of regular debate and bipartisan agreement, and now we get to the very last of this session and see an effort to derail it over this odd idea that out of all the activities in America, if you get sued by an abortion clinic, you cannot file for bankruptcy.

One of the suggestions I made and others have made is, what about a union group that tears down a business? What about a group of environmental activists that tears up and protests and illegally does business? Do they get to claim bankruptcy against their debts, but not those who go to an abortion clinic because they are religious, I suppose?

Why should we have such a double standard, a political law in bankruptcy? That is a political act, not something that ought to be in the bankruptcy court of America.

I said if you either take it out or draw it broadly and it covers similar acts by other groups, then I will support it, but I am not going to vote for a law that simply targets one group that one Senator does not like. What is right about that? How is that good law? Some Senators and the President do not like abortion protesters. I guess he thinks they are too religious, so they do not get to claim bankruptcy, but everybody else does. People who put metal spikes in trees that injure people in the forest business, I guess they do not count.

That is where we are on this. That is such an infinitesimal problem which we can overcome, unless the real agenda is to see bankruptcy does not pass. I hope that is not so. We have gone too far. We have worked too hard. We have a bill that has bipartisan support. I am hopeful yet that the President will sign it, and it will be good for America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. tomorrow.

Thereupon, the Senate, at 8:04 p.m., recessed until 2 p.m., Tuesday, October 31, 2000, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Monday, October 30, 2000*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 1 minute.

PROVIDE FULL FUNDING FOR CONGRESSIONAL BLACK CAUCUS HIV/AIDS MINORITY AIDS INITIATIVE

Mrs. CHRISTENSEN. Mr. Speaker, I come to the floor this morning as the final funding for health care is being negotiated, to make a final plea for full funding for the Congressional Black Caucus HIV/AIDS Minority Aids Initiative, and the increase we are seeking for Medicaid for the territories.

Mr. Speaker, as HIV infections and cases of AIDS come under control in other communities, in African Americans and Hispanics or Latinos it remains a major killer. Eighty-one percent of all new HIV infections are among African American and Latino women. Even in minority communities that have not seen the same numbers, their fragile health care infrastructure places them at an extreme risk.

We must fund the CBC request at the full $539 million, provide Medicaid for early treatment, and make a significant investment for Medicaid for citizens in my district and the other territories by funding the request of the gentleman from Guam (Mr. UNDERWOOD) and me.

Mr. Speaker, health care, quality health care, is a right that we in this body and the White House must extend to all.

TRIBUTE TO ANDREA AULBERT

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized during morning hour debates for 5 minutes.

Mr. COBURN. Madam Speaker, I rise this morning to remember Andrea Aulbert, a woman whose life, though brief, was one of impressive accomplishment. Andrea served as the Director of Legislative and Legal Affairs for Concerned Women of America until her death on July 2 at the age of just 33.

Andrea spent her life in service to others, from her student days as a camp counselor in her native State of Michigan, to her advocacy on behalf of persecuted Christians in China and other countries, to her tireless efforts in her professional career in support of moral renewal and the sanctity of human life.

After completing her studies at the University of Michigan and Valparaiso Law School, Andrea spent some time in my home state, Oklahoma, on the faculty of Bartlesville Wesleyan College. But shortly after taking a position in Washington with the Concerned Women of America, Andrea learned that she was suffering from a rare form of lung cancer.

In 1998 she under went a difficult and risky lung transplant at the University of Alabama in Birmingham, and within a few months she was back at work. This spring, however, her cancer returned, and, again, the wait began for another transplant operation.

Her last night in Washington was, ironically, spent at an event given in my honor. She was excited and hopeful that evening. She had received word that she had qualified for an additional lung transplant.

That surgery was performed a week later, but, sadly, she did not survive the surgery. However, her memory lives on with her family, her friends and her colleagues, and those of us in Washington that knew her. The good that she did in her short life will be felt for years to come by thousands of people who never knew her at all.

That is the definition of a true American hero, Andrea Aulbert.

A MORE DANGEROUS WORLD TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Madam Speaker, as we begin this week, we obviously have many important domestic issues before this body, and that is entirely very appropriate. The question is being asked, are we better off in terms of where we are today than we were 8 years ago, and I want to focus on a very important part of that question that has been ignored in the debate that is going across our land, and it is the question, are we better off in terms of national security than we were when the wall came down about 12 years ago?

I think it is very arguable that the world is a much more dangerous place than it was at that time, and I think it is arguable that we are much more vulnerable, and, tragically, Americans have been lost at home and abroad recently, as we know with the *Cole*, to underscore that situation.

I know that some of the candidates have talked about their foreign policy experience, and I know that Vice President GORE, who has been on watch for the past 8 years with President Clinton, claims that our foreign policy has accomplished some good things.

I would take strong issue with that. I do not think our foreign policy has been much of a success at all. It has been characterized by unevenness, but, most importantly, by missed opportunity.

Most of our friends think that the United States of America as the world's most important power, most free country, most successful economy, is adrift. They are puzzled by what we are doing and what we are not doing. Our enemies are certainly taking opportunity to score points where we are missing our opportunities.

I think that when you take a look at the problems with our national security policy, you can fit them very neatly into some categories.

First of all, just starting with our concern about security at home. The Clinton-Gore policy record on protecting our national secrets and dealing with national security has been nothing short of abysmal, whether it is the State Department missing laptops, whether it is the former Director of the Central Intelligence Agency knowing he should not take home, but taking home classified information, and making it vulnerable for being picked up by hackers. Things like that are just inexcusable.

But we have not vetted all of the people who need security clearances, by any means, and we have put them into sensitive jobs. We have a long waiting list, and we are falling down on that type of thing, whether it the White House or the Defense Department or the State Department. Certainly we have underscored the problem dramatically with the loss of the weapons secrets from the Los Alamos labs.

We have in the Clinton-Gore administration seen a cultural disdain for security, an arrogance, that we know better somehow, so we do not have to play by the rules.

Combat readiness is another area where we want to take a look at our national security. Vice President GORE has made a great deal about reinventing government and saving 330,000 jobs. If 300,000 of those jobs have come out of our defense forces, what does that say about our readiness? We understand we have ships going to sea undermanned. We are cannibalizing equipment in order to get spare parts. We are bypassing rotations so our troops are not getting the necessary R&R, an opportunity to see their loved ones. We are cutting corners. We are cutting corners on training, and sooner or later, it catches up with us, and, tragically, it has.

Right now I do not believe that there is much vision about readiness, and I think that has been underlined in the types of readiness that we need to have. It is no longer navies against navies, dreadnoughts against dreadnoughts at Midway, or carriers and carriers fleets against carrier. It is now dealing with things like terrorists and narcotics cartels, things that affect our American citizens in deadly and dreadful ways.

We have also had some extraordinarily bad judgment in our policies, whether you start with the tragedy of Somalia, whether you go on to Haiti, where we have now seen a grotesque tragic and expensive failed foreign policy result. The Balkans are still very much at unrest. We have much work to do there, and many troops committed there, and we have not resolved the underlying problems.

Saddam, if you wonder why the price of heating oil and price of gasoline at the pumps is being debated in this chamber and elsewhere, it is largely because we have messed up in the Mideast so badly and been asleep at the switch so long under the Clinton-Gore administration that our policies on energy have gone adrift and we have been victimized by others as a result.

Africa, a whole continent that we have pulled back our capabilities on by direct order of the Clinton-Gore administration, is a continent that is torn by all kinds of carnage and brutality, unsettled conditions, a breakdown of law and order, misery and suffering across the board, and tragically, again, loss of American life because we were unprepared with the blowing up of those embassies.

These are the kinds of things that I think we need to think about when we talk about what we need for the vision of the future; the right kind of readiness, the right kind of preparedness. I think that is an important part of this debate, and I know we are going to be talking more about it in this week as we are here.

REGARDING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise today to express my deep disappointment regarding the withdrawal of H. Res. 596, the Armenian genocide resolution from the House floor.

As it has been said on many occasions, H. Res. 596 is not about the Republic of Turkey. In fact, an amendment was adopted in the Committee on International Relations which made it perfectly clear that this resolution was not about modern day Turkey.

Unfortunately, the Republic of Turkey decided to make a sense of the House resolution about the extensive U.S. record on the Armenian genocide a litmus test of its relationship with the United States. I deeply regret that Turkish officials have opted to use coercion and threats too make their case.

A recent report by the Anatolia news agency that a Turkish human rights activist, Akin Birdal, faces charges for acknowledging what happened to the Armenian people as genocide, demonstrates the lengths Turkey will take to deny the truth. Birdal reportedly made the comment during a recent conference in Germany, and now faces the possibility of a 3 year sentence in Turkey.

In addition to prosecuting this human rights activist, Turkey also coerced a statement from the head of the Armenian Church in Turkey, distancing his church and the remnant 35,000 Armenians who still live in Turkey from H. Res. 596 and its meaning.

Setting aside for the moment how a population of some 2 million Armenians has been reduced so catastrophically, is there any doubt in the minds of any Member that virtually every living Armenian in Turkey is anxiously waiting for the world to acknowledge the truth about their near total destruction or the near total destruction of their community?

Madam Speaker, is there any doubt that the statements made by the Armenian Patriarch were made under duress? There is only one place in the world where an Armenian Church leader cannot tell the truth. There is only one place in the world where nobody answers Hitler's chilling question, "Who, after all, speaks today of the annihilation of the Armenians?" And that place is modern, secular and democratic Turkey.

Madam Speaker, I ask what kind of message we are sending to the Patriarch of the Armenian Church in Turkey and all others in that country who are prevented from speaking their conscience.

I call upon our Ambassador to Turkey, who has so forcefully advocated against H.R. 596, to immediately visit the Armenian Patriarch as a show of solidarity with His Eminence and with his dwindling Armenian flock.

Madam Speaker, we must remain vigilant in the face of threats and those who continue to deny the Armenian genocide. As Van Krikorian, the Chairman of the Board of Directors of the Armenian Assembly noted in remarks given over 10 years ago to the Capitol Legal Council of B'nai B'rith, "Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination." I will introduce the remarks of Mr. Krikorian for the record.

Madam Speaker, I just want to say that these remarks are as valid today as they were 10 years ago. I urge all of my colleagues to reject the ongoing campaign of denial regarding the Armenian genocide.

[Remarks to the Capitol Legal Council of B'nai B'rith—Dec. 21, 1989]

FIGHTING DENIAL OF THE ARMENIAN GENOCIDE

(By Van Z. Krikorian, Director, Government and Legal Affairs, the Armenian Assembly of America)

In the spring, you heard a speech from a Turkish Embassy official contending that the Armenians did not suffer a genocide between 1915 and 1923. That contention is patently false. But, Turkey's and its agents' insistence on vigorously pursuing it poses a frightening threat to all people who believe in democracy and human rights. Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination. I am sure you are aware that Hitler publicly laid the foundation for the Holocaust by referring to "the extermination of the Armenians" starting, at least, in 1931 and most forcefully in 1939 when he commanded his military to show no mercy by asking: "Who, after all, speaks today of the annihilation of the Armenians?"

Those who deny the Armenian genocide are removing the underpinnings of all human progress by pretending that nothing exists which, for whatever reason, they do not want to exist. This approach is often viewed as politically expedient. But, in the end, it only aborts the cause of civilization.

This is why I am especially glad to address you this afternoon and to publicly challenge the arguments of the deniers. I am also glad to know that the Holocaust Memorial Council has publicly and unequivocally committed to include the Armenian genocide in the United States Holocaust Memorial Museum, a decision which rebukes the deniers and promotes historical integrity.

Today, I plan to discuss some of the reasons why the Armenian genocide is properly classified as a genocide and then refute some of the more popular arguments offered by the Turkish government and other deniers.

First of all, what does the term genocide mean? Literally, it means the killing of a race. An attorney and Holocaust survivor, Rafael Lemkin, coined the term in 1944 and then dedicated himself to creating and promoting the United Nations Genocide Convention. Before, during, and after coining the term, Lemkin used the Armenian case as a definitive example of genocide. In Lemkin's view, it would be impossible to question whether the Armenians suffered a genocide, because the term was created to be a synonym with the Armenian experience.

Similarly, the United Nations legislative history of the Genocide Convention is clear that the Armenian case is an example of genocide, a position from which the United Nations has not moved. In the United States, the legislative history of ratifying the Genocide Convention and the implementing legislation is equally clear that the Armenian case is synonymous with the term genocide. These legislative histories, of course, merely reflect the overwhelming evidence of the Armenian genocide. Yet, the deniers argue that the Armenian case somehow does not fit the definition of genocide.

The Genocide Convention provides:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

No one realistically questions whether Ottoman Turkey engaged in the specific acts enumerated in this definition. That would be absurd because the Armenian population of over two million was unquestionably reduced to under 100,000, and those people did not simply disappear—they were killed, forcibly converted to Islam, and, in small numbers, escaped.

What the deniers question is whether the government committed the acts with the intent to destroy the Armenian presence in their homeland of three thousand years. This contention is shamefully absurd.

I cannot go over all the admissions and evidence establishing beyond any doubt that the government planned and implemented a campaign of race extermination, but the archives of the United States and almost every European country (including the Central Powers, Turkey's allies) are overflowing with this evidence. Today, I would like to call your attention to the following pieces of evidence: (1) a December 1914 authenticated blueprint for genocide issued by the ruling Committee of Union and Progress Party which can be found in the British archives; (2) the post World War I, Turkish trials and convictions (based on substantial, irrefutable testimonial and documentary evidence) of the government officials responsible for ordering and implementing the extermination of the Armenians; (3) a November 8, 1920 order for the military to exterminate the Armenians living in Russia; (4) and the acknowledgment of the Armenian genocide by the founder of modern Turkey, Kemal Ataturk.

The December 1914 order reads as follows:

(1) Profiting by Articles 3 and 4 of Committee Union and Progress, close all Armenian Societies, and arrest all who worked against Government at any time among them and send them into the provinces such as Bagdad or Mosul, and wipe them out either on the road or there.

(2) Collect arms.

(3) Excite Moslem opinion by suitable and special means, in places as Van, Erzeroum, Adana, where as a point of fact the Armenians have already won the hatred of the Moslems, provoke organized massacres as the Russians did at Baku.

(4) Leave all executive to the people in provinces such as Erzeroum, Van, Mamuret ul Aziz, and Bitlis, and use Military disciplinary forces (i.e. Gendarmeris) ostensibly to stop massacres, while on the contrary in places as Adana, Sivas, Broussa, Ismidt and Smyrna actively help the Moslems with military force.

(5) Apply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized.

(6) Carry away the families of all who succeed in escaping and apply measures to cut them off from all connection with their native place.

(7) On the ground that Armenian officials may be spies, expel and drive them out absolutely from every Government department or post.

(8) Kill off in an appropriate manner all Armenians in the Army—this to be left to the military to do.

(9) All action to begin everywhere simultaneously and thus leave no time for preparation of defensive measures.

(10) Pay attention to the strictly confidential nature of these instructions, which may not go beyond two or three persons.

In fact, these orders basically describe the actual pattern of the genocide. Of course, during implementation, the ruling party issued additional orders on massacring Armenians (I will share another with you shortly) as well as orders to punish those Turks who showed mercy to the Armenians.

The post-war trials are also dispositive not only for their indictments and verdicts, but also for the overwhelming evidence used to secure the verdicts. Specifically, both central and provincial government officials were tried and convicted for the "massacre and destruction of the Armenians." Besides a major trial in Istanbul, moreover, local trials for the same crimes, which have yet not been widely publicized, also took place. (Parenthetically, I would add here that these trials were cited as precedent for the Nuremberg trials following World War II.)

Next, I would like to share a November 8, 1920 central government order, quoted from a Turkish source. This order commanded General Kazim Karabekir to essentially continue the job of exterminating the Armenians after World War I by wiping out the Russian-Armenian population:

By virtue of the provisions of the Sevres Treaty Armenia will be enabled to cut off Turkey from the East. Together with Greece she will impede Turkey's general growth. Further, being situated in the midst of a great Islamic periphery, she will never voluntarily relinquish her assigned role of a despotic gendarme, and will never try to integrate her destiny with the general conditions of Turkey and Islam.

Consequently, it is indispensable that Armenia be eliminated politically and physically [siyaseten ve maddenten ortadan kaldirmak].

Since the attainment of this objective is subject to [the limitations of] our power and the general political situation, it is necessary to be adaptive in the implementation of the decision mentioned above [tevfiki icraat]. Our withdrawal from Armenia as part of a peace settlement is out of the question. Rather, you will resort to a modus operandi intended to deceive the Armenians [Ermenileri igfal] and fool the Europeans by an appearance of peacelovingness. In reality, however, [fakat hakikatde] the purpose of all this is to achieve by stages the objective [stated above]. . . . [I]t is required that vague and gentle-sounding words [mubhem ve mulayim] be employed both in the framing and in the application of the peace settlement, while constantly maintaining an appearance of peacelovingness towards the Armenians.

[t]hese instructions reflect the real intent [makasidi hakikiyesi] of the Cabinet. They are to be treated as secret, and are meant only for your eyes.

Again, documents like these as well as direct admissions of guilt by the government officials are literally everywhere.

Recognizing that indisputable fact, Kemal Ataturk, the founder of modern Turkey, did not hesitate to condemn the responsible Ottoman government for its actions. In an interview published August 1, 1926 in the Los Angeles Examiner, he said that all those responsible "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Today, the Turkish government has called the authenticity of this quote into question. Yet this 1926 statement was not an isolated event. In 1918, Ataturk called for the execution of the genocide's perpetrators. In 1919, as recorded by a presumably unimpeachable source, future Turkish prime minister Rauf Orbay, Ataturk acknowledged the government's massacres "of 800,000 Armenians" and "decried the extermination of the Armenians." In a 1920 speech, Ataturk explicitly condemned the massacres as "scandalous." Again, this type of documentation is indisputable and overwhelming, but we still face those who act as if it does not exist. When such denials are funded from a country as important as Turkey, we face the prospects of the Nazi operating principle: "a lie told 1,000 times becomes the truth."

Accordingly, I would next like to refute the predominant arguments used by the deniers today. Let me start with one that the embassy official who spoke here in the spring touted as dispositive—"It was not a systematic effort to kill all Armenians [because] no harm was done to the Armenian communities living outside the war zone—in Istanbul, the Ottoman capital, for example." Initially, I would note that this argument is as fallacious as saying that Jews did not suffer a genocide because they were relatively safe in Rome and Bulgaria. But, more importantly, the factual assertion is not true.

Armenians certainly were exterminated in Istanbul and every other part of Turkey, and it was clearly systematic. For example, on December 7, 1915 German Ambassador Metternich informed Berlin that the Government wiped 30,000 Armenians out of Istanbul and that "gradually a clean sweep will be made of the remaining 80,000 Armenian inhabitants of the Ottoman capital." Indeed, the government massacred or tried to massacre all Armenians from European Turkey by first shipping them over the Bosporus and then killing them. One example is the eradication of the Armenians from the European town of Rodosto. In fact, Armenians and their friends commemorate the genocide on the anniversary of April 24, 1915 because on that date the government gave the clearest signal of systematic race extermination. It arrested and killed hundreds of unquestionably innocent Armenian community leaders (including legislators, clergy, educators, and attorneys) in Istanbul.

Another argument which the deniers forward is that Armenians died of natural causes (famine, cholera, diseases), not government ordered massacres. Putting aside all the direct evidence of the genocide, this argument is ridiculous. It would be the first time, that I know of, in which famine and diseases moved form town to town across an entire country removing all but less than 100,000 Armenians from over 2,000,000, and leaving the Turkish Moslem population as the sole survivors. Frankly, such a "selective disease" argument has no historical or scientific credibility, and those who make the argument must not expect their audience to reflect on its merits very deeply.

But, then the deniers argue that there was also a great civil war in which Armenians took up arms against Turks. In that supposed war, great, mutual killings occurred. Never mind that the government had disarmed all the Armenians, the government drafted all the able-bodied Armenian men into labor battalions of the army where they were massacred, and contemporaneous reports do not reference any civil war. In fact, in a newly published book, "The Slaughterhouse Province," we can read American consul Davis's official, eyewitness report from the interior of Turkey of the disarming of the Armenians and the lack of any real resistance. He reports that after the massacres of Armenians in the Province of Harput (ultimately over 100,000), the government could "find only four or five instances where any Turks had been killed or even injured by Armenians and less than a dozen instances of any resistance by Armenians." In other isolated areas, of course, Armenians fought back against Turks. But, these were either minor incidents; self-defense; or because Armenians were Russian citizens, drafted into the Russian army, and were a part of the Allied war effort fighting Ottoman Turkey. As Ambassador Morgenthau reported as early as July 1915, moreover, allegations of rebellion were only "a pretext" for "a campaign of race extermination."

Nevertheless, some people still claim that the massive Armenian deaths resulted from the legitimate quashing of a rebellion. This "pretext" or "legitimate basis" denial argument is probably the most dangerous. If it is accepted (regardless of its inaccuracy), it sanctions the murder of an entire nation based on the prodemocracy cries of only a few groups. Civilization will not progress if a justification claim can be made in defense of genocide. Otherwise, the Nazis and every subsequent perpetrator would build the defense in as the crime was committed. During the Armenian genocide, the government attempted exactly such a defense, and it was rejected as both inaccurate and immoral by the international community as well as the succeeding Turkish government. There is no reason why it should be accepted now.

A more slippery denial argument on the "mutual killings" theme involves the amount of Turks and Moslems who also died in the war. I call this argument slippery because its proponents slide between "Turkish" and "Moslem" deaths. For example, some point to "two million Turkish deaths during the war" as a reason not to sympathize with Armenians. Yet this two million figure includes the 1.5 million Turkish-Armenians killed, the over 300,000 Turkish army casualties, and the tens of thousands of Turkish-Greeks and Arabs put to death at the same time.

Another strand of this argument points to "hundreds of thousands of Moslem deaths"—again implying that the genocide was really an Armenian-Turkish war. Yet in calculating the "Moslem" figures, these people not only include the Turkish war casualties and the massacres of tens of thousands of Arabs in Turkey, but also the Moslems who died fighting with the Allies against the Turks in the Middle East—that is Moslems which the Turks themselves killed.

A third strand of this "numbers game" argument applies artificial formulas to the nineteenth century populations, plugs in some theoretical conditions, and concludes with ridiculous population and mortality figures which bear no relation to reality. This argument falls on its face because it completely ignores the direct, factual evidence of the genocide. Its proponents are as off base as those who recently claimed in the newspaper "Sieg" that only 150,000–200,000 Jews died under Nazi rule and those deaths came during the "German-Jewish war."

Another denial theme is that commemorating or recognizing the Armenian genocide promotes terrorism. Initially, let me say that we unequivocally condemn all terrorism, including Armenian terrorist attacks on innocent Turks. But, the threat of terrorism does not justify rewriting history to deny Ottoman Turkey's crimes against humanity. More importantly, and again the deniers conveniently fail to mention this fact, Armenian terrorism is a moot point. In a March 1989 report, even the State Department had to acknowledge that there has not been an Armenian terrorist attack in three or four years and Armenian terrorist groups have withered away. This cessation of terrorism is attributed to lack of mainstream Armenian community support and to the growing international rejection of Turkey's denial campaign. For example, in 1985 the United Nations Subcommittee on Human Rights, after years of study, overwhelmingly recognized the Armenian genocide as an indisputable historical fact, and in 1987 the European Parliament conditioned Turkey's acceptance to the European Community on recognizing the Armenian genocide.

The following denial argument is particular to deniers in the United States. They point out that in 1985 sixty-nine scholars signed an advertisement questioning the accuracy of a Congressional resolution commemorating the Armenian genocide and therefore "there was no Armenian genocide" or "the issue should be left to historians"—an argument from authorities so to speak. Following the advertisement, we contacted these sixty-nine people. We found that some did not authorize use of their names on the advertisement and some said they were misled about the text and apologized. Many explicitly recognize the Armenian genocide as a fact. But, most importantly, we found that only four of the sixty-nine actually focus their work on the time span of 1915–1923. All of these individuals are subsidized by the Republic of Turkey, and none has credibility on the Armenian genocide issue. Thus, when deniers make claims like a majority of United States experts question the Armenian genocide, they are simply not telling the truth. Among those sociologists, attorneys, historians, psychologists, anthropologists, attorneys, historians, psychologists, anthropologists, political scientists, and others who seriously study genocide, there is no question that the Armenians suffered a genocide, by any definition. There is also no question among the credible genocide scholars that failure to memorialize and condemn past genocides facilitates future genocides.

Before leaving this "scholars" issue, however, I would like to make clear that some of those people who signed the 1985 advertisement and continue to question the Armenian genocide really have little choice. These people are Turkish or Ottoman historians. If they do not assume the current government's line, they will be cut off from resources necessary for their life's work. Even Turkish sources confirm that cooperation with the government pays dividends while criticism exacts a high price.

The next denial argument is one of the more interesting. This argument contends that a judgment on the Armenian genocide must be reserved until the Republic of Turkey opens its archives of the period. The argument is interesting because Armenians sought free access to the Ottoman archives for years. Then the irrelevance of these archives became obvious. For instance, Turkey does not even own all the relevant archives from the period. After the War, the government sold hundreds of thousands of its records to the Bulgarians as scrap paper. Other parts of the archives exist in Jerusalem, the Soviet Union, the Middle East, and Europe. In addition, after World War I, Turkish officials readily acknowledged that the files on Armenian massacres were removed and destroyed. In fact, the documentation in archives around the world contains more direct evidence of the genocide than we can possibly digest. (The United States archives contain approximately 25,000 pages for the period 1915–1918 alone, including captured German records, which fully document the genocide.) So, while the Turkish held archives may be interesting, they are only a very minor contribution to the history of the genocide.

Moreover, Turks themselves acknowledge that military and foreign service officials have been reviewing the records for years to remove whatever incriminating evidence may still exist and that the government is using the archives strictly for public relations purposes. This year, the government, in various ways, has announced that the archives on Armenian issues are open. Yet, they fail to publicize that the wrong archives are open or the restrictions which prevent any incriminating documents from coming to light. For example, in January, they announced that the archives are open, but they did not open the relevant World War I years. Recently, they announced that the Council of Ministers files were open for the war years, but they did not open the records of the party apparatus or other agencies which actually controlled the genocidal operations. (Scholars have found that the genocide was implemented through a two track system of orders—one set ordering "deportations" and another set ordering the translation of "deport the Armenians" to "massacre the Armenians.") Read these continual announcements on the opening of the archives carefully; you will find that there is always a caveat such as "all previously catalogued archives are open" or that a researcher may see only fifteen pages at a time and a government official has the right to screen the documents first. The Turkish government continues to use the archives as a delaying tactic. As Cumhuriyet a Turkish newspaper reported in January 1989: "Endless and empty statements have been made over the years concerning the opening of the Ottoman archives, and it is creating a disturbance among those who follow this topic closely. For the last 8 years, every 6 months a statement is made regarding the opening of the Ottoman archives. That these don't come true indicates that Turkey is pursuing a policy of distraction."

At this point, the Ottoman archives held by Turkey are worthless. This explains why only Turcophiles and the uninitiated place any weight on them. It also explains why the archives' administrators publicly complain that serious scholars have not come to review what has been released.

The last denial argument I would like to touch on is a "character" argument—that is, "Turks are hospitable, good people" and good people would not do what the Armenians allege happened under Ottoman reign. Let me say that the character of the Turkish people is not at issue here. Turkish hospitality is well known, and many Turks proved their sense of humanity during the genocide by protecting individual Armenians. That does not change what the government did to the Armenians from 1915 to 1923, the fact that the racist ideology of Pan-Turkism (Turkey only for Turks) was and still is prevalent, or that the government continues to have a poor human rights record and severely discriminates against Armenians in Turkey today.

You should also know that the 1915–1923 Armenian genocide was not an isolated event. From 1894 to 1896, Sultan Abdul Hamid openly and proudly ordered the massacre of hundreds of thousands of Armenians, ostensibly to send the Armenians a message about their place in Turkish society. Lord Kinross gave the following example of the atrocities in this period:

"[The Massacre's] objective, based on the convenient consideration that Armenians were now tentatively starting to question their inferior status, was the ruthless reduction, with a view to elimination of the Armenian Christians, and the expropriation of their land for the Moslem Turks. Each operation, between the bugle calls, followed a similar pattern. First the Turkish troops came into a town for the purpose of massacre; then came the Kurdish irregulars and tribesmen for the purpose of plunder. Finally came the holocaust, by fire and destruction, which spread, with the pursuit of the fugitives and mopping-up operations, throughout the lands and villages of the surrounding province. This murderous winter of 1895 thus saw the decimation of much of the Armenian population and the devastation of their property in some twenty districts of eastern Turkey. Often the massacres were timed for a Friday, when the Moslems were in their mosques . . . Cruelest and most ruinous of all were the massacres at Urfa, where the Armenian Christians numbered a third of the population . . . When the bugle blast ended the day's operations, some three thousand refugees poured into the cathedral, hoping for sanctuary. But the next morning—a Sunday—a fanatic mob swarmed into the church in an orgy of slaughter, rifling its shrines with cries of 'Call upon Christ to prove Himself a greater prophet than Mohammed.' Then they amassed a large pile of straw matting, which they spread over the litter of corpses and set alight with thirty cans of petroleum. The woodwork of the gallery where a crowd of women and children crouched, wailing with terror, caught fire, and all perished in the flames. Punctiliously at three-thirty in the afternoon the bugle blew once more, and the Moslem officials proceeded around the Armenian quarter to proclaim that the massacres were over . . . the total casualties in the town, including those slaughtered in the cathedral, amounted to eight thousand dead."

Similar accounts of massive Armenian massacres during this 1894–1896 period abound. In 1909, for similar reasons, the government set another prelude to the 1915–1923 genocide. Then, it ordered and carried out massacres in Adana which killed 30,000 Armenians.

Today, as I have noted, the Turkish government is engaged in an all out effort to deny the Armenian genocide. In addition to its efforts in the United States, it is eradicating the physical evidence of any Armenian existence in Turkey. At the beginning of this century Armenians had two thousand churches in Turkey. Now, under two hundred are standing. As for the rest, the government has: destroyed them; converted them to mosques, warehouses, cinemas, and other uses; or allowed them to be plundered and destroyed. In Armenian schools, Armenians are forbidden to teach history and geography, those subjects can only be taught by Turkish officials. As a final example, Turkey strictly forbids open discussion of Armenian history or any other matters which do not comply with government policy. In March of this year, the Independent Magazine reported that:

"In early December 1986 Hilda Hulya Potuoglu was arrested by the Turkish Security Police and charged with 'making propaganda with intent to destroy or weaken national feelings.' The prosecutor of the Istanbul State Security deemed her offense as meriting severe punishment and asked for between a seven-and-a-half and a 15-year jail sentence.

Potuoglu's crime was to edit the Turkish edition of the Encyclopedia Britannica. In this was included a footnote which read as follows: 'During the Crusades the mountainous regions of Cilicia were under the hegemony of the Armenian Cilician kingdom' . . .

The Encyclopedia Britannica was not the first publication to offend. In 1981 the authorities seized Ankara 50, a guidebook to Ankara produced by the British Institute of Archaeology. The book, when published in 1973, had been passed by the military censor. By 1981, however, times had changed. It was noticed that the book featured a map naming the Roman provinces of Asia Minor including—with perfect historical accuracy—the province of Armenia. The guidebook quickly joined the index of forbidden books along with other such politically dubious publications The Times Atlas of World History and the National Geographic Atlas of the World."

This is the type of action that the Turkish government and those in the United States who deny the Armenian genocide are promoting—the sacrifice of truth and integrity on the altar of perceived political expedience. This is why I am especially glad to have had this time with you today, to publicly expose exactly what we are all up against in fighting denial of the Armenian genocide. Thank you.

REPUBLICAN PLAN PROVIDES SENIORS WITH ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to talk about prescription drugs. I think everybody in this House is committed to affordable prescription drugs for our seniors who are on the Medicare program. But this morning I would like to talk about the difference between the Democrat plan and the Republican plan.

I would also point out, Madam Speaker, that here in the House we passed by a bipartisan margin a prescription drug package for seniors. This was not an issue that just came into place from 1995 on, so I guess a question would be asked, why have the Democrats made this such a major issue, when they had, prior to 1995, an opportunity to solve this issue themselves when they were in the majority in the House and they had the presidency?

I think it is easy to criticize someone else's plan, but we offered a plan and it passed the House. So let us talk about the difference between the two plans.

The Democrat plan provides less choice, because it would provide seniors with a one-size-fits-all government plan. The Republican bill, H.R. 4680, would give beneficiaries a choice between at least two private sector drug plans. It would allow beneficiaries to choose plans that best suit their needs. Our plan is market-based, rather than relying on the government to run the plan.

Now, why is this so important? Because we know that one of the overwhelming components of any plan that we offer is that it should provide individual choice for our seniors. Choice must be the centerpiece, I believe, of whatever plan we adopt here in the House.

Now, how affordable are these plans? Let us look at these two plans and see what they actually provide seniors. H.R. 4680, which was passed by the House on June 28, the Republican plan, uses private insurance companies as the vehicle to begin prescription drug coverage for seniors over 65.

This plan provides taxpayer subsidies to encourage insurers to offer policies with premiums estimated as low as $35 a month. Participation is voluntary. That is something else important. Seniors taking part can choose between at least two plans. All plans start with a $250 deductible. It would establish the Medicare Benefits Administration, a new agency, to run this program. Volume buying that would be generated is expected to even lower the cost. The legislation covers 100 percent of drug and premium costs for couples with incomes up to $15,200 and singles with income up to $11,300. For all participants it covers at least half of drug costs up to $2,100 annually, and 100 percent, Madam Speaker, of out-of-pocket costs over $6,000.

The bill is projected to cost just under $40 billion over 5 years, and the money has already been set aside in our budget just for this purpose. In other words, my colleagues, it is already paid for. That is the Republican plan.

Now let us look at the Democrat plan that the House defeated here. Currently seniors pay a premium and receive reimbursement for a portion of their doctor and hospital costs through Medicare. Under the Democrat's plan, they would use the new government benefit to reduce the cost of pharmaceutical drugs.

Now, what does this mean? The Democrat plan puts government in charge of seniors' prescription drug through the Health Care Financing Administration, HCFA. They run Medicare now. The government would choose and control a drug purchasing contractor for every region of the country; in other words, a new government one-size-fits-all program.

This is key, because a recent survey of seniors with drug coverage found that, by a margin of 2 to 1, they preferred private insurance coverage to government price controls. That being said, the Democrats' measure offers premiums that would range from $25 to $35 month, but with no deductible. Medicare would reimburse half of drug costs, up to $2,000 annually, and all costs above $4,000 per year.

However, the real question, my colleagues, our seniors are faced with, is who do they trust to run their prescription drug program, the government or the private sector? Do they want to make their own choices and control how their money is spent, or do they want a government-run plan that leaves them without any say about what works best for them?

I believe the choice is clear, Madam Speaker. We offer a plan here, the Republicans, that is voluntary, universal, affordable, with choice and security. For those seniors who are happy with what they have, they do not have to participate, but those that do can.

I believe we can and must work together in a bipartisan manner to help Medicare beneficiaries gain access to affordable prescription drugs. This bill offers coverage that is affordable, accessible, and voluntary for our seniors.

USING THE TAX CODE TO BUILD SCHOOLS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. SHERMAN) is recognized during morning hour debates for 5 minutes.

Mr. SHERMAN. Madam Speaker, here we are, a week before the election. The President is keeping Congress here in Washington, and I think with good reason. One of those reasons is the tax bill which we passed last week, a tax bill which should not be signed by the President until it is made better, particularly on the issue of school construction.

Now, I know it sounds odd to think in terms of a tax bill helping school construction, but in fact we have a tradition in this country of the Federal Government helping school districts build schools through the Tax Code. What we do is we provide that the interest paid on school bonds is tax exempt, and for this reason investors are willing to buy school bonds that pay only 4 or 5 percent interest at a time when they could be earning 7 or 8 percent in taxable bonds. We subsidize the interest cost to encourage school districts to issue bonds and build schools.

Building on that tradition, we Democrats have suggested that a new kind of municipal bond or school bond be issued by school districts in which we, the Federal Government, would in effect pay the entire interest cost. We would provide a tax credit to those who hold the bonds in lieu of them collecting any interest from the school districts. We would go from merely subsidizing the interest cost to actually paying the interest costs on $25 billion worth of bonds over the next 2 years.

The effect of this would be dramatic for school districts. A school district that would otherwise have to pay $100,000 a year in order to make payments on school bonds would instead pay $66,000 a year on those same bonds, reducing its cost by roughly one-third, allowing it to build a new school for only two-thirds of what would otherwise be the cost.

We Democrats have insisted, and the President has insisted, that $25 billion of these bonds be authorized over the next 2 years. Instead, this tax bill provides only half of these very valuable incentives and facilitators for school construction. What the bill provides is $15 billion over 3 years, less than half the $12.5 billion per year that we would like to see.

Moreover, the tax bill that left this House weasels on the Davis-Bacon language, so that school districts can pay substandard wages to build substandard schools in inadequate quantities.

But our Republican colleagues have done something else that we would not do to supposedly help school districts. What they have done is something that will cost the Federal Government over $2 billion, but is actually worse than nothing for our school districts. They have announced to school districts that they should not use school bond proceeds to build schools for about 4 years; that, rather, they will be allowed to play the market with that money and keep the proceeds.

This will be tempting to school districts who are told, look, you can borrow money at only 5 percent interest, lower than anybody else who is playing the market, and then you can play Wall Street with that advantage. Is that the way we should help school districts build schools? I think not. We should be trying to build a school on Elm Street, not a skyscraper on Wall Street.

We should remember how Orange County, California, went bankrupt, when it decided to play the market with funds in the county treasury, and we should not tell school districts that our way of helping them is to encourage them to use school bond proceeds to play the stock market. We should provide more to school districts than a free ticket to Las Vegas, and a chance to take the school bond proceeds and bet them on the pass line or the do not pass line.

Where does the impetus for this phenomenally bad idea come from? It comes from my friends, the Tax Bond Council.

Now, I practiced tax law for a dozen or more years, and it was a kind of boring job. But when I emerged from reading the regulations in the smallest type I had but one solace; at least my job was not as boring as the subspecialist tax lawyers who worked with tax exempt school bonds. They need some excitement, but not a free trip to Wall Street with the tax exempt bond proceeds.

MEETING HALFWAY ON THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, last week my wife went out to lunch with some of her friends and she told them that Gil was still in Washington and that they were still negotiating the final details of the budget, and they were surprised to learn that. In fact, we now know that most Americans are somewhat surprised that Congress is still in session.

The rumor started back in September that perhaps the President would hold the Congress hostage here in Washington, perhaps to gain some political advantage, perhaps to force some kind of a showdown and perhaps even a government shutdown. But, to the credit of the leadership here in the Congress, we have been pleasantly persistent, we have been negotiating in good faith, and, as a result, we have many of the details worked out. Frankly, I think the ones that are remaining are more about partisan politics than anything else, and simply trying to embarrass the Congress.

As you can see by this chart, these numbers are kind of small, but, frankly, in terms of what we have appropriated versus what the President requested, the differences really at this point do not seem to be very large. We have appropriated more for national defense than the President originally requested and a little bit less in a few other categories, and, as a budgeteer, I have to say I am a little surprised we are actually spending more than we originally said in our original budget document. One of the things I thought was important was we ought to make it clear that the Federal budget should grow at a rate slower than the average family budget. For the most part, that has been what has happened.

But this year, of course, Washington has a big budget surplus, and, guess what happens when Washington has a big budget surplus? People want to spend it. This is not a partisan issue either. There are Republicans who want to spend the surplus, there are Democrats who want to spend the surplus, and certainly the people down at the other end of Pennsylvania Avenue want to spend that surplus.

So what has happened is the Congressional leaders have said that at least 90 percent of that surplus ought to go to pay down debt, because all of us believe there is something fundamentally immoral for this generation to leave a debt to the next generation. As a result, we will have paid off $350 billion in publicly held debt, in fact, we have right now, and by the end of next year that number could well exceed $500 billion worth of debt held by the general public that this Congress will have paid off.

That is good news. But the President seems to be a moving target, because as soon as we agree to one thing, the President says, oh, no, what I really want is more money here. We really need to spend more money on this.

Now the issue of school construction comes up. As you can see, in terms of education we are spending about exactly as much money as the President requested. The problem is not how much are we going to spend on children, the question is who gets to do the spending?

Many of us feel very, very strongly that if you are going to authorize more money to be available for school construction, that those decisions ought to be made by the people who know the children's names. We do not think it ought to be done by the Department of Education, because the record of the Department of Education is not good.

For the third consecutive year, the Federal Department of Education has failed its audit. In fact, last year we are told by our own accounting office, the General Accounting Office, there is about $100 million that the Department of Education cannot account for. Now, we do not think it is a good idea to turn even more authority over spending school bond money to the Federal Department of Education. We feel pretty strongly about that.

We also feel pretty strongly that it would be a huge mistake to grant blanket amnesty to millions of illegal aliens. Now, we are willing to allow families to be reunited, we are willing to make accommodations. We are willing on spending and policy issues to meet the President more than halfway. But sometimes he will not even accept "yes" for an answer.

Clearly, some people in this town are putting partisan politics above the needs of the American people. The real question comes down to this, and we have never gotten a clear answer from the administration or from our friends on the left here in Congress: How much is enough? We are willing to spend, and we believe that $1.9 trillion is more than enough to meet the legitimate needs of the American people, the Federal Government and those who depend upon it. We believe that $1.9 trillion is fiscally responsible. We are still spending more than I would like to see spent.

But the President continues to say, well, that is not quite enough. But he will not give us a number. We are more than willing to meet the President more than halfway, but we are not willing to compromise America's future. We want to take at lease 90 percent of that surplus to pay down the publicly held debt. Most importantly, that is what the American people want us to do.

We are more than willing to compromise and meet with the President and work out some agreement that is in the best interests of the American people. The real question is, is he?

GETTING THE WORK DONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today on the floor and last night I have heard a lot of creative rhetoric and whining from the Republican side of the aisle. They are whining that highly paid Members of Congress, themselves, are here in Washington actually having to work, to be a bit inconvenienced, to even work on a weekend.

Well, why do they have to work? They say the president is guilty. Well, in fact, the President is a little bit guilty in this matter. He is guilty, as is any lenient parent in dealing with spoiled children.

The budget is due October 1. It is set by law. We all know that. The budget was due on October 1. Were the appropriation bills done on October 1? Heck no. And what did Congress do right around October 1? It went home for a 5 day weekend, and then it went home the next week for a 5 day weekend, and then the next week.

How did they get away with that? Well, the president, as I said, being, unfortunately, a little too lenient with the other side of the aisle, allowed them to go home with their work undone by giving them longer term continuing resolutions.

I voted against every one of them. I felt they should have been held to a one day standard at the beginning, I think they should be held to a one hour standard now. If Congress has to stay in session 24 hours a day to get the work done, get it done.

Now, they say, well, it is the President's fault. Well, gee, how can it be his fault, when you have not even sent two of the largest spending bills downtown yet? He has not seen them. The Senate has not passed them. He has not even had an opportunity to veto them, if he is going to.

No, that is awfully strange creative rhetoric. It reminds me a lot of teaching a class, and the kids come in, and they knew all along there was a term paper due, June 1. Well, excuse me teacher, we just did not get it done.

Well, gee, I am sorry, someone sick in the family, you sick, death in the family or something?

No, we just did not get it done. We would like another week.

If the teacher gives them another week, what are they going to say the next week?

Hey, Teach, it was really nice; it was early June, the weather was great, we did not get it done. Give us another week.

You cannot do that, and that is finally what the President is doing here. He is telling the Republicans, get your work done, one day at a time. You are going to stay here until the work gets done.

It is inexcusable to be almost on the first of November. I mean, if they want to score their political points, they can send down defective bills that the president will veto, but they will not even do that. They will not even allow him to veto the bills with the concerns he has. They are just holding them here.

So if anybody is holding them hostage, the Republican majority in Congress is holding itself hostage and whining about it. That is kind of pathetic.

I heard some awfully interesting things about prescription drugs. Let us get one thing clear: The Republican plan that passed this House gives a subsidy to insurance companies in the hope that they might, might, offer a prescription drug only benefit plan to seniors. However, the head of the Health Insurance Industry Association has already said they are not interested in that. They cannot make enough money on something like that, and, if they did, besides that, the drugs would be really expensive.

So the Republican plan not only provides subsidies to the insurance industry, it provides subsidies to the pharmaceutical companies. This is a great plan. But, guess what? If does not put any cap or set any conditions on the premiums that might be offered to seniors if plans were offered under their grand plan.

It is a way to shovel more billions into the insurance industry and more billions into the obscenely profitable pharmaceutical industry at the expense of America's seniors, while pretending to address a real concern of America's seniors.

That is outrageous. We take a program that is successful, which the Republicans opposed, Medicare, and add an optional, optional, prescription drug benefit. And then, God forbid, they do not like this part at all, we use the market power of Medicare, with 33 million seniors in it, to bargain down the price of drugs. We use the market. The Democrats use the market.

That is not price controls. The VA is doing that take today. Blue Cross-Blue Shield is using that today. They use their market clout. They drive down the cost of prescription drugs by saying, hey, we have millions of people in our plan. We want a discount.

But they are saying we should not do that. In fact, they are saying we should give subsidies to the pharmaceutical companies. God forbid we should bring down the prices in this country.

The prices on pharmaceuticals are more expensive in the United States than any other country on Earth. That is why Americans go across the border to Canada to buy American manufactured drugs for half the price, why they go across the border to Mexico to buy American manufacturered drugs for half the price.

What do they want to do? They want to give a subsidy to the pharmaceutical industry and a subsidy to the insurance industry. That solution is outrageous.

NATIONAL SECURITY AT A LOW EBB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. HUNTER) is recognized during morning hour debates for 5 minutes.

Mr. HUNTER. Madam Speaker. In answering my colleague with respect to getting out of town, I think a lot of us, Democrat and Republican, have come to the conclusion that the president will not take "yes" for an answer until it is politically expedient to do so. You can make an agreement in 5 minutes or 5 days or 5 months, and we obviously have great resistance at the White House right now.

Madam Speaker, let me talk about an aspect of this administration which needs addressing in a very short period of time after the new President takes office. Today, national security is at a low ebb. I reflect back on Vice President GORE's new invention that he came up with in the last debate, in which, along with inventing the Internet and various other American inventions, he invented four Army divisions. He stated that when he came in as vice president, the Army had gone down, but that he increased the number of divisions.

Well, in fact in January of 1993, when Vice President GORE took office, there were 14 divisions in the United States Army. A division is a big group. It is a large number of people, a lot of equipment, in some cases upward of 20,000 personnel.

Today, after the Clinton-Gore administration has run down national security, I might say, for 6 years, there are only 10 divisions in the United States Army. So when Vice President GORE came into office, there were 14 divisions. He claims he increased the number of divisions, but today it is down to 10 divisions. So somewhere along the line the vice president has invented four Army divisions, which is not an insignificant thing.

Now, if you look across the array of military equipment shortages and ammunition shortages, a number of things jump out at you. One thing we need to know is that since the vice president and President Clinton took over in 1992, we have cut the military almost in half. We have gone down, as I said, from 14 Army divisions January 1, 1993, to only 10 today, so we have cut the Army by a good 30–35 percent. We have cut the Navy from 546 warships to only 316 warships, so we have cut the Navy in numbers by about 40 percent. We have cut our fighter air wings from 24 fighter air wings to only 13 fighter air wings. So we have cut air power almost in half under this administration.

Now, the interesting aspect of that, and I think the real tragedy of this slashing of national defense, is this: Usually when you cut an organization, whether it is a sports organization or a business organization, when you decrease it, when you cut it back in size, Americans presume that the core that is left after you have made these cuts is going to be well-trained, well-equipped and ready to go. The sad facts are that the small military that is left after Vice President GORE and President Clinton have taken the action to it, the small military that is left, this half a military that is left, is not as ready as the big military that we had that won Desert Storm in the early 1990s.

Let me give you some examples. They are tragic examples. A few weeks ago we had the Chief of Staff of the Army, General Shinseki, testifying to us. He had to report to us that the Army is $3 billion short of critical ammo supplies. Ammunition. Now, you may not agree with the B–2 bomber, you may not agree with the F–22 fighter. Every American feels that it is good for our troops to have ammunition, because they may need it.

This $3 billion shortage was not measured against any requirement that Congress laid on the administration, it was not measured against what the Senate or the House felt we needed in ammunition, it was measured against what the administration itself analyzed that we needed to be abie to fight the so-called two regional contingency conflict. That is the kind of conflict where we might get involved in a Desert Storm operation against Saddam Hussein, or we might have a Kosovo operation, and, at the same time, the North Koreans, for example, might take advantage of that and try to come south on the peninsula, so American forces might have to deploy to two different areas of the world. We feel that to be safe and to give our service people the best chance of returning alive, we need to have the equipment, the ammunition and the capability of handling those two conflicts at about the same time, because it could happen. Well, that $3 billion ammunition shortage that General Shinseki spoke about is with respect to the two MRC contingency.

So let us rebuild national defense. Madam Speaker, I think help is on the way.

PROVIDING HEALTH CARE ASSISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. GREEN) is recognized during morning hour debates for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, let me follow my colleague. It is interesting though if our armed services are in such bad shape, they have received more funding every year, and it has passed overwhelmingly. In fact, we have a lot of appropriations bills that have not been sent to the President yet, but the Department of Defense was the first one and has had the big plus-up every year compared to other Federal agencies.

Madam Speaker, after sitting here and listening to my colleagues this morning talk about it, I heard that the Department of Education could not be audited. Well, when is the last time the Department of Defense was audited successfully?

Madam Speaker, I think that is a good topic for debate, but this House and this Senate and the President signed the Department of Defense appropriations bill, the first one, and it is there, and it passed overwhelmingly on both sides. So I do not think the United States is going to hell in a handbasket on the Department of Defense, because we make sure we try to provide that funding.

Here we are October 30, and Congress is still in session, and we have heard my colleagues blame the President or blame different folks, Republicans. But it is interesting, because next Tuesday the voters all over the country will go to the polls and make some decisions.

Now, they will look at lots of issues, but one of the ones I wanted to talk about this morning, one of the most major issues, is providing prescription drugs for our senior citizens under Medicare.

Prescription drugs have always been a problem, not just for seniors, but for everyone. When those of us go buy pharmaceuticals for ourselves or our children, we realize how high the cost is. But it seems like in the last 3 years, it has gone up dramatically.

I know senior citizens do not always have the choices we have. Sometimes, if we are working, we can earn more overtime, we can cut some other areas, we can actually increase our income. But seniors do not have that option. Seniors do not have that option, if they are required to take so many prescriptions and they just cannot go out and work more overtime.

I was worried earlier this year, and I am glad the House passed it, that between 65 and 70, I was cosponsor of the bill, let seniors work for those years. I was worried that was only going to be our effort this session, let seniors be able to go out and work and pay for their prescription drugs that are not covered under Medicare.

I know this is my fourth term and in 1993, 1994 and 1995 at our town hall meetings and community meetings, we have dozens every year, we would have one or two people come up and talk about prescription drugs. But in the last 2 or 3 years, it seems like I cannot have a town hall meeting or community meeting without either a senior citizen or someone my age saying, my parents cannot afford it, or even someone my children's age saying, my grandparents cannot afford their prescription drugs.

So, you know, in the early nineties you would only hear one or two, but in the last 2 or 3 years, because it seems like the cost of escalation has been so much, and it hits seniors so much more than it does anyone else.

We asked 2 years ago, and our Committee on Government Reform staff, the minority staff, actually conducted studies around the country for a lot of members of Congress. One of them they did in my own district in Houston, and we did three of them starting about 2 years ago.

One, we compared prices for large purchasers, for example, whether it is Blue Cross-Blue Shield or the Veterans, what can they do if the average citizen goes down compared to what the larger purchaser can do. We found out the large purchasers actually save about half of what my seniors going to their local drugstore would pay as compared if they could get it through some large purchaser.

We also, because I am in Houston, Texas, and it is a 6½ hour drive to Mexico, what it would be for seniors who can drive to Mexico, who can both lower their prices by bulk purchasing, but they have also price controls. So we found out that people can drive from Houston to Mexico and save half, at least, on their prescription drugs. These are studies conducted not by my office, but by the minority office of the Committee on Government Reform. So, again, seniors could save half.

The last thing we did this last spring is we picked out certain pharmaceuticals that are also used for animals. I remember very well in East End Houston at the magnolia Multipurpose Center, we had a good crowd of seniors there, and we had a young lady, I guess in her early 20's, and she had a beautiful German shepherd.

She had that dog, and we started listing pharmaceuticals that my seniors in Houston take, like seniors all over the country, and animals take. Well, it just so happened this dog, this German shepherd, also had asthma, and so did one of my seniors. She talked about how it was tough.

I looked at that dog and I thought it was a purebred German shepherd, Madam Speaker, but it turned out she got it real cheap at the SPCA, and it was a beautiful animal.

But this senior citizen came up and said, I know this dog has asthma, and this is what I pay for my asthma medicine, and it was outrageous. Again, it was more than double for seniors as compared to what we do for our own animals.

That is why it was frustrating that this House has not addressed it, except for one bill that passed earlier. We compare the House plan and the Democratic plan and Governor Bush's plan and the House plan, and it just looks like it is giving more money to insurance companies who, under our current HMO system are not even covering seniors.

Madam Speaker, I know next Tuesday a lot of people, no matter what their age, will go to the polls. I know prescription drugs are important, and I hope they look at the Democratic plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At the beginning of a new work week, Lord God, be with us. Fill us with a freshness and a renewed energy as we face the tasks here set before us today.

May our minds be bathed in the light of Your spirit and our hearts be set free to discern clearly the ways of justice and integrity.

Bring to this Nation a true sense of purpose as it interprets the signs of the times and seeks to be an instrument of peace in the world.

God of all grace, guide us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 47, not voting 87, as follows:

[Roll No. 577]

YEAS—298

Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Cook
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood

Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kelly
Kennedy
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matsui
McCarthy (MO)

McCarthy (NY)
McCrery
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Packard
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)

Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Aderholt
Baird
Bilbray
Borski
Capuano
Clyburn
Condit
Costello
DeFazio
English
Filner
Ford
Gejdenson
Holt
Hooley
Kucinich

Latham
LoBiondo
Markey
McDermott
McGovern
Miller, George
Moran (KS)
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Phelps
Ramstad
Rogan
Rothman

Sabo
Sanchez
Schaffer
Slaughter
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Udall (CO)
Udall (NM)
Velázquez
Weller
Wu

NOT VOTING—87

Abercrombie
Ackerman
Allen
Barr
Barton
Becerra
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin

Clay
Conyers
Cooksey
Cox
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dingell
Edwards

Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gephardt
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hinchey

Hulshof
Jefferson
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)

Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Morella
Neal
Oxley
Pascrell
Pickering
Pickett
Porter
Riley

Scarborough
Shaw
Shays
Shuster
Snyder
Spratt
Stabenow
Stark
Talent
Thompson (MS)
Visclosky
Waters
Watkins
Watts (OK)
Weygand
Wise
Young (AK)

☐ 1021

Mrs. CUBIN changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Speaker, I was unavoidably delayed due to the late arrival of the airplane I was traveling on from New York because of poor weather conditions. Accordingly, I was unable to vote on rollcall No. 574, a Journal vote. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from North Carolina (Mr. WATT) come forward and lead the House in the Pledge of Allegiance.

Mr. WATT of North Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. BENTSEN. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 4577, be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "October 31, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another of the 1-day CR's. I do not think it requires a lot of debate. So I would like to use a couple of minutes just to compliment my friend and colleague, the gentleman from Wisconsin (Mr. OBEY). He looks wide awake this morning despite the fact that we had a long night last night. But at about 1 o'clock this morning, I think the gentleman from Wisconsin (Mr. OBEY) and I both felt that we had made some accomplishments in reaching the end on the issue of the last appropriations bill that is out there.

Other than that, Mr. Speaker, there is nothing much more to say on this issue. We all know what the issue is. But the good news is that we are really at the end on the final appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say good morning to my friend, the gentleman from Florida (Mr. YOUNG). We have been seeing a lot more of each other than we would both like. But I think last night it is safe to say that there was a significant amount of progress.

Frankly, there are a couple of items in what was agreed to that I regard as a breach of faith on the part of the House. But I am not going to get into that right now.

Basically, the gentleman is right, we made significant progress in dealing with the core Labor H bill. There are still a lot of ways that things could go wrong, but I hope that they do not.

I simply urge passage of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 9, not voting 84, as follows:

[Roll No. 578]

YEAS—339

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Baird
Barton
Costello
DeFazio
Dingell
Ford
Miller, George
Phelps
Stupak

NOT VOTING—84

Abercrombie
Ackerman
Allen
Barr
Becerra
Berman
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Chambliss
Clay
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Duncan
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Metcalf
Morella
Neal
Oxley
Pascrell
Payne
Pickering
Pickett
Porter
Riley
Roybal-Allard
Rush
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Waxman
Weygand
Wise

□ 1045

Mr. DOOLEY of California changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 578, I was not able to vote. Had I been present, I would have voted "yea."

HOUR OF MEETING ON TUESDAY, OCTOBER 31, 2000

Mr. LINDER. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). The motion of the gentleman from Georgia (Mr. LINDER) is privileged and is not debatable.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Indiana will state his parliamentary inquiry.

Mr. ROEMER. Mr. Speaker, would the effect of moving the time for us to do business tomorrow from 10:00 in the morning until 6:00 at night in effect have Members then not be able to be at home in their districts either working or with their families tomorrow night for Halloween? Is that the effect of this vote?

The SPEAKER pro tempore. The question that the gentleman has posed is not a proper parliamentary inquiry.

Mr. ROEMER. That is the effect of this vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 159, not voting 75, as follows:

[Roll No. 579]

AYES—199

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCarthy (MO)
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—159

Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (OH)
Capps
Capuano
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Hill (IN)
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kennedy
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Smith (WA)
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOT VOTING—75

Abercrombie
Ackerman
Allen
Barr
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Clay
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Diaz-Balart
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Metcalf
Morella
Neal
Oxley
Pascrell
Pickering
Pickett
Riley
Shaw
Shays
Shuster
Slaughter
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Weygand
Wise

☐ 1105

Mr. BROWN of Ohio changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 579, I was not able to vote. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 121, 122, 123, AND 124, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 662 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 662

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 121) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 124) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communications devices is prohibited in the Chamber of the House, and they are to disable wireless telephones before entering the Chamber of the House.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 662 is a closed rule providing for consideration of House Joint Resolutions 121, 122, 123 and 124. Each of these joint resolutions make further continuing appropriations for fiscal year 2001 for a period of 1 day. Mr. Speaker, H. Res. 662 provides for 1 hour of debate on each joint resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the consideration of these joint resolutions. Finally, the rule provides one motion to recommit on each joint resolution, as is the right of the minority. This rule was favorably reported by the Committee on Rules yesterday, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for being more brief than he was the last time. He caught me off guard. I thank the gentleman for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of the eleventh, twelfth, thirteenth, and fourteenth continuing resolutions we have done in the last month. Each one of these continuing resolutions will keep the Federal Government open just 1 more day, because my Republican colleagues just have not finished their 13 appropriation bills.

The 1974 Budget Act requires that these bills, those 13 bills, be signed into law by October 1. But, my Republican colleagues have spent much too much time passing tax breaks for big business and not enough time on school construction.

So, here we are on October 30 with only five appropriation bills signed into law. Those bills are Defense, Military Construction, Interior, Transportation, and Agriculture, and VA-HUD and Energy and Water. Meanwhile, waiting at the White House are Legislative Branch, Treasury-Postal, and others. Still outstanding are Labor, Health and Human Services; Commerce, State, Justice; Foreign Operations; and District of Columbia. But, because so many bills are outstanding, Mr. Speaker, my Republican colleagues have been forcing Congress to spend time passing emergency measures and protections for special interests, while Democrats have still been fighting for new school construction.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) have a school construction bill that is supported by 230 Members of Congress, Democrats and Republicans alike. This bill would provide $25 billion over 10 years of interest-free financing for school construction and modernization with prevailing wage protections. But my Republican colleagues refuse to put this bill into the Labor, Health and Human Service appropriation bill so that the President can sign it and local communities can begin building new schools.

So, rather than wasting time this month on abbreviated work weeks, renaming post offices, and tax breaks for the special interests, my Republican colleagues should have been passing Medicare reform, prescription drug programs within Medicare, and funding school construction.

Mr. Speaker, I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I am very pleased to yield 8 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise to oppose this rule. I think we ought to do 1-day rules and 1-day CRs, but more importantly, I think it is time for us to reach the compromises necessary and finish up the work of the 106 Congress.

We are all asking why we are here today, and we have different views on it. According to "The Baltimore Sun," it is because of Republican gridlock in Congress again. Once again, leaders of this House are finding they cannot get their way. Whatever happened to the fine art of compromise? I know my friends on the other side of the aisle would differ with that and have a different opinion of that. Both sides are right, perhaps.

But perhaps a little practical constitutional reminder is in order for us today. You, we, cannot beat a President, unless we have two-thirds of the votes. The Constitution guarantees that under our separate, but coequal branches of government, that the only way the House of Representatives can win is to have two-thirds of the vote, no matter how we like or dislike a President, now or in the future. And we cannot get two-thirds of the vote, unless we are willing to work with at least some on the other side of the aisle which, unfortunately, our leadership has chosen not to do.

Remember the budget resolution where all of this began? The President's budget called for $637 billion in spending, and you said you were going to hold discretionary spending to $625 billion and you complained about big spending Democrats, including we Blue Dogs, those of us in the Blue Dog Coalition proposed a budget suggesting a compromise of $633 billion. This budget was supported by 138 Democrats and 37 Republicans.

□ 1115

If 45 more Republicans had joined with 137 of us, perhaps the debate would be a little different. Perhaps we would not even be here. If the leadership in Congress had been willing to work with us, we could have had a credible bipartisan budget that would have held spending down to $633 billion. Instead, we are on a path to spend $645 billion or more next year, $12 billion more than the Blue Dogs suggested and $8 billion more than the President requested. Some compromise.

Some compromise, spending $8 billion more than the President. And yet my colleagues, some continue to come to the floor and say how much more are we going to spend. Well, they have won on this issue. When we passed the rule last week on the foreign operations bill, they voted to raise, at least some, not all, a majority of us, not me, voted to raise the caps to $645 billion. The issue of how much we are going to spend is a moot issue.

I would much rather have held it to $633 billion. My Republican colleagues wanted to go to $645 billion. The President wanted to keep it at $637 billion.

So let us not have any more of this because any of these issues that spend more money, my colleagues should know by now that the rules of the House suggest that if we spend more than $645 billion, we will sequester all spending next year to bring the level back to $645 billion if we mean it, and I hope we mean it. So let us quit talking about that money is the issue.

I do not know how the leadership in the House honestly can complain that Democrats are big spenders when they have already voted appropriation bills and sent to the President spending $11 billion more than the President requested. I do not understand how voting to increase spending by $21 billion on programs that a prominent Republican has identified as low priority, unnecessary, or wasteful spending is acceptable, but asking for $5 billion more for education makes someone a big spender.

Under the plan being pushed by leaders in the Congress, we will squander the surpluses that should be used to deal with a variety of my priorities including eliminating our national debt. Leadership is taking credit for debt reduction that was achieved only because their proposals to use the entire budget surplus for tax cuts was defeated.

The recent conversion to debt reduction rhetoric after 2 years of rhetoric to the contrary comes after their tax cut proposals fell flat. The cover of the September 16 issue of Congressional Quarterly described the leadership strategy with this headline: "Desperate to find a way out, GOP settles for debt reduction."

Mr. Speaker, we easily could have bipartisan agreement on death tax relief, on marriage tax penalty relief, on a Medicare prescription drug benefit, a Patients' Bill of Rights, campaign finance reform legislation; yet this Congress will adjourn without enacting any legislation on any of these issues.

The leadership has chosen to take these issues off the table. They have won on these issues. They are off the table. But we will not go home, we will not go home without making sure we have given our hospitals, nursing homes, and home health care providers the relief that they need. That is the dividing issue, the one that must be worked out.

There is strong support among Democrats for meaningful estate tax relief that would repeal the death tax for all estates less than $4 million and reduce rates for all other estates by 20 percent immediately. This proposal could be signed into law. But according to the Wall Street Journal, some in the Republican leadership rejected that proposal because they are afraid that "the GOP would lose a powerful election-year issue for its candidates." And they might be right.

We heard a lot of rhetoric Saturday about the need for a national energy policy; yet we are about to conclude another Congress without any effort on the part of the House to develop a national consensus on energy policy. We could have taken a small step by adopting the tax incentives for domestic oil and gas producers that were included in the Senate version of the tax bill, but for some reason the leadership of the House opposed this bipartisan effort as well.

Surely we can reach a bipartisan agreement now if leaders of the Congress are willing to work with the President to find compromises on the remaining issues. But I have to ask, why did the congressional leadership not accept the President's offer to meet yesterday to discuss an agreement on responsible tax relief and a Medicare package that provides assistance to health care providers as well as beneficiaries, instead of providing over 40 percent of the funding for HMOs?

Let me repeat so that all of us can understand and hear clearly, particularly the leaders of the Congress: we will not have a final budget agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have, nor without satisfactory compromises regarding school construction, class size reduction, immigration, and the other issues remaining.

We would not need to be here on October 30 if 2 or 3 months ago, when this work should have been happening, the Republican leadership had been willing to work with us in a bipartisan spirit on a fiscally-responsible budget that funded priority programs including Medicare, provided reasonable tax relief, and paid down the debt. Unfortunately, for some reason the leadership has chosen a course that has produced gridlock and inaction.

Mr. Speaker, it is your move. The ball is in your court. Do your job and you will find a lot of bipartisan support, especially if you were to ask.

This is the message that I hope that all of us will take. It is time to quit the fingerpointing. We are down to the last few issues. Some of them are very, very important; but all of them must be compromised. It is unrealistic to believe that anyone, the President or the House, can get their way absolutely. But a reasonable compromise on all of these issues could be reached this afternoon if only we would find the willingness to sit down and to talk to each other, a willingness that we have not been willing to do for the last 2 years, 4 years or 6 years. That is why we are here today.

Again, we cannot, we cannot defeat this President, the next President, or any President unless we have two-thirds of the vote. We cannot get two-thirds of the vote unless we work for it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM), who in the well of the House outlined many of the same arguments that he outlined last night when we gathered here in informal session to have an honest discussion on some differences.

One thing that I think is interesting is this: when the gentleman from Minnesota (Mr. GUTKNECHT) put the question to the gentleman from Texas, if we reverted to the President's original budget numbers, if that were the key to accommodate the President as my friend points out, that certainly the President has a role in this process, if we were to revert to the President's original estimates, could there be a guarantee that the President would sign the appropriations bills? The gentleman from Texas was very candid last night. He said he could not guarantee that, and he respectfully submitted that that was not the question.

But, Mr. Speaker, that is exactly the question, because that is the argument my friend from Texas has made. We do not seek to ignore the President or deal with some sort of blatant hostility. We understand consensus and compromise and we have done that. And even as the gentleman outlined the challenge confronting us with Medicare, I would remind all of my colleagues that just last week on this floor we passed a piece of legislation vital for health care with the bulk of the help going to hospitals, especially rural hospitals, to local health care, to nursing homes.

The fact is some chose not to vote for it. Now, good people can disagree. We are here in this situation, as we try to find consensus and compromise, and the question again, Mr. Speaker, is this: How much is enough?

I understand the calendar. I do not presume to be naive. I know this is the political season. But I would join with the gentleman from Texas who says let us not engage in fingerpointing. Indeed, Mr. Speaker, the challenge before us is to put people before politics, and that is what I suggest we do.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, for those Americans who may be following these proceedings, they might be asking themselves what exactly are we doing here 30 days after the appropriation and funding bills are supposed to have been enacted into law? What have we accomplished? Or a better question: What have we not accomplished this Congress?

I would like to give a brief overview. Over the last 2 years, the Republican leadership of this Congress has had a unique opportunity. It was an opportunity to work with House Democrats and to work with the President to craft a sensible, bipartisan solution to some of America's most difficult and toughest problems: the unchecked powers of the HMOs to veto family health care decisions; the fact that literally millions of senior citizens cannot afford to buy prescription medicine that they need; the need to increase the minimum wage for those people who work and make this country run by taking care of our seniors in nursing homes and feeding us and cleaning our offices and taking care of our children in child day care centers; the fact that kids from one end of this country to the other are forced to go to school in cramped, overcrowded classrooms.

The Republican leadership had 2 whole years, some would say 6 years since they became the majority, to work with President Clinton and Democrats to respond to these problems. Had they decided to work with us by now, we could have had a prescription drug benefit in effect. People who use HMOs could have had the right to legally challenge them. Millions of people would not have been thrown off the benefits of HMO plans or denied benefits under those plans. We could have started working on repairing and modernizing our schools all over this country.

Minimum wage workers who are struggling, often adults with a couple of children, to provide for their family could have had thousands of dollars into their pockets. But I am sad to say that instead of rolling up their sleeve and working with us, the Republican majority chose to obfuscate, to shrug their shoulders, to walk away.

Mr. Speaker, just do not take my word for it. Listen to what America's leading newspapers are saying. Rollcall: "What a mess . . . If (voters) paid attention, they'd surely be appalled, as practically everybody here in this town is. House leaders failed to work out a joint strategy with Senate leaders, and they have been utterly uninterested in working with House Democrats."

The Washington Post: "The Un-Congress continues neither to work nor adjourn. For 2 years, it has mainly pretended to deal with issues that it has systematically avoided."

The Baltimore Sun: "Whatever happened to the fine art of compromise? It seems to have vanished from the lexicon of Republicans on Capitol Hill. The result is more gridlock in Washington, as Republicans try to force their political agenda down President Clinton's throat."

And, of course in the USA Today today they described this Congress as a "costly do-little Congress." I might also add, Mr. Speaker, that this is a do-little and a delay Congress. They have done little; they have delayed much.

Mr. Speaker, the Republicans have demonstrated that the only place they are capable of leading Congress is gridlock and dead end. It is time for a change. This has been an utter failure. We have failed to address the main issues that the American people have sent us here to address, and the American people understand that. They know that, and they will respond to that if we do not, in the next couple of days, answer some of these questions that the gentleman from Texas (Mr. STENHOLM) and others have addressed.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I felt compelled to react to some of the speakers that have preceded. Republicans have come in with some additional spending. Deployments by the Clinton-Gore administration, Haiti, $4 billion; $3 billion of that is in Aristide's pocket. Extension of Somalia where we had 18 Rangers killed; the United States paid for 86 percent of Kosovo.

I think that is wrong. And my colleagues on the other side would say that there should be more burden-sharing from NATO countries. That has come at a great expense of our defense, of our military, of our men and our women.

□ 1130

We have got 22 ships that are tied up to the pier because of deferred maintenance. The Secretary of the Navy just announced the descoping and cancellation affecting repair and maintenance of 26 naval ships, which means that is 26 more ships this year will not be worked on; and that the lack of funds, because we have used it, they have had to shift the ship repair money over to the CV, the carriers, and the submarine refueling because of the deployments that we have had.

My colleagues talk about working bipartisan. Many of us long for that, and we have on many cases. But I want to give my colleagues an idea that, with the HMOs, when Governor Bush, and I believe that the polls are showing it, is President, we will pass a patients' bill of rights. But it will not allow lawyers to sue unlimited amounts and put a hospital, a doctor, or a health care provider out of business with one lawsuit. Then one will not be able to go down and sue the small business that hires them in good faith. I mean, that is a pretty strict difference between the two parties. When one talks about compromise, we are not going to allow one to put health care providers out of work.

If one looks at the bill that is before us right now with Davis-Bacon, many States have overridden Davis-Bacon requirements. Now, their side of the aisle wants even those States that do not have Davis-Bacon to have to fall under construction. We think that is wrong. A, it adds between 15 to 35 percent to the school construction. We are saying let the schools keep the extra money instead of paying the union wage.

Those are pretty big differences. The reason that we have not come forward is, on both sides, that the different positions sometimes are here or they are out here to the left. I think where we have come to the center and work together, that is the best thing that this Congress can do. That is what we are trying to do. That is why we are here today.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time. The gentleman from California (Mr. CUNNINGHAM), the last speaker, just answered a big part of the previous question of the gentleman from Arizona (Mr. HAYWORTH).

The reason we cannot go back and undo the budgets now is that there is only one really left. We have spent the money. We have different opinions as to whether we have spent it wisely, but it is done. My point that I am trying to make is it is done.

We have set the caps of spending of $645 billion. If we wanted to spend less, we should have done it with the budget resolution that would have had the kind of support to carry us through. We did not do that. But that is done.

I wanted to emphasize where I am coming from and where I think a lot of Members on both sides of the aisle are coming from regarding the health care, the Medicare relief bill.

For the rurals, the urbans, the teaching hospitals, what I would like to have seen us done is add a 2nd year of full market basket update for inpatient hospital services. That needs to be done to get consistency. Restore cuts for skilled nursing facilities for 2 years, not just one. Restore cuts for home health providers for 2 years, not just one. Improve the formula for Medicare disproportionate share hospitals to equalize payments to rural hospitals.

Now, many were already saying, then you are wanting to spend more money. No. I believe that we could have given less to the HMOs and more to our hospitals, and we would have had a better package. That is my opinion. I suspect that there are more that share that opinion, because I really believe, and more of the folks believe, that that is what we should have. We have the argument of consistency.

Our rural hospitals and others that are struggling to keep their doors open, we give them 1 year. The atmosphere that we are in today, what kind of planning can you give. Why could we not give a 2-year certainty on this and then start working soon after the next election as to where we truly go with health care policy? We need to do this.

That is why I say I think people are having some real wrong ideas and thoughts that we are not going to be able to work this and several other areas out on the Medicare relief bill.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, in case the American people are having difficulty understanding the argument of the gentleman from Texas (Mr. STENHOLM), as most of us over here are having difficulty, because it does come down to us, we believe, the President asking for more money; and we are trying to keep control of the budget.

But if we cannot understand that, they should be able to understand one of the other issues, the major issue of contention between the Republicans and the other side of the aisle and the Clinton-Gore administration; and that is the Clinton-Gore administration is demanding that we stay here, and they are holding us hostage with the demand that we give a blanket amnesty to millions of illegal immigrants.

Now, the American people should be able to understand that. All of this budget talk, if one cannot understand what is going on there, one should be able to understand that this administration, the Clinton-Gore administration, the other side of the aisle, want us, and we are refusing, to grant a blanket amnesty so that millions of more illegal immigrants will, number one, be granted amnesty and eventually be eligible for government programs, which means millions of illegal immigrants who are now not eligible will be eligible for health care benefits, for education benefits.

Here we are trying to give a modest, just a modest bit of tax relief to the American people, and that is outrageous; but it is not outrageous to bring millions of more illegal immigrants into this country and make them eligible for government benefits. Give me a break. Give the American people a break.

No, I am proud to stand here with the Republicans saying, no, we are going to watch out for the American people. We care about others. We care about our immigrant population. In fact, legal immigrants are some of our proudest citizens. We are happy to have them here as legal immigrants. But to have millions of illegal immigrants be granted amnesty is thumbing their noses at legal immigration and at the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM). I understand what he is saying. He made a very important point. He is asking for reason and balance; and that is, to respond to the needs of rural and urban hospitals and not give to HMOs the $34 billion that our Republican colleagues want to give to insurance companies, and not allow some of those dollars to be utilized to pay health care providers and hospitals.

Secondarily, the gentleman from California (Mr. ROHRABACHER), my good friend who just spoke, has also a misunderstanding what those of us are trying to do with respect to legal immigration or access to legalization.

Mr. Speaker, I serve as the ranking member on the Subcommittee on Immigration and Claims on the Committee on Judiciary; and I am sorry to say it is not a million people coming into this country, it is thousands of homeowners and taxpayers who have lived in this country for almost 20 years. In fact, the National Restaurant Association is begging us to be responsible to hard-working members of their community who have worked in their restaurants.

This is a question with the INS. We all know the status of the INS, it made a great error and did not allow these individuals to proceed to apply for citizenship. It is not giving them blanket amnesty; it is allowing them to apply for citizenship.

Interestingly enough, when many of us voted in 1996 for what we thought was a fair immigration policy in the dark of night, Republicans took away the court proceedings that were proceeding in a very orderly manner, sponsored by the Catholic Dioses, that would allow individuals to go into the courtrooms and proceed in the process of securing their citizenship. That was stopped in the dark of night in 1996.

So what we are standing here for is to ensure that those who are trying to seek legalization, access to legalization fairly and honestly, citizens in Nevada, citizens in Rhode Island, in New York, in Michigan, in California, in Texas, who are already here, whose children are going to school, they want to be able to access legalization.

In fact, in my good city of Houston, a poor man by the name of Mr. Gonzalez, working 13 years, is about to be deported and his family left abandoned because he cannot have access to legalization.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for raising this, because this is one of the great shames and scandals of our country.

These people which the gentlewoman speaks of are the people who do the work of this country. We could not be building the roads; we could not be feeding the people of this country. They have been here for 15 and 20 years, and they live in fear every day because of their status. They make this country work.

It just is an absolute outrage that we have to deal with this issue in a way that is not responsible to them and to the future of this country. The gentlewoman from Texas is absolutely right. We ought to do something about this. These are the people that take care of our children, our grandparents, our roads, our buildings. They collect our garbage. They do a lot of things.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR), the minority whip, for his eloquence on his issue, because I hate the undercurrent that I am hearing in this body. That is that the reason why we are here and the reason why we are stuck in the mud besides the issues on health care and this tax cut is because we do not want this millions of illegals to come into this country.

Mr. Speaker, they are here, and they are not millions, they are thousands of hard-working individuals who love this country, who love their families, and who came here out of persecution, and we opened the doors.

Mr. Speaker, I would simply say that we need to work on this issue.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is the gentleman from California (Mr. ROHRABACHER), my good friend, who I would be delighted to yield to when I finish my point, and maybe he can get some time from his side, because I know his heart is good.

Mr. Speaker, I simply say we need to get down to dealing with hard-working individuals and stop this undercurrent of bias that I am hearing. It hurts my heart.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, every time we talk about illegal immigration, we talk about racial bias. I have about had it. There are immigration laws. If they are in the country illegally, we should throw them out.

We are putting up a neon sign blinking all over the world, come on and run in, run in illegally, and we will make one a citizen, and then we will let one bring one's family. Beam me up here.

I disagree with this illegal immigration. If they want to come into America, damn it, get in line. There are laws. Follow the law. When Congress starts letting people jump the fence and get away with it and then use it for political gain, Congress has failed the American people, and Congress has shredded the Constitution.

I want to say one last thing. Several days ago, 10 Mexican narco-terrorists crossed the border and started shooting at our border patrol. They needed a helicopter to come in and provide air coverage.

We are guarding the borders all over the world. We are flooded with heroin and cocaine. And my colleagues are here wanting to make more illegal immigrants citizens.

I am not for making one more illegal immigrant a citizen. There is no bias in my heart. I am tired of the charge that is being placed against us.

If they want to come into America, get in line like many Americans did legally. If they are not in this country legally, JIM TRAFICANT says they should be thrown out, and the Congress of the United States should not have a flashing sign saying jump the fence.

Mr. Speaker, this is an important issue, more than my colleagues think. There is a lot of political ramifications that are not very good for the country. With that, I would hope the Democrat party would take a look at the issue a little more carefully.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that they are to refrain from the use of profanity in debate on the House floor.

The Chair reminds all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the Rules of the House.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to advise the gentleman from Georgia (Mr. LINDER) and myself of the remaining time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining. The gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

□ 1145

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I will not take the 2 minutes, but I wanted to correct something.

The impression has been left here that these people are illegal; that they have come here and not followed the

Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—73

Andrews
Baird
Becerra
Berman
Berry
Bonior
Boswell
Clay
Clayton
Clyburn
Condit
Costello
DeGette
Dicks
Dingell
Doggett
Edwards
Etheridge
Farr
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kildee
Lampson
Lee
Lewis (GA)
McDermott
McKinney
Meeks (NY)
Menendez
Miller, George
Moran (VA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne
Pelosi
Phelps
Price (NC)
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sandlin
Scott
Serrano
Sisisky
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Towns
Velázquez
Waters
Watt (NC)
Waxman
Woolsey

NOT VOTING—73

Abercrombie
Ackerman
Allen
Barr
Blumenauer
Boucher
Boyd
Brady (TX)
Brown (FL)
Campbell
Cardin
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
DeFazio
Delahunt
Dickey
Everett
Forbes
Fowler
Frank (MA)
Franks (NJ)
Goodlatte
Hastings (FL)
Hefley
Hilliard
Hooley
Hoyer
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCollum
McInnis
McIntosh
McIntyre
Metcalf
Neal
Oxley
Pascrell
Pickett
Radanovich
Riley
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Turner
Visclosky
Walden
Watkins
Weygand
Wise

□ 1221

Mr. WAXMAN changed his vote from "yea" to "nay."

Ms. LOFGREN, Mr. GORDON and Mr. KUCINICH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 580, I was unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 64, not voting 72, as follows:

[Roll No. 581]

AYES—296

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—64

Baird
Becerra
Bentsen
Berry
Bonior
Capuano
Carson
Clay
Clayton
Clyburn
Condit
Costello
Davis (FL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kildee
Kucinich
Lampson
Lee
Lewis (GA)
Lofgren
Markey
McDermott
Meek (FL)
Miller, George
Mink
Moakley
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Phelps
Rangel
Rodriguez
Sisisky
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Velázquez
Visclosky
Waters
Watt (NC)
Woolsey
Wu

NOT VOTING—72

Abercrombie
Ackerman
Allen
Barr
Boucher
Boyd
Brady (TX)
Brown (FL)
Campbell
Cardin
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
DeFazio
Delahunt
Dickey
Everett
Forbes
Fowler
Frank (MA)
Franks (NJ)
Goodlatte
Hastings (FL)
Hefley
Hilliard
Hooley
Horn
Hoyer
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCollum
McInnis
McIntosh
McIntyre
Metcalf
Neal
Oxley
Pascrell
Pickett
Radanovich
Riley
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Taylor (NC)
Thompson (MS)
Turner
Watkins
Weygand
Wise

□ 1231

Mr. OLVER changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 581, I was unable to vote. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 577, on approving the Journal of October 30, 2000. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 578, on passage of a bill making further continuing Appropriations for Fiscal Year 2001.

Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 579, on setting the Hour of meeting for October 31, 2000. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 580, on ordering a vote on the previous question. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 581, on passage of a bill providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001. Had I been present, I would have voted "yea."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mrs. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby serve notice to the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

PROVIDING FOR CONSIDERATION OF S. 2485, SAINT CROIX ISLAND HERITAGE ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 663 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. A concurrent resolution consisting of the text printed in section 3 is hereby adopted.

SEC. 3. The text specified in section 2 is as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That, in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

"(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3,'.

"(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3'.

"(3) Add at the end the following new section:

"'SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

"'The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking "June 30, 2000" and inserting "December 31, 2000".'".

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 663 is a closed rule providing for the consideration of S. 2485 to direct the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine. The rule also provides for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company, House Report 106-1016.

I want to make it clear that we are considering S. 2485. The text of the report that the Committee on Rules filed to accompany this resolution incorrectly states in the summary of the resolution that the resolution provides for the consideration of H. 2485 when in fact it was meant to state that the rule provides for the consideration of S. 2485.

The rule provides 1 hour of debate in the House divided equally between the chairman and ranking minority member of the Committee on Resources. Further, the rule waives all points of order against consideration of the bill and provides for one motion to recommit with or without instructions.

Finally, the rule provides that a concurrent resolution directing the Clerk to make certain corrections to the enrollment of H.R. 2614 is adopted.

Mr. Speaker, in essence what this two-part rule will accomplish is the following: the first part provides for the consideration of S. 2485, which directs the Secretary of the Interior to work with Federal, State, and local agencies, historical societies and not-for-profit organizations to facilitate the development of a Regional Heritage Center in downtown Calais, Maine, before the 400th anniversary of the settlement of the Saint Croix Islands.

Saint Croix Island is located in the Saint Croix River, which forms the boundary between Canada and the United States and the State of Maine. Now, in 1604 and 1605, Pierre Dugua Sieur de Mons, with his company, established a French settlement on the island predating the English settlement at Jamestown, Virginia, in 1607. Saint Croix Island International Historic Site is administered by the National Park Service, preserving the site as a monument to the beginning of the United States and of Canada.

S. 2485 directs the Secretary of the Interior to work with Federal, State and local agencies, historical societies and nonprofits to provide assistance in planning, constructing and operating a Regional Heritage Center in downtown Calais. The bill authorizes the Secretary to enter into cooperative agreements, the appropriation of $2 million for design and construction of the facility, and such sums as are necessary to maintain and operate interpretive exhibits.

The Congressional Budget Office estimates that implementing S. 2485 would cost $2 million over the next 3 fiscal years. Additional annual expenses to help operate and maintain the center once it is completed in 2004 would not be significant.

The bill was introduced by Senators COLLINS and SNOWE of Maine on April 27, 2000, and passed the Senate by unanimous consent on October 5.

The second part of the rule dealing with the tax bill's enrollment and the minimum wage, is necessary because the Democratic leadership would not grant unanimous consent for the House to make this correction, which in essence helps to preserve the minimum wage. When drafting H.R. 5538, the portion of the tax relief bill providing for increases in the minimum wage, there was an error which could have the unintended result of eliminating the minimum wage for a 6-month period. As a supporter of the minimum wage, I find it very difficult to believe but nevertheless recognize that the leadership on the other side of the aisle is playing politics with this issue. By opposing a unanimous consent request to make this technical yet critically important correction, the minority leadership is creating another roadblock to increasing the minimum wage and is actually serving in this situation to eliminate the minimum wage.

The rule, Mr. Speaker, self-executes the adoption of a concurrent resolution which otherwise would not be privileged to make this technical correction so that the minimum wage will continue to exist while orderly increases in that wage take place from $5.15 an hour to $5.65 and then to $6.15 beginning January of 2002. So let no one be confused. The vote on the previous question and the vote on the rule is a vote on the minimum wage.

I would like to repeat that, Mr. Speaker, if I may. The vote on the previous question and the vote on the rule is a vote on the minimum wage. I strongly support this rule and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, the concurrent resolution for which this rule provides consideration will correct one of the mistakes in the tax bill that we passed last week. The way the bill was written, rather than raising the minimum wage, it really would have eliminated it from July 1, 2000, to December 31, 2000. So this concurrent resolution attempts to fix that. The problem, Mr. Speaker, is that is all this attempts to fix.

Mr. Speaker, if my Republican colleagues are able to make changes to this bill to fix a 6-month minimum wage hiatus, I would recommend that they not stop there. This partisan tax package includes a tax break for special interests to the tune of $28 billion at the expense of the average American people. It does not include $25 million in interest-free financing for school construction supported by a bipartisan group of 230 Members of Congress. That bill the President said he would sign, and it would enable 6,000 American schools to be modernized.

Furthermore, the tax bill does not include funding for 100,000 new teachers, emergency school repairs, teacher training or after-school programs. Instead, Mr. Speaker, it contains tax relief for big businesses, HMOs, and insurance companies. It also does not do enough for hospitals that were hurt and hurt very badly by the balanced budget cuts in Medicare. Instead, Mr. Speaker, it directs a disproportionate amount of funds to the HMOs, who only serve 15 percent of the Medicare enrollees but get 40 percent of the funding.

Despite a few good points, Mr. Speaker, the overall tax package is really a disaster, and I urge my colleagues to insist that it be changed by opposing the previous question. If the previous question is defeated, I will offer an amendment to fix the minimum wage and the Balanced Budget Act so they can be signed into law.

My amendment, Mr. Speaker, would also raise the national minimum wage from $5.15 an hour to $6.15 an hour over the next year. It will also repair some of the damage done to the hospitals by Medicare and Medicaid cuts in the Republican Balanced Budget Act by providing a full hospital and hospice inflation update for 2 years. In contrast, Mr. Speaker, the Republican bill has only a 1-year update, then it makes cuts in the second year.

Mr. Speaker, the President has made it abundantly clear that a vote for the previous question is a vote against the minimum wage. A vote for the previous question is also a vote against fixing the Medicare and Medicaid cuts made by the Republican Balanced budget amendment. So I urge my colleagues to raise the minimum wage. I urge my colleagues to strengthen Medicare and Medicaid by defeating the previous question.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am not so sure we are talking about the same bill, with all due respect to the gentleman from Massachusetts (Mr. MOAKLEY). The original minimum wage bill that was included in the tax package was $1 spread out over 3 years. The President of the United States wanted $1 over 2 years. I worked hard with Republican leaders to look at that aspect; and included in the tax package is a minimum wage increase of $1 over 2 years, that the President had asked for, and it is noninflationary due to the following reason, and I support the tax provisions in the bill, and I urge the President to sign this bill.

Mr. Speaker, if that boss does not get a helping hand, he will grant that minimum wage by law, but he will lay off some of those very people we are trying to help at the bottom end of the ladder due to the constraints that may be placed upon him. I think there is fairness in this bill.

I have been listening to all of this talk about HMOs and hospitals. I want someone to tell me what hospital association or group opposes this bill? They all support the bill. But let us look now at managed care, which is really managed costs. This did not just happen in the last 6 years. We have seen these dynamics in the last 20 years; and they were not fixed by either party so the private sector gave us the cold turkey. The private sector started making decisions based on dollars. I have to give credit to the bill that has been passed that is going to be sent to the President. It does make some good changes in the right direction.

Let us talk about the minimum wage. If we vote against this rule, we are voting against the minimum wage, because all it was was a technical error in the drafting that says the following: not less than $5.15 an hour during the period ending June 30, and that was a technical error. The language should have been, during the period ending December 31 of the year 2000. We have pension reform in this bill.

Let us now talk about the school concerns my colleagues have. I support my colleagues on those school concerns, and there is a Labor-HHS bill to deal with that. It is not and should not be in a tax bill. The tax bill is specific. This particular rule makes that clerical change, the technical correction that is needed. I want to thank the leadership for doing it. I think the Democrat party should have done this on unanimous consent, and should have done it wholeheartedly. The President's $1 over 2 years is in this tax bill, and the President should take a very good look at the tax provisions. They are good for America, they are good for workers, they are good for retirees, they are good for investment, they are good for the boss, and they are good for the workers.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I am constantly amazed at the rhetoric on this floor. The vote on the rule and the previous question has nothing to do with minimum wage, but it has everything to do with correcting another mistake. It has been acknowledged that a mistake was made. Quite frankly, there are a lot of mistakes being made the way we are legislating around here, but this is an honest mistake that was made that is being corrected, and there is no disagreement from anyone on correcting that mistake.

By defeating the previous question, it will allow us to correct another mistake. The vote on this rule is a vote about allowing the House to work in a bipartisan way to provide our rural and urban hospitals, teaching hospitals, home health providers, nursing homes and beneficiaries that they get the assistance and the relief that they need. By voting against the previous question, we can vote on a responsible package that corrects the shortcomings of the Medicare package that the Republican leadership put together last week, a mistake.

Let me remind everyone, the same people that have been eloquently defending their package of what they are doing are the same people that wrote the Balanced Budget Agreement of 1997. That ought to bother some of my friends on this side. The same people.

Now, we should have a full hospital prospective payment system update for 2 years, not just 1. Our rural hospitals need certainty. They do not need the continued uncertainty. They have had themselves dug into a hole by the cuts of the Balanced Budget Agreement that the same people that wrote believe now is a new solution.

It provides improving the formula for rural disproportionate share of hospitals. In addition, the provisions in the Republican-passed bill, the proposal that we can vote on in a moment, what we are trying to offer, would provide for a higher level of reimbursement for hospitals serving low-income individuals. All of us that represent those constituents know that is needed.

It provides a 10 percent bonus for rural home health agencies to compensate for the high cost of travel, lower volume of patients seen per hour, and we know that is needed. It provides a 2-year delay in the 15 percent cut in payments for home health agencies instead of the Republicans' 1-year delay. Surely we can reach a bipartisan compromise on this.

A mistake was made. A mistake was made. We can correct this mistake by voting down the previous question.

Again, we keep talking about how do we resolve this? Why did the leadership not accept the President's offer to meet yesterday to discuss an agreement of responsible tax relief in a Medicare package that provides assistance to health care providers as well as beneficiaries instead of providing over 40 percent of the funding for HMOs? Why did we not? We keep blaming, talking about world series games and all of this. That is history. Yesterday, the President was there.

Let me repeat what I said during the previous debate so our leaders can hear clearly, because they have failed to hear previously equally blunt statements. We will not have a final agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have. We can do this in a bipartisan way. We can get over this anger, we can get over all of whatever it is that we are talking about. That is what this vote is on the previous question. Vote down the previous question and allow us to correct a mistake in Medicare and Medicaid for our hospitals and providers and nursing homes.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I think this resolution speaks to the reasons that we are here today. We could come together on a lot of things, and we have over this Congress and previous Congresses, but there is a lot at stake, and that is the election of 2000. I think there has been partisanship on both sides of the aisle, and I would say that the majority of both Republicans and Democrats detest what we have to go through here on this House floor.

I want to tell my colleagues that there are things like Medicare and the health care package that the gentleman from Texas just spoke about. Is it perfect? No. California has probably more health care providers than any other State. It was put there to cut and reduce the expanding cost of health care, but yet still give quality health care. Medicare was going to go bankrupt. I heard about Medicare cuts. Even when the President signed the Medicare bill, Republicans tried to expand, and did expand Medicare from going bankrupt over 27 years.

There is rhetoric from that side of the aisle time and time and time again. The unions put over $100 million against our proposal to save Medicare. Even as the President signed it and now AL GORE takes credit for it, the expansion of Medicare, the leadership on that side fought against it. The Balanced Budget Agreement that I just heard about, Alan Greenspan said it is one of the key issues in why the economy is good today.

Welfare reform. We have billions of dollars coming into the government from working Americans instead of billions of dollars going out.

Capital gains reductions. My colleagues said, oh, that is just a tax break for the rich. But again, Alan Greenspan said it is one of the key factors that not only created jobs and expanded the economy, but it paid for itself.

Listen to the debate over here. Everything that expanded the economy, the Democrat leadership fought against. As a matter of fact, not a single Clinton-Gore budget ever passed the House or the Senate from 1994 through now, but yet they claim the responsibility for the economy. And in 1993, we call it a tax increase, they call it an economic package. They increased the tax on Social Security, and we did away with that. They took every dime out of the Social Security Medicare trust fund; we put it into a lockbox, but yet they fought that.

For a year the ranking minority member said, we want a tax cut for the middle class. First of all, I would ask my colleagues not to use the term "middle class." There are no middle class citizens in this country. There is middle income, but not middle class. But yet, even in that package, they increase the tax on the middle income, and we are talking about the extremism of the leadership on that side. I think after November 7, they may have a new ranking minority member on the Democrat side, because the extreme measures that the Democrats have gone through have not served them well.

Mr. Speaker, if my colleagues on the other side want this to come together with a package that is supported by the people that we are trying to help, because the hospitals support it; the National Hospital Association supports this package. It gives them the money they needed. I have hospitals in my district, many, and because of illegals, Irish illegal immigrants, if you want, are going to emergency services, driving up the cost of health care, and the overhead and the legal liability is killing our hospitals, and they need the additional funds. The nursing homes and the rest that my colleagues quoted, those organizations support the bill. But yet, my colleagues would fight us on that side.

Mr. Speaker, I would ask that yes, we will have campaign finance reform, but it will also deal with the unions, which JOHN MCCAIN supports, by the way, but he knows that the President would veto it. Yes, I think in the new President, I think if it is Governor Bush, that we will have meaningful and workable, and you will enjoy it, nonpartisanship.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, the gentleman from California gave a lot of answers to questions that never were asked, but if we are going to get out of this Congress, and he represents the moderate view on the other side, we have far more difficulties that I expected.

All we are asking is that we vote down the previous question to give us an opportunity to create a rule that can deal with some of the problems that keep us here locked into the Congress. I would like to believe on the question of minimum wage that there are just as many Republicans that would like to get a vote on this as there are Democrats. This would give us an opportunity not only to correct the mistake that obviously has been made by the Republicans, but to give us once again an opportunity to go to the table and work out something that we can conclude is good for the American people and go home.

□ 1300

Clearly, we have a bill before us, the St. Croix Island Heritage Act; and Republicans now are trying to put the minimum wage repeal correction on it, which means they want to correct the mistake that they have made.

We want to correct both of these mistakes by having a better rule that gives us an opportunity to have a balanced budget giveback bill that really helps the hospitals in the rural areas and the inner-cities. And, certainly, this would give us an opportunity to get out of Washington and get back home and get into our districts.

It makes no difference how much we lock into what we honestly believe. The only way we can succeed is by coming together in some type of an agreement. We all may not get all of the things that we want, but certainly there is some basic things that we think that should be included in a bill for us to get home. The rural disproportionate share hospitals, in addition to provisions in the Republican-passed bill, provides for higher level of reimbursement for rural hospitals that are serving low-income individuals.

My colleagues are not going to tell me that any national, State, or regional hospital association would not believe that hospitals are really having fiscal problems, whether in the rural areas or whether in the inner-cities, because low-income people or working people with no insurance have an inability to pay. This is something that we should want to fix, not as Democrats, not as Republicans, but as Members of Congress.

Mr. Speaker, so as Republicans have made mistakes with the minimum wage in not wanting to repeal it in its entirety, why not come back, revisit it, and give a minimum wage for all the American people to have, and also include with that a decent tax cut for small business employers. Let us try to work together and get out of here and go home and try to earn reelection, at least for the Democrats.

Mr. DIAZ-BALART. Mr. Speaker, I ask for the remaining time on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) has 15½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 20½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI), the House sponsor of the St. Croix Island Heritage Act with the center being established in Calais, Maine.

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for yielding me this time and for his leadership on the Committee on Rules.

Mr. Speaker, as the sponsor of the legislation on the House side, H.R. 4815, that was a companion bill to the Senate bill that was introduced by Senator COLLINS and Senator SNOWE, I would like to just speak to that portion that deals with the St. Croix Island Heritage Act, which is located in Calais, Maine, on the border between Maine and New Brunswick. It has been referred to as St. Croix Island River, which is the international boundary between the United States and Canada, the only international historic site in the National Parks system located 8 miles down river from Calais, Maine.

St. Croix Island is the site of one of the first French attempts in 1604 to colonize the territory they called Acadia. It is one of the first locations of the earliest European settlements in North America. The island lies west of the international border and can be seen from a National Park Service sighting on the main shore of the St. Croix River. The island can also be seen from a Parks Canada facility on the New Brunswick shore of the St. Croix River.

The Down East Heritage Center, which this legislation seeks to authorize, seeks to preserve, interpret, and develop the historical, cultural, and natural resources of Maine's most eastern region, Washington County. Through the interpretation and preservation of the rich resources in this vast and rural area, the Down East Heritage Center will promote economic development, support educational programs, and become a leading destination for heritage tourism.

The Down East Heritage Center is a project of the St. Croix Economic Alliance and the Sunrise Economic Council. Historically, it has been a hub of shipping commerce on the St. Croix River. The Calais waterfront is being revitalized as part of a comprehensive waterfront development plan. In eastern Maine, a remnant of quiet wilderness flourishes. The watershed of Passamaquoddy Bay reaches from forested uplands fed by pristine brooks and rivers and dotted with ancient bog lands to tidal shores at the Bay of Fundy's mouth in the Gulf of Maine.

It is a region of enormous tides, rocky island cliffs, and seabirds colonies, rafts of seals, pods of whales, salmon runs and fishing eagles. The St. Croix River connects a wide variety of habitat that, in turn, supports a diversity of plan and animal species. It is also a place of diverse cultures from the Passamaquoddy, the "People of the Dawn," to the first European settlers on the Island of St. Croix in 1604.

I support this legislation. It is supported by the Parks Service. It is supported by the administration.

Mr. Speaker, I also would like to have entered into the RECORD the statement by the gentleman from North Dakota (Mr. POMEROY), who is a frequent visitor of Calais, Maine, and has numerous friends and would like to have that entered into the RECORD.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. We have, at this point, no other speakers. We may have another.

Mr. Speaker, I was shown a copy of the previous question amendment that the minority is proposing. They propose to strike H.R. 5543, which is the Medicare giveback bill, which by the way is supported by all providers. Now, the handout that the other side has given their Members talks about HMOs and HMOs and HMOs.

No, no, no. All providers support the increase in Medicare which we have achieved, and this legislation provides for $31.5 billion over 5 years. Now they want to substitute it with a bill that we are still waiting for. We have not even seen a copy.

So I have learned a lot in my 8 years here, but I have to admit this is one of the most amazing things I have seen, coming to the floor and opposing legislation in the context of a technical correction with which we are seeking to keep the minimum wage on the books, and in the context of opposing that technical correction, seeking to strike legislation that provides for over $30 billion for providers for Medicare, and not even having shown us, the other side of the aisle, a copy of the legislation.

Well, I never cease to learn in this process. But that is what the other side, our friends on the other side of the aisle, are proposing to do at this time. So it is amazing.

Mr. Speaker, what we are doing, and I want to reiterate, what we are doing is a technical correction to make sure that the minimum wage stays on the books. And so opposing the rule at this point, and opposing the previous question, I reiterate, is opposing what we are seeking to do today, which is to make sure that the minimum wage stays on the books.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume just to tell the gentleman from Florida (Mr. DIAZ-BALART) that ours does the same thing to the minimum wage as theirs does, but we just go a little further in other matters.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I ask that we defeat the previous question and allow the Democrats to bring up an initiative which the gentleman from Florida is very much aware of. It basically seeks, among other things, to correct a lot of the health care inequities that the Republicans have refused to address in this Congress.

Now, we know that what the Republican tax bill did was to basically give all the money to the HMOs, or most of the money to the HMOs because they are their special-interest friends. The Republicans refuse to bring up the Patients' Bill of Rights. They refuse to bring up a prescription drug program.

The Democrats are saying simply that we want to correct this situation and make sure if the HMOs are going to get more money that they have to provide a 3-year guarantee that they are going to continue with the program with the seniors who sign up and that they get the same level of benefits, including prescription drugs. That makes sense for the average person.

Mr. Speaker, we are worried about the average person and how they are going to benefit from these health care initiatives.

At the same time what we are saying too is that we are going to try to address the Patients' Bill of Rights in a small way by improving the appeals provisions for Medicare beneficiaries in this bill. The other thing we have been saying is that too much money is going to the HMOs and not enough to the hospitals and the home health care agencies and the nursing homes that need more money, because a lot of them are closing or not able to provide a sufficient quality health care. So we correct that as well.

Finally, what we have been saying is that the Republicans refuse to do anything to improve the problem for the uninsured. There are 42 million Americans that have no health insurance. We passed a bill a few years ago that expanded health care insurance for children, the CHIPS program, and we have had a number of other ideas. But the Republicans instead, they come up with this above-line tax deduction in their tax bill that does not help anybody but people who already have health insurance.

Mr. Speaker, what we are doing in this motion, if we are allowed to bring it up, is we are saying we want to expand the kids health care initiative, the CHIPS program. We want to enroll more children. We are trying in a small way with our initiative here today to make sure that the HMOs have to provide the same level of benefits for 3 years. They have to make sure that there is some way to deal with the Patients' Bill of Rights and try to enroll more children. It is a small measure, but at least something for the average guy.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), vice chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, the gentleman from Florida, my dear friend, says he is amazed at what he sees on the floor. So am I.

The title of this legislation is the St. Croix Island Heritage Act. But Republicans have to use this legislation in order to fix their sloppy, inefficient, incompetent form of legislating that has been brought to the floor.

It is Republicans ramming through legislation, and I am so glad to hear Governor Bush talk about bipartisanship. He needs to make a phone call to the majority of his party here to talk to them about creating bipartisanship, because it is ramming through the legislation without even talking to Democrats that caused, in part, a major mistake, leaving minimum wage workers without protection for 6 months.

Mr. Speaker, thank God for Democrats who pointed out to the Republican majority the error which today they seek to fix. It is Democrats who fought for the minimum wage increase, bringing Republicans kicking and screaming to this issue. And who, in fact, are here today fighting once again not only for the working men and women to fix that mistake, but also to fix the mistake they have made on our hospitals, urban, rural, and teaching hospitals, to ensure that all in the community will have the access to the services they provide.

Mr. Speaker, we deserve to fix the mistakes not only on the minimum wage, but we also deserve to fix the mistakes that Republicans have made in reference to our hospitals. They allowed, through their errors, through their process, and through ramming it through, to leave the lowest wage earners subject to the corporate excesses of the marketplace. Now they would leave our hospitals to be ravaged by the corporate excesses of the HMO.

That is something we cannot tolerate. It is not something working men and women can accept. And that is why we must defeat the previous question.

Give us an opportunity to save our hospitals, and, yes, to save the working men and women of this country who were left exposed.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are doing in this legislation, and it was brought up previously by speakers on the other side of the aisle, technical mistakes are common. Unfortunately, they occur. They are scriveners errors, and they are resolved with unanimous consent requests. But what is amazing is that the unanimous consent request to fix the minimum wage, so it stays on the books for the 6 months that it would have been taken off the books if we would not have fixed it today, that fixing it would not have been agreed to by the Democrats by unanimous consent.

Mr. Speaker, that is really amazing. So we are fixing that scriveners mistake with this rule so the minimum wage will stay on the books. Again, I repeat, a vote on the previous question and a vote on the rule is a vote on the minimum wage.

In addition to that, we have legislation that the gentleman from California (Mr. THOMAS) and others have worked on for months to provide over $30 million to the providers, to the medical providers in this country. It is supported by the medical providers across the board. $31.5 billion over 5 years in increases in Medicare and providers throughout the United States are supporting that measure.

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Yet, the other side now comes with a stealth bill, a secret bill that still we are waiting to see, saying that they want to fix other issues. No, no. We have a public bill, $31.5 billion for providers, supported by all medical providers, and we are hit, then, with a stealth bill.

So we would like to see the stealth bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, may I request the amount of time remaining for both sides.

The SPEAKER pro tempore (Mr. LaHOOD). The gentleman from Massachusetts (Mr. MOAKLEY) has 13 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I think it is somewhat disingenuous for our friends on the Republican side to advocate their Medicare give-back bill just claiming providers support it. The truth is, if one asks any of the Medicare providers and any of the hospitals if they prefer the version that they put on the floor or the version that we are trying to offer, I can assure my colleagues they will support that which we are trying to offer.

I want to read to my colleagues a letter I have from my hospital administrator from Jasper, Texas. I am trying to help many of my rural hospitals. Here is what he has to say: "We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to the HMOs, leaving less for providers and beneficiaries in East Texas."

The truth of the matter is only 16 percent of the Medicare beneficiaries in this country are enrolled in HMO Medicare+Choice plans. Under the Republican version of this bill, 40 percent of the money goes to those HMOs. That is just not right. It is not going to save our rural hospitals. We can do better.

Mr. Speaker, I include the letter from the Christus Jasper Memorial Hospital Administrator for the RECORD, as follows:

CHRISTUS JASPER
MEMORIAL HOSPITAL,
Jasper, TX, October 18, 2000.

Congressman JIM TURNER
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing to you as CEO/Administrator of CHRISTUS Jasper Memorial Hospital in Jasper, Texas, a small and rural Catholic hospital serving the citizens of Southeast Texas. We are still reeling from the devastating cuts of the Balanced Budget Act of 1997 and are seeking relief at your hands. We are asking for a full market basket update from Medicare inpatient services in 2001 and 2002 and also expand health care coverage from legal immigrants.

We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to HMOs, leaving less for provider and beneficiaries in East Texas, such as CHRISTUS Jasper Memorial Hospital. Further, the Bill does not prohibit HMOs from dropping benefits or leaving the community as they have done here in Texas and left many of our patients without HMO coverage. We need your help.

Also rural hospitals need additional help by passing re-basing of sole community provider status and also Medicare dependent hospital status, as we are both.

I will be glad to discuss this with you at any time concerning this very vital issue. If you have any questions, please do not hesitate to contact me.

Sincerely,
GEORGE N. MILLER, JR.,
CEO/Administrator.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from California (Mr. THOMAS). Perhaps he has a copy of the stealth bill.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I do not have a copy of the bill that was introduced today. But if anyone wants to know what it contains, it would be a little bit like going to an editing room of a movie producer and picking up all the pieces that have been cut out of the movie on the floor and then stitching it together and calling it a movie, for example.

It is my understanding that, for hospitals, instead of the negotiated agreement, which was more generous for hospitals than was contained, for example, in the Committee on Ways and Means Subcommittee on Health bill in which all of the Democrats on the subcommittee voted unanimously, it says that hospitals should get a 2-year market basket update. Does that sound fair? Let them have a 2-year market basket update.

However, if one reviews the history of financing of hospitals, one will discover this, and I apologize for doing this, because, apparently, facts in history are supposed to be checked at the cloakroom door as we come to the floor of the House and simply make up whatever moves someone about dollar amounts or percentage payments. But for what it is worth, the last time hospitals got a 1-year market basket update was in 1985. The average over the last decade for market basket updates have been market basket minus 1.7.

So what is being provided in the bill that passed the floor is market basket the 1st year, so for the first time since 1985, and then an adjustment from current law, which is market basket 1.1. That is six-tenths of a point better than what they have averaged over the last decade. We cut that in half. So it is twice as good as current law in terms of the percentage adjustment. We continue that for 2 more years. The hospitals have said that is fine. They are comfortable.

Now, what I hear is one of the most amazing arguments one will ever hear anywhere. Well, but the providers would like our bill better. Well, if they thought it had a chance of becoming reality, they would. Who would turn down more money? The question that one really has to put to the providers: Do you want the bird in hand, or do you want try to get the bird in the bush? The answer is the providers are more than happy with what we have done.

However, what one really needs to do is take a look at the bill, when and if we get a copy in legislative language. I know it was introduced about 20 minutes ago. What one will find is, for example, our friends on the other side using arguments like a 2-year freeze on the graduate medical education. The phrase they use is from their notes: Provides help to the Nation's premier teaching and research hospitals.

Read that in New York City. New York City has ripped off the graduate medical education program for more than a decade, funding their basic welfare costs out of the Federal taxpayers. Last year, with the agreements of the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, that we would in the 1999 refinement bill make these modest adjustments to begin to create a more level playing field between all of our fine teaching hospitals; and this attempts to undo that agreement.

But when one reads on, one finds that, in fact, just last night, we defeated a motion to instruct to require Medicare+Choice programs to stay in an area for 3 years. Of course all the arguments made were the correct ones. But here we go. They lost last night, and guess what? Off of the cutting room floor is another little snippet picked up and folded back in, exactly the same thing.

But when one begins to read the fine print in terms of their reaching out to assist various groups, especially in the area of disabled children, who does not want to help disabled children? But while AL GORE points to Governor Bush and says he has a tax cut for the wealthiest 1 percent, what we have in this bill is a benefit for disabled children whose families, whose families have a 600 percent of poverty level. How ironic. The same 1 percent that AL GORE says are being benefited by George Bush's tax provision, they want to provide disabled children assistance, 600 percent of poverty. That is the kind of fine tuning they want for these government programs.

When one takes a look at this package, it is all of the snippets from the cutting room floor. There really is not anything about patient protections. There is not anything about prescription drugs. It is a clear attempt to run through programs that were brought up, voted down in committee, but desired nonetheless to produce a package that is conservatively in the $50 billion to $60 billion range. But of course we do not know for sure. We have not seen the language of the bill itself. Of course, the Congressional Budget Office has not scored it.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, there is no mystery. There is nothing stealth about what we are doing. We are taking a bill that my colleagues put together, putting accountability into it for HMOs, and adding the provisions that many of us have been working for and the President laid out clearly in his veto message or the message which indicated he might veto it. There is nothing secretive about it.

The reason hospitals are in difficult shape the gentleman from California (Mr. THOMAS) talks about since the mid-1980s, is because, in 1997, behind closed doors, talking about a stealth procedure, there were cuts made in reimbursement provisions way beyond what anyone imagined. The impact of those cuts is way beyond, way beyond what anyone expected.

Let me just mention the provisions that we are working for. The gentleman from California (Mr. ROHRABACHER), an hour ago, came to this floor in vain against illegal immigrants. I think he misshaped that argument saying we were trying to totally open the doors. No, we wanted equity for people who are here under the same circumstances as we granted amnesty to the gentleman from Florida (Mr. DIAZ-BALART) for those people that he represents.

Now we are arguing that legal immigrants, legal immigrants should be able, under State option, to receive Medicaid benefits. There is a letter here from three Governors urging that my colleagues grant it, including the Governor of the gentleman from Florida (Mr. DIAZ-BALART). He just gives it the back of his hand, no the gentleman from Florida (Mr. DIAZ-BALART) personally. Because we stood out on the grass here a month ago, or whenever it was, urging that the gentleman's party grant the States the right to cover children and pregnant women legal immigrants. His party says no to it.

Now, in terms of hospitals, look, all we are suggesting is, in the 2nd year, my colleagues not cut, because of the impact of the 1997 balanced budget agreement. There is nothing revolutionary. I know where my hospitals, the ones that I represent and in the metropolitan area are. They want something other than my colleagues have provided in this bill.

People with Lou Gehrig's Disease, they will not act. People who have other needs, other preventative conditions, they act on some, but they will not act on others. So we have been pleading with them to do so.

We have also asked, in terms of the Children's Health Initiative Program, for some assistance to the States so they will do better than Texas in terms of covering uninsured kids.

There is nothing stealth about this. It is very much in the open. We want a better bill than my colleagues have provided, a considerably better bill. Give us the chance. Their fear is, if we can bring it up, so many Members on their side will vote with us, we will pass it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no doubt that the gentleman from Michigan (Mr. LEVIN) has knowledge, has personal knowledge of a number of the items that he is pushing and that he is proposing, and some of which I very much agree with. I have no doubt.

What I am saying when I say stealth legislation is that we do not have a copy, and it was filed 20 minutes ago. That is what I am saying. That cannot be denied.

So the reality of the matter is that we are debating here with regard to large figures and significant pieces of legislation which are included in a bill that has just been filed.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want just to briefly indicate, and I know the gentleman from Michigan (Mr. LEVIN) feels strongly about the issue, he referenced the current law of the land as having been written behind closed doors. Perhaps he was not in the room when I indicated that the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, were in the room when we dealt with the issues in the Refinement Act of 1999.

I believe the closed door session he was referring to was the one that produced the Balanced Budget Act of 1997 on which was voted on in the Committee on Ways and Means, passed 34 to 1, came to the floor, was passed overwhelmingly, and which the administration negotiated and requested reductions, further reductions in payments to hospitals and other health care providers.

In fact, the President's budget at that time said that the Medicare providers should be reduced by more than $125 billion over the 10 years. We fought the President. We thought it should not have been cut that much.

Yet, here we are being criticized for making sure that they were not cut as much as their President wanted to cut them, and it was not behind closed doors. In fact, it was participated in by the administration. The gentleman from Michigan (Mr. LEVIN) should be pleased that Republicans fought back against the President's $125 billion additional cuts so that the adjustments that we are making now are modest ones referred to both in the 1999 bill and in this one as refinements instead of massive needs to infuse if, in fact, the President's program had been agreed to.

We did not think it was right then. We do not think it is right now. The idea of a balanced modest refinement of about $30 billion is appropriate. This particular bill we believe is about $50 billion to $60 billion, consisting of all the items that were left on the cutting room floor when a reasonable and appropriate package were put together.

Mr. MOAKLEY. Mr. Speaker, may I again inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 8½ minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 3½ minutes remaining.

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Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I come to the House floor today to urge a "no" vote on the previous question in order that we may bring up a clean minimum wage increase bill and a clean Medicare giveback bill. The resolution that we have before us today does not give us the opportunity to focus on what is one of the most important pieces of legislation before this Congress.

For 2 years, we have been hearing from constituents in the health care community about the dire need to restore funding cuts made in the Medicare program in 1997. The Medicare funding is vital to rural and teaching hospitals, home health agencies and others who were put in financial distress by those Medicare cuts of 1997 and literally could mean the difference between staying open and having to shut their doors.

In my southern Wisconsin district, the additional payments are badly needed for providers like St. Clare Hospital in Baraboo and the Monroe Hospital and Clinics. It is time to stop playing politics with these vital issues that so strongly impact the lives and health of the people that we represent.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I am here to highlight certain language that is in the Democratic alternative. The language I refer to was language that was introduced earlier this year by the gentlewoman from New Mexico (Mrs. WILSON) and myself. We introduced the legislation back in July of this year, and it was also included in the Medicare giveback bill that was reported out of the House Committee on Commerce. The language recognizes the great disparity that exists today between the costs and benefits of what seniors in States like Minnesota and New Mexico receive compared to what seniors in other States receive.

Our language will establish new minimum floor payments and provide relief to Minnesota seniors who are unfairly treated under the Medicare+Choice program. Unfortunately, health plans have been rapidly withdrawing from Medicare+Choice in Minnesota. Those that have remained in the program offer Minnesota seniors only minimal health care coverage, along with high premiums and copayments. However, in other States with high reimbursement rates, seniors enjoy Medicare benefits such as prescription drug coverage at no additional cost. This is unfair. Our legislation takes an important first step in rectifying that problem and in creating the right kind of incentives for an efficient health care delivery system in this country.

Mr. Speaker, I want to thank the sponsors of the Democratic alternative for including this language in the alternative.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to vote "no" on the previous question, because only if the previous question is defeated will the House be permitted to correct the minimum wage and the Medicare giveback measures in a way that they can be enacted into law.

Mr. Speaker, if the previous question is defeated, I will offer a germane amendment to the rule to fix the small business bill so that the President will sign it.

Mr. Speaker, the text of my amendment is as follows:

PREVIOUS QUESTION AMENDMENT CONFERENCE REPORT ON THE SAINT CROIX ISLAND HERITAGE ACT

In the resolution, strike section 3 and insert the following:

"SEC. 3. The text specified in section 2 is as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2614), to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1, insert before "are hereby enacted into law" the following: "as modified in accordance with section 3,".

(2) In section 2, insert before the period at the end the following: ", modified in accordance with section 3".

(3) Add at the end the following new section:

SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE AND MODIFICATION OF A REFERENCE.

The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: The text of such bill is modified by striking all after the enacting clause and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Minimum Wage Act of 2000'.

"SEC. 2. MINIMUM WAGE INCREASE.

"Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

"'(1) except as otherwise provided in this section. Not less than $5.15 an hour during the period ending December 31, 2000, not less than $5.65 an hour during the year beginning January 1, 2001, and not less than $6.15 an hour beginning January 1, 2002;'.".

SEC. 2. CHANGE OF BILL NUMBER REFERRED TO IN CONFERENCE REPORT.

In the enrollment of the bill referred to in the first section of this resolution, the Clerk shall make the following correction: in section 1(3), strike "H.R. 5543, as introduced on October 25, 2000" and insert "H.R. 5601, as introduced on October 30, 2000".

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS) for a point he wants to make.

Mr. THOMAS. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just want to remind all my colleagues on the other side of the aisle that if they do want to support this legislation, they must understand that with the $20-plus billion they are putting in both for graduate medical education, for hospitals, and for the other payment increases, that it in fact increases the Medicare+Choice amount as well.

For all of my colleagues on the other side of the aisle who have been indicating they do not want money to go to the Medicare+Choice programs, I just do believe as a matter of honesty that they need to know that if they support the language in their bill, the Medicare+Choice payments will go up significantly, perhaps as much as $10 billion to $15 billion.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to urge adoption of the rule and remind my colleagues that this is a vote on the minimum wage. It is a vote on the previous question and then the vote on the rule, but they are votes on the minimum wage.

Mr. RANGEL. Mr. Speaker, today, Representative DINGELL and I introduced a bill, H.R. 5601, to improve greatly the Medicare and Medicaid bill currently pending before the House and Senate.

The following outline describes how we would have significantly improved the nation's health care programs.

We saw an opportunity this morning to offer this bill as an amendment to other legislation today, so it was assembled quickly, and I apologize for any technical errors or oversights. Basically, the bill takes the Republican-passed Medicare and Medicaid give-backs bill, cleans up some problems in their coverage and appeals area, and adds in the various items included in the Administration's letter explaining how the bill should be changed to avoid a veto (the Shalala-Lew letter).

Mr. Speaker, Democrats will keep trying to improve the Republican Medicare and Medicaid bill. We ask that the majority stop the stonewalling and negotiate with us so that we can mutually deliver a comprehensive improvement in these key social programs.

Defeat the Previous Question: Allow Democrats to Offer the Following Amendment

DEMOCRATS TAKE REPUBLICAN-PASSED MEDICARE/MEDICAID GIVE-BACKS BILL AND MAKE MAJOR IMPROVEMENTS

The alternative includes all the provisions which passed the House Thursday in HR 2614, and makes the following changes and additions:

Full hospital Prospective Payment System update for two years; The Republican bill had only a one year update, and cuts in the next two years. Hospitals reeling from BBA cuts need two years of full inflation adjustment.

Graduate Medical Education Payments, 2 year freeze at the 6.5 percent, compared to Republican-passed one year freeze, and a cut in the second year. Provides help to nation's premier teaching and research hospitals.

Rural Disproportionate Share Hospitals: in addition to the provisions in the Republican-passed bill, provides for a higher level of reimbursement for rural hospitals serving low income individuals.

Nursing Home staffing and quality: includes bipartisan proposals to provide an additional $1 billion/5 years to assist nursing homes on improving staffing. Recent studies show that many homes need to make major improvements in staffing levels.

Home health agencies: provides a 2 year delay in the 15 percent cut in payments instead of the Republicans 1-year delay.

Rural home health agencies, provide a 10 percent bonus for service in rural areas to compensate for the high cost of travel, lower volume of patients seen per hour.

Hospice, full two year update, in lieu of the Republicans one-year update. Hospices need increased payments to deal with soaring cost of pharmaceuticals.

Puerto Rico Hospitals, improved payments. The Democratic bill includes the Ways and Means Health Subcommittee and Senate Finance Committee proposal to increase Puerto Rican hospital payments, which was dropped in the Republican-only negotiations.

Medicare+Choice program: Retains the payment improvements in the Republican-passed bill, but provides increases only if the plan commits to stay in a community with a defined package of benefits for a three year period.

Medicare Coverage for Individuals with ALS (Lou Gherig's disease): Waives 24-month waiting period for individuals diagnosed with ALS so that they can become eligible for coverage under Medicare immediately. Because of the speed with which ALS progresses, these individuals would likely otherwise be dead before ever getting Medicare coverage. Capps bill cosponsored by 282 House Members.

Medicare Appeals provision: makes the provision in the Republican-passed bill workable and similar to the Patient Bill of Rights protections for Medicare beneficiaries.

Needlestick safety for workers in public hospitals.

Hospital-based SNF and Home Health Agency geographic reclassification (provision from Commerce Committee-reported bill.

MEDICAID AND CHIP PROVISIONS—FROM COMMERCE-PASSED BIPARTISAN PACKAGE

Medicaid Disproportionate Share Hospital (DSH) Increased Payments: Freeze Medicaid DSH cuts at 2000 levels. Annual update of DSH allotment for inflation beginning in 2001 and thereafter, and eliminates the "cliff" in FY 2003 allotments that was in the Republican bill.

Optional Coverage of Legal Immigrant Children and Pregnant Women in Medicaid and CHIP: States may extend coverage to legal immigrant children and pregnant women who have lawfully resided in the U.S. for 2 years. Sponsors of immigrants would not incur a debt for cost of Medicaid benefits provided and not asked to repay the value of medical care after the 2-year period had been met.

Improved/Expanded Outreach Sites for enrollment in Medicaid and CHIP: State option to allow additional entities to determine children "presumptively eligible" for health insurance in Medicaid or CHIP.

Improving Welfare to Work Transition: Extends Transitional Medicaid Assistance (TMA) program for one additional year. (This program provides Medicaid health insurance for up to one year for families [up to 185 percent of poverty] who are transitioning from welfare to work.) Gives states the option to simplify requirements for reporting eligibility. Gives states that already cover individuals up to 185 percent the option to be exempt from TMA requirement.

Improved Outreach/Enrollment in Cost-Sharing Assistance Programs for Low-Income Medicare Beneficiaries: Secretary of HHS to consult with states, beneficiary groups to develop a simplified application form for applying for Qualified Medicare Beneficiary (QMB) and Specified Low-Income Medicare Beneficiary (SLMB) programs. Secretary would make form available in all Social Security offices, as well as other sites frequented by seniors within one year of enactment.

Health Insurance for Disabled Children: Democrats include the Family Opportunity Act which allows working families with incomes above the Social Security limit to buy-in to Medicaid coverage.

Medicaid recognition of physician assistant (PA) services.

Mr. POMEROY. Mr. Speaker, I rise in support of S. 2485, an act to develop a regional heritage center for the St. Croix Island International Historic Site in Calais, Maine.

As we prepare to celebrate the bicentennial of the historic Lewis and Clark expedition opening up the West, it is also important to note that the 400th anniversary of the first European settlements established in North America—including the St. Croix Island settlement established 396 years ago.

This site—the St. Croix Island—is a strikingly beautiful site in the St. Croix River, the river which forms the border between the United States and Canada. As such, it is a jointly operated site by the United States and Canada—the only internationally operated historic site in the entire park system.

I have been to the areas in each of the last 5 years and have found it to be a fascinating area to explore and learn about its rich history.

With the approaching anniversary, it is important to move now to get the infrastructure in place to facilitate those who will come to the area in the years ahead.

I am pleased to see the bill providing for the construction of a heritage center at Calais, Maine as part of this infrastructure. Calais is a delightful town in wonderful Washington County and is close to the island while being a crossroads for international traffic and tourism. It will enhance and increase tourist interest in this important historic site. I have become well acquainted with the people of Calais over the last several summers and have found them to be friendly and helpful to those visiting the area. They will be a great host for the center.

I commend Representative JOHN BALDACCI for his leadership in getting this matter brought to the floor for our action today. He is a great ambassador for his district and, as our legislative action on this matter represents, a very effective representative of the region in Congress.

Mr. DINGELL. Mr. Speaker, I rise in support of the Democratic amendment to be offered by Mr. MOAKLEY if the vote on the previous question is defeated. This amendment would make vast improvements over the legislation offered by the Republican leadership.

In my home state of Michigan and in every other state across the country, Medicare and Medicaid beneficiaries and providers are looking to Congress to address the program cuts enacted in 1997. The Republican leadership offered a bill last week that was woefully inadequate—it omitted key beneficiary protections, shortchanged providers, and dumped billions of dollars to HMOs without requiring any accountability.

The Democratic alternative includes the good provisions of the Republican bill, but makes up the difference where the Republican bill fell short. The Democratic amendment includes program improvements for seniors, the disabled, working families, pregnant women, and children. The bill improves outreach and enrollment for low-income seniors in cost-sharing assistance programs; allows families to keep health insurance coverage as the transition from welfare to work; allows states the option to provide health insurance coverage to legal immigrant children and pregnant women; and provides working families the opportunity to buy-in to Medicaid coverage for their disabled child.

The Democratic amendment also includes additional assistance to providers who are still reeling from the cuts they took in the 1997 Balanced Budget Act—providers like home health agencies, nursing homes, and hospitals that serve a disproportionate share of the low-income and uninsured.

I urge my colleagues on both sides of the aisle to support this amendment. Our providers and beneficiaries back home are counting on it.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 189, nays 169, not voting 74, as follows:

[Roll No. 582]

YEAS—189

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (PA)
Weller
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—169

Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—74

Abercrombie
Ackerman
Allen
Archer
Barr
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCollum
McInnis
McIntosh
Metcalf
Mica
Neal
Ose
Oxley
Pascrell
Payne
Pickett
Radanovich
Riley
Sawyer
Scarborough
Shaw

Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Taylor (NC)
Watkins
Weldon (FL)
Weygand
Whitfield
Wise
Wolf

□ 1356

Mr. OWENS, Mr. FARR of California, and Ms. BERKLEY changed their vote from "yea" to "nay."

Mr. SALMON changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 582, I was unable to vote. Had I been present, I would have voted "yea."

Stated against:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 582, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 0, answered "present" 1, not voting 83, as follows:

[Roll No. 583]

AYES—348

Aderholt
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—83

Abercrombie
Ackerman
Allen
Archer
Barcia
Barr
Barton
Bishop
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Conyers
Cooksey
Crane
Crowley
Cunningham
Danner
Davis (IL)
Delahunt
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gilman
Green (TX)
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCollum
McInnis
McIntosh
Metcalf
Mica
Neal
Ose
Oxley
Pascrell
Payne
Pickett
Price (NC)
Radanovich
Rangel
Riley
Sawyer
Scarborough
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Stenholm
Talent
Taylor (NC)
Waters
Watkins
Weldon (FL)
Weygand
Whitfield
Wise

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 583, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. STEARNS. Mr. Speaker, on rollcall No. 583, I was not unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 663, House Concurrent Resolution 439 is hereby adopted.

The text of House Concurrent Resolution 439 is as follows:

"*Resolved by the House of Representatives (the Senate concurring),* That, in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

"(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3,'.

"(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3'.

"(3) Add at the end the following new section:

"'SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

"'The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking "June 30, 2000" and inserting "December 31, 2000".'".

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on October 30, due to the need to be with my wife during her surgery, I was unable to cast my vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 577, on approving the Journal—"yea"; rollcall No. 578, on passage of H.J. Res. 120: making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 579, on setting the Hour of Meeting—"yea"; rollcall No. 580, on ordering the previous question. H. Res. 662: providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 581, on agreeing to H. Res. 662—"yea"; rollcall No. 582, on ordering the previous question, H. Res. 663:

providing for consideration of S. 2485, the St. Croix Island Heritage Act, and providing for the adoption of a concurrent resolution to make certain corrections in the enrollment of the bill H.R. 2614, the Certified Development Company Program Improvements Act of 2000—"yea"; rollcall No. 583, on agreeing to H. Res. 663—"aye".

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, I was unavoidably absent today when the House debated and voted "On Approving the Journal", H.J. Res. 120 "Further Continuing Appropriations for FY 2001", "On a Motion on the Hour of Meeting", on "Ordering the Previous Question on H. Res. 662 Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on H. Res. 662 "Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on "Ordering the Previous Question on H. Res. 663 Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614", and on H. Res. 662, "Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614."

Had I been present, I would have voted "aye" on "Approving the Journal" (rollcall vote 577), "aye" on H.J. Res. 120 (rollcall vote 578), "aye" on a "Motion on the Hour of Meeting" (rollcall vote 579), "aye" on "Ordering the Previous Question on H. Res. 662" (rollcall vote 580), "aye" on H. Res. 662 (rollcall vote 581), "aye" on "Ordering the Previous Question on H. Res. 663" (rollcall vote 582), and "aye" on H. Res. 663 (rollcall vote 583).

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls No. 582 and 583. Had I been present, I would have voted "yea" for each of these measures.

SAINT CROIX ISLAND HERITAGE ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 663, I call up the Senate bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 2485 is as follows:

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Croix Island Heritage Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLAND.—The term "Island" means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 663, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2485, the St. Croix Island Heritage Act. This bill directs the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine.

St. Croix Island is located in the St. Croix River between Maine and Canada. It is the only international historic site in the national park system. In 1604, the French landed on the island and began construction of a settlement, which became the first permanent settlement in the New World. In October 1998, the National Park Service completed a general management plan to manage and interpret the St. Croix Island international historic site. In the year 2004, the U.S. and Canada will celebrate the 400th anniversary of the settlement of the St. Croix Island. This bill will facilitate the development of a Regional Heritage Center in downtown Calais, Maine, to be a central focus point for this celebration.

The bill authorizes $2 million for the planning and construction of the heritage center and requires a dollar-for-dollar match by non-Federal sources. I believe that this bill has merit, and I support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

S. 2485 is a noncontroversial bill that authorizes the Secretary of the Interior to assist in the construction of a Regional Heritage Center on St. Croix Island. St. Croix Island is located in the middle of the St. Croix River, which forms the boundary between the United States and Canada. The proposed heritage center will be built as part of the upcoming 400th anniversary of the settlement of St. Croix Island.

The National Park Service administers the St. Croix Island international historic site on the island. The proposed heritage center is consistent with Park Service plans for interpretation of the historic site and the island.

The Secretary is authorized to contribute $2 million toward the construction of the heritage center, provided that each Federal dollar is matched by funds from non-Federal sources.

A House companion measure was introduced by the gentleman from Maine (Mr. BALDACCI).

Mr. CLAY. Mr. Speaker, last week, the Republican leadership hastily sandwiched a minimum wage increase into its tax bill, that was so poorly written it repealed the minimum wage for six months. Today, they are using the bill before us to correct this major error. Perhaps, if they had only chosen to work in a bipartisan way to craft their tax bill, a sloppy mistake like this could have been avoided. The Republican leadership chose, instead, to push through a bill that was all their own, that is destined for a veto because it is full of bad policy and tax benefits for their special interest friends. The tax bill is being used by the Republican leadership to claim they are for increasing the minimum wage, when they are really not. They knew that by tying it to a doomed tax bill, it could not become law. The Democrats in this Congress, on the other hand, strongly support a $1 increase in the minimum wage and would take effective action to make it happen. We rejected the Republican's scheme, which now requires a quick fix in order to maintain the illusion they sought to create. Let's do the right thing for American Workers and pass a real minimum wage increase now!

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The Senate bill is considered as having been read for amendment.

Pursuant to House Resolution 663, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PRIBILOF ISLANDS TRANSITION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1653) to approve a governing international fishery agreement between the United States and the Russian Federation, as amended.

The Clerk read as follows:

H.R. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PRIBILOF ISLANDS

SEC. 101. SHORT TITLE.

This title may be referred to as the “Pribilof Islands Transition Act”.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89-702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

“SEC. 206. FINANCIAL ASSISTANCE.

“(a) GRANT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

“(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

“(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

“(A) to settle any debt owed to the United States;

“(B) for administrative or overhead expenses; or

“(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

“(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

“(b) SOLID WASTE ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

“(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

“(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

“(1) for assistance under subsection (a) a total not to exceed—

“(A) $9,000,000, for grants to the City of St. Paul;

“(B) $6,300,000, for grants to the Tanadgusix Corporation;

“(C) $1,500,000, for grants to the St. Paul Tribal Council;

“(D) $6,000,000, for grants to the City of St. George;

“(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

“(F) $1,000,000, for grants to the St. George Tribal Council; and

“(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

“(A) $6,500,000 for the City of St. Paul; and

“(B) $3,500,000 for the City of St. George.

“(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

“(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

“(1) having provided assistance to the State of Alaska under subsection (b); or

“(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

“(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

"(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.".

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

"(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

"(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

"(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

"(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law."; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term "Natives of the Pribilof Islands" includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking "(d)" and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting "**SEC. 212.**"; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking "on such Islands" and insert "on such property".

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Fur Seal Act of 1966'.".

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

"(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska."; and

(2) by adding at the end the following:

"(g) LOW-INTEREST LOAN PROGRAM.—

"(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

"(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

"(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' includes the Tanadgusix and Tanaq Corporations.

"(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.".

TITLE II—CORAL REEF CONSERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Coral Reef Conservation Act of 2000".

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) coastal uses and management;

(2) water and air quality;

(3) mapping and information management;

(4) research, monitoring, and assessment;

(5) international and regional issues;

(6) outreach and education;

(7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and

(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as "coral conservation projects"), for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) 50 PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) Project Reporting.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) Coral Reef Task Force.—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) Implementation Guidelines.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

SEC. 205. CORAL REEF CONSERVATION FUND.

(a) Fund.—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.

(b) Authorization To Solicit Donations.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) Review of Performance.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

(d) Administration.—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 206. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 207. NATIONAL PROGRAM.

(a) In General.—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) Authorized Activities.—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

SEC. 208. EFFECTIVENESS REPORTS.

(a) Grant Program.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) National Program.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary to carry out this title $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) Administration.—Of the amounts appropriated under subsection (a), not more than the lesser of $1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) Coral Reef Conservation Program.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

(d) National Coral Reef Activities.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.

SEC. 210. DEFINITIONS.

In this title:

(1) Administrator.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Conservation.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) Coral.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) Coral reef.—The term "coral reef" means any reefs or shoals composed primarily of corals.

(5) Coral reef ecosystem.—The term "coral reef ecosystem" means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the nonliving environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) Coral products.—The term "coral products" means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) Secretary.—The term "Secretary" means the Secretary of Commerce.

(8) State.—The term "State" means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE III—MISCELLANEOUS

SEC. 301. GREAT LAKES FISHERY ACT OF 1956.

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

"(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 302. TUNA CONVENTIONS ACT OF 1950.

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before "Of such Commissioners—" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 303. ATLANTIC TUNAS CONVENTION ACT OF 1975.

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before "The Commissioners" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 304. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) CLERICAL AMENDMENT.—Public Law 102-587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) TREATMENT COMMISSIONERS.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before "Of the Commissioners—" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 305. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting "or subject to the jurisdiction of the United States" after "United States".

SEC. 306. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

SEC. 307. TECHNICAL CORRECTIONS TO NATIONAL MARINE SANCTUARIES ACT.

(a) CROSS REFERENCE CORRECTION.—Section 304(f)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1434(f)(2)) is amended by striking "paragraph (2)" and inserting "subparagraphs (A) and (B) of paragraph (1)".

(b) SHORT TITLE CORRECTION.—Section 317 of such Act (16 U.S.C. 1445 note) is amended by striking "'The" and inserting "the '".

(c) EFFECTIVE DATE.—Subsection (a) shall take effect January 1, 2001.

TITLE IV—STUDY OF EASTERN GRAY WHALE POPULATION

SEC. 401. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population, and the other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

TITLE V—MISCELLANEOUS

SEC. 501. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of sections 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1653, as amended, the Pribilof Islands Transition Act, was passed by the House in June 2000 with 400 aye votes. Unfortunately, the other body has not yet acted on it.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea and serve as the breeding ground of the North Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated and enslaved Native Alaskan Aleuts to conduct fur seal harvests.

This bill compensates local communities for expenses they incurred when the Federal Government, formerly the sole landowner and employer on the islands, withdrew its jobs and municipal services. It also authorizes funds to complete the environmental cleanup of the mess the Federal Government left on the islands during its 120-year reign. Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated.

This bill makes good on our promises to a group of Native Americans who served as virtual slaves to this country's government for 120 years. I urge support of this legislation. It is long overdue.

This measure also includes coral reef conservation provisions previously passed by the Senate. Coral reefs are threatened by a variety of natural impacts and human activities including coral disease, hurricanes, destructive fishing practices, pollution, and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation, and management activities relating to coral reefs.

Title IV would authorize a study, subject to appropriations, to determine the environmental and biological factors causing the recent die-offs and strandings of gray whales from the eastern Pacific stock. In addition, the study should include information from studies of the western Pacific stock of gray whales to the extent practicable. This study will give marine mammal scientists information on a number of issues regarding gray whales including, among other things, whether the eastern Pacific stock has reached the carrying capacity of the eastern Pacific Ocean. The language authorizes $290,000 for Fiscal Year 2001 and $500,000 for each of Fiscal years 2002, 2003, and 2004.

Title V would make two additional catcher vessels eligible to participate in the Bering Sea pollock fishery cooperatives authorized under the American Fisheries Act.

I urge my colleagues to vote "aye" on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, although I must tell the gentleman that I am going to ask for a vote on this legislation because I am concerned about how these bills are being presented at this time.

Mr. Speaker, I rise in support of this package of ocean and fishery related bills.

This package includes the coral reef conservation legislation passed by the other body. The environmental health and condition of our Nation's coral reef resources are in a state of serious decline due to a combination of factors including polluted run-off and marine debris.

Consequently, it is critical for the Congress to establish a comprehensive program at the Federal level to support scientific research, mapping, monitoring and restoration activities on the State and local level.

I note that this package also includes a provision to direct the National Marine Fisheries Service to initiate a new scientific study concerning the eastern population of Pacific gray whales.

For reasons that are poorly understood, hundreds of Pacific gray whales have washed up on the California coast over the past two years—either in an emaciated condition, or dead. The increased frequency and number of strandings has generated great concern among marine mammal biologists in California, and up and down the Pacific coast.

We need to better understand why these strandings are happening, and I urge NOAA to initiate this important study as quickly as possible.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding me this time.

Mr. Speaker, this measure also includes, and I would like to point out, the coral reef conservation provisions similar to the legislation I introduced, H.R. 3919. This bill is extremely important in this regard, as coral reefs are threatened by a variety of natural impacts and human activities, including coral disease, hurricanes, destructive fisheries practices, pollution and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this Nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation and management activities relating to coral reefs.

Mr. Speaker, I urge an "aye" vote on this measure.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of this bill, which is vital for the health and future of America's coral reef resources. The estimated 4,200,000 acres of U.S. coral reef resources in the U.S. Exclusive Economic Zone (EEZ) are at high risk and in dire need of enhanced protection, research and management. This bill creates a much needed comprehensive mechanism to protect the Nation's coral reefs, as well as support the activities of the U.S. Coral Reef Task Force and other stakeholders. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the Coral Reef Task Force released its National Action Plan in March, Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas through effective stewardship of coral reefs. This bill would provide needed authorization for coral conservation project funding and enhance needed partnerships to protect reefs. Designing an effective bill has taken ten long years, and I am pleased to see the efforts of Chairman YOUNG, Mr. MILLER, Mr. SAXTON, Mr. FALEOMAVAEGA, and our Senate colleagues paying off in such grand fashion for a true success for our environment and marine resources.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1653, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING MEN AND WOMEN WHO FOUGHT WILDFIRES IN 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 434) commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

The Clerk read as follows:

H. CON. RES. 434

Whereas the 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires;

Whereas almost 7,000,000 acres of public lands and adjacent State and private lands were subjected to these wildfires;

Whereas over 30,000 professional and volunteer firefighters participated in fighting and controlling these wildfires;

Whereas the Hotshot firefighting crews were instrumental in providing the expertise and training necessary to restrict the severity of these wildfires;

Whereas volunteer firefighters from across America and members of the Armed Forces played a crucial role in combating these wildfires and preventing them from destroying thousands of homes;

Whereas, in addition to the American firefighters, 1,800 men and women from Canada, New Zealand, Australia, and Mexico joined in the fight against these wildfires;

Whereas the information and coordination of the National Interagency Fire Center in Boise, Idaho, greatly assisted in minimizing the effects of these wildfires;

Whereas the support from local residents, communities, and counties helped maintain the high morale of the firefighters;

Whereas, in spite of the rugged terrain and the intense speed and size of the year 2000 wildfires, the firefighter crews managed to limit property losses to 852 structures; and

Whereas, if not for the hard work and dedication of these firefighters, the lives of thousands of Americans could have been lost, the loss of property could have been extensive, and the scenic beauty of the public lands and adjacent State and private lands could have been severely altered: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the men and women, including professional firefighters, volunteers, and military personnel, who fought wildfires on public domain lands during the 2000 wildfire season for their bravery, their extraordinary efforts to contain the wildfires, and their commitment to protect lives, property, and the surrounding communities; and

(2) mourns the loss of life of the 16 persons who died while defending the fire lines.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 434 commends the heroic men and women who fought fires during this, the worst fire season in 50 years. This resolution, introduced by the gentleman from Oregon (Mr. WALDEN), also mourns the loss of the 16 who lost their lives while protecting others.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 434. This fire season, nearly 7 million acres of land burned throughout the West in over 85,000 wildfires. Nearly 1,000 homes were destroyed. Yet, through the valiant efforts of over 30,000 wildland firefighters, both professional and volunteer, property damage and loss of life were minimized. These brave and dedicated men and women work far from home for long periods of time, under grueling conditions, and with few rewards to protect our land, our homes and our lives.

I join my colleagues in commending those extraordinary workers who literally put their lives on the line every day. Sadly, during the course of this fire season, 16 firefighters died in the line of duty. I join my colleagues in recognizing their sacrifice and mourning their loss. I want to thank the sponsors of this resolution, the gentleman from Oregon (Mr. WALDEN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), who particularly felt the impact of these fires in their States and join them in expressing gratitude to the firefighters.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the author of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in support of House

Concurrent Resolution 434. This legislation commends the heroic men and women who fought fires during this 2000 wildfire season. It was the worst fire season in 50 years.

Mr. Speaker, this legislation also mourns the tragic loss of 16 firefighters who lost their lives while protecting others. The 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires. More than 7 million acres of public lands and adjacent State and private lands were subjected to these wildfires.

□ 1415

More than 30,000 professional and volunteer fire fighters risked their lives to participate in fighting and controlling these wildfires. In spite of the rugged terrain and the intense speed and the size of the year 2000 wildfires, the firefighter crews managed to limit property losses to just 852 structures. It could have been so much worse.

Mr. Speaker, if not for these fire fighters, the loss of lives and property could have been far more extensive than it was.

So let this United States House of Representatives honor those fire fighters who tragically lost their lives and those who stood on the lines to protect others by passing House Concurrent Resolution 434 today.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must add, as I look at the tremendous fires we have had in the West at this time, that a lot of this is because we have not managed the forests. That argument has been going on. We have held hearings on it. We have not managed the forests. We have not cleaned the forests. We have not cleared the forests. We have not thinned the forests and when some of these people get the idea to let Mother Nature do it, we paid big time for it this last fire season. I hope now we all wake up to the idea that we have to go back and manage the forests and the public lands of America and take good care of them rather than let them just go helter skelter like we have done, and we pay for it.

Last January we had a hearing, and past foresters all said this will be the worst fire year we have ever had. Those men were true prophets. They were right. That is what we had, and that is what we get for neglecting the forests.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of H. Con. Res. 434 to commend wildland firefighters and I do so in praise and appreciation for the splendid and courageous job that these firefighters performed this year.

As many of you know, this year marked one of the most horrific fire years in our Nation's history. Almost 7 million acres burned and it's still not over. As many of you know the Cerro Grande fire, which occurred within my district, scorched over 40,000 acres and consumed over 400 homes and businesses within Los Alamos, NM. The New Mexico firefighters displayed exemplary courage and professionalism when combating this inferno.

Even today, in North Carolina, Missouri and Illinois for example, large fires still burn uncontrolled as a result of low moisture and high winds.

This year more than 30,000 firefighters, including 6 military battalions, performed firefighting duties enduring numerous hazardous conditions away from their friends and loved ones. Through it all, these committed men and women performed with enthusiasm and bravery despite their many hardships.

I strongly believe that we will continue to see severe fire years in the future and will therefore again call upon these professional and dedicated firefighters to utilize their skills in service to their fellow men and communities.

Notwithstanding this prognosis, I am optimistic that our cadre of firefighters will continue to perform when called upon.

On the same note, I am also pleased with the bipartisan support of H.R. 2814, The Wildland Firefighters Pay Equity Act, cosponsored by myself, and Mr. POMBO which provides fair and equitable pay to the thousands of wildland firefighters. This legislation has passed this chamber and now awaits Senate approval.

I strongly support H. Con. Res. 434 in tribute to all of those who have sacrificed this year. I strongly urge my colleagues to support this measure.

Mr. UDALL of Colorado. Mr. Speaker, I am an original cosponsor of this resolution and I rise in its support.

The resolution commends the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

As the resolution notes, this summer's wildfire seasons was the most severe in the last 50 years. Across the country, there were more than 85,000 wildfires that affected almost 7,000,000 acres of public lands and adjacent State and private lands—and more than 30,000 professional and volunteer firefighters were called upon to join in fighting them.

These were men and women from all parts of the country, including members of the Armed Forces, and also 1,800 men and women from Canada, New Zealand, Australia, and Mexico.

In Colorado, though we were more fortunate than some of our western neighbors, we had several major fires along the Front Range and in other parts of the state. In addition, Coloradans joined in fighting fires in Montana, Idaho, and elsewhere.

As the resolution says, without their hard work and dedication, there could have been even greater loss of lives and the loss of property could have been even greater than it was.

So it is very appropriate for the Congress to commend all those who joined in this effort, and to remember and mourn the 16 persons who died while fighting these fires.

I urge adoption of this resolution.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 434.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4020) to authorize an extension of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove, as amended.

The Clerk read as follows:

H.R. 4020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADDITION OF LAND TO SEQUOIA NATIONAL PARK

SEC. 101. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

TITLE II—UPPER HOUSATONIC NATIONAL HERITAGE AREA

SEC. 201. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") shall conduct a study of the Upper Housatonic National Heritage Area (in this section referred to as the "Study Area"). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State Governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 202. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

SEC. 203. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $300,000 to carry out the provisions of this title.

TITLE III—WITHHOLDING OF ROYALTY PAYMENTS UNDER CERTAIN CIRCUMSTANCES

SEC. 301. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) ROYALTY RELIEF.—

(1) IN GENERAL.—A State lessee may withhold from payment any royalty due and owing to the United States under any lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the State lessee makes a payment to the State of Louisiana of 44 cents for every $1 of royalty withheld.

(2) TREATMENT OF WITHHELD AMOUNTS.—Any royalty withheld by a State lessee in accordance with this section shall be treated as paid for purposes of satisfaction of the royalty obligations of the State lessee to the United States.

(3) CERTIFICATION OF WITHHELD AMOUNTS.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld under this section; and

(B) promptly publish a certification when the total amount of royalty withheld under this section is equal to the sum of—

(i) $18,115,147; plus

(ii) simple annual interest on the difference, on January 1 of each year, between the amount referred to in clause (i) and the total amount of royalty withheld under this section, determined at 8 percent per year for the period beginning March 21, 1989, and ending on the date on which the amount of royalty withheld under this section is equal to the amount referred to in clause (i).

(b) PERIOD OF ROYALTY RELIEF.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on October 1, 2001, and ending on the date on which the Secretary publishes a certification under subsection (a)(3)(B).

(c) DEFINITIONS.—As used in this section:

(1) COVERED LEASE TRACT.—The term "covered lease tract" means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) STATE LESSEE.—The term "State lessee" means a person (including a successor or assign of a person), that, on the date of enactment of the Oil Pollution Act of 1990 (Public Law 101-380; August 18, 1990), held lease rights in the State of Louisiana offshore leases SL10087, SL10088, and SL10187, but did not hold lease rights in Federal offshore lease OCS–G–5669.

TITLE IV—INCLUSION OF CAT ISLAND IN GULF ISLANDS NATIONAL SEASHORE

SEC. 401. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91-660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking "That, in" and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

"(a) ESTABLISHMENT.—In"; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking "The seashore shall comprise" and inserting the following:

"(b) COMPOSITION.—

"(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

"(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100J.—The areas described in this paragraph are"; and

(C) by adding at the end the following:

"(3) CAT ISLAND.—The area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

"(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91-660 (16 U.S.C. 459h-1) is amended—

(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land,"; and

(2) by adding at the end the following:

"(e) ACQUISITION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

"(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi, consisting of—

"(i) Sections 25 and 26, Township 9 South, Range 12 West;

"(ii) Sections 22, 27, 28, 29, 30, 31, 32, 33, and 34, Township 9 South, Range 11 West; and

"(iii) Section 4, Township 10 South, Range 11 West;

"(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

"(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

"(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

"(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

"(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection.".

(c) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).".

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91-660 (16 U.S.C. 459h-4) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into agreements—

"(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

"(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

"(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.".

TITLE V—WASHOE TRIBE LAND CONVEYANCE

SEC. 501. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this title are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation of the Tribe and not permit any commercial use (including commercial development, residential development, gaming, sale of timber, or mineral extraction); and

(B) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE VI—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SEC. 601. SHORT TITLE.

This title may be cited as the "Pecos National Historical Park Land Exchange Act of 2000".

SEC. 602. DEFINITIONS.

As used in this title—

(1) the term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term "landowner" means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term "map" means a map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 603. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND AND INTERESTS.—Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) RECEIPT OF PRIVATE LANDS.—The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) CONDITION OF EXCHANGE.—The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the exchange of lands and interests pursuant to this title shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this title shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after the requirements of the National Environmental Policy Act of 1969 have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 604. BOUNDARY ADJUSTMENT AND MAPS.

(a) BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 603, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2-4).

(b) Maps.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Submission to Congress.—Not later than 180 days after completion of the exchange described in section 603, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE VII—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

SEC. 701. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking "thirty" and inserting "40".

TITLE VIII—EDUCATION LAND GRANTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Education Land Grant Act".

SEC. 802. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) Authority To Convey.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) Acreage Limitation.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) Costs and Mineral Rights.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) Review of Applications.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) Reversionary Interest.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE IX—GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP

SEC. 901. SHORT TITLE.

This title may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 2000".

SEC. 902. GAYLORD NELSON APOSTLE ISLANDS.

(a) Declarations.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) Definitions.—In this section:

(1) Lakeshore.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) Wilderness Study.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) Apostle Islands Lighthouses.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) Cooperative Agreements.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "Sec. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) In General.—The lakeshore"; and

(2) by adding at the end the following:

"(b) Cooperative Agreements.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.".

(f) Authorization of Appropriations.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

TITLE X—PEOPLING OF AMERICA THEME STUDY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Peopling of America Theme Study Act".

SEC. 1002. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101-628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) Purposes.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 1003. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Theme study.—The term "theme study" means the national historic landmark theme study required under section 1004.

(3) Peopling of America.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 1004. THEME STUDY.

(a) In General.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) Purpose.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) Identification and Designation of Potential New National Historic Landmarks.—

(1) In general.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) List of appropriate sites.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) Designation.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) National Park System.—

(1) Identification of sites within current units.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) Identification of new sites.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) Continuing Authority.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) Public Education and Research.—

(1) Linkages.—

(A) Establishment.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) Purpose.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) Cooperative arrangements.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) Educational initiatives.—

(A) In general.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) Cooperative programs.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 1005. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XI—NATCHEZ TRACE PARKWAY

SEC. 1101. DEFINITIONS.

In this title:

(1) Parkway.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 1102. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) In General.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604-20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604-20042E and dated August 1987.

(b) Maps.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) Acquisition.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) Administration.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 1103. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XII—FORT MATANZAS NATIONAL MONUMENT BOUNDARY ADJUSTMENT

SEC. 1201. DEFINITIONS.

In this title:

(1) Map.—The term "Map" means the map entitled "Fort Matanzas National Monument", numbered 347/80,004 and dated February, 1991.

(2) Monument.—The term "Monument" means the Fort Matanzas National Monument in Florida.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 1202. REVISION OF BOUNDARY.

(a) In General.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) Availability of Map.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 1203. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 1204. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 1202 shall be administered by the Secretary as part of the Monument.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XIII—LAND ACQUISITION

SEC. 1301. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) In General.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this title, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) Compensation for Property.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this title. An initial payment of $15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this title; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this title, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund.

Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to "the date of the enactment of the Manassas National Battlefield Park Amendments of 1988" shall be deemed to be a reference to the date of the enactment of this title.

(c) Determination by Court in Lieu of Negotiated Settlement.—In the absence of a negotiated settlement, or an action by the owner, the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

TITLE XIV—SAINT CROIX ISLAND HERITAGE

SEC. 1401. SHORT TITLE.

This title may be cited as the "Saint Croix Island Heritage Act".

SEC. 1402. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) Purpose.—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 1403. DEFINITIONS.

In this title:

(1) Island.—The term "Island" means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 1404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) In General.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) Cooperative Agreements.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS.

(a) Design and Construction.—

(1) In general.—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) $2,000,000.

(2) Expenditure.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) Operation and Maintenance.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE XVI—HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA

SEC. 1601. SHORT TITLE.

This title may be cited as the "Hoosier Automobile & Truck National Heritage Trail Area Act of 2000".

SEC. 1602. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds as follows:

(1) The industrial, cultural, and natural heritage legacies of Indiana's automobile and truck industry are nationally significant.

(2) The design and manufacture of the automobile and truck within the State of Indiana helped establish and expand the United States industrial power.

(3) The industrial strength of automobile and truck manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories.

(4) The economic strength of our Nation is connected integrally to the vitality of the automobile and truck industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends.

(5) The industrial and cultural heritage of the automobile and truck industry in Indiana includes the social history and living cultural traditions of several generations.

(6) The United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile and truck industry.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Indiana to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., (an Indiana not-for-profit corporation), the State of Indiana, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans.

(8) The Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., would be an appropriate entity to oversee the development of the Hoosier Automobile & Truck National Heritage Trail Area.

(9) Multiple museums of regional, national, and international stature are located within the Hoosier Automobile & Truck National Heritage Trail Area as follows:

(A) Auburn Cord Duesenberg Museum at Auburn, Indiana.

(B) National Automotive and Truck Museum of the United States at Auburn, Indiana.

(C) S. Ray Miller Museum at Elkhart, Indiana.

(D) RV/MH Hall of Fame, Museum, and Library at Elkhart, Indiana.

(E) Studebaker National Museum at South Bend, Indiana.

(F) Door Prairie Museum at LaPorte, Indiana.

(G) Indianapolis Motor Speedway Museum at Indianapolis, Indiana.

(10) Auburn, Indiana, because it is located on Interstate Highway 69, is the home of the Auburn Cord Duesenberg Museum, the National Automotive and Truck Museum of the United States, and the Kruse Auction Park, designates itself as the "Collector Car Capital of the World", and is adjacent to the Michigan Automobile National Heritage Area, is the appropriate focal point for the Hoosier Automobile & Truck National Heritage Trail Area.

(11) The natural, cultural, historic, and scenic resources of the Hoosier Automobile & Truck National Heritage Trail Area have combined to form a cohesive, nationally distinctive landscape arising from patterns of human activity, shaped by geography which has resulted in the Hoosier National Automobile & Truck National Trail Area being representative of the national experience through the physical features that remain, the traditions which have evolved within them, and the continued use of the Hoosier National Automobile & Truck National Trail Area by people whose traditions and activities have helped to shape such landscape.

(b) PURPOSE.—The purpose of this title is to establish the Hoosier Automobile & Truck National Heritage Trail Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Indiana and empower communities in Indiana to conserve their automotive and truck heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Hoosier Automobile & Truck National Heritage Trail Area.

SEC. 1603. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term "Heritage Area" means the Hoosier Automobile & Truck National Heritage Trail Area established by section 1604.

(3) PARTNERSHIP.—The term "Partnership" means the Hoosier Automobile & Truck National Heritage Trail Area, Incorporated (a nonprofit corporation established under the laws of the State of Indiana).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1604. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Indiana the Hoosier Automobile & Truck National Heritage Trail Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in the following counties in the State of Indiana: Lake, Porter, LaPorte, Starke, Elkhart, Kosciusko, LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Huntington, Wells, Adams, Jay, Clinton, Tipton, Madison, Delaware, Randolph, Hamilton, Henry, Wayne, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Fayette, Union, Brown, Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Washington, Scott, Jefferson, Ohio, Switzerland, Clark, Floyd, Harrison, Crawford, Dubois, Perry, Spencer, Sullivan, Greene, Monroe, Knox, Daviess, Martin, Lawrence, Orange, Gibson, Pike, Posey, Vanderburgh, and Warrick.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 1606.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) CONSENT OF LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(5) CONDITIONS FOR INCLUSION OF PROPERTY IN HERITAGE AREA.—Property may not be included in the Heritage Area if—

(A) the Partnership fails to give notice of the inclusion in accordance with paragraph (4);

(B) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to subparagraph (C); or

(C) fails to provide a period of at least 60 days for objection under subparagraph (B).

(6) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

(7) ADDITIONS AND DELETIONS OF LANDS.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 1605. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Area is not submitted to the Secretary as required under section 1606 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants and loans to the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to Federal agencies, the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 1606. MANAGEMENT DUTIES OF THE HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan shall also include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 60 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 60 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) Consideration of Interests of Local Groups.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) Public Meetings.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) Annual Reports.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) Cooperation With Audits.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) Delegation.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 1604(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 1607. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) Technical Assistance and Grants.—

(1) In general.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) Prohibition of certain requirements.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) Determinations regarding assistance.—The Secretary shall decide if a person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the Heritage Area effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) Provision of Information.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) Other Assistance.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) Duties of Other Federal Agencies.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 1608. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) Lack of Effect on Authority of Local Government.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) Lack of Zoning or Land Use Powers.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) Local Authority and Private Property Not Affected.—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Indiana or a political subdivision thereof.

SEC. 1609. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2015.

SEC. 1610. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 Percent Match.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with Federal funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4020 is comprised of many separate pieces of legislation which help protect and enhance a variety of natural historic and cultural resources in a number of our States. For example, this bill expands National Park units like Sequoia National Park in California, Gulf Islands National Seashore in Mississippi, and the Natchez Trace Parkway. This bill directs the Secretary of the Interior to conduct studies of the suitability of establishing other park units for inclusion into the park system like the Upper Housatonic River Valley in Connecticut and also directs a wilderness study at Apostle Islands in Wisconsin. It further provides for a cultural theme study to see how this country was settled. It also facilitates appropriate land conveyances in Nevada, Federal land acquisition in Utah, and land exchanges in New Mexico. This is a good piece of legislation which accomplishes a number of things by protecting the natural historic and cultural resources across America, thereby greatly benefiting our citizens.

I strongly urge my colleagues to support H.R. 4020 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a package of 16 bills that was originally put together on a bipartisan basis. It now appears that this package is starting to spin apart a number of items in this package of bills that have already been sent to the President. The Upper Housatonic, the Saint Croix Island, which we just passed, Salano was passed on to the President yesterday or today; and now we are kind of left with a couple of bills here that I think are losing the ability to be taken up in the Senate. The Natchez portion of this legislation will be passed in a separate bill today, and at that point what we are left with is essentially the Boxer-Radanovich bill where we are taking the Senate language and sending it back in this package, which is going to make it very difficult to get that language passed; and I am concerned that what we should be doing is taking that Senate language which is in this bill, we should be taking that Senate language and passing it as a separate bill and sending it down to the President so we can properly protect the Sequoias. There is no controversy around that legislation, and for that reason I am concerned that this package is starting to appear to be a dead end; but it is going to be a dead end, I think, with some unfortunate results if we do not pass the Sequoia protection legislation, which we could do immediately since, again, there is no controversy. But to do it in this fashion as part of this package with the other measures taken out of this package, I think there is a strong likelihood that that will fail to get Senate consideration in a timely fashion.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. Hansen) that the House suspend the rules and pass the bill, H.R. 4020, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SHARK FINNING PROHIBITION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5461) to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

The Clerk read as follows:

H.R. 5461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shark Finning Prohibition Act".

SEC. 2. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (N);

(2) by striking "section 302(j)(7)(A)." in subparagraph (O) and inserting "section 302(j)(7)(A); or"; and

(3) by adding at the end the following:

"(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

"(iii) to land any such fin without the corresponding carcass.

"For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.".

SEC. 4. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 3076(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 403 of this title.

SEC. 5. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 6. REPORT TO CONGRESS.

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 7. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 410, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 407 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 9. SHARK-FINNING DEFINED.

In this Act, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5461, the Shark Finning Prohibition Act, introduced by the gentleman from California (Mr. CUNNINGHAM) is legislation that amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit the removal of shark fins, including the tail, and then to discard the carcass into the sea. It also prohibits the custody, control or possession of any such fin aboard a fishing vessel without the corresponding carcass and prohibits the landing of such fins without the corresponding carcass.

In addition, the bill directs the Secretary of Commerce, through the Secretary of State, to initiate discussions with foreign governments that have fisheries engaged in shark finning and to seek agreements banning the activity.

Finally, H.R. 5461 authorizes research for Pacific and Atlantic sharks and requires the Secretary to report back to Congress 1 year after the date of enactment. The House passed a similar bill on June 6, 2000, and a nonbinding resolution on this issue. We must end this gruesome practice of shark finning, and I hope the other body will quickly approve this compromise version. I urge an aye voted on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act. Shark finning, as the gentleman from Utah (Mr. HANSEN) has pointed out, is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in Federal waters of the Atlantic, Gulf of Mexico, and the Caribbean, as well as waters in 11 coastal States, it remains unregulated in the Pacific and this legislation is designed to address that problem.

Again, I support this legislation; but I want to continue to express my concerns about the manner in which these bills are now being presented, given what has happened to the parks package.

Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act.

Shark finning is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in the Federal waters of the Atlantic, Gulf of Mexico, and the Carribean, as well as the waters of 11 coastal states, it remains unregulated in the Pacific.

As a result, and because of the strong demand and high prices for shark fins in Asia, the harvest of shark fins in the Pacific has increased over the past seven years by more than 2000 percent. More than 60,000 sharks were caught and killed in 1998 alone, and 98 percent of those sharks were harvested only for their fins—or less than 5 percent of their body weight—while the remaining 95 percent of the shark was tossed overboard. Not only is this practice wasteful, many critics consider it to be morally and culturally wrong.

In addition, shark finning is inconsistent with U.S. policy both domestically and internationally. In the United States, it is contrary to the Magnuson Act which requires fishermen to reduce bycatch and the mortality of bycatch that cannot be avoided. Given that 85 percent of the sharks caught are alive when they reach the boats, prohibiting the finning of these sharks will reduce bycatch by significant amounts.

Abroad, the United States has participated in and promoted shark conservation through the United Nation's fisheries committee where specific guidelines on shark conservation have been adopted. Those guidelines include a provision that countries should adopt methods to prohibit finning and encourage the full use of dead sharks. For the United States to promote these measures internationally while continuing to allow shark finning in its own waters would be hypocritical and could undermine our efforts to achieve international conservation.

The Shark Finning Prohibition Act will not prevent United States fishermen from harvesting sharks, bringing them to shore, and then using the fins or any other part of the shark. Instead, it would simply prevent the cutting off of the fins and the disposal of the carcass at sea, or the transport or landing of fins harvested in this manner by another fishing vessel.

It also encourages the Administration to enter into discussions with other nations where shark finning still occurs to try and bring this practice to an end not just in the United States, but around the world. The bill is identical to language that passed the other body earlier this month, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the author of this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I will not take very much time. I would like to thank the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I read in a magazine, an outdoorsman magazine, about the practice of fishermen catching sharks, cutting off their fins just for sale, primarily in the Orient, because of their aphrodisiac effects and other issues with the fin. They were taking the shark, after they cut the fins off, and dumping it back into the water and letting it drown.

I am a hunter. I am a fisherman and a sportsman, and to me I think that this was unspeakable. We have gotten support from the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from California (Mr. GEORGE MILLER), and his leadership, against this practice.

I would also like to thank the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from the other body from Hawaii, who wrote the compromising language to this to include it in international practices as well.

I rise in strong support of this compromise language.

Mr. Speaker, I rise today to bring before the House my legislation to ban the practice of shark finning. For those unfamiliar with shark finning, it is the distasteful practice of removing a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Mr. Speaker, this is the fourth time this Congress the House has acted on this issue. Moreover, I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member GEORGE MILLER for their strong commitment to this legislation and their leadership against this terrible practice of shark finning.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing, and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the fourth time that the House has acted on this issue, and the third version of my legislation. The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discards the remainder of the shark into the ocean. Currently, this practice continues only in the U.S. waters of the Western Pacific. My legislation before us today will ban this terrible practice.

We must also address the massive problem caused by the international trade in shark fins. Land year, the House passed my measure, House Concurrent Resolution 189, which called upon the Secretary of State to continue the U.S. leadership role in banning shark finning worldwide. The bill before us today directs the Secretary of State and Secretary of Commerce to work and stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my previous resolution stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and providing data on the international shark fin trade. This important provision was included at the request of the Senate to complement our shark conservation efforts.

Mr. Speaker, the United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund.

In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote yes on H.R. 5461; vote yes to prohibit shark finning.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I do rise in strong support of this legislation. I am a little bit chagrined my good friend, the gentleman from California (Mr. CUNNINGHAM), recognized the gentleman from California (Mr. GEORGE MILLER) and thanked him for his support but forgot the chairman, except later on. There is a priority here, and I always worry about that.

Other than that, this is a good piece of legislation. The gentleman is absolutely correct. The idea that a fish, or a shark, could be caught, and they have enough bad times the way it is, but to take just the fins, et cetera, and return them to sea to die a very hideous death is beyond my comprehension.

Whatever can happen, sometimes these types of pieces of legislation can have good intentions and they are not implemented by the State Department, because we have to recognize we have a lot of rules about how one sees interception now with our salmon in Alaska, and yet we have documentation where the Coast Guard has identified the death curtains at high seas and the Coast Guard tries to implement and enforce our international agreement and the State Department tries to pull them off and say we do not want an international incident.

I will say again, I voted against trading with China and I will say again the Chinese Government is the guiltiest one of all of catching these fish at high seas with these huge, long nets. Until the State Department sees fit to enforce those type of laws, these sound good and feel good on the floor of the House; but we have to have someone with a little backbone and an administration that will say, all right, this is the law, this is an agreement we reached and enforce those laws so that we can stop the heinous-type action with shark finning, and of course, with catching the fish at high seas.

Mr. Speaker, I urge support of the legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5461.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY, MISSISSIPPI BOUNDARY ADJUSTMENT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

The Clerk read as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) PARKWAY.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604-20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604-20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2020, introduced by Senator LOTT from Mississippi, would adjust the boundary of the Natchez Trace Parkway to include approximately an additional 230 acres of land to the parkway. The bill also authorizes the Secretary of the Interior to administer the land as part of the parkway. Furthermore, the bill would allow the Secretary to lease land within the boundary of the parkway to the city of Natchez, Mississippi, for any purpose compatible with the parkway.

The Natchez Trace Parkway runs 444 miles from Natchez in southern Mississippi to a point just south of Nashville, Tennessee. The parkway commemorates Native American paths that were later used by white settlers to extend their commerce and trade. It is a scenic road built and maintained by the National Park Service with 15 major interpretive locations, historic sites, camping and picnic facilities.

□ 1430

Expanding the parkway as proposed by this legislation is a good idea, and I urge my colleagues to support S. 2020.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today in support of S. 2020, a bill to adjust the boundary of Natchez Trace Parkway in the City of Natchez, Mississippi.

Mr. Speaker, S. 2020 will allow the Secretary of the Interior to acquire land in the City of Natchez to complete the southern terminus of the Natchez Trace Parkway.

This is a simple, noncontroversial bipartisan measure. S. 2020 was sponsored by Mississippi Senators LOTT and COCHRAN. I appreciate the House leadership agreeing to my request to expedite S. 2020 and place it on the Suspension Calendar.

The Natchez Trace Parkway was established as a unit of the National Park System in 1938. S. 2020 authorizes the acquisition of 150 acres to provide for the completion of the Parkway's southern terminus in the city of Natchez.

In addition, 80 acres would be acquired to provide access to the Emerald Mound, a prehistoric Natchez Indian ceremonial mound. This would accommodate the construction of a short spur road to the mound site and new and improved exhibits, trails and park facilities at the Emerald Mound.

Mr. Speaker, this bill is a win-win for everybody, and I appreciate the spirit of bipartisanship that has made this happen. Indeed, we can do good things for our people when Democrats and Republicans work together.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2020 is a noncontroversial bill which the National Park Service supports. It provides for the acquisition of 230 acres of the Natchez Trace National Parkway, and we support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100–77 (42 U.S.C. 11411).

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the Federal Government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

(3) to real property described in the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

(4) to real property on Guam that is declared excess as a result of a base closure law; or

(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 2. COMPACT IMPACT REPORTS.

Section 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.".

SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated State or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2462, legislation which would amend the Organic Act of Guam.

This House passed this bill on July 25, and the other body has amended it and returned to it us for another vote. The amendments are clarifying in nature and are constructive and acceptable. I urge my colleagues to vote in support of H.R. 2462, as amended by the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), who has worked very long and hard on this legislation and has worked with all of us on the committee to resolve concerns that have been raised.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me this time, and I would like to thank both the majority and minority for their extensive support on this particular piece of legislation. I also thank the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), the ranking member.

I ask that my colleagues support H.R. 2462, originally entitled the Guam Omnibus Opportunities Act, which includes important legislation that will improve Federal-Guam relations dealing in particular with the problem of Federal excess lands in Guam.

As background, when I originally introduced H.R. 2462 last year, with both the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) as cosponsors, there were six provisions in this bill which dealt with Federal excess lands, foreign investment tax equity in Guam, the importation of betel nuts for personal consumption, housing assistance for citizens from the Freely Associated States, Compact Impact reporting requirements, and State share funding for Guam for certain Department of Justice block grant programs.

Mr. Speaker, H.R. 2462 was the first Guam omnibus bill ever introduced in Congress. My goal was to introduce legislation dealing with Guam issues to provide a clear delineation on the matters that were important to our island for Federal policymakers without being mired in the complexities of other territorial or other Federal issues.

Fortunately, we were able to resolve many of these provisions and they are no longer in the bill, including the last provision which is for State share funding for Guam for Department of Justice block grant programs. With the assistance of the gentleman from New York (Mr. SERRANO) and others, we were able to take care of that in the State, Commerce, Justice appropriations measure.

The other matter which we were able to resolve administratively was the provision of betel nut importation. On September 7, 2000, the Food and Drug Administration revised its provision on betel nuts from Guam by issuing an import bulletin allowing for the importation for personal consumption. I am pleased that the people of Guam and other Pacific Islanders are now able to freely practice our cultural tradition of betel nut chewing when visiting family or friends or residing in the U.S. mainland.

Mr. Speaker, H.R. 2462, as passed by the Senate on October 24, 2000, includes the remaining provisions as originally introduced and provides for a continuation of Federal programs for citizens from the Freely Associated States for the duration of compact negotiations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia. Legislation dealing with foreign investment equity tax treatment is being pursued in another legislative vehicle due to overlapping committee jurisdictions.

By far, the most important provision in this legislation today on the House floor is the Guam Land Return Act. With a land area of 220 square miles, one-third of which is held by the U.S. government, land is one of the most important issues facing the people of Guam. Section 1 of H.R. 2462 is truly landmark legislation which provides for a process to resolve all remaining Federal land issues in Guam.

This legislation is the product of an effort which began some 7 years ago at a Guam land conference. The conference was attended by Department of Interior officials, DOD officials, government of Guam officials, and hundreds of citizens from Guam. We discussed in great detail the problems in the original land takings by the Federal Government which justifies a special process for Guam. We discussed in great detail the needs of the military and the complications created by the involvement of the U.S. Fish and Wildlife in declaring a wildlife refuge in Guam. But most importantly, we listened to the stories of the people of Guam, stories of patience, injustices, and failed promises, but steadfast loyalty. We knew then that a comprehensive process for the movement of Federal excess lands which was fair and tailored to fit the Guam situation needed to be passed.

The Guam Land Return Act provides a process for the government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services Administration prior to it being made available to any other Federal agency. Consideration is given to the impact of future uses of the return property on nearby military facilities. It also provides for a process for the government of Guam and the U.S. Fish and Wildlife to engage in negotiations on the future ownership and management of declared Federal excess lands within the refuge.

I am pleased that we were able to retain the definition of public benefit purposes under Public Law 103–339. This process has worked well for us in Guam and it provides the government of Guam the flexibility needed to provide for local land use needs. I want to stress that this is very important legislation for the people of Guam. It provides a vehicle for them to acquire, reacquire the land which was taken immediately after World War II in a way that does not compromise our military position and in a way that is fair and equitable to the people of Guam.

Mr. Speaker, I ask for my colleagues' support on this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I thank her for her help on this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. I congratulate my colleague and fellow Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his successful work in shepherding this legislation through the Congress. Few will ever fully appreciate the difficulties faced by the delegates from the U.S. territories in moving legislation through the Congress. The process entails many emotional highs and lows, and often requires our full attention to educate others with the issues that confront our fellow Americans in the territories.

The Guam Omnibus Opportunities Act is important legislation for Guam and good policy for the United States. Of all the territories, Guam has historically played a strategic role in the planning of our national defense. However, the ending of the Cold War and our shifting defense strategy has caused much of the military land owned in Guam to become excess, as it has also downsized military activities across our Nation.

Mr. Speaker, H.R. 2462 sets out a process so that Guam can have the right of first refusal for the return of future excess Federal land in Guam. Taking into consideration the island's limited and precious resources, this new policy will provide opportunities for Guam to maximize the use of these lands that have been in Federal control for the past 5½ decades.

Mr. Speaker, this is good legislation for the people of Guam, and I again congratulate the gentleman from Guam (Mr. UNDERWOOD) for his tireless work in getting this measure to the floor. I urge full support from my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I just want to commend the gentleman from Guam (Mr. UNDERWOOD) who has spent a considerable amount of time working out all of the difficulties with this legislation in bringing the parties together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CORRECTING ENROLLMENT OF S. 1474, PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill, S. 1474, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1474) entitled "An Act providing for conveyance of the Palmetto Bend project to the State of Texas.", the Secretary of the Senate shall make the following correction:

In section 7(a) insert "not" after "shall".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1653, H. Con. Res. 434, H.R. 4020, H.R. 5461, S. 2020, and H.R. 2462, the 6 bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting in lieu thereof "August 20, 2001".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, which provides for a short-term extension of the Export Administration Act, EAA, through August 20, 2001.

For the past 6 years, the provisions of the EAA have been kept in force through the provisions of the International Emergency Economic Powers Act, known as IEEPA. When the EAA lapsed in 1994, the President kept the export administration regulations in force by Executive Order under emergency authority under IEEPA, as has been done in the past.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time, thereby permitting the Congress to fashion a comprehensive rewrite of this 21-year-old statute.

□ 1445

The EAA currently establishes export licensing policy for items detailed on the Commerce Control list. The list provides specifications for close to 2,400 dual-use items, including equipment and software likely to require some type of license.

Mr. Speaker, this Member would point out to his colleagues that the other body has modified the text of the bill which originated in this Chamber since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under provisions of section 12(c) of that act.

Under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001. It also provides for higher fines for criminal and/or administrative sanctions against the individuals or companies found to be in violation of export control regulation.

This Member would further point out to his colleagues that while the original text of this Chamber's bill had included even higher fines, the measure before this body today will still provide higher fines than those currently authorized under IEEPA.

In short, this measure provides a much-needed stopgap authority for export control officials at the Commerce Department.

Mr. Speaker, these are good reasons in this Member's judgment why this measure deserves the support of our colleagues. Therefore, this Member urges adoption of H.R. 5239.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. The Export Administration Act has been the principal authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994, the President invoked the International Emergency Economic Powers Act, and other authorities, to continue the export control system, including the Export Administration Regulations.

Now, there has been a recent court ruling that calls into question whether or not the government can essentially hide behind emergency powers to revive an expired law. Specifically, the case calls into question the Commerce Department's ability to keep sensitive export information provided by exporters from public disclosure using the confidentiality provision.

We have got to pass this law to make sure that they can keep the information confidential so that the exporters will fully use the Commerce Department's assistance in exporting our products. We really do have a record trade imbalance. We need to export more. Exporting American products creates jobs for American workers.

We need to pass this law as an important part of making sure that the Commerce Department is there to provide as much assistance as possible in moving products overseas.

While we would have preferred the House-passed version, the Senate amendment we are taking up today does address this problem. It reauthorizes the Export Administration Act until October 20, 2001. By doing so, it will ensure that the Department of Commerce will be able to rely on the Export Administration Act to protect the confidentiality of the relevant documents received since 1994, as well as the documents that the Commerce Department receives between now and August 20 of next year.

Mr. Speaker, for that reason we fully concur that this bill should be passed. I urge my colleagues to support H.R. 5239.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of this legislation which serves to reauthorize the Export Administration Act and extend its authority over the regulation of exports of dual-use items.

This bill underscores the confidentiality provisions of the EAA and thus helps to ensure the Commerce Department's ability to keep sensitive export information confidential. For over six years, the U.S. has been operating under International Emergency Economic Powers Act rendering itself vulnerable to legal challenges. This bill helps to protects the government against these legal challenges.

Unfortunately, the legislation before us does not provide changes to our system of export controls—changes needed to address current global realities. However, it does serve to underscore the importance of the EAA and the need to have an efficient framework for the administration of export controls.

Throughout the last few years, the Subcommittee on International Economic Policy and Trade, which I chair, has held numerous sessions to investigate the areas of EAA which need reforming or re-writing. We have evaluated legislation and have approved smaller efforts to correct flaws in the current export control process.

However, more progress needs to be made if we are to bring the EAA out of the Cold War and into the present.

I hope this bill will serve as the foundation for failure legislative action by both Chambers toward the realization of this important goal.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 5239, the "Export Administration Modification and Clarification Act of 2000" which provides for a simple extension of the Export Administration Act though August 20, 2001. For the past six years, its authorities have been kept in force through the provisions of the International Emergency Economic Powers Act.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time thereby permitting the Congress to fashion a comprehensive rewrite of this 21 year old statute.

I would point out, however, that the Senate has modified the text of the House bill which, since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under the provisions of Section 12(c) of that Act.

By adopting the Senate version of this legislation, the Congress is leaving to the courts the question whether, or to what extent, the provisions of the Export Administration Act of 1979 were extended by authorities granted under IEPPA after the expiration of the EAA in 1994.

We can say, however, with certainty that under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001.

It also provides for higher fines for criminal and or administrative sanctions against individuals or companies found to be in violation of export control regulations.

And I further point out to my colleagues that while the original text of the House bill had included even higher fines, the measure before the House today will still provide higher fines that those currently authorized under IEEPA.

In short, this measure provides a much needed stop-gap authority for our export control officials at the Commerce Department.

These are, I believe, good reasons why this measure deserves the support of all of my colleagues.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate amendment to H.R. 5239.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 397) voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections, as amended.

The Clerk read as follows:

H. CON. RES. 397

Whereas the states of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have been participating states of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and have freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas the Central Asian states, as OSCE participating states, have affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial;

Whereas the Central Asian states, as OSCE participating states, have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the general trend of political development in Central Asia has been the emergence of presidents far more powerful than other branches of government, all of whom have refused to allow genuine electoral challenges, postponed or canceled elections, excluded serious rivals from participating in elections, or otherwise contrived to control the outcome of elections;

Whereas several leaders and governments in Central Asia have crushed nascent political parties, or refused to register opposition parties, and have imprisoned and used violence against, or exiled, opposition figures;

Whereas in recent weeks fighting has erupted between government troops of Kyrgyzstan and Uzbekistan and members of the Islamic Movement of Uzbekistan;

Whereas Central Asian governments have the right to defend themselves from internal and external threats posed by insurgents, radical religious groups, and other anti-democratic elements which employ violence as a means of political struggle;

Whereas the actions of the Central Asian governments have tended to exacerbate these internal and external threats by domestic repression, which has left few outlets for individuals and groups to vent grievances or otherwise participate legally in the political process;

Whereas in Kazakhstan, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections, and extended his tenure in office until 2000 by a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was reelected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards;

Whereas Kazakhstan's October 1999 parliamentary election, which featured widespread interference in the process by the authorities, fell short of OSCE standards, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas Kazakhstan's parliament on June 22, 2000, approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life;

Whereas independent media in Kazakhstan, which used to be fairly free, have been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criticize or comment on the President's campaign to remain in office indefinitely or on high-level corruption;

Whereas the Government of Kazakhstan has initiated, under OSCE auspices, roundtable discussions with representatives of some opposition parties and public organizations designed to remedy the defects of electoral legislation and now should increase the input in those discussions from opposition parties and public organizations that favor a more comprehensive national dialogue;

Whereas opposition parties can function in Kyrgyzstan and parliament has in the past demonstrated some independence from President Askar Akaev and his government;

Whereas 3 opposition parties in Kyrgyzstan were excluded from fielding party lists and serious opposition candidates were not allowed to contest the second round of the February-March 2000 parliamentary election, or were prevented from winning their races by official interference, as cited by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas a series of flagrantly politicized criminal cases after the election against opposition leaders and the recent exclusion on questionable linguistic grounds of other would-be candidates have raised grave concerns about the fairness of the election process and the prospects for holding a fair Presidential election on October 29, 2000;

Whereas independent and opposition-oriented media in Kyrgyzstan have faced serious constraints, including criminal lawsuits by government officials for alleged defamation;

Whereas in Tajikistan, a civil war in the early 1900s caused an estimated 50,000 people to perish, and a military stalemate forced President Imomaly Rakhmonov in 1997 to come to terms with Islamic and democratic opposition groups and agree to a coalition government;

Whereas free and fair elections and other democratic steps in Tajikistan offer the best hope of reconciling government and opposition forces, overcoming the legacy of the civil war, and establishing the basis for civil society;

Whereas President Rakhmonov was reelected in November 1999 with 96 percent of the vote in an election the OSCE did not observe because of the absence of conditions that would permit a fair contest;

Whereas the first multiparty election in the history of Tajikistan was held in February-March 2000, with the participation of former warring parties, but the election fell short of OSCE commitments and 11 people, including a prominent candidate, were killed;

Whereas in Turkmenistan under the rule of President Saparmurat Niyazov, no internationally recognized human rights are observed, including freedom of speech, assembly, association, religion, and movement, and attempts to exercise these rights are brutally suppressed;

Whereas Turkmenistan has committed political dissidents to psychiatric institutions;

Whereas in Turkmenistan President Niyazov is the object of a cult of personality, all political opposition is banned, all media are tightly censored, and only one political party, the Democratic Party, headed by President Niyazov, has been registered;

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, refused to send any representatives to the December 1999 parliamentary elections;

Whereas President Niyazov subsequently orchestrated a vote of the People's Council in December 1999 that essentially makes him President for life;

Whereas in Uzbekistan under President Islam Karimov, no opposition parties are registered, and only pro-government parties are represented in parliament;

Whereas in Uzbekistan all opposition political parties and leaders have been forced underground or into exile, all media are censored, and attempts to disseminate opposition newspapers can lead to jail terms;

Whereas Uzbekistan's authorities have laid the primary blame for explosions that took place in Tashkent in February 1999 on an opposition leader and have tried and convicted some of his relatives and others deemed his supporters in court proceedings that did not correspond to OSCE standards and in other trials closed to the public and the international community;

Whereas in Uzbekistan police and security forces routinely plant narcotics and other evidence on political opposition figures as well as religious activists, according to Uzbek and international human rights organizations; and

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, sent no observers except a small group of experts to the December 1999 parliamentary election and refused any involvement in the January 2000 Presidential election: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deep concern about the tendency of Central Asian leaders to seek to remain in power indefinitely and their willingness to manipulate constitutions, elections, and legislative and judicial systems, to do so;

(2) urges the President, the Secretary of State, the Secretary of Defense, and other United States officials to raise with Central Asian leaders, at every opportunity, the concern about serious violations of human rights, including noncompliance with Organization for Security and Cooperation in Europe (OSCE) commitments on democracy and rule of law;

(3) urges Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan to come into compliance with OSCE commitments on human rights, democracy, and the rule of law, specifically the holding of free and fair elections that do not exclude genuine challengers, to permit independent and opposition parties and candidates to participate on an equal basis with representation in election commissions at all levels, and to allow domestic nongovernmental and political party observers, as well as international observers;

(4) calls on Central Asian leaders to establish conditions for independent and opposition media to function without constraint, limitation, or fear of harassment, to repeal criminal laws which impose prison sentences for alleged defamation of the state or public officials, and to provide access to state media on an equal basis during election campaigns to independent and opposition parties and candidates;

(5) reminds the leaders of Central Asian states that elections cannot be free and fair unless all citizens can take part in the political process on an equal basis, without intimidation or fear of reprisal, and with confidence that their human rights and fundamental freedoms will be fully respected;

(6) calls on Central Asian governments that have begun roundtable discussions with opposition and independent forces to engage in a serious and comprehensive national dialogue, on an equal footing, on institutionalizing measures to hold free and fair elections, and urges those governments which have not launched such roundtables to do so;

(7) calls on the leaders of Turkmenistan and Uzbekistan to condemn and take effective steps to cease the systematic use of torture and other inhuman treatment by authorities against political opponents and others, to permit the registration of independent and opposition parties and candidates, and to register independent human rights monitoring organizations;

(8) urges the governments of Central Asia which are engaged in military campaigns against violent insurgents to observe international law regulating such actions, to keep civilians and other noncombatants from harm, and not to use such campaigns to justify further crackdowns on political opposition or violations of human rights commitments under OSCE;

(9) encourages the Administration to raise with the governments of other OSCE participating states the possible implications for OSCE participation of any participating state in the region that engages in clear,

gross, and uncorrected violations of its OSCE commitments on human rights, democracy, and the rule of law; and

(10) urges the Voice of America and Radio Liberty to expand broadcasting to Central Asia, as needed, with a focus on assuring that the peoples of the region have access to unbiased news and programs that support respect for human rights and the establishment of democracy and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the author of this resolution with whom I have worked. I appreciate his great effort.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me this time, and I want to thank him for his work in shepherding this resolution through his Subcommittee on Asia and the Pacific, and for all of those Members who have co-signed and cosponsored this resolution.

Mr. Speaker, this resolution expresses the sense of Congress that the state of democratization and human rights in the countries of Central Asia, Kazahkstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, is a source of very, very serious concern. In 1992, these States freely pledged to observe the provisions of the 1975 Helsinki Final Act and subsequent OSCE documents. The provisions contained in the 1990 Copenhagen Document commit the participating states to foster democratization through, among other things, the holding of free and fair elections, to promote freedom of the media, and to observe the human rights of their citizens.

Mr. Speaker, 8 years have passed since then, but in much of Central Asia the commitments they promised to observe remain a dead letter. In fact, in some countries the situation has deteriorated substantially.

For instance, opposition political activity was permitted in Uzbekistan in the late 1980s. An opposition leader even ran for president in the December 1991 election. In mid-1992, however, President Karimov decided to ban any manifestation of dissidence. Since then, no opposition movements have been allowed to function openly and the state controls the society as tightly as during the Soviet era.

An even more disappointing example is Kyrgyzstan. Once one of the most democratic Central Asian states, Kyrgyzstan has gone the way of neighboring dictatorships. President Akaev has followed his regional counterparts in manipulating the legal, judicial, and law enforcement apparatus in a way to stay in office, despite domestic protest and international censure. On October 29, he will run for a third term; and he will win it, in a pseudo-election from which all serious candidates have been excluded.

Throughout the region, authoritarian leaders have contrived to remain in office by whatever means necessary and give every sign of intending to remain in office as long as they live. Indeed, Turkmenistan's President Niyazov has made himself President for Life last December, and Kazakhstan's President Nazarbaev, who has extended his tenure in office through referenda, canceling elections, and staging deeply flawed elections, this summer arranged to have lifelong privileges and perks go his way.

It may sound bizarre, but it may not be out of the realm of possibility that some of these leaders who already head what are, for all intents and purposes, royal families, are planning to establish what can only be described as family dynasties.

Certainly the worst offender is Turkmenistan. Under the tyrannical misrule of Niyazov, President Niyazov, his country is the only one-party state in the entire OSCE region. Niyazov's cult of personality has reached such proportions that state media refer to him as a sort of divine being, while anyone who whispers a word of opposition or protest is dragged off to jail and tortured.

Corruption is also rampant in Central Asia. Rulers enrich themselves and their families and a favored few, while the rest of the population struggles to eke out a miserable existence and drifts towards desperation. We are, indeed, already witnessing the consequences. For the second consecutive year, armed insurgents of the Islamic Movement of Uzbekistan invaded Uzbekistan and Kyrgyzstan. While they have been less successful than last year in seizing territory, they will not go away. Impoverishment of the populace fills their ranks with people, threatening to create a chronic problem. While the most radical groups in Central Asia might have sought to create theocracies regardless of the domestic policies pursued by Central Asian leaders, the latter's marriage of corruption and repression has created an explosive brew.

Mr. Speaker, finally let me say the leaders of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Turkmenistan seem to believe that U.S. strategic interest in the region, and the fear of Islamic fundamentalism, will keep the West and Washington from pressing them too hard on human rights while they consolidate power. Let us show them that they are wrong.

America's long-term and short-term interests lie with democracy, the rule of law, and respect for human rights. So I hope that my friends and colleagues on both sides of the aisle will join in backing this important resolution.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. The post-Soviet independence of the Central Asian states has not panned out in the way that benefited the population of these countries. Instead, it created wealthy and often corrupt elites and impoverished the population.

Although all of these newly-independent states have joined the OSCE and appear, at least on paper, to be committed to OSCE principles, in reality the leaders of these countries have consistently fallen back on their OSCE commitments.

The political development reinforced the Office of the President at the expense other branches of government. Parliaments are weak and the courts are not free. Presidents of some countries, such as Turkmenistan, have pushed laws through their rubber-stamp legislatures that extend their presidential powers for life. Other governments, like the government of Uzbekistan, have been using the justification of fighting terrorism and insurgency as a means to imprison and/or exile the opposition, censor the press, and control civic and religious activities.

On the other hand, some countries such as Kyrgyzstan and Kazakhstan have demonstrated varying degrees of progress. Until recently, opposition parties could function freely in Kyrgyzstan, while the OSCE agreed to Kazakhstan's 1999 parliamentary election, which they found falling short of international standards but, nevertheless, an improvement over the past.

The stability of Central Asia is key to the stability of this region which borders on Afghanistan, Iran, China, and Pakistan. The governments of Central Asia cite the destabilizing influence of drugs and arms-trafficking from outside of their borders and the need to fight Islamic fundamentalism as justifications for their authoritarian regimes.

The government of Kyrgyzstan and Uzbekistan have already been battling with the Islamic Movement of Uzbekistan, a United States-recognized terrorist group. However, some have charged that the oppressive measures of these regimes may have driven their impoverished and marginalized population into the arms of terrorists.

Although the Central Asian states do not have a strong tradition of democracy, free press, and free and fair elections, it is, however, important that our government and Congress continue to press for greater democratic reforms in these countries within the OSCE framework and on a bilateral basis.

Mr. Speaker, I urge my colleagues to support H. Con. Resolution 397.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) on her comments, as well as the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights, for his comments and his work on this legislation.

□ 1500

Mr. Speaker, with the collapse of the Soviet Union in 1991, five independent States in Central Asia came into being, we have heard about them here today, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The deserts, the mountains, the steppes and the river valleys in this region are home to 50 million people. State borders, which were imposed by Stalin, artificially partition and breed resentments among various large ethnic groups, principally Russians, Uzbeks and Tajiks.

Since achieving their independence, the Central Asian Republics have operated with little or no international scrutiny. In effect, Central Asia has been relegated to an international policy backwater. However, given the geostrategic significance of the region, and given the region's vast wealth of natural resources, such an oversight is risky. This body ignores the region at its peril, as does our country.

Regrettably, the nations of Central Asia appear to be moving along the path of authoritarianism. In recent months, each of the five countries has conducted general elections. These elections varied in the degree of electoral freedom; however, in no case did any of these elections meet internationally accepted norms. Indeed, most remain reminiscent of Soviet-style elections.

There has been decertification of opposition parties and, in some cases, the apprehension of opposition leaders.

The State Department's Country Reports on Human Rights Practices for 1999 concludes that presidential power in Kazakhstan and Kyrgyzstan overshadows legislative and judicial power, and that Uzbekistan, Turkmenistan and Tajikistan have lost ground in democratization and respect for human rights. This continual decline is very disturbing and raises questions about the ability of the United States to successfully encourage true democratic institutions and the rule of law.

In some ways, this is a difficult resolution. There are five countries in Central Asia. Each has unique characteristics. Some enjoy certain socioeconomic advantages over the others. Kyrgyzstan and Kazakhstan allow a relatively greater, but still limited, degree of political participation.

The ruler in Turkmenistan has developed a cult of personality so deep that he has changed his name so that he is, quite literally, "Father of the Turkmen"; in other words, Turkmenbashi.

Tajikistan has suffered from a severe civil war throughout the 1990s. But the common theme throughout Central Asia is governmental abuse of human rights, basic human rights. Opposition leaders who appear to be gaining influence are dealt within a decisive, antidemocratic manner.

Now, it is certainly true that most, if not all of these countries, face armed insurgencies. There are all-powerful tribal warlords in Tajikistan. In Uzbekistan and Kyrgyzstan, there are armed religious extremists. Indeed, as we meet, there are Taliban-backed insurgents fighting Uzbek military forces. I think we are going to hear about that in a few minutes from the gentleman from California (Mr. ROHRABACHER). These Islamic militants are decidedly antidemocratic.

In Kazakhstan, there have been efforts by pro-Moscow elements to overthrow the government. It is entirely appropriate that the governments of the region deal with such threats. However, it is one thing to campaign against armed insurgents. It is quite another to use the insurgency as an excuse to suspend international law and crack down on the legal political opposition. Unfortunately, in some instances, that is what has been done.

H. Con. Res. 397 speaks to the very real abuses that have occurred in each of the Central Asian Republics, and puts these nations on alert that the House of Representatives is deeply concerned about the ongoing abuses of power. The resolution urges the Nations to come into compliance with their OSCE commitments and calls upon the President and the Secretary of State to raise human rights concerns when meeting with representatives of these governments.

Again, this Member congratulates the resolution's author, the distinguished gentleman from New Jersey (Mr. SMITH), for holding hearings on this subject as a part of his efforts and introducing the resolution. The language he has crafted accurately reflects the serious democratic shortcomings throughout the region.

This Member appreciates the willingness of his staff to work with the Subcommittee on Asia and the Pacific to craft a resolution that all in this body can support.

Mr. Speaker, I urge support for H. Con. Res. 397.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the distinguished member of the Subcommittee on Asia and the Pacific.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Con. Res. 347. Let me just say that it is sad that we must recognize today the chaos and turmoil that is found in Central Asia, the chaos, the turmoil, the repression, the dictatorship, the heartache, the torture, the things that could have been avoided, in a part of a world that showed such promise, such promise 10 years ago.

Upon the fall of the Soviet Union, everyone expected Central Asia to emerge as a shining light of commerce and progress. Instead, what we see is Central Asia falling into a pit, a dark pit of repression and despair.

I believe one of the primary reasons for this huge part of the world falling into despair has something to do with the policies right here in Washington, D.C. The Clinton administration has, more than any other administration in the history of this country, lowered the priority for human rights as an international goal.

During the Ronald Reagan years, when we were in the middle of a Cold War, Ronald Reagan made human rights a priority. We established the National endowment for Democracy. We talked about it. We negotiated about it. It became preeminent among our demands when we were talking to the governments like that of the Soviet union.

It worked. Because we stressed human rights and democracy, the world has a much greater chance for freedom and democracy but also a much greater chance for peace.

Unfortunately, that great gift to mankind was squandered by this administration which, as I say, not only made human rights not a priority, but just took it off the list of which we were negotiating, especially with the Communist Chinese.

What has this lack of priority, what has this lack of concern for human rights done in Central Asia? We have seen these regimes in Kazakhstan, Azerbaijan, Uzbekistan, Turkmenistan, Tajikistan and others which had such promise turn into a cesspool of repression and torture.

We have seen election fraud in countries like Uzbekistan where they had such a great chance, a great opportunity to have free elections. In Azerbaijan, military takeovers of a democratically elected regime. In Kazakhstan and Turkmenistan and Tajikistan, countries that had a chance, the ruling elite there just turned their back on this opportunity. Why? Because this administration did not place any priority or value on the discussion of human rights or democracy when they met with the leaders of these countries.

Well, there can be no peace without freedom and human rights. That is what we are finding today. Because what has happened now in Central Asia is there has been a new cycle of violence that has been set on its way, a cycle of violence that we do not know where it will stop. A cycle of violence in Uzbekistan and Turkmenistan and Tajikistan and, yes, in Azerbaijan as well where they have been unable to settle their problems there and which will probably reach Kazakhstan with their corrupt government.

What is that cycle of violence? What we have is people who are demoralized by the fact that there is no democratic alternative in these Central Asian republics turning to radicalism. This year and at this time the face of radicalism is Muslim extremism, the fundamentalist movement, what they call it in that part of the world.

Well, of course, decent, honest, people will turn to these radical alternatives if they are given no alternative at the ballot box, if their friends and relatives or their sons and daughters are arrested and brutally tortured for simply complaining about the government. Of course, Islamic fundamentalists are going to find that their ranks are bolstered with volunteers when they have governments like this.

On top of that, there is one other factor that needs to be looked at about what is creating the cycle of violence which will lead to such turmoil. That is what? American policy towards Afghanistan.

This Member, and anyone who is in the Committee on International Relations will testify, for years I have been warning what the results of this administration's policy towards Afghanistan would be. Years, I predicted over and over again that, unless we did something in Afghanistan to change the situation, that we would end up with Afghanistan as a center of, number one, terrorism, a base for terrorism for the Central Asia but also for the world; that it would be repressive and have one of the most repressive and fanatic regimes and anti-Western regimes on the planet; and, number three, it would be the center for the growth of heroin and that it would put all of the resources that, the billions of dollars one receives from the growth of one-third of the world's heroin in the hands of these religious fanatics. That is exactly what has happened.

Yes, it is heroin money in the hands of the Taliban leaders that are fanning this, the flame of discontent and violence in Central Asia that takes advantage of the dictatorships. The dictators should not just focus, however, on trying to wipe out their opponents and wipe out these fundamentalist movements. They should focus on trying to create a democratic alternative so that people in those countries once be attracted to this type of fanaticism.

Even the people of Afghanistan are not attracted to the fanaticism of the Taliban. The Taliban have an iron-fisted control there and have steadily refused to have democratic elections.

It is my sad, sad duty to, again, repeat the charge on the floor of the House of Representatives, as I have on numerous occasions in the Committee on International Relations, that this administration, not only has discarded human rights and democracy as a priority but has a covert police of supporting one of the worst governments and oppressive governments in the world; and I am talking about the Taliban regime in Afghanistan.

I have tried to investigate this for years, and I have been repeatedly cut off by the State Department from receiving the documents that would disprove, and I would like to disprove this charge, because it is a shame for any American to think that our government would be supporting this regime.

But I can testify here today that, every time the opposition to the Taliban has had a chance of dislodging the Taliban from power in Afghanistan, this administration has run to their rescue time and time again.

Now, people do not know, even in this body, do not know the details, much less the American people. But those are the facts, and I can verify that over and over again.

We must have a policy that champions human rights and democracy in Afghanistan and Central Asia. This is what will bring peace to the world. Otherwise, there will be conflict, there will be bloodshed, there will be tyranny. It is a result of a lack of commitment here on our part in the United States to the ideals that our Founding Fathers thought we would support.

So today I support H. Con. Res. 347 because it states very clearly that we in Congress believe that the ideals of democracy and human rights should be brought to bear in Central Asia, including Afghanistan, but especially the Central Asian republics, and that that should be the policy of the United States Government.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER) for his eloquent statement. I do urge support, again, for H. Con. Res. 397.

As I close my comments, I want to recognize the gentleman from Nebraska (Mr. BARRETT), who is presiding, who has been presiding over so many sessions and Suspension Calendars over the years. He has given 10 years of distinguished service to this body and to our State. I will have a chance to say more about that later this week. But in the course of doing that, he has presided over many suspensions from the House Committee on International Relations. So we thank him for his patience and his evenhandedness in that capacity and the many hours he has spent in presiding over this body.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Con. Res. 397, a resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial con-compliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

I would like especially to draw the attention of my colleagues to the section of the resolution dealing with Kazakhstan. This oil rich country is riddled with corruption, and its dictator, President Nursultan Nazarbayev, has become increasingly repressive and appears determined to leave no stone unturned in his quest to silence the press, eliminate the opposition parties, and plunder every dime of profit that the country has earned from its oil and mineral wealth.

Mr. Nazarbayev is reportedly the eighth richest person in the world; yet more than one-third of the population of Kazakhstan are below the poverty line as defined by the World Bank. The German-based organization, Transparency International, recently surveyed corruption in 96 countries and rated Kazakhstan as the 12th most corrupt country in that group. Moreover, the U.S. Department of Justice recently launched an investigation into bribes allegedly paid by U.S. oil companies to President Nazarbayev and his cronies.

But even worse than the corruption is the attempt by Nazarbayev to snuff out every vestige of democracy and freedom of expression in Kazakhstan. In January 1999, he called a snap presidential election and ensured his own re-election by having his main opponent, former Prime Minister Akezhan Kazhegeldin, disqualified and driven into exile. Both this election and the parliamentary elections that followed in October 1999 were denounced as unfair by the OSCE. To make sure that these and other anti-democratic actions are not criticized, the Nazarbayev regime has virtually silenced the independent media by intimidation, arrests and seizure of presses.

In an effort to reverse the repressive trend in Kazakhstan, H. Con. Res. 397 calls upon the government of Kazakhstan and other governments in Central Asia to engage in a serious and comprehensive "national dialogue" with opposition and independent forces, "on an equal footing, on institutionalizing measures to hold free and fair elections," Last December, former Prime Minister Kazhedgeldin of Kazakhstan proposed a detailed vision of what a "national dialogue" should entail, and its serves as a model for all of Central Asia.

Mr. Speaker, I strongly support H. Con. Res. 397 and urge its adoption. The resolution forthrightly exposes the trends of increasing repression in Central Asia and proposes a solution in the form of a genuine "national dialogue" between the governments of the region and the opposition political parties and independent organizations that speak for the peoples of Central Asia. This is a wonderful message of hope and support for this House to send as it winds up its work in the 106th Congress.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 397, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

ACKNOWLEDGING AND SALUTING CONTRIBUTIONS OF COIN COLLECTORS

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 154) to acknowledge and salute the contributions of coin collectors.

The Clerk read as follows:

S. CON. RES. 154

Whereas in 1982, after a period of 28 years, the Congress of the United States resumed the United States commemorative coin programs;

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS)

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material concerning Senate Concurrent Resolution 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us today, Mr. Speaker, recognizes one of the truly unsung contributions made in this country, that of thousands of coin collectors who buy commemorative coins issued by the United States Mint. Senator LOTT introduced this resolution in the Senate, and it was passed on the Senate floor last week on October 23.

This resolution acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's charitable organizations, foundations, institutions, and programs. While coin collecting has been a hobby for many years, collecting commemorative coins is a little different. The coins are issued in a limited quantity, and they have surcharges that make the cost much more than the face value of the coins.

The coin community has been very supportive and generous in buying commemorative coins during the last 20 years, a period of significant change for the commemorative coin program. Since 1982, when Congress resumed the commemorative coin program, which was after a 28-year break, 37 commemorative coins have been authorized.

In addition to the honor given to the recipients and the educational value of these coins, they have also raised more than $400 million for a variety of charitable organizations and other worthy causes. That is $407 million to be exact. Our Nation's coin collectors and coin dealers have been essential to the success of these programs. They have purchased nearly 49 million commemorative coins, which has yielded $1.8 billion in revenue and, as I mentioned, $407 million in contributions to very deserving causes.

This resolution recognizes the accomplishments and the contributions of the commemorative coin community and gives them the recognition that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. Con. Res. 154. Over the last few years, Congress has passed bipartisan legislation to mint several commemorative coins, the proceeds of which have gone to a number of important organizations and projects that benefit communities across America.

Commemorative coins, which are available directly from the United States Mint, are generally approved by members of the Citizens Commemorative Coin Advisory Committee. This committee was established by the 102nd Congress for the purpose of recommending, with input from the public and coin collectors, the events, persons or places that are appropriate for commemoration through congressionally mandated coins. Commemorative coins typically celebrate and honor people, places, events, and institutions.

It is fitting for Congress to honor the Nation's coin collectors, because it is largely they who purchase commemorative coins. By doing so, coin collectors ensure our national heritage, as reflected in our coins, is preserved and valued by our citizens. In addition, funds raised from commemorative coin surcharges have funded important projects that are near and dear to every Member that serves and has served in this institution. These include restoration of the Statue of Freedom on top of our Capitol Dome, the Library of Congress's bicentennial programs, the upcoming U.S. Capitol Visitor Center, and many others.

In short, Mr. Speaker, these commemorative coins pay for themselves and, in the process, pay for important projects that would otherwise be funded with taxpayers' money. We therefore thank our Nation's coin collectors through this resolution and honor their devotion to their hobby, one that certainly benefits all Americans.

Mr. Speaker, I strongly support this resolution and urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BENTSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNITION OF THE BIRMINGHAM PLEDGE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the joint resolution (House Joint Resolution 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the resolving clause and insert:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as "National Birmingham Pledge Week".

Strike out the preamble and insert:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.";

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 14, my colleague, the gentleman from Alabama (Mr. HILLIARD), and I introduced the National Birmingham Pledge Resolution. The resolution has over 100 cosponsors, a bipartisan group, and it passed the House on quite an overwhelming vote on September 12. It went over to the Senate; the Senate made one small change in the wording and passed it last week.

The resolution recognizes that personal efforts to address racism will contribute significantly in fostering racial harmony. Individuals can, by their actions, make a difference. Anyone who has seen the new movie, "Pay It Forward," knows that one person, by their efforts, can make a difference in the world.

The resolution additionally recognizes that the Birmingham Pledge is making a significant contribution in fostering racial harmony. It commends those involved in the creation of the Pledge, including Jim Rotch, who authored the Pledge, and those who have signed it. It expresses the sense of Congress that a National Birmingham Pledge week should be established.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Birmingham Pledge recognizes the role that each of us can play in advancing the cause of racial harmony and tolerance in our society. Birmingham occupies an important place in the history of civil rights in America. At one time, when we thought of Birmingham, what came to mind were police dogs, fire hoses, racial strife, and Dr. Martin Luther King's letter from a Birmingham jail.

Given the history of Birmingham and the great strides made by that community since the outburst of racial violence in the 1960s, it is all together appropriate that this Congress acknowledge the contributions of those who have played a role in creating and promoting the Pledge. The Birmingham Pledge was authored by Birmingham attorney James Rotch and has been promoted by a cross-section of the Birmingham community.

I would like to particularly take note of the leadership played by the gentleman from Alabama (Mr. BACHUS) and the gentleman from Alabama (Mr. HILLIARD), who introduced the measure in the House and helped shepherd its passage.

To date, I understand that more than 70,000 individuals have taken the Birmingham Pledge, including the President, First Lady, and numerous elected officials and civil rights leaders. It is through small steps like these that we can combat discrimination and increase racial tolerance.

I commend the citizens of Birmingham who have crafted the Birmingham Pledge to create more positive associations with Birmingham and civil rights, and I urge my colleagues to accept the Senate amendments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

In considering this resolution, we should all keep in mind one thing, and that is that we are not born with prejudice or bigotry. These are things that are learned. In fact, psychologists call it learned behavior. By word or by action we teach our children daily. We teach them to either be tolerant or to be intolerant; to have prejudices and biases against other people because of their race, their origin, or not to be. We teach them these things many times, even before they are old enough to choose for themselves. We can teach our children to love, or we can teach our children to hate. Intolerance is learned; therefore it can be unlearned.

The Pledge can be a part of that process. This is the message we want to send Americans today about race relations. Each of us needs to take personal responsibility to conduct ourselves in a way that will achieve greater racial harmony in our own communities.

It has been said that events in Birmingham during the early 1960s, and my colleague from Virginia referred to some of those, stirred the conscience of the Nation and influenced the course of civil rights in the world. I know of no other city that has worked harder to overcome its missteps and its mistakes than my native city, Birmingham.

My colleague, the gentleman from Alabama (Mr. HILLIARD), when this resolution came up before, said that there has been a real positive change in race relations in Birmingham other the past 40 years. He and I are both natives of Birmingham, and we are proud of the progress that our city has made. The Birmingham that has emerged is one built on a foundation of racial sensitivity and strength and diversity. Today's Birmingham is dedicated not only to preserving the history of its struggle but, more importantly, to ending racial intolerance, bigotry, and prejudice, not only in Birmingham but around the world. That is why this effort is being made by Birmingham civic groups and educational groups.

Mr. Speaker, by passing House Resolution 102, the House will again be showing its support for their commendable effort.

Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for his support and his kind remarks. He has been a sponsor of this bill since the very beginning. In closing, I urge all my colleagues to support this worthy resolution.

Mr. HILLIARD. Mr. Speaker, I am joining with SPENCER BACHUS in presenting this Resolution taking the Birmingham Pledge nationwide.

I was blessed to be a footsoldier in the civil rights movement, the greatest freedom struggle of our times, and it has shaped my life and my public service.

Racism is the cancer that has eaten at the heart of this nation since before it was founded, and has defined much of our history.

Birmingham, and the State of Alabama, which are my home city and state, have been in the past among the most guilty of this monstrous crime, and Birmingham is now among the most progressive in combating it.

This pledge, written by the people of Birmingham, should be taken to heart by every American.

Let every American sign it; let every American live by it.

THE BIRMINGHAM PLEDGE

I believe that a person has worth as an individual.

I believe that every person is entitled to dignity and respect, regardless of race or color.

I believe that every thought and every act of racial prejudice is harmful; if it is my thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

I will discourage racial prejudice by others at every opportunity.

I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendments to the joint resolution, House Joint Resolution 102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1530

PROTECTING SENIORS FROM FRAUD ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3164) to protect seniors from fraud.

The Clerk read as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Seniors From Fraud Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called "mooch lists".

(10) It is estimated that 56 percent of the names on such "mooch lists" are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated "mooch lists".

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called "mooch lists" confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3164.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is Senate bill 3164, titled "Protecting Seniors From Fraud Act." It was introduced by Senators EVAN BAYH and ROD GRAMS and passed the other body unanimously on October 25.

The bill will provide funding to local programs that are a part of the National Association of TRIADs, a community policing program that partners law enforcement agencies with senior citizen volunteers to help reduce fraud and other crime especially against the elderly. There are 725 countries with TRIADs nationwide which help more than 16 million of our seniors.

Mr. Speaker, American seniors are disproportionately victims of telemarketing and sweepstakes fraud. Even though Americans over the age of 50 account for only 27 percent of the United States population, they comprise 56 percent of the so-called "mooch lists" used by fraudulent telemarketers. Unfortunately, fraudulent telemarketers prey upon trusting seniors who by their nature are often trusting and compassionate individuals.

As a result, seniors in our country lose approximately $14.8 billion, that is almost $15 billion, every year to fraudulent telemarketers.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3164, the Protecting Seniors From Fraud Act. I would have preferred to have seen the bill developed through the normal legislative process of hearings and markups at the committee level so that we could have judged more fully the need that we are seeking to address. However, I am prepared to support the bill since its primary function is to reauthorize funding for the TRIAD program, a proven community policing program that partners law enforcement agencies with senior volunteers to reduce crime and fraud amongst the elderly. The TRIAD program operates in 47 States and 725 counties and assists over 16 million seniors nationwide.

The bill also creates a clearinghouse for information to educate seniors about the dangers of fraud, including telemarketing and sweepstakes fraud. It requires the U.S. Attorney General to conduct a study of crimes against seniors.

The bill requires the inclusion of seniors in the National Crime Victims Survey, and it encourages State and local governments to fully incorporate fraud avoidance information in their aging services programs.

Seniors are often the target of telemarketing and sweepstakes fraud. There are over 140,000 telemarketing firms operating in the United States. The AARP estimates that about 10 percent of them, fully 14,000 firms, use fraudulent practices.

The FBI estimates that consumers lose about $40 billion a year to telemarketing fraud. The AARP estimates that while seniors make up about 27 percent of the United States population, they incur about 37 percent of the $40 billion loss.

Despite considerable efforts to address these issues in recent years, many seniors are still not aware of these problems and of their rights and protections against them. According to the AARP, Americans over 65 are the least likely to know about Federal protections from fraud.

Adopting this bill will allow us to continue the partnerships and cooperative efforts with seniors and with State and local governments to prevent and address senior fraud.

I want to thank the gentleman from Alabama (Mr. BACHUS) for his leadership on this bill. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the crimes that the gentleman from Virginia (Mr. SCOTT) spoke about, these crimes which cost our elderly citizens $15 billion a year, many of them can be prevented if seniors are educated about their consumer rights and if they are informed about methods available to them to confirm the legitimacy of an investment or product offered to them over the telephone.

According to a national survey, 70 percent of older fraud victims say it is difficult for them to identify when fraud is happening. Forty percent of older Americans say that they have difficulty distinguishing between a legitimate and a fraudulent telemarketing sales call.

There is definitely a need to educate seniors about the dangers of fraud and how to avoid becoming a victim of fraud, and that is what this legislation attempts to do. It addresses this problem by authorizing a million dollars each year for 5 years to ensure the continuation of programs which try to educate seniors.

The bill also requires the Secretary of Health and Human Services to disseminate information to seniors on fraud prevention through the area agencies on aging and other existing senior-focused programs.

The bill continues a provision which would require the statistics concerning crime committed against seniors be included in the Annual Crime Victims Survey performed by the Department of Justice and would also require the Attorney General to conduct a specific study of crimes committed against seniors.

In conclusion, let me say that protecting seniors from fraud is of great importance to all of us. Our senior population continues to grow as our population ages and more seniors are saving money for their retirement, and anything this body can do to help them protect their retirement income and retirement money is important.

Our seniors deserve to know about those who would defraud them, and this program will help inform them of various schemes and devices used to defraud them. It has the strong support of the law enforcement community, bipartisan support.

I urge all my colleagues to support this bipartisan legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the Senate bill, S. 3164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

WAIVING CONGRESSIONAL REVIEW OF CHILD IN NEED OF PROTECTION AMENDMENT ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5537) to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The Clerk read as follows:

H.R. 5537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD.

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Child in Need of Protection Amendment Act of 2000 (D.C. Bill 13-796) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5537.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The legislation will waive the 30-day congressional review period for the District of Columbia bill 13-796, the Child in Need of Protection Amendment Act of 2000, a critical bill which will have a direct impact on the D.C. Child and Family Services Agency and the children in its care.

Ordinarily, the congressional review period is required under the D.C. Home Rule Act before any D.C. legislation can be enacted. However, due to the CFSA crisis, it is imperative that H.R. 5537 pass in order to protect the Child in Need of Protection Amendment Act of 2000 to take effect on the day it is enacted by the City or on the day that H.R. 5537 is enacted, whichever is later.

CFSA has languished in receivership for 5 years. Even under direction of its second court-appointed receiver, CFSA has continued to demonstrate extreme deficiencies in the delivery of expected service. In fact, one child, Brianna Blackmond, died when she was returned to her neglectful mother. This was a tragic death which may have been avoided if CFSA had provided the court with all of the relevant information regarding Brianna's home environment.

As a result, this year the Subcommittee on the District of Columbia held two hearings regarding this receivership. We heard promises about CFSA's court appointed reform efforts, which are required so that the agency can function efficiently and return to the District of Columbia Government.

Unfortunately, the operational breakdowns at CFSA have continued and the receivership has not delivered on their promises.

At our second hearing, in September, the subcommittee called on all parties involved in this situation: CFSA, the plaintiffs, the court system, and the District Government to come together to create and implement an emergency plan to reform CFSA and the receivership. The City's legislation will accomplish just that.

The Child in Need of Protection Amendment Act of 2000 will reorganize CFSA as a separate and distinct agency with personnel authority. The legislation ends the bifurcation of the abuse and neglect system to provide better care and protection for the children. It also includes provisions to limit the amount of time that a child is required to spend in foster care, to provide financial support for neighborhood-based family support services to at-risk families, to amend the confidentiality provisions to allow foster and adoptive parents greater access to information about the needs of a child, streamline the court process, and provide more placement options for children who cannot return home.

I would like to thank the gentleman from Texas (Mr. DELAY), the majority whip, for his involvement and assistance with the Child and Family Services Agency crisis in the District. As a foster parent himself, the gentleman from Texas (Mr. DELAY) has a strong personal interest in helping and protecting abused and neglected children in the child welfare system. His leadership has helped the City obtain the necessary resources to make informed decisions about the organizational reforms needed at CFSA in order to comply with the court orders and return the agency to the District Government.

I also want to thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for her leadership and support as we have examined the progress of this agency as well as the other D.C. agencies under receivership.

With the District's most vulnerable and underrepresented voices in dire need of our assistance, we must let them know that help is on the way by working together to institute the best course of action needed to correct CFSA's systematic inadequacies. Therefore, I urge all of my colleagues to join me in support of H.R. 5537.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000. This noncontroversial legislation is necessary to ensure the District of Columbia's swift compliance with the consent order to return the Child and Family Services Agency now in receivership to the District Government.

The District of Columbia Home Rule Act requires that all civil legislation passed by the Council and signed by the Mayor undergo congressional review for 30 legislative days before taking effect. H.R. 5537 merely waives this requirement for legislation that will be passed shortly by the D.C. City Council to restructure the District's Child and Family Services Agency.

Earlier this year an infant, Brianna Blackmond, was found dead after being returned to her mother's care. The decision to return Brianna to her mother was criticized because her mother had previously been found in neglect of Brianna and her seven siblings.

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The tragic death of baby Brianna prompted the Subcommittee on the District of Columbia to hold two hearings examining the District's Child and Family Services Agency and to pass legislation, now on its way to the President for his signature, requiring receiverships to adhere to best practices and cost controls. H.R. 5537 is a continuation of congressional efforts to assist the District government in its efforts to reform the District's foster care system.

The Child and Family Services Agency has been under court receivership since 1995 because of serious failings in the delivery of child welfare services. However, despite court control, fiscal and management problems persist in the agency, necessitating a return of the agency to the control of the District government. The recent consent order returning the agency to the District requires the city to pass legislation that restructures its processes for delivery of child welfare services. H.R. 5537 will ensure that the District's legislation will take effect upon passage without any congressional delay.

H.R. 5537 has the support of the city's elected representation to this Congress, the gentlewoman from the District of Columbia (Ms. NORTON), and the District of Columbia government. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5537.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

The Clerk read as follows:

H.R. 4907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term "Commission" means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term "State" means the State of Virginia.

(B) INCLUSIONS.—The term "State" includes agencies and entities of the State.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Jamestown 400th Commemoration Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4907, the Jamestown 400th Commemoration Commission Act of 2000. 2007 marks the 400th anniversary of the founding of Jamestown, the first permanent English settlement in America. This legislation will establish a Federal commission to complement Virginia's preparations for the upcoming anniversary and help make this a truly national event.

The late Herb Bateman originally introduced H.R. 4907, the House companion bill, with enthusiastic support from the Virginia congressional delegation. The bill was of particular importance to Mr. Bateman because Jamestown is located in Virginia's First Congressional District which he represented or, as he preferred to call it, "America's First District." Passing H.R. 4907 is a final opportunity for us to honor the memory of Herb Bateman.

In 1607, Jamestown started as a struggling settlement but eventually became the first capital of Virginia and the birthplace of representative democracy. Its settlers left a legacy of language, customs and common law which remain with us to this day. Native Americans, Europeans, predominantly English, and Africans all played vital roles in forming this early settlement.

Since at least 1807, Jamestown's founding has been celebrated every 50 years. The Federal commission that would be created by H.R. 4907 is modeled after the commissions established for past Jamestown anniversary festivities. The 15-member commission will be appointed by the Secretary of the Interior and will terminate in 2008. The proposed commission will play a similar role to help coordinate events, activities, fund-raising, and capital improvements by partners on the Federal, State, and local levels, and in the private sector. It will bring national and international attention to this pivotal event in our Nation's history, and it will promote scholarly research and publications. The commission will help ensure that all people who were living in 17th century Jamestown are represented in the celebration.

The 400th anniversary celebration will include reconstructions of the Jamestown fort, a Native American village, and the English settlers' three ships which have been rebuilt to reflect current research. The 2007 commemoration will include also exhibitions highlighting exciting new archaeological, historical and scientific findings made by the Association for the Preservation of Virginia Antiquities and the National Park Service, including the original 1607 fort. These organizations are now jointly planning a revitalization of Jamestown Island to provide a more engaging experience for visitors and an increased appreciation for their irreplaceable museum collections.

The upcoming 400th anniversary of the Jamestown settlement is an event of historic importance that deserves national attention and commemoration. I urge all my colleagues to join me in supporting this legislation and honoring the memory of our late colleague, Herb Bateman.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in June 1606, King James I granted a charter to a group of London entrepreneurs, the Virginia Company, to establish a satellite English settlement in the Chesapeake region of North America. By December, 108 settlers sailed from London instructed to settle in Virginia, find gold and a water route to the Orient.

On May 14, 1607, the Virginia Company explorers landed on Jamestown Island, founding the first permanent English settlement in America. The first representative assembly in the new world convened in the Jamestown church on July 30, 1619. The general assembly met in response to orders from the Virginia Company to, quote, "establish one equal and uniform government over all Virginia."

The other crucial event that would play a role in the development of America was the arrival of Africans to Jamestown. A Dutch slave trader exchanged his cargo of Africans for food in 1619 and thus began the presence of Africans in Jamestown. The celebration in 2007 of the 400th anniversary of the landing at Jamestown will involve coordination between many partners on the Federal, State and local level and with the private sector. In 1996, the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration.

H.R. 4907 establishes a Federal commission to assist in the coordination of the 400th anniversary commemoration of the landing of Jamestown. The purpose of the commission is to bring national and international attention to the significance of the landing of Jamestown and heightened interest in the early history of our Nation. The commission would help coordinate events, activities, fund-raising, and capital improvements related to the Jamestown 2007 anniversary. The commission will ensure that Jamestown 2007 observances are inclusive and, in addition to the English settlers, recognize the invaluable contributions of Native Americans and Africans to the development of Jamestown and this country.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the measure sponsored by our departed friend and colleague, Herb Bateman, to establish a Federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of Jamestown in Virginia.

Nearly 400 years ago, the English established the first permanent settlement in the present-day United States at Jamestown. The upcoming 400th anniversary in May 2007 affords all American citizens the opportunity to appreciate the adventurous spirit that led the early English settlers on a voyage to a new world in the hopes of finding mountains of gold. While the settlers failed to realize their dreams of gold, their struggles and sacrifices paved the way for the formation of a nation rich in racial and ethnic diversity and democratic ideals. In fact, Jamestown is commonly referred to as the birthplace of our Nation.

Clearly, Jamestown is significant not just in the history of the Commonwealth but to the Nation as a whole. Initially a fledgling settlement, Jamestown became the capital of Virginia and held the first representative legislative assembly in the Americas, known as the House of Burgesses. These early meetings of the House of Burgesses fostered the ideas of self-government and representative government which serve as the cornerstone of the United States Constitution. The legacy of Jamestown, however, is not limited to these democratic principles that we cherish. The legacy can also be viewed in terms of the common language and customs that remain with us today.

For that reason, a national commission is appropriate and necessary to complement the commemorative programs and activities undertaken by the Commonwealth of Virginia's Jamestown-Yorktown Foundation. The national commission will assist in the development of Jamestown-related programs and activities, support scholarly research and publications, facilitate marketing and fund-raising efforts, and further encourage heritage tourism. These activities will expand the understanding and appreciation of the significance of the founding and early history of Jamestown. It will also perpetuate the memory of the first permanent English-speaking settlers of Virginia and the United States.

Mr. CUMMINGS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4907, legislation to establish the Jamestown 400th Commemoration Commission. Mr. Speaker, this bill was introduced by our late colleague, Herb Bateman, who represented Jamestown. Jamestown is located in the First Congressional District of Virginia, and since we are talking about Jamestown, I think it is appropriate to note that Herb always called his district America's first district.

This bill authorizes the Jamestown Commemoration Commission that will head up the preparations for the 400th anniversary of Jamestown, which will be celebrated in 2007. Jamestown was not only the first permanent English colony but it also became the first capital of Virginia. The first legislative assembly was held in Jamestown; and it was there that the idea of common law, common customs, and common language began and continues to this day.

Mr. Speaker, planning for the 400th anniversary has been under way for several years and establishment of a national commission will complement the ongoing State efforts as well as extend national and international significance to this historic anniversary. The State has been conducting roundtables throughout Virginia to get citizen input to design a statewide commemoration. Efforts are also being taken to continue the rebuilding of ships which brought the 1607 colonists and which were originally reconstructed for the 350th anniversary, as well as rebuilding the Jamestown fort and the Native American village.

Mr. Speaker, passage of this measure will ensure that the 400th anniversary of Jamestown is recognized at a national level for its historic significance and contributions to the founding of our country. It is also a fitting manner in which to honor our late colleague, Herb Bateman. Before yielding back the balance of my time, I want to commend the Members of the staff of Virginia's First Congressional District for their tireless efforts in making sure this bill moved forward. The constituents of the First Congressional District have been well represented by the staff since the untimely loss of Herb Bateman, and it is in large part because of their efforts that this bill is before us today.

Mr. Speaker, I urge the passage of this measure.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to recognize the work of particularly Dan Scandling, Herb Bateman's chief of staff, and Julie Newell, whom I know helped put this together, and the other staff members who put this together. This is a fitting legacy for Congressman Bateman who started this.

Mr. Speaker, I urge the adoption of this measure.

Mr. SISISKY. Mr. Speaker, I rise today on behalf of my late friend and colleague, Herb Bateman, to speak in support of legislation that was near and dear to his heart, H.R. 4907, legislation to establish a Federal commission to coordinate activities related to the

400th anniversary of the establishment of the colony at Jamestown.

Someone once said that a land without ruins is a land without memories, and a land without memories is a nation without history. Thanks to the National Park Service and the foresight of the people of Virginia, the memory and history of Jamestown are alive and well.

Jamestown is to the United States what the historical centers of Rome and Athens are to the people of Italy and Greece.

The Jamestown visitors center, the replicas of the ships that brought the colonists to the new world, and the Jamestown fort and native American village are more than just tourist destinations, they are symbols of our democracy and values.

Consider that Jamestown was Virginia's first capital and held the first legislative assembly, leaving a legacy of common law, customs and language that we rely on today.

This 400th anniversary commemoration, to take place in 2007, is probably as historically important to our Nation as the bicentennial celebration of 1976. The progress made in planning events for 2007, are due in no small measure to the people of Virginia.

They've held roundtables throughout the State to solicit input from every corner of the commonwealth, and they've worked in conjunction with the National Park Service to conduct archaeological, historical and scientific research.

Creating a national commission is the last piece of the puzzle which will ensure that the Jamestown commemoration becomes a truly national celebration.

I urge my colleagues to support this important resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I urge the adoption of this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4907.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MILITARY RETIREE HEALTH CARE IN THE DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, today President Clinton is expected to sign the National Defense Authorization Act for fiscal year 2001. This will help promote a first-class military, and it is a great victory for our military retirees because it takes a giant step in correcting an injustice suffered by our military retirees and their families. The defense bill provides pharmacy benefits and extends TRICARE to retirees beyond age 65 as a supplement to Medicare, and fulfills the promise of lifetime health care to America's eldest military retirees.

Retirees joined the service with a promise of lifetime health care; but right now TRICARE, the military health care plan, ends at age 65. Unlike all other Federal retirees, military retirees get Medicare but nothing else if they cannot afford supplemental insurance; and many retirees under age 65 are not covered due to serious flaws in the TRICARE program.

To remedy this sad situation, last year the gentleman from Georgia (Mr. NORWOOD) and I and Senators TIM JOHNSON, JOHN MCCAIN, and our esteemed colleague, Paul Coverdell, introduced the Keep Our Promise to America's Military Retirees Act, H.R. 3573.

The Keep Our Promise Act united military retirees and families across the country. Their billboards, bumper stickers, e-mails, phone calls, and letters to newspapers and Congress have educated us to their plight. Their persistence gained the Promise Act 306 cosponsors in the House and 36 in the Senate.

We would not be celebrating historic improvements in military health care today without the grass roots support for the Shows-Norwood Keep Our Promise Act.

We should commend the efforts of every military retiree or family member across the country who participated in the grass roots efforts. I cannot allow Congress to adjourn without acknowledging the efforts of two very special Americans, two Mississippians. Jim Whittington of Laurel and Floyd Sears of Ocean Springs organized the meeting in March of 1999 that resulted in the introduction of the Keep Our Promise Act. They led the grass roots in the fight for justice for military retirees that brings us here today.

There are many, many more grass roots leaders who must be recognized. While it is not possible to name them all, I want to thank several people who communicated regularly with my staff and me for the outstanding work to keep our promise to America's military retirees: Colonel George "Bud" Day and everyone with the Class Act Group; General Robert Clements, Edith Smith, Floyd Felts, Dick Manion, Lonnie Vessel, Jack Hollinsworth, Chuck Huffman, and Joe Priestley.

I also appreciate the many veterans and military service organizations of the Military Coalition and the National Military and Veterans Alliance.

Particularly, I want to thank my friends at the National Association for Uniformed Services, the Retired Enlisted Association, the Retired Officers Association and the Air Force Sergeants Association. I am proud that the defense bill accomplishes part of what the Keep Our Promise Act would do by extending military health care to retirees over age 65; but the defense bill does not do everything the Promise Act would do. The Promise Act would offer military retirees the option to participate in the FEHBP plan because many retirees are not well served by TRICARE. We need to pass the rest of Keep Our Promise Act because it is the right thing to do, and I promise that the military retirees across the country will keep fighting for the benefits they were promised, earned and richly deserve.

WHERE HAS THE STRATEGIC PETROLEUM RESERVE REALLY GONE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, every American citizen will remember the heightened crisis that occurred in our oil situation and our fuel and its rising prices over the summer. Many of us wondered what was next. Well, what was next was that sometime in September the President, after being urged by Vice President GORE, released 30 million barrels of oil from the Strategic Petroleum Reserve.

Now, the first shock wave that occurred when that announcement was made was, what is going on here? The Strategic Petroleum Reserve is exactly that, Strategic Petroleum Reserve, meaning that it is to be used and was to be intended to be used for strategic purposes for defense purposes, for the national security of our Nation. That is, there would be a pool, literally a pool, of oil held back from the normal market so that if oil was cut off from the Middle East and we did not have our required fuel available for our Armed Forces, then this reserve would be at hand to protect our people in a national security situation.

Well, let us set that aside, as important as that is, and that is very important. We still have reservations about even approaching this Strategic Petroleum Reserve unless there be some kind of emergency action, some threat to our security at hand. In any event, put that aside for the moment. Many people were concerned that because of the rising fuel prices and even some shortages that were occurring, that the Northeast would find itself in this winter coming that it would be short of fuel for their home heating needs. So ostensibly, the directive by the President was to release these 30 million barrels for home heating. Well, at least we said the target is a humane one, is a proper one.

Then what did we learn? We found in the Wall Street Journal report and various other newspapers, including one from Bangor, Maine, where, of course, one of the areas would be that would most require this home heating oil, complained that what they discovered was that the 30 million barrels that were being released from our strategic reserve were going to be sent to Europe by the oil refineries. That is, the oil bidders would buy this oil and then instead of sending it to New England would sell it on the market to Europe. Well, this is outlandish. We do not know if that is correct, but all the evidence yields a conclusion that that would be the case.

Moreover, out of the 30 million barrels, 30 million barrels that were released, it appears that only about 250,000 under any circumstances, 250,000 only would be delivered to the Northeast in time to help this winter. What we did was author a letter to the Secretary of Energy, our former colleague, Bill Richardson, to ask these questions: Is this oil going to Europe or is it not? And if it is not, why will only 250,000 barrels be finding its way to the home heating oil needs of the Northeast, which needs much more than that?

The letter was sent. No response was forthcoming. My staff contacted the Energy Department several times, and we did not receive a proper response, or any response. The Congress in its own way in committee hearings evoked the same kind of questions out of the circumstances. We do not know what the final answer is.

What all of this shows is, dipping into the Strategic Petroleum Reserves for our national security purposes already waiting in reserve, as the title implies, and using it for home heating oil which never arrives there, that is not government at its best. Yet, that is what Secretary Richardson said, this is government at its best. What it shows is that much more can be done and much better use can be made of our Strategic Petroleum Reserves.

I have introduced a bill, H.R. 4035, which calls upon a blue ribbon commission to be able to declare independence for the United States, again, to declare independence, this time energy independence, within 10 years, to take full cognizance of all the oil reserves in Alaska, in offshore drilling, in the Midwest and far West, in Oklahoma and Texas which have been traditionally the source of our domestic oil drillings; to look at solar energy; to look at hydroelectric; natural gas and coal, and declare independence for our country so that we do not have to depend on OPEC.

Mr. Speaker, I would also like to insert the following articles into the RECORD.

[From the Wall Street Journal, Thursday, October 5, 2000]

EUROPE'S LOW OIL SUPPLIES MAY BLUNT U.S. EFFORT

(By Alexei Barrionuevo and John Fialka)

Low supplies of heating oil in Europe are threatening to blunt the impact of releasing 30 million barrels of crude from the U.S. Strategic Petroleum Reserve.

Europe's market for heating oil is 50% bigger than the U.S. heating-oil market, Europe's stocks are even tighter and prices there are a few cents a gallon higher, so U.S. refiners have a renewed incentive to ship heating oil across the Atlantic.

Further, a June fire at critical export refinery in Kuwait continues to upset the flow of heating oil across world markets.

Yesterday, the Energy Department said 11 companies were awarded a total of 30 million barrels of crude from the strategic reserve after submitting bids last week. The companies promised to return 31.5 million barrels to the federal stockpile next year as payment. The winners included Marathon Ashland Petroleum LLC, Valero Energy Corp. and Equiva Trading Co., the trading arm of Equilon Enterprises LLC and Motiva Enterprises LLC.

In offering oil today for oil later, the department said again it is seeking to avert a potential heating-oil shortage this winter. Energy Secretary Bill Richardson said the administration remains concerned about heating-oil supplies in New England, where inventories are 65% below normal levels.

Mr. Richardson called the release of oil from the strategic reserve "government at its best" and noted that the International Energy Agency, based in Paris, applauds the U.S. action.

Since the crude-oil swaps were announced two weeks ago, oil prices have slid from a high of more than $37 a barrel to settle at $31.43, down 64 cents, yesterday for the November contract of West Texas Intermediate crude.

In Europe, where storage capacity is greater, stocks of middle distillates, primarily heating oil, slid to 221 million barrels in July, down 20% from a year earlier, according to the International Energy Agency in Paris, and the stocks didn't grow in August. Germany has residential storage capacity of about 225 million barrels, but it has only about 125 million barrels socked away.

"Europe is tighter than the States," said Gary Ross, chief executive of Pira Energy Group in New York. "So they are likely to be a constant drain on our distillate supplies, thereby somewhat thwarting the efforts of the administration to augment distillate supply by the SPR swaps."

U.S. exports of heating oil to Europe ballooned nearly six times in the first seven months of this year to about 1.4 million barrels, compared with the year-earlier period, according to the most recent figures of the Department of Energy's Energy Information Administration. Total exports to all countries, however, declined slightly by 2.5% to 31.7 million barrels. "Europe needed the distillate more than Asia, and Asia has added substantial distillate-refining capability, so they are more self-sufficient now," said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Industry experts estimate that in recent weeks shipments have continued to pick up.

Refiners continue to be skeptical that the strategic-reserve release alone with help increase heating-oil supplies short term. "It is not going to generate one additional barrel of heating oil," because refineries already are at or near capacity, said Carlton Adams, a spokesman for Conoco, Inc., which bid unsuccessfully for 1.5 million barrels. Conoco hoped to run the crude through its Ponca City, Okla., refinery, which ran a record 201,900 barrels a day the last week of September.

The strategic-reserve oil won't be unloaded from the reserve tanks until later this month or early in November it will be December by the time the oil is refined and shipped to the Northeast.

Major pipelines from the Gulf, including Colonial Pipeline Co., say they have been fuller than normal recently because of low stocks in the Northeast.

The world-wide problems with heating oil have been compounded by a devastating fire at Kuwait's Mina al-Ahmadi refinery in late June that cut Middle East production by half. That has led European refiners to divert some supply to African countries, including Egypt.

Asia is the one major refining market in the world with spare capacity. In Singapore, in particular, refineries are only running at about 65% of capacity.

While higher refining profit margins in the U.S. and Europe could draw more shipments from Asia, refineries there say they face technical challenges in meeting U.S. and European environmental specifications for sulfur content. In the U.S., such air standards are governed by individual states, which would have to decide to temporarily relax sulfur requirements to open the market to supply from more of the world.

An Environmental Protection Act official says the agency is talking to states about the possibility of relaxing standards limiting the sulfur content in home heating oil. Northeastern states have such standards, and if supplies get tight, they could block the possibility of using higher sulfur fuel stocks intended for off-road construction equipment. They could also block shipments of imported heating oil from being used.

[From the Bangor Daily News Bangor, ME, Friday, October 13, 2000]

COLLINS, SNOWE CRITICIZE OIL RESERVE RELEASE PLAN

(By Alex Canizares and Myron Struck States News Service)

WASHINGTON—In a rush to release emergency oil, the Energy Department failed to make even rudimentary checks on some of the successful bidders—offering millions of barrels of oil to several one-man operations with little experience handling large amounts of oil.

Some of these small companies—including one that operates out of a New York City apartment and another just recently incorporated in Florida—were reported to be having trouble obtaining last-minute financial backing to sew up the deals.

A failure to get the required letters of credit this week could force the Energy Department to reopen some of the bids, preventing the release of all 30 million barrels of oil from the government's emergency stocks before the end of November as planned, department officials said.

President Clinton on Sept. 22 ordered the release, under a "swap" arrangement, of 30 million barrels of oil from the Strategic Petroleum Reserve to ease tight supplies before winter. The Energy Department announced Oct. 4 the names of 11 companies that would take the oil.

But the selection of several of the bidders has astonished some within the oil industry and prompted a call for a congressional investigation into the bidding process and whether it is primarily benefiting oil speculators.

U.S. Sen. Susan Collins, who pushed with other New England politicians for the release of oil from the reserve, said the Clinton administration has "unfortunately . . . mishandled something that was a good idea.

"I was surprised that the administration did not require bidders to prove their financial worth in advance," Collins said. "The unusual step of letting winning bidders prove their worth after the fact allowed questionable companies to get involved in the process—including some with no experience in the oil business."

Collins also is upset that oil that should be heating homes in the Northeast this winter is being shipped to foreign countries because oil companies are getting a better price for the product overseas.

It now appears that more than two-thirds of the oil set to be released from the Strategic Petroleum Reserve will end up in foreign markets, an action proponents say will help ease the world crisis, but an action that critics say does nothing to solve the woes of New England, which faces tight supplies for the winter months.

"Bids for oil from the Strategic Petroleum Reserve should have included provisions that prohibited companies from exporting crude oil from the SPR," Collins said. "Since the administration did not include such language, the Department of Commerce should now deny export licenses to any company seeking to export" this crude.

U.S. Sen. Olympia Snowe, a leader in the Senate in seeking the release of the oil, also now is critical of how the release has evolved. She has met with Senate Energy and Natural Resources Committee Chairman Frank Murkowski, R-Alaska, to express her concerns and has also raised this issue with Energy Secretary Bill Richardson.

"The bottom line is that something is very wrong when we find ourselves in this precarious position for the second winter in a row," Snowe said, "While I believe the release from the SPR is a welcome, if long overdue, step, it is clear that we need to find long-term solutions to the supply problem in order to make sure people are not plunged into uncertainty every winter as to whether or not they will have oil to heat their homes."

Snowe also has seized on the export issue as critical to resolving this winter's fuel oil shortage in the Northeast.

In a letter to Clinton, Snowe asked the administration to address the issue and outline a means of keeping the oil in the United States. She also has posed the question to Richardson. Both queries have gone unanswered, she said.

"I find this situation outrageous, especially since the U.S. exported over 27.6 barrels of home heating oil for the first six months of this year—at the very time our home heating oil inventories in New England were reaching dangerously low levels. Ironically, the amount of home heating oil exported nearly matches the deficit we are now experiencing," she said.

Elsewhere on Capitol Hill, an effort by U.S. Rep. John E. Baldacci to press the White House to temporarily ban home heating oil exports to ease the supply shortage has taken off, with 77 members of the House joining in writing to Clinton.

The letter plays off the fact that some U.S. oil companies and refiners have been increasing home heating oil exports to take advantage of higher prices in Europe. Normally, the United States imports more fuel than it exports.

The call to action came after several steps the Clinton administration has taken to lower prices, including a 30-million-barrel swap of crude oil from the reserve and the release of $400 million in emergency oil assistance to low-income households. The Energy Department also is setting up a 2-million-barrel Northeast home heating oil reserve.

The lawmakers co-signing the letter urged Clinton to encourage other countries to sue their strategic oil reserves to help boost inventories. The lawmakers said the president has authority to stem exports temporarily under the Export Administration Act.

[From the Wall Street Journal, Friday, October 20, 2000]

RELEASE OF OIL BARELY HELPS NEEDY STATES

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—An Energy Department official conceded that the Clinton administration's decision to release 30 million barrels of crude oil from the nation's Strategic petroleum Reserve may yield only an additional 250,000 barrels of home-heating oil for fuel-short areas such as New England.

Under prodding from Republican members of a House Commerce subcommittee, Robert S. Kripowicz, an acting assistant secretary of energy, acknowledged that the administration's forecast that the move would result in three million to five million more barrels of heating oil was overly optimistic.

However, he said that if diesel fuel refined from the oil was also sent into the home-heating oil market, it could raise newly available stocks to 2.5 million barrels. But several committee members, noting that truckers and other powerful market forces might block such a shift, called the estimate unrealistic.

"Clinton-Gore math," said GOP Rep. Joe Barton of Texas, the panel's chairman, who had an aide display the Energy Department market forecast on a large chart. The forecast assumed that—given tight U.S. refinery capacity—20 million barrels of the government oil would block a similar amount of foreign oil that would otherwise have been imported into the U.S., making only 10 million barrels of the oil available to U.S. refiners.

An official of one refining company told the panel that the release of the SPR oil caused transportation problems that will delay its shipment. John P. Surma, senior vice president of Marathon Ashland Petroleum LLC, which was awarded 3.9 million barrels of the oil, said the oil has overloaded a key terminal at Nederland, Texas. "As a result," he testified, "some of the SPR crude oil will likely not be delivered until December."

Mr. Kripowicz said he wasn't aware of any delays at the terminal, asserting that oil companies can use several alternative routes.

Another apparently unforeseen obstacle looms in the form of the Jones Act, an 80-year-old maritime law requiring refiners and traders to use U.S.-flagged, U.S.-crewed ships to move crude oil and petroleum products from one U.S. port to another. Large companies such as BP Amoco PLC and Exxon Mobil Corp. have locked in the use of the better ships, leaving others to scrounge for the costly, less-desirable ships that are left over. The search for such ships is critical because oil pipelines are running near capacity.

"Right now, rates are so high that if there were domestic vessels, they would be showing themselves," said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Buddy Neubauer, a vice president for Valero Energy Corp., a San Antonio refiner, said that "there is a shortage of tonnage, and a strong winter could exacerbate the problem." But he added that some ships could become available "if the price is right."

A shortage of such ships appears to be delaying another recipient of SPR oil, Morgan Stanley Dean Witter & Co., shipping brokers said. But John Shapiro, Morgan Stanley's head of world trading, said: "The oil will get to where it is intended in the U.S. without any problem."

At House and Senate committee hearings, Republicans repeatedly criticized the fact that the Energy Department awarded 10 million barrels of the reserve oil to three small entrepreneurs with no experience in oil deals. Two of therm later dropped out, forcing the government to redo the bidding.

NOT ENOUGH SHIPS

World trade is growing faster than the world shipping fleet. Percent changes 1998 to 2002.

[Figures in percent]

Vessel/Trade	Trade	Fleeet
Dry Bulk	3–4	1–2
Tanker	2–3	1–2
Product	4–5	3–4
Crude	1–2	0–1
General Cargo	6–7	2–3
Container	8–10	8–10
Total	3–4	1–2

Source: U.S. Maritime Administration.

[From the Wall Street Journal, Tuesday, October 17, 2000]

U.S. TIGHTENS RULES FOR BIDDING ON OIL

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—The Energy Department tightened its rules for traders who want to bid on oil from the nation's Strategic Petroleum Reserve, requiring them to post a substantial bond for the oil they are requesting before their bids will be considered.

The changes came after two small companies that made the largest bids in the recent auction for government oil won awards for a total of seven million barrels. The deals fell through when they failed to obtain the necessary financial backing.

The failures of the two small entrepreneurs, both inexperienced in big oil deals, and the success of a third, who quickly sold his interest to a major oil-trading firm, embarrassed some DOE officials and spurred an investigation by the Senate Energy Committee.

The Senate panel has summoned Energy Secretary Bill Richardson and other DOE officials to a hearing Thursday to discuss the swap, which committee chairman Frank Murkowski (R., Alaska) called a "considerable risk to national security." The 30 million barrels offered for the swap come from a 570 million-barrel reserve of crude oil set up by Congress in the 1970s as a safeguard against oil import disruptions.

Sen. Murkowski and oil-industry experts also questioned whether the swap of the 30 million barrels, when completed, would fulfill the Clinton administration's original expectation: that it would result in three million to five million barrels of home heating oil that could be shipped to the fuel-short

Northeast in time for the winter heating season. Profit margins are now higher on transportation fuel and the crude oil could go to meet demand for that.

The Clinton administration announced the offer last month, using a rule that allows the swap of oil from the reserve if the deals result in the return of more oil to the reserve. The offer of the swap resulted in bids that promised to return 1.56 million barrels above the amount borrowed, meaning that the average among the 11 winning bids was a promise of a 5% return.

The government accepted offers from Lance Stroud of New York and Renard D. Euell of Denver, individuals who officials said promised returns of 12% and 10%, respectively, but their bids failed last week when major traders and oil companies refused to deal with them. The failure of their bids lowered the government's potential return for the swap of the remaining 23 million barrels to about 3.5%.

The DOE started a new round of bidding on the seven million barrels yesterday. Under the new rules, bidders must post a bond of $3 million or covering 5% of the oil they are bidding on, whichever is less. "We know that these two bidders worked hard to make them [the bids] successful, but unfortunately they weren't able to do that," said Robert S. Kripowicz, the DOE acting assistant secretary in charge of the program. He said putting the financial-guarantee requirement in the 80-page bid application form "does raise the bar somewhat in terms of what you have to have in place before you submit a bid." Still, he said, it wouldn't bar small bidders that made trading arrangements with larger companies. Ronald Peek, a Tallahassee, Fla., entrepreneur who sold his award of three million barrels to Hess Energy Trading Co. for an undisclosed sum couldn't be reached for comment.

In announcing the swaps plan, DOE was banking on a 10% to 20% heating-oil yield from refiners on the Gulf Coast, where the SPR reserves are located. But refiners there are currently converting only 8% of what they put into their refineries into heating oil. While they are posting above-average yields of 34% total distillates—which include heating oil, diesel and jet fuel—refiners are mostly focused on making on-road diesel fuel and jet fuel.

This is because the profit margins for diesel and jet fuel are higher now than for heating oil, and because transportation costs to ship products from the Gulf Coast to the Northeast have nearly doubled this year. The price of jet fuel is running four cents a gallon higher than heating oil, and diesel is running one cent higher. "Right now, that is the highest jet-fuel-to-heating-oil differential I have seen in a long time," said Kenneth D. Miller, a senior principal at Purvin & Gertz, a Houston energy consulting firm. "Speculation on being short of jet fuel in the winter is driving this."

Gulf Coast refiners could convert more diesel into heating oil, but the economic incentives might not be there, said John Hohnholt, senior vice president for refining at Valero Energy Corp. in San Antonio. "But the transportation issue plays a major role in that decision," Mr. Hohnholt said. Pipelines are busier than normal and the domestic tanker fleet is stretched thin.

[From the Dallas Morning News, Friday, October 13, 2000]

SWEETHEART DEALS? STRATEGIC RESERVE CONTRACTS LOOK HIGHLY QUESTIONABLE

It hasn't taken long for some of the subterranean politics of oil to spew to the surface.

Succumbing to the political pressure of rising oil prices, the Clinton administration last month authorized the release of 30 million barrels of oil from the nation's emergency oil supply. The purported goal was to release enough oil onto the market to force down soaring prices.

Eleven companies got a piece of the action, including several smaller, mostly unknown oil companies with little or no oil marketing experience. Now two of the three small companies awarded oil from the strategic petroleum reserve are having trouble getting the letters of credit guaranteeing the full value of the oil they need in order to complete the deal. One reportedly operates out of a New York apartment building. Another reportedly was incorporated about a month before the White House announced plans to tap the reserve.

If these companies can't come up with letters of credit to complete the transaction, then they'll have to back out of the contracts. Presumably that will delay the release of oil since the Energy Department had earmarked these three small firms to handle nearly one-third of the 30 million barrels. One forfeited its bid Thursday, but the other two have until midnight today to obtain letters of credit.

But this tale gets worse. There are no contract restrictions preventing companies from eventually exporting the oil they receive from the reserve to Europe where it could command a higher price, say some congressional leaders. It is possible that heating oil could end up outside the United States, and the Northeast would still shiver this winter. With refineries running at near capacity and Middle East tensions rising, chances already are slim that tapping the reserve will make much of a lasting dent in energy prices.

Senate Energy Committee Chairman Frank H. Murkowski, a critic of using the reserve to tinker with market prices, wants the Energy Department to explain how all this could happen. "If the stated purpose for the swap was to supply the Northeast with home heating oil, why wasn't there a contractual obligation that made sure it will get there?

Good question. The possible answers aren't pretty, though. Either the Energy Department conducted an incomplete review of credentials, or these are blatantly sweetheart deals. Consumers deserve an answer.

* * *

TRUCK SIZES AND WEIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I rise today to talk to my colleagues about the issue of bigger and heavier trucks on America's highways. As many of my colleagues know, I am a strong proponent of keeping the current truck size and weight limitations in place. Last year, the gentlewoman from Maryland (Mrs. MORELLA) and I sent a letter to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure, signed by 60 other Members of Congress from districts along Interstate 95. The letter urged the chairman to reject any effort to increase the 80,000-pound weight limit for trucks traveling on any part of I–95.

Earlier this year, I introduced House Concurrent Resolution 306, the safe highways resolution, along with the gentleman from California (Mr. HORN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentlewoman from Maryland (Mrs. MORELLA). House Concurrent Resolution 306 expresses the sense of the Congress that the Federal freeze on triple tractor trailer trucks and other longer combination vehicle, LCVs, should not be lifted and the current Federal limits on heavy truck weight should remain in place.

Now since April, this legislation has gained over 135 House cosponsors. Additionally, the legislation is supported by a number of public safety and law enforcement organizations such as AAA, the National Public Health Organization, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the National Troopers Coalition.

Mr. Speaker, probably the best argument against lifting the Federal 80,000-pound weight limitation or freezing the current geographic limit taking on LCVs is force equals mass times acceleration. It is simple high school physics. The bigger the truck, the harder it is to stop; the harder it is on the highway itself; and in the event of an accident the harder it hits anything in its path.

Additionally, a number of truck drivers that I have talked to have told me that bigger trucks are more difficult to handle and more stressful to drive. There is no doubt that heavy trucks have inherent dangers. According to the U.S. Department of Transportation, in 1998 more than 5,000 Americans died and an additional 128,000 were injured in heavy truck accidents. Allowing trucks to get heavier only increases the danger. Heavier trucks are more likely to roll over, suffer from braking problems, and deviate from the flow of traffic, increasing the danger of a collision.

Moreover, the heavier the truck, the more likely a collision with an automobile will be fatal for the occupants of the car.

As many of my colleagues on the Committee on Transportation and Infrastructure know, the United States Department of Transportation recently released the Comprehensive Truck Size and Weight Study. This study took 4 years to complete and is the most definitive study of its kind on the topic of truck size and weight. The study projected that LCVs would have fatal accident rates 11 percent higher than single trailers if they operated nationwide. Additionally, heavier trucks will have a heavier impact on America's highway infrastructure. Again, according to the Department of Transportation study, nationwide operation of LCVs would add $53 billion in new bridge reconstruction costs. This is a particularly important concern to my constituents in Massachusetts, as well as to many of my colleagues in the Northeast, where bridges are significantly older than in most other parts of the country.

In addition, there would be $266 billion in lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work. But traffic safety is not about statistics or abstractions. The damage done by motor vehicle accidents has a very human face. For me, that face most recently in the face of Linda Russell. Linda is a nursing supervisor at the University of Massachusetts Hospital in Worcester. She was badly injured when her car collided with a tractor trailer. As a result of the collision, Ms. Russell's right foot was almost completely severed, and she will be confined to a wheelchair for the rest of her life.

She wrote me in June of 1998 urging me to ask the Department of Transportation to accelerate the issuance of a final rule requiring tractor trailer trucks to be equipped with reflective tape.

□ 1615

A number of my colleagues have asked me why I introduced House concurrent resolution 306 when there are already Federal restrictions in place. The answer is that I have worked in Washington long enough to know that the status quo is only the status quo. If one feels passionately about an issue, one needs to be proactive. The smallest changes add up incrementally.

For example, in 1974, States were given the option to increase maximum truck weights on interstate highways from 72,000 to 80,000 pounds and to permit operations of a twin 28-foot double trailer truck. Less than 10 years later in 1982, Congress forced every State to permit these bigger rigs.

Mr. Speaker, I will just end by simply saying that I want to thank my colleagues for standing with me in supporting this legislation, and I urge the next Congress to take this issue up early on next year when we reconvene.

MISSED OPPORTUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, earlier today, during morning business, I made some comments about missed opportunities of our foreign policy and how, as we look back over these past 8 years and judge whether we are better off or worse off here in the United States of America, it is good to take a look at the foreign policy situation, because, in fact, the world is a more dangerous place, and we are, in fact, more vulnerable and more threatened as a result of 8 years of a Clinton-Gore administration.

When we look into why that is the case, what caused this to happen, we find a foreign policy that has really been characterized by photo opportunities on the one hand and lack of consistent attention on the other hand, and it has not served us as well as it might, and we have missed important opportunities at a time when the world is waiting for the world's dominant power to show clear vision and signs of leadership for the next century ahead.

As we look at some of the hallmarks, trying to go back over these past 8 years of the Clinton-Gore administration, we have found that betting on people rather than on institutions in an evolutionary process was a big problem. Putting our money on guys like Milosevic is a bad bet; and Milosevic was, in fact, the guy we put our money on in Dayton for a short-term gain in the Balkans. Unfortunately, it led to long-term trouble; and we are still not out of it there. And Milosevic, while he has now been finally removed by the people of his country in a more evolutionary way, he nevertheless still is a factor, but more important, he is still a war criminal. We have dealt with Milosevic not as a war criminal in the Clinton-Gore administration, but as somebody who we can trust in negotiations. That was a very poor choice.

Aristide in Haiti, another poor choice: a man who is an authoritarian, no friend of the United States, and has receded Haiti from the democratic promise it showed in the early 1990s. By betting on Aristide, I think we have done that country no favor at all.

Foday Sankoh in Sierra-Leone. Probably, CNN has shown the most gruesome shots of butchery, of children going out and maiming children, drugged children going out and maiming children, being used as instruments of war. This is a person the Clinton-Gore administration chose to try and do business with. When CNN pulled the cord on that and they showed Foday Sankoh for the brutal dictator and terrorist that he is, the Clinton-Gore administration retreated from that, and so far we have nothing to replace it.

So when I talk about a hallmark of betting on the wrong guy, that has been one of the problems. Another has been appeasement. We have seen continuously wishful thinking that said, if we could just get these people to go along with us, we will be all right, and we will offer them carrots. Well, we have to remember that the wall came down in Berlin because we were dealing from strength. They had no place to go in the Soviet Union and the United States of America was on the side of right and we were on the side of strength and eventually we prevailed because of those things.

Now we are going to North Korea and we are seeing extraordinary, extraordinary and, I would say, amazing scenes of our Secretary of State basically recognizing a dictatorship that is has enslaved most of its people, including its children. This is not just enslaving them physically, this is mind control as well, because the indoctrination in North Korea is total. I have been there, and I have seen it. Here, for whatever reason, we are suddenly finding our new best friend, the smiling Kim Jong Il. He is still the same old Kim Jong Il, he is not our best friend, he is a dangerous dictator, and it is a thoroughly Communist country. I do not understand why we are trying to do him a favor.

As we go through and look beyond the appeasements that we could talk about in Russia and China, let me skip to some bad judgment, bad judgment such as we have seen in the Middle East by trying to do a good job, and I give the President credit for that, but by forcing the agenda so fast for whatever motivation that it broke the framework. That was not good judgment; and we are seeing tragically tonight, every night on television, scenes of what happens when one forces a situation beyond its evolutionary capability to deal with it.

We have seen in Iraq apparent, Desert Fox. We bombed the heck out of them, and what happens? We end up winning a very short-term gain and losing our window into Iraq. We do not truly understand what is going on there now. We have lost our eyes and ears, Iraq is evermore dangerous and is now reasserting itself as a leader in the Arab world, as an evermore dangerous enemy of the United States with greater capabilities. We did not do what we needed to do there.

Mr. Speaker, this is a subject that will continue on, because this is a subject that matters to America; and I will be talking more about this in sessions to come.

ELIMINATION OF THE DEATH TAX WOULD BENEFIT ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, for quite some time, we have been hearing from our friends on the other side of the aisle that Republican attempts to abolish the death tax is just a sop to the rich and that few "regular" folks would ever benefit from its elimination.

I would like to bring to the attention of the House an article that appeared in The Denver Post this weekend entitled "Death, Taxes end Rancher's Dream." The article describes the plight of the Laurence family who have for the last couple of generations been eking out a living from an 1,800 acre ranch in the Rocky Mountains of Colorado.

Merrill Laurence died 4 years ago and the family has been struggling ever since to keep the tax man at bay. They have run out of time and resources. Soon, the auctioneer's gavel will fall; and the ranch will be sold to developers. November 11 will be the date that ends a 180-year history of the Laurence family ranching heritage. This family will be moved off the land and homes will be built where the ranch now stands.

But the proceeds from the sale will not accrue to the heirs. They do not want the sale. They will not receive very much at all of what comes from that sale. The money raised by this forced sale will go to satisfy the demands of the IRS.

I can assure my friends on the other side of the aisle that there are real people out there who are affected by the death tax and who are far from "fat cats," that phrase that we so often hear them employ when attempting to foster class hatred in this country. These people and hundreds of thousands, millions others like them all over the United States are regular, hard-working tax-paying families who, in fact, have made only a couple of mistakes in their lifetime. Like Mr. Laurence, many of them work too hard, accumulated too much, according to, again, people on the other side of the aisle who keep talking about the death tax as something that so few people would get and so few people deserve the elimination of the death tax.

Mr. Speaker, the fact is that there are lots of people who actually are, as I say, hard working, and they are not the top 1 percent, as we have often been told, of this Nation's income-earners who would benefit by the elimination of this death tax. They are people like Mr. Laurence who, as I say, he made a few mistakes. He worked too hard. He died before a new President could take office.

Mr. Speaker, I hope that we will soon be able to reintroduce this idea, the elimination of the death tax, and we will soon pass it; again, this will be the third time, and it will be signed by the next President of the United States, because it is a tax that needs to be eliminated, it is an unfair, unjust tax that people like the Laurences of Colorado are now being forced to pay and, as a result, being forced to sell their own heritage.

COMMUNICATION FROM STAFF ASSISTANT TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ginny Burrus, staff assistant to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

GINNY BURRUS,
Staff Assistant.

COMMUNICATION FROM DISTRICT SCHEDULER TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jill Rohret, district scheduler to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
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After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JILL ROHRET,
District Scheduler.

PLEA TO RUSSIAN GOVERNMENT FOR THE RELEASE OF EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to bring to the attention of the Russian government an irony that I believe perfectly illustrates why Edmond Pope, an American businessman, held captive for 211 days, should be released.

Since his arrest in April on charges of espionage, Ed Pope has been held in a Russian prison thousands of miles away from his family. He has been denied regular contact with his loved ones, including his ailing parents whose home is in the district I represent. He has been held in utterly uncivilized conditions, and, most distressing of all, Mr. Speaker, Mr. Pope has been denied access to the specialized medical treatment that is needed to detect a recurrence of the rare form of bone cancer that he once battled.

Last Friday, Mr. Speaker, while Ed Pope was sitting in his bare prison cell in Moscow, this House passed a bill granting U.S. residency to a Russian citizen named Marina Khalina and her son, Alec Miftakhov. Marina and Alec live in Portland, Oregon, a mere 250 miles from the parents of a man who is being unjustly held in their native country. Mr. Speaker, 250 miles from Roy Pope, who has terminal cancer, a condition that is made even more unbearable by the knowledge that he may not live to see his son, Ed, returned home.

My comments should not be taken as any criticism about the Russians who have become our latest citizens in Portland. They are not intended that way at all. You see, Marina came to this country in search of medical treatment for her son. The assistance she has received from Oregonians in retaining that treatment for Alec is one of the most transparently generous acts of humanity I have ever witnessed, and it is incredibly important that it be carried out.

Diagnosed with cerebral palsy at age 6 months, Alec's leg muscles and tendons were so contracted that he could not walk. Without the social services or rights that the disabled are afforded in this country, Alec could not go to school in Russia. His desperate mother could not even obtain a wheelchair for her son and carried him in her arms for 7 years.

Thirteen years ago, she met a visiting physician from Salem, Oregon who contacted Shriners Hospitals for Children in Portland. In October of 1989, Marina and her son entered the United States as visitors for the first of 6 operations that Alec would undergo. As he underwent more surgery and rehabilitation, the Immigration and Naturalization Service in Portland granted extensions, allowing Marina and her son to remain in the U.S. Forcing Alec to return to Russia where Ed Pope spends his days peering through steel bars would have halted medical progress and consigned him to a life utterly devoid of hope. Thanks to the outpouring of assistance he received in this country, Alec has been spared that terrible fate. But while Alec receives medical attention in the United States courtesy of the goodwill of the American people and those of my State, the Russian government systematically refuses to grant Ed Pope access to the medical care that could save his life.

□ 1630

Since the bill granting Marina and Alec residency status was introduced, she has worked in Gresham, Oregon, where she coordinates care for elderly and disabled clients. Alec has earned his high school equivalency degree and hopes to study Web design. Needless to say, the future looks considerably brighter for them in this country thanks to the compassion we have shown in this Congress and that shown by the people of Oregon.

Following passage of the bill granting her a new life in this country, Marina said, "For us, this is freedom." And indeed it is, Mr. Speaker. It is freedom that is being denied to Ed Pope as he sits before a Russian judge awaiting a verdict that could lock him away in prison for more than 20 years.

I know I am not alone in welcoming Marina and Alec to Oregon, and I wish them well and the very best in the years ahead. We are a Nation of immigrants. And as the goodwill shown to Marina and Alec shows, we are a Nation of profoundly decent and compassionate people. But the generosity that has been shown to Alec and Marina stands in stark contrast to the inhumane, unjust imprisonment of Ed Pope. If only the Russian government, indeed, if only the Russian President could follow our example.

So I call upon President Putin not to just reinforce the worst images of Russia in the minds of the people of the West by prolonging Ed Pope's already lengthy imprisonment. Show Ed Pope the kindness that has been shown to Marina Khalina and Alec Miftakhov and release Ed Pope immediately.

WHY IS CONGRESS STILL IN SESSION?

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I would obviously rather be home in my home State of South Dakota this evening. I have a couple of important meetings tonight. One was with the folks from Homestake Mine, a mine which has been in service in South Dakota for about 125 years and which has recently announced that it is closing.

I had a meeting scheduled there to talk about those issues. How do we deal with the issue of displaced workers? How do we deal with trying to help this small community transition and diversify its economy?

I also had a meeting this evening with a group of snowmobilers who were interested in the National Park Service proposal to ban snowmobile use in some of our National Parks, as well as with the President's roadless initiative and other things.

However, we are still here in Washington, D.C., and I believe that the people of this country and the people of South Dakota, my home State, need to know why we are here. We are here, I believe, because the President continues to insist on putting politics in this election year ahead of people.

The President, in this budget, has gotten literally everything he has asked for and more in terms of spending. But it is still not enough. And it begs the question, Mr. Speaker: How much is enough? We are still trying to figure that out. What else is the President insisting on?

Well, there are a number of issues unrelated to the budget process itself which he is also insisting that we move on, legislative provisions that would be added on to appropriation bills. One is blanket amnesty for 4 million people who have come to this country illegally since 1986.

We do not think that we ought to be about the business of rewarding people for breaking the law. Now, on the other hand, there are a lot of people in this country who have come here legally and want to be reunited with their families, and we propose that as an alternative to the President's plan. And yet the President is insisting upon blanket amnesty for 4 million people who have come to this country and are here illegally.

One of the other issues that he has insisted upon is that action be taken in the area of hate crimes legislation, legislation which to my understanding has yet to be debated, has yet to be considered in committee or anywhere else.

Another issue which separates us this year, and granted in this election year these issues become more politicized but, nevertheless, we ought to be able to reach a compromise to take the politics out of some of these issues and do what is right for the American people. The President insists upon federalizing education in this country. We happen to believe as a matter of principle that our children are much better served when it is school districts, administrators, and teachers and parents who are in control rather than the Federal bureaucracy from Washington, D.C.

Mr. Speaker, when I travel across my State in South Dakota, and I did during the month of August meet with a number of school districts, the thing I heard over and over and over again is: we need flexibility. Flexibility, flexibility. Allow us to make the decisions about how best to put these dollars to work. Do not have Washington telling us that they know best and coming up with one-size-fits-all solutions. School districts want flexibility.

What else is keeping us here? We passed a tax bill. It had a minimum wage increase on it, which is something the President wanted. We passed a tax bill that includes the President's new market initiative, something that he has worked with our Speaker to try and accomplish. We passed a tax bill that has the repeal of the telephone tax which was put in effect in 1898 to fund the Spanish American War. It needs to be repealed.

We passed a tax bill that allows for the expansion of IRA limits, which is something that I believe the President has also indicated his support for in the past. Deductibility of health insurance premiums for self-employed people, another issue that is included in the tax bill.

Perhaps as important as anything else for the people in my State of South Dakota and all across rural America is a Medicare fix for rural hospitals, something that is very important to rural areas. We have hospitals and skilled nursing facilities and home health agencies that are waiting for this legislation and have come out very much in favor of it. It is about a $30 billion package. It has the support of the American Hospital Association, the American Cancer Society, the National Association of Rural Health Clinics.

Most of the folks in rural areas of this country understand how important this legislation is to their very existence and survival, and so they have asked the President to sign it and not to veto it. And yet the President has indicated that he will veto it, which I think leaves us with one conclusion, Mr. Speaker. That is that the President has decided that this election year is more important than doing the work of the American people. Putting politics ahead of people.

That is why I cannot be with my constituents in South Dakota this evening. And as much as I would like to be home with my constituents, we have to represent their interests, get their work done, complete the agenda of the American people. I hope that the President will work with us.

DEMOCRATS' CONCERNS REGARDING HEALTH CARE ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened to the previous speaker on the Republican side, and I know he is well intended. But I wanted to say that I feel very strongly that one of the reasons we are still here, and certainly one of the reasons that has been articulated by the President in his opposition to this Republican tax bill that he has said he will not sign, he will veto if it comes to his desk, is because Democrats and the President and the Vice President feel very strongly that with regard to a number of issues, and I am going to spend time primarily this evening on the health care issues, that the Republican leadership has simply not done its job.

Mr. Speaker, we as Democrats are very concerned about the average citizen and what we do in the House of Representatives and feel very strongly that on a number of issues, and again particularly with regard to health care, that the Republican leadership has simply failed to address the problems that the average American cares about.

We know that we are in times of great economic prosperity and as a result of the President's programs, that prosperity continues. There is a significant Federal surplus for the first time now in a long time. But the problem is that we still have some unmet needs, and particularly with regard to health care. What we see in this tax bill that the previous gentleman from South Dakota (Mr. THUNE) mentioned, and that has been the discussion of much debate over the last few days, is that the Republicans really are prioritizing what I call special interests, particularly with regard to HMOs, as opposed to the public interest.

I have been very critical of the fact that this tax bill that came to the floor last Thursday gave the lion's share of the money to the HMOs without any strings attached, without any requirement that they stay in the Medicare program.

Many of my constituents have complained to me about the fact that they signed up with an HMO under Medicare, and then a year later or so they were notified that the HMO was no longer going to cover them and they had to find some other way to cover their health insurance. Granted, they can go back to the traditional Medicare fee-for-service system, and that is fine. For most people, 85 percent of people who are under Medicare, that is fine and that is great.

But there are problems in the sense that traditional fee-for-service does not cover prescription drugs. Many of my seniors signed up for HMOs because they were sort of lured into it by promises on the part of the HMOs that they would get a prescription drug benefit, and then all of a sudden they found that they did not have one.

Well, what the HMOs did is they came back to the Republican leadership and said, look, we are getting out of Medicare because we are not getting enough money, so give us more money. Give us a larger reimbursement rate, and we will get back into the program. The problem is that the tax bill the Republicans put up last week did not attach any strings. They are saying, okay, we are going to give 40 percent of this new money that we have in the surplus, or 40 percent of the money allocated in this bill, to HMOs. But they do not say that they have to stay in the program for more than a year. They do not say that they have to guarantee any particular level of benefits.

Mr. Speaker, I actually had a motion which I brought to the floor yesterday, or the day before last, which said that in order to get this additional money they would have to agree to stay in the Medicare program for at least 3 years and they would have to provide the level of benefits that they initially promised for that 3-year period. Of course, the reference is primarily to prescription drug benefits, which is why most seniors signed up for HMOs in the context of Medicare.

The Republican leadership opposed that motion and they basically say, look, we want to give this money to the HMOs, and we are not going to have any real strings attached to it. The Democrats and the President have been saying that in addition to the fact that they are giving this money to the HMOs with no strings attached, they are taking away or they are not giving sufficient funds or prioritizing funding for the providers of Medicare, the hospitals, the nursing homes, the home health care agencies. They get significantly less percent of this money under the Republican bill than the HMOs do, and yet they are the ones that are really providing the service.

The HMOs are just insurance companies that ultimately go to the hospitals and the nursing homes to provide the service. And these primary providers are getting less of a percentage of this pot than the HMOs. Again, I would say it is because the HMOs are aligned with the Republicans and basically the Republican leadership is doing their bidding.

Now, what do the HMOs do with the money that they get from the Federal Government? Well, first they provide services. But we know a lot of them spend a significant amount of that money paying for their CEOs. They have huge overhead, huge administrative expenses for a lot of their executives. They do a tremendous amount of advertising. That is how they get the seniors to sign up for the HMOs, doing all of this advertising and having these meetings and giving out free dinners and different things to get the seniors to come and sign up.

Then they also spend a significant amount of their money lobbying and spending money on political ads to lobby against the Democrats' initiative, the Medicare prescription drug program that we have proposed, and the HMO reforms, the Patients' Bill of Rights that we have proposed.

They also spend a lot of their money just in direct or indirect independent expenditure contributions to argue against and for the defeat of Democratic candidates. I was one of the victims of that. I found myself, 2 years ago in 1998, the target of an independent expenditure primarily financed by HMOs and the pharmaceutical industry to the tune of $5 million spent in the last 2 or 3 weeks of the campaign to try to defeat me.

So it is no wonder that it costs the HMOs so much money to operate and why they feel they need more money to operate, because so much of their expenditure goes for these other things that are not health care related.

Now, what the Democrats did today is we tried, when there was a bill that came up to correct this tax bill with regard to another aspect, a minimum wage, the Democrats tried to bring up an alternative bill or amend the Republican legislation so that it included some changes that would diminish the percentage of the money that went to the HMOs and give more as a percentage basis to hospitals and primary providers, nursing homes, home health care agencies.

At the same time, it would say that if the HMOs wanted to benefit from this additional money that was being provided under the bill, that they would have to stay in the Medicare program for 3 years and they could not reduce their benefits.

□ 1645

It seems to me that makes a lot of sense. We know the HMOs are getting out of the system. There have been many reports, one done by the GAO, the General Accounting Office, just last month in September that said that providing more money to the HMOs is not necessarily going to make them stay within the Medicare system. So why not try a different way of trying to get them into the system.

I want to talk a little more about some of the other things that we had in this proposal today because I think it goes to the heart of my initial contention that the Democrats are trying to deal with the problems, the health care problems that the average American faces; whereas, the Republicans keep trying to do something with this bill that is primarily for the special interests and for the HMOs.

Just to give my colleagues an idea, we had additional money, as I said, for hospitals. We had additional money for the staffing and quality control for nursing homes. We had additional payments to home health agencies. I have been critical of the fact that the Republicans have not been willing to bring up the patients' bill of rights, which is the HMO reform that prevents abuses in HMOs and says the decisions about what kind of care one gets, what kind of operation one gets, what kind of hospital stay one gets, that those decisions should be made by the insurance company and the patient and not by the HMO, the insurance company.

The Republicans have not been willing to bring up the patients' bill of rights. They passed it in the House, but it is dead in the Senate. So what we put in this bill as an alternative to the Republican tax plan today also was a provision that says that, if one has to appeal a decision under Medicare because one has been denied care by an HMO, that one would have a better way to appeal that, go to an outside review board, if you will, to make that appeal so the HMO would not, basically, be reviewing its own decisions. Somebody else would.

This is part of what we had proposed in the patients' bill of rights. So we were, not only trying to give more, we were not only trying to level the playing field with the HMOs and require them to stay in the Medicare program for longer period of time, we were also trying to address the issue or the need for HMO reform.

Now, the other thing that we were trying to do in this bill today, which I think is a distinct improvement over what the Republicans had in mind, is that it relates to the issue of the uninsured. If we ask Americans today about health care and what are the primary problems, they will say HMO abuses, they will say the need for a Medicare prescription drug. But for those who do not have health insurance, which is about 42 million Americans, they will say it is the need to provide affordable health insurance so that they can get health insurance.

Well, in this bill, in this tax bill that the Republicans put forward last week and has been the subject of discussion for the last few days, the Republicans said that they are going to give an above-line deduction for individuals who buy their health insurance. I have been critical of that because it is not going to help, again, the people who do not have health insurance. In other words, most of the people that would be able to take advantage of that are people who already have health insurance and they will get a deduction.

But what about the 42 million people that do not. The type of deduction that is provided is not really going to provide a system for those 42 million, or few of them, to buy health insurance because their problem is their employer does not provide it, and they cannot afford it on the private market. A little bit of a deduction the way the Republicans have set forth is not going to get them to be able to afford health insurance.

What the Democrats have been saying with regard to the uninsured, and, again, this is Vice President GORE's proposal, is that we have to build on the existing kid's health initiative which was passed here in the House of Representatives and became law a few years ago, that provides Federal monies back to the States so that they can sign up children of working parents who now cannot afford health insurance.

What Vice President GORE has been saying, what President Clinton and what the Democrats have been saying is let us expand that program to a little higher income level so that the kids whose parents work but maybe are a little above the current guidelines will still be able to take advantage of this program.

We have also been saying that, perhaps, we should let the parents of these children buy into the program. It is more likely that if a parent can provide or get health insurance for their children, that they would like to sign up the whole family for this program with these Federal dollars.

So I have been critical of this Republican tax plan because it really does not do anything to get more people enrolled in health insurance who do not have it. I would like to see some changes, instead, in some money used under this bill to sign up more people and get more people involved in this kids health initiative.

So what we have in the Democratic alternative that was discussed today but, of course, defeated was a way of providing additional coverage, money that would be used to do outreach to get more children enrolled in the program.

Again, it is a different approach to what the Republicans have proposed, but I think it is an approach that will work in getting more people provided and covered by health insurance; whereas, I do not think the Republican proposal accomplishes that.

I want to stress throughout this because I hear my Republican colleagues say that this tax bill is a great bill, and the President should sign it because it is going to help.

Well, I am not going to argue that in some ways it might help a little; but given the amount of money that is being thrown to the HMOs, given the amount of money that is being given to a lot of these special interests, it is not going to help very much.

We could use that same amount of money in a different way under the Democratic proposal to really do a lot more to make sure that seniors who are on Medicare can find an HMO that provides them with decent coverage, including prescription drugs, we can do a lot more to cover the uninsured with that same amount of money than what the Republicans are doing.

Now, just to give my colleagues some perspective on this, in the tax bill that the Republicans put forward and passed, over one-third of the Federal dollars were allocated to HMOs. It is almost 40 percent, 41, 42 percent. The Republican plan increases payments to Medicare HMOs by over $10 billion over 5 years and over $30 billion over 10 years, despite the fact that only 16 percent of Medicare beneficiaries are enrolled in HMOs.

Well, keep that in mind. In other words, if one has this senior, group of seniors and disableds that are in Medicare now, only 16 percent of them are in an HMO. Yet, when we address the issue of trying to provide additional funding for Medicare, we are going to give for those 16 percent 40 percent of the money. The other 85 percent who would benefit more from having this money go to the hospitals or the nursing homes or the home health agencies directly, they are only getting 60 percent of the money.

It makes no sense, other than if one looks at it from the perspective that the Republicans are with the HMOs because they are helping them with their campaigns. They are trying to get rid of Democrats, and they are doing all these other things to help the Republican cause.

I also wanted to give my colleagues another example. This was an article that I took from USA Today back in February of 2000, but I have kept it because it really kind of says a lot about what the HMOs do with the money.

This report found $4.7 million in questionable administrative costs among nine Medicare HMOs, including lobbying and gifts. One insurer spent $249,283 on food, gifts and alcoholic beverages. Four HMOs spent $106,490 for sporting events and theater tickets. Another leased a luxury box at a sports arena for $25,000. Customers, insurance brokers and employees at one HMO were treated to $37,000 in wines, flowers, and other gifts.

I gave the example the other day, Mr. Speaker, of where an HMO in my district did this huge advertising campaign to get people to go to the local diner. They offered them a Maine lobster dinner for the evening to get good people to sign up for the HMO.

I mean, this is crazy. Here we are being asked to give more money to the HMOs so that they can spend the money for these administrative costs, for this advertising, and these other things that ultimately do very little, if anything, to help the average senior or the average American.

Now I wanted to, if I could, Mr. Speaker, spend a little time talking about the Democratic alternatives on the two issues of prescription drugs and HMO reform, and I will probably also get in a little bit to the issue of dealing with the uninsured. I talked so far about these issues in the context of this tax package today.

But what I want to reiterate to my colleagues is the fact that, over the last 2 years, and even beyond, since the Republican leadership has been in the majority here, there are major overhauls of all these programs that could have been done and that, in fact, were proposed and even in some cases voted on by the House that were initiated by the Democrats with the help of some Republicans that would have made a huge difference in people's lives with regard to seniors access to prescription drugs, with regard to HMO abuses, with regard to the problem of these over 40 million Americans that have no health insurance.

Yet, in each case, the Republican leadership stymied and tried to prevent this legislation from coming to the floor or, even if it did pass, they killed it in the other body or they did whatever they could in conference between the two Houses to make sure that it did not move forward.

I guess the best example of that is the issue of HMO reform, which I still think, along with Medicare prescription drugs, is the number one issue that I hear back at home in my district in New Jersey.

What the Democrats were saying with regard to the HMO issue is that we are tired of the abuses where the HMOs will say to an individual or a patient, okay, you cannot have this particular operation or you cannot stay in the hospital this particular length of time, or we are not going to let you have this particular medical equipment because we do not think it is necessary.

We want to change that. The Democrats and some of the Republicans want to change that so the decision about what is medically necessary and what kind of care one gets is made by the physician and the patient, not by the insurance company. In addition, we want to give one some enforceable way of rectifying a grievance if one has been denied care because the insurance company said one cannot have it.

Now, the answer to this that we put into bill form was a bill called the patients' bill of rights, also known as the Norwood-Dingell bill. It was mentioned by the Vice President in the last debate that he had with Governor Bush. He actually asked Governor Bush whether he would support the Norwood-Dingell bill and Governor Bush did not respond or certainly did not indicate that he would support it.

The patients' bill of rights really does two things. It switches the decision making from the insurance company to the doctor and the patient; and it says that, if the insurance company denies one care, we are going to give one a way to go to an independent board that could overturn that negative decision, or failing that, or absent that, one could go to court and have the court enforce one's rights and make sure that one has the service that one and one's physician thinks are medically necessary.

But let me just go into some of the other provisions of this bill before I talk about its fate and why I blame the Republican leadership for its not passing in this Congress. The legislation, first of all, protects all Americans and all health plans, it is not limited to certain types of health plans.

It assures access to all emergency rooms when and where the need arises. Many of the HMOs now will say one can only go to certain hospital emergency rooms even if one feels that one is having a heart attack. If one goes to the local emergency room rather than the one they tell one to go to that is 50 miles away, and one does not die, then they will come back and say, well, you should have gone to the other emergency room 50 miles away, and they will not pay for it.

Well, this says that is not acceptable if one thinks that one needs to go to the emergency room, one has a legitimate reason, one has chest pains or whatever, they have to pay for it.

Some people are surprised to find that is true until they have the emergency and they find out it is not paid for.

The patients' bill of rights also guarantees access to the specialists the patients need. One of the ways that HMOs limit care is they will say you could go to a particular specialist. I will give my colleagues an example of pediatrics. They will say one can only go to a certain pediatrician, but one cannot go to a pediatrician who specializes in certain disorders.

Well, we say no. One has to be able, if they do not have the physician or the pediatrician in my example who deals with that specialty care within their network, then one has to be able to go to the doctor outside the network, and they have to pay.

It guarantees that one has access to a fair and timely internal and independent external appeals process. This is what I said before. The HMO does not hear one's appeal. An independent group does outside of the HMO. It also assures access to clinical trials, assures patients can keep their health plans.

There are a number of other things. I am not going to go into all the details because, you know, for lack of time.

□ 1700

What happened to this Patients' Bill of Rights? Well, when it was put together by the gentleman from Georgia (Mr. NORWOOD), who is a Republican, and the gentleman from Michigan (Mr. DINGELL), who is the chairman of our Committee on Commerce on the Democratic side, we could not get it brought up on the floor of the House. The Republican leadership did not want it brought up. So we got a discharge petition. This is where we all come to the floor, as many of us as we can, and sign a petition demanding this bill be voted on, be considered on the House floor. As the number of that discharge petition increased and got to be almost a majority, the Republican leadership decided that they would let a bill come to the floor.

Eventually, not easily, it was approved by a majority of the House. I think something like 60 Republicans even voted for it. But then, when it went over to the Senate and there was a conference between the two Houses, the Republican leadership here continued to oppose it, and the Republican leadership in the Senate had always opposed it; and so they just basically let the conference die. I think the conference met once or twice; but that was it, and the bill is dead. They will not bring it up. So when I blame the Republican leadership for not addressing the issue of abuses within HMOs, it is because of the fact that they have basically killed this bill.

The second major issue is the one with regard to prescription drugs, and this of course has become a major issue in the Presidential campaign. What the Democrats have been saying, and Vice President GORE of course the same, is that we have an existing Medicare program for seniors and the disabled that works well. Medicare does not have a huge overhead, administrative costs, and it works well. It is a government-run system in the sense that the government pays the cost. So why should we not expand it to include prescription drugs?

When Medicare started in the 1960s, prescription drugs were not that important. Preventive medicine was not that important. It has become so. People now can pay incredible bills, $4,000 or $5,000 a year, sometimes more, for prescription drugs. So we need to cover this under the rubric of Medicare. And rather than hoping that people will be able to find an HMO that covers it, and only 15 percent have, 15 percent of the seniors as we have said are all that are in HMOs right now, let us provide it as a basic benefit under Medicare that anyone can sign up for.

Well, I will not get into the details, but that is essentially what the Democrats advocated. And what do we see on the other side? The Republicans say, no, we do not like Medicare, why in the world would we want to expand it to include prescription drugs? Instead of doing that, we recognize the fact that people below a certain income, seniors below a certain income need some sort of help; and so we will provide a subsidy or a voucher for them if they are below a certain income, and they can go out and either get an HMO to cover their prescription drugs with that voucher, or that subsidy, or they can find maybe some insurance company that will just cover prescription drugs.

Well, that is not the answer. It is not the answer for a number of reasons. First of all, because the majority of the seniors would not be covered. The seniors that complain to me about not being able to afford prescription drugs are not just the poorer ones, they are the average senior. They are everybody. Obviously, maybe the people that are above a certain income do not care, but I find that 90 percent of my seniors feel that they are having a problem paying for their prescription drugs. So the Republican bill does not even address the problem for the majority of the middle-class seniors.

In addition to that, I do not think the Republican proposal works. Again, it is primarily linked to HMOs, a person's ability to find an HMO that will cover them. We have already had experience with the HMOs, so many of which have dropped Medicare. Why should we believe this is the answer, particularly since only 15 percent of seniors are covered by an HMO? Or even worse, why should we believe if we give a voucher they will be able to find a company to cover just prescription drugs? I do not know any company that would do that. They might find one, but I feel confident it will be a pretty lousy policy, if they can even find it.

So Democrats are saying forget the ideology. Practically speaking, the only way we will get all the seniors, or most of the seniors being able to have a prescription drug program that covers most of their needs is if we put it under Medicare. Forget the ideology, forget liking or not liking Medicare, forget the fact that it is a government program. It works. This is the way to do it, and probably the only way to do it given the marketplace and what is out there.

Again, we tried to bring this up; but it was opposed by the Republican leadership. They did not want to bring it up. They brought up their own proposal, defeated ours, and even their proposal has not moved in the Senate and nothing has happened to it. So they are simply not addressing the issue at all. I suppose they would argue that this tax bill that I started talking about earlier this evening addresses it in some way by giving more money to the HMOs, but unless they guarantee the HMOs stay in Medicare and provide a prescription drug program at a certain level, I do not see how it helps. Practically speaking, I do not think it helps.

So there again, the second important health care issue that affects the average American has basically gone down in flames in this Congress. There are a couple of days left here, but the Republican leadership refuses to address it; yet they keep saying they care about the average person and they are going to do something to help.

Now, the last thing I wanted to discuss with regard to health care, and I have already touched upon it in the context of this tax bill that I talked about earlier, is the need to cover the uninsured, over 40 million. How do we do it?

Well, what the Democrats have been saying is that absent universal health care insurance, which some are for and some are against, I happen to be for it, but not everyone is even within the Democratic party; but absent universal health care, what can the government do to try to address the problems of these 40 million-plus Americans that have no health insurance? Well, when we break it down, we realize that the largest group that was not covered were children, and the second largest group that were not covered were the near elderly, people between 55 and 65 that are not yet eligible for Medicare but a lot of times find themselves, either because the working spouse died and the nonworking spouse, usually the wife, is not covered at that age, or because her husband died she does not have coverage, or in some cases a person got an early retirement and the early retirement did not cover their health benefits. Basically, they are waiting for Medicare to cover them at 65, but for those 10 years or so they are without health insurance, and they find it unaffordable to buy it in the private market.

So what the Democrats have been saying, what President Clinton and Vice President GORE have been saying, and we actually managed to get one part of this addressed on a bipartisan basis, is let us see what the government can do to cover these people in some way. A couple of years ago we got together with the Republicans, and again I will not give them too much credit because they fought this thing tooth and nail until the bitter end, when they finally agreed to it, but they finally agreed to the CHIP program to give money back to the States so that they could sign up kids below a certain income.

Now, I want everyone to understand that this is not welfare. These are not people that are not working. They are eligible for Medicaid and are already covered. These are working people who have children, but because the employer does not provide a health care benefit or because they cannot buy it privately, it is too expensive, they do not have coverage. So we put together this CHIP program, and we covered kids up to a certain percent of poverty. But again these are not kids in poverty. I am not sure what we would call them, perhaps lower middle class, working class parents.

I have to point out also that not only did we have initial opposition by the Republican leadership to this, but when it went back to States, and particularly to Texas in the case of Governor Bush, he tried to limit the program to, I think, 150 percent of poverty rather than 200 or 250 percent of poverty. But he eventually went along with it, with I guess the Democratic legislature insisting on the 200 percent, and it was passed.

What the Democrats have been saying, or Vice President GORE has been saying, is let us raise the level of that to 250 percent of poverty or even higher. That is not really poverty, that is an income of maybe $25,000 or something like that. But a lot of people that are making $25,000 or $30,000, or even $35,000, they cannot afford health insurance for their kids if they have to go out and buy it privately. So that is what we are proposing for the kids.

With regard to the near elderly, what we are saying is we will let them buy into Medicare and pay so much a month, maybe $300 or so a month, and they can get into Medicare by purchasing Medicare at the going rate of whatever it costs the government.

Then, as I mentioned before, the Vice President has also proposed, and I have been in favor of the idea, of letting the parents of the kids who are in the Federal kids care program to sign up and be eligible for the kids care program as well. If we did all that, we would make a significant dent in that 40 million or so who do not have health insurance.

We could also link that to a tax deduction as well. We could also provide some sort of tax incentive or tax deduction to the employer to try to get more of them to provide health insurance for their employees, but it would have to be at a much larger amount than what Governor Bush and the Republicans have proposed.

These are the things that need to be done. Again, they are not being addressed here by the Republican leadership; and I just find it tragic that at a time when we have a surplus, and when we know that most of the American people would support these initiatives, that the Republican leadership refuses to go along with them.

I guess the last thing I want to do this evening, Mr. Speaker, is to point out that what I am proposing, what the Vice President has proposed, and what the Democrats have proposed, not so much based on any partisan ideology or any notion about Democrats being better than Republicans, but only because we have been out there and we have talked to people and we realize what can be done by the Federal Government in practical terms that would make a difference in people's lives.

I do not come down here to argue D versus R, or who is going to be President or anything like that. I really want to get things done that will help my constituents. Every one of the things I mentioned tonight is directly related to somebody or some group of people who have come to me personally and said this is what should be done. I would just give a few examples.

I can give an example of a woman who is a waitress in a restaurant in my hometown. When I am back in the district, I often go to lunch there. She came to me one day and said, I work in this luncheonette, and I have a very good relationship with the owner of the place. It is a small place. And I know the owner as well. He actually came over to me at one point and said that he really would like to provide health insurance, but given the way things are, he could not afford it. But I told her about the CHIP program and how we were trying to pass the CHIP program. I think she had a daughter. I am not certain exactly, but she hoped to get her child enrolled in the program.

When we finally did pass it and it became law and I made her aware of it, she went out and enrolled her in the program. She came back a couple of months later and told me that she had enrolled and she had the benefits. It gave me such a good feeling that I could come down here, and that we all can come here, and accomplish something. Of course, then she found out that the Vice President is now talking about letting the parents of these kids enroll in the same program, and she is hoping that we will be able to accomplish that as well.

Then I have another example, which I have mentioned a couple of times on the House floor, about HMO abuses. I have had so many people contact my office because they were denied care, they were thrown out of the hospital early, or they could not get a particular operation that they needed. I mentioned the example with the senior citizens that were, I say, lured into this diner one night for this lobster dinner.

What we have to keep in mind is that many of these seniors, before they were in HMOs, had pretty good coverage under traditional Medicare. The only reason they got into the HMO is they thought they would get a better deal. Sometimes they are not very sophisticated about what that deal is. They do not necessarily read the fine print in the contract when they sign up. And then they do sign up and find out that it is not what it is supposed to be, or they are told or they get a notice saying they are going to be thrown out of the program within 6 months, and they do not necessarily understand that they can go back to the old traditional fee-for-service program. It has to be explained to them, and a lot of times they do not even believe that.

So this disruption in their lives, going back and forth, and the idea that somehow they will be able to choose and they will be able to make decisions easily about which program is better, to some extent it is a hoax. I would like to believe that all seniors can make intelligent choices, and I am sure many can, but a lot of people, when they become older and frail, they do not have the ability to make those choices. So they buy into these ads, either on TV or on billboards or in the local media, that convinces them that somehow this is something better, and then they are shocked when they find out it is not better or they cannot even continue with it if it happens to be a good program.

□ 1715

So again, when I talked earlier about why we are giving so much money to the HMOs and not to the hospitals, well, I had a hospital close in my district. South Amboy Memorial Hospital closed in my district and cited the fact that they had inadequate Medicare payments.

So when I say we are giving money to HMOs when the hospitals need it, I am not talking pie in the sky. I am talking about a hospital that closed and was serving people and now people have to go farther away to an emergency room in another hospital.

I know we are at the end and there is probably not much that is going to be done. But even if the only thing that we can do is correct this tax bill that the Republicans have put forth by staying here a few more days and having the President threaten to veto, even if we can just accomplish that and the alternatives that we propose today, at least we will have accomplished something and I will feel that the last 2 years have not been in vain in this regard on so many of these important health care issues.

I am glad to see that one of my colleagues from the Democratic side is here. And, of course, the gentlewoman is the representative of the Virgin Islands and is a physician and has been very active on these issues.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I just wanted to join the gentleman in the discussion for a moment about the HMO give-backs. Because I was in Milwaukee yesterday visiting a church and one of the parishioners, a Ms. Riley, and this was at Greater Galilee Church in Milwaukee, came up to make an announcement to the congregation and in that announcement she told them that, as Medicare beneficiaries, the HMOs in their area were doubling their premiums.

I thought that was outrageous. Because I thought here they are asking for 40 percent of the Medicare giveback and they are still gouging the seniors, at least in Milwaukee, and I am sure it is happening in other parts of the country, as well.

Mr. PALLONE. Mr. Speaker, reclaiming my time, this goes right to the heart of what I have been discussing and my colleague and others on the other side of the aisle have been discussing over the last 2 years and particularly in the context of this tax bill that the Republicans put up.

What we are saying, with the prescription drug issue in particular, is we would rather have the Medicare program cover it because then they have a guarantee, they know what the premium is, they know what the benefits are, they know what drugs they are going to get, they know what the copayment is, all those things that provide stability and I think are important for seniors. Because they look for stability in particular.

What we have now is the system where they get a notice I guess 6 months before, at least they have 6 months before they are dropped or they are told that the premium is going to double or they have a higher co-payment and they just do not know from one day to the next where they are going to be with the HMO.

I mean, this is a good example of the problem.

Mrs. CHRISTENSEN. Mr. Speaker, if the gentleman would continue to yield, is it not true that where prescription drug coverage has been tried in some States that trying to do it through providing it through HMOs is not working and that is why the Democratic proposal and the Vice President's proposal to provide it through Medicare is a much better way, it assures the seniors that it will be there when they need it?

Mr. PALLONE. Absolutely. I have mentioned before a couple times on the floor, I have not mentioned it lately, that I think it was in March sometime in the spring of this year that the State of Nevada, under Republican controlled legislature and Republican governor, passed a State prescription drug benefit that was very similar to what Governor Bush and the Republicans here in the House have proposed, basically a subsidy below a certain income. I am not sure about the income aspect, but it was a subsidy in a voucher that let people go out and buy their own prescription drug insurance plan.

For the longest time, I mean at least until the end of the summer when we got back after Labor Day, there was not one insurance company in the State that would offer the benefit. And so, the seniors were going without.

Now, I was told a few weeks ago that now there is an insurance company that says that they are going to offer the benefit. But again, I wonder what kind of benefit it is going to be and how long they will stay in the program.

I get the impression, I think it is the ideology when I talk to so many people on the Republican side, not everybody but a lot of them, it is sort of this ideological thing that, we like the fact that we are going to give them the voucher and they are going to go out and shop around because it is sort of like a capitalist thing and, so, idealogically it is very good. But so what? It does not work. I am a capitalist, too. But what is the point if it does not work?

Mrs. CHRISTENSEN. Mr. Speaker, I think the point of the gentleman is that our seniors should not have to be made to shop around for prescription drug coverage.

I would like to talk about an issue that came up today. I have joined the gentleman on the floor, as he said, several times this week on health care issues and also on education issues by the way. But today I am asking for this time, and I appreciate the gentleman yielding to me, to express my great disappointment that S. 1880, which is the Minority Health and Health Disparities Research and Education Act of 2000, was not passed with the other suspension bills today.

But more than my disappointment, I am really disturbed by some of the race baiting, ultra conservative propaganda that is being used to distract Members from the important issue that this bill would begin to address and the important role that establishing such a center at the National Institutes of Health has, the role that it would have in eliminating disparities that all people of color and people in the low socioeconomic status suffer in this country.

I think that the gaps in health care that we experience in this country is an ugly blemish on the record of our Nation and that each and every Member of this Congress should want to remove it by remedying the years of neglect and in some cases the outright denial of health care to the citizens of color in this country.

The bill, S. 1880, is a key part to beginning this process. It was championed here by the gentleman from Illinois (Mr. JACKSON) the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Georgia (Mr. LEWIS) and in the Senate by Senator EDWARD KENNEDY. It has enjoyed wide support at the Department of Health and Human Services, particularly that of our Surgeon General, Dr. David Satcher and many in the wider health community, such as the National Medical Association and the Association of Minority Health Professions Schools under the leadership of Dr. Lewis Sullivan, who is the President of Morehouse School of Medicine and former Secretary of Health and Human Services himself.

We have also been really grateful, as we tried to work this through over the last 2 years, for the support of the now acting Director of NIH, Dr. Ruth Kirschstein.

If I might just point out one of the key provisions of S. 1880. It establishes a National Center on Minority Health and Health Disparities at the National Institutes of Health, which would conduct and support basic and clinical research, training, and the dissemination of health information with respect to the health of racial and ethnic minority groups, as well as other populations, who are suffering health disparities.

It authorizes the Director of the National Center, in collaboration with all of the other NIH institutes and centers, to establish a comprehensive plan and budget for the conduct and support of all of the minority health as well as other health disparities research activities at NIH. It establishes an extramural loan repayment program for minority health and health disparities researchers.

It authorizes the Agency for Health Care Research and Quality to conduct and support research to improve the quality of outcomes of health care services for health disparity populations. This research would focus on identifying the causes of health disparities, including barriers to health care access and environmental factors.

It also authorizes the Department of Health and Human Services Secretary, through the Health Resources and Services Administration and several other agencies, to support research and demonstration projects conducted by both public and nonprofit entities aimed at developing curricula to reduce disparities in health care outcomes, including curricula for cultural competency in graduate health professions education.

And lastly, it authorizes the Secretary to establish an advisory committee on cultural competency and health professions curricula development.

The bill is a good bill and it is an important bill. It is needed. Research plays an essential role in understanding the disparities and in uncovering the factors underlying them and developing the points of intervention and improved methods of treatment. Such research also provides the only means by which we can derive the knowledge necessary to prevent disease.

A few points of information that will help paint a clearer picture: The gaps between life expectancies for blacks and whites have widened in recent years. Although infant mortality in African-Americans has decreased somewhat, the disparity has increased. And the same pattern is seen in Native Americans and Alaskan Natives.

Under heart disease, the data indicates that the prevalence of cardiovascular disease is higher among African-Americans than among their white counterparts. Cardiovascular disease is nearly two times higher among African-American women than among their counterparts. And recent research has shown that African-American women of the same socioeconomic status and education level, with everything being equal, they are the least likely to receive the diagnostic tests and the treatment compared to other women.

In cancer, despite significant advances in the detection and treatment of several forms of cancer, the data continues to indicate that communities of color continue to suffer disproportionately in terms of occurrence, the lateness at which the cancer is discovered and death from cancer.

And AIDS we have talked about a lot. African-Americans comprise approximately 12 percent of the population, yet we are 37 percent of those diagnosed with AIDS since the beginning of the epidemic.

In 1998, the rate of reported number of new AIDS cases was eight times higher among African-Americans than among whites. And we could go on and on.

So I just wanted to say in closing that this bill was been worked on on a bipartisan basis in the committee. It went through the normal committee process before it was brought to the floor. It passed the Senate unanimously, which indicates that Members in the other body with widely disparate views supported this legislation. It was on the suspension calendar today. It was pulled.

I just want to ask my colleagues who are opposing the bill to take another look at it, work with us, withdraw their objection to the bill, and I ask the leadership of the House to work together to bring the bill back to the floor and have it pass before we leave to go home, if we ever leave to go home.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for her remarks. I hesitate to put this in the context of everything else I have discussed tonight, but unfortunately it seems to fit the pattern where the Republican leadership does not want to address so many of these health care issues.

But unlike with most of the things I discussed tonight that are probably too late, it is not too late for that of the gentlewoman. I hope we can get the leadership to bring it up on suspension.

Mrs. CHRISTENSEN. Mr. Speaker, and the leadership on both sides have been willing to work on bringing it back. There are some objections on the other side of the aisle and from some conservative groups in the country which have sent e-mail wrongly identifying the bill as a quota bill. It does not provide a quota for research. It does particularly state that minority research would be done because we are the ones who experience these disparities that must be eliminated. But it also does not exclude anyone. It is for any population group that experiences disparities and gaps in their health status and their access to health services.

Among those would be our rural citizens. People in the rural areas of this country are also suffering from disparities in health care regardless of their race or ethnicity. And so, we feel that the bill is important. I think to the extent that there are citizens in this country who still do not have access to health care who do not enjoy the same quality of life as others because of health disparities, the country's health in general suffers and I think it is something we need to address.

This bill, which has been worked on for many years, as I said, has been worked on on a bipartisan basis with the Department, the Congress, the White House, nonprofit national health organizations for years. Is a good bill and we would like to have it passed. It is past due.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I am glad that she came down to voice her concern. As I said, although some of these larger issues probably cannot be addressed in the last few days that we are here, certainly her issue and I think the whole issue of changing the priorities in this tax bill so that we address the problems of the providers, the hospitals, the nursing homes, the home health agencies, and also trying to make sure that whatever money we give to the HMOs has some strings attached so that we know that they will stay in the Medicare system for our seniors.

□ 1730

These things still can be addressed. You and I will work together and keep speaking out to make sure that in the last few days they are addressed.

Mrs. CHRISTENSEN. I thank the gentleman for yielding on something that I feel is very important. I look forward to working with the gentleman on these health care issues and other health care issues.

Mr. PALLONE. Let me say, Mr. Speaker, that again I know we only have a few days left here; but we certainly, and I will speak for my Democratic colleagues in the leadership, are going to continue to push every day and every night both on the floor, during the legislative day and as well as during the Special Orders at night to make sure that these health care initiatives are addressed and that these concerns for the average American with regard to health care are met.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). The Chair would remind Members that it is not in order in debate to characterize Senate action or inaction.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I appreciate this opportunity to address my colleagues and to talk about, in fact, the exact same subject that my colleague from the other side of the aisle, from the Democrat side of the aisle, just addressed. He talked about a wide range of medical issues. I am going to do that in this hour as well, but I am going to begin by focusing on the issue of patients' rights legislation, the issue of HMO reform, the issue of managed care reform. After I have spent some time on that and focused on why that issue is so critical and why I so strongly disagree with much of what was just said and how sad I think it is that this debate has boiled down to this struggle where one side is saying the other side is just carrying the water for a special interest, then I would like to turn perhaps in the latter half of the hour to the issue of the Medicare drug benefit and perhaps other topics that are worth talking about and that were raised in the remarks in that regard.

Again, I want to focus tonight on the issue of patients' rights legislation, the issue of a Patients' Bill of Rights, the critical question facing our country of managed care reform, HMO reform. We are in the midst as everyone knows of a political campaign. There are ads running across the country saying that it is sad that my party, so these ads say, has blocked, the Republican Party, has blocked the passage of patients' rights legislation. I simply want to start by saying that is not true. Indeed, the opposite is true. We have worked very hard to pass patients' rights legislation that will help patients. That is the key difference. Sometimes it is said that the devil is in the details and the devil is in the details.

In this case there are two competing ideas on patients' rights legislation: one is the idea advanced by Democrats, the idea which they are pushing, the idea which their ads talk about, the idea which the President is saying he supports; and that proposal sadly does not help patients. That proposal helps trial lawyers. Rather than just talk about that, I am tonight going to explain exactly, precisely, how their legislation would advance the cause of trial lawyers but do literally nothing to help and in fact hurt patients and weaken the position of doctors to control health care in America. I think that is the debate that needs to occur.

I think we need to understand why, yes, patients' rights legislation is vitally important for this country. There are serious problems in managed care. But how you enact that legislation, what it does, is so critically important and why, sadly, the bill that the Democrats are advancing, and they call it a patients' rights piece of legislation, in fact is fatally flawed in its structure, because instead of giving patients more power, instead of giving doctors the ability to set the standard of care and to decide how patients are treated in America, that legislation takes power away from HMOs, and that is good, but instead of giving that power and that authority to set the standard of care in America to doctors where it belongs and to patients where it belongs, their legislation gives that ability to trial lawyers to take the issue directly to court.

We have heard just a few minutes ago in the rather partisan remarks by my colleague from the Democrat side that the Republicans are for the special interest of HMOs and that Democrats are for the people. Sadly, that charge is just flat false. Let me start with my position. I have been passionately fighting for patients' rights legislation, the right patients' rights legislation, for the last 2 years. I have met with countless doctors from all over the country, many in my State, I cannot tell you how many, my own medical association in Arizona; and I have talked with them for hours and hours about how do we go about fixing the problem with managed care in America, how do we deal with the problems that have been created by managed care in America.

In every one of those conversations, I have never once heard, well, Congressman, the way to fix it is to let lawyers step into the middle of the process, take a claim by an injured patient, take my request as a doctor to get my patient care and have a lawyer step in and rush to court and file a lawsuit. Never has a doctor in America in my home State or anywhere else that I have met with said the answer to this problem is to let the trial lawyers address the issue. The reality is we do need patients' rights legislation to change managed care and to make it more pro-patient and more pro-doctor.

But we need legislation that will accomplish that goal, that will take power away from the managed care industry, to tell doctors how to treat their patients and move that power over to patients and doctors to determine what the standard of care ought to be in America.

I am adamantly for managed care reform, and I am a Republican and I have fought for that legislation since I have gotten here. One of the offhand remarks of my colleague just a moment ago was that the conference only met a few times. Well, my colleague was not on the conference. I was on the conference. We spent countless hours trying to reconcile the differences between a pure trial lawyer piece of legislation that will not help patients and a piece of legislation that would advance the cause of doctors and patients. I am going to explain that in my remarks. I tell you that every other Republican with whom I served on that conference committee and the Speaker himself who was asking in the last several weeks to try to bridge this gap and try to pass legislation, they are all adamantly for the passage of meaningful legislation that will empower patients and doctors and solve this problem.

As to my own bona fides on this issue with the gentleman from Oklahoma (Mr. COBURN), who is going to join me later in this Special Order, we wrote the Coburn-Shadegg managed care reform bill, the Coburn-Shadegg patients' rights legislation. That bill would have put the emphasis precisely where it should be. It would have empowered doctors and patients to resolve medical questions, doctors in consultation with their patients to set the standard of care; and it would not have given that power over to trial lawyers. It is sad that it has gotten tied up in this kind of a debate, but it has.

Everyone who understands managed care reform understands that we need to reform the system in a way that will be pro-patient. Let us start with why we need managed care reform. It is important to understand how managed care works in America. It was a reform idea itself to try to hold down the costs of medical care in America. In that sense, it has worked to some degree; but sadly it has been abused, and it is susceptible of abuse and we need to fix that.

Let me talk about why we need to fix it. Right now in America, in our managed care system, a given doctor meets with his or her patient, does an examination and decides the patient needs a particular type of care. And so that doctor makes the recommendation for the care and goes to their managed care plan and says, "My patient needs this care." There is an initial review of that claim, sadly often by an HMO bureaucrat, not a medical personnel, but a nurse or someone else; and let us assume it is turned down by the plan. There then is in some instances an internal appeal, an appeal to doctors at the managed care plan. If you follow that structure, if there is no appeal beyond that, you have a doctor, a treating physician, saying that his or her patient needs care. And then you have a managed care bureaucrat, an HMO bureaucrat, saying, no, you do not get the care. That is where the first point of abuse is.

In America today under that system, a managed care bureaucrat can turn down the request for care by the treating physician, and they can turn it down perhaps for the wrong reason. They can turn it down to protect the profits of the managed care company, rather than to protect the care of the individual. I have been working on this issue, and I have been in my district when hundreds of people have talked to me over time about how they or a member of their family, their mother, their father, their daughter, their sister, their brother was abused by a managed care company when the treating physician said my patient needs this care and the HMO denied the care for a specious reason.

So what is wrong with that structure? The thing that is wrong with that structure is that under that structure, the managed care plan, the HMO, is telling the treating physician how he should care for the patient. In medical jargon, that really means the managed care plan is setting the standard of care for any individual patient under a set of circumstances. That is crazy. Managed care plans are essentially insurance companies. They ought to try to hold down excessive costs, but managed care plans should not set the standard of care. HMO bureaucrats should not tell doctors how to treat patients. That ought to be a decision made by doctors. They were trained to practice medicine. HMO bureaucrats were not trained to practice medicine. So the current system is backward. It lets doctors be told how to practice and how to treat their patient and what the standard of care in America is for a given set of circumstances by an HMO bureaucrat. So that is why I fought for managed care reform. They can deny that care for monetary reasons, not reasons of care.

The second reason that we need managed care reform is actually a tragedy, and it falls into my own area of expertise. And, that is, that as a result of, I believe, an unintended consequence of a Federal law called ERISA, a managed care company in America today can deny care; and if they negligently deny care, in that example I just gave, they make a mistake when they said the treating physician may not provide this care, if when they do that the patient is injured or dies, there are no damages. There is no recovery. That managed care plan can simply walk away and say, "Wow. Our mistake injured or killed somebody, but since we're a managed care plan and we are operating under this Federal law called ERISA, we can't be held accountable." I think that is an outrageous structure for the law. Every one of us knows that if we make a mistake, if we, let us say, run a red light at an intersection and our negligence injures or kills somebody, we are responsible for that injury and hopefully our insurance policy will make the injured person whole, will pay damages for them. Sadly, even though every business in America, every homeowner in America, every car driver in America, every one of us in America is legally accountable when we injure or kill somebody, that is not the case for federally governed ERISA managed care plans. They have as a result of this Federal law an interpretation of it by the United States Supreme Court, immunity. They cannot be held liable when they injure or kill someone. That is a tragedy, and it should be fixed. That is why I have fought for patients' rights legislation and fought to hold plans accountable.

The best story on that is the story of Mrs. Corcoran. Mrs. Corcoran became pregnant. She was an employee of Southern Bell in Louisiana. It was her second pregnancy. She applied for benefits. Her treating physician was treating her through the course of the pregnancy. At one point he told her she needed to go to the hospital, to be in the hospital for the balance of her pregnancy so that if there was a problem with the baby, and it was her second pregnancy and she had had a difficulty the first time, he said, If you're not in the hospital, there is a danger you will die or a danger your baby will die.

Tragically, her HMO denied her that benefit and said, No, we won't pay to put you in the hospital. We'll pay for a little bit of home nursing, somebody to come by and visit you. Even more tragically, the worst possible circumstance happened. While Mrs. Corcoran was home, her baby went into distress, still in the womb; and notwithstanding that they did everything they could, her baby died as a result of the fact that she was not in the hospital. Mr. and Mrs. Corcoran, tragically hurt by this event, filed a lawsuit to recover damages; but of course, they did not sue their doctor. Their doctor had done the right thing. He had said you should be in the hospital but their HMO had said, No, I'm sorry, we won't put you in the hospital and we won't pay for it. Under the current Federal law, the law provides that the Corcorans cannot recover, could not recover, did not recover any damages for the death of their child. That is an outrage, and it has to be fixed.

The next question is, why then, Congressman, have you not embraced and why have Republicans not embraced the Democrat Patients' Bill of Rights? There is a simple answer to that, and I am going to explain it here today. It is because the Democrats' Patients' Bill of Rights will not help Mrs. Corcoran. The Democrats' Patients' Bill of Rights would, in fact, hurt patients. It would, in fact, hurt doctors. It would, in fact, hurt businesses across America; and it would, in fact, cause more uninsured Americans. There is one group that the Democrats' Patients' Bill of Rights would help and there, is one group that is supporting the Democrats' Patients' Bill of Rights, and that group is tied to them through contributions, and that is the trial lawyers.

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The Democrats' Patients' Bill of Rights, the bill that has been debated on this floor, the bill that the President says he wants to pass, moves power away from HMOs and moves it directly to not doctors, not patients, it moves it directly to lawyers. That is a problem, and let me explain how that Democrat Patients' Bill of Rights, it is known as Dingell-Norwood, works. The Vice President referred to it in the debate the other day. I do not know that the average American out there listening knows the word Dingell-Norwood, so I am just going to refer to it as the Democrat Patients' Bill of Rights, but it is the bill that Vice President GORE wants us to enact. It is the bill the President has asked for us to enact.

If you live in a congressional district where there is a commercial running right now, it is the bill when they say pass a Patients' Bill of Rights, they want you to pass the Democrat Patients' Bill of Rights, the Dingell-Norwood Patients' Bill of Rights, which will not help patients, will not help doctors. It will cause a flood of lawsuits.

Now, let us start kind of with a fundamental issue in this debate, and to do that I want to refer to a chart. This chart asks the basic question that anybody concerned about health care ought to ask, and that is health care in America, who should make medical decisions? Right now one issue is, well, should HMOs make medical decisions? We just talked about how under the current structure HMOs, managed care companies, indeed maybe even managed care bureaucrats, get to make medical decisions. Should HMOs make decisions? I do not think so.

Another alternative is the one I favor, and that is the one here at the bottom; and we have put a red check to show that is where I believe the power ought to be. Should patients and doctors, or doctors in consultation with their patients, make medical decisions? I think the answer to that question is obviously that as between HMO bureaucrats making medical decisions, what should be the standard of care, what course of treatment is right for a particular patient, should that be decided by a treating physician talking to his or her patient or should it be decided by some HMO bureaucrat? That is a no brainer. I hope everyone in America agrees it should not be an HMO bureaucrat. It ought to be the doctor, the treating physician, who has touched you, who knows you, who has known you perhaps for years, who has looked you in the eye and assessed your medical condition and says, this is what we ought to do for your care. It should not be a bureaucrat at the HMO who has never seen you and has just read kind of a cold chart.

That is where this debate ought to be. It ought to be between HMOs making those decisions and doctors and patients making those decisions, and that ought to be the fight that is going on right now and on that one I think we win. It ought to go to doctors in consultation with their patients.

My friends who are doctors tell me that the practice of medicine is more art than science, and what they mean by that is that the doctor that is treating you, the doctor that knows you, your own treating physician, can sense what really ought to be done about your condition. The problem with giving this power to HMOs is that that is a cold bureaucratic decision often made by somebody who is not even trained as a doctor, perhaps made ultimately by someone that is a doctor but has not practiced medicine for many years because they could not hack it in the practice of medicine. It should not be made by that person who has never touched you or felt you or looked in your eye or tried to assess in conversation what is really wrong with you. It ought to be made by your treating physician.

So what is this middle line doing here? Why are lawyers in the discussion? Well, the answer is, they should not be. Lawyers should not be a part of this discussion. We need to write a patients' rights piece of legislation that drives care, a patients' rights legislation or patients' rights bill that incentivizes or encourages the system and the managed care company to deliver the best possible care at the earliest possible moment, and that is the goal.

The goal is the best care at the earliest moment. I think that happens when a doctor, after consulting with his or her patient, says this is the care that is right. But how are lawyers in this discussion? Well, the answer is, some people who want to reform managed care really do not really care about patients and doctors. What they care about is litigation. Sadly, what they want to do is create a structure where you do not get care very quickly because your HMO decided to approve the care recommended by your doctor. You do not get care very quickly because an independent external review panel said your HMO, when it denied you was wrong and darn well better deliver that care, what they say is, we really need to turn this whole thing over to lawyers. We need to turn it over to trial lawyers. We need to let the trial lawyers get to court quick so that those trial lawyers can drag this out in a nice long lawsuit. Do not mess with the doctors. Just get in front of a judge, drag the lawsuit out and if nothing else perhaps if we do not have a meritorious case, we can exact some kind of a settlement.

I said earlier that the Democrats' bill, the Dingell-Norwood bill, is tragically flawed; and it is. This issue has been little discussed on the floor, almost not discussed anywhere across America, but if you hear the President or the Vice President call for patients' rights legislation, you need to know the bill they are asking for is Dingell-Norwood; and you need to know that bill will not let your doctor make the decision. It will take down a restriction that exists in the law right now and let your lawyer, if you get one, quickly rush off to court and perhaps win himself a large settlement of which he gets a third, or 40 percent.

Now, I believe in the tort system. I think if somebody hurts you, you ought to be able to recover your damages; but I sure do not think our first goal in patients' rights ought to be to empower lawyers. I think it ought to be to incentivize the best possible care at the earliest moment.

I want to move to one more chart. It is a chart that is a schematic of the Democrat Dingell-Norwood bill, and I apologize for having to do a schematic, but it is how we can illustrate what is wrong with the Democrat legislation and why if you hear a commercial that says, by gosh, we need patients' rights legislation, you are right, we do need a patients' bill of rights; but we do not need the flawed Democrat bill. We need a bill that will get you the best care at the earliest possible moment; not a lawsuit.

Let me explain this bill, and we will walk through it. We talked about your doctor consulting with you and then making an initial claim. Often unfortunately that is currently done through some bureaucrat at the HMO, and they may turn you down. The next step under the Democrat's bill is a good one, and that is you ought to have a right to get to a doctor at the HMO. That is called internal review. You ought to force the HMO not to let a bureaucrat turn you down. The HMO ought to have to hire a doctor to make a review of your case. Hopefully, that doctor will say you get the care, rather than deny you. So that is a good step. That is a step in the right direction.

Everyone in America ought to have an internal review by the plan and let the plan make the right decision. But if they do not, the critical question in managed care reform, the critical question for patients' rights legislation, is what do we do next? I argue the answer is that in every case, what we ought to do after internal review, if this managed care company, this HMO denies your treating physician and you the care you need, the next step ought to be an external review, what we call an external review. That is not complicated. What it is is that if the plan will not give you the care you need after their doctor has looked at it, you ought to have a right to get to three totally independent doctors and to have those three totally independent doctors review your claim.

Now when I say totally independent, what do I mean? Well, the law that we talk about would say that these doctors have to be selected independently. They cannot be controlled by the HMO. They cannot be hired by the HMO. They cannot have a conflict of interest because of their connection with or their income from the HMO. They have to be totally independent of the HMO so they can make an unbiased decision. Obviously, they also need to be independent of your own doctor. So they are truly experts. In our bill, we call for them to be practicing physicians, with expertise in the field, who are independent of the HMO and independent of you and your treating physician.

Our goal is to have that external review panel of three doctors make a quick decision; yes, the patient deserves the care, the plan was wrong and, by the way, HMO, if you do not give them the care and they get injured or they are injured, then you not only are going to be liable for the care you should have given but you are going to be liable for all of their economic damages, you are going to be liable for all of their pain and suffering; and if the plan acts in an arbitrary and capricious fashion, then you are going to be liable for punitive damages.

The bottom line here is that there ought to be a review by three doctors very quickly, and we have an expedited time frame to do that. Here is the flaw with the Democrat bill, and here is why you see this little red circle with a bar through it. It is probably hard to see on the TV, but you see under the Democrat Dingell-Norwood bill you do not go to external review. As a matter of fact, that will never happen under that bill. It will literally never happen, and the three doctors over here will not get to set the standard of care by telling plans how they should treat patients. They will not get a chance to say was your treating physician right or was the plan right. They will not define the standard of care in America because under their bill there is this gigantic loophole, and it is the lawyers' loophole.

Here you see the arrow going down. It says, well, guess what? The minute you finish internal review you can go straight to court. We do not really want an independent panel of doctors to make a decision. We want some aggressive trial lawyer to go hire his own expert witnesses who will interestingly always side with the trial lawyer, and file a lawsuit.

Now, I said earlier in all of my conversations with doctors across America, and I have talked with literally, I think, hundreds, not a single one of them, not in Arizona, not anywhere else that I have met with them, have they said, you know, Congressman, we really think the way to solve the problem with managed care in America is to get people to lawsuits, because lawsuits will deliver care. Indeed, none of them have said the problem with managed care is that we do not get to court quick enough. What they have said is, the plan can turn us down and we could get an independent group of doctors to review our request. So this is the loophole in their bill; and it is why, and I said earlier, that the Democrat's bill is fatally flawed. They talked about how Republicans favor the special interests of HMOs. The legislation I favor lets HMOs be sued, lets them be held accountable, says if they kill Mrs. Corcoran's baby they must pay damages. But it does not carve a loophole to prevent people from getting quick care and the proper care by letting the case go to court. It rather is legislation that says get them care.

If you talk about special interests, the Democrats have a special interest that my colleague on the other side did not talk about a few minutes ago, and that special interest is trial lawyers. That is why they created this loophole. This, by the way, is a structure that takes power away from HMOs and hands that power to trial lawyers. That is crazy. What we do need to do is take power away from HMOs to decide how you should be treated, or your wife or your daughter or your son. You need to take that power away from HMOs and put it in the hands of your treating physician and in the hands of an expert panel of independent doctors.

That kind of takes me to the structure that we have proposed; and you see here it says, the compromise patients' bill of rights, and it is a simple structure. It is a structure that incentivizes or encourages the best possible care at the earliest possible moment, because that is what managed care reform ought to be about. Tragically, my friends on the other side of the aisle, Democrats, adamantly to the death oppose this structure. They say absolutely not. We need the trial lawyer plan. We do not need the plan that empowers doctors and patients.

Let us talk about how this structure for the bill is different; and again I apologize, but a flowchart really does kind of let you understand the legislation. Here in the legislation we are proposing, the legislation we have begged the American Medical Association to endorse, there is first an initial claim just like the Democrats' bill. Then there is internal review, just like the Democrats' bill in Dingell-Norwood; but you will notice there is no loophole here. We do not let the lawyers cut off external review. What we say is that if the plan turns you down at external review and says to your treating physician, no, we are not going to give you the care, you would have an immediate right, indeed we have three different time procedures, one for extremely urgent situations where it is within a matter of hours you would have a right to get to external review. If it is less urgent, there are two more time frames for less urgent circumstances. But if you were denied that internal, you would get to go within hours in an emergency situation to the external review that I talked about, and that external review is conducted by three independent doctors who will get to judge the recommendation of your treating physician that my patient needs an MRI, and judge the decision of the managed care company that, no, your patient does not need an MRI.

Those three independent doctors would have to be practicing physicians, as opposed to physicians who quit years ago because they could not make it. They would have to be experts in the field, and they would get to make a decision.

Now, here is the key: that can happen within hours under certain circumstances and once that happens, and it may be hard for you to read but right here it says, the HMO is bound by the decision of this medical panel and the patient receives the care. You can see that this is a quick process. It happens very quickly. By the way, there is no lawyer yet. The lawyer did not get in here. The lawyer did not get to take the case off to trial court or get into discovery and try to extort a settlement. This went straight through. It went through internal review, and it went to the external review; and if the external review panel says the treating physician is right, you get the care. Sadly, the Democrats do not like this bill because it cuts trial lawyers out to that point in time.

Now, what do we do about the people who are truly injured? Well, we say in our legislation, if as you have been going through this process you were injured, not only do you get the care here but now you have the right to go to court after the plan has been told to deliver the care, you have the right to go to court and you have the right to recover your damages. So it is not that we are against giving people access to trial lawyers. I have many friends who are trial lawyers, and they do a great service for people who are truly injured. It is not that we are against the tort system. Indeed, I am outraged by the fact that Mrs. Corcoran, under the current structure of the Federal law, her baby was killed by a managed care company, and they did not have to pay a dime. They just got to walk away. But the issue is where do you put in legal accountability? The Democrats, the Dingell-Norwood bill, lets lawyers jump in right up front, boom, here we just get to go straight to court.

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Our bill says, no. Let us let a panel of three independent doctors make the decision, and then, if the plan is wrong and someone has been injured, then let us go to court. Let us let someone recover their economic damages; if they lost time from work, they ought to be able to recover that. If they have suffered pain and suffering as a result of this wrongful decision by the HMO, perhaps motivated by their desire to keep their profit line looking good rather than the patient's need for health care, then they get to recover their economic damages, they get to recover what we call their noneconomic damages, which means their pain and suffering, and if the plan did not follow the instructions of the external panel, then there are punitive damages on top of that. But we can see that this structure is designed to empower doctors, not lawyers, and that is the huge difference. That is the debate that has been going on.

Sometimes in the last few days when I have been thinking about this issue, I thought, how could it have been so complicated for 2 years for us not to get across the issue and explain to the American people, patients' rights legislation is vitally needed, but the bill they want, the bill the Democrats are pushing on us, the bill they talked about in their ads and the bill the President will probably speak about many times between now and election day, the bill that the Vice President will talk about many times between now and the election does not help doctors; most importantly, it does not help patients. What it helps is trial lawyers. We want a bill that empowers doctors to decide what care should be, what the standard of care should be.

I have to tell my colleagues, and in a moment I want to discuss these issues with the gentleman from Oklahoma, I have to say that I am amazed. If the Trial Lawyers Association were actively advocating this structure, the structure where one gets to court, but they do not get to a panel of independent doctors, I could understand that. But what puzzles me and what I do not understand is that the American Medical Association is supporting that structure, the trial lawyer structure, and I do not understand, and I hope some day they will explain to me, why the American Medical Association is not supporting a structure that will empower doctors rather than lawyers.

We do need to diminish the ability of managed care companies to hurt people. We do need to take away from HMOs the ability to set the standard of care. The standard of care in America ought to be set by doctors who are trained in medicine. But, when we take that power away from a managed care company and move that power somewhere, I suggest it would be a tragic mistake to, as the Democrats propose, move that power, to decide how one should be treated as a patient who needs medical care, to move that power to a trial lawyer, rather than moving it to a trained physician; in our structure, to a panel of trained physicians who will tell the HMOs exactly what the standard of care ought to be.

For perhaps any doctors listening across America, in my own city of Phoenix, and the reason I care about this issue, the managed care penetration is so deep, they have such power.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The Chair would remind Members to direct their remarks to the Chair and not to the television audience.

Mr. SHADEGG. Mr. Speaker, let me point out that in my State of Arizona, there are so many managed care companies that a doctor that does not sign up with an HMO, indeed with several HMOs literally can barely survive economically, and yet we look at the structure that currently exists where HMOs tell practicing physicians what care they can and cannot deliver, one can imagine that the doctors in my State are enraged at that structure.

Mr. Speaker, the doctors in Arizona, and I have talked with hundreds of them over the last 2 years, they want a structure where doctors set the standard of care and where doctors tell HMOs how patients should be treated; where doctors tell the managed care company, this is the right kind of treatment to give to a patient. The doctors in Arizona, at least, and the other doctors I have talked to, do not want to turn that ability to set the standard of care over to lawyers or even to encourage more lawsuits. You bet: If somebody is injured, then, in fact, a trial lawyer should come in and recover for their injury, and indeed, I wish that Mrs. Corcoran, I wish we could have passed this law in a way to allow Mrs. Corcoran and her husband to be made whole for the managed care company's decision that killed their baby. We cannot do that for them, but we can do that for future people, for someone tomorrow.

That is why I have worked so hard here at the end of this session, desperately around the clock, with everyone involved in this debate, to try to pass a patients' bill of rights that would correct these problems in a way that will help patients and will help doctors.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to clarify and ask the gentleman a couple of questions. Several times in the gentleman's discussion, he used the word HMOs. What we really also mean is managed care, which means PPOs and managed insurance products that deny one adequate care. I believe that is correct, is it not?

Mr. SHADEGG. Mr. Speaker, I used the term HMOs to refer to a broad array. Some would argue that PPOs are a little bit different, that one gets a little better care under a PPO. But fundamentally, we are talking about managed care companies and HMOs, which are health care management organizations, whose job it is to manage the care, and it is these managed care companies or HMOs, and now as they are kind of morphing themselves into the latest version which is a PPO, we are talking about all of these structures under which someone other than the treating physician gets to make the decision.

In our discussions of this in the past, the gentleman has pointed out that if you have a fee-for-service plan, your doctor gets to make these decisions. There is not someone second-guessing him. Of course, it does not matter to me whether we are talking about the doctor being second-guessed by an HMO or being second-guessed by a managed care company, or being second-guessed by a PPO. The fundamental issue is, if the plan one is in gives some insurance company bureaucrat or some insurance company employee the power to deny the treating physician the ability to deliver the care they think is appropriate, there ought to be a quick appeal and they ought to get a quick answer so that the patient can get the care he or she needs.

Mr. COBURN. Mr. Speaker, I want to thank the gentleman for taking the time on the House floor on an evening when we are supposed to be either home in Oklahoma or home in Arizona working with our constituency to explain this.

I want to just kind of go through those charts with the gentleman for a minute, because I see another big defect in the Dingell, or the Norwood-Dingell bill that is so espoused by President Clinton, Vice President GORE and the American Medical Association. I also want the Members of this body to know that the American Medical Association represents 25 percent or fewer of the physicians in this country.

I happen to be a member of the American Medical Association, as the gentleman knows, and I am amazed at the position that the American Medical Association has taken on this bill.

But the point I want to make is that the bill that the gentleman and I designed, its first goal was designed to give people care and give it quickly and appropriately. And the bill that Norwood, Dingell has passed, or passed the House, but not passed the Senate, thank goodness, was not designed to give care quickly. What it was designed was to give a revenue source for the trial bar so that we would in fact punish the HMOs for bad actions in the past. It is almost like it is a revenge bill.

But the point I want to make is what we tried to do is create a system where everybody learned. Think for a minute. I am a practicing physician. Since I have been in Congress, I have delivered over 400 babies, and I have delivered almost over 3,500 in my career. I have three great partners who are covering for me. I should be there and on call tonight, but they are kind enough to cover for me.

What has happened in terms of what we have designed is that if a doctor recommends a treatment that is not appropriate as judged by a 3-doctor panel, a couple of things happen. Number one is the doctor learns, the doctor improves, the doctor gets up to speed on where he or she should be in terms of the latest professionally accepted standards of care.

Mr. Speaker, in Texas where they have a bill similar to what we have proposed, 45 percent of the time the doctor panel finds that the doctors are wrong. Well, what is good about that is that it improves the care. The other part of the time, the 55 percent of the time when the plans have been deemed to be wrong by the doctor panel, the plans learn what is or is not appropriate care. If we bypass all of that and send it to court, we do not get the benefits, number one, of improving the quality of care and educating the managed care company; we bypass all of that, and we spend a tremendous amount of dollars doing that, and the loss is, we do not improve care for the next person.

Mr. Speaker, that is one of the most important aspects of our bill, besides getting care and letting doctors decide, independent doctors, is we designed a system under which we would raise the level of care and the quality of care for everyone in America, whether they had insurance or not insurance, HMO or PPO or managed care, but that doctor who got turned down learned something by being turned down. So therefore, the next time they saw that situation, they were improved in the quality and skills and care that they gave.

Mr. SHADEGG. Mr. Speaker, if the gentleman would yield just on that point, it occurred to me as I listened to the gentleman precisely the point the gentleman is making with regard to improving care. I think it is very important to understand that.

Under the structure we have talked about, if immediately following internal review by the plan, one wants to appeal and one gets to appeal immediately to an external panel of doctors, one has a chance for that panel, the gentleman said, to educate the plan on the care they ought to be delivering, and once the plan has been told a couple of times by that external panel, no, you should not be denying care under this set of circumstances, you can bet the plan will quit denying care under that set of circumstances.

The other scenario, the trial lawyer scenario, I used to be a practicing lawyer and I have tried my share of lawsuits, I can tell one thing that never happens once you get into litigation, you almost never settle. You polarize physicians at the extremes.

So under the structure we are talking about where you go to internal review and you quickly go to external review and the panel tells the HMO the plan they should be delivering, there is a chance for education and reconciliation and for everybody to learn what the standard of care ought to be and for the care to be given as quickly as possible.

Mr. Speaker, I just want to make the point that under the alternative structure where we go from internal review straight to lawsuits, what we have is two polarized, extreme positions, with the lawyer for the plan doing battle and going to war with the lawyer for the patient, and it is not a reconciliation, and there is no education.

I just have to make one other comment. George W. Bush, the Republican candidate for President, in some ways almost characterizes this perfectly. He says, for too long the partisan fights back here between Republicans and Democrats have kept us from getting anything done. He says, I am going to come to Washington and bridge that partisan fight and try to bring Republicans and Democrats together to get something done. It occurred to me that the partisan structure where we have been fighting each other for the last several years in this Congress and doing more for the lawsuit structure. The plaintiff's lawyer says, the defense lawyer is wrong and the defense lawyer says the plaintiff's lawyer is wrong. We have this war going on. Instead, we could have a reconciliation.

It just occurred to me that is exactly what George W. Bush is saying to America. Let us not have that polarized, pitched fight. Let us try to talk to each other.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to make one more point. As a practicing physician who has been exposed to liability in the past, one of the things we know is that if we do what the Dingell-Norwood bill would set forth, the one thing we do know is that costs would rise significantly. The second thing we know is there will not be any learning history, because the ideal will be to get a patient and sue a managed care plan rather than to change the behavior, either on the part of the HMO or the practicing physician. We ought to incentivize people to do what is right. We should not incentivize additional torts in this country.

In terms of full disclosure, I want everybody to know, I voted for Dingell-Norwood. I made a commitment to the gentleman from Georgia (Mr. NORWOOD) to do that, not because I agreed with the bill, but because I wanted to move the process along; because I, like the gentleman, believe Mrs. Corcoran and the future Mrs. Corcorans have to have a remedy; that if, in fact, somebody does something wrong to them, they have to have a remedy.

It is amazing. My brother-in-law would find it really ironic, as much as the doctors have railed against trial lawyers, they have done us great service in many areas in our country, and we do need to have a mechanism for remuneration and remediation for when somebody is injured. However, we do not need, and what this Norwood-Dingell bill does, is create a system where all the money is not going to go to health care, it is going to go to the trial lawyers.

Mr. SHADEGG. Mr. Speaker, I very much appreciate the gentleman bringing up the fact of cost. I was here on the floor during the previous Special Order by our Democrat colleague.

□ 1815

I heard a lot of railing against the Republicans backing special interests and they do not care about people and they are just for the HMOs. They hate little people and do not care about it. That kind of rhetoric I do not think is very productive, and I do not think it helps bridge the gap and solve problems in America.

But I thought it was interesting that in the close of his remarks, he said he had had a conversation with an employee at a restaurant he frequents. And I have actually been to his district a number of times, and I have a friend who has family in that district. It is on the beach in New Jersey. The gentleman talked about a friend that worked for a restaurant, and she would very much liked to have had health insurance, but her employer, with whom she had a good relationship, could not afford to provide that insurance.

It is important to understand that if we do this wrong, if we drive our system to lawsuits rather than care, if we encourage many, many lawsuits to be filed, and the latest structure is that they want to be able to bring these lawsuits in State court and in Federal court, if we encourage too many lawsuits, if we turn the system over to the trial lawyers, then costs are going to go up.

The structure we have tried to encourage goes at this issue of cost. It says, if Americans are injured, they ought to have the right to go to court. I have many, many good friends in Arizona who are trial lawyers who I respect immensely. I talked to one just a few hours ago back in Arizona, and he has helped me immensely to learn about this issue. He wants to be able to go to court when he has a genuinely injured patient that an HMO has injured. But I do not think he wants to be able to run off to court and have lawsuits filed under frivolous circumstances.

That is a point we have not talked about. The structure that we have asked for where every case would go from the initial denial by the HMO to this panel of expert doctors who would decide, is a treating physician right and the patient ought to get the care or is the plan right and they should not get that care, that mechanism will screen out frivolous lawsuits. It is the frivolous lawsuits that will be turned down by that mechanism. The meritorious lawsuits where this panel of three expert physicians says, no, this plan was dead wrong; the injured party goes to court and they get to recover damages and get to be made whole.

But, Mr. Speaker, if we encourage too many frivolous lawsuits, if we encourage lawyers who are not conscientious to be able to file a lawsuit in Federal court any time they want and muck up the system with an excessive number of lawsuits, costs will go up.

One of the things that we have not talked about here is that issue of cost and its implications for the uninsured. We cannot get into a long discussion about the uninsured, but that is one of the tragic problems here. We have too many people in America, 44 million, who are uninsured. If we drive costs up further, then we are going to have even more uninsured.

As the gentleman from Oklahoma knows, I believe we need to make it possible for every American to have insurance. I favor a tax credit so that they can go buy insurance. And for those who can't afford to go buy insurance, I favor a refundable tax credit. But it is important to understand that the Democratic bill, the Dingell-Norwood bill, perhaps supported by many of our colleagues on the other side, not understanding what it will do, that bill will drive costs through the roof and will hurt health care in America.

Indeed, I fear it will lead to a single-payer, government-run, one-size-fits-all type of health care where we do not get to consult with our doctor and decide the care; some Federal bureaucrat decides the care.

Mr. COBURN. Mr. Speaker, the gentleman from Arizona and I have been here almost 6 years, completing 6 years; and we have seen a lot of instances in which Washington sees a problem and then fixes the wrong problem. And we heard the gentleman from New Jersey (Mr. PALLONE) talk about a Medicare drug benefit, and we have heard how they want to add that to the Medicare program.

Mr. Speaker, Medicare is going to go broke in 2015, and adding a Medicare drug plan as he would like to add, what that will do is just ensure that it is bankrupt about 2007. My point being that it is easy to do mischief and to do the wrong thing here, but it is even easier to fix the wrong problem.

I believe that we have another chart there that I think really summarizes what we want to talk about, that is, if we want to empower patients and doctors, and by that meaning we want more patients to get care and we want them to get the right care the first time from the managed care firm, and we want to incentivize those people who are supplying the money to pay for that care to do the right thing and to do it in an economically efficient and prudent fashion, then what we want is to put doctors with a check on them by other doctors, not doctors with a check on them by a lawsuit, in charge of that care.

Why would we let lawyers today decide the care in the country? And why would we take it from the managed care firms now and not give it to the doctors, but yet give it to the lawyers? For the life of me, I do not understand. And for the doctors in Oklahoma that I have talked to and I hope will be aware of what is going on, for the life of me I do not understand why the most recognized body in health care in this country has chosen to move the decision-making on care not back to the doctors from the HMOs or managed care, but rather has decided that they are going to endorse a bill that moves it to the courts and the trial lawyers.

Mr. Speaker, it makes no sense for care, it makes no sense for costs, and it makes no sense for those people who have no insurance. It is just going to inflate the cost of their care as well as put more people in the ranks of the uninsured. I yield back to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. It is probably worth it, in the minutes we have left, to focus on really the crux of this issue, what we care about, what this discussion is about, why I believe the issue is so critical, why the gentleman from Oklahoma (Mr. COBURN) believes it is so critical.

In the immediate preceding hour there was a lot of rather harsh rhetoric saying that Republicans do not care about a Patients' Bill of Rights, Republicans do not care about patients, Republicans are just for HMOs. That kind of talk makes me angry. It is divisive. It divides the country. It is polarizing, and it is just flat wrong.

I have worked, as the gentleman from Oklahoma has, now for 2 years nonstop on patients' rights legislation. I consider it a privilege that the gentleman and I were able to write a patients' rights piece of legislation, a bill that moves the ability for medical decisions to be made, not by HMOs, but moves that ability away from managed care companies and PPOs and HMOs and gives that decision-making authority to doctors to make the decisions about the standard of care.

But on this partisan attack, I just have to say that it upsets me. Because after writing the bill with the gentleman, I had the privilege of being appointed to the conference committee. I served on that conference committee. I did not miss a single one of those meetings, and I spent countless hours with my House colleagues, Republicans and Democrats, countless hours with my colleagues in the other body in the Senate. Mr. Speaker, not a single Republican that I dealt with in that process, not one did not want to pass a Patients' Bill of Rights that would do the right thing; a Patients' Bill of Rights that would empower doctors, not lawyers; a Patients' Bill of Rights that would deliver care at the quickest point in time. They understood these issues. They discussed these issues at great length. And the reality is we could not get there because of the opposition of Democrats.

So this kind of "Republicans do not care about patients; they only care about special interests," that rhetoric is not productive. What we need is to pass legislation and quit pointing fingers of blame. We do need to analyze the issue, and we need to understand what should happen in the legislation.

Again, I want to conclude by referring to this chart, because it really sums up this whole debate. Health care in America, who should make medical decisions? The Republican position is very, very clear, contrary to what has been said here on the floor. Contrary to what the President might say. Contrary to what the Vice President may say. Contrary to what that commercial that our constituents are watching in their congressional campaigns back home may say.

The Republican position is that doctors, in consultation with their patients, should make health care decisions. So on this chart where it says, "Who should make those decisions?" HMOs? Our answer is no. Managed care companies can do their job, but they should not ultimately have the decision authority. That decision authority should be the treating physician's to decide care. Lawyers? Absolutely not. And that is the central feature, as we have talked about for the last hour, of this fight.

The Democrats' bill, the Dingell-Norwood bill, and I brought it to the floor to hold up, this is Dingell-Norwood One, the first bill they wrote. It had the same structures. It empowered lawyers, not doctors and patients. After a lengthy debate, they produced Dingell-Norwood Two. I have read every word of every one of these bills. I have pored over them and highlighted the pages. The fundamental flaw in the legislation that they want is that it does take power away from HMOs, but it does not give that power to doctors or patients. It gives that power to lawyers. It encouraged lawyers to go to court, and it makes possible for them to go to court. It makes it possible for them to go to court before there is an independent review by three doctors to say, was the plan right or was the plan wrong?

We have to ask ourselves why. Why do they oppose giving the ability to decide what the standard of care in America should be? Why do they oppose that? Why are they opposed to giving it to doctors and rather want to give it to lawyers? I do not know the answer to that question. I am puzzled by the answer to that question.

I know that many of my Democrat colleagues are very sincere about their concern about patients and very sincere in their opposition to HMOs and managed care. But for the life of me, I think it is because they have not carefully studied the bill that they have been advocating, but that bill which the President would say is vitally important will not help health care in America.

Indeed, that bill, if we encourage excessive, frivolous lawsuits by not letting a panel of expert doctors review the case, if we facilitate and make possible frivolous lawsuits in State courts and Federal courts and we allow that to happen before there is an independent review by doctors of whether the care was right or wrong, there is a very, very, very real danger. And that very real danger is that by turning the system over to lawyers and lawsuits and not having an independent external review by doctors but rather letting a lawyer get ahold of the client and rush off to court with a lawsuit and demand a settlement will polarize the parties.

The HMO has been sued. They hire their defense attorney. The plaintiff has her lawsuit going forward. Now we have a polarized position. Not only will that drive costs through the roof and perhaps result in thousands more uninsured; but as the gentleman from Oklahoma has pointed out, it will not incentivize the best care at the earliest point in time, and it will not create an atmosphere in which there is education, in which this panel of doctors teaches the HMO what it really ought to be approving and what it maybe can turn down.

We will not have that educational process. We will not have incentives to deliver the best care at the right time. What we will have instead is a quick lawsuit process whereby power to decide care is taken away from doctors and awarded to lawyers.

We simply cannot make that mistake. There is no margin of safety financially to allow costs to escalate like that. We can pass legislation. Indeed, I would argue we can pass legislation this Congress which does what we have asked for it to do which empowers doctors in consultation with their patients to make the right care decisions, which encourages the best care at the earliest time, and which teaches HMOs what care they ought to be approving and not approving, rather than throwing the whole thing over to the lawyers.

Mr. COBURN. Mr. Speaker, I would make one point. I believe the gentleman has hit on something. I believe that most people really do not understand the impact of the Norwood-Dingell bill. I believe that we can bring people together. I believe that we can put people before politics.

I know this is an election year issue. I am not running for reelection, so I do not have a dog in this fight as far as the election. But what I do know is that our job is to bring people together. And I want to thank the gentleman from Arizona (Mr. SHADEGG), for first of all his insight and understanding of what has gone on with this legislation. Also, his tremendous effort, the amount of time that he have given up away from his family; the amount of time he could have been in Arizona that he was here meeting in a conference, trying to do the right thing. Not for HMOs, not for trial lawyers, but for doctors and patients. For that I am forever grateful.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman and would echo those remarks. I think the reality is clear. I know the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL), and both of them are honorable men and both have the best interests of patients at heart. But, sadly, what happens in Washington, D.C. is that these debates get pulled down into political wars and the Democrat party has a constituency and that constituency happens to be trial lawyers.

So I think this bill got drafted with the input of trial lawyers and, sadly, we have a war going on. I do not defend the insurance companies either. We have a polarization here with the insurance companies and the HMOs on one side saying: do not pass any legislation. We have the trial lawyers on the other side saying: no, turn it all over to us. Sadly, nobody is fighting for the doctors and the patients.

Look how thick this bill is. I think many of our colleagues, indeed, I would guess the vast majority of our colleagues have not had the chance, because these issues are too complicated, to study Dingell-Norwood and understand its public policy flaw and recognize that it does have the danger of driving costs up, and try to understand that the legislation that we are asking for which would empower doctors and patients and would enable doctors to teach plans what care they ought to approve and not approve, that legislation has not been studied carefully.

I think we can still pass it this Congress. The gentleman and I have been in consultation with our Senate colleagues, and we may even have a meeting yet with them tonight on this. I am encouraged. I think we can, if we cut the partisan bickering, pass legislation that will protect patients across America. I appreciate the gentleman from Oklahoma for his brilliance and instruction and all of his help in this debate. It has been a great privilege.

□ 1830

FINAL BUDGET ISSUES

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin tonight with a symbol that I have used repeatedly over the last year, the construction hard hat, to drive home the fact that, at the heart of our effort to improve schools in America is the need to revamp facilities. Whether that means repairing facilities, renovating facilities or building new schools, this is the key, the first and most dramatic and visible evidence of exactly how we elected officials and decision makers feel about education.

Do something about the obvious problem. Do something about the overwhelming problem that localities and States are having the most difficulty with because it requires a large outlay of capital.

Let us do something in the area where the Federal Government does not have to get directly involved in decision making at the local level. We help at the capital problem of buildings and equipment, laboratories, libraries that are involved in improving facilities; and we get out. We do not keep the Federal government around in a situation which involves facilities and equipment.

So I am here tonight to salute the democratic process here in this Congress and to salute the process here in Washington by saying that it looked impossible 3 years ago when we began the crusade to get Federal funding for school construction. It has been a long and torturous battle. The obstacle course has been quite filled with devastating obstacles, quicksand pits and all kinds of traps.

Even now, I cannot stand here and announce that we have an obvious victory. But I think what is important is that we have, at this critical moment in the final days of the 106th Congress, we have school construction on the radar screen. It is at the center of the radar screen.

One of the big problems that we are faced with here as we try to reach judgment, one of the areas of controversy, fortunately, is still there on the table, is school construction. I am proud of the fact that the process has awakened and that we are now, as decision makers here in Washington, running very hard to catch up with the American people.

The American people have said, voters have said repeatedly that education is the number one priority. Within the priorities for education, people do not understand why we cannot do something immediately in some kind of very significant amounts about school construction, about facilities, about guaranteeing that every youngster goes to school in a facility that is safe, that is not threatening his health in any way, the teachers' health is not threatened.

We would like to see a movement which understands that part of the problem with our schools certainly in large numbers of rural areas as well as in inner-city areas is that they are not desirable work sites. Part of the problem of attracting teachers is that they do not want to work at these work sites where we have situations which, really, not only endanger the health of the students, but endanger the health of the teachers as well.

If one has a situation like the coal burning schools in New York where, at the beginning of this crusade that we started 3 years ago, there were more than 200 schools in New York City that still had furnaces that were burning coal.

I am happy to report that, as a result of our agitation and our effort and our constant pursuit of the problems and all the roadblocks, we have a situation now where the New York City School Construction Authority has stated that, by the end of 2001, every coal burning furnace, every school coal burning furnace in New York City will be remodeled and revamped and renovated, and it will be an oil or a gas burning modern furnace with no pollution of coal dust being spewn into the area.

So it is good to stand here and report some progress at some levels, certainly as we move toward the end of the 106th Congress, to have one of our major items still on the table, on the radar screen. A point of great controversy between Republicans and Democrats is school construction, what should we do about school construction.

So I would say that out there, and there are still some students who are still awake at this early hour, fortunately it is kind of early, let us pull out a glass of orange juice or glass of milk and let us drink a toast. I do not have a glass here, but let us drink a toast to the students of America, the public schools of America that are in great need of some help in this very basic area of school construction.

They are about to get a breakthrough. We are about to realize a breakthrough, we hope. The fact that we are still on the radar screen is number one.

The second thing I would like to joyously report is that there is discussion about the fact that, in the area of the Labor, Health and Human Services and Education appropriations bill, there is some kind of almost agreement that the first dollars will be appropriated for school construction that have been appropriated in the last 50 years or more. We will have a breakthrough, we hope.

There is a tentative agreement that the President's proposal of $1.3 billion will be approved in some form. Maybe not all of it will be available for school construction, but some portion of it will be available for school modernization. They like to play with terms. School modernization means renovation or repairs. Maybe, I hope in desperate situations where they need school construction will have school construction.

So many out there are going to school in trailers, have to go to classes in trailers. In the wintertime, the trailers have no bathroom facilities, and kids have to go outside to get to bathroom facilities. Trailers, of course, have no libraries and no cafeterias.

Large parts of America, suburban America, rural America, as well as big cities, are afflicted with the disease of these trailers. So trailers, we hope we can look down over the next 10 years and hope that the Federal government's intervention will lead to a situation where the trailers will be gone.

Certainly I just told my colleagues that the coal burning furnaces in New York City schools, they have given us a chart which shows that there will be none around as of the end of the year 2001, the School Construction Authority. So that means we move from more than 200 schools that 3 years ago were burning coal in their furnaces to none in the year 2001.

I am certain that the Federal Government involvement, as small as it may be, what they are talking about is $1.3 billion in direct appropriations, there is still some discussion of the Committee on Ways and Means bill which would provide tax credits and have the government pay interest on the amount of money borrowed by States and localities up to a total of $25 billion in borrowing authority over a 5-year period, and the Federal Government would pay the interest. That is the other opening for school construction. We hope that that is not off the table yet.

Either way, we would like to see some forward movement and begin the process of having our government deal with education in the area where there is the greatest immediate need and where it is simplest. It is very simple for them to get involved and not have to weigh into the issue of disrupting local control or threatening local operations, et cetera.

So let us drink. Take out your orange juice or your milk and let us drink to a breakthrough. We are on the radar screen.

As the session concludes, I am optimistic that we will make some small breakthrough. I think that it is important to note that this is a very strange session we are about to conclude, I hope we are about to conclude. I know the date for adjournment was set at October 6 and now it is October 30. Every week we had these projections. We are going to get through. But we are still here on October 30. There is an election on November 7, which means that this Congress goes out of existence shortly after that.

We are still hung up on some very critical problems. I want to just take a minute to say that those problems are problems that are very important to the American people. Some people have raised the question as to why suddenly do we have such importance placed on problems like prescription drug benefits, prescription medicine benefits. Why have we singled out that problem for this year?

It is very important because we have been discussing it for the last 10 years in one form or another. It has escalated to the point where the discussion has led to some proposals, and it is time to make some decisions about it.

The cost of preparing drugs also has escalated. The cost has gone up greatly. The role of prescription medicines in our health has increased. There are now some drugs that really make a great difference in terms of the quality of life. There are some prescription medicines that determine whether people live or die. If the medicines were not there, if the prescription, the pill was not there, they would not be able to survive.

More and more, we are seeing the benefits of science over the years pay off in the form of what some people call miracle drugs. I do not think it is an exaggeration. Some of them are literally keeping people alive. One could call them miracle drugs.

So we are now in a situation where it is time to make a decision where this Congress has options that no Congress has had in the last 50 years. We have a situation where there is a huge surplus; whereas, we have had to deny some basically needed services before to our constituents. Here is a matter related to health, life and death. Why cannot we now make some decisions which guarantee the benefits of the great prosperity we enjoy and the great wealth that we have now.

Nothing ever in the history of the world has existed like the United States of America at this point in the year 2000. There is just no other nation, no other phenomenon that one would call a political entity that has had the kind of power and the kind of wealth, the kind of options that the United States of America has at this point.

These options that we have here in Congress in terms of the decisions we make are greatly increased by the fact that we have the wealth. We have the surplus. So why not now make the decisions? The fact that the prescription medicine benefit is still on the table is important. Let us make that decision before we leave here. Why not?

Why not make the decisions about the HMO Bill of Rights, the patients' bill of rights with respect to HMOs. Why not now? Why save it? We have had the dialogue. The democratic process has generated proposals. We have had the debates. Why not now?

Who knows what the 107th Congress may face? Who knows what natural disasters may occur? Who knows what new kinds of crises in the world will confront us in the 107th Congress? We know now that we have the options now. We have had the debate. The process of those who are not enlightened now about what the problem is will never be enlightened. There are folks who cling to certain kinds of special interest considerations. It is not because they are not enlightened. They know they have enough knowledge, they have enough evidence as to what is needed. So we ought to make those decisions.

We ought to make the decisions also related to immigration fairness. We have a bill called the Latino and Other Immigrant Fairness Act, which is called the Latino and Other Immigrant Fairness Act, but it does include critical problems related to immigration in general, critical problems which covers all of the crisis situations that we face right now in immigration.

We face a crisis problem with respect to certain Central American people having receiving permanent status, certain Haitians receiving permanent status, and Liberians. There are a lot of critical problems that are wrapped up here in this Latino and Other Immigrant Fairness bill.

The issue of 245(i), which relates to people renewing their permanent status without having to leave the country is critical throughout the entire country overall of the immigrant groups. That is in the bill.

The issue of the registry for amnesty where we had a cutoff date of 1972 in the last amnesty bill, and the request is that we move that registry date to 1986 so that anybody who had been in the country for 10 years up to 1986 would be eligible for amnesty and could apply.

□ 1845

A very humane gesture because these are people who are already in the country. They have been in the country for a long time, 10, 15, 20 years; and we are just going to recognize the fact that they are here, they are paying taxes, they are working. So let us move to try to regularize their status by giving them permanent residency and allowing them to move on and apply for citizenship.

This does not mean that we are opening up the gates for a flood of immigrants to illegally come into this country. It means we have a common sense problem, and we would like to solve that problem. That is one of the issues still on the radar screen, one of the points of controversy. I want to congratulate the White House and the President, this administration, for insisting that we confront this problem and deal with the humanitarian dimensions of it now, not next year. Right now.

We had an immigration problem of another kind that we dealt with speedily, the H-1B problem, where industry, corporations, have a great need for professional manpower that can handle the kind of needs that they have, information technology needs, most of them, needs related to the digital world, computers, programming of software and hardware, of various problems in the complex digital computer information technology world. They cannot find the people to fill all of the vacancies. That will go on for a long time because our education system is not generating, not producing the people to fill those jobs.

We acted quickly on that one. That is an immigration piece. We raised the quota, and now we have a situation where 195,000 new people in the professional area mostly, information technology, can come in each year. They can come in each year, so that over a 3-year period it is close to 600,000 professionals who have that capacity that are allowed in. We have a need: we met the need.

The Democrats, the administration are contending that we have a humanitarian need. We have a need to regularize the lives of the people who have been here 10, 15 years and let them begin to move towards citizenship. We have a need to do that. We have a need to stop the pain and suffering caused by the regulations related to 245(i), which deny people the opportunity to go home and visit their relatives and then come back without having to deal with long stays away in order to qualify for an adjustment of status and other problems relating to that. We have a need to deal with the Liberians, the Haitians, the Central Americans who have been stranded for various reasons. We need to have the relief of this Latino and other immigrant fairness bill.

So that is another item on the agenda. We have the health care, we have HMO and prescription medicine benefit, we have the Latino and other immigrant fairness act. We have a few other things that are important, but those are two items that are very important that are on the agenda, and we would like to see them remain there until they are resolved in a positive and productive way.

We congratulate the administration. The power of the White House in this end game negotiation is considerable. I have tried to explain the process before. We have come to the point now where it is a Republican-controlled Congress, the other body as well. The whole Congress, House and Senate, is controlled by Republicans. They have the majority, they have the votes, they can do pretty much what they want to without the input of the Democrats who are now in the minority. Our only hope is that the Democratically controlled administration, the executive branch, the White House, will balance off the power of the Republican-controlled Congress.

That is what happens in these so-called end game negotiations. The end game negotiations are underway now. And that is why we are stuck here week after week, because the end game negotiations have been deliberately slowed down as part of the strategy of the Republican majority in the hopes that they can wear out the patience of the administration and of the Democrats.

These items I just mentioned are too important to be given up by default. As long as it is necessary for us to stay here, we ought to stay here to get a prescription medicine benefit in this Congress. As long as it is necessary to stay here, we should stay to get an HMO bill of rights; we should stay to get a Latino and other immigrant fairness bill, a bill which includes amnesty, a 245(i) adjustment and a blanketing of the categories of Central Americans, Liberians and Haitians, who have been left out there with a questionable status.

There is one very important breakthrough that I would like to report, particularly to my own district, on this whole matter of immigration before I go on to school construction, that last and most important of the business items that we have here on the agenda of the Congress. School construction I will talk about in more detail, but before I do that, I am happy to report, and this is another example of the executive branch taking the initiative, doing what it can do in a very humanitarian spirit to relieve suffering of people, that the extension of the designation of Montserrat under the temporary protective status program.

It is important that there is a notice that extends the Attorney General's designation of Montserrat under the temporary protective status program until the year 2001. August 27, 2001. So we have an extension that goes for almost a year for people in Montserrat who need temporary protected status.

Eligible nationals of Montserrat may reregister for temporary protective status and an extension of employment authorization. Reregistration is limited to persons who registered during the initial registration period, which ended August 27, 1998. All who registered after that date under the late initial registration provision, persons who are eligible for late initial registration, may register for the temporary protective status during this extension.

The extension, as I said before, goes until August 27, 2001. The reregistration period began August 2, 2000; and it will remain in effect until November 1 of 2000. In other words, there are 2 days. This breakthrough that was realized and announced on October 2 was a bit late when it was announced, but on that date the registration process began. But people only have until November 1, which is 2 days from now, to reregister.

Now, Montserrat has suffered one of the most cataclysmic natural disasters in this hemisphere of the last 50 years. Montserrat is a very tiny country. At least a third of the country has been wiped out by a volcanic eruption. It is rapidly becoming an island that is uninhabitable. There is some worry about whether the nation of Montserrat will survive. But in the meantime, for those people who had to flee the island, special temporary protected status was given as part of the great humanity of the American people and how our government reacts to natural disasters. We ought to be congratulated for taking them in, first; and now there is an extension, which did not have to have the approval of Congress or we might not have gotten it. This extension will carry them until August of 2001, and we hope that more can be done to resolve the problems related to the great natural disaster of Montserrat in the meantime.

So that is a positive breakthrough in the immigration area. It is a very tiny amount when compared to what we are requesting in terms of the need to pass the Latino and other immigrant fairness act. That act would include, and I wanted to summarize for the last time, it would include an expansion of the 1997 legislation to include refugees from Central America, Haiti, and Liberia who were unjustifiably excluded from the opportunity to apply for permanent residency. It will permanently extend section 245(i) to allow individuals who qualify for a green card to obtain a visa without first leaving the country. It would move the registry date for those individuals who can demonstrate that they have maintained a continued presence in the U.S. from 1972 to 1986, providing an overdue and well-deserved opportunity to individuals who have been living, working and paying taxes in the United States. In addition, for those individuals who have been in this country since 1985, the bill would allow them to adjust to legal permanent resident status.

Now, this bill was proposed to be part of the Commerce, Justice, State appropriation. The President made it quite clear that if this was not included as part of that appropriation bill he would not sign the act, and that is part of the process that is going on now. The strong stand and position taken by the White House is to be commended. We congratulate the President and hope that he will continue to insist that the 106th Congress should not adjourn without bringing immigration relief to the people who deserve that kind of relief.

Those are three items that are on the screen, two items on the screen other than the one that I started with, which I deem to be not more important than immigration, not more important than health care, but critical in terms of where our civilization is going. Our Nation at this point has made an unprecedented breakthrough. We are ahead of Europe, we are ahead of Japan, we are ahead of all our industrial rivals in the area of the digital economy. We have made some breakthroughs which put us out there, and we can maintain that lead and maintain the unprecedented prosperity that we now experience if we continue to generate the kind of resources needed to fuel and drive the information technology industries, the cyber-activities, the digital economy activities. But brainpower is needed.

The critical thing we need now, unlike industrial revolutions in the past where the natural resources often determined the wealth of a nation, if a country was lucky enough to have oil, then the nation had a great advantage. An industry can grow up related to the uses of oil and petrochemicals, and there are a whole series of things that relate to oil. If an area was fortunate to have coal, the coal mining areas had certain advantages because of that natural resource. If an area was fortunate to have iron ore or coal and iron ore near each other, then the steel industry certainly saw advantages there and developed in those areas. If someone was fortunate enough, of course, to have discovered gold, gold or silver, those are obvious metals that all over the world command a great price. So natural resources determine wealth, and the wealthiest people in America for a long time were people who had control over natural resources.

There were people who had control over the natural resources and used them to industrialize, to create the steel and the various products out of the natural resources, and they became the wealthiest people. Now the wealthiest people in the world are people who do not necessarily have the fortunate or good luck to have discovered a pool of oil, oil wells, or the gold mine, a whole set of coal fields; but the people who have the greatest wealth now are people who are masters of the utilization of brainpower. Brainpower is the most powerful force in the world right now. Brainpower.

Who has the brains to make use of all the opportunities that have opened up by the revolution in information technology, the revolution in the digital world, the use of computers in 100 different ways, a thousand different ways? The application of computers is almost infinite. There is no limit on the application of computers, and the use of digitalized equipment of various kinds except the limits of our brainpower. As the brainpower increases directly in proportion, we have these utilizations increase. New discoveries make it easier every day, and so the industry is changing.

The fact that the stock market right now is in a situation where the digital industries are sort of being questioned as generators of income and as investment opportunities, it is all a passing phase. It will not last long.

□ 1900

It is an adjustment of an enthusiasm that maybe got out of control. But it is clear, and we do not have to be a rocket scientist or even a sophomore in college to see the way of the future is clearly the way of digitalization. The way of the computer is the way we are going.

It is like when automobiles were first invented and automobiles even first began to roll off the assembly line, assumptions were made that there will always be only automobiles for rich people, that only rich people could own automobiles, and that the automobile was something so special that it was not going to affect the entire society. But the automobile has transformed and the offspring of automobiles transformed the entire society. We have the culture of the car, an automotive culture. And not just the richest and most powerful people involved, at every level down to the poorest people have some junky, used car. If they want wheels, they can get them or they are involved as drivers in the economy or in the economy as mechanics or mechanic's helpers.

It is just a transformation which touched every level of our society. That was a small development compared to what computers are doing and will do. Computers will move more rapidly. The digitalization of the economy, digitalization of activities, whether they are nonprofit activities or profit activities or military activities, everything will move more rapidly, it will spread across the world more rapidly because it is not as expensive and not as difficult to move about and maneuver as automobiles were and are still.

Computers are already in the far corners of the Earth. There are people who have never seen a car who have seen the benefits of computers. There are things happening in third world countries and in remote regions of the Earth with respect to computers which are astounding.

So we have the leadership. We are ahead of everybody else. We are the driving force in a cyber civilization that has begun already. And yet, in this 106th Congress, the midget minds and the petty souls are such that they are not willing to take advantage of this opportunity where at the same time we can surge ahead in this cyber civilization. The opening is there. The opportunity is there.

We also have the resources. We have a $230 billion surplus. To apply just a small part of that surplus in a constructive way toward education in order to increase the pool of brain power that America has available would gain immense dividends. And you do not have to be a rocket scientist to see it. If brain power is the power that is now driving the world, then the students and the children out there in all parts of America, whether it is a rural poor area or the inner-city areas, they are all potential resources that should be developed.

Some of them may never become computer programmers. Most of them will not. Most of them will not become computer scientists. Most of them will not get in the high theoretical mathematics that relate to computers. But there is no reason why somewhere in the chain where you have computer scientists, you have technicians, you have mechanics, you have mechanic's helpers, you have the school aides who apply help to teachers to apply to computers.

There is a whole world. If you look at automobiles and all the people that are related to automobiles, the salesmen and the auto parts shops and the car wash people, there is a whole range of people who have gotten involved in the culture of the automobile. The culture of the computer will involve many more people.

And when we focus our education effort in a way which anticipates this need, we increase our ability to maintain our leadership in the world in this area. If we have to rely on foreign input, and I am not against foreigners, I am not against immigration, you just heard my arguments before, I am not against spreading the wealth by hiring a large amount of people from all over the world, but if you rely on that repeatedly, then you are going to be draining away resources from the Nation.

The people that are coming here to learn eventually will go back and develop the competition. We have seen that in several instances with respect to the automobile industry. I remember shortly after World War II they were importing large numbers of students from Holland and France and training them in Detroit as engineers and design specialists and so forth and they were working for our companies here. They took it all home eventually. And we have competitors, of course, in Europe and Japan. A large number of those competitors were trained here.

It is not the worst thing in the world, but they do not pay into the Social Security fund here. They do not generate the businesses here that are taxed and can provide the revenue that we need to run our society. And on and on it goes.

There is a limit to the great generosity that prevails now. It may be a fact that most people cannot comprehend but one-half of all the students in our graduate schools who are in science and engineering are foreigners. They are not Americans. And the percentage of foreign students in our programs for graduate science and engineering, computer science, et cetera, has been increasing, not decreasing.

The percentage increases because the number of students from our own American base school systems are going into science and those areas is decreasing, not increasing rapidly enough to keep pace with the need.

The number of vacancies is not being exaggerated. The information technology world said last year they had 300,000 vacancies that would not be filled with the new crop of college graduates because their survey showed that there are colleges that do not have the people that are being prepared to come out and take these jobs. And it increases geometrically. There will be 600,000 after that. And then it will keep growing and expanding, and we will be overwhelmed by a situation where there is so much more that could be done and so many things are being attempted that the frustration will be tremendous. The lost opportunities will be tremendous.

So that is the background that I give for my final statement for the night, and that is we need to reform and improve education right across the board. Education needs help in many areas. We have proposed in the Congressional Black Caucus an alternative budget way back in the spring when we introduced the budget. We proposed that 10 percent of the surplus be dedicated to the improvement of education.

In order to deal with this cyber civilization and all the brain power needs, 10 percent of the surplus, which now the surplus has gone up to $230 billion, 10 percent of that over the next 10 years dedicated to education would be the kind of resources needed to revamp and move.

We could train the science teachers, who then could get more science students. We could train the math teachers. We could get the computers purchased. We could get the technology training for teachers. And most of all, immediately the first thing we could do is to solve the problems that are most acute out there and most visible. And that is the problems of school construction, school renovation, school modernization, the wiring of schools for technology.

We have repeatedly stayed up on this consideration. And I said before, my symbol of the construction hard hat, the Nation needs an effort by construction workers. If ever there was a time that the overtime of one group of people was needed, the Nation needs the overtime of the construction industry to catch up.

The National Education Association survey showed that our needs in order to serve the present generation of public school students, the numbers now to increase enrollment, you need $320 billion for school construction, renovation, modernization, and technology, $320 billion.

Now you say this is an exaggeration by the National Education Association because, after all, they serve teachers. But the official estimate by the Education Statistics Commissioner's Office in the Department of Education is that right now we need $126 billion or $127 billion.

So let us take the conservative figure. Let us deal with $127 billion. Five years ago the General Accounting Office, the GAO, said that we needed $110 billion, 5 years ago. So there is some consistency here in terms of large amounts of dollars are needed for school construction repair and renovation, and we have been on this theme for some time because at the heart of education improvement and education reform must be this highly visible action we need to take to send a message to teachers, to students, to the community that we are serious about education.

Every politician, every candidate is out there preaching that he wants to improve our education system at every level, whether it is the city council people at the municipal level or the State level people, certainly the Federal people, Congress people, and the Presidential candidates. Everybody talks about the need to improve our education system.

Why, then, are there so few resources being dedicated to the improvement of our education system? Why, then, when we have a $230 billion surplus are we being such misers and refusing to commit a substantial portion of that surplus for education? You could commit 10 percent of the surplus without endangering or in any way infringing upon the other responsible utilizations of the surplus. We can still pay down the debt.

The vast majority of the funds that have been accumulated in the surplus can be used to pay down the debt. We can still give money to the Medicare program and money for prescription medicine benefit. We can add to that school construction. And when it is all added up, we are talking about less than 30 percent of the surplus. That means we can give the other 70 percent to pay down the debt and even a tax cut.

Why not a middle-class tax cut, a middle-income tax cut? Why not a tax cut that comes from the bottom and the people who are at the very bottom be eliminated from paying taxes and the middle class have their tax bill reduced, the people who are most in need of some kind of help and relief from taxes? We can do all this and still pay down the debt.

We devote at least 50 percent of the surplus to paying down the debt and still do the other things. And among the other things that we do with the surplus, the number one priority should be the 10 percent improvement for education.

The Congressional Black Caucus said this in the spring of this year, and it is as sound a proposal now as it was then. We have continually pressed the point.

I have a Dear Colleague letter I sent out on January 27, 2000, where I said in terms of the utilization of the surplus for construction and we said if you have 10 percent of education overall, take half of that, 5 percent and use that 5 percent for school construction, renovation, repairs, and technology.

That means that we are talking about $10 billion to $12 billion a year for school construction and another $10 billion to $12 billion a year for other items related to the improvement of education.

In January 27, I said we are moving and the stage is set to build schools. I introduced H.R. 3071, and I said at that time that every Presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program.

Candidate AL GORE then called and he still is calling for a $115 billion program over a 10-year period. I have said that we need $110 billion over a 10-year period just for school construction. But we will take a break through. Even a small amount would be useful. And that is where we are at this point as we near the end of the 106th Congress, a proposal for $1.3 billion, a far cry from what the National Education Association says we need or a far cry from what the Education Statistics Commissioner says that we need or what the General Accounting Office says we need.

□ 1915

But it is a beginning. The stage is set to build schools. I said on January 27 in this Dear Colleague letter:

Keep the education action simple. Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

And I introduced H.R. 3071, which sends the money back to the States based on the number of school-age children. H.R. 3071 offers maximum flexibility for renovations to facilitate security and safety; modernization for educational technology; and new construction to end overcrowding. H.R. 3071 will use no more than one-tenth of the surplus for the next 10 years. Democrats risk being upstaged by Republicans, I said at that time, if they do not move on a school construction bill.

We cannot emphasize too much the fact that the fiscal negotiating environment has undergone a rapid, almost revolutionary sea change since the announcement of the trillion dollar surplus, over a 10-year period, a more than $2 trillion surplus.

I said that as we move toward the end game negotiations, we must make certain that school construction modernization is on the table. I am happy to report, as I said before, that at least we have achieved that. It is on the table. It is on the radar screen. It is a bone of contention, but it is there on the table.

One-half year later, and that was January, July 19, 2000, I sent out another Dear Colleague which said:

Build Schools 2000. Two big battles have been won. Now let us move on to win the war.

The first battle won. The White House moved from a strictly tax relief policy to a direct appropriation policy of $1.3 billion for school infrastructure. The President introduced his budget. And in the budget we made a breakthrough because instead of proposing school construction only through the Committee on Ways and Means and a tax credit process whereby the Federal Government would pay the interest on money borrowed by the States and the localities, the Federal Government was proposing a direct appropriation for school construction. That was a great step forward, $1.3 billion for school modernization.

The victory, the second victory, which came much later, in July, was that after insisting for decades that the Federal Government should not be involved in school repairs and school construction, the Republican leadership introduced legislation which authorizes $1.5 billion for school repairs. That is H.R. 4766, the Classroom Modernization Act of 2000, introduced by the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING).

That is the second great victory. To have the Republican leadership move off the center, move off the position that school construction did not belong at the Federal level and have it propose any kind of school construction was a great victory. I understand most of the dollars being proposed in this legislation would go to charter schools, but I do not care.

Let us understand that some of the remedies for our school system that are being proposed, alternatives, vouchers, for example, vouchers cannot succeed in large numbers if you do not have a school construction program. If you were to suddenly remove all barriers to vouchers, and I am not in favor of that because I think that vouchers only take us into chaos, it is not a viable alternative, but suppose hypothetically that you had the legislation and the authorization from the government to institute a large voucher program in any city or county. Immediately the amount of positions available at the private schools would be filled up. They already have long waiting lists at most private schools. So the people who want to utilize those vouchers would have to build new schools. They would have to have some new facilities. You would have to have a new bureaucracy created to take care of large numbers of youngsters moving from a public school system into a voucher system. It does not matter which way you go.

Charter schools, limited experimental charter schools I am all in favor of. But charter schools have run into the first and most important problem that I am emphasizing here, that is, they have no facilities. The first problem of charter schools is to get a place, a building, some furniture, and the physical facilities, the infrastructure, is the greatest frustration being experienced by people who want to start charter schools. So no matter which way you go, we need some help in this vital area of school modernization, construction, repair, renovation and technology provision.

In this July 19 Dear Colleague letter, I said:

We have won common sense acknowledgment and respectability for the position of Federal aid for school construction. To win this war means we must move from a $1.5 billion proposal to a much larger annual funding proposal. But the important thing is that we have begun. Both parties have taken a position for direct appropriation of money for school construction.

I said also in this Dear Colleague letter:

The September end game negotiations must, one, authorize the reservation of 10 percent of the annual surpluses over the next 10 years for the improvement of education. Five percent must be used for school infrastructures; 5 percent must be placed in an education trust fund to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10 percent annual surpluses shall be distributed in accordance with the number of school age children within each State, et cetera, et cetera.

Mr. Speaker, I submit for the RECORD my Dear Colleague letter of July 19, 2000, and my Dear Colleague letter of January 27, 2000.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 2000.

H.R. 3071 Is the Way of the Future, the Triumphant March Toward Common Sense Has Begun, Construction Is the Kingpin Action for School Reform

DEAR COLLEAGUE: Every presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program which includes school construction. Candidate Al Gore has called for the expenditure of 115 billion dollars in ten years. In H.R. 3071, we call for a ten-year school construction program at a cost of 110 billion dollars.

The stage is set to build schools.

Keep the education action simple.

Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

Let the federal government pay for the big job. Build schools and then leave the day-to-day school operations to local control. Provide the capital funds for the infrastructure and thus free up other funds for salary increases, computers, more books, security, and safety.

H.R. 3071 Sends The Money Back To The States Based On The Number Of School-Age Children.

H.R. 3071 Offers Maximum Flexibility For: Renovations To Facilitate Security And Safety; Modernization For Educational Technology; And New Construction To End Overcrowding.

H.R. 3071 Will Use No More Than One-Tenth Of The Surplus For The Next Ten Years.

Democrats Risk Being Upstaged By A Republican "October 2000 Surprise" On School Construction Modernization.

Democratic Refusal To Support A Meaningful Dollar Investment In School Construction And Modernization Which Benefits Working Families Could Weaken Our Ties To Our Labor Allies And Leave Open An Opportunity For Republicans To Capture More Labor Union Support.

We cannot emphasize too much the fact that the "fiscal negotiating environment" has undergone a rapid, almost revolutionary sea-change since the announcement of the long-term trillion dollar surplus. To adapt to this change and at the same time respond to the number one priority of the voters, we urge you to review your position on this issue and sign up for co-sponsorship now.

Missing from the end-game budget surplus negotiating table is a democratic scenario for long-term adequately funded school construction and modernization.

To Co-Sponsor H.R. 3071 please call Beverley Gallimore at 225-6231. Please note that H.R. 3071 is a revision of H.R. 1820, which changes the authorization from 110 billion dollars in five years to 110 billion dollars in ten years.

Yours For Education Excellence,
MAJOR R. OWENS, M.C.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fiscal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

SUMMARY OF H.R. 3071

To amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is $12,000,000. The Federal expenditure per enrolled student for education infrastructure is 23 cents. An appropriation of 11 billion per year for ten years would result in a Federal expenditure for education infrastructure of $208 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation's elementary and secondary schools need approximately $112,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated $200,000,000,000. Local education agencies, particularly those in central cities or those with high minority populations, cannot obtain adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory condition are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science laboratories are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affects both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education for a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities than can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continues to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make grants of funds to State education agencies for the construction, reconstruction, or renovation, or for modernization for information technology, or such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate to each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fiscal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2000.

BUILD SCHOOLS 2000—TWO BIG BATTLES HAVE BEEN WON—NOW LET US MOVE ON TO WIN THE WAR

Victory 1—The White House moved from a strictly tax relief policy to a direct appropriation of 1.3 Billion Dollars for school infrastructure.

Victory 2—After insisting for decades that the federal government should not be involved in school repairs and school construction, the Republican Leadership introduced legislation which authorizes 1.5 Billion Dollars for school repairs. (H.R. 4766—'Classroom Modernization Act of 2000')

We have won common-sense acknowledgment and respectability for the position of federal aid for school construction. To win this war means we must move from a 1.5 billion dollar proposal to a 10 billion dollar annual funding.

The September End-Game negotiations must:

Authorize the reservation of 10% of the annual surpluses over the next ten years for the improvement of EDUCATION. 5% must be used for school infrastructures; 5% must be placed in an "Education Trust Fund" to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10% annual surpluses shall be distributed in accordance with the number of school age children within each State.

Federal oversight responsibilities shall be limited to the review, approval and monitoring of a School Improvement Plan submitted by each State.

No less than 1% of all Federal funds must be set aside for parent participation activities.

Yours For Education Excellence,
MAJOR R. OWENS,
Member of Congress.

Following on the heels of this effort during the Congressional Black Caucus legislative weekend, we held press conferences along with numerous other entities in Washington and throughout the Nation that wanted to move more aggressively in the area of school infrastructure development. At that time I issued a statement which began as follows:

A deep pool of students who have a basic education in reading, writing, arithmetic, and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy, the Nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process, we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

Mr. Speaker, I ask to include the statement I made on September 15 entitled, "To Close the Digital Divide, We Must Build Schools First."

TO CLOSE THE DIGITAL DIVIDE WE MUST BUILD SCHOOLS FIRST

(Statement of Congressman Major R. Owens, September 15, 2000)

A deep pool of students who have a basic education in reading, writing, arithmetic and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy the nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

First, our potential workforce must have high quality schooling. The buildings must be safe, conducive to learning, wired for technology and able to send the message that education is the top priority of our leaders. The National Education Association study recently released reveals a need for more than 320 billion dollars to provide adequate school buildings across the nation.

The allocation to "Build Schools" must be made this year from the 200 billion dollar federal surplus. We are demanding just ten per cent of the surplus for increased federal aid to education. A mere 20 billion dollars per year for the next ten years would allow for the building and repair of thousands of schools, and also provide funding for other education improvements. In my bill, H.R. 3071, the annual eleven billion dollar appropriation of construction and repair funds is proposed for distribution in accordance with the number of school-age children in each state.

School systems across the entire nation would benefit. All Americans who want meaningful action for education must join the effort to send a message to the White House where the final (end-game) negotiations on the budget will begin in a few days. Public opinion must speak out loud and clear for school modernization and construction now. We are calling on the coalition of parents, teachers, unions and contractors to intensify their mobilization to force the utilization of at least 10 per cent of the federal surplus for education with the first dollars earmarked to "Build Schools".

On October 11, very late in this game, recently, the Congressional Black Caucus sent a letter to the President. This was after a process by which the Caucus decided we support all of the proposals that have been made by Presidential candidate AL GORE for education. We support a plan that was introduced by the minority leader, the gentleman from Missouri (Mr. GEPHARDT). We support all these plans. But the Congressional Black Caucus was frustrated by the fact that all the plans we see, while exemplary and we support them, none of them focus directly and immediately on the urgent problem being faced by the schools in the inner-city communities. So we have sent a letter to the President with a proposal. Our proposal is called a Public Schools Emergency Recovery Program, and it summarizes a way to move immediately to take care of the problems faced by the failing schools in our communities. Large numbers of schools are failing, and of course the students are failing, too, as the need for immediate reaction and action.

We call our emergency recovery program a program similar to a response to a natural disaster. We have an education disaster. We would like to declare certain areas as education disaster areas. We would like to have a program that moves immediately to deal with that. So we sent this program to the President. We sent the President a budget attached to the proposal showing how programs that have already been authorized can be integrated into this Public Schools Emergency Recovery Program.

Mr. Speaker, I submit the Public Schools Emergency Recovery Program with the budget attached.

CONGRESSIONAL BLACK CAUCUS OF
THE UNITED STATES CONGRESS,
Washington, DC, October 11, 2000.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our nation. For the first time in many decades we have a federal budget surplus—and we anticipate a significant surplus every year for the next ten years. We have a window of opportunity to make positive budget decisions this year which will set a pattern for the next ten years. In the context of the present era of abundance the abandonment of failing public schools would be a shameful tragedy.

We, members of the CBC, have already stated our general budget and appropriations priorities through the CBC Alternative Budget which emphasized the need to use our surplus to invest in human resources. Since the final countdown for the "end-game negotiations" has now begun, we wish to state our priorities in more specific and concrete requests.

First, we wish to state that we agree with the prevailing wisdom that a large percentage of the 230 billion dollar surplus should be used for debt reduction. We also concur with the allocation of funds to strengthen Medi-Care and provide for a Prescription Medicine Benefit.

Secondly, we contend that after these priority steps are taken, there should be a significant investment in human resources. At least 10% of the surplus should be invested in Education; 5% for school construction and 5% for other school improvements. We propose that another 10% be invested in housing, health care and social services. For the benefit of the nation we stand firm on the adoption of all of these proposals.

Since the hour is late and the negotiations have begun, we now find it necessary to move from general concerns to specific emergencies. Within the African American community Education remains as our greatest emergency, the solution that makes it possible to resolve most of the other problems we face. Our crisis education situations require a systematic and well targeted Public Schools Emergency Recovery Program which directly addresses the most critical problems of the worst schools of the nation. While the larger national education problems are being considered, we must have an immediate intensified initiative to address the nation's schools which serve populations where more than 50% of the students qualify for free school lunches; and, or schools which are failing to meet established standards and are being ordered to close down. "Education Disaster Areas" would also be determined in accordance with an additional set of hardship and risk indices.

The outline of the proposed CBC Public Schools Emergency Recovery Program is attached. We look forward to an immediate review of this matter with you. We know that it is possible to allocate the funding for this program in the Labor, Education, Health and Human Services Appropriations Act, or within an Omnibus Budget Act.

We extend our heartfelt thanks for your past eight years of partnership and support for the Congressional Black Caucus and the special constituency that we serve.

Sincerely yours,

MAJOR R. OWENS, M.C.,
Chairman, CBC Education Braintrust.
JAMES E. CLYBURN, M.C.,
Chair, Congressional Black Caucus.

APPEAL TO PRESIDENT CLINTON TO FUND THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Statement of the Congressional Black Caucus—October 18, 2000)

In the critical area of Education members of the Congressional Black Caucus insist that we cannot, once again, go home empty-handed. Over the last two decades our constituent communities have suffered devastating budget cuts with the federal deficits always being blamed for the savage neglect. As we celebrate a historic 230 billion dollar surplus, why is it that not a single new concrete initiative is being offered to bring relief to the "Education Disaster Areas" of the nation.

The hour is late but the "end game" appropriations negotiations offer an opportunity to fund an intensely focused emergency program utilizing already authorized measures. Failing schools in poverty areas can be assisted immediately. By targeting a massive "Comprehensive School Reform" effort to solve and resolve the worst education problems in the nation, we establish a foundation for overall school reform that works.

Vouchers which undercut established school systems without offering adequate alternatives are not the answer for schools in crisis. Block grants which hand the power over to neglectful states must be prohibited. The members of the CBC are adamantly opposed to these two dangerous Republican proposals. We also refuse to accept the paralysis of the current Democratic leadership proposals.

While the CBC endorses the Education Agendas that have been offered by President Clinton, Vice President Gore and House Democratic Leader Gephardt, we contend that these plans lack a sense of urgency. The Program that has been set forth by the CBC in no way runs counter to other Democratic proposals. From the womb of the larger and more sweeping agendas, the CBC is seeking to give birth to a baby that will breathe new life into dying schools and systems. For example:

Vice President Gore proposed to allocate 115 billion dollars for education reform over the next ten years.

The CBC proposes that this process be started by committing the first 10 billion dollars and targeting this amount to the worst schools.

Democratic Leader Gephardt proposes the hiring of a million teachers and the initiation of universal pre-school programs.

The CBC proposes to utilize minority colleges and universities to begin a large scale teacher recruitment and staff development program. The pilot programs for universal pre-school should begin immediately in "Education Disaster Areas."

President Clinton's initiatives on school construction are absolute necessities.

The CBC contends that the first federal construction and repair funds should go to areas where new pre-school programs can not be opened and class sizes cannot be reduced due to a lack of physical facilities.

The CBC proposes to streamline the delivery of relief to "Education Disaster Areas" by utilizing private contractors to replace the Department of Education bureaucracy which is not structured to implement emergency measures. Five such "Education Prime Contractors" would cover five regions of the nation.

The CBC is calling an all organizations and individuals who care about education to rally in support of this very practical proposal. Action must start now to replace the noble but fruitless discussions about education. Beyond the immediate education community we are appealing to civil rights groups, religious associations, labor unions and the corporate community to support this initiative which "jump starts" education reform in a meaningful movement.

Our immediate need is for a meeting with President Clinton. Our first task is to achieve a place on the President's "end-game" negotiations agenda. Funding for the Public Schools Emergency Recovery Program can begin now.

CONGRESSIONAL BLACK CAUCUS

SUMMARY—THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Prepared by Congressman Major R. Owens, Chairman, Congressional Black Caucus Education Braintrust, in Consultation with CBC Special Budget/Appropriations Task Force-Appointed by the CBC-October 4, 2000)

I. INTRODUCTION

At a time when the nation has a 230 billion dollar surplus, the Congressional Black Caucus refuses to accept the abandonment of the nation's most needy and challenged schools and school districts. The most effective course for the salvation of our overall education system is to first intensely focus on the reform and revamping of our worst schools and school districts. Saving failing schools requires that a massive area based, site based education improvement program be structured from the bottom-up. A *Public Schools Emergency Recovery Program* will require no less than a budget commitment of 10 billion dollars. We propose a program that can be implemented rapidly through a streamlined structure with strong national policy guidance, a decentralized administrative and operations structure contracted out to non-profit or profit making qualified agencies, institutions, or corporations with established records and experience in education and/or training. The "Education Prime Contractors" shall be allowed considerable flexibility but with strict accountability.

II. FINDINGS

That no proposals currently under consideration are addressing the critical problem of failing public schools at a time when there is a 230 billion dollar federal surplus.

That the long-term goals of the nation's education effort can never be realized if a large segment of the future workforce is abandoned.

That the Federal government is already funding a useful and relevant array of programs sufficient to implement a *Public Schools Emergency Recovery Program*; however, increased appropriations and new mandates to target enhanced funding to "Education Disaster Areas" are needed.

That of first and greatest importance for the achievement of overall education reform is the need for a public policy determination that the recovery of failing public schools is an urgent national priority.

That we are rapidly entering a new "cyber-civilization" and it is imperative that we close the widening digital divide where children who live in "Education Disaster Areas" are falling behind at an accelerating rate.

III. DEFINITIONS

Education Disaster Area—A school or school system that is failing in a community environment with a high hardship and poverty index. Examples: Number eligible for free school lunches; Rate of high risk diseases; Juvenile delinquency rates; Percentage of incarcerated parents; Percentage of high school dropouts. An "Area" may be as small as one school or as large as a school district; but shall constitute no more than 20,000 pupils.

Emergency Committee of National Education Advocates—Five education leaders with special experience in the education of at-risk students. They shall be appointed by the President in consultation with Congressional leaders.

Education Prime Control Agency—A nonprofit institution or private corporation with an exceptional track record and experience in education and training.

Predominantly Black Colleges/Universities—Institutions which do not meet the "Historic" criteria but serve a majority of Black students.

Significantly Hispanic Colleges/Universities—Institutions with 25% or more Hispanic Students.

IV. MAJOR PROGRAM COMPONENTS

A. Area and Site Based School Reform—Mandate local comprehensive planning involving parents, teachers, community leaders, government officials, private sector representatives, fraternal organizations, religious leaders, teachers unions and other unions.

B. Enhanced Curriculum and Program Activities—Areas would be allowed to choose from a menu of established federally funded programs, other certified programs that work, with no more than 20% of funding for new experimental programs. Examples: Community Technology Centers; Gear Up; TRIO; 21st Century Learning Centers; Safe and Drug-Free Schools; Title One; Comprehensive School Reform; Magnet Schools; Reading Literacy Grants; etc.

C. Teacher and School Personnel Improvements—A massive undergraduate student incentive program to recruit teachers; continuing education for teachers and administrators; new positions and staffing patterns; a requirement that all who receive aid for their education must contract to serve in an "Education Disaster Area" for at least two years for each year of education assistance received. Persons who reside in designated areas must receive priority in the distribution of education scholarships, fellowships, stipends, etc. Funding Source Examples: Title Two; All Titles of Higher Education Assistance Act.

D. Funding for Infrastructure and Equipment—Priority must be assigned to the relief of overcrowding and the support of lower student-teacher classroom ratios; to health and safety repairs and renovations; to creating conditions more conducive to learning; to technology enhancement changes. Funding Sources: Elementary and Secondary Education Assistance Act; Rangel-Johnson School Modernization Act.

E. Family and Student Support Services Which Enhance Learning—Individual and family counseling; advocacy for health services; advocacy against community and environmental hazards; advocacy for effective social service; advocacy for jobs and job training; assistance to immigrant families. Possible Funding Sources: Title One; AmeriCorps; Community Services Grants; Welfare To Work; Comprehensive School Reform; etc.

F. Reserve Fund for Additional Incentives and Rewards—Each "Education Prime Contractor" must maintain a reserve fund to reward success as demonstrated via established accountability standards. Funding: Comprehensive School Reform.

V. POLICY, OPERATIONS, ADMINISTRATION

In order to streamline and "jump-start" the Public Schools Emergency Recovery Program, Federal policy initiatives via an Emergency Committee of National Education Advocates in partnership with the Secretary of Education's contracting and monitoring authority will anchor the effort; however, the private sector will be utilized for rapid implementation and accountable administration of this emergency effort (see attached chart).

VI. SPECIAL CONDITIONS

States, local governments and Local Education Agencies with jurisdiction over "Education Disaster Areas" must establish a state of readiness for the receipt of emergency funding; covenants for policy reforms, accountability standards and adherence to timetables must be developed; A Parent-Community override provision shall be enforced in localities where official agencies and authorities are reluctant or obstructionist.

VII. EVALUATIONS

The Secretary of Education in consultation with the Emergency Committee of National Education Advocates shall be responsible for selecting the agencies for the ongoing and final evaluations of the performance of each "Education Prime Contractor."

VIII. EMERGENCY IMPLEMENTATION

The President, the Senate and House Appropriations Committee negotiators, through the "end game" negotiation process have the authority to launch The Public Schools Emergency Recovery Programs using existing funding streams and already authorized programs (See attached chart). The optimum vehicle for the administration of this initiative is Comprehensive School Reform.

Other Members of the CBC Special Budget/Appropriations Task Force—Barbara Lee, Donald Payne, Carrie Meek, Robert Scott, Maxine Waters, Danny Davis, Eva Clayton, Sheila Jackson Lee, Carolyn Kilpatrick, Chaka Fattah, Harold Ford, Jr., Eddie Bernice Johnson, Charles Rangel.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
I. PROGRAMS AUTHORIZED OR PROPOSED IN ELEMENTARY AND SECONDARY EDUCATION ACT				
Class Size Reduction	$1.75 Billion	Same as President however; Schools in Education Disaster Areas must be served first.	0	The undesirably high pupil-teacher ratio is the prevailing pattern in the poorest districts.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE—Continued

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
School Construction and Renovation (Classrooms to reduce class sizes).	$1.3 Billion Direct Appropriations	$3.6 Billion (All must be allocated to Education Disaster Area Schools).	$2.3 Billion	Oldest and most unsafe schools; largest number of trailers; most overcrowding in poorest areas.
Community Technology Centers	$100 Million	$700 Million (to provide a Center for each Education Disaster Area without competitive grant process).	$600 million	At least one million per year for 200 "Education Disaster Areas" for a three year start up period.
Teacher Recruitment	$98 Million	$198 Million	$100 Million	Crash program with subsidized training and incentives to guarantee supply of certified teachers.
21st Century Community Learning Centers	$1 Billion	$2 Billion	$1 Billion	Tutoring Afterschool, Saturday School, Summer School.
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP).	$325 Million	$400 Million	$75 Million	Tested option to increase early student motivation in conjunction with other innovations.
Safe & Drug Free Schools	$650 Million	$750 Million	$100 Million	A tested working program needing more resources.
Teacher Improvement	$1 Billion	$1.5 Billion	$500 Million	A high priority component.
Technology Literacy Grant	$450 Million	$550 Million	$100 Million	Needed to operate in concert with Community Technology Centers.
Migrant Assistance Programs	$410 Million	$510 Million	$100 Million	Needed to combat special problems in rural EDA's.
Reading Literacy Grants	$286 Million	$386 Million	$100 Million	It is important to saturate the entire environment with learning opportunities.
Comprehensive School Reform Demonstrations.	$190 Million	$2.69 Billion	$2.5 Billion	This is the major account for planning, administration, innovations and evaluation.
Magnet Schools Assistance	$110 Million	$210 Million	$100 Million	School integration is still a significant obstacle in many EDA's.
II. PROGRAMS AUTHORIZED OR PROPOSED IN HIGH EDUCATION ASSISTANCE ACT				
Pell Grants	Maximum Award-$3,500 $8.3 Billion Total Appropriation.	Maximum Award-$3,700 $9.3 Billion Total Appropriation.	$1 Billion	Additional funds targeted for high school graduates who reside in Education Disaster Areas (EDA's).
Technical Assistance and Resource Centers for HBCU's.	New Program	$100 Million	$100 Million	Necessary in order to maximize HBCU participation.
Historically Black Colleges and Universities-Undergraduate Program (HBCU-UP).	$10 Million	$20 Million	$10 Million	Expansion of a successful initiative.
Louis Stokes Alliances for Minority Participation (LSAMP).	$26.5 Million	$126.5 Million	$100 Million	Cross coordination will produce additional funding.
The HBCU Research University Science and Technology Program (T.H.R.U.S.T.).	New Program.	$20 Million	$100 Million	Address areas where the greatest number of teachers must be educated.
Title Hispanic Serving Institutions	$20 Million	$100 Million	$80 Million	Vital role in recruitment and training of Hispanic teachers.
Research Extension for 1890 HBCU Land-Grant Colleges and Universities.	New Program	0 Million	$20 Million	For Biotechnology, Environmental and Agriculture teacher training.
III. PROGRAMS AUTHORIZED OR PROPOSED IN OTHER JURISDICTIONS				
Rangel-Johnson School Modernization	$25 Million (Interest payments only)	Same as President (For all other schools outside Disaster Areas).	0	This slower process requiring starting credit or legislative action is not suitable for "emergencies".

We sent a letter to the President discussing these two items. The letter reads as follows:

We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away, this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our Nation. For the first time in many decades we have a Federal budget surplus, and we anticipate a significant surplus every year for the next 10 years. We have a window of opportunity to make positive budget decisions this year. These budget decisions will set a pattern for the next 10 years. In the context of the present era of abundance, the abandonment of failing public schools would be a shameful tragedy.

We asked the President to examine our proposal, and most of all we wanted the President to make certain that in the process of the end game negotiations, he must keep on the table the school construction proposals.

Finally, we have made a statement which says what I have said before, that all of these proposals that have been developed by Democrats are exemplary and we endorse them. Our proposal for a public schools recovery program that was attached in the letter to the President takes into consideration all those proposals.

For example, Vice President AL GORE proposes to allocate $115 billion for education reform over the next 10 years. The CBC proposal that we sent to the President proposes that this process be started by committing the first $10 billion this year and to direct that to the worst schools.

Democratic Leader GEPHARDT proposes the hiring of a million teachers and the initiation of a universal preschool program over the years.

The CBC proposes to utilize minority colleges and universities to begin a large-scale teacher recruitment and staff development program now. The pilot programs for universal preschool also should begin immediately and the first universal preschool program should be in the education disaster areas that we talked about.

President Clinton's initiatives on school construction of course are absolutely necessities, and we contend that the first initiative should go toward the poorest areas. The CBC contends that the first Federal construction repair funds should go to areas where new preschool programs cannot be opened and class sizes cannot be reduced due to a lack of physical facilities.

In order for the class size reduction program to work, you need more and better physical facilities.

Mr. Speaker, I also add the letter to the President of October 11, 2000, and the appeal to President Clinton, the statement issued in a press conference on October 18, 2000.

Finally, I commend to you the fact that there are four very good pieces of legislation on the table right now which relate to school construction. I would like to introduce for the RECORD School Construction Bills Introduced During the 106th Congress, these four particular bills.

SCHOOL CONSTRUCTION BILLS INTRODUCED DURING THE 106TH CONGRESS

Amends Title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of Elementary and Secondary Schools (H.R. 3071). Provides $110 billion over ten years for elementary and secondary school construction, reconstruction, renovation, or modernization for information technology of such schools. Federal grants go to schools with a demonstrated need based on the condition of the facility the age of the facility and the needs related to preparation for modern technology. The Secretary can allocate to each state an amount that bears the same ratio to such appropriated amount as the number of school-age children in such state bears to the total number of school-age children in all the states. (Sponsor: Congressman Owens. Referred to the House Committee on Education and the Workforce).

Public School Modernization Act of 1999 (H.R. 1660). Amends the Internal Revenue Code to provide; a limited credit for qualified public school modernization bonds; for qualified school construction bonds and qualified zone academy bonds and establish limits and allocation formulas for such bonds; and corporations, a limited specialized training center credit (Sponsor: Congressman Rangel, Referred to the Committee on Ways and Means, and the Committee on Education and Workforce).

Public School Repair and Renovation Act of 2000 (H.R. 3705). Amends the Elementary and Secondary Education Act of 1965 (ESEA) to establish a new title XII, Public School Repair and Renovation, which authorizes Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas. Provides $1.3 billion for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years (Sponsor: Congressman Clay, Referred to the House Committee on Education and the Workforce).

Classroom Modernization Act of 2000 (H.R. 4766). Amends the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist states and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment. Provides $1.5 billion over five years for Charter Schools (Sponsor: Congressman Goodling, Referred to the House Committee on Education and the Workforce).

In conclusion, we are about to end the 106th Congress. We have a golden opportunity. We have on the table a proposal now that could make a breakthrough in the critical area of school construction. We would like to see hard hats all across America building schools. The time has come to build schools. That is the first step. We want to improve education. Let us make certain that the facilities are there, the equipment is there, let us go forward to meet the challenge of a new cyber-civilization and keep America in the leadership of the digital economy.

Education comes first. Brain power is the most important force in the world today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 1:50 p.m. on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today after 11:00 a.m. on account of business in the district.

Mr. OSE (at the request of Mr. ARMEY) for today after 1:00 p.m. and for the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOWS) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, October 31.

Mr. EHLERS, for 5 minutes, October 31.

Mr. DELAY, for 5 minutes, today.

Mr. LEACH, for 5 minutes, October 31.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and the Meridian Irrigation District.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 27, 2000:

H.R. 1651. To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of the United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 3218. To amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. To require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.J. Res. 117. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 28, 2000:

H.R. 2780. To authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. To extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Services, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. To extend the authority of the Los Angeles Unified School District to use certain lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. To amend title 44, United States Code, to ensure preservation of the records of the Freedman's Bureau.

H.R. 5314. To amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 29, 2000:

H.J. Res. 119. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

□ 1930

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 31, 2000, at 6 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10768. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7745] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10769. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7736] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10770. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1845-AA17) received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10771. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Special Leveraging Educational Assistance Partnership Program (RIN: 1845-AA18) received October 27, 2000; to the Committee on Education and the Workforce.

10772. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10773. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Killeen, Texas) [MM Docket No. 00-103; RM-9878] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10774. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning Requirements for Digital Television Receivers [ET Docket No. 99-254] Closed Captioning and Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility [MM Docket No. 95-176] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10775. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jenner, California)[MM Docket No. 00-33; RM-9816] (Culver, Indiana) [MM Docket No. 00-34; RM-9817] (Lake Isabella, California) [MM Docket No. 00-35; RM-9818] (Olpe, Kansas) [MM Docket No. 00-71; RM-9852] (Covelo, California) [MM Docket No. 00-72; RM-9853] (Sterling, Colorado) [MM Docket No. 00-74; RM-9862] (Kahului, Hawaii) [MM Docket No. 00-75; RM-9863] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Cloverdale, Point Arena, and Cazadero, California) [MM Docket No. 99-180; MM Docket No. 00-59; RM-9583; RM-9734; RM-9759] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10777. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Charlotte, Texas) [MM Docket No. 00-22; RM-9795] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10778. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (George West, Pearsall and Victoria, Texas) [MM Docket No. 99-342; RM-9773; RM-9844] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10779. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Eastman, Vienna, Ellaville and Byromville, Georgia) [MM Docket No. 00-56; RM-9839; RM-9905; RM-9906] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10780. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Ravenwood, Missouri) [MM Docket No. 00-109; RM-9899] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10781. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Upton and Pine Haven, Wyoming) [MM Docket No. 99-57; RM-9460; RM-9610] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10782. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radionavigation Service at 31.8–32.3 GHz [ET Docket No. 98–197] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Determination and Certification for Fiscal Year 2001 Concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act; to the Committee on International Relations.

10784. A letter from the Auditor, District of Columbia, transmitting a report entitled "District's Unclaimed Property Program Needs Substantial Improvement," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

10785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO [Airspace Docket No. 00–ACE–21] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA; Correction [Airspace Docket No. 00–ACE–12] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Picayune, MS [Airspace Docket No. 00–ASO–28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Harbor Springs, MI [Airspace Docket No. 00–AGL–14] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dexter, MO [Airspace Docket No. 00–ACE–31] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30208; Amdt. No. 2016] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Moberly, MO [Airspace Docket No. 00–ACE–30] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atwood, KS [Airspace Docket No. 00–ACE–19] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00–ACE–20] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairfield, IA [Airspace Docket No. 00–ACE–13] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 99–NM–308–AD; Amendment 39–11920; AD 2000–20–09] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Elkhart, KS [Airspace Docket No. 00–ACE–22] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 98–NM–135–AD; Amendment 39–11919; AD 2000–20–08] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsburg, KS [Airspace Docket No. 00–ACE–28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes [Docket No. 98–NM–207–AD; Amendment 39–11926; AD 2000–20–15] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 99–NM–69–AD; Amendment 39–11906; AD 2000–19–05] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and Class E Airspace, and Amendment to Class E Airspace; Garden City, KS [Airspace Docket No. 00–ACE–25] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2000–NM–17–AD; Amendment 39–11944; AD 2000–21–12] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10803. A letter from the Program Ananlyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–300 Series Airplanes [Docket No. 99–NM–364–AD; Amendment 39–11945; AD 2000–21–13] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Powered by General Electric Model CF6–80C2 Series Engines [Docket No. 99–NM–228–AD; Amendment 39–11756; AD 2000–11–08] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 99–SW–35–AD; Amendment 39–11929; AD 2000–20–17] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 99–NM–248–AD; Amendment 39–11932; AD 2000–20–20] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E4 Airspace; Melbourne, FL [Airspace Docket No. 00–ASO–34] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2000–SW–24–AD; Amendment 39–11930; AD 2000–20–18] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Simmons Army Airfield (AAF), NC. [Airspace Docket No. 00–ASO–39] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ambler, AK [Airspace Docket No. 00–AAL–4] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10811. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision John D. Shea v. Commissioner—received October 27, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

10812. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2000-51] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10813. A letter from the Secretary, Department of Defense, transmitting the Annual Report for the National Security Education Program for 1999; jointly to the Committees on Intelligence (Permanent Select) and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1500. A bill to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands (Rept. 106–1017). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5130. A bill to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; with an amendment (Rept. 106–1018 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 5291. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make additional corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; with an amendment (Rept. 106–1019 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than October 31, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 31, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 31, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 5601. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. MALONEY of Connecticut):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to grandparents who provide primary child care services without compensation for their grandchildren who are not their dependents; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRABACHER, and Mr. KUCINICH):

H.R. 5603. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 5604. A bill to authorize funding for certain housing assistance to increase the availability of affordable housing; to the Committee on Banking and Financial Services.

By Mr. MORAN of Virginia (for himself, Mr. CUMMINGS, Mr. DAVIS of Virginia, Mr. HOYER, Mrs. MORELLA, Ms. NORTON, Mr. WOLF, and Mr. WYNN):

H.R. 5605. A bill to require that the same transit pass transportation fringe benefits that are currently being offered to certain executive branch employees in the National Capital Region be extended to other similarly situated Federal employees; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 5606. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H. Res. 664. A resolution expressing the sense of the House of Representatives regarding the Clinton Administration's lack of cooperation and efforts to impede the investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 914: Mr. MEEHAN.

H.R. 1046: Mr. BOSWELL.

H.R. 1053: Mr. MCGOVERN.

H.R. 1657: Mrs. JONES of Ohio.

H.R. 2344: Ms. KILPATRICK.

H.R. 3195: Mr. CONYERS.

H.R. 3872: Mr. TOOMEY.

H.R. 4215: Mr. BERRY.

H.R. 4219: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4481: Mr. BOEHLERT.

H.R. 4495: Mr. JENKINS.

H.R. 4921: Mr. UNDERWOOD.

H.R. 5261: Mrs. MEEK of Florida.

H.R. 5397: Mr. COSTELLO, Mr. HALL of Ohio, Ms. JACKSON-LEE of Texas, and Mr. CLAY.

H. Con. Res. 306: Mr. CARDIN, Mr. WHITFIELD, Mr. THOMPSON of California, and Mr. GOODLATTE.

H. Con. Res. 337: Mr. HILLEARY.

H. Con. Res. 373: Mr. UDALL of Colorado and Ms. LEE.

EXTENSIONS OF REMARKS

RECOGNITION OF THOMAS L. GROOMS, JR. AS A WORLD WAR II VETERAN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize a great American hero from my district Savannah, Ga., Thomas L. Grooms, Jr. as a World War II Veteran. We should all stand up and applaud Mr. Grooms for his service in the Battle of the Bulge. He used his talent as a Medic to treat those injured and hurt in the line of duty. Without his dedication to helping others many lives would have been lost.

The Battle of the Bulge took place in Germany in 1944. While Mr. Grooms was there he sent all of his pay home to provide for his mother and sister. When the war ended he did not get to go home, instead he stayed in Germany to manage multiple hospitals. Several months later he returned to the United States with no great fan fare. All of the jobs were already taken by the soldiers that had returned earlier.

Mr. Grooms decided to go back to school since he was struggling to make ends meet. He became a Chemist and stayed with American Cyanamid/Kemira Pigments for 33 years. He has since retired and is desperately trying to battle colon cancer.

Mr. Grooms and his wife Bette will celebrate their 50th Wedding Anniversary on November 5th. In today's society marriages like theirs represent a shining example of family devotion. Both are native Georgians—with their families having migrated from England and Ireland in the 1700's. He and his wife raised four children with strong Christian ethics and family values.

Mr. Grooms wife, Bette, is retired from the U.S. Army Corps of Engineers with over 25 and ½ years service. The citizens of my district have been the true beneficiaries for the many personal sacrifices this family has done in order to serve their community, church, and country.

Mr. Grooms' presence and dedication to our country helped insure the freedom we enjoy today. His unselfish acts made a difference to the families of each person he helped. America's all volunteer military has always served with pride meeting the challenges necessary to maintain our national security, to protect American interests at home and abroad, and to guarantee our freedoms and way of life. Our Veterans made many sacrifices to protect our freedoms and way of life, and Americans owe them a great deal.

Please join me again in applauding Mr. Grooms. His warmth, generosity, and friendship has touched thousands of people in his community, church, and family. Without him our country's history would be different. The dedication of this brave man helped shape our history. Our society today needs more people like him who unselfishly dedicate to their lives and fight for the freedom of our country. This man is a very brave person and deserves to be recognized as an American hero. I am pleased to submit this acknowledgment of his continuing life in the CONGRESSIONAL RECORD.

My name is (Tommy) Thomas L. Grooms, III. I have met you before and I have been in your office here in Savannah (on Abercorn). I am a staunch Republican Christian Married Male who is retired from the U.S. Air Force (having served over half of my career assigned to an active-duty slot with the 165th Airlift Wing, Georgia Air National Guard in Savannah). I was a single parent of two precious daughters for over ten years and struggling in service to our country as an enlisted member on a "fixed" income in a slot with no upward mobility. I was forced to retire three years ago when my slot was abolished and I was devastated to say the least. I am now employed with the Coastal Heritage Society, here in Savannah, in an administrative position as Assistant to the Executive Director. This is more of a title than anything, as my income is very low—due to this being a non-profit organization, as you well know. I was blessed with a new wife a little over a year ago. My father has cancer (in the final stages—he is currently in ICU at Candler Hospital, here in Savannah). My wife was one of his medical care-providers when he was initially diagnosed with cancer.

The reason that I am writing to you with this long message is two-fold:

1.) My Father, Thomas L. Grooms, Jr., is a World-War II Veteran—he served as a "Hero" in The Battle of the Buldge—as a matter of fact, Time-Life has a series of books out on World War II, with one book dedicated solely to The Battle of the Bulge—and in this book is a full-one-page picture of my Father on the Battle-Field. He served as a Medic and, when the War ended, he did not get to come home, but was left to manage multiple hospitals in Germany for a number of months. When he arrived back in the states, there was no ticker-tape parade for him and all of the jobs were taken. While he was away at War, he sent all of his pay home to provide for his Mother, who was dying of colon cancer (the same that he now has) and for his sister (his Father, who was a Medical Doctor, had passed away when my Father was an infant) . . . My Father struggled and to make ends meet, went back to school, married my Mother at Calvary Baptist Temple—here in Savannah (with the ceremony being performed by Dr. John Wilder), and I was born a year later in 1951. He retired from American Cyanarmid/Kemira Pigments—with over 33 years employment—here in Savannah over 10 years ago, as a Chemist, where he was exposed to many chemicals for many years (contributing, I believe to his cancer condition today). My Father just had his 77th Birthday on October 5, 2000. On November 5, 2000—my parents—Tom & Bette Grooms—will celebrate their 50th Wedding Anniversary.

a. What I am getting to is this:

(1) Is there any way that you could possibly have my Father recognized in some special way for his War efforts (so many sacrifices) in behalf of our country—before it is too late? You obviously are aware that our country, to date, has not ever properly recognized our World War II Veterans—I am aware of the planned Washington Monument/Memorial—but, it may be too late for my Dad, Jack. . . . Please do something if you can. . . . You don't know how much I would appreciate this . . .

(2) Congrats ltr? you could have both of my parents recognized for their 50th Wedding Anniversary (NOV 5)—should my Dad live long enough to be here for it??? . . . Their Names, Again: Mr. & Mrs. Thomas L. Grooms, Jr. (Tom & Bette)—My Mother's Maiden Name is: Barbaree. Both of my parents are native Georgians—with their family having migrated here from England and Ireland in the 1700's. They are both dear Christian people who have been so involved in their church all of their lives and have reared four children in a Godly, Christian home. They are well-respected in the community by their peers and family alike. They truly deserve to be recognized. As an added note, my Mother, Bette Grooms, retired from the U.S. Army Corps of Engineers with over 25½ years service, including employment at Historic Fort Pulaski under Mr. Ralston B. Lattimore, the original Superintendent who was responsible for the original restoration efforts there. She, too, was a hard worker who contributed much to this community for many years. . . . So, if you can have them recognized for all of this on this very special occasion, it would mean the world to them, me and the rest of our family and friends . . .

2.) The second issue deals with me and my fellow Veterans who have served our country as a career in the U.S. Air Force. I retired after having served over 25 years. I am, once again, a conservative Christian Family Man Who is a Card-Carrying Republican. I am appalled at what our country has done to its Veterans. We were promised free medical, dental, insurance, etc. for the rest of our lives—in return for 20 or more years of service. We however, have to pay for "Tri-Care" and have no Dental Insurance, Eye Care, or Life Insurance . . . I, also, happen to have qualified for V.A. benefits due to disability suffered from a broken back, etc. while in service (I am a Viet Nam Era Veteran, as well). However, every dollar that I receive in V.A. is taken out of my retirement pay. Why is it that a young person can serve 6 months of service and be placed on V.A. due to an injury/disability and receive the same pay that I receive after having had served for over 25 years.

(a) If there is any way you could help initiate a bill and push it through Congress to eliminate this unfair practice/discrepancy—and allocate payment of retirement pay to those who have earned it, as well as V.A.—and another bill to return the proper medical care to all Veteran Retirees for Life, as originally promised by our U.S. Government Representatives/Recruiters/Retention Officers—this would be so very much appreciated, along with a reasonable increase in Retirement Pay for Military Retirees, so we won't have to struggle so much on the outside . . . If I was making more in retirement

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at this very moment, I would not have to be working to make ends meet and would be at the hospital, helping to morally support my parents during this very trying time. . . .

In closing, thank-you, Jack, for all that you have done for our community, our state and our nation—and for how you present yourself—as an Honest, God-fearing, Christian, Family, Moral Man with Values. If there is ever anything that I can do to help support your mission, your campaign, your office, please do not hesitate to call upon me, sir!

Anything that you can do positively relative to the above shared situations would be greatly appreciated and would not go unnoticed. Thank-You, again, Jack, and May God Continue To Richly Bless You In All That You Undertake For His Glory and For The Betterment of Mankind, Our Country, Our Community, and Your Family!!!

Looking forward to hearing from you in the near future in a most positive manner concerning these matters, I am most humbly and sincerely,

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote number 575 on October 29, 2000 I was unavoidably detained. Had I been present, I would have voted yea.

IN HONOR OF PETER AKINYELE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize a truly remarkable man, one who genuinely exemplifies what it means to be a loving, peaceful person, even under the most adverse circumstances.

On Thursday, September 14, around 11:00 pm, Peter Akinyele's 16-year-old neighbor asked to use his phone. He did, only to return with a friend—and a gun. The young boys demanded money while holding the weapon to Peter's head, and yet the 67-year-old maintained a calm, collected composure, asking them simply to "put the gun down."

Peter Akinyele also maintained his composure as the boys proceeded to slash his throat open, beat him and bound his hands and feet with an electrical cord. Near unconscious, the boys threw him in the basement, ignoring his last request: "Please don't set the house on fire," as he collapsed from pain and fatigue. Peter awoke to the smell of gasoline and smoke, and the sound of firefighters extinguishing the blaze. Peter broke through a basement window with his bare hand, and, shouting for help, was eventually heard amidst the chaos. Finally, his ordeal was over and he was brought to safety.

To this day, Peter Akinyele has no trace of anger toward his young and ruthless attackers. Throughout the entire fiasco, he says, his main concern was not only that he would live to see the next day, but that the boys would have a future themselves. Realizing the potential danger if he struggled for control of the gun, he simply talked to the young boys, saying "Please don't shoot me. Don't do this. This is not the right thing to do." Even when someone was attempting to brutally end his life, Peter Akinyele remained strong-willed, and yet empathetic. He would not give up this own life, but he would not even attempt to harm theirs for the sake of his own survival. Certainly, this is a man who does not believe in fighting violence with more violence.

My fellow colleagues, Peter Akinyele is a man who deserves the highest respects for his noble suffering. Many people can look to him as an example of the peaceful nature and genuinely loving heart that all should aim to cultivate in their lives. I commend him for his courage, bravery, and loving heart.

RECOGNITION OF U.S. WEIGHTLIFTING TEAM—MICHAEL COHEN, HEAD COACH; CHERYL HAWORTH; CARA HEADS-LANE; SUZANNE LEATHERS; MICHAEL MARTIN; AND OSCAR CHAPLIN III

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Michael Cohen, head coach; Cheryl Haworth; Cara Heads-Lane; Suzanne Leathers; Michael Martin; and Oscar Chaplin III as members of the United States 2000 Summer Olympic Weightlifting Team. All of these amazing individuals live in my Savannah, GA., part of my congressional district. They have worked hard and represented our country well. We should be proud of the way they represented our country.

Michael Cohen the head coach of the U.S. Women's Olympic Team was an alternate for the 1980 U.S. Olympic Team that was boycotted so he did not get to participate. In 1984 Cohen did not get the chance to compete again because he was an alternate. In 1988, he injured his back and was unable to compete. It was then that he realized that the only way he would make it into the Olympics was to be a coach and it was then he founded the Paul Anderson/Howard Cohen Weightlifting Center. He is a great coach and an inspiration to all of the people that come into his gym.

Cohen had to wait some 20 years to experience his dream of participating in the Olympic Games. He was allowed to walk in the open ceremonies with all of the athletes. This was a treat because some countries do not allow the coaches to walk in the open ceremonies. Cohen's father started him lifting weights at the age of 5.

Cheryl Haworth of Savannah, Georgia became the youngest U.S. athlete ever to win an Olympic medal in weightlifting when she earned a bronze medal in the women's plus 75kg with a total of 270.0kg. On her way to winning the bronze medal, Haworth set four American records—two in the snatch and two in the total.

Haworth began lifting only three and a half years ago. She is the exception to the rule of training for many years equals success. She walked in the gym some three years ago in order to increase her strength for playing softball. As soon as she walked into the Paul Anderson/Howard Cohen Weightlifting Center the coaches at the gym immediately realized her amazing natural talent and began her training.

Haworth is a three time national champion and holds every American record in her weight class. Haworth won America's only medal at the 1900 Worlds, a bronze in the snatch.

Cara Heads-Lane moved to Savannah, Georgia four years ago from Costa Mesa, California in order to train. She has been training since the age of 8 and has worked a long time in order to make it to the Olympics. Cara placed 7th in the Women's Heavyweight in the 2000 Olympic Games.

Oscar Chaplin III was the first American in history to win Junior World Championship. Chaplin finished 12th in the men's Middle Weight in the 2000 Olympic Games. Chaplin has been lifting weights since the age of 9 and is ranked in the top 15. He holds the National Junior and Senior records for the last three years.

Suzanne Leathers was an alternate for the 2000 Olympic Weightlifting Team. She moved to Savannah, GA. with her coach Donald McCauley to be in the weightlifting capitol. She and Donald decided that they would get married if she made the Olympic Team. So, on September 14, 2000 they tied the knot in Australia. I wish them a happy and joyful life together.

Michael Martin was the youngest person to ever make it on to an Olympic weightlifting team. He was picked as an alternate for the 2000 Olympic Team. His sights are set for the 2004 Olympics.

Please join me in applauding all of these fine young men and women. They have worked extremely hard to reach this momentous goal. Let us all look up to them and strive to work as hard as they have to reach a goal. Our society needs more people like them that work extremely hard to represent our country. These young people proved that our American youth are indeed the best.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote number 574 on October 29, 2000, I was unavoidably detained. Had I been present, I would have voted yea.

IN HONOR OF OHIO PTA'S 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio PTA on its 100th Anniversary, on May 21, 2001.

For the past century, the Ohio PTA has been actively fighting for our children. When the Ohio PTA first convened on May 21, 1901, during the National Congress of Mothers, it recognized the importance of our children, and their need to be educated and raised in a healthy manner. The PTA made it their mission to act and speak on behalf of our young people throughout the community as well as before government agencies.

In the 1920's, the PTA worked to ratify the National Child Labor Amendment as well as advocated the need of special classes for developmentally handicapped children. During the 1940's, the PTA assisted the war effort by working with the Red Cross and other agencies to help abroad. Meanwhile, the PTA also established the Memorial Scholarship Program to train teachers to better educate our children at home. During the 1980's, the PTA launched its "Come Back to School" project to improve parent involvement as well as increase participation in the larger cities. Most recently, the PTA has been instrumental in increasing parent involvement, advocating legislation on behalf of the youth, as well as leading the Citizens Against Vouchers coalition.

The Ohio PTA recognizes the role of parents as primary educators in partnership with the schools with whom we entrust our children. The Ohio PTA acknowledges that we are all parents as long as we carry significant responsibilities for a child's development. Presently, there are 150,000 PTA members in 800 local units throughout the state.

The Ohio PTA plays an important role in striving to maintain the safety, welfare, and education of all of our children in the state of Ohio. Please join me in honoring the Ohio PTA on the occasion of its 100th Anniversary.

MARGARET MARKETA NOVAK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. WAXMAN. Mr. Speaker. I am pleased to commend my constituent Margaret Marketa Novak for her dedicated contributions to Holocaust education and remembrance, and acknowledge the recent completion of her autobiography One Left, Just One.

For over 30 years, Ms. Novak has been active in Holocaust issues, as a speaker, an author, and a member of Holocaust survivor support organizations. Her volunteerism and commitment exemplify the belief she notes in her book that "Surviving is not enough, it's what we do with our lives that counts."

As the only survivor in a family of nine that perished in the Holocaust, Ms. Novak has lived a challenging life, as so many others who, like Ms. Novak, relied upon faith, fear and courage to survive the ghetto, Auschwitz, the DP camps, and the uncertain trip to settle in the United States.

Although nothing can vindicate the murders of the innocent six million who perished, or reclaim the lost childhood she documents in her book, Ms. Novak's resolve to share this history is a testament to the determination of all of the survivors who struggled to reclaim their lives after the war and put them on record for future generations.

Our community is grateful to Ms. Novak for her devoted service. I extend her my best wishes for the future.

AMBASSADOR DAVID IVRY DISCUSSES ISRAEL'S RESTRAINT IN DEALING WITH THE CURRENT MIDDLE EAST VIOLENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. LANTOS. Mr. Speaker, last Friday, the Washington Post published an excellent article by His Excellency David Ivry, ambassador of Israel to the United States. Ambassador Ivry has served as commander of the Israeli Air Force and Deputy Chief of the General Staff. For the past year he has represented Israel in the United States. I want to commend Ambassador Ivry's article to my colleagues in the Congress.

Mr. Speaker, all of us regret the tragic deaths which have resulted from the violence in the Middle East. It is a great tragedy that this turmoil has turned the focus from efforts to resolve the conflict peacefully to dealing with a new wave of disorder that undermines the basis for peace between Israelis and Palestinians. The violence is unacceptable, and it is undermining the very basis for peace—the notion that Palestinians and Israelis can live together.

Unfortunately, Mr. Speaker, the evening newscasts are giving a false image of the true dimensions and nature of this violence. The carefully orchestrated turmoil and the cynical and tragic use of little children should stand condemned by all of us. It is important that we understand the full significance of what is happening as this disorder continues to threaten stability and the progress that has already been achieved.

Ambassador Ivry has laid out in particularly clear and incisive terms the Israeli interest in achieving a peaceful reconciliation with the Palestinians. He also explains the position and policy of the Israeli government in its effort to deal with the unacceptable levels of Palestinian-orchestrated violence that now threatens to undermine the progress that has been achieved over the past seven years.

Mr. Speaker, I ask that Ambassador Ivry's article be placed in the RECORD, and I urge my colleagues to give it the careful and thoughtful attention that it deserves.

ISRAEL'S RESTRAINT

By David Ivry The Washington Post, Oct. 27, 2000

The current wave of violence in the Middle East has left more than 100 Palestinians dead, while the number of Israeli fatalities has been relatively small. This uneven casualty ratio has raised questions by some as to whether the Israeli forces are too eager to pull their triggers in response to Palestinian violence. The answer to such concerns is clear: Israel has shown the greatest restraint possible in the face of continued violent provocations, and Israel's forces have made a maximum effort to avoid Palestinian fatalities.

Israel has no interest in the continuation of violence, and our tactical response has been to avoid actions that could lead to escalation. Every Israeli soldier on the ground receives strict orders as to the rules of engagement, which state clearly when it is permissible to use live fire. An Israeli soldier may respond only when shot at first or in a life-threatening situation. In either case his response must be directed at the source of the fire.

On Oct. 12, the day the two Israeli soldiers were brutally lynched in Ramallah, Israel responded by sending helicopters into action in Ramallah and Gaza. Not only were our pilots under strict instructions to surgically strike designated points but Israel also warned the Palestinians to evacuate the specified targets. It was no accident that there were no Palestinian fatalities in the Israeli counterstrike.

Israel's operational procedures for dealing with violent crowds involve the use of teargas and rubber bullets. Palestinians are propagating the fallacy that Israeli troops meet street demonstrators with live fire. Unfortunately, we have witnessed many incidents in which armed Palestinians have opened fire on Israelis from street demonstrations—using their fellow Palestinians as human shields. The Palestinian leadership has gone as far as closing the schools and busing children to points of friction, knowingly putting youngsters in harm's way. International treaties clearly condemn the enlisting of children to participate in hostilities. The international community should speak out against this reprehensible exploitation of children for political purposes.

Today's violence is quite different from that of the intifada in the 1980s. Israel then controlled the entire West Bank and Gaza Strip, and Israeli soldiers were stationed inside Palestinian cities.

Today, as a result of the Oslo accords, 40 percent of the territories, including all the population centers, are under Palestinian control with more than 95 percent of Palestinians living directly under the rule of the Palestinian Authority. Our forces sit outside the population centers at points agreed to in the Israeli-Palestinian interim agreements. For violent incidents to erupt, Palestinians must seek out those forces or Israeli civilian targets.

During the intifada, our forces had to deal primarily with violent demonstrations. Currently, Israeli soldiers face armed Palestinian forces, either the official Palestinian security or the Tanzim militia (which, according to the interim agreements, should not have weapons at all). Palestinian gunmen have opened fire on Israelis in hundreds of incidents. Pictures of Palestinian boys with slingshots do not accurately reflect this new reality on the ground.

The ultimate irony of the current situation is that Prime Minister Ehud Barak has shown unprecedented flexibility in the peace process. The Palestinians, rather than opting to negotiate, chose to revert to violence. It was the Palestinian side that reneged on the cease-fire brokered by Secretary of State Madeleine Albright in Paris, and it was the Palestinian side that failed to implement the deal brokered by President Clinton at Sharm el-Sheikh. Israel did not want, seek or encourage this round of fighting. The questions must be asked: Which side has acted to contain and to end the violence, and which side has not?

The truth about the ratio of Palestinian to Israeli deaths is that Israelis have been actively seeking to limit fatal casualties in this conflict while, unfortunately, the same cannot be said for the Palestinian side. As retired Gen. Wesley K. Clark wrote recently: "for the Palestinians, every casualty, even their own, can be a strategic gain." As long as the Palestinian leadership acts on the assumption that there is a net political advantage in bloodshed, surely they, and those in the Arab world who encourage this violent strategy, should be held accountable for the appalling and unnecessary loss of life over the past four weeks.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. ABERCROMBIE. Mr. Speaker, on Sunday, October 29, 2000 I was unavoidably detained from presence in the House. Had I been present, I would have voted as follows:

Rollcall 574, Approval of the Journal—Yes.

Rollcall 575, One Day Continuing Resolution—Yes.

Rollcall 576, Pallone Motion to Instruct Labor-HHS Appropriations Conferees—Yes.

HONORING THE INLAND EMPIRE UTILITIES AGENCY OF CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GARY MILLER of California. Mr. Speaker, I commend the Inland Empire Utilities Agency of California, as they celebrate 50 years of excellence in water resources and quality management.

The Inland Empire Utilities Agency plays an integral part in distributing water, providing wastewater collection, and other utility services for nearly 700,000 people that reside within a 242-square-mile area of Western San Bernardino County. They have eight agency facilities within their jurisdiction that are designed to meet the specific needs of their regional community. Additionally, they have a five member Board of Directors that represents each division.

One of the critical aspects to the success of the Inland Empire Utilities Agency has been their ability to keep the lines of communication open. They have done an outstanding job working closely with local, State, and Federal legislators to ensure that California's water needs are being met.

Inland Empire Utilities Agency, a quality company that has taken a pro-active role in addressing water issues, is poised to meet the demands of the future. I ask that this 106th congress join me in congratulating the Inland Empire Utilities Agency as they celebrate 50 years of excellence in water resources and quality management.

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY AND DOCUMENTATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. CONDIT. Mr. Speaker, on October 10, the House of Representatives passed by voice vote the Transportation Recall Enhancement, Accountability and Documentation Act.

The quick passage of this bill was a direct result of the public's concern over the safety of automobile tires. This was a good and proper beginning. However, I am hopeful that next year, in the new session of Congress, we can take a more comprehensive look at all automobile safety issues. In particular, Congress should closely examine the availability of information necessary to repair vehicles.

Oftentimes, consumers and repair shops do not have access to adequate information on how to properly repair and maintain vehicles. When information concerning the proper repairs and appropriate replacement parts for automobiles is withheld or tightly controlled, motorists are put in jeopardy. This situation can lead to unsafe vehicles on the road and must be addressed.

In the 1990 Clean Air Act Amendments, Congress required new vehicles include an On-Board Diagnostic System to monitor vehicle emissions. At that time, Congress also mandated that the information necessary to make emission repairs be made available to all those who repair the vehicles, including the after market.

Since this time, diagnostics have evolved to monitor most car systems such as brakes and air bags. Yet the information required to make repairs on these systems is not made available to the car owner or the local repair shop. It is time for Congress to carefully consider the benefits of extending the information sharing requirements to cover all the systems in an automobile.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 576 on October 29, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I missed the following Recorded Votes due to the death of my father. I wish the RECORD to reflect how I would have voted on the following had I been present:

Rollcall No.	Bill No.	I would have voted—
563	H.J.Res. 117: Passage of Continuing Appropriation for FY2000.	AYE
564	S. 2943: Passage of International Malaria Control Act.	AYE
565	H.R. 2498: Passage of Cardiac Arrest Survival Act.	AYE
566	H.Res. 655: Passage of consideration and Senate amendment to H.R. 1550 (authorization appropriations for the United States Fire Administration).	AYE
567	S. 2712: Passage of Reports Consolidation Act.	AYE
568	H.R. 5309: Passage of Ronald W. Reagan Post Office Bldg.	AYE
569	S. 3194: Passage of Robert Walker Post Office Bldg.	AYE
571	H.J.Res. 118: Passage of Continuing Appropriation for FY2000.	AYE
572	H.R. 4577. Passage of Motion to Instruct Conferees regarding LIHEAP funding on Labor/HHS/Education Appropriations, FY2001.	AYE
573	H.R. 4577: Passage of Motion to Instruct Conferees regarding disagreeing to Senate Amendment that deny President's request for dedicated resources to reduce class sizes on Labor/HHS/Education Appropriations, FY2001.	NO
575	H.J.Res. 119: Passage of Continuing Appropriations for FY2000.	AYE
576	H.R. 4577: Passage of Mr. Pallone's Motion to Instruct Conferees on Labor/HHS/Education Appropriations, FY2001.	NO
578	H.J.Res. 120: Passage of Continuing Appropriation for FY2000.	AYE
579	Mr. Linder's motion regarding House Meeting Hour for Tuesday, October 31, 2000.	AYE

COMMERCE, JUSTICE, STATE APPROPRIATIONS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. ESHOO. Mr. Speaker, when we passed the H–1B legislation recently, it was my deep regret that Congress missed an opportunity to grant long-awaited parity to certain groups of immigrants in our country. Today I rise to speak against the measure currently before us because we're heading for another missed opportunity.

Significant portions of our Nation's population have been living, working, and raising families in the United States for many years. But they've been living in legal limbo, fearing deportation, because they were wrongly denied legal status to which they were entitled and which they qualified for in the 1980's

Another group of immigrants has also been treated unfairly. In 1996 and 1997 Congress gave Nicaraguans and Cubans the opportunity to become permanent residents, but thousands of refugees from Guatemala, El Salvador, Honduras, and Haiti were left with only temporary residency status. This group deserves the same opportunity to obtain American citizenship.

The remedy for these problems, the Latino Fairness and Immigration Act, has been kept out of the Commerce, Justice and State appropriations bill. The Act is based on our country's basic tenet that people in similar situations should be treated equitably. It would keep immigrant families united through restoration of Section 245(i) of the INS Code. It would reward them for their hard work and recognize that they've paid their taxes and made other contributions to this country. It would also establish legal parity for all refugees who fled political turmoil in the 1990s.

It is important to state that because of past congressional action and bureaucratic bungling, some who were eligible for a legalization program enacted in 1986 are now U.S. citizens, while others are facing deportation. If we pass the Latino Immigration and Fairness Act, we'd be rewarding people who have played by the rules, telling them that the U.S. Government is willing to correct its mistakes of the past, keep their families united and exercise fairness.

What we're simply asking for is that a correction be made to an acknowledged wrong. Congress has taken this sort of action numerous times in the past when it has acted to legalize the residency of those who have been in America for many years.

This fair remedy is long overdue. What has been brought to the floor is an incomplete, inadequate measure that rewards some and denies others. Its inadequacy and unfairness falls short of what we stand for as a nation and what in the name of fairness should be done.

I ask my colleagues to reject the C–J–S appropriations bill for these reasons and instead support the Latino Fairness and Immigration Act.

A STATEMENT ON BEHALF OF MY COLLEAGUE, SIDNEY RICHARD YATES

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. EWING. Mr. Speaker, when I was first elected to Congress in 1991, I became acquainted with my colleague, Sid Yates, who represented the 9th Congressional District of Illinois. Mr. Yates had first been elected to Congress in 1949 and was passed the four decade mark in service to the U.S. Congress when I met him.

While Congressman Yates and I served in different parties, we all served the state of Illinois and worked together on projects of mutual interest to our state and our nation. Congressman Yates had one of the most distinguished careers of any member ever to serve in the House of Representatives. He was a man whose reputation for honesty and integrity was untarnished after years of public service. He was a man who understood and loved the system that is the U.S. House of Representatives.

After Sidney Yates retired in 1999, I had the opportunity to visit with him about how he liked his new status. While I know that he enjoyed his retirement he missed very greatly the institution in which he had spent so many years of his productive life.

It is with regret that I acknowledge the passing of Sidney Yates so soon after his retirement. Yet, he was a man whose life was very full, who had so many good and productive years in which he dedicated himself to his state and nation. For his service, for his life, for the standards he set, he will long be remembered and always admired.

FTS 2001 PROGRAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to address the U.S. Government Federal Telecommunications Services contracts, called FTS 2000/2001. As a member of the Government Reform Subcommittee on Government Management, Information and Technology and with my continued interest in information technology issues, I believe it is important that we do all we can to ensure that a customer—as large and important as the U.S. Government—is not short-changed in the midst of the digital age.

Since the passage of the 1996 Telecommunications Act, telecommunications and high-tech companies have experienced colossal incentives to offer more advanced services and lower prices for consumers. This industry continues to have the opportunity to form strategic unions with its government customers to place a new emphasis on the latest technological innovations and showcase offerings of voice, data and video services throughout the United States and the world.

Even though we are making progress since passage of the 1966 Act, I remain concerned about the recent articles I've read stating that winning FTS vendors and the Federal government have run behind schedule in conversion of the contracts from FTS 2000 to 2001. This has impacted the competition built into the FTS 2001 contract. I find it troublesome to learn that this has resulted in a limited competitive opportunity for young, cutting-edge companies. As a result, this marketplace has experienced little in the way of introduction of new products and services to the government market.

I believe that it is important that we exercise our Congressional oversight authority and we quickly review the fair process that was initially established for federal agencies under the FTS 2000/2001 programs in order to restore competition within the government sector.

AMERICA WILL MISS CONGRESSMAN SIDNEY YATES

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I was saddened to learn of the passing of Illinois Congressman Sidney Yates. I appreciate this opportunity to join his colleagues in honoring his memory and his legacy of service.

Congressman Sidney Yates served the people of Illinois and the American people with distinction. He actively and assertively championed the cause of cultural development, as one of the Congress' leading advocates of the National Endowment for the Arts. He reminded us that continued public sponsorship of artistic expression is essential to nourish America's creative spirit, and the Chicago Tribune called him the "greatest friend" of the arts. As an active member of the Appropriations Committee and as Chairman and Ranking Member of its Interior Subcommittee, Sidney Yates also championed the cause of America's outdoors. Due in large part to his devoted stewardship, the National Park System grew as visitorship increased from 29 million in 1948 to almost 280 million in 1998.

This natural leadership should have come as no surprise. Sidney Yates was clearly an exemplary American. He excelled at the University of Chicago. There, he developed both the keen intellect that served him and his constituents so well in Congress and a real devotion to the outdoors, as a star basketball center and an exceptional amateur golfer. When the shadow of the Second World War brought darkness to our shores, Sidney Yates served in the United States Navy, earning the rank of Lieutenant. The young veteran again answered the call of duty in 1948, winning a seat in Congress that he eventually held for almost a half-century. Over the years, his steadfast dedication to the interests of his constituents won the support of the political machine that dominated Chicago politics during his first few terms, as well as the backing of Chicago's reform advocates. Sidney Yates retired last year as the longest-serving member in the history of the United States Congress.

Mr. Speaker, I will recall Sidney Yates with fondness. In honoring his memory, I honor the example of a life given in selfless service to our nation, and I can say with confidence that America will miss Congressman Sidney Yates.

HONORING MARILYN CULPEPPER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to recognize Marilyn Culpepper for her dedication to the health and well being of Monroe County, Alabama, citizens.

Marilyn Culpepper was appointed to the Monroe County Hospital Board in July 1996 and elected its chairman by unanimous vote of the board a few months later. She served as chairman from 1997 to 2000. Mrs. Culpepper has since moved to Mobile, and I wish her well as she takes on new challenges.

A native of Grove Hill, Alabama, Mrs. Culpepper is a 1980 graduate of the University of West Alabama (formerly Livingston University) and was the recipient of that school's Alumni of the Year Award in 1996.

Over the years, she has had several successful careers and civic achievements. In 1986, at age 27, she was elected to the Sumter County Board of Education. She was elected a second time in 1988 and served with distinction until moving to Monroe County in 1991.

In Monroe County, Marilyn Culpepper served first as associate editor, then managing editor of the Award-winning weekly newspaper, The Monroe Journal. She also distinguished herself through community service in several capacities. To name a few, she was president and/or board member of the Monroeville Area Chamber of Commerce, the

Monroe County Public Education Foundation, the Monroeville Kiwanis Club (where she was the first woman elected as "Kiwanian of the Year"). She also served as a volunteer for the Monroe County Heritage Museums, and for the Alabama Writers Symposium during their inaugural year. In addition, she served in Israel as the representative of the Monroe County Commission and the Monroeville Area Chamber of Commerce during performances of "To Kill a Mockingbird." Manifesting her talent, Mrs. Culpepper is a two-time recipient of the Alabama Medical Association's Douglas L. Cannon Recognition for Excellence in Medical Journalism.

As editor of The Monroe Journal and, later, economic developer for Monroe County from 1997–2000 and as chairman of the Monroe County Hospital Board, Mrs. Culpepper was an advocate for accessible health care for all citizens regardless of age, social or economic status. She was a driving force behind expansion of hospital services and creation of a rural health clinic in Monroe County.

Under Mrs. Culpepper's leadership, the hospital in Monroeville embarked on a major expansion and construction project, the creation of a cancer-treatment center and the development of a diabetes support program. She also oversaw the creation of the Monroe Health Foundation and has been a contributor to the foundation.

Today, Mrs. Culpepper serves as executive director of the Historic Mobile Preservation Society. Her commitment to community development—preservation, education, and innovation in enriching the lives of all citizens continues. She is committed to developing a regional network of cultural, civic and humanitarian efforts to benefit all residents of south Alabama and continues to be a friend to Monroe County and Monroe County Hospital in this endeavor.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 574, a bill approving the Journal of October 29, 2000. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 575, H.J. Res. 119, making further continuing appropriations for fiscal year 2001. Had I been present I would have voted "yea." Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 576, a motion to instruct conferees on the Labor, Health and Human Services for fiscal year 2001. Had I been present I would have voted "nay."

HONORING JAMES HEIDEN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Mr. James Heiden upon his retirement from Easter Seals. It is an honor to recognize Mr. Heiden and the outstanding service he has given to the entire community of Montgomery County, Pennsylvania.

Mr. Heiden has served Easter Seals for 26 years and is currently Executive Director of the local affiliate. Over the past 20 years as director of the local Easter Seals, he has worked tirelessly to implement new programs for this community and to expand Easter Seals services to thousands of families.

Under the direction of Mr. Heiden, the local affiliate serving Montgomery, Philadelphia, Bucks and Chester Counties has become a national leader in early intervention services for children up to five years of age and their families. The Easter Seals affiliate has also been successful in expanding home- and community-based services. They have implemented many cutting-edge programs including specialized assistive technology services for children and adults with disabilities, programs for siblings and families of children with disabilities, and a variety of adaptive recreation programs.

Easter Seals has received accreditation from the National Association for the Education of Young Children. This is a prestigious recognition that has been achieved by only seven percent of early childhood programs nationwide.

It is a privilege to honor the contributions of Mr. James Heiden to the Easter Seals foundation of Montgomery County, Pennsylvania. His hard work and dedication is appreciated by all whose lives he has touched.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BECERRA. Mr. Speaker, on October 28 and 29, 2000, I was detained with business in my District, and therefore unable to cast my votes on roll call numbers 570 through 576. Had I been present for the votes, I would have voted "yea" on roll call votes 570 through 576.

In addition, this morning, I was unavoidably detained, and therefore unable to cast my votes on roll call numbers 577 and 578. Had I been present for the votes, I would have voted "yea" on roll call votes 577 and 578.

TRIBUTE TO ELMER A. FERGUSON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Elmer A. Ferguson in the Congress for his invaluable contributions and service to our nation.

Elmer Ferguson distinguished himself through his devotion to his family, friends, and community. He was born in DeWitt, Arkansas on September 17th, 1910, the son of a local farmer. His family instilled in him the value of an education, and he and his sister enrolled at Arkansas Tech University in Russellville in 1930, but he was able to remain only for one year because of financial difficulties. Elmer never forgot his hardship, and he would later do everything he could to make sure that deserving students could go to college.

Of course, Elmer made the most of his opportunities, despite his initial challenges. After returning from Russellville, he worked his way from a $15 a week job at a DeWitt grocery store to being the manager there. Eventually he became a successful grocery store owner, an accomplished farmer, and the well-respected board chairman of the DeWitt Bank and Trust Co., a position he held until he died last week.

Elmer would probably count his family as his greatest success, however. After marrying Gladys Guthrie in 1934, he was blessed with three daughters, seven grandchildren, and 13 great-grandchildren.

As mentioned earlier, Elmer always remembered his humble beginnings, and used his success to help others have the opportunities he missed. In 1987, he established the Elmer Ferguson and Gladys Ferguson Charitable Trust, which funded four-year college scholarships for DeWitt students. Elmer also donated a scholarship to the University of Mississippi.

Elmer's generosity and empathy had no limit. He and Gladys gave $250,000 to the Children's Miracle Network Telethon, and underwrote the creation of the Neuroscience Unit at Arkansas Children's Hospital in Little Rock, which is named for them. Just eight years ago, both were also named to the honorary board of patrons by the Baptist Medical System Foundation in recognition of their support to that organization.

Sadly, Elmer Ferguson passed away on Friday, about a month after Gladys died. They were great friends of mine, and I will miss them as much as their family, friends, and the great community of those who ever knew them. On behalf of the Congress, I extend my deepest sympathies to their family, even as I encourage them to join me in celebrating their extraordinary lives.

COMMEMORATING NATIONAL BIBLE WEEK, NOVEMBER 19, 2000–NOVEMBER 26, 2000

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. McDERMOTT. Mr. Speaker, it is my honor to serve as Congressional Co-Chairman of National Bible Week with Senator CONRAD BURNS. It is fitting that National Bible Week occurs the week of Thanksgiving, a week used by many to reflect on the past and give thanks for their blessings. Whether you consider the Bible a book of comfort, guidance, or literature, I hope this week will be one of reflection and study of the Bible.

I have read and studied the Bible for as long as I can remember. I memorized passages for Sunday school as a child. As an adult, the Bible has become an important source of guidance.

I have always found the Sermon on the Mount, Matthew 25:31–46, most helpful as a guide to setting public policy. But even more important is Matthew 16:26 which says, "For what is a man profited, if he shall gain the whole world, and lose his own soul? Or what shall a man give in exchange for his soul?" This verse is especially relevant to today's national leaders who are increasingly faced with votes of conscience.

I commend the National Bible Association for setting aside this week to encourage others to read and study the Bible. The Bible has influenced Western art, literature, music, and even our laws. I encourage you to read and study it this week.

RECOGNITION FOR ADOPTIONS TOGETHER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. MORELLA. Mr. Speaker, as National Adoption Month 2000 approaches, I take great pride in recognizing the exceptional work being done by Adoptions Together, a nonprofit organization in my Congressional district, on behalf of children in need of a permanent, loving adoptive home. Since its founding ten years ago by Janice Goldwater of Silver Spring, Maryland, Adoptions Together has worked to help all children in need of a home regardless of the child's age, health, race, physical or mental handicap. Adoptions Together welcomes every child who seeks its help.

Many things about adoptions needed to be changed for the better then Janice Goldwater began Adoptions Together in 1990. At the time, there was little hope that medically fragile infants whose birth families could not care for them would quickly find their way to loving adoptive homes. African American infants waited for years in temporary placements because there were so few resources available to them. Families who had already adopted had no place to turn when their children asked difficult questions and struggled with adoption issues. Ms. Goldwater, a licensed clinical social workers, set out to make Adoptions Together a place where these difficulties could and would be overcome.

The organization that Ms. Goldwater founded and continues to lead as executive director has helped change the picture of adoptions in Maryland and the Washington, DC metropolitan area. Through Adoptions Together, more than 1,400 children have been welcomed into loving, healthy adoptive homes. One homes in particular deserves recognition. Darren and Laurie Morgan of Burtonsville, Maryland have fostered 93 children, adopted one, and raised three. Their willingness to open their hearts and their homes to so many children is an amazing kindness that all of us can learn from. The Morgan's have touched so many lives through Adoptions Together and I am honored to have them in our community.

In addition, older children who have languished for years in foster care are now finding adoptive homes through Adoptions Together. It is the first private-sector organization in Maryland authorized to provide adoption services for the thousands of older Maryland children who are growing up in public foster care. Adoptions Together has helped more than 300 children with special medical needs such as HIV, birth defects, or serious prenatal drug exposure to become part of loving, permanent families. The organization has provided over 10,000 days of care to more than 300 newborns while their futures were being settled. More than 600 children left orphanages and institutions in Eastern Europe, Asia and Central America to happily join their new adoptive families in Maryland and beyond in other states.

Adoptions Together serves the needs of both adoptive families and birth parents, offering programs that can be a model for adoption organizations nationwide. Every birth parent who has sought the organization's help has received free adoption counseling for as long as they wished. Over the past ten years, more than 5,000 women facing unplanned pregnancies have received counseling and other help, whether or not they chose adoption for their child. At Adoptions Together, birth parents who are unable to raise their child themselves consider adoption as a pro-active plan for assuring that their child's needs will be met.

Adoptions Together believes that placing a child is only the first step in building a strong adoptive family. Once a child is placed, the goal becomes helping the family through lifelong education, counseling and support. More than 1,000 families—clients of Adoptions Together and many other adoption organizations—have found support and guidance in Adoptions Together's Center for Adoptive Families program. More than 500 teachers, educators, social workers, ministers and therapists throughout the country have received professional training by Adoptions Together on adoption topics.

Today, the need for this organization's good work is greater than ever before. More than 3,000 children in Maryland and the District of Columbia are now waiting for a permanent home. Increased drug abuse, institutional poverty, and the lack of community resources make Adoptions Together a safety net for these children. Fortunately, members of our community are rallying behind Adoptions Together's efforts. Corporate and private benefactors teamed up September 22 at the Adoptions Together Tenth Anniversary Gala to raise funds that will support Adoptions Together's second decade of care giving. Among those instrumental in this effort were: gala co-chairs Judy Polk of Rockville, Pam Cole Finlay of Bethesda, Jane Philips of Howard; television's Rosie O'Donnell; and corporate sponsors Credit Management Solutions, Inc. (CMSI), Hecht's, OTG Software, SFX Entertainment, and Sun Trust. In November, washingtonpost.com will sponsor an innovative, two-month on-line fundraising effort for Adoptions Together. With help from these and other benefactors, a great Maryland nonprofit organization will begin a new year—its second grade—of loving care giving, welcoming all children who turn to Adoptions Together for a permanent adoptive home. I applaud the past efforts of Adoptions Together and wish them all the best on behalf of the children of Maryland and their families.

TRIBUTE TO THE HONORABLE BILL ARCHER

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the distinguished Chairman of the Committee on Ways and Means, BILL ARCHER. Few legislators have the opportunity in their careers to effect such far-reaching reforms as the gentleman from Texas has during his time in this body, particularly his years as Chairman of the Ways and Means Committee.

As we all know, the Committee on Ways and Means carries a very heavy legislative load, dealing each and every year with 100 percent of our nation's revenues. BILL ARCHER has taken this responsibility very seriously since becoming Chairman in 1994, and his accomplishments reflect this.

First and foremost, BILL ARCHER left his mark on legislative history with his work on the Balanced Budget Act of 1977. Among it's many provisions, the Balanced Budget Act gave Americans the first tax cut in 16 years. It also helped taxpayers by shifting the burden of proof on tax issues from the taxpayer to the Internal Revenue Service. Taxpayers received new rights and protections in their dealings with the Internal Revenue Service, and the Internal Revenue Service in turn became subject to the oversight of an independent agency.

However, reforming the Internal Revenue Service is not BILL ARCHER's only legacy. He also fought hard and successfully for welfare reform which has resulted in millions of former welfare beneficiaries leaving the welfare roles and moving back into the workforce. In addition, he has worked toward meaningful Social Security reform, and we know that the groundwork he laid will help us realize that goal effectively.

BILL ARCHER's legislative accomplishments speak volumes about his integrity, dedication, and commitment. These are the characteristics that have led his constituents to send him back to Washington 15 times. These same characteristics are the ones we, his colleagues, will miss most when BILL ARCHER retires. I join all BILL ARCHER's friends and colleagues in thanking him for his many years of service and wishing him the best of health and happiness in the years to come.

SALUTING EARL LLOYD

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. LEWIS of Georgia. Mr. Speaker, on Tuesday, October 31, 2000, the New York Knicks of the National Basketball Association will commemorate 50 years of integration in the NBA. The Knick's special guest in Madison Square Garden on this historical evening will be Mr. Earl Lloyd. Mr. Lloyd was the first African American player to participate in an NBA game. Drafted by the Washington Capitols, Mr. Lloyd made his NBA debut against the Rochester Royals on October 31, 1950. There were two other players making their debuts the following day. Chuck Copper was the first choice of Red Auerbach and the Boston Celtics. Nat "Sweetwater" Clifton's contract was bought by the New York Knicks from the Harlem Globe Trotters. Earl Lloyd grew up on the other side of the 14th Street Bridge in the shadows of the White House in Alexandria, Virginia. He was an all around athlete at Parker Gray High School. He excelled in football, basketball and baseball. It was on the Banneker and Park View playgrounds in Washington, D.C. that he developed his game. Mr. Lloyd and his friend the legendary running back of Parker Gray and West Virginia State Bubba Ellis would make regular walks across the 14th Street bridge into the Nation's Capital for pickup basketball, D.C. playground style—no holds barred!

Mr. Lloyd would graduate from high school with honors and as one of the school's greatest athletes. He would matriculate to West Virginia State on a basketball scholarship. In college he was named to the All-American team and here he would leave a lasting impression on his opponents. Hall of Fame

In 1950 Mr. Lloyd was also drafted by another team the United States Army! On Halloween night after serving his military time Mr. Lloyd returned to make professional basketball history. The Washington Capitols would play the Rochester Royals. In the stands that night would be Mr. Lloyd's proud mother. Mrs. Lloyd was sitting directly in front of two fans who acknowledged that Mr. Lloyd was the first black, but could the Nigger play? Without missing a beat Mrs. Lloyd turned and looked the two fans directly in their eyes and said "Take my word for it, the Nigger can play."

NBA legendary coach Arnold "Red" Auerbach of the Boston Celtics says, "Earl blocked shots and played defense like there was no tomorrow." Red should know. Earl Lloyd led the Syracuse Nationals team that eliminated the Boston Celtics from the 1955 playoffs. The Nationals would go on to capture their one and only NBA Championship. 1955 was a good year. Mr. Lloyd and teammate Jim Tucker would become the first African Americans to play on an NBA Championship team.

A 1994 Sports Illustrated Magazine article read, "In the NBA Mr. Lloyd was

In May 1993 he was inducted into the Virginia Sports Hall of Fame in Portsmouth, Virginia. In 1998 twenty-eight years after being selected to the 25th Anniversary All-Time Great CIAA Team Mr. Lloyd was inducted into the CIAA Hall of Fame.

Earl Lloyd has always made it clear where the credit belongs for his NBA success story. He says, "If it had not been for Red Auerbach and the Boston Celtics, we may still be trying to get into the NBA. The Celtics were the first to draft a Black player, the first to put five Black players on the floor at the same time, the first to hire a Black coach and the first to hire a Black General Manager." The Boston Celtics are truly equal opportunity employers in professional sports.

Halloween night in the NBA would be great if the N.Y. Knicks were hosting the rest of the league's players. They all could learn a little history and then be treated and introduced to a man who does not have a problem with being called a role model. Mr. Lloyd made it all possible for today's NBA black players and thousands of others like them. Earl Lloyd was Number One in 1950 and he is still Number One in the New Millennium 2000.

GAO INVESTIGATION OF ADMINISTRATION'S POLICY TOWARD UN PEACEKEEPING OPERATIONS, INTRODUCTION OF H. RES. 664

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing a resolution, H. Res. 664, expressing the sense of the House regarding the Clinton Administration's lack of cooperation and efforts to impede the ongoing investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations.

Since March of this year, the GAO has been attempting to provide the Congress with its report on the Administration's Peacekeeping Policy Blueprint, examining how the Administration has applied its Presidential Decision Directive 25 policy blueprint for four key UN peacekeeping operations, including those in East Imor, Kosovo, Sierra Leone and the Democratic Republic of the Congo.

The International Relations Committee was briefed on two occasions this month by the GAO Deputy Comptroller General, Mr. Henry Hinton, on the status of the General Accounting Office study on the process whereby the U.S. approves U.N. and other multilateral Peace Operations and provides timely and relevant information to Congress concerning their implementation.

This report was requested late last year by this Committee on a bipartisan basis and follows a number of similar GAO reports on peacekeeping-related topics conducted over the past several years on a timely basis and with the cooperation of the Administration.

It is my understanding that the GAO still lacks access to some 26 key documents as well as full and independent access to agency records needed to complete its work. Furthermore, during the course of this investigation, its access to key documents has been restricted, delayed or sometimes denied in a way that would appear designed to undercut its objectives. With no independent access to records, the GAO feels that the integrity and reliability of its work has been compromised.

The GAO investigators have produced an extensive summary of their communications with the Administration which is now publicly available.

While the work of the GAO in this area is not yet complete, it is becoming clear that the Administration—particularly the State Department—has yet to take a cooperative attitude toward the completion of this peacekeeping review by the GAO investigators.

In short, we are still waiting for a full explanation of what went wrong in the course of the Department's response to this investigation, and we are hopeful that key Department officials will meet with the members of our Committee later this week to review the Department's response to this long overdue GAO report.

I submit the full text of H. Res. 664 to be included in the RECORD:

H. RES. 664

RESOLUTION

Expressing the sense of the House of Representatives regarding the Clinton Administration's lack of cooperation and efforts to impede the investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations.

Whereas at the request of the Chairman and the ranking member of the Committee on International Relations, the United States General Accounting Office (GAO) initiated a review on March 23, 2000, of the executive branch's application of United States policy in the approval of new or expanded United Nations peacekeeping operations in East Timor, Kosovo, Sierra Leone, and the Democratic Republic of the Congo;

Whereas in the course of this 7-month long investigation into the Presidential Decision Directive 25 (PDD–25) process, providing guidance for making choices about which United Nations operations the United States will support, the GAO encountered substantial problems in obtaining access to records pertinent to its review;

Whereas PDD–25 directs officials to consider whether such operations serve United States national interests and have timetables for the completion of their mandates, clear exit strategies, integrated political and military strategies, specified troop levels, and firm budget estimates;

Whereas the State Department withheld information from GAO investigators for months about the existence of numerous PDD–25 documents and the GAO still believes that there are additional documents in department files that have a direct bearing on the investigation;

Whereas the National Security Council is in possession of 26 remaining documents and memorandums which have only recently been shown to GAO investigators in heavily redacted form; and

Whereas in past assignments the GAO has had access to this type of information and used it to report to Congress on similar peacekeeping policy issues without damaging the deliberative process on operations of the government: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that after seven months of delay the Administration should stop impeding the investigation by the General Accounting Office into how it has applied its peacekeeping policy process to several ongoing United Nations peacekeeping operation and that the following recommendations would help to bring the investigation to a successful conclusion:

(1) The President is urged to direct the Secretary of State and all other relevant government officials to cooperate fully with

the investigation, including prompt compliance with outstanding document requests and full cooperation with the efforts of the Committee on International Relations to convene a briefing with State Department officials on this matter.

(2) The GAO should consider taking enforcement action against the Administration for any continuing failure to provide requested documents.

(3) The Administration should provide to the GAO the full text of any documents, policy papers or memorandums that it has agreed to make available to any other member country of the United Nations General Assembly.

(4) The Administration should cooperate fully with the GAO and with Congress in their efforts to oversee future United States participation in United Nations or other multilateral peacekeeping operations.

HONORING RON HASKINS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, as the 106th Congress comes to a close, my colleague Mr. SHAW and I pay tribute to Dr. Ron Haskins, Staff Director of the Ways and Means Subcommittee on Human Resources. Ron will leave the Committee at the end of this year and he will be sorely missed by the Members of the Committee and the many staff who have worked with him over the years.

Since joining the Ways and Means staff in 1986, Ron's hard work, intelligence, quick thinking, and unique personality have made him a strong force in the Congressional process as we have worked to improve the lives of children and families. His ability to truly understand the diverse points of view of people intensely interested in a problem has made action possible where others would have failed.

Once he became Staff Director in 1995, Ron put his extensive knowledge of the nation's welfare system to use by working with Chairman E. CLAY SHAW to develop and pass legislation overhauling the system. Despite two Presidential vetoes, Ron successfully urged Republican Members to continue to push for welfare reform. On August 22, 1996, the welfare reform bill finally became law (P.L. 104–193). The sweep of this reform has been spectacular, resulting in dramatically reduced child poverty, increased numbers of working single parents, and families living improved lives with both more income and real hope.

Three years later in 1999 the Speaker of the House, J. DENNIS HASTERT, spoke of the accomplishments of welfare reform: "we've broken the mold from a lifestyle of generational welfare dependency. In turn, we've created a path to the American dream which holds more personal security and more control for individuals over their own lives."

In 1999, Representative NANCY L. JOHNSON took over as Subcommittee Chair. Since then Ron has continued to have a major role in developing important legislation including the Foster Care Independence Act (P.L. 106–169), the Fathers Count Act of 1999 (H.R. 3073), and the Child Support Distribution Act of 2000 (H.R. 4678). The positive influence of Ron's presence here on Capital Hill will be felt long after he's moved on to new endeavors and by millions of families who will never know his name.

Before joining the Committee staff, Ron was a U.S. Marine, a high school teacher, and a professor at the University of North Carolina at Chapel Hill. In addition to working for the Committee, Ron is a devoted father and husband, a prolific writer, an outstanding public speaker, a man of strong principles, one of the most honest people either of us has ever met, and a true friend.

As he embarks on the next chapter of his life, we wish Ron well and know that he will be a great success in any endeavor he undertakes. We will always be grateful to him for his fine service, his good cheer, his high energy, and his excellent advice.

THE PUBLIC HEALTH ACCOMPLISHMENTS OF THE REPUBLICAN CONGRESS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BLILEY. Mr. Speaker, some of my colleagues on the other side of the aisle have decided to do a little distortion for Halloween about the record of the Republican-led Congress. Let's make a comparison based on the facts.

As we all remember, the Democrat-led 103rd Congress was a not a success for public health in this country. As Congressional Quarterly noted, "Clinton" had presented his health care plan—crafted under the direction of First Lady Hillary Rodham Clinton in a massive, secret and much-criticized task force process . . . the bill was immensely complex. . . . The committee system, designed to resolve both the policy and political problems of legislation, broke down entirely . . . For all their work, not one committee had managed to write a health care bill that the leadership was willing to bring to the floor. . . ."

With the Democrat leadership resorting to scare tactics in the past few days, it might bode well for the American people to remember their record

The Republican-led Congress has been active and provided real public health improvements for the American people. In the prior two Congresses, we have empowered states and localities to meet the health care and nutritional needs of two-income residents, and provided relief to those hardest hit by the AIDS epidemic. We provided portability so working Americans can change jobs without risking the loss of their health care insurance due to a preexisting condition. This was a fundamental change that the Democrats weren't able to get done on their watch.

Our Republican led Congress has also reined in health care fraud and abuse, eliminated tax code discrimination against millions of small businesses and the self-employed and provided tax relief for the long-term health care needs of terminally ill patients and their families. We enhanced Americans' access to safe, abundant, and affordable food and water. In the Food and Drug Modernization Act of 1997, we enacted measures which have significantly cut down the waiting time at the FDA for approval of new medicines. As a result, many patients will have access to life saving drugs much quicker. Our Republican Congress also passed landmark legislation in 1997 that established the Medicare+Choice Program and the State Children's Health Insurance Program. Under our legislation, low-income children will have expanded access to quality health care coverage. Democrats talked about that for years; it took a Republican Congress to make it happen.

We enhanced the Birth Defects Prevention Program, reauthorized the National Bone Marrow Registry, reauthorized Mammography Quality Standards, and enhanced Women's Health Research and Prevention.

That's a pretty strong record for public health.

Now let's look at the 106th Congress. Here are a number of public health provisions that are already enacted into law: the Nursing Home Resident Protection Amendments, and the Medicare, Medicaid, & SCHIP Balanced Budget Refinement Act. Under this Act—

Hospitals received an additional $7.3 billion;

Skilled nursing facilities received over $2 billion;

Home health agencies received an additional $1.3 billion;

Health plans participating in the Medicare+Choice program received an additional $1.9 billion;

Nearly $1 billion in additional monies were provided for the Medicaid and State Children's Health Insurance Programs; and,

$150 million was provided to ensure that organ transplant recipients could continue to receive access to immunosuppressive drugs.

We also enacted into law the Health Research and Quality Act, and the Work Incentives Improvement Act. This law was sponsored by Mr. LAZIO and expands the availability of health care coverage for workers with disabilities. Add to this list the Date-Rape Prevention Drug Act and the Children's Health Act of 2000, which increases and intensifies research on and programs for autism, juvenile diabetes, asthma, prevention of birth defects, epilepsy, infant health, pediatric research, skeletal malignancies, adoption awareness, healthy start, traumatic injuries and autoimmune diseases. This Act also reauthorizes the Substance Abuse and Mental Health Services Administration and improves drug addiction treatment programs.

Add to this list the Ryan White CARE Act of 2000, which provides funding for those suffering with AIDS, the Breast and Cervical Cancer Prevention and Treatment Act, and the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Those bills that have already been enacted are a solid record but we have even more that are sent or being sent to the President. This includes the Public Health Improvements Act. This bill was sent to the President containing the following provisions which are bipartisan efforts:

Public Health Threats and Emergencies Act;

Clinical Research Enhancement Act;

Twenty-First Century Research Laboratories Act;

Cardiac Arrest Survival Act;

Rural Access to Emergency Devices Act;

Lupus Research and Care Act;

Prostate Cancer Research and Protection Act;

Organ Procurement Organization Certification Act;

Sexually Transmitted Disease Clinical Research and Training; and,

Alzheimer's Disease Clinical Research and Training.

We are also sending to the President the Medicare, Medicaid, and S–CHIP Benefits Improvement & Protection Act. This Act increases preventive benefits, including glaucoma screening, medical nutrition therapy, colonoscopy, and biennial pap smears, limits beneficiary exposure to hospital outpatient charges, increases payments to providers under the Medicare and Medicaid programs, adjusts the allocation formula under the State Children Health Insurance Program (SCHIP), and provides $475 million for the Ricky Ray Hemophilia Trust Fund.

These are real and meaningful bipartisan accomplishments.

There are other important bills we have not been able to reach consensus on. That should not be an excuse for dismissing the many public health accomplishments of the Republican-led Congress. Nor should we easily forget the failure of the Hillary-care Congress.

We have heard that Republicans are not for a real patients bill of rights. That is false. Indeed, the distortion from AL GORE and the White House is the problem. Republicans have voted for legislation both to increase access to insurance and to provide for HMO reform. The Vice President erroneously claimed in his last debate that Republicans opposed an enforceable, independent external review board. He also claimed that Republicans opposed emergency room and access to specialists provisions. That is nonsense and distorts our record.

Republicans have voted for legislation that provides an enforceable independent external review board for benefits denials. This will make sure health care professionals make medical decisions and that we don't resort to unnecessary litigation.

Republicans have also supported the patient protections which included the emergency room issue and access to specialist issues Mr. GORE mentioned. We have basic bipartisan agreement on these issues and could easily have such legislation alone.

Let's look at the remaining disagreements. The White House and the trial lawyers want uncapped liability and litigation. Employers around the country are opposed to these features of Norwood-Dingell because they would increase litigation, drive up costs, and would force many employers to drop health insurance. That is the opposite of what we want.

We are also concerned about interfering with State patient protection programs. We need to make sure that States can implement their own programs where they want to without federal interference and disruption to programs that are already in place. Norwood-Dingell does not address this problem and places a huge implementation burden on the Federal government. We need to find a middle road on this.

Finally, we cannot understand the failure of the White House and Democrat leadership to support provisions which provide choice, access and tax deductions to help increase the number of people with health insurance. There are over 40 million uninsured people in America. The Republican-led Congress has passed serious proposals to address this problem and they are being ignored by the White House.

When Democrats sent a letter to Senator NICKLES in early summer saying that they would no longer meet with him in private conference, that was not a good sign. Obviously, you can't negotiate through the press and you can't negotiate if you do not meet.

The plain fact is that the Republican-led Congresses have been energetic, productive, and responsible on public health. The many bipartisan accomplishments are a tribute to both Democrat and Republicans. We have enacted legislation that improves Americans' access to quality health care. Under our proposals, our country's commitment to basic medical research has been expanded and our promises to provide high quality to seniors and the most vulnerable in our society kept. Distortion of this record is not helpful and will only risk jeopardizing future gains.

NATIONAL LUPUS AWARENESS MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, Lupus is a chronic, autoimmune disease which causes inflammation of various parts of the body.

Lupus is not rare. In fact, it is more prevalent than AIDS, sickle cell anemia, cerebral palsy, multiple sclerosis and cystic fibrosis combined. Lupus affects 1 out of 185 Americans, and almost 30% of the Lupus cases in Florida are found within my South Florida region.

This month we celebrate National Lupus Awarness Month.

And, I congratulate The Lupus Foundation of America for its work on patient education, and dedication to raise funds for research.

I especially congratulate J. Reeve Bright, Chairman of the Board of the Lupus Foundation of America and President of the Southeast Florida region; Jack McAllister, the Executive Director; Jackie Brown, and all who helped arrange an educational symposium in my district this month.

The House passed a bill that provides research and services to fight Lupus. As a cosponsor, I thank my dear colleague, Congresswoman CARRIE MEEK, for the Lupus legislation and for her dedication in seeing it through.

This represented a great victory in women's health care, and it is our wish that this triumph will generate countless benefits for American men and women who suffer from Lupus.

CHINA AND PNTR: SUCCESS STORIES NEEDED

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. CLAYTON. Mr. Speaker, one of the truly momentous decisions reached by this Congress was to approve Permanent Normal Trade Relations with China. Supporters of PNTR worked very hard to achieve this outcome, which held out so much promise for the development of stronger trade and business ties between China and the United States. Now, the major challenge facing both countries will be to show positive results that justify such extraordinary efforts and faith in the future.

Like many of my colleagues, I voted for PNTR and view with hope the potential for mutual benefits. For that reason, it concerns me to learn of examples where American companies have encountered unexpected difficulties in trying to do business in China. One such distressing case of which I am aware involves Panda Energy. Panda is a Dallas-headquartered company with a significant gas-fired cogeneration power plant located in Roanoke Rapids, North Carolina, within my Congressional district. Based upon an earlier agreement reached with the local Chinese government, in 1995, Panda began construction of a major, private, foreign-invested plant near Tangshan in Hebei Province. unfortunately, while that facility is now completed and ready to commence generating electricity, it is still not operational. Why? Because the local government has failed to honor its agreement to grant a reasonable tariff computed on a negotiated formula. The situation is even more complicated and troubling in its implications, because construction of the facility was financed through the U.S. capital markets in good faith reliance on this agreement. Unless a fair tariff is granted soon, the bonds are in danger of default, putting at financial risk not only the investors but also the company.

Mr. Speaker, Panda's experience in China is disappointing and contrary to the spirit of PNTR. Therefore, I would urge the Beijing government and its Ambassador to the U.S., His Excellency Li Zhao Xing, to review this situation carefully and do everything possible to find a fair and workable solution. It is not too late to avoid an unnecessarily negative precedent that could undermine high hopes raised by passage of the PTNR legislation.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KOLBE. Mr. Speaker, on October 28, 2000, I was unavoidably absent when the House voted on "Approving the Journal", H.J. Res. 118, "Further Continuing Appropriations for FY 2001", and two Motions to Instruct on H.R. 4577.

Had I been present, I would have voted "aye" on "Approving the Journal" (rollcall vote

570), "aye" on H.J. Res. 118 (rollcall vote 571), "nay" on the first motion to instruct conferees (rollcall vote 572), and "nay" on the second motion to instruct conferees (rollcall vote 573).

On October 29, 2000, I was also unavoidably absent when the House voted on "Approving the Journal" H.J. Res. 119 "Further Continuing Appropriations for FY 2001", and a Motion to Instruct on H.R. 4577.

Had I been present, I would have voted "aye" on "Approving the Journal" (rollcall vote 574), "aye" on H.J. Res. 119 (rollcall vote 575) and "nay" on the motion to instruct conferees (rollcall vote 576).

IN SPECIAL RECOGNITION OF DR. NINO CAMARDESE AND MEMBERS OF THE OHIO GENERAL ASSEMBLY FOR THEIR EFFORTS TO INSTILL A SENSE OF CITIZENSHIP IN OHIO'S YOUTH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GILLMOR. Mr. Speaker, today, I recognize the efforts of Dr. Nino Camardese of Norwalk, Ohio and a bipartisan group of State Representatives in the Ohio general Assembly. Recently, legislation was introduced in the Ohio General Assembly that calls for a "bill of Responsibilities" which outlines a student's civic responsibility to the state of Ohio and the Nation to be posted in each school. This Bill of Responsibilities was developed by Dr. Nino Camardese, a family physician in Norwalk, Ohio. Dr. Camardese recognized that there is a definitive correlation between freedom and responsibility. He also noted that many schoolchildren overlook this fact.

Dr. Camardese, with the assistance of leaders and educators at a Freedom Forum conference, drafted the Bill of Responsibilities, which seeks to remind students that citizenship is an essential part of liberty. The bill reinforces the fact that students must be good citizens, responsible not only to themselves, but to others as well.

Recently, several members of the Ohio General Assembly drafted a resolution that would post the Bill of Responsibilities in each classroom across Ohio. I would like to honor the efforts of Representatives Bill Taylor, Dixie Allen, Sylvester Patton and Ron Young, and recognize the leadership they demonstrated in introducing this important legislation in Ohio.

Mr. Speaker, Dr. Camardese and these Representatives have taken a monumental step to stop the downward spiral of violence, substance abuse and apathy present in far too many of this nation's youth. I commend them for their efforts.

RECOGNIZING THE DISTINGUISHED HEROES OF THE 1944 ATTACK ON THE U.S.S. LANSDALE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. RANGEL. Mr. Speaker, it is my honor to recognize a group of twenty distinguished American World War II veterans, the survivors of the U.S.S. *Lansdale*. Fifty-six and a half years ago, on April 20, 1944, these fine heroes survived the tragic German aerial torpedo attack that sank the U.S.S. *Lansdale*.

I join the survivors in honoring the memory of the forty-seven crew members who sacrificed their lives that fateful day. They will all be remembered at the World War II Memorial, where construction is scheduled to begin Saturday, November 11, 2000.

The U.S.S. *Lansdale* was on convoy duty protecting ships transporting men and materials to the Italian campaign when a group of German warplanes attacked off the Algerian coast. The ship was nearly split in half by the second torpedo fired after dodging the first one. The Coast Guard was able to rescue 235 survivors from the surrounding waters. Among these men was my very dear friend and long time New York County District Attorney, the Honorable Robert J. Morgethau, who served as the *Lansdale*'s Executive Officer and Navigator.

It is with great pride that I acknowledge this group of Americans who demonstrated tremendous courage and commitment to our fine nation. Their legacy, both to our country and to the protection of democracy the world over, will not be forgotten. Please join me in my praise of the following gentlemen who will convene here in Washington over Veterans Day weekend for the World War II Memorial ground breaking ceremony:

Edward S. Brookes of Philadelphia, Pennsylvania.

Alvin S. Caplan of New Orleans, Louisiana.

Mr. Rod Dugger of Milton, Florida.

Angelo Di Palma of Providence, Rhode Island.

Robert Dott of Philadelphia, Pennsylvania.

John L. Eden of Abingdon, Virginia.

Marshall Geller of Ocean Hills, California.

Peter P. Jannotti of Jacksonville, Florida.

Al Macklin of Winston-Salem, North Carolina.

Raymond A. Miller of Watertown, Massachusetts.

Ben Montenegro of Ashland, Massachusetts.

Robert M. Morgenthau of New York, New York.

John A. Peterson of Seaside Park, New Jersey.

Edward Rubinstein of Sun Lakes, Arizona.

George Shanabrough of Dallastown, Pennsylvania.

George T. Sinclair of Norfolk, Virginia.

Peter J. Soler of Cicero, New York.

John Tweedie of Horse Shore, North Carolina.

Philip Waldron of Lexington, Massachusetts.

Charles C. Wales of West Stockbridge, Massachusetts.

MEDICARE AND MEDICAID IMPROVEMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. STARK. Mr. Speaker, for the RECORD, I submit a letter signed by 133 Members sent to Speaker HASTERT in support of improvements to the Medicare/Medicaid amendments of 2000 and the need for an open, fair, democratic process.

If the requests in this letter had been followed, the quality of the bill passed by the House on October 26, 2000 would undoubtedly have been better and the veto threat may have been avoided.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 2000.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Speaker's Office, The Capitol.

DEAR MR. SPEAKER: As Democratic Members of the House of Representatives, we are deeply concerned about reports that the full House may not be given the opportunity to offer amendments to the Medicare legislation which has been reported by the full Commerce Committee and by the Ways and Means Health Subcommittee.

We further understand that these two bills are being melded together without any involvement of Democratic Members or staff, and we are very concerned that the House will be asked to vote quickly on a final bill which we have not seen or been involved with.

Therefore, we ask that you schedule this legislation (which spends roughly $25 billion dollars over the next five years) for at least several hours of debate and with a rule that allows a number of amendments.

We note that the two Committees' bills have many excellent features, particularly those sections that directly help beneficiaries. In particular, the various bills speed relief from the high co-payment burdens of hospital outpatient department services, help legal immigrants and their children under Medicaid, cover glaucoma screening, permanently cover immuno-suppressive drugs for organ transplant patients, help the low-income receive Medicare premium and co-payment relief, and make many other important program improvements. We hope that these important improvements will not be squeezed out, and that the final bill will retain these excellent features. We are certain that the final bill will receive the strong support of a majority of our Caucus.

Still, adequate and open floor debate is essential, because this is the last chance for this Congress to consider adding a real prescription drug program to Medicare. An open debate would allow Members to include the type of Medicare prescription medicine program the American people want. It is unconscionable for this Congress to adjourn without addressing the prescription medicine crisis facing so many of our senior and disabled citizens. If the House can meet many of the legitimate needs of health care providers, it can certainly also address the needs of Medicare beneficiaries. To adjourn giving billions to managed care plans, but failing to help all seniors with prescription drugs costs would be shameful.

We would like to provide a completely voluntary prescription medicine benefit within the traditional Medicare program. Our plan has no deductible, covers half the cost of medicines up to $2000 in the first year, gradually rising to $5000 by 2009. Any beneficiary who has out-of-pocket costs greater than $4000 would be fully protected against further catastrophic pharmaceutical expenses. Premiums for this voluntary program are $25 a month in the first year, and will gradually increase as the benefit increases. All seniors would be assisted with price discounts on all of their medicine purchases and low-income seniors would be fully protected. According to the Congressional Budget Office, this proposal would cover almost all seniors, whereas the bill which passed the House this summer leaves 7.8 million Medicare beneficiaries (one-in-five) unprotected.

It is particularly ironic that the Ways and Means Health Subcommittee bill does not include a prescription drug bill for seniors, but provides hundreds of millions of dollars in extra payments to pharmaceutical companies, by delaying the implementation of more accurate non-chemotherapy drug prices which have become available as a result of an extensive investigation by the Justice Department.

In addition to the prescription drug amendment, various Members in the Democratic Caucus would like to offer amendments to provide more balance to the bill: by ensuring that it includes additional beneficiary protections and improvements; by ensuring that it includes additional beneficiary protections and improvements; by requiring HMOs to be more accountable to enrollees in exchange for the higher payments in the bill, and by doing more for hospitals, nursing homes and other traditional providers and less for HMOs. We believe the reported bills give a disproportionate amount of relief to HMOs. The Majority's decision to give HMOs so much should not prevent us from giving adequate relief to other deserving providers. We believe that more of the surpluses which allow such changes should go to traditional providers and the seniors and the disabled whom Medicare is designed to serve.

Thank you for your consideration of these requests. This Congress must not adjourn without addressing the need to help health care providers with the unintended impacts of the Balanced Budget Act of 1997; the need for seniors and the disabled to afford necessary pharmaceuticals; and improvements in the Medicare and Medicaid program to fill gap in care for the disabled and homebound, in the cost of treatments, and in covering modern, preventive care services.

Sincerely,

John D. Dingell, Ranking Democrat Committee on Commerce, Richard A. Gephardt, Democratic Leader; Charles B. Rangel, Ranking Democrat Committee on Ways and Means; David E. Bonior, Democratic Whip; Ed Markey, and 124 others.

SENATE—*Tuesday, October 31, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 2:01 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O Gracious Father, all that we have and are is Your gift. Sharpen the memories of our hearts so that we may have an attitude of gratitude. You have been so faithful to help us when we have humbly asked that You would give us Your guidance and strength. May we be as quick to praise You for what You have done in the past as we are to ask You to bless the future. We have come to You in difficulties and crises and You have been on time and in time in Your interventions. Thank You, Lord, for Your providential care of this Senate as it deals with the immense challenges in completing the work of this 106th Congress. Grant the Senators a heightened sense of the dynamic role that You have given each of them to play in the unfolding drama of American history.

And Lord, the Senators would be the first to express gratitude for their staffs who make it possible for them to accomplish their work. Together we praise You for all of the people who enable this Senate to function effectively—all of those here in the Chamber, the parliamentarians and the clerks, the staff in the Cloakrooms, the reporters of debates, and the doorkeepers. We thank You for the Capitol Police, elevator operators, food service personnel, and those in environmental services. Help us to express our gratitude to all of them as essential members of the Senate family.

And today we share grief at the recent death of Betty Bunch, who served the Senate so faithfully for 23 years and was strategic in implementing the Sergeant at Arms' Postal Square facility.

Most of all, we are thankful for You, dear God, Sovereign of this free land, Source of all of our blessings that we have, and Lord of the future. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHARLES GRASSLEY, a Senator from the State of Iowa, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, for the majority leader, I wish to announce today's program.

The Senate will be in a period of morning business until 6 p.m. with Senators LOTT, REID, and WELLSTONE in control of the time. Today the Senate will agree by unanimous consent to the continuing resolution that funds the Government until tomorrow.

As a reminder, cloture was filed on the bankruptcy bill yesterday, and that vote will occur tomorrow morning possibly around 9:30 a.m. A vote on a continuing resolution will also take place during Wednesday's session. The President has vetoed the important legislative branch and Treasury-Postal appropriations bills. However, negotiations will continue to try to come to a consensus to fund all Government programs throughout the year.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Iowa, the acting leader today, that, of course, we are very disappointed that the tremendous work done by all the participants, Republicans and Democrats, Senator STEVENS, Senator BYRD, Senator HARKIN—it was a bipartisan effort—yesterday morning we had an agreement on the very important Labor-HHS bill. As a result of the actions of the whip of the House, TOM DELAY, that bill fell through. It was a terrible disappointment for everybody. We hope that there is a way to complete action on these bills. Each day that goes by, I become less encouraged, but I hope that something can be worked out.

Yesterday, we had the makings of a very important compromise. I am disappointed that it fell through.

Mr. President, we are going into, as has already been announced by Senator GRASSLEY, 4 hours of morning business. On this side, we have 2 hours, or whatever part thereof remains from the brief statements of Senator GRASSLEY and I. The time was basically set aside for Senator WELLSTONE. He has another issue that he wants to speak about; namely, bankruptcy. But he graciously has consented to allowing Senators BOXER, BAUCUS, DORGAN, DURBIN, and HARKIN to have 5 minutes each during his time.

I personally express my appreciation to the Senator from Minnesota for allowing these Senators to speak. I again say that it is too bad we are not completing all of our work here today rather than figuring out some way to get out of town in the next few days.

So I would ask unanimous consent that those people—Senators BOXER, BAUCUS, DORGAN, DURBIN, and HARKIN—be allowed 5 minutes each during the time of morning business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 4 p.m. shall be under the control of the Senator from Nevada, Mr. REID, or the Senator from Minnesota, Mr. WELLSTONE.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will grant 5 minutes to the Senator from Montana.

I say to the Senator from Iowa, if I can get his attention, following the Senator from Montana, I think the Senator from Iowa wants to speak. So the Senator from Iowa will follow. I think he is going to take that time out of the Republican time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend from Minnesota.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. BAUCUS. Mr. President, Mike Mansfield, Scoop Jackson, Richard Russell, Russell Long, Lyndon Johnson, Lloyd Bentsen, Bob Dole, John Chafee, DANIEL PATRICK MOYNIHAN, who are these men? They were the giants in the Senate in the quarter of a century before and after our bicentennial. They are the models to whom we all aspire. They are the most recent generation of statesmen who helped lead our nation to the greatness of today.

I was elected to the Senate 2 years after PAT MOYNIHAN entered this body. I have had the honor, the pleasure, and the privilege of serving with PAT MOYNIHAN for 22 years.

In fact, I have spent two-thirds of my adult life working with PAT MOYNIHAN—watching this intellectual giant, listening to this scholar and visionary, learning from this teacher, this social critic, this political master.

Who is PAT MOYNIHAN? University professor, diplomat, Cabinet Secretary, fighter of poverty, social analyst, distinguished and prolific author, defender of worker rights everywhere, U.S. Senator, mentor, humanist, citizen, friend.

PAT published his first book in 1963. "Beyond the Melting Pot" looked at minority groups in New York City. Its conclusion was that the prevailing assumption at the time was wrong, that assumption being that minorities assimilated into the broader American culture.

PAT wrote his most recent book in 1998. "Secrecy, the American Experience" explained how secrecy in government deformed American values in the 20th century.

In between, he authored 16 other books—believe it or not; 16—on subjects that included poverty, family, ethnicity, and social policy.

In 1963, with "Beyond the Melting Pot," PAT was at the cutting edge, as we were beginning to struggle more honestly with the problems of minority groups in this country. Thirty-five years later, with the publication of "Secrecy, the American Experience," PAT is still at the cutting edge.

We are struggling to transform our institutions away from a culture that fought the cold war to a culture where the Internet thrives. Openness and transparency are valued again, and information is decentralized, distributed, and widely available.

During those intervening three and a half decades, PAT was always at the cutting edge in forcing us to rethink our fundamental assumptions about poverty, family, Social Security, ethnicity, and a wide range of domestic and global issues.

One area where PAT has made an enormous contribution to bettering our society—and yet is little recognized for it—is public architecture. He was one of the driving forces—in fact, the major driving force—to renovate Pennsylvania Avenue, to complete the Navy Memorial, Pershing Park, the Ronald Reagan Building, the restoration of Union Station, and the Thurgood Marshall Judiciary Building.

We, and our descendants, who visit our Nation's capital will have our lives enriched because of PAT MOYNIHAN's vision.

Let me conclude with a quotation from PAT. In 1976, he said: "The single most exciting thing you encounter in government is competence, because it's so rare." I would change that to read: "The single most exciting thing you encounter in government is greatness, because it's so rare." And that exciting thing, that exciting person, that greatness, for me, has been DANIEL PATRICK MOYNIHAN.

There is no higher calling than public service. PAT MOYNIHAN has been its embodiment for half a century.

We will all miss you, PAT, miss you very much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to make sure that the time I use now does not come out of the Democrat time. So it will come out of the Republican time. And the Democrat time should be extended beyond 4 o'clock by the amount of time I speak.

The PRESIDING OFFICER. That is the understanding.

FAMILY OPPORTUNITY ACT OF 2000

Mr. President, I rise today to talk about the Family Opportunity Act, S. 2744. Senator KENNEDY and I introduced this bill in March of this year. Representatives SESSIONS and WAXMAN introduced the companion bill in the House of Representatives in August. It is a strongly bipartisan bill. There are 77 Senate cosponsors and 139 House cosponsors. This bill will make life easier for working American parents caring for a child with a severe disability.

Shortly after introducing this bill, I worked in a bipartisan way to secure a budget reserve fund in the budget resolution. Subsequently, the Senate Budget Committee convened a hearing on the bill. Then, in July, the President announced his support for the bill.

Logic would tell us that a bill with this kind of bipartisan support would stand a good chance of being approved by the Congress. Unfortunately, this bill is not among the final, end-of-year legislative packages. One likely explanation is that the families who would be helped by this bill do not have the same kind of political influence and clout that other powerful interest groups have. Working parents are not a powerful voice in Washington, even though they have every legitimate right to be a powerful voice in Washington.

Interestingly, today the bill was discussed on the House floor by a very powerful Member of the House of Representatives. The distinguished House Member was under the impression that the Family Opportunity Act is primarily a Democratic bill. In fact, the Family Opportunity Act has broad bipartisan support. In addition, it is based on strongly held Republican principles.

The Family Opportunity Act is, No. 1, pro-family, No. 2, pro-work, No. 3, pro-opportunity and, No. 4, pro-States rights.

Pro-family. When you are a parent, your main objective is to provide for your child to the best of your ability. Right now, our Federal Government takes this goal and turns it upside down for parents of children with special health care needs. In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services.

Pro-work. Federal policies today force these parents to choose between work and their children's health care. That is a terrible choice.

Many parents of children with disabilities refuse jobs, pay raises, and overtime just to preserve access to Medicaid for their child with disabilities. Thousands of families across the country are caught in this Catch-22.

Pro-opportunity. The Family Opportunity Act of 2000 was created to help parents have the opportunities they deserve. It does so by providing parents the opportunity to work without the fear of harming their children. Allowing parents to break free from constraints that force many of them to stay impoverished is a win-win. Parents who work are also taxpayers. That's good for the government and the economy. And, parents who work are better able to provide for their families. That's good for children.

Pro-States rights. Governor Huckabee from Arkansas said it best at the Senate Budget Committee hearing I chaired in July. He said:

> The Family Opportunity Act encourages progress for the family and places government on the side of the people where it should be. No child and no family should be the victim of a process which conspires against the very foundational principles on which we have existed for over 200 years. This Act will restore principled leadership from all of us as leaders who rightly see our roles as servants of the citizens, not the other way around.

I can't emphasize strongly enough how important a bill like the Family Opportunity Act is to working families across America. Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

If this bill is allowed to die, that would be a missed opportunity of the highest level. I urge my colleagues to reconsider its status.

Winston Churchill once said:

> Never give in, never give in, never, never, never, never—in nothing, great or small,

large or petty—never give in except to convictions of honor and good sense.

Legislation to help families help themselves make good sense.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, I thank Senator GRASSLEY. I very much appreciate his effort, with Senator KENNEDY. He does not give in, especially when it is a matter of principle to him. I thank him for his good work.

BANKRUPTCY REFORM ACT CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, as of today, we are scheduled to have a cloture vote tomorrow. It is going to be on the bankruptcy conference report. One would think that in the final days of this Congress—of this Senate—we actually would be talking about debating and passing legislation that would promote the economic security of families in our country.

We could focus on health security for families. We could focus on raising the minimum wage. We could focus on affordable child care. We could focus on affordable housing. We could focus on reauthorizing the Elementary and Secondary Education Act. Thank God people in the country are so focused on a good education for their children or their grandchildren.

Instead, we are spending our final days debating an unjust and imbalanced bankruptcy bill which is entirely for the benefit of big banks and the credit card companies. In one way, I am very sad to say this piece of legislation is truly representative of the 106th Congress. It is an anti-consumer, giveaway-to-big-business bill, in a Congress which has been dominated by special interest legislation. And it is representative of the 106th Congress in another way, too: It represents distorted priorities. We could be doing so much to enhance and support ordinary citizens in our country. Instead, we now have this legislation before us.

I want Senators to know, if they are watching, I will, as they come to the floor, interrupt my remarks so others can speak in opposition. We have a lot of ground to cover. We intend to cover that ground because this piece of legislation deserves scrutiny. It should be held up to the light of day so citizens in this country can see what an ill-made, mishandled attempt this piece of legislation is. Other Senators need to understand what bad legislation this is, how terrible its impact will be on America's most powerless families, and what a complete giveaway it is to banks, credit card companies, and other powerful interests.

This is a worse bill than the bill we voted on earlier in the Senate. It is important for colleagues to understand that not only is this a worse piece of legislation, we had a provision in the bill that passed the Senate—albeit a flawed bill—the Kohl amendment, which said that while we are punishing low- and moderate-income people, families that have gone under because of bankruptcy, in 40 percent or 50 percent of the cases because of medical bills, you certainly don't want to enable millionaires to basically buy million-dollar homes in several States and in that way shield themselves from any liability. That provision was taken out. That is reason enough for Senators to vote against this bill.

In addition, Senator SCHUMER had a provision that said, when people are breaking the law and blocking people from being able to go to family planning clinics, they should not be able to shield themselves from legal expenses and other expenses by not being held liable when it comes to bankruptcy. The Schumer provision was taken out.

If that is not enough for Senators, the way in which the majority leader has advanced this bill makes a mockery out of the legislative process. If we love this institution and we believe in an open, public, and accountable legislative and political process, then I don't see how we can support taking a State Department conference report—I call it the "invasion of the body snatchers"—completely gutting that so there is not a word about the State Department any longer and, instead, putting in this bankruptcy bill, far worse than the bill passed by the Senate.

I see Senator DURBIN on the floor. I can conclude in 5 minutes, if he is here to speak on this.

I will summarize reasons for opposing this conference report and then come back a little later on and develop each of these arguments.

First, the legislation rests on faulty premises. The bill addresses a crisis that does not exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but the filings have actually fallen sharply in the last 2 years. Additionally, the bill is based on the myth that the stigma of bankruptcy has declined. Not true. I will develop that argument later on.

Second, abusive filers are a tiny minority. Bill proponents cite the need to curb "abusive filings" as a reason to harshly restrict bankruptcy protection, but the American Bankruptcy Institute found that only 3 percent of chapter 7 filers could have paid back more of their debt. Even bill supporters acknowledge that, at most, 10 to 13 percent of the filers are abusive.

Third, the conference report falls heaviest on those who are most vulnerable. The harsh restrictions in this legislation will make bankruptcy less protective, more complicated, and expensive to file. This will make it much more difficult for low- and moderate-income citizens to have any protection. Unfortunately, the means tests and safe harbor will not shield from the majority of these provisions and have been written in such a way that they will capture many debtors who truly have no ability to significantly pay off this debt and therefore will be in servitude for the rest of their lives.

Fourth of all, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families, especially single parent families, are those who are most in need to make a fresh start—the fresh start provided by bankruptcy protection. The bill will make it very difficult for these families to get out of crushing debt. Again, in 40 percent of the cases, these are families who have gone under because of a medical bill.

Fifth of all, the banking and credit card industry gets a free ride. The bill as drafted gives a free ride to banks and credit card companies that deserve much of the claim for the bankruptcy filings in the first place, and the lenders should not be rewarded for this reckless lending.

Sixth of all, this legislation actually might increase the number of bankruptcies and defaults. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks and these credit card companies will be even more willing to lend money to marginal candidates.

Seventh of all, the conference report, again, is worse than the Senate bill. We had a very reasonable provision; It was the Kohl amendment, which said, if you are going to go after women, and go after working families, and go after low- and moderate-income people, and go after families who are in debt because of a medical bill that is putting them under, then at least make sure you are not going to have wealthy Americans who are going to be able to go to several States and buy homes worth millions of dollars and shield themselves from any liability. That provision is knocked out.

This is a worse bill than that passed in the Senate. The Schumer amendment, again, said if people are blocking people from family planning services, they have broken the law; they ought not to be able to shield expenses they incurred from liability when it comes to bankruptcy. The Schumer amendment was taken out.

Finally, I say this one more time. This is a larger issue than bankruptcy reform. It is a question of the fundamental integrity of the Senate as a legislative body. Not one provision of the original State Department authorization bill, aside from the bill number, remains part of this legislation. To replace in totality a piece of legislation with a wholly new and unrelated bill in conference takes the Congress one step closer to a virtual tricameral legislature—House, Senate, and conference committee. If you believe in the integrity of this legislative process, and if you believe we all ought to be in a position to be good legislators, you should vote against this cloture motion on those grounds alone.

I conclude this way. Other colleagues are on the floor. I will develop these arguments later on. At one point in time, the argument was suggested that only a tiny minority opposed this bill. Well, when I look at the opposition of labor unions, and I look at the opposition of every single consumer organization, and I look at the opposition from women and children's groups, and I look at the strong opposition from the civil rights community and a good part of the religious community, and when I see letters signed by bankruptcy professors, the academic community, judges, all the people who know this system well, who say this piece of legislation is egregious—it is one sided: it is imbalanced; it is unjust; it is too harsh—I realize that this piece of legislation should be stopped. I hope that tomorrow Senators, Democrats and Republicans, will oppose this on substantive grounds and also on the basis of the way in which this has been done. The way in which this has been done at the very end of this session is an affront to the integrity of this process. No Senator should vote for cloture who believes in an open, honest process with real integrity.

Before I launch into my first point, Mr. President, I'd like to observe that in July my friend from Iowa, the author of this bill, referred to the opposition to this bill as the "radical fringe." Well, I'm pretty proud of the company I'm keeping no matter now dismissive my colleague. Because you know what? The labor unions all oppose this bill. The consumer groups all oppose this bill. The women and children's groups all oppose this bill. The civil rights groups all oppose this bill and the many members of the religious community oppose this bill. Indeed one of the broadest coalitions I have ever seen united together opposes this so-called bankruptcy reform.

I would say to my colleagues, you can tell a lot about a person—or a bill—by who its friends are. But you can also tell a lot about a bill by who its enemies are. The radical fringe? I see millions of working families who have nothing to gain and everything to lose under this legislation.

Now, Mr. President, you have to give the proponents of this bill credit for chutzpah: They still preach the urgent need for this legislation despite the fact that nearly all the evidence points to the contrary. In fact, in the months since the Senate passed bankruptcy reform, any pretense of necessity has evaporated. The number of bankruptcies has fallen steadily over the past year, charge offs on credit card debt are down significantly and delinquencies have fallen to the lowest levels since 1995. Now proponents and opponents agree that nearly all debtors resort to bankruptcy not to game the system but rather as a desperate measure of economic survival and that only a tiny minority of chapter 7 filers—as few as 3 percent—could afford any debt repayment.

And I have to congratulate my friends on another point, because they had almost convinced the Congress and the American public to view bankruptcy as a giant loophole for scam artists instead of a safety net. A key part of this argument is the belief—wholly unsubstantiated as far as any objective observer call tell—that the high number of bankruptcies in the 1990's is a result of a decline in the stigma of bankruptcy. In fact, my friend from Iowa said in July that "With high numbers of bankruptcies occurring at a time when Americans are earning more, the only logical conclusion is that some people are using bankruptcy as a way out."

With all due respect, while that has been a common assertion on the part of the bill's proponents that's all it is: an assertion. Virtually nothing backs it up. Indeed it's an assertion that flies in the face of all evidence that bankruptcy remains a deeply embarrassing, difficult and humbling experience for the vast majority of the people who file. I think my colleagues should actually talk to some folks who have filed for bankruptcy. Ask them how it felt to tell their friends and family about what they had to do, ask them how it felt to let down lenders to whom they owed money. Ask them how they felt about telling their employer.

In fact, it's a shame that when a group of my colleagues and I hosted some of the debtors profiled in Time magazine exposé of this legislation—"Soaked by Congress"—the bill's proponents attacked the credibility of the Time article but didn't bother to visit with Charles and Lisa Trapp, or Patricia Blake, or Diana Murray all who came to Washington to explain—from the perspective of people who have been there—what it's like to file for bankruptcy and why they were driven by that extreme.

A review of the academic papers on bankruptcy suggests that the evidence for a decline in the stigma of bankruptcy is slim. This was the conclusion of a September 2000 Congressional Budget Office report entitled "Personal Bankruptcy: A Literature Review." In fact, CBO found some objective evidence that argues that the stigma of bankruptcy is a strong deterrent to filing noting a study that showed that while 18 percent of U.S. households could benefit from filing for bankruptcy, only 0.7 percent did—suggesting that stigma might hold some back.

In the book, "the Fragile Middle Class" by Theresa Sullivan, Elizabeth Warren and Jay Westerbrook—all academic bankruptcy experts—the authors argue that the stigma remains:

> Bankruptcy is, in many ways, where middle class values crash into middle class fears. Bankruptcy debtors are unlikely either to feel in charge of their destiny or to feel confident about planning their future. Discharging debts that were honestly incurred seems the antithesis of middle-class morality. Public identification as a bankruptcy debtor is embarrassing at best, devastating at worst. It is certainly not respectable, even in a country with large numbers of bankruptcies, to be bankrupt. Bankruptcy debtors have told us of their efforts to conceal their bankruptcy. Arguments that the stigma attached to bankruptcy has declined are typically made by journalists who are unable to find any bankrupt debtors willing to be interviewed for the record and by prosperous economists who see bankruptcy as a great bargain.

Of course the stigma argument isn't new. As early as the 1920's then Solicitor General of the United States Thomas Thacher argued that Americans were all too comfortable with filing for bankruptcy. Indeed, as David Moss notes in a 1999 American Bankruptcy Law Journal article, quote: "those who today worry about declining stigma might be surprised to learn that the stigma associated with bankruptcy had, according to some observers, already disappeared by 1967."

Of course there are other very logical explanations of why the filing rate in the 90's is quite high—they just aren't as convenient for the big banks and credit card industry.

Mr. President, we know why people file for bankruptcy. Bankruptcy is the only solution for families who find their debt and the interest on their debt outstrips their income. The question is, why do families find themselves in those circumstances? And when they do, what do we as a society do to keep those families solvent. Or if we don't help them to remain solvent, how do we at least let them pick up the pieces, get on with their lives, reenter productive society.

That's what this debate is about. That's exactly what's at stake in this debate; the solvency of the middle class.

But, Mr. President, one not-so-small footnote that overshadows this whole debate is the fact that the number of bankruptcy filings have been dropping like a stone for the past 2 years. My colleagues are driving this heartless bill with talk of a bankruptcy "crisis," a dramatic increase in the number of filings, but with all due respect they are trying to scare us with yesterday's ghosts. A study released on September 8 of last year by Professor Lawrence Ausubel of the University of Maryland notes that the peak increase in bankruptcy filings came and went in 1996. In fact, filings in 1998 were barely an increase over 1997 and we now know that there were 112,000 fewer bankruptcies in 1999 that there were in 1998—a nearly

10 percent decline. And the numbers so far have continued the sharp decline in 2000.

We're being led to believe that it's the high number of bankrupts that are driving this legislation. And do you know what? They are, but for the wrong reasons. The credit card companies are counting on the United States Senate to overreact to the number of bankruptcies, they are counting on you to ignore their complicity in the huge debt burdens on most American families, the financial services industry is counting on the Congress to overlook the evidence that the bankruptcy crisis is self correcting. The problem may be abating, but they still want the fix to pad their profits. The high number of people filing for bankruptcy—most of whom have terrible circumstances that force them to do so—are an excuse, not a justification.

Still, regardless of how many people file or why they file, my colleagues continue to maintain that this bill is driven by necessity. To do this they would track more debtors into chapter 13 instead of chapter 7 through the use of a means test. But again, their goal flies in the face of the evidence. First of all, we know through independent studies of those who file for bankruptcy that only about 3 percent of all debtors who file for chapter 7 could afford to pay any of their debts and that in 95 percent of chapter 7 filings there were no meaningful assets to be liquidated to pay back creditors. This is in line with other evidence that nearly all debtors file for bankruptcy do so because of some sudden, drastic economic disruption which it often takes years to recover from.

Bankruptcy does not occur in vacuum. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care. Certainly most Americans have faced a time in their lives where they weren't sure where the next mortgage payment or credit card payment was going to come from, but somehow they scrape by month to month. Still, such families are on the edge of a precipice and any new expense—a severely sick child, a car repair bill—could send a family into financial ruin. Despite the current economic expansion there are far too many working families in this situation. That is the true story behind the high number of bankruptcy filings in recent years and I want to make clear to my colleagues that the evidence shows that the very banks and credit card companies who are pushing this bill have a lot to do with why working families are in this predicament today.

The bankruptcy system is supposed to allow a person to climb back up after they've hit bottom, to have a fresh start. There is no point to continue to punish a person and a family once their resources are over matched by debt. The bankruptcy system allows families to regroup, to focus resources on essentials like their home, transportation and meeting the needs of dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt, and in most cases this is debt that would never be repaid because of the debtor's financial circumstances.

The sponsors of this measure and the megabucks and credit card companies behind this bill don't like to focus on those situations. They paint a picture of profligate abuse of the bankruptcy system by irresponsible debtors who could pay their debt but simply choose not to. Such people do take advantage of the system, there is no question. But this bill casts a wider net and catches more than just the bankruptcy "abusers."

Again, a study done last year by the American Bankruptcy Institute found that only 3 percent of debtors who file under chapter 7—where debtors liquidate assets to repay some debt while the rest of the debtor's unsecured debt is forgiven—would actually have been able to pay more of their debt than they are required to under chapter 7. Even the U.S. Justice Department found that the number of abusive claims was somewhere between 3–13 percent. This means that the number of people filing abusive bankruptcy claims is astonishingly low. But this legislation seeks to channel many more debtors into chapter 13 bankruptcy—where the debtor enters a 3–5 year repayment plan and very little debt is forgiven. Yet in the pursuit of the few, this bill imposes onerous conditions, and ridiculous standards on all bankrupts alike. Additionally, under current law, 67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true fresh start, and force them into a bankruptcy process which two-thirds of debtors already fail to complete successfully. And my colleagues call this reform?

And yet when given the opportunity to target real, proven abuses by wealthy deadbeats and scofflaws, the sponsors took a pass. Again, Mr. President, the very small number of abusive filers are an excuse not a justification for this bill that falls most heavily on those most in need of fresh start relief. This conference report does not match it's rhetoric.

HOW THE BILL HARMS THE VULNERABLE

Mr. President, I want to take some time to talk about the effect this bill will have on low- and middle-class debtors. Remember, nearly all debtors file for bankruptcy are not wealthy scofflaws, but rather are people in desperate economic circumstances who file as a last resort to try and rebuild their finances, and, in many cases, end harassment by their creditors. And in particular I want to remind my colleagues of the May 15, 2000, issue of Time magazine whose cover story on this so-called bankruptcy reform legislation was entitled "Soaked by Congress."

The article, written by reporters Dan Bartlett and Jim Steele, is a detailed look at the true picture of who files for bankruptcy in America. You will find it far different from the skewed version being used to justify this legislation. The article carefully documents how low and middle income families—increasingly households headed by single women—will be denied the opportunity of a fresh start if this punitive legislation is enacted. As Brady Williamson, the chairman of the National Bankruptcy Review Commission, notes in the article, the bankruptcy bill would condemn many working families to "what essentially is a life term in debtor's prison."

Now proponents of this legislation has tried to refute the Time magazine article. Indeed during these final days of debate you will hear the bill's supporters claim that low and moderate income debtors will be unaffected by this legislation. But colleagues, if you listen carefully to their statements you will hear that they only claim that such debtors will not be affected by the bill's means tests. Not only is that claim demonstratably false—the means test and the safe harbor have been written in a way that will capture many working families who are filing for chapter 7 relief in good faith—but it ignores the vast majority of this legislation which will impose needless hurdles and punitive costs on all families who file for bankruptcy regardless of their income. Nor does the safe harbor apply to any of these provisions.

Now, you might ask why the Congress has chosen to come down so hard on ordinary working folk down on their luck. How is it that this bill is so skewed against their interest and in favor of big banks and credit card companies? Well, maybe that's because these families don't have million dollar lobbyists representing them before Congress. They don't give hundreds of thousands of dollars in soft money to the Democratic and Republican parties. They don't spend their days hanging outside the Senate Chamber waiting to bend a members ear. Unfortunately it looks like the industry got to us first.

They may have lost a job, they may be struggling with a divorce, maybe there are unexpected medical bills. But you know what? They're busy trying to turn their lives around. And I think it's shameful that at the same time this story is unfolding for a million families across America, Congress is poised to make it harder for them to turn it around. Who do we represent?

So Mr. President, I'd like to take a few minutes to explain exactly what the effects of this bill will be on real life debtors—the folks profiled in the Time article. I hope the authors of the bill will come to the floor to debate on these points. There could be the opportunity for some real discussion on an issue that has yet to be addressed by the bill's supporters. Specifically, I challenge them to come to the floor and explain to their colleagues how making bankruptcy relief harder and much more costly to achieve will benefit working families.

CHARLES AND LINDA TRAPP

Charles and Linda Trapp were forced into bankruptcy by medical problems. Their daughter's medical treatment left them with medical debts well over $100,000, as well as a number of credit card debts. Because of her daughter's degenerative condition, Ms. Trapp had to leave her job as a letter carrier about 2 months before the bankruptcy case was filed to manage her daughter's care. Before she left her job, the family's annual income was about $83,000, or about $6,900 per month, so under the bill, close to that amount, about $6,200, the average monthly income for the previous 6 months, would be deemed to be their current monthly income, even though their gross monthly income at the time of filing was only $4,800. Based on this fictitious deemed income, the Trapps would have been presumed to be abusing the Bankruptcy Code, since their allowed expenses under the IRS guidelines and secured debt payments amounted to $5,339. The difference of about $850 per month would have been deemed available to pay unsecured debts and was over the $167 per month triggering a presumption of abuse. The Trapps would have had to submit detailed documentation to rebut this presumption, trying to show that their income should be adjusted downward because of special circumstances and that there was no reasonable alternative to Ms. Trapp leaving her job.

Because their current monthly income, although fictitious, was over the median income, the family would have been subject to motions for abuse filed by creditors, who might argue that Ms. Trapp should not have left her job, and that the Trapps should have tried to pay their debts in chapter 13. They also would not have been protected by the safe harbor. The Trapps would have had to pay their attorney to defend such motions and if they could not have afforded the thousand dollars or more that this would have cost, their case would have been dismissed and they would have received no bankruptcy relief. If they prevailed on the motion, it is very unlikely they could recover attorney's fees from a creditor who brought the motion, since recovery of fees is permitted only if the creditor's motion was frivolous and could not arguably be supported by any reasonable interpretation of the law (a much weaker standard than the original Senate bill). Because the means test is so vague and ambiguous, any creditor could argue that it was simply making a good faith attempt to apply the means test, which after all created a presumption of abuse.

Of course, young Annelise Trapp's medical problems continue and are only getting worse. Under current law, if the Trapps again amass medical and other debts they can't pay, they could seek refuge in chapter 13, where they would be required to pay all that they could afford. Under the new bill, the Trapps could not file a chapter 13 case for five years. Even then, their payments would be determined by the IRS expense standards and they would have to stay in their plan for 5 years, rather than the 3 years required to current law. The time for filing a new chapter 7 would also be increased by the bill from 6 years to 8 years.

LUCY GARCIA

Lucy Garcia was on the verge of eviction from her apartment when she went to her bankruptcy attorney. As described in Time, after she separated from her husband, it was difficult to make ends meet and she fell behind on her rent. When she filed her bankruptcy case, the automatic stay prevented her eviction temporarily. In that time, she received her tax refund and was able to catch up in her rent and thus prevent the eviction. Under the bill now before the Senate, Ms. Garcia and her two children would have become homeless, because there would have been no automatic stay of their eviction.

Depending on how the means test is interpreted (and there are numerous ambiguities that will lead to widespread litigation that most consumer debtors cannot afford), Ms. Garcia might not even be allowed to file a chapter 7 case under the bill. For food, clothing, housekeeping supplies, personal care items and services, and miscellaneous she would be allowed to spend $863 per month and she actually spends $1,191. The deemed surplus of $328 multiplied by 60 is more than $6,000 and more than 25 percent of her debt and therefore her case could be deemed an abuse of chapter 7.

The IRS budget used by the means test only allows $4.93 a day for food per person. No one could properly feed a child for $4.93, a day let alone an adult, especially in New York City where Ms. Garcia lives. The food budget for three people like Lucy's family with gross income of $2,600 a month is $444 per month according to the IRS website. The amount allowed for food for lower income families is even less, as low as $3.02 a day per person. under the bill, the trustees in all cases will be required to use the means test even if the debtor's income is under the national median as in this case. (Apparently, the credit industry is trying to confuse Senators by confusing two different sections of the bill. Credit card lobbyists mislead by telling Senators the means test does not apply if the income is below the median income in a case like Ms. Garcia's. This is false. The language of the bill says creditors cannot challenge cases if the income is below the median, but under the section about trustee duties the trustee must apply the means test whether the creditor challenges the case or not.)

Ms. Garcia barely had the money to pay her attorney when she filed her bankruptcy case. She still barely has enough to meet expenses. She certainly would not have had the funds to defend against a motion filed under the means test. She would not have been able to afford the additional filing fees in the bill, combined with the additional attorney's fees that the bill will cause due to the substantial additional paperwork requirements.

Because she did not have all of the bills she had received in the last 90 days before bankruptcy, her attorney would have had to spend significant time trying to determine the addresses at which creditors might "wish to receive correspondence" as required by the bill, and might not have been able to give notice to some creditors that would be deemed "effective" under the bill. These creditors would then be free to continue to harass Ms. Garcia even after she filed her bankruptcy petition.

Ms. Garcia would also have been required to give up her television in which Sears claimed a security interest, since there was no room in her budget for payments to redeem (with payment of the retail value required by the bill) or reaffirm the debt. With two children, ages 6 and 9, loss of her television would have been a real hardship.

ALLEN SMITH

Allen Smith is a resident of Delaware, which has no homestead exemption. In other words, he cannot shield his home from his creditors. Ironically, under this bill, wealthy scofflaws can shield multimillion dollar mansions from their creditors with a little planning, but not Mr. Smith. As a result when the tragic medical problems described in the Time article befell his family, he could not file a chapter 7 case without losing his home. Instead he filed a chapter 13 case, which required substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized he was unable to make all these payments and his chapter 13 plan failed. Had Delaware had a reasonable homestead exemption, and had Mr. Smith been able to simply file a chapter 7 case to eliminate his other debts, he might have been able to save his home.

Mr. Smith's financial deterioration was caused by unavoidable medical problems. Before he thought about bankruptcy he went to consumer credit counseling to try to deal with his debts. However, it appears that he went to consumer credit counseling just over 180 days before the case was filed, and he did not receive a briefing, so the new bill would have required him to go again. This would have been very difficult, considering his medical problems. In fact, his attorney, demonstrating dedication to clients that sharply contrasts with the creditor propaganda picture of bankruptcy lawyers just out to make a buck, made several home visits to Mr. Smith and his wife, who was a double amputee.

The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney, through new paperwork requirements and a requirement that he attend a credit education course. Such a course would have done nothing to prevent the enormous medical problems suffered by Mr. Smith and his wife. He did not get in financial trouble through failure to manage his money. He is 73 years old and had never before had debt problems. The bill makes no exceptions for people who cannot attend the course due to exigent circumstances, so Mr. Smith might never have been able to get any relief in bankruptcy under the new law.

Under the new bill, Mr. Smith would also have had to give up his television and VCR to Sears, which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he reaffirms the debt or redeemed the items. Sears may demand reaffirmation of its entire $3,000 debt under the bill, and to redeem Mr. Smith would have to pay their retail value. After his wife died and her income was gone, Mr. Smith did not have the money to pay these amounts to Sears. Since he is largely homebound, loss of these items would have been devastating.

Sadly, Mr. Smith's medical problems continue. Under current law, if he again amasses medical and other debts he can't pay, he could seek refuge in chapter 13, where he would be required to pay all that he can afford. Under the new bill, Mr. Smith cannot file a chapter 13 case for 5 years (until he is 78 years old). The time for filing a new chapter 7 has also been increased, from 6 years to 8 years.

MAXEAN BOWEN

Maxean Bowen's case shows how every single bankruptcy debtor would be impacted by the bill. She didn't have the money to pay her bankruptcy attorney and had to get it from relatives. With the increased costs for paperwork, obtaining tax records and taking a credit education course, it is not clear that Ms. Bowen would even have been able to afford bankruptcy relief. Her debt problems stemmed from a disability that caused her to be unable to work at her job, reducing her income to $800 per month for herself and her 11-year-old daughter. Thus, her situation was not a result of mismanaging her credit, and a credit education course would not have prevented it. Nonetheless, unless she could find the money to pay for such a course, she could get no bankruptcy relief under the bill.

CHAPTER 13 MADE UNWORKABLE

Mr. President, I want to talk for a moment about cross purposes in this bankruptcy measure because it highlights a fundamental reality about this legislation: it has become larded up with special interest provisions which not only hurt middle class consumers but also completely undermine the ostensible purpose of the legislation: to track more debtors into chapter 13 where they repay their creditors.

Now, again, to repeat what I've stated earlier, I think this is a questionable premise to begin with. After all, under current law—where debtors are allowed to choose which chapter of the code to file under—67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true "fresh star", and force them into a bankruptcy process which ⅔ of debtors already fail to complete successfully. And this is what my colleagues call reform.

But I say to my colleagues, this legislation will make chapter 13 unworkable for many more debtors and will likely reduce the number of chapter 13 cases. In fact, the U.S. Trustees have estimated that one piece of this bill alone—the restriction on "cramdown" will reduce the number of chapter 13 cases by 20 percent.

How would this happen? Well, "cramdown" refers to how certain secured debt—like an auto loan—is valued during bankruptcy. Remember, secured debt is made up of loans that are attached to some physical property the lender can repossess, such as a car. Under current law, if a debtors owes more on a car than it is worth, the amount she must repay to keep her car is equal to the current value of the car not the amount of the loan left unpaid. This is fair to the lender because it ensures that the lender gets repaid the same amount that it would get if it repossessed and sold the vehicle. The rest of the loan doesn't just go away, but it gets classified as unsecured debt—like credit card debt—which is less likely to be repaid.

But under this conference agreement, the debtor must pay back the full value of the loan to keep her car. This will force debtors to pay more debt in chapter 13 cases, will cause more chapter 13 debtors to lose their cars—and jeopardize their ability to get to their job. Does it make sense to make chapter 13 harder to complete if ⅔ of the cases fail already? In addition, the ability to cramdown debt is one of the major attractions of filing under chapter 13, so the effect of this provision of the bill will be to discourage debtors from filing chapter 13—the exact opposite of the supposed purpose of the bill.

But wait, the authors didn't stop there at making chapter 13 harder. This bill will require many more debtors to file 5-year chapter 13 plans instead of 3-year plans. This extends the time in which debtors must have steady income and increases the amount of debt they must pay—significant and unworkable requirements for chapter 13 relief. This conference report will also force chapter 13 debtors to abide by strict IRS standards of "disposable income" which can disallow abnormally high housing or transportation costs.

Mr. President, all of these provisions will make chapter 13 less attractive and harder to complete. As I said, the U.S. Trustees believe that the cramdown provisions alone will lower the number of chapter 13 cases by 20 percent. But the added impact of these other hurdles could well make chapter 13 cases impossible to complete for many debtors. Remember, 67 percent already fail to complete such plans.

All of this raises a fundamental question for the supporters of this legislation: If you want more debtors to pay more of their debt back, why are you making it harder for them to do so? The reality, Mr. President is that between the means test barring relief under chapter 7 and the new restrictions and burdens making chapter 13 less workable, the legislation may well force thousands of debtors from gaining any relief under either chapter of the code. Such debtors will find themselves in bankruptcy purgatory—they will have to either lower their income (or borrow more money) so that they can qualify for chapter 7 or be denied a fresh start altogether and be left at the mercy of their creditors. Many such people might very well have filed chapter 13 cases under current law.

But don't just take my word for it colleagues. In a July 12 "Dear Colleague" letter the author of the Senate bill admits that. The attachment to the letter states: "the proposed bills will result in fewer chapter 13s." What does all of this add up to, Mr. President? Exactly this: on one hand, you have the bill's supporters claiming that this will cause more debtors to file under chapter 13 and result in greater repayment of creditors, and on the other you have a letter from the author of the legislation saying precisely the opposite.

I say to my colleagues, this cuts to the heart of this entire debate. I hope the banks and credit unions that have been tricked into supporting this legislation ask some hard questions of their lobbyists here in Washington: why are you asking me to support this bill when it will result in fewer chapter 13 repayment plans that allow me to collect what I'm rightfully owed? Indeed the chief economist of the Credit Union National Association, Bill Hampel, now believes that the proposed changes to the Bankruptcy Code will not result in increased loan recoveries for credit unions.

Where are the savings to consumers in this bill, Mr. President? Supporters are running around claiming billions in dollars will be saved under this bill. Well, if fewer people are filing for chapter 13, and those that do file will be more likely to drop out, where are the savings? I hope the sponsors come to the floor to answer this question.

I think there could be two answers Mr. President. The first answer is that there will be no increased repayments under this bill. That there will be no lowering of the cost of credit for consumers.

But the second answer is even more troubling, because I think the truth is, Mr. President, that the only way this bill could result in increased payments to creditors is that it will deny many debtors from filing for bankruptcy altogether. Fresh starts will be too costly and prohibitively difficult for many under this bill so lives will be ruined, wages will be garnished, homes will be lost, and cars will be repossessed. I mean we all know there aren't many assets out there to be seized, but I guess the theory is that if you squeeze enough stones you will eventually get some blood. But the cost will be increased misery, the cost will be more economic devastation for those who are already devastated.

BANKRUPTCY IS A SAFETY NET FOR THE MIDDLE CLASS

The proponents of this bill argue that people file because they want to get out of their obligations, because they're untrustworthy, because they're dishonest, because there is no stigma in filing for bankruptcy.

But any look at the data tells you otherwise. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care.

Specifically we know that nearly half of all debtors report that high medical costs forced them into bankruptcy—this is an especially serious problem for the elderly. But when you think about it, a medical crisis can be a double financial whammy for any family. First there are the high costs associated with treatment of serious health problem. Costs that may not be fully covered by insurance, and certainly the over 30 million Americans without health insurance are especially vulnerable. But a serious accident or illness may disable—at least for a time—the primary wage earner in the household. Even if it isn't the person who draws the income, a parent may have to take significant time to care for a sick or disabled child. Or a son or daughter may need to care for an elderly parent. This means a loss in income. It means more debt and the inability to pay that debt.

Are people overwhelmed with medical debt or sidelines by an illness, deadbeats? This bill assumes they are. For example, it would force them into credit counseling before they could file—as if a serious illness or disability is something that can be counseled away.

Women single filers are now the largest group in bankruptcy, and are one third of all filers. They are also the fastest growing. Since 1981, the number of women filing alone increased by more than 700 percent. A woman single parent has a 500 percent greater likelihood of filing for bankruptcy than the population generally. Single women with children often earn far less than single men aside for the difficulties and costs of raising children alone. Divorce is also a major factor in bankruptcy. Income drops, women, again, are especially hard hit. They may not have worked prior to the divorce, and now have custody of the children.

Are single women with children deadbeats? This bill assumes they are. The new nondischargeability of credit card debt will hit hard those women who use the cards to tide them over after a divorce until their income stabilizes. And the safe harbor in the conference report which proponents argue will shield low and moderate income debtors from the means test will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse, even if they are separated, the spouse is not filing for bankruptcy, and the spouse is providing no support for the debtor and her children. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for determination of whether the safe harbor and means test applies.

Mr. President, you will hear my colleagues talk about high economic growth and low unemployment and wonder how so many people could be in circumstances that would require them to file for bankruptcy. Well, the rosy statistics mask what has been modest real wage growth at the same time the debt burden on many families has skyrocketed. At it also masks what has been real pain as certain industries and certain communities as the economies restructure. Even temporary job loss may be enough to overwhelm a family that carries significant loans and often the reality is that a new job may be at a lower wage level—making a previously manageable debt burden unworkable.

So what does this bill do to keep people who undergo these wrenching experiences out of bankruptcy? Nothing. Zero. Tough luck. In stead, this conference report just makes the fresh start of bankruptcy harder to achieve. But this doesn't change anyone circumstances, this doesn't change the fact that these folks no longer earn enough to sustain their debt. Mr. President, there is not one thing in this so called bankruptcy reform bill that would promote economic security in working families. It is sham reform.

When you push the rhetoric aside, one thing becomes clear: The bankruptcy system is a critical safety net for working families in this country. It is a difficult demoralizing process, but for nearly all who decided to file, it means the difference between a financial disaster being temporary or permanent. The repercussions of tearing that safety net asunder will be tremendous, but the authors of the bill remain deaf to the chorus of protest and indignation that is beginning to swell as ordinary Americans and Members of Congress begin to understand that bankrupt Americans are much like themselves—are exactly like themselves—and that they are only one layoff, one medical bill, one predatory loan away from joining the ranks.

For the debtor and his family the benefit of bankruptcy—despite the embarrassment, despite the humiliation of acknowledging financial failure—is obvious, to get out from crushing debt, to be able to once again attempt to live within ones means, to concentrate ones income on clear priorities such as food, housing and transportation. But it is also the fundamental principles of a just society to ensure that financial mistakes or unexpected circumstances do not mean banishment forever from productive society.

Mr. President, the fresh start that is under attack here in the Senate today is nothing less than a critical safety net that protects America's working families. As Sullivan Warren and Westbrook put it in "The Fragile Middle Class":

> Bankruptcy is a handhold for middle class debtors on the way down. These families have suffered economic dislocation, but the ones that file for bankruptcy have not given up. They have not uprooted their families and drifted from town to town in search of work. They have not gone to the underground economy, working for cash and staying off the books. Instead, these are middle

> class people fighting to stay where they are, trying to find a way to cope with their declining economic fortunes. Most have come to realize that their incomes will never be the same as they once were. As their comments show, they realize they can live on $30,000 or $20,000 or even $10,000. But they cannot do that and meet the obligations that they ran up while they were making much more. When put to a choice between paying credit card debt and mortgage debt, between dealing with a dunning notice from Sears and putting groceries on the table, they will go to the bankruptcy courts, declare themselves failures, and save their future income for their mortgage and their groceries.

I say to my colleagues, there may be many different standards that different members have for bringing legislation to the floor of the United States Senate. We come from different backgrounds, we come from different states, we have different philosophies about the role of government in society. We have differing priorities. But for God's sake, there should be one principle that all of us can get behind and that is that we should do no harm here in our work to America's working families.

That's what at stake here. This is a debate about priorities. This is a debate about what side you're on. This is a debate about who you stand with. Will you stand with the big banks and the credit card companies or will you stand with working families, with seniors, with single women with children, with African-Americans and Hispanics.

But I would say to my colleagues on the floor of the U.S. Senate today that this is not a debate about winners and losers. Because we all lose if we erode the middle class in this country. We all lose if we take away some of the critical underpinnings that shore up our working families. Sure, in the short run big banks and credit card companies may pad their profits, but in the long run our families will be less secure, our entrepreneurs will become more risk adverse and less entrepreneurial.

How so? Well this is how a Georgia Congressman described the issue in 1841:

> Many of those who become a victim to the reverses are among the most high-spirited and liberal-minded men of the country—men who build up your cities, sustain your benevolent institutions, open up new avenues to trade, and pour into channels before unfilled the tide of capital.

Mr. President, this is still true today.

This isn't a debate about reducing the high number of bankruptcies. No way will this legislation do that. Indeed, by rewarding the reckless lending that got us here in the first place we will see more consumers over burdened with debt.

No, this is a debate about punishing failure. Whether self inflicted or uncontrolled and unexpected. This is a debate about punishing failure. And if there is one thing that this country has learned, punishing failure doesn't work. You need to correct mistakes, prevent abuse. But you also lead to lift people up when they've stumbled, not beat them down.

Of course, what the Congress is poised to do here with this bill is even worse within the context of this Congress. This is a Congress that has failed to address skyrocketing drug costs for seniors, this is a Congress that has failed to enact a Patients' Bill of Rights much less give all Americans access to affordable health care. This is a Congress that does not invest in education, that does not invest in affordable child care. This is a Congress that has yet to raise the minimum wage.

But instead, we declare war on America's working families with this bill.

What is clear is that this bill will be the death of a thousand cuts for all debtors regardless of whether the means test applies. There are numerous provisions in the bankruptcy reform bill designed to raise the cost of bankruptcy, to delay its protection, to reduce the opportunity for a fresh start. But rather than falling the heaviest on the supposed rash of wealthy abusers of the code, they will fall hardest on low- and middle-income families who desperately need the safety net of bankruptcy.

LENDERS SHOULD BE HELD RESPONSIBLE

You know, a lot of folks must be watching the progress of this bankruptcy bill over the course of this year with awe and envy. Can my colleagues name one other bill that the leadership has worked so hard and with such determination to move by any and all means necessary? Certainly not an increase in the minimum wage. Certainly not a meaningful prescription drug benefit for seniors, certainly not the reauthorization of the Elementary and Secondary Education Act. On many issues, on most issues, this has been a do nothing Congress. But on so-called bankruptcy reform, the Senate and House leadership can't seem to do enough.

One can only wonder what we could have accomplished for working families if the leadership had the same determination on other issues.

Unfortunately those other issues did have the financial services industry behind it. And you have to give them credit—no pun intended—over the past couple of years they have played the Congress like a violin. And what do you know, here we are trying to ram through this bankruptcy bill in the 11th hour as the 106th Congress draws to a close.

In reading the consumer credit industry's propaganda you'd think the story of bankruptcy in America is one of large numbers of irresponsible, high income borrowers and their conniving attorney using the law to take advantage of naive and overly trusting lenders.

As it turns out, that picture of debtors is almost completely inaccurate. The number of bankruptcies has fallen steadily over the past months, charge offs (defaults on credit cards) are down and delinquencies have fallen to the lowest levels since 1995, and now all sides agree that nearly all debtors resort to bankruptcy not to game the system but rather as a desperate measure of economic survival.

It also turns out that the innocence of lenders in the admittedly still high numbers of bankruptcies has also been—to be charitable—overstated.

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

So Mr. President, in the interest of full disclosure—something that the industry itself isn't very good at—I'd like my colleagues to be aware of what the consumer credit industry is practicing even as it preaches the sermon of responsible borrowing. After all, debt involves a borrower and a lender; poor choices or irresponsible behavior by either party can make the transaction go sour.

So how responsible has the industry been? Well I suppose that it depends on how you look at it. On the one hand, consumer lending is terrifically profitable, with high-cost credit card lending the most profitable of all (except perhaps for even higher costs credit like payday loans). So I guess by the standard of responsibility to the bottom line they've done a good job.

On the other hand if you define responsibility as promoting fiscal health among families, educating on judicious use of credit, ensuring that borrowers do not go beyond their means, then it's hard to imagine how the financial services industry could be bigger dead beats.

According to the Office of the Comptroller of Currency, the amount of revolving credit outstanding—that is, the amount of open-ended credit (like credit cards) being extended—increased seven times during 1980 and 1995. And between 1993 and 1997, during the sharpest increases in the bankruptcy filings, the amount of credit card debt doubled. Doesn't sound like lenders were too concerned about the high number of bankruptcies—at least it didn't stop them from pushing high-cost credit like Halloween candy.

Indeed, what do credit card companies do in response to "danger signals" from a customer that they may be in over their head? According to "The Fragile Middle Class," an in depth study of who files for bankruptcy and why, the company's reaction isn't what you'd think.

> Many credit card issuers respond to a customer who is exceeding his or her credit limit by charging a fee—and raising their credit limit. The practice of charging default rates of interest, which often run into the 20 to 30 percent range, makes customers who give the clearest signs of trouble—missing payments—among the most profitable for the issuers.

That may sound stupid to you and me colleagues, but it gets more bizarre: Banks actively solicit debtors for new credit after they file for bankruptcy—this way, the company knows this customer will take on debt, but will not be legally able to seek another bankruptcy discharge for another 6 years.

As "The Fragile Middle Class" goes on to state:

> [Many] attribute the sharp rise in consumer debt—and the corresponding rise in consumer bankruptcy—to lowered credit standards, with credit card issuers aggressively pursuing families already carrying extraordinary debt burdens on incomes too low to make more than minimum repayments. The extraordinary profitability of consumer debt repaid over time has attracted lenders to the increasingly high-risk-high-profit business of consumer lending in a saturated market, making the link between the rise in credit card debt and the rise in consumer bankruptcy unmistakable.

So in other words colleagues, those folks who may have come into your office this year or last year talking about how they needed protection from customers who walked away from debts, who thought Congress should mandate credit counseling—to promote responsible money management—as a requirement for seeking bankruptcy protection, who argued that reform of the bankruptcy code is needed because of decline in the stigma of bankruptcy have been pouring gasoline on the flames the whole time. Of course, in the end, if his bill passes, it's working families who get burned.

But guess what? It gets even worse, because the consumer finance industry isn't just reckless in its lending habits, big name lenders all too often break or skirt the law in both marketing and collecting.

For example:

In June of this year the Office of the Comptroller of the Currency reached a settlement with Providian Financial Corporation in which Providian agreed to pay at least **$300** million to its customers to compensate them for using deceptive marketing tactics. Among these were baiting customers with "no annual fees" but then charging an annual fee unless the customer accepted the **$156** credit protection program (coverage which was itself deceptively marketed). The company also misrepresented the savings their customers would get from transferring account balances from another card.

In 1999, Sears, Roebuck & Co. paid **$498** million in settlement damages and **$60** million in fines for illegally coercing reaffirmations—agreements with borrowers to repay debt—from its cardholders. But apparently this is just the cost of doing business: Bankruptcy judges in California, Vermont, and New York have claimed that Sears is still up to its old strong arm tactics, but is now using legal loopholes to avoid disclosure. Now colleagues, Sears is a creditor in one third of all personal bankruptcies. And by the way, this legislation contains provisions that would have protected Sears from paying back any monies that customers were tricked into paying under these plans.

This July, North American Capital Corp., a subsidiary of GE, agreed to pay a **$250,000** fine to settle charges brought by the Federal Trade Commission that the company had violated the Fair Debt Collection Practices Act by lying to and harassing customers during collections.

In October, 1998, the Department of Justice brought an antitrust suit against VISA and Mastercard, the two largest credit card associations, charging them with illegal collusion that reduced competition and made credit cards more expensive for borrowers.

Now Mr. President, this is just a few examples, I could go on and on. At a minimum, these illegal and unscrupulous practices rob honest creditors who play by the rules of repayment. And the cost to debtors and other creditors alike are tremendous.

But other practices aren't illegal, merely unsavory.

For example, credit card companies perpetuate high interest indebtedness by requiring low minimum payments and in some cases canceling the cards of customers who pay off their balance every month. Using a typical minimum monthly payment rate on a credit card, it would take 34 years to pay off a $2,500 loan, and total payments would exceed 300 percent of their original principal. A recent move by credit card industries to make the minimum monthly payment only 2 percent of the balance rather than 4 percent—further exacerbates the problems of some uneducated debtors.

Lenders routinely offer low "teaser" interest rates which expire in as little as 2 months and engage in "risk-based" pricing which allows them to raise credit card interest rates based on credit changes unrelated to the borrower's account. Many credit card contracts now contain binding arbitration clauses—buried in the fine print of contracts which are often not even included with pre-approved card offers—that cut off the borrower's ability to seek redress in the courts in the case of a dispute.

Even more ironic: at the same time that the consumer credit industry is pushing a bankruptcy bill that requires credit counseling for debtors, the Consumer Federation of America found that many prominent creditors have slashed the portion of debt repayments they shared with credit counseling agencies—in some cases by more than half. This may force some agencies to cut programs and serve fewer debtors. At the same time, the industry has stopped the practice of eliminating or significantly reducing the interest rates charged on debts being repaid with the help of a counseling agency making counseling less likely to succeed.

Mr. President, let me repeat myself in case my colleagues somehow missed the blatant hypocrisy of what's going on here: The big banks and credit card companies are pushing to rig the system so that you cannot file for bankruptcy unless you perform credit counseling at the same time that they are jeopardizing the health of the credit counseling industry and making it significantly more costly for debtors.

That's pretty brazen, but as my colleagues will hear over and over in this debate, this isn't just an industry that wants to have it both ways, it wants to have it several different ways.

Of course these are mild abuses compared to predatory lending. Schemes such as payday loans, car title pawns, and home equity loan scams harm tens of thousands of more Americans on top of those shaken down by the mainstream creditors. Such operators often target those on the economic fringe like the working poor and the recently bankrupt. They even claim to be performing a public service: providing loans to the uncreditworthy. It just also happens to be obscenely profitable to overwhelm vulnerable borrowers with debt at usurious rates of interest. Hey, who said good deeds don't get rewarded?

Reading this conference report makes it clear who has the clout in Washington. There is not one provision in this bill that holds the consumer credit industry truly responsible for their lending habits. My colleagues talk about the message they want to send to deadbeat debtors, that bankruptcy will no longer be a free ride to a clean slate. Well what message does this bill send to the banks, and the credit card companies? The message is clear: make risky loans, discourage savings, promote excess, and Congress will bail you out by letting you be more coercive in your collections, by putting barriers in between your customers and bankruptcy relief, and by ensuring that the debtor will emerge from bankruptcy with his vassalage to you intact. This is in stark contrast to the numerous punitive provisions of the bill aimed at borrowers.

So Mr. President, the record is clear: lenders routinely discourage healthy borrowing practices, encourage excessive indebtedness and impose barriers to paying of debt all in the name of padding their profits. It would be a bitter irony if Congress were to reward big banks, credit card companies, retailers, and other lenders for their bad behavior, but that is exactly what passage of bankruptcy reform legislation would do.

I would characterize the debate like this and make it very simple for my colleagues. This is fundamentally a referendum on Congress's priorities and you simply need to ask yourself: whose side am I on? Am I on the side of working families who need a financial fresh start because they are overburdened with debt? Am I for preserving this critical safety net for the middle class? Will I stand with the civil rights community, and religious community, and the women's community, and consumer groups and the labor unions who fight for ordinary Americans and who oppose this bill?

Or will you stand with the credit card companies, and the big banks, and the auto lenders who desperately want this bill to pad their profits? I hope the choice will be clear to colleagues.

MORE BANKRUPTCIES, NOT LESS, IS THE LIKELY RESULT

Mr. President, at the beginning of my statement I said the bankruptcy "crisis" is over and it ended without Congress passing legislation. Ironically, it probably ended because Congress didn't act. The bean counters in the consumer credit industry realized that all these bankruptcies weren't good for profits so they started lending less money, and they were more careful about who they lent money to. In fact, the overall consumer debt level actually declined in 1998, and guess what—fewer bankruptcies. And this trend has continued in 1999 and so far in 2000. But if this conference report become law, bankruptcy protection will be harshly rolled back. It will be even more profitable to over burden folks with debt—and the banks and the credit card companies will fall all over themselves trying to do it, but this time America's working families will pay more of the price.

This argument isn't purely theoretical, history and empirical data back it up. I want to ready my colleagues a few passages from an article published in the August 13, 1984 issue of Business week. This article, entitled "Consumer Lenders Love the New Bankruptcy Laws," was written in the recent aftermath of Congress' last tightening of the bankruptcy code in 1984.

Here's how the article begins, quote:

> It doesn't take much to get a laugh out of Finn Casperson these days. Just ask him the outlook for Beneficial Corp. now that the U.S. has a tough new bankruptcy law. 'It looks a lot rosier,' says the chairman of the consumer finance company, punctuating the assessment with a hearty chuckle.

The article then explains what the banks and the credit card industries got back in 1984:

> But when someone seems to be abusing the revised law, a judge can, on his or her own, throw a case out of chapter 7, leaving the debtor to file under chapter 13. And in chapter 13, where an individual works out a repayment plan under court supervision, lenders now can get a court order assigning all of a borrower's income for three years to repaying debts—after allowance for food and other basic needs. Merely empowering a judge to determine that a debtor is abusing the bankruptcy courts was the change most responsive to the lenders' contention that bankruptcy was being used by people capable of meeting their obligations.

Does this sound familiar to colleagues? It should. These "reforms," are substantially similar to what industry says are desperately needed now—the means to curb abusive filings. That was exactly what Congress gave them in 1984. But the critical question is, how did lenders behave after the 1984 "strengthening" of the bankruptcy code? That story will help us answer the question: if we give them this new stricter, lopsided law in 2000, what will they do with it?

That 1984 Business Week article suggested what was to come:

> Lenders say they will make more unsecured loans from now on, trying to lure back the generally younger and lower-income borrowers recently turned away.

But, Mr. President, that's exactly the problem. The consumer finance industry went after these folks with a vengeance. Lenders felt so protected by the new bankruptcy law that they eventually through caution to the wind and began using the aggressive, borderline deceptive and abusive, tactics that are now common in the industry.

And guess what, both bankruptcies and consumer debt levels exploded after 1985. And some independent observers point the figure directly at the 1984 reforms and the lending industry's foolhardy reaction. In a 1999 Harvard Business School study entitled "The Rise of Consumer Bankruptcy: Evolution, Revolution, or Both?" David Moss of the Harvard Business School and Gibbs Johnson, an attorney, lay out the case. They say:

> It is conceivable, therefore, that the procreditor reforms of 1984 actually contributed to the growth of consumer (bankruptcy) filings. This could have occurred if the reforms exerted a larger impact in encouraging lenders to lend—and to lend more deeply into the income distribution—than they did in deterring borrowers from borrowing and filing.

Mark Zandi, in the January 1997 edition of "The Regional Financial Review," writes:

> While forcing more households into a chapter 13 filing through an income test would raise the amount that lenders would ultimately recover from bankrupt borrowers, it would not significantly lower the net cost of bankruptcies. Tougher bankruptcy laws will simply induce lenders to ease their standards further.

Again, we know this is exactly what happened. Credit card companies sent out over 3.5 billion solicitations last year. They use aggressive tactics to sign up borrowers—and to keep you in debt once they get you. And they also went after low income individuals—even though they might be worse credit risks. Why? Because they are desperate for credit, they are a captive audience and can be charged exorbitant interest rates and fees. Despite the fact that there are hundreds of credit card firms targeting low income borrowers, interest rates and terms on these cards have not been driven down by the supposed competition. For these borrowers, the market is failing. And firms who aren't squeamish about using aggressive collection tactics have proved that the poor, or those with bad credit—even though they might be less credit worthy onpaper—can be kept to default rates as low as those for wealthier borrowers. This is because the poor are more vulnerable to intimidation and they are less likely to have legal defense against law suits.

Mr. President, I ask you, could the Senate play a better joke on the American people? The supposed bankruptcy "crisis" of the 1990's—which bill supporters say merits a harsh rollback of bankruptcy protection for debtors—actually has its origins in the last time Congress "reformed" the bankruptcy code in favor of industry. I ask you, why would we be so stupid again? It's like our parents used to say: "Fool me once, shame on you. Fool me twice, shame on me."

WORSE THAN WHAT THE SENATE PASSED

Now Mr. President, not only does the majority leader want to ram through bankruptcy legislation on the State Department authorization conference report, which he has literally hijacked for that purpose, there is no question that this is a significantly worse legislation than what passed the Senate. In fact, there's no pretending that this is a bill designed to curb real abuse of the bankruptcy code.

Does this bill take on wealthy debtors who file frivolous claims and shield their assets in multimillion dollar mansions? No, it guts the cap on the homestead exemption adopted by the Senate. I ask my colleagues who support this bill: how can you claim that this bill is designed to crack down on wealthy scofflaws without closing the massive homestead loophole that exists in five states? And in a bill that falls so harshly on the backs of low and moderate income individuals?

I wonder how my colleagues who vote for this conference report will explain this back home. How will they explain that they supported letting wealthy debtors shield their assets from creditors at the same time they voted to end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy? With one hand we gut tenants rights, with the other we shield wealthy homeowners.

Nor does this bill contain another amendment offered by Senator SCHUMER and adopted by the Senate that would prevent violators of the Fair Access to Clinic Entrances Act—which protects women's health clinics—from using the bankruptcy system to walk away from their punishment. Again, I thought the sponsors of the measure wanted to crack down on people who game the system. What could be a bigger misuse of the system then to use the bankruptcy code to get out of damages imposed because you committed an act of violence against a women's health clinic?

And yet the secret conferees on his bill simply walked away. They walked away from a real opportunity to prohibit an abuse that all sides recognize exists, but they also walked away from an opportunity to protect women from harassment. They walked away from the opportunity to protect women from violence.

So why shouldn't people be cynical about this process? Ever since bankruptcy reform was passed by the Senate this bill has gotten less balanced, less fair, and more punitive—but only for low and moderate income debtors. So again, I would say to my colleagues, this bill is a question of our priorities. Will we stand with wealthy dead beats or will we take a stand to protect women seeking reproductive health services from harassment?

But unfortunately, these were not the only areas where the shadow conferees beat a retreat from balance and fairness. For example:

Safe harbor dollar amounts—The Senate bill provided that the higher of state or national median income should be used for the safe harbor from the means test. The shadow conference uses state median income, which is a far lower number in many states. This is an important issue because debtors in high income/high expense areas of low-income states will be very much disadvantaged.

Safe harbor treatment of women not receiving child support—The shadow conference has inserted the "Hyde safe harbor" which protects some low income families from the arbitrary means test based on Internal Revenue Service expense standards. But this safe harbor will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse, even if they are separated, the spouse is not filing for bankruptcy, and the husband is providing no support for the debtor and her children. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for the safe harbor determination. This unfair treatment appears clearly intended, since the safe harbor from creditor motions elsewhere in the same section is worded differently, and does not take into account the income of a separated nondebtor spouse, except to the extent support is actually being paid by that spouse.

Gutting the Durbin means test "mini-screen"—The Senate bill contained an amendment meant to give bankruptcy judges more flexibility in applying the means test for moderate income debtors. The provision was changed in a way that turns the intent of this provision on its head. Instead of creating more flexibility in the means test, it would mean much less flexibility.

Elimination of protections for family farmers and family fishermen—The Senate bill enhanced bankruptcy protections for family farmers and added protections for family fishermen. Senate negotiators have reportedly agreed to eliminate entirely the new protections for fishermen, as well as most of the new protections for family farmers.

Unrealistic valuation of property—Senate negotiations have reportedly agreed to a House provision that would change current rules on property valuation. Under this provision, property would have to be valued at retail value, without accounting for any of the costs of sale, despite the fact that resale at such value would be impossible.

Elimination of Byrd and Levin amendments on consumer credit—The amendment to the Senate bill offered by Senator BYRD required that consumer information be included in Internet credit card applications. The Levin amendment prohibited certain finance charges on credit card payments made within the grace periods provided by creditors. Senate negotiations have reportedly agreed to delete both of these important amendments.

Unrealistic notice requiremnts—A provision from the House bill requires that debtors use the address provided in pre-bankruptcy communications to provide any necessary notice to their creditors. Under this provision, it would be impossible in many cases for debtors to know what address to use, since debtors often do not retain their pre-bankruptcy communications.

Elimination of sanctions against creditors who file abusive motions—The Senate bill contained sanctions against creditors who file motions claiming "abuse" which are coercive or not substantially justified. These sanctions would have been a key protection against overly aggressive creditors for debtors in bankruptcy. Senate negotiators have reportedly agreed to eliminate these sanctions.

Filing of tax records—S. 625 required debtors to provide tax returns only if requested by a party in interest. The shadow conference requires the filing of tax records in every case.

A TERRIBLE PROCESS

Mr. President, let me just say a few words about the process on this legislation, which is terrible. The House and Senate Republicans have taken a secretly negotiated bankruptcy bill and stuffed it into the State Department authorization bill in which not one provision of the original bill remains. Of course, State Department authorization is the last of many targets. The majority leader has talked abut doing this on an appropriations bill, on a crop insurance bill, on the electronic signatures bill, on the Violence Against Women Act. So desperate are we to serve the big banks and credit card companies that no bill has been safe from this controversial baggage.

We are again making a mockery of scope of conference. We are abdicating our right to amend legislation. We are abdicating our right to debate legislation. And for what? Expediency. Convenience.

However, I'm not sure that we have ever been so brazen in the past. Yes we have combined unrelated, extraneous measures into conference reports. Usually because the majority wishes to pass one bill using the popularity of another. Putting it into a conference report makes it privileged. Putting it into a conference report makes it unamendable. So they piggy back legislation. Fine. But Mr. President, this may be the first time in the Senate's history where the majority has hollowed out a piece of legislation in conference—left nothing behind but the bill number—and inserted a completely unrelated measure.

I would challenge my colleagues walk into any high school civics class room in America and explain this process. Explain this new way that a bill becomes law. What the majority has essentially done is started down the road toward a virtual tricameral legislature—House, Senate, and conference committee. But at least the House and the Senate have the power under the constitution to amend legislation passed by the other house—measures adopted by the all-powerful conference committee are not amendable.

Is bankruptcy reform so important that we should weaken the integrity of the Senate itself? It is not. I would question whether any legislation is that important, but to make such a blatant mockery of the legislative process on a bill that is going to be vetoed anyway? That is effectively dead? Just to make a political point? What have we come to?

This is a game to the majority. The game is how to move legislation through the Senate with as little interference as possible from actual Senators.

Colleagues I want to remind you of what Senator KENNEDY said 4 years ago when the Senate voted to gut rule 28, the Senate rule limiting the scope of conference, that we are violating with this conference report. Speaking very prophetically he said:

> The rule that a conference committee cannot include extraneous matter is central to the way that the Senate conducts its business. When we send a bill to conference we do so knowing that the conference committee's work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended. So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference, that is, if the point of order against such conduct becomes a dead letter, conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unreviewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate. Mr. President, this is a highly dangerous situation. It will make all of us less willing to send bills to conference and leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference. I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws. But tomorrow the issue might be civil rights, States' rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

He was absolutely right, Mr. President. We are headed down that slippery slope he described. For the last three years we have handled appropriations in this manner. We've combined bills together, the text is written by a small group of Senators and Congressmen and these bills have been presented to the Senate as an up or down proposition. And now we're doing it with so-called bankruptcy reform.

Conference reports are privileged. It is very difficult for a minority in the Senate to stop a conference report as they can with other legislation. That's why these conference reports are being used in this way. And that's why the rules are supposed to restrict their scope.

Last year, Senator DASCHLE attempted to reinstate rule 28 on the Senate floor. He was voted down, and he spoke specifically about how we have corrupted the legislative process in the Senate:

> I wish this had been a one time event. Unfortunately, it happens over and over and over. It is a complete emasculation of the process that the Founding Fathers had set up. It has nothing to do with the legislative process. If you were to write a book on how a bill becomes a law, you would need several volumes. In fact, if the consequences were not so profound, some could say that you would need a comic book because it is hilarious to look at the lengths we have gone to thwart and undermine and, in an extraordinary way, destroy a process that has worked so well for 220 years.

So where does it stop? As long as the majority want to avoid debate, as long as the majority wants to avoid amendments and as long as Senators will go along to get along we will find ourselves forced to cast up or down votes on legislation—a rubber stamp yes or no—with no ability to actually legislate.

And each Senator who today votes for this conference report should know: they may find themselves in the majority today, they may be OK with letting this bill go because they are not offended by what it contains, but be forewarned, the day will come when you will be on the other side of this tactic. Today it is bankruptcy reform, but someday you will be the one protesting the inclusion of a provision that you believe is outrageous.

Regardless of the merits of bankruptcy reform, this is a terrible process. I would urge my colleagues to vote "no" to send a message to the leadership. Send a message that you want your rights as Senators back.

Finally, Mr. President, let me end on this note. I think many in this body believe that a society is judged by its treatment of its most vulnerable members. Well, by that standard this is an exceptionally rough bill in what has been a very rough Congress. All the consumer groups oppose this bill, 31 organizations devoted to women and children's issues oppose this legislation.

There is no doubt in my mind that this is a bad bill. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices. And this legislation has only gotten worse in sham conference.

Earlier, Mr. President, I used the word "injustice" to describe this bill—and that is exactly right. It will be bitter irony if creditors are able to use a crisis—largely of their own making—to convince Congress to decrease borrower's access to bankruptcy relief. I hope my colleagues reject this scheme and reject this bill.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

EMBASSY SECURITY AND BANKRUPTCY CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, let me begin by agreeing with the Senator from Minnesota. The measure before us is a work of injustice. It works injustice on the Senate's procedures. And if it passes, it will work injustice on millions of Americans struggling to cobble together a fresh start after financial hardship. And the measure is also a clear example of the power of money in the legislative process. That's an injustice too, because it puts the needs of the special interests ahead of the needs of the American people.

Let us begin with the procedural injustice. If Senators allow business to be done as is being attempted with this conference report, then we might as well all just go home. Because conference committees will be doing our jobs.

Unlike a normal conference report, this conference report includes absolutely no legislation on the matters that the Senate sent to the conference committee—which, for the information of my colleagues and the people watching, was a bill on embassy security and authorizations for the Department of State, a terribly serious matter. That was not what came back—nothing like that. Instead this conference report brings back to the Senate a complete bill entirely irrelevant to the bill sent to conference. What it brings back is a bankruptcy bill.

That is not the job of a conference committee. It is not the job of a conference committee to search out the legislative vineyards for whatever issues appear ripe for decision. It is not the job of a conference committee to write legislation on matters not committed to it. The conference committee is doing our jobs.

The Constitution confers on the Senate and the House of Representatives certain enumerated powers. Article I, Section 1, of the Constitution provides: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

If the Senate so chooses, it may delegate some of its powers to a committee of its Members. But if those Members so delegated recognize no limits on their authority, then they have usurped nothing less than all the powers that the Constitution vests in the Senate itself. The conference committee is doing our jobs.

Who needs a full Senate and a full House of Representatives in Congress assembled? The conference committee is doing our jobs.

Who needs amendments between the Houses on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to disagree to any House amendments or insist on any Senate amendments on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to request a conference or agree to a conference on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to consider any motions to instruct the conferees on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate even to name conferees on the bankruptcy bill? The embassy security conference committee is doing our jobs.

Who needs for Congress to address the increase in the minimum wage that the Senate attached to the last bankruptcy bill? The conference committee is doing our jobs.

Who needs for Congress even to take up, consider, debate, and amend this particular bankruptcy bill, which was introduced on October 11? The conference committee is doing our jobs.

Who needs for the Senate to take any action whatsoever to grant this conference committee power to act on bankruptcy? The conference committee is doing our jobs.

Who needs all the Senators who are not Members of the conference committee? Because the conference committee is doing our jobs.

Who needs for us to fly and drive in to Washington, sometimes from vast distances, from around the country? Because the conference committee is doing our jobs.

Who needs all these Senate offices and all the Senators' staff? A handful of offices would do, four to be exact, because the conference committee is doing our jobs.

As one longtime observer of Senate procedures asked, who died and made them king? Because the conference committee is doing our jobs.

The Senate used to have rules to prevent this sort of thing. Rule 28 of the Standing Rules of the Senate addresses conference committees. Two of that rule's six paragraphs deal with the scope of conferences.

Paragraph 2 of Rule 28 states, in relevant part:

> Conferees shall not insert in their report matter not committed to them by either House. . . . If new matter is inserted in the report . . ., a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

And then, paragraph 3 of Rule 28, dealing with complete substitutes, states:

> 3(a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.
>
> (b) In any case in which the conferees violate subparagraph (a), the conference report shall be subject to a point of order.

Then, Mr. President, on October 3, 1996, in what seemed like almost a whim, the Senate cast aside this century-old Standing Rule, which I just read in part. To secure last-minute, end-of-session passage of a version of the Federal Aviation Authorization Act that included an extraneous provision of special interest to the Federal Express Corporation, the Senate voted 56 to 39 to overturn the ruling of the Chair and nullify the rule.

At that time, Senator SPECTER called it: "a very, very serious perversion of Senate procedures."

Mr. President, conference reports are privileged. Consequently, Senators cannot debate a motion to proceed to a conference report. Senators cannot employ a filibuster to block its consideration.

Conference reports are not amendable. If, as is often the case, and is the case here, the House has already acted on a conference report, motions to recommit the conference report to the conference committee are not in order in the Senate.

Conference reports present the Senate with a take-it-or-leave-it proposition.

As I am sure my colleagues have observed, the Senate works at two speeds: a deliberative speed and a get-down-to-business speed. The regular order under the Standing Rules of the Senate reflects the deliberative speed. We see the getting-down-to-business speed in unanimous consent agreements, the budget process, and conference reports.

When Senators take up these get-down-to-business matters, they enter into a kind of social contract. Senators agree to give up their normal rights under the rules to debate and amend, which are very important in this institution. In exchange, through subject-matter limitations, these procedures grant Senators some notice—and Senators have a right to some notice—of what they can expect.

As Senator KENNEDY said in 1996:

> We send a bill to conference . . . knowing that the conference committee's work is likely to become law.

And until October 1996, the precedents governing conference committees prohibited them from bringing back any matter "entirely irrelevant" to what the Senate or House passed.

In October 1996, the Senate breached that compact. Now the process can force Senators to live with restrictions on their rights to debate and amend conference reports without having even the slightest idea of the reports' subject matter in advance. And the last-minute additions will probably become law.

Mr. President, I think most would agree, this change is profoundly undemocratic. Conference committees are populated disproportionately by senior Members and Members favored by the leadership. This conference, as a case in point, was signed off on for the Senate by just four men who have been here an average of 22 years. Conference committees are far less representative of the people than the Senate as a whole.

In conference, the majority need not work with the minority party at all. Under this majority, the majority often has not. On this bill, the majority certainly has not.

Conference committees usually work in secret. Senate rules require no open meetings. House practice has generally required one photo opportunity. Thereafter, in the eyes of the Senate's rules, Senators' signatures on the conference report constitute their votes, and nothing further need be done in public.

Mr. President, we know that conference committees have long been the graveyards of amendments. Senator Russell Long used to quip, "Why fight an amendment on the floor if you can drop it in conference?" And that appears to be what has happened to the minimum wage increase that the Senate attached to the last bankruptcy bill, and to many other amendments, including some that I proposed, that made the bill somewhat more palatable to the Senate.

And today we see a conference committee becoming the delivery room for a brand new piece of legislation. Like Athena from Zeus's head, a new law is springing whole from the conference committee without floor consideration, debate, or amendment.

Today, the chickens are coming home to roost. This majority, in its continuing crusade to snuff out any opportunity for the minority to debate and amend, now carries this monstrous conference report precedent to its logical extreme.

As I said in my statement on the Military Construction Appropriations bill on May 18, this majority has time after time flouted or changed the Standing Rules of the Senate to ratchet down the rights of the minority. This majority has thus shown a disturbing willingness to cast aside long-held precedents to serve immediate policy ends. Minority party rights have suffered as a result.

Mr. President, four Senators do not constitute the Senate. Yet absent Senate rules to restrain them, small groups of Senators meeting secretly in conference committees can arrogate much—if not most—of the Senate's power.

If the Senate allows the kind of legislation-writing by conference committee that has taken place here, then Senators will have done nothing less than surrender their jobs. They will have surrendered their authority and responsibilities to the very few who happen to be in whatever conference committee is meeting on any given day.

If we allow this practice, we will have perpetrated, in my view, and I don't think this is an exaggeration, one of the greatest abdications of responsibility in the history of the Senate.

Let us be clear about why this is happening. When the Senate considered the last bankruptcy bill, in November of 1999, Senator KENNEDY offered an amendment to provide working Americans a much-needed increase in the minimum wage. The Republican caucus added 112 pages of tax breaks, costing $103 billion, most of which would have gone to the top fifth of the income distribution.

The Senate could have sent a bill on bankruptcy and the minimum wage to conference with the House. But the Constitution requires that revenue measures originate in the House. So the plain effect of the Republican tax break amendment was to kill the bankruptcy bill and also to kill the minimum wage increase.

And now, the majority seeks to take the remains of that dead bankruptcy bill from the graveyard, and stitch it together with material from completely different entities that they have found in various legislative dissecting rooms. The result is a not a modern Prometheus, but a monster, artificial and hideous.

Now why did the majority engage in this extremely unusual procedure? Why seek a conference committee that could be used to work its will in secret and bring to the floor a new bill that will be voted on up or down with no amendments? Was it to bring forward a bill that is crucial to our national security? No. Are the experts in the field clamoring for it? No.

I have talked to bankruptcy judges, bankruptcy trustees, practitioners representing both creditors and debtors, law professors who specialize in this area, and they all strongly oppose this bill. No, the clamor is coming from another quarter. The special interests. The interests that want this bill so desperately that they have pushed the Majority to use this most unusual, almost unprecedented procedure, are the big banks and the credit card companies. They want this reform bill because it is skewed toward their interests. This is a bill written by and for the credit card companies. That's why all the nonpartisan experts on bankruptcy law oppose it.

So why is it before the Senate today? Mr. President, for over a year now, I have been Calling the Bankroll on the Senate floor, to inform my colleagues of the campaign contributions, particularly soft money contributions, that have been given by interests that would benefit from or that oppose legislation that we are considering here in the Senate. I have often stated that these contributors set the agenda on this floor. And this bill, I'm afraid, is a poster child for the influence of money on the legislative process.

Mr. President, Common Cause put out a report this spring showing the stunning amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million in just the last three years. One company that has been particularly generous is the MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate—not terribly subtle.

In December 1999, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, Mr. President, right in the middle of Senate floor consideration of the bankruptcy bill. And just a few months ago, on June 30, 2000, Alfred Lerner, Chairman and CEO of MBNA—one person, one individual—gave $250,000 in soft money to the RNC.

Mr. President, the following figures are from the Center for Responsive Politics, through the first 15 months of the election cycle, and in some cases include contributions given later in the election cycle. MBNA and its affiliates and executives gave a total of $710,000 in soft money to the parties. Visa and its executives gave more than $268,000 in soft money to the parties during the period. Mastercard gave nearly $46,000.

Finance and credit card companies gave $5.4 million in soft money, PAC and individual hard money contributions in the first 15 months of the 2000 election cycle. When you add that to the $14.6 million that the commercial banks gave, you have, Mr. President, in the midst of all these other special interests, one of the most powerful lobbying forces in public policy today. And you just might have the answer, in fact you do have the answer, to the question, "why is this bill before the Senate today?"

Some in this body say that the public doesn't care about campaign finance reform Mr. President. But I would be willing to bet that if you took a public opinion poll and asked the question whether the Senate should use extraordinary procedural means to send a campaign finance bill that would ban soft money to the President instead of this bankruptcy bill, the answer would be an overwhelming "Yes."

After all, the House passed the Shays-Meehan campaign finance reform bill last year by an overwhelming margin. And the President would sign that bill. All that is needed for campaign finance reform to become law is Senate approval, and a majority of Senators supports this bill.

On the other hand, the President has said repeatedly that he will veto this bankruptcy bill. So even if this procedural gambit is successful, the bill won't become law.

But the campaign finance reform bill doesn't have millions of dollars in campaign contributions behind it, the same way this bankruptcy bill does. So the majority persists, the majority persists in trying to force this bill through the Congress in the waning days of the session. And it may get its way. But it will not pass this bill into law.

Mr. President, this bill has millions of dollars of soft money contributions behind it. And I'm sure that the donors of those contributions believe they are doing the right thing for their companies by giving them. But it is very interesting that the leaders of major corporations, whose money drives this soft money system, are increasingly uncomfortable with it. In a poll of top business executives from the 1,000 largest companies in the United States, released last Wednesday by the Committee for Economic Development, 79 percent of the respondents said they believe the campaign finance system in this country is broken and needs to be reformed. Sixty percent of respondents agree that soft money should be banned.

So even among those interests that benefit from the soft money system, there is strong support for ending it. And the reason for that, I believe, is two-fold. First, America's businesses and business people are tired of being hit up for money. Year after year, these credit card companies have been sending money to the parties and Members of Congress hoping for some return, and I think they are tired of it.

Second, Mr. President, business leaders in this country are coming to realize how bad this system looks to the public, how poorly it reflects on the legislative and political process. The word is out, for example, about this bankruptcy bill. It is not necessary, it goes too far, it's unfair and imbalanced. Newspapers have editorialized against it; law professors have written op-ed pieces about what's wrong with it; news magazines have done exposes of the money behind it. The monied interests have succeeded in getting the bill back to the floor, and they may get it through the Congress. But if it passes, the bill and this body will not have the respect of the American people or the press. That's why America's business leaders want reform of the system Mr. President, because they know very well it taints all of us, even the legislation that they so desperately want the Congress to pass.

Mr. President, I invite my colleagues to look about this Senate Chamber and examine its form. Since January 4, 1859, this Senate has done business in this open room, ringed all around by galleries for the people. To the west, behind me, are the public visitors' galleries. To the north, behind the Presiding Officer, are the wooden desks of the press, who report our proceedings to the Nation.

The Senate began holding sessions open to the public more than 206 years ago, on February 20, 1794. The Senate opened galleries for the public in December 1795. The first radio broadcast from the Senate Chamber took place in March of 1929.

Some Senate hearings appeared on television as early as 1947. Many credit ABC's live coverage of the Army-McCarthy hearings in 1953 with helping to turn the tide against McCarthyism. Twenty years later, another generation learned about democracy as Senator Sam Ervin presided over the Watergate hearings in 1973.

The Senate began radio broadcasts of floor debate in 1978 with the debate on the Panama Canal Treaty. The House began televising its floor proceedings in 1979. The Senate opened its proceedings to television on a trial basis in May 1986. And since June 2, 1986, C-

Span has carried our debates to viewers throughout the Nation.

We conduct ourselves in the open like this because the Senate best serves the Nation when it conducts its business on this Senate floor, open to the public view. It is here, on this Senate floor, that each of this Nation's several states is represented. And it is here, in their debate and votes on amendments and measures, that Senators become accountable to the people for what they do.

The Senate is distinctive for the amount of work that it used to do on the Senate floor. In contrast to the House of Representatives, where more work is done in committee, the Senate used to do more work on the floor.

The majority today diminishes the Senate floor in favor of the backroom conference committee, chosen to address these issues by none but themselves, accountable to none but themselves, and open to observation by none but themselves.

The proceedings of the Senate floor are open to view because, as Justice Louis Brandeis wrote, "Sunlight is said to be the best of disinfectants."

William Jennings Bryan put it this way: "The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity is therefore as essential to honest administration as freedom of speech is to representative government."

It is a legal maxim that "Truth fears nothing but concealment." And it follows as night follows day that concealment is the enemy of truth.

As Justice Brandeis also wrote, "Secrecy necessarily breeds suspicion." How will the public gain confidence in the work of the Senate if the public cannot see its operations?

Morley Safer once said that "All censorship is designed to protect the policy from the public." If the majority had confidence in its policy, would it not do its business in the light of day?

As Senator Margaret Chase Smith said on this Senate floor on September 21, 1961, "I fear that the American people are ahead of their leaders in realism and courage—but behind them in knowledge of the facts because the facts have not been given to them."

In another context, Senator Robert Taft said on this Senate floor on January 5, 1951:

> The result of the general practice of secrecy has been to deprive the Senate and the Congress of the substance of the powers conferred on them by the Constitution.

And as Senator KENNEDY, our distinguished colleague, warned in 1996:

> This . . . is a vote about whether this body is going to be governed by a neutral set of rules that protect the rights of all Members, and by extension, the rights of all Americans. If the rules of the Senate can be twisted and broken and overridden to achieve a momentary legislative goal, we will have diminished the institution itself.

And that, in the end, is what has happened here. Four Senators who had the good fortune to be named to confer on an embassy security bill have taken it upon themselves to conduct the business and exercise the powers that the Constitution vested in the Senate and the Congress.

In 1973, the nuclear physicist Edward Teller said, "Secrecy, once accepted, becomes an addiction." Mr. President, my fear is that this majority will simply continue down this path of snuffing out minority rights, creating one legislative Frankenstein after another.

Senator KENNEDY warned in 1996: "It will make all of us less willing to send bills to conference . . . ." My fear is that we can no longer trust any conference committee.

On this Halloween, I fear for what legislative creatures will walk abroad as long as this majority holds power. I, for one, will stand guard against them and fight them. In defense of the Senate, I urge my colleagues to join me, Senator WELLSTONE, and others, and oppose this conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope every Democrat or staff member heard the words of Senator FEINGOLD. His words will be memorable in terms of the record of the Senate. They are prophetic for now and in the future. I thank the Senator for the power of his presentation, for the power of his words.

I ask the Senator from Illinois how much time he thinks he will need.

Mr. DURBIN. Twenty minutes.

Mr. WELLSTONE. Mr. President, I yield 20 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, before beginning, I say to the Senator from Minnesota, two of our colleagues, Senator DORGAN and Senator HARKIN, have asked for 10 minutes each, I think Senator HARKIN first. I do not know if the Senator wants to make that part of his unanimous consent request at this time.

Mr. WELLSTONE. I did tell Senator HARKIN I would grant him some time. I want to allow some time for myself to speak in opposition to this as well. Let me see how things go.

Mr. DURBIN. I thank the Senator from Minnesota.

BANKRUPTCY

Mr. DURBIN. Mr. President, you can expect the Halloween thing to be part of most of our speeches on the floor today regardless of the issue at stake. It is Halloween, and children of all ages will be dressing up in their favorite costume and ringing doorbells yelling: Trick or treat.

Our Halloween tradition that we enjoyed as kids, and even as adults, dates back to Celtic practices, when on this day witches and other evil spirits were believed to roam the Earth, playing tricks to mark the season of diminishing sunlight.

The 106th Congress is waning. Our legislative days will soon be coming to an end, and we will be ending the legislative term with a cruel legislative trick: a bankruptcy conference report masquerading as a State Department authorization bill. You know Congress is close to adjournment when slick procedural maneuvers are used to bring a one-sided work product to the Senate floor.

The majority found a shell conference report, they basically held a meeting without an official conference committee, struck the contents of the original bill, and plugged in the bankruptcy bill that we have before us today. Rather than negotiate with Democrats directly or work to produce a bipartisan bill that the President might support, they went back to their old tactic: Take it or leave it; this is the Republican version; this is the version supported by business. Take it or leave it.

When I hear all the claims in the Presidential campaign about bipartisanship, I shake my head when I look at the Republican leadership in the Senate and the House which continuously stops the Democrats from participating. If we are going to have bipartisanship, shouldn't we have it on a bill as important as bankruptcy reform?

Let me say from the outset, I support bankruptcy reform. Two years ago, I was on the Judiciary Committee and the subcommittee with jurisdiction over this issue. Senator GRASSLEY and I spent countless hours with our staffs trying to come up with meaningful and fair bankruptcy reform.

We had a good bill. Ninety-seven Members of the Senate voted for it. I thought that was a pretty good endorsement of a bipartisan effort, but it has gone downhill consistently ever since.

That bill was then trapped in a conference committee that was totally Republican, no Democrats allowed. They brought back a work product that was the byproduct, I guess, of the best wishes of the credit industry. It had no balance to it whatsoever. Frankly, it was defeated. Then we turned around—I guess it wasn't called; it would have been defeated by Presidential veto.

Then over the next 2 years, others worked on this issue, and I hoped we would return to a bipartisan approach. It did not happen. So for all of the calls for bipartisanship by the Republican side of the aisle, when it comes to conference committees, no Democrats are allowed. Republicans said: Take it or leave it. In this case, we should definitely leave it.

The bankruptcy code is a complex piece of law. When I was debating this in earlier years, I marveled at the fact that I was considered to be one of the spokesmen on the issue of bankruptcy.

What is my experience in bankruptcy? Thirty years ago I took a bankruptcy course in law school, and 20 years ago I was a trustee in a bankruptcy in Springfield, IL. That is the sum and substance of my experience in bankruptcy, and I turned out to be one of the more experienced people at the table on the issue, one I had to relearn the complexities of in a short period of time.

A constant theme has guided me through this debate, and that is: Yes, there are people who go to bankruptcy court and file, abusing the system, gaming the system, trying to avoid their responsibility to pay their just debts. I believe that is the case, and if this law is directed at those people, I am for it.

Secondly, I believe there are abuses on the other side as well. I do not need to tell the others who are gathered and those following this debate how many credit card solicitations you receive at home. Quite a few, I bet. I will go through some statistics in a few minutes about the volume of credit card solicitations.

I have a godson in Springfield, IL, Neil Houlihan. He is now 7 or 8 years old. He got his first credit card solicitation at the age of 6. This is a bright young man, but I do not believe that at the age of 6, when you are learning to ride a bicycle, you should have a credit card in your back pocket. Obviously, MasterCard did and sent Neil his solicitation.

They have sent solicitations to children, people in prison, and family pets. Everyone gets one. Every time you go home at night, you sort through all the offers to give you a new credit card. In a way, it is flattering; you feel empowered: You get to make that decision. In another way, the credit card industry would have us carry as many pieces of plastic in our pocket as possible, with little or no concern as to whether we can handle the debt.

What I believe—and I hope others agree with me—is we should not ration credit in America nor should we ration information about credit in America. We ought to know, as individuals, what the terms of these credit card agreements are, what the traps are that you can hardly read with a magnifying glass on the back of your statement. We have a right to know what we are getting into. If it is a caveat-emptor situation, it is not fair. Consumers have a right to know.

The democratization of credit in America has made this a better place to live. I understand the fact that not too many years ago, if a woman was a waitress in a restaurant, the likelihood that she could get a credit card was next to zero. Today she could qualify for one. That is a good development.

We have to look at the abuse of solicitation of credit cards and what it leads to. The credit card industry wants us to close down the loopholes in the bankruptcy code, but they do not want us to look at the loopholes in their own system. When I explain the details, my colleagues will understand.

They say this is a reflection on the moral decadence of America; that so many people are filing for bankruptcy. I assume those who abuse the system may be morally decadent. Let someone else be the judge of it. At least it raises that issue.

I asked the credit card industry: Do you have a moral responsibility? Are you meeting your moral responsibility? When you flood people who are not creditworthy with solicitations for more credit cards, are you meeting your responsibility? When you put ATMs at casinos, are you meeting your responsibility? When you go to football games and basketball games at the college level on up and say, We can give you a beautiful sweatshirt that shows the University of Illinois symbol if you, as a student, will sign up for a credit card, are you meeting your moral responsibility?

When the dean at Indiana University says the No. 1 reason kids drop out of school is credit card debt—they have so much debt accumulated, they have to go to work and try to pay some of it off—are you meeting your moral responsibility?

This field of morality can be a little tricky, but this credit card industry does not believe they have a special responsibility in this debate. I think they are wrong.

In 1999, there were 3.5 billion credit card solicitations mailed to American households. Let me tell you why that is interesting. There are 78 million creditworthy households in America and 3.5 billion credit card solicitations. Do you ever wonder why your mailbox is full of these solicitations? They are, frankly, coming at you in every direction, and it is not just through the mails; it is in magazines; it is on television; it is everywhere you turn. They try to lure you into signing up for another credit card with very few questions asked.

These 3.5 billion credit card solicitations, frankly, do not tell you all you need to know about the obligations you are incurring.

I continue to believe, as I did when this debate got started, when we passed a strong disclosure provision, that consumers were entitled to know some very basic things.

This is one of the things I suggested but which the credit card industry rejected. It is just this simple. I think they ought to say, in every credit card statement: If you make the minimum monthly payment required, it will take you X number of months to pay off the balance. When you have paid it off, this is how much you will have paid in interest and how much you will have paid in principal.

That is not a tough thing to calculate; it is not a radical suggestion; it is disclosure, so that someone who looks at a credit card debt—let's say they want to pay the 2 percent monthly minimum on $1,295.28—is told, as part of routine disclosure, it will take them 93 months—that is more than 7 years—to pay off the balance. And when it is all over, their payments will have come to $2,418, almost twice the original balance.

The credit card industry said that is an outrageous disclosure that they would disclose this to people to whom they send monthly statements. At first they said it was not technologically possible. That is laughable, in this world of computers, that they could not tell you that basic information. They do not want to tell you that because they understand, as long as people are paying that minimum monthly payment, they are going to be trapped forever in paying more and more interest.

There are times when people cannot pay more than the minimum monthly balance. That is a decision—a conscious decision—consumers should make. But I think the credit card industry owes it to people across America to tell them the terms of what they are getting into. Frankly, they have resisted that all along.

It is my understanding that a lot of the language we have put in here about credit card disclosure, and even saw in the Senate bill, has basically been eliminated. It is my understanding that it has been weakened in many respects.

The Republican leadership brings this bill to the floor and permits banks with less than $250 million in assets—and that, incidentally, is over 80 percent of the banks in America—to have the Federal Reserve provide its customers with a toll free number to review their credit card balances for the next 2 years. So instead of telling you on a monthly statement, with all the information they pile in—all the circulars, all the advertising—they are going to give you an 800 number and say: You can call here, and maybe they will answer your question as to how much you are ultimately going to have to pay. You know that isn't going to happen. The credit card industry knows it is not going to happen. That is as far as they want to go.

Let me tell you about another thing that is amazing. It is called the homestead exemption. Did you know, in most States now, if you file for bankruptcy, you are allowed to claim as an exemption—in other words, protected from the bankruptcy court and your creditors—your homestead, your home?

But every State has a different standard about how much you are allowed to exempt.

My colleague, Senator KOHL of Wisconsin, basically said we ought to get right of this because fat cats go out and buy magnificent homes and mansions and ranches and farms and call them their homes, plow everything they have into them, and then say to their creditors they have nothing to put on the table.

We had instances where the Commissioner of Baseball many years ago—one of the former Commissioners of Baseball—managed to protect a mansion in Florida because he bought it in time before he filed for bankruptcy. We had a lot of well-known actors and actresses who turned around and did the same thing in southern California.

The average person does not have that benefit. Many States do not allow much more than a modest exemption for the homestead. We said, under Senator KOHL's amendment, that we would create a $100,000 nationwide cap on homestead exemptions. I think it makes sense. But, frankly, it did not survive. Now, under this bill that is before us, if you have owned property for more than 2 years, then there is virtually no limitation. It is up to the States to decide again. I think that is a mistake. This is a departure.

The other area is clinic violence. This gets to a point that is worth speaking to. Senator SCHUMER of New York brought this point forward. If someone is engaged in violence at an abortion clinic—and it has happened; we have seen it happen—and they are found to be responsible in a court of law for their wrongdoing, and they are held responsible for damages to be paid, in many cases all they need to do is file for bankruptcy, and they are virtually discharged of all responsibility on that debt.

I think that is wrong. By a vote of 80–17 the Senate agreed with me. But Senator SCHUMER's amendment did not survive this conference, and it is not going to be considered. As a result, we find a situation where those who are guilty of clinic violence, people such as Randal Terry and Flip Benham, have usurped our clinic protection laws by feigning bankruptcy.

Did you know, even student loans are not dischargeable under bankruptcy under chapter 13? Yet these folks have been engaged in violent activity, found guilty by a jury of their peers, and use this bankruptcy code as a shield.

I tried to add some provisions in the Senate bill that gave the bankruptcy judges more flexibility in applying a means test for moderate-income debtors. It was stricken from the bill.

Who actually files for bankruptcy? It is interesting to see. You might think that it is the high rollers, but it turns out to be some of the poorest people in America. The average income of people filing for bankruptcy over the last 20 years continues to go down. That income, at this point, is below $25,000 a year for the people who are filing for bankruptcy.

Why do people file for bankruptcy? Some of them may have calculated how they can come out ahead by doing it. But look at what happens in most cases. Older Americans are less likely to end up in bankruptcy than younger Americans, but when they do file, 40 percent of them give medical debt as the reason for filing. Elizabeth Warren of Harvard tells us, overall, 46 percent of the people filing for bankruptcy do so because of medical debt.

We spent a lot of time on the Senate floor talking about hospital bills and prescription drug bills. When people become so overwhelmed by a catastrophic illness, they end up in bankruptcy court.

Both men and women are more likely to declare bankruptcy following divorce. That is the second instance in people's lives, divorces. They, of course, end up with a situation where people have to file because they can't make ends meet. The spouse who has the responsibility of raising the children may find herself in bankruptcy court.

The way this bill is written, there is not adequate protection for those women. That is why most women's groups, as well as consumer groups, oppose this bill as written.

Of course, unemployed workers who lose their jobs; that is the third instance that drives people into bankruptcy court.

So you find over and over again that the catastrophic events of a lifetime force people into bankruptcy court. Most of them do not go there because they want to. They are forced into that situation. This bill does not help them, does not protect them. Basically, it provides more power for the creditors and less power for the debtors who find themselves in these awful circumstances.

An interesting thing has occurred since this debate started 3 or 4 years ago. There was a lot of complaints about the number of bankruptcy filings going up in America in a time of prosperity. That was true. It is a strange thing, but people get overconfident and they get too far in debt, and they can't get out or they run into one of the three catastrophes that I mentioned. But something has happened.

In the first 37 weeks of this year, 861,846 people filed for bankruptcy. That is a lot of people. But basically the number of bankruptcy filings is on a decline. According to a study by the University of Maryland's Department of Economics, "Remarkably, there have been 138,000 fewer personal bankruptcies in the current year to date than during the corresponding period of 1998, a cumulative decline of greater than 15 percent in the per capita bankruptcy rate." So that says to us, the explosive growth of bankruptcies has turned around. I cannot tell you exactly why, but that was one of the reasons why we even started discussing this bill.

It was told to us by the White House and the chief of staff of the President, John Podesta, the President will veto this bill as written. I hope he does. I hope those who support meaningful bankruptcy reform, balanced bankruptcy reform, will realize we cannot go through this process on a slam dunk, take it or leave it; Republicans will meet and decide—and Democrats will be left out—and pass a bill of this significance.

The groups that oppose this include not only the AFL-CIO, representing working men and women across America, but also NARAL, the National Partnership for Women and Children, the Leadership Conference on Civil Rights, the Religious Action Center, the Consumers Union—virtually every one of them—75 law professors from across the country who have tried to take an objective look at this bill, even groups from my own home State of Illinois. The Bankruptcy Center, which over the past 3 years has filed over 6,000 bankruptcies on behalf of their clients, has written me with their concerns about the bankruptcy bill.

So it comes down to this. We have a lopsided bill, perpetrated as part of a political process around here that is becoming too common, where they take a bill that has nothing to do with bankruptcy and shove the contents into it. And the Republicans dictate what will be in it and do not even invite the Democrats to participate in the discussion, bring it to the floor and say: Take it or leave it.

The credit industry that wants this bill refuses to concede the most basic concessions to us when it comes to the disclosures they would make on credit card solicitations and the monthly statements on the bill so that consumers can make a rational choice about how much credit they can handle. They basically have told us: This is it; take it or leave it.

I think we should leave it. It is time for us as a Nation to say, yes, we can reform bankruptcy but do it in a balanced fashion.

I salute my colleague, the Senator from Minnesota, for his leadership. I hope colleagues on both sides of the aisle will think twice and join me in voting against cloture. This bill needs further debate, the debate it did not have in conference committee. I hope we can come up with a better work product.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President. I will take 1 minute because our leader is on the floor.

I thank Senator DURBIN. I only heard part of what he said but the conclusion especially. I will build on what he said, except I won't do it as well.

Whatever Senators think about the content of this bill—and there is much to question—it is a much worse bill than the bill passed by the Senate before. Senator DURBIN has more credibility on this because he worked on the original bankruptcy bill and was responsible for much of its content which was much better than what we have seen in recent days. This is a mockery of the legislative process. Any minority, any Senator, anyone who loves this institution, can't continue to let people in the majority take a conference report, gut it, and put in a whole different bill, and then bring it here and jam it down everybody's throats. I certainly hope Senators who care about this legislative process, and who care about the rights of the minority and about a public process with some accountability, will at least vote against cloture. I think that is almost as important an issue as the content, in terms of the future of this body. I am not being melodramatic about it. I hope we will have good support in the vote against cloture, much less the vote against the final product. I hope tomorrow we will be able to stop this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

LABOR-HHS NEGOTIATIONS

Mr. DASCHLE. Mr. President, I will use my leader time to depart from the ongoing colloquy with regard to the cloture vote on the bankruptcy bill to talk about the status of negotiations on the Labor and Education bill that has been the subject of a good deal of discussion over the last several days.

I think the headlines give us the current state of affairs with regard to the bill probably as succinctly as any headline can. The Washington Post, from a front page story above the fold this morning, simply stated the fact: "Budget Deal is Torpedoed by House GOP. Move by leadership angers negotiators on both sides." That was the Washington Post.

The Los Angeles Times said it as well in their headline: "GOP Leaders Scuttle Deal in Budget Battle." They go on to describe exactly what happened in the budget battle on education over the course of the last several days.

The Washington Times had virtually the same headline, which simply read: "House Leaders Spike Deal On Budget."

The only word missing in most of these is the word "education." Because that is what the budget was about, the fight was about what kind of a commitment to education we ought to be making in this new fiscal year, now well underway. This is the last day of October. Of course, the fiscal year began on the first day of October. While the headlines didn't say it, this is what they were talking about.

We had a bipartisan plan that was worked out over the last several days with great effort on the part of Chairman STEVENS and Chairman YOUNG, certainly on the part of Senator BYRD, Senator HARKIN, Congressman OBEY. They worked until 2:30 Monday morning to craft what arguably could have been the single most important investment we will make in education in any fiscal year in the history of the United States. That is quite a profound and dramatic statement. I don't think it is hyperbole because we were prepared to invest more in education, more in smaller classes, more in qualified teachers, more in modern school buildings, more in afterschool programs, with a far better accountability program, with increased Pell grants, with more investment for children with disabilities and those preparing to go to college than we have ever made in a commitment to education in our Nation's history. That was what was on the table.

Of course, as we negotiated these very complicated and controversial provisions dealing not only with education but whether or not we can protect worker safety, all of those issues had to be considered very carefully. It was only with the admonition of all the leaders to give and to try to find a way to resolve our differences that we were able ultimately to close the deal, resolve the differences, and move forward with every expectation that the Senate and House would then be in a position to vote on this historic achievement as early as Tuesday afternoon.

That is what happened.

So instead, today we are debating cloture on the bankruptcy conference report when we could have had an incredible opportunity to put the pieces together to give children real hope, to give school districts all over this country for the first time the confidence they need that they can address the myriad of problems they are facing in education today; to say, yes, we are going to commit, as we have over the last couple years, to ensure we have the resources to reduce class size and to hire those teachers and to break through, finally, on school modernization and school construction. We could have addressed the need for 6,000 new schools with the modernization plan that was on the table when the collapse occurred.

I come to the floor dismayed, disheartened, and extraordinarily disappointed that this had to happen, that the House leaders, House Republican leaders, spiked a deal that could have created this historic achievement.

What do we tell the schoolteachers? What do we tell the students? What do we tell all of those people waiting patiently and expectantly, who are hoping we could put partisanship aside and do what we came here to do. Forget the rhetoric, forget the conflicts, forget all the things we were supposed to forget in bringing this accomplishment about.

I don't know where we go from here, but this is part of a pattern. It isn't just education. There is an array of other issues. And perhaps this is an appropriate day to remind my colleagues of, once again, the GOP legislative graveyard. We can put up, perhaps, another tombstone today.

I think we can still revive this. Somehow I think there is still a possibility that we can do this. I don't know if it will happen this week—I don't know when it will happen—but I can't believe we are going to turn away from having accomplished what we could have accomplished with all of this.

Everybody understands that we may not have another chance. I am not prepared to put education into the legislative graveyard Republicans have created. But there isn't much chance we are going to deal with pay equity this year. There is no chance we are going to deal with campaign finance reform.

Let us make absolutely certain that when we come back early next year, we enact the Patients' Bill of Rights. That is a tombstone for the 106th Congress. Hate crimes, judicial nominations, the Medicare drug benefit, gun safety: all are tombstones to inaction. All are a recognition of the failure of this Congress to come to grips with the real problems our country is facing, a realization that now there is not much we can do anything about, except to rededicate ourselves to ensure that we will never let this Congress again take up issues of this import and leave them buried in the legislative graveyard.

Let us hope that we can revive school modernization and smaller class size. Let us hope that somehow, in the interest of doing what is right—we recognize how close we were Monday night, we recognize how important it is that we not give up, we recognize how critical it is that something as important as education will not be relegated to this legislative graveyard, or any other. Let us hope that in the interest of our children, in the interest of recognizing the importance of bipartisan achievement in this Congress, that we will do what is right, that we will take these headlines and turn them around and change them into headlines such as "GOP Leaders And Democratic Leaders Agree on Budget Deal," or "Democratic Leaders And Republican Leaders Agree To Historic Education Achievement"; with editorials that would say to the effect that, at long last, we have given children hope all over this country and we have given schools the opportunity to reduce their class size and improve educational quality without exception.

That is still within our grasp. I must say, the tragedy of all tragedies would be, somehow in the name of partisanship and in the name of whatever competition some may feel with the administration on this or any other issue, that we fail to do what is right; we fail to make a commitment that we know we can; and that we end up building more monuments to the lack of progress and real commitment to the issues about which people care most.

Mr. President, I come to the floor with the expectation that we can overcome the obstacles that remain and we truly can make a difference on education in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank the minority leader for his words.

I yield 10 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

LEGISLATION LEFT UNDONE

Mr. DORGAN. Mr. President, I listened to my colleagues today—Senator FEINGOLD, Senator DURBIN, Senator WELLSTONE, and now the Democratic leader, Senator DASCHLE—talk about a number of different issues. I want to take a moment to discuss my disappointment, as we near the end of this legislative session, with what this Congress could have accomplished, what we could have done for the American people, and what we left undone.

I note that in this Presidential campaign Governor George W. Bush talks about his desire to come to Washington, DC, to serve in the White House, and end the partisan bickering. As he says, he wants to "end all of the partisan bickering." Well, it takes two to bicker and it takes two parties to bicker in a partisan way.

We have almost, on occasion, had debate break out in the Senate on some very important issues. But we never quite had that happen this year because we can't get to an aggressive, robust debate on the things that really matter.

My colleagues talked about the bankruptcy bill. How did they do the conference on the bankruptcy bill? One party goes into a room, shuts the door, handpicks their members, and writes it by themselves. It is hard to have bickering, and it is hard to be partisan when one party is doing the work behind a closed door and saying to the other party: Here it is; like it or leave it.

The tradition of debate in this country is the sound of real democracy. The sounds of democracy results from bringing people from all around America into our centers of discussion and debate. From all of those areas of the country—from a different set of interests and concerns, from the hills and the valleys and the mountains and the plains and different groups of people—we have ideas developed and nurtured and then debated.

Someone once said: When everyone in the room is thinking the same thing, nobody is thinking very much.

We have people here who kind of like the notion that you must think the same thing. Apparently, Governor Bush thinks we must all kind of think the same thing; we ought to stop all this disagreement.

Disagreement is the engine of democracy. Debate is the engine by which we decide what kinds of policies to implement and what course this country takes in the future. The issues on which we never quite had the aggressive, robust debate that we should have had in this Congress include education. Do you know that for the first time in decades this Congress didn't reauthorize the Elementary and Secondary Education Act? We didn't pass it. Why? Because it was feared that when the bill was brought to the floor, people would actually offer amendments. Then we would have to debate amendments and vote on amendments. God forbid a debate should break out in the Senate. So the bill was pulled after a short debate. So we let the Elementary and Secondary Education Act lapse. It just didn't get done.

The Patients' Bill of Rights is another issue. We had sort of a mini debate here in the Senate on that because it was judged that there wasn't enough time to allow a robust debate. The Patients' Bill of Rights was not considered significant enough to allow a very robust debate on the different positions of the Patients' Bill of Rights. These, of course, are not just abstract discussions. The issue of whether we need a Patients' Bill of Rights is a very significant issue for a lot of American people who are not only battling cancer, but also having to battle their HMO or insurance company to pay for needed medical treatment.

I have shown my colleagues many times during discussions on the floor of the Senate a picture of Ethan Bedrick. He was born with horrible difficulties. He was judged by his HMO to only have a 50-percent chance of being able to walk by age 5, which means that his HMO said a 50-percent chance of being able to walk by age 5 was "insignificant." Therefore, they withheld payment for the rehabilitative therapy that Ethan Bedrick needed.

An isolated story? No, it goes on in this country all too often, day after day. I have told story after story on the Senate floor about it. We weren't able to get a final vote on this issue. We should have had a vote on the issue of a Patients' Bill of Rights toward the end of the Senate session because we would have had a tie vote, and the Vice President would have sat in that Chair and broken the tie. The Senate would have passed a real Patients' Bill of Rights if given the opportunity to vote again.

Do you know why we weren't able to do that? Because those who run this place didn't want a debate to break out. So they managed the Senate in a way that blocked any amendment from being offered. Since September 22 until October 31, not one Member of the Senate on this side of the aisle was allowed to offer one amendment on the floor of the Senate that was not approved by the majority leader. That is why a real debate didn't break out on the issue of the Patients' Bill of Rights.

The issue of fiscal policy is important in this country because we are now in the longest economic expansion in our country's history, and how to continue it is something we would want to have an aggressive, robust debate on. The majority party said: Well, all of this economic expansion is just all accidental. It didn't really result from anything anyone did.

Well, of course, that is not true. We passed a new economic plan in this country in 1993.

In 1993, we had the largest deficit in the history of this country. This country was headed in the wrong direction, and a new Administration, President Clinton and Vice President GORE, said let's change that; we have a new plan. It was controversial. It was so controversial it passed by one vote in the House and one vote in the Senate. Not one Republican voted for it.

They stood on the floor and said: If you pass this, you will throw this country into a depression, and you are going to cost this country jobs, and you will just crater this country's economy.

Well, we passed it and guess what happened? The longest economic expansion in our country's history. Unemployment is down, inflation is down, home ownership is up, personal income is up, welfare rolls are down, crime is down, every single aspect of life in this country is better because of what we did in 1993.

Now comes George W. Bush and the Republican Party saying: Do you know what we need to do now? We expect budget surpluses in the next 10 years. We need to take a trillion and a half dollars and use it for tax cuts. Let's lock those tax cuts into law right now.

Well, a number of groups have provided some very interesting analyses of this plan. Do you know what the threat is? Providing substantial tax cuts, the bulk of which will go to the top 1 percent, will put us right back in the deficit ditch we were in 8 years ago.

Don't take it from me. The risks of this kind of fiscal policy were described last week by the American Academy of Actuaries, which is one of the most respected nonpartisan organizations of financial and statistical experts. Their report says the Bush plan would probably signal a return to Federal budget deficits around 2015.

I encourage anybody to read their analysis. This is an independent, nonpartisan, respected group that says this tax cut proposal doesn't add up at all; it doesn't add up.

One of the questions is, Do we want to jeopardize the economic expansion that has been going on in this country, the progress we have made in this country, an economic plan that turned this country around? Do we want to jeopardize that with a fiscal policy that doesn't make any sense, that will put us back into the same deficits? Or what about having a debate on the question of Governor Bush's proposal of taking $1 trillion out of the Social Security surplus and using it for private Social Security accounts for younger workers?

This is what Governor Bush said about that:

> . . . and one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollars out of that $2.4 trillion surplus.

I don't know whether Governor Bush knows this, but the trillion he is talking about is already pledged. The reason we talked earlier about putting Social Security surpluses in a lockbox is we need them. The largest group of babies ever born in this country will retire in the next 10, 15, and 20 years. We are saving to meet their retirement needs. That is the $1 trillion. You cannot use it twice. It has been saved to meet the needs of the Baby Boomers, which is what it was designed for, or you can take it away and use it for private accounts for younger workers, which is what Governor Bush suggests. If that is the case, you will short change Social Security by $1 trillion. You can't count $1 trillion twice.

I simply make the point that on the issue of fiscal policy, we should have had a real debate on the floor of this Senate on fiscal policy. When Governor Bush and others say they don't like the partisan bickering, I don't suppose anybody likes it in those terms. I like robust, aggressive debate. I think that is the sound of democracy in this country.

When people say they have plans to take $1 trillion out of Social Security, I say let's debate that. When they say let's have tax cuts that go to the upper income people and I think that will put the country back in a deficit ditch once again, I say let's debate that. When they say we don't have time to reauthorize the Elementary and Secondary Education Act because somehow it is not important enough, I say that ought to be the subject of aggressive debate in the Senate.

Let's not shy away from debate. Let's understand what good, aggressive, honest debate does for this democracy, and let's have a few debates from time to time on things that really matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes.

Mr. HARKIN. Mr. President, I was going to speak about the bankruptcy bill and how bad it is for working families, especially the elderly, and talk about how most of the people who are getting into bankruptcy situations are families who have unusually high medical bills. That is true in my State of Iowa, and many of these are elderly people. I will talk about that as we go along.

However, I have to take a few minutes today to follow up on what our minority leader, Senator DASCHLE, just spoke about a few minutes ago. That is the status of the most important bill we have to pass, the education bill.

One day has passed since Republican and Democratic negotiators came to agreement on the health and education appropriations bill for this year. As I said on the floor yesterday, the agreement we reached was a product of long and difficult bipartisan negotiations. Senator STEVENS, Senator BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, DAVE OBEY, and JOHN PORTER, worked for months to craft this agreement. We worked past 1:30 yesterday morning to hammer out the last remaining differences. As I said yesterday, as with any honorable compromise, both sides gave and got. At times, the negotiations got a little heated, but both sides hung in there.

In the end, we came up with a good compromise. Chairman STEVENS and Chairman YOUNG led these final negotiations. They have been charged by their leadership to come to closure so we can conclude our business and pass the bill. That is exactly what they did.

Less than 12 hours after we reached an agreement and our staffs were busily writing the final conference report, a faction within the House Republican leadership, led by Congressman DELAY and Congressman ARMEY, decided to renege on our bipartisan compromise. As I said yesterday, I hope, in the interests of our children and our country, they will reconsider and let the bill go forward.

None of us is happy with everything in this bill. That is what bipartisan compromise is all about. Overall, passing this bill is in our Nation's best interests.

Right now, I will mention a few more details of the agreement we reached to demonstrate to my colleagues and the American people why it is so important. There is a 16-percent increase overall in education; class-size reduction, 35 percent more. That means 12,000 new teachers will be hired across America this next year.

There is a provision I have been working on for 8 years called school modernization. There is $1 billion included for school modernization, the first time we have ever had it. If the Iowa experience is any standard—and I think it will be—this should generate somewhere between $7 and $9 billion in needed school repairs around the country.

Individuals with disability education grants go from $4.9 billion to $6.9 billion, a 40-percent increase, the largest in history, to help our local school districts educate our kids with special needs; also, $250 million in funds to increase accountability and to turn around failing schools. That is almost double what it was before. We had the largest increase ever in Pell grants, to make college affordable to working families. In this bill, 70,000 more kids will be able to get Head Start, bringing the total in our Head Start Program to 950,000 kids.

There is money in there for youth training and youth opportunity grants; a 66-percent increase in money for child care; community health centers, up $150 million to $1.2 billion, meaning 1.5 million more patients can be served next year; the important low-income heating and energy assistance program, $300 million more; Breast and cervical cancer screening, so that women can get the needed preventive health care they need, an $18 million increase; NIH, a $1.7 billion increase, the largest in our Nation's history. Afterschool care is almost double; it means 850,000 children will be served by afterschool programs. Also in the health end, 9,600 more research projects, one of which could bring major medical breakthroughs in cancer, heart disease, Alzheimer's disease, or Parkinson's disease. That is what is in this bill. Forty-two thousand more women would be screened for breast and cervical cancer. That is cost effective and saves lives.

There are a lot of things in this bill that are too important to be destroyed by last-minute partisan politics. As I said, nothing is perfect. The conference agreement has a number of items about which I have concern. For example, at the insistence of Republicans, an important regulation protecting workers from workplace injuries such as carpal tunnel syndrome was delayed yet again. We have delayed these worker protections for 3 years now, and last year's conference report contained explicit language that they would not be delayed any further. Yet as part of the give and take of the final negotiations, language was included to delay implementing this regulation until June 1.

Each year over 600,000 American workers suffer disabling, work-related muskoloskeletal disorders, like carpal tunnel syndrome and back injuries. Employers spend $15 to 20 billion a year just for workers compensation related to these injuries. The estimated annual total cost to workers and the Nation due to ergonomics is a high as $60 billion, according to the Department of Labor. So this is a major problem.

This proposal was initiated under Labor Secretary Elizabeth Dole in the Bush administration 9 years ago. This is not a partisan issue. It is a worker protection issue plain and simple.

Apparently, that is not good enough for Mr. DELAY. He wants to kill this important worker protection outright. I do not see how we can face the 600,000 people who are injured each year and say, "No, your health and your safety just aren't important enough to be protected." How can you say, with a straight face that protecting these workers from serious injury is a "special interest provision.

So I again urge the House Republican leadership to reconsider their decision to kill this important bill. We had a good, honest bipartisan agreement. Nobody loved every part of it, but it was decided upon honorably and in good-faith.

This is what the American people want and need. They want us to work together in good faith and to come up with a product that is in their best interest. A lot of sweat and debate and compromise went into doing just that. It is late, but it is not too late to bring back our agreement.

I am confident we would have more than enough votes in the House and Senate to pass it. And I have personally been assured by President Clinton that he would sign it as it come out of committee.

We ought to do what is right.

I just learned a few minutes ago that there is a possibility we are going to renege on the agreement that we reached in conference; that the language we adopted there is now being changed to reflect original language that we conferees talked about, fought over, discussed, changed, modified over a period of about—over a period of a couple of months but finally, Sunday night, over a period of about 2 or 3 hours. We finally reached language with which everyone agreed. I am now being told that language is being thrown out. It is being thrown out and we are going back to the initial language that was the source of the contention.

If that is so then, indeed, we have reached a very bad situation in this Congress. If this is what happens, what it means is when we go to conference with the House and we come up with our compromises and we shake hands on it, we sign our names to it, if you happen to be in the majority, and you want to change it, then tough luck; it means absolutely nothing. We operate on our word around here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Our word is our bond. When you can't trust people to keep their word, this institution goes downhill. I am afraid that is what is happening now.

The PRESIDING OFFICER. The Senator from Minnesota.

BANKRUPTCY

Mr. WELLSTONE. Mr. President, first of all, let me thank Senator HARKIN for his presentation. Let me thank other Senators who have spoken, both about what has happened to the Labor, Health and Human Services appropriations bill and also about this bankruptcy bill. I say to my colleague from Iowa, to tell you the truth, this is part of the same pattern. He is talking about abuse of the legislative process, talking about a complete breakdown of bipartisanship, a complete breakdown of trust. That is exactly what you have here when you have a State Department bill, a conference report that is completely gutted, not a word in there any longer about it, the only thing left is the number, and then what is put in, instead, is a bankruptcy bill. Democrats were not consulted at all, in an effort to jam it through. That is the same principle.

I would think and hope every member of the minority party who cares about our rights, who cares about an open legislative process, who cares about integrity of the political process, would vote against cloture tomorrow because my colleague is talking about the same process.

It might sound very much like an inside thing to people who are following this. I know everything is focused on the election. But honest to God, American people, it is not. When these kinds of decisions can be made by a few people with no sunlight, no scrutiny, no exposure, you have a real abuse of the process. What can happen is that usually the people who are hurt are the little people.

Let me tell you, the people who are involved in this kind of process, the behind-the-doors process, sticking stuff in in conference committees, gutting conference reports, are folks who are well heeled, who have the lobbyists who know how to work this process for them. But the people who get hurt are not involved at all. That is what I want to talk about. I want to talk about the way in which this conference report, this bankruptcy bill harms the most vulnerable citizens in this country, people who find themselves in desperate economic circumstances.

Please remember, Senators, 50 percent of the people who file for chapter 7 do it because of a medical bill that puts them under. Please remember: There but for the grace of God go I.

You can be as frugal as possible. You can be prudent. You can try to manage your family finances. And then you can have a medical bill that can put your family under. It took my family, my parents, 20 years to pay off a medical bill of years ago. Many people cannot do that. They find themselves in a horrible situation and then as a last resort, in order to rebuild their finances and sometimes just stop the harassment by creditors, in order to get back on their feet, people file for bankruptcy. That is what this piece of legislation is all about—making it impossible for people who, through no fault of their own, find themselves in terrible financial circumstances, unable to rebuild their lives and instead wind up essentially in debt slavery for the rest of their lives.

I think one of the things that has helped us in this debate—because I am confident Senators now see some of the harshness in this legislation—was a May 15, 2000, issue of Time magazine. The cover story was entitled "Soaked By Congress." It deals with this bankruptcy bill.

Although, frankly, not as harsh a version—it was a better version that Time magazine talked about—this article was written by reporters Don Bartlett and Jim Steele, who have, I think, won a Pulitzer for their work. They do great investigative research. It is a detailed look at the true picture of who files for bankruptcy in America.

You will find a far different picture in this Time magazine than the skewed version that has been used to justify this mean-spirited and harsh legislation. This article carefully documents how low- and middle-income families, increasingly headed by a single person, usually a woman, are denied the opportunity of a fresh start if this punitive legislation is passed. I hope Senators will vote against cloture.

As Brady Williams, who is chairman of the National Bankruptcy Reform Commission, notes in the article, the bankruptcy bill would condemn working families:

> . . . to what essentially is a life term in a debtors prison.

Proponents of this legislation have tried to refute the Time magazine article. Indeed, during these final days of debate you will hear the bill's supporters claim that low- and moderate-income debtors will be unaffected by this legislation. Colleagues, if you listen closely to their statements, you will hear that they only claim that such debtors will not be affected by the bill's means test. Not only is that claim demonstrably false, the means test and the safe harbor have been written in a way that will capture many working families who are filing chapter 7 relief in good faith, but it ignores the vast majority of the legislation which still imposes needless hurdles and punitive costs on all families filing for bankruptcy, regardless of their income. Nor does the safe harbor apply to any of these provisions.

You might ask, why has the Congress chosen to be so hard on ordinary folks down on their luck? How is it that this bill is so skewed against their interests and in favor of big banks and credit card companies? My colleague, Senator FEINGOLD from Wisconsin, spoke to that. It is because these families do not have the million-dollar lobbyists representing them before Congress.

They do not give hundreds of thousands of dollars in soft money to the Democratic and the Republican Parties. They do not spend their days hanging outside the Senate Chamber waiting to bend a Member's ear. Unfortunately, it looks as if the industry got to us first. Unfortunately, that is what this is all about.

The proponents of this bill argue that people file because they want to get out of their obligations, because they are untrustworthy, because they are dishonest, because there is no stigma in filing for bankruptcy, but any look at the data tells us otherwise.

In the vast majority of cases—again, 50 percent of the cases—it is a medical bill that has put people under or the main income earner has lost his or her job. There is a sudden illness, a major injury, major medical expenses, someone has lost their job, there has been a divorce, and what we are saying to these people is: We make it impossible for you to rebuild your lives. But when it comes to the lenders and the credit card companies, oh, it is a very different story.

In the interest of full disclosure, something that the industry is not very good at, I want my colleagues to be aware of what the credit card industry is practicing, even as it preaches its sermon of responsible borrowing. After all, debt involves a borrower but also a lender. Poor choices or irresponsible behavior by either party can make the transaction go sour. So how responsible has the industry been?

I suppose it depends on how you look at it. On the one hand, consumer lending is terrifically profitable, with high credit card cost lending, the most profitable of all, except for maybe the higher cost credit such as payday loans. I guess by the standard of responsibility to the bottom line, this credit card industry has done a great job.

On the other hand, if you define responsibility by promoting fiscal health among families, educating on the judicious use of credit, ensuring that borrowers do not go beyond their means, then it is hard to imagine how the financial services industry could be bigger deadbeats.

According to the Comptroller of the Currency, the amount of revolving credit outstanding, the amount of open-ended credit by credit cards being extended increased seven times during 1980 and 1995 and between 1993 and 1997. During the sharpest increase in bankruptcy filings, the amount of credit card debt doubled. It does not sound as if lenders were too concerned about the high number of bankruptcies. At least it did not stop them from pushing credit cards like Halloween candy.

All of us know it: Our children are the ones who are solicited; our grandchildren are the ones who are solicited. It is unbelievable. This industry feels no responsibility, it feels no accountability, and in this one-sided, unjust piece of legislation, there is absolutely no standard they are asked to live up to.

I again say to my colleagues that the case has been made that we have people in the country who are abusing the system, but I have not seen any report that has reported higher than 13 percent, and the American Bankruptcy Institute says 3 percent. So much for that argument.

Then we have an argument that somehow these are people who feel no stigma, feel no shame. I have talked to colleagues—I cannot believe it—and they say: Paul, my gosh, shouldn't people manage their financial affairs, and if they don't, shouldn't they be held accountable? Yes. Pass a piece of legislation that does that, but do not pass a piece of legislation that says to a family which is in difficult, horrible financial circumstances, through no fault of its own, because of a major medical illness or because someone has lost their job or because there is a divorce, do not make it impossible for them to file chapter 7 and then unable to make it through chapter 13 and then essentially live a life of constant debt servitude, a life basically full of debt with no opportunity to rebuild lives.

We are stripping away the major safety net, not just for the poor but for middle-class people as well. That is why so much of the religious community opposes this. That is why so many women and children organizations oppose it. That is why every consumer organization opposes it. That is why the civil rights community is opposed to it.

The argument is then made that this is a reform piece of legislation. How can it be a reform bill when it is so one sided? How can it be a reform bill when it is so punitive? How can it be a reform bill when, in the name of going after abuse—only a tiny percentage of the population—it casts such a broad net and will make it so difficult for so many families, especially middle-income, low- and moderate-income families headed by women to rebuild their lives? And how can it be called "reform" when it is so one sided and does nothing whatsoever to call this credit card industry and these lending institutions to accountability?

This legislation is unfortunately perfectly representative of an imbalance of power in America where some people—and I see the Chair is now looking at me. I appreciate that because he extends that courtesy to all of us. I never mean my arguments personally, especially of colleagues I trust at a personal level. In an institutional way, some people march on Washington every day. They are so well connected. They have the lobbyists. They have the money. They make the arguments. They have the prestige. They have the status. And that is what happened here.

Up until this Time magazine expose, there were so many stereotypes and a lot of information about this legislation that was not accurate. As it turns out, it is imbalanced; it is unfair; it is unjust; it is too harsh, too punitive, and it is not right. This piece of legislation should not go forward tomorrow. I have tried to make arguments to defend this proposition, and other Senators have as well.

What Senator FEINGOLD said is true. In a lot of ways, institutionally, not one on one, this is also an example of an industry that has poured a tremendous amount of money into elections, an industry which has tremendous financial clout. What in the world is someone to do when her family or his family is going under because of a medical illness? Fifty percent of bankruptcy cases are filed as a result of that, and we are going to make it impossible for these people to rebuild their lives?

What is someone to do when the low- and moderate-income earners do not have this clout and do not have these connections? What are single-parent homes to do, almost always headed by a woman?

We should pass a bankruptcy reform bill, but this does not represent reform.

One final thing, and I doubt whether I am going to get any Republican support, but I wish I would. I am not making a payback argument, and if I end up behaving differently, then call me a hypocrite, but this is no way to legislate.

In the Senate, minority rights count. You should not be able to take a conference report and then—it is not even a question of putting a provision in, I say to the Chair, that is unrelated to the conference report. In this case, it is a State Department conference report, completely gutted—invasion of the body snatchers—not a word left about the State Department. The only thing left is a bill number. Now it is bankruptcy sent over here. The minority was not even consulted. Senators should vote against cloture for that reason alone because the minority one day is the majority the next and vice versa, and we should respect each other's rights.

Someone can say to me: Senator WELLSTONE, you hypocrite. When you were in the majority, you did exactly the same thing; you, PAUL WELLSTONE, were involved. I do not know of this having been done. I cannot remember. I certainly never did it; never would.

I appeal to my colleagues on the basis of fairness. You might not agree with me on the substantive arguments—although this bankruptcy bill is now worse than it was before; and I went over two provisions that have been taken out—but you might agree with me just in terms of the rights of a legislator and the way in which this process ought to work.

This is an affront to this legislative process. This makes a mockery of this legislative process. This is a reform issue. You wonder why people are so disillusioned and turned off about politics in the country? Here is one good reason why. People do not quite understand how a State Department bill all of a sudden becomes a bankruptcy bill, with a whole new set of provisions put in unrelated to the original bill. And then an effort is made to jam it through here. People do not get that.

It might be clever, I say to the majority leader and others, but it does not meet the test of representative democracy. It does not meet the test of the Senate as a great institution. It does not meet the test of what this legislative process should be all about. It does not meet the test of how we can become good legislators and good Senators. For that reason, I hope colleagues will vote against cloture.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 2796, the Water Resources Development Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), "to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 2000.)

EXPORT OF WATER FROM THE GREAT LAKES

Mr. LEVIN. Mr. President, the Water Resources Development Act addresses many of the water resource needs of our nation. But it also includes a provision relating to the export of water from the Great Lakes which needs some clarification. Would the distinguished chairman and ranking member be willing to join Senator ABRAHAM and myself to clarify a few points about this language?

Mr. BAUCUS. Mr. president, I would be pleased to offer information about this provision to my colleagues.

Mr. SMITH of New Hampshire. I am also pleased to discuss this provision.

Mr. LEVIN. First, we need to make it clear that the phrase "and implementation" in the findings of subsection (a) does not constitute a "pre-approval" of standards which are being developed by the Governors of the Great Lakes States. Would the chairman and ranking member concur that it is not the intent of this provision to grant pre-approval to standards which we have not seen?

Mr. SMITH of New Hampshire. I would concur; it is not the intention of the conferees that this provision be interpreted as granting pre-approval to standards which have not yet been developed and which Congress has not reviewed.

Mr. BAUCUS. I echo the chairman's sentiment.

Mr. LEVIN. Would the chairman and ranking member also concur that it is not the intent of this provision to preempt the need for future appropriate congressional actions in this area?

Mr. BAUCUS. I would concur. This language should not be interpreted as pre-empting the authority of Congress to approve or disapprove an interstate compact, international agreement, or other such mechanisms of implementation which properly fall under congressional authority. it is simply the intent of the conferees to encourage the States to promptly take such actions to implement these standards as fall within their authority for management of the water resources of their respective states and within the authority vested in them by the Water Resources Development Act of 1986 for making decisions regarding diversions of Great Lakes water.

Mr. SMITH of New Hampshire. I concur with the ranking member's interpretation.

Mr. ABRAHAM. On a second matter, this language uses the phrase "resource improvement" as one principle in encouraging the states to develop a common conservation standard. This phrase is intended to embody the concept of improvement of the quality of the natural resource, not the development of the resource. Is that the understanding of the chairman and ranking member?

Mr. SMITH of New Hampshire. Yes, as use din this section, the term resource improvement is intended to convey the concept of an improvement to the natural resource. The alternative interpretation would not be consistent with the parallel directive that the standard embody the principles of water conservation.

Mr. BAUCUS. I concur with this interpretation.

Mr. LEVIN. I also wish to thank my colleague from Michigan for joining in the effort to clarify the intent of this provision. I still have reservations as to whether this provision represents the best approach to addressing the issue of water diversion and export which faces the Great Lakes region today, but these clarifications of the intent of the provision relieve some of my concern.

Mr. ABRAHAM. I thank the chairman, ranking member, and my colleague from Michigan. Mr. President, Senator LEVIN has been a leader in the effort to protect the Great Lakes on a wide variety of fronts. Clearly today's work will not completely guarantee the protection of this great resource, but I believe it is a big step in the right direction. I want to thank Senator LEVIN for his help in this matter, particularly for his work to eliminate the likelihood of unintended consequences from this legislation. I look forward to working with him in the future as we fight to protect this great resource.

THE TEN- AND FIFTEEN-MILE BAYOUS FLOOD CONTROL PROJECT

Mrs. LINCOLN. Mr. President, as we complete work on the Water Resources Development Act (WRDA) of 2000, I would like to bring the Senate's attention to a project that is very important to a group of my constituents in Arkansas: the Ten and Fifteen Mile Bayou project. The Ten and Fifteen Mile Bayou project would provide flood control to a poor, rural area in the Mississippi Delta that is oftentimes overlooked while other projects in more affluent, urban areas move forward. The Delta's small farming communities and poor minorities are the constituencies most affected by the constant flooding that this project seeks to prevent. It is vitally important to the future of this Delta region to alleviate these flooding concerns.

I have worked with the St. Francis Levee Board on this important project since my days in the House of Representatives. Unfortunately, the resources of this community are extremely limited and they are unable to meet the cost share requirements of any federal program. Can the distinguished Senator from Montana please explain section 204 of the current WRDA bill dealing with "the ability to pay" provision? Specifically, I am interested in hearing how this provision might help projects, like Ten and Fifteen Mile Bayou, that are needed but simply can not meet the cost share requirements.

Mr. BAUCUS. I appreciate your concern about flooding in the Saint

Frances River Basin and your frustration with efforts to address this situation. Many communities across the nation simply do not have the financial ability to provide the cost share for Corps studies and projects. Because of this, Congress added an "Ability to Pay" provision to the Water Resources Development Act in 1986. This provision, which establishes procedures for reducing the non-federal share of water resource development project costs for distressed communities, has been amended several times subsequently. These procedures, which are set by the Corps through regulation, take into consideration local economic and financial conditions.

This year, the administration's Water Resources Development Act legislative proposal contained an update to the Ability to Pay provision which included expanding its applicability to feasibility studies and additional project types. The Senate Environment and Public Works Committee further expanded the project types eligible and this amendment to the Ability to Pay provision is contained in the Conference Report.

Our intention is that these changes will result in the Ability to Pay provision being used more frequently by the Corps and providing greater relief to communities that cannot meet "standard" Corps cost-share requirements. While I am not familiar enough with specifics of the Ten and Fifteen Mile Bayou project to judge the application of the Ability to Pay provision, I would encourage the Corps to pay particular attention to the applicability of the provision to this flood control project.

Mr. SMITH of New Hampshire. I also appreciate the financial hardships faced by communities in West Memphis as well as in many other areas of the country. I also expect that the amendments to the Ability to Pay provision contained in this Conference Reports will increase the Corps' use of this provision and, thereby, the relief provided to communities with financial hardships.

In addition, it is important for Congress to monitor the implementation of the Ability of Pay provision. To accomplish this, the Senate Environment and Public Works Committee, of which I am the chairman and Senator BAUCUS is the ranking member, will hold oversight hearings next year on the Corps' historical and current performance as it relates to the application of Ability to Pay provisions of the Water Resource Development Act.

Mrs. LINCOLN. I thank my colleagues for their comments and I look forward to working with them on this important matter.

PROGRAMMATIC REGULATIONS

Mr. GRAHAM. Mr. President, I rise today with my colleague from Florida to clarify one section of the Water Resources Development Act of 2000. Section 2(h)(3)(C)(ii) includes language from the House clarifying the applicability of programmatic regulations. One of the most important elements of the formula for success which brings us to the floor of the Senate with this conference report today is the open process used by the Corps of Engineers to develop consensus positions on a course of action. I want to clarify my colleague's views on the language in this section. Do you believe that this language will limit the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the Plan?

Mr. MACK. This language is not intended to affect the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the plan. In addition, this language is not intended to expand any one federal agency's authority. I share your view that the Corps' open process is one of the most important aspects in building the consensus which makes this Comprehensive Everglades Restoration Plan strong.

Mr. GRAHAM. Mr. President, Members of the 106th Congress, thank you for this opportunity to stand before you today as a proud Member of this body. We are on the verge of passing historic, comprehensive legislation to restore America's Everglades.

This is a dream I have had since early childhood when I lived on the edge of the Everglades in a coral rock house. I witnessed the manipulation of the Everglades from a serene, river of grass into a funnel built for human purposes.

Over the decades, I joined other Floridians in finding that moment of truth—the moment when we realized that our actions were destroying this ecosystem which is the very heart of Florida. I was proud to start the "Save Our Everglades" program in Florida during my tenure as Governor.

I thank everyone who took that giant leap with me in 1983 to begin to do what appeared to be impossible—to make the Everglades look more like it had in 1900 than it did in 1983 by the year 2000.

We have taken several first steps.

In 1992 the Kissimmee River restoration project demonstrated that we can, in fact, restore portions of a damaged ecosystem.

In 1996 the critical projects authorization allowed us to begin on projects with an immediate benefit to the environment. That same year, we began the "restudy" of America's Everglades.

I offer my thanks again to the people of Florida who toiled endlessly to produce the consensus document, the Comprehensive Everglades Restoration Plan which is the basis for the legislation we will pass today.

Names like Colonel Joe Miller, Dick Pettigrew, Stu Appelbaum, and Tom Teets and will ring in Florida's history as people who sacrificed personal gain for the future of this project, people who built consensus where none could even be visualized, and people whose expertise built the very foundation of our plan to restore the Everglades.

Today, we are ending one chapter and beginning another in the history of America's Everglades.

We are officially ending the chain of events that we began in 1948 with the authorization of the Central and Southern Florida Flood Control Project which, according to the National Parks and Conservation Association, brought the parks and preserves of the Everglades to a prominent spot on the list of the 10 most endangered in the country.

We are beginning the chapter of restoration.

After 17 years of bipartisan progress in the context of a strong Federal-State partnership, we are seeing the dream that many of us shared in 1983 become reality.

I want to speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage.

If both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage.

This legislation contains several provisions born out of the respect that sustains this marriage.

It offers assurances to both the Federal and State governments on the use and distribution of water in the Everglades ecosystem.

It requires that the State government pay half the costs of construction.

It requires that the Federal Government pay half of the costs of operations and maintenance. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand. The legislation before us today accomplishes this goal.

With the vote we are about to take—to pass the Water Resources Development Act of 2000—we are truly making history.

We will be one step closer to restoring the damage done when humankind had the arrogance to second-guess nature.

With this project we are doing nothing less than turning back time, returning this dying place to the wild splendor of its past and in doing so, ensuring its future.

If we accomplish the historic goal of restoring America's Everglades then today will be one our children and grandchildren will remember.

They will look back on this as the day that our generation had the courage and the foresight to make a commitment to restoring one of America's richest national treasures.

In the words of President Lyndon B. Johnson:

> If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we will make the choice to leave a glimpse of America's Everglades as they were when we first found them for future generations—an undisturbed river of grass, unmatched in serenity and beauty.

Mr. BAUCUS. Mr. President, I rise to join Senator SMITH in supporting the conference report on S. 2796, the Water Resources Development Act of 2000.

This conference report authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. The bill also modifies existing projects and directs the Corps to study other proposed projects. All projects in this bill have the support of a local sponsor who is willing to share the cost of the project.

Even a brief review of the projects demonstrates the importance of passing this conference report.

A number of the projects are needed to protect our shorelines, along oceans, lakes, and rivers.

Several of the navigation projects will ensure that our ports remain competitive in the increasingly global marketplace.

Furthermore, the studies authorized in the bill will help us make informed decisions about the future use and management of our water resources.

Let me mention two projects that are very important for my state of Montana.

First, the authorization for design and construction of a fish hatchery at Fort Peck. This fish hatchery will make good on a long awaited promise of the Fort Peck project; namely, more recreational and economic opportunities for the folks in eastern Montana.

Fort Peck Lake is one of the greatest resources in our state. It not only plays a major role in power production and water supply, but it is an increasingly important center for recreation. People from around the state—as well as from around the world—come to Fort Peak for our annual walleye tournaments.

The local community really puts a lot of effort into these tournaments. And they've put a lot of effort into the Fort Peck hatchery. Communities across eastern Montana have raised funds for the matching share of the project's feasibility study.

And the state legislature has contributed as well. It passed a special warm water fishery stamp to help provide additional financial support for the hatchery.

The fish hatchery will help to ensure the continued development of opportunities at Fort Peck Lake. And it will also represent a major source of jobs and economic development for this part of the state.

I would also like to point out the bill's provision relating to the exchange of cabin sites leased by private individuals on federal land at Fort Peck Lake.

The lake is surrounded by the Charles M. Russell National Wildlife Refuge. Yet, there are many private in holdings in the refuge.

This provision will allow the cabin leases to be exchanged for other private land within the refuge that has higher value for fish, wildlife, and recreation. By consolidating management of the refuge lands, the provision will reduce costs to the Corps associated with managing these cabin sites. It will also enhance public access to the refuge.

This exchange is modeled on a similar project near Helena, Montana, which Congress authorized in 1998. It represents a win-win-win for the public, the wildlife, and the cabin site owners.

Mr. President, let me further mention a truly landmark provision in this conference report. In addition to the usual project authorizations contained in a water resource development act, this report represents Congress with a historic opportunity. Title VI of this report contains the Comprehensive Everglades Restoration Plan.

Restoration of the Everglades has been many years in the making. In the 1970s, the State of Florida became concerned that the previously authorized Central and South Florida project was doing too good a job at draining the swampy areas of the state. In fact, it was draining the life out of the Everglades.

Our colleague from Florida, Senator GRAHAM, who was then Governor GRAHAM, began the effort to restore the Everglades by establishing the "Save Our Everglades" program. And Senator GRAHAM has worked tirelessly to achieve restoration ever since. The comprehensive plan to restore this invaluable ecosystem that is contained in the conference report before us is the culmination of his work.

In closing, I would like to thank the chairman of the Environment and Public Works Committee, Senator SMITH, for his unwavering commitment to making this Water Resource Development Act a reality. Further, I would like to thank him for the personal investment he made in keeping this conference report focused on projects central to the mission of the Corps.

I know he was under tremendous pressure to open this report up to any number of inappropriate provisions, but he remained steadfast in his opposition and he should be commended for this. So, too, should his staff. They worked tirelessly to craft a Water Resources Development Act of which they can be proud.

Finally, I would like to thank Jo-Ellen Darcy and Peter Washburn of my staff for their dedication to this legislation. A tremendous amount of work goes into a Water Resources Development Act. So, I particularly acknowledge and commend the effort that Jo-Ellen and Peter devoted to making this conference report such a success.

Mr. SMITH of New Hampshire. Mr. President, at this time, I ask unanimous consent that the conference report be adopted, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I wish to make a couple of comments on the legislation that we just adopted. This has been a long time coming. It is a culmination of some—actually, the Everglades portion of this legislation took a year of work. We had a hearing in January at the Everglades. This is a very exciting time for those of us who have worked on this. I want to briefly give a quick overview of that and recognize a few people who have been involved.

This is a good bill. I am proud that we passed it. It is fiscally responsible. It recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world: America's Everglades.

I thank the Senate conferees—Senators WARNER, VOINOVICH, BAUCUS, and GRAHAM—for their hard work and dedication.

I thank Chairman SHUSTER and the House conferees for their cooperation as well.

I am proud of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria, and we stuck to those criteria.

I am proud that the conference agreement on WRDA 2000 does not contain any environmental infrastructure projects. As those who requested such projects know, the committee has a longstanding opposition to including environmental infrastructure projects in WRDA.

Unlike what has happened in the past, the Senate conferees were able to hold firm, and the House accepted our position, for which we are grateful.

These types of projects, in my view, should be funded through the State revolving loan funds and not by the Army Corps of Engineers.

From the time this WRDA process began, the committee received requests to authorize more than 300 new projects. By holding firm to our criteria—the conference report to WRDA—we were able to authorize 30 new projects, 57 new feasibility studies, and a number of other project-related provisions.

As I said before, Senator BAUCUS and I are committed to examining next year the infrastructure issue, and other issues, relating to the operation and management of the Corps. This will include hearings on the Corps reform.

Let me talk specifically for a moment on the Everglades. There is an important element that separates this WRDA bill from all others and is what makes it so historic.

This bill includes our landmark Everglades bill, S. 2797, the Restoring the Everglades, an American Legacy Act. It has been clearly demonstrated that the Everglades are in great peril. Without acting now, we could lose what is left of the Everglades in this generation. But Congress is prepared to move forward and make good on a problem the Federal Government greatly contributed to causing.

It has been clearly demonstrated that the Everglades is a Federal responsibility. Lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges—compromise half of the remaining Everglades and will receive the benefits of restoration.

The State of Florida has stepped up to the plate thanks to Gov. Jeb Bush and his legislature in Florida, on a bipartisan basis.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in Everglades restoration supports our bill. These bipartisan and wide-ranging supporters include the Clinton administration, Florida Governor Jeb Bush, the Seminole Tribe of Florida; industry groups, including Florida Citrus Mutual; Florida Farm Bureau, the American Water Works Association; Florida Chamber of Commerce; Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agri-chemical Association; and many environmental groups. To name just a few: National Audubon, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, the Everglades Foundation, the Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club. It is pretty unusual to bring the support of that many people on a major environmental bill to the Senate. I am proud to do it.

The Everglades bill is a great model for environmental policy development. It is cooperative. It is not prescriptive. It is bipartisan, and it is flexible and adaptive. We can change things. If we don't like what is going on, if something isn't working, we pull back and try something new. It establishes a partnership between the Federal Government and the State and many other private groups as well.

Our colleagues in the House suggested improvements to the Everglades piece, and we made those. While it didn't always look promising, we will see this bill become law before we go home, in the very near future, when the House passes it and the President signs it.

Last June, Bruce Babbitt called this "the most important environmental legislation in a generation." I agree. It took a lot of courage to work this through. This passed the Senate 85–1. It has broad support. And it will pass overwhelmingly in the House very shortly.

It is almost dangerous to mention anyone because once you mention one, you are sure to omit some very important contributors. So with apologies to anybody I miss, I thank the late Senator John CHAFEE because he started this committee's efforts on the Everglades. I went to Florida in January. I told the folks in Florida this would be my highest priority and there wouldn't be much difference between John CHAFEE and Bob SMITH on saving the Everglades. I kept my word.

I thank the Senate conferees: subcommittee Chairman GEORGE VOINOVICH, Senator JOHN WARNER, ranking member Senator MAX BAUCUS, Senator BOB GRAHAM from Florida.

I also thank Senator CONNIE MACK and Governor Jeb Bush of Florida for their unrelenting efforts on the Everglades. Time and again we talked with them. We kept working with them throughout.

From the administration, Carol Browner has been very helpful throughout this affair.

I thank Mary Doyle and Peter Umhofer, Department of Interior; Joe Westphal, Michael Davis, and Jim Smythe from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, Gary Campbell and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida, I thank David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Kathy Copeland from the South Florida Water Management District.

I thank the Senate legislative counsel: Janine Johnson, Darcy Tomasallo, and Tim Trushel.

I thank the following staff members: from Senator GRAHAM's staff, Catharine Cyr Ranson and Kasey Gillette; Senator MACK's staff, C.K. Lee; Senator VOINOVICH's staff, Ellen Stein and Rich Worthington; Senator WARNER's staff, Ann Loomis; Senator BAUCUS' staff, Tom Sliter, Jo-Ellen Darcy, Peter Washburn, and Mike Evans; and my staff, Dave Conover, Ann Klee, Angie Giancarlo, Chelsea Henderson Maxwell, Stephanie Daigle, Tom Gibson, and Jeff Miles.

It was a great bipartisan effort. In spite of many roadblocks over the past several months, we were able to work this bill through in a bipartisan manner. I am truly grateful to everyone on both sides of the aisle for their tremendous support through a very difficult effort. There were literally hundreds of projects that the staff had to pore through, and we did it.

When we look back on our careers, when we leave here and look back and say, What did I accomplish? I think we will be very proud of the vote to save the Everglades. I guarantee it. It will be right up there at the top. Once those Everglades are safe, we can say, when the time came to stand up and make a difference, we did.

When I became chairman, I promised to make the Everglades my highest priority. I did. I also said we needed to look forward to the next generation, rather than the next election, in environmental policy.

We are now poised to send the President a conference report on WRDA that has the support of every major south Florida stakeholder, the State of Florida, and the administration. Restoration of the Everglades is not a partisan issue. We proved it. The effort has been bipartisan from the start.

I congratulate my colleagues for daring to take the risk to support this noble effort to save a national treasure. We need to view our efforts as our legacy to future generations, and this will be this Senate's legacy to future generations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, 4 years ago, a theme in the election was, "It's the economy, stupid." Well, that is true in this election, but there is something a little different: "It's the energy crisis, stupid."

The Vice President would have us think the economy is the issue that will get him elected President, that he and President Clinton came up with a plan to tax gasoline and Social Security benefits, and once he cast the tie-breaking vote to increase your taxes and my taxes, interest rates came down, the stock market went up, and the economy prospered.

The Vice President and the Democrats conveniently ignore the fact that the economy had already begun posting strong growth before Clinton-Gore took office. That may sound like old hat, but the President's budget plans never once mentioned a balanced budget as a policy goal at that time. Instead, those budget plans predicted annual deficits of $200 billion a year well into the future.

As my colleagues and good friends Senator DOMENICI, Senator GRAMM, and others pointed out last night, the credit for our booming economy ought to be given to a couple of people. Specifically, one is Dr. Alan Greenspan and the Federal Reserve, for a sound fiscal policy that prevented the onset of inflation. As we know, Greenspan has been around a long time.

Further, a Republican Congress deserves some credit for putting controls on Federal spending and turning the deficit into a surplus.

I will not spend a lot of time today on that subject because I rise to talk about energy. I want to talk about the reality that the administration has no energy policy. The energy policy in this country, for what it is worth, is dictated by America's environmental community. They accept no responsibility for the reality that we are short of energy and becoming more and more dependent on foreign sources of oil.

As we look at our economic prosperity over the past few years, there is a growing concern that it might be coming to an end, partially for lack of a sound national energy policy. Look at the American consumers out there. They are finding themselves under the shadow, if you will, of a failed energy policy. We have crude oil prices which are remaining solidly at $30 plus a barrel but, remember, it was March of 1999 when it was $10 a barrel.

The administration blames "Big Oil." They use the word "profiteering." Well, is the implication then, in March of 1999, that "Big Oil" was giving us a gift of some kind, selling it to us at $10 a barrel or was it supply and demand? Who sets the price of oil? Is it Exxon? Is it British Petroleum? Is it Phillips? It certainly is not. We all know that.

It is from where we import the oil. It is Saudi Arabia. It is Venezuela. It is Mexico. They are setting the price of oil. Why? Because we are approximately 58 percent dependent on imported oil. We are addicted to oil. We don't produce enough, so we pay the going price. If we don't pay it, somebody else will.

Why has it gone up? The general economy of the world has gone up; Japan has recovered; Asia, more demand. We are a society that runs on energy. All our communications, our expansion, our e-mail, computers, all are dependent on energy.

So American consumers are finding themselves in the shadow of a failed energy policy, with crude oil prices at $30 plus a barrel—they have been up as high as $37 a barrel—and gasoline prices averaging well above $1.50 a gallon for most of the year. In some areas, they have gone up to nearly $2 a gallon.

The sleeper here is natural gas. Americans haven't awakened yet to the reality that natural gas prices have more than doubled. Ten months ago, they were at $2.16 per thousand cubic feet of gas. Deliveries in November of this year, just beginning tomorrow, were at one time in the area of $5.30 to $5.40. I would remind my colleagues that 50 percent of the homes in this country heat on natural gas.

U.S. consumers have dealt with electricity price spikes and supply disruptions. All you have to do is go to San Diego, California; you will get a flavor for what is happening. You can't get a permit to put in a new generating plant. Consumers are facing brownouts as a consequence and prices are going up. People are closing their businesses. They cannot pay, in many cases, the rates that are being charged in that particular area of California.

Heating oil inventories—which we are concerned about, particularly in the Northeast, where there is such dependence on heating oil—are at the lowest level in decades. In fact, when the President proposed the sale of SPR—30 million barrels from the SPR reserve in Louisiana—and then initiated an action to order the transfer of that crude oil into refineries, we suddenly found that we had another problem—we didn't have refining capacity; they were operating at about 96-percent capacity. We took this additional oil out of SPR and we found out we could not refine it without displacing other imported oil.

This was testimony in the House and Senate. In the hearing I chaired as Chairman of the Energy and Natural Resources Committee, testimony indicated there would be, out of the 30 million barrels, about 3 to 5 million barrels of distillate. We asked the Under Secretary of Energy: How much heating oil are you going to get out of 3 to 5 million barrels of distillate? Frankly, he didn't know.

There was another hearing going on in the House, and witnesses from the same Department of Energy indicated there would be approximately 250,000 barrels. A 1-day supply of heating oil in the Northeast is about a million barrels. So it is somewhere between a half day's supply and 2 to 3 days' supply. This was all a result of the falderal associated with the release of the SPR.

The objective of the SPR release was to increase the heating oil supply in the Northeast Corridor. Did it occur? It clearly did not. Was there manipulation of price? To some extent. It was $37 and it dropped down to $33, or thereabouts, on that announcement. But it clearly didn't increase the supply of heating oil, and that was the objective. Currently, I am told the price of crude oil is $33.75 a barrel, but let's remember from where we started—$37 per barrel.

The nice thing about what the OPEC nations have done is they have gradually assimilated a price increase so it doesn't hurt so bad. Remember, it was $10 a year ago. Then it got up to $17, $18, $19, and then up to $22. At $22, OPEC advised us they were going to put in a floor and a ceiling. The ceiling was $28; the floor was $22. That worked so well they moved it up beyond $28. Now they are in the low thirties. Well, the sky is the limit.

The point is that the administration has no energy policy. Now, how long has it been going on? We point fingers here, and it is easy to do, particularly in a political season. But we really don't have a strategy. We need a strategy because the cost of increasing energy, the shortage of energy, and the increased dependence on imports is a compromise of our national security.

Moving from national security back to the economy, economists now believe the increased energy prices could very well lead to a slowdown in consumer spending. Consumers are likely to cut back in other areas to offset the higher prices they are paying for gasoline, electricity, home heating oil, or natural gas.

Recently, Fed Chairman Alan Greenspan indicated rising energy costs would push up the cost of consumer goods. Why? Delivery costs are associated with movement of these goods to market. We are seeing that as a reality. Wholesale prices, in September, increased nine-tenths of 1 percent, led mainly by a 3.7-percent increase in energy costs. Where I come from that is called inflation. You don't need an economic degree to see it; the math is simple. Higher natural gas prices, plus higher oil prices, plus higher gasoline and fuel oil prices, plus higher electric prices, equals renewed increasing inflation. We haven't poked that tiger in the ribs for a long time, but we are poking him now and he is waiting. Somebody called him a "sleeping dragon" who has been sitting around for the better part of a decade. As we poke him in the ribs with higher energy prices, we are going to face reality, which is an impact on the economy both here and in countries around the world.

A significant number of Fortune 500 companies have reported third quarter earnings under expectations, largely due to the increased energy costs. Have you taken an airplane ride lately? You can't figure out the fares, whether you fly Saturday before 2 o'clock or Thursday after 5 o'clock; but there is a surcharge included in your fare. If you want a Washington, DC, taxi, there is a surcharge. There is a sticker in the cab that says the fares are up 50 cents or so because of the cost of gas. Every business is facing these costs. Fuel costs put the brakes on truckers' profits. Furniture manufacturers have cut earnings projections. We have seen truckers come into Washington and drive trucks across the lawn, and they were talking about the high price of diesel fuel. They say high gas prices are restraining shoppers from buying furniture and other big-ticket items.

Well, many analysts predict high oil prices could reduce U.S. economic growth by as much as 2 percent this year. What does that mean? Over the next five years, that would mean a loss in the GDP of about $165 billion a year, and about 5.5 million fewer jobs. We face an increasing balance of payments from our ever-increasing reliance on foreign oil. That is a balance of payments deficit.

Our trade deficit hit an all-time record in July of this year, pushed by the cost of imported oil. One-third of our trade deficit is the cost of imported oil. We also face the prospect of, frankly, an unreliable electric supply, weakening the backbone of the new economy.

Most people don't realize that high tech means high electric usage, more computers, more e-mail, more taxes. From where will it come? Add these together and you have the makings of an economic slowdown, meltdown—call it what you like. The economic engine, which is responsible for the incredible prosperity of the past decade, can begin to slow down and is beginning to slow down. Nobody really wants to face up to that because times have been good, but everything changes and nothing stands still.

What has been the response of the administration? Well, the administration, of course, wants to take credit for the economic growth of the past few years, but they try to duck the responsibility for the impending energy crisis that threatens to bring this period of prosperity to an end. The administration has consistently restricted our energy supply and forced higher energy prices on consumers. They have specifically opposed domestic oil exploration and production. We have 17 percent less domestic oil production—less production—since President Clinton and Vice President GORE took office.

We have had 136,000 oil and 57,000 gas wells close in this country since 1992. We have tremendous coal reserves in this country, but the administration is opposed to the use of that coal. We haven't built a new coal fired plant since the mid-1990s. EPA permits make it absolutely uneconomic. You can't get permits. The nuclear industry, which is about 20 percent of the power generated in this country, is choking on its own waste.

We are one vote short in this body of overriding a Presidential veto. Every Member who voted against it should remember that. You have a responsibility. If you don't get your electric power from nuclear, from where are you going to get it? You better have an answer because when constituents have a brownout, they are going to ask why.

There is a court of appeals liability case associated with the nuclear industry where the court said that the Federal Government made a contractual commitment to take the waste in 1998. The Federal Government chose to ignore that liability to the taxpayers of somewhere in the area of $40 billion to $80 billion. Nobody bats an eye here. What is the sanctity of a contract? I know it means something to the occupant of the chair and to me. The court said the Government should keep its word, but the Government simply ignores it. Somebody else is going to have to take care of it on another watch.

They also threaten to tear down hydroelectric dams out West. There is a tradeoff. Tear down those dams, and we don't have navigation on those rivers. Where do we put the barge traffic? We put the traffic back on the highways. What is the implication of that? You can move an awful lot of material on barges. If you move that same material on highways, you are going to create traffic problems, pollution problems, and so forth.

We ignored electric reliability and supply concerns with the brownouts in San Diego. We have had no new generation of transmission facilities, yet the consumer market has grown. The Vice President has said he will even go further to restrict new oil and gas exploration and production. In Rye, NH, on October 21, 1999, Vice President GORE made the following statement:

> I will make sure that there is no new oil leasing off the coast of California and Florida and then I will go much further. I will do everything in my power to make sure that there is no new drilling off these sensitive areas, even in areas already leased by previous administrations.

That doesn't sound very good, when most of our oil is coming from the Gulf of Mexico.

On energy, there is a clear distinction between the two sides. The difference between Vice President GORE and Governor Bush could not be more clear. The Bush proposal is $7.1 billion over 10 years; the Gore proposal is 10 times that amount, some $80 to $125 billion. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side.

The facts show the Vice President doesn't necessarily practice what he preaches. The Vice President wants to raise prices and limit supply of fossil energy which makes up over 80 percent of our energy needs. By discouraging domestic production, the Clinton-Gore administration has forced us to be more dependent on foreign oil, placing our Nation's security at risk. All we have to do is witness the growing influence of Iraq, Saddam Hussein, and the Middle East as a result of our increasing dependence on foreign oil. How can we be an honest broker in the Middle East peace process when we are beholden to Israel's sworn enemy, Saddam Hussein, to keep our citizens warm this winter?

We currently import 600,000 barrels a day from Iraq. The Vice President's only answer is to give solar, wind, and biomass energy technologies that are not widely available or affordable. We have expended $6 billion in a combination of grants and subsidies for alternative energy. I am all for these alternative energies, but they still consist of less than 4 percent of our energy. It is incomprehensible to me that we would fail to recognize that we have to rely on our conventional sources—oil, natural gas, hydroelectric, and nuclear. The Vice President seems to have forgotten these basic sources of energy. As a matter of fact, we need a mix of all of the above.

In contrast, Governor Bush would put together a comprehensive energy policy for America that uses the fuels of today to get the technologies of tomorrow. The energy policy would contain three major components: First, increased domestic production of oil and natural gas to meet today's consumer demands for energy; second, increased use of alternative fuels and renewable energy to help us transition into the technologies of tomorrow; third, improve energy efficiency to save American consumers money and reduce emissions of air pollutants and greenhouse gases. Governor Bush would encourage new domestic oil and gas exploration right here at home. He has said: The only way to become less dependent on foreign sources of crude oil is to explore here at home.

Just opening the ANWR Coastal Plain in my State increases domestic production capability by better than a million barrels a day, more than twice the amount we currently import from Iraq.

I ask unanimous consent to have printed in the RECORD an article that was in the Christian Science Monitor on October 18 of this year. They did a poll on the issue of whether or not ANWR should be open.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 18, 2000]

PUBLIC WANTS SUVS TO GUZZLE LESS

(By John Dillin)

ABSTRACT

Americans, by a 2-to-1 margin, say that with gasoline prices up, they favor government action that would force automakers to boost the gas mileage of the wildly popular sport utility vehicles. Congress has firmly resisted attempts to boost mileage requirements for SUVs.

Growing public pressure to boost fuel requirements for SUVs comes as something of

a surprise. For more than a decade, the vehicles have been family favorites for hauling everything from plywood from Home Depot to camping gear on holiday outings.

The federal government cooperated with this sleight of hand by classifying minivans and SUVs as "trucks," even though they were being used primarily as passenger vehicles. Since the standard for trucks was only 20.7 miles per gallon, that overall requirement was easier for manufacturers to meet.

A majority of adults say they'd be willing to drive a more fuel-efficient vehicle to conserve energy. But many also support drilling in Alaskan wildlife refuge.

The United States could soon get tough on those big, gas-hungry SUVs.

Americans, by a 2-to-1 margin, say that with gasoline prices up, they favor government action that would force automakers to boost the gas mileage of the wildly popular sport utility vehicles. Congress has firmly resisted attempts to boost mileage requirements for SUVs.

With petroleum imports rising, voters also say they now support opening the Arctic National Wildlife Refuge in Alaska for oil and gas exploration. Throwing open ANWR to oil drillers is a sensitive issue in this year's presidential race. Republican George W. Bush is for it. Democrat Al Gore is against it.

The newest Christian Science Monitor/TIPP poll explored a broad range of energy issues with a cross-section of 803 likely voters in the US.

The survey probed the public's willingness to use mass transit and to buy smaller cars to save energy. It looked at who is to blame for rising prices. And it tested the willingness of Americans to use military power to keep oil resources flowing in times of crises.

There were some sharp differences—often along party lines—in the Monitor/TIPP poll, as well as broad agreements.

Some of the findings:

Voters agree that the primary culprits in higher prices for energy are the members of the Organization of Petroleum Exporting Countries (OPEC). Big oil companies and government policy makers also bear a heavy responsibility, voters say.

By nearly a 3-to-1 margin, voters say that US friends such as oil-rich Saudi Arabia and Kuwait are not doing enough to keep energy prices down.

The No. 1 priority for dealing with US energy needs should be the development of new technologies, voters say. New technologies are more important than either boosting US oil production or conservation.

Growing public pressure to boost fuel requirements for SUVs comes as something of a surprise. For more than a decade, the vehicles have been family favorites for hauling everything from plywood from Home Depot to camping gear on holiday outings.

But the hefty vehicles drink lots of fuel. The mighty Lincoln Navigator that tips the scales at 5,746 pounds, for example, gets just 12 miles per gallon in the city, 17 on the highway, with its 5.4-liter V8 engine.

The more-popular Chevy Blazer—a mere two tons of steel, rubber, and plastic—gets just 15 miles per gallon in the city, 18 on the highway.

Under federal rules, automobiles from each manufacturer are required to get an overall average of 27.5 miles per gallon—twice what cars got in 1974. But as carmakers have downsized and lightened their vehicles to meet this standard, consumers who wanted more size and power switched to minivans and SUVs.

The federal government cooperated with this sleight of hand by classifying minivans and SUVs as "trucks," even though they were being used primarily as passenger vehicles. Since the standard for trucks was only 20.7 miles per gallon, that overall requirement was easier for manufacturers to meet.

The impact on America's gasoline usage, however, was significant. Average vehicle performance in the US has fallen steadily from a high 26.2 m.p.g. in 1987 to only 24.6 m.p.g. in 1998. Today's shortages and higher gas prices are one result.

On this issue—as on several energy issues—there are often differences of opinion among voters.

A college history professor in California, one of those surveyed in this poll, says she is sympathetic with those who buy the larger vehicles.

"It's not really fair to criticize SUV owners," she says. "I don't care what anybody's driving as long as they're not driving over me. . . . Sometimes people need a larger car for extenuating circumstances."

While 63 percent of likely voters in this poll favored boosting the mileage requirement for SUVs, 29 percent disagreed.

Sentiment to boost mileage requirements was highest among liberals (77 percent favor higher mileage rules), Democrats (74 percent) and those between the ages of 55 and 64 (75 percent). Support for changing the law was weakest among conservatives (only 54 percent favor a change), younger Americans (59 percent), and Republicans (52 percent).

Another surprise was the solid support (54 percent to 38 percent) for oil drilling in the Arctic National Wildlife Refuge. ANWR's coastal plain could hold as much oil as Alaska's highly productive Prudhoe Bay.

Yet the refuge also shelters polar and grizzly bears, caribous, wolves, and many other species in one of the most pristine areas in the US.

Raghavan Mayur, president of TIPP, a unit of TechnoMetrica Market Intelligence, conducted the poll for the Monitor. Mr. Mayur says divisions are sharp on this issue:

"To drill or not to drill the Arctic refuge is the same as asking are you a Bush supporter or a Gore supporter."

Other poll responses:

Who is responsible? The public points the finger primarily at OPEC (34 percent), but oil companies (28 percent), and the government's energy policies (21 percent) also shoulder the blame for rising prices.

A sales representative in Conyers, Ga., says higher prices should have been foreseen with a growing economy, and Gore should have tackled it. Ultimately, she said, "oil companies are probably more responsible than anyone else."

Will fuel prices hurt? Voters are almost evenly split on whether rising fuel prices will hurt the economy. About 49 percent say yes, 45 percent say no.

Bush or Gore on energy? When it comes to energy policy, voters think Governor Bush will probably do a better job making sure the US has sufficient energy supplies. They prefer him on this issue by 44 percent to 33 percent over Vice President Gore.

Pay more for cars? By 57 percent to 38 percent, Americans say they would pay $1,000 more for a comparable vehicle that had greater fuel efficiency.

Buy smaller cars? Most Americans—75 percent—say that with rising gas prices, they would be willing to drive smaller cars to achieve better mileage.

Use mass transit? By a 62 percent to 27 percent margin, Americans say they would use mass transit or car pool to save fuel.

Use military force? In times of crisis, Americans would be willing to use U.S. military power to keep oil supplies flowing—but the issue is clearly divisive. Those favoring military force (48 percent) are nearly equaled by those who oppose (43 percent).

Mr. MURKOWSKI. Let me read a portion:

> Another surprise was a solid support (54 percent to 38 percent) for oil drilling in the Arctic National Wildlife Refuge. ANWR's coastal plain could hold as much oil as Alaska's highly productive Prudhoe Bay.

I think that is a significant indication of the public posture and the change. As we have noted for some time, Vice President GORE is very much opposed to opening this area. This body, in 1995, passed legislative action authorizing the opening of ANWR, but the President vetoed that action. We have today a clear indication of support from a majority of Americans who now favor responsible drilling in the Arctic National Wildlife Refuge.

For the sake of keeping this matter in balance, I remind my colleagues there are 19 million acres in that area. Out of that 19 million acres, which is about the size of the State of South Carolina, 9 million acres has been set aside in a refuge, 8.5 million acres has been set aside in a wilderness. This is in perpetuity. Congress left out 1.5 million to be determined at a future date whether it should be open for exploration. Geologists say it is the most likely area in North America where a major oil field might be discovered, and there might be as much as 16 billion barrels in that field. That would equate to what we import from Saudi Arabia for a 30-year period of time. Some of the environmentalists say it is only a 200-day supply. Isn't that in error? That is assuming all other oil production in the world stops.

Prudhoe Bay came on about 23 years ago. It has been producing about 20 percent of the total crude oil produced in this Nation for that period of time. They said it was only going to produce 10 billion barrels. It has produced 12 billion barrels so far and still produces a million barrels a day.

The prospects of finding oil domestically, in the volumes we are talking about, in this small sliver of the Coastal Plain are very good. As a consequence, it is rather comforting to note that a distinguished periodical such as the Christian Science Monitor should conduct an independent poll and find that 54 percent of Americans solidly support opening up ANWR for drilling; 38 percent are opposed.

One other point that deserves consideration has been underplayed by the media and underplayed by the administration. That is the situation with regard to natural gas. Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more gas pipeline. Even the Vice President has said natural gas is vital for home heating and electricity and fuel for the future. Mr. President, 50 percent of U.S. homes, or 56 million homes, use natural gas for heating. It provides 15 percent of the Nation's electric power; and 95 percent of our new electric power plants will be powered by natural gas as a fuel, partially of choice but partially of necessity. You cannot build a coal-fired plant; you cannot build a nuclear plant; you cannot build a new hydroelectric plant. Where are you going to go? You are going to go to natural gas. You can get a permit. But all the emphasis of the electric industry is towards natural gas. Putting on more pressure increases the prices, as I said, from $2.16 a year ago to just over $4.50 today. The ratepayers are going to be paying this. They just have not seen it yet. It has not been included in your electric bills, but it will be very soon, and you will feel it in your heating bill.

The administration has refused to allow exploration or production of natural gas on Federal lands. There are huge areas of the overthrust belt in Oklahoma, Montana, Wyoming, and Colorado that have been off limits. The administration has withdrawn about 60 percent of the productive area for oil and gas discoveries since 1992.

The difficulty we are having here is, as they put Federal lands off limits to new natural gas production, we find ourselves with simply no place to go other than the offshore areas of Texas and Louisiana and the offshore areas of Mississippi and Alabama as the major areas of OCS activity. My State of Alaska and California are off limits; the East Coast is off limits. They have withdrawn huge areas from our Forest Service—roadless areas. They have put on a moratorium from OCS drilling until 2012 in many areas. The Vice President would even cancel existing oil and gas leases. Where is the energy going to come from?

The Vice President said during his first debate:

> We have to bet on the future and move away from the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

I buy that, and so does the American public. But he forgets to be specific: Where? How? Why? How much? Where are you going to get the energy?

I think we all agree in this case our energy strategy should include improved energy efficiency as well as expanded use of alternative fuels and renewable energy. But we are still going to need energy from oil, natural gas, hydroelectric and nuclear, and we are not bringing these other sources into the mix.

The Vice President said he would make a bet. He will bet on diminishing the supply of conventional fossil fuels such as oil and natural gas. That is his bet, that you would like that; that you would be more than willing to pay higher prices for energy and make renewables more competitive. You would like that. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote in this body to raise the gasoline tax.

This is in his book "Earth In The Balance." Clearly, he wants to raise energy prices to effect conservation. But the reality is, as we put more central controls on energy use, he would have us set a standard for each part of your everyday life. He would tell you what kind of energy you could use, how much of it you could use, how much you would have to pay for it. That is part of it. That is in his book.

By contrast, Governor Bush would harness America's innovation to use the energy resources of today to give us the technologies of tomorrow. Governor Bush will set aside the up-front funds from leasing Federal lands for oil and gas, so-called bid bonuses, to be earmarked for basic research into renewable energy. Production royalties for oil and gas leases will be invested in energy conservation and low-income family programs such as LIHEAP and other weatherization assistance.

Using new tax incentives, Governor Bush will expand the use of renewable energy in the marketplace, building on a successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, some 2,000 new megawatts.

Governor Bush will maintain existing hydroelectric dams and streamline the FERC relicensing program. We know the current administration wants to take down some of the dams in the Pacific Northwest. Governor Bush will responsibly address the risks posed by global climate change through investing in getting clean energy technologies to the market.

The Vice President would rather have us ratify and implement a costly and flawed Kyoto Protocol that puts the United States at an economic disadvantage.

Some of us remember the vote we had here with respect to climate change and the Kyoto Protocol—the Byrd/Hagel Resolution. I think it was 95–0. The administration asked for our opinion. We are a body of advice and consent. We gave our advice. I think that vote pretty much indicates a lack of consent. That particular proposal exempts the largest emitters of greenhouse gases, China and India.

In conclusion, the bottom line is there is a clear contrast between the candidates on the subject of energy policy. The Vice President wants to raise prices to limit supply of fossil energy which makes up currently over 80 percent of our energy needs. We wish it were less, but that is the reality. He wants to replace it with solar, wind, biomass—technologies that are promising but they are simply not available or affordable at this time.

Governor Bush will expand domestic production of oil and natural gas, ensuring affordable and secure supplies, reducing energy costs, and keeping inflation at bay. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources of tomorrow.

The choice for consumers is very clear.

Let me leave you with one thought with regard to our foreign policy. Currently we are importing about 600,000 barrels a day from Iraq. I know the occupant of the chair recalls in 1991 and 1992 when we fought a war, the Persian Gulf war, we had 147 American service personnel who gave their lives in that war, with 427 wounded; we had 23 taken prisoner. How quickly we forget.

Now we are over there enforcing, if you will, an aerial blockade, a no-fly zone. We have flown over 300,000 sorties, individual missions, enforcing the no-fly zone over Iraq. We have bombed; we have fired; we have intercepted. Fortunately, we have not suffered a loss. But what kind of foreign policy is it where we buy his oil, put it in our airplanes, and go over and bomb him? I leave you with that thought, and I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The distinguished Senator from Iowa is recognized.

BANKRUPTCY

Mr. GRASSLEY. Mr. President, we had an opportunity to listen to 2 hours of debate and speeches from some on the other side of the aisle earlier this afternoon trashing a piece of legislation and the process connected with that legislation that originally passed the Senate 83–14 earlier this year.

I have heard the Senator from Minnesota and others complain about the process of getting the bankruptcy bill to the floor. It seemed to me, as I listened to what he said that it is almost an unbelievable thing for him to say that. The Senate passed the bankruptcy bill after weeks of debate and after disposing of literally hundreds of amendments. The Senator from Minnesota objected to going to the conference committee in the regular order. We tried to do things in the regular way, but he was one of those Senators who blocked our efforts to get to conference.

I think the speeches we have heard this afternoon, particularly from the Senator from Minnesota, are misleading. It is very misleading for Senator WELLSTONE to pretend he is not the reason for this bill not moving in the regular way and then to find fault with the unconventional way in which we finally did it.

Also, looking at that process, there are few conference committees around here that have an equal number of Democrats and Republicans. This conference committee had three Democrats and three Republicans. So obviously Democrats had to sign the conference report, or we would not even have it before us. But that is the way this process has been—not only this year but last year and the year before and the year before.

We have been trying to bring about badly needed bankruptcy reform. It has been done in a bipartisan way. The best evidence of that bipartisanship, both from the standpoint of substance and the standpoint of the process, is the 83–14 vote by which the original bill passed the Senate and Democrats signing the conference report that is now before us. So I am glad we finally have a chance to get to debate on the merits of the bankruptcy reform conference report.

Today is Halloween. That is an appropriate day to take the bill up because of our liberal friends who have tried to dress the bankruptcy bill in a scary costume in a tired effort to frighten the American people for crass political purposes. The fact is, the bankruptcy reform bill we are going to vote on tomorrow will do a lot of good for the American people and for the economy.

Remember, we are talking about 1.4 million bankruptcies. Remember, we are talking about a very dramatic explosion of bankruptcies just in the last 6 or 7 years. Remember, the last time we had bankruptcy reform, there were about 300 thousand bankruptcies filed per year.

That is up to 1.4 million. It is a cost to the economy for every working family in America of paying $400 per year more for goods and services because somebody else is not paying their debt.

I want to summarize a few things that this bill will do that my colleagues may not know about as a result of the disinformation campaign waged by our liberal opponents.

Right now, for instance, farmers in my State of Iowa, and for that matter in Minnesota and all across the country, have no protections against foreclosures and forced auctions. That is because chapter 12 of the bankruptcy code, which gives essential protections for family farmers, expired in June of this year.

Why did chapter 12 expire leaving farmers without a last-ditch safety net? The answer is that chapter 12 ceased to exist because the Senator from Minnesota blocked us from proceeding on this bankruptcy bill we have before us.

The bankruptcy bill will restore chapter 12 on a permanent basis. Never again will Iowa farmers or even Minnesota farmers be left with no defense against foreclosures and forced auctions. Congress will fail in its basic responsibilities to the American farmer if we fail to restore chapter 12 as a permanent part of the bankruptcy code.

The bankruptcy bill does more for farmers than just make protections for farmers permanent. The bankruptcy bill enhances these protections and makes more Iowa farmers, more American farmers, and even more Minnesota farmers eligible for chapter 12. The bankruptcy bill lets farmers in bankruptcy avoid capital gains taxes. This will free up resources that would have otherwise been forced to go to the Federal Treasury, that would otherwise go down the black hole of the IRS, to be invested in farming operations.

We have a real choice. The Senate can vote as the Senator from Minnesota wants us to vote and the Senate can kill this bill, or we can stand up for American farmers and Minnesota farmers. We can do our duty and make sure that family farms are not gobbled up by giant corporate farms. We can give our farmers a fighting chance. I hope the Senate will stand up for our farmers. I hope the Senate does not give in to the bankruptcy establishment that has decided to fight bankruptcy reform no matter who gets hurt, including the Iowa farmer, the Minnesota farmer—the American farmer.

What else is in this conference report? The bankruptcy bill will give badly needed protection for patients in bankrupt hospitals and nursing homes. About 10 percent of the nursing homes in America are in bankruptcy, so this is a real problem for senior citizens of America. The Senate protected these people by unanimously adopting an amendment which I offered. Again, my colleagues may be unaware of the importance of this provision because the opponents of bankruptcy reform do not want us to realize what killing the bankruptcy reform bill will really do for those people who are in bankrupt nursing homes.

I had hearings on patients in bankrupt nursing homes. As my colleagues know, Congress is trying to put more money into nursing homes through the Medicare replenishment bill. Because we have so many nursing homes that are in bankruptcy, the potential for harm is very real.

Through the hearing process in committee, I learned of a situation in California where a bankruptcy trustee simply showed up at a nursing home on a Friday evening and evicted the residents. The bankruptcy trustee did not provide any notice that this was going to happen. He literally put these frail, elderly people out into the street and changed the locks so they could not get back into the nursing home. The bankruptcy bill that we will vote on tomorrow will prevent this from ever happening again. If we do not stand up and say that the residents of nursing homes cannot just be thrown out into the street, then Congress will have failed in its duty to the senior citizens of America.

Again, we have a choice: We can vote this bill down and tell nursing home residents and their families that they can just go fly a kite. I hope the Senate is better than that. I hope the Senate stands for nursing home residents and not for inside-Washington liberal special interest groups that are trying to make a case against this bill but just cannot make a case against the bill. We have not heard them talking about helping farmers through chapter 12. We have not heard them talk about helping nursing home residents through the provisions that are in the Patients' Bill of Rights for nursing home residents.

There is more to this bill. The bankruptcy reform bill contains particular provisions advocated by Federal Reserve Chairman Alan Greenspan and by Treasury Secretary Larry Summers. I hope the Senator from Minnesota takes note of those two people being appointed by the President of the United States, Larry Summers being a member of this administration as Secretary of the Treasury, to whom some from the other side of the aisle ought to listen.

These provisions will strengthen our financial markets and lessen the possibility of domino-style collapses in the financial sector of our economy. According to both Chairman Greenspan and Secretary Summers, these provisions will address significant threats to our prosperity, the very prosperity that their candidate for President is out talking about every day saying it ought to be protected.

Yet again, we have a choice: We can strengthen our financial markets by passing this bill, or we can side with the liberal establishment and fight reform, no matter what the cost is to our society, our economy, the farmers, or the people in nursing homes.

The American people want us to strengthen the economy, not turn a deaf ear to the pleas for help from the Chairman of the Federal Reserve Board and from the Treasury Secretary. I hope the Senate decides to vote to safeguard our prosperity, not put it at risk.

The Senator from Minnesota said he wanted us to learn more about the bankruptcy bill. I do, too. Once we look at this bill in its totality I am confident that the Members of this body will see this is a responsible approach, that we will then do the responsible thing: We will vote for cloture, and then we will also do final passage.

There is an issue about how the bankruptcy bill will impact people with high medical expenses. Earlier this year, I addressed this very issue, but I want to reassure my colleagues who have remaining questions about this that we have taken care of the problems they have legitimately raised. I do not find fault with their raising them; I only find fault with the fact that we have taken care of them and they have not found it out yet. Before the vote tomorrow morning, I want them to find it out. I want the Senator from Minnesota and I want my friend and colleague from the State of Iowa who raised this issue to be aware of it as well.

My friend from Iowa was quoted in the Des Moines Register Sunday as saying about this bill: I am not for it. I think it's a bad bill. He talked with bankruptcy lawyers who said that it will hit hardest those who rack up big bills due to medical problems.

As to the Time magazine article that was referred to earlier by the Senator from Minnesota which alleged that medical expenses drove some of the families profiled into bankruptcy, I would just say that this is flat out wrong.

To the extent any person in bankruptcy has medical expenses, the bankruptcy bill deals with this issue in two ways.

The General Accounting Office to look at the provisions of this bill from the point of view of medical expenses. You can see from this report that came from the General Accounting Office that all medical expenses that are deducted in determining whether you have the ability to go to chapter 7 or chapter 13. The bill is very clear health care expenses are covered because of "other necessary expenses" include such expenses as charitable contributions, child care, dependent care, health care, payroll deductions, life insurance, et cetera. All of these are used in determining your ability to repay your debts.

So anybody who comes to the floor of the Senate and says that we do not take medical costs into consideration in determining this—those colleagues have not read the bill.

There is one additional thing. Somebody can make a case that this does not take care of all of the instances. I do not know how much clearer it can be. But we still have application to the bankruptcy judge, under special circumstances, to argue any case you want to of something that should be taken into consideration in your ability to repay debt. Medical expenses, obviously, fall into that category if this provision is not adequate. But I do not know how much clearer it can be than when you say medical expenses are things that are deductible in making your determination of ability to pay.

Several Senators have also, today, made reference to the issue of whether we need to modify the bankruptcy laws to prevent violent abortion protesters from discharging their debts in bankruptcy court. Now the fact is, our current law already prevents this from happening.

I am releasing today a memo to me from the nonpartisan Congressional Research Service that says, without a doubt, no abortion protester has ever, ever gotten away with using bankruptcy as a shield. So I hope my colleagues listen to this nonpartisan source and not the partisan political statements that were made yesterday on the Senate floor in regard to this.

I want to put this in the RECORD, Mr. President, so I know that this is clearly stated. I ask unanimous consent that this memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.

MEMORANDUM

To: Hon. Charles Grassley,
From: Robin Jeweler, Legislative Attorney, American Law Division.
Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. §523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters.

The only reported decision identified by the search is Buffalo Gyn Womenservices, Inc. v. Behn (In re Behn), 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. §523(a)(6), which excepts claims for "willful and malicious" injury. The court surveyed the extent and somewhat discrepant standards for finding "willful and malicious" conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

"[W]hen a court of the United States issued an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of volition and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.'"—242 B.R. at 238.

Mr. GRASSLEY. In other words, once again, just to make it very clear the Congressional Research Service has searched every known case, and I have here, as my colleagues can read, the only case that is available, in which the result is that an abortion protester wasn't able to discharge his debts. The court was very clear that they were not able to get a discharge for that purpose.

Mr. President, I see my friend from New Jersey, who is on the other side of the aisle but very supportive of our legislation, who needs time because he supports this legislation from our side of the aisle. So I am going to quit at this point. I ask if I can have the floor back after he has finished.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I ask unanimous consent to do that, so I can defer to the Senator from New Jersey right now.

Mr. ENZI. Reserving the right to object——

Mr. GRASSLEY. I will ask this way, that when the Senator from New Jersey has finished, to give the Senator from Wyoming the floor, and then me, because I want to continue presenting our case on the bankruptcy reform.

The PRESIDING OFFICER. Is the Senator from Iowa yielding time to the Senator from New Jersey? The Republicans control the time.

Mr. GRASSLEY. Yes. I intend to do that.

The PRESIDING OFFICER. How much time——

Mr. GRASSLEY. How much time does the Senator need?

Mr. TORRICELLI. Twelve minutes.

Mr. GRASSLEY. Twelve minutes.

The PRESIDING OFFICER. Without objection, 12 minutes are yielded to the Senator from New Jersey.

Mr. TORRICELLI. I thank the Chair.

BANKRUPTCY

Mr. TORRICELLI. Mr. President, for the last 4 years, my colleague, Senator GRASSLEY, has shown extraordinary patience and considerable leadership in bringing this institution towards fundamental and fair reform of the bankruptcy laws. It has not always been a popular fight, but it is unquestionably the right thing to do for consumers, for business, and perhaps most importantly, for small businesses, family-owned businesses, that are often victimized by abusers.

Everyone, I think, generally agrees, within reason, that there is a need for bankruptcy reform. The question, of course, has been how to do that. In the last Congress, we came extremely close to bipartisan reform. Having come so close in the 105th Congress, I inherited the role as the ranking member of the subcommittee with jurisdiction, and I felt some optimism that we could succeed.

Since that time, working with Senator GRASSLEY, I think we have dealt with most of the critical issues. He has been extremely cooperative. Indeed, Members on both sides of the aisle have had suggestions, changes, most of which have been incorporated. Overwhelmingly, Senators who had problems with the bill and individual changes have been accommodated in both parties.

So today we bring to the floor the culmination of 2 years of work, of refining something that had been worked on for the 2 years before that—4 years—with many Members of the institution, and overwhelmingly Members who have voted for it.

Is it perfect? No. Were I writing bankruptcy reform by myself, there would be differences. But none of us writes any bill by ourselves.

The critical question is: Is it fair and is it a balanced bill? Unequivocally, the answer to that question is yes.

Will it improve the functioning of the bankruptcy system without doing injury to vulnerable Americans who have need, legitimate need, of bankruptcy protections? Absolutely, yes.

For those reasons, this bill deserves and, indeed, clearly has overwhelming bipartisan support in the Senate.

What has fueled this broad and deep support among Democrats and Republicans in the House and the Senate have been the facts, an overwhelming misuse and expansion of bankruptcy. In 1998 alone, 1.4 million Americans sought bankruptcy protection, a 20-percent increase since 1996, during the greatest economic expansion in American history, with record employment, job growth, income growth, a 20-percent increase in bankruptcies, more staggering, since 1980, a 350-percent increase in the use of bankruptcy laws.

It is estimated that 70 percent of those filings were done in chapter 7, which provides relief from most unsecured debt. Conversely, just 30 percent of those petitions were filed under chapter 13, which requires a repayment plan.

The result of these abuses of the system has meant that just 30 percent of petitions under chapter 13 require a repayment plan. Overwhelmingly, people have discovered, contrary to the history of the act and good business practices, they can escape paying back these debts, although they have the means to do so, and escape so by simply filing under a different chapter.

This is the essence of the bill. Simply making this adjustment, moving many or some of these 182,000 people back into repayment plans, could save $4 billion to creditors. This isn't somebody else's problem. That $4 billion gets paid. If the bankruptcy affects a carpenter, a family owned masonry business, a home building company, it can put them out of business, or the cost gets passed on to someone else who buys the next house. If it is the mom and pop store on main street, it can put them out of business or they absorb the cost. But even if it is a major financial institution, with many credit card companies losing 4 or 5 percent of revenues to bankruptcy, it gets passed on to the next consumer.

This $4 billion is not the problem for some massive company faraway that can afford to absorb it. It is us. We are all paying the bill. The American consumer is absorbing this money from the abuse of the bankruptcy system—often those least able to absorb it, small businesses, family owned businesses, and consumers.

This is why, with these compelling facts and the logic of this reasoning, that the Senate passed a very similar bill by a vote of 83-14 from both parties, across philosophical lines, in an overwhelming vote. That is the bill we bring back today.

It is charged by critics of the bill that this will deny poor people the protection of the Bankruptcy Act. One, this is not true. Two, if in any way it denied poor people the protection of bankruptcy, not only would I not speak for it, not only would I not vote for it, I would be here fighting against it. The simple truth is, no American is denied access to bankruptcy under this bill.

What the legislation does do is assure that those with the ability to repay a portion of their debts do so by establishing a clear and reasonable criteria to determine repayment obligations. However, it also provides judicial discretion to ensure that no one genuinely in need of debt cancellation will be prevented from receiving a fresh start. That bears repeating. No one is denied bankruptcy protection because, ultimately, of judicial discretion. Prove you need the protection, and you can and will get it.

To do this, the bill contains a means test, virtually identical to the one passed by the Senate with 84 votes on a previous occasion. Under current law, virtually anyone who files for complete debt relief under chapter 7 receives it. Regardless of your resources, whether you can repay it or not, your obligation simply gets passed along to the small store owner, the mom and pop store, the family business. You pass on your obligation, regardless of your ability. We changed that by creating a needs-based system which establishes a presumption that chapter 7 filings should either be dismissed or converted to chapter 13 when the debtor has sufficient income to repay at least $10,000 or 25 percent of their debt—a presumption that if you have money in the bank or you have income to repay a portion of this, you should do so. You can answer the presumption. You can overcome it. You can defeat it. But surely it is not unreasonable for someone with those means to have that burden, to prove they cannot pay the debt.

In addition to this flexible means test, the bill before us also includes two key protections for low-income debtors that were a vital part of the Senate bill previously passed. The first is an amendment offered by Senator SCHUMER to protect low-income debtors from coercive motions. This will ensure that creditors cannot strong arm poor debtors into making promises of payments they cannot afford to make. Senator SCHUMER asked for it to be in the bill. It is in the bill. It offers protection from unscrupulous, unfair, and burdensome collections.

The second is an amendment offered by Senator DURBIN. Senator Durbin, who previously held my position and drafted the bill 2 years ago in its initial form, provided a miniscreen to reduce the burden of the means test on debtors between 100 and 150 percent median income. This is a preliminarily less intrusive look at the debts and expenses of middle-income debtors to weed out those with no ability to repay those debts and to move them more quickly to a fresh start.

It was a good addition, but the combination of Mr. SCHUMER's amendment for a safe harbor in addition to the Durbin miniscreen and other provisions, not a part of the original Senate bill, will provide real protections to low-income debtors. These include, first, a safe harbor to ensure that all debtors earning less than the State median income will have access to chapter 7 without qualifications; two, a floor to the means test to guarantee that debtors unable to repay less than $6,000 of their debts will not be moved into chapter 13; three, additional flexibility in the means test to take into account the debtor's administrative expenses and allow additional moneys for food and clothing expenses—three protections—absolute, providing real protection for low-income families on vital necessities, on modest savings, and on means of collection.

All of this should assuage any fear that this bill will make it more difficult for those in dire straits to obtain a fresh start and reorganize their lives. Absolutely no one, because of these protections, will be denied access to complete protection in bankruptcy. But it is balanced because there is also protection for businesses and family companies.

Critics have also argued that the bill places an unfair burden on women and single-parent families. This is the most important part of this bill to understand. There is not a woman in this country, there is not a single parent, there is not someone receiving alimony, child support, or any child in America whose position is weakened because of this bill. Indeed, their position is strengthened because of this bill. Single-parent families, by elevating child support to the first position rather than its current seventh position, are in a better place because of this bill than they are if we fail to act.

Under current law, when it comes to prioritizing which debts must be paid off first, child support is seventh—after rent or storage charges, accountant fees, and tax claims. Remember this, because if you oppose this bill and if we fail to act in the bankruptcy line, accountants will be there, tax claims will be there, storage claims will be there, and women and children will be behind. Under this bill and this reform, children, women, single-parent families are where they belong—in front of everyone, including the Government.

Finally, the bill requires that a chapter 13 plan provide for full payment of all child support payments that become due after the petition is filed. This is simply a better bill—for business and for families.

Finally, in drafting a balanced bill, Senator GRASSLEY and I were confronted with the very real need to provide some additional consumer protection. The fact is, many people don't just fall into bankruptcy. In my judgment, they are driven into bankruptcy by unscrupulous, unnecessary, and burdensome solicitations of debt by the credit industry. This had to be in the bill, and it is in the bill.

The credit card industry sends out 3.5 billion solicitations a year. That is more than 41 mailings for every American household—14 for every man, woman, and child in the Nation. It is not just the sheer volume of the solicitations; it is a question of who is targeted. Solicitations of high school and college students are at a record level. Americans with incomes below the poverty line have doubled their use of credit.

The result is not surprising, as 27 percent of families earning less than $10,000 have consumer debt of more than 40 percent of their income. This bill deals with that reality.

With the help of Senators SCHUMER, REED, and DURBIN, we have ensured that there is good consumer protection in this bill. It is not everything I would have written, certainly not everything they would have liked, but it is good and it is better than current law.

The bill now requires lenders to prominently disclose the effects of making only a minimum payment on your account; that interest on loans secured by dwellings is tax deductible only up to the value of property, warnings when late fees will be imposed, and the date on which an introductory or teaser rate will expire and what the permanent rate will be after that time. All of these things will be required on consumer statements in the future. Few are required now.

What this means is that Senator GRASSLEY and I have done our best. We have worked with all Members of the Senate in both parties. This is a good bill and a balanced bill. The Senate has approved it before. It should do so again. It provides new consumer protection, protection for women and children, securing their place in bankruptcy lines, ensuring that debts get repaid when they can be, ensuring bankruptcy protection, and ensuring that abuses end so that small businesses are not victimized and consumers who can pay their bills do not pay the additional costs of those who choose not to.

I congratulate Senator GRASSLEY once again on an extraordinary effort. I am very proud to coauthor this bill with him. I look forward to the Senate's passage.

I yield the floor.

Mr. GRASSLEY. Mr. President. I hope we had a lot of people who were able to listen all afternoon on this debate. I doubt if very many people listened for 4 hours, but they heard a lot of charges against the bill that were partisan early on this afternoon. Then I said how this bill passed 83-14 originally. That would never have happened—that wide of a margin and bipartisan cooperation—except for the early support and continuing support, and you have seen that demonstrated in the recent speech by Senator TORRICELLI. I thank him for that.

I also thank Senator BIDEN of Delaware for also helping us get this bill out of committee and to the floor, and also Senator REID of Nevada, who helped us get through the hundreds of amendments we had filed with this legislation. So this is evidence of just three people on the other side of the aisle who have worked very hard to make this a bipartisan approach, and this legislation, as controversial as it is, would not have gotten as far as it had without that cooperation. I thank Senator TORRICELLI.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, it is my understanding that the time between now and 6 p.m. is under my control for morning business. With that in mind, I ask unanimous consent that the Chair close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to proceed to S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. LOTT. Mr. President, I now withdraw my motion to proceed to S. 2557.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

Mr. LOTT. I move to proceed to the conference report containing the tax bill, H.R. 2614.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2614 "To amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 26, 2000.)

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Continued

Mr. LOTT. Mr. President, I now renew my motion to proceed to S. 2557. I will notify all Senators as to the exact date on which I intend to file cloture on this very important tax conference report. I note that I will not do that today. In the meantime, this action I have just taken will allow me to file that cloture motion at a later date.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent that the time between now and 6:30 remain in control of the majority leader for morning business, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. At the request of Senator GRASSLEY and others who wish to be heard, we are asking to extend the time from 6 until 6:30.

I believe there will be a voice vote at the conclusion of this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

THE LEGAL IMMIGRATION FAMILY EQUITY ACT

Mr. THURMOND. Mr. President, it is highly unfortunate that the Clinton administration is apparently trying to play politics with immigration during the final days before the Presidential election.

The Congress has tried to work in good faith with the President to help immigrants who play by the rules, and have not been treated fairly by the Immigration and Naturalization Service. Unfortunately, the President does not seem to be interested in a reasonable compromise.

President Clinton has demanded blanket amnesty for any alien in the United States in 1986 or before. This is not limited to legal immigrants. It includes illegal aliens. It does not matter to the President whether they have tried to follow the law in getting their status adjusted during all these years, or whether they flagrantly violated the immigration laws. The President just wants to give blanket amnesty. Also, the White House does not know how many would be eligible for amnesty under their plan, but the number would clearly be in the millions. This is irresponsible policy.

The National Border Patrol Council, whose members are border patrol agents, has strongly criticized the President's proposal. They said, "In addition to punishing those who abide by our immigration laws and rewarding those who disobey them, a new amnesty would encourage innumerable others to break our laws in the future. This is not sound public policy."

The Congress has a better way. The Legal Immigration Family Equity Act, which is part of the Commerce-Justice-State Appropriations legislation, would allow aliens in the United States before 1982 to secure amnesty if they had tried to comply with the immigration laws. This would provide assistance to about 400,000 aliens who were wrongly denied relief through administrative action of the I.N.S.

Moreover, the legislation would assist hundreds of thousands of applicants who are on a waiting list to be united with their families in the United States. This bill would greatly help promote family unification.

As this legislation demonstrates, the Congress should help immigrants who help themselves and try to follow the rules. However, far too often, the roadblock that legal immigrants run into has nothing to do with the Congress. It is caused by the Administration, and more specifically the I.N.S.

The record of the I.N.S. in helping legal immigrants during this Administration has been very poor. I have grown very frustrated in recent years trying to help citizens of my state who are trying to work through the I.N.S. and follow the law. Sometimes, when I make inquiries about an applicant's case, the I.N.S. does not even respond to my repeated requests. When I do get a response, it is often handwritten and hard to read or understand. It may even be inaccurate. Also, the I.N.S. has actually lost files about which I was inquiring. If federal elected officials receive this type of treatment, the difficulties that applicants face while trying to work with the I.N.S. alone must be many, many times worse. I have contacted the Attorney General about these chronic problems, but I have not even received the courtesy of a response.

With a new Administration next year, I hope we can fundamentally reform the I.N.S. We must make it responsive to the people.

In the meantime, the President should cooperate with the Congress, and promote reasonable solutions to the problems faced by legal immigrants. At the same time, he should devote his attention to addressing the fundamental problems regarding how immigrants are treated by his own administration every single day.

GEN. RICHARD LAWSON, USAF: IN THE STYLE OF CINCINNATUS

Mr. BYRD. Mr. President, the great success and continuing strength of the United States as a republic is due in no small part to the willingness of our citizens to be soldiers and, no less important, of our soldiers to be citizens.

One such soldier-citizen is General Richard L. Lawson, late of the Air Force of the United States, now on the verge of a second retirement, this time from a productive career in public life.

On active duty as General Lawson, he held positions of trust at the highest levels of responsibility in planning and executing the military elements of U.S. foreign policy during times of great tension.

As Dick Lawson, the envoy plenipotentiary from the most basic of America's basic industries to the councils of government that include this Senate, he has made useful and durable contributions to policies that make the Nation more secure and energy independent.

Richard Lawson is, in fundamental ways, exceptional, if not unique.

He is one of few individuals to hold every enlisted and commissioned rank in the military structure from enlistee of bottom rank to the four-star grade that signifies overall command. He may well be the only one to have done this between two services—to rise step-by-step from buck private to regimental sergeant major in the Army National Guard of Iowa; and then, when commissioned into the Air Force, from second lieutenant to general.

Highlights of General Lawson's Air Force career include the following: military assistant at the White House under two Presidents; Commander, Eighth Air Force; Director of Plans and Policy for the Joint Chiefs of Staff; U.S. representative to the military committee of the North Atlantic Treaty Alliance; Chief of staff at Supreme Headquarters of the Allied Powers in Europe; and, finally, command of the day-to-day activities and deployments of all services in the U.S. European Command, the deputy commander-in-chief.

During his span of service, some important national and international developments included the following: the making of plans and the acquisition of means to re-establish U.S. strength and flexibility and deterrence; the restoration of cordiality among the NATO allies.

General Lawson left active service in 1986. Early the next year, while figuratively behind the plow, like Cincinnatus, he was approached by a delegation of coal industry leaders. They found him, in fact, clearing undergrowth on his acreage in the Virginia countryside. They called him again into service, and he again responded.

In the 14 years since then, Dick Lawson has presided over the unification of what once was both a profusion and a confusion of voices that sought to speak for mining. He first blended together within the National Coal Association all elements of the coal industry. More recently, he joined the many elements of mining represented by coal, metals and minerals producers. With the union of the coal association and the American Mining Congress to form the National Mining Association, two voices became one.

It has been America's good fortune to have leaders which exhibit true faith and allegiance to the general welfare and the blessings of liberty.

One such leader is Richard L. Lawson. I personally thank him for his efforts, for his patriotism, and for his vision.

His 40 years of combined military duty is rich with decorations and honors. It includes the Defense Distinguished Service Medal, the Air Force Distinguished Service Medal with oak leaf cluster, and the Legion of Merit. On the level of personal service, it includes the Soldier's Medal that recognizes an act of courage not involving an armed enemy; and the Air Medal and the Bronze Star that reflect combat duty in the Vietnam War.

We owe a debt of gratitude to men like General Lawson, who give so freely and so much to this great nation. May this nation always be blessed with such citizens.

God give us men!
A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue
And brave his treacherous flatteries without winking.
Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;

Then wrongs will be redressed, and right will
rule the earth.
God Give us Men!

SENATOR PATRICK MOYNIHAN'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of the finest scholars to have graced the United States Senate, Senator DANIEL PATRICK MOYNIHAN. As all of you know, our esteemed colleague from New York will soon be retiring from the Senate after 24 years.

Senator MOYNIHAN has a rich history of public service. Beginning his political career as a member of Averell Harriman's gubernatorial campaign staff in 1954, Senator MOYNIHAN used his vast intellect to build one of the most expansive political resumes of the 20th century. To attempt to list every position ever held by my colleague would take entirely too long. However, some of the highlights of his political career include serving in the Cabinet or sub-Cabinet of Presidents Kennedy, Johnson, Nixon, and Ford, serving as a U.S. Ambassador to India, and as a U.S. Representative to the United Nations. In 1976, he again represented the U.S. as President of the United Nations Security Council. It is important to note that Senator MOYNIHAN accomplished all of this prior to his tenure in the Senate.

Though anyone would be impressed with such an extensive biography, Senator MOYNIHAN has not limited himself to the political arena. He has served in the United States Navy, taught at some of the most elite schools in the Nation, authored or edited 18 books, and has served on numerous boards and committees. An exhaustive lifestyle few could endure has resulted in Senator MOYNIHAN's receipt of some of the most prestigious national awards, and 62 honorary degrees.

The Senate will not be the same without my esteemed colleague from the Empire State, and I would like to express my gratitude for his service to this Nation. I wish him and his wife Liz health, happiness, and success in all of their future endeavors.

SENATOR BOB KERREY'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I would like to take this opportunity to bid farewell to a true American hero. Senator J. ROBERT KERREY will be retiring from the United States Senate after dedicating the last twelve years to representing the fine state of Nebraska.

Throughout my tenure in Congress, I have had the opportunity to serve with several distinguished patriots. However, few have displayed the commitment and ability of Senator BOB KERREY.

After graduating from the University of Nebraska at Lincoln in 1966, BOB set his aspirations high, earning a prestigious slot on one of America's most elite fighting forces, the Navy Seals. While serving this Nation in Vietnam, BOB demonstrated the valor, leadership, and selflessness deserving of the Congressional Medal of Honor. The Medal of Honor is the highest medal awarded by the United States and is reserved for those who have gone above and beyond the call of duty, at the risk of their own life, to perform a deed of personal bravery or self-sacrifice.

Upon his return to the States after the war, BOB built a thriving business with unwavering determination. After proving himself an able businessman, he decided to pursue a career in public service. In 1982, he was sworn in as Governor of the Cornhusker State. During his four year tenure, he used his vast financial knowledge to turn a three percent deficit into a seven percent surplus.

BOB changed roles but continued his public service, when he won a seat in the U.S. Senate in 1988. Admired by his constituents for his countless contributions to furthering education and assisting small farmers, he was re-elected in 1994.

It has been a privilege to serve along side this American patriot, and I am pleased that I had the opportunity to work with him on the Armed Services Committee. I wish him and his two children, Benjamin and Lindsey, health, happiness, and success in all their future endeavors.

SENATOR CONNIE MACK'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who has made countless contributions to the state of Florida and to this Nation during his tenure in the United States Senate, Senator CONNIE MACK. Senator MACK has decided to retire after serving two successful terms in the Senate.

Prior to his entrance into public service, CONNIE spent 16 years as a local banker. During this time, he established himself as a civic leader in his Florida community and helped spearhead an effort to build a much needed local hospital. Recognizing that as a member of Congress he could do much more to help not only his local community, but the entire nation as well, he decided to run for a seat in the House of Representatives.

While serving three terms in the House, CONNIE built a reputation as someone who could get things done. It was soon obvious to many familiar with this aspiring politician that his talents would best serve this nation in the United States Senate. Running on a platform of "less taxing, less spending, less government, more freedom," CONNIE MACK was embraced by the Florida voters and was sworn in as the junior Senator for the Sunshine State in January 1989.

Senator MACK was soon recognized by his colleagues as a man with a solid work ethic of uncompromising integrity. In 1996, he was chosen by his Republican colleagues as Chairman of the Republican Conference, and he retained this post for the rest of his time in office. He fought intensely for his constituents, and they repaid him in 1994 when they re-elected him with 70 percent of the vote—the first Republican in Florida to be re-elected to the United States Senate.

During CONNIE's tenure in the Senate, he has used his extensive banking experience to frame landmark legislation which modernized our banking laws and helped prepare our financial system for the global market of the 21st century. A fierce opponent of government waste, he advocates deficit reduction and cutting congressional spending.

CONNIE's most admirable trait is his determination to overcome tragedy. His family's battle with cancer catalyzed the young Senator to push a legislative agenda focused on eliminating this destructive disease. Senator MACK is known nationwide as an advocate for cancer research, and both he and his wife Priscilla have been honored repeatedly for their work to promote cancer awareness. He has been instrumental in obtaining medical research funding, and his perseverance paid off to the benefit of the health of this Nation.

Senator CONNIE MACK is an individual well respected on both sides of the political aisle. His legacy is one composed of honesty and integrity, and I feel that I can speak for all of my colleagues when I express my gratitude for his countless contributions to the Senate. I wish him and his wife Priscilla health, happiness, and success in the years to come.

THE NEED FOR A BIPARTISAN APPROACH TO ENERGY POLICY

Mr. AKAKA. Mr. President, I rise today to talk about an issue which has, of late, affected the lives of all Americans. I am talking about rising energy costs. All indications suggest that America's summer of discontent is going to continue and become the winter of discontent with respect to energy prices. Americans have paid recordbreaking prices at the pump this summer. They will continue to suffer escalating prices this winter, too. Higher energy prices hit most those Americans who can afford it the least. But more important, the findings of an international panel of scientists has concluded that man-made greenhouse gases are altering the atmosphere in ways that affect earth's climate.

The World Meteorological Organization and the United Nations Environment Program established the Intergovernmental Panel on Climate Change (IPCC) in 1988. The function of IPCC is to assess available information on the science, impacts, and cross-cutting economic issues related to climate change, in particular a possible global warming induced by human activities. The IPCC completed its first assessment report in August 1990 which indicated with certainty an increase in the concentration of greenhouse gases due to the human activity. The report assisted the governments of many countries in making important policy decisions, in negotiating, and in the eventual implementation of the UN Framework Convention on Climate Change which was signed by 166 countries at the UN Conference on Environment and Development at Rio de Janeiro in 1992. The convention was ratified in December 1993 and took effect on 21 March 1994. IPCC also issued another assessment in 1995.

I find the conclusions of the panel's latest assessment alarming. One of its most striking findings is its conclusion that the upper range of warming over the next century could be even higher than the panel's 1995 estimates.

The evidence of increasing warming has shown up in different places—retreating glaciers and snow packs, thinning polar ice, and warmer nights. There is a growing consensus that humans are playing a significant role in climate change. Even some of those who dissent from the view that human activity is altering the climate concede that human influence on the earth's climate is established.

I rise today, in the closing days of the 106th Congress, to urge all interested organizations and individuals to begin working now to address energy issues early in the next Congress. We have two distinct problems to address. First, we must ensure that Americans continue to enjoy reasonably priced energy now and in the future. Second, we must work on the development of environmentally sound solutions to our energy problem in the mid- to long-term timeframe.

In the last few months we have had several hearings on electricity restructuring, oil prices, supply and demand, gasoline price hikes, natural gas, and the Strategic Petroleum Reserve. All these hearings point to one thing—that we have problems with our energy picture, and they need to be fixed, and fixed soon.

Our energy problem has been in the making for a long time. For the last thirty years, we have had several energy crises. The reasons for all of these crises were the same: actions and crises in the Middle East, rising American demand, bigger cars, and so on. The crisis this year is no different. Whenever the Middle East sneezes, Americans catch cold. American pockets books have suffered these periodic colds. But the people of Hawaii have suffered a long and almost interminable cold. Throughout the 1990's, Hawaii has been the number one state in terms of gas prices at the pump. It relinquished this dubious honor to states in the Midwest this summer. This has to stop. We must ensure that Americans get energy at reasonable prices.

Our import dependence has been rising for the past two decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. Last year crude oil imports amounted for 58 percent of our oil demand. Oil imports will exceed 60 percent of total demand this year. Imports will constitute 66 percent of the U.S. supply by 2010, and more than 71 percent by 2020. Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

Transportation demands on imported oil remain as strong as ever. Since the oil shock of the 1970s, all major energy consuming sectors of our economy with the exception of transportation have significantly reduced their dependence on oil. The transportation sector remains almost totally dependent on oil-based motor fuels. The fuel efficiency of our vehicles needs to be improved.

U.S. natural gas demand in the last decades has increased significantly. It is expected to grow by more than 30 percent over the next decade. Demand for natural gas from each of the major consuming sectors—residential, commercial, industrial, and electricity generation will increase. Electricity generation accounts for the lion's share of this increase at 50 percent of the increase.

We are facing problems on both sides of the supply and demand equation. Worldwide supplies of available energy sources are getting tighter and demand is increasing. This only means that unless one side of the equation changes, we will continue to have energy problems.

We cannot look at our energy sources in a piecemeal fashion. We will have to take a comprehensive look at all aspects of our energy picture. The only way to deal with our energy problem is to have a multifaceted energy strategy and remain committed to that strategy. We must adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security.

I urge all interested organizations and individuals to work together to strengthen our energy policy, an energy policy that serves the American public.

In the short term, we can do this by building upon a lot of good work that has already been done. Initiatives such as the deep water royalty incentives proposed by our former colleague, Senator Bennett Johnston and supported by the Administration have been major contributors to the 65 percent increase in offshore oil production under this Administration. Policies that led to the increases in natural gas production in deep waters by 80 percent in just the past two years are welcome. Natural gas production on Federal lands has increased by nearly 60 percent since 1992. This is a good sign that we are able to utilize our national resources in an environmentally responsible manner.

Initiatives such as the Interagency Working Group on Natural Gas, the Federal Leadership Forum to address environmental review processes, a resource assessment for Wyoming oil and gas, and technology partnering with the Bureau of Land Management to improve access to Federal lands will provide increased energy resources.

In 1998, DOE and the Occidental Petroleum Corporation, concluded the largest divestiture of federal property in the history of the U.S. government. The sale of Elk Hills Naval Petroleum Reserve in California for $3.65 billion underscored the Clinton Administration's faith in the private sector to carry responsible development of the 11th largest of the Nation's oil and gas fields.

The Clinton Administration has proposed several tax incentives to encourage new domestic exploration and production and to lower the business costs of the producers when oil prices are low. It also proposed tax credits for improving energy efficiency and promoting use of renewable energy. Tax reforms would help us improve our energy supply picture.

The Administration has also advanced legislation to address the issue of restructuring the electric utility industry. A number of other restructuring proposals have been made. The electric utility industry is an integral part of the overall energy supply and demand equation.

The restructuring that we are talking about essentially involves the lower 48 States that are contiguous. Some may ask what is in it for Hawaii? It is not connected to the national grid. The answer is simple. Hawaii imports from the Mainland a vast portion of goods and services it consumes. Reduction in production costs on the Mainland because of competition unleashed by electric utility industry restructuring would benefit the people of Hawaii.

We can build upon the Clinton Administration's accomplishments. Its strategically focused energy policy encompasses economic, environmental, and national security considerations. It is a balanced approach.

The effects of major global climate change on the U.S. and the rest of the world will be devastating. I will take a few minutes here to describe the effect of climate change on Hawaii. Being a state consisting of islands with limited land mass, we are, as we must be, sensitive to global climate changes. We are tropical paradise and we would like to stay that way. But the worldwide problem of greenhouse gases threatens our well-being.

Honolulu's average temperature has increased by 4.4 degrees over the last century. Rainfall has decreased by about 20 percent over the past 90 years. By 2100, average temperatures in Hawaii could increase by one to five degrees Fahrenheit in all seasons and slightly more in the fall. New data may revise this estimation upward.

Estimates for future rainfall are highly uncertain because reliable projections of El Niño do not exist. It is possible that large precipitation increases could occur in the summer and fall. It is also not yet clear how the intensity of hurricanes might be affected.

The health of Hawaii's people may be negatively affected by climate change. Higher temperatures may lead to greater numbers of heat-related deaths and illnesses. Increased respiratory illnesses may result due to greater ground-level ozone. Increased use of air conditioning could increase power plant emissions and air pollution. Viral and bacterial contamination of fish and shellfish habitats could also cause human illness. Expansion of the habitat and infectivity of disease-carrying insects could increase the potential for diseases such as malaria and dengue fever.

In Honolulu, Nawiliwili, and Hilo, the sea level has increased six to fourteen inches in the last century and is likely to rise another 17 to 25 inches by 2100. The expected rise in the sea level could cause flooding of low-lying property, loss of coastal wetlands, beach erosion, saltwater contamination of drinking water, and damage to coastal roads and bridges. During storms, coastal areas would be increasingly vulnerable to flooding.

Agriculture might be enhanced by climate change, unless droughts decrease water supplies. Forests may find adapting to climate change more difficult. For example, 'ohi'a trees are sensitive to drought and heavy rains. Changes could disproportionately stress native tree species because nonnative species are more tolerant of temperature and rainfall changes. Climatic stress on trees also makes them vulnerable to fungal and insect pests.

Hawaii's diverse environment and geographic isolation have resulted in a great variety of native species found only in Hawaii. However, 70 percent of U.S. extinctions of species have occurred in Hawaii, and many species are endangered. Climate change would add another threat. Higher temperatures could also cause coral bleaching and the death of coral reefs.

Hawaii's economy could also be hurt if the combination of higher temperatures, changes in weather, and the effects of sea level rise on beaches make Hawaii less attractive to visitors. Adapting to the sea level rise could be very expensive, as it may necessitate the protection or relocation of coastal structures to prevent their damage or destruction.

We have to address the problems that may be created by the climate change and the sooner we start on this the better off we will be. We would have to invest in the development of new technologies that will provide new and environmentally friendly sources of energy, newer and environmentally friendly technologies that allow use of conventional energy sources. We would have to work closely with other nations in a cooperative manner. We can help the rest of the world through our well known technological prowess.

Our energy policy for the 21st century requires forward thinking. Sustainable economic growth requires a sustainable energy policy. In an era with revolutionary changes in communications and information technologies, information exchange, interdependent trade, the world economies are becoming increasingly globalized. Our challenge will be to sustain this global economy while enhancing the global environment. Our energy challenge will be to formulate and implement policies that provide not only the U.S. but all nations with reasonably priced energy.

We need fundamentally different sources of energy for the 21st century. Hydrogen is one such energy source. The long-term vision for hydrogen energy is that sometime well into the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources. But fossil fuels, especially natural gas, will be a significant long-term transitional resource. In the next twenty years, increasing concerns about global climate changes and energy security concerns will help bring about penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors.

We are a long way from realizing this vision for hydrogen energy. But progress is being made and many challenges and barriers remain. Sustained effort is the only way to overcome these challenges and barriers. We need to support a strategy that focuses on midterm and long-term goals.

While we develop suitable technologies for using this clean source of energy, we can rely on other clean sources such as natural gas. Natural gas is a good choice for the fuel of the future. It is safe and reliable to deliver, more environmentally friendly than oil, and more than three times as energy-efficient as electricity from the point of origin to point of use. There are other potential sources of clean energy such as methane hydrates that need to be explored and developed.

We need to unleash American ingenuity to find solutions to our energy problem. This Senator is convinced that we can do this only when we have a national commitment to, and a strategy for technological advancement as part of national energy policy. Only a national commitment will help us maintain a sustainable economic growth while protecting environmental values. We should recognize that there is a growing intersection between national economy, environment, and energy. If we ignore energy policy, then we only imperil our economy and national security.

I want to compliment my friends, Senators MURKOWSKI and BINGAMAN, the Chairman and Ranking Member of the Senate Energy Committee for the great effort that they put into educating us all and trying to build a consensus on very difficult issues. Our Senate Energy Committee has committed a great deal of time in discussing our energy problems. I believe the time has come for us to act. I am committed to help move the energy agenda with alacrity in the coming Congress.

In the coming session, we must try to move legislation that encourages, adopts, and strengthens energy conservation. We must encourage energy efficiency, and support renewable energy programs. Above all, we must formulate and advance policies that encourage the development of energy resources that diversify our energy mix and strengthen our energy security without sacrificing the environment.

We have had eight long years of unparalleled economic growth. The health of our economy is threatened by the escalating price of energy and dire predictions about our energy supply and demand equation. We cannot allow our energy problem to derail our economy. We cannot allow the greenhouse gases to negatively impact the American people and their way of life. We must act at the earliest possible moment in the coming session to address energy issues that we were not able to address in a bipartisan fashion in the 106th Congress.

TRIBUTE TO SID YATES

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to my friend and colleague, Sid Yates, who first came to Congress in 1948 and who served with great distinction until his retirement at the end of the last Congress. All of us who knew and loved Sid were saddened by his recent death. He was a soft-spoken leader who demonstrated time and again his unequivocal commitment to his constituents in Chicago and his unwavering respect for the nation's best principles. He was a public servant in the truest and most noble sense, and he was a powerful inspiration to all of us who were fortunate enough to work with him.

During his years as Chairman of the Interior Appropriations Subcommittee, Sid skillfully advanced legislation to sustain and protect our national parks and historic sites. He was a brilliant legislator who has done more to preserve our national historic and cultural legacy than any other member of Congress.

Sid was also well known as Congress's leading advocate for the National Endowment for the Arts and Humanities. He was a strong and courageous defender of these important agencies. Especially during times of controversy over the agencies, he spoke effectively and persuasively to preserve their vital programs. Because of Sid Yates, art and music and dance and theater are now more accessible to families across the nation through their schools and in their cultural institutions. It's an outstanding legacy, and I know I join my colleagues in Congress in a commitment to honor Sid Yates' memory with a renewed effort to support the Endowments.

Sid Yates will long be remembered as a man who brought graciousness, integrity and civility to public service. He is a patriot who is deeply missed here in Congress as well as in his beloved Chicago. I commend all that he accomplished, and all of us are grateful for his five decades of selfless and principled public service. He will be remembered fondly for many years to come.

VICTIMS OF GUN VIOLENCE

Mr. HARKIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun safety legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 31, 1999:

Francisco Aguillon, 31, Chicago, IL;
Helton Calderio, 42, Detroit, MI;
Lashon Carter, 18, Kansas City, MO;
Archie Dean, 29, Pittsburgh, PA;
Roland Ford, 15, Washington, DC;
Eddie Griffith, Sr., 71, Memphis, TN;
Richard Hall, 19, Pittsburgh, PA;
Larry Lavigne, 22, New Orleans, LA;
Willie Matthews, 48, Oakland, CA;
Preston Noble, 25, Philadelphia, PA;
William Ohlig, 21, Philadelphia, PA;
Billijo M. Pyle, 51, Akron, OH;
Derrick Smith, 20, Rochester, NY;
Doniell Smith, 14, Washington, DC;
Gene Thompkins, 57, Akron, OH; and
Jorge Vega, 34, Miami-Dade County, FL.

Two of the victims of gun violence I mentioned, 15-year-old Roland Ford and 14-year-old Doniell Smith of Washington, D.C., were shot and killed by four masked gunmen while the two boys and their friends were walking back from a Halloween party hosted by their church. The gunmen fired nearly 30 shots into the group, injuring two and killing Roland and Doniell. A police department representative described the two boys as "strait-laced kids who weren't involved in any negative activity in the community."

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

ADDITIONAL STATEMENTS

COMMENDING IDAHO HIGH SCHOOL STUDENTS FOR HONORING WWII VETERANS

• Mr. CRAPO. Mr. President, I rise to commend the Idaho youth who have honored World War II veterans in recent months. Several Idaho high schools, including Pocatello High School, Highland High School, and Century High School, as well as Bosie high School, have become tremendously involved in Operation Recognition. In addition, students at Eagle High School have fundraised extensively for the National WWII Memorial that will be placed on the National Mall in Washington, DC.

Operation Recognition is a new program through which honorary high school diplomas are awarded to WWII veterans. The veterans who receive these diplomas left for service in the war before they completed their studies. The gesture of awarding an honorary diploma is a way to thank veterans and demonstrate appreciation for the sacrifices that they made.

Students whose high schools award honorary diplomas often assist in planning the details of the ceremony. In the process of developing memorable and personal additions to the graduation, these young people learn about the war and its historical significance.

Pocatello High School has selected December 7th of this year, which is the 59th anniversary of Pearl Harbor, as the date of its ceremony for graduating veterans. Honorary diplomas will also be awarded to those who attended nearby Highland High School and Century High School. As part of the festivities, one student from each high school will interview a veteran who attended his or her school. The graduates and their families are invited to stay after the ceremony for a reunion. Students have been asked to help decorate the stage and escort attendees to their seats.

The Boise High School History Club is already preparing for the April 17, 2001, Boise High veterans' graduation. Students in the club have done exhaustive research to find eligible veterans. They have also been working to publicize the event, preparing a yearbook for each graduating veteran, and making arrangements for a homeroom mentor program. The students are arranging speaking opportunities for the veterans and a range of social activities, including a cookout. Idaho State Veterans Home Volunteer Coordinator, Tom Ressler, says that the goal is to establish a relationship between veterans and students before the graduation.

Eagle High School students showed their appreciation for WWII veterans by raising more than twenty-three thousand dollars for the National WWII Memorial. Their year-and-a-half fundraising effort proved to be the most successful of all our nation's high schools. The enthusiastically-run fundraising campaign included candy sales, a giant tag sale, and concession stands. The students also marched in parades and ran advertisements on television.

Eleventh grade American history teacher, Gail Chumbley, and student chairs Fil Southerland and Kate Bowen spearheaded the initiative. Ms. Chumbley reported that the fundraising campaign has motivated many students to learn about WWII outside of class. Ms. Chumbley, Mr. Southerland, and Ms. Bowen will present The National Campaign Chairman, Senator Bob Dole, with a commemorative check at the monument's groundbraking ceremony that will be held on Veterans' Day this year.

I take great pride in the fact that members of the youngest generation of Idahoans, who have grown up in a time of relative peace and unprecedented prosperity for our country, take time to honor our nation's WWII veterans. Through their endeavors, these students have learned much about WWII. In the process, they have heightened their community's awareness of this important part of American history and the brave people who were part of it.•

COMMENDATION FOR JARED HOHN AND THE HOTSHOTS

• Mr. JOHNSON. Mr. President, I rise today to commend the Sawtooth Hotshots for their valiant efforts in fighting the recent forest fires that raged through the Black Hills of South Dakota and other western states. The Hotshots are U.S. Forest Service fire crews that specialize in putting out large forest fires. The work is tough, demanding and invaluable. The Hotshot crew is dedicated, spending countless hours training for situations like those faced this summer. Once the fires occur, they often literally work around the clock to save the forests.

Nowhere is this spirit more exemplified than by Jared Hohn, a 21-year old college student from Hill City, South Dakota. For the last four summers, Jared has worked as a member of the Hotshot crew, fighting fires all over the country to help put himself through college at the University of South Dakota. As a member of the crew, he often works 16 hour days and, in one instance, worked for 42 hours straight fighting desert fires.

The work is dangerous and many lives have been lost. But the 80 hours of training that the crew receives at the start of each summer greatly helps to minimize the danger that they face. The training teaches proper firefighter techniques and understanding of the forces that affect fires, like weather patterns.

The dedication to public service and to saving lives is reflected in Jared and the entire Hotshot crew. Jared and the Hotshots are a hard-working group who literally lay their lives on the line to improve the world around us and to protect us from fires. We owe a great deal to them and to the Forest Service for preforming such a valuable public service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:16 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 3164. An act to protect seniors from fraud.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 154. Concurrent resolution to acknowledge and salute the contributions of coin collectors.

S. Con. Res. 156. Concurrent resolution to make a correction in the enrollment of the bill S. 1474.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4907. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5537. An act to waive the period of Congressional review of the Child in Need of Protection Amendment Act of 2000.

The message also announced that the House has agreed to the following concurrent resolutions, and requests the concurrence of the Senate:

H. Con. Res. 434. Concurrent resolution commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

H. Con. Res. 439. Concurrent resolution correcting the enrollment of H.R. 2614.

ENROLLED BILLS SIGNED

At 5:16 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estate of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2060. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in

Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

Under the authority of the order of the Senate of October 30, 2000, at 8 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution:

H.J. Res. 121. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 121. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11384. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900-AJ88) received on October 26, 2000; to the Committee on Veterans' Affairs.

EC-11385. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "John D. Shea v. Commissioner" (115 T.C. No. 8) received on October 27, 2000; to the Committee on Finance.

EC-11386. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000-51-BLS-LIFO Department Store Indexes—September 2000" (Rev. Rul. 2000-51) received on October 27, 2000; to the Committee on Finance.

EC-11387. A communication from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1090-AA64) received on October 26, 2000; to the Committee on Energy and Natural Resources.

EC-11388. A communication from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled "Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Play Areas" (RIN3014-AA21) received on October 23, 2000; to the Committee on Environment and Public Works.

EC-11389. A communication from the Alternate OSD Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Prime Enrollment" received on October 26, 2000; to the Committee on Armed Services.

EC-11390. A communication from the Director of the Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Update of Small Business Specialist Functions" (DFARS Case 2000-D021) received on October 26, 2000; to the Committee on Armed Services.

EC-11391. A communication from the Chief, Military Justice Division, Air Force Legal Services Agency, transmitting, pursuant to law, the report of a rule entitled "Delivery of Personnel to United States Civilian Authorities for Trial" (32 CFR 884) received on October 26, 2000; to the Committee on Armed Services.

EC-11392. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 747 Civil Monetary Penalty Inflation Adjustment" received on October 26, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11393. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Insurance and Rates 65 FR 60759 10/12/2000" (RIN3067-AD01) received on October 26, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11394. A communication from the Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Delivery of Proxy Statements and Information Statements to Households" (RIN3235-AH66) received on October 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11395. A communication from the Under Secretary of Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Non-Discretionary Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584-AC41) received on October 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11396. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Decreased Assessment Rate" (Docket Number: FV00-920-3 FIR) received on October 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2665: A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources (Rept. No. 106-511).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 3265. A bill to amend the Internal Revenue Code of 1986 to clarify treatment of employee stock purchase plans; to the Committee on Finance.

By Mr. BREAUX:

S. 3266. A bill to amend the Delta Development Act to expand the area covered by the Lower Mississippi Delta Development Commission to include Natchitoches Parish, Louisiana; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Con. Res. 157. A concurrent resolution expressing the sense of the Congress that the Government of Mexico should adhere to the terms of the 1944 Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande Treaty between the United States and Mexico; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. CONRAD, and Mrs. HUTCHISON):

S. Con. Res. 158. A concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CRAIG:

S. 3265. A bill to amend the Internal Revenue Code of 1986 to clarify treatment of employee stock purchase plans; to the Committee on Finance.

WORKER INVESTMENT PROTECTION ACT

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to clarify the tax treatment of employee stock purchase plans (ESPPs). The Worker Investment Protection Act provides this needed clarification.

Employee stock purchase plans are a common tool used by employers to allow rank-and-file employees to set aside part of their paychecks to purchase the company's stock. The tax code provides incentives for employees to participate in ESPPs to encourage employee ownership. This legislation is necessary because in selected cases around the country, the Internal Revenue Service (IRS) has begun to act contrary to almost 30 years of published policy, and is attempting to collect income taxes and payroll taxes on ESPPs. For three decades, the published IRS ruling position (Rev. Rul. 71-52) has been that transactions under qualified stock option plans do not give rise to income that is subject to employment taxes. In Notice 87-49, the IRS extended the principles of this ruling to incentive stock options (ISOs). In a series of private letter rulings, the IRS applied the same position to ESPP transactions, which are generally governed by the same Code provisions as qualified and incentive stock options. The IRS has periodically indicated that it may reconsider the positions in Rev. Rul. 71-52 and Notice 87-49, but no further official guidance has been forthcoming.

Rev. Rul. 71-52 and Notice 87-49 remain the best statements of current law and represent the only publicly published IRS position on current law. Nevertheless, IRS agents have selectively begun seeking to collect retroactive assessments of employment taxes, including withholdings, from employers who reasonably relied on these rulings and did not subject transactions under ESPPs to such taxes.

The IRS's actions in this area are inconsistent with long-standing published IRS positions. This legislation would clarify that any income arising from transactions under ISOs and ESPPs, either upon grant or exercise, or qualifying and disqualifying disposition, is not subject to employment taxes or federal income tax withholding.

ESPPs are the primary vehicle through which rank and file workers purchase stock in their companies. However, additional tax liabilities on employees and high administrative costs for plan administration will discourage employers from offering these programs that encourage broad-based employee stock ownership. Imposing employment taxes on otherwise nontaxable transactions will weaken incentives for employees to participate. The taxes involved are very modest when compared with the compliance costs and the unfair burdens on rank-and-file workers generally.

This legislation will clarify what is sensible tax policy regarding ESPPs. More important, it will empower workers during their working years because they will be both employees and owners of the company as well as additional providers of their own retirement security. Furthermore, it will thwart the arbitrary and selective IRS actions, contrary to all previously published Treasury and IRS policies.

I am introducing the Worker Investment Protection Act in the closing days of the 106th Congress with the hope that the Secretary of the Treasury, Lawrence Summers, will clarify longstanding IRS policy, and therefore preclude the need for this legislation. If not, I intend to pursue this legislation aggressively during the next session of Congress. I urge my colleagues to support the Worker Investment Protection Act.

Mr. President, I ask unanimous consent the attached letters from the American Electronic Association, Micron Technology, and the National Association of Manufacturers in support of my efforts regarding employee stock purchase plans be made a part of the RECORD, immediately following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, September 20, 2000.

Re tax withholding on employee stock purchase plans.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: On behalf of the more than 3,000 small, medium and large company members of the American Electronics Association (AEA), I am writing to express our serious concern over the issue of payroll tax withholding on stock obtained from an employee stock purchase plan (ESPP) qualified under section 423 of the Internal Revenue Code. Many of our member companies' ESPPs have been an important part of their overall compensation packages, benefiting over hundreds of thousands high-tech employees.

We are writing to express our strong support of your effort to amend the Community Renewal and New Markets Act of 2000 to ensure that purchases from Employee Stock Purchase Plans ("ESPP") continue to enjoy the favorable tax treatment that was intended.

AEA understands that the favorable tax treatment of equity ownership by employees is in jeopardy. The Treasury is working on guidance that could reverse 30 years of IRS precedent and business practice in this area by imposing employment taxes when employees exercise ESPP options. There simply is no reason to impose employment taxes on amounts that are not subject to current income tax, and no law has changed that validates the IRS' change in position. Sound tax policy supports rules that encourage companies to continue these plans and does not weaken the incentives for rank-and-file employees to participate in them.

We support your amendment to the Community Renewal and New Markets Act of 2000 legislation that would reaffirm the positions that taxpayers have been following in good faith in this area, consistent with Congressional intent. Please feel free to contact me or AEA's Tax Counsel, Caroline Graves Hurley, if we can provide you any additional information on this matter. We appreciate your attention to this important issue.

Sincerely,

JOHN P. PALAFOUTAS,
Sr. Vice President.

MICRON TECHNOLOGY, INC.,
Boise, ID, September 20, 2000.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR MR. CRAIG: Micron Technology is writing to seek your support of legislation that would confirm the long-standing treatment under the tax code of Employee Stock Purchase Plans ("ESPPs"). This issue is very important to companies like ours who encourage employee-ownership.

To provide some background, an employer is generally required to withhold income and employment taxes on "wages" paid to an employee. However, the IRS ruled in 1971 that the acquisition of stock by an employee pursuant to a qualified stock option does not result in the payment of "wages" and, therefore, is not subject to income tax withholding and employment taxes. Employers and the IRS have followed this principles for almost 30 years.

Recently, and without proper notification to taxpayers, the IRS changed its position and instructed its auditors to retroactively impose deficiency assessments on companies that failed to withhold income and employment taxes on the benefits afforded by qualified ESPPs.

There are compelling legal and policy reasons to support the position that ESPP transactions are exempt from employment taxes and Federal income tax withholding. The IRS's change of position will discourage broad-based employee stock ownership; will weaken the incentives for workers to participate in these programs; and will increase corporate compliance costs far in excess of the potential tax amounts involved.

Sincerely,

RODERIC W. LEWIS,
Vice President and General Counsel.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, September 20, 2000.

Hon. WILLIAM V. ROTH,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Manufacturers (NAM), the "18 million people who make things in America" and our 14,000 small, mid-sized and large member companies, I urge you to take action this year on a proposal to clarify the tax treatment of employee stock purchase plans (ESPPs). Specifically, I encourage you to include in your Chairman's Mark of the Community Renewal and New Markets Act of 2000 an ESPP amendment officer by committee member Larry Craig.

The tax code currently includes incentives for ESPPs that employees to purchase company stock at a discount of up of 15%. For nearly 30 years, IRS has taken the position in published guidance that ESPP transactions are exempt from employment taxes and federal income tax withholding. However, over the past two years, IRS agents have sought to collect employment taxes from employers who did not subject these transactions to such taxes. The amendment offered by Sen. Craig confirms that any income from ESPP transactions is not subject to employment taxes or federal income tax withholding.

Based on our experience, ESPPs motivate employees and create entrepreneurial zeal by giving workers a stake in their company's future. In contrast, the additional tax liabilities and administrative costs of IRS' change in position will discourage employers from offering these programs. At the same time, imposing employment taxes on ESPP transactions will confuse employees and weaken incentives for them to participate. The Craig amendment will ensure that employers continue to offer ESPPs and that employees continue to benefit from company ownership. Thank you in advance for supporting this important initiative.

Sincerely,

DOROTHY COLEMAN,
Vice President, Tax Policy.

ADDITIONAL COSPONSORS

S. 751

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 861

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 3139, a bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien.

S. 3152

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3242

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3242, a bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes.

SENATE CONCURRENT RESOLUTION 157—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF MEXICO SHOULD ADHERE TO THE TERMS OF THE 1944 UTILIZATION OF WATERS OF THE COLORADO AND TIJUANA RIVERS AND OF THE RIO GRANDE TREATY BETWEEN THE UNITED STATES AND MEXICO

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 157

Whereas, the United States and Mexico signed a Treaty on Water Utilization on February 3, 1944, to divide the waters of the Rio Grande and Colorado River systems, and;

Whereas, the Treaty required Mexico to deliver a minimum of 350,000 acre feet of water per year on a five year average from six Mexican tributaries, and;

Whereas, the Treaty required the United States to deliver a minimum of 1,500,000 acre feet of water per year from the Colorado River, and;

Whereas, the United States has never failed to meet its obligations under the Treaty, and;

Whereas, during the period of 1992–1997, Mexico failed to meet its obligations under the treaty by 1,024,000 acre feet, and;

Whereas, a recent study conducted by the Texas A&M University agriculture program has determined the economic impact to South Texas from this water loss due to noncompliance with the Treaty at $441,000,000 per year;

Whereas, the Government of Mexico has not presented any plan to repay its entire water debt, as required by the Treaty: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that:

(1) The President of the United States should promptly utilize the full power of his office to bring about compliance with the 1944 Treaty on Water Utilization in order that the full requirement of water be available for United States use during the next full crop season.

(2) The United States Section of the International Boundary and Water Commission should work to bring about full compliance with the 1944 Treaty on Water Utilization and not accept any water debt or deficit repayment plan which does not provide for the full repayment of water owed.

SENATE CONCURRENT RESOLUTION 158—EXPRESSING THE SENSE OF CONGRESS REGARDING APPROPRIATE ACTIONS OF THE UNITED STATES GOVERNMENT TO FACILITATE THE SETTLEMENT OF CLAIMS OF FORMER MEMBERS OF THE ARMED FORCES AGAINST JAPANESE COMPANIES THAT PROFITED FROM THE SLAVE LABOR THAT THOSE PERSONNEL WERE FORCED TO PERFORM FOR THOSE COMPANIES AS PRISONERS OF WAR OF JAPAN DURING WORLD WAR II

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. CONRAD, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps:

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

AMENDMENTS SUBMITTED

MARRIAGE TAX RELIEF ACT OF 2000

FEINGOLD (AND OTHERS) AMENDMENT NO. 4354

Mr. GRASSLEY (for Mr. FEINGOLD (for himself, Mr. ABRAHAM, and Mr. LEVIN)) proposed an amendment to the bill (S. 2346) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes: as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).".

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

COLLINS (AND FEINSTEIN) AMENDMENT NO. 4355

Mr. GRASSLEY (for Ms. COLLINS (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill (S. 2924) to strengthen the enforcement of Federal statutes relating to false identification and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or";

(2) in subsection (b)(1)(D), by striking "(7)" and inserting "(8)";

(3) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(4) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;"; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

"(7) the term 'transfer' includes making available for acquisition or use by others; and"; and

(6) by adding at the end the following:

"(i) EXCEPTION.—

"(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

"(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

"(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

"(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

"(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted for Dr. Cate McClain, a fellow with the Aging Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE ENFORCEMENT BY STATE AND LOCAL GOVERNMENTS OF FCC REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2346, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4354

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. FEINGOLD, for himself, Mr. ABRAHAM, and Mr. LEVIN, proposes an amendment numbered 4354.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall, to the exent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).".

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4354) was agreed to.

The bill (H.R. 2346), as amended, was read the third time and passed.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 861, which is S. 2924.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2924) to strengthen enforcement of Federal statutes relating to false identification, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. SPECIAL TASK FORCE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a task force to investigate and prosecute the creation and distribution of false identification documents.

(b) MEMBERSHIP.—The task force shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The task force shall terminate 2 years after the effective date of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) in paragraph (7), by inserting "or" after the semicolon; and

(C) by adding after paragraph (7) the following:

"(8) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document.";

(2) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(3) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce"; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(C) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;"; and

(D) in paragraph (6), as redesignated (previously paragraph (5)), by inserting ", including making available for acquisition or use by others" after "assemble".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

AMENDMENT NO. 4355

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley], for Ms. Collins, for herself and Mrs. Feinstein, proposes an amendment numbered 4355.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) In General.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) Membership.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) Term.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) Report.—

(1) In general.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) Contents.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or";

(2) in subsection (b)(1)(D), by striking "(7)" and inserting "(8)";

(3) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(4) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;"; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

"(7) the term 'transfer' includes making available for acquisition or use by others; and"; and

(6) by adding at the end the following:

"(i) Exception.—

"(1) In general.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

"(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

"(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

"(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

"(2) Definition.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased that the Senate is now considering legislation I introduced to stem the proliferation of websites that distribute counterfeit identification documents and credentials over the Internet. I appreciate the timely action on this legislation by the chairman of the Judiciary Committee, Senator Hatch, as well as the support and assistance of Senators Kyl, Leahy, and Feinstein. The substitute amendment proposed by Senator Feinstein and me improves the bill while retaining all of its key features.

After this measure becomes law, Internet commerce in computer discs, files, and templates designed for use in the production of false identification documents will be illegal. The bill will also outlaw the practice of producing false identification containing easily removable disclaimers, a method currently used to avoid prosecution. Finally, the legislation will establish a coordinating committee to concentrate resources of several federal agencies on investigating and prosecuting the creation of false identification. I authored this legislation after the Permanent Subcommittee on Investigations, which I chair, held hearings on a disturbing new trend—the use of the

Internet to manufacture and market counterfeit identification documents and credentials. Our hearing and investigation revealed the widespread availability on the Internet of a variety of fake identification documents and computer templates that allow individuals to manufacture authentic-looking IDs in the seclusion of their own homes. The Internet False Identification Prevention Act of 2000 will strengthen current law to prevent the distribution of false identification documents over the Internet and make it easier to prosecute this criminal activity.

Mr. President, the high quality of the counterfeit identification documents that can be obtained through the Internet is astounding. With little difficulty, my staff was able to use Internet materials to manufacture convincing IDs that would allow me to pass as a member of our Armed Forces, a reporter, a student at Boston University, or a licensed driver in Florida, Michigan, or Wyoming, to name just a few of the identities I could assume. For instance, using the Internet my staff created a counterfeit Connecticut driver's license that is virtually identical to an authentic license issued by the Connecticut Department of Motor Vehicles. Just like the real Connecticut license, this fake with my picture includes a signature written over the picture and an adjacent "shadow picture" of the license holder. The State of Connecticut added both of these sophisticated security features to the license in order to reduce counterfeiting. Unfortunately, some websites offer to sell fake IDs complete with State seals, holograms, and bar codes to replicate a license virtually indistinguishable from the real thing. Thus, technology now allows website operators to copy authentic identification documents with an extraordinary level of sophistication and then mass produce those fraudulent documents for their customers. The websites investigated by the subcommittee offer a vast and varied product line, ranging from driver's licenses to military identification cards to federal agency credentials, including those of the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA). Other sites offer to produce Social Security cards, birth certificates, diplomas, and press credentials.

Testimony before the subcommittee demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that 2 years ago only 1 percent of false identification documents came from the Internet. Last year, he testified, a little less than 5 percent came from the Internet. Now he estimates that about 30 percent of the false identification documents he seizes comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet. The General Accounting Office (GAO) and the FBI have both confirmed the findings of the subcommittee's investigation. Earlier this year the GAO used counterfeit credentials and badges, readily available for purchase on the Internet, to breach the security at 19 federal buildings and two commercial airports. GAO's findings demonstrate that, in addition to the poor security measures at federal facilities, the Internet and computer technology allow nearly anyone to create convincing identification cards and credentials. The FBI has also focused on the potential for misuse of official identification, and recently executed search warrants at the homes of several individuals who had been selling federal law enforcement badges over the Internet.

In response to these findings, the House has passed legislation that will complement the provisions in the bill we currently have under consideration. H.R. 4827, the Enhanced Federal Security Act of 2000, was introduced by Congressman STEVE HORN, and would make it a crime to enter federal property under false pretenses or for an unauthorized individual to traffic in genuine or counterfeit police badges. The House bill, supported by Congressman MCCOLLUM, chairman of the House Judiciary Subcommittee on Crime, provides an additional measure to curb the use of false identification, and I hope that the Senate will approve it along with S. 2924.

Mr. President, the Internet is a revolutionary tool of commerce and communication that benefits us all. But many of the Internet's greatest attributes also further its use for criminal purposes. While the manufacture of false identification documents by criminals is nothing new, the Internet allows those specializing in the sale of counterfeit identification to reach a broader market of potential buyers than they ever could by standing on a street corner in a shady part of town. They can sell their products with virtual anonymity through the use of e-mail services and free Web hosting services, and by providing false information when registering their domain names. Similarly, the Internet allows criminals to obtain fake IDs in the privacy of their own homes, substantially diminishing the risk of apprehension that attends purchasing counterfeit documents on the street. Because this is a relatively new phenomenon, there are no good data on the size of the false identification industry or the growth it has experienced as a result of the Internet. The subcommittee's investigation, however, found that some Web site operators apparently have made hundreds of thousands of dollars through the sale of phony identification documents. One website operator that we investigated told a state law enforcement official that he sold approximately 1,000 fake IDs every month and generated about $600,000 in annual sales.

Identity theft is a growing problem that these Internet sites encourage. Recent testimony by the Federal Trade Commission noted that the number of calls to their ID theft hotline had doubled between March and July of this year, that the agency was receiving between 800 and 850 calls a week, and that their phone counselors had handled more than 20,000 calls in an 8-month period earlier this year. Fake IDs, however, facilitate a broader array of criminal conduct. The subcommittee's investigation found that some Internet sites were used to obtain counterfeit identification documents for the purpose of committing other crimes, ranging from very serious offenses such as bank fraud to the more common problem of underage teenagers buying alcohol or gaining access to bars. The legislation under consideration today is designed to address the problem of counterfeit identification documents in several ways. The central features of the bill are provisions that modernize existing law to address the widespread availability of false identification documents on the Internet.

First, the legislation strengthens federal law against false identification to ensure that it is suited to the Internet age and the technology associated with it. The primary law prohibiting the use and distribution of false identification documents was enacted in 1982. Advances in computer technology and the use of the Internet may have rendered the law inadequate to encompass the technology of the present day. This bill will clarify that current law prohibits the sale or distribution of false identification documents through computer files and templates, which our investigation found are the vehicles of choice for manufacturing fake IDs in the Internet age.

Second, the legislation will make it easier to prosecute those criminals who manufacturer, distribute or sell counterfeit identification documents by ending the practice of using easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of "novelty." No longer will it be acceptable to provide computer templates of government-issued identification containing an easily removable layer saying it is not a government document.

For instance, the subcommittee staff purchased a fake Oklahoma driver's license as part of an undercover operation conducted during our investigation. The fake license appears to bear the disclaimer, "Not a Government

Document," which is required by federal law. We found, however, that with one simple snip of the scissors, the fake ID could be removed from his laminated pouch, effectively discarding the disclaimer. It will no longer be acceptable under my bill to sell a false identification document in this fashion.

Finally, my legislation seeks to encourage more aggressive enforcement by dedicating investigative and prosecutorial resources to this emerging problem. The bill establishes a multi-agency coordinating committee that will concentrate the investigative and prosecutorial resources of several agencies with responsibility for enforcing laws that criminalize the manufacture, sale, and distribution of counterfeit identification documents. While the new provisions are intended to cover any individual or entity using a computer disc, file, template, or the Internet to produce, transfer or make available false identification documents or document-making implements, the substitute bill makes clear that the new offense does not cover companies providing interactive computer services, such as Internet service providers, communications facilities, or electronic mail services, who are innocent conduits of false identification documents. Just as the counterfeiting laws do not cover an unknowing provider of a device or service used to manufacture or transmit counterfeit money, the provisions in this legislation are not meant to apply to unknowing parties whose devices or services are used in the production or transfer of false identification documents. This exception is inapplicable, however, and ordinary common law doctrines of criminal liability will apply in cases of conspiracy between the interactive computer service and the user; knowledge of and specific intent of an officer, director, partner or controlling shareholder that the server or system be used for this criminal purposes; or when the material available through a service consists primarily of material that is covered by the new offense in this legislation.

This bill is one in a line of bills that have been considered by Congress in recent years that address the issue of service provider liability relevant to the unlawful conduct of third parties. These have ranged from bills dealing with the liability of service providers in cases of defamation suits, to copyright infringement actions, to criminal prosecutions for online drug trafficking, Internet gambling, and in this case, online distribution of false identification document-making implements. Through these bills, Congress has had to consider the complexities of the particular area of law at hand, the application of common law doctrines, such as respondant superior and theories of contributory and vicarious liability, and the nature of liability with respect to specific violations in both civil and criminal contexts. In short, I believe that my bill, while addressing a number of these issues, does not necessarily set a standard for Congress to follow when considering the issue of service provider liability in future bills, in future contexts.

Mr. President, our investigation established that federal law enforcement officials have failed to devote the necessary resources and attention to this serious problem. By striking at the purveyors of false identification materials, I believe we can reduce the end-use crime that often depends upon the availability of counterfeit identification. For instance, the convicted felon who testified at the subcommittee's hearing said that he would not have been able to commit bank fraud had he not been able to easily and quickly obtain high quality, fraudulent identification documents over the Internet. I am confident that, if federal law enforcement officials prosecute the most blatant violators of the law, the false ID industry on the Internet will wither in short order. By strengthening the law and by focusing our prosecution efforts, I believe that we can curb the widespread availability of false identification documents that the Internet encourages. The Director of the United States Secret Services testified at our hearing that the use of fraudulent identification documents and credentials almost always accompanies the serious financial crimes that they investigate. Thus, I believe that a stronger law against making false identification documents will deter criminal activity in other areas as well. I urge my colleagues to support S. 2924.

I ask unanimous consent to have print in the RECORD a brief section-by-section summary of the substitute for S. 2924.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000 (COLLINS/FEINSTEIN SUBSTITUTE)—SECTION-BY-SECTION SUMMARY

Section 1 names the bill as the Internet False Identification Prevention Act of 2000.

Section 2 establishes a coordinating committee to ensure the vigorous investigation and prosecution of the creation and distribution of false identification documents. The coordinating committee, appointed by the Attorney General and the Secretary of the Treasury, shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service, and shall exist for two years. The coordinating committee will focus investigative and prosecutorial resources of the federal agencies concerned with false identification in order to curb this growing problem, and will report the results of agency actions each year.

Section 3 will amend 18 U.S.C. §1028 to modernize the primary federal law pertaining to false identification documents. The bill modifies the existing definition of "document-making implement" to include computer templates and files that are now frequently used to create counterfeit identification documents from the Internet.

A new provision will make it illegal to "knowingly produce or transfer a document making implement that is designed for use in the production of a false identification document." This provision will close a loophole which currently allows a person to transfer, through a Web site or e-mail, false identification templates that can easily be made into actual finished documents. Current law will also be amended to cover, in addition to documents used in interstate or foreign commerce, any document made available by "electronic means." This will ensure that a false identification document offered for download on a Web site is captured by the statute. Innocent third parties, such as Internet service providers or transmission companies, are excluded from coverage under the legislation.

Finally, this section will provide for the first time a definition of "false identification document." A "false identification document" will be defined as a document that is intended or commonly accepted for the purpose of identification which is not issued by or under the authority of a government, but which appears to be issued by or under the authority of any government entity. This provision, in conjunction with the removal of the disclaimer provision below, will make it clear that it is illegal for anyone but a government entity to produce any document that is commonly accepted for legal identification.

Section 4 will repeal 18 U.S.C. §1738, thus ending the ability to use a disclaimer and legally produce identification documents that include the age or birth date of an individual. Repealing Section 1738 will prohibit the practice, which was frequently encountered during the Subcommittee's investigation, of attempting to avoid criminal liability for manufacturing and selling counterfeit identification products by displaying a "NOT A GOVERNMENT DOCUMENT" disclaimer. This type of disclaimer can be fashioned so as to be easily removable on both computer templates and counterfeit identification documents. It will now be illegal to produce or sell any document that resembles a government identification document.

Section 5 will make the provisions effective 90 days after enactment.

Mr. LEAHY. Mr. President, the Internet False Identification Prevention Act, S. 2924, is intended to provide additional tools to law enforcement to combat the theft of, and fraud associated with, identification documents and credentials. I share the concerns of the sponsors of this legislation over this matter. In fact, in the last Congress, I sponsored, along with Senators KYL, HATCH, FEINSTEIN and others, legislation to prohibit fraud in connection with identification information, not just physical documents. We recognized that criminals do not necessarily need a physical identification document to create a new identity; they just need the information itself to facilitate the creation of false identification documents.

I note that improvements to the bill as originally introduced were made during consideration of the legislation by the Senate Judiciary Committee. Specifically, as originally introduced this bill would have made it a crime to possess with intent to use or transfer any false identification document, rather than "five or more" as required under current law. See 18 U.S.C. 1028(a)(3). I raised concern that the scope of this proposed offense would have resulted in the federalization of the status offenses of an underage teenager using a single fake ID card. The substitute bill reported by the Judiciary Committee eliminated this change in current law.

The substitute amendment that the Senate considers today would require the Attorney General and the Secretary of the Treasury to coordinate through a "coordinating committee" the investigation and prosecution of offenses related to false identification documents, and report to the Judiciary Committees of the House and the Senate on the number and results of prosecutions. In addition, the substitute amendment amends 18 U.S.C. 1028 in a number of ways, including by creating a new criminal prohibition on the knowing production or transfer of a document-making implement designed for use in the production of false identification documents. A new definition is provided for the term "transfer" to include "making available for acquisition or use by others." To address the concerns of internet service providers that the combination of the new crime and the new definitions would expose them to criminal liability, the bill also includes an exemption from the new crime for an interactive computer service.

In addition, the bill repeals 18 U.S.C. 1738, which allows businesses that sell identification documents bearing the birth date or age of the person being identified to avoid criminal liability by printing clearly and indelibly on both the front and the back "Not a Government Document."

While I do not object to moving this bill at this time, I must note two lingering concerns that we have to revisit. First, I appreciate that the sponsors wish to repeal 18 U.S.C. 1738 to stop the practice of selling counterfeit identification products with disclaimers that are intentionally fashioned to be easily removable on both computer templates and counterfeit identification documents but that nevertheless avoid criminal liability by displaying the disclaimer. This is a practice that deserves congressional attention, but I am concerned that repeal of this section may go too far, since it may remove legal protection for some legitimate businesses that sell identification documents for legitimate reasons, such as for security or private guard services.

The legislative history of section 1738 makes clear that this provision was considered necessary when passed because private identification documents "are used by many persons who have no official record of their date of birth and are unable to obtain official identification cards for that reason. The conferees determined that to simply require privately issued identification cards to carry a prominent disclaimer that they are not government documents would adequately protect the public interest." Conference Report on False Identification Crime Control Act of 1982 (H.R. 6946), 97th Cong., 2d Sess., Rpt. 97-975, at p. 4 (December 17, 1982). It remains unclear to me how many legitimate uses and businesses will be affected by repeal of this section, and the manner in which this repeal is being enacted makes it impossible to know in advance.

Second, the substitute amendment contains an exemption for interactive computer services that was added after consideration by the Judiciary Committee. Representatives of internet service providers expressed concern that the breadth of the intent standard in the bill, which provides that a defendant need only knowingly transfer or make available by electronic means an illegal document-making implement, such as computer template, to risk criminal liability. They contend that this scienter requirement could put at risk ISPs that simply offer a third party the ability to communicate or locate material that is otherwise illegal, even though the ISP does not know that the document-making implement can be or will be used to make false identification documents and does not intend to be facilitating an illegal transaction.

The ISPs may have correctly pointed out a problem in the scope of the criminal liability but the cure should not be to grant a blanket exemption for service providers. There is no comparable exemption anywhere else in the federal criminal code. A better cure would have been to clarify the scope of the criminal prohibition and to define more precisely the scienter requirement for criminal liability. Instead of making the new crime applicable to anyone who "knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document," the bill could have been more precisely drawn to cover only a person who "knowingly produces or transfers a document-making implement with the intent that it be used in the production of a false identification document." This would have avoided the necessity of carving out exemptions for innocent ISPs that merely facilitate the transfer of illegal document-making implements, without knowing the nature of the what is being transferred.

Moreover, including an immunity provision in this bill for ISPs raises a question about their criminal liability exposure under many other criminal statutes that make illegal the knowing transfer of illegal materials without requiring specific knowledge on the part of the transferor that the material is illegal. For example, federal law prohibits the knowing distribution, including by computer, of any material that contains child pornography. 18 U.S.C. 2251A(a)(2)(B). There is no blanket immunity for ISPs for facilitating the distribution of such illegal material. Will inclusion of a blanket immunity provision in this bill encourage courts to construe broadly the prohibitions in other statutes to cover innocent ISPs? This is a matter that could benefit from additional scrutiny.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4355) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2924), as amended, was passed, as follows:

S. 2924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or";

(2) in subsection (b)(1)(D), by striking "(7)" and inserting "(8)";

(3) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(4) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;"; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

"(7) the term 'transfer' includes making available for acquisition or use by others; and"; and

(6) by adding at the end the following:

"(i) EXCEPTION.—

"(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

"(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

"(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

"(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

"(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

EXPRESSING THE SENSE OF CONGRESS REGARDING ACTIONS OF THE UNITED STATES GOVERNMENT REGARDING CLAIMS OF FORMER MEMBERS OF THE ARMED FORCES AGAINST JAPANESE COMPANIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 158 submitted by Senator HATCH.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 158) expressing the sense of Congress regarding appropriate actions of the U.S. Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as POWs of Japan during World War II.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. I rise today with my cosponsors, Senators FEINSTEIN and BINGAMAN, in support of a sense of the Senate resolution to encourage the U.S. Government, through the State Department or other appropriate offices, to use its best efforts to open a dialog between former American POW's forced into slave labor in Japan and the private Japanese companies that profited from their labor. This is a very important issue to our veterans and I think they deserve our help.

On April 9, 1942, Allied forces in the Philippines surrendered Bataan to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands of POW's were shipped to Japan in the holds of freighters known as "Hell Ships." Once in Japan, many of these POW's were forced into slave labor for private Japanese steel mills and other private companies until the end of the war.

Fifty years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice—and these former POW's were once again asked to sacrifice for their country. Following the end of the war, for example, our government allegedly instructed many of the POW's held by Japan not to discuss their experiences and treatment. Some were even asked to sign nondisclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POW's endured.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, a new effort is underway by the former POW's in Japan to seek compensation from the private companies which profited from their labor. Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese Government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are the same types of claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

The Senate Judiciary Committee held a hearing on the claims being made by the former American POW's against the private Japanese companies. One issue of concern for the Committee was whether the POW's held in Japan are receiving an appropriate level of advocacy from the U.S. Government. In the Holocaust litigation, the United States appropriately played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement, which was just recently finalized, was an invaluable step toward moving forward from the past.

Here, in contrast, there has been no effort by our Government, through the State Department or otherwise, to open a dialog between the Japanese and the former POW's. Moreover, in response to a request from the court, the Justice Department did, in fact, file two statements of interest which were very damaging to the claims of the POW's—stating in essence that their claims were barred by the 1951 Peace Treaty with Japan and the War Claims Act.

From a moral perspective, the claims of those forced into labor by private

German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration. Why?

Here in the Senate, we have been doing what we can to help these former prisoners of war. With the help of Senator FEINSTEIN, we have moved through the Judiciary Committee Senate bill 1902, the Japanese Records Disclosure Act, which would set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. Government after appropriate screening for sensitive national security information and the like.

The Senate is also doing what it can to fulfill our Government's responsibility to these men by including a provision in the DOD authorization bill which would pay a $20,000 gratuity to POW's from Bataan and Corregidor who were forced into labor. Such payment would be in addition to any other payments these veterans may receive under law—and thus would not compromise any of the claims asserted in the litigation against the Japanese companies.

The bill I introduce today, an expression of the sense of the Senate that the U.S. Government should attempt to facilitate a dialog, as it did in the German case, is a logical and appropriate extension of our other efforts. Ultimately, I do not know where we will come out on the precise meaning of the Treaty. Regardless of how the technical legal issues are resolved—which the courts will determine—in light of the moral imperative and interests of simple fairness, we must ask ourselves why shouldn't the United States facilitate a dialog between the parties? When is good faith discussion a bad idea? I think we owe this much to these brave veterans and their families. I believe a good faith dialog is the first step towards a just resolution that accommodates the various moral, legal, national security, and foreign policy interests which are at play.

I urge all Members to support this amendment.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps;

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1550.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1550) entitled "An Act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes", with the following House amendments to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 2000".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.".

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

SEC. 103. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 104. RESEARCH AGENDA.

(a) Requirement.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) Contents of Report.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) Use in Preparing Strategic Plan.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 103.

SEC. 105. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.".

SEC. 106. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 105, is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.".

SEC. 107. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) In General.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) Contents of Assessment.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 108. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by the amendments made by section 102, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 109. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 made with funds authorized by this title (or any amendments made by this title), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 110. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 Act.—

(1) In general.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking "(a) The" in section 24 (15 U.S.C. 2220) and inserting "The"; and

(D) by striking subsection (b) of section 24.

(2) References to secretary.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 4 (15 U.S.C. 2203)—

(i) by inserting "and" after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking "Secretary" and inserting "Director"—

(i) in section 5(b) (15 U.S.C. 2204(b));

(ii) each place it appears in section 7 (15 U.S.C. 2206);

(iii) the first place it appears in section 11(c) (15 U.S.C. 2210(c));

(iv) in section 15(b)(2), (c), and (f) (15 U.S.C. 2214(b)(2), (c), and (f));

(v) the second place it appears in section 15(e)(1)(A) (15 U.S.C. 2214(e)(1)(A));

(vi) in section 16 (15 U.S.C. 2215);

(vii) the second place it appears in section 19(a) (42 U.S.C. 290a(a));

(viii) both places it appears in section 20 (15 U.S.C. 2217); and

(ix) in section 21(c) (15 U.S.C. 2218(c)); and

(C) in section 15, by striking "Secretary's" each place it appears and inserting "Director's".

(b) Department of Commerce.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting "and" after "Census;" in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 111. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) In General.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than

180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Contents of Report.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 112. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) Repeal.—Section 4 of Public Law 103–195 (107 Stat. 2298) is hereby repealed.

(b) Effective Date.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 113. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) Purposes.—Section 151302 of title 36, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) primarily—

"(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

"(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);";

(2) by inserting "and Federal" in paragraph (2) after "non-Federal";

(3) in paragraph (3)—

(A) by striking "State and local" and inserting "Federal, State, and local"; and

(B) by striking "and" after the semicolon;

(4) by striking "firefighters." in paragraph (4) and inserting "firefighters;"; and

(5) by adding at the end the following:

"(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

"(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.".

(b) Board of Directors.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) Status and Compensation.—

"(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

"(2) Members of the board shall serve without compensation."; and

(2) by redesignating subsection (h) as subsection (g).

(c) Officers and Employees.—Section 151304 of title 36, United States Code, is amended—

(1) by striking "not more than 2" in subsection (a); and

(2) by striking "are not" in subsection (b)(1) and inserting "shall not be considered".

(d) Support by the Administrator.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking "The Administrator" and inserting "During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator"; and

(2) by striking "shall" in subparagraph (B) and inserting "may".

TITLE II—EARTHQUAKE HAZARDS REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Earthquake Hazards Reduction Authorization Act of 2000".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) Federal Emergency Management Agency.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(7)) is amended—

(1) by striking "and" after "1998,"; and

(2) by striking "1999." and inserting "1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multi-state consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.".

(b) United States Geological Survey.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 210 of the Earthquake Hazards Reduction Authorization Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee.";

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999;"; and

(4) by inserting after paragraph (2) the following:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,".

(c) Real-time Seismic Hazard Warning System.—Section 2(a)(7) of the Act entitled "An Act To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes" (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking "1999." and inserting "1999; $2,600,000 for fiscal year 2001; $2,710,000 for fiscal year 2002; and $2,825,000 for fiscal year 2003.".

(d) National Science Foundation.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by inserting after "1999." the following: "There are authorized to be appropriated to the National Science Foundation $19,000,000 for engineering research and $11,900,000 for geosciences research for fiscal year 2001; $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002; and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.".

(e) National Institute of Standards and Technology.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.".

SEC. 203. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 204. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) Establishment.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) Management Plan.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) Authorization of Appropriations.—

"(1) Expansion and modernization.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2002;

"(B) $33,700,000 for fiscal year 2003;

"(C) $35,100,000 for fiscal year 2004;

"(D) $35,000,000 for fiscal year 2005; and

"(E) $33,500,000 for fiscal year 2006.

"(2) Operation.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2002; and

"(B) $10,300,000 for fiscal year 2003.".

SEC. 205. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is further amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the George E. Brown, Jr. Network for Earthquake Engineering Simulation—

"(1) $28,200,000 for fiscal year 2001;

"(2) $24,400,000 for fiscal year 2002;

"(3) $4,500,000 for fiscal year 2003; and

"(4) $17,000,000 for fiscal year 2004.".

SEC. 206. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively; and

(2) by adding at the end the following new subsection:

"(c) BUDGET COORDINATION.—

"(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 207. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 208. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 209. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

SEC. 210. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

Amend the title so as to read as follows: "An Act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.".

Mr. GRASSLEY. I ask unanimous consent that the Senate agree to the House amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5410, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5410) to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5410) was read the third time and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1st. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I object. We need to have a discussion about this.

The PRESIDING OFFICER. The objection is heard.

Mr. GRASSLEY. I yield 15 minutes, and hopefully less, to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

BANKRUPTCY REFORM

Mr. ENZI. Mr. President, I congratulate the distinguished Senator from Iowa, Mr. GRASSLEY, for all of the work he has done on bankruptcy. He has shown some real leadership and he has pulled a bipartisan group of people together to get this incredibly important work done.

The United States has been saying to other countries that if they were going to get the International Monetary Fund moneys to bail them out, they have to do bankruptcy reform. Guess who are the last ones demanding that other people do bankruptcy reform.

I thank the Senator from Iowa for his efforts on this, the people he has brought into it from both sides of the aisle, and I thank the Senator from Alabama for his incredible record, too.

BUDGET NEGOTIATIONS

Mr. ENZI. Mr. President, I need to address a slightly different issue at this point, to again explain why we are where we are. I began in June with regular speeches about how we were going to wind up in this position: The other side of the aisle was objecting to motions to proceed to appropriations bills and the extended debate we had to have on whether we could debate put the Senate in a situation where we had to do all of our negotiations with the White House, instead of with the House as the Constitution says.

That is exactly what has happened. There has been delay after delay after delay that has pushed the appropriations process to this point. Yesterday, the President vetoed the Treasury-Postal bill. Through a quote from Congress Daily, we learn a top administration official confirmed Wednesday that the President would sign it; we didn't need to make changes to it.

There is a lot of speculation why this was vetoed. The President said yesterday there was nothing really wrong with the Treasury-Postal bill, but he just didn't think we ought to have that bill signed until we complete the few other remaining bills. He arbitrarily vetoed the bill after a top administration official said the President would sign it and after the Democratic leadership in Congress had agreed to it.

The President keeps moving the goalposts in an attempt to provoke a confrontation with Congress. As a result, it has made negotiations next to impossible. How can you negotiate when the commitments aren't kept, when the rules aren't followed?

One most important to me is the ergonomics amendment. That is an amendment passed in the Senate on a bipartisan vote. The exact same amendment was passed on the House side by a bipartisan vote. Labor-HHS has some monetary items that are different between the two sides but not that amendment. A conference committee was formed and they met. The White House said, we don't like the amendment on ergonomics. Both sides of the conference committee said that is not conferenceable. It was the same on both sides.

Now, because we get in this little bit of a jam and the President gets a little more leverage in his negotiations, we are now at a point where some of the leadership had said, OK, we won't make it a year's delay before more work can be done on OSHA with ergonomics; it will only be until March 1st. In the last minutes, that goalpost was moved again. The President said, no, I want to be able to put it into effect, and they can just take it out of effect if there is a new administration next year.

Let me state how difficult a procedure that would be. It would be next to impossible to remove an absolutely ridiculous rule that is landsliding through this place by an agency out of control, that has known what it wanted to do from the very first day that it wrote the rule. It has done every single thing it can to make sure that rule comes into effect. They don't care who doesn't like it.

Our ergonomics amendment, which delays it one year, is not about whether we should have an ergonomics rule. It is not a prohibition against an ergonomics rule. It is most definitely not a dispute about the importance of safety for American workers. We need to have safety for American workers, but we need to do it the right way.

This amendment was passed in a bipartisan way. It is imperative that Congress insists there be a reasonable amount of time on this rule. The rule was only published a year ago. They are anticipating that maybe they can even squeak by and get this rule finalized before we have agreement on this amendment. That will be quicker than OSHA has done a rule. That would be record time.

They mention this was brought up about 12 or 13 years ago. But there has not been agreement on it since that time. This rule never got published until a year ago. There was no official action on it until a year ago.

Let me state why we ought to be concerned about this rule and why the delay occurred, in a bipartisan way, for a year. People didn't approve of the way OSHA was handling it, the way they were going about it. OSHA paid over 70 contractors a total of $1.75 million to help with the ergonomics rule. They paid 28 contractors $10,000 each to testify at the public rulemaking hearings. They didn't only pay the witnesses to testify; they didn't notify the public, and then they assisted the witnesses with the preparation of their testimony. Then thubj brought them in for practice runs for the hearing. Then they paid them to tear apart the testimony of the opposition. That is not the way we do things around here.

That resulted in people on both sides of the aisle being extremely upset with the way it was handled. The way that OSHA has handled this gives every indication that the way they wrote it is the way it has to be; that they are not going to pay attention to any of the comments or the additional testimony. They think they were right when they wrote it and they will be darned if they are going to change it. That is not how we do rules, particularly ones that cost billions of dollars, without getting the desired effect. That is the purpose of a rule, to get a desired effect. This one will not get the desired effect.

It is interesting to note the Bureau of Labor Statistics says that without the rule, United States employers reduced ergonomic injuries by 29 percent. What do the hearing records show? With the ergonomics rule they would get zero percent the first year and 7 percent the second year. American business is doing better than that without the rule. How are they doing it? Somebody is helping them to figure out what they need to do.

Small business in this country has trouble handling the OSHA rules. They have over 12,000 pages of regulations they have to digest. If you are a small employer, you cannot read 12,000 pages in a year. Any time they get help on knowing what they can do to provide safety in the business, they do it. It is shown time and time again on every kind of injury there is. So we put in the amendment to slow down OSHA a little bit, to make sure they took the necessary time to look at the rule and to get rid of this perception that their first idea was the only idea and the right idea and going to be the final idea. Somehow, they have to work past that perception.

The amendment is a reasonable 1-year delay. It will ensure that OSHA takes the time to evaluate all 7,000 comments it has received and try to resolve the problems with the rule. It also gives Congress the time to perform its appropriate oversight function.

So there is a reason for a delay. Rules in OSHA have been extremely permanent. Any one that has ever passed has had court trials and a number of them have been reversed. But if they make it through the court trial, did you know they have not been revised in the time that OSHA has been around? Do you think technology has changed a little bit? Do you think there is any reason we ought to look at rules that are 29 years old? We probably ought to. Instead, we are rushing into an area here that not only provides a rule without sufficient oversight, but it provides a rule that gets into workers comp. Yes, it gets into workers comp. OSHA's authorizing statute specifically prohibits any right to impose on workers comp, and there is good reason for that. Workers comp has been around a long time. There are precedents that have been developed. They are important precedents.

Here is the biggest problem with it. You can get paid twice for the same injury. And people are going to think: If I can make more by not working than I can working, don't expect me to show up. That is going to cause some major problems for business in this country. It is something that needs to be revised. Again, there is no indication at all it will be revised. And there is another serious problem with OSHA's rule—OSHA is trying to push through the rule without considering the devastating impact of the cost of the rule on hospitals and nursing homes dependent on Medicare. Our hearing showed OSHA's rule, under OSHA's *own* cost estimates, will put these valuable facilities out of business leaving the sick and elderly with nowhere to go. But OSHA doesn't care as long as it gets its rule so Clinton can have his legacy.

So the House folks and the Senate folks—not just the House folks, as has been written up in some of the papers—have been incensed the President is insisting this rule be allowed to go into force but not to be enforced until next year. That is not the way we do it. That is one of the things that is keeping Labor-HHS from being approved now. It should not be the major crux of an appropriations bill, but it is a very important point that we need ensure that any changes made in rules that work on the worker get the proper amount of oversight.

That is all we are asking for, an opportunity to do the proper oversight on it and to get an indication of some sort from OSHA that they are going to pay attention to any of the 7,000 comments they received.

We are at a point where we need to wrap up this session. We are at a point where we need to get the work done. But that is one item I will stay around here for until next year, if I have to, to be sure we do the job right and not in a hurry. We do not need to rush things.

I thank the Senator from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. Mr. President, for the leader, I have a unanimous consent request.

I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 to 2:15 p.m. for the weekly policy conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will convene tomorrow at 9:30 a.m. A cloture vote on the bankruptcy bill is scheduled to occur immediately following the prayer and opening statement. Following the vote, under rule XXII, the Senate will begin 30 hours of postcloture debate on the bankruptcy bill. The Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m. Senators can expect a vote on a continuing resolution late tomorrow afternoon and will be notified as to when that vote is scheduled.

ORDER FOR RECESS

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask the Senate stand in recess under the previous order, following the remarks of myself and Senator Sessions.

The PRESIDING OFFICER (Mr. Enzi). Without objection, it is so ordered.

BANKRUPTCY

Mr. GRASSLEY. We have had a good discussion on the bankruptcy bill. We will have further discussion postcloture. I think we have a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator Reed of Rhode Island relating to reaffirmation is in our conference report before the Senate. The credit card disclosure sponsored by Senator Torricelli is also in this final conference report. We also maintain Senator Leahy's special protections for victims of domestic violence and Senator Feingold's special protections for expenses associated with caring for nondependent family members.

I think it is pretty clear that on the consumer bankruptcy side, we maintain the Senate's position. Anybody who says otherwise has not read the conference report.

It is also important to realize how much of an improvement this legislation is for child support claims. The organizations that specialize in tracking down deadbeat fathers think this bill will be a tremendous help in collecting child support.

I have a letter I am going to ask to have printed in the Record from Mr. Philip Strauss of the Family Support Bureau of the San Francisco district attorney's office. Mr. Strauss notes that professional organizations of people who actually collect child support

> . . . have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code, which will significantly improve the collection of support during bankruptcy.

There you have it. According to people in the front lines, the bankruptcy bill is good for collecting child support. So I say to my colleagues, if you have concerns about child support, look at this letter.

I ask unanimous consent to have it printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

District Attorney Family
Support Bureau,
San Francisco, CA, September 14, 1999.

Re S. 625 [Bankruptcy Reform Act].

Dear Senators: I am writing this letter in response to the July 14, 1999 letter prepared by the National Women's Law Center. That letter asserts in conclusory terms that the Bankruptcy Reform Act would put women and children support creditors at greater risk than they are under current bankruptcy law. The letter ends with the endorsement of numerous women's organizations.

I have been engaged in the profession of collecting child support for the past 27 years in the Office of the District Attorney of San Francisco, Family Support Bureau. I have practiced and taught bankruptcy law for the past ten years. I participated in the drafting of the child support provisions in the House version of bankruptcy reform and testified on those provisions before the House Subcommittee on Commercial and Administrative Law this year.

I believe it is important to point out that none of the organizations opposing this legislation which are listed in the July 14th letter actually engages in the collection of support. On the other hand, the largest professional organizations which perform this function have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code which will significantly improve the collection of support during bankruptcy. These organizations include:

1. The National Child Support Enforcement Association.
2. The National District Attorneys Association.
3. The National Association of Attorneys General.
4. The Western Interstate Child Support Enforcement Council.

The thrust of the criticism made by the National Women's Law Center is that by not discharging certain debts owed to credit and finance companies, the institutions would be in competition with women and children for scarce resources of the debtor and that the bill fails "to insure that support payments will come first." They say that the "bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests."

With all due respect, nothing could be further from the truth. While the argument is superficially plausible, it ignores the reality of the mechanisms actually available for collection of domestic support obligations in contrast with those available for non-support debts.

Absent the filing of the bankruptcy case, no professional support collector considers the existence of a debt to a financial institution as posing a significant obstacle to the collection of the support debt. The reason is simple: the tools available to collect support debts outside of the bankruptcy process are vastly superior to those available to financial institutions and, in the majority of cases, take priority over the collection of non-support debts.

More than half of all child support is collected by earnings withholding. Under federal law such procedures have priority over any other garnishments of the debtor's salary or wages and can take as much as 65% of such salary or wages. By contrast the Consumer Credit Act prevents non-support creditors from enforcing their debts by garnishing more that twenty-five percent of the debtor's salary.

In addition, there are many other techniques that are only made available to support creditors and not to those "sophisticated collection departments of . . . [those] powerful interests:" These include:

1. Interception of state and federal tax refunds to pay child support arrears.
2. Garnishment or interception of Workers' Compensation or Unemployment Insurance Benefits.
3. Free or low cost collection services provided by the government.
4. Use of interstate processes to collect support arrearage, including interstate earnings withholding orders and interstate real estate support liens.

5. License revocation for support delinquents.

6. Criminal prosecution and contempt procedures for failing to pay support debts.

7. Federal prosecution for nonpayment of support and federal collection of support debts.

8. Denial of passports to support debtors.

9. Automatic treatment of support debts as judgments which are collectible under state judgment laws, including garnishment, execution, and real and personal property liens.

10. Collection of support debts from exempt assets.

11. The right of support creditors or their representatives to appear in any bankruptcy court without the payment of filing fees or the requirements of formal admission.

While the above list is not exhaustive, it is illustrative of the numerous advantages given to support creditors over other creditors. And while all of these advantages may not ultimately guarantee that support will be collected, they profoundly undermine the assumption of the National Women's Law Center that the mere existence of financial institution debt will somehow put support creditors at a disadvantage. To put it otherwise, support may sometimes be difficult to collect, but collection of support debt does not become more difficult simply because financial institutions also seek to collect their debts.

The National Women's Law Center analysis includes without specification that the support "provisions fail to insure that support payments will come first, ahead of the increased claims of the commercial creditors." Professional support collectors, on the other hand, have no trouble in understanding how this bill will enhance the collection of support ahead of the increased claims of commercial creditors. To them, such creditors are irrelevant outside the bankruptcy process. And in light of the treatment of domestic support obligations as priority claims under current law and the enhanced priority treatment of such claims in the proposed legislation, this objection seems particularly unfounded.

Where support creditors are indeed at a disadvantage under current law is during the bankruptcy of a support debtor. Under existing bankruptcy law support creditors frequently have to hire attorneys to enforce support obligations during bankruptcy or attempt the treacherous task of maneuvering through the complexities of bankruptcy process themselves. Attorneys working in the federal child support program—indeed, even experienced family law attorneys—may find bankruptcy courts and procedures so unfamiliar that they are ineffective in ensuring that the debtor pays all support when due. Ideally, procedures for the enforcement of support during bankruptcy should be self-executing and uninterrupted by the bankruptcy process. The pending bankruptcy reform legislation goes far in this direction. To suggest that women and children support creditors are not vastly aided by this bill is to ignore the specifics of the legislation.

In the first place support claims are given the highest priority. Commercial debts do not have any statutory priority. Thus when there is competition between commercial and support creditors, support creditors will be paid first. And, unlike commercial creditors, support creditors must be paid in full when the debtor files a case under chapter 12 or 13. Unlike payments to commercial creditors, the trustee cannot recover as preferential transfers support payments made during the ninety days preceding the filing of the bankruptcy petition, and liens securing support may not be avoided as they may be with commercial judgment liens. Unlike commercial creditors, support creditors may collect their debts through interception of income tax refunds, license revocations, and adverse credit reporting, all—under this bill—without the need to seek relief from the automatic bankruptcy stay.

In addition, support creditors will benefit—again, unlike commercial creditors—from chapter 12 and 13 plans which must provide for full payment of on-going support and unassigned support arrears. Further benefits to support creditors which are not available to commercial creditors is the security in knowing that chapter 12 and 13 debtors will not be able to discharge other debts unless all postpetion support and prepetition unassigned arrears have been paid in full.

Finally, and most importantly, support creditors will receive—even during bankruptcy—current support and unassigned arrearage payments through the federally mandated earnings withholding procedures without the usual interruption caused by the filing of a bankruptcy case. Like many other provisions of the bill, this provision is self-executing, the bankruptcy proceeding will not affect this collection process. Frankly, and contrary to the assertions of the National Women's Law Center, it is difficult to conceive how this bill could better insure that "support payments will come first, ahead of the increased claims of the commercial creditors."

The National Women's Law Center states that some improvements were made in the Senate Judiciary Committee. This organization may wish to think twice about that conclusion. What the Senate amendments did was to distinguish in some cases between support arrears that are assigned (to the government) and those that are unassigned (owned directly to the parent). The NWLC might have a point if assigned arrears were strictly government property and provided no benefit to women and children creditors. However, upon a closer look, arrears assigned to the government may greatly inure to the benefit of such creditors.

In the first place the entire federal child support program was created to recover support which should have been paid by absent parents, but was not. Such recovered funds became and remain a source of funding to pay public assistance benefits, especially by the states which contribute about one half of the costs of such benefits.

More directly significant, however, is the fact that under the welfare legislation of 1996 (the Personal Responsibility and Work Opportunity Reconciliation Act) support arrearage assigned to the government and not collected during the period aid is paid reverts to the custodial parent when aid ceases. This scenario will become increasingly common in the very near future as the five year lifetime right to public assistance ends for individual custodial parents. In such cases this parent will face the double whammy of being disqualified from receiving the caretaker share of public assistance and—because of the Senate amendments—not receiving arrears or intercepted tax refunds because they were assigned at the time the debtor filed for bankruptcy protection.

In addition, prior to the Senate Judiciary Committee amendments a debtor could not obtain confirmation of a plan if he were not current in making all postpetition support payments. The advantage of this scheme was that it was self-executing. Under the Senate amendments a debtor may obtain confirmation even when he is not paying his on-going support obligation. He is only required to provide for such payments in his plan. In such cases it will then be the burden of the support creditor to bring a bankruptcy proceeding to dismiss the case if the debtor stops paying. While this procedure is a welcome addition to the arsenal of remedies available to support creditors, it should not have supplanted the self-executing remedy which required the debtor to certify he was current in postpetition support payments before the court could confirm the plan.

While the Senate version of bankruptcy reform should certainly be amended to restore the advantages of the earlier draft, it does, even in its present form, provide crucial improvements in the protections and advantages afforded spousal and child support creditors over other creditors during the bankruptcy process. These improvements will ease the plight of all support creditors—men, women, and children—whose well-being and prosperity may be wholly or partially dependent on the full and timely payment of support. Congress has created the federal child support program within title IV-D of the Social Security Act. It is the opinion of those whose job it is to carry out this program that the Bankruptcy Reform Act provides the long overdue assistance needed for success in collecting money during bankruptcy for child and spousal support creditors.

Most of the concerns raised by the groups opposing the bill do not, in fact, center on the language of the domestic support provisions themselves. Instead they are based on vague generalized statements that the bill hurts debtors, or the women and children living with debtors, or the ex-wives and children who depend on the debtor for support. It is difficult to respond point by point to such claims when they provide no specifics, but they appear to fall into two categories.

The first suggests that the reform legislation will result in leaving debtors with greater debt after bankruptcy which will "compete" with the claims of former spouses and children. As discussed above there is little likelihood that such competition would adversely affect the collection of support debts. In any event the bill does little to change the number or types of nondischargeable debt held by commercial lenders. it will slightly expand the presumption of nondischargeability for luxury goods charged during the immediate pre-bankruptcy period and will make debt incurred to pay a nondischargeable debt also nondischargeable. It is doubtful that either provision will, in reality, have much effect on the vast majority of "poor but honest" debtors who do not use bankruptcy as a financial planning mechanism or run up debts immediately before filing for bankruptcy in anticipation of discharging those obligations.

The second contention is presumably directed at a number of provisions in the bill that are designed to eliminate perceived abuses by debtors in the current system. The primary brunt of this attack is borne by the so-called "means testing" or "needs based bankruptcy" provisions which would amend the current language of Section 707(b). Most of the opposition appears to stem from the notion that means testing would be a wholly novel proposition. Such a conclusion is plainly incorrect. Virtually every court that has ever considered the issue holds that Section 707(b) already includes a means test or, more accurately, a hundred or a thousand means tests, one for each judge who considers the issue. The current Code language sets no standards or guidelines for applying this test, thus leaving the outcome of a motion subject to the unstructured discretion of each bankruptcy judge. The proposed bankruptcy reform legislation attempts to prescribe one test that all courts must apply.

The precise terms of that standard have been under constant revision since the bankruptcy reform bills were introduced last year, and undoubtedly they will continue to be fine-tuned to ensure that they strike a balance between preventing abuse and becoming unduly expensive and burdensome. But mere opposition to any change in the present law, and vague claims that any and all attempts to address such existing abuses as serial filings are oppressive and will harm women and children, does nothing to advance the dialogue. And worse, the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors during the bankruptcy process for defeat of this legislation based on vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy debtors. In more ways than one the critics would favor throwing out the baby with the bath water. No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those in need of support.

Yours very truly,

PHILIP L. STRAUSS,
Assistant District Attorney.

Mr. GRASSLEY. Mr. President, listen to the people who actually know how it is in the trenches collecting child support. Don't listen to inside-Washington special interests. Don't listen to academics who have no real world knowledge on this subject.

I would add a word about cracking down on the very wealthy individuals who abuse the bankruptcy system. If you listened to the Senator from Minnesota last night, you might have had the impression that the Homestead exemption is a giant loophole that this bill does not deal with. We have had the General Accounting Office look at the question of how frequently the Homestead exemption is abused by wealthy people in bankruptcy. The General Accounting Office found that less than 1 percent of bankruptcy filings in States where there are unlimited Homestead exemptions involving homesteads of over $100,000. That means 99 percent of bankruptcy filings were not abusive. So this is not a loophole. We might say it is a little tiny pinhole.

But there is a real problem with very wealthy people filing for bankruptcy under chapter 11, which is the chapter of the bankruptcy code normally left for corporations. Because chapter 11 is not designed for individuals, there are numerous loopholes that allow the wealthy to live high on the hog while paying nothing to their creditors. This bill before the Senate fixes this very major problem so these wealthy people will know they are no longer going to get off scot-free.

This bill combats abuse wherever we find it. The Homestead exemption is capped at $500,000 for homes purchased within 2 years prior to the declaration of bankruptcy. The chapter 11 loophole is closed. This is what real reform is all about.

In sum, in this conference report we preserve the proconsumer amendment adopted in the Senate. We crack down hard on abuses by the wealthy. We help child support claimants in a very major way. This bill is good for the American consumer.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his tremendous leadership on this bill. As he has said so plainly and effectively, that anyone who is concerned about consumer problems, debtors, fraud and abuse, and who does not believe this bill is an improvement over current law, has not read the bill.

I am going to talk about some of those things. This bill makes progress in virtually every area over current law. Senator GRASSLEY has patiently, for over 3 years, gone through hearings in the Judiciary Committee, on which I have been honored to serve, in his subcommittee, on the floor of this Senate, in conferences, committees, and meetings trying to eliminate every possible objection anyone could have to this bill.

When we get to this point after having tremendous votes—over 90 votes, one time 97-1 we passed this legislation—and we still have not made it law because a few dedicated people are threatening to hold it up and the President has indicated he may veto this bill that makes real progress in protecting consumers and fair and just legal dispute resolution.

Bankruptcy law is operative in Federal court. It is presided over by a Federal bankruptcy judge, not an Article III judge that presides over Federal district court, but a Federal judge nevertheless. All the laws used in this court, unless the Federal law says otherwise, are federal.

There was a Bankruptcy Reform Act passed by Congress in 1978. We have had no significant reforms since then. During the time since 1980, just 2 short years after the passage of that act, there were 330,000 bankruptcy filings. In 1998, there were 1.4 million bankruptcy filings—a 423-percent increase during a time of unprecedented economic growth and prosperity.

What is happening? Certainly it is time for us, as good stewards of American legal policy, to take a minute to find out what is happening in bankruptcy court, to see what the abuses are and what loopholes clever lawyers are now using—to see if we can't improve it and make it fairer and better for all concerned. We absolutely can do that. That is why this legislation, essentially as it is today, has repeatedly passed the House and the Senate with overwhelming majorities. It passed the Judiciary Committee 15-3 and 16-2. That is why it ought to pass today.

It is absolutely stunning to me that we are at a point where this bill may not pass because of the misinformation and politics that is happening here. There are now 3,474 bankruptcy filings per day. This chart shows the increase in filings subsequent to the Bankruptcy Reform Act of 1978. It shows a tremendous increase. We are not making up these numbers. There are a lot of reasons for it.

Actually, what has happened is that a cottage industry has sprung up. Turn on your TV, turn on your cable channels, look in your newspapers. You will see the ads: "Lawyers: Wipe out your debts. Got problems paying your debts? Call old Joe the attorney, he will take care of you. He will save you rent. You can get out of paying rent." All of a sudden people are doing that.

In fact, here is an ad in one paper—and I am going to talk about it a little later—"7 months free rent," just call your old buddy the bankruptcy lawyer. "We guarantee you can stay in your apartment or house 2 to 7 months more"—that means more than you would get under eviction rules of the State which protect tenants from being evicted unfairly—"more without paying a penny. Find out how. We can stop the sheriff or the marshal." Call old John your bankruptcy lawyer. This bill ends a host of abuses. It will greatly benefit women and children in their child support and alimony, and those facts cannot be denied.

Let me talk about some of the complaints we have heard first. They say this is a procedural unfairness; that this is a bizarre way we have done this, unprecedented, and unfair. We have had this bill up and about for 3 years. It has been debated in so many different ways. It is now part of the embassy security bill which is not at all unusual for one piece of legislation to be made a part of another piece of legislation as it passes through the Senate.

The Senate rules allow for that to happen and for it to come forward as a conference bill if the House has voted on it. The House has voted on it and voted in favor of this bill. The House acted on October 12. It is perfectly proper for it to be in the form it is.

There have been statements made that we have not had a chance to amend or that we have not had full discussion. There has been constant discussion. There has been agreement time and again to amend it. Senator KOHL, a member of the Democratic Party who worked hard on this bill, and I battled to improve the homestead law. We did not get all we wanted, but we made substantial progress. The homestead law in this legislation is significantly more fair than the unlimited homestead in current law, and if we do not pass the bill, current law will remain in effect, and the homestead abuses will continue unchecked; whereas, this bill eliminates the most serious homestead law abuses.

That cannot be denied. I do not understand. We are almost in 1984 land. Is it perfect? Is it the enemy of the good? Yes, I would have liked to have made more progress. I debated it on this floor. I argued for reform. A number of States have laws that would be overridden by changes I would like to see, and they fought tenaciously to hold on to their own laws. We had to make some compromises to move this bill forward, though, and I think we have made substantial progress. If anybody is concerned about the homestead law, why in the world would they vote to keep an old bill and not pass this new bill which improves the homestead provisions. Senator BIDEN, a member of the Judiciary Committee who was intimately involved in this bankruptcy law, was the ranking member of this conference committee. He voted to bring the bill out to this floor in the form we are in today.

Senator KENNEDY raised an odd objection. He claims he is worried about poor people, but he wanted to put in language that would allow pensioners who had millions of dollars in their pension accounts—no matter how much they had in there—to keep that money and to not have to pay the guy who put the roof on their house when they filed for bankruptcy. They could file for bankruptcy and keep everything in their pension account, even if it was millions of dollars.

Senator GRASSLEY and I thought that was an unfair advantage to the rich. We wanted to cap the amount of money that could be kept in a pension account. If you had a reasonable amount, $1 million, $750,000, whatever the amount would be, we tried to contain it at a reasonable amount. Why should a person keep $2 million in a pension account and not pay his doctor, not pay the local hospital, not pay the man who fixed his roof, not pay the guy who repaired his car or his brother-in-law who loaned him money? Why should that happen? That is not fair, but that is what Senator KENNEDY wanted. He pushed for it and, as a compromise—in fact, it does not happen that often—we agreed to concede to that. To say that we were not making changes at the last minute is really strange.

Senator SCHUMER is going to vote against the bill if it does not have his abortion clinic language in it; when, in fact, it does not have abortion clinic language in it now. And he is not going to get it in there because it is an unfair targeting of one group of wrongdoers. He will not agree to have broad-based language, as I would support, and others will. So everybody is losing. The perfect becomes the enemy of the good.

Let me mention this. In the 105th Congress, 2 years ago, the House passed this bill 306–118. It passed the Senate September 23, 1998, 97–1. In the 106th Congress, in May, the House voted 313–108 to pass this bill—an even higher vote. In the Senate, we voted in February of this year, 83–14, to pass this bill.

It has broad bipartisan support. It is a tremendous step forward. Why in the world we are having the difficulties we are in having to overcome a filibuster remains difficult for me to understand.

I want to talk a little bit about the homestead situation.

The Federal bankruptcy law says, with regard to how much money you can protect as your homestead will be determined by State law.

In Alabama, the State says you cannot keep more than $5,000 in your homestead. If you have more than $5,000 equity in your house, you need to go refinance it and use that money to pay the people the debts that you owe them. Why should you keep it and not pay your debt if you have this money?

In Texas, they say you can have an unlimited homestead exemption; also in Florida, Kansas, and several other States there is an unlimited homestead exemption. They did not want to give that up. I think it is an abuse.

We have an example of people leaving New York to go to Florida and buying a multimillion-dollar mansion on the beach, pumping all their assets into it, holding off creditors for a few months, and then filing bankruptcy, wiping out what they owe to everybody; and they are free to sell their million-dollar mansion and use the million dollars to live high and carefree for the rest of their days. That is not right.

So we dealt with that. It was not easy. We had a lot of people here who did not want to change that privilege of a State to set that homestead exemption.

In Alabama, you can, for example, move from Mobile to Pensacola, FL—50 miles away—put all your money in a multimillion-dollar house on the beach and defeat your creditors. That is not right, either. So we tried to do better. We came up with language that would stop that. Senator KOHL and I debated it right here.

This legislation provides for a 7-year look-back. If you can prove that a person moved to a State to gain preferential homestead treatment, and he moved assets into a house in order to file bankruptcy and defeat creditors, and if that happened within 7 years, you could set that aside. That is a big step forward—a big step to attack the most blatant fraud that occurs in this area. This provision is in the legislation.

By passing this legislation, we can stop this abuse right now. If we do not pass the legislation, we will be allowing this abuse to continue.

Let me talk about another very real problem, a loophole, a source of abuse that is causing problems and is very common.

People are using Federal bankruptcy laws to hold over on expired leases. That is a lease whose term is 1 year, and they are already beyond that 1 year. They have not paid their rent. It has been terminated, without the debtor paying rent, just like this ad refers to.

The sheriff of Los Angeles County has really spoken out aggressively on this. He said: "3,886 people filed bankruptcy in Los Angeles County in 1996 alone in order to prevent the execution of valid, court-issued eviction notices."

As this ad says: "We can stop the sheriff and the marshal and get you more time." You do not have to pay your rent. You do not have to pay maybe the lady who has two duplexes and it is her retirement income. You do not have to pay that. You can rip her off for 7 months. Just listen to us.

How does it happen? It does happen. Judge Zurzolo, in In re Smith, a Federal bankruptcy judge in Los Angeles, wrote this:

> . . . the bankruptcy courts in the Central District of California are flooded with Chapter 7 and Chapter 13 cases filed solely for the purpose of delaying unlawful detainer evictions. Inevitably and swiftly following the filing of these bankruptcy cases is the filing of motions for relief of the Stay by landlords who are temporarily thwarted in this abuse of the bankruptcy court system.

In other words, what happens? They file bankruptcy. The landlord is seeking to evict them. They file a motion in the bankruptcy court to stay the landlord from proceeding with his eviction until the bankruptcy case is completed. Then the landlord has to go and hire a lawyer to file a motion to say that this isn't a valid use of the stay. A stay only protects you in an asset. If your lease has expired, it is not an asset. If it is not an asset, the court cannot protect it. It is the landlord's; it is not the tenant's, if the lease has expired.

So what happens? Mr. President, 3,886 of those were filed, according to the sheriff, simply for that purpose—to get this unfair extension of time without paying rent.

How we have a law in this country that promotes and allows this kind of abuse is beyond me.

The truth is when the landlord files these motions, he always wins because the lease has expired or it has been legally terminated, and as such the tenant does not have any property. He does not have an interest to be protected. It is the landlord's property, not the tenant's. It costs the landlord a lot of money; and a lot of months and weeks go by while he waits to be returned to rightful possession. The current law is abusive to these law-abiding landlords. We can help them—we can improve on current law—and we should. This bill provides that help.

It also allows, of course, all the State protections for eviction that every State provides.

California provides a lot before you can be evicted from an apartment or house. As the judge says: Contrary to the false representations made by these "bankruptcy mills"—he is talking about this cottage industry of lawyers and advertisers who run this stuff—despite their representations, the debtor/tenants usually only obtain a brief respite from the consummation of the unlawful detainer convictions, after having paid hundreds of dollars to the lawyers. That is what the judge said.

There are 50,000 bankruptcies a year filed in the Central District of California. The judge says:

> The mountain of paperwork that accompanies the thousands of abusive "unlawful detainer" case filings places an unnecessary burden on our already overworked and under-compensated clerk's office. Of course this mountain of paperwork flows from our clerk's office to the chambers of our judges when landlords file their relief from Stay motions. Because of the increased workload caused by these blatantly abusive unlawful detainer case filings, our court has had to establish special procedures dismissing these cases as quickly as possible so that the court's dockets and the clerk's files will not become more choked with paperwork than they already are.

I am not saying this. This is a Federal judge saying this, who deals with these cases every day. I am quoting:

> These relief from stay motions are rarely contested and never lost as long as the moving party provides adequate notice of the motion and competent evidence to establish a prima facie case.

Well, how did this arise? How could such happen? Bankruptcy provides for an automatic stay. If someone is suing you and you file bankruptcy, you don't have to go to court and defend all those cases where you have not been able to pay your debts on time and a bunch of people sue you. If you go into bankruptcy, everything stops. You have only to answer to the bankruptcy judge who sorts out all these legal problems and tells you whom to pay and how much to pay. An expired lease does not constitute an asset of a bankruptcy estate, as the courts have plainly held. That is what this language says, and it will stop this abuse from continuing unchecked and spreading around the rest of the country as more and more of these bankruptcy mills are created.

It is expensive for the landlord to do this. He has to hire an attorney. Weeks go by. Maybe the lease was up. Maybe the mother wanted to turn the apartment over to her daughter to live in and the lease was up in January. She starts trying to get the person out, and come March or April or May or June, the person is still there. She has had to file for eviction. Then they get a lawyer who stays it for all this kind of time and really costs individuals a lot of money. There are 7, 8, 9 months without rent being paid and all the while the attorney's fees are adding up. This scenario is a real problem that this legislation fixes.

What about women and children? There have been suggestions that somehow women and children are disadvantaged under this legislation. Nothing could be further from the truth.

Priority payment: Under current Federal law, child support and alimony payments are seventh in the list of priority debts that must be paid off in a bankruptcy proceeding. Incidentally, what do you think is No. 1? Attorney's fees. In this bankruptcy business and industry, who has been roundly critical of this legislation and who has lobbied their buddies around this Senate telling them this is such a bad piece of legislation? Who is going to have to change their ways? The lawyers. They don't get No. 1 priority over child support any longer, under this bill, and that makes them nervous.

What do I mean by No. 1? Often people who file bankruptcy do have certain assets. Those assets are brought into the bankruptcy estate and added up. Let's say there is $5,000 of assets and $50,000 worth of debts. The bankruptcy judge starts paying off. Under the old law, the current law today, if the bankruptcy attorney's fee is $5,000, he gets it all. He has to go down six different steps, paying off six different groups of creditors, before he gets to child support and alimony. We say, if there is $5,000 in the estate and there is child support money owed, the child support money gets paid first out of that, and alimony.

How anyone can say that that is unfair to women and children is beyond me. It is beyond comprehension. Those who say that are not right. This is historic change to the benefit of women and children. Nobody can dispute what I have just said about that. It is plain fact. Let me say some other things it does.

This legislation requires that a parent who is filing bankruptcy—let's say a father, deadbeat dad, files for bankruptcy—must fulfill past due and current child support before he can get discharged from bankruptcy. The court is going to monitor him to make sure he is paying his child support. If he is not paying his child support, the court will not give the final discharge that wipes out his debts. He has to take care of his children first.

It also will ensure that custodial parents, the parents who have the custody of the children, get effective and timely assistance from child support agencies. It requires the bankruptcy trustee or administrator—that is, this new law we are proposing and asking to be passed—to notify both the parent and the State child support collection agency when the debtor owing child support or alimony files for bankruptcy. In other words, a mother may not know that her ex-husband or the father of her child who lives in a distant State is even filing bankruptcy. What this says is, the mother has to be told; not only that, the State collection agency which is helping mothers collect the money has to be told so that they can intervene and make sure the child is protected.

It will provide timely and valuable information to parents to help collect child support.

Jonathon Burris of the California Family Support Council, a group that tries to protect mothers and children, wrote in an open letter to Congress that the provisions in this bill are "a veritable wish list of provisions which substantially enhance our efforts to enforce support debts when a debtor has other creditors"—and they always have other creditors—"who are also seeking participation in the distribution of the assets of a debtor's bankruptcy estate."

Phillip Strauss of the District Attorney Family Support Bureau wrote the Judiciary Committee. I was Attorney General of Alabama. I was involved in this. States have district attorneys associations. They can intervene on behalf of women and children to make sure child support is being paid and that the money is being collected. That is what he does full time.

He recently wrote the Judiciary Committee. This is a man whose business full-time is collecting money for children. He wrote our committee to express his unqualified support for this bill.

Mr. Strauss notes that he has been in the business of collecting child support for 27 years. He knows what he is talking about. He also notes that the National Child Support Enforcement Association, a national group of which he is a part, and the National District Attorneys Association and the Western Interstate Child Support Enforcement Council agree with him and support this legislation.

There has been this big talk about how this harms families. Let me describe an amendment I added that I think would be of tremendous benefit.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. One of the things I have learned is that within every community in America there are agencies called credit counseling agencies. They sit down with families who have debt problems. They sit around a table. They even get the children in. They talk about what the income is, how much the debts are, how much current living expenses are. They help them establish a budget.

Some of them will even receive the money and pay the current debts regularly. They call up the banks and credit card companies and other people and ask for modifications of the payment schedule, a reduction in interest rates, and that sort of thing. They are very successful. They help families get mental health counseling if that is needed. They help families get treatment for gambling problems or drinking problems or drug problems. They help families—not like these mills, these bankruptcy mills, where people respond to an ad, a lawyer says they need so much money, and they say: I don't have this much money. The lawyer says to them—I am not exaggerating here—Use your credit card. Put all your bills on the credit card. Bring me your paycheck and pay me my fee. Don't pay anything else. Then we will file bankruptcy, and we will wipe out all those debts. So they get that.

They have a little clerk or a secretary or a paralegal who fills out the bankruptcy form. He doesn't see him again until they come to court. He shows up. They present their petition, and eventually the debts are wiped out. And they don't know the names hardly of the people with whom they are dealing. They have no concern or empathy to really deal with the problems in that family. And we also know, from statistics, that the largest cause of marital breakup in America is financial problems. We need to do better about that.

So I offered an amendment that has been accepted, and everybody seems to be pleased with it—except some of the lawyers—and that is to say that every person, before filing bankruptcy ought to talk with a credit counseling agency to see if what they offer might be better than going through bankruptcy—no obligation, just talk to them.

I think a lot of people are going to find that they have other choices than just going to bankruptcy court. Some people need bankruptcy. We are not trying to stop bankruptcy. Some people need it to start over again—but not everybody. A lot of people can work their way through it with the help of a good credit counseling agency. I think this is a tremendous step forward. I am very excited about it, and I believe it will offer a lot of help to people struggling with their budgets today.

Now we have had a most curious development. We have had Senators for the last 2 years come down on this floor and go forward with the most vigorous attacks on credit card companies. Do you know what it is they say they do wrong? They say they write people letters and offer them credit cards. They say this is some sort of an abuse, some sort of preying on the poor, to offer people credit cards.

I am telling you, we have laws that this Congress has passed—banking laws and other rules—that say you can't deny credit to poor people unless you have a serious, objective reason to do so. Why in the world would we want to pass a law that would keep MasterCard, Visa, or American Express from writing somebody and saying: If you take my credit card, your interest rate will be such and such, and you can have 6 months at 3 percent interest—or whatever they offer—and if you want to change from the one you have, we have a better deal?

What is wrong with that? We often have competition. Interest rates, in my opinion, for credit cards are too high. I am too frugal to have much money run up on my credit card if I can avoid it. I don't like paying 18 or 20 percent interest. What is wrong with offering people an opportunity to choose a different credit card? If these companies were refusing poor people and would not send them notices of the opportunities to sign up, I suppose we would be beating them up and saying they are unfair to poor people or they are redlining them and cutting them off. I wanted to say that. To me, that is sort of bizarre.

Second, this is a bankruptcy court reform bill. We are here to deal with the process of what happens when a person files for bankruptcy. We are not here to reform banking laws and credit card laws that are within the jurisdiction of the Banking Committee. That committee considers that. It is really not a bankruptcy court problem, fundamentally.

But what have we done in order to get support for this bill and answer questions? We made a number of consumer-friendly amendments in this bill to satisfy those who have complained. Of course, as soon as you give them something, they are not happy, and they say you are defending the evil credit card companies; that is all you are doing, they say.

I am trying to create a rational way for people who can't pay their debts to go to court and wipe out their debts, but not rip off people whom they can pay because they have the money to pay. So we have a minimal credit warning, a toll-free number so debtors can find out information about their records. That will be required of credit card companies.

There are a lot of good things here that are not in current law. So to not pass this bill will eliminate the steps we have made to put more limits and controls on credit card companies. Without a doubt, that is true. They might like to have a whole rewrite of credit card law in the bankruptcy bill, but that would be inappropriate. I think we have made steps in the right direction and we should continue in that direction.

As Senator GRASSLEY noted, there are terrific benefits for farmers under chapter 12. Chapter 12 provisions give additional benefits to farmers who file bankruptcy, and it expires this year. By not passing this bill, we are going to throw away the added protections that farmers have. How is that helping poor people and consumers? How does it help those who are having trouble with credit cards to vote down a bill that provides more demands on credit cards?

These are just a few ways, Mr. President, that this legislation improves current bankruptcy law. If time permitted, there are many more improvements that I would like to share with the members of this body.

In conclusion, I would just like to say that this bill includes many protections for women and children. It provides a long-overdue homestead fix, credit counseling, help for the family farmer and many other worthy provisions. A vote for this bill is a vote for much-needed change in the bankruptcy law in this country. As such, I strongly urge my colleagues to vote in favor of this bill.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m.

There being no objection, the Senate, at 6:37 p.m., recessed until Wednesday, November 1, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 2000:

INTER-AMERICAN FOUNDATION

GEORGE MUNOZ, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C. E. ABRAMSON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, October 31, 2000*

The House met at 6 p.m. and was called to order by the Speaker pro tempore (Mr. BARR of Georgia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 31, 2000.

I hereby appoint the Honorable BOB BARR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of all grace, You have called us to eternal glory. Help us to be ever mindful of our final destiny and our purpose while here on Earth.

You not only call each of us by name, You draw us to Yourself by our innate desire to know the truth, to seek what is good, to take delight in beauty and to hunger for lasting justice.

Complete Your work in us and through us that we may prove ourselves public servants and bring this Nation to Your honor and give You glory, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 70, answered "present" 1, not voting 70, as follows:

[Roll No. 584]

YEAS—291

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Packard
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stark
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—70

Baird
Becerra
Berry
Bilbray
Bonior
Brady (PA)
Capuano
Chenoweth-Hage
Clyburn
Costello
Crane
Davis (FL)
DeFazio
English
Filner
Ford
Gejdenson
Gutierrez
Gutknecht
Hall (OH)
Hefley
Hilleary
Hilliard
Holt
Hooley
Hulshof
Johnson, E.B.
Kaptur
Kucinich
LaFalce
Latham
LoBiondo
Lowey
Maloney (NY)
Markey
McDermott
McGovern
McNulty
Menendez
Miller, George
Moore
Moran (KS)
Neal
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Pickett
Price (NC)
Ramstad
Rangel
Rothman
Sabo
Sanchez
Slaughter
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watkins
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—70

Archer
Bentsen
Blagojevich
Blunt
Borski
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Clay
Collins
Conyers
Cummings
Danner
DeGette
DeMint
Dickey
Dooley
Dunn
Etheridge
Fattah
Fossella
Fowler
Franks (NJ)
Gephardt
Goode
Greenwood
Hastings (FL)
Hill (MT)
Hostettler
Isakson
Kennedy
Kilpatrick
Kingston
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Meeks (NY)
Metcalf
Mica
Mollohan
Moran (VA)
Ose
Oxley
Payne
Pickering
Portman
Ros-Lehtinen
Salmon
Sanford
Scarborough
Sensenbrenner
Shaw
Spratt
Stabenow
Stenholm
Talent
Taylor (NC)
Tiahrt
Towns
Waters
Waxman
Weldon (FL)
Wise
Wynn

□ 1827

So the Journal was approved.

The result of the vote was announced as above recorded.

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. PACKARD) come forward and lead the House in the Pledge of Allegiance.

Mr. PACKARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–1020)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small projects for emergency streambank protection.
Sec. 104. Small projects for navigation.
Sec. 105. Small projects for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small projects for shoreline protection.
Sec. 108. Small projects for snagging and sediment removal.
Sec. 109. Small project for mitigation of shore damage.
Sec. 110. Beneficial uses of dredged material.
Sec. 111. Disposal of dredged material on beaches.
Sec. 112. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National recreation reservation service.
Sec. 207. Interagency and international support authority.
Sec. 208. Reburial and conveyance authority.
Sec. 209. Floodplain management requirements.
Sec. 210. Nonprofit entities.
Sec. 211. Performance of specialized or technical services.
Sec. 212. Hydroelectric power project funding.
Sec. 213. Assistance programs.
Sec. 214. Funding to process permits.
Sec. 215. Dredged material marketing and recycling.
Sec. 216. National academy of sciences study.
Sec. 217. Rehabilitation of Federal flood control levees.
Sec. 218. Maximum program expenditures for small flood control projects.
Sec. 219. Engineering consulting services.
Sec. 220. Beach recreation.
Sec. 221. Design-build contracting.
Sec. 222. Enhanced public participation.
Sec. 223. Monitoring.
Sec. 224. Fish and wildlife mitigation.
Sec. 225. Feasibility studies and planning, engineering, and design.
Sec. 226. Administrative costs of land conveyances.
Sec. 227. Flood mitigation and riverine restoration.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Nogales Wash and tributaries, Nogales, Arizona.
Sec. 303. Boydsville, Arkansas.
Sec. 304. White River Basin, Arkansas and Missouri.
Sec. 305. Sacramento Deep Water Ship Channel, California.
Sec. 306. Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania.
Sec. 307. Rehoboth Beach and Dewey Beach, Delaware.
Sec. 308. Fernandina Harbor, Florida.
Sec. 309. Gasparilla and Estero Islands, Florida.
Sec. 310. East Saint Louis and vicinity, Illinois.
Sec. 311. Kaskaskia River, Kaskaskia, Illinois.
Sec. 312. Waukegan Harbor, Illinois.
Sec. 313. Upper Des Plaines River and tributaries, Illinois.
Sec. 314. Cumberland, Kentucky.
Sec. 315. Atchafalaya Basin, Louisiana.
Sec. 316. Red River Waterway, Louisiana.
Sec. 317. Thomaston Harbor, Georges River, Maine.
Sec. 318. Poplar Island, Maryland.
Sec. 319. William Jennings Randolph Lake, Maryland.
Sec. 320. Breckenridge, Minnesota.
Sec. 321. Duluth Harbor, Minnesota.
Sec. 322. Little Falls, Minnesota.
Sec. 323. New Madrid County, Missouri.
Sec. 324. Pemiscot County Harbor, Missouri.
Sec. 325. Fort Peck fish hatchery, Montana.
Sec. 326. Sagamore Creek, New Hampshire.
Sec. 327. Passaic River basin flood management, New Jersey.
Sec. 328. Times Beach Nature Preserve, Buffalo, New York.
Sec. 329. Rockaway Inlet to Norton Point, New York.
Sec. 330. Garrison Dam, North Dakota.
Sec. 331. Duck Creek, Ohio.
Sec. 332. John Day Pool, Oregon and Washington.
Sec. 333. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 334. Nonconnah Creek, Tennessee and Mississippi.
Sec. 335. San Antonio Channel, San Antonio, Texas.
Sec. 336. Buchanan and Dickenson Counties, Virginia.
Sec. 337. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 338. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 339. Mount St. Helens, Washington.
Sec. 340. Lower Mud River, Milton, West Virginia.
Sec. 341. Fox River System, Wisconsin.
Sec. 342. Chesapeake Bay oyster restoration.
Sec. 343. Great Lakes dredging levels adjustment.
Sec. 344. Great Lakes remedial action plans and sediment remediation.
Sec. 345. Treatment of dredged material from Long Island Sound.
Sec. 346. Declaration of nonnavigability for Lake Erie, New York.
Sec. 347. Project deauthorizations.
Sec. 348. Land conveyances.
Sec. 349. Project reauthorizations.
Sec. 350. Continuation of project authorizations.
Sec. 351. Water quality projects.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Lower Mississippi River Resource Assessment.
Sec. 403. Upper Mississippi River Basin sediment and nutrient study.
Sec. 404. Upper Mississippi River comprehensive plan.
Sec. 405. Ohio River system.
Sec. 406. Baldwin County, Alabama.
Sec. 407. Bridgeport, Alabama.
Sec. 408–409. Arkansas River navigation system.
Sec. 410. Cache Creek basin, California.
Sec. 411. Estudillo Canal, San Leandro, California.
Sec. 412. Laguna Creek, Fremont, California.
Sec. 413. Lake Merritt, Oakland, California.
Sec. 414. Lancaster, California.
Sec. 415. Oceanside, California.
Sec. 416. San Jacinto watershed, California.
Sec. 417. Suisun Marsh, California.
Sec. 418. Delaware River watershed.
Sec. 419. Brevard County, Florida.
Sec. 420. Choctawhatchee River, Florida.
Sec. 421. Egmont Key, Florida.
Sec. 422. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 423. Lake Allatoona watershed, Georgia.
Sec. 424. Boise River, Idaho.
Sec. 425. Wood River, Idaho.
Sec. 426. Chicago, Illinois.
Sec. 427. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 428. Long Lake, Indiana.
Sec. 429. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 430. Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana.
Sec. 431. Boeuf and Black, Louisiana.
Sec. 432. Iberia Port, Louisiana.
Sec. 433. Lake Pontchartrain Seawall, Louisiana.
Sec. 434. Lower Atchafalaya Basin, Louisiana.
Sec. 435. St. John the Baptist Parish, Louisiana.
Sec. 436. South Louisiana.
Sec. 437. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 438. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 439. Wild Rice River, Minnesota.
Sec. 440. Port of Gulfport, Mississippi.
Sec. 441. Las Vegas Valley, Nevada.
Sec. 442. Upland disposal sites in New Hampshire.
Sec. 443. Southwest Valley, Albuquerque, New Mexico.

Sec. 444. Buffalo Harbor, Buffalo, New York.
Sec. 445. Jamesville Reservoir, Onondaga County, New York.
Sec. 446. Bogue Banks, Carteret County, North Carolina.
Sec. 447. Duck Creek watershed, Ohio.
Sec. 448. Fremont, Ohio.
Sec. 449. Steubenville, Ohio.
Sec. 450. Grand Lake, Oklahoma.
Sec. 451. Columbia Slough, Oregon.
Sec. 452. Cliff Walk in Newport, Rhode Island.
Sec. 453. Quonset Point channel, Rhode Island.
Sec. 454. Dredged material disposal site, Rhode Island.
Sec. 455. Reedy River, Greenville, South Carolina.
Sec. 456. Chickamauga Lock and Dam, Tennessee.
Sec. 457. Germantown, Tennessee.
Sec. 458. Milwaukee, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Lakes program.
Sec. 502. Restoration projects.
Sec. 503. Support of Army civil works program.
Sec. 504. Export of water from Great Lakes.
Sec. 505. Great Lakes tributary model.
Sec. 506. Great Lakes fishery and ecosystem restoration.
Sec. 507. New England water resources and ecosystem restoration.
Sec. 508. Visitors centers.
Sec. 509. CALFED Bay-Delta program assistance, California.
Sec. 510. Seward, Alaska.
Sec. 511. Clear Lake basin, California.
Sec. 512. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 513. Huntington Beach, California.
Sec. 514. Mallard Slough, Pittsburg, California.
Sec. 515. Port Everglades, Florida.
Sec. 516. Lake Sidney Lanier, Georgia, home preservation.
Sec. 517. Ballard's Island, LaSalle County, Illinois.
Sec. 518. Lake Michigan diversion, Illinois.
Sec. 519. Illinois River basin restoration.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. West View Shores, Cecil County, Maryland.
Sec. 522. Muddy River, Brookline and Boston, Massachusetts.
Sec. 523. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 524. Minnesota dam safety.
Sec. 525. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. Coastal Mississippi wetlands restoration projects.
Sec. 529. Las Vegas, Nevada.
Sec. 530. Urbanized peak flood management research, New Jersey.
Sec. 531. Nepperhan River, Yonkers, New York.
Sec. 532. Upper Mohawk River basin, New York.
Sec. 533. Flood damage reduction.
Sec. 534. Cuyahoga River, Ohio.
Sec. 535. Crowder Point, Crowder, Oklahoma.
Sec. 536. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
Sec. 537. Access improvements, Raystown Lake, Pennsylvania.
Sec. 538. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 539. Charleston Harbor, South Carolina.
Sec. 540. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and South Dakota terrestrial wildlife habitat restoration.
Sec. 541. Horn Lake Creek and tributaries, Tennessee and Mississippi.
Sec. 542. Lake Champlain watershed, Vermont and New York.
Sec. 543. Vermont dams remediation.
Sec. 544. Puget Sound and adjacent waters restoration, Washington.
Sec. 545. Willapa Bay, Washington.
Sec. 546. Wynoochee Lake, Wynoochee River, Washington.
Sec. 547. Bluestone, West Virginia.
Sec. 548. Lesage/Greenbottom Swamp, West Virginia.
Sec. 549. Tug Fork River, West Virginia.
Sec. 550. Southern West Virginia.
Sec. 551. Surfside/Sunset and Newport Beach, California.
Sec. 552. Watershed management, restoration, and development.
Sec. 553. Maintenance of navigation channels.
Sec. 554. Hydrographic survey.
Sec. 555. Columbia River treaty fishing access.
Sec. 556. Release of use restriction.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

Sec. 701. Short title.
Sec. 702. Findings and purposes.
Sec. 703. Definitions.
Sec. 704. Missouri River Trust.
Sec. 705. Missouri River Task Force.
Sec. 706. Administration.
Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Conveyance of cabin sites.
Sec. 805. Rights of nonparticipating lessees.
Sec. 806. Conveyance to third parties.
Sec. 807. Use of proceeds.
Sec. 808. Administrative costs.
Sec. 809. Revocation of withdrawals.
Sec. 810. Authorization of appropriations.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Missouri River Trust.
Sec. 905. Missouri River Task Force.
Sec. 906. Administration.
Sec. 907. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,552,000, with an estimated Federal cost of $9,374,000 and an estimated non-Federal cost of $6,178,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000, except that the date for completion of the favorable report of the Chief of Engineers shall be December 31, 2001, instead of December 31, 2000.

(3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for ecosystem restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrieta Creek, California, described as alternative 6, based on the District Engineer's Murrieta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,846,000, with an estimated Federal cost of $25,556,000 and an estimated non-Federal cost of $64,290,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for ecosystem restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(9) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(10) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of

$28,900,000, with an estimated Federal cost of $18,800,000 and an estimated non-Federal cost of $10,100,000.

(11) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(12) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $7,600,000, with an estimated Federal cost of $4,900,000 and an estimated non-Federal cost of $2,700,000.

(13) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(14) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $181,700,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—

(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under this paragraph may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this paragraph the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

(17) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(18) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $58,090,000, with an estimated Federal cost of $37,758,500 and an estimated non-Federal cost of $20,331,500.

(19) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $46,310,000, with an estimated Federal cost of $23,155,000 and an estimated non-Federal cost of $23,155,000.

(20) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,840,000, with an estimated Federal cost of $16,870,000 and an estimated non-Federal cost of $12,970,000.

(21) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $15,643,000, with an estimated Federal cost of $9,518,000 and an estimated non-Federal cost of $6,125,000.

(22) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(23) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $173,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $86,500 and an estimated annual non-Federal cost of $86,500.

(24) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $71,674,000, with an estimated Federal cost of $46,588,000 and an estimated non-Federal cost of $25,086,000, and at an estimated average annual cost of $34,990,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $17,495,000 and an estimated annual non-Federal cost of $17,495,000.

(25) WOLF RIVER, MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $9,118,000, with an estimated Federal cost of $5,849,000 and an estimated non-Federal cost of $3,269,000.

(26) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $112,860,000, with an estimated Federal cost of $73,360,000 and an estimated non-Federal cost of $39,500,000.

(27) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $23,590,000, with an estimated Federal cost of $15,680,000 and an estimated non-Federal cost of $7,910,000.

(28) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(6) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(7) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(8) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(9) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(10) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(11) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(12) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(13) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(14) BAYOU TETE L'OURS, LOUISIANA.—Project for flood damage reduction, Bayou Tete L'Ours, Louisiana.

(15) BOSSIER CITY, LOUISIANA.—Project for flood damage reduction, Red Chute Bayou levee, Bossier City, Louisiana.

(16) BOSSIER PARISH, LOUISIANA.—Project for flood damage reduction, Cane Bend Subdivision, Bossier Parish, Louisiana.

(17) BRAITHWAITE PARK, LOUISIANA.—Project for flood damage reduction, Braithwaite Park, Louisiana.

(18) CROWN POINT, LOUISIANA.—Project for flood damage reduction, Crown Point, Louisiana.

(19) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood damage reduction, Donaldsonville Canals, Louisiana.

(20) GOOSE BAYOU, LOUISIANA.—Project for flood damage reduction, Goose Bayou, Louisiana.

(21) GUMBY DAM, LOUISIANA.—Project for flood damage reduction, Gumby Dam, Richland Parish, Louisiana.

(22) HOPE CANAL, LOUISIANA.—Project for flood damage reduction, Hope Canal, Louisiana.

(23) JEAN LAFITTE, LOUISIANA.—Project for flood damage reduction, Jean Lafitte, Louisiana.

(24) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction,

Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(25) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood damage reduction, Lockport to Larose, Louisiana.

(26) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood damage reduction, Lower Lafitte basin, Louisiana.

(27) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood damage reduction, Oakville to LaReussite, Louisiana.

(28) PAILET BASIN, LOUISIANA.—Project for flood damage reduction, Pailet basin, Louisiana.

(29) POCHITOLAWA CREEK, LOUISIANA.—Project for flood damage reduction, Pochitolawa Creek, Louisiana.

(30) ROSETHORN BASIN, LOUISIANA.—Project for flood damage reduction, Rosethorn basin, Louisiana.

(31) SHREVEPORT, LOUISIANA.—Project for flood damage reduction, Twelve Mile Bayou, Shreveport, Louisiana.

(32) STEPHENSVILLE, LOUISIANA.—Project for flood damage reduction, Stephensville, Louisiana.

(33) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, St. John the Baptist Parish, Louisiana.

(34) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood damage reduction, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(35) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—Project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(36) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(37) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(38) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(39) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West Lafayette, Ohio.

(40) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(41) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(42) FRITZ LANDING, TENNESSEE.—Project for flood damage reduction, Fritz Landing, Tennessee.

(43) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(44) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary may consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for emergency streambank protection, Maumee River, Fort Wayne, Indiana.

(2) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(3) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(4) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Bayou Sorrell, Iberville Parish, Louisiana.

(5) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(6) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(7) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(8) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(9) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(10) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(3) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(4) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

(5) EAST TWO RIVERS, TOWER, MINNESOTA.—Project for navigation, East Two Rivers, Tower, Minnesota.

(6) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(7) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(8) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) NAHANT MARSH, DAVENPORT, IOWA.—Project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa.

(2) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(5) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(6) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(7) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(8) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(9) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(10) MUSKINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Muskingum County, Ohio.

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(8) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(9) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(10) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(11) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(12) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(13) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(14) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(15) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(16) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(17) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(18) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(19) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(20) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(21) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(22) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, Ticonderoga, New York.

(23) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(24) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(25) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(26) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(27) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(28) MIDDLE CUYAHOGA RIVER, KENT, OHIO.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(29) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(30) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(31) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(32) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(33) BEAR CREEK WATERSHED, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(34) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(35) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(36) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

(b) SALMON RIVER, IDAHO.—The Secretary may credit toward the non-Federal share of the cost of the project for aquatic ecosystem restoration, Salmon River, Idaho, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) the cost of work (consisting of surveys, studies, and development of technical data) carried out by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

(3) HUDSON RIVER, DUTCHESS COUNTY, NEW YORK.—Project for beach restoration and protection, Hudson River, Dutchess County, New York.

SEC. 108. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g):

(1) SANGAMON RIVER AND TRIBUTARIES, RIVERTON, ILLINOIS.—Project for removal of snags and clearing and straightening of channels for flood control, Sangamon River and tributaries, Riverton, Illinois.

(2) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(3) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 109. SMALL PROJECT FOR MITIGATION OF SHORE DAMAGE.

The Secretary shall conduct a study of shore damage at Puget Island, Columbia River, Washington, to determine if the damage is the result of the project for navigation, Columbia River, Washington, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 369), and, if the Secretary determines that the damage is the result of the project for navigation and that a project to mitigate the damage is appropriate, the Secretary may carry out the project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE −3 TO MILE −9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile −3 to mile −9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) ST. LOUIS COUNTY, MINNESOTA.—Project to make beneficial use of dredged material from a Federal navigation project in St. Louis County, Minnesota.

(6) OTTAWA COUNTY, OHIO.—Project to make beneficial use of dredged material from a Federal navigation to protect, restore, and create aquatic and related habitat, East Harbor State Park, Ottawa County, Ohio.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from a Federal navigation project under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).".

SEC. 112. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any project costs that the non-Federal interest has incurred in excess of the non-Federal share of project costs, regardless of the date on which the costs were incurred.

(c) COST SHARING.—For purposes of reimbursement under subsection (b), cost sharing for work performed on the project before the date of enactment of this Act shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking "State legislative";

(2) by striking "State constitutional" and inserting "constitutional; and

(3) by inserting before the period at the end the following: "of the State or a political subdivision of the State".

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

"(1) ecosystem protection and restoration;

"(2) flood damage reduction;

"(3) navigation and ports;

"(4) watershed protection;

"(5) water supply; and

"(6) drought preparedness.

"(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;

"(2) the Secretary of Agriculture;

"(3) the Secretary of Commerce;

"(4) the Administrator of the Environmental Protection Agency; and

"(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

"(1) the Delaware River basin;

"(2) the Kentucky River basin;

"(3) the Potomac River basin;

"(4) the Susquehanna River basin; and

"(5) the Willamette River basin.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

"(B) MAXIMUM AMOUNT OF CREDIT.—The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of a study under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest if the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, not later than 180 days after such date of enactment to reflect the requirements of such paragraph (3)."; and

(2) in paragraph (3)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal year 2001 and each fiscal year thereafter.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section $250,000 for fiscal year 2001 and each fiscal year thereafter."; and

(2) in the second sentence by inserting "out" after "carry".

SEC. 208. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 209. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1) by striking "Within 6 months after the date of the enactment of this subsection, the" and inserting "The";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking "Such guidelines shall address" and inserting the following:

"(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

"(A) address"; and

(4) in paragraph (2) (as designated by paragraph (3) of this subsection)—

(A) by inserting "to be undertaken by non-Federal interests to" after "policies";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) address those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by a project to which subsection (a) applies.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading by striking "FLOOD PLAIN" and inserting "FLOODPLAIN"; and

(2) in the first sentence by striking "flood plain" and inserting "floodplain".

SEC. 210. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.".

(b) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.".

(c) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and by inserting after subsection (f) the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term "State" has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than an agency of the Department of Defense) or a State or local government under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the last day of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than an agency of the Department of Defense) or a State or local government to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

SEC. 212. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a) by striking "In carrying out" and all that follows through "(1) is" and inserting the following: "In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

"(1) are";

(2) in the first sentence of subsection (b) by striking "the proposed uprating" and inserting "any proposed uprating";

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

"(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

"(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).".

SEC. 213. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—In fiscal years 2001 through 2003, the Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

SEC. 215. DREDGED MATERIAL MARKETING AND RECYCLING.

(a) DREDGED MATERIAL MARKETING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under paragraph (1) unless the Secretary determines that the program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in paragraph (1) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall transmit to Congress a report on the program established under paragraph (1).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each fiscal year.

(b) DREDGED MATERIAL RECYCLING.—

(1) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from confined disposal facilities associated with Corps of Engineer navigation projects for the purpose of recycling the dredged material and extending the life of the confined disposal facilities.

(2) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, except that not to exceed $1,000,000 may be expended with respect to any project.

SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ACADEMY.—The term "Academy" means the National Academy of Sciences.

(2) METHOD.—The term "method" means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term "feasibility report" means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term "water resources project" means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000. Such sums shall remain available until expended.

SEC. 217. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

SEC. 218. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the first sentence by striking "$40,000,000" and inserting "$50,000,000".

SEC. 219. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 220. BEACH RECREATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are displayed in reports for such projects.

SEC. 221. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 authorized projects to test the design-build method of project delivery on various authorized civil works projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term "design-build" means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the pilot program.

SEC. 222. ENHANCED PUBLIC PARTICIPATION.

(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

"(e) ENHANCED PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

"(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

"(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).".

SEC. 223. MONITORING.

(a) IN GENERAL.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) DURATION.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) REPORTS.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) ELIGIBLE PROJECT DEFINED.—In this section, the term "eligible project" means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) COSTS.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 224. FISH AND WILDLIFE MITIGATION.

(a) DESIGN OF MITIGATION PROJECTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) by striking "(1)" and inserting "(A)";

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(d) After the date of enactment of this Act," and inserting the following:

"(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

"(1) IN GENERAL.—After November 17, 1986,";

(4) by adding at the end the following:

"(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects."; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) CONCURRENT MITIGATION.—

(1) INVESTIGATION.—

(A) IN GENERAL.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In carrying out the investigation, the Comptroller General shall determine—

(i) whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances; and

(ii) the extent to which mitigation projects restore natural hydrologic conditions, restore native vegetation, and otherwise support native fish and wildlife species.

(B) SPECIAL RULE.—In carrying out subparagraph (A)(ii), the Comptroller General shall—

(i) establish a panel of independent scientists, comprised of individuals with expertise and experience in applicable scientific disciplines, to assist the Comptroller General; and

(ii) assess methods used by the Corps of Engineers to monitor and evaluate mitigation projects, and compare Corps of Engineers mitigation project design, construction, monitoring, and evaluation practices with those used in other publicly and privately financed mitigation projects.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 225. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking "Not more than ½ of the" and inserting "The".

SEC. 226. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property by the Secretary to a non-Federal governmental or nonprofit entity shall be limited to the extent that the Secretary determines that such limitation is necessary to complete the conveyance based on the entity's ability to pay.

SEC. 227. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) Perry Creek, Iowa;

"(25) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

"(26) Lower Hudson River and tributaries, New York;

"(27) Susquehanna River watershed, Bradford County, Pennsylvania; and

"(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.".

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) General.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99–662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) Removal Process.—Beginning on the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) Lands To Be Sold.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) Criteria for Land To Be Acquired.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) Dredged Material Disposal Sites.—The Secretary shall utilize dredged material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) Other Mitigation Lands.—The Secretary is also authorized to transfer by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99–662, in consultation with Federal and State fish and wildlife agencies, when such transfers are necessary to address transportation, utility, and related activities. The Secretary shall ensure full mitigation for any wildlife habitat value lost as a result of such sale or transfer. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) Repeal.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 303. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the cost the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the planning and engineering investigations carried out by State and local agencies if the Secretary determines that the investigations are integral to the study.

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) In General.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1218), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) Report.—

(1) In general.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) Timing.—Not later than January 1, 2002, the Secretary shall transmit to Congress the final report.

(3) Contents.—The final report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

SEC. 305. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses if the Secretary determines that the use of such dredged material is technically sound, environmentally acceptable, and economically justified.

SEC. 306. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project under section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) the costs incurred by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements.

SEC. 307. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to authorize the project to be carried out at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

SEC. 308. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 309. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of

1992 (33 U.S.C. 426i–1) if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 310. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 311. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 312. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 313. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the cost of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the cost of work carried out by the non-Federal interests before the date of execution of the study cost-sharing agreement if—

(1) the Secretary and the non-Federal interests enter into a cost-sharing agreement for the study; and

(2) the Secretary determines that the work is integral to the study.

SEC. 314. CUMBERLAND, KENTUCKY.

The Secretary shall initiate construction, using continuing contracts, of the city of Cumberland, Kentucky, flood control project, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), in accordance with option 4 in the detailed project report, dated September 1998, as modified, to prevent losses from a flood equal in magnitude to the April 1977 level by providing protection from the 100-year frequency event and to share all costs in accordance with section 103 of Public Law 99–662, as amended.

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall initiate, in collaboration with the State of Louisiana, construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) AUTHORITIES.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements of section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 316. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 317. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 318. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified—

(1) to provide that the non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of a project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under subsection (a)(2).

SEC. 319. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

(a) IN GENERAL.—The Secretary may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(b) NON-FEDERAL SHARE.—The Secretary shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities under subsection (a).

SEC. 320. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the detailed project report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the project by the non-Federal interest before the date of the cooperation agreement for the modified project or execution of a new cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 321. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 322. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 323. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the costs of construction work for phase 1 of the project carried out by the non-Federal interest if the Secretary determines that the construction work is integral to the project.

SEC. 324. PEMISCOT COUNTY HARBOR, MISSOURI.

The Secretary shall credit toward the non-Federal share of the cost of the project for navigation, Pemiscot County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the cost of construction work carried out for the project after December 31, 1997, by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 325. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck

project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) Purposes.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) Definitions.—In this section, the following definitions apply:

(1) Fort Peck lake.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) Hatchery project.—The term "hatchery project" means the project authorized by subsection (d).

(d) Authorization.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) Cost Sharing.—

(1) Design and construction.—

(A) Federal share.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) Form of non-federal share.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(C) Required crediting.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(i) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(ii) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) Operation, maintenance, repair, and replacement.—

(A) In general.—Except as provided in subparagraph (B), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) Costs associated with threatened and endangered species.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated—

(A) $20,000,000 to carry out this section (other than subsection (e)(2)(B)); and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) Availability of funds.—Sums made available to carry out this section shall remain available until expended.

SEC. 326. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 327. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) In General.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to direct the Secretary to give priority to nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River basin before the date of enactment of this Act.

(b) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River floodway buyout study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River buyout study of the 10-year floodplain beyond the floodway of the central Passaic River basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) Membership.—The task force shall be composed of 22 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of the Association of New Jersey Environmental Commissions, the Passaic River Coalition, and the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall transmit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718) is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

SEC. 328. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 329. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In General.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135), is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost Sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

(c) Conforming Amendment.—Section 541 of the Water Resources Development Act of 1999 (113 Stat. 350) is repealed.

SEC. 330. GARRISON DAM, NORTH DAKOTA.

The Secretary shall conduct a study of the Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control

Act of December 22, 1944 (58 Stat. 891), to determine if the damage to the water transmission line for Williston, North Dakota, is the result of a design deficiency and, if the Secretary determines that the damage is the result of a design deficiency, shall correct the deficiency.

SEC. 331. DUCK CREEK, OHIO.

(a) IN GENERAL.—The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to carry out the project at a total cost of $36,323,000.

(b) NON-FEDERAL SHARE.—Notwithstanding section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the non-Federal share of the cost of the project shall not exceed $1,200,000.

SEC. 332. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 333. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the project, or reimburse the non-Federal interest, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".

SEC. 334. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles;

if the Secretary determines that it is technically sound, environmentally acceptable, and economically justified.

SEC. 335. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 336. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 337. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), at the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (33 U.S.C. 2324), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

(b) LIMITATION.—The Secretary may only make the reallocation under subsection (a) to the extent the Secretary determines that such reallocation will not have an adverse impact on other project purposes of the John Flannagan Reservoir.

SEC. 338. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 339. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress.

SEC. 340. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project.

SEC. 341. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) PAYMENTS TO STATE.—The terms and conditions of the transfer may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".

SEC. 342. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence by striking "$7,000,000" and inserting "$20,000,000";

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999."; and

(3) by inserting after "25 percent." the following: "In carrying out paragraph (4), the Chief of Engineers may solicit participation by and the services of commercial watermen in the construction of the reefs.".

SEC. 343. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 344. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2006.".

SEC. 345. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) In General.—Not later than December 31, 2002, the Secretary shall carry out a demonstration program for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) Project Considerations.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (including projects carried out in the States of New York, New Jersey, and Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); and

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) Non-Federal Share.—The non-Federal share of the cost of each project carried out under the demonstration program authorized by this section shall be 35 percent.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 346. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) Area To Be Declared Nonnavigable; Public Interest.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portion of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) Boundaries.—The portion of Erie County, New York, referred to in subsection (a) is all that tract or parcel of land, situated in the town of Hamburg and the city of Lackawanna, Erie County, New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36'46" East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36'46" East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40-R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00'07" East a distance of 164.30 feet;

(2) South 18°40'45" East a distance of 355.00 feet;

(3) South 71°23'35" West a distance of 2.00 feet;

(4) South 18°40'45" East a distance of 223.00 feet;

(5) South 22°29'36" East a distance of 150.35 feet;

(6) South 18°40'45" East a distance of 512.00 feet;

(7) South 16°49'53" East a distance of 260.12 feet;

(8) South 18°34'20" East a distance of 793.00 feet;

(9) South 71°23'35" West a distance of 4.00 feet;

(10) South 18°13'24" East a distance of 132.00 feet;

(11) North 71°23'35" East a distance of 4.67 feet;

(12) South 18°30'00" East a distance of 38.00 feet;

(13) South 71°23'35" West a distance of 4.86 feet;

(14) South 18°13'24" East a distance of 160.00 feet;

(15) South 71°23'35" East a distance of 9.80 feet;

(16) South 18°36'25" East a distance of 159.00 feet;

(17) South 71°23'35" West a distance of 3.89 feet;

(18) South 18°34'20" East a distance of 180.00 feet;

(19) South 20°56'05" East a distance of 138.11 feet;

(20) South 22°53'55" East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36'25" East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17'25" East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12'16" East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35'35" West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24'25" West a distance of 1.00 feet;

(2) South 7°01'17" West a distance of 170.15 feet;

(3) South 5°02'54" West a distance of 180.00 feet;

(4) North 85°24'25" West a distance of 3.00 feet;

(5) South 5°02'54" West a distance of 260.00 feet;

(6) South 5°09'11" West a distance of 110.00 feet;

(7) South 0°34'35" West a distance of 110.27 feet;

(8) South 4°50'37" West a distance of 220.00 feet;

(9) South 4°50'37" West a distance of 365.00 feet;

(10) South 85°24'25" East a distance of 5.00 feet;

(11) South 4°06'20" West a distance of 67.00 feet;

(12) South 6°04'35" West a distance of 248.08 feet;

(13) South 3°18'27" West a distance of 52.01 feet;

(14) South 4°55'58" West a distance of 133.00 feet;

(15) North 85°24'25" West a distance of 1.00 feet;

(16) South 4°55'58" West a distance of 45.00 feet;

(17) North 85°24'25" West a distance of 7.00 feet;

(18) South 4°56'12" West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55'58" West a distance of 127.00 feet;

(2) South 2°29'25" East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35'35" West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34'35" West a distance of 12.55 feet;

(2) South 4°35'35" West a distance of 118.50 feet;

(3) South 3°04'00" West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25'14" West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16'48" West, a distance of 215.38 feet;

(3) South 30°42'49" West a distance of 76.96 feet;

(4) South 22°06'03" West a distance of 689.43 feet;

(5) South 36°09'23" West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13'38" West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29'53" West a distance of 267.84 feet;

(2) North 24°25'00" West a distance of 195.01 feet;

(3) North 26°45'00" West a distance of 250.00 feet;

(4) North 31°15'00" West a distance of 205.00 feet;

(5) North 21°35'00" West a distance of 110.00 feet;

(6) North 44°00'53" West a distance of 26.38 feet;

(7) North 33°49'18" West a distance of 74.86 feet;

(8) North 34°26'26" West a distance of 12.00 feet;

(9) North 31°06'16" West a distance of 72.06 feet;

(10) North 22°35'00" West a distance of 150.00 feet;

(11) North 16°35'00" West a distance of 420.00 feet;

(12) North 21°10'00" West a distance of 440.00 feet;

(13) North 17°55'00" West a distance of 340.00 feet;

(14) North 28°05'00" West a distance of 375.00 feet;

(15) North 16°25'00" West a distance of 585.00 feet;

(16) North 22°10'00" West a distance of 160.00 feet;

(17) North 2°46'36" West a distance of 65.54 feet;

(18) North 16°01'08" West a distance of 70.04 feet;

(19) North 49°07'00" West a distance of 79.00 feet;

(20) North 19°16'00" West a distance of 425.00 feet;

(21) North 16°37'00" West a distance of 285.00 feet;

(22) North 25°20'00" West a distance of 360.00 feet;

(23) North 33°00'00" West a distance of 230.00 feet;

(24) North 32°40'00" West a distance of 310.00 feet;

(25) North 27°10'00" West a distance of 130.00 feet;

(26) North 23°20'00" West a distance of 315.00 feet;

(27) North 18°20'04" West a distance of 302.92 feet;

(28) North 20°15'48" West a distance of 387.18 feet;

(29) North 14°20'00" West a distance of 530.00 feet;

(30) North 16°40'00" West a distance of 260.00 feet;

(31) North 28°35'00" West a distance of 195.00 feet;

(32) North 18°30'00" West a distance of 170.00 feet;

(33) North 26°30'00" West a distance of 340.00 feet;

(34) North 32°07'52" West a distance of 232.38 feet;

(35) North 30°04'26" West a distance of 17.96 feet;

(36) North 23°19'13" West a distance of 111.23 feet;

(37) North 7°07'58" West a distance of 63.90 feet;

(38) North 8°11'02" West a distance of 378.90 feet;

(39) North 15°01'02" West a distance of 190.64 feet;

(40) North 2°55'00" West a distance of 170.00 feet;

(41) North 6°45'00" West a distance of 240.00 feet;

(42) North 0°10'00" East a distance of 465.00 feet;

(43) North 2°00'38" West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23'35" East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14'01" East a distance of 119.30 feet;

(2) North 46°15'13" East a distance of 47.83 feet;

(3) North 59°53'02" East a distance of 53.32 feet;

(4) North 38°20'43" East a distance of 27.31 feet;

(5) North 68°12'46" East a distance of 48.67 feet;

(6) North 26°11'47" East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23'35" East a distance of 1755.19 feet; thence South 35°27'25" East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02'35" East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01'45" East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44'53" East a distance of 623.56 feet;

(2) South 34°33'00" East a distance of 200.00 feet;

(3) South 26°18'55" East a distance of 500.00 feet;

(4) South 19°06'40" East a distance of 1074.29 feet;

(5) South 28°03'18" East a distance of 242.44 feet;

(6) South 18°38'50" East a distance of 1010.95 feet;

(7) North 71°20'51" East a distance of 90.42 feet;

(8) South 18°49'20" East a distance of 158.61 feet;

(9) South 80°55'10" East a distance of 45.14 feet;

(10) South 18°04'45" East a distance of 52.13 feet;

(11) North 71°07'23" East a distance of 102.59 feet;

(12) South 18°41'40" East a distance of 63.00 feet;

(13) South 71°07'23" West a distance of 240.62 feet;

(14) South 18°38'50" East a distance of 668.13 feet;

(15) North 71°28'46" East a distance of 958.68 feet;

(16) North 18°42'31" West a distance of 1001.28 feet;

(17) South 71°17'29" West a distance of 168.48 feet;

(18) North 18°42'31" West a distance of 642.00 feet;

(19) North 71°17'37" East a distance of 17.30 feet;

(20) North 18°42'31" West a distance of 574.67 feet;

(21) North 71°17'29" East a distance of 151.18 feet;

(22) North 18°42'31" West a distance of 1156.43 feet;

(23) North 71°29'21" East a distance of 569.24 feet;

(24) North 18°30'39" West a distance of 314.71 feet;

(25) North 70°59'36" East a distance of 386.47 feet;

(26) North 18°30'39" West a distance of 70.00 feet;

(27) North 70°59'36" East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) that are filled portions of Lake Erie. Any work on these filled portions shall be subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) is not occupied by permanent structures in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 347. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for the purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the "Warsaw Boat Harbor, Illinois".

(5) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173): The portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(6) ROCKPORT HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12

minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(7) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(8) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(9) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1030), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(10) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(11) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1124), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(12) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(13) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), that is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 348. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is located in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled "Property Survey Prepared for West Thompson Independent Firemen Association #1" dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States, at the option of the United States.

(b) WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the "Hospital") by quitclaim deed under the terms of a negotiated sale,

all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) JOLIET, ILLINOIS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for related purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(d) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois, YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property described in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used for the purposes for which the YMCA was established, all right, title, and interest in and to such easement shall revert to the United States, at the option of the United States.

(e) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, title, and interests of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary that are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(f) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at Federal expense—

(A) the lighthouse at Ontonagon, Michigan; and

(B) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(2) MAP.—The Secretary shall—

(A) determine the extent of the land conveyance under this subsection;

(B) determine the exact acreage and legal description of the land to be conveyed under this subsection; and

(C) prepare a map that clearly identifies any land to be conveyed.

(3) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this subsection.

(4) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this subsection, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with the lighthouse or the conveyed land and improvements.

(5) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

(6) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be owned by the Ontonagon County Historical Society or to be used for public purposes, all right, title, and interest in and to such property shall revert to the United States, at the option of the United States.

(g) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(3) CONDITIONS.—The land exchange under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—

(i) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (2)(A).

(ii) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in paragraph (2)(A)—

(I) S.S.S., Inc. shall have no claim against the United States for liability; and

(II) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(C) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under paragraph (1) shall be completed.

(D) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in paragraph (2), which shall be used in the instruments of conveyance of the parcels.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

(h) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(i) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(j) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the United States, at the option of the United States.

(k) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—Section 563(i) of the Water Resources Development Act of 1999 (113 Stat. 360–361) is amended to read as follows:

"(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

"(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

"(2) LAND DESCRIPTION.—

"(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements.

"(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

"(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

"(4) PERPETUAL STATUS.—

"(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

"(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States, at the option of the United States.

"(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

"(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

"(A) IN GENERAL.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a contract for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

"(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.".

(l) SAVANNAH RIVER, SOUTH CAROLINA.—

(1) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this subsection, the term "New Savannah Bluff Lock and Dam" means—

(A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924) and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this subsection.

(2) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(A) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at Federal expense of an estimated $5,300,000; and

(B) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(3) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under paragraph (2).

(4) OPERATION AND MAINTENANCE.—

(A) BEFORE CONVEYANCE.—Before the conveyance under paragraph (2), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(B) AFTER CONVEYANCE.—After the conveyance under paragraph (2), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in paragraph (1)(B)(i), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

(m) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the property to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the "Kennewick Man Site" and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(n) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 349. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 351. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for navigation, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—In this section, the term "Lower Mississippi River system" means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 403. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—In conjunction with the Secretary of Agriculture and the Secretary of the Interior, the Secretary shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 404. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking "date of enactment of this Act" and inserting "first date on which funds are appropriated to carry out this section.".

SEC. 405. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 406. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 407. BRIDGEPORT, ALABAMA.

The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

SEC. 408–409. ARKANSAS RIVER NAVIGATION SYSTEM.

The Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet.

SEC. 410. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 411. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 412. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 413. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 414. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled "Master Plan of Drainage", to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 415. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 416. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 417. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 418. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) ACTIVITIES.—Activities authorized under this section may be conducted by a university with expertise in research in contaminated sediment sciences.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

SEC. 419. BREVARD COUNTY, FLORIDA.

The Secretary shall prepare a general reevaluation report on the project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine, if the project were modified to direct the Secretary to incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, whether the project as modified would be technically sound, environmentally acceptable, and economically justified.

SEC. 420. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 421. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 422. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 423. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

"SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

"(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

"(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation, and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.".

SEC. 424. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Boise River, Idaho.

SEC. 425. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Wood River in Blaine County, Idaho.

SEC. 426. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 427. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 428. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Long Lake, Indiana.

SEC. 429. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled "Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road", to determine whether the plans contained in the report are feasible and in the Federal interest.

SEC. 430. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The Secretary shall investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel of the project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), and recommend a solution to the problems.

SEC. 431. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 432. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 433. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to include structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 434. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 435. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 436. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 437. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 438. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 439. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825). In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 440. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017).

SEC. 441. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff),".

SEC. 442. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 443. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 444. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 445. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 446. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina, including Atlantic Beach, Pine Knoll Shores Beach, Salter Path Beach, Indian Beach, and Emerald Isle Beach.

SEC. 447. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 448. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam on the Sandusky River at Fremont, Ohio.

SEC. 449. STEUBENVILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 450. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) transmit, not later than 180 days after the date of enactment of this Act, to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin, Oklahoma; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 451. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is appropriate, the Secretary may carry out the project on an expedited basis under such section.

SEC. 452. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island, to meet its authorized purpose.

SEC. 453. QUONSET POINT CHANNEL, RHODE ISLAND.

The Secretary shall conduct a study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

SEC. 454. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 455. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 456. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer to the Secretary the funds necessary to carry out subsection (a).

SEC. 457. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) CREDIT.—The Secretary—

(1) shall credit toward the non-Federal share of the cost of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before, on, or after the date of execution of the feasibility study cost-sharing agreement; and

(2) shall consider, for the purposes of paragraph (1), the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure of the House of Representatives, dated March 7, 1996.

(d) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 458. MILWAUKEE, WISCONSIN.

(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149), as amended in section 210(b) of this Act, is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

"(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

"(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $3,000,000. Such sums shall remain available until expended.".

SEC. 502. RESTORATION PROJECTS.

(a) IN GENERAL.—Section 539 of the Water Resources Development Act of 1996 (110 Stat. 3776–3777) is amended—

*(1) in the section heading by striking "**MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA**";*

(2) by striking "and" at the end of subsection (a)(1)(A);

(3) by striking the period at the end of subsection (a)(1)(B) and inserting a semicolon; and

(4) by adding at the end of subsection (a)(1) the following:

"(C) the Lackawanna River, Pennsylvania;

"(D) the Soda Butte Creek, Silver Creek, and Elkhorn Mountain drainages, Montana;

"(E) the Pemigewasset River watershed, New Hampshire;

"(F) the Hocking River, Ohio; and

"(G) the Clinch River watershed and Powell River watershed, Virginia.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting ", $5,000,000 for projects undertaken under subsection (a)(1)(C), $5,000,000 for projects undertaken under subsection (a)(1)(D), $1,500,000 for projects undertaken under subsection (a)(1)(E), $2,500,000 for projects undertaken under subsection (a)(1)(F), and $5,000,000 for projects undertaken under subsection (a)(1)(G)" before the period at the end.

SEC. 503. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (33 U.S.C. 2313b) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College, Pennsylvania.

SEC. 504. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

"(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;".

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting "or exported" after "diverted"; and

(2) inserting "or export" after "diversion".

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

SEC. 505. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

"(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized";

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $100,000,000.

SEC. 507. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall transmit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is transmitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) transmit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are transmitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The Secretary shall credit the non-Federal interest for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $4,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $55,000,000.

SEC. 508. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "Fort Smith, Arkansas, on land provided by the city of Fort Smith.".

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".

SEC. 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall integrate, to the maximum extent practicable and in accordance with applicable law, the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 510. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 511. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Development Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may be used only for the wetlands restoration and creation elements of the project.

SEC. 512. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 513. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 515. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 516. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) EASEMENT PROHIBITION.—The term "easement prohibition" means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term "eligible property owner" means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term "fee land" means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term "flowage easement" means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term "Lake" means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 635).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall issue regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed before January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 517. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 518. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20 note; 100 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and $800,000 for each fiscal year beginning after September 30, 2003,".

SEC. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) Illinois River Basin Defined.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) Comprehensive Plan.—

(1) Development.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) Technologies and innovative approaches.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) Specific components.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) Consultation.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) Additional studies and analyses.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) Critical Restoration Projects.—

(1) In general.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) Federal share.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) General Provisions.—

(1) Water quality.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) Public participation.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) Coordination.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program (and other farm programs of the Department of Agriculture).

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) Justification.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) Applicability.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) Operation, maintenance, rehabilitation, and replacement.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) In-kind services.—The Secretary may credit the value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary. The programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) Credit.—

(A) Value of lands.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) Work.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for the value of work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells.

SEC. 522. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

SEC. 523. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 524. MINNESOTA DAM SAFETY.

(a) Inventory and Assessment of Other Dams.—

(1) Inventory.—The Secretary shall establish an inventory of dams constructed in the State of Minnesota by and using funds made available through the Works Progress Administration, the

Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall assess the condition of the dams on the inventory and the need for rehabilitation or modification of the dams.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary may carry out measures to prevent or mitigate against that risk.

(2) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

SEC. 525. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, that is situated north and east of the Gunflint Corridor and bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in subsection (a) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: ", including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the State of Minnesota Department of Natural Resources, dated June 30, 1999.

(b) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of the project shall be 35 percent.

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 529. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term "Committee" means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term "Plan" means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term "Project" means the Las Vegas Wash wetlands restoration and Lake Mead improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project at Las Vegas Wash and Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 530. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of the Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 531. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 532. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal,

State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term "Upper Mohawk River basin" means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 533. FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—In order to assist the States of North Carolina and Ohio and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris)—

(1) in eastern North Carolina, in—

(A) New River and tributaries;

(B) White Oak River and tributaries;

(C) Neuse River and tributaries; and

(D) Pamlico River and tributaries; and

(2) in Ohio, in—

(A) Symmes Creek;

(B) Duck Creek; and

(C) Brush Creek.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term "major disaster" means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal years 2001 through 2003.

SEC. 534. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 535. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) USE OF MANAGEMENT PLANS.—

(1) LOWER COLUMBIA RIVER ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the Governors of the States of Oregon and Washington and the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) TILLAMOOK BAY ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the Governor of the State of Oregon and the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) LIMITATIONS.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) PRIORITY.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) LOWER COLUMBIA RIVER ESTUARY.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) TILLAMOOK BAY ESTUARY.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 537. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178 (112 Stat. 305) to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 538. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.".

SEC. 539. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary

shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

SEC. 540. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385–388) is amended—

(1) in subsection (a)(4)(C)(i) by striking subclause (I) and inserting the following:

"(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

"(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

"(bb) the carrying out of plans developed under this section; and"; and

(2) in subsection (b)(4)(B) by striking "section 604(d)(3)(A)(iii)" and inserting "section 604(d)(3)(A)".

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388–389) is amended—

(1) in subsection (c)(2) by striking "The" and inserting "In consultation with the State of South Dakota, the"; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting "Department of Game, Fish and Parks of the" before "State of"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking "transferred" and inserting "transferred or to be transferred"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred or to be transferred to the State of South Dakota by the Secretary;".

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389–390) is amended—

(1) in subsection (c)(2) by striking "The" and inserting "In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the"; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting "as tribal funds" after "for use"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking "transferred" and inserting "transferred or to be transferred"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred or to be transferred to the respective affected Indian Tribe by the Secretary;".

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B) by striking "in perpetuity" and inserting "for the life of the Mni Wiconi project";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.";

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) by inserting "and" after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) by striking "and" and inserting "or"; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d) by striking paragraph (2) and inserting the following:

"(2) STRUCTURES.—

"(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) LEASE OF RECREATION AREAS.—

"(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

"(I) OAHE DAM AND LAKE.—

"(aa) Downstream Recreation Area.

"(bb) West Shore Recreation Area.

"(cc) East Shore Recreation Area.

"(dd) Tailrace Recreation Area.

"(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

"(aa) Randall Creek Recreation Area.

"(bb) South Shore Recreation Area.

"(cc) Spillway Recreation Area.

"(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

"(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.";

(4) in subsection (f)(1) by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(5) in subsection (g) by striking paragraph (3) and inserting the following:

"(3) EASEMENTS AND ACCESS.—

"(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (58 Stat. 887).";

(6) in subsection (h) by striking "of this Act" and inserting "of law"; and

(7) by adding at the end the following:

"(j) CLEANUP OF LAND AND RECREATION AREAS.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

"(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

"(2) MEMBERSHIP.—The Commission shall be composed of—

"(A) 1 member representing the State of South Dakota;

"(B) 1 member representing the Cheyenne River Sioux Tribe;

"(C) 1 member representing the Lower Brule Sioux Tribe; and

"(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally

recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River basin in South Dakota.

"(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

"(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

"(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.".

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

(1) in subsection (a)(1) by striking "The Secretary" and inserting "Not later than January 1, 2002, the Secretary";

(2) in subsection (b)(1) by striking "Big Bend and Oahe" and inserting "Oahe, Big Bend, and Fort Randall";

(3) in subsection (d) by striking paragraph (2) and inserting the following:

"(2) STRUCTURES.—

"(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) LEASE OF RECREATION AREAS.—

"(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

"(I) Left Tailrace Recreation Area.

"(II) Right Tailrace Recreation Area.

"(III) Good Soldier Creek Recreation Area.

"(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.";

(4) in subsection (f)—

(A) in paragraph (1) by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(B) in paragraph (2) by striking subparagraph (C) and inserting the following:

"(C) EASEMENTS AND ACCESS.—

"(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps of Engineers from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (58 Stat. 887)."; and

(C) in paragraph (3)(B) by inserting before the period at the end the following: "that were administered by the Corps of Engineers as of the date of the land transfer."; and

(5) by adding at the end the following:

"(h) CLEANUP OF LAND AND RECREATION AREAS.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(j) SEDIMENT CONTAMINATION.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

"(A) complete a study of sediment contamination in the Cheyenne River; and

"(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).".

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395–396) is amended by adding at the end the following:

"(d) BUDGET CONSIDERATIONS.—

"(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

"(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

"(A) be detailed;

"(B) include all necessary tasks and associated costs; and

"(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396–397) is amended by striking subsection (a) and inserting the following:

"(a) SECRETARY.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

"(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

"(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

"(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred or to be transferred to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

"(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred or to be transferred under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

"(2) ALLOCATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

"(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

"(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

"(I) 65 percent to the State of South Dakota.

"(II) 26 percent to the Cheyenne River Sioux Tribe.

"(III) 9 percent to the Lower Brule Sioux Tribe.

"(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).".

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

"(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.".

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "the Tribe" and inserting "the affected Indian Tribe".

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking "the respective Tribe" each place it appears and inserting "the respective affected Indian Tribe".

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(A) in subsection (b)(3) by striking "an Indian Tribe" and inserting "any Indian Tribe"; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B) of this section) by striking "an Indian Tribe" and inserting "any Indian Tribe".

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

*(A) in the section heading by striking "**INDIAN TRIBES**" and inserting "**AFFECTED INDIAN TRIBES**";*

(B) in paragraphs (1) and (4) of subsection (a) by striking "the Indian Tribes" each place it appears and inserting "the affected Indian Tribes";

(C) in subsection (c)(2) by striking "an Indian Tribe" and inserting "any Indian Tribe";

(D) in subsection (f)(2)(B)(i)—

(i) by striking "the respective tribes" and inserting "the respective affected Indian Tribes"; and

(ii) by striking "the respective Tribe's" and inserting "the respective affected Indian Tribe's"; and

(E) in subsection (g) by striking "an Indian Tribe" and inserting "any Indian Tribe".

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking "an Indian Tribe" each place it appears and inserting "any Indian Tribe".

SEC. 541. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

The Secretary shall prepare a limited reevaluation report of the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to determine the feasibility of modifying the project to provide urban flood protection along Horn Lake Creek and, if the Secretary determines that the modification is technically sound, environmentally acceptable, and economically justified, carry out the project as modified in accordance with the report.

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the appropriate State official for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, the appropriate State officials shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the project;

(B) to provide any land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to carry out the project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out the project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 543. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary—

(1) shall conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b);

(2) shall provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b); and

(3) may carry out measures to prevent or mitigate against such risk if the Secretary determines that a dam described in subsection (b) presents an imminent and substantial risk to public safety.

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of activities under subsection (a) shall be 35 percent.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) Use of Existing Studies and Plans.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) Local Participation.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and consider the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) Implementation.—The Secretary may carry out projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) Cost Sharing.—

(1) In General.—Before carrying out any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the project;

(B) to provide any land, easements, rights-of-way, dredged material disposal areas and relocations necessary to carry out the project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) Credit.—

(A) In General.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out the project.

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 545. WILLAPA BAY, WASHINGTON.

(a) Study.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington.

(b) Project.—

(1) In General.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington, at Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Tribe.

(2) Land, Easements, and Rights-of-Way.—As a condition of the project described in paragraph (1), the Shoalwater Bay Tribe shall provide lands, easements, rights-of-way, and dredged material disposal areas necessary for implementation of the project.

SEC. 546. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) In General.—The city of Aberdeen, Washington, may transfer all rights, title, and interests of the city in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) Conditions.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) Limitation.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) Water Supply Contract.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 547. BLUESTONE, WEST VIRGINIA.

(a) In General.—The project for flood control, Bluestone Lake, Ohio River basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to authorize construction of hydroelectric generating facilities at the project by the Tri-Cities Power Authority of West Virginia under the terms and conditions of the agreement referred to in subsection (b).

(b) Agreement.—

(1) Agreement Terms.—The Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, shall enter into a binding agreement with the Tri-Cities Power Authority that contains mutually acceptable terms and conditions and under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities that may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) Additional Terms.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred to in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) and the procedures under which such payments are to be made.

(c) Other Requirements.—

(1) Prohibition.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) Reimbursement.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) Completion of Construction.—

(1) Transfer of Facilities.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facilities by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities.

(2) Certification.—The Secretary may accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) Authorized Project Purposes.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) Excess Power.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) Payments.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, may pay, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) Authority of Secretary of Energy.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from

the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) Savings Clause.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of the facilities referred to in subsection (a).

SEC. 548. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

"(d) Historic Structure.—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House' located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.".

SEC. 549. TUG FORK RIVER, WEST VIRGINIA.

(a) In General.—The Secretary may provide planning and design assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) Priorities.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 550. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended in the second sentence by inserting "environmental restoration," after "distribution facilities,".

SEC. 551. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 552. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

"(28) Tomales Bay watershed, California.

"(29) Kaskaskia River watershed, Illinois.

"(30) Sangamon River watershed, Illinois.

"(31) Upper Charles River watershed, Massachusetts.

"(32) Lackawanna River watershed, Pennsylvania.

"(33) Brazos River watershed, Texas.".

SEC. 553. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

"(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

"(17) Morehead City Harbor, North Carolina.".

SEC. 554. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration—

(1) to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers; and

(2) to require the Administrator to provide the final charts with respect to the project to the Secretary in digital format, at no charge, for the purpose of enhancing the mission of the Corps of Engineers of maintaining Federal navigation projects.

SEC. 555. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled "An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)", approved November 1, 1988 (102 Stat. 2944), is amended by striking "$2,000,000" and inserting "$4,000,000".

SEC. 556. RELEASE OF USE RESTRICTION.

(a) Release.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restrictive covenant that requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) Description of Property.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may be acquired by the Alabama Farmers Cooperative, Inc.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) Definitions.—In this section, the following definitions apply:

(1) Central and Southern Florida Project.—

(A) In general.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) Inclusion.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) Governor.—The term "Governor" means the Governor of the State of Florida.

(3) Natural system.—

(A) In general.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) Inclusions.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) Plan.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) South Florida ecosystem.—

(A) In general.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) Inclusions.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) State.—The term "State" means the State of Florida.

(b) Comprehensive Everglades Restoration Plan.—

(1) Approval.—

(A) In general.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) Integration.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) Specific authorizations.—

(A) In general.—

(i) Projects.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) Considerations.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) Review and comment.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) Pilot projects.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal

cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase 1, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resources Development Act of 2000".

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) not later than August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

SEC. 701. SHORT TITLE.

This title may be cited as the "Missouri River Protection and Improvement Act of 2000".

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title, the following definitions apply:

(1) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891).

(2) PLAN.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) STATE.—The term "State" means the State of North Dakota.

(4) TASK FORCE.—The term "Task Force" means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term "Trust" means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall transmit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review *and comment before the plan becomes final in accordance with procedures established by the Task Force.*

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701-1 et seq.; 58 Stat. 887).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $5,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Charles M. Russell National Wildlife Refuge Enhancement Act of 2000".

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, working with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) ASSOCIATION.—The term "Association" means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term "cabin site" means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas that is—

(i) managed by the Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for single family use or occupancy.

(B) INCLUSIONS.—The term "cabin site" includes all right, title, and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular and utility access to the cabin site;

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i); and

(iii) any adjacent parcel of land that the Secretary determines should be conveyed under section 804(c)(1).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term "cabin site area" means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term "cabin site area" includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land and for each cabin site in the cabin site area to meet the requirements of section 804(e)(1), as determined by the Secretary, with the concurrence of the Secretary of the Interior.

(4) LAND.—The term "land" means land or an interest in land.

(5) LESSEE.—The term "lessee" means a person that is leasing a cabin site.

(6) REFUGE.—The term "Refuge" means the Charles M. Russell National Wildlife Refuge in the State of Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin site lease under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A)(i) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee because the cabin sites are isolated so that conveyance of 1 or more of the cabin sites would create an inholding that would impair management of the Refuge; and

(ii) with the concurrence of the Secretary of the Interior and the lessee, determine individual cabin sites that are not suitable for conveyance to a lessee for any other reason that adversely impacts the future habitability of the cabin sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1) and an estimate of the portion of administrative costs that would be required to be reimbursed to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within the same cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary, with the concurrence of the Secretary of the Interior, shall—

(1) determine whether any small parcel of land adjacent to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary and the Secretary of the Interior determine that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) prepare permanent easements or deed restrictions to be enforceable by the Secretary of the Interior or an acceptable third party, to be placed on a cabin site before conveyance out of Federal ownership in order to—

(A) comply with the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) comply with any other laws (including regulations);

(C) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake;

(D) limit future uses of the cabin site to—

(i) noncommercial, single-family use; and

(ii) the type and intensity of use of the cabin site as of the date of enactment of this Act; and

(E) maintain the values of the Refuge; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin site; and

(C) takes into consideration—

(i) any easement or deed restriction determined to be necessary under paragraph (5) and subsection (h); and

(ii) the definition of "cabin site" under section 803(2).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) affected lessees;

(B) affected counties in the State of Montana; and

(C) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary or, if necessary, the Secretary of the Interior shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if the cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment from the lessee for the cabin site of an amount equal to the sum of—

(A) the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6); and

(B) the administrative costs required to be reimbursed under section 808.

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary and the Secretary of the Interior—

(A) shall not construct any road for the sole purpose of providing access to land conveyed under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary, with the concurrence of the Secretary of the Interior, may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land conveyed under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for acquiring or securing the use of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary and the Secretary of the Interior shall not provide any utilities or infrastructure to the cabin site.

(h) EASEMENTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(A) includes such easements and deed restrictions as are determined, under subsection (c), to be necessary; and

(B) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of this title specified in paragraphs (1) through (4) of section 802 and for which 1 or more willing sellers exist.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of this title specified in paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the land in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the cabin site in accordance with section 804(c)(6);

the Secretary or, if necessary, the Secretary of the Interior shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment from the lessee for the cabin site of an amount equal to the sum of the appraised fair market value of the cabin site, as determined by the updated appraisal, and the administrative costs required to be reimbursed under section 808.

(d) EASEMENTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this title; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) Conveyances to Third Parties.—As soon as practicable after the expiration or surrender of a lease, the Secretary, with the concurrence of the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2)(A).

(b) Easements and Deed Restrictions.—Before conveying any cabin site under subsection (a), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(c) Management of Remaining Land Within Cabin Site Areas.—

(1) Management by the secretary.—All land within the outer boundaries of a cabin site area that is not conveyed under this Act shall be managed by the Secretary, in consultation with the Secretary of the Interior, in substantially the same manner as that land is managed on the date of enactment of this Act and consistent with the purposes for which the Refuge was established.

(2) Construction and development.—The Secretary shall not initiate or authorize any development or construction on land under paragraph (1) except with the concurrence of the Secretary of the Interior.

SEC. 807. USE OF PROCEEDS.

(a) Proceeds.—All payments for the conveyance of cabin sites under this title, except costs reimbursed to the Secretary under section 808(b)—

(1) shall be deposited in a special fund within the Montana Fish and Wildlife Conservation Trust established under section 1007 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–715) (as amended by title IV of H.R. 3425 of the 106th Congress, as enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–307); and

(2) notwithstanding title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–710), shall be available for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service in the Director's sole discretion and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(A) is within or adjacent to the Refuge;

(B) would be suitable to carry out the purposes of this title specified in paragraphs (1) through (4) of section 802; and

(C) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) Limitations.—

(1) In general.—To the extent practicable, acquisitions under this title shall be of land within the Refuge.

(2) No effect on acquisition.—Nothing in this subsection limits the ability of the Secretary of the Interior to acquire land adjacent to the Refuge from a willing seller in cases in which the Secretary of the Interior also acquires land within the Refuge from the same willing seller.

SEC. 808. ADMINISTRATIVE COSTS.

(a) In General.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) Reimbursement.—As a condition of the conveyance of any cabin site area under this title, the Secretary or the Secretary of the Interior—

(1) may require the party to whom the property is conveyed to reimburse the Secretary or the Secretary of the Interior for a reasonable portion, as determined by the Secretary or the Secretary of the Interior, of the direct administrative costs (including survey costs) incurred in carrying out conveyance activities under this title, taking into consideration any cost savings achieved as a result of the party's agreeing to purchase its cabin site as part of a single transaction for the conveyance of multiple cabin sites; and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this title.

SEC. 809. REVOCATION OF WITHDRAWALS.

(a) In General.—Upon execution of any patent or deed, by the Secretary or the Secretary of the Interior, conveying land as specifically authorized by this title, any public land withdrawal affecting the land described in the conveyance document as being conveyed shall be revoked with respect to that land.

(b) Exclusions.—Nothing in this section affects—

(1) the status of any public land withdrawal on land retained by the Secretary or the Secretary of the Interior;

(2) the boundary of the Refuge as established by Executive Order No. 7509 (December 11, 1936); or

(3) enforcement of any right retained by the United States.

(c) Reinstatement.—If, at any time after the date of enactment of this Act, the Secretary or the Secretary of the Interior reacquires land conveyed under this title, any public land withdrawal revoked under this section shall be reinstated with respect to the reacquired land.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

SEC. 901. SHORT TITLE.

This title may be cited as the "Missouri River Restoration Act of 2000".

SEC. 902. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) Purposes.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title, the following definitions apply:

(1) Pick-sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(3) State.—The term "State" means the State of South Dakota.

(4) Task force.—The term "Task Force" means the Missouri River Task Force established by section 905(a).

(5) Trust.—The term "Trust" means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701-1 et seq.; 58 Stat. 887).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $10,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
CLAY SHAW,
JIM OBERSTAR,
BOB BORSKI,
ROBERT MENENDEZ,
Managers on the Part of the House.

BOB SMITH,
JOHN WARNER,
MAX BAUCUS,
BOB GRAHAM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Managers, and minor drafting and clerical changes.

TITLE I—WATER RESOURCES PROJECTS

SECTION 101. PROJECT AUTHORIZATIONS

101(a) Projects with Chief's Reports

101(a)(1) Barnegat Inlet to Little Egg Inlet, New Jersey. House §101(a)(1), Senate §101(a)(1).—House recedes.

101(a)(2) Port of New York and New Jersey, New York and New Jersey. House §101(a)(2), Senate §101(a)(2).—House recedes, with an amendment.

This provision allows the Secretary to provide credit for cash or in-kind services and materials provided by the local sponsor of the navigation project, as well as betterments or other work done prior to the execution of the project cooperation agreement, to expedite the project and reduce overall project costs. Nothing in this section limits the availability of credit provided by the Secretary to the local sponsor of the project under section 204 of the Water Resources Development Act of 1986. Such credit would be applied to the non-Federal share of the project cost.

101(b) Projects subject to report

The conference report includes project authorizations for which the Chief of Engineers has not yet completed a final report, but for which such reports are anticipated by December 31, 2000. These projects have been included in order to assure that projects anticipated to satisfy the necessary technical documentation by December 31, 2000 are not delayed in each case that the final favorable reports can be completed by the end of 2000.

101(b)(1) False Pass Harbor, Alaska. House §101(b)(1), Senate §101(b)(1).—House recedes, with an amendment.

101(b)(2) Unalaska Harbor, Alaska. House §101(b)(2), Senate §101(b)(2).—House recedes, with an amendment.

101(b)(3) Rio De Flag, Flagstaff, Arizona. House §101(b)(3), Senate §101(b)(3).—Same.

101(b)(4) Tres Rios, Arizona. House §101(b)(4), Senate §101(b)(4).—Same.

101(b)(5) Los Angeles Harbor, California. House §101(b)(5), Senate §101(b)(5).—Same.

101(b)(6) Murrieta Creek, California. House §101(b)(6), Senate §101(b)(6).—House recedes, with an amendment.

101(b)(7) Pine Flat Dam, California. Senate §101(b)(7). No comparable House section.—House recedes.

101(b)(8) Santa Barbara Streams, Lower Mission Creek, California. House §101(b)(7), Senate §101(b)(9).—Same.

101(b)(9) Upper Newport Bay, California. House §101(b)(8), Senate §101(b)(10).—Same.

101(b)(10) Whitewater River Basin, California. House §101(b)(9), Senate §101(b)(11).—Same.

101(b)(11) Delaware Coast from Cape Henlopen to Fenwick Island. House §101(b)(10), Senate §101(b)(12).—House recedes.

101(b)(12) Port Sutton, Florida. House §101(b)(11), Senate §101(b)(13).—Senate recedes, with an amendment.

101(b)(13) Barbers Point Harbor, Hawaii. House §101(b)(12). No comparable Senate section.—Senate recedes.

101(b)(14) John Myers Lock and Dam, Indiana and Kentucky. House §101(b)(13), Senate §101(b)(14).—House recedes, with an amendment.

101(b)(15) Greenup Lock and Dam, Kentucky and Ohio. House §101(b)(14), Senate §101(b)(15).—House recedes.

101(b)(16) Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. House §101(b)(15), Senate §101(b)(21).—House recedes, with an amendment.

101(b)(17) Morganza, Louisiana. Senate §101(b)(16). No comparable House section.—House recedes.

101(b)(18) Monarch-Chesterfield, Missouri. House §101(b)(16), Senate §101(b)(17).—Senate recedes, with an amendment.

101(b)(19) Antelope Creek, Lincoln, Nebraska. House §101(b)(17). No comparable Senate section.—Senate recedes.

101(b)(20) Sand Creek Watershed, Wahoo, Nebraska. House §101(b)(18). No comparable Senate section.—Senate recedes.

101(b)(21) Western Sarpy and Clear Creek, Nebraska. House §101(b)(19). No comparable Senate section.—Senate recedes.

101(b)(22) Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey. House §101(b)(20). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(23) Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey. House §101(b)(21), Senate §101(b)(18).—House recedes, with an amendment.

101(b)(24) Dare County Beaches, North Carolina. House §101(b)(22). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(25) Wolf River, Tennessee. House §101(b)(23), Senate §101(b)(19).—Senate recedes, with an amendment.

101(b)(26) Duwamish/Green, Washington. House §101(b)(24). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(27) Stillagumaish River Basin, Washington. House §101(b)(25). No comparable Senate section.—Senate recedes.

101(b)(28) Jackson Hole, Wyoming. House §101(b)(26), Senate §101(b)(20).—House recedes.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION

102(a)(1) Buffalo Island, Arkansas. House §102(a)(1). No comparable Senate section.—Senate recedes.

102(a)(2) Anaverde Creek, Palmdale, California. House §102(a)(2). No comparable Senate section.—Senate recedes.

102(a)(3) Castaic Creek, Old Road Bridge, Santa Clarita, California. House §102(a)(3). No comparable Senate section.—Senate recedes.

102(a)(4) Santa Clara River, Old Road Bridge, Santa Clarita, California. House §102(a)(4). No comparable Senate section.—Senate recedes.

102(a)(5) Weiser River, Idaho. Senate §106(1). No comparable House section.—House recedes.

102(a)(6) Columbia Levee, Columbia, Illinois. House §102(a)(5). No comparable Senate section.—Senate recedes.

102(a)(7) East-West Creek, Riverton, Illinois. House §102(a)(6). No comparable Senate section.—Senate recedes.

102(a)(8) Prairie Du Pont, Illinois. House §102(a)(7). No comparable Senate section.—Senate recedes.

102(a)(9) Monroe County, Illinois. House §102(a)(8). No comparable Senate section.—Senate recedes.

102(a)(10) Willow Creek, Meredosia, Illinois. House §102(a)(9). No comparable Senate section.—Senate recedes.

102(a)(11) Dykes Branch Channel, Leawood, Kansas. House §102(a)(10). No comparable Senate section.—Senate recedes.

102(a)(12) Dykes Branch Tributaries, Leawood, Kansas. House §102(a)(11). No comparable Senate section.—Senate recedes.

102(a)(13) Kentucky River, Frankfort, Kentucky. House §102(a)(12). No comparable Senate section.—Senate recedes.

102(a)(14) Bayou Tete L'Ours, Louisiana. Senate §106(2). No comparable House section.—House recedes.

102(a)(15) Bossier City, Louisiana. Senate §106(3). No comparable House section.—House recedes.

102(a)(16) Bossier Parish, Louisiana. Senate §105(5). No comparable House section.—House recedes.

102(a)(17) Braithwaite Park, Louisiana. Senate §106(4). No comparable House section.—House recedes.

102(a)(18) Crown Point, Louisiana. Senate §106(6). No comparable House section.—House recedes.

102(a)(19) Donaldsonville Canals, Louisiana. Senate §106(7). No comparable House section.—House recedes.

102(a)(20) Goose Bayou, Louisiana. Senate §106(8). No comparable House section.—House recedes.

102(a)(21) Gumby Dam, Louisiana. Senate §106(9). No comparable House section.—House recedes.

102(a)(22) Hope Canal, Louisiana. Senate §106(10). No comparable House section.—House recedes.

102(a)(23) Jean Lafitte, Louisiana. Senate §106(11). No comparable House section.—House Recedes.

102(a)(24) Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana. House §102(a)(13). No comparable Senate section.—Senate recedes.

In conducting the study for this flood damage reduction project, the Managers expect that the Secretary will consider improvements to Hope, DuPont, Bourgeois, Belpoint, Dufresne, Guillot, Godchaux Canals.

102(a)(25) Lockport to Larose, Louisiana. Senate §106(12). No comparable House section.—House recedes.

102(a)(26) Lower Lafitte Basin, Louisiana. Senate §106(13). No comparable House section.—House recedes.

102(a)(27) Oakville to Lareussite, Louisiana. Senate §106(14). No comparable House section.—House recedes.

102(a)(28) Pailet Basin, Louisiana. Senate §106(15). No comparable House section.—House recedes.

102(a)(29) Pochitolawa Creek, Louisiana. Senate §106(16). No comparable House section.—House recedes.

102(a)(30) Rosethorn Basin, Louisiana. Senate §106(17). No comparable House section.—House recedes.

102(a)(31) Shreveport, Louisiana. Senate §106(18). No comparable House section.—House recedes.

102(a)(32) Stephensville, Louisiana. Senate §106(19). No comparable House section.—House recedes.

102(2)(33) St. John the Baptist Parish, Louisiana. Senate §106(20), House §425.—House recedes.

102(a)(34) Magby Creek and Vernon Branch, Mississippi. Senate §106(21). No comparable House section.—House recedes.

102(a)(35) Pennsville Township, Salem County, New Jersey. House §102(a)(14). No comparable Senate section.—Senate recedes.

102(a)(36) Hempstead, New York. House §102(a)(15). No comparable Senate section.—Senate recedes.

102(a)(37) Highland Brook, Highland Falls, New York. House §102(a)(16). No comparable Senate section.—Senate recedes.

102(a)(38) Lafayette Township, Ohio. House §102(a)(17). No comparable Senate section.—Senate recedes.

102(a)(39) West Lafayette, Ohio. House §102(a)(18). No comparable Senate section.—Senate recedes.

102(a)(40) Bear Creek and Tributaries, Medford, Oregon. House §102(a)(19). No comparable Senate section.—Senate recedes.

102(a)(41) Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania. House §102(a)(20). No comparable Senate section.—Senate recedes.

102(a)(42) Fritz Landing, Tennessee. Senate §106(22). No comparable House section.—House recedes.

102(a)(43) First Creek, Fountain City, Knoxville, Tennessee. House §102(a)(21). No comparable Senate section.—Senate recedes.

102(a)(44) Mississippi River, Ridgely, Tennessee. House §102(22). No comparable Senate section.—Senate recedes.

102(b) Magpie Creek, Sacramento County, California. House §102(b). No comparable Senate section.—Senate recedes, with an amendment.

SEC. 103. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION

103(1) Maumee River, Fort Wayne, Indiana. House §103(1). No comparable Senate section.—Senate recedes.

103(2) Bayou De Glaises, Louisiana. Senate §105(1). No comparable House section.—House recedes.

103(3) Bayou Plaquemine, Louisiana. Senate §105(2). No comparable House section.—House recedes.

103(4) Bayou Sorrell, Iberville Parish, Louisiana. House §103(2). No comparable Senate section.—Senate recedes.

103(5) Hammond, Louisiana. Senate §105(3). No comparable House section.—House recedes.

103(6) Iberville Parish, Louisiana. Senate §105(4). No comparable House section.—House recedes.

103(7) Lake Arthur, Louisiana. Senate §105(5). No comparable House section.—House recedes.

103(8) Lake Charles, Louisiana. Senate §105(6). No comparable House section.—House recedes.

103(9) Loggy Bayou, Louisiana. Senate §105(7). No comparable House section.—House recedes.

103(10) Scotlandville Bluff, Louisiana. Senate §105(8). No comparable House section.—House recedes.

SEC. 104. SMALL PROJECTS FOR NAVIGATION

104(1) Whittier, Alaska. House §104(1). No comparable Senate section.—Senate recedes.

104(2) Cape Coral, Florida. House §104(2), Senate §103(1).—Same.

104(3) Houma Navigation, Louisiana. Senate §103(2). No comparable House section.—House recedes.

104(4) Vidalia Port, Louisiana. Senate §103(3). No comparable House section.—House recedes.

104(5) East Two Rivers, Tower, Minnesota. House §104(3). No comparable Senate section.—Senate recedes.

104(6) Erie Basin Marina, Buffalo, New York. House §104(4). No comparable Senate section.—Senate recedes.

104(7) Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin. House §104(5). No comparable Senate section.—Senate recedes.

104(8) Saxon Harbor, Francis, Wisconsin. House §104(6). No comparable Senate section.—Senate recedes.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT

105(1) Nahant Marsh, Davenport, Iowa. House §105. No comparable Senate section.—Senate recedes.

105(2) Bayou Sauvage National Wildlife Refuge, Louisiana. Senate §107(1). No comparable House section.—House recedes.

105(3) Gulf Intracoastal Waterway, Bayou Plaquemine, Louisiana. Senate §107(2). No comparable House section.—House recedes.

105(4) Gulf Intracoastal Waterway, Miles 220 to 225.5, Louisiana. Senate §107(3). No comparable House section.—House recedes.

105(5) Gulf Intracoastal Waterway, Weeks Bay, Louisiana. Senate §107(4). No comparable House section.—House recedes.

105(6) Lake Fausse Point, Louisiana. Senate §107(5). No comparable House section.—House recedes.

105(7) Lake Providence, Louisiana. Senate §107(6). No comparable House section.—House recedes.

105(8) New River, Louisiana. Senate §107(7). No comparable House section.—House recedes.

105(9) Erie County, Ohio. Senate §107(8). No comparable House section.—House recedes.

105(10) Muskingum County, Ohio. Senate §107(9). No comparable House section.—House recedes.

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION

106(a)(1) Arkansas River, Pueblo, Colorado. House §106(1). No comparable Senate section.—Senate recedes.

106(a)(2) Hayden Diversion Project, Yampa River, Colorado. House §106(2). No comparable Senate section.—Senate recedes.

106(a)(3) Little Econlockhatchee River Basin, Florida. House §106(3). No comparable Senate section.—Senate recedes.

106(a)(4) Loxahatchee Slough, Palm Beach County, Florida. House §106(4). No comparable Senate section.—Senate recedes.

106(a)(5) Stevenson Creek Estuary, Florida. House §106(5). No comparable Senate section.—Senate recedes.

106(a)(6) Chouteau Island, Madison County, Illinois. House §106(6). No comparable Senate section.—Senate recedes.

106(a)(7) Braud Bayou, Louisiana. Senate §109(a)(1). No comparable House section.—House recedes.

106(a)(8) Buras Marina, Louisiana. Senate §109(a)(2). No comparable House section.—House recedes.

106(a)(9) Comite River, Louisiana. Senate §109(a)(3). No comparable House section.—House recedes.

106(a)(10) Department of Energy 21-Inch Pipeline Canal, Louisiana. Senate §109(a)(4). No comparable House section.—House recedes.

106(a)(11) Lake Borgne, Louisiana. Senate §109(a)(5). No comparable House section.—House recedes.

106(a)(12) Lake Martin, Louisiana. Senate §109(a)(6). No comparable House section.—House recedes.

106(a)(13) Luling, Louisiana. Senate §109(a)(7). No comparable House section.—House recedes.

106(a)(14) Mandeville, Louisiana. Senate §109(a)(8). No comparable House section.—House recedes.

106(a)(15) St. James, Louisiana. Senate §109(a)(9). No comparable House section.—House recedes.

106(a)(16) Saginaw Bay, Bay City, Michigan. House §106(7). No comparable Senate section.—Senate recedes.

106(a)(17) Rainwater Basin, Nebraska. House §106(8). No comparable Senate section.—Senate recedes.

106(a)(18) Mines Falls Park, New Hampshire. Senate §109(a)(10). No comparable House section.—House recedes.

106(a)(19) North Hampton, New Hampshire. Senate §109(a)(11). No comparable House section.—House recedes.

106(a)(20) Cazenovia Lake, Madison County, New York. House §106(9). No comparable Senate section.—Senate recedes.

106(a)(21) Chenango Lake, Chenango County, New York. House §106(10). No comparable Senate section.—Senate recedes.

106(a)(22) Eagle Lake, New York. House §106(11). No comparable Senate section.—Senate recedes.

106(a)(23) Ossining, New York. House §106(12). No comparable Senate section.—Senate recedes.

106(a)(24) Saratoga Lake, New York. House §106(13). No comparable Senate section.—Senate recedes.

106(a)(25) Schroon Lake, New York. House §106(14). No comparable Senate section.—Senate recedes.

106(a)(26) Highland County, Ohio. Senate §109(a)(12). No comparable House section.—House recedes.

106(a)(27) Hocking County, Ohio. Senate §109(a)(13). No comparable House section.—House recedes.

106(a)(28) Middle Cuyahoga River, Kent, Ohio. House §106(15). No comparable Senate section.—Senate recedes.

106(a)(29) Tuscarawas County, Ohio. Senate §109(a)(14). No comparable House section.—House recedes.

106(a)(30) Delta Ponds, Oregon. Senate §109(a)(16). No comparable House section.—House recedes.

106(a)(31) Central Amazon Creek, Eugene, Oregon. House §106(16), Senate §109(a)(15).—Same.

106(a)(32) Eugene Millrace, Eugene, Oregon. House §106(17), Senate §109(a)(17).—Same.

106(a)(33) Bear Creek Watershed, Medford, Oregon. Senate §109(a)(18). No comparable House section.—House recedes.

106(a)(34) Lone Pine and Lazy Creeks, Medford, Oregon. House §106(18). No comparable Senate section.—Senate recedes.

106(a)(35) Roslyn Lake, Oregon. Senate §109(a)(19). No comparable House section.—House recedes.

106(a)(36) Tullytown Borough, Pennsylvania. House §106(19). No comparable Senate section.—Senate recedes.

106(b) Salmon River, Idaho. Senate §106(b). No comparable House section.—House recedes.

SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION

107(1) Lake Palourde, Louisiana. Senate §102(1). No comparable House section.—House recedes.

107(2) St. Bernard, Louisiana. Senate §102(2). No comparable House section.—House recedes.

107(3) Hudson River, Dutchess County, New York. House §107. No comparable Senate section.—Senate recedes.

SEC. 108. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL

108(1) Sangamon River and Tributaries, Riverton, Illinois. House §108. No comparable Senate section.—Senate recedes.

108(2) Bayou Manchac, Louisiana. Senate §104(1). No comparable House section.—House recedes, with an amendment.

108(3) Black Bayou and Hippolyte Coulee, Louisiana. Senate §104(2). No comparable House section.—House recedes, with an amendment.

SEC. 109. SMALL PROJECT FOR MITIGATION OF SHORE DAMAGE

109. Puget Island, Columbia River. House §344. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL

110(1) Houma Navigation Canal, Louisiana. Senate §108(1). No comparable House section.—House recedes.

110(2) Mississippi River Gulf Outlet, Mile −3 to Mile −9, Louisiana. Senate §108(2). No comparable House section.—House recedes.

110(3) Mississippi River Gulf Outlet, Mile 11 to Mile 4, Louisiana. Senate §108(3). No comparable House section.—House recedes.

110(4) Plaquemines Parish, Louisiana. Senate §108(4). No comparable House section.—House recedes.

110(5) St. Louis County, Minnesota. House §528. No comparable Senate section.—Senate recedes, with an amendment.

110(6) Ottawa County, Ohio. Senate §108(5). No comparable House section.—House recedes.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES

House §557, Senate §111.—House recedes, with an amendment.

SEC. 112. PETALUMA RIVER, PETALUMA, CALIFORNIA

House §109, Senate §304.—Senate recedes, with an amendment.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES

Senate §201. No comparable House section.—House recedes, with an amendment.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS

House §402, Senate §202.—House recedes, with an amendment.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM

House §206, Senate §203.—House recedes, with an amendment.

SEC. 204. ABILITY TO PAY

House §208, Senate §204.—House recedes, with an amendment.

SEC. 205. PROPERTY PROTECTION PROGRAM

Senate §205, House §210.—House recedes.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE

Senate §206, House §577.—House recedes.

SEC. 207. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY

House §209, Senate §208.—Senate recedes.

SEC. 208. REBURIAL AND CONVEYANCE AUTHORITY

House §207, Senate §209.—House recedes.

SEC. 209. FLOODPLAIN MANAGEMENT REQUIREMENTS

Senate §212. No comparable House section.—House recedes, with an amendment.

SEC. 210. NONPROFIT ENTITIES

Senate §213, House §203.—Senate recedes, with an amendment.

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES

Senate §215, House §213.—House recedes.

SEC. 212. HYDROELECTRIC POWER PROJECT FUNDING

Senate §216. No comparable House section.—House recedes, with an amendment.

SEC. 213. ASSISTANCE PROGRAMS

Senate §217. No comparable House section.—House recedes.

SEC. 214. FUNDING TO PROCESS PERMITS

Senate §218. No comparable House section.—House recedes, with an amendment.

SEC. 215. DREDGED MATERIAL MARKETING AND RECYCLING

House §573, Senate §219.—House recedes, with an amendment.

SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY

Senate §220. No comparable House section.—House recedes.

SEC. 217. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES

House §204. No comparable Senate section.—Senate recedes.

SEC. 218. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS

House §222. No comparable Senate section.—Senate recedes.

SEC. 219. ENGINEERING CONSULTING SERVICES

House §211. No comparable Senate section.—Senate recedes.

The Managers recognize that there exist a potential for a conflict of interest where the Secretary and the non-Federal sponsor of a project each hire the same person for engineering and consulting services during a feasibility study. Therefore the Managers encourage the Secretary to take appropriate action to ensure that the Secretary and the non-Federal sponsor of a project do not employ the same person for engineering and consulting services unless there is only one qualified and responsive bidder for such services.

SEC. 220. BEACH RECREATION

House §212. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 221. DESIGN-BUILD CONTRACTING

House §214. No comparable Senate section.—Senate recedes, with an amendment.

The Managers have included this section that will test the design-build method of project delivery on various civil works projects of the Corps of Engineers. In carrying out this section, the Managers expect that the Corps will employ the two-phase design-build selection procedures enacted by Congress in the Federal Acquisition Reform Act (FARA) of 1996 (110 Stat. 642).

SEC. 222. ENHANCED PUBLIC PARTICIPATION

House §216. No comparable Senate section.—Senate recedes.

SEC. 223. MONITORING

House §217. No comparable Senate section.—Senate recedes.

SEC. 224. FISH AND WILDLIFE MITIGATION

House §219. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 225. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN

House §223. No comparable Senate section.—Senate recedes.

The Managers recognize the difficulties some non-Federal partners may have in fulfilling their financial obligation related to the cost sharing of feasibility studies. The non-Federal share is 50 percent. This section gives non-Federal sponsors the option of providing up to 100 percent of their share of the feasibility study cost through in-kind contributions which could be services, materials, supplies, or other in-kind contributions necessary to prepare the feasibility report.

SEC. 226. ADMINISTRATIVE COSTS OF LAND CONVEYANCES

House §224. No comparable Senate section.—Senate recedes, with an amendment.

When the Corps is given authority to convey land to non-federal governmental, non-profit, or not-for-profit entities, the administrative costs of the transfer, to include real estate transaction and environmental compliance costs, are generally the responsibility of the entity receiving the property. The Managers are aware of a few instances where the imposition of these administrative costs poses a hardship to entities in economically deprived areas. It is apparent in some cases that the administrative cost associated with these transfers exceeds the value of the land. The Managers believe that this requirement to pay administrative costs should not be a precluding factor when land that is excess to Corps project purposes can be put to beneficial use. Therefore, the Managers have provided in this section that in such cases, the Secretary may limit the administrative costs.

In carrying out this section the Managers believe the Secretary should give priority consideration for a limitation on the administrative costs to Summerfield Cemetery Association, Wister, Oklahoma for a conveyance at Wister Lake, to the Choctaw County Industrial Authority, Hugo, Oklahoma for a conveyance at Lake Hugo, and to recipients of the conveyance at Candy Lake, Oklahoma.

Also, the Managers find that the economic trends in southeastern Oklahoma related to unemployment and per capita income are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive influence on the local economy, help reverse these trends, and improve the lives of local residents. The Managers believe that State of Oklahoma and the Choctaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins; any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and if requested, the Secretary should provide assistance, as appropriate, to facilitate the efforts of the commission. Such a commission focusing on the Kiamichi River Basin and other basins within the Choctaw and Chickasaw Nations would allow all entities (State of Oklahoma, Choctaw and Chickasaw Nations, and residents of local basin(s)) to work cooperatively to see that the benefits and revenues being generated from the sale/use of water to entities outside the respective basins are distributed in an agreeable manner.

SEC. 227. FLOOD MITIGATION AND RIVERINE RESTORATION

House §205, Senate §110.—Senate recedes, with an amendment.

TITLE III—PROJECT RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI

Senate §301. No comparable House section.—House recedes.

SEC. 302. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA

House §301. No comparable Senate section.—Senate recedes.

SEC. 303. BOYDSVILLE, ARKANSAS

Senate §302. No comparable House section.—House recedes.

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI

Senate §303. No comparable House section.—House recedes.

SEC. 305. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

House §308. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 306. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA

House §221. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 307. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE

House §355. No comparable Senate section.—Senate recedes.

SEC. 308. FERNANDINA HARBOR, FLORIDA

House §312, Senate §410.—Senate recedes.

SEC. 309. GASPARILLA AND ESTERO ISLANDS, FLORIDA

Senate §305. No comparable House section.—House recedes.

SEC. 310. EAST SAINT LOUIS AND VICINITY, ILLINOIS

House §314. No comparable Senate section.—Senate recedes.

SEC. 311. KASKASKIA RIVER, KASKASKIA, ILLINOIS

House §315. No comparable Senate section.—Senate recedes.

SEC. 312. WAUKEGAN HARBOR, ILLINOIS

House §316. No comparable Senate section.—Senate recedes.

SEC. 313. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS

Senate §307, House §439.—House recedes.

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA

House §322, Senate §308.—House recedes.

SEC. 316. RED RIVER WATERWAY, LOUISIANA

House §324, Senate §309.—House recedes.

SEC. 317. THOMASTON HARBOR, GEORGES RIVER, MAINE

House §325. No comparable Senate section.—Senate recedes.

SEC. 318. POPLAR ISLAND, MARYLAND

House §329. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 319. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND

Senate §311. No comparable House section.—House recedes.

SEC. 320. BRECKENRIDGE, MINNESOTA

House §326, Senate §312.—House recedes.

SEC. 321. DULUTH HARBOR, MINNESOTA

House §327. No comparable Senate section.—Senate recedes.

SEC. 322. LITTLE FALLS, MINNESOTA

House §328. No comparable Senate section.—Senate recedes.

SEC. 323. NEW MADRID COUNTY, MISSOURI

House §532, Senate §314.—House recedes, with an amendment.

SEC. 324. PEMISCOT COUNTY HARBOR, MISSOURI

House §533, Senate §315.—House recedes.

SEC. 325. FORT PECK FISH HATCHERY, MONTANA

Senate §317. No comparable House section.—House recedes, with an amendment.

SEC. 326. SAGAMORE CREEK, NEW HAMPSHIRE

Senate §318. No comparable House section.—House recedes.

SEC. 327. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY

House §332, Senate §319.—House recedes, with an amendment.

SEC. 328. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK

House §333. No comparable Senate section.—Senate recedes.

SEC. 329. ROCKAWAY INLET TO NORTON POINT, NEW YORK

Senate §320. No comparable House section.—House recedes.

SEC. 330. GARRISON DAM, NORTH DAKOTA

House §334. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 331. DUCK CREEK, OHIO

House §335. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 332. JOHN DAY POOL, OREGON AND WASHINGTON

House §547, Senate §321.—House recedes.

SEC. 333. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

Senate §322. No comparable House section.—House recedes.

SEC. 334. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI

House §336. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 335. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS

House §339, Senate §436.—Senate recedes.

SEC. 336. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA

House §340. No comparable Senate section.—Senate recedes.

SEC. 337. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA

House §341. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 338. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA

House §342. No comparable Senate section.—Senate recedes.

SEC. 339. MOUNT ST. HELENS, WASHINGTON

House §345, Senate §328.—House recedes, with an amendment.

SEC. 340. LOWER MUD RIVER, MILTON, WEST VIRGINIA

House §348. No comparable Senate section.—Senate recedes.

SEC. 341. FOX RIVER SYSTEM, WISCONSIN

House §567, Senate §330.—House recedes.

Section 332 of the Water Resources Development Act of 1992 authorizes the Secretary to transfer to the State of Wisconsin certain locks and appurtenant features of the navigation portion of the Fox River System, subject to the execution of an agreement by the Secretary and the State that specifies the terms and conditions of such transfer. This provision clarifies that the negotiated agreement may provide for payments to the State to be used toward the repair and rehabilitation of the portions of the project which are being transferred.

SEC. 342. CHESAPEAKE BAY OYSTER RESTORATION

House §523, Senate §331.—House recedes.

SEC. 343. GREAT LAKES DREDGING LEVELS ADJUSTMENT

House §572, Senate §332.—Same.

SEC. 344. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION

House §571, Senate §334.—House recedes, with an amendment.

SEC. 345. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND

Senate §336. No comparable House section.—House recedes.

SEC. 346. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK

House §352. No comparable Senate section.—Senate recedes.

SEC. 347. PROJECT DEAUTHORIZATIONS

House §353(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (b), Senate §338(1), (2), (3), and (4).—Senate recedes, with an amendment.

SEC. 348. LAND CONVEYANCES

348(a) Thompson, Connecticut. House §585(a). No comparable Senate section.—Senate recedes.

348(b) Washington, District of Columbia. House §585(b). No comparable Senate section.—Senate recedes.

348(c) Joliet, Illinois. House §585(j). No comparable Senate section.—Senate recedes.

348(d) Ottawa, Illinois. House §585(k). No comparable Senate section.—Senate recedes.

348(e) Bayou Teche, Louisiana. House §585(i). No comparable Senate section.—Senate recedes.

Navigation on the upper portions of the Bayou Teche has dwindled over the past several years to a few vessels per month due to the infrequent operation of the Keystone Lock by the Corps of Engineers. St. Martin Parish wishes to operate, maintain, repair, replace and rehabilitate the lock once the Corps completes renovation of the lock to a safe and operable condition. This transfer will provide cost savings to the federal government and better service to mariners navigating the bayou. The Managers have inserted language that requires the parish to operate, maintain, repair, replace and rehabilitate the lock in accordance with regulations prescribed by the Secretary that are consistent with the project's authorized purposes. If the parish fails to comply with these conditions, the Secretary may reclaim possession of the land and improvements or may make the necessary repairs and require payment from the parish.

348(f) Ontonagon, Michigan. House §585(c), Senate §504.—House recedes.

348(g) Pike County, Missouri. House §585(d), Senate §316.—Senate recedes.

348(h) St. Clair and Benton Counties, Missouri. House §585(l). No comparable Senate section.—Senate recedes.

348(i) Candy Lake, Oklahoma. House §585(e), Senate §505.—Senate recedes, with an amendment.

The intent of the Managers is that the NEPA waiver provision be considered in the context of section 226, Administrative Costs of Land Conveyances.

348(j) Manor Township, Pennsylvania. House §585(f). No comparable Senate section.—Senate recedes.

348(k) Richard B. Russell Dam and Lake, South Carolina. Senate §506. No comparable House section.—House recedes, with an amendment.

348(l) Savannah River, South Carolina. House §585(g), Senate §324.—House recedes.

348(m) Tri-Cities Area, Washington. House §585(h). No comparable Senate section.—Senate recedes.

348(n) Generally Applicable Provisions. House §585(m). No comparable Senate section.—Senate recedes.

SEC. 349. PROJECT REAUTHORIZATIONS

(a)(1) Narraguagus River, Milbridge, Maine.—House §350(a)(1), Senate §310.—Senate recedes.

(a)(2) Cedar Bayou, Texas.—House §350(a)(2), Senate §434.—Senate recedes.

(b) Narraguagus River, Milbridge, Maine.—House §350(b), Senate §310.—Senate recedes.

SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS

House §351. No comparable Senate section.—Senate recedes.

SEC. 351. WATER QUALITY PROJECTS

House §349. No comparable Senate section.—Senate recedes.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS

House §401. No comparable Senate section.—Senate recedes.

SEC. 402. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT

House §403. No comparable Senate section.—Senate recedes.

The Managers recognize the Mississippi River System as a nationally significant ecosystem and a nationally significant commercial navigation and flood control system. The Managers further recognize that the System shall be administered and regulated in recognition of its several purposes. Nothing in this section shall be construed to authorize the development or recommendation of a means of flood control other than that specially authorized for this project. Also, in carrying out this section the Secretary shall consult with the Governor or his designee as described in subsection (c).

SEC. 403. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY

House §404, Senate §440.—House recedes, with an amendment.

SEC. 404. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN

House §405. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 405. OHIO RIVER SYSTEM

House §406. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 406. BALDWIN COUNTY, ALABAMA

Senate §401. No comparable House section.—House recedes.

SEC. 407. BRIDGEPORT, ALABAMA

House §501. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 409. ARKANSAS RIVER NAVIGATION SYSTEM

House §506. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 410. CACHE CREEK BASIN, CALIFORNIA

House §305, Senate §403.—House recedes.

The Secretary is directed to mitigate the impacts of the new south levee of the Cache Creek settling basin on the City of Woodland's storm drainage system, including all appurtenant features, erosion control measures and environmental protection features. Such mitigation shall restore the City's preproject capacity (1,360 cubic feet per second) to the bypass, including channel improvements, an outlet works through the west levee of the Yolo Bypass, and a new low flow, cross channel to handle City and County storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 411. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA

House §409, Senate §404.—Same.

SEC. 412. LAGUNA CREEK, FREMONT, CALIFORNIA

House §410, Senate §405.—Senate recedes.

SEC. 413. LAKE MERRITT, OAKLAND, CALIFORNIA

House §411. No comparable Senate section.—Senate recedes.

SEC. 414. LANCASTER, CALIFORNIA

House §412, Senate §406.—Same.

SEC. 415. OCEANSIDE, CALIFORNIA

House §414, Senate §406.—House recedes.

SEC. 416. SAN JACINTO WATERSHED, CALIFORNIA

Senate §407. No comparable House section.—House recedes.

SEC. 417. SUISUN MARSH, CALIFORNIA

House §415. No comparable Senate section.—Senate recedes.

SEC. 418. DELAWARE RIVER WATERSHED

House §440. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 419. BREVARD COUNTY, FLORIDA

House §311. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 420. CHOCTAWHATCHEE RIVER, FLORIDA

Senate §408. No comparable House section.—House recedes.

SEC. 421. EGMONT KEY, FLORIDA

Senate §409. No comparable House section.—House recedes.

SEC. 422. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA

Senate §411. No comparable House section.—House recedes.

SEC. 423. LAKE ALLATOONA WATERSHED, GEORGIA

House §416. No comparable Senate section.—Senate recedes.

SEC. 424. BOISE RIVER, IDAHO

Senate §412. No comparable House section.—House recedes, with an amendment.

SEC. 425. WOOD RIVER, IDAHO

Senate §413. No comparable House section.—House recedes, with an amendment.

SEC. 426. CHICAGO, ILLINOIS

Senate §414, House §417.—House recedes.

SEC. 427. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS

House §418. No comparable Senate section.—Senate recedes.

SEC. 428. LONG LAKE, INDIANA

House §419. No comparable Senate section.—Senate recedes.

SEC. 429. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS

House §420. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 430. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA

House §323. No comparable Senate section.—Senate recedes, with an amendment.

The Secretary is directed to investigate the problems associated with "fluff" created by the mixture of freshwater, saltwater and fine river silt in the channels. Fluff is a gel-like material that makes steering and propulsion difficult and is both a navigation hazard and an economic problem for boaters.

SEC. 431. BOEUF AND BLACK, LOUISIANA

Senate §415. No comparable House section.—House recedes.

SEC. 432. IBERIA PORT, LOUISIANA

House §422, Senate §416.—Senate recedes.

SEC. 433. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA

House §423. No comparable Senate section.—Senate recedes.

SEC. 434. LOWER ATCHAFALAYA BASIN, LOUISIANA

House §424. No comparable Senate section.—Senate recedes.

SEC. 435. ST. JOHN THE BAPTIST PARISH, LOUISIANA

House §425, Senate §418.—Senate recedes.

SEC. 436. SOUTH LOUISIANA

Senate §417. No comparable House section.—House recedes.

SEC. 437. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE

Senate §420. No comparable House section.—House recedes.

SEC. 438. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE

Senate §422. No comparable House section.—House recedes.

SEC. 439. WILD RICE RIVER, MINNESOTA

House §529. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 440. PORT OF GULFPORT, MISSISSIPPI

Senate §423. No comparable House section.—House recedes, with an amendment.

SEC. 441. LAS VEGAS VALLEY, NEVADA

House §426. No comparable Senate section.—Senate recedes.

SEC. 442. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE

Senate §424. No comparable House section.—House recedes.

SEC. 443. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO

House §427, Senate §425.—Same.

SEC. 444. BUFFALO HARBOR, BUFFALO, NEW YORK

House §428. No comparable Senate section.—Senate recedes.

SEC. 445. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK

House §430. No comparable Senate section.—Senate recedes.

SEC. 446. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA

Senate §339. No comparable House section.—House recedes.

SEC. 447. DUCK CREEK WATERSHED, OHIO

Senate §427. No comparable House section.—House recedes.

SEC. 448. FREMONT, OHIO

Senate §428. No comparable House section.—House recedes.

SEC. 449. STEUBENVILLE, OHIO

House §431. No comparable Senate section.—Senate recedes.

SEC. 450. GRAND LAKE, OKLAHOMA

House §432, Senate §429.—House recedes.

SEC. 451. COLUMBIA SLOUGH, OREGON

House §433. No comparable Senate section.—Senate recedes.

The study of this project was authorized by section 439 of the Water Resources Development Act of 1996 (110 Stat. 3747). Subsequent to the authorization, the Corps of Engineers and the City of Portland, Oregon, agreed to carry out the project under the authority of "project modification to improve the environment", a continuing authority program authorized by section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)). Pursuant to a project cooperation agreement, the City of Portland has provided substantial resources in cash and in-kind services toward a feasibility study for the project as required under section 1135(a). When the study was near completion, and preliminary results indicated that the project is appropriate for construction, the Corps suspended the study due to an internal decision to reallocate funds to other projects. The Corps should complete the study and carry out the project expeditiously if the Secretary determines that the project is appropriate.

SEC. 452. CLIFF WALK IN NEWPORT, RHODE ISLAND

Senate §441. No comparable House section.—House recedes.

SEC. 453. QUONSET POINT CHANNEL, RHODE ISLAND

Senate §442. No comparable House section.—House recedes, with an amendment.

SEC. 454. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND

Senate §440. No comparable House section.—House recedes.

SEC. 455. REEDY RIVER, GREENVILLE, SOUTH CAROLINA

House §434. No comparable Senate section.—Senate recedes.

SEC. 456. CHICKAMAUGA LOCK AND DAM, TENNESSEE

House §555, Senate §431.—House recedes.

SEC. 457. GERMANTOWN, TENNESSEE

House §435, Senate §432.—Senate recedes, with an amendment.

SEC. 458. MILWAUKEE, WISCONSIN

House §438. No comparable Senate section.—Senate recedes.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAKES PROGRAM

House §581. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 502. RESTORATION PROJECTS

House §551. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 503. SUPPORT OF ARMY CIVIL WORKS PROGRAM

House §576. No comparable Senate section.—Senate recedes.

SEC. 504. EXPORT OF WATER FROM GREAT LAKES

Senate §508. No comparable House section.—House recedes.

SEC. 505. GREAT LAKES TRIBUTARY MODEL

House §570, Senate §335.—House recedes, with an amendment.

SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION

House §570, Senate §333.—House recedes, with an amendment.

SEC. 507. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION

Senate §337. No comparable House section.—House recedes, with an amendment.

SEC. 508. VISITORS CENTERS

508(a) John Paul Hammerschmidt Visitors Center, Arkansas. Senate §501(a), House §302.—House recedes.

508(b) Lower Missisippi River Museum and Riverfront Interpretive Site, Mississippi. Senate §501(b). No comparable House section.—House recedes.

SEC. 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA

House §507, Senate §502.—House recedes, with an amendment.

This section authorizes the Secretary to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta program ("CALFED"). The Managers recognize the original authorization of appropriations for the CALFED Bay-Delta Program (P.L. 104-333) expired on September 30, 2000 and that Congress has not reauthorized, renewed or otherwise extended this authority for appropriations. The Managers do not intend for this language to explicitly or implicitly ratify or approve the CALFED Framework for Action or any of the projects set forth thereunder.

SEC. 510. SEWARD, ALASKA

House §503. No comparable Senate section.—Senate recedes.

SEC. 511. CLEAR LAKE BASIN, CALIFORNIA

House §508. No comparable Senate section.—Senate recedes.

SEC. 512. CONTRA COSTA CANAL, OAKLEY, AND KNIGHTSEN, CALIFORNIA

House §509. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project along the Contra Costa Canal. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 513. HUNTINGTON BEACH, CALIFORNIA

House §510. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project at Huntington Beach. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA

House §511. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project along Mallard Slough. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 515. PORT EVERGLADES, FLORIDA

House §516. No comparable Senate section.—Senate recedes.

SEC. 516. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION

Senate §503. No comparable House section.—House recedes.

SEC. 517. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS

House §518. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 518. LAKE MICHIGAN DIVERSION, ILLINOIS

House §519. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 519. ILLINOIS RIVER BASIN RESTORATION

House §569, Senate §306.—Senate recedes.

SEC. 520. KOONTZ LAKE, INDIANA

House §520. No comparable Senate section.—Senate recedes.

SEC. 521. WEST VIEW SHORES, CECIL COUNTY, MARYLAND

House §522. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 522. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS

House §524. No comparable Senate section.—Senate recedes.

SEC. 523. SOO LOCKS, SAULT STE. MARIE, MICHIGAN

House §525. No comparable Senate section.—Senate recedes.

SEC. 524. MINNESOTA DAM SAFETY

House §225. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 525. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA

House §586. No comparable Senate section.—Senate recedes.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT

House §526. No comparable Senate section.—Senate recedes.

SEC. 527. MINNEAPOLIS, MINNESOTA

House §527. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 528. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS

House §530. No comparable Senate section.—Senate recedes.

SEC. 529. LAS VEGAS, NEVADA

House §534. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 530. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY

House §536. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 531. NEPPERHAN RIVER, YONKERS, NEW YORK

House §539. No comparable Senate section.—Senate recedes.

SEC. 532. UPPER MOHAWK RIVER BASIN, NEW YORK

House §541. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 533. FLOOD DAMAGE REDUCTION

House §542. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 534. CUYAHOGA RIVER, OHIO

House §543, Senate §426.—Senate recedes.

SEC. 535. CROWDER POINT, CROWDER, OKLAHOMA

House §544. No comparable Senate section.—Senate recedes.

Crowder Point is a Corps of Engineers public park on the southern end of Eufaula Lake in Oklahoma that is not being maintained due to budgetary constraints. The Managers favor a partnership between the Secretary and the City of Crowder, Oklahoma that would involve a long-term lease under which the City would develop, operate, and maintain the property as a public park. Recognizing the public benefits that would derive from the City's participation in this partnership, the Secretary is directed to issue the lease without cost. Also, to ensure that the development and operation of the park by the City are in the public interest, the Secretary is directed to include such terms and conditions as are necessary to achieve those ends.

SEC. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON

House §548. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 537. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA

House §553. No comparable Senate section.—Senate recedes.

SEC. 538. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK

House §554. No comparable Senate section.—Senate recedes.

SEC. 539. CHARLESTON HARBOR, SOUTH CAROLINA

Senate §323. No comparable House section.—House recedes.

SEC. 540. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Senate §507. No comparable House section.—House recedes.

SEC. 541. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

Senate §433. No comparable House section.—House recedes, with an amendment.

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK

Senate §327. No comparable House section.—House recedes.

SEC. 543. VERMONT DAMS REMEDIATION

Senate §437. No comparable House section.—House recedes, with an amendment.

SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON

House §558, Senate §329.—House recedes, with an amendment.

SEC. 545. WILLAPA BAY, WASHINGTON

Senate §439, House §344.—House recedes

SEC. 546. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON

House §560. No comparable Senate section.—Senate recedes.

SEC. 547. BLUESTONE, WEST VIRGINIA

House §562. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 548. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA

House §563. No comparable Senate section.—Senate recedes.

SEC. 549. TUG FORK RIVER, WEST VIRGINIA

House §564. No comparable Senate section.—Senate recedes.

SEC. 550. SOUTHERN WEST VIRGINIA

House §566. No comparable Senate section.—Senate recedes.

SEC. 551. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA

House §568. No comparable Senate section.—Senate recedes.

SEC. 552. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT

House §574. No comparable Senate section.—Senate recedes.

SEC. 553. MAINTENANCE OF NAVIGATION CHANNELS

House §575. No comparable Senate section.—Senate recedes.

SEC. 554. HYDROGRAPHIC SURVEY

House §578. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 555. COLUMBIA RIVER TREATY FISHING ACCESS

House §588. No comparable Senate section.—Senate recedes.

SEC. 556. RELEASE OF USE RESTRICTION

House §582. No comparable Senate section.—Senate recedes, with an amendment.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN

Senate Title VI, House Title VI.—House recedes, with an amendment.

601(a) Definitions. House §601(a), Senate §601(a).—Same.

601(b) Comprehensive Everglades Restoration Plan. House §601(b), Senate §601(b).—Same.

601(c) Additional Program Authority. House §601(c), Senate §601(c).—Same.

601(d) Authorization of Future Projects. House §601(d), Senate §601(d).—Same.

601(e) Cost Sharing. House §601(e), Senate §601(e).—Senate recedes.

601(f) Evaluation of Projects. House §601(f), Senate §601(f).—Same.

601(g) Exclusions and Limitations. House §601(g), Senate §601(g).—Same.

601(h) Assurance of Project Benefits. House §601(h), Senate §601(h).—Senate recedes.

601(i) Dispute Resolution. House §601(i), Senate §601(i).—Same.

601(j) Independent Scientific Review. House §601(l), Senate §601(l).—Same.

601(k) Outreach and Assistance. House §601(k), Senate §601(k).—Same.

601(l) Report to Congress. House §601(l), Senate §601(l).—Same.

601(m) Report on Aquifer Storage and Recovery Project. House §601(m), No comparable Senate section.—Senate recedes.

601(n) Full Disclosure of Proposed Funding. House §601(m), No comparable Senate section.—Senate recedes.

601(o) Surplus Federal Lands. House §601(o), No comparable Senate section.—Senate recedes.

601(p) Severability. House §601(p), Senate §601(m).—Same.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE

602(a) Findings. House §602(a), Senate §602(a).—Senate recedes.

602(b) Sense of Congress. House §602(b), Senate §602(b).—Senate recedes.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

Senate Title VII. No comparable House title—House recedes, with an amendment.

The Managers encourage the Secretary to include the Vision Group of the Missouri River Coordinated Resource Management Program as members of the Missouri River Trust.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Senate Title VIII. No comparable House title.—House recedes, with an amendment.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Senate Title IX, House Title VII—House recedes, with an amendment.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
E. CLAY SHAW,
JIM OBERSTAR,
BOB BORSKI,
ROBERT MENENDEZ,
Managers on the Part of the House.

BOB SMITH,
JOHN WARNER,
MAX BAUCUS,
BOB GRAHAM,
Managers on the Part of the Senate.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses of the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the title VI Education Block Grant with limited accountability in the use of the funds.

□ 1830

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby serve notice to the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001, for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

> Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

Mr. Speaker, this is the same motion which I noticed on Sunday evening for debate on Monday and it is made necessary by the fact that we had an agreement on Monday morning funding this at the full $1.75 billion amount, and that agreement was broken by noon. I must renotice this motion at this time.

The SPEAKER pro tempore (Mr. PEASE). The gentleman's notice will appear in the RECORD.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded it is not appropriate to debate the motions, which only are being noticed at the present time.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notice the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notice the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 30, 2000, at 7:40 p.m.

That the Senate passed without amendment H.J. Res. 120.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 1 of rule I, the Speaker signed the following enrolled joint resolution on Monday, October 30, 2000.

House Joint Resolution 121, joint resolution making further continuing appropriations for fiscal year 2001, and for other purposes.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 121, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 662, I call up the joint resolution (H.J. Res. 121), making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 121 is as follows:

H.J. RES. 121

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "November 1, 2000".

The SPEAKER pro tempore. Pursuant to House Joint Resolution 662, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I advise our colleagues in the House that this is another 1-day continuing resolution to make sure that the government continues to operate until midnight tomorrow night, while we continue to work away in a friendly, cooperative, bipartisan way to resolve the final outstanding issues before this Congress can adjourn.

With that, Mr. Speaker, I announce to the gentleman from Wisconsin (Mr. OBEY), my friend, that I do not intend to have a lengthy debate on our side. And so I am going to reserve the balance of my time, probably until I get to my closing statement, depending on what issues might come up in the meantime.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, I am wearing this wrist band in solidarity with the over 300,000 workers who will suffer repetitive motion injuries, some of them career-ending, because of the gutlessness of this Congress in refusing, for over a 10-year period, to put some protection for those folks into the law.

Mr. Speaker, I have gone into plant after plant in my district and I have seen especially women at computer terminals, at shoe-stitching machines, wearing things like this or even worse.

Look at this picture and tell me what is different. What separates us as Members of Congress from this woman? What separates us is that when we have a repetitive motion injury, like I had for several weeks last year when I was wearing one of these, we can stop doing what we were doing until we recover. People like this woman cannot. They have to keep going until they cannot go any more.

That is the difference. The only repetitive motion injury that most Members of Congress are likely to get is to their knees from the repetitive genuflecting to the big business lobbyists who persuaded the Republican leadership to blow up the agreement on the Labor, Health, and Education bill by denying some protection to people like this.

That is a fact. That is a fact.

Mr. Speaker, I want to recite to my colleagues the history of the repetitive motion struggle that we have had. On June 29 of 1995, the House for the first time took action to prohibit OSHA from putting in place a repetitive motion injury rule that would protect workers like this. That was delay number one.

On July 27, 1995, the House Committee on Appropriations again reported language to do the same thing.

When it was finally adopted, it again said that none of the funds in the bill would be used to enforce or implement an OSHA rule protecting workers like this from repetitive motion injury. That was delay number two.

Then, on July of 1996, the Subcommittee on Labor, Health and Human Services, and Education again tried to delay action for another year. That time the House had guts enough to stand up and say no and they were defeated on the House floor. But they came back; and on July 25 of 1997, they again adopted new language which for another year delayed the implementation of the rule to protect workers like this. And they won. And so, we had delay number three that delayed yet another year.

The only difference was that that time the House said it would be the last time. This is a copy of the front page of the committee report dated July 25, 1997, which outlines the fact that yet another year's delay was being undertaken to prevent these repetitive motion injuries. But it said "the committee will refrain from any further restrictions with regard to the development, promulgation, or issuance of an ergonomics standard following fiscal year 1998."

And you know what? For a year the Congress abided by that. It is true that the Congress did provide additional funding to do yet an additional study by the National Academy of Sciences of the issue. But at the same time that was done, the chairman of the committee, Bob Livingston, our former colleague, in good faith signed a letter with me which indicated that even though that money was being provided that nonetheless "we understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear by funding of the NAS study it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

And yet this year, here is the rollcall if you want to look at it, some of the same people who were here when the Congress made the agreement not to delay this any further voted once again to genuflect to the interests of big business and forget the interests of workers and they signed on to another year delay.

Now, in conference, finally, against my wishes, the White House 2 days ago agreed to yet another 6-month delay in the implementation of the standards to protect these workers. But what we got in return for that additional 6-month delay in implementation was the right of this President to at least promulgate the rule.

Now, in my view, there is only one reason why the majority leadership blew up that agreement. Because that agreement was understood, we had an agreement to the entire bill! It was even sealed with toasts of Merlot at 1:30 in the morning. And I do not know of anything more "sacred" in conference than a toast of Merlot. But nonetheless, after there was an agreement, then we walk out of there and the next morning what do we get? We get "Operation Blow Up" by the Republican leadership because apparently the Chamber of Commerce lobbyists got to them and said, "Boys, we do not want it." So they blew it up. They blew it up.

In my view, there is only one reason they did it. It is because if their candidate for President wins the election, they did not want their candidate for President to have to take the public heat that would come from reversing that rule.

The language in the compromise gives the new President, whoever he is, the right to suspend and then reverse that rule through the Administrative Procedures Act. I do not like that. But that was the deal. But they do not even want to do that on that side of the aisle. If their candidate gets elected, they are afraid to have their candidate for President have to take the public heat from repealing this rule to help these people.

□ 1845

They want him to be able to do it on the sly. That is what is at stake.

So my suggestion to our friends on the majority side of the aisle, and I am not speaking about the gentleman from Florida (Mr. YOUNG), he negotiated in good faith. My suggestion to the House leadership is, if you have the courage of your convictions, then let us do this straight and clean. Stick to the agreement that was negotiated. Each side will have to take a chance and see who is elected President, and the public will know in either case what side we are on. That is the only question that is before us tonight. Whose side are you on?

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, the front page of the Washington Post has a headline today. It says: "Budget Deal is Torpedoed by House GOP. Move by Leadership Angers Negotiators on Both Sides."

On the front page of the Los Angeles Times, quote, "GOP Leaders Scuttle Deal in Budget Battle."

Now, these and other stories tell how a team of Republican legislators was empowered by the Republican leadership to negotiate a budget agreement with congressional Democrats and the White House. And that is exactly what they did. Neither side got everything that they wanted, but the American people were well served with this agreement. The compromise would have provided one of the largest educational increases in the history of this government. And perhaps that was one of the reasons why it did not pass muster once it reached the leaders. It would have modernized and repaired 5,000 schools. It would have provided 12,000 new teachers to reduce class size. It would have created after-school programs for 850,000 new students in this country. And as we heard from the gentleman from Wisconsin, when the negotiators wrapped up their discussions at 1:30 in the morning, they toasted, they shook hands, and then not 12 hours later, the leadership on the Republican side of the aisle decided to totally repudiate the agreement that their team negotiated.

One of their reasons besides the education issue, as we heard, was the question of repetitive stress motion, which takes a terrible toll on our workers. We have been battling this issue for 14 years. Libby Dole when she was the head of the Labor Department, a Republican, put these regulations forward because she saw the need to deal with the question of repetitive illnesses that we can cure with some reasonable, sensible, rational regulations that will help people be able to hold their child when they get home from work, or open a jar of peanut butter at lunchtime, which they cannot do now as a result of these terrible musculoskeletal diseases.

Now where are we? Well, this Republican Congress, from George Bush all the way on down, have talked a very good game about bipartisanship and bringing people together. But this week the Republican leadership gave the American people a sneak preview of their bipartisanship and how it is really going to work and their passionate conservatism. It is something those of us who have worked in this Congress have seen over and over again.

Opportunities for bipartisan cooperation on prescription drug coverage, on campaign finance reform, on curbing the powers of the HMOs, and overcrowding in schools, all vetoed by the Republican leadership, either in this body or in the other body. They play this game where one body passes it, but the leaders in the other body make sure that it does not reach the President's desk. Torpedoed by men who are more committed to their partisan Republican agenda than the American agenda, Mr. Speaker.

Mr. Speaker, a Member of this House once said, "You earn trust by saying what you mean and meaning what you say." That Congressman who said that was the past Republican leader, a man named Gerald Ford. Today's House Republican leaders would do well to heed his words.

Mr. OBEY. Mr. Speaker, could I inquire of the gentleman from Florida, does he intend to yield time?

Mr. YOUNG of Florida. Mr. Speaker, I have no intention of yielding at this point. If I do, before the time is expired, I would advise the gentleman in advance.

Mr. OBEY. I want to take 30 seconds, Mr. Speaker, to simply say that the gentleman from Florida was absolutely honorable in these negotiations. We disagreed vehemently on a number of these issues. But I know him to be a man of his word. I am uncomfortable that we have to say what we have to say in his presence, because if anyone blew up the deal, it was certainly not his fault.

Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

Mr. Speaker, at the turn of the century, the last century, 100 years ago, Ida Tarbell and Upton Sinclair shocked this Nation with their accounts of dangers in the workplace to American workers. The exploitation of American workers challenged the conscience of our country.

Here we are 100 years later, and we have scientific evidence of that same kind of exploitation, that same kind of danger to American workers. Yet the Republican majority is opposing any opportunity to correct that. If you use a computer, if you drive a truck for a living, if you are in the health care industry and lift patients, if you are in the food processing industry, if you have to chop off the leg of a chicken for 8 hours a day with very little interruption and rest, there are so many occupations that are affected by this. In fact, Mr. Speaker, women who are prevalent in occupations that are mostly for women have a disproportionate share of these musculoskeletal injuries.

Every year 600,000 workers in America lose time from work because of repetitive motion, back, and other disabling injuries. These injuries are often extremely painful and disabling. Sometimes they are permanent. The gentleman from Michigan pointed out the cost to our economy of this, the cost to the personal quality of life for workers because of this. By the way, not all businesses are so unenlightened. Those who have instituted voluntary guidelines have a payback on their bottom line of greater productivity from their workers, much higher morale from their workers, and lower cost for health care for these workers.

This is not just about everybody in business, painting them all with the same brush; but it is about some that the Republican majority cannot say "no" to. In order not to say "no" to their special interest friends, they will not say "yes" to the Democrats who have bipartisan support for the prescription drug benefit, we have bipartisan support for the Patients' Bill of Rights, we have bipartisan support for the minimum wage bill, and now they have blown up the Labor-HHS bill, which has so much in it for education for America's children.

We do a lot of talking around here about family values. But what is more of a family value? The economic security of America's families has an impact on children and their education and the pension security and the health security of their seniors.

Mr. Speaker, I want to point out that the support for these repetitive motion injuries guidelines has bipartisan support. It has been referenced that Secretary Elizabeth Dole, Secretary of Labor Elizabeth Dole has stated, and these are her words, quote, "By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce." She said, "I have no higher priority than accomplishing just that."

Secretary of Labor Lynn Martin said, "OSHA agrees that ergonomic hazards are well recognized occupational hazards and OSHA's review of the available data has persuaded the agency." She also supported that. Chairman Livingston did, too. There is bipartisan support.

I say to our colleagues, take "yes" for an answer.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, there has been a great plea for bipartisan behavior on behalf of the Republicans and Democrats. Yet as we see the Congress respond where we have a bipartisan agreement on a Patients' Bill of Rights, to control the HMOs, to guarantee people the health care they need, on the minimum wage to make sure the hundreds and hundreds of thousands of Americans who are working at that wage will have the ability to provide for their family, on campaign finance reform, on common sense gun safety provisions, and now on workplace safety, each and every time we achieve that bipartisan agreement, we have the Republican leadership coming in and blowing up those agreements. They come in the back door, they come in the middle of the night, they come after everybody has left and they blow up these agreements. They find some way to kill it even though a bipartisan majority in the House and Senate support these measures. They blow them up.

They are our legislative terrorists. They do not play by the rules. They do not accept the will of the majority. They do not accept bipartisan agreements. They do not accept written agreements that have been entered into the record. They do not accept any of that. Because they are terrorists. They are legislative terrorists. They have made a decision. It will be their way or no way. They could have chosen to side with the American public and protect the workers, the 1,500 workers a day that are disabled because of injuries, because of repetitive motion, workers who will not be able to pick up their children at the end of the day, workers who will lose their earning capacity to provide for their families, whether or not Halloween is as nice as it could have been or whether Christmas will be as nice or whether or not they will be able to buy school supplies for their children because their hours have been diminished because of that kind of injury.

And each and every time we have reached an agreement to protect these workers in the workplace, they come in in the middle of the night and blow those agreements up. They disenfranchise Members of the House, they disenfranchise their own committee chairmen, they disenfranchise their committee members, because they apparently have the right, the supreme right to overrule any decision, any agreement that is democratically arrived at in the House or in the Senate.

The time has come for the American people to understand that these Republicans leaders could have chosen to stand with Americans against the HMOs so they could get health care, to stand with low wage earners so they could provide for their families, to stand with those workers who are threatened by this illness every day. Every day 1,500 workers. They could have stood with the public interest in campaign finance reform. But when they had a chance to choose, each and every time the Republican leadership has chosen the narrowest of special interests, the narrowest of special interests against that of the public interest of American workers, American families, and American children.

This is a sad day for this Congress. It is a sad day for the legislative process. But I guess it is a healthy day for Republican legislative terrorists.

Mr. YOUNG of Florida. Mr. Speaker, I advised the gentleman that I would tell him if I had another speaker, and I would like to yield to another speaker now if the gentleman does not want to yield time now. I do so because the accusation of legislative terrorists cannot go unanswered. That is so far out of the realm of what is right, it is just not even something we should consider. But it was said. We did not demand that the words be taken down because we are trying to keep some comity here. We are trying to keep this on a basis that we are doing the people's business and not out here accusing and calling names. But legislative terrorists? That goes pretty far. I do not think that we can allow it to go unanswered.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I do take exception to the statement of legislative terrorism. Obviously, we have recently experienced terrorism very real and very hurtful to citizens of our country on the U.S.S. *Cole*, and to link deliberation on very important issues before the American public to a terrorist-type activity, I think, is regrettable and it is shameful.

□ 1900

There are differences of opinion that are arising today in this Chamber about the direction of this country, and as one who has voted on so many issues that the minority has supported I would like to stand up and say I am always looking for common ground. When it was hate crimes, I signed on to the bill. When it was patients' bill of rights, I signed on and actively supported it, one of 27 Republicans. When it was campaign finance reform Shays-Meehan, I was there 100 percent, voting for no amendments but the Shays-Meehan legislation.

Now we come to a point where we do have some disagreements. We have heard a lot of discussion about immigration, blanket amnesties. My grandmother came from Poland so I deeply, deeply respect the fact that this country gave our family a chance to escape from Communism and tyranny, but she came to Ellis Island and she was processed. She learned to speak English. She became a registered voter, worked at a Travelodge motel all of her life to raise her daughters. Her husband had died. This country has been awfully good to our family, Irish-Polish immigrants, but I do have to question when we talk blanket amnesty because it does cause some consternation for the thousands of immigrants that are trying to be processed through INS in my office in Florida. The phone is ringing off the hook saying, does that include me? Am I allowed to come in as well? What are the rules for me to be allowed into this country since they have waited 2, 3, and 5 years being fingerprinted, being run around in circles trying to figure out how to be legal citizens of this country.

Then the topic of ergonomics, yes, there is a difference of opinion; but I still do not understand how the President left town to go campaign for his wife in New York when we have so many pressing issues here before the American public. He vetoed a bill last night for no apparent reason.

Now I am not an appropriator. I am on the Committee on Ways and Means. I understood, at least from the Speaker's letter today, that there was a certain agreement on that bill, but to throw a monkey wrench or a wrench into the works, the President chose to veto and skidaddle out of town so he can try to lift the sails for his wife who is campaigning for a seat in a State she does not reside in.

Nonetheless, we are here today to hopefully get the people's work done. I voted for minimum wage, and it is in the bill. I voted for Medicare increases, and it is in the bill. Now, I did not bring in HMOs. I do not like them. HMOs, to me, stands for "healthy members only," but yet our citizens in every district in America cry for satisfaction and want their managed care plans because they have prescription drugs and eyeglasses. That is in the bill.

Marriage penalty has been vetoed. So many other things have been vetoed I cannot even keep score any longer. But I would suggest, Mr. Speaker, that the harsh rhetoric needs to stop. Members do, in fact, want to be home with their families tonight and certainly through the weekend and on to November 7; but control of the House is not that important on either side of the aisle to make words like legislative terrorism part of the demeanor and discourse tonight. So I hope in the waning hours tonight that those who are negotiating, and I commend again our chairman, the gentleman from Florida (Mr. YOUNG), whose wife, Beverly, and their two sons have gone without their daddy for many, many a week trying to bring some comity to this process, he has negotiated in, I think, very genuine good faith; and so we remain at gridlock over two or three remaining issues.

I think it is sad. I think it is sad that grown men and women who have been sent from their districts around America cannot sit around the table and craft something that would make sense to everyone and not tie it up over one or two issues.

There will be an election November 7. There will be a new President. There will be a new Congress, be it Republican or Democratic, and some of these issues will get resolved then; but to sit here and think you are winning some strategy by creating these types of arguments I think is a sad day, and I again urge every person listening to our voices to come together in a spirit that I think is in this Chamber, a spirit of patriotism that we can lead, that we can move, that we can resolve and that we can establish the principle of good government here tonight for future generations.

Mr. OBEY. Mr. Speaker, may I inquire, does the gentleman from Florida (Mr. YOUNG) intend to yield to any further speakers?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I would advise the gentleman from Wisconsin (Mr. OBEY) that if there are any more suggestions of legislative terrorists or anything of that nature, I very likely will; but as far as the issues, we have debated them at least 69 times in the last month; and I do not intend to get back into that debate again. If there are some other outbursts like we heard here on legislative terrorists, which is just not acceptable, we would definitely respond to that.

Mr. OBEY. Mr. Speaker, I do not know what the gentleman will define as outbursts. I would suggest since he has much more time remaining than I do, if he intends to yield to any other speakers that he do so.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the sad fact is that the Republican leadership of this Congress refuses to protect American workers. They do not identify with America's workers, with their economic well-being, or with their health concerns. They have been opposed to raising the minimum wage, and they are opposed to sensible work safety standards. Twenty-four hours ago, we had a deal. This was the White House, Democrats, Republicans. They came to an agreement on the issue of worker safety standards and a variety of other issues, but then the Republican leadership ran the agreement by the United States Chamber of Commerce, who I might add, let me say what they are doing today, the Chamber of Commerce. They have shifted millions of dollars of funds to the pharmaceutical industries to keep us from bringing the cost of prescription drugs down with a television ad campaign. Do not take my word for it. You are seeing it every day on TV. They do not want to bring the costs of prescription drugs down. This is what the U.S. Chamber is doing. They ran the bill by these folks, and they are funding their campaigns so all bets were off. So we are back at square one. That is what is at issue here.

Repetitive motion hazards are the biggest safety and health problem in the workforce today. They account for nearly a third of all serious job-related injuries. More than 600,000 workers suffered serious workplace injuries. Women workers are particularly affected. Women make up 46 percent of the overall workforce. Women accounted for 63 percent of all repetitive motion injuries. Seventy percent have reported carpal tunnel cases in 1997. These injuries are expensive. They cost our economy $15 billion to $20 billion a year in medical costs. We do not need any more studies. We do not need to delay.

People deserve the same kind of protections as machinery. Good business practice shows us this makes no sense to overwork, overstress equipment, causing it to break down. We need to treat our workers the same way. But the issue is, the Republican leadership has hijacked patients' bill of rights, campaign finance reform, gun safety, minimum wage, now worker protections, because they do not support workers or want to protect them.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, my colleague, the gentleman from Florida (Mr. FOLEY), talked about immigrants; but the bill the Republicans blew up had nothing to do with immigrants. And I would hope that we would stop using immigrants on this floor as a scapegoat for Republican inability to get their business done.

You spoke about the President. John Podesta, his chief of staff is here, Jack Lew, the people who negotiate directly are here; and they have the authority to make a deal. And they are ready to do it and they made a deal and you broke it.

Now, after 3 days of no negotiations with Democrats on education, Republicans and Democrats met Sunday night and they worked out a landmark education bill that included full funding towards 100,000 new teachers, teacher training, after-school programs, a $1.3 billion school construction and school modernization program and, yes, safety for workers on the job.

It was a package Democrats could be proud of because it addressed the most pressing needs of local communities; and it promised to help our public schools lift them up, help our parents and our children. And less than 12 hours later, as we heard, you blew up the bipartisan agreement out of the water. Apparently you rejected the worker safety provisions because business lobbyists told you they would not have it that way, and maybe you did not like the increased education funding that we had finally agreed on together when it went to your leadership.

Bipartisanship requires keeping your word, and it starts with a majority that controls the agenda of this House, and I would remind Governor Bush that if he wants to have some bipartisanship call the majority, pick up the phone, we can get this business done, and tell your party's leaders, here in the House and in the other body, to start getting to work on behalf of the American people. You have produced the most dysfunctional Congress in memory.

The New York Times just reported that this is the latest the Congress has ever met since post World War II for the latest adjournment date, and on Halloween. This is the ultimate trick on the American people and it is the ultimate treat to big business.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that remarks in the Chamber are to be addressed to the Chair and not to persons outside the Chamber.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I find it very sad when I listen to the dialogue from my colleagues on the Republican side because when I listen to my colleague, the gentleman from Florida (Mr. FOLEY), and also the chairman of the Committee on Appropriations, I think that they really do want to come to an agreement and they would like to see this agreement on the Labor HHS bill come to fruition. The problem is they cannot because of the special interests.

They negotiated on the other side in good faith and they came to an agreement that would allow these worker safety rules to go into effect, but then they go back and the U.S. Chamber of Commerce, the business interest, says no we cannot do it because we do not want you to protect the workers. We are giving you the money for the campaigns. We are the special interests. You cannot do it for the average person. We saw the same thing. My colleague, the gentleman from Florida, talked about the patients' bill of rights and how we supported the Norwood-Dingell bill; but after it passed, the HMOs said, no, we cannot have that because that is going to help the people and we cannot make any money. So you cannot do it. You forget it even if you care about the people.

We saw the same thing with Medicare prescription drugs. Maybe some of them would like to see a prescription drug benefit under Medicare. I have no doubt that some of my colleagues on the Republican side would love to see that, but they cannot do it because the pharmaceutical industry says, no, no, no, no, we cannot make any money. That is going to hurt us. We are not going to be able to finance your campaigns. We are not going to be able to run the ads. So what does it say? Oh, sure, you may want to help. Maybe even the leadership wants to help, but you cannot because you are in the pockets of the special interests, the corporate interests, the pharmaceuticals, whoever it happens to be, the insurance companies.

Well, it says a lot about what you can accomplish here in the majority party. You cannot accomplish anything for the little guy. You cannot help the senior who wants prescription drugs. You cannot help the person who is suffering from HMO abuses. You cannot help the individual that the gentleman from Wisconsin (Mr. OBEY) showed that is having problem with their hands and cannot work because of this repetition. You cannot do it. Be honest. Explain to the American people that you cannot help the little guy. You cannot help us with the problems that the American people face because you are in the pocket of the special interests, and they say what to do even after you have negotiated the agreement.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes and 15 seconds.

Mr. Speaker, I do not think the issue here tonight is legislative terrorism. I think it is legislative obstructionism by the leadership of this House. The fact is that on prescription drugs, on the patients' bill of rights, on campaign finance reform, and on several other issues we have a bipartisan majority, but in each of those cases the will of that majority has been obstructed by the leadership that has prevented us from coming to closure on any of those issues.

Now we have one more. We had an opportunity to close the appropriations cycle with one of the best bipartisan legislative agreements of the year, and instead the leadership decided to pull the rug out from under a bipartisan negotiated agreement. They decided to say to Wanda Jackson, whose fingers have almost turned into claws and cannot lift anything heavier than a milk carton because of hours of punching numbers in a computer, "Sorry, you are not important." They said to Walt Frasier, who had to lift one chicken every two seconds, 10,000 birds over an 8-hour shift every day, who now has had three operations on his hands and cannot work anymore, they have had to say, "Sorry, you are not as important as big business."

They say to Ursula Stafford, a 24-year-old para professional who was told by her doctor she may never be able to support a pregnancy because of a herniated disk that she suffered from lifting patients; they have said to her, "Sorry, you are not important enough." We are not going to protect you." They have said that to many other workers.

□ 1915

Mr. Speaker, this is pure and simple another bipartisan agreement which had been reached after much hard slogging, which is now being arbitrarily tossed overboard because the leadership says "no." That is unfortunate; and that, unfortunately, defines this session.

So I feel great regret about this, but until the majority leadership decides to practice the bipartisan cooperation that it preaches, we are stuck here with a blown-up agreement that could have been, in fact, a landmark piece of legislation for this session.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

I would say to our colleagues that it is interesting to negotiate with the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the Committee on Appropriations. He negotiates in good faith. We have some very strong differences which have been established throughout the years, but he does negotiate in good faith and he keeps his word. But to suggest that all of those negotiations have been useless and have gone to naught is just not accurate. When we do negotiate at our level, then obviously, I take what the product is to my leadership. That is the way the system works.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is it not true that at the beginning of the negotiations 2 nights ago, our side asked both the gentleman from Florida (Mr. YOUNG) and Senator STEVENS if you had full authority to negotiate all remaining issues, and the answer was yes? Is that not true?

Mr. YOUNG of Florida. Mr. Speaker, that is correct. I would say to the gentleman that we did just that, and we negotiated a settlement that we thought was a fair settlement. It did not provide everything that I wanted, and I know it did not provide everything that the gentleman from Wisconsin wanted; but it was a compromise, it was a negotiated settlement.

But as I started to say, under our process, then I take that product to my leadership, the same as the gentleman from Wisconsin takes to his leadership. Also, he communicates with the White House, and we do that as well. We have spent a lot of time with White House representatives during this negotiating period. But to say that we are both satisfied with everything is just not true.

But here is where the rub comes. So much has been said tonight about the fact that the GOP torpedoed the deal, or "budget deal torpedoed by the GOP." That is not true. That is a headline. That headline was not written in any conference meeting that I was in. And I think what it does is it just proves once again that we should communicate with each other, not through the media. Whoever wrote that headline, I guarantee my colleagues, was not in that negotiating session that we had until 1 o'clock Sunday night. They were not there. The deal was not torpedoed.

Let me explain. Everybody pay attention to this. I want my colleagues to know exactly what it was that supposedly torpedoed the deal. We have heard so much talk about the language on the ergonomics that postpones the implementation.

Now, in our negotiations, we agreed that we would allow time for the new President, whoever that new President might be, to make a decision on these rules; and we also at one point gave him until June of next year to implement or not implement.

Now, we agreed on that; and we still agree on that. That is still our position. Now, where we had a bit of a problem is when the labor lawyers took a look at the language. They said, wait a minute, that is not what it does. So we thought maybe we better consult with our lawyers and find out how to write this language to make sure it does what we agreed to do.

So that is where we are. The deal is not torpedoed. This issue is out there; and, of course, there are still some outstanding issues that have not been resolved yet that the gentleman from Wisconsin and I did not resolve during our negotiating session. But the deal is not torpedoed, I will say that again.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is it not true that both sides spent almost 4 hours negotiating the language of that one item; and that many times, both negotiators left the room to consult with the lawyers? And is it not further true that after we had the Merlot and toasted the agreement, is it not true that the only two remaining issues were two language issues, one on snowmobiles and one on Alaska seals?

Mr. YOUNG of Florida. Well, Mr. Speaker, I would respond to the gentleman that I do not think that is accurate. I did not leave the room to consult with any lawyer. There were two lawyers on our negotiating side. Senator STEVENS is a lawyer, and the gentleman from Illinois (Mr. PORTER), the chairman of the subcommittee, is a lawyer. And as the gentleman from Wisconsin (Mr. OBEY) has suggested, we wrote that language for 3 or 4 hours, and we wrote the language, I think, at least seven times; but we all wrote the language trying to get us to the point that the law would say that the new President who is elected next week would be able to make the decision whether or not to implement these rules, and that this could take as long as until June of next year.

Now, apparently some other lawyers decided the agreement was okay; and our leadership decided, hey, that agreement is fine, but the language as it was written in the view of the labor lawyers did not accomplish what we intended to accomplish.

So on that, we have a little work yet; but we are working on it.

It was also suggested that we ought not to be so partisan, and I really enjoy hearing the speakers on that side of the aisle talk about partisanship. I do not think we have raised any partisan issues. I have not attacked the Democrats; that is just not my style. I have worked all year, and last year as chairman, to have as fair and responsible relationship with both sides as I could possibly accomplish, and I think we have done a pretty good job there.

Mr. Speaker, let me tell my colleagues who else thinks we did a pretty good job. The President of the United States yesterday in his press conference said: "Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." That was President Clinton who said that. Did everybody hear that? Just in case my colleagues did not hear it, let me read it again. He said, "Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions."

Well, I do not agree with everything the President says, but I tend to agree with that.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, does the gentleman believe everything the President says?

Mr. YOUNG of Florida. I think I just answered that question.

Mr. Speaker, I would suggest that I believe that about as often as the gentleman from Wisconsin does, and I do not think that is news to anybody.

Now, Mr. Speaker, we should all be very thankful that this political season is about over, because once the election is behind us, then we are going to find that we can get back to the business of doing the people's business. We will not need to use the floor of the House of Representatives for campaigning. We will put the people above the politics, and that is good. We need to get back to that.

Somebody mentioned the other day that this was like a scene from the movie "Groundhog Day." If my colleagues saw the movie "Groundhog Day," Bill Murray is the main character and he is a weather reporter for a Pittsburgh news station, and he travels to Punxsutawney to do a story on Punxsutawney Phil coming out of his cave and giving a prediction on the weather, but something happens, and day after day after day he wakes up to the very same day over and over and over again. But, the way the movie ended, he went on to a new day and continued life after those many, many days of just repeating over and over again, by falling in love, and then he woke up the next day and everything was like it should be.

If we can show a little more love and compassion, a little more spirit of determination to work together for the people that we represent, it is amazing how much we could get accomplished here. Just as President Clinton said: "Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." President Clinton.

Mr. Speaker, I ask for a "yes" vote on the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 662, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 13, not voting 58, as follows:

[Roll No. 585]

YEAS—361

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—13

Baird
Barton
Capuano
Costello
DeFazio
Dingell
Ford
Hilliard
LaFalce
Miller, George
Phelps
Stupak
Visclosky

NOT VOTING—58

Archer
Bilbray
Blagojevich
Blunt
Borski
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Collins
Conyers
Danner
DeGette
DeMint
Dickey
Dooley
Dunn
Etheridge
Forbes
Fowler
Franks (NJ)
Gephardt
Greenwood
Hastings (FL)
Hill (MT)
Hostettler
Isakson
Kennedy
Kingston
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Meeks (NY)
Metcalf
Mollohan
Ose
Pickering
Portman
Ros-Lehtinen
Salmon
Sanford
Scarborough
Shaw
Spratt
Stark
Talent
Taylor (NC)
Tiahrt
Towns
Waters
Waxman
Wise
Wynn

□ 1948

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 31, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, October 30, 2000 at 11:20 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 4516, The Legislative Branch and The Treasury and General Government Appropriations Act, 2001.

Sincerely yours,

JEFF TRANDAHL,
Clerk of the House.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.J. Res. 121. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1550) "An Act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.".

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.".

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106–306)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States.

To the House of Representatives:

I am returning herewith without my approval, H.R. 4516, the Legislative Branch and the Treasury and General Government Appropriations Act, 2001. This bill provides funds for the legislative branch and the White House at a time when the business of the American people remains unfinished.

The Congress' continued refusal to focus on the priorities of the American people leaves me no alternative but to veto this bill. I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools, and protecting our workers.

With the largest student enrollment in history, we need a budget that will allow us to repair and modernize crumbling schools, reduce class size, hire more and better trained teachers, expand after-school programs, and strengthen accountability to turn around failing schools.

I would sign this legislation in the context of a budget that puts the interests of the American people before self interest or special interests. I urge the Congress to get its priorities in order and send me, without further delay, balanced legislation I can sign.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 30, 2000.*

The SPEAKER pro tempore (Mr. SUNUNU). The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message of the President to the bill H.R. 4516, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I move that the message together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Florida. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Wisconsin (Mr. OBEY) for the purpose of debate only on the consideration of this motion, pending which I yield myself 1 minute.

Mr. Speaker, I yield myself 1 minute just to suggest that if we want to expedite the consideration and if we want to conclude the negotiations on all of these final appropriations bills, and there was only one left, but now there are two because the President sent us this veto, we would like to expedite it and we do so by referring this veto message and the bill back to the Committee on Appropriations. I think it is as simple as that. I do not think we need to take a lot of time on this issue.

Mr. Speaker, in the event that we do require additional time, I ask unanimous consent that the gentleman from Arizona (Mr. KOLBE), who is chairman of the Subcommittee on Treasury, Postal Service and General Government Appropriations, that he be permitted to control the time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would agree with the gentleman from Florida that we do not need to use too much time. However, I do think we need to use some time to talk a little bit about this veto, which comes as a stunning surprise to some of us. And also so that the American public and the Members of this body understand what is in this bill that has been vetoed, so that, as we consider this again, we will be able to consider those provisions very carefully.

Mr. Speaker, last night, when the President vetoed the Legislative and Treasury-Postal and General Government Appropriations bill, he did more, in my view, than simply prolong the ongoing negotiations between the White House and the Congress on the remaining appropriations measures. He has jeopardized the funding that we have in this bill for our counter-terrorism efforts, funds to keep our borders safe, programs to keep guns out of schools, programs to trace guns in violent crimes, the jobs of more than 150,000 Federal employees, including one-third of all Federal law enforcement, and he has jeopardized our Nation's war against drugs.

The President himself has stated that there is nothing wrong with the bill in its current form. In fact, he previously stated that, after we made some changes, changes that were included in the Transportation appropriations bill, he would sign this measure.

However, he has now chosen to veto it because it funds the legislative branch and the White House "at a time when the business of the American people remains unfinished." He has failed to sign this perfectly good bill because of ongoing discussions relating to education funding and ergonomics, issues that have nothing to do with the bill that he vetoed.

It seems to me that the President's veto is more about making political statements than it is about making good public policy. Mr. Speaker, if we want to get the work of this Congress done, we have to take these bills one at a time.

The President's veto message claims that these bills reflect "self interest or special interests." Let us be clear about what the President is talking about here. The Treasury appropriations bill provides, among other things, these items:

$2.25 billion for the Customs Service, including increases for expanded anti-forced child labor, money to attack drug smuggling groups, and new agents and infrastructure for northern border security;

$467,000 for the National Center for Missing and Exploited Children, including the use of forensic technologies to reunite families;

$62 million to expand the Integrated Violence Reduction Strategy, a program to enforce the Brady law to keep convicted felons from getting guns, to investigate illegal firearms dealers, and to join forces with State and local law enforcement and prosecutors to fully investigate and prosecutor offenders;

$25 million for nationwide comprehensive gun tracing; and $185 million for our drug media campaign to reduce and prevent youth drug use.

This bill also includes $186 million for Customs automation, an item that importers have been clamoring for. This bill provides funds to begin an immediate investment in our automated commercial environment program, a system that will help us to efficiently enforce our trade laws.

And finally, this bill includes $1.8 million in support of the Secret Service's new initiative, the National Threat Assessment Center to help us identify and prevent youngsters that might commit violence in and around schools.

Mr. Speaker, I do not see how the items I have just described here are, "special interest items." These programs reflect the interests of all Americans, not just a few. All of us have a stake in the safety of our borders. All of us have a stake in the war on drugs and in keeping guns out of our schools.

On July 27, when the House passed this bill, the Administration indicated they had several concerns regarding proposed funding levels for different programs. Specifically, they said that they felt they needed another $225 million for an additional 5,670 IRS employees, and they signalled that, unless that was provided, they would veto this measure.

So we sat down. We negotiated in good faith with the White House. The House, the Senate, the Republicans and the Democrats on both sides of this Congress, on both sides of this aisle. We added the funds for the IRS. It was not everything that the Administration asked for, but we also added other funds for other important programs. After we did this so-called fix, which the President signed into law as part of the Transportation Appropriations bill on October 23, we were told that the President would sign this bill.

Indeed, I might have thought that the comment that the President made yesterday at his press conference when he said, "again we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." I might have thought that he was talking about our bill, a bill he would have been preparing to sign.

Obviously, as the hour of midnight approached, we found out that it was to be otherwise. The President's veto message says that he will not sign this bill until we fund our classrooms, fix our schools, protect our workers. The President has once again moved the goalpost in regard to the Treasury appropriations bill.

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I am extremely disappointed that this Administration has gone back on its word to sign this bill and has, instead, chosen to use it as a vehicle to hold Congress hostage and make political statements regarding funding for education.

But, Mr. Speaker, we are here tonight with a vetoed bill, and we are prepared to get this work done. Unfortunately, I notice that the President of the United States is in Louisville, Kentucky, for a congressional candidate and then doing a fund-raising event in New York City for the First Lady. How do we expect to get this work done when we are here and the President is out on the campaign trail?

I think it is a shame that the President has placed a higher value on the politics of education funding than he does on protecting our borders, on fighting the war on drugs, in keeping guns out of schools, in countering terrorism.

The President has vetoed the bill that funds 100 percent of our Nation's border safety in order to make political points about a bill that funds 7 percent of our Nation's education funding.

This is a sad day. This bill, which has been worked on and a compromise has been reached, and is a good bill for the agencies that we have under our jurisdiction. It is sad that it is was vetoed. I hope we can get a quick agreement with the Administration on this.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I just want to understand, because the gentleman from Arizona (Mr. KOLBE) went through a lengthy list of programs, extremely important ones, and identified dollar amounts associated with those programs.

I believe it was implicit, but I think we really need to understand that every one of those programs were placed in this by bipartisan agreement and every one of the funding numbers were agreed to in those programs that the gentleman mentioned by bipartisan agreement. Is that correct?

Mr. KOLBE. Mr. Speaker, if the gentleman will yield, that is absolutely correct. The amounts in there are not exactly as we would have wanted. In some cases, we would have wanted something lower, maybe a couple of cases even higher. In other cases, the President wanted more money, as he did for the IRS. But it was an agreement. It was a compromise.

Mr. THOMAS. Mr. Speaker, when the bill left, it was a bipartisan agreement.

Mr. KOLBE. Correct.

Mr. THOMAS. On the programs and the amount.

Mr. KOLBE. That is correct.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I voted against the Treasury-Postal bill when it originally was presented to the House. I did so because I thought it was inadequate. It came back from conference, and I opposed it at that point in time. We did not really have a real conference. But to the extent that a conference report came back, I said it was inadequate, and I opposed it.

The gentleman from Arizona (Mr. KOLBE) rises, and I think correctly states the provisions of this bill. I think he also correctly states that we did, in fact, reach bipartisan agreement on this bill, and that in fact the bill, as it now stands, as it stood before the President, as it stands now is a good bill. It is a bill, in my opinion, that every Member of this House on either side of the aisle can support.

It is furthermore a bill that I hope every Member of the body will support at some point in time in the very near future. I am not sure when we are going to get to that point, but hopefully in the near future.

The gentleman from Arizona (Mr. KOLBE) also correctly points out, and the gentleman from Florida (Mr. YOUNG) pointed out, if one reads the veto message, that the President of the United States says that he can sign this bill. In fact, I urged the President of the United States to sign this bill. I wished he had signed the bill. But he chose to make the point which, frankly, we have been making over and over again, that, unfortunately, this process did not come to really focus until just a few weeks ago.

The reason it did not come to focus until a few weeks ago, and I do not speak just to the Treasury-Postal bill, it is because, for 8½ months and effectively all of September, we pretended that the appropriations process was not going to be a process in which all of us would be party, but it would be a process that simply, frankly, the majority party would be a party of.

Unfortunately, when we did as the gentleman from Arizona (Mr. KOLBE) has pointed out, come to agreement, and agree on a very good bill, we got it down there relatively late, i.e., 10 days ago.

I would urge the Members, however, not to become too exercised about this bill. The reason I do that is because I believe we do have agreement. What we do not have agreement on is what the President discussed in his veto message, and they are important issues. They are unrelated, at least substantively, to the Treasury-Postal bill.

But we know and any of us who have been in the last weeks of any legislative session, and I found this when I was in the State Senate for 12 years and I found it here for 19 years, that, unfortunately, issues tend to get wrapped up with one another that do not necessarily relate to one another substantively but clearly do politically.

So I would urge the majority party, I would urge ourselves to try to come to agreement. Now both sides feel that agreements are not being kept. That is not a good context in which to try to get back to the table.

The majority party believes the President said he would sign this bill. I was not in the room, therefore cannot assert that that was or was not the case. Some others who apparently were in the room and talked to the administration said that the administration said that they could sign this bill, but, again, I was not in the room, but that they were concerned, they were particularly concerned about a particular tax provision, and they wanted to see all the tax provisions considered at one time.

Now, I hope clearly that this bill is going to go to committee and the veto will be considered. My suspicion is that we will at some point in time, hopefully in the near term, fold it in.

But I would urge all my colleagues that, when the President says that it is related to other things, his desire, and I hope our desire, is to get the issues before the House resolved, get the issues before the Senate resolved, and send them to the President.

We have just had a significant discussion about the fact that we do not have agreement on the Labor-Health bill. The gentleman from Wisconsin (Mr. OBEY), who was in the room, I was not, but the gentleman from Wisconsin (Mr. OBEY), whose integrity I trust wholly, says that he thought they had an agreement.

It is my understanding, although the gentleman from Florida (Mr. YOUNG) did not say so in so many words, that he thought there was an agreement, but he needed to check it out with some people. That agreement fell.

I would hope that, in the next 24 hours, and I see the gentleman from Texas (Mr. DELAY), the majority whip, is on the floor. He and I worked together on a number of things. But I would hope that we could come to grips with the items that the President of the United States has said he believes are priority items.

Whether one agrees with the veto of the Treasury-Postal bill or not, everybody agrees that it was not on the substance of the bill. The bill is a good bill. It is, however, an effort by the President of the United States to bring to closure the 106th Congress, to bring to closure the 106th Congress in a way that will bring credit to agreements between the parties.

I referred earlier in discussions about the appropriations bills to an extraordinary speech given by Newt Gingrich on the floor of this House. It was a speech which I have entitled the "Perfectionist Caucus Speech." It was a speech in which he said the American public has elected the President of one party, a majority party in the House and Senate of another party, and a very large and significant number of Members of the President's party.

It is not surprising, therefore, that we find ourselves in substantial disagreement from time to time on substantive important issues. But as Newt Gingrich said in that "Perfectionist Caucus Speech," it is the expectation of the American public that we will come to agreement, that we will come to compromise.

Democracy is not perfect, and rarely do we win everything that we want. But the American public does expect us to agree. They expect to bring this Congress to a close. We argue on our side that they expect us to do some things that we have been talking about for an entire year and, indeed, longer than that in many instances to which the President referred, like education funding for classrooms and more teachers.

That is really not a contentious issue. Most of us on this floor on both sides of the aisle know that we have a shortage of teachers, know that we have a shortage of classrooms, know that we would like to get classroom sizes down. We ought to move on that.

Most of us say that we are for prescription drugs for seniors. We have differences on how that ought to occur. What the President is saying is we ought to come to agreement on that, because, frankly, seniors that are having trouble paying for prescription drugs do not care whether we agree on this dotting of the I's or the crossing of the T's. They want us to come to agreement. It is a shame we cannot do that.

I see the gentleman from Georgia (Mr. NORWOOD) on the floor. The gentleman from Georgia (Mr. NORWOOD) and the gentleman form Michigan (Mr. DINGELL) came together, worked hard, tried to come to agreement. I am sure the gentleman from Georgia (Mr. NORWOOD) did not get everything in the Patients' Bill of Rights bill that he would have liked. I am equally confident that the gentleman from Michigan (Mr. DINGELL) did not get everything that he would like. But they worked together.

Indeed, the majority of this House agreed with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL) and passed a Patients' Bill of Rights. We did that in 1999, a year ago. The Senate passed a similar bill some 11 months ago. But we do not have agreement. We have not moved a bill. On an issue that almost every one of us is putting in ads of 30 seconds and saying we are for, but we have not moved the bill.

So I would urge my colleagues, as we consider this, it is going to go to committee, I hope we do not have a rollcall vote on. There is nothing we can do about it, very frankly, one way or another. It is a good bill.

The President chose to veto it to raise the issues and try to raise our focus and try to bring us to closure. If it accomplishes that objective, perhaps it was useful. It remains to be seen whether we will accomplish that objective. Had it been signed, we would have had a good bill for the Treasury Department, the General Service Administration, for law enforcement, to which the gentleman from Arizona (Mr. KOLBE) referred, he is absolutely right, to counter terrorism efforts in this country. All of those are worthwhile objectives.

It is a good bill. But let us not have this bill further divide us. Let us try to come to grips in the next 24 hours with the Labor-Health bill and get that to resolution and see at that point in time where we can move.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time. I appreciate his giving me this opportunity to comment on this bill, which is a good bill, but comment as well on the efforts that the gentleman has been making and that others on the other side of the aisle have been making to try to bring us to closure, try to bring this Congress to a respectable close that the American public will benefit from.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Speaker, I said yesterday, and I still mean it today, most of the Members at this time of the year detest what goes on. It is the silly season. It is election season. We have some honest differences. I would like to cover just a couple of those differences.

I believe with all of my heart that we are right. Maybe they believe that they are right on the other side of that issue. When my colleagues talk about school construction, many of the States have elected not to support Davis-Bacon or prevailing wage because of the increased costs. In some States, it is 35 percent down to 15 percent increase in cost. This legislation would force those right-to-work States to have to use the school construction money, using the union wage.

□ 2015

I think it is detrimental to schools because we could get more money for schools' quality. The unions control about 7 percent of the workforce. About 93 percent of all construction is done by private. And my friends would say, well, we want those workers to have a living wage.

Well, the people that build 93 percent of our buildings in this country earn a good wage, and they have good quality. And our position is that, instead of allowing the unions to take the money, the extra 15 to 35 percent, let us allow our schools and I will support the additional money. Let us let our schools keep the additional money for more construction, for class size reduction, for teacher pay or training, even technology, or where they decide, where the teachers and the parents and community can make those decisions.

My colleagues have said that, well, let us save taxpayers' money at the local level. I worked with the gentleman from Michigan (Mr. KILDEE), one of the finest men in the House, when I served on the authorization committee. He was my chairman the first year and then vice versa; and we worked, I think, in one of the best bipartisan ways. And I have a lot of respect for him. I think he is wrong a lot of times, but I love him.

But they say, let us save money at a local level. Alan Bersin was a Clinton appointee as Superintendent of San Diego City Schools; and he said, Duke, would you support a local school bond? I said, Alan, that is the most Republican thing you could ask me to do because most the money goes to the school and, guess what, the decisions are made at a local level, not here in Washington, D.C., with all the strings.

Only about 7 percent of Federal money goes down, but a lot of that controls the State and local money. Look at special education how that hurts some of the schools and helps people at the same time. But look at title I and those rules and regulations tie up.

The President wants Davis-Bacon in this. We feel it is detrimental, it actually hurts schools, and we cannot bring ourselves to do that. We have special interest groups, as my colleague says. But the Democrats, I think their special interest groups are the unions and the trial lawyers and they support those issues. But the National Federation of Independent Businesses, Small Business Association, Restaurant Association, they are not bad as some of my colleagues think. These are the people that go out and create the jobs for the people.

Over 90 percent of the jobs are created non-union. And we are saying, let the union compete with small business, let the best man win, but not have the increased cost of school construction. Now, that is a big deal. This is a big difference between most of us. You feel you are right. We feel that we are right. We see that it helps the schools, our positions; and we cannot give in to that. And the rhetoric and the campaign stuff that goes back and forth, we have a solid belief, and I want my colleagues to understand that, I believe it with all of my heart, and that is why I think we are here is because of those differences.

But yet, the President will veto it over that. And I do not know what we are going to do. I do not know how long we will be here, and I think Members on both sides are willing to stay until we can agree with something. Maybe it is half. Maybe it is whatever it is.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think the people of this great and free democracy need to understand what is going on here tonight because it is unprecedented. No President, at least in my 18 years as a Member of the House of Representatives, has ever vetoed a bill he supports. And I have never seen the Members of his party vote to support a veto of a bill they support or one whose every part was agreed to on a bipartisan basis. Of course, not every portion of it is perfect. They do not love every portion. Neither do we. But this was a bipartisan bill where every number was agreed to by Republicans and Democrats working together and where the President agreed to it as well.

It is unprecedented to have a veto message in which the President says he supports the bill. I do not know how in good conscience my friends on the other side of the aisle say they are working to conclude the business of this Congress when they support the President in preventing the very bills that have to pass to wind up this session from passing.

Here is an appropriations bill that we must pass to wind up our business. It is one we have agreed on. How can my colleagues in good conscience say that they are doing anything but filibustering and involving themselves in obstructionist actions for purely partisan reasons when they oppose a bill that they have agreed to and that the President agrees to?

Now, let me look at the rhetoric that the President brings to the table in his veto message, because it is not unlike what happened on the floor last week, which I think is so fundamentally destructive of our democracy. His rhetoric intentionally mixes information from one bill to another until the public cannot understand and follow what is happening in their own democracy. To say that this bill has to be vetoed because we need more money for teachers is ridiculous. This bill doesn't fund education. That is the issue of the Health and Human Services, Labor, and Education appropriations (HHS) bill. It is not the issue of this bill.

We will argue about whether or not we need more money for teachers when we discuss the HHS bill. And I am proud to say, as a Republican, that we put $2 billion more in the education function in that bill than the President even asked for, and we allow districts to use it for teachers if they want to, if that is what they need. But some of my school districts do not have classroom space, they cannot use this money next year for teachers, but they know exactly what they need it for, preschool, summer school, lots of kinds of things to help kids who are below grade level to catch up.

What is wrong with flexibility? Do you not trust local government? Do the Democrats not trust the people of America? Is that why they have to uphold this veto of a different bill on which they agree and the President agrees because they want to hold the other bill hostage and make sure that local government in America has no right to say whether they need summer school to help their high school kids who are behind a grade level to catch up?

Let us go on to their other issue here of worker safety. I am a strong advocate of worker safety. I voted with my Democratic colleagues to make sure that the ergonomics research went forward. How many of my colleagues, and I am looking at some of them from parts of the country for whom this is an absolutely incredible reversal of everything they ever stood for, how can they vote, how can they hold hostage a bill we all support to a Presidential position that will mandate on our States 90 percent reimbursement of salary and benefits for someone injured by an ergonomics problem?

I have had two carpal tunnel operations, both wrists. If I had been out, should I have gotten 90 percent of salary and benefits when my friend next to me got his foot crushed with a piece of steel and he gets the State rates, which is somewhere between 70 and 75 percent, depending on the State? Are you, my colleagues, out of your minds?

I mean, I am for worker safety, but I am not for unfairness. It is wrong. This is really important. I brought this up when we debated this. Unfortunately, it was midnight and most of my colleagues were not here. But I asked them to go back and check with their small businesses to see how they can survive or check their State laws and see what it would do to have that inequity among workers.

One can get terribly, terribly injured through a construction catastrophe and that injured worker would get the State's 70 to 75 percent, whatever their State offers, in Workmen's Comp. But, under the President's proposal, if they get carpal tunnel syndrome, they'd get 90 percent of salary while they are out of work. Why are you holding a bill up on which we have agreed to every single number for a new and extremely unfair and unaffordable mandate in another bill?

Look what this bill does. I mean, my gosh, it adds $475 million so we can expand the anti-forced child labor initiative, attack drug smuggling, $10 million more for drug free communities, more money for the Secret Service's National Threat Assessment Center to help prevent school violence, better funds for the Terrorism Task Force, much more money to enforce the Brady bill.

Let us put aside the partisan games. Let us override the President's veto. Then let us move on to the HHS appropriations bill and work these things out. That is what we are tasked to do by the voters of America.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume to explain that I thought that we had been asked if we would agree to no debate on the bill. We were willing to do that. But since my colleagues have had more speakers, we have a couple other Members who have indicated they want to speak.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, since I have seen my colleagues on the other side of the aisle have an affinity, I would even have to say a proclivity, to quote the President's words, I would like to refer to the statement he made as it relates to the bill that is being considered for referral to committee, the bill that he vetoed.

He said, "We are now a full month past the end of the fiscal year, and just a week before election day. Congress still hasn't finished its work.

"There is still no education budget. There is still no increase in the minimum wage. There is still no Patients' Bill of Rights or Hate Crimes Bill, or meaningful tax relief for middle class Americans.

"Today, I want to talk about an appropriations bill that Congress did pass. The Treasury-Postal Bill funds these two departments, as well as the operations of Congress and the White House. Last night, I had no choice but to veto that legislation. I cannot in good conscience sign a bill that funds the operations of Congress and the White House before funding our schools.

"Simply put, we should take care of our children before we take care of ourselves. That's a fundamental American value, one that all parents strive to fulfill. I hope the congressional leadership will do the same. We can, and we will, fund a budget for Congress, but first let us take care of the children."

I agree with the President. Simply put, how is it that we would hold ourselves up as an institution and the White House that they are worthy of being funded when we have a whole host of vital issues, some of which the President recited himself, that simply are not being funded and will likely not be funded before the American people go to vote next Tuesday?

He goes on to say, "We thought we had a good-faith agreement with honorable compromises on both sides," with reference to the landmark budget for children's education. "That was before the special interest weighed in with the Republican leadership. And when they did they killed the Education Bill."

I agree with the President. Let us put our people before ourselves.

Mr. KOLBE. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would just like to respond to the Member on the other side of the aisle who said, how in good conscience can we support this veto? My response is, with ease. And I will tell my colleagues why.

The gentleman from Arizona (Mr. KOLBE) is upset. And I do not blame him. He is one of the good people in this House. And there are a lot of good people in this House on both sides of the aisle. And we treasure our friendships, and we treasure our associations. We also treasure a sense of balance, and we treasure people who keep their word at the highest levels as well as the lowest levels of both parties.

☐ 2030

The gentleman from Arizona (Mr. KOLBE) is upset because his Treasury-Post Office bill has been vetoed, and, along with it, although this has not been mentioned, the Legislative Branch appropriations bill, because the Treasury-Post Office bill is folded into the Legislative appropriations bill. If I were the gentleman from Arizona, I would be unhappy, too, because he wants to see his bill finished. The problem is that there is only one man in the country who has the responsibility to look out after everyone, and that is the President of the United States. And what the President of the United States said in the words that the gentleman from New Jersey just read is that, quote, "I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools and protecting our workers."

In other words, the gentleman from Arizona is upset because matters of legislative concern such as our offices, our travel allowances, our staff allowances are not settled. In fairness to him, he did not say that because he is concerned about the Treasury-Post Office bill, but I have had that said to me by a number of Members tonight. All the President has said is that I recognize that the big fellows in this society, the President and the Congress, because that is whose budgets are funded in the bill that he vetoed, remember, he vetoed his own budget as well as the Congress' budget. All the President says is that we are not going to provide the money that the big boys want in this society until we first take care of the needs of the little people. That is all he said. I agree with him.

I would like to very much see all of this come to an end. I am sick of all of it. But I would simply say it was not the President who decided to package the Legislative and Treasury-Post Office bills in one package so that everything got tied up in this debate. It was some genius, some staffer in one of the leadership offices who decided to do that against the advice of the leadership of the Committee on Appropriations on both sides of the aisle.

I would point out that there is one revenue item in that bill that the President vetoed which will cost five times as much as the entire cost for the tax credits for school construction contained in the bill which we are still trying to put back together after the majority leadership sandbagged the bipartisan agreement that we reached two nights ago.

The bill that was vetoed cost the Treasury $60 billion over the same time period that it cost only $12 billion to fund the school construction tax credit. There is a very easy remedy for fixing the problem that the gentleman from Arizona is concerned about. That bill can easily be passed simply by referencing it in an agreement that we ought to be able to achieve on the Labor, Health and Education appropriations bill. All you have to do is to come back to the agreement that was hammered out two nights ago. If you do that, we will take care of the needs of people like this who have been so injured by doing their duty in the workplace that they can work no longer.

We will take care of their needs as well as the needs of the 435 Members of this House who would kind of like to know what their office allowances are going to be, what their staff allowances are going to be, what their travel situation is going to be, and what the budgets for the service agencies, for the Library of Congress and CRS and others are supposed to be and all of the other legitimate concerns mentioned on that side of the aisle.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I am sure the gentleman from Wisconsin, for whom I have very great respect, is aware that many years the President has signed this bill before he has had the opportunity to sign the HHS bill. So this is a matter of politics. It is not a matter of principle. He has never before said, I must hold the funding for the executive office and for this until that is done. That is just complete Presidential politics.

Mr. OBEY. Mr. Speaker, I take back my time. If the gentlewoman is going to use pejorative terms like that, then I would simply say yes, this is the first time to my knowledge that the President has vetoed this bill because it was passed before the Labor-H bill was passed. But this is also the first time that we have had the majority leader and the Speaker of the House blow up a bipartisan agreement that had been signed onto by both parties. Before those negotiations ever began, I asked the negotiator for the Republicans on the House side and on the Senate side, do you have the full authority from your leadership to negotiate to a conclusion every item in this bill? Their answer was yes. And the gentleman from Florida (Mr. YOUNG) said, Yes, and isn't that nice for a change? Now, we know it was not a change. So now we know that once again, after a bipartisan negotiation has been put together, someone in the majority party, after checking with somebody else decides, Well, sorry, we're going to do it all over again. If we cannot take each other's word in this institution, then this institution is not the institution that I have given 32 years of my life to.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say to the gentleman from Wisconsin that I accept the responsibility for the fact that this debate on this motion may be more prolonged than might have been indicated to him by staff. They were corrected, believing there would be no great debate on this. It was my view that I needed to say some things about the bill that had been vetoed, and so I accept that responsibility for that, and I apologize if a miscommunication was made to the gentleman from Wisconsin.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman from Arizona for yielding this time to me, and I appreciate all the hard work that he has done on this bill. It is really unfortunate that the President vetoed a bill that he supports.

I think most of us know what is going on here. What is going on here is politics is being placed above people. When we took the majority for the first time in 40 years, the minority went into denial. The minority has worked for 6 years to gain back the majority. They decided that these last 2 years was their chance because we had a six-vote margin. All they had to do was win a net of seven seats, and they are back in the majority.

The minority leader last summer announced that they were going to run against a do-nothing Congress, that they would not cooperate, that they would try to bring down every bill that we brought to the floor that was of any substance. Politics. Words are really cheap, but actions really prove whether your words are true or not.

All summer, while we were passing through this House all 13 appropriations bills and getting our work done, the minority side said all along that there is not enough money in this, there is not enough money being spent. They have always wanted to spend more money, and they have tried to spend the surplus; and we have worked very, very hard all this year to keep them from spending the surplus. On the substantive issues, the policy issues, right, we are guilty for not passing their agenda. We have been passing our agenda. We locked up the Social Security surplus. They have been raiding it for 40 years, spending it on big government programs. We locked up the Medicare surplus. They have been spending it for 40 years, or as long as Medicare has been in, on big government programs. Then there was more surplus on the on-budget, and we said we want to take at least 90 percent of that and pay down on the public debt with it. We are doing it.

They have fought us every step of the way. We have had to bring very tough bills, including this TPO bill, to the floor and pass it with only Republican votes because they tried to bring it down knowing how hard it would be to pass it. Now we get into this season, and we have been working with the President. The President has signed seven bills that we compromised with him on and he has signed. But they have never intended to let us get out of town or to work out a bill.

I mean, last week the minority leader put on a Scottish uniform, put war paint on his face and picked up a spear and declared war. Last night, the President put that same war paint on his face, vetoed a bill and declared war. They are interested in politics. They have only one goal and that is to take back the majority of this House. Sunday, the President threatened, or blackmailed the Congress by saying that he would veto this bill if he did not get an agreement on Labor-HHS. These gentlemen worked a long time, into the early morning, to come up with an agreement. But on every bill, and frankly we passed every bill out of this Congress except the Labor-HHS bill, we have got it all done, the problem is we cannot trust the President. Every one of those bills, once it has been worked out, has always been brought to the leadership to look at the agreement. We owe that and we have a responsibility to the Members that we represent to make sure that the agreement is a good one.

We started looking at the agreement and then their spin doctors went out and said we were blowing up the agreement. We have looked at every agreement that our negotiators have made, and we were asking questions about this agreement. We were asking questions about the fact that what they said was the agreement on the labor provision known as the ergonomics actually was reflected in the language that was presented to us, and we did not think it was, because we read that language as doing nothing but codifying present law and present practice. And we thought, well, maybe we ought to write the language to reflect the agreement that was being made and we were working on that. We even compromised with them. They wanted $8 billion. We said, "We'll give you 4 but tell us how you are going to spend it." To this point, 2 days later, they have not even given us the list of how they are going to spend that $4 billion. How in the world do you think we could put a bill together and file it and answer the President's blackmail when you will not even give us how you are going to spend it?

They gave some money on Democrat projects. We have yet to get the list of the Democrat projects. How do you put together a bill, put it in language and bring it down here to the floor when we have not even got the list? So there was no way that we could comply. And they knew it. They knew it, that we could comply with the blackmail of the President and he vetoes the bill. Pure politics. People be damned. Pure politics was what is going on here.

The political atmosphere here has been so poisoned by their actions that it is so difficult, and I have got to tell you, this bill is back into play. Now we have five appropriations bills in play. The President asked us to talk to him about the tax bill. We said fine. Nobody showed up. We have been waiting 3 days to talk about the tax bill. We have called for 3 days asking the President to negotiate with us over immigration. Nobody has showed up. This morning the President's people were supposed to come in early to talk about this ergonomics issue and the language. Nobody has showed up. In fact, the President went to Kentucky to campaign this afternoon. Now he is in New York. How do you negotiate with a mirror?

The President has no intention of making this. That is why we are here a week before the election. It is politics. It is time to put the politics aside and think about the people and do the people's business. I am just asking you all to come together and let us put people before politics.

□ 2045

Mr. OBEY. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, first of all, I would like to correct both the gentlewoman from Connecticut (Mrs. JOHNSON) and myself. Both of us indicated that this was the first time that the President had vetoed this bill because it was passed before other bills had passed. That is not correct.

On October 3, 1995, I should have remembered it because it was my birthday, the President vetoed the legislative bill for precisely the same reason that he vetoed this bill tonight. Let us remember that the bill before us is the legislative appropriations bill into which was folded the Treasury Post Office bill. The President vetoed that on October 3, 1995, because he pointed out that the Congress had not yet finished its other work and that he was not going to allow the Congress to get its goodies before the rest of the country got its problems taken care of. So he has been consistent in that philosophy, and I applaud him for doing that as well on this bill tonight.

Secondly, I am not going to bother to comment on the majority whip's discussion of a number of items that have nothing whatsoever to do with my committee responsibilities. I recognize he is well-known for his efforts to achieve conciliatory bipartisanship; and he is probably the most distinguished person in the House, obviously, in trying to see to it that we pass bills on a bipartisan rather than a partisan basis. His reputation is renowned for that. No one could possibly question that. Right? This is Halloween, too, right?

Having said that, I would simply say with respect to these appropriation bills, the gentleman is wrong when the distinguished whip said that all but one bill had been passed out of the Congress by October 1. There were still 4 bills that the Senate had not even considered by the end of the fiscal year. So, again, the majority whip is wrong on his facts.

I would simply say, without getting any further into silliness, that the basic problem is simply this: Everyone knows that the major obstacle on the appropriations end to our finishing our work was the disposition of the labor, health and education bill. That bill, as Bill Natcher used to say, is a bill that is the people's bill. It takes care of the children. It takes care of the sick, and it takes care of the workers who produce the wonderful prosperity that enable all of us to brag about the surpluses that we have created.

What is at stake here is very simple. We did have an agreement and the majority leadership decided that they were going to break it up. Now they can argue that all they want, but the fact is that that is what happened.

I think if we are going to discuss values, as we have so often been lectured about by the distinguished majority whip, if we are going to talk values let me say that I can think of no value more important than to say to the most humble worker in this country that their health comes before the wishes of the national lobbyists for the United States Chamber of Commerce. I can think of no value more important than to let the most humble worker in this country know that the Congress of the United States and the President of the United States are not so busy focusing on their own needs that they will allow the needs of the neglected to be forgotten.

That is what the President said in his veto message. He is saying, do to the least of these. That is what he is saying or as the Book some of us have read that reminds us to do that, what you do to the least of my brethren, you do for me. That is what we are trying to do when we stand here protecting the interests of workers who have no place else to go but here, no place to go but here; to be protected so that they can keep their bodies whole, so that they can continue to work to put food on the table for their families.

Do you think that I am going to apologize for one second for supporting the President's veto of a bill that takes care of us before it takes care of them? I do not know what planet you are on, but those are not my values. I am proud to support his veto.

I would say that the gentleman from Arizona (Mr. KOLBE) himself has done his job. The President's veto in no way is a criticism of his work. We all know he has done an honest job of negotiating. He, like many of us are simply caught in the situation that we would like to see not exist, and that situation was caused by the majority leadership of his party in this House.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just very briefly close this debate. I know it has taken longer than we had intended. I know the gentleman from Texas (Mr. DELAY), the majority whip, will certainly be pleased with the very fine comments that the gentleman from Wisconsin (Mr. OBEY) made about his bipartisan nature of finding solutions to appropriation bills. My experience has always been that the majority whip, the gentleman from Texas (Mr. DELAY), always has been very constructive in trying to find those solutions.

The gentleman from Wisconsin (Mr. OBEY) also made reference to the 1995 legislative bill and the veto of that for essentially the same reasons. Although my memory does not take me back that many votes and that many appropriation bills, I believe at that time when that was vetoed there was no agreement on the Treasury Postal Bill; and, therefore, the argument was we should not be passing or should not be accepting the legislative appropriations without an agreement on the appropriations that affected the executive branch, the White House and all the executive agencies, the White House agencies.

In this case, they are tied together. We have them together. So signing this bill would have made sure that we moved forward that part of the final budget that would have covered these two very large agencies, the Congress and all of its related agencies, including the Congressional Research Service and the Library of Congress, our Capitol Police, and the Treasury, with all of its agencies, the Treasury itself, the Secret Service, the Customs, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the Federal Elections Commission and everything at the White House.

So I think it would be very important for us to recognize that these are tied together and we should move forward with this.

There is a great deal of misunderstanding or, I think, unfortunate misunderstanding about the events last night. I was not there, but I certainly understand that when an agreement is reached by appropriators that is on something as delicate as this, that includes language that is not an appropriation item, that the leadership is going to have to sign off on that. Apparently that last step had not been done. There was agreement on the basic provision, but they had not signed off on it.

Mr. Speaker, I would just say that I hope we can find a solution to this very quickly and move this bill forward as rapidly as possible so these appropriations might become law.

The SPEAKER pro tempore (Mr. SUNUNU). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Appropriations.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. BENTSEN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4577.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BENTSEN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences, between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Texas (Mr. BENTSEN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset that in a couple of minutes I am going to move to withdraw this motion and I will tell my colleagues why, but I do want to take just a couple of minutes to talk about it.

Let me start out by saying what this motion would do is, in effect, would call on the conferees to reinstate what has been known as the Boren amendment which would require that States establish reasonable rates of reimbursement under the Medicaid program. As my colleagues know, the Boren amendment was repealed in the 1997 Balanced Budget Act, but we still find that in many cases for providers, both hospitals and individual medical providers, that the reimbursement rates under the Medicaid program by the States is not sufficient; and, in fact, a recent study found that in some cases those rates are as low as 65 percent of the comparable Medicare reimbursement rate. This is something that raises concerns when we consider that more than a third of the births in this country are funded through the Medicaid program and yet we have these low reimbursement rates.

My personal concern in this has to do in trying to stand up for my district and my State. The largest medical center in the world is in my congressional district with the largest children's, independent children's hospital, as well as another children's hospital and a very large public hospital system, where they have a very large, disproportionate share census that they have to deal with in not getting sufficient reimbursement. I think Members around the country would find that is true.

Mr. Speaker, as we know today the National Governors Association and the National Conference of State Legislators sent out letters with some questionable arguments against this motion, and I am not going to pursue it because I do not want to put Members on either side of the aisle in a difficult situation.

□ 2100

Mr. Speaker, I will say this. Last week when the House considered the tax bill with the balanced budget revision that was in it, I would remind my Republican colleagues that that included an uptick in the reimbursement for managed care companies, for Medicare providers; and I actually joined my Republican colleagues in voting for that. There were not a lot of Democrats who did, but I was one of the ones who did. I thought it could be a better bill, but I was willing to take what we could get at the time.

I guess what I want to say is what is good for the goose is good for the gander, and that we may want to take a look at the Medicare bill as well to see how we may want to make that a better program for the people who rely on the Medicaid program.

Now, let me just say with respect to what the Conference of State Legislatures said, and the governors. I think it is somewhat of a stretch for the Conference of State Legislatures to say that by going back to the Boren Amendment language that somehow they would not be able to move forward with the breast and cervical cancer bill that this House passed overwhelmingly and was signed into law by the President just last week, or the Ticket to Work program that was passed. I and others were cosponsors of both of those bills. I think that is a little bit of a red herring on their part. I do not, quite frankly, think this is an issue that we are going to deal with this year, but it is something that I think Members on both sides of the aisle do want to take a look at.

Mr. RODRIGUEZ. Mr. Speaker, I stand before you today in support of the motion to instruct conferees on H.R. 4577 by my friend and colleague, Representative KEN BENTSEN.

The Bentsen motion to instruct urges conferees to do the right thing by providing adequate funding levels for Medicaid.

We face a health crisis in our states because the Balanced Budget Act of 1997 put Medicaid rates too low.

Everyone is impacted: physicians, hospitals, home health providers, and nursing homes.

Many of the health care providers in my district and throughout my state face severe financial difficulties due to low Medicaid rates.

These Medicaid reimbursement reductions have especially hurt our nursing homes. The situation in Texas is a good example of why we need immediate action.

Today I released a special report prepared by the minority staff of the House Committee on Government Reform, "Nursing Home Conditions in Texas," which found widespread inadequacies—sometimes horrible situations—in our nursing homes.

In many nursing homes in Texas and across the country, our parents and grandparents suffer intolerable conditions.

More than half of the nursing homes in Texas had violations of federal health and safety standards that caused actual harm to residents, or placed them at risk of death or serious injury.

Another 29 percent of Texas nursing homes had violations that created potentially dangerous situations.

In other words, 4 out of 5 nursing homes in Texas violated federal health and safety standards during recent state inspections.

Why are the conditions so bad?

One reason is inadequate levels of staffing.

In Texas, more than 90 percent of the homes do not have the minimal staffing levels recommended by the U.S. Department of Health and Human Services.

And why are staffing levels so low? Because the low level of funding makes it impossible for nursing homes to provide adequate care.

This Congress still has the opportunity to address these glaring problems. The Bentsen motion would be a bold step in defense of our most vulnerable seniors by requiring states to provide adequate reimbursements to all health care providers.

Mr. BENTSEN. With that, Mr. Speaker, I withdraw my motion to instruct.

PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman will state it.

Mr. BARTON of Texas. Mr. Speaker, can the gentleman withdraw without unanimous consent?

The SPEAKER pro tempore. The gentleman can withdraw the motion to instruct without unanimous consent.

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, since the gentleman introduced his motion and then spoke on his motion without an opportunity for other Members of the House to address the question, which some people would believe did not reflect fair play, would it be appropriate, for example, for the gentleman from Florida (Mr. BILIRAKIS) to ask unanimous consent to address the House for 5 minutes to provide some subject matter on the motion just withdrawn?

The SPEAKER pro tempore. The general practice of the House would be to seek a unanimous consent agreement to speak out of order for 1 minute.

(Mr. BILIRAKIS asked and was given permission to speak out of order for 1 minute.)

OPPOSING MOTION TO INSTRUCT CONFEREES

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for allowing us the opportunity.

Mr. Speaker, this motion actually reverses a policy set in legislation enacted only 3 years ago, at the bipartisan request of our Nation's governors. Provisions to repeal the Boren Amendment were included in the 1997 Balanced Budget Act. That measure was approved by the House with the support of 193 Republicans and 153 Democrats, and it was signed into law by President Clinton.

I would also refer to remarks made by the President of the National Governors Association on August 8 of last year in St. Louis, Missouri, when he said, we have waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment.

As I intended to explain earlier, the proposal, Mr. Speaker, is unnecessary. The Medicaid statute already includes provisions which address the gentleman's concern. Under title 19, States are specifically required to provide adequate reimbursement. Section 1902(a)30(A) requires States plans to, and I quote, "provide such methods and procedures relating to the utilization of and the payment for care and services available under the plan as may be necessary to safeguard against unnecessary utilization of such care and services, and to ensure that payments are consistent with efficiency, economy and quality of care, and are sufficient to enlist enough providers so that care and services are available under the plan, at least to the extent that such care and services are available to the general population in the geographic area."

Mr. Speaker, this has been true in regulation for years, Mr. Speaker, but it was also codified in statute by the 1989 omnibus budget reconciliation act. Imposing additional mandates on the States would not accomplish any justifiable public policy purpose.

The other interpretation of the gentleman's motion to instruct is that in the spirit of Halloween, he is attempting to breathe life into the now-dead Boren Amendment. History has shown us that the use of such general terms as "adequate reimbursement" and "suppliers furnishing items and services" will lead to litigation.

Mr. PALLONE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The House is proceeding under regular order.

Mr. PALLONE. Mr. Speaker, the gentleman asked for 1 minute.

The SPEAKER pro tempore. The gentleman asked for 5 minutes. The gentleman will suspend. The gentleman from Florida has the time.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from Florida asked for 5 minutes.

The SPEAKER pro tempore. The gentleman was recognized for 1 minute.

Mr. BILIRAKIS. Mr. Speaker, the original Boren Amendment was intended to serve as a ceiling for State reimbursement decisions, but over many years of judicial interpretation, it became a tool to create an ever-increasing floor.

Mr. Speaker, I would urge all to vote against this motion, and I thank the gentleman for his courtesy.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the motion to instruct just withdrawn by the gentleman from Texas (Mr. BENTSEN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO SPEAK OUT OF ORDER

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

Mr. PALLONE. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PALLONE. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION BOARD

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

The Clerk read as follows:

S. 2789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801-808) is amended by adding at the end the following:

"TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

"SEC. 202. FINDINGS.

"Congress makes the following findings:

"(1) Arts literacy is a fundamental purpose of schooling for all students.

"(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

"(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

"(4) Arts education improves teaching and learning.

"(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

"(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

"(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

"(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

"(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

"SEC. 203. DEFINITIONS.

"In this title:

"(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

"(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

"(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

"(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 204. ESTABLISHMENT OF BOARD.

"There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

"SEC. 205. BOARD DUTIES.

"(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

"(1) celebrate the positive impact and public benefits of the arts;

"(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

"(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

"(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

"(5) recognize school administrators and faculty who provide quality arts education to students;

"(6) acknowledge schools that provide professional development opportunities for their teachers;

"(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

"(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

"(9) expand student access to arts education in schools in every community.

"(b) DUTIES.—

"(1) SCHOOL AWARDS.—The Board shall—

"(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

"(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

"(ii) shall be reflective of the dignity of Congress;

"(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

"(i) that the school—

"(I) provides comprehensive, sequential arts learning; and

"(II) integrates the arts throughout the curriculum in subjects other than the arts; and

"(ii) 3 of the following:

“(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

“(II) that the school principal supports the policy of arts education for all students;

“(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

“(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

“(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

“(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

“(i) 3 letters of support for the school from community members, which may include a letter from—

“(I) the school's Parent Teacher Association (PTA);

“(II) community leaders, such as elected or appointed officials; and

“(III) arts organizations or institutions in the community that partner with the school; and

“(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

“(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

“(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

“(F) raise funds for the operation of the program;

“(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

“(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

“(2) STUDENT AWARDS.—

“(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

“(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

“(ii) establish criteria for the making of the awards.

“(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

“(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

“(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

“(e) REPORT.—

“(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

“(2) CONTENTS.—The annual report shall contain the following:

“(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

“(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

“(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

“(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

“(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

“(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

“(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

“SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

“(a) COMPOSITION.—

“(1) IN GENERAL.—The Board shall consist of 9 members as follows:

“(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

“(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

“(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

“(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

“(E) The Director of the Board, who shall serve as a nonvoting member.

“(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

“(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

“(B) in the case of any other such members of the Advisory Board, by the Board.

“(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

“(4) INTEREST.—

“(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

“(B) DIVERSITY.—The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

“(i) Music.

“(ii) Theater.

“(iii) Visual Arts.

“(iv) Dance.

“(b) TERMS.—

“(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

“(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

“(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

“(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

“(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

“(c) VACANCY.—

“(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

“(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

“(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

“(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

“(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

“(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

“(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

“(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(h) Committees.—

"(1) In general.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board or the Advisory Board.

"(2) Special rule.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

"(i) Bylaws and Other Requirements.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

"SEC. 207. ADMINISTRATION.

"(a) In General.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

"(b) Director's Responsibilities.—The Director shall, in consultation with the Board—

"(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

"(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

"(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

"(c) Application.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

"SEC. 208. LIMITATIONS.

"(a) In General.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 211.

"(b) Contracts.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

"(c) Gifts.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

"(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

"(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

"(d) Volunteers.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

"(e) Real or Personal Property.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

"(f) Prohibitions.—The Board shall have no power—

"(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

"(2) to issue any share of stock or to declare or pay any dividends; or

"(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

"SEC. 209. AUDITS.

"The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

"SEC. 210. TERMINATION.

"The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

"SEC. 211. TRUST FUND.

"(a) Establishment of Fund.—There shall be established in the Treasury of the United States a trust fund which shall be known as the "Congressional Recognition for Excellence in Arts Education Awards Trust Fund". The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

"(b) Investment.—

"(1) In general.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

"(2) Authorized investments.—Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

"(c) Authority To Sell Obligations.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

"(d) Proceeds From Certain Transactions Credited to Fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.".

(b) Conforming Amendments.—The Congressional Award Act (2 U.S.C. 801–808) is amended—

(1) by inserting after section 1 the following:

"TITLE I—CONGRESSIONAL AWARD PROGRAM",

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking "Act" and inserting "title", and

(B) by striking "section 3" and inserting "section 102",

(4) in section 102(e) (as so redesignated)—

(A) by striking "section 5(g)(1)" and inserting "section 104(g)(1)", and

(B) by striking "section 7(g)(1)" and inserting "section 106(g)(1)", and

(5) in section 103(i), by striking "section 7" and inserting "section 106".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKeon) and the gentleman from Michigan (Mr. Kildee) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKeon).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2789.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2789, a bill to establish the Congressional Recognition for Excellence in Arts, or "Create," awards.

Mr. Speaker, S. 2789 passed the Senate on Saturday by unanimous consent. The Senate bill, S. 2789, establishes awards for schools that include the arts in their regular curriculum and is identical to a bill I introduced, H.R. 5554.

Many studies have shown that there is a strong relationship between arts education to brain development, student achievement, career potential, and other quality-of-life issues.

For example, arts activity has been shown to lower the likelihood of delinquent behavior. The National Dropout Prevention Center reported that school arts classes and activities encourage attendance and achievement of at-risk high school students.

S. 2789 establishes within the current Congressional Award Act a Congressional Recognition for Excellence in Arts and Education awards board, made up of nine members, four members from the House of Representatives, and four from the Senate, plus the director of the board who shall serve as a nonvoting member.

Additionally, an advisory board shall be established to assist and advise the congressional board with respect to its duties and shall consist of 15 members from among recommendations received from outside arts organizations.

Membership on the advisory board shall represent a balance of artistic and education professionals and must include at least one representative who teaches in each of the four disciplines of music, theater, visual arts, and dance.

By recognizing the importance of arts instruction and granting them an award from this body, it is our hope that arts classes in schools will be as common as English or math.

Finally, I am pleased that Senator COCHRAN worked with me on strengthening the role of arts educators on the advisory board. Their strong participation is vital for this program.

In conclusion, I urge my colleagues to join the other body and support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

First of all, it is great to be defending a bill with the gentleman from California (Mr. MCKEON), my good friend, as we did 2 years ago with the higher education bill. It is a pleasure to be working with him. He is one who I number among my friends.

Mr. Speaker, I rise in support of S. 2789, the Congressional Recognition for Excellence in Arts Education Act. This legislation was introduced by Senator COCHRAN and passed the Senate on October 27 by unanimous consent. This bill amends the Congressional Award Act, which is authorized until fiscal year 2005, to establish a board towards schools and students for excellence in the arts and in arts education.

The legislation would also set up a trust fund and allow board members to seek and accept from sources other than the Federal Government funds to carry out activities for the award program. This would be done at little, if any, direct expense to the taxpayers.

This bill supports arts education for our most important population, our children. Studies have shown that arts education stimulates, develops, and refines many cognitive and creative skills in children and young adults. Emphasizing high-quality art and art curriculum through this award will further these worthwhile objectives.

Mr. Speaker, I urge Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. KILDEE), my good friend, and tell him that I also appreciate the opportunity of working together on this bill with him.

Mr. Speaker, I have no more speakers; but I do have some thanks I would like to give at this time, to Karen Weiss, my legislative director; Jo Marie St. Martin, our legal counsel; Rich Stombres with the majority staff; Alex Nock with the minority staff; and Kirk Boyle with the majority leader's office, for their great help in bringing this bill to this point.

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 2789, the Congressional Recognition for Excellence in Arts Education Act and I commend the House Speaker, the gentleman from California, Mr. MCKEON.

Over the past 30 years, our quality of life has been improved by the arts. Support for the arts illustrates our Nation's commitment to freedom of expression, one of the basic principles on which our Nation is founded.

We must understand and appreciate the importance of the arts on our Nation's children. Whether it is music or drama or dance, children are drawn to the arts. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths.

S. 2789 establishes the sense of Congress that arts literacy is a fundamental purpose of schooling for all students. Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy, and communication, and the capacity for problem-posing and problem-solving.

As chairman of the International Relations Committee, I recognize the importance of the arts on an international level, as they help foster a common appreciation of history and culture that are so essential to our humanity.

Accordingly, I urge all my colleagues to support this measure, to recognize the importance of arts literacy in our Nation's schools.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the Senate bill, S. 2789.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. NORWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

The Clerk read as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health and Health Disparities Research and Education Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

Sec. 101. Establishment of National Center on Minority Health and Health Disparities.
Sec. 102. Centers of excellence for research education and training.
Sec. 103. Extramural loan repayment program for minority health disparities research.
Sec. 104. General provisions regarding the Center.
Sec. 105. Report regarding resources of National Institutes of Health dedicated to minority and other health disparities research.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

Sec. 201. Health disparities research by Agency for Healthcare Research and Quality.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

Sec. 301. Study and report by National Academy of Sciences.

TITLE IV—HEALTH PROFESSIONS EDUCATION

Sec. 401. Health professions education in health disparities.
Sec. 402. National conference on health professions education and health disparities.
Sec. 403. Advisory responsibilities in health professions education in health disparities and cultural competency.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

Sec. 501. Public awareness and information dissemination.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Departmental definition regarding minority individuals.
Sec. 602. Conforming provision regarding definitions.
Sec. 603. Effective date.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20 000,000 white individuals live below the poverty line with many living in non-metropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure strong scientific, technological, and engineering workforce.

(7) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) In General.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

"Subpart 6—National Center on Minority Health and Health Disparities

"SEC. 485E. PURPOSE OF CENTER.

"(a) In General.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

"(b) Priorities.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

"(c) Minority Health Disparities Research.—For purposes of this subpart:

"(1) The term 'minority health disparities research' means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

"(2) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(3) The term 'minority group' has the meaning given the term 'racial and ethnic minority group' in section 1707.

"(4) The terms 'minority' and 'minorities' refer to individuals from a minority group.

"(d) Health Disparity Populations.—For purposes of this subpart:

"(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

"(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

"(3) The term 'health disparities research' means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

"(e) Coordination of Activities.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

"(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

"(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

"(f) Collaborative Comprehensive Plan and Budget.—

"(1) In general.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

"(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

"(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

"(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

"(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

"(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

"(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

"(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

"(2) Certain components of plan and budget.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

"(A) basic research and applied research, including research and development with respect to products;

"(B) research that is conducted by the agencies;

"(C) research that is supported by the agencies;

"(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

"(3) Minority health disparities research.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

"(g) Participation in Clinical Research.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

"(h) Research Endowments.—

"(1) In general.—The Director of the Center may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

"(2) ELIGIBILITY.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

"(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

"(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

"(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

"(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

"(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

"(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

"(j) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

"(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

"(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

"(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

"(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

"(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

"(4) contain such recommendations as the Director considers appropriate.

"(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.".

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

"(G) The National Center on Minority Health and Health Disparities."; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

"SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

"(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

"(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

"(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

"(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

"(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled as students in the institution (including individuals accepted for enrollment in the institution);

"(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

"(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

"(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

"(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

"(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

"(e) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

"(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

"(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

"(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

"SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

"(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

"(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

"SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

"(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

"(b) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

"(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

"(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

"(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

"(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.".

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by striking subsection (g); and

(2) by adding at the end the following:

"SEC. 903. RESEARCH ON HEALTH DISPARITIES.

"(a) IN GENERAL.—The Director shall—

"(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

"(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

"(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

"(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

"(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

"(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

"(b) RESEARCH AND DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

"(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

"(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority health disparity populations;

"(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

"(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

"(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

"(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

"(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

"(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

"(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

"(c) Quality Measurement Development.—

"(1) In general.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

"(2) Examination of certain practices.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

"(3) Report.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

"(d) Definition.—For purposes of this section:

"(1) The term 'health disparity population' has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

"(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.".

(b) Funding.—Section 927 of the Public Health Service Act (42 U.S.C. 299c-6) is amended by adding at the end the following:

"(d) Health Disparities Research.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.".

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) Study.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) In General.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

"SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

"(a) Grants for Health Professions Education in Health Disparities and Cultural Competency.—

"(1) In general.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

"(2) Eligible entities.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private entities as determined appropriate by the Secretary.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out subsection (a), $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.".

(b) Nursing Education.—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

"SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

"(a) Grants for Health Professions Education in Health Disparities and Cultural Competency.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.".

"(b) Authorization of Appropriations.—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.".

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

(b) Participants.—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) Issues.—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) Publication of Findings.—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

(e) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in subsection (b), by adding at the end the following paragraph:

"(1) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.";

(2) in subsection (c)(2), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)"; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

"(1) RECOMMENDATIONS REGARDING LANGUAGE.—

"(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health of Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.".

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking "Asian Americans and" and inserting "Asian Americans;"; and

(2) by inserting "Native Hawaiians and other" before "Pacific Islanders;".

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term "racial and ethnic minority group" has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Ohio (Mr. STRICKLAND) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

GENERAL LEAVE

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1880.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, whether we care to admit it or not, there are disparities in health care in America today. In the minority health community, there are clearly significant disparities in health outcomes.

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In the African-American community, the Asian-American community, and the Hispanic-American community, there are disproportionate incidences of cardiovascular disease and certain forms of cancer. This also holds true for certain nonminority, low-income, rural communities as well.

Mr. Speaker, the two questions we must have the courage and the determination to answer are why, and what can be done about it? It takes courage because the admission of the problem moves us all out of our comfort zone, in which we are all too content to just let racial and ethnic and class disparities improve on their own and work themselves out over time.

It takes determination, because there is no easy answer. In fact, many health care experts sharply disagree on all the underlying causes of health disparities.

Mr. Speaker, all of this takes determination, because there is no easy answer. In fact, many health care experts sharply disagree on all the underlying causes of health disparities. Many point to the role of continued income disparities, others to discrimination in diagnosis and prescribed treatments. Some point out a lack of training in our medical schools concerning racial, gender and ethnic differences in symptoms presented by patients when seeking treatment.

All of these points make for good debate, but they in no way justify doing nothing while patients lives are on the line. There are solutions that can be identified right now as providing relief, and the Health Care Fairness Act is one of those remedies.

For this reason, I am proud to cosponsor very similar legislation in this body with the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), my good friend, and the gentleman from Kentucky (Mr. WHITFIELD).

This bill creates a Center for Health Disparities at the National Institutes of Health, provides increased funding and incentives for minority health and health disparities research and new support for educating both our health professionals and patients on common sense approaches to increasing the number of positive health outcomes for minorities and other health disparity patients.

Mr. Speaker, I want to draw particular attention to the bill's emphasis on education. The bill will provide access to critical funding for those schools that are researching health disparities and educating the health professionals that will bring treatment to minority and health disparity communities. We can wait to do anything unless we address each cause or we can move immediately to repair those things that we can.

Mr. Speaker, since we are dealing with the life and health of Americans, we have no choice but the latter, and I urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STRICKLAND. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am very pleased that the House is considering the Minority Health and Health Disparities Research and Education Act this evening. This is legislation that will improve the health status of many Americans who suffer the inequity of health disparities. I think the need for this bill is demonstrated by the tragic fact that minorities in America lag behind other Americans in nearly every health indicator, including health care coverage, access to care, life expectancy and disease rates.

Minorities suffer disproportionately from cancer, cardiovascular disease, HIV and AIDS and diabetes. Some of these disparities in health status are linked to problems of access to care and low levels of health care coverage.

These characteristics also describe my Appalachian constituents from rural Ohio, even though my district has very few minorities. Not surprisingly, my constituents suffer from some of the same disparities in disease and mortality rates, particularly for cancer and diabetes.

S. 1880 is the result of months of bipartisan, bicameral work to craft solutions to this complex problem. The bill will create a Center for Research on Minority Health and Health Disparities at the National Institutes of Health, where research into the causes of and solutions to this health crisis will be prompted. It will also create opportunities for researchers who are members of health disparity populations.

Mr. Speaker, I would like to thank several Members for their hard work on this piece of legislation, the gentleman from Georgia (Mr. LEWIS); the gentleman from Illinois (Mr. JACKSON); the gentleman from Mississippi (Mr. THOMPSON); the gentleman from New York (Mr. TOWNS); the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN); and the gentleman from Michigan (Mr. DINGELL), the ranking member. And I would especially like to thank the sponsors of this bill for their willingness to work with me and the gentleman from Kentucky (Mr. WHITFIELD) to include our constituencies in this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NORWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the primary sponsor of this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. STRICKLAND), my good friend, for yielding me the time and for all of his help. I also want to thank the gentleman from Georgia (Mr. NORWOOD), my colleague and my friend, for all of his help to bring this bill before us tonight.

Mr. Speaker, I, along with the gentleman from Oklahoma (Mr. WATTS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Illinois (Mr. JACKSON) introduced H.R. 3250, the House companion bill to S. 1880.

H.R. 3250 passed out of the Committee on Commerce on July the 26.

As one of the original authors of H.R. 3250, I want to take this opportunity to thank my colleagues tonight on both sides of the aisle for their dedication and hard work to pass H.R. 3250 and S. 1880.

Over the past few decades, we have made great advances as a Nation in science and medicine. However, all of our citizens have not shared in the benefits of these advances. Minority Americans lag behind the rest of the country on nearly every health indicator, including health care coverage, access to care, life expectancy and disease rates.

Some striking examples include the African-American infant mortality rate, which is twice that all of U.S. infants; and nearly twice as many Hispanic adults report they do not have a regular doctor compared to white adults. However, health disparities are not limited to minority communities. Nearly 20 million white Americans live below the poverty line and many live in rural areas where high rates of poverty contribute to health disparity outcomes.

In the Appalachian regions of Kentucky, Tennessee and West Virginia, the rates of the five top causes of death in the United States all exceeded the national average in 1997. Mr. Speaker, we have a moral obligation, a duty and responsibility to find effective ways to eliminate these health disparities. Equal access to health care is not a privilege, it is a fundamental right. That is why S. 1880 is a good bill.

This legislation will take the necessary step to bridge the health disparity gap. The Minority Health and Health Disparities Research and Education Act is a comprehensive approach to addressing the complex set of factors which surround health disparity.

Mr. Speaker, let me close by saying the last century saw our Nation make great strides. We passed laws to address that right, like equal opportunity in employment, education and housing. We also passed the Voting Rights Act of 1965 and the Civil Rights Act of 1964. However, until now, our country has not given health care the same attention.

We must focus our attention on bridging the health disparity gap.

Mr. Speaker, I urge all of my colleagues to vote to pass S. 1880, the Minority Health and Health Disparities Research and Education Act.

Mr. NORWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH), a member of the Committee on Commerce.

Mr. RUSH. Mr. Speaker, I want to, first of all, commend the gentleman from Georgia (Mr. LEWIS) and the gentleman from Georgia (Mr. NORWOOD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Mississippi (Mr. THOMPSON), and the gentleman from Oklahoma (Mr. WATTS) for their outstanding work on this bill.

It is with great pride that I support S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000.

The disparities in health care as they relate to ethnic minorities is alarming. Consider these statistics, the infant mortality rate among African Americans is still more than double that of white citizens.

African-American children are significantly more likely than whites to experience childhood asthma.

Heart disease death rates are more than 40 percent higher for African Americans than for whites.

For prostate cancer, it is more than double the rates for whites.

African-American women have a higher death rate from breast cancer, despite having mammography screening rates that is higher than for white women.

The death rate from HIV/AIDS for African Americans is more than 7 times that for whites. The rate for homicide is 6 times that for whites. The suicide right among young African-American men has doubled since 1980.

Many whites living in medically underserved areas suffer from the same health care access problems as do members of minority groups. In rural Appalachia, 46 percent of counties are designated as health professions shortage areas and high rates of poverty contribute to health disparity outcomes.

White Appalachian males between the ages of 35 and 46 are 19 percent more likely to die of health disease than their counterparts elsewhere in the country, and white Appalachian women are 20 percent more likely to die of heart disease.

Mr. Speaker, this bill addresses this critical problem, and we do need to do more to correct these alarming disparities, and the creation of the Center for Research on Minority Health and Health Disparities within the National Institutes of Health is an excellent step forward.

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of S. 1880, the Minority Health and Health Disparities Research and Education Act. This bipartisan legislation holds great promise for reducing the health status gap between our Nation's majority populations and our ethnic minority and medically underserved communities, helping to ensure that no American is left behind.

Mr. Speaker, the bill's most central feature, section 1, which was H.R. 2391, which I proposed a year and a half ago, elevates the Office of Research on Minority Health at the National Institutes of Health to "Center" status and puts these health disparities on the exact same parity that exists with other prioritized health disparity issues at the National Institutes of Health.

Despite the national economic prosperity and double digit growth for NIH, the health status gap amongst African Americans and other underserved populations is getting worse and not better.

As a member of the Subcommittee on Labor, Health and Human Services and Education, I had the opportunity during our hearings to carefully review the program activities and priorities of the NIH and to question the researchers who carry out such vital work.

The unsung hero of today's legislation, who is not a Member of Congress, but certainly the former Secretary of Health and Human Services, Dr. Louis Sullivan was before the Subcommittee on Appropriations in the Senate, and Dr. Sullivan shared with me testimony that he had recently presented to that Subcommittee on the Institute of Medicine study that demonstrated a disturbingly low level of support that is funding support for cancer research among minorities through the National Cancer Institute. To improve the response to minority health, Dr. Sullivan recommended that the Office of Research of Minority Health should be elevated to "Center" status because the existing structure at NIH did not adequately address or prioritize the issue of health disparities.

After asking scores of questions to the NIH director and the directors of the Institutes and Centers during the last year's hearings about these disparities, I became more convinced than ever that the Office of Research and Minority Health needed to be elevated to "Center" status.

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Consequently, I worked with Dr. Sullivan and other health care professionals to fashion a bill that would do just that. And so, Mr. Speaker, today S. 1880, among other vital provisions of the bill, authorizes the director of the National Center, in collaboration with other NIH institutes and centers, to establish a comprehensive plan and budget for the conduct and support of all minority health and other health disparities research at NIH.

Mr. Speaker, as I said earlier, passage of this bill is an important first step, and I would like to thank all of my colleagues on both sides of the aisle who played an important leadership role, including Senators KENNEDY and FRIST, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Virginia (Chairman BLILEY), the unsung hero on the legislative side of this, the gentleman from Florida (Mr. BILIRAKIS), who walked this bill through a number of hurdles, the gentleman from Michigan (Mr. DINGELL), and the gentleman from Ohio (Mr. BROWN).

Mr. Speaker, I ask all of my colleagues to support this important measure.

Mr. NORWOOD. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida (Mr. BILIRAKIS), chairman of the Commerce Subcommittee on Health and Environment.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Georgia (Mr. NORWOOD) for yielding me this time. Obviously, I support S. 1880, the Minority Health Disparities Research and Education Act of 2000.

This proposal encompasses H.R. 3250, which is the Health Care Finance Act of 2000 which was reported from the Committee on Commerce. The gentleman from Illinois (Mr. JACKSON) and so many others were so very much responsible for that.

The bill addresses disparities in biomedical and behavioral research and health professional education for minority medically underserved Americans. There is ample evidence, Mr. Speaker, that some populations suffer disproportionately from certain diseases. For example, African Americans have a 70 percent higher rate of diabetes than whites. Hispanics suffer a rate that is nearly double the rate for whites. Vietnamese women suffer from cervical cancer five times the rate of white women.

Mr. Speaker, we need to know why this is the case, and I hope this legislation will help. The proposal will create a new National Center on Minority Health and Health Disparities at NIH which will be charged with coordinating biomedical and behavioral health disparities research.

The bill strengthens research into health care quality and access by funding studies at the Agency for Health Care Research and Quality. And, finally, the bill provides additional funds for loan repayment programs in the Health Resources and Services Administration for health professional training and education programs focusing in the causes and potential solutions to health disparities among Americans.

S. 1880 includes some important changes to H.R. 3250 that improve the underlying bill. These changes reflect bipartisan efforts to address concerns expressed by Members of Congress and the administration. Chief among these is the recognition of health disparities in medically underserved populations as well as in racial and ethnic minorities.

Additional changes were made to the bill to address concerns raised by the Department of Justice and some Members with potential constitutional problems with the bill as introduced. These are all positive changes that ensure Americans who suffer from disease and death disproportionately to the population at large benefit from the research and education provisions in this legislation.

This is an important piece of legislation, Mr. Speaker, and I urge all of my colleagues to join us in a "yes" vote.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. STRICKLAND) for yielding me this time. I also want to thank the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL), the ranking member, for their leadership and work in getting S. 1880 to the floor today.

Mr. Speaker, I also want to applaud the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Illinois (Mr. JACKSON), the gentleman from Oklahoma (Mr. WATTS), and Senator EDWARD KENNEDY who sponsored the bill in the other body for shepherding this bill through the entire process, as well as all of our staff. I thank the leadership in the committee and the House on both sides of the aisle.

Mr. Speaker, health care disparities in people of color, those of low socioeconomic status, and in our rural areas should cause us all concern in this country which boasts of the best in medical expertise and the most advanced medical technology. But they exist, and even as we turn the page into a new century, the gaps are not closing but getting wider.

Heart disease, cancer, infant mortality, stroke, diabetes, HIV/AIDS and mental illnesses are among the diseases which represent the most glaring disparities.

Surely, lack of insurance, deficiencies in the health delivery system and the lack of culturally and linguistically competent providers are some of the factors responsible. It has been proven that bias and prejudice has a significant role as well.

But there remains much that we do not know, and without more in-depth knowledge we will never be able to develop the appropriate remedies. Therefore, S. 1880, though long overdue, comes at a critical time, but also at a time when this country has the resources and I think the will to right the wrongs, to close the gaps, and to bring fairness and equity to the system and access to quality health care for all of our citizens and residents.

I am proud, Mr. Speaker, of the role that the Health Brain Trust of the Congressional Black Caucus played in this bill's development. I want to be proud of this body tomorrow, and so I ask all of my colleagues to vote "yes" for S. 1880, to vote "yes" to the research and related activities that will usher in a millennium of health and wellness for many who, until now, have been left behind, and to vote "yes" to a healthy and a better America.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), who was an original cosponsor in the fashioning of this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, first let me compliment the gentleman from Georgia (Mr. NORWOOD), my colleague, for his leadership in helping shepherd this bill to the floor this evening for consideration. I would also like to recognize the gentleman from Illinois (Mr. JACKSON), the gentleman from Oklahoma (Mr. WATTS), and the gentleman from Georgia (Mr. LEWIS), who also cosponsored this legislation.

Mr. Speaker, I am pleased to come before you in support of S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000.

Nearly 1 year ago, on November 8, 1999, I introduced H.R. 3250, a bill to amend the Public Health Service Act to improve the health of minority individuals. I thank Senator EDWARD KENNEDY for introducing S. 1880, and I am extremely proud to see this bill come to the floor for consideration.

Mr. Speaker, the statistics are alarming when comparing the disparity between whites and minorities, alarming when we speak of infant mortality rates, alarming when we speak of heart disease death rates, alarming when we speak of prostate cancer and breast cancer, and most alarming of all, HIV/AIDS infection and death rates for African Americans.

Mr. Speaker, I say for all of us now to come forward in a bipartisan manner and pass this bill and take the first step toward correcting these alarming disparities for African Americans and all other underserved communities. Let us have a quality health care system for everyone in the 21st century.

Mr. STRICKLAND. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time. I want to also commend the sponsors and also commend this House in a bipartisan way, recognizing this is an excellent opportunity to begin to close the gap between those who have access to quality health and those who indeed have not been considered in the research.

I live in rural North Carolina, but I also live in an area called the "Stroke Belt." And the Stroke Belt indeed affects those persons who are African American perhaps a little more than it does other individuals. But if we begin to look at the Stroke Belt, it also includes white Americans in there. So there is a disparity related to poverty, isolation, and ruralness of the community.

So I want to commend the sponsors of this, because it does, indeed, bring a more healthy America and allows the research to work with those entities and look at those disparities in ways that will reduce the incidence of disease and encourage prevention. I support this bill 100 percent.

The bill will be considered under suspension of the rules; 40 minutes of debate; not subject to amendment; two-thirds majority vote required for passage. The measure will be managed by Chairman Bliley, R-Va., or Rep. Bilirakis, R-Fla. The Democratic manager will be Rep. Dingell, D-Mich., or Rep. Brown, D-Ohio.

The Senate passed the bill on Oct. 26 by unanimous consent. The Commerce Committee did not act on the measure.

Following is a summary of the bill as passed by the Senate. As of press time, it was not known whether the floor manager will move to suspend the rules and agree to the Senate-passed bill, thereby clearing the measure for the president, or whether he would include an amendment, thus sending the bill back to the Senate.

The Senate passed bill establishes a National Center on Minority Health and Health Disparities in the National Institutes of Health (NIH) to conduct and support research on minority health conditions and disparities between the health of the overall population and the health of minority groups. The measure authorizes $100 million in FY 2001, and such sums as may be necessary for fiscal years 2002 through 2005, for these activities.

The bill authorizes such sums as may be necessary in fiscal years 2001 through 2005 for centers of excellence for research and training, which would support training in biomedical and behavioral research for members of minority populations.

The measure authorizes such sums as may be necessary in each of fiscal years 2001 through 2005 for a program under which the federal government would repay certain education loans for individuals who agree to engage in minority health disparity research. Under the bill, the federal government would repay up to $35,000 of the principal and interest on educational loans of such individuals for each year the engage in such research.

The bill also authorizes $50 million in FY 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005, for the Agency for Healthcare Research and Quality to conduct and support research on health disparities.

This measure is an authorization measure and is not covered by spending limitations in the Budget Act or any budget resolution because it does not directly result in expenditures. As of press time, the Congressional Budget Office had not completed a cost estimate for the bill. In many cases, however, Congress does not appropriate the full amount contained in authorization measures.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an excellent piece of legislation. I thank the gentleman from Ohio (Mr. STRICKLAND), my good friend, for yielding me this time. I thank the gentleman from Georgia (Mr. LEWIS), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Illinois (Mr. JACKSON), and the gentleman from Oklahoma (Mr. WATTS) for their leadership, along with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Florida (Mr. BILIRAKIS) for their leadership as well.

Mr. Speaker, if my colleagues would take a journey with me and realize how far we have come on a cure for breast cancer, and part of the effort behind that cure was utilizing women in clinicals in the National Institutes of Health. This Minority Health and Health Disparities Research and Education Act has the same focus; it is to concentrate on the enormous disparities that are found with minorities in the health care system. In particular, African Americans, Hispanics, Asian Americans, Pacific Islanders, Native Americans all have found themselves without access to health care, including rural white Americans as well.

It is important that this legislation strengthens research into health care quality and access. It examines collection of data on race or ethnicity. It addresses the role of health professionals so that they will be culturally sensitive to be sure that they understand what is occurring. It is very important to educate our health care professionals so they can ask the kinds of sensitive questions to ensure that if they are speaking to a particular minority group, that they can secure from them the information that will allow the physician or the health care professional to treat them correctly.

It is very important that we focus on diet and nutrition and immunization for children and find out whether there is an intimidation or some concern about why minorities do not have the access, why they are not interacting with our health care professionals.

Mr. Speaker, let me just briefly, as I close, share a story, and I will certainly point to this as a cultural concerns of an elderly person going into a medical office of a doctor. Happened to be a minority, in particular African American. This person was accused of taking a bar of soap. Of course that would discourage a particular African American or minority, because of some cultural bias to go to that particular office again or go to any doctor.

Mr. Speaker, I think this bill is a good bill to study what will help us ensure that all Americans have equal access to health care. This is a good bill, and I ask my colleagues to support it.

Ms. PELOSI. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I wish to, in the course of this debate, associate myself with the comments of our colleagues who spoke in favor of that.

I would first like to thank the gentleman from Georgia (Mr. LEWIS) for his tremendous leadership in initiating this legislation, the gentleman from Illinois (Mr. JACKSON), with whom I serve on the Subcommittee on Labor, Health and Human Services, and Education on the Committee on Appropriations, who has been a relentless supporter in ending the disparity and access to quality health care research and prevention, and the gentleman from Mississippi (Mr. THOMPSON), who has been a leader on this issue, as well as the gentlewoman from North Carolina (Mrs. CLAYTON).

I thank them all for their tremendous work on this issue. They have been great leaders in the effort to reduce health disparities, and this bill is a testament to their hard work and commitment.

Mr. Speaker, numerous studies have shown that minority communities suffer disproportionately from many severe health problems and have higher mortality rates than whites for many treatable health conditions. Although we have seen giant leaps in scientific knowledge, particularly in recent years, as we have increased our investment in the National Institutes of Health, the benefits of those advances are not clearly reaching all segments of our society.

At this point, I would like to recognize the tremendous work of the gentleman from Pennsylvania (Mr. GEKAS). He and I are co-chairs of the Biomedical Research Caucus, but he is our leader in having monthly meetings where Members and staff can be made aware of the scientific opportunities in the biomedical community. He is a giant on that issue in this Congress.

During our NIH hearings in the Subcommittee on Labor, Health and Human Services, and Education, we have heard many alarming statistics on racial and ethnic health disparities, including significantly higher rates of death from cancer and heart disease, as well as higher rates of HIV/AIDS, diabetes, and other health problems.

HIV/AIDS has been particularly devastating in minority communities. African Americans and Hispanics, who represent 12 and 11 percent respectively of our Nation's population, now account for 70 percent of new HIV cases and nearly 60 percent of new AIDS cases. And African-American and Hispanic women account for 78 percent of the newly reported infections among women.

Not enough research is being done to understand and eliminate racial and ethnic health disparities. According to an Institute of Medicine study published in February 1999, Federal efforts to research cancer in minority communities are insufficient. The IOM recommended an increase in resources in development of a strategic plan to coordinate this research.

I commend the administration for responding to this need by implementing the initiative to eliminate racial and ethnic disparities in health. The initiative identifies the steps necessary to eliminate disparities in the areas of cardiovascular disease, cancer screening and management, diabetes, infant mortality, HIV/AIDS and immunizations by 2010.

At this point, I would also like to commend the gentlewoman from California (Ms. WATERS) for her relentless efforts ongoing but especially when she was Chair of the Congressional Black Caucus in getting the minority initiative passed and funded. It made a drastic difference, but it is still not enough.

Fulfilling the goals of this initiative must be a top priority. Next decade, however, these goals cannot be met without a comprehensive effort to improve research on the health of my minority communities and develop the interventions capable of reducing these disparities.

The Center for Minority Health and Health Disparities created by the Minority Health and Health Disparities Research and Education Act and the full grant-making authority conferred upon it is an important step toward this effort. And while I am pleased that this critical issue is finally gaining the attention it deserves and again commend the gentleman from Georgia (Mr. LEWIS) for his leadership, the next step forward must be full institute status. This creates a center. It does have full grant-making authority, and that is an important distinction. Usually an institute gives full grant-making. But I do not know why we cannot make this a full institute at the National Institutes of Health.

It is imperative that, as we continue to increase NIH funding, we provide this ongoing issue the permanent attention necessary to eliminate current health disparities and prevent future health disparities from emerging.

All Americans deserve a healthy future. I urge my colleagues to vote yes on the Minority Health and Health Disparities Research and Education Act.

Mr. STRICKLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, have no other speakers. I would just like to close by thanking the gentleman from Georgia (Mr. NORWOOD) for his wonderful leadership in this House on health matters. I also thank the gentleman from Georgia (Mr. LEWIS) and all those who have had a part in the fashioning and the passage of this wonderful piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take just a minute to close this up and thank really everybody that has been involved with this over the past 6 months. I am sorry the gentleman from Oklahoma (Mr. WATTS), my good friend, is not here. He has worked very hard and worked with me long to help us get to this point. He has done things way upstairs back there that the rest of us could not do, and I am grateful to him.

This bill is, in my view, pretty meaningful. It has some very interesting prospects for America, one of which is the research. The biomedical research that we are talking about under the auspices of NIH is going to reveal to us, I believe, some anomalies in health care and in medicine that we are not aware of today. At least I hope that is where the research takes us.

Second, and maybe we had not talked about it as much and it is equally important to me, is the education factor of this bill. I readily admit to anyone who asked, very selfishly I hope a lot of this goes to Morehouse Medical School. I hope they do a lot of the education and the research right there. And to continue to be selfish, it is for a very simple reason. The graduates, the doctors, health care professionals that they put out are the people that go into my counties and my communities and treat rural Georgia. That is what I am after here as much as anything else.

So I thank all that have been involved. And I know that we will all follow this, the research and the education aspects of it, very carefully over the coming years and hope and pray that this does what we all intend for it to do.

Mr. ENGEL. Mr. Speaker, I want to commend the authors of this legislation and express my strong support for this bill. Historically, minorities have been under-represented in health research.

It is my hope that establishing a National Center for Research on Minority Health and Health Disparities at the National Institutes of Health will provide the means necessary to meet the health challenges many minorities face. With the unique health problems affecting different racial and ethnic communities, it is essential that this National Center be established to research and develop treatments and cures for afflictions that are more prevalent in minorities.

One of my concerns throughout my tenure in Congress has been the effects of smog and pollution that inner-city residents are exposed to on a daily basis. Within inner-cities, minorities comprise a large portion of the population. I have been a strong advocate on behalf of inner-city communities, including my own district, that have been unfairly burdened by environmental hazards.

I included an amendment in the House version of this bill which simply stated that the Administrator of Health Care Policy, within the National Center for Research on Minority Health and Health Disparities, take into account environmental factors when researching the cause of health disparities for minority populations. While the Senate version of the bill that we are considering today does not include the exact language of my amendment, it does accomplish the goal I intended to address.

The legislation clearly states that when researching barriers many minorities face in obtaining proper health care, the Administrator of Health Care Policy is specifically directed to take into account the socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate. It is my hope that by identifying health problems caused by environmental factors, we can begin to address the issue and enhance the quality of life for our urban residents.

Mr. Speaker, I want to reiterate my support for this bill, and I urge my colleagues to vote in favor of this important legislation.

Mr. TOWNS. Mr. Speaker, I rise in support of the Health Care Fairness Act. As a senior member of the Commerce Committee's Subcommittee on Health and Environment, I have long been concerned about the pervasive inequality of health services endured by America's minority populations.

At a recent hearing before my subcommittee, we confronted the compelling evidence that race and ethnicity correlate with persistent, and often increasing, health disparities among U.S. populations. Despite notable progress in the overall health of the nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, and others compared to the U.S. population as a whole. In fact, current information about the biologic and genetic characteristics of racial and ethnic groups does not explain the health disparities experienced by these groups compared with the white, non-Hispanic population. Given the demographic projections for the U.S. population in 2030, I believe that it is imperative that Congress establishes a forward-looking strategy to address health disparities in minority communities.

For example, research shows that the AIDS epidemic is disproportionately affecting minorities. According to the Centers for Disease Control, African Americans, who comprise 13 percent of the U.S. population, account for 49 percent of AIDS deaths in 1998. In March 2000, an audit conducted by the U.S. General Accounting Office assessed how government funding on AIDS programs was spent. The audit concluded that African Americans and Hispanics were receiving substandard care relative to whites in areas such as doctor visits, emergency room care, hospitalizations, and drug therapies.

In order to identify and rectify health disparities that occur among minorities, I agreed to cosponsor H.R. 3250, the House companion to S. 1880, the Health Care Fairness Act. Among other things, this legislation would create a new National Center for Research on Minority Health and Health Disparities. This center would support basic and clinical research, training and the dissemination of information with respect to minority health.

I believe the new National Center will enable us to make real progress toward eliminating the daunting gap in health status between minorities and the rest of America, and I encourage my colleagues to support its passage.

Mr. CUMMINGS. Mr. Speaker, I rise this evening in support of The Minority Health and Health Disparities Research and Education Act.

During his radio address on February 21st, 1998, President Clinton committed the Nation to an ambitious goal by the year 2010:

> To eliminate the disparities in six areas of health status experienced by racial and ethnic minority populations while continuing the progress we have made in improving the overall health of the American people.

Achieveing the President's vision will require a major national commitment to identify and address the underlying causes of higher levels of disease and disability in racial and ethnic minority communities.

Contrary to what some may say, this legislation is not a "quota" bill.

This legislation that opens the door of fairness and equality for a healthy nation.

Eliminating racial and ethnic disparities in health will require enhanced efforts at preventing disease, promoting health, and delivering appropriate care.

This will necessitate improved collection and use of standardized data to correctly identify all high risk populations and monitor the effectiveness of health interventions targeting these groups.

Research dedicated to a better understanding of the relationships between health status and different racial and ethnic minority backgrounds will help us acquire new insights into eliminating the disparities and developing new ways to apply our existing knowledge toward this goal.

Improving access to quality health care and the delivery of preventive and treatment services will require working more closely with communities to identify culturally-sensitive implementation strategies.

At my request, the Committee on Government Reform held a Congressional hearing entitled, "Ethnic Minority Disparities in Cancer Treatment: Why the Unequal Burden?"

The hearing gave us the opportunity to engage in a more exhaustive investigation of the disparity issue as it related to "conventional" treatments for cancer.

I requested this hearing in response to a study published by the New England Journal of Medicine in October 1999, which reported that African American patients with early stage lung cancer are less likely than whites to undergo life-saving surgery, and as a result are more likely to die of their disease.

The treatment disparities revealed in the study were of great concern to me, particularly when considered along with other data regarding cancer incidence and mortality rates among minorities as compared to the majority population.

In fact, disturbingly:

The incidence rate for lung cancer in African American and Native Hawaiian men is higher than in white men; Hispanics suffer elevated rates of cervical and liver cancer; and Alaskan Native and African American women have the first and second highest all-cancer and lung cancer mortality rates among females;

Cancer has also surpassed heart disease as the leading cause of death for Japanese, Korean, and Vietnamese populations;

Further, while surgery is the treatment option for lung cancer in its early stages, only 64 percent of African Americans had surgery at this stage, as compared to 76.7 percent of white Americans; and

Paralleling recommended treatment options, cancer death rates among African Americans are about 35 percent higher than that for whites, and in my district of Baltimore City, 251 African Americans per every 100,000 die of cancer as compared to 194 of whites.

Our Nation is in a "race for the cure." However, we must be mindful that this race for a healthy America must be run by and for all Americans. The entry into this contest should not be dependent on your race, but must be based on your humanity. And winning the race for a quality, healthy life must be a victory for every citizen, no matter their race, ethnicity, or socioeconomic status.

As we move closer to crossing that victory line, we must all work toward a meaningful improvement in the lives of minorities who now suffer disproportionately from the burden of disease and disability.

I will remain committed to the bioethical principles of justice and fairness which call for one standard of health in this country for all Americans, not an acceptable level of disease for minorities and another for the majority population.

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to begin by thanking my House colleagues JOHN LEWIS, BENNIE THOMPSON, CHARLIE NORWOOD, and JESSE JACKSON, Jr., who are champions in this important effort to address the issue of minority health disparities. This is a matter of deep concern to not only African-Americans, but also to Hispanic-Americans, Native-Americans and other minorities who are clearly underserved by the American health care system.

Despite continuing advances in research and medicine, disparities in American health care are a growing problem. This is evidenced by the fact that minority Americans lag behind in nearly every single measure of heath quality. Those measures include life expectancy, health care coverage, access to care, and disease rates. Ethnic minorities and individuals in medically underserved rural communities continue to suffer disproportionately from many diseases such as cancer, diabetes, and cardiovascular diseases. There have been numerous studies in scientific journals showing the severity of racial and ethnic disparities and the need for action in order to remedy this grave problem.

For these and countless other reasons, it is time for the nation to focus on this problem and to work to bring fairness to our minority citizens in the nation's public and private health care systems. There is no better place to start this effort than the focal point for federal research, the renowned and highly respected National Institutes of Health.

Since 1996, Congress has increased funding for basic medical research at NIH from $12 billion to over $18 billion—over a 50% increase. These funds support 50,000 scientists working at 2,000 institutions across the United States. I have been proud to support these increases, but I think it is now time that we target some portion of those funds on the nation's most acute health problems among our minority citizens—and I might add, minority taxpayers.

Let me say that I am delighted to be a cosponsor of this legislation. Among other provisions, this legislation will elevate the existing office of Research on Minority Health at NIH to a National Center for Research on Minority Health. This upgrade to the level of National Center would in itself underscore the importance of this work, and along with expanded research and education, improved data systems and strengthened public awareness, we will be taking a great leap forward in addressing this critical national problem.

The Minority Health and Health Disparities Research and Education Act will increase our knowledge of the nature and causes of health disparities, improve the quality and outcomes of health care services for minority populations, and aid in bringing us closer to our mutual goal of closing the long-standing gap in health care.

I am deeply committed to this legislation, and I urge you to support my colleagues and me in our effort to rectify this inequality in health care.

Mr. DINGELL. Mr. Speaker, I strongly support S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000. I urge all of my colleagues to approve this much needed and long overdue legislation.

We have before us a bill aimed at one of the most significant challenges in health care research and education. The existence of disparities in all aspects of health care is well documented. Reports published by the Institute of Medicine and in the New England Journal of Medicine and the Journal of the American Medical Association are just a few of many that point clearly to the need for quick enactment and implementation of the legislation that is before us today. The Commerce Committee's hearing on this subject highlighted the fact that there are massive differences in the frequency, severity, and survivability of many health conditions among different members of our diverse population. Unfortunately, where you live, what you earn, and the color of your skin make a big difference in health care quality and access.

Great care has been taken in drafting this legislation so that it responds to the panoply of disparities issues without running afoul of the equal protection clause of the Constitution. Indeed, the Department of Justice has concluded that the bill does not trigger strict scrutiny under applicable tests for the validity of laws and programs aimed at addressing inequities that fall, in some cases, along racial and ethnic lines.

Disparities occur for a variety of reasons, so it is not surprising that legislation aimed at identifying and eliminating disparities has several facets. First, S. 1880 addresses biomedical issues through the establishment of a National Center on Minority Health and Health Disparities at the National Institutes of Health. Next, this bill directs the Agency for Health Care Research and Quality to carry out activities to address disparities in health care quality and access. S. 1880 also addresses quality and access issues through the Public Health Service Act's health professions programs.

This legislation enjoys broad bipartisan support. I wish to take particular note of the fine work of my colleagues, Representatives LEWIS, JACKSON, THOMPSON, TOWNS, STRICKLAND, NORWOOD, WATTS, and WHITFIELD. I know that many other of my colleagues on both sides of the aisle contributed to the effort of getting this bill before us today and I am greatful to all of them. Our colleagues in the Senate, particularly Senators KENNEDY and FRIST, also made significant contributions to this bill.

I urge my colleagues to join me in support of this bill.

Mr. STARK. Mr. Speaker, one of America's most important assets is the diversity of our residents, and this diversity is growing rapidly. Between 1991 and 2000, the population of Asians and Pacific Islanders increased by 46 percent, Latinos by 40 percent, American Indians by 16 percent, and African Americans by 14 percent.

Unfortunately, vestiges of racism—both conscious and unconscious—still exist, permeating our society and our institutions. Last month, I highlighted research findings that demonstrate people of color disproportionately lack access to health care, vital treatments, and preventive screening measures. In addition, a recent New England Journal of Medicine study found that unconscious perceptions and biases can be revealed in differential physician recommendations for minority individuals seeking heart disease treatment. Taken together, these findings underscore the urgency of supporting legislation to improve health care quality for diverse communities.

So far, very little has been done to address these tremendous disparities. For example, people of color are disproportionately affected by certain types of cancers—Vietnamese American women are five times more likely to contract cervical cancer than white women and Africa Americans are 35 percent more likely to die from cancer than whites. Despite these alarming statistics, the Institute of Medicine concluded that federal funding for cancer research among communities of color remains insufficient.

S. 1880, The Health Care Fairness Act is an opportunity to positively improve the health care of all Americans by working toward reducing these disparities. It is a bipartisan effort that contains many important provisions, including an increased commitment to research on health disparities, improved data systems, and enhanced quality of care for health disparity populations, including low-income, medically underserved, racial and ethnic minority, and rural individuals.

This legislation ensures a prominent focus in our nation's premier research agencies—the National Institutes of Health and the Agency for Health Care Policy Research—in improving health outcomes for populations that have a significant disparity in the rate of disease incidence, prevalence, morbidity, mortality, or survival as compared to the general population. It also provides grants to our medical, public health, dental, nursing, and other health professional schools so that curricula to promote improved health care quality can be developed for these populations. Furthermore, it designates opportunities for training so that our current and future medical providers are equipped to join the fight against health disparities due to geography, the lack of medical services, race and ethnicity, and socioeconomic status.

Our country has made phenomenal advancements in science and medicine. It is time to ensure that all of our communities share in these rewards. This is a chance to help ensure our health care system is just, equitable, and equal for all Americans. Support fairness in health care, and vote for S. 1880.

Mr. NORWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Georgia (Mr. NORWOOD) that the House suspend the rules and pass the Senate bill, S. 1880.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 2000

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 207) to amend title 5, United States Code, to provide that physicians comparability allowances be treated as part of basic pay for retirement purposes, as amended.

The Clerk read as follows:

H.R. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Physicians Comparability Allowance Amendments of 2000".

SEC. 2. AUTHORITY MADE PERMANENT.

(a) IN GENERAL.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is repealed.

(2) AMENDMENT TO THE FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5948 of title 5, United States Code, is amended—

(1) by repealing paragraph (2) of subsection (j); and

(2) in subsection (j)(1)—

(A) by striking "(j)(1)" and inserting "(j)";

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(C) in paragraph (5) (as so redesignated by this paragraph) by striking "subparagraph (B)" and inserting "paragraph (2)".

SEC. 3. TREATMENT OF ALLOWANCES AS PART OF BASIC PAY FOR RETIREMENT PURPOSES.

(a) DEFINITION OF BASIC PAY.—Section 8331(3) of title 5, United States Code, is amended—

(1) in subparagraph (F) by striking "and" after the semicolon;

(2) in subparagraph (G) by inserting "and" after the semicolon;

(3) by inserting after subparagraph (G) the following:

"(H) any amount received under section 5948 (relating to physicians comparability allowances);"; and

(4) in the matter following subparagraph (H) (as added by paragraph (3)) by striking "through (G)" and inserting "through (H)".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8339 of title 5, United States Code, is amended by adding at the end the following:

"(s)(1) For purposes of this subsection, the term 'physicians comparability allowance' refers to an amount described in section 8331(3)(H).

"(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of enactment of this subsection).

"(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

"If the total amount of service performed, on or after the date of enactment of this subsection, allowable is: as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

"(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

"(A) an annuity under subsection (g); and

"(B) a survivor annuity under section 8341, if based on the service of an individual who dies before separating from service.".

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8331 of title 5, United States Code, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following:

"(28) 'Government physician' has the meaning given that term under section 5948.".

(c) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) For purposes of this subsection, the term 'physicians comparability allowance' refers to an amount described in section 8331(3)(H).

"(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of enactment of this subsection).

"(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

"If the total amount of service performed, on or after the date of enactment of this subsection, allowable is: as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

"(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

"(A) an annuity under section 8452; and

"(B) a survivor annuity under subchapter IV, if based on the service of an individual who dies before separating from service.".

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8401 of title 5, United States Code, is amended by striking "and" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting "; and", and by adding at the end the following:

"(34) the term 'Government physician' has the meaning given such term under section 5948.".

(d) CONFORMING AMENDMENT.—Section 5948(h)(1) of title 5, United States Code, is amended by striking "chapter 81, 83, or 87" and inserting "chapter 81 or 87".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

□ 2145

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 207.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are considering H.R. 207, as amended. This important bill makes two critical changes that will allow for better pay comparability for Federal physicians. The first change, which was not part of the original H.R. 207, would include a permanent extension of the Physicians Comparability Allowance. This will eliminate the need to reauthorize the language every 3 years.

The bill would also include a physician's PCA in his or her average pay for purposes of computing retirement. Presently the "high-three" that is used to calculate a title 5 physician's retirement annuity does not include the additional PCA component of his or her salary. Again, when I say PCA, I mean the Physicians Comparability Allowance.

In title 37, which governs the Uniformed Services and the military, bonus pay is counted as part of base pay for calculation of retirement benefits. Title 38, which governs the Veterans Affairs, also allows physicians who, in this case, have served at least 15 years to count their bonus compensation as part of basic pay for retirement purposes.

Thus, my bill does not create any unique benefit. It only allows title 5 physicians to receive the same benefit that other Federal physicians receive.

In 1978, Congress first responded to the critical shortage of Federal physicians and the gap in income for civil service physicians, as compared to the Department of Defense and Veterans Affairs physicians. And it responded to it by enacting the Physicians Comparability Act of 1978. This bill provided for a maximum of $10,000 a year in special pay to civil service physicians. The present maximum is $30,000.

Since the PCA was originally passed, there have been several extensions in the authority, most recently in 1998. But the uncertainty of PCA reauthorization every 3 years makes it quite difficult for agencies to negotiate contracts with physicians.

Agencies are often forced to delay negotiations with physicians, and delays in negotiations are a disincentive to potential candidates, and they lead to increased administrative burden for the agency.

In the event that the Congress does not reauthorize PCA, the different agencies must create contingency plans for each contract negotiation. The increased administrative burden as well as the recruitment disincentives posed by these uncertainties would be eliminated by making PCA a permanent authority. We cannot allow our best Federal physicians to defect to the private sector. The work they do is just simply too important.

Title 5 Federal physicians eligible for the PCA are working on cures for AIDS, cancer, and heart disease, and they protect the safety of food and drugs. They also provide medical care to Defense and State Department employees and dependents, airline pilots, astronauts, Native Americans and Federal prisoners.

The PCA gives agencies such as NIH, CDC and the FDA the flexibility to attract physicians from diverse backgrounds into mission-critical fields that are not predicated toward single-population groups. The traditional battlefield specialties of title 37 and title 38 physicians do not represent the future medical staff diversity needs.

In considering the pool of potential future applicants, statistics indicate that 40 percent of those entering medical schools are now women. The majority of these female graduates indicate pursuit of fields such as pediatrics, psychiatry, and internal medicine. Thus the PCA is a fair and effective tool for maintaining diversity among Federal physicians.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is critical that the Federal Government be able to recruit and retain the best and brightest in the field of medicine. I thus commend the gentlewoman from Maryland (Mrs. MORELLA) for having the foresight to introduce H.R. 207 to address an inequity.

The government cannot pay civil service physicians on the same scale as physicians employed in hospitals, HMOs, and universities. The Physicians Comparability Act enacted by Congress in 1978 provides Federal physicians with additional compensation to offset their lower pay and to ensure that the government can recruit and retain well-qualified physicians.

H.R. 207 would permanently extend authority for the Physicians Comparability Allowance to eliminate the need to reauthorize the legislation every 3 years.

H.R. 207 would also amend title 5 to authorize the PCA to be included as part of basic pay for retirement purposes for all civil service physicians. Under current law, depending on the Federal agency that hired them, only certain physicians receiving comparability pay are allowed to have the amount included in the calculations for retirement pay. H.R. 207 would erase this inequity and ensure that the government treats comparability pay the same for all Federal physicians.

This legislation will not only help retain over 3,000 Federal-employed physicians who were awarded PCAs last year, but will help the Federal Government recruit highly trained physicians to join their ranks.

The government's ability to attract highly qualified physicians at such agencies as the Food and Drug Administration, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration, is one of the reasons that the United States has led the world in medical research advances.

I would like to remind my colleagues, however, that we have an obligation as lawmakers to ensure that these medical advances benefit all Americans regardless of race. As such, it gives me great pleasure to know that we have just passed Senate bill, S. 1880, to authorize these very institutions, our Nation's medical centers, to collaborate in an effort to eliminate racial and ethnic disparities in health.

Our Nation is in a "race for the cure." The entry into this contest should not be dependent on one's race, but must be based on one's humanity. Winning the race for a quality healthy life must be a victory for every citizen no matter the race or ethnicity or the socioeconomic status.

As we move closer to crossing that victory line, we must all work toward a meaningful improvement in the lives of minorities who now suffer disproportionately from the burden of disease and disability.

Further, as the bill before us, H.R. 207, provides, we must also ensure that those physicians that have our lives in their hands are treated fairly and equitably.

This bill is supported by the Federal Physicians Association, the American Medical Association, and the American Academy of Family Physicians, and the National Treasury Employees Union.

Mr. Speaker, I urge all of our Members to join me and give this bill their support.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in 1997, I commissioned a GAO study to review the PCA and its usefulness, and the report that was submitted confirmed that the Physicians Comparability Allowance is critical. In addition, H.R. 207 has been endorsed, as we have heard, by the American Medical Association, the American Osteopathic Association, the American Academy of Family Physicians, a number of State Medical Societies, as well as a number of our employee unions.

In the last several years, I have heard from thousands of Federal physicians across the country who have stated very clearly that, without the PCA, they would have chosen a different career. The permanent PCA extension, coupled with the inclusion of a physician's PCA in his or her average pay for purposes of computing retirement, demonstrates that Congress is serious about maintaining the quality of care that presently exists within our Federal agencies.

The government cannot pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. But passage of H.R. 207 shows that the government will make every effort to recruit and retain highly trained and well-qualified physicians. I certainly applaud its passage this evening.

I do want to take this opportunity to thank the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, his staff director Gary Ewing, as well as the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight and his staff aid Dan Moll for their support in expediting consideration of the resolution.

I also want to thank the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Subcommittee on Civil Service, the gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform and Oversight, for their support.

In addition, Ted Newland and Harry Wolf of OPM were very helpful in working with us to recraft this legislation to ensure that there were no inequities written into the bill. I also want to point out the instrumental roles that Dennis Boyd and Richard Granville played in drafting and helping us to pass this legislation. Finally, I have to thank my diligent staff assistance, Jordi Hannum, and Ed Leong of Legislative Counsel for his tireless efforts in advising my staff.

So I ask for unanimous passage of this very important legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I am very happy to be able to rise today in support of my good friend from Maryland, Mrs. MORELLA's bill, that will help improve pay and retirement conditions for physicians employed by the Federal Government.

The bill, H.R. 207, corrects a number of problems with the current pay structure for Title 5 physicians. For one, it would permanently extend the Physicians Comparability Allowance (PCA), eliminating the need to reauthorize this language every three years. Additionally, the bill would include the physician's PCA as part of their base, average pay for the purpose of computing their retirement benefits, thus allowing them to boost their retirement contributions. This is not a new, unique benefit for physicians in the federal government, this is simply extending a formula Title 37 and 38 physicians have had for years.

H.R. 207 is a bill seeking pay equity for all physicians within the federal government. It is important to note that physicians under Title 5 are the same that are working on cures for cancer, AIDS, and heart disease; protecting the safety of our food and prescription drugs; and providing direct medical care to federal employees, and their dependents, in the State and Defense Departments. It is truly unfortunate that the government cannot pay physicians on the same scale as the private sector, but amending the PCA for Title 5 physicians will provide some compensation to offset the loss in income they have willingly accepted to become public servants.

I ask all my colleagues to join the American Medical Association, the American Academy of Family Physicians, and a continually growing list of State medical societies (including my home state of Virginia), in supporting this important legislation. I want to thank the gentlelady from Maryland for her persistence and leadership on this matter, and hope this bill will be supported by this House.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 207, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.".

A motion to reconsider was laid on the table.

PROVIDING FOR SPECIAL IMMIGRANT STATUS FOR CERTAIN U.S. INTERNATIONAL BROADCASTING EMPLOYEES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3239) to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

The Clerk read as follows:

S. 3239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN UNITED STATES INTERNATIONAL BROADCASTING EMPLOYEES.

(a) SPECIAL IMMIGRANT CATEGORY.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L); and

(3) by adding at the end the following new subparagraph:

"(M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.".

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by inserting before the period at the end the following: ", and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to visas made available in any fiscal year beginning on or after October 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us is one that accommodates one of the best mechanisms we have as Americans of promoting liberty, justice and freedom across the world. I refer, of course, to the utilization of the international broadcasting services that we provide to citizens of other lands. Radio Free Europe, Radio Iraq, Radio Marti, Radio Free Asia, all of these are set for the purpose of teaching other peoples how we function as a society and inspiring them to seek in their own countries the foundations of liberty and freedom which we take for granted and which we enjoy.

The problem is that these broadcasting services have discovered that we need bilingual personnel to work in these broadcasting services. So we have to try to accommodate their coming to our country for that purpose.

The State Department seems to have a natural hurdle to that, a block, if you will, to their just flowing into our country for these purposes. So we have to establish, and this legislation does it, a special kind of visa to permit 100 of these broadcasters, 100 per year to come into our country. They are going to be invaluable as they stream into our country.

It will alleviate also, for their own personal freedom, the possibility of oppression if they are doing our work in their own countries but doing it from here. Broadcasting in their native language will get the message across, provide them with safeguards, and will foster the entire purpose of the international broadcasting services of which we are so proud.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. GEKAS); and I, too, rise in support of this bill, S. 3239, which would amend the Immigration and Nationality Act, to provide special immigrant status for certain international broadcasting employees.

□ 2200

S. 3239 would establish a new immigrant visa category for international broadcasting employees which would be subject to numerical limitations. It would provide a maximum of 200 visas in the first year, which would deal with the current critical shortage of international broadcasters. Then it would provide a maximum of 100 visas annually for 3 successive years. Also, it would waive the labor certification requirement for the broadcasters who receive the visas.

The people who work in the international broadcasting industry are highly skilled individuals. They must have journalistic skills. They must be fluent in a number of languages. Many times, Mr. Speaker, they are exchanging concepts of democracy and other governmental concepts to foreign countries where people are hungering after information, and so these people must have an in-depth knowledge of the people, history and cultures of other nations.

Historically it has not been possible to find a sufficient number of people in the American workforce who have this combination of skills. All of us realize, however, that this is an important effort to ensure that we do have a diverse employee base and provide the kind of training to Americans that would provide them with the skills to be international broadcasters.

Similar to our plea as we provided 195,000 H-1B visas, it is going to be important that we train an American workforce to ensure that they too can be part of the high technology industry.

With respect to these particular visas, the availability of these visas would help to provide needed broadcasters for the Voice of America, Radio Free Asia and Radio Free Europe, or Radio Liberty. This bill would provide the assistance that the international broadcasting industry needs to continue to provide essential news coverage around the world.

Mr. Speaker, I am very glad to be able to stand here and support these special needs, as did I in our discussion on H1-B, even though we are looking to expand some additional opportunities for American workers and minorities. And I am very pleased to stand here today and support this legislation because I happen to believe in the Voice of America and Radio Free Asia and Radio Free Europe. I think that we have found that it teaches democracy in a very effective way.

At the same time, Mr. Speaker, I am certainly concerned and dismayed that my colleagues have not seen fit to support the Latino Immigration Fairness Act. That is part of the logjam that we are having in this Congress where we are not realizing that individuals who have been here working in the United States paying taxes and paying for their mortgages and sending their children to school and doing the work that America needs them do, whether it is trash pickup or whether it is waiting on them in restaurants, Mr. Speaker, we see fit in this Congress not to provide them with access to legalization.

Just the other day, we had a debate where someone got on the floor and talked about who came to this country legally and who did not come to this country legally and talking about the Statue of Liberty.

Well, Mr. Speaker, I would simply say to my colleagues that it is enormously important that, as we support these specialized non-immigrant visas for international broadcasters or high-tech industry, that we look to those common working men and women, the average working man and woman, who needs the Latino Immigration Fairness Act, and I would believe that this Congress needs to stand on the right side of this issue and stop throwing accusations against people who are hard working, who are immigrants, and who deserve to be here.

What a tragedy to be able to vote this good bill today but yet we are not able to vote for a bill that would provide the fairness to these individuals.

While I was in this debate on the floor of the House, Mr. Speaker, would you imagine that someone indicated that everyone who came to this country previous to these years came here legally.

I did want to engage in a chastising debate. But frankly, Mr. Speaker, I did not come here legally. My ancestors came here slaves. And yet, we contributed a great deal to this country. We are very proud of the fact that we did contribute, and we are still contributing. These individuals came here out of persecution, prosecution and fear of their lives, but they came here under the encouragement of the United States Government.

Just a few years ago, we gave the same kind of relief to Nicaraguans and Cubans and what happened was that we failed to do the right thing, the equitable thing and include people from Honduras, Guatemala, Haiti and Liberia. The only thing we are asking at this time, Mr. Speaker, is that we do the right thing.

So I am very pleased to support S. 3239, but I believe that we are doing a great disservice and we are undermining the high status of this body by not passing the Latino Immigration Fairness Act.

Mr. GEKAS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and a very distinguished Member of this body.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me the time. I thank her for her great leadership on the Committee on the Judiciary on issues of fairness in relationship to our immigration policy, whether it is the H1-B visa and what the impact is on our engineers in our own country and recognition of the need for the H1-B but also for the need to educate and train our own workers, for her leadership on the immigration fairness issues, for equity for the 245(i), for parity, et cetera, in the fairness issues, and I associate myself fully with her remarks on those subjects again commending her for her tremendous leadership, her relentlessness on behalf of fairness in our immigration policy.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and commend her for her leadership on this issue, which is the immigration fairness issues, as well as on the health disparity issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for his leadership in assisting us with this legislation and his leadership on the Committee on the Judiciary and finally say that this bill should be passed by this body. These international broadcasters and the non-immigrant visa status that they are giving will help spread democracy around the world.

As we do that, Mr. Speaker, I could not conclude without saying, likewise, let us share democracy with those that are reaching for freedom and justice in this country who are simply seeking access to legalization. That is thousands and thousands of immigrants who have come here fleeing persecution. And this House now stands to deny them that right by not working to pass the Latino Immigration Fairness Act. I believe that we should do that, along with S. 3239.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume, only for the purpose of asking that the record show that the gentleman from Texas (Mr. SMITH) is the prime mover of this legislation and has been involved in its foundation for a long time, along with the member of the Senate, JESSE HELMS, who has had an outstanding interest in the furtherance of this legislation.

George Fishman, the staff member for the gentleman from Texas (Mr. SMITH) has been important in bringing this to the floor.

Mr. BERMAN. Mr. Speaker, I urge my colleagues to support this legislation which will allow the Broadcasting Board of Governors (BBG) to receive a limited number of special immigrant visas, 100 per year, to allow broadcasters to work in the United States for the Voice of America, Radio Free Europe/Radio Liberty, and Radio Free Asia.

This legislation would allow the BBG to utilize a uniform visa category for all of its broadcast entities; allow the family members of those serving U.S. interests to integrate into U.S. life; and provide protection through permanent residency to those broadcasters whose lives may be threatened because they provide accurate information about dictatorships and corrupt officials abroad.

U.S. international broadcasters continue to reach societies which live under regimes that censor the information available to their citizens. Some, after serving U.S. international broadcasting, are unable to return to their countries of origin for fear of retaliation against themselves or their families.

Certain employees of Radio Free Iraq have been threatened with their lives because of the work they do to empower citizens through the free flow of accurate information.

U.S. international broadcasting remains a vital part of our international effort to encourage democracy-building abroad. Its successes precede and follow the Cold War. For example, the most recent BBG survey showed that RFE/RL was the number-one radio station among Serbians during the recent attempt to topple Slobodan Milosevic. Foreign populations rely on broadcasting sponsored by the U.S. as a lifeline in a crisis.

Recognizing this, we need to provide the means for the BBG to recruit, retain, and protect the talented individuals it employs.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 3239.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CHAPTER 12 EXTENSION AND BANKRUPTCY JUDGMENT ACT OF 2000

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5540) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 5540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Chapter 12 Extension and Bankruptcy Judgeship Act of 2000''.

SEC. 2. AMENDMENTS.

(a) EXTENSION OF CHAPTER 12.—Section 149 of title I of division C of Public Law 105-277, as amended by Public Law 106-5 and Public Law 106-70, is amended—

(1) by striking ``July 1, 2000'' each place it appears and inserting ``June 1, 2001''; and

(2) in subsection (a)—

(A) by striking ``September 30, 1999'' and inserting ``June 30, 2000''; and

(B) by striking ``October 1, 1999'' and inserting ``July 1, 2000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2000.

SEC. 3. BANKRUPTCY JUDGESHIPS.

(a) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Four additional bankruptcy judges for the central district of California.

(C) One additional bankruptcy judge for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Two additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(b) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraph (1), section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) shall continue to apply to the temporary office of bankruptcy judges referred to in such paragraph.

(c) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following:

"Each bankruptcy judge authorized to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation extends the life of chapter 12 in the Bankruptcy Code as we know it today. Chapter 12 is devoted to a special kind of bankruptcy relief that is granted to the farm community and to farmers who feel the burdens of the debt that has caused them to seek bankruptcy relief.

□ 2215

What we have at this moment is a kind of a hiatus. We are waiting for the Senate to act on what is euphemistically called the Gekas-Grassley bankruptcy reform bill which contains an extension, a permanent status for chapter 12, actually. What we are doing here is filling a vacuum between last June and the time that we have consumed since then waiting for action by the Senate. This temporary extension will take us into next year and will offer this special relief for our farmers on a continuing basis, as well as the extension of some temporary judgeships that are needed for the current flow of bankruptcy across the Nation, five extensions of temporary judgeships and 23 appointments of temporary judges, all of this in the context of the burgeoning world of bankruptcy which is plaguing our country and which has created a workload that requires special attention.

This legislation has drawn broad support from all those who observe bankruptcy, who work in bankruptcy, who legislate as we do in the arena of bankruptcy, and who are eager to see reforms occur throughout the system.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5540, introduced by the gentleman from Michigan (Mr. SMITH), would extend chapter 12 of the bankruptcy code for an additional 11 months. Chapter 12 is the safety net of last resort for our farmers. It expired 4 months ago, on July 1, 2000. That means that if in the last 4 months a family farmer in my State of Wisconsin, or anywhere else in the United States, has needed the protection of chapter 12, they have not had it. Farmers in the most dire of economic circumstances do not have that protection today. Fortunately, this bill takes effect retroactively.

I am pleased that the House earlier passed a permanent and expanded chapter 12 bankruptcy provision as part of H.R. 2415. However, it appears unlikely that the bill will pass into law this session. Therefore, temporary extension of chapter 12 is needed to ensure that farmers are given the economic security that they need.

Chapter 12 is tailored to meet the unique economic realities of family farming during times of severe economic crisis. With chapter 12, Congress created a chapter of the bankruptcy code that provides a framework to prevent family farms from going out of business. At the time of its enactment in 1986, Congress was unable to foresee whether chapter 12 would be needed by America's family farmers indefinitely. Congress has extended chapter 12 four times since then. The law expired, as I said, on July 1, 2000. We must extend this law and ultimately make it permanent. The family farm is the backbone of the rural economy in Wisconsin and all over the Nation. Without chapter 12 protection, a family farmer has little choice but to liquidate all assets, sell the land, equipment, crops and herd to pay off creditors if an economic crisis hits. This means losing the farm. Losing a farm means losing a supplier of food and a way of life. When a family decides it can no longer afford to farm, many times that farm is lost forever to development or sprawl.

With chapter 12 in place when an economic disaster hits America's farmers, a family's farmland and other farm-related resources cannot be seized by creditors. A bankruptcy judge for the Western District of Wisconsin notes that chapter 12 has been used in his jurisdiction more than 50 times over the past year. Obviously, in this time of severe economic farm crisis, chapter 12 is needed. Our farmers must have the assurance that if they must reorganize their farm in order to keep their farm, they can do so. Chapter 12 must be there for them.

Chapter 12 must also be there for us. In order to protect America's food supply, it is in our country's best interest to protect family farms from foreclosure. Mr. Speaker, family farmers in Wisconsin are having a tough time. Wisconsin dairy farmers continue to be at the same price disadvantage they have been subject to for over 60 years. Wisconsin pork producers, like pork producers everywhere, are losing thousands of dollars every month. Soybean prices are at record lows and have seen a 36 percent decline in 3 years. In the past 6 years alone, Wisconsin has lost over 7,000 family farms at a rate equivalent to five per day.

The picture is similar nationally. In 1950, there were 5.6 million farms averaging 213 acres each in the country. In 1998, there were only 2.2 million farms averaging 432 acres each. Our families must have the assurance that if they are to reorganize their farms to keep their farms, they can do so. Farmers, like all of us, should be able to plan for their futures.

I support the passage of H.R. 5540 and hope that it becomes law quickly. I also look forward to assuring that chapter 12 becomes a permanent protection so that family farmers do not again face expiration of bankruptcy protection.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

I want the RECORD to show that Susan Jensen-Conklin, the resident expert on bankruptcy, assisted us in not just this but on all phases of our work in bankruptcy; and Ray Smietanka, the chief counsel of our subcommittee, has also contributed handily to all of this.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the gentlewoman from Wisconsin (Ms. BALDWIN) talked to me going out the hall here maybe 3 weeks ago and I said, Shall we introduce the bill to last another 6 months? The gentlewoman from Wisconsin said, No, let's do it at least till June. This is somewhat of a frustration for us, I think, because there have been some that thought by only temporarily extending chapter 12 bankruptcy, which is vital for farmers that happen to be down on their luck, if we leave that out and only do it temporarily, somehow it is going to encourage the passage of the full bankruptcy package. I would hope something could happen on that package. Tomorrow morning the Senate is voting on cloture. The odds are that the bill will go to the President. Then the President has got to make a decision. But somehow there have got to be changes, that people that borrow money are not burdened by yet higher interest rates, because it is too easy to go into bankruptcy.

Likewise, talking to the gentleman from New York (Mr. NADLER), it is reasonable to conclude that some of those lenders probably are more eager to loan because they usually can go into the assets of that individual and end up making money at whatever interest rate they might be charging. Chapter 12 of the bankruptcy code is a very special provision available to America's family farmers in times of hardship. It allows family farms to reorganize their assets rather than liquidate them under the bankruptcy code. Without chapter 12, Mr. Speaker, many farmers would be forced to sell their farming equipment, which would mean that the farmer no longer has the plow and the planter and the disc and the cultivator and the milking machines that they need to make money on the farm. So without chapter 12, to file under chapter 11 or 13, it is a particular hardship on this kind of family farm business.

It is limited to family farmers, because under the provisions of this law, it specifically limits these chapter 12 provisions to a definition of the family farmer; and it eliminates many of the barriers that family farmers face when they seek to reorganize under chapter 11 or chapter 13.

Some have thought, as I mentioned, that continuing this as a temporary would somehow motivate the passage of the full bill. However, this is my fourth bill that has temporarily extended the chapter 12 bankruptcy for farmers that has passed through this Chamber. So I am not sure it is the motivator that some would hope.

In terms of amending this bill to add the judges, I objected to that simply because I do not want provisions in the bill that some Senators have indicated that they disagree with to slow down and reduce by any way the assurance that this bill is going to pass into law.

Let me say again, this relief is narrowly tailored to family farmers. Family farmers are those with debts less than $1.5 million, with 80 percent of their assets consisting of farm assets and 50 percent of their income coming from farm income. This ensures that it is only family farmers that qualify for these provisions.

Again, hopefully sometime we are going to be able to make this permanent.

Mr. Speaker, Chapter 12 of the bankruptcy code is a special provision available to America's family farmers in times of hardship. It allows family farms to reorganize their assets rather than liquidate them under our bankruptcy code. Without Chapter 12, Mr. Speaker, many farmers would be forced to sell off their farming equipment, which would mean that the farmer could no longer reorganize and farm in order to pay debtors.

Chapter 12 eliminates many of the barriers that family farmers face when seeking to reorganize under either Chapter 11 or Chapter 13 of the bankruptcy code. Unlike these others, however, Chapter 12 expired last June and needs to be renewed. Leaders in both the House and the Senate have hoped a total bankruptcy reform bill would become law with provisions to make chapter 12 permanent. My bill, H.R. 5540, would extend it, retroactively, through May of 2001. My preference and what this Congress should pass, is to make Chapter 12 permanent. Some have thought that continuing Chapter 12 as a temporary provision would somehow encourage Congress and the President to pass the complete bankruptcy reform package into law. However, we have now passed four of my bills for temporary extension out of this chamber. So Chapter 12 as a motivator has failed.

This relief is narrowly tailored to family farmers. Family farmers are those with debt less than $1.5 million, with 80% of their assets consisting of farm assets and 50% of their income from farm income. This ensures that it is only family farmers that qualify for these provisions.

Again, hopefully, we'll be able to enact Chapter 12 permanently when we pass much needed bankruptcy overhaul legislation. But we need to make sure that Chapter 12 is available to our constituents in the interim and it's vital that we pass this legislation before Congress adjourns.

Ms. BALDWIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, today we consider legislation to give family farmers another reprieve from the brinkmanship the Republican majority has been playing with the protection available under chapter 12 of the bankruptcy code. While I seriously doubt that anyone will vote against this bill, it is unfortunate that we are still playing politics with the future of family farmers in America. I do want to commend the gentlewoman from Wisconsin (Ms. BALDWIN), who has consistently and energetically fought to protect family farmers, sometimes against enormous odds. In the Committee on the Judiciary, on the floor of the House and in discussions with leadership and with her colleagues, she has been a powerful voice for the family farmer and truly one of their best advocates.

The legislation we are considering today is the result of her bipartisan efforts along with the efforts of the gentleman from Michigan (Mr. SMITH), whose commitment to family farmers is similarly without question. Yet despite this bipartisan support, we go on with temporary extension after temporary extension. In fact, the political games being played with family farmers have been so extreme that chapter 12 was actually permitted to go out of existence last July 1. Each time, every year we have extended chapter 12 by a scant few months. This bill does so for 11 months. This has been going on for years.

Why do we continue to string family farmers along? Why not finally pass a permanent extension? What policy justification can there possibly be to enact the permanent extension of chapter 12 when there is bipartisan agreement in both Houses that we should do so? I have yet to hear any policy justification. So it would be preferable to pass a permanent extension bill today. But this temporary bill is the best we can get in this Congress, so I urge everyone to approve it.

This legislation will also extend, finally, a number of temporary bankruptcy judgeships and provide for additional bankruptcy judgeships in areas where increasing workloads necessitate them. This judgeship legislation has always been noncontroversial in this House. It was passed by the House in the form of a bill sponsored by the gentleman from Illinois (Mr. HYDE), the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Michigan (Mr. CONYERS), and myself 4 years ago.

There has been no disagreement that these additional judgeships are absolutely necessary. In fact, the gentleman from Georgia (Mr. KINGSTON), who has introduced his own bill on this subject, has joined me and the gentleman from Michigan (Mr. DINGELL) as cosponsors of this legislation. As with chapter 12, there is no policy argument against providing the necessary judicial resources to process cases fairly and in a timely manner. Delay costs everyone, debtors and creditors alike. We owe it to families and businesses in our communities to ensure that our courts can function fairly and normally. No additions to the bankruptcy bench have been made since 1992 despite the many speeches delivered on this floor concerning the large rise in bankruptcy filings. These additions to the bench are long overdue and should be approved.

Mr. Speaker, if we do not pass this bill, cases will be delayed in overcrowded courts and families will lose their farms. We should do the people's business and pass this bipartisan, noncontroversial bill today.

□ 2230

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume, only for the purpose of also extending my gratitude to the gentleman from South Carolina (Mr. GRAHAM), to the gentleman from Georgia (Mr. KINGSTON), to the gentleman from Delaware (Mr. CASTLE), for continuously contributing to the final outcome in the passage of this bill.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation before us today. This bill extends the period in which family farmers may recognize their debts for ten additional months. H.R. 5540 will meet the needs of financially distressed family farmers by giving them a chance to keep their farms. In addition, this legislation will provide much needed bankruptcy judgeships several states including Alabama, California, Delaware, Georgia, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

While I do support this legislation, I would be remiss if I did not raise the issue that this legislation continuously has been extended because we have not yet brought forth acceptable bankruptcy reform legislation. Although we all agree that H.R. 5540 is necessary to aid our nation's farmers who are facing financial distress, we are constantly faced with the task of renewing this legislation instead of making it permanent. And it is well noted that the bankruptcy court system is overwrought with a backlog of cases and too few judges to handle the caseload. Despite the need to pass a bill that addresses important issues such as the needs of our farmers and our children as well as our nation's citizens and our bankruptcy courts, the leadership established a stealth process allowing wealthy creditors to severely undermine the goal of protecting the ability of small businesses to get a fresh start. The process questioned the integrity of the legislative process of the House. While conferees were appointed, no conference took place. Instead, a bankruptcy bill conference report was negotiated by a small group of staff working for a handful of Members in a closed door process, although the rules dictate that conference meetings must held in public. The most contentious issues were considered by the Republican leadership, excluding Democrats. This legislation was attached to an unrelated conference report and passed with minimal public scrutiny. Thankfully, the President has threatened a veto of this unjust legislation.

With H.R. 5540, we can ensure that for at least the next ten months, the family farmers are given the ability to engage in reorganization efforts. We also will make strides towards curing our nation's bankruptcy court system of serious backlog. I urge a "yes" vote.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 5540, which extends Chapter 12 of the Bankruptcy Code to June 1, 2001. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, was scheduled to expire last year, but it has been extended through enactment of separate legislation.

This Member would thank the distinguished gentleman from Michigan (Mr. NICK SMITH) for introducing H.R. 5540. In addition, this Member would like to express his appreciation to the distinguished chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished ranking minority member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in expediting this measure to the House floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the serious situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is extended. Moreover, it is this Member's hope that Chapter 12 bankruptcy is extended permanently as provided in the conference report of the Bankruptcy Reform Act of 1999, which passed the House by a vote of 237–174, with this Member's support, on October 26, 2000. Unfortunately, the Senate has yet to pass this conference report. Furthermore, this Member is an original cosponsor of the Bankruptcy Reform Act, that was introduced by the distinguished chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania (Mr. GEORGE GEKAS).

In closing, this Member would encourage his colleagues support for H.R. 5540, which extends Chapter 12 bankruptcy until June 1, 2001.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 5540, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges; and for other purposes."

A motion to reconsider was laid on the table.

STRIPED BASS CONSERVATION, ATLANTIC COASTAL FISHERIES MANAGEMENT, AND MARINE MAMMAL RESCUE ASSISTANCE ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2903) to assist in the conservation of coral reefs, as amended.

The Clerk read as follows:

H.R. 2903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000".

TITLE I—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

SEC. 101. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

SEC. 102. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Atlantic Coastal Fisheries Act of 2000".

SEC. 122. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

"SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated $10,000,000 for each of fiscal years 2001 through 2005.

"(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.".

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this subtitle, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this subtitle. Each biennial report shall evaluate the success of such assistance in implementing this subtitle.

TITLE II—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Marine Mammal Rescue Assistance Act of 2000".

SEC. 202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the stranding regions designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants shall give preference to those facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals in each of the respective regions, or subregions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year;

"(ii) data regarding average annual strandings and mortality events per region; and

"(iii) the size of the marine mammal populations inhabiting a geographic area within such a region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding the development of criteria for the implementation of the grant program and the awarding of grants under the program.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

"(1) $4,000,000 may be available to the Secretary of Commerce; and

"(2) $1,000,000 may be available to the Secretary of the Interior.".

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

SEC. 203. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population and other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

SEC. 204. CONVEYANCE OF FISHERY RESEARCH VESSEL TO AMERICAN SAMOA.

(a) In General.—The Secretary of Commerce (in this section referred to as the "Secretary") may convey to the Government of American Samoa in accordance with this section, without consideration, all right, title, and interest of the United States in and to a retired National Oceanic and Atmospheric Administration fishery research vessel in operable condition, for use by American Samoa.

(b) Limitation.—The Secretary may not convey a vessel under this section before the date on which a new replacement fishery research vessel has been delivered to the National Oceanic and Atmospheric Administration and put in active service.

(c) Operation and Maintenance.—The Government of the United States shall not be responsible or liable for any maintenance or operation of a vessel conveyed under this section after the date of the delivery of the vessel to American Samoa.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO NATIONAL MARINE SANCTUARY DESIGNATION STANDARDS.

(a) Technical Amendment.—Section 303(a) of the National Marine Sanctuaries Act (16 U.S.C. 1433(a)) is amended by striking "the Secretary—" and all that follows through the end of the sentence and inserting the following: "the Secretary determines that—

"(1) the designation will fulfill the purposes and policies of this title;

"(2) the area is of special national significance due to—

"(A) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(B) the communities of living marine resources it harbors; or

"(C) its resource or human-use values;

"(3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(4) designation of the area as a national marine sanctuary will facilitate the objectives stated in paragraph (3); and

"(5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.".

(b) Conforming Amendments.—Such Act is further amended—

(1) in section 304(a)(1)(C) (as amended by section 6(a) of the National Marine Sanctuaries Amendments Act of 2000) by striking "the Secretary shall"; and

(2) in section 304(a)(2)(E) (as amended by section 6(b) of the National Marine Sanctuaries Amendments Act of 2000) by striking "findings" and inserting "determinations".

(c) Effective Date.—This section shall take effect immediately after the National Marine Sanctuaries Amendments Act of 2000 takes effect.

SEC. 206. WESTERN PACIFIC PROJECT GRANTS.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 155 note) is amended by striking the last sentence and inserting "There are authorized to be appropriated to carry out this section $500,000 for each fiscal year.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. Young) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2903 will help manage and conserve America's fisheries and benefit marine mammals. Because of the press of time before we adjourn and the limited number of legislative days, we have folded together nearly a dozen previously House- or Senate-passed fisheries conservation measures. These bipartisan provisions include the reauthorization of the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, a grant program from marine mammal stranding networks, and a study of eastern gray whale populations. All these measures deserve our support.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of this legislation. The gentleman from Alaska (Mr. Young) has accurately described the contents of this legislation and we urge the Members of the House to support it.

This package includes several bills that have passed the House already this year.

These include measures to conserve striped bass and other Atlantic coastal fisheries, as well as provisions to improve our understanding of marine mammal strandings around the United States, including the strandings of gray whales which has been a significant problem on the California coast.

Finally it includes a few technical measures and a vessel conveyance to American Samoa that is supported by the Administration. I am aware of no opposition to this package, and I urge Members to support it.

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 2903. Included in this important bill are three measures I introduced that have already been approved overwhelmingly by the House.

First, the bill reauthorizes the Atlantic Striped Bass Conservation Act for Fiscal Years 2001, 2002 and 2003. It also requires the National Marine Fisheries Service to conduct an important study to determine the age distribution of Atlantic striped bass populations and the age structure necessary to maintain adequate recruitment and sustainable opportunities for Jersey Coast fishermen along Long Beach Island in my District.

The second bill reauthorizes the Atlantic Coastal Fisheries Cooperative Management Act through Fiscal year 2005, which encourages and assists states in the management of important recreational and commercial fisheries along the Atlantic Coast from Maine to Florida, such as the all important striped bass, summer flounder, and bluefish.

The third bill creates the John H. Prescott Marine Mammal Rescue Assistance Grant Program as well as authorizes a study on the unusual high mortality rates of eastern gray whale population along our Pacific coast.

Specifically, the Prescott grant program will fill a void under Title IV of the Marine Mammal Protection Act by making a small, but critical amount of money available through a competitive grant process to help cover a portion of the costs associated with day-to-day stranding events. I believe it is very important we demonstrate our support and appreciation for the efforts of all those people along our coasts who help our government agencies assist in the rescue, recovery and rehabilitation of stranded marine mammals.

I urge an "aye" vote.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young) that the House suspend the rules and pass the bill, H.R. 2903, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to reauthorize the Striped Bass Conservation Act, and for other purposes."

A motion to reconsider was laid on the table.

FORT MATANZAS NATIONAL MONUMENT BOUNDRY REVISION

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1670) to revise the boundary of Fort Matanzas National Monument, and for other purposes.

The Clerk read as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) Map.—The term "Map" means the map entitled "Fort Matanzas National Monument", numbered 347/80,004 and dated February, 1991.

(2) Monument.—The term "Monument" means the Fort Matanzas National Monument in Florida.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. REVISION OF BOUNDARY.

(a) In General.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) Availability of Map.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 3. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 4. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1670 will expand the boundary of Fort Matanzas National Monument in the State of Florida by approximately 70 acres. The monument was established by Presidential Proclamation in 1924 under the Antiquities Act. The two tracts of land, which are adjacent to the monument boundary, were donated to the United States in the mid-1960s. A third tract of land comprising 1.6 acres was erroneously omitted from the legal description of the monument at the time of its creation. However, it has been managed as part of the monument despite the fact that the United States does not hold title, although the local tax assessor regards it as Federal property. S. 1670 will expand the monument boundaries to include these three parcels. I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of S. 1670 by Senator GRAMM and the gentlewoman from Florida (Mrs. FOWLER). I urge the House to support this measure.

S. 1670 is an Administration proposed, introduced by Senator GRAHAM, to expand the boundary of Ft. Matanzas National Monument in Florida by including three tracts of land totaling approximately 70 acres.

Two of the tracts of land, which are located adjacent to the National Monument, were donated to the United States in the mid-1960s. However, no legislative authority existed at the time to include these properties in the Monument boundary, nor was any effort made since then to do so.

The third tract of 1.6 acres has been administered as part of the National Monument but is not technically within the boundary.

This noncontroversial bill passed the Senate on October 5, 2000. It is supported in the House by Representative FOWLER, who has introduced a House companion measure (H.R. 3200).

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1670.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2903 and S. 1670.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each de novo motion to suspend the rules on which further proceedings were postponed on Monday, October 30, 2000 in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1653;

H.R. 4020;

S. 2020; and

Concur in Senate amendment to H.R. 2462.

Proceedings on House Concurrent Resolution 397, on which the yeas and nays were ordered, will resume tomorrow.

PRIBILOF ISLANDS TRANSITION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1653, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1653, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes."

A motion to reconsider was laid on the table.

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4020, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4020, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to authorize the addition of land to Sequoia National Park, and for other purposes."

A motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY, MISSISSIPPI, BOUNDARY ADJUSTMENT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2020.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2020.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GUAM OMNIBUS OPPORTUNITIES ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2462.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO BILL BARRETT OF NEBRASKA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 40 minutes as the designee of the majority leader.

Mr. BEREUTER. Mr. Speaker, tonight I wanted to pay tribute to my colleague from the Third Congressional District in Nebraska, Congressman BILL BARRETT.

Nebraska has a very small House delegation, only three of us, and we are very close. We are very close for a variety of reasons. In addition to the fact that we are a small delegation, all of us happen to be of the same political party. Nebraska has a unique tradition in that we have a breakfast every Tuesday when the House and Senate are both in session to which we invite all Nebraskans and their guests visiting the Nation's Capitol to meet with us. We have been doing that since 1944, which I guess makes us the oldest breakfast on Capitol Hill.

It has forged a relationship, a close bond, even a bipartisan bond, within the delegation, that I think is one of the strongest in the Congress. It is a way for us to know each other well. It keeps us cooperating and working well, and our staffs as well. It has been my pleasure to learn much more about the capabilities and the personality of my good colleague from the Third District. BILL BARRETT represents a huge piece of America. The Third Congressional District is 66 counties in size, which makes BILL BARRETT's Third larger than 30 States, 30 individual States. He represents these 540,000 people scattered over about 63,000 miles.

BILL BARRETT, my colleague, is now serving in his fifth term as he prepares to retire from the Congress of the United States. He has not only had a distinguished career here in the House of Representatives during this five terms but he had a distinguished and very productive service to the State of Nebraska in many capacities before he came to the Congress of the United States. He had a very important leadership background in the Republican Party in our State, serving 10 years on the Republican State executive committee. He served as the State party chairman for two years, as well as on the National Republican Committee. Later, he was elected to the Nebraska unicameral legislature. In fact, he and I missed serving together only by a matter of days. He served 10 years in that body as well, and during the last 4 years he served as the speaker of our unicameral house legislature, our one-house legislature.

Things are very different in that body. Not only is it nonpartisan, and it truly has acted that way in most respects, it is, of course, unicameral. There are no party caucuses in that body, and the chairman and the speaker are chosen by secret ballot by the entire membership of the legislature.

Now, that is very different than the U.S. House of Representatives, indeed. BILL BARRETT was elected to two successive terms as speaker, covering a period of 4 years, by secret ballot by his colleagues in the Nebraska legislature, because of their confidence in his fairness and his capabilities. In fact, I think he may well have been the first person at the time to be voted two successive terms as speaker, because ordinarily it rotated from one member to another that was chosen by that secret ballot.

Well, BILL BARRETT is going home to the Third Congressional District. He has been a champion of agriculture, a statesman. He is a father of four children with his wonderful wife Elsie, and now he has two grandchildren. He says he wants to spend more time with those grandchildren and as a recent grandfather myself I do understand how all of these grandchildren we have are really super children, and I can understand why BILL wants to retire back to, I am sure, a very active life in business and government and public service in Nebraska. He will be going back to his hometown of Lexington, Nebraska, shortly.

I will continue, but I would be pleased to yield to my colleague, the gentleman from the State of Michigan (Mr. SMITH), who I think he serves together on the Committee on Agriculture with BILL BARRETT.

□ 2245

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding, because I have served with BILL for the last 7 years on the Committee on Agriculture, and I would like to just try to portray his diligence, enthusiasm and dedication to trying to make sure that the farmers not only in Nebraska survive, but the farmers all through the United States. We underwent a rewrite of the Federal agricultural policy. We are going to miss BILL BARRETT next year as we start the next 5-year rewrite. He has been a leader, of course, as chairman of one of the major subcommittees within the Committee on Agriculture; and I, as well as many of my colleagues in this Chamber, are going to miss BILL and Elsie. We hope they will come back and visit often. He has contributed enormously to the success of this Chamber, this body, and the committees on which he has served.

I thank the gentleman for yielding.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his remarks, and I know that BILL BARRETT and Elsie appreciate them as well.

The gentleman mentioned his service on the Committee on Agriculture. The other committee on which BILL served, as he has from the beginning, is now called the Committee on Education and the Workforce; and the chairman of that committee is here, the gentleman from Pennsylvania (Mr. GOODLING), and I yield to him.

Mr. GOODLING. Mr. Speaker, about a year ago, and to the detriment of this House, BILL BARRETT announced that he was retiring at the end of the 106th Congress. His public service did not begin in the Nation's Capital; he started at the grass-roots level. He has been active in local, State, and national politics for many years. In fact, he has served the Republican Party in one capacity or another for over 40 years.

He was first elected to the House of Representatives in 1990, and when we adjourn the 106th Congress, hopefully in the next day or 2 or 3, he will be completing his fifth term in Congress. I know there are many people here in Congress that will be sorry to see BILL retire, and I am sure there are quite a few people in Nebraska's third district that will miss his tireless service, considering he has been reelected by margins of 75 percent or more in each of his campaigns for the House. Everybody should envy that.

BILL served with me on the Committee on Education and the Workforce and is the vice-chair of the Committee on Agriculture and chairman of the Subcommittee on General Farm Commodities, Resource Conservation and Credit. Although we spend a lot of time in Washington, he always remembered the reason that he was here and effectively worked for business, child care, senior citizens, education, health care, rural development, agriculture, trade, and other issues vital to his residents in his district.

The third district of Nebraska can be proud of BILL BARRETT. His tenure here in the House is highlighted with many accomplishments and indeed evidence of his hard work. He was here when the Republicans made history and became the majority party in the House of Representatives for the first time in 40 years; and as a result, Congressman BARRETT was a valuable part of the majority that finally restored fiscal responsibility, balanced the Federal budget, and started to pay off the national debt.

Congressman BARRETT has always been an effective voice for rural America. His leadership contributed greatly to the Federal Agriculture Improvement Reform Act of 1996, which is helping to provide the basis for a strong and profitable agriculture sector in the 21st century. Over the years, he has worked to improve rural education. In fact, I think it is safe to say that in every debate, discussion or vote we had in the Committee on Education and the Workforce, BILL BARRETT was there, trying to make sure that we were addressing the needs of small rural schools. He would never let us forget that rural school districts could not compete against larger school districts for Federal education grants and has worked diligently to increase the flexibility so that these schools are in a better position to improve academic achievement.

Just this past week, he was instrumental in ensuring the passage of the Older Americans Act, and that was not an easy job. We have been trying to reauthorize that act for many, many years. About a year and a half ago, BILL came and said, I would be very happy to take that on as a challenge, if you want me to do so; and I said, I am sure that the subcommittee chairman, the gentleman from California (Mr. MCKEON), and I would be extremely happy if you would take on that challenge. Everybody thought that we did not make it again; but lo and behold, last week, through his consistent determination that it was going to happen, it was passed. So he has been very instrumental in that passage of the Older Americans Act.

So not only did Congressman BARRETT care about the programs that affected his district, he also cared about the individual constituents in his districts. I know that he felt one of the most important duties of a Member of Congress is constituent casework. He tried to always be there to lend a hand when his constituents needed help cutting through the government's red tape. He could not guarantee a solution to every problem, but he sure tried.

BILL BARRETT is a fiscal conservative, a dedicated public servant, a champion for agriculture and education, a respected statesman, and one of the nicest guys you will ever meet. I read somewhere that Bill has finally decided that he is at the point in his life where he would rather start the day with "good morning, Grandpa" instead of "good morning, Congressman." Well, I cannot say I disagree with him. I envy him, because I do not have any grandchildren to say that. He should be truly proud of the years that he has committed to Nebraska, and indeed our country; and I thank BILL BARRETT for his service, and I wish him and Elsie many years of happiness in the future.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, I do want to thank the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, for his remarks regarding our colleague, BILL BARRETT. I know that they will be very well received by BILL.

Mr. Speaker, he is exactly right, and I can imagine that he would be bringing up the interest of rural, not metropolitan, America in practically everything he did on the gentleman's committee. In fact, I asked for examples from his staff on three of the things that Bill was most pleased or proud of in recent times, and two of the things the gentleman mentions are indeed among them. His staff said, well, certainly one of the things is the reauthorization of the Older Americans Act.

Secondly, I know that he was involved in some issues that relate to schools and giving rural schools a better opportunity to use their funds more flexibly. I think it is called the Rural School Initiative, whereby included in the appropriations conference report it would allow rural schools to combine formula grants and apply for supplemental funds to offer extra flexibility and funding for locally determined education needs. Also, the passage of a bill, the Grain Standards and Warehouse Improvements Acts of 2000, which is extremely important to his district and to rural America generally.

It is true that BILL BARRETT is one of the nicest people you will ever run into. He regards everybody that he meets as a potential friend; and I think, as you walk with him through the halls of the House of Representatives, it is very interesting and complimentary to him that he is on a first-name basis with so many of the people on the staff who do exceptional work for us here in the House of Representatives. This is a special place to BILL, and the people that work here with us are special to him.

Mr. Speaker, I want to mention that my other colleague from Nebraska (Mr. TERRY) may not be able to join us tonight. I know he had, in effect, I believe baby-sitting duties for his three young sons, but I will submit his statement certainly for the RECORD here. I wanted to just read a couple of excerpts from the letter of our colleague from the second district in his first term, the gentleman from Nebraska (Mr. TERRY). He has this to say about BILL BARRETT: "He has spearheaded efforts to maintain alcohol fuels tax credit and in 1998, succeeded in extending a program vital to Nebraska's corn growers and a nation in need of renewable energy resources. He is a distinguished gentleman who is always well informed and insightful. Congressman BILL BARRETT, even though I was in my first term," Mr. TERRY goes on to say, "never pushed his advice on me; he was always available when I sought his sage advice on policy and procedure. Without exception, it was well grounded and rooted in his love for our State. There is no doubt his counsel made me a better representative for Nebraska, as the wonderful public servant that he is, Congressman BARRETT is an even more remarkable man for his devout faith, spirituality, and his unending love of his family."

I think in light of that last remark, it is not surprising to know that BILL BARRETT was, in fact, the chairman of the House Bipartisan Nondenominational Prayer Breakfast, which meets every Thursday here at 8 a.m.

BILL BARRETT is without a doubt the colleague that I have served with who is the most cooperative and friendly and totally dedicated person in his performance that I have had the pleasure to serve with. He has many friends here. He was elected as the president of his class, and I think continued to serve in that throughout his career here.

Among his classmates are two gentlemen that are alleged to look exactly like him. I know when the three of them are sitting together, as not only good friends, but they look alike, the gentleman from Illinois (Mr. EWING) and the gentleman from Michigan (Mr. KNOLLENBERG). They oftentimes will sit right over there, and they make sure that they have their glasses on at the same time so that they are almost indistinguishable, and sometimes I think they take great care in what they deliver in the way of comments on the House Floor because they might be mistaken for the other.

In any case, the gentleman from Illinois (Mr. EWING) is also leaving. He is also a distinguished member of the Committee on Agriculture that has been very helpful to BILL and to me and to our constituents. But I know that the gentleman from Illinois (Mr. EWING), and the gentleman from Michigan (Mr. KNOLLENBERG), in particular, asked me to express their extraordinary fondness and appreciation for the service that BILL BARRETT has rendered here as a Member of the United States House of Representatives.

Those of my colleagues that watch the proceedings of the floor will oftentimes find BILL BARRETT as the presiding officer of this body. Again and again, throughout the day and into the evenings, he is a person you could rely upon to give fair kinds of decisions and good council and dignity to the Chamber as a presiding officer.

So BILL BARRETT and Elsie, we are going to miss Bill here very much. We know that you are going to be happy to have more of his time. But we look forward to the last few days of service here with BILL BARRETT, and then I look forward to continuing to work with him as a citizen of our State of Nebraska.

Mr. TERRY. Mr. Speaker, I rise today to pay tribute to a great Nebraskan, a respected colleague, and a tremendous friend. Congressman BILL BARRETT is not only a consummate gentleman and a devoted public servant, but he is also able to balance his weighty duties in Congress with his even weightier duties as a father of four, a proud grandfather, and a husband to his remarkable wife, Elsie. Congressman BARRETT has my admiration and respect for a life of public service, and the admiration, respect, and thanks of the entire state of Nebraska. Upon his retirement, he will be missed by an entire state that has looked to him for leadership and guidance in his 30 years of public service.

Congressman BARRETT officially began a life in politics as a member of the Nebraska State Republican Party. He served as Chairman from 1973 to 1975. In 1979 he was elected to Nebraska's State Legislature where he ascended to become Speaker of the Unicameral for his last four years there, from 1987 to 1991. Congressman BARRETT was elected to this body of Congress in 1990. He has spent his entire life devoted to his districts, his state, and his country.

Congressman BARRETT'S most notable accomplishment in Congress came in 1996, when his leadership on the Agriculture Committee greatly contributed to passage of the Freedom to Farm Act. The Act's sweeping reforms brought much-needed change to antiquated farm-subsidy programs by replacing them with market-based policies that allow our producers to better compete in a global agricultural economy. He also spearheaded efforts to maintain alcohol fuels tax credits, and in 1998, succeeded in extending a program vital to Nebraska's corn growers and a nation in need of renewable energy resources. Nebraska's farmers, and America's farmers, owe Congressman BARRETT a debt of gratitude.

Before I ran for Congress, I met with Congressman BARRETT on only a half-dozen occasions. He always strikes me as a person who epitomizes Congress. He is a distinguished gentleman who is always well-informed and insightful. It was only after I was elected to this body in 1998 and spent a great deal of time with Congressman BARRETT that my appreciation and respect for him as a person, a father, a grandfather, and a friend blossomed. Plenty of my colleagues are willing to offer advice, but few offer it as genuinely. Congressman BARRETT never pushed his advice on me; he was always available when I sought his sage advice on policy and procedure. Without exception it was sound and rooted in his love for our State. There is no doubt his counsel made me a better representative for Nebraska.

As wonderful a public servant he is, however, Congressman BARRETT is even more remarkable a man for his devout faith, spirituality, and his unbending love of family. When he told me he was days away from announcing his retirement, water welled in his eyes as he looked at my children, Nolan, age 5, and Ryan, age 2, and said, "My grandkids are about the same age and I want to go home and spend time with them." I wish only the best for Congressman BARRETT'S family as they gain as a grandfather what we in Congress lose as a colleague. I am fortunate to always have in him a true friend.

, Bill, you have the Terry family's and the State of Nebraska's humble thanks and eternal gratitude. We wish that in your retirement, your only job as a grandfather, you find the same fulfillment and richness you found in your years of service to Nebraska and to our great country. God bless you.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

A GENERATION AT RISK

The SPEAKER pro tempore. As no Member is present to take the time reserved to the minority leader, the Chair recognizes the gentleman from Michigan (Mr. SMITH) for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, happy Halloween. This is probably as close as I am going to get to my grandchildren tonight, and they are sort of demonstrating their Halloween outfits. My daughter, Elizabeth, and her husband, Fred, are the mom and dad to Salena and James, and then everybody else comes from Brad and Diane, and Brad and Diane live with me on the farm. Brad is an attorney in Ann Arbor, but a farm guy at heart, and these guys are all 4-Hers. Just to prove to my wife that I can do this, this is Henry and George and Emily and Clair and Francis and Nick, and Alexander is missing from this picture.

I start with this picture because, Mr. Speaker, I am going to make some comments tonight about Social Security. If there is a generation at risk, if we continue to fail to make the changes necessary to keep Social Security and Medicare solvent, this is the generation at risk.

The next chart I am going to show is why they are at risk, because it represents what we have done on tax increases on Social Security in the past. In 1940, the rate was 2 percent, 1 percent for the employee and 1 percent for the employer. The base was $3,000, so the total tax per year for employee and employer was $60.

□ 2300

By 1960, it got up to 6 percent of the first $4,800 for the total tax, employer and employee, $144 each, $288 combined. By 1980, we again increased taxes, and we were doing this as the number of workers per retiree kept going down.

In 1940, we had 38 workers paying in their Social Security tax, 38 of them, to cover the benefits of one retiree. Today, as our tax rate has gone to 12.4 percent of the first $76,000 for a total of $9,448, we have three workers paying in that large tax to cover the benefits of every one retiree, and the guess is that within 20 years to 25 years, we will be down to two workers.

Mr. Speaker, I am concerned about my grandkids and everybody's grandkids, in terms of the kind of tax they are going to be asked to pay if this country continues to give them the burden of a greater debt, a greater mortgage.

I am a farmer from Michigan; and on the farm, we always had a goal of trying to pay down the mortgage so that our kids had a little better chance of having a good life, of having some income, as compared to their parents and their grandparents. This Chamber, this body, the Senate and the President has started borrowing money, because somehow we feel that we are so important in this generation that we can borrow more and more money.

The debt of this country is now $5.6 trillion that we are justified in borrowing this additional money to satisfy what we consider very important needs of this existing generation, if you will; and we leave our kids with that larger mortgage, that larger debt. I think that is bad policy, what we have started doing of not using the Social Security surplus money coming in.

After the 1983 taxes that drove this up to 12.4 percent and indexed the base rate, which is now $76,000 going with inflation, for a short period of time, there is more money coming in than is used for benefits; and what has been happening for the last 40 years is Congress has been spending that extra money on other government programs. So the money sort of disappears.

We started 3 years ago, it was a bill I originally introduced, that said we have to have a recision. We cannot spend the Social Security surplus. With the bill of the gentleman from California (Mr. HERGER) last year, we passed what was called a lockbox. And the lockbox simply said we are not going to use any of the Social Security surplus for any government programs, and it is going to be used for Social Security or to pay down the debt held by the public. That is what we did last year.

It got popular support, so the President went along with it. This year we came up with another policy tool and said, look, the American people will support us if we say that we are going to take 90 percent of the surplus. Look, times are good now. There is extra money rolling in. And the danger is, of course, that this Chamber decides to spend it on government programs, rather than paying down the debt.

We decided in our Republican Caucus about 4 weeks ago that we were going to draw the line in the sand on spending and say at least 90 percent of that surplus is going to be used to pay down the debt held by the public, and that is what we are arguing about now is what to do with the other 10 percent. That is significant, because it still is going to increase spending substantially.

Speaking of Halloween, I personally feel that we sort of got tricked by the President last night when he vetoed the Treasury Postal bill and Legislative Service branch bill. He vetoed it because he wanted something in the legislation that we are now debating that this Congress was not sure that they wanted to give him, so he decided to veto that bill.

Mr. Speaker, it sets us farther behind. I think it was a disservice to the communication, to the cooperation between the Congress and the White House, and I think probably it is going to end up that we are going to have that much greater difficulty coming to a bipartisan agreement on these appropriation bills in the next couple of weeks.

Social Security has been a debate with both Governor Bush and Vice President GORE. We have heard on the campaign trail what do we do about Social Security. And the Vice President has criticized Governor Bush for wanting to take some of this money and put it into privately owned retirement accounts that could be invested in safe investments.

The criticism was that the Governor was taking a trillion dollars away from Social Security to pay benefits and he was trying to use it for both setting of personal retirement accounts and trying to pay benefits with it at the same time.

I thought it would be good to review just what is happening over the next 10 years with Social Security revenues. Revenues coming in to Social Security over the next 10 years are going to be $7.8 trillion. The costs of benefits over this next 10-year period are going to be $5.4 trillion; that leaves a surplus or an extra amount of $2.4 trillion.

Governor George Bush was suggesting that we take $1 trillion down here at the bottom green, $1 trillion out of that $2.4 trillion and use it for, if you will, transition, starting to set up these personally owned accounts for individuals that if they die it goes into their own estate. Unlike Social Security today, if you pay in all of your life and you die before you go into retirement, you do not get anything.

This other chart sort of represents the problem, some of the rewards that some people would have if they were to invest with the magic of compound interest. This chart shows that a family that has $58,475, and that was figured an average for an area of Michigan, that if they put that into an investment and invested, the blue would be 2 percent of their income, the pink would be 6 percent of the income, purple would be 10 percent of their income. If they just invested it for 20 years with the magic of compound interest, in 20 years they would be at 2 percent. It would be worth $55,000; and this is at 2 percent of the investing, 2 percent of their earnings. If they invested 10 percent, it would be worth $274,000 in 20 years.

But most of us start working at 18, 20, 22, and we work for 40 years until we are 62 or 65 maybe even. So if you were to leave money for 40 years, which is the far right-hand bar charts, and you were to do it for 2 percent of your income, you would accrue $278,000, if it was 6 percent of your income. Remember, Social Security taxes are 12.4 percent of everything you earn.

If you were to do it for the 6 percent, it would be $833,000; or if you would invest 10 percent of that income and leave the 2.4 percent for the disability insurance part of the Social Security, if you were allowed to invest that, you would end up with a $1,389,000. At 5 percent interest, you could have $70,000 a year and not even go into the principal.

Social Security started with, of course, Franklin Delano Roosevelt in 1935. When President Roosevelt created the Social Security program, he wanted it to feature a private sector component to build retirement income. And Social Security was supposed to be one leg of a three-legged stool to support retirees. The other two legs were to be personal savings and private pension plans.

It is interesting researching the archives and the debate in the House and the Senate. The Senate on two different votes in 1935 said that private investment savings, that could only be used for retirement purposes, but owned by the individual should be an option to a government-run program. When the House and the Senate went into conference, the House prevailed, and we ended up with a total government-run program.

□ 2310

And now, because of the demographics, because people are living longer life spans, when we started Social Security the average life span was 62½ years. That meant that most people paid into Social Security all their life, but did not get anything out of it. The system worked very well then.

But now, people are living longer and, at the same time, the birth rate has decreased substantially after the baby boomers, and so we ended up with fewer workers for more retirees, which makes the pay-as-you-go program not workable anymore. Social Security is now insolvent as scored by the Social Security actuaries.

So the problem facing this Congress is how do we come up with the extra dollars to pay the benefits? I think we have made a commitment to retirees. We take their money while they are working and the implied commitment is that they are going to get something when they retire. However, when this was challenged to the Supreme Court, when government refused payment at one time, the Supreme Court on two different occasions now has ruled that there is no entitlement for Social Security. That Social Security is simply a tax that Washington has imposed on workers and any benefits are simply another law that is passed to give some benefits, but there is no relationship, no entitlement.

So the argument for at least some of that money being in private-owned accounts where Washington cannot reduce benefits, or yet again increase taxes, I think has a great deal of merit, above and beyond the fact that we can get a lot better return on our investment with some of those investments.

Let me just briefly show the predicament that Social Security is in. Seventy-eight million baby boomers begin retiring in 2008. They are now paying in at maximum earning. These are big earners paying in a heavy tax on that higher base and they are going to go out of the paying-in mode and start taking out. Because benefits are directly related to what we paid in and what we earned, their benefits are going to be higher than average.

So the actuaries are now predicting that we are going to be short of money and not having enough money by 2015. Social Security trust funds go broke in 2037, although the crisis arrives much sooner. The crisis arrives in 2015 when there is less money coming in in taxes than there is needed to pay benefits.

So the question is for Social Security, how do we come up with that extra money? It is not just speculation from people with green eyeshades on, economists making some predictions. It is an absolute. Insolvency is certain. We know how many people there are. We know when they are going to retire. We know people will live longer in retirement. We know how much they will pay in and how much they will take out. And we know payroll taxes will not cover benefits starting in 2015.

The shortfall will add up to $120 trillion between 2015 and 2075. $120 trillion. To put that in some kind of perspective, our current budget that we are just passing for this year is $1.9 trillion. The $120 trillion is in tomorrow's dollars. The way Alan Greenspan, Chairman of the Federal Reserve, expressed it is the unfunded liability is $9 trillion. In other words we would need $9 trillion today to come up with the tomorrow dollars that are going to be the inflated dollars to cover the $120 trillion needed over and above what is coming in in Social Security taxes.

So, Mr. Speaker, we know there is a huge problem, and yet we have avoided dealing with it because there is a fear by maybe both sides of the aisle, maybe by the President, that they would be criticized for making some changes in Social Security. And that is obvious. As we listen to the campaigners for the Congress, for the Senate, for the presidency, they want to criticize the other person's Social Security plan. They want to scare people. And it is easy to scare people, because we have almost one-third of our retirees today that depend on Social Security for 90 percent or more of their income. So we can understand, Mr. Speaker, why and how it is easy to demagogue this issue of Social Security.

As I mentioned before, this chart shows the number of workers per each one retiree. In 1940, there were 38 workers paying in their Social Security tax to cover the benefits of each one retiree. Today, there are three. By 2025, there is going to be two. So an extra burden, an extra tax on my grandkids, on everybody's kids and grandkids, and on young workers today if we do not face up to the problem.

This represents the short-term surplus in the blue, and that is because we dramatically increased the Social Security taxes in 1983. We also reduced benefits when Congress dealt with the program in 1983 and we did that in 1977 also. In 1977, when push came to shove on needing additional money, we reduced benefits and increased taxes.

It seems to me that those have got to be part of the criteria of everybody's proposal, they are of Governor Bush's. No tax increases. No cuts in benefits for existing retirees or near-term retirees. And we could have it optional to allow other workers to either stay in the old program or have the opportunity to have some of that money in their name that could be invested in a limited number of safe accounts such as the Thrift Savings Plan, such as the 401(k)s, but even with more restrictions because it could only be used for retirement.

The red represents the $120 trillion I talked about or the $9 trillion unfunded liability today that would have to go in a savings account earning a real return of 6.7 percent.

Some have suggested economic growth. In fact I read in Investors Business Daily yesterday the suggestion if economic growth continues, it is going to help solve the problem of Social Security. Not so. Here is what happens with economic growth. As wages increase and the economy expand, because of the fact that we index Social Security benefits to wage inflation, which is substantially higher than normal inflation, Social Security goes up faster than normal inflation.

My proposal, in one of the three Social Security bills that I have introduced, the last one and the one before that, over the last 5 years it changes the wage inflation to traditional economic inflation so benefits grow with inflation instead of at the faster rate of wage inflation. When the economy grows, workers pay more in taxes, but also they will earn more in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill in later.

So when we have more employment, and the unemployment is at record lows right now, more people are working, more people are paying in their Social Security taxes. The higher wage earners are, because taxes are directly related to earnings, the higher wage earners are even paying in higher taxes. But because Social Security is indexed to wage inflation, everybody is going to get a higher benefit. Those higher wage earners, because Social Security benefits are also directly related to the wages and the Social Security taxes we pay in, in the future are going to get the higher benefits.

So even though it helps in the short run, ultimately benefits have to pay out to accommodate those higher wages. So a strong economy does not cure the Social Security problem.

Mr. Speaker, I just wanted to mention that the administration has used these short-term advantages as an excuse to do nothing. I think we have missed a real opportunity in the last 8 years not to move ahead with Social Security. I thought we were close, and in this Chamber I stood up and cheered and clapped when President Clinton said he was going to put Social Security first and we were going to do something about solving the Social Security problem.

There is no Social Security account with our name on it. A lot of people think that somehow the money they pay in is into their own private account. These trust fund balances are available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense. They are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or reducing some other expenditures.

What we have done in the past is increased taxes. So that is why I am concerned that it could develop into almost generational warfare if we start asking our future workers to start contributing a 50 percent increase in their current taxes. The economic predictors are suggesting that within the next 40 years, without changes in the programs, even if we do not add extra benefits such as prescription drugs or whatever, simply to cover the existing program promises of Social Security, Medicare and Medicaid, it is going to take a 47 percent payroll tax.

□ 2320

So payroll taxes would have to go to 47 percent to cover Social Security needs and the Medicare and Medicaid. I think of what would we do today if we were workers paying that kind of tax in addition to an income tax to finance the other operations and functions of Federal Government. I think there would be a rebellion.

That is what we have got to start looking at is how do we start paying down the debt, how do we start making corrections while we have a surplus coming in so that we do not run into this huge problem in the future. The longer we put off the solution to fix Social Security, the more drastic the changes are going to have to be. I know that for a fact.

I introduced my first bill when I came to Congress in 1993, my second bill and every term since. So I have introduced four Social Security bills. The last three were scored by the Social Security Administration that, in their determination, that these bills kept Social Security solvent for the next 75 years.

I was appointed as chairman of the Committee on the Budget's bipartisan task force on Social Security. So we brought in experts from, not only this country, but around the world to discuss what the problems of Social Security were, how they work, what was the internal operation of Social Security, what was the real problem of Social Security, what were some of the ways that we might fix Social Security.

The Vice President has suggested one way to fix Social Security would be to pay down the debt and use the interest savings to help pay for benefits, and that would keep Social Security solvent over the next 57 years. So he is suggesting, over the next 57 years, there is a shortfall of $46.6 trillion that will be needed in addition to the money coming in from the Social Security tax to cover the benefits that we say we are going to cover. He is suggesting, by paying down this $3.4 trillion debt and using that interest, it will keep Social Security solvent. That is, well I hate to say it, but that is fuzzy math. That is not going to work.

Here is another chart, trying to portray this in a different way. The interest that we are paying on the debt held by the public is $260 billion a year. So there is some reasonableness to add another IOU to the trust fund or to use this money, instead of paying it on interest, to dedicate it to Social Security. But if we dedicate that $260 billion to Social Security, then we are still left with a shortfall of $35 trillion.

So the Vice President's program is not going to accommodate the needs to keep Social Security solvent over the next 57 years.

Again, the problem is how do we come up with the money when we run out of tax money and tax revenues coming in? The biggest risk is doing nothing at all.

Social Security has a total unfunded liability, as I mentioned, of $9 trillion. The Social Security Trust Funds contain nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. Neither one of those options I think is reasonable. That is why we have got to get a better return on the investment of the dollars that are now being sent in in the way of taxes.

Social Security lockbox, we passed it out of this Chamber. It says we are not going to spend any of the Social Security surplus. For the last 40 years, we have spending the Social Security surplus money for other government programs. We put a stop to that with a lockbox. We passed it out of this Chamber. Now it is lagging in the other Chamber. I am sure if the President of that Chamber, the Vice President of the United States, would say, look, let us move this bill out, it would go out. I am sure the President would sign it into law. Then it would be an absolute lockbox.

The diminishing returns of one's Social Security investment. The average retiree now gets 1.9 percent back on the money that they and their employer send in on Social Security. That is over and above the 2.4 percent that are needed for the disability insurance.

The disability insurance is really an insurance program. It is proper that that strictly be a total Federal Government operation. One pays in one's 2.4 percent to cover the insurance that says, look, if one gets hurt or disabled, then one is going to get these kind of benefits out of the Social Security Administration.

So there is no proposals in Congress or in the Senate that suggest that we reach in in any way to that part of the disability insurance program. So when I suggest that 1.9 percent return, I am talking about the rest of one's Social Security contribution taxes that one and one's employer puts in.

On the average, we get 1.9 percent, the middle bar. But over here, we see some people get a negative return. As it happens, minorities, for example, are one group that gets a lower return on their particular investments.

The average return of the marketplace, by the way, is running 7 percent. So the question is, can we do better than the 1.9 percent real return? I think even CDs are paying much better than that now.

So how do we make the transition? If we were to have some private investment, what would that do to the economy of this country? The estimate is that, if we would allow 2 percent out of the 12.4 percent of one's Social Security tax to be invested, maybe 60 percent in equities, 40 percent in indexed equities, 40 percent in indexed bonds, within 15 years, there would be an extra additional $3 trillion invested.

What happens to these investments? It goes into companies and businesses to allow them to buy the state-of-the-art equipment, to allow them to do the research to make sure that they are producing the kind of products that people around the world want to buy and the kind of technology that is going to allow us in the United States to produce them more efficiently than any other country. I mean, that is what we have been doing.

I chair the Subcommittee on Basic Research in the Committee on Science. Research is vital. But for the private sector to have the impetus to do that kind of research and develop that kind of equipment that keeps us productive, efficient, and competitive means that they have got to have that investment.

So savings and investment is key. That is why I first became interested in Social Security. I was chairman of the Michigan Senate Finance Committee, and I wrote my first Social Security bill actually while I was in the Michigan Senate because of the fact that our savings and investment in the United States are one of the lowest in the industrialized world.

If we expect that we are going to continue to motivate and have the money for these businesses to do the research and the development, then we have got to have that kind of savings and investment. We give some encouragement by saying to the average worker in this country we are going to allow one to invest part of that tax money. It is going to be in one's name. It is going to be limited, safe investments. One can only use it for retirement. But it means that there is going to be more savings and investment, which is going to spur our economy.

This graph, this bar chart is another way of describing that Social Security is a bad investment for the American worker.

It only took 2 months in 1940. But in 1960, one had to live 2 years after retirement to get back all of the money to break even, to get back all the money one and one's employer put in. By 1980, one has to live 4 years after he retired. By 1995, one has to live 16 years after one retired. So that is living 4 years after one retired in 1980, living 16 years after one retired in 1995, living 23 years after one retired in 2005, just to break even. It is a bad investment on Social Security.

□ 2330

Can we do better on that investment? Can we have a system that allows an average income worker to make some of those investments, to benefit from the magic of compound interest and become a wealthy retiree? The answer is yes, we can do that.

Here is another problem. We kept upping the taxes on the American workers to the point where 78 percent of American workers today pay more in the Social Security tax than they do in the income tax. And that is a very regressive tax.

The six principles of saving Social Security: Protect current and future beneficiaries. Allow freedom of choice. Freedom of choice means you can either take the option of having some of that money in your own name and having the Government say, okay, you can invest it in an indexed stock or an indexed bond or an indexed global fund but safe investments, as determined by the Social Security Administration or by Congress, when they pass the law.

It preserves the safety net. It never touches the disability insurance portion. Makes Americans better off, not worse off. And creates a fully funded system and no tax increases and no reduction in benefits for existing or near-term retirees.

Personal retirement accounts. They do not come out of Social Security. They stay in the system. Some have suggested that you can have these personal retirement accounts and invest them in some of these limited investments and for every $6 you make in your equity investments you would lose $5 in Social Security benefits. So it is a no-lose situation if you were to devise something like that.

In my last piece of legislation, what we did is say that we are going to assume that you can get at least 3½ percent interest real return on your investment and, so, you would offset Social Security benefits.

The other thing I do in my legislation to help keep the Social Security system solvent is I change it from wage inflation to normal economic inflation as far as indexing the increase in benefits. And the third thing I do, I slow down the increase in benefits for high income recipients of Social Security.

It ends up being scored to keep Social Security solvent for the next 75 years with the extra return that can come in from these privately-owned personal retirement accounts.

Personal retirement accounts. I think the important part is that a worker will own his own retirement account and it will not be subject to decisions made by the United States Congress or the President and it is limited to the safe investments and they can earn more than 1.9 percent paid now by Social Security.

Here is an example of some of the personal retirement accounts. If John Doe makes an average of $36,000 a year, he could expect $1,280 a month from Social Security or $6,514 from his personal retirement account.

Galveston, Texas. When we passed Social Security in 1935, there was an option for local and State to not go into the Social Security program and to set up their own personal retirement accounts. Galveston, Texas, ended up doing that. In Galveston, Texas, if you die, your death benefits in Galveston under their personal retirement investment plan is $75,000. Social Security would pay 253, the disability benefits for a month, and Social Security $1,280. The Galveston plan is $2,749. Retirement benefit per month $1,280, same as disability. The Galveston plan, on their personal retirement investments, the way they have come out with their investments, is $4,790 a month.

I am trying to just show the advantages and the magic of compound interest compared to a Government-run programs, the pay as you go, that does not have any savings, that does not have any real investment. It does the same thing with their PRAs, personal retirement accounts.

A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current system, he would contribute twice as much but receive only $1,077 from Social Security.

The U.S. trails other countries. And I was concerned. I represented the United States in describing our Social Security our public pension system in a meeting in London 4 years ago, and I was impressed at the number of countries around the world that are much more advanced than we are in terms of getting some real return on that tax contribution for their senior citizens.

In the 18 years since Chile offered PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. And, among others, Australia, Britain, Switzerland offer workers PRAs and they have gone into that system with a better rate of return.

The British worker who chose PRAs is now averaging a 10-percent return. And two out of three British workers that are enrolled in the second tier they call it, allowing you to have some options with half of your Social Security taxes, have invested in that system and the British workers have enjoyed a 10-percent return on their pension investment. The pool of PRAs now in Britain is $1.4 trillion, larger than the rest of the economy of the whole of Europe.

This chart demonstrates what has happened in equity investments over the last 100 years. And so, some have suggested the market is too risky to invest with the ups and downs. That is why I think it is important that you have indexed investments where you have part of the investment in equities and part of the investment in bonds and part of it would depend on the age that you start these private investments.

The average for the last 100 years has been a real return of 6.7 percent. In the lowest years, in 1917 and 1918, still it was three and a half percent, well above the 1.9 percent return that you are getting from Social Security. But again, if you leave the money in an indexed type of investment, there has never been a period, even around the worst recessions of ever 1918 or 1929, there has never been any 30-year period where there was not a positive return on your investment greater than what can be made from Social Security. And again, the average of 6.7 percent real return.

I want to conclude by suggesting that maybe we should be positive in our outlook. We have come a long way. We have made a decision to stop the spending of the Social Security surplus. That was good.

When Republicans came in in 1995 after being in the minority in this chamber for I think almost 38 years, we came in very aggressively determined that we were going to balance the budget.

□ 2340

When President Clinton came in in 1993, he and the Democrats decided to increase taxes, so an increase in Social Security tax, an increase in gas tax and other increases in taxes that ended up being one of the largest tax increases in history, 2 years later the American people decided that they were going to give the Republicans a chance in the majority, and what Republicans did is they did not spend that increased revenue.

We caught heck from the Dems. They suggested that we were going to throw hungry children out in the street and there were going to be people without shelters as we suggested that there should be welfare reform. We sent that welfare reform bill twice to President Clinton and Vice President GORE. Both times they vetoed it. Then the public pressure built, so in the spring of 1996, we passed welfare reform. What was amazing about that, I think, is that it started putting people to work, and it started giving them respect for themselves. Instead of just a hand out, it was a hand up. We made a tremendous change in this country. We were fortunate, I think, to have economic growth.

Now the question before us is how do we save Social Security, how do we save Medicare for future generations without putting our kids and our grandkids at risk in terms of the obligation of potentially higher taxes. The way we do it is start dealing with this problem today, start making the changes necessary, stopping the talk and the promises and going ahead with solving Social Security. Several bills have been introduced in this Chamber, several bills in the Senate. I am disappointed that the President has not presented legislation that could be scored as keeping Social Security solvent by the actuaries. And so the challenge for the next President is going to be to face up to some of these tough issues of keeping Social Security solvent. I am optimistic about the idea of at least some of that money being allowed to be used for personal retirement accounts, not only to have some ownership from those individual American workers but also to have some of the magic of compound interest so you can retire as an even richer retiree than you might have been an average worker.

Of course, the third issue is the increased savings investment and its impact on economic expansion and development and making sure that this great country continues to be the greatest country in the world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEORGE MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. LEACH, for 5 minutes, November 1.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On October 30, 2000:

H.J. Res. 120. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 1, 2000, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second and third quarters of 2000, by committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Canty	4/25	4/27	N. Antilles		950.00		1,888.80				
	4/27	4/29	Equador								
Carson Nightwine	4/25	4/27	N. Antilles		950.00		1,888.80				
	4/27	4/29	Equador								
Caroline Katzin	4/26	4/28	Nicaragua		497.50		792.28				
Thomas Costa	5/19	5/23	Haiti		292.00						
Robert Taub	6/6	6/12	Canada		1,790.00		581.00				
Elizabeth Clay	6/16	6/24	Germany		1,600.00		4,524.72		252.80		
Committee Total					6,079.50		9,675.60		252.80		16,007.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, July 15, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Costa	8/15	8/16	Eritrea		368.00		7,457.92				
	8/16	8/18	Saudi Arabia		332.00						
	8/18	8/23	Sudan		880.00						
	8/24	8/26	Ethiopia		530.00						
David Rapallo	8/15	8/16	Eritrea		368.00		7,457.92				
	8/16	8/18	Saudi Arabia		332.00						
	8/18	8/23	Sudan		880.00						
	8/24	8/26	Ethiopia		530.00						
John Mica	8/22	8/25	Ireland		843.00						
	8/25	8/28	Russia		1,029.00						
	8/28	8/30	Estonia		434.00						
	8/30	8/31	Netherlands		492.00						
	8/31	9/3	UK		815.00				282.54		
Sharon Pinkerton	8/21	8/26	UK		2,148.00		5,596.43		617.97		
	8/27	9/1	Netherlands		1,593.16				148.18		
Kevin Long	9/14	9/18	Columbia		884.00		1,827.80				
Michael Yeager	9/14	9/18	Columbia		884.00		1,827.80				
Carson Nightwine	9/14	9/18	Columbia		884.00		1,827.80				
Michael Canty	9/14	9/18	Columbia		884.00		1,827.80				
Committee total					15,110.16		28,106.01		1,532.30		44,748.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Oct. 30, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10814. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Decreased Assessment Rate [Docket No. FV00–920–3 FIR] received October 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10815. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Farm Reconstitutions and Market Assistance for Cottonseed, Tobacco, and Wool and Mohair (RIN: 0560–AG19) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10816. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—2000 Crop Agricultural Disaster and Market Assistance (RIN: 0560–AG18) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10817. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 00–049–1] received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10818. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Change in Disease Status of KwaZulu-Natal Province in the Republic of South Africa Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 00–104–1] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10819. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 25 percent, revised, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

10820. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program, (RIN: 1845–AA12) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10821. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Family Education Loan (FFEL) Program and William D. Ford Federal Direct Loan Program (RIN: 1845–AA16) received October 30, 2000, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10822. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program (RIN: 1845–AA11) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10823. A letter from the Secretary, Department of Energy, transmitting a report on the Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Fourth Quarterly Report; to the Committee on Commerce.

10824. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 92F–0305] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Division of Corporation Finance, Securities & Exchange Commission, transmitting the Commission's final rule—Delivery of Proxy Statements and Information Statements to Households [Release Nos. 33–7912, 34–43487, IC–24715; File No. S7–26–99] (RIN: 3235–AH66) received October 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(b), pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

10827. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–443, "Bail Reform Temporary Act of 2000" received October 31, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

10828. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10829. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10830. A letter from the Benefits Manager, CoBank, transmitting the annual report to the Congress and the Comptroller General of the United States for the CoBank, ACB Retirement Plan for the year ending December 31, 1999, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

10831. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Placement Assistance and Reduction in Force Notices (RIN: 3206–AJ18) received October 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10832. A letter from the Director, Congressional Affairs, Overseas Private Investment Corporation, transmitting the Corporation's final rule—revisions to the Freedom of Information Act regulations (RIN: 3420–ZA00) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10833. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program—received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10834. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—New Mexico Regulatory Program—received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10835. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northwestern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest [Docket No. 000407096–0096–01; I.D. 101700A] received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Subdivision of Restricted Areas R–6412A and R–6412B, and Establishment of R–6412C and R–6412D, Camp Williams, Utah [Airspace Docket No. 00–ANM–10] (RIN: 2120–AA66) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the East Coast Low Airspace Area [Airspace Docket No. 99–ANE–91] (RIN: 2120–AA66) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Albany, KY [Airspace Docket No. 00–ASO–20] received October Transportation and Infrastructure.

10839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of the Sacramento McClellan Air Force Base (AFB) Class C Airspace Area, Establishment of Sacramento McClellan AFB Class E Surface Area; and Modification of the Sacramento International Airport Class C Airspace Area; CA [Airspace Docket No. 99–AWA–3] (RIN: 2120–AA66) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Columbia, KY [Airspace Docket No. 00–ASO–21] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the San Francisco Class B Airspace Area; CA [Airspace Docket No. 97–AWA–1] (RIN: 2120–AA66) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program [Docket No. FAA–2000–7497; Amendment No. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–78] (RIN: 2120–AH01) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney (PW) JT9D–7Q, and JT9D–7Q3 Turbofan Engines [Docket No. 2000–NM–98–AD; Amendment 39–11938; AD 2000–21–06] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2000–NM–10–AD; Amendment 39–11935; AD 2000–21–03) (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 2000–NM–123–AD; Amendment 39–11937; AD 2000–21–05] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10846. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–379–AD; Amendment 39–11934; AD 2000–21–02] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10847. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace, Melbourne, FL [Airspace Docket No. 00–ASO–26] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10848. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Bemidji, MN Correction [Airspace Docket No. 99–AGL–53] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Pella, IA [Airspace Docket No. 00–ACE–26] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee of Conference. Conference report on S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106–1020). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1524. A bill to authorize the continued use on public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas (Rept. 106-1021). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 1, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 1, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 1, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 1, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 1, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than November 1, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 1, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 5607. A bill to prohibit an insurer from treating a veteran differently in the terms or conditions of motor vehicle insurance because a motor vehicle operated by the veteran, during a period of military service by the veteran, was insured or owned by the United States; to the Committee on Commerce.

By Mr. CONYERS:

H.R. 5608. A bill to establish alternative sentencing procedures for certain nonviolent drug offenses; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5609. A bill to ensure the availability of funds for ergonomic protection standards; to the Committee on Education and the Workforce.

By Mr. BONILLA (for himself and Mr. ORTIZ):

H. Con. Res. 440. Concurrent resolution expressing the sense of the Congress that the Government of Mexico should adhere to the terms of the 1944 Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande Treaty Between the United States and Mexico; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

486. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution No. 104 memorializing the United States Forest Service Chief and the Pennsylvania Congressional delegation support proper timber harvesting as a management tool to ensure better forest health in Pennsylvania; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. THOMPSON of California submitted a bill (H.R. 5610) to the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 287: Mr. JENKINS.

H.R. 303: Mr. PITTS.

H.R. 2385: Mr. LATOURETTE.

H.R. 2741: Mr. KENNEDY of Rhode Island and Mrs. NAPOLITANO.

H.R. 3825: Mr. SANDERS.

H.R. 3911: Ms. KAPTUR.

H.R. 4025: Mr. HALL of Texas.

H.R. 4277: Ms. CARSON.

H.R. 4707: Mr. KENNEDY of Rhode Island and Mr. CAMPBELL.

H.R. 4728: Mr. EHRLICH, and Mr. LAMPSON.

H.R. 4770: Mr. BOSWELL.

H.R. 5128: Ms. DELAURO.

H.R. 5200: Mrs. FOWLER.

H.R. 5204: Mr. KENNEDY of Rhode Island and Mr. MCGOVERN.

H.R. 5274: Mr. MOLLOHAN, Mr. EVANS, and Ms. STABENOW.

H.R. 5342: Mr. MINGE, Mr. KIND, and Mrs. CHRISTENSEN.

H.R. 5472: Mr. HOEFFEL.

H.R. 5540: Mr. NADLER and Mr. KINGSTON.

H. Con Res. 431: Mr. LANTOS and Mrs. CAPPS.

PETITIONS, ETC.

Under clause 3 of rule XII,

116. The SPEAKER presented a petition of the Embassy of the Republic of the Marshall Islands, relative to Resolution No. 32 petitioning the United States Congress to Express the Support of the Nitijela for the Petition on Changed Circumstances Pursuant to the Compact of Free Association between the Republic of the Marshall Islands and the United States; which was referred to the Committee on Resources.

EXTENSIONS OF REMARKS

HONORING LINDA ROMER TODD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Linda Romer Todd of Grand Junction, Colorado, on her recent award. Linda has been named Realtor of the Year by the Mesa County Association of Realtors. This award is well deserved and I would like to honor Linda's service to the community of Grand Junction by paying her tribute.

Linda is currently a Broker/Owner for Associated Brokers & Consultants, Inc., as well as a member of the Mesa County Association of Realtors. While a member for over two decades, she has used her natural ability to lead by donating her time as the Chair of the Governmental Affairs Committee and as the Director of the Association. Her work within the realty profession only begins at the local level and it is her membership at the state level that is most impressive.

As a member of the Colorado Association of Realtors she has again shown her desire to help others by serving in a number of different capacities. She currently serves on a number of committees including the Legislative, Mobilization, and Grassroots Committees where she serves as Co-Chair. She also is currently serving as Director of the Association and recently received the Political Service Award for the year 2000. Linda's work within her profession is quite impressive but it is her work to benefit her community that truly demonstrates her compassion to help others.

As a member of the Grand Junction Chamber of Commerce, specifically with the Government Affairs Committee and their Leadership Program, Linda has realized the true importance of helping one's community. She is currently an active and dedicated volunteer for Habitat for Humanity. As a member of this distinguished organization she is currently serving as President of the Mesa County division and Director of Habitat for Humanity of Colorado.

Linda's contributions to Mesa County and the State of Colorado are significant. It makes me proud to know that such outstanding individuals reside within the 3rd Congressional District. On behalf of the State of Colorado and the U.S. Congress I would like to congratulate her on her recent award and wish her the very best as she continues to work to better her community.

HONORING QUEENIE PEGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Queenie Pegram, who her friends describe as "very pleasant and good company."

Queenie Pegram was born on October 23, 1900 in Stony Creek, Virginia. She is the fourth child of seven siblings. Ms. Pegram came from a very religious family and was baptized at the age of ten.

She married her husband James in 1931 and moved to Brooklyn, New York where they immediately joined the church. Although they never had children of their own, Queenie and James raised their nephew Arthur and their cousin Brenda from infants.

Ms. Pegram has been a member of the Missionary Society in her church for 69 years. For 30 of those years she servod as the president. During those 69 years she served her community well, visiting and caring for the sick and shut-ins. Often she would reach home late, after a full day's work at her housekeeping job. She would read and pray for the sick way past her dinner hour.

Ms. Pegram lives independent of her family with the help of a home health aid. She is still an active member of the community and attends church every Sunday, and sometimes stays for a double service.

She is always willing to take the time to listen and share her wisdom, especially with the younger generation. Some of her quotes: "The Lord has blessed me all my life, I didn't know them, but I do now;" "Treat others the way you want them to treat you and "Love everyone."

Mr. Speaker, Queenie Pegram is a woman of God and a true servant of the people. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

STARK PROVIDES FURTHER EVIDENCE OF NEED FOR FDA INVESTIGATION INTO DRUG COMPANY PRICE MANIPULATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter I sent to Dr. Jane E. Henney, Food and Drug Administration Commissioner. This letter provides additional information recently discovered during ongoing Congressional investigations into drug company price manipulation and supplements my previous two letters to Dr. Henney.

Recent congressional investigations have collected evidence that certain drug companies consistently inflate prices and engage in other improper business practices in order to create windfall profits from Medicare and Medicaid reimbursements. In response, drug companies have stated that such drug inflation has been consistent with, and perhaps even required by, flaws in the reimbursement system's reliance on Average Wholesale Price (AWP). Further, drug companies contend that AWPs are meaningless numbers.

However, as the letter below and its accompanying exhibits demonstrate, drug companies do indeed rely upon AWPs to advertise their drugs. And, in fact, drug companies often advertise truthful drug prices when there is no Medicare reimbursement available. The evidence uncovered suggests that contrary to drug company statements, it is not a flawed reimbursement system that leads drug companies to inflate their prices. Instead, it is drug companies' dishonest pricing based on their desire to create a profit for prescribing physicians seeking Medicare or Medicaid reimbursements.

My reading of the Federal Food, Drug and Cosmetic Act and its corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. And I again request that the FDA conduct a comprehensive investigation into such drug company business practices. My third letter to the FDA regarding this issue follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000

Dr. Jane E. Henney,
Commissioner, Food and Drug Administration,
Rockville, Maryland.

DEAR DR. HENNEY: I write to provide essential, additional information to you about price manipulation by some drug companies arising from ongoing Congressional investigations. Such drug company price inflation exploits the Medicare and Medicaid programs. This is the second supplement to my letter to you of October 3, 2000.

Recent media reports of statements by certain drug company executives reveal a concerted effort to continue to mislead the Congress and the public about the nature of their companies'actions. Specifically, the drug companies have represented that their conduct, including-their inflated price reports that have resulted in admittedly excessive Medicare reimbursements, has somehow been consistentwith, and perhaps even required by, flaws in the reimbursement system's reliance upon Average Wholesale Price (AWP). This logic is premised on the erroneous contention that the AWPs associated with their drugs are meaningless numbers that should not reasonably be relied upon as an indicator of wholesale prices. Such statements are in themselves deceptive.

The evidence developed during the course of the Congressional investigation reveals that it is routine for the drug industry to advertise a drug product's price in the AWP

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

format and to encourage the consideration of AWP as one factor when evaluating competing drug products. Indeed, the drug companies often compare their drug's AWP with that of a competitor in an effort to demonstrate their drug's superiority from a cost perspective and to influence physician prescribing decisions. Such advertisements are directed at prescribing physicians, pharmacists, and other health care professionals and take many forms, such as direct contacts, flyers, and trade publications such as the Red Book, Drug Topics and Medical Economics which are each published or updated monthly.

When there is no inflated Medicare reimbursement available for the prescribing physician, companies often advertise truthful AWP prices. To illustrate this, I have attached, as Composite Exhibit "1", copies of advertisements by Rhone-Poulenc Rorer ("RPW") which accurately communicates its price of Dilacor XR in the form of AWP and compares the higher AWP price of the competing drug Cardizern. RPR then emphasizes that the physician should prescribe Dilacor over Cardizem in order to save the patient money:

"Now DILACOR XR provides potential cost savings when angina patients are prescribed diltiazem."

Attached as Composite Exhibit "2" are examples of Bayer Pharmaceutical advertisements for its drug Cipro where the drug company again accurately describes its price in the form of AWP and touts the cost savings to the patient in comparison to five competing drugs. Bayer explained it as follows:

"New CIPRO Cystitis Pack reduces the cost of branded therapy"

It is important to note that both RPR and Bayer use accurate AWPs to urge physicians to consider the cost to the patient when exercising medical judgment in selecting from competing brand drug therapies. Price, as expressed in the industry standard format of "AWP", is clearly an important characteristic that is considered in evaluating drug products. Indeed, Bayer's AdalatCC advertisement attached as Exhibit "3 ", which features the popular "Dragnet" star Jack Web, drives home this point:

"Just the Facts
Powerful blood pressure control
Comparable to Procarida. XL or Norvasc
At a more affordable price" (footnotes omitted).

Footnote 6 of the ad's accompanying materials cites the Red Book—indicating that the AWP is considered a relevant benchmark when evaluating the drug's price.

Composite Exhibit "4" demonstrates that physicians seek the lowest drug prices when there is no financial incentive to utilize the highest price drugs. PDR Generics provides pricing information on prescription drugs in "one comprehensive, authoritative volume." The accompanying documents state the following:

"PDR GENERICS is the drug reference designed to help you find the most cost-effective generic alternatives for any prescription medication. . . ."

Exhibit "4" also provides further evidence that AWP prices are widely used as a reference tool:

"All detailed NDC and AWP pricing information is drawn from the authoritative RED BOOK database, Pharmacy's Fundamental Reference."

Ordinarily, drug companies ensure that their' AWPs are an accurate reflection of price when engaging in such marketing and advertising activities. Clearly, such advertisements would be misleading if the drug company were aware that the published AWPs had no factual basis and could not be realistically considered as a benchmark for prices. I strongly believe that if any of the above ads used falsely manipulated AWPs to fraudulently indicate that the advertised drugs were less expensive when in fact the drug company was aware that it is more expensive, FDA or FTC enforcement would be warranted.

Unfortunately, such AWP manipulation is at the heart of the misconduct that Congress has uncovered in its investigation. As I have noted previously, the acts are being committed by some drug companies who know that the drug will be reimbursed by Medicare and that a health care professional will profit if the price is inflated. Advertising an AWP in the Red Book that falsely overstates a drug's price is as misleading as advertising an AWP that falsely understates the price. One form of false advertising misleads third parties to pay more for a drug and induces doctors, who submit the claim themselves, to prescribe the most profitable drug. The other form misleads the doctor into believing that a drug, to be dispensed at a pharmacy and not claimed by the doctor, is cheaper for the patient when it is not. I believe both actions should be considered violations of the Federal Food, Drug, and Cosmetic Act.

AWP information is created by drug manufacturers for the express purpose of influencing decisions about their drugs. Although it appears most AWP representations are accurate and are affirmatively used to inform about cost savings, some drug manufacturers have chosen to inflate AWPs to exploit the Medicare and Medicaid Programs and thereby expand sales. Medicare and Medicaid relies on AWPs because the drug industry employs AWP to communicate prices. Drug manufacturers must not now be permitted to misconstrue the facts revealed in Congressional investigations by contending that the reimbursement system is flawed when they themselves provided the misleading information.

Following up on my last two letters on this same issue, I reiterate that my reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. Accordingly, I request that the FDA conduct a comprehensive investigation into drug company business practices that includes the additional exhibits referenced above.

Sincerely,

PETE STARK,
Member of Congress.

IN HONOR OF OLGA CHORENS AND TONY ALVAREZ, "OLGA AND TONY"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Olga Chorens and Tony Alvarez ("Olga and Tony"), two very special and talented entertainers, who have been in show business for six decades.

Olga and Tony began their careers as singers in Cuba during the early 1940's. When they married in 1945, their celebrity status turned the wedding into a popular social event.

After the wedding, Olga and Tony went on a 5-year tour through Latin America, which began in Panama and ended in Argentina. Upon returning to Cuba, they were offered the opportunity to host a daily 1-hour television and radio program for CMQ and Radio Progreso, which they did with great success from 1951 to 1959, while also recording many successful albums. Because of their popularity, Olga and Tony were named Miss and Mr. Cuban Television.

Olga and Tony fled communist rule in Cuba for New York City and Puerto Rico, where they again performed on television. From 1965 to 1972, they performed on Telemundo, Channel 7, Channel 11, and WNJU Channel 47 in New York.

For the past 20 years, Olga and Tony have lived in South Florida, where they maintain a large fan base and where their voices can be heard every Saturday morning on Radio Mambi. They also star on "El Show de Olga y Tony," which airs twice a week on Tele-Miami. In 1999, they were awarded a Star on the "Calle Ocho" Walk of Fame.

As entertainers, Olga and Tony have always promoted family values. They have been married for 55 years, and their parents and children often participated in bringing family-based entertainment to the television audience.

Today, I ask that my colleagues join me in honoring Olga Chorens and Tony Alvarez for entertaining so many for so long, and for being inspirational role models to Hispanics throughout Latin America.

TRIBUTE TO STAN JENNINGS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MORELLA. Mr. Speaker, I rise to salute Stan Jennings, a multitalented writer, illustrator, cartoonist, and photographer from Silver Spring, MD. His new book, The Capitol and the Kids focuses on Congress, Washington, and Montgomery County, MD, the district I have had the honor to represent in the U.S. House of Representatives since 1987.

The Capitol and the Kids is a refreshing, delightful look at the history of Washington through the eyes of Stan Jennings over the past 75 years. Stan, a native Washingtonian was born at Forest Glen, grew up in the shadow of the Capitol dome on Jenkins Hill, or, as he calls it his "kindergarten and entertainment center." The Capitol and the Kids gives the reader an unusual and heartwarming glimpse of the city, its great figures, and its not so greats. Through his pictures, sketches, and sense of humor he has observed the highlights and lowlights of the past 75 years.

The Kids are the folks in Washington. They include 435 Congressmen, 100 Senators, 9 Justices, a President, a Vice President, and numerous newspaper men and women. Stan Jennings has the unique ability to offer a thoroughly enjoyable trip through this century's historic times from Franklin Roosevelt's New Dealing era to the current administration.

To quote Robert Frost, The Capitol and the Kids "begins in delight and ends in wisdom." Stan Jennings has written an exciting, informative, and humorous book on the history of Washington over the past three quarters of a century. I salute him.

HONORING BISHOP-DESIGNATE AUBREY BAKER, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Bishop-Designate Aubrey Baker, Jr., the son of the late Bishop and Mrs. Aubrey Baker, Sr.

Aubrey was born on November 19, 1932 in Brooklyn, NY. At that time, his parents were members of Brooklyn No. I at First Church of God in Christ, under the leadership of the late Bishop Frank Clemmons. The family remained there for 5 years until 1937, when they moved to a little mission in Brownsville, Brooklyn under the pastorate of the late Bishop Frank Edward Cook. Aubrey was reared and nurtured in the church, and he received Jesus Christ as his personal savior at an early age. He was baptized and filled with the precious Holy Ghost at the Holy Trinity Church of God in Christ.

Bishop-Designate Aubrey Baker, Jr. matriculated through the New York City Public School system, receiving his higher education at Long Island and New York Universities. He furthered his religious education at Shelton Bible College and the O.M. Kelly Religious Institute. In 1958, Bishop-Designate Aubrey Baker married Mildred Josephine Butler, and they were blessed with two beloved children: Aubrette and Renwick.

As a loyal and faithful servant of the Lord, the late Bishop O.M. Kelly ordained Aubrey Baker, Jr. in 1959 at the Holy Trinity Church of God in Christ in Brooklyn, NY. Continuing his faithful service, Bishop-Designate Baker, Jr., served as District Secretary Brooklyn No. 1, Assistant Financial State Secretary assisting the late Elder S.A. White, and State Y.P.W.W. President of ENY jurisdiction.

In May 1973, Bishop-Designate Aubrey Baker, Jr., was appointed to the Keystone Church of God in Christ and, in August 1977 under the leadership of the late Bishop O.M. Kelly, he merged Keystone and Zion Temple Church of God in Christ. His service in the jurisdiction included serving as Assistant Superintendent to the late Bishop F.D. Washington in the Brooklyn Hill District. Thereafter, he succeeded the late Bishop F.D. Washington as the Superintendent. Under the leadership of the late Bishop F.D. Washington, he served as a member of the Finance Board.

Mr. Speaker, Bishop-Designate Aubrey Baker, Jr. is a man of God and a true servant of the people. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

NEW JERSEY INSTITUTE OF TECHNOLOGY'S STORMWATER MANAGEMENT PROJECT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today regarding a matter of great importance to my district and the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land, had become especially concerning because of the impact it is having on our watersheds and floodplains, as well as its resulting impact on economic activity.

As many of my colleagues already know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties has been estimated at over $50 million, and area residents are still fighting to restore some degree of normalcy to their lives.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another catastrophe. The New Jersey Institute of Technology (NJIT) has been studying the challenges posed by flooding and stormwater flows for some time, and is interested in forming a multi-agency federal partnership to continue this important research.

NJIT is one of our state's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis.

An excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control has presented itself in the 2000 Water Resources Development Act (WRDA). At my request, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to the people of my district and state. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SUPPORT FOR THE EFFORTS OF CHANNEL ONE TO TEACH OUR CHILDREN ABOUT DEMOCRACY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. HILLEARY. Mr. Speaker, at a time in which we hear so much about what's wrong with our children and young adults, it is easy forget all of the positive things taking place. The truth is that most of our children are doing well—they are growing up in loving homes, they are receiving a high-quality education, and they are becoming tomorrow's leaders. And while it is right to point out instances where we can improve, I believe it is equally important to call attention to positive developments.

In that vein, today I would like to commend the Channel One Network and the 900,000 young adults who participated in Channel One's "OneVote", the largest online vote ever. "OneVote" allowed students in Channel One middle and high schools across the country to cast online ballots for President, for Governor, and for Senate in states where statewide races are taking place. The students also were polled on important national issues. Each student was assigned a special registration number so that only registered students could vote and that no student could vote more than once.

Now I know my colleagues are skeptics—and will think I enjoyed this poll solely because Governor Bush defeated Vice President GORE in a landslide. That's not true, although it did make me feel better about our future.

Seriously, the simple truth is that this vote should be celebrated no matter who won or lost. Channel One's "OneVote" undoubtedly gave many young Americans their first taste of democracy on a national scale. Students in one small school in rural Tennessee were able to see how their votes compared not just with their friends across the hallway, but with kids across the country, from California to Missouri to Maine.

Young adults also were encouraged to think about important issues facing our country, including education, world affairs, and integrity in government. They were urged to think about how these issues impact their lives and the lives of those around them. More than just a quick poll, OneVote is part of Channel One News' ongoing process of education and involvement for millions of teens.

Mr. Speaker, these activities should be recognized and encouraged. Staying informed, thinking about concerns greater than one's self interest, and participating in our nation's decision-making process are excellent habits for our young adults to develop.

There is a great deal of cynicism in our country about whether our government really does the work of the people. Recent history shows that this cynicism has led to lower and lower voter turnout at elections. This is a shame, Mr. Speaker, because the only way to make sure the government does the people's work is if the people stay informed and actively engaged in the affairs of government.

The power of the people to control this country's future can take many shapes and forms—from writing letters to the editor to serving in office. But the greatest power comes from perhaps the simplest of acts: voting. When all the campaigning speeches are over and the television ads are gone, each and every American gets their say when they step into the voting booth and pull the lever. We need to constantly remind our fellow citizens, especially those in the next generation, that voting is both an important right and responsibility.

Mr. Speaker, the Channel One Network's "OneVote" gave hundreds of thousands of young Americans an important first lesson in democracy—and I would like to recognize Channel One and the thousands of participating schools and their students for this outstanding success.

WILLIAM KENZO NAKAMURA COURTHOUSE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Ms. DUNN. Mr. Speaker, I support H.R. 5302, to name the United States courthouse in downtown Seattle as the "William Kenzo Nakamura United States Courthouse."

It is important to pay tribute to a man who made such great contributions to our nation. Private First Class Nakamura was an outstanding American, and this is a fitting way to honor him for giving his life to protect our freedom.

Pfc. Nakamura grew up in what is now the Chinatown International District in Seattle. He was studying at the University of Washington when he was moved with his family to an internment camp in Idaho. Despite this hardship, Pfc. Nakamura joined the 442nd Regimental Combat Team, which went on to become the most decorated military unit in history.

On June 4, 1944, Pfc. Nakamura provided cover for a retreating platoon in Catellina, Italy, and was killed by enemy fire. At first, Nakamura and other soldiers of color did not receive national recognition for their heroic deeds. Finally, this June, Nakamura and other soldiers received the Medal of Honor.

I believe naming this courthouse after Pfc. Nakamura is a fitting tribute for a man who defended his country and the freedoms we all enjoy. Pfc. Nakamura's valor and heroic actions should never be forgotten, and his dedication to his country—the United States—should be honored. I encourage all my colleagues to support this resolution.

HONORING LION IRVING STRAVITZ OCTOBER 2, 1912-DECEMBER 19, 1998

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the life of Lion Irving Stravitz, who passed away on December 19,1998.

Irving Stravitz was raised in Brooklyn and, as a child, loved to work with his hands. He became a carpenter at a very young age and always had his own business.

He met and married Eva, who became his partner in Lionism and life. She served side by side with him through thick and thin for the sixty-three years of their marriage. Together, they raised two children, David and Renee, who bestowed upon them the loves of their lives: two grandchildren, Allison and Matthew.

Irving was emblematic of the drive that Lion Melvin Jones, one of the founding members of Lionism, exhibited. Irving became a member of the Hyde Park Lions Club and served the Club by holding every office up to and including President. He was elected to the position of Deputy District Governor of District 20–K1. Mid-stream, Irving transferred into the Brooklyn Canarsie Lions Club and served for the remainder of his thirty years. He received Certificates of Appreciation, plaques that honored his dedication and was the first Lion in the Club to be presented with the Melvin Jones Fellowship Award.

His love and dedication will keep him in our hearts forever. Irving Stravitz was a Pin Trader and Pin Maker. His special project was the Vacation Camp for the Blind where his skill as a carpenter proved invaluable. He was involved with the Little League and ran the Hyde Park Lions Club's annual football pool fundraiser.

In the final words of Marc Antony's eulogy of Julius Caesar, "Indeed, this was a man." Mr. Speaker, I join with his friends and loved ones in saying" "Irving, indeed you were a man and one of Lionism's finest tributes."

Mr. Speaker, Lion Irving Stravitz is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

VIOLATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. GONZALEZ. Mr. Speaker, as we near the end of this session, one of the country's largest companies is asking Congress for special treatment. According to numerous media reports, AT&T is asking Congress to attach an amendment to an appropriations bill to allow them to violate conditions they agreed to when their merger with MediaOne was approved by the FCC. This amendment would allow AT&T to violate the caps on cable ownership, caps that are designed to promote competition and protect consumers from price-gouging.

No Member of either this House or the other body has introduced a bill to give AT&T this break, nor has a single hearing been held on the issue. To even consider this bill to enter legislation would not at this time be wise for the simple fact that we do not have enough proper information to make an informed decision concerning this break for AT&T.

Mr. Speaker, we should ask that AT&T keep their word. As well we should reject any last minute legislation that has not been fully reviewed by the Congress.

HONORING LAWRENCE D. DAHMS, EXECUTIVE DIRECTOR, METROPOLITAN TRANSPORTATION COMMISSION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. TAUSCHER. Mr. Speaker, today I pay tribute to Lawrence D. Dahms, executive director of the Metropolitan Transportation Commission in the San Francisco Bay Area, who will be retiring at the end of this year.

The Metropolitan Transportation Commission (MTC) was created in 1970 to provide transportation planning for the nine-county San Francisco Bay Area. MTC is the designated federal Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area, and is charged with disbursing federal, state and regional transportation revenues in the region. The retirement of Lawrence D. Dahms is a severe loss to the Bay Area community.

Lawrence D. Dahms has served as MTC's executive director since 1977. In both his 23 years at MTC and in an earlier six-year stint at the Bay Area Rapid Transit District (BART), Larry spearheaded the successful effort to extend BART to San Francisco International Airport. His many accomplishments also include a pivotal role in negotiating the San Francisco Bay Area Regional Rail Agreement, known as MTC Resolution No. 1876. This became the basis for securing federal funding for BART to San Francisco International Airport and the Tasman light-rail extension in Silicon Valley, as well as state and local funding for East Bay BART extensions to Dublin and Bay Point.

In addition to his regional impact, Larry was a leader on the national stage in developing and advocating the landmark 1991 federal Intermodal Surface Transportation Efficiency Act (ISTEA). This ushered in a new era in federal transportation policy by giving states and localities greater responsibility and flexibility in the investment of federal dollars. Larry continued his involvement as he advocated for the passage of ISTEA's successor, the 1998 Transportation Equity Act for the Twenty First Century (TEA–21), which consolidated that policy shift and dramatically increased funding levels.

Larry took the lead in implementing this new federal policy at the local level by establishing the Bay Area Partnership to foster multimodal decision-making and coalition building, in the process creating a trail-blazing MPO that is a model for the nation.

I, as well as the Bay Area Congressional Delegation, wish Mr. Dahms our most sincere thanks for his accomplishments. We greatly appreciate his achievements on behalf of the past, current and the future residents of our region. We wish him well in all his future professional and personal endeavors.

HONORING DUSTY RHODES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MOAKLEY. Mr. Speaker, today I pay tribute to the director of Sail Boston 2000, Dusty Rhodes.

It has been estimated that between seven and eight million people visited Boston during Sail Boston 2000. It was a remarkably well planned and well-executed international tall ship event. From the pageantry of the Opening Ceremony at Rowes Wharf to the spectacular Parade of Sail out Boston Harbor for the start of the race to Halifax, Boston was at her very best. Residents and tourists alike thrilled to the majesty of the ships and warmly welcomed the young crews to the historic Port of Boston. The presence of the tall ships in July was a nostalgic reminder of our city's great maritime heritage and a celebration of the rebirth of our magnificent harbor.

Boston was the only Official Race Port in the United States for the International and American Sail Training Associations' Tall Ships 2000 Race of the Century. An event of this magnitude requires precise planning and extraordinary effort, and the appropriate credit should be given to the person who was most responsible for bringing the ships to the port and organizing Sail Boston 2000, the largest event ever held in the history of New England. Her name is Dusty Rhodes.

Eight years ago, immediately following her success in producing Sail Boston 92, Dusty, as President of Conventures, Inc. flew to London to attend the Annual International Sail Training (ISTA) Race Committee Conference. Although not on any agenda, she lobbied committee members, ISTA officials, ship captains, diplomats, and governmental officials, promoting Boston as a potential Race Port for the year 2000.

Energetically and tirelessly (and pregnant), she fought for Boston. It was just the beginning of her persistent and often frustrating attempts to have Boston officially designated for the Tall Ships 2000 Race. Dusty returned each year, from 1993 to 1997 continuing her mission and, I will add, all at her own expense.

In 1996 the International Race Committee selected Boston as a result of her efforts. OPSAIL then entered the competition for the first time attempting to have New York designated as the Official Race Port in place of Boston. Race Ports were required to pay a port fee to ISTA under the Race Committee Rules. New York refused and Dusty Rhodes committed her own funds to assure Boston's involvement. These funds, like many others which accrued during the planning process of Sail Boston, were totally at risk, but Dusty's belief in the potential of this millennium tall ship event made her even more determined. She took that risk and, when the dust settled, Boston had been selected and the OPSAIL, New York/Boston battle began.

Sail Boston was a huge success, from a maritime as well as a financial point of view for the Commonwealth of Massachusetts. Hotels, restaurants, tour boats and retail establishments all benefited substantially from the millions of people who came to Boston for the return of the Tall Ships. Thanks to Dusty Rhodes and her efforts on behalf of the City, Boston will continue its prominence as a destination point for national and international tourism. In a 1992 Boston Globe article, she was referred to as "the Unsinkable Dusty Rhodes." With all the obstacles thrown in her way, Dusty has proved to be just that, and we all can thank her for making the Summer of 2000 a most memorable one.

MISSED OPPORTUNITY ON MEDICAL PRIVACY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. CONDIT. Mr. Speaker, today I spoke regarding the unfinished business of ensuring Americans that their personal medical information will be kept confidential. Despite a consensus that an individual's health information is easily accessed and susceptible to manipulation, Congress failed to act on this crucial issue.

This is certainly not a new issue. I first introduced comprehensive medical privacy legislation at the beginning of the 104th Congress. Last year, in an effort to reach a consensus, I worked closely with Rep. HENRY WAXMAN, Rep. ED MARKEY and Rep. JOHN DINGELL to develop a bill that could gain the support of the majority of our colleagues. The product of this effort was H.R. 1941, the Health Information Privacy Act. In addition to the four primary sponsors, 66 of our colleagues joined us in sponsoring this legislation.

We were not alone in our efforts to protect these sensitive records. The Secretary of Health and Human Services, directed by provisions of the Health Insurance Portability and Accountability Act, issued proposed health privacy regulations on November 3, 1999 after Congress failed to meet its self imposed deadline. In all, these proposed regulations represent a good solid start, but failed to address several key items since the Secretary's scope was limited to health plans, clearinghouses and providers that share health information electronically.

Therefore, the proposed regulations did not cover health records that have never been maintained or shared electronically. Additionally, the Secretary's proposal does not cover all entities that come into possessions of health information. Safeguards given to an individual's health record should be applied equally, whether it is in the hand of a health care provider, researcher or a lending institution.

Unfortunately, the issue of medical privacy was never given the attention it deserves in this Congress. The leadership of the next Congress, should make this issue a priority and make a public commitment to schedule a full, fair and open floor debate within the first three months of reconvening the next session. This will be the only way we can come to an agreement on comprehensive medical privacy legislation.

TRIBUTE TO MIZELL MEMORIAL HOSPITAL FOR RECIEPT OF THE 2000 ALABAMA QUALITY AWARD

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. EVERETT. Mr. Speaker, I would like to pay tribute to an outstanding business in my congressional district which was recently honored with a prestigious state award for operational excellence.

Earlier this month, Mizell Memorial Hospital in Opp, Alabama was named the winner of the 2000 Alabama Quality Award for excellence in leadership; strategic planning; patients, other customers, staff and market focus; information and analysis; process management; and organizational performance.

The Alabama Quality Award, modeled after the Malcolm Baldrige National Quality Award, honors organizations whose recent innovations increased productivity and quality within the organization.

For years, Mizell Memorial has served rural South Alabama with a level of professionalism equal to and surpassing Alabama's most innovative and progressive businesses. I am pleased that its employees' fine work and dedication has finally been recognized with this prestigious award.

My congratulations go out to Mizell Memorial Hospital's management and employees for their exemplary efforts to improve the lives of south Alabamians.

TRIBUTE TO HANNAH JOANN LANZHEN SIMONS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. WALDEN of Oregon. Mr. Speaker, it gives me a great deal of pride to extend this official welcome to one of our nation's newest citizens, Hannah JoAnn LanZhen Simons of Hood River, Oregon.

Hannah was born November 8, 1996 in Magongtan, Zhejian Province in the Peoples Republic of China. Her first months were spent in the Lanxi Social Welfare Institute, an orphanage. In the summer of 1997, she was adopted at Hangzhou, Zhejian Province, PRC by her mother, Marta Simons, and brought to the United States to live. On September 26 of this year, she became a citizen of the United States.

It's a wonderful thing that China allows for these adoptions which have lifted little babies out of orphanages and placed them into arms of loving families here in America.

Mr. Speaker, it's also important to acknowledge the continued efforts of this Congress to expand the opportunity and affordability for adoption. Together, with families like Hannah's, we're making life better for children from around the world.

ABBOTT LABORATORIES OVERCHARGES TAXPAYERS AND JEOPARDIZES PUBLIC HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter I sent to Mr. Miles White, Chief Executive Officer of Abbott Laboratories. Recent congressional investigations have collected evidence that Abbott has reported inflated prices and has engaged in other improper business practices in order to create windfall profits for providers submitting Medicare and Medicaid claims for certain Abbott drugs.

Such drug company behavior overcharges taxpayers and jeopardizes the public health system. The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000.

Mr. MILES WHITE,
Chief Executive Officer, Abbott Laboratories, Abbott Park, IL.

DEAR MR. WHITE: You should by now be aware of Congressional investigations revealing that Abbott has for many years reported and published inflated and misleading price data and has engaged in other deceptive business practices. This letter is a call for your company to immediately cease overcharging taxpayers and jeopardizing the public health.

The price manipulation scheme is executed through Abbott's inflated representations of average wholesale price ("AWP") and direct price ("DP") which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The difference between the inflated representations of AWP and DP versus the true price providers are paying, is regularly referred to in your industry as "the spread." The evidence amassed by Congress clearly shows that Abbott has intentionally reported inflated prices and has engaged in other improper business practices in order to cause its customers to receive windfall profits from Medicare and Medicaid when submitting claims for certain drugs. The evidence further reveals that Abbott manipulated prices for the express purpose of expanding sales and increasing market share of certain drugs. This was achieved by arranging financial benefits or inducements that influenced the decisions of health care providers submitting Medicare and Medicaid claims.

Contrary to Abbott's recent assertions in the national media, the price manipulation conduct was in no way required by or consistent with existing reimbursement laws or policies. Indeed, Abbott did not falsify published prices in connection with other drugs, where sales and market penetration strategies did not include arranging financial "kickbacks" to health care providers.

In the case of the drugs for which Abbott sought to arrange a financial kickback at the expense of government programs, the manipulated discrepancies between your company's reported AWPs and DPs versus their true costs are staggering. For example, in the 2000 edition of the Red Book, Abbott reported an AWP of $2.094.75 and a DP of $1.764.00 for a package of Acyclovir Sodium 1 gm. 10's

Acyclovir Sodium is an important drug in the treatment of AIDS related illnesses and it is essential that government health programs be able to accurately estimate its acquisition cost in setting reimbursements. Even more devastating, Abbott has intentionally caused the government to pay inflated amounts for this important drug at a time when AIDS health benefits were being limited due to budgetary constraints.

Another example of Abbott's drug price manipulation concerns the IV antibiotic Vancomycin, the drug of last resort in combating many life threatening infections. The public health crisis associated with the overutilization of Vancomycin is now of immediate concern. Exhibit #2, article from Hospital Pharmacist Report entitled Under Attack Vancomycin-Resistant S. Aureus Hits U.S. Shores, states: Indeed, as stated in the article, the problem has reached the level where the CDC has called for strict limits on the use of this vital drug.

In recent press reports, Abbott attempts to avoid responsibility for financially inducing health care providers to administer Vancomycin. Abbott has suggested that the drug's usage in the outpatient setting is minimal. The evidence developed by the Congressional investigators, however, reveals that outpatient utilization of Abbott Vancomycin has grown substantially in recent years as Abbott inflated its price reports to drug price publishers, while the true price to health care providers fell. Enclosed as Composite Exhibit #3 are excerpts from the Red Book showing Abbott's false price reports for Vancomycin in 1995, 1996 and 1999, together with advertisements available to industry insiders reflecting the lower actual prices. The following chart summarizes this information:

The evidence uncovered shows that providers will purchase and utilize pharmaceutical manufacturers' products that have the widest spread between the providers' true costs and the reimbursement paid by third parties—including State Medicaid Programs and Medicare. In 1996, Abbott, Fujisawa, Lederle, Lilly and Schein all made representations of Wholesaler Acquisition Cost ("WAC") to the State of Florida, as summarized in the chart below (Exhibit "4"). The chart sets out the reimbursement amount paid by Florida Medicaid, the industry insider's true cost and "the spread" between Medicaid reimbursement and true cost. A review of the chart below clearly demonstrates that the vast majority of providers utilize Abbott's Vancomycin, the drug with the greatest spread between the true wholesaler acquisition cost and the inflated false WAC reported by Abbott.

Exhibit "5", prepared by the National Association of Medicaid Fraud Controls Units in conjunction with their ongoing investigation, further demonstrates that Abbott maximized sales volume and

The following document (Exhibit "6") reflects misleading price representations that Abbott sent to Medi Span (now acquired by First Data Bank) concerning two package sizes of Vancomycin. Medi Span's data acquisition specialist attempted to clarify with "Jerrie," from Abbott, the pricing discrepancies and confusion over the prices of the two packages:

Abbott's apparent price manipulation created a financial incentive for doctors to increase their usage of Vancomycin, at the very time that overutilization of the drug created a health crisis. This is an especially reprehensible misuse of Abbott's position as a drug manufacturer.

Additionally, as indicated by the evidence below, Abbott has provided or arranged for a number of other financial inducements to stimulate sales of its drugs at the expense of the Medicaid and Medicare Programs. Such inducements include volume discounts, rebates, off invoice pricing, and free goods, and are designed to result in a lower net cost to the purchaser, while concealing the actual cost. For example, a product invoiced at $100 for ten units of a drug item would in reality only cost the purchaser half that amount if a subsequent shipment of an additional ten units is provided at no charge. The same net result can be achieved through a "grant," "rebate," or "credit memo" in the amount of $50. The following excerpts from Abbott's internal documents (Composite Exhibit "7") are examples of Abbott's creation of off invoice price reductions that conceal the true price of drugs and impede the Medicare and Medicaid Programs from accurately estimating the acquisition cost of drugs:

As I am sure you are aware, the inflation index for prescription drugs continues to rise at a rate of more than twice that of the consumer price index. The American taxpayers, Congress and the press are being told that these increases are justified by the cost of developing new pharmaceutical products. Abbott and certain other manufacturers are clearly exploiting the upward spiral in drug prices by falsely reporting that prices for some drugs are rising when they are in fact falling. For example, the actual price being paid by industry insiders for Abbott's drug, Sodium Chloride 0.9 percent, was in many years less than half of what Abbott represented. Abbott falsely reported that the average wholesale price to health care providers for Sodium Chloride 0.9 percent, 500 ml 24s, [NDC # 00074-7983-03], rose from $206.06 to $229.43 during the years 1993 through 1996. The Congressional investigations have revealed that, in fact, the true price to industry insiders from Florida Infusion was only $43.20 in 1993 and the price actually fell to $36.00 by 1996. (Composite exhibit 8).

Abbott's knowledge that true wholesale prices were falling for many of its drugs at the very time that it falsely reported that its prices were rising is evidenced by an internal Abbott document (Exhibit "9") dated March 10, 1994 to a wholesaler, Florida Infusion, which states the following:

"The first three pages, identified as Florida Infusion Price Changes indicate the products in which prices were changed and their new contract price. Favorable factory cost in 1994 have lead the way for these price reductions! (emphasis added).

Shortly after informing Florida Infusion that its prices were being reduced, Abbott falsely informed Red Book that its prices were being increased, as evidenced by the internal memo dated May 26, 1994 (Exhibit "10"):

"As you are aware, on at [sic] the beginning of April, Abbott took a list price increase. This also has an effect on our AWP (Average Wholesale Price) which Red Book quotes for reimbursement purposes."

Abbott created and marketed these financial inducements for the express purpose of influencing the professional judgment of doctors and other health care providers. Abbott's strategy of using taxpayer funds to increase company drug sales and enriching doctors and others who administer the drugs is reprehensible and a blatant abuse of the privileges that Abbott enjoys as a major pharmaceutical manufacturer in the United States.

Doctors should be free to choose drugs based on what is medically best for their patient. Inflated price reports should not be used to financially induce doctors to administer Abbott's drugs. Abbott's conduct, in conjunction with other drug companies, has cost the taxpayers billions of dollars and serves as a corrupting influence on the exercise of independent medical judgement both in the treatment of severely ill patients and in the medical evaluation of new drugs.

Accordingly, I have requested that the Commissioner of the United States Food and Drug Administration, Dr. Jane Henney, conduct a full investigation into the business practices of certain drug companies, including Abbott. My reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to Abbott's misleading price reports and take affirmative action to ensure that its representations about its drugs are accurate and not misleading.

Abbott is clearly capable of representing prices that do not include a kickback for many of its drugs. The following chart ("Exhibit II") specifies drugs for which Abbott reported accurate prices:

As illustrated by the preceding information, Abbott clearly has the ability to accurately and competently report its prices and consistently did so when it was in its own economic interest.

I urge Abbott to immediately cease reporting inflated and misleading price data. Such action places the nation's health care at great risk and overcharges taxpayers.

Based on the evidence collected, Abbott should make arrangements to compensate taxpayers for the financial injury caused to federally funded programs. Any refusal to accept responsibility will most certainly be indicative of the need for Congress to control drug prices. If we cannot rely upon drug companies to make honest and truthful representations about their prices, then Congress will be left with no alternative but to take decisive action to protect the public.

I would appreciate your sharing this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,
Member of Congress.

IN HONOR OF NEW YORK STATE ASSEMBLYMAN DENIS BUTLER ON HIS RETIREMENT AFTER TWENTY-FOUR YEARS IN OFFICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to New York State Assemblyman Denis Butler, who is retiring this year after twenty-four years of service in the New York State Assembly, where he has represented the residents of his native Queens, New York district superbly.

First elected in 1976, and reelected every year since, Assemblyman Butler has led a remarkably distinguished career in the State Assembly, where he rose to the rank of Assistant Speaker Pro Tempore in 1993. He has served as a senior member of the Assembly labor and Aging Committees, and currently serves as a member of the Rules, Analysis and Investigations, Economic Development, and Oversight Committees. He is also the Chairman of the Subcommittee on the Special Problems of the Aging as well as the Chairman of the Assembly Queens Delegation.

Assemblyman Butler has been a champion of the aging, disabled, and underprivileged, and has worked tirelessly for the working men and women of his district. With the support of the Assembly leadership, Assemblyman Butler created SCRIBE (Senior Citizens Rent Increase Exemption), which has helped low income seniors remain in their homes. Additionally, he was a prime sponsor of EPIC, New York's prescription drug buy plan, which has helped thousands of elderly new Yorkers pay for necessary medication.

Assemblyman Butler has also been extremely active in civic affairs and has worked alongside local community activists on a wide range of issues, from improving educational and youth programs, to strengthening the local police presence. His caring guidance and enthusiasm have truly made his neighborhood a more pleasant place to live and work. Assemblyman Butler's service in Albany has been extraordinarily beneficial to his Queens, New York constituents, and I applaud him on such an esteemed career.

Assemblyman Butler began his career in politics after completing his education, which included a significant amount of time at seminary school, and working as an account executive and sales manager in the fields of television and radio broadcasting. Throughout his years serving his community in the legislature, time and again. Assemblyman Butler has proven to be a community-driven and compassionate legislator. He is one of the original founders of the 114th Auxiliary Police Corps, the past president of St. Joseph's Home School Association, and has also served as a member of the St. Joseph's Parish Council. For twenty-eight years, Assemblyman Butler has organized the annual Toys for Tots Drive. Assemblyman Butler has been honored by numerous organizations, among them, the Veterans of Foreign Wars Post 2348, the Long Island Chapter Knights of Columbus, and the Federation of Italian-American organizations of Queens, Inc.

Mr. Speaker, I encourage my colleagues to pay tribute to such a respectable man. Assemblyman Butler has demonstrated that the work of a legislator is not only a rewarding opportunity for the person in office, but also immeasurably helpful to local communities. Assemblyman Butler has served as an enormously valuable resource and public servant to his Queens constituents and I am sure his services will be missed.

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. JONES of Ohio. Mr. Speaker, it is with great pleasure that I stand here this evening to acknowledge the accomplishments of one, United States Representative WILLIAM CLAY, my friend and colleague.

WILLIAM CLAY, United States Representative from the 1st Congressional District of Missouri, was first elected to Congress in 1968. He has served in these hallowed chambers for 15 succeeding Congresses from 1969 through January 2001.

His commitment to public service has been lifelong. His work includes serving as Alderman in St. Louis and serving as Education Coordinator, Steamfitters Local No. 562. Mr. CLAY, throughout his business and professional life, has always been a people's fighter, championing the cause for those left out, the voiceless and the poor.

Representative CLAY, senior member, Missouri congressional delegation, currently serves as Ranking Member, House Education and Workforce Committee. He also served as Chairman, Committee on the Post Office and Civil Service in the 102d and 103d Congresses. Representative CLAY was the chief architect of H.R. 1, the Family and Medical Leave Act, a major piece of legislation. In addition, it was Representative CLAY who worked tirelessly to have the Hatch Act reform bill signed into law.

Representative CLAY's work in the areas of education, labor and workforce will stand long after he leaves Congress. His work to ensure equal access to education and to promote educational excellence are testaments to his belief in providing opportunities for all Americans. In addition, CLAY has boldly stood, where many others would not, to ensure fair wages as well as safe, healthy working conditions for American workers.

In 1969, Representative CLAY and twelve other African American representatives of the 77th Congress joined together to form the "Democratic Select Committee." This committee was later renamed the Congressional Black Caucus. Founding members included Representatives WILLIAM CLAY, Shirley Chisholm, George Collins, JOHN CONYERS, Ronald Dellums, Charles Diggs, Augustus Hawkins, Ralph Metcalfe, Parren Mitchell, Robert Nix, CHARLES RANGEL, Louis Stokes and Walter Fauntroy. Representative CLAY, through the Congressional Black Caucus, worked and dedicated himself to removing barriers and helped to mold a Nation to its higher calling for a government "of the people, for the people and by the people."

Representative CLAY has authored two books, To Kill or Not To Kill (published in 1990) and Just Permanent Interests (published in 1992). Moreover, Mr. Speaker, Representative CLAY has also founded the William L. Clay Scholarship Fund, a fund that presently enrolls fifty-six students in twenty-one different schools.

Today, Mr. Speaker, I recognize a Statesman, an educator, businessman, author, and more importantly, a father and husband to Carol Clay for 43 years. I stand today to personally thank him for his friendship, guidance, love and his long-time friendship with my predecessor, Congressman Louis Stokes. Congressman Stokes gave me the opportunity that I possess today and now I am able to bask in the sunshine too!

Mr. Speaker, I stand to recognize and to say thanks to the outstanding Representative from the 1st Congressional District of Missouri, my friend, Representative WILLIAM LACY CLAY, Sr. Mr. Speaker, America is better off . . ., this Congress is better off, . . ., the Congressional Black Caucus is better off . . . because of Representative WILLIAM LACY CLAY, Sr. I salute you and America salutes you.

CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RILEY. Mr. Speaker, in an effort to ensure that our nation's seniors will continue to have access to quality health care, Congress is again providing a financial infusion into our nation's Medicare program.

I want to ensure that the Health Care Financing Administration (HCFA) implements the provisions of this Medicare "giveback" bill in accordance with congressional intent. Section 111 of this legislation would help alleviate the high out-of-pocket payment our seniors face today in hospital outpatient departments. HCFA has previously interpreted this provision in a manner that may result in a beneficiary paying more for a procedure done on an outpatient basis than they would pay if the procedure were done on an impatient basis. I believe this interpretation of the Balanced Budget Relief Act (BBRA) of 1999 fails to carry out congressional intent.

While I am pleased that this year's bill would gradually begin to diminish these overcharges to our seniors, HCFA should interpret Sec. 111 on a "per incident" or "per procedure" basis or seniors will not be able to fully avail themselves of the help we have tried to include for them in this bill. Under HCFA's narrow interpretation of this provision in the BBRA of 1999, seniors may be faced with paying two or more separate copays for the same procedure and would likely pay less out-of-pocket if they had the same procedure done in an in-patient hospital. I do not believe that was Congress' intent when the beneficiary copay limitation was first enacted last year.

There is no reason seniors in my district should check into a hospital overnight for a procedure because of the exorbitant copay they would face if it were done on an outpatient basis. HCFA should revise its interpretation accordingly to include all the services provided to a beneficiary in the course of an outpatient visit as envisioned by this year's Medicare "giveback" legislation.

CARDIAC ARREST SURVIVAL ACT OF 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BLILEY. Mr. Speaker, I strongly support H.R. 2498, the Public Health Improvement Act of 2000. This package, referred to by many as the "minibus," is composed of a number of different, but all very worthy, proposals designed to improve our public health infrastructure.

The first title of the bill, the Public Health Threats and Emergencies Act, strengthens the nation's capacity to detect and respond to serious public health threats, including bioterrorist attacks and disease-causing microbes that are resistant to antibiotics. Few things are more important than the ability to quickly and effectively respond to outbreaks of infectious diseases and bioterrorism.

Also in the bill, thanks to the good work of the Chairman of the Health Subcommittee, Mr. BILIRAKIS, is the Twenty-First Century Research Laboratories Act. This bill responds to the fact that while our nation possesses the best research institutions in the world, the infrastructure of many of these facilities is outdated and inadequate. The bill authorizes the NIH to make grants to build, expand, remodel and renovate our nation's research facilities.

The bill contains a number of other meritorious provisions. We reform the certification process for organ procurement organizations, providing them with due process and better performance-based measures; we provide better support for our nation's clinical researchers, so that we continue to attract and retain leaders in patient-oriented research; and we require the NIH to enhance research efforts for Lupus, Alzheimer's Disease, and Sexually Transmitted Diseases.

I'd be remiss if I didn't acknowledge the hard work of my colleague, the gentleman from Florida, Mr. STEARNS, on the Cardiac Arrest Survival Act, which is critical life-saving legislation. Sudden cardiac arrest kills more than 250,000 Americans every year. Many of these lives could be saved by immediate defibrillation. In our Committee investigations, we found that counties with defibrillation programs were able to save up to 57% of cardiac arrest victims. The legislation by Mr. STEARNS would protect good Samaritans who use defibrillators to help save the lives of our fellow Americans. It also encourages widespread use of defibrillators by removing the threat of unlimited and abusive lawsuits, and by establishing guidelines for the placement of defibrillators in Federal buildings.

In conclusion, I must note the hard work that went into this bill on both sides of the aisle, and in both bodies. This bill could not have been finalized without the dedication and efforts of Senator BILL FRIST and my colleague MIKE BILIRAKIS, and they are to be saluted, as is the minority. This is a good bill, and I urge my colleagues to support it.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. GILMAN. Mr. Speaker, I support the motion to instruct on Medicare+Choice being offered by the gentleman from New Jersey.

This motion will allow Medicare+Choice organizations to offer Medicare+Choice plans under Part C of Title XVIII for a minimum contract period of three years and to maintain the benefits specified under the contract for the three years.

At the time the Medicare+Choice Program was being developed, it seemed like a revolutionary concept that would greatly expand services available under Medicare, while keeping overall costs down. Regrettably, for far too many seniors, Medicare+Choice has become a false choice and a cruel joke.

In theory, Medicare+Choice sounded like a good program. Private health maintenance organizations (HMOs) would enter into contracts with the Health Care Financing Administration to provide services to seniors who signed up for membership. These services were included in various benefit plans, the content of which varied with the premium price. The higher the premium, the more services it offered. It bears noting however, that many of the benefits packages initially came with little or no premium cost to the individual senior. Moreover, many of these plans offered extensive benefits for such little cost, including prescription drug coverage. It sounded too good to be true. As history would show, this was precisely the case.

Within the first year, many of the HMOs recognized that providing health coverage for seniors, especially prescription drug benefits, was a highly expensive matter. Once the books were balanced, it became apparent that the cost of providing these services was not being offset by the per patient reimbursement being offered by HCFA. Being creatures of profit, the various HMOs began to take one of two courses of action. They either received permission to drastically raise their premium rates, as much as 1,500 percent in some cases, or they conveyed their intent to HCFA to withdraw their services from areas which they deemed to be unprofitable, usually surburban and rural counties.

My region, the 20th Congressional District of southeastern New York has been devastated by this process. When the Medicare+Choice Program was started, there were approximately six HMOs for seniors in my district to choose from. Today, none remain in Sullivan County, two small plans exist in Orange County and the remaining plans in Rockland and Westchester Counties have sharply raised their premiums.

This is inexcusable. Our seniors deserve to be able to sign up for a plan with the knowledge and comfort that it will not be ripped out from under them after a year's time. The current system simply presents seniors with false hopes.

The fault for this situation lies with: HCFA, for not offering reasonable floor reimbursement rates, the HMOs, for seeking unreasonably high profits above patient care, and with the Congress, for failing to attach any punitive measures to HMOs that pull out of certain counties when they arbitrarily decide they will not meet their projected profit margin.

Mr. PALLONE's motion is a good first step toward solving this problem even though it represents the bare minimum of what the Congress should do to address this crisis. Last year, the Congress sent $1.4 billion in additional funds to HMOs so that they would remain in the Medicare+Choice Program. Yet no accountability provisions were attached. The result was further pullouts this year. The House did the same thing last week with the Balanced Budget Act (BBA) giveback legislation that was incorporated into the tax bill; additional funds for HMOs with no strings attached. I predict this latest action will meet with the same results.

For the sake of those seniors who have been left out in the cold by their Medicare+Choice providers, I urge my colleagues to vote for this motion, and restore some common sense and basic accountability to this broken program.

IN HONOR OF DR. HERBERT B. ANDERSON, PASTOR OF THE BRICK PRESBYTERIAN CHURCH, ON HIS RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Dr. Herbert B. Anderson, the Pastor of the Brick Presbyterian Church in Manhattan, New York, on his retirement after twenty-two years of service to the church. Dr. Anderson will be honored for his many years at the church at a Festival Service of Worship this upcoming November.

Dr. Anderson, recently confirmed to become Pastor Emeritus after his retirement, has dedicated his life to the Presbyterian Church. After graduating from Chicago's McCormick Theological Seminary in 1954, Dr. Anderson began his career as a young pastor at the First Presbyterian Church in Harrison, Arkansas. After five years in this position, he moved onto the Southminister Presbyterian Church in Tulsa, Oklahoma, where he served as pastor for eight years. He then began preaching at the First Presbyterian Church in Lake Forest, Illinois, where he remained from 1967–1978 until he moved to the Brick Presbyterian Church, where he has remained.

Throughout his many years as a pastor, Dr. Anderson has served as a member and leader of numerous religious organizations. Since 1993, Dr. Anderson has been the Chairman of the Federation of Protestant Welfare Agencies, Inc. He has also worked to promote interfaith dialogue and understanding. In the early 1980s, Dr. Anderson served on the delegations of the Appeal of Conscience Foundation to China, Argentina, and Hungary. In 1975 he traveled to Nairobi, Kenya as the Delegate to the Fifth Assembly, World Council of Churches. Throughout the years, Dr. Anderson's extensive involvement in Presbyterian and interfaith organizations has served as a contribution to the already superior reputation of the Brick Presbyterian Church.

Mr. Speaker, as a member of his congregation, I am confident that the work of Dr. Anderson will have a lasting effect on the Brick Presbyterian Church's congregation, whether it is through our recollection of a particularly memorable sermon by Dr. Anderson, or through the many wedding and baptism ceremonies that Dr. Anderson has presided over. Although Dr. Anderson is retiring, his many contributions to the Brick Presbyterian Church will continue to be appreciated for many years to come.

I congratulate Dr. Anderson on his inspiring career and I wish him an enjoyable retirement.

OMNIBUS INDIAN ADVANCEMENT ACT

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. YOUNG of Alaska. Mr. Speaker, as chairman of the Resources Committee and author of title XV of H.R. 5528 as passed by the House, I wish to make a statement to provide factual background and clarify congressional intent as to the meaning and implementation of that title.

The Secretary of Interior has created allocation pools for acreage entitlements of regional corporations under sections 14(h)(1) and 14(h)(8) of the Alaska Native Claims Settlement Act (ANCSA) and conveyances to one regional corporation under section 14(h)(1) may have the effect of reducing the entitlements of all other regional corporations under section 14(h)(8). Chugach Alaska Corporation (Chugach) currently has significant entitlement remaining under its section 14(h)(1) allocation and the Secretary believes Chugach is overconveyed under its current section 14(h)(8) but allocations under section 14(h)(8) have not been finalized. In the event that any acreage ultimately conveyed to Chugach as a result of title XV would have the effect of reducing the section 14(h)(8) allocations of other regional corporations under current regulations, section 1506(a) provides that such reduction shall be charged solely against Chugach's final section 14(h)(8) allocation, notwithstanding such current regulations, or other applicable law.

SUPPORT FOR H.R. 5543

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. WILSON. Mr. Speaker, the House recently passed a bill to increase the minimum wage, increase the amount Americans can save each year through an IRA, and to improve add funds to Medicare and Medicaid programs. An important part of that Medicare package improves the reimbursement rates for Medicare+Choice. This program offers more choices for seniors to decide what kind of health care plan they prefer. The Medicare+Choice managed care plans usually offer better services and benefits than traditional Medicare—most importantly—they can provide prescription drug coverage to seniors who cannot afford a Medigap policy. In my district, nearly 60 percent of seniors who earn less than $20,000 per year who chose a Medicare+Choice plan. But in my state, Medicare reimbursement for this program is half of what places in New York or Florida receive. And New Mexico's rate is too low for the plans to continue to offer the same quality service. H.R. 5543 will correct that disparity.

This measure is strongly supported by New Mexicans, and I wish to bring your attention to the attached article written by Bob Bada, that clearly illustrates the current situation and need for this legislation and the need for a long term reform of Medicare.

THE DUAL EDGED SWORD OF MEDICARE REIMBURSEMENT—THE MEDICARE PROVIDER AND HEALTH MAINTENANCE ORGANIZATION PERSPECTIVE

(By Bob Badal)

While the nation's booming economy and concomitant boosts in Federal tax revenues over the past six to seven years has extended the solvency of the current Medicare program to 2023, the baby-boom generation soon will begin to enter the program. Paying for the extended range of benefits for this increase in senior citizens will exact a large financial toll. In 2025, 69.3 million elderly and disabled persons are expected to be eligible for Medicare, up from 39 million today. The share of our nation's gross domestic product spent on Medicare is projected to almost double from 2.7 percent in 1998 to 5.3 percent in 2025. Congress passed the Balanced Budget Act of 1997 ("BBA") to secure the financial stability of the Medicare program by providing an estimated $115 billion in cuts, over five years, in spending to physicians, hospitals, nursing homes, and home health agencies. In addition, the BBA sought to provide alternative network and product choice to beneficiaries via Medicare+Choice plans. Medicare patients, as intended by the BBA, would be able to elect coverage from Preferred Provider Organizations or private insurers, or they could establish a medical savings account, financed by the Health Care Finance Administration ("HCFA"), and purchase a high-deductible insurance policy. With the benefit of hindsight, it is apparent that the BBA, and subsequent amendments, have negatively affected not only the financial stability of Medicare providers, but also the level of choice for the beneficiaries it is mandated to protect. On this point, Senator Pete Domenici R–N.M., Chairman of the Senate Budget Committee stated: "Seniors in many communities are treated like second-class seniors because their choice and access to care is practically nonexistent. We have created a system of healthcare defined by the 'haves' and 'have nots' ".

MEDICARE REIMBURSEMENT TO PROVIDERS

The BBA has created a surplus in funds for the Medicare Program over the past 2 years. This surplus is a pyrrhic victory, however. The BBA has reached a surplus by effectively transferring a growing share of the risk to the provider. The Medicare spending cuts called for by the BBA far exceeded the $115 billion Congressional Budget Office (CBO) estimate, and, in fact, will reach more than $212 billion over the five-year life of the BBA. The subsequent Balanced Budget Refinement Act of 1999 served only to restore a modest $15 to $18 billion in payments back to providers. Many providers have been forced into bankruptcy by these draconian cuts, while others have been forced to close their doors.

Cardiac surgeons saw over a 10 percent drop in their reimbursement and anesthesiologists experienced an 8 percent decline. In heavily penetrated Medicare and Managed Care markets, such declining reimbursement can have a serious financial impact on many providers. John DuMoulin, director of managed care and

In communities like Albuquerque, New Mexico, which has experienced a 15-physician-per-month exodus due, in part, to poor levels of physician-based Medicare reimbursement, access to quality healthcare is becoming a serious concern (New Mexico Hospital Association, January 2000). In addition, as reported in July, 2000, by the American Hospital Association, 10 percent of the nation's nursing homes have filed for bankruptcy protection, and 35 percent of the nation's hospitals are losing money on inpatient services (Healthcare Financial Management, July 2000). Faced with escalating costs of as much as 8–10 percent due in part, to scientific/technological advances, higher drug costs, and increases in union labor nursing costs, hospitals are faced with a dilemma. They are scheduled to receive increases in Medicare reimbursement of 1.1 percent, less than the market-basket rate of inflation in fiscal 2001 and 2002.

Public and provider confidence in HCFA's understanding of the relevancy and possible drastic consequences of their continued pressure on provider reimbursement is not high. To understand the reason why, one need only examine the misguided approach that HCFA has used to determine the initial solvency estimates of Medicare: In 1998, following the passage of the BBA, the General Accounting Officer (GAO) generated new estimates that said that Medicare could remain solvent until 2008. In April 1999, the Bipartisan Commission on the Future of Medicare entered the fray when it issued its report to the nation: Medicare would live until 2015, said the commission. Then in early 2000, the Medicare trustee issued yet another revised estimate for the solvent life of Medicare—2023. That estimate lasted only a few weeks before the trustees admitted they had made a few calculation errors. Medicare would be alive and kicking until 2025. (Healthcare Financial Management, "Never Underguesstimate the Financial Future of Medicare," Jeanne Scott, June 2000).

The formula used by HCFA to calculate physician payment creates extreme oscillations in the reimbursement scale. The swings are due in large part to HCFA's use of a variety of time periods—the current fiscal year, the calendar year and other time frames—to make calculations about physician payment. Part of the problem exists within the new "sustainable growth rate system" enacted by the BBA to help control expenditures for physician services under fee-for-service Medicare. The growth rate system calculates the updates to the Medicare fee schedule conversion factor, which is used to set standardized reimbursement for specific service categories. The problem, however, is that HCFA is using projected data on utilization patterns and associated healthcare provider costs rather than current actual data in establishing each year's sustainable growth rate. "Deliberate use of sustainable growth rate estimates that are based on knowingly flawed projections—even after actual data have become available—is arbitrary and capricious," the AMA said in a March 4 letter to Harriet S. Rabb, general counsel for Health and Human Services. (Government and Medicine, "Data driving swings in Medicare pay," Susan J. Landers, AMNews staff. May 17, 1999).

HEALTH MAINTENANCE ORGANIZATIONS AND MEDICARE+CHOICE REIMBURSEMENT FROM MEDICARE

Before the BBA was passed, Medicare beneficiaries essentially were limited to a choice between traditional Medicare coverage under Part A and Part B or HMO coverage. HCFA paid most Health Maintenance Organizations ("HMO") under the Medicare risk-based system. Under this approach, HCFA generally paid an HMO a prospective amount equal to 95% of the average adjusted per capita cost (AAPCC) of providing traditional coverage to Medicare beneficiaries in the county in which they resided. This amount was adjusted to reflect geographic differences in utilization and practice parameters, as well as certain demographic characteristics of enrollees, such as gender, institutional status, and age. Payment to most HMOs was risk-based in that it was fixed, regardless of the total costs incurred by the HMO in furnishing care to an individual beneficiary. The Medicare payment rates to HMOs varied significantly across the country. Thus, HMOs more actively pursued Medicare enrollees in areas where HMO rates tended to be higher, typically in larger cities. Conversely, market penetration by HMOs was limited in other areas, particularly in rural areas, where Medicare payments to HMOs were lower. Since Medicare HMO plans have traditionally offered enhanced benefits—such as prescription drug coverage and routine physicals—to their enrollees, the lower availability of managed care options in rural areas meant that many rural beneficiaries did not have access to the same benefits as urban beneficiaries did. (ProPac, Medicare and the American Health Care System: Report to the Congress, June 1997; and PPRC, Medicare Managed CARE: Premiums and Benefits, April 1997).

Under the BBA, Medicare+Choice plans would receive aggregate payments for the year based on their geographic location and the demographic characteristics of their enrollees. The BBA establishes that each county's payment is determined as the greater of (1) a local/national blend rate, (2) a national floor, or (3) a minimum update rate set at 2 percent above the previous year's rate. (Project HOPE Center for Health Affairs, "Changes to Medicare risk plan payments as a result of the Balanced Budget Act of 1997: implications for budget neutrality [abstract]," Schoenman, 1998). In addition, the BBA, through the use of a risk-adjustment payment, attempts to reflect the relative health status of managed care enrollees, with plans getting more money for their sickest beneficiaries. Because this risk adjustment model is based solely upon inpatient hospital utilization gathered from Medicare risk contractors, there

With the passage of the Balanced Budget Act, changes in the Medicare program requirements were designed to attract more managed care plans to the program. These changes have resulted in new plans in some areas, but the payment reforms in the BBA, coupled with new regulatory requirements, have already had the unintended effect of discouraging other health plans from participating, resulting in fewer choices for Medicare beneficiaries overall. In 1999, the number of Medicare risk plans declined in response to changes in public policy under the BBA. An estimated 450,000 seniors were affected in 1999 as 54 health plans announced their intent to reduce the size of the markets they served, and 45 did not renew their contracts with HCFA. In January of this year, another 41 Medicare+Choice plans announced their intentions to leave the Medicare market, with 58 additional plans announcing a reduction in their service area. In addition, many HMOs that remain have raised premiums or cut benefits to beneficiaries, including prescription benefits.

CONSEQUENCES

When Providers and Medicare+Choice plans pull out of markets on such a grand scale, the implications for seniors are tremendous. Access to care, continuity of care, cost of healthcare services, and provider/Medicare HMO (both inpatient and outpatient) "flight" are the paramount concerns of most Medicare beneficiaries (Modern Healthcare, "The exodus escalates, Medicare+Choice market pullouts to nearly double in 2001," Benko, July 3, 2000). As Medicare reimbursement to providers continues to fall far short of rates obtainable from private payers, providers will increasingly refuse to serve Medicare patients and/or will reduce the quality of services rendered to them. (Economic Commentary, "Medicare: Usual and Customary Remedies Will No Longer Work," April, 1997). For some providers, this decrease in reimbursement may prove to be too costly, forcing them out of business all together. Declining Medicare reimbursement to HMOs has had a similar effect, and has proven to be even more costly to Medicare beneficiaries than Medicare cuts in provider reimbursement. A study by the Barents Group, Westat, and the Henry J. Kaiser Family Foundation, performed in 1998, providing data on 2,163 Medicare beneficiaries who were involuntarily disenrolled from their Medicare risk HMO, confirms the implications of Medicare's declining HMO reimbursement methodologies, and subsequent decreases in Medicare contracted HMOs. The study identified seven areas of concern:

Benefit Reductions: Eighty-four percent of beneficiaries reported prescription drug coverage in their former HMO, but only 70% reported coverage after their plan withdrew. Beneficiaries most likely to have lost one or more benefits also were those most likely to have health problems and least able to pay for those benefits. The disabled under age sixty-five, those age eighty-five and older, and the poor and near poor were more likely to have moved to traditional Medicare with no supplemental coverage and were most likely to report losing benefits after the transition.

Increased Out-of-Pocket Costs: Four of every ten beneficiaries reported paying higher monthly premiums after their Medicare HMO left the market, with the share of beneficiaries paying no premiums for supplemental benefits declining from 67 percent to

53 percent and the share of beneficiaries reporting premiums of $75 or more a month rising from 3 percent to 21 percent. Joining another Medicare HMO, however, does not appear to protect beneficiaries against premium increases or cost concerns. One quarter of those who joined another HMO reported paying higher premiums after switching HMOs and said they expect to have higher doctor and hospital expenses.

Continuity of Care: Most beneficiaries (91 percent reported having one person they think of as their personal doctor or nurse. However, 22 percent of beneficiaries said that they had to find a new personal doctor after their plan withdrew, and 17 percent had to find a new specialist. Beneficiaries in traditional Medicare with no supplemental coverage were much less likely than others were to report having a personal doctor after their plan pulled out and more likely to report having to change specialists. For markets where provider financial viability is already threatened by high percentages of uncompensated care and dwindling commercial insurance payers, continuity of care is further diminished.

Impact on Patient Interactions: Time spent with Medicare patients on each visit is being reduced, and multiple visits for multiple problems are being required. Some physicians selectively refer the more difficult, costly cases to other physicians. Videos are being substituted for face-to-face patient counseling and education.

Cutting Amenities: Services for the convenience of patients are being dropped, such as arranging for community services, in-office phlebotomy and x-ray services, and incidentals such as post-procedure care kits. Screening and counseling are being curtailed. Satellite offices are being closed. Telephone consultations are being reduced, with office staff returning more telephone calls from patients.

Impact on Access: Medicare patient loads are being reduced, limited or eliminated. Some physicians accept Medicare patients only by referral. Money-losing services, especially surgical procedures, are not being offered to Medicare patients. Simple procedures formerly performed in the office are done in outpatient facilities. In addition, access to specialists is decreasing. Specialists refer patients back to primary care physicians as soon as possible, and are less willing to become primary physicians for their chronically ill patients. "Reimbursement generosity from private insurance relative to that from Medicare negatively affects physicians' assignment rates, implying that the elderly's access to health care and/or the financial burden is likely to be jeopardized by further reductions in Medicare

Technology lags: Many providers are not renewing or updating equipment used in their office, but shifting to hospitals to perform Medicare procedures. Purchases of equipment for promising new procedures and techniques are being postponed or canceled.

SOLUTION

How should we design Medicare if we had it to do over again? To restore the viability of the program's promise to future generations, and to prevent the drop in access of quality, cost effective healthcare for beneficiaries, the American Medical Association's approach makes sense. Medicare funding, states the AMA, must be shifted from the pay-as-you-go system to one in which beneficiaries have a larger responsibility to provide health insurance for their own retirement health care during their working years. Shifting out of a tax-based, pay-as-you-go system to a system of private savings can assure that all working Americans have access to health care in retirement. This does not means, however, that government would not have a major role to play. The government would continue to make a substantial contribution toward the purchase of insurance for the elderly and it would enforce requirements for individual saving. From a financial standpoint, greater individual funding of retirement health care has at least five advantages over a government-based system:

A private system would allow individuals to freely choose the types of health care plans that meet their particular needs.

Individual funding would remove federal budgetary considerations and the accompanying extraneous budgetary issues from government policy toward the system.

Much of the funding of a private system would be invested in economic activity in the private sector, rather than in unfunded federal debt that must be repaid by subsequent tax revenue.

A higher rate of return is possible with investment of funds in private sector economic activity than in government debt instruments.

And, above all else, provider as well as Medicare+Choice HMO reimbursement would be appropriately set at free market competitive levels, as established by the consumer. (Rethinking Medicare: A Proposal from the American Medical Association—"Solutions for Medicare's Short-term and Long-term Problems", February, 1998).

CONCLUSION

It is somewhat paradoxical to think that providers of healthcare and their long-time adversary, the HMO (or in this case, the Medicare+Choice HMO), actually may have something in common. Providers of healthcare and managed care organizations agree that the Health Care Financing Administration, and its reimbursement methodologies, have eliminated some of the incentive for providing quality, cost effective access to care for beneficiaries. Nevertheless, because there is only a finite amount of dollars that HCFA can provide to the delivery of healthcare for beneficiaries, any short-lived alliance between providers and HMOs breaks down. Both parties will continue to fight over available healthcare dollars. Worse yet, as the population ages and the number of Medicare beneficiaries grows—leading to a subsequent decline in Medicare tax revenues per beneficiary—the battle for government healthcare funding will increase.

Most health care groups and analysts believe Congress will allocate some additional money to Medicare fixes this year. The large budget surpluses, the greater-than-expected savings from 1997 Medicare cuts, and the data supporting providers' and managed cares' claims of financial pain make it difficult for lawmakers to ignore the problems. "I think the surplus makes it easier to make corrections and to make a larger amount of corrections," said Rick Pollack, executive vice president for the American Hospital Association. Bob Blendon, a health policy and political analysis professor at Harvard University, however, states that members of Congress ". . . may be concerned about paying for tax cuts and a Medicare prescription drug benefit, as well as ensuring that Medicare cuts won't have to be reinstated if the surplus disappears." Despite the cautious optimism among providers, in a highly charged political environment like a presidential election year, the issue remains undecided and unresolved, and the deterioration in service continues apace.

Aetna U.S. Healthcare: 23 counties in 14 states, 355,000 lives.

Humana: 45 counties in 6 states, 84,000 lives.

Foundation Health Systems: 18 markets in 6 states, 19,000.

Oxford Health Plan: 6 Louisiana parishes, 5,900.

Gulf South Health Plans: 5 Louisiana parishes, 4,000.

United Healthcare: Bristol County, R.I., 1,700.

Additional Pullouts pending:

Cigna Corporation, Philadelphia Pennsylvania, announced last month that it is leaving 13 of its 15 Medicare HMO markets, affecting about 104,000 members, effective January 1, 2001. Cigna cites Medicare payment reductions mandated by the BBA have made it difficult for MCOs generally to offer benefits cost effectively. (Healthcare Financial Management, July 2000, "Cigna Drops Most Medicare HMOs").

Carefirst Blue Cross and Blue Shield reports its intent to close Maryland's largest Medicare HMO by year-end, displacing 32,000 members. Carefirst blames the government's skimpy reimbursement rates, which it says aren't keeping pace with medical cost increases.

Pacificare's Secure Horizon plan will uproot 20,300 lives when it exits 15 markets in Arizona, Colorado, Texas and Washington. The company has been changing its benefit offerings and boosting members' premiums and copayments in an effort to offset reduced government payments. "For us to remain viable in the long term, congressional action is needed. We've been urging Congress for over two years to increase funding for the Medicare+Choice program," says Robert O'Leary, CEO Pacificare. (Modern Healthcare, July 10, 2000, "More Plans dropping Medicare HMOs").

IN HONOR OF COMMANDER CHRISTOPHER JENKINS OF THE NEW YORK COUNTY AMERICAN LEGION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the late Christopher Jenkins, the former American Legion New York County Commander, who passed away this past summer. Mr. Jenkins, the first African-American ever to become the Commander of the New York County American Legion, was an outstanding veterans' activist and leader in the Harlem community.

A member of "the Greatest Generation," Mr. Jenkins served in the U.S. Navy during World War II. Originally from Savannah, GA, Mr. Jenkins moved to Harlem after his military discharge and began a career with the New York City Department of Sanitation. He became a Legionnaire at Harlem's Colonel Charles Young Post No. 398 in the late 1940's. He was elected the Post Commander in 1958 and was later reelected to this office more than 15 times. He was then elected New York County Commander in 1975 and served until 1976. From 1992 to 1993 he served as the First District Commander, Department of the New York American Legion. In 1995, he was elected

Vice Commander of the Department of the New York American Legion, remaining in this office until his retirement from the Legion in 1996.

Aside from his work with the local American Legion post, Mr. Jenkins was an extremely well-liked leader in his Harlem neighborhood. He was the founder of the Jackie Robinson Senior Citizen Center's Chorale Group and active in numerous community and religious organizations.

Mr. Speaker, I salute the laudable accomplishments and community activities of Christopher Jenkins. A proud, loyal, and dedicated leader, Mr. Jenkins' gracious and friendly personality, his involvement in the American Legion, and his leadership in the Harlem community, will be sorely missed.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. ABERCROMBIE. Mr. Speaker, on Sunday, October 29, 2000, I was unavoidably detained and I was unable to vote on three rollcall votes. Had I been present, I would have voted as follows: Rollcall 574—Approval of the Journal—"yes"; rollcall 575—One Day Continuing Resolution—"yes"; and rollcall 576—Pallone Motion to Instruct Labor-HHS Appropriations Conferees—"yes."

On Monday, October 30, I was unavoidably detained and I was unable to vote on the seven rollcall votes taken. Had I been present, I would have voted as follows: Rollcall 583—Technical Corrections to Minimum Wage Legislation/St. Croix Island—"yes"; rollcall 582—Previous Question—"no"; rollcall 581—Rule to Allow Additional Continuing Resolutions—"yes"; rollcall 580—Previous Question—"no"; rollcall 579—Hour of Meeting October 31 at 6:00 p.m.—"no"; rollcall 578—Passage One Day Continuing Resolution—"yes"; and rollcall 577—Approval of the Journal—"yes."

IN HONOR OF THE NATIONAL ASSOCIATION OF CUBAN-AMERICAN WOMEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the National Association of Cuban-American Women (NACAW) for promoting excellence and achievement for minority women.

NACAW's philosophy and focus has helped create the support that is essential for building a strong community. With an understanding that the individual is the building block for the success of every community, NACAW has provided excellent support and guidance for Cuban-American women, and for the community as a whole.

In pursuit of its goals, NACAW has developed a comprehensive agenda:

to work with other women's organizations to develop a strong national platform in response to common concerns;

to serve as a forum for Cuban-American women and other minority women to ensure their participation and representation in national organizations;

to increase awareness of education and career opportunities for Cuban-American women and other minority women;

to promote participation of Cuban-American women in Hispanic community service activities;

and to accurately portray the characteristics, values, and concerns of Cuban-American women.

Since its founding, NACAW has sponsored a variety of important programs:

NACAW's Educational opportunities Center disseminates information about post-secondary programs, scholarships, and financial aid sources.

NACAW sponsors an annual awards ceremony that honors outstanding Cuban-American leaders, as well as leaders outside of the community, who have contributed to the advancement of Hispanics.

In order to maintain the tradition of "Dia de los Reyes Magos" ("Feast of the Epiphany"), NACAW has sponsored a number of toy-collection campaigns for disadvantaged children.

I ask my colleagues to join me in honoring the National Association of Cuban-American Women for their contributions to the Cuban-American community and to the lives of minority women.

PERSONAL STATEMENT

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MASCARA. Mr. Speaker, on October 30, 2000 I was unavoidably absent and missed rollcall votes Nos. 580–583. For the record, I would have voted "aye" on the rollcall Nos. 580, 581, and 583.

For the record, I would have voted "no" on rollcall vote No. 582, the Rule on S. 2485.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. McINTYRE. Mr. Speaker, on October 28 through October 30, 2000, I was in North Carolina and was unavoidably absent for rollcall votes 570 through 581. Had I been present I would have voted "yes" on rollcall votes 570 through 578, "no" on rollcall vote 579, and "yes" on rollcall votes 580 and 581.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on Tuesday, October 24, 2000 when rollcall vote No. 543 was cast and on Wednesday, October 25, 2000 when rollcall vote No. 551 was cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted "no" on each of these rollcall votes.

REAL CULPRIT IN AIR INDIA BOMBING IS INDIAN GOVERNMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, we are all pleased that the Canadian government has maintained an active investigation of the Air India bombing in 1985 that killed 329 people. Terrorism is always unacceptable, and all decent people condemn it.

Thus, I read with interest this past weekend that Canada had arrested two Sikhs, Ripudaman Singh Malik and Ajaib Singh Bagri, for this bombing. Unfortunately, I believe that these two individuals are being scapegoated. The book Soft Target, written by journalists Brian McAndrew of the Toronto Star and Zuhair Kashmeri of the Tomoto Globe and Mail, shows that the Indian government itself carried out this atrocity.

According to McAndrew and Kashmeri, the Indian Consul General in Toronto, Mr. Surinder Malik, pulled his wife and daughter off the flight shortly before it took off. A friend of the Consul General who was a car dealer in Toronto also cancelled his reservation. An Indian government official named Siddhartha Singh was also scheduled on the doomed flight and cancelled. Surinder Malik called the Canadian authorities about the crime before it was reported publicly that it had occurred to try to point them to a Sikh he claimed was on the passenger list. The pilot of the flight was a Sikh.

It looks like the Royal Canadian Mounted Police, who made the two arrests this weekend, were not open to the evidence that the Indian government was responsible, even though Canada's other investigate agency, the Canadian State Investigative Service, tried to warn them. Soft Target quotes a CSIS agent as saying, "If you really want to clear the incident quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they knew it that they are involved."

Clearly, the objective was to damage the Sikh freedom movement and raise the spectre of "Sikh terrorism" to justify another of India's campaigns of violence against the Sikhs.

Mr. Speaker, this is unfortunately not the only case of Indian state terrorim. The repression of Christians, which has taken the form of burning churches, murdering priets, raping nuns, burning a missionary and his two young sons to death, and other atrocities, is well known. In November 1994, the Indian newspaper The Hitavada reported that the late Governor of Punjab, Surendra Nath, was paid over $1.5 billion by the Indian government to foment state terrorism in Punjab and Kashmir.

In March, during President Clinton's visit to India, the government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility.

Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been murdered since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988, as well as tens of thousands of Dalit "untouchables," Assamese, Manipuris, Tamils, and others. As you know, Mr. Speaker, 21 of us wrote a letter in June calling for India to be declared a terrorist state. These are some reasons why we said that.

Mr. Speaker, India should be declared a terrorist nation and subjected to the penalties that status brings. We should cut off our aid to India until it respects human rights. And Mr. Speaker, the only way that Sikhs, Christians, Muslims, and other minorities will ever escape Indian tyranny is through the democractic right of self-determination. We should go on record in support of an internationally-supervised plebiscite in Punjab, Khalistan, in Nagalim, in Kashmir, and wherever people in South Asia are seeking their freedom from this terrorist government, to resolve their status the democratic way, by the vote. Democratic states don't practice repression and genocide, they decide issues by voting. Is India a democracy or not?

The Council of Khalistan has issued a press release on these arrests. I would like to insert it into the RECORD for the information of the American people.

CANADIAN GOVERNMENT ARRESTS INNOCENT SIKHS

EVIDENCE SHOWS INDIAN GOVERNMENT PLANNED, EXECUTED BOMBING OF AIR INDIA FLIGHT 182—PUNISH THE REAL CULPRITS, NOT THE SCAPEGOATS

WASHINGTON, D.C., October 31, 2000—Despite strong evidence that the Indian government carried out the bombing of Air India Flight 182 in 1985, killing 329 people, the Royal Canadian Mounted Police (RCMP) arrested two Sikhs, Ripudaman Singh Malik and Ajaib Singh Bhagri, in the bombing. Flight 182 was piloted by a Sikh.

"The RCMP has never even considered the evidence that this bombing was an Indian government operation," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. He noted that the book Soft Target, written by two Canadian journalists, proves that the Indian government carried out the bombing. This finding is confirmed by Canadian Member of Parliament David Kilgour in his book Betrayed: The Spy That Canada Forgot. According to Kilgour, a Canadian-Polish double agent was recruited by terrorists working with the Indian government to help carry out a second bombing. The agent declined and reported what had happened.

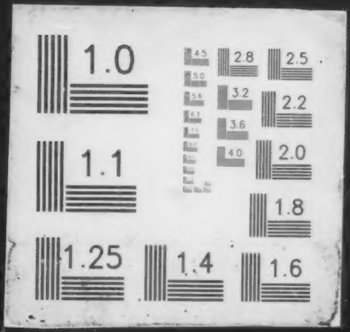
According to Soft Target, the Candian State Investigative Service (CSIS) was so convinced of the Indian government's involvement that at a meeting of the task force on the Air India bombing, one CSIS agent said, "If you really want to clear the incident quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved."

According to Soft Target, Surinder Malik, the Indian Consul General in Toronto, pulled his wife and daughter off the flight suddenly, claiming that his daughter had to do some examinations for school. A Toronto car dealer who was a friend of the Consul General also canceled his reservation on Flight 182. Siddhartha Singh, head of North American affairs for external relations in New Delhi, who was visiting Indian officials in Canada, also suddenly cancelled his reservation. The book reports that Consul General Malik called the police about the bombing to alert them to an "L. Singh" who was allegedly on the passenger manifest even before the incident became public knowledge. Malik was one of several Indian diplomats Canada later asked to have removed from the country after CSIS unearthed evidence of an Indian spy network. CSIS agents believe that Vice Consul Davinder Singh Ahluwalia laid the groundwork for the bombing. He was transferred in 1985.

"India has practiced this kind of terrorism both inside and outside Punjab, Khalistan, for a long time," Dr. Aulakh said. He noted that in March, during President Clinton's visit to India, the Indian government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility. In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, about $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan and in Kashmir. The Indian Supreme Court described the situation in Punjab as "worse than a genocide."

About 50,000 Sikhs languish in Indian prisons as political prisoners without charge or trial. Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been murdered since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988, as well as tens of thousands of Dalit "untouchables," Assamese, Manipuris, Tamils, and others. "Democracies don't commit genocide," Dr. Aulakh said.

On June 21 Members of the U.S. Congress wrote to President Clinton urging him to declare India a terrorist state because of the repression against Christians, such as burning churches, murdering priests, raping nuns, and other atrocities. "We must not let the Indian government's terrorist apparatus repress the minorities and derail our just struggle for independence by labeling them terrorists," Dr. Aulakh said. "The time has come for the Sikh Nation to begin a Shantmai Morcha to liberate Khalistan."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